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SIXTY-FIRST CONGRESS, SECOND SESSION.

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SENATE.

WEDNESDAY, *January 26, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Board of Commissioners of the District of Columbia submitting an item of additional estimates for urgent deficiencies in the appropriations required for the service of the District of Columbia for the current fiscal year, $1,304.30 (S. Doc. No. 326), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC LANDS IN ARKANSAS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, a statement showing the estimated total areas of public lands disposed of in Arkansas under the various acts of Congress, together with the gross proceeds arising from public-land sales in the State of Arkansas from July 1, 1836, to June 30, 1909, etc., which was read.

Mr. DAVIS. In connection with the communication just laid before the Senate I desire to offer a resolution and have it referred to the Committee on Public Lands, proposing to give that committee the power to investigate the condition of the accounts beween the Government and the State of Arkansas. I ask for the immediate consideration of the resolution.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of a resolution, which will be read for the information of the Senate.

The resolution (S. Res. 153) was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 153.

Resolved, That the report of the Secretary of the Interior in response to Senate resolution No. 140 be referred to the Committee on Public Lands, and that they are hereby authorized to investigate fully the condition of the accounts between the Government and the State of Arkansas.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16223) extending the time for certain homesteaders to establish residence upon their lands.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 13915) to establish in the Department of the Interior a bureau of mines, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 506. An act authorizing a credit in certain accounts of the Treasurer of the United States;

S. 4089. An act to authorize the construction of a bridge across the Red River and to establish it as a post-road;

H. R. 13831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 15387. An act authorizing the town of Bass Brook to construct a bridge across the Mississippi River, in Itasca County, Minn.; and

H. R. 16223. An act extending the time for certain homesteaders to establish residence upon their lands.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of the Master Painters' Association of Newark, N. J., praying for the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated or mislabeled paint, turpentine, or linseed oil, which was referred to the Committee on Manufactures.

He also presented a petition of the Woman's Christian Temperance Union of Paterson, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of Gloucester County Pomona Grange, No. 8, Patrons of Husbandry, of Mullica Hill, N. J., and a memorial of Local Grange No. 51, Patrons of Husbandry, of Mullica Hill, N. J., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Newark, N. J., and a memorial of sundry citizens of Montclair, N. J., remonstrating against the passage of the so-called "postal savings-bank bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Association of State Geologists, of Boston, Mass., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the National Association of Manufacturers of the United States, praying for the enactment of legislation to reform the reorganized consular service of the United States, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of sundry citizens of Mattoon, Ill., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BOURNE. I present a petition signed by C. J. Trenchard, J. Q. A. Bowlby, and 250 other residents of Clatsop County, Oreg., asking for the creation of a national park whose boundaries will include Saddle and Humbug mountains. I ask that the petition, together with nine photographs and the printed description of the proposed park, be referred to the Committee on Public Lands for consideration in connection with Senate bill 5629, introduced by my colleague [Mr. CHAMBERLAIN], and which has been referred to that committee.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. DAVIS presented a paper to accompany the bill (S. 3741) for the relief of the heirs of John J. Johnson, deceased, which was referred to the Committee on Claims.

Mr. BROWN presented a petition of the Nebraska State Board of Agriculture, of Lincoln, Nebr., praying that an annual appropriation be made in aid of the agricultural colleges in the several States and Territories, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a petition of Logan Post, No. 177, Department of Kansas, Grand Army of the Republic, of Logan, Kans., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. CURTIS presented a memorial of sundry citizens of Leavenworth, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 3836) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

Mr. DOLLIVER presented a memorial of the Corn Belt Meat Producers' Association, of Des Moines, Iowa, remonstrating against the enactment of any legislation which would tend to lessen the authority and power of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Volunteer Retired List Association of Des Moines County, Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the

civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Monday Afternoon Club, of Fort Madison, Iowa, remonstrating against the destruction of the scenery of the Yosemite National Park, and also against the enactment of legislation permitting the city of San Francisco to use the waters of the Hetch Hetchy Valley, which was referred to the Committee on Conservation of National Resources.

He also presented a memorial of sundry citizens of Swea City, Iowa, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculutre and Forestry.

He also presented a memorial of sundry citizens of Milton, Marion, Kenwood, Pulaski, Greensburg, and Cedar Rapids, all in the State of Iowa, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Council Bluffs, Iowa, remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Odebolt, Iowa, remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company, reported it without amendment and submitted a report (No. 116) thereon.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 6043) for the relief of registers and former registers of the United States land offices, to ask that the committee be discharged from its further consideration and that it be referred to the Committee on Claims. The subject-matter of the bill does not pertain to the Committee on Public Lands.

The VICE-PRESIDENT. Without objection, the bill will be referred to the Committee on Claims.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3983) to amend the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto, reported it with an amendment and submitted a report (No. 117) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

A bill (S. 5747) granting an increase of pension to William F. Starnes; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 5748) granting an increase of pension to Samuel Dillon (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 5749) granting an increase of pension to Thomas Brown; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5750) to enlarge the Grand Canyon game refuge; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 5751) granting an increase of pension to George W. Goshen (with accompanying papers); to the Committee on Pensions.

By Mr. RICHARDSON:

A bill (S. 5752) to correct the military record of Charles J. Smith; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 5753) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. SHIVELY:

A bill (S. 5754) granting an increase of pension to George W. Reed (with an accompanying paper);

A bill (S. 5755) granting an increase of pension to Joseph R. Emery (with an accompanying paper);

A bill (S. 5756) granting an increase of pension to Nelson Ponyard (with an accompanying paper);

A bill (S. 5757) granting an increase of pension to Cyrus C. Trump (with an accompanying paper);

A bill (S. 5758) granting an increase of pension to Catherine Hendricks;

A bill (S. 5759) granting an increase of pension to Enoch W. F. Felt;

A bill (S. 5760) granting an increase of pension to Jacob Currey; and

A bill (S. 5761) granting an increase of pension to James K. Smith; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5762) to provide for the erection of a memorial to Robert Fulton; to the Committee on the Library.

A bill (S. 5763) constituting Scranton, Pa., a port of delivery, and for other purposes; and

A bill (S. 5764) to extend the limits of the customs collection district of Philadelphia, in the State of Pennsylvania; to the Committee on Commerce.

A bill (S. 5765) granting an increase of pension to B. K. Spangler;

A bill (S. 5766) granting an increase of pension to Wesley C. Pryor;

A bill (S. 5767) granting an increase of pension to Marion Franklin; and

A bill (S. 5768) granting an increase of pension to John D. W. Henderson; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5769) granting an increase of pension to Martha D. Bryson;

A bill (S. 5770) granting an increase of pension to Hiram D. Eastman (with an accompanying paper);

A bill (S. 5771) granting an increase of pension to Zophar L. Morgan (with accompanying papers);

A bill (S. 5772) granting an increase of pension to Anton Zwinge (with accompanying papers); and

A bill (S. 5773) granting an increase of pension to John W. Peterson (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 5774) granting an increase of pension to Charles E. Armstrong;

A bill (S. 5775) granting an increase of pension to Francis R. Fisk; and

A bill (S. 5776) granting an increase of pension to Lucetta A. Robinson; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5777) granting an increase of pension to John L. Kain; to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 5778) for the relief of John T. Eaton; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 5779) for the relief of Daniel M. Frost; to the Committee on Public Lands.

A bill (S. 5780) granting an increase of pension to Henry A. James;

A bill (S. 5781) granting an increase of pension to Frank M. Martin; and

A bill (S. 5782) granting an increase of pension to George W. Bailey (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5783) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes; and

A bill (S. 5784) authorizing the Secretary of the Interior to set aside certain lands in Oklahoma for a soldiers' home, etc.; to the Committee on Indian Affairs.

By Mr. CLAPP:

A bill (S. 5785) to amend an act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.," approved February 8, 1905;

A bill (S. 5786) to amend fifth paragraph of section 4 of act approved June 28, 1906 (34 Stat., 539);

A bill (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette (with an accompanying paper); and

A bill (S. 5788) authorizing the Secretary of the Interior to make allotments within national forests (with an accompanying paper); to the Committee on Indian Affairs.

By Mr. BACON:
A bill (S. 5789) to provide for the erection of a public building in the city of Carrollton, Ga.; to the Committee on Public Buildings and Grounds.
A bill (S. 5790) authorizing the Secretary of the Interior to purchase part of the McIntosh Reservation, in Carroll County, Ga., and erect a monument thereon; to the Committee on the Library.
By Mr. CURTIS:
A bill (S. 5791) granting an increase of pension to Ephraim Edmondson;
A bill (S. 5792) granting an increase of pension to Norman H. Lord;
A bill (S. 5793) granting an increase of pension to John R. Daucer;
A bill (S. 5794) granting an increase of pension to Joseph Gray;
A bill (S. 5795) granting a pension to M. V. B. Chapman;
A bill (S. 5796) granting an increase of pension to B. F. Brubaker (with accompanying papers);
A bill (S. 5797) granting an increase of pension to Luther L. Clark (with accompanying papers);
A bill (S. 5798) granting a pension to Celia A. Fairchild (with accompanying papers); and
A bill (S. 5799) granting an increase of pension to John Anderson (with accompanying papers); to the Committee on Pensions.
A bill (S. 5800) for the relief of Thomas Kennedy, executor of the estate of Margaret Kennedy, deceased (with an accompanying paper); to the Committee on Claims.
By Mr. GORE:
A bill (S. 5801) granting an increase of pension to William W. Aspinwall (with accompanying papers); to the Committee on Pensions.
A bill (S. 5802) for the relief of the heir of Allen J. Mann, sr., deceased (with an accompanying paper); to the Committee on Claims.
A bill (S. 5803) for the relief of the estate of Patrick H. Handley, deceased; to the Committee on Public Lands.
(By request.) A bill (S. 5804) to remove the charge of desertion standing against the military record of Alexander Garfield; to the Committee on Military Affairs.
By Mr. DOLLIVER:
A bill (S. 5805) for the relief of Henry E. Rhoades, a retired officer of the Engineer Corps, United States Navy; to the Committee on Naval Affairs.
A bill (S. 5806) to establish a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on Education and Labor.
A bill (S. 5807) for the relief of A. D. Gaston; to the Committee on Claims.
By Mr. McCUMBER:
A bill (S. 5808) granting an increase of pension to Minnie E. Lloyd (with accompanying papers); to the Committee on Pensions.
By Mr. FOSTER:
A bill (S. 5809) for the relief of the estate of Leandre Campo & Co.;
A bill (S. 5810) for the relief of the heirs of Felix J. Guidry;
A bill (S. 5811) for the relief of the estate of Francois Joseph Vantrot, deceased;
A bill (S. 5812) for the relief of the commissioners of the Judah Touro almshouse fund, of New Orleans, La.;
A bill (S. 5813) for the relief of the heirs or legal representatives of Jean B. Pollingue, deceased;
A bill (S. 5814) for the relief of the heirs of Pierre Goudeau;
A bil l(S. 5815) for the relief of heirs of J. Casimir Le Blanc;
A bill (S. 5816) for the relief of the heirs of Felix Dejean;
A bill (S. 5817) for the relief of the heirs of Joseph D. Guidry; and
A bill (S. 5818) for the relief of the heirs of Rudolphe Chachere; to the Committee on Claims.
A bill (S. 5819) for the relief of owners of outstanding and unsatisfied military bounty land warrants, heretofore issued by the United States, and all outstanding and unsatisfied certificates of location heretofore issued by the United States, under the closing part of section 3 of the act of June 2, 1858 (11 Stats., 294); to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment proposing to appropriate $85,000 for the erection of a hospital at Fort Missoula, Mont., intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. DOLLIVER submitted an amendment proposing to appropriate $8,258.60, with interest, to pay William H. H. Hart for the care and maintenance of dependent children at the Hart Farm School, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SETTLEMENT OF NAVAL CLAIMS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (S. 5352) to satisfy certain claims against the Government arising under the Navy Department, which was referred to the Committee on Claims and ordered to be printed.

WITHDRAWAL OF PAPERS—HEIRS OF ELISHA LOWRY.

On motion of Mr. BACON, it was

Ordered, That the papers in the case for the relief of the heirs of Elisha Lowry (Senate bill No. 887) be withdrawn from the files of the Senate, there having been no adverse report thereon.

PACKING FOR EXPORT.

Mr. BACON. There is a document which has been published by the Department of Commerce and Labor entitled "Packing for Export." It gives a great deal of valuable information as to the manner in which various products, manufactured and agricultural, shall be prepared for shipment. It is particularly interesting and important to those who are interested in the preparation of cotton for shipment. The supply has been exhausted, and I ask that it may be printed as a Senate document.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the report of John M. Carson, Chief of the Bureau of Manufactures, Department of Commerce and Labor, submitting data regarding the packing of merchandise for export, be printed as a document, with accompanying illustrations.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS.

Mr. NELSON submitted the following resolution (S. Res. 155), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 155.

Resolved, That the Committee on Public Lands be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

PRICE OF FOOD PRODUCTS ON THE FARM.

Mr. McCUMBER. Mr. President, I offer a resolution, which I ask to have read and referred to the Committee on Agriculture and Forestry.

The resolution (S. Res. 154) was read and referred to the Committee on Agriculture and Forestry, as follows:

Senate resolution 154.

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized and directed, by subcommittee or otherwise, to make a thorough investigation of the prices of food products on the farm in various parts of the United States, the wholesale prices of such food products at the wholesale trade centers of the United States, and the retail prices of such food products in the larger cities of the United States, and to report to the Senate at the earliest possible date, such report to contain also a comparative statement showing cost of production on the farm, the cost of transportation to the trade centers, and the cost and expense of handling such food products by the retail dealers; and the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized to visit the larger trade centers of the United States for the purpose of securing this information, and to appoint such clerical assistance as may be necessary, to administer oaths, examine witnesses, and hold such hearings as may be deemed necessary; and that the expense of such investigation be paid from the contingent fund of the Senate upon vouchers to be approved and signed by the chairman of the Committee on Agriculture and Forestry.

Mr. McCUMBER. Mr. President, there was introduced in the House yesterday a bill to remove the protection from beef cattle imported into the United States. This comes as a result of the agitation which has grown out of the higher price of food products. I have maintained right along that the exorbitantly high price of those products was not due to any extent to the price that was received by the producers themselves of those food products. I have maintained not only in discussions here, but in other public utterances, that the price of food products to the consumer ranged all the way from an advance of 200 to 600 or 800 per cent over the value of the product upon the farm.

To establish a basis for the discussion of the question whether or not the protection ought to be taken away from the farmer's products I have introduced this resolution, with the hope that the Committee on Agriculture will give the world the true facts in relation to the cost of the product as it is sold upon the farm and the cost of the product when it is sold by the retailer and to determine the comparative cost of the produc-

tion upon the farm and the added cost after the product has passed through the hands of the wholesaler and into the hands of the retailer. When the committee have done that I am very well satisfied, Mr. President, that we will come to the conclusion that the protection which the farmer himself is receiving upon his products is not more than what is adequate and just, and that the prices which are charged are due to the exorbitant rates and prices that are placed upon those products after they leave the hands of the farmer, and in which he has not his proportionate share of interest.

Mr. HEYBURN. Mr. President, I have supported the tariff legislation at all times upon the theory and in the belief that it would add to the prosperity of the people of this country regardless of class. More than 90 per cent of the people of this country are producers. Less than 10 per cent are exclusively consumers. I do not believe that Congress should engage in sifting the producers into classes and discriminating against one class at the expense or for the benefit of another.

Mr. President, this sham battle that is being engaged in by individuals and newspapers relative to the exorbitant price of the products of the people of this country is in my judgment thoughtless and senseless. I care not how prosperous any part of the people become, I want them all to be prosperous.

We were told not only when the last tariff bill was under discussion, but we have been told at all times when the question was being considered, that it was the farmers of the country who needed protection against combinations of trade. Mr. President, there is no bar to any person engaging in business. I remember that I, in common with others, urged upon Congress, as I have urged upon the country, that the prosperity would induce more men to engage in business. The spirit of the resolution and the spirit of the newspaper and individual discussion would seem to be that the Government and its prosperity was to rest only upon the prosperity of the men now engaged in business. If business is too profitable, if the profits are too great, it affords a splendid opportunity for the people of this country to engage in the business that is so profitable.

Perhaps an enlargement of the field of competition in production might accomplish all that these dreamers think they will accomplish by having the Government undertake to regulate the price of commodities to the consumer. We would pretty soon be issuing a government bulletin every morning fixing the price of labor, the price of wheat, the price of meat, and the price of every commodity. I have no sympathy with it; and I have only taken this occasion, which seems appropriate, to thus express my views.

Mr. BEVERIDGE. Mr. President, I would call the attention of the Senator from North Dakota to his resolution. Does he think that it might not be expedient to include in the resolution a report as to the amount of exports to other countries of cattle and meat-food products from cattle, and so forth, to which he refers, and a comparison of the extent of that and similar exportations from other cattle-producing countries, and also the prices which are charged in other countries for cattle and the meat products therefrom which we export to those countries? Would that seem to be wise?

Mr. McCUMBER. I would suppose that we could get from the Bureau of Statistics at any time what the exports were, without any investigation, particularly by the Committee on Agriculture.

Mr. BEVERIDGE. That is probably true.

Mr. McCUMBER. The other proposition, I think, however, might properly go in, if any Senator desires.

Mr. BEVERIDGE. I suggest that.

Mr. McCUMBER. My only object was to secure such an investigation as would show distinctly that the higher prices that have obtained for the retail of meat and other farm products are entirely out of proportion to the higher price that is being received upon the farm.

Mr. BEVERIDGE. I heard very clearly the Senator's exceedingly lucid statement as to the purpose of his resolution. I suppose everybody wants the facts about this question. But I was suggesting to the Senator whether he thought it would not be possible to have, in addition to that, the prices at which similar products are sold abroad and the amount that this country, in which these high prices prevail, exports to foreign countries.

Mr. McCUMBER. I think it would be very valuable, and I am willing either to accept an amendment, if the Senator desires, or to allow the resolution to go to the Committee on Agriculture, and they can amend it in any form they see fit.

Mr. BEVERIDGE. I have not had the time. I have just read the resolution, and I called the Senator's attention to it in case he might amend it himself or handle that suggestion in any way he sees fit.

Mr. McCUMBER. It can be taken up in committee.

Mr. BEVERIDGE. Very well. I think the Senator knows, for he is very carefully informed about this matter, and he can state to me whether I am correct or not in my impression that the United States is the largest exporter of cattle and of meat-food products prepared from cattle of any country in the world.

Mr. McCUMBER. That is true, I think.

Mr. BEVERIDGE. That being true, it would seem that the tariff on cattle and meat is not tremendously necessary.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. There is a message on the table from the House of Representatives returning House bill 14464, which I ask be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. ELKINS, and Mr. TILLMAN the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 26, 1910:

S. 3929. An act to authorize the Tennessee, Alabama and Kentucky Railway to construct a bridge across the Cumberland River at or near the town of Gainesboro, Tenn.;

S. 4016. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company; and

S. 5197. An act to change the times for holding the regular terms of the circuit and district courts of the United States at Greensboro and at Charlotte, in the western district of North Carolina.

HOUSE BILL REFERRED.

H. R. 13915. An act to establish in the Department of the Interior a bureau of mines was read twice by its title and referred to the Committee on Mines and Mining.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. ELKINS, and Mr. TILLMAN the conferees on the part of the Senate.

REGULATION OF PRACTICE IN FEDERAL COURTS.

The VICE-PRESIDENT. Is there further morning business? If not, the calendar under Rule VIII is in order.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first bill in order.

Mr. KEAN. That bill has been on the calendar for some time. I understand the Senator from North Carolina [Mr. OVERMAN] does not want it put on the calendar under Rule IX. I think it had better go over. There are amendments to be offered to it.

The VICE-PRESIDENT. The bill will go over.

LANDS IN ROSEBUD INDIAN RESERVATION.

The bill (S. 183) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as the next business in order.

Mr. PENROSE. I ask that the bill may go over, and also the next one on the calendar.

Mr. GAMBLE. Mr. President, this is the fourth time this bill has been reached in the regular call of the calendar. When it was first reached there were certain amendments to the bill, the report was not here, and it was necessarily passed over. Yesterday and the day before I was unavoidably absent from the Senate and could not be here.

This and the succeeding bill are matters of importance to the people of our State and to the people of the United States. It people of our State and to the people of the United States. It has been favorably recommended by the department. The bill, after it was introduced, was submitted to the Indian tribe, and it is satisfactory to them. It is of the highest importance, we feel, not only to the Indian tribe but to the people of the State, and especially of that section of the State, that the bill shall be considered.

Mr. PENROSE. I made the request at the suggestion of several Senators who are unable to be in the Chamber. I shall not persist in my opposition if the Senator will let the bill go over to-day, and when it comes up to-morrow I will not oppose it. Let the next bill on the calendar also go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

LANDS IN THE PINE RIDGE INDIAN RESERVATION.

Mr. PENROSE. I ask also that the bill (S. 2341) authorizing the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, go over.

Mr. GAMBLE. I understand, then, that the two bills will go over without prejudice, retaining their places on the calendar.

Mr. PENROSE. That is right.

The VICE-PRESIDENT. The bill will go over without prejudice.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as the next business in order.

Mr. HEYBURN. Let the bill go over.

The VICE-PRESIDENT. On the objection of the Senator from Idaho, the bill goes over.

SUNDAY OBSERVANCE IN THE DISTRICT OF COLUMBIA.

The bill (S. 404) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as the next business in order on the calendar.

Mr. HEYBURN. Let the bill go over.

The VICE-PRESIDENT. On objection, the bill goes over.

Mr. JOHNSTON. Mr. President, I object to the bill going over, and I move to take up the bill for consideration now.

The VICE-PRESIDENT. The Senator from Alabama moves that the bill be now considered, notwithstanding the objection of the Senator from Idaho. The question is on agreeing to the motion of the Senator from Alabama. [Putting the question.] The noes appear to have it.

Mr. JOHNSTON. I ask for a division.

I want to say, Mr. President, that this is a bill providing for the observance of one day in the week as a day of rest in the District of Columbia. Every State in the Union has a law on this subject, and this is quite a liberal measure. It just forbids the opening of the stores, the conducting of business, and work on public and private buildings, and provides for the closing of barrooms, pool rooms, and theaters. I think it is a matter which addresses itself to the consideration of a vast majority of the people in this District.

The opponents of the bill have had a hearing. It is exactly the same bill that was unanimously reported by the Committee on the District of Columbia at the last Congress and passed by the Senate.

There is but one class of objection, so far as I find, in the whole country. I have on my desk here about 90 telegrams, sent to the chairman of the committee. All of them ask for a hearing on the bill, evidently not knowing that that hearing had been had.

Mr. HEYBURN. Mr. President, I rise to a point of order. I think the bill is not open to debate on a motion to proceed to its consideration.

The VICE-PRESIDENT. Debate is not in order. The point of order is well taken. The Senator from Alabama asks for a division.

Mr. JOHNSTON. I will ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. STONE (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK].

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. As he is absent, I withhold my vote.

Mr. PILES. My colleague [Mr. JONES] was called from the Chamber a few moments ago. I expected him back by this time, but he has not yet returned.

The result was announced—yeas 59, nay 1, as follows:

NAYS—59.

Bacon	Chamberlain	Gamble	Paynter
Bailey	Clapp	Gordon	Penrose
Bankhead	Clarke, Ark.	Gore	Piles
Borah	Crane	Guggenheim	Rayner
Bourne	Crawford	Hughes	Richardson
Bradley	Cullom	Johnston	Scott
Briggs	Cummins	Kean	Shively
Bristow	Davis	La Follette	Simmons
Brown	Dillingham	McEnery	Smith, S. C.
Bulkeley	Dolliver	Money	Stephenson
Burkett	Elkins	Nixon	Taliaferro
Burnham	Foster	Oliver	Taylor
Burrows	Frazier	Overman	Thompson
Burton	Frye	Owen	Tillman
Carter	Gallinger	Page	

NAY—1.

Heyburn

NOT VOTING—32.

Aldrich	Depew	Lodge	Smith, Md.
Beveridge	Dick	Lorimer	Smith, Mich.
Brandegee	Dixon	McCumber	Smoot
Clark, Wyo.	du Pont	Martin	Stone
Clay	Fletcher	Nelson	Sutherland
Culberson	Flint	Newlands	Warner
Curtis	Hale	Perkins	Warren
Daniel	Jones	Root	Wetmore

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 404) for the proper observance of Sunday as a day of rest in the District of Columbia.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspaper publishers, and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance; *Provided*, That the provisions of this act shall not be construed so as to prohibit sacred concerts, nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1; nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters, newspapers, periodicals, cigars, drugs, medicines, and surgical appliances; nor to the business of livery stables, or other public, or the use of private, conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than $10 or by imprisonment in the jail of the District of Columbia for not more than ten days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

Mr. HEYBURN. Mr. President, in section 1, page 1, line 9, after the word "employees," I move to insert the words "bootblacks and porters."

Mr. BAILEY. Mr. President, I am rather inclined to think that it is more important for a man to be shaved than it is to have his shoes polished. The one is a question of neatness only, the other is a question of comfort and neatness. If we are going to make that exception, we ought to except barbers also.

Mr. HEYBURN. I think so, too.

Mr. BAILEY. I want to ask the Senator from Alabama, while I am on my feet, if it is possible that there is at this time no Sunday law in the District of Columbia?

Mr. JOHNSTON. I will say that corporation counsel for the city of Washington say that there is none, except prohibiting barrooms, pool rooms, and bootblacks from operating.

Mr. GALLINGER. I will say to the Senator from Texas that I think the only law which could be called a Sunday law in this District is contained in the provisions of the excise law, which prohibit certain things being done in the matter of liquors.

Mr. BAILEY. That prohibition would probably be such as the States would make regarding election day, and that could hardly be called a Sunday law.

Mr. GALLINGER. I will say to the Senator from Texas that there is no Sunday law, properly so called, in the District of Columbia.

Mr. BAILEY. I have no doubt, Mr. President, that there ought to be such a law; but this bill, in one or two respects, seems a little sweeping. My inclination would be to prohibit men from pursuing on Sunday their usual trade or occupation. I think probably that is the language employed in the statutes of most of the States, the purpose being to separate Sunday from the other days of the week; but this language is "any trade or calling." Perhaps there is no very great distinction between that and the usual trade or calling. I do not believe that we ought to assume to be more strict about these things than even the Great Book itself, which permits us to get our ox out of the ditch. I imagine that there is no disposition here to be more strict than that, or to be unreasonable.

I have always understood that there was some sort of regulation here which prevented a man from obtaining a shave on Sunday, as the matter now stands. That seems, however, I am told by some Senators around me, to be a regulation among the barbers themselves, and not the law.

Mr. GALLINGER. Mr. President, if the Senator from Texas will permit me, while I can not turn to the statute now, I think that Sunday shaving by barbers is prohibited by law. However that may be, it is a fact that the barbers as a body have protested against granting them that privilege, and they want their shops closed on Sunday. That I remember very well, having received at some time during my service here petitions from the barbers—possibly a union—calling my attention to the desirability of having their shops closed on that day and stating that they did not wish any legislation which would enable them to be open.

Mr. PAYNTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. BAILEY. I do.

Mr. PAYNTER. I wish to make a statement similar to the one which the Senator from New Hampshire [Mr. GALLINGER] has just made. The employees of barber shops desired that the shops should be closed on Sunday because they did not want to work on that day; they wanted it as a day of rest. If the law required that the shops should be closed on Sunday, then the proprietors could not ask them to work on that day. The employees in barber shops, as well as the other laboring people of the District, asked Congress to enact a law that would give them protection. So one purpose of the act is to protect the laboring people of the District in the enjoyment of a day of rest.

Mr. BAILEY. Mr. President, I am not disposed to allow any class of people to come to the legislative assemblies of the country to settle controversies between them and their employees. I certainly would not insist that a barber ought to work if he does not want to work; but if there is any occupation, trade, or employment that can be fairly excepted from the operation of a statute like this, it is that of the barber. If a gentleman who travels a thousand miles, and is accustomed to shave probably every day, reaches the city of Washington fatigued from long travel, with a three days' growth of beard, he would infinitely rather have the hair shaved off his face than the mud brushed off his boots; and he is better entitled to it, in my opinion.

So far as I am concerned, I am not disposed to allow any class to come and ask for a law that interferes with some man who wants to pursue his calling, simply because some other man does not want to pursue it; and if any exceptions are to be made, it seems to me that exception ought to be made. I venture to say that, in spite of what the law now is, if a man searches right diligently, he can find some place in the great city of Washington to get a shave on Sunday.

Mr. HEYBURN. Mr. President, I would not be misunderstood as to my position in this matter; and it can be very briefly stated. I had hoped to get some expression from those responsible for the measure as to the motive behind it. If I vote for it, my vote will be based upon principle.

I believe in the observance of the Sabbath day, but I object to the proviso in this bill. I object to legislative discrimination between the moral code of different men. If this is a day of rest, a Christian of the standard type or a Seventh-day Adventist can agree upon the day that shall be observed as a day of rest, but when you inject into a bill, in the proviso, the religious principle, then I say it is not a proper subject for legislation at all.

I should like some Senator who has taken interest in this proposed legislation to state, so that the record may show forever, whether or not this is a religious measure or an economic measure. Then I shall be ready to vote in a minute. I will not vote upon a religious measure which attempts to discriminate between classes of people based upon their religious belief, because I believe that is not only inconsistent, but forbidden. But if it is an economic question, that the people shall upon one day, in order that no man may profit as against another, lay aside business, well and good. I am ready to vote for it. That is the reason I have cast my vote against the consideration of the bill, and that is the reason I spoke against it.

I do not want the pill sugar coated. If we are going to vote upon religious discrimination, I want it stated fairly and candidly that that is the basis of our judgment and our vote. If it is merely that the world may stand at rest for a day, regardless of religious principle, well and good. Let us do it.

I try to observe the Sabbath in a proper manner; I would not see the wheels of industry move every day in the year. I believe in a day of rest, but on principle. I am not a Seventh-day Adventist on principle. I do not believe in recognizing this class of legislation as being a legitimate consideration for Congress. There is a great institution within the borders of this District whose members believe that what we call Saturday is really Sunday. There are enough of them to keep open on Pennsylvania avenue or Seventh street a whole line of stores on every Sunday with the custom of their own people or of such other people as may be pleased to deal with them. If this bill should be enacted, we would have in our midst two classes of people, one class resting on one day and closing their places of business, and another class, not insignificant in number, with their stores open and their business counters spread before the world.

Mr. GALLINGER. We have that now.

Mr. HEYBURN. The Senator from New Hampshire suggests that we have that now. Is there a complaint that these people open their stores and do business on our Sunday? If so, this bill does not cure it. It makes an exception in their favor. If men are to act upon their conscience in the performance of the deeds of good citizenship, let it rest in their conscience. If we want a universal day of rest, let us eliminate all attempt to recognize the difference between religious creeds and say that the seventh day of the week shall be a day of rest, and let everybody conform to it. That is my objection and that is my position.

Mr. DIXON. Mr. President, I have very much enjoyed the remarks of the Senator from Idaho [Mr. HEYBURN]. I certainly am in favor of keeping one day of the week as a day of rest and recreation and for the purpose of religious worship, if the individual so desires. But what is the real purpose behind this bill? Is it to apply a religious test in the District of Columbia? If that is the purpose of the bill, then the trimmings permitting the sale of fruit, newspapers, confectionery, cigars, and other things ought to be cut out of it. If there is going to be a religious test applied in the capital of the United States, then the bill should so specify, and cut out many of the exemptions that are in it. If it is not a religious test, then there is no occasion for the passage of this kind of a law in the capital of this great Republic.

I think in a republican form of government one of the most dangerous programmes that legislatures can enter upon is anything looking toward the establishment of a religious test through a court of law.

I think there is an exemption in this bill in favor, possibly, of Seventh-day Adventists and Jews, but in some way or other the bill provides that those persons whose conscience impels them to keep another day than Sunday in order to keep within the provisions of the bill must be members of a religious body. Suppose they are converts to one of these different kinds of religion and believe Saturday is the legitimate Sunday, as usually interpreted, are they to be convicted under this bill because they have not affiliated and joined some other religious society?

I notice by the provision in line 5 of the bill that everyone is prohibited from working at any trade or calling. Under the provisions of this bill you could not send for a doctor if a man were sick at your house on Sunday without making both the patient and doctor liable to prosecution and fine or imprisonment.

I notice that page 2 of the bill permits a pretty easy-going time on Sunday. We can buy fruit and soda water and mineral water and newspapers and confectionery, we can buy cigars; but the poor man who smokes his pipe can not buy tobacco. I think whenever you begin to specify what can be done on Sunday and what can not be done you are going to find yourselves confronted with a most difficult proposition.

Under the bill as it now stands, the man who smokes two-bit cigars can go to a store on Sunday and buy them, while the

man who smokes his pipe or wants to buy a plug of tobacco can not do it. One act is a crime, and the other is legitimate. I think before the Senate of the United States undertakes to enact legislation of this kind it ought to be most deliberately considered and most carefully phrased.

Here we provide that the street cars may run on Sunday. So the public-service corporations can continue to require the thousand or more men in this town engaged in running street railways, some of whom work ten, twelve, and fourteen hours a day, to labor on Sunday, while if their neighbor who works at some other trade or employment works on Sunday he commits a crime and is liable to be sent to jail.

The livery stables can keep open on Sunday under the bill, but the man with an automobile to hire commits a crime if he hires his machine on Sunday.

I do think, Mr. President, before this bill is put on its final passage that it should be better considered than apparently it has been up to this time. I know that the great cry in this country among certain classes of citizens is for Sunday observance. If this bill is to provide a day of recreation and rest, then it is legitimate; but if it is to apply a religious test in this great Republic, it is a very dangerous proceeding, and, notwithstanding the popularity that will attend the support of this bill as it now stands, I think the Senate of the United States ought to pause and well consider the proposition.

Mr. BAILEY. Mr. President, so far from there being any effort to apply a religious test in this bill, the effort plainly has been to avoid doing so.

Mr. DIXON. Mr. President, will the Senator from Texas permit me to interrupt him?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. If the Senator will let me finish, I think perhaps I am going to anticipate exactly what he intends to say.

The only possible ground for criticism to that effect is against the expression that to be exempt from the provisions of the bill those who observe Saturday as a day of rest must be members of a religious society. I imagine that there would be absolutely no objection on the part of anybody to amending that so as to read, as suggested by my friend the Senator from Kentucky [Mr. PAYNTER], who sits by me, so as to make it apply to "those who observe that day," the purpose being to permit a man to exercise his conscience in that regard as instructed by any religious creed. I think that a very sensible and proper permission for the law to grant.

Now, Mr. President, there is a rule of law—and there never was a better rule to remember in making laws as well as in construing laws—and that is de minimis non curat lex, concerning small things the law takes no notice, and it ought to take none. Therefore when we come to make a law, for Senators to wrangle over whether somebody shall be permitted to buy a cigar or a plug of tobacco or have his shoes polished or have his face shaved, I think, is a waste of time.

In my judgment, the one way to make the observance of the Sabbath unpopular would be to make it so rigid that every man of common sense would revolt against the arrangement. I think if the Senator wants to make the law unpopular, it would be well to write in it that nobody should do anything. In this city of such great distances, if you did not permit the street cars to run, some good folk could not reach their churches, because they are not all as able to get about as is the Senator from Montana. They can not all walk; some of them must ride, especially if the place at which they worship is any distance from their homes, and many of those people have no vehicles of their own and no conveyance except a public conveyance, and I think it wise that a provision is incorporated in the bill allowing the street cars to run on Sunday.

Neither do I believe that a Christian man must make the Sabbath a still day. I think that it is not necessary in a country like this, nor in any other country, that we should all go into our homes and close the doors and disturb nobody with a suggestion of any kind. I do not believe in that kind of a Sunday; I do not believe that the most enlightened Christian ministers of this country advocate that kind of a Sunday. All they ask—and they do not ask it as religionists, although many of them probably would never have thought about the matter except in that way—but as good citizens all they ask is a sensible police regulation. That replies to the inquiry proposed by the Senator from Idaho. As for myself, I advocate this bill as a proper police regulation, such as, I think, has been adopted long since in every State in the Union. I imagine the State of Idaho has a Sunday-observance law.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. HEYBURN. The State of Idaho has a Sunday-observance law. I thoroughly approve of a law for the observance of a day of rest, and I select the Sabbath as that day.

Mr. BAILEY. Because most people observe it?

Mr. HEYBURN. Yes. I attend and participate in religious exercises on that day, but if we select that day for one, let us select it for all. This bill excepts the Jews.

Mr. BAILEY. And so it ought.

Mr. HEYBURN. And the Seventh-day Adventists.

Mr. BAILEY. That is also right.

Mr. HEYBURN. They are excepted on what ground? On the ground of religious conscience?

Mr. BAILEY. Upon the ground that their conscience instructs them to observe another day, and if they observe that day as a day of rest, they need not observe this day. If the law made no such exception as that, it would simply mean that the Jew, who observes Saturday and closes his place of business, must then follow it with the observance of Sunday and close his place of business for a second day of the week instead of for a single day, as men of our faith do.

So far as I am concerned, I have not enough religious zeal to be narrow about it. I think some of the narrowest men I have ever seen in my life probably have less religion than I have. I have a tolerance for every faith. I believe that any religion in this world is better than none at all, and, so far as I am concerned, I will never attempt to discriminate against the Jew, because he never attempts to discriminate against anybody else. Not only so, but no class of people in America are more law-abiding and more thoroughly respect the rights of every man than the Jewish race. That must be said to their honor here or in any other forum. They obey the law more exactly than any of our other fellow-citizens; there are fewer of them in the penitentiaries, and fewer of them in the poorhouses than any other race of people. A race that so behaves itself, I think, is entitled to be allowed to follow its conscience as to which of the seven days it observes as a day of rest, the lawmaking body having determined that all men must observe some day as a day of rest in every week.

Mr. HEYBURN. Mr. President, will the Senator permit me there?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Certainly.

Mr. HEYBURN. I would not like to be put in a position where it might be even inferred that I had expressed myself in favor of discrimination against either the Seventh-day Adventists or the Jews. If you put it on a religious basis, that would be true, and, putting it on a religious basis, I would not vote for the measure; but putting it on the basis of a day of rest and a police measure, as the Senator has suggested, then there is no discrimination against anybody.

Mr. BAILEY. And the very fact that the bill allows men compelled by religious conviction to observe one day rather than another is a plain effort to avoid religious discrimination. It simply allows a man to rest that day which his conscience selects. But the law still says he must rest one day in seven.

Mr. HEYBURN. Yes.

Mr. BAILEY. I think it is a very sensible police regulation.

Mr. DIXON. Will the Senator allow me to ask him a question?

Mr. BAILEY. Certainly.

Mr. DIXON. As the bill now stands, the only way the Jew, the Seventh-day Adventist, and other people who believe in observing another day in the week than Sunday for rest and religious enjoyment can take advantage of it is to prove their membership in some such religious body.

Mr. BAILEY. I think the Senator's suggestion is a very sensible one. The Senator from Kentucky [Mr. PAYNTER] had already expressed to me an opinion that the bill could be worded in that respect more in consonance with the views which I assume all Senators entertain. I think a man whose conscience requires him to observe one day rather than another ought to be protected, though he may not be a member of any religious organization or society; and I imagine from what the Senator from Kentucky has already said to me that he intends to propose an amendment of that kind. If he does, I shall very cheerfully vote for it; and except that he was the first one who suggested it to me I should feel inclined to anticipate him and do it myself.

Mr. PAYNTER and Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. PAYNTER. If the Senator from Montana desires to proceed, I will not interrupt him.

Mr. DIXON. I will wait.

Mr. PAYNTER. Mr. President, I desire to say a word in connection with this feature of the bill. I was very earnest in my effort to have something substantially similar to this inserted in the bill. I quite agree with the Senator from Montana and with the Senator from Idaho that, if there was a religious feature of the bill, it should be eliminated, but I do not believe there is one.

We have had in Kentucky, for perhaps a century, substantially such a provision as I sought to have incorporated in this bill—a provision to the effect that persons who observed some day other than Sunday as a day of rest should not incur the penalty of the law. They should enjoy liberty of conscience in the worship of God. They should have the unrestricted right to determine what day they should observe as the Sabbath or a day of rest. They should not be compelled, in order to obey their conscience, to devote two days out of the seven to rest.

I will suggest an amendment to the bill. The bill as reported reads this way:

That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday—

Then I suggest as an amendment language as follows—

or persons whose religious views coincide with such religious societies—

Then, continuing—

shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in seven as a day of rest.

I think that would express my purpose. Suppose, for instance, a person entertains the same views that a certain religious society does upon the question of the Sabbath day, although he may not have identified himself with that society, still he should not be subject to the penalties of this act any more than the members of such society should be.

Mr. CLAPP. Would it not be better, commencing in line 12, after the word "who," to strike out the balance of that line, so that it would read:

That persons who observe as a Sabbath any other day.

It would make it simpler, it seems to me, than the Senator's amendment.

Mr. PAYNTER. I thought of that, and it would be perfectly satisfactory to me to so amend the bill. Under this amendment anyone who desired to do so, if he observed another day as the Sabbath, could prove that he entertained these religious views and thus escape the penalty of the law.

Mr. CLAPP. The Senator will pardon me. My suggestion would eliminate any difference between those who are members and those who sympathize, and it would exempt all who observed. If after the word "who," in line 12, we struck out the balance of that line, it would read:

Provided, That persons who observe as a Sabbath any other day in the week than Sunday.

It would simplify it.

Mr. PAYNTER. That expresses the view I have embodied in the amendment I have suggested, and I trust the Senate will agree to it.

Mr. CLAPP. I will offer that as an amendment.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I was about to make the very observation the Senator from Minnesota has made. I think his proposition covers what we are seeking to accomplish. Of course it may be abused in some cases, but we can not help that.

Mr. BAILEY. It is better that some few should abuse the law than that the law should abuse the many.

Mr. GALLINGER. I agree with the Senator. I think the amendment is proper, and if the Senator had not suggested it I was about to ask the Senator from Alabama, who has charge of the bill, if it would not be agreeable to him to make it.

Mr. MONEY and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. CLAPP. After this amendment shall have been disposed of, I have some other amendments to offer. However, if the Senator from Mississippi rises to this amendment, I will yield.

Mr. MONEY. I do.

Mr. CLAPP. Then I yield.

Mr. MONEY. Mr. President, this is a Christian Nation, and not a Christian Government. That is forbidden by the Constitution. Jew or Gentile, Mohammedan or Brahman, has a right to his own religious convictions. There is nothing in this bill about religious observance. It is an effort to secure a day of rest; and there can not be a half a dozen days of rest by law. If we respect Saturday as the Sabbath of the Jews and the Seventh-day Adventists, we must respect Friday as the day of the Mussulman; and I do not know how many African tribes have Thursday or Wednesday or Monday as their only day. This is simply an effort to secure one day out of seven for rest, and if anybody considers Saturday as the Sabbath—and undoubtedly it is the Sabbath, and not Sunday—he of course can rest that day, if he chooses.

But it will not do, in my opinion, to complicate the difficulties of the execution of this proposed law by permitting a man who does observe Saturday on his motion to violate Sunday on his own motion because he observes another day. We are securing a day of rest for all, and if he wants two days he can take them. Certainly, I think, you will find difficulty in closing up one house of business and allowing another alongside to keep open because the first was closed the day before. It is the difficulty of executing the law.

I wish to say further, while we are not authorized to legislate about religious observances of any sort or to make holy days of any sort, yet Congress can legislate in respect to the general public opinion. It ought to defer to the general public opinion, and the general public opinion in the United States is that Sunday is a day of rest, and in obedience to that general opinion we propose this legislation. Whether it is better for a people to rest one day or not, to rest one day is a question which is easily answered. If a man wants to prosecute his profession for a certain time on that day, as has been provided for by the Senator from Alabama in his bill, he can do so.

If his conscience dictates that he must not work, he can close his shop. Nobody can compel a man to work on Sunday. Neither can the law compel him to work any other day in the week, but it can say that on a certain day or on a certain part of a day no work shall be done. Why? First because of the economic principle that every man ought to rest one day in the week, and probably two. Secondly, because there is a deference paid by the great body of the people to the sanctity of that day, if you please.

I do not think the amendment is a good one. I do not believe there ought to be permission to anybody to work on that day, except the classes specified—not classes of men, not classes of religionists, but professions and vocations of different sorts that seem to be necessary to the comfort and convenience of the people generally. I think the range taken by the Senator from Alabama is pretty comprehensive. It lets almost anybody have part of the time at least on that day.

As to the closing of places of amusement on Sunday, that may be another question. I do not know whether it is in the bill or not. I refer to the closing of places of amusement.

Mr. CLAPP. Yes; it is.

Mr. MONEY. On that matter I shall vote in support of this bill, but I am very clear that amusements of an innocent sort constitute the best kind of rest; there can not be any better; and if it is in accord with the newspaper article I heard read the other day—that all concerts be prohibited except sacred concerts—I would close sacred concerts, too, if the performers sang for money.

Mr. BAILEY. This bill expressly closes all places of amusement except sacred concerts.

Mr. MONEY. That is what I see. If the sacred concerts are held for money, they ought to be closed just as well as the others. I say recreation is a part of rest and the best part of it.

I would have any singing anywhere on Sunday, in the church at the church hour, elsewhere at the proper hour, if people wanted it. I am not in favor of the blue laws of Connecticut or the old kirk of Scotland regulations, and the trouble about these reform movements is that they never stop at the point which was intended by the beginners. It is like the prohibition movement which swept over the county. "The way to hell is paved with good intentions." When you get reforms in the hands of reformers, they are generally emotional people with small development of the rational faculty, and prompted by their repeated successes, they go from one reform to another, and it is proposed that one shall attend church on Sunday; then a particular church; then a constable is permitted to invade one's home, if he does not attend church, to see whether or not he is sick; then one can not kiss his wife on Sunday. The beginnings of these things are very innocent.

I shall vote for this measure, but I do not want any sacred concert on Sunday, unless it is free, any more than any other concert. I might say that there should be no sermons unless they were free, but I will not say that, because Sunday is the preacher's day, the day on which he earns his salary. I have no objections to pew rents and all that sort of thing, but it does seem to me, if we are going to set aside a day of rest, it ought to be a day of rest for everybody, and we should not have the incongruity of having half the stores on F street and Pennsylvania avenue open on Sunday because our Jewish friends see fit to observe the preceding day.

There is no man in the world who has higher respect for the Jewish people than I have. There is no other people on the face of this planet who for thousands of years, without a home, have distinctly preserved their nationality and their features. They have never yet blended with any people; they have gone to every island and every continent; and yet through all the ages they have preserved with peculiar obstinacy every one of their physical features; and the Jew of to-day is the same as the Jew of four thousand years ago in the monumental land of Egypt.

No man can pay higher tribute to the Jew than I can for their development in philosophy, in music, in poetry. There never was a book written like Job, and there are passages in Isaiah of Jehovah equal to any flight in the Odyssey or the Iliad. So in every department of learning, in humanitarian work, in philanthropic work, they stand preeminent. But the great crowning monument of the Jew, if I may say it, is that he has preserved his identity through all the changes and revolutions of time. Distressed, persecuted, driven from post to pillar, consigned to obscure countries, and even expelled from countries which he had made to flourish, he has never failed to preserve the original Jewish characteristics.

I say that much to relieve me of any suspicion of wishing to shut him out from his day of worship. I want him to have his day of worship and his day of rest.

Mr. TILLMAN. Mr. President——

Mr. CLAPP. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. TILLMAN. I desire to ask a question.

Mr. CLAPP. I will yield for a question.

Mr. TILLMAN. I have seen the Senate in session on Sunday, and, as I understood, there was no absolute necessity for it; there was no ox in the ditch. I want to know if we are going to try to punish ourselves or if we are immune. We are trying to handcuff everybody else on this question. I wish to get a little light, if somebody will give it to me.

Mr. CLAPP. Mr. President, it is very easy to observe the complications which the Senator from Mississippi [Mr. MONEY] points out, and still it would be out of the question, it seems to me, to pass a bill of this kind without recognizing the right of those who do not observe what we call the first day of the week, the people of those various faiths who, as the Senator from Texas has well said, are among our most law-abiding people. Their rights should be recognized.

I sympathize with the Senator from Texas. I think it would have been infinitely better to have made a simple, straight prohibition here without attempting to classify the various callings that are excepted; and, on page 2, I move to strike out all after the word "first," in line 12, including lines 13, 14, 15, and 16, down to the word "nor," so that it will read:

Including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1, nor to the handling and operation of the United States mail.

I can see no reason for excepting confectionery, soda water, mineral waters, cigars, and such things. So far as those items may be necessary, they are fully covered by the very first provision of the bill, which excepts necessary and charitable labor.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. With pleasure.

Mr. CUMMINS. An observation which was made by the Senator from Texas leads me to fear that there is some misunderstanding with regard to the operation of the proviso of the first section. I assume that one of the purposes sought to be accomplished by this bill is to prevent shows, theaters, circuses, and other amusements of that character on Sunday. I should like to ask the Senator from Minnesota whether, with all due regard to differences of religious opinions with respect to the observance of one day in the week, we ought to permit a Jew to run a theater on Sunday if an American can not run a theater on Sunday, or whether a Seventh-day Adventist should be permitted to run a baseball game on Sunday, if a Presbyterian, as I am, can not run a baseball game on Sunday?

Mr. CLAPP. I do not mean to deal lightly with the inquiry, but I do not think either a Jew or a Seventh-day Adventist could conduct such amusements on Sunday.

Mr. CUMMINS. They could under this bill.

Mr. GALLINGER. They are absolutely prohibited from doing so under section 2 of the bill.

Mr. CLAPP. They are prohibited, anyway.

Mr. CUMMINS. I desire to call the attention of the Senator from Minnesota, as he is proposing to amend the bill, and especially that of the chairman of the committee, to one point. You will observe that the proviso is:

Provided, That persons who are members of a religious society who observe as a Sabbath day any other day in the week than Sunday shall not be liable to the penalties prescribed in this act.

If they are not liable to the penalties prescribed in this act, there is and can be no prohibition against the things I have suggested, so far as they are concerned.

Mr. GALLINGER. But let the Senator read——

Mr. CLAPP. Section 2.

Mr. GALLINGER. Will the Senator read the close of the first section? They——

shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

Mr. CUMMINS. Precisely. If a Jew or a Seventh-day Adventist or any other man who believes in the observance of and does observe some other day than the first day of the week as a religious ceremony, or as one of rest, he can open his theater on Sunday or his baseball game on Sunday, or anything else he may see fit to do, because there is no penalty prescribed against it in the act.

Mr. CLAPP. But there is. Section 2 then proceeds to say:

That it shall be unlawful for any person in said District on said day—

Mr. GALLINGER. "Any person."

Mr. CLAPP (reading):

to engage in any circus, show, or theatrical performance.

Mr. CUMMINS. Precisely.

Mr. CLAPP. No matter who it is.

Mr. CUMMINS. But the section says that no penalty shall be imposed upon any person as specifically exempted in the proposed act. What does it mean? The reason I rose to make the suggestion——

Mr. CLAPP. I think possibly——

Mr. CUMMINS. Will you allow me for just a moment?

Mr. CLAPP. Yes.

Mr. CUMMINS. The exception in section 1 should be limited to the prohibition of section 1 instead of extending over the entire act.

Mr. CLAPP. I think the Senator is probably right about that.

Mr. GALLINGER. I do not think he is.

Mr. CLAPP. Of course, I did not have the bill in charge, and was more directly interested in this attempt to discriminate as to certain callings. I think the Senator is correct, and section 1 ought to be amended.

Mr. CUMMINS. I want to make one suggestion in the utmost friendliness to the measure, because I believe in police regulations of this character. If you will read the language of section 1, I think you will find it very different from the language of similar prohibitions in any State of the Union. It would prohibit the preacher from preaching on Sunday.

Mr. GALLINGER. Oh, no.

Mr. CUMMINS. You will notice that the prohibition extends to labor in any calling. "Calling" is the peculiar term used to describe the vocation of the preacher and other professional men. The language used in most of the States, I think, is "secular calling," "secular trade," or "occupation," if you like.

I think, upon observation, it will be found that this bill ought to be carefully recast and reconsidered before we attempt to enact into law (and, I repeat, it is in friendliness and sympathy) these high and exalted sentiments.

Mr. DIXON. Will the Senator from Iowa allow me?

Mr. CUMMINS. Certainly.

Mr. DIXON. I have heretofore called attention to the fact that the bill would absolutely shut up churches in the District of Columbia because the ministers could not preach as the bill stands. As I said in my first remarks, legislation of this kind is fraught with so many dangers in such a Government as ours that it ought to be most thoroughly considered; and in view of all these various defects in the bill, I move that it be recommitted to the Committee on the District of Columbia.

Mr. GALLINGER. Mr. President, before the motion is put, I think it right that some member of the committee having charge of the bill should be permitted to say a word. I think the Senator from Alabama, at least, should be granted that courtesy.

Mr. JOHNSTON. Mr. President——

Mr. GALLINGER. Will the Senator from Alabama permit me for a moment?

Mr. JOHNSTON. Certainly.

Mr. GALLINGER. I will occupy but a few minutes. The committee that ordered the reporting of this bill——

The PRESIDING OFFICER. Does the Senator from Montana withhold his motion for the present in order that the Senator from New Hampshire may be heard?

Mr. DIXON. I do.

Mr. GALLINGER. It is a debatable motion under our rules, and he need not withhold it.

The committee that reported this bill has no pride of opinion about it. I apprehend that the Senator from Alabama expected that the bill would be amended on the floor, as usually happens in matters of legislation. But some of the objections that have been raised to the bill have no foundation in fact. The truth is, so far as my knowledge extends—and the corporation counsel in reporting on this bill gives it as his opinion—this is the only community in the United States that has not a Sunday rest law; every State has such a law, not in the terms of this bill, very likely, but in similar terms.

I recall coming to Washington one Sunday morning and taking the car to my hotel I noticed two great buildings in this city under process of erection. Teams and workmen were hauling material and putting up great steel structures to the annoyance of every person who did not feel that that was a proper condition of things in the capital of the Nation on the Sabbath day. Work on the great bank building opposite the Shoreham Hotel was conducted every Sunday during the time that it was being built, and other buildings of a similar nature have been constructed in the same way.

I feel, Mr. President, that while this bill is not perfect as it is now, and we will be glad to accept proper amendments—I am sure the Senator from Alabama will be glad to accept any proper amendment to the bill—it is time we legislated on this question, and we ought not to let technicalities stand in the way.

The Senator from Montana objects to several features of the bill. The Senator from Iowa suggests that the word "secular" ought to be inserted before the word "trade." While I do not think that important, there is no objection to it. My impression is that the term "work of necessity or charity" would take care of the ministers. It strikes me that there is a good deal of "necessity" for preaching in Washington. That is my impression.

Mr. CUMMINS. If the Senator puts it on that ground, I yield my objection at once.

Mr. GALLINGER. Yes.

Mr. CUMMINS. Although I do not believe the citizens generally would be willing to admit that there is any greater necessity for it here than elsewhere.

Mr. GALLINGER. No; but we are legislating for the District of Columbia.

Mr. CUMMINS. The morality of the District of Columbia——

Mr. GALLINGER. I am sure the Senator from Alabama has no objection to accepting the proposed amendment.

The Senator from Montana objected to the bill on the ground that it allowed public-utility corporations to operate, but did not allow a man to take out his own carriage or automobile and take a ride on the streets or in the park on Sunday. It seems to me that the words, in line 16, page 2, "or other public, or the use of private, conveyances" will take care of all that class of people. We thought it would. If there is any better phraseology suggested, I am sure the Senator from Alabama will accept it. I certainly, as chairman of the committee, will gladly accept it.

So other objections have been made, it occurs to me, that have no valid argument in their behalf. Personally, I would be glad to accept the amendment suggested by the Senator from Iowa, and I am quite ready to agree to striking out the words on line 12 to which the Senator from Minnesota objects. I myself have two or three inconsequential amendments that I want to offer to the bill. For instance, I can see no objection if the exemptions are made in the sale of certain articles that we should include the word "tobacco" as well as "cigars."

Mr. FRYE. We should not include either.

Mr. GALLINGER. The Senator from Maine says we ought not to include either. Very likely that is so, but if we are to have any exceptions, I feel sure that we can arrange the matter so that there will be no special trouble about it.

So far as the objection of the Senator from Iowa is concerned, that we ought to amend section 1, not being a lawyer perhaps I ought not to undertake——

Mr. CLAPP. Will the Senator pardon a suggestion?

Mr. GALLINGER. Certainly.

Mr. CLAPP. I think myself there is a good deal of force in the point made by the Senator from Iowa. If, after the word "be," in line 2 on page 2, the balance of that line to the word "act," in line 3, were stricken out and in lieu thereof the words "held to have violated the provisions of this section" inserted, it would free it of the embarrassment.

Mr. GALLINGER. Very likely.

Mr. CLAPP. It would then read:

> Shall not be held to have violated the provisions of this section if they observe as a Sabbath one day in each seven, as herein provided.

Mr. GALLINGER. Very likely that is a proper amendment. What I was going to say is that I think the inhibition in section 1 covers one class of matters and the provisions of section 2 cover another. I think that in section 2 we absolutely prohibit all persons from doing certain things, while in section 1 we say that a certain class of people shall not be liable to the penalties prescribed in this act if they observe one day in each seven as a day of rest. So I do not really think there is any conflict in the two provisions. But I feel sure that the Senator from Alabama will accept the suggestion of the Senator from Minnesota, so as to make that simply apply to section 1. There can be no objection to it.

Now, Mr. President, I think if these amendments are made, as suggested, and some others that doubtless will be offered, we can proceed with the consideration of this bill, and not recommit it to the committee. The Committee on the District of Columbia is a hard-worked committee. The Committee on the District of Columbia has given a good deal of consideration to this bill. Very likely the members of some other committee that individual Senators are connected with would have done better work than we have, but I think that our work has been fairly well done, and that after making these amendments we ought to proceed and pass the bill and send it to the other House. The motion to recommit ought not to be agreed to.

There is an urgent necessity for this legislation. We are doing no person any harm. We are not compelling men to rest on the Sabbath day if they conscientiously believe that they ought to rest on some other day; but that all men as well as all animals, so far as it is possible in the conduct of private and public affairs, should have one day of rest out of the seven goes without the saying. Surely the District of Columbia ought not to be behind all the States and Territories of the American Union in a matter of this kind, as it is at the present time.

Mr. BORAH. I wish to ask the chairman of the committee if he would not be willing to strike out the word "cigars" in line 14?

Mr. GALLINGER. I would, because I do not use them.

Mr. BORAH. Neither do I, as far as that is concerned. As it is a day of rest to a large portion of the human race, and the smoking of cigars is very pleasant for many people on Sunday, if we are going to trim the bill down to what it ought to be, I suggest that amendment. I move the amendment to strike out the word "cigars" in line 14.

The PRESIDING OFFICER. The Chair will state to the Senator from Idaho that the pending amendment is one offered by his colleague, and the amendment now offered by him is not an amendment to that amendment.

Mr. BORAH. Very well; I will offer it later.

The PRESIDING OFFICER. Therefore the amendment must be withheld until the pending amendment has been disposed of.

Mr. JOHNSTON. Mr. President, I am utterly opposed to the motion to recommit, which has been withdrawn temporarily. This measure has been pending now for over two years. Everyone recognizes the necessity for legislation of this kind. I think 95 per cent of the inhabitants of the District favor this legislation, and it is particularly favored by the workingmen. They appeared before the subcommittee and made an appeal to us. They said they were required to work on Sunday, and they could not cease from work, because if they stopped on Sunday they would be discharged from their employment and would lose their jobs.

I object to the amendment that was offered as to bootblacks and porters for the same reason that was given by those laboring men when they applied to us for relief. They represented 28,000 men in this city. They appeared before the committee and begged that this legislation should be had.

So far as I know, there is no one in the District who is opposing this legislation except a small body of Seventh-day Adventists. I think if they understood this bill they would have no just cause of complaint. We gave them an extended hearing, and they have had their day in court. I think the great body of the Christian people of this District should be considered in this matter. The motion to recommit merely means to postpone the measure, which is better understood now by the Senate probably than it has ever been.

I am perfectly willing to accept the amendment offered by the Senator from Kentucky because——

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that a motion to recommit is pending.

Mr. JOHNSTON. I thought it was withdrawn.

Mr. TILLMAN. It was withdrawn

The PRESIDING OFFICER. Did the Chair understand the Senator from Montana to withdraw the motion?

Mr. DIXON. I said I would withhold it temporarily until the chairman in charge of the bill could be heard.

Mr. JOHNSTON. In line 5, the word "secular," before "calling," at the suggestion of the Senator from Iowa, I will accept, although I do not think it is necessary. I am willing to accept the amendment suggested by the Senator from Minnesota, and also the amendment suggested by the Senator from Kentucky to strike out the words "who are members of a religious society." Then I am willing to accept the amendment in line 3, page 2, to insert the word "section" instead of "act," so as to make it perfectly clear. I do not think that amendment is necessary, but I am willing to accept it. If the Senator from Montana does not object, I will first move to amend by adding the word "secular" before "calling" in line 5, on page 1.

The PRESIDING OFFICER. The Chair would state that no amendment is now in order, unless it is an amendment to the amendment offered by the senior Senator from Idaho, that being the pending amendment. If there is an amendment to that amendment, it can be received. Otherwise the Senate must dispose of the pending amendment, which is that offered by the Senator from Idaho.

Mr. JOHNSTON. What is the amendment offered by the Senator from Idaho?

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Idaho.

The SECRETARY. On page 1, line 9, after the word "employees," insert the words "bootblacks and porters."

Mr. JOHNSTON. I hope the Senator from Idaho will withdraw that amendment and let us perfect the bill now.

Mr. HEYBURN. Mr. President, I do not know why I should withdraw an amendment upon which I desire to have an expression of the Senate. I had intended to include the word "barbers," but the Senator from Texas called attention to that omission, and I thought it best to leave that to his judgment. However, it is very clear that those persons who render the class of personal service which makes one fit to go to church should be permitted to perform it. The man who drives the carriage in which you ride to church is prohibited from doing it under this bill. He is not in any class that is enumerated at all.

Mr. GALLINGER. If the Senator will look at page 2, line 16, I think he will find——

Mr. JOHNSTON. A private conveyance can not be used without a driver.

Mr. HEYBURN. That is not a public service. The private carriage in which you go to church is not a public service such as is excepted.

Mr. JOHNSTON. The Senator will note that it says "the use of private conveyances." That includes the driver as well as the horse.

Mr. HEYBURN. It says, "nor to the business of livery stables, or other public, or the use of private conveyances;" but that does not explicitly exempt the coachman who is hired by the month or the year. But the amendment is now confined to porters and bootblacks. Those people of all others should be definitely provided for, because their method of earning a living is limited and their opportunities are scant. If you permit great public corporations, why should you not permit those people?

Mr. JOHNSTON. I accept both amendments.

The PRESIDING OFFICER. The Chair will state that the pending amendment can only be acted upon by the Senate either by general consent or by vote.

Mr. HEYBURN. Until that amendment is disposed of there is nothing to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be read by the Secretary.

The SECRETARY. On page 1, line 9, after the word "employees," insert "bootblacks and porters."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSTON. I move to amend by inserting the word "secular," before "calling," in line 5, page 1.

The amendment was agreed to.

Mr. JOHNSTON. In line 12 I move to strike out the words "who are members of a religious society."

The amendment was agreed to.

Mr. JOHNSTON. I move to amend by striking out the word "act," in line 3, and inserting "section" in lieu of it.

Mr. GALLINGER. That will not cover it.

Mr. HEYBURN. That will not fit.

Mr. CRAWFORD. That will not accomplish it.

Mr. CLAPP. I suggest to the Senator in charge——

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana withdraw his motion further?

Mr. DIXON. I withdrew it in order that the chairman of the committee might make a statement.

Mr. CLAPP. On page 2, line 2, after the word "be," I move to strike out the balance of that line to the word "act," at the beginning of line 3, and to insert in lieu "held to have violated the provisions of this section," so that it will read, "shall not be held to have violated the provisions of this section."

Mr. JOHNSTON. I will accept the amendment.

Mr. DIXON. Mr. President, I think some of us ought to have an opportunity to at least consider some of the various amendments which are being offered. There are probably a dozen in the bill now. Here is a bill which comes into the Senate. Of course the Committee on the District of Columbia is probably the hardest worked committee here, but that does not relieve individual Senators from their own personal liability, and we ought not to pass hasty and ill-considered legislation. There have been a dozen amendments now accepted, as I understand the Senator from Alabama.

Mr. GALLINGER. Only two.

Mr. DIXON. The Senator from Minnesota now offers an amendment, and it is accepted, changing the whole bill as it now stands. As the amendment which has been accepted provides, persons do not even have to belong to a religious society, but a person who observes as Sunday any other day of the week than Sunday shall not be liable. It vitiates the whole bill, as the matter stands.

Mr. HEYBURN. Mr. President——

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5436.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. JOHNSTON. I ask that the unfinished business be laid aside temporarily until we dispose of the bill which has been before the Senate.

Mr. BEVERIDGE. I am anxious to accommodate any Senator. How long will it take the Senator to complete the bill? The Senator is now perfecting his bill by committee amendments?

Mr. JOHNSTON. Yes.

Mr. BEVERIDGE. How soon does the Senator expect to pass the bill?

Mr. JOHNSTON. In a very short time.

Mr. BEVERIDGE. How long does the Senator think it would take to complete the bill?

Mr. JOHNSTON. I do not think it would take over thirty minutes.

Mr. BEVERIDGE. This bill has been the unfinished business now for four days. I am very anxious that we should proceed to the perfecting of the bill, at least to the extent of the reading of the committee amendments and the adoption of the committee amendments by the Senate as in Committee of the Whole. While I am very loath, indeed, to inconvenience the Senator, if he would feel that he might complete his bill to-morrow in the morning hour, it would be pleasing to the committee if we might proceed.

Mr. JOHNSTON. I want to say to the Senator that now we have had the bill under consideration and are familiar with it, we have our minds on it, and can dispose of it quicker now than at any other time.

Mr. BEVERIDGE. I have stated twice before, and I repeat, that the committee is anxious to accommodate any Senator who has a measure here, provided it will not unreasonably delay the consideration of the pending bill. If the Senator makes it as a unanimous-consent agreement, I am willing that the Senate shall proceed for thirty minutes with the consideration of the bill which the Senator from Alabama has in charge, and that the unfinished business shall then be taken up for the reading of the bill and amendments.

Mr. TILLMAN. I believe all of us want to pass a Sunday-observance law here, but we do not want to go off half cocked and in our hurry do something we will be ashamed of. I can see no reason why there can not be consent to put the bill off until to-morrow morning and let the Senator from Alabama in the meantime confer with those who want to have amendments made, and have the bill reprinted with the amendments, so that we can see it and know what we are doing.

Mr. BEVERIDGE. That course will be agreeable to me. I was only suggesting that I am willing that the unfinished business shall be laid aside temporarily to oblige the Senator from Alabama.

Mr. BORAH. I understand the Senator from Indiana desires to take up for consideration specially the Alaska bill.

Mr. BEVERIDGE. The unfinished business has already been taken up, by virtue of its right, and it is before the Senate.

The PRESIDING OFFICER. The bill has been laid before the Senate.

Mr. BEVERIDGE. What the chairman of the committee is willing to do, at the request of the Senator from Alabama, is to agree to his request for unanimous consent that the unfinished business may be temporarily laid aside for thirty minutes, that he may complete his bill. After that suggestion was made, the Senator from South Carolina [Mr. TILLMAN] suggested that it would be in the interest of careful legislation if the Senator from Alabama would let his measure go over until to-morrow morning in the regular way, to be considered in the morning hour to-morrow.

Mr. TILLMAN. Not losing its place.

Mr. BEVERIDGE. Not losing its place.

Mr. GALLINGER. Mr. President, a single observation.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I will appeal to my colleague on the committee to let the bill go over until to-morrow. I will, in doing that, however, call attention to the fact that the bill we are about to consider, and which has the right of way, introduced by the Senator from Indiana, who, as the junior Senator from Maine [Mr. FRYE] is in the habit of saying, is an old and experienced legislator, has been amended by himself, I think, about 100 times more or less.

Mr. BEVERIDGE. It has been amended by the committee of which I have the honor to be chairman.

Mr. GALLINGER. So the fact that the Sunday-observance bill needs amendment is not in a class by itself; it is like every other bill that comes before this body. I appeal to my colleague on the committee in charge of the bill to let it go over, and we will take care of it to-morrow.

Mr. JOHNSTON. I will consent to that; and I want to give notice that I shall press the consideration of the bill and not permit a matter of this gravity and weight to be deferred by hypercritical criticism.

Mr. GALLINGER. That is right.

Mr. JOHNSTON. I want to get at the substance of the measure. The bill is, as the title indicates, "for the proper observance of Sunday as a day of rest in the District of Columbia." It involves no religious question whatever. It compels no man to observe any day as a religious festival. I intend to press it until it comes to a final vote, and then Senators can vote against it if they wish to do so, and they will vote for it if they favor the measure.

Mr. BEVERIDGE. Mr. President, I ask that the pending bill with the committee amendments may be read as reported.

Mr. CLARK of Wyoming. I wish to ask the Senator in charge of the bill, the chairman of the Committee on Territories, if he intends at this time to proceed with the committee amendments with a view to their adoption by the Senate?

Mr. BEVERIDGE. I expect to proceed in what I understand to be the regular way. That regular way was thrashed out at a great extent and many times at the last session. I think it is pretty well understood. I will state it now so that there may be no misunderstanding.

Mr. CLARK of Wyoming. I understand the regular way perfectly, as to committee amendments.

Mr. BEVERIDGE. I thought it, perhaps, might be of use to the Senate to restate it, but I presume it is well understood.

Mr. CLARK of Wyoming. When this bill came up, upon the motion of the Senator from Indiana, two or three days ago, it was suggested that the Senate perhaps was not in possession of such definite information as might be advisable in the consideration of a bill of this sort. I want to call the attention of the Senator from Indiana again to the proposition, that I believe before the Senate enters upon the consideration of the bill it ought to be fully advised by means of some report from the Committee on Territories, which has had charge of the bill, as to the necessities of the bill, as to the requirements of the public service, and as to the general information in regard to the district of Alaska that it is necessary for the Senate to have.

Undoubtedly the Committee on Territories have all this information, otherwise they would not have brought the bill into the Senate. Unfortunately the rest of us have it not. There is nothing whatever to guide us in the determination of the bill, which creates a Territory without a territorial form of government, which makes a legislative assembly dependent, not upon the voice of the people of the district for which they legislate, but makes it an appointment of the Executive. In general, there are so many large questions which enter into the bill, and the subject is so great, that it seems to me the Senate ought to have, in passing to the consideration of the bill, some report or some information in some way laid before the Senate so that we may act intelligently upon the matters brought to our attention.

I do not think we ought to be asked to enter upon the consideration of a bill of this sort without some preliminary report. I say this with a full realization of the work which the committee itself and the chairman have put upon the bill.

Mr. BEVERIDGE. Mr. President, if the Senator has read the remarks made by the chairman, after moving the bill as the unfinished business, he will observe it was then stated that that statement on behalf of the committee was made in lieu of a report. I quite agree with the Senator that all matters of important legislation should have either such a statement or a report, and either is usual.

In this connection I might call the Senator's attention to the fact that in this bill already there has been a more extensive statement, in lieu of a report, than was made at the last session on the most important measure that can possibly come before the United States Congress, a measure which the Senator in all of its phases, I believe, supported with great heartiness and vigor. The tariff bill was reported without any report except a recommendation that it pass, and I did not hear from the Senator any request for a detailed report from the Committee on Finance with reference to the tariff bill. Neither was as complete a statement made in proceeding to the consideration of that bill as the chairman of this committee has made for his committee concerning the pending bill.

Now, the Senator will find, I think, on looking over the statement made in lieu of a report, and which the Senator from Tennessee [Mr. FRAZIER] remarked was amply sufficient, the broad, general outlines as to the facts upon which the bill was based, the purposes it was designed to accomplish, and in outline its general features. That statement, taken in connection with the bill itself, will, I think, inform the Senator sufficiently for him to find any other information which he may desire.

I will say, if the Senator does not wish the Senate to proceed to the consideration of the bill to-day, or any other day, he will find, in my response to his similar inquiry when I was making my statement, that the committee is willing to lay it aside temporarily at any time at the convenience of a Senator, provided it does not unreasonably delay or imperil the bill, and of course of that fact the committee, which is responsible for it, must be the judge. Do I understand that the Senator does not want us to go on with the bill to-day?

Mr. CLARK of Wyoming. Mr. President, I will not be put, either by the chairman of the committee or any other member of this body, in the position of opposing going on with the bill at any time. What I want to express is my belief that the Senate in considering a bill of this importance has a right to have some statement, some report of the committee, not a report of the views of an individual member of the committee, no matter how well posted he may be as to the facts; but we have a right as Senators in this body to a report of the committee setting forth the facts and the conditions that require this legislation or make it advisable.

There is no man in this body who is more anxious than myself to see that the proper legislation is had, and speedily had, in relation to the Territory of Alaska. As I said, I have no desire to impede the progress of the bill, but if we go ahead with the information at our hands, notwithstanding the comprehensive statement of the Senator from Indiana when the bill was taken up, I fear we are liable to take some steps that we will regret in the future.

In regard to the information that has heretofore been furnished on the tariff proposition that has nothing to do with the present consideraton of this measure; but I will call the attention of the Senator to the fact that every day almost during the discussion of the tariff act which we last passed there

was laid upon our desks the most exhaustive information published every twenty-four hours upon every detail of every schedule of that tariff bill, and no man voted in this Chamber except he voted with a full knowledge of all the information that that committee in weeks and months of study were able to get together. We have not had a scintilla——

Mr. BEVERIDGE. Mr. President——

Mr. CLARK of Wyoming. I do not care to be interrupted.

Mr. BEVERIDGE. The Senator is speaking by my courtesy; but go ahead.

Mr. CLARK of Wyoming. Mr. President, we have not from the Committee on Territories one single line to show the necessity of this legislation, to show the facts upon which it is based, or to show why it should be taken up at this time.

Mr. BEVERIDGE. I think I have the floor. Will the Senator permit me just a moment?

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. I am compelled to answer something the Senator said.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BEVERIDGE. In his very earnest appeal for a report of the committee in addition to the statement of the chairman, the Senator referred to the fact that an infinitely more important measure was reported without any written report last year. I did not then hear the Senator demand any report on the tariff bill from the Committee on Finance. The Senator says that day by day exhaustive information was prepared overnight and laid before the Senate. Mr. President, that is true; but was any of it prepared overnight and laid before the Senate at the request of the Senator from Wyoming? I myself had something to do with those requests, but I did not hear the Senator at that time demanding the preparation overnight of any information concerning the tariff bill, or any phrase or item of it.

Mr. CLARK of Wyoming. The information covered all the ground, and——

Mr. BEVERIDGE. It was far from covering the ground. But, even such as it was, who asked for it? Not the Senator from Wyoming.

But let us clear this matter up. Will the Senator state to the committee, the Senate's servant—and no committee of this body is more anxious to be its servant and the servant of every Senator—will the Senator please indicate just what information he thinks is lacking from the statement of the chairman, and the committee will supply it overnight?

Mr. CLARK of Wyoming. Mr. President, I have no fault to find with the statement of the chairman of the committee.

Mr. BEVERIDGE. Thank you.

Mr. CLARK of Wyoming. It was lucid, as always; it was comprehensive and extended; but what I want to see in connection with this bill is a report of the Committee on Territories attached to the bill and presented to the Senate in the orderly way in which committee reports are ordinarily made.

Mr. BEVERIDGE. Mr. President, with reference to that, the Senator from Wyoming has had much more experience and longer service than I have; but he speaks of "the orderly way." It is not universal to make reports with reference to bills; in fact, I suppose it is not customary to make them with most bills. The Senator from Wyoming knows better than I do, for he is an older and a more learned and experienced Senator than I, that many bills are presented without even a report or an opening statement, and information comes through the discussion on the floor of the Senate. The Senator also knows better than I that very few bills have as full a statement as even the poor remarks of the chairman of the committee with reference to this bill, which the chairman stated that he made for the committee in lieu of a report.

I suggested to the Senator that if he wanted any information which the committee can furnish, we are very glad indeed, upon request, to put all the agencies of the Government that we can command at his disposition, and to furnish him with it as the bill goes along. What is desired, Mr. President, this afternoon, and nothing more, is that the bill proceed in the regular course for reading and for consideration of the committee amendments.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. BORAH. As has been suggested, this bill was brought out of committee on last Monday morning, and before printing was made the special order of business. There is no report accompanying the bill, save the statement of the Senator from Indiana [Mr. BEVERIDGE]. I do not understand that that statement was intended to be in the nature of a report, as we ordinarily use and understand that term.

Mr. BEVERIDGE. It was so stated in the statement.

Mr. BORAH. I understood it was stated in the statement; but when you come to read the statement, you are merely reading the statement of the Senator from Indiana. The fact is, there was nothing stated in the statement of the Senator from Indiana as to why this change of government was proposed to be had in the district of Alaska.

This is a peculiar and an extraordinary bill. It may be necessary; there may be conditions there which warrant it; but certainly we are not prepared at this time to consider the question, because there is no information before the Senate as to why this change is proposed. This is a bill which provides, in the first place, for a governor, an attorney-general, and a commissioner of mines; and, in the second place, for eight councilmen, to be appointed by the President. The right of self-government, the power of the people of Alaska to express themselves, is effectively cut out of this entire scheme of government.

As I have said, there may be conditions prevailing in the district of Alaska, where some 40,000 American citizens reside, which warrant and justify this Congress in taking away from them all semblance of self-government; but before we proceed to do that, before we establish and engraft upon the American system the colonial doctrine of England in its simplest form, we ought to have a thorough statement of this matter before the Senate. For that reason I trust that the Senator from Indiana will not insist upon taking up this bill until either a report is made or until other Senators, who are not members of this committee, have an opportunity to know the reasons why and the wherefores for this peculiar and extraordinary form of government which is proposed to be given to the people of the district of Alaska.

Mr. BEVERIDGE. Mr. President—I beg the Senator's pardon; I will not interrupt him. I thought he was through.

Mr. BORAH. I yield to the Senator.

Mr. BEVERIDGE. I had yielded to the Senator from Idaho, and still have the floor; but I thought the Senator was through, and I was going to answer the Senator.

Mr. BORAH. Mr. President, I was simply going to add further that if the Senator from Indiana is not prepared to make a report, I hope he will give us time to make our own investigation. I think this is a very important matter. I do not say now that I shall not vote for the bill, but I say that there will have to be most extraordinary and conclusive facts to justify a favorable vote upon this measure, conceiving it to be, as I do, unfriendly to every principle of our institutions.

Mr. BEVERIDGE. Mr. President, there are several propositions made, and I will answer them in their order.

The first one was that the bill was reported out on Monday last and made the unfinished business. The first answer to that is that there was no other unfinished business before the Senate and no proposition to make anything else the unfinished business, although, as the Senator from Idaho, the whole Senate, and the whole country well know, there are other committees that have had bills of vast importance before them for a considerable time. So, Mr. President, in the interest of public business, and that the Senate might have something to proceed with after the morning hour, this bill was made the unfinished business.

The second answer is that it was made the unfinished business on a motion adopted by the Senate without a dissenting voice.

The third answer is that that motion on that day could not have been made except by unanimous consent.

Mr. BORAH rose.

Mr. BEVERIDGE. Pardon me. After the question had been discussed as to whether or not the motion should be made, nobody objected to the making of the motion. So the motion was made, and the Senate itself by vote made this bill the unfinished business because it desired to do so. It had nothing else to make the unfinished business.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Pardon me. Mr. President, it has been said that there has not yet been given a single reason why this measure should be either favorably reported or favorably considered, notwithstanding the chairman of the committee had at some length gone over, and accurately gone over, the situation in Alaska with reference to its physical characteristics, the vast distances there, the number of people, the proportion of men to women, the business in which those people were engaged, their wide separation over a territory as large as between one-fifth and one-sixth of the United States, to wit, 600,000 square

miles almost, which is eight times the area of the Senator's State, with not more and probably less than 30,000 white people scattered in clumps over that enormous territory, with very difficult means of communication overland, and even by water, except in the southeastern part; after all that had been stated, the chairman pointed out comprehensively—not, perhaps, using so much language as might have been used—that for forty years Congress had been legislating for that district; that there was naturally and inevitably a jumble of laws, some harmonious, some inharmonious, some inapplicable, and some applicable, only two of which may be said to be thoroughly excellent, to wit, the criminal and civil code, enacted about ten years ago, and the most admirable and necessary law prepared by and reported and its passage secured by the subcommittee of the Committee on Territories which visited Alaska and made the most exhaustive and learned report upon conditions there ever made as yet; that in this state of affairs, considering the population, where it is located, what it is engaged in, the difficulty of communication, and so forth, it became evident that there must be a body of men who could be on the ground and who could make a uniform set of laws to be submitted to Congress, that legislative body to be safeguarded in every way that legislative ingenuity could suggest. So the Senator will find that there were large basic reasons given for this legislation.

I think the Senator will find it was also mentioned that it has been proposed that the legislative council should be elected by the people; but, as was stated in a single sentence—a single sentence is enough in the view of this committee, because it embraces the whole thing—that on account of the fewness of the number of the people, the enormous extent of the land in which they live, their difficulty of communication, the impossibility of any such thing as a solidarity and unity of public sentiment, the election of a legislature by the people who live there was not a practicable proposition.

So, I submit, Mr. President—not to go over again the statement then made—that the Senator from Idaho hardly does justice to the committee or to its chairman in stating that no reason at all for the passage of this bill had been given and that no facts were before the Senate. It will be found that the facts contained in this short statement are quite full. Whether they are accurate is something which any Senator can question.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. What is proposed this afternoon, I will say, if the Senator will pardon me a moment, and I shall have concluded, is merely that the Senate proceed with the reading of the bill, which they have made the unfinished business, and the consideration of the committee amendments in the usual way, not at all for its disposition finally. The chairman of this committee has been in the Senate too long to either expect or desire any such rapid disposition of any measure. I expect and hope that it will receive the very fullest consideration at the hands of the Senate itself.

Mr. BORAH. Mr. President, the Senator from Indiana stated on Monday last many reasons why there should be legislation for the district of Alaska, but I still think, if the Senator will review his statement, that he has given us no reason why this peculiar kind of legislation should be enacted; and that is the one thing concerning which we are most interested and the one vital matter in this entire bill. I was not complaining particularly because the Senator had the bill made the unfinished business, but rather reciting the fact to show that there was no opportunity, and had been no opportunity, for any Senator here to familiarize himself either with the contents of the bill or the reasons for the bill after he was familiar with it.

I undertook to inform myself to some extent last night as to the contents of the bill. I think I know what the bill contains. I am still more at a loss, however, to know why it should contain the provisions which it does. There must have been some controlling and imperative reason in the minds of the committee. I am quite sure that no member of the committee would care for this kind of legislation ordinarily. I am quite sure that there is not a very large American territory over which they would want to extend this kind of a government. There must be, therefore, peculiar conditions and extraordinary conditions in Alaska to warrant this kind of legislation.

To speak without detail to-day and candidly, in my opinion there is a controlling and important reason for this legislation; and if it was all known, there would not be any danger of the legislation going through.

Mr. BEVERIDGE. I have been looking over my statement, which was made on behalf of the committee in lieu of a report. It was made after consultation with other members of the committee also. There will be found there the large and general reasons for the enactment of this legislation. Senators must not think because either a report or a statement is not extensive that it does not contain the facts and the reasons. I think it is true that all of us have the experience, as we go on in the Senate from month to month and from year to year——

Mr. FRAZIER. Mr. President——

Mr. BEVERIDGE. Just a minute. As we go on in the Senate from month to month and from year to year, that all of our work is toward condensation.

The large reasons are given. Things are boiled down. I have given them in the first statement itself, and I have stated them since. There must be some legislative body especially devoted to Alaska. The number of people, their location over a perfectly enormous extent of territory, which makes communication among them difficult physically, in time, and financially, and other reasons given, show that the election of a legislature under those conditions is an impracticable proposition. There are other reasons, too, which might be given, and will be, if necessary; but the ones already presented are conclusive and compelling.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Yes; I will yield.

Mr. FRAZIER. Is it not a fact, Mr. President, that hearings were had before the Committee on Territories upon this bill, particularly a hearing of the Delegate from Alaska, protesting against this legislation?

Mr. BEVERIDGE. Certainly, and the hearings have been printed. I suppose that as soon as they are bound, they will be on the desk of every Senator. The Delegate made most extraordinary statements.

Mr. FRAZIER. Yes; and a most convincing one, too, in the view of the minority of the committee.

Mr. BEVERIDGE. That would be for the judgment of Senators.

Mr. FRAZIER. It was very satisfactory to me, and it certainly convinced me that this extraordinary legislation, which is attempted to be passed through this body, ought not to pass, not only from the statement made by the Delegate who represents those people, but from the statements which were made as to the sentiments of the people, showing that 90 per cent of the residents of Alaska who are American citizens, who went from the States to Alaska, were protesting against this legislation. That report has not been printed; at least, if it has been, I have been unable thus far to obtain a copy of it.

Mr. BEVERIDGE. It has been printed, Mr. President. I will say to the Senator, who is the most fair and generous of men and he would not put anyone in the wrong, that this statement was printed, and it was submitted in the usual form for correction to those who made it, and is now being bound. The reason it has not been laid before the Senate already is because——

Mr. FRAZIER. I was not criticising the chairman of the committee.

Mr. BEVERIDGE (continuing). Is because of the delay of those who made the statements.

Mr. FRAZIER. I am not criticising the chairman of the committee, Mr. President, with respect to the printing of the hearings, but I am making this suggestion that, in view of the fact that this is extraordinary legislation, very unusual legislation, and, in my judgment, very vicious legislation, the Senate ought not to be pressed to the consideration of this bill until those hearings have been printed and Senators can have an opportunity to examine them.

Mr. BEVERIDGE. I was making a statement in response to the Senator from Idaho [Mr. BORAH]. I inquire if the Senator from Tennessee is through?

Mr. FRAZIER. I am through.

Mr. BEVERIDGE. Very well; but I might venture this, knowing and appreciating the Senator as I do, that I am sure certain statements of Mr. Wickersham could not have enlisted the enthusiasm of the Senator.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. In just a moment. Now, Mr. President, if it is an impracticable proposition to elect a legislature for this tremendous extent of territory, between a fifth and a sixth of the entire area of the whole United States, with this small number of people in it, then what shall Congress do? Congress can continue as it has been doing. That is impracticable, too. Time has developed that fact. So the idea has been devised by the President of the United States—an idea which has grown out of

his great experience, exceeding the experience in matters of this kind of any man in the United States either now or at any time in its history—that a legislative council should be provided for by Congress, to be appointed by the President. Such a legislative council would be there and would act practically upon all the matters of legislation which are required to be enacted for that Territory.

The executive members thereof have executive duties very clearly defined in the bill, and to be further enlarged by the legislation which they are expected to pass and to submit to Congress. The powers of the legislative council have been safeguarded by this committee by amendment to the very extreme limit—much further than some of the most widely informed and most scrupulously honorable men in the Government think wise. Still we have put those extreme limitations in. I suppose few legislative bodies, either elective or appointive, have ever had so many restrictions thrown around them. In addition to that, their legislation must be laid before Congress for its approval. Such a body as that, appointed by the President of the United States, regardless of what party the President belongs to, regardless of who he is, and subject to his removal, will be, as far as human precaution can make it, absolutely above any selfish consideration, except the consideration of the public service and the good of the Territory which they are serving. That is by no manner of means probable with an elective legislature. Indeed, it is certain not to be true of a legislature elected by the number of people under all the conditions in Alaska. We need not go into the history of what has occurred in the legislatures of our various States to emphasize what might be true of an elective legislature in a country of such enormous interests, material and financial, a legislature elected by clumps of citizens widely separated and few in number.

I say, Mr. President, that the more I think of it the more I am persuaded that large general reasons are given here for this legislation, and, these reasons having been given, it would seem to be the logical and the usual course of those who do not think the legislation wise, in their own time, after they are sufficiently prepared, to lay before the Senate their reasons why the legislation is not wise.

A committee of the Senate has reported this legislation, with the recommendation that it be passed with amendments, and there has been a statement, however incomplete it may be, laid before the Senate in behalf of the committee. This statement was made in lieu of a report, and so stated; it was made in behalf of and for the committee, after consultation with the majority. Nobody has questioned the statement of fact which has been made; nobody has questioned a single reason there given, and in case it should be open to question, then it becomes not only the business but the duty of every Senator who thinks it is open to question to point out its inaccuracies as to fact or its unsoundness as to argument.

Mr. President, this, of course, is more or less upon the merits of the bill itself; but that is not what I am proposing that the Senate shall consider this afternoon. I am proposing merely that we shall proceed with the consideration of the committee amendments for the purpose of perfecting the bill in the ordinary way, and then, when it is perfected, the whole debate can come up upon the merits of the bill itself, or, indeed, it can come up upon any of the amendments. Not only that, but I think the Senator will recognize, I will not say the generosity, although it amounts to that, but the willingness of the committee to accommodate any Senator who may for lack of time, lack of information, or the lack of anything else want the bill not to be considered at any time. As the chairman of the committee in charge of the bill, I merely want to make such reasonable progress as is usual; and if the Senator from Idaho or any other Senator would prefer that the unfinished business should be temporarily laid aside in order that he may more completely inform himself I am sure I voice the opinion of the whole committee, of which I have the honor to be chairman, in saying that we are willing to do that. There will be no attempt to railroad this bill through, or any other bill of which the chairman of this committee has charge, whether it comes from his committee or any other. I think my course in my short experience in the Senate has demonstrated that to all Senators on both sides.

Mr. BORAH. Mr. President, the last statement of the Senator is more assuring, for all I desire in this matter is time to investigate. The Senator has repeated that the reasons for this proposed legislation were given in his original statement. The difficulty is that that statement does not constitute a discussion of those facts which are necessary for information. In the first place, this bill provides that there shall be a legislative council. The council has got to travel just as far to hold its legislative sessions when it is appointed as it has when it is elected, and the distance and inconvenience are just the same, unless we assume that the men who are going to be appointed are going to have more capactiy to travel than the men who would be elected, which, I think, would likely be true in the district of Alaska.

In the second place, the people of Alaska have been electing a Delegate from that district. The election has been held, the people have been able to get out and cast their votes, and they have sent their Delegate here. It seems to me that, while the Senator seems to be entirely satisfied with his statement, it does not yet reach the proposition why we should take away from those people any expression of their own with reference to their own rights and with reference to the manner in which they should be controlled or in regard to the public servants who shall represent them.

In Alaska there are about 40,000 American citizens. There will be 100,000 American citizens there in a very short time. It is one of the richest countries in the world; it is being thickly settled, and the people there have just as much capacity for self-government individually as any other people in the United States. It may be a little more inconvenient for them to get about to hold their elections; but in the exercise of their judgment and in the display of their patriotism, I apprehend that distances would cut no figure in the matter whatever. The matter of inconvenience is one which they are willing to suffer rather than to give up the right of self-government.

Now, if I could know all the facts with reference to this matter, I might be willing to vote on the bill, but I have asked the Senator to give us time to investigate or else to give us a report.

Mr. BEVERIDGE. Certainly; I shall be very glad to give any Senator all the time he desires, and certainly the Senator from Idaho, whom I would find it difficult in my heart to refuse any personal request he might make. I put only one limitation on that—I will not imperil the passage of the bill. But we have plenty of time, and I will give any Senator all the time he wants at this stage.

Mr. President, I have repeated more than once in the last three days, in response to different Senators, that the committee is not only willing, but glad to give any Senator time, opportunity, or anything else to investigate this subject.

Mr. OWEN rose.

Mr. BEVERIDGE. Pardon me a moment. I want to make one statement at least three sentences long.

There is one remark the Senator made that we might just as well thrash out here now. The Delegate from the Territory, to whom he referred, made a statement before the committee in which he said that there were from fifty to seventy-five thousand people there. The statement was later corrected, when submitted to him, to 50,000. So it fell about 20,000 overnight.

According to him, as he now corrects himself, there are 50,000 white miners in Alaska. When asked later whether they were miners, he said "Yes;" and then when asked how many were women, he said he included the women. Then, from two or three sources it was said that the proportion of men to women was 2 to 1, 3 to 1, 4 to 1. I think everybody will be convinced by reading the statements that may be laid before the Senate that the very least that could be said is that there is a proportion of 3 to 1. I hope the Senator will pay attention to what I am going to say about this, because it is coming directly to the point he made, and that is about the election of the members of the council.

The Senator himself says that there are 40,000 white people in Alaska. That is 10,000 less than the Delegate finally said, after correcting his statement, and 30,000 less than the Delegate originally gave as the probable maximum. At any rate, that would make a great many thousand—twenty, twenty-five, or thirty thousand—voters. And yet, at the election for Delegate, when he said there were three candidates running and that there was a most vigorous and unusual campaign made, out of all this vast number of voters—the number was enormous, you see—there were only about 9,000 votes cast for all of the candidates put together, of which he had a plurality—9,000 all put together, combined, added up—9,000 voters in an extent of territory equal to all the United States east of the Mississippi and north of Tennessee—and those 9,000 voters in clumps, separated by hundreds, and even thousands, of miles. So that, Mr. President, in the election that occurred there, taking his statement to be correct, the voters that actually appeared at the polls for all candidates put together, were very few in number, and those that cast their votes for the present Delegate were only a small fraction of the number of

people this Delegate said were there capable of voting and very anxious to vote and to have the right of self-government. When asked how he explained that, he said, in substance: "Well, the people did not take any interest." So much for that.

The Senator says there are 40,000 people there. The census shows there were 30,000, and the testimony and statements of men before the committee, very thoroughly conversant and completely disinterested, in Alaska were—and the committee so believes—that that number has decreased since the census, so that now there are in Alaska probably 25,000; certainly not to exceed 30,000.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Just a second. Of course any Senator may indulge in prophesy as to how many people there will be there. I hope there will be a hundred thousand, as the Senator forecasts; I hope there will be a million. And if this bill becomes a law, I think there will be a heavy increase. But that is not what we are legislating for. We are legislating for the present and the immediate future, not the remote and speculative future. We are legislating for to-day and for the next decade, not for the decade after that.

Mr. BORAH. I disagree with the Senator. We are legislating for that.

Mr. BEVERIDGE. We will cross that bridge when we reach it.

Mr. FRAZIER. The census of 1900 showed a population there of about 62,000.

Mr. BEVERIDGE. Including Indians and Eskimos—30,000 whites, and more Indians and Eskimos than there were whites.

Mr. FRAZIER. The Senator did not let me finish my statement. The census showed that of that number 27,000 were white American citizens.

Mr. BEVERIDGE. That is less than I thought it was.

Mr. FRAZIER. That was in 1900.

Mr. BEVERIDGE. That is less than I thought it was. I thought there were 30,000 white people there in 1900.

Mr. FRAZIER. It is not a question of what the Senator thought. I am speaking about the facts. That was back in 1900, ten years ago. We have no information as to what the increase has been since then.

Mr. BEVERIDGE. We have evidence that there has been a decrease since then—that there are not so many people there now as then.

Mr. FRAZIER. The Senator may imagine he has such evidence, but I do not recall it in any hearings that we have had; at any rate, it only demonstrates the importance of having before the Senate the testimony that was taken before the committee upon this bill. The Senator seems to have some inexplicable reason for desiring the hastening of this bill without the publication of those hearings and without a report, and Senators therefore are left to wrangle between themselves as to what the facts presented before the committee really were.

Mr. BEVERIDGE. May I ask the Senator who is wrangling about that? Does not the Senator agree with me that both Major Richardson and Governor Hoggatt said that the population had decreased since 1900?

Mr. FRAZIER. Governor Hoggatt did not appear before the committee at any meeting which I attended.

Mr. BEVERIDGE. It was not the committee's fault that the Senator was not present—nor the Senator's, either.

Mr. FRAZIER. I think the fact is that after the committee had adjourned and ordered the bill to be reported, Governor Hoggatt was called in.

Mr. BEVERIDGE. No; he asked to be heard on account of a charge made against him, and the committee extended him the same courtesy that they extended Major Richardson, who appeared under like circumstances. Then the Senator from Arkansas [Mr. CLARKE] asked of Governor Hoggatt a number of very pertinent questions concerning the substance of the matter.

I can not conceive why the Senator speaks about anyone wanting to hurry the bill through without the report. I have stated to the Senator twice, and he accepts my statement, that the hearings before the committee have been printed. The delay in printing them was due to the fact that, as is usually the case and as was requested in this case, the stenographer's reports were submitted to the men who made the statement, chiefly to the Delegate himself. As soon as they were through with them the statements were sent to the printing office and are being bound now.

Mr. FRAZIER. I am not making any criticism of the Senator with respect to that publication. But in view of the ordinary and usual delay in having the publication made, it would seem proper, in order that Senators may have access to the statements, for this bill to be passed over——

Mr. BEVERIDGE. I will be very glad to have that done.

Mr. FRAZIER. At least until Senators may have an opportunity to examine it.

Mr. BEVERIDGE. I shall be very glad to have that done. The Senator will do me the justice of saying, as appears in the RECORD, that yesterday the Senator requested me to let the bill be passed over for the day, as a matter of personal convenience, which I immediately did.

Mr. FRAZIER. For which I extend my thanks.

Mr. BEVERIDGE. This is the first request I have had from any Senator that the bill should be passed over further. I want to repeat—and I do not want to have to repeat it again, for I have stated it for the tenth or fifteenth time—that this bill as the unfinished business will be so managed as to meet the convenience of the Senate, of course, which it would have to meet in any event, as well as that of every Senator.

Mr. MONEY. When does the Senator think these papers will be laid before the Senate?

Mr. BEVERIDGE. I think by to-morrow.

Mr. MONEY. The Senator has no desire to press this matter until the information comes in?

Mr. BEVERIDGE. I have no desire to press the matter until there is the fullest discussion and the fullest opportunity for every Senator to inform himself and to inquire of the committee for any information or anything else he may want.

The PRESIDING OFFICER. The Chair will take the liberty of suggesting to the Senator from Indiana that as no consent has been given to dispense with the formal reading of the bill, the only question now before the Senate is the first reading of the bill.

Mr. BEVERIDGE. Certainly; that is true. That is what I was wanting to have done, so that we may make some reasonable progress. I have stated that I want the bill read and then the committee amendments considered. I thank the Chair.

The PRESIDING OFFICER. The Chair understood the Senator to say that he desired to proceed to the consideration of the amendments.

Mr. BEVERIDGE. Perhaps I may have said that, and if so I was inadvertent. I should have made a request for the first reading of the bill. I thought I had done so.

Mr. OWEN. May I ask the privilege of addressing to the Senator from Indiana a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. I do, indeed.

Mr. OWEN. I am very much indebted to the Senator for permitting me to ask him a question.

I should like to ask if it would be entirely agreeable to the Senator, since this matter will probably not be disposed of for several weeks——

Mr. BEVERIDGE. I never said that.

Mr. OWEN. Mr. President, I venture to make an occasional remark without repeating the Senator from Indiana.

Mr. BEVERIDGE. You were undertaking to do it, then.

Mr. OWEN. Not at all. I did not say the Senator from Indiana had made any such remark. I ventured to say the bill would probably not be disposed of for several weeks, and I did that upon my own initiative.

Since that is probably true, I was going to ask the Senator from Indiana if he would not find it convenient to make a report upon this matter, setting out particularly the reasons why this council should be appointive rather than elective?

Mr. BEVERIDGE. Is that your question?

Mr. OWEN. That is the real issue in this bill, I take it, and I think the reasons which are urged for it should be clearly set forth, so as to be considered deliberately and carefully. That is all I was going to suggest.

Mr. BEVERIDGE. Mr. President, that matter has been thrashed out, perhaps before the Senator entered the Chamber. The chairman of the committee the other day, after moving that the bill be made the unfinished business, made a statement which stated the facts and the fundamental reasons—because the reasons are large ones—for this procedure. I have heard as yet no reasons whatever to the contrary. That is all I have to say about that.

Mr. OWEN. The report, then, in effect has been made.

Mr. BEVERIDGE. It has already been made and will be found in the RECORD. I will say to the Senator that this is very frequently done. It is the usual procedure. Very frequently a bill is reported and a statement is made in lieu of a formal report.

Mr. OWEN. Unquestionably that is true. I was not aware that the Senator had stated the reasons which had led the committee to make this change of policy; and I want to say——

Mr. BEVERIDGE. As a matter of fact it is no change of policy.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Washington?

Mr. BEVERIDGE. Certainly.

Mr. PILES. I may be able to help the Senator.

Alaska at the present time is in a peculiar condition. If it were in my power, I would give the people of that Territory local self-government. But, Mr. President, I do not believe that any bill can pass either branch of Congress giving to the people of Alaska at the present time an elective legislature. Being firmly convinced of this fact, I feel, on the other hand, that they should have a local legislative body, even though the members thereof be appointed by the President and confirmed by the Senate. As matters stand to-day, the people of the Territory are unable to deal with any local question. They can take no step until authorized by Congress. In this respect they are at a great disadvantage. It is a great Territory of immense wealth, containing fine agricultural lands and immense mineral wealth of almost every conceivable character. It is destined, in my judgment, to be one of the greatest possessions of this country, and yet the people are without any legislative power.

Mr. BORAH. Mr. President——

Mr. PILES. Will the Senator permit me to proceed for a moment?

Mr. BORAH. I wanted to ask a question.

Mr. PILES. I will yield in a very few moments.

There is great necessity in the Territory for the construction of roads and trails, for instance, on a larger scale, in my opinion, than has been authorized by Congress. A body of men familiar with local conditions could deal with this subject much more wisely and much more satisfactorily than Congress.

The people there are without the power of taxation. Railway companies, canning companies, and similar institutions pay nothing for the privileges which they enjoy or the great wealth they take from either soil or sea, except a modest license fee imposed by Congress for the privilege of carrying on business in the Territory. There ought to be a legislative body in the Territory, composed of bona fide citizens, who know the conditions, with authority to enact laws in respect to this and similar subjects.

Mr. FRAZIER. Mr. President——

Mr. PILES. If the Senator will let me go on in a logical way, I will be glad to yield to him in a moment.

Mr. FRAZIER. I wish to ask a question.

Mr. PILES. I shall be glad to answer any question after I have made the little outline I have in my mind.

Mr. FRAZIER. If the Senator will not yield, that is his privilege.

Mr. PILES. The power of taxation will enable the people to establish more schools, provide for territorial institutions, construct roads and trails, that the mining sections, now inaccessible, may be opened to all. There are, no doubt, hundreds if not thousands of acres of placer "diggins" in the Territory awaiting the pick and the shovel, which can not be worked because there are no means of transportation to them.

But, Mr. President, as I said at the outset, there is, in my judgment, no possibility of a bill passing either branch of Congress giving to the people of Alaska the power to elect a local legislature.

The President in his recent message to Congress expressed his views on this subject in the following language:

> With respect to the Territory of Alaska, I recommend legislation which shall provide for the appointment by the President of a governor and also of an executive council, the members of which shall during their term of office reside in the Territory, and which shall have legislative powers sufficient to enable it to give to the Territory local laws adapted to its present growth. I strongly deprecate legislation looking to the election of a territorial legislature in that vast district. The lack of permanence of residence of a large part of the present population and the small number of the people who either permanently or temporarily reside in the district as compared with its vast expanse and the variety of the interests that have to be subserved make it altogether unfitting, in my judgment, to provide for a popular election of a legislative body. The present system is not adequate and does not furnish the character of local control that ought to be there. The only compromise, it seems to me, which may give needed local legislation and secure a conservative government is the one I propose.

The bill now under consideration carries out in a large measure the views of the President, who wants to aid the people of Alaska. Under the provisions of the bill more than two-thirds of the legislative council will be bona fide citizens and legal voters of the Territory. The eight resident members will have the power to override the governor's veto. This bill confers greater power than the people of Alaska ever possessed before. It does not grant all the power a great many of the people of the Territory demand, but it gives them a large voice—something they never had before—in their own affairs. It will, I feel confident, lead to the enactment of a law giving to the people of that Territory all of the powers possessed by other Territories of the United States. I say this because there are no better men in any of the States of the Union than those who reside in Alaska.

Mr. BEVERIDGE. Mr. President——

Mr. PILES. Now I yield to the Senator from Idaho [Mr. BORAH], who first asked me to yield.

Mr. BORAH. I want to ask the Senator before he sits down, Is there any reason why these people should not elect their legislature or council other than the mere fact of distance?

Mr. PILES. No and yes. I may say to the Senator that it has been said that an undesirable element will control to a very large extent elections in Alaska. A large part of my life was spent in the Territories, and we must all admit that the element to which I have referred sometimes controlled our local politics. But the better men of the community rose in the end and asserted their citizenship.

I do not know whether such a condition prevails in Alaska, but we must not forget that the Territory is in a formative state. It is remote from the mainland of the United States proper. Railroad work to a very great extent must be carried on by men temporarily sojourning in the Territory.

It was charged that in the last election for territorial delegate that some 2,000 or 3,000 votes were cast at a railroad camp in Alaska by men who had no permanent residence in the Territory. Whether the charge be true or false, I do not know. I saw it in the newspapers, or some one made that statement to me.

Mr. BORAH. Does the Senator from Washington think that that is any different charge from that made as to every city election that takes place in the United States everywhere?

Mr. PILES. No; I do not.

Mr. BORAH. It is one of the charges that accompany every election.

Mr. PILES. To a very large extent; yes.

Mr. BORAH. Let me ask the Senator a question. Do I understand that the criminal element, to use less delicate language than the Senator from Washington used, is so completely in possession of the district of Alaska that we must deprive the nine or ten thousand who do exercise the franchise there of the rights of American citizenship in order to control the situation?

Mr. PILES. I hope the Senator from Idaho did not understand me as saying that the criminal element is in control in Alaska, because I do not think it is. I never said it was, but I said that some people claimed—that was my language——

Mr. BORAH. Who are they? Who claims that the undesirable citizens are so in control of Alaska that we can not give the American citizens there the right of self-government?

Mr. PILES. I am not one of those who claim it.

Mr. BORAH. You are a member of the committee.

Mr. PILES. Yes; and I reserved certain rights in committee to move to amend this bill when it came up for consideration.

Mr. BORAH. If that is true, there must be some respectable——

Mr. PILES. If the Senator will pardon me, I will say that I believe the people of Alaska to be capable of local self-government; that they are capable of electing a legislature that will give them local self-government along the lines which they desire. That is my personal opinion. But I do not believe that Congress will at this time pass a law giving them that privilege.

Mr. BORAH. I understand now why it is we have no committee report—because there is such a wide difference of opinion among the members of the committee. Here is one member who says that they are not capable of exercising local self-government and another who thinks they are.

Mr. PILES. I have heard no member of the committee say that those people of Alaska were incapable of local self-government.

Mr. BORAH. If that is true, then why not give it to them?

Mr. PILES. On account of certain local conditions and not on account of the fact that they are incapable of local self-government, for no one contends that they are incapable.

Mr. BEVERIDGE. Mr. President, I suggest that perhaps it might meet the convenience of all, and at the same time make reasonable and usual progress with the bill, if we had the first reading of the bill, and then after that that it be temporarily laid aside; just the reading of the bill, not also action on the committee amendments, as at first suggested.

Mr. CLARKE of Arkansas. Mr. President, before any definite steps are taken——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. BEVERIDGE. Certainly.

Mr. CLARKE of Arkansas. I understood that the Senator from Indiana had yielded the floor.

Mr. BEVERIDGE. No; but it is all right. I asked for the reading of the bill. Let the Senator proceed.

The VICE-PRESIDENT. The Senator from Arkansas is entitled to the floor in his own right.

Mr. CLARKE of Arkansas. Mr. President, before any definite step is taken that will commit the Senate to the consideration of this bill at any particular time, I think it well that it should be insisted upon that all the data bearing on this question shall be before the Senate. There seem to be a considerable number of opinions, differing widely in their estimate, as to what is the population and the character of the population in that so-called "Territory." The census for 1910 has already been taken. It is insisted by the Delegate that it was taken without warrant of law. On the other hand, the Director of the Census maintained that he took it at a time which would bring about the best, the most thorough, and the most reliable results.

There are those of us, at least one member of that committee, who insist that there is no possible occasion for the passage of this bill in either form, either with an elective council or an appointive council; that the population of the Territory is situated in three principal mining camps, or cities or towns incident to the fishing industry or the mining industry; that they are isolated one from the other by impassable barriers, with a minimum distance of probably 250 miles; that there is no possible coherence in the population; that there is none of that continuity of sentiment which is necessary to produce an enlightened public opinion which must be concreted into law for the government of that population; that it lacks that homogeneity which is necessary to constitute a permanent community.

Alaska is now in a formative stage, limited to far distant communities, having no interest in or knowledge of what is going on in the one or the other. It appears from a report made by a committee of the Senate which visited that Territory in 1905 that it is necessary to travel 3,500 miles by existing modes of transportation in order to reach a given point in that Territory. All of those things ought to be considered.

The mere fact that a few American citizens have assembled there for temporary purposes does not create the necessity for conferring upon any local board the power to legislate. There is nothing to legislate about. They can only do harm. They can only complicate and burden the situation in a territory which properly preserved and conserved may be of vast benefit to this country. Alaska is a vast storehouse of natural resources—timber and minerals. It is a question whether the Territory will be useful for any other purpose. The evidence in this record as to the agricultural pursuits of Alaska is that a resident of Fairbanks came into possession of a handful of German wheat, and having planted this there, and successfully matured it, he thereby secured enough seed to plant a single acre of wheat for the present year, which constitutes the wheat-growing area of Alaska, according to the statement of Governor Hoggatt; that the snow disappears about the 1st of May and reappears about the 1st of September; and that only such crops as can be planted and matured within that short season are a possibility there.

There is nothing before the Senate, and there will not be until we know the contents of the present census—of course, there is the report that was submitted by a committee which visited that Territory and spent there some two months or more, a committee composed of some of the most painstaking and conscientious and industrious Members of the Senate—to disclose how many people there are in the Territory, how they are related one to the other, or what reasons exist for this proposed delegation of power to any body.

Mr. President, it is not necessary in the Senate to make any comment upon a border population or a mining-camp population. Such a population possesses its own characteristics, and they are well known. The fact that there were 10,000 miners there at a given date constitutes no valid ground for saying there are 10,000, or any part of that number, there to-day, because, as was abundantly established by the hearings, it is a migratory population, which leaves with the approach of the winter season, and an entirely different population returns with the appearance of spring.

I think there ought to be exceedingly great care in proceeding with this bill, and that we ought to have all the reliable and efficient data that can be gotten which would have a tendency to demonstrate the necessity for its enactment.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. CLARKE of Arkansas. Very cheerfully.

Mr. CRAWFORD. Do I understand that all of the testimony taken before the committee, to support what the Senator has so effectively presented here, is being printed?

Mr. BEVERIDGE. It is printed now.

Mr. CLARKE of Arkansas. Yes.

Mr. BEVERIDGE. It will be on Senators' desks to-morrow. That has been stated here.

Mr. CRAWFORD. I feel that we should have that testimony and have an opportunity to very carefully study it before we undertake to commit ourselves to the bill.

Mr. CLARKE of Arkansas. In addition to that we ought to have some fair synopsis of the census. It can be prepared without waiting for the entire returns. I think we should have the outline of it, showing the population, its character, its location, and so forth. We will then find out that instead of this cry of "home rule" having any merit at all in support of one legislature, it can just as effectively be made in favor of four legislatures, because there are four communities in that Territory which know as little about each other as the citizens of New Orleans know about what is going on in St. Louis. That is about the average distance of separation. The only difference is that New Orleans and St. Louis are in communication by telegraph, whereas the Alaskan points are separated by insurmountable barriers of ice or streams.

Mr. BEVERIDGE. I will say to the Senator that it was stated before he entered the Chamber that the data and the so-called "hearings" before our committee—the value of which Senators can judge when they read them—have been printed and will be on the desks as soon as they are bound. They are very brief. I now ask that the first reading of the bill may be proceeded with.

Mr. CLARKE of Arkansas. Before we enter upon that I want some order taken to procure from the Director of the Census an intelligent abstract of the census.

Mr. BEVERIDGE. I will say to the Senator, if he will let me interrupt him, that I shall confer with the Director of the Census immediately after the bill shall have been read.

Mr. CLARKE of Arkansas. The bill will not be disposed of until we can get the information?

Mr. BEVERIDGE. Certainly not; but in the regular and ordinary way.

Mr. CLARKE of Arkansas. Very well.

Mr. BEVERIDGE. I will say to the Senator, however, that upon the question of the population and its nature and where located there was very definite information given by two disinterested persons who appeared before the committee—Major Richardson and Governor Hoggatt—and the chairman in his opening statement followed their information, which is at first hand. The Delegate, as I said before the Senator from South Dakota entered the Chamber, gave an estimate of population of from fifty to seventy thousand, as he said in his first statement. When he came to correct it, overnight, he struck out the "seventy" and left it at fifty thousand.

My own opinion, taking the last census and taking the statement of these two witnesses, who have no interest whatever in either magnifying or minimizing the population, is that it probably has decreased, and there are now probably between twenty-five and twenty-seven thousand whites in the whole Territory, of which the proportion of men to women is probably about three to one; perhaps a greater proportion than that—possibly four to one. Three or four white men to one white woman.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Yes; but I should like to have the bill read.

Mr. CRAWFORD. I think it is pertinent just now, while the discussion is being had, to ask a question simply for information. Is there any specific grievance or objection to the form of government which prevails there now, and which is being applied to the conditions in the Territory of Alaska?

Mr. BEVERIDGE. Oh, yes; very great, very great, indeed.

Mr. CLARKE of Arkansas. What are they?

Mr. BEVERIDGE. Very great. I have given them in my statement, which the Senator did not hear. I think the best way of proceeding—and it will meet with the convenience of all Senators—will be, first, to have the bill read, and then after it is read and the reading is out of the way I shall ask that the unfinished business be temporarily laid aside for the remainder of the day.

Mr. HUGHES. Mr. President, just a moment. I call the attention of the Senator from Indiana to the fact that there is a misprint in the title of the bill.

Mr. BEVERIDGE. No; I know what the Senator refers to. If the Senator will turn to the end of the bill he will find the title corrected from "District" to "Territory." At the end is the usual form of amendment of the title.

Mr. HUGHES. I myself moved the amendment, and it was adopted when the bill was read in the committee, using the word "Territory" instead of "District."

Mr. BEVERIDGE. It is here. The Senator will find it in the usual form at the end of the bill:

Amend the title so as to read: "A bill to create a legislative council in the Territory of Alaska, to confer legislative powers thereon, and for other purposes."

That is what the Senator refers to? It is the usual form.

Mr. HUGHES. Yes, sir.

Mr. BEVERIDGE. It appears at the end of the bill instead of the beginning, as is the usual form.

The VICE-PRESIDENT. The Secretary will read the original text of the bill.

The Secretary read the bill.

Mr. BEVERIDGE. I now ask that the unfinished business be temporarily laid aside, without prejudice, to be taken up at the regular time to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 27, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1910.

COLLECTORS OF CUSTOMS.

George W. Allen, of Florida, to be collector of customs for the district of Key West, in the State of Florida. (Reappointment.)

James J. Haynes, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas. (Reappointment.)

Francis L. Lee, of Texas, to be collector of customs for the district of Galveston, in the State of Texas. (Reappointment.)

Robert W. Dowe, of Texas, to be collector of customs for the district of Saluria, in the State of Texas. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Robert W. Elwell, of Olympia, Wash., to be receiver of public moneys at Olympia, Wash., vice Thomas N. Allen, term expired.

POSTMASTERS.

ALABAMA.

J. Percy Freeman to be postmaster at Bridgeport, Ala., in place of Stephen C. Fitch. Incumbent's commission expired December 18, 1909.

James M. Stovall to be postmaster at Carbon Hill, Ala., in place of Daniel McDonald. Incumbent's commission expired December 20, 1909.

ARKANSAS.

John W. Bell to be postmaster at Greenwood, Ark., in place of John W. Bell. Incumbent's commission expires February 5, 1910.

James C. Russell to be postmaster at Camden, Ark., in place of James C. Russell. Incumbent's commission expired January 24, 1910.

Henry M. Sugg to be postmaster at Dardanelle, Ark., in place of Henry M. Sugg. Incumbent's commission expires February 5, 1910.

CALIFORNIA.

Charles W. Beatty to be postmaster at Maricopa, Cal. Office became presidential October 1, 1909.

Salmon H. Loomis to be postmaster at Kingsburg, Cal., in place of Salmon H. Loomis. Incumbent's commission expired January 22, 1910.

COLORADO.

William T. Brumbaugh to be postmaster at Fruita, Colo., in place of Frederick S. Bruner. Incumbent's commission expired January 15, 1910.

GEORGIA.

Willie O. Goodson to be postmaster at Union City, Ga. Office became presidential April 1, 1909.

ILLINOIS.

William G. Baie to be postmaster at Hinckley, Ill., in place of William G. Baie. Incumbent's commission expires February 19, 1910.

Harry L. Frier to be postmaster at Benton, Ill., in place of Harry L. Frier. Incumbent's commission expired January 23, 1910.

Peter McDonald to be postmaster at Cicero (late Hawthorne), Ill., in place of Adam Trapp, removed.

James W. Prouty to be postmaster at Roseville, Ill., in place of James W. Prouty. Incumbent's commission expires February 13, 1910.

IOWA.

Ralph A. Dunkle to be postmaster at Gilman, Iowa. Office became presidential January 1, 1910.

John H. Kolthoff to be postmaster at New Hampton, Iowa, in place of John H. Kolthoff. Incumbent's commission expired January 24, 1910.

KANSAS.

Mary A. Campbell to be postmaster at Alton, Kans., in place of Patrick H. Campbell. Incumbent's commission expired January 15, 1910.

William Chapman to be postmaster at Mound Valley, Kans., in place of William Chapman. Incumbent's commission expires February 7, 1910.

Thomas C. Wilson to be postmaster at Jetmore, Kans. Office became presidential January 1, 1910.

LOUISIANA.

Marcus N. Limbocker to be postmaster at Lake Arthur, La. Office became presidential January 1, 1910.

MAINE.

Herbert L. Melcher to be postmaster at Hebron, Me. Office became presidential January 1, 1910.

MARYLAND.

Walter R. Rudy to be postmaster at Mount Airy, Md., in place of Walter R. Rudy. Incumbent's commission expired January 25, 1910.

MASSACHUSETTS.

George T. Bailey to be postmaster at Lancaster, Mass., in place of George T. Bailey. Incumbent's commission expired December 19, 1909.

Charles L. Fairbanks to be postmaster at Southboro, Mass., in place of Charles L. Fairbanks. Incumbent's commission expires February 22, 1910.

MINNESOTA.

Dennis F. McGrath to be postmaster at Barnesville, Minn., in place of Dennis F. McGrath. Incumbent's commission expired January 23, 1910.

Henry H. Neuenburg to be postmaster at Oliva, Minn., in place of Henry H. Neuenburg. Incumbent's commission expired January 23, 1910.

Theodore Oachs to be postmaster at Kerkhoven, Minn. Office became presidential January 1, 1910.

MISSISSIPPI.

Fred H. Powers to be postmaster at Starkville, Miss., in place of Fred H. Powers. Incumbent's commission expired December 19, 1909.

MISSOURI.

Samuel A. Chappell to be postmaster at Monett, Mo., in place of Samuel A. Chappell. Incumbent's commission expires February 5, 1910.

Dwight R. Ford to be postmaster at Cameron, Mo., in place of Frank M. Filson. Incumbent's commission expired January 23, 1910.

Henry Gilbert to be postmaster at Marshfield, Mo., in place of Samuel A. Shelton. Incumbent's commission expires February 5, 1910.

MONTANA.

Charles A. Burg to be postmaster at Livingston, Mont., in place of Charles A. Burg. Incumbent's commission expired January 24, 1910.

NEBRASKA.

O. K. Olmstead to be postmaster at Orleans, Nebr., in place of Andrew Richmond, deceased.

David C. Thompson to be postmaster at Arcadia, Nebr. Office became presidential January 1, 1910.

Charles W. Whitney to be postmaster at Republican City, Nebr. Office became presidential January 1, 1910.

NEW JERSEY.

George L. Clarke to be postmaster at Morristown, N. J., in place of George L. Clarke. Incumbent's commission expires February 5, 1910.

George W. Hope to be postmaster at Raritan, N. J., in place of George W. Hope. Incumbent's commission expires February 12, 1910.

John H. Nunn to be postmaster at Glen Gardner, N. J. Office became presidential January 1, 1910.

NEW YORK.

Charles A. Fowler to be postmaster at Rome, N. Y., in place of Charles A. Fowler. Incumbent's commission expired December 15, 1909.

George W. Hitchcock to be postmaster at Ripley, N. Y., in place of George W. Hitchcock. Incumbent's commission expired January 8, 1910.

George H. Hubbs to be postmaster at Central Islip, N. Y., in place of George H. Hubbs. Incumbent's commission expires February 5, 1910.

J. B. H. Mongin to be postmaster at Waterloo, N. Y., in place of Ellsworth Sweet. Incumbent's commission expired January 10, 1910.

James L. More to be postmaster at Pulaski, N. Y., in place of James L. More. Incumbent's commission expires February 9, 1910.

NORTH CAROLINA.

Alonzo C. Kerley to be postmaster at Mooresville, N. C., in place of Robert S. Templeton. Incumbent's commission expired February 5, 1908.

NORTH DAKOTA.

Thomas S. Farr to be postmaster at Hillsboro, N. Dak., in place of James R. Carley, resigned.

George Laney to be postmaster at Napoleon, N. Dak. Office became presidential January 1, 1910.

OHIO.

Plympton S. Lybarger to be postmaster at Shelby, Ohio, in place of Plympton S. Lybarger. Incumbent's commission expires January 29, 1910.

Fred D. Pierce to be postmaster at Wakeman, Ohio, in place of Fred D. Pierce. Incumbent's commission expired December 13, 1909.

OKLAHOMA.

Edmond Arnold to be postmaster at Holdenville, Okla., in place of George B. Roderick. Incumbent's commission expires January 30, 1910.

Herbert Caldwell to be postmaster at Hinton, Okla. Office became presidential January 1, 1907.

Elijah E. Norvell to be postmaster at Wynne Wood, Okla., in place of Elijah E. Norvell. Incumbent's commission expires January 31, 1910.

Arthur J. Plunkett to be postmaster at Porum, Okla. Office became presidential January 1, 1910.

Jesse E. Ramey to be postmaster at Porter, Okla. Office became presidential January 1, 1910.

OREGON.

William Ledford to be postmaster at Prineville, Oreg., in place of Guy Lafollette, resigned.

Jesse E. Tulley to be postmaster at Wallowa, Oreg. Office became presidential January 1, 1910.

PENNSYLVANIA.

E. Wesley Keeler to be postmaster at Doylestown, Pa., in place of E. Wesley Keeler. Incumbent's commission expires February 6, 1910.

Samuel S. Lewis to be postmaster at York, Pa., in place of Samuel S. Lewis. Incumbent's commission expires February 7, 1910.

Thomas R. Williams to be postmaster at Mount Carmel, Pa., in place of Hugh J. Evans, resigned.

RHODE ISLAND.

Moise Meunier to be postmaster at Arctic, R. I., in place of Moise Meunier. Incumbent's commission expires February 5, 1910.

SOUTH DAKOTA.

William H. Barger to be postmaster at Fairfax, S. Dak., in place of Erick Olson. Incumbent's commission expired December 12, 1909.

William C. Mathieson to be postmaster at Fort Pierre, S. Dak., in place of William C. Mathieson. Incumbent's commission expires February 5, 1910.

John E. Sullivan to be postmaster at Plankinton, S. Dak., in place of John E. Sullivan. Incumbent's commission expires February 13, 1910.

TEXAS.

H. E. Kinsloe to be postmaster at Corsicana, Tex., in place of H. E. Kinsloe. Incumbent's commission expires February 5, 1910.

Zachary Monroe to be postmaster at Goree, Tex. Office became presidential October 1, 1909.

Thomas M. Wren to be postmaster at Silsbee, Tex., in place of Henry Jones, removed.

VERMONT.

Max A. Wilson to be postmaster at Johnson, Vt., in place of Barnum L. Austin. Incumbent's commission expires January 30, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1910.

COLLECTORS OF CUSTOMS.

Charles H. Darling to be collector of customs for the district of Vermont.

Curtis S. Emery to be collector of customs for the district of Memphremagog, Vt.

Sterling A. Campbell to be collector of customs for the district of Humboldt, Cal.

PROMOTIONS IN THE NAVY.

Commander George W. McElroy to be a captain.
Commander Robert S. Griffin to be a captain.
Machinist John L. Barnswell to be a chief machinist
Machinist Louis C. Higgins to be a chief machinist.

POSTMASTERS.

ARIZONA.

Kasper Hauser, at Willcox, Ariz.

ARKANSAS.

Fred E. Johnson, at Hot Springs, Ark.
J. E. Kevil, at Lake Village, Ark.
Robert C. Mayes, at Springdale, Ark.

CALIFORNIA.

Ida F. Boulware, at Dos Palos, Cal.
Daniel H. Coates, at Campbell, Cal.
Angus J. Drynan, at Redding, Cal.
John W. Duckworth, at Anaheim, Cal.
Walter J. Ford, at Quincy, Cal.
W. H. Harrison, at Los Angeles, Cal.
George P. Ide, at Arroyo Grande, Cal.
Ella E. Morrison, at Perris, Cal.
Richard J. Murphy, at Folsom City, Cal.
Leonard M. Shelton, at Fairoaks, Cal.
W. T. Tuckwell, at Dunsmuir, Cal.

DELAWARE.

John A. Jolls, at Middletown, Del.

GEORGIA.

Susie M. Atkinson, at Newnan, Ga.

ILLINOIS.

Otto W. Balgemann, at Elmhurst, Ill.
Henry Brueggemann, at Alton, Ill.
William J. De La Mater, at Pecatonica, Ill.
Emory Gregg, at Fairbury, Ill.
Frank H. Greene, at Geneseo, Ill.
Harry D. Hemmens, at Elgin, Ill.
Ernest G. Howell, at Geneva, Ill.
Frank T. Moran, at Belvidere, Ill.
William P. Slack, at Carbondale, Ill.

IOWA.

Benjamin E. Allen, at Laurens, Iowa.
Thomas F. Armstrong, at Lenox, Iowa.
John R. Bell, at Sheffield, Iowa.
Denison O. Blake, at Pocahontas, Iowa.
Charles F. Chambers, at West Union, Iowa.
Frank E. Drake, at Radcliffe, Iowa.
James Harvey Johnson, at Logan, Iowa.
George H. Loring, at Dallas Center, Iowa.
Charles A. Merrill, at Nora Springs, Iowa.
Nels C. Nelson, at Essex, Iowa.
Charles O. Ryan, at Eldora, Iowa.
John T. Strock, at New Virginia, Iowa.
William H. Tyrell, at Waverly, Iowa.
Thomas Walpole, at Storm Lake, Iowa.

KANSAS.

Alvin M. Blankenbeker, at Buffalo, Kans.
George T. Boone, at Chetopa, Kans.
Thomas M. Durland, at Centralia, Kans.
Frank Harlow, at Kingman, Kans.
John C. Petty, at Strong, Kans.

LOUISIANA.

E. T. Dugas, at Napoleonville, La.
George S. Eisely, at Tallulah, La.
Thomas R. Morse, at New Iberia, La.
William C. Price, at Homer, La.
Martha E. Thompson, at Winnsboro, La.

MICHIGAN.

George E. Adams, at Bangor, Mich.
Melvin A. Bates, at Grayling, Mich.
Asa Burton Freeman, at Durand, Mich.

MINNESOTA.

Rollo C. Dugan, at Eyota, Minn.
Frederick A. McVicar, at Grand Rapids, Minn.
Knute O. Sandum, at Bricelyn, Minn.
Sigurd B. Olson, at Mahnomen, Minn.

NEW YORK.

J. B. H. Mongin, at Waterloo, N. Y.

OKLAHOMA.

Harry B. Gilstrap, at Chandler, Okla.

SOUTH CAROLINA.

John E. Heustess, at Hartsville, S. C.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 26, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON PENSIONS.

The SPEAKER. In the announcement of the committees the name of Representative AIKEN, who has for some sessions of Congress been a member of the Committee on Pensions, was dropped from the list of the membership of that committee and other committee assignments given to him. In consequence of the death of one of the minority members upon that committee the personnel of the Committee on Pensions desires to have the vacancy filled, and asks that Mr. AIKEN be reappointed. The Chair accordingly will fill the vacancy by appointing Mr. AIKEN a member of that committee.

COMMITTEE ON ELECTIONS NO. 1.

Mr. KNAPP. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 331.

Resolved, That the Committee on Elections No. 1 be permitted to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REGENTS, SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair will call the attention of the House to the fact that on the Private Calendar there appears Senate joint resolution No. 59, of date of January 25, providing for the filling of vacancies to occur in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress. This is a public bill, and undoubtedly should be upon the House Calendar. The Chair therefore directs the change.

Mr. McCALL. Mr. Speaker, as that is a matter of election by the Senate and the House, as the terms of these gentlemen expire, I think, to-morrow or next day, it seems to me that would be a proper matter to pass by unanimous consent.

The SPEAKER. The gentleman from Massachusetts misapprehends the scope of the joint resolution. As the Chair gathers from the title, it is proposed to dispense with Members of Congress upon the Board of Regents.

Mr. McCALL. I think that is a misprint. I would like to have the Clerk, if I may, read the resolution. I do not think that is the purpose of the resolution.

The SPEAKER. In any event, it occurs to the Chair that it ought to be on the House Calendar. It is a joint resolution. It is not a concurrent resolution. The Chair therefore directs the transfer to the House Calendar.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17500, the fortifications appropriation bill, with Senate amendments thereto, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the fortifications appropriation bill, with Senate amendments thereto, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, without objecting now, I desire to know from the gentleman from Iowa [Mr. SMITH] if there is anything in the way of amendments that the House, he thinks, will seriously object to, whether they have increased this appropriation very much. In other words, I would like to know whether there is anything that the House would like to consider separate and apart, rather than to have the matter go to conference and to have the report of the conference committee voted up or down, as conference reports have to be voted up or down.

Mr. SMITH of Iowa. I have no knowledge of any such amendment as the gentleman refers to.

Mr. BARTLETT of Georgia. There have been some increases, have there not?

Mr. SMITH of Iowa. Yes.

Mr. BARTLETT of Georgia. I do not desire to interfere, but I ask the gentleman from Iowa if the member of the minority on the Committee on Appropriations is present?

Mr. SMITH of Iowa. I think the ranking member of the minority is not present. The gentleman from New York [Mr. FITZGERALD], however, is present, and he is a member of the committee. I think he will be in favor of this procedure.

Mr. FITZGERALD. I understand there may be some increases in the appropriations for ammunition in the insular possessions.

Mr. BARTLETT of Georgia. I know this is usual, and I have no disposition to object to the usual course. Not having had time to examine what the amendments are, I do not want to get the matter where we can not have a free discussion and a vote on the amendments which would be objectionable to Members of the House or to any considerable body of the House.

Mr. SMITH of Iowa. Mr. Speaker, I would say to the gentleman that I think if anything of that kind arises, the House will be given full opportunity to vote upon it.

Mr. BARTLETT of Georgia. That is satisfactory.

The SPEAKER. The Chair hears no objection, and it is so ordered.

The Chair announced the following conferees on the part of the House:

Mr. SMITH of Iowa, Mr. GRAFF, Mr. SHERLEY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 70. Joint resolution to increase the efficiency of the Military Academy;

S. J. Res. 12. Joint resolution adjusting the status of certain officers of the army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an army officer to retirement on his own application;

S. 5451. An act to amend the act approved December 21, 1904, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington;"

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district;"

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 4567. An act to amend section 2763 of the Revised Statutes, and for the better enforcement of the navigation laws; and

S. 3905. An act for the relief of the Merritt & Chapman Derrick and Wrecking Company.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for

trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. ELKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ELKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIX, Senate joint resolutions and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 70. Joint resolution to increase the efficiency of the Military Academy—to the Committee on Military Affairs.

S. J. Res. 12. Joint resolution adjusting the status of certain officers of the army as to their period of service, required by the act of Congress approved June 30, 1882, to entitle an army officer to retirement on his own application—to the Committee on Military Affairs.

S. 5451. An act to amend the act approved December 21, 1904, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation in the State of Washington"—to the Committee on Indian Affairs.

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district"—to the Committee on the Public Lands.

S. 4780. An act for the relief of the heirs of George A. Armstrong—to the Committee on War Claims.

S. 4567. An act to amend section 2763 of the Revised Statutes, and for the better enforcement of the navigation laws—to the Committee on Ways and Means.

S. 3905. An act for the relief of the Merritt & Chapman Derrick and Wrecking Company—to the Committee on Claims.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4089. To authorize the construction of a bridge across the Red River and to establish it as a post-road.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16223. An act extending the time for certain homesteaders' residence upon their lands.

INTERSTATE AND FOREIGN COMMERCE.

The SPEAKER. This being calendar Wednesday, the call rests with the Committee on Interstate and Foreign Commerce, and there comes over as unfinished business the bill H. R. 12315.

Mr. MANN. Mr. Speaker, I move that we proceed with the unfinished business.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12315) to regulate and prevent the transportation in interstate and foreign commerce of alien women and girls for immoral purposes, and for other purposes.

The SPEAKER. The Chair is informed that by unanimous consent debate was limited to two hours, one half to be controlled by the gentleman from Illinois [Mr. MANN] and the other half by the gentleman from Georgia [Mr. ADAMSON].

Mr. MANN. Mr. Speaker, it was also agreed that amendments might be offered at any time during debate.

The SPEAKER. And that amendments might be offered by any gentleman having the floor.

Mr. MANN. Then, Mr. Speaker, I offer the following amendments to be pending until the close of debate.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 4, line 11, after the word "within," insert the words "the district in."

On page 6, line 11, after the word "to," insert "the date of her entry into the United States, the port through which she entered."

Amend by adding at the end of section 6 the following:

"No person shall be excused from furnishing the statement as required by this section on the ground or for the reason that the statement so required by him or the information therein contained might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement as required by the provisions of this section."

Mr. KEIFER. Mr. Speaker, I want to make an inquiry. Under this arrangement do I understand that amendments may be offered now, or can the bill be amended when it is considered under the five-minute rule?

Mr. MANN. We are in the House, and the bill is not to be considered under the five-minute rule. Under the arrangement amendments were to be offered by anyone having the floor and to be considered as pending when debate closed and voted upon at the end of general debate.

Mr. KEIFER. Do I understand they can not be offered after general debate closes?

Mr. MANN. That was the order of the House, that the previous question should operate at the end of two hours' time.

Mr. KEIFER. Mr. Speaker, I should like, then, to offer an amendment now, so that it can be considered as pending.

The SPEAKER. Under the order of the House, the Chair is informed that any gentleman having the floor can offer an amendment, which is to be regarded as pending. Under the order there is no provision, the Chair is informed, for amendments other than as indicated by the agreement which is the order of the House, and that the previous question will operate on all amendments pending at the close of two hours to the final passage of the bill.

Mr. MANN. I will at the proper time yield to the gentleman from Ohio, so that he will have an opportunity to offer his amendment.

Mr. KEIFER. That will be satisfactory.

Mr. MANN. I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, my colleague [Mr. BARTLETT of Georgia] at this time desires to offer an amendment, and for that purpose I yield temporarily.

Mr. BARTLETT of Georgia. It is simply for the purpose of offering an amendment, and that is to strike out of the bill, beginning on page 5, line 20, at the words "every person," down to and including the word "otherwise," on page 7.

The SPEAKER. The Clerk suggests the gentleman from Georgia will please submit his amendment in writing. Will the gentleman from Georgia forward his amendment to the Clerk's desk?

Mr. BARTLETT of Georgia. I will do so later.

Mr. ADAMSON. Mr. Speaker, this is not peculiarly a speakable subject. It does not appeal to the "divine afflatus" to come and abide with us to generate and dispense rhetoric and eloquence, especially when, like an intermittent fever, this matter comes up and goes off once a week in passing from one calendar Wednesday to another, and that, too, when the discussion relates to a series of revolting immoralities, and involves the still more revolting atrocity of violating the Constitution of our great Republic in derogation of the authority and dignity of the sovereign States from which alone it derives its beneficent character, greatness, and power.

There are two errors which seem to deserve notice. One is some Members, not versed in parliamentary law, are charging that the purpose of calendar Wednesday was to give the Committee on Interstate and Foreign Commerce the center of the stage and permit it to do legislative stunts; the other, widely prevalent among people, newspapers, and preachers and some other good men and women who favor this legislation (some good Congressmen being stampeded also by the notion), that the purpose of this legislation is to stamp out prostitution and immorality, and that it can only be done through congressional action.

The first error is a great one. The Committee on Interstate and Foreign Commerce has always done business and would do business under any system of rules. If any other committee will get down to work and merit the attention of the House it will receive it. In fact, my opinion is that if any other committee ever does the work done by our committee, it will be an event equal in celebrity and importance to the advent of the great Julius; and, if necessary, it would not be asking too much in behalf of such committee not only to amend our rules to provide a second calendar Wednesday, but to amend the Julian calendar and put more days in the week and more weeks in the year.

The second error is widespread, if not deep seated, and without much excuse for arising to mislead or vex anybody. Members of Congress who take an oath to support the Constitution, who are presumed to know what the Constitution is, certainly ought not to be stampeded by a squeamish sentimentality and blinded to their plain duty. If this bill looked to the protection of female virtue we would unanimously support it. But no such pretense even is made.

The only professed and possible purpose of this legislation is to purify interstate commerce, making character the test. Of course, carried to the last analysis, that proposition would endeavor to exclude all vile and impure people from the use of interstate facilities for commerce. Then there would be a wide field of different opinion as to who was vile and impure and what practices constituted immorality. If gambling contracts are to be denied transmission in commerce, and, as a parallel case, people who buy a ticket to go out of the State for prostitution can be denied facilities for transportation, then people ought not to be allowed to ride in an interstate train to attend a lottery or bet on a horse race. Some other righteous people would deny a ticket to people who wanted to ride on a train to go to a dance or attend a prize fight. There would be no end to the various matters which different opinions would denounce as improper subjects to enjoy interstate-commerce facilities.

It would be utterly impossible, and could not be effectively accomplished by the only conceivable method of searching the conscience of the purchaser. Attaching pains and penalties would have no effect.

If a man intended either to tell the truth or be detected in a falsehood, he would contrive some way to avoid buying the ticket himself, which would be easy enough. If it were constitutional and according to sound policy to deny interstate transportation to those who had been impure, or expected to become so, the determination of character should not depend on the purchase of a ticket, a thing in itself perfectly harmless, in essence and character designed for no harmful purpose, and indicating on its face nothing sinful, inherent, nor bad purpose attendant.

The prohibition should be directed squarely against the immoral person using transportation, whether tested by current actual vice flagrante in transit or by past impurity or by contemplated immorality.

It is fair to assume that the greatest imaginable stretch of federal authority in the premises would be to prohibit immoral conduct in transit. That is not even attempted in this bill for the sufficient reason that the immorality would be subject to the exclusive jurisdiction of the State in which it occurred.

There is one feature in the fourth section that the most unconstitutional tyro in constitutional law would necessarily know enough to balk at: The specification of eighteen years under which girls shall not be abducted or seduced. What the age of a girl has to do with the purity of commerce is difficult to imagine. I think the Supreme Court even could be unanimous on that question. The several States generally enact and enforce laws on that question, and all should do it. If there is not sufficient law in the Districts and Territories subject to the exclusive jurisdiction of Congress, we ought to provide them; but I have never heard nor had reason to believe that laws and morals are any better in those places than in the States, where domestic concerns are properly regarded and safeguarded.

We do not object, but rather insist that Congress legislate, if more legislation is necessary, to regulate and, as much as possible, restrict the admission of aliens to this country and exercise jurisdiction over them pending their coming and while being distributed to their various destinations throughout the country until they become settled and intermingled with the people of the various communities. After they become a part of our population without violating the laws of the United States, then, in common among the people with whom they live, they become and remain subject to the exclusive jurisdiction of local authority as to morals and police regulations.

Constitutional lawyers differ on constitutional questions. "Like priest, like people." The courts differ on the same lines that mark the dissensions between the constitutional lawyers. Judges are only human. Environment, training, heredity, politics, color their visions, prejudice their minds, and unconsciously fix upon them opinions which they valiantly defend and think are honest.

Very few decisions of our court involving constitutional questions have been unanimous, but the difference usually is not on what the Constitution is but on the application and construction of the law which is being measured by the Constitution. For instance, distinguished gentlemen who have argued in behalf of the constitutionality of the pending bill concede all the propositions upon which we insist as to the unconstitutionality of certain things, but insist that provisions in this bill do not fit the case. They admit that all police powers are reserved to the States, and that under the Constitution the unlimited control and regulation of commerce must be exercised for that purpose and not be invoked as a mere sham and pretense to break down local authority, but they deny that anything in this bill will interfere with the exercise of any power reserved to the States. They freely admit, however, that the purpose of this bill is not to stamp out prostitution, and on the abstract proposition that Congress has no power to legislate directly for the prevention of prostitution and other immorality I have no doubt that all the constitutional lawyers and the Supreme Court would make a unanimous opinion. What I wish to make clear here to the Members of this House, to the press, and to the people is that the purpose of this bill is not to stamp out prostitution, nor do its advocates so contend. Getting that out of your mind, then what is the purpose of this legislation? There was an investigation and partial report by the Immigration Commission. There is already considerable immigration law on the subject, a part of which is the following:

IMMIGRATION LAW.

(Approved February 20, 1907.)

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution or for any other immoral purpose, or whoever shall hold, or attempt to hold, any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than $5,000; and any alien woman or girl who shall be found an inmate of a house of prostitution, or practicing prostitution, at any time within three years after she shall have entered the United States shall be deemed to be deported as provided by sections 20 and 21 of this act.

That looks like some law on the subject.

They investigated immigration conditions, found a great many horrible cases of vice, debauchery, and imposition. I confess that I have no such morbid taste as to delight in reading and recounting them here or elsewhere, but they showed that in most of the cases conviction of guilty people had been had, or bonds forfeited, many had been punished, and many thousands of dollars turned into the Treasury from fines and forfeitures. They show that in several of the large cities great improvements have been made by the rigid enforcement of the law; that such evils and crimes have been greatly decreased and driven out of several large cities; that, in other words, when justice was defeated and crime permitted to run riot it was the fault of the officers. Courts and the police officers were, in such cases, given severe castigation by the report, showing clearly where the evil lies in those cases and where the remedy should be applied. An examination of the instances cited ought to convince any reflecting mind of the facility with which all these cases can be met by existing law, federal or state.

Police court records and a little promiscuous reading could have furnished the commission with more and worse information about vile conditions here and in Europe than their partial report discloses. Weakness and iniquity have always been in the world since the loss of Eden, and literature is filled with them in great abundance and infinite variety.

Their references to practices in Europe are exceedingly mild in the light of history and literature, and taken as the only evidence would indicate great improvement. Certainly they do not show conditions in this country to be as bad as in other countries or in other ages. The truth is we are vastly better morally than the balance of the world, which is itself growing better, and we are constantly improving and elevating the world. The publication of such vile stuff is not advisable. A few dirty things printed in the report of the late "Homes Commission" provoked such a protest as to result in its suppression. In most of the state courts the public is excluded from the hearing of vulgar and immoral cases.

The demands of improving morals as well as advancement in public taste have provided and placed within the reach of the young and the virtuous expurgated editions of all the "loudest" literature which may have heretofore been tolerated only on account of the great excellence of the writing, and in some cases on account of scientific and educational matters they contained and taught. The chairman of the Committee on Immigration and Naturalization, in the course of a speech in this House yesterday, stated that the white-slave traffic had practically been stamped out of our large cities.

But that commission made certain recommendations for the improvement of the administrative features of the Immigration Bureau, to which I have no objection. It also made a number of wise recommendations as to amendments in the law, which I do not oppose. The tenth recommendation, that the legislatures of the States "enact more stringent laws concerning prostitution," was accompanied by no particulars or reasons. If any State in this Republic has failed to enact such laws, it is a very great dereliction in duty, but as the report specifies no State as delinquent I am unable either to concur or dissent in the recommendation.

If any man lives in a State which fails in its duty to enact such laws, I submit that under our system of government his first great duty is at home. Let him go to work and appeal to his people to do their duty providing for the suppression of vice and the protection of morality. That course is far more patriotic and more in conformity with his oath of office than to come here confessing to such pusillanimous dereliction in his own State in the performance of its duty as a State of this great Union and seeking to cast on Congress the unnatural, improper, unconstitutional, and wholly unnecessary burden of legislating to do the work which his people at home ought to do.

There is a practice of piling up recitals of filth and iniquity on some subject and then, instead of cleaning it out by prosecution, which is shown to be effective when resorted to, running to Congress for more legislation.

Now, I realize that some people have run mad on centralization, often those raised in new States created by Congress, erroneously looking upon Congress as their creator, instead of regarding it as the creature of the States, their useful servant, that ought to be treated properly and allowed to perform its proper constitutional functions without being overburdened with work never intended for it. I know that some people scout the idea of states rights as heretical, treasonable, akin to secession and rebellion, except when their own financial interests are involved. Then they hasten to invoke the doctrine of states rights. They feel like calling out the army and navy to suppress red-handed rebellion when a man refers to the Constitution and invokes the good old-time doctrine of our fathers, that States ought to take care of the morals of the country and not overload Congress with unnecessary burdens never intended for it.

As a member of the Federal Government I protest against the reckless injustice of piling up work here impossible for this Government to perform, never intended for it to perform, and which it is never called upon to perform except through ignorance or improper motive. A man who swears to support the Constitution should remember that the Constitution makes this a dual government—the Federal Government, with prescribed rights and duties, and a number of state governments, charged with the balance—the great body—of the duties and clothed with all the balance—the great body—of the rights and powers not expressly prescribed and specified as delegated to the Federal Government.

A new State is elevated to the sublime height of sovereignty occupied by the original States. Its creation should not degrade the character and standing of the old States by relieving them of the responsibility or depriving them of rights and power. On the contrary, the new State is clothed with the rights and powers and charged with the duty of governing the people, regulating the morals, and promoting peace, good order, and happiness in its borders, just like an original State.

Two or three of my brethren last week in this discussion implied, if not expressly admitted, grave doubts as to the constitutionality of this legislation, but said they would resolve the doubt in favor of the legislation, vote for the bill, and throw upon the Supreme Court the task of taking care of the Constitution. That is a very erroneous and very reckless position to take. All doubt ought to be resolved the other way. No Member, under his oath, can afford to vote for a bill unless its constitutionality appears to him clear and unquestioned. One of those distinguished gentlemen, endeavoring to ridicule the unconstitutionality argument unanswerably presented in the minority report, said the minority members were seeing visions. For the enlightenment and edification of this gentleman, for the purpose of setting at rest the question as to whether Congress can legislate for the morals of a State and at the same time showing clearly the dual character of our system of government, with its two fields of operation and usefulness, I quote the following from an opinion in the Keller case (213 U. S.):

> That there is a moral consideration in the special facts of this case, that the act charged is within the scope of the police power, is immaterial, for, as stated, there is in the Constitution no grant to Congress of the police power. And the legislation must stand or fall according to the determination of the question of the power of Congress to control generally dealings of citizens with aliens. In other words, an immense body of legislation, which heretofore has been recognized as peculiarly within the jurisdiction of the States, may be taken by Congress away from them. Although Congress has not largely entered into this field of legislation, it may do so if it has the power. Then we should be brought face to face with such a change in the internal conditions of this country as was never dreamed of by the framers of the Constitution. While the acts of Congress are to be liberally construed in order to enable it to carry into effect the powers conferred, it is equally true that prohibitions and limitations upon those powers should also be fairly and reasonably enforced. (Fairbanks *v.* United States, 181 U. S., 283; 45 L. ed., 862; 21 Sup. Ct. Rep., 648.) To exaggerate in the one direction and restrict in the other will tend to substitute one consolidated government for the present federal system. We should never forget the declaration in Texas *v.* White (7 Wall., 700, 725; 19 L. ed., 227, 237), that "the Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."
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> It is unnecessary to determine how far Congress may go in legislating with respect to the conduct of an alien while residing here, for there is no charge against one; nor to prescribe the extent of its power in punishing wrongs done to an alien, for there is neither charge nor proof of any such wrong. So far as the statute or the indictment requires or the testimony shows, she was voluntarily living the life of a prostitute, and was only furnished a place by the defendants to follow her degraded life. While the keeping of a house of ill fame is offensive to the moral sense, yet that fact must not close the eye to the question whether the power to punish therefor is delegated to Congress or is reserved to the State. Jurisdiction over such an offense comes within the accepted definition of the police power. Speaking generally, that power is reserved to the States, for there is in the Constitution no grant thereof to Congress.

Nothing more clearly indicates the doubt and uncertainty in the minds of the proponents of this legislation than the way in which it has been presented and maintained here. Nobody had ever objected to the most drastic and stringent and comprehensive legislation to prevent the admittance into this country of improper immigrants. While we have some laws on the subject which are pretty good and which the report shows have been effectively administered where the people wanted it done, yet we all agree that any amendments necessary to strengthen these laws and their administration should be speedily made and enforced. But the Pandora's box out of which the trouble arose was recommendation No. 9, that "the transportation of persons from one State to another State or Territory for the purpose of prostitution should be forbidden under heavy penalty." That recommendation, like recommendation No. 10, omits all mention of aliens and, I suppose, led to the opinion that, having finished the reformation of all the balance of the world, it was intended to commence cleaning out our own premises, but I have no idea such was the intention of the commission.

I believe recommendations 9 and 10 were intended to secure provisions ancillary to the immigration laws, and while not so specified were intended to refer to such laws as would help the Immigration Bureau to protect aliens and enforce the immigration law. Bills were introduced looking to the improvement of the immigration laws. The alert chairman of our great committee, complying with the admonition of St. Paul, "Magnify thy office," saw in that recommendation about transportation from one State to another a very large turn of grist which he thought ought to be turned into our mill, and he proceeded to introduce a bill which would show the Immigration Committee a great many things about that kind of legislation, and it looked like he was going to take all the glory away from the celebrated Committee on Immigration and Naturalization which had been so efficient, but the chairman of the Committee on Immigration and Naturalization knew a thing or two himself, and he gathered his committee together and they made the Howell bill and put in it all that stuff about interstate commerce and had it reported to the House in quick order, and, although our committee followed suit as rapidly as possible with a bill, if possible, much more obnoxious to the Constitution, it was a close race, and the chairman of the Immigration Committee secured the first call on calendar Wednesday, thereby refuting the before-mentioned error, that it was created for our committee alone. Then the battle of giants raged fast and furious.

According to the distinguished chairman of our committee the Howell bill was utterly unconstitutional and bad in every particular. I have no disposition to dispute it, but the advocates of that kind of legislation generally voted for the Howell bill and it passed this House. The next calendar Wednesday the other champion got on the boards. Then it was the time for the chairman of the Immigration Committee to entertain a poor opinion of the pending bill. I can not say that he was as certain of its unconstitutionality as our chairman was of the Howell bill's unconstitutionality, but entertaining, as I do, the settled opinion that both are unconstitutional, unnecessary, and foolish, it is strange to me that the advocates of that kind of legislation are so doubtful of their ground that they must go on passing the same kind of bills. If the Howell bill was good, why duplicate it on the statute books? If the pending bill was good, why rush the Howell bill through? If either one is good, why pile both of them on the statute books? If each chairman thinks the other bill unconstitutional, and yet both chairmen support both bills, I am forced to conclude that both are right in their opinions of unconstitutionality and that both are wrong in their conduct in supporting the legislation. [Applause.]

It will be observed that no attempt is made in either bill to prevent or punish the act of prostitution. It will be observed that immorality in transit, on the cars or other vehicles, is not prohibited at all. If the bill is constitutional, that provision would have been constitutional. It may be ob-

served that only buying a ticket for a woman who is going to another State for prostitution is prohibited. There is no attempt to prohibit a vile man from buying a ticket to be used by himself or another vile man for transportation into another State for the purposes of immorality. If there is any sense in that part of the bill, these provisions ought to be included, but the chief points to be noticed are these: First, these provisions are liable to furnish boundless opportunity to hold up and blackmail and make unnecessary trouble, without any corresponding benefits to society. Second, you can not convict a man for buying a ticket unless you prove the purpose. The only way you can prove the purpose is to follow the woman and prove the prostitution. If you can prove the prostitution, you can accomplish your purpose under state laws. Oh, they say, but a State can not pass and enforce a law to prohibit a man from buying a ticket to send a woman into another State for an immoral purpose. In the first place, it is unnecessary to pass such a law.

In the second place, if it is morally wrong to buy that ticket, a State, in the exercise of its police power, can pass and enforce a law. If it be not wrong, no jurisdiction can prohibit it. In the third place, it is strange that this country has gotten along for a century and a quarter and the balance of the world for six thousand years without the necessity or discovery on the part of moral people that that had to be done, and only the American Congress could do it.

There have been only two parallel instances of legislation cited to support the contention in this case, and they are both unfortunate. The quarantine law, under which the Government protects the people through which the interstate commerce passes by preventing contact with persons or property infected with contagious diseases. The Government has a right to see that these persons and commodities are carried through the States and communities in interstate commerce, but it has recognized its duty to see that if any of them are infected by contagion they should be carried under such restriction and safeguards as to prevent that infection being communicated to any of the communities through which they pass.

Then, there is the case of lottery tickets, which in their essence and character are intended and used, sold, and purchased for no purpose on earth but the immoral practice of gambling. As vice, crime, and disease are not the subjects of commerce, but are things to be entirely suppressed, it was very properly provided and upheld by the courts that lottery tickets, per se iniquitous, should not have the privileges of interstate commerce, and that persons and commodities actually infected and in condition to communicate infection should not be allowed to come into contact with communities through which they pass. Now, the present proposition is that a general ticket unlimited to the use of any person shall be tabooed and the man shall be imprisoned for buying it if it is to be used by a woman to go into another State for the purpose of prostitution.

Now, in order to be parallel with either of the cases cited, in order for the proponents of this legislation to find in either of these cases a single leg to stand on, much less a case going "on all fours," they must show either, as in the quarantine case, that the woman's condition of vileness and immorality is contagious by contact, and that by using the ticket in paying for transportation on the train there is danger of contagion and contamination to the other persons and things being transported, or they must show, in order to parallel the case of the lottery ticket, the horrible falsehood that women are creatures per se vile and immoral, designed and intended in nature for no other than immoral purposes.

The argument goes inevitably to the reductio ad absurdum, and by inference and implication involves gross and wicked injustice to the sweet and lovely partners of our joys and sorrows, "Heaven's last, best gift to man," who sweeten and comfort our lives like veritable angels of love and mercy, which all good women really are, and impart to our existence here all that we enjoy of happiness and good and hope and foretaste of heaven. [Applause.]

There was some effort made to commit my colleague from Alabama, the refined and amiable Judge RICHARDSON, because he had erroneously supported some features of the pure-food legislation, but the attempt to analogize anything in that legislation to the unconstitutional features of this bill is so farfetched as to need no refutation here. Furthermore, that reference can not estop me, because I enjoy the proud distinction of having fought the drastic and illegal features in that bill until we secured the elimination of most of them and the modification of all the others.

I dislike the necessity of having to oppose unwise legislation which is erroneously supposed by people to be in the interest of morality, but I have more faith in the ability and disposition of the people to protect morals through the different state governments than in their accomplishing it through one centralized Federal Government. The States are equipped for that purpose. The work is distributed among them. That is the proper way and the best way to uphold morals. The Constitution provides that it is the only way. The Supreme Court says it is the only way.

I would have refrained from saying so much, but enjoying membership on the committee which considered this bill, I was compelled either to support or oppose it; and being constrained by my oath of office and my regard for morality and good government to oppose it, I felt it was due to my fellow-Members, to my constituents, and to the country to explain to them the reasons why I have opposed the legislation.

I thank the House for its patient and kind attention. [Loud applause.]

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Strike out, beginning on page 5, line 20, at the words "every person," all down to and including the word "otherwise," on page 7.

[Mr. BARTLETT of Georgia addressed the House. See Appendix.]

Mr. MANN. I now yield to the gentleman from Ohio.

Mr. KEIFER. Mr. Speaker, I am very thankful to the gentleman from Illinois for the time he yields to me, and I do not want now to say anything that will detract from the eloquence of the remarks of the gentleman who has just taken his seat. I gave notice of a purpose to offer an amendment to this bill, but that notice is now recalled, because the gentleman from Georgia has offered the amendment that I intended to make, to wit, to strike out certain portions of the bill in section 6, those portions making it a crime for any person keeping a house of ill fame to fail to report that he entertains in his house an alien women—alien and not in this country beyond three years. The provision proposes to make that a crime; not the matter of keeping a house of ill fame a crime, not to make it a crime to permit illicit intercourse in the keeper's house, but the fact only that he did not report those things, and particularly that a once alien woman was kept in his house, that they may be made public. There is another criticism of the latter clause of this portion of this bill that is proposed to be stricken out, and I only refer to it as a minor matter; but it would be intolerable in a criminal law. The clause referred to undertakes to provide that a certain thing shall be presumptive of guilt and to throw upon the accused the onus or burden and the responsibility of proving his innocence; otherwise he must be convicted. I believe that is the first time we have ever seen such a provision in a criminal statute.

The distinguished gentleman from Texas [Mr. RUSSELL] the other day admitted that the provision of the bill sought to be struck out, if enacted into law, would be unconstitutional unless it was authorized by a treaty between the United States and certain foreign countries. He admitted it could not be upheld under the interstate and foreign commerce clause of the Constitution of the United States. Now, if he had looked at the treaty, he would have found not a word in it that authorized or justified anything in relation to criminal legislation. There is not a word in it that demands in the execution of the treaty any legislation of this character.

Omitting only the formal parts, I submit the treaty referred to.

The terms of the agreement are as follows:

ARTICLE 1. Each of the contracting Governments agrees to establish or designate an authority who will be directed to centralize all information concerning the procuration of women or girls both in a view to their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other contracting States.

ART. 2. Each of the Governments agrees to exercise a supervision for the purpose to find out, particularly in the stations, harbors of embarkation, and on the journey, the conductors of women or girls intended for debauchery. Instructions shall be sent for that purpose to the officials or to any other qualified persons, in order to procure, within the limits of the laws, all information of a nature to discover a criminal traffic.

The arrival of persons appearing evidently to be the authors, the accomplices, or the victims of such a traffic will be notified, in each case, either to the authorities of the place of destination or to the interested diplomatic or consular agents, or to any other competent authorities.

ART. 3. The Governments agree to receive in each case, within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual return.

The Governments agree, within the limits of the laws and as far as possible, to confide, temporarily and with a view to their eventual re-

turn, the victims of criminal traffic, when they are without any resources, to some institutions of public or private charity or to private individuals furnishing the necessary guaranties.

The Governments agree also, within the limits of the laws, to return to their country of origin those women or girls who ask their return or who may be claimed by persons having authority over them. Return will be made only after reaching an understanding as to their identity and nationality, as well as to the place and date of their arrival at the frontiers. Each of the contracting parties will facilitate the transit on his territory.

The correspondence relative to the return will be made, as far as possible, through the direct channel.

ART. 4. In case the woman or girl to be sent back can not pay herself the expenses of her transportation and she has neither husband nor relations nor guardian to pay for her the expenses occasioned by her return, they shall be borne by the country or the territory of which she resides as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin for the remainder.

ART. 5. The provisions of the above articles 3 and 4 shall not infringe upon the provisions of special conventions which may exist between the contracting Governments.

ART. 6. The contracting Governments agree, within the limits of the laws, to exercise, as far as possible, a supervision over the bureaus or agencies which occupy themselves with finding places for women or girls in foreign countries.

Articles 7, 8, and 9 provide for the adhesion of the nonsignatory states, that the arrangement shall take effect six months after the date of the exchange of the ratifications, and for the formalities attending the ratification and exchange of the agreement, respectively. It was called only a "project of arrangement," and bears date at Paris, France, May 18, 1904—by Germany, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and the Swiss Federal Council.

The objects and purposes sought were highly commendable.

If it were full, though, from top to bottom of provisions that the Congress of the United States should pass laws of the character that is proposed here, those laws would still be unconstitutional, for, from the beginning of the Government to the present, whenever the question has arisen, it has been held that no treaty, however solemnly made and ratified, could give direction to the Congress of the United States to make laws that were in violation of the Constitution. So my friend from Texas, when he admits that this proposed law would be in violation of the Constitution of the United States, admits it will be void; and, of course, it can not be justified, even though the treaty stipulated we could make such laws.

Mr. RUSSELL. The gentleman may possibly have misunderstood me. I say that this section 6 can not be justified, and is not attempted to be justified, under the commerce laws of the Constitution.

Mr. KEIFER. Under that provision, of course not. Making reports about who are inmates of bawdy houses is not interstate or foreign commerce.

Mr. RUSSELL. But that it rests on the treaty-making power, and upon that I think power is ample.

Mr. KEIFER. It rests upon the treaty-making power, if on any power, but I understood the gentleman to say that we had a treaty with these nations authorizing the proposed criminal legislation, and I venture to state to the gentleman that if he will look at the treaty he will not find a syllable in it that tends to show that we should make any law of any kind, let alone such as the one proposed by the clause sought to be struck out.

It was decided long ago. I could go into numerous cases, and will not, but will read one or two authorities. I read from the fifth volume of Moore's Digest of International Law, page 166:

That a treaty is no more the supreme law of the land than is an act of Congress is shown by the fact that an act of Congress vacates pro tanto a prior inconsistent treaty. Whenever, therefore, an act of Congress would be unconstitutional as invading the reserved rights of the States, a treaty to the same effect would be unconstitutional. The treaty-making power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government and that of the State. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or the cession of a portion of the territory of the latter without its consent.

I need not pursue the subject. Long ago, in 19 Howard, in the case of Prevost *v.* The Treasurer of the State of Louisiana, Chief Justice Taney laid down this same principle, and as far as I have been able to trace it, it is found all along the line, so that unless the Constitution permits us to legislate in this way the provision referred to would be unconstitutional, no matter what is contained in the articles of treaty that are referred to.

Now, Mr. Speaker, we are fallen upon strange times. In our anxiety to legislate against certain evils we ignore the Constitution of the United States. In our anxiety perhaps to legislate or offer to legislate in answer to a general popular cry we fail to pay attention to the Constitution of the United States. In our actions here we forget the oaths that we take to support the Constitution of the United States when we enter upon the duties of our offices. Popular cry is regarded as sufficient to be raised against a Member to keep him quiet in his place, although it is proposed to violate the plain provisions of the Constitution. We are invading the Constitution every day, and leaving it to the Supreme Court of the United States to stand as the great bulwark against this continuing, growing evil. There is a time to stop and consider whether we are not in effect or in fact perjuring ourselves in passing such measures as this, with such provisions contained in them. I believe in Congress holding on to all its grants of federal power, but I am opposed to its attempting to usurp powers exclusively granted or reserved to the States.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. KEIFER. I ask unanimous consent for ten minutes more.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. KEIFER. I am thankful to the House. I am not going to oppose the bill in its general purposes, for I understand that we have certain rights in reference to regulating the introduction of aliens of immoral character into this country, but we and Congress can by law regulate them for the District of Columbia and the Territories, but not because of any provision can not do it under the police power of the Government. That has been settled long ago, The matter of immoral practices may be regulated by police regulations by a State for itself, in the Constitution authorizing us to regulate commerce between the States and foreign governments.

I turn, now, to the report of the committee for the purpose of calling attention to the case of Keller against the United States (213 U. S.), and I find, on page 19 of the committee's report, a sufficient part of the opinion in that case to answer all the purposes which I desire to consider. I read:

Undoubtedly, as held, "Congress has the power to exclude aliens from the United States; to prescribe the terms and conditions on which they may come in; to establish regulations for sending out of the country such aliens as have entered in violation of law, and to commit the enforcement of such conditions and regulations to executive officers."

Now, going to page 20 of the report, the court say:

While the keeping of a house of ill fame is offensive to the moral sense, yet that fact must not close the eye to the question whether the power to punish therefor is delegated to Congress or is reserved to the State. Jurisdiction over such an offense comes within the accepted definition of the police power.

Quoting from the case of Patterson *v.* Kentucky (97 U. S., 501), from which I will read:

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and can not be assumed by the National Government. (Cooley, Const. Lim., 574.)

Now a single other paragraph on the point I have already referred to. That is the caution against allowing subjects of this kind to deflect us from our duty as Members of Congress. The court say:

That there is a moral consideration in the special facts of this case—

That is, a case involving illicit relations—

is immaterial, for, as stated, there is in the Constitution no grant to Congress of the police power, and the legislation must stand or fall according to the determination of the question of the power of Congress to control generally dealings of citizens with aliens.

In the clause that I seek to have stricken from this bill we have passed away from the power to regulate these people as aliens when, after they have been admitted and have become citizens and lived in the country a period not exceeding three years, we require one of our own citizens to make a report in relation to them if found in a house of ill fame that he is in control of, and that citizen, not the alien, to be regulated, but that citizen is to be subjected to punishment as a criminal for not making a report relating to the alien woman showing where she is to be found. The keeper, under this clause, is not to be punished for keeping a house of ill fame or for harboring a lewd alien by birth if she has not been in the United States to exceed a year. Such legislation clearly belongs to the States. It has no tendency to regulate the admission or exclusion of aliens, whatever their character may be, and the making of such report is in no sense interstate or foreign commerce, and no treaty does or can make such a law constitutional.

Now we come to the question who shall do this. The States. Some people say that the power of the State may be ample, but if they fail, the General Government should come in and do that which the State ought to do. I believe, Mr. Speaker, that there is more safety in leaving the powers that are given

or reserved by the Constitution of the United States to the States, leaving them there, and if the legislature of the States do not pass ample laws, or pass bad laws, they are nearer the people, and the people can correct the wrong whenever they choose. [Applause.] It is much easier, much cheaper, and much safer to trust the people in the States to, through their legislative bodies, make wholesome and wise laws for themselves and to regulate morals than it is to rely on Congress with all its multifarious duties.

We have here in this great legislative body too many things to deal with to allow us, if our Constitution permitted, to reach out and grasp for power that is given to the States. Even though not exclusively given to the States, it is wise often to allow the States to exercise the power that may be constitutionally exercised by the Federal Government.

I only make these remarks, without any special previous preparation, simply to enter my protest, not against the purpose of the legislation proposed, but against the power or the right or the duty of the Congress of the United States to be engaged in passing up bills to the courts of the country to denounce as unconstitutional.

My friend from Georgia [Mr. BARTLETT] talks eloquently about the Magna Charta that was wrung from King John on the meadows of Runnymede, but that charter does not have any such effect as our written Constitution. It is unwritten, and when it comes to dealing with questions in the Parliament of England they may pass any law they please regardless of Magna Charta. Their courts do not exercise the power of declaring laws passed by the Parliament of England as in violation of Magna Charta. They have gone a good ways, they think, when they hold a law to be void because it is against public policy or public morals. But you do not find any decision declaring a law of Parliament unconstitutional because it violates that great charter of which my friend from Georgia speaks so eloquently.

But here we can pass bills, constitutional and unconstitutional, and they go, as in the employer's liability bill, at great expense of litigants, to the courts, to be stricken down there. I think it behooves us to look carefully at every measure and see whether or not it is constitutional. It may be answered that if the provision we are seeking to strike out of the bill is found to be unconstitutional, the whole bill may not be, but it ought not to be in the law to invite litigation. I know that the courts have held in latter years that a provision in the act of a state legislature or an act of Congress that is unconstitutional does not necessarily make the whole act unconstitutional; that it did not do so unless it appeared from the whole text of the bill that the unconstitutional provision was one of the principal elements or purposes which led to the passage of the act. [Applause.]

Mr. PETERS. Mr. Speaker, the considerations which prompt the support of this bill are so widespread and its objects are so well understood and meet with such universal approval that no explanation or repetition of them need be made to this House.

The bill aims to aid in the suppression of the white-slave traffic by making it a felony to purchase interstate transportation for any woman going to a place for purposes of prostitution. The act, in section 6, also compels all keepers of disorderly houses who have in them alien women of less than three years' residence in this country to file a report of such women with the Commissioner-General of Immigration.

The traffic which this bill seeks to suppress has reached such proportions that an international conference has been held for its consideration, and its conditions and extent in this country have been called to public attention by the report of the Commissioner-General of Immigration, both for the years 1907 and 1908, and by the recommendations of the Immigration Commission of December 10, 1909.

To none more than to my colleagues who have spoken against this bill do its humanitarian objects, I am certain, appeal. Their opposition to the bill, we all appreciate, is based on their views of its constitutionality, and in no way indicates a lack of sympathy with its objects.

Differing from these gentlemen, however, as I do, I wish to present the views upon which I believe the bill should be supported. There can be no question as to our duty in regard to a measure of which the constitutionality is in question. The doctrine that, because the objects of a bill meet with our approval, we should support it, irrespective of our views on its constitutionality, and rely on the courts to determine later that question, I decline to submit to. The responsibility for the constitutionality of a measure is ours, and we must not avoid it. We take an oath of office to support the Constitution, and a vote for a bill we believe unconstitutional would be a violation of that oath.

I support this bill because I believe it is constitutional, and I ask the attention of the House to the grounds on which that opinion is based and the decisions of our Supreme Court upon which the majority of the committee base their views. The commerce clause of the Constitution gives to Congress the power to regulate interstate commerce, and it is believed this bill falls within the powers so conferred.

POWER OF CONGRESS OVER COMMERCE.

The powers of Congress over commerce between the States and the powers of the individual States over such commerce have been subject to frequent adjudications by our courts, which have laid down certain principles upon which the cases have been decided. The Supreme Court in its decisions has divided the subject into three classes: First, those cases in which the power of the State is exclusive; second, cases in which the States may act in the absence of legislation by Congress; third, cases in which the action of Congress is exclusive and the States can not interfere at all.

The first class includes all those cases in which the States have absolute power, which concern the strictly internal commerce of the State, and in which Congress has no power. While the regulations of the State under this power may affect interstate commerce, their bearing upon it is so remote that it can not be termed in any just sense an "interference." The States may authorize under this power the construction of highways or railways between points in the same State, or such means of communication as do not form a continuous highway over which commerce is, or may be, carried on with other States or foreign countries. This power gives authority for the general police regulations of the States.

The second class of cases, which includes those of concurrent jurisdiction, embraces the policing of harbors and regulating of wharves, and in this the States may legislate in the absence of congressional legislation.

The third class of cases is that where the laws, instead of affecting interstate commerce but incidentally, affect it vitally, and thus are national in their character. Over this class the jurisdiction of Congress is exclusive.

TRANSIT OF INDIVIDUALS IS COMMERCE.

It is within the latter class of decisions that this case comes. The proposition that the transit of individuals from State to State is in itself commerce, and as such is subject to regulation, is based on decisions of which the soundness can not be questioned.

In Gloucester Ferry Company *v.* Pennsylvania (114 U. S., 196) the case was one between a ferry company whose entire business was in transporting passengers between Pennsylvania and New Jersey. The State of Pennsylvania passed an act which imposed a tax upon that company. The court said they could not tax the property of the company engaged generally in its business, or the business of the company itself, but only the property which it owned within the State of Pennsylvania. The court said in part (p. 203):

> Congress alone, therefore, can deal with such transportation; its non-action is a declaration that it shall remain free from burdens imposed by state legislation. Otherwise there would be no protection against conflicting regulations of different States, each legislating in favor of its own citizens and products and against those of other States.

Following out this decision we have the case of Bowman *v.* Chicago and Northwestern Railway Company (125 U. S., 465), in which case the legislature of the State of Iowa sought by statutory provision to prohibit the importation of liquor within that State. The court in holding such an act to be unconstitutional said (p. 481):

> It is of national importance that over that subject there should be but one regulating power, for if one State can directly tax persons or property passing through it, or tax them indirectly by levying a tax upon their transportation, every other may, and thus commercial intercourse between States remote from each other may be destroyed.

Carrying out this same line of decision in the case of Cooley *v.* Port Wardens (12 How., 299), with which so many of you are familiar, in referring to various States where they have laws relative to pilotage, the court said (p. 319):

> Now, the power to regulate commerce embraces a vast field, containing not only many but exceedingly varied subjects, quite unlike in their nature, some imperatively demanding a single uniform rule, operating equally in the commerce of the United States in every port.

Expanding this idea in County of Mobile *v.* Kimball (102 U. S., 691), the court said (p. 697):

> The subjects, indeed, upon which Congress can act under this power are of infinite variety, requiring for their successful management different plans or modes of treatment. Some of them are national in their character and demand and require uniformity of regulation affecting

alike all the States. Others are local, or mere aids to commerce, and can only be properly regulated by provisions adapted to their special circumstances and localities.

Again the court says, later on in the same case (p. 702):

Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities. For the regulation of commerce as thus defined there can be only one system of rules, applicable alike to the whole country; and the authority which can act for the whole country can alone adopt such a system. Action upon it by separate States is not therefore permissible.

The case of In re Rahrer (140 U. S., 545) raised the question of the constitutionality of an act which provided that all liquids transported into any State or Territory for consumption or sale should, upon their arrival, be subject to the local laws. In this instance the petitioner was arrested for breach of those laws. The court said, in referring to the act (p. 561):

Congress has not attempted to delegate the power to regulate commerce or to exercise any power reserved to the States or to grant a power not possessed by the States or to adopt state laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in state laws in dealing with such property.

Mr. Speaker, this line of cases shows that the transit of persons between two States is distinctly under the powers given to Congress under the commerce clause of the Constitution.

Following these decisions comes the case of Covington Bridge Company *v.* Kentucky (154 U. S., 204). In this case the bridge company erected a bridge between Kentucky and Ohio. The legislature of Kentucky passed a law regulating traffic over that bridge. The case went to the United States Supreme Court, and the court said, in part, commenting upon it (p. 218):

With reference to the second count, an attempt is made to distinguish a bridge from a ferryboat and to argue that while the latter is an instrument of interstate commerce the former is not. Both are, however, vehicles of such commerce, and the fact that one is movable and the other is a fixture makes no difference in the application of the rule. Commerce was defined in Gibbons *v.* Ogden to be intercourse, and the thousands of people who daily pass and repass over this bridge may be correctly said to be engaged in commerce as if they were shipping cargoes of merchandise from New York to Liverpool. While the bridge company is not itself a common carrier, it affords a highway for such carriage, and a toll upon such bridge is as much a tax upon commerce as a toll upon a turnpike is a tax upon the traffic of such turnpike or the charges upon a ferry a tax upon the commerce across a river. A tax laid upon those who do the business of common carriers upon a certain bridge is as much a tax upon the commerce of that bridge as if the owner of the bridge were himself a common carrier.

And with that statement the court declared unconstitutional the act of the State seeking to affect this commerce over the bridge.

We have shown in the previous decisions I have just read that this transportation of persons is commerce, and now I shall read you some cases which will show that it is a form of commerce which comes under the class of cases in which Congress has exclusive jurisdiction and for the regulating of which Congress has already established a precedent. I will read a part of the decision in the Lottery cases. The Lottery cases (188 U. S., 321) declared constitutional certain statutes making it a crime to transport lottery tickets from one State to another in the United States. In these Lottery cases the court said (p. 357):

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets, as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which, for the protection of the public morals, prohibit the drawing of lotteries, as well as the sale or circulation of lottery tickets, within their respective limits. It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character, carried on through interstate commerce, can not be met and crushed by the only power competent to that end. We say competent to that end, because Congress alone has the power to occupy, by legislation, the whole field of interstate commerce. What was said by this court upon a former occasion may well be here repeated: "The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject-matter specifically committed to its charge."

The decision in this case, which has never been overruled, states the law as it is to-day, and it is in no small part on the basis of this decision that support of our bill rests.

The circumstances for which we seek to legislate would seem to call for the application of the same broad principles here enunciated, and that those principles, applied to our case, would support its constitutionality can admit of little doubt.

A most recent decision, and one which drew to it, on account of the magnitude of the issues involved, widespread attention, also uses language which may appeal to us as being applicable to this legislation. I am referring to the Northern Securities case (Northern Securities Co. *v.* United States, 193 U. S., 197). Here it was held that a certain arrangement was an illegal combination in restraint of interstate commerce. The court there said (p. 341):

They (referring to certain cases cited) serve also to give point to the declaration of this court in Gibbons *v.* Ogden (9 Wheat., 197)—a principle never modified by any subsequent decision—that, subject to the limitations imposed by the Constitution upon the exercise of the powers granted by that instrument, "the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of power as are found in the Constitution of the United States." Is there, then, any escape from the conclusion that, subject only to such restrictions, the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce? If a State may strike down combinations that restrain its domestic commerce by destroying free competition among those engaged in such commerce, what power, except that of Congress, is competent to protect the freedom of interstate and international commerce when assailed by a combination that restrains such commerce by stifling competition among those engaged in it?

These two last cases, the Lottery case and the Northern Securities case, show the principles on the application of which the Supreme Court would decide this statute, should it ever come before it, and support the soundness of the contention of the majority of the committee, which claims this measure to be constitutional.

LACK OF IMMUNITY CLAUSE NO OBJECTION TO REPEAL.

Section 6 of the bill, to which objection has been made so strenuously, provides that the Commissioner of Immigration collect information for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for immoral purposes. A person who harbors any such woman or girl for immoral purposes, within three years after she enters the United States, is required to file a statement as to her nationality, age, and certain other information.

The principal objection to this clause is that no immunity is provided for the person who makes the statement. So far as this objection applies to the District of Columbia and the Territories, and the jurisdiction directly under Congress, the objection is sound, but is met by an amendment which will be offered by the chairman of our committee, which provides such immunity. In the general situation, without considering the District of Columbia and Territories, this objection is not sound. There is no law of the United States which makes the keeping of a house of prostitution itself a crime. Therefore the statement required does not subject the person making it to any prosecution under the jurisdiction to which the admission is made. I will read to you from the decision of Hale *v.* Henkle (201 U. S., 43), which supports the contention that it is proper and constitutional to require a statement such as is provided by section 6 of this bill (p. 287):

The object of the amendment—

Which provides that a person shall not be obliged to incriminate himself—

is to establish in express language and upon a firm basis the general principle of English and American jurisprudence, that no one shall be compelled to give testimony which may expose him to prosecution for crime. It is not declared that he may not be compelled to testify to facts which may impair his reputation for probity, or even tend to disgrace him, but the line is drawn at testimony that may expose him to prosecution. If the testimony relate to criminal acts long since past, and against the prosecution of which the statute of limitations has run, or for which he has already received a pardon or is guaranteed an immunity, the amendment does not apply.

The interdiction of the fifth amendment operates only where a witness is asked to incriminate himself—in other words, to give testimony which may possibly expose him to a criminal charge. But if the criminality has already been taken away, the amendment ceases to apply. The criminality provided against is a present not a past criminality, which lingers only as a memory and involves no present danger of prosecution. To put an extreme case, a man in his boyhood or youth may have committed acts which the law pronounces criminal, but it would never be asserted that he would thereby be made a criminal for life.

Wigmore on Evidence, volume 4, section 2258, says:

It is not in the power or duty of one State, or of its courts, to be concerned in the criminal law of another State. For the former there is but one law, and that is its own. The boundaries of our Constitution and our sovereignty are coextensive. A constitution is intended to protect the accused against the methods of its own jurisdiction, and no other. The court's view, as well as its functions, should be confined to its own organic sphere.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

Mr. PETERS. I thank the gentleman from Illinois.

So far as the provisions of this section as amended are concerned they conform to the constitutional view of the decisions. The object of this section 6 is to carry out the terms of an agreement entered into between 12 European nations to protect women against the criminal traffic known as "Traite des blanches,"

and to which the United States was invited to subscribe. This compact was signed in Paris May 18, 1904, ratified by the Senate, and proclaimed by the President June 15, 1908. The white-slave traffic reached such proportions that a convention of European countries was called on the subject, and as a result the above agreement was made. The various countries adhering to the agreement were to make statements as to where women and girls of this class came from and such countries were to return to their home country any of those unfortunates who were found in any of the signatories which come under the provisions of this act. Section 6 contains the requirements of this agreement and is inserted in the bill to give the United States power to effectually carry out the terms of the agreement referred to. It is our duty to give the Government the power to carry out the provisions of this agreement. I will read from Moore on International Law, volume 5, section 222, as follows:

A treaty * * * when dependent on legislative action does not take effect until such action is had.

Where a treaty can not be executed without the aid of an act of Congress, it is the duty of Congress to enact such laws.

My time has nearly expired, and I wish to sum up briefly the position which we have taken. You must all approve of efforts to regulate and suppress the form of commerce this bill proposes. It would be obviously unconstitutional for any State to attempt to enact a law to affect such commerce or make the purchase of a ticket in one State to be used in interstate transportation constitute a crime. To Congress, therefore, must we look for aid. The cases cited show that the transit of individuals from State to State is interstate commerce, that the proposed regulation is a matter directly connected with interstate commerce and comes under that class of matters of which the regulation is intrusted alone to Congress, and support the contention that this measure is constitutional. This measure, then, in place of being a blow to the rights of the States as to their own government, is an aid and support to the States, and its enactment will enable them to carry out better and more effectively for their own people laws for their protection. [Loud applause.]

Mr. MANN. Mr. Speaker, I now yield to the gentleman from Virginia.

Mr. SAUNDERS. Mr. Speaker, this bill has a most meritorious purpose, and rests upon the well-established power of Congress to regulate interstate and foreign commerce.

This power is now called into exercise, in an effort to break up a villainous interstate, and international traffic in innocent girls, and women, who are in many cases induced to leave home under specious promises of steady employment at remunerative wages, only to find themselves in the result, deprived of their liberties, and compelled to lead vicious and immoral lives, under conditions of restraint, and compulsion, which have been aptly, and universally styled, "white slavery."

This "white-slave trade" has attained such extensive, and alarming proportions, that it has been made the subject of an international agreement between Great Britain, France, Russia, Germany, and many other foreign powers. The United States became a signatory to this agreement in 1908, and by this bill we undertake to afford an efficacious protection against this criminal traffic, to those who would otherwise be its victims.

The mere fact that such a traffic exists in any proportions, is a blot on modern civilization, but the extent to which our supineness has allowed it to proceed, is the crowning disgrace of the twentieth century. Governmental investigations recently conducted on our part, disclose the startling fact that the importation of foreign girls, and women, and the transfer of native girls between the States, has been systematic, and continuous.

The testimony which has been collected, including correspondence and other documentary evidence, which was captured at the time of arrest of certain notorious criminals, clearly reveals that an organized society exists both in this country, and abroad, formed for no other purpose than to exploit innocent girls for immoral purposes. This syndicate has headquarters, and distributing centers, in New York, Chicago, San Francisco, Denver, and many other American cities, extending even as far north, as Nome in Alaska. From the data accumulated by the government agents, it appears that within the last ten years, hundreds of girls have been transferred to various portions of the United States, through the pernicious activities of the agents of this syndicate. The Secretary of Commerce and Labor, refers to this unholy business on page 18 of his report for 1908, in the following terms:

It is highly necessary that this diabolical traffic which has attained international proportions, should be dealt with in a manner adequate to compass its suppression. No punishment is too severe to be inflicted upon the procurers in this vile traffic.

In 1907, Congress created an immigration commission, which has conducted a searching inquiry into the operations of this syndicate. In February 1909, this commission submitted a preliminary report. From this report, I extract the following striking statement:

The commission has made an extensive investigation into the question of importing, and harboring women for immoral purposes. The results show that many women are being transported under conditions which amount to absolute slavery.

The evidence taken by the Government further shows, that many victims of this traffic, have been coerced into leading lives of shame, by the use of force, deceit, fraud, and every variety of trickery. In many instances they are most unwilling victims, who are literally compelled to practice immorality, and are held to its pursuit, by means of violence, and restraint.

"They are practically slaves, in the true sense of the word, and when necessary, force is used to deprive them of their liberty." Well may we ask:

Can such things be,
And is civilization a failure?

The following language is found in the report of the Committee on Interstate and Foreign Commerce, which is filed with this bill:

The term "white slave," includes those women, and girls, who are literally slaves—those women who are owned, and held as property, and chattels—whose lives, are lives of involuntary servitude, and who, in too many instances, are sold outright. The victims of the "white-slave traffic," are the women, and girls who, if given a fair chance, would, in all human probability, have been good wives, and mothers, and useful citizens.

It is further developed by the Government investigations that, in many cases involving the transportation of native, and foreign girls, in interstate traffic, the active agents in this infamous enterprise, use every means, and device known to the criminal classes, to accomplish their purpose.

So much for the evil. Now for the remedy. Congress does not undertake to deal with this question in the exercise of any supposed police power, nor does it in any sense, propose to displace the police power of the States in the intrastate suppression, or regulation, of any manifestation of voluntary, or involuntary immorality, which falls within that power, and with which, the States are therefore competent to deal. But this bill does propose to penalize the improper use of the common carriers for transporting innocent girls designed for immoral purposes, from the country districts across state lines, to the centers of population, and from foreign countries, into this country.

Mr. Speaker, the gentlemen who oppose this measure, allege that it is an unconstitutional interference with the police power of the States.

This suggestion of unconstitutionality ought to be settled in limine. For if the objects which this bill seeks to accomplish, are not within the scope, and exercise of our constitutional authority, no amount of meritorious purpose, will afford a sufficient reason for its enactment. But the friends of the measure ought not to beat a hasty retreat, or strike their flag, at the first suggestion of unconstitutionality. No splitting of hairs in verbal dialectics, or subtle distinctions carried to the last refinement of analysis, should be sufficient to induce us to abandon a measure which we are impelled to enact, by every consideration of morality, and every call of decency.

In my judgment this bill is clearly constitutional, and it is to the constitutional questions which are involved, that I wish to direct the attention of the House. It is intimated by the opponents of the bill, that the popular demand for its passage is so compelling, and overwhelming, that in their anxiety to conform to the popular wish, the Members who support this measure, have disregarded, and overlooked, the serious questions of constitutional law which are presented in this connection. This I deny, on the part of the friends of the bill. Speaking for myself, I intend to meet as squarely, and as fairly as I can, every constitutional objection that has been presented in this debate. The second section of the bill which has been the chief target of attack, provides in substance: That any person who shall knowingly transport, or cause to be transported, or aid, or assist in obtaining transportation for, or in transporting, in interstate, or foreign commerce, or in any Territory, or in the District of Columbia, any woman, or girl, for the purpose of prostitution and debauchery, and so forth, shall, on conviction, be punished as therein provided. Is there any Member of this House who claims that any individual, or collection of individuals, exists in this country, who are empowered to conduct a traffic of this sort, as a matter of right, and who are so far privileged, that they can set up constitutional immunity from interference? Are they so intrenched in the right to pursue this infamous, and nefarious business, that they can defy us to dislodge them,

or to restrain them from its continued prosecution, even by the supremest exercise of federal authority?

If that be true, it comes with a shock of great surprise to most of us.

What is this interstate traffic, over which we exercise control? It is admitted here by the gentlemen who have argued in opposition to this bill, that the transportation of insensate objects for a consideration, from one State to another, is clearly commerce; and yet when it is proposed to carry from State to State, sentient beings for the purposes of degradation, and dishonor, and in order that the image in which they have been created, shall be defaced, these gentlemen seek to make a distinction, and assert that this transport across state lines of living beings for immoral purposes, is not commerce, and can not be reached under authority of the interstate-commerce clause of the Constitution of the United States.

Why, of course, Mr. Speaker, this is commerce. Intercourse is commerce. (Gibbons *v.* Ogden, 9 Wheat.)

The transmission of intelligence is commerce. (Western Union Telegraph Co. *v.* Pendleton, 122 U. S.; Pensacola Telegraph Co., 96 U. S.; Leloup *v.* Port of Mobile, 127 U. S., 640.)

Transportation of property for hire, is certainly interstate commerce. If transit of persons from foreign countries, to our country, is commerce, then inevitably the transit of persons from State to State, is commerce. (Pittsburg Coal Co., 156 U. S., p. 587.) The transit of persons from foreign countries into this country, is commerce, and subject to the regulation, and control of Congress. (Nishimura Ekiu *v.* United States, 152 U. S., p. 651, and the cases therein cited.) The passage of foot passengers from one side of the Ohio River, to the other, is commerce. (Covington Bridge Co. *v.* Kentucky, 154 U. S., pp. 204, 218.)

Commerce between the States embraces navigation, intercourse, communication, traffic, the transit of persons, and the transmission of messages by telegraph. (Lottery case, 188 U. S., p. 352.)

The power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely, as it would be in a single government, having in its constitution, the same restrictions on the exercise of the power, as are found in the Constitution of the United States. (Gibbons *v.* Ogden, 9 Wheaton.)

The power to regulate commerce between the States, is as complete, as the power to regulate commerce with foreign nations. (Brown *v.* Houston, 114 U. S., pp. 630, 682.)

To the same effect as Brown *v.* Houston (see Coal Co. *v.* Botes, 156 U. S., pp. 577, 587).

In the Lottery case it was decided that lottery tickets were the subject of traffic among those who chose to buy, or sell them; that the carriage of such tickets by independent carriers from one State to another, was interstate commerce; that under its power to regulate commerce between the States, Congress, subject to the limitations imposed by the Constitution upon the powers granted by it, had plenary authority over such commerce, and could prohibit the carriage of such tickets from State to State; and that legislation to that end, and of that character, was not inconsistent with any limitation, or restriction imposed by the Constitution upon the powers granted to Congress. (Lottery case, 188 U. S., p. 363.)

In apparent disregard of these cogent authorities, which maintain with accumulating force, that the transit of persons from State, to State, is commerce, the opponents of this bill aver with seeming confidence that Congress is destitute of power to deal with this subject-matter, and that our control over commerce, and its agencies, affords no authority to the Federal Government to aim an effective blow at this infamous, this infernal traffic. They assert that with the passage of this bill, we are preparing to invade the police power of the States. If so, will they indicate the extent, and direction of that invasion? What right is it that we propose to take from any State, which that State now enjoys under the police power? What is the authority of which we will deprive the States, should we enact this legislation? Wherein will we trench upon the police power of any State, should we prohibit this form of interstate commerce? How do the States propose to deal with that phase of this iniquitous business, which is related to, and carried on, through the agencies of interstate traffic? Our opponents say that Congress has nothing to do with questions of morality, and decency, in the enactment of its legislation, and that the control of morals is an exclusive function of the police power. This is too broad a statement.

I am free to admit that in the ordinary use of the term, the Government of the United States possesses no police power, but I utterly deny that in the enactment of its legislation, Congress should exclude from contemplation, all questions of morality, decent living, and civic betterment. The whole body of our penal legislation is measurably related to considerations of this character. But, say our adversaries, this bill is not regulation, it is prohibition. The right of regulation, carries with it, in a proper case, the right of prohibition, and the authority of Congress to exercise the latter right, is dependent upon the subject-matter, and the nature of the traffic. There are various instances in which Congress has exercised the right of prohibition, as a part of its control over commerce. One instance of this character, is in the case of obscene literature. The non-importation, and embargo laws, of the period prior to the war of 1812, also belong to this class. Still another illustration of the proposition that regulation may take the form of prohibition, is the Sherman Act. So also, is the pure-food act.

The lottery case arose under a statute closely resembling the one which it is proposed to enact. That statute provided, among other things, that anyone causing to be carried from one State to another, any paper, and so forth, purporting to be, or to represent, a ticket in a lottery should be punishable as provided.

The parties who were indicted and convicted under authority of this act, had arranged for the transportation by the Wells-Fargo Express Company, of certain lottery tickets from Texas, to California. In passing on the questions raised, the court announced that the carriage by independent carriers, of lottery tickets, from one State, to another, was interstate commerce, which Congress could prohibit under its power to regulate commerce between the several States:

> Legislation under that power, may sometimes, and properly, assume the form, or have the effect, of prohibition. Legislation prohibiting the carriage of such tickets, is not inconsistent with any limitation, or restriction, imposed upon the exercise of the powers granted to Congress. (Lottery Case, 188 U. S., p. 321.)

And now, just in this connection, I want to say that so long as the Lottery case stands, we need not concern ourselves over the other cases which our friends are so fond of citing, as controlling authority. Nearly every case that was relied on this morning, by our friend from Georgia, had been referred to, discussed, and dismissed from consideration, in the majority opinion of the Supreme Court, in the Lottery case.

Mr. BARTLETT of Georgia. Not all of them.

Mr. SAUNDERS. Not all of them, but most of them. I recognized them as old, familiar friends, who are heard from whenever we seek to exercise the right of control over interstate commerce, in some effective way.

Again, I think it was another gentleman from Georgia, who asserted that the transportation of a lottery ticket, was interstate commerce, and could be prohibited, because the ticket itself, was immoral, was "iniquitous per se." How can printed pieces of paper be in themselves immoral? They possess no self-executing capacity for immorality, and it is only when they are related to some human agency, or form a part of some mischievous human scheme, that they become effective for purposes of evil.

But so soon as they assumed this relation, it was competent for Congress to furnish legislation that was adequate for the suppression of the traffic, in so far as it was conducted through interstate commerce. The Supreme Court decided in the Lottery case, that if the States could take into consideration the evils that inhered in the raising of money by lotteries, Congress, invested as it was with the power to regulate commerce between the States, could provide that the channels of this commerce should not be polluted by carrying lottery tickets from State, to State. This pronouncement would seem to be decisive of the contention, that Congress can not relate its enactments to moral considerations.

The pieces of printed paper that passed through these channels, were not a pollution per se, of these channels. They constituted a pollution only so far as they were related to a scheme which had come under the moral reprobation of the country. It was only by virtue of its control over interstate commerce, that Congress was enabled to deal with the question at all.

The impelling motive of the lottery legislation was a national purpose to stamp out the lottery evil. Then, as now, it was objected that Congress was trespassing on forbidden ground, and that the care of the Nation's morals, was not within its purview. The Supreme Court made short work of this contention:

> Just as a State for the purpose of guarding the morals of its people, may forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States, against the widespread pestilence of lotteries, and to protect the commerce which concerns all of the States, may prohibit the carriage of these tickets from State to State. (Lottery case, p. 357.)

Thus in effect, the court announced that the declared policy of the States, in seeking to protect their own people, should not be overthrown, or disregarded, by an improper use of the agencies commonly employed in interstate commerce.

It sometimes happens that the same general subject is approached by Congress, and by the States, each by virtue of a different authority. The States approach it, in the exercise of the police power, with which we are familiar. Congress approaches it in the exercise of its power to regulate commerce, with which we are also familiar. Which one of those sovereignties recedes? Which is the paramount authority? Which overrules the other, and occupies the whole field? We all know that Congress is the paramount authority, and its enactments the paramount law, as to all matters committed to its jurisdiction. There are many instances in which Congress proceeding under its interstate authority, and the States proceeding under their police power, may come into collision. When that collision actually occurs, the States must yield to the paramount authority of the Federal Government.

But in the instance in hand, is there any clashing of powers? Is it competent for the States to deal with the situation that is presented in the second section of this bill? Can they deal with it under their police powers? Unquestionably we can deal with it, under the interstate-commerce power. And we approach the problem, with far greater ability to make effective our assault upon this evil. It is a consideration that should be borne in mind by the gentlemen who oppose this bill, that we can handle this subject-matter far more efficiently than the States can possibly do, even if it is conceded that under the police power they have jurisdiction over the situation. They tell us that the States have never ceded their police power to the Government. That is true, and the Government has never given up its right to exercise the interstate-commerce power; and so long as the Constitution lasts, and this Government endures as at present, it can make effective all the authority that is lodged in it, and all the powers with which it is clothed, for the public welfare, and the Nation's needs.

The framers of the Constitution never intended that the legislative power of the Nation, should find itself incapable of disposing of any subject-matter specifically committed to its charge. (In re Rahrer, 140 U. S., pp. 546, 562.)

We are confronted with a situation, with respect to which, as I have said, the States possess no adequate power, or authority. Granting that they can deal with it measurably, we the paramount authority, can deal with it absolutely, effectively, conclusively, and constitutionally, and we are not to be hindered from doing our duty, by the suggestion that we are interfering with the police power, of the States, a suggestion which has never been followed up by the gentlemen in opposition, by showing how, and wherein, and to what extent, we rob a single sovereign, and indestructible State in this Union, of any police power which by right it possesses, and seeks to exercise.

We are not seeking to interfere, and do not interfere, by the enactment of this act, with the police powers of the States. We merely seek to occupy the field of interstate commerce, and to use our powers over that field, to meet and crush a traffic which has no right to a place in the world of honorable business. Congress alone is adequate to deal with this traffic in this field.

Gentlemen ask "What are the limits of the interstate-commerce power, when may it regulate, and when prohibit?" You might as well ask what are the limits of the police power. They have never been absolutely defined. These limits can not possibly be defined in any one decision, and it is well that the effort should not be made.

It is confessedly difficult to mark the precise boundaries of the police power, or to indicate by any general rule, the exact limitations which the States must observe in its exercise. (Henderson *v.* Mayor of New York, 92 U. S., p. 259, and cases there cited.)

The courts in substance say in relation to this power that time alone can determine, in the progress, and evolution of this country what cases will, and what cases will not, be referred to it. And so with respect to the interstate-commerce power. We can not say that we will fix for all time the delimitation of that power, and establish a standard which will determine automatically, and unerringly what cases will come within its exercise. We can only say that as the cases arise, it will be determined whether, or not, they come within its scope, and control.

While the power of Congress over commerce between the States is plenary, it is not contended that it is arbitrary, or that Congress undertaking to legislate pursuant to the interstate-commerce clause of the Constitution, may not enact prohibitory acts, which the courts will declare to be unconstitutional and void. But upon reason, and principle, and in the light of the authorities cited, it is not considered that this act falls within the class of unconstitutional enactments.

The lottery case affords all the specific authority needed to support the main proposition that this legislation is constitutional. There is no reason to suppose that this case will be reversed, for it is too well supported by reason, and authority.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. I ask unanimous consent for ten minutes in which to conclude my remarks along this line.

Mr. MANN. I am not able to yield ten minutes, but I shall not object to the gentleman's request.

The SPEAKER pro tempore (Mr. BURKE of Pennsylvania). The gentleman from Virginia asks unanimous consent to be allowed to proceed for ten minutes.

Mr. CRUMPACKER. Mr. Speaker, the calendar contains quite a number of bills, and the Committee on Interstate and Foreign Commerce has already occupied two days. I regret to appear to be discourteous to the gentleman from Virginia, but I feel constrained to object to any prolongation of the debate on this bill.

Mr. MANN. Mr. Speaker, I have reserved a very few minutes for myself, and other gentlemen, but I will yield five minutes to the gentleman from Virginia.

Mr. SAUNDERS. I dislike to avail myself of the offer under the circumstances.

Mr. MANN. I prefer that the gentleman should take the time.

Mr. SAUNDERS. Now, Mr. Speaker, I want to put this query. It is the query that is put by the Supreme Court in the Lottery cases. What clause of the Constitution of the United States can be cited—which in any wise countenances the suggestion, that one may of right carry from one State to another, that which will harm public morals? And that which is destructive to the morals of the country, is destructive to the best interests of the country. What clause of the Constitution can be relied upon to protect the men who carry on the despicable traffic which is sought to be restrained under the second section of this act, a traffic that might well bring the blush of shame to the cheek of the most degraded savage? Is it possible that a practice, which no one will admit is proper to be pursued, as a matter of right, can be clothed in some extraordinary way with the protection of the Constitution of the United States?

Is it a part of one's liberty, protected by the supreme law of the land, that he shall be allowed to introduce into commerce between the States, an element that will be confessedly injurious to public morals?

We have seen in the Lottery case that the Supreme Court related the enactment of the lottery legislation to moral considerations, in spite of the fact that the opponents of this bill claim that the Federal Government has nothing to do with regulating the morals of the country, or with the enactment of moral legislation. In that case the Supreme Court asked this question: "If the States can take into consideration the evils that inhere in the raising of money by lotteries, why may not Congress in its control over interstate commerce, keep the channels of that commerce free from the infection of lottery tickets?" I recite this question, because I wish to ask a like question in connection with the pending bill, which strikes at a greater and much more deep-seated evil, than was sought to be overthrown by the lottery legislation. If the States can deal with bawdy houses in their respective territory, why may not Congress provide that the instrumentalities of interstate commerce shall not be used to supply innocent victims for those resorts?

The objection to lotteries is a comparatively recent form of public sentiment. It is only in modern times that it has been considered that lotteries, and the raising of money by lotteries, are an evil, and yet when changed public sentiment recognized them as agencies for evil, the Supreme Court held, that in the exercise of our constitutional powers, we could have in mind the extent of the mischief, in the enactment of the legislation necessary to effect its destruction. But the traffic at which this bill strikes is admitted to be abhorrent to all men, and so long as a sense of decency exists, so long as civilization endures, with the high attributes with which we invest it, so long will this traffic continue to be abhorrent. The time will never arrive when there will be a change of sentiment with respect to its infamy and depravity. For all the ages to come, it will be under the ban of an adverse public opinion throughout the length and breadth of our country, and of the civilized world.

This being so, the principles announced in the Lottery case, afford us ample assurance that the proposed legislation against a far greater evil, is well within our constitutional powers. We are confronted with a traffic that is widespread, infamous, and degraded, one which the States are unable to deal with in all its phases, in the exercise of the police power. But that feature of the business which the States are powerless to reach, is not beyond our powers. Shall we not come to the aid of the States, and with beneficent purpose, afford the needed relief, through our control over interstate commerce?

The situation may be stated as follows: The proposed legislation is constitutional, and it is related to a moral consideration of the most compelling force. If it were not true that our penal legislation was related to moral questions, and moral considerations, then the whole fabric of that legislation would lose its power to command the approbation of the country. Fortunately such is not the case. Possessing the right to have these considerations in mind, in the enactment of legislation for the control of interstate traffic, we should not allow the unwarranted suggestion that the bill in hand will impinge upon the rights of the States—and I am as jealous of any real interference with those rights, as anyone could be—to hinder us from going forward on constitutional lines, and affording our contribution to the general movement to crush this traffic in human flesh, a traffic which oppresses the conscience of humanity, with a sense of overpowering horror. [Applause.]

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Illinois has seven minutes remaining.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I rise not to discuss the bill in particular, but merely to make a personal explanation. My personal and political friend and colleague on the committee, the gentleman from Georgia, Judge BARTLETT, rather took me to task and in a mild and pleasant way criticised me along the line that I am inconsistent in supporting this bill, because, having been a member of the Committee on the District of Columbia for ten years, I had not introduced a bill to abolish or suppress bawdy houses in the District of Columbia. I admitted that I had not done so, but I think that in view of the fact that the charge of inconsistency was made against me I should make a statement in that connection so far as my services on the District Committee are concerned. I am willing to admit, and I am rather glad to admit, that I am not a self-constituted, pestiferous reformer. I have never yet introduced a bill affecting social conditions in the District of Columbia that I was not requested and importuned to introduce by a sufficiently large number of the people of the District of Columbia whom I thought had the good of the District at heart to justify such a measure. I introduced a bill to suppress race-track gambling in the District of Columbia, but not until the entire press of the District of Columbia had been clamoring for such action for a long time. I introduced the bill, and with the assistance of others secured the passage of it, but it was not on my own motion.

I introduced other bills of similar nature, but never on my own motion; but the suggestion did occur to me in considering this bill by the committee that to make it a felony to introduce or assist in bringing a person into this District for the purpose of prostitution, at least the maintaining of a house for such purposes in the District of Columbia, ought to be put under the same ban. We discussed that informally. Some members of the committee thought it might be regarded as an unfavorable amendment to the bill itself. I called up Major Sylvester and talked with him about the matter, and asked him if he thought such legislation as I proposed would be of benefit to the District. He said he thought it would not be of any benefit whatever. He said he thought at present that the matter was in the best condition for police control, and inasmuch as the gentleman whose duty it is to enforce laws governing such matters in the District so expressed himself, I thought it was my duty not to set up my individual judgment as against his. Therefore I did not offer the amendment, and I would not vote for it now, believing, as I do, that it would not help this measure, and neither would it help the conditions in the District of Columbia. As far as the gentleman from Georgia [Mr. BARTLETT] and I are concerned, I expect that we have voted together as often as any two Members on the minority side of the House. Strange to say, I nearly always believe just as he does; but he has the independence, and I am glad to see him have it, to voice his convictions and stand by them though the heavens fall, and I only hope that I have that courage. I do not believe the gentleman meant any reflection upon me personally——

Mr. BARTLETT of Georgia. Mr. Speaker, I want to disclaim any such thing. It was a mere matter of pleasantry. It was the only way that I could reply.

Mr. SIMS. I understand that it was merely a pleasantry, but being afraid that somebody may understand the criticism as having been serious, just as some may understand my own criticism of him in stating that I did not believe he always voted right to be serious, I thought it better to call attention to it. I admire the gentleman for standing by his convictions, though I do not agree with him as to the effect and construction which he places upon the Constitution of the United States as to the pending bill.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read, which amendment was suggested by the gentleman from Virginia [Mr. SAUNDERS].

The Clerk read as follows:

Page 2, line 10, strike out the word "other" and insert the word "any."

Mr. MANN. Mr. Speaker, in the moment which I have reserved I can only say that while the Supreme Court is the only tribunal which in the end can determine the constitutionality of any act passed by Congress, I doubt whether any bill proposed in Congress where the constitutional question can arise has ever been more carefully considered than has the pending measure now before the House. In my judgment, every provision in that bill is constitutional. In my opinion, we have the power under the commerce clause of the Constitution to provide, as is provided in the first sections of the bill, and we have the power under the international agreement, and under the regulation of immigration, to pass the last section of the bill, and having that power, Congress would be derelict in its duty if it did not exercise it, because all of the horrors which have ever been urged, either truthfully or fancifully, against the black-slave traffic pale into insignificance as compared with the horrors of the so-called "white-slave traffic." I hope that the amendments which I have proposed, to make the bill a little better, may be agreed to, and that the amendment offered by the gentleman from Georgia to take the heart out of the bill will not be agreed to.

The SPEAKER pro tempore. Under the agreement, general debate having been exhausted, the previous question is considered as ordered to the final passage of the bill and amendments thereto. Without objection, the Clerk will report the first amendment.

The Clerk read as follows:

On page 2, line 10, strike out the words "or evidence of the right to," and in line 11, after the word "transportation," insert "or evidence of the right thereto."

Mr. MANN. Those are committee amendments, and I think they will be agreed to.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

On page 4, line 11, insert after the word "within" the words "the district in."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next pending amendment.

The Clerk read as follows:

On page 5, line 7, after the word "procuration," insert the word "of."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

On page 6, in line 4, after the word "to," insert "the date of her entry into the United States, the port through which she entered."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out, beginning on page 5, line 20, at the words "every person," all down to and including the word "otherwise," on page 7.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 10, strike out the word "other" and insert the word "any."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

On page 7, line 2, strike out the word "conclusively."

The question was taken, and the amendment was agreed to.

Mr. MANN. There is an amendment on page 6, line 16.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 16, after the word "knowledge," strike out "and" and insert "or."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, line 7, after the words "shall include," insert "the district of Alaska," and in line 9 strike out "impart" and insert "import."

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by adding at the end of section 6 the following:

"No person shall be excused from furnishing the statement, as required by this section, on the ground, or for the reason, that the statement so required by him, or the information therein contained, might tend to criminate him, or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing concerning which he may truthfully report in such statement, as required by the provisions of this section."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third bill, was read the third time, and passed.

The title was amended so as to read: "A bill to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes."

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DECLARING PLATTE RIVER, MISSOURI, NONNAVIGABLE.

Mr. MANN. Mr. Speaker, I call up the bill H. R. 13437, and ask that the same may be reported by title.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13437) to declare Platte River, in the State of Missouri, nonnavigable.

Mr. MANN. Mr. Speaker, I ask that the bill be recommitted to the Committee on Interstate and Foreign Commerce.

The question was taken, and the motion was agreed to.

BRIDGE ACROSS CURRENT RIVER, CLAY COUNTY, ARK.

Mr. MANN. Mr. Speaker, I call up the bill H. R. 17743, on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17743) to authorize Clay County, Ark., to construct a bridge across Current River.

Be it enacted, etc., That the county of Clay, in the State of Arkansas, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Current River at or near the point where the section line between sections 17 and 20, township 21 north, range 3 east, crosses said river in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

In line 5 strike out the words "its successors and assigns, be, and it."

In line 7, after the word "River," insert the words "at a point suitable to the interests of navigation."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE KOOTENAI RIVER AT BONNERS FERRY, IDAHO.

Mr. MANN. Mr. Speaker, I call up the bill S. 5040, on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5040) to authorize Bonners Ferry Bridge Commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho.

Be it enacted, etc., That the Bonners Ferry Bridge Commission, created by the legislature of Idaho under the provisions of an act approved March 17, 1909, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a free bridge and approaches thereto across the Kootenai River at Bonners Ferry, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

In line 8, page 1, after the word "River," insert the words "at a point suitable to the interests of navigation."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS SNAKE RIVER.

Mr. MANN. Mr. Speaker, I call up the bill S. 3318.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] calls up a bill which the Clerk will report.

The Clerk read as follows:

An act (S. 3318) to legalize a bridge across the Snake River between the States of Idaho and Oregon.

Be it enacted, etc., That the bridge constructed across Snake River at the town of Ontario, Oreg., by the county court of Malheur County and the Ontario bridge commission be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by the said corporations, their successors or assigns: *Provided*, That nothing in this act shall be so construed as to exempt this bridge from the operation of the existing laws enacted by Congress for the protection of navigable waters, and any changes in the said structure which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the consent of Congress is hereby granted to the county court of Malheur County, in the State of Oregon, and the Ontario bridge commission to maintain and operate a bridge and approaches thereto now constructed across the Snake River at the town of Ontario, Oreg., in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges across navigable waters,' approved March 23, 1906: *Provided*, The said county court of Malheur County and the said Ontario bridge commission shall within three months after the passage of this act file with the Secretary of War their acceptance of this act, together with plans and specifications of the said bridge, and said plans and specifications shall have been approved by the Secretary of War and the Chief of Engineers; otherwise this act shall be null and void."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

RAILROAD BRIDGE ACROSS KANSAS RIVER.

Mr. MANN. Mr. Speaker, I call up the bill S. 4891.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] calls up the following bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 4891) to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas.

Be it enacted, etc., That the time for the commencement by the Edgewater Connecting Railway Company, a corporation organized and existing under the laws of the State of Kansas, of a railroad bridge across the Kansas River at or near Kansas City, in the county of Wyandotte, in the State of Kansas, under authorization of an act of Congress approved February 6, 1909, be, and the same is hereby, extended to May 1, 1911, and the time within which said bridge shall be fully completed be, and the same is hereby, extended to May 1, 1914, and that the act of February 6, 1909, authorizing the construction of said bridge be continued in full force and effect.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the bridge authorized by the act entitled 'An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas,' approved February 6, 1909, is hereby extended one and three years, respectively, from the date of approval of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. MANN. Mr. Speaker, I desire to call up the bill H. R. 11307, on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11307) to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.

Be it enacted, etc., That the bridge constructed across the Mississippi River at section 4, township 52 north, range 23 west, being in Aitkin County, in the State of Minnesota, by the Mississippi, Hill City and Western Railway Company be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by said company: *Provided*, That any changes in the said structure which the Secretary of War may at any time deem necessary, and order in the interest of navigation, shall be promptly made by the owners thereof at their own expense.

The committee amendments were read as follows:

Amend the bill as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the consent of Congress is hereby granted to the Mississippi, Hill City and Western Railway Company, a corporation of the State of South Dakota, to maintain and operate the bridge and approaches thereto now constructed across the Mississippi River at section 4, township 52 north, range 23 west, in Aitkin County, in the State of Minnesota, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906: *Provided*, That the said Mississippi, Hill City and Western Railway Company shall within three months after the passage of this act file with the Secretary of War their acceptance of this act, together with plans and specifications of the said bridge, and said plans and specifications shall have been approved by the Secretary of War and the Chief of Engineers; otherwise this act shall be null and void."

Amend further by adding as section 2 the following:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN a motion to reconsider the vote by which the several bills reported from the Committee on Interstate and Foreign Commerce were passed was laid upon the table.

POSTPONEMENT OF CONGRESS ON HYGIENE AND DEMOGRAPHY.

The SPEAKER pro tempore. The Clerk will continue the call.

When the Committee on Foreign Affairs was called,

Mr. PERKINS. Mr. Speaker, I call up the Senate joint resolution 55.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 55) authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that this be considered in the House as in Committee of the Whole. As the joint resolution passed the Senate it carried an appropriation. As it is amended by the House it carries no appropriation, and it does properly belong on the House Calendar.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the resolution may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. PERKINS. Mr. Speaker, I would ask that the Clerk read the amendment as reported by the House committee.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the resolving clause and inserting in lieu thereof the following:

"That the invitation extended by the President of the United States to the Fourteenth International Congress on Hygiene and Demography, in accordance with the provisions of a joint resolution entitled a 'joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington,' approved February 26, 1907, shall be modified and amended so that it shall provide for the holding of the Fifteenth International Congress on Hygiene and Demography at some place in the United States to be selected by the President in the year 1911 or 1912."

Amend further by striking out the preamble.

Mr. PERKINS. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. MANN], and reserve the balance of my time.

The SPEAKER pro tempore. The bill is being considered in the House as in the Committee of the Whole House on the state of the Union, and we are therefore proceeding under the five-minute rule. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I think there is not very much necessity for explaining further in reference to this resolution. Those who were here the other day when the resolution relating to the same subject-matter was passed, thought it was an invitation to the Government. There was an invitation extended by the Congress in 1907 to the Congress of Hygiene and Demography at Berlin to meet in this city last year or this year. There has been a committee on organization formed, and that committee desires to have the time postponed. I suppose no one has any opposition to that. The original resolution and invitation which was extended provided that the congress should meet in this city. When the congress does meet it probably will have from 3,000 to 6,000 delegates in attendance. I called the attention of the gentlemen making this request to the fact, if we could judge by the Congress on Tuberculosis, that when this congress met they would ask for the use of the Capitol building and the office buildings of the House and Senate; and if I introduced a resolution on the subject I would alter it so the place of meeting might be changed, or, at least, they could not put us in the attitude where we had extended an invitation, and then must provide the Capitol building to hold the meeting in. That met with the acquiescence of the gentleman in charge, and as a result the resolution now simply authorizes the extension of the time from this year to 1911 or 1912, as they may determine hereafter, and to some other place, if it shall be thought desirable to hold the congress in some other place.

Mr. HARRISON. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. HARRISON. What is hygiene and demography?

Mr. MANN. Well, I suppose the gentleman is familiar with what hygiene is. Demography is a term sometimes used relating to vital statistics—the birth, death, and progress of humanity. If the gentleman would recall his Greek, which I am sure he can much more easily recall than I can, and would examine the meaning of the word "demos"—the people—he could tell. It is a study of the people.

Mr. HARRISON. How does this international congress differ from the various other international conventions and congresses on sanitary matters?

Mr. MANN. Well, this international congress covers the broadest latitude that is covered by any of these congresses. We had a congress a year or so ago on tuberculosis, a specific subject. The Congress on Hygiene and Demography, in its broadest terms, covers the whole range of health and vital statistics.

Mr. HARRISON. Did the original resolution provide for an appropriation to properly entertain the visiting delegates?

Mr. MANN. The original resolution did not provide for any appropriation at all; but there was an appropriation carried in the diplomatic and consular appropriation bill of $10,000, which appropriation is now available.

Mr. HARRISON. Will it be available in case this adjournment is taken?

Mr. MANN. I think not, unless it is reappropriated, as it undoubtedly should be.

Mr. PERKINS. If the gentleman will permit, I will say that in the diplomatic and consular appropriation bill now pending the appropriation of $10,000 previously made is made available for the adjourned congress.

Mr. HARRISON. Is that the reason why the amendment was made not to make an appropriation.

Mr. PERKINS. It did not require it.

Mr. MANN. In these resolutions, the gentleman will remember, it is the constant practice of the Senate to tack an appropriation on some provision of a resolution. It is not the practice of the House to do that, and I think the practice of the House is very much superior to the practice of the other body. We provide the law and expect the appropriation to come where you can find it, in an appropriation bill, where it belongs.

Mr. PERKINS. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is now on the amendment to the preamble of the resolution.

The question was taken, and the amendment to the preamble was agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

Mr. PERKINS. Mr. Speaker, I now call up House joint resolution 106, on the House Calendar, and move that it lie on the table. That was the resolution as originally reported by the House committee, and it is unnecessary to take further action on it on account of the action just taken on the Senate resolution.

The SPEAKER pro tempore. Without objection, the House resolution will be laid on the table.

There was no objection.

PERSONAL ESTATE OF CITIZENS DYING ABROAD.

Mr. PERKINS. Mr. Speaker, I now call up the House bill 17433.

The bill was read, as follows:

A bill (H. R. 17433) amending section 1709 of the Revised Statutes of the United States.

Be it enacted, etc., That section 1709 is hereby amended to read as follows:

"SEC. 1709. The Auditor for the State and Other Departments shall act as conservator of such part of these estates as may be received at the Treasury, and for their protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not be made by the legal claimant within two years after their receipt. The auditor is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State."

The amendments recommended by the committee were read, as follows:

In line 4, strike out the words "to read as follows" and insert "by the addition of the following paragraph."

In line 5, strike out "Sec. 1709" and insert "Sixth."

Mr. PERKINS. I desire, Mr. Speaker, to offer two additional verbal amendments, which I will ask the Clerk to report.

The Clerk read as follows:

Amend by inserting after the word "nine," in line 3, page 1, the words: "Of the Revised Statutes of the United States;" and in line 1, page 2, strike out the word "be" and insert "have been."

Mr. PERKINS. Mr. Speaker, I think I should state in reference to the last two amendments, which I have offered, that I owe them to the suggestion of my friend from Illinois [Mr. MANN], to whose careful examination of all pending legislation before this House we certainly owe a great debt. [Loud applause.]

The SPEAKER pro tempore. The question will be taken on the committee amendments, including the amendments that are now submitted by the gentleman.

Mr. BENNET of New York. Will my colleague yield for a question?

Mr. PERKINS. Surely.

Mr. BENNET of New York. You are a much better lawyer than myself, so I can assume there is abundant legal authority for the bill, which I have read with more than the greatest of care; but where do we get authority to appoint an officer of the Government and give him power to pass title as to the effects of a citizen?

Mr. PERKINS. That comes from the laws of the United States. They regulate the inheritance of property, and it is for the laws of the United States to regulate. The inheritance of property is by provision of law. Without a provision of law no man could devise his property at all. It is only by a legal enactment that the property of any man who dies is collected, distributed, and administered. That is by provision of law.

Now, certain property of citizens dying abroad, under some circumstances, comes into the Treasury of the United States and is held there until the title is established and the property turned over to the proper heirs. There can be no question that we have the power to authorize the officers of the United States to turn into money or to collect evidences of indebtedness, and that the power thus vested in them would be exactly as good as the power that is vested in an administrator de bonis non.

Mr. BENNET of New York. If the gentleman says so, I know it is so. The question came up in my mind.

Mr. PERKINS. I think it is so.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

On motion of Mr. PERKINS, a motion to reconsider the votes by which the joint resolution and bill were passed was ordered to lie on the table.

The SPEAKER. Is there anything more from the Committee on Foreign Affairs?

Mr. PERKINS. Nothing further.

The Committee on Military Affairs was called.

ATCHISON, TOPEKA AND SANTA FE RAILROAD, FORT LEAVENWORTH, KANS.

Mr. ANTHONY. Mr. Speaker, I am authorized by the Committee on Military Affairs to call up House joint resolution 101, authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.

The SPEAKER. Under the rule, the House will resolve itself into the Committee of the Whole House on the state of the Union——

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

House joint resolution 101.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit the Atchison, Topeka and Santa Fe Railroad Company to extend its tracks on the military reservation at Fort Leavenworth, Kans., in such manner as he may deem expedient, for the purpose of connecting said tracks with the government terminal switch tracks on that reservation: *Provided*, That such extension shall be made without expense to the United States.

Mr. ANTHONY. Mr. Speaker, this joint resolution simply confers authority upon the War Department to exercise its judgment as to permitting this extension, and I ask that it be passed.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ARTICLES OF WAR.

Mr. HULL of Iowa. Mr. Speaker, I call up the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War.

The bill was read, as follows:

Be it enacted, etc., That the One hundred and twenty-second and One hundred and twenty-fourth Articles of War be, and hereby are, modified to read as follows:

"ART. 122. If, upon marches, guards, or in quarters, different corps of the army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, organized militia, or volunteers, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the President, according to the nature of the case."

* * * * * * *

"ART. 124. Officers of the organized militia of the several States, when called into the service of the United States, shall, on all detachments, courts-martial, and other duty, wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular forces, and shall take precedence of all officers of volunteers of equal or inferior rank, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular forces of the United States."

Mr. HULL of Iowa. Mr. Speaker, this only changes the present law to conform to the recent laws as to the militia and volunteers. When the Articles of War were adopted by the Congress, the militia included all able-bodied males between the ages of 18 and 45. Now we have a law organizing what is called the "organized militia" or "national guard." This bill puts in before the word "militia" the word "organized." In addition to that it recognizes what our volunteer law recognizes as a third line, called the "volunteers," and it simply adds the words "or volunteers," so that in place of reading "Army, Marine Corps, and militia," it reads "Army, Marine Corps, organized militia or volunteers." These changes make it comply with the laws already upon our statute books as to the armed forces of the United States.

Mr. MANN. Is this bill recommended by the War Department?

Mr. HULL of Iowa. It is recommended by the War Department, and sent to us by the Assistant Secretary of War in response to a unanimous request of the national-guard organizations of the United States.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Is there any further business from the Committee on Military Affairs?

Mr. HULL of Iowa. Nothing further.

The Committee on Naval Affairs was called.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs may be passed without prejudice.

Mr. MANN. I want to say to my colleague that it was agreed the other day that, since calendar Wednesday has been instituted, we would not pass any committee without prejudice. The gentleman's committee will be reached again very soon.

SALE AND DISPOSITION OF INDIAN LANDS IN NORTH DAKOTA AND SOUTH DAKOTA.

The Committee on Indian Affairs was called.

Mr. BURKE of South Dakota. Mr. Speaker, by direction of the Committee on Indian Affairs, I call up the bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled

"An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

The SPEAKER. Under the rule, the committee will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PERKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, the purpose of this bill is to pay to the Indians belonging to the Cheyenne and Standing Rock tribes in my State and in North Dakota $1.25 an acre for about 150,000 acres of land, being land that was ceded to the State as school lands under a bill that passed in the first session of the Sixtieth Congress. That bill provided that sections 16 and 36 should be ceded to the State for school purposes, and as it became a law it provided that the Government should pay only $1.25 an acre therefor.

The purpose, as already stated in this bill, is to pay $1.25 an acre additional to the $1.25 that has already been paid. I may say, going back to 1907, that a bill was introduced in this House authorizing the sale of a certain portion of the Cheyenne and Standing Rock Indian reservations in my State, providing that sections 16 and 36 should be ceded to the State for school purposes, and providing that there should be paid for the school sections $1.25 an acre.

The Commissioner of Indian Affairs, by letter transmitted through the Secretary of the Interior, requested that there be no action upon that bill until there had been some negotiations with the Indians occupying these reservations. Major McLaughlin, an inspector in the Indian service, a man who has had thirty-eight years' experience in dealing with the Indians, was sent to the reservation with the bill which I have referred to.

He took up the different provisions of this bill, held a number of councils with the Indians, agreed with them as to the provisions in the bill, except that they demanded $2.50 an acre for sections 16 and 36, instead of $1.25, as proposed in the bill.

Mr. McLaughlin promised the Indians that he would recommend that the price of these lands be fixed at $2.50 an acre. He made his report, and upon the filing of that report in the Interior Department the Secretary of the Interior transmitted to Congress a communication in which he called attention to the report of Major McLaughlin, sent a copy of it to the Committee on Indian Affairs in the Senate, and called particular attention to the fact that there was an understanding that the price of the school section was to be $2.50 an acre, instead of $1.25 an acre.

The Senate committee, in considering the bill in the Senate, which had been introduced with the $1.25 price, the same as in the House, amended the bill, fixing the price at $2.50 an acre, and the bill passed the Senate in that form. It came over to the House and was referred to the Committee on Indian Affairs by the committee having jurisdiction thereof.

Now, Mr. Chairman, there is some question about what happened after the bill was referred to the Committee on Indian Affairs and after it was reported and when it passed the House. I did not happen at that time to be a member of either the Committee on Indian Affairs or of the House, so I am obliged to speak by what I find in the RECORD and what I can learn from Members who were upon the committee at the time.

I find and I hold in my hand a copy of the report made upon the bill H. R. 1385, first session of the Sixtieth Congress, and I find by that report that the bill fixed the price of school lands at $2.50 an acre and was amended by striking out 50 cents and leaving the price $2 instead of $2.50 an acre.

I call attention further to the report where it states an appropriation is made to pay the Indians for these lands, namely, the school sections at $2 per acre. The report says:

Sections 16 and 36 are reserved as school lands for the States of North Dakota and South Dakota, which is in accordance with the enabling acts of these States. An appropriation is made to pay the Indians for these lands at the rate of $2 per acre.

That, Mr. Chairman, is the report of the Committee on Indian Affairs.

I now find in the RECORD that on May 26, 1908, Mr. Sherman, the then chairman of the committee, moved to suspend the rules and pass the bill, and as the bill is printed in the RECORD it appears that the price of these lands was $1.25 an acre instead of $2 an acre as it should have been, according to the report made by the committee. When the price from $2 to $1.25 an acre was changed I do not know, and I have been unable to obtain any information that it ever was changed, except that in calling up the bill they must have gotten hold of the bill as originally introduced, which provided a price, as I have already stated, of $1.25 an acre.

Mr. MANN. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Why, the bill that was called up was a Senate bill, and the Senate bill that is called up is the engrossed bill coming from the Senate. There is no such possibility as the gentleman suggests.

Mr. BURKE of South Dakota. I can only say that the RECORD shows that the price was $1.25 an acre, as the bill was printed. I have in my hand a report of the Committee on Indian Affairs——

Mr. MANN. So have I.

Mr. BURKE of South Dakota. Which fixed the price at $2 per acre.

Mr. MANN. I will give the gentleman the information as to how it got changed. He has not been able to discover it.

Mr. BURKE of South Dakota. I thought I stated very fairly that I did not know how it had occurred. I have no doubt that my genial friend from Illinois, when he gets an opportunity in his own time, will be able to tell the House exactly where and how that change took place. I am unable to do so; but I find, Mr. Chairman, that when this bill was considered in the House members of the Committee on Indian Affairs protested against its passage because of the fact that it proposed to pay only $1.25 to the Indians instead of $2.50 an acre.

The bill was considered under a suspension of the rules, and it would have been impossible to amend it, and it was either a question of defeating it or passing it in the form in which it was presented and trusting to the conferees to make the change to the price of $2.50. I find that the gentleman from Oklahoma [Mr. CARTER] in his remarks said that he would support the bill only because he had confidence in the conferees that they would do justice to these Indians and change the price to $2.50 an acre, as passed by the Senate and in accordance with the agreement that had been made with these Indians. I find that the gentleman from Virginia [Mr. SAUNDERS], a member of the committee, refused to support the bill because of the fact that it did not carry out the agreement made with the Indians, and he and others of his colleagues, especially on that side of the House, voted against the passage of the bill because, as he stated, it was doing an injustice to these Indians.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. I desire to ask how long before this bill passed was it that this agreement had been made.

Mr. BURKE of South Dakota. Just a few months; I could not say just how long it was.

Mr. STEPHENS of Texas. This is the same bill that we have the statement of Major McLaughlin upon, to the effect that the Indians agreed to take $2.50?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. And that they stood by that still?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. And demanded that the Government should be fair with them and carry out that agreement.

Mr. BURKE of South Dakota. They insisted they be paid $2.50 an acre, and Major McLaughlin promised, just as much as he could promise, that they would receive $2.50 an acre if the bill was enacted into law.

Mr. STEPHENS of Texas. Was he an agent of the Government sent out there for the purpose of making this treaty with them?

Mr. BURKE of South Dakota. That was the purpose, and it was in accordance with article 12 of the agreement made with the Indians in 1889 that further disposition of their reservations should be made after negotiations with some representative of the Interior Department, and the Secretary of the Interior was authorized to appoint a person to so negotiate.

Mr. STEPHENS of Texas. Then, is it not a fact that we are bound as far as we can be bound by that treaty with the Indians to pay them $2.50 an acre?

Mr. BURKE of South Dakota. My judgment is that we are, or I would not be advocating the passage of this bill.

I want to call attention, Mr. Chairman and Members of this House, to one paragraph in the report made by the commission which negotiated the treaty of 1889 with the Sioux Indians in South and North Dakota. After commenting on the manner in which the Government had treated with Indians theretofore, and perhaps suggesting that the Government had not always kept faith with them, the commission made this suggestion:

The Indians of this generation should be made to feel that the performance of the Nation is equal to its promises.

Now, Mr. Chairman, all I am here for at this time is to demand that the Government keep its promise with these Indians and pay to them the price for the land that we agreed to pay through our representative who was sent there to negotiate with them under authority of law. Mr. Chairman, I want to call attention for a moment to another thing that perhaps will be new to the Members of this House. The agreement made with the Sioux Indians in 1889 provided that the proceeds from the sale of the surplus and unused lands when sold should be paid into the Treasury of the United States to the credit of the Indians and thereafter be subject to appropriations by Congress for their civilization, education, and support, so that the moneys that these Indians receive from the sales of the lands authorized to be sold under the act we now propose to amend will not receive any benefit except that they will be supported thereafter from the funds that go into the Treasury from the sale of the lands, instead of being supported under the provisions of the treaty of 1877, which obligates the Government for all time to provide for them until they are self-supporting.

And, I will say in the Indian appropriation bill, which is now upon the calendar of this House, that the committee reduced the appropriation for the support of the Sioux Indians, and particularly the Indians affected by the pending bill, to the extent of $150,000, and provides that that amount should be appropriated from the money belonging to these Indians in the Treasury instead of taking it out of the public funds belonging to the United States. So that if we pass this bill we will put into the Treasury to the credit of the Indians somewhere near $200,000, and next year we will take it out for their care, their support, and their education, and if we do not put this money into the Treasury to their credit we will take money out of the public funds for their care and support. Therefore we practically accomplish nothing so far as the Indian is concerned, except that we keep the solemn promise and obligation made by the Government when the Indians consented that the surplus and unallotted lands described in the act which was passed, to which I referred in the opening part of my remarks, might be sold and disposed of. Now, it seems to me, Mr. Chairman, that no man can object to the passage of this bill, and let us from this time forth declare and let the Indians understand that when we make an agreement with them we are going to keep it by carrying out to the letter what we promised to do. I reserve the balance of my time.

Mr. SABATH. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. SABATH. Have these lands been disposed of?

Mr. BURKE of South Dakota. The lands have not been disposed of. Under the terms of the law the Indian first had to be allotted.

Mr. SABATH. Yes.

Mr. BURKE of South Dakota. After the allotments were completed then the lands had to be examined by the Geological Survey, to ascertain whether or not there was any mineral land to be affected. Then a commission was to be appointed, consisting of one resident of South Dakota, one Indian having tribal relations with the tribe, and one representative from the Interior Department, to appraise the lands and fix the price at which they should be disposed of to settlers under the provisions of the homestead law. That commission has completed its work and its report is on file, and the present intention is that on the 1st of April, if the time is not extended until the 1st of May, these lands will be open to settlement to homestead settlers.

Mr. SABATH. So these lands have not as yet been opened for homestead settlement?

Mr. BURKE of South Dakota. They are not as yet subject to homestead entry.

Mr. SABATH. But I understood the gentleman to state the report of the commission is now ready to publish.

Mr. BURKE of South Dakota. It is not published, Mr. Chairman, although I know what it contains, so far as the value of the lands is concerned, if that is what the gentleman refers to. The price of the land, I understand, is from $6 an acre down to 50 cents.

Mr. SABATH. I was not interested in the price; I was interested in the disposal of the lands—how they were to be disposed of.

Mr. BURKE of South Dakota. Under the homestead law, by what is known as the registering——

Mr. SABATH. Under the same old process.

Mr. BURKE of South Dakota. The same process that is commonly referred to as a lottery, but is not, in fact, a lottery.

Mr. SABATH. That is the information I desired. I expect, when the time presents itself, to try to amend the law under which these lands have been disposed of.

Mr. BURKE of South Dakota. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, it is not my intention to take very much of the time of the House, but this is one of those very peculiar cases which I think ought to be brought to the attention of the House. My friend from Minnesota suggests that the Government ought to keep an agreement with the Indians. Very well; but the Indians ought to keep an agreement with us. Now, what are the facts in this case? On December 9, 1907, one of the Senators from South Dakota introduced the bill (S. 1385) in the Sixtieth Congress for the purpose of allotting lands in this Indian reservation, and so forth, and, among other things, for the purpose of setting aside sections 16 and 36 in each township, to be paid for by the United States at $1.25 per acre.

That was the original motion of the gentleman representing the great State of South Dakota, who introduced the bill which finally became a law. For years it has been the policy of our Government to give certain sections of the public lands to the States for school purposes, and although originally the public land, or much of it, was sold under the various laws and the ownership of it was considered as an asset of the Government, under the recent practice of the United States the ownership of the public lands is not only not an asset, but a distinct liability, because we not only give away the land which we do not give to the States, but in case of the Indian lands, we buy from the Indians in order to give to the States.

This bill was amended when it was reported into the Senate, so as to make its price $2.50 an acre, and all of the facts in reference to an Indian agent or an agent of the Indian Office who visited these Indians were known and laid before Congress. It passed the Senate with the provision for $2.50 per acre that the Government should pay to the Indians for these lands to present to the States of North and South Dakota. It came to the House at $2.50 an acre.

The Committee on Indian Affairs considered the matter and reported the bill back to the House, providing the striking out of the $2.50 an acre and inserting $2 an acre. The matter pended before the House some time on the Union Calendar. The gentleman from South Dakota [Mr. BURKE], and some other distinguished gentleman who has spoken elsewhere, has stated that they could not find out, or did not know, how the bill finally passed at $1.25 an acre; that it was stated in another distinguished body, not far distant, that it was by an accident that nobody could discover. If Congress gets to the point that it accidentally strikes out $2.50 an acre for the land it has to pay for and accidentally puts in $1.25 an acre, it is time we discovered those accidents.

What, though, are the facts? The distinguished gentleman who now presides over the Senate of the United States was the chairman of that distinguished committee, the Committee on Indian Affairs. This matter was discussed among the Members of the House, as to whether it should be the policy of the Government in opening Indian reservations and giving two sections in a township to the States, to pay more for this land than had been the custom in the past. As I recall, there never has been a case where the Government has paid more than the $1.25 an acre. If so, this land is worth more. Very well. Who made it worth more? Was it the Indians who have raised the value of this land from $1.25 an acre to $6 an acre, as the gentleman from South Dakota [Mr. BURKE] says it is now worth? Is it not doing pretty well by the Indians if we make the settlers pay to them the increase in the value of the land which the white settlers have made, and not a cent's worth due to the work of the Indians themselves?

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. MANN. I always yield.

Mr. BURKE of South Dakota. Did I understand the gentleman to say that prior to the time when the bill referred to passed that $1.25 an acre was the highest price that had been paid to Indians for these lands that were ceded to the States?

Mr. MANN. Well, I do not know whether the gentleman so understood me or not.

Mr. BURKE of South Dakota. Well, I wanted to see, if I did so understand, why he makes the statement.

Mr. MANN. I am perfectly willing for the gentleman to make a speech.

Mr. BURKE of South Dakota. I wish to say this, because I know the gentleman wants to be fair and does not want to mislead the House.

Mr. MANN. Cut that out, as everybody knows that.

Mr. BURKE of South Dakota. I want to say in two propositions similar to this in my State prior to the time this bill was considered, Congress paid $2.50 an acre to the Indians for sections 16 and 36.

Mr. MANN. Well, very likely. It has been the practice of the Government to pay $1.25, and I can readily see why the evil effects of the precedent that has crept in sometimes of paying more than that, should thereby encourage gentlemen in making an effort to open the Treasury. Now, the gentlemen had all these facts before them when this bill was up. A distinguished gentleman, now the Vice-President, who has as much knowledge of Indian affairs as any man in this country, and a very careful protector of the Indians' interests in these lands, proposed in this House to make this rate $1.25 an acre. There was no mistake about it; there was no question about it. Some gentlemen then on the committee opposed the proposition on the floor of the House, for the reason that this amount was cut down; but the House, with a full understanding of the subject, determined itself to make the rate $1.25 an acre.

The Senate accepted that. In every essential particular that was a contract between the House and the Indians and the people who are interested in having this reservation opened, that this provision should remain in the bill; and yet the moment when they have secured the enactment of legislation permitting them to open this reservation, on terms such as they seek, they want to come in here and open up a part of the bill which is greatly to their interests without offering to open those parts which are contrary, in my opinion, to the interest of the public. [Applause.]

Mr. BURKE of South Dakota. I desire to ask one further question.

Mr. MANN. I always yield to the gentleman.

Mr. BURKE of South Dakota. The report upon this bill, as I have stated, and as the gentleman from Illinois states, shows that the price fixed by the committee was $2 an acre.

Mr. MANN. Wait a moment; but the committee does not fix the price. The price, as recommended by the committee, was at $2 an acre.

Mr. BURKE of South Dakota. Very well. Can the gentleman tell us when the proposition was changed or fixed at $1.25, and by whose authority it was done?

Mr. MANN. Why, certainly, I will tell the gentleman. I have already told the House. When the gentleman gives me attention, I will tell him again.

Mr. BURKE of South Dakota. I will ask the gentleman if the bill was not passed under a suspension of the rules, and Members on the floor made the statement that they voted for it believing that the conferees would do justice to the Indians and agree to the price as fixed by the Senate?

Mr. MANN. Oh, well, I do not know what every Member on the floor might have said, or what he believed. If he believed such a conversation would change the action of the House, why, he ought to be seeking a home at an asylum.

Now, the bill was presented to the House. It was before the House, and the gentleman from New York [Mr. Sherman] moved to suspend the rules and pass the bill with an amendment which he offered. The bill was read with this amendment. When this amendment was presented the House was not graced with the presence of the gentleman from South Dakota, much to my personal regret; but I remember the presentation of the bill as distinctly as if it were yesterday.

Mr. BURKE of South Dakota. I observe from the RECORD that the gentleman was in the House, as he usually is when there is any business being transacted; but the gentleman has not yet said how this amendment got in this bill.

Mr. MANN. I have said it seven or eight times, and am ready to say it again, if the gentleman will permit me.

The gentleman from New York [Mr. Sherman], chairman of the Committee on Indian Affairs, moved to suspend the rules and pass the bill with the amendments which he sent up, and one of those amendments was the amendment changing the rate from $2.50 an acre to $1.25 an acre. Does not that answer the gentleman's question?

Mr. BURKE of South Dakota. No; it does not. The chairman of the committee was supposed to report the bill to the House as directed by his committee.

Mr. MANN. Why, the gentleman from South Dakota certainly has been on this floor long enough to know that even in moving to suspend the rules or call up a bill the chairman in charge of the bill offers an amendment which the committee has not recommended. I have just offered four in that shape, and had them adopted by the House this afternoon on bills which passed.

It is not an uncommon thing. Gentlemen frequently do it. The truth is, that bill never could have passed the House except for the change that was made, and the gentleman from New York [Mr. Sherman], then chairman of the Committee on Indian Affairs, himself believed that the change ought to be made, and so stated.

Mr. BURKE of South Dakota. If he so stated, he did not state it in the presence of this House, or at least it does not appear in the RECORD, which I have before me. At least, I have not found it.

Mr. MANN. I will not undertake to remember what the gentleman stated on the floor of the House, but I know he made that statement, and he will make that statement now, I think, if the gentleman will go to him.

Mr. BURKE of South Dakota. I can not yet see what right he would have to submit any amendment, except as reported by the committee.

Mr. MANN. It is very peculiar that the gentleman can not get that particular parliamentary proposition into his mind. It certainly is not only a common practice, but it is a legitimate practice. It is the proper thing to do. The gentleman from New York [Mr. Sherman] never betrayed any power which he had in the House. He never betrayed the committee which he represented on the floor of the House. The gentleman from South Dakota [Mr. BURKE] would indicate that the gentleman from New York [Mr. Sherman], the present Vice-President of the United States, offered a motion on the floor of the House which he had no moral right to make. That is preposterous. He offered the amendment. It was agreed to by the House. It became the law; but the moment they had opened this Indian reservation under this provision of the law, these gentlemen come in and say we ought to raise the price. Both they and the Senate were mighty willing to take the law with the change which was made by the House. They were much more anxious to obtain the law and the other provisions in it than they were to stand on this particular provision. But having secured the benefits resulting from the balance of the act, they are now trying to renege on this particular proposition. I am against it. I think when a fair proposition is made everybody ought to stand by it.

Mr. CRUMPACKER. Does the gentleman remember whether the Senate agreed to the House amendment or whether the bill went to conference?

Mr. MANN. The Senate agreed to the House amendment, as I remember.

Mr. STEPHENS of Texas. Is it not a fact that the reason why these Indians should have $2.50 an acre instead of $1.25 an acre is on account of the agreement made with the United States Government that they should have $2.50 an acre?

Mr. MANN. Absolutely no such agreement was ever entered into, nor was anybody empowered to make such an agreement. Does the gentleman from Texas undertake to say that an Indian agent can go out to an Indian tribe and make an agreement which is binding, where the law requires that Congress shall act? Do I understand that a subordinate in the Indian Office, in the opinion of the gentleman, can go out and make an agreement as to the amount of money that Congress shall pay for land? I never have heard such a preposterous proposition seriously put forward before in the House.

Mr. STEPHENS of Texas. That has been the practice for years.

Mr. MANN. I beg the gentleman's pardon.

Mr. STEPHENS of Texas. The Indians agreed that they would permit the lands to be sold at a stated price, and we would be violating the faith of the Government with those Indians by taking the lands from them unless we pay them that amount.

Mr. DOUGLAS. They do not have to take $1.25 an acre, do they, unless they want to?

Mr. STEPHENS of Texas. Should we not keep a promise made to the Indians as faithfully as a promise made by the Government of the United States to one of its own citizens?

Mr. MANN. There has been no promise made. Why does the gentleman keep stating that?

Mr. STEPHENS of Texas. Then the agent of the Government, Major McLaughlin, is directly contradicted by the gentleman from Illinois.

Mr. MANN. I say the gentleman is mistaken about that.

Mr. STEPHENS of Texas. I always prefer to believe the gentleman from Illinois on questions concerning which he is posted, but he certainly does not know what contracts Major McLaughlin made with these Indians.

Mr. MANN. I know as much about it as the gentleman from Texas does. We both get our information from the same source. I have read the statement. I wonder if the gentleman from Texas has. I doubt it.

Mr. BURKE of South Dakota. Will the gentleman from Illinois allow me to enlighten him?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. Section 12 of the agreement made with the Sioux Indians in 1889, dividing the Sioux Reservation into separate reservations and providing for the allotting of lands to the Indians, contains these words:

That any time after land has been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such tribe for the purchase and lease by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall from time to time consent to sell on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress.

Mr. MANN. Is that the law now?

Mr. BURKE of South Dakota. That is the law.

Mr. MANN. Then, what do you come here for? If they have the power now in the department to purchase the land at such price as they agree upon, what is the gentleman doing here?

Mr. BURKE of South Dakota. But it must be ratified by Congress. Now, the gentleman asked a moment ago by what authority Colonel McLaughlin was out there.

Mr. MANN. I beg the gentleman's pardon. I said nothing of the kind. The trouble with the gentleman is that he has been talking with somebody else and was not listening to what I said.

Mr. BURKE of South Dakota. I heard what the gentleman said.

Mr. MANN. What I said was that Colonel McLaughlin, if that is his title, had no authority to make an agreement with the Indians binding on the United States. Does the gentleman from South Dakota contend that he had the authority?

Mr. BURKE of South Dakota. Not unless it was ratified by Congress.

Mr. MANN. Had he the authority?

Mr. BURKE of South Dakota. He certainly had the authority to negotiate.

Mr. MANN. To make an agreement? If this man had authority to make an agreement, the gentleman from South Dakota would not be here with this bill. All that he was authorized to do was to tell them what he would endeavor to do. No negotiator had the authority to make an agreement binding on the United States, and they well understood it, because they made no binding agreement, and did not pretend to.

Mr. BURKE of South Dakota. They did, subject to its ratification by Congress.

Mr. MANN. They recommended to Congress. There is no question of fact between the gentleman from South Dakota and myself. The Indian agent recommended to Congress the payment of $2.50 an acre. He told the Indians that he would recommend the payment of $2.50 an acre, and that is all he did. That recommendation was laid before Congress. It may be that Congress has no authority, moral or legal, to override the opinion of this Indian inspector, but somehow or some way it did do it, and with all these opinions before Congress, Congress did not choose to follow the recommendation of the Indian agent as to this price and provided otherwise under the lead of the present Vice-President of the United States.

Mr. BURKE of South Dakota. Does the gentleman from Illinois wish to be understood as saying that the Government ought to disregard these negotiations, which practically amount to an agreement, for the sake of saving $1.25 an acre on a small area of land, where the proceeds are going to be used for the support and civilization of the Indians?

Mr. MANN. That question reminds me of the question that is sometimes put to an expert witness. It is so long I forgot what the first of it was before the gentleman finished. But I will say to the gentleman, of course we do regard any statement that the Indian agents make. We have regarded it and considered it; we have given it all the force it is entitled to, and we have overruled it by the legislation which we enacted, as we had a right to enact.

Now the gentleman wants Congress to overrule itself, on the ground that it did not know what it was doing when it disregarded the opinion of the Indian agent. Do I understand that the gentleman appeals from Congress to the Indian agent? That is a new supreme court—appealing from the action of the House to the opinion of a subordinate officer in the Indian department.

Mr. STEPHENS of Texas. Will the gentleman answer a question?

Mr. MANN. I will yield to the gentleman.

Mr. STEPHENS of Texas. The two contracting parties are the Indian tribes and the United States Government. Is not that true?

Mr. MANN. I am not on cross-examination, and the gentleman can make his own statement.

Mr. STEPHENS of Texas. That being true, then, the minds of the two parties must have met to make a contract. The Indians never agreed to take less than $2.50 an acre, and what right has Congress to say that they shall take $1.25 an acre? Shall we exercise the right of the giant and pay these Indians less than half they agreed to sell for, when they have never agreed to take less than $2.50? Let us be fair and just to the Indians.

Mr. MANN. Oh, the gentleman always ends his speech with that. I do not care whether the Indians take this $1.25 or not. I am perfectly willing that they should continue to keep this land; but bring this whole proposition in before the House again, and not bring in a part of it. It is an effort to amend a particular section of a bill, because it happens that that opens the door of the Treasury and is against the Government, without amending any of the sections of the bill which might be so amended as to protect the Government; that I protest against. The gentleman himself does not wish to repeal the other sections of the act and neither do the Indians. They would far rather have that act stand as it is without an amendment than to have it repealed.

Mr. McGUIRE of Oklahoma. Will the gentleman permit another question?

Mr. MANN. Oh, I am good-natured and am willing to yield all the time.

Mr. McGUIRE of Oklahoma. The gentleman stated in the outset that the Government would keep its agreement, but the Indians should also keep their agreement. Will the gentleman advise the House where these Indians have not kept their agreement with the Government?

Mr. MANN. If the Indians accepted this act—and I understand they have accepted it and appointed a commission under it——

Mr. McGUIRE of Oklahoma. They had no alternative.

Mr. MANN. They had no alternative? Ah, ha, that is another proposition. If they have accepted the act, as they have, then they ought to keep the agreement in the act, and not attempt to break that part of it which does not happen to suit them. Let it stand as a whole or fall as a whole.

Mr. SAUNDERS. Mr. Chairman, I dislike to occupy the time of the House again this afternoon, but this is a matter that comes from the committee of which I am a member, and I am entirely familiar with it. This is a very simple question. It is a mere question of the application of the ordinary principles of good faith to a contract. That is all, nothing more and nothing less. We made an agreement with these Indians so far as we can make an agreement with an Indian tribe. Now, the gentleman from Illinois [Mr. MANN] in one respect is technically correct. No agreement, however solemn, can be made with the Indians with respect to which we have not reserved to ourselves the high prerogative of overruling it, that is, breaking it. To that extent he is right. But in this instance we went ahead, and made an agreement with these Indians, which they recognized as affording the terms upon which they parted with their land. They dealt with a representative of this Government, and they thought that as a consideration for what they were surrendering, they would receive $2.50 per acre for the lands, covered by the contract. It is the government agents who testify to this effect, and not the Indians, and it is the government agents who inform us of dissatisfaction on the part of the Indians, because we have not carried out our contract with them.

We have the brutal power to say that we will not pay these Indians anything for their land. But shall we exercise this power? Economy is all right, but economy practiced at the expense of good faith, is not a very desirable policy to pursue [applause], nor are its results to be held as a very precious possession on the part of this great Government. When contracting parties are equal, and keep faith, it is regarded as a matter of credit to the parties. How much more to our credit will it be, to keep faith, when we deal with our helpless, dependent, domestic wards? That is the whole proposition here. We have agreed to give them $2.50, and we have not given it to

them, and this bill proposes that we shall now do, what we ought to have done at the last session of Congress.

Mr. MANN. Will the gentleman yield for a question, as affecting the matter of good faith?

Mr. SAUNDERS. Certainly.

Mr. MANN. Did not the gentleman make this statement to the House at the time this bill passed the House before by more than a two-thirds vote?

Mr. SAUNDERS. It did not pass by more than a two-thirds vote according to my recollection.

Mr. MANN. Well, it did, and the gentleman is mistaken about that.

Mr. SAUNDERS. It is not my recollection that it did, but a two-thirds vote does not make right that which is wrong. [Applause.]

Mr. MANN. The House was fully advised at that time.

Mr. SAUNDERS. I do not know how many people were in the House, or whether they were fully advised, or not.

Mr. BURKE of South Dakota. Will the gentleman permit me to state what the vote was? It was 139 ayes, noes 79.

Mr. SAUNDERS. Then, that is not two-thirds.

Mr. MANN. Why, it is two-thirds; and the gentleman is still mistaken.

Mr. SAUNDERS. Twice 9 is 18 and twice 7 is 14 and 1 is 15——

Mr. MANN. Oh, the gentleman is assuming that two-thirds means twice as many.

Mr. SAUNDERS. I do.

Mr. MANN. Then the gentleman has another arithmetical computation coming.

Mr. SAUNDERS. I assume the gentleman meant by his statement that there were twice as many votes for the proposition as against it.

Mr. MANN. What I said was that two-thirds voted for it, did I not?

Mr. SAUNDERS. I do not know what the gentleman had in mind. That is what I had in mind. However, that is irrelevant and immaterial anyway.

Mr. MANN. But the gentleman is as far mistaken now, as he was about the other proposition.

Mr. SAUNDERS. I was trying to find out what the gentleman meant. I am not mistaken in my recollection of the merits of this proposition, and I will try to inform the House as to them in a moment. It is true that a recommendation to pay $2 per acre came before the House, and from the committee, but it came over the protest of quite a number of the members of that committee. The House committee agreed to put the compensation for these lands at $2 per acre instead of $2.50, as provided for in the Senate. How this got to be $1.25, in the final form, I do not understand. I do not know any more about that than the gentleman knows. The committee understood that it was to be $2, and I was opposed to that reduction of the agreed amount. It was my recollection that the House voted $2 last year, and not $1.25. However that may be, I want to present the merits of the pending proposition. Major McLaughlin was the representative of the Government, in the negotiations with the Indians. He states that the Indians understood that they were to receive $2.50 for their land. The agreement as reported to us provided for $2.50. The Indians turned over whatever rights they had, in consideration of that undertaking on our part. We can not undertake to say that we were overreached; we can not say we were misled; we can not say that the consideration has failed, because the land is worth far more than the $2.50 per acre, but what difference does it make whether it is worth less, or more? Even if it was worth less, still we agreed to take it on the terms contained in our understanding with the Indians. Shall we exercise our brute force, and override this agreement, merely because we can do it, and for no better reasons than those so far advanced on the floor of this House?

Sometimes, Mr. Chairman, a man whose note is out of date, but who is amply able to pay every dollar of it, settles his liability at 50 cents on the dollar. That man is not regarded very highly in the world of honorable men, but his attitude is preferable to the course recommended to us. If we undertake to settle at $1.25 an acre, then we are discharging our obligation at 50 cents on the dollar. We will pay $1.25 an acre for land that on an average is worth $5 an acre, and for which we agreed to pay $2.50 per acre. Our ability to pay is infinite, and our contract is still in full force—I was about to say "and virtue," but some gentlemen here do not seem to think that there is much virtue in keeping faith with dependent Indians. But here is the contract and nothing has ever emanated from the Indians to indicate that they have been satisfied with their treatment. They have protested from the beginning.

Mr. DOUGLAS. Will the gentleman yield for an interruption there for him to give me some information?

Mr. SAUNDERS. I will afford the information, if I can.

Mr. DOUGLAS. I was not in the House at the time this bill passed. The gentleman from Illinois has stated, in the presence of the House, that the act contained a number of provisions, some of which were favorable to the Indians and some to the Government, but that the act as a whole was substantially accepted by the Indians by their acting under it.

Mr. SAUNDERS. What else could they do?

Mr. DOUGLAS. But there was an agreement by a commission, or something of that kind. I suggest simply, if that be true, and the Indians have substantially accepted this in view of other benefits contained——

Mr. SAUNDERS. I will answer that in this way: If a party who is able to accept a contract, or to reject it as a whole, accepts it in a modified form, he will be bound by his acceptance. But this is in the case of a free agent. In such a case, when he acts under a contract with modifications, his conduct will be taken as evidence that he has agreed to the modifications, and he will be bound by the contract in its modified form. But this principle does not apply to the case in hand. The Indians could do nothing else but what they did, and they have protested from the very beginning that they were not receiving that which the Government had contracted to give them. Up to the present it has been a matter of $1.25 per acre, or nothing.

The evidence is here in the report before us that the Indians have objected to our breach of faith, and complained that they were not receiving the agreed consideration. All that the Indians were to receive as a consideration for the lands ceded was the price of $2.50 per acre, for a portion of their lands. Talk about the Indians keeping faith with respect to the other matters, wherein have they failed to keep faith? I defy anyone to point out any particular in respect to which they have broken faith.

Mr. KEIFER. I would like to ask a simple question. Would it have been possible for the Indians to have rejected this law?

Mr. SAUNDERS. Not at all. What else could they do, than what they have done? They accepted a situation that they could not amend, correct, or reject. An acceptance of that sort should not cause a man, or a body of men, to lose their contract rights.

Mr. KEIFER. In other words, the United States passed a law, and proceeded to execute it?

Mr. SAUNDERS. Yes, by virtue of brute force. In substance we have said to these Indians by the act of a year ago, something like this: "It is true we have taken your lands and opened your reservation. It is true you have kept the faith on your part. It is true that we agreed to give you $2.50 per acre for your lands, and that these lands are worth about $5 an acre. All of this is true, but we have now determined that we will cancel this agreement, retain your land, and pay you only $1.25 per acre." We proceeded to break faith with the Indians by the exercise of our paramount authority, and it is not much to our credit that we have done so. In conclusion, I repeat what I said in the beginning that the question before us is merely the application of the ordinary principles of honesty, fair dealing, good faith, and integrity, to our dealings with our domestic wards. That is all. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I call for a reading of the bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provision to carry the same into effect," are amended, and as so amended are reenacted to read as follows:

"SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the States of South Dakota and North Dakota for such purpose as the same are located in the said States, respectively; and in case any of said sections, or parts thereof, are lost to said States by reason of allotments thereof to any Indian or Indians, or otherwise, the governors of said States, respectively, with the approval of the Secretary of the Interior, are hereby authorized, within the area in the respective States described in section 1 of this act, to locate other lands not occupied not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement: *Provided*, That in any event not more than 2 sections shall be granted to the State in any one township, and lands, must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs, except in any township where there may not be 2 sections of unallotted lands, in which event whatever is required to make 2 sections may be selected in any adjoining township.

"SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than $415,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $75,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes, respectively."

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the motion was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PERKINS, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12438, and had instructed him to report the same to the House with the recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT OF SECTIONS 246 AND 247, REVISED STATUTES.

The SPEAKER. The Clerk will call the next committee.

When the Committee on Expenditures in the Treasury Department was called,

Mr. GOEBEL. Mr. Speaker, I am directed by the Committee on Expenditures in the Treasury Department to call up for present consideration the bill H. R. 18586.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18586) amending sections 246 and 247, Revised Statutes.

Be it enacted, etc., That sections 246 and 247 of the Revised Statutes be so amended as to read as follows: "The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate authority to the Assistant Secretaries of the Treasury to sign in his stead, and he may in like manner delegate such authority to a clerk in his office to sign in his name, all warrants for the payment of money into the Public Treasury and all warrants for the disbursement from the Public Treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them; also all accountable warrants placing money in the Treasury to the credit of disbursing and other fiscal officers, and all appropriations, repay, and transfer warrants. The warrants so signed by either of the Assistant Secretaries of the Treasury or by the designated clerk shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself."

Mr. GOEBEL. Mr. Speaker, under the present law authority is delegated to one Assistant Secretary of the Treasury to sign warrants. The purpose of this bill is to confer the same power upon the other two Assistant Secretaries of the Treasury and also upon one clerk. I want to read for the information of the House a portion of a letter addressed to the committee by the Acting Secretary, Mr. Norton. I may say in passing that this bill was seriously considered by the committee, and it comes to the House with a unanimous report favoring its passage. The Secretary says:

For your information I submit herewith copies of the various kinds of warants which come to my desk for signature, and the signing of which it is desired to delegate to an authorized clerk. At certain hours of the day, and particularly so on certain days of every month, my desk is covered by thousands of these documents. If for any reason I am prevented from signing them regularly and promptly, the work of many clerks in the Division of Bookkeeping and Warrants, and in other divisions, is seriously delayed, to the detriment of the service and the inconvenience of the public. Since the passage of the present law the bulk of the work which falls upon the Secretary of the Treasury and upon the Assistant Secretaries has so greatly developed as to make it exceedingly difficult for an Assistant Secretary to regularly and promptly sign all these thousands of documents and still give personal attention to the proper and economical conduct of the work of the bureaus and divisions under his control. The work of the Secretary and of the Assistant Secretaries during the present administration has been exceedingly onerous by reason of the determined effort to effect changes and improvements in the direction of economy. What success has been so far attained is reflected in the estimates for 1911. Still further success is entirely within our reach along this line, and the passage of this proposed law will greatly assist in the attainment of the desired end.

Very truly, yours, CHARLES D. NORTON,
Acting Secretary.

Now, Mr. Speaker, this bill will entail no additional expense upon the Government. Its passage is strongly recommended by the Secretary of the Treasury, and I know of no reason why it should not pass.

I reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOEBEL. Yes.

Mr. MANN. I am quite in sympathy with the gentleman's bill. I do not know whether it was the gentleman or the Treasury Department that prepared it, but it proposes to amend two sections of the Revised Statutes "so as to read as follows," and so forth. Which one of these sections will it be, or will it be both?

Mr. GOEBEL. It will be both.

Mr. KEIFER. Is there a repealing clause?

Mr. MANN. There is not. The gentleman provides that sections 246 and 247 be amended "so as to read as follows." There is only one section that follows. It ought to be so provided, as a matter of good form, otherwise you will find that when it goes into an act it will be sections 246 and 247. That may be possible; I have not seen it.

Mr. GOEBEL. I will move to strike out certain words.

Mr. MANN. Why not make it "that section 246 be amended to read as follows" and then repeal section 247?

Mr. GOEBEL. I will offer such an amendment.

The SPEAKER. Does the gentleman offer an amendment?

Mr. GOEBEL. Yes. I move to strike out the words "two hundred and forty-seven."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 3, page 1, the letter "s" at the end of the word "sections;" and strike out the words "and two hundred and forty-seven."

The amendment was agreed to.

Mr. MANN. It should have a clause repealing section 247.

Mr. GOEBEL. I move a new section.

The Clerk read as follows:

Add a new section to read as follows:

"SEC. 2. That section 247 of the Revised Statutes be, and the same is hereby, repealed."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

COMPENSATION OF STOREKEEPERS.

Mr. CULLOP. Mr. Speaker, I call up the bill H. R. 18813, from the Committee on Expenditures in the Treasury Department.

The SPEAKER. Has the gentleman authority of the committee?

Mr. CULLOP. Yes, sir.

The bill was read, as follows:

A bill (H. R. 18813) to amend section 63 of the act of August 28, 1894 (28 Stats., 567).

Be it enacted, etc., That section 63 of the act of August 28, 1894 (28 Stats., 567), be, and the same is hereby, amended so as to read as follows:

"SEC. 63. That storekeepers, storekeeper-gaugers, and gaugers, when traveling to or from assignments, or when transferred from one assignment to another, either in the same district or in different districts, shall receive the same compensation per day during the time necessarily occupied in traveling that they would be entitled to if on duty at the place to which assigned or transferred, or from which relieved, together with actual and necessary traveling expenses."

Mr. CULLOP. Mr. Speaker, this is an amendment of the section, as stated in the bill——

Mr. MANN. Mr. Speaker, I make the point of order on this bill that it should be on the Union Calendar.

The SPEAKER. The point of order is well taken. Under the rules the House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. Well, Mr. Speaker, it may only take a moment in committee; but I want to hear the gentleman's explanation before I consent.

The SPEAKER. Objection is made, and the gentleman from Missouri [Mr. BARTHOLDT] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BARTHOLDT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18813.

The bill was again read.

Mr. CULLOP. Mr. Chairman, the purpose of this amendment is to amend section 63, so that it will apply to the revenue officers who are sent to look after the small distilleries. Under a construction of that section by the Comptroller of the Treas-

ury, these officers were not allowed their per diem in traveling to and from the distilleries when assigned to duty, and their traveling expenses. A great majority of these were distilleries that consumed about 20 bushels and under a day, and were in districts remote; in many instances were very hard to get to, almost inaccessible; and when these men were sent on duty it was not infrequent that the owner of the distillery would shut down when they got there. In many instances it was found that these men incurred much larger expenses than their salaries came to; and for this purpose a recommendation of this amendment has been made, so that it would practically be for the benefit of the Government in collection of the revenue. It will affect about 500 employees. The increase will be something like $15 to each man annually, or a total expense of $7,500 a year. It is estimated that the revenues the Government would receive on account of the passage of the bill would be many times larger than this expense. The Commissioner of Internal Revenue estimates that it would save the Government at least $75,000 per year.

The revenue department of the Government has recommended this amendment of the statute heretofore, and it is earnestly insisting for the betterment of the service that the amendment be made now. For these reasons the amendment has been offered.

Mr. LANGLEY. Will the gentleman from Indiana [Mr. CULLOP] permit me to suggest that he call the attention of the committee to the fact that this proposed amendment has been recommended by several Commissioners of Internal Revenue and also by the Secretary of the Treasury?

Mr. CULLOP. I desire to call attention to what one Commissioner of Internal Revenue has recommended on this subject:

TRAVELING EXPENSES AND PER DIEM FOR STOREKEEPERS AND STOREKEEPER-GAUGERS.

It is my duty to again call the attention of Congress not only to the desirability but the absolute necessity of so changing the law with respect to the traveling expenses of storekeepers and storekeeper-gaugers as to enable this office to allow such officer for per diem and traveling expenses, not only when going from one place of assignment to another place of assignment, but also when going from their homes or places where they are not under assignment to a place of assignment and returning therefrom.

Under the law as it stands and is construed by the accounting officers of the Treasury Department, who decline to allow and approve the per diem and expenses for the officers referred to under the circumstances described, not only great hardships are imposed upon them as well as actual injustice, but opportunity is afforded for the dishonest distiller to dictate in a great measure what officer shall not be assigned to his distillery, and is thus assisted in perpetrating frauds upon the revenue that can not be corrected as long as this condition exists. For instance, a small 3-bushel plant, operated by a dishonest man, gives notice of commencing operations. When the officer reports for duty, demand is made upon him for certain concessions in regard to the removal of a part of the product without payment of tax. If consent is not given the distiller gives notice that he will shut down, and in four days he closes out. The officer has probably received a per diem of $20, which is ten days' work at $2 per day. The little plant being in a wild, inaccessible mountain place, the officer has spent two or three days in getting there and incurred $5 expenses. If the distiller shuts down, he will incur a like expense to get back home, and instead of being benefited by the assignment, he is financially injured in accepting it, the result to him being a financial loss.

The Government also report that in instances of this kind they are many times unable to get competent men to go and serve in this capacity, and for this reason they are compelled to select men near the neighborhood in which the distillery is operated, and many times incompetent men are secured for the service for this reason. Hence this amendment is recommended.

Mr. MANN. Will the gentleman yield for a question?

Mr. CULLOP. Yes.

Mr. MANN. The purpose of this bill is to increase in a way the compensation of these officers by allowing them certain traveling expenses which they do not now have?

Mr. CULLOP. Yes; because the act which is sought to be amended here has been construed by the Comptroller of the Treasury to mean that they were not entitled to traveling expenses or per diem in going to and from a distillery.

Mr. MANN. That bill has been knocking around the doors of Congress for a number of years, I may say to the gentleman.

Mr. CULLOP. No; not this bill. There was a measure before the Sixtieth Congress, but in different form. It was for an increase of the compensation of these employees.

Mr. MANN. It has been before a great many Congresses.

Mr. LANGLEY. I am the author of the bill for which this is a substitute. A similar bill was introduced by me in the Sixtieth Congress. In fact, it went further than this. That bill was reported favorably by a unanimous vote of the committee to which it was then referred.

Mr. MANN. What committee was that?

Mr. LANGLEY. The Committee on Expenditures in the Treasury Department.

Mr. MANN. The gentleman had introduced the bill before that, had he not?

Mr. LANGLEY. I had not, but I would have done it if I had been a Member of Congress before that.

Mr. MANN. Mr. Chairman, it is one of those peculiar and funny incidents to me that this Committee on Expenditures in the Treasury Department has finally got into action. For years we have been urging the so-called "expenditures committees" to go to work, in order that they might discover methods of saving money, of cutting off expenditures, of reducing salaries, of cutting down in the government service; and, lo and behold, after these years of agitation, this committee has gotten into action, and I notice that the gentlemen on this side of the House were cute enough, in sending in the first report in years from an expenditures committee, which is a report to increase pay, that they, with peculiar grins, are allowing the report to come from that side of the House and not from this. I have heard some gentlemen on that side of the House recently argue: "Oh, that these expenditure committees might have the power to send for witnesses, in order that we might get at the extravagances in the government service!" And the chairman of this particular committee, the other day on the floor of the House, told how they needed a clerk, in order that they might find these extravagances. But, lo and behold, we see how they find extravagance, and the extravagance is that the men are not paid enough; that they ought to have more money from the Treasury. And having no one on this side of the House who was bold enough to make such a report from this committee—this retrenchment committee—they have worked a confidence game on my friend from Indiana and gotten him to report the first bill to retrench expenditures by increasing pay.

Mr. LANGLEY. Will the gentleman from Illinois give an opinion upon the merits of this bill?

Mr. TAWNEY. I should like to ask the gentleman in charge of this bill a question.

Mr. CULLOP. Certainly.

Mr. TAWNEY. Will this encourage the bureau to transfer these men more frequently hereafter than they have been transferred heretofore, from one station to another?

Mr. CULLOP. No; it will not.

Mr. TAWNEY. Has the gentleman any estimate from the Treasury Department as to how much this will increase these expenditures?

Mr. CULLOP. The estimate of the Commissioner of Internal Revenue is that it will amount to an increase of about $7,500 a year in all.

Mr. TAWNEY. What compensation are these men receiving now?

Mr. CULLOP. Two dollars a day. This is not increasing their compensation.

Mr. TAWNEY. This is to give them compensation for the time consumed in traveling from one station to another and also to defray their traveling expenses?

Mr. CULLOP. That is all.

Mr. LANGLEY. Will the gentleman yield for a moment?

Mr. FITZGERALD. I would like to ask the gentleman from Kentucky if all these gaugers are in the gentleman's district?

Mr. LANGLEY. We have our pro rata portion of them, I think.

Mr. MANN. Oh, much more than that. [Laughter.]

Mr. LANGLEY. Mr. Chairman, I wish to call the attention of the committee to one point that I fear is not fully understood by some gentlemen, in view of their comments and inquiries. This is not a bill to raise anybody's salary. The existing law provides that the traveling expenses of storekeepers and storekeeper-gaugers, and their per diem while so traveling, shall be allowed, to quote the exact language of the statute, "when transferred from one distillery to another." I doubt whether it was the intent of Congress to confine this to travel in cases of a transfer, but the Comptroller of the Treasury has held otherwise. In construing this section, he said (1 Comp. Dec., 243):

That section, under the circumstances, should not be construed to authorize payment of compensation or reimbursement of expenses except under the circumstances therein specified, to wit, "when transferred from one distillery to another."

Mr. Chairman, to my mind there is absolutely no justification for this discrimination. These men, particularly those who are employed at small distilleries, are not paid enough per diem, because they really have a harder job than those at larger distilleries who get more, and I am not going to abandon the effort in their behalf even if I have to give it up temporarily. But I do not see how any gentleman can object to paying their expenses and per diem, while they are, in fact, on duty away

from their homes, traveling in the service of the Government, and under orders, as other field employees of the Government are paid.

The purpose of this bill is to make the law uniform, so as to apply to all classes of internal-revenue employees alike, when on duty and traveling under orders.

Mr. TAWNEY. To what other places are they assigned?

Mr. LANGLEY. They can be assigned anywhere, within the law and regulations governing the service, but only those who are transferred from one distillery to another, after going on duty under an assignment, are paid their per diem and expenses. The purpose of the amendment is, as I have already said, to provide that, when they are assigned to a distillery or are relieved from duty, the per diem and traveling expenses shall be paid while traveling to or from the assignment, the same as in cases of transfer.

Mr. TAWNEY. The gentleman means after his services have terminated?

Mr. LANGLEY. Yes; and also when going to the assignment. I have in mind one instance in which a gentleman wrote me a letter of thanks for getting him a temporary assignment as storekeeper-gauger. His expenses were $26, and he served ten days at $2 a day when the distillery closed down. He lost $6 net cash in the transaction and all his time in addition. [Laughter.]

Mr. TAWNEY. Did he thank you after the services were terminated or before?

Mr. LANGLEY. He thanked me before. His language afterwards was in a different strain. [Laughter.] Gentlemen, there is no doubt whatever in my mind as to the justice and advisability of this amendment. As I stated a while ago, and as the gentleman from Indiana [Mr. CULLOP] has stated, this legislation has been recommended repeatedly by the Commissioner of Internal Revenue, and it would be a simple act of justice to a class of employees who are underpaid and who, under the present law, are discriminated against in the matter of traveling expenses.

Mr. GOEBEL. Mr. Chairman, I want to say in reference to this bill that it has had a very careful consideration by the Committee on Expenditures in the Treasury Department. We had before us the Commissioner of Internal Revenue, and he fully recommended the passage of this bill. We did not go as far as the gentleman who introduced the bill wanted us to go; but we did think, and to that extent we ought to go, that it was just and fair to these employees to have their expenses paid while being transferred from one place to another.

Mr. TAWNEY. Right there I desire to say to the gentleman that if I understood the gentleman from Kentucky right that is not the purpose of this bill. The law now authorizes the payment of their expenses, or reimbursement of expenses, incurred, and also the payment for the time when they are transferred from one distillery to another, or one warehouse to another, while they are in the service. This bill is intended to cover the expenses prior to their entry upon the service in going from their home to the place where they have been appointed or assigned, and then to pay their expenses from the place where they have been employed back to their homes after the services are terminated. Under the ruling of the comptroller, as stated by the gentleman from Kentucky, they are now compensated for their time and reimbursed for their expenses entirely from one assignment to another assignment.

Mr. GOEBEL. Yes; but the original bill, as introduced by the gentleman from Kentucky, provided an increase of pay also. We did not go as far as that.

Mr. TAWNEY. This bill is not to defray the expenses in going from one assignment to another assignment.

Mr. GOEBEL. I understand.

Mr. TAWNEY. But to pay the expenses in going from home to the initial assignment and returning to their homes at the termination of their service.

Mr. GOEBEL. I understand. We did not go as far as the gentleman wanted us to go.

Mr. FITZGERALD. Mr. Chairman, the remarks of the gentleman from Illinois [Mr. MANN] recall the painful experience which I had a short time ago in the House. I undertook to oppose the adoption of the resolution authorizing clerks for these committees on expenditures in the various departments, and, if I recall correctly, the gentleman from Illinois led the applause which came from that side of the House at the conclusion of the remarks submitted by the chairman of the Committee on Expenditures in the Treasury Department. In fact, that was the only committee which asked for a clerk that had the effrontery to attempt any defense of the proposed action of the House in giving the clerks. I had suggested that if the committees were given power to subpœna witnesses, to have produced before them papers and persons, they could do some effective work.

The House provides now a force of committee stenographers, who can be called upon by any committee desiring to undertake investigations, so that the testimony may be reduced to writing; but in order to hold one or two hearings it seemed that all of these committees desired to have clerks, and as the gentleman from Illinois [Mr. MANN] points out, the first effect of that action of the House is to have under consideration here a bill to provide additional expenditure in the Department of the Treasury. A reading of the report and the advocacy of this bill by the gentleman from Kentucky [Mr. LANGLEY] has aroused a peculiar suspicion in my mind. In the report it is pointed out that if this bill be passed, the dishonest distiller who conducts, I suppose, a small still in some remote and inaccessible part of the mountain will no longer be able successfully to conduct his illicit traffic. That statement has aroused a peculiar suspicion in my mind and an overwhelming admiration for certain Representatives of the State of Kentucky, that in their official capacity they are now prepared to urge legislation which in their opinion will effectively stamp out illicit distilling in the State of Kentucky.

If I knew nothing else about this bill, I would feel convinced that the assertion of such an argument by the Representative from Kentucky was in itself sufficient to convince me I should not favor such a bill. Of course I do not pretend for a moment that the gentleman from Kentucky [Mr. LANGLEY] is not as anxious as any other Member in this House to prevent frauds upon the Government by the operation of illicit stills, and yet, knowing the pride which these gentlemen take in their native Commonwealth and the anxiety they have to promote the home and well-known industries of the State, I am quite convinced they would do nothing which would in any way curtail the production of the beverage which "cheers but does not inebriate" in Kentucky.

Mr. LANGLEY. Let me say to the gentleman from New York [Mr. FITZGERALD] that if he would take one of these revenue jobs a little while down in the mountain sections of Kentucky he would undoubtedly be in favor of the passage of this bill.

Mr. MANN. Oh, there would be no illicit stills left if he were on the job for any length of time.

Mr. FITZGERALD. Mr. Chairman, I would suggest to the gentleman from Kentucky that there would be no difficulty if I had the appointment of gaugers and storekeeper-gaugers in his State, for in a short time there would be no need for any more of those employees, because the business would be conducted entirely within the law, and it would be possible to reduce expenditures rather than to increase them, while the places are filled as now by constituents from the gentleman's district.

Mr. LANGLEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LANGLEY. The argument which the gentleman from New York is doing me the honor to say I have presented to the House is in fact an argument which has been presented by the Commissioner of Internal Revenue——

Mr. FITZGERALD. Did not he come from somewhere around Kentucky?

Mr. LANGLEY (continuing). And unanimously concurred in by the Committee on Expenditures in the Treasury Department.

Mr. FITZGERALD. Oh, the gentleman adopted the argument with such alacrity that I know he is envious of the brain which originated it. I have only to add that if these committees on expenditures in the various departments are to follow the example of this committee and to report legislation tending to increase the expenditures, that at least it is taking an unfair advantage of the President of the United States. He has pointed out the necessity for further economy at this time. The committees which have been at work in the past have so conducted their operations that the country is now facing a very great deficit. If after the exhortation of the President these committees, which are intended to curtail the expenses, to investigate and ascertain where expenditures have been made in ways not authorized by the appropriations, are to start to work, and instead of pointing out ways in which expenditures are to be reduced report legislation providing means to make easier the expenditure of public money, the President will be sadly overwhelmed at the end of a session of Congress which is controlled by members of his own party.

Mr. LANGLEY. The gentleman, I think, with due deference to him, takes too narrow a view of the question of economy——

Mr. FITZGERALD. Oh, if the gentleman will permit me right there, I believe that economy means curtailment, while

the gentleman seems to have an idea that it is economy to increase expenditures. In that respect we differ.

Mr. LANGLEY. I beg the gentleman's pardon. I was endeavoring to call his attention to the statement of the Commissioner of Internal Revenue that the enactment of this legislation would result in a saving of revenue which would in the aggregate amount to many times the slight increase in expenses. Hence I am advocating it as a measure of economy as well as of justice.

Mr. FITZGERALD. Well, now the gentleman is an expert on this question; what is the capacity of a 3-bushel plant?

Mr. LANGLEY. I do not claim to be an expert on this question. The gentleman from Kentucky——

Mr. FITZGERALD. He may not know; I do not know what it is.

Mr. LANGLEY. I will say to the gentleman frankly that I do not recall just what the producing capacity per bushel is, nor what is required by the Government. I have never had any experience in the business.

Mr. FITZGERALD. I hope, however, that this will be a lesson to that side of the House, that hereafter it will not take such pleasure in authorizing expenditures, but that it will watch closely even those committees which are supposed to curtail rather than increase the expenditures of the Government.

Mr. CULLOP. Mr. Chairman, just for a moment, I will say, for the benefit of the gentleman from Illinois [Mr. MANN], that this bill was introduced and advocated by a Republican, and is a Republican measure, and by the committee, a majority of whom are Republicans, I was directed to draw the amendment and to make the report. The report was unanimous for its passage.

Mr. MANN. I do not wish to interrupt the gentleman. The gentleman does not mean to say that this bill was introduced by anybody but the gentleman himself, I take it.

Mr. CULLOP. The original bill was introduced by a Republican, Mr. LANGLEY, of Kentucky.

Mr. MANN. Oh, a Republican may have introduced some other bill, but this bill, as shown on its face, was introduced by the gentleman from Indiana.

Mr. CULLOP. It was introduced as an amendment by the unanimous direction of the committee. Now, I deny that it will result in an increase in the expenditures of the Government, but will, on the contrary, largely increase its revenues, a thing much needed now. That is the purpose of it, and it is also estimated by the commissioner that the passage of this bill will secure to the Government the services of competent men, who will save ten times the amount of the extra cost it entails upon the Government, and that is the purpose for which the amendment is sought, and it is for that reason that the department has recommended the bill to the House and the committee has unanimously recommended its passage as amended.

If it will save to the people of this country $75,000 per year, as the Government claims, and only occasion an outlay of $7,500, I should think it will be in the interest of economy. It will enable the Government to collect that sum every year, which sum it now loses for the want of this amendment.

I will further say to the gentleman from Illinois [Mr. MANN] that his party, and not mine, is on record for the increase of expenses, and that it is in the interest of economy that the Treasury Department recommends the passage of this amendment, and if, as he claims, this is an increase of expenses without an adequate increase of revenue in return, then the responsibility is with the head of the Treasury Department, which is Republican, and upon which source the responsibility must rest.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

Mr. TAWNEY. Mr. Chairman, has the bill been read for amendment?

The CHAIRMAN. It has not been read for amendment.

Mr. TAWNEY. Then the bill had better be read for amendment before we pass it.

The Clerk read as follows:

Be it enacted, etc., That section 63 of the act of August 28, 1894 (28 Stats., p. 567), be, and the same is hereby, amended so as to read as follows:

"SEC. 63. That storekeepers, storekeeper-gaugers, and gaugers, when traveling to or from assignments, or when transferred from one assignment to another, either in the same district or in different districts, shall receive the same compensation per day during the time necessarily occupied in traveling that they would be entitled to if on duty at the place to which assigned or transferred, or from which relieved, together with actual and necessary traveling expenses."

Mr. MANN. Mr. Chairman, I move to strike out the last word. I did not quite catch a moment ago, somebody having diverted my attention for the moment, what the gentleman from Indiana said as to how much this bill would cost the Government according to his estimate.

Mr. CULLOP. Seven thousand five hundred dollars a year will be the entire extra expense.

Mr. MANN. Does the gentleman think it will add anything to the efficiency of the service?

Mr. CULLOP. I think it will. I am satisfied of that, and that it will increase the revenues of the Government.

Mr. MANN. In what respect will it add to the efficiency of the service; are not these men efficient?

Mr. CULLOP. The commissioner says some of them are not, and it is impossible in those places to get efficient men, and that is why he has recommended it and recommended the passage of this bill.

Mr. MANN. Does the gentleman from Kentucky say that he can not supply a sufficient number of men to fill all these places?

Mr. CULLOP. The trouble with the gentleman from Kentucky is that all of the distilleries affected by this bill are not in Kentucky.

Mr. MANN. That would not trouble the gentleman; he would furnish gaugers for them all, whether in Kentucky or not. Now, it seems to me, Mr. Chairman, very peculiar just at this time, when we are urged to have economy, when the President is urging us and the departments not to increase the expenditures, when there is no estimate here, no request made for this expenditure, that Congress starts out in its talk of economy by passing a bill solely for the purpose of increasing the compensation of these gaugers.

Mr. CULLOP. If the gentleman will permit, I will answer that——

Mr. MANN. Doubtless it will be pleasant for them to receive more pay. That is true of all persons in the Government, beginning with the charwomen and ending with the Chief Justice of the Supreme Court of the United States. If there is any one of them who is not asking for an increase in pay, I have never had the pleasure of learning who that person was.

Mr. FITZGERALD. I am not.

Mr. MANN. Oh, the gentleman is not an officer of the Government. The gentleman has already increased his pay. [Laughter.] Now, here the cost is $7,500. Very well. Can any gentleman differentiate between this case and 10,000 other cases, 100,000 other officials? Not at all.

There is no more reason for increasing the pay of these men than there is for increasing the pay of other men in the government service. Who pays the bill in the end? Gentlemen simply can not undertake to pass measures only increasing the pay in $7,500 lots. When you get started you have got to take larger lots. I extremely regret that a proposition like this, endeavoring to force the Government to increase the pay of men now holding their offices under existing law, should come up urged and reported from that side of the House; and while I appreciate the fact that the gentleman from Indiana [Mr. CULLOP] probably would not have been misled in making such a report if he had had longer service in the House, and is therefore excusable so far as he is concerned, that would not excuse the House for passing the bill which he recommends.

Mr. CULLOP. I would like to say to the gentleman that I was not misled, unless the Internal-Revenue Commissioner made an erroneous statement to us.

Mr. MANN. I will say to the gentleman that you can get a recommendation from every department of the Government to increase the pay of the men working in that department. What difference does that make? Congress has the responsibility of determining about these men and the pay. We do not act simply because the Secretary of this or the Secretary of that wants somebody under him paid a higher salary. That is solely the proposition.

Mr. LANGLEY. To pay salary is not the proposition.

Mr. MANN. I say it is a proposition to pay compensation, and it is a mere haggling of terms as to whether you call it traveling expenses or salaries. It is an increase of compensation. We have another proposition pending now before us, to double the pay of the library police—another harmless little proposition.

Mr. CULLOP. I would like to ask the gentleman a question. When did the gentleman reach his conviction as to the reduction of salaries? Since the increase of salaries at the last session of Congress? Did the gentleman advocate the increase of the President's salary from $50,000 to $75,000?

Mr. MANN. If the gentleman had been here he probably would have known that it was through the efforts of the gen-

tleman from Illinois largely that the President's salary is not $100,000.

Mr. STEPHENS of Texas. Did not the gentleman vote for a $6,000 automobile for the Speaker of this House? Also, did he not vote a like amount for the gentleman in the other House?

Mr. MANN. I do not know whether I did or not. I know I will if I get a chance to do so. The gentleman from Texas [Mr. STEPHENS] never hits the mark with a question. What earthly thing has that got to do with the question of increasing these salaries?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TAWNEY. I rise simply for the purpose of asking the gentleman from Illinois a question. I want to know if it is not a fact that the section men in the West get $2 a day for their services, and then transportation to and from their homes?

Mr. MANN. They do not in our part of the country, and we can furnish better section men than the gentleman has in his part of the country.

Mr. TAWNEY. I dispute that proposition.

Mr. MANN. We can not furnish as good Members of Congress, I will admit, but I think we can furnish as good section men.

Mr. CRUMPACKER. Mr. Chairman, I move that all debate on the pending bill——

Mr. MANN. The gentleman is not expediting his bill by trying to cut off debate.

Mr. CRUMPACKER (continuing). Or paragraph, or section, be closed in one minute, and that time be given to the gentleman from Illinois [Mr. MANN] if he desires it.

Mr. MANN. I will say to the gentleman from Indiana that for his courtesy, almost insult, he will not expedite his bill in endeavoring to prevent gentlemen discussing provisions in this bill.

Mr. CRUMPACKER. I will say to the gentleman that I have not any bill.

Mr. MACON. Mr. Chairman, I hope the gentleman will not insist upon his motion to close debate on the paragraph, for I want to say to the gentleman from Illinois [Mr. MANN] that there are some of us on this side of the House who are not in favor of increasing salaries, and, further, that I will oppose all bills for that purpose until the revenues of the Government have reached a point where they are not exceeded by its expenditures.

Mr. CRUMPACKER. Mr. Chairman, is a motion to close debate debatable?

The CHAIRMAN. It is not.

Mr. CRUMPACKER. Well——

The CHAIRMAN. The question is on the motion of the gentleman from Indiana, that all debate upon the pending paragraph be closed in one minute.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 34, noes 21.

So the motion was agreed to.

Mr. MACON. A parliamentary inquiry, Mr. Chairman. Is one minute not allowed for debate under the motion just adopted?

The CHAIRMAN. There is.

Mr. MACON. Then I would like to be recognized for that one minute. [Laughter.] Mr. Chairman, I want to insist that it is highly improper to increase the compensation of these officials at this time and in this way. The committee that reported this bill was created for the purpose of investigating the expenditures of a certain department of the Government and report to the House whether or not they were extravagant, but I do not understand that it has the authority to bring in a bill increasing the expenditures of the Government at all. A few years ago salary increases were brought into the House upon appropriation bills, but a few of the Members have been watching those bills and making points of order against the increases, and hence they are not brought in upon them now. Therefore it seems that the policy concerning them has been changed, and an attempt is being made to have a committee that was created to investigate expenditures bring in bills increasing them. I hope the bill will not pass.

The CHAIRMAN. The time of the gentleman has expired.

The question is on rising and reporting the bill to the House with a favorable recommendation.

Mr. FITZGERALD. Who made that motion?

Mr. CULLOP. I did.

Mr. FITZGERALD. I move to strike out the enacting clause.

Mr. LANGLEY. Is that motion in order now, Mr. Chairman, debate having been closed?

The CHAIRMAN. The motion of the gentleman from New York is not in order, according to previous decisions under Rule XXIII:

After the reading of the bill has been concluded the motion to strike out the enacting clause is not in order.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the fact that the motion is not in order until the first paragraph has been read; and, as there is only one paragraph to this bill, let me suggest that under the rule cited by the Chair such a motion could be made. There is only one paragraph to this bill. The motion is not in order under the rule which the Chair has just read until that paragraph has been read. It having been read, the motion must be in order at this time.

Mr. CRUMPACKER. I suggest that the paragraph has been read three several times.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. CRUMPACKER. It was read once in the House and twice in the Committee of the Whole.

The CHAIRMAN. The Chair is ready to rule. The Clerk will read ruling 7.

The Clerk read as follows:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

The CHAIRMAN. The case in which the ruling just stated was made was evidently a case where the committee had concluded consideration of amendments, because other motions had been entertained incompatible with amendments, but in this case it seems there may be other motions to amend made, and therefore the committee will have a chance to use the preferential motion to strike out the enacting clause. Under these circumstances the Chair therefore entertains the motion to strike out the enacting clause.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say upon that motion that the gentleman from Illinois can not place the responsibility for extravagance on this side of the House.

The CHAIRMAN. The Chair wishes to inform the gentleman from New York that the ruling can not be debated.

Mr. FITZGERALD. But the motion to strike out the enacting clause is debatable.

The CHAIRMAN. The committee has closed debate by a vote.

Mr. FITZGERALD. On the paragraph; but this is a motion to strike out the enacting clause.

The CHAIRMAN. Which is simply a preferential motion to amend by striking out the enacting clause.

Mr. FITZGERALD. But I call the attention of the Chair to a ruling that the motion is debatable; and even if the previous question were ordered in the House, the motion would be debatable.

The CHAIRMAN. As the Chair remembers, the motion was that debate should be concluded, within one minute, on the paragraph and amendments.

Mr. FITZGERALD. The motion was to close debate on the paragraph which was read. This motion does not affect the paragraph at all. The enacting clause is not a part of the paragraph. It is separate and distinct from it.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana [Mr. CRUMPACKER] what his motion was?

Mr. FITZGERALD. I suggest that the Chair ask the Clerk what the motion was.

Mr. CRUMPACKER. I do not remember distinctly, but my best recollection is that the motion was to close debate on the paragraph only, because no amendments had been offered up to that time that I know anything about. My recollection is that the motion was to close debate on the paragraph.

The CHAIRMAN. That inevitably closes debate on the amendments, because there has to be an amendment in order to have debate.

Mr. FITZGERALD. But this motion has never been considered as an amendment.

The CHAIRMAN. The Chair thinks this is an amendment.

Mr. FITZGERALD. No; it is a motion which takes precedence of an amendment, but it is not an amendment at all.

The CHAIRMAN. It is in the nature of an amendment, and is governed by the five-minute rule, as other amendments are.

The question is on the motion of the gentleman from New York to strike out the enacting clause.

The question being taken, on a division (demanded by Mr. FITZGERALD), there were—ayes 34, noes 36.

Accordingly the motion was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Indiana [Mr. CULLOP], that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BARTHOLDT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18813) to amend section 63 of the act of August 28, 1894 (28 Stats., p. 567), and had directed him to report the same back to the House with a favorable recommendation.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 60, noes 38.

Accordingly the bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. MACON) there were—ayes 40, noes 38.

Mr. HENRY of Texas. Mr. Speaker, I make the point of no quorum.

The SPEAKER. One moment. Will the gentleman kindly withhold his point?

Mr. HENRY of Texas. I will withhold it for a moment.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STUBGISS, for three days, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15387. An act authorizing the town of Bass Brook to construct a bridge across the Mississippi River, in Itasca County, Minn.;

H. R. 16223. An act extending the time for certain homesteaders to establish residence upon their lands; and

H. R. 13831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. PRINCE, the Committee on Claims was discharged from further consideration of the bill (S. 3788) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr., deceased, of Pine Ridge, S. Dak., and the same was referred to the Committee on Indian Affairs.

COMPENSATION OF STOREKEEPERS.

The House resumed consideration of the bill (S. 18813) to amend section 63 of the act of August 28, 1894 (28 Stat., 567).

The SPEAKER. The gentleman from Texas makes the point of no quorum present. Evidently there is no quorum present.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Civil Service Commission, transmitting a statement of travel of officers and employees of the commission during the fiscal year ended June 30, 1909 (H. Doc. No. 598)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation affecting the expenses of the Osage Indian Agency (H. Doc. No. 597)—to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kahului Harbor, island of Maui, Hawaii (H. Doc. No. 593)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for water supply, Fort Bayard, N. Mex. (H. Doc. No. 596)—to the Committee on Appropriations and ordered to be printed

5. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation relating to certain bonds and certificates of indebtedness (H. Doc. No. 595)—to the Committee on Ways and Means and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation relating to taxation of circulating notes of national banks (H. Doc. No. 594)—to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, reported the same without amendment, accompanied by a report (No. 329), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16219) to detach the county of Grundy, in the State of Missouri, from the western and attach it to the eastern judicial district of said State, reported the same without amendment, accompanied by a report (No. 326), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5238) to abolish the United States land office at Des Moines, Iowa, reported the same without amendment, accompanied by a report (No. 328), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof a bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 323), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 17007) for the relief of Willard W. Alt, reported the same with amendment, accompanied by a report (No. 324), which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 970) for the relief of Edward C. Kittle, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4040) to grant certain lands to the city of Cheyenne, Wyo., reported the same without amendment, accompanied by a report (No. 327), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19172) granting a pension to John B. Dill—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19201) granting an increase of pension to Peter S. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3296) granting a pension to Fred M. Jones—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 19391) exempting from duty certain articles of food—to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: A bill (H. R. 19392) for the purchase of a site and erection of a public building at Bayonne, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Texas: A bill (H. R. 19393) to enlarge the powers of the Interstate Commerce Commission, and to further regulate common carriers engaged in interstate and foreign commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BOEHNE: A bill (H. R. 19394) to provide for the purchase of a site and the erection of a public building thereon at Mount Vernon, in the State of Indiana, and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. HAMLIN: A bill (H. R. 19395) to amend the act of June 27, 1890, as amended by the act of May 9, 1900—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 19396) to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Iowa: A bill (H. R. 19397) to pension widows and minor children of persons who served in the army or navy in the Mexican or civil wars—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 19398) providing for the purchase of a site and the erection of a public building thereon at Tupelo, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. RODENBERG: A bill (H. R. 19399)to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKS of New York: A bill (H. R. 19400) to promote the efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BOOHER: A bill (H. R. 19401) to punish census enumerators for obtaining or giving out political information while in discharge of their duties as such enumerators—to the Committee on the Census.

By Mr. PEARRE: A bill (H. R. 19402) to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia and to make necessary connections with other parts of its system—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. KITCHIN: A bill (H. R. 19404) for survey of Fishing Creek—to the Committee on Rivers and Harbors.

By Mr. AUSTIN: A bill (H. R. 19405) to authorize the location of a branch home for the widows of volunteer and regular soldiers and sailors at or near Knoxville, in the State of Tennessee, and for other purposes—to the Committee on Military Affairs.

By Mr. ELVINS: A bill (H. R. 19406) making appropriation for the protection of the bank of the Mississippi River at and south of Point Rest, Mo.—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 19407) making an appropriation for the repair and maintenance of the east and south roads into the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. SLEMP: A bill (H. R. 19408) to authorize the Secretary of War to furnish the town of Wise, Va., with two condemned cannons and suitable outfit of cannon balls—to the Committee on Military Affairs.

By Mr. ELVINS: A bill (H. R. 19409) making appropriation for the protection of the bank of the Mississippi River at West Chester, Mo.—to the Committee on Rivers and Harbors.

By Mr. OLCOTT: A bill (H. R. 19545) to amend section 895 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLOYD of Arkansas: Resolution (H. Res. 332) requesting the Secretary of the Interior to furnish the House information relative to lands in the Ozark National Forest—to the Committee on the Public Lands.

By Mr. FOWLER: Resolution (H. Res. 333) to change the Committee on Rules—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19410) granting an increase of pension to Peter Grimes—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 19411) granting a pension to Matilda Parkhurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19412) granting an increase of pension to Patrick Conely—to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 19413) granting an increase of pension to Joshua Wallace—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19414) granting a pension to Posey Dobbs—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 19415) for the relief of B. H. Davis, of Burnsville, Miss., administrator of the estate of Enos Davis, deceased—to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 19416) for the relief of Ambrose D. Vallandingham—to the Committee on War Claims.

Also, a bill (H. R. 19417) for the relief of William W. Hearne—to the Committee on War Claims.

Also, a bill (H. R. 19418) for the relief of Cash Claxon—to the Committee on War Claims.

Also, a bill (H. R. 19419) for the relief of James S. Clark—to the Committee on War Claims.

Also, a bill (H. R. 19420) for the relief of the heirs of John A. Erdman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19421) for the relief of the estate of Oliver Frazer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19422) for the relief of the estate of William McCracken, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19423) for the relief of the estate of D. W. Price, deceased—to the Committee on Claims.

Also, a bill (H. R. 19424) for the relief of the estate of Granville Smith, deceased—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 19425) for the relief of estate of Rachel Dyer, deceased, of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 19426) for the relief of the estate of Antonia Sousa, deceased—to the Committee on Appropriations.

By Mr. CHAPMAN: A bill (H. R. 19427) granting an increase of pension to Milton Franklin—to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 19428) granting a pension to Ary Louisa Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19429) for the relief of the estate of Capt. Thomas E. Boone, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19430) to correct the military record of Andrew Airey—to the Committee on Military Affairs.

Also, a bill (H. R. 19431) to correct the military record of William Lockard—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 19432) granting an increase of pension to Emma J. Turner—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 19433) granting an increase of pension to Henry Lemke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19434) granting an increase of pension to Antipus H. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19435) granting a pension to Josie I. Blair—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19436) granting an increase of pension to Mary J. Miller—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 19437) for the relief of Albert Freitag—to the Committee on Claims.

By Mr. DENVER: A bill (H. R. 19438) granting an increase of pension to James Long—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 19439) granting an increase of pension to Henry D. Wrighter—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 19440) granting an increase of pension to William M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19441) granting an increase of pension to Larkin E. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19442) granting an increase of pension to Joel Weatherford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19443) granting an increase of pension to Berry H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19444) granting an increase of pension to John Couch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19445) granting an increase of pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19446) granting an increase of pension to Aaron V. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19447) granting an increase of pension to John B. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19448) granting an increase of pension to John H. Hail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19449) granting an increase of pension to Joseph Wait—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19450) granting an increase of pension to John W. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19451) granting an increase of pension to Samuel D. Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19452) granting an increase of pension to William Fitzpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19453) granting an increase of pension to George W. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19454) granting an increase of pension to Pulaski H. Ebright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19455) granting an increase of pension to James Sears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19456) granting an increase of pension to William F. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19457) granting an increase of pension to William Dutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19458) granting an increase of pension to Elkanah L. Hedgecoth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19459) granting an increase of pension to Elijah Dykes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19460) granting an increase of pension to William Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19461) granting an increase of pension to Malissa J. Belden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19462) granting a pension to Frank W. Fortney—to the Committee on Pensions.

Also, a bill (H. R. 19463) granting a pension to Alonzo Emmert—to the Committee on Pensions.

Also, a bill (H. R. 19464) granting a pension to Lillie Witt—to the Committee on Pensions.

Also, a bill (H. R. 19465) granting a pension to Pleasant Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19466) granting a pension to Wiley Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19467) granting a pension to Julia Barger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19468) for the relief of the estates of W. H. H. Thompson and Caroline Thompson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19469) for the relief of the estate of Moses Singleton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19470) for the relief of the estate of Emory Parrigin, deceased—to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 19471) granting an increase of pension to William Hardenbrook—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 19472) granting an increase of pension to Jerome W. Hollenbeck—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 19473) granting a pension to William Butler—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19474) granting an increase of pension to William Snyder—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 19475) granting a pension to Martin Dalgetty—to the Committee on Pensions.

Also, a bill (H. R. 19476) granting a pension to Annie Troxler—to the Committee on Pensions.

Also, a bill (H. R. 19477) granting a pension to Sarah J. Voyles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19478) granting a pension to James W. Graham—to the Committee on Pensions.

Also, a bill (H. R. 19479) granting an increase of pension to Mary A. Hooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19480) to complete the military record of James Hyatt—to the Committee on Military Affairs.

Also, a bill (H. R. 19481) to complete the military record of Thomas M. Kuykendall—to the Committee on Military Affairs.

By Mr. HEALD: A bill (H. R. 19482) granting a pension to Stephen P. Sollaway—to the Committee on Pensions.

Also, a bill (H. R. 19483) increasing the pay of the secretary to the Admiral of the Navy—to the Committee on Naval Affairs.

By Mr. HENRY of Texas: A bill (H. R. 19484) granting a pension to Ella Welch—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19485) for the relief of the estate of John Brown, deceased—to the Committee on War Claims.

By Mr. HOWLAND: A bill (H. R. 19486) granting an increase of pension to Helen L. Fitch—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 19487) to remove the charge of desertion from the records of the War Department against John Murphey—to the Committee on Military Affairs.

By Mr. JAMIESON: A bill (H. R. 19488) granting a pension to William A. Gordon, alias John Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19489) granting a pension to Susan Bedell—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 19490) granting a pension to Charles C. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19491) to remove the charge of desertion from the military record of Jeremiah Swisshelm—to the Committee on Military Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 19492) granting an increase of pension to William T. Jordan—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19493) granting an increase of pension to John W. Creed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19494) granting a pension to John C. Cable—to the Committee on Pensions.

By Mr. LENROOT: A bill (H. R. 19495) granting a pension to Cornelia Duryea—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 19496) granting an increase of pension to Diana E. Hanvey—to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 19497) granting a pension to Mary E. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19498) granting an increase of pension to Richard T. Lombard—to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 19499) for the relief of George Drake and Lillie Nelson—to the Committee on Claims.

By Mr. McKINLEY of Illinois: A bill (H. R. 19500) granting a pension to Frank J. Himes—to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 19501) granting an increase of pension to Adelia W. Martin—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 19502) granting an increase of pension to William W. Gilleland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19503) granting an increase of pension to William H. Tydeman—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 19504) granting an increase of pension to John P. McClarey—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 19505) for the relief of Eugene Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 19506) granting an increase of pension to Aaron J. Hall—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 19507) granting a pension to Harriet E. Dennison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19508) granting an increase of pension to Ai B. Chase—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 19509) granting an increase of pension to Daniel R. Cobb—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 19510) granting an increase of pension to Charles F. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19511) granting an increase of pension to William H. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19512) granting an increase of pension to George Klontz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19513) granting an increase of pension to Andrew Clelland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19514) granting an increase of pension to William H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19515) granting an increase of pension to H. R. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19516) granting an increase of pension to Charles E. Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19517) granting a pension to Joseph A. McElroy—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 19518) granting a pension to John A. Ott—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 19519) granting an increase of pension to John Wareham—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 19520) for the relief of the estate of T. D. de Graffenreid—to the Committee on War Claims.

Also, a bill (H. R. 19521) for the relief of the estate of David B. Dowdell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19522) for the relief of the estate of M. F. de Graffenreid—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 19523) granting a pension to Neal McCoy—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 19524) granting an increase of pension to William McKinley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19525) granting an increase of pension to Isaac P. Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19526) for the relief of Frank M. Malone—to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 19527) for the relief of George Hallman—to the Committee on Claims.

By Mr. TENER: A bill (H. R. 19528) granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19529) granting an increase of pension to James H. Johnson—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 19530) for the relief of Samuel J. White, of Cove Craven County, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 19531) for the relief of the estate of Benjamin C. Smith, deceased, W. W. Smith, administrator, Maysville, Jones County, N. C.—to the Committee on War Claims.

By Mr. WALLACE: A bill (H. R. 19532) granting a pension to Mart Bradshaw—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 19533) granting an increase of pension to James H. Guthrie—to the Committee on Pensions.

Also, a bill (H. R. 19534) granting an increase of pension to Henry C. Rathbone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19535) granting an increase of pension to Joseph D. Worley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19536) granting an increase of pension to John Treadaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19537) granting an increase of pension to William R. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19538) granting an increase of pension to Henry Worley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19539) granting an increase of pension to James B. Sprinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19540) to complete the military record of James A. Sams and for an honorable discharge—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 19541) granting an increase of pension to Robert Voigt—to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 19542) granting an increase of pension to Thomas Wickersham—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19543) granting an increase of pension to Eliza Sells—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 19544) for the relief of the estate of John B. Johnson, of Fayetteville, W. Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of local committee of the International Congress on Tuberculosis, for an appropriation to pay certain debts of said congress—to the Committee on Appropriations.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of B. F. Lockhart—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of citizens of Van Wert, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANTHONY: Petition of citizens of Leavenworth, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of Farmers' Union, against gambling in futures—to the Committee on Agriculture.

By Mr. BUTLER: Petition of citizens of Media, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CANTRILL: Papers to accompany bills for relief of estate of Granville Smith, heirs of John A. Erdman, George W. McIntyre, heirs of Alex. M. Mayo, heirs of J. Howard Sheffer, estate of John Thorns, and heirs of S. C. Yager—to the Committee on War Claims.

By Mr. CARLIN: Paper to accompany bill for relief of estate of Antonia Sousa—to the Committee on Appropriations.

By Mr. COCKS of New York: Petition of the Flushing Association, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of New York Produce Exchange, against the Humphrey bill (H. R. 16362) relative to the tonnage tax—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Marine Review, for a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Business League of America, favoring the Cullom-Sterling consular bill—to the Committee on Foreign Affairs.

By Mr. COOK: Petition of Philadelphia Board of Trade, against the Humphrey bill (H. R. 16362), relative to tonnage dues—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Maritime Exchange, against tonnage-dues feature of House bill 16362—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Paper to accompany bill for relief of Mary J. Miller—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of Lytle Post, No. 59, Grand Army of the Republic, of Brownton, Minn., favoring legislation of benefit to surviving veterans of the civil war and dependent ones—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Minneapolis, Minn., against corporation-tax law—to the Committee on Ways and Means.

Also, petition of Mrs. S. H. Start and others, of Roswell, Idaho, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of Darius Young, James McKelvey, William E. Kinnett, and William Collier—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of estates of W. H. H. and Caroline Thompson, C. B. Kinnett, Henry Goff, heir of John W. Goff, and estate of Solomon Jones—to the Committee on War Claims.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Jerome W. Hollenbeck—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of National Business League of America of Chicago, Ill., favoring reorganization of the consular service per Cullom-Sterling consular bill—to the Committee on Foreign Affairs.

Also, petition of New York Produce Exchange, against the Humphrey bill (H. R. 16362) relative to tonnage tax—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Illinois: Petition of Andrew Worth and 34 other soldiers of Mount Carmel, Ill., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Steele-Wedles Company and Kaiserhof Hotel-Restaurant, of Chicago, Ill., favoring certain amendments of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Snyder—to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: Petition of San Diego State Bank, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Binford, N. Dak., for a more effective regulation of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Milwaukee section of the Council of Jewish Women and Mrs. George W. Barr and 141 members of the Current Event Club, of Ontario, Cal., against the use of Hetch Hetchy Valley as a water tank for San Francisco—to the Committee on the Public Lands.

By Mr. HAYES: Petition of Furniture Handlers' Union, No. 1, of San Francisco, Cal., against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOWARD: Paper to accompany bill for relief of estate of John Brown—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of Stainbach Company, of Asbury Park, N. J., against publicity feature of the corporation tax—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Allan M. Flemming and 50 others, of Cache County, Utah, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of United Brotherhood of Carpenters and Joiners of San Francisco, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KINKEAD of New Jersey: Petition of Twelfth Ward Democratic Club, of Jersey City, N. J., for legislation to limit price of all products—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY: Petition of J. A. Nelson and L. Engerman, of Rock Island, Ill., against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Paper to accompany bill for relief of Adelia W. Martin—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: Petition of Manufacturers' Association of New York, against the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of the Hess Bright Manufacturing Company, against imposition of an extra 25 per cent flat rate under the Payne tariff bill—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of residents of Nelson, Superior, Lawrence, and Hastings, Nebr., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Bloomington, Napanee, Republican City, Franklin, Riverton, Alma, Red Cloud, Mount Clair, Orleans, Arapahoe, Oxford, and Cambridge, Nebr., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MADISON: Petition of citizens of Lyons, Kans., against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. NICHOLLS: Petition of Central Labor Union of Carbondale, Pa., and Iron Moulders' Union No. 34, of Scranton, Pa., favoring the Gardner bill (H. R. 15441)—to the Committee on Labor.

By Mr. PLUMLEY: Paper to accompany bill for relief of Daniel R. Cobb—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Petition of Sable Grange, No. 167, Patrons of Husbandry, of Montclair, Colo., favoring parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of the Woman's Christian Temperance Union of Rhode Island, favoring the Johnson bill (S. 1862) to prevent liquor selling in Hawaii—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring the Burkett-Sims bill prohibiting telegraphing of race-gambling bets—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring the McCumber-Tirrell bill (S. 2846) against liquor selling in ships and buildings of the United States—to the Committee on Alcoholic Liquor Traffic.

By Mr. SMITH of Iowa: Petition of citizens of Council Bluffs, Iowa, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Wheeling (W. Va.) Board of Trade, favoring a national department of health—to the Committee on the District of Columbia.

By Mr. THOMAS of North Carolina: Papers to accompany bills for relief of W. W. Smith and Samuel J. White—to the Committee on War Claims.

By Mr. VREELAND: Petition of Ross Grange, No. 305, Patrons of Husbandry, of New York State, against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of Great Valley (N. Y.) Grange, No. 1016, Patrons of Husbandry, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WANGER: Petition of Philadelphia Maritime Exchange, against adoption of so much of section 4 of House bill 16362 as has reference to an increase in the present tonnage dues—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Manufacturers' Association of York, Pa., petitioning that the act of August 5, 1909, relating to corporation taxes be amended so as to extend the time for taking of inventories to the end of the manufacturers' fiscal year—to the Committee on Ways and Means.

By Mr. WEBB: Papers to accompany bills for relief of Stephen Rice and William Rigsby—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Yelton—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of Licensed Tugmen's Protective Association and others, against appropriation for a seagoing dredge for the west shore of Lake Michigan—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the farmers and taxpayers of Wisconsin, favoring postal savings-banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *January 27, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Eleanor G. Whitney *v.* United States (S. Doc. No. 331);

Rosalie C. Tone, heir at law of John Calhoun, *v.* United States (S. Doc. No. 330); and

J. W. Wallace, executor of Laura J. Dills, deceased, *v.* United States (S. Doc. No. 329).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution with amendments, in which it requested the concurrence of the Senate:

S. 3318. An act to legalize a bridge across the Snake River between the States of Idaho and Oregon;

S. 4891. An act to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas;

S. 5040. An act to authorize Bonners Ferry Bridge Commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho; and

S. J. Res. 55. Joint resolution authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.;

H. R. 12315. An act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes;

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect;"

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War;

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States;

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River;

H. R. 18586. An act amending sections 246 and 247, Revised Statutes; and

H. J. Res. 101. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.

PETITIONS AND MEMORIALS.

Mr. DEPEW presented a petition of the Business Men's Association of Salamanca, N. Y., and a petition of the Board of Trade of Little Valley, N. Y., praying that an appropriation be made for the improvement of Dunkirk Harbor, in that State, which were referred to the Committee on Commerce.

He also presented memorials of Napoli Grange, No. 1056, of Napoli; of Columbia Pomona Grange, of East Chatham; of Sheridan Grange, No. 235, of Sheridan; of Ischua Grange, No. 953, of Ischua; and of Olean Grange, No. 791, of Olean, all of the Patrons of Husbandry, in the State of New York, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented a memorial of sundry citizens of Marion, N. C., remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a memorial of Merriam Post, No. 8, Department of Connecticut, Grand Army of the Republic, of Meriden, Conn., remonstrating against placing the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the faculty and sundry students of the Hartford Theological Seminary, of Hartford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. FLINT presented a petition of sundry citizens of Santa Cruz, Davenport, Orange, Stockton, Redlands, Los Angeles, Fullerton, Whittier, and San Francisco, all in the State of California, praying for the enactment of legislation to permit the Chucawalla Development Company to construct a dam across the Colorado River in that State for the purpose of diverting water to be used for irrigation, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BULKELEY presented a petition of the faculty and sundry students of the Hartford Theological Seminary, of Hartford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. STONE presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation providing homes for ambassadors of the United States to foreign countries, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Million Population Club of St. Louis, Mo., praying for the enactment of legislation to increase the salaries of railway postal clerks and to allow them traveling expenses, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Macon County Farmers Cooperative Union, of Callao, Mo., praying for the passage of the so-called "postal savings-bank bill," and remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Rocheport, Mo., remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Joplin Council, No. 74, United Commercial Travelers of America, of Joplin, Mo., praying for the enactment of legislation to regulate charges for excess baggage transported by common carriers, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of St. Louis, Mo., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Home Missionary Society of the Emory Methodist Episcopal Church, of Pittsburg, Pa., and a petition of the Woman's Christian Temperance Union of East End, Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Manufacturers' Association of York, Pa., praying for the adoption of certain amendments to the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Pittsburg, Pa., and a petition of the Home Missionary Society of the Emory Methodist Episcopal Church, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

Mr. DICK presented a petition of the Chamber of Commerce of Dayton, Ohio, praying that an appropriation be made for the purchase of a site and the erection of a more commodious post-office building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the American Association of State Geologists, praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a memorial of sundry citizens of Dayton, Lima, and Reading, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Association of Manufacturers of the United States, praying for the enactment of legislation to provide sufficient postal compensation to establish swift and regular service in American-built steamships to the principal countries of South and Central America and to the ports of Australasia, Japan, and the Philippines, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2955) to construct and place a light-ship near Monhegan Island, entrance to Penobscot Bay, Maine, reported it without amendment and submitted a report (No. 118) thereon.

Mr. STONE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 13438) to declare One Hundred and Two River in Missouri nonnavigable;

A bill (H. R. 13439) to declare Nodaway River in Missouri nonnavigable; and

A bill (H. R. 13440) to declare the Big Tarkio River in Holt and Atchison counties, in Missouri, nonnavigable.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 16221) for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin, reported it without amendment.

Mr. CHAMBERLAIN, from the Committee on Indian Affairs, to whom was referred the bill (S. 539) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, reported it with amendments and submitted a report (No. 119) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 4109) to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington, reported it without amendment and submitted a report (No. 120) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, reported it with an amendment and submitted a report (No. 121) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale

of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," reported it with amendments and submitted a report (No. 122) thereon.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Minnesota [Mr. NELSON], to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 6, page 1, before the word "use," to strike out "the" and insert "its;" and in the same line, after "use," to strike out the words "of the committee," so as to make the resolution read:

Senate resolution 155.

Resolved, That the Committee on Public Lands be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

ACCEPTANCE OF STATUE OF GEORGE L. SHOUP.

Mr. SMOOT. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Idaho [Mr. HEYBURN] on the 20th instant, to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of the late George Laird Shoup 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Idaho; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

Mr. HEYBURN. I should like to hear the language read again where it says, "to be bound in one volume."

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That there be printed and bound in one volume.

Mr. HEYBURN. I think that hardly expresses it. All will not be bound in one volume, but in separate volumes.

Mr. SMOOT. It follows the exact wording of all similar resolutions that have been passed.

Mr. HEYBURN. But they are not all to be bound in one volume.

Mr. SMOOT. That is not what it says. It says the proceedings in Congress upon the acceptance of the statue shall be bound in one volume.

Mr. HEYBURN. I understand that. If it is limited to that, it is all right; but as I caught it, it did not seem to be so limited.

Mr. SMOOT. That is what it means. It follows the exact language of all similar resolutions that have been passed.

Mr. HEYBURN. I am only speaking of the matter of the form of language.

Mr. SMOOT. I understand that.

Mr. HEYBURN. I should like to have that part of it read again.

The Secretary read as follows:

That there be printed and bound in one volume the proceedings in Congress.

The VICE-PRESIDENT. The amendments of the committee will be stated.

The SECRETARY. In line 8 strike out the word "governor" and insert in lieu the words "Senators and Representatives in Congress from the State."

The amendment was agreed to.

The SECRETARY. After the word "Idaho," at the end of line 8, strike out the remainder of the resolution and insert:

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable copper-process plate of the statue, to be bound with these memorials.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 5820) granting an increase of pension to A. R. Baker;

A bill (S. 5821) granting an increase of pension to William Wansbrough;

A bill (S. 5822) granting an increase of pension to Henry L. Stafford;

A bill (S. 5823) granting an increase of pension to Isaac Crist;

A bill (S. 5824) granting an increase of pension to Barnard Hassing;

A bill (S. 5825) granting an increase of pension to Edwin K. Lamson; and

A bill (S. 5826) granting an increase of pension to Carlton Talmadge (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5827) to provide for the purchase of a site and the erection of a public building thereon in the city of New Castle, State of Delaware; to the Committee on Public Buildings and Grounds;

A bill (S. 5828) granting an increase of pension to Zachariah W. Gemmill (with accompanying papers);

A bill (S. 5829) granting an increase of pension to John McLaughlin (with accompanying papers); and

A bill (S. 5830) granting an increase of pension to Mary Kean Maull (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 5831) to aid in the erection of a monument on the site where Lewis and Clark built Fort Clatsop, in Oregon, in 1805; to the Committee on the Library.

By Mr. SMOOT:

A bill (S. 5832) to annex a portion of Arizona Territory to the State of Utah; to the Committee on Territories.

By Mr. DEPEW:

A bill (S. 5833) to complete the military record of William M. Burrows; to the Committee on Military Affairs.

A bill (S. 5834) granting a pension to Virginia Fuller; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5835) for the settlement of conflicting claims of the State of Wisconsin and its grantees and the La Pointe and Lac du Flambeau bands of Chippewa Indians to certain school and swamp lands in the reservations of said Indians in Wisconsin; to the Committee on Indian Affairs.

By Mr. OVERMAN:

A bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person, and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis; to the Committee on the Judiciary.

A bill (S. 5837) to correct the military record of Timothy Edwards; to the Committee on Military Affairs.

A bill (S. 5838) for the relief of the estate of Benjamin C. Smith, deceased (with an accompanying paper); and

A bill (S. 5839) for the relief of Samuel J. White; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 5840) for the relief of the firm of Antonio Roig & Langsdorf; to the Committee on Finance.

A bill (S. 5841) granting an increase of pension to Hugh Curry; to the Committee on Pensions.

A bill (S. 5842) to amend certain sections of an act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended by an act approved October 1, 1890, and an act approved May 9, 1902; and to define the duties of dealers in oleomargarine, to define offenses against this act and prescribe penalties therefor; to make certain provisions of existing laws applicable to oleomargarine and to persons dealing therein, and to prohibit compromises of criminal cases arising under this act; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 5843) to authorize the extension of Van Buren street NW.; and

A bill (S. 5844) to authorize the extension of Underwood street NW.; to the Committee on the District of Columbia.

By Mr. HEYBURN:
A bill (S. 5845) providing for the deeding of a portion of the abandoned Lemhi Indian Reservation to the State of Idaho; to the Committee on Public Lands.
A bill (S. 5846) granting an increase of pension to Hiram L. Edwards; to the Committee on Pensions.
By Mr. BULKELEY:
A bill (S. 5847) granting an increase of pension to John Northend (with an accompanying paper); to the Committee on Pensions.
By Mr. BRISTOW:
A bill (S. 5848) granting an increase of pension to Catherine T. Hutchison; to the Committee on Pensions.
By Mr. BURTON:
A bill (S. 5849) granting a pension to Anna S. Shay; and
A bill (S. 5850) granting an increase of pension to Joseph R. Bartlett (with an accompanying paper); to the Committee on Pensions.
By Mr. FRAZIER:
A bill (S. 5851) to amend an act approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga" (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 5852) for the relief of Payne, James & Co.; to the Committee on Claims.
By Mr. BRANDEGEE:
A bill (S. 5853) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906; to the Committee on the Judiciary.
By Mr. ROOT:
A bill (S. 5854) to provide for the purchase of the land upon which Fort Fisher and the outlying batteries connected therewith were located, in the State of South Carolina, and to establish a national park thereat; to the Committee on Military Affairs.
By Mr. CLARKE of Arkansas:
A bill (S. 5855) for the relief of the estate of Abram C. Blaite;
A bill (S. 5856) for the relief of the estate of William Wynne; and
A bill (S. 5857) for the relief of the heirs of Guilford R. Otwell; to the Committee on Claims.
By Mr. McENERY:
A bill (S. 5858) for the relief of the estate of Louis Laforest, deceased;
A bill (S. 5859) for the relief of the estate of August Landry, sr., deceased; and
A bill (S. 5860) for the relief of the estate of Mrs. Eleanor B. Vinson, deceased; to the Committee on Claims.
By Mr. FLINT:
A bill (S. 5861) to correct the military record of Charles R. Stevens; to the Committee on Military Affairs.
By Mr. STONE:
A bill (S. 5862) granting an increase of pension to W. D. Willoughby;
A bill (S. 5863) granting an increase of pension to S. W. Dicus;
A bill (S. 5864) granting an increase of pension to Andrew Houlihan; and
A bill (S. 5865) granting an increase of pension to Charles Kaulen; to the Committee on Pensions.
A bill (S. 5866) for the relief of the estate of John R. Poplin, deceased; to the Committee on Claims.
By Mr. LODGE:
A bill (S. 5867) granting an increase of pension to Elizabeth A. Bassett; to the Committee on Pensions.
A bill (S. 5868) to correct the military record of Paul Finnegan and to grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.
By Mr. BAILEY (by request):
A bill (S. 5869) for the relief of Edward L. Witt, administrator of Preston Witt, deceased; and
A bill (S. 5870) for the relief of the heirs of Ella Parker, deceased; to the Committee on Claims.
By Mr. OWEN:
A bill (S. 5871) for the relief of Mrs. Margaret Tucker; to the Committee on Claims.
A bill (S. 5872) canceling the balance of deferred payments due from settlers in the purchase of lands in the so-called "wood reserve" attached to the Fort Sill Military Reservation, Okla.; to the Committee on Indian Affairs.
By Mr. RAYNER:
A bill (S. 5873) for the relief of John M. Blankenship; to the Committee on Naval Affairs.
By Mr. DICK:
A bill (S. 5874) for the relief of George Kelly; to the Committee on Military Affairs.
A bill (S. 5875) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations; to the Committee on Indian Affairs.
By Mr. CARTER:
A bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes; to the Committee on Post-Offices and Post-Roads.
Mr. GALLINGER (for Mr. DICK):
A bill (S. 5877) for the purpose of securing final adjudication of the claims of postmasters under the acts of June 12, 1866, and March 3, 1883; to the Committee on Post-Offices and Post-Roads.
By Mr. BROWN:
A joint resolution (S. J. Res. 71) for appointment of commission to investigate the matter of employers' liability and workman's compensation; to the Committee on the Judiciary.

SALARIES OF RURAL FREE-DELIVERY CARRIERS.

Mr. BURKETT submitted an amendment proposing to increase the salary of the rural free-delivery carriers from $900 to $1,200 a year, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

GOVERNMENT OF ALASKA.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, which was ordered to lie on the table and be printed.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. BROWN submitted the following resolution (S. Res. 156), which was referred to the Committee on Audit and Control of the Contingent Expenses of the Senate:

Senate resolution 156.

Resolved, That the Committee on Patents be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

SECOND-CLASS MAIL MATTER.

Mr. GORE. I offer a Senate resolution and ask for its present consideration.
The resolution (S. Res. 157) was read, as follows:

Senate resolution 157.

Resolved, That the Committee on Post-Offices and Post-Roads be directed to ascertain and report to the Senate the comparative cost in the United States of transporting publications designated as "second-class mail matter" by mail, express, and fast freight.
Second. That the said committee be directed to ascertain and report to the Senate the comparative rates paid by the United States Government and by the express companies to the principal railroad companies in the United States for similar services in transporting publications designated as "second-class mail matter."
Third. That the committee be further directed to ascertain and report to the Senate the comparative postal rates for transporting periodicals designated as "second-class mail matter" in the United States, in the Dominion of Canada, and other foreign countries.
Fourth. That the committee be directed to ascertain and report to the Senate the comparative rates paid to the leading railroad companies for transporting the several classes of mail by the Governments of the United States, Canada, Great Britain, France, and Germany in their respective jurisdictions.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?
Mr. KEAN. Is that a report from the Committee on Post-Offices and Post-Roads?
The VICE-PRESIDENT. It is not. It is a resolution introduced with a request for its immediate consideration.
Mr. KEAN. I do not see the chairman of the Committee on Post-Offices and Post-Roads here. Let the resolution be again read.
The Secretary again read the resolution.
The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?
Mr. LODGE. In the absence of the chairman of the Committee on Post-Offices and Post-Roads, whom I do not see in the Chamber, I think the resolution had better go over.
The VICE-PRESIDENT. Objection is made, and the resolution will go over.

KOOTENAI RIVER BRIDGE, IDAHO.

Mr. HEYBURN. There are two bridge bills relating to Idaho which have been returned from the House with amendments. I ask that the bills be taken up for consideration.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5040) to authorize Bonners Ferry bridge commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho, which was, on page 1, line 8, after the word "River," to insert "at a point suitable to the interests of navigation."

Mr. HEYBURN. I move that the amendment of the House be concurred in.

The motion was agreed to.

SNAKE RIVER BRIDGE, IDAHO.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3318) to legalize a bridge across the Snake River between the States of Idaho and Oregon, which was to strike out all after the enacting clause down to and including line 2, on page 2, and to insert:

That the consent of Congress is hereby granted to the county court of Malheur County, in the State of Oregon, and the Ontario bridge commission to maintain and operate a bridge and approaches thereto now constructed across the Snake River at the town of Ontario, Oreg., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the said county court of Malheur County and the said Ontario bridge commission shall, within three months after the passage of this act, file with the Secretary of War their acceptance of this act, together with plans and specifications of the said bridge, and said plans and specifications shall have been approved by the Secretary of War and the Chief of Engineers; otherwise, this act shall be null and void.

Mr. HEYBURN. I move that the Senate concur in the House amendment.

The motion was agreed to.

WATER RIGHTS IN IDAHO.

Mr. HEYBURN submitted the following resolution (S. Res. 159), which was considered by unanimous consent and agreed to:

Senate resolution 159.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate a statement as to the water rights and power sites located and acquired on the public lands in Idaho for irrigation and power purposes, the date of location, the quantity of water claimed, and the streams on which locations have been made, and whether the water has actually been diverted under the location; also, the quantity of land withdrawn in Idaho from entry for irrigation and power purposes, and location of same.

TIMBER-LAND SELECTIONS.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 158), which was considered by unanimous consent and agreed to:

Senate resolution 158.

Whereas the act prohibiting selection of timber lands in lieu of lands in forest reserves (33 Stat. L., 1264) reserves the right of selection and validates contracts entered into by the Secretary of the Interior prior to the passage of the act referred to: Therefore be it

Resolved, That the Secretary of the Interior be, and he hereby is, directed to inform the Senate what contracts were in force at the time of the enactment of the statute last referred to between the Secretary of the Interior or any other government official and any person, firm, or corporation who came within the saving clause of the statute aforesaid, and furnish copies of such contracts, together with a statement as to what, if any, of said contracts are now in force, what selections of indemnity lands have been made in the several States by any such persons, firms, or corporations, or by their grantees or assigns, giving the names of the selectors, the description of the lands and their location, the basis of each selection, and particularly in what reserves or withdrawals the basis for each selection was situated.

CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 55) authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

The amendments of the House were to strike out all after the resolving clause and insert:

That the invitation extended by the President of the United States to the Fourteenth International Congress on Hygiene and Demography, in accordance with the provisions of a joint resolution entitled "Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress on Hygiene and Demography to hold its thirteenth congress in the city of Washington," approved February 26, 1907, shall be modified and amended so that it shall provide for the holding of the Fifteenth International Congress on Hygiene and Demography at some place in the United States, to be selected by the President, in the year 1911 or 1912.

And to strike out the preamble.

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

KANSAS RIVER BRIDGE, KANSAS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4891) to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the County of Wyandotte, State of Kansas, which was to strike out all after the enacting clause down to and including line 3, page 2, and insert:

That the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas," approved February 6, 1909, is hereby extended one and three years, respectively, from the date of approval of this act.

Mr. CURTIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.; and

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River.

H. R. 12315. An act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States; and

H. R. 18586. An act amending sections 246 and 247, Revised Statutes.

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was read twice by its title and referred to the Committee on Indian Affairs.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War; and

H. J. Res. 101. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.

PUBLIC-LAND DECISION.

Mr. HEYBURN. I ask unanimous consent that the document which I send to the desk may be printed in the RECORD and printed as a public document. It is a decision of the supreme court of the State of Idaho relative to the public lands, and is in line with matters now under consideration in this body. It contains a large number of citations of authority, and therefore I will not ask that it be read from the desk, as it would take some little time, but it will be valuable information for members of the Senate.

There being no objection, the decision was ordered to be printed as a document (S. Doc. No. 328) and to be printed in the RECORD, as follows:

In the supreme court of the State of Idaho.

WILLIAM BALDERSTON, Plaintiff, v. JAMES H. BRADY ET AL., Defendants. } November term, 1909. Filed January 22, 1910. I. W. Hart, Clerk.

STATE LANDS—POWER OF STATE LAND BOARD—DISCRETION OF BOARD—TITLE TO SCHOOL LANDS—POWER OF BOARD TO RELINQUISH SCHOOL LANDS.

1. The state board of land commissioners is vested under the constitution (secs. 7 and 8, art. 9) with the "direction, control, and disposition of the public lands of the State, under such regulations as may be prescribed by law."

2. Under the provisions of sections 7 and 8 of article 9 of the constitution, the direction, control, and disposition of the public lands of the State must be in pursuance and under the direction of the constitution and statutes of the State and not otherwise.

3. Where the proposed or contemplated action of the state land board involves the exercise of judgment and discretion vested in the board, the courts will not attempt to control or direct such discretion or in any manner interfere with their action, so long as it is exercised within the scope of their authority. Where, on the other hand, the proposed or contemplated action is without the authority of law or has no legal sanction, the courts may interfere and interrupt their action and declare the law on the subject and point out to them the legal scope within which their judgment and discretion is to be exercised.

4. House joint resolution No. 10, adopted March 10, 1909 (1909 Session Laws, p. 451), has no force or effect as a law of the State and can furnish no authority or justification for the state board of land commissioners either acting or refusing to act on any matter coming

before them. They can not rest or justify their action in any matter upon the authority or direction of such resolution or any action taken by the commission created by that resolution.

5. The state's title to sections 16 and 36 in every township in the State discussed and considered.

6. The state board of land commissioners has no power or authority conferred upon it, either by the constitution or statute of this State, to relinquish the State's right or title to sections 16 and 36, granted by the General Government for common school purposes, and any action taken by the board or under its direction or authority attempting to relinquish or waive the State's right to such lands is void.

(Syllabus by the court.)

Original action by the plaintiff to procure a writ of prohibition, restraining and prohibiting the state board of land commissioners from relinquishing the State's right and title to certain indemnity school lands. The defendant board demurred to the petition. Demurrer overruled.

Wyman & Wyman and B. S. Crow for plaintiff.

D. C. McDougall, attorney-general; J. H. Peterson, assistant attorney-general; Edwin Snow and Edwin McBee for the board; Gray & Knight, amici curiæ.

Ailshie, J.:

This is an original action commenced in this court by the plaintiff, as a citizen and taxpayer, praying for a writ of prohibition against the threatened action of the state board of land commissioners prohibiting and restraining them from relinquishing the right and title of the State of Idaho to certain lands situated in Shoshone County and heretofore selected by the board under the land grants made by the General Government to the State of Idaho. The board has filed a demurrer to the complaint, raising the sufficiency of the allegations of the complaint to entitle the plaintiff to the relief demanded. The facts pleaded, and on the sufficiency of which we must pass, are substantially as follows:

On July 6, 1901, the governor of the State applied to the Commissioner of the General Land Office for the survey of a portion of the public domain in Shoshone County, and described as townships 44 north of ranges 2 and 3 east, Boise meridian. This application was made under the provisions of the act of Congress of August 18, 1894 (28 Stat. L., 372 and 394). Notice of the application was thereupon published in the Idaho State Tribune, of Wallace, as required by the act of Congress. Official survey was therefore made by the Government, and its approved plats were filed in the United States land office at Coeur d'Alene on July 5, 1905. It seems that the Commissioner of the Land Office neglected to give notice to the local land office at Coeur d'Alene city of the application made by the State. Between the date of the application made by the governor for the survey and the filing of the approved plats in the land office, a number of settlers went upon the lands and appear to have established their residence thereon. Under the act of Congress the State was given a priority of sixty days from the filing of the approved plats in the land office in which to select and make filing on any of the lands included in the survey. Accordingly the state board of land commissioners on July 9, 1905, offered filing lists at the Coeur d'Alene land office for a large portion of the survey, and the applications were refused on the ground that that office had no notice of the preference right of the State and that filings by settlers had previously been accepted. The filings of the State were accordingly rejected by the officers of the local land office. The State of Idaho appealed from the action of the local office to the Commissioner of the General Land Office. The commissioner held that the State had a prior and preference right over all settlers who entered upon the lands subsequent to July 6, 1901, the date on which the governor applied for the survey of these townships. The settlers thereupon appealed to the Secretary of the Interior, and on June 27, 1907, Secretary Garfield rendered a decision affirming the action of the Commissioner of the General Land Office and sustaining the prior right of the State to file upon the lands included in its lists. (See Thorpe et al. v. State of Idaho, 35 L. Dec., 640.) It appears that soon after the decision of the Secretary of the Interior the state board of land commissioners requested the Secretary to withhold final order and judgment affirming the decision of the Commissioner of the General Land Office and directions to the local land office to receive the filings, and that accordingly the Secretary has withheld the final order and instructions from the department in the premises. This it appears, however, has been done solely on the request of the defendant board.

In the meanwhile, according to statements made in the briefs by counsel for the board, the matter crept into the political considerations in this State, and it seems that during the campaign preceding the general election of 1908 the two leading political parties made some promises or declarations that, if successful in the election, they would relinquish some of these lands to the settlers who had been unsuccessful in their contests before the department. In obedience, say the briefs, to those promises and representations the legislature, by house joint resolution No. 10, which passed the senate March 2, 1909 (1909 Sess. Laws, p. 451), adopted a resolution appointing a commission consisting of two members of the legislature and the state land commissioner, appointed by the governor, to investigate the claims of these settlers and to take testimony and report the same to the state board of land commissioners, together with their recommendations in the premises. It also provided that the state board of land commissioners should act upon the unanimous recommendations of the commission. Subdivision 11 of section 8 of the resolution provides as follows:

"*Provided*, That no recommendation shall be made unless with the approval of all members of the commission; and it is further provided that the detailed report of the commission, as required in section 3, be filed with the state board of land commissioners within thirty days after the completion of the investigation; and that the state board of land commissioners shall, within thirty days after the filing in their offices of the report and recommendations of the said commission, relinquish or cause to be relinquished all the rights of the State of Idaho to the lands claimed by said claimants, or such portion thereof as may be recommended to the favorable action of the state board of land commissioners."

The commission, acting under authority of this resolution, proceeded to the county where the lands are situated and took testimony, and thereafter made their findings and report and filed the same with the state board of land commissioners, recommending that certain tracts of land claimed by various settlers be relinquished, and that the State's filing thereon be canceled.

The complaint alleges that the board is about to, and threatens to, act in conformity with the recommendations of the commission and the provisions of the resolution and relinquish all the right, title, interest, and claim of the State in and to the lands described in the report and recommendations. It is to prevent this threatened action on the part of the board that the present suit is filed.

In support of the demurrer, the defendant contends that the board is vested by the constitution (sec. 7, art. 9) with unqualified power and authority over the lands granted by the United States to the State and is vested with unlimited discretion in the matter of selection of such lands, and may likewise, in its discretion, relinquish any such lands. Sections 7 and 8 of article 9 of the constitution provide as follows:

"SEC. 7. The governor, superintendent of public instruction, secretary of state, and attorney-general shall constitute the state board of land commissioners, who shall have the direction, control, and disposition of the public lands of the State, under such regulations as may be prescribed by law.

"SEC. 8. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be, granted to the State by the General Government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor: *Provided*, That no school lands shall be sold for less than $10 per acre. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government by which the amount to be derived by the sale or other disposition of such lands shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of land were made, and the legislature shall provide for the sale of said lands from time to time and for the sale of timber on all state lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants: *Provided*, That not to exceed 25 sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed 160 acres to any one individual, company, or corporation."

Now, there can be no question or doubt but that the "direction, control, and disposition of the public lands of the State" is vested in the state board of land commissioners. It is equally clear and certain that this power must be exercised "under such regulations as may be prescribed by law." Both of the foregoing sections of the constitution contain the same provision as to this limitation of power. The legislature is prohibited, however, from passing any law that would authorize a sale of school lands for less than $10 per acre or any sale or disposition other than "at public auction." In many of the matters coming before the board in reference to state lands they must exercise their judgment and discretion, and it is a well-settled principle of law that in such cases the courts will not attempt to control or supervise the discretion vested in the officers of a coordinate branch of the government. We held to the same effect in Pierson *v.* State Board of Land Commissioners (14 Idaho, 163). The findings of the board on the facts of any given matter of inquiry is final and conclusive. (White *v.* Whitcomb, 13 Idaho, 490; 29 Sup. Ct. Rep., 599.) But an error made in applying the law to the facts or an erroneous construction of the law by the land department may be reviewed and corrected by the courts. In Pierson *v.* Board, supra, this court said: "If they (the board) act in a matter without jurisdiction, there is a remedy; if they misapply the law to the fact found, or in case of fraud, there is a remedy * * *."

It is obvious that if the contemplated action of the board of land commissioners involves the exercise of a judgment or discretion vested in them by law, then this court can not and will not attempt to control that discretion or in any manner interfere with or direct the action of the board. If, on the other hand, the action proposed is without authority of law or has no legal sanction or authority, or is an attempt to act, not upon the discretion and judgment of the board, but upon a substituted judgment or discretion or upon the judgment, discretion, and direction of some other board or body, then and in such cases this court may interrupt them and declare the law on the subject, and point out to them the legal scope within which their judgment and discretion must be exercised.

It has been urged in this case, not by counsel for the State, but by associate counsel who are really representing the claimants to this land, that under the authority of Stein *v.* Morrison (9 Idaho, 426) the writ of prohibition will not lie against the governor or a board of which the governor is a member. The case cited falls far short of going to the length claimed for it by counsel. In that case the court, after stating the respective positions of counsel and the trend of the argument made on the subject, stated its legal conclusion as follows: "It seems to us that to keep within the principle of our constitution (sec. 1, art. 2) and form of government, which recognizes the independence and specific character of the 'three distinct departments' of government, that the judicial department could not attempt to prohibit either of the other departments from acting within the recognized scope of their respective branches of the government, but that, on the other hand, the legal effect of such action after it has been taken may be inquired into by the court." It will be observed that the test enunciated by the foregoing statement is that the action proposed to be taken must be "within the recognized scope of their respective branches of the government." It is doubtful if anyone would seriously contend that the process of the courts will not run against an individual or individuals, holding an executive office or offices or comprising an executive board, simply because they occupied such official position and were assuming to act as officials, although their action was beyond the scope of their authority and wholly unauthorized by law. We do not hold such a position tenable and have never so held.

It is also urged that the writ of prohibition will not run against the chief executive, and that since the governor is a member of the state board of land commissioners the writ will not lie against that board. This position is without merit. As stated in Stein *v.* Morrison, supra, it is held by many authorities that the writ of prohibition will not lie against the governor of the State to restrain him from performing an executive act. This case does not fall within the line of those authorities nor within the reason on which they rest. The state board of land commissioners is a constitutional body. It is composed of four members, each of whom has a vote on all matters coming before the board. This board is as distinct and separate from all other offices as is the office of governor or judge of this court. It is created by the same instrument which created the office of governor and the judicial department of the State. The individuals who compose the board and discharge its duties happen to be state officers, and it so happens that the governor of the State, by reason of being governor, is chairman of

the board. When acting and voting at a meeting of the state board of land commissioners and discharging the particular and special duties devolving upon the board he is not acting as the chief executive, but, on the contrary, is acting as one of four members of a board in the discharge of certain ministerial and quasijudicial duties imposed on such board by the constitution and statutes. The writ, if issued, would run against the board and not against the governor.

Passing now to a consideration of the action of the legislature, we find that the joint resolution of March 2, 1909, under which this commission was appointed and the report has been made, is not a law of the State. It is not enacted in the manner provided for the enactment of a law (sec. 15, art. 3) and it is not contended that it is a law. On the other hand, it directs "that the state board of land commissioners shall, within thirty days after the filing in their offices of the report and recommendations of the said commission, relinquish or cause to be relinquished all the rights of the State of Idaho to the lands claimed by said claimants, or such portion thereof as may be recommended to the favorable action of the state board of land commissioners." This is not advisory or recommendatory, but is made mandatory. This resolution furnishes no authority of law for the action or direction of the state board, and the board can not act under it or rest any action or judgment or decision made by it upon the resolution. To do so would not be acting on the judgment and discretion of the board, but upon a substituted judgment, namely, that of the commission appointed by the resolution. If this were a legislative enactment in the form of a law, it would still be a serious question if the legislative department of the State could either authorize or direct the land board to part with the State's title and right to school or other lands for less than the constitutional minimum price or without a sale "at public auction."

It is contended that the board might discover that some of the land included in the lists filed is worthless, and that they might determine it wise to omit such land from the further lists and take other land instead thereof. That contention may be conceded, so far as this case is concerned, and still the admission will not answer the difficulty confronting us in this case. It is alleged by the complaint that the defendant board are threatening and proposing to act upon the report of the commission and in conformity with the resolution passed by the legislature and the investigation and report thereon, and are about to relinquish and surrender up the right and title of the State to this land. That allegation, necessarily admitted by the demurrer, takes the question of the discretion and judgment of the board out of the case and rests the action of the board entirely and solely upon this legislative resolution and the investigation and report had and made thereunder.

The constitution of this State was framed by the constitutional convention eleven months prior to the admission of the State into the Union, and it was ratified by the people some eight months before the admission. Notwithstanding this fact the people, at that early date, incorporated into the fundamental law of the State sections 7 and 8 of article 9 heretofore quoted, and thereby forbade the legislature authorizing any sale of land for less than $10 per acre or ever "granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale or other disposition of such lands be diminished, directly or indirectly." It was provided that the legislature should enact laws whereby the general grants of lands made by Congress to the State should be "judiciously located and carefully preserved and held in trust" for the several purposes and objects for which they were granted. The admission bill followed the provisions of the constitution, and by sections 8 and 11 thereof it is provided that none of the lands granted by Congress to the State should ever be sold for less than $10 per acre. It needs only to be called to mind to be at once apparent that the legislature can not authorize the land board or anyone else to do any act with reference to state lands that is forbidden by the constitution. Any gift of school or other state lands or relinquishment of the State's title is in violation of the fundamental laws of the State and would be void.

Another thing that should not be overlooked in this case is that the board must act "under such regulations as may be prescribed by law." The right of the State to this land has been adjudicated and determined by the Interior Department of the Government after a contest before that department covering a period of about nine years. The State has been pursuing its legal rights, and the issue has been determined by the duly constituted tribunal in favor of the State. No privity of interest existed between the State and these settlers. The State was not acting in its sovereign or governmental capacity, but purely in its proprietary and business capacity in acquiring title to property. In such capacity it could owe no duty to the citizen or settler except to keep within its legal rights and refrain from trespassing upon or interrupting any of the like rights of the settler. The Secretary of the Interior, the final arbiter in such matters, has found that the State was well within its rights and that the settlers had no rights in the premises. Now it is proposed to turn the land board, or the commission appointed under this resolution, into a kind of court of equity, and after a nine years' lawsuit and the expenditure of thousands of dollars to attorneys and agents for arguing and urging the State's claim at Washington, to reverse the judgment of the Interior Department and conclude that the State has for nine years been waging an unconscionable demand for a part of the public domain that rightfully belongs to settlers. The land board is not a court of equity; it is an executive board, charged with duties that must be executed in conformity with law.

Some such argument as is now made in support of the proposed action of the state land board was evidently made by the attorneys for the settlers before the Secretary of the Interior. The counsel for the State made reference to that fact in their brief, and said:

"There is all through the appellant's (the settlers) brief the assumption of some wrong done the settlers by the State. It is asserted that the grants to the State were 'in derogation of the common rights of the settlers,' 'must be strictly construed,' and that its selections in this case were in some way irregular or unfair. The officers who are representing the State in this matter feel, on the other hand, that in seeking to satisfy the grants for common school purposes, they are in the highest sense endeavoring to acquire this land as a heritage of the whole people. These very settlers who are appellants here will share in the benefits of the State's success." (35 L. Dec., 640.)

It was only after the subject had entered the domain of politics (as stated by the briefs) and political conventions had made promises and declarations in consideration for votes, that any different view appears to have been taken of this matter than that expressed in the State's brief before the Interior Department. The only thing in the way of carrying out this promise is that it would be a violation of the law. There is no statutory law to prevent political parties making all the promises they see fit to make, but whenever they undertake to carry out those promises by giving away the school lands, the heritage of the children of the State, the law steps in and forbids.

It has been urged on the oral argument in this case that at least a part of this land was selected as indemnity or lieu land instead of sections 16 and 36 in the Coeur d'Alene Indian Reservation. That question does not directly arise on the consideration of this demur, but since it is incidentally involved in the consideration of another phase of the case and will arise in the final determination of the case, we will give it consideration here. As has been heretofore observed in this opinion, the people of the State had adopted the constitution prior to the passage of the admission act. The act of July 3, 1890, admitting Idaho into the Union, specifically "accepted, ratified, and confirmed" the state constitution, and the State came into the Union immediately upon the passage and approval of the admission bill. Nothing remained for the State to do to bring itself within the provisions of the act of admission. It was then a State.

Sections 4 and 5 of the admission bill provide as follows:

"SEC. 4. That sections Nos. 16 and 36 in every township of said State, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

"SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only."

It will be observed that the language of this grant is in præsenti. The grant would therefore seem to be a present grant. The act says that sections "16 and 36 in every township of said State * * * are hereby granted to said State for the support of common schools." It also provides for the selection by the State of "indemnity lands" to reimburse the State "where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress." This evidently had reference to the time of the passage of the act, and meant that lieu or "indemnity lands" might be selected for such lands as had been sold or disposed of at the time of the admission of the State. This is accentuated by the provisions of the latter part of section 5, saying that no such lands, "whether surveyed or unsurveyed," shall be "subject to preemption, homestead entry, or any other entry under the land laws of the United States." This act, it will be observed, is different from most of the previous land laws as well as land grants, in that it specified and included "unsurveyed" lands, and thereby withdrew all the "unsurveyed" sections 16 and 36 from settlement or "entry under the land laws."

Section 13 of the admission bill specifically provided against the contingency which arose in the Nevada admission bill (13 Stat. L., 30) as construed in Heydenfelt *v.* Daney G. & S. M. Co. (93 U. S., 634). That section provides that all mineral lands shall be exempt from the grants made by the admission bill and authorizes the State to make selections of lieu land for sections 16 and 36 wherever such sections might be lost to the State by reason of being mineral lands. The Nevada admission bill contained no such exemption or reservation. The chief reason, however, given by the court for the decision in the Nevada case does not exist or apply here, for the reason that many of the sections numbered 16 and 36 in Idaho had been "sold or otherwise disposed of" prior to the admission of the State. It may be further noted that section 14 of the admission bill negatives the idea of the necessity for a selection of sections 16 and 36 and of the Secretary of the Interior having any control or direction whatever over such sections. His authority and direction are confined by that section to "lands granted in quantity or as indemnity" lands.

It seems to be intimated that the admission bill was in some way amended and modified by act of August 18, 1894, and other amendments to the land laws (28 Stat., 372, 394), but we know of no power or authority whereby the Congress can divest the State of its title to lands that have been previously granted and to which title has vested.

It is not improper to note another significant fact in this connection. On February 22, 1889, which was about a year and a half prior to the admission of Idaho, Congress passed an act (25 Stat. L., 679) authorizing the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments and providing that they might thereafter be admitted as States. That act, by section 10 thereof, provided that the new States should, upon their admission into the Union, receive sections 16 and 36 in every township for common-school purposes. That same section, however, contained a proviso that is nowhere to be found in the Idaho admission bill. That proviso specifically excepts and reserves from the operation of the act sections 16 and 36 "in permanent reservations for national purposes" and "any lands embraced in Indian, military, or any reservations of any character." It is significant that the Idaho admission bill, passed subsequent to the passage of the foregoing act, contained no such exception or reservation. There is nothing in the entire admission bill which negatives the idea of a present grant. The grantee was in existence at the time of the passage of the act, and the lands were in the State, some surveyed and others unsurveyed. The fact, however, that the land was not surveyed could make no difference where the numbers of the sections were specifically given. The title to unsurveyed lands may be as readily conveyed as that to surveyed lands. It is a maxim of law that that is certain which is capable of being made certain. (Id certum est, quad certum reddi potest.) All that remained to be done in order to identify these lands on the ground was to have the survey extended over them. The description in the grant was definite and certain. So far as we are aware it has been the uniform holding of the Supreme Court of the United States that such grants are grants in præsenti, and immediately vest title in the grantee. The principal, if not the only, exceptions to this rule are Heydenfelt *v.* Daney G. & S. M. Co., supra; Hall *v.* Russell (101 U. S., 503); and Rice *v.* Minn. & N. W. R. Co. (66 U. S., 358, 17 L. Ed., 147). The Heydenfelt case, so far as we can find, has never been referred to by the Supreme Court but once (N. Y. Indians *v.* U. S., 170 U. S., 18), and it was there mentioned as one of the rare exceptions to the general rule in construing land grants. The cases to the contrary are too numerous to attempt to collate them all. (See Schulenberg *v.* Harriman, 21 Wall.,

44; Leavenworth L. & G. R. Co. *v.* U. S., 92 U. S., 733; Mo., K. & T. R. R. Co. *v.* Kansas P. R. R. Co., 97 U. S., 491; Den. & R. G. Co. *v.* Alling, 99 U. S., 463; St. P. & R. R. Co. *v.* N. P. R., 139 U. S., 1; Deseret Salt Co. *v.* Tarpy, 142 U. S., 241; N. Y. Indians *v.* U. S., 170 U. S., 1.)

A holding that the State, hampered as it always is in such matters, was intended to run a race with settlers, land-scrip brokers, railroad companies, and timber and stone land grabbers to secure the remnant and refuse of the public domain as lieu and indemnity lands for all its best and most valuable school land sections—16 and 36—would render sections 4 and 5 of the admission bill only a delusion and an idle declaration. At the time of the admission of the State into the Union, less than one-fifth of the area of the State had been surveyed. There remained about 44,000,000 acres to survey. If title vested in the State to the school sections only that had been surveyed, the State was getting merely the barest contingency for the unsurveyed sections, notwithstanding the declaration in the act that "whether surveyed or unsurveyed" such lands should not be subject to any kind of entry.

This discussion, however, is collateral and incidental only to the main point with which we are here interested. Whether the Government, through any of its agencies, has the power to reclaim the school sections granted by the admission bill is immaterial so far as the Government is concerned, because Congress by the act of August 18, 1894 (28 Stat. L., 372), and other acts dealing with the public domain has amply authorized the Interior Department to grant indemnity and lieu lands to the States for any and all lands lost or relinquished by the State. (Opinion of Attorney-General of Sept. 15, 1909; decision Secretary of the Interior in Heirs of Irwin *v.* Ewing and State of Idaho, filed subsequent to Sept. 15, 1909, and not yet officially reported.) The real question then recurs: Has the State authorized the relinquishment of sections 16 and 36, and has the state land board the authority to relinquish the State's right to such lands? But one answer can be given to this query. The authority for such an act can not be found in either the Constitution or statute. It is, therefore, perfectly safe to say that no such power exists. We have hereinbefore said that the board must act under the law. It must find authority in the Constitution and statute for its acts. No such authority as claimed exists, and it is clear that the state land board has no power to relinquish or surrender the right or title of the State of Idaho to any of its school lands. If the State's title to any of these lands, comprising sections 16 and 36, is questioned or denied by the department, then the duty of the State to secure an adjudication of the matter by the Federal Supreme Court is plain and unmistakable.

It follows, therefore, that whatever may be said with reference to the State's vested rights in sections 16 and 36, it is plain that where such sections are found to be mineral lands the State's title fails by reason of such fact, and the land board are authorized, and, indeed, it is their duty, to make indemnity selections from other lands to reimburse the State for the loss. If the state agent, in making the filing, should err in describing the lands lost, sold, or disposed of for which the lieu-land selection is being made, we do not apprehend such an error would defeat the State's right to make the selection and acquire the title to such land and have them properly charged against such lands as it had actually lost by reason of the mineral character of school sections or by reason of loss to the State of any of its public grants from any other legal cause.

The complaint states a cause of action, and the demur will be overruled. It is well enough to suggest at this time that the action of the commission appointed by the joint resolution of the legislature has no place in the consideration and decision of the land board and can furnish no protection or justification for any action by the board, and no evidence on that subject would be admissible or considered in this case. Neither will evidence as to the condition of these lands or the bona fides of the settlers be considered. Their claim has been one against the United States, and they must wage that claim against the General Government and not against the State. The State has acquired whatever right, title, or claim it now has to the lands freed of any and all claims of the settlers.

Sullivan, C. J., and Stewart, J., concur.

REGULATION OF FEDERAL COURT PRACTICE.

The VICE-PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. OVERMAN. Let the bill go over.

The VICE-PRESIDENT. On the objection of the Senator from North Carolina, the bill goes over.

ROSEBUD INDIAN RESERVATION LANDS.

The bill (S. 183) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been read, but there are amendments reported from the Committee on Indian Affairs.

Mr. KEAN. Is this the bill containing an appropriation of $415,000?

Mr. GAMBLE. No; this is not the bill which was under consideration on two occasions at the present session. This is another bill, but I do not understand that it has been read. The bill to which the Senator from New Jersey calls attention was read, but this bill has not been read.

The VICE-PRESIDENT. The Senator from South Dakota is correct in his statement. The bill will be read.

The Secretary read the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, page 1, line 7, after the word "point," to strike out "on the state line between the States of South Dakota and Nebraska where range line 25 west of the sixth principal meridian intersects the same, thence running west on said state line to a point where the range line between ranges 26 and 27 intersect the said state line, thence north on said range line between ranges 26 and 27 to a point where the same intersects the tenth standard parallel north, thence west on said tenth standard parallel north to a point where the same intersects the western boundary line of the Rosebud Indian Reservation, thence north on the western boundary line of the Rosebud Indian Reservation to a point in the center of the main channel of the White River, thence easterly along the center of the main channel of said White River to a point where range line 25 west of the sixth principal meridian intersects the same, thence south on said range line 25 west of the sixth principal meridian," and insert "on the third guide meridian, west, where the township line between townships 39 and 40 intersects the same; thence running west on said township line to a point where the same intersects the boundary line between the Rosebud and Pine Ridge Indian reservations; thence north on the boundary line between said reservations to a point where the same intersects the center of the main channel of the White River; thence in an easterly direction along the center of the main channel of said White River to a point where the third guide meridian, west, intersects the same; thence south on said third guide meridian, west," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Rosebud Indian Reservation in the State of South Dakota lying and being within the following described boundaries, to wit: Commencing at a point on the third guide meridian, west, where the township line between townships 39 and 40 intersects the same; thence running west on said township line to a point where the same intersects the boundary line between the Rosebud and Pine Ridge Indian reservations; thence north on the boundary line between said reservations to a point where the same intersects the center of the main channel of the White River; thence in an easterly direction along the center of the main channel of said White River to a point where the third guide meridian, west, intersects the same; thence south on said third guide meridian, west, to the place of beginning, etc.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 6, after the word "the," to strike out "Indian Bureau" and insert "Interior Department;" in line 11, after the word "empowered," to insert "to select such clerks and assistants at such compensation;" in line 16, after the word "within," to strike out "each" and insert "that portion of said;" in line 22, before the word "land," to insert "and timber;" in the same line, after the word "appraised," to insert "*Provided*, That the timber lands shall be classified without regard to acreage: *And provided further*, That all land classified as timber lands shall be reserved for the use of the Rosebud Indians;" and on page 6, after the word "expenses," at the end of line 3, to insert "exclusive of subsistence," so as to make the section read:

SEC. 3. That the price of said lands entered as homesteads, under the provisions of this act shall be fixed by appraisement as herein provided. The President of the United States shall appoint a commission to consist of three persons to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior or otherwise disposed of, and excepting sections 16 and 36 in each of said townships, said commission to be constituted as follows: One resident citizen of the State of South Dakota, one representative of the Interior Department, and one person holding tribal relations with said tribe of Indians. That within twenty days after their appointment the said commissioners shall meet and organize by the election of one of their number as chairman. The said commission is hereby empowered to select such clerks and assistants at such compensation as the Secretary of the Interior may approve. The said commissioners shall then proceed to personally inspect, classify, and appraise, in 160-acre tracts each, all of the remaining lands embraced within that portion of said reservation as described in section 1 of this act. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral and timber land not to be appraised: *Provided*, That the timber lands shall be classified without regard to acreage: *And provided further*, That all land classified as timber lands shall be reserved for the use of the Rosebud Indians. That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands, and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of organization of said commission. That when said commission shall have completed the classification and appraisement of all of said lands the same shall be subject to the approval of the Secretary of Interior.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 20, after the word "prescribe," to insert "and patents therefor shall be issued to the purchasers," so as to read:

And it is further provided, That any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and patents therefor shall be issued to the purchasers.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 3, after the words "Revised Statutes," to insert "and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and to issue patents for such reserved tracts to the municipality legally charged with the care and custody of lands donated for such purposes. And the Secretary of the Interior shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other buildings or improvements in the town sites in which such lots are located;" and in line 14, after the word "lands," to insert "less the amount set aside to aid in the construction of schoolhouses or other buildings or improvements," so as to make the section read:

SEC. 5. That the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section 2381 of the United States Revised Statutes; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and to issue patents for such reserved tracts to the municipality legally charged with the care and custody of lands donated for such purposes. And the Secretary of the Interior shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other buildings or improvements in the town sites in which such lots are located. The net proceeds derived from the sale of such lands, less the amount set aside to aid in the construction of schoolhouses or other buildings or improvements, shall be credited to the Indians as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 7, page 9, line 8, before the word "cents," to strike out "one dollar and twenty-five" and insert "two dollars and fifty;" in line 14, after the word "not," to strike out "occupied" and insert "otherwise appropriated;" and in line 19, after the word "settlement," to insert the following proviso.

Provided further, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs.

So as to make the section read:

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement: *Provided further*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 2, before the word "thousand," to strike out "sixty-five" and insert "one hundred and twenty-five;" and in line 6, before the word "thousand," to strike out "twenty-five" and insert "thirty-five," so as to read:

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not more than $125,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $35,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert as a new section the following:

SEC. 10. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

Mr. GORE. Mr. President, I offer an amendment to section 2 of the bill. I hope the Senator from South Dakota [Mr. GAMBLE] will accept the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. It is proposed to add at the close of section 2 the following words:

Provided, That applicants to enter said lands shall be allowed to forward their applications by registered mail to the authorities of the local land office under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. GORE. Mr. President, I hope the Senator from South Dakota will find himself in a situation to accept this amendment. I offer it for this reason: I know something of these openings, especially when lands are opened by lottery. I went to Oklahoma during one of these lotteries. If everybody who attended the drawing should be successful, of course there would be no complaint; but from 10 to 20 people are compelled to attend to every one who is successful in the lottery. It is a great and unnecessary inconvenience, and besides it is an enormous expense; it subserves no public purpose; and it practically disqualifies everybody who is not able to make the trip to the local land office. For this reason, I hope the amendment will be adopted.

Mr. GAMBLE. Mr. President, a different method of land openings has been adopted during recent years, requiring registration at adjacent points to the lands to be opened. This bill follows the usual course in all the land-opening bills. The lands are to be opened by proclamation of the President under such rules and regulations as the Secretary of the Interior may prescribe. It is the judgment of the department that this manner of opening is wise and safe; that it leads to good results, and avoids the difficulties, the dangers, and the violent acts that have heretofore occurred in land openings without these restrictions.

I doubt whether the amendment offered by the Senator from Oklahoma [Mr. GORE] would bring any desirable result. If applications could be filed by registered mail at local land offices, the land office would be simply overwhelmed by applications from all over the United States; they would be limitless and put a burden upon the department that it seems to me would be unnecessary. Of course I should be glad to comply with the Senator's wishes, but as these rules have been adopted, have been followed, and have worked well, I do not believe it would be wise to hastily invade the regular procedure by adopting such a proposition without consideration at this time. I therefore do not feel that I ought to accept the amendment.

Mr. GORE rose.

Mr. BURKETT. Mr. President, I do not want to interrupt the Senator from Oklahoma [Mr. GORE] for more than a few moments in anything that he may have to say on this subject, but I do want to call the attention of the Senator from South Dakota [Mr. GAMBLE] to the spectacle that we had out there with reference to the opening of some other reservations. I think it has been called to his attenion how undesirable and how unsatisfactory the methods have been which have been recently followed. I do not know that we can add anything to this bill; I am not certain that the amendment of the Senator from Oklahoma, if added, would relieve the situation; but I am very well satisfied that there ought not to be any more land openings following the methods which have been pursued in our section of the country on the last two or three occasions.

Mr. GAMBLE. Mr. President, I might call the attention of the Senator from Nebraska [Mr. BURKETT] to the last land opening we had in our State. That was the opening of the lands of the Cheyenne and Standing Rock Indian reservations. I do not recall just exactly the acreage to be opened, but at least, including the Indian allotments, it aggregated something like 3,000,000 acres. We have had some experience, Mr. President, in the manner of these openings in that section of the country. There were about 80,000, I think, who registered, and I believe there were but ten to twelve thousand quarter sections of land to be filed upon. The first experience we had in our State following the one I think in Oklahoma, was at the opening of the lands in Gregory County. I think between four and five hundred thousand acres were to be opened. Something like 107,000 people registered, and only a limited number of homesteads were available. Following that an opening was had in Tripp County, adjacent to these lands, and although in proportion the lands were very much greater in acreage than in the prior opening, there were a very limited number in comparison who registered. Then, in the case to which I have referred, the Cheyenne and Standing Rock, the number was still less. So that I doubt the efficacy of the remedy proposed by the Senator from Oklahoma [Mr. GORE]. If the Senator from Nebraska [Mr. BURKETT] would take the matter up with the President and the Secretary of the Interior, I think that would be the better policy to be followed.

Mr. BURKETT. Mr. President, I am not going to reiterate here the inconveniences to those who go to make these registrations; in fact, I have never had so much concern about them or as to how many have gone to attend them, in proportion to the number who draw prizes. But there is the other phase of it, and that is requiring them to go a long distance to register. I have no doubt that prevents a large number of people from undertaking to get homesteads who are most entitled to have them. I recall that during the last registration I was fre-

quently on the trains in that portion of the State—and, if I remember rightly, I met the Senator up in that section on one occasion—when they were running trains in five, six, seven, and eight sections every day. There were estimated to be 5,000 people sleeping on the ground in one of the little towns where the registration was going on. It was impossible for any person getting on a train along the line within a hundred miles of one of those registration places to get a seat in a car.

That inconvenience, of course, argues nothing with reference to the merits of the system or otherwise; but here is the difficulty, it seems to me, and here is the thing that is against it: It is only the man who can afford to make the trip out there and pay his expenses who has any chance to get the land. I will say I was in that part of the State every day for a week riding on those trains, my engagements happening to put me just in that part of the State at that time. I talked with those people, and, in my judgment offhand, two-thirds of them were going up there more as a lark than anything else. There were people on their vacations going up to see what was done at a land opening. I know personally that some of them who drew very low numbers—within the first twenty—who did not even go and settle on the land. They did not care that much about it. In short, the people who really ought to have that land as homesteads, under the present registration system, can not go there and get it, as the chances are too small of their getting it to warrant them, with their limited means, in putting out the money to cover the expense.

The person who wants to take a vacation, the person who wants simply to go on a lark, the person who wants to spend a little money, will go there, it does not make any difference if his chance is only one in ten thousand; but the person who wants a homestead, with whom every dollar counts, and who does not want to take that risk without some fair and legitimate expectation or opportunity of winning, will not go out there. In short, it throws the few people who really need homesteads, who want homesteads, who ought to have homesteads, and for whom the homestead law was made and who do go, in competition with about ten times as many people who have no use for homesteads and who are really almost afraid they will draw homesteads when they go out there and make the registration. There ought to be some way devised by which they would not have to come in competition. For example——

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. Let me finish this sentence and then the Senator can have the floor.

I have in mind a bank clerk who lived in a very nice little town in Iowa. That bank clerk was on a vacation and wanted to go somewhere. So he went out there, and drew within the first twenty. He did not want that homestead; he never intended to go out there and make a home, and never would have gone out there; yet, as I have said, he drew within the first twenty. Of course he sold his relinquishment. There were a great many more just like that man, as we know. There was somebody out there who ought to have had that homestead, but, as a matter of fact, by his going, and under that registration system, somebody else who ought to have had it did not get it, and there were many more at home who ought to have gone there who did not go because the expense was too great.

Mr. President, I am just about through. As I have said, I do not know whether the amendment of the Senator from Oklahoma reaches the case. Before we vote on it I am going to have it read again and, as I understand, the Senator from Oklahoma is going to explain it more at length. I have, however, not any manner of doubt but that of all the different ways that have ever been conceived for opening up reservations, the methods and practices that have been followed within the last two, three, or four years are the most vicious of any that have ever been tried. In my judgment, the old rush system that they had out in Oklahoma was much better than this system. It at least gave every man a chance in physical endurance, and he won if he had physical endurance and physical prowess. The present system does not insure anybody even a chance who really ought to have a homestead. I think, as I have said, it is the most vicious system that has ever been conceived.

Mr. HEYBURN. Mr. President, in connection with the suggestion of the Senator from Nebraska [Mr. BURKETT] I would make this statement: The notary fees in the opening of a reservation during this last year in my immediate section of the country, I am told, amounted to more than $40,000. Every person that registered had to pay a notary fee. That was unfair to those people. Only those whose names are drawn should be required to pay the notary fee. They should be entitled to register, and when the names are drawn, those to whom the land goes should make the declaration then and there and pay the notary fee. There is no sense on earth in having 180,000 people pay notary fees when they are only going to get one chance in eighteen. I merely make the suggestion for what it is worth.

Mr. GAMBLE. Mr. President, I do not want to take the time of the Senate unduly, but in reply to what the Senator from Nebraska [Mr. BURKETT] has stated in regard to the recent opening of the Cheyenne and Standing Rock Indian reservations. I have to say that there were four or five different registration points in the State adjacent to the land to be opened. It was necessary that those who intended to file should go there and register, and, of course, in registering they had to show that they would be competent to file upon the land.

An affidavit has to be made and 25 cents notary fee is charged. This latter statement is in reply to the statement made by the Senator from Idaho [Mr. HEYBURN].

Trains were run, accommodations were provided at all of those points, and no 3,000 or 5,000 or any other number of men or women were obliged to sleep out of doors. Registration booths were kept open all night to accommodate all comers. They could come and go at any time of the day or night.

Perhaps this system, Mr. President, is not the best system; perhaps some other and better system can be devised, but this has grown up as a result of what was known as the "sooner rushing," I think, down in Oklahoma and at other places; that is to say, the one who first got upon the land was entitled to file, and there was trouble; there were contests; there was loss of life. In addition to that, it involved the Interior Department in endless litigation and controversy in the establishment of title. So the present system was adopted to avoid the trouble, delay, danger, and expense; and I do not believe that it would be bettered by the amendment proposed by the Senator from Oklahoma.

In reply further to the statement of the Senator from Nebraska that the men and women who are entitled to file upon the land are precluded, I will say that only a limited outlay is required to show their good faith in making the filings and to show that they are entitled to homesteads. If the registration is thrown open to every citizen of the United States, a limitless number of applications would be filed, and the department would not know whether they were filed in good faith or otherwise. It seems to me it would entirely destroy any possibility of a successful opening and the bringing to those lands of desirable settlers.

Mr. DAVIS. Mr. President, I do not care to speak especially to the amendment offered by the Senator from Oklahoma [Mr. GORE], but at this time I desire to call the attention of the Senate to what I conceive to be two very serious defects in this bill. I am a member of the Committee on Indian Affairs. I raised these objections in the committee and reserved my right to make them on the floor of the Senate.

This bill provides, Mr. President, that the Government shall pay for the opening of this Indian reservation. This bill, together with its companion bill, appropriates something like a quarter of a million dollars of the public funds. I contend, sir, as was contended in the Senate recently by the senior Senator from Massachusetts [Mr. LODGE], that the enabling act between the State of South Dakota and the Government of the United States does not provide, by any fair interpretation of that act or by any interpretation that might be placed upon it by a lawyer who has studied it and given the subject careful consideration, that the Government shall be burdened with this expense. I grant you, sir, that in many instances this practice has grown up in the opening of western lands, but not because the enabling act between those States and the Government provides for it. For one, sir, I am not willing that this bill shall become a law without raising my voice and entering my solemn protest against the Government being called upon to pay the expense of opening this Indian reservation.

Take the enabling act. I call upon the Senator from South Dakota to point out to the Senate the specific clause, to point to the letter of the law, that authorizes the taking of money from the Public Treasury before you shall enter there and use it for private purposes.

Now, sir, there is another very serious defect in this bill. Section 7 provides:

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre.

I should like to inquire of the Senator from South Dakota if the Government now owns sections 16 and 36? I wait for an answer.

Mr. GAMBLE. The Indians possess the right of occupancy, and, under the law and legislation of Congress, the Government agreed to reserve these lands and to pay for them, not only by law, but under the enabling act admitting the State of South Dakota to the Federal Union.

Mr. DAVIS. I will ask the Senator from South Dakota if the title of sections 16 and 36 is not in the Indians by the terms of the treaty?

Mr. GAMBLE. The right of possession, I presume, is.

Mr. DAVIS. I maintain, Mr. President, that not only the right of possession, but the absolute fee to these lands is to-day in the Indians of South Dakota, where this reservation is proposed to be opened.

Now, sir, the serious objection I raise to this bill is that it provides that the Government shall buy, or that there shall be reserved out of this reservation, sections 16 and 36 for the use of the common-school fund of South Dakota. I am the last man on earth who would raise his voice inimical to the school interest of any State. But, sir, I maintain, with the admission of the Senator from South Dakota, that the Indians own not only, as I say, the right of possession, but the absolute fee to these lands, and for the Government to say that lands which it does not own shall be reserved for common-school purposes is an absolute fraud and a subterfuge; and the further reading of the bill discloses that if these lands are already taken, are already occupied, or have already been entered, then, sir, the provision in the bill is that the school land shall be shifted to other unallotted land.

Ah, sir, I am told that these other unallotted lands are absolutely worthless, absolutely valueless, and the purpose of this bill, as I see it, is to force the Government to pay $2.50 per acre for this worthless arid land. By whom it is backed I know not. The Senator from South Dakota knows not. I clear him of any sort of imputation. But, sir, there must be behind this some powerful and potent force that would suggest that the Government buy these worthless, arid lands and pay $2.50 an acre for them and appropriate from the Public Treasury of the United States a quarter of a million dollars in order to do it.

Mr. President, too many scandals have arisen recently with regard to land grabbing in the great Northwest. The history of all that is known to all the Senate. I call upon Senators here, before they invade the Treasury and take from it this large sum of money, to act cautiously, to act prudently, and to see where they are before they vote away the people's money.

Mr. President, I have said this much because I thought it was my duty to raise my voice against what I believe to be an iniquitous bill, one fraught with much evil, couched, as all such things are couched, under the pretense of the good of the people.

Mr. CRAWFORD. Mr. President, this bill was introduced by my colleague, and he is in charge of it, but it is one of interest to my State, and I think the Senator from Arkansas [Mr. DAVIS] has great concern over imaginary dangers. I have lived in the West all my life, and I have lived in South Dakota half of my life. It was a Territory when I went there, and almost all of the west half of it was an Indian reservation, occupied by the Sioux Indians.

By treaties negotiated from time to time, and by laws enacted from time to time, the area of lands occupied by the Indians has gradually narrowed to smaller and smaller limits, until now the lands owned by the Indians are comparatively small in quantity. They are not lands which in their possession bring any revenue whatever. They do not cultivate them. There is neither fish nor game upon them. The policy of the Government toward the Indians and toward these lands has changed in more recent years simply in this respect—that the lands be sold and the proceeds made into a trust fund, the principal forever held inviolate and the income from which is devoted to the Indians.

When these lands under this bill and similar bills are thrown open to settlement, the Indian first selects by allotment the portion he is allowed to take upon the abandonment of his tribal relations, and the balance is sold to the settler, who must first make entry and settlement and comply with the provisions of the law and then pay the Government, and the proceeds go into the fund for the Indians.

Sections 16 and 36, to which the Senator refers, are held from the settler and are given to the State to keep good the pledge made to the State by the Government under the enabling act when the State was admitted into the Union, by which a grant was made to the State for its common schools of sections 16 and 36, whether surveyed or unsurveyed. Our State came into the Union with that grant and that provision in its organic law, and the pledge of the Government in the enabling act was given to the State that it would receive sections 16 and 36 for the benefit of its common schools. So sections 16 and 36 can not in the remotest degree be charged with being a subject for jobbery or speculation or graft, because they are the property of the State, granted for the support of its common schools, and this provision is simply to enable the Government to keep that pledge.

The Senator from Oklahoma [Mr. GORE], I know, had a worthy object in view when he proposed this amendment, but it seems to me it will utterly fail to remedy the trouble which the Senator seeks to correct. It is true that when these proclamations are issued opening lands in the West, under the method that is pursued now, great crowds get on the trains and go long distances, and many of them spend their money, and certain abuses have followed that method. But how would the mere mailing of a registered letter to the representative of the Government on the ground make this matter any better? It seems to me it would make it infinitely worse.

The whole object now—and it is a worthy object, indeed—is that these lands shall be secured to the actual settler, the man who wants them for a permanent home, the man who wants them for his family. But if you give to every person who mails a registered letter to the superintendent in charge of these openings a right to secure a number and have it registered and drawn in the lottery, instead of having 150,000 persons on the ground drawing numbers you will have perhaps 15,000,000 who had simply paid the expense of registration and mailed a request to be permitted to file, accompanied by some affidavit containing whatever was required; and every person everywhere, no matter whether he was intending to be an actual settler or not, whether his motives were good or bad, whether he was a speculator who after drawing a number would undertake to sell the land to some one the next day, or who would make a filing and then relinquish it to whomsoever would pay him the highest price—every person of that character in the United States by simply mailing a registered letter would be the equal of the best-intentioned and most deserving prospective settler in the United States. It seems to me the abuse would simply be aggravated by the proposed amendment.

Now, just one word further. I think there is some misapprehension about the great advantage secured by making one of these drawings. When the prospective settler goes out to Rosebud or to Standing Rock and files or registers a request there and gets a certain number, if he succeeds in drawing a number which will permit him to file, he has not secured a quarter of a section of land by any means. In fact, his troubles have just commenced. He has a number that permits him to file. But he must go and inspect the land. He must then go and enter the land. He must make settlement upon it. He must put improvements upon it. He must reside upon it; and under present conditions, which in the protection of the public domain are exacting, as they ought to be, by the time he gets through with his settlement and with his improvements, and pays what is required, he has paid practically all that the land is worth, unless he is fortunate in securing an unusually good tract. The best lands are gone. What are left are the culls; and I think the proposed remedy of the Senator from Oklahoma would really aggravate the difficulty and be an abuse.

Mr. GORE. Mr. President, I think both of the Senators from South Dakota misapprehend my purpose. It is not my purpose to restore the old plan of opening these lands by run or rush. I think the plan of opening by registration and lottery has a great many advantages over the old system. But my purpose is to improve and perfect the system of opening by registration and lottery.

I can see no good reason why a citizen of New England, a citizen of Maryland, or a citizen of Oklahoma should be compelled to journey from his home to South Dakota, delightful as such a journey would be, merely to register and obtain a right to enter this lottery. The plan I suggest will obviate that necessity and will avoid those evils.

I went through a registration of this sort. I slept on the ground for three nights, and I know the inconveniences and the annoyances which characterize those occasions. An applicant may have to camp for two or three weeks before he can make out his registration papers. The actual business of making out the papers requires only ten or fifteen minutes, and it merely consists of answering a series of questions and swearing before a notary public that the answers are true. Those questions can be answered and that oath can be made as well in New England, Maryland, or Oklahoma as in the State of South Dakota. There are certain qualifications prescribed that would be just as applicable to the man in Virginia as to the man actually upon

the ground, which dispenses with that objection urged by the Senator from South Dakota.

The opening on which I made an assault with an intent to obtain a homestead was attended by some 170,000 applicants. They came from every State in the Union. With 13,000 claims to be awarded, there were fourteen or fifteen persons who incurred that expense and that annoyance for every one person who had the good fortune to draw a claim.

It is true the homesteader does as much for the Government as the Government can do for him. But the inconveniences following entry attend one system as well as the other. I wish to make it possible for every man in the United States who desires a home to make his application without expense and without inconvenience. Many people will incur an expense of two or three hundred dollars, when the only necessary expense should be a notary fee, paid to an officer at the home of the applicant. All the advantages of the registration system can be maintained and all the disadvantages can be avoided.

Now, I marvel somewhat at, and I heard with regret, the suggestions from the Senators from South Dakota, that if this plan were adopted the applications would be infinite in number. It is suggested as an objection to the plan that there would be a limitless number of applicants. Mr. President, that is the strongest argument in favor of the plan I propose. Why disqualify any American citizen from the opportunity of obtaining a home in the glorious State of South Dakota? There are many citizens, deserving citizens, who desire a home and who are unable to make this expensive journey, and I would not close the door to the humblest citizen in this Republic.

The other evil, of persons applying for and even entering these lands who are not bona fide settlers and who have no purpose of establishing a permanent home, can be obviated by striking from the bill the commutation clause, which dispenses with the requirement of five years' residence, permitting an adventurer to enter these lands, reside upon them for eight months, and then sell them to any purchaser who may come hither.

Now, sir, that is a serious objection. It violates the spirit of the homestead law. It brings adventurers and speculators into competition with the honest home seeker; and that clause should be stricken from this bill, and at the proper time I shall move to do so.

Mr. GAMBLE. Mr. President, I beg pardon of the Senate for taking its time to the extent that I have done. But this bill only gives to the President and the Secretary of the Interior the power to prescribe the rules and manner of opening these reservations.

Now, leave that power with the President and with the Secretary, and perhaps the Senator from Oklahoma may make some wise and good suggestions to modify or change or alter the regulations proposed to be issued in this connection. I do not believe it would be wise to restrict it or to limit it in the way proposed.

This method has been found substantial, good, and has avoided the trouble and annoyance to which the department has been put heretofore. It has avoided violence and bloodshed and incessant troubles in matters of contests. This system has been evolved from the experience of the Interior Department in connection with the opening of a large number of reservations, and I think we had better let this procedure stand and this power remain where it is.

Mr. BURKETT. Mr. President, it seems to me the Senator from South Dakota might very well let something go into this bill which would show to the department our opposition to the present system. I am willing to leave the greatest discretion to the department with reference to the method, but I do want in some way somehow to go on record as protesting against the miserable method that they have employed in opening up the last few reservations.

I wish to say to the Senator, with all proper apologies for differing with him, that that method was not a success. It did not prevent bloodshed. It did not prevent crime. It did not prevent the practice of all sorts of petty offenses.

Mr. GAMBLE. Now, Mr. President——

Mr. BURKETT. I want to say to the Senator, Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. Yes; I will yield.

Mr. GAMBLE. Will not the Senator admit that the method pursued by the department in regard to registration and filing under this system has prevented bloodshed, has prevented difficulties, has prevented contests over the title to government lands, which were in vogue under the former system?

Mr. BURKETT. I think very possibly the Senator's observations with reference to contests is correct, and I think that is the only thing that is correct about all of it. I do not think it has done anything else than save the Government a little worry and a little expense, perhaps, in contests. It has not entirely prevented crime; it has not entirely prevented bloodshed, as I know very definitely and very certainly. No one could watch the spectacle that was witnessed in four or five towns last summer without knowing that the absolute reverse of what the Senator says is true.

Mr. GAMBLE. Does the Senator from Nebraska pretend to say that in the opening and registration of lands last fall at the Standing Rock and Cheyenne Indian reservations there was bloodshed?

Mr. BURKETT. Yes; I do mean to say it.

Mr. GAMBLE. I will be very glad to have him specify it. I am a resident of that State, and so far such information has not been communicated to me.

Mr. BURKETT. The Senator should read the history of the transaction. He should go back and read the newspapers.

Mr. GAMBLE. There was no crime in any locality.

Mr. BURKETT. They have just got through with the trial of a case of murder that resulted from it, I will say to the Senator.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. Yes.

Mr. CRAWFORD. I never before knew the Senator from Nebraska to be so prejudiced from reading newspapers. The facts are we had an opening of this character on the Crow Creek Reservation, a few miles south of the capital of our State, two years ago, I think it was. My colleague will remember more accurately about the time. I was there at the time. There was no mob. There never was a crowd there that the hotels could not comfortably accommodate. There was no great rush, and those lands were filed upon. People came there and registered and got their numbers and afterwards filed upon those lands without, to my personal knowledge, one unseemly incident having occurred.

Now, last year, just last fall, in the Standing Rock and Cheyenne reservations, a tract of some 3,000,000 acres was opened, and the only disappointed people were the restaurant keepers and the saloon keepers and the gamblers, who had expected to have a great mob there whom they could rob and fleece. But the great mob did not come. The trains were not overcrowded. In the aggregate, when they all got there, there were a considerable number of people, but they did not all rush in, as they did in Oklahoma, and as they did in Gregory County six or eight years ago. I am not entirely clear as to the reasons for this, but I am stating facts.

Mr. BURKETT. I should like to ask the Senator why they called out the militia?

Mr. CRAWFORD. It was not last year at all.

Mr. BURKETT. It was up in South Dakota somewhere.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. BURKETT. Yes; if he wants to ask a question.

Mr. GORE. Yes; I do. Can the Senator from South Dakota state the number of persons who registered and the number of claims? That would give us some idea.

Mr. CRAWFORD. I would not want to depend upon my recollection as being exact. I think my colleague's recollection as regards that would be more dependable than mine, because he was more actively connected with the legislation. I will ask my colleague if he can answer the question as to the number of registrations and the number of claims?

Mr. GAMBLE. My recollection is it was something less than 80,000; it may have been 67,000. I have it not clearly in mind.

I may say further that one registry point was Bismarck, the capital of the State of North Dakota, where there was perfect order; Aberdeen, one of the largest cities in the northern part of the State, where there was perfect order and where there was no trouble; and in the other four places, one of which was the capital of the State, at Pierre, and in smaller towns, there was no sign of crime. The Senator from Nebraska has simply worked upon his imagination. At one point, before the registration was had, it was thought it might be necessary to have some of the militia there. They were there for two or three days and were sent home. There was no occasion for their presence.

Mr. CRAWFORD. They were not required anyway. However, I believe the Senator from Nebraska has the floor.

Mr. BURKETT. I do not want to interrupt the Senator until he gets through.

Mr. President, I am glad to hear that things all ran so smoothly up there. But I am rather surprised to hear it. As I said a moment ago, I was on one of those trains destined to a town where registration was being made, and I know something of the conditions of travel. I know there was crime. I know there was bloodshed. I know there were men killed, because they have only recently gotten through with the trial in my own State pertaining to one offense.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. BURKETT. Certainly.

Mr. GORE. I merely want to reenforce the statement of the Senator from Nebraska, and to say that if I were willing to turn State's evidence I would corroborate the statement he has made.

Mr. BURKETT. As a matter of fact——

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. Certainly.

Mr. CRAWFORD. Naturally the representatives of the State of South Dakota are a little sensitive about these charges of crime and bloodshed. I should like to have specifications here. To which opening of lands does the Senator refer in connection with his inference that there were mobs and crime and bloodshed? At the one at Gregory several years ago, nearly ten years ago, I think, there was a great pressure and I think there was considerable lawlessness, but at the last two openings, the one last year and the one two years ago, I do not know of a single case of bloodshed and violence. If the Senator does I should like to have a specification.

Mr. BURKETT. I can not tell which one of the reservations it was, because I do not know enough about them. I judge it was the Gregory opening, the one four or five years ago.

Mr. CRAWFORD. It was nearly ten years ago.

Mr. BURKETT. That is not any reflection on South Dakota. Those people did not come from South Dakota. Neither the party who was killed nor the men who did the killing came from South Dakota. So it is no reflection on South Dakota. Those things occur wherever you collect great numbers of people. The thugs and the bums there were not the great mass of the people who went there to get this land, but thugs and bums collected there for the particular occasion, and they always collect when crowds are going to gather.

If there was not anything else to brand that system as wrong, simply the reason that honest men and honest women have to go into these great crowds, and under conditions in which they have to go there, is enough to condemn it. I saw women going out there to make a homestead entry as the head of a family who were crowded into cars with more people than could find seats, riding all night, as they had been doing, and in conditions, sanitary and social, that were absolutely unbearable and repulsive.

When they got to the place where they had to register, the complaint was not of the people who went along there as honest entrymen, going there for homesteads; but, as I said, they were at the mercy of the gamblers and the thugs and the bums, who always follow such crowds where there is not any way of controlling them.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. Certainly.

Mr. GAMBLE. I will ask the Senator from Nebraska if he is not now confining his observations to conditions in the opening that occurred in the State of Nebraska? I will say to the Senator that in the opening of the Rosebud Reservation one of the registration points was Yankton, my home town. I was there in person, and there were, I think, some 67,000 registered in practically eighteen or twenty days. Good, honest, law-abiding people came there to register, who wanted the land. They were some of the best citizens of the Northwest and from many States in the Northwest. They were not thugs or bums or gamblers. The civil authorities of the city protected them. Like conditions prevailed, Mr. President, in the recent openings in the State last fall.

I do not care to sit here and listen to a libel on the State, because I am satisfied that the Senator from Nebraska has in his mind conditions that occurred in his own State, and not the opening of Tripp County land to homesteads.

Mr. BURKETT. Mr. President, I am not going to continue this controversy. I know how sensitive are the Senators from South Dakota in regard to anything that reflects on her police system. Nevertheless, the condition was notorious at those openings in South Dakota, and it is not to be wondered at. They are small places, probably with only one constable or justice of the peace, and that is about the extent of the police power. They can not handle those crowds and never have handled those crowds.

Mr. GAMBLE. Provision was made, as required by the Interior Department, before the towns were so designated, that police regulations should prevail.

Mr. BURKETT. Mr. President, there is not any use to be debating this question. There is not anyone who followed the newspapers or who knows anything about it who does not know that they never have been able to protect the people fully who go there, and never will. It is impossible to do it.

But that does not concern me more than the other phase of the question that I have mentioned. The Senator from South Dakota knows that I did not say that those people who went up there were all thugs and bums. If we were practicing law it would be pettifogging to put that kind of language into my mouth, because I specifically excepted ninety-nine one-hundredths of the people who go up there. They are honest people, and they go there for homesteads, but owing to the conditions they are put absolutely at the mercy of thugs and bums and gamblers, who, as I said, always follow great crowds when people are going to assemble for only a few days and then disperse, and when they know that there is no adequate police system for the protection of the crowds that so assemble.

That is not the worst thing. As I said at the opening of my remarks, I am not so much concerned about the man who goes there as the man who is prohibited from going under this system. The person who goes there has money to go, and he spends it, and I am not so much concerned about that. I am not so much concerned about what he has to encounter in the way of danger when he goes there. He takes the risk when he starts on such a trip as that. But I am concerned about the people who do not feel that they have the money to make that long trip when the possibilities of getting any of the lands are so remote. Let the Senator take the figures. Of course I do not have them here. I had not expected to say anything in opposition to the bill; but I will say to the Senator if he will adopt some sort of an amendment like the Senator from Oklahoma has offered, and then cut out the commutation clause in the bill, he will find that there will be more genuine homesteaders who want that land for homesteads who will go up there to make entries than there are to-day, when they realize that after living there only a few months they can commute and get a patent, when they never had, in fact, any intention of making a home there.

So if the Senator really wants the people to go up there who want to live there and have that as a home, let him adopt some kind of a clause like that, and give the people all over the country who need homes an opportunity to get into the drawing, and then cut out the commutation clause, so that only the men will go there who know they will have to live there five years before they get a patent. If you do that you will not find men going there for speculative purposes when they realize they will have to live five years on it.

Mr. CRAWFORD. Mr. President, I should like to know how the Senator would solve this difficulty. As I understand it, this land must all be paid for, and the price named in the bill goes to the Indians. It is to keep the compact with the Indians, under which they assented that the lands should be thrown open to settlement, and pay them for the land that the settler is required to pay for the land. Unless the Government, out of its general fund, sees fit to pay the Indians the $2.50 an acre the Government will have to get it from the settler by commutation.

Mr. DAVIS. I should like to ask the Senator from South Dakota——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield to the Senator from Arkansas?

Mr. BURKETT. I will yield for a question. I wish that these replies to my remarks might wait until I am through, but I will yield for a question.

Mr. DAVIS. I should like to ask the Senator from South Dakota if he thinks it fair to the Government to buy land to give to South Dakota? The bill provides for doing that.

Mr. CRAWFORD. I will say to the Senator——

Mr. BURKETT. Mr. President, I think, as that is opening an entirely different question——

Mr. CRAWFORD. Very well; I will not take the Senator's time.

Mr. BURKETT. I would rather finish what I have to say. As I was about to say, I think, when interrupted by the Senator from South Dakota, I am not so much concerned for the purposes of this argument about whatever crime there may have been or may not have been. And if he thinks that I reflected on South Dakota too much I want to withdraw it, because I have been through South Dakota and I know there are no more peaceable and law-abiding people in the world than the people of South Dakota. A whole lot of them went up from Nebraska, and all who went from Nebraska are good people. If the Senator thinks that I intended to convey the idea to the world at large that they were not law-abiding, and that those people were thugs and bums who went there to get homesteads, on the contrary, I assure him he misunderstood me.

When I was interrupted I was about to say that I am more concerned about giving the men in this country who really need homes a chance to have a home. If the Senator will look up and find out who went out there to make that registration, he will discover that they were men from Nebraska and other adjoining States in the greatest number, men from Iowa and North Dakota and Minnesota and the States adjacent.

It is fair to say that those men are not as much distressed for homestead opportunities as the people in more remote States, like New England, Pennsylvania, New York, and other States east of the Mississippi River. Yet by the terms of the law compelling men to go there and register on the ground you practically made it prohibitive for the man back in New England, New York, or Pennsylvania to have an opportunity to get a home. He has to go across the continent and reach there, for what? Simply to say to the Government, "I want to have a chance in your wheel of fortune to get a homestead." That is all he says when he goes out there, and he spends more than $100 to go there and do it.

I say it is not fair to a man who lives on the Atlantic seaboard to put him to that disadvantage. If you want homesteaders, if you want to throw this land open to the men who most need homesteads, then, I say, do not put that penalty on them. Do not say to them, "You shall be at a disadvantage of $100 or $200 or $250 as against the man who lives out there." Let him go to a point in his own community and make his registration. If I was making the law, I would make it so severe that there would not be any speculator and there would not be any man allowed to impose on the Government's time or patience or expense to make a registration who did not expect in good faith to make a home. In my judgment, we ought to change this bill so as to prevent the recurrence of what has happened heretofore.

Now, to be sure, as the Senator from South Dakota says, when you let this registration be done everywhere, you multiply the number of those who are going to register. That is true. But what difference does it make? Suppose you multiply it by ten, it is all a lottery anyway. When you start the wheel going, what is the difference whether there are 10,000 envelopes in that wheel or 100,000 envelopes. If there are a hundred thousand envelopes instead of 10,000, there will be 46 States represented in the wheel instead of 5 or 6 States as under the present system. Let them register anywhere over this country, and you will have 46 States represented in the wheel, while if you make it under the bill as written, you will have 4 or 5 or 6 States represented in the wheel.

I submit to the Senator if you really want to give this land to people who need it for homes you should so frame the bill as to permit them to get it, and not make it prohibitive to the greater portion of the country.

Mr. GAMBLE. I suggest to the Senator to leave the power with the Secretary of the Interior, in a proclamation to be issued by the President, and possibly a better plan may be devised. But after the experience of a number of years, I do not want to accept hastily an amendment which has not been considered. Experience in this matter has gone on for years, and this is the best method so far that has been found.

Mr. CRAWFORD. Mr. President, with reference to sections 16 and 36, they or their equivalent belong to South Dakota, because the Government of the United States granted sections 16 and 36 to the State in the enabling act under which the State was admitted into the Union, as it has granted to States over and over again millions of acres of public domain for the establishment and maintenance of common schools.

Mr. DAVIS. Mr. President——

Mr. CRAWFORD. That is all I desire to say with reference to that proposition. There are one or two other matters——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. DAVIS. Just for a question.

Mr. CRAWFORD. Very well.

Mr. DAVIS. The Senator from South Dakota certainly does not remember that his colleague in this discussion admits that sections 16 and 36 belong to the Indians, not to the State of South Dakota.

Mr. CRAWFORD. The grant was made, and it was up to the Government to secure the title from the Indians to make good its grant. That is all there is to that.

Now, with reference to the five-years' settlement without pay, you have to take one of the two horns of the dilemma right there. If the settler goes and lives on his quarter section for five years and then gets his patent without paying the Government anything, the Government must pay the Indians the $2.50 an acre for the land, and if the Government does not get the money from the settler it must take it out of the general fund. But the Government will take it from the settler because the settler is getting the land and the charge of $2.50 is taken from him, while over and over again in years gone by the Government has taken $1.25 an acre from the settler. So the commutation is the only practical way by which you can get the money from the land.

Now, that leaves only one question——

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5436.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. JOHNSTON. At this time yesterday the Senate was considering Senate bill 404, and I think they were well advised as to the provisions of the bill and are ready to act upon it. I ask the Senator from Indiana if he will not allow the unfinished business to lie over so that the Senate may proceed to the consideration of Senate bill 404.

Mr. BEVERIDGE. I shall be very glad to do so as soon as the unfinished business is formally laid before the Senate. Let the unfinished business be stated, Mr. President.

The PRESIDING OFFICER. The Secretary will read the title of the bill.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. GAMBLE. Mr. President——

Mr. JOHNSTON. Now, Mr. President, with the consent of the Senator from Indiana, I move to lay aside temporarily the unfinished business and to proceed to the consideration of Senate bill 404.

Mr. GAMBLE. Mr. President, I had the floor on the bill which was under consideration at 2 o'clock, Senate bill 183, and that bill is in a condition to be considered and disposed of promptly. I would prefer the request that the unfinished business be temporarily laid aside and that we be permitted to proceed with the consideration of Senate bill 183.

Mr. BEVERIDGE. The Senator is in a slight technical error. At 2 o'clock the Senator did not have the floor, although standing upon it. The unfinished business had the floor at that time, and the Senator in charge of the bill had the floor. But that is immaterial.

Here are two Senators who have preferred requests to let the unfinished business be temporarily laid aside for the day in order that they may proceed with their respective bills.

Mr. President, I am willing that that should be done, if either Senator prefers it in the form of a request for unanimous consent. I will say to the Senator from South Dakota that I conferred with the Senator from Alabama before the morning hour expired, and he expressed to me a desire that his bill, which was under consideration yesterday for a considerable length of time, might be proceeded with to-day. I told him, on behalf of the committee of which I am chairman, that I would very cheerfully consent that the unfinished business be temporarily laid aside for the day for the purpose of letting him go on with his bill.

I suggest as a matter of harmony between the two Senators, desiring to oblige them both, as I understand from the Senator from Alabama that probably it will not take very long to conclude his bill—certainly not more than three-quarters of an hour—that there will be the entire afternoon after that for the bill of the Senator from South Dakota. That is something for them to arrange between themselves.

Mr. GAMBLE. Mr. President, I have in mind that Senate bill 183 had been under consideration for some time. I should judge that its discussion has been practically concluded. Those who have been participating in it are present; they have it in

their mind. Of course, I do not want to take any improper course. I do not understand that any arrangement can be made, except through the courtesy of the Senator from Indiana, by myself or anyone else.

The PRESIDING OFFICER. The Chair understands that Senate bill 183 can only be proceeded with under unanimous consent.

Mr. BEVERIDGE. I would suggest——

Mr. GAMBLE. I assume that the Sunday-observance bill can not be considered except by unanimous consent.

Mr. BEVERIDGE. That is true, Mr. President; but I suggest, as a practical method of getting along and getting the bills of both Senators considered, that the Senator from Alabama prefer his unanimous-consent request, to which I will agree. He assures us all that his bill will not take to exceed three-quarters of an hour, at the outside. After that let the consideration of the bill of the Senator from South Dakota continue.

Mr. GALLINGER and Mr. KEAN. He can not give any such assurance.

Mr. GAMBLE. The only thought in my mind was what was indicated on the floor of the Senate yesterday, that, undoubtedly, the bill in the charge of the Senator from Alabama would take practically all the afternoon.

Mr. BEVERIDGE. I will myself prefer the request. I ask that the unfinished business be temporarily laid aside for the day, without prejudice, retaining its status as the unfinished business to be taken up in the usual way to-morrow and thereafter. Under no consideration is it to be displaced as unfinished business.

Mr. JOHNSTON. I move that the Senate proceed to the consideration of Senate bill 404.

Mr. BEVERIDGE. That can be done just as soon as the unfinished business has been temporarily laid aside. And again I ask unanimous consent to lay aside temporarily, for to-day only, retaining its status as unfinished business, to come up to-morrow at 2 o'clock as unfinished business and to be considered thereafter as such.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside for the day.

Mr. BEVERIDGE. Without prejudice, holding its place in all things, as I have twice stated.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

SUNDAY OBSERVANCE IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSTON. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 404.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the Senate proceed to the consideration of the bill (S. 404) for the proper observance of Sunday as a day of rest in the District of Columbia. Is there objection?

Mr. BEVERIDGE. I merely state, on account of the form in which the Senator put the request for unanimous consent, that I agree, of course, subject to the fact that the unfinished business, which has been temporarily laid aside, remains so.

Mr. GALLINGER. Of course; it can not interfere with that.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 404) for the proper observance of Sunday as a day of rest in the District of Columbia.

Mr. JOHNSTON. When the bill was laid aside yesterday, Mr. President, one or two amendments, very brief, and not changing substantially in any respect the bill, had been agreed to.

Now I ask leave to present a committee amendment. On page 2, I move to strike out all the words in line 2 after the word "be," and the word "act" in the third line, and to insert in lieu the words "held to have violated the provisions of this section."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 2, after the word "be," strike out the words "liable to the penalties prescribed in this act," and in lieu insert "held to have violated the provisions of this section," so that if amended it will read:

> That persons who observe as a Sabbath any other day in the week than Sunday shall not be held to have violated the provisions of this section if they observe as a Sabbath one day in each seven, as herein provided.

The amendment was agreed to.

Mr. JOHNSTON. On page 2, line 14, after the word "cigars," I move to insert the word "tobacco."

The amendment was agreed to.

Mr. JOHNSTON. On page 2, line 16, after the word "public," I move to insert the word "conveyances."

The amendment was agreed to.

Mr. JOHNSTON. On page 2, line 20, I move to strike out the word "ten" and insert "thirty," so as to read:

> Be punished by a fine of not more than $30.

The amendment was agreed to.

Mr. JOHNSTON. In line 22, I move to strike out the word "ten" and insert "thirty," so as to read:

> Or by imprisonment in the jail of the District of Columbia for not more than thirty days.

The amendment was agreed to.

Mr. JOHNSTON. In section 4, page 2, line 25, after the word "police," I move to strike out "courts" and insert "court," so as to read:

> That all prosecutions for violations of this act shall be in the police court of the District of Columbia.

The amendment was agreed to.

Mr. SMOOT. I call the attention of the Senator who has the bill in charge to line 16, page 2. He will find there is a comma after the word "private"—that is, "for the use of private, conveyances." I think that that comma should be stricken out.

Mr. JOHNSTON. The comma should go out.

Mr. GALLINGER. It ought to go out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 16, strike out the comma after the word "private" and before "conveyances."

The amendment was agreed to.

Mr. DIXON. Does line 16 as amended, if the comma is stricken out, permit a man to ride in his own carriage on Sunday if he has to hire the driver?

Mr. JOHNSTON. Oh, yes; I think there is no question about it. When you authorize the use of a private or public conveyance you certainly authorize the use of a driver.

Mr. DIXON. But the first part of the bill absolutely prohibits the employment of anyone on Sunday except those specially enumerated. Does not the phrase "private conveyance" require a man on Sunday in Washington to drive his own vehicle?

Mr. JOHNSTON. No; I do not think so at all. I do not think it is necessary to amend it.

Mr. DIXON. I do not see how it is possible to get any other construction of it. The first part of the bill provides that—

> It shall be unlawful for any person * * * on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant—

And so forth.

Mr. JOHNSTON. If the Senator wants to insert the word "drivers" there, so as to include them, I shall consent to it, though it is unnecessary, in my judgment.

Mr. GALLINGER. If the Senator from Alabama will permit me, I think that is altogether unnecessary.

Mr. JOHNSTON. I think it is, too.

Mr. GALLINGER. I take it for granted that a carriage without a driver would be about as absurd a thing as could be imagined.

Mr. JOHNSTON. It would be as useless as a carriage without a horse.

Mr. GALLINGER. Yes; as useless as a carriage without a horse.

Mr. DIXON. With all due deference, Mr. President, to the Senator from New Hampshire [Mr. GALLINGER] and what he thinks about it, as a matter of cold fact, as the section now stands a driver can not be employed to drive a carriage on Sunday without being liable to a penalty. There is no construction of the English language that can make any other meaning out of the section.

Mr. SMOOT. Mr. President, I should like to ask the Senator in charge of the bill if he will not accept the amendment which I suggest? In line 1, page 2, I suggest that the word "Sabbath" be stricken out, and the words "day of rest" inserted, and also in line 3, on the same page, to strike out the word "Sabbath" and insert the words "day of rest," so that it would read:

> That persons who are members of a religious society who observe as a day of rest any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a day of rest one day in each seven, as herein provided.

Mr. MONEY. I should like to ask the Senator in charge of the bill if there is anything in the bill about sacred concerts being excepted from its provisions?

Mr. JOHNSTON. There is another matter pending, I will say to the Senator from Mississippi.

Mr. MONEY. What other matter?

Mr. SMOOT. I have suggested an amendment.

Mr. JOHNSTON. I have no objection to the amendment.

Mr. MONEY. What is the amendment?

Mr. SMOOT. The amendment is to strike out on page 2, line 1, the word "Sabbath" and to insert the words "day of rest," so that the proviso would read:

That persons who are members of a religious society who observe as a day of rest any other day in the week than Sunday.

And so forth.

I wish simply to say that I am in full accord with the observance of the Sabbath. I believe in worshiping on that day; but I think we should be getting on very dangerous ground if we should begin to legislate upon religious questions. The generally accepted meaning of Sabbath is Sunday, and I believe the words "day of rest" would be preferable to Sunday, for no one could claim they have reference to any particular day.

Mr. JOHNSTON. Mr. President, I have no horror of the name "Sabbath;" I have grown up under that; but I am perfectly willing, as the substance will remain, to strike out the word "Sabbath," in lines 1 and 3, and to insert the words "day of rest." That will accomplish the purpose.

Mr. SMOOT. That is all right.

The VICE-PRESIDENT. The Senator from Utah, then, does not offer an amendment?

Mr. SMOOT. Yes; I offered the amendment, and the Senator has accepted it.

The VICE-PRESIDENT. The Senator from Alabama can not accept the amendment. The bill is in the hands of the Senate.

Mr. SMOOT. I mean the Senator accepted the suggestion of the amendment.

The VICE-PRESIDENT. The Senator from Utah offered the suggestion and the Senator from Alabama will offer the amendment?

Mr. SMOOT. No; the Senator from Utah offers the amendment.

The VICE-PRESIDENT. Then, does the Senator from Alabama offer the amendment?

Mr. SMOOT. I offered the amendment, and the Senator from Alabama, having the bill in charge, has accepted the suggestion which I offered.

The VICE-PRESIDENT. The Senate has the bill in charge.

Mr. GALLINGER. Let the question be put, Mr. President.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Utah [Mr. SMOOT].

The SECRETARY. In section 1, page 2, line 1, it is proposed to strike out the word "Sabbath" and to insert the words "day of rest;" and in line 3 on the same page, before the word "one," to strike out the word "Sabbath" and to insert the words "day of rest," so that, if amended, the proviso would read:

Provided, That persons who are members of a religious society who observe as a day of rest any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a day of rest one day in each seven, as herein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. DIXON. Mr. President, the bill as now perfected provides that it shall be unlawful for any person on the first day of the week to labor at any of the trades or callings therein specified, provided, however, that if on any other day of the week he takes one day of rest he shall not be liable for the penalties. In other words, if a man works all the week and lays off on Sunday—a barber or a plumber or a carpenter—and then on Sunday chooses to work, in order to avoid the penalty of the bill as it now stands all he has to do in a court of justice is to prove to the court that on Tuesday he lays off from his work and rests. In all seriousness, I want to ask the Senator from Alabama [Mr. JOHNSTON] and the chairman of the Committee on the District of Columbia [Mr. GALLINGER] whether the provisions of the bill which we are now about to pass must not be construed in this way?

Mr. GALLINGER. Mr. President, for myself I would say that I think the Senator's point is well taken. Had I been in charge of the bill I would not have accepted the amendment offered by the Senator from Utah [Mr. SMOOT], because I think the word "Sabbath" ought to remain in the bill.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

LANDS IN ROSEBUD INDIAN RESERVATION.

Mr. GAMBLE. I move that the Senate proceed to the consideration of the bill (S. 183) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

Mr. DAVIS. Mr. President, I make the point of order that that can only be done by unanimous consent.

Mr. GAMBLE. I make the motion to proceed to the consideration of the bill, and I do not think that requires unanimous consent.

The VICE-PRESIDENT. The order for the day has been laid aside by unanimous consent, and the Chair thinks that the motion of the Senator from South Dakota is in order. The question is on agreeing to the motion made by the Senator from South Dakota.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE], which has heretofore been read.

The amendment was rejected.

Mr. DAVIS. Mr. President, the Senator from Oklahoma [Mr. GORE] requested me to say to the Senator from South Dakota [Mr. GAMBLE] that he had gone to the library to look up some authorities in reference to this bill, and that he trusted the Senator from South Dakota would not press the matter until his return. That is the reason why I called the attention of the Chair to the fact that I thought unanimous consent was necessary for the consideration of the bill. I trust the Senator from South Dakota will not press this matter until the Senator from Oklahoma shall return to the Chamber.

Mr. GAMBLE. Mr. President, I desire to be most courteous, and in no sense do I want to be discourteous to either the Senator from Arkansas [Mr. DAVIS] or the Senator from Oklahoma [Mr. GORE]. This bill, however, has been pending before the Senate for practically two hours this morning. I do not know that the Senate can suspend its business, and I do not know that I should be called upon to lay aside the bill while an examination was being conducted in regard to it.

Mr. DAVIS. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Guggenheim	Piles
Bankhead	Crawford	Heyburn	Rayner
Beveridge	Cullom	Johnston	Root
Borah	Cummins	Jones	Scott
Bourne	Davis	Kean	Simmons
Brandegee	Depew	La Follette	Smith, Md.
Bristow	Dixon	Lodge	Smith, S. C.
Brown	du Pont	Martin	Smoot
Bulkeley	Flint	Money	Stephenson
Burkett	Frazier	Nixon	Sutherland
Burnham	Frye	Oliver	Taliaferro
Burrows	Gallinger	Overman	Warren
Burton	Gamble	Owen	Wetmore
Chamberlain	Gordon	Page	
Clapp	Gore	Paynter	

Mr. BACON. I simply desire to announce that my colleague [Mr. CLAY] is necessarily detained from the Chamber by illness.

Mr. FLINT. I desire to announce that my colleague [Mr. PERKINS] is unable to be present at the session of the Senate to-day on account of illness.

The VICE-PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

Mr. GORE. Mr. President, I desire to inquire the status of the bill providing for the opening of the Rosebud Indian Reservation?

The VICE-PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. GORE. Was it placed before the Senate, as in Committee of the Whole, by unanimous consent?

The VICE-PRESIDENT. It was done on motion adopted by the Senate.

Mr. GORE. Mr. President, I have been informed during the progress of the debate that occurred a moment ago that President Hill, of the Great Northern Railroad, stated in a speech, and I believe in an interview, that certain of these openings brought more than a million of dollars into the treasury of his road; that it was a fraud and a robbery on the people; and that if he could ascertain the names and addresses of those people he would return the money. I have been informed that it might be possible to obtain and authenticate that interview, and

I should like to have time to do it, because it certainly ought to be conclusive if it can be done. I move, therefore, that the further consideration of the bill be postponed.

Mr. GAMBLE. Mr. President, this bill has been on the calendar for some time. This is the fourth time it has been reached for consideration. This subject has been fully discussed, and the amendment proposed by the Senator from Oklahoma [Mr. GORE] has been considered and has been voted upon. I do not care to take the time of the Senate in discussing this motion or the method of land opening; but under the experience of the Interior Department the procedure which is now and has been in vogue for a number of years past has been the outgrowth of the experience, wisdom, and judgment of the Interior Department. I say, so far as I am concerned, that from the experience we have had with it in the State of South Dakota it has worked well.

To throw open to every man and woman in the United States the opportunity of filing, I submit, would tie up the opening of this reservation indefinitely by having a million people make filings who never would contemplate going upon the land, because these lands will be opened, as proposed under this measure, on an appraisement on their value. Any settler intending to settle and take the land must not only be a homesteader and reside upon the land, but must pay to the Government for the Indians the appraised valuation of the land. It is no easy matter to go out there and carry out this undertaking. I submit that we should proceed with the consideration of the bill.

Mr. GORE. Mr. President, I desire to inquire whether a vote was taken on the amendment which I offered?

Mr. GAMBLE. Yes, sir.

Mr. GORE. I was absent from the Chamber only about four or five minutes, and I express my regret that it occurred during my absence. It seems to me, if the suggestion I have just made with reference to a million dollars being collected unfairly and unwarrantedly from the people can be substantiated, it certainly ought to be done. The land in South Dakota will probably keep, and I see no reason why every Senator should be expected to sacrifice the interests of every one of his constituents in order to boom and boost two or three towns in the State of South Dakota, for that is what this amounts to.

Mr. GAMBLE. Mr. President, I have apologized many times for taking the time of the Senate, but twenty years ago practically the entire western half of the State was an Indian reservation. It has been opened gradually and by degrees. The Indian reservations have stood as a menace to the development and the growth of the Commonwealth. The Indians themselves agreed to the provisions of this bill after it had been submitted to them for their consideration. The department agreed to it. It follows in line, Mr. President, with all of the measures providing for opening reservations in the Western States.

It is suggested that the consideration of this bill be suspended until some rumor or newspaper report to the effect that somebody has made an observation as to the receipts from the transportation of passengers to land openings could be run down or some interview inquired into. I submit, Mr. President, that is not a sufficient reason to delay the passage of this bill. In fairness and in justice to the importance of the measure and to the interests of the Indians and the interests of the people of South Dakota this bill ought to pass.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma to postpone the consideration of the bill indefinitely.

Mr. GORE. Mr. President, I did not mean indefinitely, but to postpone the present consideration of the bill. If it is necessary to fix a date, I will suggest a date. I supposed that motion was in order.

Mr. BEVERIDGE. That can not be done.

Mr. GORE. I am as anxious as the Senator from South Dakota that this land should be opened and then converted into homes, and I have no disposition to delay or defeat the measure. I move that it be postponed for a week. I think in that time possibly I can ascertain from the library regarding the matter, and obtain the information I desire.

The VICE-PRESIDENT. Does the Senator modify his motion?

Mr. GORE. Yes, sir.

Mr. BEVERIDGE. Mr. President, the Senator was not here when the unfinished business was laid aside by unanimous consent, but retaining its place as unfinished business, it being laid aside temporarily for to-day only. It would be impossible, therefore, for the Senator now to make a motion for the postponement of the consideration of this bill for a week, because the unfinished business, by unanimous consent, retains its place. The Senator can not move, therefore, the postponement of the consideration of the bill to a day certain. The time for the consideration of the bill has already been fixed by unanimous consent when the Senator was out of the Chamber.

Mr. GORE. Then, is it the unfinished business?

Mr. BEVERIDGE. No. The unfinished business, by unanimous consent, was laid aside temporarily for the day only, the unanimous-consent agreement including that statement, and also that it was to resume its place to-morrow and hereafter every day at 2 o'clock. Therefore the Senator must see that he can not move to postpone the consideration of the pending bill to a fixed date.

Mr. GORE. I suppose a motion would be unavailing, anyway, but I move that the further consideration of the bill be postponed for to-day.

Mr. CRAWFORD. Mr. President, as I understand, no amendment is pending to the bill. The only amendment proposed was that by the Senator from Oklahoma [Mr. GORE], and that has been rejected. The only basis for the request for delay is that somewhere in some newspaper it was stated that some railroad president told how much money his company got from the passengers who flocked to one of these openings somewhere, and that "somewhere" is not yet stated. It seems to me that that is hardly a sufficient reason why a deliberative body should, when a bill has been reached for consideration after quite full discussion, delay action upon it.

Mr. BEVERIDGE. I will make a suggestion, which I think the Senator from Oklahoma can follow.

Mr. GORE. I inquire whether it is not possible by objection to the further consideration of this measure to have it passed from Rule VIII to Rule IX?

The VICE-PRESIDENT. No; the Senate has determined by motion to consider the bill now.

Mr. GORE. I was not aware of that.

Mr. BEVERIDGE. If the Senator from Oklahoma will permit me, it was stated that his amendment had been disagreed to on a vote while he was out of the Chamber. I suggest to the Senator that he can submit his amendment again in the Senate. So he has lost no right.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma to postpone indefinitely the consideration of the pending bill.

The motion was not agreed to.

The VICE-PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. DAVIS. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Gordon	Piles
Beveridge	Crawford	Gore	Rayner
Borah	Cullom	Guggenheim	Root
Bourne	Cummins	Hughes	Scott
Brandegee	Davis	Jones	Shively
Bristow	Depew	Kean	Simmons
Brown	Dolliver	Lodge	Smith, Md.
Bulkeley	Elkins	McEnery	Smoot
Burkett	Fletcher	Martin	Stephenson
Burnham	Flint	Money	Stone
Burrows	Frazier	Nixon	Warren
Burton	Frye	Oliver	Wetmore
Chamberlain	Gallinger	Owen	
Clapp	Gamble	Page	

Mr. CLAPP. I desire to say—and I wish my statement to cover the several calls which I anticipate may be made this afternoon—that my colleague [Mr. NELSON] is to-day absent on committee work by authority of the Senate.

Mr. DAVIS. The statement of the Senator from Minnesota is entirely gratuitous. A Senator has a right to demand a call of the roll at any time, and I expect to exercise that right as long as I think it is the proper thing to do.

The VICE-PRESIDENT. Fifty-four Senators have answered to their names. A quorum of the Senate is present. If there be no further amendments, the bill will be reported to the Senate as amended.

Mr. GORE. I submit one other amendment. I do not care to make any remarks upon it. It relates to striking out the commutation clause, beginning, I believe, in line 23, page 6, and closing with the word "made," in line 3, on page 7. It simply closes the door to adventurers and speculators who might file under the provisions of the proposed act and limits the filing to actual and bona fide homesteaders as far as possible.

The VICE-PRESIDENT. The Senator from Oklahoma offers an amendment, which will be stated.

The SECRETARY. Beginning on page 6, line 23, it is proposed to strike out the following:

And provided, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for the payments previously made.

Mr. GAMBLE. Mr. President, I simply wish to say that this is the uniform provision in all these bills. So far as concerns the question of good faith, the settler must pay one-fifth of the appraised value of the land upon entry, and before any commutation can be made there has to be a residence of fourteen months, and one-fifth more paid. So all questions as to the good faith of a homesteader are abundantly provided for.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GORE. I desire to submit in the Senate the amendment which I offered in Committee of the Whole.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of section 2, the following proviso:

Provided, That applicants to enter said lands shall be allowed to forward their applications by registered mail to the authorities of the local land office, under such rules and regulations as the Secretary of the Interior may prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. GORE. I should like to have a yea-and-nay vote on the amendment. I do not care to discuss it further.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed for a third reading and read the third time?

Mr. DAVIS. I suggest the absence of a quorum.

Mr. GAMBLE. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from South Dakota will state it.

Mr. GAMBLE. I do not think any business has been transacted since the last roll call.

Mr. LODGE. We have taken two or three votes.

Mr. GAMBLE. The same question has just been raised, and it is only dilatory.

The VICE-PRESIDENT. The Chair thinks business has intervened. The bill has progressed from the Committee of the Whole to the Senate, and the Senate has acted upon an amendment.

Mr. DAVIS. Two amendments, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clapp	Frye	Nixon
Bankhead	Clark, Wyo.	Gallinger	Oliver
Beveridge	Crawford	Gamble	Overman
Borah	Cullom	Gore	Owen
Bourne	Cummins	Hughes	Page
Bristow	Davis	Johnston	Piles
Brown	Depew	Jones	Shively
Bulkeley	Dixon	Kean	Simmons
Burkett	Dolliver	La Follette	Smoot
Burnham	du Pont	Lodge	Stephenson
Burrows	Elkins	McCumber	Stone
Burton	Fletcher	McEnery	Taliaferro
Chamberlain	Flint	Money	

Mr. BACON. I do not think it is necessary to repeat the announcement already made as to the cause of the absence of my colleague [Mr. CLAY].

Mr. KEAN. I desire to announce that my colleague [Mr. BRIGGS] is necessarily absent.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is necessarily absent from the city.

Mr. ELKINS. I wish to announce that my colleague [Mr. SCOTT] is necessarily detained from the Senate.

The VICE-PRESIDENT. Fifty-one Senators have responded to their names. A quorum of the Senate is present. The question is, Shall the bill be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PINE RIDGE INDIAN RESERVATION LANDS.

Mr. GAMBLE obtained the floor.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. The Senator from South Dakota was recognized.

Mr. GAMBLE. I move that the Senate proceed to the consideration of the bill (S. 2341) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect. It is the next bill on the calendar, and contains practically the same provisions affecting an adjoining reservation.

The VICE-PRESIDENT. The Senator from South Dakota moves that the Senate proceed to the consideration of a bill indicated by him.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. Pending the reading of the bill, I move that the Senate proceed to the consideration of executive business.

Mr. GAMBLE. I simply wish to make a suggestion. The bill which has just been disposed of relates to the Rosebud Indian Reservation. This applies to the Pine Ridge Reservation.

Mr. KEAN. I understand that.

Mr. GAMBLE. It is adjacent.

Mr. KEAN. But they are entirely different reservations.

Mr. GAMBLE. The other bill has been so fully considered and discussed——

Mr. GALLINGER. Question, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

Mr. GAMBLE. I concede his right to do that.

Mr. GALLINGER. Let the question be put, Mr. President. It is not debatable.

Mr. KEAN. Let this bill come up to-morrow.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Jersey that the Senate proceed to the consideration of executive business. It is not debatable.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 3 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 28, 1910, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate January 27, 1910.

COLLECTOR OF INTERNAL REVENUE.

William J. Maxwell, of New York, to be collector of internal revenue for the first district of New York, in place of Edward B. Jordan, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1910.

UNITED STATES ATTORNEY.

Charles A. Houts to be United States attorney for the eastern district of Missouri.

RECEIVER OF PUBLIC MONEYS.

John H. McDevitt, jr., to be receiver of public moneys at Durango, Colo.

PROMOTIONS IN THE NAVY.

Lieut. Commander Samuel S. Robison to be a commander.
Lieut. Commander Charles F. Hughes to be a commander.

ASSISTANT PAYMASTERS IN THE NAVY.

Duette W. Rose.
Irwin D. Coyle.
Paul A. Clarke.

MISSISSIPPI RIVER COMMISSIONER.

Charles H. West to be a member of the Mississippi River Commission.

POSTMASTERS.

CONNECTICUT.

Seth Pratt, at Litchfield, Conn.

NEW YORK.

Howard G. Dewey, at Gloversville, N. Y.
George E. Perrin, at Batavia, N. Y.

PENNSYLVANIA.

John C. Chamberlain, at Everett, Pa.
Harry L. Johnson, at Laceyville, Pa.

WISCONSIN.

Andrew Noll, at Chilton, Wis.
Charles P. Peterson, at Glenwood, Wis.
Everett A. Upham, at Marshfield, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 27, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. FOSTER of Illinois. Mr. Speaker, I desire to have the RECORD of January 25 corrected. In the consideration of the bill establishing a bureau of mines, it appears that I offered an amendment and the RECORD does not show that the amendment was adopted by the House. In the bill as reported to the Senate it shows that the amendment is in the bill. I would like to have the matter corrected.

The SPEAKER. The Chair is informed that the Journal is correct and that the RECORD has already been corrected, as the gentleman suggests.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911. And pending that, I ask unanimous consent that general debate, the time for which was fixed the other day at five hours, be extended two hours, the time to be equally divided between the two sides.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill; and pending that, asks unanimous consent that the time for general debate, which was fixed at five hours, be extended two hours, the extra time to be controlled as the five hours was to be controlled. Is there objection?

There was no objection.

The motion of Mr. SCOTT was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAMPBELL in the chair.

Mr. SCOTT. Mr. Chairman, I now yield one hour to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman and gentlemen of the committee: During the next few months the Payne tariff act will be the most interesting and fruitful subject of discussion—interesting, because it will attract the attention of the entire country; fruitful, because upon the result of that discussion and the verdict of the people thereon will depend the complexion of the next House of Representatives and, possibly, the character of the next presidential administration.

The Payne tariff act must justify itself or the Republican party must go out of power. [Applause.] The satisfaction in the applauding of that sentiment by those who hope to succeed us is as near as they will come to the enjoyment of the succession [laughter and applause], because the Payne tariff act has justified itself, is justifying itself, and will continue to justify itself. When it had been in operation about six weeks the President of the United States said that it was the best tariff act that had ever been enacted in this country. That statement met with criticism, but most of the criticisms were profitless, owing to the ignorance or political prejudice—even descending to partisan bigotry—or the self-interest of those who differed with the President. Some of these critics claimed that the President was rash and was indulging in prophecy as to the effect of the schedules; but let me call your attention to the fact that President Taft had in mind much more than the schedules in the Payne tariff act. In the Payne tariff act there are 42 sections, and only the first section deals with the schedules. In the other sections are found legislation improving the administration of the customs, the maximum and minimum provision enabling us to deal on an equality with other nations, an amplification of the present drawback provision, freer trade relations with the Philippines, the provision for the Panama bonds, improvement in many of the internal-revenue laws, the creation of a customs court located here in Washington, removed from the distracting influences of the port of entry, and the establishment of a commission or board of tariff experts.

All these matters were in the mind of President Taft when he said that this was the best tariff law that had ever been enacted. And whoever voted against the Payne tariff law not only voted against the general reductions in the schedules of the Dingley law, but voted against all of these acts of progressive legislation.

President Taft, in his expression concerning the Payne tariff, has shown that same breadth of vision, that same lofty statesmanship, that healthy common sense and sagacity which augur so well for the success of this administration and foretell the triumphant reelection of President Taft in 1912. [Applause on the Republican side.]

In the campaign on which we are about to enter, this Payne tariff act will be held by its opponents to be responsible for every evil from which any section of the country may be suffering. [Applause on the Democratic side.] We will have to meet that; but in addition to that it will be said that the Payne tariff act gave undue preference to certain interests, that it gave undue preference to certain individuals, that it is the present cause of high prices [applause on the Democratic side], that it is encouraging the combination of trusts. [Applause on the Democratic side.] Now, let us see how these objections to the tariff act are to be met. In the first place it will be claimed that the tariff has not brought prosperity [applause on the Democratic side]; it will be claimed that it retards prosperity [applause on the Democratic side]; it will be claimed that the tariff has brought its burdens. [Applause on the Democratic side.]

Mr. Chairman, why is it that Democrats in the mass always applaud any tale of misfortune or prediction of disaster? [Applause and laughter on the Republican side.] I think it must be because such references are so familiar to them, so in keeping with the entire history of their party [applause on the Republican side], and so their applause, instead of being an act of approbation, is a reluctant act of party loyalty. [Applause on the Republican side.]

Mr. Chairman, I want to call attention to how dangerous it is to make predictions in reference to the effect of a tariff. Let me say, in the first place, that the Payne tariff act is an orderly and sane modification of the Dingley Act to meet present conditions, and the Payne tariff act is a monument to the indefatigable zeal, industry, and good judgment of our colleague whose name the act will always bear. [Applause on the Republican side.]

We have to meet the same kind of criticisms of the Payne tariff act that we had to meet when the Dingley tariff act was passed, and so before I proceed to the more important part of my argument I want to fix in your minds the dangers of making predictions in reference to a tariff. I might spend this entire legislative day in reading choice excerpts of violent and extravagant language of almost every Member on the minority side of this House in 1897, predicting dire disaster from the passage of the Dingley Act, but I shall confine myself to simply a few illustrations from some of the leaders of the party. When the Dingley bill was under consideration, Mr. BAILEY, of Texas, then the leader of the minority, on March 19, 1897, said:

> You promise to make the times better for all the people, and you must redeem that promise or be driven from the high places which you occupy. Four years of the taxation proposed in this bill will prove a severe drain upon the energies of our people and the resources of our country, but if they demonstrate, as I believe they will, the vicious error of the protective system, the lesson, though costly, will be worth its price.

Of course that was followed with applause on the Democratic side. Again, on April 10, he said:

> If you succeed, the Democratic party might as well not make a nomination in the next presidential election.

He might have extended that prophecy to three more presidential elections. [Applause on the Republican side.] He continued:

> Now, let us give the country a chance to decide who is right and who is wrong. You have applied your remedy. I am confident it will fail. I am so confident of its failure that I want to raise no other issue. I want the country to decide between your wisdom and ours upon the measures which have already been proposed. Let the country say whether it is tariff revision or financial reform which shall work out our redemption.

Again he said:

> If you demonstrate, as demonstrate you will, that a high tariff under a gold standard will not bring prosperity, I will stake my political fortune on the proposition that the American people will then vote to restore bimetallism as the only means of restoring prosperity to this country.

Which, of course, met with Democratic applause. On July 19, Mr. Lanham, of Texas, a gentleman whom we all remember with pleasure, who was subsequently honored with several terms in the governorship of that great State, said this:

> Pass your bill, reeking as it does with blight and burden, carrying as it does disaster and distress, freighted as it is with woe and waste, filled as it is with injustice and oppression to your fellowmen.

The distinguished gentleman from Missouri [Mr. CLARK], now the leader of the minority, whom we always like to hear, especially when he is in a prophetic vein, indulged in many prophecies as to what would happen if we passed the Dingley

law. Among other things he told about the reception which this bill would meet with in the South and West—

That the farmers will dig you up with their hoes, plow you up with their plows, beat you with their mauls, hackle you with their harrows, hammer you with their sledges, rake you with their currycombs, pulverize you with their disks, cut you down with their axes, split you to pieces with their froes, ride you on their barbed-wire fences, toss you with their pitchforks, smite you with their pile drivers, grind you through their sausage mills [laughter], mow you down with their reapers, bind you up in great bundles, run you through their thrashing machines, and scatter you as worthless chaff, because you are raising the price of all farming implements by 45 per cent.

If the kind of digging and mauling and hoeing that the people of Missouri gave under the Dingley law they will simply repeat in the same proportion in which their harvests and prosperity have increased, then, Mr. Chairman, there will not be a Democratic Member returned from the State of Missouri at the next election. [Applause and laughter on the Republican side.]

But what he said to which I want to call your special attention—and I simply brought in the prophecy to show how dangerous prophecy was—what I want to call special attention to, in a serious vein, is this. On March 30 Mr. CLARK said:

We—

Referring to the people of the South and West—

may be fools and leather heads, and all that sort of thing, but I tell you, gentlemen, the people living west of the Allegheny Mountains and south of the Potomac have sense to know when they are sandbagged and held up.

[Applause on the Democratic side.]

It was the opinion of the gentleman from Missouri that under the Dingley tariff law prosperity could not come to the farming classes of the West and South. And now I come to the pleasant task set before me this morning, and that is to direct your attention to one section of the country, and that is the section which is supposed would be most injured by the Dingley law and which, it is claimed, has been and will be most injured by the Payne law. I refer to the South, and I will begin with the State of Texas.

Now, bear in mind, gentlemen, the simple task that I have set before myself, because I want to forestall the jumping up of anyone on the other side of the House to ask if I claim that the Payne tariff and the Dingley tariff law bring on the seasons and the full moon and the tides and the early and the latter rains. No; I do not claim that at all, and I am not going to give you any occasion to rise, as you always do when prosperity is spoken of, and ask those questions. The simple proposition to which I propose to address myself this morning is this, that just as the Dingley law did not bring blight and burden, woe and waste, so the Payne tariff law is not bringing blight and burden, woe and waste. I hope it will be my pleasure later on during this session to address myself to some of the other questions which come up in this tariff discussion, particularly those relating to prices, which have been alluded to by my friend from New York [Mr. FITZGERALD], but the time allotted to me this morning will be simply devoted to that one proposition. To show why I address myself to the one proposition, I want to read you what was said in this House only a few days ago by a gentleman from the South, in a carefully prepared speech which he read from manuscript. He said:

Deliberately considering the Payne-Aldrich bill, I here state that, after a most exhaustive analysis, in my judgment it is the most outrageous tax measure ever placed upon the statutes of any government in Christendom.

That, of course, met with applause on the Democratic side. Then, after referring to the Republican platform, the gentleman said:

The plighted faith was not kept but cruelly broken, and the demands for lighter tax burdens answered with a law piling the load still higher upon a groaning people.

This statement was also received with Democratic applause.

I want to ask you gentlemen of the committee, I want to ask the people of the country, have you heard the people of Texas groaning under their burden? That language was used by a Member from Texas—great, strong, rich, free, enlightened, proud, ambitious, courageous, progressive Texas. Texas, the only one of the sisterhood of States that came into the Union clad in the spotless robes of sovereignty and wearing the gleaming star of independence on her brow. [Applause.] Now, then, have you heard the people of Texas groaning?

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. BOUTELL. With great pleasure, providing it is something bright and cheerful and encouraging, and not anything so dismal that your colleagues will applaud.

Mr. STEPHENS of Texas. The time from 1866 to 1872 we did groan under Republican rule; but since that time, under the Democratic party, we have prospered as no other State has prospered.

Mr. BOUTELL. I will be very glad to enlighten not only the gentleman from Texas, but the other members of the committee, more fully as to what the present views are in Texas and whether there is any groaning down there.

Mr. STEPHENS of Texas. I speak of the state administration, and that is the reason why we are at present so prosperous. It is because we are under Democratic laws and have been since 1872.

Mr. BOUTELL. I was quite prepared for that, Mr. Chairman and gentlemen. I hold in my hand the message of the governor of Texas to the general legislature, dated January 14, 1909, and it is simply a repetition of the messages of all Democratic governors since the Dingley tariff law was passed. He says:

You have assembled under favorable conditions. The state treasury is on a cash basis. The State is generally prosperous, and the people are contented and happy.

Anybody groaning there? Then he further states:

With respect to the oil and rice industries, the platform of the Democratic party reads as follows:

Recognizing that the oil and rice industries are of great importance to the growth of the State, we recommend legislation that will protect them.

[Applause on the Republican side.]

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. BOUTELL. I will have to decline to be interrupted until I have outlined a little more fully the conditions in Texas, and then I will be very glad to yield.

The gentleman who made this statement about the groaning people comes from the wide-awake city of Waco. We all like him. I do not know why he made that speech. I believe he is as sorry for it now as anybody. Apparently there are no Republicans in his district. If there was any Republican there that I thought had any chance of being elected I would go down there to help him; but if the gentleman from Texas who made that speech has any kind of a contest with any other Democrat in the eleventh district of Texas I think he can get an indorsement from this side of the House as one of the most attentive, most intelligent, and best Members on either side of the House of Representatives on all matters not involved in politics. And if the reason for his making that address was, as I say, the result of any contest with any other Democrat, I would be willing myself to go down there and endeavor to make the hair fly in behalf of our friend from Texas [Mr. HENRY].

Mr. STEPHENS of Texas. Will the gentleman now yield?

Mr. BOUTELL. Just at this point I must decline to yield. I will say to the gentleman from Texas [Mr. STEPHENS] that I am going to come to his district after a while, but I must decline to yield until I place before the members of the committee a broad view of the conditions in Texas, and then we can carry on the colloquy with a little more intelligence.

I have here the Waco Times-Herald, which is spoken of as the official organ of the city. I therefore take it that it is a good Democratic paper. I judge so from some of its editorials. If it is not, I hope my good friend, the gentleman from the eleventh district of Texas, will correct me.

Mr. HENRY of Texas. Certainly. Any paper supporting me evinces the highest evidence of Democracy. [Laughter.]

Mr. BOUTELL. That is a sufficient hall-mark of its character. If the paper has supported the gentleman from Texas it is a good Democratic paper. Here is what it says in the issue of December 31:

It has been a good old year, this one now departing. The children of men, taking the whole view, have been abundantly blessed. The earth has responded in bounteous measure to the husbandman's appeal. There has been no very great calamity. Despite the assaults of both large and petty despots, the citadel of freedom stands fast and from her ramparts floats the flag of liberty.

* * * * * * *

Here in Texas we have been afflicted with charlatan statesmanship and with cormorant cunning.

[Laughter.]

I believe the gentleman from the district of 40 counties [Mr. STEPHENS] said that conditions in Texas were entirely due to the Democratic state administration. The paper says further:

But they have not been able to hold us back; we are making progress. Ourselves the recipients of favors from those gone before, we recognize our obligations to those who are to come after, and hence constant endeavor, from which will issue the greatest commonwealth in the American Union.

* * * * * * *

This city of Waco has greatly prospered, and in all the world there is not a more fit place in which to live. A spirit of good fellowship has presided in our deliberations, and the immediate future holds for us a full realization of our highest hopes.

* * * * * * *

All in all, you have been good to us, dear old Naught Nine. So long; take keer o' yourself, old chap.

Any groaning in Waco?

In an editorial in this paper, of January 2, 1910, I find this, and I want to say right here that there is no reading more inspiring or more exhilarating than the editorials and the advertisements from the southern papers at this time, and of all the papers printed in the South, I know of none more full of life and energy and enthusiasm than the papers of Texas. Listen to this from the Waco Times-Herald:

TEXAS.

[Waco Times-Herald editorial, January 2, 1910.]

Yes, Waco is going to have a sky scraper, which is a demonstration that some of us, brethren beloved, are confident as to her future. But shall we be content with one? Why not a dozen sky scrapers? Shall we not make it possible for Sanger Brothers to come to the corner with a magnificent structure? And shall we not have a vision of a royal palace for Goldstein & Migel? And shall we not be getting ready to greet the Mistrots in marble hall? The list can be indefinitely extended if only our old men will dream dreams and our young men see visions.

[Applause on the Republican side.]

And so down there in that part of Texas, where the Mistrots are dreaming of dwelling in marble halls, is it only our friends here that are seeing visions and having nightmares?

Mr. HENRY of Texas. I want to state, Mr. Chairman, to the gentleman that the editorial from the Waco paper, my home paper, was written just after the prospect of tariff reform downward, which the Republican party had promised the country. [Loud applause on the Democratic side.]

Mr. BOUTELL. Why, the applause on the other side of the House greets a statement which is just one year wrong in its date. [Laughter and applause on the Republican side.] The paper is dated January 2, 1910, published just a few weeks ago. [Laughter and applause on the Republican side.]

Mr. HENRY of Texas. Evidently the paper is repeating their good editorials. [Laughter.]

Mr. BOUTELL. Well, it is good enough to repeat. [Renewed laughter.] They can go on repeating it as long as the Payne tariff law stays in force.

Well, I can not linger much longer in Waco, much as I like the dear old town. [Laughter.] But here is something which may explain what the gentleman from Texas took for groaning down in his district.

In the Waco Daily Times-Herald, January 5, 1910, not 1909, there is an editorial entitled "Peffer's proposal," and it quotes something from a magazine article of that venerable and hirsute advocate of depreciated coinage [laughter], and here is what it says:

GROANS IN ELEVENTH DISTRICT, TEXAS.

[Waco Daily Times-Herald editorial, January 5, 1910.]

PEFFER'S PROPOSAL.

Mr. Peffer is seeking to revive the old fiat-money theory. Back of national-bank notes is real wealth. The Government has no money, save what it gets by and through taxation.

The Democratic party lost the country's confidence by proposing to fiat 50 cents in every dollar; Bryan and BAILEY and CHAMP CLARK and all the rest led a well-fed donkey out of the house of our fathers, and the poor old chap is still wandering on the bleak hillsides.

[Editorial, January 15, 1910.]

This is to be Waco's best and biggest year, unless all signs fail.
Put your money in Waco dirt.

[Great laughter and applause on the Republican side.]

Now, in all fairness to my good friend from Texas, is it not possible—no; is it not highly probable—that what he mistook for the groaning of the people of his district, struggling under their burdens, was in reality a touching and plaintive braying of this poor donkey, with downcast ears and conspicuous ribs, plaintively braying on the bleak hillsides of political disaster? [Great laughter.] Is anybody groaning in the fifth district, which is the district that has in it, I believe, the splendid city of Dallas? I read an editorial from the Dallas Morning News:

THE NEW YEAR'S PROMISE FOR TEXAS.

This is to be a year of greater achievements in Texas than any the State has known in a like period. Certainly the prospect has never been more promising at the beginning of a year than it is now. It holds forth the promise of many big things, and we ought to adjust our perspective to fit the prospect.

This would be a splendid motto for you gentlemen on the other side of the House and for some gentlemen on this side of the House: "Adjust your perspective to fit the prospect."

How is it in the fifteenth district, along down farther toward the southwest? Any groaning there? I read an editorial from the Mercedes Enterprise, Thursday, January 6, 1910, as well as I can:

Se necesitan 1,000 hombres inmediatemente para que trabajen por sueldo ó contrata en: limpiar, desenraizar, cercar, romper tierra y plantar caña. Todo trabajo por contrata será bajo la responsabilidad del solicitante. Las personas que desen trabajar pueden dirigirse al establecimiento del Sr. White ó escribir bajo la dirección J. D. White.

Is there any groaning in the fifteenth district? [Laughter.] I am glad to welcome to our midst the representative from the fifteenth district; but let me say, lest perhaps he lets fall all that he has in his mind, that if there is any groaning in the fifteenth district, I think it must be from the shock which the people have sustained down there in hearing me try to read this Spanish.

Mr. GARNER of Texas. Mr. Chairman, I want to ask my friend from Illinois to include in the RECORD his pronunciation of the article which he has just read. [Laughter.]

Mr. HENRY of Texas. Would it be in order to ask the official reporter to read it, so that we may determine whether the gentleman from Illinois should be called to order or not? [Laughter.]

Mr. BOUTELL. We have it all here in a good Democratic paper translated into King's English:

Mr. J. D. White needs 1,000 men. He has a contract to clear, grub, fence, plow, and plant 2,000 acres of land in sugar cane. His contract must be completed not later than the middle of March, and he must have the men. This is the cooperative acreage, a combination recently effected among the owners of small tracts of land, by which it is believed cane can be grown very profitably on the smaller tracts. It is authoritatively conceded that the Rio Grande Valley is the best sugar-growing proposition in the United States, and the combination referred to permits the man of moderate means to get into the proposition. The acreage which Mr. White has contracted to plant lays along the Mercedes Canal and the La Feria Canal. Six cars of seed cane have been planted in this vicinity already during this planting season, and it is estimated that the acreage planted to cane along these two canals will not be less than 5,000 at the end of the planting season.

No serious groaning in the fifteenth district.

Is there an "groaners' club" in the tenth district, the district represented by my good friend Mr. BURLESON? I am glad to welcome him to this love feast over conditions in Texas. I hold in my hand the Austin Daily Statesman of January 1. I will read an editorial entitled—

THE NEW YEAR.

"Since the radiant morn of creation broke" and the morning stars sang together for joy there has been no year dawned upon the earth so fraught with illimitable possibilities for human achievement, so freighted with resplendent hope and world-wide expectancy, or one more darkly lowering with ominous responsibility for civilization than the year 1910 just dawning upon the world to-day.

* * * * * * *

Nineteen hundred and nine brought almost to full bloom the flower of human rights and human freedom planted in the wilderness of the New World less than two centuries ago. Will 1910 take up the work and carry it to fruition? With the absolute conquest of the elements of earth, air, and water, and the lessons of sixty centuries, can not the human mind at last realize its fondest ambitions and secure to mankind the permanency of his acquirements and the lasting benefits of his efforts and his toils.

* * * * * * *

Coming to our own fair Southland, the year just ushered in is full of glorious promise and the fulfillment of its possibilities is something better to engage the attention than controversy concerning unprofitable mistakes or misfortunes of the past. With the present indications that the world's demands for cotton will continue to exceed the supply, which will maintain the present profitable prices, owning the largest timber supply in the country, and with its coal and iron ores in inexhaustible quantities, it is independent of the world in natural resources, while its great agricultural staples are continually creating new markets and extending the area of its commercial efforts. What more is wanted? All of these things mark a high destiny for the South, and to be reached and secured the proper effort must be put forward in 1910, and southern thought and southern energy should be directed to the future, with no time to wrangle over old issues or resent imaginary insults—not that she has anything to be ashamed of in her past. She has no apologies to make and no convictions to surrender. She is secure in the cherished virtues of the home and fireside, and her chief aim is to grasp the immense possibilities held so dazzingly before her eyes by the young giant, "1910."

The groaning in that district seems very cheerful.

Is there any "groaners' club" in the twelfth district? In order to find out I shall have recourse to the Fort Worth Record of January 1. I read from an editorial entitled:

NEW YEAR GREETINGS.

* * * * * * *

To superficial observation Texas has had a hard year, but even a casual glance at reports in to-day's Record will convince the most morose pessimist that he is in error. It has not been a hard year. There has been compensation for the loss of crops in the higher price; there has been no lagging of industry, no halt in development; Texas is still bounding forward in all the strength and vigor of healthful youth, and her people were never so confident and resolute as they are to-day. There is inspiration in the messages of good cheer and high purpose which our correspondents bring from every quarter.

And the same confident and persevering purpose prevails in Fort Worth. The announcements of business men are not the airy talk of boomers or dreamers, but the firm declarations of seasoned enterprise that has tested itself and knows its power to do what it undertakes.

Fort Worth and Texas have every reason to indulge the hope of a prosperous and happy New Year.

And on the front page of this fine, enterprising paper is this New Year's resolve:

Resolved, That I will work harder in 1910 than ever before for my business, my town, and my State; that I will do a citizen's duty; that I will not welch; that I will not mock; that I will do my best every day and help to make Texas hum all the year.

No audible groaning going on where that paper is published.

How is it in the sixteenth district? I have here the San Angelo Press-News of January 1, 1910:

ENTER 1910.

We bid farewell to 1909 with hearts attuned to the sentiments of the great bard who declared that "parting is such sweet sorrow."

Sometimes we wonder if the world would not be a little brighter and the people more contented if we could never look back.

The good men do oft die with them, even through the evil is not interred with the bones.

The past is gone, gone forever, save from the hearts that grieve and the souls that have been seared. Darkness is a natural state. The sun alone furnishes us with light. And so it is natural for the heart to hold memories of the past that depress and forget the memories of the past that cheer.

But 1909 has been a good year, one in which great deeds have been performed; one that has marked additional conquests by man; and one that will have a page of ample fullness in the histories that will be written in the years to come.

For 1910 let us pitch our hopes high and then let us keep our energies unbent until we realize the ideals that inspire us.

We can unite all the little deeds of kindness done during the coming year and show that the world is growing better, just as we can marshal all the deeds of evil that marked 1909 to show that the world is not making Christian progress.

The Press-News knows not how to express its great appreciation of the many favors this paper has received from the good people of San Angelo. We came among you and you received us with kindness. We worked with you and you inspired us with vigor. We have learned to have affection for you, and affection is the momentum that keeps love going forever and forever. We have not endeavored to overreach ourselves, but we have tried to keep abreast of the times and to keep pace with the growth of this city.

And now when 1910 is fragrant with newness; when the last echo of the year agone has died upon the air of time, never again to be heard on earth, the Press-News, under the solemnity of the moment can but use the words of a poet to the friends, whom we hope will abide with us always:

"May the birds of love build nests in your house; may your pathway be strewn with sweet lotus, and may your troubles be but mirages that vanish into thin air when you approach them."

Any indications of groaning in that part of Texas?

How is it in the fourteenth district? I have here the San Antonio Daily Express of January 1:

Prosperity has smiled on Texas throughout the year just ended, and San Antonio and the southwestern portion of the State have been especially favored. The fruits of husbandry have been most satisfying, and commercially and otherwise the city has moved forward by leaps and bounds. Looking around us on all sides we see the evidences of growth and development in industry, in population, in material progress, in the higher purposes of moral and æsthetic uplift, and in spiritual as well as material advancement and the spirit of harmony and concord that is all-prevailing.

Looking about us this New Year's morn there are to be seen only roseate prospects of the coming season. The farmers and stockmen have been singularly blessed in the moisture that has prepared the ground for the crops to be and for the grass that will early cover the range and make sleek and fat the stock that will feed thereon. The merchant and business man will profit by the prosperity of the farmer and stockman and the city derive its share of the benefits.

The future looks bright and promising for us all, and the wish for a happy new year seems almost realized even before it has been spoken.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. BOUTELL. Certainly; with great pleasure. I will be glad to have his addition to this song of prosperity.

Mr. SLAYDEN. I shall be pleased to contribute, Mr. Chairman. One of the delights of congressional life is the opportunity occasionally of hearing this glowing tribute to the prosperity of Texas, by my friend from Illinois [Mr. BOUTELL]. I want to say to him, however——

Mr. BOUTELL. "The gentleman from Illinois" does not wish to be discourteous, and would gladly yield, but I am admonished by the chairman of this committee that my time is very rapidly running out.

Mr. SLAYDEN. Well, just a moment. I want to say to the gentleman that he can not get up a quarrel with me about the prosperity of Texas.

Mr. BOUTELL. Nor on any other subject, I hope.

Mr. SLAYDEN. Texas is prosperous, but it is despite of and not because of the Republican party.

Mr. BOUTELL. The gentleman was not in the Hall when I began my speech.

Mr. SLAYDEN. And permit me to say that if the Government is successful in its criminal prosecution of those distinguished members of the Republican party, the constituents of the gentleman, the Big Four Beef Trust, we will be much more prosperous in Texas. [Applause on the Democratic side.]

Mr. BOUTELL. Mr. Chairman, I am sorry to have to call attention to the fact that the gentleman from Texas [Mr. SLAYDEN] did not hear the opening of my address when I forestalled exactly the remark which I thought somebody would make who came into the House after I got started.

Mr. HENRY of Texas. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. BOUTELL. I will, provided it is in 1910 and not somewhere back in 1909, as the other was.

Mr. HENRY of Texas. I agree that it shall be in 1910. The gentleman from Illinois has been very kind to me and I have listened to him with pleasure, and while he has discussed prosperity in Texas we would like for him to explain to this House and the country why it is that only a short while ago, in the city of Chicago, three or four hundred school children were sent to school without breakfast because their parents are poverty stricken under a Republican administration? And I would furthermore like to hear him discuss the railway strikes in the West, and the meetings held all over the United States by distressed and poverty-stricken citizens, fighting the beef trust and high prices of food products everywhere, and why the people are now groaning under high prices here in Washington City and many cities, where living has increased so enormously under a Republican administration. [Applause on the Democratic side.]

Mr. BOUTELL. The gentleman from Texas will please stand up and not sit down. The gentleman has interrupted me, and now I want to ask him a question. Does the gentleman think prices are too high?

Mr. HENRY of Texas. Yes, I will stand up and continue to do so, for I am right. He must answer and not dodge my question. Certainly I think prices are too high.

Mr. BOUTELL. What does the gentleman want to lower the price on, cotton? [Laughter and applause on the Republican side.]

Mr. HENRY of Texas. I want to say to the gentleman——

Mr. BOUTELL. Mr. Chairman, I decline to be interrupted until I answer these remarks, until I have answered the questions the gentleman has asked me.

Mr. HENRY of Texas. Let me complete my answer, and you answer my question if you can.

The CHAIRMAN. The gentleman from Texas will refrain until the gentleman from Illinois yields further.

Mr. BOUTELL. I will yield no further until I signify that I have answered the questions.

Mr. HENRY of Texas. I had not completed my reply.

Mr. BOUTELL. Mr. Chairman, I have got exactly the question I hoped would be asked me. I had to take three-quarters of an hour——

Mr. HENRY of Texas. But the gentleman did not get my whole answer about cotton—the short crop, present prices, and so forth.

Mr. BOUTELL. I had to take three-quarters of an hour before I got that question and now I will answer it.

Mr. HENRY of Texas. But there are other things besides raw cotton, cotton goods, and manufactures of cotton.

Mr. BOUTELL. Mr. Chairman, considering my infallible good nature and my courtesy pending these interruptions, I simply have to submit a request that further interruptions will cease.

Mr. HENRY of Texas. I did not intend to be discourteous to the gentleman, and if the gentleman from Illinois had listened to what I said he would have seen that I was not. But I am here entitled to reply to his question about cotton, and to receive that courtesy at his hands.

Mr. BOUTELL. The gentleman seems to be so excited over the prospect of a decline in the price of cotton that he has not heard what I said. I said that, considering the courtesy with which I had taken the interruptions, and considering my limited time, and considering my well-known good nature, I did hope gentlemen on the other side of the aisle would refrain from interruption, at least while I was answering their questions, which were intended to be confusing, but the answers to which are much more confusing to the gentlemen who put them. As I was saying, I received exactly the inquiry I hoped I would, and it took three-quarters of an hour to get it from the other side of the House, until finally the gentleman from Texas, instead of enjoying and listening to this song of prosperity that comes up from his own State and from the Southland, has asked these questions relative to matters which I said it would be my pleasure to discuss at some later time, and finally wound up by saying that there were school children in Chicago going to school without their breakfasts. On the authority of Jane Addams—no one better able to answer—I say there is no truth in any such newspaper statement about Chicago school children. [Applause on the Republican side.]

He asked me if I did not hear the people of the country groaning under the burden of high prices, and with a smile of triumph on his face he prepared to sit down, but when he got up I asked him if prices were too high, and he said, immediately,

"Yes;" and, of course, the first thing that came into my mind was the great staple of Texas, and I could not help asking him if he wanted to lower the price of cotton. I could not hear what he said, on account of the deafening applause that went up from both sides of the Chamber.

Mr. SLAYDEN rose.

Mr. BOUTELL. I decline to yield until I answer the gentleman's question. It is the same old question with which politicians have attempted to deceive the people. We shall have to meet the charge that the Payne tariff has raised prices. This charge, as I stated, has its origin in three causes—ignorance, political prejudice degenerating into partisan bigotry, and pecuniary self-interest.

Let me give you three illustrations of self-interest. A few weeks ago some lumber dealers met in a western city and said they regretfully must raise the price of common boards on account of the Payne tariff. Think of it, Mr. Chairman and gentlemen! They must raise the price from 50 cents to $1 a thousand on account of the Payne tariff! Why, we reduced the tariff on common boards 75 cents a thousand, and these men meet in convention and attempt to deceive and bunco and hoodwink the people and tell them that on account of the Payne tariff they have got to raise the price of common boards $1 a thousand. When any man puts that up to you, ask him this conundrum: If the lumber dealers have to raise the price a dollar a thousand when we reduce the duties 75 cents a thousand, how much will they have to raise the price when we put lumber on the free list? [Applause and laughter on the Republican side.]

Mr. Chairman, it was the same way in reference to hides. We were told that the price of hides would come down if we would put hides on the free list, and that then the price of shoes would be reduced. I have here Dun's Review of last week, giving the wholesale prices in New York of all staple commodities, and all kinds of shoes have gone up in the wholesale market—not one reduction quoted in Dun's. One of the ablest writers in the United States on economic subjects, in his letter to the Record-Herald and other papers last September, said that the Payne tariff law was the best and most scientifically adjusted tariff law that had ever been passed.

Mr. WEISSE. Mr. Chairman——

Mr. BOUTELL. Then he calls attention to the fact that the woolen dealers had got together and said they must raise the price of wool on account of the Payne tariff——

Mr. WEISSE. Mr. Chairman——

Mr. BOUTELL. Mr. Chairman, I decline to yield. He then goes on to say that that is a trick that was attempted under the McKinley law in the same way. There is not in the Payne Act one change made in the wool or woolen schedule except two minor ones, and both of those were reductions. I give these three illustrations of how men who had pecuniary self-interests at stake are going to attempt to discredit the Payne tariff law, and I say to you gentlemen—and I am very sure that I am facing men on the other side of the House who will agree with me—that that sort of criticism, that attempt to discredit a statute law of our common country for base, selfish, pecuniary gain is little short of moral treason. [Applause on the Republican side.]

Mr. Chairman, I said that there was a second cause for the charge that the Payne tariff had been the cause of rising prices, and that was political prejudice, often degenerating into partisan bitterness or even partisan bigotry. I hope, I sincerely trust, that in the discussions of this tariff act there will be none of that feeling exhibited upon the other side of the House.

My friends, do not join these selfish traders in trying to make the country believe that the Payne tariff law is responsible for that for which the Payne tariff is no more responsible than the changes of the moon. As I have said I hope to discuss the relation of the tariff to prices somewhat fully at a later date, now I will ask the gentleman from Texas [Mr. HENRY] on this subject of prices, how are you going to have high priced cotton and low-priced prints; how are you going to have high-priced wheat and low-priced flour; how are you going to have high-priced oats and low-priced porridge; how are you going to have high-priced corn and low-priced johnnycake; how are you going to have high-priced wool and low-priced woolens; how are you going to have high-priced cane and low-priced sugar; how are you going to have high-priced cattle and low-priced beef; how are you going to have high-priced hogs and low-priced hams? You gentlemen who attack the Payne tariff law and say that it has raised prices have got to pick out the articles affected by the tariff that have been raised in price owing to increases of duty before you can show that any alteration in the price is made by the tariff, and then you have got to be sure in complaining of high prices that you do not condemn the very high prices on which your prosperity depends.

Mr. Chairman, this subject of final retail prices to the ultimate consumer is one which I shall give myself the pleasure of discussing at some later date during this session, and I simply throw out these present suggestions to bring about further discussion of this important question.

Now, let me continue my subject, Mr. Chairman, without further interruption. Remember, what I am speaking about is this: Not that the Payne tariff law has brought additional prosperity, but I am addressing myself to the text as given in the address of the gentleman from Texas, that the Payne tariff law is not making anybody groan under the burdens which they are bearing. I am going to insert here in the RECORD, as showing what has taken place in the South, a table from the Manufacturers' Record, a southern weekly journal, published in the southern city of Baltimore. I may say in passing that this journal gives from time to time the most interesting and exhaustive accounts of the progress of agriculture and commerce in the South. If a man will read the Manufacturers' Record, of Baltimore, and the Southern Planter, of Richmond, he can tell all about what is going on in the South, and it is a song of prosperity which this journal sings.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. BOUTELL] how much further time he would like to have yielded?

Mr. BOUTELL. Mr. Chairman, if the chairman of the committee has half an hour at his disposal, I will be glad to use it.

Mr. SCOTT. Mr. Chairman, I think, in justice to others, the best I can do is to yield the gentleman twenty minutes more.

Mr. BOUTELL. I thank the gentleman.

The CHAIRMAN. The gentleman is recognized for twenty minutes more.

Mr. BOUTELL. And I want to say to the chairman and to the gentlemen of the House that I would have completed my own remarks if it had not been for these additions to the song of prosperity which have come from the other side of the Chamber.

This Manufacturers' Record publishes what is called the "Annual Blue Book of Southern Progress," and the table that I would like to put in the RECORD is on the first page and called "an inventory of southern progress and prospects." It is a comparison of conditions in the South in 1900 with what they are in 1910. Let me just read a few figures there to show the character——

Mr. FORNES. Will the gentleman yield?

Mr. BOUTELL. The gentleman declines to yield further solely and only on account of the shortness of time.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. BOUTELL. The South in manufactures has increased from $1,153,000,000 in 1900 to $2,214,000,000 in 1910. The cotton mills have a capital invested of $299,000,000, as against $183,000,000; 11,000,000 spindles, as against 4,000,000; 244,000 looms, as against 112,000; 1,300,000,000 pounds of cotton used, as against 744,000,000. The Manufacturers' Record of January 6, 1910, publishes a most interesting and instructive table giving fifty years of southern progress, comparing the conditions in the South in 1860 with the conditions of 1910 and showing the increase in the South as compared with the increase of the whole country, and I will put that table in the RECORD. In other numbers of this interesting journal are letters from all over the southern country showing conditions not only in the rural districts, but in the manufactures that are springing up in the South, and in closing my remarks I want to call attention to the wonderful series of letters that begin in the number of the Manufacturers' Record bearing date of January 27, 1910. The editor of this journal wrote to bankers throughout the entire South and the States of Missouri and Oklahoma. Those letters are printed in this issue. The States are printed in alphabetical order, beginning with Alabama, and the story that they all tell is one of increasing prosperity, advancing land values, and augmented bank balances.

I will insert all these letters in the RECORD in full.

Mr. LONGWORTH. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. BOUTELL. With pleasure, as a member of the Ways and Means Committee, and the only gentleman on this side who has asked me to yield.

Mr. LONGWORTH. For a very brief question, by way of supplementing the gentleman's remarks a few moments ago as to the rise of prices. My attention was called to this because I happen at the moment to be occupying the desk of the gentleman from South Dakota [Mr. BURKE], and I observed a report of a bill which passed the House to allow a certain Indian school to spend an additional amount of money for the purchase of cast-iron pipe. I remember that the gentleman from South Dakota said that one of the reasons for the necessity of the passage of that bill was that cast-iron pipe was rising in price.

I want to ask the gentleman from Illinois what the Payne law did with respect to the duty on cast-iron pipe?

Mr. BOUTELL. The cast-iron pipe was lower under the Dingley law than under the Wilson bill, and is lower under the Payne law than under the Dingley law.

Mr. LONGWORTH. I think, if I remember correctly, the Payne bill reduced the duty on cast-iron pipe 50 per cent.

Mr. BOUTELL. The gentleman is correct.

Mr. LANGLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BOUTELL. The gentleman must decline to yield, and only gave way to the gentleman from Ohio [Mr. LONGWORTH] as a colleague on the committee dealing with the subject which is now under discussion.

Now, Mr. Chairman, I will ask permission to insert in the RECORD other articles and other letters from all over the southern country which bear unanimous testimony to the proposition that I made, the simple proposition, and the first proposition to be met in discussing this tariff, namely, that the Payne tariff law has not burdened the United States. And I have taken that section of the country which the opponents of the bill say would be most burdened by it, that section of the country which the opponents of the protective principle have always said would be most burdened by putting a protective tariff law into effect.

Later on, as I have said, I shall be glad to take up the other subjects which we will have to meet and discuss in this campaign. I think now I have made it clear that in the agricultural districts of this country, particularly in the South and the Southwest, there is prosperity such as was never seen there before.

And I must close with this observation. I would like to say to those on this side of the House who voted against the Payne tariff act, that that act will abundantly justify itself. No tariff act can satisfy everybody. It can not be a perfect law in the estimation of any individual, but the Republican party, that was responsible for the Dingley tariff, the financial act of March 14, 1900, and the Payne tariff act, is not the party of reaction. It is, if I may give it the name, the party of realism. It is the party that sees the necessities of the country as they are, knowing that from duties on imposts must come about $350,000,000 of revenue, the party that takes the law on the statute books and carefully and honestly endeavors to make that law meet modern conditions. This has always been the record of the Republican party; the devotion to meeting and dealing with things as they are, not wasting and frittering time away in high-spun theories which never come to realization, but in doing that which the country expects us to do, doing that which the majority of the people send us here to do, namely, to raise $350,000,000 of revenue in the best way we could out of duties on imports and at the same time confer the maximum of good upon all the people and do a minimum of ill. That I think is the doctrine of enlightened realism.

So, let me say to those gentlemen who voted against the Payne Act, study it carefully, study it outside of the mere schedules. Read what the head of our party said about this law. Study its effect in the country, as I have tried seriously to do this morning with all the lightness and good nature that we could interject into a dry tariff discussion. Study it in the light of the history of the past, and you will see that the protective principle brought to the Southland just what was dearest to McKinley's heart, the prosperity which that section needed to bring it back into closer union and harmony with all the country. Read this Payne tariff act in the light of our future necessities, and then I think you gentlemen, by whatever title outsiders may call you, will rejoice and be glad that you are Republicans, will rejoice and be glad that we were right and you were mistaken, will rejoice and be glad and be proud of President Taft that he was the first one to come out, after this act had been put upon the statute books, with his approval of it as the best tariff law that had ever been passed. [Applause on the Republican side.] Look at it in that light, my friends who voted against it, and I am sure you will be glad to find that you were wrong. I am sure you will be generous and courageous enough to admit it. And then you will be glad that we were right in passing just such a law as we did.

And to my friends on the other side of the House who are going to talk about the burdens of the high prices, you rejoice and be glad of the prosperity which has come to the beautiful Southland, to every county in it, and in the language of that eloquent and wide-awake Texas editor, "Adjust your perspective to the prospect," for the prospect is one of hope and radiant prosperity and of the future triumphs of the Republican party. So quit groaning and adjust your perspective to the prospect. [Loud applause on the Republican side.]

APPENDIX A.

SOUTHERN BANKERS TELL OF FARMERS' PROSPERITY.

[Written for the Manufacturers' Record.]

One of the clearest and most comprehensive surveys of the condition of farmers in the fourteen Southern States and in Oklahoma and Missouri ever presented is given in the following eight pages of brief letters from bankers, mainly in county seats of those States. It is a survey of abounding prosperity. In close touch with agricultural communities and vitally interested in all that concerns their welfare, the bankers are in an excellent position to measure things as they are. A sure index is the amount of deposits belonging to the farmers in the banks. Throughout the South generally there has been a marked increase of money to the credit of farmers in the banks during the past few years. For example, in one West Virginia city the deposits have increased in ten years from $225,000 in two banks to $750,000 in three banks. They are 50 per cent greater at Charlotte, N. C., than they were five years ago, and about 20 per cent greater at points in Missouri. A Mississippi banker notes that the betterment in this respect has come to small farmers particularly. Danville, Ky., reports the largest deposits in the history of the five banks of the county; the Virginia Peninsula about three times what they were fifteen years ago.

At some points the increased cost of living and a part failure of the feed crops have checked the tendency to an increase in deposits, but at other points the very fact of higher prices has more than compensated the farmers for the shortage due to drouth or other causes. Another cultivator of deposits is the increasing tendency of farmers to "live at home," as voluntarily in a realization of the uncertainty of single-crop methods, or through the species of compulsion on account of the boll weevil in Texas and Louisiana, especially, they have entered upon a period of diversification.

The prosperity of southern farmers is shown, however, in other ways, promising even greater things for the future. Old debts have been paid off, mortgages have been lifted, and former debtors are now creditors. Sometimes, under the spur of retail merchants insisting upon a cash basis of trade, they are becoming more economical and more careful about machinery and implements. Those with a surplus are investing in other lands, in finer grades of stock, in new houses and barns, in improved machinery, in more mules, in wire fencing, in clearing new lands, in local building associations, or in county bonds. There is comparatively little unwise speculation, save here and there, as in West Virginia, where some of the money derived from the sale of coal lands or from the granting of oil and gas privileges is not only sending farmers to town, but making victims of "gold-mining stocks;" or, in Tennessee and Oklahoma, where the run at some points seems to be toward doubtful life insurance and fire insurance schemes; or in Georgia, where cotton futures seem to have some slight call.

Permanent investments in land have meantime increased in value, according to location or other circumstances, and they range from 15 per cent in Kentucky and 25 per cent in South Carolina to 50 per cent in portions of Missouri, where wet lands have been reclaimed, and from 100 to 30 per cent in portions of Arkansas and Texas. Better roads and better schools, convenient telephone communication and more intelligent farming have contributed to this end; but another factor has been the trend of immigration from other parts of the country, most notably in Texas and Florida, but also having some effect in the trucking regions of Maryland and the Carolinas, in Virginia, Louisiana, Arkansas, Georgia, Alabama, Tennessee, Mississippi, and, of course, Oklahoma, with its virgin soils.

Taken as a whole, the situation is most satisfactory to every man interested in the welfare of the South. The danger in the situation is suggested in the following from a leading Georgia banker:

"I am only afraid that the wave of prosperity which has struck the South will cause a reckless spirit to abound and make our people undertake more than they can safely manage. Unusual prosperity is not best for any section, unless it continues long enough for the people to accustom themselves to it and to learn how to regulate their business affairs in the midst of good times. If the farmers of Georgia and the South will only keep their heads and be conservative in these prosperous times, not buying too much land or planting too much cotton, and if the merchants will not undertake to sell too many goods on credit and buy too much on time, I see nothing in the way of our having the best times in Georgia and the South that we have had in ten years."

The letters follow:

ALABAMA.

BIRMINGHAM.

W. P. G. Harding, president First National Bank, Birmingham, Ala.: "I regard the present business and financial outlook as sound and promising. The farmers and merchants are generally in good condition. Real estate values in cities are firm, and values of farm and mineral lands show an advancing tendency. No unusual influx of settlers or investors is apparent yet, but a considerable movement in this direction is anticipated in the spring. There is more continued cold weather this winter than usual."

DECATUR.

First National Bank, Decatur, Ala.: "General financial conditions look better than for several years. Farm lands have increased in value within the last year 25 per cent. We frequently have new settlers and investors locating in this vicinity. The extensive Louisville and Nashville Railroad shops are running on full time, employing a large force, and the American Tanning Company has recently resumed operations. The only drawback to farmers is the scarcity of fine stuff and the exorbitant high price for mules and all farm supplies."

TALLADEGA.

J. C. Bowie, vice-president Talladega National Bank, Talladega, Ala.:

"High prices for cotton more than offset the shortness in the cotton and corn crop in this section. More intelligent farming, better roads and schools, and free telephone communications are greatly adding to farm values. Mercantile interests are improving. Settlers from other sections are locating here, but not in great numbers. Our manufacturing industries, principally in cotton yarns, are doing well. The ability of this soil to produce so many of the essentials in good quantities is sure to attract desirable settlers. Altogether, the outlook is quite attractive."

MOBILE.

City Bank and Trust Company, Mobile, Ala.:

"Business and financial conditions generally are showing noticeable improvement. Merchants report business better and conditions good. Manufacturing interests have practically gotten back to normal. The lumber business is improving, and prices have shown a steady advance for the past six months. Farm and real estate values are better, and there is more inquiry at increasing values. A large number of investors are buying country lands in Mobile and Baldwin County, adjoining us. Large plantings in fruits, oranges, and grapes and other semitropical products. This city's financial condition is the best since the war."

ARKANSAS.

BENTON.

E. S. Rodman, cashier First National Bank, Benton, Ark.:

"The farmers in this immediate vicinity, as a rule, are in debt less than ever before, and the business outlook for the coming year is good. We have a good, steady growth here, and the value of farms is increasing each year."

BERRYVILLE.

D. J. West, vice-president Carroll County Bank, Berryville, Ark.:

"On account of the resources of this country being opened up by the building of the Missouri and North Arkansas Railroad and the immigration from other States, the deposits of the farmers in this county are at least ten times what they were fifteen years ago, and at least twice what they were five years ago. The value of farm lands has about doubled in the last twenty years, and there is more demand for land now and at better price than ever before."

LITTLE ROCK.

Charles McKee, vice-president State National Bank, Little Rock, Ark.:

"The financial condition of the farmers in the vicinity of Little Rock is probably better than at any time in the past. A short crop of cotton was made up to the farmers in the high price. The deposits by farmers in local banks have been on the increase for many years, and we should say that the bank deposits of farmers have doubled during the past five years. The outlook for all kinds of business for this year is good.

"During the past six years there has been some disposition in this section to make investments in wild-cat enterprises both in and outside of the South. However, we believe this is at an end.

"The value of farm lands in Arkansas has materially increased, and the price of good lands has steadily advanced. Arkansas lands in general have been very, very low, and are still, compared with similar lands of other States. A large amount of money has been invested in Arkansas lands during the past year, especially in rice and timber lands. Settlers are looking this way. The steady growth and improvement of our cities, farms, manufactories, and mines is most gratifying to the business men of this State."

MARIANNA.

W. P. Weld, cashier Lee County Bank, Marianna, Ark.:

"The farmers in our vicinity are in much better condition than in former years, their deposits in local banks running at least 50 to 75 per cent larger than some few years ago. The general business outlook is fair, the surplus money from cotton and other crops being used in local developments rather than enterprises outside of the county and State. Values of farm lands have increased in the last five years from 100 to 300 per cent, and settlers are beginning to come from the Northern States, especially from Illinois and Indiana, and are investing heavily in real estate in this section. We have in this (Lee) county thousands of acres of very fine timber growing upon the alluvial Mississippi and St. Francis River bottom lands, while west of Marianna, the county seat, some 10 or 12 miles, begins the wonderful new rice development of this country. Would pay you to give special attention to the rice industry, and if you desire I can have an article prepared by perfectly reliable parties which will open the eyes of the people in the older section of the country as to the immense possibilities of this business."

PARIS.

W. R. Cherry, cashier Bank of Paris, Paris, Ark.:

"In the main the country is prosperous, yet there are a great many shiftless people who are hard pressed, and the very high cost of living is sorely felt by this class, while individual farmers are growing wealthier and they are accumulating some little surplus of money, and the banks hold better deposits than was held a few years ago. This is due to two causes—the increase of surplus cash and the more general use of banks. There has been an upward tendency in both real estate and live stock of every description. There is a slow, steady growth in population, but nothing spasmodic. There is no surplus of cash to be diverted into wild-cat investments, as there is good demand at fair rates at home. This is purely an agricultural country, and the thrifty, industrious farmer is doing well."

PINE BLUFF.

M. E. Bloom, cashier the Citizens' Bank, Pine Bluff, Ark.:

"The financial condition of the farmers in this section is more healthy than in several years past. Our section practically produces nothing but cotton, and the short production in the cotton States, resulting in the high price of the product, and the producers taking advantage and selling on the high market reaped the benefit at the right time. The general business outlook, as well as industrial, is very flattering indeed. Our city is improving in the way of better buildings, and the condition of our local merchants is above the average. Farm lands in this section are in demand at good prices, and there have been some good sales recently. The cotton land, producing from three-fourths to a bale per acre, lying in districts above overflows, sells readily for $50 to $75 per acre. I am not advised in reference to any new settlers coming into this section recently."

SHERIDAN.

Phil T. Lewis, cashier Grant County Bank, Sheridan, Ark.:

"Grant County is comparatively a timber county, though being settled with a few farmers at almost all parts of it. The farmers, taking them as a class, are cotton and corn raisers, occasionally varying toward live stock, and their financial condition is better than at any former time, a great number of them being able to take care of themselves with their own resources. Our bank is carrying the account of quite a number of farmers, and their balances the past two years have shown material increases, and it is conservative to say that their bank balances in comparison with five years ago exceed themselves by 50 per cent, and their home comforts show a decided improvement. They seem to feel good, and very few have the moving fever. We are beginning to sell farms to out-of-State settlers, and in course of a short time hope to be able to interest more with the cut-over timber lands, lots of which will make good farms, and can be bought at reasonable prices."

WARREN.

S. B. Meek, president Warren Bank, Warren, Ark.:

"The financial condition of farmers is much better than for a few years back, and are less in debt. Would say between 25 and 50 per cent better than five years ago. Farm lands have improved in value, and surplus money is being invested in lands. Lands have increased at least 50 per cent, and we still have the cheapest land under the sun."

FLORIDA.

OCALA.

Z. C. Chambliss, vice-president the Monroe & Chambliss Bank, Ocala, Fla.:

"The farmers in this section are in better condition than they were five years ago, and are doing more business with local banks, although their deposits now are not so large as they were during the early part of 1907. Business is brisk, though there is but little cotton raised in this section. There has been a substantial increase in the value of all classes of lands during the past twelve months, approximating perhaps 75 to 100 per cent.

"Swarms of settlers and investors are coming into this immediate section, principally on account of the sensational advertising of some Chicago and Fort Wayne land-booming companies. We think that a great many of these people will be disappointed, but that a great many really substantial citizens will be gained. Many of the people coming seem to have believed everything which they have seen covering all extremes of crops and productions, taking the extremes as an average. They think cocoanuts and corn grow on the same land at the same time, whereas one is produced in the extreme southern end of the State and the other in the central and northern, which are perhaps 500 miles apart. We have all kinds of soil and climate, and there are many very fine opportunities here, and we are encouraging that class of people who want to come among us to do things, and not expect to find money growing on trees."

PERRY.

W. L. Weaver, cashier First National Bank, Perry, Fla.:

"The farmers are in a fairly prosperous condition in this county. They met their obligations more promptly during the past fall than they have in the history of our institution. We have only a small number of farmers in our county, but what few we have who try are doing well and have money in the banks. They are using their surplus money in improving their farms, putting up wire fencing in place of the old rail fences, and building good, comfortable homes, etc.

"This county is almost a solid belt of round yellow-pine timber that is just beginning to be manufactured, and there is but very little land open to cultivation. There are no new settlers or investors in farm lands coming into this vicinity at present, but we think it due to a lack of advertising the value of the farm lands here and the fact that so little of it is open for cultivation. There has been an advance in farm lands within the past twelve months of at least 25 per cent."

MARIANNA.

W. H. Milton, president the First National Bank, Marianna, Fla.:

"The farmers of this vicinity are in better condition than they have been in the past two or three years; still crops were comparatively short in 1909, but the increased price of cotton more than offset the smallness of the crop. There are more farmers carrying deposits in banks than there were five years ago. I have not had time to examine the matter sufficiently to give the percentage of increase. The general business and industrial outlook is much better than it has been for some time. I do not think that the farmers will take much stock in speculation enterprises.

"Land values have increased considerably more than 10 per cent within the last year. There are new settlers coming in from other sections. In this part of the State they are coming principally from Georgia and Alabama, though we receive quite a number of letters in regard to land from people in the Northern and Western States, and I think some few sales are being made to them. This portion of Florida is strictly an agricultural, timber, and turpentine section, and this county's principal money crop is cotton. This is not generally known among prospective immigrants from Northern States, and usually those who write about land are prospective fruit growers, and for this reason I think the immigration to western Florida is less than it should be, as most of the farmers, i. e., of staple farm crops, usually write to other parts of the South, and farm lands here, which are really as fertile and sell at a less price, are principally known only to immigrants from near-by States like Georgia and Alabama, and a great many of them are buying lands in this section and moving on them."

ST. AUGUSTINE.

G. B. Lamar, vice-president and cashier the First National Bank, St. Augustine, Fla.:

"In our immediate vicinity (that is, St. Johns County, the business of which section is tributary to this town) the financial condition of the farmers is much improved over last year. The Irish potato crop, which is the principal staple raised for the market, was bountiful and sold at excellent prices. The result has been a considerable increase in the acreage, which will amount to possibly in this county and the adjoining county 50 per cent. This and the exploitation of farming lands throughout the county, which epidemic has reached us some months since, has given inflated value to all lands the least desirable for farming operations.

"On the other hand, the surplus from the result of last year's crop has been used almost altogether in the betterment of their original holdings or in acquiring additional desirable land.

"In our immediate vicinity there has been a similar influx of new farmers of a very desirable type, and in territory somewhat beyond what we consider our immediate province many thousands of acres have been sold at prices far exceeding their present legitimate value to persons reputed to be desirable and who intend to make this section their home. The general conditions in this city are healthy and the outlook promising."

GEORGIA.

JESUP.

D. M. Parker, cashier Jesup Banking Company, Jesup, Ga.:

"The financial condition of the farmers in this section has not been better in years, if ever, than at the present time. The good prices received for their cotton has made the majority of them independent. They have harvested good crops of corn, hay, etc., and have considerable meat stored away or ready to kill. The deposits of the two banks here have never in their history recorded as much on deposit as at this time. They have at least 25 per cent more than they have ever shown before.

"The outlook for the coming year is very good. The farmers are raising more horses, but are buying more mules than in several years. They are using their money on farm improvements in the way of wire fences, new buggies and wagons, up-to-date farming implements, better cattle, clearing new lands, etc. Lands have more than doubled in price in the last ten years, and within the last twelve months there has been a tendency to higher prices, we should say from 10 to 20 per cent. A few new settlers are coming in, and desirable ones are wanted. Lands easy to clear and cultivate, and produce good crops first year under cultivation. Large tracts are for sale at reasonable prices."

LAGRANGE.

J. E. Dunson, president the Lagrange Banking and Trust Company, Lagrange, Ga.:

"The farmers of our community are in better condition as an average than for several years. While some of them are yet in debt by reason of the fact the crop was very spotted, taken as a whole, their condition is much improved. They are carrying at least 100 per cent more deposits than at the same period five years ago.

"As to the general outlook, it is fairly good. The high price of food products and the failure to a certain extent of feed crops will necessitate an investment of a large part of the surplus in that direction, but as to wild-cat schemes, I think the time has passed when the conservative farmers of the South can be led off with such schemes. There has been an advance of farm lands from 25 to 100 per cent; an average of 33⅓ to 40 per cent would appear to be about right. There are no investors or settlers coming into our section from elsewhere at present. Taken as a whole, conditions are satisfactory, and if the price of cotton continues remunerative, as at present, farm lands will continue to increase and every department of business as well."

SANDERSVILLE.

Banking house of Louis Cohen, Sandersville, Ga.:

"Financial conditions of our farmers are a shade better, and in better condition; not as much in debt. Deposits compared with average five years is more than double.

"Business outlook seems good for banks; as to industrial outlook, have nothing of the kind in our county worth mentioning. What surplus money the farmers have will be used almost exclusively on their farms. Fortunately, we have no farmers investing in wild-cat or speculative ventures.

"Our farm lands in this county have materially advanced in price per acre. Would consider the advance within the past twelve months to be fully 25 per cent."

SAVANNAH.

Mills B. Lane, president the Citizens' and Southern Bank, Savannah, Ga.:

"The farming interest in Georgia is now in better shape than it has been since the war between the States; in fact, it is the first time that the farmers to any great extent have been able to pay up in full and carry balances in bank; of course, there have been exceptions to this, but the bulk of them have been constantly in debt for the past forty-five years.

"All lines of business seem to be prosperous, and the money derived from cotton and other crops seems to be used in investing in local securities and developing farm properties, and not invested in wild-cat enterprises outside of the South. There are, however, a few cases where parties are speculating in cotton futures, and, of course, they will meet the usual result."

QUITMAN.

The Bank of Quitman, Quitman, Ga.:

"The financial condition of the farmers in Brooks County is very good. While some may owe money, others have substantial deposit accounts, and most of the obligations are for current necessities, and are retired in the early fall. We can not give you any near estimate of the increase in deposits in five years of the farmers' accounts, as we do not separate them by occupation, but the debts are greatly reduced and deposits increased very much during that time. I think a safe estimate for the past five years in the financial improvement in the farmers' conditions is 35 to 50 per cent.

"The business outlook is good. Farmers, as a rule, do not invest in securities or take stock in wild-cat enterprises. They buy more land, and still more land. Some of them, of course, take stock in local institutions—banks, cotton mills, etc., where they know the people who are to operate them, but the great bulk of their savings go back in land, stock, and improvements. Farm lands are higher—from 10 to 15 per cent on average.

"Some settlers are moving in here from North Georgia and buying small farms. The lands are cheaper, more easily cultivated, and thus more profitable. The newcomers are welcomed, and we have room for a great many more good, substantial farmers in this section."

SPARTA.

John D. Walker, president and financial agent Walker Banks, Sparta, Ga.:

"The financial condition of the farmers in this vicinity is first class on the whole. They are less in debt than in former years, and, in fact, some farmers have paid out of debt this fall who have been trying to get out for four or five years. They are carrying their surplus funds in local banks, and their deposits, in my opinion, are at least 50 per cent better than five years ago.

"The general business and industrial outlook is very favorable, and I am only afraid that the wave of prosperity which has struck the South will cause a reckless spirit to abound and make our people undertake more than they can safely manage. Unusual prosperity is not best for any section unless it continues long enough for the people to accustom themselves to it and to learn how to regulate their business affairs in the midst of good times. If the farmers of Georgia and the South will only keep their heads and be conservative in the midst of these prosperous times, and not buy too much land or plant too much cotton, and the merchants will not undertake to sell too many goods on credit and buy too much on time, I see nothing in the way of our having the best times in Georgia and the South that we have had in ten years.

"The effect of high-priced cotton in this section is to enhance the value of land, for whenever money is plentiful land values go up. More land has been sold this fall in this vicinity than in several years.

"In a general way, I should say that our people were never in better shape nor the future brighter with hope than at the present time."

SUMMERVILLE.

N. K. Bitting, cashier Bank of Commerce, Summerville, Ga.:

"Notwithstanding our having had a severe hailstorm in this county in November, which proved very disastrous to our cotton crop, our farmers are less in debt than for years; deposits from farmers are larger than at any previous time.

"Business outlook is very promising. Our farmers do not speculate in any sense, but are using their money to improve their farms, both in buildings and fertilizers. Prices of farm lands have advanced about 10 per cent within the past twelve months. The increase has been brought about largely by recent business improvement. Within the past two or three years we have had quite a number of settlers from other sections, principally Ohio, Illinois, Texas, and the West."

VALDOSTA.

J. F. Lewis, president the Citizens' Bank of Valdosta, Valdosta, Ga.:

"The farmers in our section are in better financial condition this year and less in debt than in former years. Their deposits are fully as much or more than ever before. The industrial outlook is better than ever before. Their surplus money, however, is being used to improve homes and for development work. Farm lands have advanced in value from 25 to 50 per cent. Some few settlers and visitors have come to our section."

KENTUCKY.

DANVILLE.

J. A. Quisenberry, cashier the Citizens' National Bank, Danville, Ky.:

"The financial condition of the farmers of this section is better than it has ever before been. High price of tobacco and farm products and live stock have put them in fine fix. On January 1, 1910, there was on deposit in the five banks in this county $1,245,691.46, and of this amount there was on that date in the three banks in this city $1,095,691.46. This is the largest deposits the banks have ever had in their entire history. As a result, the farmers are less in debt than ever before, and their financial condition, as a rule, is good.

"The general business and industrial outlook is good, especially if we can get some legislation through our present legislature upon the matter of methods of taxation, whereby capital will be invited to come into our State, instead of being driven out, as it has been for some years past.

"The surplus money from the crops will be invested in other lands, stock and improvements, partially, and some of it will doubtless go into questionable investments. This section of our State is almost entirely agricultural, and too little of a manufacturing section; consequently we do not have that avenue for investment of capital.

"Lands in this section have advanced a good deal—say, perhaps, 15 per cent in the past year. We have a steady demand for good lands, but the buyers, as a rule, are not from the outside of the State, but come from our mountain sections, where they have sold mineral lands and want to invest in better farming lands than the mountains afford. In the past eighteen months we have had a considerable increase in our population, largely due to the fact that the Cincinnati, New Orleans and Texas Pacific Railway Company (now operated by the Southern Railway) has made this city an end of its first division out of Cincinnati, and the further fact that this community has this year developed into quite a large loose-leaf tobacco market. This has stimulated the growth of tobacco, and we look for about 100 per cent increase in the acreage for the coming season of 1910."

CLINTON.

C. V. Heaslet, cashier the First National Bank, Clinton, Ky.:

"An intimate connection during the past eight years I have been in the banking business in this (Hickman) county leads me to say that the financial conditions are very much better at the beginning of this year than at any time for the past eight years in this, a truly agricultural country. There has been made just a beginning of the intensive methods of farming, and the idea is spreading and spreading as the success of it is noted by the surrounding neighbors. Crop rotation is being more carefully and systematically done, and grain crops are being used for feeding live stock upon the lands, producing the grain to an extent never known before.

"Again, in the retail business done by merchants the cash system is rapidly being adopted, and is a very potent factor in preventing the purchase of articles not necessary, and is causing the people to take reasonable care of machinery that formerly was left in the open weather when crops were harvested, as frequently, under former conditions, the owner of this or that piece of machinery would be struggling to pay notes executed for the purchase price long after the machine had been thrown in the scrap heap.

"Our people are more generally doing a banking business than in the years past, and there is an independence and satisfaction felt by a man with money in the bank not known to the individual without it.

"The price of farming lands has advanced something like 25 per cent upon land within reach of speedy marketing in the past six or seven years, and while there has been no marked immigration into this section, yet many farmers have, one by one, found better lands here at cheaper prices than in their former homes, and in that way have assisted in bringing in advanced methods of agriculture as practiced in sections of high-priced lands.

"There is a spirit of optimism prevailing here, and the dawn of still greater activity and prosperity is breaking. Education of the youth to present higher standards will fit them for that better appreciation of

the natural resources and advantages so lavishly distributed over this western portion of Kentucky, widely known as the 'Penny-rile' district of Kentucky."

LOUISIANA.

NEW ORLEANS.

Sol Wexler, vice-president Whitney-Central National Bank, New Orleans, La.:

"The financial condition of the farmers of this vicinity is, in my opinion, better than it has been for a great many years. Not only has their credit been restricted in order to enforce a more general diversification of crops, but there has been a general disposition on the part of farmers to live more nearly at home and to use their credit to a lesser extent. The best evidence that they have a large surplus of cash is the fact that local banks in this vicinity have larger balances in the hands of their depositaries than at any time during the past five years.

"The general business and industrial outlook is unusually promising. I believe that the funds will remain in this section of the country, and will be kept more or less in liquid form, rather than for investment or development work of any kind, either here or elsewhere.

"There is a growing increase in immigration into this section of the country and considerable inquiries for farm lands coming from western farmers, and I believe that our farming lands at the present time are probably selling at the lowest price we shall see them for many years to come. There has not been an advance in the last twelve months, but rather a decline, owing to the prevalence of the pest known as 'boll weevil,' and during the interim, in which a general change of farming methods will take place, there has been a process of elimination of such farmers as are unable to adjust themselves to more general diversification of crops and new conditions."

SHREVEPORT.

P. Youree, president Commercial National Bank of Shreveport, Shreveport, La.:

"The financial conditions of the farmers in our vicinity are much better than they have been for the past two or three years. They are less in debt and have more surplus than they have had in some time; the deposits compare favorable with five years ago; in fact, are much better than they were five years ago.

"The general business and industrial outlook in this vicinity is good. I do not think there will be any surplus money invested other than locally here. There have been some speculative or 'wild-cat' enterprises this year in way of cotton futures, but these were confined to the people who gamble in that way every year.

"While the boll weevil has affected the value of farm lands in this section of the country, yet the improvement and the betterment of farm conditions is very great. There has been no advance in the value of farm lands during the past year.

"We have a few settlers and investors from other sections of the country coming into this immediate section the past year. That seems to be the trouble with this part of the country. If we could get immigrants of good Swede or German stock, or Illinois farmers, we think this would be the greatest country on earth. When you consider that we can raise everything that is raised on lands, and the South has the monopoly on the cotton crop, and the State of Louisiana furnishes about 80 per cent of the sulphur of the world, with inexhaustible salt mines, and more virgin timber than any other State, and more alluvial land than any State; that more corn and as much alfalfa can be raised here than in any section of the United States, then you can not but recommend people to move to this country. I am pleased, indeed, to answer your questions."

WINNFIELD.

H. T. Pye, president Bank of Winnfield, Winnfield, La.:

"The financial condition of the farmers here is good. Very few in debt, and at least 95 per cent carry bank accounts, compared with about 25 per cent five years ago. General business outlook is good; very little local capital invested outside immediate territory. Immigrants are beginning to settle on the cut-over lands, and more attention being given diversified farming."

MARYLAND.

ANNAPOLIS.

J. Wirt Randall, president the Farmers' National Bank, Annapolis, Md.:

"In response to your circular of inquiry I will briefly state the situation in this portion of Maryland—Anne Arundel County. The farmers have not had a good year in 1909; the drought was general and most pronounced through the later summer and the autumn. The upper half of our county is given up almost exclusively to raising fruit and vegetables for market, and the drought was particularly severe upon them. What was raised, however, particularly in the way of grain, hay, etc., commanded good prices, and some made unusually large profits. The deposits in our local banks compare very favorably with prior years, and emphatically so compared with the period of five years ago. This increase is particularly in the savings banks and savings departments of the other banks, indicating a more general habit of saving than ever before.

"The city of Annapolis itself is steadily improving in development of all kinds, and is experiencing a boom as a 'residential city.' Since the final settlement of the queston whether the Naval Academy will be permanently located in Annapolis many people connected with the navy, officers and employees, have been making it their fixed home. The electrifying of the railroads between Baltimore and Washington and Annapolis has also given a stimulus to subdivisions of farms and the building up of suburban residences near the lines of these roads. Waterfront property is being appreciated as never before in this section, and values have been going up by leaps and bounds. For the past five or six years very many handsome residences and attractive villas have been building along the Severn and other rivers and the bay fronts of Anne Arundel County, and land companies and development companies are being formed constantly to buy up and subdivide such properties. The result is very favorable to the business and industrial outlook of this part of the State, as many settlers and men of means from other sections are coming into it.

"The northern portion of the county, between Annapolis and Baltimore, and the western portion, along the line of the Washington, Baltimore and Annapolis electric road, are receiving many foreigners, who are buying up small tracts of land and illustrating the advantages of 'intensive cultivation.' They are largely from Eastern Europe—Hungarians, Bohemians, Lithuanians, Russians, etc.—and seem a very industrious class of people. There are several also from the northwestern portion of the Dominion of Canada who have become tired of the long winters there prevailing and have sold out there and bought land in Anne Arundel County. They predict that there will be quite a movement of that sort in the near future."

OAKLAND.

R. E. Sliger, cashier First National Bank, Oakland, Md.:

"Regarding the general business conditions of our community, I must say that there has been a great improvement in the last few years, and particularly in the case of the farmer. While Garrett is the largest county in the State it is also the youngest, and not so thickly settled as the older counties. Up to within the last few years it has had many acres of good timber land, nearly every farmer having a portion of his land covered with virgin forest. He has been able to sell this timber for enough to pay his mortgage, if he had one, and to improve the balance of the farm. This also applies to some coal that has been sold, the surface being retained. There is no tendency here to invest the surplus in 'wild-cat' enterprises, so far as I know, but it has been put back on the farm in the shape of improvements, or deposited in the savings department of the national banks. I should say that their deposits have doubled in the last five years, and in many cases the farms have more than doubled in value. Each farmer is becoming more scientific each year and getting better results from his labor. He is using improved machinery more and more, raising better crops and erecting better buildings. There are a number of cases where investors from other sections have bought land and settled here, and a farmer who is getting up in years sometimes sells his farm and moves into Oakland, the county seat. There is always a demand for residence property in Oakland, which is a delightful resort the year round and has the reputation of having a summer climate that is unsurpassed. The new state road that is now being built through each county has already increased the value of the land that is near it, and when completed will do a vast amount of good to the whole State. I look for a great improvement in the next two years."

MISSISSIPPI.

CARROLLTON.

J. R. Bingham, president Bank of Carrollton, Carrollton, Miss.:

"The condition of the farmer in this vicinity is improving somewhat. He is still in debt, as of yore, and still a borrower. Few of them have money on deposit, though their numbers increase steadily, as does the amount. The business and industrial outlook is good and grows better. Local money will be used to develop our natural resources. Our people are not inclined to go abroad for investments, and lack funds if they had the inclination. Price of farm lands has doubled within recent years, but there has been no change within twelve months. Investors and settlers from other sections do not come here."

HATTIESBURG.

F. W. Foote, vice-president First National Bank of Commerce, Hattiesburg, Miss.:

"The financial condition of the farmers of this section is very much better than heretofore. They are less in debt, and many of them are out of debt. A great many deposit with the local banks, and such deposits are considerably higher than they were five years ago. Regarding the general outlook, it appears to us that the present year should witness prosperity on the part of the people. The people of this section are more conservative, careful, energetic, and economical than heretofore, and they are consequently better managers. The value of farm land has not increased during the past year, but desirable farm land brings a good price—very much more than such land brought a few years ago. There is some immigration to this section, but not a great deal."

VICKSBURG.

B. W. Griffith, president First National Bank, Vicksburg, Miss.:

"The general condition of farmers in the territory tributary to this city is much better than for many years. Crops were somewhat short, but they were raised on a more economical plan than usual, and prices were excellent. Almost all farmers—the small farmer particularly—has money to his credit in bank. In consequence, the banks have larger deposits than ever before.

"The outlook is most hopeful. Diversified farming has become the rule instead of the exception, and very few have failed to raise sufficient foodstuffs for the coming year, thus being far more independent than formerly. Their investments are going into home industries only, and in the main such as look to farm improvements.

"Immigration is slow, and that of the best kind—sober, industrious, intelligent, and thrifty—is the one and only great need of this part of the country. Our climate and soil offer the best opportunity for such immigrants of any in my knowledge, and land—good land—is now cheaper here than it will ever be again."

MISSOURI.

CENTERVIEW, JOHNSON COUNTY.

R. C. Hull, cashier Bank of Centerview, Centerview, Mo.:

"Farmers are less in debt than five years ago, and are carrying probably 20 per cent more deposits than five years ago. The business outlook is excellent. Most of surplus will be invested at home, placed on deposit with local banks. A small per cent will get into the wild-cat schemes. Farms and homes have been improved, and land has advanced 15 per cent in twelve months, 30 per cent in five years. Investors from other sections probably bought one farm in twenty every year for the last five years. I want to qualify my answer to the first question. Some investors have bought farms at the advance and placed probably larger mortgages on farms than they ever carried before. Of course, that class is more in debt than formerly."

CLAYTON, ST. LOUIS COUNTY.

F. J. Hollocher, secretary the Trust Company of St. Louis County, Clayton, Mo.:

"The financial condition of the farmers of this vicinity is good. As a rule, they are not debtors, but are creditors, loaning their surplus funds or buying additional real estate. The deposits are larger than they were five years ago by at least 10 per cent. The general business and industrial outlook appears promising. All surplus funds from the crops of this vicinity are, as a rule, employed to develop the local territory. The value of farm lands is appreciating along with all other commodities. The advance within the last twelve months in real estate is estimated at least 10 per cent."

EDINA, KNOX COUNTY.

E. O. Parsons, cashier Knox County Savings Bank, Edina, Mo.:

"The land in this county has doubled in price in the last eight years. The loans on real estate have increased in that time in propor-

tion to the increase of the price of land. The lands that have changed hands the last two years have been between local people. Last year was a very bad crop year in this county, but what the farmers have had to sell is bringing extremely high prices.

"There are lots of money in the banks, but we have a strong demand for loans, and interest is getting higher. In the last statement of the banks, last November, I noticed the banks had lost about $50,000 in deposits in this county in the last year. Our home people are beginning to realize that our land is not going to be any cheaper and are getting land hungry. In the last year the good class of land has advanced $10 per acre, and that by local buyers. The surplus made by the farmers is used to improve or buy more land; when not used for either it is generally loaned out on real-estate security."

KIRKSVILLE, ADAIR COUNTY.

E. Conner, assistant cashier the Citizens' National Bank, Kirksville, Mo.:

"The financial condition of the farmers in our section is far in advance of what it was in former years. They are less in debt and are carrying more surplus deposits in local banks—we would think as much as double the amount of five years ago. The general business outlook is fine. We do not think the surplus money in this section will be invested in speculative or visionary schemes. There seems to be more of a sentiment of improving property of all kinds. Farm lands have almost doubled in price here in the last five years. A great many new settlers are coming into this section from Iowa and Illinois, which is largely responsible for the increase of land values. Business in general seems to be very prosperous."

LAMAR, BARTON COUNTY.

Charles B. Edwards, cashier First National Bank, Lamar, Mo.:

"Our farmers are in very much better financial condition than for five years. I do not think that there is any material increase in deposits, but many farmers have reduced their mortgages, have their farms better improved, and a great deal more stock and other personal property. As this is a farming community we look for business generally to be good, providing prices hold up.

"I think in this community that what surplus money our people get hold of will be spent in local investments and development work. Farm conditions and improvements are very much better than they were a few years ago, and land has advanced about 25 per cent. We have had quite an immigration from Illinois, Wisconsin, and Dakota, most of whom are investing in Barton County land."

LINNEUS, LINN COUNTY.

W. P. Thorne, cashier Citizens' Bank, Linneus, Mo.:

"The financial condition of the farmers in this locality was never better. A great many farms have been sold in the last few years to men from other States that had but little to pay down on them, but the advance in the land has been on the increase, so most of them could sell with a profit. We are having a good demand for money. Our deposits have been on the increase for some time, but this is the time of year that they will decrease to some extent. Land has increased from $15 to $20 per acre in the last four or five years. I think we have a bright future if money keeps easy. Farm products of all kinds are bringing the best prices they have in years. With good crops and plenty of money this county will bloom like a rose."

MONTICELLO, LEWIS COUNTY.

G. W. Marchand, secretary Monticello Trust Company, Monticello, Mo.:

"As a general rule the farmers in this county are in a prosperous condition. They have been for the last several years reducing their indebtedness on their farms. The amount of money carried by the banks at the present time is practically double that of five years ago, and as this is a farming community it therefore means that this increase of deposit is largely due to the surplus money belonging to the farmers. The business outlook is good. Our surplus money will be used on home improvements. Our people are not inclined toward speculation. Farm lands in this community have been on the increase for several years. I do not know that there has been a special increase in the last twelve months, but there has been an increase of from 50 to 100 per cent in the last three or four years. Very few settlers or investors from other sections are coming in here. Most of the changes made in the ownership of farms have been from local sources."

PERRYVILLE, PERRY COUNTY.

Thomas L. Phillips, cashier Bank of Perryville, Perryville, Mo.:

"Farmers are doing well, getting on an average 20 per cent more for stuff this year than last. Investing their funds mostly in farm loans. No new settlers coming into the community. Things as a whole are unusually prosperous among the farmers, but the laborers are not at all satisfied with conditions and the prices they are securing for their labor."

POPLAR BLUFF, BUTLER COUNTY.

N. B. Cook, cashier Bank of Poplar Bluff, Poplar Bluff, Mo.:

"The farmers of this locality are in a much better financial condition than ever before. They have for the past five years given more attention to farming, cleared more land, planted more crops, and received better prices for their products. The higher prices have stimulated them to increase the acreage and reduce their indebtedness and live better, while, perhaps, their cash on hand is but little more. General outlook is good, with prospects for greatly increased agricultural products and industrial output, with a marked tendency toward conservatism in investments. In the lowland districts, where the ditch system is being put in operation, the land has increased 50 per cent in the last twelve months and is being bought up rapidly at the increased price by settlers from the North and East, where land is high. What is known as the 'swamp lands' of southeast Missouri will in a few years be the proverbial 'Garden of Eden.'"

ROCKPORT, ATCHISON COUNTY.

Dean T. Wyatt, cashier of Bank of Atchison County, Rockport, Mo.:

"The financial condition of the farmers in this section is better than ever before. The past five years have been years of good crops and good prices for all farm products; consequently the farmers have made plenty of money. This is strictly a corn and cattle-feeding country. We raise large acreage of corn, with little wheat and oats, and, of course, different hay crops. The corn is nearly all fed here in the county to cattle. We are too far north for any cotton growing. The bank deposits for the past few years have been steadily increasing, and the deposits are practically all farmers' deposits. There have been three new banks organized in the county during five years, and the deposits of the former banks are larger than before their organization.

"Land values have, of course, advanced materially. I would judge there has been an advance of 25 per cent in five years, and when you consider that our lands sell for $100 to $150 per acre, you know that is quite an advance. There is no immigration into this county, on account of the high-priced land, all land sold going to people already residing here.

"Taking it altogether, our people are enjoying much prosperity, paying mortgages, and the financial condition of our farmers is splendid."

ROLLA, PHELPS COUNTY.

J. H. Smith, cashier Merchants and Farmers' Bank, Rolla, Mo.:

"The general business conditions in this section are very good. Farmers are enjoying the highest prices for all products known for years. This, together with fairly good crops, has brought many of them 'out of the woods.' More money is being handled than ever before. Demand for loans is strong, but with supply adequate. This has always been a borrowing community, but many farmers are paying off their loans in full or in part. Land values have been steadily increasing for four or five years, and are yet in good demand. Farmers are putting up better buildings. The log house has become scarce. A better grade of stock is being produced. There is but little speculation except in stock, and that can hardly be called such. Quite a number of people are coming in from the Northern States. Prices on food articles are very high, and in some cases almost prohibitive. Labor is scarce and wages high."

TROY, LINCOLN COUNTY.

Charles Martin, president Farmers and Merchants' Savings Bank, Troy, Mo.:

"The financial condition of the farmers of this vicinity is better than it has ever been. They are carrying larger deposits in the local banks than ever before. The surplus money of the farmers is derived from wheat, corn, and live stock. This surplus will not be invested in wild-cat enterprises. Farm lands have advanced in value 25 per cent in the last two years. Very few investors from other sections."

VALLEY PARK, ST. LOUIS COUNTY.

R. J. Walters, secretary and treasurer Valley Park Trust Company, Valley Park, Mo.:

"There has been a wonderful improvement in every direction in this section in the last five years. Farmers were never in a better financial condition; their deposits with us have quadrupled during the period mentioned, and where we formerly were able to place our funds out on local farm mortgages, that class of loans is now scarcely to be had, the most of the farmers either being out of debt or they loan among one another at a rate that would not be profitable to us. Land values have increased at least 40 per cent, and the farmer is now enjoying some of the luxuries of life. Their houses, as a rule, are new and modern, and they have telephones, and in some cases have automobiles."

APPENDIX B.

[From Dun's Review, November 6, 1909.]

Without exception, the reports of trade, both wholesale and retail, in all parts of the country are more than satisfactory and hold out the promise for 1910 of a year of unequaled business. What this means, expressed in almost inconceivable figures, is that the United States is now increasing its wealth at a rate never before achieved. Neither the high prevailing prices nor the discussion of disputed economic policies seems in any way to shake confidence or check the industrial progress. There has been no further advance in money rates and financial conditions which, three or four weeks ago appeared somewhat threatening, are now undisturbed. The volume of bank clearings, measuring the business transactions of the Nation, are in many cities greater than ever before, and all records in New York for one day were broken during the week.

APPENDIX C.

An inventory of southern progress and prospects.

On the eve of the Thirteenth Decennial Census the Manufacturers' Record ventures upon a forecast of the showing that the South will make in 1910 in comparison with 1900 in the following table:

	1900.	1910.
Population	23,548,401	28,685,000
Density	29.1	34.7
Manufactures:		
Capital	$1,153,092,368	$2,214,000,000
Products	$1,403,643,177	$2,777,000,000
Cotton mills:		
Capital	$112,837,000	$228,000,000
Spindles, active	4,451,729	11,335,000
Looms, active	112,806	244,000
Cotton used, pounds	747,744,066	1,310,000,000
Cotton-oil mills:		
Number	369	850
Capital	$34,450,000	$105,000,000
Pig iron made, tons	2,604,671	3,800,000
Coke made, do	5,709,384	10,786,000
Lumber products, value	$188,114,000	$440,000,000
Lumber cut, feet	13,699,107,000	21,000,000,000
Farm products, value [a]	$1,271,654,000	$2,550,000,000
Cotton crop: [a]		
Bales	9,003,296	11,500,000
Value, without seed	$339,958,000	$900,000,000
Grain products: [a]		
Corn, bushels	476,655,808	735,829,000
Wheat, do	93,358,836	60,781,000
Oats, do	83,996,256	50,409,000
Mineral products, value	$114,945,000	$358,000,000
Coal mined, tons	49,048,659	113,000,000
Iron ore mined, do	4,707,449	7,000,000
Petroleum, barrels	17,093,973	21,200,000
Phosphate mined, tons	1,489,907	2,392,000
Railroad mileage	53,594	69,400
Exports, value	$484,644,177	$859,000,000
National banks:		
Resources	$516,758,036	$1,251,000,000
Capital	$86,371,980	$175,000,000
Individual deposits	$264,938,284	$670,000,000
Other banks, deposits	$254,439,168	$716,000,000
Common schools, expenditures	$20,535,848	$56,000,000
Property, true value	$13,862,073,149	$21,500,000,000

[a] The figures are for the year preceding the census year.

CONDENSED FACTS ABOUT THE SOUTH.

It is a fact that this year the South's cotton crop will be worth not far from $1,000,000,000, or twice as much as the output of all the gold mines of the world for the same year.

It is a fact that the South is producing 800,000,000 bushels of grain a year.

It is a fact that the total value of the agricultural products of the South this year will be $2,550,000,000, which is more than the total, excluding slaughtered animals, of the United States in 1890, when the population of the country was 63,000,000, while the population of the South at present is 27,500,000.

It is a fact that such remarkable agricultural advance proves the agricultural capabilities of the South and the activity and energy of the farmers of the South.

It is a fact that the Rothschilds and other English financiers, in connection with leading New York financial people, are building at a cost of several million dollars a great steel plant in Alabama which will employ about 3,500 people, and that one of the associates of the Rothschilds who recently visited the South, in referring to the resources and progress of this section, said to the Manufacturers' Record:

"I am astonished beyond words to express. I have visited California and Canada, but have never seen anything to equal the great development that is going on in the South."

It is a fact that the South has 62,000 square miles of bituminous coal lands, as against 17,000 in Great Britain, Germany, France, and Austria combined.

It is a fact that the South is now mining over 90,000,000 tons of bituminous coal a year, as compared with 42,000,000 tons, the entire bituminous coal output of the United States in 1880.

It is a fact that according to official records the South has more iron ore than foreign experts claim for all of Europe.

It is a fact that the United States Steel Corporation, having already invested about $50,000,000 in Alabama, is carrying out vast improvements, including the building of a $3,000,000 steel and wire plant, a storage reservoir lake for the use of its own works, to hold 2,500,000,000 gallons of water, a coke-oven plant to produce 3,000 tons of coke per day, and other undertakings which will add immensely to the prosperity of the whole South.

It is a fact that the United States Steel Corporation is handling a large part of its export trade in steel rails through its Alabama plant, and that it is now filling an order for 110,000 tons of Birmingham-made rails for shipment via southern ports to the Argentine and Brazil.

It is a fact that the Birmingham-made steel rail has no superior in the United States.

It is a fact that southern cotton mills are now consuming 2,500,000 bales of cotton a year, or as much as all other mills in the United States are consuming of southern-grown cotton.

It is a fact that the South is producing nearly one-half the sulphur of the world, and is absolutely dominating the world's sulphur trade.

It is a fact that phosphate rock, the foundation of the great fertilizer industry, is found in larger quantity and under more advantageous conditions of mining than elsewhere in the world, and that the rest of the world must largely depend upon the South for its supply of phosphate rock.

It is a fact that over 40 per cent of all the standing timber in the United States is in the South.

It is a fact that a southern port outranks all other ports in the United Staets in export trade except New York, and that the trend of foreign commerce through southern ports is increasing more rapidly than elsewhere in the country.

It is a fact that the greatest railroad builders of America are straining every nerve to extend their lines to the centers of southern activity and to reach southern ports in order to win strategic positions in this section, which they recognize is to be the center of the world's greatest industrial interests.

It is a fact that nowhere else on earth are found in the same country the foundations of all great manufacturing interests—cotton, coal, iron, lumber, phosphate rock, oil, sulphur, gas, water powers, and many other things.

It is a fact that the marbles, granites, building stones, and clays of the South are unsurpassed in quality and scarcely equaled in quantity elsewhere in America, furnishing a limitless field for development work.

It is a fact that the South offers greater advantages than any other region in America; that apple growing in the South is as profitable as apple growing on the Pacific coast; that the production of oranges, grape fruit, and early vegetables in this section offers better opportunities for money-making than similar industries anywhere else in the United States.

It is a fact that these facts are at last beginning to make their impression upon the people of the whole country, and that over 200,000 northern and western people are annually pouring into this section, at present mainly into Texas and Florida, but with an increasing movement into every other Southern State.

It is a fact that this vast host is only the advance guard of a mighty army of people who, realizing southern opportunities more than the people of the South themselves, are coming into this section because they find it more inviting for home making, for agricultural operations, for industrial pursuits, for health and climatic advantages than any other region of America.

It is a fact that southern railroads must spend $2,000,000,000 in ten years to provide facilities needed in southern growth.

It is a fact that what is probably the most comprehensive and remarkable warehousing system in America is being developed in a southern town, and is, in part, already in operation.

It is a fact that the South is building two of the most remarkable railroads ever constructed in America, and that one of them is the most unique ever built in the world.

It is a fact that the South is now spending $20,000,000 in building cotton mills.

It is a fact that good roads, which mean more for agricultural prosperity than anything else before the public, are being built all over the South as never before, at a cost of many millions of dollars.

It is a fact that all of the present development of the railroad and industrial work in the South is only the revival of what was being done prior to 1860 on a relatively still larger scale, which shows the inborn trait of southern people to turn to industrial interests.

It is a fact that the South lost by emigration between 1865 and 1900 about 2,500,000 of its own white people, and this was a far greater loss than the ruin and destruction by war.

It is a fact that this drain has largely stopped, and that southern men and boys are now finding more avenues of employment at home than elsewhere.

It is a fact that the tide of investment of American and foreign capital and the movement of population is turning southward as never before, and that wonderful things are in store for this section.

It is a fact that with a population less by 3,000,000 or 4,000,000 than what the total population of the United States was in 1860 the wealth of the South is $6,000,000,000 greater than the total wealth of the whole country in 1860.

It is a fact that great drainage undertakings are now being carried out in the South, reclaiming wet or overflowed lands and making susceptible to cultivation some of the richest lands in the world. Much of this easily reclaimed land has a soil not surpassed, if equaled, in the world for fertility and depth. Through the utilization of such land the wonderful development of rice growing in Louisiana and Texas was made possible, and the hundreds of millions of values thus created will be more than duplicated by further drainage operations.

It is a fact that these things should be known to every man and woman, every boy and girl in the South, that they may have a better appreciation of the possibilities of their own country and be inspired to do their full part in the utilization of its resources.

APPENDIX D.

[Annual message of T. M. Campbell, governor of Texas, January 14, 1909.]

TEXAS PROSPERITY.

You have assembled under favorable conditions. The state treasury is on a cash basis. The State is generally prosperous, and the people are contented and happy.

OIL AND RICE.

With respect to the oil and rice industry, the platform of the Democratic party reads as follows:

"Recognizing that the oil and rice industries are of great importance to the growth of the State, we recommend legislation that will protect them."

APPENDIX E.

Fifty years of southern progress.

	The South.		United States, 1860.
	1860.	1910.	
Population	11,021,146	28,085,000	31,443,322
Density	13.6	34.7	10.5
Manufactures:			
Capital	$142,368,237	$2,214,000,000	$1,009,855,715
Products	$240,609,780	$2,777,000,000	$1,885,861,676
Cotton mills:			
Capital	$12,139,721	$298,900,000	$98,585,239
Spindles, active	352,946	11,335,000	5,235,727
Looms, active	8,542	244,000	125,313
Cotton used, pounds	58,960,746	1,310,000,000	422,704,965
Pig iron made, tons	120,761	3,800,000	987,570
Lumber, value	$30,936,783	$440,000,000	$95,912,288
Agricultural products, value [a b]	$600,000,000	$2,550,000,000	$1,750,000,000
Cotton crop grown: [a]			
Bales, 500-pound	4,157,470	10,000,000	4,158,451
Value, without seed	$182,928,680	$750,000,000	$182,972,284
Grain products: [a]			
Corn, bushels	358,154,000	735,829,000	830,452,060
Wheat, do	44,865,000	60,781,000	171,183,000
Oats, do	28,497,000	50,409,000	172,555,000
Coal mined, tons	1,374,720	113,600,000	14,610,012
Iron ore mined, do	229,237	7,000,000	2,514,282
Railroad mileage	9,397	69,400	30,791
Exports, value [c]	[b] $188,000,000	$650,000,000	$373,000,000
Banks, deposits	$61,741,183	$1,386,000,000	$253,802,129
Common schools, expenditures	$4,474,370	$56,000,000	$22,548,519
Property, true value	$6,286,214,108	$21,500,000,000	$16,159,616,068

[a] Year preceding census year. The southern cotton crop does not include cotton grown in Missouri, Oklahoma, or other States outside the South.
[b] Estimated.
[c] 1860 included specie.

APPENDIX F.

INDUSTRIAL HOUSTON—ITS ADVANTAGEOUS POSITION FOR MANUFACTURING ENTERPRISES.

[Special correspondence Manufacturers' Record.]

HOUSTON, TEX., *January 4.*

While Houston has for the past twenty years occupied a prominent position on the map of Texas, its growth within recent years has been so phenomenal as to have attracted universal attention. The result has been that its possibilities and inherent advantages are being investigated by capitalists who are seeking investments which promise flattering returns and a steady advancement in values.

With a population of 105,000 robust and enterprising citizens who have absolute faith in the future of this city, the scheme of development has become so varied as to include many lines of human endeavor, and the fact that all of their industrial enterprises are in a flourishing condition emphasizes the fact that Houston has become a recognized manufacturing center, its factories, of diversified character, all running to their fullest capacity, and many enlarging their plants.

Manufacturing industries do not continue to flourish and expand where conditions are not favorable. The peculiar location of Houston,

with its 17 distinct lines of rail transportation and its ship channel giving access to the Gulf of Mexico, affords facilities for the distribution of her manufactured products such as are enjoyed by no other city of the Southwest. Proximity to raw material is an economic proposition of the greatest consideration, and with a wealth of iron ore, valuable forests of hardwoods and pine, and with the oil and coal fields of eastern Texas within easy access, many new industries have been established within the past few years. The character of labor available and the wages paid are essential items which the manufacturer must consider in seeking a location, and while the prevailing wages are about the same as are paid in other cities, it is a fact that the character of the labor to be secured here as regards intelligence, skill, sobriety, and good order, is above the average, and is composed only of representatives of the most desirable nationalities, the kinds that make good citizens, a majority of whom own their own homes. Houston is a stranger to strikes and riots, and upon the same wages the workingman lives better and enjoys more than in any other city of equal size.

Its 173 industries, representing an investment of $11,061,216, turning out products valued at $50,000,000, and with a wage expenditure of $5,313,208 to 9,016 employees, embrace a variety of articles ranging from the giant freight locomotive to the minutest articles of household economy, and their qualities are of such a high order as to almost eliminate the problem of competition. The latter condition is largely made possible by reason of the material reduction in freight transportation rates because of the utilization of the great Houston ship channel, for the completion of which the Federal Government has made an appropriation of $4,500,000, a portion of which has already been applied to this project, with the result that at present there is a continuous depth of 19 feet between the turning basin and the outlet to the Gulf of Mexico. The further dredging of the ship channel to a depth of 25 feet, which has been recommended by the United States engineers, has been vigorously agitated at the recent convention of the National Rivers and Harbors Congress, the city of Houston obligating itself to issue bonds in the sum of $1,250,000 upon the Rivers and Harbors Committee recommending a like appropriation by the present Congress, it being estimated that its completion would necessitate an expenditure of $2,500,000. A tract of land at the turning basin, consisting of 137 acres, belonging to the city of Houston, is being made available for shipping facilities, such as slips, wharves, warehouses, etc., the use of which shall be absolutely free to shipowners. No monopoly of terminal facilities by transportation lines, such as exists at freight concentrating points on other navigable streams, will be possible on the Houston ship channel. Several of the rail lines entering Houston, realizing the volume of business which will eventually develop, have already begun extensive improvements, which will soon be utilized. The completion of the ship channel will make this city the distributing point for the entire Southwest and a port of magnitude second to none. The import trade with Mexico, the South American Republics, and Panama will be stimulated, and the fact that the port of Houston is 500 miles nearer to the granaries of the West than are the eastern ports and 300 miles nearer than New Orleans, with a grade offering the least traction resistance, how logical it is for this city to become the concentrating point for our vast foreign shipments.

Essential to every manufacturing enterprise are the banking facilities of a community. In this respect Houston is particularly well represented by 10 national and state banks and 4 trust companies, with an aggregate capital of over $6,000,000, desposits subject to withdrawal amounting to $27,000,000, and cash amounting to more than $13,000,000. The gross bank clearings for the past fiscal year aggregated $1,250,000,000. The condition of its banks is the surest barometer of the city's commercial and industrial greatness. The fact that loans and discounts have increased, the fact that every item indicative of increased business shows an increase over conditions of the previous year, is absolute proof of an enormous increase in every line of trade and industry.

The 17 rail lines entering Houston, several maintaining the most extensive shops in the South, employ a total of 6,198 men, with a pay roll aggregating $4,866,221 annually. The Houston Belt and Terminal Company will, when its improvements now under construction have been completed, have expended over $4,000,000 for terminal facilities. Railroads do not incur such vast expenditures where conditions do not warrant. The rail lines maintain in Harris County 516 miles of trackage, valued at $9,485,364. For the fiscal year ending June 30 there was received at this city a total of 2,604,034 bales of cotton, that portion of the staple moving over the ship channel approximating in value the sum of $26,000,000. The six Houston cotton-oil mills, representing an investment of $2,250,000, turn out products valued at more than $4,000,000 annually. Houston is the lumber center of Texas, with an annual business aggregating $30,000,000, representing a total of 46 corporations and a capitalization of over $30,000,000. This city is the oil center for Texas and Oklahoma, there being a pipe-line connection with all the Gulf coast field, as well as with the Oklahoma field. The production of the Gulf coast fields for the twelve months ended July 31 was 13,746,037 barrels. Houston is also the center of the rice industry, its 6 mills handling a large proportion of the production of the coastal belt.

The wholesale trade aggregates $125,000,000 annually, and the retail trade $51,000,000. Its free public schools represent a valuation of $965,100, and its churches, several among the handsomest houses of worship in the South, are valued at more than $2,250,000. The Rice Institute, with an endowment of $7,000,000, will be the most approved institution of learning of its kind in the South, and construction will begin with the new year.

The city has 80 miles of paved streets and 200 linear miles of paved sidewalks. The commission form of government prevails, and all general expenditures for the upkeep and improvement of the municipality are met with current funds. The death rate is only 10.4, and the thrift, enterprise, and development of Houston forms a conspicuous page in the history of human achievements in the Lone Star State, and Houston to-day, with its broad streets, attractive business houses, and comfortable homes, impresses the visitor with the fact that her citizens are among the most wide-awake in the entire South.

Brains and grit, pure Gulf breezes, and the finest of artesian water, together with enlarged opportunities for profitable business operations, tell the story of the growth of a city that is not wanting in a single element of the highest modern civilization. Generalities have been omitted, for the reason that this is an era of commercialism, when capital is not influenced by abstract propositions. The endeavor has been made to place the city of Houston before the reader in a concrete form, with a cordial invitation to come and abide.

WM. C. CLOYD.

APPENDIX G.

AUTOMOBILES AT DALLAS.

CHAMBER OF COMMERCE,
Dallas, Tex., January 7.

Editor Manufacturers' Record:

The preeminent advantage of the city of Dallas as a distributing point is especially demonstrated in the wonderful development which has taken place during the year 1909 in the automobile industry.

One year ago there were 268 automobiles in the city of Dallas, these having been purchased for the most part in the larger cities of the North and East where the Dallas automobile enthusiasts have gone to market. A year ago there was but one dealer in Dallas. Now the market has come to Dallas to a most remarkable extent, and a careful compilation of the conditions in Dallas at present develops the following facts: That there are 911 automobiles in operation in the city; that during the year there have been established 21 jobbing houses, aside from 9 dealers in supplies, accessories, and motor cycles, making a total of 30 wholesale concerns in the city of Dallas established here during the year 1909, handling nothing but automobiles and supplies.

Four of the concerns have built magnificent salesrooms and warehouses, with a total investment of $164,000. The total number of cars actually sold and delivered this past year for Dallas is 3,544, amounting in wholesale sales to $4,206,380.59.

These concerns have branch agencies all over the Southwest, and their cars have been distributed in Texas, showing conclusively that Texas has acquired the automobile idea very rapidly, and this is attested from the fact that there is one county in Texas in which there are only 56 families; 42 of these families own automobiles.

The cow pony has given way to the automobile, and some of the ranchmen of Texas are now "riding fences" in automobiles rather than on horseback, but, above all things, it demonstrates the fact that there is a remarkable development of the cities and towns in Texas; that the people are most progressive; that we have good roads; that we have a climate where an automobile can be used twelve months in the year.

The taxicab business of the city shows that Dallas people get there, and "get there in a hurry." There are three taxicab companies in Dallas, operating 17 taxicabs and 5 touring cars, and they are all doing a good business. This in a city of 100,000 people means more than the number of vehicles that there are for hire in New York City.

One company has just scored a wonderful triumph in the line of advertising for Texas in demonstrating the possibilities of this field in the automobile line. On December 21 a trainload of its automobiles left the factory at Flint, Mich., reaching Dallas December 30, making a daylight trip all the way, advertising to the world by means of monster banners on each side of every car proclaiming the fact that it contained automobiles for Texas.

The total value of the automobiles in this shipment amounted to $163,970. The total tonnage of freight in the train was 459,200. It was a solid train of 40 carloads, containing 127 machines.

In examination of the facts and figures compiled along the line of the automobile industry it is sometimes regarded that the automobile investment on behalf of the public is a withdrawal from circulation of an immense amount of money which should be used in the commercial and industrial development of that town.

While this is true in a sense of Dallas, we have to stop and consider that this industry employs 105 mechanics in this city; that there are 380 chauffeurs and employees, making, together with the salesmen, over 500 men who for the most part have come to Dallas, bringing with them money, energy, and brains, and developed for us a new industry, and while there has been withdrawn from circulation for the purchase of automobiles by the citizens of Dallas perhaps $1,250,000 during the past year, the loosing of money in the channels of trade by those who can best afford to spend it has brought prosperity in many lines, and this is only one phase of the economic question which is involved as to the advantage which is gained from an industry of this character.

The automobile business is but one of the many wholesale lines which are a great factor in the upbuilding of Dallas. As a jobbing center the figures this year show that Dallas has done $128,856,380 in a wholesale jobbing and manufacturing way, and has demonstrated the preeminent advantage which Dallas has as a distributing point to the most fertile territory in the United States.

J. R. BABCOCK, *Secretary.*

APPENDIX H.

[From the Manufacturers' Record, January, 1910.]

THE SONG OF PROSPERITY.

The Baldwin (Ala.) Times has a new editor—new to the Times—though long a factor in the newspaper work of that State. In his initial editorial in the Times, he says:

"The present management of the Baldwin Times takes hold of the helm to guide the future destinies of this paper at a most opportune and propitious season, with a clear sheet and a fair wind. The tide of immigration has set strongly to the southward, and Baldwin County is in the direct path of the movement. It has been said with apparent truth that this is the best advertised county in the Southern States. Still the half of the possibilities and potentialities of this favored section have not been told to the world. The song of the builder's saw, the creaking of the stump puller of the clearer of land, and the 'Whoa, mule!' of the plowman combine in a daylight chorus from one end of the county to the other, and the beacon fires at night, made by those who are clearing up for tilling what was but recently barren, cut-over land, are so numerous on the hills and in the valleys of Baldwin as to remind one of an army encamped. All this means prosperity. It means more homes, more products for the market, more business for the merchant, and, incidentally, more subscriptions and advertising patronage, more readers, and more friends for the Baldwin Times. It means more churches, more fraternal lodges, more and better schools, and more children loving life, laughing and living in the sunshine."

The story as thus presented is a thousand times more interesting to the people of Baldwin County than would be reports of murders and suicides and scandals. The story of material development when rightly told can be made interesting to every reader of every country paper in the South, for this material development, as the Times says, "means more churches, more fraternal lodges, more and better schools, and more children loving life, laughing and living in the sunshine."

That is the meaning of material progress. That is why the people in the South who are working for its material upbuilding are bending their energies to this work. They have a broader vision than simply the material side, for the people of the South are catching a glimpse

of the possibilities of the good that may come out of material development. We take it that the Baldwin Times will devote its energies largely to telling from week to week the story of the successful farm, the well-contented settler from elsewhere, the new church and the new school, and the new and better roads that are built, and in publishing such news as this it will create friendly rivalry to make other farms successful, to build other churches and other schools and other good roads, all for the betterment of the whole community. And what the Times ought to do, and we presume will do, may be followed to good advantage by all the papers, large and small, throughout the South.

What a splendid hit could be made by some leading daily in every State if it had on the editorial page of every issue a column headed "A song of prosperity," and in that column had from every part of its State brief items of news telling about the betterment of farms, the building of better roads, of new schools and new churches, the advance in the value of agricultural lands, the incoming of settlers from elsewhere, the rise in the value of local securities, and other things that tell of progress and prosperity. It would be the best column to be found in any daily paper in the South. It would take a Frank Stanton to do justice in this "song of prosperity." In other words, it should be the product of one of the ablest, sunniest men on the staff, a man who knows such news and knows how to present it.

Mr. LAMB. I now yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, on the first day of the Sixtieth Congress and the first day I ever occupied a seat on the floor of the House as a Member, I introduced a bill to increase the pensions of civil war soldiers, and since that time have made the best effort within my power to secure the passage of such legislation.

I regret to say, Mr. Chairman, my efforts have not resulted in all I hoped to accomplish, but I have the satisfaction of knowing I have been true to my soldier constituency, that I have made the best effort I could to reward them for the patriotic service they rendered in behalf of their country, and that if Members of Congress had believed as I did every soldier who carried a gun in defense of the Union would now be drawing a pension of $1 per day. One of the first bills I introduced two years ago was a bill to equalize the pensions of widows. Under the old law a widow whose soldier husband died with a disease contracted in the service received $12 per month, while the widow whose husband died with a disease not contracted in the service received but $8 per month. There never was any justice in that law, and I am truly glad we succeeded in passing the act of April 19, 1908, which equalizes the pensions of all widows by placing them on the rolls at $12 per month.

I regret, however, that the act of April 19, 1908, applies only to widows who were married prior to June 27, 1890. When the bill passed the House I protested against this provision and insisted that it apply to all widows married up to that time, but on that proposition I was voted down.

Mr. Chairman, I have introduced a bill (H. R. 13409), now pending before the Committee on Invalid Pensions, striking out that arbitrary date of June 27, 1890, and making the law apply to all widows married prior to April 19, 1908, at which time the bill was passed. I sincerely hope this bill will be reported out of the committee and passed at an early date. While I am anxious for the passage of the bill mentioned, I think it even more important, Mr. Chairman, that we proceed without delay to enact into law another bill I have introduced, now in the hands of the Committee on Invalid Pensions, known as House bill 12390, which bill provides that all soldiers who rendered military or naval service in the war with Mexico or in the late civil war, and have been honorably discharged therefrom, shall be placed on the rolls and receive a pension of $30 per month.

Mr. Chairman, I have here a copy of the bill referred to, which I will insert in the RECORD as a part of my remarks upon this subject:

A bill (H. R. 12390) granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico.

Be it enacted, etc., That any person who served ninety days or more in the military or naval service of the United States during the late civil war, or sixty days in the war with Mexico, and who shall have been honorably discharged therefrom, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension of $30 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is now receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for service rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

This bill, if enacted into law, will give every soldier who served ninety days and was honorably discharged a pension of $1 per day. Now, Mr. Chairman, there should be no time lost in passing this bill. It will be an act of tardy justice. The old soldiers are now dying at the rate of one every thirteen minutes; over 115 each day; 42,000 I am informed died last year, and still you say, "Wait, wait, wait." Once a year you tenderly scatter a few flowers on the graves of those who have answered the call; now let us scatter a few flowers in the pathway of those who yet live.

Those of us who were not old enough to participate in that memorable struggle should remember that the many blessings we now enjoy and which came to us by reason of their patriotism and devotion to the country, their fidelity and bravery, should prompt us to give them in their old age a pension adequate to provide for them in such a way that their last years may be filled with the pleasures and comforts of life. To do this will not be an act of charity, but an act of justice.

We owe it to them for the gallant service they rendered and as an evidence of our thankfulness and gratitude and our grateful appreciation, and in remembrance of the sacrifices they have made in behalf of liberty and justice, and for the perpetuity of our institutions and in the establishment of true freedom and genuine liberty in the greatest Republic the sun ever shone upon.

Ah, Mr. Chairman, we will never be able to pay in full the debt we owe the men who endured hardships and privations, who offered their lives on the altar of their country that the Union might be preserved. I do not plead for the passage of my bill on the ground of charity; but I contend, sir, that the soldiers of the civil war were never paid in full for the service they rendered. As you all know, they were paid in depreciated currency, the same currency the Government received from the Wall street money loaners who bought the bonds issued and sold by the Government to pay the cost of the war.

The old soldier was never paid with money worth a hundred cents on the dollar, but the bondholders have been paid in gold. By an act in 1869, known as "An act to strengthen the public credit," Congress made these same bonds payable in gold, and millions of dollars of the people's money went into the pockets of men who loved their money more than they loved their country, while the men who loved their country better than their lives and who were willing to give up all God had given them for the preservation of the States are still unpaid.

By national legislation we have declared that money is more sacred than manhood; that lucre is more valuable than patriotism; that greed shall be recognized in national legislation above and beyond the blood of martyrs shed in a sacred cause.

Mr. Chairman, the passage of the bill I now propose, by reason of its merit, will not only strengthen the public credit, but will also strengthen the public conscience. If the soldiers of the civil war had been paid in money worth a hundred cents on the dollar, they would have received in excess of what was paid them the sum of $51,061,222. In other words, this was the amount of depreciation on their monthly pay and has been withheld from them for a period of forty-six years. The interest on this sum of money for forty-six years, not compounded, but simple interest, at 6 per cent, would be $140,929,072. Add to this the principal and you have the sum of $191,990,294 honestly due and as a matter of justice, leaving out any patriotic consideration, should be paid.

Mr. Chairman, we are unnecessarily expending a vast sum of money each year that should go to the soldiers in the way of increased pensions. It costs us annually $400,000 to maintain the 17 pension agencies, and the Government has no more use for them than a dog has with 17 tails. The Secretary of the Interior and the Commissioner of Pensions have time and time again recommended their discontinuance and assured us that pensions can be paid just as quickly, and even quicker, from Washington than by the present methods. Then we are spending $380,000 every year for pension detectives, and, in addition, a vast sum of money for special examiners, boards, and so forth. How much better it would be to cut out all this useless expense and place all soldiers on the rolls at $1 per day.

Two years ago, when I pressed a bill I then had before the committee for the relief of soldiers, I was met with the argument that Congress had not long before passed the McCumber Act, and that no pension legislation would be considered at that time. Then again, one year ago, when I made a plea for the old soldier, I was met with the argument that there was a deficit in the Government Treasury of nearly $100,000,000, and that we had no money to pay increased pensions. Mr. Chairman, during the two sessions mentioned Congress appropriated over $2,000,000,000, a vast amount of which was unnecessary and absolutely thrown away. Over 14,000 new offices were created,

and the raise of salaries, together with the salaries of the new officers, amounted to the enormous sum of $28,990,289.

Plenty of money, Mr. Chairman, to increase the President's salary from $50,000 to $75,000 per year, but no money to increase the pensions of the old soldiers. Plenty of money to provide every convenience and comfort for yourselves, but no money with which to pay the honest debt we owe the men who saved the Union. Plenty of money to appropriate $136,000,000 for the use of the navy, a large amount of which was positively wasted, but no money to appropriate for the men who offered their lives for the preservation of the States. Plenty of money to appropriate $101,000,000 for the use of the army, a considerable amount of which was dissipated in the payment of high salaries and for useless experiments, but no money to pay the boys in blue whose service made it possible for you and me to enjoy a united country. Plenty of money to appropriate millions for rivers and harbors, but not a dollar for the men who gave the best years of their lives in defending the flag. Plenty of money to appropriate that special committees may travel all over the country, making expensive investigations of various subjects, but no money to pay an honest debt we owe the men whose heroic efforts and patriotic service made possible the greatest and grandest Nation the world has ever known.

Ah, Mr. Chairman, I have no patience with the plea that the old soldier has been properly cared for. You have provided soldiers' homes, and the records show that it costs from $400 to $700 a year to care for each and every soldier provided for in this manner. Pass this bill of mine, giving them a dollar a day, and they will go back to their old homes and live among their relatives and friends, and the tremendous expense of maintaining soldiers' homes will be reduced to a minimum.

Now, Mr. Chairman, I sincerely hope this bill will have an early consideration, and I ask Members of the House to join me in bringing it to a vote. I want to know who in the House are the true friends of the soldier. Many of you when the campaign is on tell the soldiers in your districts how you love them and how anxious you are to see their pensions increased, and then, after the election is over, you come to Congress and never raise your voice in their behalf. I am glad, however, to know the old soldier does have many friends on the floor of the House, and I appeal to each one of you to aid me in bringing about the passage of this bill.

I serve notice on you now that if my bill or a similar bill is not passed during this session I will be back again next winter and continue the fight for more liberal pensions, to the end that full justice may yet be done the few who remain as representatives of the bravest, the noblest, the most patriotic and self-sacrificing soldiery ever seen on the field of battle.

Mr. LAMB. I now yield forty-five minutes to the gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, I have been expecting to hear some speeches on that side of the House in line with the one just made by the gentleman from Illinois [Mr. BOUTELL].

I knew that the Republican side of this House had realized that it was absolutely necessary to come to the defense of the Payne-Aldrich tariff law, for that law is indeed in bad repute throughout the country. The high price of foodstuff, doubled and trebled under your tariff after it leaves the producer, is pinching with hunger millions of our people and driving them to vow they will eat no more meat forever. When your party looks upon the distress and suffering that it has wrought in its efforts to serve its tariff masters, it tries to lead the people away from the truth, and in the hope of hiding the hand that smites us it declares that the farmers are responsible for the high prices of foodstuff. The meat trust and high tariff, twin monsters of distress and misery, the offspring of the Republican party, are responsible for the terrible conditions that confront the masses of the people to-day. [Applause on the Democratic side.]

The farmer, who sells his beef on foot for 6 cents per pound, is far removed from the unreasonable profits that the beef trust receives when it sells that same beef for 30 and 40 cents per pound to the consumer, and the man who gets a dollar per bushel for his wheat is far removed from the $12 and $14 that the beaten biscuits and the short-loaf bread brings in the market. Before I close I shall refer to some other things mentioned by the gentleman from Illinois.

Now, Mr. Chairman, while we are considering the agricultural bill, I want to discuss some matters regarding agriculture especially appropriate at this time. When I came here I found that the agricultural interests of the South were not being treated right by Congress. I saw that these interests could be helped by legislative action, and I set myself to the task of bringing certain matters to the attention of this body and to show how we could be materially benefited by the enactment of certain fair and just laws; and while I have not by any means been able to do all the things that needed to be done, I feel that I have accomplished some things of real value to our people.

The gentleman from Illinois has said something about the high price of cotton, and I wish to say in the outset that no people on this earth have ever produced any crop under such difficulties as the people of the South produced the last cotton crop. We have never produced a cotton crop that cost as much as the crop that has been marketed and the remnant of which is now being marketed. The high cost of living and the high price of agricultural implements, and so forth, have contributed to the great cost of producing that cotton crop, and the high cost of these things that the farmer used in making this crop is the fruit of the Republican party. [Applause on the Democratic side.]

But, Mr. Chairman, I want to say a word in passing about cotton. Cotton has not brought any more than it ought to have brought, when you consider the cost of production and the short crop made, in the light of the world's demand for cotton. Fifteen cents per pound, or $75 per bale, is not too much when we consider the price that the consumer has to pay for the finished product—cotton in cloth. We are told, Mr. Chairman, that a bale of cotton weighing 500 pounds, when manufactured into socks at 10 cents per pair, brings $350; and at 20 cents per pair, brings $700; and handkerchiefs at three for a quarter, brings $500.

I wish to say to my New England friends that, if they had the natural monopoly that we have in the South, if they owned the cotton belt as we do, they would make us pay 20 cents per pound for cotton every year, and fill their newspapers and magazines full of arguments until they convinced us that we were getting it cheap and that we ought to be thankful to them and to Providence that we did not have to pay more than 20 cents per pound. [Applause on the Democratic side.]

Cotton is being put to more uses now than ever. Mercerized cotton so resembles silk and is so much cheaper that it is being substituted for silk. It is used in the manufacture of woolen goods, and the demand for it as a substitute for wool is on the increase. Cotton is the master production, and enters into nearly every phase of American life. It was behind cotton bales at New Orleans that Jackson won the victory over the British. Wherever the American soldier goes the white fiber of the cotton field goes with him, and wherever he strikes camp the field is dotted with white tents made of cotton.

The flying sails of the ships at sea come from the snowy cotton fields of the South. The cord that rings the bell on the train and puts on the emergency brake in time of danger is made of cotton. In the springtime, when the agricultural army is in motion, cotton enters into the paraphernalia of the mule; a cotton backband gauges the depth that the plow shall go, whether shallow or deep; and cotton plow lines constitute the strong cords that guide and control the stubborn mule.

In traveling through the cotton belt on a warm day there is nothing more refreshing than a deep draught of water from "The old oaken bucket that hangs in the well," and here the cotton rope is the kindly agent that brings it from the cool, dark depths below.

If, while strolling through the cotton belt, you should find a swarm of mosquitoes, conspiring to disturb your rest at night, there is the mosquito bar made of cotton, spreading its white wings above your head, hovering about you while you sleep. [Applause on the Democratic side.]

Mr. Chairman, dressmakers and tailors have at last learned how to "make up" cotton goods in the most fascinating and attractive way. The cotton suit that I wore here last summer, and those worn by other Members, looked better than the flannel suits worn by other gentlemen here, and they did not cost one-third as much. They were cooler and more comfortable every way. I have advocated it, and I believe the day will come when the southern people will wear cotton almost exclusively from April to September. By this means the South will consume nearly 4,000,000 bales more than is now consumed. For spring and summer cotton is the coolest and cheapest wearing apparel in the world, and our people are at last beginning to realize the value of patronizing this home industry. Civilized men the world over are coming to know that cotton is the healthiest and most comfortable fabric that can be worn next to the skin. The man who suffers from colds and grip in the winter by reason of wearing woolens next the skin can obtain health and happiness by putting on the South's sensible garment made of cotton.

Cotton is used in making wheels for automobiles, and nearly 500,000 bales a year are being used for this purpose. When we go to using cotton as bagging for wrapping our cotton bales we

will consume a great deal for this purpose. We will make a rough bagging and soak it in a composition of cotton-seed oil and coal tar, which will give it sufficient weight and make it waterproof, and this will become the greatest cotton bagging in the world.

There are more people who wear cotton goods, who use cotton in various ways, than ever before in the history of cotton production. There are more cotton factories in the world and more men weaving cotton into cloth than ever before in our history.

So, Mr. Chairman, the fairly good price that we have received for cotton this season is accounted for, as I will show you later, by natural conditions—short crop and increased demand for cotton and cotton goods—together with the work of the farmer and merchant in intelligently handling the crop in the selling season.

You may make up your minds to one thing, and that is, the intelligence and courage of the cotton producers of the South have been aroused, and our people are at last beginning to figure on the cost of production, and they are beginning to estimate what the crop yield in money will be when a reasonable profit is added to the cost of production. And, I may add, they are actually beginning to demand the cost of production, with a reasonable profit added. It is high time that the farmer had something to say about the price that he should receive for his cotton, since he is about the only fellow who has not asserted his God-given right to demand a fair return for his efforts and his labor. He has been badly imposed upon, but he is at last beginning to assert himself intelligently. His representatives in Congress have exposed the illegitimate speculation done in the exchange, condemned its rules, and had investigations made by the Federal Government.

Mr. Chairman, when we commenced to inquire into the conduct of the New York exchange, we found it handling fictitious products instead of cotton; bogus sales were made and no cotton ever required to fill a contract. Differences were settled with money, and it was never intended that cotton should play any part in the transaction. The practice that obtained, under the rules of the exchange, did not contemplate a delivery of cotton, and this irresponsible concern, self-constituted judge of cotton prices, had permission to sell, in unlimited quantities, margins, without actually demanding the delivery of cotton or being required to deliver it. Prior to the agitation of this question by myself and other southern Representatives and intelligent action on the part of the growers, the exchange, controlled by the "bears" in the interest of the spinners of New England and the United Kingdom, had its way.

The New York Exchange sold in a season a hundred million bales of fictitious stuff called cotton. They did not have any cotton, they did not want any cotton, they had no use for cotton. Not a pound of cotton figured in their transaction; no demand was made upon the producer for a single bale, and yet this aggregation of men composing the exchange assumed the right to fix the price of the real cotton. The producer was not considered in the matter of determining the price of cotton. The law had permitted the exchange to fix the price so long that the producer accepted what they did and said nothing, and the spinners of the world had come to look to the exchange to fix the price upon the raw cotton. Desiring to buy the raw material as cheaply as possible, their sympathies were, of course, on the "bear" side, and in times past they have assisted the "bears" in creating the impression throughout the cotton belt that a large crop was being made and that they had plenty of cotton on hand at the mills to run them for a long time, and that the price would not be very good. For a long time the cotton producer did not know what the trouble was. He knew that something was at work depriving him of a fair price for his cotton. The evil has been pointed out. If we could have a real cotton exchange, spot cotton would be in demand and the producer would be consulted, as he should be, about the price of cotton. The cotton grower has been enabled to see just how he has been imposed upon by the exchange that claimed to reflect the operation of the law of supply and demand, and that it misrepresented the facts regarding the supply of cotton always on the side of a large crop and low prices. Very often it covered the country with circular letters claiming that there would be an overproduction—more cotton than the world could use. Out of all this agitation has come great good to the Southland. The people of the cotton belt have at last realized that much depends upon the handling of the cotton crop intelligently.

Time was when the whole South sold cotton on a declining market. In fact, the bulk of the cotton crop was sold on a declining market. Just let the market break and all was bustle and stir in the cotton belt. The people with cotton to sell rushed to the market place. They did not realize that they were the masters of the situation; that if they would quit selling at destructive prices, the law of supply and demand would control in the interest of reasonable prices. They felt that they were in the grasp of some mysterious power, and that they would have to hurry and get rid of their cotton before it became a drug on the market. But, Mr. Chairman, times have changed. Farmers and merchants in the South now look in amazement on the time when they obeyed the New England and foreign spinners' "bear" agents in the exchange. They know more about cotton, its uses and abuses, now than they have ever known. When the exchange in control of the forces that make low prices undertakes to fix a price low and unprofitable to the cotton producer, cotton goes to the market very slowly and very little is sold. When there is a sharp break in the price, such as once caused a rush to the market, our people quit selling and wait for the return of a reasonable price. They are forced to do this or be robbed. One thing is certain, since our people have become aroused and are becoming acquainted with the forces that have been at work robbing and plundering the cotton growers of the South, since the regulation of the cotton exchanges have been receiving the attention of southern Members in Congress, the evil features of the exchanges pointed out and condemned, cotton has fared better and the average price during these years has been higher than for any like period when the exchange, undisturbed, executed its own sweet will. [Applause on the Democratic side.]

The theory of a spot-cotton exchange has been put into practice this season. Haynes, Scales, Brown, and Patten bought cotton—real cotton—and held it for a profit, and therein lay their power as factors in helping to fix the price of cotton. When the foreign spinner and the New England spinner went into an agreement in October to quit buying cotton, to withdraw from the market and put it back to 10 cents, these men that I have named bought actual cotton, and what happened, Mr. Chairman? What effect did it have on the spinners? It made them sit up and take notice that when the farmer and the merchant of the South were inclined to demand and help secure a fair price for cotton that men with money saw their opportunity to make more money by dealing in cotton. Men who could command large sums of money knew that the crop was short, and that the people of the South had the courage and the intelligence to refuse to accept a low and unreasonable price; so they bought what cotton they could and held it. Where was the spinner then, with his secret agreement to injure the cotton farmer by depriving him of fair prices and living profits? He was up in the air. With the producer handling his cotton intelligently and selling it sparingly, and men of means buying what cotton they could get and holding it, actual cotton became the controlling power; then what happened? The foreign spinner broke his agreement without a word of warning and hurried back to the market place bidding for cotton, real cotton. Next came the New England spinner, and competitive buying under the law of supply and demand of real cotton fixed the price. The principle of the spot-cotton exchange was at work and real cotton was in demand, for the spinners of the world had to have it. [Applause on the Democratic side.]

I was instrumental in passing the law requiring statistics to be gathered from the manufacturers of cotton in the United States. As the printed hearings in the Agricultural Committee will show, I brought this matter to the attention of the Committee on Agriculture and proved by the Chief of the Bureau of Statistics that if it were just and fair to make reports on crop conditions and have gin reports as to the number of bales of cotton ginned, for the benefit of the manufacturer, it was fair to the cotton producer to have the Government report the number of bales of cotton on hand at the various factories in the United States. I introduced a bill for this purpose, and made a speech on it in the House. It was so plain that my cause was just that Members on both sides of the House told me that I was right and that they would vote for my bill. Mr. LEVER, of South Carolina, introduced a joint resolution on the same subject. He was a faithful member of the Committee on Agriculture, and was present when I first brought the matter to the attention of the committee. In order that we should not fail to have action taken on the matter at that session of Congress, I had my bill referred to the Committee on Agriculture, of which I was a member. Then I introduced a joint resolution, which was referred to the Committee on the Census, the same committee to which Mr. LEVER's resolution had been referred. The Lever resolution, as amended, had some of the dates contained in mine, as to the time of reporting. It was reported and passed the House late in February and is now the law.

Mr. Chairman, I did not quibble with the committee as to whose name the resolution should bear, Mr. LEVER's or mine. I was anxious that the law be passed. I knew that it was

meeting the just demands of the cotton growers of the South, and that it would enable the cotton producer to sell his cotton intelligently, because he would have the information necessary regarding the amount of raw cotton on hand at the mills. The March report will give him the number of bales of old cotton on hand in the United States, and this will be valuable information in determining the size of the cotton crop for the coming year.

Time was when the New England manufacturer would help the "bears" in the exchange by claiming to have all the cotton that they would need for quite a while. The producer did not know—he had no way of knowing. The producer became frightened and would sell his cotton as rapidly as he could market it, but since he knows by these reports how much cotton is on hand he can judge for himself what the market ought to be and govern himself in the light of this information. It has enabled him to see the folly of rushing his cotton to market and selling it at destructive prices. With this information about the supply of cotton at the cotton mills, he can know something of what the real demand for real cotton will be. Mr. Chairman, when I brought this matter to the attention of the Committee on Agriculture, and when I urged this legislation in the House, it was my purpose to do simple justice by the cotton producers of the South. It was my desire to do the same for them that Congress had done for the manufacturer of cotton. It had given the manufacturer of cotton, in the crop report and in the ginners' report, all the information that he needed to run his business intelligently; and it was nothing but simple justice that the producer of cotton should have the benefit of a government report telling him, from time to time, the amount of baled cotton on hand in the United States. He needed this in order to run his business intelligently. Mr. Chairman, it was not my purpose to injure the cotton mills, but it was my desire, purely and wholly, to be as just to the man who makes the stuff that feeds the cotton mills as the Government has been to the man who owns the cotton mill. The manufacturer knows how the cotton crop is progressing in the spring and summer, for the crop report tells him. He knows how much cotton is being ginned in the ginning season, for the gingers' report tells him twice a month. He has all the information that he could wish—all that is necessary for his business—but before the passage of this law that I suggested, requiring the reports on the amount of baled cotton on hand at the cotton mills of the country, the manufacturer had the producer in the dark. He knew nothing, absolutely nothing, about the supply of cotton in the United States. [Applause on the Democratic side.]

Here is what one of the newspapers of Wall street, in the gentleman's [Mr. PAYNE] State of New York, had to say about me at that time:

> Expressing the wish of the southern cotton planters, Representative HEFLIN, of Alabama, introduced in Congress the other day a joint resolution instructing the Director of the Census to ascertain from the manufacturers of cotton in the United States, every sixty days, the amount that has been purchased and manufactured during the previous two months. That would be a fine thing for the cotton planters. The information would enable them to know just how much cotton the manufacturers had on hand, just how large the supply at any particular time happened to be. Knowing this, the planters could act more intelligently in sending their cotton to the market. Having the cotton manufacturer where the hair—or cotton—was short, planters could make him pay what price they liked.
>
> Naturally the manufacturers do not want to give up any such information. As a matter of fact, the Heflin resolution is paternalistic, populistic, and somewhat inclined to be anarchistic.

So, Mr. Chairman, for doing for the cotton producer just exactly what Congress has done for the cotton manufacturer, I am denounced by papers in New York as being a Populist, a paternalist, and an anarchist. The criticism of these papers is the best evidence that I am in the right and doing my duty.

Last year, even after the law for obtaining the amount of cotton on hand went into effect, some of our cotton manufacturers, in September, claimed that they had enough old cotton to run them for a long time, but the government report on baled cotton for November 1, 1909, the first report under this new law, knocked this claim of the manufacturers to pieces and the southern farmer and merchant, for the first time in the history of our country, saw behind the doors of the manufacturer and cotton advanced in price; then in November they gave out the statement that with what old cotton they had on hand and what new cotton they had bought they would have enough to run the mills without buying any more, but the January report on baled cotton, by the Government, disclosed the fact that the bulk of the cotton sold had been shipped to foreign countries—that is, it was not to be found in this country. Then what happened? Men with money—big money—bought cotton as an investment. Patten bought 3,000,000 bales. They had information that told them the condition in the cotton world.

The producer had the information that he needed to enable him to sell his cotton intelligently, and the man with money to invest in a safe thing had the information to show him his opportunity, and for one time the theory of a spot-cotton exchange was put into practice. The dealing was in cotton, and it took cotton to fill the contract. For the first time producer and manufacturer stood on equal footing. [Applause on the Democratic side.] So in bringing this matter to the attention of the Committee on Agriculture and discussing it in the House, it was my purpose to give the cotton farmer and merchant of the South the information that they needed and were entitled to—the same character of information that was given to the manufacturer long ago. If it was fair to give to the manufacturer crop reports and ginners' reports, which furnished him all the information that he needed about the cotton crop, it was equally fair to give to the cotton producer some information regarding the movement and consumption of cotton and to inform him about the supply of cotton in the country. [Applause on the Democratic side.]

Before this proposition of gathering statistics as to the amount of baled cotton in the United States became the law, the manufacturer of cotton had all the information that the Government could afford to help him run his business, and the cotton producer had none, absolutely none, except that manufactured by the "bears" in the gambling exchange, and the information that they gave him was given for the purpose of making him sell his cotton as rapidly as he could possibly market it, and this he did for many years at low and destructive prices. The manufacturers could claim that they had enough cotton to run them for quite a long time, and the "bears" would spread the news all over the South, and the farmer who produced cotton for the world had no way of telling how much was on hand at the mills, how to get at the truth of the situation. He groped in the dark, helpless in the hands of "bears" and spinners; but now, since justice, in a measure, has been done him, he is enabled to get at the truth by the aid of a government report.

Two things operated to raise the price of cotton—the fact that England realized from accurate crop reports as made by farmers, men who knew the actual condition of the crop, that the crop was short, and the fact that the spinners here knew that the November report on baled cotton would disclose the fact that the bulk of the crop was going and had gone abroad. Then, what happened? Actual cotton was in demand, and a day was coming—and that day was November 1—when the truth of the amount of actual cotton available in the United States would be made known. We had simply devised the means for obtaining the truth, and only the knowledge of the truth regarding the cotton business will bring about the operation of the law of supply and demand, and this is what the producer of cotton has been struggling for for years and years.

I do not object to the exchange that does a legitimate business—that means to deliver, and have delivered, the commodity in which it deals. I am heartily in favor of such an exchange. Such an exchange is conducted in Bremen, Germany. If a man contracts for a thousand bales of cotton, he is certain to have a thousand bales of cotton delivered to him. This helps the producer, for he must furnish the cotton. Such an exchange is a useful thing; and when its contracts are made and filled, it takes real stuff to fill them, and the producer is helped by their operation. A horse is a useful animal, but you would not harness him up, hitch him to a buggy, pull the bridle off, and let him go about at will with your family in the buggy. An exchange is all right if it is properly harnessed and controlled—made to conform to certain just rules—but it is not safe for the producer to be left at the mercy of the "bear" speculator when that speculator has the moral support and financial backing of the spinning interests of the world. Hence the necessity for certain regulation of the exchange. I have seen the price of cotton futures in the exchange a cent and a half lower than the price of real cotton in the local market.

The representatives of the Farmers' Union are here. They came to urge legislation that will give the farmer an honest and stable market for his cotton and grain and free him from the uncertainty of the gambling exchange. Just before coming to Washington Mr. C. S. Barrett, president of the Farmers' Union, issued an address December 29, 1909, a part of which I will read:

> In January of the new year the Farmers' Union, represented by national officers, by experts, and by state officials, the country over, will assemble in Washington, there to make a determined and organized fight against the New York Cotton Exchange, and all other like aggregations that use its methods, or variations of them, to pick the pockets of the rural population of this country.
>
> The time has come for the politicians, the Representatives, and Senators who profess friendship for the farmer to show their friendship in something more substantial than promissory notes compounded of language and evasion. We want action against the New York Cotton Exchange. We demand action against the New York Cotton Exchange.

We have at last learned how to go about the enforcement of the rights of American farmers, and that is by using the ballot as a bullet.

To that end at the coming session we expect to keep our eyes on every Member of Congress, seeing how far his professions of friendship are borne out in action upon the floor and marking indelibly those Congressmen aligned directly or indirectly against the farmers' interests. We have secured data, minute and detailed, regarding the methods of the New York Cotton Exchange, and we are prepared to submit it to any congressional committee, with a demand for action thereupon.

But we also expect to push this war to a successful conclusion, regardless of who is lined up with us or against us. Playing lottery with the products upon which the individual and collective prosperity of our people depends must cease. Economically it is wrong; ethically it is wrong.

Betting on the Nation's products is an indefensible practice that reaches into the pockets of yourself; that takes clothes from the backs of your families; that takes food from their mouths; and that keeps education from the children who are to carry on your name in this world.

I am heartily in favor of this legislation, Mr. Chairman. I have advocated it for years. If we can destroy gambling in fictitious stuff, we will establish all over the South spot-cotton exchanges, and then the producer will have some voice in fixing the price of cotton.

The "bear" gamblers in the exchange have insisted for years that if we did not permit them to gamble on our cotton we would not know what it is worth; that we must rely on a concern that does not use a pound of cotton to grant us a reasonable price. We have had time and again an example of the gamblers' generosity; especially do I recall a time when the producer and merchant offered no resistance—they did not know how to resist—in fact, they trusted the exchange implicitly, and what did it do? It reduced the price of cotton to 4 cents per pound, far below the cost of production, and bankrupted thousands of farmers and merchants in the South. [Applause on the Democratic side.]

Hereafter the producer of cotton is going to be a factor in fixing the price of cotton.

Senator John T. Morgan, in the last speech that he ever made in Alabama, said:

The day will come when the producer will fix the price of cotton at his own door.

Mr. Chairman, what the producer wants and must have, ultimately, is something stable in cotton prices. The cotton industry is in a hazardous condition when it must depend on the mood of this or that set of gamblers. We have seen recently, when the cotton crop was nearly all sold—when real cotton cut no figure at all in cotton transactions—the "bear" gamblers in the New York Exchange in one week reduce the price of cotton $15 per bale. Just think of that! In that transaction no real cotton was bought or sold—no real cotton delivered.

A majority of the regular members of the exchange are always "bears," and they represent the spinning interests. Now, it is known to all men that the spinner wants to buy cotton just as cheaply as he can. Well, if the "bear" represents the spinner, and he is nine times out of ten the controlling power on the gambling exchange, how is it possible for the producer, who wants a reasonable price for his cotton, to have a fair deal, when his deadly enemy, the "bear," decides the case?

The producer does not demand and he does not want outrageous prices for his cotton. He does want and he does demand fair prices and living profits.

The argument of the cotton gamblers that we would have no market but for them, that they must tell us what it is worth, is rot of the commonest order. The pig-iron industry is vast and it is worth millions, and yet there is no gambling in pig iron as there is in cotton. Still, the pig-iron business flourishes, in spite of the failure of a gambling exchange to aid it.

There is no speculation in futures on wool, and yet the woolen industry is worth millions and millions, and always does a flourishing business. No speculative exchange tells us the price of wool. There is no speculation in futures on hay, and yet the hay crop in the United States is greater than the cotton crop, and there is a good hay market, and the gambling exchange does not tell the hay grower what his hay will be worth.

Now, then, if the man who owns pig iron, and the man who owns wool, and the man who owns hay, all have sense enough to demand and obtain a reasonable price, year after year, for their product without the interference of a gambling exchange, is it not reasonable that the southern farmer and merchant can and will demand a fair price for cotton? [Applause on the Democratic side.]

Now, Mr. Chairman, I desire to discuss a few other things.

While a member of the Committee on Agriculture I introduced a bill and got it favorably reported by the committee, to prevent any employee of the Government from selling information regarding the cotton crop to the cotton gamblers of the country, and to prevent making false reports or giving out any information before the day fixed to publish this information. I introduced a resolution in the House denying the correctness of the cotton-crop estimate made by the Department of Agriculture for 1907, and I proved before the committee that the department had overestimated the crop. The evidence finally showed that it was estimated at 600,000 bales too much. I helped to pass the Burleson law standardizing cotton grades—taking this power away from the New York exchange. I amended the law regarding crop reports so that the farmer himself should be consulted and not have to rely on other classes of men to make these reports, as was done before. The law, as I wrote it, provides and now reads: "Shall be gathered, so far as practicable, from practical farmers;" and I said if you should ask about the practice that obtained in courts you would not consult a farmer or a doctor, you would ask a lawyer. If you wanted to know the facts about an epidemic of disease in a community you would not ask a farmer or a lawyer, but you would ask a doctor. And I said if you want to know the true condition about growing crops you should consult the honest farmers of the South, and you will get the truth. [Applause.]

And I first suggested and helped to secure the law requiring reports on baled cotton on hand from time to time in the United States. [Applause on the Democratic side.] I mention these things that the House and the country may know that, as a member of the Committee on Agriculture, I was alive to the interest of my people and trying to do something of value for the farmers of the South. With no desire to boast of what I have been able to accomplish for them, I challenge the Speaker of this House to name a single member on that committee who has done more than I have for southern agriculture. [Applause on the Democratic side.]

Mr. Chairman, my service on that committee was such, and I refer to this with pride, that President Barrett, of the Farmers' Union of America, wrote to the Speaker and asked him to reappoint me. In that letter Mr. Barrett said:

Mr. HEFLIN has shown himself in strong sympathy with the farming people of this country, North as well as South.

And he also said that I was giving and had given great study to "agricultural matters." If I had not been faithful on the Committee on Agriculture, could I have had such a testimonial as that?

President Jordan, of the Southern Cotton Association, wrote the Speaker of the House asking him to reappoint me on that committee; and he said in that letter:

Mr. HEFLIN has always taken great interest in all matters pertaining to the development of the agricultural interests.

And he said further, that my appointment would meet the hearty indorsement of the people of this entire section. If I had been unfaithful on that committee, could I have had such an indorsement as that?

President Cameron, of the Farmers' National Congress, wrote to the Speaker of this House and asked him to reappoint me on the Committee on Agriculture, and in that letter he said:

His services on that committee have been satisfactory, and your reappointment of him will be agreeable to our agricultural interests.

If I had been unfaithful on that committee, could I have received such an indorsement as that?

Hon. CHAMP CLARK, minority leader, wrote me that if he were allowed to name the Democrats on the committees, as had been the custom heretofore, it would give him pleasure to put me back on the Committee on Agriculture, and I informed the Speaker of Mr. CLARK'S wishes. So, Mr. Chairman, I have the proud consolation of feeling and knowing that the Speaker of this House did not refuse to reappoint me because I had been derelict in my duty or unfaithful to the farming interests of my country; but because of my advocacy of certain right principles and my activity in the interest of certain laws that would help the farmer. [Applause on the Democratic side.]

Here is what the newspapers said at the time he undertook to punish me for doing what I knew was right:

One of the most glaring punishments in Mr. CANNON'S list is the removal of HEFLIN, of Alabama, from the Committee on Agriculture. The Alabama delegation is pretty angry over this reported action of the Speaker. Mr. HEFLIN was indorsed for this place on the Agricultural Committee by the National Farmers' Congress, the National Farmers' Union, and the Southern Cotton Association. The removal of HEFLIN is believed to have been due to the fact that some time ago he was the leading spirit in a movement against grain and cotton speculation.

[Applause on the Democratic side.]

In doing my duty by the agricultural interests, I had antagonized certain interests that did not want me to go back upon that committee, and it is very evident that their wishes prevailed with the Speaker. The Speaker never even intimated that there was objection to me from any source.

Mr. Chairman, in depriving me of the power that I had and was using on that committee in the interest of the farmer, the Speaker was serving the enemies of agriculture, so the paper says, and in refusing to reappoint me he disregarded the wishes

and recommendations of the three greatest farmers' organizations in the United States. While the Speaker can pack committees and remove Members who think for themselves and have the courage to refuse to do his bidding, I thank God that we still have the right to speak our convictions on this floor, and exercising that right to-day, I am giving the truth of the situation to this House and to the country. If the changes in the rules of the House continue to be made, taking power from the House and conferring it on the Speaker, the day will come, if the Republicans remain in power, when no Member will be permitted to criticise the Speaker's conduct, and then we will be unable to get the truth of conditions as they exist here to the country. But the people are waking up, and the evils of Cannonism are becoming known to the country, and I am proud of this fact, Mr. Chairman, that the editor of one of the magazines that has done so much to educate the people on the tyranny and arbirary action of the Speaker wrote me a letter that my speech discussing the Speaker's way of suppressing legislation was a distinct contribution to the literature of the country against Cannonism.

Mr. Chairman, I am not the only man that the Speaker has removed or failed to reappoint on the Committee on Agriculture. I have in mind now particularly a gentleman who incurred the displeasure of the Speaker in the Fifty-ninth Congress, the gentleman from Mississippi [Mr. CANDLER]. No man since I have been in Congress has been more untiring in his efforts to materially aid the agricultural interests of the South than the gentleman from Mississippi.

Wherever the interest of the farmer could be found, there could the gentleman from Mississippi be found also. The Speaker refused to reappoint the gentleman [Mr. CANDLER] on that committee in the Sixtieth Congress, and no other reason can be found except the devotion of the gentleman from Mississippi to the interest of agriculture, the faithful discharge of his duty to the agricultural interests. [Applause on the Democratic side.]

When I was a member of the Committee on Agriculture, and had secured a unanimous report on my bill to prevent the selling or giving away of statistics regarding cotton, on the 25th day of May, 1908, I requested unanimous consent to call up the bill and put it on its passage, and the RECORD of May 25 shows that this is what happened:

AGRICULTURAL STATISTICS.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the passage of the bill (H. R. 21847) to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

"*Be it enacted, etc.*, That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, acquired by virtue of his employment by or official position with any department of the Government of the United States regarding the reports on crop conditions prior to the hour that the crop estimate is published as is now required by law.

"SEC. 2. That it shall be unlawful for any person in the employment of the Government of the United States to divulge, or cause to be divulged, or in any way to give out, or cause to be given out, publish, or make known to anyone not authorized by law to have or receive the same, any information, statistical or otherwise, obtained by virtue of his employment by or official position with the Government of the United States regarding the amount of cotton ginned prior to the day fixed by law for the publication of the ginners' report obtained by the Census Department.

"SEC. 3. That it shall be unlawful for any officer or employee of the United States of America, whose duties require the collection, compilation, or report of statistics or information relative to the products of the soil, knowingly to collect, compile, or report for issuance or issue any false statistics or information relative to such products.

"SEC. 4. That any person who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment for a period of not more than five years, or both fine and imprisonment, in the discretion of the court."

The SPEAKER. Is there objection?

Mr. PAYNE. I object, Mr. Speaker.

Mr. HEFLIN. Will the gentleman withhold his objection a moment?

Mr. PAYNE. No; this matter is thoroughly understood by the House. I object to the passage of the legislation and want the opportunity to vote against it.

The SPEAKER. The gentleman from New York objects.

Mr. Chairman, I was astounded at the statement of the gentleman from New York [Mr. PAYNE], the floor leader on the Republican side, and I have not yet been able to reconcile the gentleman's act on that day with what I conceived to be the duty of a Representative on this floor toward securing honest legislation. In view of the fact that it was a cotton gambler in the gentleman's own State of New York who bought information about cotton from an employee in the Agricultural Department in 1904 or 1905, it comes in bad taste for the gentleman to object to the passage of this legislation. But I was determined to do all in my power to secure this legislation, so I circulated a petition addressed to the Speaker, requesting him to allow me or some one else to call up this bill and put it on its passage. That petition was signed by nearly a hundred Members, and I gave it to the Speaker. Here is the petition:

To the Speaker of the House of Representatives:

We, the undersigned Members of the House, respectfully request that you recognize Mr. HEFLIN or some one else to move a suspension of the rules and pass the bill above mentioned. It is an important measure, and ought to pass at this session of Congress.

After this petition was presented, thinking that the Speaker would certainly allow us to pass the bill, I arose, and the RECORD of May 28 shows that this is what occurred:

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. The Chair had reason to suppose there would be objection.

Mr. HEFLIN. I was going to move to suspend the rules. I move to suspend the rules and pass H. R. 21847. It is a bill to prevent falsifications in the collection and compilation of agricultural statistics and the unauthorized issuance and publication of the same.

The SPEAKER. The House is waiting for a bill, the original of which was with the committee, and will soon be here. The Chair, to be entirely frank with the gentleman, at this time at least can not recognize the gentleman to move to suspend the rules.

This record discloses a secret and reveals a deplorable situation in the House. There was the Speaker announcing from the chair that he had "reason to suppose there would be objection," and he refused to allow me, after nearly 100 Members had requested it, to even ask of the House unanimous consent to call up the bill. I was curious to know why he had made the announcement that he had "reason to believe there would be objection." So I went up to the Speaker's stand and told him that my bill was unanimously reported by the Committee on Agriculture; that it was a good bill and ought to become the law. And what do you suppose he told me? He told me that he had promised the gentleman from New York [Mr. PAYNE], the same Member who had objected before, that he would not allow me to call up that bill during his, Mr. PAYNE's, absence from the hall. [Applause on the Democratic side.]

Think of that! The Speaker of the American House of Representatives entering into an agreement with another Member of the House to deprive a Representative on this floor of his rights, and by secret agreement preventing this honest and just legislation. By that secret agreement that honest legislation at that session was defeated, and in order to accomplish it the Speaker had refused the request of nearly 100 Members. [Applause on the Democratic side.]

After I had tried to obtain permission from the Speaker to call up that bill I decided to pursue another course. So the gentleman from Virginia [Mr. HAY] was kind enough to yield me some of his time and I managed to say a few words on my bill in the House, and here is what I said:

Mr. Speaker, I want the country to know that there is no law now to punish an employee of the Government for obtaining and selling statistical information to the cotton and grain gamblers of this country. There is no law to punish them for giving out false information on the day fixed by law for publishing crop reports, and so forth.

Mr. Speaker, we can pass my bill in one minute, if the gentleman from New York will withdraw his objection. Speculation in the coming crop will amount to a great deal to the speculators, and in the absence of some law to protect agricultural statistics the farmers are at the mercy of the smart rascals of the gambling exchanges. If a man can be found like Holmes, who will sell this information, the gamblers will rejoice and the man can not be punished.

Mr. Speaker, it is true that the objection to the passage of my bill was made by the gentleman from New York [Mr. PAYNE], the Republican floor leader. But, sir, I was pained to see that not a single Member on that side would rise in his place and ask him to withdraw his objection and allow the bill to pass. There are some clever Republicans here, but, sir, you have lost your courage in miserable submission to your floor leader's will. When the gentleman from New York [Mr. PAYNE] takes a position, you dare not oppose him. No deliberative body on earth was ever afflicted with such an utter disregard of the people's will as that side of the House displays here day after day. [Applause on the Democratic side.]

Now, what happens? In order to keep me from giving the truth of the situation to the country, the gentleman from New York [Mr. PAYNE] arose, and here is what he said and here is what occurred:

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman is not speaking to the resolution.

The SPEAKER. The gentleman from Alabama will suspend. The point of order is made that the gentleman is not addressing his remarks to the matter pending before the House, and the Chair sustains the point of order.

Mr. HEFLIN. Mr. Speaker, since the Chair sustains the point of order of the gentleman from New York, I think the country will understand the Republican party's attitude on this question. [Applause on the Democratic side.]

This record, Mr. Chairman, discloses the purpose on the part of the Speaker of the House and the Republican floor leader, Mr. PAYNE, to stifle and defeat this just legislation and to keep the real facts from being discussed, so that they could keep these facts from the country.

In conclusion, Mr. Chairman, I want to say a word or two about "Cannonism," and I want to offer some Republican testimony to prove my case.

Who is the Member over on the right,
With arm uplifted and fist clinched tight,
Whose arraignment of Cannonism would do justice to old Horace?
Listen, my friends, his name is NORRIS.

[Laughter and applause on the Democratic side.]

He, too, is a Republican, and here is what he says:

When our forefathers framed the Constitution that part of it nearest and dearest to the people was the part which provided for the House of Representatives. It was the only place in the national fabric where the people had a direct voice and vote. To-day, as far as the enactment of legislation is concerned, the House of Representatives bears about the same relation to the National Government as the appendix does to the human body—it has no well-recognized function. For all practical purposes our National Government, like Gaul of old, is divided into three parts—the Senate, the President, and the Speaker.

This perversion of the real intent and object of the Constitution has been brought about so gradually and quietly that until recently the people have not understood the method of its accomplishment. That the Speaker possesses a power second only to the President has been well understood by the people at large for several years. That by some mysterious power he controls the House of Representatives as with a rod of iron, and at will moves its Members like pawns about the political checkerboard of national legislation, is known of all men.

The existence of this authority was accepted by the country as a matter of fact, and many people believed that by some constitutional provision or some enactment of statute he had been given the power that he had been exercising. Members of the House of Representatives, who first stood off in amazement and wondered at the system of control, and then searched for the source of this power, soon discovered that the Constitution and the statutes enacted thereunder had given to the Speaker no authority whatever, but that all the power he possessed he obtained entirely and exclusively from the rules of the House. Even in these rules it was not possible to find any specific enactment that gave to him in direct terms the wonderful authority over men and measures that he seemed to be in possession of. His control seemed to be absolute and almost without limit, and yet the specific authorization of his power was more or less a mystery and a secret.

The Speaker, under existing rules, had the sole power of making such appointments, and by virtue thereof he controlled, to a great extent, the political destiny of every Member. By this authority he rewarded the faithful and punished those who refused to obey.

This, then, was the secret of the Speaker's power. It enabled him to influence the individual Member, to intimidate the committee, to control the House, to hold up the President, and to defy the country. The country has condemned the man more than the rule. While the removal of the man from the office is very desirable, the change of the rule is absolutely necessary if we would retain any vestige of representative government in national affairs.

This testimony of the gentleman from Nebraska, a Republican, discloses an awful condition in the people's House of Representatives. [Applause on the Democratic side.]

Now, I wish to put another distinguished Republican on the stand. Here is what he says in Success Magazine:

THE END OF CANNONISM.

[By J. C. Welliver, of the Washington Times.]

FIFTY INSURGENT REPUBLICANS IN CONGRESS.

The surpassingly important fact to-day is that the end of the Cannon era is at hand. That fact has been made as plain as reasoning man could wish since the opening of the long session of Congress. The return to Washington of the warring forces with their loins girt up for the resumption of the fight has been followed fast by developments which leave no room for doubt of the event.

The last session—the tariff session—saw the insurgents able to muster barely more than a score of insurgent Republicans. Now they have returned to the attack, confidently claiming that they have half a hundred. They list more than twice as many as they could count last session. Why these gains, when there has been no change in the personnel of the House?

Simply because the Members have "been to the country" and have learned what is in the minds of the people. They have been out among their constituents. They have felt out the sentiment of all classes of the community. They have learned that there is just one proposition on which the preponderance is overwhelming, and that is a demand that an end be put to the rule of the House by CANNON.

* * * * * * *

It is CANNON *v.* The United States. CANNON himself forced the issue. His challenge was promptly accepted by the Republican leaders of the West. Cannonism has therefore reached the last stage, the beginning of the end. No petty politics, no temporary victories of trick and stratagem, not even his final frantic effort to appear as a friend of progress, can now save CANNON. The Middle West, supported by the honest, healthy thought of 45 States, is against him. He is doomed.

* * * * * * *

Reports of the same purport came from all sections. "If I want to come back to Congress next session I've got to pledge myself to vote against CANNON," one supporter of the Speaker declared, with sincere regret. "And I've got to tell 'Uncle JOE' just that."

* * * * * * *

Among the "regulars" there early developed a strong sentiment that CANNON must take himself out of the speakership consideration for the Sixty-second Congress, or gravely endanger the Republican party. More than that, it was agreed that the Speaker must be told this in the plainest terms.

"If the Republicans control the next House, it will be because CANNON will have been eliminated before the election," is the common expression.

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Even now the seeing men of the old CANNON régime realize that the end is at hand. They know he can never again be elected Speaker, and they are preparing to save the machine and the rules and the paraphernalia of legislative asphyxiation by sacrificing CANNON and taking up some other man of his very truest kidney as their candidate for the gavel. With them it is the system, not the man who may chance to head it. "'The king is dead! Long live the king'—and keep us as his courtiers and ministers and satellites!" That is their motto.

These in due time will find courage to brave the wrath of the Iron Duke of Danville, and tell him he must get out of the way. Then they will take TAWNEY, or SMITH of Iowa, or STEVENS of Minnesota, or LOUDENSLAGER, or PAYNE, or some other well-trained old wolf of the CANNON pack, rig him out for the nonce in a shimmering lamb's fleece of insurgent apparel, and invite all the lambs to enter the trap by electing this masquerader to represent the new régime in the chair. God help the cause of parliamentary reform if it shall fall into the hands of such friends. It is just as important that Cannonism shall not choose the next Speaker as that CANNON shall not succeed himself.

* * * * * * *

Or ask yourself what would happen in England if Messrs. Gompers, Mitchell, and Morrison were Englishmen, sentenced to jail without the right of jury trial. For years and years Cannonism has blocked the way of legislation to limit and define judiciary powers in contempt cases.

These are some of the differences between the progress of other countries and the stagnation of our own, and if you would have the answer, it is in one word:

Cannonism!

Do you know that under some recent legislation in Germany no privately owned coal mine may be opened in the Empire? Compare that with the reckless waste and monopolization of our remaining coal deposits.

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THE NATION CRIES FOR RIDDANCE FROM CANNON.

The income tax is established as a basic feature in almost every nation's fiscal scheme. We are just setting about on the probably futile effort to amend our Constitution so that we may establish that tax.

Everybody agrees that our money system needs thorough overhauling and modernizing. The greatest and richest country on earth, we have a currency system that is a standing menace to the financial stability of the whole commercial world, and yet we are afraid to permit an attempt to improve it, because we see prospect that the work would be dominated by ALDRICH and CANNON, and nobody is willing to trust the patriotism of the one or the intelligence of the other in such a vital work.

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And when the fight is won, when the House has resumed its representative character, when its committees are once more named with the view to facilitate rather than to smother business, when the Committee on Rules shall administer the rules rather than the garrote, when Cannonism and Toryism have been routed and progress and enlightenment shall hold sway—then the country will go back to that imposing list of the things left undone when they ought to have been done.

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PRESIDENT TAFT'S ATTITUDE HAS CHANGED SINCE MARCH.

There could be no more suggestive indication of the drift of public opinion than is afforded by a study of the attitude of President Taft during his recent tour. Last March the President employed his utmost influence to save CANNON from defeat. But for his support CANNON would have gone down.

And yet, from beginning to end of his 13,000 mile swing around the circle, the President spoke no word of indorsement of CANNON.

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It means, simply, that Taft will never again give his support to CANNON. CANNON'S forces understand that perfectly. They realize the full significance of it.

The CANNON power is crumbling. It is tottering through the last reach in its race. No doubt can be entertained on this point by one who has studied the developments since Congress returned to the capital.

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The country is determined to make an end of CANNON rule and of the CANNON rules. It knows now all too well the narrowness, the bigotry, the vindictiveness, and vengefulness, the utter disregard for public interest or popular opinion with which CANNON holds his sway. It has read and believes the scathing indictment which Representative FOWLER, of New Jersey, addressed to the Speaker. CANNON had deposed FOWLER from the chairmanship of the Committee on Banking and Currency, because FOWLER had been guilty of the heinous offense of knowing something about the currency problem and of standing for his opinions, even when they interfered with the plans of CANNON and ALDRICH. The Speaker's vengeance against FOWLER was only typical. Every insurgent was punished for his insurgency when committees were announced by the Speaker on the closing day of the special session.

COOPER was taken from the headship of the Committee on Insular Affairs, where he had done magnificent service in helping President Taft to secure a measure of self-government for the archipelago. NORRIS lost his place on the powerful Committee on Public Buildings and Grounds, and so on through the list. Utterly reckless of the public interests, of the fitness or the service of men, CANNON punished every luckless one who dared oppose his despotism. It was as if that power of naming committees had been given him as the older Bourbons believed the scepter had come to them, by divine right, to be wielded for absolutely no other purpose than the gratification of personal whims and piques. Small wonder the country has made up its mind to end such conditions. The end is in sight.

[Applause on the Democratic side.]

Just after the last election the poet laureate of the Republican party—in the Washington Herald, I believe it was—said:

Who was it, when shot and shell
In fierce assault around him fell,
Stood by his guns and gave 'em —ll?
CANNON.

[Laughter.]

But now, Mr. Chairman—

Since that battle's fought and o'er,
And the country on CANNON is exceedingly sore,
Republicans on that side galore
Swear they'll vote for him nevermore.

[Laughter and applause on the Democratic side.]

Some are sincere, I do believe,
From his tyranny this House they would relieve;
But some, I fear, the country would deceive
Just on another election eve.

[Laughter.]

For this one thing they've come to know,
That Cannonism is doomed—must go;
So now we behold an amusing show,
They are falling out with Uncle Joe.

[Laughter on the Democratic side.]

The very conditions they now oppose
From Republican evils in this House arose;
And to the country it all clearly shows
That the Republican party caused all these woes.

[Laughter and applause.]

So, it's CANNON and Cannonism we fight,
In the name of justice and the rules of right.
Decent parliamentary procedure in the place of might;
Courage, my friends, the victory's in sight.

[Applause on the Democratic side.]

Who is that redheaded man by the aisle,
Who faces the Speaker and grimly smiles
When the gavel falls like a ponderous rock,
And sighs "Nevermore?" His name's MURDOCK.

[Laughter.]

He is an insurgent Republican praying for deliverance from Cannonism.

Mr. Chairman, I believe in giving honor and credit to whom honor and credit are due for the patriotic service of exposing Cannonism to the country.

I saw a man on this floor, in the Fifty-ninth Congress, courageously assail Cannonism. Single handed and alone, he went into this work, and he described the Speaker as a czar and denounced the rules of this House as arbitrary and tyrannical. His voice trembling with righteous indignation, he said:

I have undertaken to show that ours is no longer a representative government; that in defiance of the Constitution and the rules the Speaker exercises an absolute veto power over all legislation proposed here; that instead of being, as the Constitution contemplates he should, the servant of the House, the Speaker has constituted himself its master. I have laid out for my task to make it an issue before the country whether he shall not be required to give back to the people their free representative government.

[Applause on the Democratic side.]

Mr. SHACKLEFORD said, March 16, 1906:

No Member can submit any matter to a vote of the House until he shall have first sought and found favor in your sight. The Constitution contemplates that the Speaker shall be the servant of the House. In defiance of the Constitution you have made yourself its master. You have organized every committee so that no bill can be reported without your consent. Unless you are willing, no Member can move to discharge a committee from the consideration of a bill and take it up in the House. You subject the rights and destinies of this great people to the dictates of your own unbridled will.

Mr. Chairman, I want to say to my insurgent Republican friends and to the country that the man who started the fight on Cannonism, the man to whom most credit is due, is that gallant Democrat from the State of Missouri, Mr. SHACKLEFORD. [Applause on the Democratic side.]

Mr. Chairman, I must close. In a speech in this House, discussing the evils of your high tariff, I said that your tariff taxes would drive from the homes of the plain people the simple necessities of life; and what do we see to-day? Trusts have sprung up under your tariff protection and they arbitrarily fix the price of food in every market in the country. All classes of people, not especially within the circle of governmental favoritism, are driven to pitiful self-denial. In different parts of the country people are forced to quit eating meat on account of the high price. They are forming clubs and registering a solemn vow that they will deny themselves of the necessary meat on which to live. This great army of the plain people in their clubs are combating an evil that this Government permits to exist to the injury and distress of the people. An evil that the Democratic party has been fighting all these years. It has grown, gathering up and taking away the comforts and conveniences of life, and now this trust monster takes from the moderately well-to-do a portion of the necessities of life and threatens with starvation thousands of America's struggling poor. [Applause on the Democratic side.]

Mr. Chairman, if these people should assemble and agree to quit the use of the things that they did not need—the luxuries of life—and should determine to be more economical, it would be a refreshing sight to behold. But we see a free people hourly doomed to pay the price that bribes their liberties away—the prey of the greed of conscienceless men driven from the fields of a worthy existence and facing a state of industrial slavery equal to that of the European peasant.

This Republican monster of the meat trust has carried on his work of robbing the people, of creating hunger and distress in the various States of the Union, and now he flaunts his ghastly flag in the faces of the people of the capital city. Here where the lawmaking body is in session; here where the Supreme Court sits and the President dwells, with all the powers of the Federal Government centered about him, the meat trust is pinching with hunger nearly half a million people. [Applause on the Democratic side.] The poor clerks and government employees are forming clubs and swearing they will eat no meat for months to come. If some outlaw should hold up a train carrying provisions into any locality in the United States and the people should suffer because of this man's conduct, he would be put in the penitentiary, where he ought to be; and if a trust magnate, by reason of unreasonable prices of foodstuff, overreaches the purchasing power of the people, he ought to be locked up. But, oh, no! There is one code of conduct for the big-moneyed man and quite a different code of conduct for the poor man. [Applause on the Democratic side.]

Thirteen years of unbroken reign of the Republican party—House, Senate, and President. Tariff barons and trust magnates are holding high carnival in the Republic of our fathers and pinching with hunger millions of Americans. Day by day, those who fatten on the legislative favors of Congress, obtaining the power with which to rob and oppress the people, show more and more their utter disregard for the rights and liberties of the plain people. Their subsidized newspapers brand as a demagogue the man who opposes their corrupt and misery-breeding measures.

The Republic exists for the benefit and happiness of the citizen. It was never intended that this Government, born of the courage and sacrifices of our fathers and christened in the name of a justice-loving people, should become the handy instrument by which the crafty and avaricious should sap the lifeblood of honest effort and paralyze the hopes and energies of the people. [Applause on the Democratic side.]

The man who enjoys the comforts and conveniences of life and then robs his fellowman of the simple necessities of life is by far a worse criminal than the poor fellow who snatches a loaf of bread from the bakery and takes it home to feed his starving children. [Applause on the Democratic side.]

Mr. LAMB. I now yield twenty minutes to the gentleman from Indiana.

Mr. COX of Indiana. Mr. Chairman, the first section of the bill which I have introduced establishes a bureau of highways in the Department of Agriculture. The second section provides for a cooperation of work in the building of highways between the States, or civil subdivisions of the States on one side and the Federal Government on the other. The third section provides that the bureau shall consist of three commissioners, two of whom to be appointed by the President by and with the advice and consent of the Senate; one of said commissioners to belong to the dominant political party, and the other to be appointed from the largest minority political party; the third to be an army engineer with rank not above that of captain, to be detailed by the President of the United States, and that said commissioners shall be under the supervision of the Secretary of Agriculture. Section 4 provides that a State or a civil subdivision of a State, after complying with the act, may apply for and receive aid from the Government in the improvement of public highways. Section 5 fixes the terms and conditions upon which any State or civil subdivision of a State may apply for and receive aid from the Government by establishing the following facts: First, that the highway sought to be improved is of sufficient importance, taking into account its location, travel, and traffic thereon, including the carriage and delivery of United States mail. Second, that a right of way has been secured for the highway. Third, that when it is improved that the repairs of said highway shall be kept and maintained by the States or subdivision of the States free from any cost to the United States. Fourth, that the State or a subdivision of the State has signified its willingness and desire to improve its highways by first having said highway surveyed and an estimate of the cost thereof prepared, together with a map, plat, or chart thereof, filed in the court having jurisdiction of the highways in the State or civil subdivision thereof, and (providing that all this preliminary cost shall be borne by the State or civil subdivision thereof) and providing that when these things are duly certified to the bureau of highways, established in the Department of Agriculture, together with the fact that the State or civil subdivision of the State has by taxation or otherwise appropriated not less than one-half the money necessary to build or improve said highway, that then the bureau of highways, established in the Department of Agriculture, shall mark said report "approved," or if the bureau does not approve the report that then the said bureau shall have the highway sought to be improved resurveyed, together with the estimated cost thereof, and it shall then be the duty of the bureau to mark said report "approved."

Section 6 provides that upon a full and complete compliance with section 5 of the act one half of the expense of building and improving said highway shall be borne by the United States and the other half shall be borne by the State or civil subdivisions thereof, and that not more than 80 per cent of the work shall be paid as it progresses. Section 7 provides for an appropriation of $30,000,000 to carry the provisions of the bill into effect, one-third of this amount to be available in 1910, one-third in 1911, and one-third in 1912, and that the act shall apply only to post-roads.

Mr. Chairman, the question of internal improvements has been a burning one from the foundation of the Government down to the present, although we have reached our one hundred and twenty-ninth national milestone. This question is as much alive to-day as it was then, and it will continue to agitate the minds of the people until the question is settled and settled right. The Constitution reserves the right of improving rivers flowing between the States or from one State or Territory to another State or Territory, and under that part of the Constitution giving to Congress the power to regulate commerce among the States, Congress has almost from the foundation of the Government to the present time continued to make large appropriations for the improvement of rivers and harbors. The Constitution further reserves the right to the Federal Government to establish post-roads upon the highways of the United States, and by these two constitutional provisions a complete monopoly is given to the Federal Government, if it sees fit to enforce it, to both regulate and control traffic upon rivers and the highways of the country, and the Constitution having reserved this right, in my humble judgment it is time that Congress was fulfilling its constitutional obligations to the people along these lines. One of these obligations Congress has endeavored to fulfill; almost since the day the Government was organized to the present time Congress has continued to make appropriations for the improvement of rivers and harbors, which now run well up into the hundreds of millions. The other obligation, that of improving or even aiding in the improvement of the highways of the country, Congress has not entered upon any well-defined policy in the way of making appropriations for this purpose.

It is true, Mr. Chairman, that the agricultural bill now pending before the House, under the head of "Office of Public Roads," carries an appropriation of $114,240. This appropriation is not intended for a cooperation of the improvement of roads between the States on one side and the Federal Government on the other, but as the language of the bill itself indicates, it is for the purpose of disseminating knowledge among the States concerning the best methods and manner of building and improving highways in the States. This appropriation is not a drop in the bucket as to what is needed along this line, but it shows the beginning of what I trust will, in a few years, be the golden ending of this much-needed legislation. There is as much constitutional warrant for the Government to appropriate money for the purpose of improving the highways of the country, especially its post-roads, as there is for the Government to appropriate millions of dollars for the improvement of rivers and harbors, and certainly there would be as much justice and equity in it, because it would aid a deserving class of citizens of our country who always have labored under great stress and difficulty, and who, notwithstanding the difficulties under which they have labored, have by dint of their own energies and industry made a most favorable comparison of their business enterprises with any other business interests in the country.

Mr. Chairman, before the era of railroad building in this country, which began about 1837, the only means of transportation was water and highways. During this period of time Congress, recognizing its constitutional power over the highways to a limited extent, did enter upon an era of improving them. One of the highways during this period of time which Congress sought to build and improve is what is known as the famous and historic old "Cumberland road." Starting at Cumberland, Md., it traveled west, traversing the State of Indiana, passing through the city of Indianapolis, the capital of that State. The last appropriation made for this purpose was made on the 25th of May, 1838, and the total expenditure by Congress for this road in Indiana was $1,136,600. A part of this road in the State of Indiana was turned over to the State in 1848, and it became a toll road for a portion of its length, until between 1890 and 1894, when it was purchased by the several townships in Indiana through which it passed and was made free.

The last half of the nineteenth century may well be considered the era of railroad building in the United States, and the result of American ingenuity and industry is evidenced to-day by about 250,000 miles of steam railroad in the United States, built at a cost of about $15,500,000,000, including equipment carrying 900,000,000 tons of freight and 700,000,000 passengers annually. This stupendous achievement was necessary in order that agricultural commerce, industrial development, and the enlightened progress of civilization might be adequate to meet the needs of a great people. This progress has served to practically annihilate the distance to distribute the products of each and every section throughout each and every other section; to make markets for the cotton of the South, the corn and wheat of the Middle West, the truct and small fruit of the Southeast, the dairy products of the Northwest, and the manufactures of the Northeast thousands of miles from the point of origin or production.

Mr. Chairman, to-day transportation is a vital factor in the agricultural industry, as much so as in any other industry, and it makes or mars the prosperity of the individual and of the locality. The first half of the twentieth century will in future years be known as the era of public-road building in America, just as the last half of the nineteenth century was and is known as the era of railroad building in the United States. The commerce of the country has reached such tremendous proportions that the cost of transportation represents a sum which staggers the imagination. The receipts of the railroads alone are about $1,800,000,000 per annum. From this it is apparent that the variations in rate of hauling of the smallest fraction of a cent means a difference of millions of dollars to the people.

The freight hauling on railroads began at 7½ cents per ton per mile about 1837, and this has been forced down until to-day it is about 7½ mills per ton per mile, or one-tenth of the original rate. This rate having been reached on railroads and ocean rates having been reduced to a point where it only costs 2.2 cents per bushel to haul wheat from New York to Liverpool, a distance of 3,100 miles, it is evident, therefore, that the only great opportunity which remains for cutting down the immense cost of hauling is through the improvement of public roads, which constitute the primary means of transportation for our agricultural products, for many millions of tons of forest products and mine and manufacturing products, and which for a large proportion of farmers constitute the only avenues of transportation from the point of production directly to the consumer. It costs the farmer on an average 23 cents per ton per mile to haul his produce from point of production to market. It costs on the railroad 7½ mills per ton per mile, and it costs one-tenth of a mill per ton per mile to haul the farmers' produce by water. It can be readily seen, therefore, why it costs the farmer three times as much to haul a bushel of wheat to market as it does to ship it across the Atlantic Ocean. This is hardly believable, yet it is an indisputable fact. The Interstate Commerce Commission, in its report of last year, says that the railroads of the country alone during that year hauled over their lines 265,000,000 tons of produce raised by the farmers of the country. This reduced to pounds means 5,300,000,000 pounds. Allowing 1 ton to the wagonload, it means 265,000,000 wagonloads of farmers' produce which had to be moved from the point of production to a market over public roads, with an average of 9.4 miles over the roads, making a total distance traveled of more than 3,000,000,000 miles to get their produce to market. This enormous drain for transportation over the highways of the country proves the assertion that our annual bill for hauling produce over the roads is more than $500,000,000 per year to be well established. These figures are astounding, especially when it is asserted upon the most reputable authority that it costs less than one-half as much per ton per mile to haul over the roads in England, France, and Germany as it does to haul over roads in the United States.

The justification of the era of good-road building is found in the determination on the part of the people to save $250,000,000 a year to the people, to say nothing of the tremendous impetus improved roads will give to education, to enhancement of land values, to the growth of country population, and to the extension of comfort, and happiness on the farm, and the maintenance of high standards of living and of citizenship. The railroads could not exist to-day were it not for the immense tonnage of farmers' commodities transported by them over their lines of railway, nor would there be such a popular clamor for large appropriations to improve the rivers and harbors, were it not for the fact that these great national arteries of commerce annually haul immense tonnage of the produce of farmers, distributing it to the great centers of population, and yet every pound of this freight hauled by either the railroads or the rivers must first be hauled by the farmer in wagons over highways, well-nigh impassable several months in a year, for a distance of more than 9 miles per haul. How can these improved conditions be brought about? Only by taxation in some form upon all the people and upon all the business of the coun-

try alike, and then by equally distributing the money collected through the avenues of taxation and equally distributing it through appropriations made by Congress to the States or to civil subdivision of States for the improvement of their highways. Where is the money to come from? Road improvement costs money, not a little, but volumes of it. To raise the money with which to improve the highways it is clear that it can not be done by assessing the community along the line of the highway or in the township or county where the road may be situated.

Mr. Chairman, the people in the rural districts are willing to pay their proportion of the cost of improving the highway, but when they have stood their part by way of taxation they find that they are unequal to the task, and that the burden is more than they can stand, and this class of people have for more than a century submitted to taxation for the purpose of improving the rivers and harbors of the country. Patriotically they have stood by and observed their money being appropriated for this purpose, realizing all the time that the appropriation of money for this purpose would not be so urgent were it not for the fact that their produce transported by them over well-nigh impassable roads for a large part of the year went to swell the enormous commerce of the rivers in the country. So the question of raising money for this purpose has passed on beyond a township, county, or state question, and is now a national issue.

The Democratic party in its last convention assembled at Denver openly declared in favor of government aid for the improvement of the public highways of the country. The farmers believe, and justly so, that a part of the money raised by taxes levied on the people of the entire country should be devoted to a purpose that is so imminently one relating to the national welfare as it is, that of improving our highways. They are convinced that of the enormous sum taken every year from the people by way of taxation levied for the most part on the consuming public, of which they form so large a part, the expenditure for their benefit is very small. And they know of no other way in which the unequal distribution of the public funds could be made fairer to the largest class of taxpayers, the farmers, than by making material appropriations in aid of better highways. The argument is made by some who are unfriendly to the propostiion that if Congress undertook to make appropriations for this purpose, that this would be an invasion of the rights of the States, because they argue that our roads are purely a matter of state concern. How can it be an invasion of the rights of the States to ask the Federal Government to aid in improving its own post-roads, the very roads which the Government claims under the Constitution the right to establish, and over which roads it claims the right to transport the mail? It can not in any legal sense be an invasion of the rights of the States for the Government to improve or aid in improving its own property, and by the Constitution it is expressly declared that the Government has the power to establish post-roads upon the highways. By others it is claimed that such a system of the Government in aiding the States in the improvement of their highways would be paternalism, socialism, and all other isms. Such epithets when applied to the real question at issue means nothing at all, it is no argument, and does not convince anyone either in favor of or against the proposition of government aid for the improvement of highways. If it be paternalism or socialism to aid the States in improving the post-roads of the country, then it is equally paternalism or socialism for the Government to appropriate money for the improvement of rivers and harbors, because there is as much constitutional warrant for the one as there is for the other.

No sensible man would for a moment contend that it is either paternalism or socialism for the Government to appropriate money for the improvement of rivers and harbors, and no sensible man, if he will be honest with himself and with the public, will contend for one moment that it is either socialism or paternalism for the Government to appropriate money to aid the States in the improvement of the post-roads of the Government. Another objection frequently made against this policy is that federal aid would simply amount to taxing the people of the various States and returning the money to them in the way of appropriations for highway improvements. The truth is that the Federal Government is now steadily encroaching on the taxing sphere of the States without consideration of the purposes for which the money is to be expended, and for this reason alone the demand of the farmers for federal aid along this line is fully justified. In most of the States where the policy of state aid for the improvement of highways has been adopted, a considerable part of the state revenue are derived from taxes on corporations and inheritance taxes, and some of the States have enacted an income-tax law. It could be reasonably expected that the States which have yet to adopt this policy would rely on these taxes to a large extent for providing the necessary funds for road improvement.

Mr. Chairman, the last Congress enacted a law imposing a federal tax on corporations, and a federal inheritance tax law is strongly favored by the President of the United States, and will doubtless be enacted by Congress into a law in the not distant future. A constitutional amendment has been submitted to the States which, if adopted by the requisite number of the States, will give to Congress the power to pass an income-tax law, and it is therefore only fair that the States should say to Congress "since you insist on invading what is properly our sphere of taxation we insist that in expending the revenue derived from these taxes you must devote a portion of it to purposes that will benefit the greatest number of our people."

There will be those in and out of this House who will denounce this idea as paternalism and socialism, yet these same men will persuade their consciences that it is neither socialism nor paternalism to vote for a ship subsidy, which ultimately means a tax upon the consuming masses for the sole and exclusive benefit of a few shipowners in the country, and which will pile many millions of dollars in the way of burdens upon the mass of the people, with no corresponding benefit in return to them whatever. How any man can support a ship subsidy, designed only for the benefit of the few, and turn his back upon this proposition is beyond my comprehension, and if newspapers can be believed, the capital is now infested with a lot of professional lobbyists looking after their pet scheme, a ship subsidy. If the farmers of the country are to be taxed solely for the benefit of private industry and private monopoly in the way of a ship subsidy, I hope they will make it clear to their Representatives and Senators in the next Congress that Congress must make liberal appropriations for aiding the States in the improvement of the country's highways. The far-fetched argument has been advanced that the adoption of the policy of federal aid and a cooperation on the part of the Government with the States in improving the country's highways would tend to lessen the interest of the States themselves in the work of improving and building macadamized roads. In my humble judgement I believe this danger to be wholly imaginary, not real, and without any foundation whatever, because I believe that instead of federal aid to the States discouraging the States' activity along this line that federal aid would greatly stimulate and increase the activity of the States in the building of good roads. The claim that if the National Government were to make appropriations to assist the States in extending their improved road system that the people of the States would lose interest in the subject is based upon a mistaken view of human nature, particularly the farmer nature.

Mr. Chairman, I believe that the direct effect of federal aid would be to create a still greater interest in this movement among the States and show more clearly than ever the erroneous influence that would be exerted by good roads in promoting our national prosperity, education, health, and social welfare. A question that directly concerns the interest of all the people of the entire country can no longer be regarded as merely a local issue, but a national one, in which not only the farmer, but the banker, the merchant, the railroad magnate, the laborer, and, in fact, every person living in this country is vitally interested. I have given this subject some thought and consideration in the past three years, and to this end I have secured a copy of the road laws of almost every State in the Union; and upon an examination and a comparison of these road laws I find that no two States have identically the same road laws. There seems to be as many diversified laws upon the highways as there are States themselves, and I believe it to be a hopeless task to get the States to adopt uniform road laws of and within themselves. Believing this to be impossible, and to obviate this very thing and to bring about uniformity of road laws among the States so as to give the Government power to aid them in the improvement of their highways, I have introduced the bill heretofore outlined by me. If the Government ever embarks upon this era of road building in the way of aiding the States, and I have no doubt but that it will—special interests can not put off the day of reckoning much longer—the Government itself must fix by law the terms and conditions upon which the States can share in the distribution of appropriations for this purpose. I would not raise the question of section against section, nor would I raise the question of occupation against occupation, but, as a class, the farmers have never received their share of legislation, and yet they have been a most potential factor in the building up of our great Republic. They have reached a point, in spite of themselves and in spite of objections and many difficulties which they have had to meet and

overcome, where, from a commercial viewpoint, they are to-day occupying a most conspicuous place as financial factors in this country. Two years ago the bankers of the country brought on what was termed a "bankers' panic," but in a few months the farmers' crops soon drove it to the jungles, and I hope never to return again.

The value of the farmers' crops this year, according to the reports of the Secretary of Agriculture, reached the startling figure of $9,000,000,000, furnishing food to 90,000,000 of people in this country, with a surplus to send abroad large enough to make the balance of the world's trade in our favor of more than $400,000,000. His crops this year almost equal two-thirds of the total value of all the railroads in the United States, including equipment, and is at least three-fourths of the value of all the lines of railway in this country, without equipment, although it has taken three score and ten years to build up our railway system in this country; and the Government has aided in the building up of our great railway system by giving it land equal in size and area to the Republic of France or the Empire of Germany. If in the course of three score and ten years, by an investment of $15,000,000,000, private capital can build 250,000 miles of steam railroad, certainly in the same period of time, or less, the Government, working in connection with the States, can surely build a system of highways in this country which will equal in splendor and glory the highways of ancient Rome, which to-day stand as a monument of that one-time great and flourishing empire. The Governments of France, Germany, England, and other European countries, long ago, recognizing the necessity of work of this kind, entered upon eras of national road building, and along this line they have left our Government far in the rear, although we are undoubtedly the richest Government upon the earth. The total assessed valuation of property in the United States is now approximately $120,000,000,000, almost two and one-half times of either the Governments of England, France, or Germany, these three Governments being to-day the leading powers of Europe, and one-half of this assessed wealth in our country is owned by farmers, represented by farm values and farm products.

The population of our country is approximately 90,000,000 of people, and this represents a total population of almost twice as many as either of the above-named governments, and one-half of this population in our country are farmers or people living in rural communities, and yet we are told that it is all right to vote a tax upon him for the purpose of a ship subsidy, but if he asks in return some aid to not only improve his own condition but to equally improve the condition of all other people, no matter whether they live in towns or in cities, he is answered in his request by being told that this is socialism or paternalism. My answer to these charges is that if it be either or both let us make the most of it. While I am in favor of maintaining a moderate navy and army, I am unalterably opposed to maintaining an immense navy or large standing army, both of which make a constant drain on our resources to maintain them, and I believe that instead of appropriating $139,000,000, as we did last year to maintain our navy, and more than $100,000,000 to maintain our army, for one I would much prefer seeing these appropriations cut down and a part of this money put into the improvement of our country's highways. This would aid in building up our country and would in a short period of time, in a true sense, make us the greatest nation on the earth. Were such a course as this adopted, all benefits would not alone accrue to the man living in the country, but a corresponding benefit would be given to the man living in the city or town. The cost of transportation of any article to the ultimate consumer must always be taken into account, and if the cost of transportation of the farmers' commodities can be reduced, the consumers of these commodities in towns and cities would receive a corresponding benefit to them in the way of having reduced the cost of necessities of life.

It is estimated that a tax of $12.50 per capita is placed upon every man, woman, and child in the country as a result of bad roads. This result of bad roads constitute yearly tolls of $12.50 per capita against everyone who eats and consumes farm produce. This yearly waste would build 200,000 miles of macadamized road every year, basing the average cost per mile of road at $5,000. We have 2,000,000 miles of public highways in the country, and by saving this yearly waste, and turning it to an improvement of the highways, in ten years we could improve all the great thoroughfares of the country. Our Government can not afford to take any backward step along this line.

Mr. Chairman, it must keep abreast, if not ahead, of the nations of Europe, which long ago began the improvement of public highways by making national appropriations for this purpose. If the Governments of England, France, Germany, and other European countries can do this and do it successfully, why can not our Government do the same thing? It can, and it can do it much more easily than any European government because of our superior national wealth, and superior population, upon which to draw as a national resource from which to procure the revenue for this purpose. Let no one be deterred that such a course will be an interference with state rights. Let no one falter, believing that such a policy would lessen the ardor of the States in the building of good roads if the Government comes to the aid of the States along this line. Let no one be afraid of being called a Socialist or Paternalist if he stands for such a course, but let everyone who believes in exact and even-handed justice between man and man plant himself upon the Constitution and declare that equal and exact justice shall be dealt out to all the people. Undismayed by special interests for myself, whether in or out of Congress, I propose to stand for this policy, believing that by so doing I am following out the maxim upon which all republican forms of government rest, that of equal opportunity before the law. [Applause.]

Mr. LAMB. Mr. Chairman, I hope the other side will occupy some time now.

Mr. SCOTT. I yield to the gentleman from Ohio.

Mr. TAYLOR of Ohio. Mr. Chairman, for some time prior to the date of the President's message there has been an agitation of a proposition by leading negroes that it would be fitting, as well as a benefit to the people, that there should be a great national exposition showing the progress made by the negro race, not only during the period of their freedom, but also from the time of their coming to this country.

The year 1913 will mark the fiftieth anniversary of the emancipation proclamation granting freedom for the negro, and for the first time putting him on a basis where he must go into the world and be self-sustaining and self-supporting. A great exposition showing the tremendous strides this race has made in fifty years, both in agricultural, industrial, commercial, business, and professional life, would be of great benefit and of tremendous educational value, not only to the negro, but to the white race, throughout this great country.

I am glad to say that this movement has not only met with the approval of the prominent negroes, but has been encouraged and will continue to be encouraged by prominent white people and the press. Men of the South are as much interested in an exposition of this kind and have shown as much, if not more, encouragement toward the project as any other section of the country. President Taft in his message calls attention to this movement and the proposed exposition, and suggests that a preliminary commission be authorized by Congress of not more than seven persons to consider carefully whether or not it is wise to hold such an exposition; and if so, to outline a plan for the enterprise. His recommendation carries a preliminary commission without salary, except as to their actual expenses, and he advises that an appropriation be made for this purpose only.

I have always been interested in the progress of the negro race, and immediately after the message was read in Congress I prepared a joint resolution, which was submitted to the Committee on Industrial Arts and Expositions, and provided, in substance:

That the President of the United States be authorized to appoint a commission consisting of seven persons to consider carefully whether or not it is advisable to hold an exposition in the year 1913 to commemorate the fiftieth anniversary of the emancipation proclamation granting freedom to the negroes, and that the said commission report to Congress on the first Monday in December, 1910.

This resolution further provides for an appropriation of $5,000, or so much thereof as may be necessary, out of which shall be paid the necessary expenses and disbursements of the commission, all of which shall be provided by the Secretary of the Treasury on vouchers approved by the chairman of the commission.

This resolution is now pending before the committee to which it was referred, and I hope and believe that it will be favorably reported and passed by both the House and Senate of the United States. I am also gratified that the Hon. WILLIAM RODENBERG, of Illinois, chairman of the Committee on Industrial Arts and Expositions, has introduced a like resolution, and has shown great interest in, and approval of the subject.

What more valuable purpose could be served than to teach the world of the progress of the negro in his fifty years of freedom in an educational, moral, and religious direction? To be a success, it must not be left to the negro people alone, but should be a matter in which the whole American people, white and colored, should take an active interest.

There have been many expositions held during recent years, and there may be a feeling that there have been too many; but an exposition of this kind, which serves such a laudable purpose, should be encouraged, particularly when it will teach

the world a lesson, showing how it is possible for two races to live together in peace and helpfulness. No place in the world do so many white and colored people live together with so little friction as in the United States. In no place in the world has the negro advanced further in industrial, educational, and moral direction than has the negro in the United States. The causes for these advancements, the results of their efforts, placed under intelligent scrutiny, must result in benefit to all the people of the United States, as well as to the world.

It is of the greatest importance to the Nation that the negro should be uplifted in every possible way; that his right to self-improvement should be recognized; that he should be encouraged in citizenship; and if an exposition of this kind will help the negro, such an exposition should by all means be held. I do not speak from sentiment. I look upon this as a great economic question; one to be taken hold of seriously and soberly and worked out with the utmost care. For that reason, I approve of a commission of prominent men, first to determine its advisability and, second, to lay out a plan for its consummation. It seems to me that the first question before the commission is, Will such an exposition benefit the colored race? If this commission determines that it will, there can be no valid objection from any section of this country to such an exposition. A careful investigation of the results of the negro's progress brings forth some startling figures. When you think that the education of the negro practically began with the emancipation proclamation, and that the illiteracy of the whole race may be admitted to have been almost total at emancipation, it is a mark of splendid progress to know that at the time the last census was taken it had been reduced to 44.5 per cent. It is undoubtedly much lower at the present time, as is shown by the fact that from 1890 to 1900 it had been reduced from 57.1 per cent to 44.5 per cent. In my State of Ohio, where the negro is educated and gladly takes advantage of the opportunities for an education, only 17.9 per cent were illiterate at the time of the last census. There are white countries with centuries of civilization behind them which can not show any such advancement. I am told that there are 40,000 negro students in colleges, studying all branches from trade to scientific and classical courses. More than 40,000 have graduated from the various secondary institutions; more than 40,000 from colleges. There are 3,000 teachers, 16,000 clergymen, 4,000 musicians, 17,000 physicians and surgeons, 1,000 lawyers, 300 journalists, 236 artists, 82 bankers and brokers, and 52 architects. The race owned in 1904 property amounting to $1,100,000,000. It operates 476,718 farms, and owns 187,797 farms.

This is not a bad showing for a race which has had but fifty years of freedom, and what a splendid opportunity would be given by an exposition of this kind to show the results of all this effort in a way that the people of the country will have an opportunity for personal inspection. What better way to encourage them to further effort along the lines of good citizenship? In 1900 the negroes owned farm property valued at $200,000,000, almost $300 for each negro family. The auditor of the State of Virginia, in his report of 1904, says that the negro increased the value of his property in one year $1,054,626, making a value in that year of their total property of $19,554,844.

We have recognized that the real backbone of our country is agriculture. The negro has recognized this fact. More than 2,000,000 are engaged in agricultural pursuits.

The negro has not forgotten that religion is a necessary adjunct to good citizenship, and they have 200,000 churches, valued at many millions of dollars. I believe that the people of the North, as well as the South, should interest themselves in this great work. A commission should be appointed of able and prominent men, the matter should be fully investigated, and I firmly believe that, after a full investigation, there will be a recommendation for an exposition which will be of incalculable benefit to the colored and the white people of this country. This exposition would tell a story of great human interest. It would be the only one of its kind, and would therefore be, by its novelty and by its laudable purpose, the center of attention of all thinking people of this country. It would give encouragement to the negroes of the better class, it would stir in the breasts of the whites a spirit of rejoicing in a success to which they have loaned their efforts. It appeals to progress; it appeals to prosperity. It would appeal to any man who has the best interests of the country at heart, who believes in progress, prosperity, and posterity.

Mr. SCOTT. I yield thirty minutes to my colleague on the committee, the gentleman from New York [Mr. COCKS].

Mr. COCKS of New York. Mr. Chairman, the bill which we have submitted this year we believe is along the lines of the bills of the past, and we have given to the department all that they asked for and a little more. I do not propose to go into a summary of the provisions of the bill, because I assume that our worthy chairman will take up the bill and review it from start to finish.

The particular part that I wish to call attention to relates to our live-stock interests, and is more or less directly connected with the present crusade against high prices. I have collected here considerable information that I believe will be of interest to those who are willing to take the trouble to look this matter up.

You remember that it was with considerable difficulty that the inspection bill was passed, and sometimes we have failed to realize that the condemnation of a large number of cattle annually has something to do with the scarcity and the high prices, and I will submit a few figures showing the rejections on account of disease for the several years 1907, 1908, and 1909.

In 1907, of a total of 50,935,216 cattle that were inspected, 149,792 were rejected in whole. The parts of carcasses that were rejected amounted to 529,876. While that is not such a tremendous percentage of the total number of cattle slaughtered, it still has a bearing on the price of cattle.

The next year, out of 53,973,337 inspected, 175,126 carcasses were rejected in whole and 704,666 in part.

In 1909, up to June 30, the total number inspected was 55,672,075, of which 141,057 were rejected in whole and 899,628 in part.

Now, you will notice that last year there were 175,000 rejected whole carcasses, whereas this year, ending June 30, 1909, there were only 141,057. That is encouraging from the point of view of those who believe that the inspection law ultimately will result in a more healthful condition of the cattle of this country. Of the animals inspected, the largest number of those condemned were swine and the smallest number goats, showing that by far the most healthy of any of the animals slaughtered were goats.

The report of the Bureau of Animal Industry shows that by far the greatest number of animals condemned were suffering from tuberculosis, and that is true of both cattle and swine. In 1907 the number of carcasses of cattle condemned for this disease was 19,305, and parts of carcasses 10,530, out of a total of 7,621,717 inspected; for hogs, whole carcasses, 65,618, and parts of carcasses, 364,559, out of a total of 31,815,900 inspected. In 1908 the cattle inspected fell to 7,116,275 and the condemnations for tuberculosis rose to 24,371 in whole and 27,446 in part; but we find that in 1908 the number of swine inspected increased by 5,000,000 and the number of condemnations increased to 77,584 in whole and 628,462 in part. Then in 1909 there were 7,325,337 cattle inspected, out of which number 24,525 were condemned in whole and 40,148 in part; the number of swine inspected in that year was 35,427,931, of which 45,113 were condemned in whole and 791,735 in part for this disease. I have given the figures for tuberculosis only, because that was by far the most prevalent disease; in fact, it was by far more prevalent than all the others combined.

The next thing of particular importance, perhaps, in connection with the Bureau of Animal Industry is as to whether our vast expenditures for the benefit of the cattle industry in the Southern States has been of any value. I will read an extract from the Daily Live Stock Report of January 1, 1910, which has a direct bearing on that work of the bureau:

NEW TERRITORY ADDED.

With the lifting of the quarantine against a good many counties in Tennessee, Arkansas, Oklahoma, and the Panhandle, the native cattle market has profited by the additional receipts from the States mentioned. The lifting of the quarantine has stimulated interest of the cattlemen there in the business, and production will undoubtedly be pushed along more vigorous lines.

The stockmen of southern Missouri are giving more time and attention to the raising and breeding of better cattle than in former years. This has been especially observed during the past year. That territory is rapidly coming to the front as a producing center, and to-day is considered one of the substantial sources of supply.

This refers particularly to the market at St. Louis. I would like to call the attention of the House to this, because sometimes we are asked, Are the activities of the Agricultural Department resulting in any real good to the people of the country and the farmers?

The next particular question that comes up in the consideration of the price of beef is whether the farmer is getting his due proportion of increase in the price of cattle.

Mr. WEISSE. Will the gentleman yield?

Mr. COCKS of New York. I will yield for a question.

Mr. WEISSE. Does the Agricultural Department keep any account of what they do with the meat that is condemned after inspection?

Mr. COCKS of New York. The ones that are condemned go to the tank and are reduced for fertilizer.

Mr. WEISSE. Are not a great many of them consumed under certain conditions?

Mr. COCKS of New York. We believe not, and that is so stated by the Chief of the Bureau of Animal Industry, and we have no reason to believe that his statement is incorrect.

Mr. Chairman, I would call the attention of the House to the fact that if many of these cattle had been slaughtered by the country butchers they would have been consumed.

Mr. WEISSE. I would like to ask the gentleman if he ever knew of the country butcher killing or carrying on the slaughter business in the insanitary conditions that the great packers were reported to be carrying it on in a report made by the administration at one time?

Mr. COCKS of New York. I believe that the average butcher was no more careful than the packers were, judging from the butcher shops and slaughterhouses that I was familiar with.

Mr. WEISSE. That is not the question. I asked the gentleman if the average condition in the packing houses was not more insanitary and in a worse condition than the butchers' slaughterhouses when this report was made?

Mr. COCKS of New York. We have no report of the sanitary conditions of the local butchers as compared with that of the packers, and I can only state what I do from my own observation.

Mr. WEISSE. My observation has been that the report made of the packing industry by St. Clair and the butchering industry by the local butchers in my State, where I have visited them, that the local butchers were far ahead of the packing houses.

Mr. COCKS of New York. Mr. Chairman, if the gentleman wants to make a speech I will help him to get time, but I have a few things I wish to submit myself. Now, in taking up this matter of high prices, I came across an old report made by Senator Vest in 1888, when conditions were the reverse of now, and when the great cry was that the producers of the country were not getting sufficient money for their cattle, and I am just going to read a little statement published in the Farmers and Drovers Journal, of Chicago, of January 1, 1910, to show what the condition of the Chicago market was at that time.

I want to give you an idea of the amount of business done, and of course you realize that the prices received at the Chicago market were what the farmer received, less the freight and the commission. I herewith submit two items printed in the Chicago Daily Farmers and Drovers' Journal for January 1, 1910:

Valuation of 1909 live stock marketings at stock yards, $316,754,000, against $307,680,000 in 1908.

Cattle valuation for year, $165,545,000; calves, $4,858,000; hogs, $107,007,000; sheep, $24,414,000; horses, $14,930,000.

Combined receipts of all classes show decrease of 1,544,997 from previous year.

Highest average prices on record established for native beef cattle, western range cattle and lambs, and also in lamb trade.

Average price for hogs, at $7.35; highest since 1882. Top hogs, at $8.75, in year highest since 1893.

Packers' predictions of cheaper hogs in November and December go wide of mark when supplies fall far below normal volume.

New record price of $9.90 is hung up for Colorado lambs.

Champion Percheron stallion Carnot sells in Chicago at record price of $10,000 during international show week.

Horse sale industry again rides top wave of prosperity.

Average price for steers in year, $6.35; highest on record.

Year's open market top price, $9.50; highest since June, 1870. Record price made May 29, 1867, at $10.25.

Native cattle receipts for the year 2,527,907, against 2,662,006 in 1908.

High corn price throughout the year was worry to feeders; however, feeding operations were profitable.

Quality shows no improvement for year. High feed cost cuts short the supplies of finished beeves.

Summer pastures excellent and grass-fed marketings were heavy in fall months.

Cattle valuation was $165,545,000, against $164,190,000 in 1908, showing an increase in spite of a drop in receipts.

Eastern shippers liberal competitors in all seasons, but total shipments show decrease from former year.

International show steer prices highest on record, making an average of $11.44 for 52 loads.

Steers averaged highest in September, at $6.75. Low month was February, when average was $5.95.

From August to December prime beeves topped at $8 to $9.50, while in last three months tops ranged above $9.

Choice beeves were lowest sale in February and April, when tops made $7.15.

Short-fed steers in fall made highest prices in years. Forty to sixty day fed steers sold up to $7.50.

Yearling steers popular with slaughterers and sell at high rates.

Hide market high throughout the year; closes 1 to 3¼ cents up from year ago.

One feature of the first of the items that I have just read I wish particularly to call to your attention, namely, that the horse industry again rides on the top wave of prosperity. I have never heard anyone charge that the horse market was controlled by a trust or a combination of any sort, and yet, notwithstanding the great increase in the number of automobiles, horses bring the highest prices they have ever brought in this country since we have been on a gold standard. It seems to me that this conclusively proves that in one of the farm products at least we have a good price without there being any charge of its being due to combinations of any kind.

I desire also to call your attention to the fact that the difference between the average monthly receipts in 1901 and 1909 at the Chicago stock yards was 9,000 per month. In the same period there was a decrease of 137,000 hogs per month and an increase of 34,000 sheep per month. The Chicago Daily Farmers and Drovers' Journal for December 30, 1909, states that in the six principal markets, namely, Chicago, Kansas City, Omaha, St. Louis, St. Joseph, and Sioux City, the increase in receipts in 1909 over 1908 of cattle was 298,000 and sheep 267,000, but that there was a decrease in hogs of 3,642,000.

As a further evidence that the farmer is receiving better prices for his stock than ever before, I desire to call your attention to an extract from the Daily National Live Stock Reporter for January 1, 1910, which is a general review of the market for the year; also, I wish to call your attention to a statement issued by the East St. Louis National Stock Yards to the farmers. I herewith submit both articles:

THE TOP-NOTCH PRICES, REFERRING TO THE ST. LOUIS MARKETS.

The high price of the year for straight market beeves was $8.75, paid during the week of October 23 for a load weighing 1,551 pounds. The top price of yearling steers less than a thousand pounds was $8.35 the week ending October 2, they averaging 928 pounds. Yearlings over a thousand pounds brought $8.50 on September 21.

All records in the history of the market were broken when on Tuesday, December 14, 17 steers, averaging 1,245 pounds, sold for $10.50 straight. They were Christmas cattle, thoroughly finished, and fit for the show ring.

With the regular market basis at a high level the sale of Christmas cattle was looked upon with considerable uncertainty. During former years transactions of the holiday beef were hardly as high, as a rule, as the choice market cattle sold during many weeks of the year. As a result, sellers had little idea what was forthcoming.

While the price level throughout the past year has been satisfactory, its effect upon future feeding is yet to be determined. Whether 50 to 60 cent corn and $33 cotton-seed meal and cake will curtail feeding is to be seen. However, from the opinions expressed by various feeders, it seems that there is not enough margin between cost and selling values to stimulate extensive feeding at the prices.

THE EAST ST. LOUIS NATIONAL STOCK YARDS—A WORD OF ADVICE TO THE FARMERS.

The high prices paid for all classes of live stock during the past year justify the farmer in increasing his production. The country is crying aloud for greater meat supplies. They are pleading to you through high prices. Think of it: Hogs close to the 9-cent mark, cattle up to $10.50 per 100, sheep and lambs on the highest basis known for some time at this season of the year. These prices certainly justify a very liberal increase in production and feeding.

Don't be afraid of overdoing it. The facts are, while the population of the country has been on the increase by leaps and bounds, the production of live stock has been practically at a standstill. In fact, in some localities it has actually decreased. The western ranges are fast disappearing. It will be years before the farmer settlers throughout the West can reproduce the stock of which the settling up of the range is depriving the markets.

I just cite these figures to show that at least the farmer was getting a portion, and as to whether he was getting a just portion of the high prices it must be left to your individual judgment to decide. In my own judgment he was getting as fair a share of the retail price as he ever got.

Now, referring to the report of which I spoke a few moments ago, in 1888, when the Senate appointed a committee to investigate because cattle were selling so low, they then believed that the trouble all lay with the packer, that he was absorbing the profit. I want to read the conclusion of that report, to show how the conditions as then seen by the committee have been verified:

CONCLUSION.

If the cattle raisers of the United States are only true to themselves the immediate future promises deliverance from present evils. There is no excuse for panic.

The worst feature of the cattle trade is the fact that so many cows and calves are being thrown upon the market, the indication being that producers are panic-stricken and anxious to realize now without regard to the future. There were marketed at Chicago during the past year 3,023,281 cattle, of which from 25 to 30 per cent were cows and 4 per cent were calves.

A little reflection will satisfy every intelligent man that no combination can keep the prices of beef cattle at present quotations. The population of the country is increasing in a wonderful ratio, and of course the increase is greater each year. The foreign demand for American beef is annually growing, and it can be only a short time until our store cattle will be admitted into the United Kingdom. The British cattle raisers are earnestly demanding the removal of all restrictions upon the importation of such cattle, and if our authorities earnestly address themselves to the task the difficulty can be removed.

Besides, the cattle-growing region in the West is being rapidly limited. The admission of new States, and the settlement of agricultural lands, the quantity of which is enlarged by systematic irrigation, must necessarily decrease the grazing area. While this is so, there will be an increased demand for beef with increased population, and enlarged facilities for the preparation of beef and its transportation to new markets.

It is impossible that the Chicago market should continue to control the cattle interest of the whole country as it does now, or that a few large operators shall retain their hold upon that market.

This is a new country, not yet out of its first national manhood, and rapid development, with phenomenal transition from one commercial condition to another, must attend our future. The center of population is moving westward, and the centers of trade must change with changing population.

As lines of railroad penetrate the continent and new territory is opened to commerce and production, the distributing centers must, of course, be affected, and so it will continue to be until our country has reached the last stage of national development and danger—that in which the soil is sustaining human life to its fullest capacity.

The cattle raisers of the United States should be and are the most competent judges as to their own interest, but if they will accept a suggestion from those whose duty it has been for months to examine the cattle question in all its aspects, they will cease marketing their breeding and immature stock, and diligently prepare for a larger supply and a brighter future.

It is only a question of time, and very brief time, when the problem will be that of supplying our own people with beef without regard to foreign markets.

Under present conditions, and until we escape from the abnormal and ruinous centralization of the cattle market and its domination by a few men and railroad corporations, every effort should be made by deep-water improvement on the Gulf of Mexico, diplomatic endeavor to remove quarantine regulations in Great Britain, national inspection, and the prohibition of monopoly in steamship transportation, to enlarge our foreign market; but eventually it will require all the cattle produced in this country to supply the home demand.

Respectfully submitted.

Showing that even twenty years ago they foresaw that the then low price of cattle could not last, and to-day their prediction has been more than verified. Now, in that same report there was printed a table showing the proportion of cattle to the population since 1850. We find that in 1850 there were 491 cattle to the thousand population, and it ran along then about the same until 1889, when we find that there 523 for 1,000 population. The next figures available that I have are for 1900, when there were only 363 per thousand population. In 1901 they rose to 588; 1902, 566; and running along down to the banner year 1907, when there were 600 cattle to 1,000 population. In 1910 it is again down to 531 per 1,000 of our population. That holds very much the same with the milch cows.

I find that in 1850 the number of milch cows was 275 per thousand of population, and that the number greatly decreased for each census period until in 1889 there were 235 per thousand, and in 1900, 213 per thousand. It is estimated that there are 245 per thousand in 1910, this year, considerably less than the proportion per thousand in 1850.

I submit herewith a few figures compiled by the Bureau of Statistics of the Department of Agriculture which would indicate that they think some of the high prices have inured to the benefit of the farmer, because while they not only give the figures of the increase in farm stock, they also show a large increase in valuation, and as this stock is still in the hands of the farmer they must have been of the opinion that he would get some benefit from the high prices:

Compared with January 1, 1909, the following changes are indicated: Horses have increased 400,000, mules increased 70,000, milch cows increased 81,000, other cattle decreased 2,100,000, sheep increased 1,132,000, swine decreased 6,365,000.

In average value per head, horses increased $12.55, mules increased $12, milch cows increased $3.43, other cattle increased $1.92, sheep increased $0.65, swine increased $2.59.

In total value, horses increased $302,311,000, mules increased $57,013,000, milch cows increased $77,363,000, other cattle increased $53,699,000, sheep increased $41,032,000, swine increased $81,809,000.

The total value of all animals enumerated above on January 1, 1910, was $5,138,486,000, as compared with $4,525,259,000 on January 1, 1909, an increase of $613,227,000, or 13.6 per cent.

The details by States will be published in the February number of the Crop Reporter.

Mr. HUMPHREYS of Mississippi. Will the gentleman permit a question?

Mr. COCKS of New York. Why can not the gentleman wait until I am through and then bunch all of the questions at once?

Mr. HUMPHREYS of Mississippi. Right there on that line I want to ask for information; if the gentleman has the figures showing the prices of beef and beef cattle during those years?

Mr. COCKS of New York. No; I have not got that. I did not get the run of prices for those particular years. I have got the price here for February 11, 1889, when the price for a 525-pound carcass was 3¾ cents per pound at Kansas City.

Mr. HUMPHREYS of Mississippi. I want to know what relation the number of cattle per thousand of population bore to the price.

Mr. COCKS of New York. It will require considerable figuring to carry that out all the way down the line. I submit this more to show that the proportion has hardly kept pace with the population, and we assume—most economists do—that we are eating more per capita of beef than we ever did before.

Mr. MOSS. Is it not a fact that in this report that Secretary Wilson has just submitted and put out to the country he states that we have been for the last fifty years constantly eating less meat per capita?

Mr. COCKS of New York. I did not notice that statement in the report, and I did not suppose that that was true. I would be very glad if the gentleman would look it up. I am only judging from my own information. I believe that we certainly are eating a higher class of meat.

Mr. MOSS. I would like to say to the gentleman that the Secretary of Agriculture estimates along the line that, supposing we were eating 100 thirty years ago, we are eating now only 60.

Mr. COCKS of New York. I would be glad to see that.

Mr. MOSS. The gentleman will find it in the report of the Secretary of Agriculture.

Mr. COCKS of New York. Now, to show you the tremendous difference in the prices of the carcass in different years, I will cite from an exhibit in this same report, submitted by the individual butchers in Kansas City. At that time they give the price of a thousand-pound steer at 3¾ cents. To-day that same carcass is worth 8 cents in Washington. They submitted at that time what they considered the cost of killing this thousand-pound steer, and I will put that table in the RECORD. It is as follows:

EXHIBIT A.

KANSAS CITY, MO., *February 11, 1889.*

DEAR SIR: As butchers of Kansas City, in the retail business, we desire to submit the following statement of the profits in our business:

Cost of a 525-pound carcass, beef, at 3¾ cents		$19.68
Cost of handling same, 14 per cent		2.75
Waste, which is a total loss in cutting, one-tenth		1.96
Total cost to retailer (proprietor's time excepted)		24.39
Proceeds of 525-pound carcass:		
90 pounds loin, at 12½ cents	$11.25	
80 pounds round { 52 pounds, at 8½ cents	4.20	
{ 28 pounds, at 2 cents	.56	
26 pounds rump, at 5 cents	1.30	
40 pounds rib, at 8 cents	3.20	
90 pounds chuck, at 5 cents	4.50	
80 pounds plate, at 2½ cents	2.00	
60 pounds foreshoulder and shank, at 3½ cents	2.10	
36 pounds neck, at 2 cents	.72	
20 pounds tallow, at 1½ cents	.30	
		30.13
Leaving a profit to the retail butcher upon which to live of		5.74

This, Mr. Senator, is the amount upon which the retail butcher of this city must sustain his losses from poor credits and support his family.

We wish to submit, in addition, what we think the packers make in this meat business:

1,000-pound bullock on foot, at 1¾ cents		$17.50
Cost of handling (per Armour's statement, 50 cents) ours		1.00
Total cost		18.50
Proceeds:		
525 pounds dressed beef, at 3¾ cents	$19.68	
Hide (Armour's statement)	4.00	
Offal (Armour's statement)	1.90	
		25.58
Net profit to packer		7.08

This, Mr. Senator, is a fair statement of the meat business.

A. W. CHURCH & Co.
JOHN JACOBS.
JOHN STADLER.

Hon. Senator G. G. VEST.

I just put that in to show you. Now, there is another interesting fact to note. In the same report I find some figures on the hide question to which I desire to call your attention. In 1879 hides were selling for 9 cents, in 1880 for 11 cents, in 1881 for 12 cents, running down from that price to 9 cents again in 1889, but making at no time a variation of over 1¾ cents a pound.

I notice from the statistics of the Department of Agriculture that in 1896 hides were selling at 8 cents, and they have greatly risen in price from that time to the present, when they are selling for 17 cents. I am citing this to show that notwithstanding the fact that the tariff has been removed from hides the price has not decreased. While I do not care to go into any argument on this question, in my judgment it is due to the increased demand for manufactured leather and the fact that our tanners have bid up the price in foreign markets, because we can tan hides here better than they can in any other country.

Mr. WEISSE. Will the gentleman yield?

Mr. COCKS of New York. I would like to bunch all of these questions.

Mr. WEISSE. Just a question——

Mr. COCKS of New York. I would like to bunch all of the questions at once.

Mr. WEISSE. It is only about ten words.

Mr. COCKS of New York. But I would like to get through and then answer questions.

Mr. WEISSE. It is just in line with what the gentleman said.

The CHAIRMAN. Does the gentleman yield?

Mr. COCKS of New York. I will yield.

Mr. WEISSE. In 1893, according to the Cincinnati Chamber of Commerce, hogs sold for $6.60. Now, in 1905 they sold for $4.80. Was it the Dingley tariff that made that price?

Mr. COCKS of New York. I am not discussing the tariff bill, but a different proposition. I was asked about the price of hogs. The price of hogs in some of these years was very largely affected by an epidemic of hog cholera. I do not imagine that the Dingley law had anything particularly to do with hog cholera. Now, in this 1,000-pound steer—I am just calling attention to a few items—there are only 90 pounds of high-priced cuts in the 1,000-pound steer. It dresses at 525 pounds. That is about the average for steers all the way along, so that when we condemn the price and consider we are paying 25 or 30 cents a pound for meat, we must remember that out of the 1,000-pound steer we only get about 90 to 100 pounds of high-priced meat. I am aware that many statistics may be made misleading. It depends a good deal upon where you pick the figures. I have a little table here that will show that.

THE HOG MARKET.

[Extract from the Daily National Live Stock Reporter (East St. Louis), Monday, January 3, 1910.]

The following shows the receipts of hogs this week compared with the same week a year ago:

	This week.	A year ago.
Tuesday, December 28	5,939	10,391
Wednesday, December 29	4,302	11,682
Thursday, December 30	8,303	9,870
Friday, December 31	5,943	7,312
Saturday, January 1	3,573	4,538
Monday, January 3	9,818	11,894

Now, if I wanted to show you that the hog receipts had greatly fallen off, all I would have to cite is this: Tuesday, December 28, receipts were 5,939, and a year ago they had 10,391 on that market. The next day would be still worse from that point of view, because it is 4,000, as against 11,000 a year ago, but when we come to Monday, January 3, we find it comes nearly to being the same amount. In fact, we had 9,000, as against 11,000 a year ago, so there is only a difference of 2,000. That only evidences that in case we were particularly trying to make a point we could pick the best figures to illustrate our point. Now, speaking about the condition of the home market, the same paper says:

Shippers and butchers were anxious for good hogs, and forced the advance, while the packers were slow bidders, as they were opposed to paying any higher prices, but in order to get the hogs they had to pay more than they did at the close of the week. Some few hogs showed a greater advance than a dime, but not many. The top of the hogs was $8.60 for a load of good medium-weight hogs that averaged 238 pounds, while the bulk of the desirable hogs sold at $8.30 to $8.50, but the packers bought quite a lot of light-weight mixed hogs at $8 to $8.25. Packers bought a poorer grade of hogs than usual, and did not want to pay the higher price the better hogs were bringing. The hogs at $8.50 and above all went to the shippers and butchers, and they would have purchased a great many more at the same price had the hogs been on the market.

Shippers were particular as to the grade of hogs they purchased, as all that were not strictly good were left alone.

I also desire to call your attention to an extract from the report of James R. Garfield, the Commissioner of Corporations, on the beef industry, in 1905, which is as follows:

There is a wide difference among sections and among cities in regard to the proportion of the beef consumption which is furnished by the western packing companies. The six large western packers furnish a very great proportion of the beef consumed in most of the large cities east of Pittsburg. In New York they furnish about 75 per cent, in Boston more than 85 per cent, in Philadelphia about 60 per cent, in Pittsburg more than 60 per cent, in Providence more than 95 per cent, in Baltimore about 50 per cent, and a number of other important cities of this section receive from 50 to 90 per cent of their beef supply from the same source. On the other hand, Buffalo and cities west of Pittsburg, such as Cleveland, Cincinnati, and Indianapolis, receive only from 10 to 33⅓ per cent of their beef supply from these six companies.

In a large majority of the smaller cities and towns of New England the six companies furnish upward of three-fourths of the consumption, but in most places of less than 50,000 population in other Northern States their proportion is less than one-half, and in many cases less than one-fourth.

In the Southern States the large packers supply usually less than half of the beef consumed in the larger cities. There are notable exceptions, where the western packers supply proportions ranging from 50 per cent in Nashville, Tenn., to 90 per cent in Norfolk, Va. In the smaller cities and towns of this section the proportion falling to the western packers is usually less than one-fourth.

That part of the beef supply not furnished by the six leading western packing companies is almost wholly slaughtered by local concerns. The ability of such concerns to compete depends partly on their efficiency in operation and in the utilization of by-products and partly on the source from which they derive their cattle. In most of the larger cities there are important establishments slaughtering from 10,000 to 40,000 cattle per year, which, while less efficient than the great western houses, are probably not at a great disadvantage in this respect.

In all of the Northeastern States, except New England, there is an extensive dairy industry, which furnishes a large number of surplus cattle for slaughter; in parts of this section, moreover, considerable numbers of cattle are raised primarily for beef. A considerable proportion of the cattle locally slaughtered in most cities, therefore, is obtained from a moderate distance, giving the local concern a marked advantage over the western packer in respect to transportation.

Now, I think that I have spoken sufficiently of these figures to show you that the farmer is getting a certain proportion of the increased prices, and I only wish that he were getting a larger percentage of the increase of prices, but I believe that those things will have to be regulated by economic conditions, by the law of supply and demand, and I do not believe that anything that we can do here will change it one bit. When I hear of a boycott of meat, it seems to me that those who are instigating that fail to realize that thousands of hard workers throughout the country are engaged in the production of meat, and they should stop and think for a moment of the long hours these producers work; they should stop and think of the many years in the past, when farmers raised these products and sold them for less than it cost to raise them. People ask, If he sold the stuff for a price less than it cost him, how did he live? He lived on the accumulation of his ancestors, on his own accumulation, by putting a mortgage on the farm, and only too often in those years that was the case.

I herewith submit for your consideration certain interesting figures taken from Bulletin 81, of the Bureau of Labor, Department of Commerce and Labor, issued in March, 1909. These figures are very interesting to those who desire to study the trend of prices during the last few years:

BULLETIN OF THE BUREAU OF LABOR OF THE DEPARTMENT OF COMMERCE AND LABOR.

[No. 81—March, 1909.]

Table II of the above bulletin gives the monthly actual and relative wholesale prices of commodities in 1908 and base prices (average for 1890–1899). Referring to said table, one finds that the average wholesale price per 100 pounds on steers, choice to extra, for 1890–1899, was $5.32, while the average for 1908 was $6.81, an increase of 28.1 per cent; also, the increase on steers, good to choice, per 100 pounds, in the same period, was 26.7 per cent.

The average wholesale price per bushel of corn for 1890–1899 was 38 cents, while the average in 1908 was 68 cents, an increase of 79 per cent.

The average wholesale price per pound on hides, green, salted, packers', heavy native steers, for 1890–1899, was 9 cents, while the average for 1908 was 13 cents, an increase of 42 per cent.

The average wholesale price on hogs for 1890–1899 was $4.41 per 100 pounds, while the average for 1908 was $5.79, an increase of 31 per cent.

The average wholesale price per bushel for oats, 1890–1899, was 26 cents, and the average for 1908 was 50 cents, an increase of 89 per cent.

The average wholesale price per bushel for beans was $1.66 for 1890–1899 and $2.31 for 1908, an increase of 38 per cent.

The average wholesale price per pound for cheese, New York full cream, was 9 cents for 1890–1899 and 13 cents for 1908, an increase of 38 per cent.

The average wholesale price per dozen for eggs, new-laid, fancy, nearby, for 1890–1899, was 19 cents, while the average for 1908 was 27 cents, an increase of 42 per cent.

The average wholesale price per quintal for codfish, dry, bank, large, for 1890–1899, was $5.58, while that for 1908 was $7.30, an increase of 30 per cent.

Mackerel, salt, large 3s, shows a decrease of 20 per cent, the average wholesale price for 1890–1899 having been $14.13 per barrel, while that for 1908 was $11.35.

On the same line of information I submit, also, the following, taken from Bradstreet's for Saturday, January 15, 1910:

Comparative wholesale prices of certain commodities.

	Per bushel.
WHEAT, NO. 2 RED WINTER, IN ELEVATOR.	
July 1, 1896	$0.64375
February 1, 1900	.75125
June 1, 1901	.8[illegible]
March 1, 1907	.83
January 1, 1909	1.0875
November 1, 1909	1.235
December 1, 1909	1.24
January 1, 1910	1.28
CORN, NO. 2 MIXED, IN ELEVATOR.	
July 1, 1896	.33625
February 1, 1900	.40
June 1, 1901	.49625
March 1, 1907	.575
January 1, 1909	.665
November 1, 1909	.70
December 1, 1909	.715
January 1, 1910	.70
OATS, NO. 2 MIXED, IN ELEVATOR.	
July 1, 1896	.215
February 1, 1900	.285
June 1, 1901	.33
March 1, 1907	.475
January 1, 1909	.54
November 1, 1909	.42
December 1, 1909	.425
January 1, 1910	.465

BARLEY, STAND (MILWAUKEE).

	Per bushel.
July 1, 1896	$0.30
February 1, 1900	.46
June 1, 1901	.56
March 1, 1907	.66
January 1, 1909	.655
November 1, 1909	.665
December 1, 1909	.67
January 1, 1910	.70

RYE, WESTERN.

July 1, 1896	.375
February 1, 1900	.61
June 1, 1901	.60
March 1, 1907	.70
January 1, 1909	.815
November 1, 1909	.80
December 1, 1909	.815
January 1, 1910	.84

FLOUR, STRAIGHT WINTER.

July 1, 1896	3.25
February 1, 1900	3.40
June 1, 1901	3.45
March 1, 1907	3.25
January 1, 1909	4.70
November 1, 1909	5.40
December 1, 1909	5.30
January 1, 1910	5.40

LIVE STOCK.

BEEVES, BEST, NATIVE STEERS (CHICAGO).

	Per 100 pounds.
July 1, 1896	$4.65
February 1, 1900	6.35
June 1, 1901	6.00
March 1, 1907	6.00
January 1, 1909	7.50
November 1, 1909	9.00
December 1, 1909	9.25
January 1, 1910	8.00

SHEEP, PRIME (CHICAGO).

July 1, 1896	4.00
February 1, 1900	5.25
June 1, 1901	4.65
March 1, 1907	5.75
January 1, 1909	5.40
November 1, 1909	4.65
December 1, 1909	5.00
January 1, 1910	6.00

HOGS, PRIME (CHICAGO).

July 1, 1896	3.40
February 1, 1900	4.90
June 1, 1901	5.90
March 1, 1907	7.00
January 1, 1909	6.25
November 1, 1909	8.00
December 1, 1909	8.35
January 1, 1910	8.60

PROVISIONS AND GROCERIES.

BEEF, CARCASSES (CHICAGO).

	Per pound.
July 1, 1896	$0.55
February 1, 1900	.0775
June 1, 1901	.085
March 1, 1907	.08
January 1, 1909	.09
November 1, 1909	.09
December 1, 1909	.09
January 1, 1910	.0875

HOGS, MARKET PIGS, CARCASSES (CHICAGO).

July 1, 1896	.03875
February 1, 1900	.0625
June 1, 1901	.07125
March 1, 1907	.09
January 1, 1909	.08
November 1, 1909	.1075
December 1, 1909	.1075
January 1, 1910	.1150

MUTTON, CARCASSES (CHICAGO).

July 1, 1896	.055
February 1, 1900	.0825
June 1, 1901	.0875
March 1, 1907	.095
January 1, 1909	.1025
November 1, 1909	.095
December 1, 1909	.1050
January 1, 1910	.1150

MILK (NEW YORK).

	Per quart.
July 1, 1896	$0.03
February 1, 1900	.03775
June 1, 1901	.02707
March 1, 1907	.04025
January 1, 1909	.04775
November 1, 1909	.04775
December 1, 1909	.05025
January 1, 1910	.05025

EGGS, STATE FRESH (NEW YORK).

	Per dozen.
July 1, 1896	$0.125
February 1, 1900	.19
June 1, 1901	.14
March 1, 1907	.29
January 1, 1909	.34
November 1, 1909	.38
December 1, 1909	.36
January 1, 1910	.38

BREAD (NEW YORK).

	Per loaf.
July 1, 1896	$0.04
February 1, 1900	.04
June 1, 1901	.04
March 1, 1907	.04
January 1, 1909	.04
November 1, 1909	.04
December 1, 1909	.04
January 1, 1910	.04

BEEF, FAMILY.

	Per barrel.
July 1, 1896	$8.50
February 1, 1900	11.00
June 1, 1901	11.00
March 1, 1907	15.00
January 1, 1909	17.00
November 1, 1909	14.50
December 1, 1909	15.00
January 1, 1910	15.50

PORK, NEW MESS.

July 1, 1896	8.25
February 1, 1900	10.50
June 1, 1901	15.25
March 1, 1907	18.50
January 1, 1909	16.50
November 1, 1909	25.75
December 1, 1909	25.75
January 1, 1910	24.50

BACON, SHORT RIBS, SMOKED (CHICAGO).

	Per pound.
July 1, 1896	$0.04375
February 1, 1900	.0625
June 1, 1901	.0875
March 1, 1907	.0962
January 1, 1909	.09
November 1, 1909	.1225
December 1, 1909	.1300
January 1, 1910	.1325

BUTTER, CREAMERY, STATE, BEST.

July 1, 1896	.15
February 1, 1900	.25
June 1, 1901	.19
March 1, 1907	.335
January 1, 1909	.335
November 1, 1909	.32
December 1, 1909	.34
January 1, 1910	.36

CHEESE, CHOICE EAST FACTORY.

July 1, 1896	.06625
February 1, 1900	.1275
June 1, 1901	.0925
March 1, 1907	.15
January 1, 1909	.145
November 1, 1909	.165
December 1, 1909	.17
January 1, 1910	.175

MACKEREL, No. 1 BAYS (BOSTON).

	Per barrel.
July 1, 1896	$20.00
February 1, 1900	28.00
June 1, 1901	16.00
March 1, 1907	28.00
January 1, 1909	24.00
November 1, 1909	20.00
December 1, 1909	21.00
January 1, 1910	22.00

CODFISH, LARGE, DRIED.

	Per quintal.
July 1, 1896	$4.00
February 1, 1900	4.50
June 1, 1901	5.50
March 1, 1907	8.00
January 1, 1909	7.00
November 1, 1909	7.00
December 1, 1909	7.00
January 1, 1910	7.00

BEANS (NEW YORK), CHOICE MARROW.

	Per bushel.
July 1, 1896	$1.15
February 1, 1900	2.25
June 1, 1901	2.50
March 1, 1907	2.175
January 1, 1909	2.45
November 1, 1909	2.75
December 1, 1909	2.825
January 1, 1910	2.85

PEASE, CHOICE (NEW YORK).

July 1, 1896	1.05
February 1, 1900	1.30
June 1, 1901	1.225
March 1, 1907	1.50
January 1, 1909	2.35
November 1, 1909	2.35
December 1, 1909	2.30
January 1, 1910	2.25

POTATOES, EASTERN.

	Per 180 pounds.
July 1, 1896	$0.75
February 1, 1900	1.50
June 1, 1901	2.37
March 1, 1907	1.50
January 1, 1909	2.25
November 1, 1909	1.50
December 1, 1909	1.50
January 1, 1910	1.50

HIDES AND LEATHER.

NATIVE STEER HIDES, NO. 1.

	Per pound.
July 1, 1896	$0.085
February 1, 1900	.1325
June 1, 1901	.12
March 1, 1907	.1475
January 1, 1909	.1575
November 1, 1909	.175
December 1, 1909	.1775
January 1, 1910	.175

Those of us who remember the time when corn was selling from 15 to 17 cents, and hogs from 3 to 4 cents, and cattle were down for a long while to 3 or 4 cents, realize what it meant. Any of us that have been engaged in any agricultural occupation must be pleased to think the time has come when the man who tills the soil is coming into his own. [Applause.]

It might be interesting to cite here some figures showing the total value of farm products in the United States for 1909. The Secretary of Agriculture, in his report, estimates that the total value of such products in the United States in 1909 was $8,760,000,000, an increase over 1908 of $8,760,000. A paper from the United States Geological Survey, just issued, estimates that the total value of the output of precious metals in the United States for 1909 was $127,243,303, showing that the value of farm products in the United States for the past year was $8,632,757,700 more than that of the output of precious metals.

I notice that the Secretary of Agriculture has said that we want to educate 10,000 farmers. Oh, the best kind of education we can get to bring men back to the farm is to have their time better worth while. The increased price of farm products will do more to check the rush to the city than any agricultural education that you can give. There are only a certain limited number of men that can be educated for an academic pursuit. Few, perhaps, take up agriculture for the very love of it, and take up the study of plant life or the breeding of animals for the same reason. The great majority of the people of this country who take up agriculture carry it on because they think it is a suitable way in which to make a living, and if the present prices continue this tremendous flow of people from the farms will stop. I am sorry to say that in too many instances our brightest young men do leave the farms and go to the cities, and not always have they made more than had they remained at home. But the conditions are more attractive there. They do not have to get dirty; they do not have to be out in all sorts of weather; they do not have to take care of the stock every day of the year. In many of the occupations there are no Sundays or holidays on a farm. A few, like myself, choose the occupation because they prefer it.

I deliberately made the choice when a young man of the occupation of the farmer, because I liked it, and I like it yet, and I am willing to receive a much less remuneration than I would be willing to receive for some occupation that kept me indoors all the time.

I have some figures here that show the trend of population to the cities, and it seems to me very clear that these high prices have come to stay unless there is a change in conditions. In 1790, 3.4 per cent of our people lived in the cities. The proportion gradually rose, until in 1840 we had only 8.5 per cent; in 1850, 12 per cent; and in 1860, 16 per cent. The next decade saw 20 per cent, the next 22 per cent, and in 1890 we had 29 per cent, a tremendous increase from 1880. In 1900 we had 33⅓ per cent of our population in our cities of over 8,000. The Census Bureau now estimates that the next census will show that 40 per cent of our population live in incorporated villages and cities, but even this does not include those residing in villages, because in many parts of the country villages of several thousand population are not incorporated, and that is true in my own district. I think a large number of villages with 5,000 population are not incorporated. Hence in the census figures they would not show. I firmly believe that on the 1st day of June, 1910, 50 per cent of our population will be living in cities and villages. If this thing goes on it can not help increasing the price of all sorts of farm products, and it seems to me that the only thing to do is to see to it that the middleman is not absorbing too much of the profit. But it seems to me economical conditions will take care of that, because if there is more money to be made by the middleman than by anybody else in any particular line of business, others will naturally be attracted to that business.

I hope that if anybody has an idea whereby we can make it possible that the chief return shall come to the producer, he will offer it here. My own idea is that it can only be done along the line of regulation of freight rates or something of that sort. I believe discriminations are made to-day by railroads in favor of certain products from certain points, and sometimes, although I have not been able to get the figures from the Interstate Commerce Commission, I have reason to believe that the price of transporting live stock from Chicago to Liverpool or London is not much greater than it is from the same point to New York or Boston.

Right here I desire to offer some interesting data taken from a reprint from the Yearbook of the Department of Agriculture for 1908, entitled "Agricultural Statistics, 1908:"

LIVE CATTLE.

In 1904 we exported 593,409 live cattle, valued at $42,256,291.
In 1906 we exported 584,239, valued at $42,081,170.
In 1908 we exported 349,210, valued at $29,339,134.

LIVE SWINE.

In 1904 we exported 6,345, valued at $53,180.
In 1906 we exported 59,170, valued at $630,998.
In 1908 we exported 30,818, valued at $307,202.

HORSES.

In 1904 we exported 42,000, valued at $3,189,100.
In 1906 we exported 40,087, valued at $4,365,981.
In 1908 we exported 19,000, valued at $2,612,587.

EGGS.

The increase in the export of eggs between 1904 and 1908 was approximately 6,000,000 dozen, the increase in value being approximately from $400,000 to $7,500,000.

BUTTER.

In 1904 we exported 10,700,000 pounds, valued at $1,768,000.
In 1906 we exported 27,300,000 pounds, valued at $4,922,000.
In 1908 we exported 6,000,000 pounds, valued at $1,407,000.

BACON, HAMS, AND SALTED PORK.

In 1904 we exported 556,839,666 pounds, valued at $56,268,007.
In 1908 we exported 612,465,500 pounds, valued at $63,980,959.

Our total value of exports of animal products for 1908 was $238,522,154; the total value of cotton exports was $437,788,202; and the total value of grain and grain products for 1908 was $215,462,000.

The total of our agricultural exports, including forest products, for 1908, was valued at $1,107,725,447; excluding forest products, it was valued at $1,017,396,404, showing a decrease over 1907 of $37,000,000, but an increase over 1904 of $158,236,140.

The sum of the total value of the exports of animal products, cotton products, and grain and grain products for 1908 was $891,772,356, so that the total value of the other agricultural exports for 1908 was $215,986,091.

Also, from the same publication, I have ascertained that the average freight rate from Chicago to New York on cattle since 1881 has decreased from 35 cents a hundred to 28 cents. Hogs and sheep for nearly that entire period have been transported for 30 cents a hundred, and horses during the entire period at 60 cents a hundred.

Dressed beef in 1881 was being carried for 56 cents a hundred, but in 1887 it reached the high point of 62 cents a hundred, and since then the rate has been steady at 45 cents a hundred, except in 1890, when the rate was 39 cents.

I have been unable to learn from the Interstate Commerce Commission what the rate is on dressed beef and meat products from points in the United States to European points, and while there seems to be a general disposition to believe that the rate is less, still I have not been able to find any figures that would bear out that statement, although we do have figures to bear out the statement that material is transported from European points to points within the United States at a lower rate than it is from New York to points west of the Missouri.

These figures, taken from a report of the Interstate Commerce Committee to the Senate in 1903, show that the rates on a number of products is less from Liverpool and Antwerp to Chicago than from New York to Chicago and points west. This is notably true of cement and plate glass.

At the hearing in New York the manager of the Vulcanite Portland Cement Company stated that the rates on cement to East St. Louis, St. Louis, and Kansas City from Hamburg and Antwerp are less than from Vulcanite, N. J. He also said that labor and coal are much more expensive here than in either Hamburg or Antwerp; that these are the principal items which enter into the cost of manufacturing cement; and that because of the low prices at which foreign cement is sold in this country he felt certain that the differences in rates in favor of the imported article are in many instances sufficient to entirely offset the customs duty thereon. A similar complaint pertaining to certain kinds of plate glass was made at the hearing in Washington by a representative of the Pittsburg Plate Glass Company; and at the hearing in Chicago it was shown by the general freight agent of the Illinois Central Railroad Company that salt has often been shipped from Liverpool through the port of New Orleans to Chicago for a less rate than that contemporaneously in force between New Orleans and Chicago on domestic shipments of that article. However, it was said that such shipments seldom, if ever, originate at New Orleans.

Generally speaking, we find bills of lading applying to imported traffic as follows: One form states a through rate, either according to measurement or weight; another reads "as per agreement," and often as per agreement with a shipper named; the third is simply the inland bill of lading of the carrier in this country. Because of the manner in which these rates are made, it may often happen that the inland carrier does not know the amount of the through rate. The carriers here solicit import business through foreign agents. The agent may be an employee of the carrier to whom a regular salary is paid, or, as is more often the case, a person engaged in other business who works for such carrier on commission. The commission is said to be 10 per cent of the inland rate on articles paying first, second, or third class rates, and 5 per cent on articles paying fourth, fifth, or sixth class rates. It is

claimed that no commission is paid on articles carried at commodity rates, but as the solicitor is usually a customs broker or insurance agent the customs fees or insurance premiums he may obtain induce him to solicit the traffic. It was shown that in many instances the American Express Company acts as such agent, and is paid for its services by commissions, as above stated.

Through rates are made either by such agents, by the inland carriers here, or by the ocean carriers. If by the former, they may represent in each instance the result of combining the ocean with the inland rate, or they may be either more or less than such combination. The agent apparently makes any rate he sees fit, and may use his commission for the purpose of offering a lower rate than the combination, but it is said that he must in all cases protect personally the rate named by him, so far, at least, as the inland carrier is concerned. As the ocean rates are often made according to measurement, while it is claimed that inland rates are always applied according to weight, and as in many cases the traffic is not weighed until it reaches a port of entry in the United States, it is evident that the agent has to do some guessing, and can not always be certain that the rate named by him represents the total amount that will be charged by the carriers for transportation.

The ocean carrier is also at liberty to make any through rate it pleases, though according to the testimony the inland carrier must be paid its established and published proportion in cases where the inland proportion has been established and published. Ocean rates are constantly fluctuating, and for this reason whenever the inland carrier wishes to name a through rate it must make some definite arrangement with the ocean carrier. But the way much of this import business is done leaves the carriers free to make such through rates from time to time as they think will be to their advantage without reference to how their action may affect dealers in domestic articles of like kinds and classes. Even where through rates are named in bills of lading the rate specified may not correspond with the fact. It was explained that items are often included in the rate named that are not, strictly speaking, a part of the transportation charges, and, where the amount of the rate is not mentioned, it is said that the information is withheld to prevent one agent from finding out what rates are being made by another.

As the business is carried on at present inland carriers are free to make low rates on imported articles without the necessity of making corresponding rates on domestic articles of like kinds and classes; and the traffic manager of the Pennsylvania Railroad Company stated that, in his opinion, if the Congress should enact a law providing that the rates must be the same on both classes of traffic, inland carriers would in many instances make domestic rates that would be lower than those now in force. He said it often happens that rail carriers are requested to make rates on imported articles where they have no domestic traffic of a like kind, and that under such a law these carriers could make a low import rate and a domestic rate to correspond therewith without suffering any diminution in the revenue derived from their domestic traffic, while other carriers which have domestic traffic of a like kind would be compelled to choose between a diminution of the revenue derived therefrom and the loss of such revenue as they might otherwise secure from import traffic.

Why should we allow such things to go on? And if our people are selling stuff to the foreigner, selling cattle and hogs to the foreigner, cheaper than they sell them to us, how we shall reach a solution of that problem I know not. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKS of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. SCOTT. Mr. Chairman, I wish to yield to my colleague from Kansas [Mr. REEDER] thirty minutes.

Mr. REEDER. Mr. Chairman, we have passed the Payne tariff bill, and it must stand or fall on its success in producing necessary revenue and at the same time permitting good wages and general employment of American labor.

The Republican party is responsible for that bill.

If good effects follow, Democrats or their allies will find it difficult to conceal the fact by any trumped-up issues. History having been made as to tariff legislation as far as the immediate future is concerned, I shall pass to some of the things now claiming our attention.

While we are a great nation of world-wide influence and usefulness, great questions of vital importance press for solution at every session of Congress.

Mr. Chairman, the importance of the subjects I rise to discuss is such that I shall ask the indulgence of the House while I read from manuscript, largely. This speech is not intended for home consumption. I sincerely hope to influence some of my colleagues in their conclusions on several very important subjects which we will be called upon to consider this session or in the not distant future. Among these questions is the subject of entering upon a debt-producing era of unusual dimensions.

In fact, Mr. Chairman, the people of this country seem to be in the throes of a bond-issuing craze. I know full well that with the growth of a nation, as with that of an individual, its wants and its needs expand. I know that the man can not wear the garments of the boy. At the same time—to pursue this simile just a little further—the man should look to it that in providing himself with proper habiliments he does not bankrupt his estate or leave behind him a debt so large that it will prove a source of great annoyance to his posterity.

The interest-bearing debt of the United States in 1840 was but $3,573,344. From that time on it rose until in 1867 it had reached the enormous figure of nearly two and a quarter billions. On July 1, 1908, it was $897,500,000. For several years past enterprises of great moment have been undertaken by the Government involving an increase of the national debt. Congress has authorized the issue of bonds for the construction of the Panama Canal, an undertaking which, in all probability, will cost five hundred millions before it is finished; and if, as a good many well-informed people believe, the present lock canal will ultimately have to be changed to a sea-level canal, it will cost a half billion more. So here is a prospective billion addition to our debt.

Whether or not the impetus to the prevailing popular demand for government bond issues was given by the Panama Canal undertaking I am unable to say, but there can be no doubt that the demand exists. It has reached the proportions of a craze. Bonds for waterways, bonds for highways, bonds for rivers and harbors, bonds for a dozen different things. Our people seem to have forgotten the trite saying that "he who borrows must also pay." The day of settlement comes sometime.

The idea that a public debt is a public blessing has long since been exploded. To-day that country is held up to the admiration of the world no abnormally large portion of whose revenues is required for interest or sinking-fund charges, but whose current revenues generally meet its expenditures. There are not more than one or two such, but a few years ago the hope was justified that the United States might soon be enrolled in that class. That hope is past; we are in the very maelstrom of bond-issue ravings. Is it not meet that we should halt and seek to get our bearings?

What would be thought of a business man who borrows and borrows, just because his credit is good, and who spends the borrowed money lavishly in all sorts of more or less profitable enterprises? How long would it take to weaken his credit and undermine the stability of his business? Would not his financial ruin be almost a certainty? Now, it will be conceded, I suppose, by everybody that the fundamental principles that govern business are the same in the case of the individual and that of the Government. There is, however, this difference: In the case of the Government a greater liberty is taken in the application of funds.

The Government of the United States is collecting an annual revenue of nearly $1,000,000,000. It is spending more than its income, as the deficit at the close of the last fiscal year showed. However, Republicans expect that the Payne tariff bill will prevent further deficits and not deprive the laboring man of work at good wages.

If this vast sum were collected by direct taxes there would be a howl from one end of the country to the other, and an immediate and persistent demand for drastic retrenchment. But under our system of indirect taxation the burden is felt simply in the increased cost of living. This is ascribed to all causes but the right one, and from all sides comes the cry for public improvements, no matter whether current revenues are sufficient or not, no matter how many millions in bonds have to be issued. In this case certainly, Mr. Chairman, the voice of the people is not the voice of God, and we who are sent here to safeguard the people's interests should go slow before we yield to such clamor.

Only a few weeks ago the River and Harbor Congress held its sessions in this city, and one of the features of its programme—in fact, the feature that stands out in boldest relief—is the demand that the Government shall issue from five hundred millions to a billion dollars' worth of bonds, the proceeds to be applied in annual installments to the improvement of rivers and harbors and the creation of a great system of deep waterways from the Lakes to the Gulf, and in other sections of the country. Improvements of this character are intrinsically proper. They are distinctly in the line of policy covered by the general-welfare clause of the Constitution. Practical benefits are certain to arise from them, not only to the sections immediately affected, but to the whole country, if they are permanently constructed, and the streams can be utilized when made navigable. For these and many other reasons they are to be highly commended, and I shall be the last person to raise an objection against them, if they can be accomplished without too great a sacrifice on the part of the present or succeeding generations. Too great a sacrifice is involved, Mr. Chairman, in the huge bond issue which we are invited to authorize.

I realize, of course, the alluring aspect of this proposition which holds out promise of a "pork barrel" of unusually large dimensions. Indeed, it almost staggers the imagination to grasp the possibilities of that barrel. "Pork" for politicians, "pork" for contractors, "pork" for anybody anywhere that has anything to sell, from shoestrings to steam dredges. For, will not the money "go among the people," and will not the country store and the corner grocery do a land-office business when such

a joyful consummation comes to pass? Why should anyone be troubled by the thought that an issue of a billion dollars of 3 per cent bonds means an additional annual interest charge of $30,000,000, which has to come out of the pockets of the people? Would it not be as well to pause a moment and inquire who is to be advantaged by the process of taking this money from one pocket and putting it into another? We are told that the people will be benefited to the extent of many million dollars every year by the improvements to be inaugurated under this bond-issue dispensation. Granting this, the indisputable fact remains that the people—several generations of the people—are themselves made to pay for them.

No one will question the benefits to our people of such a policy of waterway improvements as was outlined by the River and Harbor Congress. But how the distribution of a "pork barrel" can bring about such benefits is difficult to determine. That, Mr. Chairman, can possibly be figured out by some Democrat, college professor, or magazine writer, whose peculiarly constituted reasoning powers make it easy for them to believe that our goods can be manufactured in foreign lands and our workingmen have the same steady employment and just as good wages as if these goods were manufactured in our own country. They also seem able to bring themselves to believe that men working one or two days each week at low wages will buy just as much of the farmer's products and pay as high a price as when they have steady employment at good wages.

The beneficence of general bond issuing or of reducing the tariff to an extent which will cause most of the goods we use to be manufactured by foreigners may appear to visionaries, but the practical business world knows better.

Nothing could be further from my intention, sir, than an attempt to question the motives or disparage the efforts of the many eminent gentlemen who compose the River and Harbor Congress and formulated this demand for hundreds of millions of bonds. I doubt, however, if they, or a majority of them, realize the actual results that would flow from such legislation.

The avalanche of interest-bearing obligations that will naturally flow in on us if we open this floodgate will appall us all. No well-digested programme of proposed improvements accompanies the demand for this enormous bond issue. Congress is simply asked to provide for such an issue and indicate the work to be undertaken. With the utmost deference to and respect for the skill of the engineer service of the United States Army, to whom the execution of this work would be committed, I seriously apprehend great difficulty, with our present information, in the proper handling of the various projects. Our experience with the Mississippi River is not so encouraging as to inspire confidence in the ultimate success of the enterprises that lie slumbering in the womb of the future and only wait the magic touch of millions of bonds to awaken them into life. To my mind, Mr. Chairman, it appears more than probable that before the bonds are paid a large part of the works constructed with the proceeds would be washed out, and only serve as nuclei for such sand bars as we observed on similar works on our recent trip from St. Louis to New Orleans.

In one particular the scheme is quite practical—the suggested bond issue is large enough to reach a long way 'round after the necessary votes, with ample provision that after the votes in this House have been made safe, there can be a sufficient inducement offered to secure the requisite votes in the Senate. Let us say, for instance, that Chicago should present a feasible scheme—which, by the way, she can not do—for voting a big issue of bonds to dig her ditch, by which she hopes to force the people for 600 miles west of the Missouri River to freight their goods to and across this great natural waterway and three to five hundred miles farther to gain the privilege of sending their goods to the Gulf through a ditch, it will readily be seen that all the people of that vast region, headed by Kansas City, Omaha, and the other cities on the Missouri, would insist that they, too, be let in on the bond game; and if they were not, they would not play. On the other hand, to let them in and give them their share of the swag—if I may be permitted to use that word—would probably mean a sheer waste of whatever amount would be allotted to them. For thus far no one has advanced so well-considered a plan for controlling the Missouri River floods as to justify the hope that some big freshet would not wash the works out of the river or move the river over to where it would not be obstructed by them.

Right at this point I want to offer a suggestion to those who favor these huge engineering works to control floods in our rivers. It is this: The only way to control the Missouri or any other great river carrying big floods through a light alluvial soil is at the point where the rains fall that cause the floods. The merest tyro in engineering knows that floods can be more readily controlled at the source of a river than after the river has become an unmanageable torrent.

The Missouri can be controlled at its source for less money than the damage it causes costs in any ten-year period. Why, then, will engineers persist in their efforts to control the river after the flood has attained its maximum force? Lack of time forbids my entering upon a protracted discussion of this phase of the subject. I will only add that under the national irrigation law sufficient of the waters of the Missouri are impounded annually to cover 2,500,000 acres of land to the depth of 1 foot, and the amount is being largely increased every year.

Another reason, and one which alone should prevent us from voting from one-half to one billion dollars in bonds to improve our waterways, is that we can not utilize them even after they have been put in a prime condition for commerce. Evidently the advocates of the scheme have quite lost sight of the competitive point rates now granted by all the railroads and highly prized by all cities that enjoy the benefits of such rates. By this means the railroad companies put an effective check on the shipping of freight by boats, and whatever losses they sustain in this way they more than make up by the charges on freight from noncompetitive points. Thus they destroy competition by boats. This feature of the case seemingly can not now be remedied, because all the large cities and many of the smaller ones derive such benefits from this arrangement that they can be counted on to fight to the last ditch to retain their advantage. All the railroads, of course, will fight any attempt to remedy this injustice, and we know from experience, Mr. Chairman, that among them they have the votes.

There can be no question, sir, that we are not now justified in yielding to this clamor for huge bond issues to improve or construct waterways until we have demonstrated by the judicious use of funds which we can spare from our current annual revenues that we know how to control floods, nor even then until we are able in some way to prevent the railroads from interfering with the use of river freighters by means of discrimination in rates. No great damage would be done if we were to squander quite a considerable amount of current revenues in futile experiments such as we have engaged in for years passed. But to vote millions of dollars' worth of bonds and waste the proceeds, leaving it to the future citizen to pay them, and have nothing of permanent value to show for the money, that would be worse than folly. It would be criminal.

Let me point out another line on which the bond-issue craze has developed. Most of our people who are interested in irrigation are shouting for bond issues, and bills are introduced in Congress that involve the piling up of a load of debt to burden the citizen of the future. No one appreciates more than I do the great benefits sure to flow from our irrigation policy. It is one of the wisest movements ever inaugurated by the Government of the United States, for it will make of our deserts fertile lands, which will support at least forty millions of people, twenty-five millions of whom will be home owners and draw their sustenance directly from Mother Earth. No other conditions produce so high a grade of citizenship. Yet I do not believe we would be justified in countenancing this bond-issuing craze even for such work as this. We have about $55,000,000 in the irrigation fund, and the conditions for securing the benefits of this vast sum are equitable to the home builder.

It is a well-known fact that by means of the timber and stone act and our lieu-land laws double the amount now in that almost sacred fund has been diverted into the pockets of speculators. To that extent the irrigation fund has been robbed. I have a statement from the Commissioner of the General Land Office, from which it appears that in the fiscal years 1902 to 1909 there were entered under the timber and stone act more than 8,566,000 acres. For the whole fiscal year 1909, 722,836 acres were entered under that act, but of this amount over 500,000 acres were entered before the modified regulations of November 30, 1908. These regulations had the effect of restricting the entries, and thus saving millions to the irrigation fund but for the lieu-land scrip still out. But it is deplorable to contemplate the indisputable fact that by reason of the timber and stone entries prior to January 1, 1909, at least $85,000,000 have gone into the hands of speculators that ought to be in the irrigation fund, and much more under the lieu-land laws. President Roosevelt exerted himself to the utmost to have the timber and stone law repealed, and in his conservation message President Taft urges the same. If all those especially interested now in issuing bonds to increase this fund had aided President Roosevelt in his most laudable endeavor, the fund would now be more than ample for all purposes. Of course, some speculators would not have quite so large a bank account.

An important reason why I can not favor a bond issue for the benefit of the irrigation fund is that when the national irrigation law was under discussion in this House several of us labored with Members who did not then fully appreciate the benefits that would arise from such legislation, and in order to induce them to vote for the bill we promised them that no other funds should be asked of Congress with our consent for this purpose in any form or shape until we had irrigated the desert, put settlers on the land, and the money expended had been returned to the Treasury by these settlers.

This has not yet been accomplished to such an extent as to justify us in favoring legislation such as is now proposed. An issue of bonds for the purpose would also probably bring from the West a demand that we cancel this reasonable obligation upon the settlers to return to the Treasury in small amounts, without interest, the money which had been used to irrigate their lands, and thereby in the end less irrigating would be done by the Government than will be accomplished without an issue of bonds.

Before I close, Mr. Chairman, I want to say just another word about that "pork barrel." I want to prove from the public press that what I have said on this score was no exaggeration. East and West, North and South, are setting up a cry for bonds. But it is not a harmonious cry; it is full already of discords. One section is afraid that another section may get more "pork" than number one, and, as I said before, section yells unto section: "If you don't let us into the game, we won't play." On the 9th day of December, Mr. Chairman, the river and harbor congress formulated its demand for this huge bond issue. The very next day the Philadelphia Inquirer said editorially:

> There is in evidence at the start the usual tendency of Congressmen from certain Western and Southern States to combine to hog most of the available money for the Mississippi River and its tributaries.

A few days later, on December 13, the same paper came out with an editorial under the caption "What! a billion for the Mississippi?" the concluding paragraph of which reads significantly thus:

> The East is perfectly willing to go along with the Mississippi Valley people in anything that is reasonable, but the East expects in return the support of the West for practical projects that can not fail to be of immense importance on the Atlantic. There must be unity if anything is to be accomplished at all.

There we have it. You tickle me and I'll tickle you. Each wants his slice of "pork," no matter who pays for it in the end, and the real good that will be accomplished does not enter into the consideration. The New York Sun puts the case in a nutshell when it says:

> The country is unfortunately inclined, owing to the craft of industrious publicity agents, to become waterways mad. If sober counsels do not prevail, it will end by becoming bond-issue mad.

If there were urgent need for a great bond issue to meet some great national emergency, I should be the last person to object to it, because I am for anything that will make my country more prosperous and its people happier. No such emergency, however, exists. Such a bond issue as is now clamored for would be, in my judgment, a colossal mistake, the bitter fruits of which would vex generation after generation of our posterity.

Now I yield to any questions.

Mr. MARTIN of South Dakota. Mr. Chairman, I noted the remarks of the gentleman as to his idea that if the timber and stone act were repealed it would very much increase the revenues from public lands that could be used for national irrigation projects. I would like to ask the gentleman what sort of plan he has in mind for getting revenue out of lands of that sort?

Mr. REEDER. I would sell the timber on the land for something near its value and put the proceeds into the irrigation fund.

Mr. MARTIN of South Dakota. At the present time we have a great deal of our available forests in forest reserves, and are pursuing the system of selling timber from them; would the gentleman put these additional areas in forest reserves?

Mr. REEDER. No; I would not. My judgment is that President Roosevelt put much of our forests into reserves as the only available method he had to prevent speculators from getting a much larger per cent of the public's timber supply than they have secured by means of the timber and stone law and lieu-land scrip. I think if we could have the lieu-land land repealed, or make the lieu-land scrip only available for six months after it was issued, it would be much better. Now, as to making forest reserves: Personally I believe that all the rough land of this country, too rough for cultivation, should be set to trees of such varieties as will make valuable timber, and cared for scientifically. By this means we would have sufficient timber for future necessities.

Mr. MARTIN of South Dakota. Of course, we are at present selling the timber from the forest reserves, but the gentleman understands that not enough revenue is realized from that source to pay the expenses of the reserves, without any regard to accumulating a fund for irrigation; and so I say, I was curious to know what sort of land policy the gentleman had in mind that would save many millions for the irrigation fund from this land.

Mr. REEDER. I know of land sold under the timber and stone act at $2.50 per acre from which 40,000 feet board measure can be cut per acre, and some of that timber has been sold at $4.40 a thousand feet this past year. The loss to the irrigation was the value of the timber minus the $2.50 received per acre for the same.

Mr. MARTIN of South Dakota. Your plan would not be, then, to sell the lands at all, but to sell the timber upon them?

Mr. REEDER. I would sell the timber that grows upon the land and let settlers take all of the land which will make homes. But all the rough land that is absolutely unfit for cultivation I believe the Government ought to own for all time and make it constantly produce trees under the direction of a forestry service.

Mr. MARTIN of South Dakota. Of course at the present time timber and stone lands are appraised before sale and must be sold for the appraised value, and the proceeds of the sales go to the irrigation fund.

Mr. REEDER. By the policy adopted last year. Now, if we could prevent speculators from taking this timber with the lieu-land scrip and from securing our best coal lands by the same process, much good would result for the future, both to the irrigation fund and to coming generations in many other ways.

Mr. MARTIN of South Dakota. I have always been opposed to the issuance of lieu-land scrip, and took an active part in having the lieu-land selection provisions of forest-reserve act repealed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEISSE. If the gentleman will allow a minute, so that I may ask him a question.

The CHAIRMAN. It is not within the province of the Chair to yield the time; that is under the control of the gentleman from Virginia [Mr. LAMB] and the gentleman from Kansas [Mr. SCOTT].

Mr. LAMB. I give the gentleman one minute.

Mr. WEISSE. The gentleman from Kansas spoke about the waterways and the freight rate. Mr. Chairman, we are to-day getting hides from Buenos Aires, South America, to New York for 25 cents a hundred. From Chicago to Sheboygan, Wis., on Lake Michigan, with waterway the 140 miles, the freight is 40 cents a hundred. Now, if you pass this waterways bill, I want to know if the gentleman thinks we are going to have a lower rate on that 140 miles than we have from Buenos Aires to New York? Whether the ship-subsidy bill will lower the freight from Buenos Aires to New York? And I would like him to state if they are not demanding the ship-subsidy bill in order to get lower freight rates from South America.

The rate on dry hides from Mississippi points to Sheboygan Falls is from $2 to $2.30 a hundred pounds, and we have at present a waterway transportation most of the distance. The ship-subsidy bill no doubt will not lower these rates. I believe we need to adjust our rates at home first, so our shippers will get the benefit of a reasonable rate, and not confine ourselves to foreign freight rates as long as we have these conditions existing at home, in our country.

With the permission of the gentleman, I insert a letter, showing the foreign freight rates, from a New York broker:

JANUARY 22, 1910.

Hon. CHARLES H. WEISSE,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your favor 20th instant, and beg to say that after making inquiries at several of the steamship offices and freight brokers, we find that the rates at present are about as follows:

Dry hides, Buenos Aires to New York, 25 cents per 100 pounds.
Dry hides, London to New York, 25 to 32 cents per 100 pounds.
Dry hides, Hamburg to New York, 30 to 35 cents per 100 pounds.

Should you require any further information, we would be pleased to try and furnish same to you.

Thanking you for your assurances, we are,
Yours, truly,
A. H. HEYMANN & Co.

Mr. REEDER. If you had railroads running directly alongside the line where the boats run and there were towns all along that line, they would give a rate that would soon put your boats out of business, and then you would have a higher rate.

Mr. WEISSE. The boats and the railroads reach exactly the same points. The boat companies and railroads pool together, and the rates are the same over either line at present, as we are shipping goods both ways.

Mr. LAMB. I yield twenty-five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I desire to call the attention of the Members of this House to what to my mind was a very remarkable order issued by the President of the United States along in November and directed to the heads of various executive departments of the Government. I dislike to assail any order until I know why the order was issued. But, to be perfectly frank, I can conceive of no good reason why such an order as I will call to your attention was ever issued. I shall not discuss the first half of the order, but I want to call attention of Members of this body and the Members of the body at the other end of the Capitol to all of this remarkable order, issued by the Chief Executive of the United States, in order that you may understand the whole of it, and for this purpose I will read the first part of it and then will only discuss that portion which refers to Representatives and to Senators. By way of parenthesis I will say that Congressmen have made requests for information in these executive departments and have been met with this order and have been denied it. It has already caused quite a good deal of inconvenience.

The order is as follows:

EXECUTIVE ORDER.

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department.

WM. H. TAFT.

THE WHITE HOUSE, *November 26, 1909.*

I have no particular objection to the first portion of the order. There is one clause which is subject to some very just criticism, but I pass it over, and I call the attention of the House to the last clause of the order and ask this body, placing any construction on it that is reasonable, if they believe it is a wise and just order?

The latter clause of this remarkable order is as follows:

Nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department.

WM. H. TAFT.

THE WHITE HOUSE, *November 26, 1909.*

I do not desire to be interrupted, because my time is short; but for this I would be glad to yield to anyone. If after I have concluded my remarks on this subject I have any time left, I will be glad to answer any question propounded to me and will be glad to hear any defense of the order that friends of the President care to make. First, I will ask some questions about the order and let them be answered by the country in the future.

Why was this order issued?

What good purpose can it serve?

Was the order issued because of the Ballinger-Pinchot trouble?

Has the Executive the right to issue such an order?

If he has the right, is it a wise order?

If it is a good order, is it wise to issue it now in view of the pending investigation of one of the departments?

Does the order in any way reflect upon the House or Senate?

If a Congressman or a Senator should be unable, when he wanted any information, to find the Cabinet officer, under this order how could he get information that he needed at once? [Applause.]

If this order is permitted to go without challenge, does it not assume that the Executive has the right to control the information that Congressmen may get out of any department? [Applause.]

Does it not assume that if the Executive should not want Congress to get information about any matter that he may refuse that information entirely and peremptorily? [Applause.]

If this order is within the power of the Executive, could he not prevent anyone in any department giving information to any committee or commission of Congress?

Has the Executive the right, by order, to have information which Congress and the Senate may request censored by a Cabinet officer before they get it? [Applause.]

Is this order an executive usurpation of power?

If it is not, then does it follow that all information, facts, data, and records, which might greatly affect legislation, will be under the control of the executive department?

If the Executive controls information upon which legislation is based, is it not tantamount to controlling legislation? [Applause on the Democratic side.]

How long will it be before the Executive will be sending for Members of Congress and courteously, politely, and diplomatically, but positively, give them their orders about what they must do? [Applause on the Democratic side.]

How long, then, before we will have a Russian bureaucracy?

Is this order enforced against all Congressmen and Senators alike?

Is this order fairly and strictly applied to Republicans and Democrats alike?

Have the bureau chiefs any private information from any source of authority to exempt any pets from this order?

Do the Republicans as a party indorse this order?

If they do not, why have they not protested?

Under this order, could not a private citizen get information from a bureau chief or employee without violating the order?

If this is a government of coordinate branches, why should the Executive prescribe rules for the legislative department, and by what authority?

When Congress creates a bureau in any department of the Government for the purpose of obtaining information for the use and benefit of all, has the Executive the right, because Congress vests him with the authority to appoint such an officer, by and with the consent of the Senate, to control the actions of such bureau chief and vest him, the chief, with the power and right to say to the United States Senate and to the House of Representatives: "Both of your bodies can not make me give a civil answer to you or one particle of information without permission of my Cabinet officer and with all your legislative powers, backed up by 90,000,000 American people, whom you represent, giving you that power. I have behind me my Cabinet officer, and we are more powerful than you all, Constitution or no Constitution, and I will not answer?"

Does this order not bear more of the earmarks of Louis XIV of France than that of a President of the United States?

If Congress submits to this order without protest, how long before the whole country will justly have a contempt for the whole body?

Does Congress fail to protest because it is afraid of the loss of patronage, which the President may or may not withhold?

Do the departments prefer darkness to light because their deeds are evil, and does the Executive want to keep the lid on until he thinks best to take it off?

If he does, will he take it off after the next congressional election, or is the order a precedent set during a Republican House of Representatives as an excuse to keep it on in the event the House is Democratic next time?

Or will the Executive keep it on until after the next presidential election and, in the event he is reelected, then take it off?

Or will he then wait until his successor is elected, and then allow his successor to take it off or leave it on, as he sees fit?

Or will the American people get curious and desire to look under the lid and change the administration from a Republican to a Democratic administration? [Applause on the Democratic side.]

These questions are suggested by this order. It is to be hoped that the President has some good reason for issuing this order. It is to be hoped that it was not an order for the purpose of concealing any matter that Congress should be informed about. We can not believe, we resent and repel the insinuation, that this order was issued to prevent fraud and misdoing being discovered in the various executive departments. I do not suppose that any Congressman or Senator would even insinuate that the President has this in mind. It must spring from a distrust of the accuracy of the statements that might be made by the chiefs of the bureaus, or else it springs from a desire to have the Cabinet officers thoroughly informed as to what information is being given out, for what purpose, and by whom obtained. I do not think that either of these reasons is sound. First, because the chiefs of these bureaus will necessarily know more about the matters directly under them than the Cabinet officers could possibly know. The bureau chiefs are presumed to be, until the contrary is shown, just as honest and just as accurate and just as truthful and just as worthy of belief as are the Cabinet officers. At any rate, the law presumes this. If the President has such a distrust of the departments under him, then there should be a wholesale investigation of every department and of every bureau of every department. I think this House would repel any insinuation that any Cabinet officer would have the right to determine what information should be given to them about any matter they de-

sired to know about. If the Cabinet officers should have the right to deny information to a Congressman or a Senator or a committee of either House or to either House itself, then the arbiter of what information will be given out through the executive department will be the Cabinet itself, and Congress would be specifically denied the right to determine for itself what information it was entitled to.

If the order springs from the distrust of Congress and the use that it might make of information obtained through the executive branch of the Government, then it necessarily means that the only branch of the Government that directly represents the people can not be relied upon to do that which is to the best interest of their constituents and the country. That is to say, the people's representatives in Congress, who speak for the people, can not determine for themselves what information they shall have, and this means that the people themselves shall only have such information about their Government as the Cabinet officers are willing that they shall have. This means that a Cabinet that spends a billion dollars annually of the people's money is responsible to no power on earth save to themselves. [Applause on the Democratic side.]

We can not believe that the President or the Cabinet can have any such view of this order; yet, when read literally, it means exactly this. If we take a more liberal construction of the order, then, we think it ill advised and inconvenient. If every request of every Congressman and every Senator for information must be referred to the Cabinet officer for his permission to give the information, then such Cabinet officer would have to read thousands, yea, millions of letters, unless the order is violated every hour of every day and every minute of every hour. It is often as easy to get an interview with or the sight of the Czar of Russia as it is a Cabinet officer. I am not complaining at this difficulty of seeing a Cabinet officer, because this will always be true in every government as great as ours. But to construe the order literally, if a Congressman or Senator desires information for immediate use, he would not only find it inconvenient but in many cases absolutely impossible to get the information which he desired for immediate use. [Applause on the Democratic side.]

Heretofore, so far as I have been able to know from personal contact with the members of the President's Cabinet and all the chiefs and employees in all the departments, they have been uniformly courteous, polite, and glad to serve a Congressman when they can do so, and I do not think that the Congressmen or the Senators have, as a rule, violated or trespassed upon these privileges, and a very kind and friendly relationship has always existed between all the officers and employees connected with the departments and the Senators and Congressmen.

This order, however, will have a tendency to license the chiefs and employees to be arrogant, and indeed they will be compelled, under this order, to have no communication of any kind in reference to matters in their departments with Congressmen and Senators, except with the permission of the Cabinet officer. In this way obtaining information is not only made disagreeable, but more difficult. I believe in making it easier to get information. I believe that information should be readily accessible to every Congressman and Senator, and should be had for the asking as a matter of right and not as a matter of grace. [Applause on the Democratic side.]

I do not think that the Executive should have the light placed under a bushel, but have it set upon a hill. I do not think that Congressmen and Senators should be rebuffed by an order of this kind, but that they should be not only invited, but encouraged to investigate the condition of every department and to thoroughly inform themselves about the needs and necessities of each department, and to ascertain any extravagance, to get information about any neglect of duty or misuse of money, and, in fact, busy themselves until they get a complete knowledge of these great departments of the Government.

This order also gives each bureau and each employee the opportunity to play favorites. It encourages them to violate the order. When some Congressman or some Senator of whom he is especially fond, or to whom he owes his appointment, asks for information, he could easily give it, for the order could be so easily violated and no harm could possibly come from it, except the harm which always follows violating orders given unwisely. On the contrary, if a Congressman or a Senator of whom he knows little, or for whom he does not especially care, or dislikes, asks for information, he could hide himself behind this order and refuse it.

From any point of view it strikes me that this is an unwise order, and one which may subject the Executive to great criticism, to say the least of it. It is an order, so far as I have been able to study it, which accomplishes no good, but will result in a great deal of harm.

I have no quarrel with the President personally. On the few occasions that I have had the opportunity of seeing him, I have been impressed with the fact that he is a man to whom everyone who knows him well will be attached personally. So far as I have seen his personality is one that attracts and does not repel. His qualities of mind and heart, so far as I know, are such that he would do no living man an intentional injustice. His administration, however, is yet in the experimental stage, and it remains to be seen whether or not he has pursued the wise course. Every true American citizen will hope and pray that he will take no thoughtless step, but that his administration will be wise, and will result in much good and many blessings to the people who have honored him by electing him to this great office. May I not be permitted to beseech the President to turn on the light and not to shut it out. As in the beginning, when darkness prevailed upon the face of the deep, the Lord said "Let there be light," now may the people of this great Republic hear the President, when there is much darkness and doubt, in humble imitation of that august scene, say politically, "Let there be light." [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. LAMB. Mr. Chairman, I yield twenty minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Chairman, during last spring I prepared in writing a detailed inquiry, seeking information through the officers of our diplomatic and consular service relative to the income-tax systems existing in the various foreign countries. This was reduced to circular form and sent by the Secretary of State to each of the officers of our diplomatic and consular service. I have received replies, in the nature of reports, from about all of those officials. They embrace synopses of income-tax systems existing in some 18 foreign governments. They are also accompanied by numerous books and other pamphlets, embracing the entire laws of each of those countries, printed, however, in their native language. I have here, Mr. Chairman, the reports of these officials relative to these systems of taxation, which I ask unanimous consent to print in the RECORD. I will file the books containing these laws in full in the office of the Committee on Ways and Means. Also, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks in the RECORD and to insert certain matters indicated in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Tennessee. Mr. Chairman, if the stupendous sugar-trust frauds recently discovered in the custom-house of New York alone had occurred in connection with the operation of an income tax, the menials and the minions of untaxed wealth would have instantly raised the cry that that tax was a farce and a failure. If an income tax, like customs duties, were uncertain and unreliable in the production of revenue, and during the Government's fiscal history had produced dozens of gaping deficits at times little expected, and as many burdensome surpluses at times still less expected, no untaxed citizen of wealth would be so poor as to do it reverence. If the bloated creature of class legislation, to whom existing laws have so long granted immunity from tax burdens, could detect the smallest symptom of inequality in an income tax, he would roll it as a sweet morsel under his tongue and solemnly pronounce that tax the bane of any revenue system of which it is a part.

Mr. Chairman, they forget that the period is rapidly disappearing when this or any other civilized nation will longer tolerate the taxation of one class for the support of another class. They forget that all the great progressive governments of the earth, whose tax systems, like ours, impose their chief burdens upon consumption, are heeding the cry for fiscal reform. But a few weeks ago the vice-president of the German parliament declared that the system of high protection, of which France, Germany, and the United States are examples, would become insupportable, and that whatever might be the future development of the economic policy of Europe, the period of high protection is approaching its end.

Mr. Chairman, our present monopoly tariff law is a miserable travesty, an ill-designed patchwork, a piece of brazen legislative jobbery. Protection to a small number of pampered, stilted individuals, not revenue for the Government, is its chief design. This indefensible doctrine has become the cancer of the Government's fiscal system. It is the mightiest engine of oppression ever devised by legislative legerdemain. It is hastening this nation to a condition of white slavery as no other influence could. [Applause on the Democratic side.] It

enables a band of commercial marauders to ruthlessly take toll from the sweat and blood and life of the honest yeomanry of the land. If the piratical organization, that has knowingly foisted and fastened the existing system of tariff spoliation upon the people, persists in retaining certain of its intolerable features in the future, it may earn a degree of popular execration approaching that of a certain notorious organization known as the Black Hand.

Mr. Chairman, during the last national campaign the country was promised honest tariff reform. During last summer that promise was openly, willfully, and deliberately violated by Congress, the President acquiescing. [Applause on the Democratic side.] This wanton betrayal of the American people will not soon be forgotten nor forgiven. The war for fiscal reform has not ended. It has only well commenced. It will go on until the tax-ridden people are freed from the merciless greed of organized oppression and plunder. [Applause on the Democratic side.] I have long been of the opinion that our system of protective-tariff taxation diverts business from natural to artificial channels, causes an unequal distribution of wealth, creates money lords, impoverishes those who live upon their earnings, builds up class conditions, breeds and shelters monopolies and trusts, enabling them, vampire-like, to sap the vitality of the Nation. I am of the firm conviction that so long as this system remains, requiring the people to pay $8 to privilege for every dollar that reaches the United States Treasury, we need look no further to ascertain the chief cause of the phenomenal increase of prices in all the protected industries—the scale in this country being far above the level of the world's prices—as well as the cause of the general derangement of our industrial, economic, and social affairs.

THE REMEDY FOR EXISTING TARIFF EVILS.

Mr. Chairman, there is one, and only one, remedy adequate, speedy, and certain, namely, the complete reorganization and readjustment of our system of revenue—lopping off existing inequalities, reducing customs rates to a sound revenue basis, placing minimum rates, or none at all, on articles of prime necessity, and maximum rates on luxuries, and levying a comprehensive income tax to equalize the tax burden and to give elasticity and productiveness to our tax system. [Applause on the Democratic side.] In this connection I desire to discuss the merits of the income tax, not as a tax by itself, but as a permanent part of our whole revenue system. No one method of taxation should be considered singly, but as a part of a complete system which all taxes combine to form. The life of the Government requires an adequate revenue at all times. From its beginning the Nation's chief source of revenue has been indirect taxes levied on consumption. If our customs system, supplemented, as it now is, by an internal-revenue tax, were adequate, just, and economical, the necessity for an income tax, whatever its merits, would be measurably lessened.

But, Mr. Chairman, the essential injustice and inefficiency of our tariff laws are apparent to every intelligent observer. We should, therefore, consider our present revenue system and the effect which the income tax would have in removing its gross inequalities, in giving it productiveness and elasticity and adjusting the incidence of the whole burden. Congress has made no progress in the science of taxation since before the civil war. During much of our one hundred and twenty-three years of national life the system of collecting taxes at the custom-house has revealed startling inequalities and a singular lack of elasticity and productiveness.

ELIMINATION OF TARIFF INEQUALITIES AND SUBSTITUTION OF INCOME TAX.

Mr. Chairman, I propose now to direct attention to one ugly and fatal defect of the system now existing, viz, its inequality and injustice. The rank favoritism created by the present tariff laws would bring odium upon any political party enacting them. The taxes they impose rest mainly upon industry and consumption. The amount each citizen contributes is governed, not by his ability to pay a tax, but by his consumption of the articles taxed; and his use of them is not measured by his ability to pay taxes, but by the necessities of life. These necessaries are indispensable to the welfare—aye, the existence—of the poor. The chief burden of all tariff taxes now falls upon this class or upon the people of moderate means. Only the rich escape it. Why not the one be required to contribute out of his abundance rather than the other out of his necessities? Why should one favored class be permitted to accumulate great fortunes at the expense of others? Why not wealth bear its just proportion of the public burdens? The protected interests not only select the articles taxed, but fix the rates of taxation. A noted English statesman once said:

Conceal the hand of the taxgatherer and you can tax a people to the point of impoverishment, if not starvation, without complaint or resistance on their part.

The unequal effects of the burdensome tariff have already dwarfed not only the political and economic but the social conditions as well.

Mr. Chairman, this country has now its thousands of hungry, its tens of thousands of paupers, and its hundreds of thousands of unemployed. Verily this is an age of special privilege. Upon every hand we hear preached and see practiced the gospel of class legislation. Far is the cry, long is the stretch between great riches and extreme poverty, and those who would shield the former from taxation at the expense of the latter forget that "man shall not live by bread alone." If the modern Shylock is void of a conscience that would move him to willingly assume some of the burdens of government while claiming all the benefits of its protection, is he also without that discernment necessary to foresee the awful day of retribution that must come from a continuance of the present grinding oppression of the poor? I am reminded of a statement of Swift that "nothing is so hard for those who abound in riches as to conceive how others can be in want." The new tariff has already so increased the cost of living as to cause the gaunt specter of want and hunger to stalk into the hitherto comfortable homes of millions of freeborn American citizens. Under the operation of these unfair and unequal tax laws we no longer have competition in American markets. The prices the consumer must pay are limited only by the producer's greed of gain. Time does not now permit me to point out in detail the innumerable inequalities in our tariff that call loudly for the pruning knife. It is sufficient to say that, though not always understood, their effects are daily and deeply felt by every American consumer.

NECESSITY OF AN INCOME TAX TO GIVE ELASTICITY AND PRODUCTIVENESS TO PRESENT REVENUE SYSTEM.

Mr. Chairman, I desire now to call attention to another evil coordinate with that just discussed. Our revenues are in an unsatisfactory condition. The most experienced expert shrinks from any attempt to accurately or intelligently forecast the governmental receipts. In 1905 the receipts were $544,274,684, and there was a deficit of $19,085,408. In 1907 the receipts were $663,140,334, and there was a surplus of $111,435,205; while in 1908 the receipts were $601,126,118, and, strange to say, there was a deficit of $20,000,000. For the fiscal year 1909 the receipts continued substantially the same, but there was a deficit of $58,734,954. From 1907 to 1909 there was a reduction in receipts of over $60,000,000 and an increase in expenditures of $120,000,000. Our system of revenues and expenditures is so uncertain and unreliable that a cash balance of $250,000,000 has been reduced to less than $80,000,000 within the short space of three years.

The working balance is now less than $30,000,000, while increased expenditures are making daily inroads upon it. We have a large deficit in current receipts and expenditures for the present fiscal year, and unless all signs are misleading, it will be still larger in the fiscal year of 1911. True, the present tariff law levies an enormous tax upon the people, but unfortunately the bulk of it goes to the manufacturers and trusts instead of to the Federal Treasury. To maintain an equilibrium between governmental receipts and expenditures, thereby guarding against deficits or surpluses, is a prime requisite of a sound system of taxation. It ought to be adjustable enough to thus meet the Treasury's varying demands. The Nation's experience conclusively shows that our indirect taxation has been, and is now, strikingly inelastic, unstable, inflexible, and oftentimes unproductive, both in times of peace and war. Our import duties depend largely upon the prosperity of the foreigner, while our internal-revenue taxes are levied chiefly upon whisky and tobacco.

OUR REVENUES UNSTABLE AND UNCERTAIN IN THE PAST.

A glance at the past operation of this system reveals the defects I complain of, as well as the obvious necessity for the adoption of an income tax. During the Revolutionary war taxation in any form was unpopular in the States and colonies. Hence, they turned to indirect taxation as the least objectionable method of raising revenue. After the formation of the Union in 1789, Congress followed suit. But Alexander Hamilton urged the imposition of a small internal-revenue tax, and in this he was successful. This tax immediately raised a storm of opposition, which resulted in its repeal soon after Jefferson's inauguration in 1801. This marked the establishment of the tariff tax alone as the Nation's system of taxation until the close of the civil war, for no internal tax was enacted during this entire period, save to meet some temporary exigency. Since the war the internal-revenue tax has been retained in part as a supplement or minor aid to our customs system of revenue.

From the outset there were rapid fluctuations in the national revenues. Its productiveness has been at all times very uncer-

tain, being constantly affected either by business depression or revival at home, or by foreign wars or foreign commercial changes. From 1789 to 1811 the tide of revenue from our customs duties ebbed and flowed to such an extent as to produce nine large deficits and a still greater number of burdensome surpluses. The war of 1812, as have all other wars since that time, thoroughly proved the utter inability of customs revenues to meet war emergencies. In addition to the imposition of other taxes the Government was forced to resort to loans and the issuance of treasury notes. The real resources of the country could not, and can not now, be reached by customs duties. Following the war of 1812 the Treasury was burdened with a surplus until 1818; but after that year there was a decline of the revenues until a low ebb was reached in 1821, from which they did not recover until after the crisis of 1824. The years 1824 to 1835 witnessed phenomenal increases, far beyond governmental necessities. In 1836 the surplus became so burdensome that $28,000,000 was ordered distributed among the States. A lightning change in the customs revenues then occurred, for in 1838, before this distribution had been completed, the Treasury showed a deficit of several millions of dollars. Two loans and five issues of treasury notes were resorted to between 1837 and 1843. The Secretary of the Treasury then said:

> With sources of revenue so fluctuating we shall constantly be exposed to great deficiencies or excesses, with all their attendant embarrassments.

This statement is strikingly applicable to present-day conditions. Customs revenues wholly failed to satisfy the Government's needs during the Mexican war. By 1857 a tremendous surplus had again accumulated in the Treasury. But within a year it had entirely disappeared and the Government was forced to issue $24,000,000 in treasury notes and negotiate a loan of $10,000,000.

During the first three years of the civil war, though raised high upon every available article, the customs revenues inflexibly remained at a peace level. Secretary of the Treasury Chase, in 1863, was obliged to admit that "the chief reliance for any substantial increase, and even for the prevention of any possible decrease, must be on internal duties." During the stress of war, not the customs, but internal duties increased the revenue by leaps and bounds and thereby saved the credit of the Nation. Following the war the same shifting, fluctuating revenue conditions continued. Strangely enough, we find a surplus of $100,000,000 in the Treasury in 1871–72. In the latter year much of the internal tax was repealed and the customs duties were reduced 10 per cent. Three years later we see the Government borrowing money and restoring the 10 per cent rate on customs duties. By 1879 the Government again had an embarrassing surplus, which climbed to $100,000,000 in 1886. But the year 1890 witnessed the coming of another deficit, which, on June 30, 1894, under the schedules of the McKinley tariff law, reached the huge amount of $69,000,000, the Government being again compelled to borrow money. After the Spanish-American war there was another rise in receipts, resulting in a surplus during 1907 of $111,000,000. But the scene suddenly shifts again, for in 1908 this tremendous surplus becomes transformed into a deficit of $20,000,000 and the Government is obliged to issue bonds in a time of peace.

Mr. Chairman, in the light of these plain lessons of experience, demonstrating the utter inadequacy of the indirect tax with its supplemental internal taxes as a basis for national revenue, how can the blindest adherent of this system longer deny the necessity for its immediate reform? No method of raising revenue is so unreliable as duties on imports, and none so difficult to raise or lower without seriously disturbing business. From the beginning of the Government our fiscal system has been a veritable seesaw—the Treasury plunged into a large deficit to-day, and groaning under a huge surplus to-morrow. Mr. Chairman, an income tax and economy in expenditures will secure and maintain an equilibrium between the Treasury's income and outgo.

INCOME TAX.

Mr. Chairman, in this discussion I neither extol the poor nor decry the rich. I oppose the unjust taxation of any class, be they rich or poor. I favor the application of those doctrines of revenue that know no class, that fall upon all in proportion to ability, and that conform to every ideal of justice in taxation. Our laws and governmental policies should recognize no distinction between the humble citizen on his pallet of straw and the rich man in his gilded palace. We should keep in mind that hymn of triumphant democracy:

> The rank is but the guinea stamp;
> The man's the gowd for a' that!

I make no assault upon wealth as such, but rather upon the evils of which certain classes of wealth are the willing and knowing beneficiaries. Wealth can not, however, shirk and shift its just responsibilities and burdens, and then, with a look of injured innocence, complain under the weight of legitimate criticism.

Mr. Chairman, I favor a reasonable income tax, not as a punishment to the wealthy, but as a bona fide means of equalizing tax burdens and raising adequate revenue. The income tax is not of ancient origin. The land tax was the first method of securing revenue. Later, when wealth became so extensive and varied, the tax upon general property was devised. Finally, at the instance of Pitt, an income tax found its way into the English revenue system in 1798 as a war emergency measure. It was repealed at the close of the Napoleonic wars. But in 1842, when the great fight for fiscal reform raged in England and the cry for cheaper bread resounded throughout the country, those patriotic champions of the rights of the poor—Bright, Peel, and Cobden—succeeded in abolishing the odious corn laws and the powerful protective-tariff system, then as firmly intrenched as it is in the United States to-day, and substituting an income tax in lieu thereof. It became thenceforth a permanent part of the English system of taxation. Its purpose has always been either one of revenue or a means of improving and equalizing general tax laws, or both. Most countries adopting this tax did so originally upon emergency grounds, but as a rule it has later been permanently retained in response to necessities created by modern industrial and financial conditions.

The States of North Carolina, Virginia, Alabama, and Massachusetts enacted income-tax laws with a view to correcting inequalities in their tax systems. But, like most personal-property tax laws, they have been largely ignored by both the taxgatherer and the taxpayer. Some leading economist has said that a state income-tax law has all the disadvantages of a national law and none of its advantages. Many of the larger incomes are derived from interstate businesses and are difficult, if not impossible, of collection by the States for lack of jurisdiction. During recent years most of the civilized countries, save France, Russia, Belgium, and the United States, have adopted and made this tax a permanent feature of their revenue systems; and France has a tax equivalent to it.

THIS TAX WORKS WELL IN BOTH THEORY AND PRACTICE.

Mr. Chairman, this tax, more nearly than any other, approaches the perfection of fiscal wisdom. None deny that it is absolutely sound in theory. Its practical application has now been demonstrated and is less controverted each succeeding year. It is in perfect harmony with the foundation principles of justice and equality upon which our Government was laid. Wise, simple, and effective, it would meet and cope with all the developments of our industrial and financial affairs. This doctrine embodies all the twentieth-century philosophy of taxation. The underlying basis of all sound systems of taxation is that each man should pay taxes in proportion to his means, real and personal. The income tax would oblige the citizen annually to contribute a fair and just proportion of his net gains to the maintenance of the Government.

An English court, in referring with approval to this tax, said:

> The object of a taxing act is to grant to the sovereign a revenue, and to raise it from those on whom it falls with as little trouble and annoyance, and as equally, as can be contrived.

Adam Smith, the father of political economy, said:

> The private revenue of individuals arises ultimately from three different sources—rent, profits, and wages. Every tax must finally be paid from some one or other of those three different sources of revenue or from all of them indifferently.

The income tax is the only method ever devised that squares with all four of Adam Smith's revenue maxims: It is equal; it is certain; it is paid at a time and in a manner most convenient to the taxpayer—when his income is received; and the cost of collection is trifling.

All the great political economists and other noted authorities on taxation lay down the doctrine that the citizens of a nation should pay taxes to the government according to their ability. Among these may be mentioned Adam Smith, John Stuart Mill, Thiers, Montesquieu, Rousseau, Mirabeau, J. B. Say, Gernier, Sismondi, Bastable, and Ely. One of the ablest authorities says:

> The most modern and, theoretically, the fairest form of taxation is the income tax. It seems to make everyone contribute to the wants of the state in proportion to the revenue he enjoys under its protection. While falling equally on all, it occasions no change in the distribution of capital or in the material direction of industry and has no influence on prices. No other is so cheaply assessed or collected. No other brings home to the people so forcibly the fact that it is to their interests to insist upon a wise economy of the national revenue.

Yes, Mr. Chairman, under this law the people would see and know they were paying taxes, but they would also see and feel a great reduction in the prices of necessaries and other commodities, save those farm and other products whose prices are

fairly and justly fixed in the world's market by the law of supply and demand; besides, the people would have the greatest incentive to carefully guard and scrutinize public expenditures and frown on extravagance. No, this tax does not affect the natural and legitimate distribution of capital as does our present customs system, which has for its end and effect "the enrichment of the privileged class by the systematic robbery of the masses, and it breeds an aristocracy of wealth which, as with every other aristocratic rule, must end in conflict." Neither, Mr. Chairman, does it occasion the slightest interference in industrial affairs as do changes in the tariff every few years.

ITS RATES EASILY CHANGED.

The rates of the income tax can easily be raised or lowered within a week's time, helping rather than hurting business, by reason of its stability. With this tax in operation we would not again behold the shameful scenes enacted here last summer—Congress struggling for five months to revise the tariff, lobbyists swarming like locusts through all the corridors of the Capitol, demanding their respective shares of protection's plunder, business at a standstill and in suspense awaiting the outcome, suffering a loss, if the Speaker of the House was accurately reported, of $10,000,000 a day. Nor would the operation of this tax influence prices when its rates are changed or at any other time, because it does not rest upon consumption, but upon the income of wealth.

ITS PRODUCTIVENESS.

Mr. Bastable, the leading English financier, said:

Production and a tolerable approach to just distribution are the two essentials of taxation.

The income tax is the very embodiment of these two essentials. Its revenues readily respond to changes in rates entailing no hardship upon anyone, and at the same time promptly bring relief to the government's finances, filling up a deficit or diminishing a surplus, as may be desired. If the taxpayer suffers a decline in his income his taxes are reduced in proportion; if his income increases his taxes increase proportionately. The wonderful flexibility and certain productiveness of this tax enables it to meet every requirement of peace or war emergencies, having thus proven in England, in the language of Gladstone, "an engine of gigantic power." During the great strain of national emergencies an income tax is absolutely without a rival as a relief measure. Many governments in time of war have invoked its prompt and certain aid. It enabled England to conquer Napoleon. It came to the relief of our depleted Treasury during the civil war, when the customs revenues were at a low ebb, and saved the rapidly sinking credit of the Nation. We can not expect always to be at peace. If this nation were tomorrow plunged into a war with a great commercial country from which we now receive a large portion of our imports, our customs revenues would inevitably decline and we would be helpless to prosecute that war or any other war of great magnitude without taxing the wealth of the country in the form of income.

IS IT AN UNJUST TAX?

Mr. Chairman, the apologists of the rich sometimes say that this method of taxation is unjust. The statement of this objection is its own refutation. Their doctrine seems to be that any kind of tax imposed on other classes is entirely just and proper, but that the slightest effort to require wealth to share the most reasonable and necessary tax should be loudly resented as injustice, socialism, and confiscation. In speaking of the then existing income tax in 1870, Senator John Sherman said it was "the most just and equitable tax that is now levied by the United States of America, without an exception," because it was the "only discrimination in our tax laws that will reach wealthy men as against the poorer classes of people," who still "necessarily pay nine-tenths of all the taxes." This utterance but echoed the sentiment of the real statesmanship and disinterested patriotism of that time.

In time of war forty-nine-fiftieths of those who volunteer to make up our great armies and navies upon which we must rely to fight our battles, defend our flag, gain our victories, and maintain Anglo-Saxon supremacy, are persons whose courage and patriotism are as great as their worldly possessions are small. This doctrine of untaxed wealth that the poorer classes should both pay the Nation's taxes and imperil life and limb fighting its battles is indeed hard and harsh. Is the Government to bestow upon these possessors of great fortunes all the blessings of a republic and at the same time exempt them from all its burdensome responsibilities? Is there to be no balance between the people of large means and those of small means in the imposition of tax obligations, either in times of peace or war? It is mildly claimed that this is effected by state and local taxation; but this is only true in a very minor degree.

WEALTH LARGELY EVADES STATE AND LOCAL TAXATION.

Personal property in the cities and towns almost entirely escapes state and municipal taxation, as does no little of it in the rural sections. But the farmer of moderate means can not hide his property nor shift his tax burdens; he constantly feels their crushing weight, while the rich investor in securities, the money lender, and the wealthy business and professional men cover up most of their taxable personality as well as much of their city realty when the assessor comes around. A report of the Census Office shows that for the year 1902, the assessed valuation of real property constituted 74$\frac{1}{10}$ per cent or three-fourths of the assessed valuation of all property. This same report shows that in the year of 1904 the true value of all property was $107,104,192,410; that the ad valorem assessment of this property was only $38,963,381,120; that the personalty assessment was only $8,873,562,448, although the true value of all personalty was $44,762,719,783—a 20 per cent assessment—while the assessment of realty was less than 50 per cent of its true value. The present mayor of New York during last week cited a number of instances of inadequate assessment and evasion which but illustrate tax conditions prevailing in most States, and especially cities throughout the country, as follows: One piece of real estate was assessed at $29,300, and was then mortgaged for $276,000, and was sold for $350,000. Another piece of real estate was down on the tax books at $1,078,300, and was sold for $4,565,367. The income tax secures more than a third as much again revenue from property as do our state and local tax systems.

INCOME TAX COMING INTO UNIVERSAL FAVOR.

Mr. Chairman, most all of the earlier systems of taxation have omitted any provision calculated to reach the income of property, but during the past generation a movement to tax incomes has started and is rapidly becoming world-wide. The aggregate wealth of the United States to-day is $120,000,000,000, and why should not a portion of the Government's revenues be derived from the earnings of this fabulous sum, most of which can not be reached in any other way, "instead of placing it all, or nearly all, on consumption—on the necessaries of life, which are consumed by all, but are not used in proportion to their ability to pay taxes, but according to the necessities of existence?" Will it be longer insisted by the spokesmen of privilege that expatriated "patriots" like William Waldorf Astor shall be privileged to continue their residence abroad while their landed and other estates, aggregating hundreds of millions in value, remain here under the protection of our Government without the payment of a farthing of revenue in return? Is it deemed wise and just to thus exempt from taxation the property of this class of persons, whether residing here or elsewhere, and at the same time impose such excessive tariff rates as compel the masses of the people, in addition to the payment of our federal taxes, annually to pay the United States steel trust $50,000,000 in excess of a reasonable net profit, and in like proportion the sugar trust, the smelters trust, the wool trust, the agricultural implement trust, and a hundred other trusts that are thus daily fattening upon the hard earnings of those who toil?

FALSE CHARGE OF SOCIALISM.

Mr. Chairman, as a last resort, the opponents of an income tax argue that it is socialistic and merely intended to secure a redistribution of property. This tax does not contemplate a redistribution of property, but a redistribution—an equitable distribution—of taxes, based upon ability to pay and more nearly approximating justice than any other that could be imposed. Unlike our present unequal tariff law, it is a tax upon plenty rather than necessity; and instead of seizing millions of the poor and humble and holding them in the grip of lasting poverty, it lightens their burdens and helps them to banish the fear of hunger, thirst, and cold.

This cry of socialism and confiscation is not worthy of refutation. It is but a repetition of that subterfuge that has done service so often when it has been sought to block reform and secure the retention of existing abuses. This false cry has been raised against every fight for real fiscal reform in all countries and ages. We often hear its echoes in the States and municipalities when an attempt is made to correct inequalities in their tax systems. This same wail was set up in England and America in opposition to an inheritance tax. A like method of objection was met by the proponents of the property tax in Germany and Holland; and this tax only strikes at the property owner, not the income receiver. In Great Britain, compulsory education, the post-office system, the factory laws, and most all other wholesome enactments hitting at vicious class evils or designed to keep pace with advancing social and industrial progress have been promptly characterized as socialism. If this tax is socialistic and confiscatory, then most all of the

great governments of the earth have put socialism and confiscation into practical and permanent operation and effect.

Mr. Chairman, occasionally the suggestion has been advanced that this tax is un-American and undemocratic. But the fact that it first took root in the most democratic countries in the world, like the cantons of Switzerland, where it has been perfected and rounded into a model revenue tax, explodes this notion.

THIS TAX CONSTITUTIONAL AND WOULD BE SO HELD.

I have heretofore discussed the constitutionality of this tax, and I shall not do so again except to say that, from the decision in the Hylton case, in 1796, until the decision in the Pollock case, in 1894, the constitutionality of this tax was not seriously questioned. It was settled, and well settled. In five leading cases the doctrine was uniformly held that under the direct tax clause of the Constitution there are no direct taxes save a capitation or poll tax and a tax on land. At this late day it would be idle to speculate and quibble as to the views of the framers of the Constitution when they adopted the direct-tax clause. Political economy was then in its infancy. The term "direct" had no fixed, legal meaning, but was given various significations by writers on taxation. Hence, our government was left free to adopt such interpretation as sound wisdom suggested.

And as early as 1796 we see the Supreme Court, embracing two judges who were members of the Constitutional Convention, in the carriage-tax decision giving to the word "direct" an authoritative and conclusive construction, viz, that it embraced only capitation and land taxes. This construction was at once approved and adopted by the legislative and executive departments of the Government, and until 1894 has been consistently followed by all the courts, Congresses, Presidents, lawyers, and text-book writers; and, in the language of Mr. Justice White:

> By the repeated reiteration and affirmance of that interpretation has become imbedded in our jurisprudence, and therefore may be considered almost a part of the written Constitution itself.

By its action in the Pollock case—a five to four decision—the Supreme Court overturned all the judicial precedents of a century and placed its final veto upon the taxation of wealth. Wealth can only be reached successfully by the taxation of its income, and this can not be done by apportionment according to population. There were two hearings of this case, and two judges changed in opinion on the reargument. One of the Government's attorneys stated that—

> On the first hearing six out of eight judges held the law void as to so much of one's income as is derived from rentals, while four only of them held it void as a whole. On the second hearing, a ninth judge being present, one of the six, together with the new judge, concluded that it was valid as to the rentals, and valid also as a whole. One judge, however, who had voted against it on the rentals question alone, now concluded to vote against it as a whole, and the final poll stood, therefore, five to four on each question. The decision of the court on the first hearing found not a single supporter on the second.

In the language of Mr. Justice Harlan:

> In view of former adjudications, this decision may not improperly be regarded as a judicial revolution that may sow the seeds of hate and distrust among the people of different sections of our common country.

Yet, Mr. Chairman, there are those who pretend to think that it would be an "affront" to the court for Congress or any other human agency, by proper and orderly procedure, to ask the Supreme Court to again consider the questions decided adversely to the Government in the Pollock case. The President has even been accused of expressing this view in his recent Denver speech. Is it possible that he has been inveigled into the support of this doctrine? If true, this was the utterance of Mr. Taft, the politician, and not Mr. Taft, the President or the lawyer. This new and strange doctrine of judicial procedure, while conceding that it is right and proper for an individual suitor to ask the Supreme Court to reconsider a judgment believed to be unsound, teaches that it would result in a serious and unjustifiable "affront" and injury to the judiciary if 90,000,000 citizens or suitors, through their representatives in Congress, should ask this august tribunal to reconsider a five to four decision. [Applause on the Democratic side.] It can not be denied that this decision deprives Congress of the power to effectively tax wealth. Will a newly-constituted Supreme Court restore that taxing power to Congress, of which it was so erroneously deprived? Or will those two distinguished individuals from Rhode Island and Illinois, who now dominate the majority in Congress and stand between wealth and righteous taxation, allow Congress, by the passage of a new law, to give the court an opportunity to correct its mistake, now conceded by every unbiased lawyer in America?

CONSTITUTIONAL AMENDMENT.

This course was attempted by Congress last summer, but the friends of the income tax were thwarted by means of a legislative trick, sprung at the crucial hour by the enemies of this tax, but not until it became known that no other means would or could prevent the speedy enactment of a comprehensive income-tax law. This sinister undertaking succeeded.

The income tax was killed, and in lieu we have in part a proposed amendment that, to become effective, must be ratified by the legislatures of three-fourths of the States. Of course the friends of this tax, when thus defeated in their effort to pass a new law, voted to submit the amendment to the States, though knowing at the time that it was chiefly in charge of the bitter opponents of income taxation and not offered in good faith by them. It is to be sincerely hoped that the requisite number of States will ratify the amendment, for it would forever quiet this controversy. Therefore, both remedies might properly be pursued at the same time. There is no occasion for conflict between these two remedies, but the tactics of the opposition have been that when either remedy was about to be adopted, to propose and urge the other in its stead, thereby hoping to permanently defeat and destroy this doctrine. I regret to see that the outcome of the proposed amendment is involved in grave doubt. The failure or refusal of either legislative branch in as many as 12 States, to concur in the proper resolution, would encompass the defeat of the amendment. Who is so ignorant or credulous as not to know the certain effects of the tremendous influence which powerful wealth exercises on many state political organizations, upon the press, and upon other mediums of manufacturing influence and sentiment? Who can expect, though one may hope, to see a majority of both houses of the legislative bodies of three-fourths of the States successfully combat the strong and corrupting influences of accumulated wealth and ratify this amendment? The American people are about to be flimflammed in this controversy. This great power of taxation, which was considered as immutable as the Constitution itself, was taken away from Congress by the action of one judge in changing both his mind and his vote. Congress having denied the Supreme Court an opportunity to do so, the question of its restoration is now left, not to a majority of the American people, but solely to the tender mercies of a few hundred individuals who may happen to constitute a majority of either of the two legislatives houses in 12 States; or, if this majority should be controlled by caucus action, then a majority of the majority would settle the fate of this amendment.

GOVERNOR HUGHES INTERPOSES HIS VETO.

Yes, Mr. Chairman, I am heartily in favor of the ratification of this amendment by the States, as is every real friend of the income tax. [Applause on the Democratic side.] However, I warn its friends to be on their guard, for the fight against this amendment will be made, is now being made, not by its open enemies, but by its pretended friends. This is notably illustrated by the action of Governor Hughes, of New York, who recently emerged from the penumbra of colossal wealth, which never pays a dollar of federal taxes, and constituted himself its spokesman long enough to proclaim an issue in this battle to perpetuate its immunity from taxation.

Mr. PARSONS. Mr. Chairman, will the gentleman yield for a question?

Mr. HULL of Tennessee. If I have time.

Mr. PARSONS. Does the gentleman mean to state that what Governor Hughes said in his special message was said for any other reason than that he believed that the interests of the State ought to be protected? Does he mean to say that Governor Hughes is engaged in a flimflam on the people or to convey that impression?

Mr. HULL of Tennessee. If the committee will allow me just three minutes time, I am approaching the very subject about which the gentleman inquires.

Mr. PARSONS. If the gentleman says any such thing as that, or intends to convey any such idea, I wish to state that he has no understanding of the character of Governor Hughes. He is a man who never has allowed any such influences to affect him in the least, and the gentleman may be sure that anything that he has done, he has done only because of the highest motives. [Applause on the Republican side.]

Mr. HULL of Tennessee. Mr. Chairman, the gentleman is somewhat premature in anticipating something about which he knows nothing. I have not yet made the statement which I was about to make, and I think the gentleman will have ample opportunity, after I do, to rush to the defense of the gentleman, in whom he seems to have a great personal interest.

The governor could not content himself with a personal declaration against this amendment, as was his privilege, but so eager was he to throw himself between plutocracy and the people that he sent a lengthy message to his state legislature expressive of his so-called "official views" condemning the amendment; and in so doing he was guilty of an officious im-

pertinence and a negligent disregard of the spirit of the Constitution. Its language is that an amendment shall be valid "when ratified by the legislatures of three-fourths of the States." The legislatures act alone, and in the capacity of a convention as distinguished from the exercise of a legislative power. The governor has no veto power and no function or duty authorized or imposed, save the purely ministerial one of transmitting the amendment to and from the legislature. Why did the governor rush to the center of the stage and thrust his individual views, under the guise of official duty, upon that body? He was throwing, without authority, the weight and prestige of his great office into this fight on the side of those who think it socialistic to tax wealth and the quintessence of fiscal wisdom to tax poverty. His action was that of an official intermeddler. To prevent a misconstruction of their attitude other governors may now feel obliged also to transmit their views to their respective legislatures.

Mr. Chairman, the New York governor charges that the proposed amendment authorizes the taxation of incomes from state and municipal bonds, and if adopted the tax, if levied, might cripple the borrowing capacity of the States and their local governments. This objection is unsupported by reason or experience. States and municipalities have no occasion, save in the rarest instances, to strain their credit. It would be difficult to conceive an emergency requiring expenditures approaching their taxing capacity or very far in excess of their ordinary and normal revenues. They do not bear the expense of war.

But the General Government must at times raise enormous revenues to meet great military and naval expenditures. And only the stress of war could endanger its credit. Yet, no matter how great its distress and pressing its needs during fierce conflict, Governor Hughes would deny the General Government—which then protects the States and municipalities—a reasonable contribution from several thousand rich and idle holders of state and municipal securities, notwithstanding only a minor portion of their income would be derived from this source. Yes; he would permanently defeat the entire income tax rather than permit the General Government to exercise this power even under the strain of a great war. If there be any efficacy in his contention, which I deny, he is strangely silent in the face of an existing condition far more dangerous. The bonds of any one State and its municipalities are at the mercy of the taxing power of the other 45 States and their municipalities. The Supreme Court has so held in 104 United States Reports, page 592. The distinguished governor would withhold from the General Government a taxing power that may be exercised with impunity by every State and municipality in the Union. As a rule, the holders of these State and other local securities are nonresidents of the State whose bonds they hold. In 1902 the total state, county, and municipal indebtedness comprised only $1,864,978,483 of the Nation's present total wealth of $120,000,000,000—only a fraction over 1 per cent and a ratio of less than 1 to 60. How much would a reasonable income tax, reaching all property alike, on an indebtedness of $1,000 affect the borrowing capacity of a citizen owning $60,000 of property? The total interest-bearing debt of the Nation November 1, 1909, was $913,317,490. Who, other than Governor Hughes and selfish wealth which he now serves, will dare to express the baseless fear that this amendment threatens the credit of our States and municipalities, when the Nation's wealth is sixty times as great as their indebtedness and more than forty times as great as our total national, state, and local indebtedness?

The States and their local governments will, as they properly should, easily resort to sufficient taxation to amply maintain their credit without serious burden to the taxpayer. Though straining at this gnat of state and municipal bond taxation, the governor gulps down with one swallow the camel of unlimited congressional power in other lines. Why were his fears not aroused by the existence of other powers vested in the General Government, immeasurably greater than the one he affects to dread? Will he contend that the unqualified power given Congress by the Constitution to regulate commerce among the States was a mistake and should have remained elsewhere? Will he deny that this power is an indispensable one, even though Congress could, in its exercise, stop and tie up every interstate common carrier in the Nation, destroy commerce, paralyze industry, and create commercial chaos? Will he insist that the sole power to impose duties on imports should not have been bestowed upon the General Government, even though Congress could, in its exercise, according to Republican teaching, block and shut out all imports from foreign countries? Will he complain because the Constitution gives the Nation the power concurrent with the States to tax persons and property directly, even though Congress could, in its exercise, tax every citizen to the point of impoverishment? Finally, will he become alarmed when he reflects that Congress is given power to tax persons and property without limitation—barring two qualifications and one exception? No; he views these with complacency.

Mr. Chairman, Members of Congress are more closely identified with the States and their municipalities than with the General Government, and they would be far from imposing any tax, as they have been heretofore, that might in the least interfere with the maintenance of all the functions of the former. No man believes more firmly in the doctrine of states rights than I do; but I despise the citizen who never invokes this sacred doctrine except as a shield for injustice. If Governor Hughes and those who accept his views are friends of the income tax, as they profess, then it has no enemies.

THE MODERNIZED TAX ELIMINATES PREVIOUS FAULTS.

Mr. Chairman, it is finally urged by those who oppose this tax that it is not entirely practical in its operation and effect, being inquisitorial and difficult of assessment and collection. That these objections are fallacious and have been exploded by the experience of great governments like Great Britain, Germany, Japan, Spain, Italy, Switzerland, Denmark, Hungary, the Netherlands, and Norway and Sweden must be admitted. The cry of "inquisitorial" is chiefly humbug and cant. It originated during the operation of the war income tax, the machinery for the assessment and collection of which was crude, antiquated, and faulty, and before the methods of enforcement had been developed and perfected as they are now; nevertheless, this complaint has been kept alive for lack of legitimate argument. Other nations in which it is enforced uniformly attest the fact that this tax is no more objectionable to the taxpayer than any other. I unhesitatingly assert that even our war income tax was freer from faults and frauds than our general property state tax systems are to-day. In a majority of the States the demand for a general readjustment of their respective tax systems on account of fraud, evasion, and inadequate revenue is loud and insistent. What is known as "collection at the source" is the root of the administration of an income-tax system as at present developed. More than two-thirds of England's $165,000,000 income-tax revenues is stopped and collected at the source so that the taxpayer never sees a revenue official. Congress could easily pass a new law modeled after the perfected systems of other countries—raising their exemptions and omitting their higher rates and more rigorous features—that would disarm the usual criticism. The now somewhat out-of-date assessment and collection machinery of the law of 1894 subjected it to much criticism that a new law would obviate. Save in two instances this law required compulsory declarations, or self-assessment, by the citizens—the Government retained the tax out of salaries and required corporations to withhold it from dividends.

Instead, the method of collection at the source, had it been then developed, could have been easily introduced to a large extent. It has been pointed out that the tax on all salaries could have been retained and reported by the employer. The corporations could have been required to withhold the interest on all corporate bonds. The income of real-estate mortgages could have been treated as a part of the real estate and requiring the mortgagor to withhold the interest. In many other effective ways this method of collection could have been introduced.

Mr. Chairman, two-thirds of a tax that would yield $150,000,000 of revenue in this country could be collected at the source, thus obviating any personal assessment and consequent charge of inquisitorialness. This large sum, while not burdening the wealth that would pay it, would enable Congress to speedily improve our rivers and harbors and our more than 1,000,000 miles of post-roads extending through every part of the country.

COMPARISON WITH PRESENT STATE AND NATIONAL SYSTEMS.

Mr. Chairman, I challenge a comparison of the methods of assessing and collecting this tax with those relating to both our state and national taxes. Spread a modernized income tax alongside of our present state and national tax laws—schedule by schedule, paragraph by paragraph, item by item—and in every important aspect the former will disclose virtues superior to the latter. The inquisitorial features of our state tax laws are most rigid; yet, the amount of realty, and especially personalty, that evades and escapes taxation is staggering to the average mind.

While the right of search and seizure pervades both our customs and internal-revenue system of national taxation, and the

machinery of assessment and collection is necessarily intricate and exacting in a high degree; yet, with this boasted system there is more or less fraud and evasion in every custom-house and in every internal-revenue district. A conservative estimate places the Government's loss from the sugar-trust frauds alone at $30,000,000. Only the guilty culprits know its amount, in connection with numerous other frauds and evasions being constantly practiced at the expense of the Government.

Mr. Chairman, dishonest persons have no right to complain of laws designed to detect dishonesty. What right have honest men to complain of such laws? The sole opposition to this doctrine comes from those who have the ability to pay taxes, but who have shirked their just share and who seek to avoid the payment of all taxes.

COST OF COLLECTION.

The cost of collecting this tax is less than that of any other tax. The experience of all countries imposing it might be cited in evidence. The cost has uniformly been less than 2 per cent. With such a law in operation now, its expense of collection would be almost nominal. The present internal-revenue force would only need to be slightly enlarged to insure the certain and easy collection of this tax. The expense of collecting our internal revenue for 1908 was 1.84 per cent, but the average cost during the past forty years has been over 3 per cent. The cost of collecting the customs revenue for the year 1908 was 3.35 per cent; but the average cost during the past forty years has been over 4 per cent.

AN IDEAL INCOME-TAX LAW.

Mr. Chairman, a comprehensive and perfect income-tax law would be a graduated one imposing rates on a progressive scale, the lowest resting on incomes just above those necessary for the easy and comfortable maintenance of an average family, and higher rates applying to each successive category of higher income. But in view of those features of our present state and national taxation that will, and should, be permanently retained, as well as our moderate revenue necessities when compared with our tax resources, I should at present favor a tax on the higher incomes only, say those above $3,500, with a differentiation between earned and unearned income, prescribing a lower rate for the former; and whenever deemed advisable, a reasonable super tax on incomes over $25,000 would make the graduation more complete and fair. I adopt this view because further graduation would require direct personal assessment and prevent the use of the system of collection at the source. The super tax, however, would be levied by personal assessment.

The chief burden of our present indirect taxation falls upon people having incomes of $1,200 to $2,000, and under. It is safe to say that seven-eighths of our customs taxes amounting to more than $300,000,000 annually, are paid by the people whose income does not exceed $2,000. Where would be the injustice in requiring the more than 750,000 persons with incomes of $3,500 and upward to contribute $150,000,000 annually to the Government's revenue? There are no local statistics available for estimating the number of income-tax payers, their taxable incomes, and net revenue to be derived from this tax in the United States. However, an estimate can be made with some degree of approximation by comparison of population and wealth with that of the United Kingdom, and applying the figures revealed by the operation of this tax in the latter country.

In 1906 it was agreed that the distribution of income in that country was as follows: Persons with incomes of $3,500 per annum and upward and their families (275,000×5)—1,375,000 and the annual income £585,000,000; persons with incomes between $800 (£160) and $3,500 (£700) per annum and their families (750,000×5)—3,750,000 and the annual income £245,000,000; persons with incomes less than $800 (£160) per annum and their families, 37,875,000, and the annual income £880,000,000—thus revealing a total population of 43,000,000 and an aggregate annual income of £1,710,000,000, or $8,550,000,000. By comparison with this showing it is easily concluded that we have in this country more than 750,000 persons having incomes of $3,500 and upward and with an aggregate annual income of more than $7,000,000,000. The amount of federal taxes paid by this class is almost nominal, although their annual income is nearly one-half—more than one-third—of that of the whole number of people, while, in common with all others, they only pay state and local taxes on 20 per cent of their personalty and on less than 50 per cent of their realty. Upon what theory can they longer claim exemption from federal taxation?

Mr. Chairman, I shall not undertake to offer a detailed statement of the income-tax systems in other countries, because I am to-day printing in the RECORD synopses of these systems in 17 foreign governments, which are sufficiently explanatory.

In conclusion, Mr. Chairman, I reiterate my abiding faith in this tax, notwithstanding its bare mention arouses the fear and amazement of untaxed wealth. The cry of "class legislation" has no terrors for me so long as it comes from the creatures of class legislation. I favor it because it logically goes hand in hand with tariff reform. I believe in it because it is not the handmaiden of trusts and is not a tax upon the means of life. My consideration for honest wealth engaged in legitimate industry is as great as my respect for idle, ill-gotten fortunes that refuse to pay taxes is small. Mr. Chairman, this country is approaching a tax revolution. The defenders of privilege, so long triumphant, can not turn back the tide of fiscal reform. Their opposition is a challenge to the civilization and representative government of our twentieth century. Is our present hideous, monstrous system of taxation to go down in history as the culmination of centuries of Anglo-Saxon legislation? No! Some Pitt or Cobden will rise up and engage its champions in a battle to the death. And their ardent followers will constitute the best manhood and patriotism of this country, the type of citizenship that wrought out this Government, that has safely guided it through the trials and vicissitudes of more than one hundred years, that has been its mainstay in the past and will be its glory in the future. [Applause on the Democratic side.]

The following are the documents respecting the income-tax systems of foreign countries referred to in the remarks of Mr. HULL of Tennessee:

INCOME-TAX SYSTEM OF FOREIGN COUNTRIES.

The United Kingdom.

There exists an income tax for England, Ireland, Scotland, and Wales. Most all of the colonies of Great Britain likewise have separate income-tax systems, among which may be mentioned Canada, the colonies in India, Australia, and subordinate governments.

England proper derives more than one-fourth of her tax revenue from the income tax, being a larger proportion than that derived by any other country, Italy coming next, with more than one-sixth of its revenue derived from this tax. The doctrine of the income tax has reached its highest state of development in England proper. It was first adopted as a war measure in 1798, was repealed about 1815; was readopted upon a more extensive scale in 1842, being substituted for the corn laws and the protective system, and has since remained a fixed and permanent part of the English revenue system.

The system of assessment lies at the root of British income-tax administration. Thus it is extremely difficult for anyone whose income is derived, for example, from government stock or public companies, or from the rent of land and houses, to escape payment of the tax in full. The tax is stopped before it reaches his hands. Something like four-fifths of the income tax now brought into account is either assessed at the source or subjected to other satisfactory methods of verification. The large and rapid conversion of private businesses into public companies has greatly extended the system of collection at the source so that only incomes derived from private business, professions, and from abroad require self-assessment by the taxpayer. More than two-thirds of England's $165,000,000 annually derived from this tax is assessed and collected at the source, so that the taxpayer never sees a revenue or assessment official.

In 1906 a commission composed of members of the English Parliament, after an extended investigation, in its report upon the operation of this act states as follows: "The feeling formerly entertained against the income-tax system as inquisitorial and oppressive has, we believe, largely died away. The impartiality and secrecy of the local commissioners deserve and obtain public confidence in a high degree." It is also provided that any taxpayer can altogether avoid disclosure of his affairs to his neighbors by electing to be assessed by the special commissioners.

The income tax is imposed each year by parliamentary act and is granted only for a year. The period of time included in the income-tax year commences on April 6 and ends on April 5 the following year. The tax is, however, made payable on January 1 in the financial year. There is a time limit of one year for claiming duty in case of omission to assess, also a time limit of four months for increasing assessment on ground of omission or inadequate return, also a time limit of one and two years for enforcing penalties for defective returns, also a time limit of four months in case of executors.

The income-tax act of 1842 and the income-tax act of 1853, as modified by repeals and amendments contained in subsequent finance acts, prescribed the persons and sources of income to be taxed; created an administrative body, called "commissioners," for carrying out the purposes of the act; and, under the heads of "Rules" and "Cases," prescribed certain artificial rules as the basis of assessment of incomes from different sources. The mode in which the tax is to be assessed, levied, and collected is prescribed by the taxes-management act, 1880, and supplemental act of 1890. The administrative code would come to an end with each income-tax year were it not that each finance act revives and keeps in force the several existing acts, so as to make them apply to the new tax granted.

The aim of the income-tax acts is to bring within their meshes all net profits from (a) all property situate in the United Kingdom, (b) all trades and undertakings carried on actually or constructively within the United Kingdom; and (c) from all sources, whether within or without the Kingdom, received in the Kingdom by a person resident there. The income-tax act, 1803, on which are based the acts now in force, split the tax into five parts or schedules, viz: A, the tax on owners of real estate; B, the tax on farmers; C, the tax on profits from any public revenue; E, the tax on offices, pensions, and stipends; and D, which was intended to sweep in everything left, and the two branches to include, first, persons residing in Great Britain who were charged upon income from property situate in Great Britain or elsewhere, or from any profession, trade, or vocation carried on in Great Britain or elsewhere; and, secondly, nonresidents in Great Britain, who were only to be charged in respect of income arising in Great Britain. The five schedules above named undertake to embrace for taxation every kind of property enumerated under each head, and

to impose thereon a duty of 20 shillings of the annual value thereof, but no duty is to be charged of a lower denomination than 1 penny. In classifying property for taxation under these different schedules, the sole purpose is to reach the taxpayer's income or annual profits, and the taxpayer is not to be charged twice over in respect of the same profit under different schedules. The cardinal idea of the income-tax acts is that a man should only be taxed in respect of his net income. "Annual value" is a term adopted to designate the basis of taxation of incomes. Certain rules for the ascertainment of this value have been prescribed. With respect to land, the annual value shall be understood to be the rent by the year at which the same are let at rack-rent, (a) if such rent shall have been fixed by agreement; (b) commencing within the period of seven years preceding April 5 next before the time of making the assessment. But if the same are not so let at rack-rent, then the annual value shall be the rack-rent at which the same are worth to be let by the year. There are certain qualifications to this rule governed by the rent contract. There are some distinctions made in the law and regulations governing the assessments of real estate in both Ireland and Scotland. There are also rules for assessment where the annual value is not otherwise ascertainable.

EXEMPTION.

In addition to charities, friendly societies, and similar bodies which have absolute or qualified exemptions, a person whose income does not exceed £160 is absolutely exempt from income tax.

ABATEMENT.

A man whose income does not exceed £700 is entitled to relief against income tax on a sliding scale.

The tax under schedule D is subdivided under six heads called "cases." The profits under cases 1, 2, and 5 are charged upon an average of three years, the profits under the others upon the amount received during the year. There are certain rules for the assessment and collection of the annual net earnings or incomes of every occupation deriving profits from land, including quarries, mines, wells, etc. In ascertaining the annual profits of land or occupations connected with it, certain deductions and allowances are permitted under schedule A, such as repairs, taxes, wear and tear, operating expenses, etc., the laws and regulations fixing same in detail. Allowances are made to colleges and universities, hospitals, almshouses, literary and scientific institutions, land used for charitable purposes, friendly societies, public schools, trade unions, etc.

Under schedule B, in determining the annual value for the purpose os assessment, the measure of charge is one-third the rent or annual value, that being the presumed profit of the farmer from his farming operation.

Real estate income tax is paid by the occupier; that is, the person in actual possession of the property, as far as the property is capable of occupation, or, in other words, the person having the use of the real estate. The result is that the occupier or the renter, as is usually the case, pays the income tax of land and deducts it from his rent. So universal is this practice that the landlord must make a written request, within a certain time, if he would have the tax assessed against him for payment by him in person. The law even authorizes the occupier of land to pay income tax. It thus appears that the tax levies are generaly made upon the occupier of real estate, who as a rule is a renter. Regulations are in effect safeguarding the tax in case of tenants vacating land they occupy for any cause.

Under Schedule A the profits arising from canals, inland navigations, streams of water, or from any railways or other ways of a public nature and belonging to or vested in any company of proprietors or trustees, whether corporate or not corporate, may be stated in one account and charged in the city, town, or place at or nearest the place where the general accounts of the concern are usually made up.

SCHEDULE C.

The duties under this schedule are charges upon income from public revenue, and the authorities through whose hands the income passes are required to deduct the tax. The assessment in the case of income derived from the imperial revenue is made by commissioners for the purpose, who act upon the information disclosed to them by the official sources of knowledge in their possession. These commissioners are the Bank of England, the Bank of Ireland, and other institutions which pay large annuities, dividends, shares, both foreign and colonial, to individuals, companies, and corporations. All banks thus intrusted with the settlement of taxes are expressly authorized to retain the tax, and this is considered payment by the person from whom the tax is due.

EXEMPTIONS UNDER THIS SCHEDULE.

There are numerous exemptions under this schedule, including the stock of friendly societies, the stock of savings banks, under certain conditions, stock of charitable institutions, places of worship, stock belonging to the sovereign, stock of industrial and provident societies, stock of trade-union provident funds, etc.

TAX UNDER SCHEDULE D.

This schedule is now the most productive source of revenue and was designed to include all sources of income not comprised in any of the other schedules. The schedule classifies the profits to be taxed under three heads, the first two having reference to the residences of the persons to be taxed. And in connection therewith are to be carefully considered the following three phrases used in the schedule, namely: (1) "Residing in the United Kingdom," as to the person; (2) "exercised within the United Kingdom," as to the trade or vocation; (3) "profits or gains," as to the taxable income.

The profits and gains chargeable under Schedule D are classified with reference to the sources from which they are derived into what are termed six cases, with special rules for ascertaining the duties payable in each particular case, some rules being common to more than one case. The cases divide the sources of income thus: (1) Profits of trade; (2) profits of profession; (3) profits of uncertain annual value; (4) foreign securities; (5) foreign possessions; (6) profits not otherwise charged. Certain deductions and abatements are allowed in each of the first and second cases, such as repairs, wear and tear of machinery and plant, bad debts, loss arising out of the trade, two-thirds of rent of residence, losses on other trades where a taxpayer carries on two or more distinct trades, necessary expenses of clergymen, life insurance premiums, deferred annuities, etc. The rule applicable to the two preceding cases is that the computation of duty or tax in respect of trade or profession, etc., shall be made exclusive of the profits or gains arising from lands, etc., occupied for the purpose of such trade or profession.

The third case embraces profits from interest out of public revenue, discounts, interest not annual, duty on dealers in cattle and milk, annuities and other yearly interests, interests secured on rates. The exemptions under this case embrace charities, friendly societies, savings banks, and trade unions.

The fourth case deals with interest arising from securities in the British plantations in America, or in other of His Majesty's dominions out of the United Kingdom, and foreign stock or security, except annuities arising from a public revenue directed to be charged under Schedule C.

The fifth case deals with possessions—that is, everything a person has as a source of income in the British plantations of America or in any other of His Majesty's dominions out of the United Kingdom and foreign possessions.

The sixth case undertakes to reach any and all annual profits or gains not following under any of the foregoing rules and not charged by virtue of any other schedule in the act.

The duties under Schedule D are assessed in part by each of the following, namely: Bank of England, Bank of Ireland, special commissioners, persons intrusted with payment of interest, etc.

The duties under Schedule D, which means taxes, are charged annually on and paid by the person or persons, bodies politic or corporate, fraternities, fellowships, companies, or societies, whether corporate or not corporate, receiving or entitled unto the profits, his, her, or their executors, administrators, successors, and assigns, respectively.

SCHEDULE E.

The income chargeable under this schedule applies to every public office or employment of profit and upon every annuity, pension, or stipend paid by His Majesty or out of the public revenue of the United Kingdom, except annuities charged to the duties under Schedule C. The tax is annually charged on all salaries, fees, etc., or profits whatever accruing by reason of such offices, employments, or pensions, the assessment to be in force for one year and levied for such year without any new assessment. Certain deductions are allowed, such as traveling expenses, life insurance, etc.

The taxes under this schedule are assessed by a set of commissioners. The list and method of making deductions under the various schedules involves a lengthy statement, which can not be made here.

As heretofore stated, every person is entitled to an exemption of income under £160. Certain relief in the way of abatement is had where income does not exceed £700; for instance, where the income exceeds £160, but does not exceed £700, the taxpayer shall be entitled to relief from income tax equal, (a) if his total income does not exceed £400, to the amount of the income tax upon £160; and (b) if his total income exceeds £400 and does not exceed £500, to the amount of the income tax upon £150; and (c) if his total income exceeds £500 and does not exceed £600, to the amount of the income tax upon £120; and (d) if his total income exceeds £600 and does not exceed £700, to the amount of the income tax upon £70; and such relief shall be given either by reduction of the assessment or by repayment of the excess which has been paid, or by both of those means, as the case may require.

Certain well-defined remedies are open for the establishment of claims for abatement or exemption.

A declaration, statement, or return of every source of every person's income chargeable under the income-tax act according to the respective schedule is required to be made by the proper persons, which in some cases is the person chargeable with the tax; in others, persons receiving money for others, agents of persons under disability or resident abroad, officers of corporations, etc. Suitable penalties for default in making returns are imposed. Where there is default in making these returns, the assessor makes the assessment according to his best information and judgment.

Adequate remedies are prescribed, both by appeal and otherwise, for the correction or suitable modification of any and every portion of the assessments, both in favor of the Government and the taxpayer, including also the right of appeal.

Unlike other income taxes, the income tax on railway is paid by quarterly installments on or before the 20th days of June, September, December, and March in each year for the first, second, third, and fourth installments, respectively. The total number of income-tax payers, under this law, is about 1,100,000 people, with an income of nearly £700,000,000. Abatements are allowed on the incomes of about 700,000 people—this being the number whose income is over £160 and under £700—with a total income of about £250,000,000.

The operation of the income tax shows that nearly one-half of the entire income of the United Kingdom is enjoyed by one-ninth of its population. This law's operation also shows that more than one-third of the entire income of the United Kingdom is enjoyed by less than one-thirtieth of its population.

In 1904 the number of persons with incomes of £700 and upward, and their families, was 1,375,000, computing five to the family, including the taxpayer; and their annual income was £585,000,000. The number of persons with incomes between £160 and £700 per annum, and their families, was 3,750,000, and their annual income for 1904 was £245,000,000. While persons with incomes of less than £160 per annum, and their families, numbered 37,875,000, and their income for the same year was £880,000,000. Thus making the aggregate number of persons 43,000,000, and their annual income aggregate £1,710,000,000. In 1904 the number of income-tax payers in London was 58,600; and rest of England and Wales 178,300; in Scotland, 25,400; in Ireland, 9,000. The yield of the income tax in Scotland is about one-tenth of the yield in England, while the yield in Ireland is about one-third of the yield in Scotland.

Japan.

LEGISLATION.

The system of income taxation now in force in Japan was established in 1899. The income-tax law governing it, together with the regulations for the enforcement thereof, are inclosed herewith. The rates of taxation thereunder were increased in 1904 and 1905 by the enactment and revision, respectively, of the extraordinary special tax law, of which a copy is also submitted herewith.

APPLICATION OF THE LAW.

The income tax is imposed upon (a) persons who are domiciled or have resided for at least one year in places within the Empire where the income-tax law is in force, and (b) persons who, though not domiciled or residing within the Empire, have property or are engaged in trade or business or receive interest from public bonds or company debentures in places where the law is in force. In the latter case, however, they are liable to pay the tax only on incomes derived from the sources mentioned. (See law, articles 1–2.)

CLASSES AND RATES OF TAXATION.

The classes and rates of income taxes are as follows:

	Ordinary rates.	Additional rates under extraordinary special tax law.[a]
CLASS 1.		
Taxes on incomes of juridical persons:		
A. Joint stock companies or joint stock partnerships organized with at least 21 shareholders or shareholder partners	*Per cent.* 2.5	*Per cent of ordinary rate.* 15
B. Other juridical persons with incomes under—		
5,000 yen ($2,500)	2.5	8
10,000 yen ($5,000)	2.5	9
15,000 yen ($7,500)	2.5	10
20,000 yen ($10,000)	2.5	12
30,000 yen ($15,000)	2.5	17
50,000 yen ($25,000)	2.5	23
100,000 yen ($50,000)	2.5	30
100,000 yen upward	2.5	40
CLASS 2.		
Taxes on interest on public-loan bonds or company debentures payable in places where the income-tax law is in force	2.0	None.
CLASS 3.		
Taxes on incomes not included in the two preceding classes:		
Not less than—		
100,000 yen ($50,000)	5.5	27
50,000 yen ($25,000)	5.0	24
30,000 yen ($15,000)	4.5	21
20,000 yen ($10,000)	4.0	19
15,000 yen ($7,500)	3.5	17
10,000 yen ($5,000)	3.0	15
5,000 yen ($2,500)	2.5	14
3,000 yen ($1,500)	2.0	13
2,000 yen ($1,000)	1.7	13
1,000 yen ($500)	1.5	13
500 yen ($250)	1.2	11
300 yen ($150)	1.0	10

[a] The ordinary rates are those provided by the original income-tax law. The additional rates mentioned under classes 1 and 3 are those provided by the extraordinary special tax law already referred to, enacted in 1904 and revised in 1905 to meet the extra burden imposed on the national exchequer by the war. Although these and other taxes created by this law were to be abolished after the restoration of peace, they were made permanent by the post-bellum financial scheme adopted by the Twenty-second Diet, in 1906.

Incomes under class 3 of less than 300 yen ($150) are not taxed. If, however, the combined incomes of the head of a family and the members thereof who live with him, or of the members of a family who live in the same house apart from the head, total 300 yen or more, the tax is imposed at the specified rates on the total (see income-tax law, article 3, and extraordinary special tax law, article 2, item 3), even though the separate incomes fall below that amount. The minimum limit of income on which the tax is imposed appears extremely small, and is accounted for by the comparatively low standard of incomes prevailing in Japan.

EXEMPTION FROM TAXATION.

The following forms of income are exempt from taxation:

a. Salaries of officers and privates of the army and navy while engaged in war;

b. Allowances to widows and orphans, and pensions to the sick and wounded;

c. Money received for traveling or school expenses, and legal allowances received for support;

d. Incomes of juridical persons whose business is not conducted for profit;

e. Occasional incomes not derived from undertakings conducted for profit;

f. Incomes derived from property or from a trade, business, or profession in foreign countries or in places where the income-tax law is not in force, excepting the incomes of juridical persons whose head offices are located in a place where the law is in force;

g. Dividends and bonuses receivable from a juridical person on whom the income tax is imposed.

Complete exemption from the income tax is also granted to interest on savings debentures issued in accordance with the savings-debentures law of 1904, as well as to interest on public-loan bonds issued for the defrayment of extraordinary war expenses. All other national bonds, moreover, which were formerly subject to the income tax in the same manner as prefectural, municipal, or other public bonds, were entirely relieved thereof by an imperial ordinance approved by the Twenty-fifth Diet, promulgated on March 20 and carried into effect on April 1, 1909. These three cases constitute exceptions to the taxation of incomes of class 2 and limit the taxable incomes thereunder to the interest on public bonds other than national ones and company debentures payable in places where the income-tax law is in force. Interest on bonds and debentures, payable in places where the law is not in force, falls under incomes of class 3.

The Japanese system of taxation is seen to observe the principle of graduation partly in the case of incomes of juridical persons and entirely in that of the incomes of natural persons. In the former, however, the principle was not adopted in the original income-tax law, but in the extraordinary special tax law on account of special demands and in application only to the incomes of smaller companies and corporations. The system is also observed to provide for the exemption of certain classes of incomes. No differentiation is made between "earned" and "unearned" incomes, except in the special provision under class 2 for the imposition of a permanent tax of 2 per cent on interest received from public bonds and company debentures. This rate is lower than the average rate levied on other forms of income and is intended to facilitate the flotation of loans and to encourage the initiation and extension of industrial enterprises by relieving the interest on bonds and debentures of the heavier burden placed on other incomes. The same motive is probably responsible for the taxation of the incomes of juridical persons at a lower average rate than those of natural persons. (Inheritance taxes are not in force in Japan.)

SYSTEM OF ASSESSMENT.

The Japanese system provides for the assessment of the tax on direct returns by the individual taxpayer of his income from all sources. The returns and assessments are made, in some cases, on the actual income of the preceding year; in others, on the estimated income of the current year; and in still others, on an average of years. The methods of assessment under each class of income may be briefly described as follows:

1. For incomes under class 1 the total losses for the business year, the balance brought forward from the preceding year, and the amount reserved to meet liabilities for insurance are deducted from the actual gross profits of the year in question. In the case of incomes of persons not domiciled or residing within the Empire, however, only such profits and losses are calculated as accrue from the property, trade, or business located or carried on in places within the Empire where the income-tax law is in force.

2. For incomes under class 2 the payment due is taken.

3. For incomes under class 3 the estimated annual amount remaining after deducting necessary expenditures from total receipts is taken. (The deduction includes only expenes necessary for earning the income, and not household expenses.) To this provision, however, there are the following exceptions, in which the estimated total annual receipts are taken: (*a*) Interest on public-loan bonds and company debentures which is not paid in places where the income-tax law is in force; (*b*) interest on money loaned or deposited otherwise than in the course of business; and (*c*) dividends, salaries, wages, special allowances, annual allowances, annuities, and pensions received from juridical persons on whom the income tax is not levied.

Incomes accruing from agricultural lands are calculated upon the average of incomes for the three preceding years. (See income-tax law, article 4.)

ORGANIZATION AND PROCEDURE OF ASSESSMENT AND COLLECTION OFFICES.

The assessment and collection of income taxes are conducted by the general taxation offices of the department of finance. These offices are assisted in the case of taxes belonging to class 3 by income investigation committees, whose members are elected by the income taxpayers of the district concerned. The elections are supervised by the chiefs of the taxation offices. The members serve for four years, half their number being reelected every two years. They receive no regular salaries, but are entitled to special allowances and traveling expenses. The officials of the taxation offices it need hardly be said receive fixed stipends. (The percentage cost of collection of the income tax can not be given, owing to the combination of the collection of this tax with that of others.

The amounts of incomes under class 1 are determined by the taxation offices in accordance with the statements of profit and loss which juridical persons liable to the income tax must submit within seven days after the ordinary general meeting of each business year.

The amounts of incomes under class 3 are determined by the taxation offices in accordance with reports submitted by the income investigation committees. If, however, a committee is not constituted before August 30 of the year in question the taxation office determines the amount independently, and if its investigation is not completed within twenty-five days from its constitution the taxation office determines the remaining amounts of incomes independently. Moreover, a taxation office may demand a reinvestigation, and if the results thereof are deemed improper or the work is not completed within seven days the taxation office may in this case also make an independent determination. (See income-tax law, articles 7 to 35, and regulations thereunder, articles 3 to 13.)

APPEALS.

Appeals are provided for only in the case of incomes belonging to class 3, since the determination of the incomes of juridical persons is based on their own annual reports, while the interest on bonds or debentures is a matter of official record.

If a taxpayer of class 3, therefore, objects to the amount of income determined by the taxation office, he may, within twenty days from the receipts of information thereof, apply through the chief of the taxation office to the director of the revenue superintending bureau concerned for an inquiry. (A revenue superintending bureau covers a larger jurisdiction than a taxation office, and instructs and controls the taxation offices therein. The former collect only national taxes, whereas the latter collect local as well as national.) The inquiry is conducted by a permanent committee of inquiry, subject to the control of the revenue superintending bureau, and consisting of three tax collectors appointed by the minister of finance and four members of the investigation committee. Pending the decision of the committee, however, the applicant must pay the tax in accordance with the amount of income determined by the taxation office.

A person who is dissatisfied with the decision of a committee of inquiry may present a petition to the local authorities or bring an action in the administrative court. (See law, articles 36 to 39, and regulations, articles 15 to 29.)

PAYMENT OF TAX AT PLACES OTHER THAN DOMICILE OR RESIDENCE.

If a person does not reside in the places where the tax is to be paid, he must appoint a trustee to whom the management of matters relating to the payment of the tax shall be intrusted, and must report the appointment to the taxation office.

A person who has neither domicile nor residence in a place where the income-tax law is in force must report to the Government where his tax will be paid, and in the absence of such a report the Government will determine the place of payment. (See income-tax law, articles 44 and 45.)

PENALTIES.

A person who evades the payment of the tax by concealing the amount of his income is liable to a fine amounting to three times the tax evaded. However, if such a person voluntarily confesses his evasion, he is absolved from punishment and is made to pay only the tax actually due. No other penalties are attached, and no special provision appears to be made for the detection of fraudulent returns, other than that already described. (See law, article 46.)

STATISTICS.

The total yield of the income tax for the fiscal year 1907–8 was 27,391,303.51 yen ($13,696,651.75), while the total yield of all taxes for the same period was 316,609,273.69 yen ($158,304,636.84). The total amount of revenue for the same fiscal year was 635,904,186 yen ($317,952,093). The income tax therefore constituted about 9.5 per cent of the total taxes and about 4.3 per cent of the total revenue for the year.

The number of income-tax payers of class 3 at the beginning of the fiscal year 1907–8 was 917,079. The exact number of persons in the families represented by them is unknown, owing to the lack of special statistics; but the number is estimated at about 5,000,000, calculating on the basis of 5.5 as the average constituency of a family according to the latest census. The taxpayers, therefore, represent about 1.9 per cent and their families about 10.4 per cent of the total population, which by the census of 1906–7 was placed at 48,533,000. The number of juridicial persons paying the income tax (class 1) in 1907–8 was 6,374, while the number of those paying the tax on public bonds or debentures (class 3) is unknown.

Hungary.

With the statutes v.–x. v. j., 1909, the Hungarian legislation has created a fiscal reform which extends to the whole Hungarian system of taxation. The main idea of which reform is, on the one hand, the insuring as far as possible of the present income obtained by the direct taxes (200,000,000 Kronen), and on the other hand the better distribution of the burden of taxes on the taxpayers. The new reform retained the already existing "proceeds duties" (Ertragssteuern) in a modified form, and at the same time, in place of the supplementary income tax (Einkommensteuerzusching) which was imposed after the main taxes had been paid, and in different ways, according to the kind of tax, introduced the various standards of personal-income tax, leaving a minimum of subsistence tax free as a supplement and equalization.

Apart from several taxes, which although regarded as direct taxes according to the state estimates, are nevertheless theoretically not counted as direct taxes, the Hungarian system of direct taxation now consists of the following taxes: 1, ground tax; 2, house tax; 3, capital, interest, and annuities of all descriptions; 4, "produce duty" (Erwerbssteuer) for such business enterprises as are liable to inspection by the public auditor; 5, the general "produce duty" (Erwerbssteuer); 6, the income tax.

The ground and house taxes affect immovable estate in the same way as the duties on capital, interest, and annuities (Renten), as also the "produce duty" (Erwerbssteuer) on business enterprises liable to inspection by the public auditor affect the profits of floating capital and annuities, while finally the general "produce duties" (Erwerbssteuern) affect the results of every profitable employment, except the income of persons in service, such income being only liable to payment of income tax.

The reform of the system of taxation winds up with the personal income tax, according to which the total and combined personal income of every individual, no matter from what sources it may arise and without any reference to its origin, is liable to a tax. This last new arrangement is partly compensatory, partly additional. Additional because it implies a new burden on such parts of the income as are already liable to "proceeds duty" (Ertragssteuern)—that is, the duties on property, real or personal, settled or not settled (Whitaker.); and compensatory because it aims at the contingent inequalities of the taxes. On the other hand, taxes will be imposed on such parts of the income as remained over from the duties on "property, real or personal," etc., salaries and wages (Dienstbezüge), and that part of the income not liable to the "proceeds duty" (Ertrakssteuer) and accounted tax free.

As regards the different kinds of taxes, every piece of ground which can be cultivated for agricultural and other similar purposes (wirtschaftlich kultivierbare Grundstücke) is liable to ground tax, so far as the piece of land is not tax free. The ground tax is based on the "cadastral" net profits of the piece of ground in question, and is calculated in accordance with the law VII, v. j., 1875, in the different parts of the country and further, also, in accordance to the different branches of cultivation and standard of quality.

The new ground tax does not require the drawing up of a new taxation "cadastre," but only requires, first, the necessary revision of the existing public-land register; secondly, the carrying into execution all such alterations of a permanent character as have taken place in the different branches of agriculture; and, thirdly, the correction of the errors made while determining the different standards of quality and while making the necessary entries.

The ground tax is fixed at 20 per cent of the registral net profits, and the main amount of the registral net profits is fixed at 370,000,000 kronen.

Regarding the house taxes the annual value of the houses forms the basis of taxation. The actual value (Nutzwert) is calculated either according to the rent actually paid or according to the classification of the number of dwellings. Accordingly Hungarian law recognizes two kinds of house taxes—the house-rent tax and the graduated house tax (Hausklassensteuer). The following are liable to house-rent taxes: All rooms, dwellings, etc., that are let; and further, in those parishes and such districts where at least half of the dwellings are let, all such other parts of the dwelling as are not let are subject to a tax, the value of the rent being calculated by comparison. The amount of the "standard" (Schlüssel) for the house-rent tax varies in different parishes from 9 to 16 per cent of the gross amount of the profit obtained by renting houses. The amount of the graduated house tax is divided into three gradations, according to the number of the dwellings, rooms, etc., let in that individual parish, according to the character of the parish. The following are liable to the duties on capital, interest, and annuities (Renten): All such forms of interest or annuity as have their source within the sphere of the Kingdom of Hungary; further, the rents paid for such rights as are not liable to ground or house taxes. The standard of taxation generally amounts to 5 per cent of the gross profits of the object to be taxed; on annuities from relatives and on officers' marriage securities it amounts to 2 per cent.

The net profits of trade unions, associations, and limited-liability companies are liable to "produce duty" as well as those business undertakings liable to inspection by the public auditor. The rate or standard of taxation generally amounts to 10 per cent. By business undertakings exclusively dealing with industrial production or with coal mining it is 7 per cent. For other mining enterprises and certain agricultural and industrial unions in need of special protection it is 5 per cent.

The following are subject to the general "produce duty:" Every income derived from professional or commercial business, from mines, from learned and other profitable occupations carried on by whomsoever within the boundaries of the country, excepting wages received for personal service and pensions, such income being only subject to an income tax. An exception is also made in the case of an income derived from such business undertakings as are liable to inspection by the official auditor. The taxes to be paid in this case are settled by a special enactment.

The basis of the general "produce duty," or "trade tax" (Erwerbssteuer), of every profit-bringing occupation is the net profit of the year previous to the year in which the tax is imposed. All expenses, therefore, requisite for acquiring, insuring, and maintaining the income must be deducted from the gross receipts.

The standard of taxation for learned professions amounts to 4 per cent, occasionally 5 per cent. As the indispensable amount requisite for the necessities of life in this rank 800 kronen are duty free "sub titulo" (under the title of) minimum of existence. The main amount of the general "produce duty" or "trade tax" was reckoned contingently at a maximum of 29,000,000 kronen and with an annual rise of 2 per cent. The law for the general "produce duty" or "trade tax" aims at taxing the actual trade and business receipts as ascertained by means of the official papers filled in by the taxpayers (bekenntnisse); the law therefore is not satisfied with mere objective or external expedient thus determining the matter, or with averages or probabilities. The standard of calculating and settling the amounts for the taxes is the principle of "self-taxation," the general "produce duty" or "trade tax," as well as the income tax, being settled annually, not by fiscal officials but by commissions from the ranks of the taxpayers themselves, being further in the second instance revised by such commissions, in many cases finally; the actual final decision in the third instance lies within the sphere of the court of judicial administration (verwaltungsgerichtshof).

The taxpayer is bound to fill in the official declaration papers. If he does not comply with this duty, he is liable, according to the profit-producing occupation concealed, to an additional charge of 1 per cent of the tax settled in the course of the calculations made by the commission; and should he still refuse to fill in the official declaration after renewed summons, he is liable to a further payment of 4 per cent. The law, however, does not demand that the business books and business accounts should be displayed; but should the taxpayer do so of his own free will, then the law provides for the preservation of all business secrets.

If any person liable to the payment of taxes does not fill in a paper of declaration, or if the declaration made is not satisfactory, the business profits which form the basis for the tax is determined according to the interest of the money invested in the premises and in the working capital, the number of business employees, and the amount of the rent paid for dwelling room and business premises by the person bound to pay such taxes.

The amount of business profits (Erwerbsgewinn) officially settled in the first instance by the above-mentioned commission may not, however, be less than such minimum business profits as stand in adequate proportion to the rent paid by the taxpayer for his dwelling and the business premises, this minimum of profit being calculated according to the manner prescribed by the law. Should it, however, be ascertained in the course of the inquiry that the actual net profit does not even reach the minimum basis, then the minimum tax basis may be reduced to half the amount.

In particular occupations the law fixes certain minimum rates of tax lower than which the produce duty or trade tax can not be calculated. Thus the minimum tax rates vary in the following manner:

"Tenants (lessees) pay 2 per cent of the annual value of the rent and other obligations, artisans 6–10 kronen, butchers according to the quality and number of beasts killed during the year preceding the year in which the tax is imposed and the number of inhabitants in the district."

Finally, certain business branches are subject to special taxation. For instance, peddlers not having any permanent business quarters and commercial travelers in foreign countries pay a fixed amount of taxes in one sum, and that before starting business, namely, at the time when their licenses are either made out or officially viséed.

The most far-reaching alteration in the Hungarian tax reform is the creation of the direct personal income tax. This takes the place of the hitherto existing supplementary payment of the general income tax, which was no income tax in the real sense of the word, but a simple per cent supplement of the existing "proceeds duty" (Ertragssteuer) or taxes on property, real or personal, etc. (Objektssteuern), respectively. Thus the ground and house property formed 30 and 40 per cent, respectively, of the rating of ground and house tax, and the personal trade produce formed 35 per cent of the tax of the additional supplement of the general income tax.

The newly introduced income tax includes the whole income of the taxpayers, without reference to its origin and without reference to the fact whether certain parts of the income subject to the income tax are not derived from sources of income which are exempt from the other taxes. As a basis for the income tax, therefore, that part of the income likewise serves which is derived from duty-free ground property, houses, industrial undertakings, and other profitable occupations, and finally, from duty-free scrip (wertpapiere).

Whereas the other taxes laid on the income are mostly based on an average and tax the income at its source, an endeavor is made by means of this supplementary and equalizing income tax to tax the real and actual total income of a person, while taking all the individual circumstances into special account.

The Hungarian income tax really signifies, as regards all incomes, a fresh taxation, with the exception of payments received for personal service, which are only subject to the general income tax; further, those parts of the income which are exempt from "proceeds duty" (ertragssteuer) and taxes on property, real or personal, etc. The reason why payments for service come under a different heading is because, as a rule, the amount of this kind of income is known to the last farthing, and by a taxation they would therefore be placed in a most unfavorable situation in comparison with that personal trade or business income which can not be calculated to its full amount.

The higher payments for service are, however, taxed according to a higher standard of taxation, as they are not only subject to an income-tax rate, but also to a special additional payment, as will be mentioned later on when referring to the income-tax standard. With payments for service the additional sum customarily paid for quarters (quartiergeld) has to be calculated in the tax basis.

In the income tax is included a so-called "absentee tax" (Abwesenheitssteuer), i. e., in calculating the income-tax basis the income

gained by taxpayers owning house or grounds is trebled in cases where these taxpayers have no permanent dwelling or household within the boundaries of the country, and who have not resided in the country for four months at least during the preceding year.

As a rule the income during the preceding year forms the basis for calculating the income tax. With payments for service of a permanent character, however, the amount of the payment received at the time the tax has been calculated is decisive.

Legal officials are also subject to income taxes, as also limited liability companies and trade unions.

To the income of a taxpayer has to be added the income of his wife living under the same roof with himself. Also the income of all the other members of the household have, as a rule, to be added to the income of the head of the family; consequently the whole income of the household, regarded as one economic unit, is subject to the income tax.

If the taxpayer already pays an income tax or some tax corresponding to the same in another country on an income derived from that country, this income is not liable to the income tax under conditions of fiscal reciprocity between the countries.

The law contains detailed specifications in calculating the net income of the taxpayers. These items may be deducted from the gross amount of single sources of income. Such items are: All expenses incurred for acquiring, insuring, and maintaining the income, the business losses, policies of insurance against fire, etc., the indirect taxes, legal payments, and duties in connection with the conducting of business, deductions for wear and tear, interest paid on debts, private legal debts, life-insurance policies up to a certain amount, etc. The direct taxes, however, may not be deducted.

For the valuation of the income from the principal sources of income, the law also contains instructions and specified decisions laid down according to fixed principles. In this respect the following point of view is the standard, namely, that the actual income of the taxpayer is to be ascertained by avoiding any reference to the averages calculated on "proceeds duties" (Ertragsteuern) and the cadastre.

Thus in landed property net profit, according to the cadastre, need not necessarily be taken as basis for the tax, but the profits actually obtained by the working of the estate. In the same way the actual annual profits obtained from house property are to be ascertained.

An income derived from an occupation belonging to those liable to "produce duty" or "trade tax" (Erwerbssteuer) can, however, in calculating the basis of the income tax, be put down at the same amount as was settled by the said "trade tax," because in such cases the law endeavors to tax the net profits obtained.

The income-tax rate is progressive, commencing at 0.5 per cent and rising to 5 per cent; with an income of 2,000 kronen it amounts to 1 per cent, with an income of 5,600 kronen to 2 per cent, with 15,000 kronen 3 per cent, with 48,000 kronen 4 per cent, with more than 120,000 kronen 5 per cent is to be paid in such wise that the payment scale rises with every 5,000 kronen, and that each fresh amount in the scale counts as full 5,000 kronen.

In those limited-liability companies and trade unions exclusively dealing with industrial products the tax rate for an income of more than 15,000 kronen invariably amounts to 3 per cent.

By higher payments for service the law demands an additional income-tax payment, according to which a special supplementary tax has to be paid on pay for service or pensions rising above 7,000 kronen; the rate for this additional tax may rise from 0.2 per cent to 16 per cent, so that the highest rate of taxes on pay for service in reality amounts to 11 per cent.

In determining the tax amount the percentage is not included in the law, but the fixed rates set down for every kind of income. For instance, the income tax for over 800 kronen up to 900 kronen amounts to 5 kronen; over 900 kronen to 1,000 kronen, 6 kronen, etc.

The main factors kept in view while settling the scale of taxation are:

1. Collecting the official income declarations from the taxpayers.
2. The work of the commission selected to make a register of persons liable to taxation (zur Konskribierung der Steuerpflichtigen) and to value the income.
3. The working out of the tax valuation proposals (Steuerberechnungsanträge) on this basis at financial headquarters (Finanzdirektion).

Persons liable to taxation are, speaking generally, in duty bound to declare the amount of their income, excepting those whose total income does not exceed 2,000 kronen.

If the taxpayers do not comply with this duty, they are charged, as in the case of the general "trade" or "produce-duty tax," with supplementary payment of 1 per cent or 4 per cent, respectively, the amount of which is calculated in accordance with the tax hitherto determined on.

The center of gravity in the preliminary work for the tax estimates lies in the working of the conscription commissions (Konskriptions-Kommissionen), i. e., commissions for preparing a list of persons liable to taxation. This commission consists of 3 actual and 3 substitute members. The president is decided on by the board of finance (Finanzdirektion); the members are elected from the ranks of taxpayers and are selected by the municipal or parochial authorities.

The conscription commission collects the necessary data respecting the property, funds, and business of the taxpayers living in the district under their jurisdiction; obtains the most exact information on all heads and then, on the basis of this information, values the probable income of the taxpayers, classified according to their sources of income. Relying on this valuation, but not bound by it, the board of finance works out the proposed valuation of taxes according to the best of their knowledge, and these "proposals" (anträge) must then be open to public inspection for eight days in the different parishes, so that the taxpayers may be enabled to make their comments thereon.

By the valuation of the income tax the principle of self-taxation is given the utmost prominence; that is to say, an independent commission chosen from the ranks of the taxpayers settles the income tax, with special reference to the proposals for tax valuation prepared by the board of finance to the comments attached thereto and based on a knowledge of funds and income and of local individual circumstances.

The tax-valuation commission consists, besides the president, of six actual and six substitute members. The president and every two members are delegated by the minister of finance, two by the vice-president of the county council (vizegespan des komitates), or in towns with municipal rights by the mayor, and two by the chamber of trade and commerce belonging to the district, so that the members delegated by the ministry of finance are in the minority. The same is the case with the commission of appeal on taxation (steuerreklamations commission) constituted for deciding appeals in the second instance.

Neither in this case does the law grant the commission for tax valuation the right to examine the business books, but they may question witnesses and experts.

The income tax is calculated by the commission for tax valuation at the same time as the general "trade tax" or "produce duty" from year to year.

The taxpayers as well as the representatives of the treasury (Aerar) have a right to appeal against the decision of the commission for tax valuation, and in some cases a complaint can be addressed to the court of administration.

In conclusion, the law ordains that no state or municipal tax, or payment of tax arrears, respectively, may be imposed after the income tax. (Nachtragssteuer.)

An exception is made with the income tax derived from pay received for personal services; but here also a limitation is made, namely, that besides paying the income tax, state employees can only be further obliged to pay a supplementary sum for the sick fund. (Krankenverpflegssteuerzuschlag.)

Australia.

MELBOURNE, AUSTRALIA, *June 26, 1909.*

INCOME-TAX SYSTEM OF VICTORIA, AUSTRALIA.

An income tax was first imposed in the State of Victoria in 1895 for a period of three years, expiring in 1898, in order to tide over a shortage in general revenue, but it has been extended from time to time ever since, and is now recognized as a permanent part of the fiscal system of the State.

Under the act of 1895 (No. 1374, hereto attached), which, though amended and altered in many respects by subsequent acts (also attached), is still the principal act under which the system is administered, provision was made for the appointment of a commissioner of taxes, who, with his officers, is under civil-service regulations. The commissioner and staff were in the service of the State prior to the establishment of the income-tax department and were transferred from various other branches of the government in order to form the new department. Section 4 of the act requires all officials of the department to maintain and aid in maintaining the secrecy of matters which come to them in the course of their official duties, and prescribes a penalty not exceeding £500 ($2,433.25) or imprisonment for any term not exceeding twelve months, or both penalty and imprisonment, for contravening the oath. All officials are paid a fixed salary, and it is the policy of the department to retain a regular staff and not to employ, except under very pressing need, temporary clerical assistance. The officials of the department consist of the commissioner, who is also master in equity of the supreme court and master in lunacy, who receives a total salary of £1,800 ($8,759.70) per annum for the three offices; deputy commissioner, at a salary of £600 ($2,919.90); chief clerk, £440 ($2,141.36); accountant, £400 ($1,946.60); chief assessor, £335 ($1,630.27); senior assessor, £335 ($1,630.27); court officer, £335 ($1,630.27); registrar, £335 ($1,630.27); one clerk at £350 ($1,703.27); five at £285 ($1,386.95); one at £260 ($1,265.29); five at £210 ($1,021.96); eight at £200 ($973.30); and twenty at salaries ranging from £180 ($875.97) to £50 ($243.32); together with two messengers, at £120 ($583.98) and £42 ($204.39), respectively.

Incomes assessed for taxation in any year are those earned, derived, or received in Victoria in the preceding calendar year, and are divided into two classes, viz: (1) Incomes from personal exertion, and (2) incomes from property. "Personal exertion" is defined by the act to mean "all income consisting of earnings, salaries, wages, allowances, superannuation, or retiring allowances or stipends earned in or derived from Victoria, and all income arising or accruing from any trade carried on in Victoria," and income from property to mean "all income derived in or from Victoria and not derived from personal exertion."

The rate of tax is fixed annually by an "income tax rate act," and from 1895 to 1902, inclusive, it was fourpence (8 cents) in the £1 ($4.8665) on the first £1,200 ($5,839.80) of the taxable amount (allowing for £200 ($973.30) exemption), sixpence (12 cents) on the next £1,000 ($4,866.50), and eightpence (16 cents) on all over £2,260 ($10,706.30) on income from personal exertion, and double these rates on income from property. These rates have varied from time to time, according to the condition of the general revenue of the State, but for the present year (1909) they are the same as for last year, being the lowest yet imposed, viz: On the income of a person not being a company, derived from personal exertion, for every £1 ($4.86) up to £500 ($2,433.25), threepence (6 cents); over £500 ($2,433.25) and up to £1,000 ($4,866.50), fourpence (8 cents); £1,000 ($4,866.50) and up to £1,500 ($7,299.75), fivepence (10 cents); and over £1,500 ($7,299.75), sixpence (12 cents); with double these rates if the income be derived from property; on the income of any company, not being a life insurance company, sevenpence (14 cents) in the £1 ($4.86), and on the income of a life insurance company which carries on business in Victoria, eightpence (16 cents) in the £1.

A tax of £5 ($24.33) is also levied on every £100 ($486.65) of the amount payable to the owner or charterer of a ship whose principal place of business is out of Victoria for the carriage of passengers, live stock, mails, or goods shipped in Victoria. A rebate of 20 per cent was allowed to each individual off the tax chargeable during 1908, which is also in force during this year, but the rebate is not allowed to companies. Both in 1908 and in this year an exemption of the sum of £150 ($729.97) is allowed on all incomes from £201 ($978.16) to £500 ($2,433.25); above £500 ($2,433.25) no exemption is allowed. No income below £200 ($973.30) is assessed for taxation. As in the case of the rebate of 20 per cent, no exemption is allowed to companies which pay on all profits from £1 ($4.86) and upward. In connection with these rates it may be mentioned that no direct inheritance tax is in force, but the following probate and succession duties are payable on the estates of deceased persons after the deduction of all debts and before distribution to the persons entitled to such estates, viz: Less than £200 ($973.30), nil; above £200 ($973.30) and up to £300 ($1,459.95), 1½ per cent; then increasing one-half per cent for each £100 ($486.65) up to £600 ($2,919.90); then increasing one-third per cent for each £200 ($973.30) up to £1,000 ($4,866.50); above £1,000 ($4,866.50) and up to £1,500 ($7,299.75), 4 per cent; then increasing one-fourth per cent for each £500 ($2,433.25) up to £6,000 ($29,199); then increasing one-fifth per cent for each £1,000 ($4,866.50) up to £19,000 ($92,463.50); with the exception of the two stages, £10,000 to £11,000 ($48,655 to $53,531.50) and £14,000 to £15,000 ($68,131 to $72,997.50), which involves an increase of two-fifths per cent, and whose rates are, respectively, 7⅛ and 8½; over £19,000 ($92,463.50) and up to

£20,000 ($97,330), 9½ per cent; and over £20,000 ($97,330) 10 per cent is charged.

The following special rates are in force on property left by the deceased to his widow, children, or grandchildren, except that in cases where the total value of the estate, after payment of all debts, does not exceed £2,000 ($9,733) half of these rates only are charged, viz:

"Up to £500, nil; over £500 ($2,433.25) and up to £1,000 ($4,866.50), 1 per cent; over £1,000 ($4,866.50) and up to £2,000 ($9,733), 3 per cent; then increasing by one-third per cent for each £1,000 ($4,866.50) up to £5,000 ($24,332.50), and by one-fourth per cent for each £1,000 ($4,866.50) up to £8,000 ($38,932); over £8,000 ($38,932) and up to £10,000 ($48,665), 5 per cent; increasing then by one-fifth per cent for each £2,000 ($9,733) up to £24,000 ($116,796), for each £4,000 ($19,466) up to £80,000 ($389,320), and for each £5,000 ($24,332.50) up to £100,000 ($486,650), the last group, £96,000 to £100,000 ($467,184 to $486,650), being subject to 9½ per cent; over £100,000 ($486,650), the amount payable is 10 per cent. An estate, however, is subject to the probate duty only and the recipients of legacies or bequests are exempt from payment of income tax on such legacies or bequests."

Trading companies were originally exempt from the payment of income tax, and the dividends declared by them were deemed to be part of the income of the member or shareholder, but they are now directly assessed on their profits and the taxpayer is not called upon to include dividends in his schedule. Mining companies were also originally exempt, but now pay a direct tax on the total amount of the dividends declared by such company during the year. Life insurance companies pay upon a sum equal to £30 per cent of the life assurance premiums. This is upon the ordinary life premiums, but industrial life insurance premiums pay only upon 15 per cent of the premium. With the foregoing exceptions of companies which pay upon their profits, income is not taxed at its source, but in the hands of the person receiving or entitled to it, shareholders in a company being exempt on the dividends or share of profits received by them from such companies.

The following are among the deductions from income allowable before taxation, viz:

"Interest paid on mortgage of property, repairs to property or plant but not including cost of additions or improvements, taxes, fire insurance, life insurance, fidelity guaranty, etc., premiums not exceeding £50 ($243.32), gifts exceeding £20 ($97.33) each to public or charitable institutions, calls or contributions paid into companies in liquidation or mining companies carrying on operations in Victoria, rent of business premises and salaries to employees, bad debts, depreciation and wear and tear of machinery, implements, etc., used for the purpose of trade, cost of sustenance of employees when supplied in addition to wages or salary of such employees, and losses incurred in the production of income. No deduction is allowed for the cost of maintenance of the family of a taxpayer."

The following are the principal exemptions from payment of the tax at present:

"Incomes which do not exceed £200 ($973.30); salary of governor of Victoria; income of municipalities and certain public and local bodies such as the university, metropolitan board of works (controlling the water supply), railway commission (controlling the government railways), fire brigades board, harbor trust commission, marine board, etc., and of any other local authority in so far as such income is official and not personal; income of all bodies formed solely for the promotion of religion; income of any mutual life assurance company whose head or principal office or principal place of business is in Australia; income of any fire, fidelity, guaranty, or marine assurance or insurance company registered under the "stamp act" and thus contributing to the revenue through another branch of the government on a basis of 1½ per cent of all premiums received; income derived from interest on bonds, debentures, etc., of the government of Victoria by residents or nonresidents. The onus of proof that any income is exempt from or entitled to any deduction rests with the taxpayer. Government employees are not exempt from taxation."

The act requires that schedules of income derived from personal exertion and of income the produce of property shall be calculated separately, and the requisite forms, with envelopes addressed to the commissioner of taxes, are provided free at every post-office in the State. The schedules may also be transmitted to the commissioner free of postage. The commissioner is required to give not less than fourteen days' public notice of the day on or before which the returns of income are to be furnished (usually on March 31st of each year), and the act permits merchants and others in trade a longer period after the expiration of the year for which assessment is to be made in which to compile their schedules than those whose income is derived from personal exertion or from property, the period allowed being discretionary with the commissioner. When the taxpayer's schedule has been received by the commissioner, it is assessed for taxation, and a notice of the amount of tax and the date payable is issued by mail to the taxpayer. If the tax remains unpaid at the expiration of twenty-one days after the due date (fourteen days after the issue of the notice), 8 per cent per annum of the amount of the tax unpaid must be added thereto. In default of payment provision is made by which the amount is recoverable through the county courts of the State by summoning the defaulter to appear before the court within fourteen days, and if within six days after the issue of the summons a written statement on oath showing a defense on its merits is not received by the court in which the summons is returnable, the court may make an order for the amount claimed without awaiting the appearance of the defendant.

Any person making a false return or evading the tax is liable to a fine not less than £2 ($9.73) or more than £100 ($486.65), upon conviction, and the payment of double the tax sought to be evaded, with 8 per cent per annum interest, and any person aiding or abetting such offense is also liable to a fine of not less than £2 ($9.73) or more than £50 ($243.32). In knowingly and willfully making a false return the taxpayer is also liable to prosecution for perjury. In the notice of the amount of tax payable issued by the commissioner, the last day on which objection to the amount of tax will be received is also stated, and such objections must be in writing and reach the commissioner on or before that date to receive consideration. If the taxpayer is dissatisfied with the ultimate decision of the commissioner, he may remit the dispute to a county court with the further right of stating a special case for the opinion of the supreme court of the State, but the latter course is seldom resorted to. Courts may award the cost of the action against the commissioner if he fails to sustain his case. The provisions made for detection of fraud rest primarily with the income-tax office, and a system by means of check tabs has been in force to trace large payments for interest, rents, salaries, etc., from the schedule of the payor to that of the payee. The municipal rolls are used, and lists of salaries and interest paid are called for by the act from employers, banks, and companies. Trustees and agents are also required to lodge returns, and other such information available as may be gleaned from newspapers or periodicals of the State, from the police, and from other sources. The commissioner may also call for new or further and fuller returns than furnished, has power to require information and the production of deeds, books, accounts, etc., from any person whomsoever, and to require the attendance of any person for oral examination.

The following tables show the number of assessments, taxpayers, taxable income, tax payable from personal exertion and property during the last five years, together with occupations of taxpayers by classes:

NUMBER OF ASSESSMENTS AND TAXPAYERS.

Number of assessments.	1904.	1905.	1906.	1907.	1908.
Personal exertion	43,361	40,528	41,017	30,855	31,132
Property	8,916	8,237	8,453	7,754	7,187
Total	52,277	48,765	49,470	38,609	38,679
District taxpayers	48,266	44,956	45,595	34,429	34,713

TAXABLE INCOME.

[Pound sterling converted at the rate of $4.8665.]

Year.	Personal exertion.	Property.	Total.
1904	$57,055,333	$15,176,345	$72,231,678
1905	63,617,808	14,066,618	77,684,426
1906	63,981,907	14,362,944	77,344,851
1907	69,242,506	14,650,593	83,893,099
1908	67,557,103	13,851,933	81,409,036

TAX PAYABLE.

[Pound sterling converted at the rate of $4.8665.]

	1904.	1905.	1906.
Personal exertion	$971,927.00	$1,122,881.00	$1,106,106.00
Property	549,573.00	437,449.00	444,666.00
Total	1,521,501.00	1,560,330.00	1,550,772.00
Per taxpayer	31.60	34.70	33.99

	1907.	1908.
Personal exertion	$1,258,107.00	$1,100,466.00
Property	458,127.00	360,569.00
Total	1,714,234.00	1,461,035.00
Per taxpayer	49.77	42.07

OCCUPATIONS OF TAXPAYERS, 1908.

Occupations in classes.	Number of taxpayers.		
	Total number.	Percentage of taxpayers.	Percentage of each class in population.
Professional	4,927	14.19	13.00
Domestic	1,509	4.35	2.26
Commercial	9,409	27.11	11.00
Transport	1,041	3.00	3.30
Industrial	4,767	13.73	3.26
Primary producers	7,842	22.59	4.75
Indefinite	4,250	12.24	42.22
Companies	968	2.79	----------
Total	34,713	100.00	----------

The commercial class, which forms over 27 per cent of the taxpayers, has the proportion of only 15 per cent of the total breadwinners in the population, whilst primary producers, which include breadwinners in agricultural, pastoral, and mining pursuits, make up 22½ per cent of the taxpayers, but 31 per cent of the breadwinners; the industrial class contributes nearly 14 per cent to the taxpayers, and forms 27 per cent of the breadwinners; while the professional class, contributing 14 per cent to the taxpayers, forms only 7 per cent of the breadwinners. Of the definite classes, that contributing the highest percentage of taxpayers in proportion to its number in the population is the professional, with 14 per cent; the commercial coming next, with 12 per cent; then primary producers, with 4¾ per cent; and last, the domestic class, with 2¼ per cent. Of the amount paid as tax, companies yielded 34 per cent of the total; while the indefinite class, forming 12 per cent of the taxpayers, yielded 15 per cent of the tax. The commercial class, forming 27 per cent of the taxpayers, gave nearly 19 per cent of the tax; primary producers, forming 22½ per cent of the taxpayers, gave 14 per cent of the tax; the industrial class, forming 14 per cent of the taxpayers, gave 8 per cent of the tax; and the professional class, forming 14 per cent of the taxpayers, gave 7 per cent of the tax.

According to the last report of the commissioner of taxes the cost of collection of the tax, including salaries and all expenses, during the

financial year ended June 30, 1908, was £13,879 14s. 5d. ($67,545.65), being £4 7s. 5d. per cent of the revenue collected ($21.26 in $486.65), or, approximately, $2.19 per taxpayer.

The following documents are hereto annexed from which any further particulars desired may be extracted, viz: Acts numbered 1374 (original), 1467, 1819, 1863, 1938, 1985, 2030, 2090, 2151; Regulations of the Income Tax Department; and Taxpayers' Schedules.

India.

CALCUTTA, INDIA, *August 12.*

A copy of the Indian income-tax act of 1886, as amended, is hereto attached.

Income tax is chargeable in India on all sources of income accruing and arising or received in British India, with the exception of—

1. The exemptions mentioned in section 5 of the act.
2. Special exemptions sanctioned from time to time under section 6 of the act.

For the purposes of the tax sources of income are divided into the following four classes:

I. Salaries and pensions.
II. Profits of companies.
III. Interest on securities.
IV. Other sources of income.

I. SALARIES AND PENSIONS.

Any salary, annuity, pension, or gratuity of 2,000 rupees ($666.67) and upward per annum is chargeable with income tax at the rate of 5 pies in the rupee (five-twelfths of one-sixteenth of 32.44½ cents, practically five-sixths of a cent in 32.44½ cents, approximately 2½ per cent), any salary, etc., of less than 2,000 rupees ($666.67) per annum, but not less than 1,000 rupees ($333.33) per annum is chargeable at the rate of 4 pies (four-twelfths of one-sixteenth of 32.44½ cents, practically two-thirds of a cent in 32.44½ cents, approximately 2 per cent). The tax is recovered from servants of government or of a local authority at the time of payment of the salary, annuity, pension, or gratuity. A similar procedure is ordinarily prescribed for the recovery of the tax from salaries, etc., paid by a company or a private employer, but in such cases the collector may enter into an arrangement with the employer for the convenient recovery of the tax. The demand in the case of government servants is easily ascertainable; statements have to be prepared and submitted to the collector in a prescribed form on or before the 15th of April in each year in the case of servants of companies, local authorities, etc.

II. PROFITS OF COMPANIES.

The rate of income tax levied on the net profits of a company is 5 pies in the rupee (about five-sixths of a cent in 32.44½ cents; approximately 2½ per cent). The principal officer of a company has to submit by the 15th of April each year a statement, prepared in the manner prescribed in section 11 of the act, of the net profits made in British India by the company. Should the collector consider such a statement to be incomplete or incorrect, he can require the company to produce the account to enable him to determine the correct amount. In calculating net profits the following deductions are usually allowed from the gross receipts of a company:

1. Sums expended in the repairs of implements, utensils, or articles used solely for the purpose of trade.
2. Sums expended for insuring, or keeping insured, the buildings, machinery, implements, and stock used for the purpose of the trade, and the rent paid for any premises used for such trade; and provided that if such premises have not been exclusively used for such trade, a fair proportion only of such rent is deducted from the gross receipts.
3. Actual expenditure during the year on repairs and renewal of such premises, if such repairs or renewal are at the cost of the company.
4. Sums expended in the payment of persons employed solely in such trade.
5. The amount of any losses of the stock in trade. The excess loss sustained in any one or more trades over and above the profits thereof may be set off against the excess profits of any other trade exercised by the same company.
6. The amount of any bad debts for the first time ascertained and written off as such during the year.
7. Interest paid on money borrowed for the purpose of trade.
8. Amount actually expended from the profits of the year for depreciation up to a limit of 10 per cent on the value of the machinery and plant.

The companies are taxed at their principal place of business, and where a company has several such places the local government (if they are in territories subject to that government) or the government of India (if they are in territories subject to different local governments) have power to decide which shall be considered to be the principal place of business.

In the case of income from houses, the following deductions are generally allowed:

1. Any rent or quitrent paid by the assessee on account of such houses or their sites, but not taxes or local rates or cesses.
2. Sums expended for insuring and keeping insured such houses.
3. Actual expenditure during the year on repairs and renewal of such premises, if such repairs and renewals are at the cost of the company.
4. Sums expended in collecting the rent, not exceeding 6 per cent of the gross rental.
5. Annual interest payable to a mortgage not in possession.

The collector determines the amount at which the company is to be assessed and the time when that amount shall be paid.

III. INTEREST ON SECURITIES.

The income tax levied on interest paid on securities is at 5 pies in the rupee (about five-sixths of a cent in 32.44½ cents; approximately 2½ per cent) on such interest, unless the owner of the security can produce a certificate signed by the collector that his annual income from all sources is less than 1,000 rupees ($333.33), in which case no deduction is made from the interest, or unless he produces a like certificate that his income from all sources is less than 2,000 rupees ($666.67), in which case the rate will be 4 pies in the rupee (about two-thirds of a cent in 32.44½ cents; approximately 2 per cent). The tax is deducted at the time the interest is paid by the person empowered to pay the interest, and is paid by that person to the credit of government.

IV. OTHER SOURCES OF INCOME.

Other sources of income mean any source not included in I, II, and III, above. The tax is levied on a graded scale from 20 rupees ($6.67) on an income of 1,000 rupees ($333.33) to 42 rupees ($14) on 1,999 rupees ($666.33), the tax on income of 2,000 rupees ($666.67) and upward being 5 pies in the rupee (five-sixths of a cent in 32.44½ cents; approximately 2½ per cent). The system of assessment is the same as that observed in assessing the profits of companies, with the exception that under this part a person is not, generally speaking, required to submit a return of his income. The details of the mode of assessment and collection are given in sections 16–24 of the income-tax act. It is not obligatory on persons assessed under this part to render a return of their income unless this is called for by the collector under clauses (b) and (c) of section 18 of the act.

Though the word "income" is used in section 15 of the act, it is only on the net income that the tax is levied. The deductions allowed from the gross income are generally the same as those in the case of companies detailed in paragraph 3 above.

Sections 25–50 of the income-tax act contain provisions regarding the revision of assessment under IV, recovery of arrears of tax, and penalties, etc.

The following statement gives for the year 1906–7, the last for which complete statistics under these heads are available, the total number of income-tax payers, the total yield of tax, the total amount of income assessed to tax, the cost of collection, the percentage of income-tax payers to the total population, and the percentage of the cost of collection to total income tax:

1. Number of income-tax payers, 255,762.
2. Yield of tax, 21,171,639 rupees ($7,057,213).
3. Total income assessed to tax, 850,500,000 rupees ($283,500,000).
4. Cost of collection, 362,042 rupees ($120,681).
5. Total population, 231,899,597.
6. Percentage of income-tax payers to the total population, 0.11 per cent.
7. Percentage of the cost of collection to total income tax, 1.7 per cent.

There are no statistics showing the families of the persons paying the income tax. The officers collecting income tax are paid fixed salaries, and are usually officers belonging to the ordinary staff employed in connection with land revenue and general administration.

No distinction is made between "earned" and "unearned" income for the purpose of income tax.

As regards an inheritance tax, the Indian succession act, 1865, does not apply to Hindus, Mohammedans, and Buddhists. They are not liable to pay succession duty, except in the following cases:

a On certificate under Act VII of 1899 for the collection of debts of deceased persons.

b On probate and letter of administration under Act V of 1881, where such probate or letters of administration are taken out.

c On probates and letter of administration under the Hindu wills act, 1870.

Switzerland.

BERNE, SWITZERLAND, *April 22, 1909.*

In reply to the circular instructions, I have the honor to state that the matter of taxation in Switzerland is governed by 25 different cantonal laws and over 7,000 local laws, and that there exists no federal law on the subject. Therefore it would be impossible to make a correct report on the very complicated tax systems of the various Cantons and half Cantons of the Confederation. There exist no federal statistics giving information as to the amount of the income of the various Cantons, the number of taxpayers, etc.

In all the cantons the income tax on earned and unearned income is collected at a certain rate for the Canton and a certain rate for the commune.

For example, in the city of Berne, Canton of Berne, the income tax is collected as follows:

	For the city.	For the Canton.
I. On professional income, of which 600 francs ($120) are free	*Per cent.* 3	*Per cent.* 3½
II. Income derived from pensions and annuities, of which 100 francs ($20) are free	4	5
III. Income derived from money not placed on mortgages, of which 100 francs ($20) are free	5	6½
IV. On property:		
A. Real estate, according to the cantonal assessment, less the amount of any mortgage the tax on which is paid in the same Canton	2	2½
B. Capital placed on mortgages	2	2½
Church tax on earned income on property	¼ .30	
	¼ .20	

Usually in the months of March and April all the taxpayers are provided with blank forms for self-taxation, in which they have to insert their income, earned and unearned, as well as their property. The blanks must be returned within a limited time to the taxation commission for examination and approval. A taxpayer who neglected to answer the questions in the self-taxation blank is taxed by the taxation commission, and no appeal is allowed him.

The members of the taxation commission, representing commerce, trade, administration, working classes, etc., are selected by the commune council.

After examination and approval by the taxation commission the properly executed self-taxation sheets are turned over to the tax bureau of the city to be recorded and the tax notifications issued. The taxes are collected in the months of October, November, and December at the city tax bureau. The taxpayers are informed in the notification of the day on which to appear at the tax bureau for the payment of the taxes specified in the notification. Cantonal, communal, and church taxes are collected at the city tax bureau.

In case of fraudulent taxation the taxpayer is punished with a fine "twice the amount of the income tax he withdrew from taxation for the past ten years."

The inheritance-tax law of the Canton of Berne prescribes: On all real estate situated in the Canton of Berne which changes hands through inheritance or legacy a tax has to be paid into the Bernese treasury. The citizenship and domicile of the deceased, or the heir, the donor, and the receiver in no way influence the taxation of real estate.

All personal property is submitted to the same taxation, whether through inheritance or donation, if the deceased or the donor—the former at the time of his decease and the latter at the time of donation—either had a domicile in the Canton of Berne, or, in the absence of such a domicile, resided therein.

The citizenship of deceased or donor and the citizenship of the heir, the legatee, or receiver usually in no way influence the taxation of the personal property.

Inheritance, legacies, and donation are exempt from taxation in the following cases:

1. If the heirs of the deceased or donor are in direct line of descent.

2. If the heir or receiver is the husband of the wife, or the wife from the husband, and there exist children or grandchildren.

3. If they were made in favor of Swiss public institutions, such as hospitals, houses for poor, sick, or orphans, as well as for teacher schools and other education institutions, and for funds for the maimed and the sick.

If institutions similar to the above, but of private character, are concerned the executive council of the Canton, under certain circumstances, grant total or partial exemption from taxation.

4. If the total value falling to a single person from one inheritance or donation in any form whatsoever does not exceed, in the case of childless married people, 5,000 francs; in all other cases 1,000 francs.

On property on which, according to the law of inheritance or donation, tax has to be paid, such tax, after deduction of (1) legacies and debts to be paid therefrom, inclusive of the property brought by the wife if she inherits to her husband, and (2) the gifts which are to be paid by the heirs or receivers to the institutions mentioned above, is as follows:

A. One per cent if the heir or receiver is either the husband or the wife of the deceased and if there are no children out of the marriage.

B. One per cent in the case of parents inheriting from their children; 2 per cent in the case of grandparents inheriting from their grandchildren.

C. If the relationship of the heir or receiver to the donor or deceased is of second degree, 2 per cent in case of brother and sister (and those half-brothers and half-sisters mentioned in the French Civil Code).

If the relationship is of the third degree, 4 per cent in the case of uncle and nephew, and those half-brothers and half-sisters mentioned in the Bernese Civil Code.

If the relationship is of the fourth degree, 6 per cent in the case of children of brothers and sisters; 8 per cent if the relationship is of the fifth degree; 10 per cent if the relationship is any further, or if no relationship exist at all.

If the total amount falling to one person exceeds 50,000 francs, an additional tax of the half of that levied according to the degree of relationship, above mentioned, will be collected on the amount above the 50,000 francs.

Ten per cent of the inheritance or donation tax is delivered to the commune of residence of the deceased for educational purposes.

The inclosed print will furnish information as to the income taxes collected in the various cities of the Swiss Confederation.

The Netherlands.

The income tax here is divided into:

A. The property tax, which is levied on income derived from property.

B. The tax on business and other incomes, which is levied on the income derived from business and professional callings, as well as on reserve pay, pensions and annuities, etc.

In so far as the property income is devoted to the interests of the business or calling, the interest on the capital so invested shall be deducted from the net profits of the business or calling.

At the same time this tax affects the profits made in this country by others than those actually residing in this country. (See article 1 of the law relating to income from business or professional callings.)

This subdivision of the tax is not hereafter regarded.

The tax is estimated according to the value of the property, in so far as the property tax is concerned, or of the income, in so far as the income from business or professional callings is concerned.

The percentage to be levied is moderately progressive.

The tax amounts to:

A. In regard to the property tax, saving a somewhat lower levy on the lowest taxed properties, it is 1¼ per cent of the property, provided this does not exceed 200,000 francs ($80,000), and 2 per cent on the excess thereof, in both cases after a deduction of 10,000 francs ($4,020). Properties of a lower value than 13,000 francs ($5,628) are exempt. (See article 10 of the law relating to property tax.)

On an interest basis of 4 per cent this tax may therefore be estimated as amounting to respectively 3⅛ to 5 per cent of the income derived from property.

B. In regard to income from business and professional callings, if the income exceeds 1,500 francs ($603), there is a fixed charge of 14 francs ($5.63), besides 2 per cent on the excess of 1,500 francs ($603). If the income exceeds 8,200 francs ($3,296.40), the excess thereof is taxed at the rate of 3½ per cent. Incomes below 650 francs ($261.30) are free. In regard to those between 650 francs ($261.30) and 1,500 francs ($603) I have the honor to refer you to article 9 of the law relating to incomes from business and professional callings.

Further, provision is made for the necessary connection of the property tax and that on income from business and professional callings by bearing in mind, in fixing the tax on income from callings, the exemption in the property tax of the first 10,000 francs ($4,020). Moreover, in the regulation of the progression in the tax on incomes from business and professional callings, that connection with the property tax is taken into account.

In this regard I have the honor to refer you to articles 2, section 2, and 9B of the law relating to the tax on incomes from business and professional callings. The tax is levied on the statements made in respect to their property or income by the parties liable, with this proviso, that the administrators are at liberty to deviate from that statement. In that case appeal may be made to a specially instituted council.

There are no penalties for incorrect statements respecting property or income. But if it is apparent that a statement respecting property is too low, in that case another assessment may be levied of five times the deficient tax paid. (See articles 45A and further of the law relating to the property tax.)

The property tax is levied according to the state of the property at the commencement of the fiscal year, the tax on incomes in accordance with the probable income during the current fiscal year. Incomes for temporary work alone are brought under the income of the fiscal year following upon that in which they are made. In this regard see article 4 of the law relating to income from business and professional callings.

In respect to the relationship between the property tax and that on income from callings and that of other state revenues, it may be said that according to the statistics for the year 1905, it was as follows:

The property tax, 4.73 per cent of the total revenue.

Tax on incomes, 4.24 per cent of the total revenue.

In this regard it must be borne in mind that in the said percentage of 4.24 per cent the tax levied on persons domiciled in this country is embraced to 72.18 per cent thereof. The rest has been levied on liable persons residing abroad (to the amount of 2.88 per cent) and of corporations established in the country (limited liability companies) for 24.94 per cent.

	Per cent of total revenue.
Land tax	7.87
House tax	5.71
Excise	51.40
Succession dues	8.48
Stamp registration and mortgage dues	6.90
Import dues	6.65
Other revenues	23.93

The total return from the property tax in the year 1905–6 amounted to 8,203,381 francs ($3,297,759). The total number of assessed, the size of whose families is not known, amounted to 88,750, namely, 1.591 per cent of the total population of 5,577,632 souls. The total amount of assessed properties amounted, in thousands, to 6,383,818.

Of these assessments an augmentation has been imposed of 77,476 in accordance with the original or subsequent voluntarily increased statements to the total amount of 7,581,476 francs ($3,447,753); 10,299 by increase of the statement officially to a total amount of 525,542 francs ($2,112,679); and 975 on those who made no statement, to a total amount of 96,362 francs ($38,737). The total returns from the tax on callings, in so far as they were levied on persons residing in the country in the fiscal year 1905–6, 5,899,946 francs ($2,371,778). The number of assessments was 352,541, the total amount of the assessed incomes 487,100,378 francs ($1,958,144). Of these, 315,995 assessed persons, to a total amount of 2,731,867 francs ($1,098,211), who are not assessed in the property tax. The incomes concerned in these assessments were increased to the amount altogether of 348,966,218 francs ($1,302,844).

From the above it is apparent that income from property is more heavily taxed than income from business or profession. In respect to succession dues, it may be said that this is levied, according to a nonprogressive tariff, on every inheritance from an estate in this country.

In the direct line of descent and between married people with children or descendants, 1 per cent; in the direct backward line, 3 per cent; between married people without children or descendants, 4 per cent; side lines, between brothers and sisters; between uncles and aunts on the one side and nephews and nieces on the other side, and vice versa; and between great-uncles and great-aunts on the one side and second cousins and second nieces on the other side, and vice versa, 6 per cent; in all other cases 10 per cent; wherever in the side line more is obtained than would be by inheritance at death, 10 per cent becomes due on that excess. (See art. 41 of the law relating to succession dues.)

Gifts in the direct line of descent and between married people and descendants are exempt, provided that which each receives does not exceed 1,000 francs ($402). If it exceeds 1,000 francs ($402), but is less than 1,500 francs ($603), in that case 500 francs ($201) is exempt from taxation. (See art. 56 of the law relating to succession dues.)

In addition to succession dues, transfer dues are levied on that part of the inheritance consisting of stocks and interest-bearing claims. This is, in the direct line, one-fourth per cent, and in all other cases 2 per cent. In addition thereto, 38 cents surtax is levied on succession and transfer dues.

A statement of the expenses of the property tax and the tax on incomes from business and professional callings can not be given, as the collection of those taxes is intrusted to officials who, at the same time, are charged with the collection of other taxes.

Denmark.

In Denmark the income tax is regulated by the law of May 15, 1903, according to which the tax is levied on a scale of from 1.3 per cent up to 2.5 per cent, and it has to be paid by all people living in Denmark. A reduction in the tax is made of such a nature that no tax is levied on the first $214 (800 kroner) of people living in the cities, or $160 (600 kroner) of people in the country districts, and a further deduction is made of $26 (100 kroner) for every child in Copenhagen and $18 (70 kroner) in the country. This provision will especially benefit the laboring class.

There is no difference between the tax on "earned" incomes, such as salaries, etc., and "unearned incomes," such as dividends.

Included in this income tax there is a property tax of 0.6 pro mille levied upon all property in Denmark, the only things that are held exempt being furniture, personal belongings, and also prospective rights, as a life insurance or a right to a future pension.

On an inheritance there is a certain inheritance tax, but the person who inherits does not pay an income tax on the amount which he inherits, for the reason that the inheritance tax has already been paid. Thus, in case a man inherited 100,000 kroner in 1907, he would have paid no income tax on that 100,000 in 1907, but in 1908 and afterwards would pay the income tax on the amount of the income from that 100,000 kroner.

Until now the taxes upon inheritance have been 1 per cent as between husband and wife, parent and child, or grandparent and grandchild; 4 per cent between other near relatives, as brothers or sisters and their children; and 7 per cent upon inheritance from distant relatives and strangers. Therefore when a man dies and his estate reverts to persons outside of his immediate family, the amount of the inheritance tax to be paid depends on the relationship to the deceased of the person inheriting. Thus the tax on the inheritance of a son would not be so heavy as it would be if a brother or a nephew inher-

ited; and, again, the person inheriting pays no income tax, as has been illustrated, because the tax is already paid in the shape of an inheritance tax.

In regard to the system of assessment, it may be said, briefly, to be as follows: In each district some citizens are elected to a taxation board, and this is a duty from which but few can escape. In case of dispute as to the amount of assessment, there is a board for greater districts which might take the matter over, and above them all is the minister of finance.

Before a certain date every taxpayer can state his income on a form sent to everybody by the board. If a taxpayer does not do so, the taxation authorities will state his taxable income, and if the amount assessed does not exceed his real income as much as 25 per cent he has to submit to the decision of the board and pay accordingly. Had the taxpayer given a statement of his income this would not have occurred, but as he did not, if the taxation board does not overestimate his taxable income by 25 per cent or more, he has to pay; thus, if it is assessed 24 per cent more, he has to pay. If there is a dispute the taxpayer can complain, and will be called to a meeting of the board to state his reasons, and if an understanding is not reached an appeal can be made to the higher board and again from that to the minister of finance. It must be a serious question before a taxpayer can appeal to the courts. It is generally conceded that a taxpayer can appeal to the courts if he claims not to be taxable, or if an important question is involved, as where a corporation declines to pay on the ground that it is not taxable. It is an unwritten law that questions as to the payable amount of income tax can only be referred to the minister of finance as a last resource and can not be appealed to the courts.

The income tax is levied, not upon the source of the income, but upon the income from all sources. If incorrect or fraudulent statements are made, the taxpayer will be fined up to ten times the amount of the tax he has defrauded; but, generally, when it is more a matter of mistake, the question is settled with a lesser amount. If the fraud is discovered after a man's death, the estate of the deceased will have to pay double the amount not paid.

In order to detect any fraudulent statements, the taxpayer will be called on by the taxation board to explain himself, and all means at hand, as official and private information, can be made use of and demanded of any person supposed to know anything about the matter.

The income tax is levied half-yearly upon the amount of the income of the last year. Thus, for example, where an income was $10,000 in the year 1908, $10,000 would be the amount taxable during the year 1909.

Finally, it may be said that the collectors of the Danish income tax are officials and are not members of the assessment boards, who are civilians. These collectors are paid by a percentage of 1.5 of the whole amount collected, which total in 1907 came to about $2,150,000, while the number of income-tax payers in Denmark in 1908–9 was 337,011, which is 13 per cent of the total population of 2,588,919.

Germany.

The States comprising the German confederation contain about 20 income taxes. Among those that may be mentioned as embracing such system of taxes are Saxony, Grand Duchy of Baden, Grand Duchy of Hesse, Bavaria, Wurtemberg, Austria, and virtually all of the minor German States. In almost every instance the method of assessment is by a return or declaration by the taxpayer, disclosing his total income; the method of collection at the source does not seem to be in vogue here.

Austria.

The Austrian progressive income-tax law came into force in 1898. Prior to this an income tax had existed from 1849, but its extreme high rate, amounting in some cases to 10 per cent on the net income, rendered it very difficult to assess and collect, on account of evasions of the law. In order to arrive at the net income on which the tax is levied, deductions from the gross income are made for upkeep of business, houses, and lands for the premiums paid, for insurance against injuries, for interest on business and private debts, and for payment of taxes other than the income tax.

Incomes up to £500 a year are free from income tax. The income tax is levied on an extended scale on incomes over £50 a year. Taxation commences at about 0.6 of the income. At the twelfth stage the tax rises to 1 per cent, at the twenty-seventh it rises to 2 per cent, at the forty-third to about 3 per cent, and at the fifty-sixth to about 3½ per cent. An income of over £4,000 pays about 4 per cent, and an income over that figure the tax approaches more and more closely to 5 per cent without ever quite reaching it.

The total yield of this tax to the treasury for the year 1905 was about 11,000,000.

The total amount of the income of the country, gross and net, which was assessed under the tax for 1902 was, gross, 135,520,000 pounds sterling; net, 117,110,000 pounds sterling. In general the idea is to weigh less heavily on the smaller income than on the larger one.

The exemptions comprise, among others, all members of the imperial family, all members of the diplomatic and consular service, those receiving pensions, salaries of members of the army and navy, and other military persons.

Progressive taxation is the same for all sorts of incomes, but the law defines the methods of taxing income derived from land, houses, industries (industries in the form of companies who emit shares are subject to another form of taxation), capital, salaries, and other sources of income.

The Austrian income tax is really a second tax on assets already taxed. The landed proprietor pays his land tax quite independently of his income tax. The possessor of invested capital in companies pays the tax on dividends; the merchant, manufacturer, artist, author, physician, lawyer, or proprietor of a school pays the industry tax. The only one who pays the income tax alone is the person who is merely in receipt of fixed salary or pay, and he also has to pay the salary tax if his salary or pay comes to more than £267 per annum.

In levying the tax on land, on buildings, and on industries, only the net income is taxed, allowance being made for all necessary deductions from the gross income for upkeep, etc.

There are a great many special allowances. Special allowances are made for incomes derived from labor, either physical or mental. The income of the whole of the family is reckoned together, but every member of the family who derived his income from labor has a deduction made of £21 before the remainder of his income is taxed.

Special allowances are made for a family with several children, depending upon their number and condition. There are also special exemptions in certain cases where the annual income does not exceed £4,167 10s., such as for educating children who have afflictions, expense in maintaining poor relations, perpetual illness, debts, acts of God, etc.

According to Austrian law, the merchant or manufacturer who is a householder and has investments in stocks, bonds, mortgages, etc., has to pay the industry tax on his manufactory or place of business, the building tax on his house, the tax on dividends for every investment in securities apart from his business, and, finally, income tax on his entire net income.

The tax is, in most cases, assessed on a direct return from individual taxpayers, except in the cases of fixed salaries and wages, on which the tax is collected from the employer, who is allowed either to deduct it from the salary of the person employed or to pay it out of his own pocket. The general method of assessing taxation is to take the income of the previous year. In January every taxpayer whose income is more than £81 must deliver to the tax collector a paper stating his income for the past year in actual figures if his income is fixed, and at the average of the last three years if it is fluctuating. In case of suspicion of an incorrect or fraudulent return, the treasurer and the commissioner can call witnesses and impound documents to prove their case, but they may only inspect the business ledgers if the taxpayer gives permission. Treasury officials are allowed, under certain conditions, to inspect the factories and workshops during working hours and to check the output. The usual appeals and penalties are connected with the plan of assessment. Half of the tax is due on the 1st of June and half on the 1st of December. The same machinery is employed in collecting all taxes, hence the cost of collecting the income tax can not be given.

Prussia.

The income-tax law of 1891 formed the basis for the complete reorganization of direct state and local taxation in Prussia. Under the present law all persons with incomes of over £150 a year have to send in an annual declaration of their full income divided according to the four main sources—capital, land and property, trade and industry, and employment bringing gain. Prussians and subjects of other states of the Empire domiciled in Prussia are liable to taxation, unless they come under the exemption clause. Foreigners are also liable if they are domiciled in Prussia or staying there for purposes of gain or for longer than one year. Joint stock companies, mining companies, limited liability companies, registered associations whose business extends outside the circle of their members, and cooperative stores are also liable to tax. Their income is estimated by the surpluses which are distributed as interest or dividends among members, with the addition of any sums used for the redemption of debt or capital, the improvement or extension of business, or the formation of a reserve fund. Three and one-half per cent is, however, deducted before assessment from the total thus estimated.

One of the main principles underlying the income-tax law is taxation according to capacity, and for this purpose a regular system of progressive taxation has been adopted. The normal rate is 3 per cent of the income. This rate calls for incomes under £500, and rises for incomes over £1,500 up to 4 per cent for those over £5,000. Taxation begins with an income of £45.

Certain abatements are allowed to taxpayers with incomes up to £475 whose solvency has been unfavorably affected by adverse economic circumstances.

In 1903 the number of income-tax payers was 38,977,821. The number of corporate bodies paying this tax was 2,598. The taxable income was £454,576,901. The tax altogether paid amounted to £9,317,915. In 1893 what is known as the "supplementary tax law" was passed. Its purpose was to more fully carry out the principle of the income-tax law, viz, the fair distribution of the burdens of state taxation, by more heavily taxing funded as compared with earned incomes, and also by supplementing the income-tax law where it did not sufficiently reach the wealthier classes.

SYSTEM OF ASSESSMENT OF INCOME TAX.

The income tax is both levied at the source in the case of companies and assessed on a direct return by the individual taxpayer of his income from all sources. Companies in paying dividends, etc., deduct the tax as part of its annual expenditure. The individual taxpayer, being assessed according to his income from all sources, has to pay again on the dividend he receives from the company, notwithstanding the fact that the latter has already been taxed. It is by way of compensation for this double taxation that companies are allowed to deduct from their income 3½ per cent of their capital. Salaries are not taxed before payment to the recipient. Fixed receipts are assessed, according to their amount for the taxation year which is about to begin. The assessment is made on the basis of the actual amount of income received from all sources at the time the returns are handed in, viz., November and December. Variable incomes are taxed on an average of the three years immediately preceding the assessment. The right of appeal exists both in favor of the taxpayer and the officials of the Government.

Persons delinquent in sending in the declarations and failing to do so immediately after the second request are penalized 25 per cent in addition to the tax at which they have been assessed. Incomplete or fraudulent declarations are punishable by a fine of from four to ten times the amount of which the State was thereby defrauded or by a minimum fine of £5.

SYSTEM OF COLLECTION.

The income tax and the supplementary tax are collected in the first half of the second month of each quarter by the communities, who bear the whole cost. No statistics are available giving the percentage cost of collection. Assessed amounts may in certain cases be reduced if their enforced collection would endanger the economic existence of taxpayers, or if the efforts to collect the tax would probably be of no avail.

In Prussia the income tax produces about one-third of the tax revenue.

Sweden and Norway.

The payment of an income tax in Sweden is governed by two laws—the law of 1897 and the law of 1902. The tax, in so far as it relates to income which may be derived from capital, labor, etc., is to some extent a progressive tax, inasmuch as all incomes below 500 kroner (£27 15s.) are exempt; from incomes between 500 kroner and 1,200 kroner (£66 13s.) 450 kroner (£25) are subtracted; from incomes between 1,200 kroner and 1,800 kroner (£100) 300 kroner (£16 13s.)

are subtracted; and the tax is only paid on the remainder. In towns where house rent is very high the maximum of exemption and the amounts subtracted may be increased by a sum not exceeding 200 kroner (£11 2s.)

The general supply is nearly always 1 per cent on incomes derived from capital and labor (subject to the above-mentioned exemptions and reductions).

The first tax law—that of 1897—did not provide for the taxation of incomes derived from dividends on investments in public companies and made no allowance for the proportion of incomes earmarked for payment of the interest on mortgages; hence, to meet the demand for additional revenue, the new law was enacted to supplement the old one. This new law introduces certain new principles of exemption, allowing the deduction from incomes of any amount paid as interest on mortgages and loans, and it provides for the payment of the tax by incomes which were previously unaffected, whereas the old law was thus less broad in its scope and effect.

It will be noticed that the new income-tax law proper affects incomes derived from all sources, including incomes from dividends on shares in companies, which were untouched by the former law, but admits the principle of subtracting from the total amount of income the proportion of such income paid as interest on loans and mortgages.

The rate of the tax is 1 per cent on all kinds of income. There is a progressive scale, not in the percentual rate, but in the estimation of the income on which it is raised, incomes of over 61,000 kronor (£339), being reckoned for the purpose of taxation at more than their actual value in ascending progression.

In ascertaining the assessment of land value it is assumed that the income from agricultural land is at the rate of 6 per cent on the assessed value. For example, assuming that the estate worth 100,000 kronor should produce an income of 6,000 kronor (£333); that is, 6 per cent, the income tax being 1 per cent on every 100 of estimated income, is therefore 60 kronor, or £3⅓. The actual income tax levied would not, however, amount to this sum if there were mortgages on the property, the estimated income being calculated at its net amount after deducting the sum paid as interest on the loan or mortgage.

In the case of other real estate the income is assumed to be 5 per cent on the assessed value of the property, and from this again deduction is made of any sum paid as interest on mortgage.

In 1903 the amount of income taxed was 685,729,215 kroner (£38,096,067). But in consequence of the progressive scale at which incomes are estimated for the purposes of taxation, the 1 per cent was in reality calculated as due from a total of 1,058,650,400 kronor (£58,813,911).

The number of income-tax payers in 1903 was 194,963 out of a total population of 5,221,291. Of this number 191,515 were private individuals, 789 public bodies, and 2,659 companies and banks. Thus one private individual in 27.26 of the population paid the tax.

The principle of graduation adopted in taxing income is thus supplied; small incomes below 1,000 kronor (£55)—including the income of the wife—are altogether exempt. Incomes between 1,000 and 4,000 kronor (£222), are taxed only on a portion of their full amount. Incomes from 4,000 to 6,100 kronor (£338 17s.) are taxed on their full amount. Incomes above 6,100 kroner are taxed on more than their actual amount, in a progressively ascending scale, up to a maximum of 145,500 kronor (£8,083), for which income tax is paid as on a sum of 50,082 kronor (£32,333); that is to say, four times the real income.

In addition to the deduction allowed for amounts payable as interest on mortgages or loans, certain other deductions from the amount of the estimated income is allowed, such as for necessary repairs, losses, bad debts, etc.

Since 1905 a system of slight differentiation exists.

Income tax is not paid at the source by companies and thereafter deducted in paying the dividend to the shareholders. But the companies, having themselves to pay an income tax on all dividends exceeding 6 per cent and the shareholder being obliged to declare on his honor the total amount of his income, this tax is assessed on a direct return by the individual taxpayer of his income from all sources.

Income on capital and income derived from labor other than wages or pensions is reckoned at the amount of the income of the immediately preceding year.

The following persons, companies, etc., are obliged by law to make declaration regarding the amount of their income without receiving any special notice: Companies which are provided with royal licenses or are registered as share companies, or are under public control; and, also, any taxpayer who was taxed the immediately preceding year for, or who enjoyed, an income of at least 1,000 kronor (£55) from landed estate or capital (shares and bank shares being here included).

The penalty for any person or company thus obliged to declare their income without notice, neglecting before April 1 to make proper declaration, is the loss of the right to a final appeal on the question of the amount of the income put down in the declaration.

It has been found impossible to ascertain the cost of collection.

There are two main systems of income tax in Norway—that of income tax paid to the municipal authorities, and income tax paid to the state. The state income-tax system is of recent date, being based on the municipal system, the same machinery for collecting the tax being used.

Taxes on real property in Norway are quite distinct from income tax. The same may be said of taxes on personal property, except in so far as they may have a common origin or basis of assessment, personal property being liable to taxation twice over, namely, once for the personal-property tax and once for income tax on the estimated income derived from the personal property. The following are the rates of state income tax at present in force:

Under 1,000 kroner, free of income tax.

	Per cent.
From 1,000 up to 4,000 kroner	2
From 4,000 up to 7,000 kroner	3
From 7,000 up to 10,000 kroner	4
Above 10,000 kroner	5

The total yield of the state income tax in the year ending March, 1904, was 5,421,956 kroner (£301,220). The total gross income of Norwegian state taxpayers for the same year was estimated at 248,225,609 kroner (£13,790,312). The total number of state income taxpayers in Norway in the year ending March, 1904, was 99,316, or 4.4 per cent of the total population.

Incomes under 1,000 kroner are free of state income tax. Above this amount a certain part of the income is always free of income tax. Persons liable to taxation are divided into four classes, according to the number of persons, beside the taxpayer's wife, to be supported, as follows: Class 1, those who have no one to support. This class includes companies and the like. Class 2, those who have from one to three persons to support. Class 3, those who have from four to six persons to support. Class 4, those who have seven or more persons to support. In the case of incomes exceeding 4,000 kroner per annum, the following amounts are exempted from paying state income tax: In class 1, 600 kroner; in class 2, 1,000 kroner; in class 3, 1,400 kroner; in class 4, 1,800 kroner.

The total national income is estimated at from 700,000,000 to 800,000,000 kroner (or from £30,888,888 to £44,444,444).

There is no system of differentiation within the income tax in Norway by which unearned income is taxed at a different rate from income from personal labor. Differentiation is, however, effected in practice by the operation of taxes on property and in a minor degree by death dues.

In the case of companies, the Norwegian income tax is levied at the source; but in the case of salaries, the tax is not deducted before payment. This tax is not assessed on a direct return by the individual taxpayer of his income from all sources, inasmuch as taxpayers make no returns on the subject; and incomes derived from companies, being leviable at the source, are omitted when assessing the individual taxpayer's income.

Assessments are made on the estimated income of the preceding year ending on the 30th of September last past. In cases of somewhat variable incomes an average of years can be taken as a basis of assessment.

The amount of a state income taxpayer's income from all sources, excepting that derived from companies, but including the probable income derived from personal property, is estimated by local municipal bodies appointed for the assessment of municipal taxes, and unconnected with the Government. The total income thus arrived at for purposes of municipal taxation is also used as the basis of assessment of state taxes. The same municipal body assesses the incomes of companies, which are taxed at the source, on the same principle as when assessing individual taxpayers' incomes. In making assessments on individuals, the municipal body calculates what they think to be his income. To this end they sometimes make inquiries of the taxpayer himself, or of other persons. The taxpayer is not bound to give information unless he wishes to do so. The assessments when made are published, and taxpayers are granted four weeks within which to appeal against the assessment.

On the whole, it is understood that the state system of income tax in Norway works satisfactorily.

Italy.

ROME, *July 1, 1909.*

1. There exists in Italy a system of income tax (tax on movables). It was established by the law of July 14, 1864, No. 1830. The income tax is not to be confounded with the house tax and land tax.

The revenue of a building is not to be considered as a source of income, but a special tax is imposed on it, viz, the "house tax." Likewise the land tax and not the "income tax" is imposed on the revenue of unbuilt ground or lands suitable for agricultural or other purposes. For instance, if "A's" only income is the sum of 800 lire, this being the amount of income he derives from a house, he does not pay the income tax, but only the "house tax." The same may be said in regard to income from land. The returns of the income tax are clearly specified in articles 3 and 4 of the "Testo Unico della legge." (Single law text.)

2. The Italian income tax actually but not nominally is graduated and is levied at different rates on both earned and unearned incomes.

3. It is levied at the source or is assessed on a direct return by the individual taxpayer of his income from all sources; that is to say, it is assessed on income wherever it may be found.

4. No fixed rule is prescribed for the tax collector to estimate the amount of the income either on estimated incomes for the current year, actual income for the preceding year, or an average of years. Availing himself of the authority conferred on him by paragraph 37 of the testo unico, he can make use of his discretionary powers by examining one year, or two, or an average of years. But with regard to limited and joint stock companies and other institutions or savings banks it is established in some cases that the assessment is to be made on the income of the preceding year.

5. Appeals are allowed. (Paragraphs 42, 46, 52, and 53 of the testo unico.)

6. No penalties are prescribed for incorrect or fraudulent returns.

7. As to the officials collecting these taxes: When the taxpayers' lists have been arranged and the assessments have been made definite, the collection of taxes is allotted by auction by the Government to private agents who acquire a right to attend to such a collection. This collection is intrusted to that private agent who offers to proceed with the various collecting operations with the least percentage. The percentage paid to the collector is divided among the taxpayers in proportion to the tax to be paid by them; therefore the Government collects the total amount of the income tax less the percentage allowed. The percentage offered by the agency that undertook the collection in the city of Rome was, at the last auction, 1¼ per cent.

The percentage is subject to alterations in different districts, according to the difficulties which are encountered in the collection.

8. The rate was originally, by the law of July 14, 1864 (No. 1830), fixed at lira 12 per cent, and successively was raised to lira 20 per cent.

9. The total amount of the income tax in the Kingdom of Italy was:

Year.	Land tax.	House tax.	Income tax.	Total.
	Lira.	*Lira.*	*Lira.*	*Lira.*
1904–5	99,600,257	92,716,507	300,671,606	492,988,370
1905–6	95,925,483	98,151,611	297,250,308	491,328,402
1906–7	88,640,000	94,200,000	268,259,000	451,099,000
1907–8	84,076,596	95,896,576	255,835,378	435,808,550

10. Income subject to tax, 1907:

	Lira.
Category a1	45,522,295.87
Category a2	206,803,582.84
Category b	329,104,589.21
Category c	118,083,817.57
Category d	56,684,032.54
Total lira	766,198,218.03

From these five categories the Government derived the sum of 156,844,887.88 lira.

The difference between this amount and the one given above is made up by other sources of income tax which do not appear in the five categories; for instance, business tax, income tax on the payments made by the Government to contractors who perform contracts for the Government, etc.

LAND TAX, 1907.

General proceeds of this tax, 238,436,141.64 lira.

HOUSE TAX, 1907.

General proceeds of this tax, 586,335,877.91 lira.

11. The number of income-tax payees, including their families, for the year 1907 was:

	Lira.
Income tax	1,210,717
Land tax	6,703,935
House tax	3,162,143

12. Income from property or investment is taxed at a higher rate than income from personal labor. The Italian law distinguishes four categories (art. 52 of the regulations issued in consequence of the royal decree dated July 11, 1907, No. 560):

a1. Interests and premiums of loans of provinces and communities, bonds to bearer at fixed rate of interest (active bonds) of companies based on guaranties and subventions of the Government, and premiums of lotteries of all kinds. Government debt is not included, for reason that a tax on income from this source was practically excluded in consequence of the conversion of the debt.

a2. All other incomes depending on investment of capital, namely, perpetual annuities, mortgages or other bonds, loans, either by verbal or written private agreements or under the form of bill of exchange.

b. The incomes for the production of which capital and a man's work concur—that is to say, the exercise of every industry and commerce.

c. The incomes depending exclusively on a man's work, i. e., the exercise of a profession or trade.

d. Wages, pensions, and salaries in money or in kind paid by the provinces and communities, salaries in kind paid by the Government, and the daily wages of the day laborers in the government establishments.

1. The tax on the income of category a1 must be paid on the whole income.

2. The tax on the incomes of category a2 is not imposed on the whole income, but on thirty-fortieths of it.

3. The tax on the incomes of category b is imposed on twenty-fortieths of the income.

4. The tax on the incomes of category c is imposed on eighteen-fortieths of the income.

5. The tax on the income of category d is imposed on fifteen-fortieths of the income.

13. The exemptions from the payment of the income tax are as follows:

1. Diplomatic representatives of foreign countries.

2. Consular agents, when neither native of the Kingdom nor naturalized citizens, provided they do not carry on business in Italy, and provided reciprocal treatment is granted in the country which they represent.

3. Military men on the active list in the army and navy below the grade of officer, as to their military fees.

4. The income from the state of the Crown and of the members of the royal family.

5. The incomes of the mutual-benefit societies, provided that such incomes do not accrue from nominal bonds or bonds to bearer. (Arts. 7 and 8, Testo Unico, pp. 14–15.)

The small incomes of categories b, c, and d, which, after making the deductions spoken of above in each of these categories, do not amount to a taxable income of 400 lira, are exempted from taxation. Articles 55, 56, and 57 of law No. 1830, of July 14, 1844, give particulars respecting the determination of the assessable income of certain kinds of incomes above 400 lira, but below 800 lira.

14. The income tax is collected by means of direct deduction effected by the state or by means of nominal lists (ruoli). The incomes the tax upon which is collected by means of deduction are quoted in article 11 of the Testo Unico. (Annexed document "a".)

The Government deducts the tax to be paid by a state officer from his salary instead of paying him in full. The same system is adopted for the payment of taxes on the certificates of the Government. The other income taxes are collected by means of the compilation of lists.

These lists are registers containing the names of the income-tax payers to whom the system of deduction can not be applied, viz, lawyers, physicians, manufacturers, tradesmen, etc., who are inscribed in the list for a sum which is presumed to be their income.

15. Inheritance taxes exist in Italy as follows:

	Per cent lira.
1. Between ascendants and descendants	1.60
2. Between husband and wife	4.50
3. Between brothers and sisters	7.00
4. Between uncles and nephews	8.50
5. Between cousins (brothers' and sisters' sons)	12.00
6. Between other relations and collaterals as far as the tenth degree, inclusive	13.00
7. Beyond the tenth degree and between strangers	15.00
8. In favor of benevolent institutions under the control of the Government	5.00
9. In favor of other institutions	15.00

A kind of proportion has been recently fixed by law of January 23, 1902, No. 25, according to the extent of a succession. A table is attached to that law fixing the proportions, which are, of course, favorable to small inheritances and unfavorable to the large ones, viz, from a minimum of 0.66 per cent to a maximum of 19.46 per cent. (See annexed law "B".)

Spain.

MADRID, *April 26, 1909.*

Spain has no income tax of the kind which exists in England, but the "impuesto de utilidades," described in the inclosed memorandum, is a tax upon certain kinds of income or net profits, and may fairly be described as a partial or limited income tax.

Full particulars in regard to it will be found in the inclosed pamphlet, which contains the law of March 27, 1900, now in force, and the regulations of September 16, 1906, issued in pursuance of that law.

In the budget for last year (1908) this tax represented 134,000,000 out of a total estimated income of 1,040,000,000. It may therefore be said to produce about one-eighth of the total national income.

Statistics as to the number of persons affected by this tax are not available.

It will be noticed that the profits from labor are taxed at a lower rate than those from capital and than those from labor jointly with capital.

SPANISH INCOME TAX.

The form of limited income tax which exists in Spain is known as the tax "on profits of movable wealth" (contribucion sobre utilidades de la riqueza mobiliaria), or more shortly as the "tax on profits" (impuesto de utilidades).

Its rates are as follows:

TARIFF I.—PROFITS FROM PERSONAL WORK.

1. Ten per cent of total salaries or fees of directors, managers, etc., of banks, corporations, etc.; of trustees and managers of property or estates.

2. Five per cent of total salaries, fees, or commissions of employees of banks, corporations, etc.; of insurance agents, of actors, bullfighters, etc. (salaries under 1,500 pesetas exempt).

3. On pensioners of the State, Provinces, or municipalities, from 15 to 20 per cent of their pensions.

4. On civil servants, from 10 to 20 per cent of their salaries.

5. On officers of the army and navy, from 5 to 18 per cent of their pay.

6. On employees of the provincial councils and municipalities, from 6 to 16 per cent of their salaries.

7. On registrars of property, from 10 to 18 per cent of their salaries.

TARIFF II.—PROFITS FROM CAPITAL.

1. On the annual interest of the Spanish state securities (with a few exceptions), 20 per cent per annum.

2. On the dividends of banks of issue (i. e., of Bank of Spain), 5 per cent per annum.

3. On dividends of railways and other companies of all kinds, 3 per cent per annum (except mining dividends, which pay 2 per cent).

4. On the interest of the debts and bonds of provinces, municipalities, and of banks and companies of all sorts, 3 per cent per annum.

5. On the interest of mortgage notes and loans, 3 per cent per annum.

6. On the interest of loans without mortgage, 3 per cent per annum.

TARIFF III. PROFITS FROM LABOR JOINTLY WITH CAPITAL.

1. On net profits of banks of issue (i. e., Bank of Spain), 15 per cent per annum.

2. On net profits of joint stock companies (except mining companies), in addition to tax under Tariff II on dividends, and of those of tramways, etc., 12 per cent per annum.

3. On net profits of railways, shipping and canal companies, 7 per cent per annum.

4. On societies for production and consumption (except those of workingmen) and on net profits of cooperative credit associations, 6 per cent per annum.

5. On the premiums of fire and property insurance companies, 2 per cent per annum.

6. On the premiums of life, accident, and maritime insurance companies, one-half per cent per annum.

It will be seen that this tax is not like the English income tax based upon the total incomes declared by individual taxpayers, but that it is levied upon a limited number of sources of income, and only upon those in which the tax can easily be deducted at the source, i. e., can be retained by the State or by some company or public body which is made responsible for prompt and accurate payment.

This tax will probably be modified by the measures for financial reform recently introduced into the Cortes.

Canada.

OTTAWA, CANADA, *June 7, 1909.*

In Canada all income taxation is confined to municipalities. There is no national income-tax law and no provision for a graduated income tax.

The assessment act of Ontario, however, provides that all real property in the Province and all income derived either within or out of the Province by any person resident therein, or received in the Province by or on behalf of any person resident out of the same, shall be liable to taxation.

There is no system of differentiation in force by which unearned income is taxed at a higher rate than income from personal labor, but the annual income derived from personal earnings or from any pension, gratuity, or retiring allowance in respect of personal service, to the amount of $1,000, is exempt, where such person is a resident and householder in a city or town; to the amount of $700, where such person is a resident and householder in any other municipality; to the amount of $600, where such person is a resident, but not a householder, in a city or town; and to the amount of $400, where such person is a resident in any other municipality.

The income of any householder derived from investments is exempt when it does not exceed the sum of $300. Rent or other income derived from real estate, except interest on mortgages, is exempt.

Income derived from business is subject to a "business assessment," graded according to the nature of the business, but based upon assessed value of land occupied. In certain prescribed callings, however, the income is additionally assessed to the extent to which it exceeds the amount of the business assessment.

One section of the law provides that "it shall be the duty of every person assessable in any municipality to give all necessary information to the assessors to properly assess him," and "any person who, having been duly required to deliver or furnish any written statement or information * * * makes default in delivering or furnishing the same * * * shall incur a penalty of $100 and an additional penalty of $10 for each day during which default continues. Any person knowingly stating anything falsely in any such statement or in furnishing such information shall incur a penalty of $200."

Where the income is not a salary or other fixed amount capable of being estimated for the current year the income of such person for the purpose of assessment shall be taken to be not less than the amount of his income during the year ending on the 31st day of December then last past.

Appeals may be taken from the findings of the assessors to the court of revision and from the court of revision to the county judge.

The following statement gives the assessed value of the real property, business assessments, and taxable income, together with total amount

of taxes, the average rate of taxes per head of population and taxation rate in mills on the dollar of assessed value for the year 1907, classified as rural (townships), urban (towns and incorporated villages), and cities.

RURAL.

Population, 1,045,640; real property, $587,619,115; business assessment, $4,622,690; taxable income, $2,832,831; total amount of taxes imposed for all purposes, $6,820,102; taxation per head of population, $6.52; and rate, 11.5 mills on each dollar of assessed value.

URBAN.

Population, 499,957; real property, $156,145,587; business assessment, $17,328,222; taxable income, $4,644,311; total amount of taxes imposed for all purposes, $4,203,766; taxation per head of population, $8.41; and rate, 23.6 mills on each dollar of assessed value.

CITIES (19).

Population, 654,766; real property, $321,518,357; business assessment, $40,230,783; taxable income, $14,039,181; total amount of taxes imposed for all purposes, $8,505,301; taxation per head of population, $12.99; and rate, 22.6 mills on each dollar of assessed value.

OTTAWA CITY, 1907.

Assessed population, 69,881; real property, $35,379,450; business assessment, $5,980,750; taxable income, $1,957,950; total taxes imposed for all purposes, $987,737; tax per capita, $14.13; and rate, 23.9 mills on each dollar of assessed value.

INHERITANCE TAXES.

Inheritance taxes are imposed in Ontario under the succession duty act (7 Edward VII, Cap., 10).

No duty is leviable on any estate the aggregate value of which does not exceed $10,000, nor on property devised for religious, charitable, or educational purposes to be carried out in Ontario, nor on property passing to a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law, or son-in-law of the deceased where the value of the property does not exceed $50,000.

Where the property exceeds $50,000 but does not exceed $200,000, the tax is graded from 1 per cent to 4 per cent, according to the value of the property; if it exceeds $200,000 value, the tax is 5 per cent, provided the property passes to the relatives above enumerated. These rates, however, are increased if more than $100,000 passes to any one individual. On property exceeding $10,000 value but under $450,000, the tax is graduated from 5 per cent to 9½ per cent; if the property exceeds $450,000, the tax is 10 per cent, provided the property passes to relatives of certain designated degrees of consanguinity. Property exceeding $10,000 value passing to other persons than those specially designated is subject to a tax of 10 per cent.

The net amount of revenue received by the Province of Ontario for the year 1907 under the succession duty act was $833,502.99.

New Zealand.

AUCKLAND, NEW ZEALAND, *July 22, 1909.*

(I am indebted for information to the Hon. George Fowlds, minister of education, and to Mr. P. Heyes, commissioner of taxes of the New Zealand government.)

I am sending under separate cover two copies of the "Land and income assessment act, 1908," the statute under which income tax is assessed and collected in this Dominion. I am sending also two copies of an excerpt from the Official Year Book, which contains a full description of the working and incidence of the income tax in New Zealand.

I am furnished by Mr. P. Heyes, commissioner of taxes in New Zealand, with information on the following points:

EARNED AND SO-CALLED "UNEARNED" INCOME.

"In New Zealand there is no income tax assessed on income from real property, owing to the land tax, which takes the place of income tax on income derived from land. The income of all joint stock companies is assessed at the rate of 1 shilling in the pound sterling, whereas a person or a firm is chargeable at the rate of 6 pence in the pound sterling on the first thousand of taxable income and 1 shilling in the pound sterling over and above this."

PAYMENT OF OFFICIALS.

"All officials engaged in the assessment and collection of income tax are paid fixed salaries as appropriated by Parliament. There is nothing approaching payment by results."

INHERITANCE TAXES.

These are assessed and collected by the stamp department at present. I am sending under separate cover two copies of the "Death duties act, 1908" and a form of statement giving a schedule of the duties.

The commissioner of taxes mentioned that "in 1905 the British Government called for full reports from all its representatives in its colonies, as well as its embassies abroad, concerning the incidence and working of the income taxes in force in different parts of the world, and these were published in full in the British Blue Book for 1905."

Saxony.

The direct taxation of incomes forms the chief source of revenue in Germany, and the whole method of securing accurate data on personal income is so admirably organized that the returns of the tax offices afford an exceptionally accurate view of the economic condition of the population and of the gradations of earning capacity.

The report of the tax office of Chemnitz for 1908 gives very detailed data on this subject, and their leading features are worthy of note, as they supply a tolerably fair idea of the range of incomes in one of the largest manufacturing cities of the Empire, and throw much light on the existing standards of life.

Out of a total population of 275,000 there were 111,381 whose annual income was over 400 marks ($95.20) and who were subject to tax. These were classified as follows:

	Persons.
Incomes between 400 and 800 marks	36,461
Incomes below 1,100 marks	25,941
Incomes below 1,600 marks	27,068
Incomes below 2,500 marks	11,625
Incomes below 3,400 marks	3,615
Incomes below 4,800 marks	2,693
Incomes below 6,300 marks	1,238
Incomes below 7,800 marks	671
Incomes below 10,000 marks	600
Incomes below 20,000 marks	848
Incomes below 30,000 marks	247
Incomes below 40,000 marks	112
Incomes below 50,000 marks	62
Incomes below 60,000 marks	43
Incomes below 70,000 marks	44
Incomes below 80,000 marks	20
Incomes below 90,000 marks	14
Incomes below 100,000 marks	12
Incomes below 150,000 marks	27
Incomes below 200,000 marks	17
Incomes below 300,000 marks	12
Incomes below 464,000 marks	8

A single person in the city has an income of over 1,000,000 marks.

The mark is worth 23.8 cents, but for the purpose of comparison it may roughly be estimated at 25 cents, and the above figures, divided by 4, give approximately the amount in dollars of the income in the various subdivisions.

Dividing the taxpayers into a few classes it will be seen that over one-half, viz, 62,402 have incomes of less than 1,100 marks, or $261.20. The number of those possessing incomes of less than 2,500 marks, or $595, is 100,695, or 90 per cent of the total number of taxpayers.

Seven thousand five hundred and forty-six persons have still higher incomes, but not exceeding 6,300 marks, or $1,500. In the next class, with a maximum of 10,000 marks, or $2,380, are 1,271 persons; in the following, reaching $11,900, are 1,269. The next class, ranging to $23,800, includes 133, while but 64 persons have a higher income than the last-mentioned figure.

The income tax in Chemnitz yielded $1,025,442 in 1908, an increase of $101,866 over 1907.

Panama.

[Law No. 32 of 1909 (February 16), by which is amplified and amended law 88 of 1904.]

The National Assembly of Panama decrees:

CHAPTER 1.

Taxes on real estate and movable property.

ARTICLE 1. The taxes mentioned in this chapter are imposed upon real estate and movable property, whatsoever may be the form in which it is found, in conformity with the following rates:

A. Five per cent on the probable annual income of city property.

B. Lots within the limits of towns shall be divided into three classes, which shall pay annually per square meter as follows:

"In the cities of Panama, Colon, and Bocas del Toro: The first-class, at the rate of B. 0.04; the second class, at the rate of B. 0.02; the third class, at the rate of B. 0.01."

[Ordinance No. 51 (July 8, 1908) respecting subsidiary personal work. The departmental assembly of Panama.]

CHAPTER 1.—*General provisions.*

ARTICLE 1. Personal service is a contribution imposed on all male residents of each municipal district between the ages of 18 and 70.

ART. 2. This contribution is of special application, and shall be entirely applied to the improvement of means of communication, to public works of the respective districts, and to the post-office service, the latter in those districts where it is indispensable.

ART. 3. The municipal corporations can not include in their budget of revenue a less sum for public works of the respective district than that noted in the budget of revenue as a product in money of the subsidiary contribution.

CHAPTER 2.—*On the formation of the lists.*

ART. 4. In each municipal district there shall be "a council of personal subsidiary work," whose duty it shall be to form a list of those obliged to render their personal service in accordance with article 1.

ART. 5. This council shall be composed of the following functionaries: The alcalde, who shall preside; the treasurer; and the municipal representative.

The secretary of the alcalde shall act as secretary.

ART. 7. For the qualification of the persons liable to pay the personal subsidiary tax, the council shall take into account that those pertaining to the first class are those who can contribute ten days' work per year. To the second class those who can contribute eight. To the third class those who can contribute six. To the fourth class those who can contribute four. To the fifth class those who can contribute three.

ART. 8. Those pertaining to the first class are the owners of haciendas, fincas, merchants, and, in general, all those who have an income or annual return from their work or occupation of $1,800. To the second class the owners of haciendas or fincas, merchants, and in general all those who have an annual income or return from their work or occupation of from $1,800 to $3,000. To the third class, those whose work or industry produces from $1,000 to $1,800. To the fourth class, those whose work, business, or industry produces $500 or more and under $1,000, and to the fifth class, those whose industry, occupation, or business produces less than $500 per year.

ART. 9. Those of the first, second, and third classes are under the obligation to pay for their services in money; those of the fourth and fifth classes in work, but they may also pay in money if they so desire.

Cuba.

MAY 12, 1909.

Properly speaking, there is no income tax in this Republic. A municipal tax, however, is laid upon the income value of property. This should rightly be considered a property tax, and differs from the similar tax in force generally throughout the United States in that it is imposed or assessed upon the actual income or the income value of property rather than on the assessed or sale valuation. Neither upon personality or the income therefrom is there any tax.

By an order issued by General Brooke, then governor-general of Cuba, on March 25, 1899, the taxes above described, theretofore collected by the State, were transferred to the municipalities, and the legislation now governing them is contained in the municipal law and the law of municipal taxation, which were prepared by the law advisory commission during the late intervention and were promulgated by Governor Magoon. Copies of these laws may be had upon application at the War Department.

Mr. LAMB. Mr. Chairman, I now yield twenty minutes to the gentleman from Indiana [Mr. Moss].

Mr. MOSS. Mr. Chairman, I regret that in the short time allotted to me I will not have time to make the discussion that I should like of the agricultural appropriation bill. I regret that in the consideration of the great agricultural interests of the people Members should apparently seem impressed with the idea that this is the proper time to discuss the question from a political standpoint rather than from the standpoint of agricultural science, and that on the part of some Members, especially on the majority side of the House, it should seem to be more important which party will be in control of the Nation than what disposition should be made of the funds supposed to be expended in the interests of the farmers of the United States. I am not in the habit of discussing questions from a political standpoint. I do not do that when I am standing before my people in my own district, and I do not want to fall into bad habits over here. If I were going to discuss this question from a political standpoint, I should be glad to call the attention of this House to the information which got into to-day's paper that the State Department, so far as our own Government is concerned, has surrendered to Germany upon the tariff question, and has decided not to press a just demand which has been made by the farmers of the United States to admit their products on equal terms with the rest of the nations of the world.

But, Mr. Chairman, I want to call attention to the disposition of this money strictly from the standpoint of the farmer. The appropriation bills by the committees of this House are supposed to be based on recommendations made by the heads of the various departments which expend this money; and before any item carrying the expenditure of public moneys is recommended to this House, the department desiring the appropriation must show why they desire it and what public benefit will come from its expenditure. It is thus recognized that public money must be expended strictly for public purposes; and when any item has been carried in appropriation bills for some years, the official having charge of its expenditure must be prepared to demonstrate what benefits the public have derived from the use of such public funds. For this purpose estimates are submitted to these committees by the various officials, and sittings of the committee are held, at which time these estimates are explained to the satisfaction of the committee; and when an item of an appropriation bill is attacked, the chairman of that committee usually defends it by referring to the estimates and giving the explanations of the chief who requested the appropriation. Thus the committee stands between the Treasury and the public officials who are ever ambitious to secure the largest possible appropriation. This is the only way in which honest and economical government can be secured and the people protected against extravagance and undue taxation.

The distinguished chairman of the Agricultural Committee and his colleagues on that committee have reported a bill to this House, recommending its passage, carrying in the aggregate very large sums of money; and so far, Mr. Chairman, as these various items are based on estimates prepared by the Agricultural Department, I have no criticism to offer. I am a farmer myself, and have given my life to the study of agricultural science and the practical arts which grow out of that science, and in common with every other farmer of the United States, I honor and respect the present Secretary of the Agricultural Department. His long and successful administration of his duties are alike honorable to him as an officer, to his occupation as a farmer, to his political superiors who have had the good judgment to select and retain him in his position, and to our whole country, whose prosperity depends in so large a degree upon the agricultural wealth of our Nation. I repeat, Mr. Chairman, that the farmers of our country have the highest respect for Secretary Wilson and his administration of the Agricultural Department of our Government; and any item in this appropriation which has the recommendation and indorsement of his department behind it should not be lightly challenged or attempted to be reduced or set aside. I have also high regard for the honorable chairman and members of this committee. No doubt but that they have brought great ability and industry to bear upon the work of preparing this measure; but, Mr. Chairman, I desire to call the attention of this House to one item in this bill carrying a very large sum of money which is not based on any request or recommendation of any official in that great department, and which is not justified by any report which has been written by the official charged with the expenditure of these large sums of money.

I refer, Mr. Chairman, to the item appropriating $309,590 for the purchase of miscellaneous seeds, bulbs, trees, vines, cuttings, and plants to be expended by the Bureau of Plant Industry in the Department of Agriculture. This is no new item, but has regularly appeared in every appropriation bill since 1865, until the total appropriation for this purpose has exceeded $5,500,000. And now, after a lapse of forty-five years, no Member of this House can produce a single report written within the past ten years by a member of the Agricultural Department defending this appropriation or asking that this work be continued. I hold in my hand the report of the hearings of the Agricultural Committee on the items of this bill, and not only is there not any statement of the benefits which come from the expenditure, but there is a distinct charge that the valuable work of the department, in one instance at least, has been halted and interfered with by an effort on the part of Congress to protect and extend this free distribution of seed. I read from the statements of Mr. Galloway, pages 69–70:

Mr. GALLOWAY. There is just one little matter that might be referred to, because the question might come up, and perhaps you would like to be informed on the subject. There was carried in the appropriation for seed for a number of years an item authorizing us to expend a certain portion of that money for forage-crop work. Under that we were carrying on quite successfully a number of projects which were yielding very satisfactory results.

The work was conducted in this fashion: We were securing, to the best of our knowledge, types of forage crops which might be sent into a community and placed in the hands of individual farmers who were acting with us and oftentimes cooperating with the stations and fixing a definite cropping system in that particular locality. We were spending about $30,000 in that work without any detriment whatever, without taking anything at all from the usual congressional fund for the ordinary congressional seed. Last year, in order to have that item set out more distinctly, we segregated it as a special thing. Some one, probably thinking that the congressional seed distribution was going to be invaded, cut it, and it went out, or was changed to $10,000 instead of $30,000.

There we have the expressed statement that a valuable line of investigation of the department relating to forage plants which was yielding satisfactory results was cut out and crippled for fear on the part of Members of Congress that the congressional seed distribution was going to be involved; so that, in this instance at least, this congressional distribution was a detriment to the work of the department and an injury to the agricultural interests of our country, and this statement was not challenged by any member of the committee, nor did any member of the committee have the courage to ask Doctor Galloway his opinion of the congressional seed distribution. A Member of this House did ask Doctor Galloway to express his opinion of the congressional seed distribution, and as the committee failed to take advantage of their opportunity to secure a later expression from him concerning the value of this expenditure, I will read his opinion as given in 1906, which is the only official statement that I can find having reference to this phase of the department's work:

As to the value of this miscellaneous distribution of garden and flower seeds, it is very difficult to state what it may be. There is little doubt in my mind that such distribution accomplishes more or less good. Very few reports are received, however, and in the nature of the case it is impossible for us to use any but standard varieties in the distribution, because the quantities required make it impossible to use the rarer sorts. When this distribution was first undertaken, a great many years ago, there is no doubt that it accomplished much good, because at that time the seed industry was not as thoroughly organized as it is to-day. The practice of ordering through the mails from seed catalogues was not then in vogue and it was extremely difficult for persons living in isolated localities to secure good garden seeds. This condition has changed, however, and to-day it is quite possible for anyone to buy garden seeds of the same varieties as we distribute.

There is here no claim that seed of new or superior merit is distributed; but, on the contrary, it is expressly stated that it is impossible for the department to use these valuable varieties. I shall give this House a list of the varieties now being distributed, which will amply sustain the doctor in that statement; but at the present moment I desire to call attention that the committee in recommending this expenditure to Congress is not acting on the suggestion of Doctor Galloway that conditions have changed so as to make this appropriation neither necessary nor economical. But, Mr. Chairman, I desire to read another portion of the doctor's statement:

(C) THE INTRODUCTION AND DISSEMINATION OF NEW AND PROMISING SEEDS AND PLANTS FROM FOREIGN COUNTRIES.

This work, conducted as a part of the general seed and plant investigations, is one of the most important branches of the department. In the last five years a number of new things have been brought in and established as distinct industries.

I consider the work under the two last heads, namely, the securing and distributing of new or little-known varieties of field, forage, and other seeds, plants, etc., found in this country, and the securing and distribution of seeds and plants, etc., from foreign countries of the utmost importance to American agriculture. I believe that the total amount now authorized for the entire work could very well be devoted to these problems.

Mr. CANDLER. Will the gentleman yield?

Mr. MOSS. With pleasure.

Mr. CANDLER. I desire to ask the gentleman if he is opposed to seed distribution?

Mr. MOSS. I will try to make my position plain before I get through.

Mr. CANDLER. Have you sent out your seed for this year?

Mr. MOSS. Before I get through I will take up that question and try to make my position plain to the gentleman.

Mr. CANDLER. If you have any to spare, I would like to have them.

Mr. MOSS. Here is a work, entirely separate and distinct from the congressional seed distribution, which the Doctor urges as of the utmost importance to American agriculture, which is giving splendid results and bringing wealth to the American people and honor and satisfaction to the Agricultural Department of our Government. This work not only has this emphatic indorsement but is one to which he says the total amount now authorized for the entire seed work could very well be devoted. In this position Doctor Galloway has the support of every farmer and friend of agricultural development in our country. Then, why did not the committee follow the Doctor's suggestion? Why not spend the money when it is bringing good results and stop the expenditure where it is bringing no practical results?

I desire to call particular attention to the fact that of all this vast quantity of seed—250 carloads—not a packet is sent out to any citizen on his personal request to the Department of Agriculture. I ask the chairman of this committee why it is that seeds which are purchased out of public funds, to be given away by public officials, that no citizen can obtain a packet except by the courtesy of his representative in Congress? I am told that on an average 20,000 citizens of the United States make application for seeds to the Department of Agriculture every year, and that they are refused. Why is it that they are not supplied? I shall read a printed form which is sent to every such applicant:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., —— ——.

Replying to your request for ———, I regret that the department is not in position to comply with the same.

Assuring you that we would be glad to meet your wishes in this matter if it were in our power to do so, I remain,

Very truly, yours,

B. T. GALLOWAY, *Chief of Bureau.*

The hearings of the committee show that the department prepares 250 carloads of seed for free distribution, and yet under these conditions the department writes to the taxpayer who has applied for a share in this distribution:

I regret that the department is not in a position to comply with the request, but assure you that we would be glad to meet your wishes in this matter if it were in our power to do so.

Why is it not in their power to comply with these requests? In any other department of our Government this condition would be considered a scandal.

Mr. COCKS of New York. Will the gentleman yield?

Mr. MOSS. I would like to, but I see that I have only ten minutes left.

We have in this item a large appropriation of the people's money voted away by Congress, with the express stipulation that five-sixths of it shall be turned over to the Members who authorize this expenditure, to be sent out on their personal demand and without any accounting or report to any public authority. In the whole disbursement of this fund all the report that is required to be made by any authority is that the Secretary of Agriculture shall report the time, the place, the quantity, and the price of the seed purchased. Not even the varieties are demanded. And under this general provision I find that we are purchasing and distributing mustard seed. What a benefit it must be in these days of high-priced food products, when American workingmen for the first time in the history of our Republic are forming clubs and refusing to purchase plain articles of food on account of the exorbitant prices. What a favor, I repeat, it is that their Representative in Congress can send some of them mustard seed without cost to anybody except the taxpayer. And while the clerks in the Bureau of Plant Industry are busy making up packages of mustard seed the clerks in the Division of Publications are sending out circulars giving the latest scientific methods of eradicating mustard plants in grain fields. Bulletin No. 41 of the Agricultural Department says that mustard is a well-known and very widely distributed weed pest and one which is very difficult to eradicate when once introduced, but that it can be destroyed by spraying with a solution of iron sulphate.

I do not know which costs the taxpayer the greater sum, the bulletin or the packet of mustard seed—the poison or the antidote—but we have, in this instance, an example of how mutually helpful different departments of our Government may become if well organized; and while the one department is scattering the seed of this "well known and widely distributed weed pest" the other department is busy sending out instructions how the plants may be killed as soon as the seed germinates if unfortunately they should happen in a moment of carelessness to be sown. I shall request, Mr. Chairman, that a copy of this bulletin be included with every packet of mustard seed which is sent into my district, and if that is an act of extravagance you will have to make the most of it. And as a very large number of the Members of this House do not have the advantage of practical experience on the farm, I would be tempted to advise the members of this great committee to make this provision a condition precedent to the distribution of mustard seed if I did not possess confidential information that a reform is contemplated. I was told by a clerk connected with the congressional seed distribution that a former official in the service was very fond of mustard and, becoming enthusiastic in behalf of his favorite plant, had purchased a large quantity of mustard seed and began its distribution, and that the custom had since been continued. "I was born on the farm and therefore I am willing to admit," continued my informant, "that I would consider it an insult to be sent a packet of mustard seed, and when the present distribution is over, I'll be d—d if I will send out any more mustard seed." And in view of this very emphatic resolution, I will not insist that the committee act on my suggestion.

Under the distribution now in progress I have been notified that I had been allotted 20 packages of flower bulbs. As my wife does not devote all her time working in the garden, I could not use all these bulbs myself, and as there are more than 63,000 voters in my district, I was naturally puzzled to know why I was given 20 packages of bulbs to distribute among 63,000 voters. Assuming that there were 20 bulbs in each package, I found that I would have to divide each bulb into 157 pieces to make an equal distribution. So I appealed to the department for wisdom, and I asked the question, "Why am I given 20 packages of bulbs to distribute among 63,000 voters," and I was answered, "Because Congress ordered it done."

I was told further that these bulbs were grown in Holland, and were purchased there because they could not be grown in America. So it seems that in this instance we are not even patronizing American industry. The same may be said about much of the seed purchased, as considerable quantities of it is grown abroad. The only question asked is the price, and if seeds grown in foreign fields can be secured cheaper than those grown at home, the foreign-grown seeds are successful in the price contest. Of these 20 bulbs in each package I was told that some of them are exotic and will not reproduce themselves in our soil, and that when they once flower the plant dies. And yet the public funds are voted out and sent away to foreign lands to purchase these rare bulbs to be given away to the very select few in the inner circles of congressional favor, with the knowledge that with some of the bulbs so purchased the flower can only once be produced with no hope of the resurrection. Of what permanent advantage, Mr. Chairman, is the purchase of 20 packages of Dutch bulbs to the taxpayers of my district?

I have been informed that I would have to my credit 150 strawberry plants, and by computation I find that I could distribute 1 plant to every 420 voters of my district. Again, I asked the question, Why do you send 150 strawberry plants to be equally distributed among 63,000 voters? And I was answered, Because Congress wanted it done. I have considerable expert knowledge of strawberry growing and of the useful varieties of strawberries. And so I asked to be given the varieties which were being distributed. Here are some of the rare (?) plants which are available to be sent to the select circle of congressional friendship: Crescent, Sharpless, Michels Early, Warfield, Bubach, and other like varieties. Sending Crescent strawberry plants is an insult to any horticulturalist of education and experience. I do not know which is the greater imposition on the intelligence and forbearance of an educated citizenship—sending out Crescent and Sharpless strawberry plants or mustard seed. I would prefer to be sent the mustard seed, provided the bulletin was sent at the same time, as I would get equal value with less work. It is not necessary to give the entire list; there are none which can not be purchased in quantity at $2.50 per thousand plants; and many of these varieties are worthless as a gift.

I also received notice that I would be given 40 grapevines. That is one vine for every 1,570 voters of the district. And when I repeated the question, Why do you give me 1 grapevine for every 1,570 voters in my district? the same old answer came back, Because Congress wanted us to do so. And wishing to know what varieties of vines I might be able to send out to my very dearest and closest friends, I was told that I could secure vines of the Concord, Ive's Seedling, Delaware, Martha, or Moore's Early. Years ago, when we purchased our

plants in quantity, these vines would have been furnished by any Indiana nurseryman for $3 per hundred vines. I can not give the wholesale price at the present time.

Mr. Chairman, I shall not take the time of the committee longer to show the common varieties of seed, bulbs, plants, and vines sent out; sufficient has been said to prove that this expenditure can not be justified on the ground that new and valuable seeds are furnished so that the whole country may ultimately share in the benefits which would come from any marked improvement of seeds. Nor can there be any claim that the Government is furnishing all the seed used by the people of the United States—but only a few varieties of seed to a very few citizens; so that all bear the expense and but few receive even the poor benefit which may come to those who are thus favored.

I called attention, Mr. Chairman, to the remarkable fact that this appropriation has been carried year after year without any recommendation in its favor by our Agricultural Department; and I desire to add that after a personal visit to the Bureau of Plant Industry I failed to find any subordinate officer who would speak a good word for it. I now desire to call attention to the fact that the farmers of the United States have placed themselves on record against it. I hold in my hand a resolution adopted by the Indiana State Grange condemning this expenditure. This resolution was sent to me by Mr. F. J. S. Robinson, of Cloverland, Ind., a high official in that order, a neighbor and constituent of mine, with the statement that this resolution had been indorsed by the National Grange. I now present a similar resolution which has been adopted by the National Farmers' Congress. This resolution was handed me by the President of that organization, Joshua Strange, of Marion, Ind., who stated that it expressed his personal conviction in the matter, as well as the sense of the organization.

I now read:

Resolved, That we reaffirm our opposition to the system of seed distribution as now conducted by the Federal Government. We recommend that the money now expended for seed distribution be used for maintaining American seed and plant explorers in other countries, under direction of the United States Department of Agriculture, and we recommend the distribution of promising new varieties of seeds and plants among the agricultural experiment stations of the country for practical test. (Session of 1907.)

What higher authority can be given to show the attitude of farmers on this subject? The National Grange has a membership of more than 1,000,000 farmers, widely distributed over the United States; it is the oldest and most conservative organization of the agricultural population of our country, and its pronouncements carry the weight of authority. The National Farmers' Congress is a great organization, composed of delegates who pay their own expenses. They are a body of public-spirited citizens, in full sympathy with agricultural pursuits and intelligently devoted to the public welfare. I have in my possession a large number of letters from individual farmers, every one breathing opposition to this expenditure. I feel, Mr. Chairman, a sense of pride, as a farmer, in being permitted on the floor of this Congress to present these resolutions and letters; they are protests by farmers themselves against this extravagant and useless expenditure of public funds which has been made in their name and supposedly in their interest. My purpose is to clear the good name of the members of my calling against this prostitution of public moneys to private purposes and to serve notice on the membership of this House that if this item is carried in future appropriation bills it must be done with the full knowledge that agricultural intelligence has outgrown such petty statesmanship and condemns such petty favors.

Connected with this subject, Mr. Chairman, and partly caused by it, is the deficit in our postal department. Doctor Galloway estimates that the quantity of mail matter originating with the congressional seed distribution is 250 carloads. This vast tonnage is carried without the payment of postage, and thus constitutes a charge on the postal revenues. The President has recommended a raise in the rates on newspapers and magazine publications to meet the deficit in our Postal Department. There is also a strong hint about retrenchment in the rural delivery service; and it can not be denied that the Post-Office Department, during the past year, failed to establish as many new routes as the appropriation would have permitted the department to establish if the entire appropriation had been expended for that purpose. In the editorial columns of the Rural Free Delivery News of January, 1910, a statement is made that the department established only 492 new routes out of an appropriation ample to sustain 1,240 full 24-mile routes for one year. Here is a loss of 748 possible routes in one year. Any reduction in the extension of rural service or raise in the rates on second-class mail matter is in reality a tax on the rural population of our country. In both of these recommendations, if enacted into law, the loss will fall heavily on our rural population. We who are so fortunate as to live beyond the congested centers of population do not receive our daily papers by carriers, or go to the libraries to read our favorite magazines. They are now brought to our doors by the Post-Office Department at fair rates of postage. The publishers have met the situation with like good judgment, and any daily paper now published in the State of Indiana is delivered 313 days in the year for $3 per subscription along rural routes; and as a result, 85 per cent of the farmers in my district are readers of daily papers, and practically all of them readers of magazines. And if the majority of this Congress believe that these patrons will be willing to receive tons and tons of junk which is franked out free through the mails in exchange for higher rates on mail matter or anything halting in rural delivery service, you are acting on bad information or false conclusions.

I stand here pledged to all proper measures of economy. The country has general information of gross extravagance in the management of our governmental affairs; but we are under great obligations to the gentleman from Illinois [Mr. MANN] for his specific statement that it is easily possible without any crippling of efficiency in the public service to save $2,500,000 annually in our Treasury Department. And if it were not for the fact that this statement was made for the express purpose to secure an additional appropriation of $25,000 to hire other high-priced clerks to teach those we now are paying large salaries to conduct public business, I would feel hopeful that we are at the beginning of a much-needed reform. But I must confess, Mr. Chairman, that I am from Missouri on any proposition to save money which begins by hiring more men to do the same work. Why not dismiss the incompetent clerks you have employed and pay their salaries to these new men? We at least could not lose by this procedure. Out in Indiana we have ample experience in this particular brand of economy. We have employed one set of officials to do the work of others until there is no vacant room in the statehouse, and we have an army of officials going over the State teaching high-salaried officials to perform their legal duties. I am opposed to that plan of economy; and I suggest that it is a better policy to cut off expenses at the paymaster's desk. The people of the country are forming clubs pledged to reduce living expenses by refusing to spend money; and whatever may be the final result of their organization, it can not be denied that they have set our body a good example. If you wish to economize, the way to do it is to refuse to spend money; and I shall propose at the proper time an amendment to strike out this item from the bill.

I desire also, Mr. Chairman, to call brief attention to another expenditure of the Agricultural Department, which, while not authorized by the pending bill, is a work carried on by the Agricultural Department and paid for out of the Public Treasury. I refer to the meat-inspection service of the Bureau of Animal Industry. This work was authorized during the Roosevelt administration, and the recommendation of the President was that the expense should be paid by the industry benefited. The beef trust was powerful enough to defeat this good counsel of the President, and an appropriation of $3,000,000 a year was made on the Public Treasury, and the taxpayers have been paying the bills. Since that time our exports in meat products have been rapidly falling off, and the price of domestic meats have become so high that American citizens who crave meats and have been used to putting meat on their tables three times a day are organizing a boycott against the use of meat as a food product. I hope that the law which was so recently invoked against Gompers and his associates for refusing to purchase stoves and ranges will not be appealed to by the beef trust to compel the American people to pay the price. I am not a lawyer, but I can see but little distinction in the action of advising laboring people to refuse to spend their wages to buy meat and to advise them not to buy stoves; but I do know, Mr. Chairman, that at the present moment the American workingman is taxed to pay for the inspection of meats which wages will not permit him to eat or to set before his family and that such a charge can not be justified in right or in justice.

The President in his original message estimated that the charge could not exceed 8 cents per animal inspected, and if this charge were to be shifted from the taxpayer to the packer it would not reduce the margin of profit much below the rate of 35 per cent on the capital invested for a period of ten years, which report has been made by one of the great packing companies. What justification can be given for the Government making a microscopial examination of the food products of a private industry at public expense and certifying the results to the public so that these products can enter the market to a

better advantage? Why not compel the packers to guarantee their own products and make them amenable to the criminal law for failure to obey the pure-food statutes? But whatever the substitute policy may be, I insist that the taxpayer should not be compelled to pay inspection charges on a product which monopoly has placed beyond his ability to purchase and consume. If you place this matter on the ground of protection to the public health, it is a pretty severe tax on the credulity of a man to believe that his health is endangered by a food product which he can not consume or place before his family as an article of food.

I have thus in an imperfect manner indicated in two definite instances where large sums of money may be saved to the Treasury and the burdens of government lightened to the people; and I have no doubt but that others better informed can cite many additional instances. I have refrained from discussing this question from a partisan standpoint, but I wish to call attention to the fact that the expenses of our Government during the Fiftieth Congress, under Harrison's administration, was, in round numbers, $794,000,000, while for the Sixtieth Congress, under Roosevelt, it had risen to $2,052,000,000.

This vast increase is not justified. In many instances these increased expenditures are no better than embezzlement of public funds under the protection of law. Special privilege should be stricken from the appropriation bills as well as from our general statutes—and the instances here cited are flagrant examples of special privilege—of spending public moneys contributed by all the people for the special benefit of a part of our people. I do not favor a cheese-paring policy which will halt the progress of our Nation. But, Mr. Chairman, economy in public expenditures is the broad road to progress. Our growth as a Nation is now halted in many directions, because our wasteful extravagance has emptied our Treasury. Our people are demanding the improvement of our rivers, the extension of rural free delivery, assistance to good road building, extension of our national-forest area, the better conservation of our national resources, a reduction in taxation on the necessary articles of living, and a resumption of that good old policy of our fathers—the gradual payment of our national debt. I would rather vote for these measures than to create new commissions to investigate why the rich are getting richer and the poor becoming poorer, and then sell bonds to pay the cost of the investigations.

In conclusion, Mr. Chairman, a word as to high prices. The President, in his annual message, says that the production of our farms have not kept pace with the increase in our population. I have had prepared for me by the Agricultural Department a statement of the per capita production of wheat and corn since the civil war. The results are as follows:

Year.	Bushels of wheat per capita.	Bushels of corn per capita.
1869	7.5	19.7
1879	9.2	35.0
1889	7.5	33.9
1899	8.7	35.1
1905	8.4	32.8
1906	8.8	34.9

Unfortunately for the years 1907 and 1908, the population of Hawaii and Alaska were included without adding their production. The result, of course, would be to lessen the per capita yield. The result is of no value for comparison, yet I will give it:

Year.	Bushels of wheat per capita.	Bushels of corn per capita.
1907	7.4	30.2
1908	7.6	30.2

It will be noticed that in wheat there has been no reduction in production per capita; nor has there been in corn. These are the two great bread grains, and high prices can not be charged to failure of our farms to produce the grain. There are no statistics of value, so far as live stock is concerned, except as taken from the number of animals marketed in the great live stock centers. As vast numbers of meat animals are slaughtered in private slaughterhouses and in smaller markets, these figures are worthless for comparison.

This fact is undeniably true, that we are now producing more—both grain and meat—than our own people can consume, and the table given shows that our per capita production in 1899, a period of low prices for food products, was practically the same as for the latest year in our table, 1906. To bring this point out clearer by comparison, I will place the two years together:

Year.	Bushels of wheat per capita.	Bushels of corn per capita.
1899	8.7	35.1
1906	8.8	34.9

The man who can prove from these figures that prevailing high prices of food products are caused by production failing to keep pace with the growth in population is a better mathematician than I am. In his speech before the Manufacturers' Club at Philadelphia January 26, Secretary Wilson said: "It costs more to get the common necessities of life in the United States to-day than in any other country of the world." To explain this situation we have the general cause of a large increase per capita in our volume of money together with the special cause of monopoly.

A system of special privilege was overthrown in our Government by the civil war; and, however severe an indictment may be truthfully presented against the efforts of our civilization of that system, it must be conceded that it enthroned white women as queens of their households and protected the virtue of the womanhood of our race from barter and sale. The overthrow of that system was followed by the upbuilding of another system of special privilege, which has enhanced the power of money in our civilization; and in the long years which have passed since 1865 this system of privilege has gradually strengthened until it now threatens the home life of our Nation. It has caused a struggle for food among our people in the midst of plenty; it has reduced the savings of the workingman until it has robbed thousands of the hope to own a home in which to shelter his family; it has driven woman from the place which God gave her in the divine plane of creation into the ranks of those who work in shops to earn their daily bread. All this it has accomplished. And if we are to believe the terrible revelations made by those who have investigated the white-slave traffic, the wealth which would support the happy homes of those who create it, could they receive it, is being used by him who has possession without having given value received to purchase the virtue of women of his own race and to drive the white girl as well as the black into a slavery more terrible than the punishments of hell. A system which can work these results; which can produce from virtuous seed within the life of one generation, a civilization so foul that when its inner blackness was uncovered by a commission appointed by President Roosevelt to study the home life of our Nation, that the printed edition of that report was exhausted so quickly as to be open to the charge of having been suppressed; a system, I repeat, which can produce these results in the life of a free self-governing Nation would gather sufficient strength sooner or later to control the price of the food products of that Nation.

Mr. LAMB. I yield twenty minutes to the gentleman from Mississippi.

Mr CANDLER. Mr. Chairman, on March 24, 1908, when the bill making appropriations for the Agricultural Department was pending, I made the following statement in a speech delivered on the floor of this House:

"During the Fifty-ninth Congress I was a member of the Agricultural Committee. I was placed there upon the recommendation of the minority leader, the Hon. John Sharp Williams, upon the written request and indorsement of 101 Democratic Members out of a total Democratic membership of 137 in that Congress. During my service upon that committee I discharged every duty devolving upon me with the utmost fidelity and in accordance with the conscientious convictions of my own heart. During that service I came in direct conflict with the seed trust, which sought to have the provision making appropriation for the seed stricken from the bill. It was stricken out in the committee, but was restored in the House upon an amendment offered by me. But for the adoption of my amendment, or one like it, no farmer in this whole country would have received a package of seed from his Member of Congress or Senator, and no lady in this broad land would have received a package of flower seed. While a member of the committee I also helped frame the meat-inspection law, which requires the beef trust to furnish the people pure and wholesome meats.

"I insisted that the bill be specific and effective. There were some provisions which Mr. LAMB of Virginia and Mr. BOWIE of

Alabama and I thought ought to go into the bill to make it the more effective, but which were left out of the bill when reported from the committee. We therefore made a minority report, and two out of the three provisions we contended for were adopted by the House. I also favored appropriations, within constitutional limitations, for good roads. Since I have been in Congress I have done all I could in the interest of rural mail delivery and all the mail facilities for the people. In other words, without going further into details, as a member of the committee and as a Member of Congress I have favored such measures as I honestly believed would be most helpful to the farmers of this country, believing, as I do, that when you contribute to the prosperity of the farmers you at the same time help every other vocation, trade, calling, profession, and interest in the land. At the beginning of this session of Congress the Speaker, in the exercise of the power conferred upon him by the rules of this Republican House, removed me from the Agricultural Committee and assigned me to other committees, although I was again recommended for membership upon the Agricultural Committee by the minority leader [Mr. Williams], and although Mr. Williams vigorously protested against my removal and although I am assured my continuance upon the committee met the unanimous approval of all the Democratic Members. [Applause.]

"My removal from the committee, however, has not diminished my interest in the agricultural people nor cooled my ardor to labor for their welfare. The Speaker had the power to take me off the committee, but, thank God, he has not the power to prevent me from being heard upon this floor. [Applause.] The only power which could thus close the door of opportunity to me is that exercised by the patriotic, chivalrous, noble, and loyal Mississippians who live in my district; and until they demand my retirement I shall continue to work earnestly and faithfully for them and to speak out boldly for their interests and the interests of the people of my beloved country. [Applause.] I am a candidate for reelection, and to my people I shall appeal for their indorsement and a vindication of my record at the ballot box, and I have no doubt as to what the result will be." [Applause.]

After I made this statement I understood that my advocacy of the Appalachian Forest Reserve and for increased appropriations for agricultural schools were other matters which militated against me and contributed in some degree to bringing about my removal from the Committee on Agriculture. Therefore on all of the above-mentioned issues, as well as upon my whole record in Congress, I was a candidate for reelection to this the Sixty-first Congress, and did appeal to my people for their indorsement and a vindication of my record at the ballot box, and in every speech which I made during the campaign I presented and argued the above-mentioned questions especially, and presented my record and asked my constituents to give me their indorsement in no uncertain tones [applause], and in the primary election which followed I received the decisive majority of 2,814, being the largest majority I have ever received; carried 109 out of 134 voting precincts and 8 out of 9 counties, losing only the home county of my distinguished and able opponent by the small margin of only 20 votes. [Applause.] Therefore I know I am in Congress with my course on the above-mentioned matters, as well as my whole record, fully indorsed and approved by a large majority of my constituents, and to one and all of the people of my district I am profoundly grateful and thankful. I believed then, and certainly have reason to know now, that in what I have done and said as their Representative in Congress I voiced their sentiments and carried out their wishes and views, and in doing so I was then, and am now, happy and content, for I much prefer to truly and honestly represent my people and have their confidence, esteem, and approval than to misrepresent them to gain favor here, if I could thereby have the approval of the Speaker of this House with the highest committee assignments at his disposal. [Applause.] His power seems, from the signs of the times, to be gradually slipping away from him and growing less, and may God speed the day when a Democrat will take his place, when the majority on that side of the House, under a righteous public opinion, may fade away and this side of the House increase, and thereby secure the election of a Democratic Speaker, who, I trust, will be a true representative of the American people and a man who will look after their interests and their welfare; and I know of no man in whom we can place greater confidence or who would be more acceptable than the minority leader, Hon. CHAMP CLARK, of Missouri. [Loud applause on the Democratic side.]

I shall faithfully, efficientiy, honestly, and promptly represent and serve my people so long as they honor me with their commission, and I trust thereby to continue to merit and receive their approval, commendation, and confidence. My conception of the duties of a Representative is expressed in the word "Representative." I believe a Member of Congress should in deed and in truth represent his people; should represent their views, their wishes, their sentiments, and their opinions, and thereby subserve their best interests. When he can not conscientiously do so, he should have the manhood and courage to retire. Since I have been in Congress I have cast every vote as I believed in my heart a majority of my people would vote themselves if present here to do so. I have not uttered a word or sentiment but what I have earnestly believed I was voicing their sentiments and expressing their views. I may have made mistakes, but if so, my God knows it was an "error of the head and not of the heart" [applause] and so long as I have the honor to remain the Representative of the first district of Mississippi I shall continue to work and vote and speak for those things which I believe to be for the interest of all the people I represent and the glory of the country. [Applause.]

I was not elected to Congress to represent the Speaker of this House or his views. He could not be elected from my district if he lived there, because my people do not agree with his policies or his views. [Applause.] Therefore I do not represent the views of the Speaker, but represent the views and the interests and look after the welfare and the prosperity of my people as best I can. They believed I had the ability and courage to do so, and they had confidence in me, and therefore they conferred upon me their commission. So I say to you frankly upon the floor of this House to-day that I will be removed from every committee at the disposal of the Speaker before I will misrepresent or prove false to my people. [Loud applause on the Democratic side.]

If by reason of faithful service to the people I receive the disapproval of the powers that be on this floor, I consider it a compliment, and with truth, honesty, and faithfulness as my guiding stars, I shall press onward, conscious of having done my full duty to my people and to the country. I do not belong to any cliques, rings, machines, or combinations here or elsewhere, and I never have and never will "wear any man's collar." [Loud applause.] I am the servant of all the people in my district and anxious at all times to be useful to them, and I am never happier than when I am doing something for them. [Applause.]

I never get greater pleasure out of life than when I am able to scatter sunshine into the pathway of somebody else. [Applause.]

The smallest soul in all the world is possessed by the man who is so full of egotism that he is wrapped up in himself, while the man with the greatest soul in all the universe is the one who continually, like the "Man of Galilee," seeks to help and bless somebody else and contribute to the prosperity and happiness of others. One of my sins when I was removed from this great committee—and I consider it one of the greatest committees of this House—was that I was in favor of increased appropriations for agricultural schools. I wish there was a school accessible to every child in this country. I want to educate the youth of this great Republic. A man could not bring greater blessings to humanity than to devise means to cultivate the minds of the youth of this Nation; open the door to them to knowledge and let them learn, not only about the Nation and the country, but let them study the mysteries of the past and the problems of the present as they unfold, as we travel forward in the pathway of the future. Let them realize what a great country we possess and create patriotism in their hearts, and it will make them better citizens and more useful by reason of the fact that they have been permitted to acquire knowledge which may be furnished to them in the schools of the country. [Applause.] I believe that there is nothing more important than the cultivation of the mind except the salvation of the eternal soul. [Applause.] As so I believe that we should prepare a way to cultivate the mind and teach, as best we can, the youth of the country the benefits and joys which come from the acquisition of knowledge, and the good mothers, I am sure, will impress the importance of the eternal destiny of the soul. And because I believe in that doctrine and because I believed in these principles I did stand for an increased appropriation for the agricultural schools of the country, because I wanted to help the cause and benefit the youth, and I stand here to-day voicing the same setiment. I have heard that it was the policy which I advocated that also contributed to take me from the Agricultural Committee.

I want to tell you what my policy was. My policy on that committee was to develop and build up all the country. Especially did I have in view the development of the agricultural interests of this country, because I believe in developing those interests we help every trade and calling and profession in this

broad land. I collected year after year the appropriations which were made for the other departments of the Government. I contrasted those appropriations with the appropriations for the Department of Agriculture, and I showed that the Government was doing many, many times more for brass buttons and for show and for armament of warfare than it was doing for the peaceful pursuits of this country, in helping the agricultural interests of the land, and that may have been another reason why I was in disfavor. Mr. Chairman, it is shown in the statistics which I submitted on a former occasion that the average annual appropriations for the War and Navy departments for ten years was, in round numbers, $245,000,000, which is more than has been appropriated for the whole Agricultural Department for the sixty-nine years of its existence. [Applause.] Just think of that. Is it just to thus treat a great department, representing the marvelous agricultural interests of this country? The farmers of America produced this year crops valued at $8,760,000,000, and in the pending bill only $13,417,136 is appropriated to foster and develop all this great industry. Because I believed in larger appropriations and, as a consequence, greater development I was arbitrarily stood aside, and this year the distinguished gentleman from Alabama [Mr. HEFLIN], than whom the farmers never had a better friend or more zealous advocate, suffered the same fate. It is well known here that in committee and on the floor the gentleman from Alabama was always alert, active, and energetic in looking after every interest of the farmers of this country; but faithful service to them seems to be a crime to be punished here rather than a virtue to be recognized. If Mr. HEFLIN feels like I do—and I am sure he does—he is willing, if need be, to suffer for a righteous cause, for right is mighty and will yet prevail. When the proper time is reached in the consideration of this bill, the distinguished gentleman from Mississippi [Mr. DICKSON], who is a farmer himself and has suffered from the boll weevil, and therefore has knowledge of present conditions, will move to increase the appropriation for the study and demonstration of the best methods of meeting the ravages of the boll weevil from $215,000 to $500,000. This is asked for by the farmers of Mississippi in a unanimous resolution passed by the Farmers' Cooperative and Educational Union, and I hope his amendment when offered will prevail.

Mr. Chairman, I have introduced a bill to prevent dealing in cotton futures, farm products, and, in fact, all kinds of future dealing. The people of this country, and especially the farmers, desire legislation on this subject to put an end to this unwholesome and pernicious speculation. If my bill can not pass, I will cheerfully and gladly support the Henry bill, or any other bill which will accomplish the end desired. I appeal to the membership of this House to get together and give the people relief from this great evil. Mr. Chairman, one of the greatest blessings and benefits ever bestowed upon the rural sections of our country is rural delivery of the mails. Now, add to this good roads and the whole country will call you blessed. As was well said by Senator BANKHEAD in a speech in the Senate, when speaking on this subject:

> Another reason for national aid is to be found in the fact that nearly all of the great appropriations made by Congress are for projects that do not benefit the rural districts. The shipping interests have had the rivers and harbors improved to expedite their business; the cities have been supplied, at a cost of $300,000,000, with post-offices and custom-houses; the railroads have received large appropriations and have made use of the credit of the Government; millions collected from the people have been loaned to the banks without interest, and iron masters have depended upon the Government to construct great locks and dams for facilitating the assembling of materials at cheap rates for making iron. The tariff laws have been shaped to benefit the manufacturers, but none of them are intended to benefit the great American farmer.

May I not appeal to your patriotism to consider this great question, and if you really want to do something to benefit all the people everywhere, spend some of the millions yearly appropriated in aiding the construction of good roads. The average cost of hauling over the public roads is 25 cents per ton per mile, and the average haul is 8 miles. Good roads will reduce the cost to 10 cents per mile, which would reduce the cost of transportation to the farmers more than half and save them every year enormous sums of money in the aggregate. [Applause.]

The CHAIRMAN. I regret to announce that the time of the gentleman from Mississippi has expired.

Mr. CANDLER. Mr. Chairman, I am sorry that my time has expired, because I desired to pursue this interesting subject further; permit me, however, to sincerely thank the membership of the House for their very kind attention. [General applause.]

Mr. LAMB. Mr. Chairman, I yield ten minutes to the gentleman from Louisiana [Mr. WICKLIFFE].

Mr. WICKLIFFE. Mr. Chairman, the failure or partial failure of a cotton crop is not a local matter in so far as the ultimate results are concerned, but, in the end, a national calamity.

Hence, in the same proportion, a substantial reduction of the total yield of cotton in the United States in this year and those to come, thus depriving the Nation of its main article of clothing, is a misfortune which falls upon the consumer as much as upon the producer of the article. So, the decrease in the amount of cotton produced in 1909, amounting to fully 1,500,000 bales below that of the preceding year, in view of the constantly increasing demand for raw cotton, is causing much study to be given to the subject.

The cause for this decrease should merit the attention of every Member of this body, for there is not a person in our entire land who does not use cotton in some form. I can not recall any other article so universally used as is this.

One of the best authorities holds that the demand for raw cotton doubles every twenty-two years; that, estimating 13,000,000 bales as a minimum supply on the part of the United States for the world's clothing at the present time, you may go back twenty-two years and you will find that a little more than 6,000,000 bales was sufficient in 1888 and that in 1866 3,000,000 bales were sufficient to supply the demand upon the American cotton fields, while about the year 1844 the exigencies of the trade were met with 1,500,000 bales. Hence, if history repeats itself, we must look forward to the world requiring 26,000,000 bales in 1932 and 52,000,000 bales in 1954. These figures are not idle guesswork by an inexperienced layman, but are the result of deep study of that question by one of the most industrious and intelligent men connected with the Agricultural Department of the United States, Dr. Seaman A. Knapp.

And even should we refuse to accept these estimates for the future requirements of cotton, still, proceeding upon the conservative theory that history will repeat itself, at least to the extent of showing a constantly increasing demand each year, however moderate that increase may be, it behooves us to look seriously into the matter of the decrease in our cotton yield, for it may be safely asserted that the cotton crop of 1909 is 1,500,000 bales short of what the world requires.

To the reasons for this shortage in yield in the face of such an increasing demand for cotton I shall now address my remarks. And if this cause is shown to be one that would logically come within the usual supervision of the Department of Agriculture in order that same be removed, then the appropriation for that purpose should be a liberal one. To anyone who has made any study of the subject the main cause, if not the entire cause (though there may have been minor ones which have in a small degree contributed thereto), of the large failures within a certain radius in the cotton belt is the rapid spreading of the cotton boll weevil, the enormous ravages of which have attracted the attention of every student of agriculture. Such proportions has the damage wrought by this insect reached that the Secretary of Agriculture in his recent report to the President has given much space to the consideration of this topic. He estimates that the crop for 1908, for instance, was damaged nearly $30,000,000, and that while all of this amount was not due entirely to the ravages of the weevil, that the most of it was the result of same. In connection with this the Secretary uses the following language:

> The great loss in Louisiana is a verification of the prediction made for several years, and it indicates the importance of means of control adapted to such conditions as are found in Louisiana and other States that will soon be invaded by the weevil.

Further on the Secretary, in his report, states:

> The subject is an extremely complicated one and will require additional work for several years.

On page 109 the Secretary uses this language:

> Special studies have been made in the Mississippi Delta, where conditions differ to a considerable degree from those in any other region invaded by the weevil. The heavy precipitation, presence of heavy timber, mild winters, and other features combine to make the boll weevil problem more serious than it has been elsewhere, and special work has been carried on for the purpose of ascertaining any change in the life history of the weevil due to these differing conditions.

On page 88 of said report the Secretary says:

> Any observer of farm crops in the United States has noticed that a few farmers secure a good yield almost every year regardless of seasons or pests, while the great majority of farmers make only moderate returns the best seasons, and between these secure only partial yields or have total failures. The advent of the boll weevil in the cotton States accentuated this situation and enormously multiplied the failures until a total wreckage of that great fiber industry was threatened.

The cotton boll weevil is not a native of the United States. Authorities tell us that its original home was in the plateau region of Mexico or Central America. Previous to 1892 the insect had spread through Mexico, but little is known regard-

ing the extent or rapidity of this dispersion. It is said that it was the cause of the abandonment of cotton in certain regions there. About 1892 the boll weevil crossed the Rio Grande near Brownsville, Tex.

We learn from such authorities as W. D. Hunter and W. E. Hinds, and W. W. Yothers, of the Bureau of Entomology, that there is very little certainty regarding the history of the Mexican cotton boll weevil before its presence in Texas came to the attention of the Bureau of Entomology in 1894. The species was described by Boheman in 1843 from specimens received from Vera Cruz, and it was recorded by Suffrian in 1871 as occurring at Cardenas and San Cristobal, in Cuba. Written documents in the archives at Monclova, in the State of Coahuila, Mexico, indicate that the cultivation of cotton was practically abandoned in the vicinity of that town about the year 1848, or at least that some insect caused great fears that it would be necessary to abandon the cultivation of cotton. A rather careful investigation of the records makes it by no means clear that the insect was the boll weevil, although there is a rather firmly embedded popular notion in Mexico, as well as in the southern United States, that the damage must have been perpetrated by that species.

Messrs. Hunter and Hinds further state:

From the time of the note by Suffrian regarding the occurrence of the weevil in Cuba in 1871 up to 1885, there has been found no published record concerning it. In 1885, however, C. V. Riley, then entomologist of the Department of Agriculture, published in the report of the commissioner a very brief note to the effect that *Anthonomus grandis* had been reared in the department from dwarfed cotton bolls sent by Dr. Edward Palmer from northern Mexico.

By 1894 it had spread to a half dozen counties in southern Texas and was brought to the attention of the Bureau of Entomology of the United States. A preliminary examination by Messrs. Howard and Townsend, of that bureau, showed the enormous capacity for damage by the pest.

Subsequent events have verified in every way the predictions that were made at the time, when the insect had not attracted and considerable amount of attention in the South. Since 1894 the weevil has extended its range annually from 40 to 70 miles. During the first ten years after its advent into this country, the annual rate of spread was 5,640 square miles. Since 1901 the annual increase in the infested territory has averaged 26,880.09 miles, but in one exceptional season, namely, 1904, 51,500 square miles became infested. The total area now infested may be conservatively stated as a quarter of a million square miles, and within these limits nearly 40 per cent of the cotton acreage of the United States may be found.

These figures do not refer to the area in cotton, as in many parts of the infested territory the area devoted to cotton is much less than 10 per cent of the total area. At the present time the weevil is found more or less extensively in five States—Texas, Louisiana, Mississippi, Arkansas, and Oklahoma. In Mississippi more than 30 counties are now infested; in Arkansas, 28; in Oklahoma, about one-fifth of the State; and in Texas and Louisiana, practically the entire cotton belt.

The average yield per acre in Texas from 1893 to 1901 (when the weevil had not done damage sufficient to affect the general production) was 0.40 of a bale. The average from 1902 to 1907 was 0.35 of a bale. By comparing these periods we have a reasonably accurate basis for estimating the damage the insect has done. The difference is 0.05 of a bale, or 25 pounds of lint, per acre each year. Even taking an average price of 10 cents per pound (it has recently been as high as 15 cents), this means an annual loss of at least $2.25 per acre which has been sustained by the cotton planters of Texas. Assuming that the Texas acreage has averaged 10,000,000, the total loss for the State has annually been $22,500,000.

Undoubtedly for several years—

Says Mr. W. D. Hunter in a recent publication, and from whose work the foregoing statistics were taken by me—

the boll weevil has caused a loss of about 400,000 bales of cotton annually. Although farmers in older regions in many cases are increasing their production, there is loss in the newly infested regions which offsets that gain. A conservative estimate shows that since the weevil has invaded this country it has caused a loss of 2,550,000 bales of cotton, at a value of about $125,000,000.

And in making up this estimate the loss to the crop of 1909 is not included.

On page 8 of his recent work Mr. Hunter says:

Reference has been made to the greater damage inflicted in moist regions and where the shelter for hibernation is best. The records of the Weather Bureau show that the annual precipitation increases very rapidly from the west to the east in the cotton belt. This is especially the case during the early growing season of cotton, namely, April, May, and June. The precipitation in the greater part of the cotton-producing area in Texas is normally about 40 inches. In Louisiana, Mississippi, and the eastern States of the cotton belt it is more than 50 inches, and sometimes exceeds 60 inches. The records that have been kept in Texas show that the damage has always been greatest in wet seasons and that the insect has affected land values most where the general conditions approach those of the eastern part of the cotton belt. Without the assistance that is furnished by climatic conditions, especially dry weather during the spring, the farmers of Texas would not have been by any means as successful in producing cotton during the last few years as they have. The system of control increases greatly in effectiveness when assisted by weather conditions. Fortunately in Texas this assistance is given under normal conditions. When this assistance is above the normal, as in 1904 and 1906, the crops will be exceedingly large.

On the other hand, it is clear that the problem of control of the boll weevil will be more difficult as the pest continues its invasion of the cotton belt. It can not be considered, therefore, that the problem is as yet completely solved. Better means of control must be devised for the region that is becoming invaded, and, if possible, means must be devised that will reduce the enormous loss that is suffered, especially during unfavorable seasons, in Texas. The principal work of the Bureau of Entomology at this time is in attempting to devise means for this requisite additional control.

In his latest work on the subject, on October 18, 1909, Mr. Hunter says:

The cotton boll weevil is now causing a damage in the United States each year of at least $25,000,000.

While in a former work the same authority, in reference to the cotton boll weevil, writes:

The pest is undoubtedly the most serious menace that the cotton planters of the South have ever been compelled to face, if not, indeed, the most serious danger that ever threatened any agricultural industry.

It has been stated by the highest authority, and it is now accepted by all who have made any study of the question, that the cotton boll weevil will soon spread over the entire cotton-producing territory of the United States. Therefore, as any serious impairment of the cotton crop is a national calamity, it is the duty of the Department of Agriculture to continue vigorous action, and it is the duty of Congress to lend all necessary aid in a financial way to that department for such purpose. It has been stated in substance on this floor that, in reference to a great pursuit like agriculture, in which the entire country has so vital an interest, it is the right and duty of the National Government to make investigation relating to the fundamental principles which underlie the success and productiveness of that pursuit. Hence, if this principle be correct, it is also the duty of the Government, in my opinion, to diffuse and disseminate in a practical and effective manner the knowledge obtained as a result of such investigations. The mere possession of useful knowledge by an individual is of little value to the world unless that knowledge is diffused among and understood by others. Unless it is disseminated by its possessor among his fellow-men, it is of little, if any value, to the world at large. The possession of knowledge by a single individual or set of individuals is one thing, its diffusion among those whom it benefits another, and a mode should be adopted which will most successfully and quickly accomplish this dissemination.

Hence it matters little if the Bureau of Entomology, by its deep and careful study of the life history of the boll weevil, has found a method under which cotton can be grown under boll-weevil conditions unless that method is successfully diffused among the actual growers of cotton. The Bureau of Entomology, giving the results of its study of the life history of this insect to the Bureau of Plant Industry, thereby enabling the latter to evolve a system of cotton culture which will be successful in the boll-weevil territory, will be of no avail in obtaining results unless the Bureau of Plant Industry is given the opportunity to diffuse and disseminate its knowledge in a way that will cause the ready acceptance of that method by the actual cotton growers.

Proceeding upon these premises, the next question is, How can this system of culture, an entirely new one, involving the introduction of many innovations, if not totally different system in the culture of cotton, be presented to the cotton grower so that he will accept and believe in it? Can it be done by sending the grower a bulletin by mail? Remember that the farmer does not readily take to innovations. He knows from past experience how to cultivate the particular crop with which he has had that experience, and he is not inclined to overturn the practical experience and teachings of a lifetime merely upon the perusal of the pamphlet of 20 pages, the author of which he does not know and as to whose interest in his welfare he may hold some doubt.

It would be the same with reference to the grower of corn in the district of the distinguished chairman of the Committee on Agriculture [Mr. SCOTT] were some hitherto unknown insect to appear in Douglas or Linn counties and destroy the corn crop in relatively the same proportions as the boll weevil has done cotton in the South.

The way, and only way, by which you can revolutionize the method of culture of any farm product so that the farmer will take hold of and accept the new theory within a reasonable length of time and completely reverse or change his former methods of cultivation is by the actual, practical, demonstration in the immediate vicinity of the farmer, that in the face of altered conditions the new method is the way, and the only way, by which that product can be produced.

Realizing the truth of this principle, the Department of Agriculture has established the farmers' cooperative demonstration work, which has been in existence since 1904, and while the activities of this branch of the Bureau of Plant Industry are not confined to the cultivation of any one product, it has been peculiarly successful in the boll-weevil section of the cotton belt, demonstrating in every community wherein the weevil has recently appeared, and right under the eye of the neighboring cotton growers, how the new method of cotton culture is the only one by which the staple can be grown under the altered conditions.

In his bulletin on the subject, Doctor Knapp states that the effect of a field demonstration is immediate and positive and reaches all classes, and in concluding his discusion of the subject he uses this language:

It has been proved by the cooperative demonstration work that by following the instructions of the Bureau of Plant Industry a good crop of cotton can be raised in the worst-infested boll-weevil districts and despite the ravages of this pest. It is possible that the future may discover some better method of meeting the boll-weevil problem, but experience has shown that the method outlined is the only safe one at present. The boll weevil has now (1908) covered a large portion of Texas, Louisiana, Arkansas, Oklahoma, and several counties in Mississippi. It is annually invading new territory, with a column 600 miles long and in numbers sufficient to cover every stalk of cotton to a width of 30 miles. A cotton crop can be produced despite the boll weevil, and the sooner American farmers face the situation the better it will be for all concerned. To demonstrate the truth of this theory is one object of the farmers' cooperative demonstration work.

A peculiar feature about this pest is that it is absolutely immune from total eradication in so far as at present known. Once having reached a particular territory, it has never been known to leave it untenanted by its species. With most agricultural insect pests, if not all of them, the history has been one of only temporary activity in any one locality; then it either dies out altogether, is eradicated by the use of poison, or passes on without permanent colonization; but to sum up the duration of occupancy by this insect when it reaches a given territory is best expressed in the words: Once the weevil, always the weevil.

While it is not to be understood that the necessity for the actual demonstration work on the part of the Government in every locality where the weevil is found exists for all times to come, yet it is a fact that the work should be begun in each locality immediately upon the advent of the weevil, and it should be kept up in that same locality for several seasons; and as the weevil is not only advancing eastward, but also northward and southward toward the uttermost limits of the cotton belt, the large ratio of increase each year shows the necessity for the large expansion of the demonstration work.

Hence to carry out this system now being so intelligently conducted by the special agent in charge of the demonstration work, as well as to assist the Bureau of Entomology in continuing this study concerning the life history of this insect, a liberal appropriation by the National Government should be forthcoming.

I will now address my remarks to some facts showing the ravages of this pest which have come within my own observation. In the parish of Pointe Coupee, in Louisiana, which is immediately west of that in which I reside, and wherein the boll weevil first entered the district which I have the honor to represent, there were produced in the year 1904—a banner year in cotton production—just prior to the advent of the weevil into that parish, 58,597 bales of cotton; in the last year, 1909, only 3,348 bales. In the parish of West Feliciana, where I reside, the total production for 1904 was 22,004 bales; in 1909, only 1,336 bales. In the parish of East Feliciana—contiguous to the latter and immediately eastward thereto—the production in 1904 was 35,707 bales; in 1909, only 5,607 bales. Continuing on eastward through the district, the next parish, St. Helena, produced 10,577 bales in 1904; and in 1909 only 7,491 bales; while the parishes of East Baton Rouge and Livingston, lying to the southward of the last three named, produced, in 1904, 37,079 bales and 8,197 bales, respectively, as against 7,491 bales and 2,500 bales, respectively, in 1909. The remainder of the cotton parishes in the district were all affected in the same degree proportionally to the length of time elapsing since the advent of the weevil into each parish, respectively. In giving the production for 1909 in the above localities I should state that I took the census reports down to December 13, 1909, being the latest available. Will state, however, that in a weevil-infested territory practically all of the cotton is ginned by December 13.

A storm in September, 1909, did some little damage to the cotton in the section mentioned, though same was infinitesimal in comparison with the havoc wrought by the weevil, to which latter may be attributed this enormous difference in production.

Utter demoralization has followed the entrance of the weevil into the section mentioned, and our farmers are skeptical of all suggestions, though this last I feel is only temporary, and the splendid work of Doctor Knapp and of Mr. J. A. Evans and others connected with the Farmers' Cooperative Demonstration Work, and of Mr. Wilmore Newell, of the Louisiana Crop Pest Commission, is beginning to produce good results just as in the more western section of the cotton belt, whence the weevil has been gradually advancing eastward.

While same has not come within my immediate observation, I am reliably informed that like conditions of demoralization prevail in the southwestern counties of Mississippi as a result of the recent advent of this insect into that territory.

Mr. Chairman, the agricultural interests of our country are not, in my opinion, receiving sufficient encouragement at the hands of the National Government. We hear much upon this floor in behalf of innumerable projects, projects calling for the appropriation of millions of dollars, but all too little do we hear on behalf of the development of our agricultural resources. Congress last year appropriated for all purposes over a billion dollars for governmental expenditures for the fiscal year ending June 30, 1910, but of this vast sum only $12,995,036 for agriculture. And yet the agricultural crops raised in the year 1909 were worth $8,760,000,000.

The total amount carried by this bill for the Department of Agriculture, which we have under discussion, is $13,417,136. We hear much of the increased cost of living in the Nation. Resolutions have been introduced in this House and in the Senate looking toward an inquiry into the causes thereof, and while the reasons for the increased cost of other commodities may be numerous and diverse there is one and only one main cause for the high price of raw cotton, and that is the large decrease in the supply due to the ravages of the cotton boll weevil.

And yet for the great and good and sensible cause of stamping out this pest and combating its ravages this bill carries only the sum of $215,155.

I now contend, Mr. Chairman, that I have established from the best sources of authority the following facts:

First. That the boll weevil is causing an enormous deficit in the Nation's great clothing supply.

Second. That this deficit is as likely to increase annually as to decrease.

Third. That within fifteen years the entire cotton belt of the Nation will be within boll-weevil territory.

Fourth. That vigorous and effective work on the part of the Department of Agriculture should be maintained and extended to every part of the boll-weevil territory.

Fifth. That the consumer of cotton throughout the land, and the producer who dwells within the boll-weevil territory, equally share in the loss ultimately resulting from the ravages of this insect, destined in a short while to cover the entire cotton belt.

Sixth. That it is the duty of the Nation—through its Agricultural Department, sustained by liberal appropriations for that specific purpose—to work toward eradicting this insect through the Bureau of Entomology on the one hand, while on the other the Bureau of Plant Industry should be permitted to keep up the good work it is now doing by demonstrating actually in every locality where necessary the methods by which a crop of cotton can still be made, notwithstanding the presence of the weevil.

But what are we doing in the matter of an appropriation to be used in this great, good, and sensible cause? The answer is found on page 18 of this bill, and is contained in the following words:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $215,155.

This is all. This is the Nation's annual contribution toward the work of solving a question so serious as to cause the Secretary of Agriculture himself to state that we suffered in the year immediately preceding that in which his last report was issued a loss of nearly $30,000,000 in our cotton crop. And when he shall have given out his estimates as to the percentage of loss in the crop of 1909 as a result of these ravages, I feel sure that the estimate will be greater than his last.

Mr. Chairman, had I consulted my own inclination, and my own conception of a reasonable amount to be appropriated for this purpose, knowing the situation in the cotton belt as I do, it would have been far greater than the amount contained in the bill which I introduced at the beginning of this session. A half million dollars would not be a cent too much. But realizing, as I did, how little the situation in the boll-weevil section of the cotton belt was understood in this House; how difficult it was to the Members of this body who dwell in all parts of this Nation, to conceive how a small insect of this kind should require such strenuous efforts on the part of the Agricultural Department to check its ravages, I fix the amount of $300,000 as the lowest possible amount which ought to be considered in this matter, and in my remarks to-day I have done my uttermost to lay before you the true facts in this matter; and that amount instead of $215,155 should be accepted by the Members of this body and duly incorporated as a part of this bill. A million would not be too much if you would but pause to think of the enormous interests the Nation has at stake.

But certainly, when you have the statement of the Secretary of Agriculture that the value of the cotton crop in 1909 is second only to one other of all the various agricultural crops of this Nation; when he estimates the total value of farm products of 1909 to be approximately $8,760,000,000, and of which this cotton crop comprises $850,000,000, almost one-thirteenth of the total, I submit that a little over a quarter of a million dollars is a most reasonable appropriation, considering the vast extent of the territory that must be covered in the demonstration work and the importance of the matter involved. Yet out of $13,417,136, which this measure now under consideration carries, there is not so much as one-fiftieth of that total devoted to the study of this great and grave crisis in the life of the second greatest agricultural product in value in the Nation. This great staple is now more seriously threatened than any other product ever has been. It has failed to keep pace with demand until a cotton famine may yet result, even if one is not now upon us. Such a crisis in the history of this great staple that even the conservative Secretary of Agriculture says of it:

> The subject is an extremely complicated one and will require additional work for several years.

I appeal to the Members of this body from the East on behalf of this appropriation, on the ground that it is to their interest that the great white staple which supplies their looms be not reduced in yield below what the market requires for consumption.

I appeal to the Members from the North and West, on the ground that it is to their interest that the great article of clothing, which protects them and their families from cold in winter and furnishes them the more shadowy and comfortable draperies for summer wear, be not destroyed, or partially so, by withholding a just appropriation at this time.

I appeal to those of the South not yet within the confines of the boll-weevil circle, and who, now reveling in the prosperity of 15-cent cotton, may not stop to think of the shadow hanging over them; that of the silent army of strange insects which silently yet so steadily, slowly yet so surely, is marching ever, ever onward and outward, always leaving a rear guard to forage on the fields already conquered, while the advance of the outpost leads the destructive army ever onward until the Atlantic seaboard is reached and the conquest of cotton by a foreign enemy is complete.

As to the Members of this body who live in the boll-weevil territory, no appeal need be made; they know the seriousness of the situation; they fully realize that the future of the fleecy staple is in the balance and that the most serious problem that has ever confronted the cotton grower remains unsolved.

I appeal to this body as a whole not with the idea of requesting something for any particular locality, not for the benefit for one section of the country alone, but upon the ground that the appropriation sought is for a purpose entirely national in character when ultimate results are considered and the general principle underlying the reasons for appropriations in such matters of agriculture is fairly applied.

I appeal to you as a whole, not only upon the principle of Bentham "of the greatest happiness to the greatest number," but upon even a broader basis, namely, of the greatest good to every inhabitant of the entire Nation; and in the name of every consumer—whether "ultimate" or intermediate—as well as every producer of cotton I appeal to you to increase the appropriation for this good and patriotic purpose: The repelling of the invasion of our latest foreign enemy—the Mexican cotton boll weevil. [Loud applause.]

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, Speaker pro tempore, having taken the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18162, the agricultural appropriation bill, and had come to no resolution thereon.

FLOOD DISASTER IN FRANCE.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 334.

Resolved, That the House has heard with profound regret of the great disaster caused by the recent floods in France, and is deeply stirred with sympathy for the unfortunate sufferers: And further,

Resolved, That a copy of these resolutions be delivered to the President of the United States, with the request that he communicate the same to the people of France.

The SPEAKER pro tempore. The Chair would say to the gentleman from Tennessee that, in view of the rule announced by the Speaker with respect to requests for unanimous consent, the present occupant of the chair hesitates to recognize the gentleman for that purpose in respect to this resolution. This resolution would go on the calendar, and the Chair does not think it comes within the rule adopted by the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WANGER, for three days, on account of public business.

ADJOURNMENT.

Then, on motion of Mr. SCOTT (at 5 o'clock and 13 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War recommending legislation to readjust certain fiscal relations of the Panama Railroad (H. Doc. No. 600)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor, submitting amendment to estimate of appropriation for the Bureau of Standards (H. Doc. No. 599)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2523) for the establishment of a new land district in the State of Montana, reported the same without amendment, accompanied by a report (No. 331), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12437) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh counties in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 332), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He, also, from the same committee, to which was referred the bill of the House (H. R. 12440) to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, reported the same with amendment, accompanied by a report (No. 333), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6841) granting an increase of pension to Henry Mott—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8994) granting an increase of pension to William Pack—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15740) for the relief of D. M. Carman—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 19363) granting a pension to Peter J. Mengel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11366) granting an increase of pension to Fred A. Rudolph, sr.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16826) granting a pension to Effie Flynn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. POINDEXTER: A bill (H. R. 19546) to amend section 1753 of the Revised Statutes of the United States, relating to the civil service—to the Committee on Reform in the Civil Service.

By Mr. PLUMLEY (by request): A bill (H. R. 19547) to regulate the appointment of pharmacists in the Public Health and Marine-Hospital Service of the United States, and to fix their pay and allowances—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A bill (H. R. 19548) prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes—to the Committee on Ways and Means.

By Mr. MILLER of Minnesota: A bill (H. R. 19549) for an act abolishing warehouses for the receipt, storage, and shipment of goods for the Indian service—to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: A bill (H. R. 19550) to amend section 21 of the immigration law so as to provide for the deportation of alien criminals in certain cases—to the Committee on Immigration and Naturalization.

By Mr. CARY (by request): A bill (H. R. 19551) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 19552) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations—to the Committee on Indian Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 19553) to pension the widows and minor children of deceased soldiers and sailors of the Spanish-American war and the Philippine insurrection—to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 19554) to authorize the extension of Van Buren street NW.—to the Committee on the District of Columbia.

By Mr. KEIFER: A bill (H. R. 19555) to provide for the appointment of an additional district judge in and for the southern district of Ohio and to repeal section 2 of an act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio, approved February 25, 1907—to the Committee on the Judiciary.

By Mr. DALZELL: A bill (H. R. 19556) to provide for the erection of a public building at East Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. AIKEN: A bill (H. R. 19557) to prohibit the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERLEY: A bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.—to the Committee on Military Affairs.

By Mr. SOUTHWICK: A bill (H. R. 19559) amending an act approved June 10, 1880—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19560) to regulate and control the use of wireless telegraphy and wireless telephony—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: A bill (H. R. 19617) providing for an increase of the navy—to the Committee on Naval Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19618) providing for an increase of the navy—to the Committee on Naval Affairs.

By Mr. VREELAND: A bill (H. R. 19619) to equalize the rate of taxation upon national-bank circulation secured by deposits of United States bonds with the Treasurer of the United States by national banks—to the Committee on Banking and Currency.

By Mr. AUSTIN: Resolution (H. Res. 334) expressing sympathy for the sufferers from the floods in France—to the Committee on Foreign Affairs.

By Mr. HAYES: Joint resolution (H. J. Res. 129) to provide for the transportation by sea of men, material, stores, and equipment for account of the United States, and of material, stores, and equipment for use in the construction and maintenance of the Panama Canal—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOELKER: Joint resolution (H. J. Res. 130) providing an amendment to the Constitution—to the Committee on Ways and Means.

By Mr. ANDREWS: Joint resolution (H. J. Res. 131) approving certain laws of the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 19561) granting an increase of pension to Henry Bilsing—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 19562) for the relief of the city of Tucumcari, county of Quay, Territory of New Mexico—to the Committee on the Territories.

By Mr. ANSBERRY: A bill (H. R. 19563) granting an increase of pension to Jacob Saul—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 19564) granting an increase of pension to Robert C. Wallace—to the Committee on Pensions.

Also, a bill (H. R. 19565) granting an increase of pension to Herbert D. Ingersoll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19566) granting a pension to Robert Shope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19567) granting a pension to William Cornell—to the Committee on Pensions.

Also, a bill (H. R. 19568) for the relief of William J. Cochran—to the Committee on War Claims.

Also, a bill (H. R. 19569) for the relief of N. C. Tankersley—to the Committee on War Claims.

Also, a bill (H. R. 19570) for the relief of Joseph M. Davis—to the Committee on War Claims.

Also, a bill (H. R. 19571) for the relief of Mrs. F. E. Chandler—to the Committee on War Claims.

Also, a bill (H. R. 19572) for the relief of the heirs of W. W. W. Fleming—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19573) granting an increase of pension to Anna M. Benner—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 19574) granting an increase of pension to John Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19575) granting an increase of pension to John L. McMurtry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19576) for the relief of Liberty Spring Missionary Baptist Church—to the Committee on War Claims.

By Mr. CARY (by request): A bill (H. R. 19577) for the relief of Frederick P. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 19578) granting an increase of pension to Augusta Weile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19579) granting an increase of pension to Andrew McNeil—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19580) granting an increase of pension to Elizabeth H. Pearson—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 19581) granting an increase of pension to John Battenfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19582) granting an increase of pension to Benton Allen—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19583) for the relief of John Weil—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 19584) granting an increase of pension to Jackson Painter—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 19585) granting an increase of pension to Horatio G. Carr—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19586) granting an increase of pension to Charles D. McCoy—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19587) granting an increase of pension to Frederick C. Hammetter—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 19588) granting a pension to Lydia Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19589) granting a pension to Benjamin F. Vaughn—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 19590) for the relief of the estates of John H. Stovall, William Hughes, and Timothy L. Hughes—to the Committee on War Claims.

Also, a bill (H. R. 19591) for the relief of the estate of J. Milton Best, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19592) for the relief of the estate of Leander Johnsey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19593) for the relief of the estate of Mary H. S. Robertson, deceased—to the Committee on War Claims.

By Mr. KENNEDY of Ohio: A bill (H. R. 19594) granting an increase of pension to Albin Irey—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 19595) to grant title in fee to Fred G. Smith and Lula Smith to the east half of the southwest quarter and the east half of the northwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, to which George Smith, deceased, made homestead entry—to the Committee on the Public Lands.

By Mr. LANGHAM: A bill (H. R. 19596) granting an increase of pension to Samuel A. Craig—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 19597) granting a pension to John Finucane—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 19598) granting an increase of pension to James J. C. White—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 19599) to remove the charge of desertion from the military record of Charles Coburn and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. MAYS: A bill (H. R. 19600) granting an increase of pension to David G. Connell—to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 19601) to correct the naval record of James C. Johnson—to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: A bill (H. R. 19602) granting an increase of pension to Henry Zellner—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 19603) granting an increase of pension to George H. Brill—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 19604) to remove the charge of desertion from the military record of Zephania Squyres—to the Committee on Military Affairs.

Also, a bill (H. R. 19605) to remove the charge of desertion from the military record of Bernard Curley—to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 19606) for the relief of Mary E. Stout—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 19607) granting an increase of pension to George G. Hughes—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 19608) granting an increase of pension to Jacob Zimmermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19609) granting an increase of pension to Valentine Schwartz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19610) for the relief of Peter Clark—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 19611) granting an increase of pension to William B. Cooper—to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 19612) for the relief of the legal representatives of John Lewis Tindall, deceased—to the Committee on War Claims.

By Mr. WALLACE: A bill (H. R. 19613) to correct the military record of Erastus Coyle—to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 19614) for the relief of heirs of Peter J. Mosley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19615) for the relief of heirs of Benjamin Garrett—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 19616) granting an increase of pension to John Dugan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of H. H. Cunningham—to the Committee on Invalid Pensions.

By Mr. ANDRUS: Petition of Charles E. Gorton and others, of Yonkers, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of William Hendricks—to the Committee on Invalid Pensions.

Also, petition of Charles A. Cook and 215 other soldiers, for increase of civil-war soldiers' pensions, as per National Tribune bill—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Mrs. Mary Whilchel—to the Committee on Pensions.

Also, paper to accompany bill for relief of John C. Addison—to the Committee on War Claims.

By Mr. BYRNS: Papers to accompany bills for relief of John L. McMurtry and John Harrington—to the Committee on Invalid Pensions.

By Mr. COLLIER: Papers to accompany bills for relief of estate of Benjamin Garrett and heirs of estate of Peter J. Moseley—to the Committee on War Claims.

By Mr. CARY: Petition of Licensed Tugmen's Protective Association, Tug Linesmen and Firemen's Association, Dredgeworkers' Association, and International Longshoremen and Transport Workers' Association, against purchase of a government dredge for east coast of Lake Michigan—to the Committee on Rivers and Harbors.

Also, petition of Robert Chivas Post, No. 2, Department of Wisconsin, Grand Army of the Republic, against acceptance of the Lee statue for Statuary Hall—to the Committee on the Library.

Also, petition of Publishers and Printers' Trade of Chicago, against increase of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK: Petition of Manufacturers' Association of York, Pa., favoring certain amendments of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Philadelphia Foundrymen's Association, against section 38 of the tariff law—to the Committee on Ways and Means.

Also, petition of the Commercial Exchange of Philadelphia, against House bill 16362, relative to tonnage dues—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of citizens of Pennsylvania, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Philadelphia Foundrymen's Association and Manufacturers' Association of York, Pa., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mrs. Elizabeth H. Pearson—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of publishing and printing trade of Chicago, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 18889, relative to forest reserve in Van Buren County, Ark.—to the Committee on the Public Lands.

Also, papers to accompany bills for relief of Benton Allen, John Battenfield, and Fannie Brasel—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Emanuel Sassaman (H. R. 18960)—to the Committee on Military Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Jackson Painter—to the Committee on Invalid Pensions.

Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., favoring the repeal of the publicity feature in the corpora-

tion-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of F. S. Burch & Co., of Chicago, Ill., in favor of certain amendments to the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of New York Produce Exchange, against the Humphrey bill on tonnage dues—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Business League of America, favoring the Cullom-Sterling consular bill—to the Committee on Foreign Affairs.

By Mr. GRONNA: Petition of citizens of Hatton and Carpio, N. Dak., for legislation to more effectively regulate the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Commercial Club of Grand Forks, N. Dak., for appropriation to improve the Red River of the North—to the Committee on Rivers and Harbors.

By Mr. HANNA: Petition of citizens of White Earth, N. Dak., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Rolette, N. Dak., and vicinity, favoring House bills 1017, 2137, 2150, etc., relative to the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HUFF: Petition of Manufacturers' Association of York, Pa., against publicity clause of corporation-tax bill—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: Paper to accompany bill for relief of John L. McMurtry—to the Committee on Invalid Pensions.

By Mr. JAMES: Paper to accompany bill for relief of estates of John H. Stovall and others—to the Committee on War Claims.

By Mr. JOYCE: Petition of Everett King and others, of Dresden, Ohio, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENDALL: Petition of citizens of Iowa, favoring a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LAFEAN: Petition of residents of New Freedom, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of citizens of Wrenceville, Va., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: Petition of citizens of Brockton, Mass., favoring a national commission to investigate the increased cost of the necessities of life—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of citizens of Industry, Ill., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of La Harpe, Ill., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Chicago Post-Office Clerks' Association, favoring House bill 3680, to regulate hours of work of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of Standard Furniture Company, of Herkimer; Utica and Mohawk Valley Steam Cotton Mills, of Utica; Oneida Steel Pulley Company, of Oneida; and Giblin & Co., of Utica, N. Y., against publicity features of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of W. G. Twitchell and others, of Mohawk, N. Y., against S. 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of Manufacturers' Association of York, Pa., against section 38 of tariff law—to the Committee on Ways and Means.

Also, petition of Philadelphia Foundrymen's Association, against section 38 of the tariff law—to the Committee on Ways and Means.

Also, petition of National Institute of Arts and Letters, favoring participation by the United States in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of National Hardware Association of the United States, against House bill 16335—to the Committee on the District of Columbia.

Also, petition of Philadelphia Maritime Exchange, against section 4 of House bill 16362 relative to tonnage dues—to the Committee on the Merchant Marine and Fisheries.

By Mr. NORRIS: Petition of certain residents of Stevens, Nebr., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of Grand Army of the Republic Post No. 45, Galesburg, Ill., against acceptance of the Lee statue—to the Committee on the Library.

By Mr. PUJO: Paper to accompany bill for relief of Bernard Curley—to the Committee on Military Affairs.

By Mr. SABATH: Petition of Chicago Woman's Club, favoring conservation of the natural resources of the country—to the Committee on Agriculture.

Also, petition of Chicago Lodge, No. 199, Switchmen's Union of North America, against any increase of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the allied interests of the publishing and printing trades of Chicago, against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Petition of citizens of Fort Scott, Kans., against an increase of the rate of postage on periodicals and against any restriction of the rural free-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Paper to accompany bill for relief of Antonette Stewart (H. R. 18657)—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. TAYLOR of Ohio: Petition of David C. Biggs and others, citizens of Columbus, Ohio, for repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of John L. Tranger and others, citizens of Columbus, Ohio, favoring postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Petition of citizens of Mount Olive, N. C., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Sinclairville Grange, No. 401, Patrons of Husbandry, against any change in oleomargarine law—to the Committee on Agriculture.

SENATE.

FRIDAY, *January 28, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

RAILROAD LANDS IN OREGON.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, stating that in order to comply with the provisions of the resolution adopted by the Senate on the 24th instant relative to railroad lands in Oregon, it will be necessary to secure certain detailed information from that State, and that as soon as such information is received it will be prepared and transmitted to the Senate (S. Doc. No. 334), which was referred to the Committee on Public Lands and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $10,393.32, which have been presented to the Treasury Department and require an appropriation for their payment (S. Doc. No. 337), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $90,965.90 allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 51 of the act of June 30, 1874 (S. Doc. No. 333), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

T. J. Coagar *v.* United States (S. Doc. No. 335); and

William Erskine, administrator of the estate of John M. Doddridge, deceased, *v.* United States (S. Doc. No. 336).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Illinois, relative to the establishment of a department of mines and mining in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the board of aldermen of New York City, N. Y., praying that an appropriation be made for the construction and completion of a battle ship at the navy-yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, praying for the enactment of legislation for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Bedford County, Va., remonstrating against the enactment of legislation to increase the rate of postage on periodicals, and also against the restriction of rural free delivery, which was referred to the Committee on Post-Offices and Post-Roads.

H also presented a memorial of sundry citizens of Lynden, Wash., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Society of Master House Painters and Decorators of Boston, Mass., praying for the passage of the so-called "Heyburn paint bill," which was referred to the Committee on Manufactures.

He also presented a petition of the Georgetown Citizens Association, of Washington, D. C., praying that an appropriation be made for the improvement of Rock Creek valley in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of the Board of Trade of Wheeling, W. Va., praying for the enactment of legislation to establish a department of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BURROWS presented a petition of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet, Mich., praying for the passage of the so-called "Borah-Dawson full-crew bill," which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to admit to the mails as second-class mail matter periodical publications issued by or under the auspices of benevolent and fraternal societies, etc., which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens and dairy farmers of Clinton and Ionia counties, Mich., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry ex-Union soldiers of the civil war, of Ithaca, Mich., praying for the passage of the so-called "Sherwood per diem pension bill," which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of McDonald, Covert, South Haven, Hartford, Lawrence, Bangor, Kibbie, Alamo, Charlotte, Stanton, Battle Creek, Iron River, Sterling, Robinson, Grandville, Allendale, Eastmanville, Bloomingdale, Breedsville, Bedford, Coral, and Lakeview, all in the State of Michigan, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of McPherson Post, No. 18, of Traverse City; of C. Colegrove Post, No. 232, of Marshall; of Frank Mason Post, No. 242, of Athens; of Weatherwax Post, No. 75, of Grand Haven; and of Woodbury Post, No. 45, of Adrian, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the passage of the so-called "National Tribune pension bill," which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of the Kent County Chapter, Rhode Island Society of the Sons of the American Revolution, praying for the enactment of legislation providing for the retention and strengthening of the Division of Information in the Bureau of Immigration and Naturalization, Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BURKETT presented a memorial of the Nebraska Dairymen's Association, of Lincoln, Nebr., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of California, praying for the enactment of legislation for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, which was referred to the Committee on Military Affairs.

Mr. MARTIN presented a petition of the Surry County Peanut Growers' Association, of Elberon, Va., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Newport News, Va., and a memorial of sundry citizens of Lawrenceville, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I present a joint resolution of the legislature of Illinois and ask that it be read and referred to the Committee on Mines and Mining.

There being no objection, the joint resolution was read and referred to the Committee on Mines and Mining, as follows:

STATE OF ILLINOIS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of house joint resolution No. 3 of the special session of the forty-sixth general assembly, adopted January 12, 1910, and filed January 26, 1910, the original of which is now on file and a matter of record in this office.

In testimony whereof, I hereto set my hand and cause to be affixed the great seal of state. Done at the city of Springfield this 26th day of January, A. D. 1910.

[SEAL.] JAMES A. ROSE.
Secretary of State.

House joint resolution 3.

Whereas the Congress of the United States now has under consideration a proposition to establish the national bureau of mines for such investigation as will aid the various States in providing for the proper protection of lives of the miners and the mineral resources of the country. Therefore be it

Resolved by the house of representatives (the senate concurring herein), That we earnestly urge upon the Congress of the United States the importance of the establishment of this national bureau of mines, and we earnestly urge our Representatives in both Houses of Congress to support the bill providing for the establishment of this bureau; and be it further

Resolved, That a copy of this resolution be transmitted to each Member of Congress from Illinois and that an engrossed copy, under the great seal of state, certified to by the secretary of state, be transmitted to the Speaker of the House of Representatives and to the President of the Senate of the National Congress.

Adopted by the house January 12, 1910.

EDWARD D. SHURTLEFF,
Speaker House of Representatives.

B. H. MCCANN,
Clerk House of Representatives.

Concurred in by the senate January 12, 1910.

JOHN G. OGLESBY,
President of the Senate.

J. H. PADDOCK,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 20th instant, proposing to appropriate $1,000 for printing the annual report of the superintendent of insurance for the years 1907–8, intended to be proposed to the urgent deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. STONE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1324) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, reported it without amendment and submitted a report (No. 123) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11307) to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.; and

A bill (H. R. 17743) to authorize Clay County, Ark., to construct a bridge across Current River.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3808) for the relief of E. C. Mansfield, reported it without amendment and submitted a report (No. 124) thereon.

POSTAL SAVINGS BANKS.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for the repayment thereof, and for other purposes, to report it with amendments, and I submit a report (No. 125) thereon.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will be placed on the calendar.

Mr. PENROSE. I should like to ask the Senator from Montana whether he will not make an effort at an early date to have this bill made the unfinished business of the Senate and pushed to final consideration?

Mr. CARTER. Mr. President, in reply to the Senator from Pennsylvania, I will state that the report accompanying the bill is quite voluminous and probably will not be printed before Monday. When the report is printed and placed before the Senate, so as to enable Senators to examine it, I shall call up the bill and ask that it be made the unfinished business of the Senate, and that its consideration shall be proceeded with until a final vote is reached.

Mr. GALLINGER. Mr. President, the extreme solicitude of the Senators from Pennsylvania and Montana regarding this bill is rather touching to me. I apprehend that this bill will take about the usual course, and that some of us will have an opportunity, at least, of looking at it before it is passed.

Mr. CARTER. Mr. President, I sincerely trust that the Senator from New Hampshire and those who entertain the views which he seems to entertain in opposition to the bill will, in the course of the debate, favor the Senate with an explanation of the basis of their opposition.

I have on two former occasions set forth at some length, and with such clearness as I could command, the merits of this measure as understood by the committee. Thus far a mute opposition has been displayed, but in no instance has any Senator sought to meet any argument made nor has anyone attempted to suggest any reason why this measure should not be enacted into law.

We ask for the bill candid consideration upon the part of those who are opposed to it, and we give the Senators who are in opposition the assurance that the bill will be pressed for consideration without any abatement of energy from the time the report is printed until the Senate shall have finally voted on it.

Mr. GALLINGER. Mr. President, with due humility I accept the Senator's rebuke. I shall, so far as I am concerned, treat this matter in my own way.

The Senator from Montana has no warrant in saying that I am opposed to this bill. I have never so expressed myself. I suggested, when the Senator was occupying much of the time of the last session in earnestly arguing a bill that there was no probability of passing, that there might be some features of it that I would like to address myself to. When the proper time arrives I shall exercise any parliamentary privilege that belongs to me, either to mutely consider the bill or consider it by making some observations to the Senate.

But I will repeat, Mr. President, that I apprehend this bill will take its usual course, that it will have fair consideration, and if a majority of the Senate wants to pass it, as is probable, then it will become a law.

Mr. CARTER. Mr. President, with due respect for the assumed humility of the Senator from New Hampshire, I take decided exception to the view that the bill would not have passed during the last Congress if a vote had been taken. Upon all occasions when a similar bill has been before the Senate I have urged discussion and action. I have importuned Senators who have been opposed to the bill to state the grounds of their opposition; and I have repeatedly requested unanimous consent to fix a day when a vote might be taken.

In the presence of the record I take it for granted that if the Senator makes an investigation, as in justice he should, he will take occasion to change his statement.

I see no reason, Mr. President, for any manifestation of feeling on this subject, and yet I can not refrain from exhibiting a certain amount of feeling in the presence of an apparent disposition to avoid a direct vote on this important measure.

Mr. President, the Committee on Post-Offices and Post-Roads has twice reported this bill, and has reported it unanimously and favorably. During the last Congress it was the unfinished business, was called up repeatedly for consideration, and efforts were repeatedly made to secure consent to a day for the taking of a vote. Why Senators did not assent to the fixing of a time for a vote I am unable to say.

Mr. BAILEY. I will tell the Senator.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. Certainly.

Mr. BAILEY. I objected to it because I did not think the bill ought to pass, and I will object to it every time that the request is preferred. So we will have no misunderstanding as to why objection was made to taking the vote.

Mr. CARTER. Mr. President, I thank the Senator from Texas for that frankness which he always exhibits in reference to public measures and public debate in this Chamber.

The bill for the establishment of postal savings banks does not come in here as an innovation in the administration of government. This class of measure has received world-wide approval. Every civilized nation on the globe, save only Germany and the United States, with other inconsiderable exceptions, have tried this kind of legislation for half a century, or a less period in some cases. In 1861 the Government of Great Britain established a system of postal savings banks after a discussion which had continued from 1807 to that year, and the system in operation has justified all the predictions made in its behalf.

I propose when the measure comes forward again, which it will on next Monday, if the report is printed and ready for distribution, to offer anew the views I entertain with reference to the merits of this measure, and I shall put the Senator from New Hampshire to the test as to whether he is prepared to discuss the measure or give it fair consideration.

When a Senator suggests that this bill will take the usual course, I beg leave here and now to advise him emphatically that the usual course will be toward a vote on the measure. It can not be defeated by silence; it can not be ignored. It must be considered; it will be considered; and naught save a petty filibuster will defeat a vote on the measure at the present session of Congress.

Mr. GALLINGER. Mr. President, the Senator is unnecessarily excited.

Mr. CARTER. Mr. President, the Senator from New Hampshire——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I think I have the floor.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. GALLINGER. Yes; I will yield.

Mr. CARTER. Mr. President, I do not ask the time of the Senator from New Hampshire except——

Mr. GALLINGER. I will then occupy the time.

I can not for my life imagine how a bill can be defeated by men remaining mute. I shall remain mute when I feel it my privilege to do so. I shall speak when I feel it my privilege to do so.

The Senator had better content himself. He is not going to alarm me in the least degree by any suggestion such as he has made. I have nothing to apologize for or to explain. I shall examine this bill. I shall support it if I think it is a proper bill to be supported. I shall oppose it in my own way if I think it ought to be opposed. That is all there is to it.

I presume the bill will pass. No doubt the Senator, with his energy and his large knowledge of parliamentary procedure, will push this bill along with great rapidity. Yet there are other measures which are likely to take a little of the time of the Senate for their consideration before we adjourn some time next summer.

I simply want to say to the Senator that he is not going to put me into any position that I do not choose to occupy, and that, so far as this measure is concerned, and all other measures, I shall exercise my own judgment and my own rights under the rules of the Senate in giving them such consideration as I think is proper.

Mr. BAILEY. Mr. President, it would be too bad to disturb the very amiable disposition which our friends upon the other side exhibit this morning. I suppose we are to have a new classification of Republicans. We have insurgents and we have anarchists among the Republicans. I suppose now you are going to have postal savings-bank Republicans and antipostal savings-bank Republicans.

It is not my mission to lead them, but I would gently remind them of what happened to us when we had so many different kinds of Democrats. There was a time when we were apparently more firmly entrenched in power than you are now, and then we had gold-standard Democrats and we had free-silver Democrats. The gold men called us anarchists, and we did not apply very soft epithets to them. But, of course, the world knows what happened, and what has happened once may happen again.

With these amiable and pet phrases which Republicans are applying to each other, now of insurgents on the one hand and anarchists on the other, I think the patriotic Democrats of this country will come duly into their own.

As far as I am concerned, I am willing for each faction of the Republican party to say anything it pleases about the other.

I am inclined to think that all they will say will fall a little short of the truth. So these exhibitions do not disturb me in the least; they are rather gratifying.

But I want to say this to the Senator from Montana: One reason why nobody has seen fit to make any argument against the postal savings-bank bill up to this time is that nobody has made any sufficient argument in favor of it. I am not unmindful of the fact that the Senator from Montana delivered an elaborate speech. I examined it with some care. I do not mean to flatter; I mean to speak the truth when I say, and I say it in sober earnestness, that a cause which can not command a better defense for it than the Senator from Montana has made for his bill must be a bad one indeed. The Senator from Montana finally, as his warrant for passing this bill under the Constitution of the United States, relied upon the general-welfare clause.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. I do.

Mr. CARTER. Mr. President, whatever may have been said to warrant the Senator in reaching that conclusion, I beg to advise him that the Senator from Montana does not rely upon the general-welfare clause of the Constitution as a warrant for this legislation.

Mr. BAILEY. Does the Senator from Montana say that in the course of the discussion he did not derive the power to pass this bill from that clause of the Constitution?

Mr. CARTER. Mr. President, the general-welfare clause of the Constitution was mentioned and generally discussed upon this subject. I do not recall having personally referred to it except in some indirect way. I will say to the Senator that that clause is not relied upon as a warrant for this legislation from my point of view.

Mr. BAILEY. We are making some progress. While I of course understand that it would be bad taste to catechise a Senator upon any matter, especially upon a matter like this, and I will not do that, I will content myself to reread the very interesting address of the Senator from Montana, in order that I may discover the clause of the Constitution from which he does derive the power to enact a law like this. I will not insist that the Senator from Montana distinctly predicated this power upon the general-welfare clause, and, at the risk of being mistaken again, I will say that it was the Senator from Nebraska [Mr. BURKETT].

Mr. BURKETT rose.

Mr. BAILEY. And that brings him to his feet.

Mr. BURKETT. I do not know——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do.

Mr. BURKETT. I do not recall the position of the Senator from Montana actually, but I do remember very distinctly my reply to the inquiry of the Senator from Maryland [Mr. RAYNER], or perhaps the Senator from Texas, with reference to it, and nowhere in my remarks will the Senator find that I based the bill on the general-welfare clause alone. The question was asked, and I replied that there was probably a sufficient basis in the general-welfare clause, but that there was plenty of other ground for a postal savings bank and plenty of other authority outside of that.

Mr. RAYNER. May I interrupt the Senator from Texas?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maryland?

Mr. BAILEY. I do.

Mr. RAYNER. I wish to read, for the benefit of the Senator from Nebraska, the short colloquy that took place between us on that subject. I asked the Senator from Nebraska the question. I said:

> Mr. RAYNER. Mr. President, I do not know whether I am in favor of this bill or opposed to it. The trouble I have about it is this: You will admit that we must put this bill under some clause of the Constitution. Now, what clause of the Constitution is it under which this legislation is proposed?
>
> Mr. BURKETT. I will say, in response to the Senator's inquiry, that I expect to refer briefly to that a little later on, but I think the general-welfare clause would cover it.
>
> Mr. RAYNER. The general-welfare clause would cover everything on earth. I am aware of that.
>
> Mr. BURKETT. Well, it has covered a good many things, I will say to the Senator.
>
> Mr. RAYNER. Is that the proposition? You do not put it under the clause to establish post-offices and post-roads, for it is hardly possible that it could turn a post-office into a bank; you do not put it under the clause giving the power to coin money and to regulate the value thereof; but this bill is put under the general-welfare clause of the Constitution. Some of us want to understand that, because we do not believe—I certainly do not believe—that the general-welfare clause means anything in the world, and I do not think the Supreme Court of the United States has ever said that it does.

A little later on the Senator from Nebraska said:

> I am not disturbed by any fear of lack of power that we may have to enact this legislation. As I replied to the Senator from Maryland, the general-welfare clause has been too liberally interpreted and too often relied upon to sustain necessary legislation for the good of the people to halt at this particular time and in this particular legislation.

I want to say to the Senator from Nebraska that I propose to refer to this matter a little later on. I am not prepared to say how I shall vote on this bill so far as the policy is concerned, but I am looking for some constitutional provision under which Senators place the bill. There was no discussion at the last Congress as to any constitutional provision upon which the bill was placed. I recollect the splendid address of the Senator from Montana, and he did not give us any grant of power. This is the grant of power that the Senator from Nebraska placed it upon.

Mr. BAILEY. The Senator from Maryland will look a long time and look in vain for any authority in the Constitution of the United States to pass a law of this kind. But, Mr. President, at the proper time I will express myself on that point. I thought it was right that the responsibility for the delay should be placed where it belongs. I am partly responsible for the failure to vote on the bill in the last Congress; and I should be delighted to bear the responsibility of preventing a vote on it during this Congress.

I believe if we can keep it before the American people long enough, we can convince them of the absurdity of contending that they have sense enough to take care of this Government and not sense enough to take care of the money which they earn. At the proper time I will elaborate that view.

But I intend to indulge in no filibuster. Bad as this measure is, if the American Congress chooses to pass it, the American Congress must take its responsibility. However, I want to record this prophecy: If they once enact it, they will never repeal it. Once the Government does something for the people which they ought to do for themselves, there will be no recession. If the American Government would deliver coal and milk to the people of the United States for the next two years, you could not find one man in ten who would go back to the old system of individual delivery.

So I have no hope, if this policy is once engrafted upon our statute books, that it will ever be abandoned. Neither have I any doubt that it will become a precedent for still further invasion by the Government of the domain of individual or corporate enterprise.

Mr. LODGE. Mr. President, constitutional discussions are always delightful, but I think it would be just as well to dispose of the morning business in regular order.

The PRESIDING OFFICER. The regular order is reports of committees.

Mr. BAILEY. This was a report of a committee, I understand.

The PRESIDING OFFICER. The report was made. Are there no further reports of committees?

ADJUSTMENT OF SALARIES OF POSTMASTERS.

Mr. PENROSE. From the Committee on Post-Offices and Post-Roads, I report back adversely a number of resolutions relative to the adjustment of postmasters' salaries, and move their indefinite postponement.

The PRESIDING OFFICER. The resolutions will be stated.

The Secretary read as follows:

S. Res. 32. By Mr. DICK, April 15, 1909.
S. Res. 69. By Mr. BRADLEY, July 23, 1909.
S. Res. 72. By Mr. CHAMBERLAIN, August 5, 1909.
S. Res. 77. By Mr. GALLINGER, August 5, 1909.
S. Res. 96. By Mr. TAYLOR, December 10, 1909.
S. Res. 102. By Mr. CLAPP, December 16, 1909.
S. Res. 103. By Mr. MONEY, December 20, 1909.
S. Res. 104. By Mr. FRYE, December 20, 1909.
S. Res. 108. By Mr. MCCUMBER, December 20, 1909.
S. Res. 116. By Mr. DEPEW, January 5, 1910.
S. Res. 117. By Mr. SMOOT, January 5, 1910.
S. Res. 118. By Mr. PERKINS, January 5, 1910.
S. Res. 122. By Mr. JONES, January 5, 1910.
S. Res. 123. By Mr. CULLOM, January 5, 1910.
S. Res. 128. By Mr. WARREN, January 10, 1910.
S. Res. 130. By Mr. ELKINS, January 11, 1910.
S. Res. 133. By Mr. RICHARDSON, January 12, 1910.
S. Res. 136. By Mr. FRAZIER, January 13, 1910.
S. Res. 137. By Mr. HUGHES, January 13, 1910.
S. Res. 139. By Mr. BULKELEY, January 17, 1910.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. PENROSE] that the resolutions be indefinitely postponed.

Mr. CULLOM. Before the motion is put, I should like to inquire of the chairman of the committee whether he is making

a final report on the general question as to whether there is anything due to those claimants?

Mr. PENROSE. The understanding I had with the Senate was that these resolutions would be acted on prior to February 1; hence I have reported them to-day. I shall file a formal report, stating the result of the hearings, as soon as it can be completed, which I suppose will be on Monday.

This is a final disposition of these claims, so far as the existing law is concerned. There is a bill, introduced by the Senator from Ohio [Mr. DICK], pending before the Committee on Post-Offices and Post-Roads, amending the present law in connection with the claims. That bill will be duly considered, and it will be reported later on.

Mr. MONEY. May I ask the honorable chairman of the Committee on Post-Offices and Post-Roads whether there is a written report accompanying the return of these resolutions?

Mr. PENROSE. The formal report of the committee I expect to have ready by Monday, but having promised the Senate a report on the resolutions before the 1st of February, I felt it my duty to report them back to-day. I will state for the information of the Senator from Mississippi that the resolutions have practically been abandoned by their authors and by the attorneys interested in them.

Mr. MONEY. Mr. President, that is important information to some people. I am not interested in the attorneys nor in the officials. I am interested in the people who make the claims. If there is no claim that is decided by the department to be open to readjustment according to the present law, if the law does not justify it, there is no necessity for doing anything. If the claims have been once adjusted there is no necessity of readjusting them. It is not a question of clerks and time, but it is a question of simple justice. I am pleased with the assurance of the Senator that there will be a written report upon the subject.

Mr. PENROSE. There will be a full, concise report which I hope will be final for all time on these claims, which I will make on Monday; but it was generally conceded after the hearings, by the friends of these resolutions and by the opponents, that this is not the right way to go about collecting these claims; that an act of Congress is necessary; and a bill for that purpose has been introduced and is being considered.

Mr. MONEY. If the Senator will indulge me a little further, I am not at all concerned about the method of proceeding, but I am about the result. What the Senate should decide to do, and what the Government of the United States should desire to do, is to pay an honest debt if there be any such due and unpaid.

It makes no difference with me whether these resolutions are passed or whether a bill is deemed necessary and shall be provided by the committee and passed upon by the Senate to give these people at least an opportunity to prove that they have a claim. That is all that anybody can justly want.

As far as attorneys are concerned, I have heard that the man whose name was used here most frequently is dead. I think he died recently; at least, he is dead. I do not know whether there is any other attorney in the case or not, but here is the fact about it: The report ought to disclose the reasons which the Senator has just offered to the Senate why the resolutions should be postponed and a bill substituted. I do not doubt but what the report will do it, and that is what I am looking for with some interest.

Mr. PENROSE. I will state for the information of the Senator that the committee was unanimous in this report and all parties were unanimous in it. The bill to give these claims an opportunity for consideration will be before the Senate at the proper time for consideration.

Mr. LODGE. I understand the resolutions now reported adversely by the Senator from Pennsylvania are merely resolutions of inquiry.

The PRESIDING OFFICER. The Chair so understands.

Mr. LODGE. The report of the committee is that these resolutions of inquiry should not be adopted by the Senate. It does not go to the merits of the claim.

Mr. PENROSE. Not at all.

Mr. LODGE. Those are to be dealt with later on.

Mr. PENROSE. That is right.

Mr. LODGE. It is merely a report that in the opinion of the committee these resolutions of inquiry are not in conformity with law and should not be sent to the department.

Mr. PENROSE. That is it.

Mr. MONEY. I will ask the Senator from Pennsylvania, the chairman of the committee, if he intends to take any action upon these resolutions until that report is filed? I suggest to him that it would be very much better to wait until the report is filed before any action is taken at the present time on the resolutions.

Mr. PENROSE. The bill will be promptly considered by the committee, referred to the department, and the advocates and opponents will be given a fair hearing.

Mr. MONEY. Has the bill been introduced and printed, and is it simply in the hands of the committee?

Mr. PENROSE. It was introduced by the Senator from Ohio [Mr. DICK]. It has been printed and is pending now before the committee.

Mr. CULLOM. Mr. President, I only brought this subject up for the purpose of inquiring just what the final action would be. The Senator from Pennsylvania has stated that very fully, and I think he is right.

The PRESIDING OFFICER. The question is on agreeing to the motion submitted by the Senator from Pennsylvania, that the resolutions be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 5878) granting an increase of pension to Charles H. Owen (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 5879) granting a pension to Edward Billow; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5880) granting an increase of pension to Bailey D. Judkins (with an accompanying paper); and

A bill (S. 5881) granting an increase of pension to Kate M. Miner; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 5882) granting an increase of pension to Harry A. Shuman (with an accompanying paper); to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 5883) for the relief of the heirs of John Wescott;

A bill (S. 5884) for the relief of the estate of Ella P. Williams; and

A bill (S. 5885) for the relief of the estate of Maurice T. Smith; to the Committee on Claims.

A bill (S. 5886) granting a pension to Nellie D. Wev (with an accompanying paper); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 5887) granting an increase of pension to Thomas C. Shepperd (with an accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 5888) granting an increase of pension to George Coose;

A bill (S. 5889) granting an increase of pension to Charles W. Stratton;

A bill (S. 5890) granting an increase of pension to J. L. Williams; and

A bill (S. 5891) granting a pension to Henry O. Hyre; to the Committee on Pensions.

A bill (S. 5892) to correct the military record of Louis F. Folger; to the Committee on Military Affairs.

By Mr. SCOTT:

A bill (S. 5893) for the relief of the heirs of Bushrod Hough, deceased; and

A bill (S. 5894) for the relief of Florence B. Beall and Elizabeth B. Barnes; to the Committee on Claims.

A bill (S. 5895) to amend and reenact section 15 of an act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901; to the Committee on Military Affairs.

A bill (S. 5896) granting an increase of pension to William E. Ballentine (with an accompanying paper); and

A bill (S. 5897) granting an increase of pension to Robert B. Cross (with an accompanying paper); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 5898) for the relief of the estate of Capt. Thomas E. Boone, deceased; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 5900) to regulate the hours of labor of clerks in first and second class post-offices; to the Committee on Post-Offices and Post-Roads.

A bill (S. 5901) granting an increase of pension to Peter W. Jackson;

A bill (S. 5902) granting an increase of pension to W. D. Sparks; and

A bill (S. 5903) granting an increase of pension to John W. Holman; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5904) to prohibit officers and employees of the Government of the United States from soliciting or accepting contributions to political campaign funds, and for other purposes; to the Committee on the Judiciary.

(By request.) A bill (S. 5905) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 5906) granting an increase of pension to Edwin S. Knight (with accompanying papers); to the Committee on Pensions.

By Mr. GORDON:

A bill (S. 5907) for the relief of the estate of William Richards, deceased; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 5908) granting an increase of pension to Mary J. Sweet (with an accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $10,000 for rent of buildings and moving expenses incident thereto at Charleston, W. Va., intended to be proposed to the urgent deficiency appropriation bill, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $150,000 to purchase additional land necessary for the army post at Fort Taylor, Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

LORINDA A. HOOKS.

Mr. BULKELEY submitted the following resolution (S. Res. 160), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 160.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Lorinda A. Hooks, widow of Charles E. Hooks, late a messenger, United States Senate, a sum equal to six months' salary, at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BANKING IN CANADA.

Mr. BURROWS. From the National Monetary Commission I present a paper, being the history of banking in Canada, prepared by Roeliff Morton Breckinridge. I move that the paper be printed as a public document.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 27, 1910:

S. 506. An act authorizing a credit in certain accounts of the Treasurer of the United States.

On January 28, 1910:

S. 4089. An act to authorize the construction of a bridge across the Red River and to establish it as a post-road.

SECOND-CLASS MAIL MATTER.

The PRESIDING OFFICER. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution submitted by the Senator from Oklahoma [Mr. GORE], coming over from yesterday, which will be read.

The Secretary read the resolution submitted by Mr. GORE on the 27th instant, as follows:

Senate resolution 157.

Resolved, That the Committee on Post-Offices and Post-Roads be directed to ascertain and report to the Senate the comparative cost in the United States of transporting publications designated as "second-class mail matter" by mail, express, and fast freight.

Second. That the said committee be directed to ascertain and report to the Senate the comparative rates paid by the United States Government and by the express companies to the principal railroad companies in the United States for similar services in transporting publications designated as "second-class mail matter."

Third. That the committee be further directed to ascertain and report to the Senate the comparative postal rates for transporting periodicals designated as "second-class mail matter" in the United States, in the Dominion of Canada, and other foreign countries.

Fourth. That the committee be directed to ascertain and report to the Senate the comparative rates paid to the leading railroad companies for transporting the several classes of mail by the Governments of the United States, Canada, Great Britain, France, and Germany in their respective jurisdictions.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. PENROSE. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE. I will ask the Senator from Pennsylvania to withhold that motion until I can perfect the resolution by adding another clause to it.

Mr. PENROSE. Certainly; I will withhold the motion with pleasure.

The PRESIDING OFFICER. The Senator from Oklahoma modifies his resolution in the manner which will be stated by the Secretary.

The SECRETARY. Add to the resolution the following clause:

Fifth. That the committee ascertain and report to the Senate whether there have been any violations of section 3982 of the Revised Statutes of 1878, being section 181 of the Criminal Code of the United States, and also section 203 of the Revised Criminal Code of the United States; and if so, to recommend needful legislation to prevent and punish further violations.

Mr. GORE. Mr. President, I ask that the resolution be now read as modified. I shall then ask a yea-and-nay vote on the motion of the Senator from Pennsylvania [Mr. PENROSE]. I do not care to discuss the question now.

The PRESIDING OFFICER. The resolution, as modified by the Senator from Oklahoma, will be read.

The Secretary read the resolution as modified.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. PENROSE] to refer the resolution to the Committee on Post-Offices and Post-Roads.

Mr. GORE. Mr. President, it seems to me that the information called for by the resolution ought to be exceedingly desirable not only to every member of the Senate, but to the country at large. It would perhaps be the basis of legislation at the present session of Congress. It goes directly to the allegation that the deficit in the Post-Office Department is due to the low rate now prevailing on second-class mail matter. A different view is entertained on this subject by different Senators. From my own point of view, I regard this deficit, even if it were due to these low postal rates, as a kind of taxation for public education and for the dissemination of knowledge and news among the people of the country. I can see no reason why the Committee on Post-Offices and Post-Roads should be required to investigate this resolution and determine whether that committee should be called upon to ascertain and furnish the information. That is certainly a question for the Senate to determine.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. GORE. With pleasure.

Mr. CRAWFORD. I wish simply to make a suggestion to the Senator from Oklahoma, if he pleases. The resolution, with which I am in sympathy, calls for the information from the Committee on Post-Offices and Post-Roads. My suggestion is that a more direct inquiry would bring the speedier result, and that is to make the inquiry of the Post-Office Department.

Mr. GORE. Mr. President, there is surely some force in the suggestion of the Senator from South Dakota, and I had considered that seriously; but it seemed to me that an investigation by the Committee on Post-Offices and Post-Roads, where there would be an opportunity for inquiry on the part of a number of Senators of different political views, might assure a more thorough investigation and more accurate information. For the genius of the Postmaster-General as a past master in practical politics my view yields to no member of the Senate and no citizen of this country; but whether the investigation and report made by him would differ materially from his special report already submitted to Congress, and whether it would differ materially from the views and recommendations of his chief, I question very seriously. For that reason I did not think it advisable to call upon the Postmaster-General for the information sought by this resolution.

I hope the resolution will be adopted, that the investigation will be made in good faith, that witnesses will be summoned

before the committee, and that questions may be propounded by each and every member of the committee without any reference to the political effects which may follow upon the investigation and the report. I wish a thorough, a fair, an impartial, and a nonpartisan investigation and a report founded upon such investigation. I trust delay will be obviated.

Mr. PENROSE. Mr. President, I am not in any way opposed to the inquiry contemplated by the Senator from Oklahoma. It would only seem reasonable, however, to refer this resolution to the Committee on Post-Offices and Post-Roads, in order that it may be carefully looked into and, if possible, rendered more effective in places. Much of this information I have no doubt could be obtained by a request from the Post-Office Department. The inquiry proposed is very sweeping; there is no appropriation accompanying the resolution, and no power of subpœna for witnesses. While the information would be interesting and useful, and I should be most happy to aid the Senator in obtaining it, I do not see that any harm will follow by having the resolution referred to the committee to be examined into and perfected, and an early report made thereon on the lines contemplated by the Senator from Oklahoma.

Mr. GORE. Mr. President, it is gratifying to be assured that the Senator from Pennsylvania is not opposed to this investigation; and I feel certain, upon that assurance, that the investigation will be made. On the other hand, if the Senator should have opposed it, I should gravely have doubted the probability of a favorable report and an investigation. I may say that I had intended, if this resolution should slumber overtime in that committee, to offer a resolution similar to the one suggested by the Senator from South Dakota [Mr. CRAWFORD]. I intended to do that, however, not as the first and the best method of obtaining the information, but rather as a last resort.

I may further submit as an additional reason for my apparent insistence that my experience in regard to referring such resolutions to committees has not been entirely satisfactory. The great rush of business and the preoccupation of various committees have oftimes prevented necessary investigations and the obtaining of needful information for enlightened legislation. I have sometimes seen the legend of despair written above the portals of these committee rooms which suggests to the authors of such resolutions, "Leave hope behind all ye who enter here." If in this case this committee should prove to be a cemetery, I shall move the resurrection of the resolution after three days.

Mr. SMITH of Michigan. I am glad, Mr. President, that the resolution of the Senator from Oklahoma [Mr. GORE] is to go to the Committee on Post-Offices and Post-Roads and is to receive the early consideration of that committee. I think, however, that it ought to be even broader than it is. I feel that the resolution ought to include the franking privilege, and that an investigation of the use of the franking privilege by public officials should be made. So far as my own observation goes, I have never understood the misuse of that privilege. I do not believe it is abused. I believe it is used with discretion, with care, and in the interest of the public. If that is not so, the facts ought to be revealed, and I hope when the Committee on Post-Offices and Post-Roads takes this resolution under consideration that it will give careful attention to the question of the use or misuse of the franking privilege. If government officials misuse that privilege or impose unjust and heavy burdens upon the department, it should be taken from them. Again and again public men have been charged with the misuse of the privileges and it may be true, although I do not believe it. I believe the committee can, with perfect propriety, investigate that feature of the Post-Office Department, and I hope it will be done. Speaking for myself, the franking privilege has never been misused, and I dare say that every other Senator in this Chamber could truthfully state the same fact. If we are burdening the mails unjustly and unfairly, that abuse ought to be cut off in order that others shall not be burdened for our convenience. I hope the Senator from Oklahoma will enlarge the scope of his resolution, and that when it is reported it may include an investigation into the use of the franking privilege.

Mr. PENROSE. Mr. President, I entirely agree with what the Senator from Michigan has stated. I think I can speak for the Committee on Post-Offices and Post-Roads and say that they have steadily set their faces, in view of repeated importunities, against extending the franking privilege. I do not remember an instance in which a request has been granted to extend that privilege. On the contrary, the committee has always been ready to restrict it to the narrowest proper limits and to protect the Government from the abuses—many of them trivial, some of them of great magnitude—which are constantly occurring in connection with the exercise of this privilege.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to refer the resolution to the Committee on Post-Offices and Post-Roads.

Mr. SMITH of Michigan. Mr. President, I do not think the resolution is broad enough to cover the suggestion I have made. I should like to have it include that suggestion.

Mr. PENROSE. The committee can amend the resolution; and after what the Senator has said, the committee will consider that phase as part of the resolution.

Mr. CRAWFORD. Mr. President, the resolution calls for information that I think we ought to have; and I should like to ask the chairman of the Committee on Post-Offices and Post-Roads whether it is practicable for that committee, within a reasonable length of time, to get the information and make a report? If not, I think it is a mistake for the committee to undertake it. If it involves so much work that we will not have the information here in time to make any use of it, some speedier way of securing it ought to be provided. I should like to hear from the chairman on that matter.

Mr. PENROSE. For the information of the Senator, I will say that is just what we want to find out. If the Senate will refer this resolution to the committee, I will promptly report what can be done within a reasonable time and what part of this information is already to be found in the Government's reports or accessible in the records of the department.

Mr. GORE. Mr. President, in view of the statement just made by the Senator from Pennsylvania [Mr. PENROSE], of course I do not care to have a vote taken on the reference of the resolution. I will say, furthermore, to the Senator from South Dakota [Mr. CRAWFORD] that in order to "make assurance doubly sure" I shall submit a similar resolution calling upon the Postmaster-General for this information.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. PENROSE] to refer the resolution to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

WAGES AND PRICES.

Mr. LODGE. Mr. President, I inquire if the morning business is closed?

The PRESIDING OFFICER. The morning business is closed.

Mr. LODGE. Mr. President, in connection with the resolution introduced by the Senator from West Virginia [Mr. ELKINS] in regard to the cost of living, I desire, if the Senate will permit me, to occupy a very brief time in bringing to their attention some tables which I have compiled in regard to wages and prices. These tables have, I think, an important bearing upon the subject of that resolution, which, I believe, is now under consideration by one of the committees, and which I trust will soon be reported.

There are many subjects, Mr. President, which have given rise to a great deal of discussion during the past fifty years in connection with the tariff on imports and the rates of duties imposed. The point upon which this discussion has chiefly turned, however, has always been involved in the comparison between wages paid here and those paid abroad in similar industries. That this should be the case is inevitable, because the controlling reason for a protective tariff lies in its efficiency in maintaining the higher rates of wages and better standards of living, which undoubtedly exist in this country as compared with the rates of wages and standards of living in other countries. The mere fact of the large and constant immigration to the United States of people who thus seek to better their condition is a convincing proof of the truth of the general proposition, but it is necessary to go further than this in order to demonstrate the necessity of duties which shall equal the difference between labor costs here and abroad. With this object in view the tables which follow have been compiled. They show from official sources the different rates of wages paid in similar industries here and abroad, and they tell their own story to all who will take the trouble to examine them. Anyone, however, whether manufacturer or wage-earner, whose prosperity and livelihood depend upon our industries should in considering these tables remember two things: First, that if foreign competition is to be met without the protection of a tariff duty, it can be met in only one of two ways, either by abandoning the industry or by bringing the wages of the United States down to the level of the competing foreign industry. There is no other point except wages where effective reduction can be made to meet foreign competition, for the higher cost of the American plant is itself due to the higher wages paid to the mechanics and laborers engaged in the construction of the mill or factory. Capital will not seek an unprofitable industry, and if foreign competition makes an industry unprofitable it must either cease or bring its wages down to the foreign level.

The second point to be remembered is this: That it is not alone those who earn wages in the protected industries who are affected by the tariff and foreign competition. Every wage-earner is equally affected, because if there is a general reduction of wages in the protected industries owing to foreign competition brought in through the abolition of the protective tariff, the whole wage scale of the United States will be lowered. This will follow, because the people thrown out of employment in the protected industries will pour into other occupations, including not only the trades but the labor of the farm, and will by their necessity of finding work reduce the wages in all employments, whether directly affected by the tariff or not. Every one, therefore, who earns wages, whether in a protected industry or in a mechanical trade or by any form of labor, should make a careful study of wages and prices here and abroad in order that he may vote intelligently in his own interest upon the question of maintaining or overthrowing the protective tariff.

The tables which follow have been compiled, with only two or three exceptions, from official sources. The figures have been taken chiefly from our own consular reports and from the reports of the British Board of Trade which cover the month of October, 1905, except in the textile industries where they cover the whole of the year 1906. Some statistics have been taken from the reports of the Department of Commerce and Labor and the Tariff Hearings, and, in one or two instances, where no other information could be obtained, from private sources. It has been possible to obtain fairly complete statistics of wages in England, France, and Germany. In certain of the larger industries I have been able to get statistics of wages from Italy, Switzerland, Austria-Hungary, and Belgium, but there are some countries in Europe where no statistics are obtainable, and there are no official figures as to wages in the Far East, except in the case of Japan. In the smaller industries it is difficult to obtain statistics from more than two or three countries.

Wage-earners everywhere should examine these tables, for they deserve careful consideration, and then compare them with the wages paid here and the wages they themselves are receiving in similar industries.

I ask permission, Mr. President, as I do not want to take up the time of the Senate by reading them, to print the statements and tables to which I refer. They are statistical computations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and permission is granted.

The statements and tables referred to are as follows:

Agricultural implements.

GERMANY.

Report of Special Agent R. R. Dennis on wages paid in the manufacture of agricultural implements in Berlin, Germany (United States Consular Reports):

"The working hours are from 6.30 to 8.15 a. m., 8.30 to 12, 1 to 4 p. m., and 4.15 to 6 p. m., making ten hours per day; Saturday they work from 1 to 5.15 p. m., making a week's work fifty-nine and one-half hours.

"I learned that 'schlossers' (what we would call benchmen, working at a vise) are paid at the maximum 0.65 mark to 0.70 mark (15½ to 16¾ cents) per hour; lathe and drill hands, 0.55 mark ($0.131); smiths, 0.52 mark ($0.124); common laborers, 0.35 mark ($0.083). So far as possible the entire works are run on a piecework basis, the week's wages varying from 46 to 60 marks ($10.95 to $14.28). Saturday of each week is pay day, the entire works being paid up to and including the previous Tuesday.

"These works have an excellent plan of controlling the cost of all their products by keeping a very sharp control of the average cost per hour of their skilled labor, which average at present is 0.498 mark ($0.1185). The general average of all labor is 0.481 mark ($0.1145) per hour.

"Wages in England and Germany are from 25 to 50 per cent lower than in this country." (Tariff Hearings, p. 7314.)

Automobile parts and bodies.

ITALY.

Statement of Special Agent Carden, of the Department of Commerce and Labor, in regard to wages paid in automobile factories in France and Italy (United States Consular Reports):

ISOTTA-FRASCHINI WORKS AT MILAN, ITALY.

"The Isotta-Fraschini works are paying tool men between 45 and 50 centimes (100 centimes = 1 franc = 19.3 cents) per hour on a ten hour per day basis. An operator working at a Herbert turret lathe, when questioned in my presence as to his pay, exhibited a ring job on which he was engaged, and said he is able to finish about 15 of these rings per day. For each ring he received 45 centimes, which would mean 6.75 francs for a day's work. This rate of pay, from an American view point, is extremely low."

FIAT AUTOMOBILE WORKS AT TURIN, ITALY.

At a group of Jones & Lamson turret lathes three tool hands, each working his own machine, were questioned in my presence as to wages earned. One man replied 37 centimes (7 cents) per hour, the second 38 centimes (7⅜ cents) per hour, and the third 34 centimes (6½ cents) per hour. A working day at the shops comprises ten hours.

All gear boxes are of aluminum construction. Men doing hand-work in finishing off these gear boxes, when questioned, replied that they were receiving 35 centimes (6¾ cents) per hour. One man working at a Gleason gear cutter stated that he was receiving 35 centimes per hour.

A man at the Potter & Johnston group of tools was turning out differential pinion clutch work, having a diameter of 136.7 millimeters (approximately 5.39 inches), with a spindle diameter of 56 millimeters (2.2 inches). The work was of a highly finished character. This man stated he was receiving 38 centimes (7⅜ cents) per hour. He was able to turn out about five of these clutches per day, or about one every two hours.

FRANCE.

A. CLEMENT AUTOMOBILE WORKS, NEAR PARIS, FRANCE.

Lathe men are paid on an average 80 centimes (16 cents) per hour. The maximum received by lathe men is about 1.20 francs per hour. Payment is by piecework. The men at the milling machines receive on an average between 80 and 85 centimes per hour, and the maximum does not exceed 1.20 francs. The men at the grinders receive on an average 90 centimes per hour, and a maximum of 1.20 francs. The same statement applies to blacksmiths and coppersmiths. The men working at the drills, slotters, and planers average about 80 centimes per hour. The maximum for all three tools is 1.20 francs per hour.

DE DION-BOUNTON & CIE. AUTOMOBILE WORKS AT PARIS.

Lathe hands receive at the de Dion works wages ranging from 85 centimes to 1 franc (19 cents) per hour. This is on engine lathes. On the Alfred Herbert turret lathe the wages run from 85 centimes to 1.25 francs per hour.

One woman was caring for 4 millers and was receiving about 70 centimes per hour. Women operatives were also running gleason gear cutters. One of them had worked at these machines for four years steadily, with the exception of four months' absence as the result of injury. The women operatives are receiving 70 centimes per hour. Seven women were found at work running millers and gear cutters. It is the first time I have found women intrusted with these high-grade machines.

Extract from United States Consular Reports in regard to wages in Italy:

"Very probably the automobile industry in Italy will be among the first to be affected by changing conditions of living and of wage. The Government, with the intention of relieving the increasing tension between low wage scale and rapidly enhancing cost of living, has caused the department of labor to go deeply into the question of day pay in sundry industries. It found that the wages paid workmen in automobile factories, per hour, are as follows: Mounting motors, 8 to 10 cents; mounting carriages, 6 to 8 cents; modelers, 10 cents; adjusters, 6 to 7 cents; finishers, 7 to 8 cents; coppersmiths, 7 to 8 cents; blacksmiths, 8 to 9 cents; electricians, 7 cents; and helpers, 4 to 6 cents. Apprentices receive from 1 to 3 cents an hour."

Statement of Henry B. Joy, Packard Motor Car Company, and Benjamin Briscoe, Maxwell-Briscoe Motor Company (Tariff Hearings, p. 2700):

"Foreign cars can be made cheaper than American, due to the difference in the cost of labor and material, as we prove by the figures shown here.

"The rate of wages in the automobile industry in France, Italy, Belgium, and Austria is very low as compared to America, averaging as follows:

[Cents per hour.]

	France.	Austria and Italy.	Belgium.	America.
Blacksmiths	11	8.5	10	28.1
Machinists	9.5	6.5	10	25
Assemblers	11	9	.....	24.6
Pattern makers	12	10	.....	33
Electrical workers	12	7	.....	25
Carpenters	9	.....	6	33.4
Apprentices	.....	2	.....	(a)

[a] Half pay while learning.

"Apprentices in France are compelled to serve without pay two and one-half to three years. Compare this with the rate of wages in the United States, where all except laborers and apprentices receive from 11 cents as the lowest rate to 41.6 cents as the highest rate per hour.

"The following schedule shows the rate of wages paid in the leading factories of this country:

[Cents per hour.]

Departments.	Highest rate.	Lowest rate.	Average earnings.
MANUFACTURING.			
	Cents.	*Cents.*	*Cents.*
Automatic machines	27.5	17.5	23.2
Bench	33.3	15	22.5
Brazing	25	12.5	20.3
Case harden	30	12.5	24.5
Drill press	22.5	11	20.4
Filing	20	20	19.9
Grinding	25	11	23.7
Lathe, first	32.5	17.5	27.6
Lathe, second	30	17.5	26
Nickel plate	32.5	11	25.4
Milling	30	12.5	21.2
Semiautomatic machines	30	17.5	26.8
Sand blast	22.5	17.5	20.5
Tinsmith	29	22.5	30.8
Tool makers	41.6	19	33
Turret lathes	23	12.5	20.3
ASSEMBLING.			
Chassis assembly	33.3	12.5	23.9
Final assembly	33.3	12.5	24.4
Motor assembly	32.5	15	24.9
Fitting	27.5	15	25.4

Baskets, rattan and willow ware.

Statement of Business Men's Association of Liverpool, N. Y. (Tariff Hearings, p. 3226):

"How can American workmen compete with the foreign maker who earns from 25 to 38 cents a day and who won't or can't come over here and help support American institutions, but seeks only our markets? An ordinary workman with us, at the skilled trade of willow clothes basket making, earns in ten hours 90 cents to a dollar a day.

"Last year the willow stripper of this country received $10 to $12 a ton. This year $8 to $9. This work is done by men, women, and children, can be done indoors, and in the winter; but the man who does the heavy parts of the work does well to make 40 or 50 cents in ten hours. The others in proportion. How can an American citizen work for such wages and retain his self-respect, let alone pay rent and live?"

These wages have been forced down by foreign competition at from 25 to 38 cents per day.

Boots and shoes.

FRANCE.

The following wages of employees in boot and shoe factories in Germany and France are taken from the reports of the English Board of Trade on rates of wages in France and Germany. These statistics cover the month of October, 1905.

	Wages per week.
PARIS.	
Cutters	$7.20 to $8.64
Stitchers	7.20 to 8.06
Machine lasters	7.48 to 9.22
Finishers	7.48 to 10.52
BORDEAUX.	
Cutters	5.76
Lasters	5.76
Sewers	6.92
Finishers	5.76
FOUGERES.	
Cutters	5.76
Machine lasters	7.44 to 8.64
Pullers-over	5.76 to 6.34
Heel cutters	5.76 to 6.92
Sole and welt sewers	6.34 to 6.92
LIMOGES.	
Goodyear lasters	6.92
GERMANY.	
CREFELD.	
Cutters	4.80 to 5.76
Pressmen	4.80 to 5.76
Lasters	5.76
Heel makers	5.76
Laborers	4.32
STUTTGART.	
Sole cutters	5.28
Upper cutters	5.76
Lasters	6.48
Bottomers and finishers	6.48

Report of United States Consul W. L. Lowrie in United States Consular Reports in regard to the shoe industry in Erfurt, Germany:

"Consul Will L. Lowrie writes that three of the largest German shoe-manufacturing establishments in Erfurt are now in charge of experts from the United States. He also tells of their industrial operations:

"All these factories are producing American-shaped shoes, which are meeting with ready sale in Germany. Certainly one, and perhaps all, of these concerns will make a display at the forthcoming shoe exposition in Boston (in September, 1909), and will try to secure a foothold in the American market.

"The average wages paid are shown in the following table:

Class of employees.	Average weekly wages.
Females:	
Apprentices	$1.42 to $1.90
Closers on	3.33 to 3.57
Sewers	a4.28
Males:	
Apprentices	1.42 to 2.85
Upper cutters (hand)	5.23 to 6.42
Upper cutters (machine)	6.42 to 7.14
Machine hands:	
Edge trimmers	6.42 to 7.14
Heel trimmers	6.42 to 7.14
Edge finishers	6.42 to 7.14
Bottom finishers	4.28 to 4.76
Die cutters	a5.71
Eyeleting hands	a7.14
Heel builders	4.76 to 5.71

a Average.

Brass castings and finishing.

[British Board of Trade.]

	Wages per week.
BERLIN, GERMANY.	
Molders	$8.64 to $9.60
Fitters	9.36
Braziers	8.64
Polishers	8.64
BIRMINGHAM, ENGLAND.	
Finishers and dressers	6.00 to 7.20

Brooms and brushes.

Statement of Frank N. Look, of the Florence Manufacturing Company, Florence, Mass. (Tariff Hearings, p. 6453):

"We have been manufacturing toilet brushes for forty-two years and employ about 500 people. For a number of years we have been endeavoring to manufacture popular-priced toothbrushes, now principally made in Asiatic and European countries.

"A few facts bearing upon the exact labor conditions are impressive. We employ no child labor. In Japan children are more or less employed, at less than 1 cent per hour. Women with us earn from 10 to 20 cents per hour; in Japan from 1½ to 2 cents per hour. Japanese wages are taken from the report of a commission appointed by the Japanese Government. We pay our male labor from 15 to 35 cents per hour. In Japan male labor is paid about 5 cents per hour. In a large brush manufactory employing over 700 hands in Austria skilled male labor receives from 9 to 11 cents per hour. Women are paid from 5 to 6 cents per hour. In this particular factory the highest paid man, a master mechanic, receives about 15 cents per hour, whereas with us we would pay 40 to 50 cents per hour.

"As labor is more than one-half the cost of toothbrushes, the present rate of duty of 40 per cent ad valorem still gives the Japanese and the Europeans decided advantage over American labor on the present basis of American wages. Japanese toothbrushes made by hand confront one everywhere throughout the United States at prices which absolutely preclude successful competition by American labor, even under the present duty of 40 per cent.

"The introduction of modern machinery in Japan, such as is in general use in Europe, especially in Germany and Austria, coupled with the very low-priced labor of Japan, would produce a startling effect upon the brush industry in America. In the application of machinery to the manufacture of toothbrushes Germany and Austria especially are in advance of the rest of the world, including America as well.

"In Austria and in Germany many operations are performed by women where we are obliged to employ men, thus creating a much wider difference in labor costs than is apparent in an actual comparison of wages paid. This must be equally true of conditions in Japan, where wages paid women are so much less than paid in Austria and Germany. In Belgium and in Germany women dress bristles and do classes of work which are not and can not be performed by women under American conditions.

"A low-priced, moderate-sized toothbrush manufactured by machinery in Austria represents an actual labor cost of 73 cents per gross in comparison with an actual labor cost in America of $2.08 per gross."

Statement of Grand Rapids (Mich.) Brush Company as to average scale of wages in foreign countries (Tariff Hearings, p. 6441):

	Per day.
United States	$1.55
England	.90
France	.80
Germany (free labor)	.60
Germany (prison labor)	$0.20 to .30
Japan	.20

The United States consul at Tokyo states that employees in Japan brush factories are paid as follows:

	Per day.
Males	$0.50
Females	.15
Children	.05

Average for the working force of a normal factory, 20 cents per day. This is on a basis of two men, three women, and three children.

	Wages per week.
RENNES, FRANCE.	
[British Board of Trade.]	
Brush makers	$4.60

Carpets.

ENGLAND.

Average wages for all districts of England (report of British Board of Trade):

	Wages per week.
MEN.	
Foremen, weaving department	$8.60
Foremen, other departments	8.36
Dyers	4.82
Washers and scourers	4.58
Weavers, power loom (piece)	6.78
Warehousemen and packers	5.44
Mechanics	7.34
Engineers and stokers	6.38
Other men	5.98
WOMEN.	
[Piecework.]	
Reelers	3.14
Winders	2.86
Weavers	3.70
Weavers (cloth rug)	2.90
Other women	2.32
BOYS UNDER 20.	
All occupations (piece)	2.40
GIRLS UNDER 20.	
[Piecework.]	
Winders	2.10
Weavers	2.08
Other girls	1.96
FRANCE.	
ROUBAIX.	
[British Board of Trade.]	
Weavers (Jacquards)	9.22
Weavers (other kinds)	$5.38 to 6.92
Hand warpers	5.76 to 6.62
Machine warpers	6.52
Dyers	4.04 to 4.32
Pieecers	6.62
Laborers	4.60

GERMANY.

Report of United States consul on wages in the carpet industry in Hanover:

"Self-acting looms are used for carpet weaving, and the knotting is done by hand. Machines have been tried for knotting, but without suc-

cess. Wages in this line amount to 3 to 3.5 marks (71 to 83 cents) per day for dyers; women and girl workers, tending machines, earn 6 to 13 marks ($1.43 to $3.09) per week."

Carriage building.

GERMANY.

[British Board of Trade.]

MUNICH.

	Wages per week.
Body men	$6.48
Joiners	6.88
Wheelwrights	5.84
Smiths	$6.22 to 6.74
Polishers	5.06
Fitters	6.04
Laborers	4.60

MANNHEIM.

Cartwrights	8.64
Saddlers	8.92

FRANCE.

RENNES.

Wheelwrights	$4.60 to $5.76
Smiths	6.92 to 8.06
Painters	5.76 to 6.00
Saddlers	6.34 to 6.92
Laborers	3.50 to 4.04

TOULOUSE.

Wheelwrights	5.76
Body men	5.18
Painters	5.18

Celluloid.

[British Board of Trade.]

MANNHEIM, GERMANY.

	Wages per week.
Acid workers	$5.28 to $6.34
Camphor workers	5.18

Statement of Fiberoid Company, of Indian Orchard, Mass. (Tariff Hearings, p. 153):

"We are in receipt of information, obtained through the Department of Commerce and Labor, that there are now two plants being constructed in Japan for the manufacture of 'compounds of pyroxylin,' with an estimated yearly output of about 1,350,000 pounds, and that such plants are expected to be in operation by April, 1909. As the total imports of such 'compounds of pyroxylin' into Japan for 1907 were only about 266,000 pounds, it would leave an excess of about 1,000,000 pounds for which they would have to seek foreign markets.

"One of these companies has already induced important employees, filling confidential positions with your petitioners, to accept employment with them, and has had their machinery constructed by manufacturers in this country, who have gained their knowledge through the invention and expenditures of the undersigned; the other company has pursued similar tactics in Europe.

"In the report of the department of finance of the Japanese Government, published at Tokyo, 1908, is given a comparative table of 'daily average wages of laborers' (p. 77), including some 52 different occupations, by which it appears that the highest daily wage paid is 41 cents (bricklayers), while the lowest is 10½ cents (female weavers); the average, including every variety of skilled labor, is about 14½ cents per day, about one-eighth to one-tenth the amount paid by us for ordinary employees; the difference between such necessary skilled help as superintendents, foremen, chemists, salesmen, clerical help, etc., is, of course, much greater.

"Camphor is perhaps the most important ingredient entering into 'compounds of pyroxylin,' as it is much the most expensive. The Japanese Government practically controls the world's supply of camphor through its 'monopoly bureau,' the entire output being sold through the firm of Mitsui & Co. These gentlemen are the owners of the largest of the two Japanese factories referred to above. It is a foregone conclusion that in order to foster a home industry the Japanese manufacturer will be allowed to purchase his supplies of camphor at a price which alone will make a difference of 8 or 10 cents a pound on the finished product."

Extracts from United States Consular Reports, November 4 and 16, 1908:

"The following information concerning a new company organized for the purpose of establishing a celluloid factory in Japan is furnished by Consul John H. Snodgrass, of Kobe:

"The factory, with a capital of $500,000, will be erected upon the banks of the Yamato River, near Sakai, and will be the largest concern of the kind in Japan. The machinery and plant, which have been ordered from Europe, are expected to arrive by the end of this year. The superintendent engineer of the company has been engaged in the United States, and the plans of the factory are now being prepared. Upon completion of the plans the construction of the factory will be commenced without delay, and the company expects to begin the manufacture of celluloid in April next. In this connection it may be stated there is considerable interest exhibited in the possibilities of celluloid products in Japan. It is reported that another company has been formed for the manufacture of celluloid at Abashi, in the Province of Harima, capitalized at $600,000.

"JAPANESE NOTES.

"The construction of the celluloid factories at Aboshi, near Himeji, is progressing. A Swiss engineer has been engaged as superintendent. The machinery is understood to be of German pattern, though ordered from a French firm which has supplied similar machinery and plant to a German celluloid company on the Rhine. The construction of the Mitsui celluloid factory on the Yamato River at Sakai, near Osaka, is also being pushed on. The machinery and plant have been ordered, and as superintendent and engineer the chief engineer of a New Jersey celluloid company in America has been engaged."

Chemicals.

GERMANY.

[Board of trade.]

HAMBURG.

	Wages per week.
Laborers	$5.04
Better men	5.76

MANNHEIM.

	Wages per week.
Furnace men	$5.76 to $7.20
Apparatus workers	8.40
Laborers	4.32 to 5.04

STETTIN.

Skilled workmen	6.00 to 7.20
Unskilled workmen	4.32 to 4.80

Statement of Association for the Protection of the Interests of the Chemical Industry (Wages Paid in Germany, S. Doc. No. 74, 61st Cong., 1st sess.):

"* * * Wages in Germany in the chemical industry are about 50 per cent lower than in the United States."

Chocolate.

FRANCE.

[Board of trade.]

BORDEAUX.

	Wages per week.
Skilled chocolate makers	$7.68
General laborers	4.60

LILLE.

Chocolate makers (average)	$5.40 to 5.76

MARSEILLE.

Chocolate makers (millers and grinders)	5.76 to 6.92

Men's clothing.

ENGLAND.

LEEDS.

Report of Special Agent Clark on wages in the ready-made clothing industry (United States Consular Reports):

"The 1901 census showed that among persons employed in "non-textile factories" in Leeds there were 20,220 classed as being in the clothing business, the great bulk of these being women and girls. In this industry the men cutters get $6.80 to $8.25 a week, the women machine sewers $2.67 to $3.89, and the women finishers $1.94 to $3.40 a week. The wages of operatives in the woolen and worsted factories have been treated elsewhere, but the wages of full-timers run from 8 to 30 shillings ($1.94 to $7.29) a week; a few up to 35 shillings ($8.50). Over $8.50 a week is very rare even for the most skilled workers.

FRANCE.

AMIENS.

[From British Board of Trade Reports.]

Cutters of men's ready-made clothing	$5.18 to $5.48

Combs.

Statement of John Walton, Philadelphia (Tariff Hearings, p. 7163):

"The wage scale in the Aberdeen Comb Works, Scotland, of which we have positive information, as per attached sworn affidavit, is as follows: Managers receive salaries not exceeding $15 per week; foremen from $6 to $7.50 per work; the best workmen from $4 to $6.50 per week. Women earn an average of from $2 to $3, and boys, who must be 14 years old, start at $1 per week, and they receive this rate for a considerable period.

"As comb making is not considered a man's work in Scotland, outside of manager, foremen, machinists, and a few men for very hard work, the large proportion of employees are women and minors.

"On the contrary, our labor is principally men.

"A conservative estimate of the relative amount of the labor cost as between the foreign and domestic manufacturers is that the foreign wages for the same amount of labor would be less than 33⅓ per cent of the American wage cost. These figures relate particularly to Scotland, and are well within the facts. In other countries the rates would probably be lower."

FRANKFORD, PHILADELPHIA, PA., *December 31, 1908.*

I, John Rogers, of 4151 Paul street, Frankford, Philadelphia, Pa., was in the employ of the Aberdeen Comb Works Company, Aberdeen, Scotland, for forty-two years. During this time I worked in the various departments, and for a number of years I was employed as foreman.

The rates of wages paid by this firm at the time my employment with the said firm ceased were as follows:

Managers, average wages not over 60 shillings, or about $15 per week.

Foremen, average wages not over 25 to 30 shillings, or about $6 to $7.50 per week.

Men, average wages not over 16 to 27 shillings, or about $4 to $6.50 per week.

Women, average wages not over 8 to 12 shillings, or about $2 to $3 per week.

Boys, average wages not over 4 to 5 shillings, or about $1 to $2 per week; this latter rate gradually increasing as the boys reach manhood.

I have been in constant correspondence since I left Aberdeen with employees of the comb works who are my old friends and neighbors, and I am sure that rates have not advanced, but rather have decreased since that time.

JOHN R. ROGERS.

John Rogers, being duly sworn according to law, deposes and says that the facts set forth in the above statement, to which he has attached his signature, are true to the best of his knowledge and belief.

JOHN R. ROGERS.

Sworn and subscribed to before me this 31st day of December, 1908.

[SEAL.] THOS. B. FOULKROD, *Notary Public.*

Statement of G. W. Richardson Company, Newburyport, Mass. (Tariff Hearings, p. 7164):

"As women perform much of the heavy work in Scotland, for which we employ men at a rate of $10.50 to $13.50 per week, it is clear to us that the total labor cost in Aberdeen would not exceed 30 to 33⅓ per cent of what it is in this country.

"One of our principal items is a 7-inch metal guard tooth comb, with a metal back of nicolene. This comb has been copied by the Aberdeen people and is now sold in this country by them at $5.70 per gross, duty and freight paid.

"A fair price for this is from $7 to $7.50 per gross. The comb retails at 10 cents. The nicolene used in this article by the American manufacturer is increased in price by a duty of 45 per cent.

"The industry in this city gives employment to about 200 hands, which number might be materially increased if the American market could be retained for the American manufacturer."

Confectionery.

Statement of National Confectioners' Association of United States (Tariff Hearings, p. 3513):

"The cheapest wages paid in the United States vary from $3.50 per week to $6 per week, against $1.50 per week to $2.50 per week in England.

"The average wages paid in the United States vary from $10 per week to $15 per week, against $5 per week to $10 per week in England."

Coppersmithing and sheet-iron work.

Statement of Vulcan Copper Works Company, Cincinnati, Ohio (Tariff Hearings, p. 8020):

"Our products are manufactured entirely by hand labor, for which we are obliged to pay $3.50 per day. The foreign manufacturer pays a maximum of $1 per day for this same class of labor."

Cordage and twine.

FRANCE.

[British Board of Trade.]

BELFORT.

	Wages per week.
Twisters	$5.76

DOUAL.

Rope makers	$5.18 to 6.34
Packers	5.18 to 5.76
Laborers	4.04

GERMANY.

HAMBURG.

Rope makers	5.04

Cotton.

ENGLAND.

Average wages paid in all districts of England and Wales (September, 1906):

[British Board of Trade.]

	Wages per week.	
	Time.	Piece.
Foremen	$9.74	$11.18
Mixers	5.16	.....
Scutchers	6.14	.....
Grinders	7.02	.....
Spinners (deducting pay of minders)	9.88	.....
Big piecers	4.40	.....
Sizers, tapers, slashers	10.24	.....
Warp dressers	8.84	.....
Drawers-in	7.42	.....
Weavers (men)	6.06	.....
Weavers (women)	4.94	.....
Frame tenders (women)	4.64	.....
Ring spinners	4.04	.....
Reelers	3.28	.....
Winders	3.66	.....
Doublers	3.14	.....

Average full-time earnings of all men and women in cotton industry in Lancashire and Cheshire, September, 1906 (Digest of British Board of Trade Reports, Bulletin No. 83, Bureau of Labor):

District.	Average full-time earnings of all men.	Average earnings of—			
		Spinners.		Big piecers.	
		Per cent of total number of men.	Average earnings.	Per cent of total number of men.	Average earnings.
Leigh	$8.48	38	$11.56	20	$3.79
Manchester	7.85	15	11.44	8	3.89
Bolton	7.79	32	11.13	19	3.81
Oldham	7.71	33	10.18	24	4.77
Ashton-under-Lyne	7.60	30	10.18	20	4.44
Stockport	7.28	23	10.04	13	4.62
Burnley	7.20	1	7.10	.....	.....
Preston	6.93	13	9.55	6	4.34
Accrington	6.83	19	8.29	4	4.58
Rochdale	6.75	10	10.00	8	4.89
Blackburn	6.65	9	7.10	2	4.58
Bacup	6.33	7	7.48	4	4.91

District.	Average full-time earnings of all men.	Average earnings of—			
		Weavers.		Other men.	
		Per cent of total number of men.	Average earnings.	Per cent of total number of men.	Average earnings.
Leigh	$8.48	.....	.....	42	$7.85
Manchester	7.85	.....	.....	77	7.58
Bolton	7.79	5	$6.08	44	7.68
Oldham	7.71	.....	.....	43	7.42
Ashton-under-Lyne	7.60	4	5.33	46	7.48
Stockport	7.28	13	5.58	51	7.08
Burnley	7.20	65	6.71	34	8.14
Preston	6.93	29	5.78	52	7.32
Accrington	6.83	36	5.45	41	7.69
Rochdale	6.75	29	5.68	53	7.00
Blackburn	6.65	53	6.02	36	7.62
Bacup	6.33	47	5.84	42	7.00

District.	Average full-time earnings of all women.	Average earnings of—			
		Weavers.		Other women.	
		Per cent of total number of women.	Average earnings.	Per cent of total number of women.	Average earnings.
Burnley	$5.80	78	$6.06	22	$4.68
Blackburn	5.29	67	5.72	33	4.36
Accrington	4.93	77	5.09	23	4.40
Preston	4.79	70	4.97	30	4.34
Bacup	4.60	62	4.95	38	3.97
Rochdale	4.58	55	4.79	45	4.36
Stockport	4.54	41	5.11	59	4.08
Oldham	4.50	12	4.36	88	4.52
Ashton-under-Lyne	4.34	49	4.40	51	4.28
Bolton	4.06	28	4.56	72	3.85
Leigh	3.87	45	4.28	55	3.51
Manchester	3.59	35	3.89	65	3.43

Sex and occupation.	Average earnings in one week in—		Per cent of increase.
	1886.	1906.	
Men:			
Grinders	$4.91	$7.12	45
Spinners—			
Below 80 counts	7.46	9.85	32
Above 80 counts	8.64	11.19	30
Big piecers	3.45	4.32	25
Drawers-in	6.10	7.52	23
Twisters-in	5.05	6.23	23
Weavers—			
3 looms	4.01	4.74	18
4 looms	5.07	6.06	20
6 looms	6.47	7.99	24
Women:			
Frame tenters	3.71	4.74	28
Ring or throstle spinners	2.92	3.65	25
Reelers	3.02	3.35	11
Winders	3.02	3.73	23
Beam warpers	4.42	5.23	18
Weavers—			
3 looms	3.87	4.30	11
4 looms	4.85	5.70	17
6 looms	6.39	7.44	18

GERMANY.

[British Board of Trade.]

CHEMNITZ.

	Wages per week.
Cotton spinners	$5.76 to $6.00
Cashmere spinners	5.04
Weavers (Nottingham net)	6.00
Weavers (upholstery stuff)	4.80 to 5.76

ELBERFELD.

Cotton printers	8.40

MULHAUSEN.

Spinners	6.48 to 7.20
Piecers	4.36 to 4.80
Carders	3.96 to 5.04
Weavers	3.96 to 4.68

Report of Special Agent W. A. Graham Clark, Department of Commerce and Labor (United States Consular Reports):

"In the manufacture of cotton goods Germany holds third place, being only exceeded by the United Kingdom and the United States. In

the exports of cotton goods Germany is only exceeded by the United Kingdom. In 1907 the imports of raw cotton amounted in value to $113,391,530, and the exports of cotton manufactures were valued at $97,002,136."

Writing of what he states to be the most important cotton mill in Germany, and also the best paying, as shown by its published dividends, the Augsburg Mechanische Baumwoll Spinnerei und Weberei at Augsburg, in Bavaria, Mr. Clark, speaking of the labor question, says:

"In regard to wages at this mill, the picker-room hands and the carders get 50 to 70 cents a day; on two 900 self-actor mules the spinner averages about 90 cents a day, the piecer 71 cents, and each of the two creelers 35 cents a day. Weavers, on an average, run three looms apiece, and make about 80 cents a day."

BAMBERG.

Report of United States Consul William Bardel on wages in the cotton mills of Bamberg (United States Consular Reports):

"The wages paid to foremen are from $47.60 to $83.30 a month; workingmen under 16 years of age receive from $2.18 to $2.86 a week; those over 16 years old from $4.28 to $7.14 weekly. Women over 16 years old earn from $2.15 to $3.15, while those under this age receive from $1.71 to $2.15 a week. Sixty-one hours constitute a working week."

HANOVER.

Report of United States consul on wages in the cotton mills of Hanover:

"The wages for spinners are 20 to 28 marks ($4.76 to $6.66) per week, and for helpers from 50 to 75 per cent of this. The self-acting spinning mill and water spinning mill, making yarn Nos. 4–36 and 8–32, respectively, have as tenders women only. The wages are 10 to 15 marks ($2.38 to $3.57) per week, and the same wages are paid in the department for washing, winding, and wrapping."

SILESIA.

Report of United States Consul H. L. Spahr on wages in cotton mills of Silesia:

"The cotton mills in Silesia number about a dozen for spinning and a score for weaving. In the former, overseers get from $5.36 to $7.38 weekly; male operatives average 55 cents daily, and female operatives 48 cents. The spinners work ordinarily ten hours a day, the weavers ten and one-half hours."

AUGSBURG.

Report of Consul-General Thomas W. Peters on wages in cotton industry in Augsburg:

"A number of large mills making cotton and linen goods are situated at Augsburg. The wages paid to the overseers and weavers range from $1 to $2.25 per day, while the unskilled workmen receive 75 cents."

FRANCE.

[British Board of Trade.]

ROUEN.

	Wages per week.
Drawing frame tenders	$3.72
Stubbing frame tenders	2.76
Roving frame tenders	3.84
Mule minders	5.16
Big piecers	3.24
Winders	2.04

BELFORT.

Spinners	$5.76 to 6.04
Piecers	3.74 to 4.04
Carders	5.30 to 6.04
Weavers	4.04 to 5.36
Dressers	5.76

LILLE.

Spinners	5.76 to 7.48
Mule minders	6.52 to 7.48
Weavers	4.42 to 5.18
Dressers	7.20 to 8.64

AUSTRIA.

Report of Special Agent Clark on wages and labor conditions in Austrian cotton mills (United States Consular Reports):

"* * * From wage lists obtained at various mills it would seem that 50 cents per day might be taken as the average cotton-mill wage throughout Austria.

"As a fair example of an average mill, in respect to management and wages, I give the following detailed list of a 40,000-spindle, 900-loom Bohemian mill near Reichenberg:

"Picker room.—Per day, men, 48.7 cents; women, 34.5 cents.

"Cards.—One card grinder to every 20 cards, $4.06 a week; 1 can girl, 34.5 cents a day; 1 lapman, 48.7 cents to every 12 cards; 1 cleaner, 48.7 cents a day for every 24 cards.

"Draw frames.—Seven deliveries; paid 1.32 cents a hank for No. .13 hank sliver.

"Slubbers.—Pay, 4.47 cents a hank for No. .50 hank roving, and 5.48 cents a hank for No. .60 hank roving; the operative makes $3.25 to $4.46 a week.

"Intermediates.—Pay, 5.08 cents for 1.2 hank roving and 5.88 cents for 1.5 hank roving; make $2.84 to $3.85 a week.

"Fine frames.—Tenders, 4.87, 5.08, 5.28, 5.68, 5.88, and 6.09 cents per hank for Nos. 2, 2½, 3, 3½, 4, and 4½ hank roving. The fine frame tenders make $2.48 to $5.28 a week; they usually run 1 frame, but some run 2, and these make the higher wage. On the 40-fly frames at this mill there are employed 15 helpers to lay up roving, help doff, etc., at 30 cents a day.

"Ring spinning.—Each girl runs 1 frame of 450 spindles and does her own doffing. The girls of every 4 frames are supposed to work together when doffing. These spinners are paid per hank as follows: Nos. 10 to 22s, 3.41 cents; Nos. 24 to 28s, 3.65 cents; Nos. 30 to 36s, 3.84 cents; No. 40s, 4 cents; No. 44s, 4.12 cents; No. 46s, 4.30 cents.

"Mule spinning.—The mules at this mill are of 568 spindles each, and 1 spinner, 1 apprentice spinner, and 1 creeler run 2 mules (1,136 spindles). They are paid per 1,000 stretches, of 66 inches per stretch, as follows:

Pincops.	Spinner.	Apprentice spinner.	Creeler.
	Cents.	Cents.	Cents.
Nos. 6 to 9	13.86	12.67	8.42
Nos. 10 to 11	12.67	11.49	7.92
Nos. 12 to 14	12.18	10.98	7.65
Nos. 15 to 22	11.69	10.47	7.41
Nos. 23 to 30	11.94	10.72	7.13
Nos. 31 to 42	12.77	11.49	6.90
Nos. 44 to 46	12.93	11.65	6.90
No. 50	13.28	12.02	6.90

EARNINGS OF THE VARIOUS OPERATIVES.

If one figures on a production, as they do here, of 5.84 hanks of No. 20s per ten hours, the spinner's wage is found to be 63 cents a day. Reelers are paid by the kilo (2.2 pounds); warpers run 1 machine each, and are paid by the 100 kilos (220.46 pounds) or 1,000 meters (1,090 pounds); spoolers are paid by the day and winders by the kilo. The rate of pay is so arranged that all of these earn from 41 to 49 cents a day.

At Pottsdorf, near Vienna, in a large mill having 52,000 mule spindles and 8,000 ring spindles, I found that on No. 44s there were required per 2 mules of 2,536 spindles 2 spinners, at $1.02; 1 piecer, at 61 cents; and 1 boy creeler, at 41 cents per day. At this mill the ring frames were 516 spindles each, and each girl ran 1 frame, did her own doffing, and made the usual 41 cents per day. * * * One carder, at 49 cents, and 1 boy, at 41 cents per day, attended to each 12 cards and did all the work except grinding.

I have made up the following table as showing wages and cost of living for six typical Austrian cotton mills. The table is prepared from unpublished statistics given me by the president of the Austrian Cotton Spinners, as being actual figures recently compiled by a member of his association and from statistics obtained personally:

Description.	Lower Austria.		Vorarlberg.		Bohemia.	
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.
OPERATIVES.						
Blow room:						
Head	$0.67	$0.88	$1.02	$0.75	$0.71	$1.02
Operative	.45	.40	.61	.47	.41	.57
Waste man	.45	.32	.73	.45	.45	.53
Cards:						
Head	.94	.88	1.22	.81	.71	1.22
Card grinder	.61	.49	.69	.56	.65	.71
Can men	.49	.35	.54	.46	.41	.56
Lap carrier	.45	.35	.54	.45	.41	.56
Oiler	.45	.....	.42	.45	.41	.49
Draw-frame tender	.50	.38	.43	.45	.41	.49
Fly frames:						
Head	.81	.94	1.36	.81	.71	1.32
Operative	.46	.38	.55	.45	.46	.57
Roving hands	.31	.29	.37	.37	.37	.43
Oiler	.45	.39	.47	.47	.45	.59
Ring spinning:						
Head	.81	.51	1.52	.81	.81	1.32
Spinner	.46	.31	.43	.39	.49	.49
Doffer	.35	.25	.....	.35	.....	.33
Oiler	.45	.....	.53	.45	.41	.41
Mule spinning:						
Head	.94	1.46	1.62	.81	.94	1.42
Spinner	1.09	.67	.80	.81	.61	.79
Piecer-up	.74	.47	.54	.45	.42	.51
Creeler	.47	.24	.31	.20	.31	.32
Oiler	.45	.....	.61	.45	.41	.61
Twisting:						
Operative	.....	.46	.41	.42	.....	.61
Creel hands	.....	.46	.39	.39	.....	.53
Reeling:						
Head	.88	.62	1.12	.81	.....	1.02
Reeler	.37	.62	.47	.56	.....	.57
Packer	.55	.53	.64	.56	.....	.64
Woman bundlers	.63	.53	.46	.37	.37	.53
Machine shop:						
Head	.91	1.62	1.62	1.02	.91	1.02
Machinist	.73	.81	.89	.67	.59	.89
Woodworker	.75	.59	.85	.57	.....	.71
Smith	.....	.61	.73	.....	.....	.61
Engineer or turbine minder	.51	.63	.76	.69	.61	.71
Fireman	.61	.53	.76	.65	.53	.61
Transmission tender	.45	.57	.65	.56	.49	.65
Night watchman	.54	.35	.61	.57	.49	.65
Porter	.54	.....	.53	.55	.41	.53
Average wages	.498	.416	.538	.46	.487	.586

HUNGARY.

Report of Special Agent Clark on cotton mill at Budapest (1908 and 1909):

"Picker hands.—Men, 2 crowns (crown=20.3 cents); women, 1.5 crowns a day.

"Cards.—2.6 crowns (8 cards to a man); card grinder, 4 crowns.

"Draw frames.—1.5 crowns on the average, paid by hank clock.

"Slubbers.—2 crowns a day average, paid by hank.

"Mules.—Two mules (2,000 spindles) on No. 20s require 1 spinner, at 5 crowns; 2 piecers, at 3.50 crowns; and 2 boys, at 2.50 crowns.

"Ring spinning.—Girls run one side of 200 spindles each, get off about 8 hanks a day, and are paid 1.2 crowns to 1.4 crowns a day; they do their own doffing.

"Reelers are paid by the pound and make 1.5 to 2 crowns a day.

"Weavers run mostly on Cabots; they are paid 2 crowns for 100 meters (meter=39.37 inches) of 15 pick (per quarter inch) goods, and other cloth in proportion."

ITALY.

Report of Special Agent Clark on wages in one of the oldest cotton mills in southern Italy, located at Salerno:

"This company employs some 2,000 operatives, and the wages of the bulk of the employees average about 1½ francs, say 30 cents, a day of eleven hours.

"The regular weekly wages in American currency, based on the rate per day, except as stated, were about as follows:

Employees.	Per week.
General personnel:	
1 manager, here called director, at 15,000 lire a year	$57.90
1 bookkeeper, at 5,000 lire a year	19.30
1 clerk at 5 lire and 3 clerks at 3.5 lire each	17.85
1 gatekeeper, at 2 lire	2.32
1 night watchman, at 2.5 lire a night (7 nights)	3.38
1 Sunday watchman, at 2 lire	2.32
2 boiler-room men, at 3.5 lire each	8.11
1 engineer, at 5 lire	5.82
1 machinist, at 6 lire, and 2 assistants, at 4 lire each	16.21
1 waste packer, at 2.5 lire	2.90
1 roll coverer, at 4 lire	4.63
1 general utility man, at 2.5 lire	2.90
Total, general personnel	143.64
Card room:	
1 foreman, at 6 lire	6.95
1 assistant, at 3 lire	3.47
Picker-room force, 3 men, at 2.5 lire each	11.58
1 card grinder, at 5 lire	5.79
3 carders, at 2.5 lire each	8.68
3 draw-frame tenders, at 2 lire each	6.95
2 slubber tenders, at 2 lire each	4.63
4 intermediate tenders, at 2 lire each	9.26
9 fine-frame hands, at 2.25 lire each	23.45
2 roving carriers, at 2 lire each	4.64
Total, card room	85.40
Spinning room:	
1 foreman, at 6 lire	6.95
1 assistant in charge of mules, at 5 lire	5.79
2 mule spinners, at 5 lire each	11.58
4 mule threaders, at 3 lire each	13.90
2 carriers and oilers, at 3 lire each	6.95
1 rope binder, at 3 lire	3.47
2 assistants on ring spinning, at 4 lire each	9.26
20 female spinners, at 2.2 lire each	50.95
16 doffers, at 1.25 lire each	23.16
4 apprentices, at 1 lire each	4.63
2 banders and oilers, at 2.5 lire each	5.79
1 baler, at 2.25 lire	2.61
Total, spinning room	145.04
Total wages, entire mill	374.08

Report of Special Agent Clark on other mills in Italy:

"In some mills I found that the day's wages for all persons in the spinnig room were based on a certain production from the room, and at the end of the week their wages per day were over or under the set day wage according to the total production obtained.

"In southern Italy the wages are lower than in northern Italy, and might be given as 1½ to 2 lire (29.1 to 38.6 cents) for the first, as against 2 to 3 lire (38.6 to 58 cents) for the latter, but wages vary so, even between mills on the same goods in the same locality, that this is very general. The country mills pay much less than the city mills, but as a rule the help is less efficient.

"The following is a daily wage table from a southern mill, as published by the Government; hours of work, 11; days worked in a year, about 300:

Workers.	1894.	1898.	1903.
	Cents.	*Cents.*	*Cents.*
Carding: Men	34.7	44.2	48.3
Fly frame: Women	15.4	21.2	27.0
Spinning:			
Men	34.7	51.4	56.0
Girls	13.5-15.4	13.5-23.3	17.4-25.1
Cop winding: Women and girls	8.7-21.2	17.4-25.1	15.4-25.1
Twisters:			
Men	34.7	53.1	54.0
Women	15.4	21.2	21.2
Spoolers: Women and girls	9.7-23.2	13.5-27.0	13.5-27.0

"The average daily wages paid in a country mill near Milan have gradually increased from 30.9 cents for men and 11.6 cents for women spinners in 1871 to 47.3 cents for men and 36.1 cents for women in 1907, while for weaving the wages have increased from 15.4 cents to 39.6 cents in the same period. The hours of labor have also been decreased from 12 to 10½ per day. The number of days worked per year is about 290."

Report of Special Agent Clark on wages in a fancy weave mill in Turin:

"In the card room wages are as follows: Picker-room hands get 2 to 3 lire a day (lira=19.3 cents), carders get 2½ lire, and 3 carders and 1 card grinder run the 30 cards. Draw-frame tenders get 2 lire a day. Slubber tenders get 10 centessimi (about 2 cents) a hank, and the intermediate and fine frame tenders in proportion, so that their wages per day vary between 2 and 2.5 lire. On the spinning frames girls run from one to two sides, and are paid by the production, but wages average about 1 lira per 200 spindle side. For the 15,000 spindles there are 12 doffers, each under an assistant, the doffers getting 1.25 lire per day.

"Prices for weaving vary, so that figures without samples are of little value, but on the plain wides of 140 centimeters (55.12 inches) width the weavers get 5½ centessimi (1.06 cents) a meter (39.37 inches), and cuts run 50, 100, and 120 meters in length. On the narrow goods up to 75 centimeters (29.53 inches) the price averages about 3½ centessimi (0.68 cent) a meter. The wide looms are run 135 to 150 picks per minute, and the narrow looms 180 picks a minute. These prices correspond to about 1 cent a yard for 68-pick goods 55 inches wide, and about 0.6 of a cent a yard for 48-pick goods 30 inches wide. The weavers therefore make 2 to 2½ lire a day, a few getting as high as 3 lire."

Statement of Special Agent Clark in regard to employment of women and children in cotton mills of Italy:

"There is no law regulating the hours of labor per day or per week, but there is a law forbidding women and children to work at night. This law was passed in 1902, to take effect June 30, 1907, the five-year interval being allowed the mill men in which to double their plants. This was made necessary by the fact that the great bulk of Italian mill labor consists of women and children. The Government figures for 1903 showed the operatives in cotton mills to be 138,880, of which 34,335, or 25 per cent, were men; 82,056, or 59 per cent, were women; 4,739, or 3 per cent, were boys; and 17,750, or 13 per cent, were girls. These figures show that the women and children comprise three-fourths of the total employees."

SWITZERLAND.

Report of Special Agent Clark on wages per day in four large cotton mills in Switzerland (1908 and 1909):

Operatives.	Mills.			
	No. 1.	No. 2.	No. 3.	No. 4.
Blow room:				
Head man			$1.06	$0.74
Workman	$0.65	$0.59	.60	.53
Waste man	.61	.55	.56	.56
Cards:				
Head man	1.42	.85	1.16	1.12
Card grinder	.77	.67	.62	.66
Can boys	.61	.51	.59	.51
Lap carrier	.60	.51	.54	.53
Oiler				.42
Draw-frame girls	.48	.43	.41	.40
Speeders:				
Head man	1.22	.85	1.06	1.10
Oiler	.61		.64	.49
Speeder hands	.65	.50	.45	.55
Creelers			.35	.39
Ring spinning:				
Head man	1.14	1.07	.87	1.16
Oiler	.61	.61	.67	.44
Spinner	.56	.31	.43	.43
Doffer			.31	.33
Mules:				
Head man	1.27	1.15	.91	1.14
Oiler	.61	.61	.68	.47
Spinner	.91	.78	.65	.75
Piecer	.66	.51	.44	.53
Roving carriers	.53	.32	.37	.38
Reeling:				
Head man	.71		1.06	
Reelers	.56	.41	.43	.45
Packers	.77	.65	.63	.74
Women bundlers	.47	.42	.48	.44
Machine shop:				
Head man	1.02	1.22	1.72	
Machinist	1.12	.73	.91	.99
Woodworker	1.12		1.09	.74
Smith	1.02		1.16	
Carpenter shop:				
Cabinetmaker	1.02	.69	1.01	1.02
Carpenter	.97		.87	.83
Turbine minder	.86			.74
Fireman	.85	.71	.85	.85
Transmission tender	.85	.63	.66	
Night watchman	.81	.71	.63	.63
Porter			.46	
Repair department:				
Head man	.91	.91	1.17	
Repairer	.73	.59	.65	.59
Mason	.97	.73	.70	.78
Average per day	.63	.50	.47	.51

It will be noticed that some of the mills show no doffers. In a good many cases none are employed, but each three spinners work together and doff their frames themselves.

EGYPT.

Report of Special Agent Clark on wages in Egyptian cotton mills (1908 and 1909):

"English machinery is used throughout. The wages paid are high as compared with Indian mills and are steadily advancing from year to year. Men start in at 6 piasters (say 30 cents) and soon get 8 to 9 piasters (40 to 45 cents) a day and over. Women and men work together, and some young children are employed, both boys and girls. Spinners are paid by the day; in fact, reelers and weavers are about the only hands on a piecework system. A girl running two sides of warp gets about 25 cents, but on fine weft may get as much as 50 cents.

"The working hours are from 6 a. m. to 6.10 p. m. Hands are relieved in batches for ten minutes for breakfast and the mill stops an hour for dinner at noon, so that the operating time is only eleven hours a day."

INDIA.

Report of Special Agent Clark on wages in cotton mills in India:

"Lapmen to bring in the laps receive the equivalent of 13 cents each a day. Flymen to remove the waste receive the same thing, boys to handle the cans receive 11 cents a day each, a head grinder and ordinary grinders receive 15 cents a day, and strippers receive the same pay. The strippers have one of the hardest jobs in the mill, having to strip each card every hour and a half, which keeps them very busy. An oiler receives 13 cents a day. The draw-frame tenders make about 13½ cents a day. The slubber price is about 18 cents a day. 'Intermediates' make about 17½ cents a day. Doffer boys get about 10 cents a day. The spinning is all done by men and boys. Each spinner is paid 11 rupees 8 annas a month of 26 days, or, say, 14 to 15 cents a day. The doffers get 10 cents a day. For running each two mules of 1,872 spindles on 20s there was required one spinner, who got about 27½ cents a day; five piecers got 15 cents a day each, and two creelers were paid 9½ cents a day. Reeling is the only work in most of the Indian mills that is considered to be a woman's job. The law prohibits women working in mills after 6 p. m. As most of the mills work until 7.40 p. m., women are usually confined to reeling only. The reeling wages are 0.7 of a cent for hand reels and 0.46 of a cent for power reels on 10s. This is a higher price than is usually paid in America, where one-third of a cent for reeling 10s is considered high. The work is a little different, however, as in America the length does not usually have to be so exact, and full bobbins are reeled at each doff."

Mr. LODGE. Mr. President, I reprint here a brief statement made by me in the tariff debate of last year, which shows the effect of the protective tariff on the prosperity of our cotton mills and on the wages and hours of labor which concludes what I have presented on the cotton industry.

Mr. President, I wanted to call attention to a few facts in regard to the great cotton industry. In 1905 there were 310,000 people in the United States earning wages in the cotton industry. In Massachusetts there were 88,033 in 1905, and in 1900 there were 92,085. The maximum prior to 1905 was 100,982. The capital was $605,100,164. During this time, which has been a period of prosperity, until within a year, wages have been advanced in those industries, as I have shown, 32 per cent, and the hours of labor have been shortened in Massachusetts to fifty-six hours per week and to fifty-eight in the other New England States.

Mr. ALDRICH. To fifty-six in Rhode Island.

Mr. LODGE. To fifty-six in Rhode Island also. The wages paid out were $94,377,696, and, as I also pointed out, the increase since 1900 to 1905 was 10.9 per cent; that is, there was 2½ per cent increase in the number of wage-earners and an increase in wages of 10.9 per cent.

Under the general cotton products, we imported $31,869,000 worth; under cotton laces, $39,737,000; and under wearing apparel, $1,358,000, making a total of $73,964,000.

Mr. President, almost all of that could be made here without advancing prices to the consumer, if we can be allowed to take possession of our own market. There were 310,458 wage-earners in 1905. That means probably one million and a quarter people who derived their living from the mills. There are 155,000 in New England. There are 31,000 in the Middle States. There are 120,000 in the South. There are 2,000 in the Western States. That is a great body of people, Mr. President. We hear a great deal in this debate about consumers. All those people are consumers. They are also buyers. They buy rice with duty of 100 per cent. They buy tobacco, with its eighty-odd per cent duty. They buy all the articles of the agricultural schedule, and they do not complain.

Cutlery.

Statement of comparative wages in razor industry submitted by Geneva (N. Y.) Cutlery Company (Tariff Hearings, p. 2162):

	Weekly wages paid.	
	Germany.	United States.
Forgers	$4.30 to $7.09	$15 to $21
Dry grinders	4.30 to 5.70	12 to 18
Hardeners and temperers	4.30 to 6.00	15 to 21
Concavers	4.30 to 9.00	16 to 24
Polishers	4.30 to 5.70	12 to 21
Razor-handle makers	4.30 to 5.00	12 to 18
Honers	2.50 to 6.00	9 to 15

Statement of Solingen (Germany) Chamber of Commerce submitted in refutation of above figures (S. Doc. No. 68, 61st Cong., 1st sess.):

Categories of laborers.	Data given by the Chamber of Commerce at Solingen.	
	Amount.	United States equivalent.
	Marks.	
Forgers	35-45	$8.33-$10.71
Hardeners	42-48	10.00-11.43
Dry grinders		
Concavers	65-75	15.47-17.85
Polishers		
Handle makers	40-44	9.52-10.47
Honers	40-45	9.52-10.71

Statement of English Board of Trade on same industry in Solingen, Germany:

	Wages per week.
Hammerers, knives	$7.20 to $8.64
Hammerers, scissors	7.20 to 8.64
Grinders, knives	7.20
Grinders, forks	6.48 to 7.20
Grinders, scissors	6.00 to 7.20
Grinders, razors	8.40 to 8.60
Cutlers, knives and razors	6.48 to 8.04
Hardeners, knives	5.76 to 6.00
Hardeners, scissors	5.04
Hardeners, razors	6.48
Nailers, scissors	5.28 to 7.20

Electric supplies.

FRANCE.

Report of special agent of the Treasury Department on wages paid in the Thomson-Houston Works at Paris in 1909 (United States Consular Reports):

"The Thomson-Houston Works pay their employees, for the most part, by piecework. A working day involves ten hours. Work commences at 7 in the morning and continues until noon and is resumed at 1.15 p. m., the shops closing at 6.15 p. m. The operator at one of the Niles boring machines is averaging about 1 franc per hour (19.3 cents). At the Bullard boring mills the operators were receiving rates of pay varying from 90 centimes to 1.10 francs per hour. The men at the lathes and millers average between 85 centimes and 1.05 francs per hour. The grinding hands receive, at an average, 85 centimes per hour. Women receive for hand work between 40 and 50 centimes per hour (100 centimes=1 franc=19.3 cents)."

GERMANY.

Report of Special Agent Carden on wages in the Halske-Siemens-Schuckert Electrical Works, employing 25,000 persons (United States Consular Reports):

"The rate of wages paid by this firm is based largely on piecework, and for the summer of 1907 is illustrated by the following table (mark=23.8 cents):

	Average weekly wages.	Average hours per week.
		Hours.
Lathe hands	$11.04	57½
Vise men	9.60	56½
Drill-press men	8.16	57½
Planer hands	8.88	53½
Machine laborers	8.16	60½
Machine porters	6.96	63½
Tool-lathe makers	10.56	55½
Tool-vise hands	10.03	60½
Milling-machine hands	9.36	60½
Tool grinders	8.40	56½

Firearms.

Statement of Winchester Arms Company, New Haven, Conn. (Tariff Hearings, p. 2237):

"In the manufacture of guns two classes of machines are chiefly used the world over, viz, a standard form of Lincoln milling machine, and a so-called edging or profiling machine. In the ordinary manufacture these machines are run by operatives who are not mechanics and who have no actual trade. On the Continent milling-machine operatives, who form the larger proportion of those manufacturing guns, receive from $3.50 to $4.50 per week. In this country it is practically impossible to employ people for the same work at less than from $2.25 to $2.50 per day, or $13.50 to $15 per week; and the same is practically true of the wages of all other employees engaged in this line of manufacture. It is, therefore, safe to say that the continental labor cost is not over one-third of the domestic labor cost."

STATE OF NEW YORK, *Tompkins County, ss:*

Alfred Betts, being duly sworn, deposes and says: I came to the United States from England four years ago last September. Before that I worked at the gun business for about twenty years in Birmingham. I worked for Webley & Scott, Greener, and the Midland Gun Company. I had worked by the day and piecework, and I had employed others as a contractor. I therefore know what wages were paid to gun workers. The average wages of a skilled man like myself was about $7.50 per week. When I came to this country I could earn about $18 to $21 per week.

I am now working for the Ithaca Gun Company, and am making net from $20 to $24 per week.

My father and uncle were gun makers before me. My brother is a gun maker in England, and is able to make from $7 to $7.50 per week when he can get a full week's work.

ALFRED BETTS.

Subscribed and sworn to before me this 2d day of December, 1908.

PAUL S. LIVERMORE, *Notary Public.*

(Tariff Hearings, p. 2240.)

Foundry and machine-shop work.

GERMANY.

Report of Special Agent Carden in regard to wages in the works of the Ludwig Loewe & Co. A. G. works at Berlin for year 1909:

"The rule at Loewe's calls for fifty-four hours of work per week per man, and the wages paid vary between 10.8 cents per hour for unskilled labor to 30 cents and even more for skilled men. The expert

men are generally paid by piecework. The average rate of wages paid by the hour is as follows:

	Cents.
Foremen in the assembling department	19. 2
Vise men	14. 4
Skilled lathe men	15. 8
Skilled planing men	16. 8
Skilled milling-machine men	17. 2
Skilled men for boring mills	17
Skilled men for grinding machines	16. 8
Molders	17. 2
Core makers	14. 4
Carpenters	12. 7
Pattern makers	15. 6
Forge men	17. 2

The actual average rates of wages which have been paid in the foundry department are as follows:

	Cents.
125 hand molders	18
32 machine molders	15. 6
45 core makers (men)	17. 2
20 core makers (women)	8
34 cleaners (picklers)	14
6 apprentices	3. 4
125 workmen (varied help)	11. 5

Report of Special Agent Carden on wages in machine-tool plant of De Fries & Co., Dusseldorf, in 1909:

"The following table indicates the rate of wages paid skilled men in the De Fries shops:

	Cents per hour.
Lathe men	15. 6
Planer hands	16. 8
Milling-machine men	16. 8
Boring-mill hands	16. 8
Grinding-machine men	15. 6
Foremen	19. 2
Assembling-department hands	16. 8
Vise men, assembling department	16. 8
Molders	18. 0
Core makers	15. 6
Carpenters	16. 8
Pattern makers	19. 2
Forge men	19. 2

"The 300 machine tools constituting the equipment of De Fries & Co. are operated by approximately 200 machinists, constituting an average of 1½ machines per man. Twenty per cent of the 750 men employed represents unskilled labor. The work day is reckoned at ten hours and the average wages paid for unskilled labor is 9.12 cents per hour."

Reports of Special Agent Carden on wages in Italy, Switzerland, and Austria, 1909.

ITALY.

LEGNANO.

A few of the most expert men receive as high as 11 francs per day ($2.12), but only a very few, and the pay of a shop foreman is but little more. This is considered very good pay in Italy. For the majority of the men the pay ranges from 8 to 10 francs per diem ($1.54 to $1.93), with about 6 francs ($1.16) per day for the younger and less experienced employees.

SWITZERLAND.

ZURICH.

The following wages are paid: Fitters of the better class, $1.68 to $1.92 per day; skilled men on lathes, milling, and planing machines, $1.44 to $1.68; other than skilled men on drilling machines, capstan lathes, and small machines, $1.20; shopmen for varied sorts of work, 96 cents to $1.

AUSTRIA.

VIENNA.

The workmen are paid according to the amount of work performed. For each piece there is a fixed valuation, and the workman is paid whenever the work is completed. In case the task extends over a pay-day period advances are made. I was informed that some of the very best workmen receive as high as 10 crowns ($2.03) per day. The average rate of pay for good machinists varies from 6 to 8 crowns ($1.22 to $1.62) per day. Apprentices receive 1.7 crowns (34.5 cents) per day. A day's work at the Vulkan shops comprises nine hours and twenty minutes. The shops open at 7 a. m. and close at 6 p. m. (Saturdays at 4 p. m.), with an interval of ten minutes for breakfast and one and one-half hours for dinner.

DENMARK.

COPENHAGEN.

The average wages earned by good machinists varies from 13 to 16 cents per hour. In winter time a day's work comprises nine hours, and in summer time, ten hours.

Hats (straw).

FRANCE.

(British Board of Trade.)

GRENOBLE.

	Wages per week.
Hat makers	$5. 48 to $6. 92
Laborers	4. 04 to 4. 60

NANCY.

Stitchers	8. 06 to 9. 22
Other skilled men	5. 76 to 6. 14
Laborers, stiffeners, pressers	4. 04 to 5. 00

Hats (felt).

ENGLAND.

(British Board of Trade.)

STOCKPORT.

	Wages per week.
Blockers	$8. 40 to $9. 60
Plankers	7. 20 to 8. 40
Finishers	7. 20 to 9. 60

Weekly earning power—piece-work prices, hatting industry abroad and in the United States

[Statement of James Marshall, Fall River, Mass.]

	Continent.	England.	United States.
Boys and girls	$1.20	$2.00	$4.00 to $5.00
Women	2.40	3.50	6.00 to 7.00
Unskilled	4.00	5.00	9.00 to 10.00
Skilled	6.00	9.00	18.00 to 21.00

Hosiery.

GERMANY.

(British Board of Trade.)

CHEMNITZ.

	Wages per week.
Men at hosiery frames	$5. 28 to $6. 00
Packers	5. 28
Finishers	4. 32

STUTTGART.

Hosiery weavers (average)	3. 60 to 4. 32

FRANCE.

TROYES—POWER-FRAME WORKERS.

Cotton's patent	8. 64 to 11. 52
Rotary	8. 64 to 10. 56
Paget	7. 20 to 8. 64
Circular	8. 16 to 8. 64
Finishers	6. 34 to 6. 92

Statement as to average American wages, submitted by Glen Knitting Company, Philadelphia, Pa. (Tariff Hearings, p. 4600):

"STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

"Personally appeared before me, a notary public, residing at Philadelphia, in and for said county and State, William S. Ash, secretary of the Glen Knitting Company, a corporation of Philadelphia, Pa., who, being duly sworn according to law, says: That the following list of wages paid at the present time at the hosiery mill of the above corporation at Philadelphia, Pa., was copied from the weekly pay roll of the said Glen Knitting Company, and is true and correct both as to the rates paid for piecework and as to the weekly averages earned by the different classes of operators; that the rates have been in force since April, 1907, and have not been reduced since then; that to the best of his knowledge and belief there is no material difference between the wages paid for the same kind of work in the different sections of the United States; and that the following schedule of the rates for piecework and the list of weekly averages constitute a fair basis for calculating the cost in the hosiery factories of the United States of such lines of goods as are coming in most direct competition with foreign, and especially German, goods:

(1) Average weekly wages paid:

Knitters (men)	$30. 00
Toppers (women)	8. 00
Loopers (women)	10. 00
Seamers (women)	10. 00
Menders (women)	10. 00
Finishers (women)	9. 00
Finishers (men)	14. 00

(2) Rates paid for piecework for 36-gauge ladies' hose:

Knitting legs	.25
Knitting feet	.11
Topping feet	.07
Looping	.005
Seaming	.075
Examining and mending	.04
Boarding	.055
Pairing and packing	.075
Other wages and salaries	.15
Total wages per dozen	.89

That the foregoing facts are true and correct to the best of his knowledge, information, and belief.

WM. S. ASH.

Sworn and subscribed before me this 27th day of November, A. D. 1908.

[SEAL.] GEO. E. GRIFFIN, *Notary Public.*

Jewelry.

Statement of Joseph Lawrence, of Providence, R. I., comparing wages in Providence, R. I., and Pforzheim, Germany (Tariff Hearings, p. 6764):

	Providence, R. I.	Pforzheim, Germany.
	Per day.	*Per day.*
Jewelers	$2.50 to $3.50	$0.96 to $1.05
Stampers	2.00 to 3.50	.96 to 1.05
Stone setters	3.00 to 5.00	1.25 to 1.32
Engravers	3.00 to 3.50	1.29 to 1.44
Tool makers	3.00 to 6.00	1.17 to 1.25
Helpers	1.00 to 1.66	.78 to .82
Polishers	2.00 to 3.00	.60 to .65
Chain makers	1.16 to 2.00	.60 to .65
Foreman	4.16 to 5.00	1.92 to 2.88

Statement of Pforzheim (Germany) Chamber of Commerce (S. Doc. No. 74, 61st Cong., 1st sess.):

Jewelers	$1.07
Bracelet makers	1.14
Assemblers (installateure)	1.33
Mounters (beschlagemacher)	1.26
Modelers and sample makers	1.30
Designers	2.10
Steel engravers	1.46
Range	$1.07–2.10

Women workers earned between 58 cents (brushers) and 74 cents (gilders) a day.

Leather tanneries.

ENGLAND.

[British Board of Trade Reports.]

WARRINGTON.

	Wages per week.
Fleshers and unhairers	$7.20 to $8.40
Machine men	6.00 to 7.20
Laborers	4.80 to 5.28

FRANCE.

ROUEN.

Tanners	4.60 to 5.18
Curriers	6.92 to 8.06
Laborers	4.32

NANCY.

Tanners	3.74 to 4.90

GERMANY.

BERLIN.

Tanners	6.40 to 7.20
Dressers	7.20

HAMBURG.

Skilled leather workers	4.80 to 6.48
Unskilled	4.32 to 5.76

Lithographers.

Statement of wages in the German lithograph industry, by Forbes Lithograph Manufacturing Company, Boston (Tariff Hearings, pp. 6186, 6187):

[Charles Hellmuth, lithographs, printing inks, and dry goods, New York; office and factory, 154–158 West Eighteenth street.]

NEW YORK, *July 27, 1908.*

THE FORBES LITHOGRAPH MANUFACTURING COMPANY,
Boston, Mass.

GENTLEMEN: Referring to your favor of June 13, we have obtained the scale of wages and time of working in Germany, and submit same, as follows:

BERLIN.

		Wages per month.
Lithograph stipple artist	8-hour day	$24.00 to $40.80
Lithograph crayon artist	do	24.00 to 40.80
Lithograph engraver	do	24.00 to 40.80
		Wages per week.
Transferrers	9-hour day	$6.00 to $7.20
Transferrers, first class	do	7.92 to 8.64
Pressmen	do	7.92
Pressmen on zinc or aluminum, rotary	do	8.64 to 9.60
Stone grinders and polishers of zinc or aluminum	9-hour day	3.84 to 4.32

STUTTGART.

Lithograph stipple artist	9-hour day	3.36
Lithograph crayon artist	8-hour day	7.20
Lithograph engraver	do	7.20
Transferrers	9-hour day	6.64
Stone polisher of aluminum or zinc	do	5.04
Pressmen on stone or zinc and aluminum, rotary	9-hour day	7.20

Nine hours appears to be the prevailing working time except for artists.

Hoping this information will be of use to you, we remain,
Yours, very truly,

CHARLES HELLMUTH.

Millinery and lace.

ENGLAND.

Average wages per week in Nottingham (British Board of Trade Reports):

	Time.	Piece.
MEN.		
Foremen	$12.28	.....
Draftsmen	10.92	.....
Lacemakers:		
Levers branch	.....	$10.34
Curtain branch	.....	10.46
Plain net branch	.....	10.26
Winders	.....	6.00
Threaders	.....	5.20
Warpers	8.88	.....
Mechanics	9.62	.....
WOMEN.		
Slip winders	3.20	3.32
Brass-bobbin winders	.....	4.54
Menders	3.14	3.74
Machine embroiderers:		
Pantagraphers	.....	5.70
Front girls	.....	4.08
Other women	4.20	3.22

SCOTLAND.

Affidavits of employees as to wages in lace mills of Scotland (Tariff Hearings, p. 4834):

In 1906 I worked at Goodall & White's, Glasgow, Scotland, as a lace weaver, working an 8-point 360-inch machine at the rack rate of 1¼ pence for ordinary double action and 2¼ pence for double-action madras. Previous to 1906 I worked for Muir Brothers, Newmilns, at the set wages of 26 shillings, where I learned the trade, working the first year for 18 shillings, the second year for 21 shillings, the third year for 24 shillings, and the fourth year for 26 shillings.

ALEX SMITH.

Sworn to and subscribed before me this 3d day of December, A. D. 1908.

[L. S.] WILLIAM BUCKLEY, *Notary Public.*

Commission expires January 14, 1909.

The wages of Alex Smith for the weeks of November 21 and 28 were $29.85 and $25.05 (Thanksgiving week), working a total of seventy-six hours and making 448 racks.

Working by hours, Alex Smith averaged $27.76 per week of forty-four hours, or four and one-half times the time rate of Muir Brothers, Scotland.

Working by racks at the American rate of 0.1 per rack for 8-point 360-inch ordinary double action and 0.1121 per rack for double-action madras, he would have averaged for each week when making ordinary double action $8.40 in Scotland, as against $22.40 in America, or, if making double-action madras, $9.52 in Scotland, as against $25.11 in America. The American rate is 167 per cent higher than that of Goodall & White, Glasgow, on the ordinary double-action goods, and 164 per cent on the double-action madras goods.

E. S. WEISS,
Timekeeper and Paymaster.

Sworn to and subscribed before me this 3d day of December, A. D. 1908.

WILLIAM BUCKLEY, *Notary Public.*

Commission expires January 14, 1909.

In 1905 and 1906 I worked at Hood Morton's, Newmilns, Scotland, as a lace weaver, working an 8-point 360-inch machine, at set wages of 26 shillings per week of forty-four hours, the masters working the machines three shifts, or one hundred and thirty-two hours.

ALLAN ATHY.

Sworn to and subscribed before me this 3d day of December, A. D. 1908.

[L. S.] WILLIAM BUCKLEY, *Notary Public.*

Commission expires January 14, 1909.

The wages of Allan Athy for weeks ending November 14, 21, and 28 were $26.26, $24, and $19.45 (Thanksgiving week), respectively, working one hundred and forty-one hours. This is an average of $21.75 per week of forty-four hours, or three and one-third times what he was making in Scotland for the same number of hours.

E. S. WEISS,
Timekeeper and Paymaster.

Sworn to and subscribed before me this 3d day of December, A. D. 1908.

[L. S.] WILLIAM BUCKLEY, *Notary Public.*

Commission expires January 14, 1909.

GERMANY.

PLAUEN.

Reports of Special Agent Clark and United States Consul C. B. Hurst on wages paid in lace and embroidery industry in Plauen, 1908 and 1909:

"The wages paid to employees are small, according to American standards. While the many girls and women employed in the factories could earn as much in domestic service, they prefer the freedom and independence of factory life. Fifte n marks ($3.57) a week is considered good pay, and nearly all wages are reckoned according to the amount of work done.

"Most of the cutting off and fastening of threads is done at home by children and women, who can be seen by the score sitting on the doorsteps and all about outdoors at work with scissors and thread, surrounded by masses of delicate lace, or carrying through the streets their bundles of laces to and from the factories.

"With the highly developed machinery all the fine, handmade laces can be copied with marvelous accuracy, including Venetian point, Irish, Cluny, Brussels, and many others, as well as muslin embroideries and edgings of all sorts.

"Women and girls are employed very largely in the factories. The average wages paid to overseers range from 24 to 40 marks ($5.71 to $9.52) a week, only in rare instances higher than this. The wages paid to operatives, on an average, are nearly 16 marks ($3.81) a week. This latter rate was established the beginning of last year, when the average weekly payment was 13.99 marks ($3.33). The employers say that a number of the workmen do not earn the pay they receive in relation to the work done. Operatives are striving to have a minimum of 18 marks ($4.28) a week established. This is being strongly opposed by most manufacturers. Before the latest increase in wages was granted the operatives, both sexes, divided into four classes, earned as follows:

Class of weavers.	Wages per week.	
	Marks.	*Dollars.*
Up to 16 years of age	10.28	2.47
From 16 to 21 years	12.96	3.08
From 22 to 55 years	16.08	3.83
Over 55 years of age	13.38	3.18

"There are, of course, exceptions in different places, and one finds wages in some cases as high as 18 marks ($4.28) per week being paid, which counterbalance some wages as low as 7 marks ($1.67) a week.

"The weekly wages for general scissor and needlework performed in factories is about $2.88. The man who owns the machine called the 'Lohnesticker,' working at home on regular designs and furnishing

the yarn, etc., gets $30 for what costs him $28, leaving him only $2 profit on his machine for the week's work.

"The average stitcher gets probably $7.20 to $8.40 per week. The two girls on a machine, one to watch the work and the other to keep the small shuttles filled, are paid, respectively, $4.32 and $3.36 per week."

FRANCE.

CALAIS.

Report of Special Agent Clark on wages in the lace and embroidery industry in Calais, 1908 and 1909:

	Francs.	Dollars.
Designer (first class)	100 to 300	19.30 to 57.90
Draftsman	75 to 200	14.50 to 38.50
Woman pointer	40 to 80	7.75 to 15.50
Card puncher	50	9.65
Card lacer	20	3.86
Warper on ground warps	50	9.65
Warper on small rolls for guimps, etc	30	5.79
Wheeleuse (bobbin filler)	35	6.75
"Remonteur," setting up design on machine	20	3.86
Mender	25	4.83
Folding, ticketing, etc	18	3.47

"In regard to other operatives, the girl overseer, who walks up and down the front of the machine to see that the needles are stitching correctly, keeps the needles threaded, corrects any slight defects found, etc., is usually paid 50 or 60 cents a day. The shuttle filler usually gets 40 cents a day. She keeps the schiffli shuttles supplied with the little 1-inch bobbins of yarn, and for ordinary work it takes a shuttle filler to a machine. The girls who inspect the cloth, those who repair defects with the sewing machine, and others get also from 40 to 60 cents. The superintendent of an 80-machine factory on fine goods that I visited got $80 a month, but $50 a month is about the average. The highest paid men in the business are the managers of the company and the designers, who are paid wages more nearly corresponding to what similar men would get in the United States."

SWITZERLAND.

ST. GALL.

Report of Consul-General S. C. McFarland on wages in lace and embroidery industry in St. Gall in 1909:

"Factory wages, small from an American standpoint, are perhaps the highest in Europe, as is also the standard of living. Foremen receive from $1.20 to $1.80 a day, expert stitchers from 90 cents to $1.90, ironers from 90 cents to $1, and less expert workers down to 60 cents."

Report of Special Agent Clark on wages in lace and embroidery industry in St. Gall:

"The stitcher in St. Gall will make, say, $8 to $12 a week, in New Jersey $18 to $30; the girl overseer in St. Gall will be paid from 38 to 57 cents a day, in New Jersey from 85 cents to $1.35; the shuttle filler in St. Gall will be paid 38 cents a day, in New Jersey 75 cents. This is quite a difference and is especially important on fine embroideries, where the labor cost is really the controlling factor.

"On standard 4/4 goods it is usually considered that, taking into account the cost of yarn and power and the cost of living, a hand-machine worker can not make a profit if the stitch rate is under 33 centimes (centime=about one-fifth cent), but I visited homes where this work is now being done at 23 centimes. The only possible reason for this seems to be that the operative can not find work on his farm during the winter and had rather work on his machine, even at a slight loss, than to get out of touch with the men who supply him with his means of livelihood. In such case the stitcher figures the work of himself and family at nothing, and has to be satisfied if the price paid covers the cost of yarn and power."

BELGIUM.

BRUSSELS.

Report of Consul-General Watts on lace and embroidery industry in Brussels:

"The majority of the lace makers earn from 50 to 85 centimes (about 10 to 17 cents) a day. Exceptionally good workers earn 1 franc (about 20 cents), and expert workers (of whom there are only 10 or 12 out of 15,000), 2 francs (38.6 cents) a day, for no matter what kind of lace."

Musical instruments.

GERMANY.

[British Board of Trade Reports.]

	Wages per week.
LEIPZIG.	
Instrument makers	$7.20 to $9.60
Metal workers	5.92 to 7.20
Japanners	5.76 to 6.24
Machinists	5.76 to 5.92
Laborers	4.80 to 5.76
STUTTGART.	
Cabinet and case makers	7.92 to 8.64
Polishers	7.20 to 8.64
Stringers and regulators	8.64 to 10.08
Key makers	8.64
BERLIN.	
Joiners	9.60 to 10.56
Cabinetmakers	8.14 to 8.64
Instrument makers	8.14 to 8.64
Stringers	8.40 to 9.60
Key makers	8.14 to 8.64
Regulators	8.40 to 9.60
Sound-board makers	8.14 to 9.60
Polishers	9.60

Paper and wood pulp.

Statement of comparison of wages of International Paper Company with those paid abroad (Tariff Hearings, pp. 5970, 5971):

Rates of wages per day of twelve hours, International Paper Company, compared with foreign rates.

Department.	Occupation.	International Paper Co.	Austria.	Per cent increase of International Paper Co.	Germany.	Per cent increase of International Paper Co.	Sweden.	Per cent increase of International Paper Co.	Norway.	Per cent increase of International Paper Co.	England.	Per cent increase of International Paper Co.	Grand More.	Per cent increase of International Paper Co.
Foremen	Ground wood	$9.60	$1.20	700	$1.50	540	$1.65	482	$1.60	500			$2.64	264
	Sulphite	6.92	1.40	394	1.60	332	1.70	307	1.70	307				
	Paper	9.60	1.50	540	1.75	449	1.85	419	2.00	380				
	Repairs	9.60	1.10	773	1.25	668	1.40	586	1.50	540				
	Steam	7.69	1.00	669	1.25	515	1.50	413	1.50	413				
Wood room	Head preparer	4.00	.90	344	1.00	300	1.00	300	1.20	233				
	Sawyer	3.00	.75	300	.87	245	.90	233	.95	216			1.68	79
	Barker	2.68	.75	257	.87	208	.90	198	.95	182			1.68	60
	Splitter	2.68	.75	257	.87	208	.90	198	.95	182				
	Chipper	2.68	.75	257	.87	208							1.80	49
Grinders	Head grinder man	3.00	1.00	200	1.25	140	1.20	150	1.30	131			2.64	14
	Grinder man	2.85	.75	280	.87	228	1.00	185	1.00	185			1.92	48
Ground-wood screens	Head screen man	3.00	1.00	200	1.25	140	1.20	150	1.20	150				
	Screen man	2.68	.75	257	.87	208	.90	198	.90	198				
Ground-wood presses	Head pressman	3.00	1.00	200	1.00	200	1.20	150	1.20	150			3.00	
	Pressman	2.68	.70	283	.75	257	.90	198	.90	198			1.72	56
Acid plant	Sulphur burner	3.72	1.10	238	1.25	198	1.25	198	1.30	186				
	Acid maker	3.72	.90	313	1.00	272	1.00	272	1.00	272			2.52	48
	Lime slacker	3.72	.90	313	1.00	272	1.00	272	.90	313			2.04	82
Digesters	Head cook	4.50	1.25	260	1.50	200	1.40	221	1.50	200			3.28	37
	Cook	3.66	.90	307	1.00	266	1.00	266	1.00	266				
	Cook helper	3.00	.70	329	.75	300	.70	329	.80	275			2.04	47
Beaters	Head beater man	4.88	1.10	344	1.25	290	1.10	344	1.20	307	$1.75	179	3.36	45
	Beater man	3.26	.80	308	.90	262	.80	308	.90	262	1.20	172	1.72	90
Paper machines	Machine tender	6.00	1.50	300	1.80	233	1.50	300	1.60	275	2.75	118	6.00	
	Second hand	3.96	1.00	296	1.20	230	1.10	260	1.20	230	1.60	147	3.75	6
	Third hand	3.00	1.00	200	1.20	150	1.10	173	1.00	200	1.25	140	2.70	11
	Fourth hand	2.68	.80	235	.87	208	.80	235	.80	235	1.05	155	2.26	19
	Fifth hand	2.68	.50	436	.60	347	.60	347	.50	436	.90	198		
Finishing	Head finisher	4.00	1.10	264	1.20	233	1.80	208	1.20	233	1.50	167	3.60	11
	Roll finisher	2.59	.80	224	.90	188	.80	224	.90	188	1.20	116	2.40	8
	Sheet finisher	2.67	.80	234	.90	197	.80	234	.90	197	1.20	123	2.40	11
	Counter	2.20	.70	214	.70	214	.80	175	.80	175	1.05	110		
	Cutter man	3.00	.50	500	.70	329	.80	275	.80	275	.90	233		
	Cutter girl	1.91	.20	855	.25	664	.30	537	.30	537	.37	416		
Indoor miscellaneous	Head loader	3.67	.90	308	1.00	267	1.10	234	1.00	267	1.25	194		
	Paper loader	2.40	.60	300	.75	220	.80	200	.80	200	.87	176		
Steam plant	Head engineer	7.69	1.10	599	1.25	515	1.40	449	1.40	449	1.75	339		
	Engineer	4.50	.90	400	1.00	350	1.00	350	1.00	350	1.25	260		
	Head fireman	3.60	.90	300	1.00	260	1.10	227	1.10	227	1.50	140		
	Coal fireman	3.00	.60	400	.75	300	.75	300	.80	275	1.00	200		
	Coal handler	2.68	.50	436	.75	257	.65	312	.70	283	.87	208		
	Ash handler	2.68	.50	436	.70	283	.65	312	.70	283	.87	208		

Rates of wages per day of twelve hours, International Paper Company, compared with foreign rates.—Continued.

Department.	Occupation.	International Paper Co.	Austria.	Per cent increase of International Paper Co.	Germany.	Per cent increase of International Paper Co.	Sweden.	Per cent increase of International Paper Co.	Norway.	Per cent increase of International Paper Co.	England.	Per cent increase of International Paper Co.	Grand Mere.	Per cent increase of International Paper Co.
Repairs	Head millwright	$4.66	$1.10	324	$1.25	273	$1.20	288	$1.20	288	$2.00	133	.....	.....
	Millwright	3.60	.90	300	1.00	260	1.00	260	1.00	260	1.10	227	.....	.....
	Millwright helper	2.40	.....	.....	.75	220	.75	220	.80	200	.90	167	.....	.....
	Carpenter	4.00	.90	344	1.00	300	.90	344	.90	344	1.25	220	.....	.....
	Mason	6.00	.90	567	1.00	500	.90	567	.90	567	1.25	380	.....	.....
	Painter	3.00	.90	233	.87	245	.90	233	.80	275	1.10	173	.....	.....
	Electrician	4.08	1.00	308	1.25	226	1.10	271	1.00	308	1.25	226	.....	.....
	Laborer	2.20	.60	267	.75	193	.75	193	.70	214	.90	144	$1.50	47
	Teamster	2.20	.60	267	.87	153	.85	159	.80	175	1.00	120	1.80	22
	Single team	4.00	.60	567	.87	360	.85	371	.80	400	1.00	300	.....	.....
	Double team	5.32	.60	787	.87	512	.85	526	.80	565	1.00	432	.....	.....
Office force	First clerk	4.44	1.10	304	1.50	196	1.60	177	1.50	196	2.00	122	.....	.....
	Second clerk	3.34	.90	271	.87	284	.90	271	.80	318	1.50	123	.....	.....
	Third clerk	3.11	.60	418	.75	315	.60	418	.60	418	1.00	211	.....	.....
	Stenographer	3.34	.75	345	.87	284	.90	271	.85	293	1.25	167	.....	.....
Average		3.91	.85	360	1.01	287	1.02	283	1.02	283	1.24	189	2.54	40
Compared with England (omitting occupations not given for England).		3.58	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Compared with Grand Mere (omitting occupations not given for Grand Mere).		3.56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Approved: BUREAU OF STATISTICS.
BUREAU OF STATISTICS, *May 15, 1908.*

JESSE L. PLASS,
Chief Clerk Bureau of Statistics.

Shipbuilding.

ENGLAND.

[From British Board of Trade Reports.]

GLASGOW.

Platers	$8.64
Riveters and calkers	8.10

SOUTH SHIELDS.

Platers	8.40
Riveters and calkers	7.92
Laborers	5.28

GERMANY.

STETTIN.

	Time.	Piece.
Platers	$5.48	$6.96
Platers' helpers	4.90	6.24
Riveters	4.90	6.24
Rivet heaters	3.46	4.40
Calkers and drillers	$4.90 to 5.18	$6.24 to 6.60
Carpenters	5.76	7.34
Sawyers (machine)	4.32	5.50
Yard laborers	4.32	.....

FRANCE.

HAVRE.

Fitters	$6.62 to $8.02
Turners	6.62 to 8.02
Smiths	6.92 to 8.30
Pattern makers	6.34 to 7.78
Angle iron smiths	8.06
Platers, heavy	8.64
Platers, light	6.10 to 7.52
Riveters	6.34
Calkers	7.48
Holders up	4.60 to 4.90
Platers' helpers	4.60 to 5.48

Silk and silk goods.

Comparison of wages in the United States and foreign countries (Tariff Hearings, p. 5844):

	Wages per day.		Hours of labor per day.
	Men.	Women.	
United States (Connecticut, New Jersey, and New York)	$1.50 to $3.00	$1.00 to $2.50	8 to 10
Average about	2.25	1.60	.....
France and Switzerland (Lyons and and vicinity, Zurich, etc.)	.75 to 1.50	.50 to .90	9 to 11
Italy (Como, etc.)	.50 to .80	.30 to .60	9½ to 12
Japan (power looms, pay includes board and lodging)	.15 to .20	.10 to .12	10 to 14
China (no power looms)	.10 to .12	.06 to .09	10 to 14

Average wages per week paid in all districts of England (Board of Trade Reports):

ENGLAND.

MEN.

Foremen	$6.80
Throwsters	4.50
Pickers, thrown silk	4.84
Twisters, sewing silk	6.10
Dressers, sponge silk	6.34
Dressers' assistants	4.70
Dyers	5.54
Weavers	5.50
Warehousemen	6.42
Mechanics	7.78
Laborers	4.64

WOMEN.

Doublers—	
Thrown silk	2.44
Sponge silk	2.58
Throwsters	2.08
Reelers	2.44
Winders and spoolers	2.70
Preparers and carders	2.70
Spinners	2.56
Gassers	3.54
Winders, weaving department	2.46
Weavers	3.10

FRANCE.

LYONS.

Weavers	$3.16 to 3.46
Dyers	5.76 to 6.92
Printers	6.92 to 8.06
Finishers	5.76 to 6.34
Laborers	4.60 to 4.90
Velvet weavers	5.14 to 4.90

GERMANY.

CREFELD.

Report of United States Consul Joseph E. Haven, 1909:

"There is no recognized wage scale in force in the silk and velvet mills in this district, each manufacturer having a standard of his own. The wages vary in the different departments, according to the skill of the several workmen. In the weaving department overseers receive from $5.95 to $7.14 a week, while laborers are paid from $5.71 to $6.18. In a few factories wages are paid according to piecework. Overseers in the winding and warping departments receive from $5.95 to $7.14 weekly; the laborers from $3.57 to $4.96. The employees in these departments are generally women. In the dyeing department overseers are paid $9.52 to $10.71, skilled labor from $7.14 to $8.33, and unskilled labor from $4.76 to $5.95. The overseers in the finishing department receive $8.33 to $9.52, and the laborers from $4.76 to $6.18."

DUSSELDORF.

Report of United States Consul Peter Lieder on wages in silk industry in Dusseldorf:

"In spinning mills, where only women are employed, the average daily wage is from 71.4 cents to 83.3 cents. Immediately after leaving school, usually at 14 years, the young girls enter the factories. In two years they earn from 35.7 cents to 47.6 cents a day, and after four or five years their wages are increased to the maximum of 83.3 cents. In weaving mills the salary undergoes many fluctuations, reaching as high as $1.19 per day. There are also many factories where workers are paid according to what they produce, and often make as much as $1.30 a day."

Report of Special Agent Clark on wages in the silk industry in Barmen:

"Wages in Barmen and the surrounding section are higher than in most other textile centers of Germany. Ordinary weavers will average 60 to 80 cents a day, and weavers on special work will get as high as $1.43 or more."

Silverware.

Statement of Reed & Barton, Boston, showing comparison of wages in England and the United States (Tariff Hearings, p. 2791):

	England.	United States.
	Per year.	*Per year.*
Bookkeepers	$500.00 to $750.00	$1,040.00
Packers	400.00 to 500.00	686.25
Designers	800.00 to 1,000.00	1,758.75
Modelers	600.00 to 800.00	1,067.50
Die sinkers	500.00 to 600.00	1,220.00
Rollers	400.00 to 450.00	533.75
Blankers	400.00 to 450.00	610.00
Stampers	500.00 to 1,000.00	762.50
Molders (sterling)	650.00 to 750.00	915.00
Molders (nickel silver)	500.00 to 600.00	762.50
	Per week.	*Per week.*
Casters (white metal) female	3.00 to 3.75	13.50
Filers	8.75 to 10.00	10.50
Fitters (white metal)		13.50
Solderers (H. W.)		16.50
Spinners	10.00 to 15.00	24.00
Saw piercers	12.50 to 20.00	13.50
Polishers (English-colorer)	12.50 to 20.00	.....
Sand bobbers	3.00 to 3.75	16.50
Chasers	8.75 to 12.50	19.50
Engravers	8.75 to 15.00	18.00
Platers	12.50 to 22.50	13.50
Gilders (female)	5.00	15.00
Etchers	.....	13.50
Buffers	7.50 to 20.00	16.50
Finishers	12.50 to 20.00	15.00
Burnishers	3.75 to 7.50	12.00
Photographers	.....	15.00
Carpenters	7.50 to 8.00	15.00
Machinists	.....	15.00
Tool makers	.....	16.50
Pattern makers	.....	15.00
Engineers	12.50	18.00
Plumbers	.....	13.50
Steam fitters	.....	13.50
Blacksmiths	.....	15.00
Mixers German and silver metals	7.50 to 20.00	27.00

Statement of S. L. Barbour, International Silver Company, Meriden, Conn. (Tariff Hearings, p. 2794):

Comparison of wages paid in the manufacture of silver-plated hollow ware between England and America, computed on a basis of a working day of ten hours.

	Average England.	Average America.	Highest America.
Casters	$0.85	$2.00	$2.50
Stampers	2.00	2.50	2.75
Spinners	1.68	3.00	3.75
Buffers	1.50	3.00	3.50
Solderers	1.50	3.00	3.75
Piercers	2.00	3.50	3.50
Chasers	1.68	3.25	4.00
Engravers	1.68	3.00	3.50
Platers	1.68	3.50	4.50
Burnishers	[a] .35	[b] 2.50	3.00
Average, 10 departments	14.92	29.25	34.75
	1.49	2.92	3.47
Boys	[c] .15	[d] .83	.....
Girls	[c] .12½	[c] 1.00	.....
Average	.27½	1.83	.....
	.14	.91	.....

[a] Girls. [b] Men. [c] Twelve to 15 years. [d] Sixteen to 18 years. [e] Eighteen years and above.

APPRENTICES.

	England.	America.
First year	$0.28	$0.67
Second year	.38	.83
Third year	.48	1.00
Fourth year	.58	1.17
Bonus for faithful service	.....	[a] 75.00
Fifth year	.68	[b] 2.50
Sixth year	.78	[b] 3.00
Seventh year	[a] 1.00	[b] 3.50
Average	4.18	12.67
	.39	1.81 and $76

[a] Terminates. [b] Regular wages according to ability.

Comparison of wages paid in the manufacture of silver-plated hollow ware between England and America, etc.—Continued.

AVERAGES.

	England.	America.
Skilled	$1.75	$3.00
Unskilled	.75	1.75
Girls	.12½	1.00
Boys	.15	.83
Apprentices	.59	1.81
Grand average	1.25	2.50

Soap.

FRANCE.

[British Board of Trade Reports.]

MARSEILLE.

	Wages per week.
Boilers and process men	$5.76
Laborers	$4.32 to 5.18

ROUEN.

Soap makers	4.70
Laborers	3.46

GERMANY.

CREFELD.

Soap makers	5.52 to 5.76

Watch movements, cases, and dials.

Statement of Waltham Watch Company (Tariff Hearings, p. 2520):

The following table will serve to show the average wages in these several countries as compared with wages paid by The Waltham Watch Company for similar work:

	Weekly.			
	England.		Switzerland.	
	Men.	Women.	Men.	Women.
Minimum per week	28 s. ($7)	16 s. ($4)	5 francs ($1)	.....
Maximum per week	35 s ($8.75)	18 s to 25 s. ($4.50 to $6.25)	6 francs ($1.20)	4 francs $0.80

	Daily.			
	Northern Italy.[a]		Waltham.	
	Men.	Women.	Men.	Women.
Minimum per day	.....	$0.15	.....	.....
Maximum per day	.....	.30	$3.24	$1.52

[a] Southern Italy, lower wages and longer hours.

Or, reduced to a uniform basis of daily wage in United States money—

	England.		Switzerland.		Northern Italy.		Waltham.	
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.
Average per day	$1.31	$0.85	$1.10	$0.80	$0.33	$0.22½	$3.24	$1.52

Statement of the E. Howard Watch Company, Waltham, Mass. (Tariff Hearings, p. 2522):

"DEAR SIR: In reply to your inquiry as regards average wages paid to workmen in our factory as compared with those paid in watch factories in foreign countries, would say we have employed in our factory 285 operatives, embracing both skilled and unskilled labor.

Skilled workmen, average per day	$4.50
Unskilled workmen, including girls operating automatic machines, etc., average per day	2.75
All others, including boys and girls, average per day	1.24
Total average of all classes per day	2.80

"To compare this with wages paid in watch factories in Switzerland, we would refer you to the report of Special Agent A. B. Butman, which appears on page 1 in the Daily Consular Trade Report of February 11, 1907, published by the Department of Commerce and Labor, Bureau of Manufactures, wherein he states that wages in the watch industry in Switzerland vary from 2.50 francs (50 cents) per day to 10 francs ($2) per day, the latter being for adjusters. It is well known that the adjusters receive much higher wages than anyone else in this industry, and in our own factory we have adjusters who are paid as high as $6 per day."

Woolen and worsted industry.

UNITED KINGDOM.

Average full-time earnings of men and women in woolen and worsted industry, September, 1906 (Digest of British Board of Trade Reports, Bulletin No. 83, Bureau of Labor):

Sex and occupation.	Kind of work.	Average earnings in one week in 1906.
Men:		
Wool sorters	Time	$7.22
	Piece	7.71
Teazers and williers	Time	5.33
Scribblers or fettlers	do	5.45
Combers	do	4.26
Wool spinners	do	5.98
	Piece	7.93
Warpers	Time	5.80
	Piece	7.00
Beamers	Time	5.96
	Piece	6.59
Woolen weavers	do	6.25
Women:		
Scribbler's feeders and condenser minders	Time	3.08
Combers	Time	$3.00
Finishers	do	2.66
	do	2.68
Drawers	Piece	3.41
Worsted spinners	Time	2.29
	do	2.66
Doublers	Piece	3.53
Winders	Time	2.66
	Piece	3.35
Weavers—		
Woolen	do	3.83
Worsted	do	3.59
Burlers and knotters	Time	3.20
	Piece	3.51
Menders and fine drawers	Time	3.63
	Piece	4.30

ENGLAND.

General report of Special Agent Clark on the woolen and worsted industry in England, November, 1908 (United States Consular Reports):

"The cost of manufacture of worsteds in England is about half of that in the United States. The number of operatives in the wool industry decreased in Great Britain from 301,556 in 1890 to 284,441 in 1901, the last year for which returns were made. In 1868 the flocks of the United Kingdom reached 35,600,000; in 1907 they were estimated at 29,500,000. Workers in the wool industry do not receive as high nor as regular wages as workers in the cotton industry. About 80 per cent of the cotton goods made in England is exported and only about 40 per cent of the wool goods. The average good wool sorter makes from $6.80 to $8 a week, according to the amount sorted in a day. An apprentice for a two-year period receives $2.40 a week the first year. During the second year he is put on piecework at the regular rate, but he has to return to the firm one-fourth of the wages paid. In a large mill near Bradford they require a full five years of apprenticeship, the wages varying from $1.92 a week for the first year to $2.16 the second, $2.40 the third, and $2.64 the fourth year. The apprentice then goes on piecework and get three-fourths of the regular wage paid by the firm for the fifth year.

"Over 24 per cent of the material used in manufacturing woolen goods in Great Britain in 1907 was shoddy; the amount used being 210,000,000 pounds. The women employed to sort the rags are paid by the week, wages ranging from $2.72 to $4.86. The rag machine, or devil, as it is called, requires what is known as the 'devil minder,' who is usually paid $5.35 a week. Usually one girl receiving $3.41 a week runs two 'scribblers' in the carding operations, and another girl at $3.65 a week runs two carders, while one card fettler at $4.86 a week has the care of adjusting and keeping up the two sets. In mule spinning one main piecer receives $6.32 per week, two piecers $4.36 each, and one boy $2.68 per week."

Report of Special Agent Clark on wages and cost of manufacture in Bradford, England (United States Consular Reports):

"I give below the average weekly wages paid workers in the Bradford district, showing the averages as furnished by the unions. The figures were furnished by the central office of the trades council at Bradford. This trades council represents, as they inform me, 21,000 workers:

Day sorters	$6.72
Piecework sorters	6.72 to $7.68
Wool washers:	
Day work (55½ hours)	3.32 to 5.28
Night work (63½ hours)	3.32 to 6.00
Women on cards	2.88 to 3.36
Men willeyers and card "fettlers"	4.80 to 6.00
Women combers, day work	2.88 to 3.36
Men combers, night work	3.32 to 5.76
Box minders	2.88 to 3.36
Drawers	2.16 to 2.64
3 side spinners (72 to 160 spindles per side)	1.80 to 2.04
Half-time spinners	.36 to .84
Doffers	1.80 to 2.04
Warp dressers (men)	7.20 to 8.16
Warp twisters (men)	7.68
Women weavers on 2 narrow (40-inch) looms	1.92 to 3.84
Spinning overlookers	6.24 to 7.20
Assistant overlookers	4.80
Dyers (54 hours' work)	5.76 to 6.72

"Except where specially shown, as for instance fifty-four hours in case of dyers, the hours per week are fifty-five and a half, which is the legal limit for the work of women. Night work is always by men, women not being allowed to work between 9 p. m. and 6 a. m. The maximum weekly hours for half-timers between 12 and 14 years of age is thirty-two and a half. Where men only are employed, as for instance on night work, there is no legal limit."

VARIATION IN OPERATIONS.

The foregoing wages may be taken as typical of the Bradford worsted industry, but there is more or less variation between the mills in the town and in the country, and there is no uniformity even between two mills running side by side.

A manufacturer whose mill is in a small village about 10 miles from Bradford gave me the following as the wages now being paid in his mill and in four neighboring mills. He had just made these up to show his operatives, who had complained that they were not getting as much as those in some other mills, but when the figures were made up it was found that his mill (shown as No. 1) was actually paying in most cases more than neighboring mills and the discontent was quelled. The figures are as follows and show average weekly wages in five Bradford country mills:

	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.
Drawing room:					
Can gill minders	$3.60	$2.64	$2.88	$2.88	$2.76
Drawers	3.00	2.64	2.88	2.88	2.64
Rovers	2.88	2.16	2.88	2.88	2.64
Spinning room:					
Roving girls	2.28	1.92	2.64		
Spinners, 4 sides	2.88	2.52	3.00	2.88	3.30
Spinners, 3 sides	2.16			2.52	2.88
Spinners, 2 sides		1.80	2.16	2.04	2.16
Half-time spinners, 2 sides				.96	.96
End lappers	2.28	1.92	2.52	2.04	2.16
Takers off	2.28	1.92	1.92	2.04	2.16
Bobbin letters	2.28	1.92	1.92	2.04	2.16
Full-time doffers	2.28	1.80	2.16	2.04	2.16
Half-time doffers	1.02	.84	1.02	.90	1.02
Jobbers (head doffers)	2.52	2.04	2.40	2.40	2.40

"The head overlooker in spinning at mill No. 1 (corresponding to boss spinner) was paid $19.44 a week. His assistant $11.52, and the other overlookers $8.40 a week. The warp twisters (men) at this mill averaged $7.20, the warp dressers $8.40, but work in this department was very irregular. When working the mechanics were paid $7.68, the head engineer $12, the head weaving overlooker $12.50, and the weaving overlookers $8.51 per week. Women spinners on frame spinning at Huddersfield earned $2.88 a week, and men spinners on the mule from $6 to $7.20.

"The weaving wage is the largest single wage item in making cloth. A Yorkshire expert who recently visited American worsted mills states that American worsted weavers averaged $12 to $15 a week and some run up to $24 a week. Similar weavers in Yorkshire average $3.16 to $4.13, with a limit for the best weavers on men's fine worsted of $7.29. He states that the American weavers as a whole probably average three times as much as Yorkshire weavers, and, contrasting the average manufacturing conditions in the United States with Huddersfield (the most highly paid section of the English wool industry), he obtains the following figures (for men's wide worsteds) as the total cost of manufacture: From raw material to finished cloth, United States, 1.5 cents per yard X picks per inch; Huddersfield, 0.75 cent per yard X picks per inch; from yarn to finished cloth, United States, 1 cent per yard X picks per inch; Huddersfield, 0.5 cent per yard X picks per inch.

"Such a comparison is bound to be more or less general, owing to the great variety of goods classed under the head of worsteds, but the author stated in private conversation that, from a contrast he made of figures obtained in the United States with figures in England in mills making the same class of goods, the American costs in most cases showed just about twice as high.

"Bradford is noted for worsteds for women's wear, and the weavers are women who average about $3.60 a week; but there are also in this district a good many mills making 'coatings' woven by men who average $4.86 to $6 a week.

"All the dyeing and finishing operatives are ordinarily paid by the hour or week. The girl menders are usually paid 4 pence (8 cents) an hour. The girl 'burlers' who inspect the cloth and remove small defects are usually paid by the hour, but in a good many cases by the piece. Their remuneration varies considerably, according to the goods and the care with which the work has to be performed, but an idea of their wages can be obtained from the fact that on men's fine worsteds they will get from 9 to 11 pence (18 to 22 cents) per 58-yard cut. On cheaper goods they will average about 4 pence an hour. The male 'miller' and the 'cloth scourer' will average about 5 pence (10 cents) an hour. Milled cloth ready for finishing is called here 'balk.' In the case of ordinary materials that call for no special skill, scourers, raisers, steamers, etc., will not make more than 20 to 22 shillings ($4.80 to $5.28) per week. On finer classes of work their wages will run up to as high as 30 shillings ($7.20) a week. The highest paid finishers are usually the foremen fullers and press setters, who will make from 31 to 37 shillings ($7.44 to $8.88) a week.

"The dyers are paid by the week. At the present time (October 21) their average wages in the Bradford district are about 26 shillings ($6.24), in the Leeds and Halifax districts 25 shillings ($6), and in the country districts 24 shillings ($5.76) per week."

GERMANY.

Report of United States Consul Robert J. Thompson on the woolen industry in Hanover, Germany (United States Consular Reports, 1909):

"There is one wool washing and dressing factory in this district employing 1,000 males and 800 females, ten hours constituting a day's work. Every department works with night shifts. The daily wages paid in this factory are as follows:

Description of work.	Males.	Females.
Yard work	$0.78	
First sorting	.75	$0.46
Washing and carbolizing	.78	
Second sorting	.75	.46
Second washing	.78	
Carding	$0.54-.78	
Combing		.48
Ironing		$0.48-.53
Chemical department	.84	
Inspectors	.84-1.02	

WEAVERS' WAGES AND MACHINERY.

The wages of foremen working in the principal corduroy and cotton velvet factory vary according to the wages of the male and female weavers working under them, and amount to about 30 to 40 marks ($7.14 to $9.52) per week. Other foremen and the master weavers get fixed weekly wages, varying from 24 to 80 marks ($5.71 to $19.04) according to the ability and the responsibility of the men.

The male and female workers in the weave room and in the shearing establishment do piecework and earn 15 to 28 marks ($3.57 to $6.66) weekly, according to their ability. One workman generally runs two looms; the more skilled run three. The men and women working in other branches of this establishment earn, on the average, about 3.30 marks (79 cents), according to the kind of work they do, per day of ten hours' work, viz, 6 to 8, 8½ to 12, 1½ to 6—that is to say, twelve hours with two hours of rest, as indicated.

Report of United States Consul Edward Higgins on wages paid in the woolen yarn industry in Stuttgart (United States Consular Reports):

"The wages paid overseers vary from 120 to 200 marks ($28.56 to $47.60) per month. A female operative earns from 2 to 2.8 marks (47½ to 66½ cents) per day and a male operative from 3 to 4.3 marks (71 cents to $1.02) per day. Eleven hours a day constitute the regular hours of labor for six days in the week."

Report of United States Consul E. T. Liefeld on wages in woolen mills of Freiberg (United States Consular Reports):

"Ordinary laborers in the mills are paid from 48 to 71 cents per day, their overseers from 71 cents to $1.20, while skilled laborers are paid as high as 95 cents, and their overseers $1.67."

FRANCE.

AIX LA CHAPELLE.

Report of United States consul at Aix la Chapelle on wages in woolen mills of that city (United States Consular Reports, 1909):

"The foreman of the spinning department (spinning master), from $9 to $14; the operatives, from $5 to $6; and other help, mostly girls, from $4.50 to $5 per week.

"The foreman of the weaving department (weaving master), from $9 to $14, and the regulators or setters, from $7 to $10.50 per week. Weaver are paid $5 to $9 per piece, and if capable and diligent can finish one and a half pieces of 43.6 yards at $5, or one piece at $9 each week. They earn on an average $1 to $1.40 per day. * * * The mistress of the darning department receives from $8 to $10 and her assistants from $5 to $7 per week."

LILLE.

Sorters	$6.96
Packers and unpackers	5.76
Scourers	4.32
Dryers	3.14
Combers	4.64

Statement of Thomas H. Ball, Philadelphia, Pa., in regard to wages in Woonsocket, R. I., and France and Belgium (Tariff Hearings, p. 5766):

"Comb minders receive in England $4.30 to $4.75 per week, as against $6.50 to $8.50 in our mills here; drawers receive $2.80 to $3 in England, as against $6.50 to $7 here. Boys, $2.12 to $2.24 in England, as against $4 to $5 here. Girls in spinning rooms receive $2.24 to $2.75 in England, as against $5 to $7 here.

"In regard to the French system of spinning, the writer represents Jules Desurmont & Sons, Tourcing, France, who have recently established a branch at Woonsocket, R. I., and the figures below are the wages paid by this concern in Woonsocket and in their mill in France.

"Wages paid here for spinners, $16 per week; in France, $6.50 per week. Piecers, paid here $12 per week; in France, $4.50. Drawing hands, $6.50 here; in France, $3.25. Twisting, spooling, and reeling, $6.50 here, and $3.25 in France.

"Being interested in some mills in Belgium, are in a position to state with full knowledge that the wages in Belgium on this line of work is on an average of 5 per cent cheaper than in France, and in Germany on this same line of work the wages rule from 10 to 20 per cent lower than in France."

Mr. LODGE. The building trades, including bricklayers, masons, carpenters, plumbers, plasterers, painters, stonecutters, glaziers, roofers, and paper hangers, are not included among the protected industries. But they are really as much concerned in the maintenance of the protective tariff as those whose product and wages are directly protected by tariff duties. The reasons for this are obvious. If there was a general reduction in the wages paid in the protected industries brought about by lowering tariff duties and admitting unrestricted foreign competition, the general wage scale of the United States would go down in the building trades and in all other employments. The closing of factories, the cessation of all growth in the protected industries would increase the number of those seeking employment elsewhere, in the building trades and all other occupations. The removal of the protective duties would force wages in the protected industries down toward, if not actually down to, the foreign level, and wages in all other trades and occupations would inevitably follow the decline and sink toward the rates of foreign wages in those trades and occupations. It is therefore in the immediate interest of all who are engaged in the building trades in the United States to examine the rates of wages paid abroad in the same trades and compare them with the wages which they now receive under the protective tariff, which encourages manufactures and increases the opportunities of labor by multiplying and diversifying industries.

Building trades, all skilled laborers.

ENGLAND.

[From British Board of Trade Reports.]

BIRMINGHAM.

Bricklayers	$10.26
Masons	10.26
Carpenters	9.66
Plumbers	10.26
Plasterers	10.80
Painters	9.66

MANCHESTER.

Bricklayers	10.80
Masons	$9.40 to 9.96
Carpenters	9.40
Plumbers	9.40
Plasterers	10.46
Painters	9.12

OLDHAM.

Bricklayers	10.80
Masons	9.20
Carpenters	9.69
Plumbers	9.27
Plasterers	8.82
Painters	9.18

GERMANY.

BERLIN.

Foremen	12.00 to 12.96
Bricklayers	9.38
Stonecutters	8.56
Carpenters	9.38
Cabinetmakers	7.65
Plumbers	7.70
Glaziers	8.34
Roofers	9.38
Painters	7.96

BREMEN.

Bricklayers	8.10
Carpenters	8.10
Plumbers	7.12
Glaziers	5.84
Roofers	8.10
Stucco workers	8.42

STUTTGART.

Bricklayers	6.52
Stone masons	6.11
Carpenters	6.52
Cabinetmakers	5.38
Plumbers	6.04
Painters	6.22
Glaziers	6.18
Paper hangers	5.84

FRANCE.

PARIS.

Bricklayers and masons	9.22
Stone masons	9.80
Carpenters	10.36
Joiners	9.22
Plumbers	9.22
Plasterers	9.22
Painters	9.22

MARSEILLE.

Bricklayers and masons	5.76
Stone masons	6.92 to 7.48
Carpenters	8.06
Joiners	6.92
Plumbers	6.34
Plasterers	6.92
Painters	5.18
Locksmiths	5.76

LYONS.

Bricklayers	6.92
Stone masons	7.44
Carpenters	8.06
Joiners	6.92
Plumbers	6.92
Plasterers	6.34
Painters	6.34

Printing trade.

ENGLAND.

[From British Board of Trade Reports.]

LIVERPOOL.

Hand compositors	$8.76

OLDHAM.

Hand compositors	8.16

GERMANY.

BERLIN.

Printers	6.74
Machine compositors	8.42
Jobbing	8.71
Bookbinders	5.76

DUSSELDORF.

Compositors and pressmen	6.04
Machine compositors	7.52
Jobbing	7.79
Bookbinders	6.00

FRANCE.

PARIS.

Hand compositors	7.46
Machine compositors (day work)	10.87
Pressmen	9.17

LYONS.

Hand compositors	$6.79 to 7.99
Pressmen	7.99 to 9.27
Machine compositors	9.17 to 10.34

Electric power and light works.

FRANCE.

PARIS.

Skilled workmen	$9.64
Assistants	8.10

LYONS.

Erectors and installers	$4.60 to 7.20
Fitters	6.34 to 8.06

GERMANY.

BERLIN.

Mounters and installers	6.34 to 7.12
Fitters	8.50
Dynamo attendants	5.54

NUREMBERG.

Installers	5.78
Fitters	5.90

Mr. LODGE. Railroads are not among the protected industries as railroads are obviously not imported, and yet the railroad men of the country are actually as much interested in the tariff as those who earn wages in the protected industries. The earnings of railroad men are directly involved in the earnings and business of the railroads. If the railroads do not earn money the wages of those they employ are certain to be affected. If the protected industries, the local manufactures, are forced by foreign competition to close or reduce production, while through business on the railroads may not be seriously affected local freights will be affected very greatly, local business will fall off and the earnings of the railroads will be largely reduced, with the inevitable result of lowering railroad wages.

Both steam railroads and street railways would also be affected by anything which reduces employment and lowers wages in the protected industries. The reduction of employment and the lowering of wages in the protected industries by foreign competition, which is fostered by tariff reductions, will lower the wage scale of the entire country and force the labor now engaged in our industries to seek employment at almost any rate from the railroads and street railways of the country. For these reasons I give tables which show the wages of railroad and street railway employees abroad so that they may be compared with those paid in this country, and that our railroad men may realize what the effect of foreign competition, if freely admitted to this country, would be upon their wages.

Railway employees.

UNITED KINGDOM.

Report of Special Agent Ames, Interstate Commerce Commission, on wages in United Kingdom, 1907:

	Per week.
Enginemen	$9.32
Firemen	5.76
Conductors	6.26
Brakemen	6.44
Shunters	5.80
Examiners	5.80
Signalmen	5.66
Trackmen	5.58

UNITED STATES.

Average wages paid by New York, New Haven and Hartford Railroad (statement of Vice-President Byrnes):

	Per week.
Enginemen	$23.58
Firemen	13.62
Conductors	19.80
Other trainmen	13.86
Switch tenders	10.80
Trackmen	9.36

Electric tramway employees.

[British Board of Trade Reports.]

FRANCE.

	Per week.
Drivers and motormen	$6.34 to $7.48
Conductors	6.34 to 7.48

LYONS.

Drivers and motormen	5.76 to 6.62
Conductors	5.48 to 6.34

MARSEILLE.

Drivers and motormen	5.76
Conductors	5.76

GERMANY.

BERLIN.

Drivers	6.00 to 7.92
Conductors	5.28 to 7.20

BREMEN.

Drivers	5.82 to 6.36
Conductors	5.28 to 5.82

NUREMBERG.

Drivers	4.98 to 7.20
Conductors	4.70 to 6.36

Report of United States Consul Mahin on wages in Nottingham, England, January 14, 1910:

"Street-car conductors are paid no more than laborers till they have served two years, when they receive the maximum rate of 12 cents an hour. Motormen are paid a shade more."

General wages.

FRANCE.

Average day wages of 20 towns in the following occupations: Harness and shoe making, blacksmithing, carpentering, plumbing, landscape gardening, masonry, and painting (from report of United States Consul Belisle, 1909):

	Cents.
1896	76.36
1906	82.79

ENGLAND.

Report of United States Consul Mahin on wages in Nottingham (United States Consular Reports, Jan. 10, 1910):

"Night watchmen about the city property receive 3 shillings (73 cents) for twelve hours, equivalent to 6 cents an hour. Some other city workmen get 4 pence (8 cents) an hour. Street laborers receive 5 and 5½ pence (10 to 11 cents) an hour; laborers for the waterworks 10 cents, and those in other departments 10½ to 12 cents an hour.

"Of the policemen, 45 out of 320 receive less than 12 cents an hour in cash, but an allowance for boots and uniform and an allowance from a fund for their benefit slightly advances their hourly compensation. The pay of the police force works out per week at from $6.25 to $9 per man for seven days' work."

GERMANY.

Statement of United States Consul T. H. Norton, based on report made to the German minister of finance on the increase in wages since the establishment of the German Empire (United States Consular Reports, Apr. 30, 1909):

"From the vast mass of data collected, the following are tabulated as typical of the general upward movement during the past third of a century, a movement which has kept even pace with the marvelous expansion of the industrial output and the growth of Germany's foreign commerce. The wages now prevalent are likewise of interest as important factors in connection with comparative studies on the cost of production.

	Wage rates.	
	1882.	1907.
Coal miners:		
Upper Silesia, per annum	$127.57	$268.94
Lower Silesia, per annum	146.37	257.04
Dortmund, per annum	201.82	445.30
Ore miners:		
Halle, per annum	169.93	296.79
Harz, per annum	157.56	221.82
BERLIN.	1871.	1908.
Typesetters and pressmen, minimum per week	5.36	7.43
Truckmen, minimum per week	3.93	6.66
Masons, per hour	.055	.178
Masons, per day	.714	1.69
	1886.	1908.
Painters, per hour	.093	.155
Painters, per day	.83	1.39
Fitters, per hour	.089	.155
Fitters, per day	.89	1.39
Fitters' helpers, per hour	.059	.113
Fitters' helpers, per day	.654	1.016
Stonecutters, per hour	.119	.202
Stonecutters, per day	1.071	1.62
Joiners, per hour	.08	.137
Joiners, per day	.714	1.19
Cabinetmakers, per hour	.071	.155
Cabinetmakers, per day	.69	1.49
ESSEN.		
Workmen in the Krupp establishment, average per day	.72	1.27

Statement in New York Tribune as to wages and costs of living in Germany and the United States, 1909:

WHAT LABOR SPENDS—WORKERS' STANDARD OF LIVING IN GERMANY AND UNITED STATES.

A recent issue of the Labour Gazette of the board of trade, London, England, gives the result of an inquiry made by the imperial statistical department at Berlin into household expenditures of families of small means in Germany. The report was based primarily on returns from about 1,000 families living in Berlin and Hamburg.

The average yearly income for the skilled workmen who reported was found to be $458.83, and the average expenditure $457.71, of which 51.5 per cent was spent for food alone. Among the unskilled laborers in both industrial and commercial occupations the report showed an average yearly income of $409.78 and an average yearly expenditure of $411.70, 54 per cent of which went for food alone.

A recent study of the standard of living in New York City, made under the Sage Foundation, led to the conclusion that it was impossible for a family of average size, five or six, to maintain a normal standard of living on an income under $800 a year. This conclusion has been substantiated by an investigation by the federal Bureau of Labor, which showed that the average income among 1,415 workmen in the North Atlantic States, among whom the percentage of skilled labor was high, was $834.83. Against this was an average yearly expenditure of $778.04, of which only 43 per cent was spent for food.

An investigation by the New York Association for Improving the Condition of the Poor, made less than a year ago, showed that among 1,000 men who had been compelled to ask for aid the average yearly wage, when employed at full time, varied from $575 to $525, as the times were good or bad. The men were practically all able-bodied family men, anxious to work. The percentage of skilled and unskilled laborers in the thousand was about equal.

BELGIUM.

Report of United States Consul W. P. Atwell (United States Consular Reports, Nov. 2, 1909):

"Consul W. P. Atwell, of Ghent, furnishes the following rates of daily wages paid to a group of 613,000 workers, men and women, in various industries in Belgium: Earning less than 38 cents, 170,000;

earning from 38 to 57 cents, 172,000; earning from 57 to 77 cents, 169,000; earning over 77 cents, 102,000."

Report of Special Agent Butman as to wages and hours in Belgium (United States Consular Reports, 1909):

"The hours of labor in Belgium are very long. The laborer commences work at 6 a. m. and ceases work at 7 p. m., with the usual breaks for meals. He is paid, according to the trade in which he is employed, on the average 7 cents to 9 cents per hour for ten hours and for additional two hours 25 per cent increase, making his daily wage from 84 cents to $1.08 for twelve hours. Children begin their life work at the age of 12 years; and as regards hours for child labor, the law states that no child under 16 years of age shall be kept at work for more than twelve hours a day. A Belgian statistician estimates the average earnings of an artisan at about $160 per year, which includes child labor."

JAPAN.

Report of United States consul on wages at Osaka, October 6, 1909:

"In the clothing, hat-making, embroidering, umbrella-making, and shoemaking industries a recent decline of 5 to 6 per cent is reported. The Osaka Asahi gives figures of daily wages which, reduced to United States currency, are as follows:

"Opticians and lapidaries, $1; masons, 70 cents; fireworks makers, 60 cents; shipbuilders, 75 cents; carpenters, assistants, 45 cents; European umbrella makers, 17 cents; soap makers, 7½ cents; printers, 8½ cents. In the case of female operatives the lowest rates are 7½ cents for weaving and tortoise-shell workers and 5 cents for umbrella sewers.

"Among those that are paid by the month are saki brewers, who receive $3.49, plus food; watch menders, $7.47, plus food; and saddle and harness makers, $10.46, plus food. Ordinary domestic male servants receive monthly $2.74, on an average, and female servants from $1.74 to $2.49, exclusive of food."

Mr. LODGE. Mr. President, public attention has been very naturally and very properly directed of late to the advance in prices, and the consequent advance in the cost of living. Very naturally, too, the interest in this important question has been largely concentrated on the prices of the necessaries of life, and, above all, upon the prices of those necessaries which are known as "foodstuffs." The question, as a whole, is too important, too complex, and too large to be dealt with without a due consideration of the many elements which enter into the determination of the cost of living. In order to come to an intelligent judgment it is necessary to ascertain, first, whether the advance in prices is of recent origin; second, whether it is peculiar to this country or exists elsewhere; third, whether it has affected all articles or only certain classes; and lastly, whether it is due to natural economic causes or to artificial and temporary causes, or whether causes of both kinds have been at work in a greater or less degree. In order to determine the first two questions it is necessary to examine the course of the world's prices, and this can be done by studying the Sauerbeck tables of world prices, which are published monthly by the Royal Statistical Society in England. Last summer during the tariff debate I took up this subject and showed from these tables the course of prices during the last eleven years. I will reprint here what I then said. I ask permission to print it without reading.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Massachusetts, and permission is granted.

The matter referred to is as follows:

A great deal has been said in this debate about prices and the effect of the tariff in keeping them up, as if we were the only country that had witnessed of late an advance of prices. As a matter of fact, the advance of prices since the great depression of 1893 to 1897 has been world-wide. I have here a brief table which I have compiled from Sauerbeck's table of world prices, which appears in the London Statistical Journal every month. They take as a basis 100, as is always done in these calculations. This basic figure is the average of prices from 1867 to 1877, and on that basis they show the rise or fall of the world's prices since. Taking the world's prices in vegetable food, corn, and so forth, in 1896 it was 53; in 1906 it had risen to 62; in 1907 to 69. It is interesting to observe that the next year it was 70. It had not fallen. Animal food, meats, and so forth, was 73 in 1896, and it has gone to 89 in 1908; sugar, coffee, and tea have fallen from 59 in 1896 to 48 in 1908. The world's price is 11 points lower. The total food has gone from 62 to 72. That includes the great fall in sugar, coffee, and tea. Minerals rose from 63 in 1896 to 101 in 1906, to 107 in 1907, and fell off heavily in 1908, dropping to 89. The textiles went from 54 in 1896 to 80 in 1906, to 77 in 1907, and 62 in 1908. Sundry materials went from 63 to 73; total materials from 60 in 1896 to 74 in 1908. The grand total of the world's prices from 61 in 1896 went to 77 in 1906, 80 in 1907, and was 73 in 1908.

The table referred to is as follows:

Prices.

[Basis, 100. Average per cent prices from 1867–1877.]

World's prices.	Years.			
	1896.	1906.	1907.	1908.
Vegetable food (corn, etc.)	53	62	69	70
Animal food (meat, etc.)	73	89	88	89
Sugar, coffee, and tea	59	46	48	48
Total food	62	69	72	72
Minerals	63	101	107	89
Textiles	54	80	77	62
Sundry materials	63	74	78	73
Total materials	60	83	86	74
Grand total	61	77	80	73

That table shows a great rise in the world's prices. The advance was 20 points up to 1907, when it was checked by the business depression. But it has been a constant and steady rise. What is the cause of this world movement of prices? We are apt to forget that there is a force at work pushing prices upward all the time which is far greater and more powerful than any tariff, and which is but little considered. If I should say to the Senate that if we were to issue $500,000,000 of paper money prices would rise, everybody would know that I was speaking the exact truth. But people do not stop to consider that we have been inflating the world's currency by $200,000,000 of gold a year more than in 1896 ever since the new processes of gold discovery were found. I give here the coinage of the United States and of the world:

Gold production of United States.

1896	$53,088,000
1897	57,363,000
1898	64,463,000
1899	71,053,000
1900	79,171,000
1901	78,666,700
1902	80,000,000
1903	73,591,700
1904	80,464,700
1905	88,180,700
1906	94,373,800
1907 (estimated)	89,020,399

Circulation per capita.

1896	$21.41
1897	22.87
1898	25.15
1899	25.58
1900	26.94
1901	27.98
1902	28.43
1903	29.42
1904	30.77
1905	31.68
1906	32.32
1907	32.22

Gold production of the world.

1896	$202,251,000
1897	236,073,000
1898	286,879,000
1899	306,724,000
1900	254,576,000
1901	260,992,000
1902	296,737,000
1903	327,702,000
1904	347,377,000
1905	377,647,000
1906	400,342,000
1907	410,555,000

Coinage of the world.

1896	$195,899,000
1897	437,722,000
1898	395,477,000
1899	466,110,000
1900	354,936,000
1901	248,093,000
1902	220,405,000
1903	240,499,000
1904	455,427,000
1905	245,954,000
1906	366,326,000
1907	411,803,000

The gold production of the world went from $202,000,000 in 1896 to $410,000,000 in 1907. The coinage of the world went from $195,000,000 in 1896 to $411,000,000 in 1907. The circulation per capita of the United States went from $21.41 in 1896 to $32.22 in 1907. We increased our circulation in the United States 50 per cent in the period that has elapsed since 1896. In thirteen years we added 50 per cent to our coinage.

The gold production of the world has doubled. I am speaking of the annual production, not of the total, of course. The annual coinage has doubled. The result is that you are cheapening your standard all the time, and cheapening your standard means of course that you are advancing the price of everything that it measures. Therefore, Mr. President, when we come to talk about the advance in prices, it is well to remember that there is this great force of increased and increasing gold all the time pressing upon us. During these thirteen years, with our balance of trade standing as it has, we have kept in this country practically all the gold we have produced. The amount that goes into the arts is small and constant. The balance has been poured into the circulation. Of course, prices have advanced. Prices may fluctuate and go back a little one year, but the general movement is certain. The only thing that can stop the operation of the increasing gold coinage is where you have an oversupply of any article. If you have too much of any given commodity for the world's consumption, the increase of gold can not carry up the price. That is shown in the case of sugar. There is more sugar produced than the world can use. The result is that the world's price of sugar has been declining in the face of this general rise of prices.

Prices have risen in Europe, but labor has not risen in Europe, for the same reason that sugar has not risen—because there is an oversupply. We were shown the other day a report of the George Peabody fund in London, which rents homes to working people. It rents them. It is not a charity in any sense. This report shows that they have over 19,000 people living there, and the heads of the families are engaged in skilled trades. They are not the poorest class or the workers on the streets; they are skilled mechanics. The average weekly earnings of the head of each family in residence at the close of the year was £1 1s. 9d. In the cases in which the governors pay the rates the average weekly charge, including the rates, of each dwelling was 5s. 4d. a week, and of each room 2s. 4d. The rent in all cases includes the free use of water, laundries, sculleries, and bathrooms. The mean population during the year was 19,914, showing a density, after taking into account the occupied portion only of the Herne Hill and Tottenham estates, of 571 people to the acre, or 9 times that of London. An average wage of $5.25 a week among skilled mechanics, taken at hazard from all trades in London, gives a vivid idea of this

labor with which our labor would have to compete if it were not protected by the tariff.

Mr. President, what is the use, in the face of facts like these, of talking about wages being the same there as here? The reason why the increase of gold does not affect those wages abroad is because there are more men than there is work for them. If you apply it to the labor in this country, you will find that with the gold force bringing with it increased prices, bringing with it prosperity, if you please, wages go up in the same way, because the supply of labor is not excessive. I have shown you what the advances in wages were in the New England mills. The mills had prospered, and the advance in wages was 32 per cent. It is the same in the woolen mills. The figures are all printed in the tariff hearings. The Government Manufacturing Bulletin of 1905 shows that the wages in the cotton industry in those five years, from 1900 to 1905, had risen 10 per cent. The wages abroad have not risen as they have risen here. Therefore, when we meet foreign competition, we are meeting a competition in which we are fatally handicapped by a lower rate of wages if we meet it on equal terms of tariff. We have to pay more for what we consume because gold is carrying up the price of all articles throughout the world. Look at the figures I gave of the food products. In 1908, textiles fell, minerals fell, materials fell, but the food products of the world did not fall. With the great depression of business, which was world-wide, the food products—animal food and vegetable food—absolutely gained a point in the teeth of the depression of last year. Mr. President, in talking about prices let us be fair. Prices are not going to be affected materially by the tariff. The things that cost the people most, the absolute necessaries of food, are not going to be got rid of by a change in the tariff.

I have, also, two tables of American prices, and I will print them both. One covers the textiles, the other food. I have made as complete a list as I could, from the figures of our Bureau of Statistics. Clothing, which is of course a protected industry, including manufactures of cotton and woolen manufactures, I have here in detail. It shows an average increase in the last ten years of 15.23 per cent, but during this same period the food products show an average increase of 26.48 per cent. This shows how little, comparatively speaking, the food products are affected by the tariff.

The one great food product that is materially affected by the tariff is sugar. The world price of sugar has declined, and all the protection we have had has been unable to force the price of sugar beyond a certain point; that is, the price of imported sugar duty paid. It has remained at a low point with only slight fluctuations.

The lists are as follows:

Clothing.

	Per cent.
Blankets	13
Heavy boots and shoes	14
Finer boots and shoes	9
Women's boots and shoes	18
Carpets	21–23
Cotton flannels	49
Denims	11
Drillings	23
Flannels	22
Ginghams	2
Men's hosiery (decrease)	4. 4
Women's hosiery, Egyptian cotton	9–10
Women's cotton hosiery (decrease)	11
All-wool overcoatings	19
Overcoatings, cotton warp (decrease)	11
Overcoatings, light weight	3. 1
Overcoatings, kersey	48
Shirtings, average increase, 1890 to 1908	17
Average increase	15. 23

Food, between 1890 and 1907.

Taking the average wholesale prices between 1890 and 1899 as the basis of 100, the following articles have shown increases as follows:

	Per cent.
Barley	69
Oats	67
Rye	45
Beans	6
Butter crackers	33
Soda crackers (decrease)	10
Homemade bread	18
Vienna bread	13
Butter extracts	26
Dairy butter	32
Cheese	43
Eggs	41
Buckwheat flour	32
Rye flour	38
Wheat flour	13
Apples, evaporated (decrease)	.5
Sun-dried apples	23
Currants	87
Prunes (decrease)	24
Raisins	8
Lard	40
White corn meal	29
Yellow corn meal	33
Bacon	41
Fresh beef	14
Mess beef	22
Western beef, salt	44
Hams	32
Mutton	16
Pork	51
Milk	31
Rice (decrease)	5
American salt	12
Spices	32
Sugar (decrease)	1. 6
Tallow	42
Potatoes (decrease)	1. 6
Vinegar	16
Average increase	26. 48

Mr. LODGE. The figures for the year 1909, which of course did not exist last summer, are not yet complete, but an extract from the London Economist, which I have here, shows what might have been expected with the revival of business. The steady advance in the world's prices, which was checked by the depression of 1907 and 1908, has again been resumed. I ask leave to print the extract referred to.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The extract referred to is as follows:

The rise in the level of prices which our index number has indicated continuously since the end of March is still unchecked, and the increase in December is the biggest change of the whole year, the aggregate number rising from 2333 to 2390. In so far as this rise comes from a stronger demand for raw materials it is altogether satisfactory, and there are points in the month's history of prices which do suggest a very welcome recovery; there is a better market for most metals, including iron, copper, tin, and lead; and as the price of wheat is no higher the consumptive power of the population has not been reduced. Unhappily, however, the greater part of the rise is still due to cotton, and at the end of December the quotation for raw cotton was the highest of the year, while yarns and fabrics had risen slightly during the month, though the increase in them was not proportionate to the increase in the raw material. The following table shows the movements in our Index Number for several years:

End of December, 1902	2003
End of December, 1903	2197
End of June, 1904	2130
End of December, 1904	2136
End of June, 1905	2163
End of December, 1905	2342
End of June, 1906	2362
End of September, 1906	2355
End of December, 1906	2499
End of May, 1907	2601
End of December, 1907	2310
End of June, 1908	2190
End of December, 1908	2197
End of January, 1909	2196
End of February, 1909	2190
End of March, 1909	2176
End of April, 1909	2197
End of May, 1909	2225
End of June, 1909	2240
End of July, 1909	2254
End of August, 1909	2255
End of September, 1909	2258
End of October, 1909	2306
End of November, 1909	2333
End of December, 1909	2390

Mr. LODGE. Mr. President, the Sauerbeck tables just given show that the advance of all prices has been world-wide. Therefore this general advance of all prices must be due to world-wide causes, is not confined to any one nation, and can not have been produced solely or even chiefly by conditions, laws, or rates of tariff duties in any one country. The two conditions of world-wide extent which would produce the steady advance in world prices of the last ten years would be an increase in the standard of money, by which prices are measured and an increased demand. The activity in business and the general improvement in standards of living, which have been apparent during most of the period under consideration, are evidence of an increased demand for commodities. The tables of gold production and gold coinage show the increase of amount in the standard of money by which the value of all commodities is measured. Therefore, it may be safely said that the two causes needed for an advance of the world's prices were both present during the period under consideration. It is not necessary to show the effect of an increased demand upon any article or upon all articles, because everyone understands what the effect of an increased demand is in raising prices. But it may be well to point out a little more explicitly the effect of an increase in the world's supply of gold.

Gold is the standard by which other commodities are measured. If gold grows scarcer and dearer, all other commodities fall in price. If on the other hand gold increases more rapidly than the demand of business and the arts requires, it will become cheaper and more plentiful, and the prices of all the other commodities which it measures will rise. Let me give a concrete illustration. Suppose that the crop of wheat is a hundred million bushels, worth a dollar a bushel. If next year the crop fails and amounts to only 50,000,000 bushels, the demand being unchanged and the gold by which it is measured remaining the same, it is obvious that the price of wheat will double. If instead of one hundred the crop rises to two hundred million bushels, the demand and the gold being unchanged, then wheat will fall to 50 cents a bushel. Now reverse this process. The crop and the demand remain the same, but the gold doubles. There will be $2 of gold to buy each bushel of wheat, instead of one, and wheat will rise, as compared with gold. Roughly stated, this has been the effect of the gold increase on world prices.

Having established the fact that forces of world-wide extent have been at work in bringing about a general advance of all prices, the next point is to consider what other elements may have entered into the advance of prices in this country in addition to the general causes common to all the world. An examination of the tables reveals the fact that while all prices advanced up to 1907, there was a marked decline in 1908, owing to the business disturbances of the previous year. The advance in all prices was then checked, and a serious decline took place in all, with a single exception—the prices of articles of food did not decline; while everything else fell. They even advanced, although not seriously. To repeat what I have already pointed out, while minerals fell 18 points, textiles 15 points, and all materials 12 points, vegetable food, including corn and wheat, advanced 1 point; animal food advanced 1 point, and sugar, coffee, and tea, which had been declining during the whole period, owing to the overproduction of sugar, remained the same in 1908 as it had been in 1907.

Mr. CRAWFORD. Are those world prices?

Mr. LODGE. Those are world prices.

This brings us to a consideration of the local causes in the United States which may have influenced the advance in prices in certain articles or in certain classes of commodities. Local causes, artificial or temporary in their nature, or both, may be conveniently divided under four heads—combinations to advance or maintain prices through the agreement of those who deal in the commodities, accidental scarcity, retailers' profits, and tariff duties. There can be no doubt that the first and third have both affected the price of certain articles, but it is not my purpose here to go beyond the single question of the effect of tariff duties. It is very important to determine so far as we may what the effect of tariff duties is upon the advance in prices in the United States in order to decide what, if anything, can be done by wise legislation to keep the cost of living within reasonable bounds.

Where a tariff duty is imposed for the purpose of establishing a new industry, as in the case of the tin-plate duties of 1890, there is no doubt that the first effect is to advance the price of the commodity. When the industry is fully established, however, domestic competition lowers the home price, and the creation of the new industry, which adds to the world's supply of the article, reduces the world's price. This has occurred again and again, and it is not necessary to cite examples of this well-known process. Where duties are imposed upon articles which are produced by industries already established the article thus protected against foreign competition may cost more or, owing to domestic competition, less than the foreign article. In the latter case the removal or reduction of the duty would have no effect; in the former case the reduction or removal of the duty would either stop the home industry or would compel the production of the article at a lower cost—that is, at lower wages for those engaged in the manufacture. In that case the lower price would be obtained, but at the cost of lower wages and a diminished purchasing power in the United States. Lastly, there are the articles upon which a tariff duty is imposed which this country exports and would not import under any system of duties, because we have a surplus for sale. Under this last head come practically all the food products, both vegetable and animal, and the removal of duties on food products would obviously have little or no effect upon the prices of articles of food, because we export such articles and can sell them in the world's market at a profit. If the prices of articles of food are excessive, as is no doubt the case in many instances, the cause of the excessive price must be looked for not in the tariff, but in combinations to advance prices artificially, and in the cost of distribution, or in what is commonly called the "retailers' profits."

Let me show by two concrete instances how absolutely without effect on prices in most directions the tariff is. There is no duty upon cotton, and has not been for half a century, yet nothing has been more marked during the last decade than the almost spectacular advance in the price of raw cotton. Short crops have occasionally had a temporary influence in this advance, but the great and steady rise in the price of cotton can not possibly be due to the tariff, for there is no tariff, and must be attributed to the two world-wide causes which I have already pointed out—increased demand for cotton goods and an increased gold supply.

In the tariff just enacted, hides of cattle were placed upon the free list and the duty on boots and shoes was reduced from 25 per cent to 10 per cent ad valorem. If a reduction of tariff duties is to bring a lowering of prices, we certainly had a right to look for this result in the case of hides and boots and shoes, and yet the precise opposite happened. Hides and boots and shoes have both advanced since the duties upon them were reduced by the last tariff. This proves that the prices of hides and of boots and shoes were world's prices, governed by world-wide causes.

Mr. WARREN. Of course I am very much interested in the remarks of the Senator from Massachusetts. I will ask him, along that line, if he remembers what the effect, in early times, was of the changing or removal of the tariff on coffee?

Mr. LODGE. I do not recall exactly. I have not looked up that point.

Mr. WARREN. My information is that the same thing occurred as has taken place on all other articles from which the United States has removed the tariff. When this country has removed the tariff, in some instances, other countries have imposed export tariffs, and in all cases the price of the article here has risen rather than fallen. The fact the Senator has just cited, in the case of boots and shoes and hides, after lowering the tariff upon boots and shoes and harness and taking it off entirely from hides, proves absolutely the correctness of the statement of the Senator. I think it has been true in all cases.

Mr. LODGE. I think so. Of course if the tariff had been added to the price of the article, the removal of the duty should have reduced its price. Instead of that the opposite has occurred.

I think I have shown that there is only one class of articles where the tariff affects the price. There are certain protected industries, almost all among the smaller industries, engaged in the production of articles which are not absolute necessaries, where the removal of the protective duty would result in the lowering of the price by the substitution of the foreign article for the domestic. If this substitution takes place the articles in question will no longer be made here and just so much American labor will be thrown out of employment. If the substitution does not take place the American article must be brought down to the price of the foreign article, and that means that the labor cost, or in other words, the wages of those engaged in the industry, must be reduced to the foreign level. To secure a reduction of prices in articles which are not as a rule the necessaries of life, by reducing American wages or throwing American labor out of employment, seems a very poor exchange.

It only remains now to determine by comparison whether the prices of the necessaries of life are higher here than in other countries, and whether they are lower in Great Britain, the one free-trade country, than in the United States and the protective countries of Europe. For this purpose I have compiled the tables which follow. It is very difficult to obtain statistics of prices ranging over any considerable period or covering fully any market. I have gathered the figures which follow from such official sources as I could find, and imperfect as they are I think they throw a great deal of light on the question of prices and demonstrate, first, that a tariff has little or no effect on the general prices of necessaries, and, second, that although world prices have advanced, prices of the necessaries of life are not, as a rule, higher in the United States than elsewhere, and in many cases are lower.

I ask leave to print as part of my remarks these tables, for I do not wish to weary the Senate by reading them, as they are all statistical. I give first foreign prices and then American prices from the daily market reports.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Massachusetts.

The matter referred to is as follows:

England.

[Statement from the London Express for November, 1909.]

A volume of statistics issued on Saturday from the board of agriculture is a damaging answer to the claims of the free traders that food prices remain almost stationary in a country without tariffs.

One of the many promises made by the Liberals before the last general election was that under a free-trade government the price of the necessities of life could not increase, and that tariff reform meant dearer food. These statistics show conclusively that it is free trade that means dearer food. In the last three years the price of nearly every article of food has increased. Here are some cases where the prices have gone steadily upward:

	Increase. s.	d.
Wheat (quarter)	3	9
Bread (4-pound loaf)		½
Beef (hundredweight)	3	0
Pork (hundredweight)	3	6
Butter (hundredweight)	4	6
Potatoes (ton)	20	6

Wheat.—Taking first the case of wheat. The returns are only compiled to the end of 1908, and therefore do not show the great increase that took place this summer, when wheat reached the astonishing price of 48s. a quarter.

The average price of wheat in 1908 was 32s. a quarter, or 1s. 5d. more than in 1907, and higher than in any previous year since 1898.

Only twice in the last twenty years has wheat reached an average of 32s. a quarter.

Bread.—The price of bread, of course, increases with that of wheat, and the figures show that since 1906 the increase has been equal to an extra half-penny on the 4-pound loaf. A half-penny on every loaf is a great hardship to the poor and makes an enormous difference in the working man's budget. The following table shows the increase:

	March.	June.	September.	December.
London:	*Pence.*	*Pence.*	*Pence.*	*Pence.*
1906	5.44	5.35	5.33	5.09
1908	5.85	5.85	5.75	5.78
England and Wales:				
1906	5.15	5.14	5.14	5.07
1908	5.81	5.63	5.59	5.60
Scotland:				
1906	5.71	5.68	5.41	5.37
1908	6.25	6.23	6.22	6.22
Great Britain:				
1906	5.35	5.34	5.23	5.18
1908	5.97	5.85	5.82	5.83

Meat.—The rise in the price of beef has been just as remarkable as in the case of bread. While beef fell slightly between 1904 and 1906, it has risen rapidly in the last three years. Since 1904 Scotch beef has gone up from 55s. to 58s. a hundredweight, and English from 51s. 6d. to 54s. British pork has risen from 52s. to 55s. 6d. and Irish pork from 57s. 6d. to 64s. English mutton rose from 69s. a hundredweight in 1904 to 71s. in 1907 and fell last year to 69s. again. The following tables show some of the remarkable rises in the last three years:

Description.	Quality.	Per hundredweight. 1906.	1907.	1908.
Beef:		*s. d.*	*s. d.*	*s. d.*
Scotch short sides	1	61 6	62 6	60 0
Do	2	58 0	59 6	63 0
Scotch long sides	1	53 6	55 0	58 0
Do	2	50 0	51 6	54 0
English	1	49 6	51 6	54 0
Do	2	46 0	48 0	50 6
Argentine	1	27 6	30 6	32 6
Veal:				
British	------	67 6	68 6	69 0
Foreign	------	68 0	68 0	68 6

Provisions.—The average price of all classes of butter was substantially higher in 1908 than in 1907. Irish creamery butter rose from 111s. 6d. a hundredweight in 1906 to 116s. in 1908, Danish butter from 118s. 6d. in 1906 to 121s. 6d. in 1908, Canadian from 110s. 6d. to 116s., New Zealand from 111s. to 118s., and Argentina from 107s. 6d. to 117s. There was a slight fall in the price of cheese, and a slight increase in the price of eggs.

Vegetables.—Potatoes which were 69s. 6d. a ton in March, 1906, were 90s. a ton in March, 1908. In regard to other vegetables and fruit, the returns only compare the years 1907 and 1908, but the increases for the twelve months are notable, as will be seen from the following table:

	1907.	1908.
	s. d.	*s. d.*
Peas, per hundredweight	9 0	12 6
Celery, per bundle	1 1	1 3
Lettuce, per dozen	9	10
Beets, per hundredweight	3 2	3 7
Carrots, per hundredweight	2 6	2 7
Black currants, per hundredweight	33 6	37 0
Damsons, per hundredweight	10 0	12 0
Gooseberries, per hundredweight	11 6	18 6
Grapes, per pound	1 2	1 4
Greengages, per hundredweight	26 0	27 6
Plums, per hundredweight	13 0	13 6
Strawberries, per pound	3½	4½

Prices are lower in the cases of asparagus, mushrooms, vegetable marrows, and parsnips.

Report of Consul-General Griffiths on costs of living in Great Britain (United States Consular Reports, Nov. 3, 1909):

"These prices are to be found in a report issued by the British Board of Agriculture, and a comparison in the report is instituted between the prices for the years, 1906, 1907, and 1908. The prices for 1909 would not be lower than those given for 1908.

"An examination of the report discloses that, with the exception of mutton and pork, the prices of meat were higher in 1908 than in 1907. It will be noticed that butter was very much dearer in 1908 than in 1907, and that bread was appreciably higher. With the exception of apples and pears, almost all fruits were dearer in 1908 than in 1907, while vegetables, with the exception of onions and home-grown peas, were generally cheaper.

"The following examples of prices cover pretty generally the cost of the principal necessaries and some of the luxuries which constitute the staple of living among the well-to-do classes in Great Britain. Whenever the term hundredweight is referred to in the following table it is the English hundredweight of 112 pounds, and whenever the ton is referred to it is the English ton of 2,240 pounds.

Items.[a]		1906.	1907.	1908.
Bread	4-pound loaf	$0.1056	$0.1094	$0.1174
Beef, English	hundredweight	12.04	12.54	13.13
Beef, American	do	11.55	12.40	13.01
Veal	do	16.42	16.66	16.79
Mutton, English	do	17.27	17.27	16.79
Lamb, British	do	21.40	21.40	22.13
Pork, British	do	14.96	14.35	13.50
Butter, British	12 pounds	3.46	3.34	3.44
Butter, Irish	hundredweight	27.13	26.40	28.22
Butter, Danish	do	28.83	27.86	29.56
Cheese, Cheddar	do	17.76	18.49	17.52
Bacon, Irish	do	16.30	15.69	15.57
Eggs, British	per 120	2.82	2.89	2.86
Onions, British	hundredweight	.....	1.15	1.44
Peas, home-grown	do	.....	2.19	3.04
Cabbage, savoys	dozen	.....	.26	.26
Brussels sprouts	hundredweight	.....	2.55	2.55
Celery	bundle	.....	.26	.30
Lettuce	dozen	.....	.18	.20
Carrots	hundredweight	.....	.61	.63
Turnips	do	.....	.57	.49
Potatoes, British	ton	.....	19.71	17.88
Apples, Blenheims	hundredweight	.....	4.26	3.28
Cherries	do	.....	8.27	7.66
Black currants	do	.....	8.14	8.99
Damsons	do	.....	2.43	2.92
Gooseberries	do	.....	2.80	4.50
Grapes	pound	.....	.28	.32
Greengages	hundredweight	.....	6.46	6.68
Pears	do	.....	3.28	2.80
Plums	do	.....	3.16	3.28
Strawberries	pound	.....	.075	.085

[a] These are wholesale prices.

Report of Special Agent Clark on prices in Bradford, England (United States Consular Reports, Oct. 21, 1909):

"Food is higher in Scotland than in England, but is higher in Yorkshire than in Lancashire. For instance, at Dundee a 4-pound loaf of bread costs 6 pence (12 cents), but at Bradford it is only 5 pence, and at Manchester it is only 4½ pence. This proportion does not hold good in regard to all articles, but shows the general trend of the food costs. Of the Yorkshire wool towns Huddersfield is the highest. Bradford prices are about the average for the wool section.

"In Yorkshire, as throughout the United Kingdom, flour, potatoes, etc., are sold by the half-stone of 7 pounds, while bread is sold by the 4-pound loaf. Present prices (Oct. 21) at Bradford run about as follows in United States currency:

Articles.		Cents.
Tea	per pound	40.0
Sugar, granulated	do	4.3
Flour	do	2.3
Potatoes	do	.8
Bread	do	2.5
Butter	do	24.3
Cheddar cheese, American	do	13.5
Beefsteak	do	19.0
Bacon, roll	do	16.0
Mutton, leg	do	19.0
Pork, leg	do	17.0
Eggs	per dozen	26.0
Milk	per quart	6.0

"Paraffin oil sells for 15 cents a gallon and coal sells by the hundredweight of 112 pounds for 22 cents.

"Many of the operatives belong to cooperative societies, and these get their groceries and coal cheaper than the above by about 15 per cent. The largest of these cooperative societies in Bradford has a membership of over 20,000."

Report of Special Agent Clark on prices in Nottingham and Calais (United States Consular Reports, 1909):

Articles.	Calais.	Nottingham.
	Cents.	*Cents.*
Bread	3.25	2.50
Beef	17.50	16.00
Pork	17.50	15.00
Flour	4.40	2.86
Potatoes	1.75	.86
Sugar	6.14	5.00
Cheese	19.30	16.00
Butter	24.60	27.00
Milk, per quart	5.50	8.00

"It is seen that in most instances the Nottingham operative has the advantage of cheaper food, and with his smaller wages the Calais operative is compelled to offset this by eating less of meat and more of vegetables. Beef, etc., is sold in France by the kilo and in England by the pound. Bread is sold in England by the 4-pound loaf, and at Nottingham a loaf costs 4½d. to 5½d., with average about 5d. (10 cents). In Dundee, where food costs higher than in any other industrial town in Great Britain, similar loaves cost 6d. (12 cents). Potatoes, flour, etc., are sold in Nottingham by the half-stone of 7 pounds. The French operative pays the high price of 4 francs a kilo (35 cents a pound) for coffee, and the English operative pays 36 cents a pound for tea. The kerosene oil used at Calais costs 30 centimes a liter (5.8 cents a

quart), while the paraffin oil largely used at Nottingham costs 16 cents a quart. Coal is cheaper in Nottingham than in most parts of England, selling by the hundredweight at 8½d. to 10d. (17 to 20 cents), while in Calais the retail price is over twice as high."

Report of United States Consul Mahin on prices of bread in Nottingham (United States Consular Reports, May 7, 1909):

"A report from Consul Frank W. Mahin states that by an agreement among the Nottingham bakers the price of bread to the consumer in that English locality was advanced on March 15 1 cent per 4-pound loaf, with the minimum price 11 cents for the poorest grade and 13 cents for the best. The consul continues:

"Bread is usually sold in 2-pound loaves, the price being half that fixed for 4-pound loaves. The advance in price is actually more than a cent a loaf on the cheapest grades, which have been selling at 8 to 10 cents per 4 pounds. Prices have already been advanced or are being advanced throughout the country generally in a similar ratio.

"The local bakers having had no effective organization or understanding, discussion at recent meetings disclosed a bad state of affairs for them. The price of flour has been steadily rising, but the industrial depression has not only deterred bakers from advancing their prices, but has led them to cut prices and sell without profit in order to do business. Some have been driven into bankrutpcy, and the whole trade has been in a distressed condition for a year past. Millers have shared in the distress, having been unable to raise their prices equal to the advance in wheat, and having had serious losses from bad debts.

"Flour has advanced in this locality $1 to $1.25 a sack of 280 pounds since January, but the price rise of wheat has been proportionately greater, the millers claim.

"The whole situation indicates that the price of bread may be still further advanced during this year. The present increase only partially reflects the rise in wheat and flour."

Report of United States Consul Halstead on prices of bacon and ham in Birmingham (United States Consular Reports, Jan. 10, 1910):

"In view of the high price of bacon in England, due to a shortage in hogs, inquiry of the leading grocer in Birmingham as to the present (December 9, 1909) prices as compared with those at the same time in 1908, gives the following results. The prices in both years were per hundredweight (112 pounds), but they have been reduced to prices per pound for the better understanding of the conditions: Best English home-cured drafts (bellies), 18½ cents per pound, against 14½ cents in 1908; Wiltshire sides, which include backs, hams, and shoulders, 18.2 cents per pound, against 15 cents in 1908; Irish sides, 17.3 cents per pound, against 14.1 cents in 1908; American drafts (bellies), 17.1 cents per pound, against 13.9 cents in 1908; Canadian smoked sides, 16.3 cents per pound, against 13.5 cents in 1908."

France.

Statement of Paul Leroy Beaulieu (United States Consular Reports, April, 1908):

"M. Paul Leroy Beaulieu publishes in the Economiste Français some statistics showing to what extent prices have risen in France during the five years ending with 1907, the increase in each case being so much per cent, as follows: Bread rose 15 per cent, beef 22, veal 14, mutton 25, pork 27, condiments 25, pastry 25, petroleum 10, essence 30, butter 14, cheese 25, fresh fish 50, tinned fish 35, fresh vegetables 15, dry vegetables 30, coal 34, firewood 24, coffee 25, chocolate 25, candles 10, household utensils 25."

Statement of United States Consul King as to prices in Aix la Chapelle (United States Consular Reports, 1909):

The retail prices of foodstuffs and other necessaries of life in Aix la Chapelle are as follows:

Description.	Per pound.
Foodstuffs:	*Cents.*
Beefsteak	27 to 30
Other parts of beef	20 to 25
Ham	40 to 55
Sausage	10 to 30
Pork	20 to 25
Horse meat, used by many workmen's families	10 to 12
Flour—	
Prime	5 to 6
Second quality	4 to 5
Third quality	3 to 4
Potatoes	1 to 2
Dried Bosnian prunes	6 to 8
California prunes	15 to 18
Cheese.—	
From skimmed milk and the refuse from margarine butter	10 to 12
Best cheese	26 to 30
Butter	10 to 12
Cream butter	35 to 40
Eggs—	
In winter	24 to 42
In summer	24
Black rye bread, of coarse, crushed rye and refuse flour, 4-pound loaf	12 to 14
White bread, 1-pound loaf	4 to 6
Milk, per quart	5 to 10
Other necessaries of life:	
Coal, per 100 pounds	a40 to 55
Kindling wood, do	45 to 55
Workmen's shoes, heavy nailed, per pair	125 to 225
Workmen's labor suit, blue Nankin	150 to 200
Ready-made suit, of artificial wool or threaded	300 to 800

a $8 to $11 per ton.

Statement of United States Consul Belisle as to prices in Limoges (United States Consular Reports, December, 1909):

[The figures below are for pounds of 500 grams (about 1 1/10 pounds).]

	Price per pound.
Beefsteak	$0.26 to $0.36
Beef roasts, boned	.24 to .32
Beef for stewing	.12 to .18
Veal steaks	.30 to .34
Veal roasts	.22 to .28
Mutton chops	$0.22
Mutton roasts	.18 to $0.24
Mutton for stewing	.12 to .16
Lamb chops	.24
Lamb roasts	.20 to .28
Ham, whole, native	.30
Ham, whole, English	.34
Ham, sliced, native	.30 to .36
Ham, sliced, English	.38 to .44
Bacon, native	.32
Bacon, English	.36
Fresh fish:	
Salmon	.40
Sole	.40 to .50
Turbot	.25 to .30
Tunny	.32
Mullet and hake	.25
Mackerel	.15 to .20
Limande (Dab.)	.14
Skate	.08 to .12
Herrings, per dozen	.30
Codfish, salted	.12
Chickens	.25 to .32
Fowls	.20 to .25
Geese	.20 to .26
Turkeys	.18 to .24
Lunch tongue (Armour's), per 2½-pound tins	.54 to .64
Roast beef, per 2-pound tins	.58
Beef extract (Liebig's), per 1-pound tins	1.88
Flour	.03½ to .05
Bread	.03½ to .04½
Sugar	.07½
Butter:	
Table	.36 to .40
Cooking	.22 to .28
Cheese:	
Roquefort	.24 to .32
Gruyère	.28 to .34
Brie	.30
Camembert	.30
Holland	.24
Cantal	.20
Common	.12 to .16
Tea	.70 to 1.60
Coffee	.40 to .90
Chocolate	.30 to .34
Cocoa:	
Menier	.68
Van Houten	.78
Bensdorp	.78
Macaroni and vermicelli	.12
Rice (Carolina)	.08 to .12
Beans, common	.08 to .10
Peas, whole	.06
Peas, split	.08 to .12
Apricots, dried	.20
Peaches, dried	.28
Prunes, dried	.06 to .16
Raisins, dried	.12 to .22
Onions and carrots	.02
Potatoes, turnips, and cabbage	.01
Eggs, vary according to season, per dozen	.18 to .40

Wood, oak ("Stère"), 35⅓ cubic feet, $2.70. Equal to about $9.70 per cord.

Coal, soft, for domestic use, $8 per 1,000 kilograms (2,204 lbs.).

Coal, anthracite, $12.70 per 1,000 kilograms.

Germany.

Statement of Consul G. N. Ifft as to prices in Germany (United States Consular Reports, Nov. 20, 1908):

"From all parts of Germany sharp advances in the prices of the necessities of life, especially in foodstuffs and fodder for live stock, are reported. The latter have been noticeable during the past few weeks and are due, in a measure at least, to the unsatisfactory crops of the past year. The result is a strong upward movement in the prices of all foodstuffs. Meat is the only exception. It shows a slight tendency to lower prices, but is still above the figures of two years ago, and the slightly lower prices of to-day are, perhaps, due to the constant agitations for cheaper meat, which have continued uninterruptedly for two years past. In some instances municipalities have gone into the butchering business and have sold directly to the people, while in many places meat prices have been fixed by municipal enactment. Prices of milk, butter, and other dairy products have advanced in sympathy with the price of fodder, and the Imperial Bureau of Statistics notes, as well, advances in prices of tea, herring, vegetable oils, petroleum, tobacco, cotton goods, linen goods, woolens, etc. In fact, from this latter authority only two items, sugar and potatoes, are quoted as being cheaper to-day than they were a year ago.

"During a recent debate in the Saxon Landtag, figures furnished by the statistical bureau of the city of Dresden were quoted comparing the average retail prices of the principal foodstuffs for the years 1903 and 1906. They showed that during that time foodstuffs had advanced as follows, per kilogram (2.2046 pounds): Beef, 4 cents; pork, 6.2 cents; mutton, 5.5 cents; veal, 5.7 cents; bacon (speck), 4.9 cents; lard, 3.6 cents; bread, 0.6 cent; beans, 1.7 cents; lentils, 4.9 cents; coffee, 5.2 cents; butter, 2.6 cents; eggs, 2.9 cents per dozen. From these figures it was estimated that the cost of living for the average workingman's family of four to seven persons had for 1906, as compared with 1903, increased about $11.19, and that of this increase $4.05 was on account of the higher price of meat. During the same debate in the Landtag, figures compiled from reports from sixty cities and towns in Saxony were quoted, showing increases in rent (for dwellings renting for from $71.40 to $238 per year) of from 10 to 13 per cent. Coal prices from the cities of Leipzig, Dresden, and Chemnitz, the principal cities of Saxony, showed increases of from 10 to 20 per cent, according to the kind of grade of coal."

Statement of United States Consul C. B. Hurst as to prices in Germany (United States Consular Reports, 1909):

"The rise all over Germany in the cost of living has attracted considerable attention during the past two or three years. The prices

of meat went to a figure never reached before, and although there has been a slight decline they will probably never descend to their former level."

Statement of Special Agent Clark as to food in Saxony:

"Food is of necessity quite simple. One person thoroughly acquainted with the life and conditions of operatives here says that the principal nourishment of the weavers consists of potatoes and salt, bread, and a so-called 'pepper soup,' made of water, bread, a little fat, and plenty of pepper. Meat is seldom eaten, and when indulged in at all is usually in a form of soup meat or sausage. Operatives generally eat five times a day, and rye bread is nearly always taken. The first breakfast consists of coffee, made chiefly of roasted grain, and a piece of bread or roll. Sometimes a bowl of hot water, with a little flour stirred in, is taken instead of coffee. The dinner is at midday. The morning, afternoon, and evening meals are much lighter, and in them beer often occupies a place."

Statement of Vice-Consul J. Laburrell as to prices in Madgeburg, Germany (United States Consular Reports, Apr. 1, 1909):

"The following statements show the maximum prices per pound of the different meats, according to cuts, on April 1, 1909, as compared with the prices which ruled on April 1, 1908:

"Beef, bullock.—Fillet, roast, leg, rib, and belly, 31, 24, 21, 20, and 17 cents, respectively; an increase of 3 cents on roast and 1 cent on rib, the other cuts remaining the same as in 1908.

"Veal.—Leg and cutlet, back, breast, and soup meat, 29, 26, 20, and 21 cents, respectively; an increase of 2 cents on breast; no change in the other cuts.

"Pork.—Fresh ham, cutlets, and neck pieces, 21 cents; an increase of 3 cents in ham and 2 cents in neck pieces.

"Mutton.—Leg, back, and cutlets, 21 cents; soup meat and belly pieces, 19 and 14 cents; no change from 1908.

"Bacon.—Fresh, 18 cents; smoked, 21 cents; an increase in both of 2 cents.

"Lard.—21 cents; an increase of 2 cents."

Austria.

Statement of United States Consul J. I. Brittain as to prices in Austria (United States Consular Reports, Nov. 19, 1909):

"Since 1907 the following articles have advanced in price as indicated by percentage, and for the better qualities even greater advances have been made: Lard 17, butter 20, flour 50, potatoes 25, buttermilk 10, bread 40, meal 60, sugar 20, veal 12, pork 10. In October the coffee houses in Prague made a further advance in prices, averaging 10 per cent. Prices of fuel have also advanced, in fact almost every article entering into household expenses has advanced in price."

Statement of United States consul as to cost of living in Reichenberg (United States Consular Reports, 1909):

"The employees live very plainly. Bread, potatoes, coffee, and beer is the standard diet. Meat is high, and only indulged in sparingly on Sundays. The operatives usually have 5 snacks a day, and at Reichenberg the daily cost was figured as follows: Morning meal at 6—coffee, 10 hellers (2.03 cents), bread, 6 hellers (1.2 cents); lunch at 9—bread and butter, 16 hellers (3.25 cents), dinner at noon—fried sausage and potatoes, 20 hellers (4.1 cents), beer, 9 hellers (1.8 cents); afternoon lunch at 4—bread and butter, 16 hellers (3.25 cents); supper at 7—bread, potatoes, and coffee or buttermilk, 25 hellers (5.07 cents); total, 102 hellers (20.7 cents)."

Statement of United States consul as to prices in Lower Austria, Vorarlberg, and Bohemia (United States Consular Reports, 1909):

		Cost of provisions.					
		Lower Austria.		Vorarlberg.		Bohemia.	
		Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Bread (medium quality)	per pound	1.9	1.9	2.9	2.8	2.7	2.6
Meat	do	14.7	14.0	14.0	15.0	14.3	15.0
Flour	do	3.0	3.0	3.5	3.7	3.2	3.2
Potatoes	do	.7	.7	.6	.9	.8	.9
Sugar	do	7.0	6.3	7.0	7.2	6.6	6.6
Coffee	do	26.3	29.5	24.0	28.0	32.0	34.0
Salt	do	2.6	2.4	2.2	2.1	2.6	2.6
Cheese	one portion	4.1	.....	4.1	3.3	.....	.....
Milk	per quart	5.6	3.2	4.2	4.2	5.1	5.3
Oil	do	9.3	9.3	9.2	9.2	10.6	11.0
Beer	do	5.1	6.0	7.4	7.4	7.0	7.4

Switzerland.

Statement as to prices in four different towns in Switzerland (United States Consular Reports, 1909):

		Cents.	*Cents.*	*Cents.*	*Cents.*
Bread, average quality	2.2 pounds	6.9	6.5	5.8	6.5
Meat	do	34.5	32.5	28.8	36.5
Flour	do	9.7	7.7	9.5	9.5
Potatoes	do	1.6	1.6	2.0	2.0
Sugar	do	10.6	17.8	10.6	12.4
Coffee	do	44.4	62.9	42.6	34.7
Salt	do	2.8	4.1	2.0	2.2
Milk	quart	3.9	4.1	3.7	3.9
Kerosene	do	3.5	8.5	4.1	4.2
Beer	do	7.7	6.3	5.7	6.7
Cheese	1 portion	.....	4.1	.....	.....

General statement as to mode of living in Switzerland (United States Consular Reports, 1909):

"As to the style of living, the better times of recent years have enabled the working people here to buy more meat and vegetables than formerly. To many meat was a rare luxury and potatoes and bread their principal nutrition. Potatoes are still the main food, and many operatives have leased small potato patches in the neighborhood of Eibenstock from farmers, who turn the patch over to them when the potatoes are ready for digging."

Sweden.

Report of United States consul as to prices in Sweden:

"Since most forms of food cost more in Sweden than in the United States, particularly the high-class breadstuffs and meats, it follows that at the low wages prevailing the standard of living is comparatively low. Coarse ground rye and graham are principally used for bread. Bacon is largely used, but meat is not usually served more than once a day on the workingman's table. Clothing costs less than in the United States; particularly is this noticeable in the better class of men's clothing, but goods consisting largely of cotton or rough goods of the cheaper variety usually worn about shops and factories cost only slightly less than in America."

Canada.

Report of United States Consul H. P. Dill as to prices in Toronto and Buffalo (United States Consular Reports, Sept. 13, 1909):

"A Toronto newspaper has investigated the prevailing retail prices in Buffalo and Toronto, and shows that prices generally are lower in the United States than in Canada. These two cities were selected because of their relative equality in population, location, transportation, and general development. The summing up seems to favor the American city in about every case:

"Ready-made clothing is about the same in price in both cities, though boys' suits at $2.75, overcoat with fur collar at same price, an exceedingly good-looking suit for a man at $9.75, and goods which appeared of equal quality, have never been seen in Toronto. In the very cheap lines of things used by men the difference is distinctly in favor of Buffalo. Umbrellas at 42 cents would bring in Toronto 60 cents. Cotton shirts at 42 cents are 50 cents here. In footwear the Buffalo people have the advantage. Ladies' and men's boots displayed at several Buffalo stores at $2.50 are sold 'every day' in Toronto for $3.50.

"In crockery, Buffalo prices are much lower. Vegetable dishes, retailing at 20 cents in Toronto, are to be had for 10 cents in Buffalo. Three-piece toilet sets selling at 52 cents would be quick sellers in Toronto for $1. Very many smaller articles were selling at 5 cents each, but the prices could not be duplicated in Toronto. Granite ware and such has a shade margin in favor of Buffalo on most articles, but on some the difference is fully as great as on crockery. Crumb trays at 10 cents are 25 cents in Toronto.

"A gas range selling in Canada for $25 can be bought for $21. A No. 9 cooking stove, with hot-water tank attachment, sells for $35; this is fully $7 lower than in Canada. In all goods in this line Buffalo has the advantage by just about the amount of the Canadian duty, or 25 per cent.

"In tea and coffee, as far as can be judged, the Toronto price is a shade below. In this connection it might be well to say that it is very difficult to find as good coffee in Canada as in the United States. Canada has relatively more tea-drinking people than the United States, and grocers generally carry a larger variety of tea than do American dealers. There is no doubt that as good tea can be found in the United States as in Canada; but, on the other hand, a first-class coffee is a scarce article in Canada.

"Taking into account all the lines covered, the cost of household necessities is considerably higher in Toronto than in Buffalo."

Belgium.

Statement of United States Consul-General Watts as to prices of meat in Belgium (United States Consular Reports, July 14, 1908):

"Statistics show that the importation of horses (as meat) is increasing annually, the importations in 1904 having been 20,218 head; in 1905, 22,284 head; and in 1906, 26,294 head, the greater part of which was from England.

"There are two recognized abattoirs for Brussels and suburbs, namely, the Anderlecht-Cureghem slaughterhouse (a private corporation) and the city of Brussels slaughterhouse (municipal). The former butchers 2,798 to 2,950 and the latter about 1,200 to 1,500 horses annually. This large consumption of horse meat is due to the high charges for other meats in this city.

"There are about 36 butchers' establishments in Brussels and suburbs retailing horse meat only. The retail price varies from 35 centimes (6.7 cents) to 80 centimes (15.4 cents) per one-half kilo (1.1 pounds).

"The following are the present retail prices of beef per one-half kilo: Best tenderloin (filet pur), 3 francs (57.9 cents); other good beef for roasting, 1.45 to 1.6 francs (27.9 to 30.8 cents); soup and inferior beef, 60 to 90 centimes (11.5 to 17.4 cents); mutton, 80 centimes to 1.25 francs (15.4 to 24.1 cents); veal, 1.25 to 1.6 francs (24.1 to 30.9 cents); pork about the same price as mutton."

Japan.

Statement of United States Consul at Kobe in regard to prices in Japan (United States Consular Reports, Oct. 6, 1909):

"From the columns of Asaka Asahi translation is made, showing the range of prices of leading commodities during August and September of this year, compared with January, 1902. Taking 100 as a basis at the later date, it will be observed that there has been a market in nearly all lines. The articles which show greatest increases in prices are leather, 183; seaweed, 160; wheat, 153. timber, 149; raw cotton, 144; vegetable wax, 143; matting, 142; charcoal, 141; mousselines, 138; eggs, 136; firewood, 135. The greatest decreases appear in sheet glass, 65, and imported iron, 83. The prices of porcelain, 101, zinc sheet, 98; rape-seed oil, 98, and French nails, 97, show little change."

Prices paid in Boston and abroad by Massachusetts training ship Enterprise, summer of 1908.

	Boston prices.	Gravesend, England.	Copenhagen, Denmark.	Stockholm, Sweden.	Amsterdam, Holland.	Antwerp, Belgium.	Gibraltar (free port).	Nice, France.	Genoa, Italy.	Bermuda (English possessions).
Beef, per pound	$0.09	$0.1622	$0.134	$0.112	$0.16	$0.1419	$0.141	$0.115	$0.115	$0.192
Lamb and mutton, do	.11	a.06	.....	.....	.16	.....	.151	.164	.135	.172
Fresh corned beef, do	.08½	.131	.....	.....	.16	.....	.....	.....	b.162	.182
Veal, do	.11	.....	.....	.....	.....	.....	.....	.164	.....	.....
Fresh pork loins, do	.12	.1622	.2278	.142	.18	.164	.....	.164	.....	.182
Bacon, do	.12½	.162	.....	(b)	.17	.164	.202	.....	.193	.212
Ham, do	.12	.162	.....	(b)	.17	.142	.223	.....	.193	.192
Fowl, do	.14	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Frankfurters, do	.09	b.24	b.24	b.24	b.24	b.24	(b)	(b)	.....	.....
Hamburg steak, do	.08	.....	.134	b.142	(b)	.1419	(b)	(b)	.....	.....
Fish for chowder, do	.05 to .06	.0811	(b)	.08	.13	.081	.121	.....	.....	.081
Ice, per ton	$3.00	9.73	10.72	4.60	4.02	4.63	19.47	28.85	12.07	14.60
Eggs, per dozen	.26	.195	.225	.209	.24	.....	.182	.278	.184	.36
Milk, per quart	.07	.07	.078	.064	.08	.06	.....	.077	.102	.121
Bread, per pound	.04	.065	(b)	(b)	.04	.035	.05	.038	(b)	.04
Potatoes, per bushel	.90 to 1.20	.88	.48	.65	.72	.58	.....	.868	.66	.....
Coal, per ton	4.25	5.84	.....	.....	4.46	4.88	5.62	.....	.....	7.91

a Australian. b Too high to buy.

Memorandum of prices paid for articles of food and for coal in European ports by the pay officers of the navy for the first six months of 1909.

FOOD.

Article.	Gibraltar.	Marseille.	Naples.	Nice.	Algiers.	Port Said.	Malta.
Bacon, pound	.....	$0.198	.....	.....	.....	.....	.....
Beans, gallon	.....	.23	.....	.....	.....	.....	.....
Beef, fresh, pound	$0.17	.1186	$0.14	$0.15	$0.0912	$0.172	$0.112
Beef, corned, do	.1537	.113	.....	.....	.....	.....	.....
Bread, do	.0507	.....	.05	.04	.....	.....	.0304
Butter, do	.37	.366	.....	.....	.....	.....	.....
Cabbage, do	.0304	.0154	.015	.024	.0202	.04	.....
Coffee, do	.3245	.....	.....	.....	.....	.....	.....
Eggs, fresh, dozen	.2336	.....	.248	.27	.....	.115	.....
Flour, pound	.0405	.....	.....	.....	.....	.....	.....
Ham, smoked, do	.213	.....	.....	.....	.....	.....	.....
Milk, condensed, do	.112	.....	.....	.....	.....	.....	.....
Mutton, fresh, do	.152	.1235	.12	.14	.101	.....	.....
Onions, do	.0406	.0193	.02	.0243	.....	.0202	.....
Pork, fresh, do	.....	.1582	.....	.20	.....	.....	.....
Potatoes, do	.0206	.0073	.015	.0101	.01	.0133	.....
Salmon, tinned, do	.1734	.....	.....	.....	.....	.....	.....
Sugar, do	.0507	.033	.....	.....	.....	.....	.....
Tomatoes, tinned, do	.0608	.....	.....	.....	.....	.....	.....
Veal, fresh, do	.....	.158	.....	.16	.1014	.....	.....

COAL (BITUMINOUS STEAM COAL).

Port.	Unit.	Price.	Port.	Unit.	Price.
Gibraltar	Ton	$5.393	Port Said	Ton	$5.366
Marseille	Ton	4.562	Constantinople	Ton	5.778
Naples	Ton	4.892	Smyrna	Ton	5.941
Nice	Ton	8.273	Alexandretta	Ton	7.543

Furnished by the Paymaster-General, United States Navy.

Retail prices, 1906–7.

[Prices at Boston, compiled from Bulletin No. 77, Bureau of Labor.]

	1906.	1907.		1906.	1907.
Tea:	*Cents.*	*Cents.*	Beef:	*Cents.*	*Cents.*
Formosa-Oolong, pound	35 to 50	35 to 50	Chuck, pound	10 to 12.50	10.25 to 13.33
Japan Oolong, do	40	40	Rib, do	15 to 19.33	14.25 to 21.17
Sugar, granulated, do	5.08 to 5.50	5.38 to 5.50	Round, do	18.42 to 20.5	19 to 22
Eggs, dozen	24.50 to 30.75	24.58 to 32.67	Sirloin, do	21.58 to 25.25	22.5 to 27.92
Cheese, pound	16.17 to 17	17.42 to 18.33	Mutton, leg, do	12.67 to 14.17	13.17 to 14.75
Butter, do	25.25 to 31.58	26.67 to 31.50	Pork, chops, do	13 to 15.75	15.17 to 17.58
Potatoes	.....	.....	Bacon, do	15.58 to 18.83	15.67 to 19.17
Flour, 7 pounds	19.6	21.7			
Milk, quart	7.25 to 8	8.25 to 9			

Wholesale prices in Boston.

[Taken from market quotations in Boston Herald.]

	1908.			
	January.	April.	July.	October.
Sugar	$0.05	$0.056	$0.056	$0.54
Eggs (dozen):				
Choice	$0.35 to .37	$0.20 to .21	$0.24 to .25	$0.34 to .35
Western	.26 to .28	.17 to .18	.18 to .20	.22 to .25
Storage	.18 to .22	.....	.....	.21 to .23
Cheese	.145 to .165	.145 to .163	.115 to .12	.125 to .14
Butter	.34 to .30	.30 to .32	.23 to .26	.265 to .29
Potatoes (bag)	.65 to .75	.75 to .85	a1.25	1.40 to 1.50
Flour (barrel)	4.50 to 6.20	4.40 to 5.80	4.15 to 6.00	4.50 to 6.10
Beef	.06 to .105	.075 to .12	.065 to .14	.05 to .1275
Mutton	.08 to .09	.12 to .135	.09 to .10	.07 to .08
Pork (fresh ribs)	.105 to .1075	.14 to .145	.1275 to .13	.1375 to .14
Bacon	.1325 to .19	.12 to .175	.13 to .20	.155 to .20

a Bushel.

Wholesale prices in Boston—Continued.

	1909.			
	January.	April.	July.	October.
Sugar	$0.0485	$0.0515	$0.0515	$0.0535
Eggs:				
Choice	$0.41 to .42	$0.22 to .23	$0.26 to .27	$0.35 to .37
Western	.31 to .36	.21 to .22	.225 to .24	.25 to .27
Storage	.26 to .27			
Cheese	.14 to .15	.14 to .155	.13 to .14	.15 to .1625
Butter	.30 to .325	.30 to .32	.265 to .28	.305 to .32
Potatoes (bag)	1.50 to 1.70	1.90 to 2.00	1.50 to 1.60	1.10 to 1.40
Flour (barrel)	4.40 to 6.10	4.75 to 6.50	5.10 to 7.15	4.40 to 5.90
Beef	.065 to .12	.06 to .1125	.065 to .115	.05 to .145
Mutton	.06 to .075	.09 to .095	.10 to .11	.07 to .085
Pork (fresh ribs)	.1175 to .12	.1225 to .125	.1475 to .15	.1675 to .17
Bacon	.13 to .165	.135 to .18	.165 to .2075	.19 to .225

Coal.

	Per ton.
Average retail price in Washington, 1909:	
Furnace	$6.50 to $7.00
Stove	6.75 to 7.25

Oil.

	Cents per gallon.
Average retail price in Washington, 1909	15 to 20

Mr. LODGE. I desire, in conclusion, to lay before the Senate the statement of Mr. Gompers, president of the American Federation of Labor, in regard to wages and prices in England and Europe, which is of the highest interest in connection with the question I have been discussing.

Report of President Gompers, of the American Federation of Labor.

[American Federationist, January, 1910.]

WAGES AND COST OF LIVING.

"Where are wages best?" workingmen ask me. "Other points in favor of America don't count for much if a man's earnings here can't bring him a better living than in European countries. Is it true that a mark in Germany or a franc in France will go as far as a dollar in the United States?"

In reply, some examples of wages in Europe may be given and then some description of the circumstances in the European workmen's situation as I took note of them. Precisely what the differences are in the cost of living in the different countries is a question involving many factors over which sociological investigators and tariff wranglers have long disputed. What I can give is the result of visiting workmen in their homes in various cities, hearing the statements of labor representatives and others as to prices and wages, and completing this sort of information with comparisons of wage scales and trade-union reports given me in the countries I visited.

IN GREAT BRITAIN.

In the debates and conferences at the British Trade Union Congress, at Ipswich, in September, the national trade-union secretaries and other prominent delegates could hardly be expected to err greatly when referring to earnings in their own occupations. Some of their statements are herewith given. Richard Bell, M. P., of the Amalgamated Society of Railway Servants, speaking of the necessity for railway men in the Ipswich district to come into the unions, said that while working at 17 shillings ($4.25) a week they had refused to assist the union in getting them an advance of 2 shillings. It is to be kept in mind that the English shilling is really 24 American cents, though usually computed at 25. G. H. Roberts, M. P., averred that in some parts of East Anglia, the eastern central part of England, agricultural laborers are being paid 12 shillings a week. Will Thorne, M. P., mentioned that builders' laborers in Ipswich were receiving 4½ pence (9 cents) an hour. Men in the audience called out: "Quite right, and 3½ pence, sir." A. G. Smith, of the London cab drivers, said public motor-car men received 25 per cent on every pound they took in, but as they had to pay for their gasoline, which was often wasted, it frequently happened that all they had for themselves after a fifteen-hour day was 2 shillings. R. Davies, of the municipal employees, arguing for a recognized minimum in all industries, quoted the Ipswich trade-union minimum for builders' laborers as 5 pence per hour. A resolution was adopted advocating minimum wages of 30 shillings for a 48-hour week for government workers in the London district and 36 shillings in the danger buildings of the explosives factory in the arsenal at Woolwich. These two demands, it is to be observed, which mark an objective point above what is paid, reach only $7.50 and $9 a week.

In London the present weekly union scale for men in the binding department in printing offices is 34 shillings for fifty-four hours, and for cutters 30 shillings, and girl folders 15. In the private shipyards doing naval work—those in the Tyne, Clyde, Mersey, Thames, and Barrow districts—the wages run on the average: Platers, 38s. 3d.; riveters and calkers, 24s. 9d.; holders up, 28s. 3d. Government dockyards maximum pay is: Platers, 28 shillings; riveters and calkers, 28 shillings, holders up, 25 shillings. The entire range here is $6 to less than $9.50.

The long hours worked in some occupations was called to the attention of the Congress. It was said by Alderman J. Hayhurst, J. P., of the bleachers' union, to be a common thing for men in the bleaching, dyeing, and calico-printing industries to work twelve and fourteen hours a day. Councilor G. T. Jackson, J. P., of the tramway employees' union, introduced a resolution calling for an eight-hour lapse between the end of one day's work and the beginning of the next, and providing that any one day should not be spread over more than twelve hours. He told of an accident occurring at 11 p. m. through the exhaustion of a man who had begun work at 6 a. m. E. Spice, of the London watermen, wanted twelve hours as a maximum day for the lads under 18 working at lighterage on the Thames. A delegate of the tailors stated that women employed by a fashionable Regent street firm worked eighty-four hours a week for 3 pence an hour.

In the foregoing figures we have for England examples not only of the highest wages paid in some of the best organized trades, but also of the rates current in those poorly organized. In other words, the range covers the varying scales for all wage-workers' occupations. Further quotations would carry but the repetition of what is a general fact. Earnings in England, however, can not be based on weekly wage scales; unemployment, varying as to the individuals involved, is now so bad as to be spoken of as a settled national feature in industry. The inspector-general of the army was quoted at Ipswich as mentioning in his last annual report that 90 out of every 100 men enlisting in the army had given unemployment as their reason for becoming soldiers.

IN GERMANY.

A general survey of wages in Germany is to be had in the tables giving the average yearly earnings as reported under the workingmen's insurance laws. The Correspondenzblatt of the Trade Union General Commission for Germany, April 18, 1908, page 55, has one of these tables. Only three or four of the trades average over 1,200 marks ($300), at which sum, according to the law, begins the excess reckoned at one-third the actual amount. Most of the averages run less than 1,000 marks ($250). These general insurance statistics of wages may be verified by union scales. For instance, the Berlin saddlers' organization calls for 27 or 28 marks a week; the Hamburg shipbuilders, 34 to 50 marks; the Berlin plumbers, 60 to 70 pfennigs an hour for a nine-hour day, being $8 to $9 a week. These are among the highest wages. The lowest are for day laborers, which rarely go above 3 marks a day and sometimes below 2½ in a list compiled by the local authorities in three cities in accordance with the insurance laws.

IN AUSTRIA-HUNGARY.

In Austria and Hungary wages run, as seen by the American eye, accustomed to dollars, at about equal levels for the two countries, high in big cities and low in agricultural districts. The industry of Hungary is flour milling. Budapest millers boasted to me that their mills were better than those of Minneapolis. A few years ago, before the workmen were organized, mill wages varied, one giving but 50 cents a day for work that in other mills brought 80. The pay for skilled millers, while more nearly uniform, averages now less than the latter figure. In Budapest, bricklayers, among the best-paid workmen in the building trades, get $1 to $1.20 a day. In the winter they find unskilled work at 60 cents. First-class carpenter joiners earn $1.30 to $1.90. Budapest has a thousand female cigar makers, working in the government factories, at 30 to 40 cents a day. Miners in north Hungary sometimes attain to the level of 60 cents.

IN ITALY.

The wages in Italy reach their highest point in Milan, the great modern commercial and industrial city of the Kingdom. In 1907 the following were some of the demands of the unions: The painters and paper hangers, a minimum of 60 cents, 80 cents, and $1 a day (American money), eight and a half hours in the winter and ten the rest of the year; stationary firemen, 9 cents an hour; gold-leaf workers, $1.20; assistants, 75 cents, nine hours; bookbinders, 10 per cent advance for the men making 80 cents a day, 15 per cent for hands making 50 cents to 80, 22 per cent for those making 30 to 50; masons and assistants in the building trades, minimum per hour, 9 cents; apprentices, 7⅞; laborers, 6; boys, 4; lithographers, graded, $8.40, $7.80, $7; street cleaners, graded, 78, 72, 67, 60, and 45 cents a day.

The trade unions are much stronger in Milan than elsewhere in Italy. Wages taper off southward, the unions also diminishing in number and importance. The building trades in the south have wages only 60 to 70 per cent of those paid in Milan, as recorded at the union national headquarters.

CHEAP POLICEMEN.

Quotations from my notes on union wage scales for the smaller countries, such as Belgium, Switzerland, and Bohemia (the latter having its own national labor movement), would give slight variations of wages, somewhat between the Italian and English or German levels. As I have said, the American mind, accustomed to make estimates in dollars, can not easily appreciate differences that to the European workman may appear considerable. To be told that the policemen in London get $6 to $9 a week; in Paris, $6 to $8; in Vienna or Rome, $5 to $7, leaves the man who has acquaintances on the New York force at $20 and $30 only under the impression that all European policemen are cheap, an impression deepened after he has tipped a London policeman 6 pence for hunting a cab for him ten minutes, or a Vienna policeman 5 cents for giving information as to his baggage at a railway station.

AMERICAN WORKING PEOPLE TRAVELING IN EUROPE.

In Europe it is a matter of great astonishment that our women school-teachers can afford to make "the grand tour" on their own savings. Scores, perhaps hundreds, to-day of our bright instructresses make the two ocean voyages for $100 and travel to London, Paris, the Rhine, perhaps Berlin and Rome, for six or seven or even ten weeks, for $250 more. The young European mechanic or laborer, home again after two or three years in America, smartly clothed and flush in

spending money, perhaps back to be married, is a common subject for neighborhood gossip in Europe, whether it relates to the printer in Liverpool, the miner in Westphalia, the cigar maker in Prague, or the "excavator" in Naples. Such facts, elusive to the census maker, tell a story of their own.

PRINTERS' WAGES COMPARED.

The printing trade, in all countries at the highest point in union organization, affords a basis for wage comparisons. In New York the union weekly scale for compositors on morning newspapers is $31; on book work $21.50. In London, the book scale is 39 shillings (less than $9.50); in Paris, the minimum, $9; in Milan, $7 (5.20 lire per day); in Austria the towns and cities are divided into six classes for compositors' weekly wages, running respectively $4.40, $4.80, $5.20, $5.60, $5.80, and $6.20; in Budapest the minimum scale is $4.80. The custom of paying the best hands more than the minimum scale is more prevalent in European countries than in America. The briefest mention of the printing business, with comparison of wages, requires notice of the fact that machinery, and that of the first order, in the press and composing rooms is in more common use in America than in any European country. I was shown through a model book and job printing office in London that had no composing machines, and the Cologne Zeitung, the great daily newspaper of Rhenish Germany, has none. Seldom are any seen in the many cooperative establishments. They are rare in the offices of Austria, Hungary, and Italy. I am reliably informed that more type is set in one daily newspaper office in a week in New York than in all the printing offices of Naples. That fact is in agreement with the rule that with high wages in America there is often a low cost of production, coming from the education and energy of the workers, perfected machinery, and organization on a large scale. My facts indicate that money wages in America in many trades are double those paid abroad.

But, the cost of living?

VARIATION IN STANDARDS OF LIVING.

Two classes of writers and talkers may be found who assert that "one may live in Europe on half what it costs in America." The first of these classes is the employers of Europe as a body; they are interested in keeping their workmen with them, to compete with one another, besides being actuated by anti-American sentiment that calls for no more than mention here. The other class is mostly made up of well-to-do American sojourners abroad. The latter undoubtedly find several items in their own outlay less than in America, among them being personal service, objects of luxury, and their house rents. As relating to themselves and their social classes, their assertions are correct, especially as regards city life. The European working classes, however, neither hire servants nor buy articles of luxury except in rare cases. The struggle for a barely decent living is ever before them. Their necessary annual family "budget" comprises plain and cheap food, which, on the average, takes 40 to 65 per cent of the entire outlay, quarters in either an "industrial" or "slum" district, requiring 20 to 35 per cent, and clothing 10 per cent or more. These percentages must be indefinite, depending as they do upon the size of the family, on earnings, and on climate, and even the government. Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay in money will remain about the same. Even then he will hardly be able to escape gaining something from the superior supply of the good things of life in America.

If I am called on to name one of the good things which is conspicuous, I reply: "Our common schools for the workers' children," and as I write the words I hear again the enthusiastic sentiments on this point uttered in my presence by Italians, Bohemians, Austrians, and Irishmen. "To think," they say, "your country gives even the schoolbooks free!"

A LIST OF NECESSARIES CHEAP IN AMERICA.

Living is cheap to the wage-worker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow-workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and in general a larger and freer life.

"How often do these people eat meat?" is a question the American in Europe finds himself asking when looking about among wage-workers. Meat is usually from 25 to 100 per cent higher in price than in the United States. Naples and vicinity is often spoken of as offering plentiful and cheap living. Within the customs-bonded district of the port of Naples are large cold-storage warehouses, whence meat is furnished to vessels in the American and Mediterranean service. It is American meat. If it could be carted just 100 yards from the warehouse through the gates of the great iron customs department fence into Naples, this meat could be sold at from 25 to 50 per cent below local prices. The warehouse owners stand ready to do business with all Italy, furnishing a better grade of meat at greatly reduced prices, if the tariff barrier were removed. This is but a single illustration of a general fact. Staple American agricultural products—wheat, fruits, cheese—in many parts of Europe are sold at lower than the local prices or as low. The immigrant, coming to America, finds that, if he can buy in quantity, and (in cases where he need not) his flour, fuel, potatoes, oil, sugar, coffee, salt—the essentials for his plain table—all cost less than they ordinarily do in the land he left. The cheapness and abundance of many varieties of fruits and of our melons and tomatoes is a surprise to him. Closely after the most pressing necessities comes a line of things cheaper than in Europe—cotton clothing, including overalls, jumpers, shoes (the American shoe has a sale all over the Continent); newspapers, the cent buying twice to four times the reading matter contained in a German, French, or Italian paper. Access to good water renders expenditure for alcoholic drinks less common. The cheapness of good amusements in America deserves more attention than has been given the subject by the professional investigator; it is a social factor having an enormous influence on the tastes and education of the working class public. The possibility of regarding outlay for amusements as one of the regular items in family expenses is an indication of the working class standard of living.

POVERTY IN GREAT BRITAIN.

How the wage-earners and their families attire themselves is not so much a question of the cheapness of clothing as it is of what is left over for this purpose after food, shelter, and other unavoidable family needs have been provided for. The features of climate, national customs, and class standards must also be considered. In southern countries, where the same clothes are worn the year around, people may appear well in public at half the expense required in America, in the North, where there are four seasons. In the United Kingdom the poor dress in much the same clothing summer and winter, the large proportion of the people in shabby clothes in the streets of Dublin, Manchester, or London giving an impression to the American observer of a prevalent poverty.

The masses make a better appearance in Paris and Berlin. In Italy a young fellow may be a dandy in a straw hat and cotton duck suit. Fine wool and silk stuffs, furs, laces, and kid gloves cost less abroad than in the United States—a fact, however, which bears as lightly in an inquiry into the conditions of the masses as does the tariff on the masterpieces of art.

HOUSING.

The housing of the wage-workers of the various European countries as compared with that of the same class in America would, in order to bring out the full truth, require a long and faithful study. When the facts were ascertained, the real point remaining would be how to present them in order to create an exact impression of the truth. Besides, in making comparisons, a difficulty would be in fixing an American standard. Conditions exist in a few American cities, such as New York, Pittsburg, and Chicago, representing neither European nor American standards, but what are created through the transition of the most helpless of our newly arrived immigrants from a state perhaps more miserable than that in which they lived in their native countries to a level equal to the financially lowest that is permanent among the American-born citizens. Looking at the housing problem widely, the greatest fact in favor of America is space. The workingman in the country towns and in the cities smaller than those in which the foreign population is congested can rent or perhaps buy a separate home. In general, Europe does not give this opportunity. For example, Bremen is the only considerable city in Germany which has small single-family houses adapted to the needs of working people. Only the big tenement house, except in rare cases, is to be found in other cities. The wage-earner in them is regarded as permanently a rent payer, an animal in a stall in a five, six, or seven story stable. No, not one animal in one stall; not so good as that—whole families or a herd of lodgers live in one of the stalls. The doubling up of families of relatives, the keeping of lodgers, the hiring of a small apartment by several young persons, such devices for distributing among many persons the burdens of rent must be general in cities where apartments are made the landlord's investment and few small homes are built to sell the man with a small purse. The barracks-like houses of the German cities are planned so as to accommodate people in comparatively easy circumstances in the desirable apartments of the front, up to the fourth story, while the basement and the small rear and the topmost apartments go to the swarm of folks living on low wages. Berlin has been called "the city that wears a dickey," since its imposing streets of big dwelling houses have the best apartments on view to the front, behind which exist shabbiness and the general unattractiveness of things unseen. In the northern district of Berlin is the new "workingmen's quarter," with broad streets, window-garden houses, and evidences of municipal care as to hygiene, one result being that rents, compared with wages, run close to the high American level.

RENTS.

In no city in Europe did I find rents any cheaper, wages considered, than they run in Philadelphia, Baltimore, Louisville, or in the New England towns not having a boom, or even in many cities of the Mississippi basin. What strikes the American is how little the European renting wage-worker gets for his money. Very seldom indeed has he a bit of garden; he takes a poor water service for granted; his rooms are fewer and smaller than is ordinarily the case in an American house. The rent payer is usually a rent payer for life. No institution of the proportion of the American building and loan association exists in any European country. The movement of large masses from the position of rent payers to that of householders has been characteristic of America. European philanthropists, statesmen, and cooperators are at the present time endeavoring to establish the necessary methods to bring about the same results.

CONCLUSIONS.

Space here, to my regret, is insufficient to permit me to quote the rentals paid by wage-workers in various European cities which are entered in my notes. I have been obliged to give my conclusions on the subject in general terms. The main conclusion as to housing is the same as that relating to food: If the immigrant to this country is willing to continue living here at the same level he was obliged to accept in his native land, he can find it for the same money.

Mr. BACON. Mr. President, I do not propose to go into any elaborate discussion of the very intricate questions discussed by the Senator from Massachusetts. I desire, however, to call attention to some specific facts which may a little further elucidate the question he has been discussing.

My proposition, Mr. President, is that the present high prices of articles necessary for the maintenance of life, while a great many different causes may be suggested, are due in the main to the general tariff system of this country; that in the high level of prices of articles sought to be protected by the protective tariff necessarily there must be a corresponding rise in the prices of other articles which may not be so particularly and directly the subject of the protective tariff.

In the second place, I think the specific imposition of protective duties on fresh meats, and so forth, has a very material influence, and it is to that particular phase of the question that I desire to address a very few remarks and to give some concrete illustrations.

Before coming to those, however, I desire to call attention to the fact that when the tariff bill was under discussion last year there was a distinct issue in the Senate as to whether or not there should be a high tariff on beef and other fresh meat,

and upon that issue there was some discussion, and a vote was taken in the Senate. I call attention to the RECORD, where that vote is to be found, and in order that the significance of the vote may be particularly noted and appreciated I will read a little of what was said in the presentation of that particular issue.

The paragraph in the tariff bill which imposed a duty upon fresh beef, veal, mutton, pork, venison and other game, excepting birds, is numbered 281. The Senate will remember that when the tariff bill was under discussion, by general consent certain paragraphs were passed over for future consideration. When paragraph 281 was reached, at my request it was passed over—the one I have just read. Subsequently to that time, by some misunderstanding, that paragraph was acted upon and adopted. Not being able to reach it otherwise, I moved a reconsideration of the action of the Senate in the adoption of the paragraph, stating at the time that the object of the motion was to offer an amendment by which the rate of duty would be lowered not only below that proposed by the Senate Finance Committee, but below the rate proposed in the House bill.

The tariff on fresh meat under the Dingley bill was 2 cents a pound. The House bill which came to us last summer reduced it to a cent and a half a pound. The Finance Committee, in their report, after the consideration of the House bill, proposed to raise it to 2 cents a pound, and that is the rate fixed in paragraph 281, which I have referred to. That was the rate adopted by the Senate in the adoption of paragraph 281. I will remark in passing that subsequently the conference committee reduced it to 1½ cents a pound.

But at the time I speak of the question before the Senate was a motion to reconsider the action of the Senate in agreeing to paragraph 281, with the purpose then announced of moving a rate of duty lower than that fixed in the House bill, and I will read a little from the RECORD to show that that was the specific issue upon which the vote was taken, and then I shall read the vote.

It is a matter of considerable importance and interest to the people of this country at the present time, when everybody is so nearly approaching the point of starvation, so far as meat is concerned, that it is filling the columns of the newspapers, and the people all over this land, rich people as well as poor people, are uniting in a concerted effort to do something to try to bring meat down to living prices—it is a matter of some interest to the people of the United States to have their attention called to the fact that this issue was made when the tariff bill was before the Senate, and that there was a yea-and-nay vote upon it.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do for a question, but not for argument, because I want first to complete my statement.

Mr. WARREN. I do not desire to enter into any argument. But do I understand the Senator to say that the present duty on fresh meat is a half cent less than it was under the old law?

Mr. BACON. It is.

Mr. WARREN. Has that reduction in duty reduced the price of meat to the public?

Mr. BACON. I do not think it has.

Mr. WARREN. I will ask one further question. If taking off one-quarter of the tariff on meat has raised the price of meat, what would be the result if we should take off the entire duty?

Mr. BACON. If the Senator will permit me, before I get through I will endeavor to answer that question. A statement as to the difference in the price of meat in this country, under our tariff, and the price of the same meat sold in other countries, I think, will answer the question.

Mr. LODGE. I should like to have those figures, because I have them.

Mr. BACON. I have them also.

Mr. WARREN. As we are all more directly interested in the price we pay for meat in this country, I will be very glad if the Senator will show why taking off a quarter of the tariff on meat to our own people has not reduced the price. I hope he will enter into that quite fully.

Mr. BACON. Possibly if the quarter had not been taken off the price of meat would be still higher than it is.

Mr. WARREN. That is a good guess, but not a sufficient answer.

Mr. BACON. Very possibly; and if the illustration I shall give as to the price of meat in this country and in other countries is a correct illustration, it may be a little more than a probability—it may come somewhat into the domain almost of a certainty—that the price in this country would have been higher than it is now if the tariff had not been reduced that quarter.

But the Senator interrupted me at a time when I was trying to make a presentation of the direct issue before the Senate at the time the vote was taken. I not only want the direct issue correctly presented, but I want to present the vote. I desire to show how Senators voted on a question which has now become so important to the people of this country and which so concerns their welfare and their comfort and their health.

I will read a little of the RECORD, page 2602, May 31, 1909:

Mr. BACON. I move to reconsider the action of the Senate by which it agreed to the amendment proposed by the Senate committee changing the provision in the House bill from 1½ to 2 cents a pound on fresh beef, veal, mutton and lamb, pork, venison, and other game, except birds.

Mr. BEVERIDGE. Let it be stated.

Mr. BACON. I move to reconsider the action of the Senate in agreeing to the amendment striking out the House provision, "1½," and inserting 2 cents in lieu thereof.

The VICE-PRESIDENT. The Senator from Georgia moves to reconsider the vote by which the committee amendment to paragraph 281 was agreed to.

Mr. ALDRICH. I shall vote against that proposition, and I shall do so with the idea that the committee will consider this question and see whether any modification should be made. I shall vote to agree to this paragraph as it stands—that is, with the committee amendment agreed to. I hope if there is any change to be made it will be after due notice and conference with the Senators interested.

Mr. BEVERIDGE. I hope the Senator from Georgia will not press his motion to-night, because I take it there will be some discussion on it.

Mr. BACON. I have no disposition to press for a vote to-night, but I must have a vote on it.

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I suggest to the Senator from Georgia that he do not make the motion now, but wait until the matter gets into the Senate, because that would save considerable time. He will lose no rights by doing so.

Mr. BACON. I do not know why I should do that. I deferred to the wish so far as the paragraph unamended went. I propose to offer an amendment to the House paragraph. In other words, I propose to reduce below the rate proposed by the House the duties on bacon and ham and on lard, but I do not make the motion now, because the Senator having withdrawn the Senate committee amendments, there is no amendment pending to those two paragraphs. But when it comes to paragraph 281 there is a distinct Senate amendment.

That is the paragraph with reference to beef and other fresh meats.

Mr. ALDRICH. Will the Senator permit a vote to be taken now on the question of reconsideration?

Mr. BACON. Yes. I am not going to add anything to what I have said. I have discussed this as fully as I wish. But I do desire to state that I propose, if the Senate reconsiders it, to offer an amendment still further reducing the rate than it is in the House bill, especially since the interchange between the Senator from Idaho and myself, which has thrown some light upon the effect of his paragraph upon the prices the people have to pay for fresh meat.

"This" it should be.

The interchange there alluded to between the Senator from Idaho and myself occurred on the same day, and is found in the same issue of the RECORD. It was upon a suggestion, or statement, made by the Senator that he had represented to the people of his State that those who made hay got $4 for it, more than they would get if there was not a duty of $4 a ton on hay, and that brought us to the proposition, which I suggested to the Senator from Idaho, and upon which we had some little interchange, in the course of which the Senator from Rhode Island took issue with the Senator from Idaho, upon the general proposition that the imposition of a duty to that extent increased the cost of the article to the domestic consumer. That was the interchange to which I alluded at that point. But the distinct proposition, as the Senate will now observe from what I have read, was that there should be a reconsideration of the action of the Senate in agreeing to paragraph 281, in order that an amendment might be offered which would put the rate of duty on beef and other fresh meats below the rate expressed in the House bill. That was the distinct issue, and upon that issue the yeas and nays were called. On the motion to reconsider, with the avowed and distinct purpose to put the rate of duty on fresh meats below 1½ cents—not only below the Senate rate, but below the House rate—and upon the distinct issue raised as to whether or not there should be a reconsideration for the purpose of affording an apportunity to vote upon that amendment, the vote was as I shall read it. Upon the motion to reconsider the action of the Senate in agreeing to paragraph 281, for the purpose of offering an amendment still further lowering the rate of duty on fresh meat, the vote was as follows:

YEAS—32.

Bacon	Clay	Gamble	Overman
Bailey	Culberson	Gore	Rayner
Bankhead	Cummins	Hughes	Shively
Beveridge	Daniel	Johnston, Ala.	Simmons
Bristow	Dolliver	Martin	Smith, Md.
Brown	Fletcher	Money	Smith, S. C.
Burton	Frazier	Nelson	Taliaferro
Clarke, Ark.	Gallinger	Newlands	Tillman

They were those who voted to give an opportunity to lower the rate of duty on fresh meat. The nays were as follows:

NAYS—40.

Aldrich	Clark, Wyo.	Elkins	Penrose
Borah	Crane	Flint	Perkins
Bradley	Crawford	Frye	Piles
Brandegee	Cullom	Hale	Root
Briggs	Curtis	Heyburn	Scott
Bulkeley	Depew	Johnson, N. Dak.	Smoot
Burkett	Dick	Kean	Stephenson
Burnham	Dillingham	Lodge	Warner
Burrows	Dixon	McEnery	Warren
Carter	du Pont	Page	Wetmore

Then follows a list of those not voting, and I will put into the RECORD in that connection, immediately following the last remark I have quoted from myself, the announcement of the pairs, so that the entire record will be complete.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Georgia.

The matter referred to is as follows:

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. My colleague [Mr. DAVIS] is absent, unpaired. I transfer the pair with the Senator from Delaware to my colleague, to stand until further announcement, and I shall vote. I vote "yea."

Mr. ALDRICH. I think the Senator from Oregon [Mr. BOURNE] is paired with the Senator's colleague.

Mr. CLARKE of Arkansas. I think that has been canceled. My information is that that pair has served its purpose, and is exhausted by the time limit.

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. If he were present, I should vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. He is absent. I am advised that if he were present he would vote on this motion as I shall vote. I shall therefore vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MCLAURIN]. If he were present, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TAYLOR]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. PILES. My colleague [Mr. JONES] was called from the Chamber a few moments ago and has not returned in time to vote.

Mr. CLARK of Wyoming. I have a general pair, as I stated, with the Senator from Missouri [Mr. STONE]. I transfer the pair to the junior Senator from Washington [Mr. JONES] and will vote. I vote "nay."

The result was announced—yeas 32, nays 40, as follows:

YEAS—32.

Bacon	Clay	Gamble	Overman
Bailey	Culberson	Gore	Rayner
Bankhead	Cummins	Hughes	Shively
Beveridge	Daniel	Johnston, Ala.	Simmons
Bristow	Dolliver	Martin	Smith, Md.
Brown	Fletcher	Money	Smith, S. C.
Burton	Frazier	Nelson	Taliaferro
Clarke, Ark.	Gallinger	Newlands	Tillman

NAYS—40.

Aldrich	Clark, Wyo.	Elkins	Penrose
Borah	Crane	Flint	Perkins
Bradley	Crawford	Frye	Piles
Brandegee	Cullom	Hale	Root
Briggs	Curtis	Heyburn	Scott
Bulkeley	Depew	Johnson, N. Dak.	Smoot
Burkett	Dick	Kean	Stephenson
Burnham	Dillingham	Lodge	Warner
Burrows	Dixon	McEnery	Warren
Carter	du Pont	Page	Wetmore

NOT VOTING—19.

Bourne	Guggenheim	Nixon	Smith, Mich.
Chamberlain	Jones	Oliver	Stone
Clapp	La Follette	Owen	Sutherland
Davis	McCumber	Paynter	Taylor
Foster	McLaurin	Richardson	

So the motion to reconsider was rejected.

Mr. BACON. Mr. President, that having been the vote taken, the question is whether that was a proposition which, if it had carried, would have brought any relief to the people of the United States in the present prices which they have to pay for fresh meat.

Mr. President, I do not contend that that is the only thing which influences these prices by any means, but I think it does influence them most directly and specifically, and the best evidence of it which I can give is to point to the difference in the prices of the same articles and to a great extent sold by the same parties in this country and in other countries where the rates of tariff are different.

In the course of that debate I read something that same day, taken from the Philadelphia Press, a standard Republican authority, which I had previously read in a speech made by me in the Senate upon the subject of the tariff some years before, which I reread and which I will again read to-day. The article which I then read and which I now read was an editorial in the Washington Post, in which there is a quotation from the Philadelphia Press. The article in the Philadelphia Press appeared, I want to say, as far back as 1902, but it illustrates the influence of the tariff upon the price of meat, in giving the difference between the price of meat in the United States and the price of meat immediately across the line in Canada, the two points specified in the article being immediately opposite, on different sides of the river which divides the two countries.

The article from the Washington Post, which, as everybody knows, is not a free-trade paper, or even a tariff-for-revenue paper, but a paper which is avowedly in favor of protection——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. For a question.

Mr. SMOOT. That is all. Does the Senator refer to the retail price in Canada and America?

Mr. BACON. Possibly if the Senator will let me read the article he will get the information. This is an editorial from the Washington Post, and there is a quotation in it from the Philadelphia Press. I will read the entire article as it was read in that debate, so far as it is quoted there. The Washington Post in its editorial said as follows:

About the last source to which one would naturally look for an argument in favor of the reduction of any tariff schedule is the Philadelphia Press. In harmony with the Republican sentiment of Pennsylvania, the Press opposes tariff revision. In their recently adopted platform the Pennsylvania Republicans declare their "unswerving loyalty"—

Those words being in quotation marks—

to the Dingley tariff and set themselves squarely against any effort to revise it or to interfere in any way with its operations. They also—

This is quoted—

"affirm the friendship of the Republican party for the breadwinner and the home builder."

To all this the Press heartily subscribes, seemingly unconscious that its party is going into the congressional campaign under the management of an enthusiastic advocate of tariff revision, a revision that has for its central point the leading industry of Pennsylvania, which is protected by duties for which he declares there is no necessity and can be no defense.

But while the Press stands up bravely for the tariff as it is, although well knowing that some of its schedules were framed and adopted with a view to their cutting down almost immediately, the necessities of its position as a real newspaper compel it incidentally to condemn some of its provisions, and their condemnation is an inferential protest against other schedules that produce similar results. Just as the free-trade organs condemn their theory by printing the statistics of our industries, our commerce, our national finances, and savings-banks deposits, so the organs of extreme protection, or protection gone mad, furnish convincing arguments against their policy by printing facts. For example, just before the Republican congressional candidates go out on a campaign in which they will find it impossible either to dodge or defend the tariff on meat, the Press shows the difference in meat prices between Buffalo and Fort Erie, directly opposite in Canada.

This is the information which is given by the Philadelphia Press.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I wish to finish reading the editorial before I submit to an interruption.

Mr. WARREN. I merely want to ask a question.

Mr. BACON. I will give the Senator an opportunity. The article proceeds:

It says the beef trust has advanced the prices in Buffalo from 25 to 50 per cent. Porterhouse steak, for instance, is 24 cents in Buffalo and 16 cents in Fort Erie; loin steak, 15 cents in the city which is forced to pay beef-trust prices and 12 cents in Fort Erie. The Press says that the cost of living has been increased by the trust, so far as meat is concerned, from 10 to 50 per cent, as these figures prove.

It did not occur to our Philadelphia contemporary to mention any reason why the beef trust is able to run up prices on this side of the line while they remain in statu quo on the other side. But it is likely to occur to a good many millions of consumers, and especially to wage-workers, that the duty imposed on beef cattle and all kinds of dressed meat is what has caused important change in the contents of the "full dinner pail."

Now I will hear the Senator from Wyoming.

Mr. WARREN. The Senator lays great stress upon his authority and quotes it as the standard Republican authority. I suppose he means the standard authority on the price of meat.

Mr. BACON. No; the Senator must not predicate his argument upon a false supposition.

Mr. WARREN. I am not going to make an argument.

Mr. BACON. No; but the Senator is predicating what he is about to say upon a misstatement.

Mr. WARREN. I am about to say, if the Senator will permit me, that he has read the expressions in a newspaper of some one man. I will ask the Senator whether he does not think that

the market reports made from day to day, going back to that period and since and taking the market price of meats in those two towns, sold at retail and at wholesale, is not better authority than even the Philadelphia Press in an editorial by some man?

Mr. BACON. I will state as a fact that those were the prices.

Mr. LODGE. How does the Senator know it is a fact? Is there any official report of it?

Mr. BACON. I take that from the statement of the Philadelphia Press.

Mr. LODGE. But the Senator——

Mr. BACON. If the Senator asks a question, he certainly must permit me to answer it.

Mr. LODGE. I beg the Senator's pardon; I thought he had answered it.

Mr. BACON. If I had gotten through, it would have been an answer, but I had not finished it. I certainly want to give it.

Mr. LODGE. I will not interrupt the Senator again.

Mr. BACON. The Senator may interrupt me as much as he wishes, but I wish to finish my answer to the Senator's question.

Mr. LODGE. I did not mean to annoy the Senator. I see that I annoyed him, and I will not do it again.

Mr. BACON. The Senator need not be sensitive on the subject. He and I have been in the Senate fifteen years, and the Senator well knows that the time has never been when I was not ready to be interrupted by the Senator on any proposition he saw fit to discuss in the Senate. It has been true in the past and it is true now. The Senator need not put himself upon the elevated plane that these interruptions are embarrassing or that they are annoying.

Mr. LODGE. I did not mean to say that they were embarrassing. I said they were annoying to the Senator, and that is quite evident.

Mr. BACON. I am ready to be interrupted at any time the Senator desires on this or any other question. I think I can appeal to the RECORD that I have not been slow to recognize the right of Senators to interrupt me when I have had the honor to address the Senate, either the Senator from Massachusetts or any other Senator.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. I want to ask a question. I have some interest in the subject and the discussion of the tariff.

Mr. BACON. The Senator is reputed to have a good deal of interest in it.

Mr. WARREN. I have some knowledge of the market. I wish to say that the editorials that appear from time to time and loose remarks do not as a general thing receive the indorsement of those who know what the prices are. I wanted to see how much confidence the Senator placed upon an editorial, which is some one man's expression, without a single proof, alongside of market figures which show the direct opposite. For instance, in a case like that, would he take the Philadelphia Press in an editorial on the market report or the market reports of those two localities? I will say to the Senator that that report is not correct, based upon the market reports at that time.

Mr. BACON. At that time?

Mr. WARREN. Yes, sir.

Mr. BACON. In 1902?

Mr. WARREN. Yes, sir.

Mr. BACON. Does the Senator have the reports of that date of those two places?

Mr. WARREN. I will give the Senator the prices if he will give me the time.

Mr. BACON. Of course I want to get the facts if the Senator has them. But the proposition is this: Here is a prominent Republican newspaper, devoted to the cause of protection, which makes the statement—the Philadelphia Press undoubtedly made the statement—that at that time the difference in the price of meat in Buffalo and in Fort Erie was as stated and as I have read.

Mr. President, can it be supposed for a moment that such a statement as that could have been made with any purpose to misrepresent the truth by this prominent Republican newspaper, wedded to the cause of protection? Can it be supposed that the Philadelphia Press made that statement with any purpose to misstate the truth? Can it be supposed that such a radical statement as that could have been made if untrue and not receive contradiction from the press of the country?

Mr. President, that article was read by me in a debate in the Senate in 1904, in which the Senator from Rhode Island [Mr. ALDRICH] took an active part. He is the great high priest and apostle of protection and the leader of this body on the subject of protection. There was no pretense then that it was a misstatement of facts, and, so far as I know, there has never been a contradiction of that statement made by the Philadelphia Press.

Now, that may not correctly represent conditions to-day, but it does illustrate the proposition that the imposition of a high protective duty upon meat raises the cost of meat to the consumers in the United States above that which the people have to pay across the line in Canada, where that rate of duty does not obtain.

Mr. President, a few days ago the New York American published a statement, which it reiterated the next day, that the beef trust was selling in Europe the same meat that it sold to the people of the United States at from 4 to 9 cents a pound less than it sold to the people of the United States.

Mr. LODGE. What was the authority for that statement? Because I have the official figures here, which show the precise opposite.

Mr. BACON. From whom did the Senator get his figures?

Mr. LODGE. They are from the consular report. For the English figures I obtained them from the British board of agriculture, and the others from the current market reports posted every day in the city of Boston.

Mr. BACON. From whom does the American get its figures?

Mr. LODGE. I do not know.

Mr. BACON. Very well; where is the——

Mr. LODGE. Perhaps the Senator is in the confidence of that newspaper and can tell us where it gets its figures.

Mr. BACON. The suggestion is probably a very serious one, that I am in its confidence, and it may throw some light on this question.

Mr. LODGE. I am asking where it got them.

Mr. BACON. A great metropolitan newspaper——

Mr. LODGE. Where did that great metropolitan newspaper get its figures?

Mr. BACON. I presume from the same sources as the Senator from Massachusetts.

Mr. LODGE. Did it? I am not asking for the Senator's presumption; I am asking for the fact. Did it?

Mr. BACON. I can not say that it did; but I do say this, Mr. President, that a great metropolitan newspaper publishes a statement as a fact and challenges contradiction and reiterates it on the next day or the second day, I have forgotten which, and no one of its contemporaries takes issue with it. We are constantly met by statements made by newspapers, statements made as to current events, statements made as to prices, and they do not in each instance go and state what is the particular source from which the information is obtained. They stake their character and their reputation upon the correctness of the statements.

Mr. WARREN. It is a valuable asset in some cases.

Mr. BACON. Otherwise they would no longer have influence; they would no longer have standing. I submit that the statement of a great metropolitan newspaper as to what are current prices in England is entitled to fully as much credit as a statement made by the Senator from Massachusetts, each of them going to sources satisfactory to himself or itself for the purpose of getting information.

I am informed by Senators who sit by me—I did not see it myself—that Secretary Wilson has made the same statement. Now, where did Secretary Wilson get his information?

Mr. LODGE. I should be very glad to see his statement and also his authority. I have been unable to get from the Agricultural Department except what is given here.

Mr. BACON. It may not be from the Agricultural Department, but we know that this matter has become so acute that not only the newspapers but great high public officials are engaged in the consideration of these matters and in the outgiving of the expression of their views, which are published in the newspapers.

I am informed by several Senators sitting around me that the statement has been substantially made by Secretary Wilson. The fact of the business is that a consular report is liable to misstate, just as the conclusion or statement of anyone else is liable to misstate. It is an impossibility that the consul can be absolutely and accurately informed as to all matters. He is liable to be as mistaken as others; and I will suggest that a consul may have a political bias——

Mr. LODGE. These are the figures of the British board of agriculture, which I do not believe has a political bias in this

respect. They are not the figures of the consul. The Senator ought not to discuss what I put in until he knows——

Mr. BACON. Does the Senator from Massachusetts mean to say in his place that he knows it to be the fact that beef is not sold for less in England and on the Continent than it is sold in the United States?

Mr. LODGE. I mean to say——

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. BEVERIDGE. I ask that the bill may be proceeded with and that the first amendment of the committee may be read.

Mr. LODGE. I will ask the Senator to allow me to complete the sentence.

Mr. BEVERIDGE. In order not to interrupt this interesting conversation, I will ask that the unfinished business may be informally laid aside.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

WAGES AND PRICES.

Mr. LODGE. Here is the list. The British board of agriculture reported the prices of English beef in 1908 at 13.13 cents per pound, of American beef at 13.1 cents per pound. It is given by hundredweight. Those are wholesale prices. I take the wholesale prices in Boston, the market quotations, and I find that beef in January, 1908—we have them by quarters—ranged from 6 to 10 cents; in April from 7 to 12 cents; in July from 6 to 14 cents; and in October from 5 to 12 cents; showing a lower average for the price of beef in the Boston market than the average reported by the British board of agriculture.

Those are not old newspaper editorials or what occurred in debate here; they are the best official statistics obtainable. I do not know whether the British board of agriculture is deceiving us. I think it probably is not. I can see no object in its doing so. Therefore I quote their prices and the prices obtained from the Boston market reports as giving unquestionably the prices at which beef sold on those dates.

Mr. BACON. Without going into elaborate discussion of the question raised by the Senator from Massachusetts, I will simply say that what he has shown are average prices. That may be true as to average prices, yet in a great many instances the contrary may be true. Doubtless it is true that meat is being sold cheaper there than here. An average of the year is no test of that question. What the Senator reads is an average. I am speaking of concrete facts.

Mr. LODGE. I am speaking of the facts. They are facts given in great detail of the prices.

Mr. BACON. Yes; of the averages.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. I do.

Mr. GORE. I wish to say——

Mr. LODGE. Excuse me, does the Senator mean to say he would take the prices on a given day and that that settles the prices for the year?

Mr. BACON. No; I do not; nor do I say that taking the average for the year settles the question as to whether or not they have been on occasions selling meat at less than they are asking for it here.

Mr. LODGE. I have never heard of attempting to reach prices in any other way. I can not find any authority worthy of the name that attempts to reach prices in any other way. It is done by our own Bureau of Statistics, in the Department of Commerce and Labor. It is done by the British Board of Trade. It is done by the British Board of Agriculture. It is done by every statistician who knows his business. The only way to get prices is to take the average during a period and find what the range of prices is. The extremes give the range.

Mr. BACON. What might have been true a year ago might not be true now.

Mr. LODGE. Does the Senator want the prices for 1909? I can give them now.

Mr. BACON. The Senator will pardon me for a moment. Let me finish the statement and then I will yield.

Mr. LODGE. Excuse me; was not the Senator quoting the prices in 1902 a few moments ago?

Mr. BACON. Simply by way of illustration.

Mr. LODGE. I took 1908, which happened to be last figures of the board of agriculture. Does the Senator want 1909? I can give him that.

Mr. BACON. Will the Senator let me reply first to what he said? I will hear that also. I am trying to illustrate the fact that the question of what is the average for a year does not settle this question. It might have been that for nine months the beef trust sold for more in England than it sold in America. It might be equally true that for some three months they are selling for less in England than they are selling in America. If that is true, the proposition is not changed by the fact that adding nine and three together the average might show that the price was higher in England than it is in America. Now I will hear the Senator from Oklahoma.

Mr. GORE. Mr. President, touching the reports of the board of agriculture of Great Britain, I will say that perhaps the American Department of Agriculture is just as reliable, and my understanding is that Secretary Wilson stated day before yesterday before the House investigating committee that meat is sold cheaper in England than in the United States. That is my understanding from yesterday's Post. And he added the very significant remark that he found it hard to obtain information on this subject.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. I can only say that I asked the Department of Agriculture for those precise figures, and they could give me nothing. They said they did not know; they did not have them; and I had to go to the Department of Commerce and Labor, which alone has statistics of prices that I have been able to find, and the British figures, which are extremely good.

Mr. BACON. If I understand the contention——

Mr. LODGE. I do not know, or I do not understand, what the Secretary said yesterday. I am not quoting what I understand; I am quoting the only existing official figures which I have been able to find.

Mr. BACON. If I understand correctly the contention of the Senator——

Mr. LODGE. I am not going on hearsay.

Mr. BACON. When boiled down it comes to this proposition, that the imposition of a tariff duty on meat has not raised the price of meat to the American consumer.

Mr. LODGE. I do not think it has. I think the——

Mr. BACON. Very well.

Mr. LODGE. One moment. The Senator has asked me a question, and if he will allow me——

Mr. BACON. I did not ask the Senator a question.

Mr. LODGE. I understood him to ask a question.

Mr. BACON. I did not; but still, I will hear the Senator.

Mr. LODGE. I will wait until the Senator gets through, and speak in my own time.

Mr. BACON. I am glad that the Senator interrupted me, because it shows the truth of the conclusion I had reached as to the contention of the Senator, that the imposition of a high duty on meat does not raise the price of meat to the American consumer and does not put any additional income from the price of beef into the coffers of the beef trust. Now, if that is the case, I want to ask the Senator what is the object of the duty?

Mr. LODGE. Mr. President——

Mr. BACON. One moment; I have not got through with the question.

Mr. LODGE. I thought the Senator asked the question.

Mr. BACON. I have not finished it. I did ask the Senator, and I am going to give him a chance to answer. I will repeat it. What is the object of the duty? I will ask a still broader question. What is the Republican party here for, if it is not for the purpose of raising prices by prohibitive protective duties? Now, the Senator has got the question.

Mr. LODGE. Does the Senator ask a question?

Mr. BACON. Yes.

Mr. LODGE. Or is that a statement?

Mr. BACON. It is a question.

Mr. LODGE. Mr. President, I do not think that the tariff affects the price of beef. I do think that the combination in Chicago known as the "Chicago packers" have affected the price of beef; and I should like very much to reach them in some way. I believe they have advanced it artificially by combination, and that they have advanced it more than it ought to be advanced, and out of all proportion.

I do not think you can reach them through the tariff. I think it is the simplest economic proposition in the world. We

are great beef producers. There are only three countries in the world that have edible animals to export—this country, Australia, and the Argentine.

Now, that being the case, the mere removal of the duty will not affect the price of beef, because we do not import beef. We can not import beef from countries that have no surplus to export. We are the exporters of beef. It brings it back to exactly what I said, that you have to deal with the difficulty of an artificial combination. You can not reach them through the tariff. I wish you could. If you could reach them through the tariff I should be most happy to see that duty taken off, but there is no use in undertaking to fool the people about it. If you take the duty off of beef you do not affect the power of that trust to raise the price of beef to the American people one particle.

Mr. BACON. Now, Mr. President, the Senator complained that I did not let him answer the question. I do not think the Senator has answered my question. I want to give him another chance at it. I want to know, if the tariff on beef does not raise the price of beef and put a larger revenue into the coffers of the beef trust, for what purpose is the tariff on beef?

Mr. LODGE. Mr. President, I suppose there are people who believe that it protects us against the invasion of Mexican and Canadian cattle. I do not believe myself it would have any effect. I answer only for myself. I believe from the protective standpoint it is a perfectly useless duty.

Mr. BACON. Then, in order that the Senator may not complain that I do not give him an opportunity to answer, I will ask him another question. I find in the list of Senators on the yea-and-nay vote I have just read the vote of the Senator from Massachusetts.

Mr. LODGE. You do.

Mr. BACON. Against giving the opportunity to lower the tariff on beef. Why did the Senator vote against giving that opportunity?

Mr. LODGE. Because it was perfectly useless to do it, and I wanted to pass the bill. We did reduce it, as a matter of fact, and it was useless. We reduced the duty on beef and it had no effect, and I did not think it would have any effect. If we had taken it all off, it would have had just as little effect as taking the duty off of hides. We took 15 per cent off of hides. Why has it not lowered the price of hides if it is the duty? There is the same trust involved in hides that is involved in beef. They are controlled by packers. The 15 per cent was to help them and to help the tanner, the combination of tanners, so much debated last year. We took off 15 per cent, as the Senator wants us to do. What effect did it have in lowering the prices? None. If you take off the tariff on beef, it will have no effect. I believe there is an artificial combination to raise the price of beef, and I am not going to try to humbug the American people by telling them that taking off the duty, when we are exporters of beef, is going to give them relief, when relief is not to be had in that way. They ought to reach it by proper means.

Mr. BACON. Mr. President, when this question was before the Senate the fact was brought out, stated by Senators—I recollect stated by the Senator from New Hampshire [Mr. GALLINGER]—that if the tariff was removed from beef there would be beef brought into this country from Canada. There is no argument in the suggestion that because the lowering of one-quarter of the tariff has not resulted in the lowering of the price of beef, because, non constat, if it had remained at two, the price would have been still higher.

Mr. LODGE. We took it all off hides. Why did it not lower the price of hides?

Mr. BACON. I am not familiar with the question of hides.

Mr. LODGE. Hides are part of cattle.

Mr. BACON. I know we took the duty off of hides.

Mr. LODGE. The Senator voted for it, if I mistake not.

Mr. BACON. For free hides, I did; but I say I am not familiar with the hide features.

Mr. LODGE. Hides and beef are the beef-cattle products.

Mr. BACON. I do not know whether the opportunity has yet been presented since the passage of the bill for the competition from Argentina and otherwise would have its full influence and effect.

Mr. LODGE. They made purchases of hides within forty-eight hours after the bill passed—purchases abroad.

Mr. BACON. Very well; that may be true.

Mr. LODGE. Business is not done by the month; it is done by cable.

Mr. BACON. It is true of the entire protective-tariff system, and beef is no exception to it, that the purpose of it is to raise prices. It was stated a hundred times in the debate which we had here during the extra session that that is the purpose. Why should it be true in one case and not true in others? The effect of putting a protective tariff upon one article is to raise prices, and unless they are exceptional facts, why will it not raise the price as to others?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Certainly.

Mr. GALLINGER. The Senator has referred to me, and has credited me with saying that the removal of the duty on cattle would probably result in the importation of cattle from Canada.

Mr. BACON. And the Senator voted for the proposition to give the opportunity for lowering the prices.

Mr. GALLINGER. I believe that would have been the result. But I said something else. I said that in my judgment the removal of the duty on hides would not reduce the price of hides; and I voted to retain the duty on hides, notwithstanding there are perhaps in proportion to population more people engaged in the boot and shoe industry in my little State than in any other State in the Union.

I said furthermore that I did not believe—and in that matter I combatted some of my best friends—that the removal of the duty on hides would reduce the price of boots and shoes. The result has been that it has not reduced their price. For some inscrutable reason the price of boots and shoes has been advanced. I think that the fact is, as the Senator from Massachusetts [Mr. LODGE] suggests, that the price of hides has advanced also; but I do not know how that is.

Mr. WARREN. That is true.

Mr. GALLINGER. I think the contention of the Senator from Massachusetts that we shall find a remedy, if we find it at all, in controlling the combinations that have taken possession of the cattle market and the hide market is probably the right direction for us to look in considering this question.

Mr. BACON. I have no doubt there are other influences, Mr. President; I have no doubt that it is true that a very considerable part of the remedy must be sought in the direction now indicated by the learned Senator from New Hampshire. I come back, however, to the substantial, fundamental proposition that, whatever may be true as to other influences, the imposition of a tariff of 1½ cents upon every pound of beef must necessarily influence the price of beef and raise it to the consumer, and that the purpose of the imposition of it was to do so.

Mr. President, the fact that we are not importers does not settle the quesion. As stated, I recollect, by myself in discussing the question of the tariff as to bacon, lard, and other things where the importation was extremely small, while the importation was small, the imposition of a duty gives to the domestic producer, or to the trust which controls the product, the excuse and opportunity to raise the price, because they know that they will be protected against the effort of anyone to compete with them.

Mr. President, I alluded to an article which had appeared in the New York American. I have the article here before me, which has been kindly handed to me by the Senator from Mississippi [Mr. MONEY], which was the one to which I alluded, and which alludes to the other article. I will read a part of it, if not all of it. It is, as I have said, from the New York American. It appeared in the Washington Post yesterday, being copied into that paper:

METHODS OF THE FOOD TRUST—COMBINATION THAT STANDS BETWEEN NATURE AND THE PEOPLE.

The American would like to believe that the Armours, Swifts, and Morrises were the innocent victims of circumstances; that the gourd-like growth of big business had caught them unawares and placed them in dizzy seats of power whose responsibilities they had tried to grasp, but could not.

It would be a pleasant compliment to human nature if one could say that the magnates of the beef trust really think that what they say is true—that their business methods have nothing to do with the great damage that is being suffered by the people, and that high prices are due to the course of nature and not to monopoly.

But, unhappily, it is wholly impossible to believe in the sincerity of the trustified packers.

Here is the point that I call the statement of fact by the New York American, which is quoted in this article:

The American showed yesterday morning, for example, that the American beef trust was selling beef in London at prices ranging from 4 to 9 cents lower than its prices in New York.

Mr. President, I repeat when a great metropolitan newspaper makes a statement of that kind, especially when it alludes to a former article in which it says it has shown it, doubtless at the time giving the basis of its statement, that it is entitled to credit, and it is not to be overcome by a question of what was

a general average of the price of meat for the whole year in England and in America. The question is, What are they doing now? Is it true now—not whether it was true as a general average for a year, but is it true now, as stated by the New York American, that the beef trust is selling beef in England from 4 to 9 cents a pound less than it is selling it in America? That is the question; and it is a question not to be answered by consular reports giving the averages of a year, or by board of trade reports giving the averages of a year. What is the trust doing now? If the Senator has any contrary information to that as to what it is doing now, then it is pertinent in reference to this question.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. Does the Senator from Georgia accord to the New York American the same high degree of authority and good judgment as to what may have been done or said, or what may be done, by the Democratic party as he does as to what it says concerning the price of beef?

Mr. BACON. What is the Senator's question?

Mr. WARREN. I wanted to ask the Senator if he gives the same confidence to the reliability and soundness of the observations made by the New York American with regard to political matters, with regard to leading Democrats and the Democratic party, as he seems to accord that paper as to beef prices, and so forth?

Mr. BACON. Mr. President, I do not know of any higher evidence of the fact that the Senator can not meet the issue than that he tries to divert it in any such way as that—to divert the question to something entirely immaterial.

Mr. LODGE. If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. The Senator himself cites Mr. Hearst's paper as the final authority, and I cite reports of boards of trade and the current market reports in Boston or in any other large city, which everybody can read, and the Senator from Georgia scoffs and says that board of trade reports are not to be trusted; that we must trust Mr. Hearst's paper, a great metropolitan journal.

Mr. BACON. I have not said so. The Senator misquotes me.

Mr. LODGE. The Senator has been finding fault with the official reports. I quote official reports. The Senator scorns them and quotes Mr. Hearst's paper.

Mr. BACON. The Senator is entirely mistaken. I will not say that he intentionally misquotes me, but he is mistaken.

Mr. LODGE. The Senator has quoted Mr. Hearst's paper.

Mr. BACON. If the Senator will pardon me, he is mistaken. I am not scouting consular reports and board of trade reports. I am saying that the consular reports are averages and the board of trade reports are averages of the year. The New York American's statements are as to what is occurring now. There is no conflict between the two.

Mr. LODGE. It is very easy to get those reports now. You can get to-day's quotations very easily.

Mr. BACON. Very well. The Senator will undoubtedly have the opportunity to do so.

Mr. LODGE. Why take quotations in editorials?

Mr. BACON. The Senator from Massachusetts will undoubtedly have his opportunity. This is not the last we are going to hear of this, Mr. President. When people are hungry and can not get meat, one little discussion is not going to end the matter; it is going to be heard from repeatedly. The Senator from Massachusetts will have the opportunity to bring all the figures he wants, and doubtless others with whom he takes issue will bring figures, and we will see what the fact is—not what was the average for twelve months, but what the fact now is. Is it true, as stated by the New York American, that the beef trust is selling beef in England at from 4 to 9 cents a pound less than it is selling it to the American people? That is the question—not what the trust has been doing for a year, but what it is doing now.

Mr. President, I have another little statement of prices which I wish to submit to the Senate. It is true this also comes from a newspaper, but it is a very reliable newspaper, which is published in my own town. It quotes from others, and, of course, it must rely upon the veracity of the party from whom it quotes. I am going to give the figures. If they are not correct, the Senator from Michigan [Mr. SMITH] will be in a position to show that they are not correct within a very few days, because the prices quoted relate to his State.

Mr. OVERMAN. I presume the Senator from Georgia intended to refer to the Senator from Massachusetts [Mr. LODGE].

Mr. BACON. No; I say the Senator from Michigan, because it relates to prices in his State. If I am stating it incorrectly, there can be a speedy correction of it. I will read the article in full; it is not long. It is from the Macon Telegraph, a very conservative paper. While it does not state anything upon its own knowledge, it would not quote it unless it believed it to be true. The article is headed "The tariff in practice." It proceeds as follows:

The upward leap of food prices all over the United States has served to awaken the interest of the people of Detroit in the tariff question, according to a dispatch from that city. While commodities of all sorts, most of which are heavily "protected," have become more and more expensive in Detroit, at Windsor, just across the river in Canada, the cost of living has departed but little from the normal. "It is 25 per cent cheaper to live in Canada than in the United States," says the dispatch—

Then, continuing the quotation, it says—

"and the tariff, the pressure of which had been more keenly felt since the Payne-Aldrich 'revision,' is considered largely responsible, in view of the fact that natural conditions ought not to vary so greatly within a short half mile."

That is a quotation from the dispatch. Then the editor proceeds:

But to cross the river and buy goods 25 per cent cheaper does not pay, when, on returning, the United States customs officer claps on them a duty of 60 per cent and upward. So it would seem that the Detroit people can do no more than look across the international boundary with longing eyes. The dispatch gives the following specimens of prices in the neighboring American and Canadian towns:

This is a quotation from the dispatch which is reproduced in this article. These are the prices, which I now read, published in this dispatch. It gives the commodities, the prices in Windsor, and the prices in Detroit.

Commodity.	Price in Windsor.	Price in Detroit.
Butter, best, per pound	$0.28	$0.36
Eggs, per dozen	.34	.42
Beef, cheapest cut	.06½	.10
Pork, mess	.13	.20
Lard, prime	.11	.13
Bacon, breakfast	.19	.24
Wheat, No. 2 red	1.00	1.11

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I will yield after I have finished reading the table. I wish the Senator would allow me to complete that. I do not wish to interrupt that.

Mr. SMITH of Michigan. Very well.

Mr. BACON. The table continues as follows:

Commodity.	Price in Windsor.	Price in Detroit.
Corn, No. 2 mixed	$0.60	$0.78
Potatoes, per bushel	.70	.65
Cabbage, per head	$0.05–.07	$0.08–.15
Turnips, per bushel	.40	.60
Carrots, per bushel	.50	.60
Rutabagas, per bushel	.35	.40
Beets, per bushel	.25	.60
Parsnips, per bushel	.50	.60
Turkeys, dressed	.20	.25
Chickens, dressed	.11	.15
Milk, per quart	.07	.08–.09
Cheese, per pound	.11½	.16⅔
Plug tobacco, per pound	1.00	2.00-2.00

The editor then proceeds to say:

It is quite evident from this showing that there is much smuggling across from Windsor and that this has lowered prices in Detroit. The people of the latter are fortunate if they can buy "best" butter at 36 cents, for example. In some of the other American cities good butter is now selling at 47 cents, and there is a "best" still higher in price. The comparison of prices in Detroit and just across the Canadian border is a useful object lesson, however, and its wide circulation will do no harm.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I do.

Mr. SMITH of Michigan. I should like to ask the Senator from Georgia to read again the differenee in the price of beef between Detroit and Windsor.

Mr. BACON. The quotation as to beef is not as complete as it should be. It simply gives the price of the cheapest cuts.

Mr. SMITH of Michigan. What is the quotation as to beef?

Mr. BACON. The price is quoted at 6½ cents in Windsor and 10 cents in Detroit.

Mr. SMITH of Michigan. I want to ask the Senator from Georgia how much the tariff duty of a cent and a half a pound on beef plays in that price?

The tariff could only add a cent and a half a pound. The discrepancy between the cost in Detroit and in Windsor is about 5 cents. According to the Senator's theory, according to his own figures, the tariff has not gotten its full return. We only assessed it at a cent and a half a pound, and yet there is a difference of 5 cents a pound in the price.

Mr. BACON. No, no; the Senator's mathematics is not good.

Mr. SMITH of Michigan. I call upon the Senator to state the difference. I did not quite catch his figures. It is 3½ cents?

Mr. BACON. The difference between 6½ cents and 10 cents is 3½ cents, and not 5 cents.

Mr. SMITH of Michigan. Three and a half cents.

Mr. BACON. That is why I suggested that the Senator was not accurate in his mathematics.

Mr. SMITH of Michigan. The Senator is certainly not making a very strong argument when he points to the tariff as the cause of that discrepancy. The difference is three and a half cents.

Mr. BACON. Yes; three and a half cents.

Mr. SMITH of Michigan. That is 2 cents a pound more than the tariff.

Mr. BACON. Yes. Well, Mr. President, 2 cents.

Mr. SMITH of Michigan. Now, I want to ask the Senator from Georgia a plain, simple question.

Mr. BACON. The Senator has asked me one question.

Mr. SMITH of Michigan. And I would like a straight answer.

Mr. BACON. One moment, if the Senator please——

Mr. SMITH of Michigan. Why do not the people of Detroit bring over that beef when they can make 2 cents on every pound?

Mr. BACON. Does the Senator deny the fact as to prices?

Mr. SMITH of Michigan. I say that it does not seem possible that they will sell beef on one side of the Detroit River at the price quoted by the Senator from Georgia, when they could go right across the river, pay the duty, and sell it for 2 cents a pound more.

Mr. BACON. Mr. President, the tariff on beef is on all classes of beef, but there may be particular conditions which will——

Mr. LODGE. Do I understand the Senator to say——

Mr. BACON. Pardon me until I finish the sentence—there may be particular conditions which will relate to one class of beef that do not relate to another. What is lost on one may be made up on another.

Mr. LODGE. Do I understand the Senator to say that the price in Detroit was 10 cents a pound for the cheapest cut?

Mr. BACON. I did not say anything about the average.

Mr. LODGE. No; but did not the Senator say that that was the quotation on only the cheapest cut?

Mr. BACON. I am reading from the paper.

Mr. LODGE. Yes; that is what I wanted to get at.

Mr. BACON. The cheapest cuts?

Mr. LODGE. On the cheapest cuts the quotation was 6½ cents in Windsor and 10 cents in Detroit?

Mr. BACON. Yes.

Mr. LODGE. I see, by referring to the market quotations, that the quotations on the cheapest cuts in Boston are 5 cents.

Mr. BACON. That may be true.

Mr. LODGE. That is now; that is not 1902; that is at the present time.

Mr. BACON. That may be true, and at the same time it may not affect the correctness of the statement.

Mr. LODGE. Why should the price be so much cheaper in one American city than in another? I think the Senator's figures are perhaps mistaken.

Mr. BACON. Possibly they are, but I have stated the fact that they are based upon a dispatch from Detroit; and if they are not correct the Senator from Michigan has the opportunity to get the correct statement.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I have not answered the Senator's previous question; but I will listen to him now.

Mr. SMITH of Michigan. I want to say that if I thought the tariff on beef was the cause of the present high price of beef, I would vote to repeal that tariff as soon as the roll could be called.

Mr. President, I voted to take the duty off hides because I did not wish to be charged with maintaining a trust in leather that might perhaps drive the tanners in this country out of business. I thought they ought to have an opportunity to buy their leather in the largest possible market, but I did not believe that it would lower the cost of leather, and I do not believe, if you take the tariff off beef, that it would lower the price of beef.

Mr. BACON. Mr. President, the Senator rose to ask me a question, and he is making a speech. I will interrupt him and ask him a question. Does the Senator dispute the proposition that beef sells for less in Canada than it sells for in Michigan?

Mr. SMITH of Michigan. I would not be at all surprised if it did; and, Mr. President, I would not be at all surprised if labor and other products were cheaper in Canada than in Michigan——

Mr. BACON. Ah, well——

Mr. SMITH of Michigan. Because a great many hundreds of people from Canada come over every day to work in the mills and factories of Michigan and go back home and live off the cheaper products of their own country.

Mr. BACON. Then, as I understand the proposition of the Senator from Michigan, it is this, that the specific duty imposed on beef does not raise the price of beef to the consumer, but——

Mr. SMITH of Michigan rose.

Mr. BACON. Wait a moment—but that the general tariff system of the country does make beef higher to every man who buys it and eats it.

Mr. SMITH of Michigan. If the Senator from Georgia intends to charge that the general tariff system creates a healthier industrial condition here than would otherwise be the result, then I admit what he says to be true.

Mr. BACON. In other words——

Mr. SMITH of Michigan. Because my mind takes me back to a time when you sought to enlarge the market for the products that were necessary for mankind, and you did it at the expense of our own domestic market and were driven out of power for doing it.

Mr. BACON. Yes; but I am not going back to that, because I do not intend for the Senator to get away from the present. The present is what we are dealing with. Enough can be said upon the last suggestion of the Senator, but I am not going to be diverted. Do I understand the Senator's proposition to be this: That the general tariff system results in such an increase of the prices of beef that the health of the people of the United States is made all the better because they can not buy beef, and for that reason he is in favor of the maintenance of a general protective tariff system, in order that the health of the people of the United States may be enhanced and improved by taking out of their mouths the beef that they have been accustomed to eat in the past?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. Yes.

Mr. SMITH of Michigan. Wholesome, as the doctrine of the vegetarian may be, I have not embraced it; but I do not believe that the tariff on beef adds a single penny to its cost. The illustration given by the Senator from Georgia is very clear upon that point. He says that the price of beef at Windsor, in Canada, just across the river from Detroit, is 6½ cents, while in Detroit it is 10 cents. The tariff is a cent and a half. How can the Senator account for the discrepancy?

Mr. BACON. There are plenty of ways to account for the discrepancy. There is no use for us to go into details. There are plenty of ways for those who are familiar with the trade to show that the effect upon one class of meat is greater than it is upon another, and it may be that that particular class is so insignificant as not to invite the trade that the Senator said would be invited by the discrepancy in price.

Mr. President, Senators may struggle as much as they please, but they are confronted by the proposition that they are seeking to establish the contention that, while they insisted upon a tariff upon beef, it has no effect upon the price; and that, while they maintain it as a general proposition that the tariff imposed upon all the articles embraced within the provisions of the protective tariff raises the prices of those articles, it does not do it in the particular class of beef; and yet they insist on maintaining the tariff on beef.

Mr. LODGE. If the Senator will allow me at that point, I never maintained any such proposition in what I said here this morning.

Mr. BACON. I was trying to answer the Senator from Michigan at that particular time.

Mr. LODGE. I carefully differentiated the various classes; but I want to ask the Senator from Georgia a question, if the

Senator from Michigan will allow me. I notice that the Senator voted against the reduction of the duty on lumber.

Mr. BACON. Yes.

Mr. LODGE. Did the Senator do that on the theory that the price would be raised by keeping on the dollar and a half?

Mr. BACON. I am not going back to a discussion of those things.

Mr. LODGE. I thought the Senator would not.

Mr. BACON. Possibly——

Mr. BAILEY. I should like to entertain the Senator from Massachusetts on that.

Mr. BACON. I wanted to finish my answer, but the Senator from Massachusetts was not anxious to hear it.

Mr. LODGE. I do not desire to go back into those old discussions.

Mr. BACON. The Senator was anxious not to hear my answer. I was about to say that that matter had been fully discussed, and that I voted for it because it was a revenue-duty. [Laughter.] That is a matter that amuses Senators on the other side very much.

Mr. LODGE. Yes.

Mr. BACON. They do not recognize the fact that it is possible for an American Senator to be influenced by an honest purpose to raise revenue for the Government, but think that all Senators must be influenced solely by the desire in the fixing of a tariff to put into the pockets of one individual the money taken out of the pockets of another. They think that all Senators must be influenced by that motive, and that it is an impossibility that any Senator could be influenced by the motive of a patriotic service to the Government.

Mr. LODGE. No, Mr. President, I do not question the patriotism of the Senator from Georgia at all, but I always admired——

Mr. BACON. But the Senator can not realize that anybody could have such a motive.

Mr. LODGE. I entirely realize the purity of the Senator's motives, but I always am amused when I observe the extreme flexibility of a revenue duty——

Mr. BACON. Exactly.

Mr. LODGE. And how the revenue limit increases as it reaches a home industry.

Mr. BACON. No, Mr. President; that is not true. The Senator from Massachusetts and those with whom he is in affiliation—not all of them—are so accustomed to coming to the capital of the Nation and trying to so shape the legislation of the country that favored classes and favored individuals may fill their pockets in ways other than by the results of their own legitimate industry, that they can not realize that any other motive can possibly inspire any Senator in voting for a rate of duty.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I do.

Mr. SMITH of Michigan. The Senator said he voted for a dollar and a half duty on lumber.

Mr. GALLINGER. Two dollars.

Mr. SMITH of Michigan. Two dollars, I should have said.

Mr. BACON. No; I did not. I voted for the rate which was fixed.

Mr. SMITH of Michigan. A dollar and seventy-five cents?

Mr. BAILEY. It was not fixed at a dollar and seventy-five cents, but it was fixed at a dollar and twenty-five cents; and when the Senator from Georgia voted for a dollar and a half he voted for a 25 per cent reduction of the duty on lumber, reducing it from 12 per cent down to 9 per cent.

Mr. BACON. I never did vote for its increase.

Mr. SMITH of Michigan. As a protectionist, I voted for a dollar, because I thought that was enough.

Mr. BAILEY. The Senator simply wanted to protect a class of people in Michigan. After cutting away their forests, now they want to bring in their lumber, and they want to bring it in as low as possible.

Mr. SMITH of Michigan. They have cut away their forests, and they now have cities that are prosperous, contented, and happy as the result of it.

Mr. BAILEY. And they need lumber.

Mr. SMITH of Michigan. And I want to say further, in answer to the Senator from Georgia [Mr. BACON], that when he undertakes to compare Detroit and Windsor prices he ought not to overlook the fact that Detroit, with the same natural advantages upon that river, has multiplied its manufactures over and over again, until it shows during the decade now closing a marvelous growth and industrial development; its people are employed and new enterprises are attracted to it from all over the country——

Mr. BACON. Is that a question to me?

Mr. SMITH of Michigan. While Windsor, which is a type the Senator would praise, is torpid and stands just about where it was twenty-five or thirty years ago.

Mr. BACON. What was the last remark of the Senator? I did not catch it.

Mr. SMITH of Michigan. I say Windsor——

Mr. BACON. What about twenty-five or thirty years ago?

Mr. SMITH of Michigan. The type that the Senator praises——

Mr. BACON. What type?

Mr. SMITH of Michigan. The type of cities—the tariff-for-revenue cities——

Mr. BACON. Yes.

Mr. SMITH of Michigan. A good type of Democratic cities. [Laughter.]

Mr. BACON. Mr. President——

Mr. SMITH of Michigan. It stands just about where it did twenty-five or thirty years ago.

Mr. BACON. I am astonished that the Senator, with his usual information, should suggest that the cities in the part of the country which advocates a tariff for revenue have stood still for twenty-five or thirty years.

Mr. SMITH of Michigan. I did not say that.

Mr. BACON. That is what I understood the Senator to say.

Mr. SMITH of Michigan. No; Windsor is not in the United States; it is in Canada.

Mr. BACON. I am not talking about that. I do not know anything about Windsor or what its politics are or anything else, but I know a good deal about the cities in this country. If the Senator had intended to refer to those cities, I should have given him a little contrast between the development of those cities—200, 400, 500 per cent increase in population, and not standing still by any means.

Mr. SMITH of Michigan. Yes; and, Mr. President, 400 and 500 per cent increase under what? Under the tariff principles that our party has felt were so essential to the prosperity of the country.

Mr. BACON. By no means, Mr. President.

Mr. SMITH of Michigan. Yes.

Mr. BACON. The Senator will pardon me. I will hear him through if he wishes, but when I resume I desire to be heard myself.

Mr. SMITH of Michigan. I am perfectly willing; I do not want to deprive the Senator of the floor.

Mr. BACON. I will hear the Senator through.

Mr. SMITH of Michigan. I say that the important cities in the South stand as great tributes to the policy of protection which our country has pursued for so many years; no better illustrations can be found anywhere on the continent.

Mr. BACON. I say, Mr. President, if the Senator has finished, that he is entirely in error.

Mr. SMITH of Michigan. I have finished that much.

Mr. BACON. I say that the Senator is entirely in error.

Mr. SMITH of Michigan. The only time——

Mr. BACON. I asked the Senator if he had finished.

Mr. SMITH of Michigan. Yes.

Mr. BACON. If he has not, I will hear him through before I resume.

Mr. SMITH of Michigan. I should like to hear the Senator's answer.

Mr. BACON. Mr. President, the basis of the wealth of the entire South, upon which its other wealth has been built up, has been the production of cotton, and so far from that basis of wealth having had any advantage from the protective system, it has hung like a millstone around the necks of those engaged in that industry.

Mr. SMITH of Michigan rose.

Mr. BACON. Pardon me a moment. The Senator will please wait. It has hung like a millstone around the necks of those engaged in that industry out of which all of the other wealth has grown.

I do not desire to retain the floor for the purpose of making a harangue. I expected to be on the floor ten or fifteen minutes, but Senators have kindly interested themselves in the subject, and it has led from one thing to another. But we must not be led away from the straight proposition, the one that the people of the United States are now so deeply interested in, Does the imposition of a tariff duty upon meat raise the price of meat to the consumer?

Mr. SMITH of Michigan rose.

Mr. BACON. The Senator will pardon me for a moment. I do not yield now.

The PRESIDING OFFICER. The Senator from Georgia declines to be interrupted.

Mr. BACON. I will yield later. Does the tariff on meat raise the price of meat to the consumer? That is one question. The other question is whether this overgrown, gigantic protective system, in its influence upon the prices in this country of all articles which are protected, has not operated, independent of the specific duty upon beef, to raise the price of it to a point that has created a rebellion among the American people of all classes and all conditions? That is the question to which the Senator must address himself.

Mr. SMITH of Michigan. As I understand, the price of cotton is very high.

Mr. BACON. Yes.

Mr. SMITH of Michigan. And there is no tariff on it.

Mr. MONEY. The price is due to a small crop.

Mr. BACON. There is no tariff on cotton.

Mr. SMITH of Michigan. The high price can not be attributed to the tariff——

Mr. BACON. No.

Mr. SMITH of Michigan. It may be attributable to the increased demand for cotton goods——

Mr. BACON. No——

Mr. SMITH of Michigan. It may be attributable to the small crop.

Mr. BACON. That is a fact.

Mr. SMITH of Michigan. To be perfectly fair, it must be attributable to the one cause or the other. Is it not just possible that the busy men of America, with the prosperous condition among our people, have caused an excessive demand for beef products, as well as for other products, and that the supply may be short? If that is so, it is hardly fair to attribute to the tariff the present rise in price and the present cost.

The Senator has argued himself away from his first premise—the difference between the cost in Windsor and in Detroit. Surely that difference is not attributable to the tariff, and no one could for a moment contend it was, except as it might be generally related to the industrial activity of our people over which we should all rejoice.

Mr. BACON. The Senator from Michigan performs a double rôle, each one with great skill and ability. He asks me a question and answers it for me. I am certainly under great obligations to him for relieving me of that duty, although I decline to accept the reply he has made as the one I would have made.

Mr. SMITH of Michigan. Then I have not answered it for the Senator, if he does not adopt it.

Mr. BACON. But the Senator asked me a question and immediately proceeded to answer it. He has done so several times, and I acknowledge my indebtedness to him for his kindness in that regard. But he has not answered the question which I asked, and it is a question which the American people are asking. I am glad Senators are speaking as frankly as they do to-day. The American people are asking two questions.

First, does the specific duty put upon fresh meat enhance the price that has to be paid for it by the consumer. That is one question, and I think they will answer that in the affirmative. I observe that a bill has been introduced in another branch of this Congress, where alone it can be introduced, taking off the duty on beef; and I presume the issue will be made, and the American people will watch to see how that issue is met and by whom it is met.

The next question, and it is a broader question, is, whether or not, as I said, this overgrown and gigantic protective system, prohibitive in large measure, has so raised the price of all articles which are consumed by the people, and which are protected in the tariff schedules, that the price of necessary food has unavoidably been affected thereby and made almost impossible to the consumer.

Those are the two questions, and I am glad to see the Senators here not shirk the question. They are not all of that opinion; and when I say "the Senators" I do not mean all, but I mean those who have spoken to-day. They do not shirk the questions, and they answer both in the negative. Senators on the other side say, in the first place, that the imposition of the specific duty upon meat has not raised the price to the consumer, and yet they insist upon the retention of the specific duty. They say, in the second place, that the general raising of prices throughout the country upon protected articles has not had what I consider to be its natural and unavoidable influence in raising to these exorbitant rates the price of meat.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. If the Senator will pardon me for a moment, he answered a question just now and he did not answer it in the way I would answer it, and I want him to let me finish the reply, and then I will yield to him. In fact, I do not know but that I will yield the floor, and then listen to the Senator with great pleasure.

The Senator has alluded to the question of the price of cotton. The price of cotton, as he correctly says, is not affected by the tariff except indirectly; the tariff does affect very seriously the net amount which the raiser of cotton puts in his pocket, because it makes the cost to him of raising the cotton very much more than it would otherwise be, by the fact that it makes him pay exorbitant prices for everything used by him in the production of the cotton.

The price of cotton in the world is not affected by the tariff. It is affected by the world's estimate of the supply and demand. The price of cotton is not fixed in any one locality. It is true that it centers at one place, because it is the great center of the cotton industry, to wit, in Liverpool. But it is a world's price. It is a world's price determined by the question of the extent of the supply and how far that supply will meet the demand. The price of cotton this year has gone very high, because the supply is 20 or 25 per cent below the normal and below the demand. Thirty per cent my friend the Senator from Alabama [Mr. JOHNSTON] tells me. It is 30 per cent below the normal supply, with the world demanding it—not one locality or one country, but the whole world demanding it, and the whole world in competition for it—and consequently the price has gone up. But non constat the very next year the price of cotton may be one-half what it is to-day.

Nobody, I presume, will suggest that as to beef. Not only that, but the price of cotton being fixed as a world's price, you will never find cotton being sold in Liverpool for less than in America—never. Nor do I apprehend, as is suggested to me by the Senator from Mississippi [Mr. MONEY], that it will be found to be less in Windsor than it is in Detroit. The conditions are entirely different. The things which operate and control are entirely different.

The illustration of the Senator, while he answered it for me in a manner entirely satisfactory to himself, is no answer at all, because it has no relevancy to it whatever.

Mr. President, I do not know that I have any desire to retain the floor further, but I will endeavor to answer any question Senators may desire to propound.

Mr. SMITH of Michigan. I should like to ask the Senator from Georgia a question.

Mr. BACON. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Since I have been in public life, under stress of a popular agitation, in the dead of winter, when people were very much alarmed over their inability to get coal, I voted to repeal the duty on coal, under just such a situation as the Senator describes to-day with reference to beef, and yet there is not a Senator in this Chamber——

Mr. BACON. If the Senator will pardon me, answering the question——

Mr. SMITH of Michigan. Let me finish. There is not a Senator in this Chamber who will say that the price of coal was reduced a penny by reason of our having taken off the tariff.

Mr. GALLINGER. It was not.

Mr. SMITH of Michigan. Everybody knows it was not. The Senator knows that the supply of beef from without this country is very limited, and that our own people have been very greatly concerned over the present condition of our market. I presume somebody on the other side of the Chamber will suggest before long that we ought to take the duty off of beef in order to reduce the price to the consumer; and, if I had the power to say what this side of the Chamber would do, I would call your bluff and take the duty off. And I will venture the assertion that it would not lower the price of beef at all. The place to handle the present beef problem is not in the legislative forum; it is in the court. There is sufficient law. The question now to be determined is whether it has been violated.

Mr. STONE. What is the need of any duty at all on beef?

Mr. MONEY. Will the Senator from Michigan allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. SMITH of Michigan. Surely.

Mr. MONEY. I want to understand the Senator from Michigan. What does he mean by "calling a bluff?" What is that?

Mr. SMITH of Michigan. I never before made that statement in the presence of a Southerner that he did not seem to understand it.

Mr. MONEY. I do not know what the Senator means.

Mr. SMITH of Michigan. Knowing the distinguished Senator from Mississippi as I do, covering a period of so many years, I am ready to believe he does not understand it.

Mr. MONEY. Will the Senator from Michigan explain it?

Mr. SMITH of Michigan. It is that sanctimonious and unconcerned look which an experienced man sometimes exhibits when he affects to hold a good hand and wants to play it to his own advantage.

Mr. MONEY. Does the Senator——

Mr. SMITH of Michigan. I think the able and honorable Senator from Georgia unwittingly betrayed that appearance.

Mr. BACON. Mr. President, the Senator from Michigan calls it a bluff. The Senator, I find, did not vote on the question when it was before the Senate last summer. He was absent, I presume, or was paired with some one who was absent. It was not then considered a bluff, and yet our attitude then was just exactly what it is now. Why is it a bluff now and was not a bluff then? We believed then that the imposition of a specific duty upon beef would result and was resulting in increased cost to the consumer. We believed it then earnestly, sincerely. We were not accused then of playing a bluff hand.

Mr. SMITH of Michigan. The Senator believed that the removal of the duty on leather would reduce the price of leather, but his judgment has not proven very good.

Mr. BACON. It has been suggested by the Senator from Texas that I do not understand what a bluff is or I would not have used that expression. I plead guilty.

Mr. SMITH of Michigan. I sincerely hope the Senator will not turn me over to the tender mercies of the Senator from Texas. [Laughter.]

Mr. WARREN. I asked the Senator from Georgia in good faith a question which he promised to answer before he took his seat.

Mr. BACON. I beg pardon. I will do so now if I can.

Mr. WARREN. I asked the Senator if putting a tariff on beef raised the price, why the lowering of the tariff to the extent of 25 per cent did not reduce the price; and he has not answered.

Mr. BACON. I think I did. I will repeat it——

Mr. WARREN. If the Senator will permit me, I waited very patiently.

Beef is just as much an agricultural crop as is cotton, and it is as liable to the same changes up and down, due to a shortage or an abundance. Unfortunately, perhaps, or fortunately, as the Senator may view it, the beef growth of this and other countries is not keeping up with the growth of population.

This juggling of figures, talking about what is the cheapest cut of beef, shows the looseness with which not only Senators but newspapers speak of that product. There is no such standard known as the "cheapest cut of beef" when you come down to handling it. A man may say that 6 cents is the price of the cheap cuts, or 20 cents. As a matter of fact, when you take a beef steer and sell it on the market you sell some parts for 3 and 4 cents a pound, and some parts for 30 cents or more. It is very easy for newspapers to establish a price of their own in a comparison of prices in two towns or districts, but when you come down to the real prices, the only basis of comparison is first to take well-known terms, as to loin steak and round steak and so on, take the standard market prices published from day to day. The idea of ridiculing averages, with all respect to the Senator, seems to me ridiculous in itself, because the price of one item one day—as the Senator says with respect to cotton—may, because of a shortage or a surplus, be higher or lower one day than another. Cotton may be higher one year than another; possibly, on account of speculation alone; it may be very much higher in the forenoon of one day than in the afternoon. Those differences occur, but the only businesslike way to compare it, and the only phase of it that the consumer is interested in, is the average—the price from day to day and year to year, as it averages.

It has been sought here to prove by the Secretary of Agriculture that beef is selling abroad much cheaper than here, and the inference given that he is willing to state that the tariff is the cause. If I understand the language of the Secretary of Agriculture correctly, he takes just the other view. He says it is not due to the tariff, but to the middlemen; that is, to the retailers and the wholesalers.

I have in my time known of as low a price as $12.50 for a beef animal on the range, and yet I have started for New York on the same day, and arriving at New York I paid as high as $3.50 for a beefsteak for myself and friends, served in a hotel or restaurant; and it took only a small item, an atom you might say, of the whole beef animal; yet it cost a quarter as much to get a beefsteak served in fashionable eastern places as the entire animal cost in the West—the beef animal weighing perhaps 1,000 pounds, the beefsteak less than 5 pounds.

These conditions are regrettable. I hope they will mend. But ever since I have known anything of the beef market and the cotton market and other markets of produce, they are bound to go up and down with the scarcity or plentifulness of the crop and with the market that is made by the volume of consumption.

Mr. BAILEY. Mr. President, there is one phase of this question which may have been suggested when I was called out of the Chamber for a moment; but if it was I did not hear it, and I think no discussion of the question is complete without it.

Everybody seems to overlook the enormously increased cost of bringing the fattened steer to market. In our country, where they use the product of cotton seed to feed cattle, the price of cotton-seed meal has risen from a normal price of $19 or $20 a ton to $32 a ton. There is an increase of more than 33⅓ per cent.

Mr. WARREN. Will the Senator from Texas permit me right there?

Mr. BAILEY. Certainly.

Mr. WARREN. To-day the market price for corn——

Mr. BAILEY. I was about to refer to corn——

Mr. WARREN. Is over 50 cents per bushel, whereas some years ago in precisely the same localities it was burned for fuel, and I have seen it sold later for 8 and 9 cents a bushel. To-day it is between 50 and 60 cents a bushel, and of course it is as necessary as cotton-seed meal and other foodstuffs to fatten cattle.

Mr. BAILEY. I was proceeding to refer to the great West and great Northwest, where they use corn to fatten cattle, and where the price of corn over a period of several years ago has more than doubled. Over even the recent price there is a very substantial advance. The corn crop last year was, I believe, the largest in the history of the United States, but there have been discovered so many additional uses for corn that there has been a call for even a larger increase in the crop than the farms have yielded.

Corn is the most wonderful product in the world. You can make more different things out of it than from any other one substance known to mankind. You can make the liquid whisky or the solid bread. You can make sweet sugar or sour vinegar out of it. There are innumerable articles into the production or the manufacture of which corn increasingly enters, and the fact is that instead of there having to be a normal corn crop to preserve the normal price, there must be an enormous increase in the production of corn to avoid an enormous increase in its price.

Not only is it true as to the price of cattle that must be fattened by feeding them, as occurs in the fall, in the winter, and in the spring, but it is almost equally true as to range cattle, because in former years there were great areas where cattle were grazed on land worth $1.50 an acre, but the same land has now advanced to $5, $10, and $15 an acre. Under this condition cattle could not sell to-day, as they once sold, for $12 to $15 a head, as stated by the Senator from Wyoming. With cattle selling at such a price one of two things would happen—either the price of land would fall, or else its owners would be compelled to abandon cattle raising and devote their land to other uses.

I sympathize with everybody in the world who must go hungry, but I have little sympathy with the city folks who for forty years have been charging the American farmers high prices for everything they wear, high prices for all the implements with which they cultivate their farms, and now, when for one brief year the farmer seems coming into his own, cry out and attempt to organize a boycott. That is a dangerous weapon. It is a two-edged sword. Against it I warn the city folks of this Republic. If the farmers of the United States were to organize a boycott and agree to buy no more clothes or hats or shoes for twelve months, I wonder what would become of our cities? Farmers can better live without new clothes and hats and shoes than the city folks can without bread and meat. I spent a large part of my time from 1893 to 1896 complaining against low prices, and I shall not spend much of my time now complaining because they have advanced.

Mr. President, there is another question which we may just as well face. While you are talking about the conservation of national resources, you had better be giving more heed to the conservation of individual resources. Important as it may be to preserve our minerals, our forests, and our water power, it is infinitely more important to teach our people to increase the fertility and the productivity of their farms. If you will teach the farmer to conserve his individual resources, if you will instruct him how the better to cultivate his fields, you will per-

form a service immeasurably more important in the centuries to come than all that you may do about the public domain.

Wonderful progress has already been made in this direction. I was born in the long-leaf pine region of Mississippi, and I remember an occasion when one of those constituents of the Senator from Michigan came down there to buy a vast tract of that land. When he saw the Michigan forests disappearing, when Michigan no longer wanted a high tariff on lumber, because she did not have any to sell and wanted it low, because her people were compelled to buy lumber, this astute Michigan lumber man came to Mississippi and negotiated a trade with one of the best men I ever knew, who bore the illustrious name of Benjamin Franklin Martin. At the time I was a young lawyer, just called to the bar, and had been sent for to draw a contract, if any was made. As they drove through the great pine forests this shrewd Michigander, in order to put down the price, kept talking about the poverty of the soil, and repeated it for the fifth or the sixth or the tenth or the eleventh time; I know he had repeated it until it had become wearisome to my friend and client, and when he finally said, "What can you raise in this country?" old Ben Martin drew himself up and said, "We raise men, and that appears to be more than they do where you come from." I do not say that is true of Michigan, but that was one of my early experiences as to the poverty of that soil.

It is true that the best of our agricultural people thought that the virgin soil was the richest, not only to begin with, but to end with, and after a few years of cultivation they turned it out to become an old field. That is true of Alabama, I take it, as it was in Mississippi; and yet I have seen under an intelligent system of cultivation those old fields reclaimed and made into smiling gardens.

We have learned now that if the farmer will cultivate his mind and cultivate his field at the same time, the longer he cultivates the land the greater abundance it will yield, and before we see again the prices of food products that once prevailed in this country we must increase the capacity of our soil to produce those things which contribute to the comfort and the life of the people. With an increasing population and a stable quantity of soil the price of agricultural products must rise, and they will rise even above their present prices, unless our farmers, by improving their methods, can make the same acreage yield a greater abundance, and that will reward the farmer without overtaxing those who dwell in the cities.

But, Mr. President, when you complain at the farmer about the price of his products, remember that they are not held at artificial points by trusts and combinations. Remember that they are not regulated by a tariff, because your tariff on meat and your tariff on wheat only operate on the price within a certain zone. It is precisely like the price of lumber, which so deeply concerns my eloquent friend from Michigan. The Senator from Georgia and I voted against taking the tariff off of lumber because the Government collects, or did collect at that time, more than $3,700,000 under the whole lumber schedule. On the single item of rough lumber the Government collected more than $1,700,000. On rough lumber and shingles the Government collected more than $2,000,000. I was not willing to remit that revenue because we had not been advised that the Government's expenses were to be reduced, and I understood, as the Senator from Georgia understood, that if we remitted the $2,000,000 which the Government then collected on lumber we would be compelled to raise it by a duty on something else; and I preferred to raise it on lumber rather than on something else, because my people did not pay the tax on lumber and they were apt to pay the tax on the substitute.

You could not bring the lumber from Canada to Texas, because the lowest freight rate from the nearest point was more than $8 a thousand. The ordinary freight rate would have reached $12 per thousand. Therefore it was obvious that free lumber would not enable Canadian lumber to reach the markets of Texas or any other Southern State. It would have reduced the price of lumber in Michigan. The Senator from Michigan knew that, and the Senator from Michigan wanted the benefit of that for his people. I credit him with being willing to divide with the Government. He sought to take a dollar away from it and give it to his people.

I want to say to the Senator from Michigan that I am ready to vote a tax of 9 per cent on every article imported into the United States except the absolute necessities of life; and if I could induce you to compromise with me, I would even vote for a duty of double 9 per cent on everything but the necessaries of life. When the Senator from Michigan and the Senator from Massachusetts intimate that the Senator from Georgia was influenced in his vote for $1.50 per thousand on rough lumber they misconceive the position of the Senator from Georgia and the position of the Senator from Texas.

My doctrine is this: If I were framing a protective-tariff bill, I would accord an equal protection to all sections, to all classes, and to all industries. The best of the Republicans claim that they desire to do that, and the wisest of them, who are generally also the best, earnestly strive to do that, because they believe in that doctrine. On the other hand, I am opposed to protection in any form or to any industry, but I recognize that the Government must collect a vast sum of money through the custom-houses, and when I come to lay taxes I do so purely and only for the purpose of collecting that money for the support of the Government; but in collecting it for that purpose I would collect it impartially from all importers, because I believe all importers should be compelled to contribute their fair share toward the support of the Government. In other words, I would lay a duty on wool, but I would no more lay it for the purpose of compelling the woolen manufacturer to pay a higher price to the woolgrower when he bought his wool than I would lay a duty on the woolen goods for the purpose of compelling the consumer to pay more for them when he bought them from the manufacturer. I would lay the duty on wool and I would lay the duty on woolen goods purely and only for the purpose of compelling the importer of each to contribute toward the support of the Government.

I hope the Senator from Michigan and the Senator from Massachusetts will not understand it as a reflection on them when I say that there never was a time in the history of this Government when a man with intelligence enough to be a Senator did not recognize that the most earnest Democrats are compelled to vote for tariff duties in order to raise money to support the Government; and where better could you lay a tariff duty than on lumber, at the rate of 9 per cent, when it raised $1,700,000 toward the public expenses? The same was true of hides. From the 15 per cent duty on hides the Government derived a revenue of more than $3,000,000, $1,000,000 of which you returned to the men who paid it in the shape of drawbacks. But there was a clear net revenue to the Government of more than $2,000,000.

Mr. LODGE. I think it was about $1,800,000.

Mr. BAILEY. It varied.

Mr. LODGE. Yes; it varied.

Mr. BAILEY. The highest was more than $2,000,000.

Mr. LODGE. Yes; that is right.

Mr. BAILEY. It has gone as low as $1,600,000 net. Yet you took the duty off of hides, which raised over $2,000,000 annually toward the Government's support, and left a duty on boots and shoes, which raised the pitiful sum of $26,000.

Mr. President, if I might be pardoned for referring to what I said on another occasion, I would be less than human if I did not recall the fact that I warned you then that you could not suppress the trusts by putting their raw material on the free list. You tried it in the case of hides, and what has happened? The great leather manufacturers put together a larger combination, and, with the raw material of the leather trust free, they put up the price of leather from 10 to 15 per cent.

The Senator from Georgia has well and wisely said that in every question of price there are many elements, and it might happen that two elements were operating on the same article in different directions, either neutralizing each other or one counteracting and overcoming the other. We have never taught, and I hope we will always be too wise to teach, that every question of price is settled by the tariff. But this much we do know, and this much I hope we will always have the common sense to maintain, that whenever you make it cost more to import any article into this country, not only will the import duty be added to the price of the article actually imported, but a similar increase will always result in the price of the domestic article itself.

So I have no doubt that the duty on beef, the duty on wheat, the duty on barley, and the duty on rye does affect the price of those articles in a certain zone; and if I had any doubt about it, I would be instructed by my distinguished friend from North Dakota [Mr. McCUMBER], who was so eager to protect his people. I make no complaint. I rather speak of it in compliment to him. He was eager to give his people the benefit of that protection within the territory which he has the honor to represent. I have no complaint against any Republican Senator who supports the policy of protection for wanting his people to have its full advantage. But the fact that he was earnest for a duty on those articles is abundant proof that, in his judgment at least, it would make a difference in their price.

Now, one word more and I am through, Mr. President.

The Senator from Michigan did not fully answer the Senator from Georgia when he called attention to the fact that the price of beef was 3½ cents higher in Detroit than it was at Windsor, while the tariff duty was only 1½ cents. That is easily explained. It is because the Americans at Detroit have a better quality of beef than the Canadians have at Windsor. If we should inquire at the Washington market place, I venture to say, that even in this day of high prices, we would find beef ranging from 8 cents to 28 cents, and probably higher than that. The price of the meat is not only determined by the place on the carcass of the animal from which it is taken, but also by the quality of the animal itself. A sirloin steak from a well-fed steer weighing 1,300 pounds will command a better price than a sirloin steak from a steer weighing 1,000 pounds. For fifty years the people of the United States have been exporting their best beef to Great Britain. Go to Kentucky, and there in those splendid blue-grass pastures, where the noble shorthorn is monarch of his field, you will find that the very best are intended for export. So it is in Ohio and Illinois and Indiana; the American farmer prepares his very best for export, because they pay a higher price for them over there than we are willing to pay here. But gradually, I rejoice to say, the American purse, keeping pace with the American appetite, now demands much of our choicest beef for home consumption; and it is the better meat which sells for such a high price.

I want all that to increase. I want the purchasing ability of our people to increase. The only limitation that I would set on the price of cattle, which means so much to the prosperity of the farmer, is that I pray it shall never rise so high that an industrious American mechanic will not be able to buy it.

Mr. CARTER. Mr. President, the country is profoundly concerned in the price of food products. I can not conceive that they will find either instruction or consolation in the midst of a wilderness of figures or as the result of thrashing over old straw in this Chamber. We must, I conceive, furnish an adequate cause for existing conditions if we insist that a rational people shall accept the assignment of cause as adequate. The difference in the cost of meat at one point in this country or another or the difference in market price from day to day will not furnish a reason for the conditions confronting us. The conditions are not local, Mr. President. They are world-wide conditions, and largely traceable to the same causes everywhere. The people of Great Britain, with millions of unemployed, are moving toward a protective tariff. Some Senators assign the protective tariff as the cause of our ills.

No, Mr. President; the cause of existing conditions must be traced to broader and deeper and more moving causes. It is a fact well known and everywhere conceded that this country and Great Britain notably have been suffering from an abnormal trend in the movement of population for nearly half a century. Our people have been drawn from the fields of production into the columns of nonproducers, while at the same time continuing to be consumers.

The time was not long ago, a time we all recall, when the farmer was the prolific source of cheap jokes in the theater. In the dime show he was trotted out a whiskered Reuben, a person to be held in a certain degree of contempt.

The young men of the country were impelled to move to the city, and that general impulse existed all over this country. Every boy who could speak a declamation wanted to be a lawyer; every boy who was unable to express himself well was inclined to be a doctor, because he did not have to give a reason in any case.

Mr. President, that movement of people from the farms to the towns has been a great injury to this country. Simultaneously with the movement we witnessed the continual neglect, as the Senator from Texas [Mr. BAILEY] has said, of the science of farming. Those who remained upon the farms cultivated the soil in such an inconsiderate and reckless way that the acreage yield continued to decrease on every cultivated acre throughout the country. The wheat-producing properties of the soil of States like Pennsylvania became exhausted. Pennsylvania, once a great wheat State, is no longer noted for wheat production. If all the country east of the Mississippi River should be driven to the necessity of relying on home production for bread, they would be compelled to import from foreign countries.

Shortly after the great fields of England were abandoned or turned over to be game preserves for the wealthy few, the rural population having been drawn or driven into the cities, we began to see the same thing operate in New England. Vast reaches of country once cultivated closely were turned out to grow up in brush and remained neglected. The old homesteads were deserted, to become the rendezvous for bats and owls.

Between here and the city of Baltimore you travel but 40 miles and observe one-half of all the area over which you pass growing up to jack pines—a neglected, desolate-looking region. Go to the south of the Potomac and the same condition exists. Off in the splendid fertile valley of the Sacramento River, on the western coast, where at one time the granaries were bursting every fall with the mighty crops of wheat, you will find the same silence and barrenness we now observe within gunshot of this capital.

The Sacramento was once a great wheat resource for the Pacific coast. Millions of acres of fertile soil have been abandoned, not by the owners, because the taxes are still paid, but the fields are no longer cultivated. The owners are holding them for high prices, no doubt. The same is true in the San Joaquin Valley. These two valleys of matchless fertility are not cultivated to a tenth part of their capacity for production.

Mr. President, if you will take the various occupations that have sprung up, the result of invention and applied science, within the last twenty-five years, you will observe some of the reasons why the boys have drifted to the cities. Within ten years an army of men have engaged in the manufacturing of automobiles and the running of them, larger than the combined armies at Waterloo. In the management of electrical appliances, things that were new twenty-five years ago, employment is given to large numbers who eat meat and bread and produce neither. Can we remedy that by an act of Congress? Will the adjustment of a tariff duty here or there produce an adequate reply to the people in the way of substantial result?

I rather think, Mr. President, that we are dependent upon laws that have never been enacted and can never be repealed for a solution of this question. The trolley car, the telephone, the scientific man in the agricultural school will first make country life desirable by destroying the isolation which used to be so unendurable on the farm, and thus make the business of farming more interesting and more profitable.

It has become the fashion to have a country place. It has become a matter of business to conduct a farm. Hundreds and thousands of university graduates are engaging in farming enterprises in our great West to-day. In my humble judgment, the encouragement of thrifty farming, the scientific treatment of the soil, and the settlement of our millions of home seekers upon the public domain will do much to aid in solving the vexatious problem of the hour.

Great Britain is recognizing the force of this suggested course, because arrangements are being made there now looking to the division or subdivision of the vast land holdings upon which a contented people once abided. In California I visited a ranch last summer, embracing an area of over 500 acres—one place in the San Joaquin Valley. It was all level, fertile land, embraced in what is known as the "Tevis ranch."

It has heretofore been managed by one individual, a man of great strength of character and superior intelligence. He has made some, but very little, profit out of the transaction. As a consequence of the failure to obtain remunerative or reasonable yield on the investment, that great ranch is being cut up into small holdings as rapidly as the process can be economically carried forward.

Mr. President, I would suggest that when the Senators from South Dakota here yesterday presented a bill which provides for the opening up of millions of acres of public lands to actual settlers, they offered their contribution toward the solution of this problem.

Mr. BAILEY. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I shall be glad to do so.

Mr. BAILEY. I largely agree with what the Senator from Montana has said, but there is a point from which I am not able exactly to follow him. I think myself that a movement back to the farm from the city would be much to the advantage of the country, but——

Mr. CARTER. And the cities as well.

Mr. BAILEY (continuing). Can you expect that to happen as long as the country boy can go to the city and receive the present industrial wage, which is so much larger than he has heretofore received for farm work, unless you leave the price of farm products high enough to compensate him at something like the same rate he receives in the town or city?

My view is this, that if the price of farm products can remain at something like a fair level with the price of manufactured products, then undoubtedly the boy reared on the farm is inclined to remain there; but if he must take $20 a month to help raise horses, and he can get $60 a month for helping to manufacture automobiles, I am rather inclined to think the

trend will continue toward the city. If it should happen that the reclamation of these vast areas solves what is called a problem—I do not call it a problem, for I do not think foodstuffs are at any higher level than other commodities at this time, although they are higher than was the case several years ago—but if you can place all these vast areas under cultivation and thus reduce the price of food products back to a comfortable level for the dwellers in the cities, then you will stimulate another exodus from the country to the city.

The Senator alluded a moment ago to the vast army of men that are engaged in automobile manufacturing. Mr. President, if it had not been for electricity, the cable, and the automobile, the farmer would to-day receive $400 for a horse for which he is now glad to get $200. The difference in that price has been saved to the city and lost to the farm.

I believe in the farmer. I believe that when we touch our mother earth we not only renew our strength, but also our patriotism, and I would rather see a happy rural population, though it should not be so rich, than any other condition that could come to pass. But the very circumstance to which the Senator alludes, that of bringing under cultivation these vast areas—and I know what he has in mind; he is going to bring them in by irrigation. But if you reclaim those lands, until you restore the former level of agricultural prices, you would simply restore the old condition of the population going from the country into the town. In other words, as every Senator here from the cotton States knows, it was easy to induce the farmer's boy to leave the farm and go to town when cotton was 5 and 6 and 7 cents a pound, but it is practically impossible to take him away from the farm when cotton is 10 to 15 cents a pound. That is the condition that we confront, in my opinion.

Mr. CARTER. Mr. President, unquestionably the commercial feature of the problem—and I think it is a problem—will always have a controlling influence to a great extent. It would take many years' continuance of the movement to reestablish proper proportions between the rural and city population of this country. I do think that in the last ten years that movement has been constantly gaining momentum.

Mr. BAILEY. From the city back to the country?

Mr. CARTER. From the city back to the country.

Mr. BAILEY. I do not now recall a dozen cases where men have gone from the city back to the country.

Mr. CARTER. Mr. President——

Mr. BAILEY. I think, if the Senator will pardon me, one good which has resulted recently is that, in some degree, the movement from the country to the city has been arrested, but there has been no important movement from the city back to the country.

Mr. CARTER. I doubt if at any time in the history of this country there has been such a keen appetite for land or farms as exists to-day.

Mr. BAILEY. Does the Senator, of his own personal knowledge—because what would be true of one Senator would be true of others—recall any number of people that have gone from the city to the farm?

Mr. CARTER. I know in my home town, which is a place of about 20,000 people, quite a number have quit merchandising and other occupations—including persons who were day laborers and miners—and have gone out to take up farms. It has become quite a popular movement in our section of the country. Every train moving westward to-day during the season when the climatic conditions favor will be found very heavily laden with persons westward bound in quest of homes. Every time we advertise one of the Indian reservations for opening it is observed that people from all over the country, from the cities as well as the country places, appear as seekers for homes.

Now, one instance. Last summer the Irrigation Committee visited a reclamation project in the West, and some of the people were complaining of the quantity of the crop raised that year. An old-timer said, "Well, what can be expected of these people? They must be instructed in the art of farming before they can farm. They think that anybody can farm; they think that ignorance is just as effective as intelligence in this kind of business." He pointed out a man in a crowd standing about—for we were going to hold a public meeting, and this was preliminary to it—and said, "That man over there is a jack-leg lawyer from Baltimore, Md."

Mr. BAILEY. Perhaps he could not do anything well.

Mr. CARTER. The old-timer continued: "He has come out here to farm. There is a fellow who was formerly a shoemaker. How can he come out here, irrigate land, and raise a good crop the first year?" It seemed to me he pointed out in that small crowd at least half the membership as persons who had been engaged in some other occupation or in some trade or profession. This seemed to indicate a movement toward the farm from the cities.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. Certainly.

Mr. BAILEY. It does not encourage me very much to know that men who have failed in all other pursuits are going back to the country. What I want to do is to take back somebody that is competent to cultivate his fields as the Senator and I agree they must be cultivated. What I hope to do, and all I hope to do, is to arrest that process of elimination to which the Senator referred a while ago, that sends so many of the brightest boys to town to practice law and practice medicine. A good farmer is happier and makes a better citizen than a lawyer without clients or a doctor without patients.

I do not hail the day that the "jack-leg lawyers," as the Senator calls them, will go to the farms. If good lawyers will go there, that will help immensely. If lawyers like the Senator from Montana, when he completes his service here, which I hope will be a long time off, unless we can replace him with a Democrat [laughter], will go to the farm, he will help solve the question, but jack-leg lawyers will never do it in the world.

Mr. CARTER. Mr. President, I thank the Senator from Texas for the compliment. I know that he is now a farmer in good standing in both Texas and Kentucky. I have heard the Texas people speak of him as a farmer rather than as an agriculturist.

Mr. BAILEY. No; I am not a farmer; I am an agriculturist. The Senator knows the difference. [Laughter.]

Mr. CARTER. I was informed in Texas that the Senator was known down there as a practical farmer, that he was so regarded by the voters of the State, and that the farmers would stand by him in all future elections.

Mr. BAILEY. They do, but for other and sufficient reasons. I will say, however, Mr. President, that it is among the chief sources of delight for me to recall that I have done something to help improve the methods of farming and the quality of live stock. I have not always received a financial reward, because, as I said a moment ago, I have been an agriculturist instead of a farmer, the difference being, as I understand it, that the farm supports the farmer and the agriculturist supports the farm. [Laughter.]

Mr. CARTER. Mr. President, I sincerely hope that the movement toward the farm has set in and that it will continue for a long time to come. I do know that it has become popular to be a farmer. I do know that the isolation of farm life has been largely banished by the telephone, the trolley cars, the automobile, and the steam railway.

In the early Revolutionary days the Senator will recall that in the South no gentleman lived in town. They lived on plantations. Those plantations are now very largely abandoned. That is in pursuance of the general movement which led people into the cities. I think the tide has turned in that behalf, and, I believe, as the normal relation between the urban and rural population is reestablished, that the great difficulty connected with the occasional abnormal price of food will be eliminated by a constant course of uninterrupted production.

Mr. BAILEY. Mr. President, before the Senator resumes his seat, I want to remind him, not for the purpose of differing with him, that the condition which existed in the South, to which he refers—and it did exist as he describes it—seems to establish that the isolation of the farmer was no disadvantage to him. There never lived in this or in any other country since the world began a higher class of men than those southern planters of whom we know so much, and yet their plantations were far removed from each other; their access to the city was not easy; they spent most of their time at home; but they did not misspend any part of it while there. Their books and trying to improve their estate was their chief occupation; and in that case the isolation of the planter did not reduce his intelligence. Yet I am inclined to agree with the Senator that for the great average of the world, contact is the best. The race of farmers that made the plantations of the South so famous before the war might have lived more alone, but, if alone, it was only in one sense. They might have had no company, but they always had good books and high thoughts.

Mr. CARTER. Undoubtedly the Senator is correct in that behalf.

COMMITTEE SERVICE.

Mr. BANKHEAD, at his own request, was, on motion of Mr. MONEY, excused from further service upon the Committee on Public Lands.

Mr. MONEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. HUGHES be appointed to fill the vacancy in the Committee on Public Lands.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 31, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1910.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF NEW MEXICO.

Frank W. Parker, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico. (A reappointment, his term having expired January 9, 1910.)

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Frederick Marsh, Coast Artillery Corps, to be colonel from January 24, 1910, vice Col. Walter Howe, who vacated his commission as colonel in the Coast Artillery Corps by accepting an appointment as brigadier-general on that date.

Maj. Henry C. Davis, Coast Artillery Corps, to be lieutenant-colonel from January 24, 1910, vice Lieut. Col. Frederick Marsh, promoted.

Capt. Gordon G. Heiner, Coast Artillery Corps, to be major from January 24, 1910, vice Maj. Henry C. Davis, promoted.

First Lieut. Stanley S. Ross, Coast Artillery Corps, to be captain from January 24, 1910, vice Capt. Gordon G. Heiner, promoted.

Second Lieut. Olin H. Longino, Coast Artillery Corps, to be first lieutenant from January 24, 1910, vice First Lieut. Stanley S. Ross, promoted.

POSTMASTERS.

ARKANSAS.

Frank H. Kennedy to be postmaster at Cotton Piant, Ark., in place of Frank H. Kennedy. Incumbent's commission expired December 11, 1909.

CALIFORNIA.

Frank L. Bostwick to be postmaster at Laton, Cal., in place of Frank L. Bostwick. Incumbent's commission expires February 7, 1910.

Henry W. Brown to be postmaster at Coram, Cal. Office became presidential January 1, 1910.

GEORGIA.

Walter Akerman to be postmaster at Cartersville, Ga., in place of Walter Akerman. Incumbent's commission expires February 9, 1910.

Hervey D. Bush to be postmaster at Covington, Ga., in place of Hervey D. Bush. Incumbent's commission expires February 9, 1910.

Samuel E. Dailey to be postmaster at McDonough, Ga., in place of Samuel E. Dailey. Incumbent's commission expires February 2, 1910.

James F. Overstreet to be postmaster at Douglas, Ga., in place of James F. Overstreet. Incumbent's commission expires February 2, 1910.

Jerome E. Poche to be postmaster at Washington, Ga., in place of Jerome E. Poche. Incumbent's commission expires February 9, 1910.

William C. Tate to be postmaster at Dahlonega, Ga. Office became presidential January 1, 1910.

IDAHO.

John W. Jones to be postmaster at Rigby, Idaho. Office became presidential January 1, 1910.

ILLINOIS.

Charles M. Carpenter to be postmaster at Neponset, Ill. Office became presidential January 1, 1910.

Henry Schneider to be postmaster at Waterloo, Ill., in place of Henry Schneider. Incumbent's commission expired January 4, 1910.

Charles A. Simington to be postmaster at Sheffield, Ill., in place of Charles A. Simington. Incumbent's commission expires February 5, 1910.

Cornelius Sullivan to be postmaster at Riverside, Ill., in place of Cornelius Sullivan. Incumbent's commission expired December 16, 1909.

IOWA.

Frederick H. Clark to be postmaster at Lake View, Iowa. Office became presidential October 1, 1909.

Fred C. McCall to be postmaster at Nevada, Iowa, in place of Fred C. McCall. Incumbent's commission expires February 5, 1910.

George L. Robb to be postmaster at Albia, Iowa, in place of George L. Robb. Incumbent's commission expired December 20, 1909.

Samuel G. Wilson to be postmaster at Delta, Iowa. Office became presidential January 1, 1910.

KANSAS.

Rodman A. De Forest to be postmaster at Wetmore, Kans. Office became presidential January 1, 1910.

John W. Willis to be postmaster at Gypsum, Kans. Office became presidential January 1, 1910.

KENTUCKY.

James T. Stephens to be postmaster at Hickman, Ky., in place of James T. Stephens. Incumbent's commission expired January 23, 1910.

MAINE.

Walter E. Clark to be postmaster at Waldoboro, Me., in place of Walter E. Clark. Incumbent's commission expires January 31, 1910.

MARYLAND.

Charlton Sasscer to be postmaster at Upper Marlboro, Md. Office became presidential January 1, 1908.

MASSACHUSETTS.

Frederick H. Fowler to be postmaster at Walpole, Mass., in place of Frederick H. Fowler. Incumbent's commission expires February 19, 1910.

MICHIGAN.

Faustina M. Towle to be postmaster at Gaylord, Mich., in place of Faustina M. Towle. Incumbent's commission expires February 19, 1910.

MISSISSIPPI.

Mary Cain to be postmaster at Vaiden, Miss., in place of Mary Cain. Incumbent's commission expires January 30, 1910.

Sybil Q. Stratton to be postmaster at Liberty, Miss. Office became presidential January 1, 1910.

MISSOURI.

Luther McGehee to be postmaster at Joplin, Mo., in place of Luther McGehee. Incumbent's commission expires February 5, 1910.

Henry C. Shubert to be postmaster at Richland, Mo., in place of Henry C. Shubert. Incumbent's commission expires February 5, 1910.

NEBRASKA.

Levi M. Copeland to be postmaster at Minden, Nebr., in place of Levi M. Copeland. Incumbent's commission expires February 19, 1910.

William A. McCool to be postmaster at Indianola, Nebr., in place of William A. McCool. Incumbent's commission expires February 19, 1910.

Charles Miner to be postmaster at Ravenna, Nebr., in place of Charles Miner. Incumbent's commission expires February 19, 1910.

NEW JERSEY.

Frederick C. Meyer to be postmaster at Holly Beach, N. J. Office became presidential April 1, 1907.

Joseph Pierson to be postmaster at Phillipsburg, N. J., in place of Joseph Pierson. Incumbent's commission expires February 12, 1910.

Horace E. Richardson to be postmaster at Cape May Court-House, N. J., in place of Horace E. Richardson. Incumbent's commission expired December 19, 1909.

Edward M. Sutton to be postmaster at Ocean City, N. J., in place of Edward M. Sutton. Incumbent's commission expired February 23, 1909.

NEW YORK.

Fred M. Askins to be postmaster at Schaghticoke, N. Y., in place of Fred M. Askins. Incumbent's commission expires February 6, 1910.

George R. Vail to be postmaster at Chester, N. Y., in place of George R. Vail. Incumbent's commission expires February 7, 1910.

NORTH DAKOTA.

Louise B. Evans to be postmaster at Agricultural College, N. Dak. Office became presidential January 1, 1910.

OHIO.

William A. Coble to be postmaster at Delphos, Ohio, in place of William A. Coble. Incumbent's commission expired December 13, 1908.

John F. Outcalt to be postmaster at Wauseon, Ohio, in place of John F. Outcalt. Incumbent's commission expires January 31, 1910.

OKLAHOMA.

Nolia B. Dore to be postmaster at Westville, Okla. Office became presidential January 1, 1910.

PENNSYLVANIA.

William W. McClelland to be postmaster at Polk, Pa. Office became presidential July 1, 1909.

Clayton O. Slater to be postmaster at Latrobe, Pa., in place of Clayton O. Slater. Incumbent's commission expires February 1, 1910.

Isador Sobel to be postmaster at Erie, Pa., in place of Isador Sobel. Incumbent's commission expires March 29, 1910.

Starling W. Waters to be postmaster at Warren, Pa., in place of Starling W. Waters. Incumbent's commission expired January 23, 1910.

Charles W. Zook to be postmaster at Roaring Spring, Pa., in place of Charles W. Zook. Incumbent's commission expires February 6, 1910.

SOUTH CAROLINA.

William F. Rice to be postmaster at Denmark, S. C., in place of William F. Rice. Incumbent's commission expires February 5, 1910.

SOUTH DAKOTA.

Abram E. Van Camp to be postmaster at Highmore, S. Dak., in place of Abram E. Van Camp. Incumbent's commission expired February 1, 1908.

UTAH.

Eva C. Wilcox to be postmaster at Garland, Utah. Office became presidential January 1, 1910.

VERMONT.

Frederick Chapman to be postmaster at Woodstock, Vt., in place of Frederick Chapman. Incumbent's commission expires February 7, 1910.

Orrin H. Jones to be postmaster at Wilmington, Vt., in place of Orrin H. Jones. Incumbent's commission expires January 30, 1910.

WASHINGTON.

William F. Case to be postmaster at Northport, Wash., in place of William F. Case. Incumbent's commission expires January 31, 1910.

WEST VIRGINIA.

Harry E. Munday to be postmaster at Shepherdstown, W. Va., in place of Harry E. Munday. Incumbent's commission expires February 7, 1910.

WISCONSIN.

John M. Tompkins to be postmaster at Granton, Wis. Office became presidential January 1, 1910.

James T. Webb to be postmaster at Lancaster, Wis., in place of James T. Webb. Incumbent's commission expires February 19, 1910.

WYOMING.

George W. Hoyt to be postmaster at Cheyenne, Wyo., in place of George W. Hoyt. Incumbent's commission expires February 5, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1910.

ASSISTANT ATTORNEY-GENERAL.

Winfred T. Denison to be Assistant Attorney-General.

COLLECTOR OF CUSTOMS.

George W. Allen to be collector of customs for the district of Key West, Fla.

RECEIVER OF PUBLIC MONEYS.

Robert W. Elwell to be receiver of public moneys at Olympia, Wash.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

James Jehu Robert to be first lieutenant.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. John F. Franklin to be first lieutenant.

REAPPOINTMENT IN THE ARMY.

SIGNAL CORPS.

Brig. Gen. James Allen to be Chief Signal Officer with the rank of brigadier-general.

POSTMASTERS.

CALIFORNIA.

Charles W. Beatty, at Maricopa, Cal.
Salmon H. Loomis, at Kingsburg, Cal.

COLORADO.

William T. Brumbaugh, at Fruita, Colo.

GEORGIA.

Willie O. Goodson, at Union City, Ga.

ILLINOIS.

William G. Baie, at Hinckley, Ill.
Harry L. Frier, at Benton, Ill.
Peter McDonald, at Cicero (late Hawthorne), Ill.
James W. Prouty, at Roseville, Ill.

IOWA.

Ralph A. Dunkle, at Gilman, Iowa.
John H. Kolthoff, at New Hampton, Iowa.

MARYLAND.

Walter R. Rudy, at Mount Airy, Md.

MINNESOTA.

Dennis F. McGrath, at Barnesville, Minn.
Henry H. Neuenburg, at Olivia, Minn.
Theodore Oachs, at Kerkhoven, Minn.

MISSISSIPPI.

Henry C. Majure, at Newton, Miss.
Fred H. Powers, at Starkville, Miss.

NEW JERSEY.

George L. Clarke, at Morristown, N. J.
George W. Hope, at Raritan, N. J.
John H. Nunn, at Glen Gardner, N. J.

NEW MEXICO.

Robert S. Fisher, at Fort Bayard, N. Mex.

NORTH DAKOTA.

Thomas S. Farr, at Hillsboro, N. Dak.

OREGON.

William Ledford, at Prineville, Oreg.
Jesse E. Tulley, at Wallowa, Oreg.

PENNSYLVANIA.

John C. Burden, at St. Marys, Pa.
E. Wesley Keeler, at Doylestown, Pa.
Samuel S. Lewis, at York, Pa.
Thomas R. Williams, at Mount Carmel, Pa.

WYOMING.

Ivor Christensen, at Hanna, Wyo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 28, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order for to-day may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order for to-day may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The first business on the Private Calendar was the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Goins, late of Company H, Twenty-fourth Regiment, and Company F, Fifty-fifth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Fleming, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David P. Boyd, late of Company K, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Warren, late of First Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he now receiving.

The name of Sarah J. Sherman, widow of Thomas Sherman, late first lieutenant Company D, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josephus C. Dine, late of Company B, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry C. Brake, late of Company A, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and Company C, Fourth Independent Battalion, Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Beem, late of Company G, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McGuire, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Davis, late of Company C, Thirty-second Regiment Ohio Volunteer Infantry, and Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Hill, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathias Hicks, late of Company B, Forty-first Regiment, and Company G, Fifty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Love, late of Company B, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morris McGlasson, late of Company C, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan Kaseman, late of Company F, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Franklin Hobbs, alias John Franklin, late of U. S. S. Ohio and Acacia, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Young, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine Brill, former widow of John Bagley, late of Company C, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Jeremiah D. Woodard, late of Company F, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Stevenson, late of Company B, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bivens, late second lieutenant, Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John W. Carmony, late of Company D, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper N. Johnson, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clay Doolittle, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William I. Milligan, late acting second assistant engineer, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Fetter, late of Company D, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Wardwell Newton, alias James Wardwell, late of Company A, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Lapham, late of Company F, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Forrest M. Lentz, late of Company B, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert P. Marsh, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Austin, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noble Butler, late of Company F, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Helen E. Wilcox, formerly Helen E. Greene, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of James H. Shafer, late of Company A, Twelfth Regiment, and Company E, Seventeenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sidney Windecker, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perry Shaffer, late of Company H, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Rutter, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Voelker, late of Company I, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bair, late of Company A, First Regiment Pennsylvania Volunteer Cavalry, and Company E, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arah C. Kimball, late of Company B, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Murphy, late of Tenth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hamrick, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ralph M. Musser, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew N. Chappell, late first lieutenant and adjutant, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis G. Hughes, late of Company A, Fourth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fillmore M. Brist, late of Company M, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Kibler, late of Company E, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. Burkholder, late of Company H, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Sutton, late second lieutenant Company C, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Hart, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Lee, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of James Emmens, late of Company F, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Smith, late of Company L, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simeon Flory, late of Company C, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard C. Swainston, alias Richard C. Irons, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company K, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rudolph Giesin, late of Company C, Tenth Regiment New York Volunteer Cavalry, and Company C, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi W. Bevis, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen Hall, late of Company F, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Ray, late of Company B, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Berintha L. Barnes, former widow of Clark Davis, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Albert S. Kinsloe, late first lieutenant Company D, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Starkey, late unassigned, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miles P. Cook, late of Twentieth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morgan Gulick, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius Lane, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel T. Cole, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton W. Botts, late of Company A, twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Ward, late of Company I, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel McKeague, late of Company E, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis C. Edmonds, late second lieutenant Company D, One hundred and forty-eighth Regiment, and captain Company I, One hundred and eighty-fourth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George A. Earle, late of Company F, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel V. Bocook, late of Company H, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bentley, late of Company I, Seventy-seventh Regiment Illinois Volunteer Infantry, and first lieutenant Company D, Seventy-seventh Regiment United States Colored Volunteer Infantry, and Company H, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Prouty, late of Company D, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Hannah M. Batt, former widow of Hiram B. Johnson, late of Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jabez Goodman, late of Company A, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Hall, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ezra R. Moore, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Thomas, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Sears, late of Company F, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Mossgrove, late of Company F, Eighty-third Regiment, and Company B, Forty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Flanigan, late of Company A, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John McLane, late of Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton A. Anderson, late captain Company K, Forty-third Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leander Snell, late of Company A, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James L. Dungan, late captain Company H, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo G. Akers, late of Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam M. Working, late of Company I, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Lloyd, former widow of George H. Zeigler, late of Company A, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Sarah H. Lieb, widow of Hermann Lieb, late major, Eighth Regiment Illinois Volunteer Infantry, and colonel Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Nick Muench, late of Company A, Fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos H. Stevenson, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George K. Redmond, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob L. Kennamer, late of Capt. John B. Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of Samuel E. Norris, late of Company B, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nelson Labarge, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Metzger, late principal musician and sergeant-major, Fifty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elbridge H. Benham, late of Company I, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Abbott, late first lieutenant Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Pearce, late of Company K, Sixth Regiment, and Company K, Fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Gunderman, late of Company H, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George R. Church, late of Company G, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon E. Foust, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham C. Brady, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maurice L. Whiteside, late first lieutenant Companies I and D, Fifty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Trumble, late of Company H, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Bingham, late of Company G, Sixth Regiment Wisconsin Volunteer Infantry, and One hundred and seventy-second Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James N. McClellan, late first lieutenant Company K, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Basewitz, late of Company G, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Jenkins, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose L. Babcock, late of Companies I and E, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert A. Sackett, late of United States ships Susquehanna, Wabash, and Miami, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Crane, late first lieutenant Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah A. Canfield, now Arnett, dependent mother of Edward M. Canfield, late of Company C, Sixty-seventh Regiment, and Company C, Sixty-fifth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George S. Mann, late of Company D, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Henry C. Walbridge, late of Company E, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Cornelius F. Shoemaker, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Franklin Koontz, late of Company E, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Brown, late of Company K, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James N. Hyatt, late of Company B, Ninth Regiment New York Volunteer Infantry, and Companies C and L, Sixteenth Regiment New York Volunteer Cavalry, and Company F, Third Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Campbell, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Fergurson, late of U. S. S. North Carolina and Savannah, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Weller Bishopp, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel Chamberlin, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Setzer, late of Company K, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Hickel, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of David G. Foose, late of Company E, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sidney C. Early, late of Fourth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Durand, late of Company B, One hundred and eighth Regiment New York Volunteer Infantry, and Company G, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Woodruff, late of Company H, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Griffith Nelson, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abner C. Arnold, late of Company D, Seventh Regiment, and Company E, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Owen C. Morris, late of Company E, Second Regiment Eastern Shore Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James L. B. Auten, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Black, late captain Company B, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Kinley, late unassigned, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Dodds, late captain Company D, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Brown, widow of Shadrack W. Brown, late of Company D, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Young, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James J. Decker, late of Company K, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Van Etten, late of Company H, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Blackburn, late of Company F, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Ransford, late of Company I, Eleventh Regiment, and Company E, Forty-sixth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oliver Cross, late of Company F, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis E. Brown, late of Company E, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Edgar, late of Company B, Thirty-first Regiment, and Company A, Eighty-second Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Thorn, late of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bain, late of Company F, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Loren Phillips, late of Company D, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. O'Connor, late of Company A, Eighty-fourth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Hogge, late of Company E, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alva C. Bristow, late of Company D, One hundred and twenty-seventh Regiment, and Company B, Fifty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Proctor, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rhesa G. Van Cleef, late of Company A, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen Foster, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Turnbull, late of Company E, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David D. McIlhattan, late of Company G, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas T. Tuxford, helpless and dependent child of John Tuxford, late of Companies F and A, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Adam Hetrick, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Williams, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Shady, late unassigned, Two hundred and third Regiment, and Company B, Seventy-sixth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank S. Kelley, late of Company D, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gertrude E. Snook, widow of Dunbar Snook, late of Company E, Second Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elizabeth Snook, helpless and dependent daughter of said Dunbar Snook, the additional pension herein granted shall cease and determine.

The name of Gershom C. Hires, late of Company D, Tenth Regiment New Jersey Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James V. D. Ten Eyck, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Wolfe, late of Company F, Second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert A. Corliss, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander J. Souden, late of Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mahlon F. Downing, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Hicks, late of Company D, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Edwards, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Shuble Barton, late of Company C, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ripley C. Whitcomb, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Lawler, late of Company K, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Ship, late of Company G, Eighth Regiment New York Heavy Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward N. Durning, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Thompson, late of Company A, Thirty-first Regiment, and Company F, One hundred and ninety-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Baily, late of Company G, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Laughlin, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Latimer, late of Company D, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Derr, late of Company I, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Clark, jr., late of Fourth Regiment Michigan Volunteer Cavalry, and first lieutenant Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perry G. Russell, late of Company H, First Regiment Alabama and Tennessee Independent Regiment Vidette Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. McGowan, late of Company H, Sixth Regiment, and Company H, Fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clarence S. Sawtell, late of Company H, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin G. Ashcraft, late of Company F, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry E. Hubble, late of Company F, Ninety-seventh Regiment Indiana Volunteer Infantry, and One hundred and eighty-seventh Company, First Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert B. Rhodes, late of Company D, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian P. Bechtel, late of Company L, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Boswell, late of Company A, Eighth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Becker, late of Company G, One hundred and seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Hust, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred R. Tomlinson, late of Company H, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Kent, late of Company K, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Strain, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Stufflebean, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abram G. Anderson, late of Company K, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Love, late of Company F, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin B. Sanford, late of Company B, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa D. Smith, widow of Leslie Smith, late captain, First Regiment United States Infantry, and lieutenant-colonel Twentieth Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Margaret S. Merritt, widow of Robert B. Merritt, late colonel Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of N. Raymond Griffith, late of Company F, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert McPhillamey, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Ligget, late of Company A, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Midcap, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther Lake, widow of Nicholas Lake, late unassigned, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Isaac Diffendarfer, late of Company H, One hundred and seventy-fifth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Murray, alias Lewis E. Murray, late of Company A, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Harris, late of Company H, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Kifer, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 378. John Goins;
H. R. 387. John Fleming;
H. R. 412. David P. Boyd;
H. R. 786. Henry M. Warren;
H. R. 939. Sarah J. Sherman;
H. R. 993. Josephus C. Dine;
H. R. 1125. Perry C. Brake;
H. R. 1247. John T. Beem;
H. R. 1306. John McGuire;
H. R. 1518. George W. Davis;
H. R. 1522. William A. Hill;
H. R. 1523. Mathias Hicks;
H. R. 1524. John Love;
H. R. 1606. Morris McGlasson;
H. R. 1748. Nathan Kaseman;
H. R. 1770. John Franklin Hobbs;
H. R. 1771. John T. Young;
H. R. 1786. Catherine Brill;
H. R. 1848. Jeremiah D. Woodard;
H. R. 1869. Charles L. Stevenson;
H. R. 1904. William Bivens;
H. R. 1911. John W. Carmony;
H. R. 2036. Jasper N. Johnson;
H. R. 2313. Clay Doolittle;
H. R. 2346. William I. Milligan;
H. R. 2355. Michael Fetter;
H. R. 2465. James Wardwell Newton;
H. R. 2604. Joseph Lapham;
H. R. 2664. Forrest M. Lentz;
H. R. 2866. Robert R. Marsh;
H. R. 3368. James R. Austin;
H. R. 3392. Noble Butler;
H. R. 3462. Helen E. Green;
H. R. 3487. James H. Shafer;
H. R. 3519. Sidney Windecker;
H. R. 3693. Perry W. Shaffer;
H. R. 3705. George A. Rutter;
H. R. 3722. Christian Voelker;
H. R. 3779. William Bair;
H. R. 4104. Arah C. Kimball;
H. R. 4164. James H. Murphy;
H. R. 4202. James Hamrick;
H. R. 4255. Ralph M. Musser;
H. R. 4352. Matthew N. Chappell,
H. R. 4903. Lewis G. Hughes;
H. R. 4904. Fillmore M. Brist;
H. R. 4975. Isaac Kibler;
H. R. 5289. Samuel C. Burkholder;
H. R. 5329. John H. Sutton;
H. R. 5459. Robert Hart;
H. R. 5479. James Lee;
H. R. 5753. James Emmens;
H. R. 5755. Frederick Smith;
H. R. 5860. Simeon Flory;
H. R. 6088. Richard C. Swainston;
H. R. 6116. Rudolph Geisiu;
H. R. 6173. Levi W. Bevis;
H. R. 6613. Allen Hall;
H. R. 6634. William Ray;
H. R. 6661. Berintha L. Barnes;
H. R. 6723. Albert S. Kinsloe;
H. R. 6833. John T. Starkey;
H. R. 6990. Miles P. Cook;
H. R. 7042. Morgan Gulick;
H. R. 7209. Julius Lane;
H. R. 7258. Samuel T. Cole;
H. R. 7269. Newton W. Botts;
H. R. 7290. Alexander Ward;
H. R. 7413. Samuel McKeague;
H. R. 7447. Lewis C. Edmonds;
H. R. 7486. George A. Earle;
H. R. 7893. Samuel V. Bocook;
H. R. 7958. William H. Bentley;
H. R. 7993. James L. Prouty;
H. R. 8139. Hannah M. Batt;
H. R. 8171. Jabez Goodman;
H. R. 8367. Thomas W. Hall;
H. R. 8608. Ezra R. Moore;
H. R. 8635. James H. Thomas;
H. R. 8734. John Sears;
H. R. 8944. Benjamin F. Mossgrove;
H. R. 9091. John Flanigan;
H. R. 9266. John McLane;
H. R. 9268. Hamilton A. Anderson;
H. R. 9338. Leander Snell;
H. R. 9683. James L. Dungan;
H. R. 9788. Alonzo G. Akers;
H. R. 9924. Adam M. Working;
H. R. 10246. Mary C. Lloyd;
H. R. 10379. Sarah H. Lieb;
H. R. 10410. Nick Muench;
H. R. 10625. Amos H. Stevenson;
H. R. 10838. George K. Redmond;
H. R. 10981. Jacob L. Kennamer;
H. R. 11315. Samuel E. Norris;
H. R. 11569. Nelson La Barge;
H. R. 11652. William Metzger;
H. R. 11762. Elbridge H. Benham;
H. R. 11892. Thomas J. Abbott;
H. R. 11970. William Pearce;
H. R. 12071. Henry Gunderman;
H. R. 12252. George R. Church;
H. R. 12501. Simeon E. Foust;
H. R. 12509. Abraham C. Brady;
H. R. 12585. Maurice L. Whiteside;
H. R. 12671. Charles H. Trumble;
H. R. 12751. John N. Bingham;
H. R. 12773. James N. McClellan;
H. R. 12789. Henry Basewitz;
H. R. 12891. Joseph W. Jenkins;
H. R. 12914. Ambrose D. Babcock;
H. R. 12944. Gilbert A. Sackett;
H. R. 12982. William W. Crane;
H. R. 13010. Hannah A. Canfield, now Arnett;
H. R. 13046. George S. Mann;
H. R. 13120. Carl H. Walbridge;
H. R. 13131. Cornelius F. Shoemaker;
H. R. 13139. Franklin Koontz;
H. R. 13142. John C. Brown;
H. R. 13199. James N. Hyatt;
H. R. 13200. Isaac N. Campbell;
H. R. 13201. Samuel H. Fergurson;
H. R. 13222. Weller Bishopp;
H. R. 13223. Daniel Chamberlin;
H. R. 13235. Philip Setzer;
H. R. 13399. William G. Hickel;
H. R. 13628. David G. Foose;
H. R. 13631. Sidney C. Early;
H. R. 13663. Edward Durand;
H. R. 13689. John Woodruff;
H. R. 13700. Griffith Nelson;
H. R. 13776. Abner C. Arnold;
H. R. 13794. Owen C. Morris;
H. R. 13801. James L. B. Anten;
H. R. 13956. John A. Black;
H. R. 13957. John C. Kinley;
H. R. 13971. James Dodds;
H. R. 14013. Sarah Brown;
H. R. 14024. John M. Young;
H. R. 14028. James J. Decker;
H. R. 14029. Theodore Van Etten;
H. R. 14112. William H. Blackburn;
H. R. 14128. Henry Ransford;
H. R. 14132. Oliver Cross;
H. R. 14184. Willis E. Brown;
H. R. 14208. John S. Edgar;
H. R. 14340. John C. Thorn;
H. R. 14369. John Bain;
H. R. 14459. Loren Phillips;
H. R. 14462. Edward A. O'Connor;
H. R. 14694. Hiram Hogge;
H. R. 14738. Alva C. Bristow;
H. R. 14742. William S. Proctor;
H. R. 14898. Rhesa G. Vansley;
H. R. 14970. Allen Foster;
H. R. 14974. Adam Turnbull;
H. R. 15054. David D. McIlhattan;
H. R. 15056. Thomas T. Tuxford;
H. R. 15057. Adam Hetrick;
H. R. 15058. David Williams;
H. R. 15118. Frederick Shady;
H. R. 15125. Frank S. Kelley;
H. R. 15377. Gertrude E. Snook;
H. R. 15378. Gershom C. Hires;
H. R. 15380. James V. D. Ten Eyck;
H. R. 15565. James Wolfe;
H. R. 15573. Albert A. Corliss;
H. R. 15719. Alexander J. Souden;
H. R. 15759. Mahlon F. Downing;
H. R. 15913. William J. Hicks;
H. R. 15926. Martin Edwards;
H. R. 15984. Shuble Barton;
H. R. 16062. Ripley C. Whitcomb;
H. R. 16077. Martin Lawler;
H. R. 16092. William H. Ship;
H. R. 16117. Edward N. Durning;
H. R. 16118. Hugh Thompson;
H. R. 16122. Thomas W. Baily;
H. R. 16123. Benjamin F. Laughlin;
H. R. 16140. Peter Lattimer;
H. R. 16232. George F. Derr;
H. R. 16252. George W. Clark, jr.;
H. R. 16272. Perry G. Russell;
H. R. 16285. William T. McGowan;
H. R. 16290. Clarence S. Sawtell;
H. R. 16487. Benjamin G. Ashcraft;
H. R. 16510. Henry E. Hubble;
H. R. 16521. Robert B. Rhodes;
H. R. 16627. Christian P. Bechtel;
H. R. 16667. Levi Boswell;
H. R. 16672. John Becker;
H. R. 16697. Isaac Hust;
H. R. 16709. Alfred R. Tomlinson;
H. R. 16740. Joseph H. Kent;
H. R. 16767. James L. Strain;
H. R. 16785. Hiram Stufflebeau;
H. R. 16811. Abram G. Anderson;
H. R. 16869. Andrew Love;
H. R. 16994. Edwin B. Sanford;
H. R. 16995. Louisa D. Smith;
H. R. 17313. Margaret Fowler Merritt;
H. R. 17325. N. Raymond Griffith;
H. R. 17357. Robert McPhillamy;
H. R. 17382. James Ligget;
H. R. 17463. James R. Midcap;
H. R. 17490. Esther Lake;
H. R. 17496. Isaac Diffendarfer;
H. R. 17555. Charles A. Murray;
H. R. 17556. William Harris; and
H. R. 17652. Joseph M. Kifer.

Mr. SULLOWAY. Mr. Speaker, on page 6, line 20, I move to strike out the initial "P" and insert the initial "R," so that it will read "Robert R. Marsh."

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, on page 17, line 24, I move to strike out "twenty-four" and insert "thirty" in lieu thereof, the beneficiary being Nelson Labarge.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 19278) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Janette Talcott Keese, former widow of Russell Talcott, late of Company G, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William S. Shupe, late of Company H, First Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hayden, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Pfrang, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton B. Bishop, late of Company A, Seventieth Regiment, and Company C, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Clark, late of Company E, Fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Henry Wegner, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Robeson, late of Company K, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvin Galley, late of Company F, One hundred and twenty-fourth Regiment, and Company B, Thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sarah E. Averill, former widow of Joseph Averill, late of Company H, Twenty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel J. Miller, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Conlon, late captain Company K, Eighty-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Young, late first lieutenant Company G, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William O. Daniels, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Bossler, late of Company I, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Green, late of Company F, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Condon, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac M. Martz, late of Company D, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Ward, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Jones, late of Company H, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Walls, late of Company H, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Aaron Elgin, late of Company A, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Purkapile, late of Company F, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David F. Hodges, late of Company A, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Mosier, late of Company A, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marcus S. Burrus, late of Company D, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Jenkins, alias Henry H. Seymour, late of Company B, Second Regiment Michigan Volunteer Infantry, and Company C, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Chase, late of Company G, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Lindsay, late of Company C, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Haucke, late of Company D, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Welsh, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Shields, late of Company B, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John N. Hanna, late of Companies E and D, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Georgia A. Brooks, widow of Edwin H. Brooks, late of Eleventh Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Phoebe Miller, helpless and dependent child of Abraham Miller, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Howard Haworth, late of Company C, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin R. Hill, late of Company E, Twelfth Regiment Vermont Volunteer Infantry, and Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James T. Foster, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alton E. Cobb, late of Company E, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan R. Mathis, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Jacobs, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Merriam, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Presley, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and Company B, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy Sipe, widow of Martin V. Sipe, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Amanda Sipe, helpless and dependent daughter of said Martin V. Sipe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Sipe the name of said Amanda Sipe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nancy Sipe.

The name of Michael Carney, late of U. S. S. Freeborn, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha Stearns, late of Company A, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Butt, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Madison J. Morgan, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Kimmel, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dwight N. Wright, late of Company D, First Regiment New York (Lincoln) Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Enoch W. Lawrence, late of Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Hanchett, late of Company D, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lees, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Radell, late of Companies I and A, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Fairman, late of Company K, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick S. Doig, late of Company C, Fifty-first Regiment New York Volunteer Infantry, and Company D, Eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Tulloch, late of Company A, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Merrill, late of Company K, and captain Company B, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wiesler, helpless and dependent child of George Wiesler, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of David P. Baker, late of Hamilton's bodyguard, Texas Volunteer Cavalry, and Company E, First Regiment Texas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David M. Boyles, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Washington W. Gardner, late captain Companies A and D, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas N. Eetherton, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James De Laney, late of Company B, One hundred and thirty-second Regiment New York Volunteer Infantry, and Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Sweet, late of Company E, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elroy L. Kemp, helpless and dependent child of Austin Kemp, late of Second Independent Battery Vermont Volunteer Light Artillery, and First Independent Company Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The name of Richard H. O'Neale, late of Company A, Second Regiment United States Sharpshooters, and unassigned battalion, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederika Schimanski, widow of Frederick W. Schimanski, late of Company D, Forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Johnson, late of Company D, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Hutchison, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Hamilton, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Abia C. Miller, late of Company H, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Robbins, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Mallory, late of Company A, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marvin A. Smith, late of Companies H and K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John N. Bonness, late of Company A, Ninth Regiment, and Company A, Third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Kroell, late of Company B, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Shaw, late of Company I, Thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Woodney, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert A. Stowe, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Betts, late captain of Company A, and lieutenant-colonel Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mark Whiteaker, late captain Company G, One hundred and Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Calvin Warren, late of Company B, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Snave, late of Company E, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Morse, late of Company B, Captain Souther's Marine battalion, Missouri Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wallace Webb, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Graham, late of Battery C, First Battalion (Knapp's) Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Spry, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis B. Witter, late of Company C, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion D. Printz, late of Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zachary T. Miller, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Combs Hendrickson, alias George Hankin, late of Company K, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Kearnes, late of Company F, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward P. Porter, late of Company C, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis T. Corbet, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Barton, late of Company F, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barney Warrell, late of Company C, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. Rotes, late of Company A, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Steel, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Perry, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Burgess, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clark Kimball, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Guilford D. Taylor, late of Company C, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter F. Baker, late of Company H, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Brewer, late second lieutenant Company H, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Elliott, late of Company I, Fifty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Stroud, late of Ninth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Spurlock, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Neil Cartwright, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia M. Farr, former widow of John R. Banks, late of Company G, Fifty-second Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin P. Behm, late of Company L, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Stanton, late of First Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Smith, late unassigned, Seventh Regiment Maine Volunteer Infantry, and First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliezer P. Dickey, late of Company K, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James P. Woods, late of Company H, One hundred and fifteenth, and Company I, One hundred and eighty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. White, late of Company K, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leverett A. Fox, late of Company I, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Laura E. Narbis, widow of Edward Narbis, late of U. S. S. Virginia and Princess Royal, United States Navy, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the sailor is living.

The name of Charles F. Reed, late of Company C, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham McVay, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ross M. Stephens, late of Company E, Fifty-fifth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Scott, late of Company A, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Whitaker, late of Company A, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Minster, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Cleveland, late of Company G, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Christopher Jacobi, late of Company G, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Morris, late of Company I, One hundredth Regiment Ohio Volunteer Infantry, and Company I, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Beller, late second lieutenant Company B, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Waldo J. Medearis, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen P. Petteys, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Larock, late of Company G, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred T. Feay, late of Company F, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Foster, alias William Erwin, late of Company F, Second Regiment Colorado Volunteer Infantry, and Company D, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Wright, late of Company H, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon P. Dotson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Harper, late of Company D, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dora K. Flaherty, widow of James Flaherty, late of Company K, Twenty-fourth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lyman M. Sherwood, late of U. S. S. Saranac, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Mason, late of Company K, Sixtieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Norton, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Kibbe, alias William Kiblin, late of Company B, Twenty-second Regiment Kentucky Enrolled Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Tucker, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert J. Simonds, late of Company F, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert D. Burns, late of U. S. S. Ohio and Mercedita, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Mahor, late of Company C, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Manchester, late of Company D, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mortimer O. Rowe, late of Company I, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Scott, late of Company L, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Brown, late of Company I, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Julius Fox, late of Company C, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph I. Mahar, late of Company F, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Giles Holt, late of Company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Hinkle, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Stark, late of Company B, First Regiment Illinois Volunteer Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Allen, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Follett, late of Company I, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Etta A. Richardson, widow of Irving Richardson, late of Company E, Fiftieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Thomas, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Powelson, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George Page, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank L. Stark, helpless and dependent child of Wesley Stark, late of Company G, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Robert McNabb, late of Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann E. Farley, widow of William C. Farley, late of U. S. S. North Carolina and Shawsheen, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Graham, late of Company C, Forty-sixth Regiment Indiana Volunteer Infantry, and Sixteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Durbin, late of Company A, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Wright, late of Company H, One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander McLane, late of Company D, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of A. Sidney Alden, late major and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Swaim, late of Company A, Thirty-sixth Regiment, and Company H, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Margaret Perry, widow of William Perry, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph W. Gale, late of Company F, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $20 per month, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Edwin M. Locke, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chauncey P. Rogers, late first lieutenant Company D, and colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Mallory, late of Companies C and E, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Kepner, late of Company G, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Miller, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Goodell, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Brown, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel P. Beck, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Hodgson, late of U. S. S. North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Good, late of Company A, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Greer, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Van Stewart, late of Company C, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Whitlock, late of Company B, First Regiment New Jersey Volunteer Infantry, and unassigned, First Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin R. Rhoads, late of Company B, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Leffler, late of U. S. S. Princeton and Flag, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lawrence Zimmer, late of Company D, Tenth Regiment, and Company F, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Walls, widow of John W. Walls, late of Captain Kennamer's Independent Company Alabama Scouts and Guides, and pay her a pension at the rate of $12 per month.

The name of George T. Kennamer, late of Captain Kennamer's Independent Company Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of Elijah McGinnis, late of Company F, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Penn, late of Company C, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George S. Richardson, late of Company I, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Dee, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace C. Brintnall, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hobbs, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Smith, late of Company B, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 559. Jannette Talcott Keese;
H. R. 867. William S. Shoupe;
H. R. 999. George W. Hayden;
H. R. 1839. Edward Pfrang;
H. R. 1928. Milton B. Bishop;

H. R. 2081. Charles W. Clark;
H. R. 2310. Henry Wegner;
H. R. 2399. James H. Robeson;
H. R. 2532. Alvin Galley;
H. R. 2615. Sarah E. Averill;
H. R. 2911. Samuel J. Miller;
H. R. 3742. Joseph Conlon;
H. R. 4195. John L. Young;
H. R. 4410. William O. Daniels;
H. R. 4613. Henry Bossler;
H. R. 4996. William Green;
H. R. 5201. Edward Condon;
H. R. 5554. Isaac M. Martz;
H. R. 5664. William Ward;
H. R. 6083. John Jones;
H. R. 6123. Henry S. Walls;
H. R. 6199. Aaron Elgin;
H. R. 6206. John Purkapile;
H. R. 6210. David F. Hodges;
H. R. 6489. James Mosier;
H. R. 6581. Marcus S. Burrus;
H. R. 6726. George W. Jenkins;
H. R. 7032. Frank Chase;
H. R. 7448. James A. Lindsay;
H. R. 7878. Albert Haucke;
H. R. 8722. George W. Welsh;
H. R. 8742. William H. Shields;
H. R. 8877. John N. Hanna;
H. R. 9025. Georgia A. Brooks;
H. R. 9271. Phoebe Miller;
H. R. 9498. Howard Haworth;
H. R. 9598. Edwin R. Hill;
H. R. 9688. James T. Foster;
H. R. 9753. Alton E. Cobb;
H. R. 9762. Nathan R. Mathis;
H. R. 9796. Charles T. Jacobs;
H. R. 10043. Charles W. Merriam;
H. R. 10051. George C. Presley;
H. R. 10117. Nancy Sipe;
H. R. 10224. Michael Carney;
H. R. 10289. Elisha Stearns;
H. R. 10291. James A. Butt;
H. R. 10361. Madison J. Morgan;
H. R. 10385. John H. Kimmel;
H. R. 10505. Dwight N. Wright;
H. R. 10593. Enoch W. Lawrence;
H. R. 10786. Alexander C. Hanchett;
H. R. 10863. John Lees;
H. R. 10898. George Radell;
H. R. 10932. Abraham Fairman;
H. R. 11023. Patrick S. Doig;
H. R. 11803. William H. Tullock;
H. R. 11948. William S. Merrill;
H. R. 12054. John Wissler;
H. R. 12198. David P. Baker;
H. R. 12209. David M. Boyles;
H. R. 12242. Washington W. Gardner;
H. R. 12244. Thomas N. Eatherton;
H. R. 12677. James De Laney;
H. R. 12685. John S. Sweet;
H. R. 12716. Elroy L. Kemp;
H. R. 12750. Richard H. O'Neale;
H. R. 12822. Frederika Schmanski;
H. R. 12906. Samuel Johnson;
H. R. 13097. George Hutchinson;
H. R. 13098. Samuel Hamilton;
H. R. 13136. Abiah C. Miller;
H. R. 13160. Jeremiah Robbins;
H. R. 13161. George A. Mallory;
H. R. 13163. Marvin A. Smith;
H. R. 13202. John N. Bonness;
H. R. 13203. John Kroell;
H. R. 13204. John Shaw;
H. R. 13234. Benjamin Woodney;
H. R. 13245. Albert A. Stowe;
H. R. 13497. James A. Betts;
H. R. 13548. Mark Whiteaker;
H. R. 13566. Calvin Warren;
H. R. 13627. Joseph W. Snave;
H. R. 13657. Charles A. Morse;
H. R. 13690. John Wallace Webb;
H. R. 13759. John B. Graham;
H. R. 14055. Milton Spry;
H. R. 14081. Lewis B. Witter;
H. R. 14153. Marion D. Printz;
H. R. 14250. Zachary T. Miller;
H. R. 14256. Combs Hendrickson;
H. R. 14296. George Kearnes;
H. R. 14361. Edward P. Porter;
H. R. 14363. Francis T. Corbet;
H. R. 14414. William Barton;
H. R. 14419. Barney Warrell;
H. R. 14452. Henry S. Rotes;
H. R. 14696. James M. Steel;
H. R. 14727. John O. Perry;
H. R. 14748. Thomas W. Burgess;
H. R. 14812. Clark Kimball;
H. R. 14823. Guilford D. Taylor;
H. R. 14843. Peter F. Baker;
H. R. 14906. David C. Brewer;
H. R. 14968. William J. Elliott;
H. R. 14994. Charles W. Stroud;
H. R. 15000. William G. Spurlock;
H. R. 15064. Neil Cartwright;
H. R. 15067. Julia M. Farr;
H. R. 15119. Benjamin P. Behm;
H. R. 15122. Charles H. Stanton;
H. R. 15367. Charles H. Smith;
H. R. 15383. Eliezer P. Dickey;
H. R. 15472. James P. Woods;
H. R. 15484. George W. White;
H. R. 15510. Leverett A. Fox;
H. R. 15539. Laura F. Narbis;
H. R. 15549. Charles F. Reed;
H. R. 15610. Abraham McVay;
H. R. 15732. Ross M. Stephens;
H. R. 15744. Martin Scott;
H. R. 15746. John Whitaker;
H. R. 15750. Martin Minster;
H. R. 15788. Charles O. Cleveland;
H. R. 15789. Christopher Jacobi;
H. R. 15870. Levi Morris;
H. R. 15893. James M. Beller;
H. R. 15894. Waldo J. Medearis;
H. R. 15980. Stephen P. Pettys;
H. R. 16130. John Larock;
H. R. 16135. Alfred T. Feay;
H. R. 16136. William H. Foster;
H. R. 16153. John T. Wright;
H. R. 16162. Simon P. Dotson;
H. R. 16180. William R. Harper;
H. R. 16181. Dora K. Flaherty;
H. R. 16282. Lyman M. Sherwood;
H. R. 16284. Alfred Mason;
H. R. 16289. George W. Norton;
H. R. 16419. William W. Kibby;
H. R. 16496. John P. Tucker;
H. R. 16626. Alfred J. Simonds;
H. R. 16628. Robert D. Burns;
H. R. 16696. Samuel R. Mahar;
H. R. 16723. Charles G. Manchester;
H. R. 16744. Mortimer P. Rowe;
H. R. 16746. James Scott;
H. R. 16779. Hiram Brown;
H. R. 16783. Julius Fox;
H. R. 16794. Joseph I. Mahar;
H. R. 16795. Giles Holt;
H. R. 16797. William F. Hinkle;
H. R. 16816. Charles F. Stark;
H. R. 16849. George Allen;
H. R. 16850. George H. Follett;
H. R. 16940. Etta A. Richardson;
H. R. 16941. James Thomas;
H. R. 16950. George Powelson;
H. R. 17011. George Page;
H. R. 17041. Frank L. Stark;
H. R. 17044. Robert McNabb;
H. R. 17127. Ann E. Farley;
H. R. 17194. Henry C. Graham;
H. R. 17214. Francis Durbin;
H. R. 17229. William H. H. Wright;
H. R. 17311. Alexander McLane;
H. R. 17318. A. Sidney Alden;
H. R. 17443. John M. Swaim;
H. R. 17453. Margaret Perry;
H. R. 17485. Joseph W. Gale;
H. R. 17547. Edwin M. Locke;
H. R. 17554. Chauncey P. Rogers;
H. R. 17633. William A. Mallory;
H. R. 17637. Robert Kepner;
H. R. 17705. David C. Miller;
H. R. 17830. George F. Goodell;
H. R. 17934. Charles E. Brown;
H. R. 17981. Samuel P. Beck;
H. R. 18000. William B. Hodgsdon;
H. R. 18033. Thomas I. Good;
H. R. 18045. Thomas Greer;
H. R. 18060. Van Stewart;
H. R. 18070. John Whitlock.
H. R. 18071. Franklin R. Rhoods;
H. R. 18072. Francis Leffler;
H. R. 18074. Lawrence Zimmer;
H. R. 18187. Mary Walls;
H. R. 18188. George T. Kennamer;
H. R. 18205. Elijah McGinnis;
H. R. 18218. Amos Penn;
H. R. 18270. George S. Richardson;
H. R. 18335. Thomas W. Dee;
H. R. 18354. Horace C. Brintnall;
H. R. 18580. William Hobbs; and
H. R. 18956. William A. Smith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM MARTINSON.

The next business on the Private Calendar was the bill (H. R. 2828) for the relief of William Martinson.

The Clerk read as follows:

Be it enacted, That the Secretary of War be, and he is hereby, authorized and directed to amend and correct the military record of William Martinson, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, so as to show him honorably discharged from the service of the United States on the 28th day of March, 1866, without complications or reflection, as contemplated by an order from the War Department through the Adjutant-General's Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alonzo Conklin, late of Company H, Eighty-eighth Regiment, and Company F, Thirty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Naftzger, late of Company G, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Michael Savage, late of Company C, First Battalion Nevada Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Kenney, late of Company K, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas G. Harper, late of Company A and first lieutenant Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Newhouse, late of Company K, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles R. Davis, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann Sterns, former widow of Gideon R. Hewitt, late of Company K, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Angell, late second lieutenant Company I, and captain Company D, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse M. Moore, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Bornstein, late of Twenty-third Regiment Kentucky Volunteer Infantry, and Company D, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. Benkert, late of Company B, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilman Stevens, late of Company E, First Battalion, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lynus J. Kibbe, late of Company E, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Davenport, late of Company G, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Sherman, late of Company H, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McDonald, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James K. Pritchard, late of Company A, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Bass, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson S. Bell, late of Company E, One hundred and sixtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Betts, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis W. Hibbard, late of Company H, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Virginia Yard, widow of William Yard, late first lieutenant Company K, Second Regiment West Virginia Volunteer Cavalry, and corporal, Company E, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles H. Gladding, late of Company H, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. Fish, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram S. Stevens, late of Company C, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zaphna L. King, late of Company G, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Gifford, late of Company I, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rose A. Rowell, widow of Martin P. Rowell, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William F. Hodges, late of Company I, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Otis B. Smith, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kelly, late first lieutenant Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Bayley, late of Company E, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Otis T. Simonds, late of U. S. S. W. G. Anderson, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Snyder D. Freeland, late of Company I, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Shepard, late of Company E, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel N. Shelton, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Statia, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Peters, late captain Company A, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Pierce, late of Company I, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Merton Stancliff, late of Company A, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Robichaud, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Radcliff, late of Company G, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira T. Beldin, late of Company I, Twenty-second Regiment and unassigned detachment Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Parley S. McCracken, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Mott, late of Company H, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Jones, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua B. Shumate, late of Company K, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hosea Q. Mason, late of Company K, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Perry, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Charter, late of Company K, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Shirley, late of Company E, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Ward, late of Company I, One hundred and first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur Mahar, late of Company C, One hundred and fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Shattuck, late of Company F, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Penton Belville, late of U. S. S. Princeton and Keystone State, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Kerr, widow of George Kerr, late of Company G, Fifth Regiment, and first lieutenant Company A, Eighty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard M. Johnson, late of Company A, Eighth Regiment, and Company I, Fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel M. Shaw, late of Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, and Company B, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Rugan, widow of James Rugan, late of Company E, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Oscar F. Gammon, late of Company E, Twenty-third Regiment Maine Volunteer Infantry, and Captain Cobb, Jr.'s, company, State Guards, Maine Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther A. Field, widow of Barton A. Field, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Chatham, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine A. Barnard, widow of John C. Barnard, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles E. Wellman, late of U. S. S. Macedonian and Mercedita, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Gieseke, late of Captain Becker's company, Boonville (Mo.) Home Guards, and pay him a pension at the rate of $12 per month.

The name of Charles H. Miner, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret L. Graham, widow of Isaiah H. Graham, late captain Company I, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David B. Todd, late of Company G, Sixth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Estes, late of Company A, First Regiment Dakota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Duke, late of Battery C, Second Regiment, and Battery K, First Regiment, United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philander C. Burch, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John V. Nelson, late of the Fifth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Hubbell, widow of William R. Hubbell, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William N. Furman, late of Company D, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick J. Garbanati, late second lieutenant Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael E. Long, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Gray, late of U. S. S. Vandalia, San Jacinto, and Bibb, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophrona Austin, widow of John Austin, late of Company H, Twenty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wilson M. Mayo, late of Company D, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah P. Watts, late of Company H, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addie A. Robinson, widow of Henry L. Robinson, late of Company G, Eighth Regiment, and Company G, Fifteenth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lucy A. Graves, widow of Almon P. Graves, late of Company G, Third Regiment United States Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Susan J. Tukey, widow of George W. Tukey, late captain Company A, First Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Francis G. Bourasaw, late of Company F, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas Wright, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman G. Willcox, late captain Company B, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Wolf, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucius H. Hancock, late principal musician, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. Pulsifer, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh McDonald, late of Company C, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles S. Crowell, late of Company M, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wallace W. Sears, late of Company H, One hundred and seventh Regiment, and Company B, Sixtieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Snyder, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Larkins, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Kenyon, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles R. Gentner, late of Company D, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. D. Sawyer, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archibald H. McMurphy, late of Company G, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Thieman, late of Company E, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miels Goforth, late of Company B, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Sizer, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Van Tassel, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McNeil, late of Company A, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Kisow, late of Company F, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Sutherland, late of Company D, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos W. Meiugin, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shepard D. Edwards, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Bullock, late of Company E, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $16 per month.

The name of Charles A. Riddle, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and Company K, Fifth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob M. Zartman, late of Fifth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Olmsted, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Edwards, late of Company H, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and Company D, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles N. Taylor, late of Company E, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Charles, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Townsend, late of Company B, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Strehlow, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthew M. Salisbury, late of Company K, Second Regiment Indiana Volunteer Cavalry, and Twenty-fourth Independent Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Waldrip, late of Company E, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Hill, late of Company F, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barbara Downer, widow of Charles H. Downer, alias Charles Kemp, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William G. Brady, late of Company G, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fritz, late of Company H, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Rogers, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel M. Keigwin, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Buel Chidester, late of Company K, One hundred and fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Herder, widow of John N. D. Herder, late first lieutenant Company I, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Kemp Murphy, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Levens, late of Battery A, Fifth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira H. Andrews, late of Company H, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron E. Machamer, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George D. Blackinton, late of Company E, Fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph B. Holmes, late second lieutenant Company E, Twenty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. McKay, late of Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roswell Thomas, late of Company G, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Carr, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Mathews, late captain Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Louise G. Townsend, widow of Joseph G. Townsend, late lieutenant-colonel One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Rane C. Carter, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira B. Gould, late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew T. Moonert, alias William Mayfield, late of Company I, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen W. Cross, late first lieutenant Company C, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Harvey, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Kollock, widow of James P. W. Kollock, late of Capt. John Kollock's company, Delaware Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George A. Griswold, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin L. Hunt, late captain Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Francis Mosena, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 25. Alonzo Conklin;
S. 38. William L. Naftzger;
S. 45. Michael Savage;
S. 75. John S. Kenney;
S. 59. Thomas G. Harper;
S. 63. Henry Newhouse;
S. 136. Charles R. Davis;
S. 147. Ann Sterns;
S. 151. John W. Angell;
S. 167. Jesse M. Moore;
S. 170. Albert Bornstein;
S. 195. Martin V. Benkert;
S. 198. Gilman Stevens;
S. 201. Lynus J. Kibbe;
S. 255. George W. Davenport;
S. 281. William Sherman;
S. 296. James McDonald;
S. 300. James K. Pritchard;
S. 308. Andrew J. Bass;
S. 309. Wilson S. Bell;
S. 311. James C. Betts;
S. 377. Francis W. Hibbard;
S. 378. Virginia Yard;
S. 408. Charles H. Gladding;
S. 416. Thomas B. Fish;
S. 464. Hiram S. Stevens;
S. 466. Zaphna L. King;
S. 479. William H. Gifford;
S. 536. Rose A. Rowell;
S. 541. William F. Hodges;
S. 554. Otis B. Smith;
S. 556. William Kelly;
S. 557. John M. Bayley;
S. 568. Otis T. Simonds;
S. 587. Snyder D. Freeland;
S. 588. Charles T. Shepard;
S. 602. Joel N. Shelton;
S. 603. Hiram Statia;
S. 648. George W. Peters;
S. 649. George Pierce;
S. 658. Joseph Robichaud;
S. 663. Merton Stancliff;
S. 669. Samuel Radcliff;
S. 670. Ira T. Beldin;
S. 671. Parley S. McCracken;
S. 672. Henry Mott;
S. 673. William H. Jones;
S. 674. Joshua R. Shumate;
S. 751. Hosea Q. Mason;
S. 753. Henry Perry;
S. 755. Henry W. Charter;
S. 968. Samuel R. Shirley;
S. 978. George E. Ward;
S. 1040. Arthur Mahar;
S. 1099. Edward Shattuck;
S. 1217. Penton Belville;
S. 1242. Mary A. Kerr;
S. 1243. Richard M. Johnson;
S. 1302. Daniel M. Shaw;
S. 1358. Alice Rugan;
S. 1361. Oscar F. Gammon;
S. 1362. Esther A. Field;
S. 1367. John Chatham;
S. 1478. Josephine A. Barnard;
S. 1529. Charles E. Wellman;
S. 1548. Henry F. Gieseke;
S. 1599. Charles H. Miner;
S. 1610. Margaret L. Graham;
S. 1615. David B. Todd;
S. 1617. Benjamin F. Estes;
S. 1622. John Duke;
S. 1623. Philander C. Burch;
S. 1625. John V. Neison;
S. 1701. Mary A. Hubbell;
S. 1710. William N. Furman;
S. 1711. Frederick J. Garbanati;
S. 1753. Michael E. Long;
S. 1784. Sophrona Austin;
S. 1819. Isaiah P. Watts;
S. 1885. Wilson M. Mayo;
S. 1890. Addie A. Robinson;
S. 2001. Lucy A. Graves;
S. 2010. Susan J. Tukey;
S. 2087. Francis G. Bourasaw;
S. 2092. Silas Wright;
S. 2134. Lyman G. Willcox;
S. 2197. George Wolf;
S. 2281. Lucius H. Hancock;
S. 2289. Thomas B. Pulsifer;
S. 2331. Hugh McDonald;
S. 2337. Charles S. Crowell;
S. 2348. Wallace W. Sears;
S. 2362. Joseph R. Snyder;
S. 2375. Alfred Larkins;
S. 2381. James Kenyon;
S. 2510. Charles R. Gentner;
S. 2527. Charles L. D. Sawyer;
S. 2528. Archibald H. McMurphy;
S. 2619. Henry W. Thieman;
S. 2663. Miels Goforth;
S. 2726. Charles W. Sizer;
S. 2727. George W. Van Tassel;
S. 2739. James McNeil;
S. 2783. Charles Kisow;
S. 2808. David Sutherland;
S. 2809. Amos W. Melugin;
S. 2820. Shepard D. Edwards;
S. 2842. Lewis Bullock;
S. 2844. Charles A. Riddle;
S. 2852. Jacob M. Zartman;
S. 2868. William W. Olmsted;
S. 2870. John W. Edwards;
S. 2954. Charles N. Taylor;
S. 2957. John Charles;
S. 2959. Samuel W. Townsend;
S. 2960. William Strehlow;
S. 2961. Matthew M. Salisbury;
S. 2963. Isaac N. Waldrip;
S. 2983. Sylvester Hill;
S. 2986. Barbara Downer;
S. 2991. William G. Brady;
S. 3043. William Fritz;
S. 3054. Thomas H. Rogers;
S. 3212. Daniel M. Kelgwin;
S. 3389. Buel Chidester;
S. 3394. Elizabeth Herder;
S. 3707. Kemp Murphy;
S. 3803. Thomas Levens;
S. 3804. Ira H. Andrews;
S. 3805. Aaron E. Machamer;
S. 3823. George D. Blackinton;
S. 3824. Joseph B. Holmes;
S. 3826. Samuel C. McKay;
S. 3911. Roswell Thomas;
S. 3913. Charles M. Carr;
S. 4028. William I. Mathews;
S. 4032. Louise G. Townsend;
S. 4034. Rane C. Carter;
S. 4226. Andrew T. Moonert, alias William Mayfield;
S. 4228. Allen W. Cross;
S. 4436. George L. Harvey;
S. 4450. Mary A. Kollock;
S. 4465. George A. Griswold;
S. 4518. Edwin L. Hunt; and
S. 4549. Francis Mosena.

The committee amendments were read, as follows:

Amend by striking out all of lines 1 to 4, both inclusive, on page 15. Strike out all of lines 10 to 14, both inclusive, on page 25.

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

EDWARD C. KITTLE.

The next business on the Private Calendar was the bill (H. R. 970) for the relief of Edward C. Kittle.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws the authorization of the Secretary of War permitting Edward C. Kittle, formerly captain Company D, Sixty-first New York Volunteers, to reenter the service shall be held and considered as an honorable discharge from his service with that command.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Howard, late of Troop F, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Walter S. Hall, alias Walter McLaughlin, late of Company D, Twelfth Regiment United States Volunteer Infantry, war with Spain.

The name of Sophie M. Guard, widow of Alexander McC. Guard, late first lieutenant, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of August Pfefferle, late of Company C, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Joel W. Adkins, late of Capt. Patrick H. Roger's Company F, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anthony L. Houston, late of Capt. John Williams's first company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John C. Bonner, late of Capt. C. E. Travis's Company E, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jacob Burleson, late of Capt. John S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Conner, late of John S. Ford's second company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Nannie C. Potter, widow of Joseph A. Potter, late major and quartermaster, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Helen W. Wilson, widow of Van C. Wilson, late of Company B, Third Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Van C. Wilson until he reaches the age of 16 years.

The name of Louis H. Pennington, late of band, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Margaret C. Fury, widow of William O. Fury, late of Company L, Third Regiment New Jersey Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of said William O. Fury until they reach the age of 16 years.

The name of Albert Steinhauser, late captain Company B, Forty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The name of James O'Rourke, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of Stephen A. Kennedy, late of Company E, Third Regiment Indiana Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Welcome N. Bender, late of Company F, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah F. McKee, widow of Warren M. McKee, late of Thirteenth Company, Signal Corps, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of John Hiet, late of Troop G, Fifth Regiment United States Cavalry.

The name of Schofield Henderson, late of Company K, Second Regiment Tennessee Volunteer Infantry, war with Spain.

The name of Sarah A. Salter, widow of Horace Salter, late of Morgan's independent company, Iowa Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Louisa Jacobs, widow of Martin Jacobs, late of Capt. B. W. Ballard's company, Kentucky Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Hannah Kelley, dependent mother of John D. Kelley, late of Company L, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Celia Cornell, widow of Francis Cornell, late of Company I, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles E. Woodward, late of Hospital Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Ryan, dependent mother of Peter Ryan, late of Company I, Second Regiment United States Infantry, war with Spain, any pay her a pension at the rate of $12 per month.

The name of Thomas J. D. Pinnick, late unassigned recruit, Third Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of $12 per month.

The name of Jennie M. Huntington, widow of Henry D. Huntington, late first lieutenant, Second Regiment United States Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Walter P. Chatham, late of Company I, Sixth Regiment Missouri Volunteer Infantry, war with Spain.

The name of Frank MaCulley, late of Battery C, Pennsylvania Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Katherine Lawrence, widow of Harry B. Lawrence, late of Company E, Fifth Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional to each of the two minor children of said Harry B. Lawrence until they reach the age of 16 years.

The name of Sarah E. Hooper, widow of James Hooper, late of U. S. S. Comet, United States Navy, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Thomas J. Seay, late of Company M, Second Regiment Arkansas Volunteer Infantry, and Company K, Third Regiment United States Engineers, and pay him a pension at the rate of $17 per month.

The name of Lewis W. Avant, late of Capt. G. H. Nelson's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John H. Alexander, late of Capt. G. H. Nelson's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Robert T. Himes, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Spain.

The name of Jeddie E. Rabidoux, late of Hospital Corps, United States Army, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 2045. John Howard;
H. R. 2086. Walter S. Hall, alias Walter McLaughlin;
H. R. 2847. Sophie M. Guard;
H. R. 3030. August Pfefferle;
H. R. 3099. Joel W. Adkins;
H. R. 3159. Anthony L. Houston;
H. R. 3165. John C. Bonner;
H. R. 3168. Jacob Burleson;
H. R. 3216. James Conner;
H. R. 3848. Nannie C. Potter;
H. R. 4600. Helen W. Wilson;
H. R. 5258. Louis H. Pennington;
H. R. 6019. Margaret C. Fury;
H. R. 6139. Albert Steinhauser;
H. R. 6713. James O'Rourke;
H. R. 7218. Stephen A. Kennedy;
H. R. 8163. Welcome N. Bender;
H. R. 8744. Sarah F. McKee;
H. R. 9388. John Hiet;
H. R. 9820. Schofield Henderson;
H. R. 9945. Sarah A. Salter;
H. R. 10087. Louisa Jacobs;
H. R. 10646. Hannah Kelley;
H. R. 10866. Celia Cornell;
H. R. 11952. Charles E. Woodward;
H. R. 12557. Mary Ryan;
H. R. 12613. Thomas J. D. Pinnick;
H. R. 12774. Jennie M. Huntington;
H. R. 13149. Walter P. Chatham;
H. R. 13219. Frank MaCulley;
H. R. 14284. Katherine Lawrence;
H. R. 14338. Sarah E. Hooper;
H. R. 15928. Thomas J. Seay;
H. R. 16095. Lewis W. Avaut;
H. R. 16096. John H. Alexander;
H. R. 16459. Robert T. Himes, and
H. R. 16691. Jeddie E. Rabidoux.

The bill was ordered to be engrossed and read a third time, was read the time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several preceding bills were passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18162, the agricultural appropriation bill, with Mr. CAMPBELL in the chair.

Mr. LAMB. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, the country is not yet done with the tariff question. Last year Congress met and passed a tariff bill after a campaign in which all parties had promised a downward revision of the tariff to the people. How well Congress kept that promise is clearly shown by one conclusive fact, namely, that every ship on the ocean bound from foreign ports to ours crowded all sail and steam in order to reach our ports and have entry made before the new law adopted by the last Congress should go into operation, so as to escape, if possible, the higher duties levied under the new law than were levied under the old one.

Somebody deceived the people and the people know it. I wish to read what was said by the gentleman from Missouri, Mr. CHAMP CLARK, at Kansas City on the 9th of this month. It is as follows:

> The people asked for bread, and the ALDRICH-CANNON crowd gave them a stone. They asked for a fish, and were requested to regale themselves with a serpent.
>
> In the congressional campaign of 1910 the overshadowing question will be whether public men are under any sort of obligation to tell the truth, and unless the public conscience is absolutely dead—which I do not believe—the Republicans will receive the bloodiest licking they have had since 1890. Are ante-election promises things to be depended upon and lived up to, or are they merely tricks with which to deceive the unwary, enticing baits with which to catch gudgeons? If the latter, then politics has fallen to a low estate and a contemptible condition.

Mr. Chairman, in September of last year Mr. W. J. Bryan made, in Dallas, Tex., a speech concerning the binding force of platform promises and pledges and giving forth his views on Democratic doctrines and teachings as to the tariff. At a later date the junior Senator from Texas replied to that speech. On the 18th day of October of the same year I was requested by citizens of the city of Cameron, in my district, to make for them a speech discussing the issues raised by the speech of Mr. Bryan and the reply of the junior Senator from Texas. That speech has been circulated within my State, and for its wider circulation, because I believe the questions discussed are Nation-wide in importance and interest, I wish to extend my remarks by including it in the RECORD by the consent of the committee.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Mr. Hardy's remarks were withdrawn by consent of the House.]

Mr. DICKSON of Mississippi. Mr. Chairman, obedient to a memorial that was sent to the Representatives in Congress from the State of Mississippi, I hold in my hands a resolution passed in December last by an organization of citizens of my State, numbering more than 30,000 of as progressive, patriotic men as inhabit any portion of the Republic, the Farmers' Co-operative and Educational Union of Mississippi.

Unknown to gentlemen, possibly, on this side and on the other, that section of our country has been visited by a scourge the extent of which can not be realized in the fullness thereof by those who have not been brought in contact with it. To the casual observer the importance of the cotton crop in America, economically considered, is a question not local. It is a question governmental in its importance. It enters into our commercial relationship with all nations of the earth.

A few days since it was my privilege to read an address that was submitted by Doctor Knapp, of the farmers' cooperative demonstration work. He has made a tour of that section of the country in which that fabric is the chief item in our agricultural economy.

He states clearly, as was suggested by my colleague from Louisiana [Mr. WICKLIFFE], that the pace of production has not more than, if quite, kept up with that of consumption, and that remark of his is emphasized by the pronouncement of the Secretary of Agriculture in his annual statement, that the value of that crop is second in importance only to corn in America's agriculture, reaching in value $850,000,000; almost, if not quite, equaling, at net prices now obtained, which were somewhat less when that statement was made, the budget of expenses of this great Government.

A threat is held over that great industry, Mr. Chairman; a threat that comes from an insidious and at present little understood foe, a little mite, known as the "boll weevil," which some fifteen years ago crossed the Rio Grande from the Mexican Republic. We heard of it with the skeptical ear that belongs to all humanity, and we postponed for years the day of evil with that hope which is also characteristic of humanity, that destruction would be averted. I need not recite on the floor of the House my individual experience with this vicious trouble, but I will make one concrete statement. When I returned last session to my home I there met for the first time the condition that obtains in that section as a result of this ravage. I was so astonished and appalled that I immediately telegraphed to the department to send two or more of the best experts that it had and put them at my command.

In my own county, one of the greatest producing points of this staple, this crop fell from 27,000 bales of production in normal times and conditions to 4,271 bales of cotton. In the five counties which border the Mississippi on the west of my district we have, in eighteen months' experience of that trouble and pest, lost in the aggregate 69,582 bales of cotton, representing $5,538,560.

Now, can we combat this pest, is the question. Until we have passed through the crucible of test it awaits to be seen. I ask to have this resolution read in my time.

The Clerk read as follows:

The following resolution was unanimously adopted by the Farmers' Union of Mississippi on December 2, 1909:

"Whereas the work of teaching the farmers to be prosperous in spite of the boll weevil has been found to be a great benefit to all interests wherever it has been carried on; and

"Whereas it has been clearly demonstrated that with the present appropriations made by Congress, the progress of the work can not keep pace with the great demand for it: Therefore be it

"*Resolved*, That the Farmers' Union of the State of Mississippi in convention assembled urgently requests the Members of Congress from this State to use every honorable means to secure an appropriation of at least $500,000 to be used by Dr. S. A. Knapp, who has charge of the farmers' cooperative demonstration work in the South."

[Applause.]

Mr. Chairman, the resolution just read is the formal expression of the will and wish of those who send it. This is the expressed desire of more than 30,000 farmers of my State, through their representatives, who, in state convention at the city of Jackson last December, passed these resolutions, constituting this memorial to the Representatives from Mississippi in this body. While, Mr. Chairman, these figures may suggest, in the minds of those unacquainted with the local conditions which compelled this action, the idea of extravagance—when contrasted with the amount proposed in this bill, $215,155—yet when this amount by them sought is compared with the value of the great industry to be sustained and protected, the contrast is indeed in the reverse astounding. This body of men, members of the Farmers' Union, composed of as patriotic and intelligent citizens as live, numbering its membership by more than 3,000,000, has asked no unreasonable or extravagant sum.

To him who has not carefully watched the progress of that great menace to cotton, the boll weevil, in its progress eastward across the States of the South the importance of this appropriation and the absolute need therefor is an impossible conception. Very few can, Mr. Chairman, appreciate the unique position of the 11—or 12 if we speak of those fractional parts—American States in the production of cotton. Stated by Mr. Secretary Wilson in his last annual report, it ranks second in importance and value in our entire agricultural economy. Figuring upon a basis of 13.07 cents per pound on November 1, and $25 per ton for the seed, it stands valued by this distinguished official at $850,000,000.

By reason of market enhancement subsequently of both items, this amount is subject to estimation at a figure near or quite $925,000,000, an amount approximating the entire cost of the conduct of the Government in all its departments. We are to-day producing, according to statistics, 66.4 per cent of the entire world's production. England, with all the commercial prowess characteristic of her people, with lands in every quarter of the globe, with India's plains, with the valley of the Nile, fabulous in fertility, and an inexhaustible treasury upon which to draw, has as yet succeeded in producing only 21.4 per cent of the world's supply. Russia, with the incentive of industrial necessity, actuated by imperial power, and a treasury practically limitless upon which to draw, with her field of operations extending from the Arctic Circle to the city of St. Petersburg and to Manchuria, has exacted of earth, in obedience to these efforts, 4.3 per cent. All other lands have as signally failed.

But the supremacy of America is threatened, and this, her greatest—to use the words of one of the highest knowledge, Doctor Knapp—cash crop, her greatest medium in producing the credit balance in international trade in our favor, is menaced in its very existence. From statistics we learn that the progress in American production has been along lines approximating double the yield in every twenty-two years. For instance, beginning with 1816, we find the production periods of bales of 500 pounds weight:

	Number of bales.
1816	259,416
1838	1,092,980
1860	3,841,416
1886 (not counting civil war period, four years)	6,314,561
1908	13,587,306

Thus we note that the crop approximately doubles every twenty-two years. At this rate, in 1930, if the ratio is sustained, we may expect 27,174,612 bales, and in 1952, 54,349,224 bales produced. If, as in the past, the needs of civilization keep pace with our productive power, this will be required. But turn to production, and what do we find promised by figures now at hand? Taking Louisiana, we have produced in 1909, 251,643 bales of cotton; 1907, 662,543, leaving 410,900 bales deficit, at $80 per bale, a loss of $32,872,000.

Again, the same State produced in 1909, 251,643 bales; 1906, 955,473 bales, leaving 703,830 bales of cotton deficit, or, at $80 per bale, $56,306,400 loss to that State since 1906.

In my own State, I name the five counties furnished by the Census Bureau where the weevil has appeared for one and two years:

County.	1909.	1907.	Deficit.	Per bale.	Loss.
	Bales.	*Bales.*	*Bales.*		
Adams	1,592	15,467	13,875	$80	$1,110,000
Claiborne	6,893	24,183	15,290	80	1,223,200
Amite	13,612	25,568	11,956	80	956,480
Franklin	5,421	15,045	9,624	80	769,920
Wilkinson	4,271	23,128	18,857	80	1,508,560
Total	33,789	103,391	69,602		5,568,160

This admonishes us that we have sustained a loss of 67.2 per cent. Reasoning on this basis, the States of Alabama, South Carolina, Georgia, Arkansas, Mississippi, and North Carolina, which by the last census report had produced 6,203,918 bales, when infested, as we have been, will sustain a loss of 3,811,416 bales, or $304,917,280.

Taking the crop of 1908, which was 13,086,005 bales, and deducting 8,793,795 bales, which is 67.2 per cent, we have 4,292,210 bales as the yield thus proportioned on two years' experience.

There are, we are told, 18,042,245,000 pounds of textile material, of which cotton is 9,787,000,000 pounds; of this, 6,500,000,000 pounds is the product of the United States. In other words, cotton constitutes 54 per cent of the textile supply of the world, and 66.4 per cent thereof is produced by us. Ten million people are directly engaged in its production on our shores, and its influence touches at least 30,000,000 Americans in their commercial, industrial, and financial life. Its influence girdles the globe, and its fleecy thread binds all nations to us in international mutuality of interest.

I make, Mr. Chairman, no partisan appeal. I call especially on no Democrat, no Republican, but I, as an American, direct this appeal to Americans, representing Americans and the world. Closely clinging to this great enterprise is every interest upon this continent. The farmer, the merchant, the

spinner, the manufacturer, the transportation master on land and sea, are all, by its fleecy fiber, bound in indissoluble union.

Its value is expressed in every mart in the language suggestive of value by the coinage of all nations. Wherever civilization has sealed with its signet the progress of man, its fleecy covering shields and adorns the human race. With the earnestness of my nature, I appeal to you for the aid I seek, and I admonish you, here and now, that by your action to-day you will give to these people a new lease of industrial life; you will send them a message of hope, or you will record the epitaph of America's imperial agricultural industry. [Applause.]

Mr. LAMB. Reserving the balance of the time on this side, I will ask the chairman of the committee to please use some of his time.

Mr. SCOTT. Mr. Chairman, so far as I know there will be but one other speech on this side, and that will be the chairman's report on the bill; and, of course, I prefer that should be just before we take up the bill for consideration under the five-minute rule. I therefore ask the gentleman from Virginia to consume all of his time.

Mr. LAMB. I will yield back the time, and we can go on with the bill.

Mr. SCOTT. Mr. Chairman, the bill making appropriations for the Agricultural Department, which the House has been considering in spots for the past two or three days, is unique in the fact that it is almost identical with the estimates submitted by the Secretary; and the estimates are unique in the respect that they are substantially a copy of the existing law. There is no new legislation of importance. There is no change of language which alters in any way the scope or character of the work the department is doing; and in only three of the bureaus are there changes in the sums appropriated sufficient in amount to call for special comment.

The most important of these changes is in the Forest Service, where there is an increase of $497,500, made necessary, in the judgment of the committee, by the addition to the national forests since the present appropriation bill was enacted of new reservations aggregating 26,500,000 acres.

In the Bureau of Plant Industry $25,000 has been added to enable the Secretary to meet the anticipated demand for sets of cotton samples that will be used as standards for the new grades which the department has established under the authority of the act of 1908.

In the Weather Bureau $15,000 has been added in order that the station at Sand Key, Florida, which was swept away by the hurricane of October last, may be rebuilt.

There has been a considerable number of minor changes in the various paragraphs of the respective bureaus, made necessary by transfers of employees from lump sums to statutory rolls and by the shifting requirements of the different lines of work. But with the three exceptions to which I have just called attention, those increases do not involve an addition to the total appropriation. The bill, therefore, carries an aggregate of $13,417,136, as against $12,995,036 carried in the existing law, a net increase of $422,100.

The committee realizes, Mr. Chairman, that in presenting a bill which is so nearly a duplicate of the existing law it is likely to incur criticism of those on the one hand who believe that more generous provision should be made for carrying forward the tremendously important work of this great department, and of those on the other hand who will argue that the conditions of the Treasury demand retrenchment in this as in all other departments of the Government. To a degree, at least, the committee is willing to let one of those criticisms answer the other, on the theory that all important legislation is to a greater or less extent a compromise of conflicting interests and opinions.

But by way of more specific answer, first to the criticism that the bill is not sufficiently generous, there are several considerations to which we beg to call attention.

The first of these, of course, is the necessity we all recognize for economy in public expenditures. The deficit in the Treasury, which has been staring us in the face for nearly three years and has now reached a distressingly large amount, must certainly admonish every Member of Congress of his duty to limit appropriations to as low a figure as is consistent with efficient administration. It was, no doubt, a realization of the necessity for this economy, and a recognition of his own responsibility in relation to it, that prompted the Secretary of Agriculture in submitting these estimates to ask substantially for no increase over the allowances carried in the present law; and your committee did not feel warranted in increasing the estimates, believing that if the public exigency had demanded it he would not have failed to ask for additional sums.

But there is another consideration which had weight with the committee, and that is the rapid growth of the Department of Agriculture, as shown by the increase of appropriations during the past decade. The appropriations for that department for each of the past ten fiscal years were as follows:

Appropriations for Department of Agriculture.

Fiscal year ending—	
June 30, 1900	$3,726,022
June 30, 1901	4,023,500
June 30, 1902	4,582,420
June 30, 1903	5,208,960
June 30, 1904	5,978,160
June 30, 1905	5,902,040
June 30, 1906	6,882,690
June 30, 1907	9,930,440
June 30, 1908	9,447,290
June 30, 1909	11,627,106
June 30, 1910	12,995,036

It will thus be seen that the growth of the appropriations for this department during the past ten years has been nearly 400 per cent, a showing which will certainly acquit the committee and the Congress of having treated the Department of Agriculture in a niggardly or parsimonious fashion. Indeed it has been a serious question in the minds of a good many who have given the matter careful consideration whether the expansion in this department has not been more rapid than was consistent with efficient and economic administration. As evidence that this opinion is not entirely without foundation, I quote from the statement of Dr. B. T. Galloway, Chief of the Bureau of Plant Industry, who, as gentlemen know, is one of the most accomplished and capable men in the department. Doctor Galloway appeared before the Committee on Agriculture to explain his estimates, and when asked whether he had made an estimate for any increases, he replied:

> No. In fact, we are of the opinion that with our present funds and with the gradual effort we are making to readjust our work from time to time, that we are better off just as we are. That is, we believe that it is a good thing once in a while to stop and take stock, as it were, and develop things specifically, so that we will be in better condition to meet exigencies as they may arise.
>
> We have been growing quite rapidly. The whole department has been growing, thanks to this committee, and, so far as this bureau is concerned, we believe that the present estimates are sufficient to enable us to do all the work that it is necessary to do, and by readjusting certain projects we can meet exigencies as they may happen to arise.

With testimony such as that, Mr. Chairman, from so competent a witness, the committee feels that the charge of undue economy can not lie against it.

But there is still another reason, in the judgment of the committee, why an increase in the amounts carried in this bill at the present time may not be so necessary as similar or even greater increases may have appeared to be in former years. That is that the state agricultural colleges and experiment stations are enlarging their field and increasing their efficiency to such an extent that a great many problems and conditions which formerly were referred to the department here at Washington may now be handled through local agencies. The committee has always been disposed to place the most liberal construction upon the very broad language of the act creating the Department of Agriculture, and has never attempted to restrict its activities to what might be regarded as purely national or interstate problems. Yet, we have realized that it would be impossible, even if it were desirable, which we do not think it is, to build up here at Washington a department great enough to do all the work—research, experimentation, and demonstration, scientific and practical—that needs to be done for the promotion of agriculture throughout the United States.

And therefore we have always encouraged the officials of the department to cooperate, whenever possible, with the state authorities, and to leave entirely with them such problems as their equipment in men and means enabled them to meet. There is room enough in this illimitable field for every agency, state and federal, and the more closely and cordially they cooperate with one another the more completely each one meets the demands in its own peculiar constituency, the stronger each one will become, and the greater will be the service, which all of them, taken together, can render the country.

It is very natural, of course, that the States should shift to the General Government such burdens as it seems willing to bear, because, however jealous the people may be of the rights of their States, they are not apt to worry very much about their duties or responsibilities. But natural as this policy may be, it is most shortsighted and unwise, particularly in regard to matters relating to agriculture, and most of the States, I think, are beginning to realize it.

Year by year the state institutions are receiving more generous support and are becoming better able to meet the needs and demands of their own constituents, and as this ability increases the department at Washington will be more and more at liberty to withdraw from purely local fields and concentrate

its attention upon the problems which are truly national in scope, or are of such magnitude as to be beyond the reach of local institutions.

Mr. DOUGLAS. Mr. Chairman, I want to ask the gentleman from Kansas a question at his own convenience.

Mr. SCOTT. It would perhaps make my statement a little more connected and coherent if the gentleman would wait until I have finished the statement I have it in mind to make.

Mr. DOUGLAS. I am quite willing to do so.

Mr. SCOTT. This condition of self-reliance on the part of the States and consequent freedom on the part of the department at Washington to devote its attention to the big problems, which all must concede to be desirable, would be retarded, we believe, rather than promoted by too liberal grants to the department. We are willing to appropriate liberally in order to help others to help themselves, but it would be mistaken generosity and would weaken the state institutions to continue indefinitely to do through federal agencies work which these institutions are able to do, and in the absence of federal aid would do themselves.

In the long run it would defeat the very object which it is sought to gain, and we believe it is in the interest of agriculture in the broadest sense to throw upon the States all the burdens of local work which their means will enable them to carry.

So much in answer to the anticipated criticism that the committee has not been sufficiently liberal in the sums recommended in this bill.

To those, on the other hand, who are disposed to take the opposite view and to hold that the committee has been more liberal than the condition of the Treasury warrants, we beg to suggest that the character of the Department of Agriculture, the scope and nature of the work it does, differentiates it so completely from the other departments of the Government that different treatment of it may well be justified.

All the other governmental departments have certain fixed charges which must, of course, be met; but nearly all of them are doing additional outside work which may be postponed for a year, or two or three years, without serious detriment to the public service. The Department of Agriculture, on the other hand, bears a relation to the chief industry of our people so direct and vital that to withdraw from any field which it now occupies for so long a time as a year would inflict a money loss upon our people immeasurably greater in the aggregate than the small sum which the most rigid economist would argue should be deducted from this bill.

The statistics of our exports, as well as the continually increasing prices which are just now the subject of so much comment, show that our home consumption of farm products is rapidly overtaking production. With the exception of the limited areas that may be brought under cultivation by the extension of dry farming and the development of irrigation our acreage of farm land can not be increased. The conclusion follows that if the demand of our rapidly growing population for food products is to be met without importation from abroad it must be by increasing our crop yield.

It is precisely to this problem that the energies of the Department of Agriculture are directed. It is the only federal agency that is thus engaged, and it is doing its work with marked and almost spectacular success. The warnings that are sent out by the Weather Bureau which enable our farmers and fruit growers in large measure to protect their crops and fruits from frost and flood, the activity of the Bureau of Animal Industry in safeguarding the health of our domestic animals, the contributions of the Bureau of Plant Industry in the way of new seeds and plants and the development of better methods of agriculture, the instruction of the Bureau of Entomology, whereby the ravages of injurious insects are so largely minimized, the thousand and one activities of the department, all contribute so directly to the output of our gardens and orchards and fields that every dollar thus expended multiplies itself manyfold in the national balance sheet. To withhold any reasonable sum which could be effectively and judiciously expended in this work would therefore be extravagance and not economy.

It is these considerations, Mr. Chairman, having regard on the one hand to the necessity for drawing as lightly as possible upon the public funds, and not forgetting on the other the very great money value of the work the department is doing, that have influenced your committee in its judgment, and we trust the recommendations we have made will meet with the approval of the House.

Mr. Chairman, I would ask how much time I have remaining?

The CHAIRMAN. The gentleman has one hour and ten minutes remaining.

Mr. SCOTT. Mr. Chairman, I shall occupy part of that time, not in discussing further the details of the bill, deferring that, with the consent of the committee, until we take the bill up under the five-minute rule, but in referring briefly to some of the more interesting features of the work of the department during the past year. This work has proceeded along the usual lines and with the usual success.

In the line of its regular activity, the most striking accomplishment, perhaps, of the Weather Bureau was the prediction of the terrific hurricane which swept over Florida and other portions of the Gulf coast last October. I have before me a letter from an official of the Florida East Coast Railway Company, which is building an extension from Jacksonville, Fla., almost all the way out to Key West, in which he sends his thanks to the chief of the bureau for the timely warning that was given, by means of which he was enabled to withdraw the men who were at work on that extension from their dangerous position, resulting, as he believed, in saving the lives of not less than 3,000 men.

Mr. COOPER of Wisconsin. Does the gentleman remember how long that warning was given?

Mr. SCOTT. The warning was sent out some twelve hours in advance of the height of the storm.

In a purely scientific way the most interesting work of the Weather Bureau has been in connection with the exploration of the upper air. This was done by means of kites flown from the station at Mount Weather, in Virginia, and by means of balloons that were sent, equipped with automatically registering instruments, from various parts of the country. The kites attained an elevation of from 1 to 4½ miles every day, and the observations thus obtained have been found very useful in forecasting the weather for this section of the United States. The records secured by the balloons seem to have established the fact, which Professor Moore regards as "the most wonderful thing in meteorology," that after a certain altitude is reached there is an actual gain in temperature instead of a gradual loss. It has been the theory of scientists always that the temperature gradually lowered as we ascended from the earth, until among the interstellar spaces it faded away entirely, and we reached what is called "absolute zero;" but these balloons, which attained the astounding height of 16 to 18 miles, seem to have demonstrated a different condition to exist. Commenting upon this singular fact, Professor Moore said:

All our physics and our mechanics of the air have been based on the assumption that the temperature gradually decreases with elevation until in outer space there is no temperature. We sent up balloons from Omaha and Indianapolis to above the storm strata, which is about 6 miles deep, the upper limit of which in summer rises and in winter falls. From the equator it falls toward the poles. There, then, is what we call the "storm stratum" below 6 miles depth, on the average. It rises and falls with the seasons. From the surface of the ground up the temperature gradually falls from a normal temperature of 50 above zero to a normal temperature of 50 below zero at 6 miles. Now, then, by sending up these balloons we find that from the moment you pass above this storm stratum, from that up to an altitude of 16 and sometimes 18 miles, instead of the temperature continuing to fall it actually slightly rises. There is a positive gain, and the observations have been so long continued as to leave no shadow of doubt of the fact that above the storm stratum there is a new world, an entirely different condition of atmosphere, a second atmosphere floating upon the storm element, like oil floating upon water. And this upper air has an easterly velocity of only one-half of what the lower air has. Heretofore we have assumed that the higher you go the swifter is the easterly velocity, but the lower air runs eastward at a velocity of from 80 to 100 miles an hour, while up here in this upper stratum only about half as fast does it go eastward; and we call it the isothermal stratum—that is, the equal-heated stratum—because from the storm stratum upward there is no fall in temperature, but a slight rise, and the rise is so slight that we call it an equal-heated stratum.

The Bureau of Animal Industry reports very gratifying progress in the work of tick eradication, which has been in progress for three years in the Southern States. Up to date 80,602 square miles have been released from quarantine in the following States:

In Virginia, 9,778 square miles; North Carolina, 10,199; South Carolina, 2,673; Tennessee, 9,849; Kentucky, 841; Arkansas, 5,323; Oklahoma, 4,752; Texas, 1,480; California, 35,706.

It is expected that in the early summer 40,501 square miles more will be released, making in all 120,000 square miles that will have been freed from this dangerous pest. Similar progress has been made in clearing the western ranges from sheep and cattle scab. Within the past year the two Dakotas, Kansas, Nebraska, and Montana were released from quarantine for sheep scab, and quite large areas in Kansas, Colorado, New Mexico, Oklahoma, Nebraska, and North Dakota have been freed from cattle scab. Considerable work has been done in examining dairy herds to ascertain the prevalence of tuberculosis, and the bureau is exerting a very wholesome influence toward its eradication.

The importance of the work that has been done in the Western States in eradicating the cattle and sheep scab and freeing

so many States from quarantine on account of those diseases will be realized when the committee remembers that for several years this bureau has been expending about $300,000 to $325,000 annually in that work.

In the Bureau of Plant Industry some work which the chief of the bureau, Doctor Galloway, described as "epoch making" has been done in the way of controlling plant diseases. After fifteen or twenty years of the study of plant pathology, some new fungicides or sprays have been hit upon which seem to promise absolute control of certain fruit diseases, which have heretofore baffled the efforts of all the scientists and have inflicted heavy losses upon the growers. This discovery alone will be worth to the orchardists of the country every year many times the entire cost of maintaining the bureau.

The work of the bureau in combating the cotton boll weevil, for which large appropriations have been made for several years past, is reported to be progressing with very favorable results. In Texas, where the work was first begun, the methods developed by the bureau have proven so successful and have been so generally adopted that there does not seem to be much further need for government assistance. During the current year, therefore, the efforts of the bureau have been confined chiefly to Louisiana, Alabama, Mississippi, and Georgia. In these States, particularly in Louisiana, climatic and other conditions are so different from those prevailing in Texas that the methods which proved successful in the latter State have been found to accomplish but limited results. In Texas the people have been shown how to grow cotton in spite of the weevil. In the other States named this has not yet been accomplished, and it is doubtful if it ever can be, except in limited areas, unless parasites of the weevil can be introduced and multiplied in such numbers as to hold them in check. There seems to be a reasonable hope that this may eventually be reached, for the Bureau of Entomology, which is studying this side of the problem, reports that nearly 40 different varieties of parasites have been introduced, and in some sections it is estimated that they caused a mortality of about 50 per cent. For the present, however, the most useful work in the eastern cotton States seems to be the demonstration farm work of the Bureau of Plant Industry, by which the people are being shown that by diversifying their crops they can make a living without raising cotton.

In this connection it will doubtless be of interest to Members of the House to know that the work of establishing standard grades of cotton, authorized by the Burleson amendment to the act of 1908, has been completed. By the terms of this act the Secretary of Agriculture was directed to fix standards for the nine grades of cotton, as follows: Middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary. After careful study of the subject, the Secretary decided to call to his assistance a committee of gentlemen representing all the elements of the cotton trade—the growers, the ginners, the commission merchants, and the spinners—and this committee as finally constituted was composed as follows:

Mr. Joseph A. Airey, of John M. Parker & Co., New Orleans, La.; Mr. James Akers, of Inman, Akers & Inman, Atlanta, Ga.; Mr. F. M. Crump, of F. M. Crump & Co., Memphis, Tenn.; Mr. C. P. Baker, of the Lawrence Manufacturing Company, Boston, Mass.; Mr. Lewis W. Parker, of the Olympia Mills, Greenville, S. C.; Mr. John Martin, Paris, Tex.; Mr. Nathaniel Thayer, of Barry, Thayer & Co., Boston, Mass.; Mr. George W. Neville, of Weld & Neville, New York City; Mr. Charles A. Vedder, of John D. Rogers & Co., Galveston, Tex.; and Dr. M. A. Cobb and Mr. R. L. Bennett, of the Department of Agriculture. The committee was assisted by the following expert cotton classifiers: Mr. W. P. Barbot, of the classification committee, New York Cotton Exchange; Mr. Jules Mazerat, chairman classification committee, New Orleans Cotton Exchange; and Mr. J. R. Taylor, with the firm of Wolf & Co., Dallas, Tex.

All of these gentlemen served without compensation except their actual expenses, and the country is indebted to them for their unselfish labors. As a result of their deliberations a number of sets of samples were made up, some specimens of which are exhibited on the table in front of the Clerk's desk. The boxes shown here represent the extreme grades—the highest and the lowest—a complete set of samples, including a box for each grade named in the law. The samples have not yet been given out to the public, for the reason that the work was not completed until the cotton crop of 1909 had already begun to move, but it is the intention of the Secretary to promulgate them on September 1 next. The law provides that these sets of samples shall be made up in the department and shall be sold at actual cost. Enough money is now available to provide about 175 sets, but indications are that at least 1,000 additional sets will be called for, and it is to meet the expenses of having them made up that the Secretary asked, and the committee has recommended, an increase of $25,000 in the appropriation, to which I called attention in my opening remarks. As gentlemen doubtless know, there is now a great diversity of grades in the different cotton markets of the country, ranging in number from 18 to 60. It is the opinion of men in all branches of the cotton trade that when these standards are issued they will be universally accepted, probably by foreign exchanges as well as our own, to the very great advantage of the cotton industry.

The small box in front of the larger three illustrates the size of the commercial samples which have heretofore been and are at the present time being used in the cotton business. The samples in the large boxes are those that have been prepared by the department and by the committee of experts, whose names I have just read. In the full set there is one box showing a sample for each of the nine grades provided in the law. The samples which appear in the boxes on the table represent the highest grade, the lowest grade, and the middling cotton. Gentlemen will notice there are photographs of the packages on the lids of the boxes. Those photographs are made so that in case the cotton should discolor or there should be trash accidentally thrown over it in the course of use the change would be detected by comparison with the photographs. The law provides that those sets of samples may be supplied by the department at actual cost to anyone who desires to purchase them. The Secretary told us that the demands upon him at the present time indicated that not less than a thousand sets would be called for during the year, and it is to enable him to procure these sets that the committee has asked for an increase of $25,000 in the appropriation.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. SCOTT. In a moment. The law also provides, as gentlemen may not remember, that those purchasing the samples shall pay the actual cost, so that the money will be returned into the Treasury; but, of course, it must be first appropriated in order to have the sets prepared. Now I will answer the gentleman's question.

Mr. GARNER of Texas. What does a set of these cost?

Mr. SCOTT. As nearly as the experts in the department can figure out, a set, which is one of 175 sets, costs $35. They believe that if they started to make up a thousand sets they could reduce the cost to $25 a set.

Mr. GARNER of Texas. How does the farmer get any particular benefit of that if it is going to cost him $25 to get hold of a set to find out to which class the cotton belongs?

Mr. SCOTT. Well, the expectation is that these sets of samples will be purchased and used chiefly by commission merchants and the exchanges, and by the agricultural colleges, farmers' associations, and other organizations, so that the individual farmer will not find it necessary to buy them.

Mr. LEVER. And to be used also by the local cotton buyer.

Mr. SCOTT. I had him in mind when I said "commission merchants."

Mr. DICKSON of Mississippi. Is it obligatory on those buying and selling to use these samples?

Mr. SCOTT. Not at all. The law does not attempt to impose these standards on the trade; we would have no authority to do that. It is the belief, however, of those connected with the cotton trade that as soon as these standards are promulgated they will be very generally adopted.

The work was not completed last summer in time for use in connection with the cotton crop of 1909, and therefore the Secretary has not given out any of these samples. It is his expectation, however, to promulgate these samples and offer them to the trade on the 1st of next September, and gentlemen connected with the cotton business are strongly of the opinion that they will be accepted in lieu of the grades which now prevail, not only in the cotton markets of our own country, but in those of foreign countries.

Mr. COOPER of Wisconsin. Do I understand that the only samples or standards heretofore used are those four in the little box?

Mr. SCOTT. No. That is just a sample box. I brought that one box as an illustration of the manner in which the commercial samples were put up. In the different cotton exchanges there has been a large number of different grades, with as wide a range as 18 to 60, and it was with a view to eliminating these innumerable grades and, if possible, standardizing the grading of cotton throughout the country that the law was passed in compliance with which these samples have been prepared.

Mr. COLLIER. I live in a district that is largely interested in cotton, and I wish to say that sample packages of cotton seed are allotted to us. I wish to know if it has come to the information of the committee whether or not that variety of seed is

an early producer and intended to be used in those sections that the boll weevil has infested?

Mr. SCOTT. The cotton seed distributed by the department throughout the boll-weevil section are such as have been selected especially for their early maturing qualities. It is one of the ways in which they hope to escape the ravages of the boll weevil.

Mr. COLLIER. I have had a great many inquiries along that line.

Mr. SCOTT. The work of grain standardization, which has also been carried on by the Bureau of Plant Industry, I regret to say, does not seem to show very encouraging progress. They have succeeded in developing an electric device for testing the moisture in grain very rapidly, which is being introduced to some extent, and, of course, will be useful, because the moisture of grain determines largely what its grade will be. And the experts are still at work on the problem, hoping to discover some fundamental principles upon which they can base suggestions that will aid in the standardization of grain grading, but up to the present time they have reached no result that they thought worthy of publishing.

The Forest Service expended during the last fiscal year $4,646,200. Through the sale of timber, the lease of grazing lands, and other uses, it returned to the Treasury $1,807,270, so that the net cost of the service was $2,838,930. The greater part of this sum was expended, of course, in administering the forests and protecting them from fire, work in this latter respect having been particularly successful during the past year. But the Forest Service is carrying on all the time a great deal of very valuable scientific work—the purpose of which is to increase the resources and reduce the waste of our forests. The preservative treatment of railroad ties, telephone and telegraph poles, mine timbers, and so on, which has now become almost universal, and which extends the life of all such timbers many fold, was worked out and generally introduced by the Forest Service, and it undoubtedly results in a saving of many millions of dollars annually. The researches the service has been making into the possibility of making an economic use of the waste product of the sawmills have also attracted a great deal of attention. It has shown that the yellow-pine waste of the southern sawmills would be sufficient, if saved and distilled, to produce as much rosin and turpentine as is now produced from the southern pine forests by bleeding. It is simply a question of finding a commercially possible method of distillation. This seems already to have been accomplished, as there are now a considerable number of plants engaged in the manufacture of turpentine, tar, and other products from material which has heretofore been entirely wasted or used only for fuel.

Mr. MANN. Will the gentleman yield for one question?

Mr. SCOTT. With pleasure.

Mr. MANN. I notice in the bill you change the method of appropriating for the Forest Service, a change which adds a great deal, in my judgment, to the efficiency of the appropriation. Was there any difficulty in making these specific appropriations on the part of the committee instead of by the old lump-sum method?

Mr. SCOTT. The gentleman will doubtless remember that when the appropriation for the Forestry Bureau was criticised on the floor last year on the ground that it carried too much money in a lump sum, the committee stated that there had been recently a change made in the policy whereby district headquarters were established in the field, instead of concentrating all the work here in Washington, and until that policy had been worked out a little further it did not seem practicable to more closely itemize the bill. This year the chief of the service was able to report that the policy had worked well, and it was upon his recommendation that the committee itemized the appropriation as it appears in the bill. The chief of the service said to us that he had given the matter a very great deal of thought and attention, having been notified by the committee last year that it would expect this year's estimates to be itemized, and it was his judgment that the best way to itemize the appropriation was to segregate the forests, making a specific appropriation for each individual forest, and then divide the remainder of the appropriation among the different groups of scientific work that is being carried on in the bureau. It seemed to the committee that this was a logical and would probably prove to be a satisfactory arrangement.

Mr. MANN. I think the committee is very much to be commended for what they have done.

Mr. WICKLIFFE. Mr. Chairman, will the gentleman yield to me for a question? I notice on page 18 of the present bill that for the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil the sum of $215,155 is appropriated. That is a decrease in the bill from the last appropriation of several thousand dollars. I would like to know if that decrease was made upon the recommendation of the Department of Agriculture.

Mr. SCOTT. The gentleman is mistaken in thinking that there is a decrease in this paragraph. As a matter of fact the appropriation last year for this work was $225,000, of which $50,000 was immediately available. That is to say, $175,000 is all that is available for this work during the current fiscal year, whereas in this bill the department will have $215,155 to expend. In answer specifically to the gentleman's last question, I will say that it is precisely the amount recommended by the Secretary.

Mr. LEVER. Mr. Chairman, I should like to ask the chairman of the committee if it is his understanding that in addition to the $215,155 recommended for the study of the boll weevil, we are to have available, out of another appropriation, the sum of $9,845. Is that the understanding of the chairman of the committee?

Mr. SCOTT. The gentleman refers to the appropriation for the Bureau of Entomology. I do not remember the exact sum, but there is a considerable sum in the appropriation for the support of the Bureau of Entomology, which will be used in the boll-weevil work.

Mr. LEVER. The impression has gone out that the appropriation in this bill will be equal to $255,000, although $215,000 comes out of one appropriation and $9,000 out of another appropriation. Is that the fact, as you understand it?

Mr. SCOTT. I will say that the amount carried in this bill will fully equal the amount that was available for the use of the department during the present fiscal year.

Mr. MANN. A good deal more.

Mr. SCOTT. And a good deal more, as I explained to the gentleman from Louisiana.

Mr. LEVER. I do not concede the increase, but admit there is no decrease.

Mr. SCOTT. There is another thing in regard to this matter. Fifty thousand dollars of the amount carried in the last bill was made immediately available, and, as a matter of fact, was used prior to June 30, 1909, so that left for the current fiscal year only $175,000.

Mr. LEVER. I understand that.

Mr. SCOTT. In the Bureau of Entomology the most gratifying achievement reported is the complete control of the pear thrips, a minute insect which a year ago threatened absolutely to destroy the orchard industry of the Pacific coast. So widespread was the infestation and so complete the destruction in some parts of California that the fruit growers were in despair. One man in the Santa Clara Valley had actually begun cutting down an orchard worth $250,000. The scientists of this bureau discovered by their studies of the life and history of the insect that from 70 to 75 per cent of them could be destroyed by plowing at a certain time of the year, and that 90 to 95 per cent of those that escape the plow can be killed by proper methods of spraying. The victory is so complete that the fruit growers have entirely regained confidence and the problem is regarded as solved.

The campaign against the gypsy moth in New England has proceeded along the same lines as last year, with conditions said to be steadily but very slowly improving. In this, as in the fight against the boll weevil, the chief ground of hope for the ultimate control of the pest lies in the activity of its natural enemies. A number of parasites have been successfully introduced, and one species has been found spread over an area of 500 square miles. Fortunately it attacks both the gypsy and the brown-tail moths, and it is hoped that it will multiply rapidly enough to act as a decided check upon both of them. It is worthy of remark, in passing, that the States in which this work is being done show their appreciation of it by contributing large sums from their own funds to help carry it on, the amount thus contributed last year aggregating $941,400, as against $300,000 expended by the department.

In commenting on the work of the biological service——

Mr. LEVER. Before the gentleman leaves the subject of the gypsy moth and the boll weevil, I fear he has unwittingly given an impression that the hope of the department to control the cotton boll weevil is through the parasite. My information, from the statement made by gentlemen in charge of this work, is that their hope of controlling the weevil lies in their being able to make crops in spite of the weevil, and that the department does not have much faith in the parasite theory.

Mr. SCOTT. That was the expression they used with reference to "the control" of the boll weevil, and the impression I have gained from the scientists who appeared before our committee justified the use of that expression. They declared, without any qualification, that the methods adopted had been

very satisfactory in Texas and in other sections where the climate was dry and very warm; but they stated that in a portion of the country where the climate was not only warm, but moist, and cotton fields were surrounded by forests, affording shelter for the boll weevils, that they had not yet been able by any cultural methods to overcome them. The gentleman from South Carolina, a member of the committee, will remember the case of one particular plantation about which the statement was made that two years ago it had produced 1,500 bales of cotton, last year 750, and this year not one bale, although 700 acres had been planted to cotton this year. The difficulty, of course, is in the number of boll weevils that are able to live through the winter and come out actively in the spring; and this difficulty, the scientists believe, it will be extremely hard to combat. They do not hold out any hope—and I am sure the gentleman from South Carolina will bear me out in this statement—that within a year or two the problem can be met. Mr. Hunter, the gentleman in direct charge of the work, declared, in his judgment, that it would mean a wide change in the locality of cotton growing; that there were some fields on nearly every plantation where the methods which they now advised would be successful in combating the boll weevil, but that there are great areas, differently located, where the present methods were unable to meet the emergency, and that they would have to meet it in other ways.

Mr. BATES. Mr. Chairman, I ask the chairman of the committee if the appropriation for the investigation of insects affecting grape vineyards is as large as last year, or large enough to warrant the continuation of the present investigation along those lines? I know that in Chautauqua County, N. Y., and in Erie County, Pa., a grape worm has threatened the industry, and they have been very anxious to obtain the services of a certain specialist who has seemed to be reaching or about to find a cure or some help, at least, in the direction of the extermination of that insect.

Mr. SCOTT. There has been no reduction in the appropriations for the Bureau of Entomology. There has been a little shifting of the sums under the various paragraphs, but I feel sure that the work to which the gentleman alludes can be carried forward as efficiently as it has been in the past year.

In commenting upon the work of the Bureau of Biological Survey, Doctor Merriam, the chief of the bureau, made the rather startling report that a large number of the ground squirrels infesting great areas in California are found to be infected with the bubonic plague. Nine cases are known in which the disease has been communicated to human beings, and in seven of them the patient died.

The serious feature of the situation—

To quote from Doctor Merriam's statement to the committee—

is that for the first time in the history of the United States we now have plague in an endemic form, propagated and continued by means of fleas on native rodents, just as is the case in India. In India plague is endemic; that is, it exists all the time—perpetuated by fleas on a native squirrel (*Sciurus palmarum*), and a certain number of people die from it every year, but every few years it assumes an acute, malignant type and spreads with great rapidity, killing hundreds of thousands of people. So far as I am aware we have not yet had an outbreak of the malignant type of plague in California, but who will venture to say that such an outbreak may not occur in hot weather? It is exceedingly important to ascertain as soon as possible the southernmost limit of plague-infested ground squirrels, and to isolate them from those of the rest of the States by cutting a swath around them to the south, and then to work backward and kill them off, exterminating them throughout the area of known infestation.

And that is what the Bureau of Biological Survey, in cooperation with the Marine-Hospital Service and with the local authorities, is undertaking to do.

There is only one other line of work that the department has been doing in which I think members of the committee may have a special interest, and that is the matter of testing materials for paper making. For the past two or three years we have been appropriating $10,000 a year for carrying on that work, and the committee, and I think the country, have been very much interested in it. The work during the past year has been in two directions. In collaboration with the Forest Service experiments have been made with different varieties of wood, and under the direction of the Bureau of Plant Industry experiments have been made with deciduous plants in the hope of finding some annual that could be profitably grown for this purpose.

The CHAIRMAN. The gentleman from Kansas has occupied one hour of his time. There yet remain fifteen minutes of his time and twenty minutes released by the gentleman from Virginia, [Mr. LAMB].

Mr. SCOTT. I believe the gentleman from Virginia yielded to me what time remained to him. I will ask the attention of the committee but a few minutes longer.

The work that has been done in cooperation with the Bureau of Forestry has resulted in discovering a number of trees which have heretofore not been used for the purpose that make a very excellent quality of wood pulp. At the present time, however, none of these trees can be procured any more cheaply than the spruce and fir, which now constitute our principal sources of supply for wood pulp, and I think there has been no practical result.

In the matter of the work of the Bureau of Plant Industry, about the only plant they have found which seems to be very promising is the common cornstalk. They have experimented in two ways. They have tried growing the corn for no other purpose than for manufacturing fiber, and they have tried taking the cornstalks from the fields after the ears have been harvested, and with very excellent results in both cases. While there is no doubt of the fact that high-grade paper can be made from cornstalks, still, under present economic conditions, as long as spruce pulp can be obtained at present rates, it is not likely that a great industry will be built up in the manufacture of paper from cornstalks.

The bill recommends the continuation of the appropriation of $10,000, however, to carry on the work, because it is obvious that if some substitute for wood pulp could be found it would be worth many millions of dollars to the people of this country.

Mr. Chairman, I regret very much that I overlooked a request on the part of the gentleman from Oregon [Mr. HAWLEY], a member of the committee, for a few minutes' time during the general debate; and before relinquishing the floor I ask unanimous consent that he be permitted to print such remarks as he would have made in this debate if time had been allotted to him.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Oregon [Mr. HAWLEY] may extend remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, I believe I have concluded what I had in mind to say by way of comment on the bill and upon the work of the department, and I shall now be glad to answer any questions that Members wish to ask me, if I can. I will yield first to the gentleman from Ohio, who first addressed me.

Mr. DOUGLAS. I want to ask the gentleman, in the first place, if I understood him correctly in saying that this bill substantially follows the bill in amount and distribution that we had a year ago from his committee?

Mr. SCOTT. Substantially the same. There is a net increase, as I remember it, of $422,100.

Mr. DOUGLAS. I also understood the gentleman to say that the committee has substantially followed in this bill the requests of the Secretary.

Mr. SCOTT. I made that statement.

Mr. DOUGLAS. I also understood him further to say that in this bill the Secretary had stated to the committee that he had been governed in his estimates or requests more perhaps by the request of the Executive that this year's appropriations in the department generally ought not to be increased.

Mr. SCOTT. I do not think I said just that. I said I presumed that the Secretary had recognized the necessity of economy when he made up his estimates, and that he was willing to bear his share of the responsibility for economy in presenting the estimates in the shape in which he did.

Mr. DOUGLAS. I would also like to ask the gentleman if he and the committee do not recognize the fact that whatever may be the effect of the present agitation and boycott against the eating of meat, and other efforts of that kind, either instigated by the newspapers or by some one else, that, after all, the underlying cause for the condition which confronts us is due, as I understood the gentleman to say, in part, at least, to the lessening of the cultivated area, or rather the lessening of the area which may be brought into cultivation from lands which have not been heretofore cultivated, the lessening of production, and various cognate causes; and that, after all, the ultimate thing the country must look to for relief is the improvement in the agricultural conditions, an increase of the amount that may be raised on the land, and the restoration of the old and partly worn lands of the country? Although I have badly stated it, is not that the view of the gentleman, in a general way?

Mr. SCOTT. The gentleman states it very well, and I think we all agree that if the demands of our increased population are to be met, it must be chiefly by an increase in the crop yields.

That, of course, can only be obtained by better farming and the introduction of more prolific seed.

Mr. DOUGLAS. I understood the gentleman to say, in speaking of the work of the Agricultural Department in that regard, especially the Bureau of Plant Industry, that its success in its efforts in this direction were "startling," or "unparalleled," or "phenomenal," or some such adjective—that the work which this department has been carrying on has been eminently successful.

Mr. SCOTT. I certainly intended to give that impression.

Mr. DOUGLAS. Does the gentleman doubt that, instead of building two battle ships this year, if we added $5,000,000 to the appropriation for the various useful bureaus of the Department of Agriculture, that Secretary Wilson would be able to spend the money wisely and judiciously?

Mr. SCOTT. Let me say to the gentleman from Ohio that, in the first place, under our present system of appropriations, as the gentleman knows very well, there is no way by which we could make that kind of a trade. We might appropriate $10,000,000 here with the understanding in the minds of the Committee on Agriculture that the Department of Agriculture would have $10,000,000 more to spend, and that we would not have a new battle ship; but, unfortunately, or fortunately, depending upon the point of view, that would not influence the Committee on Naval Affairs or the House or the Senate, and after our increased appropriation had been made we might still have the battle ship.

Mr. DOUGLAS. Is the gentleman sure that it would not influence the House? Is the gentleman sure that if the Committee on Agriculture, with full consciousness of the conditions and our duty to the country, had come in here and, instead of asking for a million and a half for this bureau, had asked for $3,000,000, that the House would not give it to them?

Mr. SCOTT. I trust that the House has great confidence in the Committee on Agriculture, but I doubt if the House would have justified the committee in doubling the estimates of the Secretary for any bureau of this department. If the gentleman will permit me to speak for a moment——

Mr. DOUGLAS. Certainly; it is a matter in which I take a great deal of interest.

Mr. SCOTT. I want to say in reference to the point the gentleman is obviously making, that the Committee on Agriculture appreciates as fully as the gentleman from Ohio or any other gentleman does, the work of the department and the value of that work to the country, and it is more anxious than the average committee is to promote that work.

It has kept in close touch with it. It calls before it every year the Secretary of Agriculture and the chiefs of his various bureaus and interrogates them about the work they are doing, the work they intend to do, and the amount of money they think will be needed to carry forward their projects. The Committee on Agriculture therefore is in very close and very sympathetic touch with the department. If it has failed to recommend in this bill increases which the gentleman thinks ought to have been recommended, it has been for two reasons; first, because the committee thinks the condition of the Treasury calls for economy, and, second, because it believes there is a limit to the amount of money that can be efficiently and economically expended, even in the best of work. I quoted during my remarks the observations of Doctor Galloway, in which he declared with emphasis that he believed it would be a good thing for them to have a breathing spell, in order that they might adjust the "loose joints" that might have resulted from too rapid growth, and work out their problems with greater care, with greater attention to detail than they had been able to do during this period of very rapid growth, and Doctor Galloway's remark appealed to me as having a basis in good common sense.

Mr. DOUGLAS. Mr. Chairman, I have listened with interest to what the gentleman has said, but I want to go back now to the gentleman's statement, that it is not possible for the Committee on Agriculture to make a trade with the Committee on Naval Affairs, and secure in place of an extra battle ship another $5,000,000 for the Agricultural Department, that there is no provision in our proceedings in Congress made for that sort of a trade. Is that what the gentleman meant?

Mr. SCOTT. That is what I meant to say.

Mr. DOUGLAS. Admitting we have only so much to spend, if it be the opinion of the House that it is more advisable to spend three or four million dollars more in one direction, say in the direction of improving our agricultural conditions, and three or four million dollars less in some other direction, is not the only way that we can under present conditions accomplish that result for the gentlemen of the Committee on Agriculture to bring in a bill and submit it to the House asking for these largely increased appropriations, or else have the House itself on the floor increase these appropriations, doing it upon the theory that we are to cut down expenses in some other direction?

Mr. SCOTT. Suppose the Committee on Agriculture had brought in a bill recommending $10,000,000 more than it would have felt warranted in recommending, if it knew that the Committee on Naval Affairs was to bring in an estimate for an additional battle ship, upon the theory that the battle ship would be eliminated and the House should pass the bill as reported by the Committee on Agriculture. Then the Committee on Naval Affairs would bring in its bill, containing a provision for this extra battle ship, the money for which we understood we had already expended. Now, does the gentleman believe that any Member on this floor would be influenced in his vote upon the naval bill by the suggestion that the money provided by the naval appropriation bill for a battle ship had already been carried in an appropriation bill of the Department of Agriculture?

Mr. DOUGLAS. I think there are some of us who would.

Mr. SCOTT. But not enough to make a majority of the House.

Mr. DOUGLAS. I think all of us ought to be influenced by it. In other words, it all goes back to a principle that I have contended for here, as the gentleman knows, namely, we ought to have some general committee in this House to supervise estimates, expenditures, and appropriations generally, and to make some sort of a report, from which the House can gather what it can do and thereby determine what it should do with reference to appropriations. I certainly believe that if, in insisting upon an increase of appropriations to the Agricultural Department, it were admitted that the increase in these appropriations might necessitate less expenditure upon some fortification at Subic Bay or Pearl Harbor or some less amount for battle ships, the Members of the House have sufficient intelligence to appreciate this fact and to carry it in their minds, and when the time comes make the reduction in that appropriation bill, from whatever committee it comes. I certainly think so.

Mr. SCOTT. Mr. Chairman, I sympathize heartily with the gentleman's wish that we might have a budget all before us at once, so that the House could, as it were, trade one item for another in the way the gentleman has suggested. But we have not that sort of a system. I am not able to extemporize a suggestion as to how we might get it. For the present, therefore, I think that each appropriation committee must simply exercise the best judgment it has and submit its recommendations to the House.

Mr. DOUGLAS. In connection, I want to say this to the gentleman and to the House on my own responsibility, that I know from the Secretary himself with reference to the Office of Roads, the Bureau of Plant Industry, the Bureau of Entomology, or any of these bureaus which are doing such a tremendously successful work to make farm life more profitable and attractive in every way—I say that I know of my own knowledge that if this House gives him the money the Secretary knows how to spend it advisedly, and I shall appeal to the House earnestly when the time comes to increase one or more of these appropriations carried in this bill.

Mr. SCOTT. I now yield to the gentleman from Nebraska [Mr. NORRIS], who desired to ask me a question.

Mr. NORRIS. Mr. Chairman, if I may be permitted, before asking the question I contemplated asking the gentleman I would like to suggest to the gentleman from Ohio [Mr. DOUGLAS] that the chairman of the committee has not given all the reasons why the plan proposed by the gentleman from Ohio would not be successful. I am rather inclined personally to favor the plan of the gentleman from Ohio, but the chairman of the committee has omitted to state to him that we always have a war scare at the time the Committee on Naval Affairs report an appropriation for the building of a couple of extra battle ships.

Mr. DOUGLAS. I know we have each year I have been here; I have noticed that.

Mr. NORRIS. The question I desire to ask of the chairman of the committee is whether he would not continue the very interesting explanation of the work of these different bureaus by giving us an idea of the work that has been done and that is contemplated to be done by the Office of Roads. I think the chairman did not refer to that in any way in making the explanation he has already made.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. SCOTT. I would rather answer the gentleman from Nebraska, if I may, for just a moment.

Mr. MOORE of Pennsylvania. I beg the gentleman's pardon; I thought the gentleman had finished.

Mr. NORRIS. No; he has not answered my question.

Mr. SCOTT. The work of the Office of Roads has been carried forward during the past year along the usual lines, with particular attention, perhaps, to experiments looking to the discovery of some sort of surface for roads that will keep down the dust and will protect the roads from the wear of high-speed vehicles. The best results they have obtained, according to the report of the director, were from the use of a certain preparation in which Portland cement was a large ingredient. They have also obtained excellent results by the use of the waste from molasses and sugar mills.

One thing which was particularly gratifying to the committee was a statement made by the director that the work of his office had been facilitated rather than hindered by the provision inserted in the last bill prohibiting the further use of road-making material. Gentlemen will remember that there was an earnest protest against that provision when the committee reported the bill last year, the argument being that it would prevent the Office of Public Roads from doing a great deal of very valuable work. The attention of the director of the office was called to that matter when he was before the committee, and he made this statement:

> When this provision was put in, Mr. Page felt rather anxious as to the outcome of the work, and a great many people who were interested in the work of the Office of Public Roads felt that the work had been to a considerable extent crippled. We have now learned by experience that this is not the case, and the figures showing the extension of our object-lesson road work throughout the country are very significant in this respect. The report shows that in 1907 we constructed something like 200,000 square yards of object-lesson roads; the following year, when we still had some road-building machinery on hand, 223,000 square yards of object-lesson roads were constructed; in 1909, without any machinery which belonged to the Office of Public Roads, we constructed 690,000 square yards. These results, therefore, justify the wisdom of the committee in putting the provision into the bill.

That is, they were able to secure the construction of more than three times as much model road as they had been able to construct when they owned and operated the machinery. The difference in that result, bearing out the judgment of the committee, was due to the fact that instead of spending their time and money in the actual manual operation of machines they could expend it in expert advice, and that is the most valuable work which the Office of Public Roads is now doing. In various parts of the country, when the good-roads movement gets an impetus and communities wish to build roads on a large scale, the bureau is amply able, with the appropriation we now authorize, to send an expert to that community—an engineer—who can go over the roads, indicate the best variety of material to be used and the best system of construction, and assist the local authorities in making plans for the roads and in determining all the problems relating to them. The committee feels, therefore, as if the House had done well in making the change that was made last year in the language of this paragraph.

Mr. COLLIER. I listened with a great deal of pleasure and profit to your remarks this morning, but there is one matter concerning which I have an indistinct recollection. I simply want to know if the amount of money appropriated for the destruction of the boll weevil in this bill is sufficient for that purpose in the opinion of the Secretary of Agriculture?

Mr. SCOTT. We did not question the Secretary of Agriculture on that particular item, and we did not question Doctor Knapp. The committee consulted with Doctor Galloway, as the chief of the bureau under which most of the work is done, and with Doctor Howard, the Chief of the Bureau of Entomology, who also does some of the work. Doctor Galloway declared, with a good deal of emphasis, that he had not asked for any increase, because he believed the amounts appropriated were sufficient, and Doctor Howard was of the opinion, so far, at least, as anything he said to the committee would indicate, that with the appropriation carried in this bill he would be able to go forward with the part of the work which he was doing.

Mr. HOUSTON. I believe that this provision here in regard to the experiment-station work is the authority under which the Secretary of Agriculture sends out expert lecturers to do institute work?

Mr. SCOTT. Yes, sir.

Mr. HOUSTON. I want to ask the chairman if the appropriation that can be utilized for that purpose is the same as it was in the last bill?

Mr. SCOTT. Exactly the same.

Mr. HOUSTON. Now, is there not a very large increase in the demand for this work all over the country?

Mr. SCOTT. I think the demand for it is increasing, and I was partially in error in stating to the gentleman that the paragraph to which he alludes under the Office of Experiment Stations carries the only appropriation available for this work. There are appropriations all through the bill for the traveling expenses of agents of the department that can be used in this lecturing work. We regard it as a part of the demonstration work, the publicity work, of the department—a very valuable part of it—and at the proper time I expect to be able to show that there is available for demonstration work, part of which can be used for defraying expenses of lecturers, nearly $500,000 in this bill.

Mr. HOUSTON. Does the chairman mean by that that there will be ample provision made to meet the demands for this sort of work in this bill?

Mr. SCOTT. I do not believe that the demand could be met by the appropriations in this bill even if they were multiplied fourfold.

Mr. HOUSTON. Would it not be well to increase the appropriation in that line? That is the question I want to get at.

Mr. LAMB. I would suggest that under the five-minute rule the gentleman from Tennessee [Mr. HOUSTON] will have ample opportunity to present that matter.

Mr. SCOTT. That is my individual judgment, of course; and as the gentleman from Virginia [Mr. LAMB] suggests, we can discuss it further under the five-minute rule.

Mr. MOORE of Pennsylvania. I want to direct the gentleman's attention to the provision on page 62 authorizing the Secretary of Agriculture to investigate the cost of food supplies at the farms and to the consumer, and to ask him in that connection whether, in his judgment, sufficient provision is now made for inspection by the Secretary of Agriculture of goods that go into cold storage, as, for instance, meats, butter, and eggs?

Mr. SCOTT. The committee has no information either from the Secretary of Agriculture or anyone connected with his department that the appropriation made for enforcing the pure-food law is not sufficient.

Mr. MOORE of Pennsylvania. Before a subcommittee of the Committee on the District of Columbia now investigating the question of cold storage it appeared, from statements by the Secretary and the chief chemist of the Government, that they are without power to properly inspect eggs that are placed in cold storage; that the number of inspectors is so scant that they are practically dependent upon one or two men to supervise the entry into the storage warehouses of the country of all the great quantity of eggs that go there.

Mr. SCOTT. The gentleman probably understands that there is one appropriation for the meat-inspection work of the Bureau of Animal Industry and an entirely different appropriation for the enforcement of the pure-food act, which is under the Bureau of Chemistry. I doubt very much whether the Bureau of Chemistry would have authority to appoint anybody to inspect cold-storage plants unless it could be shown that such inspection was in direct connection with interstate commerce.

Mr. MOORE of Pennsylvania. Is it not a fact that provision was made some time ago for inspection of cold-storage warehouses under the direction of the Bureau of Chemistry, which appropriation was subsequently withdrawn?

Mr. SCOTT. I do not remember that there was ever such a provision. There was a provision carried for several years in the bill authorizing the chief of the Bureau of Chemistry to investigate the results and the effect of cold storage upon the quality of different classes of food, which provision was carried as long as the work was going on. When the chief of the bureau reported that this investigation had been satisfactorily concluded of course it was omitted.

Mr. MOORE of Pennsylvania. The point has been made that the bureau was without power to properly inspect those articles in the nature of food products which enter into cold storage and which are held there for long periods of time before delivery to the consumer.

Mr. SCOTT. Would the gentleman believe that the Bureau of Chemistry under any provision of an appropriation bill would have authority to go to Philadelphia and inspect cold-storage warehouses?

Mr. MOORE of Pennsylvania. If the commodity were interstate commerce I would think so.

Mr. SCOTT. Could an inspection be made until the commodity had entered into interstate commerce?

Mr. MOORE of Pennsylvania. The charge is made that there are 1,800,000,000 eggs in cold storage. Whether this is true or not, many of these eggs come out of the Western States and into the Eastern States, where they are placed in cold storage. That is interstate commerce.

Mr. SCOTT. Are not the Eastern States able to take care of that situation?

Mr. MOORE of Pennsylvania. They are, and in most instances do.

Mr. SCOTT. They are live eggs when they leave our State.

Mr. MOORE of Pennsylvania. That is interstate commerce. But we are advised that the eggs enter into the storage warehouse in the interior of the country, in another State, and then, after being there for a period of time, are sent to the Eastern States and the extreme Western States, and there remain for an indefinite period before they are sold to the consumer.

Mr. GARNER of Texas. Would not that take a law authorizing the inspection of these eggs which would have to come from the Interstate Commerce Committee before you could appropriate money for that purpose?

Mr. MOORE of Pennsylvania. I was trying to get from the committee whether or not it was enabled through an appropriation to make a provision which would preserve the public health of this country. While I heartily approve of this provision, which directs and authorizes the Secretary to make an investigation and report, there seems to be no appropriation that would enable him in any way to operate upon his own findings.

Mr. SCOTT. Mr. Chairman, I think there is some confusion in the mind of the gentleman, due to a misunderstanding of the work that has heretofore been done under authority of an appropriation bill by the Bureau of Chemistry in the matter of studying the effect of cold storage. That appropriation was not made to permit the department to inspect cold-storage products. It was made, as I stated a moment ago, to enable the Chief of the Bureau of Chemistry to investigate the results of cold storage. He put up a cold-storage plant in his own bureau, in which he placed various articles of food and kept them, taking them out and testing them at different times, in order to determine the length of time after cold storage began when the articles commenced to deteriorate in quality. There never was any authority in this bill to enable him to inspect cold-storage warehouses in this or any other city; and I do not believe the bill could properly carry such an appropriation.

As to the paragraph to which the gentleman has called attention, authorizing the Secretary to inquire into the cost of various articles of farm products, and so forth, that is a paragraph which was inserted by the committee merely in order that there could be no question of the authority of the Secretary to conduct this investigation. He had already begun work under what he believed to be sufficient authority, and what he had done attracted the favorable attention of the entire country. The committee believed that the House would desire the work to go on, and we wanted to insert a provision in this bill which would eliminate any possible criticism. The Secretary was very glad to have the paragraph inserted and did not ask for any additional appropriation in order to carry it into effect, because he believed he had sufficient funds already.

Mr. MOORE of Pennsylvania. The paragraph as it now reads simply contemplates investigation and publicity.

Mr. SCOTT. Exactly.

Mr. MOORE of Pennsylvania. No action based upon the facts found.

Mr. SCOTT. No action can be taken under this paragraph.

Mr. MOORE of Pennsylvania. It is evident, so far as our inquiries have gone, that there undoubtedly is an unnatural rise in the price of foodstuffs, as between the producer in the gentleman's section of the country and the consumer in my section of the country. I thought, possibly, in a paragraph of this kind some provision might be made for removing those obstructions when found by the Secretary of Agriculture.

Mr. SCOTT. The membership of the House, I am sure, are all awaiting with the greatest interest a report which the gentleman's committee will make, and which I trust will recommend legislation to meet the conditions he describes.

The CHAIRMAN. The time for general debate has expired. The Clerk will report the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Total for office of the Secretary, $198,770.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word. I do not propose to weary the House by the reiteration of one song; but I do propose, if I stay in Congress, to keep up an agitation for a different system of making appropriations here than that which we are now pursuing. Just look at the situation that you and I and all of us here have before us in this House with reference to this matter of appropriations. I do not believe there is a man within the sound of my voice who does not heartily agree with me that we might cut off appropriations for the army and navy somewhere and add to the amount carried in this agricultural appropriation bill, with benefit to the American people. [Applause.] Yet how are you going to do it under the present system? Just look at the situation in which we find ourselves here as legislators in this House, which has charge of the money of this Nation. Where and when and how can you and I in this House intelligently and effectively declare that "We do not want two battle ships; that economy is necessary; that therefore we will have one battle ship, and instead of spending $10,000,000 for that extra battle ship we will add $5,000,000 to the agricultural appropriation bill, to the benefit of every man, woman, and child in the United States."

Mr. HUGHES of West Virginia. I make the point of order that the gentleman from Ohio is not talking to the bill that is before the House.

Mr. DOUGLAS. I am most emphatically talking to the bill now before the House.

The CHAIRMAN. The gentleman from Ohio, the Chair thinks, is within the rule. [Applause.]

Mr. DOUGLAS. Now, gentleman, I hold in my hand a resolution that I am going to offer, and I am going to offer it in every Congress as long as I am here, and I am going to stand on this floor and advocate it as long as I have opportunity to do so; and if anybody is going to get tired of it, I am sorry, but it shall not deter me. To my mind the method under which we appropriate money in this House is unworthy of the American Congress. As I have said before, and as I shall repeat, we have no sort of method by which we can overlook the whole field of American activity, no way of distributing according to the will of this House the money of this Government to those objects which this House itself wants to see fostered and promoted.

The resolution that I am going to read and which I propose to introduce has exact relation to this very situation. We are told that economy is necessary; that the President himself has insisted that the different departments shall cut down every appropriation; and, consequently, that the Agricultural Department can not have anything more than it had a year ago; and this in face of the fact that this country from one end to the other is in a perfect blaze of revolution against the high price of foodstuffs, which high prices are principally due to the decrease in our food supply raised upon the farms of this country.

Is not that ludicrous, if it is not worse? Now, I do not mean that this plan which I propose is a panacea for all of our ills, but I do submit that this or something like it should be adopted. If the distinguished gentleman, chairman of the Committee on Appropriations, had introduced it, it would get more attention than it will from me. If the distinguished chairman of the Committee on Ways and Means, who, I think, ought to have long since attended to it, had introduced it, it would get far more consideration than when introduced by me. But if it commends itself ultimately to the good sense and business judgment of the men of this House, regardless of politics, we will get it some day, and then I submit that we will have a different system of making appropriations. I hope if any gentleman can improve it he will do so, either on the floor of the House or in any way or at any time. I shall welcome any suggestions for its improvement.

The resolution is as follows:

Resolved, That the following be a rule of the House, to be numbered paragraph 63 of Rule XI—

Rule XI is that rule of the House which in paragraph 62 states the duty of each committee of the House—

The Committee on Ways and Means, together with the chairmen of the committees of the House empowered under the rules and practice to report appropriations from the National Treasury, shall constitute a Committee on Estimates and Expenditures; which committee shall, as soon after the convening of each regular session of Congress as may be, report to the House the amount of revenue probably available for appropriation for the next fiscal year, and apportion this amount to the several appropriation bills within the jurisdiction of the committees empowered by the rules and practice of the House to report appropriations. This report may be made at any time, and when agreed to by the House shall limit the appropriations of the several committees.

Now, what is the Committee on Ways and Means doing today in this House? Look at the situation. The tariff bill was passed last year. We may not have another for ten years, and meanwhile we have segregated some twenty of the most valuable Members of this House, on both sides, and put them on a shelf and given them a room where they may hang up their coats and hats, and doing nothing of very great moment as a committee in the life and business of this House. Is it not a fact?

Please understand me.

I am not talking about the individual influence of these Members upon the legislation that goes on here, but so far

as committee work is concerned there are ten or twenty committees in this House that have far more to do to-day than the Committee on Ways and Means.

Now, let that great committee add to itself the chairman of the Committee on Appropriations, the chairman of the Committee on Agriculture, the chairman of the Committee on Naval Affairs, the chairman of the Committee on Military Affairs, the chairmen of all of those committees that are authorized to make appropriations, and let them at the beginning of the session look over the field of national activity, and let them make an estimate of what the revenues are to be, and make some sort of an apportionment of how the money is to be spent.

In that way this House can act upon that report, and if we choose to take one or two or three million dollars from the Committee on Naval Affairs, or from any other appropriation committee, and add it to agriculture, internal improvements, Indian affairs, or whatever object, we have an opportunity to do it. You may call it a "Committee on the Budget," if you please, or what you please; but I submit that it will supply a deficiency in the procedure of this House—it will supply a place where that can be done which it is essential for this House to do and which we do not now have any opportunity to do.

When I asked the distinguished chairman of the Agricultural Committee whether or not the Committee on Agriculture could spend more money in these beneficent ways than is appropriated here, he said that doubtless they could. Why not give it to them? Because we must exercise economy. Why? Simply because we have only so much to spend, vast as it may be, and first we, of course, must make appropriations for those great purposes of Government upon which the life of the Government depends, such as the army, navy, and the rest. But we do not necessarily have to appropriate as we have been doing. In the language of the distinguished gentleman from Minnesota, chairman of the Committee on Appropriations, 71 per cent of our revenues is for preparation for war and payment for past wars, and then we appropriate only 2 per cent to the great agricultural interests of this country. I submit to Members of this House that that was a startling statement which the chairman of the committee made at Chicago last spring, although not new, perhaps, to many of us. And so, in this connection, I simply want to call attention of the House to the fact that we have no place and no means by which, as the chairman of this committee must admit, where we can exchange a battle ship for an agricultural appropriation, or any means by which we can say we will lessen an appropriation here and increase it there. [Applause.]

Mr. TAWNEY. Mr. Chairman, if I may be indulged by the committee for a few minutes, I would like to say a few words in respect to the suggestion of the gentleman from Ohio [Mr. DOUGLAS] about our system of making appropriations, a suggestion that is not new, for it has been made several times before. When he made the statement, at the beginning of his remarks, expressing regret that his proposition was not fathered by the chairman of the Committee on Appropriations, because that person has more influence than he has in this House, he forgot what transpired here last Tuesday, when he, through his influence, succeeded in increasing appropriations while I failed, notwithstanding a very strenuous effort to keep them down. [Laughter.]

His criticism of the system under which general appropriations are made for public expenditures is to a large extent just, but the adoption of the one he suggests, which he says would enable this House to take several million dollars from one department and appropriate it for the activities of another department, would be no improvement over our present system. If his plan for a committee, composed of the members of the Ways and Means Committee of the House and of the chairmen of the several committees having jurisdiction of appropriations, were adopted, all that committee could possibly do would be to apportion the aggregate of the revenues to the several committees, leaving the committees to which this apportionment had been made to prepare the details of the appropriations for the activities of the departments for which they respectively appropriate.

This general committee would deal only with the regular annual estimates. It could not consider supplemental estimates, nor deficiency estimates, nor could it control appropriations authorized at each session of Congress for which no estimates were submitted. There would be no chance to modify or change this apportionment as a whole when once made, either on the floor of the House or by this general committee. It would have to be done by each committee according to its best judgment. I am in entire sympathy with the gentleman from Ohio in his statement that we could reduce our war expenditures so far as those expenditures relate to the preparation for war, and expend the excess amount we are to-day expending for that purpose on internal improvements of various kinds, including agriculture and the improvement of our rivers and harbors. If this House would exercise its legitimate function and refuse to appropriate the amount asked for by these departments unless necessity therefor was clearly shown, no matter what was recommended by the committees that represent these two great departments—the army and navy—we would then have more money in the Treasury which we could appropriate and expend for other activities along peaceful and more beneficial lines than we are to-day expending. The remedy the gentleman proposes for the evil would not be effective, because the committees that make these appropriations must of necessity analyze all of the estimates submitted for appropriations, including supplemental estimates, and they would be governed by the necessities of the service for which they are authorized to appropriate, regardless of their allotment. As long as we have in this House seven or eight committees clothed with the jurisdiction and power of making appropriations independent of each other and without any reference to the aggregate estimated revenues, just so long will we have seven or eight committees that are the representatives of the departments submitting their estimates, and for which they make appropriations, instead of these committees representing the House in the matter of public expenditures. This, Mr. Chairman, will be true whether we have the general committee proposed by the gentleman from Ohio to allot the total appropriations, or whether we continue the present system.

Mr. DOUGLAS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DOUGLAS. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS. Was the gentleman in the Forty-ninth Congress?

Mr. TAWNEY. No.

Mr. DOUGLAS. The gentleman has read the debate which took place, which Mr. Randall, of Pensylvania, led upon the one side and Mr. Morrison, of Illinois, on the other?

Mr. TAWNEY. I am familiar with that debate.

Mr. DOUGLAS. Would the gentleman advocate the consolidation of all the appropriations in one committee, as was done at that time?

Mr. TAWNEY. I would.

Mr. DOUGLAS. Would the gentleman in that connection advocate the system that then prevailed in this House, under which substantially the only way to get any legislation of any kind through the House was by attaching it to one of the appropriation bills?

Mr. TAWNEY. No. That does not follow necessarily, and I would not advocate that.

Mr. DOUGLAS. Was it not almost the universal practice as a result of that?

Mr. TAWNEY. That was the practice, but it did not follow because of the fact that one committee at that time had exclusive jurisdiction over all appropriations. It was because of the rule of the House expressly permitting legislation on appropriation bills, if on its face such legislation retrenched expenditures. Much of the legislation referred to was formulated by committees not having jurisdiction over appropriations and was offered by them as amendments to general appropriation bills. It was the rule in question that made the mischief complained of, and not the fact that all appropriation bills were formulated in one committee.

Mr. HENRY W. PALMER. What is the gentleman's plan?

Mr. TAWNEY. I have not considered offering a plan, but if I did, my plan would be this: Create under the rules of this House one committee of sufficient size to take jurisdiction of and prepare all of the appropriation bills, leaving that committee to create subcommittees, and having each subcommittee under the control of the general committee. In that way you would have a co-relation of the various activities of the Government with the estimated revenues of the Government for each coming fiscal year.

Until 1865 all appropriation bills were reported by the Committee on Ways and Means. In that year the Committee on Appropriations was created, and until 1880 that committee had initial control over all appropriations. In 1880 the Agricultural Committee was given control over all appropriations for the

Agricultural Department, and the river and harbor bill was given the status of a general appropriation bill under control of the Committee on Commerce and subsequently the Committee on Rivers and Harbors. In 1885 there was taken from control of the Committee on Appropriations six more of the general appropriation bills, and since then we have had eight different committees, to say nothing of the Committee on Rivers and Harbors, in this House exercising jurisdiction, independent of each other, over the general appropriation bills, with the result that some branches of the public service seem to have grown quite fat while others are lean, according to the activities of their foster parents, the respective committees clothed with power to look after their welfare and growth. In this connection the knowledge comes with startling force that during the first decade following the present general distribution of the appropriation bills in 1885 the total of the money bills, excepting pensions, increased on a per capita basis of population nearly $700,000,000 over the decade preceding, or more than 46 per cent.

Now, Mr. Chairman, I am glad that the gentleman from Ohio has brought this matter up. While I have little or no hope of ever creating or having this House create one committee, however large that committee may be, and clothing it with exclusive jurisdiction over all appropriations, nevertheless it is a fact that if that were done we would materially reduce the appropriations. Why? You would then have one committee of this House responsible for the aggregate of all appropriations. That committee would be responsible not only to this House, but it would be responsible to the country for the aggregate of the appropriations of each session of Congress. You would not then have divided responsibility, as now. You would then have a committee——

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TAWNEY. Not now—that would be confronted at all times with the aggregate expenditures and the aggregate revenues of the previous year and the estimated expenditures and estimated revenues for the coming fiscal year. Its responsibility to this House and to the country would of necessity prompt that committee to keep the appropriations recommended to the House within the estimated revenues. Now I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. And the chairman of that committee would be the most powerful man in the United States, would he not?

Mr. TAWNEY. Well, Mr. Chairman, I am not afraid of the power of any man in this House so long as the exercise of that power is under the control of a majority of this House, as it would be in this and has been in all other cases. The chairman of that committee when the committee had jurisdiction of all appropriations was no more powerful than was the Speaker of the House or the chairman of the Committee on Ways and Means. This is proven by the fact that while he was chairman of that committee, the Speaker of the House and the chairman of the Committee on Ways and Means were sufficiently powerful to divide the jurisdiction of his committee and place it among the other committees of the House.

The CHAIRMAN. The additional time allotted to the gentleman from Minnesota has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes, as I desire to ask him one question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Minnesota may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. What became of that scheme you had, and which you got through here—my recollection is it went through last year—to require the President of the United States and the Cabinet to send in a budget here, and we were all going to be happy as soon as we got that budget?

Mr. TAWNEY. I am glad, Mr. Chairman, the gentleman from Missouri has asked me that question. The plan proposed by section 7 of the last sundry civil bill has had the result of reducing the estimates below the appropriations for the current fiscal year about $58,000,000. [Applause on the Republican side.] Now, wait a minute; but notwithstanding that, it was this House which proposed to increase the appropriations beyond the amount of the estimates. The army appropriation bill, which has already passed the House, passed at an increase of some $600,000 or $700,000 above the annual estimates.

Mr. CLARK of Missouri. Well, did not you know that was exactly what would happen——

Mr. TAWNEY. No, sir——

Mr. CLARK of Missouri. Wait a minute—when you got your budget proposition through the House?

Mr. TAWNEY. No; I never contemplated anything of the kind, and it would not have happened if the Members of this House would have reduced the appropriations for the army and other appropriation bills, keeping them within the estimates of the departments. But that is not the only danger. I said the other day, whether the gentleman from Missouri was on the floor or not, and warned the House that if we continued to make appropriations for which there were no estimates and increased the appropriations for which estimates are made this House, more than any other branch of the legislative department of the Government, will have to take the responsibility before the people of the charge of extravagance.

We are to-day, in this House, increasing the appropriations not only beyond the estimates, but we are appropriating money for new projects for which there have been no estimates. And another thing to which I want to call the attention of the House is that the regular annual estimates are being supplemented every day by supplemental estimates that of necessity increases the appropriations. It is, therefore, of the utmost necessity that every Member of this House should see to it that new appropriations are not authorized beyond the actual necessities of the public service, and that appropriations made upon estimates regularly submitted should not be in excess of those estimates.

Mr. CLARK of Missouri. Now, Mr. Chairman, I have helped the gentleman to make a good many fights in this House for economy, and we have generally got licked——

Mr. TAWNEY. Generally got licked.

Mr. CLARK of Missouri. Yes; we did. Now, I want to ask another question, and that is, Does the reduction in the amount of estimates you are talking about include the $100,000,000 that Senator HALE, of Maine, and the President cut down in the appropriation bills one day in fifteen minutes over in the White House?

Mr. TAWNEY. I think the gentleman from Missouri is now either speaking from his recollection of what he has read, or from his imagination, because I never heard of anything of the kind.

Mr. CLARK of Missouri. I will tell you what I am reading from. Senator HALE went over there to see the President and walked out, and that bunch of reporters that stay over there tackled him, and he said, with a great deal of pomposity, that he and the President had just cut down the appropriations for this year $100,000,000. That is what the newspaper fellows said.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. TAWNEY] has expired.

Mr. HUGHES of West Virginia. I want to ask unanimous consent for two minutes more—that the gentleman from Minnesota be given two minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the gentleman from Minnesota [Mr. TAWNEY] may have two minutes more. Is there objection?

There was no objection.

Mr. HUGHES of West Virginia. I want to ask the gentleman from Minnesota if the gentleman from Ohio [Mr. DOUGLAS] stated the question properly, that he, the gentleman from Minnesota, in a speech in Chicago said that the appropriations now for the current fiscal year for taking care of the army would amount to 72 per cent, while agriculture only got 2 per cent?

Mr. DOUGLAS. The current fiscal year.

Mr. TAWNEY. I did not say anything about agriculture. I intend to pay my respects to the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, further along in the session, by giving the exact statement I did make, and also exact figures as to our expenditures. What I said at Chicago on the 5th of last May was that up to this time, during that fiscal year, we had been expending on account of wars we are preparing for and wars we have, of our revenues, exclusive of postal receipts, at the rate of 72 per cent, and I cited the statement of the Treasury of the day before to prove my statement.

Mr. MORSE. Mr. Chairman, I move to strike out the last two words for the purpose of asking some questions of the chairman of the committee. I want to know about these cabinetmakers, what they are, and what they are used for in the Department of Agriculture.

Mr. SCOTT. Mr. Chairman, the Department of Agriculture occupies a number of buildings, and repairs are frequently necessary. Cases for the accommodation of specimens in the museum or for the use of laboratories need frequently either to be made or be repaired, and the provision is therefore made for carpenters and cabinetmakers, painters, and other me-

chanics on the roll of the department in order that that work may be done promptly and well.

Mr. MORSE. And these carpenters are also used in keeping in repair the buildings? There seems to be quite a number of them, some 13 or 14, I believe.

Mr. SCOTT. There are quite a number of them. It is a big department.

Mr. TAWNEY. I would like to ask the gentleman in charge of the bill if it is not a fact that you have provided here for 11 new carpenters?

Mr. SCOTT. It appears so on the face of the provision, but they are not new men, because they are simply transferred from the different bureaus. Let me say to the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Wisconsin [Mr. MORSE] until the present year each bureau has had its own force of mechanics.

The appropriations, I might add further, for paying them were included in the appropriations for the respective bureaus, but it appeared to the committee if this force of mechanics could be concentrated and all put under the direction of the Secretary or his chief clerk, it would work for economy, because then if carpenter work or painting or cabinet work were needed in any bureau, the chief could make a requisition upon the Secretary, and then a mechanic could be detailed to do that work. The report which the Secretary makes shows that we were right in that assumption, and there is actually less money required under that system than under the old.

Mr. BUTLER. There has been no increase?

Mr. SCOTT. There has been no increase.

Mr. MORSE. I see here two plumbers, at $840 each, and one plumber's helper. Does it require five plumbers to keep the plumbing of these buildings in repair during the year?

Mr. SCOTT. Well, the committee is of the opinion that the Secretary would not estimate for more men than were needed. There is a great deal of plumbing to be done in the large number of buildings occupied by the department, and I think it is entirely likely they require the entire time of five men.

Mr. MORSE. Are they kept busy during the whole year or just called in when needed?

Mr. SCOTT. They are employed during the whole year.

Mr. BARNHART. I will ask the chairman of the committee, is it the custom of committees to accept the estimates of the chiefs of departments without question, as you have in this plumbing matter?

Mr. SCOTT. Not without question. The committee over which I have the honor to preside—I can not speak for any other—always does question very closely the chiefs of the various bureaus before making up the bill.

Mr. BARNHART. I beg the gentleman's pardon; he stated a few minutes ago that the Secretary would not have asked for them unless he needed them, and gave us no information as to whether he did in fact need them.

Mr. SCOTT. The chief clerk was asked all the questions in reference to employees and mechanics of the various grades, and stated that they were able under the concentration that has been made possible by last year's legislation to dismiss several employees who had heretofore been employed.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last three words. I do this for the purpose of replying briefly to the remarks of the distinguished gentleman from Minnesota and to his criticism of the resolution which I read; and I want to try to show the futility of the plan that he himself, as nearly as I could gather it, suggests. I believe this is a matter of enough importance to occupy the attention of the House for a few minutes.

I am heartily pleased that the gentleman from Minnesota said that even in a general way he approved the suggestion that is embodied in my resolution. He speaks of these various committees authorized to make appropriations as "representatives" of the different departments. I submit, and I have no doubt that he agrees that they are not only the representatives but the advocates of those departments. They come here imbued with the importance of their own committee and the activities they represent. They set forth wisely and in a statesmanlike way the necessities of those departments, and the result is that they come upon the floor of the House constantly advocating greater and greater appropriations for their departments.

As I understand the gentleman's plan, it is to create one great committee of this House "on appropriations" which shall have charge of all of these matters. But how is he going to do it? Where is he going to get the votes in this House to pass any such amendment to the rules as that, when we know as well as he knows that every member of the Committees on Naval Affairs, Military Affairs, Agriculture, and all these other ten or twelve committees that have the right to report appropriations to the House, every one of them, from top to bottom, and all their membership, will rise up here in opposition to any such plan. Now, according to my plan you avoid that parliamentary difficulty.

Mr. TAWNEY. Will the gentleman allow me to interrupt him there?

Mr. DOUGLAS. Surely, I will; the more we talk about this matter the better.

Mr. TAWNEY. Wherein can you draw the distinction between taking from the committee jurisdiction of making appropriations, and taking away from them the aggregate of the revenues, if necessary, for the purpose of meeting the requirements of the department of which you say they are the advocates?

Mr. DOUGLAS. I think I can answer that emphatically and clearly, so that any Member of the House can understand it.

This Committee on Estimates and Expenditures will become the mouthpiece of this House upon this whole question of appropriations, so that instead of the gentleman from Minnesota standing here alone, as he is compelled to now, to-day and every day combating with all his power extravagant appropriations, as he sees fit to designate them, he would have a solid phalanx of the leading men of this House standing with him keeping the expenses of this House within the estimates. That is one great advantage of it. In the next place there is this point: That we will have, at the beginning of the session, set forth before the House in the report of this committee, a full view of all the probable and possible revenues of the Government, but in addition the apportionment of them among the various committees. This apportionment need not necessarily be binding ultimately upon the House, but will at least be a warning to the various committees having the right to report appropriations that they can not, without criticism of the House, exceed the amount allotted to them.

Consequently this House will have a chance to say at the beginning of the year, "We will increase the appropriation here and cut it down there," instead of having such a situation as the gentleman from Minnesota [Mr. TAWNEY] has described as happening at this session, when the Committee on Military Affairs, advocating the claims of the War Department, has asked and secured appropriations actually exceeding the estimates of that department.

In other words, the gentleman from Minnesota admits what I think we all must admit, that if this House is to maintain its prerogative of control over the public purse we must do what the Senate has already done and appoint a committee, a new committee, and one having the confidence of the House by reason of the character and experience of the men upon it, who will at the begining of each session lay before the House a plan, a budget, call it what you will, of revenue and appropriations, which we can consider, criticise, and change as we will.

I submit to the gentlemen of the House that the distinguished chairman of the Committee on Appropriations [Mr. TAWNEY] has already said enough to show that he understands the difficulties of our situation and appreciates the fact that some such remedy as that proposed in this resolution must ultimately be adopted or we will lose that control of appropriations which is essentially our prerogative in this Chamber.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. DOUGLAS. I will.

Mr. HULL of Iowa. I understood the gentleman to state that the military bill this year exceeds the estimates.

Mr. DOUGLAS. I said that the chairman of the Committee on Appropriations had so stated.

Mr. HULL of Iowa. I understood the gentleman to make that statement on his own responsibility.

Mr. DOUGLAS. Not at all; I simply quoted what he had said.

Mr. HULL of Iowa. I wish to ask the gentleman if he recognizes the fact that there are such things as supplemental estimates?

Mr. DOUGLAS. That is quite possible.

Mr. HULL of Iowa. And we had supplemental estimates.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MOORE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 404. An act for the proper observance of Sunday as a day of rest in the District of Columbia.

S. 183. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian

Reservation, in the State of South Dakota, and make appropriation and provision to carry the same into effect.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bills and joint resolution of the following titles:

S. 5040. An act to authorize Bonners Ferry Bridge Commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho.

S. 4891. An act to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas.

S. 3318. An act to legalize a bridge across the Snake River between the States of Idaho and Oregon.

S. J. Res. 55. Joint resolution authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 23.

Resolved, etc., That there be printed and bound in one volume 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late George Laird Shoup, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the Senators and Representatives in Congress from the State of Idaho. The joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable copper-process plate of the statue to be bound with these memorials.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $265,200.

Mr. MORSE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Agriculture two or three questions. I notice in lines 12, 13, and 14 there is an appropriation for telephoning and telegraphing. I wish to know what rate, as compared with the commercial rate, the Government pays for telegraphing.

Mr. SCOTT. The Weather Bureau pays a very low rate, indeed, compared with the ordinary commercial rate. My recollection, offhand, is that it pays at the rate of 1 cent a word for messages of 10 words not exceeding a distance of 200 miles, and perhaps a slight increase when the distance is increased; but it uses a code in the transmission of its messages, whereby words are saved and a whole phrase is put in one code word, so that the enormous amount of telegraphing which the Weather Bureau does really costs the Government very little.

Mr. MORSE. If I recall, there has been a recent rule adopted by the telegraph companies with regard to the rates for code messages. Does the gentleman know whether the rate has been increased to the Government as it has been to private individuals?

Mr. SCOTT. I can only answer for the Weather Bureau; but that question was asked the Chief of the Weather Bureau and he said that his contract continues for a number of years yet, so that any changes which the companies may have made do not affect the rates of this bureau.

Mr. MORSE. Would it be proper to incorporate into the RECORD a copy of the contract between the companies and the Weather Bureau for the Government?

Mr. SCOTT. I do not see any objection to it.

Mr. MORSE. I ask the chairman of the committee to place in to-morrow's RECORD, if possible, a copy of the contracts between the telephone and telegraph companies and the Government, showing the charges made for the service rendered.

Mr. SCOTT. Does the gentleman refer to the Government generally, or to the Weather Bureau?

Mr. MORSE. I refer to the Weather Bureau.

Mr. SCOTT. If I can obtain that contract, I will be glad to accede to the gentleman's request.

The Clerk read as follows:

Total for Weather Bureau, $1,523,260.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. A number of my people are interested in the establishment of a Weather Bureau station at Newbern, N. C. I have introduced a bill for that purpose. We are in the midst of a great trucking section of the country. I want to ask the chairman of the committee if this bill includes any amount for the establishment of Weather Bureau stations, and what is being done in that direction, and what is the policy of the Weather Bureau and the Department of Agriculture with reference to the establishment of Weather Bureau stations?

Mr. SCOTT. This bill does not include or provide for any establishment of new Weather Bureau stations. It is the policy of the bureau to establish stations when and where the commercial interests of the country seem to demand it, or where the station is needed in order to promote the accuracy of the weather forecasts.

Mr. THOMAS of North Carolina. May I ask, are these Weather Bureau stations appropriated for separately, or are the appropriations made in a lump sum?

Mr. SCOTT. It has been the custom always to carry the appropriation for new bureau stations in this bill.

Mr. THOMAS of North Carolina. In a lump sum or for the stations separately specified?

Mr. SCOTT. The stations are separately specified; for instance, in the appropriation bill of two years ago we made appropriations for a new station at Richmond, Va., and two or three other places.

Mr. THOMAS of North Carolina. But no provision is made for any new Weather Bureau stations in this bill?

Mr. SCOTT. No.

Mr. THOMAS of North Carolina. Why has no provision been made in this bill for the establishment of new Weather Bureau stations?

Mr. SCOTT. The principal reason, perhaps, was because the estimates did not provide for it. The committee did not feel itself warranted in recommending an appropriation for a new station for which there was no estimate. Another reason is that even if such an estimate had been made the chances are that the committee would have thought it better to wait until the emergency of the Treasury is a little less acute.

Mr. THOMAS of North Carolina. So the policy of economy had something to do with not making any appropriation for new Weather Bureau stations this year?

Mr. SCOTT. It undoubtedly had a great deal to do with it.

Mr. THOMAS of North Carolina. I withdraw the pro forma amendment.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. I notice that you are providing for the payment of $40,000 to maintain a printing office for the Weather Bureau. Do the copies of bulletins and circulars included in this item contain the predictions of the weather?

Mr. SCOTT. Some of them contain predictions. There are a number of publications issued from the printing office of the Weather Bureau.

Mr. BUTLER. I do not criticize the gentleman because he can not answer my question.

Mr. TAWNEY. Mr. Chairman, I do not think the gentleman from Kansas understood the question. The charts do not contain the predictions, they contain the actual results—the meteorological data that is furnished the bureau.

Mr. SCOTT. Will the gentleman from Pennsylvania allow me to make a statement?

Mr. BUTLER. I will try to make my question plain. Can the gentleman tell me what proportion of this appropriation is used to distribute the forecasts of the department? Is that plain?

Mr. SCOTT. I think the gentleman's question is plain and the former question was plain enough. I am not able to say what amount of the appropriation is used in scattering the predictions. In a general way I am able to say that in the main the predictions are published through the Associated Press and through the news agency without any cost to the bureau.

Mr. BUTLER. It is gratifying to me to know that distribution of the predictions costs but little. Has the gentleman ever been able to ascertain what proportion of these weather predictions are verified?

Mr. SCOTT. The chief of the bureau in answer to a question replied that 85 per cent, on an average, of the predictions are verified.

Mr. BUTLER. That is all. I am obliged to the gentleman.

Mr. SCOTT. I have evidence before me that one successful prediction in a single instance resulted in the saving of 3,000 lives.

Mr. BUTLER. I am not complaining at all; if they saved one-third of a life it is worth all the money they cost. The reason I made the inquiry was to know whether or not the department could applaud itself for accuracy.

Mr. SCOTT. I would like to say that it is not the department alone that applauds the department. I hold in my hand a pamphlet of some 50 pages, filled with complimentary resolutions adopted by different boards of trade and other organizations.

Mr. BUTLER. I will be pleased to read it some day.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; 1 chief clerk, $2,000; 1 editor and compiler, $2,000; 4 clerks, class 4; 5 clerks, class 3; 17 clerks, class 2; 1 clerk, $1,300; 15 clerks, class 1; 14 clerks, at $1,000 each; 6 clerks, at $900 each; 3 clerks, at $840 each; 5 clerks, at $720 each; 1 clerk, $700; 1 instrument maker, $1,200; 1 architect, $1,400; 1 messenger and custodian, $1,000; 3 messengers, at $840 each; 4 messengers, at $720 each; 2 messenger boys, at $480 each; 1 messenger boy, $360; 1 skilled laborer, $840; 1 skilled laborer, $720; 2 skilled laborers, at $600 each; 1 skilled laborer, $660 each; 1 illustrator, $1,400; 4 laborers, at $600 each; 2 laborers, at $480 each; 1 charwoman, $540; 6 charwomen, at $480 each; 2 charwomen, at $240 each; in all, $115,920.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. I want to find out from the chairman of the committee if this bill carries any money for compensating people whose cattle are killed because infected with tuberculosis.

Mr. SCOTT. The bill does not in terms carry any such provision. It does, however, provide sums out of which a fair proportion of the cost growing out of the slaughter of animals in order to stamp out some contagious disease may be paid. For instance, when we had the outbreak of the foot-and-mouth disease in four or five States a year ago several herds were slaughtered upon the order of the Secretary of Agriculture, and the department bore about one-third of the expense, the local communities bearing the other two-thirds. The chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], remarked to me just now that there was a deficiency brought in for the consideration of his committee to provide for the payment of losses growing out of tuberculosis.

Mr. TAWNEY. If the gentleman from Kansas will permit, I will call his attention to lines 19 and 20, on page 11. Six hundred and twenty-three thousand dollars are appropriated, and a part of that may be expended for that purpose.

Mr. SCOTT. No; I do not think any part of it could be expended for that purpose. I will call the attention of the gentleman to lines 5 and 7, on the same page, where there is a provision "to purchase or destroy diseased or exposed animals or quarantine the same," and it is under that provision that I think a fair proportion of the expense may be borne.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman in charge of the bill——

The CHAIRMAN. The gentleman from South Carolina has the floor.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Minnesota.

Mr. TAWNEY. I would ask if the words he has read, "to purchase and destroy diseased or exposed animals," and so forth, followed by the words "as follows," and then following the next paragraph, which makes the appropriation, would not make the appropriation, or as much thereof as may be necessary, available for the payment for animals that were slaughtered on account of disease? My attention has been called to this before, when a deficiency estimate was before the Committee on Appropriations at the extra session of this Congress.

Mr. HULL of Iowa. Mr. Chairman, has this section been read yet?

Mr. JOHNSON of South Carolina. Yes; and I have moved to strike out the last word.

Mr. HULL of Iowa. I understood they had not reached that part on page 10.

The CHAIRMAN. The last section read is the one ending in line 14 on page 9.

Mr. HULL of Iowa. Then, this is not before the House as yet.

Mr. LAMB. No.

Mr. JOHNSON of South Carolina. Mr. Chairman, I hope now that I may be allowed to say what I want to say. Just about the time that Congress convened, it was published in the Washington newspapers that the dairy herds in and around the District of Columbia were infected with tuberculosis, but that the tuberculosis herds had not been killed because there was not appropriation out of which the owners could be compensated. It was discovered, however, about that time that there was some appropriation, a small appropriation, which could be made available for this purpose, and hence as far as the appropriation would hold out they proceeded to exterminate the infected cattle. What occurred to me was this, Why should the Government pay for killing an infected, diseased cow? If the cow is infected with tuberculosis, no man with any milk of human kindness in him would offer her to a butcher or would sell milk from her.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I hope I may be allowed a little while longer, as my time was taken up by others.

The CHAIRMAN. Without objection, the gentleman will be recognized for five minutes.

There was no objection.

Mr. JOHNSON of South Carolina. So, Mr. Chairman, it seems to me that if a cow was diseased it was no longer fit for beef, and no longer fit to be a part of a dairy herd, and the owner ought to be thankful if that fact is brought to his attention and gladly slaughter the cow in the interests of humanity. I am sure that if a government expert would come upon my place and point out to me cows that were infected with tuberculosis, I would slaughter them and thank the Government for the service that it had performed, and ask no compensation whatever.

What is the cow worth, and why should we appropriate money to pay for it? The only thing of any value is the hide, and that the owner gets when the animal is slaughtered.

Mr. MOSS. Is it not a fact that a few of those herds slaughtered in the District of Columbia under the inspection of the Government they afterwards sell the carcass with the consent of the Government——

Mr. JOHNSON of South Carolina. I hope not.

Mr. MOSS. I can state that is true.

Mr. JOHNSON of South Carolina. Then I will join the anti-meat league if that is the fact.

Mr. MOSS. That is true; there is no question; and not only that, but I have it on the authority of some gentleman from the Agricultural Department that in some cases of those slaughtered they only condemn part of the animal and allow the parts not condemned to be sold.

Mr. JOHNSON of South Carolina. Certainly we ought not to pay for that which is condemned. I withdraw the pro forma amendment.

Mr. PERKINS. Mr. Chairman, I move to strike out the last two words. It seems to me this question as to whether the Government should pay a large sum of money for diseased cattle that certainly are worthless deserves a reply from the chairman of the committee.

Mr. SCOTT. Mr. Chairman, I made no reply because the remarks of the gentleman from South Carolina did not seem to call for one particularly, and because no amendment was offered to the bill. There is a reply which seems to me to be adequate. It is not strictly true to say that these cows which are affected with tuberculosis are worthless. It has been pretty clearly shown that the tubercle bacilli are not carried in the milk of these cows. It has been shown with clearness that the calves coming from these cows do not inherit the disease. The milk is only contaminated after it leaves the cow, and it may be kept pure with proper safeguards. The calf from a tuberculous cow may be taken away from her and surrounded by healthful influences and live to maturity, so that it is not true to say that the herds are worthless. In the second place, it is true, as I believe was just suggested by the gentleman from Indiana, that tuberculous cattle are slaughtered and they pass a part of the carcass because it may not be infected in the least with the bacilli, and they condemn that which is so infected.

Mr. CARLIN. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. CARLIN. Is there any statute authorizing this appropriation?

Mr. SCOTT. Unless it might be the general statute creating the Bureau of Animal Industry, which I have not read for a year or two—and I would not be able to state from recollection—but I am disposed to think that the language of the statute is broad enough to authorize the Secretary to take such action as he deems best to eradicate these contagious diseases.

Mr. CARLIN. Have you the statute before you?

Mr. SCOTT. I believe I have.

Mr. CARLIN. I would like you to read that portion which you claim justifies this appropriation.

Mr. SCOTT. I dislike to keep the House waiting, and if I can have unanimous consent to do so I will ask to pass this matter for the present, with the understanding that we can go back to it when the gentleman from Virginia desires to do so.

Mr. CARLIN. I very much prefer to determine it now, because I want to raise the point of order——

Mr. HULL of Iowa. Mr. Chairman, I desire to call attention to the fact that this part of the bill we are discussing has not been read, it is not open to an amendment or the point of order or anything, except questions have been asked——

Mr. SCOTT. I confess my attention has been diverted, and I have not been able to follow the reading of the bill carefully, and I assumed——

Mr. HULL of Iowa. This matter is on page 11.

Mr. SCOTT. I assumed that the gentlemen who were talking were directing their remarks to the subject immediately under consideration.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. SCOTT. I have no time myself, but I will be glad to yield to the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. I desire to say I offered an amendment to strike out one word in the first section of the bill relating to the Bureau of Animal Industry. I do not know just where this appropriation is in the bill, but I wanted to call it to the attention of the committee at this time so that when we did reach it Members would know something about it.

Now, I want to ask the gentleman this question: How much money has been expended under that appropriation, wherever it is and whatever it is, in paying for diseased cattle?

Mr. SCOTT. During the fiscal year ending 1909 there was something like $400,000, as I now recall it—and the gentleman will appreciate I am speaking from a recollection of something that happened over a year ago—under authority of this provision, to pay part of the expense of slaughtering herds in Pennsylvania, New York, and Wisconsin and one or two other States where there had been a vicious outbreak of the foot-and-mouth disease.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. SCOTT] has expired.

Mr. SCOTT. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SCOTT. There has been no report made to the committee of the amount expended under this provision during the present fiscal year, and we do not know whether any amount has been expended, because reports are not made until the close of the year.

Mr. MOSS. Will the gentleman yield for a moment?

Mr. SCOTT. I will yield to the gentleman from Indiana.

Mr. MOSS. Is it not a fact that so far as tuberculosis is concerned, the spending of the money at the present time is just going on here in the District of Columbia?

Mr. SCOTT. There has been some work in other parts of the country. The gentleman may remember that for two or three years the bill has contained a provision authorizing the department to investigate the prevalence of tuberculosis in various parts of the country, and that investigation has been carried on, but I think no herds have been slaughtered; at least the department has not paid the expense or any part of the expense of slaughtering any animals, outside of the District of Columbia.

Mr. MOSS. I made a personal investigation at the department and was informed by the officials there that, so far as tuberculosis was concerned, we have been conducting the examination only in the District of Columbia, because here alone did Congress have the right, under the law, to act.

Mr. SCOTT. I think that statement is correct.

Mr. MOORE of Pennsylvania. Following up the interrogatory of the gentleman from South Carolina [Mr. JOHNSON], I would like to ask the chairman of the Committee on Agriculture if he can differentiate between the amount used for purchasing and the amount used for slaughtering cattle? How much is paid to the owner of the cattle that are slaughtered, as differing from the amount paid for the slaughtering process?

Mr. SCOTT. I think these words are construed together, and I interpret it to mean the purchase for the purpose of slaughtering.

Mr. MOORE of Pennsylvania. Could you advise us, when the cattle are purchased for the purpose of slaughtering, the current price paid by the department?

Mr. SCOTT. My recollection of that is that when it has been decided to slaughter a herd appraisers are called in and the value is fixed, usually under the law of the State, and the amount agreed upon by these appraisers is the amount paid.

Mr. MOORE of Pennsylvania. To a certain extent, then, it is a matter of barter and sale as between the department and the owner before the slaughter actually takes place?

Mr. SCOTT. To an extent, yes; except the owner is obliged to sell.

If there are no further questions, I hope the Clerk will proceed with the reading of the bill.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MOORE of Pennsylvania having taken the Chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. LATTA, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

January 26, 1910:

H. R. 9570. An act to authorize the Secretary of the Treasury to convey certain lands to the city of Biloxi, Miss., for street purposes.

January 27, 1910:

H. R. 13832. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 12140. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at a point near Morrell;

H. R. 12288. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 13872. An act to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties;

H. R. 14496. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 15815. An act authorizing the construction of a railroad bridge across the Rio Grande River between Laredo, Tex., and Nuevo Laredo, Republic of Mexico; and

H. R. 16388. An act to authorize the Monongahela Railroad Company to construct a bridge across the Monongahela River between Fayette and Greene counties, Pa.

January 28, 1910:

H. R. 16223. An act extending the time for certain homesteaders to establish residence upon their lands;

H. R. 5463. An act to provide for a change in the bridge authorized by an act entitled "An act to authorize the building of a bridge at Dardanelle, Ark.," approved September 30, 1890;

H. R. 12138. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at Portland;

H. R. 12139. An act to extend the time for Ashley County, Ark., to construct a bridge across Bayou Bartholomew at Wilmot;

H. R. 15387. An act authorizing the town of Bass Brook to construct a bridge across the Mississippi River in Itasca County, Minn.; and

H. R. 13831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

AGRICULTURAL APPROPRIATION BILL.

The committee again resumed its session.

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing a bureau of animal industry, and the provisions of the act approved March 3, 1891, providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; the act approved August 30, 1890, providing for the importation of animals into the United States, and for other purposes; and the provisions of the act of May 9, 1902, extending the inspection of meats to process butter, and providing for the inspection of factories, marking of packages, etc.; and the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and also the provisions of the act approved March 3, 1905, to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes; and for the enforcement of section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States;" and for carrying out the provisions of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation;" and to enable the Secretary of Agriculture to collect and disseminate information concerning live-stock, dairy, and other animal products; to prepare and disseminate reports on animal industry; to employ and pay from the appropriation herein made as many persons in the city of Washington or elsewhere as he may deem necessary; to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States; for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another, as follows.

Mr. FITZGERALD. Mr. Chairman, I desire to raise a point of order. I want to inquire of the chairman of the committee

what particular duty will the Department of Agriculture have in enforcing section 62 of the act of March 4, 1909?

Mr. SCOTT. Section 62 reads as follows:

Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

Mr. FITZGERALD. The enforcement of that provision of the penal code devolves upon the United States district attorneys, does it not?

Mr. SCOTT. Yes; I think it has been in some cases. I can easily see how it would happen that this bureau would be put to expense in securing evidence, or in travel of the employee, perhaps, who might have been assaulted; and my recollection is that the Comptroller of the Treasury has ruled that in such a case the expenses should be paid by the bureau rather than by the Department of Justice.

Mr. FITZGERALD. If this practice were to be followed out as to every provision in the penal code, most of the appropriations for the Department of Justice would necessarily be made in other departments of the Government.

Mr. TAWNEY. Mr. Chairman, if the gentleman from New York will permit me, I think that these lines ought to be stricken out. I will say, with all due respect to the gentleman from Kansas, that the case cited here, and the one that he refers to, where the Comptroller made the rulling, are not at all analogous. It is true that the urgent deficiency appropriation bill carried at this session an appropriation of $50,000 to the Department of Agriculture to defray the expenses of certain suits that had been brought under the pure-food act.

Mr. SCOTT. Exactly.

Mr. TAWNEY. But the pure-food act, on which the Comptroller of the Treasury made his ruling, expressly provides that the expense of the administration of the pure-food act shall be borne by the Department of Agriculture; hence the Department of Justice could not subpœna the expert witnesses necessary in the trial of those cases and pay them out of their appropriations, because the law imposes upon the Agricultural Department the duty of defraying all expenses incident to the prosecution of those cases; and for that reason we gave the Agricultural Department $50,000 to meet an expenditure which is authorized and the department is required to make, and which the Comptroller has held the Department of Justice can not make. But this is an entirely different proposition. This is a general law, a penal statute, which the Department of Justice, when called upon by any department of the Government, is required to enforce, and to prosecute any case that may arise under it, even to subpœnaing witnesses and defraying their expenses.

I think it would be a mistake to institute a policy of putting on any particular department of the Government the responsibility and the expense incident to the enforcement of any provision of the penal code. It is only because the pure-food act expressly places upon the Department of Agriculture the expense necessary to the enforcement and administration of that law that the Comptroller has held that the department must bear that expense out of its own appropriation. The general appropriation for the Bureau of Chemistry was not sufficient to meet that expense, and for that reason, at this session of Congress, we have made a deficiency appropriation. I do not think the gentleman ought really to insist upon that paragraph remaining in the bill. It is unnecessary, clearly unnecessary, and it might result in establishing a bad precedent.

Mr. SCOTT. I am not at all disposed to insist upon that language remaining in the bill.

The CHAIRMAN. For the information of the Chair, will the gentleman indicate the lines to which his point of order lies?

Mr. FITZGERALD. Page 10, lines 12 to 15.

Mr. SCOTT. These lines were inserted, Mr. Chairman, upon the recommendation of the solicitor of the Department of Agriculture, and we presumed he considered the provision to be necessary because of the ruling to which the gentleman from Minnesota has just referred in relation to the Bureau of Chemistry. Prior to this year the expenses of the Bureau of Chemistry in the matter of getting evidence in pure-food prosecutions have been borne by the Department of Justice, but this year the Comptroller of the Treasury made a ruling that the expenses must be defrayed by the Bureau of Chemistry, I presume on account of the provision of the pure-food law to which the gentleman from Minnesota has alluded. Inasmuch as it appears that these cases are on a different basis, I am disposed to agree to the suggestion that the lines may as well go out.

Mr. FITZGERALD. I simply want to suggest to the chairman of the Committee on Agriculture that if this practice should be adopted every department of the Government would be asking appropriations to enable them to enforce the criminal laws of the United States, and it would be utterly impossible to have any system.

Mr. SCOTT. I quite agree with the gentleman; it would be a bad practice.

Mr. TAWNEY. If this language remains in the bill it will make it impossible for the Department of Justice to bear any part of the expense incident to the enforcement of the law out of the appropriations made for the expenses of the Department of Justice.

Mr. SCOTT. Mr. Chairman, I will ask to amend the bill on page 10, by striking out the following language——

The CHAIRMAN. Does the gentleman from New York make his point of order?

Mr. FITZGERALD. I make the point of order against this language.

Mr. SCOTT. I will concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PERKINS. I offer an amendment which I ask the Clerk to read.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas, chairman of the committee, who had arisen to address the Chair. Then the Chair will recognize the gentleman from New York.

Mr. SCOTT. I only desired to make sure that the Clerk had the right language.

Mr. TAWNEY. Let the Clerk read the words proposed to be stricken out.

The Clerk read as follows:

Page 10, line 12, after the word "purposes," strike out "and for the enforcement of section 62 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States.'"

Mr. SCOTT. That is right.

Mr. PERKINS. Now, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 5, page 11, strike out "purchase and;" after "diseased," strike out "or" and insert "and to purchase and destroy."

Mr. SCOTT. Let it be read as it will be if amended.

The Clerk read as follows:

To destroy diseased and to purchase and destroy exposed animals.

Mr. PERKINS. Mr. Chairman, we certainly have received some startling information from the Committee on Agriculture to-day. In the first place, I think it will fill most of us with surprise to be informed by the department having in charge the enforcement of the pure-food law that milk from tuberculous cattle can safely and profitably be fed to babes, and that the meat of tuberculous cattle can profitably be eaten by ourselves. It may be so, but considering the efforts made to crush out tuberculosis in every form, it is rather startling to be told that, although an animal is infected, it is still safe to feed its milk not only to adults but also to infants, and that its meat may also be eaten.

Of course the amendment which I have offered does not bear upon that, because we are also told, in answer to the question put by the gentleman from South Carolina, that where an animal is diseased and should be destroyed it is also paid for. Therefore it can have no value. It can not be possible that we will take the position that a man should be allowed to keep, to use, to sell a diseased animal filled with contagion for another animal or full of peril to those who may use its meat or milk. It can not be possible that such an animal as that has a commercial value which this Government will recognize, and that when it destroys that animal for the promotion of the public health it will at the same time turn around and say, "We will destroy your diseased and worthless cattle, that must be destroyed for purposes of health, and yet we will pay you for them such sum as may be agreed upon." We all know that where these agreements are made between some representative of the Government and the owner of the herd, the Government gets the worst of it.

Mr. FITZGERALD. Does the gentleman believe the Government of the United States would have the right to destroy the cattle of some person in one of the States?

Mr. PERKINS. No; but it can in the District of Columbia.

Mr. FITZGERALD. That would be true, but the number of cattle that might be affected in this District would be insignificant, while the number throughout the country might be very large.

Mr. PERKINS. The Government of the United States would have jurisdiction in the Territories or in Alaska, where there may not be many cattle now, but where there may be at some future time. If the principle is wrong, it does not seem to me we should authorize it. I have endeavored to draw this amendment with care, because I can see that cattle that have been exposed to contagion may be entirely sound to-day.

A cow or ox which has been exposed may yet be sound, and if the Government comes in and destroys a sound animal in order to prevent the possibility that it may develop the disease later that animal should be paid for. The amendment provides that those cattle that are actually diseased and that certainly can have no value shall be destroyed. In reference to exposed cattle which it may be necessary to destroy to prevent the possibility of the extension of the disease, the amendment provides that the Government may purchase and destroy them. That is entirely just to the owner of any herd if he is paid for the cattle that may be exposed but still unaffected by the disease and is not paid for those that are already diseased.

Mr. WEISSE. I would like to ask the gentleman from New York if this bill covers the States or just the Territories and the District of Columbia.

Mr. PERKINS. The gentleman from Wisconsin will have to ask the gentleman in charge of the bill.

Mr. WEISSE. I mean the gentleman's amendment.

Mr. PERKINS. Oh, my amendment strikes out the words that I find in the bill which authorizes the purchase of diseased cattle. It gives the Government the power to destroy them, but not to purchase.

Mr. WEISSE. In Wisconsin we have a state law that allows us to destroy the cattle which we test and find diseased, and the State pays two-thirds of the value of the cattle that are diseased, and by that means we have got rid of tuberculosis.

Mr. PERKINS. May I ask the gentleman what in his State is regarded as the value of an animal which is afflicted with tuberculosis?

Mr. WEISSE. They place a limit to the amount that can be paid for any one animal. This refers to registered stock, which is very high in price. I have a Holstein cow worth $10,000. In my district the State would pay about $70 for this cow if killed, but the average value is taken up by a board of three disinterested persons, who appraise the value of the cow.

Mr. PERKINS. Let me ask the gentleman, would the gentleman himself buy an animal afflicted with tuberculosis for 5 cents?

Mr. WEISSE. This test is made by the state veterinarian. I can not tell just exactly how the test is made, but they inject into these cattle antitoxin.

Mr. FOSTER of Indiana. Tuberculin.

Mr. WEISSE. Tuberculin, as the gentleman from Indiana says; and as soon as they discover that the cattle are diseased a board composed of three persons appraise the value, and the State pays two-thirds of the value of the cattle. After killed they are then taken to the slaughterhouse and the farmer is allowed the hide and other offal, so to speak, and what is left is burned up or destroyed.

Mr. PERKINS. I have bought cows myself, but I never would have been willing to pay 10 cents for a cow that was diseased.

Mr. WEISSE. Our State will not allow a cow to come into it without being tested, and that is one thing that has made us the leading dairy State in the West. If you buy cheese or butter made in Wisconsin you know you get it free from tuberculosis, for you get it from cows that have been tested. The Holstein cow that holds the world's record for milk giving is owned in my district by W. L. Gillette, Rosendale, Wis.

Mr. CARLIN. Mr. Chairman, I make a point of order that this appropriation is not authorized by law.

The CHAIRMAN. The point of order comes too late. The question has been debated for some time. Debate having been had on the merits, the Chair will overrule the point of order.

Mr. CARLIN. But I made the point of order at the first, and the gentleman in charge of the bill said that he wished I would reserve it until later.

Mr. SCOTT. Mr. Chairman, the gentleman from Virginia is correct; he did call my attention to the fact that he desired to make a point of order, and the Chair will remember that I asked him if he would be willing to let the matter rest until we could look up the law. As far as the committee is concerned I would be willing to waive that.

The CHAIRMAN. The Chair's attention was not called to the point of order until the gentleman just now raised it.

Mr. CARLIN. I ask unanimous consent to make the point of order.

The CHAIRMAN. If the gentleman from Virginia reserved the point of order, the Chair will entertain it now.

Mr. BOOHER. Mr. Chairman, I would like to ask the chairman of the committee for some information on one part of this paragraph.

The CHAIRMAN. The gentleman from Virginia has the floor on a point of order.

Mr. BOOHER. I would be glad if the gentleman from Virginia would withhold his point of order for a moment.

Mr. CARLIN. I will withhold it for a moment.

Mr. BOOHER. I want to call the attention of the chairman of the committee to a part of this paragraph, on page 10, line 24, which says:

> To purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to disseminate the results of said tests in such manner as he may deem best.

I want to ask the gentleman if that covers the case where a man has invented or manufactured a medicine for the cure of scabies or the killing of ticks on sheep and the Government takes charge of this medicine, goes to the stock yards in different parts of the country, and experiments with the medicine and kills a great number of sheep. Is the Government responsible for the value of the sheep thus killed? The whole business is in charge of the government experts; they are there dipping the sheep, and the sheep die from the effects of the medicine. Is there any provision in this bill for paying them anything?

Mr. SCOTT. I am not a lawyer; but I presume that if the Government took possession of a number of sheep, in order to make an experiment with them, and the sheep died, the owner would undoubtedly have a good cause of action.

Mr. BOOHER. I am not talking about the cause of action. I want to state the facts of a particular case as I understand it and get the opinion of the chairman, in whose fairness and judgment I have implicit confidence.

Mr. SCOTT. And I think, as a matter of fact, that the department, under the authority given in this bill, could compensate the owner without any act.

Mr. BOOHER. If it does not come under this section, is there any provision of the bill that would cover it?

Mr. SCOTT. It would come under the general provisions of the paragraph authorizing the Secretary to make investigations looking to the extermination of contagious diseases and to the protection of the cattle of the country.

Mr. BOOHER. I want to say to the chairman of the committee that I know that has been done at one of the stock yards of this country, at least. The government experts went to the stock yards and took charge of the sheep. The farmers and the feeders go to the stock yards and buy numbers of sheep. They are taken in charge by the government experts. They are put through this dipping process and then are shipped out, and I know one gentleman who lost nearly 25 per cent of the sheep that he bought—something like 600. The government experts were notified that the sheep were dying. They went to the farm of the purchaser and examined them and told the farmer——

Mr. TAWNEY. They could not experiment with the sheep without the consent of the owner.

Mr. BOOHER. Yes; but they did without his consent, I beg to state to the gentleman. When a man goes to the stock yards and buys sheep, under the law, if they have been shipped from another State, they have to go through this process. The man has nothing to say about it. The Government takes charge of the sheep and dips them. The purchaser may not be there and may know nothing whatever about it. The purchaser can not get them out of the stock yards until they are dipped. Now, the Government uses a new remedy that has never been used in the place before. The commission man who sells the sheep is not liable and the owner who ships them is not liable, and yet I find no provision in the bill to take care of this kind of a case, unless it comes within the paragraph we are now discussing.

Mr. SCOTT. Does the gentleman know what procedure has been followed in the matter?

Mr. BOOHER. I only know that the farmers, so I have been informed, when they asked the government expert who would pay them for this loss, were told that he did not think that they could get any pay at all. The commission man is not responsible; the stock-yard company deny responsibility; the shipper is not responsible. The new remedy is used, an entirely new remedy; it is an experiment; the government expert is there making the experiment; the sheep are shipped after they go through this process; and when they are delivered they are dying; and, as I say, one gentleman lost nearly 25 per cent of

a number of sheep that he purchased—something like 600. It is a great loss, and if there is no provision in this bill to provide for it, I would like the chairman of the committee, if he could, to call the attention of this bureau to the fact and see what could be done in regard to it.

Mr. SCOTT. I would be very glad to inquire what is done in such cases.

Mr. BOOHER. Whether any report has been made in respect to it. This experiment was made at the stock yards in St. Joseph, Mo. I do not object to the Government making these experiments, but I think when loss occurs there should be compensation to owners of the stock.

The CHAIRMAN. The time of the gentleman has expired. The Chair will hear the gentleman from Virginia on his point of order.

Mr. CARLIN. Mr. Chairman, the point of order is against that part beginning on line 5, beginning with the words "to purchase and destroy" and from there down to the words "as follows," the point of order being that it is not authorized by existing law.

The CHAIRMAN. Does the gentleman make the point of order to the paragraph as it reads before the amendment offered by the gentleman from New York [Mr. PERKINS]?

Mr. CARLIN. Either before or after, it does not make any difference.

The CHAIRMAN. To that portion of the paragraph?

Mr. CARLIN. The Chair understands the point of order.

Mr. SCOTT. I would suggest that the point of order should be disposed of before voting upon the amendment offered by the gentleman from New York, because if the Chair holds with the gentleman from Virginia, the amendment will have nothing upon which to rest.

Mr. PERKINS. Yes; the amendment would go out also.

Mr. HULL of Iowa. I would suggest also to the gentleman that he would not include the words "as follows" in his point of order.

Mr. CARLIN. I did not. I said down to those words.

The CHAIRMAN. The Chair will ask the chairman of the committee for the statute authorizing the purchase and destruction of diseased cattle.

Mr. CARLIN. If the Chair will permit, I was going to state that the chairman of the committee holds that is authorized under section 2 of the act of May 29, 1884, at page 99. My point is that that section simply creates and directs the Commissioner of Agriculture to appoint two competent agents, and defines the duties of those agents with reference to certain investigations. It does not authorize the purchase or destruction of any animal, though it does authorize the employment of those agents.

The CHAIRMAN. Is there any statute other than the section referred to authorizing the purchase and destruction of diseased animals. Section 3 has been referred to. It reads:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extipation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to cooperate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State of Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

Mr. CARLIN. I call the Chair's attention to the fact that this refers to the treatment and the elimination of the disease and not of the animal.

Mr. SCOTT. Mr. Chairman, does it not often happen that the only way you can eliminate a disease is to eliminate the animal?

Mr. CARLIN. Not at all. We have laws regulating and governing the treatment of tuberculosis in human beings, and I have never yet had the idea that it involved the elimination of the individual.

Mr. SCOTT. The gentleman will hardly insist the cases are parallel——

Mr. TAWNEY. The gentleman sees no distinction between individuals and animals.

Mr. CARLIN. I think there is a distinction between the treatment of disease and extermination, and I see a distinction——

Mr. SCOTT. I should like to call the attention of the Chair to the language in section 2 of the act from which he has just read, on page 99, where—

The Commissioner of Agriculture is authorized to appoint two competent agents who shall, under the instructions of the commissioner, examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous, contagious, infectious, and communicable diseases.

Now, if in order to provide against the spread of those other diseases it becomes necessary in the judgment of the Secretary to purchase and destroy animals, it rather seems to me that this paragraph gives him authority to do so.

Mr. TAWNEY. Mr. Chairman, I wish to say when before the Committee on Appropriations the last session of Congress in support of the deficiency items on this appropriation the question arose as to what authority the department had for the destruction of the animals supposed to be diseased or animals supposed to be exposed to disease, and the Secretary of Agriculture, the head of the department, put it squarely upon the authority under the general quarantine power of the Agricultural Department; and that power, he says, has never been questioned, even by the courts or by anyone else. I have the statement made before the committee.

The CHAIRMAN. Can the gentleman from Minnesota cite the Chair to that authority?

Mr. TAWNEY. I can not cite it, as I have not got anything relating to that, but the general quarantine power the department has under the general law is the authority which the Secretary of Agriculture claims they possess that authorizes them to exercise the functions they did with respect to the purchase and destruction of animals. They do not attempt to destroy until they purchase. They have no power to do that, because you can not take property of a private individual for government account without compensation, but the power to purchase for the prevention of the spread of disease is one that he recognizes as being within the general quarantine power of the department. Here is what was said:

Mr. LIVINGSTON. Supposing you were to quarantine New York, Michigan, Maryland and Pennsylvania, and you said to those States: "Unless you do something to help us check this disease we will just keep your line guarded and will not let a cow out or in for the next ten years or until your cattle die?"

Secretary WILSON. You could do that, but if you let that disease get a real hold on any one State, then the birds, the dogs, the tramps, and the Lord knows what all will carry it all over the United States in less than five years. That is where the trouble is. You have never had it down South. They have had it west of Chicago, and this prompt work is what saves you and the West both.

The CHAIRMAN. Your powers of quarantine, however, would admit of your doing what Mr. LIVINGSTON suggests?

Secretary WILSON. Sure; that is all we could do for them. If they should say, "We will not do a thing to aid the Federal Government," then we would say, "All right, gentlemen, we will shut you up, and you shall not ship out a single thing to carry that contagion," but it would get out just the same.

Mr. CARLIN. Mr. Chairman, there seems to be no question that there is authority of law directing the Commissioner of Agriculture to adopt regulations and rules for the quarantining of animals and to prevent the spread of disease by the treatment of animals through quarantine methods. But no one has yet pointed out any statute which gives the power to the Commissioner of Agriculture to take the property itself, namely, the animals.

Mr. TAWNEY. By purchase?

Mr. CARLIN. Either by purchase or otherwise, unless we find it in the appropriation act. There is no statute which permits the Secretary of Agriculture to purchase animals for any purpose, either to maintain them or to destroy them. And the only law by which it could be justified would be the appropriation bill which is now pending. If he has the right to purchase, then it would be unnecessary to add the right to destroy.

Mr. TAWNEY. Not at all.

Mr. CARLIN. Under his own rules and regulations he could destroy it when it became his own property.

Mr. TAWNEY. It would not become the property of the Secretary, but the property of the United States, and he could not destroy the property of the United States without authority of law.

Mr. CARLIN. If your construction be correct, he would have the right, under quarantine regulations, to purchase the property, and then, under his own quarantine, if necessary to stop the spread of the disease, to destroy the property.

Mr. TAWNEY. That may be true.

Mr. CARLIN. There is no statute that permits him to purchase the animal for any purpose, either to maintain it, quarantine it, or destroy it. He can quarantine it without destruction.

Mr. TAWNEY. If his regulations authorize him to destroy it, that would have the force and effect of law, provided it does not controvert the law.

The CHAIRMAN. The Chair will hear the chairman of the committee and will ask for the authority of the Commissioner of Agriculture to purchase and destroy diseased cattle.

Mr. SCOTT. Mr. Chairman, the language of the act creating the Department of Agriculture is extremely broad. It authorizes the Secretary in terms to practically do everything that may be necessary in his judgment for the promotion of agriculture, and undoubtedly the extirpation of dangerous and contagious diseases among domestic animals would be a work in the promotion of agriculture.

The CHAIRMAN. Will the gentleman cite the paragraph in the law creating the Department of Agriculture that has within it the scope that he refers to?

Mr. SCOTT. I cite the first section of the compilation, which I think the Chair has, as follows:

> There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Passing from that, I will call the attention of the Chair to the lines of section 2, on page 99, to which I think I referred, making it the duty of the agents of the Secretary to provide against the spread of dangerous, contagious, infectious, and communicable diseases, and I would like to have that read in connection with the language of section 3 immediately following where authority is expressly given and it is declared to be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the suppression and extirpation of said diseases.

Now, it seems to me, Mr. Chairman, that the authority there given him to prepare such rules and regulations as he may deem necessary inevitably carries with it the authority to carry those rules and regulations into effect, and therefore I hold that if the Secretary reaches a conclusion that it is necessary in order to carry out the provisions of the act to purchase and destroy any given animals this section gives him the authority to do so.

Mr. NORRIS. Mr. Chairman, I was going to put it in the form of a question to the gentleman from Kansas, the chairman of the committee. If his theory be right, that the broad language of the statute he has read gives this authority to purchase and destroy, as specified in the bill, then it strikes me, to carry it out to the logical conclusion, it would fall of its own weight. Suppose that a man who owned the diseased cattle said: "I will not sell." Then the Secretary of Agriculture, under the gentleman's own bill, would be absolutely helpless. There is no law to compel the owner to sell. He can not be compelled to sell; the Secretary can not buy the cattle.

Mr. SCOTT. Mr. Chairman, in response to that I wish to say that the Secretary has other resources at his command which might practically compel the owner of the diseased cattle to sell them. The Secretary could say to the owner: "Very well; if you refuse to sell and will not allow me to destroy your cattle, I will put a quarantine around your farm, and you can not move them," and then I presume he would be willing to sell.

Mr. NORRIS. That is true; and it seems to me that without this language in the bill the Secretary would still have that authority. He could say to the man if this were stricken out, "I can quarantine your cattle and prevent their shipment," and bring the man to terms the same as he could in the other way, exactly. That would still remain there. But when you come to a concrete proposition in the language of the bill, which says that he shall have the right to purchase and destroy, is one which gives relief to the owner, it may be one that will give relief under the law, but does not, as I look at it, Mr. Chairman, give any relief whatever. The man still has the right to stand on his rights, if you concede all the chairman said, and say, "You may quarantine and build a Chinese wall around my farm; nevertheless I will not sell," and he can not be compelled to; hence it seems to me an illogical clause, and therefore I think that the point of order should be sustained.

Mr. FITZGERALD. Mr. Chairman, the argument of the gentleman from Nebraska that merely because it might be possible to defeat the purpose sought to be accomplished does not mean that the Secretary has not been given a certain power. I wish to call the attention of the Chair to section 2 of the act of May 29, 1884, on page 99. If that section be read, it seems to me there can be no doubt as to the right of the Secretary even to purchase and destroy these animals.

Section 2 provides that the Commissioner of Agriculture is authorized to appoint two competent agents "whose duties shall be" to do certain things. They are authorized under the instructions of the commissioner "to examine and report" upon certain things, "and whose duty shall be," if the Chair will repeat the language, "to provide against the spread of certain contagious diseases." If the Chair will eliminate that portion of the section which enumerates as part of their duties the examination and report, and will read it so as to see the exact powers given, "whose duty shall be to provide against the spread of other contagious, infectious, and communicable diseases," the statute is much clearer. How can the Department of Agriculture provide against the spread of these contagious diseases, so as to effect in a practical way the prevention of the spread of contagious disease, if it be not to destroy the infected animal which has the disease and may communicate it?

Mr. NORRIS. I concede all that the gentleman says of the power there, but I insist that would still exist if these words were stricken out; that the right to purchase means nothing. That is legislation without any doubt. I do not deny the construction that the gentleman puts upon it, that the right to prevent the spread of a disease might include the right to go on and destroy, and then the payment of whatever of value was destroyed would follow as a matter of law; but to insist that the purchase of this stock is necessary in order to carry out that provision of the law it seems to me is illogical, and does not follow, because you can not make a man sell unless he wants to.

Mr. FITZGERALD. Whether a man can be compelled to sell or not is immaterial. The question is whether the words "purchase and destroy" confer any additional authority upon the Secretary of Agriculture. I contend that it does not; that it is one of the means by which the Commissioner of Agriculture carries out the power vested in him under the statute. He is authorized, and his duty under the statute is, to provide against the spread of these contagious diseases. How shall he provide against them? In whatever way may be possible, and Congress may direct in one way or another. These words in the appropriation bill do not confer any additional authority upon him. This may be a limitation upon the extensive grant given to the commissioner to expend this money to prevent the spread of these diseases by purchasing and destroying cattle, and in no other way, unless in some other way authority is given to expend this particular money. So that instead of this being a new authorization of power to the department it is, in effect, a limitation upon this particular appropriation, since the Secretary can only expend this particular appropriation to provide against the spread of contagious and other infectious diseases in the manner authorized, and in no other manner. If the words were stricken out, then he might spend the money to prevent the spread of these diseases in any manner that he might deem proper.

The CHAIRMAN. Section 2 of the act which the gentleman has before him provides that the Commissioner of Agriculture shall appoint certain agents, who are, among other things:

> To examine and report upon the best methods of treating, transporting, and examining animals, and the means to be adopted for the suppressin and extirpation of contagious pleuro-pneumonia.

Now they are to report to the Commissioner of Agriculture That is the duty of these agents, as the Chair reads the section so far. Does the gentleman from New York think up to this point they are authorized to purchase or destroy animals?

Mr. FITZGERALD. Not under that language, no; but there is a comma after "pleuro-pneumonia."

The CHAIRMAN. It provides further:

> And to provide against the spread of other dangerous, contagious infectious, and communicable diseases.

That seems to exclude pleuro-pneumonia, but the language in this appropriation bill is:

> To purchase and destroy diseased or exposed animals, or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia—

And so forth.

Mr. FITZGERALD. That might be true. I think the suggestion of the Chair is correct, and that perhaps the use of the word "pleuro-pneumonia" in the appropriation may be sufficient to destroy this provision on the point of order; but I was assuming that under the language of section 2 of the act of May, 1884, the duty of these commissioners is not only to report in the respects indicated, but it is also to provide against the spread of these other diseases. So far as these other diseases are concerned, there is no limitation upon their power, and it would be proper to construe this provision of the appro-

priation bill as a limitation upon their power, so as to compel them to exercise that power in this particular manner.

The CHAIRMAN. The statute clearly intended that there should be an investigation and report on the best manner of treating pleuro-pneumonia.

Mr. SCOTT. What does the Chair think of the provision relating to rules and regulations in section 3 of the same statute?

The CHAIRMAN. Section 3 does not seem to the Chair to have a direct bearing upon the question now before the House, the authorization of the purchase and destruction of cattle with the disease of pleuro-pneumonia. The Chair therefore sustains the point of order as to that portion of the paragraph—that is, to the language beginning:

To purchase and destroy diseased or exposed animals or quarantine the same whenever, in his judgment, essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another—

That being clearly no authorization of law for that part of the paragraph.

Mr. PERKINS. The striking out of those words makes my amendment unnecessary.

The CHAIRMAN. Wholly so.

Mr. SCOTT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18162, the agricultural appropriation bill, and had come to no resolution thereon.

INTERNATIONAL FIELDS SPORTS EXPOSITION AT VIENNA.

The Speaker laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State, with accompanying papers, recommending that the sum of $50,000 be appropriated by the Congress to enable the United States to participate in the First International Sporting and Fields Sports Exposition, which will open at Vienna in May, 1910, to take part in which a cordial invitation to the United States was extended by the Government of Austria-Hungary.

For the purpose of such participation, my predecessor recommended an appropriation of $250,000, based on an estimate of exhibits which it would have been at that time possible to collect and prepare for the exposition. Inasmuch as the near approach of the time for the opening of the exposition does not now admit of an exhibit by the United States so elaborate and extensive as was at first contemplated, this amount is reduced by the Secretary of State to $50,000, and his recommendation that this sum be appropriated has my approval.

WM. H. TAFT.

THE WHITE HOUSE, *January 27, 1910.*

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 183. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

S. 404. An act for the proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late George Laird Shoup, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the Senators and Representatives in Congress from the State of Idaho. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable copper-process plate of the statue, to be bound with these memorials—

to the Committee on Printing.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 4891. An act to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas.

S. 3318. An act to legalize a bridge across the Snake River, between the States of Idaho and Oregon.

S. 5040. An act to authorize Bonners Ferry Bridge Commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho.

S. J. R. 55. Joint resolution authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ontonagon Harbor, Michigan (H. Doc. No. 602)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles W. Munn, administrator of estate of Mrs. E. S. Munn, against The United States (H. Doc. No. 604)—to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Broad Creek River, Delaware (H. Doc. No. 601)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Postmaster-General, transmitting the claim of the Philadelphia Supply Company for payment for certain post-office supplies (H. Doc. No. 603)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HANNA, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 48) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported the same without amendment, accompanied by a report (No. 336), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUBBARD of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18411) to authorize the Thacker Coal Mining Company to construct a footbridge across the Tug River at Thacker, Mingo County, W. Va., reported the same without amendment, accompanied by a report (No. 334), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3788) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr., deceased, of Pine Ridge, S. Dak., reported the same without amendment, accompanied by a report (No. 335), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7402) for the relief of William H. Howard and Oliver D. Lewis—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 19518) granting a pension to John A. Ott—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19587) granting an increase of pension to Frederick C. Hammetter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5266) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost

by conflicting grants made under the authority of the United States—Committee on the Public Lands discharged, and referred to the Committee on Private Land Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 19620) to establish a light-house and fog-signal station in Rondout Creek, Hudson River, State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: A bill (H. R. 19621) providing for the erection of a public building in the city of Greeley, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19622) to provide for the purchase of a site and the erection of a public building thereon at Fort Morgan, in the State of Colorado—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19623) to provide for the purchase of a site and the erection of a public building thereon at Sterling, in the State of Colorado—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19624) authorizing the resurvey of township 1 north, range 76 west, sixth principal meridian, and township 1 north, range 76½ west, sixth principal meridian, of the public lands—to the Committee on the Public Lands.

By Mr. PUJO: A bill (H. R. 19625) for removal of drift and bar at the mouth of Bayou Cortableau, St. Landry Parish, La., for the maintenance of navigation, and appropriating $100,000 therefor—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Colorado: A bill (H. R. 19626) for the construction of a national road from Wagon Wheel Gap to the Wheeler national monument, Colorado—to the Committee on Agriculture.

Also, a bill (H. R. 19627) to provide for the purchase of a site and the erection of a public building thereon at Fort Morgan, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes—to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 19629) to amend the act of February 6, 1907, of the pension laws so as to include artisans and members of the construction corps of the United States Army—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 19630) for the erection of an addition to the public building at Oil City, Venango County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. ANTHONY: A bill (H. R. 19631) to authorize the enlargement of the public building at Atchison, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. BARCHFELD: A bill (H. R. 19632) allowing credit in computing the pay of any officer of the Army, Navy, or Marine Corps for service while in the Revenue-Cutter Service—to the Committee on Naval Affairs.

By Mr. GARNER of Texas: A bill (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: A bill (H. R. 19634) forbidding the maintenance of a press agent or press bureau by the Census Bureau, and forbidding the expenditure of any money for that purpose—to the Committee on the Census.

Also, a bill (H. R. 19635) making it unlawful to falsify any memorandum, enumeration, report, or tabulation relating to the census—to the Committee on the Census.

By Mr. AIKEN: A bill (H. R. 19636) authorizing the extension of Princeton place NW., in the district of Columbia—to the Committee on the District of Columbia.

By Mr. OLDFIELD (by request): A bill (H. R. 19637) to quiet and confirm the title to certain so-called "sunk lands," swamp lands, and overflowed lands situated in the State of Arkansas—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 19638) conveying to the Territory of New Mexico certain lands upon which are located the Palomas Hot Springs—to the Committee on the Public Lands.

By Mr. HUGHES of West Virginia: Resolution (H. Res. 335) for the relief of Dorretta F. Talcott, widow of A. B. Talcott, late an employee of the House—to the Committee on Accounts.

Also, resolution (H. Res. 336) to continue the compilation of laws, decisions, and practice relative to employees, and the contingent fund of the House—to the Committee on Accounts.

By Mr. MACON: Joint resolution (H. J. Res. 132) creating a joint committee to investigate the expenditures of the Immigration Commission in making investigations, in accordance with the provisions of the act creating said commission—to the Committee on Rules.

By Mr. FULLER: Memorial of the legislature of Illinois, favoring the establishment of a national bureau of mines—to the Committee on Mines and Mining.

By the SPEAKER: Memorial of the legislature of Illinois, praying for legislation for the establishment of a bureau of mines—to the Committee on Mines and Mining.

By Mr. CHAPMAN: Memorial of the legislature of Illinois, favoring the establishment of a national bureau of mines—to the Committee on Mines and Mining.

By Mr. McKINNEY: Memorial of the legislature of Illinois, favoring the creation of a national bureau of mines—to the Committee on Mines and Mining.

By Mr. SABATH: Memorial of the legislature of Illinois, favoring the establishment of a national bureau of mines—to the Committee on Mines and Mining.

By Mr. FOSS: Memorial of the legislature of Illinois, favoring the establishment of a national bureau of mines—to the Committee on Mines and Mining.

By Mr. LOWDEN: Memorial of the legislature of Illinois, favoring the creation of a national bureau of mines—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 19639) granting an increase of pension to James B. Ormsby—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 19640) granting an increase of pension to Edwin Snyder—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19641) granting a pension to Wesley Shaw—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 19642) for the relief of Frederick J. Ernest—to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 19643) for the relief of Robert G. Wilson, sr.—to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 19644) granting a pension to Edward Forrest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19645) granting a pension to John Armstrong—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19646) granting an increase of pension to Maj. R. H. M. Donnelly—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 19647) granting an increase of pension to John Lampke—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 19648) granting a pension to Catherine Killian—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 19649) granting an increase of pension to John R. Kirby—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 19650) granting an increase of pension to Michael T. Dwyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19651) granting an increase of pension to L. P. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19652) granting an increase of pension to Dillard Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19653) granting an increase of pension to Patrick O'Neil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19654) granting an increase of pension to Silas Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19655) granting an increase of pension to Jesse Nye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19656) granting a pension to Elihu Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19657) granting a pension to Daniel Leigh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19658) granting a pension to John F. Benson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19659) granting a pension to James W. Kearns—to the Committee on Pensions.

By Mr. DODDS: A bill (H. R. 19660) granting an increase of pension to Elisha Hoag—to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 19661) granting an increase of pension to Celia W. Boothby—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 19662) for the relief of the heirs of the estate of Orson A. Dimmick—to the Committee on Claims.

Also, a bill (H. R. 19663) to correct the military record of David Van Dervort—to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 19664) to correct the military record of John B. Heflly—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 19665) granting an increase of pension to Thomas Mowbray—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 19666) granting an increase of pension to George W. Snead—to the Committee on Invalid Pensions.

By Mr. GILL of Maryland: A bill (H. R. 19667) granting a pension to Mary Elizabeth Wannall—to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 19668) granting an increase of pension to Mary McManus—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19669) granting an increase of pension to Leonard Briggs—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19670) for the relief of certain officers of the Second Louisiana Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 19671) granting a pension to Albert Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19672) for the relief of the heirs of Turner and Nancy Brown, deceased—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 19673) granting a pension to Alfred W. Jewett Cook—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 19674) granting an increase of pension to Isaac H. Moore—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19675) for the relief of the estate of Peter C. Brashear, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19676) for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

By Mr. KRONMILLER: A bill (H. R. 19677) granting an increase of pension to Hannah V. Neale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19678) to restore the name of William H. Billmire, alias William H. Billmeyer, to the military records of the United States—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 19679) granting an increase of pension to Ellen T. Mounts—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 19680) granting a pension to Alfred Dressler—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 19681) granting an increase of pension to John Dougan—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 19682) granting a pension to Mary D. Cooley—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 19683) for the relief of Henry Shenep—to the Committee on Military Affairs.

By Mr. MALBY: A bill (H. R. 19684) granting a pension to Orpha A. Coonley—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 19685) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill.—to the Committee on Claims.

By Mr. MOORE of Texas (by request): A bill (H. R. 19686) for the relief of the estate of Joseph Brogan, deceased—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 19687) granting a pension to Patrick Boland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19688) granting a pension to Nancy O. Mills—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 19689) granting a pension to George A. King—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 19690) for the relief of John Daniel—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 19691) granting an increase of pension to John B. Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19692) granting an increase of pension to Americus Enfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19693) granting an increase of pension to H. C. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19694) granting an increase of pension to Sarah A. Michaels—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 19695) granting an increase of pension to W. S. Hardin—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19696) granting a pension to Henry L. Karns—to the Committee on Pensions.

By Mr. ROTHERMEL: A bill (H. R. 19697) granting a pension to Moses H. Enochs—to the Committee on Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 19698) granting an increase of pension to Vincent Tharp—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 19699) granting an increase of pension to Henry Stephan—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19700) granting an increase of pension to Oscar Van Avery—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19701) granting an increase of pension to James Wesley Barron—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 19702) for the relief of James Healy—to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 19703) to grant public land to the city of Durango, Colo., for public-park purposes—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: A bill (H. R. 19704) for the relief of the estate of Thomas W. Maides, deceased—to the Committee on War Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 19705) to correct the military record of Benjamin F. Lovett—to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 19706) granting an increase of pension to George Robbins—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 19707) granting a pension to William J. Baker—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 19708) granting an increase of pension to Henry Fielding—to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 19709) granting an increase of pension to Hulda E. Bickham—to the Committee on Pensions.

Also, a bill (H. R. 19710) granting an increase of pension to Mary Ann Foil—to the Committee on Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 19711) to correct the military record of John J. Flynn—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of legislature of Illinois, for a national bureau of mines and mining—to the Committee on Mines and Mining.

Also, petition of Georgetown Citizens' Association, for the extension of Rock Creek Park—to the Committee on Public Buildings and Grounds.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans of California, for legislation for travel pay and subsistence in certain cases—to the Committee on War Claims.

Also, petition of Twelfth Ward Democratic Club, of Jersey City, N. J., for legislation to establish prices of the necessities of life—to the Committee on the Judiciary.

Also, petition of Justice Jesse Lacka and 25 other citizens of Vermilion County, Ill., for pensions for helpless children and war veterans—to the Committee on Invalid Pensions.

Also, petition of Mrs. James A. Glassford and 20 other citizens of Deerfield, Mich., against S. 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADAIR: Petition of citizens of Salamonia, Ind., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of James B. Ormsby—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Hart—to the Committee on Pensions.

Also, paper to accompany bill for relief of Joseph Shook—to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of A. T. Redd and others, R. F. D. No. 1, Prospect, Ohio, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ANTHONY: Petition of Will Wendell Post, No. 46, Holton, Kans., against the statue of Lee in Statuary Hall—to the Committee on the Library.

By Mr. ASHBROOK: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional allowances for travel and subsistence from Philippines to the United States—to the Committee on Military Affairs.

By Mr. BATES: Petition of Phoenix Iron Works Company, of Meadville, Pa., against publicity feature of the corporation tax—to the Committee on Ways and Means.

Also, petition of Elmer White, H. J. Patterson, and A. Didrick, of Hydetown, Pa., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Reid Manufacturing Company, of Erie, Pa., favoring certain amendments of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of citizens of Dravosburg and Duquesne, against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Petition of citizens of Texas, against the destruction of the greenbacks, and melting into bullion the 600,000,000 silver dollars now in circulation—to the Committee on Banking and Currency.

By Mr. CALDER: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of F. A. Stickle, for a volunteer officers' retired list (S. 4183)—to the Committee on Military Affairs.

Also, petition of Giesecke-Doench-Hays Shoe Company, favoring bill relative to excess baggage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

Also, petition of Will Wendell Post, Grand Army of the Republic, against the statue of Lee in Statuary Hall—to the Committee on the Library.

By Mr. CANTRILL: Petition of Kentucky legislature, favoring amendment to an act to protect trade and commerce against unlawful restraints and monopolies—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Local Union No. 12, International Brotherhood of Steam-shovel and Dredgemen, of Milwaukee, Wis., against purchasing of a government dredge for Lakes Michigan and Huron—to the Committee on Rivers and Harbors.

Also, petition of Local Union No. 341, Cigar Makers of America, protesting against the purchase of a government dredge for Lake Michigan; also, protest against discontinuance of harbor at Arcadia and other Michigan towns—to the Committee on Rivers and Harbors.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and subsistence, as per Senate bill 4033—to the Committee on Military Affairs.

Also, petition of Licensed Tugmen's Protective Association, No. 8, of the Great Lakes, Milwaukee, Wis., against bill for appropriation of $250,000 for a government dredge for the west shore of Lakes Michigan and Huron—to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: Petition of general assembly of Illinois, by joint resolution No. 3, for a bureau of mines and mining—to the Committee on Mines and Mining.

By Mr. DAWSON: Petition of Muscatine Typographical Union, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DENT: Petition of Farmers' Union, Locals Nos. 1647, 1495, and 1995, against gambling in futures—to the Committee on Agriculture.

By Mr. DOUGLAS: Petition of Farmers' Institute of Wilkesville, Ohio, favoring parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and sustenance from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. ESCH: Petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States—to the Committee on Military Affairs.

Also, petition of Licensed Tugmen's Protective Association and International Brotherhood of Steam Shovel and Dredgemen, against purchase of a government dredge for west coast of Lake Michigan and Lake Huron—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Petition of B. F. Welty and 19 other citizens of Waynesboro, Pa., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John Weil—to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Robert Leane—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the legislature of the State of Illinois, favoring the establishment of a national bureau of mines—to the Committee on Mines and Mining.

By Mr. GILLETT: Petition of citizens of Brookfield, Mass., and citizens of Ware, Mass., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Horace Mann and others, of Athol, Orange, New Salem, and Royalston, Mass., against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREENE: Petition of masters, mates, pilots, managers, and engineers of merchant vessels, for a light-vessel on Peake's Hill, Cape Cod, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: Petition of Farmers' Union of Medina County, Tex., against gambling in farm products—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of citizens of Barry County, Mich., against S. 404 and H. J. Res. 17, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HANNA: Petition of citizens of Williston, N. Dak., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of San Francisco Lodge, No. 68, and Vallejo Lodge, No. 25, International Association of Mechanics, favoring organization and support of navy-yards as per policy of Secretary Meyer—to the Committee on Naval Affairs.

By Mr. HOWARD: Paper to accompany bill for relief of heirs of Nancy Brown—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of Outdoors News Company, of New York, against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Atlas Mineral and Machine Company, of Lincoln, N. J., against the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Benjamin F. Vaughn—to the Committee on Invalid Pensions.

Also, petition of Board of Trade of Newark, N. J., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Benjamin Scriven, L. L. Dalton, Geise Brothers, C. E. Bennett, and others, citizens of Utah, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Paper to accompany bill for relief of Thomas Mowbray—to the Committee on Invalid Pensions.

Also, petition of Chicago Mill and Lumber Company, of Chicago, Ill., in favor of amending the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. KRONMILLER: Petition of Woman's Missionary Union and other organizations, of Baltimore, Md., favoring an adequate detention house for immigrants (H. R. 16374)—to the Committee on Public Buildings and Grounds.

Also, petition of Baltimore Chamber of Commerce, for House bill 16362, relative to tonnage increase, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Lumber Exporters' Association, for repeal of clause 6 of sectoin 38 of the corporation-tax law—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Charles Jones and William H. Billmyer—to the Committee on Military Affairs.

By Mr. LINDBERGH: Petition of United Commercial Travelers, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOWDEN: Petition of citizens of Chicago, Ill., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of legislature of Illinois, for a national bureau of mines and mining—to the Committee on Mines and Mining.

By Mr. McMORRAN: Paper to accompany bill for relief of Mary D. Cooley—to the Committee on Pensions.

Also, petition of citizens of Mount Clemens, Mich., favoring legislation advocated by the Fraternal Press Association—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Publishing and Printing Trade of Chicago, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of Cortland Landers Post, No. 21, Department of Pennsylvania, Grand Army of the Republic, against statue of Lee remaining in Statuary Hall—to the Committee on the Library.

Also, petition of Pennsylvania Academy of Fine Arts, favoring participation by the United States in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

By Mr. MOORE of Texas: Paper to accompany bill for relief of heirs of Joseph Brogan—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of citizens of Stockton, Turlock, Watsonville, Sanger, Selma, Salinas, Reedley, Madera, Monterey, Oakdale, Modesto, Merced, Hanford, Lodi, Lemoore, Kingsburg, Fresno, Dinuba, Coalinga, and Clovis, Cal., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of Conquest (N. Y.) Grange, No. 1027, against change in oleomargarine law.—to the Committee on Agriculture.

Also, paper to accompany bill for relief of George H. Brill—to the Committee on Invalid Pensions.

Also, petition of citizens of Shortsville, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of 27 veterans of the civil war, of Butte, Mont., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of Captain Charles French Camp of Spanish War Veterans, No. 4, of Great Falls, Mont., against Senate joint resolution 13—to the Committee on Military Affairs.

Also, petitions of 9 merchants of Whitehall, 15 merchants of Livingston, 12 merchants of Big Timber, and 36 merchants of Missoula, all in the State of Montana, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Kansas, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Will Wendell Post, No. 46, Department of Kansas, Grand Army of the Republic, against placing the Lee statue in Statuary Hall—to the Committee on the Library.

By Mr. REYNOLDS: Paper to accompany bill for relief of John B. Hammer—to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: Petition of citizens of Randolph County and citizens of Carroll County, both in the State of Missouri, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Joint resolution 3, assembly of Illinois, for a bureau of mines and mining—to the Committee on Mines and Mining.

Also, petition of citizens of Cook County, Ill., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. SHARP: Petition of Clinton Grange, No. 387, of Mount Vernon, Ohio, favoring a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Petition of citizens of Jackson, Tenn., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of Merriam Post, No. 8, Grand Army of the Republic, of Meriden, Conn., protesting against placing the statue of General Lee in Statuary Hall—to the Committee on the Library.

By Mr. TAYLOR of Colorado: Petition of citizens of Yampa, Colo., against increase of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of estate of Thomas W. Maides—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of citizens of Cuyahoga Falls, Ohio, favoring postal savings-banks and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of volunteer officers of the civil war throughout the United States, favoring House bill 18899—to the Committee on Military Affairs.

Also, petition of citizens of Jackson, Mich., favoring the National Fraternal Press Association bill (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

Also, petition of civil war veterans of Elissfield, Mich., favoring the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition of citizens of McLean County, Ill., favoring the so-called "National Tribune pension bill"—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Hollman—to the Committee on Claims.

By Mr. STURGISS: Petition of the Miller Supply Company, of Huntington, W. Va., against the publicity-clause requirement of the corporation tax embodied in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of the United States over 21 years of age, against removal of stamps on butterine—to the Committee on Agriculture.

Also, petition of Licensed Tugmen's Protective Association and others, against appropriation for a seagoing dredge for the west shore of Lake Michigan—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. WICKLIFFE: Papers to accompany bills for relief of Mrs. Mary Ann Toil and Mrs. Hulda Bickham—to the Committee on Pensions.

By Mr. WOOD of New Jersey: Petition of Presbytery of Elizabeth, N. J., relative to interstate shipment of alcoholic beverages—to the Committee on Alcoholic Liquor Traffic.

Also, petition of E. C. Hutchinson and others, of Trenton, N. J., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of Newark, N. J., favoring the repeal of the publicity feature in the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John T. Flynn—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of bankers of Westfield, N. Y., and residents of Silver Creek, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 29, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. SIMS. Mr. Speaker, has the Journal been approved?

The SPEAKER. It has.

Mr. SIMS. If the Journal has been approved, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Mr. Speaker, I will read an editorial which appeared in the Nashville Banner, a newspaper published at Nashville, Tenn., in its issue of January 20, 1910, as follows:

ABUSE OF THE FRANK.

Congressman KORBLY, of Indiana, who recently sent nearly a carload of bags of seed to his constituents through the mails on his congressional frank, admits that he abused the franking privilege and that he opposes the continuance of such abuses; but he says that as long as they continue he intends to see that his share of government seeds are distributed. This is equivalent to saying that although he condemns the wrong he proposes to continue to do the wrong as long as the opportunity is afforded and other Members do it.

The franking privilege allowed Congressmen should be very greatly restricted and confined strictly to the transmission by mail of official business communications. The abuse of the privilege under the present laws, however, is chargeable to the Congressman himself. The law should be amended so as to remove the opportunities for abuse, and even without amendment the Members of Congress should get together and institute a reform as to their free use of the mails.

Mr. Speaker, the Nashville Banner is in no sense a sensational journal. It is not a yellow newspaper; it is not a muck-raking journal. It is a staid, conservative, and ably edited newspaper. Was this simply a communication written by some correspondent, I should take no notice of it; but inasmuch as it appears in the form of an editorial, having editorial indorsement, and in a way reflecting on every Member of the House, I think it but just that it should be noticed to some extent.

A few years ago, during the Fifty-ninth Congress, a similar editorial was published in a Washington newspaper charging that Members of Congress were franking about everything from a Jersey bull to a humming bird. [Laughter.] I introduced a resolution to have the charges investigated by the Committee on the Post-Office and Post-Roads. It was thoroughly investigated and a report made that there was nothing in the charge. Even the gentleman who wrote the article was summoned before the committee and testified that he knew not a single instance himself of abuse of the franking privilege.

The Postmaster-General, Mr. Cortelyou, in a report to the committee said:

I have the honor to inform you that there have been, from time to time, instances in which, as the law was construed by the department, franks have been improperly used, but so far as known the irregularities have been corrected promptly when attention has been drawn to them. There is no penalty for violation of the franking privilege.

Franked matter is ordinarily under seal, and therefore is not subject to scrutiny. The recipient of the matter, judging for himself, often alleges abuse when such may not be the fact. No doubt this circumstance accounts in a measure for some of the criticism on the subject.

A further paragraph from the report says:

There have been epochs in American journalism where the bias of partisan rancor was reflected in editorial utterances, but the editors of the past who have been illustrious in American journalism were conspicuous for their ability in the marshaling of facts, not in the manufacturing of facts.

Mr. Speaker, this Nashville paper does not believe in graft of any kind. It does believe in a proper administration and enforcement of the laws, National, State, and municipal. But for some reason, the editor of this paper has thought that the evil was so great as to justify the taking of his time and talents to appeal to Members of Congress to institute a reform society among themselves. I think the country is entitled to know something about the facts, because there is so much misrepresentation of the facts. I do not know what the gentleman from Indiana said, but I do not believe he said anything of this sort. The editorial says in effect that he franked a carload of seeds to his district.

In the first place, he is only entitled to 20,000 packages of vegetable and 2,000 packages of flower seeds. What is the weight of a carload? About 40,000 pounds. Think how small the weight of the seed that the gentleman was entitled to would be if all were sent at once. The weight of the whole allotment would not be 1 ton. If the whole were sent at once, is that an abuse of the franking privilege? Was not it really a favor to the postal authorities that all the seeds should be dumped into sacks and shipped at once rather than each package should be franked and separately handled? The gentleman from Indiana can speak for himself. Now, what is an abuse of the franking privilege? The word "abuse" has many meanings, but in this case can have but one, and that is unauthorized or misused—a perversion.

I will admit that a Member of Congress can abuse his franking privilege. He can write and place in a franked envelope matter that is not frankable, but nobody except those who receive that letter know the contents of it. The postal authorities could not by any sort of inspection discover it themselves. Recently, however, the Post-Office Department held, for some reason or other, that a Member of Congress could not send his addressed franks for seeds from the Office Building over here, less than a mile down to the Agricultural Department, under a frank. I will not question the correctness of that ruling. How do those franks get to us in bulk? Are they not sent to us either by the Agricultural Department or the Government Printing Office in bulk and under a frank of the department?

Mr. PAYNE. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. PAYNE. Is it not natural to expect some such statement as this, which the gentleman read from the newspapers of the country, and to expect it to go the rounds of the press just now when Congress is investigating with a view of legislating to compel publishers to pay some part of the cost of carrying magazines to their subscribers, instead of sending them at a cent a pound, and thereby getting what is called a subsidy? Does not the gentleman expect some such attacks as this naturally, while that thing is going on and an investigation is being made?

Mr. SIMS. Mr. Speaker, that is a very pertinent inquiry, and something about which I was going to speak if the gentleman had not asked me, but I am very glad that he did ask me. Now, what is frank? It means free. The last report of the Postmaster-General says that the expense to the Government for free mail last year under congressional frank was $518,385, and for free mail under "penalty" envelopes—that is, departmental—was $5,219,661. That includes government franks not used by Members of Congress—it is ten times as great as that used by Members of the House and the Senate. What else do we find?

The Postmaster-General in his report and the President of the United States in his message to this body said that the cost to the Government for carrying second-class matter, over and above what was paid for it, was $64,128,026. The entire expense to the Government for sending franked matter of all kinds that can be described as congressional was $518,385, and of sending newspapers and periodicals, $64,128,026. If this report is true, if the President's message is true—and I am not here to say that it is or is not, but it ought to at least be treated as prima facie true—then the newspapers and the periodicals, those who have the benefit of the second-class rates, receive by way of franking privilege as much in one year as Congress does in one hundred and twenty years. [Applause.] What do you think of that, when they set themselves up to say that Congressmen ought to organize a reform society among themselves? We find also from this report that in the registry division the loss to the Government was $3,878,000, or, in round numbers, eight times as much as the entire congressional frank. A registered letter or package is a letter or package carrying valuables of the sender, and yet the Government of the United States, if this report can be believed, is giving a franking privilege to those who register their mail of $4,000,000, speaking in round numbers. What else is going on?

Understand, Mr. Speaker, that I am not saying that the Postmaster-General is correct in his report. Maybe he is incompetent, maybe he is unfit for his office, maybe he has deceived the President in presenting here a solemn statement in his recommendations to us that is not true. I will not say that Mr. Hitchcock can not deceive if he tries. We all know that as manager of the national Republican campaign last year he did deceive the majority of the people in this country into voting the Republican ticket. [Laughter.] Whether he has done it in his report is a question of fact; but if it can be shown that the facts he has reported are not true, our honorable newspaper friends should devote their time to showing that Mr. Hitchcock is the most colossal incompetent that has ever been put on the country, if he does not know the difference between 64,000,000 and 4,000,000, for the publishers claim that he is $60,000,000 out of the way.

Now, let us compare the annual appropriation bills with this deficit. The loss to the Government on second-class matter, including newspapers and periodicals, in one year exceeds the total sum of the following annual appropriation bills, and I speak only in round numbers: Agricultural, $12,900,000; diplomatic and consular, $3,000,000; legislative, $11,000,000; Military Academy, $2,000,000; rivers and harbors, last year, $9,000,000. The loss to the Government on second-class matter is exceeded only by four of the great annual appropriation bills. It is exceeded by the army and by the sundry civil, naval, and pensions, because, of course, the post-office appropriation bill should not be regarded, as it is met by the revenues from that department.

Now, these same gentlemen, or somebody, I do not know who, flooded this country and flooded the Members of this House with literature, and I want some of my friends in the rural districts to read a little of it. Here is the answer of the magazines and their demands. They no longer come in the form of petitioners, but with a big stick, demanding. Let me show you one of the things they say, you gentlemen who are interested in rural free delivery. The tendency of these statements is to charge upon the rural free delivery the deficit. They say the Postmaster-General does not know what he is doing when he reports the loss on second-class matter, but he does know what he is saying when he reports the loss on rural free delivery, because they set forth his figures for that loss, whereas they will not take him for the other. In one paragraph they say:

If the rural free-delivery system were discontinued to-morrow it would never be known to magazine publishers through any effect on their business.

Mr. Speaker, the truth is that upon the rural free-delivery service the greatest increase is in the second-class matter, including newspapers, periodicals, and magazines. The Postmaster-General shows that it cost $28,000,000 more to operate the rural free-delivery service last year than was received from it; therefore it costs five times as much to carry a newspaper or periodical upon a rural route than it does upon the ordinary mail routes of the country. Who is getting the benefit of that semifranking privilege? Why, every newspaper and pamphlet is counted as a piece of mail in determining whether the rural routes shall be continued or not, and we know that in order to maintain this service the subscription to papers and periodicals is stimulated by both carriers and patrons along those lines. Now, if it costs $8 to the Government, upon the average, to carry 100 pounds of second-class mail more than it gets out of it, or, rather, for every $9 the Government spends for carrying second-class mail it has a loss of $8, it costs five times more to serve the rural free delivery than it does on the general mail routes, and therefore every piece of second-class mail matter on rural routes costs forty times as much as the Government gets out of it.

Mr. BARNHART. Will the gentleman yield to me for a question?

Mr. SIMS. I will.

Mr. BARNHART. The President has announced that it costs 9 cents to transport second-class matter on a railroad. Is that right?

Mr. SIMS. That is the average of all mail carried on railroads or otherwise.

Mr. BARNHART. Express companies very frequently occupy one end of the same car that is used for carrying mail. I have a letter setting forth that the express companies will transport mail or expressage from here to Chicago, approximately 1,000 miles, for 2½ cents on 50 pounds or more. Now, the cost of cross-continent transportation for expressage is 5 cents. If the express companies can carry at a profit in one end of the car at 2½ cents from here to Chicago, why is it that the Government must pay the railroad 9 cents for carrying the same matter in the other end of the car.

Mr. SIMS. Why, Mr. Speaker, I am not here to say whether that report is correct or incorrect. It is official. The gentleman's statement is not on all fours, because it costs 9 cents per pound upon the average to carry the mail that is carried not only between given points in this country, but mail to England, the Philippines, and Porto Rico, and everywhere.

Now, another matter I want to notice in connection with this which is pertinent——

Mr. TAWNEY. Will the gentleman from Tennessee permit a question? Does the report of the Postmaster-General state the amount of revenue from postal revenues which is derived from the first-class matter?

Mr. SIMS. Oh, yes.

Mr. TAWNEY. Letter postage; how much is there?

Mr. SIMS. You mean the profit?

Mr. TAWNEY. Yes.

Mr. SIMS. The profits on first-class mail were $53,674,194.62.

Mr. TAWNEY. Assuming that this report as to the deficit in second-class matter is correct, it would enable Congress to authorize 1-cent postage on first-class matter if the deficit on the second-class matter was made up as proposed?

Mr. SIMS. Assuming these figures to be correct, it seems that the answer could be but one way. I am not undertaking to say that these figures are correct, but our newspaper and magazine friends, and we have all got them (the man that has not been written up and skinned by a few of them does not know he exists), insist that there is a set-off in this way; that by reason of the increased circulation of newspapers and magazines there is a corresponding stimulation of first-class mail and that they should have the benefit of the profits on the first-class mail which they stimulate. If they know how to calculate that, I will be glad to give it to them.

Mr. GOULDEN. I should like to ask the gentleman whether his $500,000 cost of the franking privilege means that it applies only to the Senate and House of Representatives, speaking in round figures?

Mr. SIMS. Free congressional franks.

Mr. GOULDEN. Can the gentleman tell us how much the cost to the Government of the franking privilege, or the free mail service, is to the Government itself?

Mr. SIMS. Five million two hundred and nineteen thousand six hundred and sixty-one dollars and sixty-five cents.

Mr. GOULDEN. Thank you.

Mr. ASHBROOK. I would like to ask the gentleman if he does not believe if there is a loss in the second-class postal rates the people are the real beneficiaries of the loss?

Mr. SIMS. That is a question every man can judge for himself. I am not here fighting to prevent the newspapers and magazines from having this privilege. I am here, though, objecting as one Member of this House to a continual stream of misrepresentation, slander, and abuse of Members of the House, with no facts for a basis for such charges.

Mr. GOULDEN. The gentleman is absolutely right.

Mr. SIMS. Now, as to the franking privilege on seeds, let me tell you what is the present appropriation for seeds this year. It is the largest we have ever had, as I understand it. It is $265,000. The loss on second-class matter in one year would pay the total seed appropriation for two hundred and forty years, speaking in round numbers.

Now, as to the stimulus of first-class mail by the use of the seed frank, I will give you an almost pathetic example of it in a moment or two. Why, if we were to do as the Nashville Banner says, restrict the franking privilege exclusively to official business correspondence, then not a farmer's bulletin would be sent out, not an agricultural yearbook could be sent out, not a package of seed could be sent out, not a document from the document room could be sent out, unless the Member pay the postage out of his own pocket. What do you think about such an idea as that? It simply means, if carried out, that there would be none of these things sent out. Let the Members of this House who live in the rural districts think of your experience. You know very well that the sending out of seeds stimulates and is the direct cause of a flood of first-class mail matter. Is it not true? I have received as high as 50 letters and postal cards in one day from my district, requesting seeds. Therefore, if you are going to charge the Government with the loss of the franking of seeds, you should credit it with the first-class postal receipts growing directly out of it. I am confident, as far as my own district is concerned, and I can only speak of that—it being an agricultural district—that I receive within a year as many letters and postal cards from it relative to seeds as would equal the number of packages of seeds sent out. Many hundreds of people write for them and many hundreds write and acknowledge the receipt of them, and also write a statement as to the kind or quality of vegetables which were grown from the seeds. On all this mail the Government realizes a profit of 200 per cent, as I am informed, and not one cent of this revenue would be received by the Government if no seeds were sent out.

But here is my esteemed colleague, General GORDON, good, old confederate soldier, out of his goodness and kindness of heart, had a little statement published in the press in his district that anybody that wanted seeds to please write him. They took him at his word and they have written him, and so my colleague, the good, old general, came to me a few days ago and asked me if I knew where he could get some extra help to answer his mail that came to him from Mississippi, Arkansas, and Tennessee, asking him for seeds. [Laughter.] What a stimulus to first-class matter did arise out of that. The idea contained in such editorials as I have read that the franking privilege is for the private, personal benefit of the Member of Congress is ridiculous. You know, and I know, that we are continually being written to by the Department of Agriculture to get our franks addressed and get them to the department as soon as possible. They begin in the Southern States in December, I believe, and go on farther north. They write and ask us: "Do you want your franks; we will send them to you; we will have them sent to you." They have been sent to us, and now the Agricultural Department is sending to the Office Building and taking these frank slips down to the department at the Government's expense. What is the difference in effect, moral or otherwise, in going through the post-office at government expense or being hauled down to the Department of Agriculture at government expense?

Oh, I have seen in the newspapers, "Congressmen caught red-handed franking their seed franks," when everybody has been pursuing that practice ever since I have been here for thirteen years and nobody ever dreamed of it being wrong. Wherein is the Member benefited whether the Post-Office Department or the Agricultural Department takes them to the Department of Agriculture?

Now, a Member can abuse the franking privilege. He can write something and put it in a franked envelope and seal it, and nobody is going to find out anything about it except himself and the receiver. He can abuse the franking privilege in this way. But would he risk such a thing for 2 cents, to save the 2 cents that he would have to spend to stamp the letter? Such a letter might get out in the hands of his opponent or the friends of his opponent, and he would be charged with abusing the franking privilege, all on account of 2 cents. I know that such letters can get inadvertently in the mail once in a while. Once when I was a candidate for nomination a gentleman got hold

of an envelope that I had written to somebody. It had the frank stamped on the corner. He was telling it around privately that I was violating the franking privilege. I got a friend to go and see the envelope, and he came back and said, "It is right; he has got the envelope; the letter was a private letter. I am very sorry." I said to him, "Was there not a stamp on it?" He answered, "Oh, yes, there was a stamp on the envelope; but it is against the law to send a private letter in a franked envelope even with a stamp on it." [Laughter.] But here are editors of great conservative newspapers, sitting down and working their brains to the highest pressure for the public good, and so intending at the time, without being muckrakers, sending out statements that are so far from the real facts of the case.

Now, I want to call attention to another matter. Our official characters are involved. Who has any respect for a man who would assassinate private character? Where is the newspaper that will publish scurrilous remarks about private individuals? Nowhere. But, my friends, the value of private character pales into insignificance compared with official character. If the instrumentalities of this Republic are unworthy of confidence, then the Republic is a failure. Often an attack upon a Member of Congress is made as soon as he gets here, who bore the best of reputation at home, and never bore anything else until he came here, simply on an unfounded, untrue, and false statement that he was franking something which he had no right to do. Where does your franked matter start from? It starts from the Washington post-office. The postmaster and the Post-Office Department here are not ignorant as to what is frankable matter.

The only matter that can go through the mails for your constituents that would not be subject to detection is sealed matter. It is true that a country postmaster seeing a Congressman's frank on a box or book would conclude it was frankable and send it out. No such thing is true of the post-office here. All your documents go through the Washington post-office, where they have expert knowledge as to whether the law is being violated. I have no objection to criticism. That is all right. I have no objection to Members who have violated the law being shown up; but do not libel a whole class for the wrongs of a single Member.

Now, I do not know whether the transportation of those 61 bags of seeds from Washington to Indianapolis cost the Government one cent or not. It all depends on whether they were sent during what is called "one of the weighing periods." The country, for the purpose of weighing the mails, is divided into four sections, and in each section the weighing period is 105 days every four years. If these 61 bags of seed were sent out at a time when no weighing was going on in that particular section, the railroads would get nothing for the transportation of those bags of seed. Seeds are only sent out in the winter and spring. All the weighing periods are not in the winter and spring, and therefore in all probability much of the seed and other frankable matter is carried by the railroads under their contracts with the Govenment without one cent of expense to the Government, because of not being sent at the time the weighing is done. Our newspaper friends do not seem to think about that or look into it. They certainly know or have the means of knowing if they wish.

I wish to read a letter from a man in my district just received:

MADOLE & BOERNER,
Paris, Tenn., January 21, 1910.

Hon. T. W. SIMS,
Washington, D. C.

DEAR SIR: We understand that the postal rate on newspapers and periodicals of general circulation is likely to be increased very much, which will be very burdensome to the public at large and will have a tendency to cut off very much of the very best general reading now so easy to have. It seems the object of this increase is to make up the postal deficit. Now, we are opposed to making the people bear this imposition, as it is nothing else, in face of facts that somebody in your position should call attention to.

For instance: The average rate the railroads charge the Government per pound for a given distance for hauling mail is 9 cents per pound, and for doing this same service for the express companies they charge only 1 cent per pound. Can any good and valid reason be given why the people should have to pay nine times as much as the express companies for same service? Turn your guns on something like this and let the people alone. This Government, like all others, is bankrupt, and the above fact and a few more, that you could easily know, is the cause of every deficit everywhere. Don't tax the people any more; get after the other fellow.

Respectfully, yours, W. J. MADOLE.

Here is another letter on the same subject:

ATWOOD, TENN., *January 23, 1910.*

Hon. T. W. SIMS,
Member of Congress, Washington, D. C.

DEAR SIR: Noticing President Taft's recommendation to this Congress—a raise of three or four times its present rate on newspapers and periodicals of general circulation. This, especially to wipe out this post-office deficit, is absurd, and, as a Member of Congress, you know it, and the people that voted you to the place you now occupy know it. If President Taft would recommend to Congress, and our Congressmen would put it into law, to stop paying the railroads so many times above a fair remuneration for hauling these mails, there wouldn't be a deficit for Mr. Taft to howl over. Now, Mr. SIMS, I know your aspirations, and a vast army of your constituents know and are well informed on this measure as to their general good and welfare and as to where the difference in the present price and the annexed price will have to come from, so will advise you to give your whole time and strength in opposition to this bill, which is now before a committee of 19 on the Post-Office and Post-Roads. Mr. JOHN A. MOON of Tennessee is a member of this committee. I also advise you to see Mr. MOON and use your influence on him against this bill. The people are becoming very much aroused on this, and if your aspirations are such as I think, it would pay you to act somewhat as to my advisability.

Very respectfully, BEN. B. JONES,
Rural Free Delivery, No. 1.

I have received others which I will not read, which are of the same tenor.

I have risen only for the purpose of disabusing the minds of people who may be misinformed with reference to the franking privilege and its cost. Incidentally I referred to the other, because, while I do not know whether Postmaster-General Hitchcock is correct or not, he is a sworn official of the Government, a member of the Cabinet, trusted by the President of the United States to the extent not only of appointing him to the office of Postmaster-General, but of sending to this House his message based upon his report of the operations of his department. If it is false, let my friends on the other side show it up. We poor Democrats have been out in the cold for thirteen long years, and have not even had an opportunity to look into the books. If you on the other side who have been running the Post-Office Department for all this time do not know what it is costing the country and what items constitute that cost, it shows your incapacity to remain in power any longer. [Applause on the Democratic side.] I am afraid that this recommendation of the President will result simply in having a commission appointed to investigate Mr. Hitchcock's figures, and that will do to get it beyond this Congress and another election, and perhaps by that time there will be somebody in power that will be more accurate about the figures. But if these figures are true, I appeal to your manhood as public servants to do your duty or quit the service. [Applause.]

PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 615):

To the Senate and House of Representatives:

I beg to transmit herewith a report made to me by the Secretary of War upon the conditions found by him to exist in the island of Porto Rico during a visit made at my reqeust. The people of Porto Rico, if we may judge by the expressions of the political parties in the island, have been anxious to secure amendments to the so-called "Foraker law," and especially a declaration by Congress making those who are now Porto Rican citizens under the Foraker law American citizens.

I commend to Congress the consideration of the report of the Secretary of War and recommend the adoption of his suggestions, which have been embodied in a bill amending the so-called "Foraker Act." This bill is at the disposition of Congress. The Secretary suggests not an act making all Porto Rican citizens American citizens with or without their consent, but an act to provide machinery by which Porto Rican citizens who shall make the proper application for citizenship to a proper court shall become American citizens upon taking the oath of allegiance to the United States. After a certain date the right to vote and to hold office is to be confined to American citizens, and only those American citizens are to enjoy the franchise who can satisfy certain educational or property qualifications. At present there is manhood suffrage in the island, and, as a very large percentage of the voters are unable to read or write, the electorate is not one which should be intrusted with the government. It is much better in the interests of the people of the island that the suffrage should be limited by an educational and property qualification.

I do not comment on the other changes in the law recommended by the Secretary, because he sufficiently discusses them, and his arguments need no addition from me.

WM. H. TAFT.

THE WHITE HOUSE, *January 29, 1910.*

The message, with the accompanying document, was ordered to be printed and referred to the Committee on Insular Affairs.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, with Mr. CAMPBELL in the chair.

Mr. SCOTT. Mr. Chairman, before proceeding with the reading of the bill, I would like unanimous consent for a few minutes to refer to matters concerning which questions were asked yesterday and to which complete answers could not then be given.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, the gentleman from Missouri [Mr. BOOHER] inquired concerning the practice of the Bureau of Animal Industry, in relation to the matter of testing dips for sheep or cattle, desiring to know whether, in case loss of life of the animal resulted from such test, the owner was compensated by the bureau or the department. I referred that query to the chief of the bureau, Dr. A. D. Melvin, and have in my hand his reply, which I will ask to have inserted in the RECORD without reading:

DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., January 29, 1910.

Hon. C. F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives.

MY DEAR MR. SCOTT: Referring to the statement of Mr. BOOHER regarding the use of a certain dip at the South St. Joseph stock yards, I presume that the sheep he refers to are part of a large number which were required to be dipped on account of exposure to the disease known as "necrobacillosis," or lip and leg ulceration. This disease assumes both a malignant and benign form, and before sheep which have been a part of a diseased band are permitted to move into a section of the country where this disease does not exist it has been the practice to require that they be dipped in some antiseptic solution as one of the conditions for shipment. The dipping solution was furnished by the Stock Yard Company, for which a charge was made against the owner of the sheep. I do not know whether the seller or the purchaser pays this price to the Stock Yard Company at that market. This particular dip is known by the name of "Carsolium," and has been largely used in stronger proportion than heretofore for scab. The bureau did not designate this particular dip, but it was one of two classes of dips which were permitted used. Other dips permitted by the bureau have been found entirely harmless, and I understand they have since been installed by the Stock Yard Company at South St. Joseph. Sheep from unquarantined districts and which are not affected with or exposed to a contagious disease are not required to be dipped when the Stock Yard Company provide pens which are free of infection in which to handle such sheep. If the name of the owner of the sheep which Mr. BOOHER has in mind can be supplied, I presume the details regarding the dipping can be furnished you. The portion of the law quoted by Mr. BOOHER has no reference to the dipping of the sheep in question. Dips and similar substances are not tested under the provision of the law which refers to tuberculin, serums, antitoxins, or analogous products.

Very respectfully, A. D. MELVIN, *Chief of Bureau.*

I may summarize it briefly by saying that the department does make tests of different dips in order to determine their efficacy; and in case death results, it does not hold itself responsible for the loss, for the reason, I assume, that the experiments are never made except with the consent of the owner of the animals. In the case to which Doctor Melvin assumes that Mr. BOOHER refers, the statement he makes is that when sheep are already infected with disease and it is desired to ship them to some other part of the country, the law requires that they shall be disinfected by passing through the dip, and the work is done at the expense of the owner of the sheep or the commission man who handles them. In that case also the Government does not hold itself responsible for any loss that may ensue.

Mr. BOOHER. May I ask the gentleman a question?

Mr. SCOTT. Certainly.

Mr. BOOHER. Suppose the sheep are not diseased, but perfectly well and healthy, and the government experts, without the knowledge of the owner of the sheep, who is 25 miles away, dip them, and the sheep die. Is not that a different case?

Mr. SCOTT. I should think it would make a different case in equity and doubtless in law. Whether it makes a different case in practice I do not know. I assume, from Doctor Melvin's answer to the question whether or not the department ever bears the loss in such cases, that it would make no difference in practice.

Mr. BOOHER. Is not it a much more equitable case than where the government experts go out and buy tuberculous animals and pay for them? Here the animals are not diseased, and yet your bill carries an appropriation for the payment of tuberculous animals.

Mr. FOSTER of Illinois. Not now.

Mr. BOOHER. But it did.

Mr. SCOTT. The gentleman's opinion is worth fully as much as mine. If the gentleman's facts present a different case, I presume it would be treated on a different basis.

Now, Mr. Chairman, another question was asked by the gentleman from Wisconsin [Mr. MORSE], with a request that a copy of the contract between the Western Union Telegraph Company and the Weather Bureau be inserted in the RECORD. I hold in my hand quite a large volume, which is composed of contracts between the Department of Agriculture and the Western Union, the Postal Telegraph, several cable companies, and quite a large number of telephone companies. All of these contracts are of considerable length, and while I do not see the gentleman from Wisconsin on the floor, I assume that he would not care to have them published in the RECORD.

I will quote a line or two as evidence that the answers that I made to his question yesterday from memory were substantially correct:

Messages containing not more than 20 words, exclusive of the place from which it is sent and the date, 20 cents; each additional word, 1 cent, for all distances not exceeding 1,000 miles. Over 1,000 miles, one-quarter of a cent for every 500 miles or fractional part thereof.

Which is a rate, I think, of about one-third of the commercial rate.

A uniform rate of 12½ cents for a word, as agreed upon, for all Weather Bureau cablegrams transmitted between Washington and London, England, and 20 cents additional for every message not exceeding 20 words, and for each additional word, 1 cent.

Which, I take it, does not exceed one-half of the commercial rate.

But far the greater amount of telegraphing done by the Weather Bureau is by circuits; that is to say, a line running clear across the country will be connected with offices at different points in the country, and the operator at the station of each one of these places will take the message as it goes through, just as news dispatches are sent about the country.

For such reports the contract provides a rate of 2½ cents per word over each circuit not exceeding 1,000 miles in length, and having not more than four intermediate and two terminal stations, and one-half a cent a word additional for circuits over 1,000 miles in length. Inasmuch as the words sent on these circuits are invariably code words, one word being interpreted into five or six and sometimes ten or twelve words, it is apparent that the rate is a very low one. I think that will probably answer the request of the gentleman from Wisconsin, and I will therefore ask that the reading of the bill proceed.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman a question. I observe in this paragraph that has just been read a provision for extending the same inspection of meats now in force to "process butter factories," and providing for the marking of such packages, and so forth. Do I understand that that is where they use a process for working over or renovating old butter, and that it is the purpose to extend this inspection to that class of factories?

Mr. SCOTT. Mr. Chairman, it is not an extension of the inspection in the sense that it is a new work. The duty of inspecting process butter factories was laid upon the Bureau of Animal Industry or upon the Agricultural Department by the oleomargarine act, passed in the Fifty-seventh Congress, and this language is simply carried in order that the appropriation for that purpose may be authorized.

Mr. FOSTER of Illinois. Then, do I understand that the department has the right to say what kind of labels shall be placed on that kind of butter?

Mr. SCOTT. Undoubtedly, according to the law.

Mr. FOSTER of Illinois. They now label it "process butter" instead of "renovated butter," do I understand?

Mr. SCOTT. I am not familiar with the labels on that commodity.

Mr. FOSTER of Illinois. And sell it as creamery butter?

Mr. SCOTT. I am not familiar with that fact, if it be a fact.

Mr. FOSTER of Illinois. I am very glad that this provision is there, as, in my judgment, it will have a good effect.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the construction and alteration of buildings thereon, the inspection work relative to the existence of contagious diseases, and the tuberculin and mallein testing of animals, $623,000.

Mr. CARLIN. Mr. Chairman, on yesterday by a ruling of the Chair, that portion of the preceding paragraph beginning

in the middle of line 5 was stricken out. I would like to inquire of the chairman what effect that has on this total appropriation of $623,000.

Mr. SCOTT. I do not think that any part of the appropriation of $623,000 could be safely omitted on account of the elimination of the language to which the gentleman refers, for the reason that, as a matter of fact, a very small part of this $623,000 is ordinarily used for the purpose provided in the language stricken out. The gentleman will notice that there is a long paragraph, beginning at line 10 and continuing for 10 lines, describing the work that is to be paid for by this appropriation of $623,000.

Mr. CARLIN. The gentleman is not answering my question. How much was estimated for by the gentleman's committee for the purchase and destruction of animals or for quarantining the same?

Mr. SCOTT. There was no separate estimate for that purpose, for the reason, as I say, whether any is needed or not depends largely upon emergencies, and we did not make a special estimate for it, because if the emergency arises the money which otherwise would be expended in other projects can be used for this purpose under the language of the bill——

Mr. FOSTER of Illinois. How much was expended last year for that purpose?

Mr. SCOTT. Let me finish this statement—and in such case it produces a deficiency which the Committee on Appropriations takes care of. During the present fiscal year I do not know of any that has been expended, although it may have been expended. The report simply has not been made, because the fiscal year has not yet ended. In the fiscal year ending 1909 my recollection is that about $400,000 was expended, the emergency growing out of the foot-and-mouth contagion which spread throughout four or five States.

Mr. HULL of Iowa. That entire $400,000 was a deficiency, was it not, appropriated for by the Committee on Appropriations?

Mr. SCOTT. It did create a deficiency in this appropriation and the Committee on Appropriations provided for it.

Mr. CARLIN. I understood the gentleman to say yesterday that this was a very important duty that the law imposed on the Secretary of Agriculture.

Mr. SCOTT. What I said yesterday was that it was very important, in my judgment, to have the department clothed with authority to purchase and destroy infected animals; that without such authority we could not have stamped out the foot-and-mouth disease as we have done on two different occasions within the last ten years.

Mr. CARLIN. How does the gentleman reach his estimate of $623,000, when the only things provided for for which this money is to be spent are the first items to which I have referred and, second, the eradication of scabies and the inspection of southern cattle?

Mr. SCOTT. Let me begin at the beginning of the paragraph. It says:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle.

The average annual expenditure for that purpose alone for several years past has been about $300,000. "The inspection of southern cattle" and "the supervision of the transportation of live stock" relate to the maintenance of the quarantine line which extends across the continent from the Atlantic to the Pacific——

Mr. CARLIN. But you have a separate appropriation for the quarantine line; it is not included in this item.

Mr. SCOTT. And we also have an inspection of cattle in any part of the country where contagious diseases may exist, the law requiring that they shall be inspected before being shipped in interstate commerce.

Mr. CARLIN. Mr. Chairman, I am trying——

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARLIN. Mr. Chairman, I am trying to ascertain from the gentleman how they arrive at the estimate of $623,000 which we are asked to appropriate. Now, you say $300,000 of it is for the eradication of scabies in sheep and cattle. How do we get the other $323,000?

Mr. SCOTT. I have not the project book of the Bureau of Animal Industry here, and I do not know exactly how this amount is divided. We appropriated for this purpose last year $625,000, and the Secretary this year estimated that he could get along with a couple of thousand dollars less, and so brought in his estimate for $623,000. The work has been proceeding for a great many years on approximately the same amount, and the committee has not inquired every year for the details of the appropriation. I just happened to remember that there has been spent for this western scabies work from $300,000 to $325,000 a year.

Mr. CARLIN. Does not the gentleman think the House is entitled to know the items for which this money is expected to be expended and the estimates upon which this amount is based?

Mr. SCOTT. Mr. Chairman, it seems to me the House has pretty accurate information on the matter when we bunch in one paragraph quarantine work, inspection, and other work which is of the same general character, and provide a lump-sum appropriation for it. To present the bill in such detail as the gentleman suggests would not only multiply the pages in the bill, but it would multiply the bookkeeping work in the bureau almost beyond reason.

Mr. CARLIN. The gentleman does not seem to understand me. I do not think the bill ought to be burdened with the details, but I think that somebody ought to be able to state to the House what is expected to be done with the $323,000.

Mr. SCOTT. The committee thinks the language describes what is to be done with this $623,000.

Mr. CARLIN. The language of the law says that it shall be used for the eradication of scabies in sheep and cattle, the amount required for which you say is $300,000. Now, I have no desire——

Mr. SCOTT. I have here the estimates upon which the bill was based.

Mr. CARLIN. That is what I would like to get at.

Mr. SCOTT. Under the head of "Inspection and quarantine" there are salaries outside of Washington amounting to $375,000. I presume the gentleman does not care to know to whom the salaries are paid?

Mr. CARLIN. Does that relate to the importation of animals?

Mr. SCOTT. That relates to inspection and quarantine.

Mr. CARLIN. It is the inspection and quarantine of animals we are discussing.

Mr. SCOTT. Certainly; this bureau has nothing to do with anything except animals.

Mr. CARLIN. Why do you insert the word "southern" in line 12, when you say we inspect cattle everywhere?

Mr. SCOTT. That language has always been in the bill. I assume it is because it is only southern cattle that it is necessary to inspect at all times if they enter into interstate commerce, because the Texas fever, as we call it, is endemic in the South. It is always in existence there, although we hope it will not always be; and that being true, it has been thought necessary for several years to maintain a quarantine and to provide for the inspection of southern cattle.

Mr. CARLIN. Now, I call the gentleman's attention to the fact that he stated that it requires $300,000 for the eradication of scabies in sheep and $375,000 for salaries in connection with quarantine stations.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. I stated that the $375,000 provided for all the salaries paid under this inspection and quarantine paragraph outside of Washington.

Mr. CARLIN. You also stated that $300,000 was used in the eradication of scabies. Does that include salaries also?

Mr. SCOTT. Yes; that includes salaries of men engaged in that work.

Mr. CARLIN. Do you not think your committee had in mind that some money of this $323,000 would be expended for the purposes relating to the first part of this paragraph?

Mr. SCOTT. We undoubtedly thought it might, if the emergency arose.

Mr. CARLIN. Were you not providing the money for it?

Mr. SCOTT. No; we were not providing the money for it, for the reason we could not foresee whether any money would be needed or how much would be needed.

Mr. CARLIN. And part of this appropriation was to be used for the purpose set forth in the paragraph?

Mr. SCOTT. If it became necessary; but the money was to be replaced by an appeal to the Committee on Appropriations in the way of a deficiency, as it has always been in the past.

Mr. CARLIN. Now, passing from that for a moment, has the gentleman any objection to an amendment striking out the word "southern" in line 12?

Mr. SCOTT. Will the gentleman state briefly what reason he has for suggesting that it be stricken out?

Mr. CARLIN. Yes. I do not think the Secretary of Agriculture ought to be limited in the inspection of cattle to southern cattle. He ought to have the right to inspect northern cattle, eastern cattle, and western cattle, and any other kind of cattle, if it is necessary to do so.

Mr. SCOTT. I think undoubtedly he has that right under the next clause of the paragraph, the supervision of the transportation of live stock, because he could not very well supervise the transportation of live stock without inspecting the cattle.

Mr. CARLIN. Then there could be no objection to striking out the word?

Mr. SCOTT. I see no objection to it. I am willing to accept such an amendment.

Mr. CARLIN. Now, in line 19 we find "tuberculin and mallein testing of animals." I understood you to say those tests only applied to the District of Columbia and the Territories?

Mr. SCOTT. No; I did not make that statement, if the gentleman will permit me. I stated expressly, and I thought clearly, that under a provision that has been carried in this bill for two or three years the department has made a study of the prevalence of tuberculosis throughout the country, and in doing so has applied this tuberculin test in various places.

Mr. CARLIN. They would not have any right to apply this in the States without the consent of the person who owned the animals?

Mr. SCOTT. Certainly not, but the owners of the animals are always delighted to have the government officials come and test their stock.

Mr. CARLIN. Now, then, would you have any objection to inserting this amendment in line 19, after the word "animals," namely, adding the words "the District of Columbia and the Territories of the United States and elsewhere, only with the consent of parties owning the animals?"

Mr. SCOTT. I do not think the amendment is necessary. You have said yourself, and I take your judgment for it, that the Government could not apply these tests without the consent of the owners of the animals; and if that is true, why set it out in the law?

Mr. CARLIN. Why not?

Mr. SCOTT. Because it is not necessary. It is mere surplusage.

Mr. CARLIN. Is it not always best to make the law as perfect as possible?

Mr. SCOTT. If it is so plain, now that the gentleman from Virginia can not doubt it, it would certainly seem unnecessary to try to make it plainer.

Mr. CARLIN. I do not doubt its meaning.

Mr. SCOTT. I thought the gentleman stated that he did not believe the Government had the right.

Mr. CARLIN. I have no doubt as to the law, but I doubt the method of its application.

Mr. SCOTT. That is different. So long as the law itself is plain, I do not see how there can be very much controversy about the method of its application.

Mr. FOSTER of Illinois. If we are to put it in there, would not that prevent this inspection in interstate transportation at the request of the owner?

Mr. SCOTT. It might have that effect.

Mr. CARLIN. I will provide for that. In other words, I think this. I will be frank with the gentleman——

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. CARLIN. I ask an additional five minutes; my time has been used by others.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CARLIN. The point I am making is this: I want to prevent the interference with the States by the Agricultural Department, though I am willing to yield cooperation between the States and the Agricultural Department wherever that can be accomplished.

Mr. SCOTT. Has the gentleman heard any complaint on account of interference of the Bureau of Animal Industry with the States?

Mr. CARLIN. I have not from any State, but a great deal of discussion made in reference to the States. Now, I can not go into that this morning. I am not here with a grievance, and do not desire to appear in that light; but I do want to perfect this law so that the appropriation of the Government's money, $623,000, may be used for the purpose expressed in the appropriation bill. The gentleman says that it is intended to use it for the same purpose as that stated in the bill; and I am simply trying to perfect the bill. I find all through this appropriation bill you ask items of appropriations of money for many similar purposes to that expressed in this paragraph. The word "quarantine" appears half a dozen times in the bill; and it seems to me we ought to be more certain and explicit in the appropriation of so large a sum of public money.

Mr. LEVER. Will the gentleman yield to me?

Mr. CARLIN. Certainly.

Mr. LEVER. Has the gentleman a concrete proposition in the way of an amendment that will cover his suggestion? I have just come in.

Mr. CARLIN. I have made a concrete proposition, and I am asking the chairman of the committee to accept it.

Mr. LEVER. Is it the purpose of the gentleman from Virginia to offer that as an amendment?

Mr. CARLIN. With the consent of the chairman of the committee, I am.

Mr. SCOTT. This language which has been carried in the bill so long is so clearly expressed and so well understood, I should not feel warranted, on the spur of the moment, in accepting an amendment which might easily lead to controversy.

Mr. CARLIN. Suppose we let this item stand open until I can have an opportunity to discuss it privately with you, and then take it up?

Mr. SCOTT. I am quite willing to let the matter rest for the present; and in the meantime I should like to call the gentleman's attention to the hearings on the agricultural appropriation bill, where he will find Doctor Melvin's explanation of the work of his bureau; and I think when the gentleman reads these hearings and learns that through the activity of the Department of Agriculture his own State of Virginia has had 9,778 square miles cleared of the Texas cattle tick, resulting in direct advantage to his own people to the extent of millions of dollars, I take it he will perhaps feel that the interference of the Department of Agriculture with the people of his State is not to the disadvantage of those people.

Mr. CARLIN. I was not aware of that statement of Doctor Melvin, and I am not prepared to deny it; but I am prepared to say it would be quite a surprise to me that such a result has been accomplished.

Mr. LAMB. It has certainly been done.

Mr. SCOTT. It is the report of the chief of the bureau, and of course he would not have so reported unless it was true.

Mr. CARLIN. Let this matter pass over.

Mr. RUCKER of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. SCOTT. The gentleman from Virginia has yielded the floor.

Mr. RUCKER of Missouri. I want to ask the chairman one question in my own right. I merely wanted to understand if the gentleman from Kansas agrees with the gentleman from Virginia that he might agree to the amendment that he talks about. If there is to be any such amendment, the House and not the gentleman will put it on.

Mr. SCOTT. Certainly. The only intent of my remark to the gentleman from Virginia was to accede to his request that we talk it over.

Mr. CARLIN. If our conversation will not lead to any mutual benefit, then it is a waste of time to talk it over.

Mr. RUCKER of Missouri. There has been a good deal of time wasted, or at least consumed.

Mr. CARLIN. The gentleman from Missouri is a member of the committee. I will ask him; and if he can answer the question, I will consume no more time. Can the gentleman tell me how this $623,000 is to be expended?

Mr. RUCKER of Missouri. I will answer it clearly enough for any gentleman to understand. So much of it as is necessary to be expended at all will be expended for the exact purposes stated in that paragraph of the bill.

Mr. CARLIN. How much of that is to be expended for the inspection of vessels?

Mr. RUCKER of Missouri. I do not know; and let me say to the gentleman from Virginia that I take it that on a bill appropriating twelve or fifteen million dollars there is no one in this House who can answer in detail every question as to the dollars and cents that will be expended under any particular item.

Mr. CARLIN. On every appropriation bill that comes into this House from a committee some one can always explain how the money is to be expended.

Mr. RUCKER of Missouri. Not as to how much will be expended for a purpose of this kind, when we do not know how

prevalent a disease will be; but it is our duty to appropriate so that the department will have the necessary money to protect the country against the disease, if the emergency arises.

Mr. HULL of Iowa. I move to strike out the last two words, for the purpose of saying three or four words, more or less.

It seems to me that a technical discussion of all the items in an appropriation bill like this is not conducive to the throwing of any light upon the subject. It is utterly impossible for anybody dealing with all these matters to know exactly how much will necessarily be used for each item carried in a clause like this. The aggregate amount is stated, and an approximate sum might be estimated for each individual item. A certain amount of segregation is useful. Too much of it is voluminous and adds nothing to the information of the House. Here is an appropriation that has been going on for years for a very valuable work for the people of the United States. The total amount expended for all these items shows that this amount is practically necessary; and to harass the chairman of the committee with the idea of asking him for details that it is impossible for any man to have in his mind is not in my judgment in the line of good legislative procedure.

Mr. FOSTER of Illinois. I desire to call the attention of the committee to the additional fact that in this paragraph we are dealing largely with matters as to which no man can tell what will happen in the course of twelve months; that is, the amount of the disease or the necessity for the quarantine.

Mr. SCOTT. If the chairman of the committee were able to answer every specific question asked by the gentleman from Virginia [Mr. CARLIN] and state in dollars and cents the amount that was to be expended for the eradication of scabies in sheep, for the inspection of vessels, and for the inspection of southern cattle, how could the statement of those amounts convey any information to the membership of the House? How could they determine whether the amounts appropriated were exactly right or not?

Mr. CARLIN. I did entertain the idea that when your committee reported a provision giving the Secretary of Agriculture the right to purchase and destroy diseased or exposed animals, or to quarantine the same, whenever in his judgment it was necessary to prevent the spread of pneumonia, tuberculosis, or other diseases to animals in other States, and then you asked for an appropriation of $623,000 for that purpose, that some of that $623,000 ought not to be appropriated since the Chair has ruled that that is without authority of law.

Mr. SCOTT. We made no provision for the purchase and destruction of animals in this paragraph, because the committee regarded it as an emergency which could not be foreseen, and because the committee understood that if such an emergency did arise a deficit would be created which would be taken care of in the usual way.

Mr. CARLIN. That was not only for the purchase and destruction of animals, but for quarantining the same, to prevent the spread of tuberculosis, pneumonia, or other diseases of animals, which purpose was stricken from the bill.

Mr. TAWNEY. Why does not the gentleman propose an amendment reducing the amount?

Mr. CARLIN. I have been trying to ascertain how much it should be reduced.

Mr. TAWNEY. You can make a guess at it; can you not?

Mr. CARLIN. I prefer not to guess. I was trying to act intelligently, and I thought the House wanted to get at the facts.

Mr. FOSTER of Illinois. Mr. Chairman, I think the Agricultural Committee have adopted the best language that it could possibly use. As the chairman has stated to the committee, if none of these appropriations have been contemplated in the purchase of diseased cattle, it would be brought in the deficiency bill.

The question of diseased cattle affects the human being so much that it occurs to me that even if the appropriation seems to be a little large, the House can well afford to make it. Tuberculosis in cattle may, as we know, convey the germ of tuberculosis to human beings. I think the chairman yesterday erroneously stated on the floor that milk is not a conveyor of the germ of tuberculosis. While there has been some question about that, I think at the present time there is good evidence that it is a conveyor of the germ of this disease.

Mr. SCOTT. I was quoting officials in the bureau as authority.

Mr. FOSTER of Illinois. But in the reports of the Bureau of Animal Industry, I think, they take the ground that it is conveyed through the medium of milk. It occurs to me, Mr. Chairman, that this paragraph ought not to be passed over with a view to any amendment, but that it is all right as it is, and I believe that we ought to stand by it. Let us do what we can to stamp out this dread disease of tuberculosis, that takes away so many of our people each year, and the proper study of this disease and the best way to prevent it in the animal will help to prevent the infection of human beings. The officers of the Bureau of Animal Industry are doing a great work along these lines, and I hope that Congress will encourage their efforts.

The Clerk read as follows:

For all necessary expenses for the eradication of southern cattle ticks, $250,000.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word. I desire to ask a question about lines 21 and 22. They read as follows: "For all necessary expenses for the eradication of the southern cattle tick, $250,000." Is it the intention by using this language to prevent the spread of the splenic or Texas fever?

Mr. SCOTT. That is the object.

Mr. STEPHENS of Texas. I will state that there is only one kind of tick that produces the splenic or Texas fever, and I will ask if it would not be better to amend this item so as to make a specific appropriation? Otherwise you would have every kind of a tick come under the ban of the law, whether injurious or not. It is a well-known fact, fully proven by the experts, that there is only one kind of a tick that produces the splenic fever. An animal carrying this kind of tick from a southern country to one farther north, even though the animal was itself healthy, will communicate this splenic fever to any cattle it may graze with. I do not think this appropriation should apply to all kinds of ticks, but only to the fever tick, thus making the language definitely apply to that kind.

Mr. LAMB. Are there any good ticks? [Laughter.]

Mr. STEPHENS of Texas. No; all ticks are injurious to animals, but there is only one kind that will give the splenic or Texas fever, and I think we ought to have a specific appropriation, so as to only quarantine against this specific fever tick.

Mr. SCOTT. I do not think it is necessary. I do not believe the officials of the department are wasting any part of the appropriation in fighting these——

Mr. LONGWORTH. Benevolent ticks. [Laughter.]

Mr. SCOTT. These benevolent and innocent and harmless ticks.

Mr. STEPHENS of Texas. No question has arisen about any tick except the fever tick, and ticks that do not communicate this disease should not be included in this law.

Mr. SCOTT. I never heard any complaints made that money was spent for the eradication of anything but this tick which causes the fever.

Mr. STEPHENS of Texas. If the gentleman will read the reports on Texas or splenic fever in cattle he will find that there are 15 or 20 different varieties of ticks.

Mr. SCOTT. I know there is a large number of varieties.

Mr. STEPHENS of Texas. And only one kind that is extremely harmful and dangerous to cattle, and this kind only should be the object of this legislation, and I thought that it might be better to make this appropriation specific, so that cattle not having that kind of ticks on them would not be subject to quarantine regulations.

Mr. SCOTT. I will say to the gentleman that the work has been going on for years under this same language, and I do not think an amendment is necessary.

Mr. STEPHENS of Texas. Then I withdraw the amendment.

The Clerk read as follows:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary construction and alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $108,000.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. What was the appropriation for that station last year?

Mr. SCOTT. The appropriation was $25,000 for the purchase of the land.

Mr. GOULDEN. I want to give my hearty approval to the item. I have seen the work that is done there, and it is a magnificent work, most useful, and most important. I am surprised that the item is as small as it is. I think it is something that should be encouraged, and I congratulate the committee upon having made so good a start in so good a work. I withdraw the pro forma amendment.

Mr. SHERLEY. How much of this money is to go for construction? The reason I ask is that while I agree somewhat with what the gentleman from Iowa has said as to unnecessary subdivisions, my opinion is that it is always wise to keep con-

struction accounts separate from the general accounts, for otherwise under a supposed appropriation for a specific purpose you will find that you are building a lot of costly buildings, and then a deficiency is created in the accounts, which has to be supplied later on.

Mr. SCOTT. As a general proposition, of course the position taken by the gentleman from Kentucky [Mr. SHERLEY] is absolutely sound. But this is in the nature of a stock farm, where breeding and other experiments in the line of animal husbandry will be carried on and it is necessary to have a continuing authority for construction, because the needs of the place can not be forecast a year in advance. A new box stall may be needed now or a new hog pen then or a new sheep cote at some other time, and the committee was of opinion that it ought to be carried in this way.

Mr. SHERLEY. Why not carry an item for construction?

Mr. SCOTT. Because it is impossible to estimate in advance just what construction will be needed.

Mr. SHERLEY. But an approximation can be made on that. Just to illustrate how that works out, I will state that we have had put up to the Committee on Appropriations, year after year, a proposition to build a dairy out here at the insane asylum, the items for which seemed to every member on that committee to be grossly extravagant. If the sundry civil bill had carried a general item with "construction of buildings" in it, that dairy would have been constructed years ago. I suggest that the gentleman's experience will parallel that in matters of this kind, that if you leave in a general appropriation bill the word "construction" a good deal more will go for construction than for the other purposes intended by the committee.

Mr. SCOTT. The gentleman will notice that this sum is so small that very little abuse could arise from it, and he will notice, also, that the whole paragraph practically applies to construction. It is for no other purpose.

Mr. SHERLEY. Why, the gentleman is entirely mistaken about that. It starts out with the statement "for all necessary expenses for scientific investigations," and so forth.

Mr. SCOTT. Oh, I beg the gentleman's pardon. I thought he was addressing himself to the paragraph beginning with line 12, that was under discussion by the gentleman from New York [Mr. GOULDEN].

Mr. SHERLEY. Oh, no; that paragraph has not been read. The paragraph which has been read is from lines 5 to 11, inclusive. That has been raised from $25,000 of last year to $108,000 this year.

Mr. SCOTT. Then I entirely misunderstood the gentleman from New York [Mr. GOULDEN], and I must therefore ask to correct my answer to him. I thought he was speaking of the paragraph beginning on line 12. Gentlemen will realize, of course, that my attention is distracted so much that I can not always follow the reading at the desk. Therefore I answered that last year the appropriation for this purpose was $25,000. I should have answered that it was $109,000. It has been reduced this year by $1,000.

Mr. SHERLEY. I again call the gentleman's attention to the language "and the necessary construction and alterations of buildings thereon."

Mr. SCOTT. That language has been in this particular paragraph for a great many years, and the committee has followed it up closely. There has never been any abuse of it. We have not thought it practicable to estimate in advance, for the reason that it was impossible to tell six months ahead whether you would need a hogpen in April or a sheepcot in May or a chicken coop in September, and we trusted to the integrity and discretion of the gentlemen who have charge of the stations.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. "Alterations" would take care of those small items, but "construction" is a matter that looks to larger expenditures; and while I congratulate the committee on its vigilance in preventing an abuse in the past, my experience has been so marked in that respect that I fear they will not always be able to do it in the future. Every department asks to have "construction" put into its general items, and then they can go ahead and put up the buildings and create deficits that must be supplied, because they have spent most of the original allowance for building instead of for the real purpose given.

Mr. SCOTT. I realize fully that the language renders the provision liable to abuse. I can only answer that in this particular case there does not seem to be any other way to handle it, and up to this time there has never been any cause for complaint on the part of the committee that the authority given had been abused.

Mr. SHERLEY. I shall not on this occasion offer any amendment, but I suggest in the next year's hearings the gentleman discover how much is needed for construction and then cut out that part of it in this paragraph and make a new paragraph authorizing new construction.

Mr. SCOTT. The gentleman will bear in mind the suggestion.

The Clerk read as follows:

For all necessary expenses for the equipment of a bureau experiment station, including the necessary construction and alterations of buildings thereon, the construction and repair of fences, roadways, drains, and other incidental work, $12,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that paragraph. I desire to ask the chairman of the committee if it is not a fact that this is new legislation?

Mr. SCOTT. Under the authority of the current appropriation act there was purchased something like 480 acres of land for a bureau experiment station at a cost which does not exceed $25,000. The purpose of this appropriation is to equip that station with the necessary buildings, fences, drains, and so forth.

Mr. TAWNEY. How many acres of land are there?

Mr. SCOTT. About 480.

Mr. TAWNEY. Where is it located?

Mr. SCOTT. About 12 miles east of the city of Washington.

Mr. TAWNEY. What did we pay per acre for it?

Mr. SCOTT. In the neighborhood of $50 an acre; $52.50 an acre, I think.

Mr. TAWNEY. Is it improved land?

Mr. SCOTT. Yes; it is improved land. Parts of it, of course, may be in wood lot, but the land consists of two old farms, and most of it is under cultivation.

Mr. TAWNEY. Does the act authorizing the purchase of this land also authorize the establishment of a bureau experiment station and the construction of necessary buildings?

Mr. SCOTT. It does not. The appropriation was made in this language:

For the purchase of additional land for a bureau experiment station, not to exceed $25,000.

Mr. TAWNEY. For "additional land;" did we own land before?

Mr. SCOTT. We own land at Bethesda, Md.

Mr. TAWNEY. Then, it is part of that station at Bethesda, Md.?

Mr. SCOTT. I will state the case to the gentleman. A year ago, when the estimates were under consideration, the department asked for $25,000 to buy some land that is now being rented immediately contiguous to land which the department owns near Bethesda, Md. The expectation at that time was that this land would be purchased and added to the Bethesda station. After the act had passed the Secretary and the Chief of the Bureau of Animal Industry, upon further consideration, reached the conclusion that the price asked for the land at Bethesda was higher than it would be profitable for the Government to pay. The owner asked something like $350 an acre, whereas it was the opinion of the Secretary that land could be bought for $40 or $50 an acre that would serve for this work, and consequently he began an investigation, taking several months of time to look into the matter carefully, and finally concluded that the best proposition he could secure was the one to which I have just referred, a couple of old farms lying east of Washington, which could be had for about $50 an acre. We have been carrying on at Bethesda pathological investigations, including research work in relation to the diseases of animals, and also some experiments in animal breeding. There was not room in the 50 acres which we owned at Bethesda to carry out this work successfully, because animals which are being experimented upon for pathological results ought to be separated from animals which are intended to be kept in good health for breeding purposes. It is therefore the intention of the department to separate the work and establish on the new farm the breeding, feeding, and other animal-husbandry work, and let the Bethesda station confine its attention entirely to pathological studies.

Mr. HULL of Iowa. This is really a new station to be established on this land?

Mr. SCOTT. It is really a new station to undertake what is believed to be extremely important work.

Mr. TAWNEY. The work, especially the pathological work, is being done at the Bethesda station that the Agricultural De-

partment deems important in connection with animals. Now, did I understand the gentleman to say this was a breeding station?

Mr. SCOTT. They have been carrying on some experiments in animal breeding there. There are a great many problems in connection with this work which have not been solved.

Mr. TAWNEY. Are there not other institutions of that kind being carried on under the jurisdiction of the Agricultural Department in other States?

Mr. SCOTT. The difference is this: In other States breeding experiments are conducted for the purpose of securing the best possible individuals of the different kinds of domestic animals. At Bethesda the experiments are being carried on with a view to determining the results of inbreeding, cross-breeding, and similar problems.

Mr. TAWNEY. And also pathological work generally?

Mr. SCOTT. And pathological work generally.

Mr. TAWNEY. Does not the gentleman think that is about as far as we ought to go?

Mr. SCOTT. No. The work which they propose to do——

Mr. TAWNEY. Is there any limit to the extent to which this department ultimately will go if Congress continues to encourage them?

Mr. SCOTT. The department is looked upon, and I think properly looked upon, as the highest source of authority by the country generally upon all questions relating to agriculture, and——

Mr. TAWNEY. Now, the station at Bethesda is primarily for the purpose of determining or protecting animals from disease and also the effect of inbreeding, and so forth?

Mr. SCOTT. Yes.

Mr. TAWNEY. And it seems to me that as this work does not have any relation to the other proposition I shall have to make the point of order.

Mr. SCOTT. Mr. Chairman, speaking to the point of order, I do not care to discuss it further than to say that the question is not whether this bill gives a right to buy land. That was passed upon last year. The land has been bought and the work has been entered upon. The question now is whether this bill shall be permitted to bear an appropriation to carry forward the work.

Mr. TAWNEY. I understood the gentleman to say that the land was bought for the purpose of extending the Bethesda station, not for the purpose of establishing an independent experiment bureau there. This is an entirely new proposition. I understood the gentleman to say in his answer to the gentleman from Iowa [Mr. HULL]——

Mr. SCOTT. I gave the history of the appropriation, and stated that in the beginning it was the expectation merely to buy additional land at Bethesda. But the language was so framed under the old act that I think the Secretary has been wholly within his rights in buying land entirely apart from the station at Bethesda, because the language is "for the purchase of additional land," not in Bethesda or at any particular place, "for a bureau experiment station."

But I take it the question of the item in last year's bill is not to be considered in passing upon this paragraph. The only question in this point of order is whether the work having been undertaken we can now make an appropriation to carry it forward.

The CHAIRMAN. The lines in the appropriation bill for last year provided:

For the purchase of additional land for a bureau experiment station, not to exceed $25,000.

That is the authority for the purchase of the land and is confined to that, and is the only authority cited by the chairman of the committee for the work contemplated in the part of the paragraph to which the point of order has been made.

Mr. SCOTT. Exactly; and the land has been bought as provided in last year's act.

The CHAIRMAN. Under the rules and precedents, under them it can hardly be contended that the purchase of land is a work in progress sufficient to justify an appropriation for the construction of buildings on the land so purchased.

The rule requiring appropriations to be authorized by existing law excepts those "in continuance of appropriations for such public works and objects as are already in progress." But an appropriation in violation of existing law or to extend a service beyond a fixed limit is not in order as the continuance of a public work. Interruption of a work does not necessarily remove it from the privileges of the rule, but the continuation of the work must not be so conditioned in relation to place as to become a new work. It has been held that a work has not been begun within the meaning of the rule when an appropriation has been made for a site for a public building or when a commission has been created to select a site or when a site has actually been selected for a work.

The Chair therefore sustains the point of order.

The Clerk read as follows:

For general administrative work, including traveling expenses and salaries of employees engaged in such work, rent in the city of Washington, office fixtures and supplies, express, freight, telegraph, telephone, and other necessary expenses, $51,040.

Mr. MORSE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if he will incorporate in the RECORD to-morrow, if possible, a statement of the rate paid to express companies, railroad companies, telegraph and telephone companies, for the express, freight, telephone, and telegraph charges which the Government is sending and receiving in all of the bureaus of this department? The object, Mr. Chairman, is twofold. I would like to find out whether or not the rate is uniform to all the bureaus and departments of the Government, and for the further purpose of finding out whether or not the Government is paying to the express companies, telephone and telegraph companies, and railroad companies exorbitant prices for the service rendered. I believe that the people generally are paying too much, and I have been wondering whether or not these companies have been discriminating in favor of the Government.

Mr. SCOTT. The gentleman probably will admit that the Government, on account of the very large amount of business, ought to be entitled to some consideration?

Mr. MORSE. Why, Mr. Chairman, I am not certain that I would admit even that. I am not taking a position on this question at this time. I am looking for information on the proposition, and will feel it to be my duty to ask, when the various appropriations are presented to Congress, what the Government is paying for these different services.

Mr. SCOTT. I presented this morning, before the reading of the bill began, a statement of the rate that is being paid to the Western Union Telegraph Company, in response to the inquiry of the gentleman yesterday. I was sorry that he was not on the floor, as that would have been the time to present the matter. He will see by the size of the volume I hold in my hand that an answer to his question even as to the telegraph and telephone companies would burden the RECORD very materially. Here are the contracts entered into between the Department of Agriculture and the various telegraph, telephone, and cable companies. To print all of them, or even samples of them, would burden the RECORD. I gave a sample this morning, in response to the gentleman's request, a very brief summary of the rates that are paid, according to this contract, to the Western Union Telegraph Company, and I should be glad to have him look over this book of contracts before pressing his inquiry further.

Mr. MORSE. Did the chairman state whether the rate paid was paid by one bureau or paid by all the bureaus of the department?

Mr. SCOTT. I stated only the rate paid by the Weather Bureau; but I may add that the contract is made with the Department of Agriculture and the same rate would apply to all the bureaus in that department.

Mr. MORSE. Would it not be possible for the gentleman to give us a summary to-morrow, the same as he did this morning, of the rate paid to the telephone companies and the express companies? I am particularly anxious to get at the rate paid to the express companies.

Mr. SCOTT. Well, it is a new question. I do not know whether it can be presented or not. I suppose the rate varies so much, a different rate being paid for every different shipment, that it would be a pretty hard matter to present the summary the gentleman requests.

Mr. MORSE. My idea was that there was a uniform cut or reduction made to the Government by the express companies. I do not know whether that was true or not; and what I would like to know is this: Is a different rate made for each place to which a package is shipped?

Mr. SCOTT. I have no information upon that subject. The gentleman would probably get more satisfactory results if he would take up the matter directly with the department. The department has no information that it would not give the gentleman as freely as it would give it to me; and it is a question which does not connect directly with this appropriation bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MORSE. I move to strike out the last two words for the purpose of asking one or two more questions.

The CHAIRMAN. The gentleman can only proceed by unanimous consent.

Mr. MORSE. I ask unanimous consent, Mr. Chairman, to be permitted to occupy two minutes more time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE. Just in reply to the chairman of the committee. I would like to say that this is an exceedingly important matter. It seems to me that it has an important bearing upon this appropriation, as to the amount paid to express, telephone, and telegraph companies. I believe I could get the information directly, but I wanted the information incorporated in the RECORD, in order that the people generally, who have the right to know, could, through that medium, find out what the rates were.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last two words, for the purpose of asking the gentleman a question about this paragraph beginning with line 17:

For general administrative work, including traveling expenses and salaries of employees engaged in such work, rent in the city of Washington, office fixtures and supplies, express, freight, telegraph, telephone, and other necessary expenses, $51,940.

I desire to ask whether or not the salaries here authorized to be paid are salaries to people employed at the seat of Government?

Mr. SCOTT. I think I can answer that question in the affirmative.

Mr. TAWNEY. If so, how many clerks are employed and paid from this appropriation in the department?

Mr. CARLIN. Is not that asking for too detailed and specific information? [Laughter.]

Mr. SCOTT. The estimates under the head of administrative expenses show salaries paid in Washington to the aggregate of $33,140.

Mr. TAWNEY. Why is it that the gentleman's committee does not require the department to make specific estimates for the salaries of the clerks employed here in the departments in Washington, and then appropriate for them specifically?

Mr. SCOTT. It does require specific appropriation.

Mr. TAWNEY. I know the committee has been improving the bill very much in that respect, but my attention was called, as the Clerk was reading, to this paragraph here. It seems to me that we should, as far as possible, require the estimates to be made for these services specifically, and then appropriate according to the estimates.

Mr. SCOTT. I think the answer to the gentleman is found in the character of the employees carried under this provision and the nature of the work they are doing. For instance, the very first salary noted in the estimates is for one Chief of the Biochemical Division, $3,500. That is a special scientific expert who is appointed, under the authority of law, outside of the civil service. And there are chiefs of other divisions appointed in a similar way.

Mr. TAWNEY. How can they be appointed outside of the civil service? The fact that they are appropriated for in a lump sum does not affect the right to be appointed outside of the civil service; and the fact that this man is a scientist, getting a salary of $3,500, is all the more reason why we should appropriate for employees of that kind specifically.

Mr. SCOTT. Is the gentleman certain that the law does not provide for the appointment of scientific employees in this department without an examination?

Mr. TAWNEY. Unless the appropriation says "to be appointed without regard to the civil-service law and regulations." That question arose here on the urgent deficiency bill the other day.

Mr. SCOTT. I am quite sure the gentleman is not informed as to the practice that has been followed in the department.

Mr. TAWNEY. I do not know about the practice.

Mr. SCOTT. And I think the practice is based upon the law, although I can not just now cite the authority. I know, for example, that the board of referees, to whom have been referred the various pure-food questions, were certainly not required to submit to a civil-service examination.

Mr. TAWNEY. That is under a specific authority. By executive order a man may be exempted from taking a civil-service examination; but my attention was called to that item; and on page 24 of this bill, under the Forest Service, I observe the same thing:

And other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere.

In view of that, I was going to ask the gentleman from Kansas, in charge of the bill, if he would have any objection to a proviso somewhere in this bill something like this:

On page 25, after the word "follows," in line 6, insert:
"*Provided further*, That the Secretary of Agriculture shall submit in the regular annual estimates for the fiscal year 1912, and annually thereafter, detailed estimates for all clerks, assistants, and other personal services, of whatever name and character, required for the Forest Service at the seat of government, and after the fiscal year 1911 it shall not be lawful to employ, at the seat of government, for or on account of the Forest Service any clerks, assistants, or other personal service of whatever name or character not specifically appropriated for by Congress in terms specifying the number and rates of compensation of all such employments."

I presume a provision of that kind would bring to the attention of the committee all personal service, and I think every committee of this House that makes appropriation for any department of the Government here ought to be fully informed as to the personal services employed here at the city of Washington, and the rate of compensation, and the only way we can ascertain is by requiring them to submit specific estimates and make specific appropriations.

Mr. SCOTT. The committee does require the Secretary of Agriculture to submit a detailed estimate of all the clerks and other employees of the department, no matter whether they are carried on the statutory rolls or in a lump sum. We have in connection with the paragraph under discussion a list of all the employees which are paid for under the head of administrative expenses, with the salary which each one receives. We do not believe it would be in the interest of economy or of good administration to accept the amendment which the gentleman from Minnesota has suggested, for this reason: Most of these employees, all except the scientific men, are engaged as the emergency arises, and the law provides that after they have been paid under a lump sum for one year they shall be transferred to the statutory roll; and if the gentleman will read the bill carefully and make a comparison with last year's bill, he will see that we have transferred altogether some 40 or 50 men this year to statutory rolls, making the corresponding reductions in the lump sums.

Mr. TAWNEY. I have observed that.

Mr. SCOTT. We insist on these transfers being made just as soon as it becomes apparent that the position created is going to be a permanent one.

Mr. TAWNEY. The gentleman has stated that out of this appropriation of $62,760 for all purposes mentioned in the paragraph over $30,000, or one-half of it, was for salaries.

Mr. SCOTT. Thirty-three thousand one hundred and forty dollars.

Mr. TAWNEY. Were the ones who drew this salary employed for the entire year?

Mr. SCOTT. I can not answer definitely, but I think some of them were not. Those who were employed during the whole of the year have been already taken out of the lump fund and carried to the statutory roll. The gentleman will not find, except the scientists, a single man who has been employed for more than a year; all those have been transferred to the statutory rolls.

The Clerk read as follows:

Total for Bureau of Animal Industry, $1,400,460.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the Clerk be directed to make the changes in totals in this bureau and in all other cases where amendments are made.

The CHAIRMAN (Mr. FOSTER of Vermont). Unless objection is made, it is so ordered.

There was no objection.

Mr. SMALL. Mr. Chairman, I wish to discuss very briefly the subject of drainage of the wet and inundated lands in the United States. There has been a great deal said through the press and by the people in recent years on the subject of the conservation of the natural resources, but I doubt if there is any more valuable resource than the wet lands in the United States which have not yet been reclaimed, but which, if reclaimed, will be as valuable and productive as any other lands already under cultivation.

Perhaps it will be somewhat astonishing to observe the area of the wet and inundated lands of the United States. In a report of the United States Geological Survey in 1889 there is a table approximating the areas of these inundated lands in the several States. To give an idea of it I will mention that in Vermont there are from 300 to 500 square miles; in Massachusetts about 500 square miles; New York, 2,000 to 3,000 square miles; Virginia, 1,400 to 1,800; North Carolina, 3,500 to 4,000; South Carolina, 2,500 to 3,000; Florida, 28,000 to 30,000; Mississippi, 8,000 to 10,000; Arkansas, 8,000 to 10,000; Missouri, 2,500 to 3,500; Ohio, 1,000 to 1,500; Minnesota, 5,000 to 7,000; Kansas, 200 to 300; making a minimum of 105,210 square miles and a maximum of 131,200 square miles. I shall here read in full and insert the table referred to.

This report contains a general account of the fresh-water swamps and lowlands of the United States, with a special description of the Dismal Swamp, in the States of Virginia and North Carolina, by Nathaniel S. Shaler.

From this report I quote the appended table:

List of approximate areas of inundated lands in the several States.

In the New England States, the Northwestern States, and Florida considerable areas of shallow, drainable lakes are included in this estimate.

[From the Tenth Annual Report (1888–89) of the United States Geological Survey.]

	From—	To—
	Square miles.	*Square miles.*
Maine	3,000	5,000
New Hampshire	500	700
Vermont	300	500
Massachusetts	500	----------
Connecticut	100	----------
Rhode Island	30	----------
New York	2,000	3,000
New Jersey	900	----------
Pennsylvania	300	----------
Delaware	50	----------
Maryland	400	600
Virginia	1,400	1,800
North Carolina	3,500	4,000
South Carolina	2,500	3,000
Georgia	3,500	4,000
Florida	28,000	30,000
Alabama	1,500	2,000
Louisiana	14,000	16,000
Mississippi	8,000	10,000
Arkansas	8,000	10,000
Tennessee	1,000	1,500
Kentucky	300	400
Missouri	2,500	3,500
Texas	2,500	4,500
West Virginia	30	----------
Ohio	1,000	1,500
Indiana	1,000	1,500
Illinois	3,000	4,000
Michigan	6,000	9,000
Wisconsin	3,000	6,000
Iowa	300	500
Minnesota	5,000	7,000
Dakota	500	1,000
Nebraska	300	500
Kansas	200	300
Total	105,210	131,200

To give an idea of what that amounts to in acres, I may say that the minimum area includes over 67,000,000 acres of land, and the maximum of inundated land contains more than twice the area of each of the States of Alabama and Arkansas, thirty times the area of Connecticut, more than twice the area of Georgia, three times that of Indiana, one-third more than Kansas or Minnesota, more than twice that of North Carolina or Ohio, and almost twice the area of the State of Washington.

So that these lands, in the aggregate, include a rich empire in undeveloped resources. In North Carolina alone, according to the recent report of the state geological and economic survey, there are in 28 eastern counties located in the tide-water section 4,505 square miles, totaling 2,900,000 acres, and that estimate does not embrace the areas subject to overflow along the navigable streams in the piedmont and mountain section of the State.

It may be well to call the attention of Congress to this valuable national asset and ask whether this great resource should not have greater attention at the hands of Congress, and in the educational work being carried on by the Department of Agriculture.

Illustrating again the area and value of these wet lands, I quote from a statement made yesterday before the Committee on Rivers and Harbors by Mr. Lyman E. Cooley, the noted engineer of Chicago. He said that in the Mississippi Valley there are wet and overflowed lands in the aggregate of 31,220 square miles, containing more than 20,000,000 acres, all of which may be reclaimed by drainage, and he added that these 20,000,000 acres were of greater value than the 50,000,000 acres of semiarid lands which can only be reclaimed by irrigation, and more valuable after they have been reclaimed.

Take the area of these lands as reported by the Geological Survey, and placing their value simply at $10 per acre, which is a minimum sum, it would amount in the aggregate to about $700,000,000. The greater part of these lands are now unreclaimed, and are only valuable for the timber growing thereon. Such of these lands as contained timber have been denuded to a large extent; so that it may be said that this large area in its present condition has no present substantial market value and is adding nothing to the products or wealth of the country.

May they be reclaimed? We are maintaining in the Department of Agriculture a Bureau of Drainage Investigations, for which an appropriation—a modest sum—is made in this bill. The scope of its duties, as I understand it, is largely educational. They send drainage engineers to various parts of the country, to investigate swamp lands and to ascertain if they are susceptible of drainage, and, in some instances, in order to incite the people to a movement among themselves for the drainage of these lands, they make surveys of small areas. That bureau, to my knowledge, is one of the most valuable in the entire Department of Agriculture. In many of the States containing wet lands the work which it has done has brought to the attention of the people the importance of these resources, has led to the adoption of modern drainage laws by a number of States, and these States under these laws have organized drainage districts similar to the irrigation districts which are formed in the semiarid region. They have proceeded in a spirit of cooperation under the state laws to form drainage districts and have drained large bodies of land.

The bureau is doing such excellent work under the immediate administration of Mr. C. G. Elliot that it gives me pleasure to make this public commendation. The educational work and the object lessons afforded under his supervision are of supreme importance in the development of a latent resource. Whether Congress shall, in its wisdom, at some time in the future aid in the reclamation of this vast empire of most fertile land may become an interesting question. My time is not sufficient to discuss the question at this moment, but it may well be argued, if Congress may loan a part of the proceeds of sale of the public lands for the purpose of irrigating the arid and semiarid lands in the Western States, why may it not lend some of this fund or some other fund as an encouragement, and upon a perfectly safe basis of investment, in the drainage of these valuable swamp and wet lands? [Applause.]

Mr. Chairman, for the present the work of drainage of these lands must rest with the several States. Some of these States have adopted, as I said, modern drainage laws. We have adopted such a law in the State of North Carolina, and there are now drainage districts in the process of formation which, if carried to a successful termination, as seems probable, will insure the efficient drainage of about 300,000 acres of land. These lands have been pronounced by experts in the Bureau of Soils to be as fertile as any of the lands in the Delta of the Mississippi, and I have no doubt they are typical of similar land in other States along the Atlantic seaboard and in some of the Northwestern States, notably Minnesota and the Dakotas. As an indication of this movement, I read with a great deal of pleasure the other day a letter by Mr. B. F. Yoakum, chairman of the executive committee of the Rock Island lines, who has displayed an initiative and resourcefulness in the development of the country tributary to his lines which might well be imitated by other railroad managers.

The letter which I am going to ask to insert and append to my remarks has peculiar reference to the swamp lands in the State of Arkansas, and what he says as to those lands is equally applicable to other swamp lands. The letter is as follows:

DECEMBER 13, 1909.

DEAR MR. COLE: In reference to our correspondence and talks on the subject of reclamation of unproductive swamp lands, I wish to bring to your attention the importance of reclamation by drainage of the swamp lands of Arkansas and the Mississippi Valley.

From a business standpoint we are all interested in such development, but the question goes far beyond the advantage to any class of individuals or corporations. There is no question before the public at this time so pressing as that of increasing the quantity of foodstuffs of this country. It is an accepted fact that the consumption of food is increasing at a greater ratio than its production. Any proposition which involves the bringing under cultivation more acres of land concerns not only the man or men who will own and cultivate that land, but the millions who will be supplied with its products.

BETTER THAN IRRIGATION.

Much has been accomplished in the Northwest in reclaiming arid lands by irrigation. This is one of the most important works the Government has undertaken, but irrigation of arid lands is slow of results and expensive compared with drainage of our swamp lands; besides, the arid lands put under cultivation by irrigation are usually far from the great consuming centers of the country.

A transportation company is perfectly willing to haul a carload of tomatoes, potatoes, beets, or other vegetables 1,500 or 2,000 miles from an irrigated farm to the city where it is to be eaten, but that is not good business for the thrifty housekeeper who is the one that pays the transportation charges on her supply of table vegetables. The more delicate and luscious fruits and berries which are raised on expensive irrigated lands are really luxuries consumed in expensive city restaurants and hotels and in homes where cost of living does not have to be considered. These far-off irrigated farms do not produce the potatoes, tomatoes, onions, beans, carrots, etc., which are used in kitchens of large congested cities, where small items of cost are matters of serious importance. When we enter fashionable hotels and restaurants in New York, Chicago, and other cities, and order half a cantaloupe at 35 to 40 cents, and oranges, grapes, and luxuries from expensive irrigated farms, transported 2,500 miles by rail, we do not have to count the cost, but the wives of millions of the working classes must consider every penny that is expended for food.

A VAST RICH AREA.

There are in the Mississippi Valley 25,000,000 acres of land, an area equal to the State of Kentucky, with as rich and as productive alluvial

soil as can be found anywhere in the world. The Government's Bureau of Drainage has made several surveys of districts in Kansas, Mississippi, and Louisiana, and its estimate of the cost of draining these lands ready for cultivation is an average of $4.86 per acre.

On the assumption that the Mississippi Valley would be divided into farms of an average size of 80 acres, which would provide 312,500 farmers with comfortable homes, and that there would be 7 persons, including children, to the farm, it would increase the population of that section 2,200,000, which would be added to by the population of numerous thrifty towns. These lands would immediately appreciate in value over their present figure not less than $30 per acre, a total increase of $750,000,000 on land values alone, to say nothing of the farm machinery, live stock, and other property that constitutes a thrifty farming community. The annual products of the Mississippi Valley awaiting drainage, at the low average of $20 per acre, would be worth $500,000,000 annually to the farmers cultivating these lands.

In the State of Arkansas drainage and its results is merely a matter of mathematical calculation. In Arkansas there are 6,000,000 acres of swamp lands awaiting drainage, which, as shown by government reports, will cost $6.88 per acre to prepare for cultivation. We all know that unproductive swamp lands, held at from $8 to $10 per acre, after drainage sell for from $50 to $100 per acre, depending on location; so it is safe to say that the swamp lands of Arkansas when drained would enhance in value $35 per acre. This would add $210,000,000 to the value of the farm lands of your State. Using the same basis as for the Mississippi Valley, of 80 acres to the farm, it would bring into cultivation 75,000 additional farms from lands that are now producing nothing. With 7 persons to the farm, it would mean an increase in the rural population of Arkansas of 525,000 people in sections of the State that are now useless, adding 50 per cent to the entire population of the State.

TWELVE DOLLARS FOR ONE.

The annual production of these 6,000,000 acres at $20 per acre would mean an additional income to the farmers of Arkansas of $120,000,000 annually. Viewing it from another standpoint, an investment of $41,000,000 for the drainage of the swamp lands of Arkansas would increase the wealth of the State one-half a billion dollars. To show the results in another way, under a comprehensive drainage plan the wealth of Arkansas would be increased $12 for each $1 invested in drainage.

By comparison only, and not for criticism, would say that the Government's enterprises in the Northwestern States cost for reclamation of the arid lands by irrigation an average of $35 per acre, while these swamp lands can be placed under cultivation for an average of $5.50 per acre. The results from lands reclaimed through drainage are immediate. Canals and ditches put in during the summer and winter months make the lands ready for cultivation and produce a crop the following spring.

Irrigation projects require a large amount of engineering work, and in some cases several years to control the water for irrigating the lands.

The swamp lands of your State and other Southern States, when drained, will furnish farm and garden products for the kitchens of the populous cities of Chicago, St. Louis, Kansas City, Cincinnati, Cleveland, and many others where millions are to be fed daily, while the irrigated lands produce for comparatively few in number and at too fancy prices for the working classes.

Do not understand me as talking against irrigation. I am for it. It is important work and must be pushed forward. What I do say is that so much more can be done with the same amount of money in reclaiming swamp lands, the results of which will be immediate, with the productiveness where it is most needed. The reclamation of such lands should have immediate consideration.

Government aid for drainage is not without precedent. In France one-third of the cost of large drainage projects is borne by the Government, one-sixth by the State, and the balance by the owners of the land. As recently as 1900 Italy appropriated $48,000,000 for drainage work. The Government of England has at various times come to the aid of drainage projects and is now considering extending this work in the aid of its agricultural development. In our Southern States, where drainage is so important, it would be fair to all interests if the property to be benefited were taxed one-third of the cost, leaving two-thirds to be advanced by the Federal Government and by the States, under a law which would safeguard the Government in its loans, which the property owners would refund to the Federal Government and the States, with a reasonable interest charge for the use of the money loaned.

As a Southerner, I desire to say that the South fights too much for the dead issues of the past. I do not refer entirely to the civil war between the States, its traditions and feelings. While not forgetting the past, let us organize to fight for the future.

Mr. Wilson, Secretary of Agriculture, recently said, "Go South, young man." He no doubt had in mind the overlooked opportunities in the States of Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, Maryland, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, comprising a total acreage of 612,000,000 acres, with only 145,000,000 acres under cultivation. In your State only 20 per cent of the land is in cultivation, while in Iowa 85 per cent is in cultivation. Only one acre out of every seven in Louisiana is improved, while over seven acres of every ten in Ohio are under cultivation. Only 7,000,000 of the 29,000,000 acres of Mississippi have been improved, while eight out of ten acres in Illinois are tilled. Texas has 167,000,000 acres of land with only 19,000,000 in cultivation. This vast difference is not caused by the fertility of the soil, but is simply neglected opportunities.

The enterprising men of the great Far West and Northwest have organized and they have induced the Government to contract to advance $114,000,000 to reclaim arid lands by irrigation. This is good work. The country needs such development. The same effort should be directed toward getting aid for the drainage of the rich lands of the South. It costs less and the results are quicker and the reclaimed lands closer to the populous cities. Lands deep with rich soil, equal in extent to an European empire, only a few miles from the great markets, await redemption for the farmers. Money will be needed, and money will be provided if the southern people organize and are willing to have their country go forward as other sections are progressing.

This question is one of great public importance, and this is an opportune time to push it.

Yours, very truly, B. F. YOAKUM.

Mr. G. A. COLE,
President Farmers' Union, Fayetteville, Ark.

I only desired this opportunity, Mr. Chairman, to make these few remarks upon what I said I believed to be one of the most important items of our national resources, and while at present it seems to me entirely incumbent upon the several States in which these lands are located to provide for their reclamation, yet, to repeat, we may well consider whether some plan might be devised so that Congress could come to the aid of sections where these lands are located. In many cases these wet lands are located in sparsely settled sections where the people are unable to help themselves. Why may Congress not make a temporary investment, absolutely safe, and thereby add these lands of such great fertility and productiveness to the national area and thus increase the aggregate of corn, wheat, and other food products? This movement would surely afford a ready remedy for the existing complaints about high prices of living. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. SMALL. Mr. Chairman, may I ask to extend my remarks in the RECORD?

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,250; 1 editor, $2,000; 1 superintendent of gardens and grounds, $1,800; 1 officer in charge of records, $2,000; 3 executive clerks, at $1,980 each; 1 executive assistant in grain investigations, $1,800; 1 executive assistant in farm management, $1,800; 4 clerks, class 4; 8 clerks, class 3; 1 clerk, $1,500; 15 clerks, class 2; 33 clerks, class 1; 1 seed clerk and superintendent, $1,200; 1 clerk, $1,080; 2 clerks, at $1,020 each; 19 clerks, at $1,000 each; 19 clerks, at $900 each; 16 clerks, at $840 each; 1 clerk, $800; 31 clerks, messengers, or laborers, at $720 each; 16 clerks, messengers, or laborers, at $660 each; 30 clerks, messengers, or laborers, at $600 each; 1 gardener, $1,200; 1 gardener, $1,100; 2 gardeners or assistants, at $1,000 each; 6 gardeners, at $900 each; 2 gardeners, at $840 each; 4 gardeners, at $780 each; 8 gardeners, at $720 each; 3 gardeners, at $660 each; 1 gardener, $600; 1 skilled laborer, $900; 3 skilled laborers, at $840 each; 6 skilled laborers, at $540 each; 19 skilled laborers, messengers, or messenger boys, at $480 each; 3 laborers or charwomen, at $480 each; 1 laborer or charwoman, $360; 2 laborers, at $420 each; 6 charwomen, at $240 each; 4 messenger boys, at $360 each; 3 messenger boys, at $300 each; in all, $255,270.

General expenses, Bureau of Plant Industry: For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the department, the state experiment stations, and practical farmers; for rent and repairs in the District of Columbia and elsewhere; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

For investigations of plant diseases and pathological collections, $21,710;

For the control of diseases of orchard and other fruits, $34,075;

For the control of diseases of forest and ornamental trees and shrubs, $16,510;

For the control of diseases of cotton, truck crops, and related plants, $12,960;

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $25,015;

For soil bacteriology, plant nutrition, and water purification investigations, $23,725;

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, $34,670;

For drug plant, poisonous plant, tea culture, and general physiological and fermentation investigations, $42,970;

For crop technological and fiber plant investigations, $13,030;

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof and for carrying into effect the provisions of law relating thereto, $36,050;

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $51,020;

For physical investigations in connection with the various lines of work herein authorized, $15,255;

To collect, purchase, propagate, test, and experiment with seeds of interest to agriculture, including rare new seeds, bulbs, trees, shrubs, vines, cuttings, and plants, $16,650;

For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, $25,830;

For the investigation and improvement of grains and methods of grain production, $61,925;

For the investigation and improvement of methods of growing, producing, and handling tobacco, $22,330;

For general plant breeding and cooperative plant breeding demonstrations, $13,700;

For testing and breeding fibrous plants, which may be used for paper making, $8,775;

For the breeding and physiological study of alkali-resistant and drought-resistant crops, $17,500;

For the investigation and improvement of sugar-producing plants, including their utilization and culture, $23,075;

For taxonomic investigations and the study of methods for the improvement of grazing lands, $17,650;

To investigate and encourage the adoption of improved methods of farm management and farm practice, $130,060;

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $215,155;
For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $31,730;
For investigations in connection with the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $74,380;
For investigating the methods of growing, harvesting, packing, storing, handling, and shipping fruits and melons, and for experimental shipments of fruits and melons within the United States and to foreign countries, $71,615;
To cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses, $13,540;
For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900, and for other general horticultural investigations, $34,930;
For the maintenance of a testing garden on the Fort Brown Military Reservation at Brownsville, Tex., $9,100;
For general administrative expenses connected with the above-mentioned lines of investigation, including the office of the chief of bureau, the assistant chief of bureau, the chief clerk, the editor, records, supplies, and property, and for miscellaneous expenses incident thereto, $42,811;
In all, for general expenses, $1,158,346.

Mr. MALBY. Mr. Chairman, I desire to reserve the point of order against certain provisions in the section just read, beginning in line 17, page 13, with the word "each," down to and including the word "dollars," on page 20. Also, the word "fifteen," in line 22, and the word "thirty-three," in line 22. Also, in line 25, the following, "2 clerks, at $1,020 each." In line 1, page 14, the word "nineteen," at the end of the line. In line 4, the word "thirty-one," and also the words "messengers or laborers;" in line 5, the word "sixteen;" in line 6, at the end of the line, the word "thirty;" in lines 8 and 9, down to and including the word "dollars;" in line 13, the word "eight;" in line 16, the word "three;" in line 17, the word "six;" in line 18, the word "nineteen;" beginning with the word "three," in line 20, down to and including the word "each," in line 24.

Mr. SCOTT. Mr. Chairman, I presume the gentleman from New York makes the point of order against this paragraph——

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. MALBY. I reserve the point of order for the present.

Mr. SCOTT. I trust the gentleman will make the point of order; we might as well pass upon this question right now. I presume the point of order is made upon the proposition that these are new positions now being created.

Mr. MALBY. Yes.

Mr. SCOTT. In answer to that, let me say that no new position is created. The different clerks to which the gentleman has called attention, mechanics and employees of different grades, have all been, and are now, in the employ of the department. They have been paid under the lump sums for the various bureaus and have been transferred to the statutory roll in accordance with the law, which provides that after an employee has been engaged for a period of a year in the same position under any lump fund he shall then be transferred to the statutory roll.

I can state to the gentleman from New York and the committee that there is absolutely not one new position created, nor is there provision made for the employment of a single individual who is not already employed in the department, nor is there any increase in anybody's salary.

Mr. BOWERS. Will the gentleman yield for a question?

Mr. SCOTT. With pleasure.

Mr. BOWERS. I notice the increase in the total of appropriation under this head is from $210,570 to $255,270. Is a like decrease made in the lump-sum appropriations carried in the bill?

Mr. SCOTT. A like decrease is made in the lump-sum appropriations. There is a net increase under this paragraph of $44,760, but a corresponding amount has been deducted from the lump sums of the different bureaus.

Mr. BOWERS. Just where in this bill is the lump-sum appropriation carried?

Mr. SCOTT. It is carried in different bureaus. At the request of the committee a change in the administration has been made in the department whereby instead of having painters, carpenters, and other mechanics carried upon the lump sums of the respective bureaus they are all carried on the Secretary's roll and are all immediately subject to his direction. In other words, the mechanical force of the entire department, instead of being scattered around through the various bureaus, has been concentrated in the Secretary's office in the interest, as we believe, of more efficient administration and of greater economy in expenditure; and it is to carry out that scheme of concentration that the changes have been made to which the gentleman from New York [Mr. MALBY] has called attention. I think his point of order will not lie, because no new position has been created and no salary has been increased.

Mr. MALBY. Mr. Chairman, I was not aware that there was any authorization in the law for "one executive assistant in grain investigations." It occurred to me as though that created a specific office, a position which carried with it some new authority of an unknown character. I was not advised as to what was contemplated by the change.

Mr. SCOTT. There was employed under the title of "executive assistant" a gentleman who was paid a salary of $1,800 a year from a lump sum. The position is now transferred to the statutory roll in accordance with the law, at the same salary.

Mr. MALBY. I want to inquire of the gentleman whether there was heretofore an officer in the Plant Industry Department designated and known and called an "executive assistant in grain investigations?"

Mr. SCOTT. There was not on the statutory roll. There was an employee so designated, who was carried under the lump fund.

Mr. MALBY. And under that title?

Mr. SCOTT. I find upon examination of the estimates that the title is not exactly the same. The person who is now transferred from the lump sum under the title of "one executive assistant in grain investigations" was carried on the lump sum of the Bureau of Plant Industry simply under the title of "executive assistant," and I presume the words "in grain investigations" were added to more particularly designate the work he was expected to do; but it is not a new position.

Mr. MALBY. Mr. Chairman, my purpose in making the point of order with reference to these matters, briefly, was with reference to this particular subject which we now have under consideration. I hardly know or fully appreciate what the department intends to do with an assistant to investigate grain. If I was advised as to whether that was intended as a new departure on the part of the Government, or simply following out the work which they are now doing, as the gentleman from Kansas [Mr. SCOTT] assures me, and it is not now intended to change the character of the business in which he is employed, of course that is one proposition. But if they intend to create a new bureau or a new officer, having the power to investigate the subject of grain, then that might become important to us all.

Mr. SCOTT. The work which this gentleman will assist in has been carried on for several years under the authority of the paragraph on page 16, line 22, which reads:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof.

That work has been carried on for several years, and it is not intended under the authority of any paragraph of this bill to take up new work in that line.

Mr. MALBY. I would like to inquire as to the clerks mentioned on page 14, line 4, 31 clerks——

The CHAIRMAN. For the Chair's information, will the gentleman from Kansas [Mr. SCOTT] call the attention of the Chair to the statute under which transfers are authorized of the clerks that are carried under the lump sum to the statutory roll.

Mr. SCOTT. I will endeavor to present the statute to the Chair in a moment.

Answering directly the question of the gentleman from New York [Mr. MALBY] in regard to the 31 clerks, messengers, or laborers——

Mr. MALBY. How does the transfer take place?

Mr. SCOTT. There was an increase in the number formerly carried on this statutory roll of 15 altogether, 14 by transfer from the lump sum for general expenses of the department, and one in lieu of one assistant topographer who was dropped.

Mr. MALBY. Will the gentleman inform us as to whether the former employees were under the civil service?

Mr. SCOTT. They are all in the civil service except some scientific employees.

Mr. MALBY. Were they in the civil service that were paid under the lump-sum appropriation?

Mr. SCOTT. There are no employees in the department except those engaged in scientific work that are not under the civil service.

Mr. MALBY. Are these employees under the lump-sum appropriation who have been dropped and transferred as clerks without any increase of salary?

Mr. SCOTT. That is the true status of the affair.

Mr. BOWERS. May I call the attention of the gentleman from Kansas to this: I understand him to say that the executive assistants in grain investigation had been, by reason of the appropriation contained in lines 22 to 24, on the bottom of page 16, "investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $51,020." Was

that the lump-sum appropriation from which these executive assistants had heretofore been paid?

Mr. SCOTT. That is my understanding; the note in the estimates is to that effect, "for 61 places created, $43,200 has been added by transfer from lump sum as follows," and the first that follows is two executive assistants in grain investigation, at $1,800 each.

Mr. BOWERS. There is a reduction from $52,440 to $51,020. That is not a reduction commensurate with the transfer of the two $1,800 clerks. It amounts to a reduction of $1,430, as against the transfer of two men at $1,800, making a total of $3,600.

Mr. SCOTT. That would seem to make it clear that these salaries must have been paid from some other lump sum; but just at this moment I am not able to answer from which one they were paid.

Mr. Chairman, in answer to the inquiry of the Chair, I am not able at the moment to lay my hand upon the statute which I thought existed providing for the transfer of employees from a lump fund to a statutory roll at the expiration of a year, and it may be that I was mistaken as to that, simply for the reason that it has been the practice of the committee to require the Secretary in presenting his estimate to transfer to statutory rolls all employees who have been engaged upon the same line of work under any lump-sum fund for the period of a year. That practice may have misled me into the thought that it was a statutory requirement. I trust, however, that if the point of order might lie the gentleman from New York will not press it, because I am quite sure he will agree with me that it is in the interest of good administration and good appropriation to have as many employees as possible carried on statutory rolls, and it was for that purpose that the Committee on Agriculture has insisted upon these transfers.

Mr. MALBY. I would like to ask the gentleman just another question, and it is if these men have been employed all the time during the past year or only temporarily employed?

Mr. SCOTT. All the time from the day they were engaged. They may not all have been engaged at the beginning of the fiscal year and fully employed as they are now, all the time, but there has been no transfer of any employee who has not been employed at least a year.

Mr. MALBY. Mr. Chairman, I am not disposed to be captious in this matter. If these men are already in the employ of the department at this rate of wages, and they are necessary for the proper conduct of the affairs of the department, and it does not create new offices, with new powers, duties, and responsibilities, why, I am not disposed to embarrass the department or the committee, either. Therefore, so far as I am concerned, I withdraw the point of order, on the explanation of the gentleman.

Mr. SCOTT. Mr. Chairman, I wish to make the statement, upon my responsibility as a Member of the House and chairman of this committee, that there has not been a new place created nor a salary increased in this bill from beginning to end.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the department, the state experiment stations, and practical farmers: for rent and repairs in the District of Columbia and elsewhere; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

Mr. MACON. I move to strike out the last word.

Mr. Chairman, I have had so many suggestions made to me by Members that I was perhaps overlooking this bill that I have concluded that maybe I ought to state to the committee that I have been through every paragraph of it, word by word, and have noted every new word—yes, every new letter in it even—and I have discovered in my examination of it that it is one of the cleanest appropriation bills that has been presented to the House since I have been a Member of it. [Applause.] And as I did not think there was a single provision in it that was not beneficial to the agricultural interests of the country, and knowing that the world depends upon agricultural interests for its subsistence, I have not felt that it was necessary for me to take up the time of the committee to retard its enactment into law by asking questions about it.

Mr. Chairman, I deem it highly necessary to watch appropriation bills, and I assure this House that I am going to watch them, whether I take the floor to object to any of their provisions or not. The House can rest assured that my eye will rest upon all of the paragraphs of all the appropriation bills that are presented to it for consideration, and that I have come to the conclusion that every provision carried in them is proper legislation or I would take the floor and oppose them. [Applause.] I believe this is a clean bill. It looks that way to me, and I do not propose to fight clean measures. [Applause.]

The Clerk read as follows:

For the control of diseases of forest and ornamental trees and shrubs, $16,510.

Mr. SHARP. I move to strike out the last word. Notwithstanding the welcome and reassuring words of the gentleman from Arkansas [Mr. MACON], it may be that he has not sufficiently scrutinized all of these paragraphs. I notice in the paragraph beginning in line 21, on page 15, a reference to the control of diseases of forest and ornamental trees and shrubs. I wish to know whether the investigation for which this bill is providing has concerned itself with what in common parlance we call "tree surgery," as distinguished from merely combating the insect enemies of shrubs and trees, San Jose scale and other pests. In this connection I wish to read from a letter that I received the other day from a constituent of mine who has had a great deal of experience in this particular line of what is called "tree surgery." I read this because I think it may be of special interest to some Members of the House. This gentleman, who has had a lifetime of experience in horticulture and arboreal work, writes as follows:

I have had occasion to go through many of the national cemeteries in the South and East within recent years, and have naturally been observant of conditions there. To say that the trees and shrubbery are in an alarming condition is expressing the literal truth. Numerous stumps, large and small, hideous in themselves, bear mute testimony to the destructive effects of decay. Many beautiful trees are now decaying in trunk and branch, and will within a very short time, unless intelligently treated and at once, be merely stumps. The deadly scale, in all its numerous forms, is at work on both trees and shrubs, and is yearly killing more and more of our finest specimens.

I will not go into the details of the effects of the scale, decay, and other diseases of vegetation, nor of the remedies therefor. Suffice it to say that the diseases mentioned are prevalent in every national cemetery in the country; are deadly, though often slow, and that the keepers of these cemeteries, though generally willing, without exception lack the knowledge necessary to enable them to combat the conditions.

You are, doubtless, somewhat familiar with the results of modern "tree surgery." The principles are practically the same as in dentistry—the treatment similar and the results as positive and satisfactory. Trees decayed in trunk or limb, which, a few years since, were regarded as doomed, may be made as sound and healthy as ever, with new bark and new wood grown over the wound.

While the observations made by the writer just quoted have to do with conditions observed by him in our national cemeteries, yet it would seem to me the question I ask is especially pertinent as applying to the provisions of the bill under discussion. I believe that a certain amount of valuable information has already been issued by the Government in the form of bulletins upon the subject of the proper care of diseased and decaying trees, but I would be glad to know how wide is the scope of the work laid out by this bureau in reference to instructing the public, disseminating literature and using such care of trees under the supervision and control of the Government.

It is because I have reaped no little advantage from a personal experience in a practical demonstration of what this comparatively new method of so-called "tree surgery" will accomplish that I will be glad to have this useful work extended as widely as possible. It seems to me that the proper care of our beautiful shrubs and trees in city and country is indeed one of the most approved forms of the preservation, as well as conservation, of our natural resources.

I want to ask the gentleman who has this bill in charge whether there has been any special effort made along these lines, as distinguished from combatting the scale and insects, which tend to destroy shrubs and trees?

Mr. SCOTT. I do not know of any work that has been done along the line to which the gentleman particularly calls attention. The language of this paragraph authorizes this department to conduct investigations for the control of diseases of forest and ornamental trees and shrubs, and undoubtedly whatever research they make in any portion of the country would be useful in cambating the diseases of schrubs and forest trees anywhere else in the country.

Mr. FOSTER of Illinois. Mr. Chairman, if the gentleman will excuse me, I think Doctor Galloway can give him the information he desires in a bulletin with reference to tree surgery. I think he can furnish that information.

Mr. SHERLEY. I would like to add a little bit of testimony to what has been vouchsafed by the gentleman from Ohio [Mr. SHARP].

About two years ago a practical lumberman in my State happened to go through Arlington National Cemetery, and he wrote me later stating that the condition of the trees there was anything but complimentary to a modern and up-to-date system of forestry. I was so much impressed with the correctness of his criticism that I caused this letter to be transmitted to the bureau, and they wrote me thanking me for it and saying that they would take steps to cure some of those conditions. Whether they have done so or not I do not know, as I have not sufficient knowledge of forestry to be able to judge, but certainly there has been in the past considerable lack of proper attention to the trees and shrubs in some of our national cemeteries and other grounds owned by the Government.

Mr. SHARP. Mr. Chairman, the result of the work that has been done for me by competent tree surgeons on my own place in preserving shrubs and trees has been of such marked benefit that I wish everybody could know of those results and follow the plans there adopted.

Mr. SCOTT. Does the gentleman know whether a bulletin has been published by the department upon this subject?

Mr. SHARP. I do not think there has.

Mr. SHERLEY. I was not speaking of any lack of knowledge, but of a lack of application of that knowledge to specific cases.

The Clerk read as follows:

For the investigation and improvement of methods of growing, producing, and handling tobacco, $22,330.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. I notice that there is here an apparent reduction of $850 from the appropriation of last year. I want to ask the chairman of the committee if that is caused by the transfer of any clerk to the statutory list, or is it a real reduction?

Mr. SCOTT. What language does the gentleman refer to?

Mr. BYRNS. Lines 18 to 20, page 17:

For the investigation and improvement of methods of growing and handling tobacco, $22,330.

Mr. SCOTT. The reduction was made, as the gentleman suggests, by a transfer to the statutory roll of one employee.

Mr. BYRNS. Mr. Chairman, I want to say that I am gratified to know that there is no reduction made in the appropriation, because it is my purpose to offer an amendment increasing the appropriation in the sum of $1,800. I move to strike out, in lines 19 and 20, the words "twenty-two thousand three hundred and thirty" and insert in lieu thereof the words "twenty-four thousand one hundred and thirty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, lines 19 and 20, strike out the words "twenty-two thousand three hundred and thirty" and insert in lieu thereof the words "twenty-four thousand one hundred and thirty."

Mr. BYRNS. Now, Mr. Chairman, just a word to explain my object in offering the amendment. The work which has been done under the appropriations that have been made for this purpose in the past has been for the four States of Maryland, Virginia, Kentucky, and North Carolina. The work consists of examining fertilizers, examining soil, and making recommendations of the kind of tobacco best suited for the soil. The work also consists in making experiments in the rotation of crops in order that the soil may be preserved from year to year. I am informed that the work has been very beneficial wherever it has been carried on.

Now, there are counties in Tennessee and Kentucky, consisting of fifteen or twenty, known as the "black patch," in which dark tobacco is grown. There is no station or substation in that locality. The substation or station located in Kentucky is in Bowling Green, in the Burley district. I believe that inasmuch as the work of the department in this respect has been so beneficial in other communities that Congress ought to appropriate enough money to establish a substation in the dark-tobacco district.

I say that, Mr. Chairman, because I believe there is no class of citizens who are more entitled to consideration by Congress than the tobacco growers of this country. Not only is this true because of the revenue that is produced to the Government by reason of the crops, but also because of the fact that for many years the price of tobacco was forced down below the cost of production, for the reason that the tobacco growers were in the hands of a gigantic and merciless trust. I believe that that condition was largely brought about by the fact that Congress failed to enact the necessary legislation which the tobacco growers were demanding from year to year; also by the inaction and failure of the Department of Justice to institute suits to dissolve the trust. I am informed by the Department of Agriculture that $1,800 would be sufficient money to institute a substation, and if the department, in its judgment, thinks the substation ought to be located in the district I have mentioned $1,800 will be enough for that purpose. The department informs me that they made the estimate of $22,330 simply for the purpose of carrying on the work now in operation, and it does not contemplate any extension. I hope the committee will accept the amendment. [Applause.]

Mr. TAWNEY. Mr. Chairman, I have no doubt the Department of Agriculture, like a great many other departments of our Government, could establish stations in aid of a great many other agricultural products besides that of tobacco. But I submit that inasmuch as we are appropriating the amounts that we are now and have heretofore appropriated for this particular line of agricultural industry, there is no reason why it should be extended to every community which is engaged in the business of raising tobacco. In fact, I can not see any justification for discriminating between the tobacco raiser and the wheat raiser; and there are a great many more raising wheat than tobacco

Mr. BYRNS. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. BYRNS. I want to ask if this bill does not carry in it an appropriation of $51,020 for the purpose of investigating and handling the transportation of grain, and if there is not another considerable appropriation made for the purpose of investigating the growing and baling of cotton?

Mr. TAWNEY. Yes; there is. But the appropriation in regard to grading and handling of grain is not for the purpose of instructing the farmers how to prepare the soil for the raising of grain. It is not for the purpose of instructing the farmers as to what kind of crops should follow one year after another, raised on a particular piece of ground, to preserve the soil for the purpose of raising any particular agricultural product. Mr. Chairman, I think that we are going to the full extent in the appropriation carried in this bill for investigative research along the lines of agriculture, and I do not believe there is any justification for thus increasing the appropriation as proposed by the gentleman from Tennessee [Mr. BYRNS], unless you want to go into the wholesale business of taking over every farm and every farmer in the United States, one by one, and providing a sufficient force to each farm or instruct the farmers generally how to raise crops and treat the soil. I do not think we are justified in going into the business any further. I sincerely hope that the amendment will not prevail.

Mr. FITZGERALD. Mr. Chairman, it seems to me that this amendment should not prevail. I listened with some attention to the statement of the gentleman from Arkansas [Mr. MACON] about this bill, and was somewhat surprised at it. I have looked at this bill somewhat carefully, and I agree with the gentleman from Arkansas that it is a vast improvement on the bill of last year. Last year the bill as reported carried more money than the department estimated was necessary to carry on the work of the Department of Agriculture. This bill is an improvement over that for the current year in that it carries only the exact amount that the Secretary of the department has estimated is necessary for his department.

Mr. SCOTT. Mr. Chairman, I can not allow the gentleman's statement to go unchallenged, that the bill as reported last year carried a larger amount than was estimated. It carried a million and a half less than was estimated.

Mr. FITZGERALD. O, Mr. Chairman, the gentleman and myself discussed that last year. Requests were made by the department for appropriations which the gentleman insisted were estimates. I think I succeeded in pointing out to him that they were not estimates, and the requests were prohibited by law. My recollection is that the estimates which were made as the law required were about one million and a half less than the amount actually recommended by the committee in the bill.

Mr. SCOTT. The gentleman must admit that there was only a technical difference between the "requests," as he states them, and the estimates.

Mr. FITZGERALD. O, Mr. Chairman, every time a Republican official violates the law somebody on that side of the House defends it on the theory that it is only a technical violation of the law. Let me call the attention of the gentleman from Kansas [Mr. SCOTT] to the fact that the state prisons of this country are full of men who have been guilty only of a "technical" violation of the law, and that if the same rigorous rule were applied to this Republican administration I am afraid there would hardly be a high official in it that would not now be serving some place else rather than as an official of the Government.

But, Mr. Chairman, the department asks for the particular purpose named in the pending paragraph $22,330. It is all that the department wanted, because if this department desired more it would not have hesitated a moment to ask for more than it has. The committee, with its usual liberality, gave the

exact sum that was asked. Now, the gentleman from Arkansas [Mr. MACON], representing 11 great counties in that State, devoted wholly to agriculture, might very readily believe that this bill was a perfect bill, since it gave the Department of Agriculture every penny that was asked for by the Department of Agriculture; and yet, Mr. Chairman, after an experience of some years on a committee which appropriates money, I have never yet found a department submit estimates for appropriations which did not in doing so include some estimates that it never hoped to get, but simply included them so that if they were cut out the department would not be hampered, and the committee would be complimented upon reducing the amount asked. This committee, it seems, Mr. Chairman, with the approbation of my friend from Arkansas [Mr. MACON], has not even been able to ascertain the particular appropriations that the department requested, merely to enable the committee to make a record in economy, and in some instances I am sure it has received more money for some purposes, not only than it merely hoped to get, but than it could usefully employ.

Mr. SCOTT. Can the gentleman specify any?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCOTT. Mr. Chairman, I move that debate on this paragraph and amendments thereto close in three minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that debate on the paragraph and amendments thereto close in three minutes.

Mr. MACON. Mr. Chairman, before that motion is put I would like to ask the gentleman from Kansas to allow me one moment in which to reply to the reference made by the gentleman from New York [Mr. FITZGERALD] to myself.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate close in five minutes, and I yield two minutes to the gentleman from Arkansas [Mr. MACON].

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Mr. Chairman, I am sorry that the gentleman from New York has undertaken to question my humble judgment in regard to the good qualities of this bill. I think I have fought extravagant appropriations here as much, perhaps, as the gentleman from New York. I realize that the agricultural appropriation bill is the most important one that comes before this House, and I do not even except the one which appropriates my own salary. [Applause.] And inasmuch as agriculture is the greatest industry in the country, inasmuch as it stands out head and shoulders above every other enterprise or calling in the country, I think it bad taste for anyone to question the committee's action when it is only appropriating the amount that the department deemed necessary to carry on its great work of experiment and investigation for the next fiscal year. Mr. Chairman, if there were any increases of salaries or other extravagances in the bill, it would be different, but as it is, it simply provides for a proper enlargement of the powers of the Agricultural Department, to the end that it can do a greater and better work for the agricultural interests of the country than it has heretofore been able to do. [Applause.]

Mr. SCOTT. Mr. Chairman, the work appropriated for under this paragraph has been carried on for several years with approximately the same amount of money, and the character of the work is such that results can be obtained with the amount provided in this paragraph practically equivalent to the results that might be obtained by the addition of the small sum of $1,800. The chief of the bureau, in presenting the estimates, did not ask for any more. There will be just as much available for this work in the next fiscal year as there is in the current fiscal year, and I think the committee would certainly not be warranted in increasing the amount.

Mr. BYRNS. Mr. Chairman, I want to ask the gentleman from Kansas if the work that has been done under this appropriation in the past has not been limited to certain sections of the country?

Mr. SCOTT. It has been limited to sections where tobacco is grown.

Mr. BYRNS. But has it not been limited to certain sections of the tobacco-growing districts—I mean certain particular sections?

Mr. SCOTT. Undoubtedly.

Mr. BYRNS. And I would also like to ask the gentleman if the estimates submitted by the Department of Agriculture for this particular appropriation do not contemplate simply a continuance of the work in those sections where this work has been done heretofore and not an extension of that work?

Mr. SCOTT. It contemplates the expending of $22,330 for the investigation and improvement of methods of growing, producing, and handling tobacco at such places and in such manner as the chief of the bureau, under authority of the Secretary, may direct. I ask for a vote, and I trust that the House will not approve of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $130,060.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18, in line 14, amend by striking out the word "one" and inserting the word "two," so as to read "$230,060" instead of "$130,060."

Mr. HOUSTON. Mr. Chairman, there is a very great increase in the demand for work of this kind all over the country. This is an authorization for farmers' institute work, for expert agricultural teachers to go over the country and cooperate with the States for the purpose of educating the people of the country in the different methods of agriculture. Now the Secretary of Agriculture says that the demand for this work is so great that the present appropriation is not equal to it and that it will require more money to do the work that is called for. Now, I think, Mr. Chairman, that the conditions of to-day especially demand the providing of work of this sort. The activity in the farming interest is very great all over the land at this time, resulting, of course, from the higher price of farm products and the improved conditions of the farmer.

And this increased prosperity that has come in many ways to the farmer has developed this lively interest, and they are intensely interested in all improvement resulting from scientific research and experimental work. They want to learn all about improved methods. They want to avail themselves of the scientific researches which have been made by the Government, and this can be given to them most readily by the cooperation of the Government and the state authorities in sending expert teachers to hold institutes and discuss all the best methods and to set out the knowledge gained by the experimental work and the scientific research made by the Department of Agriculture.

Now, Mr. Chairman, we hear much said about the farmers being the support of the country in peace and its defense in war. We all know this is true. Now, here is an opportunity to give the farmer a reasonable kind of assistance—that is, education. This is what they ask for, and this is a reasonable demand. We hear the old maxim that "that man is a public benefactor who makes two blades of grass grow where only one grew before," and this we all admit. If this reasonable demand for education, for light and knowledge along this subject, is granted, you provide a way for our farmers to thus become benefactors to the whole country. I think it is but just and fair to make this appropriation to supply a larger amount that will give to the farmers of the country information that will so much benefit them and, in benefiting them, be a blessing to all. We hear a great deal said about the congestion of the cities and about the young men of the country leaving the farms. Just now they seem to be growing more interested in farming, and at this time they are turning more readily to the farm. They want to make development along this line, and there is no appropriation that can be made by the Government that will be more deserving and be more beneficial to the whole country than this.

I trust the amendment will be adopted. [Applause.]

Mr. KEIFER. Mr. Chairman, the proposition, as I understand the gentleman offering the amendment, is to increase the appropriation carried in the bill from $130,060 to $230,060. It is a laudable thing to encourage farming and farm methods.

This is a very general clause in the bill, and it provides an appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice. I presume that there has been something done in that line in the past, but I rather agree with the distinguished gentleman from Minnesota [Mr. TAWNEY] that we can not encourage farm methods and farm practices all over the great domain of the United States. There are a good many things that farmers could learn, I agree, but these things will not be learned simply by appropriations of this character.

I remember, Mr. Chairman, of reading a very touching instance of Puritan times in New England. A Puritan preacher,

in going about his circuit, one Saturday evening reached the place where he was to preach on the following day. The prospect of crops among the farmers at that time and place was not good. There had been droughts, and he was met by a petition signed by the members of his church asking him to pray Almighty God on the following day for rain. He assented to do what the petition asked him to do, and at the proper time in his Sabbath-day service, with his petition before him on the pulpit, he said in substance:

O Lord, as I am requested by this good congregation, I now pray for rain upon the lands of these poor people of my parish; but, O Lord, Thou knowest, as I know, and as these people ought to know, that what is wanted here is deeper plowing, better dressing, and more manure.

[Laughter.]

And that is what we ought to encourage by lecturing to the farming people of this country, and thereby get better results. We will not accomplish it by mere money appropriations of this kind.

That is all I have now to say. [Applause.]

Mr. SCOTT. Mr. Chairman, I move that debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from Kansas moves that debate on this amendment close in three minutes. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, I do not think it is necessary to consume more than three minutes in suggesting to the House the reason why this amendment should not prevail. We all agree most potently and powerfully with the remarks that have been made by the gentleman from Tennessee [Mr. HOUSTON] in support of the amendment, as to the desirability of the work which is being done under this paragraph. But it does not follow that because $100,000 worth of work is desirable $200,000 worth of it would be twice as desirable. As the Autocrat of the Breakfast Table remarked in one of his charming volumes, "Because I like a salt-water plunge at Nahant, it does not follow that I want to be pickled in brine." The work that is being done under this paragraph is bringing great results, and the amount asked for is all that the Secretary thought could be profitably used for that purpose during the coming year. I trust therefore that the report of the committee will be sustained and the amendment voted down.

Mr. HOUSTON. Now, Mr. Chairman, I want to say that there has been work of this kind done——

Mr. SCOTT. Mr. Chairman, I think time for debate has expired.

The CHAIRMAN. There is one minute remaining.

Mr. HOUSTON. I want to say this: That there has been work of this kind done, and the chairman recognized its useful character and the benefit of the work that has been done in portions of the country. Some sections have had this work and reaped important benefit from it. There are other sections that have not had any of this work done, and they are asking for it.

Mr. SCOTT. Mr. Chairman, it would be impossible with an appropriation of $1,000,000 to meet all the demands for this work.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOUSTON. Division!

The House divided; and there were—ayes 28, noes 54.

So the amendment was rejected.

The Clerk read as follows:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $215,155.

Mr. DICKSON of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by striking out on page 18, line 17, after the word "weevil," all of said line, and all of line 18, and insert in lieu thereof the words "five hundred thousand dollars."

Mr. DICKSON of Mississippi. Mr. Chairman, in presenting that amendment I realize well the lack of specific acquaintance with the necessity for it arising from the want of general knowledge among gentlemen who are not acquainted with the conditions obtaining in the cotton belt of America. When it is viewed in connection with the great value of that commodity the contrast is in the reverse order. As I stated yesterday, or the day before, in presenting a memorial of the Farmers' Union of Mississippi, in some remarks, submitted in a very limited time, the value of that great commodity, which constitutes our greatest agricultural staple in the South, is national in its character. In fact, I believe we are the only people on the earth to-day possessing, strictly speaking, a national crop of international importance to the extent that this is. England, with all her prowess, with India upon which to draw, has failed. Combining her inexhaustible treasury with the fertility of the Nile Valley in which to operate, she has failed to produce but 21 per cent of the world's output. Sixty-six and four-tenths per cent of that commodity that enters as the fabric in the raiment of the children of men is grown on the North American Continent, in thirteen and a fraction States thereof. Now, my friends, the supremacy of America in the production of this great fiber is threatened, a threat with which you who do not live in that section are not acquainted by reason of the fact of distant residence from the fields in which it is produced. Now, $500,000 seems at the first glance a very considerable amount. Permit me to say right in that connection that something over $400,000 is carried in this bill more than last year, and is for the purchase of 26,000,000 acres of land to go into the forest reserves, which can be paid for 100 times by the loss of cotton in the State of Louisiana alone in the last two years. In my own district, which has scarcely yet been touched, five counties have suffered in the last year to the extent of $5,538,560. My own county, in which I have lived every instant of my days, did not produce this year one bale of cotton per mule the county over. The first meeting that I attended on my return from the last session of Congress was a mass meeting to devise ways and means to discharge taxes in that county, a meeting compelled by the ravages of this insidious pest.

Now, can we handle this question? I say, without reservation, that I take off my hat to Doctor Knapp and his corps of assistants and to the distinguished head of the Department of Entomology. I believe that in every field wherein they demonstrated they have brought forth twofold when compared with those fields where the government experiments were not conducted. But can we handle it as the State of Texas has so successfully done? That is the problem which confronts us and awaits us. It is yet to be seen. The distinguished chairman of the committee said wisely yesterday that we had unknown local questions to solve and that it was local features largely that meet us with this stubborn resistance. We know that owing to the umbrageous character of our country, its humidity, and its vast forests, it provides the best hibernating places possible and conditions most conducive to weevil destructiveness. We have that question to solve. Permit me to say that the destructiveness of that insect after it passed into Louisiana and came to Mississippi has been far greater and more persistent this season than anywhere else yet discovered.

Another element that enters into the proposition and contributes to the difficulty in its solution, as compared with Texas, is that in that great Commonwealth 85 per cent of this fabric——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent that my colleague may proceed for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his colleague may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKSON of Mississippi. Can we handle it as the State of Texas handled it? That awaits, Mr. Chairman, to be seen. Eighty-five per cent of the cotton grown in that great Commonwealth, an empire in its extent and character and qualities of every feature and phase, is raised by an intelligent, economic people; a population made up by those who are capable of exercising all the attributes of the best manhood which may be had by the mingling blood of Missouri and Mississippi, Ohio and Iowa, with the intelligence and virtue of every section of our country contributing to make up the people of the Lone Star State.

The reverse condition obtains in my State, Mississippi. Sixty-seven per cent of the cotton there is grown by a noneconomical, nonindustrious, thriftless class of negroes who repel, rather than invite, the assistance of science, whom as our wards we are endeavoring to assist. Now, this demonstration which is necessary to improve these conditions will, in my judgment, yield a greater return for the money expended than any other field in which a like amount can be employed. Louisiana in the last two years has lost $56,000,000 and in the last three years nearly $90,000,000. Six of the nine counties in my district are seriously affected, and 36 counties in my State are reported infected. In the language of Doctor Knapp, I violate no confidence in saying that he said to me:

Mr. DICKSON, I indorse the policy, I indorse the procedure of the committee and their recommendations. I have been absent and did not testify, but if I had $10,000 more with which to extend aid to the people in Mississippi, I would benefit you more than a million of dollars.

Now, gentlemen, I worked with that distinguished head of the division which has in charge the destruction of this pest. He is faithful, and so are those employed under him. I ask this assistance as a meed of justice, as a business proposition that reaches in influence from Mississippi to Massachusetts. The hum of every spindle in your Commonwealth and in the Carolinas is threatened by an overhanging menace that I fear you do not realize. There is not a railway or steamship line or a factory that renders this fabric into cloth that is not interested in this appropriation.

My countrymen, my own county alone this year lost absolutely more by double than this appropriation sought to be given to save an industry to name whose value requires figures necessary to express a billion dollars. I trust that in speaking thus in behalf of the second greatest product in our agricultural economy, which affects every other business interest in this broad land, I have not sought too much at your hands; not in prodigality, but as the representative of a provident Government. I have only sought justice for a needy, deserving, and patriotic people. [Applause.]

Mr. SISSON. Mr. Chairman, I do not know that I could add anything to what my distinguished colleague [Mr. DICKSON of Mississippi] has just said on this subject, which means so much to our people.

I fear that many of the Members of this House view this question with some indifference, because they feel that the people of our section are unnecessarily frightened about the matter. But my colleague has not overdrawn the picture. The question for this House to determine now is whether or not a great industry, which amounts to over $800,000,000 annually, shall be preserved and saved to the Nation or whether you will take the chance of losing the larger part of this great industry.

Every calamity that befalls a people throughout the world has always appealed to this Government, and has never appealed in vain. Now, the portion of this country that is being threatened with this great destruction is so threatened because of the fact that we have been unable, up to date, to handle the situation, because no scientist has yet been able to determine a method for the destruction of the Mexican boll weevil. It then becomes necessary that some instruction be given to those people to whom my distinguished colleague has called your attention, who perform the greater part of the labor in the cotton field, to enable them, under proper instruction from the Government, to cultivate their crops so as to make the maximum amount of cotton with the boll weevil there. If this instruction is not given to this ignorant negro labor in Mississippi, Alabama, and the other States in which the boll weevil is rapidly appearing, it will only be a question of a few years, as I stated to you the other day on this floor, when this great industry will be absolutely destroyed.

Now, as my colleague has told you, this crop is one in which every spindle in New England is interested; every spindle in the Carolinas, Virginia, and Georgia is interested; every man engaged in any business is interested, because more than $500,000,000 in gold annually comes to our shores from all the world to take away this raw cotton, and the balance of trade is in our favor because of the fact that the foreign buyers come to carry cotton away, and it is the one crop which of all the crops we raise the whole world must come to the South for. If this industry is destroyed, the balance of trade will be against the people of the United States. Is it possible that this great Government, with all its scientific knowledge, is willing to give up the fight? Are we willing now to surrender and say we will stop the work that we have commenced and let a little insect one-quarter of an inch long and one-sixteenth of an inch wide defy all of the scientists of this great Government, or shall we continue until we save this great industry? [Applause.]

It is not an exaggerated picture; the only thing necessary to do is to go and see what ravages are being made in the cotton fields. And, gentlemen of the House, when economy is to be practiced, let it be practiced with some judgment and in those departments where the extravagances are so rank and flagrant and where such extravagances result in absolutely no good. Why not cut off a few millions from the army appropriations and from the navy appropriations and enable all the farmers throughout the country to get the proper instruction and proper information necessary to handle this situation. [Applause.]

Mr. Chairman, there are a great many things I want to say about this agricultural bill, but my time is limited, and I can not discuss it as freely as I would like. I want especially to call the attention of the House to some features of the bill in which my people are greatly interested and in which, as I am informed, the people throughout all the South and West are interested.

The Agricultural Department has been doing some demonstration work, which has resulted in a great deal of good to the farmers in my section of the country. That department furnished me three men last summer, and we made a tour of my district, and we had from 1,000 to 5,000 farmers at each meeting. The interest was such that I was fully convinced that the work was not only appreciated by the farmers, but that it was doing great good.

My understanding is that the amount appropriated for this purpose is not sufficient to do all the work of this kind which should be done; not even enough to do that which the farmers of the country have asked the department to do.

They have seen the great need of instruction in the best methods of farming, and are now beginning to appreciate how necessary it is that the farmer be able to farm against the seasons and make crops in spite of bad seasons.

The Agricultural Department, as has been shown by my colleague from Mississippi [Mr. CANDLER], has spent less in the sixty-nine years of its existence than the appropriations for the army and navy now is for one single year. A great proportion of this vast army and navy expense is paid directly into the pockets of the steel trust. The steel trust controls the steel plants which manufacture the vast steel plates for our battle ships, and it gets millions of dollars annually out of these great government contracts. The steel trust is agitating a great navy. Why? It answers itself. The beef trust feeds the army and navy and therefore wants a big army and navy. The powder trust sells powder to the big army and navy, therefore they are for the hundreds of millions of dollars appropriated. These great influences can pry open the Treasury of the United States, because they are in control of the Republican party, and this party now controls the Treasury. When they make a demand upon the Treasury, the doors fly wide open. They can demand that bonds be issued and sold to raise money to buy their wares, and it is done. The trusts can have their products protected by a high tariff against foreign competition and force the Government to compel the farmers and laborers to pay them tribute in the form of artificially high prices for the necessities of life, and all such legislation is called by the subsidized press of the Republican party "wise" and "conservative" legislation. But when a Democrat pleads for the suffering farmers of the South and West, and asks that the Agricultural Department be placed in a position to extend the "farm demonstration work," this same Republican party gets to be very economical and they begrudgingly give a mere pittance for this work, which is intended to save the greatest crop of America, and say that they want the counties and States to do this work. Is it not refreshing to hear a Republican talk about economy and the States doing things? No farmer's petition is ever heard by these servants of the trust magnates.

They can see the boll weevil devastate our crops, our soil wearing out, our ignorant negro farmers, whose friend and protector this same Republican party claims to be, whose vote they always get and can rely on in close States, and who can not farm upon improved methods, wasting their energies, and when the southern farmer asks for a few additional dollars for the extension of the demonstration work in the South, he is told that he can not get it, because we are cutting down appropriations now. A city on the other side of the globe has a disaster, and off go ships of money and food for the stricken city. But the southern cotton farmer, who contributes more to the wealth of the country than any other class of people in proportion to what he gets, can be stricken with drought and devastated by storms and confronted with boll weevil, and he only asks that demonstration farm work be given to his neighborhood, the land furnished by the farmer himself, the team and plow, tools, seed, and land all furnished, he only wants a trained and educated agriculturist to come and show him how to prepare his land, when and what to plant, and how to work it, and the Government is too poor. Thus it has ever been, and will ever be as long as the Republicans control the Government. The trusts put up their campaign funds, and they must pay the debt they owe the trusts first. You will find a few Republicans who think that they are opposed to the trusts, but they are in Congress in a hopeless minority and they are permitted to register a kick and make a fuss, but when they yield an inch for the demand of the people for reforms in government and present abuses and unholy privileges, it is to keep in power, and as soon as elected their Presidents deliver messages and hold out hope, but it never ends in fruition.

They all, like Roosevelt, thunder in the index, but when it comes to the pinch they back off and the trust barons have their will. Look at the merger of the steel trust and the Tennessee Coal and Iron Company, a direct violation of law, and Roosevelt, "the great trust buster," did not only not prevent it, but

justified this violation of law. Great trust magnates and the President can violate the law, but not the laborer. If a laborer even criticises the decision of the court, even when defending his right of free speech, he is placed in jail at the behest of the trust barons. Now, I do not think that a laborer ought to violate an injunction, but I know that the President, who is sworn to execute federal statutes, is guilty of a crime when he aids and abets others in violating a statute. This example is worse in its effect upon the people than is the immediate result of the violated law. How can you appeal to the masses to respect law when the President has a contempt for it and the rich and powerful violate it daily and hourly and are not punished?

I saw a cartoon the other day in Puck which illustrated exactly the condition under Republican rule. The law was represented as a sieve over the penitentiary, and the meshes were small and all criminals were thrown against the law, and all the big trust magnates were caught in the meshes, because they were too large to get into the holes in the sieve, and were thus saved by the law, but all the small fellows, the laborers and those keeping the books and working for these big scoundrels, were shot through the holes in the sieve and into the penitentiary, there to serve a term of hard labor for crime.

This is a condition brought about in this country by Republican rule. There was never a people who were so badly exploited by the rich and with such impunity as are the American people by the rich under this Republican régime. They sit in both ends of the Capitol feeling conscious of their security and with full confidence in the belief that they can bunco the people again. The trust magnates feel their security, because they have Senators and Congressmen who are in control of the party, sent here by their own hard cash, and they chuck each other in the ribs and say with a smile, "We are all right." They hear one high in authority say, "There are good trusts and there are some bad trusts," and that you can make all trusts good by "bringing them into the zone of lawfulness." You hear the hoarse and awful laugh of all the steel, sugar, railroad, and copper kings making a hell chorus in their fiendish joy. With one voice we hear the devilish shout, "We knew that he was all right. To hell with your Sherman antitrust law. Our Republicans played the game well. They told us that they knew their man. Golly, he's a great improvement on the other. He's a corker. He's all right. He's so smooth and so quiet about it. He's the man to amend the Sherman antitrust law, which is now about to be enforced against us." Thus all the men who profit by criminal operations of their corporate institutions reason about the situation, and they know that they will not have to suffer personally for their criminal acts, for which they should be in the penitentiary; but they, under such magnificent and diplomatic leadership, will be conducted into a safe harbor in the "zone of lawfulness," and the people will be fed on promises, to be forgotten as soon as the election is over. Thus it is from election to election, and it will always be so until we turn the rascals out.

BROKEN PLEDGES.

My old farmer friend, Evan Britt, of Montgomery County, Miss., thus states the proposition in his verses on "Broken pledges:"

I've almost despaired of that promised relief
For which I have so long been yearning,
And nothing prevents me from yielding to grief,
But that I am living and learning.

I find to my grief I have trusted in vain
The doctrine of the demagogue preaches,
And that the best knowledge a man can obtain
Is that which necessity teaches.

John Sherman, the boasted financial expert,
By raising the price of a dollar,
Compels me to cut off the tail of my shirt
To get cloth to make me a collar.

McKinley, not mending the matter at all,
By raising the price of apparel
Compels me to stand with my back to the wall
And poke my head in a barrel.

Then comes the bold Teddy, all combines to bust,
And have traffic fairly adjusted;
The nearest he came to busting a trust
Was busting the people who trusted.

And then he suggested Bill Taft as the man
To send the trust magnates to prison,
Which proves to be only a concerted plan
For Bill "to get sugar in his'n."

The idle still feast on the fat of the land,
Though Taft on his promise is winner,
While I have for breakfast a tight bellyband,
A Republican promise for dinner.

He promised the negro, in order to gain
His suffrage, a lucrative job,
But when he got in he took all the grain
And proffered the negro the cob.

He next pledged the miner a full dinner pail,
With plenty of beer and "tobacker;"
Said miner has witnessed those promises fail
As his pants have grown slacker and slacker.

Though promising generally that times would be good
And the laborer revel in riches,
Said laborer stands as he formerly stood,
With a patch on the seat of his breeches.

I've hung on to that promised prosperity line,
Awaiting a feast and a frolic,
Till my stomach is drawn so close to my spine
I have no room for the colic.

The seers and preachers have ever avowed
'Tis sinful to worry and grumble,
For God in His wisdom resisteth the proud
And freely gives grace to the humble.

But how can I be reconciled to my lot,
Or properly heed this avowal
While Big Bill Taft's paunch is as round as a pot
And mine is as flat as a trowel?

PURPOSE OF AGRICULTURAL DEPARTMENT.

The Agricultural Department is a department intended to benefit primarily the farmer—to advance his interest and to help him to become prosperous and independent. It proposes to do this by the proper study of soil improvement and crop cultivation. It proposes to elevate farm life by teaching the farmer how to produce the greatest amount on each acre cultivated. This is a great problem, and it will require all the genius of the great minds of the country to solve the problem correctly. To feed and clothe the increasing millions will be the great problem of the future. Conservation of our forests is a great problem to-day, over which our western friends are quarreling and over which their Congressmen are divided. It has stirred up a row in the President's Cabinet and has caused a split in Republican ranks. But, my friends, there is a conservation that is of greater importance, and that is the conservation of the present fertility of our broad acres. This bill carries over $5,000,000 to care for the forests out West, and the committee is a unit in recommending it; but the committee could see its way clear, for economy's sake, to ask for but $125,000 "to investigate and encourage the adoption of improved methods of farm management and farm practice" for the whole country. That is to say, the bill carries over forty times as much to hire rangers to ride and watch forests and government lands as to investigate and discover the best methods of farming and to give the farmers this education. The Government can experiment with this small sum, but who will ever contend that this farm-demonstration work can be carried on with such a small sum?

In all of north Mississippi, with about 40 counties, there is one man who is doing his best; but hundreds of farmers every day are asking him to come and give them some information and to show them how to "break up" and how to cultivate their old and worn soils, and of course he can not get to them. The man whose feet never trod a piece of plowed ground or who has only been through a farm on the train or, in the fall, shooting quail does not know how much there is to learn on a farm. He is of the opinion that it does not take much education to farm, but in this he is mistaken. It requires more good brain to farm properly than to do anything else. If the greatest brain on earth should devote years to the question, it would not make progress very rapidly unless it could gather together the experience of other brains. It must, as Lord Bacon said, be done by experiment; and since a farmer must plant and work by the seasons, he can only tell the result of his experiment once in each year by the harvest. One farmer in one lifetime can make but few experiments. Each farmer, when planting time comes, must plant and plow for bread, and he, of course, will not risk many new experiments, for he can not afford to make a mistake, and therefore farms, in the main, as his father did.

But it is not so with the government experiments. The Government does not make the experiment to make money, but to get information; and after repeated experiments and observations it can ascertain the best method of preparing the soil and working the crop, and, after seeing the good results that flow from a certain method in a certain soil and climate, it can then send this information to the farmers.

The Agricultural Department can send its agents out, and the farmer who desires can get him to come into the neighborhood and at a central farm have a few acres worked under the direction of such agent in accordance with the approved methods, and fifty or a hundred farmers can see the good results and adopt the method. It is the dispensing of information that is

expensive, but this is the only value which attaches to information. Oh, you say, "Send out a bulletin." This is good, but it is too slow. The very class of farmers that you want to benefit are perhaps the ones that a bulletin will not reach. But even if the bulletin is put in the hands of all the farmers, it is not half so effective as to see the work done—an actual demonstration. It is easy to tell people how to do things, but so much better to show them how. No amount of books or pamphlets will give a student of medicine as accurate knowledge of the human body as actually seeing one dissected and then doing the dissecting for himself. So it is with farming. When the farmer sees results, he will then act along the lines that produced the results.

But there is no cloud of lobbyists in the galleries to watch the farmer's interest, and he is forgotten. There is no subsidized press to fill the Congressmen's and Senators' mail with demands for him. There are no experts and lawyers standing in line at the Agricultural Committee's door knocking for admittance to plead his cause or his needs. No; he is the one man that is remembered less by a Republican Congress than any other. But as long as I am a member of this body I shall be heard demanding that the farmer be given that which is his right. If every acre of land that is now in cultivation was properly cultivated there would be plenty for all. There would be no hunger and want and poverty. When the farmer is prosperous and has a square deal, all classes are prosperous. Any movement that brings this result is a wise and economical one. It can only be brought about by a wise cultivation of the soil, and this will only be brought about by giving this information to the farmers. I would be glad to see $5,000,000 cut off of the naval and army bills and devoted to this farm demonstration work.

GAMBLING IN COTTON FUTURES.

When my friend from Alabama, TOM HEFLIN, was a member of the Agricultural Committee he was a friend of the farmers, and his eloquent voice was heard on this floor pleading their cause. I suspect that this accounts for his removal from this committee. It is dangerous to be too good a friend to the farmer under this Republican régime. They call a man a dangerous demagogue who stands for the agricultural interest. The cotton gamblers, too, may have had some hand in his removal, but, thank God, they have not stopped his gallant fight against their nefarious business. I gladly join him in this fight, and pledge him that we will never give up the fight until the gambler in agricultural products is put out of business. I want, here and now, to warn this Republican majority in this House and in the other end of the Capitol that the farmer has at last become aroused, and either you must put the gambler in agricultural products out of business or the farmers will put you out of business. [Applause.]

BOLL WEEVIL.

Mr. Chairman, when we reach one section in this bill I hope that the members of the Agricultural Committee will permit an amendment appropriating $500,000 to help the cotton farmers in their fight against the boll weevil. No one has yet made an appeal for these suffering farmers in Louisiana and Mississippi, who now have a new problem to the one presented in Texas on the open plains. I am sure that others of my colleagues will more forcibly and eloquently present this situation than I am able to do. But I want at the very beginning of this discussion to call the attention of the Members to this great calamity which threatens to destroy the cotton industry of the South. And I am sure that you will not be niggardly in your appropriations for this purpose, even though it goes to the South.

IS PRESENT ADMINISTRATION NONSECTIONAL?

Mr. Chairman, if I may be permitted to digress a little, I want to call attention to one fact, which it seems to me the country ought to know. The present administration laid claim at the outset to being nonsectional and to know no South, East, West, or North, but a one reunited and harmonious Union, and that the music of the Union was to be increased in its harmony and sweetness by a complete recognition of the South and her interest. Has this administration made any progress along this line? Not a man from the cotton States is in his Cabinet. We do not complain at this. But when you look at the Cabinet, it skins very closely along the Canadian line and never turns south except far enough to include the city of Chicago. But this, too, is all right. We do not object. But how about this so-too-much-altogether-absolutely nonpartisan, nonsectional administration? Look at the diplomatic service from the South! The Bureau of Statistics shows that cotton is by far the largest item in the United States foreign trade, and has been for years. It is the one American product that goes to all the ports of the civilized and semicivilized world. But for our cotton our foreign trade would fall to such an extent that the balance of the trade would be against us by hundreds of millions of dollars. Yet, with this vast cotton trade pouring through all the arteries of foreign trade and commerce, when I look over the list of ambassadors and ministers I find that not one of them, certainly not one at a post of the least importance, comes from a southern State—not one from that section of the Union which produces all of the cotton, nearly all of the tobacco, and a vast quantity of the lumber.

Our country is completely ostracized from our diplomatic life, notwithstanding the fact that she contributes by far the largest item to our foreign trade. There is not a Southern man at a single important post to care for or look after this trade. Of course we know that this is a mere accident. Of course we know that it could not have been intentional in this purely nonsectional administration. It is a mere oversight. Of course we all know that a President who so loves the South, and who lies awake at night thinking how he can advance the interest of the South, has simply not had his attention called to this neglect of the South. We are sure that he will hasten to right this injustice and will give the South some foreign representation. While this accident has been happening for years the Southern people have all of a sudden learned how much this administration is in love with them, and they expect at once to see all politics thrown to the winds and the South get her share of the representation in the ports of the world. Of course everybody in the South, with young bird-like simplicity, has gulped down this sort of gush, but no sane and sensible man has ever been thus fooled into the belief that this administration cared a farthing about the South or her interest, except as it might affect its success or failure in the next election. No one would like to see the complete difference between the two sections eliminated more than I would, but this will never be done so long as the South is continued to be ignored. So I am not willing to sugar coat or gloss over the situation just to pander to the same sickly sentimentality which calls for the surrender of all of our sacred principles and our courageous manhood. Let us keep ourselves unspotted from the wiles of a Republicanism which only means to share in the little contemptible spoils of some little office, which can not result in a complete restoration of the Southern States to their dignity and equality of rights, but calls upon every self-respecting white man to concede the right to let numbers control, even though vicious and black.

MATTERS NONPOLITICAL.

But, Mr. Chairman, we do not expect, because of the present political complexion of the administration, to get a square deal in reference to any matter pertaining to any office which is to be appointed by the present administration. But, in view of the fact that the scarcity of food products and the shortness of the cotton crop is a nonpolitical question and is agitating the minds of the people more than any other at this hour, can we not ask this Congress, in considering these appropriations, to ascertain what good can be accomplished by them outside of the South? There is not a factory in New England but that will be benefited by the increased production of cotton per acre in the South. There is not a railroad in the country that will not be benefited by enabling every acre of land to produce its maximum crop with the smallest amount of toil, and to make each acre of land more profitable and more productive than it was before. It has been demonstrated beyond question by all of the agricultural schools and stations throughout the country that there is more mystery wrapped up in a seed, in soil improvement, and crop diversification than was ever dreamed of in early days, and that by an intelligent practice and well-directed education of the farmers throughout the country, enabling them to produce the greatest amount, by a proper preparation and cultivation of the soil, you have benefited every avocation and every human being within the bounds of the Republic.

Governor Roberts, of Texas, on one occasion said in that great State, that all civilization begins and ends with the plow, and this is the literal truth. [Applause.]

I see mighty piles of brick and mortar, the great cities of the world, filled with wealth and with millions of people. Yet, there is not enough food within the bounds of either city to support its population for thirty days. Stop the trains that daily carry farm produce into any one of these great cities, and it is doomed. The city of New York would become a charnel house of death if it were not for the busy farmers who produce the food that keeps alive the millions of that city. [Applause.]

The factory can not run without the farm; the city can not live without the farm. The fires of all the locomotive engines

would grow cold and the belching smokestacks cease and the humming looms of the East would be stilled if it were not for the fact that the millions of farmers are producing that by which they live every day. [Applause.] No one denies the fact that the agricultural interest has been wonderfully helped by the manufacturing interest and that the two can not thrive without each endeavoring to promote the interests of the other. I appeal to the people who represent the millions of spindles in New England; and if I can not get you to listen from an unselfish point of view, will you listen from the most selfish point of view? Will you give to the suffering cotton farmers, who are to-day confronted with less than a 10,000,000-bale crop, when last year they produced 13,800,000 bales of cotton, the assistance they need to combat a great evil and calamity with which they are threatened? The progress of the boll weevil, going as it does on an average of 30 miles a year, makes it only a question of a few years, according to the reports of the Agricultural Department, when the mighty production of this great staple will have been reduced, if the ravages are in the future, as they have been in the past, according to the best authority, to not more than 4,000,000 bales for the whole South.

The CHAIRMAN. The gentleman's time has expired.

Mr. SISSON. Just a moment more, Mr. Chairman. We appeal to you, then, for the demonstration work that will enable these people to farm against the boll weevil, to farm against the seasons and not with the seasons. Out of all the millions that are paid out of the Treasury for pensions, out of the millions that are paid for other things, the Southland has gotten less in the last forty years, in proportion to her population, than any other section of the Union. [Applause.]

Mr. SCOTT. Mr. Chairman, every Member of the House will concede at once all that has been said by both gentlemen from Mississippi in regard to the importance of the cotton industry to this country, and every Member of the House will deeply sympathize with the conditions that exist in the cotton States, where, on account of the ravages of the boll weevil, the people are in despair because their only industry is threatened with absolute annihilation. The gentlemen have not stated the case too strongly, and it is one which must appeal to the sympathy of every American citizen.

If I believed that the crops of Louisiana and Mississippi and other cotton-growing States of the South could be saved by doubling this appropriation I should not for a moment resist this amendment. If I believed that work could be done which would even meet the expense of the appropriation itself I would not oppose the amendment. But I do not believe the results would be secured from this increased appropriation which the gentlemen anticipate.

Let me state to the membership of the House, if they will bear with me for a moment or two, what has been done and is being done in regard to this matter. It is ten years now since the fight was begun against the boll weevil. In that ten years the Government has expended for this purpose at least $2,000,000—surely a generous contribution for the protection of a single industry. During this current fiscal year, which will end the 30th of next June, there has been available for this work through government appropriation $175,000. We propose during the coming year to increase that to $215,155.

Mr. DICKSON of Mississippi. What was that amount?

Mr. SCOTT. The amount is to be increased to $215,155. The appropriation in last year's bill for this item was $225,000, but $50,000 of it was made immediately available and was used prior to the 1st of July, so that for the current fiscal year, from the 1st of July, 1909, to June 30, 1910, there will be only available $175,000, whereas we appropriate in this bill $215,155. But in addition to the appropriation carried in this bill there is available for this work from the general educational board $102,000. There was contributed last year $19,000 by local authorities, and I presume at least that much will be contributed this year, and there was about $1,000 available from the Slater fund. A part of the amount from the general educational board and the Slater fund was diverted to other purposes, aside from combating the boll weevil, but as I understand it the greater part of that sum was used in this contest.

Mr. LEVER. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. LEVER. The gentleman does not want to give the idea or impression that the $102,000 given by the general board of education is now used in the boll-weevil district?

Mr. SCOTT. My understanding of it is that a large part of it was so used.

Mr. LEVER. My understanding is entirely to the contrary. Every dollar of that is now used in the South Atlantic States, and not one penny of it is used in the boll-weevil district.

Mr. SCOTT. My authority was a portion of the statement of Doctor Galloway, but I may have misread it. But leaving out the amount of any fund that may be available from other sources, it is yet clear that there will be available this year something like $40,000 more for this work than there was last year.

Now, what has been done with this appropriation from year to year?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SCOTT. Mr. Chairman, I think the importance of this question will warrant me in asking an extension of time for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SCOTT. The boll weevil first invaded Texas, coming from the Republic of Mexico. The climatic conditions in Texas were very different, of course, from those farther east. Methods were very soon developed in Texas which made it possible for the planters there to grow cotton quite successfully, in spite of the boll weevil, through the introduction of earlier maturing varieties and through the adoption of different methods of cultivation, so that the problem is about as nearly solved in Texas as it can be. But when the weevil advanced east and came into the warm, moist climate of the Delta country it presented an entirely different problem. It changed its habits of life to suit its environment. It was surrounded by greater opportunity for hibernation, so that an enormously greater number of weevils came through the winter than had survived the Texas winters. The result is that methods which have proved successful in Texas are practically of no value in the Delta country. As evidence of that I read from the hearings before the Committee on Agriculture a statement made by Mr. Hunter, who has been in charge of this work. He cited a single plantation near the mouth of the Red River, in Louisiana, that normally produced before the advent of the weevil from 1,700 to 2,000 bales of cotton. The first year after the advent of the weevil the production of that plantation went down to 1,200 bales. Last year it went down to 175 bales, and this year no cotton whatever was produced on the place. Now, I ask the attention of the committee particularly to what follows. The chairman asked Mr. Hunter whether they attempted to raise any cotton on that plantation this year, and he replied that they had made a very diligent and intelligent effort; that they planted 700 acres of cotton, and yet they did not harvest a single bale.

He then says of this planter that—

> He is one who takes pains to get all of the information available about fighting the boll weevil; he is a man of resources, a man who is not content with writing to experiment stations or the department for information, but when the time comes he gets on a train and goes to the experiment station or to some other source of information and remains there long enough to allow him to study the boll weevil.

He adds:

> No more intelligent fight could have been made against this insect than was made by this planter.

Mr. Chairman, let me repeat the statement, "no more intelligent fight could have been made against this insect than was made by this planter," and yet on 700 acres he did not produce a bale of cotton. What does that mean? It simply means that methods have not yet been discovered by which cotton can be grown under such conditions as exist there in the presence of the boll weevil. What does that mean? It means that the only effective work that can be done at the present time is to carry on experiments until we have developed better methods of control.

Mr. DICKSON of Mississippi. Will the gentleman permit an interruption there?

Mr. SCOTT. Yes.

Mr. DICKSON of Mississippi. To what extent has the boll weevil spread further, as a question of proportion? In other words, how many counties were affected in Mississippi last year?

Mr. SCOTT. I am not able to say.

Mr. DICKSON of Mississippi. There were 13 counties, and now there are 36. The boll weevil entered the State eighteen months ago, and then crossed to Alabama, and there are 24 counties in Arkansas, and the south half of Oklahoma, and all of Louisiana. The gentleman is quite correct in his statement. These demonstrations must be made, but with the same amount of money we can not cover double the territory.

Mr. SCOTT. The gentleman will pardon me, but the statement he makes now is not material to the argument. If it were

merely a question of demonstration of methods which have been shown to give satisfactory control under these new conditions, then I would agree with him that we could spend more money to more advantage.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent Mr. SCOTT's time was extended for five minutes.]

Mr. SCOTT. Mr. Chairman, I have just read a statement which shows that an intelligent white man, a successful, enterprising planter——

Mr. DICKSON of Mississippi. Just 1 mile of water is between that man and myself. He is my neighbor.

Mr. SCOTT. This man has taken advantage of all the information available, and yet he was not able to raise a bale of cotton on 700 acres of land. It certainly leaves the conclusion inevitable that we have nothing to demonstrate. What is the use of appropriating a large sum of money, to be expended in demonstrations, when we have no methods that have proven satisfactory? That is the question, and upon that I think the Members of the House should base their judgment. It is not a question of demonstrating something which has already been learned, the success of which has been proven. It is simply a question of conducting research and experimentation that will result in developing a method which we may demonstrate hereafter.

Mr. DICKSON of Mississippi. Mr. Chairman, I will state that the plantation referred to by the gentleman from Kansas is immediately across the river from my home. It is at the mouth of the Red River, in undrained lands. Very little of my district is of that character, and it has been demonstrated in that section where that land lays that you can not raise anything but perdition and alligators; cotton will not grow there.

Mr. SCOTT. Mr. Chairman, in addition to the statement I have just made, to the effect that we can not economically expend this money along the lines suggested by the gentleman from Mississippi [Mr. DICKSON], because we have not yet developed anything to demonstrate, I wish to impress upon the committee the fact that the department has made no estimate for an increased appropriation for this purpose. The matter was called directly to the attention of Doctor Galloway when he was before the committee, and the question was asked whether he would recommend an increase in this farmers' cooperative demonstration work, and he replied:

> No; no increase along any of these lines. In fact, we are of the opinion that with our present funds and with the gradual effort we are making to adjust our work from time to time we are better off just as we are. That is, we believe that it is a good thing once in a while to stop and take stock, as it were, and develop things specifically, so that we will be in better condition to meet exigencies as they may arise.

Now, Mr. Chairman, the fact that the Secretary and the chief of the bureau make no estimate for an increase, the fact that nobody came before the committee while we were considering this bill to ask for an increase, the fact, as clearly shown by the testimony, that methods have not yet been devised which will control the boll weevil under the new conditions and in the new territory, make it clear to my mind that the House will not be justified in increasing the appropriation beyond what is recommended by the committee, and I trust the amendment offered by the gentleman from Mississippi will not be accepted.

Mr. BOWERS. Mr. Chairman——

Mr. SCOTT. Mr. Chairman, I wonder if we can agree to vote on this amendment at 4 o'clock or in five or ten minutes? I do not wish to shut off debate unreasonably, but I should like to bring the matter to a conclusion not later than 4 o'clock, as gentlemen are anxious to have the committee rise.

Mr. CANDLER. There are several gentlemen who would be glad to be heard, not for a great length of time.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close at 4 o'clock.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto close at 4 o'clock. Is there objection?

Mr. HEFLIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama will state his parliamentary inquiry.

Mr. HEFLIN. Did I understand the request of the gentleman from Kansas to be that debate on all amendments close at 4 o'clock?

Mr. SCOTT. On this paragraph.

Mr. HEFLIN. Suppose amendments had not yet been offered?

Mr. SCOTT. They could be offered and voted upon without further debate. I merely desire to close debate.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. Mr. Chairman, I would like to suggest, before agreeing to the request for unanimous consent, that there are several other amendments to be offered to this particular proposition and that I would not like to have debate closed until we can have time to debate those amendments.

Mr. SCOTT. Will the gentleman be satisfied to have the amendments offered? The same arguments that would apply to one amendment would perhaps apply to another.

Mr. LEVER. I think not, although I will not be contentious about the matter.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, reserving the right to object, I would like to say that I would like to have five minutes on this proposition, and I am afraid if we close at 4 o'clock I will not have that time. I will ask the gentleman from Kansas if he can not make it 5 minutes past 4, so as to allow me to have five minutes?

Mr. SCOTT. If that meets the approval of the committee, I will consent to it.

The CHAIRMAN. The proposition now is to close debate at five minutes past 4 o'clock on this paragraph and all amendments thereto.

Mr. NORRIS. Mr. Chairman, I would like to inquire of the chairman of the committee if that time is to be all taken up by one side of the question?

Mr. HEFLIN. Mr. Chairman, I object.

Mr. BOWERS. Mr. Chairman, there is no controversy, no issue raised by the gentleman from Kansas, as to the dire condition of affairs in the cotton-growing section of this country. I thank him for his very frank acknowledgment of the necessitous condition of the case, and I thank him for his equally frank and enlightening statement that the Department of Agriculture and the country are, as to practical results, practical operation, and practical work in the field now affected, just where they began when the boll weevil first came into the United States and into the State of Texas, because when he says that after the problem had been solved in Texas, and the boll weevil migrated from there over into Louisiana and Mississippi, and now, according to the statement of my colleague, into the State of Alabama, an entirely new condition of things was presented and entirely new problems arose to be wrought out and solved. He says in effect that all that has been done is unavailing as to the new problems with which we are confronted, and that investigation and work must begin and be pushed just as if the question was entirely new and unexplored.

And that, it seems to me, Mr. Chairman, together with the illustration that he cites, together with the case of the planter at the mouth of the Red River, who, after he had made a gallant fight against this pest, found himself overwhelmed by it, furnishes, to my mind and in my judgment, the greatest reason for the increase of this appropriation rather than the decrease of it. [Applause.]

I dissent from the proposition, Mr. Chairman and gentlemen, that because one brave man has failed, because one resourceful planter, not content to rely alone upon the activities of the Department of Agriculture, has been unable to meet this proposition, that we ought to lie down. I dissent from the proposition that this failure, made even after a splendid fight, demonstrates anything except that it is the duty of the people and of the Government of the United States to gird up their loins and go at the fight again with renewed vigor and energy.

Let me for a moment call attention to the radical differences that exist between the problem as it presented itself in Texas and the problem as it presents itself in the States farther east. In addition to the character of labor which has been alluded to by the gentlemen who preceded me, and which is of itself a great factor, there are conditions of soil and climate to which the gentleman from Kansas briefly alluded but which he did not elaborate. In the first place, the great part of the cotton crop of Texas, as I understand it, is grown upon the prairie; it is grown in the vast open country that is swept by the winds, and where there is no opportunity given to this insect, which seeks shelter and cover wherever it can, to hibernate, breed, and protect itself during the winter. Now, in Mississippi, and I take it that the conditions are similar in Louisiana and Alabama, our farming lands are interspersed with considerable patches of timber. There is abundant cover for the insect. We have a moist, humid, hot climate, all of which tends to increase the activities of the pest and to facilitate its opportunities for reproduction.

In the course of a trip through the western part of my district the latter part of last summer I met there a gentleman representing the Bureau of Entomology of the Department of

Agriculture, who was making some investigations as to how far the boll weevil had progressed. Ignorant then of the difference between the problem that the Texas people were confronted with and that with which our people must contend I ventured to express the hope and belief that it would be a matter of no very great difficulty, because we could reach the question and meet it by improved cultural methods and by forcing and hastening the crop. To my amazement he advised me that the Texas crop is naturally far in advance in point of time than ours. All of the cotton that is not, to use the expression of the cotton planter, "made"—that is, all that is not in shape of bolls on the cotton plant—on the 1st of August must be destroyed by the boll weevil. Everything that comes along in the shape of squares, everything the plant attempts to make after that date, the weevil gets, and everyone conversant with cotton planting will know that it will be an exceedingly difficult thing to force the crop up to that date.

Bear in mind, gentlemen, that the territory affected by this pest has enormously increased in the last twelve months. It has moved eastward more rapidly than anyone supposed that it would or could, and inasmuch as the only method of combating it is by the education of the farmer by actual demonstration in the improved cultural methods and in handling the crop the amount of money necessary to meet the emergency is far greater than ever before.

The idea that the boll weevil can be destroyed by parasites or hostile insects has been practically abandoned, and the sole hope of the cotton planter is in obtaining earlier varieties and in forcing the plant so that the crop will be ripe and ready to harvest at the earliest possible moment, together with other precautions which the Department of Agriculture recommends, to keep the fields as nearly as possible free of the weevil by gathering and burning all the fallen squares and bolls that have been punctured or inoculated by it. This, as I have said, must be done by actual demonstration, and it needs no argument to show that with the increase in territory that must be covered by this work there comes necessarily, in order to do it properly, a corresponding increase in cost.

Let me give you some idea of the ravages that have been wrought within twelve months by the coming of this pest. I hold in my hand the report of December 31, 1909, of the Bureau of the Census as to cotton ginned up to December 13 of that year and prior years, but I will content myself by drawing comparisons between the results in 1909 and the preceding year, 1908.

Up to December 13, 1908, there had been ginned in Adams County 13,213 bales. Up to the same date in 1909 only 1,592 bales. In the county of Amite in 1908, 24,870 bales; in 1909, 13,612 bales; in the county of Claiborne, 20,540 bales in 1908, as against 8,893 in 1909; in the county of Jefferson, 19,082 bales in 1908, as against 7,944 in 1909; in the county of Wilkinson, 16,414 bales in 1908, as against 4,271 in 1909. I could multiply these examples without number, but they are sufficient to show the extreme necessity of the situation, and the discrepancy would be far more startling if I made comparisons between the figures of 1909 and those of 1906, before the boll weevil had at all affected this territory.

Just here I want to call attention to something that these figures show in refutation of one of the ideas advanced by the gentleman from Kansas, namely, that nothing can be done by demonstration work, and that only research work can be prosecuted for some little while to come. Cotton can be raised, boll weevil or no boll weevil, and the fact that cotton has been raised in these counties and in the parishes just across the river in the State of Louisiana, where the insect is at work, demonstrates that such is the case. That being true, and there can be no doubt of it, it follows that there is the greatest necessity that all this territory, and all the infected territory all through the South, should be liberally supplied with the experts of the department who understand the needs of the situation, in order that the farmers may be enabled to make the best of the situation and produce this crop, which is a necessity not only to them, but to the balance of the United States and to the world at large, as largely and bountifully as is possible under the conditions. The idea that the coming of the boll weevil means the passing of the cotton crop is a heresy that should be instantly met and combated. The disposition to abandon or give up, that such a preachment will produce, the consternation and panic which will be wrought by the promulgation of any such doctrine is, in my judgment, fraught with more danger to the agriculturists of the cotton section than the coming of the boll weevil itself. The boll weevil is bad enough, but I believe, and those more familiar with the subject believe, that it can be met, its ravages minimized, and finally entirely overcome by the methods which I have pointed out. It is a calamity which can be met, but panic, demoralization, abandonment of the fields, and all the inaction and loss incident thereto are far more serious in their consequences, and may or may not be entirely corrected if ever they once take firm hold.

Just one suggestion in conclusion. While the cotton planters are now the persons most immediately concerned, they are by no means the only people who are vitally interested in the result of this issue. Cotton is not only the great staple of the South, but one of the greatest agricultural staples in this country. Its annual value is second only to the corn crop. Its exportation, perhaps more than any other staple, goes to maintain the balance of trade in favor of the United States as against foreign nations. It constitutes in great part the clothing not only of the people of the South, but of the United States and of the world. Every mill and spindle in the East, every loom in Europe, every man in this Nation and in the world who wears clothes is vitally interested in the outcome of this struggle.

Let me appeal to you, not only in behalf of our people, but in behalf of the people of the United States, aye, of the world, not to deny the money necessary to save, and to save now, the production of this staple. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I would like to see, now, if we can not reach an agreement as to the time for taking this vote. I will ask unanimous consent that the vote be taken at fifteen minutes after 4 o'clock. The gentlemen will have no difficulty in having their remarks extended in the RECORD.

The CHAIRMAN. Is there objection?

Mr. LEVER. Mr. Chairman, I suggest to the gentleman from Kansas, the chairman of the committee, that he ask unanimous consent that the vote on this pending amendment be taken at 4 o'clock, so that the debate on the amendments may be closed at that time and a vote taken, because it will be followed by another amendment carrying a smaller appropriation for this work.

Mr. SCOTT. I will act upon that suggestion, and ask unanimous consent that the vote be taken upon this amendment at 4 o'clock.

The CHAIRMAN. The gentleman from Kansas modifies his request and now asks unanimous consent that the vote be taken on this amendment at 4 o'clock. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Chairman, it will be impossible to overstate the situation as it exists in some counties in Mississippi at the present time, where the boll weevil has attacked the cotton crop. But the ravages of the boll weevil is not confined to Mississippi alone, but is all through Louisiana and Texas, 24 counties in Arkansas, 36 in Mississippi, and the south half of Oklahoma are affected by the pest, and it has crossed the Alabama line. Hence it is this territory that is involved in this amendment, and unquestionably the extent of the territory requires the appropriation which is proposed by the distinguished gentleman from Mississippi [Mr. DICKSON], and he is himself a farmer and knows the needs of the people. As has been suggested by my colleague [Mr. BOWERS] who has just preceded me, the conditions that exist in our section of the country are entirely different from what they were when the boll weevil attacked the cotton crop in the State of Texas. We have conditions which make it an almost ideal place for the ravages of the boll weevil. The timber in which he can hibernate and the dampness of our atmosphere add to the danger which now threatens our crop and our prosperity. These surroundings are different from what they were in Texas, and hence it is necessary to have an appropriation sufficient in order to take hold of the condition that exists now, and not only now, but where it has existed prior to this time. It is not a problem that is strictly local, because the results affect the whole country. Heretofore wherever there has been a calamity, no matter where it has been, that has struck any of our people of the United States or any people in foreign countries, this great Government of ours has never plead economy or that we were unable to respond to it; but on all occasions and everywhere when anything of that nature happened we have responded not only for our own people, but to all the nations of the world. [Loud applause.] A few years ago when there was a great catastrophe in Italy we immediately responded by appropriating $800,000 for those people, and when a terrible earthquake visited San Francisco we at once responded with millions of dollars to help them.

Now, then, while this is not a case entirely parallel, I simply cite these, Mr. Chairman, to demonstrate that wherever the people have called for it, and have needed money, our Government has always with open hand responded to help them in their difficulties and in their misfortunes. Now, I say to you, this is

in deed and in truth a misfortune to the people wherever this pest is. And it is not only in Mississippi, but these other States, where it is a misfortune and is beyond any abstract conception, and to fully appreciate and realize it in its fullness requires actual observation. I cite one case, which my colleague [Mr. DICKSON] calls to my attention. In one place in Louisiana, where they had raised 32,000 bales of cotton in 1906, in 1909 they only raised 2,500. Doctor Hunter, of Dallas, Tex., states:

> The insect has been worked on a great deal for several years, but its habits and life history are not yet clear. Climatic conditions of the different regions, the surroundings of the plantations, and plantation management cause the problem to take on local aspects.

That is the condition that I present to you, that it is a new problem when it reaches a section of country entirely different from what it was when it was treated in Texas.

Mr. SCOTT. The fact that it is a new problem impresses me, as I stated a moment ago, with the fact that what is needed now is experiment work and not demonstration work; and that we have abundant money here now to carry forth all the research that can be desired. Does it not impress the gentleman from Mississippi that way?

Mr. CANDLER. Well, I disagree with the gentleman. I think demonstration as well as experimental work is needed, and the amount of money appropriated in this bill is the very thing we are talking about; and we need more money. There is not a sufficient amount appropriated in this bill to do the work that is absolutely necessary and required.

Mr. SCOTT. You know there is money for investigation, but not for demonstration, and there is no necessity for demonstration until the investigation has been made.

Mr. CANDLER. We made an appropriation heretofore for this purpose, and did so without any hesitancy, when conditions that presented themselves to the House at that time were not as they are to-day, because the problem is a much more difficult one now. The distinguished chairman of the committee [Mr. SCOTT] stated in his speech a moment ago that it is a different problem, and he says so now.

But he contends that there is sufficient money. As I said a moment ago, what I contend is that there is not sufficient money to do the work and that we need more money with which to meet this problem. This destructive agency which is threatening the prosperity of our entire country is continually spreading, and I appeal to you and plead with you not to turn your backs upon us, but to help us meet this difficulty, because the cotton crop of the South is the one that goes beyond the seas and brings back the money from the coffers of the nations of the world. [Loud applause.]

The CHAIRMAN. By order of the committee, the time for debate on this amendment has expired. The question is on the amendment.

The question being taken, on a division (demanded by Mr. DICKSON of Mississippi) there were—ayes 63, noes 57.

Mr. SCOTT. Mr. Chairman, I demand tellers, and pending that demand I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 58, noes 62.

The CHAIRMAN. On this question the ayes are 58, the noes 62, and the committee refuses to rise.

Mr. SCOTT. I renew my demand for tellers.

Tellers were ordered, and the Chairman appointed Mr. SCOTT and Mr. DICKSON.

A MEMBER. Mr. Chairman, a parliamentary inquiry. Upon what question is this vote by tellers being taken?

The CHAIRMAN. On the amendment offered by the gentleman from Mississippi.

Mr. TAWNEY. No; on the question whether the committee will rise.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] said:

> I demand tellers, and pending that I move that the committee do now rise.

Mr. TAWNEY. Then the vote was taken on the question of the committee rising, by a rising vote, and then the Chair stated that the gentleman from Kansas demanded tellers.

The CHAIRMAN. The gentleman from Kansas demanded tellers on the amendment of the gentleman from Mississippi, and pending that he made a motion that the committee rise.

Mr. TAWNEY. The question whether the committee shall rise is now being voted on by tellers, instead of a rising vote.

Mr. RANDELL of Texas. Mr. Chairman, the Chair announced the result of the vote on the question whether the committee should rise, and there was no demand for tellers on that question, but tellers were demanded on the other motion, that of the gentleman from Mississippi.

Mr. SCOTT. Mr. Chairman, I think I can make a statement which will set gentlemen right.

The CHAIRMAN. The gentleman from Kansas will state it.

Mr. SCOTT. I think I can clear this matter up very readily. It is true, as the gentleman from Texas just stated, that after the motion to rise was defeated upon a division, I then renewed the demand for tellers, having in my own mind the amendment offered by the gentleman from Mississippi [Mr. DICKSON]. It is perfectly competent, of course, for any Member of the House to ask for tellers upon the motion that the committee rise, but I did not make that request.

Mr. TAWNEY. I understood the gentleman to make that request. If it is proper to make request for tellers on the motion that the committee rise, I make it now.

Mr. UNDERWOOD. I make the point of order that that is too late.

The CHAIRMAN. The gentleman from Minnesota now demands tellers on the question whether the committee shall rise. Those in favor of ordering tellers will rise. [After counting.] Evidently a sufficient number, and tellers are ordered. The question is, Shall the committee rise?

Mr. BURLESON. Who are the tellers?

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] and the gentleman from Mississippi [Mr. DICKSON]. Those in favor of the committee rising will pass between the tellers.

The committee again divided; and the tellers reported that there were 88 ayes and 77 noes.

So the committee determined to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill and had instructed him to report that they had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. FOSTER of Illinois, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of David Horner, Sixtieth Congress, no adverse report having been made thereon.

Mr. HUGHES of New Jersey, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of James Hanna, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 13 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for pay of farmers, Indian Service (H. Doc. No. 614)—to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting report of rents received from properties on sites purchased by the Government in the District of Columbia (H. Doc. No. 613)—to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for reimbursement of Norbert Sero, former assistant farmer, La Pointe Indian Reservation (H. Doc. No. 612)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Providence River and Harbor, Rhode Island (H. Doc. No. 606)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River between Brainerd and Grand Rapids, Minn. (H. Doc. No. 607)—to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Wateree, Congaree, and Santee rivers, including Estherville-

Minim Creek Canal, South Carolina (H. Doc. No. 608)—to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Johns River, Florida, from Jacksonville to the ocean (H. Doc. No. 611)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bayou Quene de Tortue, Louisiana (H. Doc. No. 609)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

9. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting an estimate of appropriation for salaries of officers for a new internal-revenue district for Oklahoma (H. Doc. No. 617)—to the Committee on Appropriations and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hugh G. Glenn against The United States (H. Doc. No. 618)—to the Committee on War Claims and ordered to be printed.

11. A letter from the president of the Washington, Spa Springs and Gretta Railroad Company, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 616)—to the Committee on the District of Columbia and ordered to be printed.

12. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newport Harbor, Rhode Island (H. Doc. No. 610)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. REID, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18019) to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas," reported the same without amendment, accompanied by a report (No. 338), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 9105) for the relief of R. B. Whitacre & Co., reported the same adversely, accompanied by a report (No. 337), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10309) granting a pension to Barton E. Gardner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12921) granting a pension to Margaret Lough—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17720) granting a pension to Emile L. Kruger—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13508) granting a pension to Howard Bromagem—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 19712) requiring railroads to make reports—to the Committee on Expenditures in the Post-Office Department.

By Mr. CARLIN: A bill (H. R. 19713) to establish a fish pond and station in the State of Virginia or Maryland—to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: A bill (H. R. 19714) authorizing the President to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "administration building"—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Pennsylvania: A bill (H. R. 19715) to provide for the extension of New Hampshire avenue in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MILLER of Minnesota: A bill (H. R. 19716) providing for the acquisition of additional land to be used as a site for a public building and for the construction of such a building at Duluth, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19717) providing for the construction of a public building and the acquisition of a site therefor at Anoka, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. OLMSTED: A bill (H. R. 19718) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and for other purposes—to the Committee on Insular Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 19719) to provide for an additional professor of mathematics in the navy—to the Committee on Naval Affairs.

By Mr. PAYNE: Resolution (H. Res. 337) referring the President's special message of January 14, 1910—to the Committee on Ways and Means.

By Mr. OLDFIELD: Resolution (H. Res. 338) directing the Committee on the Post-Office and Post-Roads to ascertain and report the comparative cost of transporting publications designated as second-class mail matter—to the Committee on Rules.

By Mr. DOUGLAS: Resolution (H. Res. 339) providing for an additional House rule—to the Committee on Rules.

By Mr. CLARK of Missouri: Resolution (H. Res. 340) amending section 1 of Rule X of the Rules of the House—to the Committee on Rules.

By Mr. KINKAID of Nebraska: Joint resolution (H. J. Res. 133) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents, and for other purposes, with reference to the homestead laws—to the Committee on the Public Lands.

By Mr. FOSTER of Illinois: Memorial of the legislature of Illinois, favoring a bureau of mines—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 19720) granting an increase of pension to John Crowe—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19721) granting a pension to Margaret Lee—to the Committee on Pensions.

By Mr. BARNARD: A bill (H. R. 19722) granting a pension to Ebenezer Pruden—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 19723) granting an increase of pension to Andrew T. Bitters—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 19724) granting an increase of pension to David Slike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19725) for relief of the legal representatives of Ann D. Halsey, deceased—to the Committee on War Claims.

By Mr. BOOHER: A bill (H. R. 19726) granting an increase of pension to Charles W. Branson—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 19727) granting an increase of pension to George W. Martin—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 19728) granting an increase of pension to William H. Knowlton—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19729) granting an increase of pension to Sophia C. Hillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19730) to remove charge of desertion against J. M. Jordan—to the Committee on Military Affairs.

Also, a bill (H. R. 19731) for the relief of the estate of John Souder, deceased—to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 19732) granting a pension to Salina E. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19733) granting an increase of pension to Maria L. Leach—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19734) granting an increase of pension to Jeremiah Runkle—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 19735) granting an increase of pension to Sylvester S. Adams—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 19736) granting an increase of pension to George W. Huston—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 19737) granting a pension to M. B. Cavanaugh—to the Committee on Pensions.

Also, a bill (H. R. 19738) for the relief of the estate of Emanuel R. Cox—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 19739) granting a pension to Frances E. Chase—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19740) granting an increase of pension to George F. W. Haines—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 19741) granting a pension to Melissa L. Williams—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 19742) granting an increase of pension to George C. Rogers—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19743) granting an increase of pension to Herbert A. York—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 19744) for the relief of Frank H. Coomes—to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 19745) granting an increase of pension to John J. Carroll—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 19746) granting an increase of pension to Jessie W. Parshall—to the Committee on Pensions.

Also, a bill (H. R. 19747) to remove the charge of desertion against William C. Rich—to the Committee on Military Affairs.

By Mr. HOWLAND: A bill (H. R. 19748) granting a pension to Charles E. Astrup—to the Committee on Pensions.

Also, a bill (H. R. 19749) granting a pension to Eleanor Hamilton—to the Committee on Pensions.

Also, a bill (H. R. 19750) granting an increase of pension to Alexander L. Mason—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 19751) holding and considering David B. Turnipseed to have been honorably discharged—to the Committee on Military Affairs.

Also, a bill (H. R. 19752) holding and considering George W. Pellon to have been honorably discharged—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 19753) granting a pension to Elizabeth Ann Roach—to the Committee on Pensions.

Also, a bill (H. R. 19754) granting a pension to William T. Tolson—to the Committee on Pensions.

Also, a bill (H. R. 19755) granting an increase of pension to William Lockard—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 19756) for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 19757) granting a pension to Margaret H. Davis—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 19758) granting an increase of pension to James H. F. Milton—to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 19759) for the relief of Sarah A. Waite—to the Committee on Claims.

By Mr. McHENRY: A bill (H. R. 19760) granting a pension to Mary E. Clark—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 19761) granting a pension to Sarah J. Oldham—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 19762) granting a pension to Benjamin F. Bothwell—to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 19763) for the relief of Sarah E. Callahan—to the Committee on War Claims.

Also, a bill (H. R. 19764) granting a pension to Elizabeth B. Wester—to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 19765) granting a pension to Frances C. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19766) granting a pension to Angeline G. Kee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to George W. Powell—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 19768) granting a pension to Simon Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19769) granting a pension to William Armon—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 19770) granting an increase of pension to William G. Stuart—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 19771) for the relief of Thomas Callahan—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19772) for the relief of Emma T. Reid, widow of John B. Reid—to the Committee on War Claims.

Also, a bill (H. R. 19773) to remove the charge of desertion from the military record of John H. Miller—to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 19774) granting a pension to Emma C. Young—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 19775) to grant public land to the town of Collbran, Colo., for public-park purposes—to the Committee on the Public Lands.

By Mr. THOMAS of Kentucky: A bill (H. R. 19776) for the relief of the estate of H. R. M. Taylor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19777) for the relief of the estates of George W. Chatfield and William E. Curd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19778) granting an increase of pension to Susan J. Hendrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19779) granting an increase of pension to David Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19780) granting a pension to America McDaniel—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19781) granting an increase of pension to James Pollard—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 19782) granting a pension to Ella Tibbens—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of Henry Bilsing—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and subsistence, as per Senate bill 4033—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of Million Population Club, of St. Louis, Mo., for increased pay for railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Chamber of Commerce of Erie, Pa., for enlargement and better equipment of the Hydrographic Office—to the Committee on Naval Affairs.

Also, petition of the Griswold Manufacturing Company, of Erie, Pa., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

By Mr. BYRNS: Paper to accompany bill for relief of George W. Martin—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: Petition of citizens of Ridgway, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CLINE: Papers to accompany bills for relief of Sylvester S. Adams, Hiram Merchant, and Martin A. Didion—to the Committee on Invalid Pensions.

By Mr. COOK: Petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States—to the Committee on Military Affairs.

Also, petition of board of directors of Philadelphia Maritime Exchange, favoring legislation covered by House bill 17437—to the Committee on the Merchant Marine and Fisheries.

By Mr. CONRY: Petition of Ray Brown, of New York City, for an appropriation to enable the United States to participate

in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. COX of Ohio: Petition of citizens of Dayton, Ohio, against postal savings bank—to the Committee on Banking and Currency.

Also, petition of citizens of Dayton, Ohio, favoring bill by Hon. W. W. GRIEST for free delivery of mail in towns of 1,000 inhabitants—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Licensed Tugmen's Protective Association and International Brotherhood of Steam Shovel and Dredgmen, against purchase of a government dredge for west coast of Lake Michigan and Lake Huron—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Francis E. Chase—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional allowances for travel and subsistence from Philippines to the United States—to the Committee on Military Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Herbert A. York—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of Northeast Stove Manufacturers' Association, urging repeal of the federal corporation law—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States (S. 4033)—to the Committee on Military Affairs.

Also, petition of L. M. Schwan and 25 others, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and sustenance from the Philippines to the United States (S. 4033)—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Benton Harbor, Mich., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Kenmore, against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Alfred W. Jewett Cook—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Intermountain Wireless Association, against the resolution providing for a national wireless telegraph board—to the Committee on Naval Affairs.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

By Mr. KAHN: Petition signed by 78 members of Local No. 31, Bridge and Structural Iron Workers, of San Francisco, Cal., protesting against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON: Papers to accompany bills for relief of the estate of Gideon F. Mann and heirs of Benjamin J. Hardin—to the Committee on War Claims.

By Mr. LOVERING: Petition of Central Republican Committee of Hudson County, N. J., indorsing action of the Members of Congress who are making such a valiant fight against Cannonism and Aldrichism—to the Committee on Rules.

By Mr. McCALL: Petition of American Peace Society, of Boston, Mass., approving reduction of battle ships last year and urging the Government to attempt to induce nations to reduce armament—to the Committee on Naval Affairs.

By Mr. McCREDIE: Paper to accompany bill for relief of Sarah A. Waite—to the Committee on Claims.

By Mr. McKINNEY: Petition of soldiers of Dallas City, Ill., favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Chamber of Commerce of Boston, Mass., against increase in tonnage tax—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Boston Chamber of Commerce, urging removal of obstructions to navigation in the channel known as "Pollock Rip Slue," Boston Harbor—to the Committee on Rivers and Harbors.

Also, a petition of New England Stove Manufacturers' Association and New England Dry Goods Association, for repeal of clause 6 of section 38 of the corporation-tax law—to the Committee on Ways and Means.

By Mr. A. MITCHELL PALMER: Petition of residents of Portland, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. RANDELL of Texas: Paper to accompany bill for relief of estate of Daniel Wright—to the Committee on War Claims.

By Mr. RHINOCK: Paper to accompany bill for relief of Thomas Callahan—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of Boston Chamber of Commerce, against increase in tonnage tax—to the Committee on the Merchant Marine and Fisheries.

Also, petition of board of aldermen of Everett, Mass., for investigation to determine remedy for excessive cost of the necessities of life—to the Committee on Agriculture.

Also, petition of Boston Chamber of Commerce, for removal of obstructions to navigation in channel known as "Pollock Rip slue," Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. SHEFFIELD: Petition of Rhode Island Horticultural Society, favoring legislation to secure purity of material used in combating the fungicidal and insect foes of fruit—to the Committee on Agriculture.

Also, petition of Rhode Island Horticultural Society, favoring the Lafean apple-package bill—to the Committee on Agriculture.

By Mr. STURGISS: Petition of Powhatan Brass and Iron Works, against the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of R. D. Liston and others, of Preston County, W. Va., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Colorado: Petition of citizens of Powers County, Colo., for an amendment to the Mondell homestead act—to the Committee on the Public Lands.

By Mr. THOMAS of Kentucky: Papers to accompany bills for relief of George H. Galloway, administrator of estate of Logan M. Dishman, and A. C. Johnson, administrator of estate of A. W. Slemmons—to the Committee on War Claims.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Andrew J. Cook—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Petition of citizens of Walton, W. Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *January 31, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

INTERNATIONAL SPORTING AND FIELDS SPORTS EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 605), which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State, with accompanying papers, recommending that the sum of $50,000 be appropriated by the Congress to enable the United States to participate in the First International Sporting and Fields Sports Exposition, which will open at Vienna in May, 1910, to take part in which a cordial invitation to the United States was extended by the Government of Austria-Hungary.

For the purpose of such participation, my predecessor recommended an appropriation of $250,000, based on an estimate of exhibits which it would have been at that time possible to collect and prepare for the exposition. Inasmuch as the near approach of the time for the opening of the exposition does not now admit of an exhibit by the United States so elaborate and extensive as was at first contemplated, this amount is reduced by the Secretary of State to $50,000, and his recommendation that this sum be appropriated has my approval.

WM. H. TAFT.

THE WHITE HOUSE, *January 27, 1910.*

REPORT OF THE GEORGETOWN GAS LIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Gas Light Company for the fiscal year ended December 31, 1909 (H. Doc. No. 623), which was referred

to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON, SPA SPRINGS AND GRETTA RAILROAD.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Spa Springs and Gretta Railroad Company for the year ended December 31, 1909 (H. Doc. No. 616), which was referred to the Committee on the District of Columbia and ordered to be printed.

VESSEL BRIG "KITTY."

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court, relating to the vessel brig *Kitty*, William Waters, master (H. Doc. No. 620), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 970. An act for the relief of Edward C. Kittle;

H. R. 2828. An act for the relief of William Martinson;

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19403. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 3318. An act to legalize a bridge across the Snake River, between the States of Idaho and Oregon;

S. 4891. An act to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas;

S. 5040. An act to authorize Bonners Ferry Bridge commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho; and

S. J. R. 55. Joint resolution authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Board of Directors of the Philadelphia Bourse, relative to an appropriation for the improvement of the rivers and harbors of the country, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Boston, Mass., praying that all laws with reference to monopolies be strictly enforced, which was referred to the Committee on the Judiciary.

He also presented a petition of the Nebraska Woman's Christian Temperance Union, praying for the enactment of legislation making the participation in the white-slave traffic a penitentiary offense, which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Maine Dairymen's Association, praying for an increase of the duty on cream, which was referred to the Committee on Finance.

He also presented a memorial of sundry corporations of Portland, Me., remonstrating against the retention of the excise tax contained in the present corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the removal of obstructions in Pollock Rip slue, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against an increase of the present tonnage tax, which was referred to the Committee on Commerce.

Mr. DILLINGHAM presented memorials of sundry citizens of South Windham, Haitland, Woodstock, Hartland, and Windsor, all in the State of Vermont, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Orleans, Vt., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. GALLINGER presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the enactment of legislation to increase the present tonnage tax, which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Philadelphia Bourse, praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the removal of obstructions to navigation, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of the City of Washington, praying for the enactment of legislation to widen Sixteenth street NW. at Piney Branch road in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of William Jewell, of the city of Washington, remonstrating against the enactment of legislation to extend Iowa avenue NW. from its present terminus to Piney Branch road in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Edwin S. Clarkson, of the city of Washington, remonstrating against the enactment of legislation to extend Farragut street NW. from Fourteenth street to Piney Branch road in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill providing for the installation of a water plant in the vicinity of the Conduit road in the District of Columbia, which was referred to the Committee on Appropriations.

Mr. KEAN presented a memorial of sundry citizens of Newark, N. J., and a memorial of sundry citizens of South Amboy, N. J., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Newark, N. J., praying for the repeal of the present income-tax law, which was referred to the Committee on Finance.

He also presented a memorial of G. Van Houton Post, No. 3, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., remonstrating against the erection or placing of statues in Statuary Hall, United States Capitol, to the memory of the leaders of the confederacy, which was referred to the Committee on the Library.

Mr. BURNHAM presented the memorial of Lucius B. Downing and 47 other citizens of Hanover, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation for the relief of certain volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, which was referred to the Committee on Military Affairs.

He also presented a petition of the Society of Master House Painters and Decorators of Boston, Mass., praying for the passage of the so-called "Heyburn paint bill," which was referred to the Committee on Manufactures.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the removal of obstructions to navigation in the channel known as "Pollock Rip slue," and for the removal hereafter of all temporary obstructions to navigation therein, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the proposed increase in the present tonnage-tax law, which was referred to the Committee on Commerce.

He also presented the memorial of W. J. Hartman and sundry other citizens of Chicago, Ill., remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. JOHNSTON presented memorials of sundry citizens of Athens, Elkmont, Montgomery, Hartsville, and Falkville, all in the State of Alabama, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a memorial of the Nebraska Dairymen's Association, of Lincoln, Nebr., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing homes for ambassadors of the United States to foreign countries, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Horsefoot, Nebr., remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 5321) granting a pension to Ella I. Jenkins, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 5265) granting an increase of pension to R. C. Perkins, which were referred to the Committee on Pensions.

Mr. GUGGENHEIM presented memorials of sundry citizens of Larkspur and Montrose, in the State of Colorado, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. GAMBLE presented a petition of the South Dakota Bar Association, praying for the enactment of legislation providing for an increase in the salaries of federal judges, which was referred to the Committee on the Judiciary.

Mr. STONE presented the memorial of F. G. Yale, T. W. Cunningham, and sundry other citizens of Joplin, Mo., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. STEPHENSON presented the memorial of L. W. Brazeau and sundry other citizens of Oconto, Wis., and a memorial of sundry citizens of Fond du Lac, Wis., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of the Federated Trades Council of Green Bay, Wis., remonstrating against any appropriation being made for the construction of a dredge on the western shore of Lake Michigan, which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Superior, Wis., praying for the enactment of legislation to establish a light-ship and fog signal at Point Abino and Sturgeon Point, Lake Erie, which was referred to the Committee on Commerce.

He also presented a petition of Luther Crane Post, No. 4201, Grand Army of the Republic, Department of Wisconsin, of Burlington, Wis., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. ROOT presented a petition of the Business Men's Association of Salamanca, N. Y., and a petition of the Board of Trade of Little Valley, N. Y., praying that an appropriation be made for the improvement of the port of Dunkirk, in that State, which were referred to the Committee on Commerce.

Mr. DU PONT presented a petition of the Monthly Meeting of Friends, of Wilmington, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Monthly Meeting of Friends, of Wilmington, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Monthly Meeting of Friends, of Wilmington, Del., praying for the enactment of legislation to prevent the nullification of state antigambling laws by prohibiting the sending of gambling messages from or into any State, Territory, District, or possession of the United States, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorial of Wiley A. Latshaw, vice-president of the United States Monetary League, and sundry other citizens, of Carlisle, Dugger, Vincennes, Terre Haute, Evansville, Sullivan, and Farmersburg, all in the State of Indiana remonstrating against the enactment of legislation to retire any part of the greenback or silver dollar now in circulation, which was referred to the Committee on Finance.

Mr. DEPEW presented a memorial of the New York Produce Exchange, of New York City, N. Y., remonstrating against the provisions contained in the bill to promote the American merchant marine in foreign trade and the national defense, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Moravia, Pulaski, and New York City, all in the State of New York, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Owego, N. Y., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. FLINT presented a memorial of Local Union No. 586, United Brotherhood of Carpenters and Joiners of America, of Sacramento, Cal., and a memorial of sundry printers and publishers, of Chicago, Ill., remonstrating against the enactment of legislation to increase the postal rates on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting travel pay to mustered-out volunteers who served in the Philippines during the Spanish-American war, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a memorial of sundry citizens of Bridgton, Me., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Maine Dairymen's Association, praying for an increase of the duty on cream, which was referred to the Committee on Finance.

He also presented a petition of Somerset Pomona Grange, Patrons of Husbandry, of Skowhegan, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry corporations of Portland, Me., praying for the repeal of the excise tax contained in the present corporation-tax law, which was referred to the Committee on Finance.

Mr. BURKETT presented a memorial of sundry citizens of Diller, Hopkins, and Lincoln, all in the State of Nebraska, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DEPEW, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, reported it without amendment and submitted a report (No. 126) thereon.

Mr. BOURNE, from the Committee on Commerce, to whom was referred the bill (S. 538) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon, reported it with an amendment and submitted a report (No. 127) thereon.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark. (Report No. 128);

A bill (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark. (Report No. 129); and

A bill (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark. (Report No. 130).

Mr. NELSON, from the Committee on Public Lands, reported an amendment proposing to appropriate $100,000 for the survey of the lands of the United States in the Territory of Alaska and the preparation of necessary maps and field notes thereof, etc., intended to be proposed to the sundry civil appropriation bill, submitted a report (No. 131) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Nebraska [Mr. BROWN] on the 27th instant, to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Senate resolution 156.

Resolved, That the Committee on Patents be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

The amendments were, in line 6, before the word "use," to strike out the word "the" and insert "its;" and, after the word "use," to strike out the words "of the committee."

The amendments were agreed to.

The resolution as amended was agreed to.

LORINDA A. HOOKS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BULKELEY on the 28th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Senate resolution 160.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Lorinda A. Hooks, widow of Charles E. Hooks, late a messenger, United States Senate, a sum equal to six months' salary, at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ARMY APPROPRIATION BILL.

Mr. WARREN. From the Committee on Military Affairs, to whom was referred the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, I report back the bill favorably with amendments, and I submit a report (No. 132) thereon.

I wish to give notice that I shall call up the bill following the consideration of the urgent deficiency appropriation bill, which will soon be reported.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. WARREN. I should like to put in the RECORD the following figures:

The army appropriation bill as it passed the Senate last year carried $102,636,050.34.

As it finally became a law it stood at $101,197,470.34.

The present bill as it came from the House carried	$95,297,707.55
The net increase recommended by the Senate committee amounts to	142,860.00
So the total of the bill as reported to the Senate stands at	95,440,567.55

And the lines or amounts of the House and the Senate are near enough together so that if the bill should pass the Senate as reported it would not exceed $96,000,000 nor fall short of $95,000,000, which is something like $6,000,000 less than the bill carried last year.

The fortifications appropriations bill, which passed the Senate last week, it will be remembered, carried nearly $2,000,000 less than the corresponding bill of last year. So the desire to cut expenses this year has been observed so far by provisions for the military establishment, and it is the expectation, and certainly the hope, that other appropriation bills to follow may as closely observe this desire, which has been so generally expressed, to cut down the expenses of the Government.

IMMIGRANTS IN CITIES.

Mr. DILLINGHAM submitted the following, which was read and, with the accompanying report, referred to the Committee on Immigration:

THE IMMIGRATION COMMISSION,
Washington, D. C., January 31, 1910.

To the Sixty-first Congress:

I have the honor to transmit herewith, on behalf of the Immigration Commission, a report on immigrants in cities.

This report, which has been prepared by Mr. E. A. Goldenweiser, under the direction of the commission, is the result of a detailed inquiry into living conditions among more than 10,000 households in the most congested districts of New York, Chicago, Philadelphia, Boston, Cleveland, Buffalo, and Milwaukee.

W. P. DILLINGHAM, *Chairman.*

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5909) authorizing the President to appoint Alexander McCrackin, now a commodore on the retired list of the United States Navy, to the grade of read-admiral on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. GALLINGER:

A bill (S. 5910) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898 (with accompanying papers);

A bill (S. 5911) to authorize the extension of Columbia road NW. in the District of Columbia (with accompanying papers); and

A bill (S. 5912) to establish and disburse a public-school teachers' retirement fund in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRYE:

A bill (S. 5913) granting a pension to Eliza A. Thomas; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5914) for the relief of the estate of F. Z. Tucker; to the Committee on Claims.

A bill (S. 5915) to incorporate the American Academy of Medicine; to the Committee on the District of Columbia.

By Mr. DILLINGHAM (for Mr. BEVERIDGE):

A bill (S. 5916) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States; to the Committee on Territories.

By Mr. BROWN:

A bill (S. 5917) granting an increase of pension to Charles G. Van Ness (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN (for Mr. CLAPP):

A bill (S. 5918) providing for the retirement of Dr. James B. Ferguson, of the army (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5919) to provide for the allotment of certain lands in South Dakota to John T. Van Metre; to the Committee on Indian Affairs.

By Mr. HEYBURN:

A bill (S. 5920) providing for the erection of a public building at Pocatello, in the State of Idaho; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

A bill (S. 5921) to provide for refunding duties on bituminous and culm coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes; to the Committee on Finance.

By Mr. STEPHENSON:

A bill (S. 5922) granting an increase of pension to James A. Rapp;

A bill (S. 5923) granting an increase of pension to Henry C. Koch;

A bill (S. 5924) granting an increase of pension to Charles W. Culbertson (with accompanying papers); and

A bill (S. 5925) granting an increase of pension to George W. Graves (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 5926) making available certain lands on the former Uinta Indian Reservation under the reclamation act; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. SCOTT:

A bill (S. 5927) to aid in the completion of the erection of a memorial structure at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; to the Committee on the Library.

A bill (S. 5928) to provide for the erection of a public building in the city of Grafton, in the State of West Virginia; and

A bill (S. 5929) to provide for the erection of a public building in the city of Morgantown, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. GUGGENHEIM:

A bill (S. 5930) to provide for the purchase of a site and the erection of a public building thereon at Fort Morgan, in the

State of Colorado; to the Committee on Public Buildings and Grounds.

A bill (S. 5931) granting an increase of pension to James S. Carlton; and

A bill (S. 5932) granting an increase of pension to Thomas J. Burns (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 5933) to amend an act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes;" to the Committee on Finance.

A bill (S. 5934) granting a pension to Susan E. Gaffney; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 5935) for compensation, salvage, and reward to the legal representatives of Capt. Horatio Nelson; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 5936) granting a pension to Ellen J. McIntire; to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 5937) granting an increase of pension to William N. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 5938) to set aside a portion of certain lands in the Territory of Arizona now known as the Grand Canyon National Monument and Coconino National Forest as a public park, to be known as the Grand Canyon National Park; to the Committee on Public Lands.

A bill (S. 5939) authorizing the Secretary of War to sell to the Republic of Panama the building in the city of Panama known as the Administration building; to the Committee on Interoceanic Canals.

By Mr. MONEY:

A bill (S. 5940) for the relief of the estate of Enos Davis, deceased; to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 5941) granting a pension to William A. Miles (with an accompanying paper);

A bill (S. 5942) granting a pension to William Farnsworth (with accompanying papers);

A bill (S. 5943) granting a pension to Thomas Dickerson;

A bill (S. 5944) granting a pension to John F. Burrows;

A bill (S. 5945) granting a pension to George W. McKelvey;

A bill (S. 5946) granting a pension to William M. Morris;

A bill (S. 5947) granting a pension to Benjamin W. Spencer;

A bill (S. 5948) granting a pension to George Sparks;

A bill (S. 5949) granting a pension to Vern W. Shrader;

A bill (S. 5950) granting a pension to Cornelia C. Flintham;

A bill (S. 5951) granting a pension to James Gallagher;

A bill (S. 5952) granting a pension to George F. Tyler;

A bill (S. 5953) granting a pension to John Murray;

A bill (S. 5954) granting a pension to McKean Ormsby;

A bill (S. 5955) granting a pension to Jacob Jewell;

A bill (S. 5956) granting a pension to Henry Walters;

A bill (S. 5957) granting a pension to Sarah Choate-Smith (with an accompanying paper);

A bill (S. 5958) granting a pension to Lewis J. Laws (with accompanying papers);

A bill (S. 5959) granting a pension to Hugh Marshall (with accompanying papers);

A bill (S. 5960) granting a pension to Catherine Cooper; and

A bill (S. 5961) granting a pension to Mary L. Daniels (with accompanying papers); to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 5962) to amend an act entitled "An act in relation to the Hot Springs Reservation in Arkansas," to the Committee on the Judiciary.

By Mr. BRADLEY:

A bill (S. 5963) for the relief of the heirs of James Brandenburgh, deceased; to the Committee on Claims.

A bill (S. 5964) granting a pension to Ann W. Ward; and

A bill (S. 5965) granting an increase of pension to Henry M. Ramsey; to the Committee on Pensions.

By Mr. OVERMAN (for Mr. TALIAFERRO):

A bill (S. 5966) providing for the erection of a public building at the city of St. Augustine, Fla., and for other purposes; and

A bill (S. 5967) to provide for the erection of a public building at the city of Marianna, in the State of Florida; to the Committee on Public Buildings and Grounds.

A bill (S. 5968) for the relief of the estate of Henry Kizer, deceased; and

A bill (S. 5969) for the relief of the legal heirs of Celestine Sarra, deceased; to the Committee on Claims.

A bill (S. 5970) to provide for sittings of the United States circuit and district courts of the northern judicial district of Florida, at the city of Marianna, in said district; to the Committee on the Judiciary.

A bill (S. 5971) granting an increase of pension to William Mickler (with accompanying papers); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 5972) granting a pension to John R. Walker;

A bill (S. 5973) granting a pension to Frederick Bloch;

A bill (S. 5974) granting a pension to Robert T. McElhiney;

A bill (S. 5975) granting an increase of pension to Garrett B. Kidwell;

A bill (S. 5976) granting an increase of pension to Henry S. Glaze;

A bill (S. 5977) granting an increase of pension to Mary A. Hooker;

A bill (S. 5978) granting an increase of pension to Joseph Dixon;

A bill (S. 5979) granting an increase of pension to W. F. Fox; and

A bill (S. 5980) granting a pension to James J. Kennedy (with an accompanying paper); to the Committee on Pensions.

A bill (S. 5981) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri; and

A bill (S. 5982) for the relief of the heirs of Sarah West, deceased; to the Committee on Claims.

A bill (S. 5983) to correct the military record of Cornelius Crist and to grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 5984) to provide for the erection of a public building at American Fork, Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 5985) granting an increase of pension to Charles C. Whitmore (with accompanying papers); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 5986) granting an increase of pension to Sarah Belcher; and

A bill (S. 5987) granting an increase of pension to Jefferson Wilcox; to the Committee on Pensions.

A bill (S. 5988) for the relief of the heirs of Turner and Nancy Brown, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. BAILEY (by request):

A bill (S. 5989) for the relief of the heirs of John W. Norwood, deceased; to the Committee on Claims.

By Mr. BURKETT:

A bill (S. 5990) granting an increase of pension to I. L. Corey;

A bill (S. 5991) granting an increase of pension to Frank M. Suiter; and

A bill (S. 5992) granting an increase of pension to James C. Sedam; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5993) granting a pension to Lucy Lowry; and

A bill (S. 5994) granting an increase of pension to William Thomas; to the Committee on Pensions.

A bill (S. 5995) to correct the military record of Nathan Mendenhall and to grant him an honorable discharge (with an accompanying paper); to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 5996) granting an increase of pension to Eliab Averill; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5997) granting a pension to Effie V. B. Aldrich (with an accompanying paper); to the Committee on Pensions.

By Mr. BAILEY:

A bill (S. 5998) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming channel; to the Committee on Commerce.

(By request.) A bill (S. 5999) for the relief of the estate of Oliver P. Boyd, deceased; to the Committee on Claims.

By Mr. GORE:

A bill (S. 6000) to amend an act entitled "An act in relation to the Hot Springs Reservation in Arkansas;" to the Committee on the Judiciary.

(By request.) A bill (S. 6001) providing for the creation of a reserve oil fuel supply for the United States Navy; to the Committee on Naval Affairs.

By Mr. WARREN:

A joint resolution (S. J. Res. 74) authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba; to the Committee on Military Affairs.

EXAMINATIONS OF PANAMA CANAL.

Mr. HEYBURN. I introduce a joint resolution, which I ask may be read and referred to the Committee on Interoceanic Canals.

The joint resolution (S. J. Res. 72) relative to the appointment of a board of three geologists to examine, classify, and report upon the mineral resources of the Canal Zone was read the first time by its title and the second time at length and referred to the Committee on Interoceanic Canals, as follows:

Senate joint resolution 72.

Resolved, etc., That the President of the United States, with the advice and consent of the Senate, be, and he is hereby, authorized to appoint a board of three geologists of learning and experience, who shall be located along and about the Panama Canal and its environments, who shall thoroughly examine, classify, and report upon the geology of the Canal Zone.

That the members of said board shall act jointly or separately, as the convenience and efficiency of the work shall require, and that their reports may be joint or separate.

That the members of said board shall make and complete, so far as it is possible, an examination of the geology exposed in connection with the work of excavating the canal before such work is covered with water or inclosed within retaining walls or other structure, to the end that the examination may be made while the exposed conditions are subject to inspection.

That the members of said board shall each receive a salary of $4,000 per annum and their necessary traveling and subsistence expenses.

Mr. HEYBURN. I introduce a joint resolution, which I ask may be read and referred to the Committee on Interoceanic Canals.

The joint resolution (S. J. Res. 73) providing for the appointment of two persons to examine, classify, and report upon the flora, fauna, and other natural features within the Panama Canal Zone was read the first time by its title and the second time at length and referred to the Committee on Interoceanic Canals, as follows:

Senate joint resolution 73.

Resolved, etc., That the President of the United States, with the advice and consent of the Senate, be, and he is hereby, authorized to appoint two persons who shall be learned and experienced botanists, arborists, and naturalists, to be employed within and about the Canal Zone, who shall make a thorough examination and classification of the flora, fauna, and other natural features within said zone, and who shall make a report of their work to the President.

Said persons shall each receive a salary of $4,000 per annum and their necessary traveling and subsistence expenses.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment authorizing the appointment of a board of three geologists to examine, classify, and report upon the geology of the Canal Zone, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

He also submitted an amendment relative to an examination and classification of the flora and fauna and other natural features of the Canal Zone, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing to pay from the reclamation fund for the benefit of the Uinta Indians the sum of $1.25 per acre for the lands in the former Uinta Indian Reservation, in the State of Utah, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. TALIAFERRO submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

MRS. ADELIA S. HOFF.

Mr. MONEY. I ask leave to introduce a resolution affecting a bill which was referred by the Committee on Claims to the Court of Claims. It is to correct the record in that bill, and it is done with the consent of and after conference with the Senator from Texas [Mr. BAILEY], who is the author of the bill. I ask for the present consideration of the resolution.

The resolution (S. Res. 161) was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 161.

Whereas on the 25th of February, 1909, a bill (S. 9482, 60th Cong., 2d sess.) was introduced in the Senate of the United States for the relief of the heirs at law of John W. Norwood, deceased, late of Fannin County, in the State of Texas, authorizing and directing the Secretary of the Treasury to pay, out of any money in the Treasury of the United States not otherwise appropriated, to A. N. Norwood and Mrs. M. E. Palmer, as heirs at law of said John W. Norwood, deceased, the sum of $68,875 in full compensation for stores, supplies, and property taken during the late civil war for the use of and used by the federal forces in said civil war; and

Whereas the said bill was referred to the Court of Claims of the United States, under Senate resolution No. 320, Sixtieth Congress, second session, March 3, 1909, the said Court of Claims being authorized to act under said reference, and has been duly docketed congressional and numbered 14189; and

Whereas it had been disclosed that Mrs. Adelia S. Hoff, of Mississippi, is an heir at law of said John W. Norwood, deceased, and a coheir with said A. N. Norwood and said Mrs. M. E. Palmer, and entitled to any benefits arising from the hearing of said claim in the said Court of Claims, and the three heirs at law mentioned are the sole heirs at law of said John W. Norwood, deceased: Therefore be it

Resolved, That in the conduct and trial of said claim under and by virtue of said bill and reference to said Court of Claims March 3, 1909, by the Senate of the United States, the interest of said Adelia S. Hoff be considered by said court, and that she be included as one of the heirs at law of said John W. Norwood, deceased, in said court.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 970. An act for the relief of Edward C. Kittle; and

H. R. 2828. An act for the relief of William Martinson.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19403. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain dependent relatives of such soldiers and sailors.

The amendments were, on page 15, to strike out line 1, down to and including line 4; and on page 25 to strike out line 10, down to and including line 14.

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

PAROLE OF PRISONERS.

The VICE-PRESIDENT. The morning business is closed, and the calendar, under Rule VIII, is in order.

Mr. BACON. Before proceeding to the calendar, I have a request to make of the Senate.

There was introduced by me at the present session a bill (S. 870) to parole United States prisoners, and for other purposes, which is now on the calendar, under Rule IX. The bill went to the Committee on the Judiciary and came back with a unanimous report favorable to it. The same bill had passed the Senate during the former Congress.

This bill went to the calendar under Rule VIII. During my necessary absence, while I was personally ill, at the instance of some one, the bill was transferred to the calendar under Rule IX. I am sure it will be recognized as not usual in the absence of the Senator who has introduced a bill to have that action taken. I do not know by whom it was done; I presume by some one who did not know that I was providentially absent.

I ask that the bill may be restored to its place on the calendar under Rule VIII.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent that the bill (S. 870) to parole United States prisoners, and for other purposes, be restored to its place on the calendar under Rule VIII. Is there objection? The Chair hears none.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. BAILEY. Mr. President, I have no objection, of course, to the present consideration of this bill in order that the Senator from Montana may address the Senate on it; but I want it understood that, by taking it up now for present consideration, it is not to be made the regular order of business. I think probably it would not be, even under the request, but I want no misunderstanding about it.

Mr. CARTER. At the close of the morning hour the unfinished business will, as usual, be laid before the Senate, I understand, and a member of the committee having that measure in charge will then ask that it be temporarily laid aside. I stated to the Senator from Indiana [Mr. BEVERIDGE], the chairman of the Committee on Territories, that it was not my disposition to displace the unfinished business by a motion if the consideration of this measure could proceed from day to day without interference by the unfinished business.

Mr. BAILEY. As I understand the rule, the request which the Senator from Montana now prefers would not extend in its effect beyond this day.

Mr. CARTER. I understand that to be true.

Mr. BAILEY. With that understanding I have certainly no objection.

The VICE-PRESIDENT. No objection is heard to the request of the Senator from Montana, and the bill is before the Senate as in Committee of the Whole.

Mr. CARTER. I ask unanimous consent that the bill be printed in the RECORD at this point in the proceedings, to the end that those disposed to inquire into its terms may find it in a convenient place.

The VICE-PRESIDENT. Is there objection to the request?

Mr. GALLINGER. The Senator will, I presume, wish to have the amendments that the committee has reported printed in the RECORD, bracketed or in some such way, that we may see what they are.

Mr. CARTER. Yes; I include that in my request.

There being no objection, the bill, as reported from the Committee on Post-Offices and Post-Roads, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That there be, and is hereby, established a system of postal savings depositories under the supervision and direction of a board of trustees, which board shall consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, acting ex officio. All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees, and any general regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board. Said board shall report to Congress at the beginning of each regular session their transactions under the provisions of this act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and the amount of extra expense incident to the system of postal savings, and all other facts and recommendations which they may deem pertinent and proper to present.

SEC. 2. That [each and] every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices specified above.

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall simultaneously have more than one postal savings account.

SEC. 4. That the postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made: *Provided*, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device in lieu of a pass book as a means of making and preserving evidence of deposits.

SEC. 5. That at least $1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and $1, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 10 cents a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1, or a larger sum in multiples thereof, including the 10-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of $1, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

SEC. 6. That interest at the rate of 2 per cent per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the board of trustees may prescribe; but interest shall not be computed or allowed on any amount less than $1, or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

SEC. 7. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe. No bank in which postal savings funds shall be deposited shall receive any exchange or other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory and as nearly as practicable in the immediate neighborhood in which the funds are received, at a rate of interest not less than 2½ per cent per annum. Where more than one such bank is available the deposits shall be distributed ratably among the banks as far as practicable on the basis of their capital and surplus. The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board. If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits were received: *Provided*, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of savings bank funds by the laws of the States of New York or California: *Provided further*, That said board of trustees shall maintain a reserve fund, either with the Treasurer of the United States or the banks as herein provided, not more in amount than 10 per cent of the total funds deposited in postal savings depositories. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings funds shall be subject to disposition as provided in this act and not otherwise. For the [purpose] *purposes* of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

SEC. 9. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of [his or her] any deposit, unless directed so to do by the Postmaster-General. All statutes relating to the safe-keeping of and proper accounting for public moneys are made applicable to such funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

SEC. 10. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at not to exceed one-fourth of 1 per cent on the average sum upon which interest is paid each calendar year on receipts at such post-office, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the presidential grade shall not receive any additional compensation for such service.

SEC. 11. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to enable the Postmaster-General and the board of trustees to establish a system of postal savings depositories in accordance with the provisions of this act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal savings depository business as may be necessary; and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time modify or revoke, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

SEC. 12. That postal savings depository funds are hereby declared to be entitled to all the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, [and] improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, [and other] improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal savings depository business, and the forgery, counterfeiting, alteration, [and other] improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

SEC. 13. That this act shall take effect on the first day of the third calendar month after its approval.

Mr. CARTER. Mr. President, the question involved in the pending bill has been under consideration for over one hundred years. It has challenged the attention of philanthropists, financiers, economists, and statesmen throughout the civilized

world. It was first put to the test of practical experience in Great Britain in 1861, and thereafter in other countries in the order in which I name them: Canada, Belgium, Japan, Italy, Netherlands, France, Austria, Sweden, Hungary, Finland, Russia, and the colonies and dependencies of such of them as have outside possessions.

Those familiar with the political geography of the earth will readily perceive that the system has been operated in both densely populated and sparsely settled regions, and I aver, on the basis of the record to which I propose to refer the Senate, that it is operated in countries of limited extent and those of broad territorial expanse with equal facility, success, and satisfaction.

In the German Empire the system has not been adopted, for the adequate reason that the municipal savings banks of that country furnish to the people substantially the same widespread and secure accommodations for saving small sums the postal system has supplied elsewhere. The United States enjoys the unique, although not flattering, distinction of being the only first-class power on the globe to deny to the people the privileges and the blessings enjoyed under this system by the citizens and subjects of nearly every other nation in the civilized world, outside of Latin America, and the Republic of Chile is now installing such banks.

The subject was first brought forward officially in this country by Postmaster-General Creswell in 1871. That officer evidently felt that he was then responding to a public demand, and such was the approval manifested by the press and the people that he reiterated his recommendations in 1872 and 1873. Postmaster-General Maynard took up the subject in his report for 1880; Postmaster-General James in 1881; Postmaster-General Howe in 1882; Postmaster-General Wanamaker in 1889 and in 1890; Postmaster-General Gary in 1897 and in 1898; Postmaster-General Meyer in 1907 and 1908, and thereafter until the close of his official connection with the Post-Office Department. Postmaster-General Hitchcock, in his annual report recently presented to Congress, again announces the adherence of his great department to the cause of postal savings banks.

Preparatory to the last presidential campaign the Republican party, the Democratic party, the Prohibition party, and the Independence League each declared for postal savings banks. The conventions of the parties named were not only commissioned to nominate candidates for the offices of President and of Vice-President, but they were expected, in conformity with established usage, to give expression to the views of the electors they severally represented on issues involving the public welfare and the policy of the National Government. In the campaign which followed the subject of postal savings banks was advocated by the candidates and mentioned with approval by public speakers representing all the contending political forces. If dissent was anywhere voiced, it was lost in the overwhelming volume of commendation.

The Republican platform said:

> We favor the establishment of a postal savings-bank system, for the convenience of the people and the encouragement of thrift.

The Democratic platform reads:

> We favor a postal savings bank if the guaranteed bank can not be secured, and that it be constituted so as to keep the deposited money in the communities where it is established.

The Independence League declared:

> The Independence League advocates the establishment of the parcels post and government postal savings banks, where the people's deposits will be secure.

In his message to Congress in December, following the election of 1908, President Roosevelt again renewed his earnest recommendations for postal savings-bank legislation. President Taft has kept the faith announced during the campaign by repeatedly advocating postal savings banks in addressing Congress, in public speeches, and in private conversations.

Early in the second session of the Sixtieth Congress the Committee on Post-Offices and Post-Roads of the Senate favorably reported a bill providing a system of postal savings depositories. That bill was made the unfinished business, and discussion proceeded upon it until nearly the close of the session. The disputed points related chiefly to the provisions of the bill covering administrative details. No Senator was heard to question the feasibility or the desirability of the system proposed. The committee has eliminated from the pending bill the numerous provisions relating to administrative matters and has vested in a board of trustees, to be composed of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, all regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited, subject, of course, to the condition that such regulations shall be in harmony with the provisions of the bill. It is confidently believed that the board of trustees can wisely and effectively regulate the details of the business in the light of the experience of other countries and such experience as they will acquire from year to year. With administrative details thus provided for, the Senate is called upon to consider only the principle and the question of public policy involved.

This leads us at once to a consideration of the provisions and the merits of the bill.

Section 1 establishes the system under the direction of a board of trustees, to be composed, as before stated, of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General acting ex officio. These officers are empowered to make necessary rules and regulations for the administration of the law and are required to report to Congress at the beginning of each regular session their transactions under the provisions of the act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and all other facts and recommendations which they may deem pertinent and proper to present.

Section 2 declares that every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General, in his discretion, may from time to time designate, are declared to be postal savings-depository offices, to be kept open for the transaction of postal savings business during the post-office hours; and it is further provided that the Postmaster-General may, if he deems it necessary or more practical, establish at first post-office savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend them as rapidly as practical to the other offices specified.

Section 3 provides that accounts may be opened and deposits made by any person of the age of 10 years or over in his or her own name, and by a married woman, free from any control or interference by her husband, but no person shall simultaneously have more than one postal savings account.

Section 4 provides that any person described in the preceding section may open an account at any post-office depository on the submission of an initial deposit to the postmaster, who shall deliver to such depositor a pass book or other device for making and preserving evidence of deposits.

Section 5 provides that at least $1 or multiples thereof must be deposited before an account is opened, and $1 or multiples thereof may be added to the account, but no one shall be permitted to deposit more than $100 in any one calendar month. By the same section it is provided that smaller amounts may be accumulated. Any person may purchase from any depository office for 10 cents a postal savings card, to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps and the card amount to $1, or a larger sum in multiples thereof, the same may be deposited to the credit of the account, whereupon the card and stamps are to be canceled by the postmaster.

Section 6 provides that interest at the rate of 2 per cent per annum shall be allowed and entered to the credit of each depositor once in each year, and limits the balance to the credit of any one person to a sum not exceeding $500, exclusive of accumulated interest.

Section 7 provides that the depositor may withdraw the whole or any part of the funds deposited to his or her credit, with accrued interest, upon compliance with such regulations as the board of trustees may prescribe.

Section 8 provides that savings funds received under the act shall be deposited in any solvent bank or banks subject to public supervision or examination in the State or Territory, and as nearly as practicable in the immediate neighborhood in which the funds are received, at a rate of interest not less than 2½ per cent per annum. Where more than one such bank is available the deposits shall be distributed ratably, as far as practicable, on the basis of their capital and surplus. The banks will be required to give such indemnity bonds as the trustees may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of the deposits on demand. At its option a bank may deposit approved collateral security in lieu of an indemnity bond. If banks refuse to receive the deposits on the terms prescribed, the funds may be deposited with the Treasurer of the United States, who shall be the treasurer of the board, and may be invested in bonds or other securities of the United States, or in such bonds or securities as are approved for investment of savings deposits by the laws of the respective States in which the deposits are received.

The act is made applicable to the several States and Territories, the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

Mr. CUMMINS. I simply wish to ask whether the Senator from Montana will be disturbed by an inquiry? I do not want to ask a question if it would disturb the continuity of his address, but I do want, at the proper time, to make some inquiries concerning certain parts of this bill; I will say, not in any hostile spirit, for I am thoroughly in favor of the bill, that I think there ought to be some minor changes in it. I shall not make those inquiries now if the Senator would prefer that I should delay them until another time.

Mr. CARTER. Mr. President, as I am dealing largely with explanatory matter with reference to the bill, I believe it would be better to present a continuous statement, and that inquiries should be deferred until after the conclusion of my regular statement of the case, if convenient to the Senator.

Mr. CUMMINS. I will, then, defer the questions until another time.

Mr. CARTER. It is made the duty of officers and employees of the postal service to transact postal savings-depository business without extra charge, but additional compensation, not exceeding one-fourth of 1 per cent, is allowed to postmasters in offices of the fourth class.

Aside from making certain penal statutes applicable to place the necessary safeguards about the funds, the bill is, in substance, as I have stated.

The system will ultimately be applied to 51,000 post-offices. These figures I state in round numbers for convenience. My memory is that there are 51,000 and some odd post-offices issuing money orders. The number of post-offices in the country has been decreasing, owing to the extension of rural free delivery and the consolidation of post-offices incident to the extension of that service. I repeat, the system will ultimately be applied to 51,000 post-offices, that being the approximate number of money-order offices at the present time; but by virtue of a proviso it may be applied in the beginning to offices of the presidential grade, to wit, first, second, and third class offices, of which there are about 7,500. From this beginning the system will be gradually extended until it embraces the 51,000 offices to which it is made applicable.

Upon the threshold of the discussion we will encounter an objection which has been urged in one form or another against every movement to increase the usefulness of the postal service. Under authority of section 8 of article 1 of the Constitution, which gives to Congress power to establish post-offices and post-roads, our postal system was founded. In the beginning it was confined to carrying letters and papers for postage, and the distribution of government documents, information, and orders over a limited area. In response to a public demand, its scope was extended gradually so as to include periodicals, books, and even merchandise. In 1855 the registry service was established under authority of an act of Congress, and in 1864 the Post-Office Department was authorized to install a system for the transmission of small sums of money through the mails, and this departure marked the beginning of our present stupendous money-order service. This service went into operation on the 1st day of October, 1864, and has continued not only unimpaired, but liberally extended beyond the limitations prescribed in the original act.

Since then we have attached to the registry system a guaranty feature, which obligates the Government to pay a restricted sum as damages for loss incurred through the loss of a registered package. Let no one suppose that the registering of packages containing money, merchandise, and valuable papers was not regarded in 1855 as an unwarranted use of power, nor need we doubt that the intrusion of the post-office machinery into the exchange business of the country did not meet with opposition in 1864. Yet a trial has demonstrated the wonderful convenience and the practical utility of both the registry and the money-order departures. Our predecessors in these legislative halls found a postal system established under constitutional authority with ample facilities to reach every part of the country, and they wisely and properly placed upon the installed machinery certain additional burdens for the benefit of the people for whom Congress legislates. To-day, as in 1855 and in 1864, we have the post-office system in full operation, with its business being transacted in some 59,000 post-offices, of which only 51,000 are money-order offices, and carried on over a network of post-roads of continental proportions. Every known means of transportation, from the malamute dog of Alaska to the space-annihilating express train on the trunk-line road, has been subjected to the service of this great system. The postal service comes into closer touch with neighborhood life everywhere than does any other arm of the Federal Government. It has followed the pioneer across the continent, and it goes laden with messages to the whaling fleet in the icebound harbors of Bering Sea. It connects the center with the circumference of our business world, and touches all intermediate points. This great system has done more than any other agency to make our people thoroughly homogeneous and generally well informed. It has earned and enjoys the confidence of all the people. In the midst of commotion men stand aside for the passage of the United States mail, and no one has ever deliberately assailed the postal service. Following lines of the utmost simplicity, it carries messages to and from the remotest parts of the country; it insures the careful transportation and safeguarding of small, valuable packages; it transfers money from one hand to another, across mountains, valleys, rivers, and lakes, and it is capable of adding yet a more beneficent service with no appreciable increase of force or cost. It is a governmental establishment, controlled and conducted by the Government for the use, convenience, and benefit of the people; and the bill now before us merely proposes to extend to the masses the privilege of using this vast governmental machine to facilitate the accumulation of small sums, through the employment of a system in no sense inconsistent with the general operations of the postal service. Indeed, the bill but elaborates a use to which the postal service is now subjected, for, as the report of the committee will show, a very large sum of money in all the States and Territories is invested in money orders payable to the purchaser and renewed annually at an expense of $3 per $1,000, as a penalty on thrift.

In my opinion, and I believe it correct, this additional service laid upon the department, far from being a burden on the postal revenues, will yield a small profit on the business transacted. If anyone will take the pains to analyze the provisions of the bill in the light of world-wide experience with postal savings banks I believe that the conclusion will inevitably be reached that the postal savings business will surely be self-sustaining and will probably yield a moderate profit.

The prime purpose of the measure is to encourage thrift among the masses of the people by furnishing widely distributed, convenient, and absolutely safe depositories wherein small sums may be placed at a low rate of interest, with the faith and credit of the Government pledged to the repayment of principal and interest on demand. All thoughtful men agree that the best interests of government and society are promoted by encouraging habits of industry, frugality, and thrift. The thrifty man is rarely a bad citizen, and good citizenship is the embodiment of respect for law and order. That which tends to promote thrift and to discourage reckless extravagance must inevitably tend to suppress vice and encourage virtue. The man whose earnings are being husbanded and cared for by the Government will be more loyal and devoted to the institutions of his country. The man who spends all he makes and never attempts to save is a raw recruit headed either for the jail, the poorhouse, or the charity of friends. But I need not dwell upon this at length. In the large centers where the savings banks are found the most casual observer will readily bear witness to the moral as well as the financial elevation to which they give rise. Compare, if you please, the standard of the average man of one hundred and fifty years ago, not only politically but morally, intellectually, financially, with the average man of to-day, and you must concede that the standard has been raised from every point of view. Many forces have combined to elevate men to a higher state of independence and self-respect, and among these forces, I believe, the savings bank has been one of the most potential. It is only about one hundred and thirty years since certain philanthropists commenced an agitation in Europe for the establishment of institutions to induce laboring people and the poor generally to save their earnings.

The first savings bank was established at Hamburg in 1788. The first institution of that kind was founded in this country in the city of Philadelphia in 1816. They were philanthropic institutions, organized in the main by retired merchants, professional men, and others disposed to reflect upon means and measures for the improvement of their fellow-men. The banks were established without capital, the originators merely contributing a pittance to pay for the preparation of blanks; the directors served without compensation, and the needed clerical force only received wages. Under this system, which is now commonly known as the "old-style" savings bank, the depositor received all of the net increment, the rate of interest assuming the form of a dividend, in which each person shared according to the amount of his deposit. Nearly, if not quite all of the savings banks of New England are of the old style, still, as formerly, conducted on philanthropic principles. The world has never given the full mead of praise due the noble

men who originated and have since cherished and guarded these philanthropic institutions. In the course of time the old-style banks were supplemented by incorporated companies, these paying stipulated rates of interest and looking for profit to the margin between the interest paid and the interest received by the institution. This latter class of banks has been in the main well conducted, but they have fallen far short of the old-style institutions in beneficial service to the communities in which they have operated.

The old-style banks did business on such prudent and conservative lines that the name "savings bank" became synonymous with stability and safety. Having no speculative purpose, moved only by a desire to serve the interests of the struggling men, women, and children depositing with them, they, as a rule, eschewed speculation and avoided hazardous ventures, and with almost unvarying regularity met their engagements. They deserved and enjoyed unlimited confidence.

The advent of the incorporated company, bent upon making profits on its capital stock, imported into the field many of the elements of risk attending commercial ventures; and while failures have not been numerous, they have been far more distressing and deplorable than could be the case with the failure of a commercial bank of similar resources. As a rule the class of people who deposit in savings banks do not, in their absence, deposit in any bank at all; and, therefore, the slightest impairment of confidence in the savings bank quickly raises the question, "What is the use of trying to save anything?"

Very few savings banks have failed; indeed, their record is highly creditable; but it is well known that very small failures in this line have produced, and will produce, an impairment of confidence out of all proportion to the cause which gave rise to it. These conclusions are not novel, nor are they new. Considerations of the character to which I refer long ago led the lawmakers of New England and a few other States of the Union to provide the most rigid safeguards for the protection of savings-bank funds, but all the States have not provided such safeguards, and some of them have provided none at all.

Again, it must be borne in mind that a savings bank of any kind can only be established and maintained successfully in the midst of a population sufficiently dense and extensive to insure a volume of deposits adequate to form resources out of which expenses and interest can be made.

I concede at once that the New England States and the State of New York are well supplied with savings-bank accommodations, and such is the confidence inspired by good management and rigid laws in those States that the number of persons who either hoard or squander their earnings through fear of loss in banks is inconsiderable. The same may be conceded in a qualified sense as to the cities in Pennsylvania, Ohio, Indiana, Illinois, California, and a few other States, but not as to the country districts in this last-mentioned group. In some States there are whole congressional districts without a savings institution of any kind, and, as a matter of fact, millions of people live in regions where the population is not sufficiently dense and numerous to sustain such institutions.

It will not answer to reply that commercial banks meet the requirements of the situation. This is not true; even if they were sufficiently numerous—which they are not—the postal depository is intended for the accommodation of people of small means, such as school children and the working classes, who do not patronize commercial banks, and to reach the whole population in rural districts where there are no banks.

If anyone doubts that there are such districts, he need but consult the information collected by the Monetary Commission created by the last Congress. That body reports some 22,000 banks of all kinds in the country, or an average of 1 bank to every 4,000 of population. If these banks were distributed geographically it might, with some show of reason, be claimed that every part of the country was supplied with some banking accommodation, but inspection of the report will show what the most unsophisticated person would at once suspect, that banks are located only at advantageous points, thus giving to the people residing at the centers advantages not enjoyed elsewhere. But, as I have before stated and here reassert, even if the commercial and other banks were widely distributed over the country they would not be patronized to any considerable extent by the class of people to whom the postal savings depository will furnish the needful elements of convenience and absolute confidence.

The small boy or girl and the timid adult with only a few dimes or a few dollars to be taken care of will not approach the counter of the well-furnished and opulent bank with that feeling of ease and self-assurance the same individual will display in going to the post-office to deposit the dime or the dollar. The post-office is the common meeting ground of all the men, women, and children of the community. They all enjoy a certain sense of proprietorship there. It is their post-office and the man in charge is their postmaster. In the course of its transactions the purchaser of a 2-cent stamp is treated with the same consideration as the purchaser of a hundred-dollar money order. In the very nature of things the bank has an air of exclusiveness. It savors of wealth and power and dominion.

When we take into account the very large aggregate deposits of the postal savings banks of other countries and then take note of the fact that between 40 and 50 per cent of their depositors are children and students, and between 14 and 15 per cent artisans and laborers, and about 8 per cent domestic servants, we are led at once to realize that this system is destined to bring into our midst, educate, and improve an army of depositors now wholly unknown in banking circles, and from the standpoint of the commercial bank undesirable patrons.

I say "educate," and I mean by that a most useful form of education, for who will contend that the habits of saving, banking, and being economical and prudent will not prove of inestimable value to the rising generation? But in addition to all this, be it remembered that, through the confidence inspired by the Government, the postal savings banks will bring into circulation millions upon millions of money now dormant and in hiding.

One of the most enlightened merchants of our generation, who has given to this subject very careful attention, entertains and expresses the opinion that one billion of our three billions of coin and currency is constantly in hiding. Even if this estimate is but half correct, it is quite obvious that such a source of weakness in our banking and commercial power should be strengthened. The cause of it should be removed if that can be done by a legislative enactment in no wise injurious in other respects.

But admitting that the postal savings system would encourage thrift and that the encouragement of thrift would prove beneficial and that money in hiding would be drawn into circulation, that accommodations would be furnished to people in remote parts of the country who are in sore need of such accommodations, the whole proposal is objectionable to some for a variety of reasons:

First. That it is unconstitutional for the Government to employ its own officers, its own equipment, its own facilities, for the accommodation of its own people along lines in harmonious accord with the general business of the Post-Office Department. To meet this view, it seems sufficient to say that the microscope has not yet been made which can disclose a difference in principle between the money-order system, which has been in progress since 1864, through which millions upon millions of dollars are handled each year for the accommodation of the people, and the system here proposed, through which other millions will be handled for them with equal ease and safety.

Second. It will be contended that the scheme is paternalistic. In reply to that I say that the whole business of the Post-Office Department may be considered paternalistic. It is an enormous establishment, conducted to enable the people to correspond with each other, to diffuse knowledge, and to transmit money and valuables from place to place. With equal justice we might condemn the practice of stocking the streams of the country with fish, testing the quality of soils, measuring the current of streams, the examining of plant and tree life, the inspection of cattle, and the thousand other activities into which the General Government has entered for the good of the people and the credit of the Government itself.

Then, it will be alleged that a thing which can be done through private enterprise should not be undertaken by the Government. That position is overwhelmed by the facts. The banks of this country have never furnished and never will be able to furnish to all the people as convenient stations for the receipt of savings as the Government can supply through the 51,000 money-order post-offices of the United States. These post-offices are now installed and business is being conducted in them, and will continue to be conducted, whether this additional duty is laid upon the service or not.

And, finally, we are confronted by the statement that the Government should keep out of the banking business. To this I assent, but at the same time and with equal emphasis I assert that the postal depository contemplated by this bill will in no comprehensive sense create or maintain a banking business. Only by the most distorted construction can the bill be charged with creating opposition to savings or commercial banks. True, the depositories will receive deposits, and these deposits will be paid back to the people on demand, and in the meantime the Government will guard and protect the money as the bill provides. But checks will not be cashed, paper will not be discounted, bills of exchange will not be sold, and none of the necessary facilities of a banking institution will be

placed at the disposal of the public under this bill save and except that small sums will be received, limited in monthly aggregate and in total amount, the whole design being to reach out an encouraging hand to the children, the toiling masses, and people everywhere who do not or have not the opportunity to deposit savings through any other agency.

Instead of being a menace to the banks, this depository system will prove a source of strength to the financial structure. Such has been the experience everywhere else, and there is no reason to believe that the United States will prove an exception.

According to the United States Treasury Circular No. 72, issued in 1904, more than one-half of the gold coins struck at the mints of the United States have disappeared from circulation. No doubt some of the coins have been used in the arts, some have been lost beyond recovery in river, sea, or earth, but unquestionably the indestructible character of the coin and its unchanging value has marked it as a specially desirable object for hiding and hoarding. To a lesser degree all forms of our money are similarly withdrawn from circulation and sequestered, subject to constant loss of interest and the peril of permanent loss of the money itself. The process of hiding and hoarding increases as the actual need for money becomes more pressing. When business is booming and times are flush the doubtful and timid are tempted to come forth with their hidden treasure to participate in the alluring profits of the hour, thereby stimulating business in spasmodic fashion for speculative purposes.

Frightened by the first of evil signs, the money of the timid flies to hiding again and the unnatural superstructure it helped to erect quickly falls, and, unhappily, homes and fortunes are too often buried in the ruins. Such ups and downs have been the curse of the country from the beginning.

A very superficial investigation will suffice to show that destructive contraction is brought about by the simultaneous withdrawal of a large number of comparatively small sums. The great operators in our commercial and industrial enterprises are the largest borrowers of money. They can not hoard, because in the very nature of things they can not keep an adequate sum of money on hand at any time to instantly discharge all their obligations.

The banks can not hide their money, because they never have a sufficient amount on hand to pay their depositors. The banker is really a borrower, depending on the law of average resulting from normal conditions for such profit as can be legitimately made. It has been charged that the bankers in certain financial centers hoarded money during the recent panic, and the charge is probably true in a certain sense. Loaning was discontinued, collections were made wherever possible, and payments of money were restricted too often in a high-handed and arbitrary manner, but still it must be borne in mind that no bank in the country was able even by the drastic measures employed to accumulate anything like a sufficient sum to pay off its depositors. After collecting all they could, and keeping all they got, they still remained indebted to the forbearance of depositors for the continuance of their existence. The financial stringency resulted from the almost universal disposition of every institution and every individual to lay hold of every dollar possible and to retain the dollar in possession until compelled by necessity to let it go. It was a season of great peril, and the peril was born of shattered confidence. Faith in the Government remained unimpaired throughout. The disorder from which we suffered proceeded from widespread distrust of the ability of the banks and debtors generally to meet their obligations. It is well to remember that the withdrawal from circulation of 10 extra dollars by each of our population will produce a financial crisis at any time, and as long as the people remain without any place wherein they may deposit small sums with a feeling of absolute security we will be in danger of violent and unexpected contraction of the circulating medium.

Mr. BACON. Will the Senator from Montana permit me to ask him a question for information?

Mr. CARTER. I shall be glad to have the Senator do so.

Mr. BACON. I have not had an opportunity to read the bill, but I understand from what the Senator has said this morning that there is a provision in the bill requiring that money deposited with the postal authorities shall be deposited in the local banks. The point upon which I wish to ask information of the Senator is this: The Senator of course will recall the fact that under our national banking system certain reserves are required to be kept, but that a very large proportion of those reserves—I have forgotten the exact amount, but it is a very large proportion of them—is authorized to be deposited in certain banks in the larger cities; the so-called "reserve cities." The reserves of banks all over the country are authorized to be sent to New York and Chicago and elsewhere. The point upon which I wish to ask information is this: The only object in the requirement for the deposit of this money in local banks is that it shall remain for use in local business and commerce.

Is there any provision in the bill which would prevent that money, when thus deposited in local banks, from being treated as the larger portion of the reserve is now treated, and sent from the localities to the large cities for deposit?

Mr. CARTER. The bill does not venture to offer any amendment to existing banking laws.

Mr. BACON. The Senator misunderstands me. I am not speaking about an amendment to the existing banking laws. I refer to the provisions in the existing banking laws only by way of illustration. I wish to ask for information whether there is any provision in this bill which would require, as is required in the case of a part of the reserves, that they shall be kept in the local banks, or whether under the provisions of this bill it would be competent for the banks as soon as they receive the money from the postal authorities to immediately send it for deposit to New York and elsewhere, and thus defeat the purpose of the bill as to local deposits?

Mr. CARTER. The bill provides the rate of interest, but does not undertake to provide to whom the bank shall loan the money or whether it shall be sent——

Mr. BACON. I am not speaking of loans, but of deposits. I am asking whether there is anything in the bill which would prevent the local banks from immediately transferring the deposits to the great money centers?

Mr. CARTER. There is nothing in the bill to that effect.

Mr. BACON. Therefore that could be done?

Mr. CARTER. Of course.

Mr. WARREN. May I ask the Senator from Montana a question? I take it the understanding and plan are that the money shall be in a certain sense like the money now handled through the post-offices on postal orders. To-day one office or bank may have the money and to-morrow there may be a change to another bank. It will be checked against by removals from one bank to another as a man may move from one town to another, and so forth.

Mr. CARTER. There is no provision in the bill for transferring a deposit or postal-order account from one post-office to another. If the depositor desires to transfer his account from Washington to Alexandria, it will be necessary for him to close the account in Washington and to open one in Alexandria. He would not be authorized to open an account in Alexandria until the Washington account had been closed.

Mr. WARREN. I have not examined the bill, but I had assumed it was liable to transfers of some kind.

Mr. CARTER. To return to the text, by the so-called "Aldrich-Vreeland bill" five hundred millions of emergency currency is provided to fill the vacuum which may be caused in the future by the hoarding of money. It is hoped by all and confidently believed by many that the presence of such an available resource will so far inspire public confidence as to obviate the necessity for any call upon it; but I submit to you that even this large emergency fund does not cure the disorder, but only provides a palliative intended to stay its ravages.

A depository for small savings in which everyone, high and low, great and small, will under all circumstances and conditions have abiding faith, will by reason of that faith insure the accumulation in the depository of the coin and currency which is constantly in hiding and also collect together the very large aggregate made up of the vast number of small sums which periodically retreat from the business firing line when signs of danger appear. With such depositories as widespread as the jurisdiction of the Government and easily accessible in every locality, the tin can, the old stocking, and the hole in the ground will go out of commission as hiding places for money.

In connection with this system of depositories we will have a safe and secure method for returning the money accumulated immediately to the channels of trade, thus striking at the root of the most serious disorder affecting our financial, commercial, and industrial progress. The useful and desirable end suggested will, I confidently assert, be attained under the provisions of this bill.

Generally speaking, the postal funds are used by the respective governments, and in this particular the legislation proposed differs materially, for the funds will be at once deposited in the banks at a moderate rate of interest and as near as may be practicable in the community where received. This provision meets and at once disposes of the oft-repeated suggestion that the system would result in the accumulation of the people's savings in the National Treasury or in the large financial centers. It may occur to some that banks in certain localities would feel

disinclined to pay the 2½ per cent interest required by the proposed law. In such a contingency the deposits would be placed in banks willing to pay the rate at some other point in the same county or State, or, as a last resort, the board of trustees would be authorized to invest the funds in national, state, county, or municipal bonds, but I submit to you that this last resort would scarcely, if ever, be reached when the nature of the deposit is considered. It would be one of the most reliable deposits a bank could secure, because it would constantly increase rather than diminish, and in times of financial disturbance the increase would be in proportion to the intensity of the panic.

A panic being precipitated, no one can doubt that the small depositors, frightened into withdrawing from the banks, would hand their money to the postmaster, and that official would at the close of the day return the money thus received to the nearest bank; and, in consequence, while the financial institutions of the town were being weakened by withdrawals they would be strengthened to a corresponding degree by daily deposits. The process will keep the relief fund in the neighborhood ready for loaning on good security, whereas in the absence of the postal system the money withdrawn would for the time being disappear from circulation. Large depositors could not avail themselves of postal depositories at any time, because of the limit of $100 per month and $500 in all to the credit of a single account, but in times of panic large depositors can always be satisfied with collateral security, whereas it is impossible to deal on that basis with a large number of small depositors.

Mr. BACON. Will the Senator permit me? I am not asking this in any spirit of controversy, but really for information.

The PRESIDING OFFICER (Mr. BURKETT in the chair). Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. I have listened to the Senator with a great deal of interest. The Senator has given this subject considerable study, and I should like to ask him a question. If this system is good for small deposits, why is it not good for large deposits? I presume there is a reason why the distinction is made, and I wish the Senator would give it.

Mr. CARTER. If we obligated the postmasters of the country to receive large deposits, we would thus be making the post-office system a convenience for large commercial transactions. That is foreign to the purposes of this bill. We do not propose to invade the commercial field at all, or to make this system a convenience for commercial transactions. The primary purpose of the bill is to encourage thrift among the people by furnishing a safe place for the deposit of small rather than large sums.

Mr. BACON. I understand that, Mr. President, and I repeat that what I say is not for the purpose of controversy, but in order to get light. I understand that to be one of the prime objects of the proposed system. But at the same time the Senator has been discussing the great advantages that would result in times of panic by the machinery under which, even if the money were withdrawn from the banks, it would be deposited with the postal authorities, and then go back into the banks, and thereby panics would be averted, and the evil effects of panics largely obviated or removed.

I repeat I am not asking the question for purposes of controversy, but in order to get the Senator's views. Why, if that is a good plan as regards small transactions, would it not be a good plan with respect to large transactions? I am not speaking as to the primary object being to handle small amounts.

Mr. CARTER. The discussion of that feature of the case would bring us into the broad domain of banking and currency and the great commercial transactions of the country. As before stated, the prime purpose of this measure is to accommodate people of small means and to interfere as little as possible with the commercial operations of the country. To the extent that the banks of the country are to be affected at all, my conviction is that they will be beneficially affected by the operations of the bill.

Mr. BACON. Even on his last statement, if the banks are to be benefited by it, would they not be benefited to an increasing degree if large amounts were accepted, and if it were not limited to small amounts?

Mr. CARTER. The present bill creates a bureau or division in the Post-Office Department which is a mere incident to its general operation. The Senator can readily realize that if the amounts to be received on deposit were unlimited, we would make banking the principal business of the Post-Office Department in a very short time, and it is not the intention to do this.

As before stated, for many years in every part of the United States laboring people, doubtful of banks, have been in the habit of purchasing post-office orders in their own names and paying the commission, which amounts to 30 cents a hundred, and holding the orders for a year, only to repeat the process for the year following. The Postmaster-General estimates that in 1907 Italian laborers in this country remitted $19,000,000 to the postal savings banks of Italy for safe-keeping. The sums sent abroad to other countries can not be ascertained, but that the aggregate amount is large does not admit of question. Immigrants coming to our shores, unfamiliar with our banking system, and frightened by reports of bank failures from time to time, naturally return their money to the postal savings institutions at their former homes with the confident assurance that what they earn and save will be secure and available when needed. The money earned in this country belongs here, and it behooves us to give such assurance to the toiling millions as will induce them to save and deposit rather than to squander, hide, or send their earnings abroad.

The committee's report on this bill discloses the measures taken by foreign countries to induce their former citizens or subjects to forward their earnings to the postal banks of their mother country. As a rule commercial banks do not court the business of the wage-earners, to whom the postal depositories would especially appeal, and we have not a sufficient number of savings banks in the country to accommodate the worthy, struggling people who seek to save and are entitled to the necessary facilities accompanied by absolute safety. In New England, where savings banks are numerous, every other inhabitant has a savings account, whereas in the South, the Middle, and Western States there is only one savings account to every 157 of the population. The financial strength of New England is very largely attributable to the savings banks, through which the people of small means are enabled to cooperate for the common good.

The banking power of New England, even from the commercial point of view, has been steadily strengthened and increased by the presence of the savings bank, and what the savings banks of New England have done for that section of our country but duplicates what has been accomplished in other countries through the operation of the postal savings system. The banking power of Great Britain has increased and the stability of the financial structure has been improved by the process of making all the money of the country available all the time for the transaction of business. True it is that the postal savings of the United Kingdom are invested in the government securities, but if these small sums, gathered through the post-office, had not been accumulated for governmental use the current banking funds would have been burdened with the maintenance of the nation's credit, without the aid of the savings of the poor.

An examination of the exhibits attached to the committee's report will, I think, demonstrate to the mind of the most skeptical that, instead of impairing, the postal savings system will in the course of normal operation add to the volume of bank deposits. He who deems his dollar or two unworthy of a trip to the bank may fall into the habit of depositing in the post-office, with no thought of a rate of interest; but when the same individual has accumulated a few hundred dollars he is quite likely to think about the earning power of the accumulation; and as the government rate is very low compared with the rate paid by the banks, the higher rate of interest will entice the account away from the postal depository.

This has been the experience in all countries where the postal savings system has been in operation any length of time. The record shows that the deposits of postal savings increase in proportion to population up to a certain standard and does not go beyond that; that as persons acquire an accumulation of a few hundred dollars they invest in a home or invest in a security or deposit their money in a bank willing to pay a higher rate of interest than the postal depository pays.

Private institutions never can afford such accommodations as the Government can extend through the Post-Office Department, because the initial cost and the cost of operation would be absolutely prohibitive. The post-offices will be continued in operation whether used as depository offices or not. Who would think of repealing the law providing for the registry of letters or the sale of money orders for the accommodation of patrons of the post-office? Post-offices would be conducted whether they sold money orders or not, and so they will be conducted at the same expense to the postal revenues with or without postal depositories.

The proposed system will be self-sustaining and will not take one dollar from the postal funds; on the contrary, it is believed that some slight profit will accrue to the postal revenues from the operation. The well-being of society has always been and always will be promoted by the development of thrift

amongst the body of the people, and that which tends to encourage thrift not only insures a wider and better distribution of the comforts of life, but also guarantees the stability of government and the preservation of law and order.

The business man makes due calculation on the hazards of business, and ordinary risks, including possible loss of his bank balance, are taken into account in the fixing of prices and commissions. The laboring man, on the other hand, having but his day's service to sell, can not be expected to view with the same complacency the possibility of losing his hard-earned savings through a bank failure. For him no profit or commission may be drawn upon to create a reserve to meet such a contingency. The loss with him is irreparable and complete, to the extent that repayment fails. No wonder that a man thus situated declines to take a chance. No wonder the man whose hard-earned savings and wages are swept away in a financial crisis blames the Government, the bank officers, and the community. The wage-earner who wishes to save a part of every day's earnings ought not to be left by his Government to any chance of loss. The saving disposition should be encouraged by the State to the extent of holding out the incentive of absolute safety.

In conclusion I cite Senators to the compilation of historical data, facts and figures presented in the report of the committee supporting the bill. In the historical review will be found an extract from a speech delivered in the House of Commons in 1888 by the late Mr. Gladstone, who said:

The post-office savings bank is the most important institution which has been created in the last fifty years for the welfare of the people and the State. I consider the act of 1861, which called the institution into existence, as the most useful and fruitful of my long career.

This testimony from such a high source, given after the savings banks had been in operation in the United Kingdom for twenty-seven years, should dissipate our doubts and assure us of the solidity of the ground upon which we stand.

We are not called upon to embark in an experimental venture, but rather to heed the call of the great body of the American people for a service which has proven successful, beneficial, and satisfactory under every variety of government, climate, and territorial jurisdiction known to men. The petitions of the people and the recommendations of high officials persistently addressed to Congress for half a century, supplemented by the solemn promise of all the political parties during the last presidential campaign, should no longer be treated with indifference by the Congress.

The report, Mr. President, presented by the committee furnishes a line of exhibits which will prove of very great interest and value to anyone inclined to pursue inquiries on this subject further, and in order that the report may be available at all times I ask that it be printed in the RECORD following my remarks.

Mr. GALLINGER. I suggest to the Senator that I think we ought to have additional copies of the report in its usual form. There is going to be a great demand for it, beyond a question, and I would suggest the printing of a thousand additional copies.

Mr. SMOOT. The committee will get additional copies printed.

Mr. GALLINGER. The Senator from Utah suggests that the Committee on Printing will get additional copies printed.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the report of the committee may be printed in the RECORD following his remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 125, Sixty-first Congress, second session.]

POSTAL SAVINGS DEPOSITORIES.

[Report to accompany S. 5876.]

The Committee on Post-Offices and Post-Roads, having under consideration Senate bill 5876, reports the same back to the Senate with the following amendments, to wit:

In line 11, page 2, strike out the words "each and."

In line 17, page 7, strike out the words "his or her" before the word "deposit" and insert in lieu thereof the word "any."

In line 1, page 9, strike out the word "and" before the word "improper" and in lieu thereof insert a comma; in line 7, same page, strike out the words "and other;" in line 7, same page, add "s" to the word "purpose;" in line 12, same page, strike out the words "and other."

As thus amended the committee recommends that the bill do pass.

For the information of the Senate the committee respectfully submits the following facts and figures in support of the bill:

POSTAL SAVINGS DEPOSITORIES.

HISTORICAL.

The proposition to use post-offices as depositories for savings was first made in England as long ago as 1807. Mr. Whitbread, a member of Parliament, introduced during that year in the House of Commons a bill for the benefit of the working classes, the guiding principle of which was that of self-help. Mr. Whitbread considered it wiser to assist people to advance their own interests than to extend help by the giving of alms. His meritorious scheme, however, was received with almost universal disfavor. The press of the time ridiculed his ideas and treated them as altogether impracticable and visionary. There were then very few savings banks, only 11 being in existence throughout the civilized world.

In December, 1838, the practice of transmitting money by means of postal-money orders throughout the United Kingdom was authorized. By that time the advocates of postal savings banks had become quite numerous, and they found in the successful workings of the money-order system one of their most telling arguments.

It is interesting to note that the plan of postal savings banks which finally was adopted was proposed by one engaged in commercial banking—Charles W. Sikes, a bookkeeper of the "joint-stock" bank at Huddersfield, Yorkshire. He presented his composition on the subject to that eminent statesman, W. E. Gladstone, then chancellor of the exchequer. He cited many pertinent facts tending to show the need of postal banks, among them being that, although private savings banks had greatly increased in number and deposits, they did not come within the reach of the common or most numerous classes of the people. This, he stated, could be done only by the post-offices, which were accessible to every workman. Mr. Sikes was encouraged and seconded in his efforts by Mr. Rowland Hill, who had been appointed general secretary of the post-office for life in recognition of his valuable services as a postal reformer. Mr. Gladstone also eloquently supported the bill, which became a law in May, 1861, and on September 1 of the same year the British Post-Office Savings Bank came into being.

It is well known that Mr. Gladstone was before the English public prominently as a constructive statesman for many years. His opinion of the importance and value of postal savings banks is best given in his own words, uttered in the House of Commons in the year 1888 amid universal applause. He said:

"The post-office savings bank is the most important institution which has been created in the last fifty years for the welfare of the people and the State. I consider the act of 1861 which called the institution into existence as the most useful and fruitful of my long career."

Charles Sikes, actively concerned in the adoption by Great Britain of the postal savings bank, was not unrewarded. He was knighted in 1881 upon the recommendation of Mr. Gladstone, then premier. He was appointed to an important office under the Government, and public subscriptions even were made and a valuable gift tendered him in appreciation of his good work.

The British Post-Office Savings Bank has been a success from the day of its establishment. The first institution of its kind, it has grown from year to year until in 1908 it carried accounts to the number of 11,018,251 and had total deposits of $781,794,533, the average holding of each depositor being $70.95.

Almost every civilized nation, with the exception of Germany, which has a splendid system of municipal savings banks, and the United States, which now has the matter under consideration, followed the lead of Great Britain. The years in which postal savings banks were established in the various foreign countries are shown in Table 1, an appendix to this report.

The benevolent savings bank found no permanent foothold in America until 1816, when the Philadelphia Savings Fund Society was organized. That society had an initial fund of $250, made up of $10 contributions from 25 public-spirited citizens of the Quaker City. It was founded upon principles which have stood the test of time, for it is to-day the oldest institution of its kind in America. Its deposits total more than $90,000,000. It is thus apparent that the savings-bank business had its inception in benevolent motives, and that it is a business of great human interest, not having the same objects which necessarily must govern the bank handling only commercial accounts.

The postal savings-bank system, wherever operated, has been found a most important and valuable adjunct to private banking establishments. Contrary to the belief of some, it is a help, not a hindrance, to private enterprise. Postal deposits apparently increase, until they reach a certain point, and then remain nearly stationary, which would seem to indicate two things: First, that the money which has been gotten at is mostly that which can not be reached by the private banks, and has been drawn from places of concealment or collected in extremely small sums; and second, that the patrons, having accumulated a little money, learn its earning power and decide to place it where it will yield greater returns. Especial attention is invited at this juncture to the following, giving in even millions the deposits in the postal and other banks of Canada:

Year.	Chartered banks.	Post-office savings banks.
1903	$424,000,000	$41,000,000
1904	470,000,000	45,000,000
1905	531,000,000	45,000,000
1906	606,000,000	46,000,000
1907	655,000,000	47,000,000
1908	(*)	47,000,000
1909	(*)	45,000,000

* Figures not available.

Thus it is seen that while deposits in the chartered banks of Canada have grown consistently, postal savings deposits, after remaining practically at a standstill for an appreciable period, have actually declined in the last year.

The postal savings-bank business of Great Britain also has been more nearly stationary in recent years than is commonly supposed. Proof of this statement and of the remarkable stability of the British Post-Office Savings Bank is given in Table 7 of this report. In this connection the postmaster-general of Great Britain, in his report for the year ended December 31, 1908, says with respect to withdrawals from the post-office savings banks:

"The amount withdrawn during the year exceeded the amount deposited by £624,618. In 1907 the amount withdrawn exceeded the amount deposited by £2,216,344."

The steady gain in total deposits which has occurred, therefore, is due in part to interest credited, as may be noted from the succeeding paragraph, which emanates from the same authority:

"The interest credited to depositors in 1908 was £3,772,755, as compared with £3,719,975 in 1907; and the total sum standing to the credit of depositors on savings-bank account on the 31st of December, 1908, was £160,648,214, an increase of £3,148,137 in the year. In 1907 the increase was £1,503,631 only."

Had it not been for interest accretion, therefore, the total due depositors at the end of 1907 and 1908 would have exhibited a falling off as compared with previous years.

SALIENT FEATURES OF THE PROPOSED BILL.

Briefly, the proposition for the opening of postal savings depositories in the United States is as follows:

The Postmaster-General will designate as rapidly as consistent with good administration the money-order offices as places for the receipt of savings deposits, and he is empowered to so designate such other offices as he deems advisable. There are approximately 50,000 money-order post-offices, so that the Postmaster-General may at first restrict the depositories to post-offices of the presidential grade, of which there are about 7,500. Accounts may be opened by any person 10 years or more of age. Married women may have accounts free from interference by their husbands. No person can have more than one account. The minimum deposit which will be accepted is $1. Interest is to be allowed at a rate not exceeding 2 per cent per annum, an evidence of the intention of the Government not to compete with banks. No account may have a total credit exceeding $500, exclusive of accumulated interest, and not more than $100 may be deposited in any one month. Withdrawals may be made under rules and regulations to be prescribed. Postal savings funds, so far as practicable, will be deposited by the Postmaster-General in banks located nearest to the post-offices at which the money is received at a rate of interest not less than 2½ per cent per annum.

The bill does not undertake to prescribe administrative details for the reason that it is believed wiser and far more prudent to leave such details to be worked out by the board of trustees in the light of experience. A rigid rule of law might greatly hamper administrative work, detract from the efficiency of the system, increase its cost, and greatly retard improvement. All such details will be provided by the board under authority of that portion of section 1 of the bill which provides that—

"All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees, and any general regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board."

OUTLINE OF THE SYSTEMS ADOPTED BY GREAT BRITAIN, FRANCE, AND AUSTRIA.

Appendixes A, B, and C give in general terms the conditions surrounding the operation of postal savings banks in Great Britain, France, and Austria. It should be borne in mind that the Austrian Government has instituted a system of checking accounts which never would find favor in this country and which is totally foreign to the present proposition. It really is not a part of the Austrian postal savings system, but is so intimately connected with it that it is impossible to describe the one without going into more or less detail as to the other.

The British system more nearly approximates the plan proposed for the United States than that of any other country, yet it is not controlled by all the restrictions which would obtain here. Furthermore, British deposits are centralized, whereas S. 5876 provides for the immediate redeposit in the same neighborhood of all money received at postal savings banks.

FEATURES OF THE POSTAL SAVINGS BANKS OF FOREIGN COUNTRIES.

Postal savings made up of money not reached by commercial banks.—In order to demonstrate that postal savings deposits are almost invariably composed of new money, an investigation must be made of the classes of people who mostly patronize them. A recent report from Austria is illuminating. It states:

"If the depositors are classed according to social position and profession the largest participation is by children and students, who form 44 per cent of the depositors. Artisans and laborers, with 14.3 per cent, are more numerously represented than any other calling. Domestic servants also, with 8 per cent, form a not inconsiderable fraction of the clientele of the postal savings bank; 4.5 per cent of the deposit books belong to married women and widows; 2.1 per cent of the depositors are military men. State and parochial officers represent 1.5 per cent. The remaining 25.6 per cent are distributed among the members of a great variety of professions and callings, none of which, however, is especially predominant. These statistics prove that the savings bank finds special favor with the young. The number of children and school children who, in 1893, made request for deposit books was 54,713."

Ratio of postal savings to other bank deposits.—As a rule the deposits in postal savings banks form but a small part of the total savings deposits, as is indicated by the following table:

Savings deposits in foreign countries, 1905.

Country.	Postal.	Other.
Austria	$42,536,862	$1,044,260,773
France	[a] 258,374,735	[b] 702,125,872
Hungary	13,975,300	506,886,128
Italy	206,224,600	349,609,671
Netherlands	52,231,689	37,061,988
Russia	88,613,475	856,237,197
Sweden	14,648,559	161,369,544
United Kingdom	740,248,862	[c] 4,026,347,440
Canada	45,308,321	[d] 531,249,476
Japan	27,015,890	34,361,075
New South Wales	38,702,715	26,986,528
New Zealand	42,153,735	10,875,255

[a] 1906.
[b] 1907.
[c] "Joint stock" banks. The banks of the United Kingdom which accept only savings deposits do not report on their operations, so that statistics concerning them are very incomplete.
[d] In chartered banks. On January 1, 1906, there were 35 incorporated banks making returns to the Government, with 1,800 branches.

In France the postal or "national" savings banks and the "ordinary" savings banks are so closely associated that they are covered by the same act. In that country the words "savings bank" can not be used in the title of any institution which does not comply in all particulars with the law of July 20, 1895, which practically means that all savings banks are national in scope. In Italy, Japan, New Zealand, and some other countries where the government engages actively in the banking business, postal savings approach or exceed in amount the deposits in other savings banks.

Immigrants and foreign-born Americans deposit in the postal banks of other countries.—Investigation discloses that the savings deposits of Italy are made up in part of money sent home by Italians living abroad, as is aptly illustrated by this excerpt from a book on the Italian post-office savings bank by Alberto Gaviani, published in 1902:

"Measures must be taken to induce the numerous Italians abroad to invest their savings in the Italian post-office savings bank. The steps taken in this direction are insufficient. Small savings banks must be opened abroad, these banks to be managed free by honorable and solvent Italians and placed under the supervision of the nearest Italian consul or of the manager of the nearest branch of the Bank of Naples, as this bank is already authorized now by the Government to collect the savings of Italians abroad and invest them in the domestic post-office savings bank."

The practice of banking abroad is by no means confined to Italian residents. A number of European and other governments make special efforts to procure postal deposits from America.

Instances also have been found of Americans living near our northern border intrusting their savings to the Canadian postal savings bank.

No accurate estimate can be made of the amount of money which is taken out of this country annually in this way. Much of it is sent by bank draft, express order, etc. The following quotation, taken from a financial statement of the Auditor for the Post-Office Department for the quarter ended September 30, 1909, tells how much is sent abroad in the shape of money orders, *and gives the rate of increase over the corresponding quarter of the previous year as 25 per cent.* It will be noted that the balance in the international money-order business is overwhelmingly in favor of foreign countries, and *at the present time amounts to approximately $75,000,000 annually.*

"During the quarter ended September 30, 1909, 846,883 international money orders, valued at $20,972,882.65, were issued in the United States payable in foreign countries. For the same period 98,164 international money orders, valued at $2,402,185.71, issued in foreign countries were paid in the United States. The balance of $18,570,696.94 in favor of foreign countries was settled principally by the purchase and remittance of foreign exchange. This represents an increase of $3,773,714.09, or more than 25 per cent, as compared with the corresponding quarter of the preceding fiscal year.

Interest rate and limitation of accounts.—The interest rate varies from 2.04 per cent in Italy to 4 per cent in Bulgaria and 4.8 per cent in Japan. The Italian interest rate has fluctuated considerably. From 1876 to 1878 it was 3 per cent; 1879 to 1886, 3½ per cent; 1887 to 1895, 3¼ per cent; 1896 to 1897, 3 per cent; 1898 to 1901, 2.88 per cent; 1902 to 1904, 2.76 per cent. Austria pays 3 per cent; France and Great Britain, 2½ per cent; Sweden, 3.6 per cent; and Canada, 3 per cent.

There is some limit on the maximum of one account in all countries. It varies from $289.50 in France to $3,000 in Canada, and practically the same amount in other British colonies.

Complete information as to rates of interest and other pertinent details is shown in Table 3.

POSTAL DEPOSITORIES WOULD NOT INJURIOUSLY AFFECT THE POSTAL SERVICE.

Whether postal savings depositors would result in an increase or a falling off of revenue is a question which naturally presents itself. The following letter from Postmaster-General Hitchcock enlarges upon this phase of the matter, and is therefore quoted in full.

JANUARY 8, 1910.

MY DEAR SIR: In response to your personal inquiry, I beg to state that, in my view, operated under a suitable law and controlled by proper regulations, postal savings depositories would not in the long run impose any additional financial burden upon the Government. In this connection I said in my annual report:

"Under a statute and regulations properly drawn and enforced, a postal savings-bank system in this country would be self-supporting. A fractional margin between the rate of interest paid to the depositors and the rate realized by the Government on redeposits would easily cover the cost of conducting the business. Only a moderate original outlay would be required for special equipment. Improvements in the postal service now being made should place the department in such condition that the additional work and responsibility incident to the operation of postal savings banks could be readily assumed."

The margin referred to between the interest paid to the Government and that which it in turn would allow depositors should be sufficient to defray all charges, including the necessary initial expense of preparing blanks, books, and instructions. The rapid extension of the money-order feature of the postal service, until at the present time 51,824 offices out of a total of 59,578 are equipped to issue and pay money orders, might be regarded in the nature of a valuable preliminary step in preparing the service to undertake the additional duties and responsibilities which necessarily would be entailed. At each of the 51,824 money-order post-offices there is presumably at least one person competent to undertake postal savings business; and, except in the case of offices below the presidential grade, their doing so would not necessarily add greatly to the cost of the service. At some of the larger offices additional clerks would be necessary. It is impossible to foretell with any degree of accuracy just how many would be required. In the nature of things their number and total compensation would fluctuate with the volume of business transacted, and should not be allowed to pass the limits dictated by prudent management. The employment of officers and clerks at the central office would be governed by similar considerations.

It is not believed that postal savings depositories would interfere in any way with the ordinary operations of the postal service. In this respect comparison may, with propriety, be made to the money-order service, which certainly has had no deleterious effect.

Predicated upon the experience of other countries and taking into consideration the fact that in all probability a lower rate of interest will be allowed here than in any other instance, I consider it safe to say that a system of postal savings depositories, wisely planned and administered, will prove to be a success from a financial standpoint.

Yours, very truly,

F. H. HITCHCOCK, *Postmaster-General.*

Hon. THOMAS H. CARTER,
United States Senate.

As the Postmaster-General well states, exact figures can not be given concerning the cost of postal savings depositories prior to their establishment. It is possible, however, to learn a great deal concerning the financial success or failure of the postal savings systems of other coun-

tries. There seems to have been little effort in any country to convert the postal bank into a money-making enterprise, yet no instance can be found, taking into consideration the transactions as a whole, where it has not been made to pay its way. Certainly with the unexampled opportunities for the safe investment of money which present themselves on every side in this country the American system should be a success in this respect. Extracts indicative of the gain or loss in operating the postal banks of Great Britain and Austria-Hungary follow:

EXPENSES OF OPERATION IN GREAT BRITAIN.

The claim having been put forth that the post-office savings bank of Great Britain has been a losing venture from its inception, a statement in the premises was obtained from the postmaster-general of Great Britain. Revised in accordance with the latest information, it is given below:

Post-office savings banks.

Year.	Loss.	Gain.
1876		£126,279
1877		147,116
1878		77,787
1879		125,345
1880		144,879
1881		145,799
1882		123,139
1883		98,794
1884		93,040
1885		64,008
1886		67,001
1887		78,805
1888		72,495
1889		36,050
1890		65,662
1891		51,117
1892		29,922
1893		35,100
1894		3,836
1895		16,983
1896	£6,162	
1897	9,231	
1898	7,019	
1899	11,711	
1900		10,465
1901		26,177
1902		29,809
1903	107,403	
1904	112,090	
1905	88,094	
1906	119,870	
1907	86,247	
1908	161,443	
Total	709,270	1,665,208
Net gain		*955,938

*$4,652,072.

Mr. Sydney Buxton, the British postmaster-general, states in explanation of the foregoing:

"The deficiency during the years 1896–1899 was due to a rapid increase in the price of consols, and when the price dropped in 1900 the balance of the year's business was again in favor of the state. It so continued until 1903, when the rate of interest on the nominal value of consols was reduced to 2½ per cent, the same rate which the bank was paying and still continues to pay to its customers.

"It must be remembered that although consols, at their present price, can be bought to yield more than 2½ per cent, a great part of the savings-bank money was invested when the price was a long way above par and the stock was a 2¾ per cent stock.

"The change in the rate of interest had, of course, a considerable effect on the finances of the bank; and the expenses of management have each year since exceeded the margin of profit accruing to the Government; but the deficit could be put an end to at any time, if the Government so desired, by slight reduction in the rate of interest allowed to depositors or even by some modification of the period during which money must remain undisturbed in the bank in order to earn interest."

A PROFIT IN AUSTRO-HUNGARY.

In order to cover any loss which the savings bank might incur, a reserve fund has been created from the profits of the bank and which has long reached the legal maximum of 4,000,000 ($812,000) crowns. The balance which arises in the savings bank flows to the post-office; in 1906 tiamounted to $276,484.

[From L'Union Postale, December, 1908.]

THE POST-OFFICE SAVINGS BANK OF HUNGARY IN 1907.

The total receipts of the savings bank amounted to $1,380,711 and the expenditure, including a sum of $575,325 due to depositors as interests, to $957,186, giving thus a balance of receipts over expenditure of $423,525. The reserve fund having already reached the maximum fixed by the law, this sum was remitted to the state treasury. The working expenses alone being $381,861 in amount and the official transactions 13,669,945 in number, the average cost of each transaction was $0.0279.

EFFECT UPON ESTABLISHED BANKING INTERESTS.

Nearly every contention which has been urged here adverse to the establishment of postal savings banks was enlarged upon during the discussion in England, which started more than a century ago and ended in 1861 with the passage of the postal savings bank law. It has been stated that postal savings banks would cause an immediate shrinkage in the deposits of private banks. This statement is best refuted by the data given in Tables 10 and 11, which show for a period of years the deposits in British and Canadian postal and commercial banks. These tables would seem to indicate that the original depositors in postal savings banks, for some reason or other, would not place their money in the regular banks. But as they accumulated more and more and became familiar with banking operations, they learned that greater returns, with little or no risk, could be had elsewhere, and they were converted into bank patrons of the most desirable kind.

Every banker knows how many men there are in his community, some of them more or less actively engaged in business, who have no bank accounts and conduct all their transactions upon a strictly cash basis. Most of these, once they acquired the habit of banking their money, would see, as they now do not, the advantages of having a savings or checking account. Others, such as school children and day laborers, are somewhat diffident about presenting their small savings at the counter of the local bank, but they would have no embarrassment in opening an account with their postmaster, with whom they are already acquainted in most instances and from whom they have been accustomed to purchase stamps in limited quantities. There are approximately 60,000 postmasters and 40,000 rural carriers throughout the United States, each of whom could be made an ideal agent for the collection of small savings. Under the proposed law the money so received would be turned over at once to a local bank, rendering it available for business purposes as it never could be by any other means. The postal depository would not furnish the same accommodations available at private banks, in that checks would not be cashed, bills of exchange would not be sold, notes would not be discounted, nor would there exist many other facilities peculiar to commercial banking.

There are undoubtedly many sections of this country in which there are no banking facilities at the present time and where there will not be sufficient business to warrant the establishment of a private bank for many years to come. It has been alleged that some of those in favor of postal savings banks have cited figures submitted by the Comptroller of the Currency which were incomplete and therefore gave an inaccurate idea of the real distribution of banks throughout the United States. There is no reason why the most ardent advocate of postal depositories should misrepresent in this regard, and the figures in question probably were used for the reason that they were the best available at the time. Very recently, however, the National Monetary Commission has compiled a special report relating to the banks of the United States which is most interesting. It covers the ground far more fully than anything hitherto attempted. The Monetary Commission estimates the number of banks and banking firms in the United States at 25,000. Of this number reports were obtained from all but 2,500, the omissions being chiefly of concerns whose business is confined to brokerage and exchange. The nonreporting institutions were located as follows:

New England States	243
Eastern States	1,015
Southern States	251
Middle Western States	891
Western States	69
Pacific States	51

The number of banks reporting was 22,491, classified as follows:

National banks		6,883
State banks		11,319
Mutual savings banks	642	
Stock savings banks	1,061	
Total savings banks		1,703
Private banks		1,497
Loan and trust companies		1,079
		22,491

From this report it appears that we have in the United States about one bank for every 4,000 of the population. This scant supply of banking accommodations is somewhat aggravated by the concentration of the vast majority of the banks and the banking capital near the centers of population, leaving large sections of the country and millions of people destitute of needful banking facilities.

Detailed information concerning deposits in the banks of the United States is given in Table 6.

It is the intention to make the rate of interest so low and so to restrict the maximum amount to be received from any one depositor that there will be no incentive to patronize the postal savings bank at the expense of private establishments. On the contrary, as already indicated, the post-offices and rural routes throughout the land would serve, in effect, as feeders for commercial banks. There is not enough business to warrant the banks employing special agents to work the territory which the Government necessarily covers, and will continue to cover, whether or not postal savings banks are instituted. There seems to be no good reason why the money which admittedly can be taken on deposit by the postal department should not be procured. For the most part, it could be placed with banks as time deposits, thus accommodating the banking fraternity on the one hand and the people on the other.

Many bankers who have investigated the question thoroughly have given it their unqualified support. How such bankers regard the proposition is well shown in the annexed copy of a letter received at the Post-Office Department from Mr. G. Gunby Jordan, president Third National Bank, Columbus, Ga., and president of the Columbus Clearing-House Association:

"I have also had the pleasure of carefully reading your recommendations as to a postal savings bank and the redepositing of these funds under certain conditions with the national banks in the same locality from which the funds are obtained, at a rate of interest which would reimburse the Government or make some money. I approve of this most heartily.

"As the president of a savings bank and as the president of a national bank I think it is an admirable arrangement, knowing, as I do, from an experience dating back prior to the panic of 1873, that a great many savings-bank depositors feel that nothing but the Government is safe in time of trouble; and they would be perfectly content with 2 per cent, or even less, interest if they knew that the Government were responsible to them.

"As it is now, these timid people withdraw and hide their deposits, very often losing their lives as a penalty, or losing the money from fire or theft, tying up the basis of credit which the banks have heretofore extended, and all in all injuring themselves and their fellow-men in the community.

"The plan suggested by you, in my opinion, is a wise one. These people would deposit their money with the Government. The Government in turn would deposit with the national banks, amply secured, and the same money would go back into circulation, serve the functions it was originally intended to serve, extend credit to the manufacturers, and the manufacturers in turn could keep these timid depositors at work and thus save them from themselves."

As to the probable effect of postal banks upon the banking business of the country, the letter herewith quoted, which appeared June 18, 1909, in the New York Herald, has a direct bearing:

To the EDITOR OF THE HERALD:

In further proof of the long-tried utility of postal savings banks and of the fact that their existence is not prejudicial to joint stock or private commercial or savings banks, let me cite a recent experience in Vancouver City, British Columbia, and in New South Wales, Australia. * * *

In both these countries an elaborate and eminently successful system of nongovernmental banking is carried on. Banking corporations are both numerous and flourishing. Spending several weeks lately in Vancouver, I lived in the Terminal City Club. In the writing room hung a plate-glass rack with blank checks for the convenience of members. I had the curiosity to count the number of different kinds and found there were thirteen distinct banking corporations in that city, apart from the many branches in the outskirts. It is safe to say that all these banks had savings departments. The magnificence of their various offices certainly gives some indication of the present extent and success of their business. * * *

If Vancouver banks have not suffered from Canada's long-time experience with postal savings banks, receiving individual deposits to the extent of $3,000, with interest not to exceed 4 per cent, is it likely American banks will sustain injury from a postal savings-bank system which in the Senate bill is limited to a $1,000 deposit for any individual and paying interest on $500 only, and that at 2 per cent?

What has been said of Vancouver could be repeated of Australia, Great Britain, and every other land which encourages thrift by a system of postal saving banks.

EDWARD BERWICK,
President Postal Progress League of California.

PACIFIC GROVE, CAL., *June 7, 1909.*

Those who hold the opinion that many bank depositors would withdraw their money and place it in postal depositories as soon as they were established do not reflect that the people who now have bank accounts are satisfied that their money is safe. If they felt otherwise they would not wait for the establishment of postal savings banks or upon any other contingency before applying for it.

The extract quoted below is from the Statesman's Yearbook for 1909. Although the transactions of the British Post-Office Savings Bank are more extensive than those of any other country, this fact does not appear to have had any bad effect upon the business of commercial banks.

"There were in June, 1908, 53 joint stock banks making returns in England and Wales, with 4,851 branches; 2 in the Isle of Man, with 7 branches; 1 in the Channel Islands; 10 in Scotland, 1,196 branches; and 9 in Ireland, 675 branches. There were 32 offices in London of colonial joint stock banks, with 2,546 branches; and 30 of foreign banks, with 1,419 branches. Of 11 private banks which made returns in England and Wales the deposits amounted to £26,842,410."

It is difficult to see how the total deposits in private banks could decline because of postal depositories when S. 5876 provides that the bulk of the money received must be immediately redeposited in local banks. How valuable to the banks this money would be in times of financial unrest is apparent.

NO INJURY TO PRIVATE ENTERPRISE IN OTHER COUNTRIES.

With reference to the claim that postal savings banks would antagonize private banks Postmaster-General Wannamaker, in a letter dated April 8, 1892, informed Hon. Philetus Sawyer, at that time chairman of the Senate Committee on Post-Offices and Post-Roads, of the results of his investigations, as follows:

"Let me present a few statements in brief from letters which will be found printed in extenso in the appendix.

"The Swedish post-office department says, January 20, 1892, in reply to the inquiry, 'Has the Swedish postal savings bank, in its beginning or since, met with any opposition from private savings banks?'

"'As far as known, no opposition has been manifested at any time.'

"The Hungarian post-office department makes this statement, February 10, 1892:

"'The private savings banks can never see a competitor in the postal savings banks, because their organization is different and because they serve a different class of people. The postal savings banks have not exercised any injurious influence on the development of private savings banks, which is shown by the circumstance that since the establishment of postal savings banks the deposits in the private savings banks have not decreased, but increased very considerably, as has also the number of private savings banks. Thus, e. g., 30 new private savings banks have been established during 1886 to 1888, and quite a number in 1890.'

"The following statement, dated January 14, 1892, was received from the Italian postal administration:

"'There has never been any serious opposition to the establishment of the postal savings bank. In the beginning some apprehension was felt that the postal savings bank might injure the private institution of similar character, but this apprehension soon vanished, as it soon became apparent that each of the two kinds of institutions had its own circle of customers and did not interfere with each other. At present there are not a few localities where postal savings banks are in operation and flourish side by side with private savings banks. Special mention should here be made of the old, firmly established savings bank of Lombardi, which has its central office at Milan, and many branch offices throughout the entire Kingdom.'

"From the director-general of posts of Belgium, January 9, 1892:

"'As far as I know, the postal savings bank has never met with any opposition from private banks and similar institutions.'

"From the director-general of posts of the Netherlands, January 7, 1892:

"'When the postal savings bank service was inaugurated, it met with no opposition whatever upon the part of the banks.'

"From the post-office department of Austria, January 23, 1892:

"'No opposition to the postal savings bank has ever been manifested by the private savings banks in Austria.'

"From the director-general of posts, France, January 11, 1892:

"'Far from interfering with the private savings banks which existed prior to this date, this law contains a number of new provisions by which these banks have profited. Under the Empire, according to the legislation then in force, the private savings banks could not receive more than 300 francs from one person per week, and the account of one depositor could not exceed 1,000 francs, the only exception being made in case of mutual benefit societies, which could deposit amounts up to 8,000 francs. Minors and married women could, as a measure of toleration, open a bank account through the intervention of their teacher, their legal representative, or their husband, but they had no right to draw money without such intervention.

"'The law of April 9, 1881, raised the maximum of deposits to 2,000 francs, paid in one or several installments. It gave to minors and married women the right to make deposits and draw money without the intervention of their teacher, their legal representative, or the husband, except in cases where these persons raised objections. Minors can not, however, draw money without the intervention of the persons representing them until the completion of their sixteenth year.

"'The law of April 9, 1881, contains by way of safeguard a clause in virtue of which decrees issued by the council of state may in cases of force majeure, and especially during political or economical crises, authorize the savings banks not to pay out more than 50 francs to one person per two weeks.

"'All these provisions apply not only to the postal savings bank, but also to the private savings banks.

"'On the other hand, the postal savings bank has not been established with the view to compete with the private banks, but for the purpose to give savings banks to localities where they did not exist and where, probably, they would never have been established by private effort. Even communes where there is no post-office, and therefore no agency of the savings bank, are visited at least once a day by the rural letter carriers, who can serve as intermediaries between the post-offices and the depositors for making deposits. It may therefore be said that there is not a commune and not a hamlet in France where savings can not be collected.

"'The postal savings bank and the private savings banks do not exactly serve the same class of customers. The first mentioned offers especial advantages to economical persons who move about a good deal and who, therefore, appreciate the facility of making a deposit in one post-office and drawing it in some other office; the second, by reason of the higher rate of interest paid by them, are more advantageous to persons who always reside in one and the same place where they make their deposits and draw their money.

"'The postal savings bank only pays an interest of 3 per cent to depositors, whilst the private savings banks, whose relations with the treasury, represented by the Caisse des dépôts et consignations, have not been changed by the law of April 9, 1881, pay an interest of 3 francs 50 centimes, and even 3 francs 75 centimes, for 100 francs.

"'These reasons explain why the postal savings bank has not met with any opposition on the part of the private savings banks, whose depositors have not decreased in number since January 1, 1892, and whose operations are constantly increasing.

"'As regards the private banks which receive funds in account current, they have nothing to fear from the postal savings bank, which receives deposits from 1 franc upward, and even deposits less than 1 franc, in the shape of 5 and 10 centimes postage stamps, which the depositor pastes upon a card and which are accepted when their value has reached 1 franc. The operations of the postal savings bank relate principally to small amounts; and experience has shown that the postal savings bank does not in the least interfere with the development of the private banks, which receive larger deposits. The vast majority of the depositors in the postal savings banks consist of minors, laborers, clerks, etc., whilst the private banks have their depositors among persons of greater means.'

In reflecting upon the foregoing it should be remembered that the system of postal savings depositories advocated for the United States is far more conservative than that of any of the countries referred to.

Additional data in this direction is contained in the following, translated from the German:

[From Zeitschrift für die Gesamte Staatswissenschaft.]

"POSTAL SAVINGS BANKS. BY DR. FRITZ HEBER.

"Comparative summary.—With respect to the relation of postal savings banks to private banks it has been found everywhere that the former have not operated to the detriment of the latter; private banks progressed steadily everywhere, with the exception of England and Belgium, and in these countries on account of the abnormal conditions resulting from the failure of several large private banks. (The author appears to have considered only one kind of English private banks. As a matter of fact, the increase of deposits in private banks of all kinds in England has been great and uninterrupted.)

"Possible dangers of competition to private banks were obviated by the law which fixed the maximum rate of interest and amount of deposit at postal savings banks and limited each depositor to one account.

* * * * * * *

"Careful observation has shown that private banks have in the course of time profited by the institution of postal savings banks. It compelled them to establish branch banks, extend their business hours, and in general to offer their patrons more inducements and better facilities. There can be no doubt that such measures would tend to increase their own business interests. Furthermore, postal savings banks attract small deposits from the classes of people who are concerned more with the question of safety in depositing than with high rates of interest. This relieves private banks of the cost of handling these small accounts. It is safe to say that postal savings banks everywhere have benefited private banks and are a necessary supplement to them. They are intended primarily for the working classes, while private banks desire to do away with the handling of small accounts as their business interests extend.

"The maximum deposits in all countries are, therefore, with the exception of several in which private banks had not been established and where higher rates of interest were justified, very moderate. The rate of interest also was in all countries, with the exception of Japan, Russia, and Sweden, determined by the rates offered by private banks.

"Postal savings banks outnumber private banks only in England and Belgium, where private banks could not regain the confidence of the people, which had been forfeited as a result of various failures. The same conditions existed in Holland. The cause of the small number of private banks in Holland is not apparent, but is attributed to the fact that the larger portion of deposits are made by the rural classes, who do not have ready access to private banks. This class of people in Holland is very wealthy, as compared with the same class in other countries. In Canada and New Zealand private banks are outnumbered, for the reason that very few had been established prior to the institution of postal savings banks. In all other countries, however, private banks are in the majority.

"Purpose of postal savings banks.—As shown by the history of savings institutions, private banks were established for the purpose of inducing the poorer classes to lay aside small sums for cases of emergency and illness, to make them independent, and to give them the opportunity to receive interest on their surplus earnings. However, in the course of time small depositors were neglected more and more, and

their patronage was considered very undesirable, owing to the large amount of work they occasioned. Postal savings banks therefore serve the purpose for which private banks were primarily intended, but which was lost sight of when larger business opportunities presented themselves."

POSTAL BANKS IN OPERATION IN THE PHILIPPINE ISLANDS.

Postal savings banks were established in the Philippines in 1906. They are increasing rapidly in popular favor and in the amount of business transacted. As shown by Appendix E, there were at the end of October, 1909, 9,970 accounts, which are classified according to nationality of depositors, as follows:

Americans	3,485
Filipinos	5,857
Europeans	337
Asiatics	230
Total personal accounts	9,909
Society accounts	61
Total	9,970

The total deposits were $757,157, an average to each account of $75.95.

ATTITUDE OF THE PUBLIC.

The establishment of postal savings banks has been indorsed by the people through the political platforms of the two leading parties, and thus presented squarely to Congress in a way that demands attention and the most thoroughgoing investigation. Volumes of letters are sent daily to Washington which leave no room for doubt that the people are a unit in approving the suggested legislation. Many of our citizens are determined to secure in some form the guaranty of the Government that their savings will be returned to them upon demand. What better or safer guaranty could there be than that afforded by the postal savings bank?

SAVINGS INVESTED IN MONEY ORDERS.

In the absence of postal savings banks the people are buying money orders payable to themselves, intrusting their savings to the custody of the Post-Office Department without interest; and, in fact, actually paying a premium, in the shape of money-order fees, to insure their funds against any possibility of loss. Table 12 shows the extent of this practice, and that it is not confined to any particular section of the country.

In the course of a call made at the Post-Office Department May 14, 1908, the director of posts of the Panama Canal Zone remarked that, having made some inquiries as a result of his interest in the postal savings bank question, he had ascertained that nearly $300,000 had been deposited within one year at post-offices in the Canal Zone for the purchase of money orders to secure savings. Very recently Colonel Goethals, chairman of the Isthmian Canal Commission, stated that he believed fully $1,250,000 worth of money orders had been bought in the Canal Zone for savings purposes. It certainly would appear good policy to place this money where it would serve a useful purpose.

The Canal Record, published at Ancon, in its issue of December 18, 1907, prints the following:

"MONEY DEPOSITS IN POST-OFFICES.

"A statement prepared by the director of posts shows that there was on deposit in the post-offices of the Canal Zone on November 30, 1907, a total of $200,994.19. This amount was paid in for money orders which the purchasers had made payable to themselves. The distribution of this money among the post-offices is shown by the following table:

Gorgona	$39,180.35
Empire	36,051.63
Culebra	35,761.50
Pedro Miguel	18,781.80
Paraiso	15,249.75
Las Cascadas	13,852.50
Bas Obispo	9,967.50
La Boca	7,898.50
Ancon	7,039.66
Cristobal	6,613.00
Tabernilla	5,005.00
Gatun	4,160.00
Corozal	1,093.00
Matachin	340.00
Total	200,994.19

"In other words, these figures show that a large number of the employees of the canal are using the post-offices of the zone as banks of deposit for their savings."

In a letter dated December 27, 1909, the secretary of the Isthmian Canal Commission, referring to the foregoing article, says:

"This amount has increased since that date, and the average now is from $375,000 to $380,000 each month. The depositors draw out some when they go on their vacation, but the average amount is about as stated. The distribution over the zone is given in the article marked."

Appendix F consists of interesting extracts from letters of postmasters throughout the United States on this subject.

FAVORED BY POSTMASTERS-GENERAL.

Postmasters-General for many years past have recommended the establishment of postal savings banks. Postmaster-General Creswell did so in 1871, 1872, and 1873; Postmaster-General Maynard, in 1880; Postmaster-General James, in 1881; Postmaster-General Howe, in 1882; Postmaster-General Gary, in 1887 and 1888; and Postmaster-General Wanamaker, in 1889 and 1890. Postmaster-General Meyer, in 1907 and 1908, actively encouraged the cause. Postmaster-General Hitchcock, in his annual report, presents a most cogent argument in the following terms:

"POSTAL SAVINGS BANKS.

"The establishment of postal savings banks is earnestly recommended. It is believed that they would prove here, as they have elsewhere, an inestimable benefit not only to those who directly use them, but also to the general business community, including the banking interests. At intervals for nearly forty years Postmasters-General have held and urged similar views. The proposition has steadily grown in public favor until now both our great political parties are on record in their platforms as favoring this form of government depositories for the current savings of persons of small means.

"The apparently conclusive reasons in behalf of such a system are already well understood, but brief reference to certain leading facts may serve a timely purpose.

"All agree that whatever induces in the mass of the people habits of saving makes for the public good. The betterment resulting from such a cause is not limited to pecuniary advantage, but includes improved standards of living, character, and morals. Nothing so greatly encourages economy and thrift as convenient opportunity for the safe custody and investment of small amounts of money. Nothing so promotes the opposite practice of wasteful expenditure and general unthrift as the absence of trustworthy depositories for savings. We are conspicuously lacking in facilities of this nature accessible to all our citizens.

"Our private savings banks neither are nor can be sufficiently numerous and accessible to meet this growing need. They render a valuable service, but their field is sharply limited. As they are necessarily restricted in location to communities having a reasonably dense population, they can not serve the requirements of that great proportion of our people who are widely distributed over the continent and remote from business centers.

"According to the report of the Comptroller of the Currency there were in the United States, in 1909, 1,703 savings banks, or approximately one to every 52,000 of our population. The comptroller's statistics show that more than 81 per cent of the deposits in the savings banks of the country are in New England and the Eastern States, and that over 74 per cent of the savings deposits in our banks of all kinds are confined to the same limited territory. The remainder of the Union, embracing the vast area that includes the Southern, Middle Western, Western, and Pacific States, is comparatively destitute of savings banks, and the population of these regions is so widely scattered as to preclude any remedy for this condition except a postal savings system.

"Another important factor in the problem is the well-known and often unreasoning fear of financial loss that controls so large a part of the people in every community. The occasional failure of a bank is sufficient to transform this natural caution into a kind of distrust that restrains such people from depositing at any time in a bank, no matter how conveniently situated or how well conducted. The result is the hoarding and hiding of money. Similarly the placing of funds in safe-deposit vaults has the effect of withdrawing them from circulation, thus aggravating an acute situation in times of financial stress.

"On the other hand, all classes have unshakable confidence in the Government and its guaranty. A system of postal savings banks representing the national credit would constitute a conservative and reassuring influence in the financial and business affairs of the country. When once in familiar operation, it would draw forth the bulk of our hidden resources and restore them to the channels of business. The magnitude of the amount thus to be made available is not easily estimated, but that it would be very large and prove an immense advantage, especially in times of monetary stringency, is beyond dispute.

"Evidence of the universal confidence in the Government's reliability is found in the constantly increasing practice by which individuals buy postal money orders payable to themselves, merely as a method of safely keeping their earnings, for which safety they are willing to pay the fees and lose the interest their money might otherwise earn. Americans living near our northern frontier have been known to deposit considerable sums in Canadian postal savings banks across the border. Frequently postmasters are urged by foreigners to accept their savings for safe-keeping. Nearly all our immigrants come from countries having postal savings banks, in which they have learned to place the fullest confidence, and when they find that here they can not have government protection for their savings many of them transmit the money to their native countries for deposit until needed. In fact, several European nations advertise their postal banks in American publications and use much effort, through private bankers and otherwise, to attract deposits of American money.

"In the four years from 1906 to 1909, inclusive, United States postal money orders payable in foreign countries were issued to the vast sum of $312,775,148.81. About 80 per cent of this amount was transmitted to Austria, Great Britain, Hungary, Italy, Norway, and Russia, and without doubt consisted chiefly of the surplus earnings of our newly arrived immigrants and foreign-born laborers. Money orders, however, represent only a portion of the funds that are being constantly withdrawn from circulation and sent abroad. The increase in the outflow during the last few years has been surprisingly rapid. The full effect of such depletion is readily understood by business men, and particularly by bankers, knowing as they do how credit could be extended through regular banking channels with such a volume of money as a basis. That an American postal savings-bank system would go far to stop this outward tide of money and keep at home the earnings of our people, both native and foreign born, there can be do doubt.

The total amount of money in the United States is officially estimated to be about $3,000,000,000. Of this sum, nearly 65 per cent, or $2,000,000,000, is in the pockets of the people or in various hiding places—an average of nearly $22 per capita of population. There is every reason to believe that a system of postal savings banks would to a great extent call out these private hoards and return them to circulation through the regular banks of the country. One dollar per capita thus released from hiding places would add approximately $90,000,000 to the volume of the circulation. Five dollars per capita would amount to $450,000,000. Whatever this practical increase of the circulation proves to be, add to it the many millions that postal savings banks would prevent from being sent abroad by foreign-born depositors, and the total will reach a magnitude that may well command attention. The aggregate of deposits in the postal savings banks of Great Britain is some indication of the much larger volume to be expected for a similar system in the United States.

"Postal savings banks are not an experiment. Their success, stability, popularity, and great usefulness in the countries that have established them are a matter of public knowledge. No backward step has been taken. Beginning with England, in 1861, the great majority of the civilized nations of the world have adopted the postal bank system. Among the countries now maintaining such depositories are Austria, Belgium, Egypt, France, Hungary, Italy, Japan, Netherlands, Russia, Spain, Sweden, the United Kingdom, and the British colonies of Canada, Australia, New Zealand, South Africa, and India. In Germany a system of municipal banks of long standing serves practically the same purpose.

"The postal savings banks in operation in the Philippine Islands are giving satisfaction. The amount of deposits in 1907 exceeded a quarter of a million dollars, representing 2,676 accounts, with average deposits of $111.

"A postal savings law should be so drawn as to make post-offices the feeders of regular banking institutions through the immediate redeposit of funds of postal depositories in the local banks. Thus the money would become promptly available for use in the business activities of the region where originally deposited.

"We have more than 60,000 post-offices, located at all centers of population, large and small, in the United States and the Territories. Many thousands of them are over a day's journey from a bank of any kind. In the large cities branch offices accommodate all sections. Through the establishment of postal savings banks, with their long hours, the opportunity to make deposits with a minimum of effort and without loss of time would be everywhere present. As is the case in other countries, the various members of the family, old and young, in town or country, would soon learn to transact business with the postal banks as easily as they now deal at the neighboring stores and shops. A recent report on the Austrian postal savings banks states that 44 per cent of the depositors are children and students. Artisans and laborers constitute 14.3 per cent. In all countries maintaining postal savings banks women, married and single, are among the most numerous and interested patrons. The value to any community of affording its people, and especially its youth, the opportunity and constant invitation to accumulate savings, and thus cultivate habits of thrift, can not be overestimated.

"Postal savings banks would be an efficient agency in improving the conditions of farm life throughout the United States, powerfully supplementing what has been already accomplished in this direction by the introduction of rural mail delivery, the telephone, and the trolley car. Their use would tend to encourage still further the rural classes to become patrons of commercial banks for general business purposes.

"One element of value not measurable in dollars and cents is the resulting stimulus to loyalty and patriotism among those who deposit in postal banks, because of the fact that they associate their own financial safety and welfare with the stability and honor of their Government.

"Postal depositories would benefit rather than injure our regular banking interests. No instance is of record where such a result has not ensued from the establishment of these depositories in foreign countries. For many years the introduction of postal savings banks in the United Kingdom was resisted on the ground that the proposed innovation would destroy, or greatly injure, the existing chartered savings banks. The system has been in operation there nearly half a century, and the predicted harm has not been realized. On the contrary, the chartered banks have enjoyed greater prosperity, both actually and relatively, than ever before. Their deposits have increased side by side with those of postal banks, and even more rapidly. The record in other countries is much the same. Thus there is little reason growing out of experience for the fear that postal savings banks would enter into hurtful competition with the regular banks. The limitation placed on the net amount to be deposited by any individual and the provision for redepositing in regular banks, together with the natural restriction of postal deposits by reason of the low rate of interest paid, would render the relation of the postal depositories to the regular banks one of helpful cooperation.

"In a word, while providing our people of small means with the best possible incentive and opportunity for thrift it would also be the function of an American postal savings-bank system to benefit the larger business and financial interests of the country by gathering, conserving, and restoring to circulation the vast sum of money that is now beyond the reach of the regular banks and which, in the absence of postal banks, would continue to be for the most part hoarded or sent abroad.

"The advantages referred to would closely follow the establishment of postal savings banks at any time, but the present juncture is especially opportune. The country has entered on a period of substantial prosperity. Money is required for legitimate development as almost never before. There appears to be no good reason why it should not be largely supplied from sources so easily reached but hitherto neglected.

"Under a statute and regulations properly drawn and enforced a postal savings-bank system in this country would be self-supporting. A fractional margin between the rate of interest paid to the depositors and the rate realized by the Government on redeposits would easily cover the cost of conducting the business. Only a moderate original outlay would be required for special equipment. Improvements in the postal service now being made should place the department in such condition that the additional work and responsibility incident to the operation of the postal savings banks could be readily assumed."

INDORSED BY THE PRESIDENT.

The President expresses himself very favorably and intimates that early action would be acceptable. The following is extracted from his annual message to Congress:

"POSTAL SAVINGS BANKS.

"The second subject worthy of mention in the Post-Office Department is the real necessity and entire practicability of establishing postal savings banks. The successful party at the last election declared in favor of postal savings banks, and although the proposition finds opponents in many parts of the country, I am convinced that the people desire such banks, and am sure that when the banks are furnished they will be productive of the utmost good. The postal savings banks are not constituted for the purpose of creating competition with other banks. The rate of interest upon deposits to which they would be limited would be so small as to prevent their drawing deposits away from other banks.

"I believe them to be necessary in order to offer a proper inducement to thrift and saving to a great many people of small means who do not now have banking facilities, and to whom such a system would offer an opportunity for the acumulation of capital. They will furnish a satisfactory substitute, based on sound principle and actual successful trial in nearly all the countries of the world, for the system of government guaranty of deposits now being adopted in several western States, which, with deference to those who advocate it, seems to me to have in it the seeds of demoralization to conservative banking and certain financial disaster.

"The question of how the money deposited in postal savings banks shall be invested is not free from difficulty, but I believe that a satisfactory provision for this purpose was inserted as an amendment to the bill considered by the Senate at its last session. It has been proposed to delay the consideration of legislation establishing a postal savings bank until after the report of the Monetary Commission. This report is likely to be delayed, and properly so, because of the necessity for careful deliberation and close investigation. I do not see why the one should be tied up with the other. It is understood that the Monetary Commission have looked into the systems of banking which now prevail abroad, and have found that by a control there exercised in respect to reserves and the rates of exchange by some central authority panics are avoided. It is not apparent that a system of postal savings banks would in any way interfere with a change to such a system here. Certainly in most of the countries in Europe where control is thus exercised by a central authority, postal savings banks exist and are not thought to be inconsistent with a proper financial and banking system."

CONCLUSION.

The effect of postal savings depositories upon established banks has been touched upon in this report at some length and in considerable detail. But separately and apart from the incidental effect on the profits of any particular business, it must always be borne in mind that the dominant idea in connection with the postal savings depository is to encourage thrift and a saving disposition among the people. When account is taken of the fact that between 40 and 50 per cent of the depositors in this class of institutions is made up of children and students, no one can fail to perceive that the habit of saving thus inculcated in the minds of the youth of the country will be of far-reaching and permanent benefit to the rising generation. The child trained to save will grow up with the habit of saving more firmly fixed as the years go by. The shiftless and the thriftless are a burden on society, and any public policy calculated to forestall an increase in the number of such thoughtless people can not but prove beneficial to the whole country.

The national and state governments maintain expensive educational systems for the purpose of instructing and enlightening the minds of our future citizens, and no one can be heard to complain that expenditures made in this direction are not wisely made from every point of view. What more valuable education can be given to young people than that which teaches them to live within their means, to pursue rational economy, and to save some portion of their means for future use and to meet contingencies.

The system proposed is not an innovation. It has received a world-wide trial, extending over half a century. There are those who say that the test in the United Kingdom should not be accepted as warranting the application of a similar system to this country because of its greater territorial area. To that argument it is sufficient to point to Russia, with a larger territorial area than our own and a population certainly less homogeneous and less capable of understanding and complying with the requirements of a postal savings system. Or we might refer with equal propriety to Canada. There is no virtue in the claim that our large territorial extent prohibits Congress from extending to the people the benefits of a system which has everywhere and under all circumstances and conditions proven beneficial to the masses.

Owing to the opposition of a considerable proportion of the banking fraternity to this measure the committee has felt moved to give unusual attention in this report to the effect of the savings-bank system upon commercial banking enterprises. It is asserted in the light of experience that the banking power of a country is increased and strengthened, rather than diminished or impaired, by the postal savings system. Such has been the experience everywhere, and why should it not be so here?

But the passage of the bill is not urged because it is deemed wise to force the system upon reluctant bankers. The passage of the bill is recommended by the committee because it is believed that if enacted into law it will prove of constant and enduring benefit to the American people.

[S. 5876, Sixty-first Congress, second session, as amended. In the Senate of the United States. January 27, 1910.—Mr. Carter introduced the following bill; which was read twice and referred to the Committee on Post-Offices and Post-Roads.]

A bill to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Be it enacted, etc., That there be, and is hereby, established a system of postal savings depositories under the supervision and direction of a board of trustees, which board shall consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, acting ex officio. All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees, and any general regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board. Said board shall report to Congress at the beginning of each regular session their transactions under the provisions of this act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and the amount of extra expense incident to the system of postal savings, and all other facts and recommendations which they may deem pertinent and proper to present.

SEC. 2. That every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices specified above.

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over, in his or her own name, and by a married women in her own name and free from any control or interference by her husband; but no person shall simultaneously have more than one postal savings account.

SEC. 4. That the postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made: *Provided*, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device in lieu of a pass book as a means of making and preserving evidence of deposits.

SEC. 5. That at least $1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and $1, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in ane one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 10 cents a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1, or a larger sum in multiples thereof, including the 10-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of $1, or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

SEC. 6. That interest at the rate of 2 per cent per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the board of trustees may prescribe; but interest shall not be computed or allowed on any amount less than $1, or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

SEC. 7. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe. No bank in which postal savings funds shall be deposited shall receive any exchange or other fees or compensation on account of the cashing of collection of any checks or the performance of any other service in connection with the postal savings depository system.

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory, and as nearly as practicable in the immediate neighborhood in which the funds are received, at a rate of interest not less than 2½ per cent per annum. Where more than one such bank is available, the deposits shall be distributed ratably among the banks as far as practicable on the basis of their capital and surplus. The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board. If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits were received: *Provided*, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings-bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of savings-bank funds by the laws of the States of New York or California: *Provided further*, That said board of trustees shall maintain a reserve fund, either with the Treasurer of the United States or the banks as herein provided, not more in amount than 10 per cent of the total funds deposited in postal savings depositories. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings funds shall be subject to disposition as provided in this act and not otherwise. For the purposes of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

SEC. 9. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the Postal Service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of any deposit, unless directed so to do by the Postmaster-General. All statutes relating to the safekeeping of and proper accounting for public moneys are made applicable to such funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

SEC. 10. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at not to exceed one-fourth of 1 per cent on the average sum upon which interest is paid each calendar year on receipts at such post-office, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the presidential grade shall not receive any additional compensation for such service.

SEC. 11. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to enable the Postmaster-General and the board of trustees to establish a system of postal savings depositories in accordance with the provisions of this act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal-savings depository business as may be necessary; and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

SEC. 12. That postal savings depository funds are hereby declared to be entitled to all the safeguards provided by law for the protection of public moneys and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds, and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use, or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal savings depository business, and the forgery, counterfeiting, alteration, improper use, or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

SEC. 13. That this act shall take effect on the first day of the third calendar month after its approval.

In compiling this report the committee has drawn freely from—

"L'Union Postale, the official organ of the International Postal Union, published at Berne, Switzerland.

"Official reports of the postal departments of foreign countries.

"Reports of the Comptroller of the Currency, Treasury Department.

"Compilations of the Bureau of Statistics, Department of Commerce and Labor.

"Writings of Hon. G. v. L. Meyer, formerly Postmaster-General.

"Report of the National Monetary Commission."

The effort has been made to procure all the data possible and to collate statistics from every available source, so that the best and latest information, both as to the history of the postal savings movement here and the experience of other countries, may be available in concise form for ready reference. The tables to be found in the appendix constitute a convincing exposition of the all-around excellence of the idea and its prompt and enduring success wherever it has been enacted into law.

APPENDIX A.

Information relating to the postal savings bank of the United Kingdom.

The post-office acts as a bank for savings throughout the United Kingdom.

In every town and in almost every village small savings may be paid in at the post-office. The money will be held in safety by the Government, will earn interest, and, when required, may be drawn out through the local post-office wherever the owner may be.

Any person over the age of 7 may become a depositor in the savings bank, and special arrangements are made for the encouragement of thrift among children and others who are only able to save a few pence at a time.

Special facilities are also afforded to depositors in the post-office savings bank for making investments in government stock, for purchasing annuities, and for effecting life insurances.

GENERAL RULES.

BY WHOM ACCOUNTS MAY BE OPENED.

Accounts may be opened by any man or woman of full age and by any child over 7 years old.

Accounts may also be opened—

"*a*. On behalf and in the names of children under 7 years old. (Money so deposited is not withdrawable until the children attain the age of 7 years, and is then payable to their signatures only.)

"*b*. By two or more persons jointly on their own behalf, provided no one of them has any other account in a savings bank (see p. 120).

"*c*. By one or more persons in trust for another person or persons also named in the account (see p. 120). A person may act as trustee in any number of accounts, and at the same time have an account in his own name.

"*d*. On behalf of insane persons by the committees of their estates.

"*e*. By a duly registered friendly society upon the application of all the trustees of such society.

"*f*. By a duly registered industrial and provident society, not chargeable with income tax (see Industrial and Provident Societies Act, 1893, secs. 39 and 24).

"*g*. By a charitable or provident society, penny bank, or similar institution, through the trustees or treasurer.

"*h*. By corporate bodies (subject to the approval of the postmaster-general).

"*i*. By vicars and rectors of parishes in England and Wales, and by other official persons, being corporations sole (subject to the approval of the postmaster-general), the accounts being opened in their official titles.

"*j*. In the name of the registrar of a county court."

When it is desired to deposit under *d*, *e*, *f*, *g*, *h*, or *i*, application must first be made for authority to the comptroller of the savings bank. A copy of the rules of the society or information as to the constitution of the body corporate should accompany the application, except in cases under paragraphs *d* and *i*.

OPENING AN ACCOUNT.

On opening an account, a person must state his full name, occupation, and residence. He must also sign a declaration to the effect that he takes no benefit from any other account in the post-office savings bank or in a trustee savings bank (unless it be in respect of deposits to which he is entitled from the account of a deceased depositor, but which, by reason of his age, he can not withdraw, or as a member of a society entitled to deposit in a savings bank, or in respect of deposits made in the name of the registrar of a county court pursuant to statute). This declaration must be witnessed by the officer receiving the deposit or by some person known to him or by some other officer of the post-office or by a minister of any religious denomination, a justice of the peace, or a commissioner to administer oaths. If the declaration is not true, all sums illegally deposited will be liable to forfeiture. It is not necessary that a person desiring to become a depositor should attend at a post-office for the purpose of opening an account, as the declaration, when duly signed, can be presented at the office on his behalf by another person, together with the money to be deposited.

Every person opening an account should see that he obtains a bank book.

DEPOSITS OF MARRIED WOMEN.

All deposits standing in the sole name of a married woman domiciled in England or Ireland are deemed, unless and until the contrary is shown, to be her separate property; and the fact that any deposit is standing in the sole name of a married woman is prima facie evidence that she is entitled to withdraw and receive the same without the concurrence of her husband.

Payment of deposits by a married woman domiciled in Scotland is subject to the provisions of the married women's property (Scotland) act, 1881. The deposits of married women domiciled in the Channel Islands or in the Isle of Man are repayable consistently with the laws in force in those islands, respectively.

Any woman who marries while she is a depositor should forward to the controller of the savings bank a certificate of her marriage, together with her deposit book, and the deposits will thereupon be entered in her married name. Upon application to the controller she will be supplied with a form by means of which she can obtain a marriage certificate for the sole purpose of her account at the reduced fee of 1 shilling.

HOW MUCH MAY BE DEPOSITED.

Any sum from 1 shilling upward, but excluding pence, is accepted as an ordinary deposit, subject to the limits of £50 a year (ending December 31), and £200 in all (including interest and stock dividends, if any). These limits are, however, subject to the following modifications:

"*a.* Stock dividends are not reckoned during the year in which they are credited to a depositor's account.

"*b.* A depositor, besides depositing £50 in any year ending December 31, may deposit in the same year one sum or several sums for the purpose of replacing in whole or in part any one (but not more than one) withdrawal previously made in that year.

"*c.* Deposits made in any year ending December 31, and applied to the purchase of stock, or to annuity or life-insurance purposes during the same year, are not regarded as ordinary deposits; and further deposits within the prescribed limits may be made to replace them.

"*d.* Money transferred from the account of a deceased depositor is not regarded as an ordinary deposit."

When a depositor has £200 to the credit of his deposit account he can not make any further ordinary deposit. But if he reduces his balance by a withdrawal, a transfer to another depositor's account, or a stock investment, or by applying part of the money to annuity or insurance purposes, he can make further ordinary deposits, subject to the annual limit of £50, until the total limit of £200 is again reached.

Information as to deposits for immediate investment in government stock will be found at page 124; and as to deposits for annuity and insurance purposes at page 129.

The limits of ordinary deposits may be exceeded in the following cases:

"1. Registered friendly societies, or registered industrial and provident societies not chargeable with income tax, are allowed to make deposits without limit.

"2. Charitable or provident societies, penny banks, or similar institutions, can deposit to the extent of £100 in any one year ending December 31, and £300 in all, exclusive of interest. If the consent of the national-debt commissioners be obtained deposits may be made without limit.

"3. Incorporated building societies can make deposits, provided the whole amount, exclusive of government stock, credited to the society at any one time does not exceed £300.

"4. Deposits may also be made in accordance with the provisions of the several acts of Parliament applicable to the respective cases: (*a*) Under the workmen's compensation acts; (*b*) in the case of trust moneys and equitable proceedings through a county court; and (*c*) in any other proceedings in which the money was paid into a county court and ordered by the judge to be invested for the benefit of any infant or person of unsound mind. All these accounts may include odd pence."

SMALL SAVINGS.

Forms to which stamps may be affixed are supplied at all post-offices for the assistance of *children and others unable to save more than a penny or two at a time*. Any such person desirous of saving 1 shilling by means of penny contributions, for deposit in the post-office savings bank, may do so by purchasing with every penny saved a penny stamp and affixing it to one of these forms. Stamps perforated with initials or marks can not be accepted. Full instructions are printed on the form.

Special facilities are provided for assisting managers of penny banks and for the saving of pence by children attending elementary schools. Information on the subject will be furnished on application to the controller of the savings bank.

CHECKS AS DEPOSITS.

A check or postal order is accepted for deposit, *provided it is not crossed to a particular bank*. A money order (with a similar limitation as to crossing) is also accepted, but only at the office on which it is drawn, and subject to the usual conditions for cashing money orders. Checks bearing the words "not negotiable" are only accepted when drawn in favor of the depositor. Irish checks are only accepted in Ireland and Scotch checks in Scotland.

RECEIPTS FOR DEPOSITS.

Every deposit must be entered in the depositor's book by the postmaster or other person receiving it, who must affix to the entry his signature (or his initials) and the stamp of his office. *A depositor should carefully examine his book before leaving the office to ascertain that the entry is correct, and he should keep his book in his own possession.*

In addition to the receipt in the book, the depositor receives, *for every deposit of £1 or over*, an acknowledgment by post from the Central Savings Bank in London, and this should reach him within four clear days, exclusive of Sundays and bank holidays, if the deposit be made in England or Wales, or within six days if it be made in Ireland or Scotland, except that where a deposit is made by check the acknowledgment is not dispatched until a period of twelve days has elapsed, including the date of the deposit. The depositor should see that the acknowledgment is quite free from erasure, and states the exact amount of the deposit and the day on which the deposit was made. *If the acknowledgment does not reach the depositor in proper time, or if when it reaches him it shows any signs of erasure or does not agree with the entry in his book, the depositor should immediately apply to the controller of the savings bank by letter, and should renew his application again and again until he obtains a satisfactory reply.*

It is not necessary that an acknowledgment should be addressed to a depositor's place of residence, as it can be sent to a post-office to be called for, or to any other address that may be furnished for the purpose at the time the deposit is made.

No acknowledgment is sent for any deposit *under £1*, the entry of such a deposit in the depositor's book being conclusive evidence of the sum deposited.

A depositor may make or withdraw deposits at any post-office transacting savings-bank business without change of deposit book.

INTEREST ON DEPOSITS.

Interest at the rate of £2 10s. per cent per annum for each complete pound (which is at the rate of 6 pence a year, or 1 half-penny a calendar month) is allowed on ordinary deposits, and also on any interest or dividends already credited to a depositor's account. The interest is calculated from the first day of the calendar month next following the day on which a pound has been deposited or completed up to the last day of the calendar month preceding that in which a warrant for repayment is issued, and after each 31st of December it is added to the principal (so long as the account remains open); but when, by the addition of interests or dividends, or by transfer from the account of a deceased person, the sum due in a deposit account is raised above £200, interest is allowed on £200 only. This restriction as to interest has reference only to those accounts to which the limit of £200 is applicable.

Once in each year, on the anniversary of the day on which his first deposit was made, the depositor should forward his book to the controller of the savings bank, in order that it may be compared with the ledgers, and that the interest to the previous 31st December may be inserted.

An envelope for the transmission of the book can be obtained at any post-office transacting savings-bank business when the proper time for forwarding the book has arrived.

HOW TO WITHDRAW MONEY—ORDINARY WITHDRAWALS.

When a depositor wishes to withdraw money from his account, he should fill up and forward to the central savings bank a notice of withdrawal, which he can obtain at any post-office transacting savings-bank business. He will then receive a warrant which he should present, together with his book, at the post-office where payment is to be made, and the postmaster will take from him a receipt on the warrant. The receipt should be signed in the presence of the postmaster (or other paying officer).

When an application for the withdrawal of money is made by more persons than one, they may request that the sum to be withdrawn may be paid to any one or more of them to the exclusion of the others, and in such case the warrant will be made out in the name or names of the person or persons specified in such request, and his or their receipt will be deemed to be the receipt of all the applicants.

Payment of a warrant is made only to the person named in it, or upon the production of an authority from that person, which may be given either as directed on the prescribed form of order obtainable at any post-office transacting savings-bank business, or by power of attorney under seal.

If the person to whom the warrant is made payable can not write, he must, when he presents the warrant for payment, affix his mark to the receipt at the foot of the warrant in the presence of some person known to the paying officer, who can identify the person applying for the money as the person named in the warrant. This person must also attest the mark by his written signature.

WITHDRAWAL ON DEMAND OF SUMS NOT EXCEEDING £1.

Any sum not exceeding £1 can be withdrawn without notice at any post-office transacting savings-bank business. A form of application will be handed to the depositor to fill in, and his receipt for the money will be taken on the same form. The book will be retained by the postmaster for transmission to the central savings bank, but will be returned to the depositor in the course of a few days.

Payments without notice are only made to depositors in person.

If a depositor can not write, he must, unless personally known at the post-office, be accompanied by some person known there who can vouch for his identity and attest his mark.

WITHDRAWALS BY TELEGRAPH AND BY RETURN OF POST.

A depositor may obtain payment from his account of any sum not exceeding £10 on the same day on which notice is given by defraying the cost of the necessary telegrams to and from the controller, savings bank, London.

While every effort is made at the chief office to expedite the dispatch of telegrams of advice, it is pointed out that payment by telegraph is defined by the regulations, framed under act of Parliament, as payment on the day on which a depositor gives notice of withdrawal, and not within a certain limit of time on that day.

A depositor may also, at a less cost for telegraphing, obtain payment from his account *on the day after giving notice* (i. e., "return of post") of any sum not exceeding £20. The "return of post" warrant is addressed to the depositor at the paying office "to be called for" unless other directions are given in the telegram of withdrawal.

Applications for withdrawal by telegraph should be made between the hours of *9 a. m. and 4 p. m.* (*Saturdays 9 a. m. and 1 p. m.*) at any post-office transacting savings-bank business which is also a telegraph office, but payment on the same day can not be made at offices where telegraph business is restricted to the dispatch of telegrams.

The depositor's book must be produced in all cases.

PAYMENT OF MONEY ON DEATH—NOMINATION—ADDITION OF NAME—TRANSFER.

Special facilities are afforded for the repayment of small sums (not exceeding £100) on death. Many legal formalities are dispensed with, and depositors of the age of 16 and upward can, by a simple printed form, nominate a relation or friend to receive their deposits.

Additional persons can be made joint proprietors of the moneys on account; and deposits can be transferred from one account to another.

Full information on all these matters can be obtained from the controller of the savings bank. In the case of a claim on death, a form of application should be obtained at a post-office.

TRANSFER TO AND FROM TRUSTEE SAVINGS BANKS.

A person may transfer his deposit from a trustee savings bank to the post-office savings bank, or vice versa, by obtaining a certificate of transfer, which will be accepted as a deposit of the amount therein set forth. Forms of application for certificates of transfer to a trustee savings bank can be obtained at any post-office transacting savings-bank business.

DEPOSIT BOOK.

If any depositor loses his book, he should immediately give notice to the controller and state the circumstances in which the book has been lost. The controller should also be informed of what post-office and in what year the account was opened, and what amount is believed to be due therein; the number of the book should also be stated, if possible. If the depositor desires a new book, he must inclose postage stamps, or a postal order, of the value of 1 shilling, to pay for the new book.

No charge is made for the books at first supplied to depositors, or for further books supplied when those in use are filled.

A deposit book is not a security for money lent, and no claim by any person holding a deposit book in respect of a loan can be recognized. Deposits in the post-office savings bank are not liable to "attachment," or to its Scotch equivalent, "arrestment."

FREE POSTAGE.

A depositor residing within the United Kingdom need not pay any postage when communicating with the controller on savings-bank business or when transmitting his book for examination.

SECRECY.

The officers of the postmaster-general engaged in the receipt or payment of deposits are not allowed to disclose the name of any depositor or any particulars of his account, except to the postmaster-general, or to such of his officers as may be appointed to assist in carrying out the provisions of the post-office savings-bank acts.

As already stated, depositors may arrange to have their acknowledgments directed to a post-office to avoid calling attention to their accounts.

ARBITRATION AS TO DISPUTES.

All questions between the postmaster-general and any depositor or between rival claimants to deposits are determined by the registrar of friendly societies after hearing all parties, and no legal expense need be incurred.

FURTHER INFORMATION.

Detailed information with regard to any other point connected with savings-bank business may be obtained by writing to the controller of savings bank.

PERSONAL INQUIRIES.

An office for personal inquiries is open at the Central Savings Bank (Blythe road, West Kensington, London, W.), from 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 1 p. m.

APPENDIX B.

The postal savings banks of France.

The French postal savings system can not be described adequately without also going into detail as to the "ordinary" savings bank. The various kinds of savings banks are officially designated as ordinary savings banks, postal savings banks, auxiliary postal savings banks, school savings banks, naval savings banks, and prison savings banks. The postal savings bank has its headquarters at Paris, and is under the minister of posts and telegraphs. The minimum deposit accepted is 1 franc (about 20 cents). The maximum deposit for individuals is 1,500 francs ($289.50), and for institutions 15,000 francs ($2,895). When a depositor's account reaches the sum of 50 francs or exceeds that sum he may, if he so desires, have a government bond purchased for him without charge, worth 50 francs or some multiple of that sum. Although the minimum deposit accepted is 1 franc, smaller sums may be saved by means of stamps of low denominations, which are attached to a card and presented for deposit when their total value reaches 1 franc.

INTEREST.

The rate of interest for the ordinary savings banks is fixed by the caisse des depots (central bureau at Paris, referred to later), and is calculated on the income of the securities deposited with the treasury, which represent the deposits made in the savings banks. The postal savings banks have paid 2½ per cent interest in recent years. Changes in the rate must be by fractions of one-fourth of 1 per cent. The interest paid by the postal savings banks must always be at least three-fourths of 1 per cent less than that paid by the ordinary savings banks. Changes in the interest rate are made upon the recommendation of the minister of commerce and the minister of finance, after the matter shall have received the approval of the audit commission of the caisse des depots and of the commission described in the following paragraph.

SAVINGS BANK COMMISSION.

The organization of a commission under the auspices of the minister of commerce is provided for, which must meet at least once a year and express its opinions on all questions relating to both ordinary and postal savings banks.

This commission is composed of 20 members, as follows:

"Two senators, elected by the Senate.

"Two deputies, elected by the Chamber of Deputies.

"Eight presidents or directors of savings banks, elected by the savings banks according to certain regulations.

"Three persons well known by their writings on benevolent subjects, to be appointed by the minister of commerce.

"The director-general of the National Central Bank.

"The director-general of the caisse des depots.

"The director of internal commerce in the ministry of commerce.

"The director of money circulation in the ministry of finance.

"Chief of the inspection service of finance."

Both the elected and the appointed members of this commission hold office for three years.

The director of internal commerce in the ministry of commerce has the office of secretary, and has the right of the floor in the national legislative body.

The president of the commission also has the right of the floor and may speak at the sessions of the supervising commission of the National Central Bank. He is called to all sessions of the national legislative body when questions involving postal savings banks are under discussion.

EXPENSES OF ADMINISTRATION.

The ordinary savings banks must deduct for rent, salaries of officials, and other necessary expenses of administration not less than one-fourth of 1 per cent of the total deposits, and they may not deduct more than one-half of 1 per cent for this purpose. The postal savings banks must deduct not less than one-half of 1 per cent and the sum so retained must be sufficient so that the rate of interest will always be at least three-fourths of 1 per cent less than that paid by the ordinary savings banks.

INVESTMENT.

There is a bureau of deposit (see auditing and accounting) at Paris to which the deposits are sent. All deposits so received, except such part of them as may be deemed necessary for the payment of withdrawals, are invested in state bonds or bonds guaranteed by the State, in negotiable obligations of the departments, communes, and chambers of commerce, in real estate, or in the credit foncier. (The credit foncier is a sort of mutual stock company formed for the purpose of making investments in real estate, and it issues interest-bearing obligations. It is often stated in general that the moneys deposited in postal savings banks are invested in "rentes"—securities of any kind upon which interest is paid.)

The purchase and sale of bonds and negotiable obligations are made in public, open to competition, but the law permits the purchase and sale of obligations other than bonds without publicity or competition, should such a course be deemed advisable.

Unemployed sums must not exceed 10 per cent of the amount of the deposits on the 1st of January. These unemployed sums are deposited in an open account in the national treasury under the same conditions as the other elements of the floating debt bearing interest, or are deposited in the Bank of France. The part of these unemployed sums deposited upon open account in the treasury is not permitted to exceed the sum of 100,000,000 francs (about $20,000,000).

"FAVORED" DEPOSITORS.

Depositors whose accounts during the year have never exceeded 500 francs each may be allowed a higher rate of interest than that paid to other depositors. The accounts of benevolent associations, however, are always to be treated as belonging to the favored class of accounts, no matter what the amount of the account may be. Accounts may be favored in this manner only when the reserve fund amounts to at least 2 per cent of the total deposits in the bank concerned. No postal savings bank may pay, even to "favored" depositors, interest in excess of that paid by the ordinary savings banks. And whenever a special rate is to be paid the regulation fixing the amount must be published at least three months before being applied. This information must also be communicated to the minster of finance, who may, within thirty days after receipt thereof, annul such special treatment. There is, however, an appeal from such an act of annulment through the minister and the counselor of state.

SPECIAL OR RESERVE FUND.

Each ordinary and postal savings bank must have a reserve fund, which shall be composed of—

1. The funds on hand properly pertaining to it.
2. All gifts and legacies which may be made to it.
3. All savings or unexpended residue of the amounts taken out for administrative expenses.
4. The interest and other income from these funds.

Postal savings banks are allowed to invest this fund in state bonds or bonds guaranteed by the State; in negotiable obligations of the departments, communes, and chambers of commerce; in real estate obligations; in obligations of the credit foncier; and in the purchase or construction of improved real estate necessary for the transaction of their business.

LOSSES.

All losses in the management of the postal savings bank are to be paid out of this reserve fund, which is called the "personal fortune" of the bank.

AUDITING.

Provision is made for an auditing force at Paris, the expense of which is borne by the postal savings banks, salaries, etc., being paid according to the orders of the ministers of finance and commerce, after the approval of the cabinet of ministers.

ACCOUNTING.

The sums paid into the post-offices are transferred to Paris, to a responsible officer of the postal savings bank nominated (appointed) by the President of the Republic. This officer is known as the agent comptable (auditor). He is appointed to and may be a judge in the court of accounts. He makes a daily balance based on the daily reports of the post-office banks. The result enables him to determine the amounts to be turned over to the national treasury, the Bank of France, or the Caisse de consignations.

The name "savings bank" may be employed only by banks organized under the law of July 20, 1895, which practically means that all savings banks are national in scope.

The ordinary savings banks are so closely restricted and their operations so carefully scrutinized by the Government that, except for the slight difference in interest and the fact that they are not as conveniently situated, they serve all the purposes of the postal savings banks as to safety.

ACCOUNTS OF MINORS.

Minors have the right to open an account without procuring the permission of their legal representatives. They can not make withdrawals if their parents or guardians object.

ONLY ONE ACCOUNT TO A PERSON.

Not more than one account shall be opened in the same name in savings banks, either ordinary or postal. The penalty for doing otherwise is loss of the total interest on the sums so deposited.

TELEGRAPHIC WITHDRAWALS.

Upon the demand of the depositors repayment of their funds may be made by telegraph or by postal money order, the depositor paying the expense.

FRANKING PRIVILEGE.

The mail of the savings-bank business is carried free of postage.

DECEASED DEPOSITORS.

All transfers and the drawing of legal documents, including the preparation of any necessary papers in the case of deceased depositors, will be gratis. This same regulation is applicable to depositors who are legally declared "absent."

STATUTE OF LIMITATION.

Judgments against accounts expire by limitation in five years from the date of their issue, unless sooner renewed.

HISTORICAL AND GENERAL.

Since the 1st of August, 1884, all the post-offices of all grades in France, and all others outside of France, known as full post-offices, or offices of the first class, have been opened for postal-savings business. A decree of October 29, 1885, authorized the establishment of savings banks in cities situated in foreign countries wherever there is a branch of the French post-office, under the management of a postmaster and under the superintendence of a consul or vice-consul of France. The postal savings bank now has branches in Alexandria, Tangiers, and Port Said. Another decree, of March, 1885, established a naval branch in each of the divisions of the naval fleet, and deposits may be made on board of each of the national men-of-war.

On May 30, 1882, a convention between France and Belgium, approved June 12 of the same year, permits depositors in the French Postal Savings Bank or the Belgium General Postal Savings Bank and the Bank for Annuities of Belgium to transfer from one bank to the other sums of money up to and including 2,000 francs (about $400).

The auditor at Paris, whose duties and manner of appointment already have been referred to, is responsible not alone for his own acts, but for all the operations made on his account by the postmasters (receveurs des postes). He receives and is responsible for deposits. When a deficit is found in the accounts of one of the postmasters or any other official, the auditor immediately causes an action to be brought against him.

The criticism has been made that there might possibly be a run on the postal savings banks, and this has been replied to in this way: First, there is the possibility of applying the legal right, which is reserved, to demand a certain period of postponement in making repayments. Deposits are ordinarily paid practically on demand. The law allows the borrowing, on the assets of the bank, from the Bank of France, or any other financial institution. Again, in case of necessity, an official order of the proper minister gives authority to the postal savings bank to pay only the minimum sum of 50 francs on each account every two weeks. These are safeguarding provisions in the law, the necessity for applying which has never arisen. All these special privileges are extended to the ordinary as well as to the postal savings banks.

APPENDIX C.

[From l'Union Postale, March and April, 1908.]

TWENTY-FIVE YEARS OF THE AUSTRIAN POST-OFFICE SAVINGS BANK.

On January 12, 1908, the Austrian Post-Office Savings Bank celebrated the twenty-fifth anniversary of its existence. To commemorate the occasion a special pamphlet was issued describing the history, the growth, the importance, and the work of the post-office savings bank, from the varied contents of which we reproduce the following:

"The success which followed the organization of the post-office savings bank in England soon induced the Austrians to study the possibility of creating in their own country a state savings bank with the cooperation of the post-office and adapted to the needs of the general public. The economic condition of the country was, however, not favorable to the realization of such an idea, so that at the time no decision was arrived at. It was not till 1881 that the plan was again brought up for discussion. On May 28, 1882, a bill "relating to the organization of post-office savings banks in the kingdoms and dominions represented in the Parliament" received the sanction of the Emperor, and on January 12, 1883, the post-office savings bank was opened.

"As a state institution its duty was, under guaranty of the Government, to accept deposits at interest, to make repayments, to buy and sell government stocks for the depositors, and, on the demand of those concerned, to take charge of and administer the stocks purchased. Its organization was on the whole similar to that of the English post-office savings bank, and was based on the principle that all the post-offices should accept deposits and make repayments in the service of the post-office savings bank, and that in this respect they would be immediately under the control of the savings-bank department.

"The organization stood the test, and the post-office savings bank was a complete success from the first year of its existence. It was also the foundation on which, in November, 1883, the post-office savings-bank department was extended by the incorporation of the check and clearing system.

"The extent of the growth of the post-office savings-bank department in all its branches during the twenty-five years of its existence is presumably well known; the Union Postale contains in nearly every volume detailed accounts of its activity.

"The cooperation of the post-offices in the work of the savings bank is on the whole restricted to the issue of deposit books, the receipt of deposits, and the effecting of repayments. The post-office savings department in Vienna has, however, the superintendence of the whole service; the accounting and the bookkeeping; all applications for the withdrawal of sums from 40 crowns[a] and upward pass through its hands; it invests the capital of, and does all the necessary correspondence with, the depositors. The work of the department in Vienna is executed by 441 persons.

"The operations of the savings bank are not limited to the post-offices; rural letter carriers are authorized to receive on their rounds deposits up to 1,000 crowns on a single deposit book and to deliver them to the post-office.

"The operations of the department have also been extended by the organization of a savings-bank service on men-of-war. Savings-bank business is transacted on these ships when their absence in foreign waters is calculated to last more than three months. Up to the present time it has been organized on 14 ships; a similar collecting office also exists for the contingent of the Austrian embassy in Peking.

"Special arrangements have been made to collect the savings of school children. The savings-bank department gives to the school directors, on demand, blank forms, which, when filled, are handed to the post-office by the teachers with the amounts to be deposited, together with the deposit books.

"The model on which the savings-bank business is transacted is adapted to the needs of the population which the savings bank is called to serve. The leading principle is the freedom of the service, in this sense, that deposits and withdrawals can be effected at all post-offices, without regard to the place at which the deposit books were issued. Special precautions are taken to insure money being paid to none but those who have a right to receive it; withdrawals are only paid to the depositor himself or, on sufficient guaranty (examination of the signature, proofs of identity, etc.), to the person appointed by him to receive it. Savings-bank deposits can neither be distrained nor sequestrated, and no one has a right to demand a refusal of payment. To render the correspondence less onerous all letters passing between the depositors and the savings-bank department and the post-offices may be sent post free; all petitions presented by the depositors to the savings-bank department and all transfers of capital to third persons are free of stamp duty and free. All printed matter for the depositors (deposit books, withdrawal forms, etc.) are gratis.

"Deposits are received from 1 crown upward. In order to permit of smaller deposits being made, cards are issued with one embossed 10-heller stamp and room for affixing others. As soon as the value of the stamps reaches 1 crown, the card can be given in at a post-office as a deposit.

[a] The value of a crown in American money is $0.203.

"The maximum amount of a deposit is 2,000 crowns. The interest is fixed at 3 per cent. On the demand of a depositor his capital can be used to buy Austrian government stocks. These may remain in the custody of the savings-bank department, which then cashes the dividends and enters the amount in the deposit book.

"At the end of 1907 more than 2,000,000 persons of all classes of society had deposits in the savings bank, among them many of limited means, such as school children, artisans, work people, and domestic servants. These depositors have saved 219,000,000 crowns, not counting the sums which have been spent in the purchase of government stock, which, added to the rest, would make up a sum of 445,000,000 crowns.

"In order to cover any loss which the savings bank may incur, a reserve fund has been created from the profits of the bank and which has long reached the legal maximum of 4,000,000 crowns. The balance which arises in the savings bank flows to the post-office. In 1906 it amounted to 1,361,991 crowns.

"The incorporation of the check and clearing system in the post-office savings bank was effected on October 29, 1883, the whole of the post-offices being gradually brought into the system and authorized to receive deposits and make repayments for the account of owners of check accounts. The check service of the savings bank consists in the facility by which sums of money can be paid in to the account of owners of check accounts or transferred from one account to another by means of checks. In the latter case the amount is deducted from the one account and credited to the other without any money being used in the transaction (clearing). The capital thus formed is at the free disposal of its owner.

"Anyone can participate in the check service on depositing a fixed nucleus capital of 100 crowns. Interest of 2 per cent is given on the capital. In the check service a fee of 4 heller is charged for every transaction, and a commission of one-fourth per thousand for cash withdrawals up to 6,000 crowns and one-eighth per thousand for all that part of the withdrawal which exceeds that amount. The payment of interest on the one side and of fees on the other is effected by means of credit and debit entries in the accounts.

"The check system is used more and more every year. At the present time there are 79,711 participants, for whom in the past year 45,800,000 transactions for 21,584,000,000 crowns were made. The extent to which the check system is made use of by the various government administrations may be gathered from the fact that, in the year 1907 alone, 210,000,000 crowns were paid in for rates and taxes, and that in Lower Austria 22,000 pensions are paid every month through the medium of the savings bank.

"The object of the clearing system is to effect payments through the accounts in such a way as to reduce the employment of money—that is to say, of coin—to a minimum. A check drawn by the owner of a check account in favor of another person owning a check account is never paid in cash unless the latter refuses expressly to have the amount credited to his account.

"For the convenience of persons who make much use of the check system an arrangement has been made by which several amounts to be paid to different persons at the same time, by means of the clearing system, can be made with one check. In such cases the check must be accompanied by a list containing the names of the persons to whom payment is to be made, the amount each is to receive, etc.

"At the end of 1907 the number of participants in the clearing system was 78,546, or 98 per cent of all the owners of accounts. The number of transactions effected under this system was 6,866,562, with a turnover of 9,858,000,000 crowns.

"The principal condition for the extensive use of a check service is the possibility of withdrawing the invested money when necessary and of using it for cash payments. It was therefore a very good plan to make special arrangements which favor the transfer of money from the savings bank to the check branch. The forms by means of which this transfer is effected are on the one hand deposit forms and on the other orders of payment and checks payable to bearer.

"The deposit forms are used for depositing in the savings bank, through the post-offices, money which the owners of check accounts are to receive from persons who have no accounts in the bank. The reverse operation is effected by means of orders of payment, which are used principally in transactions with persons living at a distance, and of checks for local transactions. The deposit forms and orders of payment have the opposite effect to that of the clearing system, an extensive use of which will render the former more and more unnecessary. In 1907, 31,819,112 deposits for 5,743,000,000 crowns were nevertheless effected by means of deposit forms and 4,837,510 payments for 2,319,000,000 crowns made by means of orders of payment.

"The check transactions are the same as those of other check banks. The checks, which must be indorsed, are paid to the bearer on demand at the post-office savings bank in Vienna. Checks payable to order are not accepted in this service. Checks are used almost exclusively in Vienna itself by the owners of check accounts who wish to withdraw money for their own use or for payment to persons who have no account.

"Savings-bank checks are in great favor in Vienna, and in the last few years they have been made use of to an increasingly large extent. The highest number of checks ever presented in one day at the post-office savings bank was 4,630 for 13,388,214 crowns in 1906, and 5,323 for 18,180,174 crowns in 1907.

"The system by which owners of check accounts can make and receive payments outside Austria through the intermediary of the post-office savings bank has proved very useful. It was inaugurated in the first place in 1899 by a special arrangement made between the post-office savings bank and the Austro-Hungarian Bank. It offers persons participating in the clearing system of the Austrian Post-Office Savings Bank the possibility of transferring money from their account to any giro account of the Austro-Hungarian Bank, while persons with an account at that bank can make transfers by means of checks to accounts at the Austrian Post-Office Savings Bank. A similar arrangement has existed since 1896 with the Hungarian Post-Office Savings Bank, on the strength of which payments can be made reciprocally by the owners of check accounts in the two banks. Both these arrangements are used largely for the exchange of money in Austria and Hungary. In 1907, 98,000 transfers for 168,000,000 crowns were made in favor of account holders of the Austrian Post-Office Savings Bank and 16,000 transactions for 72,000,000 crowns through that of the Austro-Hungarian Bank. In the same year 15,300 transfers for 37,000,000 crowns were effected for account holders of the Austrian Post-Office Savings Bank to check accounts of the Hungarian Post-Office Savings Bank and 46,000 for 397,000,000 crowns to those of the Austro-Hungarian Bank.

"Since 1901 the Austrian post-offices in the Levant have gradually been opened for the check service; at the present time this service is in operation in the post-office at Constantinople, Beirut, Jaffa, Janina, Jerusalem, Saloniki, Scutari, and Smyrna.

"In 1906 the last extension was made and arrangements concluded with foreign banking houses by which the owners of check accounts in the post-office savings bank can make payments from clients residing abroad. Up to the present time arrangements have been made in Germany with the Deutsche Bank, in Italy with the Banca Commerciale Italiana, in Great Britain and Ireland with the London branch of the Österreichische Länderbank, and in Switzerland with the Schweizerische Kreditanstalt. The number of localities with which the post-office savings bank has relations through the intermediary of the above-mentioned banks is at present 774.

"The post-office savings bank does business in various ways with the stock market. We have already mentioned its transactions as intermediary for the purchase and sale of government stocks in favor of those who have accounts in the savings bank itself and in the check service. The value of the stocks purchased for its depositors since its creation is about 370,000,000 crowns. At the end of 1907 the savings bank had in its custody stocks to the value of 172,000,000 crowns, the property of 24,700 persons.

"A new field of usefulness was opened to the savings bank in 1889, when it took over from the administration of the state railways the custody and, in part, the administration of the provident benevolent fund for the employees of these railways and of the bonds given by the former.

"It also offers its clients the opportunity of keeping their valuables in security, by placing at their disposal, in a retired part of the central office building, a compartment fitted with fireproof safes.

"As the owners of accounts have the right of disposing of their capital at any moment without giving notice, the savings bank is obliged by law to keep on hand such sums proceeding from the check service as shall be deemed necessary for immediate use. The remainder is placed in different investments, preferably in such as permit of the money being realized at any moment; at the end of 1907 this remainder was invested as follows: One hundred and sixty-two million crowns in accounts current, Lombard and rediscount, which can be immediately realized, 23,000,000 crowns in saline shares, 62,000,000 crowns in government stocks, and 120,000,000 crowns in various others. A reserve fund, amounting to 5 per cent of the capital, is to be formed from the balance of the check service; this fund amounts accordingly to 18,000,000 crowns. The profits of the check service amounted in 1906 to 6,065,198 crowns, of the savings banks and check service together to 7,427,189 crowns.

"To what an extent the business of the savings bank in Vienna has grown may be gathered from the fact that in the check service alone there has been as many as 300,000 entries in one day, and that the staff employed in this service numbers 1,735, to which must be added the 441 persons employed in the savings bank. The savings-bank business having increased so rapidly from year to year, it was found necessary to erect new premises for the savings bank, which were finished and inaugurated in December, 1906. These buildings, a sketch of which is printed in the memorial, stand on a site of 5,465 square meters, 4,678 of which are built over; they have a frontage of 239 meters on 3 streets, are 8 stories high, and cost 3,000,000 crowns. Attention has been paid in the construction to the most modern theories as to light, ventilation, and sanitation, and the arrangement of the rooms and the mechanical appliances provided to meet great pressure of business prove to be all that could be desired for the successful working of the savings bank."

APPENDIX D.

Although the agitation for the establishment of postal savings banks in this country has thus far been fruitless, it appears from the following correspondence, furnished by the State Department, that it has had its effect elsewhere. The passages quoted were elicited as a result of the action taken by the President in response to a resolution adopted by the House of Representatives on June 29, 1906.

LEGATION OF THE UNITED STATES,
Santiago, Chile, November 22, 1906.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: I have to acknowledge receipt of department's telegram of the 21st, as follows:

"When may department expect reply to instruction June 30 last in regard to postal savings banks?

"BACON, *Acting.*"

I replied at once with the following:

"SECSTATE, *Washington:*

"Reply to postal savings banks inquiry mailed October 20. Like snakes in Ireland, no postal savings banks in Chile.

"HICKS."

I will say in regard to the apparent delay that department will see by the correspondence sent on the 29th of October that I presented the matter to the Chilean foreign office without delay, but that between the minister of foreign affairs and the minister of interior there was considerable time lost before the final answer was received at this legation.

It is interesting to note that the Chilean Government, evidently acting upon the suggestion inspired by my note of inquiry, decided to begin the operation of a postal savings bank system in a tentative manner.

Your obedient servant,

JOHN HICKS.

SANTIAGO, CHILE, *October 19, 1906.*

In answer to your note No. 1971 in which you ask from this department more information regarding the establishment of postal savings banks, I have the honor to transmit to your excellency the following dispatch from the director-general of post:

"Really, there are no postal savings banks in Chile. As a trial special post-offices have been authorized to act as agents of the savings banks, and the results obtained have been very encouraging, a fact which I have had the honor to explain in the memorandum which I presented to your excellency in May last. Informed about this result, the President of the Republic has manifested his desire of establishing the service of postal savings banks in the most important post-offices, and to this end the director is studying the manner in which this new service can be established in a more ample manner than that of the offices which have performed the functions of agents of the savings banks; and in a short time we will be able to submit to the consideration of the supreme government a project of the service of postal savings banks."

God guard your excellency.

J. A. FIGUEROA.

To the MINISTER OF FOREIGN RELATIONS.

It is correct:

CESAR DE LA LASTRA.

APPENDIX E.

[Paste this up in a conspicuous place for the information of depositors.]

Philippine Postal Savings Bank—Bureau of posts—Statement for October, 1909.

FINANCIAL.

Number of banks:	
First class	21
Second class	102
Third class	130
Total	253
Number of accounts:	
Opened	577
Closed	216
Gain	361
Open September 30, 1909	9,609
Open October 31, 1909	9,970
Deposits and withdrawals:	
Deposits (2,653)	₱169,407.07
Withdrawals (1,261)	151,075.51
Gain in deposits	18,391.56
Net deposits September 30, 1909	1,495,922.37
Net deposits October 31, 1909	1,514,313.93
Resources:	
Loans secured by banks	780,000.00
Railway bonds	573,391.05
Real estate loans, first mortgages	205,525.00
Cash on hand, postal savings banks	39,442.21
	1,598,358.26
Balance due insular treasury	58,694.70
	1,539,713.56
Liabilities:	
Deposit fund, due depositors	1,514,313.93
Stamp fund, stamps outstanding	1,956.05
Interest fund, balance	23,443.58
	1,539,713.56

STATISTICAL.

Nationality.	September, number of accounts.	For October, 1909.					
		Accounts opened.	Accounts closed.	Net gain.	Net loss.	Total number accounts.	Per cent of total.
Americans	3,419	200	134	66	.....	3,485	34.95
Filipinos	5,596	330	69	261	.....	5,857	58.75
Europeans	313	35	11	24	.....	337	3.38
Asiatics	219	11	.....	11	.....	230	2.31
Total personal accounts	9,547	576	214	362	.....	9,909	99.39
Total society accounts	62	1	2	.....	1	61	.61
Grand total	9,609	577	216	362	1	9,970	100.00

DECEMBER 2, 1909.

W. T. BEARDSLEY,
Chief Postal Savings Bank.

Approved:
C. M. COTTERMAN,
Director of Posts.

APPENDIX F.

The following quotations are from a few of the many letters of postmasters received at the Post-Office Department which refer to the purchase of money orders for savings purposes:

"Lodi, Cal.—Have received many inquiries during the past six months as to depositing savings with the Government through the Post-Office Department. Have explained to all, as best I knew, the advantages of postal savings banks, and believe the idea is popular.

"(I expect to have a deposit of $3,700 about April 20, from one person, which under present conditions will be a rather cumbersome affair to handle, the writing of 37 orders entailing much labor. It will also be expensive for the depositor, with no return except safety.)

"Waterbury, Conn.—Frequent calls have been made at this office for bank books by Italians.

"Savannah, Ga.—I find upon investigation that the amount was undoubtedly for savings purposes, in most instances the purchaser's signature was attached to the advice, and the statement was openly made that the object was to accumulate money.

"Galesburg, Ill.—There have been cases of orders payable to remitters. One man had $450 on hand here nine months; another put from $300 to $400 on deposit every month or so.

"Highland Park, Ill.— * * * Orders were made during the panic by a man who said he wanted to place his money where he could get it when he wanted it.

"*Lincoln, Ill.*—It is pertinent to add that there have been several inquiries from patrons as to the probable date when the postal savings bank would be effective.

"*Mount Carmel, Ill.*—The financial stringency and agitation regarding same attracted people's attention to the absolute security of the money-order system, and am satisfied that the money orders issued for savings purposes will show a large increase over the previous year.

"*Morgan Park, Ill.*—It was distinctly noticeable during the late panic that many sent money orders instead of drafts, expressing the hope in so doing that the payee could receive good money at the paying office. Large numbers besides these spoke of the necessity of a postal savings bank, where one could get cash whenever he needed it.

"*Winona Lake, Ill.*—We think offices like our own, located in places without a bank, could 'make good' with the postal savings system established.

"*Chariton, Iowa.*—This office has issued money orders for the purpose of safe-keeping. There is a growing tendency by payees of money orders not to immediately cash them, frequently asking how long they could carry same before payment would be refused. The withholding of such orders is for savings purposes. The tendency of this practice is more noticeable during the past five months.

"*Knoxville, Iowa.*—A great deal of inquiry was made concerning a postal savings bank. I am confident that quite a number of deposits would have been made if the depositor could have secured a small per cent of interest.

"*Emporia, Kans.*—Many patrons are holding orders, and when notified they say they do not want to cash them. Our advice case is fuller now of unpaid advices than ever before, and we attribute this to the purposely holding of the orders by the payees, thus making us as a place of deposit.

"*Monson, Mass.*—We have a large Italian population here who send large amounts to Italy, but who say they would *keep their money here* if we had postal savings banks.

"*Stoughton, Mass.*—I do find the last year money orders drawn upon this office (87 in number), which are left on file a long time, unpaid, of which the payees say that they are in no hurry, as the post-office is a good bank; I would rather it be there, as I know where it is and it is safe.

"About 25 per cent of all money orders to Italy, 50 per cent to Sweden, and 5 per cent to Russia are for savings purposes. Many of the newcomers from those countries ask about depositing money with the postmaster. *It is a very live question.*

"*Gulfport, Miss.*—We have had quite a number of applications from foreigners to deposit money in post-office, claiming that they were afraid to put it in banks. We could have handled a nice business at this post-office if we had the postal savings bank.

"*Milford, N. H.*—I have been requested by Italians to hold money for safety for them for quite large amounts, as they said that they were afraid of the banks.

"*Hoboken, N. J.*—There are at present domestic money orders lying in this office for savings purposes.

"Daily inquiries are made in regard to depositing money for savings purposes. About 15 per cent of international money-order business is sent for deposit in European banks, as shown by the manner in which the orders were drawn.

"*Little Falls, N. Y.*—We have had money orders from foreigners sending their money abroad to be deposited in postal savings banks, which they advised us would have been deposited here if we had a postal savings bank.

"*Fargo, N. Dak.*—* * * You will see that we have issued orders which apparently are savings deposits, and intended simply for safe-keeping funds, and in nearly all cases these orders are for $100 each."

This certainly shows that people have confidence in the Government, and are willing to *go without interest*, if they can only be sure to have their money when they may need it.

It is a great argument in favor of the postal savings measure when men will give up the interest in order to be sure and have their funds safe and available when they may desire to use the same.

"*Cincinnati, Ohio.*—Robinson's circus and Ringling Brothers' circus both go into winter quarters near this city; the members and employees live here. They go out in the spring, returning late in the fall. While 'on the road' they put all the money they can accumulate into post-office money orders, buying them at the towns which they make; they return and live on the proceeds of these money orders, which they cash from time to time as they need them. About two years ago John Robinson and wife cashed about $13,000 worth of such money orders at this office.

"*Elyria, Ohio.*—Orders were purchased payable to remitters at this office; I know that these amounts were deposited by them because of the money panic.

"*Ardmore, Okla.*—Orders have been issued here especially for savings purposes to foreigners who were afraid of the banks during the recent financial scare, and are still held by them.

"*Muskogee, Okla.*—There is quite a colony of Greeks here, and they send many foreign orders for savings purposes because of their fear of banks here. They do not care to make local investments, but would doubtless place the money in a postal savings bank if there were one.

"*Allentown, Pa.*—The foreign element is repeatedly asking of us whether money can not be deposited bearing interest.

"*Clearfield, Pa.*—I have had quite a few inquiries from foreigners asking if we had a postal savings bank that paid interest on deposits, and in my judgment there would be a great deal of money deposited by foreigners if there was interest paid them, and they are afraid of banks and have full confidence in the Government.

"*Conshohocken, Pa.*—Italian workmen recently asked that this office receive money on deposit. * * * In November an Italian, while sending $500 to a relative in Italy, told the postmaster he did it because the banks here were unsafe and that the Government in Italy would take care of the money there.

"*Mount Pleasant, Pa.*—Many inquiries in regard to postal savings fund have been made. During November our remittances of surplus funds was $20,230, much of which was sent to Europe, and could have been retained here had we had postal savings system.

"*Pittsburg, Pa.*—Numerous orders have been drawn for payment to savings banks in different foreign countries, particularly in Canada. There were also issued many orders payable to the postmaster-general, Ottawa, Canada. It is noticeable that orders are drawn daily to different savings banks for transmission to foreign savings banks.

"*Ridgway, Pa.*—About $1,000 is remitted from here monthly to foreign postal savings banks.

"*Rochester, Pa.*—A number of foreign orders were issued, the purpose of the remitter being to keep the money there until it should be needed here. They preferred to send it to the old country for safe-keeping rather than to deposit it in the American banks. It is my belief that a very large amount is sent away for safe-keeping.

"*Mayaguez, P. R.*—I have long been contemplating making a special report of just this very subject, and to this end have kept an accurate record of such transactions, which I have at hand at all times. There were 8 orders for $100 issued here for payment to the remitter. There were also 28 orders for $100 each issued here drawn for payment to the remitter at other places (in the United States) that were not cashed for six months, and I was informed by the remitter that he had no intention of cashing them earlier, and that his object was to be more secure. For this purpose he actually withdrew his money from a national bank.

"*Beaumont, Tex.*—We have on hand orders aggregating $8,864, all of which is clearly intended for savings.

"*Bellows Falls, Vt.*—Our patrons are calling for savings banks.

"*Bellingham, Wash.*—If we had a postal savings bank we would have easily $500,000 in deposits one year after it opened (last year 2,011 money orders issued for savings purposes, with total of $151,301).

"*Everett, Wash.*—There remains almost $19,000 still on deposit.

"*Tacoma, Wash.*—Besides the number and amount of orders used for savings purposes, 3,787 for $299,054, many persons buy orders at this office payable to themselves at smaller offices near by, where they live, so that they may secure payment at home if there are sufficient funds on hand or obtain repayments here.

"Also thousands of dollars are sent to foreign countries to the credit of remitters in government savings banks. One family has $11,000 on deposit in Vancouver, British Columbia, Canada; another has $6,000 on deposit in Italy; another $5,000 in Switzerland, besides scores who have smaller amounts; and all these live here with their families, and intend to stay, using those banks for safety. I believe $100,000 is a conservative estimate of the amounts so deposited.

"*Janesville, Wis.*—Could deposits be made that would bear a small interest would have received $50,000 or more.

"*Watertown, Wis.*—During the financial trouble this winter some large orders were not collected until notice was sent to the payees, who then stated that they preferred to leave the money in the post-office in preference to depositing it in a bank or keeping the money themselves."

APPENDIX G.

Summary of bills introduced in Congress to establish a system of postal savings banks.

IN THE HOUSE OF REPRESENTATIVES.

Date.	No. of bill.	Title of bill.	Introduced or reported by—
Dec. 18, 1873	797	To establish and maintain a national savings depository as a branch of the Post-Office Department.	Mr. Maynard.
Oct. 29, 1877	548	To establish and maintain a national savings depository as a branch of the Post-Office Department.	Mr. Tipton.
Mar. 15, 1878	3848	To promote the refunding of the national debt and the loan of the savings to the United States for that purpose.	Mr. Robbins.
Mar. 21, 1878	3989	To establish a postal savings depository as a branch of the Post-Office Department and to aid in refunding the interest-bearing indebtedness of the United States.	Mr. Waddell.
Apr. 17, 1879	4395	To provide for the deposit of savings in a popular loan and to provide for funding the national debt in home bonds convertible into currency.	Mr. Phillips.
Dec. 16, 1881	850	To establish and maintain a postal savings depository as a branch of the Post-Office Department.	Mr. Money.
Feb. 8, 1882	4198	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Lacey.
Dec. 11, 1883	812	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Lacey.
Dec. 11, 1883	897	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. O'Neill.
Mar. 16, 1886	6746	To establish post-office savings banks as a branch of the Post-Office Department.	Mr. McComas.
Jan. 5, 1892	340	To establish postal savings banks and encourage small savings.	Mr. Storer.
Feb. 17, 1892	6123	To establish post-office savings depositories, and for other purposes.	Mr. Storer.
Sept. 6, 1893	111	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
Sept. 13, 1893	2800	To establish postal savings banks, and for other purposes.	Mr. Curtis.
Sept. 15, 1893	3138	To establish post-office savings depositories, and for other purposes.	Mr. Storer.
Dec. 11, 1893	4603	To establish a postal savings bank department.	Mr. Bowers.
Dec. 14, 1893	4736	To establish a postal savings bank department.	Mr. Bowers.
June 4, 1894	7328	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Houk.
Dec. 19, 1894	8274	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Bartholdt.
Dec. 6, 1895	182	To establish a postal savings bank department.	Mr. Bowers.
Dec. 20, 1895	2284	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
Mar. 15, 1897	9	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
June 10, 1897	3437	To create postal savings banks and provide for investing the money.	Mr. Maxwell.
July 8, 1897	3692	To establish postal savings departments, to encourage savings among the people, to furnish them a safe and reliable place to deposit their idle funds, and to put into actual use the money of the country.	Mr. Botkin.

Summary of bills introduced in Congress to establish a system of postal savings banks—Continued.

IN THE HOUSE OF REPRESENTATIVES—Continued.

Date.	No. of bill.	Title of bill.	Introduced or reported by—
July 15, 1897	3818	To establish postal savings departments, to encourage savings among the people, to furnish them a safe and reliable place to deposit their idle funds, and to put into actual use the money of the country.	Mr. Lewis.
Dec. 6, 1897	4091	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Lorimer.
Dec. 6, 1897	4095	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Bartholdt.
Dec. 16, 1897	5159	To provide for savings deposits in the Post-Office Department.	Mr. Fletcher.
Dec. 18, 1897	5442	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Morris.
Jan. 28, 1898	7392	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Jones.
Feb. 1, 1898	7560	To establish a postal savings-depository system, and to provide for the conduct and regulation of the same.	Mr. Lorimer.
Dec. 4, 1899	16	To establish postal savings banks and to encourage small savings.	Mr. Mercer.
Dec. 5, 1899	959	To establish postal savings depositories and subdepositories and for other purposes.	Mr. Bartholdt.
Dec. 11, 1899	3353	To establish a postal savings-depository system, and to provide for the conduct and regulation of the same.	Mr. Lorimer.
Dec. 6, 1902	15707	To provide for postal banks, furnish a safe place of deposit, provide for sufficient currency, and equalize and reduce the rate of interest throughout the country.	Mr. McCulloch
Apr. 28, 1904	15555	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes.	Mr. Hitchcock.
Jan. 26, 1905	18361	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes.	Mr. Hitchcock.
Dec. 4, 1905	48	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Snapp.
Dec. 4, 1905	148	To establish postal savings banks for depositing savings at interest, with security of the Government for the repayment thereof, and for other purposes.	Mr. Van Duzer.
Jan. 9, 1906	11035	To establish a postal savings system in the United States, and to provide for the conduct and regulation of the same.	Mr. Dickson.
Jan. 17, 1906	12209	To provide for the gradual establishment of a postal savings-bank system in the United States and to regulate the same.	Mr. Kennedy.
Mar. 5, 1906	16185	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes.	Mr. McNary.
Dec. 2, 1907	311	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Madden.
Dec. 2, 1907	406	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, for the investment of savings funds, and for other purposes.	Mr. Hitchcock.
Apr. 20, 1908	21263	To establish postal savings-bank depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Burton, of Delaware.
Dec. 15, 1908	24144	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Steenerson.
Mar. 17, 1909	1476	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Madden.
Apr. 1, 1909	6108	To establish a postal savings-bank system, and to provide for the conduct and regulation of the same.	Mr. Madden.
Dec. 14, 1909	14551	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Foss.
Dec. 17, 1909	15799	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, for the investment of savings funds, and for other purposes.	Mr. Hitchcock.

Summary of bills introduced in Congress to establish a system of postal savings banks—Continued.

IN THE SENATE.

Date.	No. of bill.	Title of bill.	Introduced or reported by—
Mar. 13, 1878	917	To promote the deposit of savings and the refunding of the national debt.	Mr. Gordon.
Feb. 24, 1886	1622	To establish a postal savings depository as a branch of the Post-Office Department.	Mr. Miller.
Dec. 10, 1891	192	To establish postal savings banks and to encourage small savings.	Mr. Manderson.
Jan. 25, 1892	1828	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Mar. 25, 1892	2720	To encourage postal savings, especially in districts remote from money depositories, to invest the same, and to divide earnings among depositors.	Mr. Sawyer.
Aug. 8, 1893	107	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Aug. 15, 1893	441	To establish postal savings banks and to encourage the saving of money in small amounts.	Mr. Kyle.
Aug. 16, 1893	483	To establish postal savings banks and to encourage small savings.	Mr. Manderson.
June 1, 1894	2071	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Turpie.
Dec. 3, 1895	41	To establish postal savings depositories and subdepositories, and for other purposes.	Mr. Mitchell.
Dec. 4, 1895	273	To establish postal savings depositories and to provide for the conduct and regulation of the same.	Mr. Peffer.
Dec. 9, 1895	577	Providing for postal savings banks.....	Mr. Quay.
Mar. 18, 1897	684	To establish postal savings banks and to encourage the saving of money in small amounts.	Mr. Kyle.
Mar. 22, 1897	1049	To provide for a popular loan through postal savings notes.	Mr. Chandler.
July 13, 1897	2369	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Butler.
Dec. 7, 1897	2611	To establish a postal savings bank system and to provide for the conduct and regulation of the same.	Mr. Mason.
Jan. 31, 1898	3483	To establish a postal savings bank system and to provide for the conduct and regulation of the same.	Mr. Cockrell.
Jan. 31, 1898	3501	To establish a postal savings-bank system and to provide for the conduct and regulation of the same.	Mr. Mason.
Feb. 1, 1898	3527	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Butler.
Dec. 6, 1899	53	To establish postal savings banks and to encourage the saving of money in small amounts.	Mr. Kyle.
Dec. 12, 1899	1470	To establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes.	Mr. Butler.
Jan. 8, 1900	2192	To establish postal savings department, to encourage savings among the people, to furnish them a safe and reliable place to deposit their idle funds, and to put into actual use the money of the country.	Mr. Allen.
Dec. 5, 1907	1234	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Carter.
Feb. 3, 1908	4853	To establish a bureau of postal savings ..	Mr. Burkett
Feb. 19, 1908	5508	To establish a system of postal savings banks, and for other purposes.	Mr. Knox.
Apr. 2, 1908	6484	To establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Carter.
June 26, 1909	2763	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Carter.
Dec. 7, 1909	3323	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Burkett
Dec. 7, 1909	3380	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Borah.
Jan. 26, 1910	5753	To establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.	Mr. Borah.

APPENDIX H.

Because of the diversity of opinion entertained as to the practicability of a postal savings depository system in this country, it is pertinent to append the following extracts from official reports of the postmaster-general of Great Britain, submitted in the years 1861 to 1864, both inclusive, during which period the post-office savings bank was passing through its experimental stages:

"1861.

"*Post-office savings banks.*—During the present session of Parliament an act has been passed 'to enlarge the facilities now available for the deposit of small savings, and to make the general post-office available for that purpose, with the security of the Government for the due repayment thereof.'

"The subject has engaged the attention of many persons from the year 1806, when Mr. Whitbread proposed a somewhat similar measure to Parliament; but it has recently been brought before the public and the Government most prominently by Mr. Sikes, of Huddersfield, who has devoted much time and attention to the question.

"The plan, in accordance with which the act recently passed was framed and which will be shortly put in operation, differs materially from all those which had been previously proposed, and will afford the depositors a more complete security and a much larger amount of accommodation than had been contemplated in any previous proposal.

"The machinery for carrying this scheme into effect has been chiefly framed and devised by Mr. Chetwynd, the bookkeeper of the money-order office, and Mr. Scudamore, the receiver and accountant-general, to whom I feel much indebted for the ability and care they have bestowed on the subject, and which I trust in practice will prove successful.

"1862.

"*Post-office savings banks.*—The post-office savings-bank act, entitled 'An act to grant additional facilities for depositing small savings at interest, with the security of the Government for the due repayment thereof,' was passed on the 17th May and was put into operation on the 16th September, on which day 301 post-office savings banks were opened in England and Wales. In the interval between the 17th May and the 16th September the regulations for the conduct of the banks, an abstract of which will be found in the appendix, were framed and the general arrangements for the receipt and disposal of the deposits were perfected.

"These arrangements received, as indeed the great importance of the measure demanded that they should receive, long and careful consideration; and I am happy in being able to state that they were found from the commencement of the banks to be effective and sufficient, that they have required little modification, and that they have been carried out without difficulty.

"The public appreciation of the advantages of the measure was evinced at a very early period by the numerous applications which I received for extensions of the scheme to particular localities, with which I readily complied until the complete success in practice of the arrangements for working the scheme justified a general extension of its advantages to all parts of the Kingdom.

"A return which will be found in the appendix gives the names of all places in the United Kingdom at which post-office savings banks are at present established, with the date on which each bank was opened; but I may state here that there are in all 2,532, viz:

England	1,795
Wales	129
Scotland	299
Ireland	300
Islands	9

"According to the latest returns on the subject, the number of old savings banks in the United Kingdom is only 638.

"The extension of the scheme to Ireland and Scotland was effected on the 3d and 17th February, respectively.

* * * * * * *

"More than one-third of the whole amount deposited in the United Kingdom was received in London and the London district; that is, within 12 miles of the general post-office. One-half of the large sum received in Kent and ten-elevenths of the still larger sum received in Surrey were deposited in those portions of Kent and Surrey which lie within the limits of the London district. Staffordshire, Lancashire, Hampshire, Gloucestershire, and Yorkshire rank next, and in the order in which I have given them, after Middlesex, Surrey, and Kent.

"The following table gives the average amount of a deposit in the post-office savings banks and in old savings banks, according to the latest returns on the subject:

Country.	Average amount of a deposit in post-office savings banks.	Average amount of a deposit in old savings banks.
England	$18.16	$24.55
Wales	13.68	28.08
Scotland	8.25	16.64
Ireland	19.32	29.03
Islands	16.91	33.82
United Kingdom	17.68	23.87

"This table shows that the principal divisions of the United Kingdom are in the same relation to each other in the post-office savings banks as in the old savings banks, but it also shows that in each division of the Kingdom the post-office banks have reached a larger proportion of small depositors than the old savings banks have been able to attract. This gratifying result is doubtless attributable to the superior facilities given by the post-office banks, and especially to the fact that they are open daily and for several hours, and that they are situated almost at the door of the depositor.

"The total sum deposited in the United Kingdom up to the 31st of March included the sum of $677,277 transferred from old savings banks. A portion of this sum was transferred from the banks at Bermondsey, Braintree, Chesham, Cheshunt, Enfield, Hoxton, Kirkley, Stephen, Machynlleth, Carndonagh, and Gorey (Wexford), the trustees of which banks, having in view the superior facilities and the complete security afforded by the post-office banks, have determined to close the banks which they had hitherto maintained at some inconvenience to themselves for the benefit of their poorer neighbors. As it is exceedingly probable that the trustees of other savings banks may desire to follow a similar course of proceeding, I take this opportunity of stating that whenever any such intention is entertained I shall be glad to have early intimation in order that I may instruct my officers to render such assistance as may be required.

"The funds of friendly societies, charitable societies, and penny banks may be deposited in post-office savings banks on the following condition: Friendly societies duly enrolled or registered are entitled to pay in the whole of their funds; charitable or provident institutions may, with the approval of the postmaster-general, pay in an amount not exceeding £100 in the year or £300 in the whole; but the last-named institutions, first obtaining the sanction of the commissioners for the reduction of the national debt, may then pay the whole of their funds in like manner as friendly societies; and, lastly, penny banks, duly approved by the commissioners for the reduction of the national debt, may pay in the whole of their funds.

"On these conditions upward of 700 friendly societies, charitable societies, and penny banks have already deposited their funds in post-office savings banks.

"I can not conclude this short notice of the progress of post-office savings banks without expressing my sense of the manner in which those who have had to carry out the measure have acted. During the progress of the post-office savings bank bill through Parliament some fear was expressed that the subpostmasters would fail to carry out the details of the measure. I had good reason to think that my officers in every department of the post-office would be able to perform the duties required of them, and I am happy in being able to state that their subsequent conduct has fully equaled my expectations. The postmasters throughout the country have lent themselves cheerfully and readily to the work, and instead of merely carrying out their instructions perfunctorily and in ordinary course have exerted themselves to make known and to explain the advantages of the post-office savings banks and to facilitate, so far as lay in their power, the transactions of the poorer depositors.

"1863.

"The trustees of several of the old banks have already shown a disposition to relinquish the labor and responsibility which they have so long taken upon themselves from motives of benevolence and which are now no longer required of them.

* * * * * * *

"The voluntary retirement of the trustees of 36 of the old banks may be taken, I think, as a proof that the post-office banks are generally considered to have been efficiently conducted and to have provided sufficient savings-bank accommodation in a manner satisfactory to the public.

"1864.

"The progress and the success of the post-office savings banks have been so frequently and so recently described as to render it unnecessary for me here to enter into a further statement of the steps taken in the department under my control to carry into effect the act for granting "additional facilities for depositing small sums at interest with the security of the Government for due repayment thereof."

"The tables printed at pages 11 and 17 of this report show that the post-office savings banks have been successful in every part of the country, and that 'additional facilities' which they have afforded have stimulated the growth of prudent and frugal habits throughout the whole population of the Kingdom. It is at once matter of surprise and gratification to find that in a period of only two years and a half from the date of their establishment they should have attracted and retained 372,000 depositors and that the accumulated fund belonging to these depositors should have reached the sum of four millions (about $20,000,000),[a] but it is a matter of greater gratification to find, what is abundantly proved by the tables above referred to, that by the establishment of post-office savings banks the legislature has effected, not a mere transfer of depositors from one establishment to another, but a real and considerable increase in the total number of saving persons throughout the Kingdom. Those columns of the above-cited tables which show the number of depositors in old savings banks prior to the establishment of post-office banks, the numbers in old banks and post-office banks combined on March 31, 1864, and the consequent increase in the total numbers of savings-bank depositors will furnish many interesting illustrations of my statements.[b]

"As until the post-office savings banks were established facilities for the safe investment of small sums were given chiefly in wealthy and densely populated places, it need not be matter of surprise that the proportion of savings-bank depositors to population is higher in such localities. In the London district there is one depositor (taking the depositors in old banks and those in post-office banks together) for every 7 persons; in the 107 postal districts of England and Wales, 1 for every 15 persons; in the rest of England and Wales, 1 for every 15 persons; in Scotland, 1 for every 17 persons; and in Ireland, 1 for every 68 persons. I hope that under the operation of the post-office savings-bank system the proportion of depositors to population will rise greatly, even in thinly populated districts."

TABLE 1.—*Postal savings statistics.*

Established.	Country.	Report for year.	Number of depositors.	Total deposits.	Average holding.	Number of accounts for each 1,000 population.
1861	United Kingdom	1908	11,018,251	$781,794,533	$70.95	75
1863	Western Australia	1908	69,533	14,042,106	201.95	.....
1867	New Zealand	1907	319,773	56,077,803	175.37	338
1868	Canada	1909	155,895	45,190,434	289.88	22
1869	Belgium	1907	2,106,237	134,040,979	63.64	291
1871	New South Wales	1906	270,982	43,232,288	159.54	.....
1875	Japan[c]	1908	8,013,193	46,275,301	5.77	163

[a] The total standing to the credit of depositors at the end of the year 1908 was $782,000,000.

[b] These tables are not given; they relate to geographical divisions of the United Kingdom.

[c] Does not include statistics of Japanese postal savings banks in China and Korea.

TABLE 1.—*Postal savings statistics*—Continued.

Established.	Country.	Report for year.	Number of depositors.	Total deposits.	Average holding.	Number of accounts for each 1,000 population.
	Formosa	1907	70,152	$699,591	$9.97	22
1876	Italy	1908	4,981,920	290,808,886	58.37	164
	Straits Settlements	1907	3,716	339,880	91.46	.....
1881	Netherlands	1908	1,401,670	59,499,168	42.45	247
1882	France	1907	5,034,998	276,655,969	54.95	128
	British India	1908	1,262,763	49,253,632	39.00	6
	Tasmania	1906	17,813	2,336,173	131.15	.....
1882	Tunis	1907	5,415	1,080,413	199.52	3
1883	Austria	1907	2,064,403	44,269,223	21.45	75
1884	Sweden	1907	566,976	13,582,491	23.96	105
1884	Cape of Good Hope	1907	101,722	10,806,964	106.24	.....
1885	Bahamas	1908	2,297	153,918	67.01	.....
	Ceylon	1908	74,964	714,135	9.53	.....
1886	Hungary	1907	648,652	18,044,000	27.82	31
1887	Finland	1907	60,007	1,410,610	23.51	20
1888	Gold Coast	1907	1,279	78,820	57.72	.....
1889	Russia	1907	1,788,990	[a] 128,873,169	72.04	12
	British Guiana	1907	12,421	396,843	31.95	.....
1893	Transvaal	1907	53,000	6,538,843	123.36	.....
1896	Sierra Leone	1907	5,409	386,429	71.44	.....
1896	Bulgaria	1907	201,956	6,495,913	32.16	49
1897	Orange River Colony	1908	6,826	807,679	118.32	.....
1898	Dutch East Indies	1907	56,464	2,845,861	50.40	2
1901	Egypt	1908	86,728	1,986,755	22.91	8
1903	Federated Malay States	1908	3,739	393,863	105.34	.....
1904	Dutch Guiana[b]	1906	6,525	261,405	40.06	80
1905	Curaçao[c]	1907	3,250	52,143	16.04	.....
1905	Rhodesia	1906	(c)	163,582	(c)	.....
1906	Philippine Islands	1909	8,782	724,479	82.50	.....

[a] Cash deposits only; does not include value of public securities credited to depositors.
[b] Colonial Savings Bank reorganized as a postal savings bank April 1, 1904.
[c] No data.

TABLE 2.—*Table illustrating the growth of the postal savings banks of Europe in a decade.*

Country.	Year.	Depositors (deposit accounts).	Deposits.	Percentage of increase.	Average deposit.
Austria	1897	1,241,567	$23,127,717	91.41	$18.63
	1907	2,064,403	44,269,223		21.45
Belgium	1897	1,062,769	74,770,044	79.27	70.35
	1907	2,106,237	134,040,979		63.64
Bulgaria	1897	17,740	434,041	(a)	24.47
	1907	201,956	6,495,913		32.16
Finland	1897	24,933	386,120	265.33	15.49
	1907	60,007	1,410,610		23.51
France	1897	2,861,002	162,932,086	69.8	56.95
	1907	5,034,998	276,655,969		54.95
Hungary	1897	314,371	4,947,110	284.95	15.74
	1907	648,652	18,044,000		27.82
Italy	1898	3,302,064	110,072,639	164.19	33.33
	1908	4,981,920	290,808,886		58.37
Netherlands	1898	693,228	28,144,884	111.40	40.60
	1908	1,401,670	59,499,168		42.44
Russia	1898	653,470	42,800,963	201.10	65.45
	1907	1,788,990	128,873,169		72.07
Sweden	1897	495,383	15,572,805	[b]12.78	31.44
	1907	566,976	13,582,491		23.96
United Kingdom	1898	7,630,502	599,280,758	30.46	78.53
	1908	11,018,251	781,794,533		70.95

[a] Postal savings banks were but newly established in Bulgaria in 1897; therefore the percentage of increase in deposits is not shown.
[b] Whereas in each of the fifteen previous financial years the amount of deposits exceeded that of the withdrawals. In 1899, on the contrary, the latter exceeded the former by not less than 6,132,286 crowns (a crown being equal to 26.8 cents). This unfavorable result is due, on the one hand, to the fact that the rate of interest granted by private banks has been considerably increased during the year under review, and, on the other hand, to the fact that private banks now also accept small deposits on terms much more advantageous than those of the post-office savings bank, as they allow depositors to withdraw higher sums without giving notice in advance. Accordingly, a number of depositors who had invested their savings in the post-office savings bank when the rate of interest was higher than in private banks withdrew their capital to invest in the latter banks.

TABLE 3.—*Data relating to the postal-savings banks of foreign countries.*

	Rate of interest.	Minimum deposit.	Maximum drawing interest.	Maximum of one account.
Europe:	*Per cent.*			
Austria	3	[a] $0.203	$406	$406.
Belgium	(Up to $386) 3; (On excess) 2	.193	No limit	No limit.[b]
Bulgaria	4	.193	Individuals, $386; Institutions, $965	Individuals, $386. Institutions, $965.
France	2½	.193	Individuals, $289.50; Institutions, $2,895	Individuals, $289.50. Institutions, $2,895.
Hungary	3	.203	Individuals, $812; Institutions, $1,624	Individuals, $812. Institutions, $1,624.
Italy	[c] 2.04	.193	$386	No limit.
Netherlands	2.64	[d] .1005	Individuals, $482.40; Institutions, $964.80	Individuals, $482.40. Institutions, $964.80.
Sweden	3.6	.268	$536	$536.
United Kingdom	2½	.243	$973.30 [e]	$973.30.
North and South America:				
Bahamas	2½	.243	$973.30	$973.30.
British Guiana	2.40	(f)	$1,500	$1,500.
Canada	3	1.00	$5,000	$3,000.
Asia:				
British India	[g] 3–3½	.081	Adults, $648.86; Minors, $324.43	Adults, $1,622.16. Minors, $1,297.73.[h]
Ceylon	2.4	.507	$648.86	(i)
Straits Settlements	3	.487	$731.27	$731.27.
Dutch East Indies	2.4	.1005	$964.80	$964.80.
Japan	4.8	.05	$249	(j)
Africa:				
Cape Colony	3	.243	$2,919.90	$2,919.90.
Egypt	2½	.989; .247	$988.60	$988.60.
Orange River Colony	3	.243	$2,433.25	$2 919.90.
Sierra Leone	2½	.243	$2,433.25	$2,433.25.
Transvaal	3½	.243	$2,433.25	$2,919.90.
Australasia:				
New South Wales	3	.243	$2,433.25	Not given.
New Zealand	(Up to $1,459.95) 3½; (On excess) 3	.243	$2,433.25	$2,919.90.

[a] This may consist of stamps of small denominations.
[b] Not more than $965 may be deposited in any period of two weeks by one person.
[c] In 1905. From 1876 to 1878 the interest rate was 3 per cent; 1879 to 1886, 3½ per cent; 1887 to 1895, 3¼ per cent; 1896 and 1897, 3 per cent; 1898 to 1901, 2.88 per cent; 1902 to 1904, 2.76 per cent.
[d] Not more than $243.32 may be deposited in any one year by any person.
[e] Not more than $1,000 may be deposited in any one year by any person.
[f] Minimum deposit not stated. The smallest amount upon which interest is paid is $5.
[g] Interest at the rate of 3 per cent is paid on deposits "at call;" at the rate of 3½ per cent on those requiring six months' notice of withdrawal.
[h] Not more than $389.32 may be deposited in any one year by one person.
[i] $324.43 yearly or $973.30 in all may be deposited by one person for investment in government bonds.
[j] Should more than $249 be deposited the excess is invested in government bonds.

TABLE 4.—*Showing increase in savings deposits in foreign countries.*

	1898.		
	Postal.	Other.	Total.
Austria	$24,076,951	$357,127,547	$381,204,498
France	[a] 162,932,086	[a] 661,429,700	[a] 824,361,786
Hungary	5,368,784	130,340,007	135,708,791
Italy	[b] 89,166,000	[b] 344,152,587	[b] 433,318,587
Netherlands	28,144,884	31,643,832	59,788,716
Russia	42,800,963	233,866,307	276,667,270
Sweden	17,161,004	111,337,103	128,498,107
United Kingdom	599,280,758	[c] 3,598,747,551	4,198,028,309
Canada	34,480,938	15,482,100	49,963,038
Japan	10,940,327	46,642,188	57,582,515
New South Wales	24,459,365	21,679,649	46,139,014
New Zealand	24,126,993	3,840,233	27,967,226

	1905.		
	Postal.	Other.	Total.
Austria	$42,536,862	$1,044,260,773	$1,086,797,635
France	[d] 258,374,735	[e] 702,125,872	960,500,607
Hungary	13,975,300	506,886,128	520,861,428
Italy	206,224,600	349,609,671	555,834,271
Netherlands	52,231,689	37,061,988	89,293,677
Russia	88,613,475	856,237,197	944,850,672
Sweden	14,648,559	164,369,544	179,018,103
United Kingdom	740,248,862	[e] 4,026,347,440	4,766,596,302

[a] 1897.
[b] 1895.
[c] "Joint-stock" banks. The banks of the United Kingdom which accept only savings deposits do not report on their operations, so that statistics concerning them are very incomplete.
[d] 1906.
[e] 1907.

TABLE 4.—*Showing increase in savings deposits in foreign countries*—Continued.

	1905.		
	Postal.	Other.	Total.
Canada	$45,368,321	$25,050,966	$70,419,287
Japan	27,015,890	34,361,075	61,376,965
New South Wales	38,702,715	26,936,528	65,639,243
New Zealand	42,153,735	10,875,255	53,028,990

	Increase.		
	Postal.	Other.	Total.
Austria	$18,459,911	$687,133,226	$705,593,137
France	96,442,649	40,696,172	136,138,821
Hungary	8,606,516	376,546,121	385,152,637
Italy	117,058,600	5,457,084	122,515,684
Netherlands	24,086,805	5,418,156	29,504,961
Russia	45,812,512	622,370,890	668,183,402
Sweden	[a] 2,512,445	53,032,441	50,519,996
United Kingdom	140,968,104	427,599,889	568,567,993
Canada	10,887,383	9,568,866	20,456,249
Japan	16,075,563	[a] 12,281,113	3,794,450
New South Wales	14,243,350	5,306,879	19,550,229
New Zealand	18,026,742	7,035,022	[b] 25,061,764

[a] Decrease.
[b] There is but one bank in New Zealand which may be properly termed a "savings bank"—the Savings Bank of Victoria—and it is operated in conjunction with the postal savings-banks. Concerning this state of affairs, a recent British official report states: "On June 30, 1905, the Savings Bank of Victoria, with which have been amalgamated the post-office savings banks, had 54 banks and branches, with 328 agencies at post-offices in the states."

TABLE 5.—*Statement of the business of the post-office savings bank, Canada, year by year, from April 1, 1868, to March 31, 1908.*[a]

Period.	Number of post-office savings banks at close of periods.	Number of deposits received during period.	Total amount of deposits received during period.	Average amount of each deposit received during period.	Amount of depositors' accounts transferred from Dominion Government Savings Bank during period.
Three months ended June 30, 1868	81	3,247	$212,507.00	$65.44	
Year ended—					
June 30, 1869	213	16,653	927,885.00	55.71	
June 30, 1870	226	24,994	1,347,901.00	53.93	
June 30, 1871	230	33,256	1,917,576.00	57.66	
June 30, 1872	235	39,489	2,261,631.00	57.27	
June 30, 1873	239	44,413	2,306,918.00	51.94	
June 30, 1874	266	45,329	2,340,281.00	51.63	
June 30, 1875	268	42,508	1,942,346.00	45.69	
June 30, 1876	279	38,647	1,726,204.00	44.66	
June 30, 1877	287	36,126	1,521,000.00	42.10	
June 30, 1878	295	40,097	1,724,371.00	43.00	
June 30, 1879	297	43,349	1,973,243.00	45.52	
June 30, 1880	297	56,031	2,720,216.00	48.55	
June 30, 1881	304	71,747	4,175,042.00	58.19	
June 30, 1882	308	97,380	6,435,989.00	66.09	
June 30, 1883	330	109,489	6,826,266.00	62.35	
June 30, 1884	343	109,388	6,441,439.00	58.88	
June 30, 1885	356	116,576	7,098,479.00	60.89	
June 30, 1886	392	126,322	7,645,227.00	60.52	
June 30, 1887	415	143,076	8,272,041.00	57.81	
June 30, 1888	433	155,978	7,722,330.00	49.51	$217,385.10
June 30, 1889	463	166,235	7,926,634.00	47.67	1,085,979.72
June 30, 1890	494	154,678	6,599,896.00	42.67	167,501.53
June 30, 1891	634	147,672	6,500,372.00	44.02	389,169.28
June 30, 1892	642	145,423	7,056,062.00	48.52	
June 30, 1893	673	148,868	7,708,888.00	51.78	
June 30, 1894	699	145,960	7,524,286.00	51.55	218,173.60
June 30, 1895	731	143,685	7,488,028.00	52.11	493,889.23
June 30, 1896	755	155,398	8,138,947.00	52.37	449,981.61
June 30, 1897	779	161,151	8,223,000.00	51.02	1,856,474.31
June 30, 1898	814	179,814	9,183,693.00	51.07	786,868.48
June 30, 1899	838	174,658	8,310,630.00	47.58	
June 30, 1900	847	201,262	10,448,485.00	51.91	141,171.82
June 30, 1901	895	212,217	11,091,099.00	52.26	
June 30, 1902	915	219,678	11,382,035.00	51.81	415,507.96
June 30, 1903	934	231,619	12,060,825.00	52.07	
June 30, 1904	961	235,043	11,737,940.00	49.94	
June 30, 1905	989	223,281	10,503,870.00	47.04	252,773.93
June 30, 1906	1,011	233,803	10,805,458.00	46.21	559,593.31
Nine months ended March 31, 1907	1,043	186,916	8,803,233.00	47.09	1,216,168.80
Year ended March 31, 1908	1,084	242,386	12,293,544.17	50.71	59,243.71
Total period ended March 31, 1908	1,084	5,103,852	261,325,740.17	51.20	8,309,882.39

[a] From the annual report of the postmaster-general of Canada for the year ended December 31, 1908.

TABLE 5.—*Statement of the business of the post-office savings bank, Canada, year by year, from April 1, 1868, to March 31, 1908.*[a]—Continued.

Period.	Number of withdrawals during period.	Total amount withdrawn during period.	Average amount of each withdrawal during period.	Number of accounts opened during period.	Number of depositors' accounts transferred from Dominion Government Savings Bank during period.
Three months ended June 30, 1868	166	$8,857.48	$53.35	2,146	
Year ended—					
June 30, 1869	4,787	296,754.35	71.99	6,429	
June 30, 1870	9,478	664,555.51	70.11	7,823	
June 30, 1871	15,148	1,093,438.86	72.10	9,424	
June 30, 1872	20,154	1,778,565.19	81.33	10,846	
June 30, 1873	23,800	2,323,299.32	86.91	11,935	
June 30, 1874	25,814	2,468,643.42	86.04	12,043	
June 30, 1875	25,954	2,341,979.04	82.88	10,516	
June 30, 1876	24,152	2,021,457.97	77.11	10,218	
June 30, 1877	22,484	1,726,082.98	70.49	8,971	
June 30, 1878	21,941	1,713,658.79	70.55	10,058	
June 30, 1879	23,226	1,733,448.79	66.07	10,755	
June 30, 1880	26,716	2,015,813.16	69.89	14,407	
June 30, 1881	28,510	2,097,389.15	73.56	18,731	
June 30, 1882	35,859	3,461,619.31	96.53	25,778	
June 30, 1883	45,253	4,730,995.39	104.54	27,127	
June 30, 1884	56,026	5,649,611.13	100.84	23,562	
June 30, 1885	59,714	5,793,031.84	97.01	27,591	
June 30, 1886	62,205	6,183,470.60	99.40	29,103	
June 30, 1887	65,853	6,626,067.51	100.62	31,874	
June 30, 1888	78,229	7,514,071.78	96.05	37,515	723
June 30, 1889	81,572	7,532,145.56	89.06	38,049	2,962
June 30, 1890	90,151	8,575,041.98	95.12	32,127	570
June 30, 1891	84,963	7,875,977.57	92.67	29,791	1,124
June 30, 1892	77,381	7,230,839.14	93.44	28,943	
June 30, 1893	73,361	6,631,578.97	90.39	29,502	
June 30, 1894	84,941	7,473,585.46	87.98	23,116	662
June 30, 1895	85,588	7,310,291.97	85.41	27,938	1,647
June 30, 1896	87,221	7,406,066.13	84.91	30,100	1,969
June 30, 1897	91,398	7,656,086.64	83.76	30,236	5,722
June 30, 1898	94,532	8,553,178.42	93.65	33,722	2,279
June 30, 1899	95,090	9,021,862.56	94.88	30,172	
June 30, 1900	92,713	8,903,505.46	96.03	37,596	587
June 30, 1901	102,083	9,774,694.62	95.75	38,685	
June 30, 1902	105,946	10,617,070.50	100.21	38,886	712
June 30, 1903	104,393	11,379,756.94	109.01	39,786	
June 30, 1904	108,237	11,883,127.70	109.79	38,925	
June 30, 1905	110,157	12,129,101.23	110.11	35,376	572
June 30, 1906	106,923	12,324,529.26	115.26	37,681	879
Nine months ended March 31, 1907	79,338	9,330,766.39	117.35	30,282	3,310
Year ended March 31, 1908	116,435	13,610,865.95	116.89	42,530	279
Total period ended March 31, 1908	2,550,895	247,762,883.96	97.11	1,029,420	23,987

Period.	Number of accounts closed during period.	Number of accounts remaining open at close of period.	Interest allowed to depositors.	Total amount standing to the credit of all open accounts, inclusive of interest allowed, at close of period.	Average amount standing to credit of each open account at close of period.
Three months ended June 30, 1868	44	2,102	$939.37	$204,588.89	$97.33
Year ended—					
June 30, 1869	1,319	7,212	21,094.72	856,814.26	118.80
June 30, 1870	2,857	12,178	48,689.08	1,588,848.83	130.41
June 30, 1871	4,449	17,153	84,273.68	2,497,259.65	145.59
June 30, 1872	6,940	21,059	116,174.55	3,096,500.01	147.01
June 30, 1873	9,528	23,526	126,932.88	3,207,061.57	136.32
June 30, 1874	10,606	24,968	128,273.31	3,204,965.46	128.35
June 30, 1875	11,190	24,294	120,758.06	2,926,090.48	120.44
June 30, 1876	10,097	24,415	110,116.08	2,740,962.59	112.27
June 30, 1877	9,312	24,074	104,067.86	2,629,937.47	109.60
June 30, 1878	8,597	25,535	103,834.29	2,754,484.03	107.87
June 30, 1879	8,845	27,445	110,912.56	3,105,190.80	113.14
June 30, 1880	10,487	31,365	136,075.47	3,945,669.11	125.80
June 30, 1881	10,491	39,605	184,904.81	6,208,226.77	156.75
June 30, 1882	13,920	51,463	291,065.07	9,473,661.53	184.08
June 30, 1883	17,531	61,059	407,305.17	11,976,237.31	196.13
June 30, 1884	20,939	66,682	477,487.46	13,245,552.64	198.63
June 30, 1885	20,951	73,322	539,560.51	15,090,540.31	205.81
June 30, 1886	21,555	80,870	607,075.38	17,159,372.09	212.18
June 30, 1887	22,585	90,159	692,404.57	19,497,750.15	216.26
June 30, 1888	26,704	101,693	765,639.15	20,689,032.62	203.44
June 30, 1889	29,581	113,123	841,921.79	23,011,422.57	203.41
June 30, 1890	33,499	112,221	786,875.37	21,990,658.49	195.78
June 30, 1891	32,006	111,230	734,430.89	21,738,648.09	195.44
June 30, 1892	29,368	110,805	734,599.70	22,298,401.65	201.24
June 30, 1893	26,032	114,275	777,482.98	24,153,198.66	211.36
June 30, 1894	27,033	117,020	835,800.34	25,257,868.14	215.84
June 30, 1895	26,037	129,628	876,049.07	26,805,542.47	229.22
June 30, 1896	26,245	136,442	944,524.73	28,932,929.68	228.82
June 30, 1897	26,663	135,737	1,024,511.74	32,380,829.09	238.53
June 30, 1898	29,449	142,289	982,725.62	34,480,937.77	242.47
June 30, 1899	30,320	142,141	1,001,899.96	34,771,605.17	244.62
June 30, 1900	29,337	150,987	1,049,699.27	37,507,455.80	248.41
June 30, 1901	32,304	157,368	1,126,952.44	39,950,812.62	253.87
June 30, 1902	34,205	162,761	1,188,924.83	42,320,209.91	260.01
June 30, 1903	35,524	167,023	1,254,048.96	44,255,326.93	264.96
June 30, 1904	37,376	168,572	1,309,567.05	45,419,706.28	269.44
June 30, 1905	39,002	165,518	1,320,511.70	45,367,760.68	274.09
June 30, 1906	39,536	164,542	1,328,205.78	45,736,488.51	276.75
Nine months ended March 31, 1907	30,849	167,285	1,027,833.83	47,452,957.75	283.66
Year ended March 31, 1908	44,403	[c]165,691	1,369,404.60	[b]47,564,284.28	287.07
Total period ended March 31, 1908	887,716	165,691	25,691,545.68	47,564,284.28	287.07

[a] From the annual report of the postmaster-general of Canada for the year ended December 31, 1908.
[b] For the year 1909 the total deposits fell to $45,190,484. Number of depositors declined to 155,895.

TABLE 6.—*Deposits in banks of the United States, including the island possessions, on April 28, 1909.*[a]

	Individual deposits subject to check.	Savings deposits.	Demand certificates of deposit.	Time deposits, including time certificates of deposit.	Certified checks.
New England States:					
State banks	$11,041,580.29	$4,151,487.88	$599,411.22		$90,672.02
Savings banks	125,709.90	1,261,123,846.81	79,787.82	$3,248.01	
Loan and trust companies	260,548,421.29	89,631,808.65	11,432,773.46	21,963,929.39	6,064,507.62
Total	271,715,711.48	1,354,907,143.34	12,111,972.50	21,967,275.40	6,155,179.64
National banks	374,424,013.00	31,643,015.40	16,927,097.82	1,327,394.05	7,285,855.22
Grand total	646,139,724.48	1,386,550,158.74	29,039,070.32	23,294,669.45	13,441,034.86
Eastern States:					
State banks	396,842,773.07	125,221,332.43	13,522,643.67	14,319,689.25	37,121,952.03
Savings banks	10,922,716.91	1,767,999,928.31	259,163.81	1,183,783.61	68,193.29
Private banks	5,671,392.44	1,128,146.52	1,369,168.24	3,639,264.19	1,320.12
Loan and trust companies	1,254,157,637.17	178,709,462.32	63,792,018.13	201,426,629.77	9,902,232.49
Total	1,667,594,519.59	2,073,058,869.58	78,942,993.85	220,569,366.82	47,093,697.93
National banks	1,459,029,972.78	176,814,128.19	114,743,820.50	47,983,063.28	101,139,834.03
Grand total	3,126,624,492.37	2,249,872,997.77	193,686,814.35	268,552,430.10	148,233,531.96
Southern States:					
State banks	271,764,630.67	46,555,103.96	7,424,511.40	62,241,086.22	571,510.98
Savings banks	25,344,200.72	43,822,432.45	2,324,885.01	9,015,776.84	66,080.96
Private banks	11,251,712.08	584,543.00	117,466.34	889,129.56	3,951.73
Loan and trust companies	37,680,540.98	12,003,850.11	566,659.41	6,071,953.34	62,814.78
Total	346,041,084.45	102,965,929.52	10,433,522.16	78,217,945.96	704,358.45
National banks	396,708,359.57	41,146,963.71	32,993,033.27	39,594,934.44	1,125,230.81
Grand total	742,749,444.02	144,112,893.23	43,426,555.43	117,812,880.40	1,829,589.26
Middle Western States:					
State banks	380,404,245.57	219,104,444.43	68,357,997.52	228,940,668.13	2,420,010.00
Savings banks	42,749,045.55	206,427,937.50	5,894,944.27	51,103,608.49	376,289.11
Private banks	68,931,533.61	13,086,533.13	23,409,134.11	34,598,303.64	557,577.46
Loan and trust companies	220,855,746.24	271,607,528.54	12,329,919.59	63,271,330.91	1,621,578.47
Total	712,940,570.97	710,226,443.60	109,991,995.49	377,913,911.17	4,975,455.04
National banks	800,410,503.64	107,330,678.84	166,025,781.34	175,516,632.72	4,709,979.48
Grand total	1,513,351,074.61	817,557,122.44	276,017,776.83	553,430,543.89	9,685,434.52
Western States:					
State banks	184,975,486.97	3,716,144.11	15,610,504.86	71,716,555.59	609,367.29
Savings banks	4,567,503.62	7,784,470.41	465,041.48	2,925,739.76	4,742.27
Private banks	6,985,019.67	247,806.20	619,661.34	2,692,945.58	250.00
Loan and trust companies	11,801,834.60	4,679,371.81	1,583,678.30	2,285,287.36	23,747.82
Total	208,329,844.86	16,427,792.53	18,278,885.98	79,620,528.29	638,107.38
National banks	250,504,752.88	3,871,616.60	28,153,669.58	85,908,923.96	1,027,102.67
Grand total	458,834,597.74	20,299,409.13	46,432,555.56	165,529,452.25	1,665,210.05
Pacific States:					
State banks	150,744,666.68	50,528,162.77	12,482,913.75	32,873,182.48	792,642.02
Savings banks	20,061,557.27	219,445,311.90	1,129,874.46	24,891,573.71	126,916.13
Private banks	9,446,447.59	325,917.59	836,480.99	706,629.90	22,477.54
Loan and trust companies	41,109,439.80	20,151,078.08	2,097,161.00	4,861,146.47	187,974.33
Total	221,362,111.34	290,450,470.34	16,546,430.20	63,332,532.56	1,131,010.02
National banks	232,632,492.48	15,105,516.06	19,790,715.72	16,656,878.06	1,287,253.08
Grand total	453,994,603.82	305,555,986.40	36,337,145.92	79,989,410.62	2,418,263.10
Island possessions:					
State banks	13,792,803.86	2,072,375.52	193,361.70	3,197,047.49	130,878.94
Private banks					
National banks	1,015,949.59	140,611.79	55,883.86	24,760.02	275.36
Grand total	14,808,753.45	2,212,987.31	249,245.56	3,221,807.51	131,154.30
United States and islands:					
State banks	1,409,566,187.11	451,349,051.10	118,191,344.12	413,288,229.16	41,738,033.28
Savings banks	103,770,733.97	3,506,603,927.38	10,153,696.85	89,123,828.42	642,221.76
Private banks	102,286,105.39	15,372,946.44	26,351,911.02	42,526,272.87	585,576.85
Loan and trust companies	1,826,153,620.08	576,783,099.51	91,802,209.89	299,880,277.24	17,862,855.51
Total	3,441,776,646.55	4,550,109,024.43	246,499,161.88	844,818,607.69	60,828,687.40
National banks	3,514,726,043.94	376,052,530.59	378,690,002.09	367,012,586.53	146,575,530.65
Grand total, United States and islands (22,491 banks)	6,956,502,690.49	4,926,161,555.02	625,189,163.97	1,211,831,194.22	177,404,218.05

	Cashier's, treasurer's, or secretary's checks outstanding.	Deposits not classified.	United States deposits.	Total.	Total, exclusive of United States deposits.
New England States:					
State banks	$26,213.95			$15,909,365.36	$15,909,365.36
Savings banks	6,827.11	$609,710.30		1,261,949,227.95	1,261,949,227.95
Loan and trust companies	1,782,247.05	57,643.77		391,481,331.23	391,481,331.23
Total	1,815,288.11	667,354.07		1,669,339,924.54	1,669,339,924.54
National banks	5,302,194.96		$3,480,073.66	440,389,644.11	436,909,570.45
Grand total	7,117,483.07	667,354.07	3,480,073.66	2,109,729,568.65	2,106,249,494.99

[a] From the report of the National Monetary Commission.

TABLE 6.—*Deposits in banks of the United States, including the island possessions, on April 28, 1909* *—Continued.

	Cashier's, treasurer's, or secretary's checks outstanding.	Deposits not classified.	United States deposits.	Total.	Total, exclusive of United States deposits.
Eastern States:					
State banks	$2,615,897.38	$145,000.00		$589,788,787.83	$589,788,787.83
Savings banks	25,463.97	187,685.16		1,780,646,935.06	1,780,646,935.06
Private banks	39,193.64	280,380.07		12,128,870.22	12,128,870.22
Loan and trust companies	4,296,926.73	8,170,130.39		1,720,455,037.00	1,720,455,037.00
Total	6,976,986.72	8,783,195.62		4,103,019,630.11	4,103,019,630.11
National banks	44,984,981.61		$15,992,423.37	1,960,688,223.76	1,944,695,800.39
Grand total	51,961,968.33	8,783,195.62	15,992,423.37	6,063,707,853.87	6,047,715,430.50
Southern States:					
State banks	942,492.92	3,147,376.45		392,646,712.60	392,646,712.60
Savings banks	67,832.85	727,895.90		81,369,104.73	81,369,104.73
Private banks	17,235.44	28,118.26		12,892,156.41	12,892,156.41
Loan and trust companies	191,307.79	1,537,745.23		58,114,871.64	58,114,871.64
Total	1,218,869.00	5,441,135.84		545,022,845.38	545,022,845.38
National banks	2,646,231.70		13,908,886.99	528,123,640.49	514,214,753.50
Grand total	3,865,100.70	5,441,135.84	13,908,886.99	1,073,146,485.87	1,059,237,598.88
Middle Western States:					
State banks	3,610,135.64	262,239.41		903,099,740.70	903,099,740.70
Savings banks	233,519.71			306,785,344.63	306,785,344.63
Private banks	87,396.35	3,851,112.85		144,521,591.15	144,521,591.15
Loan and trust companies	2,978,723.18	3,104,420.50		575,769,247.43	575,769,247.43
Total	6,909,774.88	7,217,772.76		1,930,175,923.91	1,930,175,923.91
National banks	12,009,423.54		20,563,823.23	1,286,566,822.79	1,266,002,999.56
Grand total	18,919,198.42	7,217,772.76	20,563,823.23	3,216,742,746.70	3,196,178,923.47
Western States:					
State banks	1,300,390.89	488,048.42		278,416,498.13	278,416,498.13
Savings banks	36,274.50	676,280.97		16,460,053.01	16,460,053.01
Private banks	26,704.08	5,717.41		10,578,104.28	10,578,104.28
Loan and trust companies	127,628.34			20,501,548.23	20,501,548.23
Total	1,490,997.81	1,170,046.80		325,956,203.65	325,956,203.65
National banks	4,732,147.60		8,311,139.75	382,509,353.04	374,198,213.29
Grand total	6,223,145.41	1,170,046.80	8,311,139.75	708,465,556.69	700,154,416.94
Pacific States:					
State banks	812,617.89	11,211,714.85		259,446,900.44	259,446,900.44
Savings banks	534,847.58	4,963.37		266,195,044.42	266,195,044.42
Private banks	63,146.75	1,741,401.89		13,142,502.25	13,142,502.25
Loan and trust companies	1,106,345.58			69,513,145.26	69,513,145.26
Total	2,516,957.80	12,958,080.11		608,297,592.37	608,297,592.37
National banks	3,328,711.17		7,814,016.43	296,615,583.00	288,801,566.57
Grand total	5,845,668.97	12,958,080.11	7,814,016.43	904,913,175.37	897,099,158.94
Island possessions:					
State banks	79,060.96	8,185,132.23		27,650,660.70	27,650,660.70
Private banks					
National banks			331,455.56	1,568,936.18	1,237,480.62
Grand total	79,060.96	8,185,132.23	331,455.56	29,219,596.88	28,888,141.32
United States and islands:					
State banks	9,386,309.63	23,439,511.36		2,466,958,665.76	2,466,958,665.76
Savings banks	904,765.72	2,206,585.70		3,713,405,709.80	3,713,405,709.80
Private banks	233,681.26	5,906,730.48		193,263,224.31	193,263,224.31
Loan and trust companies	10,483,178.67	12,869,939.89		2,835,835,180.79	2,835,835,180.79
Total	21,007,935.28	44,422,717.43		9,209,462,780.66	9,209,462,780.66
National banks	73,003,690.58		70,401,818.99	4,896,462,203.37	4,826,060,384.38
Grand total, United States and islands (22,491 banks)	94,011,625.86	44,422,717.43	70,401,818.99	14,105,924,984.03	14,035,523,165.04

* From the report of the National Monetary Commission.

TABLE 7.—*Post-office savings banks of the United Kingdom—Abridged statement of business for ten years.*

Year.	To credit of depositors at end of year.	Deposited during year.	Per cent of total holdings.	Withdrawn during year.	Per cent of total holdings.	Interest credited to depositors.	Accounts.		
							Opened.	Closed.	Open at close of year.
1907	$766,474,125	$215,183,432	28	$225,969,270	29	$18,103,258	$1,674,586	$1,314,815	$10,692,755
1906	759,156,704	214,031,487	28	212,972,649	28	17,849,008	1,600,105	1,230,370	10,332,784
1905	740,248,862	205,855,953	28	204,860,364	28	17,359,808	1,435,329	1,145,997	9,963,049
1904	721,893,466	197,643,004	27	203,927,729	28	17,011,498	1,350,357	1,080,992	9,675,717
1903	711,166,692	198,831,593	28	208,218,191	29	17,832,630	1,342,040	1,071,349	9,403,852
1902	703,720,660	205,449,045	29	201,452,661	29	16,502,151	1,386,962	1,041,476	9,133,161
1901	683,222,126	201,726,406	30	194,124,894	28	15,968,266	1,376,846	1,029,154	8,787,675
1900	659,652,847	197,173,226	30	186,052,972	28	15,309,902	1,376,171	982,868	8,439,983
1899	633,222,191	190,387,992	30	171,161,983	27	14,715,425	1,373,799	957,621	8,046,680
1898	599,380,758	180,821,385	30	160,364,942	27	13,812,606	1,333,395	942,654	7,630,502

TABLE 8.—*Number of depositors, amounts of deposits, and average deposits, by specified countries and by grand divisions, 1897 to 1907–8, in postal savings banks.*

[Compiled by the Bureau of Statistics, Department of Commerce and Labor, from official reports of the respective governments.]

EUROPE.

AUSTRIA.

Calendar year.	Number of depositors.	Amount of deposits.	Average deposit.
1897	1,241,567	$23,127,717	$18.63
1898	1,318,626	23,316,523	17.68
1899	1,415,348	26,877,778	18.91
1900	1,484,607	28,599,030	19.27
1901	1,547,541	30,355,244	19.61
1902	1,610,530	32,870,985	20.41
1903	1,694,702	36,568,590	21.58
1904	1,798,018	39,937,633	22.21
1905	1,900,194	42,536,862	22.38
1906	2,004,487	44,208,710	22.05
1907	2,064,403	44,269,223	21.45

BELGIUM.

1897	1,062,769	$74,770,044	$70.35
1898	1,177,423	81,142,240	68.92
1899	1,289,659	88,619,241	68.72
1900	1,390,047	97,207,412	69.93
1901	1,483,270	108,372,734	73.06
1902	1,582,442	108,770,680	68.74
1903	1,681,031	110,996,287	66.03
1904	1,785,145	116,052,662	65.01
1905	1,885,857	121,302,054	64.32
1906	1,994,130	126,481,656	63.42
1907	2,106,237	134,040,979	63.64

BULGARIA.

1896	8,186	$169,904	$107.54
1897	17,740	434,041	126.77
1898	29,290	656,841	116.19
1899	40,867	822,249	104.25
1900	53,194	989,883	96.43
1901	67,795	1,371,962	104.85
1902	84,098	1,643,545	101.26
1903	101,038	[a] 2,247,661	115.26
1904	124,007	[a] 3,267,353	136.52
1905	148,963	[a] 4,465,778	155.33
1906	175,630	[a] 5,735,866	169.22
1907	201,956	[a] 6,425,913	166.66

FINLAND.

1897	24,933	$386,120	$15.49
1898	30,203	509,536	16.87
1899	35,347	589,822	16.69
1900	40,188	720,013	17.92
1901	42,965	789,014	18.36
1902	47,451	835,367	17.60
1903	53,503	981,280	18.34
1904	56,462	1,034,184	18.32
1905	53,455	1,004,488	18.79
1906	57,555	1,213,973	21.09
1907	60,007	1,410,610	23.51

FRANCE.

1897	2,861,002	$162,982,086	$56.95
1898	3,073,737	168,879,128	54.94
1899	3,319,938	179,384,676	54.03
1900	3,565,941	194,980,796	54.96
1901	3,805,881	208,515,240	54.79
1902	3,991,412	213,603,320	53.52
1903	4,143,888	215,766,294	52.07
1904	4,345,446	229,158,291	52.74
1905	4,577,390	246,703,726	53.90
1906	4,794,874	258,374,735	53.89
1907	5,034,998	276,655,969	54.95

HUNGARY.

1897	314,371	$4,947,110	$15.74
1898	337,936	5,368,741	15.89
1899	364,775	5,983,628	16.40
1900	389,083	6,632,822	17.05
1901	416,328	7,579,614	18.21
1902	446,695	8,851,815	19.82
1903	484,834	10,713,325	22.10
1904	525,818	12,457,907	23.70
1905	563,973	13,975,332	24.78
1906	607,456	15,963,717	26.28
1907	648,652	18,044,000	27.82

ITALY.

1897	3,141,305	$103,562,104	$32.97
1898	3,302,064	110,072,639	33.34
1899	3,633,063	121,301,197	33.39
1900	3,990,983	131,652,256	32.99
1901	4,318,612	138,913,421	32.14
1902	4,648,966	151,212,172	32.53
1903	4,969,588	167,760,286	33.76
1904	5,283,063	189,810,340	35.93
1905	5,527,322	$206,198,239	$37.31
1906	[a] 4,689,669	233,655,238	49.82
1907	4,904,714	273,702,695	55.80
1908	4,981,920	290,808,886	58.37

[a] Including the value of accrued interest on the securities held to the credit of the depositors.

TABLE 8.—*Number of depositors, amounts of deposits, etc.*—Continued.

EUROPE—Continued.

ITALY—Continued.

Calendar year.	Number of depositors.	Amount of deposits.	Average deposit.

NETHERLANDS.

1897	627,409	$24,781,885	$39.50
1898	693,228	28,144,884	40.60
1899	764,201	31,494,544	41.21
1900	829,131	34,048,200	41.06
1901	896,761	37,696,209	42.04
1902	966,433	40,839,011	42.26
1903	1,035,527	44,028,527	42.52
1904	1,111,590	48,414,706	43.55
1905	1,184,316	52,231,689	44.10
1906	1,259,681	56,152,681	44.58
1907	1,336,846	58,489,392	43.75
1908	[b] 1,401,670	59,499,168	42.45

RUSSIA.

1898	653,470	[c] $42,800,963	$65.47
1899	757,770	[c] 52,003,765	68.63
1900	897,618	[c] 59,214,719	65.97
1901	1,023,013	[c] 67,566,287	66.05
1902	1,163,310	[c] 77,043,466	66.23
1903	1,337,680	[c] 92,030,380	68.80
1904	1,429,924	[c] 95,153,056	66.54
1905	1,402,952	[c] 87,710,824	62.52
1906	1,605,708	[c] 111,780,641	69.61
1907	1,788,990	[c] 128,873,169	72.04

SWEDEN.

1897	495,383	$15,572,805	$31.44
1898	535,305	17,161,004	32.06
1899	556,544	16,062,354	28.86
1900	566,805	15,131,653	26.70
1901	573,800	14,532,663	25.33
1902	577,027	14,449,595	25.02
1903	570,686	14,601,228	25.59
1904	570,203	14,849,881	26.04
1905	567,023	14,648,559	25.83
1906	569,155	14,498,185	25.47
1907	566,976	13,582,491	23.96

UNITED KINGDOM.

1897	7,239,761	$564,011,709	$77.90
1898	7,630,502	599,280,768	78.54
1899	8,046,680	633,222,191	78.69
1900	8,439,983	659,652,347	78.16
1901	8,787,675	683,222,126	77.75
1902	9,133,161	703,720,660	77.05
1903	9,403,852	711,166,692	75.62
1904	9,673,717	721,893,466	74.63
1905	9,963,049	740,248,863	74.30
1906	10,332,784	759,156,204	73.47
1907	10,692,555	766,474,125	71.68
1908	11,018,251	781,794,533	70.95

AMERICA.

BAHAMAS.

1897	1,015	$46,344	$45.66
1898	1,197	50,689	45.79
1899	1,240	63,600	51.29
1900	1,350	74,156	54.93
1901	1,421	79,976	56.28
1902	[d] 1,480	80,823	54.61
1903	[e] 1,610	93,933	58.34
1904	[e] 1,700	96,298	56.65
1905	[e] 1,864	114,027	61.17
1906	[e] 1,971	122,616	62.21
1907	[e] 2,151	144,778	67.31
1908	[e] 2,297	153,918	67.01

CANADA.[g]

1897	135,737	$32,380,829	$238.56
1898	142,289	34,489,938	242.33
1899	142,141	34,771,605	244.63
1900	150,987	37,507,456	248.48
1901	157,368	39,950,813	253.87
1902	162,761	42,320,208	260.01
1903	167,023	44,253,327	264.96
1904	168,572	45,419,706	269.44
1905	165,518	45,368,321	274.10
1906	164,542	45,736,489	277.96
1907[f]	167,285	47,453,228	283.67
1908[f]	165,691	47,564,284	287.07
1909[f]	155,895	45,190,484	289.88

[a] Diminution due mainly to canceling, by prescription, of deposits credited with less than 1 lira each.

[b] Preliminary figures, taken from Maandschrift van het Centraal Bureau voor de Statistiek, January 30, 1909.

[c] Cash deposits only, exclusive of the value of public securities held to the credit of depositors.

[d] For six months ending June 30.

[e] For years ended June 30.

[f] Years ending March 31.

TABLE 8.—*Number of depositors, amounts of deposits, etc.*—Continued.

AMERICA—Continued.

BRITISH GUIANA.

Calendar year.	Number of depositors.	Amount of deposits.	Average deposit.
1897	5,995	$166,517	$27.77
1898	7,225	210,597	29.15
1899	7,853	212,252	27.03
1900	8,263	225,674	27.31
1901	8,262	238,332	28.85
1902	8,678	261,851	30.17
1903	9,189	263,506	28.68
1904	9,158	266,996	29.15
1905	9,966	324,075	32.51
1906	11,192	369,542	33.02
1907	12,421	396,843	31.95

DUTCH GUIANA.[a]

1904	4,967	$205,876	$41.45
1905	5,785	230,262	39.80
1906	6,525	261,405	40.06

CURACAO.[a]

1905	1,406	$13,741	$9.77
1906	1,981	37,604	18.98
1907	3,250	52,143	16.04

ASIA.

BRITISH INDIA.[b]

1897[c]	742,215	$35,320,382	$47.59
1898[c]	755,426	34,249,564	45.34
1899[c]	783,559	35,010,256	44.68
1900	785,729	31,296,290	39.83
1901	816,651	32,583,673	39.90
1902	866,693	34,656,368	39.99
1903	922,353	37,055,325	40.17
1904	987,635	40,014,543	40.52
1905	1,058,813	43,496,819	41.08
1906	1,115,758	45,396,743	40.69
1907	1,190,220	47,909,002	40.25
1908	1,262,768	49,253,632	39.00

CEYLON.

1897	50,596	$342,086	$6.76
1898	43,003	356,559	8.28
1899	43,850	378,959	8.64
1900	51,778	407,905	7.88
1901	54,426	429,099	7.88
1902	57,007	472,007	8.28
1903	58,121	520,730	8.96
1904	60,884	548,425	9.01
1905	63,850	567,147	8.88
1906	66,949	615,714	9.20
1907	71,018	686,887	9.67
1908	74,964	714,135	9.53

STRAITS SETTLEMENTS.

1897	2,021	$173,229	$85.71
1898	2,244	191,610	85.40
1899	2,404	204,031	84.87
1900	2,504	211,515	84.47
1901	2,745	227,133	82.74
1902	2,951	223,693	75.80
1903	3,078	248,600	80.76
1904	3,109	257,351	82.77
1905	3,310	271,798	82.11
1906	3,571	330,594	92.58
1907	3,716	339,880	91.46

FEDERATED MALAY STATES.

1903	2,507	$136,936	$54.62
1904	2,477	146,002	58.94
1905	2,637	149,505	56.70
1906	2,974	201,909	67.89
1907	3,320	203,283	61.23
1908	3,739	393,863	105.34

DUTCH EAST INDIES.[d]

1898	6,114	$308,200	$50.41
1899	17,010	836,710	49.19
1900	22,327	1,140,871	51.10
1901	26,535	1,367,540	51.54

[a] Colonial Savings Bank reorganized as a postal savings bank April 1, 1904.
[b] Figures for the year ended March 31.
[c] Includes transactions of military savings banks and of provident institutions.
[d] Postal savings banks opened in 1898.

TABLE 8.—*Number of depositors, amounts of deposits, etc.*—Continued.

ASIA—Continued.

DUTCH EAST INDIES[a]—continued.

Calendar year.	Number of depositors.	Amount of deposits.	Average deposit.
1902	30,058	$1,576,290	$52.44
1903	33,550	1,920,370	57.24
1904	38,424	2,379,437	61.93
1905	46,478	2,643,050	56.86
1906	49,566	2,841,535	57.33
1907	56,464	2,845,861	50.40

JAPAN.[b]

1897	1,273,363	$14,069,096	$11.05
1898	1,253,638	12,825,620	10.23
1899	1,239,657	10,940,327	8.83
1900	1,396,147	11,658,747	8.35
1901	1,979,640	11,934,788	6.03
1902	2,363,335	13,544,007	5.73
1903	2,859,143	$14,718,253	$5.15
1904	3,501,353	15,758,653	4.50
1905	4,929,189	20,817,090	4.22
1906	5,848,498	27,015,890	4.62
1907	7,282,497	38,205,134	5.25
1908	8,013,193	46,275,301	5.77

FORMOSA (TAIWAN).[c]

1898	10,966	$200,607	$18.29
1899	14,697	241,935	16.46
1900	22,520	278,372	12.37
1901	27,669	321,323	11.61
1902	33,866	326,680	9.65
1903	41,145	380,231	9.24
1904	50,826	451,709	8.88
1905	56,870	430,972	7.58
1906	63,332	552,408	8.72
1907	70,152	699,591	9.97

AFRICA.

CAPE OF GOOD HOPE.

1897	52,957	$7,876,124	$148.73
1898	58,953	8,452,001	143.37
1899	62,356	8,440,652	135.36
1900	70,812	9,903,313	139.85
1901	82,753	12,218,628	147.65
1902	92,413	13,266,439	143.56
1903	95,590	12,401,837	129.74
1904	99,421	11,911,790	119.81
1905	98,328	11,032,093	112.18
1906	99,961	10,850,387	108.55
1907	101,722	10,806,964	106.24

GOLD COAST.

1897	418	$18,551	$44.38
1898	469	24,371	51.97
1899	458	24,186	52.81
1900	271	21,685	80.02
1901	341	21,705	63.65
1902	431	25,890	60.07
1903	615	28,172	45.81
1904	405	34,094	84.18
1905	648	43,774	67.55
1906	890	62,374	70.08
1907	1,279	73,820	57.72

ORANGE RIVER COLONY.

1897	(d)		
1898	d 1,231	$95,865	$77.88
1899	904	33,506	37.06
1900	(d)		
1901	(d)		
1902	f 2,272	327,841	144.29
1903	f 3,721	547,861	147.23
1904	f 4,931	764,917	155.12
1905	f 5,645	828,439	146.76
1906	f 6,120	771,340	126.03
1907	f 6,433	769,204	119.57
1908	6,826	807,679	

RHODESIA.[g]

1905	(h)	$108,528	(h)
1906	(h)	163,582	(h)

[a] Postal earnings bank opened in 1898.
[b] For the years ending March 31. Exclusive of data for savings banks in Taiwan, China, and Korea.
[c] Figures for the year ended March 31.
[d] Can not be stated.
[e] Returns for period from October 15, 1897, to December 31, 1898.
[f] Returns for years ended June 30.
[g] Bank established January 1, 1905.
[h] No date.

TABLE 8.—*Number of depositors, amounts of deposits, etc.*—Continued.

AFRICA—Continued.

SIERRA LEONE.

Calendar year.	Number of depositors.	Amount of deposits.	Average deposit.
1897	3,324	$196,903	$59.24
1898	4,562	210,739	46.19
1899	3,581	232,765	65.00
1900	3,950	238,079	60.27
1901	4,116	236,094	57.85
1902	4,570	240,026	52.52
1903	5,307	280,388	52.83
1904	5,522	302,273	54.74
1905	5,623	303,085	53.90
1906	4,991	334,840	67.09
1907	5,409	386,429	71.44

TRANSVAAL.

1897	10,391	$1,321,493	$127.19
1898	12,544	1,614,262	128.69
1899	9,945	345,312	34.73
1900	(a)	(a)	(a)
1901	(a)	(a)	(a)
1902	[b]12,020	720,651	59.95
1903	[c]27,940	3,298,859	118.07
1904	[c]35,059	4,363,484	124.46
1905	[c]40,844	5,224,601	127.92
1906	[c]47,092	6,263,769	133.01
1907	[c]53,000	6,538,843	123.36

EGYPT.

1901	7,149	$187,834	$26.27
1902	13,587	425,098	31.29
1903	20,199	646,752	32.02
1904	29,152	889,147	30.50
1905	43,424	1,168,624	26.91
1906	59,084	1,636,489	27.70
1907	74,179	1,928,749	26.00
1908	86,728	1,986,755	22.91

TUNIS.

1897	2,481	$433,858	$174.87
1898	2,485	459,234	184.81
1899	3,097	511,179	165.06
1900	3,078	523,836	170.19
1901	3,365	575,005	170.88
1902	3,614	640,381	177.19
1903	3,863	703,845	182.20
1904	4,088	787,093	192.54
1905	4,424	838,178	189.46
1906	4,795	923,392	192.58
1907	5,415	1,080,413	199.52

OCEANIA.

WESTERN AUSTRALIA.[d]

1897	26,317	$4,166,133	$158.31
1898	29,791	5,217,170	175.13
1899	29,371	5,431,680	184.94
1900	32,646	6,322,284	187.91
1901	39,318	7,875,744	200.31
1902	45,108	9,193,218	203.80
1903	48,008	9,677,644	201.59
1904	54,873	10,121,167	184.45
1905	59,764	10,741,806	179.74
1906	63,573	11,271,598	177.30
1907	66,737	12,814,151	192.01
1908	69,533	14,042,106	201.95

NEW ZEALAND.

1897	159,331	$23,091,178	$144.93
1898	169,968	24,126,993	141.95
1899	183,046	25,891,585	141.45
1900	197,408	28,272,186	143.22
1901	212,436	30,902,338	145.47
1902	227,465	33,499,950	147.29
1903	243,675	35,957,021	147.56
1904	259,164	37,770,765	145.74
1905	276,066	42,153,735	152.70
1906	298,746	48,437,568	162.10
1907	319,773	56,077,808	175.37

PHILIPPINE ISLANDS.[d]

1906	(e)		
1907	2,676	$255,050	$111.77
1908	5,389	515,997	95.75
1909	8,782	724,479	82.50

[a] Can not be stated.
[b] Returns for six months ended June 30.
[c] Returns for year ended June 30.
[d] Figures for the year ended June 30.
[e] First opened October 1, 1906.

TABLE 9.—*Post-office savings bank—Statement of business for each of the last ten years.*[a]

Year ended December 31—	Number of post-office savings-bank offices.	Deposits.[b] Number.	Amount.	Average amount.	Number of persons who deposited in single sums the entire amount allowed in the year.
			£	£ s. d.	
1899	12,995	14,654,609	39,122,160	2 13 5	51,700
1900	13,341	14,969,849	40,516,434	2 14 2	48,100
1901	13,672	15,018,645	41,452,051	2 15 2	48,900
1902	14,048	15,250,316	42,217,003	2 15 4	49,800
1903	14,362	15,325,613	40,857,206	2 13 4	46,200
1904	14,614	15,466,928	40,612,967	2 12 6	43,000
1905	14,862	16,320,204	42,300,617	2 11 10	44,700
1906	15,055	17,997,023	43,980,579	2 8 11	43,200
1907	15,166	18,771,969	44,217,288	2 7 1	39,500
1908	15,239	18,379,991	44,770,782	2 8 9	42,000

Year ended December 31—	Withdrawals.[c] Number.	Amount.	Average amount.	Interest credited to depositors.	Amount including interest, standing to credit of all open accounts at close of the year.
		£	£ s. d.	£	£
1899	5,094,033	35,171,475	6 18 1	3,023,821	130,118,605
1900	5,406,347	38,231,372	7 1 5	3,145,978	135,549,645
1901	5,748,624	39,890,043	6 18 9	3,281,263	140,392,916
1902	6,012,983	41,396,800	6 17 8	3,390,969	144,605,088
1903	6,180,419	42,786,025	6 18 5	3,458,878	146,135,147
1904	6,276,929	41,904,393	6 13 6	3,496,633	148,339,354
1905	7,155,283	42,096,037	5 17 8	3,567,206	152,111,140
1906	8,629,749	43,763,002	5 1 5	3,667,729	155,996,446
1907	9,308,247	46,433,632	4 19 9	3,719,975	157,500,077
1908	9,922,169	45,395,400	4 11 6	3,772,755	160,648,214

Year ended December 31—	Number of post-office savings bank offices.	Number of accounts. Opened.	Closed.	Remaining open at close of the year.	Average amount standing to credit of each open account.
					£ s. d.
1899	12,995	1,373,799	957,621	8,046,680	16 3 5
1900	13,341	1,376,171	982,868	8,439,983	16 1 3
1901	13,672	1,376,846	1,029,154	8,787,675	15 19 6
1902	14,048	1,386,962	1,041,476	9,133,161	15 16 8
1903	14,362	1,342,040	1,071,349	9,403,852	15 10 10
1904	14,614	1,350,857	1,080,992	9,673,717	15 6 8
1905	14,862	1,435,329	1,145,997	9,963,049	15 5 4
1906	15,055	1,600,105	1,230,370	10,332,784	15 1 11
1907	15,166	1,674,586	1,314,815	10,692,555	14 14 7
1908	15,239	1,657,131	1,331,435	11,018,251	14 11 0

[a] From the annual report of the British postmaster-general for the year 1908.

[b] Including as well as ordinary deposits: (*a*) Deposits for immediate investment in stock; (*b*) amounts realized by sale of stock, and stock certificates obtained, the amount, when stock is sold, or a stock certificate obtained, being placed to the credit of the savings-bank account so as to be dealt with as a withdrawal; (*c*) dividends; (*d*) deposits for purchases of annuities and payment of insurance premiums; and (*e*) amounts credited to accounts in respect of sums payable to annuitants and insurants and their representatives. For particulars, see statements of government stock business and annuity and insurance business.

[c] Including as well as ordinary withdrawals: (*a*) Withdrawals for investment in stock, with commission; (*b*) withdrawals consequent on sale of stock and obtaining stock certificates, with commission and fees; (*c*) withdrawals for purchase of annuities and payment of insurance premiums; and (*d*) amounts paid to annuitants and insurants and their representatives. For particulars, see statements of government stock business and annuity and insurance business.

TABLE 9.—*Post-office savings bank—Statement of business for each of the last ten years*—Continued.

[Prior to the passing of the post-office savings bank act, 1861, it was estimated (see Parliamentary Paper, No. 523, 1861) that the average cost of each transaction would be 7d.]

Year ended December 31—	Expenses of management.		
	Total.	Rate per cent to total amount standing to credit of depositors.	Average cost per transaction.
	£	s. d.	d.
1899	473,877	7 3¼	5.76
1900	487,025	7 2½	5.74
1901	506,093	7 2¾	5.85
1902	526,007	7 3¼	5.94

TABLE 9.—*Post-office savings bank—Statement of business for each of the last ten years*—Continued.

Year ended December 31—	Expenses of management.		
	Total.	Rate per cent to total amount standing to credit of depositors.	Average cost per transaction.
	£	s. d.	d.
1903	549,140	7 6	6.13
1904	537,672	7 2¼	5.93
1905	527,856	6 11½	5.40
1906	598,925	7 8	5.49
1907	585,603	7 5	5.01
1908	679,678	8 5¼	5.76

TABLE 10.—*Deposits and deposit accounts in postal and other banks of the United Kingdom.*

Year.	Trustee savings banks.			Postal savings banks.			Joint-stock (commercial) banks—Deposits.
	Deposits.	Depositors.	Average (each account).	Deposits.	Depositors.	Average (each account).	
1841	$119,106,074						
1842	123,216,549						
1843	132,258,403						
1844	143,585,406						
1845	149,639,366						
1846	154,478,526						
1847	147,003,241						
1848	136,817,443						
1849	138,875,359						
1850	140,792,624						
1851	147,346,203						
1852	154,532,111						
1853	162,357,438						
1854	164,176,633						
1855	166,741,546						
1856	170,064,767						
1857	171,035,902						
1858	176,266,392						
1859	189,773,431						
1860	200,783,848						
1861	202,185,921			[a] $3,775,932	[b]		
1862	197,396,219			8,181,107	176,569	$46.33	
1863	199,290,499			16,433,333	372,995	44.06	
1864	192,325,715			24,299,038	470,858	51.61	
1865	188,553,993			31,760,726	611,819	51.91	
1866	176,953,568			39,521,698	754,258	52.40	
1867	177,788,832			47,448,029	854,983	55.50	
1868	179,415,479			56,764,677	965,154	58.81	
1869	182,755,305			65,815,563	1,085,785	60.61	
1870	184,725,279			73,479,790	1,183,153	62.11	
1871	188,915,890			83,512,182	1,303,492	64.07	
1872	195,089,946			94,012,697	1,442,448	65.17	
1873	197,093,907			103,012,851	1,556,645	66.17	
1874	201,796,231			112,695,824	1,668,733	67.53	
1875	206,278,910			122,574,214	1,777,103	68.97	
1876	210,638,948			131,378,711	[c] 1,702,374	[c] 77.17	
1877	215,287,565			139,866,894	1,791,240	78.09	
1878	215,553,758			147,997,871	1,892,756	78.19	
1879	213,142,286			155,787,660	1,988,477	78.35	
1880	214,011,379			164,218,276	2,184,972	75.16	
1881	214,807,875			176,140,515	2,607,612	67.55	
1882	217,107,125			189,977,556	2,858,976	66.45	
1883	218,929,834			203,267,904	3,105,642	65.45	
1884	223,084,677			217,691,566	3,333,675	65.30	
1885	226,591,031			232,121,529	3,535,650	65.65	
1886	227,966,302			247,579,961	3,731,421	66.35	$2,161,309,980
1887	230,001,603			262,664,787	3,951,761	66.47	2,210,753,629
1888	225,828,414			284,964,691	4,220,927	67.51	2,385,240,269
1889	219,614,536			306,587,651	4,507,809	68.01	2,447,893,298
1890	212,425,411			229,144,788	4,827,314	68.18	2,298,908,665
1891	208,653,937			348,480,342	5,118,395	68.08	2,621,130,965
1892	206,268,788	1,501,920	$137.34	369,139,009	5,452,316	67.70	2,765,052,836
1893	205,578,479	1,471,146	139.74	392,228,420	5,748,239	68.23	2,752,594,596
1894	211,570,620	1,470,946	143.83	434,613,310	6,108,763	71.14	2,817,309,313
1895	220,514,162	1,516,229	145.44	476,279,367	6,453,597	73.80	3,028,807,403
1896	227,264,027	1,496,903	151.92	526,062,036	6,862,035	76.66	3,428,166,996
1897	235,853,935	1,527,217	154.43	564,011,709	7,239,761	77.91	3,438,026,522
1898	243,302,478	1,563,947	155.57	593,280,758	7,630,502	78.53	3,598,747,551
1899	250,162,087	1,601,485	156.21	633,222,191	8,046,680	78.69	3,751,326,925
1900	250,410,220	1,625,023	154.10	659,652,347	8,439,983	78.16	3,754,840,538
1901	252,892,207	1,647,202	153.58	683,222,126	8,787,675	77.75	3,845,561,831
1902	255,515,977	1,670,394	153.57	703,720,660	9,133,161	77.05	3,879,938,787
1903	255,249,575	1,689,617	151.07	711,166,692	9,403,852	75.62	3,902,889,201
1904	254,424,791	1,704,766	149.24	721,893,466	9,673,717	74.62	3,885,277,338
1905	256,578,601	1,731,869	148.15	740,248,862	9,963,049	74.30	4,026,347,440
1906	258,069,754	1,760,999	146.55	759,156,704	10,332,784	73.47	4,082,063,998
1907				766,474,125	10,692,555	71.68	4,255,668,053
1908				781,794,533	11,028,251	70.95	4,279,142,639

[a] Established in 1861.
[b] Not given.
[c] One hundred and sixty-seven thousand three hundred and eighty accounts having small balances, which had had no transactions, for a considerable period, were transferred to the dormant account in the year 1876, and a similar transfer of 21,779 accounts was made in 1877. The number of open accounts (depositors) was reduced accordingly.

TABLE 11.—*Postal savings deposits in Canada compared with deposits in chartered banks.*

Year.	Deposits.	
	Postal banks.	Chartered banks.
1868 a	$204,588	$32,808,103
1869	856,814	.....
1870	1,588,848	.....
1871	2,497,259	.....
1872	3,096,500	.....
1873	3,207,051	.....
1874	3,204,965	.....
1875	2,926,090	.....
1876	2,740,952	.....
1877	2,639,937	.....
1878	2,754,484	71,900,195
1879	3,105,190	.....
1880	3,945,669	.....
1881	6,208,226	.....
1882	9,473,661	.....
1883	11,976,237	.....
1884	13,245,552	.....
1885	15,090,540	104,656,566
1886	17,159,372	112,991,764
1887	19,497,750	114,483,190
1888	20,689,032	128,725,529
1889	23,011,422	136,293,978
1890	21,990,653	136,187,515
1891	21,738,648	149,431,573
1892	22,298,401	171,157,053
1893	24,153,193	174,320,991
1894	25,257,868	181,743,890
1895	26,805,542	190,916,939
1896	28,932,929	193,616,049
1897	32,380,829	211,788,096
1898	34,480,937	236,161,062
1899	34,771,605	266,504,528
1900	37,507,455	305,140,242
1901	39,950,812	349,573,327
1902	42,320,209	390,370,493
1903	44,255,326	424,167,140
1904	45,419,706	470,265,744
1905	45,367,760	531,243,476
1906	45,736,488	605,968,513
1907	47,452,957	654,889,711
1908	47,564,284	.....
1909	45,190,484	.....

a Three months.

TABLE 12.—*Number and amount of money orders bought for savings purposes from March 1, 1907, to March 1, 1908 (in first and second class post-offices only).*

	Number.	Amount.
Alabama	293	$18,591
Arizona	1,824	145,069
Arkansas	906	53,377
California	9,983	762,320
Colorado	7,958	671,034
Connecticut	1,127	43,693
Delaware	103	5,092
District of Columbia (Washington)	422	18,669
Florida	1,543	55,421
Georgia	328	21,772
Idaho	1,286	101,355
Illinois	11,379	514,643
Indiana	2,685	137,530
Iowa	1,296	98,680
Kansas	5,129	403,236
Kentucky	357	14,718
Louisiana	278	20,118
Maine	162	7,870
Maryland	9,185	330,249
Massachusetts	2,537	110,319
Michigan	1,858	98,123
Minnesota	1,509	123,698
Mississippi	157	5,342
Missouri	7,303	483,771
Montana	2,904	239,722
Nebraska	2,529	185,306
Nevada	4,546	323,962
New Hampshire	80	3,911
New Jersey	1,034	33,090
New Mexico	200	15,438
New York	7,497	351,995
North Carolina	151	9,430
North Dakota	162	10,919
Ohio	3,182	206,219
Oklahoma	2,223	172,260
Oregon	7,391	592,847
Pennsylvania	5,539	295,962
Porto Rico	72	7,160
Rhode Island	142	5,665
South Carolina	272	4,417
South Dakota	177	15,397
Tennessee	449	34,278
Texas	2,239	154,690
Utah	749	55,980
Vermont	134	6,732
Virginia	1,398	58,454
Washington	11,519	869,493
West Virginia	398	20,350
Wisconsin	2,338	89,537
Wyoming	698	48,009
Grand total	127,623	8,054,894

Mr. GALLINGER. Mr. President, before the Senator from Montana takes his seat, I wish to ask him if in any of these exhibits—I think the report is not yet printed; at least I have not seen it—there is a law of any of the countries to which the Senator calls attention as having adopted this system; that is, anything whereby we can make a comparison between the law as proposed now and the laws of other countries?

Mr. CARTER. Great pains were taken by the committee to collect not only the laws but the rules and regulations prescribed by foreign governments for the administration of the postal system in their respective jurisdictions.

Mr. GALLINGER. I notice in the bill, as the Senator has explained, that the present bill differs materially from the former bill, in that we do not undertake to prescribe the rules and regulations, but we leave that to a commission or——

Mr. CARTER. A board of trustees.

Mr. GALLINGER. A board of trustees. I think that is a very decided improvement, so far as the administration of a law of this kind is concerned, and I am very glad that that change has been made.

Mr. President, at a later time during this discussion I shall want to ask the Senator from Montana for explanations of some features of the bill, which very likely he will give in a satisfactory way, so far as my mind is concerned.

This is an experiment, so far as our country goes, and I think we ought to take abundant time to look into this matter very carefully, with a view of not making a mistake. We hurried, I think, a little more rapidly than we ought to have done, a provision through Congress at the last session, providing for a tax upon corporations. It was rather a popular idea. The administration wanted it, and Congress, in its wisdom or unwisdom, enacted it. And now we are being deluged with letters and protests—at least I am, and I venture to say other Senators are—against certain provisions in that law, saying that it is impossible of execution and it ought to be repealed.

So I say that in this matter I think there ought not to be, and probably will not be, any undue haste, and that we ought to give it careful and patient consideration, with a view of having the bill as near right as it is possible to have it if it is to become a law.

Mr. CARTER. Mr. President, the observations of the Senator from New Hampshire with reference to improvements in the bill are, I think, meritorious. The bill as originally presented, and, indeed, as all bills presented prior to the present session of Congress on this subject have, undertakes to prescribe administrative details with great particularity. The discussion during the last Congress on the postal savings bill then pending showed that Senators differed more on the details than on the elementary or fundamental principles involved.

It was suggested that if deposits were received from individuals in 51,000 post-offices the depositors would probably run into many millions. Indeed, I think there are 11,000,000 depositors in the United Kingdom now. These depositors have between seven and eight hundred million dollars on deposit. The average deposit in the United Kingdom is about $70.

In view of the suggestions then made with reference to the extent of this business in foreign countries, Senators suggested that we would develop such an enormous number of accounts that the system would break down of its own weight. The bill considered in the last Congress provided that when a deposit was made at a post-office the postmaster should enter the amount thereof in a book, and he should then immediately write a letter to the Postmaster-General, telling him the name of the depositor, the date, and the amount of the deposit. It then provided that the Postmaster-General should within a stipulated number of days send notice to this depositor that the deposit had been reported to the headquarters.

This, it will be perceived, would result in putting two letters into the office—one from the postmaster to the Postmaster-General, another from the Postmaster-General to the depositor—and it was manifest that it might be very cumbersome and result in a demand for a very large clerical force.

Upon considerations such as these the committee during the present session of Congress, consulting the laws of other countries on this subject as well, concluded that it would be better to leave to the board of trustees authority to prescribe the details of administration in the light of the experience of other countries and such experience as they might acquire from time to time. It was believed that it would be unwise to prescribe in a rigid law a course of accounting and a method of procedure which might be very cumbersome and expensive.

The PRESIDING OFFICER. The Senator from Montana will suspend while the Chair lays before the Senate the

unfinished business, the hour of 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. DILLINGHAM. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Vermont asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, with the elimination of the administrative details the bill is very much reduced in volume, very much simplified, and, I think, very much improved.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I desire at this time to submit one or two inquiries that we may know before the bill is laid aside the views of the committee in regard to certain features.

Is it contended, or will it be, by the committee, that rules and regulations established relative to the acknowledgment of deposits and the notification of the depositor can be done at less expense by the administrative rules and regulations than by provisions such as were contained in the bill that we considered in the last Congress?

Mr. CARTER. Mr. President, at this time the Post-Office Department, or some of those connected with it, have in contemplation a stamp system which will obviate the necessity of any kind of correspondence excepting to check up postmasters' receipts as they are checked up now on money orders. I do not know that that can be developed so as to be completely successful, but those engaged in the work of improving upon the suggestion believe that it can be made feasible. An individual will have delivered to him a small book, which he can readily carry about his person. That book will be presented to the post-office and there he may buy a stamp. He signs his own name upon the stamp. The postmaster observes him paste it in the book. Upon the presentation of the stamp he can get his money and the stamp will be canceled. There is a great variety of ways in which it is possible to get rid of the interminable amount of accounting, which seems to be one of the menaces to the operation of the bill.

Mr. HEYBURN. Again, I should like to ask the Senator what provision is contained in the bill for recovering from the bank in which the deposits are made the money so deposited?

Mr. CARTER. Of course, the deposits are made payable to the Government on demand. The bill provides that the banks shall furnish indemnity bonds, such as the board of trustees may prescribe and approve.

Mr. HEYBURN. Is it contemplated that the Government may at any time, without notice, require the banks to make available the sums deposited? I find no restriction in the bill.

Mr. CARTER. There is no restriction except this, to wit, that portion of the bill which requires that the deposits shall be maintained ratably according to the capital and surplus of the banks in a particular neighborhood.

Mr. HEYBURN. That provides for getting the money into the banks. I want to know where the provision is to be found for getting it out.

Mr. CARTER. The banks give bonds for the repayment of the money on demand.

Mr. HEYBURN. But I find no specification of conditions under which the Government may withdraw the money, as to notice, the amount of deposits, or any of those details that were provided for, I think, or intended to be, by the former bill.

Mr. GALLINGER. Or in regard to savings banks.

Mr. HEYBURN. Yes. But I do not find any provision at all in the bill for getting the money out of the banks. That is quite as important as getting it in.

Mr. CARTER. The money is a demand deposit in the banks.

Mr. HEYBURN. With no restriction in favor of the banks as to the amount to be withdrawn or the notice to be given?

Mr. CARTER. None, save such rules and regulations as the directors may prescribe. Upon an examination of the bill the Senator will find the following language in the first section:

> All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees.

And in that portion of the bill relating to the deposit in bank, the Senator will find the same power of regulation.

Mr. HEYBURN. Then, Mr. President, I will ask the Senator, Is it not true that the bill merely authorizes this board to establish postal savings banks in effect? Does it go further, inasmuch as the Senator has just called my attention to the language, which I have before me, than to provide that all regulations covering these questions shall be made by the board? We will be legislating in the dark; we do not know what regulations they will make.

Mr. CARTER. Mr. President, the only regulation they can make under that provision of the bill is for the receipt, transmission, etc., of the deposits. We believe——

Mr. HEYBURN. That is the whole process. There is nothing else contained in the system of postal savings banks except the process of receiving the money, acting as the custodian of it, and paying it back. All of that we pass over, delegating it to this board of three men.

Mr. CARTER. Subject, however, to this condition, to wit, that the board may not adopt any regulation in conflict with the provisions of the bill.

Mr. HEYBURN. But there are no provisions of the bill on the subject, so they could not possibly conflict with it.

Mr. CARTER. I think the Senator will find that section 8, providing for the deposits and the disposition and investment of the money, constitutes a very clear and distinct limitation of power.

Mr. HEYBURN. But none as to the withdrawal of the money.

Mr. CARTER. That money must, I think, be left subject to the check of the board.

Mr. HEYBURN. But it does not say so; and there is no limitation as to the manner in which they are to withdraw it. They might withdraw it all at once and wreck every bank in the country.

Mr. CARTER. The Secretary of the Treasury can now withdraw all deposits in the depository banks of the country instantly; and we could not safely prescribe any condition by which he could properly be restrained from withdrawing the money of the United States from deposit in banks when the public interest demanded it.

Mr. HEYBURN. That is a very small item compared with this.

Mr. CARTER. Our purpose in creating a board was to remove from one officer the power to transfer these funds or to engage in any such drastic action as the Senator's question is based upon.

Mr. HEYBURN. Will the Senator permit me to inquire as to section 7? It provides:

> That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe.

Is there any other provision than that relating to withdrawal?

Mr. CARTER. No.

Mr. HEYBURN. Then, if this bill is enacted and becomes a law, we will not know upon what terms and conditions or under what limitations the deposits may be withdrawn or by what process.

Mr. CARTER. We will know as soon as the rules are promulgated. Originally we undertook to prescribe the number of days' notice, and to prescribe the method of applying for repayment, but we found that this simply encumbered the statute in a manner that in the course of the administration of the act might be found very undesirable.

Mr. HEYBURN. Does the Senator recall any legislation in the history of this country where we have created a financial agency of this kind and made no law as a basis of the rules and regulations that might govern it?

Mr. CARTER. On the lines and within the domain now contemplated by the Senator's inquiry and discussion, I say we have no law, rules, or regulations which prohibit the Secretary of the Treasury from checking from one bank to another. As I understand the Senator, he suggests that we should restrict the checking of money in the various banks in which this board, under the law, may cause deposits to be made.

Mr. HEYBURN. I think no more important provision pertains to this class of legislation than that we should establish the bounds within which the rules and regulations may apply.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I yield to the Senator.

Mr. CUMMINS. I wish to emphasize the thought just suggested by the Senator from Idaho. If there is no such restraint the bill is very faulty; but I suggest that the very purpose of the bill is to keep on deposit in the various banks of the country the moneys that are collected at the post-offices, and by the terms of the bill the money that comes into the post-office in any particular city or town is to be deposited in the banks of that city or town.

Mr. HEYBURN. If they will receive it.

Mr. CUMMINS. If those banks will take the money and pay 2½ per cent interest upon it.

Now, the Government ought not to be permitted to withdraw this money at all, except as it becomes necessary to repay it to the depositors upon their demand. If the bill would permit the Treasurer of the United States or this board of trustees to withdraw all the money that had been deposited in the various banks of the country and redeposit that money at some other place or places, or deposit it in the Treasury of the United States, it at once meets a criticism from which, in my opinion, it could not recover. The very notion is that this money shall remain in these banks until withdrawn for the purpose of repaying deposits.

Mr. HEYBURN. The Senator is under a misapprehension. I had long since passed from the section that relates to the withdrawal of the money by the Government. I was speaking of section 7, which I had read, and which relates to the withdrawal by the depositor.

Mr. CUMMINS. But I had attempted to recall the Senator to the former section.

Mr. HEYBURN. I beg pardon; there is no objection to going back to it.

Mr. CUMMINS. I tried to secure the Senator's notice before. I want him to look further into that view of the question he propounded to the Senator from Montana, because if there is anything in the bill which would permit a general withdrawal of the deposits that are made throughout the country and their concentration at any point, either in the Treasury or in the money centers of the country, a provision to prevent it would at once, as it seems to me, become very advisable. But I know that was not the purpose of the committee.

Mr. CARTER. Let me say to the Senator from Iowa [Mr. CUMMINS] and to the Senator from Idaho [Mr. HEYBURN] that it seems to me that section 8, governing this matter, leaves no possible opening through which the concentration to which the Senator from Idaho refers can occur. Now, let us see——

Mr. CUMMINS. Do not understand me as insisting that it does bear that interpretation; but the point made by the Senator from Idaho [Mr. HEYBURN] rather interested me, for I have been fighting very vigorously for a year against any such possibility.

Mr. CARTER. I think the Senator correctly interprets the section. The section was framed with a view to preventing the concentration of the postal funds in the Treasury or in any particular section of the country. The committee had in mind the injurious effects destined to follow the stripping of localities of the ready money needed to transact their business from day to day. It was designed that this depository system should not be used or available for the impoverishment of the currency in any locality, but rather to strengthen it. Now, let us see what happens, Mr. President.

Mr. HEYBURN. Mr. President——

Mr. CARTER. I want briefly to answer the Senator, so that we need not return to this again.

A postmaster receives, we will assume, deposits of $1,000 to-day. At the close of business—the business hour at the post-office being later than the banking hour—he makes up his account, and to-morrow morning he deposits $1,000 in the local bank, if there be but one. If there be two, he will be required, within reasonable latitude, to keep the amounts balanced up, so that the banks will enjoy these deposits ratably. If the banks in the town refuse to receive the money and pay 2½ per cent interest upon it, or refuse to put up the required and approved indemnity bond, the next nearest bank which is willing to comply will have the money deposited with it. So throughout the State this will proceed. But if all the banks in the State decline the deposit, then what happens? The board may invest in the securities of the United States or in certain other classes of securities. In the last analysis there is no way to escape the investment in the securities if the banks refuse to receive the money. In that event, the securities of the United States and of the various States, counties, and Territories will be the only source of investment, because, Mr. President, the bill provides that the reserve to be kept in the Treasury of the United States shall not exceed 10 per cent. That reserve, let me say, will be kept in the Treasury for this very sufficient reason, to wit——

Mr. HEYBURN. Now, I should like to ask the question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I will in a moment. The reserve will be kept for this purpose. There will be 22,000 banks, perchance, receiving these deposits throughout the country. It may be only 20,000. The department can not, in the nature of things, keep 22,000 check books at hand to send out money to persons who demand repayment. I assume that in the course of operations, when a depositor is to be paid, he will be sent a Treasury draft for the amount of his deposit.

Mr. HEYBURN. Right there, if the Senator will permit me, what provision of law is there that certainly provides for any fund against which to draw such a check or draft?

Mr. CARTER. The reserve fund.

Mr. HEYBURN. No; but a reserve fund is not provided for except in the contingency that the banks refuse deposits.

Mr. CARTER. But, independent of the banks and independent of investment, there is a reserve fund of not more than 10 per cent kept in the Treasury as a working balance.

Mr. HEYBURN. Then there ought to be an exception in the provision which requires money to be deposited in the banks. It should say that 90 per cent in money shall be deposited in the banks, because if they deposit in the banks all the money they receive and the banks receive it, where are you going to get a reserve fund against which the Government may draw a draft?

Mr. CARTER. I assume that the regulations would be in harmony and not in conflict with the law, and certainly the courts would hold that they must so harmonize.

Mr. SMITH of Michigan. Mr. President——

Mr. HEYBURN. I should like to finish the inquiry which I wanted to submit, and then I shall cheerfully yield.

Mr. SMITH of Michigan. Very well.

Mr. HEYBURN. I do not intend to argue these questions at this time, except merely to point them out. I do not find any provision in the bill under which the depositor may go to any place and get his money. To what place may he go? To what place shall he go?

Mr. CARTER. Mr. President, we undertook in the bills formerly presented and considered here to cover details of that kind. We have now relegated such details to the rules and regulations to be prescribed by the board of trustees.

Mr. HEYBURN. That answers me sufficiently. Now, then, when this bill becomes a law the depositors, or the contemplated depositors, in this country will not know where they are expected to go to get their money, will they? They will not know until some one has made a rule or a regulation covering it.

Mr. CARTER. I assume that the rules and regulations will be prescribed before anybody is permitted to make a deposit.

Mr. HEYBURN. How can a rule or regulation be prescribed under a law before it is enacted?

Mr. CARTER. Oh, well, nobody will do any business of this kind until the law is enacted, and the Senator from Idaho will observe that this act is to go into effect three months after its passage.

Mr. HEYBURN. Yes.

Mr. CARTER. Within that period of three months, I assume, the trustees will promulgate all the needful rules and regulations for the guidance and instruction of depositors.

Mr. HEYBURN. But, Mr. President, in making up our minds as to the wisdom of this legislation, and in the making up of the minds of the great public that is watching us, what assurance have they that an adequate and convenient method of withdrawing their deposits will be provided for? Will the law be perfect when it says that the depositor may deposit money without saying when he can get it out and whether he shall draw it at the local post-office or at the bank or at the Treasury of the United States? He will want to know how convenient it is going to be to get his money back again.

Mr. CARTER. If this bill is enacted, the law will especially provide—

That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest——

Mr. HEYBURN. How?

Mr. CARTER. After complying with the rules and regulations prescribed.

Mr. HEYBURN. What are those rules and regulations going to be?

Mr. CARTER. We shall be compelled to consult the board, after they have consulted the experience of other countries and devised thoroughly practicable provisions.

Mr. HEYBURN. Most assuredly they will have to give notice. How much notice will they be required to give?

Mr. CARTER. I presume the methods will be similar to those in force in other countries.

Mr. HEYBURN. Which other countries?

Mr. CARTER. Countries like France, for instance.

Mr. HEYBURN. The regulations vary in every country.

Mr. CARTER. I have no doubt, then, the Senator from Idaho is thoroughly informed with reference to other countries;

but there may be some others who have not the information and may not be so well informed. So I will state that, as a rule, an application is made at the post-office where the depositor has his account; that application goes to the point where the books are kept—the central station; the central station determines what amount is due the depositor if he desires to close his account, and sends a check for the amount direct to the party, and charges it up.

Mr. HEYBURN. That is a supposition as to what will be. The regulations were contained in the other bill. Why not have allowed them to remain if it is expected that is the method which will be adopted?

Mr. CARTER. For this reason, among others, Mr. President, that for the purposes of administration the country will be divided into postal zones, so that everyone will not be required to correspond with the Postmaster-General at Washington. The business of New England will be in a postal zone with headquarters at Boston; the business of the South will be at Atlanta or some central point in the South; so that the business of different sections will be within compact zones, as I understand.

Mr. HEYBURN. Who will establish the zones?

Mr. CARTER. The zones will be established by the board of trustees, of course.

Mr. HEYBURN. The establishment of those zones will necessarily imply the officers, headquarters, and the machinery for business. Who will provide for that?

Mr. CARTER. Mr. President, that necessary machinery will be provided for by this board having charge of it.

Mr. HEYBURN. Why not provide for it by an act of Congress?

Mr. CARTER. For the simple reason that we can not now, in the light of our inexperience, if you please, determine just what method experience may show to be best.

Mr. HEYBURN. Will that board be wiser and more competent than Congress?

Mr. CARTER. I rather think they will be more efficient than Congress in working out the details, just as a small committee of this body is generally more direct and efficient than the whole body itself in reaching a conclusion or in investigating the minute details of a business transaction.

Mr. HEYBURN. The committee has had the same opportunity which the board will have. Is not the present Committee on Post-Offices and Post-Roads as well qualified to make these provisions as was the former committee?

Mr. CARTER. We thought we did very well last year; but we got into a wilderness of details, from the discussion of which we could not emerge in any direction.

Mr. HEYBURN. Well, then, was it concluded—do not take this in the wrong spirit—that you might slip up on the people with a postal savings bill that was only a skeleton, so that they would not know what they were getting, and then apply it afterwards by an irresponsible board?

Mr. CARTER. Mr. President, the board is hardly irresponsible. The Senator will recall that the bill reported in the Sixtieth Congress placed the entire business of this new departure under the Postmaster-General.

Mr. HEYBURN. Yes; but under defined limitations in the bill.

Mr. CARTER. Under defined limitations in the bill; and because the discussion here, which lasted from December until March and extended to some extent over almost every day, disclosed the fact that this Senate would never agree on all the details of administration——

Mr. HEYBURN. "Never" is a long day.

Mr. CARTER. "Never" is a long day, but I venture to say that the details of the administrative work would occupy this Senate indefinitely; that we never would accomplish the desired end in our efforts to get out a set of rules and regulations satisfactory to anybody. Then the law would have the great inherent defect of being rigid in its bad as well as its good features. The Senator will readily admit that we might provide certain rigid rules of law that would prove in actual practice an incumbrance to the system and a useless burden of expense.

Mr. HEYBURN. Then, it follows that if we had as Members of Congress these three officers of the administrative branch of the Government we might find some relief in their presence, but who will be the members three years from now of this—what do you call it—not a commission——

Mr. CUMMINS. Board of trustees.

Mr. CARTER. Board of trustees.

Mr. HEYBURN. Very well. Board of trustees. Who will constitute the personnel of that board in three years from now, and what assurance have we that they will be competent?

Mr. CARTER. The Senator is trying to draw me out as a political prophet, and I refuse to be so drawn. [Laughter.]

Mr. HEYBURN. Well, Mr. President, I think we must ask these questions, and if they are not answered by others, we must answer them to ourselves and to the people.

Mr. CARTER. Mr. President, the board will consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General. I believe in the future, as in the past, the three officers designated can be trusted to manage an ordinary business detail with intelligence and, most assuredly, with integrity.

Mr. HEYBURN. Mr. President, I presume that we could find members of that board with sufficient experience in financial matters and in banking to administer the affairs of almost any bank in the country; but we are proposing to place in the hands of a board that changes with every administration, and sometimes even during an administration, the management of a financial system that no board of three men in the world ever was intrusted with, even though it were known that they were men trained in the conduct of financial institutions, and that every one of their successors would be. This bill proposes a skeleton to the people, the flesh and muscle and brain of which is to be supplied by three men, no one of whom is invested with legislative power, but only invested with the ordinary passing wisdom of political appointees, a body the like of which never has been created in any country. There is no country in the world where three men govern such a business.

Mr. CARTER. Mr. President, the Postmaster-General of Great Britain is practically absolute in the administration of the postal savings-bank system of that country. In France the system is managed by a board of 22——

Mr. HEYBURN. Yes; by 22.

Mr. CARTER. And that board, to a considerable extent, serves without compensation. The British system is based upon the merest skeleton; the French system upon a mere skeleton; and in no country has any legislative body attempted to foresee all the contingencies of business, and to provide rules of law for things that are not yet in sight. Mr. President, it will be necessary, and imperatively necessary, to leave to this board the right to be guided by the wisdom which experience alone can furnish in managing the details of the business, subject to——

Mr. HEYBURN. Just a moment——

Mr. CARTER. Subject to the directions of law which the bill contains. Now, what are they? There is no skeleton here; there is substance, vital power, in the law which we propose to enact. First, it creates this postal savings-bank system. It provides that three persons, not mentioning them by name, but acting ex officio, the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, shall constitute the board of managers. This board of managers shall prescribe certain rules and regulations for the receipt of money at the post-offices and its repayment. The law provides what shall be done with it when it is received, and leaves nothing to the discretion of the board in that behalf.

Mr. HEYBURN. What does the law provide shall be done with this money when received?

Mr. CARTER. The law provides that it shall be deposited in the bank nearest the place received——

Mr. HEYBURN. That is not doing anything with the money.

Mr. CARTER. That it shall be deposited ratably; that it shall be deposited at not less than 2¼ per cent interest; and that if the banks——

Mr. HEYBURN. That does not answer the question.

Mr. CARTER. And if the banks refuse to receive it, then it may be invested in the manner prescribed in the act.

Mr. President, upon fair consideration of this whole bill, the Senator will recall his statement that it is a bare skeleton and conclude, I am sure, that it has every needful safeguard, from the receipt of the dollar to its return to the depositor with interest, that the law can throw about the transaction without prescribing hampering details likely to prove expensive and injurious.

Mr. HEYBURN. The Senator has suggested another bare spot on this skeleton. That is as to the limitations upon the banks that receive the money and the manner of its distribution and entry into the business of the country. There is no provision in this bill that would restrict a bank from sending every dollar of postal savings deposits as a reserve to be held in a center of speculation, to be used for sustaining the stock market. Are we to take it for granted that all the banks are upon that high plane of intelligence and integrity that there is no danger of that, in the light of the fact that it is not eighteen months since just that thing was done, when the banks, in violation of their moral obligation to the depositors, loaned their money for speculative purposes and we stood marking time financially here for months until some method of relief

could be devised? Does not the Senator think that some provision in the nature of a restriction should be imposed upon these custodians of the money of the people?

Mr. CARTER. I for one shall be glad to consider any amendment the Senator may propose on that subject. I do not quite know what his idea is, from his explanation.

Mr. HEYBURN. I will probably relieve the Senator from that embarrassment. Under the provisions of this bill the banks receiving the deposits in any place, or at all places, can send this money just where they choose. It is not under the restrictive influence and control of the national-bank act. By the way, can a national bank pay interest on money on general deposit under any existing law? Can the Senator tell me that?

Mr. CARTER. I know that that is quite universally done, but I will ask the Senator what law there is preventing one national bank from sending its money to another bank?

Mr. HEYBURN. Mr. President, that develops a most interesting condition of mind that is not without a precedent. Have we reached the period where, in the absence of legislation upon any subject, people may do as they please, whether in office or out? Have we reached a point where the officials of the Government, because they are not specifically restrained or enjoined from doing a thing, may do it under a general power? I have heard this suggestion, but I have never known any man to speak responsibly in support of such a doctrine. I have read what some men have said, that where they are not restricted they have a free hand to act; but this body will not adopt that rule.

Mr. CARTER. Mr. President, would the Senator favor an amendment restricting the use of the money by the bank receiving these deposits to the county in which the bank may be located?

Mr. HEYBURN. No. It does not follow that a man shall be absurd because he is reasonable.

Mr. CARTER. But I desire to know the geographical limits to which the Senator would confine the activities of the bank.

Mr. HEYBURN. Geography is not the rule; it is the character of the use.

Mr. CARTER. The Senator suggested that it might be sent to New York or somewhere else. Would he prohibit the sending of money to New York?

Mr. HEYBURN. I would prohibit the banks of the country from sending their reserves to New York in excess of the reserves they are required to carry to protect their drafts, and I have always been opposed to it. The money of the community belongs morally to the business interests of that community, and if it is to be sent out, let individuals do it. The class of people that will place their money in the hands of the Government for safe-keeping and to reap some interest from it are entitled to a different kind of custody for their funds from that of the depositor of large means who goes to a bank, has no use for his money, and says, "Here is my deposit; I do not want to keep it in my house." The people who will take advantage of any postal savings law are not people who are accustomed to large financial transactions, and they will take it for granted that on any hour in any day during business hours they can go to some convenient place and get their money back.

Take a town with, say, 2,000 or 4,000 people, who work on the average for $100 or so a month, and deposit $50. They put in that bank a very large sum of money every month. There are few banks that carry in cash the sum represented by the deposits of 4,000 people working in our mines. If they were to go to the bank and ask for their money, which they are entitled to withdraw under the general terms of this bill, what reply would they receive? They would be told: "We have sent this money away; we have invested it; we have it not at hand." Then in what position would the depositor be? He would then call on the Government of the United States, while probably his local bills would be pressing him, and he would say, "I deposited this money; I want to draw it; and the local depository say, 'We have it not in hand.'" Then there would have to be some action by the Government.

Mr. CUMMINS. If the Senator will allow me——

Mr. HEYBURN. In a moment. The time would come, and come speedily, when the Government would have to issue bonds to make good its pledge to these people.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. I think the Senator from Idaho, Mr. President, is under a misapprehension. This bill does not create any relation between the postal depositor and the postal depositories. It does not create any relation, in other words, between the men who deposit money in the post-office and the banks.

Mr. CARTER. That is correct.

Mr. HEYBURN. I was more skillful in framing my statement than I thought I would be.

Mr. CUMMINS. The banks deal only with the Government.

Mr. HEYBURN. I have developed exactly the position that I was directing my remarks against. The point of responsibility is not fixed by this bill, but it is to be fixed by some other legislation, through a delegated power to legislate. That is just what I wanted to develop.

Mr. CUMMINS. I think the Senator from Idaho is in error about that. The Government deposits certain money in the banks of the country. It is the Government's money.

Mr. HEYBURN. Yes.

Mr. CUMMINS. It has a right to call for it whenever it chooses to call for it. If the bank does not want to take the money under that condition, it does not have to do so.

Mr. HEYBURN. I understand that thoroughly well.

Mr. CUMMINS. It can be no hardship to any bank to operate under any rule or regulation that may be prescribed, subject to that fundamental principle.

Mr. HEYBURN. But who is the Government's agent to repay the money? That is what I am after.

Mr. CUMMINS. The Senator from Idaho deposits money in a bank. Is it doing that bank any injustice that the Senator from Idaho shall go the next week or the next month and say to the bank, "I want my money," if the bank has taken it with the understanding that the Senator may call for it at any time he desires?

Mr. HEYBURN. Well, Mr. President, I am not raising any such question.

Mr. CUMMINS. I can not understand what hardship or difficulty arises in such a case as that.

Mr. HEYBURN. I am raising no such question. I started out to demonstrate that there was no agency of the Government for the repayment of this money denominated in the bill or provided for, and what I said about the position of the bank and its custody of the money was merely to demonstrate the fact I had stated, that this bill makes no provision for the repayment of the money to the depositor. I am not dealing with the question of the banks.

Mr. CARTER. Mr. President, of course the Senator has the text of the bill on his desk, and I desire, with his permission, to answer his question by reading from the bill. On page 1 it is provided that—

> All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees.

Section 7 provides—

> That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe.

Mr. HEYBURN. Well, Mr. President, that does not provide a manner or a method, nor does it designate an agency through which the act is to be done. You might just as well say that the money shall be returned to the depositors, as may be provided by act of Congress to be enacted in the Sixty-fifth Congress.

Mr. CARTER. Mr. President, would the Senator have us provide the form of check or application?

Mr. HEYBURN. No; not necessarily so. I do not know whether I would or not.

Mr. CARTER. Would the Senator have us prescribe the color of the paper on which the application is to be printed?

Mr. HEYBURN. That does not strike me as a profound inquiry.

Mr. CARTER. It is a pertinent one, though it may not be profound.

Mr. HEYBURN. I would have the law designate the representative of the Government through whom or by whom the money should be repaid, whether it be a bank, a post-office, the National Treasury, or whomsoever.

Mr. CARTER. The payments may be made from the banks or the Treasury, as the board may elect.

Mr. HEYBURN. Where is the law?

Mr. CARTER. It may be found in the bill.

Mr. HEYBURN. Where?

Mr. CARTER. The law authorizes the necessary rules and regulations.

Mr. HEYBURN. What are they? I do not find the rules and regulations printed here in this bill.

Mr. CARTER. The Senator will see them promulgated long before any deposit is received.

Mr. HEYBURN. Promulgated by whom?

Mr. CARTER. By the board authorized by law to promulgate them.

Mr. HEYBURN. That is, we are going to delegate to this board the power to legislate as to the obligations of the United States and how they are to be kept? I think not.

Mr. CARTER. Not at all; but merely to execute a law of Congress.

Mr. HEYBURN. What law?

Mr. CARTER. The law which we propose to put upon the statute books.

Mr. HEYBURN. Do you call it executing a law to incorporate in a measure provisions for rules and regulations to be promulgated by some board upon the neglect of their enactment by Congress? We neglect to do it; and are we going to allow a board, nonlegislative in character, to legislate?

Mr. CARTER. I do not know where the Senator would stop in criticising the bill. You must leave it to somebody to determine the form of banks to be employed. You must leave it to somebody to determine whether they will pay from the central fund here in Washington, the reserve fund, or pay by checks on the banks. You must leave it to somebody to determine the kind of paper to be used in the pass books, the manner in which the correspondence shall be conducted and the business transacted; and that is all that is left to the trustees.

Mr. HEYBURN. The Constitution does that. It says we shall do it. Are we going to say that somebody whom we can not name even three months from now shall do it?

Mr. CARTER. In every department of this Government rules and regulations of executive officers are necessary to make laws workable in practice.

Mr. HEYBURN. But not to make laws.

Mr. CARTER. The Treasury Department prescribes its own system of bookkeeping. It selects the kind of paper to be used. It tells the quality of it. It determines how the mail shall be received, and the man by whom it shall be opened, and a thousand and one details that, of course, Congress can not undertake to prescribe.

Mr. SMITH of Michigan. I should like to ask the Senator from Montana a question, if the Senator from Idaho will yield.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. What is the objection to providing in the law a limitation within which a deposit may be withdrawn from the place where it has been made—from the postoffice wherein the money was originally deposited? What is the harm of that? If we are going to merely augment the business of state and national banks; if we are going to refer everyone who applies for the return of his money to a regularly constituted agency, what are we doing this for?

Mr. CARTER. The Senator from Michigan will realize that every postmaster in this country can not open a set of books with these postal depositors.

Mr. SMITH of Michigan. Very likely not.

Mr. CARTER. The accounts will be kept either at Washington or at central places in sections of the country, as the board may determine.

When a man proposes to withdraw money, even from a bank, it is necessary to consult the books of the bank as to whether he has the money on deposit.

Let this be understood. Let there be no misunderstanding about it. It is not the purpose of this bill or of anybody connected with the committee, so far as I know, to make this bill the basis of a banking business, or to create a bank out of the postoffice for the transaction of ordinary banking business. It is merely for the purpose of enabling persons so disposed to accumulate small sums of money by depositing them where they believe the money will be secure.

Mr. HEYBURN. In other words, it is constituting an agency of deposit for people who have money, treating them as though they were not capable of depositing the money in banks. The Government says, "We will, at great expense, institute a system of gathering up your money and putting it in the bank." But it does not tell them how they are to get it out.

Mr. CARTER. The law tells them.

Mr. HEYBURN. No law in existence, nor anything written in any law here proposed. It is the promise, not of the law, but of an immoral substitute for law—rules and regulations given the force and effect of law. Could you sue for your rights under the rules and regulations? Could you set it forth in the pleadings? You generally have to recover in court upon a law.

Mr. CARTER. Would the Senator have it repaid by the postmasters?

Mr. HEYBURN. I would have it repaid by a designated agency invested not only with the rights but charged with the responsibility for the handling of this money.

Mr. CARTER. Then, the Senator would designate one agency, or three, or four, or a hundred?

Mr. HEYBURN. I would have a convenient agency in the neighborhood where the money was deposited.

Mr. CARTER. Then the Senator would have to keep all the accounts of that neighborhood in the neighborhood.

Mr. HEYBURN. If it is too much trouble or too much expense to execute a law, let us not enact it.

Mr. CARTER. I suppose that is what the Senator from Idaho objects to—the proposed enactment of the law. I would be glad if the Senator would suggest any amendment he has which would enable him to point out to the Senate in a specific way the kind of agencies he would like to designate for the repayment of these funds.

Mr. HEYBURN. I shall not propose any amendment to this bill until I see danger closer at hand in the way of its passage. If we are compelled to accept this kind of legislation under our form of government, I may then be inspired to help to make it the least harmful possible.

Mr. CARTER. Under those conditions, I would admonish the Senator to prepare his amendment, because the hour is near at hand.

Mr. HEYBURN. I will have to be left to the exercise of my own judgment in that matter. I met with something of the same suggestion from the Senator from Montana last year when we were considering a bill of this kind, and the hour of danger in that case did not really approach very closely.

Mr. CARTER. The versatility of the Senator from Idaho is very charming to behold. Last year he objected to the bill because it had too many details and now he objects to it because it has too few details.

Mr. HEYBURN. That is a very——

Mr. CARTER. I imagine the Senator from Idaho is strongly opposed to this measure on general principles.

Mr. HEYBURN. Not on general principles; on specific principles.

Mr. CARTER. Then, I would be glad to have the Senator announce his specific objections, rather than to go into the question of providing by legislation as to the color of the paper which shall be used.

Mr. HEYBURN. I will undoubtedly, in my feeble way, announce them before this discussion closes. I imagine the bill will hardly reach a final vote this afternoon.

Mr. CARTER. I suggest that the word "feeble" had better be stricken out.

Mr. HEYBURN. I recognize the skill of the Senator from Montana in the use of words, but I will have to be given some latitude on that subject.

Mr. President, it is not my intention at all to enter into a general discussion of this bill; but I think it was not only proper but right, when the Senator in charge of the bill, a member of the committee, and the Senator who reported it submitted it to us for the first time, to develop the position of the committee and those speaking for it, in order that we might arrange it more logically in our minds and that we might not dwell upon matters which could be readily explained away. I shall not attempt at this time to do more than to say that I think this bill will have to be changed in many material particulars before it will be accepted by this or any other legislative body; and I do not think we are in a mood at this time to turn over the enactment of legislation, not to a department of the Government, but to some individuals as shifting as the sands of the sea.

Can Senators cast their minds back over the personnel of the Postmaster-General's office or the Attorney-General's office and see what we would have to rely upon in the way of wisdom in financial matters? A bank with a capital of a billion dollars in five years! That is what it amounts to—that much of the money of people the least able of all to take care of their own affairs; those who have little sums of money and little experience in the handling of it. They, because of their lack of experience, have held out to them this pretense, "Give me your money and I will take care of it for you." The citizen says, "When am I going to get it back?" The Government says, "We will make some provision for that or allow somebody else to make some provision for that." The citizen says, "How am I going to get it?" The Government says, "That will be provided for, too." The people will probably want to know before they let you have their money what that provision is going to be.

It does not follow that because postal savings banks meet with the approval of other countries or the people of other countries, or that they have been commended in some political platform, that anything that is submitted to us constitutes a postal savings-bank system within the hopes and the necessities of the people who will be its victims.

You establish a postal savings bank and gather together a billion dollars of money of the poor and loan it out to the banks who refuse them credit when they go to their doors; you loan it out to them upon the indefinite class of securities mentioned in this bill, and the people will rend you the first opportunity they get. They will say, "We want no more of a legislative body that leads us into a trap and a snare of this kind. Where is our money?" You have the old Freedmen's Savings Bank and a few of those efforts as very slight examples of the condition you would have to face. When this vast sum of money is gathered together and deposited in the banks under the conditions provided for in this bill, you will never get it out. You will issue bonds some day to repay the deluded depositors.

I cast my eyes over the figures of bank failures from 1892 to 1896 in connection with the consideration of this bill, and if I am not entirely wrong in my calculation, some five, yes, more than six, hundred million dollars of these deposits would have been involved in those failures. Under the conditions that existed eighteen months ago they would all have been involved and all would have ceased payment. In what shape would these deposits have been at that time? Even the Government could not get its money out of those banks. We had $400,000,000 tied up that was absolutely unavailable for any purpose to any person. We had a thousand million dollars tied up that was only available under conditions which would have had no application to this class of deposits. The depositor in a savings bank can not give bonds; he can not maintain litigation; he can not protect himself. You are going to draw from the people that much money, which, if they can find no other use than their own for it, would find its way into the channels of trade, and you are going to drive it away and lock it up. Subject to what? Subject to the lifted eyebrow of the cashier when he says, "We are not discounting to-day."

When one of these people needs money, perhaps to save his home, and he goes to the bank for it (it may be the bank in which his deposit has been placed by the Government), he will be refused. The Government is going to gather all this money of the helpless and place it in the banks, which can refuse to loan a dollar of it, or which can charge 1 per cent a month, or any other rate, or impose any other condition.

Suppose a man has deposited his $500. Suppose a man with a family of five available depositors has $2,500 in bank, and an opportunity offers for investment, either for comfort or necessity, and he goes to get his money. They say, "This account will have to be sent to Washington to be adjusted before we can say when we can pay it or how much you may get." "But," he says, "I want to use this money next Monday to save myself from the loss of my home," or "to buy a home." The bank says, "We can not help you; the rules and regulations are such that we must go through this machinery," and they wave him off with that air which all have witnessed. He says, "I will go down to the bank, and I can probably borrow the money from the bank until I can withdraw it from your institution." He goes to the bank which perhaps holds his deposit, and they coolly tell him, "We are not discounting to-day." They say, "Give us some collateral security." These bank books are not transferable under the proposed law. You do not intend to make them transferable. You do not intend to make them the basis for a loan. You do not intend to make them available to rescue a man in the distress of circumstances. You intend to get his money and build up a great grinding combination of rules and regulations until the people become desperate. And I tell you that in my judgment they will rise up when they realize what you have done, that you have placed them under a government of rules and regulations, and they will rise up and remind you that they are sovereign; and they have a method of enforcing their sovereignty that is known to most of us at some time in our lives.

Mr. GALLINGER. I should like to ask the Senator from Montana if he proposes to continue the further consideration of the bill to-day. It seems to be taking the usual course.

Mr. CARTER. In view of the fact that the Senator from Idaho desires to make some remarks on the bill, which I hope he will do after he has read it, we will not ask for a vote to-day.

Mr. HEYBURN. I might very properly suggest to the Senator from Montana at this time that before the final vote is taken upon this bill, or any other, the Senator from Idaho will exercise the privilege of discussing it according to his judgment, or lack of judgment, just whenever he sees fit.

INDIAN DEPREDATION CLAIMS.

Mr. GALLINGER (for Mr. OWEN) submitted the following resolution (S. Res. 162), which was considered by unanimous consent and agreed to:

Senate resolution 162.

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, not heretofore reported, requiring an appropriation by Congress.

REPRESSION OF TRADE IN WHITE WOMEN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 214), which was read, and, with the accompanying papers, referred to the Committee on Immigration and ordered to be printed:

To the Senate:

In further response to the resolution of the Senate of December 7, 1909, requesting the President to inform the Senate, "if not incompatible with the public interest, as to what action, if any, has been taken, under the treaty ratified March 1, 1905, for the repression of the trade in white women, and what provision has been made for the carrying out of said treaty," I transmit herewith a report by the Commissioner-General of Immigration, who has been designated as the representative of this country under the said treaty, giving the information desired.

WM. H. TAFT.

THE WHITE HOUSE, *January 31, 1910.*

AFFAIRS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

I beg to transmit herewith a report made to me by the Secretary of War upon the conditions found by him to exist in the island of Porto Rico during a visit made at my request. The people of Porto Rico, if we may judge by the expressions of the political parties in the island, have been anxious to secure amendments to the so-called "Foraker law," and especially a declaration by Congress making those who are now Porto Rican citizens under the Foraker law American citizens.

I commend to Congress the consideration of the report of the Secretary of War, and recommend the adoption of his suggestions, which have been embodied in a bill amending the so-called "Foraker Act." This bill is at the disposition of Congress. The Secretary suggests not an act making all Porto Rican citizens American citizens, with or without their consent, but an act to provide machinery by which Porto Rican citizens who shall make the proper application for citizenship to a proper court shall become American citizens upon taking the oath of allegiance to the United States. After a certain date the right to vote and to hold office is to be confined to American citizens, and only those American citizens are to enjoy the franchise who can satisfy certain educational or property qualifications. At present there is manhood suffrage in the island, and as a very large percentage of the voters are unable to read or write the electorate is not one which should be intrusted with the government. It is much better, in the interests of the people of the island, that the suffrage should be limited by an educational and property qualification.

I do not comment on the other changes in the laws recommended by the Secretary, because he sufficiently discusses them, and his arguments need no addition from me.

WM. H. TAFT.

THE WHITE HOUSE, *January 29, 1910.*

[Report and other papers accompanied similar message to the House of Representatives.]

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session, the doors were reopened.

INVESTIGATION OF INTERIOR DEPARTMENT, ETC.

Mr. MONEY. I ask to have read a letter from the Senator from Kentucky [Mr. PAYNTER] which I have just received.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Secretary will read the letter as requested by the Senator from Mississippi.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., January 30, 1910.

Hon. H. D. MONEY.

DEAR SIR: I have been confined to my bed by illness since Friday, and indications are that I may be for some days. I wish you would on Monday, when the Senate meets, announce my retirement from the investigation committee.

I feel that in justice to myself I should not continue to be a member of the committee. The labors of the committee will be burdensome. The investigation involves a careful study of the laws as to public lands, mineral privileges, etc. In addition to that, a wide range will be covered in the development of the facts relating to the subjects of investigation. Absence for several days from the meetings of the committee would make it difficult for me to give the investigation the kind of consideration which its importance demands.

Very truly, yours,

T. H. PAYNTER.

Mr. MONEY. At the request of the Senator from Kentucky, I ask that he be excused from further service on the joint committee.

The PRESIDING OFFICER. Without objection, the Senator from Kentucky is excused.

Mr. PAGE. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 1, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1910.

COLLECTOR OF CUSTOMS.

John S. Parsons, of New York, to be collector of customs for the district of Oswego, in the State of New York, in place of James H. Cooper, whose term of office expired January 25, 1910.

REGISTER OF THE LAND OFFICE.

Valentine F. Gorman, of Independence, Cal., to be register of the land office at Independence, Cal., vice Galen J. Dixon, term expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Ben F. Ristine, Twenty-first Infantry, to be first lieutenant from December 1, 1909, vice First Lieut. Walter C. Jones, Thirteenth Infantry, detailed in the Signal Corps on that date.

Second Lieut. George R. Guild, Thirtieth Infantry, to be first lieutenant from December 16, 1909, vice First Lieut. Kurtz Eppley, Eighth Infantry, honorably discharged on that date.

Second Lieut. Stuart A. Howard, Thirtieth Infantry, to be first lieutenant from December 18, 1909, vice First Lieut. William G. Doane, Ninth Infantry, promoted.

Second Lieut. John F. Franklin, Seventh Infantry, to be first lieutenant from January 12, 1910, vice First Lieut. Daniel E. Shean, Sixteenth Infantry, dropped for desertion on that date.

NOTE.—Lieutenants Ristine and Guild were nominated to the Senate for promotion on December 21, 1909, and confirmed on January 17, 1910; Lieutenant Howard was nominated on January 17, 1910, and confirmed on January 25, 1910; and Lieutenant Franklin was nominated on January 24, 1910, and confirmed on January 28, 1910. These nominations are submitted for the purpose of correcting an error in the date of rank of each of the nominees.

Second Lieut. William C. Russell, Eighth Infantry, to be first lieutenant from January 18, 1910, vice First Lieut. Leo B. Dannemiller, Eleventh Infantry, retired from active service on that date.

MEDICAL CORPS.

Lieut. Col. Aaron H. Appel, Medical Corps, to be colonel from January 28, 1910, vice Col. Charles B. Byrne, retired from active service on that date.

Maj. Alfred E. Bradley, Medical Corps, to be lieutenant-colonel from January 28, 1910, vice Lieut. Col. Aaron H. Appel, promoted.

Capt. Roger Brooke, jr., Medical Corps, to be major from January 28, 1910, vice Maj. Alfred E. Bradley, promoted.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Harrison Cressy Browne, of Michigan, to be second lieutenant in the Coast Artillery Corps, with rank from January 28, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1910.

UNITED STATES CIRCUIT JUDGE.

Loyal E. Knappen to be United States circuit judge, sixth circuit.

UNITED STATES DISTRICT JUDGE.

Arthur C. Denison, to be United States district judge, western district of Michigan.

UNITED STATES ATTORNEY.

William D. Frazee to be United States attorney for the northern district of Mississippi.

UNITED STATES MARSHAL.

Benjamin E. Walker to be United States marshal for the middle district of Alabama.

PENSION AGENT.

William Rule to be pension agent at Knoxville, Tenn.

COLLECTOR OF INTERNAL REVENUE.

William J. Maxwell to be collector of internal revenue for the first district of New York.

CENSUS SUPERVISOR.

Ira T. Bronson to be a supervisor of the Census for the seventh district of Missouri.

POSTMASTERS.

KANSAS.

Mary A. Campbell, at Alton, Kans.
William Chapman, at Mound Valley, Kans.
Thomas C. Wilson, at Jetmore, Kans.

MAINE.

Herbert L. Melcher, at Hebron, Me.

MASSACHUSETTS.

George T. Bailey, at Lancaster, Mass.
Charles L. Fairbanks, at Southboro, Mass.

MONTANA.

Charles A. Burg, at Livingston, Mont.

NEBRASKA.

John C. Bailey, at Herman, Nebr.
Alfred L. Brande, at Pierce, Nebr.
Mentor A. Brown, at Kearney, Nebr.
Timothy B. Calnon, at Lyons, Nebr.
James H. Chapin, at Decatur, Nebr.
George V. Dorsey, at Bradshaw, Nebr.
Henry Gietzen, at Humphrey, Nebr.
William J. Hildreth, at Exeter, Nebr.
Charles H. Hodges, at Collegeview, Nebr.
William H. McNeal, at Wayne, Nebr.
William T. Mawhor, at Shelby, Nebr.
O. K. Olmstead, at Orleans, Nebr.
Wellington A. Post, at Stromsburg, Nebr.
Charles Ruden, at Crofton, Nebr.
Delbert E. Sherman, at Valentine, Nebr.
Charles H. Snider, at Tilden, Nebr.
Newton L. Squier, at Silver Creek, Nebr.
Charles H. Taylor, at Walthill, Nebr.
Frank S. Tracy, at Winside, Nebr.
David C. Thompson, at Arcadia, Nebr.
Charles W. Whitney, at Republican City, Nebr.
Edgar A. Wight, at Wolbach, Nebr.

NEW YORK.

Charles A. Fowler, at Rome, N. Y.
George H. Hubbs, at Central Islip, N. Y.
George W. Hitchcock, at Ripley, N. Y.
James L. More, at Pulaski, N. Y.

NORTH CAROLINA.

McMurray Furgerson, at Littleton, N. C.
James D. Maultsby, at Whiteville, N. C.

NORTH DAKOTA.

George Laney, at Napoleon, N. Dak.
Joseph T. Wyard, at Goodrich, N. Dak.

RHODE ISLAND.

Moise Meunier, at Arctic, R. I.

SOUTH DAKOTA.

William H. Barger, at Fairfax, S. Dak.
Charles E. Johnson, at Bridgewater, S. Dak.
William C. Mathieson, at Fort Pierre, S. Dak.
John A. Stanley, at Hot Springs, S. Dak.

TENNESSEE.

Alexander M. Stuart, at National Soldiers' Home, Tenn.

VERMONT.

Max A. Wilson, at Johnson, Vt.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 31, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O Lord, our God and our Father, we thank Thee that, in spite of the alarmists, in spite of the ominous growls of the pessimists, knowledge is increasing, ignorance is passing away; that the good is in the ascendency, while evil is dying; that men are growing more and more into the likeness of their Maker; that the world is better to-day than it was yesterday. Help, we beseech Thee, to throw our influence on the side of right, truth, and justice, and eschew all evil, that Thy kingdom may come and Thy will be done in the earth as it is in heaven, through Jesus Christ, our Lord. Amen."

The Journal of the proceedings of Saturday was read and approved.

A QUESTION OF PERSONAL PRIVILEGE.

Mr. GRONNA. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GRONNA. I send to the Clerk's desk an article which appeared in the Forum, published at Fargo, N. Dak., January 26, 1910.

The Clerk read as follows:

TO OPEN NEW BUREAU.

[By Associated Press.]

WASHINGTON, *January 26, 1910.*

It is currently reported here that the Marshall-Gronna combination is about to open campaign headquarters in Washington. The Washington branch, it is said, will be conducted by Representative Gronna and a corps of workers. Washington offers great advantages to the combination, it is claimed, because of the franking privilege, which usually is worked overtime by candidates for office.

It is a question whether Representative GRONNA can legally frank campaign literature, now that his political interests lie in another direction. Certain it is that thousands of franked letters in support of the Lakota man's candidacy for the Senate are being sent to North Dakota.

Mr. GRONNA. Mr. Speaker, I should have paid no attention to this ridiculous article had it appeared only in the Forum, because the Forum is, as is quite well known, a sensational and boss-ruled paper. But, Mr. Speaker, the same article, which I have had read at the Clerk's desk, appeared in the Bismarck Tribune, purporting to be a dispatch from the Associated Press. The Tribune is not a sensational paper and is not so considered generally. On the other hand, it is rather a conservative paper. I consider its editor a friend of mine, a respected citizen, and an able writer. Observing that this story was credited to the Associated Press, I was curious to know how and where they obtained their information. I called up the office of the Associated Press and talked with Mr. John P. Gavit over the telephone, and at his request I called at his office later and he assured me that he believed this article was not sent out by them. I want to say, in justice to Mr. Gavit and to the Associated Press, that I was treated in the most courteous manner. After a thorough examination of the files of their office, Mr. Gavit gave me a letter which is as follows:

THE ASSOCIATED PRESS,
Washington Bureau, January 30, 1910.

Hon. ASLE J. GRONNA,
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg leave to thank you for drawing my attention to the issue of the Bismarck (N. Dak.) Daily Tribune of January 27, 1910, containing the following, which purports to be a dispatch of the Associated Press:

"WASHINGTON, *January 26.*

"It is currently reported here that the Marshall-Gronna combination is about to open campaign headquarters in Washington. The Washington branch, it is said, will be conducted by Representative GRONNA and a corps of workers. Washington offers great advantages to the combination, it is claimed, because of the franking privilege, which usually is worked overtime by candidates for office.

"It is a question whether Representative GRONNA can legally frank campaign literature now that his political interests lie in another direction. Certain it is that thousands of franked letters in support of the Lakota man's candidacy for the Senate are being sent to North Dakota."

I believe I can safely assure you that this dispatch was not sent over the wires of the Associated Press anywhere, or otherwise handled by it. We do not transmit matter of this character; if for no other reason, that it is of purely local interest.

I can assure you without qualification that it never was sent by the Associated Press from Washington. I have carefully examined all of the files of "sent copy" for that date, and am absolutely certain that it was not handled on our wires. I should have been just as certain without any investigation whatever. I do not believe that it reached the Bismarck Tribune through the Associated Press at all. Of course I can venture no opinion as to the source from which it came to that paper.

I beg leave to say that I am forwarding a copy of this letter to our general headquarters at New York, and also to the superintendent of the central division of the Associated Press, Mr. H. L. Beach, at Chicago.

Yours, very truly, JOHN P. GAVIT.

Now, Mr. Speaker, I do not care to venture an opinion as to who sent this report, but I do say that I believe that whoever wrote it knew that he manufactured a lie out of whole cloth. The statement that I have sent out thousands of franked letters in the interest of my candidacy is false. I should not at this time, Mr. Speaker, take the time of this House were it not for the fact that I consider that it is a reflection upon the membership of this House as well as upon my own, and, furthermore, it reflects and does an injustice to a former colleague, an honored Member of this House, one who is held in the highest estimation by those who know him, the Hon. Thomas F. Marshall. [Applause.]

I do not want to be understood as having any objection to being criticised. I realize as much as anyone that the press has a right to criticise if done in a spirit of fairness, but I want to say that we should remember and the press should remember, as well as the members of this House, that, in the language of the great emancipator of this country, it should be done with malice to none and charity for all. [Applause.]

DISTRIBUTION OF PRESIDENT'S SPECIAL MESSAGE OF JANUARY 14, 1910.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means I present the following privileged report (No. 358), which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 337.

Resolved, That so much of the special message of the President of the United States, transmitted to the two Houses of Congress January 14, 1910, as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

That so much as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

That so much as relates to agriculture and forestry be referred to the Committee on Agriculture.

That so much as relates to the lands of the United States be referred to the Committee on the Public Lands.

That so much as relates to the irrigation of arid lands be referred to the Committee on Irrigation of Arid Lands.

Mr. PAYNE. Mr. Speaker, this is a unanimous report from the committee, and I ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill referred to be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. I have not given that careful and considerate attention to the President's message which most of the Members of the House ordinarily do, but the committee of which I have the honor to be a member deals with certain phases of the water-power question. I do not know whether the President has covered that phase of that question in his message, but if so, it properly should be referred to the Committee on Interstate and Foreign Commerce.

Mr. DWIGHT. Does the gentleman from Illinois want everything?

Mr. MANN. Mr. Speaker, the gentleman from New York [Mr. DWIGHT] asks if we want everything. We want nothing, but there are certain things that properly go to that committee, with which it is now dealing, and if the President's message refers in any way to water power in navigable streams, or the construction of dams across navigable waters of the United States, then that is a matter which is now pending before the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. Mr. Speaker, from glancing through this message hastily, I think I can assure the gentleman that this refers only to deep waterways. But, Mr. Speaker, I will turn the message of the President over to the gentleman from Illinois, and defer my request for the present while I take up another matter, and he can examine it for himself.

Mr. FITZGERALD. Mr. Speaker, I would like to ask the gentleman from Illinois a question, and also the gentleman from New York [Mr. PAYNE]. Has either of these distinguished Republicans read this message?

Mr. MANN. Mr. Speaker, I listened with very marked attention when the message was being read from the Clerk's desk at the time it was sent to the House, but at some point I was interrupted by the gentleman from New York [Mr. FITZGERALD] with a side conversation, and I may have missed that particular part of it.

Mr. FITZGERALD. Mr. Speaker, it is very unfortunate that the gentleman from New York interrupted the attention of the gentleman from Illinois.

Mr. PAYNE. Mr. Speaker, I withdraw my request for the present.

The SPEAKER. The gentleman from New York withdraws his request temporarily.

BONDS AND CERTIFICATES OF INDEBTEDNESS OF THE UNITED STATES.

Mr. PAYNE. Mr. Speaker, I present the following privileged report (No. 357) from the Committee on Ways and Means, which I send to the desk and ask to have read.

The Clerk read as follows:

A bill (H. R. 19548) prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

Be it enacted, etc., That any bonds and certificates of indebtedness of the United States hereafter issued shall be payable, principal and interest, in United States gold coin of the present standard of value; and that such bonds may be issued in such denominations as may be prescribed by the Secretary of the Treasury.

SEC. 2. That any certificates of indebtedness hereafter issued shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority; and that a sum not exceeding one-tenth of 1 per cent of the amount of any certificates of indebtedness issued is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PAYNE. Mr. Speaker, I desire to say that this also comes with a unanimous report, and I also ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill and report be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I do not desire to object, but I think the gentleman ought to make some explanation of the bill in connection with the request.

Mr. HARRISON. Mr. Speaker, will the gentleman from New York yield for a question?

Mr. PAYNE. Yes.

Mr. HARRISON. The second section of the bill exempts from all taxes and duties certificates of indebtedness. The governor of the State of New York in a recent message to the legislature of that State opposed the adoption of the income-tax amendment and alleged as a reason for his attitude that it might subject government securities to taxation. I want to ask the gentleman from New York whether this is not true—that this bill exempts all certificates of indebtedness, and thus removes all those grounds of objection on the part of the governor.

Mr. PAYNE. Mr. Speaker, this bill does exempt by its terms certificates of indebtedness as well as bonds of the Government. I do not think that any State could tax bonds of the Government, but a man who is loaning money is sometimes fearful lest he may have a lawsuit over it, and if we provide in a bill in express terms that these are exempted there will be no apprehension of that kind.

In explanation to the gentleman from Illinois [Mr. MANN], I want to say that the reason for the passage of this bill is twofold.

In the tariff act of last summer we provided for an issue of bonds in payment of the Panama Canal to the extent of the estimated cost of the canal. There was a provision on that subject, put on in the House, that went out in the Senate, which was taken up in the conference committee, and finally there was a draft of that section of the bill made in the Treasury Department. The committee adopted the draft substantially, and then received a letter from the Secretary of the Treasury calling attention to a manifest error made in the original draft. This letter was addressed to one of the Senate conferees, and the conferees unanimously decided that the amendment that the Secretary had recommended in his communication was a proper one; one of the conferees, not of the House, drew his lead pencil through the words that the Secretary had asked to be stricken out, but carelessly also drew the pencil through two more words in the bill that provided that the principal of those bonds should be payable in gold, so that the act as it now reads provides that the interest on those bonds shall be paid in gold, but makes no legislative direction as to the payment of the principal. This bill attempts to cure that defect in this second section. The part in regard to certificates has already been sufficiently explained in my reply to the gentleman from New York, my colleague. Now, there is another suggestion in the bill. That act provides for the issue of bonds in denominations of one hundred, five hundred, and one thousand dollars. Those bonds, of course, were acceptable to the man who buys coupon bonds, but the man or bank which takes registered bonds desires to have them in a larger denomination. If they borrowed a hundred thousand dollars, say, a hundred thousand dollars of bonds would make a large bulk to put away in a vault, and the bonds sell more readily in denominations commensurate with the size of the loan which the bank makes to the Government. Heretofore in bills of this kind generally it has been left to the discretion of the Secretary of the Treasury as to the size of the bond, and it is amended by this bill to conform to the practice hitherto and also the legislation up to the time of the Spanish war loan on this subject, and allows the denomination to be in the discretion of the Secretary of the Treasury. I think those are the only changes made in this bill.

Mr. MANN. There is no change in the rate of interest on the Panama Canal bonds in any way at all?

Mr. PAYNE. Not at all; nor in the tax when the bonds are used for circulation.

Mr. MANN. Are these certificates of indebtedness now exempt from taxation?

Mr. PAYNE. I think that is so under the Spanish war-loan act, but these certificates are provided for in the bill of last summer. I now yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I wish the gentleman would yield me five minutes.

Mr. PAYNE. The bill is not before the House yet. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I believe this is the second attempt to perfect the so-called "Payne tariff act." The first attempt was made before it became a law. A joint resolution was passed to amend the shoe schedule so that the promises made in regard to shoes would be kept. Now, it seems that the Payne tariff bill was prepared in such a careless, indifferent, and incapable manner that no provision was made for the money in which the bonds which were provided in the bill to be issued were to be paid, but particular care was taken that the interest at least should be paid in gold coin.

I have not had an opportunity yet to go through the law as carefully as I desire for the purpose of making certain comparisons, but I have no doubt that the action of the gentleman from New York to-day will be repeated frequently at this session of Congress, and from time to time unanimous consent will be asked to permit the passage of bills to correct notorious defects in the Payne tariff act, which this side of the House will be happy to join in passing. More than that, Mr. Speaker, I have no doubt that by the time we begin to make a careful overhauling of the Payne tariff act many, many amendments and changes can be made in it with resulting benefit to the public. Another Member of the House from New York, a Republican, has announced that he will introduce a joint resolution to-day suspending the tariff on all meats for one year, so that people may be relieved from the exorbitant prices now being charged for meat in this country. I know that a distinguished Republican in a speech the other day stated that he, at some other time, would take up this question of prices and would demonstrate that the tariff had nothing whatever to do with the prices of food products; and yet another Member, a colleague of the chairman of the Committee on Ways and Means, is so little impressed by that argument and has so little confidence in the assertion of the distinguished member of the Committee on Ways and Means to whom I refer that he believes that the effective method to bring relief to the people is to suspend the tariff on meats for one year.

This bill is to be introduced by the gentleman from Brooklyn [Mr. FOELKER], who represents the Fourth New York District, if I be not mistaken, and it will provide that for one year the tariff on meat supplies, including beef, mutton, lamb, pork, and other meats intended for use as human food, shall be suspended for one year.

I wish to ask the chairman of the Committee on Ways and Means if he will not at this time accept an amendment to the pending bill, designed to cure defects in the law for the interest of the bondholders, which will bring some relief to the consumers of the country by suspending the tariff on meat products intended for use as food for one year. If there be such solicitude to bring relief to those who are able to purchase bonds of the United States, why not give some relief to the great mass of the people who are now suffering under Republican laws and a Republican administration? Why not do a little for the hungry and the poor? Why not take effective steps to rebuke the outrageous action of the beef trust in keeping up the price of meats, and give some relief to those unable to purchase bonds, but anxious and willing to purchase food for themselves and their families? There will be no opposition on this side, and, as the suggestion comes from a Republican colleague of the distinguished chairman of the Committee on Ways and

Means, I know that he will not charge that it is instigated by politics merely, but will realize that it is done purely for the relief of the masses. I hope he will now see how effective such an amendment will be and will consent that it be offered at this time, and in that way perfect a little more the law which bears his distinguished name. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I heartily concur in the remarks just made by the gentleman from New York [Mr. FITZGERALD], but there is hardly a hope that his proposition can affect the minds and consciences of the other side, though doubtless it may penetrate their understanding, so I will address my remarks to other matters.

I read a short article contributed to the "Town-Talk" column in the Enquirer-Sun, of Columbus, Ga., which I think was written by Mr. Woodall, a very talented young man connected with the staff of that paper:

The annual deficit has occurred in the Postal Department, and the annual "miration" is being made over it. The causes of the excess of expenses over revenue are being analyzed and solemnly discussed, and no doubt the usual heavy editorials telling how to reform the Post-Office Department are in course of preparation.

It is rather singular that the annual "deficit" in the War Department and the Navy Department and the Pension Department, and various and divers other departments of the Government seldom excite attention and very rarely provoke comment. But the Postal Department, just because it is making an honest effort to foot its own bills and make its way along in the world without help, is always in the limelight when it's a few millions to the bad.

Come to think about it, the Postal Department is about the only department in the whole scheme of government that is even partially self-sustaining. "War and its rewards," as the army, navy, and pension branches are termed, get mammoth appropriations, with never a thought on the part of Congress of getting a cent of it back; that is, directly. Getting right down to the facts in the case, it is probable that the people as a whole, you and I and our neighbor and friend out on the rural free-delivery route, get more solid benefit and comfort out of the delivery of mails by the Government, promptly and accurately, than from any other expenditure made by Uncle Sam.

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The United States mail is a practical blessing that enters into the lives of all the people. It is true that the Government charges for stamps and does not haul anything free except pieces of mail (and express) that travel in style and in state under official franks. At the same time this revenue is not sufficient to pay expenses. The deficit this year was $17,000,000, if the writer's memory be not at fault. And when Uncle Sam paid this $17,000,000 he had the satisfaction of knowing that the money had done more real good and had benefited the people as a whole in a more practical way more than all the hundreds of millions expended on *Dreadnoughts* and armor plates.

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Analysis of the deficit shows that the two main causes of the loss in handling the mails are the transmission of second-class matter (publications) and the rural free delivery routes. The people at large are benefited by the circulation of newspapers and magazines at low rates of postage, and as for rural free delivery, everybody knows what a blessing that is proving. Uncle Sam is now expending some $35,000,000 to $40,000,000 a year carrying the farmer his morning mail; but everybody will agree that the money is not wasted. Country life is thereby made more attractive, the value of farm lands is enhanced, and the standard of comfort of the rural population is advanced.

I also wish to read the following, clipped from some paper, but contributed by a Georgia correspondent:

A Georgia correspondent, discussing the postal deficit, says: "It seems to me that the Post-Office Department gives more real service to more people than all other branches of the Government combined and also brings in greater returns in dollars and cents. Therefore, I see no reason why it should be censured for not being self-supporting when other branches are a total expense." And what foolishness the talk about a department of the Government being self-supporting is, anyway! If it is self-supporting, it is so because the people are paying enough to make it so; and if it is not self-supporting, the people make up the deficit. There is, in the case of the Post-Office Department, a certain amount of money required for operating expenses. What difference does it make in the end whether the people pay this bill by buying postage stamps or in the settlement of some other tax? It is a matter of taxation, and the only question involved is as to the form that the tax shall take.

Mr. Speaker, it occurs to me that some people are too strenuous in demanding an annual profit at the hands of the Post-Office Department. The danger is that enforced economy might impair efficiency and curtail usefulness. The Government itself was not created as a money-making institution. Its purposes are decidedly higher and nobler. In order to carry out those purposes it was necessary to provide revenues, to meet the expenses of administering the Government. The Treasury Department was established and charged with the duty of looking out for the financial necessities of the Government. In the House a Committee on Ways and Means was charged with the duty of providing ways and means to enable the Treasury Department to raise the necessary money. The War Department and the Navy Department were established in order to take care of the public defense. The Interior Department was established for necessary internal administration to protect the property interests of the Government and care for, rather than acquire, assets for the Government. To it was committed the distribution, rather than the accumulation, of large sums of money, notable among which is the pension fund.

The State Department was created not as a money-maker for the Government, but to conduct our intercourse with other governments, and in the business of diplomacy disbursement is much more common than accumulation. Likewise, the Department of Agriculture is charged with promoting interests of very great concern to the body of our population and the dispensing of information as to the agricultural enterprise and progress of the country. The Department of Commerce and Labor has been thought necessary to regulate and protect our great and growing commercial and labor interests. The Department of Justice was certainly not intended as a money-making institution. It was created as a necessary instrumentality to enforce the law. The Post-Office Department was intended purely and simply as a public convenience. In fact, its first conception was as an aid to official intercourse, official communication, and the discharge of official duties. How strange that now some unreasoning and unthinking people carp and criticise its continued and extended use for that purpose.

Every few days we read of some assault upon the use of the franking privilege by Congressmen and officials, as though it were a privilege personal to them and used solely for their personal emolument and convenience. That is a radical and fundamental error. There may be occasional abuses, whether originating in ignorance, carelessness, or design; but the abuses are infinitesimal in number and amount involved compared to the bulk of that character of mail which consists simply in sending to the people the things which belong to the people and which ought to be delivered to the people. The matters of seeds and documents, of which some cheeseparing patriots make such a bugaboo, ought to be clearly understood by everybody. The Government prints many documents, some of which I sometimes think of little value, but those very ones may be of greatest value to the people of some other section. I often think that of the best books the issues printed are too small, that larger allotments ought to be made of the most valuable books and smaller allotments of the less valuable books; but those are matters of judgment that I am not allowed to control.

The purpose, however, of disseminating among the people the valuable information which the Government with its powerful agencies is able to acquire on various subjects is certainly a wise one, and in distributing those documents to his constituents the Congressman performs a part of his routine duty and should be credited with that much diligence in the discharge of his duty, instead of being reviled as acting entirely from political motive and charged with the expense of paying postage on the public documents which belong to the people to whom they are sent. Likewise the seed distribution is founded in a good purpose. The discovery and exchange of new and rare varieties of seed is entirely laudable to enable the people of the various regions of the country to experiment, introduce, and improve seeds in order to find those best adapted most productive and profitable. That purpose is not always executed nor realized in perfection. Many seeds are purchased and sent to people who do not need them, to whom they are not new, rare, nor desirable. Nevertheless, the fact remains that people all over the country do wish the benefit of the Government's knowledge and agencies in improving their varieties of seeds. It may be a small practice in the eyes of some people for a Congressman to send them out, but the practice of deriding and criticising him for it is a great deal smaller when the facts are known.

The department, I believe, does its best under the appropriations made to carry out the plan. They make mistakes, and Congressmen send to their constituents packages made up and furnished by the department. Those packages often contain varieties of seed not desired by the recipient at all, while some other seed sent to other parts of the country would have been much more satisfactory. The Congressman is often erroneously blamed for that. He simply performs a part of his routine duties. They belong to the people, the people want them, it is his duty to have them distributed, and a great many people appreciate them, far more than the small number of scoffers who criticize, usually from an ulterior and sinister motive, profess to believe. The two arguments usually made against it are trifling, selfish, and erroneous. Some people who wish for other purposes the small amount of money devoted to that purpose object to it as waste and graft, failing to mention the fact that other smaller and more highly favored classes are the beneficiaries of governmental favor in hundreds of times that much. Another class object—and a powerful lobby has been used to advocate the objection—that it interferes with the business of the seedsmen. That is untrue. When undesirable seed go into a community they are generally discarded, but

whether used or not they certainly would not, in any event, have been purchased from local seedsmen. If they are good seed, there are not enough of them to answer the purpose.

They only suggest their usefulness to the recipient and at once create a demand for a great many more like them, and in nine cases out of ten the recipient goes to the seedsman and buys many more in order to plant enough, when he would have bought none had the matter not been suggested by his receiving an insufficient quantity of desirable seed. In my judgment, the effect of the seed distribution is rather to stimulate the seed business than to damage it. At any rate a Congressman would be in small and contemptible business to decline to distribute them to his people or transfer them to some other people than his own if his own is not an agricultural district. In my judgment, it would be much smaller and more inexcusable for a Congressman to vote to discontinue the practice on account of any adverse arguments or ridicule. The order of the Postmaster-General prohibiting free transportation in the mails of seed franks, while transmitting the franks and the seeds both, after the franks are attached to the package, may be law, or at least it may be argued to be law, but it is too small a matter for so big an argument.

In my judgment, it could have been easily argued and determined the other way, and it has been so done under previous administrations. If it is the law it ought to be amended at once, not because it is big enough to be of much importance, but because it is too little to justify any such exhibition. The other duties of the Post-Office Department are all confined in the main to distributing and exchanging communications and literature. I do not care to discuss in detail the persistent effort to raise the price on magazines and periodicals, referred to in a lump as second-class mail matter. The chief and prime purpose, of course, is to transmit and exchange letters, but in a liberty-loving country whose institutions are dependent on intelligence, those instrumentalities of instruction and education, so highly beneficial to the people, should receive liberal treatment in transmission. There is no objection to reasonable regulations and some pay as to all but official mail, but it has wisely been the practice to allow such mail to go cheaper because it was of general benefit to the people.

As to the second-class matter, it might be profitable to consider the terms on which the Government contracts with the railroads with a view to business principles, bearing in mind the conditions of competition by those same railroads directly or indirectly through the express companies. I merely call attention to the fact, which appears to be known to everybody, that the evident loss to the Government on long-distance shipments of second-class mail from the difference between the price paid the railroad and the postage received would be more than made up by profits on the short-distance shipments if the department received that business at all. But while the express companies can not compete with the Government at the uniform rate charged by the department for long distances, they can very easily underbid that same uniform rate on short distances, take all the business, and make lots of money. Instead of being stampeded by the foolish notion that the department must be self-sustaining, and that the accommodation of the people in the use of this second-class mail matter must be curtailed, why not look to the proposition of adjusting the rates to the distances, and so trading with the railroads as to secure some of the short and profitable business as well as the long and unprofitable hauls? A private shipper would be too smart to do business with the railroads under an arrangement which permitted that railroad to allow a competitor to take all the profitable business.

The most valuable branch of the entire department is the rural delivery, which, under the splendid management of Mr. De Graw and Mr. Spillman, two of the best business men I ever saw, is doing all the good possible to be accomplished with the money appropriated for the purpose. In my judgment those two vigilant public servants do their best to make the service satisfactory and efficient; and I believe that, with the money at their command, they give to the rural population all advantage possible. There are some cases where the roads are so laid out that routes can not be made of exactly standard length. The inspector may reach a fork in the roads or a crossroad, by turning at which he would make a route 23¾ miles. Under the present arrangement the carrier could only be paid for riding 22 miles, because the unit of gradation is 2 miles, fractions being not allowed nor single miles. Beyond that crossroad there are a number of families not accessible to any other route at all, and by going 4 miles farther roads could be found to go around and serve them all; yet the carrier would have to travel 27¾ miles, or 3¾ miles for which he would receive no pay. There are many routes of various lengths along which good people live at a distance of from one-half mile to 2 miles. These people can not be reached by any other route. They can not be served unless accommodated by that one. If the Division of Rural Free Delivery were allowed sufficient money and the present unit of gradation reduced from 2 miles to half a mile, so that every carrier could be paid approximately for the distance he travels, the Division of Rural Free Delivery could substantially equalize all these routes and serve everybody. Where it is necessary or desirable a carrier would not object to having his route extended 3 or 4 miles if his pay was increased according to the extension. On the other hand, if the circumstances did not permit a full standard route, a carrier ought not to lose the pay for 2 miles when his route is short only a quarter of a mile. Yet such is the case at present. The pay of the carriers is not sufficient nor in fair relation to that paid the city carriers. The very service the rural carriers are engaged in scatters information which equalizes the price of supplies, so that the initial cost is about as great in one place as in another.

The rural service keeps everybody posted as to prices and all other events. The day is passed when you can dash out into the country and pick up a lot of country produce at less than it is worth, because everybody everywhere now knows its value. Of course the profits of the middlemen cut a figure a great deal larger than they should cut, but not sufficient to justify the difference in salaries in the city and in the country. Furthermore, in addition to the hardships and privations of a long drive every day in all sorts of weather, so arduous as to disqualify the carrier from doing anything else if he had time, his expense of equipment and maintenance consume about one-half of his annual salary, a larger proportion than is known in any other business. In fact, about $37.50 per month is all of the salary left, out of which the carrier must support his family, educate his children, and lay up a competency for his old age.

It is hardly necessary to refer to the suggestion sometimes made by people, due, no doubt, to lack of investigation and consideration, rather than bad motive, that the country people now served by rural delivery should, in lieu thereof, be served by carriers who bid off the job by contract. To those who understand conditions over the country this idea is preposterous, if not monstrous. It would take away all consideration of character and decency and leave alone the question of how little money the cheapest and sorriest and most objectionable character would charge to do the physical work. The details of the possibilities are too tedious and dirty to be discussed. The present rural carrier is an officer of the Government, qualified by examination, oath, and bond from among the very best people in the community; the department will permit no other kind; the patrons will tolerate no other kind. His duties are a part of the post-office duties. You might just as well let out by contract the office of postmaster. The adoption of that idea as to carriers would speedily and utterly destroy the service. When school children and drummers and travelers did not deliver and dispatch the mail the people would revert to the old practice of going to town for their mail. But I dismiss that proposition, because I have too much faith in the committee and in Congress to apprehend any danger of its adoption.

My deep interest in the subject and my intimate acquaintance therewith have betrayed me into a longer discussion of details than I intended to make. What I started out to do was to call attention to the fundamental error sometimes influencing committeemen and Members of Congress—advocated in various quarters for various purposes, and sometimes wrongfully countenanced by the administration—that the Post-Office Department is expected to make money, that the people must be deprived of service because there is a deficit. Suppose there is. Use the money-raising arm of the Government and meet the deficit. A gentleman conducts a business for the support of his family. He sends his children to school and buys his wife a carriage and supplies her with dresses and jewelry and all manner of adornments and luxuries. The financial balance of his children in school would show a considerable deficit. As a financial venture the conveniences and luxury furnished to his wife show an entire deficit, but if the old gentleman's business is profitable he would easily meet those amounts, and it is just as reasonable for him to raise a domestic hue and cry about the luxuries and comforts in his family and the education and refinement of his children not making present financial profit as for people to demand that the Post-Office Department make money for the Government or even be self-sustaining. I admit that a wise economy ought to be used—that is, all the money spent ought to be so spent as to benefit the people with mail service.

No stealing ought to be allowed, but the officials of the Post-Office Department should understand that they are to spend all the money appropriated to supply the people with the best,

promptest, most frequent and efficient service possible, and the members of the Committee on the Post-Office and Post-Roads ought to see all the money necessary for that purpose should be appropriated. There should be nothing niggardly or stingy in that department—none of the false economy which would deprive American citizens of mail service in order to save a dollar. Efficient service is the prime purpose and consideration, and should be secured honestly—that is, without stealage—and as economically as is consistent with good service. I do not believe it is even necessary to require that first-class business shall be self-sustaining, much less pay for alleged shortage on other business. One cent postage is sufficient for letters. In my judgment, if Congress would make sufficient appropriations and give proper direction for the administration of the Post-Office Department according to these suggestions, we would have an efficient service, satisfactory to the people, and if satisfactory to them, profitable to them. Turning money into the Treasury is not the only way or always the best way to insure profit to the people. Service is what they want in the Post-Office Department, not money.

A prosperous and contented people can be relied upon to supply the Treasury with necessary money, and I regret that there seems to be a dislocation of ideas and misconstruction of the duties allotted to various committees. Members of the Committee on the Post-Office and Post-Roads are tearing their hair and racking their brain and working themselves into a frenzy of excitement trying to help raise money to run the Government to wipe out a deficit instead of performing their legitimate functions of appropriating all the money necessary and possible and searching out and authorizing every available way in which the Post-Office Department can wisely expend money for the service of the people. On the other hand, the members of the Committee on Ways and Means, whose duty it is to raise money for the Treasury, devote their energies to curtailing the receipts at the customs-houses, and instead of raising money by collecting taxes at the ports, are giving their attention to building up particular interests and enriching particular classes by the direct power and intervention of the Government. If that great committee would only reduce to the competitive point a few of the duties on the most common articles of general use in this country, the Treasury would overflow with money and we would never again hear of this nonsense about a deficit in the operation of the Post-Office Department, intended not to make money but to spend it for the benefit of the people.

A good deal has been said about amending the rules and the method of making up the committees of the House. Whatever the method may be, it would be better for the country if those members of the Committee on the Post-Office and Post-Roads who imagine it is incumbent on them to provide money to support the Government were transferred to the Committee on Ways and Means. Those members of the Ways and Means Committee who, instead of providing an honest and fair system of taxation to fill the Treasury with money while preserving fair conditions for people to live under, are devoting their great talents to producing inequalities, exempting lines of business from taxation and competition, and building up and enriching special classes, should in turn be transferred to some other committee; or, better still, the people, by wisely changing the political complexion of this House, could transfer the control of all those committees to good Democrats, who understand the genius of our institutions, the principles and system of our Government, and would see that it was conducted for the benefit of the people and the glory of the Republic. [Applause.]

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Alabama?

Mr. PAYNE. How much time does the gentleman want?

Mr. UNDERWOOD. Five minutes.

Mr. PAYNE. I yield five minutes.

Mr. UNDERWOOD. Mr. Speaker, this resolution is reported unanimously by the Committee on Ways and Means, the minority on the committee being in a position where they could not refuse to help the majority in taking care of the affairs of the Government. It is to be regretted exceedingly that within six months, and less than six months, after we pass a great revenue bill to take care of the finances of the country we are brought face to face with the problem of issuing bonds to prevent a deficit in the Treasury, but as it seems the administration desires to have these bonds or certificates of indebtedness so issued that they are salable in the country, and that the Government may proceed to carry on its governmental functions and have sufficient money to do so, notwithstanding the failure of the tariff legislation to produce sufficient revenue to run the Government, we feel it is nothing but right we should aid as far as possible the administration to obtain money to run the Government if their financial bills are not capable of raising the funds that the Government requires.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. I understood this was a unanimous report. I notice it provides for the issuance of bonds to be payable in gold coin.

Mr. UNDERWOOD. I will come to that in a minute. I am sure my voice sounds pleasant to the gentleman along the lines on which I am discussing this bill.

Mr. MANN. The gentleman's voice always sounds pleasant, and will sound much more pleasant when he is defending an issue of bonds payable in gold coin from that side of the House.

Mr. UNDERWOOD. We regret that in the hurried way in which the Payne tariff bill was passed, without the minority having a chance to participate on the conference committee, these mistakes and irregularities should have crept into the bill. But notwithstanding that fact they are here. It has been the custom of this Government whenever it sold bonds to exempt them from taxation. Whether that custom is a good one or a bad one is a question, but these certificates of indebtedness can not be sold without that provision is included in this bill. Therefore I feel that we should not stand in the way of selling these certificates of indebtedness if the Government is in need of the money at this time.

Mr. CULLOP. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. CULLOP. Do you not think it would be better policy for the party in power, instead of borrowing money to pay the operating expenses of the Government, to reduce the tariff so that it would produce revenue and make cheaper commodities in the necessaries of life? [Applause on the Democratic side.]

Mr. UNDERWOOD. Unquestionably.

Mr. CULLOP. Then I am opposed to this bill.

Mr. UNDERWOOD. But we can not shape the policy of the majority of this House. We are in hopes the day will come when we can shape a policy of our own.

Mr. CULLOP. Can not we refuse to let them keep on plundering the people by the Payne tariff bill?

Mr. UNDERWOOD. If we refuse to supply the money to cover their mistake we embarrass the Government and the people of the United States very seriously. I do not think that is a proper way to handle the question. I believe that within the next year the people may in their wisdom determine to write a tariff bill that will raise sufficient revenue to support the Government, and then these certificates of indebtedness will be withdrawn.

Now, as to what the gentleman from Illinois says in reference to making these Panama bonds payable in gold. That question was fought out a number of years ago. About the only piece of legislation that the Republican party has put upon the statute books within the last sixteen years that it has been in power so far as it related to the financial question and was effective and amounted to anything was a bill that they passed many years ago providing that all indebtedness of the United States should be paid in gold.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. What is the use of doing it again?

Mr. UNDERWOOD. Because you have established a precedent and we can not get away from it.

Mr. PAYNE. Mr. Speaker, I have no apology to make for bringing in this bill to make these changes six months after the passage of the tariff bill. On the last tariff bill ever enacted by the Democratic party, known as the "Wilson-Gorman Act," within six minutes, not within six months, after the Senate amendments had been adopted by the House, gentlemen on the other side began to introduce bill after bill to amend that tariff bill, the creation of the highest wisdom of a Democratic Senate and a Democratic House, and have never made any apologies for doing that. That was the last tariff bill that they ever enacted and probably the last tariff bill they ever will enact in this country. [Applause on the Republican side.]

Now, this bill provides for the payment of these bonds in gold. Why? For the benefit of the rich bondholder, according to the talk of my colleague? An adjective beginning with "d" might properly describe that kind of talk. For the benefit of those people who buy the bonds, that they may give more money for them, and pay more money into the Treasury, and so contribute relief to the taxpayers of this country! That is the object of the bill.

The gentleman asks if I will accept an amendment putting all meat products on the free list. The gentleman knows that

if I should accept such an amendment as that it would open up the whole tariff question in this House, and any amendment changing any rate of duty in any tariff schedule would be in order, and that we would get into the attitude of a revision of the tariff. Business that has gone upward with leaps and bounds since this tariff bill was signed by the President would again be paralyzed. Why? As a matter of course they would wait to see what we were going to do on the question of the schedules in the tariff revision. A thousand times, no, I would say, against any such opening up of this question at the present time.

Mr. FITZGERALD. Will the gentleman allow me?

Mr. PAYNE. I yield to the gentleman.

Mr. FITZGERALD. The fact that unanimous consent was given for the consideration of the bill in the House, instead of in Committee of the Whole House, is an answer to the gentleman's contention that it would open up the entire tariff schedule. He has absolute control of the situation and could demand the previous question at any time.

Mr. PAYNE. But what would they do in the Senate, where there is no previous question, if that were done?

Mr. FITZGERALD. There would be no danger in the Senate.

Mr. PAYNE. Let us be frank. Naturally that would open up the whole proposition in the Senate, and the gentleman's suggestion is utterly impracticable.

Mr. FITZGERALD. The gentleman would have thorough control.

Mr. PAYNE. It is not for this House that the gentleman's remarks were made. They were made for the purpose of getting something into the newspapers that would help out the poor Democratic party. That was the reason of the gentleman's remarks. Of course, they were not made in good faith. Of course, the gentleman knows——

Mr. FITZGERALD. They were made in good faith.

Mr. PAYNE. The gentleman knows what the rules of the Senate are, where there is no previous question, and he knows what the rules of the House are.

He knows that it requires a majority for the previous question, to bottle it up even in the House. I suppose we would control it undoubtedly, and yet there may be some gentlemen in the House who, if meats were on the free list, would desire to have some other things on the free list. And if I allowed the amendment, how does he know that the same gentlemen on his side who so cheerfully voted against putting hides on the free list would vote to-day to put meats and cattle and all that sort of thing on the free list?

Mr. FITZGERALD. Why do you not give us a chance?

Mr. PAYNE. The gentleman attempts to speak for his side of the House; and now, when I call attention to the fact that he can not speak for them, and when I call up history not six months old, then he wants to know why I do not give him a chance. I refer it to the next Democratic caucus; and that caucus, knowing that the question will not come before them at this session of Congress, will probably resolve that they will keep hides on the free list, and that they will put meats on the free list, and they will stick to it until after the next election; but if they had a chance to revise the tariff, a majority of them would stand where they stood last August and last July, in favor of a revenue duty on hides that is just exactly equal to the protective duty on hides that was put on by the Republican party. [Applause on the Republican side.]

But, Mr. Speaker, I do not intend to go into a tariff discussion at this time. I may at a later date. I move the previous question on the passage of the bill.

The SPEAKER. The gentleman from New York moves the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF PRESIDENT'S SPECIAL MESSAGE OF JANUARY 14.

Mr. PAYNE. Mr. Speaker, I now ask unanimous consent to take up the resolution (H. Res. 337) distributing the President's special message of January 14, 1910, and consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman withdrew the resolution. Does the gentleman again report it?

Mr. PAYNE. I reported it before. I only withdrew my request for unanimous consent to consider it in the House.

The SPEAKER. It was withdrawn, and the bill that was just disposed of was reported. It occurs to the Chair that the gentleman ought to report it again.

Mr. PAYNE. I again report it.

The SPEAKER. The gentleman again reports House resolution 337 and asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. If there be no objection, the reading of the resolution will be dispensed with, as it has been read once.

There was no objection.

Mr. PAYNE. I now yield to the gentleman from Illinois [Mr. MANN].

The SPEAKER. How much time?

Mr. PAYNE. Five minutes.

The SPEAKER. The Chair submits that the resolution being considered in the House as in Committee of the Whole House should be read under the five-minute rule at once. So the Clerk will proceed with the reading of it.

The Clerk read as follows:

House resolution 337.

Resolved, That so much of the special message of the President of the United States, transmitted to the two Houses of Congress January 14, 1910, as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

That so much as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

That so much as relates to agriculture and forestry be referred to the Committee on Agriculture.

That so much as relates to the lands of the United States be referred to the Committee on the Public Lands.

That so much as relates to the irrigation of arid lands be referred to the Committee on Irrigation of Arid Lands.

Mr. MANN. Mr. Speaker, I move to strike out the last word for the purpose of submitting an observation.

In the President's message, and in the annual report of the Secretary of the Interior, to be read in connection with the President's message, is the recommendation that the power sites on the public domain now temporarily withdrawn from entry by executive order shall be withdrawn by act of Congress until there be some disposition by Congress as to the terms upon which power sites may be acquired or used by individuals or private parties.

In the resolution now under consideration, that portion of the President's message is referred to the Committee on the Public Lands. If we may judge from expressions of opinion already made on the floor of the House by the chairman of that committee and other members of that committee, the members of that committee are not in sympathy with the views of the President upon that point.

I wish to say now that if the Committee on Public Lands shall take possession of any bill upon that subject and endeavor to file it away so that this House shall not have an opportunity to vote upon the question as to the withdrawal of these power sites from public entry under existing law, I, with others of this House, will endeavor to find a way under the rules of bringing the matter before the House. [Applause.] I hope the Committee on Public Lands will understand that and deal fairly with the House upon the subject.

Mr. SMITH of California. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SMITH of California. Will the gentleman advise the House when a bill of that character was introduced how long it has been in possession of the Committee on Public Lands, and then will he advise the House when the bill introduced by the gentleman from Illinois concerning the damming of streams was referred to his committee and when it was reported back to the House? I would like to have the first question answered first.

Mr. MANN. I am not a member of the Committee on Public Lands——

Mr. SMITH of California. And has such a bill been introduced into the House at all?

Mr. MANN. Has the gentleman a further question?

Mr. SMITH of California. I ask, Has such a bill been introduced in the House at all?

Mr. MANN. Is that the end of the question?

Mr. SMITH of California. Yes.

Mr. MANN. I do not wish to interrupt the gentleman. I am not a member of the Committee on Public Lands. I do not know whether such a bill has been introduced. In the message of the President he stated:

These recommendations are incorporated in bills he—

The Secretary of the Interior—

has prepared, and they are at the disposition of the Congress.

Ordinarily, with that language in the President's message, some member of the committee to which the bill will be referred introduces a bill. I suspect that there is no member of the Committee on Public Lands even willing to introduce a bill, and for that reason I have made the statement that if that

committee refuses to introduce a bill, or if when some Member of the House introduces such a bill, as will undoubtedly be the case, the members of the committee refuse to report, and the committee attempts to file the bill away, I will endeavor to find a way to present the matter before the House for a vote under the existing rule.

Mr. SMITH of California. Will the gentleman from Illinois answer another question?

Mr. MANN. I will answer it if I can.

Mr. SMITH of California. Has not the gentleman himself introduced in this Congress a bill covering that entire subject, had it referred to his own committee, the Committee on Interstate and Foreign Commerce, and upon which there has been no report from his committee? What is the virtue of reading a lecture to the Committee on Public Lands concerning a report that he desires when he himself is the author of a bill covering the identical subject that is pending in his own committee and which does not seem to be in any hurry to report to the House?

Mr. MANN. I did not read a lecture to the Committee on Public Lands. Quite the contrary. I have great regard for the Committee on Public Lands. There is pending before the Committee on Interstate and Foreign Commerce a bill which I introduced, which, in a way, covers this question, or, in my opinion, is a sufficient peg upon which to hang a bill which will cover the question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MONDELL. Mr. Speaker, I move to strike out the last two words. Mr. Speaker, I was unfortunate in not hearing what the gentleman from Illinois had to say in regard to the action, or failure to act, of the Committee on the Public Lands touching certain bills or certain recommendations contained in the President's message. What I did hear of the statement of the gentleman from Illinois consisted of a brief but emphatic lecture to the Committee on the Public Lands for not having reported certain bills in a certain form agreeable to the gentleman from Illinois.

Mr. MANN. I beg the gentleman's pardon; he heard nothing of that kind from me. I made no reference to bills before the gentleman's committee.

Mr. MONDELL. I certainly heard the gentleman's threat that he would find some way to have these matters presented to the House, and that carried with it a criticism of the Committee on the Public Lands.

Now, Mr. Speaker, there were certain bills prepared in a certain place the object of which, it was stated, was to carry out certain recommendations in the President's message. I am glad to have an opportunity now of stating my action, or failure to act, touching those measures. They were handed to me with the request that if I agreed either in principle or in form with the propositions therein set out I might introduce them. Unfortunately for me, perhaps, I was not in harmony with the propositions contained in a number of the bills, and as to those with which I was in harmony I felt I could not support them in the form in which they were presented. To have introduced these bills, Mr. Speaker, would have been not only to put myself in a false light, but would have been to put those who drew them and those who stood sponsor for them in a false light.

In my fourteen years in this House I have never introduced a bill that I have not myself drawn, with the exception of a very few bills which I have introduced as chairman of the Public Lands Committee, having to do with purely administrative matters. I feel that when I introduce a bill into this House and place my name upon it I take full responsibility, not only for every proposition or suggestion of legislation contained in it, but for the form in which it is proposed to carry those things into effect, and therefore, so long as I am a Member of this body, I must respectfully decline to introduce any bill which does not meet with my approval either as to its purpose or as to its form.

I want to say further, Mr. Speaker, that there was no misunderstanding, no unpleasantness in the matter of the introduction of these bills at all. There was a suggestion made, and to that I made a suggestion as to what, in my opinion, I could properly do—introduce them by request. It was not deemed proper to have them introduced in that way, and therefore the incident was closed so far as I was concerned.

Mr. Speaker, the Committee on the Public Lands has never been derelict in its duty to this House or to the country. It is not now in the position of being derelict to its duty. It has been in session two and three days a week since the beginning of this Congress. It has taken up a number of matters relating to so-called "conservation." By direction of that committee I shall to-day report to the House a bill which the committee has given exceedingly careful consideration, touching some matters of importance relative to the public domain.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, I would like the gentleman to yield to me for a question——

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. Mr. Speaker, I would be glad to yield for a question.

Mr. DOUGLAS (continuing). As I think this is of enough importance to the country and to the House for us to know where we stand.

Mr. MONDELL. Mr. Speaker, I can not yield for a speech, but I yield for a question.

Mr. DOUGLAS. As I understand the gentleman, he is not personally in favor——

Mr. MONDELL. Mr. Speaker, I can not yield for a speech in the five minutes time that I have.

Mr. DOUGLAS. I am not going to make a speech, but I am going to ask a question.

Mr. MONDELL. Then let the gentleman ask it.

Mr. DOUGLAS. I have to ask the question in my own way. I simply say this to the gentleman: That if it be true, then, that he is personally opposed to some of the recommendations of the President which it is proposed to have embodied in the bills he refers to, and if he personally declines to introduce a bill unless he personally favors it, what position is the House in as between the Committee on Public Lands, of which he is the chairman, and these bills which the House may want to pass?

Mr. MONDELL. Mr. Speaker, I think it scarcely necessary to answer whatever there may be of question included in the gentleman's remarks. Every Member of this House knows that we are all privileged to introduce any bill that we see fit at any time.

The gentleman from Ohio [Mr. DOUGLAS] can introduce the bills in question at any moment; could have introduced them at any moment since they were prepared. There is no difficulty about having the matters presented to the House. If these bills never were presented to the House and never were taken up by the committee in the form in which they are drawn, every proposition contained in them will be discussed by that committee, as practically every proposition contained in them has time and again, at length and in detail and with earnestness, been considered by that committee.

Mr. DOUGLAS. Will the gentleman yield further?

Mr. MONDELL. Mr. Speaker, the idea that that committee has not carefully considered the needs and conditions of the public domain is an error, and a grievous error. That committee has been one of the busy committees of the House, and if its recommendations have not in all cases met with the approval of all the gentlemen, neither have the recommendations of other committees met with the approval of all of the gentlemen in the House. Mr. Speaker, all these matters will in due course and with promptness and earnestness, and with due deference to the opinions of the President and of every man whose opinion is entitled to deference, be carefully considered, and when the committee acts it will act not on the spur of any threat, but upon its calm, reasonable, and deliberate judgment. [Applause.]

Mr. DOUGLAS. Mr. Speaker, will the gentleman yield further?

Mr. MONDELL. Mr. Speaker, my time has expired.

Mr. PAYNE rose.

The SPEAKER. The gentleman from Wyoming has yielded the floor.

Mr. PAYNE. Mr. Speaker, I rise to move the previous question.

Mr. MANN rose.

Mr. PAYNE. Mr. Speaker, I will yield to the gentleman from Illinois.

The SPEAKER. Does the gentleman from Illinois offer an amendment?

Mr. MANN. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. Without objection, the pro forma amendment will be withdrawn and the amendment of the gentleman from Illinois entertained.

Mr. MANN. It was with no thought of making a threat that I made the remarks I did. The matter is before the House. The gentleman who has just addressed the House seems to forget that this matter is now before the House. Here is a proposition to refer to a committee the proposition of the President. The House now has it within its control not to send this

matter to the Committee on Public Lands at all. It has it within its power to send it to any other committee, and in considering the question as to what committee the matter should be sent we have the right to understand something in regard to what attitude that committee will take. The bill to which the President refers have not yet been introduced. I have no criticism in reference to that matter at all. If I were the gentleman from Wyoming, the chairman of the committee, maintaining the views which he has, I, like him, should have refused to have introduced the bills except on request, as he did; but it must be understood the Public Lands Committee is largely and properly made up of gentlemen from public lands States interested in the public lands at home.

Most of the questions which come before that committee relate to special things in reference to the public lands of local interest, but here are some questions in which the entire country is interested, where I believe a great majority of this House are upon one side and where I am inclined to think the chances are the members of the Committee on Public Lands are on the other side. I make no threat, but I say again if it shall be the effort or the policy, whether from motives of reason or otherwise, that these bills shall be pocketed in the Public Lands Committee in order that the House shall have no opportunity to vote upon them, then the House, in my opinion, will be presented with an opportunity. Mr. Speaker, I withdraw my amendment.

Mr. PAYNE. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question.

Mr. GRONNA. Mr. Speaker——

Mr. PAYNE. I will say, Mr. Speaker, I can not see the use of prolonging this debate; I can not see that it answers any useful purpose, and I can not yield to every member on that committee.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes.

Mr. PAYNE. Mr. Speaker, coupling with the request that at the end of his five minutes the previous question may be considered as ordered, I have no objection.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from South Dakota may occupy five minutes, and that at the end of the five minutes the previous question may be considered as ordered on the resolution. Is there objection?

Mr. DOUGLAS. Coupled with the request, I object.

Mr. PAYNE. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. JAMES), the House divided and there were—ayes 147, noes 84.

So the previous question was ordered.

The question was taken, and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the resolution was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18162, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911; Mr. CAMPBELL in the chair.

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. Tellers have been demanded. Those in favor of taking the vote by tellers will rise and stand until counted.

Mr. SCOTT. Mr. Chairman, I think, perhaps, it might be well for me to make a brief statement, so that Members who were not here on Saturday afternoon will understand the situation, and if I may have unanimous consent to do so——

Mr. BARTLETT of Georgia rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. BARTLETT of Georgia. Is debate in order?

The CHAIRMAN. Debate is only in order by unanimous consent.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in order to avoid the necessity of a statement I ask unanimous consent that we may have a small amount of debate. There are a number of gentlemen here who were not here on Saturday, and do not know what the proposition is or know about the merits of it, and I suggest to the Chairman that it would be entirely proper for us to have a few minutes of debate before we take the vote by tellers.

Mr. SCOTT. Mr. Chairman, in view of the action of the committee on Saturday, and in view also of the fact it is well known that in the event the pending amendment fails other amendments will be introduced upon which debate will be permitted, I do not believe it will be proper to extend the time on this amendment, and I therefore feel obliged to object.

The CHAIRMAN. The committee closed debate on this amendment on Saturday. The chairman of the Committee on Agriculture demanded tellers, and pending the demand he moved that the committee rise. The first thing in order this morning is, Shall the vote be taken by tellers?

The question was taken, and tellers were ordered.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amend by striking out, on page 18, line 17, after the word "weevil," all of said line and all of line 18 and insert in lieu thereof the words "five hundred thousand dollars."

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] and the gentleman from Mississippi [Mr. DICKSON] will take their places as tellers.

The committee divided, and the tellers reported—yeas 88, nays 115.

So the amendment was rejected.

Mr. WICKLIFFE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18, in lines 17 and 18, strike out the words "two hundred and fifteen thousand one hundred and fifty-five dollars" and insert in lieu thereof the words "three hundred thousand dollars," the paragraph to then read:

"For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $300,000."

Mr. SCOTT. Mr. Chairman, I wish to ask unanimous consent to close debate on this paragraph and all amendments thereto in thirty minutes.

Mr. DICKSON of Mississippi. I would suggest that an extension of the time, longer than that, would be advisable.

Mr. LEVER. I would like to suggest to the gentleman from Kansas that it is my intention to offer an amendment carrying another appropriation when the amendment offered by the gentleman from Louisiana [Mr. WICKLIFFE] is disposed of, and I would not consent to close debate upon the amendment I intend to offer myself.

Mr. SCOTT. I would like to ask unanimous consent, then, to close debate on the pending amendment in twenty minutes.

Mr. WICKLIFFE. Make it twenty-five minutes.

Mr. SCOTT. I will modify that request and ask that debate on this amendment close in twenty-five minutes, with the understanding that the last five minutes may be used on this side.

Mr. WICKLIFFE. Under whose control is the time to be?

Mr. SCOTT. Let the Chair control the time, with the understanding simply that the last five minutes may be used on this side to close debate.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] asks unanimous consent that all debate on the pending amendment close in twenty-five minutes, with the understanding that the chairman of the Committee on Agriculture shall have control of the last five minutes. Is there objection?

There was no objection.

Mr. WICKLIFFE. Mr. Chairman, in addressing the committee on this amendment I feel that I can not cover the subject more fully than I did in my recent argument in favor of this appropriation last Thursday, but there were some statements made by the gentleman from Kansas, the distinguished chairman of the Committee on Agriculture, upon which I wish to express my difference with him. One was with regard to the lack of necessity for additional appropriation for the demonstration work. The tenor of his argument on Saturday was to the effect that what was needed was for the purpose of the Bureau of Entomology rather than for the Bureau of Plant Industry, for the further study of the life history, as it were, of the boll weevil rather than for the demonstration work. Upon this I beg to differ with him most radically. I live in a section where this insect has recently made its appearance. I live in a parish whose crop of 22,000 bales—I speak in round numbers—in 1904 was reduced as the result of the ravages of this insect to 1,300 bales in 1909, practically a total failure.

Adjacent to me is the parish of Pointe Coupee, where 58,000 bales of cotton were produced in 1904, and yet in 1909, in round

numbers, there were only about 6,000 bales produced in that parish. And so it is all through this section, and the main cause of that great decrease in cotton production is due to the ravages of the Mexican cotton boll weevil.

Mr. SCOTT. Will the gentleman again state the figures?

Mr. WICKLIFFE. I am only speaking in round numbers.

Mr. SCOTT. I understand; but I did not catch your statement exactly.

Mr. WICKLIFFE. I will give you the figures of the banner year, 1904. In that year in the parish of West Feliciana, where I reside, there were produced, in round numbers, 22,000 bales of cotton. In the year 1909 it produced, in round numbers, 1,300 bales of cotton. Of course, in making that statement, I do not profess to state the figures exactly, but that is approximately correct, as shown by the census report. And so it is throughout that section and throughout the parishes where this weevil has made its appearance; and there is the same proportionate result throughout the cotton belt in Louisiana.

Now, Mr. Chairman, this is not a local matter. Why, the Secretary of Agriculture in his report states that the loss in 1908 as a result of this insect was nearly $30,000,000. The members of the Bureau of Plant Industry, such authorities as W. D. Hunter and others, have placed the annual loss as the result of the insect at $25,000,000. Yet, in the face of all this, in face of the further statement of the Secretary of Agriculture that this is a question of the greatest moment, one that will require years to fathom, in the face of all that, how much of the $13,000,000 carried in this bill is devoted to the purposes sought by this paragraph? Only $215,000, speaking in round numbers.

I submit, Mr. Chairman, that such an amount is not sufficient, and it does not comport well with this fact that of the total value of all the agricultural products of the United States produced in the year 1909 the cotton crop amounts to one-thirteenth of the whole in value; and yet in this appropriation hardly one-fiftieth of the total appropriations carried in the bill is devoted for this purpose. Now, I wish to answer a statement of the gentleman from Kansas, made recently——

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WICKLIFFE. I ask for one minute. He stated an instance on Saturday in regard to a plantation where the grower had followed out the instructions of the Bureau of Plant Industry and yet had made a total failure last year, whereas in former years, before the advent of the weevil, they made hundreds of bales. The gentleman's statement proves, not the necessity of doing away with the demonstration work, but that you should keep it up all the more vigorously, because the people knew in that section that that farm was conducted last year under the supervision of the Bureau of Plant Industry. And unless they do keep up the work, there as well as in other localities, they will become more skeptical, whereas I know, and the demonstration workers of the Bureau of Plant Industry know, that the results in that locality might have been very different but for the most abnormal weather conditions, and that the failure in 1909 in that locality was not due to the fault of the system of cotton culture demonstrated by the bureau. Hence, to convince the skeptical it is necessary to keep up this work. [Applause.]

Mr. WATKINS. Mr. Chairman, on last Saturday when the vote was taken as to whether the amount should be changed so as to give $500,000 for this purpose there was a majority vote in favor of increasing the amount to $500,000. The proposition now under consideration is for a lower amount, making it $300,000, a saving of $200,000 from the amount that was asked on Saturday. When the vote was taken this morning the proposition which was carried on Saturday by a rising vote was lost on a vote by tellers. I am sure, Mr. Chairman, that the reason largely for that change was the statement by the chairman of the Committee on Agriculture, made on Saturday evening, to this effect: That there was one plantation in the State of Louisiana, composed of several hundred acres, which with the highest cultivation under this system had not been able by the most progressive and improved methods of cultivation to make a single bale of cotton; a plantation which, he added, before that time had made hundreds of bales of cotton. It is for the purpose of calling attention to the fact that it was due to the adverse condition of the weather that the failure was made on that plantation, and does not apply to the system, that I make this explanation to the membership of the House.

Mr. Chairman, that plantation was in a locality in which there had been an overflow. They were very late in the season in that section in planting their crops. One of the requirements of this cultural method is that the crops shall be planted early; also shall be fertilized thoroughly and worked rapidly. In this case they did not fertilize, they could not plant early, and could not work rapidly because of the conditions of the weather. They were not able to plow until the water had receded, and could not put their crop in early, they could not fertilize it, and were not able to cultivate it rapidly as they had to wait until the ground was dry. In reference to the good effect that is obtained by this method, I will state that in my particular section, which was the first that was visited by the boll weevil in that State, this work has been of untold benefit.

When the boll weevil first appeared there laborers were leaving the plantations in vast numbers. A great many of those people are ignorant and became easily frightened. They went to various sections of the country; some to Mississippi, some to Oklahoma and Arkansas and other places not then visited by the boll weevil; but they are now returning, and are raising very good crops of cotton on the lands which they once abandoned, and they are enabled to do this because of the fact that they are receiving this assistance from the National Government. In one of the parishes in Louisiana I attended a meeting at which there were 90 men present who had been engaged in this demonstration and experimental work in that parish. Out of the 90 there was only one who said he had not been materially benefited by this cultural method. Eighty-nine out of the 90 in giving their experience said they had made from 25 to 50 per cent more cotton under this cultural method than their neighbors had made without the cultural system. In the 9 parishes in the congressional district which I have the honor to represent, this cooperative demonstration farm work is going on, and has been for several years. During that time the increase of cotton has been gradual all the time, and through this cultural cooperative demonstration method established by the Government we are now able to make nearly as good crops as we made before the boll weevil made its visitation there. The same is the case in certain sections of Texas.

This statement does not apply in its full efficacy to the alluvial lands, the Red River bottoms, and the bayous and creeks that are subject to overflow, in which localities the people can not plant as early as they can upon the hill sections of the country.

I believe if this House knew the real facts in the case they would not hesitate even now to increase the appropriation in this bill from $215,000 to $500,000; but in asking to raise the amount to $300,000 we certainly are not asking anything unreasonable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. I am sorry to know that, because I wish to state that the department is now withdrawing its agents in some instances because there are not sufficient funds to keep them there.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I desire the particular attention of the chairman of the Committee on Agriculture [Mr. SCOTT] while I make my statement, because I wish him to hear it. In his remarks on Saturday he quoted from the testimony of Mr. Hunter, of the Bureau of Entomology, a statement which, in my opinion, ought to be corrected.

There are two elements in the disaster accompanying the boll weevil. The first is the work of destruction done by the insect itself, and the other, which, in my opinion, is the vastly more serious element, is the panic which takes possession of the minds of men whenever the presence of the weevil is announced. That panic is due to just such statements as that quoted from Mr. Hunter, and this declaration that a man on 700 acres of land could not raise a bale of cotton, and other stories of similarly frightful import, paraded about the country under a rawhead-and-bloody-bones banner, have done more damage to the cotton raisers of the South than the boll weevil.

I say the plantation concerning which that statement was made is not a typical plantation, and the results in that particular parish will show that these conditions are not general.

I have the record of 17 planters in this very parish in which this plantation is located who last year followed the cultural method of this bureau of farm demonstration, and of those 17 the smallest yield per acre was 900 pounds, the highest being 1,500 pounds of seed cotton.

That means from $60 to $100 an acre, and mark you, Mr. Chairman, this is in the very parish where Mr. Hunter's 700-acre planter could not raise a bale.

I hope the chairman of the Committee on Agriculture will give me his attention, because he quoted this statement of Mr. Hunter and then added:

> This man has taken advantage of all the information available, and yet he was not able to raise a bale of cotton on 700 acres of land. It certainly leaves the conclusion inevitable that we have nothing to demonstrate. What is the use of appropriating a large sum of money,

to be expended in demonstrations, when we have no methods that have proven satisfactory? That is the question, and upon that I think the Members of the House should base their judgment. It is not a question of demonstrating something which has already been learned, the success of which has been proven. It is simply a question of conducting research and experimentation that will result in developing a method which we may demonstrate hereafter.

If this be true; if the cultural methods pursued in Texas, and by which the farmers there have been able to successfully combat the weevil, are of no avail in the alluvial deltas of the Mississippi; if, as he states, "no more intelligent fight could have been made against this insect than was made by this planter," and still on 700 acres not one bale could be produced, and if this illustration is typical, the calamity which is about to befall my district, which is practically all delta, has had no counterpart in the South since Sherman marched to the sea. But, happily for us, Mr. Hunter is not the only witness who has testified in this matter. This is too serious a matter to hazard any statement upon without giving such authority as may be found and questioned if corroboration is desired, and so I append the names of the planters, their post-office addresses, the variety of the cotton planted, and the yield per acre. All of these are in Avoyelles Parish, the home of the 700-acre failure cited by Mr. Hunter.

Name.	Address.	Variety.	Yield per acre.
Alfred Desselles	Bordelonville	Toole	1,000
B. Baudin	do	do	1,000
T. E. Paunthier	do	King Improved	1,300
A. D. Guillot	Big Bend	Toole	1,200
G. E. Guillot	Bordelonville	do	1,000
L. P. Bordelon	do	New Bank Account	1,500
A. F. Pastor	do	Simpkins and Toole	1,400
W. L. Mayeux	Moreauville	do	1,000
L. E. Bordelon	Bordelonville	New Bank Account	1,500
J. A. Delaney	do	Toole	900
R. E. Juneau	do	Simpkins and Toole	900
J. S. Plauche	Moreauville	do	1,300
H. O. Moreau	Bordelonville	Simpkins	1,300
Leon Desselles	do	Simpkins and Toole	1,100
Leopold Bordelon	do	New Bank Account	900
J. O. Bordelon	do	Toole	1,200
Eloi Bordelon	do	Simpkins	1,100

Speaking for my single self and intending criticism for no one, if I had wished to know what progress had been made in the discovery of cultural methods wherewith to fight the weevil, I would have asked the distinguished gentleman at the head of that work. If I had wished to know of the life habits of the insect, then I would have gone to the Bureau of Entomology. I would readily accept the theory of Mr. Hunter in all questions of entomology, but I hardly think he can expect unbiased minds to yield to his opinion when it conflicts with that of Doctor Knapp on the subject of farm demonstration work. Let every cobbler stick to his last. Doctor Hunter is an entomologist, or, as the common run of mankind sometimes say, he is a "bugologist." He knows more bugs by their first names than all the men in Doctor Knapp's division, but he is entirely out of his class when he meets that most competent and efficient official in the field of actual crop-demonstration work. I feel some confidence, therefore, in submitting in rebuttal this letter, which I received this morning and which speaks for itself:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., January 31, 1910.

DEAR CONGRESSMAN: In reply to your request for some facts in reference to cotton production in the boll-weevil districts of Louisiana and Mississippi, will state:

You may make your assertion just as strong as you wish in regard to our ability to make cotton under the most adverse boll-weevil conditions, both in the hill lands and in the alluvial lands of the States in question, provided the planter carefully follows our methods. Inclosed you will find a few letters from the large number in our possession and documents that will fully substantiate what we affirm. I call your special attention to the clipping from the banker at Natchitoches and to the letter from Hon. Charles Schuler, commissioner of agriculture of the State of Louisiana. Mr. Schuler owns a large plantation in the boll-weevil district and has been conversant with our fight from the commencement. He is a man whose word is taken everywhere at face value. If you want more documents we can furnish them.

Owing to the necessity of reaching you so early this morning I have not time to copy these documents, and would be glad to secure copies of them before they pass out of your hands, because I may use them in some future work.

Our most serious difficulty in producing cotton in the delta districts infested with the weevil is not the boll weevil; it is the loss of credit and of labor. Practically all the cotton is made on the credit system, and when the bankers and merchants refuse to advance the labor abandons the territory and goes to another county. Wilkinson County, Miss., has lost eighteen hundred negro families in the last eighteen months. Once the labor has left, it requires time to restore confidence and secure a return of the labor. During all this time the reduction in normal yield of cotton is charged to bool-weevil depredation.

Furthermore, in the Delta there has always been a certain portion of the land that in wet seasons was not sufficiently well drained to make a cotton crop successfully, and the reports for the past fifty years show periodic declines in cotton production of 50 per cent or more, due to wet season. If we can restore confidence and limit the planting of cotton to the well-drained lands, there is no more difficulty in raising cotton in the Delta than in any other portion of the country.

Tranking you for your interest in the matter, I remain, as ever,

Yours, faithfully,

S. A. KNAPP,
Special Agent in Charge.

Hon. BENJAMIN G. HUMPHREYS, M. C.
Washington, D. C.

I am sorry I can not produce the letter to-day, but I will state the fact that Mr. F. L. Maxwell, one of the largest and most successful planters in north Louisiana, last year planted fifteen hundred acres in cotton—in the Delta, mind you—and cultivated it according to the directions of Doctor Knapp, and at the date of his letter he said that he had ginned 700 bales, had 60 picked and ready to gin, and, to use his expression, "there is more to pick."

I have a letter from Prof. Charles Schuler, commissioner of agriculture for the State of Louisiana, from which I make this quotation touching the question of raising cotton in the Delta under boll-weevil conditions, and I submit it against the theory which the chairman of this great committee has been converted to:

The banks of Mississippi and Tennessee might be referred to the banks of Shreveport, Natchitoches, and other points in the alluvial section of north Louisiana, where diversification and cultured methods have been adopted, showing clearly that cotton can be made on the alluvial lands where proper attention is taken and proper efforts are made, in spite of the boll weevil.

When the agricultural appropriation bill was in the House a year ago I went very fully into this theory, which the entomologists had advanced, that it would be much more difficult, if, indeed, not impossible, to raise cotton successfully in the Delta under boll-weevil conditions, and I am sorry the chairman has fallen from grace since then, because I am sure he was converted at that time.

The general education board paid me the compliment of having that speech printed in pamphlet form and circulating it by the thousand through the South. If figures can prove anything, I believe those given in that speech demonstrate beyond question that cotton can be grown in the Delta just as it has been grown in Texas in spite of the weevil.

Now, Mr. Chairman, in conclusion, I do not want to be misunderstood. I do not misjudge or undervalue the seriousness of the situation which confronts the Delta planters, but I do not believe they are going to fare worse than their brothers in Texas have fared. If they are stiff-necked and stubbornly refuse to change their present methods, they will surely suffer, and I have no doubt that many of them will do that very foolish thing; but the point which I am contending for is that experience has shown that if they will observe faithfully the instructions of the department and follow the cultural methods prescribed then they can whip the weevil, and in order to spread that gospel throughout the cotton belt I believe this amendment should be adopted.

When the chairman says that no methods have so far been discovered to successfully combat the weevil in the Delta, and therefore there is nothing to demonstrate, he has simply been led into error by the Bureau of Entomology. He is a just man. No Member of the House has the interest of the agriculturist nearer to heart than he, and yet his statement is calculated to work great damage if permitted to go unchallenged. I ask him therefore now, before this bill is out of this House, to write to Secretary Wilson and ask him if the statement he made last Saturday, and to which I have already adverted, is borne out by the experience of the department in its actual work in the field, and then I want him to print the Secretary's reply in the RECORD.

I may take occasion to say more on this subject later on, when my time is not so limited as it is to-day, but for the present I will content myself with repeating again what Doctor Knapp says in his letter:

You may make your assertion just as strong as you wish in regard to our ability to make cotton under the most adverse boll-weevil conditions, both in the hill lands and in the alluvial lands in the States in question, provided the planter carefully follows our methods.

Now, Mr. Chairman, I have said this much in reply to the statement of Mr. Hunter, quoted by the chairman, for this reason, that if it be true that cotton can not be produced in the alluvial lands of the Delta, then the value of those lands must be cut in two, aye, cut in four, and I am not willing for that statement to go out to the country unchallenged with the influence that necessarily goes with it, from the fact that it is indorsed by the chairman of this committee, when, as a matter of fact, the records of the Agricultural Department show to the contrary. [Applause.]

Mr. HUGHES of Georgia. Mr. Chairman, I regret to urge any addition to this bill formulated by the Agricultural Committee and so ably presented by its distinguished chairman. I agree with the gentleman from Arkansas to the extent that I think it is the best bill that has been presented to this House during this session, but I did think the amendment offered by the gentleman from Mississippi, appropriating $500,000 to aid in exterminating the cotton weevil, should have been passed. I am now in favor of the amendment offered by the gentleman from Louisiana, increasing the present appropriation in the agricultural bill to $300,000.

This greatest of all staples and money crops is threatened to an extent almost alarming, which affects the grower, the manufacturer, and consumer, as we'l as every interest of this great country.

(The following statistics, compiled by Mr. DICKSON of Mississippi, were then presented by Mr. HUGHES of Georgia:)

	1909.	1907.	Deficit.	Loss.[a]
	Bales.	*Bales.*	*Bales.*	
Louisiana	251,643	662,543	410,900	$32,872,000
Do	251,643	[b]965,473	703,830	56,306,400
Five counties in Mississippi:				
Adams	1,592	15,467	13,875	$1,110,000
Claiborne	8,893	24,183	15,290	1,223,200
Amite	13,612	25,568	11,956	956,480
Franklin	5,421	15,045	9,624	769,920
Wilkinson	4,271	23,128	18,857	1,508,560
Total	33,789	103,391	69,602	[c]5,568,160

[a] At $80, seed included.
[b] 1906.
[c] Deficit from 1906 (67.2 per cent), $5,721,120.

This table of statistics is a most startling revelation and should cause every Member of this House to pause and consider before he votes against the proposed appropriation.

I am glad to know that it has not reached Georgia yet, but, like a mighty army of destruction and annihilation, it is moving Georgiaward at the rate of 60 miles per annum, and if not checked will soon be "marching through Georgia" to devastate the Carolinas. [Laughter and applause.]

I have that confidence in Secretary Wilson and the Agriculture Department to believe that if they are not in possession of science and scientific men to check and control the boll weevil, this department will obtain the information if they have to search the entire globe, provided this Congress will furnish the necessary funds. Then, if it be declared by the department that science can not furnish a sufficient remedy, the last resort should be to establish a zone, say 120 miles wide, the entire length of the cotton belt, in which the planting of cotton should be prohibited for three years.

In my State, Georgia, the second cotton State and the largest peach-growing State in the Union, the San Jose scale attacked our magnificent peach orchards, from which we make our summer money crop. Along the same lines proposed by those opposed to this bill the State neglected to make appropriations sufficiently large to check the progress of the scale until it nearly covered the State, causing losses to the grower and nurseryman of millions of dollars. At last, however, a sufficient amount was appropriated to induce scientific research and demonstration until a remedy was found, which, when properly applied, reduced the injury to the minimum.

You will pardon me here for stating a little incident. One of my tenants had contracted smallpox and had recovered sufficiently for me to approach within calling distance. I told him I was glad to see he was recovering from the smallpox. He answered:

Boss, I ha'in't had no smallpox. Hit wuz jest dem dar skales whut I kotched in der peach orchard.

[Laughter.]

This tenant believes this to-day to the extent that I can not hire him to work in my orchard. Now, if our Georgia negroes can catch the scale from the peach trees, as they imagine, why can not the negro of the Southern States catch the boll weevil from our cotton, by imagination? I am told that in those States already affected by the boll weevil that the negroes were "flushed" on the arrival of the weevil, just as a covey of partridges are scattered by an indiscreet but sensitive pointer. [Applause.]

Now, Mr. Chairman, in the event the boll weevil continues its attack on the cotton of the Southern States, the population of those States which do not grow cotton may be increased by millions. I assure you not only the South but this entire Nation has cause for alarm. Therefore we urge the adoption of this amendment. [Loud applause.]

Mr. SCOTT. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. There are five minutes still remaining under the order agreed to by unanimous consent.

Mr. CLAYTON. Mr. Chairman, I would like to ask unanimous consent to address this body of farmers for a few minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. SCOTT. Mr. Chairman, unanimous consent was had some twenty minutes ago to close debate on this amendment in twenty-five minutes.

Mr. CLAYTON. Mr. Chairman, notwithstanding that, if the gentleman does not himself object, he can hear my eloquence for five minutes.

Mr. SCOTT. I do not know whether it will rest within my power or not.

The CHAIRMAN. It is within the power of the committee to extend the time for five minutes. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Chairman, in asking for unanimous consent I said I desired to talk to the farmers here for five minutes, because in looking over the House I observe that the merchants and professional men generally have all departed from the Chamber and left here only those who are interested in this great farming subject.

Mr. TAWNEY. But the gentleman from Alabama is here.

Mr. CLAYTON. And I note that the great advocate of cow butter [Mr. TAWNEY] has come into the Chamber [laughter], and I wish he would cease his strenuous advocacy of a tax on oleomargarine and let us have a cheap as well as a good substitute for butter, so that the poor people of the country, who are unable to buy cow butter, may have this wholesome and palatable article of food to spread on their bread.

Mr. TAWNEY. You can get it now.

Mr. CLAYTON. Yes; you can get oleomargarine now, but you have to pay a high tax on every pound of it that you consume. This oleomargarine is just as wholesome as cow butter and is chemically purer than the average cow butter. Refined cotton-seed oil enters into its manufacture.

Mr. OLMSTED. Would you be willing to label it butter?

Mr. CLAYTON. If you will label your renovated butter honestly, I am willing to have the substitute labeled, and I believe that it ought to be labeled just what it is. This oleomargarine is made of the caul fat of the beef and olive oil produced from cotton seed. [Laughter and applause.] And I believe 30 per cent of cream enters into its composition.

Mr. SMITH of California. Will the gentleman yield?

Mr. CLAYTON. I am always glad to enlighten California and to be enlightened by the gentleman from California.

Mr. SMITH of California. Is it not true that, under the present law, you can sell oleomargarine freely and without tax in the market?

Mr. CLAYTON. I do not understand that—not if you color it.

Mr. SMITH of California. But suppose you do not color it.

Mr. CLAYTON. Oh, the poor people want their butter or oleomargarine colored yellow.

Mr. SMITH of California. And you want to make some people think it is cow butter.

Mr. CLAYTON. Oh, we do not object to Yankee-doodlers putting up the fish the way they do. They catch off the coast of New England fish that are not sardines and put them up in our cotton-seed oil and say they are genuine imported French sardines, put up in pure olive oil. [Laughter.]

We understand that game down in the South, and I do not believe that there is a blue-gum nigger in Alabama who would not rather eat imitation French sardines put up in cotton-seed oil than to eat the genuine article imported from France. That demonstrates that Yankee ingenuity can take cotton-seed oil and convert it into a better thing than olive oil, and that they can take your fishes up there that are not sardines and make sardines out of them that some people relish as much as French sardines. [Laughter and applause.] And I may say that Yankee ingenuity has done in the matter of furnishing a substitute for butter much for the human family, and has invented a process of making oleomargarine a wholesome substitute for butter. Everybody knows that there is not enough cow butter produced in the United States for half the population. It is also true that in every civilized country resort has been

made to a wholesome substitute to supply the deficiency of butter. I think most of us who have been in Washington for several years have in the main been eating oleomargarine and without any deleterious effect.

Several months ago the Secretary of the Treasury, Mr. MacVeagh, according to the newspapers, favored the repeal of the oleomargarine tax. The statements accredited to him on the subject were sensible and commendable. I am sorry that he has refrained from calling further public attention to the good reasons for the repeal of the oleomargarine tax. It would be a good time for him to urge his views now, when everything on the breakfast table is so high.

The oleomargarine is free of tax if it is uncolored. Whenever it is colored to make it more attractive, then an enormous tax is laid upon it, intended to prevent the use of the attractive article of oleomargarine. As a matter of fact, a large part of cow butter is colored. It is common knowledge that the market in one city demands a deeper yellow than the market in another city, and the butter people know this, and they color their butter according to the market in which it is to be sold. Why is coloring matter used? It is to make it more attractive, and it is as much a fraud to put foreign coloring matter in butter as it is to put coloring matter into oleomargarine. While I am on this subject let me say that the greatest fraud practiced on the innocent people in the matter of the butter supply is in the sale of this abominable stuff commonly called "renovated butter." It is gathered up out of the old tubs in the cellars and elsewhere in the store and then it is taken to a creamery, put through a churning process, colored, and put on the market as pure creamery butter. It is not fit to be fed to a decent bird dog. This rancid and spoiled butter instead of being renovated and sold as an article of food ought to go into soap or axle grease. The hearings before the committees of Congress have demonstrated that no amount of renovation of rancid butter can ever make it a wholesome article of food.

I wish there could be produced enough cow butter to supply every poor family in the Union with it at a reasonable price; but not many poor men can eat cow butter at present prices. My friend from New York [Mr. FITZGERALD] tells me that he now pays 48 cents a pound for butter in Brooklyn. Take the tax off of oleomargarine. You can still enforce your law requiring its inspection and that it be branded as oleomargarine, giving the poor people a chance to butter their bread with an attractive and wholesome article. It will not drive the inadequate supply of cow butter out of the market, nor will it affect its price. The only effect of the repeal of the oleomargarine tax would be to give the humble poor a chance to use this good article of food at a cheaper price than that now extorted from them.

But, Mr. Chairman, I intended to address myself to the consideration of the question now before the committee. In the brief time allotted to me I want to talk about this boll-weevil pest. Last summer I had the pleasure of attending the meeting of the experts of the Agricultural Department engaged in demonstration work, showing how to overcome and prevent the evil of the boll weevil. Doctor Knapp, of the Agricultural Department, is at the head of this good work.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CLAYTON. Give me five minutes more. I want to talk about the boll weevil. At the suggestion of my colleague here, Mr. HEFLIN, I will keep off of the subject of neo cosmospora vas infecta, the wilt in cotton, or "black root," as it is sometimes called, a subject that the Agricultural Department has thoroughly investigated and given out valuable information about. And the thanks of every cotton grower ought to be returned to professor Atkinson, now professor of botany of Cornell University, formerly of the Alabama Polytechnic Institute, and to Professor Wilcox, formerly of the same institute, but now a professor in the Agricultural College of Nebraska, for their valuable researches and advice to the farmers in the matter of preventing that disease of the cotton plant.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to continue for five minutes more.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. I thank you, sir. I will never raise my voice against Connecticut or Vermont selling wooden nutmegs again. I shall not complain of the Vermonter for making maple sirup out of maple shavings and glucose. This reminds me that Secretary Wilson, I am told, says that the best sirup on earth is made from the cane down in Georgia and Alabama. And I am told that he sends down there every year for sirup to go on his batter cakes and waffles.

Mr. SISSON. And Mississippi.

Mr. CANDLER. And Mississippi, too. We are making it there.

Mr. CLAYTON. Yes; you are making it to some extent in Mississippi. That State promises to do a great many things in the near future, and if she keeps her present delegation of able farmers in this House, Mississippi will come to the front all along the line. [Applause.] Seriously, Mr. Chairman, I do not think there is any Member of this House who has been here any length of time who has been more watchful of the great agricultural interests than my friend ZEKE CANDLER, who has just interrupted me. And I am glad to know that his colleague, Mr. SISSON, much younger in the service here, is engaged in the same laudable work.

Returning to the boll-weevil question and to the convention of experts here under the auspices of Doctor Knapp's department last summer, let me say that there were 20 or 30 of these experts, every one of them an intelligent man and practical farmer. They came from the cotton fields. I heard them make their reports on the work of combating the boll weevil. They have learned much about this pest, and have suggested valuable plans for the mitigation, if not the ultimate destruction, of the boll weevil.

They have discovered that the insect belongs to the beetle family, and that therefore, being a hard-back creature, it can not be poisoned with powder after the manner of poisoning some insects. They have also discovered that it can not be poisoned with Paris green, as potato bugs are poisoned. They have not as yet found an effective way to exterminate the insect by the use of poison. They have learned about his habits. They know that he hibernates in the crevices of cotton stalks, cornstalks, and in old stumps, in fence rails, and, to some extent, in near-by forest trees; and I see it stated that he hibernates to some extent in the Spanish moss on the trees in Louisiana. If he should ever spread to a certain noncotton-producting State he might hibernate in whiskers. [Laughter and applause.] I believe that State is credited with a greater percentage of literacy than any other State in the Union. I have not examined the facts, and I sometimes hear it said that it has as much patriotism in its borders as any State in the Union. This, I doubt not, is true. And I sometimes hear it said that it has more whiskers to the square mile than any other State in the Union. [Laughter.]

Now, this boll weevil comes out of winter quarters when the little cotton plant is taking on the forms which are to mature into bolls. When the insect first comes from winter quarters it is in a logy condition, something like some of you on the other side who go to banquets and the next morning are not feeling very bright. [Laughter.] These experts who have engaged in this demonstration work advise the catching and destruction of as many of this first crop of weevils as is possible, after the manner of catching and destroying tobacco worms. The weevils that remain to infest the cotton puncture the little square or incipient boll and deposit the eggs in this square. In about ten days or two weeks these squares, being then dead, fall off. If these squares are permitted to remain on the warm ground a few days the sun will hatch out another crop of weevils. Without this opportunity the weevil can not be reproduced. It is said that one pair of boll weevils, if unmolested, will produce a progeny or family of 12,000,000 in one season.

These experts, under Doctor Knapp, have suggested a plan for combating these pests, and their demonstration work has proven the efficiency of this plan. They suggest that early maturing varieties be planted—varieties that will produce at least a fair crop of cotton before the family of boll weevils has increased sufficiently to do great damage. They suggest that the cotton acreage be reduced, so that intensifying, both in fertilizing and in cultural methods, may be adopted.

Of course, where the lands are rich and, therefore, commercial fertilizer is not used, it is suggested that intensive cultural methods will suffice. The object of decreasing the acreage is, of course, to intensify in cultivation and to make it easier to carry out a further suggestion that they present, namely, that twice during the early bearing period of the cotton hands should be sent through the cotton fields and the squares that have fallen on the ground be gathered and burned before the eggs of the weevil are hatched. This decrease in the cotton acreage under this plan does not necessarily mean a decrease in production, for the increased fertilizers, or the improved cultivation, one or both, will result in an increase of cotton per acre. The plan is to make two bales grow where one grows now. If one man and his family on a plantation produce now, say, 10 or 15 bales of cotton on 20 or 30 acres of land, it is believed

that the plan suggested will result in just as great a yield of cotton on the lesser acreage. And another benefit to come from it is that it will bring greater diversification of crops in the South. More land will be given over to corn, oats, peas, and potatoes than is now the case, and every plantation would be self-sustaining in the matter of bread for man and provender for beast.

Doctor Knapp warns the cotton grower in the States not infested that the boll weevil is coming. It is now within about 80 miles of the west line of Alabama. It travels at the rate of from 40 to 60 miles a year. At this rate it will appear in Alabama before a great while and will make its way eastward to Georgia and the other Atlantic cotton States.

This demonstration work, for which this appropriation is asked, has been of great benefit, and its continued activity will accomplish much more than even the great good that has already been accomplished. To overcome the destruction wrought by the boll weevil is a problem that the southern farmer must solve, and he ought to have the cooperation of the Government and the best wishes of every patriotic American.

My New England brethren are interested in the subject as much as we from the South are. Many of the towns of New England owe much of their prosperity and life to the cotton-spinning industry. If the ravages of the boll weevil are not hindered you of New England will see the day when you will complain of 40 cents a pound cotton, and every workingman in the land will complain of the cost of his hickory shirt or his overalls.

The bill reported by the Agricultural Committee provides $215,000 for carrying on this fight against the boll weevil. The amendment offered by my friend from Louisiana [Mr. WICKLIFFE] seeks to raise the amount to $300,000. This sum certainly is not an excessive amount. I hope it may be a sufficient amount. I appeal to you, Mr. Chairman and gentleman, to let us have the $300,000 to prosecute the work now so ably conducted by Doctor Knapp and his assistants. Give it to avert a national calamity; give it in aid of the preservation of the great cotton industry. Let cotton continue to clothe the people. Let the delicate cotton fabrics be the silk and fine raiment of the poor. Let cotton continue to make the towns of New England and the South prosperous. Let us see to it that cotton shall remain the chief item of our exports to foreign countries, bringing to us foreign gold, the balance of trade in favor of our Republic. [Applause.]

Mr. SCOTT. Mr. Chairman, I believe I have five minutes in which to close.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. SCOTT. Mr. Chairman, in my remarks upon this subject last Saturday I stated that no one had appeared before the Committee on Agriculture asking for an increase of this appropriation. The statement was literally and technically true, and yet it is capable of a construction which might do injustice to the gentleman from Louisiana [Mr. WICKLIFFE].

Mr. HEFLIN. I would like to show the chairman why it was that they did not appear. The committee had made up its bill before they got ready to appear.

Mr. SCOTT. I hope that I am not unreasonable in asking that I may not be interrupted when I have only reserved five minutes in which to reply to thirty minutes' debate on the other side.

The fact that the committee was forehanded in its work does not seem to me to be a matter which should subject it to criticism.

I started to say that while the statement made was literally and technically true, it might be construed as an injustice to the gentleman from Louisiana [Mr. WICKLIFFE]. I desire to state that he introduced a bill, which was referred to the Committee on Agriculture, asking for an appropriation of $300,000 for this work, and he spoke to the chairman of the committee in reference to the bill and urged a favorable report upon it.

Now, Mr. Chairman, as to the merits of the arguments that have been presented in favor of this amendment. The gentleman from Louisiana [Mr. WICKLIFFE] made a statement which seems to me to confirm very fully the position I took on Saturday. He said that in his home parish, in the banner year of 1904, there were 22,000 bales of cotton produced, whereas last year only 1,300 bales were produced, and this in the face of the fact that the work of demonstrating methods which have up to this time been developed was vigorously carried on.

Mr. WICKLIFFE. It had just commenced and the people had not had a chance or opportunity to take hold of the matter to see it practically demonstrated and the success of it proved.

Mr. SCOTT. There is evidence that if it had been taken hold of long ago and more opportunity had been given, the result would yet not have justified the increase demanded in this amendment. I refer again to the testimony of Mr. Hunter. The gentleman from Mississippi [Mr. HUMPHREYS], seems to have the impression that I quoted Mr. Hunter as making a general statement to the effect that the demonstration work was of no value, that methods which have been developed in Texas have no value in Louisiana or Mississippi. I certainly did not intend to give that impression, and I do not think I made any statement that would warrant it. Mr. Hunter simply cited a single instance in which the production had fallen from 1,700 bales to nothing in three years in spite of the most intelligent application of all the methods with which they are now familiar.

Mr. Hunter did declare that in some localities in the humid country he thought it might be possible to grow cotton in spite of the boll weevil. He said:

> In certain situations, in the eastern humid country, I believe it is possible to produce as much cotton as was produced formerly, but those certain situations are very small indeed compared to the total area that has been planted in cotton. The boll weevil is undoubtedly going to cause a remarkable redistribution of the production of cotton. It is first going to be a redistribution in large areas. What were large centers of production formerly are going to fall down; and more than that, there is going to be a redistribution on individual plantations. The soil and other conditions in certain parts of almost every plantation in the South will permit the planter to continue to raise cotton profitably in spite of the boll weevil. On many of the plantations in Louisiana those favorable conditions occur upon remarkably small portions of the total acreage. In the cases are large properties with which I am familiar, something like 55,000 acres, the soil and other conditions that would permit the profitable cultivation of cotton now without loss do not cover as much as 1 per cent of the total area. On certain lands, the front lands, the higher and better areas on these plantations, it is possible to produce an early crop, which is absolutely necessary in making cotton in the face of the weevil. Where you get away from these front lands and the drainage is poor it is impossible to produce an early crop, no matter at what time the seed is put into the ground, and no matter how careful cultivation is given it. It is in those large, back-from-the-front lands that the production is going to fall off. According to all we know at present about fighting the boll weevil, cotton can not any longer be planted profitably in such situations.

In view of this statement by Mr. Hunter, statements which are corroborated in very large part by the plant-industry officials, methods have not yet been devised which have proven satisfactory in the humid delta country. I insist that the first duty of the department is to devise methods which will be effective and satisfactory, and until such methods have been devised I believe it would be extravagant to appropriate large sums of money to be used in demonstrating methods the efficacy of which has not been proved.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Louisiana [Mr. WICKLIFFE].

The question was taken, and the chairman announced that the Chair was in doubt.

Mr. SCOTT. Mr. Chairman, to save time, I ask for tellers.

Tellers were ordered.

The gentleman from Kansas [Mr. SCOTT] and the gentleman from Louisiana [Mr. WICKLIFFE] took their place as tellers.

The committee divided; and the tellers reported—ayes 96, noes 108.

So the amendment was rejected.

Mr. LEVER. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

> Page 18, line 18, strike out the word "fifteen" and insert the word "fifty," so that the paragraph will read "$250,155."

Mr. SCOTT. Mr. Chairman, I would like to ask unanimous consent to close debate on the paragraph and all amendments thereto in fifteen minutes, if that is satisfactory to the gentleman from South Carolina.

Mr. LEVER. Make it twenty minutes.

Mr. SCOTT. And close debate on the paragraph and all amendments thereto?

Mr. HEFLIN. Provided I can have time, Mr. Chairman.

Mr. SCOTT. I will ask unanimous consent that debate be closed in twenty minutes on the paragraph and all amendments thereto, the time to be equally divided between the two sides.

Mr. HEFLIN. I shall have to object.

The CHAIRMAN. Objection is heard.

Mr. SCOTT. Mr. Chairman, I move that debate close in fifteen minutes on the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Kansas moves that debate on this paragraph and all amendments thereto be closed in fifteen minutes.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HEFLIN. Division!

The committee divided; and there were—ayes 82, noes 48.

So the motion was agreed to.

Mr. LEVER. Mr. Chairman, if I can have the attention of the committee, I trust I will be able to summarize in five minutes the situation with reference to the boll weevil as I see it. It seems the gentleman from Kansas entirely misapprehends the situation with reference to the work being performed by the two bureaus in the Department of Agriculture against the boll weevil. In a statement to the committee on Saturday the chairman of the committee, the gentleman from Kansas, said that "What is needed now is experiment work and not demonstration work." I admit that if the chairman of the committee is correct in his view of the case, then we do not need another dollar more for the boll-weevil work than is carried in this bill, but I submit, and I submit it to the candid judgment of that side of the House, that the question is not a question of experimentation any more, but it is a question of actual demonstration. The Bureau of Entomology for about six years has been experimenting in an effort to find a parasite, a natural enemy to the boll weevil. That work, in my judgment, so far has been a practical failure. Dr. Hunter, in his hearing before the committee a year ago, in answer to a question by the chairman of the committee on this very point, makes this statement:

The chairman asked Doctor Hunter if he had addressed any public hearings in Louisiana and Mississippi. Doctor Hunter replied that he had. Then the chairman asked "What was the nature of advice that you gave the farmers?" and here is the advice that he gave:

I have made the statement at those meetings in general that there is only a small part of the belt in Texas that can be compared with theirs, on account of the difference in the condition. I have made the statement that they can not continue to produce cotton in the old way upon certain kinds of soil where the drainage is poor—in the low valleys in Louisiana and Mississippi—that they can not hope to produce cotton profitably in view of all we know of the boll weevil. They have tried to produce cotton under these conditions in Louisiana for two years, and they have failed utterly. I have told them that where the land is poorly drained, and that is the land which in former years produced the most profitable crops, that it is absolutely useless to plant cotton at this time.

What does that statement mean? It means Doctor Hunter admits himself that, so far as the parasite theory is concerned, he has reached practically the limit of his investigation and found no satisfactory solution. What else does it mean? It means that Doctor Hunter himself admits that the only successful way to control the boll-weevil situation is to control it through the development of cultural methods, and it is to that division of the bureau doing demonstration work, growing cotton in spite of the weevil, we desire to appropriate this small increase of money.

I want to call the attention of my friends on the other side of the House to this fact: This boll-weevil proposition is not a Texas proposition, nor a Louisiana proposition, nor a Mississippi proposition, nor a southern state proposition even. It is a question of such magnitude, of so much vital concern to all the people of this country, in that it seriously threatens the destruction of one of the country's chief supplies of clothing material, that it has become a national problem; and you gentlemen on the other side are just as much interested in it as we in the South. Your great cotton-manufacturing industries of the East are built up upon and live because of raw southern cotton. Destroy this and your great mills must close their doors and send their employees out into the world and into other occupations. The world, even, is concerned in this matter. It is a great national and international question, large enough to arrest the attention and command the favorable consideration of any legislative body on earth.

I want to call your attention to another fact, that the most important bug that ever set its face in the direction of this country is this same boll weevil. He has the San Jose scale, the potato bug, the gypsy moth, and all other kinds of bugs skinned a mile when it comes to the work of destruction. You are spending hundreds of thousands of dollars on the San Jose scale and the potato bug and all sorts of other bugs in this country.

Mr. COX of Indiana. Three hundred and fifty thousand dollars on the gypsy moth.

Mr. CANDLER. I call the gentleman's attention to the fact that this bill appropriates $300,000 for the purpose of carrying on the war against the gypsy moth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is this to come out of the fifteen minutes?

Mr. SCOTT. I think it must. Debate has been closed by a vote of the committee.

Mr. HEFLIN. If it is to come out of the fifteen minutes, I shall have to object, because I want to be heard.

Mr. LEVER. I ask for two minutes more in which to close this statement.

The CHAIRMAN. The Chair will state that if the gentleman from South Carolina proceeds for two minutes more he would be entitled to his full five minutes, unless there was an agreement between him and the gentleman from Alabama [Mr. HEFLIN] for a division of the five minutes.

Mr. LEVER. That is all right. I will yield three minutes to the gentleman from Alabama [Mr. HEFLIN] then.

Now Mr. Chairman, I want to call the attention of my friends on that side of the House again to the fact that we carry in this very bill $300,000 for the purpose of fighting the brown-tail and gypsy moths in the New England States. I can not believe, and I do not intimate for a moment, that gentlemen on that side of the House will for a second permit themselves to be lined up against this proposition because it happens to be a southern proposition. I know that there is no comparison between the damage done by the gypsy moth and the boll weevil, and I want to appeal to your sense of fairness to give us this small increase, only a little over $25,000; and in closing I want to call your attention to a statement made by Doctor Galloway before the committee two years ago on this very proposition.

Doctor Knapp, in charge of the boll-weevil work and the farm demonstration in the South Atlantic coast States, was making a statement, and was interrupted by Doctor Galloway, his chief.

Mr. GALLOWAY. If I may interrupt the doctor, I happen to have the figures here. We are spending now on this work in the several States $104,000. That included the administrative work here in Washington. For Texas it is $30,000, for Oklahoma $10,000, for Arkansas $13,500, for Louisiana $13,500, for Mississippi $14,000. The doctor recommended to the Secretary an increase of $146,000, and the Secretary, considering the department's needs as a whole, as he must, scaled that down to $50,000, and it was left at that figure, so that the matter stands in that way at the present time. The doctor estimated for Alabama $30,000, for Texas $65,000, for Oklahoma $30,000, for Arkansas $30,000, for Louisiana $30,000, for Mississippi $30,000, and for the general administrative expenses $35,000, making a grand total of $250,000 in comparison with $104,000 that we are expending this year, or an increase of $146,000.

That was two years ago. Now, I take it that if the work is of any importance at all it is advancing, and that if $250,000 were necessary two years ago, certainly $250,000 can now be expended economically and judiciously.

Mr. HEFLIN. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON] has described accurately the boll weevil. He has told you how long he is and how big round he is, and one gentleman says "He's too little to fool with." One thing is certain, I take it, and that is, you gentlemen on that side are not acquainted with the destructive power of this insignificant looking insect.

Mr. Chairman, if the boll weevil were any bigger than he now is, and the mischief that he can now do should increase with his size, and he should multiply and move as fast as he now does, he would not only destroy the cotton boll in the morning of its youth and promise, but he would also "eat up" the cotton stalk.

If the chigger were bigger,
As big as a cow,
And his digger
Had vigor,
Like a subsoil plow,
Can you "figger,"
Picknicker,
Where you'd be now?

[Laughter and applause.]

Mr. Chairman, the boll weevil is the most determined and pestiferous little warrior that ever attacked the precious offspring of the cotton plant. He is a cold and cruel calculator. He watches and waits, and when the time arrives for his work of destruction he ruthlessly slaughters the young hopeful of the cotton plant. He looks upon the cotton bloom in the morning when it bursts, lily white, from the heart of the "square," and he gazes upon it when it turns rosy red in the late afternoon, and he laughs with ghoulish glee when finally it fades and falls. Now is his feast time and now his work of destruction begins. The tiny green boll glistening in the sun, pregnant with the white fiber on which millions of spindles wait and for which millions of human beings yearn, is the proud citadel that he now attacks, and from one end of the cotton row to the other the ground is covered with dead and dying bolls. In this little green boll is locked the snowy product which constitutes the king of American exports. Its white fiber brings gold from foreign countries when all other products fail.

The South is the cotton-producing section of the country, and the South pays more taxes into the Federal Treasury in proportion to its population than any other section; and you gentlemen have it in your power now to do justice to the great cotton industry, and I trust that you will not be prejudiced against the increase that we ask simply because the Committee on Agriculture has already agreed on the sum that we shall have with which to fight this terrible boll weevil. The chairman

of that committee [Mr. SCOTT] tells us that no officer from the Department of Agriculture came before the committee asking for an increase in the appropriation of money with which to fight the boll weevil. Well, I have served on that committee, and I know how easy it is for the chairman to frighten the officers of that department into a seeming satisfactory frame of mind with very small appropriations, and often I could see that more money was needed and desired, but the officer in the department had received instructions, and, of course, he did not come and ask for more. This was the Agricultural Department, you know, and should be thankful for small favors, I suppose. I intended going before the committee, and several other Members intended going with me, but the committee finished the bill and reported it to the House a month earlier than we did last year.

Mr. SCOTT. Two months earlier.

Mr. HEFLIN. So, Mr. Chairman, we had no notice of this proposed early action. This is the long session of Congress, and there is no reason for rushing through a bill of so much importance to the agricultural interests of the country. Why was it done this time? Did you want to get it out of the House before the farmers' organizations could arrive in Washington? Were you afraid they would ask you to do more for agriculture? When I was a member of that committee we took more time to consider the great agricultural interests. We did not rush through as you have done. [Applause on the Democratic side.]

Year after year I see you increase appropriations for army and navy and other things, and you lay it on with lavish hands, but when it comes to agriculture—the very corner stone on which all other industries rest—you commence to economize. You talk about cutting down expenses, and some of you boast about how much you are doing for the farmer.

Mr. Chairman, the fact is, this Government is not doing one-fifth of what it ought to do for the farming interests. True, it is doing more than it has ever done, but there is so much that could be done. Here you have the opportunity to aid us in fighting a far-reaching evil, but you are announcing your purpose to withhold that aid on the idea that you think we have enough already provided for. The boll weevil is doing great damage in Mississippi and Louisiana and other States. Counties that once produced 30,000 bales of cotton a year are now making less than 1,000 bales. This is since the boll weevil appeared on the scene. Now the department tells us that the boll weevil has about reached the line, or has crossed over and is now in Alabama. We will need every dollar we can get to combat this destructive insect.

Mr. Chairman, I am heartily in favor of the amendment of the gentleman from South Carolina. I had intended to offer a similar amendment, and had talked with the gentleman from South Carolina about it. I trust that the gentlemen on the other side will vote for this small increase. We certainly need this amount to help fight this terrible pest that is now in the South. A constituent of mine wrote me a letter to know if there is a premium offered to any man who would invent or discover some method of getting rid of the boll weevil, and I had to reply that there is none. If we can get this additional appropriation we can have a fund out of which the Secretary of Agriculture can offer a sum of money to any man who will find the means by which the boll weevil can be destroyed, and you will put hundreds of heads to work to get up some way to destroy the boll weevil.

The amount reported in this bill is no more than we reported a year ago; and yet you admit that the boll weevil is doing more damage now than ever; and he is entering new fields. Then, of course, the present amount is not sufficient. Now, I want to say to my friends on the other side, when I was a member of the Committee on Agriculture I cheerfully voted for any appropriation you asked for that would help the agricultural interests of the other sections of the country. This is but a small amount, and I trust that you gentlemen can see your way clear to help us by increasing this appropriation from $215,000 to $250,000. [Applause on the Democratic side.]

Mr. COLE. Mr. Chairman, I simply want to say a few words in connection with this item in the appropriation bill. The gentleman from South Carolina [Mr. LEVER] says that the chairman does not seem to understand the character of this evil in the South. We had before our committee reports of those who are best qualified to speak on this proposition. The Department of Agriculture is engaged in the business of prosecuting this work, and in this appropriation bill you will find the identical items as recommended by the Department of Agriculture. Doctor Knapp and Secretary Wilson and the various other gentlemen who are engaged in conducting this work have placed their stamp of approval upon this item.

Mr. LEVER rose.

Mr. COLE. I can not yield now; I simply wish to make this statement: The Committee on Agriculture has never been charged with being a political committee, and it never has been charged with being a sectional committee, and when the gentleman from South Carolina charges this side of the House with opposing this amendment because of sectional lines, I deny the assertion——

Mr. LEVER. The gentleman does not want to misrepresent me.

Mr. COLE. We recognize it as a national problem; we recognize it as being as broad as this Nation; we have exceeded the limits of generosity in making appropriations for the benefit of agriculture in the South. The farmers of Ohio care nothing about the congressional distribution of seed. It has been resolved against in every agricultural interest in my district. But I support it. Why? Because the Members from the South and the farmers from the South want it, and that is one reason why I stand by that appropriation item. That is the reason that I stand by this appropriation as it is now incorporated in the bill. I am always willing, and I know I speak the sentiment of the northern members of this committee when I say that we are always willing, to contribute everything within our power to the fostering of the agricultural interests of the southern section of this country. [Applause.]

Mr. LAMB. Will my colleague yield to me for a statement?

Mr. SCOTT. I will yield to the gentleman.

Mr. LAMB. Mr. Chairman, I voted against the amendment for $500,000 and the amendment for $300,000 because I believed that those amounts were not necessary to do this administrative work. But in view of what has been said here seriously and facetiously, and in view of the fact that had these gentlemen from Mississippi and other Southern States come before the Agricultural Committee and made the statement there that they have made here, I am inclined to believe that the committee, that knows no section and politics, would have increased this appropriation to $250,000, and therefore I am going to vote for this proposition, and I hope the House will agree with me.

Mr. SCOTT. Mr. Chairman, it is a very ungracious task to oppose an amendment which is offered in so much good faith and advocated with so great a degree of earnestness, and I certainly could not find it in my heart to do it if I thought that the additional sum asked for were really needed in the work. But I do not believe that the cotton industry in the South will suffer at all from withholding the small additional sum asked for by this amendment.

The gentleman from South Carolina [Mr. LEVER] remarked that we were spending $300,000 to combat the gypsy moth in New England. If he were debating this question from a sectional standpoint, which I know he is not, I should like to remind him that we balanced that appropriation with $300,000 to combat the cattle tick in the South. And let me remind him of the further fact that while the Federal Treasury expends $300,000 to combat the gypsy moth in the North, the States concerned contribute three times that amount, or $900,000, whereas the States in which the boll weevil exists only contribute about $19,000 to help defray the expense of that work. If gentlemen will appeal to the generosity of their own States to contribute something toward the work, they will, perhaps, get more accomplished.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken; and on a division (demanded by Mr. LEVER) there were 75 ayes and 88 noes.

Mr. LEVER. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. LEVER and Mr. SCOTT.

The committee again divided; and the tellers reported that there were 88 ayes and 102 noes.

So the amendment was lost.

Mr. SCOTT. Mr. Chairman, at the request of a number of gentlemen, I ask unanimous consent that Members who have spoken on any of the amendments to this paragraph be permitted to extend their remarks in the RECORD upon that subject.

The CHAIRMAN. The Chair will state that unanimous consent of that character can only be given in the House.

Mr. WATKINS. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk and ask to have read. I think this amendment will be accepted by the chairman of the Committee on Agriculture.

The Clerk read as follows:

In lines 17 and 18, page 18, in place of "$215,155" insert the words "$225,000, of which amount $50,000 shall be immediately available."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

Mr. PAYNE. Mr. Chairman, I move to amend that amendment by striking out the figures mentioned in the amendment and inserting in lieu thereof "$215,150."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to that part of the provision in the amendment of the gentleman from Louisiana making $50,000 immediately available.

Mr. SCOTT. Mr. Chairman, I make the point of order against the amendment of the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Kansas makes the point of order. Does the Chair understand that he makes the point of order as to the whole amendment or to a portion of it?

Mr. SCOTT. I make the point of order to the whole amendment, because part of it being subject to a point of order all of the amendment falls.

Mr. WATKINS. Mr. Chairman, I recognize that the point of order is good as to that portion which provides that the money shall be immediately available. Therefore, I ask unanimous consent to strike that part out of the amendment and offer it simply at $225,000.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will now report the amendment as modified.

The Clerk read as follows:

Lines 17 and 18, page 18, in place of the words "two hundred and fifteen thousand one hundred and fifty-five dollars" insert the words "two hundred and twenty-five thousand dollars."

Mr. PAYNE. I now move to strike out the amount stated in the amendment, and insert in lieu thereof the words "two hundred and fifteen thousand one hundred and fifty dollars."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend so as to read "$215,150."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and on a division (demanded by Mr. CANDLER) there were—yeas 72, nays 67.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana, as amended.

The question was taken, and the amendment was rejected.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Mr. Chairman, I desire to ask where the bill stands now.

The CHAIRMAN. The paragraph has not been changed. It remains as in the bill.

Mr. HEFLIN. The amendment of the gentleman from New York was to insert $215,150. If that is true, the gentleman from New York has cut us out of $5.

The CHAIRMAN. The gentleman from New York offered an amendment to the amendment offered by the gentleman from Louisiana. That amendment prevails, but the amendment of the gentleman from Louisiana as amended by the gentleman from New York was rejected. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $31,730.

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend line 21, page 18, of the bill by striking out the words "thirty-one thousand seven hundred and thirty" and inserting in lieu thereof the words "fifty thousand six hundred and forty-four."

Mr. MARTIN of Colorado. Mr. Chairman, in support of the amendment which has just been read, I desire to say that the Agricultural Department has established and is now carrying on 14 dry-farm experiment stations, for the purpose of making experiments in the cultivation of soils and the production of crops in the regions where there is neither sufficient rainfall to raise crops nor sufficient water from natural sources for irrigation. These 14 stations supply a territory about 350 miles in width by 1,100 miles in length, a grand total area of about 400,000 square miles. For the purpose of carrying on these highly important experiments last year there was appropriated the very modest sum of $31,760, which in the pending bill is reduced $30, a very microscopic piece of economy, indeed.

A comparison with other features of this bill and a comparison of the bill with that of last year, however, does not indicate the same parsimony in dealing with other branches of the Agricultural Department work; and I say this without any intention of casting any reflection whatever upon the very distinguished gentleman who has the honor of being the sponsor of this bill, because I believe there is no Member of this body who is more heart and soul interested in the great work that is carried on by the Agricultural Department or has a better appreciation of what that work is. But there are some things that the author evidently had to take as they came to him, and this appears to be one of them. I notice, for instance, that while the appropriation for dry-farming experiments in that great section of the West to which he says the people of this country must look for any increase in the area of arable lands has been reduced from $31,760 to $31,730, the Forest Service has been increased from $4,646,200 to $5,043,700. Thirty dollars less for the work of dry-soil crop experimentation and instruction and $397,500 more for the Forest Service!

And here is another interesting item in this bill as going to show the relative difference and importance in some one's mind between these two branches of the government service: There has been appropriated only $31,730 to conduct all of the dry-farming experiment stations in the Agricultural Department, but the sum of $129,420 is proposed to be appropriated for tree culture, which creates a suspicion in my mind that if the late Doctor Pinchot had been divinely commissioned to make two hills of corn grow where only one bunch of soap weed grew before, instead of keeping one tree where it was, the figures might have been slightly different.

But we are not asking, Mr. Chairman, to place the arid prairies upon the same high plane with the timbered mountains. We have selected a more moderate basis in fixing the amount in the pending amendment. It appears from this bill, Mr. Chairman, that the map of the United States is now ornamented with 150 national forests, and every one of these forests carries a separate appropriation——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to say a word or two more. I ask for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to continue his remarks for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. I notice, furthermore, Mr. Chairman, that 39 of these national forests each carry a larger appropriation than the entire amount provided for the 14 agricultural experiment stations.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes.

Mr. COX of Indiana. What is the gentleman's opinion as to whether or not these dry experiment stations have met with any success or are a success?

Mr. MARTIN of Colorado. It is my opinion, I will say, in reply to the question of the gentleman from Indiana, that they are a decided success.

Mr. COX of Indiana. In what way?

Mr. MARTIN of Colorado. They are a success in ascertaining the character of crops that can be grown in these semiarid regions where there is neither sufficient rainfall nor sources of water for irrigation. They demonstrate the kind of crop that will grow under such conditions and how the soil ought to be tilled and the crops cultivated to conserve the scant moisture of that region; and I will say to the gentleman that a very large proportion, everything considered—a surprisingly large proportion—of the bulletins gotten out by the Agricultural Department have to do with these experiments, and I will call upon the chairman of the committee, the author of this bill, to bear me out in that statement.

Mr. COX of Indiana. Does not the gentleman think the men living in that arid country, the practical farmers, know just as much about it as the Government?

Mr. MARTIN of Colorado. Then, why not abolish all of this agricultural experiment work?

Mr. COX of Indiana. I am asking the gentleman for his opinion upon it. I do not know anything about this dry-farm experimentation work.

Mr. MARTIN of Colorado. If you say the farmer who is taking up an absolutely new agricultural line does not need any instruction, you might better say that the farmer in the older sections of the country, who has been pursuing methods in vogue ever since the dawn of history and dealing with long-

known conditions does not need instruction; therefore abolish the Agricultural Department and save all of this money.

Now, I proceed to say, Mr. Chairman, that 39 of these national forests each receive a larger appropriation than the entire 14 dry-farm experiment stations. And I have selected the largest sum allotted to one of these 39 forests, to wit, the sum of $50,644, which is given to the Angles National Forest, in California.

Now, your dry-land farmer is a real conservationist. His very existence depends upon making one drop of water do what 100 drops will do elsewhere, and I thought that asking for his entire field the exact amount given to only one of the 150 national forests as provided in this bill would be illuminating to him. I thought the dry-land farmer would see the point. I thought it would set him to thinking and, in view of a certain contingency that may overtake this amendment in a minute or two, to cussing also. He might be made to see the reason he did not get a little bit more was because there was not anything of that description left; that the national forests required it all. And while the sun would be curing his crops in the bud, he might amuse himself with certain comparative tables of figures that could be furnished him from this agricultural appropriation bill, and to which I have no time to refer at the present moment. I want to say, Mr. Chairman, that I do not believe any more important work can be provided for in this bill. You are teaching these people to reclaim an empire. You are teaching them to enlarge the farming area of this country from the only source from which it can be enlarged. I am informed by those in charge of this work down in the Bureau of Plant Industry that the growth of the work itself, the natural growth of the work, would justify and demand an increase, and not a decrease such as is provided for in this bill.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. SCOTT. Mr. Chairman——

Mr. MARTIN of Colorado. It has been suggested that I ask leave to extend my remarks in the RECORD. I do not care to do so, but I want to appeal to the Members here present to make this increase. I am not criticising the appropriations that have been made to the national forests. The national forests get 40 per cent of the entire appropriation of the agricultural bill, and if the gentlemen want to give them such a proportion as that, let them do so. I am simply referring to these figures for comparative purposes, in the hope that you may see the justice of giving this little additional sum to a work that has already produced results in grain, cereal, and feed growing that are almost incredible to others than the people actually engaged in it.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate close in ten minutes, the time to be equally divided.

Mr. NORRIS. Reserving the right to object——

Mr. MONDELL. I move to amend by making it fifteen minutes.

Mr. SCOTT. I will accept the suggestion that the debate close in fifteen minutes, with the understanding that I may have the last five minutes in which to close.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that the time for debate be closed in fifteen minutes on this paragraph and amendments thereto. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I rise to support the amendment offered by the gentleman from Colorado [Mr. MARTIN], and in doing so I do not intend any criticism of the action of the committee. I am much interested in the experiments proposed, and should have appeared before the committee and asked for an increase of this item had it not been for the fact that I understood the committee was going to insist upon keeping within the estimates. I understand they did so in this case, and that there is a reduction of a few dollars.

There is no more important work, Mr. Chairman, before the Government to-day than that which has to do with that magnificent conservation movement which proposes to show the farmers of America how to grow crops with a minimum of rainfall. They who live in regions of abundant and superabundant rain have conceived the notion that there must be a superabundance of rain in order that crops may be grown profitably, that we must plow through snow in the winter and mud in the summer in order to produce crops. There is no greater error. Many agricultural crops can be produced profitably with a very limited precipitation. At one time 30 inches was considered to be the minimum.

The farmers of the plains proved that crops could be grown with 20 inches of precipitation, and recent experimentation and demonstration have proven that profitable crops of all cereals and many vegetables and fruits can be produced on certain soils with a precipitation as low as 16 inches or even less. The only public lands now open to homestead entry, except those that can be reclaimed by irrigation, are what are known as "dry lands." These lands are the hope of the Nation, so far as new grain-raising lands are concerned. It is highly important that Congress should aid in every way the men who are endeavoring to develop from these flinty soils fruitful fields. They have done a marvelous work with but little aid from the Government. They have gone into a territory where conditions are trying, where, but for their effort, the land is of little value, and they make the land valuable by scientific methods of cultivation.

Dry farming, so called, is a scientific method which will not only make millions of acres of public land, heretofore considered almost worthless, valuable, but these same scientific methods are of very great value to the farmer on the worn-out lands of the East. The same principles that must be adopted in order to make the dry lands of the West productive, if applied to much of the worn-out lands of the South and East, would make them productive. So that the dry-land farming movement is not only a movement and development beneficial to the West, but a movement which will be of very great value to all parts of the country. The appropriations heretofore made have been very small. In my opinion the appropriation ought to be increased, as suggested by the gentleman from Colorado, and I hope that the committee will see fit to recommend the increase.

Mr. NORRIS. Mr. Chairman, there is no other item, in my judgment, in this bill of greater importance than this particular one. We have an undeveloped empire, and it is not developed for the reason that it has been considered in the past as too dry for agricultural purposes. The chairman of the committee, on Saturday last, in the beginning of this discussion, well said that there was very little in view for an increase for the farming operations of this country except by the extension of irrigation and dry farming. Now, these experiments that have been going on in this land for several years have demonstrated that we can raise a crop on less moisture than we used to be able to raise it on in the past, because we understand better the atmospheric and soil conditions under which it is necessary to raise a crop. There is no other place in the entire avenue of the work of the Agricultural Department where its activities can be better used to bring to utilization in the form of farming the millions of acres that heretofore have been considered as practically useless for agricultural purposes.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. NORRIS. Certainly.

Mr. COX of Indiana. Was the Government the first to institute this dry farming?

Mr. NORRIS. I think not.

Mr. COX of Indiana. Has it been tried by various farming people?

Mr. NORRIS. It has been practiced by others outside of the government service. Mr. Campbell, as I understand, was the first man to start it. He has devoted nearly his entire life to the study of this question. He has traveled all over the West, and the only reason the entire country is not convinced thoroughly about what is known as the Campbell system of dry farming is because the people have not had an opportunity to give to the subject the study that it demands.

Mr. STEPHENS of Texas. Has there been any other system of dry farming discovered than that which is known as the Campbell system?

Mr. NORRIS. I will state to the gentleman from Texas that undoubtedly if there has been any thought to be better discovered it will be used in the experimentations to determine whether it was the best.

Mr. GOULDEN. What class of crops are produced in this way?

Mr. NORRIS. All classes of crops. They have gone on experimenting, and they do this: In some cases they will raise a crop every two years. Mr. Campbell has made important experiments in Arizona, where there was not rainfall enough in a year, if conserved, to raise one crop in a year. We can conserve the moisture in the land for two years, and raise a crop then. It is practically demonstrated at the present time that the moisture in the soil can be conserved. It is being conserved. It is done under different conditions in different places in the country. There is to-day, under this system, in parts of the West and South, a successful method of raising crops upon land that a few years ago would have been considered as absolutely worthless for agricultural purposes. I want to say to you, gentlemen, that in all the domain of activity of agriculture there

is no place where it can be put to more practical benefit than in this particular item we are now considering.

It is a mistake to think that all the benefit comes in those sections known as dry-farming sections. The lessons that they have learned there when put to practical use in New York, New Jersey, Pennsylvania, Ohio, and all the Eastern States can be utilized to advantage to raise crops when they are not getting the rain that they ordinarily get. [Applause.]

Mr. SCOTT. I quite agree with all the gentlemen who have spoken in support of this amendment as to the importance of the work that is being done under the appropriation authorized by this paragraph, but I can not agree with them that it is necessary, or even advisable, to increase the amount of that appropriation. It ought to be enough, perhaps, in support of my opinion, to state that the committee reported precisely the figures recommended by the Secretary. This figure is a reduction, as the gentleman from Colorado remarks, of $30 below the amount expended for the same purpose during the current year. If, as he suggests, it is a bit of parsimony to make so small a reduction, it is the department that is responsible for it and not the committee, and if the department believes it is advisable to reduce the appropriation at all, the committee would seem to have little warrant for increasing it.

But, in addition to the justification of the committee which is afforded by the action of the department, I beg to call the attention of gentlemen to the fact that the work provided for under this paragraph is not all the work of this character that is being done and is authorized by this bill.

The very next paragraph of the bill provides an appropriation of $73,480 for investigations in connection with lands reclaimed under the reclamation act and other areas in the arid and semiarid regions. Now, under the authority of that provision the department is carrying on work which is precisely similar in its character to the work that is being done at the fourteen different stations to which the gentleman from Colorado alluded, and these together make twenty-three distinct points west of the one hundredth meridian where work is now being conducted in the nature of dry-farming experiments.

Mr. STEPHENS of Texas. I will call the gentleman's attention, by his permission, to the fact that just west of the one hundredth meridian, near the town of Amarillo—in the Texas Panhandle—we have one of these experiment stations, and they are carrying on the very work that the gentleman from Kansas alludes to, and it is of great value to that portion of the country. Farther west, in New Mexico, different conditions prevail. It is higher, drier, and colder there; and I should like very much to see an experimental station somewhere in the eastern portion of New Mexico; I do not think that there is any there.

I should like to see this amendment adopted, so as to extend the work of the dry-farming experimental stations to all portions of the semiarid and arid portions of the West. 'Twenty years ago lands on the plains in my district sold at about $1 per acre and were used only for grazing purposes; now these same lands sell readily from $15 to $30 per acre. These prices are due solely to the valuable crops of grain now raised by improved methods of farming.

Mr. MARTIN of Colorado and Mr. NORRIS rose.

Mr. SCOTT. I am very sorry, but I have only reserved five minutes in which to reply to arguments which consumed fifteen minutes.

Mr. MARTIN of Colorado. I should like to ask the gentleman——

Mr. SCOTT. I will yield first to the gentleman from Nebraska [Mr. NORRIS] for a question only.

Mr. NORRIS. I will ask the gentleman if it is not a fact that in this next paragraph all that money is utilized by the department in places where the land is under irrigation?

Mr. SCOTT. Not all of it, but a very large part of it is so used. On the reclamation projects they carry on experiments not only to develop the best methods of growing crops on irrigated land, but also to develop the possibility of growing crops on other lands to which the water can not be carried.

Mr. MONDELL. Is the chairman of the committee sure that these reclamation-project stations carry on any dry-farming experiments? If they do I do not know of it.

Mr. SCOTT. It has been so stated before the committee. I am quite sure I am not mistaken about that, and the language of the next paragraph amply warrants it.

Mr. NORRIS. Yes; the language would warrant it, I will admit.

Mr. SCOTT. It says:

And other areas in the arid and semiarid regions.

So that there is available for this work, all told, something over $100,000.

Mr. MONDELL. I am sure that no part of that has ever been used for dry farming on the farms which are situated on reclamation projects.

Mr. SCOTT. My information is that part of it has been. I trust that the committee will vote down the amendment.

Mr. MARTIN of Colorado. Mr. Chairman, I ask that I may be allowed to proceed for five minutes.

Mr. SCOTT. I must object. We must proceed with the bill.

The CHAIRMAN. The gentleman from Kansas objects. The question is on the amendment offered by the gentleman from Colorado.

The question being taken (on a division demanded by Mr. NORRIS) there were—ayes 27, noes 54.

Accordingly the amendment was rejected.

The Clerk read as follows:

For investigating the methods of growing, harvesting, packing, storing, handling, and shipping fruits and melons, and for experimental shipments of fruits and melons within the United States and to foreign countries, $71,615.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. This strikes me as a rather peculiar provision and reaching out very far. In what way or manner does the Government interest itself, and why does it interest itself in the way of packing and shipping fruits and melons? What good does it do along that line?

Mr. SCOTT. For a great many years there were complaints made by the shippers of oranges and lemons and other fruits grown in California and shipped to the eastern markets that a very large percentage was lost. The local shippers and local organizations and local scientists were unable to suggest methods by which this loss might be prevented.

Mr. COX of Indiana. Lost in what way?

Mr. SCOTT. By decay in transportation. Upon the authority of the language carried in this bill, scientists were sent from the Department of Agriculture to California to study the problem; and as a result of their investigations they have succeeded in reducing the loss very materially, to the extent of 25 to 40 per cent. They show the growers how, by more careful methods in picking, by packing in the right way, and by pre-cooling it before shipping the fruit can be transported with insignificant loss.

The result of the work has been extremely valuable to every grower of fruit in California. Similar experiments have been made with reference to the growing and shipping of peaches and other fruits in the Atlantic States. Experiments have been made in carrying fruits, vegetables, and other perishable products to foreign markets.

Mr. COX of Indiana. Do I understand the gentleman to say that the agricultural employees and scientists from the Department of Agriculture go to the place where the work is to be done?

Mr. SCOTT. That is precisely what has been done, and the only way in which it could be done.

Mr. COX of Indiana. Is this approximately the same sum that was appropriated last year?

Mr. SCOTT. There was appropriated last year $71,360, as against $71,615 this year.

Mr. COX of Indiana. Was all the appropriation of last year used up?

Mr. SCOTT. I have not a statement so closely analyzed as to be able to tell whether the appropriation for this particular project was all used up or not. I assume that it must have been because they are asking this year for more than was asked for last year, although the amount does not increase the total appropriation for this bureau.

Mr. COX of Indiana. The gentleman thinks this appropriation comes back dollar for dollar?

Mr. SCOTT. It has been worth millions of dollars, and I do not overstate it, to the fruit growers of the United States.

Mr. COX of Indiana. Ordinarily, I am with the Agricultural Department, but this looks to me like stepping over the line.

Mr. SCOTT. I do not think there has been a wiser expenditure or one that has brought better results than this appropriation.

Mr. COX of Indiana. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas and electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $309,590, of which amount not less than $265,710 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to

expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also,* That the seeds allotted to Senators and Representatives for distribution in the district embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons who names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department: *And provided also,* That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further,* That $43,880 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Mr. MOSS and Mr. LEVER rose.

The CHAIRMAN. The Chairman will recognize first the gentleman from South Carolina, a member of the committee.

Mr. LEVER. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of briefly responding to the suggestion of the gentleman from Ohio [Mr. COLE] a moment ago, to the effect that in the few remarks which I made I had endeavored to give a sectional or party aspect to the proposition then under consideration.

I am not sure, of course, what impression my statement made on the minds of Members, but I desire to say that if any statement I made gave that impression it certainly did not represent correctly and accurately what I had in mind and wished to convey to the committee.

The contrary is the impression I intended to give. I was trying to let this committee know that the problem of the ravages of the boll weevil was a great national problem, in which every section of the country was concerned, and I want to say further that it is my belief at this moment, as it was at the time I made the statement, that if that side of the House had as thorough, intimate, and close knowledge of the situation in the South as it is affected by the boll weevil; that if the New England States had a monopoly upon a great crop such as the cotton crop of the South is, and if that crop was threatened with absolute destruction by such a pest as the cotton boll weevil, that side, knowing the situation, appreciating the danger, appreciating what it means to the country, what it means to the world in the way of clothing and the like of that, without hesitation would make this appropriation $5,000,000 instead of $215,000. In other words, I was endeavoring to make myself clear that this is a great national problem, which gentlemen on that side of the House, perhaps, did not understand, and could not understand, as well as the gentlemen on this side of the House representing the boll-weevil district; that it was no attempt to go into the Treasury without the justification that the reason for so doing was national rather than a local one.

I want to say this other thing. I have been on the Agricultural Committee about six years. I have never seen any politics injected into that committee. I trust I never shall. The interests of the country, I think, have been fairly treated, as we could see and understand them, and I believe now that if the Republican majority of the committee could understand and did understand the boll-weevil situation as we know it in the South there would be no hesitation on their part in giving us every cent of money we ask to help us meet the ravages of this great pest. [Applause on the Democratic side.]

Mr. COCKS of New York. Does not the gentleman think that a large percentage of the money carried in this bill is already spent in the South?

Mr. LEVER. I do not.

Mr. COCKS of New York. Except for the inspection of cattle.

Mr. LEVER. No.

Mr. COCKS of New York. Cut that out and the major portion is spent for the benefit of that section of the country.

Mr. LEVER. Let me say to the gentleman from New York this, and this House and the country ought to understand it, that only a very, very small per cent of the $13,000,000 carried in this bill is used, and solely and directly used, in the interests of the farmers. There is but one bureau in the entire Department of Agriculture which, I believe, is doing real effective work whose work deals directly and intimately and solely with the problems of agriculture. Let us take the Bureau of Animal Industry. We are getting but very little of that, as far as we are concerned in the South, and your meat inspection takes $3,000,000 of that appropriation.

Mr. COCKS of New York. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. COCKS of New York. Is it not just as important to inspect the meat for the consumption of the southerner as for the northerner or westerner or easterner?

Mr. LEVER. That is true, but I would like to know how many inspectors are in the South doing that work?

Mr. COCKS of New York. There do not happen to be any cattle growers in the South.

Mr. LEVER. And hence we get no benefit from that appropriation.

Mr. COCKS of New York. Yes; but we are giving you the money to try to help you make a cattle business.

Mr. LEVER. You are not giving it to us.

Mr. COCKS of New York. We are spending it down there, and what is the difference?

Mr. LEVER. As I was saying, it is the Bureau of Plant Industry that is dealing more directly with the problems of agriculture than any other bureau.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent, Mr. LEVER's time was extended for five minutes.]

Mr. LEVER. And we are carrying for that bureau $1,733,000 as against a total appropriation carried in the bill of something over $13,000,000.

Mr. COCKS of New York. Will the gentleman permit another question?

Mr. LEVER. Yes.

Mr. COCKS of New York. Out of that appropriation does not the gentleman think the South is getting a generous share; that is, the appropriation for the Bureau of Plant Industry?

Mr. LEVER. Of course I do; and I make no complaint as to that.

Mr. COCKS of New York. The gentleman states that the committee has always recognized the interest of that country.

Mr. LEVER. Of course, when they could see our wants and understand them. That is the point I made this morning. Another thing, the gentleman from Ohio [Mr. COLE] this morning attempted to give the House the impression that the continuance of free-seed distribution was held in this bill because of the request and demand of the southern Members. I want to stand here to deny that proposition. [Applause on the Democratic side.]

Mr. MANN. Let us strike it out altogether.

Mr. LEVER. I am willing to do it, and I will make you a proposition that I am willing to keep. If you will take the money now allowed for the free-seed distribution and apply it to the purposes of meeting the ravages of the boll weevil in the South and for the spread of farm demonstration and farm educational work in the South and throughout the country, I will meet you half way and support the proposition to do away with the distribution of free seeds. The gentleman goes on to say that every grange and every farmers' organization in his district had passed resolutions against the continuance of seed distribution, and it was only out of the great generosity of his heart toward southern Members that he consented in his own conscience and in his conception of his duty to his own people to permit this great robbery of the Government to continue. The House may be curious to know and the gentleman's constituents may be interested also to know that the only bill pending before the Agricultural Committee to-day which looks to the abolition of the present method of distributing garden seed is a bill which has been introduced time and again and fought out on the floor of this House, by a southern man, the gentleman from Texas [Mr. SHEPPARD].

Mr. COCKS of New York. Will the gentleman permit a question?

Mr. LEVER. Yes.

Mr. COCKS of New York. Will not the gentleman admit that men from other sections have made a record or taken an interest in that proposition?

Mr. LEVER. Yes; and the gentleman from New York has led that fight here time and time again; but I remember, and I want to impress it, that the great war horse of the Republican party, lately retired involuntarily to private life, Col. Pete Hepburn, waged vigorous and eloquent war in this House time and time again in favor of this same free-seed distribution, so that it is neither a sectional nor a partisan question, and the gentleman is wasting his generosity in this matter.

Mr. COLE. Will the gentleman permit a question?

Mr. LEVER. Yes.

Mr. COLE. Does the gentleman say he will take his share of the appropriation for free seed and devote it to approations for other purposes?

Mr. LEVER. Does the gentleman think I have a right to do that under the present arrangement?

Mr. COLE. Is that your proposition?

Mr. LEVER. I am perfectly willing, I will say to the gentleman from Ohio, to take $265,000 carried in this bill for free seed and appropriate it to meet the boll weevil. Are you willing to do that?

Mr. COLE. No; I am not willing to do that.

Mr. LEVER. Of course not.

Mr. COLE. The gentleman asks us to do everything and he nothing.

Mr. LEVER. Now, I have said this much, and I have said it in the kindliest spirit, because in my service here I do not think I have ever delivered a partisan political speech. I can not speak—as a matter of fact, speaking is not my long suit—but I do not want the impression to go to the country, given by the gentleman from Ohio, I hope unwittingly, that I do in any shape or form indorse the giving of a partisan aspect to a great national problem, one which threatens a great industry in which the entire Union is concerned, and not one section of it. [Applause.]

Mr. MOSS. Mr. Chairman, I offer the amendment which has been sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, on page 20, in line 12, the words "three hundred and nine thousand;" strike out lines 13, 14, and 15 and insert "one hundred thousand;" strike out all of line 25, page 20, after the word "States," on page 31; strike out lines 1 to 25, inclusive, on page 21, and lines 1 to 11, inclusive, on page 22; strike out of lines 12 and 13, page 22, the words "forty-three thousand eight hundred and eighty dollars" and insert "one hundred thousand dollars."

Mr. MOSS. Mr. Chairman and members of the committee, I do not care to argue this question at length. I will state the effect of it and it is simply this: It will take away from every Member of the House all seed distribution whatever and increase the amount we give the Secretary of Agriculture to purchase new and rare plants and distribute them in different parts of the United States, $100,000 instead of $43,000. It will give the Secretary of Agriculture under this language, for the purpose of introducing new and rare plants and seeds, if it is along that line of industry, $100,000 to expend under his own direction. That is the effect of the amendment, and, as I say, I do not care to argue it further.

As I say, I do not care to argue it. It is merely a plain proposition as to whether or not we are willing to give $100,000 to be used by the Secretary or whether you want to control that money yourselves.

Mr. KÜSTERMANN. Mr. Chairman, only a few days ago I read in a certain paper that a voter was asked what he thought of his Congressman, and he replied "Oh, his arguments don't go down, and his seeds don't come up."

I want to say to you if the seeds are properly distributed they will give a great deal of satisfaction. This morning I received a letter in which were inclosed these three beautiful pressed pansies, raised from seeds I sent out, and the sender labeled them, "Faith, hope, and charity." Now, the statement that some Congressmen's arguments do not go down and their seeds do not come up did not originate in my district. My constituents know that my arguments do go down, as in the case of my arguments against ship subsidy, for hundreds of letters and newspaper clippings which I am receiving voice their strong approval of those arguments, while many other letters I have been receiving show that the people appreciate the sending of the seeds. And I do hope, whether you are from the South or North, that you will not object to further seed distribution. There is one proper way of doing this, however. I advertised in every newspaper in my district to the effect that those who really had use for those seeds could have them by applying to me, and I received letters containing 9,000 names, thereby helping out the deficit of the Post-Office Department, and at the same time only those who actually used the seeds received them. If you will all do that, and not send the packages of seed to the different postmasters, who either do not distribute them or else hand them out at the rate of a dozen packages to one person and none to the other, I know that you will get a great deal of satisfaction out of the seed distribution—and perhaps a few extra votes. [Applause and laughter.]

Mr. WEISSE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question. I would like to ask the gentleman a word or two in regard to the seed distribution. As I understood it, he got 9,000 requests for seeds through advertising in the papers.

Mr. KÜSTERMANN. Yes; in the papers.

Mr. WEISSE. I would like to ask him if it would not be better for the Government to advertise them in every paper in the United States and by tacking upon a billboard in every post-office, and let the people apply to the Member and he send his request to the Department of Agriculture and they fill all the requests?

Mr. KÜSTERMANN. It would certainly be easier for the Congressman.

Mr. HEFLIN. Mr. Chairman, I do not agree with the gentleman from South Carolina [Mr. LEVER]. I am not in favor of taking from the farmers of this country this small token that they now receive from "Uncle Sam" in the way of garden and field seeds. God knows they get little enough from this Government, when you consider how heavily they are taxed to meet its extravagant expenditures. The few seed that they get amounts to but precious little, and all they get for everything is exceedingly small when we consider the vast amount that you wring from the purse of the people of this country year after year, a large portion of which comes out of the farmer in one way and another. Now, if this were a measure to secure something for special interests in this Government, some of the gentlemen on the other side would not make any objection, not at all, but you would be heartily in favor of it. I am not surprised at the gentleman from New York [Mr. PAYNE], the floor leader on the Republican side, for opposing this legislation that seeks to aid the cotton industry of the South by fighting the boll weevil. This is in keeping with the gentleman's record regarding legislation touching the agricultural interests, and especially cotton. I saw him object to the passage of a measure here that made it a penalty for any employee of the Government to sell information regarding cotton. Since that time, Mr. Chairman, I have known that the gentleman was exceedingly sensitive and had peculiar views on agricultural topics, and that the mention of legislation regarding cotton produced a strange effect upon him. I attribute this to the fact that the gentleman is from New York, where the "bears" produce every year a great crop of hot air and sell it in competition with real cotton, the kind we grow in the South.

Let me say to you gentlemen of the West, we buy our corn and meat from you, and we buy our mules from you, and have been doing so for years; but let me sound in your ears a note of warning. If the boll weevil continues to destroy the cotton crop, and you will not help us destroy the boll weevil—and you have just refused to vote for this little increase—we are going to raise our own stock and our own corn and meat—some are doing it now—and then you will come down to see if you can not help us kill the boll weevil, so that we can go to planting cotton again and buying meat and corn and mules from you. [Laughter and applause on the Democratic side.]

Mr. SCOTT. I ask unanimous consent that debate close on this paragraph and all amendments thereto in five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER. Mr. Chairman, I arise to enter my protest and opposition to the amendment of the gentleman from Indiana, to place in the Department of Agriculture alone the power to distribute the seed to the people of the country. Some folks think, as was suggested by my distinguished colleague from Wisconsin a moment ago, that it is a small thing to distribute seed to the people. I have never yet come to the point where I believed that any service I could render to my people, no matter what it was, was a small service; but, on the contrary, any service, no matter what it is, that needs my attention and causes them to call upon me is a great service and one that ought to be recognized by me, and I am always glad to respond and do cheerfully and promptly what I can for them. I am one that does not believe that I am a lord over the people in any sense, but I am the servant of the people that honored me by selecting me as a Member on the floor of this House, and I

am not here on some high pedestal to look down upon them, but I prefer to sit at their feet and look up into their honest and patriotic faces and say to them, "What will thou have me to do?"—and then do it. [Loud applause.]

I believe the seed can be better distributed by Members of Congress than by the department, because they are familiar with their people, and know their wants and necessities; and therefore, being personally acquainted with them, and knowing what they need and desire, they can render better service in this regard than the Department of Agriculture, or even the Secretary of that great department, for whom I have the highest regard and greatest respect, because I believe if there is one man in this country doing a great service to the people, it is the Secretary of Agriculture, the Hon. James Wilson. [Loud applause.]

Mr. SIMS. Can the gentleman tell me why these gentlemen object to a seed distribution, and do not object to sending out the farmers' bulletins, and franking them? Is it because no one raises farmers' bulletins in competition?

Mr. CANDLER. That question is, of course, an important one and deserving of consideration, but my limited time forbids discussing it now.

Mr. WEISSE. Do you not think it would be cheaper and much better if all of these requests for distribution of seeds were turned over to the Secretary?

Mr. CANDLER. No, sir; I would rather respond to the request of my own constituents than to have the Secretary of Agriculture or anybody else do so. I am better able, in my present position, to respond than anybody else, because I know their wants and desires better.

Mr. WEISSE. Would it not be better for the Secretary to distribute the seed, and then the gentleman could have more time to study legislation?

Mr. CANDLER. I can study legislation as well as distribute the seed. I am industrious and willing to work. [Applause.] I have studied, voted, and spoken upon great and important legislation since I have been here.

Mr. MANN. And you are practically always here, which can not be said of all Members who talk on this question.

Mr. CANDLER. I stay here when legislation is going on. May I appeal to the generosity of the House for one moment, and then that there shall be two minutes for the distinguished chairman of the committee?

The CHAIRMAN. The gentleman has a minute and a half yet.

Mr. CANDLER. Well, now, in reference to the question propounded by the gentleman from Wisconsin about the seed not coming up, I want to say just this: In my district in the last campaign one of the most beautiful ladies in all Mississippi—and they are as pretty there as they are anywhere in the world—came to me and said that she had planted the seed I sent her, and they came up the first season and matured, and the seed from the matured plant dropped into that fertile soil and made a better and more luxuriant crop the second year than the first. I now appeal to my colleagues to stand by the provision in the bill. [Great applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. SCOTT. The gentleman from Mississippi thought he would leave me two minutes, but he occupied five; and I would like to have two minutes to close the debate.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that he may have two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, the membership of this House, at least those who have been here for some time, do not need to be told what my position on the congressional seed-distribution question has been. I had the privilege of being one of the members of the committee which, in a former Congress, brought in its bill with this provision stricken out; but it was put back by a vote of the House with an increased appropriation, and with so much emphasis that for one I have not had the heart to attempt what I regard as impossible since that time.

And, speaking now as the representative of the committee, I trust this amendment will not prevail, because if a change is to be made in the policy of Congress respecting this matter, I think it is one which should have the careful consideration of the committee. This matter was not brought before the committee while the bill was under consideration. The estimates of the department were reported in the bill because we believed they met, in this particular especially, with the approval of the membership of the House. Therefore no consideration was given to the proposition. I trust that the amendment will be rejected with the understanding that if gentlemen are sufficiently interested in the question in another Congress to appear before the committee and make their plea there for a change in the policy they will gladly be given that opportunity.

Mr. WEISSE. I should like to ask the chairman of the committee a question.

The CHAIRMAN. It can only be done by unanimous consent, as the time on the pending paragraph has been ordered closed.

Mr. TAWNEY. Does that mean that debate is closed on the paragraph and amendments thereto?

The CHAIRMAN. Yes.

Mr. HUMPHREYS of Mississippi. I have a substitute that I should like to offer for the amendment.

The CHAIRMAN. The gentleman may do so.

The Clerk read as follows:

Amend by striking out the words "congressional distribution," on page 20, line 15, and insert in lieu thereof the words "the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, in addition to the sum of $215,155 heretofore appropriated for that purpose."

Mr. SCOTT. I make the point of order upon that amendment because it seems to me that it relates to a subject upon which the House has just voted and is not germane to this paragraph.

The CHAIRMAN. The gentleman from Mississippi offers an amendment as a substitute, which, in the opinion of the Chair, is not in the nature of a substitute, but an independent amendment, and would have to wait until the pending amendment was voted on. The question is on the amendment of the gentleman from Indiana [Mr. Moss].

The question being taken, on a division (demanded by Mr. Moss) there were—ayes 32, noes 89.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. SCOTT. I made a point of order on that amendment, and I understood the Chair to sustain it.

The CHAIRMAN. At that time it was not in order. If there be no objection, the Clerk will again report the amendment.

The amendment of Mr. HUMPHREYS of Mississippi was again read.

Mr. SCOTT. To that I make the point of order that it is not germane to this paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSTER of Vermont. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the entire paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The question being taken, the amendment was rejected.

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One forester, who shall be chief of bureau, $5,000; 1 clerk, $1,500; 1 clerk, $1,320; 2 clerks, at $1,260 each; 4 clerks, at $1,200 each; 5 clerks, at $1,080 each; 8 clerks, at $1,020 each; 10 clerks, at $960 each; 17 clerks, at $900 each; 4 messengers, at $660 each; 4 messengers, at $360 each; 3 watchmen, at $840 each; in all, $60,200.

Mr. ENGLEBRIGHT. Mr. Chairman, as we have now taken up the subject of forestry, and will probably discuss timber, lumber, and all the various subjects in connection with it, I should like to have read a letter which I have just received describing the cutting of a large tree in Humboldt County, Cal., which produced a large amount of lumber, and which letter contains some very pertinent facts in connection with the lumber industry. I send the letter to the Clerk's desk.

The CHAIRMAN. The letter will be read in the time of the gentleman from California.

The Clerk read as follows:

EEL RIVER VALLEY LUMBER COMPANY,
Newburg, Cal., January 15, 1910.

Hon. W. F. ENGLEBRIGHT,
Congressman First District, California, Washington, D. C.

DEAR SIR: The inclosed photograph of a large redwood tree was taken on September 5, 1905, on which date the tree was felled on the lands of the Eel River Valley Lumber Company, Humboldt County, Cal., in the presence of about 300 people, who had assembled to see it fall.

This tree grew on top of a ridge dividing two gulches, at an altitude of about 700 feet, and while not as large as many redwood trees which have grown in Humboldt County is one of the largest which has ever been taken off of "hill land," the larger ones growing on the rich bottoms along the rivers.

This tree was what is known as a "stub"—that is, the top of it was broken off, but what was left standing of the trunk was estimated to be 275 feet in height. It is commonly understood amongst lumbermen that a redwood tree which has the top broken off must be more or less rotten in the top, and this tree was no exception to the rule, the top being quite rotten and for a long distance down toward the butt. As much care as was possible was taken in felling this tree, and considering the rough country in which it grew a good "save" was made, there being 162 feet of it saved cleanly.

All redwood trees break in falling, and of course it follows that the rougher the country and the less expert the fellers are the more the tree is broken up. It is the endeavor of both the owners and the "choppers" to save as much as possible of the tree.

Out of the 162 feet saved there were 8 logs sawed, each 20 feet in length, the diameter of the top log being 11 feet. The butt measured 15 feet across one way and 16 feet the other, being not quite round. The top log was quite rotten, there being only a shell around the outside about 1½ feet thick, and the middle all dry rot; the rot extended down 5 logs, each one toward the butt being less rotten and the remaining 3 logs being perfectly sound. A tally was kept of the tree as it was sawed up, and it yielded 47,500 feet of strictly clear first-class lumber and 2,500 feet of inferior grades. It was figured that the lumber from this tree was worth about $1,200 at the mill at the prices current at the time of sawing. Had the tree been perfectly sound for the 162 feet saved it would have sawed out in the neighborhood of 75,000 to 80,000 feet of lumber, and had it been sound considerable more of it would have been saved.

You will note in the photograph that there is a cut in the tree. This is called the "undercut," the bottom of it being sawed in and the upper part chopped. It is chopped in on the back the same way, only to a less extent, and the remaining timber is sawed until it breaks off.

By scientific felling these trees can be felled over an exact spot, and a "lay out" or bed is made for them to fall upon. This bed is made by felling small trees in the place the tree is to fall, and having other logs, etc., cleared away.

This tree had to be quartered in the woods to make the hauling of it on the logging roads possible, and it had to be hauled to the railroad landing, nearly a mile, by means of a wire cable.

This tree is, of course, exceptional in size, especially for hill land. The average size of redwood logs would be between 3 and 4 feet in diameter, sawing out about an average of 1,000 feet board measure each, and 5 logs to the tree, or possibly 6, will be the average. The yield per acre runs in different places from 25,000 feet to 300,000 feet. It would be difficult to establish an average per acre throughout the county, but on our own lands, from exact tallies and surveys, we have averaged 100,000 feet per acre for some seven or eight years.

I am also inclosing a calendar, on which is a copy of the photograph of another log, which may be of interest to you. I would say of same, that while the contents are given, that much waste in sawing would ensue, and that not over two-thirds of the figures given would be realized from the sawing, the waste being fully that much.

Yours, respectfully,

C. W. SEFFENS,
Superintendent Eel River Valley Lumber Company.

A REMARKABLE TREE.

The redwood tree shown above was cut in the logging woods of the Vance Redwood Lumber Company, Humboldt County, Cal. Its diameter at the butt was 16½ feet, and its length about 300 feet. Nine logging cars were required to carry it to the mill, and four and three-fourths days' time required to fell the tree and prepare the logs for transportation to the mill. The dimensions are as follows:

Total length (estimated)	feet	300
Length from butt to first limb	do	150
Diameter of butt	do	16½
Average diameter of logs	do	11.78
Full contents of logs, board measure	do	166,125
Weight of logs, estimated 4½ pounds per foot board measure	pounds	747,563
Bark of tree	inches thick	6

While these dimensions are very large when compared with trees in other parts of the United States, and large even when compared with average redwood timber, this tree is far from the largest ever cut in Humboldt. It is the largest tree, however, of which accurate records have been kept and photos secured.

Mr. ENGLEBRIGHT. In this connection I will say that these trees are not the Sequoia Gigantea, or California big trees, so often spoken of and which are seen by many visitors to California and which are found in the Sierra Nevadas, but these are in a locality tributary to Humboldt Bay, on the California coast, in the midst of extensive redwood forests, where lumbering is carried on to its greatest perfection with a minimum waste of timber.

It is estimated that there are about 470,000 acres of standing redwood timber in this locality, which will average about 100,000 feet per acre, making about 47,000,000,000 feet of redwood timber in that section that can be cut, besides large quantities of pine, fir, spruce, and other timber.

It may be noted that when the redwood trees are cut a new growth sprouts out from the stumps.

The question is asked why these trees grow so large and thrifty in this locality and the answer is found in the marked fertility of the soil and heavy rainfall. The shipments of lumber from Humboldt Bay during the year 1907 was 374,539,400 feet, of a value of $7,702,200, which gives some idea of what practical lumbering is, and this product can be kept up from that locality for the next one hundred and fifty years, and longer if the new growth be taken into proper consideration.

Mr. SMITH of California. Mr. Chairman, I move to strike out the last word. I do that for the purpose of taking the time of the House to allude to a matter that is directly connected with the paragraph just read and associated with it, and that is the general subject of conservation. I was very glad, indeed, that the gentleman from Illinois [Mr. MANN] this morning called the subject to the attention of the House, for it is a matter that is worthy of being called to the attention of the House once a week. One of the beautiful characteristics of the President is that his messages are concrete and contain the kernel of future legislation, and the House should aid in carrying out his plan as far as is possible.

The bills which follow the message on conservation are five or six in number. One provides for the general classification of the remaining public lands in the United States and Alaska. That bill, in my opinion, is of foremost importance. It has been introduced in the Senate and it is now receiving the attention of the appropriation committee on that side, and when it reaches this House and has been assigned to the committee I have no doubt it will receive immediate attention, and I hope it will become a law before the session closes. It is in line of improved business and lays the foundation for all the rest of the legislation pertaining to the public lands.

There is another bill which pertains to the water-power question, giving them rights of way over public lands, but as I have discussed that heretofore I shall not consume the time of the House to-day.

The next one which I think of provides for the disposal of lands supposed to contain oil, gas, and asphaltum. As a companion bill to that is another one, almost identical in language, for the disposal of the coal of the public domain. My opinion is that whoever drew the bills drew the coal bill first and then struck out the word "coal" and inserted "oil" and "gas" and passed it along as a new bill. Each bill provides for the entry of the mineral wealth and at the same time the entry on the surface for agricultural purposes. I live in a county which produces more mineral oil than any other county in the United States—17,000,000 or 18,000,000 barrels a year. I know something about the physical features of oil development, and I can say to you, with all respect to the President and everyone else interested in the subject, that it is a great mistake to undertake to farm in the midst of scenes like that of the photograph which I hold in my hand, which is a typical oil-field scene. There is a derrick erected, wells are sunk, engines are operated, fire is had in the midst of the operations, and these operations occur on every other acre, and in the end they sink a well in each quadrangle.

So the bill for the entry and taking out of the earth the oil I did not feel at liberty to stand sponsor for, because I knew that I would be ridiculed at home if I introduced a bill which contemplated farming and agricultural operations in the midst of an oil field.

There is another feature of that bill that I desire to call to the attention of the House—two features. First, it calls for a royalty of 15 per cent of the oil produced. I have drawn many leases myself for men leasing from each other, and it was a very rare thing that I drew one for more than 12½ per cent. That is the standard where men drive hard bargains with each other.

I desire to also call the attention of the House to the question whether the Federal Government should change the policy of one hundred and twenty-five years and start in to drive bargains with the people who are developing the natural resources of the country.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Chairman, I should like five minutes more.

The CHAIRMAN. Without objection, the gentleman will continue for five minutes.

There was no objection.

Mr. SMITH of California. Mr. Chairman, there is still another feature in both the oil and the coals bills that I think is worth still more consideration of Members than this. The bills provide that whenever the Secretary of the Interior believes or finds—I have forgotten the exact words—that the price at which the producers are selling their commodities or their products is unfair he may step in and fix the price. Now, I should like to have that proposition, or contemplated law, sink deep into the minds of gentlemen on both sides of the Chamber. If we have come to the place in national legislation when we are going to attempt to step in and, by law—no; not by law, but by the edict of an executive officer—are going to endeavor to fix the market price of the commodities of this country, then it is time for both the Democratic and the Republican parties to bid farewell to all the traditions of these two political parties and start out on a new course.

I say this with the utmost respect for the President of the United States, because I am satisfied that he never saw any one of the bills before they were prepared and sent to Congress. The bills were prepared in the Geological Survey. While I can not give the name of the gentleman—I have forgotten it—I can find him if they will marshal the forces of the Geological Survey up in a line and let me look them over. I do not disguise my antipathy to that line of legislation. This Republic has no business to get into the matter of fixing the prices of commodities yet a while.

What are the facts with reference to the disposal of oil? Who produces the oil and who buys it? The farmers, the merchants, the bankers, and everybody is an oil producer out in my country except myself, and I got a letter to-day saying that I had just lost a handsome chance. A friend of mine offered me some stock just before I came East. I did not buy, and now they have struck oil. Every time I have bought they did not strike oil. [Laughter.]

Most of the people are engaged in producing oil. Who are the buyers? The Southern Pacific, for its own purposes; the Santa Fe, ditto; the Standard Oil Company, for the manufacture of illuminating oil and liquid asphaltum, and so forth, and remarketing it in the world; and the Union Oil Company, for identically the same purpose. Those four giant corporations are practically the only buyers of oil in California, and they buy it either for their own purposes or to resell and distribute it throughout the world. I mention this because I know that those responsible for the bill entirely misunderstood the oil situation in California or they would not have drawn the bill giving the Secretary power to fix the selling price. They might have given him the power to fix the buying price, but they certainly would not put him in front of the people who are producing the oil and selling it, for they are against a very strong and menacing combination at all times, made up of those four factors.

Mr. PARSONS. Will the gentleman yield?

Mr. SMITH of California. Yes.

Mr. PARSONS. Does the gentleman object to legislation by which the coal deposits shall be leased instead of sold outright?

Mr. SMITH of California. Well, I do not know very much about coal. I never saw but one or two coal mines, and I did not know what they were until I had got past them. I do object to all of this line of legislation which undertakes to cause the Federal Government to drive hard bargains and make money out of the remaining resources of this country. The East and the Middle West and the West, as far as the Rocky Mountains, had all that nature offered free, and we are entitled to the same thing, not only as a matter of fairness, but as a sound national policy. The Federal Government ought not to be a bargain maker.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SMITH of California. Yes.

Mr. TAYLOR of Colorado. Does the gentleman believe it is good policy to enact laws allowing the President of the United States or the Secretary of the Interior to set aside all laws at will, and thus abrogate our function as lawmaking bodies in relation to the public domain?

Mr. SMITH of California. That refers to the withdrawal of lands without a specific act of Congress. I wish to say in this connection that I very much hope that we will pass the law at this session which will authorize them to do that thing. It has been done for many, many years, time out of mind, again and again, without any specific authority of law. Of course, there is a question of impropriety in it, and the President fully recognizes that, and has stated it time and again in withdrawing land from entry and occupation when there is no specific law authorizing the withdrawal.

Mr. MONDELL. Is not the gentleman from California making it a little broad when he says "from time out of mind" there have been general withdrawals?

Mr. SMITH of California. I can not remember the time when they did not do it. I know following the desert-land act of 1877——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to ask the gentleman from California a question. I want to ask the gentleman from California if his attention has ever been called to an existing provision of law authorizing the Secretary of the Interior, without cause and without notice, to revoke permits granting rights of way over the public domain, and if he thinks private capital can safely be invested under such provisions of law as that?

Mr. SMITH of California. Well, I do not care to go into a discussion of that, if the gentleman will pardon me for not replying. The law plainly gives the Secretary of the Interior the power to revoke such a permit. Whether he should exercise the power, I am not called upon, I think, nor do I care at this time, to venture an opinion on that point, as I have not the facts with reference to any withdrawal in hand at this moment. I think the law is entirely a bad one and is retarding the development of the power industry in the West, but that is one of those things the President has brought to our attention and has urged us to enact a law that is better than that law. The evil is not in the department, it is in the law, and I hope before the session is over we shall have enacted something on the subject of water power that will be better than the present law on the subject.

I only rose for the purpose of attracting the attention of the House to the principal features of these conservation bills. Now, there is running throughout the country the idea that conservation is a very new thing, but it is not. I mentioned that the other day in my remarks, and I conclude my remarks at this time by saying that true conservation of coal and oil and gas is not to be found in the manner of its production, but in the manner of its consumption. A gentleman in the Geological Survey told me the other day that the scientists say that one of these electric lights represents one-seventh of 1 per cent of the potentiality of the coal that produces it. Now, conservation comes somewhere along the line of the consumption of coal and its development into the useful things of life, and that is true of oil also. It is generally conceded that there is no serious waste in the production of coal; that there is no serious waste in the production of oil, but it is in our imperfect manner of consumption, the care for which, of course, will lie not in legislation, but in inventive genius more than anything else. It will be more profitable in my mind for this Congress to offer a premium of $100,000 or $500,000 for any genius who can devise an engine that will secure 20 per cent of the potentiality of the fuel which it consumes. We can afford to give a half million dollars to any genius who will develop that, because we would thereby save half of our annual fuel consumption, even more than that, three-fourths of it, if we could do that. And along that line lies true conservation. There is no conservation in merely laying a tax upon the producer of either coal, oil, or any other commodity.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall apologize to the House for not talking to the bill, but following the statement of the gentleman from California, a member of the Committee on Public Lands, who has demonstrated to the House that there are some true conservationists on that committee, I do not care to have what he says convey the idea that all members of the committee approve certain features of the so-called "conservation policy" that he appears to approve.

Mr. SMITH of California. I hope I did not convey the idea that any of the committee were in harmony with me.

Mr. MONDELL. I am inclined to the opinion that the measures to which the gentleman referred when carefully examined into by the House would find less support than some of the other measures. To say that any man or any set of men can determine with certainty whether a certain tract of land is mineral, whether it contains oil or not, whether it contains gas or not by a superficial examination of the surface is making a statement that all sensible men know to be ridiculous. It is utterly impossible to fully classify the public lands of the United States as has been suggested, and that has been well understood ever since there was any provision of law for classification.

In the first place, I doubt if the Congress can provide for a classification that will be absolutely final unless the Congress should also say in the law that if we declare land to be mineral, if we declare it to be oil land, if we say it is dry-farm land, if we say it is irrigable land, it shall be sold as such without regard to its actual character. Recently there was entered in my State, under the coal-land law, land which had been classified as agricultural. The entryman knew that it was coal land and was willing to pay the coal-land price. If classification is to be final, that coal land should have passed under an agricultural entry. Classification can not settle, and never will settle, the character of land, and though I stand alone as the only man to say it, I say that the classification that we have had from the beginning is the most scientific classification you can have—the classification of the man who goes upon the land and who proceeds to put it to a certain use and who for a period of years stands to defend his right to the land for that use and purpose against all comers, against the federal agent who comes to pass upon it, against all who may claim it as some other class and attempt to prove their claim. That is real classification, that is literal classification, and it is the only practical classification. You can, of course, classify coal lands with coal cropping on the surface, or geological conditions that clearly or reasonably indicate the existence of coal.

A coal formation can be judged as to its trend and dip and its probable extent, but when you talk about oil and gas and as-

phaltum and some of the metaliferous minerals it is utterly impossible for any living man to determine that lands may contain them or, at least, to say to a certainty that certain lands do not contain them, for they have been found where no geologist has ever guessed they existed and where no geologist has ever dared to recommend that men drill. Mineral should not pass under agricultural patent, but lands which contain no indications of mineral are not mineral lands, and no attempt should be made to allow Government agents to guess that lands may contain mineral and on that guess reserve the mineral that may be there but probably is not.

Now, Mr. Chairman, so much for classification. Now, with regard to withdrawal. The President of the United States and the Secretary of the Interior can withdraw lands from entry any time when in their opinion it is necessary to do that in order to prevent the land from being acquired contrary to law.

Mr. PARSONS. Under what law does he make that withdrawal?

Mr. MONDELL. Under what law? Why, under the power to protect the public domain, and whenever at any point he sees or believes or understands that the public domain, or any portion of it, is being taken contrary to law, he not only has the power, but it is his duty, to withdraw such lands.

Mr. MANN. Does it require a withdrawal of land on the part of the Secretary to keep it from being taken contrary to law?

Mr. MONDELL. There have been times in the history of the country when men have gone upon lands in certain districts proposing to take them under certain laws, when there was a good ground for belief that the law under which the land was being taken did not apply to it. Generally you can protect by withholding patents and by holding up proof, but there might be cases, and there have been a very few in the history of the country, where a temporary withdrawal of a small area was necessary for the protection of the public domain. Nobody denies such right of withdrawal, and no one has ever questioned it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. The right of withdrawal which has been exercised extensively in the last few years and the right of withdrawal which it is now sought to have Congress approve is the right to withdraw lands from the operation of the law, from being appropriated and taken in accordance with the law.

Mr. PARSONS. If the President thinks it is desirable that stricter legislation can be enacted, should he not temporarily withdraw the land until legislation is enacted, and has he not the same power to do that as to make withdrawals that you admitted he could make? There is no law in any case.

Mr. MONDELL. Mr. Chairman, every acre of the public domain is covered by law. There is not a square inch anywhere to which a law does not apply, and therefore whenever any lands have been withdrawn from entry under the law that applies to them the law is repealed, set aside, abrogated. I say we might quite as well abrogate our functions and say to the President, "You can set aside certain schedules in a tariff bill," as to say that he can repeal the land law at his will and pleasure.

Mr. Chairman, if the President could repeal or suspend the duty on cotton goods at will, if he could repeal or suspend the duties on agricultural products, if he could repeal or suspend the duty on sugar, do we not all of us know that there would be infinitely more clamor to have him do that right now, to-day, than there is for him to exercise any power in withdrawal of public lands?

Mr. DOUGLAS. Will the gentleman yield a minute?

Mr. MONDELL. I will be glad to do so.

Mr. DOUGLAS. I would like, then, to understand the gentleman's position thoroughly, because it is important that the House should. Does he oppose first, last, and all the time the withdrawal by the President of the surface, mineral, or any other part of the land from the present operation of the land laws, so that they can be seized upon by anybody that could get to them first?

Mr. MONDELL. Well, Mr. Chairman, as involved a proposition as that would require more than the remaining minute that I have left. The land laws of the country apply to the public lands of the country. In the main they are wise laws. Just now we charge for coal lands more than the most grasping landlord anywhere in the world charges for like land. To-day it costs you more to buy a piece of timber land from your Uncle Samuel than from the most grasping timber baron on earth; and under these conditions these lands are fairly well protected.

Mr. PARSONS. Will the gentleman allow me to ask him a question?

Mr. MONDELL. I can not yield; I have not the time. The laws are not perfect, but the laws are the laws of Congress, and they are infinitely nearer being perfect than many people have believed. Whenever, in the opinion of the President, the public lands are being appropriated contrary to law, it is his duty to withdraw them; and I leave the matter this way with the House. In my humble opinion we have no more right under our oaths to give to the President of the United States or the Secretary of the Interior the right, generally, and whenever he sees fit, to set aside the land laws of the country than we have the right to give him the power to repeal a tariff law, to suspend the operation of the white-slave law you passed the other day, or any other statute of Congress. And, further than that, it is not necessary for the protection of the public domain that the President should have such power unless we are to admit that the Executive knows more about what land laws we should have than Congress.

Mr. DOUGLAS. Mr. Chairman——

Mr. SCOTT. If the gentleman will just withhold a moment. I ask unanimous consent that debate close on this paragraph in five minutes. It has taken a very wide range, very far from the subject of the bill, and I am anxious to proceed.

The CHAIRMAN. What is the request of the gentleman?

Mr. SCOTT. That debate on this paragraph close in five minutes.

Mr. MANN. I would suggest to the gentleman from Kansas that all this debate is out of order, and the only way he can get it closed is by unanimous consent for certain gentlemen to talk on this question for a few minutes. I do not wish to talk, and unless the gentleman makes the point of order they can go on talking on every paragraph as it comes up. The better thing to do, I think, would be to allow them to talk about the matter, and when they get through then make the point of order, or else it will run on this way all the afternoon.

Mr. SCOTT. Mr. Chairman, I have not made the point of order against the gentlemen who have spoken upon ths paragraph because I did not want to appear to be discourteous to them. I feel quite sure that gentlemen interested in this subject will not impose on the good nature of the House, and for the present I will content myself with asking unanimous consent that debate on this paragraph close in five minutes.

The CHAIRMAN. How is the five minutes to be divided?

Mr. DOUGLAS. I have the floor.

The CHAIRMAN. The gentleman from Ohio had already been recognized. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS. Mr. Chairman, I have not the slightest disposition to impose myself regarding this or any other question upon the House, but I do submit that there are few questions of more importance than this now confronting this body. The gentleman this morning, for lack of time, because he is always courteous, did not answer my question when I asked him, in response to his declaration that if I wanted certain bills considered I could introduce them myself, which is true. But I sought to ask the chairman of the Public Lands Committee where such bills would go if I did present them. Now, where would they go? Straight to the gentleman's committee, and, under the declaration that the gentleman made this morning, that he does not father bills in this House that he does not believe in, there, I am afraid, they would stay.

Mr. MONDELL. Will the gentleman allow me to interrupt him?

Mr. DOUGLAS. I yield gladly.

Mr. MONDELL. Does the gentleman assume that the chairman of the committee—one member of twenty—runs the committee?

Mr. DOUGLAS. I do not assume that. I only assume that the gentleman has great influence with his own committee.

Now, the gentleman has made two statements to the House to which I want to call particular attention. The first is that the President now has the power to withdraw these lands from entry under the present law, and, second, that it is not wise in this House to give the President that power. How does the gentleman reconcile these two opposing statements?

Mr. MONDELL. Oh, the gentlemen did not, certainly, understand me.

Mr. DOUGLAS. I understood the gentleman quite clearly.

Mr. MONDELL. Will the gentleman allow me to make my statement clear?

Mr. DOUGLAS. If you will kindly bear in mind that I have but five minutes.

Mr. MONDELL. The President can withdraw lands from entry whenever in his opinion the withdrawal is necessary to prevent the lands going into private ownership contrary to law.

Mr. DOUGLAS. Well, the gentleman will admit that the President has expressed some doubt as to whether the present law on that subject is clear and unequivocal.

Mr. MONDELL. I do not think he has ever expressed doubt on that.

Mr. DOUGLAS. I do not want to discuss that matter with the gentleman. I submit this: That this question, so far as the conservation of our minerals and water power and timber in the national domain is concerned, it is one of the most important before this House or this country at the present time.

What is the situation? President Roosevelt was in the habit of withdrawing these lands under what he claimed to be his authority to do so. President Taft insists that that right is to some extent doubtful, and he has asked the Congress of the United States to set at rest that doubt, to dispose of it, by squarely giving him this power. That is the reason I put it to the gentleman as to whether he was in favor of giving it to him or not in favor of giving it to him.

Now, I submit that the question before us is this, whether we will say, as any wise judge or any lawyer in fairness, I think, ought to say when a question of policy with relation to a valuable property is in abeyance, that we will hold the matter in statu quo until that policy can be determined. That is, I submit, what we ought to do in reference to the public domain. Pending the question as to how the water power is to be conserved, as to whether the surface of the ground shall be separated from the mineral underneath, upon what terms the minerals shall be leased, and all of these great overshadowing questions, we ought certainly to say to the President of the United States, "Here is a statute which unequivocally gives you the right, pending the settlement of these questions, to withhold these lands from entry and private ownership." I submit that that is the aspect of this question as it stands to-day before Congress, and I further submit that there can be no serious question as to the duty of Congress in that regard.

Mr. PARSONS. Mr. Chairman, are there five minutes remaining?

The CHAIRMAN. Debate on this paragraph is exhausted. The Clerk will read.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $500; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1912; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the city of Washington and elsewhere, as follows:

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill how many clerks and other employees are employed in the Bureau of Forestry here at the seat of Government and paid from this lump-sum appropriation under the language—

And in the administration of national forests in the city of Washington and elsewhere?

I observe in the first paragraph, under the head of "Forestry Service," there is a specific appropriation and authorization for the employment of a great many clerks; but this language is general here, and the compensation of these clerks employed under this general language must come out of this general appropriation and is fixed at any amount in the discretion of the department.

Mr. SCOTT. Mr. Chairman, the salaries of foresters, experts, agents, examiners, and so forth, carried in the lump sum at the date of July 15, 1909, amounted in the aggregate to $286,000.

Mr. TAWNEY. Mr. Chairman, I offer, after the word "follows," in line 6, page 25, the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The clerk read as follows:

On page 25, after the word "follows," in line 6, insert:

Provided further, That the Secretary of Agriculture shall submit in the regular annual estimates for the fiscal year 1912, and anually thereafter, detailed estimates for all clerks, assistants, and other personal services of whatever name and character required for the Forest Service at the seat of government, and after the fiscal year 1911 it shall not be lawful to employ at the seat of government, for or on account of the Forest Service, any clerks, assistants, or other personal service of whatever name or character not specifically appropriated for by Congress in terms specifying the number and rates of compensation of all such employments.

Mr. SCOTT. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TAWNEY. Mr. Chairman, I trust the gentleman in charge of the bill will not insist upon the point of order. Unquestionably it is subject to a point of order. I had hoped in offering it that I might get the consent of the chairman of the Committee on Agriculture to amend this paragraph so that hereafter, or after the fiscal year 1911, the Secretary of Agriculture will be required to submit detailed estimates showing the number of clerks required in the city of Washington in the Forestry Service, and the rate of compensation that they were being paid, so that we might appropriate specifically for them instead of appropriating a lump sum, and then allowing them to employ all the clerks they want to employ here at Washington and pay them any compensation they see fit to pay them. I understood the gentleman to say that during the fiscal year 1909, or up to July 15, 1909, something in the neighborhood of $200,000 was paid for personal services here at the seat of government in that department. Now, that is something that can not occur in any one of the great executive departments of our Government, and we should not allow it in this service.

Mr. MANN. Under the provision which the gentleman offered, would it be possible for the Secretary to have a forestry expert come to Washington during the winter and here work out the results of field work on which he had been engaged?

Mr. TAWNEY. Yes; it would.

Mr. MANN. How would it?

Mr. TAWNEY. Under an express provision of law the head of a department is permitted to bring into the department any field employee temporarily, or for not more than six months at a time, but he must be employed, however, in the particular bureau in which he is engaged in the field. That is the act of 1882. It would not interfere with that service at all or with that provision of law.

Mr. MANN. But this is a subsequent law, and says that no personal assistance shall be rendered in Washington—there is no exception to it.

Mr. TAWNEY. In drawing the amendment I took into consideration the fact that it is frequently necessary for the department to call in an employee from the field for temporary service, and I drew the amendment so that this provision would not interfere with the statute that now allows that to be done.

Mr. MANN. This provision that the gentleman offered is as strong as you could make the English language.

Mr. TAWNEY. If the gentleman from Illinois thinks it would prohibit or prevent that being done, and he can suggest a modification so as to make it certain, I would like to have him do it, because it was not my intention to deprive the department of authority under that provision of bringing in temporarily from the field the employees in the service of that bureau in which they are employed.

Mr. MANN. The gentleman's provision is this:

It shall not be lawful to employ at the seat of government for or on account of the Forestry Service any clerks, assistants, or other personal service, of whatever name or character, not specifically appropriated for by Congress in terms specifying the number and rates of compensation of such employment.

Mr. TAWNEY. That is almost identical with the language of the act of 1882, under which they are allowed to bring in field employees for temporary service.

Mr. MANN. There is an act which permits that, but the gentleman understands as well as I do that an act of Congress takes effect in accordance with the time when it is passed. An act of Congress now forbidding a certain thing is not overruled by a previous act of Congress permitting that thing to be done.

Mr. TAWNEY. The gentleman from Illinois must bear in mind that this does not refer to people employed by the bureau. If employed by the bureau and in the field they could be taken

back here temporarily, but they could not be continued permanently.

Mr. MANN. But this says:

It shall not be lawful to employ at the seat of government for or on account of Forestry Service any clerks, assistants, or other personal service.

Mr. TAWNEY. That means permanent.

Mr. MANN. It says personal service of whatever name or character. That doesn't seem to me to be permanent service.

Mr. CRUMPACKER. Substantially that same question arose before the Committee on the Census respecting the employment of clerks a few weeks ago. There is a provision in the census law prohibiting the Director of the Census from employing special agents for clerical work in the office in this city, and the director said that he had taken the opinion of the law officer of the department upon their right to bring special agents in from the field. The law officer decided that the prohibition referred to original employment; that the head of the department might bring special agents in from the field and use them even in clerical positions for temporary service.

Mr. MANN. Is the provision in the census bill in this language?

Mr. CRUMPACKER. I think the provision in the census law is, perhaps, not in that particular language. In the permanent census law we have something like that; but in the temporary census law, the law providing for the decennial census, we have nothing of that kind, because appropriations are of necessity made in a lump sum. We could not incorporate anything like that in the law providing for the decennial census.

Mr. MANN. But you can bring in clerical assistance from the outside; you can bring in men from the field for special work in Washington, and there is no law to inhibit it.

Mr. CRUMPACKER. Yes; to do clerical work. The law says that they shall not be employed, that special agents who are not classified can not be employed to do clerical work in the office here. That is to prohibit the Director of the Census from evading the civil-service law. But special agents are often brought to do temporary work in the office, and the law officer held that the director had a right to do that.

Mr. TAWNEY. Mr. Chairman, I think that when we have a permanent service of the magnitude of the service in the Forestry Bureau here at the seat of government, we ought to provide for specific estimates for that service, so that we may appropriate specifically, and I trust the chairman of the committee will not insist upon the point of order.

Mr. SCOTT. Mr. Chairman, the committee has for several years required the Forest Service, in submitting its estimate, to give a detailed statement of the employees paid under the lump sums and the salary allowed to each one, and on pages 43 and 44 of the estimates this presentation is made under the head of "General expenses," showing as an illustration, "1 associate forester, $3,500; 1 assistant forester, $3,200; 2 assistant foresters, $6,000," and so on, so that the committee is able every year when the estimates are presented to scan the salary roll of the bureau and pass judgment upon the salaries that are paid and the number of clerks and other assistants that are employed. We have believed that this was sufficient to secure economy and careful administration in this bureau. We realize, and the House must remember, that the Forest Service is transacting a tremendous business; that it has jurisdiction over an area of nearly 200,000 square miles; and it must have a large degree of flexibility in its field force in order that the administration may be carried forward in the most efficient and economic way.

Mr. TAWNEY. Mr. Chairman, this is not intended to affect the field force at all. I grant all that the gentleman says about the necessity for flexibility in the field force. Where we have a permanent force here in the department, it seems to me no one can justify appropriating a lump sum for that clerical service.

Mr. SCOTT. Mr. Chairman, a large number of the employees who are carried on this lump fund do their work part of the time in the field and part of the time in Washington, and there would be grave danger, it seems to me, if we placed them upon the statutory roll (thus providing in effect that they should remain in Washington) of crippling the work of the bureau. I feel compelled to insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PARSONS. Mr. Chairman, I move to strike out the last word. A few moments ago there was a discussion on the policy of conservation. I would like to call the attention of the committee to two substantive principles which run through the bills that the administration has drawn in regard to the disposal of the deposits within the public lands. Whether the President can withdraw or not is not so important. He has withdrawn and he will continue to withdraw. The bill to give him that power, therefore, is not so important as is the question of how we shall dispose of the coal and the oil and the asphaltum and the gas and the phosphates on the public lands and of the water-power sites.

The administration has drawn three bills which dispose of those deposits and of the water-power sites. The first is the water-power sites bill, the second is the coal bill, and the third is the bill which provides for the disposal of the phosphates, the asphaltum, the oil, and the gas. The two substantive principles which run through all these bills are these: First, that instead of disposing of the deposits outright, as has been the habit in the past, leases shall be made—that is, the water-power sites shall be leased and the coal deposits shall be leased and all of these deposits shall be leased. I understand that as to coal, the State of Wyoming has coal lands which it leases.

Mr. MONDELL. The State of Wyoming leases one 40-acre tract of coal land, I think, but the gentleman is a good lawyer, and he must recognize the difference between a lease executed by the sovereignty which has police control and police sovereignty and a lease executed by the Federal Government within the borders of a sovereign State, with its question of conflicting police powers and authority.

Mr. PARSONS. Mr. Chairman, I know the object of that question is to get me into a discussion of the water-power question, which I am not going to discuss.

Mr. MONDELL. Oh, it applies as well to gas and oil.

Mr. PARSONS. The gentleman claims that the right of the National Government in regard to public lands is simply that of proprietor. If that is so, then the National Government has the right to lease its coal deposits just as the private owner of coal lands in Pennsylvania has the right to lease them. Therefore the first question is, Shall we dispose of them outright, as in the past, or shall we lease them? The second question is, If we lease them, shall we insert in the lease a condition naming the maximum charge that can be made by the lessee for the power, or the coal, or the oil, or the gas, or the asphaltum, or the phosphate? Those are the two important principles involved in these bills.

Mr. MANN. Will the gentleman yield?

Mr. PARSONS. Yes.

Mr. MANN. Is not the first question whether, pending the settlemen as to what our policy shall be, we shall retain control of the thing itself, so that if we have a policy we may put the policy in operation on the thing?

Mr. PARSONS. Well, we have retained control——

Mr. MANN. Oh, we have not. The President has now withdrawn from entry a lot of land——

Mr. PARSONS. Well, that is retaining control——

Mr. MANN (continuing). Awaiting a determination of our policy and asks us to withdraw that land by act of Congress pending our determination of what our policy shall be, stating if he does not have the power to continue the withdrawal, if Congress does not give him that authority——

Mr. PARSONS. Well, I understand that for forty years it has been the policy of the President to withdraw the public lands from disposal and——

Mr. MANN. Suppose that it had been the policy for four hundred years and the present President does not think he has authority. Is not that the first question we have to dispose of?

Mr. PARSONS. If it has been the policy for one hundred years, I think we can rest assured he will continue to withdraw whether we give him the power or not.

Mr. MANN. The gentleman thinks when the President says he thinks he does not have a certain authority that he will either change his mind to-morrow or do that which he thinks he has no constitutional right to do?

Mr. PARSONS. What the President said was that some question had been made whether he had the right or not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCOTT. Mr. Chairman, I wish to give notice that I shall feel it my duty to raise the point of order hereafter against any debate which is not germane to the bill. I do not wish to be discourteous, but I think gentlemen recognize that if we are to enter upon a discussion of the broad policy of conservation in connection with this bill we may never finish it; and I am sure the House is as anxious as I am to conclude the consideration of this bill. I move that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, as Speaker pro tempore, having resumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the

bill H. R. 18162, the agricultural appropriation bill, and had come to no resolution thereon.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Capital Traction Company, transmitting report for the year ended December 31, 1909 (H. Doc. No. 622)—to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the president of the Georgetown Gaslight Company, transmitting a statement of its business for the year ended December 31, 1909 (H. Doc. No. 623)—to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the Acting Secretary of Commerce and Labor, transmitting a statement of documents received and distributed during the calendar year 1909 (H. Doc. No. 619)—to the Committee on Printing and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Civil Service Commission submitting a draft of legislation authorizing an investigation as to a new building for the commission (H. Doc. No. 621)—to the Committee on Public Buildings and Grounds and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Kitty*, William Waters, master (H. Doc. No. 620)—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BOUTELL, from the Committee on Expenditures in the Navy Department, to which was referred the bill of the House (H. R. 18403) to repeal a portion of section 429 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 361), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 332) requesting the Secretary of the Interior to furnish the House information relative to lands in the Ozark National Forest, reported the same without amendment, accompanied by a report (No. 359), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred House bill 1209, reported in lieu thereof a resolution (H. Res. 341) referring to the Court of Claims the papers in the case of J. C. Pendleton, accompanied by a report (No. 339), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1218, reported in lieu thereof a resolution (H. Res. 342) referring to the Court of Claims the papers in the case of the heirs of Henry Diehl, accompanied by a report (No. 340), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1222, reported in lieu thereof a resolution (H. Res. 343) referring to the Court of Claims the papers in the case of the estate of W. M. Dickinson, deceased, accompanied by a report (No. 341), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 2948, reported in lieu thereof a resolution (H. Res. 344) referring to the Court of Claims the papers in the case of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely, deceased, accompanied by a report (No. 342), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5795, reported in lieu thereof a resolution (H. Res. 345) referring to the Court of Claims the papers in the case of J. W. McConnell, accompanied by a report (No. 343), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 7404, reported in lieu thereof a resolution (H. Res. 346) referring to the Court of Claims the papers in the case of John Henry Edwards, accompanied by a report (No. 344), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 7468, reported in lieu thereof a resolution (H. Res. 347) referring to the Court of Claims the papers in the case of the estate of Lawrence M. Spann, accompanied by a report (No. 345), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 9813, reported in lieu thereof a resolution (H. Res. 348) referring to the Court of Claims the papers in the case of W. S. Randolph, accompanied by a report (No. 346), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 15938, reported in lieu thereof a resolution (H. Res. 349) referring to the Court of Claims the papers in the case of G. S. Cheves, accompanied by a report (No. 347), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 15954, reported in lieu thereof a resolution (H. Res. 350) referring to the Court of Claims the papers in the case of the heirs of H. T. Burges, deceased, accompanied by a report (No. 348), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 15963, reported in lieu thereof a resolution (H. Res. 351) referring to the Court of Claims the papers in the case of the heirs of Daniel Goos, deceased, accompanied by a report (No. 349), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18261, reported in lieu thereof a resolution (H. Res. 352) referring to the Court of Claims the papers in the case of Shadrach H. Wren, accompanied by a report (No. 350), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18908, reported in lieu thereof a resolution (H. Res. 353) referring to the Court of Claims the papers in the case of the legal representatives of Spear & Lang, deceased, accompanied by a report (No. 351), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18923, reported in lieu thereof a resolution (H. Res. 354) referring to the Court of Claims the papers in the case of Martha A. Barry, widow, and the heirs of Capt. J. B. Barry, deceased, accompanied by a report (No. 352), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18925, reported in lieu thereof a resolution (H. Res. 355) referring to the Court of Claims the papers in the case of the heirs of John G. Miller, deceased, accompanied by a report (No. 353), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18929, reported in lieu thereof a resolution (H. Res. 356) referring to the Court of Claims the papers in the case of the heirs of Nash L. Cox, deceased, accompanied by a report (No. 354), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18933, reported in lieu thereof a resolution (H. Res. 357) referring to the Court of Claims the papers in the case of the estate of John B. Russell, deceased, accompanied by a report (No. 355), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19102, reported in lieu thereof a resolution (H. Res. 358) referring to the Court of Claims the papers in the case of the legal representatives of Sarah Troy Smith, deceased, accompanied by a report (No. 356), which said resolution and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 6663) for the relief

of Sarah B. Schaeffer, reported the same without amendment, accompanied by a report (No. 360), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 4108) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register, reported the same without amendment, accompanied by a report (No. 364), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 14182), for the relief of Jesse Skaggs, reported the same without amendment, accompanied by a report (No. 365), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 6664) for the relief of Andrew Erickson, reported the same adversely, accompanied by a report (No. 362), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 15728) directing the Secretary of the Treasury to pay to William C. Maxey the pay and allowance of a captain of infantry from July 1, 1863, to June 10, 1865, reported the same adversely, accompanied by a report (No. 363), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15538) granting a pension to Elizabeth Northway—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18353) granting a pension to William F. Churchill—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19006) granting a pension to Floy E. Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19762) granting a pension to Benjamin F. Bothwell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 19783) amending section 38 of the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—to the Committee on Ways and Means.

By Mr. FOELKER: A bill (H. R. 19784) to suspend the levying and collection of taxes or duties upon beef, mutton, lamb, pork, and other meats intended for use as human food—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 19785) to authorize the extension of Columbia road NW., in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 19786) to amend an act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898—to the Committee on the District of Columbia.

Also, a bill (H. R. 19787) to change the name of the west side of Fifteenth street NW., between I and K streets, to McPherson place—to the Committee on the District of Columbia.

By Mr. CULLOP: A bill (H. R. 19788) to repeal part of paragraph 450 and all of paragraphs 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, and 461 of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909—to the Committee on Ways and Means.

By Mr. DAVIS: A bill (H. R. 19789) for the purchase of a site for a federal building at St. Peter, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19790) for the purchase of a site for a federal building at Hastings, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19791) to increase the limit of cost for erection of a public building at Faribault, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON: A bill (H. R. 19792) in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof—to the Committee on the Judiciary.

By Mr. WICKERSHAM: A bill (H. R. 19793) to create and establish a national coal reserve in the Territory of Alaska, and for other purposes—to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 19794) to authorize and direct the Postmaster-General to procure postal cars and contract for hauling them, and appropriating money therefor—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN of Colorado: A bill (H. R. 19795) to promote the safety of travelers and to protect the lives and limbs of railway employees by prescribing the minimum number of experienced employees which shall constitute a crew for the operation of locomotives and trains in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: A bill (H. R. 19796) to regulate the hours of labor of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: A bill (H. R. 19797) to promote national health by the establishment in the United States Bureau of Education of a division for the collection of scientific data on physical education and for the dissemination thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: A bill (H. R. 19859) providing medals for Spanish war veterans—to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas, from the Committee on War Claims: Resolution (H. Res. 341) referring to the Court of Claims the bill H. R. 1209—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 342), referring to the Court of Claims the bill H. R. 1218—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 343), referring to the Court of Claims the bill H. R. 1222—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 344) referring to the Court of Claims the bill H. R. 2948—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 345) referring to the Court of Claims the bill H. R. 5795—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 346) referring to the Court of Claims the bill H. R. 7404—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 347) referring to the Court of Claims the bill H. R. 7468—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 348) referring to the Court of Claims the bill H. R. 9813—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 349) referring to the Court of Claims the bill H. R. 15938—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 350) referring to the Court of Claims the bill H. R. 15954—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 351) referring to the Court of Claims the bill H. R. 15963—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 352) referring to the Court of Claims the bill H. R. 18261—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 353) referring to the Court of Claims the bill H. R. 18908—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 354) referring to the Court of Claims the bill H. R. 18923—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 355) referring to the Court of Claims the bill H. R. 18925—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 356) referring to the Court of Claims the bill H. R. 18929—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 357) referring to the Court of Claims the bill H. R. 18933—to the Private Calendar.

Also, from the same committee, resolution (H. Res. 358) referring to the Court of Claims the bill H. R. 19102—to the Private Calendar.

By Mr. COX of Indiana: Resolution (H. Res. 359) calling on the Post-Office Department for information—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: Resolution (H. Res. 360) increasing the compensation of the clerk to the Committee on the Public Lands—to the Committee on Accounts.

By Mr. MANN: Resolution (H. Res. 361) directing the Secretary of the Treasury to furnish the House certain information concerning life-saving stations—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of Georgia: Resolution (H. Res. 362) to appoint John J. Speight a special messenger—to the Committee on Accounts.

By Mr. SOUTHWICK: Joint resolution (H. J. Res. 134) to provide for a survey of the Hudson River, New York, up to the city of Albany—to the Committee on Rivers and Harbors.

By Mr. GRAHAM of Illinois: Memorial of the legislature of Illinois, favoring the creation of a bureau of mines—to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 19798) granting a pension to Margaret D. Henry—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 19799) granting an increase of pension to Henry Hart—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 19800) granting an increase of pension to Vincent P. Donnelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19801) granting an increase of pension to George C. Platt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19802) granting an increase of pension to Robert Marshall—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19803) for the relief of Jesse J. Kennedy, of Winston County, Ala.—to the Committee on Private Land Claims.

Also, a bill (H. R. 19804) granting an increase of pension to Martha J. Russell—to the Committee on Pensions.

By Mr. DIEKEMA: A bill (H. R. 19805) granting a pension to Archie H. Wright—to the Committee on Pensions.

Also, a bill (H. R. 19806) granting a pension to Julia E. Campbell—to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 19807) to remove the charge of desertion from the military record of George M. Brooks—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 19808) to authorize the President to restore Edwin B. Parks to his former rank in the army and place him on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 19809) granting a pension to Frank Kubacki—to the Committee on Pensions.

By Mr. CASSIDY: A bill (H. R. 19810) granting an increase of pension to Jennie K. Reeves—to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 19811) granting a pension to Ira W. Irving—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19812) granting an increase of pension to Galen H. Lotz—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 19813) granting an increase of pension to William Sherwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19814) granting an increase of pension to Reuben Brink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19815) granting an increase of pension to John Burnham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19816) granting an increase of pension to Joseph V. Fulkerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19817) granting an increase of pension to Helen M. Roosa—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 19818) for the relief of Elias E. Barnes—to the Committee on Claims.

By Mr. GOEBEL: A bill (H. R. 19819) granting an increase of pension to Henry Wedig—to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19820) granting an increase of pension to William Gardner—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 19821) granting a pension to Thomas W. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19822) granting an increase of pension to David Smith—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 19823) granting an increase of pension to Francis Harris—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19824) granting an increase of pension to Margaret A. Osborn—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 19825) for the relief of the heirs of James H. Corbin, deceased—to the Committee on War Claims.

By Mr. KÜSTERMANN: A bill (H. R. 19826) granting a pension to Martha J. Allen—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 19827) granting an increase of pension to John Da Silva—to the Committee on Pensions.

By Mr. LLOYD: A bill H. R. 19828) granting a pension to Elizabeth McKinley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting a pension to Isabella Sacket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19830) granting a pension to Milton Campbell—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 19831) granting an increase of pension to Moses W. Emerson—to the Committee on Invalid Pensions.

Also, a bill (19832) granting an increase of pension to Elizabeth Reardon—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 19833) granting a pension to Samuel P. Dale—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 19834) for the relief of John Weikart—to the Committee on Claims.

Also, a bill (H. R. 19835) granting a pension to Imogene P. Ingersoll—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 19836) granting a pension to Alice E. Bailey—to the Committee on Pensions.

Also, a bill (H. R. 19837) granting an increase of pension to Levi S. Blasdell—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 19838) granting an increase of pension to John Stuard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19839) granting an increase of pension to Augustus Shiery—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 19840) for the relief of estate of Mrs. Cassandra Ferguson—to the Committee on War Claims.

Also, a bill (H. R. 19841) for the relief of George Gassman—to the Committee on Military Affairs.

Also, a bill (H. R. 19842) for the relief of the estate of John R. Poplin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19843) for the relief of the estate of Mary R. Cammack, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19844) for the relief of the estate of John H. Seebolt, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19845) for the relief of estate of Felix D. Roberts—to the Committee on War Claims.

By Mr. SLAYDEN (by request): A bill (H. R. 19846) granting an increase of pension to Frank R. Warner—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 19847) granting an increase of pension to William J. Lansing—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 19848) granting a pension to Anna Rebecca Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19849) granting a pension to William H. Bartlett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 19850) granting an increase of pension to Lydia H. Harris—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 19851) for the relief of Raymond R. Ridenour—to the Committee on Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 19852) for the relief of Sallie J. Broady—to the Committee on War Claims.

By Mr. WICKERSHAM: A bill (H. R. 19853) to provide for the refunding of certain license moneys collected in the Territory of Alaska to the town of Chena, in said Territory—to the Committee on Claims.

Also, a bill (H. R. 19854) for the relief of Frank W. Swanton—to the Committee on Claims.

By Mr. YOUNG of New York: A bill (H. R. 19855) for the relief of William H. Hall, Charles G. Hall, Eleanor Darling, and Alexander H. Wells, heirs at law of Michael Hall, deceased—to the Committee on War Claims.

By Mr. BENNET of New York: A bill (H. R. 19856) for the relief of Bolognesi & Co.—to the Committee on Claims.

Also, a bill (H. R. 19857) for the relief of Bartholomew Cronin—to the Committee on Military Affairs.

Also, a bill (H. R. 19858) granting a pension to Thomas A. Shillito—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Edward J. Jones, president of the University of Illinois, against the proposed appropriation for George Washington University, a private institution in the city of Washington—to the Committee on Appropriations.

By Mr. ALLEN: Petition of Hiram Morrill and others, of Portland, Me., against passage of bill in reference to proper observance of Sunday in the District of Columbia (H. J. Res. 17; S. 404)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of F. R. Beazell and 23 others, of Apple Creek, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. AUSTIN: Petition of Lawrence Bluff Council, No. 148, and councils of the Junior Order United American Mechanics in the Second Congressional District of Tennessee, against the immigration and naturalization of Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of citizens of Rockwood, Tenn., against increase of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of Mrs. B. L. Hendricks—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of Bartholomew Cronin—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas A. Shillito—to the Committee on Invalid Pensions.

Also, papers to accompany an act to provide medals for Spanish war veterans—to the Committee on Military Affairs.

By Mr. BRADLEY: Petition of citizens of Sullivan County, N. Y., against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of Farmers' Union, Local No. 232, against gambling in futures—to the Committee on Agriculture.

By Mr. CARY: Petition of Local No. 4, Tug Firemen and Linemen Protective Association of the Great Lakes, against purchase of a government dredge for west coast of Lake Michigan and Lake Huron—to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: Petition of citizens of Norris City, Ill., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Eldorado, Ill., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK: Petition of the Philadelphia Bourse, favoring House bill 16362, relative to ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Bourse, favoring appropriation for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of citizens of Oakmont, Pa.—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of United Commercial Travelers of America, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mathew R. Vickla and others, of Vesell, Minn., and citizens of New Prague, Minn., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of Syracuse, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ENGLEBRIGHT: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, of California, for additional travel pay and subsistence from the Philippines to the United States—to the Committee on Military Affairs.

Also, petition of San Francisco Parlor, No. 49, Sons of the Golden West, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Merchants' Association of San Francisco, Cal., for legislation increasing powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of W. P. Massuere Company, for legislation for conservation of public mineral and timber lands—to the Committee on Agriculture.

Also, petition of Tug Firemen and Linemen's Protective Association of the Great Lakes, against purchase of a government dredge for west coast of Lake Michigan and Lake Huron—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Papers to accompany bills for relief of Emanuel Sassaman and Jacob H. Howell—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, in favor of the Jones bill (S. 4033) concerning travel pay, etc., to officers and soldiers in the volunteer service in the Philippines, etc.—to the Committee on Military Affairs.

By Mr. GRAFF: Petition of Bryner Post, No. 67, Grand Army of the Republic, Peoria, Ill., against acceptance of statue of Gen. R. E. Lee—to the Committee on the Library.

By Mr. GRIEST: Petition of residents of Gap and Strasburg, Pa., favoring House bill 14604, relative to urban mail delivery from post-offices of the second and third class—to the Committee on the Post-Office and Post-Roads.

Also, petition of I. H. Mayer, favoring House bill 16919, relative to standard packing of apples—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of James Gill and 46 other citizens of San Francisco, protesting against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of Samuel Ewing—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Thomas Seals—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of David Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas W. Martin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. Willis—to the Committee on Military Affairs.

By Mr. HOUSTON: Petition of Union volunteer officers of the civil war and citizens of Tennessee for a civil war officers' retired list—to the Committee on Military Affairs.

Also, petition of citizens of Rutherford County, Tenn., for a fish hatchery—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL of Utah: Petition of Zion's Hope Lodge, No. 3, Independent Order of Good Templars, Sale Lake City, Utah, for the Johnson bill against liquor selling in Hawaii—to the Committee on the Territories.

Also, petition of Zion's Hope Lodge, No. 3, Independent Order of Good Templars, of Salt Lake, Utah, for the McCumber and Tirrell bills, against liquor selling on building premises of the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Zions' Hope Lodge, No. 3, Independent Order of Good Templars, of Salt Lake City, for the Burkett and Sims bills forbidding interstate transmission of race-gambling bets (S. 225 and H. R. 460)—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of New Florence (Pa.) Chapter, No. 67, American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of second annual convention of Pennsylvania Association of Postmasters, for establishment of an experimental rural parcels post and indorsing recommendations for adequate appropriations for clerks of third-class offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. G. Reed Post, Department of Pennsylvania, Grand Army of the Republic, favoring National Tribune pension bill (H. R. 14533)—to the Committee on Invalid Pensions.

Also, petition of People's National Bank and 38 citizens of Mount Pleasant, Pa., against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States—to the Committtee on Military Affairs.

By Mr. HUGHES of West Virginia: Petition of citizens of Huntington, W. Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: Petition of A. T. Baker and others, of Zanesville, Ohio, against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of Marcus J. Walker—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of W. K. Smith and others, of Oconto, Wis., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

By Mr. LOWDEN: Petition of many citizens of the State of Illinois; the Peru Trades and Labor Council, of Peru, Ill.; Brotherhood of Electrical Workers, Local No. 309, East St. Louis, Ill.; and Local Union No. 1661, United Mine Workers of America, of Weirs, Kans., against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Sterling, Ill., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of Boston Chamber of Commerce, for an appropriation to remove obstructions from Pollack Rip slue channel, and annual appropriation for removal of obstructions to navigation—to the Committee on Rivers and Harbors.

Also, petition of Boston Chamber of Commerce, against increase in tonnage tax—to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of various residents of Little Falls, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wheelock Post, Grand Army of the Republic, of Boonville, N. Y., against acceptance of the statue of Gen. R. E. Lee—to the Committee on the Library.

By Mr. OLDFIELD: Paper to accompany bill for relief of Carlton D. Hays—to the Committee on Invalid Pensions.

Also, petition of Grant Hubert and other citizens of Arkansas, against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: Paper to accompany bill for relief of Florinda Butler Evans—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of Lebanon Post, No. 240, of Lebanon, Kans., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. REID: Petition of Methodist and Presbyterian preachers of New York City, representing three-fourths of a million members and adherents, favoring the Tirrell bill (H. R. 14536) against liquor selling in buildings owned by the United States Government—to the Committee on Alcoholic Liquor Traffic.

By Mr. RODENBERG: Petition of citizens of East St. Louis, Greenville, and Edwardsville, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Missouri: Petition of citizens of Carroll County, Mo., against postal savings banks—to the Committee on Banking and Currency.

By Mr. SHEFFIELD: Petition of Providence (R. I.) Lodge, No. 66, Brotherhood of Railway Trainmen, favoring House bills 3649, 5702, 17263, and Senate bills 236 and 4656—to the Committee on the Judiciary.

By Mr. SHERLEY: Paper to accompany bill for relief of John H. Seebolt, administrator of estate of Reuben W. Hawkins—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of Homer L. Boyle, Lansing, Mich., favoring medals for the President and for ex-Presidents and all governors of States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SULZER: Petition of Municipal Art Society, of New York, favoring participation by the United States Government in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Reformers Conclave, favoring the McCumber and Tirrell bills (S. 2846 and H. R. 14536) against sale of liquor on any United States Government premises, and favoring other bills of a reformatory nature—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the New York Preachers' Meeting of the Methodist Episcopal Church, favoring the Johnson bill (S. 1862) preventing sale of liquor in Hawaii—to the Committee on the Territories.

Also, petition of the University of Illinois, against an appropriation in aid of the George Washington University—to the Committee on Appropriations.

By Mr. THOMAS of Kentucky: Petition of James Duval Post, No. 64, Grand Army of the Republic, of Central City, Ky., for the pension bill granting $30 per month pension—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of Kennedy Grange, No. 496, against any change in the oleomargarine law—to the Committee on Agriculture.

SENATE.

TUESDAY, *February 1, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM NORTH DAKOTA.

Mr. MONEY. Mr. President, I am authorized to announce the resignation of Senator THOMPSON, of North Dakota, to take effect to-day.

Mr. McCUMBER. Mr. President, I present the credentials of Hon. W. E. PURCELL, lately appointed by the governor of the State of North Dakota a Senator to succeed Senator THOMPSON. I ask that the credentials may be read.

The VICE-PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials, as follows:

THE STATE OF NORTH DAKOTA,
Executive Department.

John Burke, governor of said State, to WILLIAM E. PURCELL,
of Richland County, State of North Dakota, sends greeting:

Reposing especial trust and confidence in your prudence, integrity, and ability, I have appointed you, the said WILLIAM E. PURCELL, Senator for the State of North Dakota, to represent said State in the Senate of the United States, in place of FOUNTAIN L. THOMPSON, resigned.

You are therefore, by these presents, appointed and commissioned Senator as aforesaid.

To have and to hold the said office of Senator, together with all the rights, powers, and emoluments to the said office belonging or by law in anywise appertaining until this commission shall be, by lawful authority, superseded or annulled, or expire by force or reason of any law of this State or of the United States.

This appointment to take effect on and after February 1, 1910, the date upon which Senator THOMPSON'S resignation takes effect.

In testimony whereof I have hereunto set my name and caused the great seal of the State of North Dakota to be affixed at the capitol, in the city of Bismarck, this 26th day of January, in the year of our Lord 1910.

JOHN BURKE.

By the governor:
ALFRED BLAISDELL,
Secretary of State.

The VICE-PRESIDENT. The credentials will be placed on file.

Mr. McCUMBER. Mr. PURCELL is present and ready to take the oath of office.

The VICE-PRESIDENT. If there is no objection, the Senator appointed will present himself at the desk and take the oath of office.

Mr. BURROWS. Mr. President, from the reading of the credential I notice that it is not addressed to the Senate of the United States or to the Presiding Officer of the Senate, but it is addressed to the individual, notifying him that he has been appointed to a vacancy in the Senate that would occur on the 1st day of February—to-day.

The certificate is unusual. I do not care to make any objection, but I would suggest to the Senator from North Dakota that the matter should lie over until to-morrow, so that we may look into it a little, if he has no objection to that course.

Mr. McCUMBER. Mr. President, I hope the Senator from Michigan will not ask that that be done. The announcement is that Mr. PURCELL has been appointed to succeed Senator THOMPSON. That is clearly evidenced by the certificate. That certificate is now filed with the Senate of the United States, and it announces a fact. The resignation of Senator THOMPSON has also been announced to the Senate. Whether the wording of the certificate is such that it is directed to the appointee, giving him notice of the appointment, or whether it is directed to the Senate seems to me to make no difference, so long as it states a fact; and the Senate is now in possession of that fact.

Mr. BURROWS. May I ask the Senator what evidence we have outside of the certificate that the person named has resigned? Has the Senate been notified of any resignation?

Mr. McCUMBER. The Senate was notified this morning of the resignation of Senator THOMPSON, to take effect to-day.

Mr. BURROWS. In what form?

Mr. McCUMBER. The Senator from Mississippi [Mr. MONEY] so announced.

Mr. BURROWS. I call attention to the certificate. I think it is exceedingly irregular; and I should like to have the matter lie over until to-morrow, if it will make no difference to the Senator.

Mr. MONEY. Mr. President, will the Senator permit me to answer the question he has just asked?

Mr. BURROWS. Certainly.

Mr. MONEY. The announcement of the resignation of Mr. THOMPSON was made by myself a few moments ago, upon his own authority, and at his request. The certificate of Mr. PURCELL, his successor, is made out by the governor of his State and has the broad seal of the State upon it. It may be irregular in form, but it does not at all change the fact.

We are in the habit here of swearing in Senators on credentials which are entirely irregular. A recent case happened under my own direct observation, where the certificate that was presented here differed very much from another certificate to the same effect given to one of the officers of the Senate. The Senate only wants to be possessed of the facts that there is a vacancy, a real vacancy, and that the governor, in pursuance of the power vested in him by the Constitution of the United States, has appointed a successor. The successor is here with that credential; and the informality or irregularity of it does not invalidate the fact.

It has not been the custom, I will submit to my friend from Michigan, for the Senate to keep a Senator out of his seat because of an irregularity when the fact is ascertained, is well known, and is not disputed by anybody. In other words, there is no valid or substantial objection to seating Mr. PURCELL at once, but it is one that simply goes to the form.

I hope the Senator from Michigan will permit this matter to go through as others have gone through before. There may be a little bit of irregularity in the form, but we are informed as to all the facts that are worth considering in such a matter.

Mr. BURROWS. Mr. President, I have no purpose to object to the proceeding, but simply to call the attention of the Senate to the fact that the certificate is in a very unusual form, not directed to the Senate at all, but to the individual who has been appointed. It seems now, as to the resignation of the Senator whose place is to be filled, that the Senate was notified this morning of the fact that he had resigned.

My request was, for prudential reasons, that we do not make a precedent which might trouble us hereafter, that the matter might lie over until to-morrow morning. But it is for the Senate to take such action as it may see fit.

Mr. MCCUMBER. Mr. President, I was aware when I read over the certificate that it was not in such form as is usual in such cases, but I recalled, when I read it, that it is in exactly the same form as the certificate which was issued to Senator THOMPSON, and which certificate before I presented it to the Senate I showed to the Senator from Michigan, as chairman of the Committee on Privileges and Elections, and I had him pass his judgment upon it at that time. While we both agreed that it was irregular, the Senator from Michigan thought there was nothing in it that would need any further consideration. Although he has not had an opportunity to look over this certificate as carefully as he did the other, I wish to say to him now that it is exactly in the same form as the one which was approved by him after going into the matter.

That being the case, Mr. President, I hope that the matter will be passed upon favorably at the present moment.

Mr. BURROWS. Mr. President, I simply wish to say that the Senator alludes now to a precedent which was a bad one, undoubtedly, in admitting upon the previous certificate, and therefore I have suggested that possibly it would be well to consider this matter before we establish any more bad precedents.

There is no question but that Senator THOMPSON has resigned, and there is no question but that the governor has issued a commission to an individual, without notifying the Senate, to occupy a seat in this body. The only request I made was that the credential might lie over until to-morrow, that we might look into it a little and see that we do not multiply these bad precedents. If the Senate, however, desires to seat Mr. PURCELL this morning, I shall make no objection.

The VICE-PRESIDENT. If there be no objection, the Senator appointed will present himself at the desk and take the oath of office.

Mr. PURCELL was escorted to the Vice-President's desk by Mr. MCCUMBER; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

REPORT OF CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company for the year ended December 31, 1909 (H. Doc. No. 622), which was referred to the Committee on the District of Columbia and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Company for the year ended December 31, 1909 (S. Doc. No. 340), which was referred to the Committee on the District of Columbia and ordered to be printed.

GREAT FALLS AND OLD DOMINION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company for the year ended December 31, 1909 (S. Doc. No. 339), which was referred to the Committee on the District of Columbia and ordered to be printed.

MEDICAL COLLEGE OF ALABAMA, OF MOBILE, ALA., V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Medical College of Mobile, Ala., *v.* United States (S. Doc. No. 341), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed a bill (H. R. 19548) prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a memorial of sundry citizens of Sheridan, Kool, and Dietz, all in the State of Wyoming, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. STONE presented memorials of sundry citizens of Gallatin, Ravenswood, Farber, Adrian, Winfield, Clifton Hill, St. Louis, and Franklin County, all in the State of Missouri, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. SCOTT. I present a resolution adopted by the Chamber of Commerce of Charleston, W. Va., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Resolved, That the Charleston Chamber of Commerce recognize that the present conditions of banking are in the main satisfactory; that this chamber views with alarm and apprehension any action looking toward the establishment by the National Congress of a postal savings-bank system; that we look upon such a proposition as looking toward the centralization of the money of the country into the great money centers; that it will entail unnecessary expense upon the part of the Government in the matter of the savings accounts contemplated by this new proposition; and, finally, that we earnestly request our representatives in both branches of Congress to give this matter their most earnest consideration before enlisting themselves in favor of this proposed departure from our system of banking.

Mr. ELKINS presented the petition of Earl A. Henry, of Clifton, W. Va., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Board of Trade of Wheeling, W. Va., and a petition of the Barbour-Randolph-Tucker County Medical Society, of Elkins, W. Va., praying for the enactment of legislation to establish a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a paper to accompany the bill (S. 5113) granting an increase of pension to George W. Parsons, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4537) granting a pension to Barbara J. Reed, which were referred to the Committee on Pensions.

Mr. OLIVER presented petitions of the congregation of the First Methodist Episcopal Church of Braddock, of the Woman's Christian Temperance Union of McKeesport, and of the Woman's Christian Temperance Union of Titusville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the First Methodist Episcopal Church of Braddock, of the Woman's Christian Temperance Union of McKeesport, of the Woman's Christian Temperance Union of Titusville, and of the congregation of the First Methodist Episcopal Church of Franklin, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of sundry citizens of Adah, Pa., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Braddock, Pa., praying for the passage of the so-called "Burkett-Sims bill," to prohibit the

interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Maritime Exchange, of Philadelphia, Pa., praying for the enactment of legislation to establish a bureau of light-houses in the Department of Commerce and Labor, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Coraopolis, Pa., and a memorial of sundry citizens of Duquesne, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented memorials of Sharon Chapter, No. 145, American Insurance Union, of Sharon; of New Florence Chapter, No. 67, American Insurance Union, of New Florence; and of Keystone Chapter, No. 94, American Insurance Union, of Pittsburg, all in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT presented a petition of the Woman's Home Missionary Society of Wilmington, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Woman's Home Missionary Society of Wilmington, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. BURKETT presented a petition of sundry citizens of University Place, Nebr., praying for the passage of the so-called "Burkett-Sims bill," to prohibit the interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of University Place, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of University Place, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. SMOOT presented a memorial of sundry citizens of Ogden, Utah, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. MARTIN presented a memorial of sundry citizens of South Boston, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. WETMORE presented a petition of Local Lodge No. 66, Brotherhood of Railroad Trainmen, of Providence, R. I., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Rhode Island Horticultural Society, of Providence, R. I., praying for the enactment of legislation to insure the purity of compounds used in combating the fungicidal and insect foes of fruits, flowers, and vegetables, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Rhode Island Horticultural Society, of Providence, R. I., praying for the enactment of legislation standardizing boxes in which apples are packed for shipment, but limiting the standardizing to the cubic contents of the boxes and not to the dimension and shape of the boxes, which was referred to the Committee on Standards, Weights, and Measures.

Mr. CRANE presented a memorial of the American Peace Society, of Boston, Mass., remonstrating against any further increase of the navy, which was referred to the Committee on Naval Affairs.

Mr. JONES presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of Los Angles, Cal., praying for the enactment of legislation for the relief of the volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910 and for other purposes, to report it favorably with amendments, and I submit a report (No. 133) thereon. I shall ask the Senate to take up the bill early tomorrow morning.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. HALE, from the Committee on Public Expenditures, to whom was referred Senate Document No. 290, relating to civil-service retirement in Great Britain and in New Zealand, prepared by Herbert D. Brown, asked to be discharged from its further consideration and that it be referred to the Committee on Civil Service and Retrenchment, which was agreed to.

Mr. BOURNE, from the Committee on Fisheries, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 11) to establish a fish-cultural station in the State of Idaho (Report No. 134);

A bill (S. 219) to establish a fish-cultural station in the State of Nebraska (Report No. 136);

A bill (S. 291) to establish a fish-cultural station in the State of Rhode Island (Report No. 137);

A bill (S. 627) to establish a fish-cultural station in the State of Minnesota (Report No. 138);

A bill (S. 869) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia (Report No. 139);

A bill (S. 975) to establish a fish-cultural station in the State of Delaware (Report No. 140);

A bill (S. 1039) to establish a fish-culture station in the State of Wyoming (Report No. 141);

A bill (S. 1251) to establish a fish-cultural station in the State of Kentucky (Report No. 142);

A bill (S. 2002) to establish a fish-cultural station in the State of Connecticut (Report No. 145);

A bill (S. 2545) to establish a fish-culture station in New Mexico (Report No. 146);

A bill (S. 3246) to establish a fish-culture station in the State of Utah (Report No. 147);

A bill (S. 3733) to establish a fish-cultural station in the State of Alabama (Report No. 148);

A bill (S. 4461) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region (Report No. 149);

A bill (S. 4785) to establish a fish-cultural station in the State of Nevada (Report No. 150);

A bill (S. 5198) to establish a fish-cultural station in the State of North Carolina (Report No. 151); and

A bill (S. 4197) to establish a fish-cultural station in the State of Colorado (Report No. 154).

Mr. BOURNE, from the Committee on Fisheries, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 130) to establish a fish-culture station at the city of Fargo, in the State of North Dakota (Report No. 135); and

A bill (S. 1378) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida (Report No. 144).

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 1377) for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida, reported it with an amendment and submitted a report (No. 143) thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4781) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, reported it without amendment.

Mr. OVERMAN, from the Committee on the Judiciary, to whom was referred the bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, reported it with amendments and submitted a report (No. 152) thereon.

CLAIMS OF POSTMASTERS.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, submitted an adverse report (No. 153) to accompany Senate resolutions Nos. 32, 69, 72, 77, 96, 102, 103, 104, 108, 116, 117, 118, 122, 123, 128, 130, 133, 136, 137, and 139, directing the Secretary of the Treasury to have audited and reported for payment salaries of postmasters who served at post-offices in various States and Territories of the United States between July 1, 1864, and June 30, 1874, heretofore reported adversely by him and indefinitely postponed.

ACCEPTANCE OF STATUE OF GEN. LEWIS WALLACE.

Mr. SMOOT, from the Committee on Printing, to whom was referred the concurrent resolution (S. C. Res. 22) submitted by Mr. BEVERIDGE on the 19th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Gen. Lewis Wallace, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Indiana.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these proceedings.

WHITE-SLAVE TRAFFIC.

Mr. LODGE. On the 27th ultimo, by inadvertence, the bill (H. R. 12315) to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes, was referred to the Committee on Interstate Commerce. I ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Immigration. The whole subject is under the control of the Committee on Immigration.

The VICE-PRESIDENT. Without objection, the bill will be referred to the Committee on Immigration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6002) to remove the charge of desertion from the military record of James E. Dickerson and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 6003) for the relief of William J. Derick and the firm of H. Lovell & Sons; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 6004) granting an increase of pension to Samuel Blush (with accompanying papers);

A bill (S. 6005) granting a pension to Ada May Blanchard (with accompanying papers);

A bill (S. 6006) granting a pension to Anna Jeffers;

A bill (S. 6007) granting an increase of pension to Elizabeth C. Johnson;

A bill (S. 6008) granting a pension to Caroline S. Mindil;

A bill (S. 6009) granting an increase of pension to Cephas W. Dyer; and

A bill (S. 6010) granting an increase of pension to George S. Tillson; to the Committee on Pensions.

A bill (S. 6011) to amend section 2871 of the Revised Statutes of the United States; to the Committee on Commerce.

By Mr. MARTIN (for Mr. DANIEL):

A bill (S. 6012) for the relief of Walter Cox, late a captain in the Medical Department of the Army; to the Committee on Military Affairs.

By Mr. TAYLOR:

A bill (S. 6013) to remove the charge of desertion standing against Samuel McKamey; to the Committee on Military Affairs.

A bill (S. 6014) granting an increase of pension to William H. Johnson;

A bill (S. 6015) granting a pension to Victoria J. Dewey;

A bill (S. 6016) granting an increase of pension to George H. Rader; and

A bill (S. 6017) granting an increase of pension to Alvin P. Harden (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 6018) for the relief of the estate of Charles Ruffner, deceased; to the Committee on Claims.

A bill (S. 6019) for the relief of Lieut. Col. James M. Burns, U. S. Army, retired; to the Committee on Military Affairs.

A bill (S. 6020) granting a pension to Lucy F. Estep;

A bill (S. 6021) granting a pension to Lucinda Skidmore (with accompanying papers);

A bill (S. 6022) granting an increase of pension to Luke P. Brooks;

A bill (S. 6023) granting an increase of pension to George Lensure;

A bill (S. 6024) granting an increase of pension to William Large (with an accompanying paper); and

A bill (S. 6025) granting an increase of pension to James W. Ward; to the Committee on Pensions.

A bill (S. 6026) in reference to the issuance of patents and copies of surveys of private land claims (with accompanying papers); to the Committee on Private Land Claims.

By Mr. SCOTT:

A bill (S. 6027) to provide for the purchase of a site and the erection of a building thereon at Moundsville, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. OVERMANN:

A bill (S. 6028) for the relief of Beulah Free Will Baptist Church, of Johnston County, N. C.; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 6029) for the relief of Ludwell McKay and others; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6030) granting an increase of pension to Robert H. Lowry (with accompanying papers); and

A bill (S. 6031) granting an increase of pension to Peter Riggle (with accompanying papers); to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6032) to provide for the erection of a public building at Cartersville, Ga.;

A bill (S. 6033) to provide for the erection of a public building at Cedartown, Ga.; and

A bill (S. 6034) to provide for the erection of a public building at Thomasville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. BURKETT:

A bill (S. 6035) granting an increase of pension to William Jewell; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6036) granting an increase of pension to William H. H. Swan (with an accompanying paper); and

A bill (S. 6037) granting an increase of pension to Charles H. Walker; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6038) granting an increase of pension to David Everly; and

A bill (S. 6039) granting an increase of pension to Thomas Brownlee; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6040) granting a pension to Florinda Butler Evans; to the Committee on Pensions.

A bill (S. 6041) for the relief of the estate of Mrs. Eleanor B. Vinson, deceased; to the Committee on Claims.

By Mr. McENERY:

A bill (S. 6042) to provide how and when any judgment of any federal court, bond, and recognizance shall operate a judicial mortgage, lien, and privilege upon the real property of the judgment debtor, and to regulate the rank, duration, and peremption of such judicial mortgage, bond, and recognizance, lien, and privilege; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 6043) granting an increase of pension to Daniel T. Rose; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6044) granting an increase of pension to James T. Barnhart; and

A bill (S. 6045) granting a pension to Frank E. Bales; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6046) granting an increase of pension to Benjamin Baker; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6047) providing for the purchase of land and a building for the use of a subtreasury at New Orleans; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 6048) providing for the erection of a public building at Tulsa, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 6049) establishing a department of public health, and for other purposes; to the Committee on Public Health and National Quarantine.

A bill (S. 6050) turning over to the State of Oklahoma Chilocco Indian School buildings to be used for care of insane; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURKETT submitted an amendment proposing to appropriate $50,000 for the purchase of ground in the vicinity of Ashland, Nebr., for a rifle range, etc., intended to be proposed by him to the sundry civil appropriation bill, which was re-

ferred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $160,000 for furnishing new post-office, custom-house, and court-house at Cleveland, Ohio, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $1,144.86 to pay Rankin & Kellogg, being the amount found due them for services as architects in charge of the construction of the court-house and post-office building at Indianapolis, Ind., etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes, was read twice by its title and referred to the Committee on Finance.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I ask unanimous consent that the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, be now considered.

Mr. HEYBURN. Mr. President, I call for the regular order.

The VICE-PRESIDENT. Objection is made, and the calendar under Rule VIII is in order.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of Senate bill 5876, notwithstanding the objection of the Senator from Idaho.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. CARTER. I ask that the formal reading of the bill be dispensed with, that the bill be now read for amendment and that the committee amendments be first considered.

The VICE-PRESIDENT. If there be no objection, the formal reading of the bill will be dispensed with, and the amendments of the committee will be considered as they are reached in the reading of the bill. The Chair hears no objection.

Mr. DAVIS. I should like to inquire what is the parliamentary status of the bill. Is it open to amendment at this time?

The VICE-PRESIDENT. The bill is before the Senate, and the amendments of the committee are first to be acted upon under the request made by the Senator from Montana. After the committee amendments have been considered, other amendments can be considered of course. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post-Offices and Post-Roads was in section 2, page 2, line 11, before the word "every," to strike out the words "each and," so as to read:

SEC. 2. That every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings-depository offices, to receive deposits from the public and to account for and dispose of the same according to this act.

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 7, after the words "For the," to strike out "purpose," and insert "purposes," so as to read:

For the purposes of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

The amendment was agreed to.

The next amendment was, in section 9, page 7, line 17, after the words "amount of," to strike out "his or her," and insert "any," so as to read:

That postal savings-depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of any deposit, unless directed so to do by the Postmaster-General.

The amendment was agreed to.

The next amendment was, in section 12, page 9, line 1, before the word "improper," to strike out "and;" in line 7, before the word "improper," to strike out "and other," and in line 12, before the word "improper," to strike out "and other," so as to make the section read:

SEC. 12. That postal savings-depository funds are hereby declared to be entitled to all the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings-depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal savings-depository business, and the forgery, counterfeiting, alteration, improper use or handling of postal savings-depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CARTER. Mr. President, I move that——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, I desire to offer an amendment to the bill, which I shall do at the proper time when the amendment is in order.

Mr. CARTER. The committee amendments having been disposed of, other amendments are now in order.

The VICE-PRESIDENT. Amendments are now in order. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CARTER. I desire, without interrupting the Senator from Georgia [Mr. BACON] or interfering with his amendment, to move that when the final vote is taken on this bill it be taken by yeas and nays.

The VICE-PRESIDENT. The question is on the request of the Senator from Montana.

Mr. BACON. I object to that.

Mr. GALLINGER. That is an extraordinary request.

Mr. BACON. That is not the way in which the yeas and nays are to be ordered.

Mr. GALLINGER. That is true.

Mr. BACON. I make the point most distinctly.

Mr. CARTER. I presume there will be a call for the yeas and nays——

Mr. BACON. Very well.

Mr. CARTER. And I desire to have the yeas and nays on the bill without any question of doubt.

Mr. BACON. That is all right, when the proepr time comes, but I protest that we have had a precedent of this kind once before, and we saw the way in which it was worked. I protest, as without any warrant of rule or order or parliamentary law, against such a motion as the Senator from Montana now makes.

Mr. GALLINGER. It certainly is.

Mr. CARTER. In the presence of the objection from the Senator, for the purpose of avoiding any discussion on the subject, I withdraw the motion.

Mr. BACON. I want to say, in order that I may not be misunderstood, that at the proper time I suppose every Senator would want the yeas and nays ordered upon the passage of this bill. That is something to be done, however, by Senators present when the vote is to be taken.

Mr. DAVIS. Mr. President——

The VICE-PRESIDENT. The Chair recognized the Senator from Georgia [Mr. BACON].

Mr. BACON. I have not had time to put my amendment in proper shape, and I do not desire to offer it now.

The VICE-PRESIDENT. Then the Senator from Arkansas [Mr. DAVIS] is recognized.

Mr. DAVIS. I offer the amendment which I send to the desk, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. In section 8, page 5, line 15, after the word "banks," it is proposed to strike out the words "subject to public supervision and examination."

Mr. DAVIS. Mr. President, I offer this amendment for the reason that in my State we have no law regulating public supervision or examination of banks. I am heartily in favor of this bill as a whole; I believe in its principles; and, with this amendment, shall give it my most cordial support. I trust that the Senator from Montana [Mr. CARTER], having the bill in charge, will agree to the amendment. If not, I desire to discuss it just for a moment.

Mr. CARTER. Mr. President, I can not at this time accept the amendment offered by the Senator from Arkansas.

Mr. DAVIS. Then, Mr. President, I desire to state that if this bill as presented at this time should become a law, no bank in my State could have the benefits which are supposed to be derived from it except national banks. The provision of the bill to which the amendment is offered is as follows:

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory and as nearly as practicable in the immediate neighborhood in which the funds are received at a rate of interest not less than 2½ per cent per annum.

Mr. President, we have been led to believe by the Senator having in charge this bill that these funds to be collected from the laboring people—the poor people, from the people in the lower walks of life, if you please—would be deposited in any solvent bank, and that, too, in the community from which the funds are collected. It was with amazement that I discovered, upon a careful reading of this bill, that such was not its intent. In those States where there is no bank supervision and public examination this bill, as it is now presented, means that this vast sum of money collected from the laboring people of the State by means of these small deposits shall not be deposited in the local banks of the communities in which they are collected, but, sir, that it shall be deposited only in those banks having public supervision and public examination, which means nothing more nor less than the national banks. Sir, in my State——

Mr. SUTHERLAND. Mr. President——

Mr. DAVIS. In a moment. Sir, in my State we have about 20 national banks, and we have something like 300 state banks. The national banks in my State are located in the large cities and larger towns. If this money, collected from the poor people and from their small earnings in my State, is not to be distributed among the smaller banks in the locality from which it is collected, then, sir, I stand here to give it my most vigorous opposition. I say that this bill ought not to pass if this vast sum of money, collected throughout the United States, the blood of commerce, the blood of trade, the blood of this Nation, is to be placed in the hands of the national banks of the country, and by them to be spirited away to Wall street and placed in the granaries of Wall street and with the Wall street money sharks and money grabbers. Now I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I suppose the Senator from Arkansas agrees that this money should not be deposited in any but solvent banks.

Mr. DAVIS. Ah, Mr. President, certainly I agree to that; and the bill itself safeguards this money by saying that this board of supervisors provided by the bill shall have power to exact security. Then why not say "in any solvent bank?" The securities for these deposits being fixed and regulated by this board itself, why so limit it as that none but national banks can reap the benefit of this vast sum of money that is going to be collected from the American people?

Mr. SUTHERLAND. Now, will the Senator allow me to ask him another question?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. The Senator's amendment evidently contemplates that the bank in which the deposits are to be made shall be a solvent bank.

Mr. DAVIS. Yes, sir.

Mr. SUTHERLAND. In addition to providing that security shall be exacted?

Mr. DAVIS. Most certainly.

Mr. SUTHERLAND. If the bank is not subject to public supervision or examination, how is its solvency to be determined?

Mr. DAVIS. Mr. President, in my State, as I have said to the Senator from Utah, we have about 20 national banks and we have about 300 state banks. I challenge that Senator or any other Senator to contest upon this floor that statistics—bank statistics, if you please—do not show that in the State of Arkansas we have had fewer bank failures and fewer bank scandals than in any State in this Union.

The board may determine, the board may examine, the board may regulate, as to the solvency of these banks where the deposits are to be made. Mr. President, I see now as I have never seen before the cloven foot in this bill, introduced in the name of the people, in whose name all public reforms are promulgated and asked to be passed in the interest of the laboring people of the country; but, sir, when you sift it down to its last analysis you find it is in the interest of the national banks of the country and not in the interest of the people.

Mr. SUTHERLAND. Mr. President, the Senator does not answer my question.

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. Will the Senator tell us how the solvency of the state banks can be determined unless——

Mr. DAVIS. By rules and regulations promulgated by this board.

Mr. SUTHERLAND. By what board?

Mr. DAVIS. The board of trustees that superintends the loaning of this money.

Mr. SUTHERLAND. Does the Senator think a board of trustees appointed under federal law would inspect the affairs of state banks?

Mr. DAVIS. I am not here, Mr. President, for the purpose of discussing that feature of the bill, which is left to the discretion of the board of trustees and the details to be worked out by them; but I do know, sir, that if the terms of this bill are not changed no state bank in my State can get one dollar of this money. If you want to help the people, if you want to help the little depositor, if you want to help the little bank in the locality from which the money is collected, why do you not accept this amendment?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SMOOT. Do I understand that the private banks or state banks of the Senator's State object to public supervision and examination?

Mr. DAVIS. There is no law providing for it.

Mr. SMOOT. Well, would they object if under this bill they could be examined?

Mr. DAVIS. I am not in touch with them; they belong in our State to the high-collared roosters. I belong to the other crowd. [Laughter.]

Mr. SMOOT. I do not know to whom the "other crowd" has reference.

Mr. DAVIS. The horny-handed, sunburnt sons of toil.

Now, Mr. President, as I said in the beginning, with the general tenor of the bill I am most heartily in sympathy. It encourages frugality among the people; it encourages the spirit of saving; it encourages the spirit of small depositors. Nowhere, I apprehend, in any banking institution could a man go in and deposit 10 cents on a savings account. By the terms of this bill, so artfully drawn, so perfectly honeycombed and sugar-coated, the unwary and unwise are led to believe that because the poor man can buy a postage stamp or a stamp, if you please, indicating that he has deposited 10 cents in this savings fund, that it is for his interest and for his benefit, never dreaming, Mr. President, never believing, never once thinking that his little money can only be deposited with this great cormorant of the public welfare, the national banks of the country.

Mr. CLAY. Will the Senator let me ask him a question?

Mr. DAVIS. Yes, sir.

Mr. CLAY. I do not understand this section correctly, if the Senator is correct in regard to its provisions.

Mr. DAVIS. Then, I should like to be informed.

Mr. CLAY. The Senator may be correct. I agree with the Senator that this money ought to be deposited in any solvent bank, whether State or National.

Mr. DAVIS. Yes, sir.

Mr. CLAY. But I do not understand that section 8 prevents this money from being deposited in the state banks where there is a law requiring an examination of state banks.

Mr. DAVIS. Certainly not.

Mr. CLAY. I thought that all of the States had such laws.

Mr. DAVIS. Mine has not.

Mr. CLAY. My State has most rigid laws in regard to state-bank inspection.

Mr. DAVIS. Then something else would be found here that would knock the state banks out.

Mr. CLAY. Section 8 reads as follows:

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory, etc.

Under this section, as I understand, any bank, State or National, would have the right to receive these postal savings deposits, provided it was subject to bank-inspection laws in the State.

Mr. DAVIS. I speak, Mr. President, with reference to Arkansas laws. I know nothing of the banking laws of Georgia. If the banking laws of Georgia permit public inspection or pub-

lic examination by state authorities, then, under the terms of this bill, there might be deposited with the state banks of Georgia some of this money.

Mr. CLAY. That is what I thought.

Mr. DAVIS. But, having discovered this pitfall in this bill, I warn the Senator from Georgia now to watch for other pitfalls as dangerous as the one which I am endeavoring to point out relating to the State from which I hail, the State of Arkansas. I had no idea, sir, that that good-natured, genial, broad-faced, broad-gauged Senator from Montana [Mr. CARTER] having charge of this bill would for a moment refuse to accept this amendment and let the little State of Arkansas and the little banks situated therein have an equal show to get the money collected in this manner and under this system; but, sir, since he refuses, there must be method in his madness. [Laughter.]

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. DAVIS. Certainly.

Mr. CARTER. Does the Senator object to the passage of a law by the legislature of Arkansas providing inspection of state banks?

Mr. DAVIS. I want the law first passed in Arkansas. Then I am willing to vote for this bill, if I do not discover any other loopholes in it, and to give it my most cordial support.

Mr. CARTER. We expect the cordial support of the Senator, and the more he examines the bill the more fervent will become his advocacy of it. Mr. President, I desire to reach an understanding with the Senator with reference to the significance of this particular part of the bill to which he objects. There may be some other State in the Union that authorizes the creation of state banks and does not provide any supervision for them, but if such be the fact, I am not aware of it. If all the other States have such supervision, Arkansas could readily qualify itself, and probably add somewhat to the confidence of depositors, by providing a system of state inspection and examination of the banks. I think it is beneficial to the banks themselves, at least those that are well conducted, to have the public law require inspection at unexpected times and examination at any time the inspector may think proper. There was no disposition, I will state to the Senator, in providing that the banks should be subject to public inspection to exclude any State or any state bank from its terms.

Mr. DAVIS. I submit to the Senator from Montana what objection could possibly be urged to having the bill so amended that it might read in this way:

That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks in the State or Territory and as nearly as practicable in the immediate neighborhood, etc.

What objection could there be to that amendment?

Mr. CARTER. Mr. President, we desired that the banks receiving these deposits should be subject to public supervision and examination.

Mr. DAVIS. Ah!

Mr. CARTER. That was the desire; and I will say to the Senator that no member of the committee suspected that any State in this country would authorize the creation of a state bank and fail to provide proper inspection and supervision for it.

Mr. DAVIS. I warn the Senate now that when this section of the bill comes before that board of trustees, the Attorney-General, the Postmaster-General, and the Secretary of the Treasury—the board of supervisors that is to manage this great banking institution—when this section 8 comes before that board for their consideration and their construction, I warn the Senate now, sir, that they may place upon it the construction that the national banks alone in this country have the proper public supervision and public examination. The details of this whole matter as to the running of this great financial scheme are left entirely in the hands of this board of trustees. There is no detail worked out in this bill. There are practically no limitations to their power. They may be autocrats in the working out of these details. When they have spoken, sir, there is no power on earth that can reverse their decision.

I see in this bill, sir, a scheme to turn over all of the money collected by means of this legislation into the hands of the national banks of this country. My people are in favor of it, but they do not understand it. When they see the milk in the cocoanut they will understand it. "You can fool all of the people part of the time; you can fool part of the people all the time; but," thank God, "you can not fool all the people all the time." They will soon wake up, and when the construction is put upon this provision that the national banks are to handle this fund, then, I tell you, the people of this Government will rise in their might, and you will call upon the rocks and the hills to hide you from their wrath.

I have no time or patience with the argument that I hear going the rounds of this Chamber that this bill is unconstitutional. Ofttimes, sir, the Constitution is invoked when the rights of the people are involved. "Old Man People," Mr. President, does not get many things from this Government. The drippings from the sanctuary do not generally fall on "Old Man People." They fall on the other fellow. This is a bill, if propertly limited and with proper safeguards thrown around it, that would afford an immeasurable benefit to "Old Man People." Now, I hear the learned and stilted argument made upon this floor, with thunderous tones and deep intonation of voice from the prairie State of Texas, that the bill is unconstitutional, and therefore that the Senator from that State [Mr. BAILEY] will oppose it. I say, sir, that the Constitution is often invoked when the rights of the people are involved. Is there a Senator upon this floor that would pretend for a moment that the chartering of a national bank is constitutional? Is there one? Ah, it was not so considered back in the old days. It was not so considered in the days of our fathers. The Constitution was framed not for the benefit of the very men this bill seeks further to help. Now, when the people ask for relief, when the people ask for a place where they may go and deposit their small earnings from Monday morning until Saturday night, we hear this stilted argument that it is in violation of the Constitution of the United States.

Mr. President, I say I have no patience or time to discuss such a proposition. I do say that if you want to make this bill effective, if you want the people to love it and respect it, let this money, taken from the hard earnings of the people, be deposited in the small solvent banks in their own communities and not turn it over, sir, into the great channels leading to Wall street through the national banking system.

I have thought, sir, that I would support this bill. I have had many letters from my State. To my constituents alone am I answerable. I have had many letters from the State of Texas, which lies adjoining my State, asking me to support it. But the people of my State do not know that this iniquitous, monstrous provision is in the bill. Sir, I respectfully ask that the Senate shall pause and wait long before it passes this bill without the pending amendment.

Having said thus much, Mr. President, I ask for the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment may be read.

Mr. KEAN. Let the amendment be read.

The SECRETARY. In section 8, page 5, line 15, after the word "banks," strike out the words "subject to public supervision and examination."

The PRESIDING OFFICER (Mr. FOSTER in the chair). The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of my pair, I withhold my vote. If he were present, I should vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS], who I understand is sick at home, unable to be present to-day. I therefore reserve my vote.

Mr. FLINT (when the name of Mr. PERKINS was called). I desire to announce that my colleague is unavoidably detained from the Senate, owing to illness.

Mr. JONES (when the name of Mr. PILES was called). I desire to state that my colleague is absent on public business.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO], and as he is absent from the Senate Chamber, I withhold my vote.

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I desire to state that my colleague is absent from the Chamber on business of the Senate.

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. BACON. Mr. President, I withheld my vote because I wished to make a statement. While I am thoroughly in favor

of state banks having these deposits, I do not think any bank should have them which is not subject to some supervision, and I will vote "nay."

Mr. JONES (after having voted in the negative). I have a standing pair with the Senator from South Carolina [Mr. SMITH]. I thought he was present. I note that he has not voted, and I therefore withdraw my vote.

Mr. FLINT. I am paired with the senior Senator from Texas. He being absent, I withhold my vote.

Mr. CLAY. I ask unanimous consent to take a moment to explain my vote.

I am in favor of these deposits being made in both state and national banks; I would not, under any circumstances, vote for a bill which provided that the deposits should be made in national banks and not in state banks. But I can not get my consent to vote for a measure which provides that the deposits shall be made in a bank of which there is no inspection, either state or national. I therefore vote "nay."

Mr. JONES. I desire to transfer my pair with the Senator from South Carolina [Mr. SMITH] to my colleague [Mr. PILES], and will allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not here, and I desire to withdraw my vote.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The roll call is being proceeded with and can not be interrupted.

The result was announced—yeas 6, nays 43, as follows:

YEAS—6.

Davis	Hughes	Money	Taylor
Gordon	Martin		

NAYS—43.

Bacon	Clay	Foster	Page
Borah	Crawford	Frye	Penrose
Bourne	Cummins	Gallinger	Richardson
Brandegee	Curtis	Gamble	Smith, Mich.
Bristow	Depew	Guggenheim	Smoot
Brown	Dick	Heyburn	Stephenson
Bulkeley	Dillingham	Jones	Sutherland
Burkett	Dixon	Kean	Warner
Burnham	Dolliver	La Follette	Warren
Burton	du Pont	Lodge	Wetmore
Carter	Elkins	Nelson	

NOT VOTING—43

Aldrich	Crane	McCumber	Rayner
Bailey	Culberson	McEnery	Root
Bankhead	Cullom	Newlands	Scott
Beveridge	Daniel	Nixon	Shively
Bradley	Fletcher	Oliver	Simmons
Briggs	Flint	Overman	Smith, Md.
Burrows	Frazier	Owen	Smith, S. C.
Chamberlain	Gore	Paynter	Stone
Clapp	Hale	Perkins	Taliaferro
Clark, Wyo.	Johnston	Piles	Tillman
Clarke, Ark.	Lorimer	Purcell	

So the amendment of Mr. DAVIS was rejected.

Mr. GORE. Mr. President, I merely wish to say that I refrained from voting on the roll call because, while I approve of the purpose of the amendment, I did not concur in the means proposed for its accomplishment. I shall take occasion during the consideration of the bill to propose an amendment which, I think, will accomplish the end desired and will not be subject to the objections urged against this amendment.

Mr. BACON. I desire now to present an amendment which I will offer at a later time, and ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert at the conclusion of section 8 the following:

Provided further, That it shall be unlawful for any bank receiving such deposits to transfer the same or any part thereof as a deposit to or in any other bank or other institution.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CUMMINS. I offer a substitute for section 8.

The PRESIDING OFFICER. The Senator from Iowa offers a substitute for section 8 which will be stated.

The SECRETARY. In lieu of section 8, as printed in the bill, it is proposed to insert the following:

SEC. 8. That the postal savings funds received under the provisions of this act by any post-office shall be deposited in the bank or banks, whether organized under national or state law, being subject to public supervision and examination, doing business in the city, town, or village in which such post-office is situated, at a rate of interest not less than 2½ per cent per annum. If there is more than one such bank in any such city, town, or village willing to take deposits upon the terms herein prescribed, the same shall be divided among them substantially according to their capital and surplus. If none of the banks in any such city, town, or village is willing to accept the deposits upon such terms, or if there be no bank or banks therein, then the deposits shall be made in a bank or banks of the State or Territory in which the post-office is situated, giving preference to those that are in the same general community as the post-office receiving the funds. The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board. If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits were received: *Provided*, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings-bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of savings-bank funds by the laws of the States of New York or California. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings funds shall be subject to disposition as provided in this act and not otherwise. For the purposes of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

Mr. CUMMINS. I intend to present an amendment to section 7.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 7, after "prescribe," insert:

Withdrawals shall be paid from the deposits in the State in which the depositor withdrawing resides, and, so far as practicable, from the deposits in the community in which the depositor resides.

Mr. HEYBURN. I do not understand what disposition was made of the other amendment offered by the Senator from Iowa.

Mr. CUMMINS. There has been no disposition made of it. I simply asked consent to offer this, so that it may be before the Senate when I discuss the other, because they are really parts of the same amendment.

Mr. HEYBURN. Then I should like to ask a question.

Mr. CARTER. As I understand, the first amendment is offered and the second one is presented for the purpose of being printed and considered later.

Mr. CUMMINS. That is entirely as the Senate may determine. I am quite willing to submit my views upon these amendments.

Mr. HEYBURN. I only desire to ask a question at this time, which I think the Senator will be glad to receive. As the amendment was read I understood it to provide that the board might withdraw the money which had been deposited in the Treasury of the United States for the purpose of paying depositors. I think we will run against a prohibition on that question:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Is it contemplated that we will make an appropriation covering this?

Mr. CUMMINS. In that respect the amendment which I have offered as a substitute for section 8 is in the exact terms of the original bill. However, I think I would have no difficulty in answering that question at the proper time.

Mr. HEYBURN. If I may here say to the Senator, I have a note to object to the same provision in the bill.

Mr. CUMMINS. Yes.

Mr. President, I have intimated that the Senator in charge of the bill would prefer that these amendments which I have just offered be printed and that final action upon them shall be deferred until after they shall have been printed. If he so desires, I shall not object to that course. But I can probably at this time, as well as at any other, state the changes which will be made in the bill if the amendments which I have offered be adopted.

Mr. CARTER. I shall, of course, not insist on the printing of the amendments as a prerequisite to their consideration. I would prefer to have the consideration of the bill proceeded with, and an examination of the amendments can be made when they are printed, after the explanation of the Senator.

Mr. CUMMINS. These amendments, Mr. President, are in absolute harmony with the spirit of the bill, and they are offered because I believe they better express the purpose which has been avowed now many times with regard to this measure than the provisions of the bill as reported by the committee. It is the intent of the committee, if I understand it correctly, that money collected at the post-offices shall be deposited in the banks of the cities and towns and villages in which those post-offices are situated. We had some discussion upon this general

matter a year ago, and I think nearly everybody came to the conclusion that it would be very unwise to take the money that came into these post-offices and transfer it from the community in which it naturally gathered for purposes of trade and commerce to some other community under the operations of the law.

The bill as reported provides that these funds shall be deposited—

in any solvent bank or banks subject to public supervision and examination in the State or Territory and as nearly as practicable in the immediate neighborhood in which the funds are received.

I object to this expression because it is not sufficiently definite. I object to it because the discretion here reposed in the board of trustees could be so exercised as to destroy the purposes and objects of the bill, and I have therefore in the amendment just sent to the desk provided that the money which comes into a post-office shall be deposited in the bank or banks of the city, town, or village in which those offices are located and divided substantially according to capital and surplus.

This specifically arranges the very thing the committee desires to accomplish, and I very earnestly hope, inasmuch as it is necessary that the people shall be satisfied with the measure in order to give it the highest success, that there will be no objection to the substitution of the expression or phraseology which I have used for the language adopted by the committee. It does the very thing which we all, so far as I know, want done.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Certainly.

Mr. HEYBURN. Will the Senator from Iowa permit me to call his attention——

Mr. CUMMINS. I have just yielded to the Senator from Utah.

Mr. SMOOT. I am in full accord with the views expressed by the Senator from Iowa and also, I believe, the understanding of the Senator from Montana. But I want to call attention to section 1 of the bill. It does seem to me that under the wording of that section the board of trutsees can, after the money is deposited in a local bank, withdraw the deposit and invest it as they may see fit, for it says that all regulations for the investment of money deposited at postal savings depositories shall be prescribed by said board of trustees. Then section 8 provides that the money shall be deposited in a local bank in the State or Territory in which the funds are received, and where more than one such bank is available the deposits shall be distributed ratably among the banks, according to the capital and surplus, but there is nothing in the bill which prevents the withdrawal of the deposits from the bank at any time for investment by the board of trustees, for we find that section 8 provides that—

The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand.

It seems to me, Mr. President, that the money will be deposited in the local banks all right in the different sections of the country; but the bill does not provide that all or any part of it shall remain there any length of time. It appears, under the reading of the bill, that the board of trustees can withdraw the deposits from the banks at any time and invest it in any security that the board may prescribe; thus the money that is deposited in the banks in the different parts of the country can be withdrawn from any section of the country for investment.

Mr. HEYBURN. Mr. President——

Mr. CARTER. I ask the permission of the Senator from Iowa to reply to the Senator from Utah.

Mr. CUMMINS. I will yield to the Senator from Idaho first, and then to the Senator from Montana.

Mr. HEYBURN. I wish to make the suggestion that, so far as I understand this amendment, it makes no provision for country post-offices. It enumerates post-offices doing business in banks in a city, town, or village.

Mr. CUMMINS. May I suggest to the Senator from Idaho if he will read a little further he will find that contingency covered.

Mr. HEYBURN. That is as to another provision. I think the Senator will find that those first six lines do not fully cover country post-offices. There is no provision made, in other words, for deposit within the proximity of those offices, only within the proximity of offices in villages, towns, and cities. I think country post-offices should be mentioned.

Mr. CUMMINS. I think that is covered by the sentence reading thus:

If none of the banks in such city, town, or village is willing to accept the deposits upon such terms, or if there be no bank or banks therein——

Mr. HEYBURN. That is, in such village, city, or town. The omission occurs before that.

Mr. CUMMINS. I observe the omission.

Mr. HEYBURN. I merely call attention to it.

Mr. CUMMINS. I agree with the Senator from Idaho, and I hope it will be corrected before it is too late.

I now yield to the Senator from Montana for the purpose of answering the suggestion of the Senator from Utah.

Mr. CARTER. Mr. President, the apprehension of the Senator from Utah seems to be that, while the deposits must be made ratably in local banks, to begin with, immediately after the deposits are made they may be withdrawn and invested under rules and regulations to be prescribed by the board. All sections of the act must, of course, be construed together. The first section fixes upon the board the obligation to make rules and regulations for the receipt, transmission, custody, investment, and repayment of money deposited in postal savings banks, and that language was inserted for the purpose of authorizing and requiring the board to supplement this act with administrative machinery.

It is conceded that under either provision the money would primarily be deposited in the banks in the localities. How would it be taken out of the banks, and for what purpose? If the Senator will turn to that portion of section 8 which deals with investments, which would certainly control in the making of rules and regulations, he will find this sentence:

If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, etc.

The only investment that could be made of these funds outside of deposit in the banks will occur on the occasion of the refusal of a bank to receive deposits.

Mr. SMOOT. That is just what I want to call the Senator's attention to. It provides what shall be done if the banks within a certain city refuse to take the money, but that does not have reference to the money that is received by the banks.

Mr. CARTER. I think upon a close reading the Senator will perceive that the only investment in securities which can be made at all is of such moneys as the banks refuse to accept on deposit.

Mr. SMOOT. Not according to the bill, Mr. President, because the bill in section 1 provides that all regulations for the investment of money——

Mr. CARTER. Certainly; subject to the terms of the law.

Mr. SMOOT. Certainly.

Mr. CARTER. No board authorized to make regulations of an administrative character can make a regulation in conflict with the act under which the board is created and under which the regulations or rules are promulgated. This was the intention of the committee.

Mr. SMOOT. Does the Senator from Montana claim that the provision in section 8, read by him just now, applies to the money that is deposited in a bank that will receive it on the terms prescribed?

Mr. CARTER. Most assuredly; because the board has naught to do with any money outside depositing the sum in a bank except for the purpose of investing in securities that are prescribed in a general sense in case the money is not received by the bank. That is the only loose money that will be in this transaction subject to investment by the board. That was the intention of the committee.

Mr. SMOOT. As I read it, I can not see that the bill so provides.

Mr. CARTER. If there is any question about it, that question should here and now be set at rest, and set at rest permanently and definitely. I do not think there is room for question on the subject, but Senators may differ on the point at this time.

Mr. SMOOT. I shall look it over and offer an amendment covering that point, because I do not believe it to be in the bill. The bill simply provides for the investment of money in securities that is refused by a bank. I believe that the postal funds deposited in any bank can be invested under the provisions of the bill, and in that way the money that is deposited in the banks of Montana or the banks of Iowa or the banks of Utah can be withdrawn by this board of trustees at any time and invested in securities prescribed by them.

Mr. CARTER. I should like to have the Senator carefully inspect the bill, and, if upon mature consideration he adheres to that view, I shall be very glad to look with favor upon any amendment which it may be proper to present to guard against that contingency.

Mr. CUMMINS. Mr. President, the thought just suggested by the Senator from Utah was expressed by him, I think, yesterday. Since that time I have given the matter a good deal of consideration and I have tried in the amendment I have prepared to meet that weakness in the bill. But it is so important that I agree with the Senator from Montana that if the Senator from Utah will prepare an amendment making that impossible it ought to receive, and will undoubtedly receive, the approval of every friend of the bill.

I referred to one feature of my amendment. I now refer to another. The provision in the committee bill, or the bill of the Senator from Montana, is that not more than 10 per cent, fixed as a maximum, of all the deposits shall be at once transferred to the Treasury of the United States as a fund for the repayment of depositors who seek to withdraw. In the substitute which I have offered that provision is entirely omitted. I am opposed to an arrangement which will take 10 per cent of these deposits and put that proportion of them in the Treasury of the United States. I am opposed to it, first, because if the discretion or power there given be exercised it will be impossible for the Government to earn enough interest upon the remaining 90 per cent to compensate it for the difference between the interest that it pays the depositor and the interest that it receives from the banks; that is to say, the cost of administration must necessarily fall upon the general funds of the United States if 10 per cent be withdrawn from investment.

It is not necessary that there shall be any such provision. These moneys when collected at the post-office are deposited in the banks all over the country. It is not, as it seems to me, the best method to say to each depositor, whether his deposit be $1 or $500, that in order to withdraw the sum he has given to the United States in trust he must make application to the Treasurer of the United States or to the Secretary of the Treasury, and secure from the central point, namely, the capital of the country, a warrant or an order or a check upon the Treasury of the United States for his repayment. It must be obvious to any one who will consider the details of a proposition of this sort that there must be some plan devised that will enable the depositors, when they have a right to withdraw, to withdraw their money without putting in motion so formidable a bit of machinery as communication with the Treasurer of the United States or the Secretary of the Treasury would involve.

Therefore I believe that the deposits which are withdrawn in any community from time to time ought to be paid out of the moneys which have been deposited in the banks of that community. You will in that way preserve the general equilibrium, and you will protect the people against the injustice of one portion of the country that does not desire to withdraw its deposits paying the deposits that may be desired to be withdrawn in another portion of the country.

There is no difficulty so far as the banks are concerned. I know this from personal experience. The State of Iowa deposits all her moneys in the banks of the city of Des Moines. She pays all her bills by checks upon these accounts, and she pays many millions of dollars every year simply by drawing a treasurer's check upon the account in the various banks in which our money has been deposited. Nevertheless, the State of Iowa receives not less than 2 per cent from all these banks, and in some instances more than 2 per cent.

The banks understand just as well as Senators can the general movement of these deposits. They know that the deposits will not be depleted to any large extent within any very limited time; and therefore they will be just as ready and just as willing to pay 2½ per cent upon the account, even though it has connected with it the incident of a check upon that account from time to time as though it were invested there permanently, and with the 10 per cent in the Treasury for the purpose of paying for the withdrawal.

I am sure that this bill will be more workable, will receive greater approval, and create more universal satisfaction if the depositors are provided with some way in which to get their money when they desire to withdraw it in their own vicinity than they will if the entire operation is centered in the Treasury at Washington.

Now, I hope very earnestly that these two matters will receive the favorable consideration not only of the committee, but of the Senate, and I hope also that the suggestion made by the Senator from Utah [Mr. SMOOT] will receive like favorable consideration.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. DILLINGHAM. I ask unanimous consent that the unfinished business be laid temporarily aside, without prejudice.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont? The Chair hears none.

Mr. SMOOT. Mr. President, in looking over the amendment as presented by the Senator from Iowa, I notice the following words:

> If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, etc.

I think that simply refers to the money that is offered for deposit to banks and the banks refuse. I shall take pleasure in looking up this matter and suggesting an amendment that will cover this point, for I feel that the Senator from Iowa, and the Senator from Montana as well, desires the money that is deposited in local banks to remain in and to be used in the business of the locality in which the money is deposited. That is what I want, and that is what I want my proposed amendment to cover.

Mr. CARTER. Mr. President, the purpose of the committee in providing for a reserve fund not exceeding 10 per cent was to insure a workable balance, constantly available, at some convenient point for the transaction of daily business. It is improbable, I conceive, that by contract with the banks for time on the deposits, and thus a larger rate of interest, probably, that the trustees would at any time by contract arrangement tie up such an amount of the deposits as to hamper the operations of business.

The ordinary experience elsewhere has been that for many years after the establishment of postal savings banks the funds constantly increase and do not in this incipient stage of growth diminish for many years. After the banks, however, have been in operation long enough to begin to bring forth a class of people with accumulations of $500, $400, or $300, or, as in the case of Great Britain, $3,000, these accumulations lead to outside investment at better rates of interest than the Government pays. Therefore, after a series of years, in times that are propitious for investment, the postal savings deposits may decrease.

They have decreased in Great Britain within the last two years. Business opportunities have been good, and persons desiring to get better rates of interest, having accumulations sufficient to warrant investment, have proceeded to invest outside. In case of panics, however, the fund will rapidly increase. In case of long protracted stress, or what we commonly call "hard times," the funds may decrease because of the necessities of the depositors; but under normal conditions it can be fairly predicted, in the light of experience in all the countries where this kind of legislation has been enacted, that the growth from year to year will be healthy, normal, continuous.

But in the contingency suggested, the withdrawal of deposits, either on account of hard times or extraordinarily good times, it is important that the business be so adjusted in a legal way in the beginning that no abuse of discretion will be permitted to leave the postal savings institution in such a condition as to be unable to meet ordinary daily demands from depositors.

Again, Mr. President, as I took occasion to suggest yesterday, it will be apparent at once to the person who thinks it over that the department can not well keep current checking accounts with the 22,000 banks in which these funds will be deposited. To check out the dollar or two dollars or ten dollars or hundred dollars that may be payable to a man in a remote part of the country will require maintaining at the central point, wherever that may be, some kind of a current checking system and a system of balancing accounts incident to the withdrawal of deposits from day to day. These monthly or weekly or other statements of the banks with such current accounts would in and of themselves become quite cumbersome in the end. Therefore, in the judgment of the committee, it was deemed best for two reasons to have some central fund from which payments could be checked out. The first idea was to insure at all times the presence of such a fund; second, to have the fund available for the purpose of making payments from a central place rather than have accounts with the banks all over the country for ordinary payments.

I think this fund might well be made constantly interest drawing. It need not be an idle fund held in reserve. The phraseology, on the contrary, can be so framed, I conceive, that it would merely constitute an obligation upon the part of

these trustees to permanently keep, subject to their order for the repayment of depositors, a certain proportion of this fund.

Now, I confess at once that if all these bank accounts are to become open current accounts this would be unnecessary, but Senators well know that the banks may in season be willing and able and anxious to give a better rate of interest if a stipulated time is allowed within which they may securely hold the deposits. I would not deprive the trustees of the right to thus secure by contract beneficial conditions or an increased increment to the fund.

The Senator's amendment will be printed, and for his consideration in connection with it I suggest that the provision in section 8 of the bill might be amended so as to read as follows, and thus meet his objection:

That said trustees shall maintain a reserve fund in the deposit banks of at least 10 per cent of the total funds deposited in postal savings depositories.

This 10 per cent would draw interest, as all other funds would draw interest, but it would be a fund which the trustees would be required to keep constantly subject to check. In all probability they would keep that sum subject to check in any event, but there can be no difficulty and there should be no objection in Congress acting with particular care in a matter of such great importance. The particular care I think would be exercised by requiring that the working balance should be kept up to a certain standard.

Mr. GALLINGER. Mr. President, I wish to ask the Senator having the bill in charge a question. I notice that the provisions of the bill are made applicable to the district of Alaska, where we have some 30,000 Americans a part of the time, to Porto Rico, which has a very small population, certainly not many Americans, and the Panama Canal Zone, which has a small population; but it does not include the Philippine Islands, where we have 11,000,000 people, and in the large city of Manila a very large American population.

It has occurred to me that there must be some good reason for this, and I would have privately asked the Senator if I had been near him. It of course at first blush looks as though we ought not to deprive the people of the Philippine Islands, whom we are trying to gain over to us by benevolent assimilation, of the privileges of an act of this kind.

Mr. CARTER. Mr. President, it did not include the Philippine Islands for the very cogent reason that the postal savings system has been in operation for several years in the Philippine Islands, under authority of law passed by the Philippine legislature, and the system is working very satisfactorily there now. Such is not the fact with reference to Porto Rico, however, and we therefore thought well to cover Porto Rico and not to include the Philippines, because confusion would result from a conflict of two systems.

Mr. GALLINGER. Does the Senator suggest, Mr. President, that the people of Porto Rico and the people of Alaska, under our Constitution and laws, could establish institutions of this kind without submitting them to Congress for indorsement? It occurs to me that it is an anomalous condition that our possessions across the Pacific Ocean can legislate in a matter of this kind, and that we, passing a general law, should not include them in the provisions of this law.

Mr. CARTER. Mr. President, the Philippine Islands have their own postal system. The only way in which this system could exist in Porto Rico would be by inheritance, for since the assuming of the sovereignty by the United States no such system could be established, of course, without the consent or previous authority of Congress.

Mr. GALLINGER. Mr. President, I am still of the opinion that it is an unfortunate omission; and yet possibly they have a better system than we are providing for the people of the United States. I do not know how that may be; but if the Philippine Islands belong to the United States, as I apprehend they do, it occurs to me that in passing a general statute in which we recognize Porto Rico and Alaska and the Canal Zone, it is a singular omission that the 11,000,000 people of the Philippine Islands should not be included.

Mr. CUMMINS. Mr. President, the Senator from Montana has submitted some observations upon the second feature of the amendment that I propose that are well worth consideration, but he did not make any reply to the first feature of the amendment. I hope that I may assume that he will be willing to accept that part of it.

Mr. CARTER. Mr. President, in view of the suggestion of the Senator from Utah and other Senators who have amendments to offer, one of which has been offered for printing by the Senator from Georgia [Mr. BACON], it became apparent that it would probably be better to have this amendment printed before being acted upon. I have not read the amendment, and therefore am not in a position to comment upon any part of it, except that which involved the general principle.

Mr. CUMMINS. I had hoped, Mr. President, that we might go forward and dispose of this bill finally this afternoon. The Senate seems to have nothing whatever to do, and we are panting for something to do. I hope that we can go on continuously until we have voted upon the bill.

I was about to suggest, in reply to the Senator from Montana, upon the point that he did raise, that no man can argue this case intelligently, I think, unless he has in his mind a conception of the way in which he expects it to work. My picture of the way in which the plan submitted on behalf of the committee by the Senator from Montana would operate, is this: We shall have in the Treasury at Washington 10 per cent of all the money collected at all post-offices, or some lesser amount. A man in my own State having a deposit of $5 wants to withdraw it. He must in some way find access to the Treasury of the United States; he must in some way reach the trustees who are in charge of this fund. I can imagine no other way than by making an application for the repayment of his deposit. That application must come to Washington, and here be passed on. If passed on affirmatively or favorably, then a warrant or check upon the Treasury is sent to Iowa; and after all this he will be able to get his money. It is my opinion that if this be the system which is to be established by this bill it will be found utterly unworkable.

On the other hand, I have a picture of the way in which the business would be done if my amendment were to prevail; and I describe it as best I can in this way: The postmaster in the city of Des Moines will be all the while in funds, or with authority to draw from the banks of Des Moines the money which is necessary to cash the deposits of any man who may have put his money into the post-office in Des Moines.

The imaginary depositor, instead of sending an application to Washington and securing a warrant upon the reserve fund in the Treasury of the United States, would go to the postmaster of his own town or city, present the evidence of his deposit, and the postmaster would pay his deposit. If I correctly understand the habits of our people, their commercial customs, there is no other way in which a postal savings institution can be successfully operated. Therefore my amendment provides that the money is to be on deposit in the city or town in which the depositor lives or in which the deposit is made; and I assume that this board will make such regulations as will enable the postmaster of that city or town to draw the money or have the money to pay these depositors exactly as he is now equipped with the money to pay the post-office orders which are issued from time to time by the Government. There is no difficulty whatever in the arrangement if he will just keep a clear idea of how it is to work out. I do not attempt to supply the details, and I agree with the committee entirely that we must submit these details to a board of trustees; but I believe that it should be operated in this way, rather than in the manner reported by the committee.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I do.

Mr. BURKETT. Mr. President, the question which the Senator from Iowa raises in this amendment is, of course, the serious question in this whole matter. Whoever has attempted to draw such a bill realizes that; but let us, for example, take the picture the Senator has just drawn. As I understand, the Senator is going to permit the postmaster of each town to draw a check on the bank for the amount of anybody's withdrawal.

Mr. CUMMINS. May I interpose there?

Mr. BURKETT. I just want to get my grounds right. Of course, the Senator can then explain.

Mr. CUMMINS. If I were the board of trustees, under this bill, that is the plan that I would adopt; but it is not the plan that the board of trustees is compelled to adopt. It has a very wide discretion. The latitude of its powers, as the Senator from Idaho [Mr. HEYBURN] remarked yesterday, is very great. But I would devise some plan, and my amendment contemplates some plan, which will keep the money in the vicinity and which will also provide a way to get that money out of the bank in which it is deposited back to the depositor whenever the depositor wants to get it back.

Mr. BURKETT. Mr. President, so far as that covers the statement, that proposition is absolutely accurate. Nobody would undertake to argue against that proposition. I understand that the Senator's amendments contains some provision contemplating what he has outlined to us; but what I was

going to ask the Senator was this: If, for example, the banks must all the time be ready to pay out the checks of the postmasters of the local communities, this bill provides that they are to pay 2½ per cent interest for the money. If they must hold themselves in readiness to pay these checks of the local postmasters, they must keep a certain fund on hand, and they would not want to pay interest on a fund which they have to keep on hand ready to do business with. What provision would you have in your amendment for that?

Mr. CUMMINS. Mr. President, the question asked by the Senator from Nebraska is entirely a banking question.

Mr. BURKETT. This is all a banking question.

Mr. CUMMINS. When the Government deposits this money in a bank, it of course loses its identity and it is no longer the Government's money, but it is the bank's money. The bank uses that money precisely as it uses the money of any other depositor. The laws of the United States require, and the laws of many States require, a certain reserve in actual cash to be held by the banks in order to meet the demands of their depositors, but these deposits are in no wise different from any other deposits, and the law of reserves would apply to these deposits precisely as to other deposits.

The banks, however, know the general course of business. For instance, take a bank in my own State which has $100,000 on deposit from a country bank. That is a very common thing. It pays 2 per cent or 3 per cent and sometimes 4 per cent upon that deposit, although the country bank can draw every penny of it at any moment that it chooses to do so; but the bank, in taking the deposit and agreeing to pay the interest, reckons upon the continuity of things and upon everything going along in the orderly and usual way. The banks in taking these deposits would know, just as the Senator from Montana has stated, that for years to come deposits would increase every day instead of diminishing. Therefore it would be, as I think, no obstacle in the way of investment to accompany the investment with the privilege of checking upon it, even though the interest of 2½ per cent is required. Have I answered the question of the Senator from Nebraska?

Mr. BURKETT. I think the Senator has covered the ground. There is, however, another question which occurs to me. I will say to the Senator that I tried to work out some way by which a depositor could get his money a little sooner than by sending his application to Washington and having it returned to him. I have been a great deal interested in the suggestion which has been made and which has developed under the discussion which has been had here during the last year of the zone system; that is, for the purposes of the working of this proposed law having some place closer to every community than Washington would be.

I realize the importance of that. But how is the Senator going to guard it or going to make it safe? What provision does he contemplate for making it safe to grant a postmaster in every town in this country the authority to draw checks without any audit system in advance or without any way of checking him up, such checks being virtually orders on the Treasury and paid in advance before they get to the Treasury? What check have you got on the postmasters of this country? Is it not, in short, too big a risk to take with so many postmasters, when there is not any way that you can get bonds in advance? If a postmaster would start to go wrong, he could draw an amount much in excess of any bond that he might have given. On the other hand, if you contemplate something of that kind and undertake to require a bond to cover it, you would necessarily have to make it excessively large. It seems to me that is a contingency for which there ought to be some provision.

Mr. CUMMINS. Mr. President, there never has been a plan devised by which a man could eat his cake and keep it, too. You can not go into a business enterprise of this sort without incurring some risk. Every time the Government enlarges its functions it incurs some risk. I do not pretend that the plan I have suggested, nor do I believe that any plan that can be suggested, will exclude all risk; but we have never lost largely by reason of the power of postmasters to issue money orders.

Mr. BURKETT. We never gave to postmasters or to any other officers this power, so far as I can recall. We never gave any officer of the Government the authority contemplated by the Senator's amendment.

Mr. CUMMINS. Mr. President, that is quite true, for this business is a different kind of business. We have given officers much greater power than is involved in this case. By the bill reported by the committee we are giving the board of trustees power over 10 per cent of this fund. The Senator from Nebraska [Mr. BURKETT] might just as well ask, "Suppose the Secretary of the Treasury, the Attorney-General, and the Postmaster-General should combine together for the purpose of stealing 10 per cent, we will say, of $600,000,000." That is rather an impossible supposition, but it might be done. I do not think, however, that the danger of a little loss here and there is any answer to the equity of a proposition like this. If you are going to take the money of these depositors and lock it up so that it will require a lawyer to assist the depositor every time he desires to draw a little of the money which he has committed to the care of the Government, then you might just as well abandon the whole proposition; but if you are going to make it fairly easy for the depositor—I do not mean to give him free rein—but if you are going to make it fairly easy for the depositor to retake his money, then somebody will have to be trusted in that operation, because you can not make it easy for the depositor to withdraw his money and surround the transaction with all the safeguards that are possible to be put around public funds. I think the amendment that I have suggested, while it does not require any such plan as I have pictured in my own mind as possible—I can conceive of others a great deal more strict and stringent—does give the board an opportunity to make an arrangement that will enable the depositor to be dealt with in some fair and reasonable way in harmony with ordinary business transactions.

Mr. CARTER. Mr. President, since last speaking on this matter I have looked over the amendment presented by the Senator from Iowa, and I observe that the amendment reads:

That the postal savings funds received under the provisions of this act by any post-office shall be deposited in the bank or banks—

I will ask if the Senator has any objection to the word "solvent?"

Mr. CUMMINS. None whatever. I think it is a little imputation upon both the State and the Nation to put it in, for banks that are subject to supervision and examination and are doing business are supposed to be solvent, but I have no objection in the world to putting the word "solvent" in my amendment.

Mr. CARTER. Then I suggest to the Senator that in lieu of the word "village," at the close of his enumeration of places—the amendment reads "such city, town, or village"—the word "neighborhood" be used, so that it would comprehend all communities that would not be classified as either cities, towns, or villages.

Mr. CUMMINS. I would have no serious objection to that, although I used the word "village" because it is the name given to an unincorporated community in our part of the country, and I assume that is true in a great many parts of the country; but I have no objection to using the word "neighborhood" there.

Mr. CARTER. I will ask the Senator if he would object seriously to a proposal requiring that the board shall provide for the maintenance of a reserve fund or a working balance in the bank?

Mr. CUMMINS. No; I would not. I want it in the banks, but I want it to bear interest.

Mr. CARTER. Most assuredly.

Mr. CUMMINS. I look upon the whole fund as a working fund.

Mr. CARTER. I think that the balance ought to be "at least 10 per cent" instead of "not more than 10 per cent."

Mr. CUMMINS. Mr. President, does the Senator mean by "working balance" a balance that does not bear interest?

Mr. CARTER. Not at all.

Mr. CUMMINS. The Senator means a balance that is subject to check?

Mr. CARTER. A balance subject to check.

Mr. CUMMINS. I am perfectly willing, so far as I am concerned, to make that change.

Mr. BRISTOW. Let me make an inquiry. The balance subject to check would be in the banks and not in the National Treasury?

Mr. CUMMINS. Certainly.

Mr. CARTER. In the banks, of course. The suggestion is made for the reason heretofore stated that at times, for instance, during the period when the crops are being moved, a bank would be willing and could well afford to pay more interest for three months' money or six months' money than it could on daily balances, and I think the board ought to be authorized to make arrangements at stipulated times, but not so as to leave the fund without a daily working balance subject to check. That is the purpose of the amendment; and with that change I see no objection to the amendment.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. I desire to make an inquiry. Is it proposed that the Senator in charge of the bill may accept an amendment, and that then it takes status as though it had been voted upon?

The VICE-PRESIDENT. Oh, no.

Mr. CARTER. This was rather a colloquial affair and was a discussion somewhat at random. There was no proposition made to crowd the matter.

Mr. HEYBURN. I did not know whether it was intended for a general statement or not. Of course, we would not want an amendment accepted and thus assume a status as though it had been voted upon.

The VICE-PRESIDENT. Oh, no.

Mr. HEYBURN. I should like to inquire whether it is the intention of the Senator from Montana to further press this bill to-day? If not, I should like to have it laid aside.

Mr. CARTER. Mr. President, I think it is quite obvious that the amendments which have been presented to-day should be printed in order that they may be fully and fairly considered. I wish, however, that all Senators having amendments to offer would offer them at this time, so that they may be given some consideration previous to the moment when we are called upon to act on them.

Mr. HEYBURN. Mr. President, in reply to that suggestion, I would say that under the present condition of affairs it is not practicable to know what you desire or to what you should direct your amendment. Amendments, in the judgment of all Senators, may become necessary or advisable after certain other amendments have been adopted; but it is not possible to anticipate every phase that this bill will present.

Mr. CARTER. Mr. President, I am, of course, as all Senators are, anxious that due consideration shall be given this bill and all amendments presented to it. At the same time, I am extremely anxious, as I doubt not other Senators are, to have a vote taken on the bill at no distant day; and, in order to avoid the necessity of pressing this matter to the inconvenience of Senators, I will ask unanimous consent that a vote be taken on the bill and all amendments then pending on next Monday at 4 o'clock.

Mr. GALLINGER. Mr. President, I think the Senator ought not to ask that, in view of the fact that the Senate is so thin this afternoon. I think the Senator had better ask it to-morrow morning, for instance.

Mr. SMITH of Michigan. What is lacking in quantity is made up in quality.

Mr. GALLINGER. Yes, undoubtedly; but I should myself have to object to that request this afternoon.

Mr. CARTER. Mr. President, I desire that the unanimous consent should be the unanimous consent of the Senate; and if, in the judgment of any Senator, there would more likely be a full expression to-morrow morning, I will not press the request now.

Mr. GALLINGER. I know of two Senators who desire to speak to the bill. Neither of those Senators is present this afternoon. I do not know whether or not it would inconvenience them if the Senator's request were granted this afternoon. So I think the Senator had better let it go over.

Mr. CARTER. I withdraw the request at this time, and state that I will present the request to-morrow morning when the bill is brought up for consideration.

Mr. CUMMINS. Mr. President, I do not in the least want to interfere with the management of this bill upon the part of the Senator from Montana, for I know he will forward it just as rapidly as he can. I, however, should like to make a parliamentary inquiry. Would a motion to make this bill the unfinished business, subject to the rights of the bill that is at the present time the unfinished business, be in order?

The VICE-PRESIDENT. The bill can be made a special order for a given time by the Senate, subject to what is the special order now.

Mr. CUMMINS. I understand perfectly the propriety of postponing the bill to give all who have a desire to offer amendments to it or all who desire to speak upon it an opportunity to do so, but it seems to me that we ought to proceed with the bill, after giving due notice, until it is disposed of. In order, therefore, to test the validity, at least, of my view, I move that this bill be made the unfinished business of the Senate, subject to the rights of the bill (S. 5436) to create a legislative council in the District of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. KEAN. And also appropriation bills.

Mr. GALLINGER. Mr. President, it seems to me that we can not have two bills the unfinished business at the same time. I have never known anything like that in the Senate. I have known when the unfinished business was on the calendar to have a special order that a bill might be taken up at a certain time, subject, of course, to the unfinished business, and ordinarily to appropriation bills, but that was by unanimous consent.

While I am on my feet, Mr. President, I want to appeal to the Senator from Montana not to unduly crowd this bill. We have given it fair consideration. I do not think there is any disposition to unfairly obstruct it—I certainly have no such thought in my mind—but it has been here only two or three days, and the Senator has had most of the time for its consideration. I understand that the Senator having in charge the unfinished business is quite willing to lay that aside from day to day to have this bill considered, and I think we shall come to a vote before long on this bill if the Senator does not undertake to commit us to voting upon it at any given day or at any given hour.

Mr. CARTER. Mr. President, I have no disposition to unduly press the consideration of the bill. At the same time, I reiterate the announcement of my earnest desire to have a vote on the bill within a reasonable time. A motion was not made to displace the unfinished business and to make this bill the unfinished business because of the absence of the Senator from Indiana [Mr. BEVERIDGE], who has charge of the unfinished business. That Senator, before departing from the city, stated to me that if the unfinished business should not be disturbed in his absence he would make arrangements to have it laid aside temporarily from time to time so that this bill might be considered from day to day. I have accepted that suggestion, and will not make the motion, after the close of morning business, to proceed to the consideration of this bill unless unanimous consent is denied, in which event I will feel constrained to make the motion; and that motion, if carried, will of course displace the unfinished business.

Mr. GALLINGER. It will until 2 o'clock. It would not permanently displace the unfinished business if the motion were made in the morning hour.

Mr. CARTER. I understand that, but after the hour of 2 o'clock.

Mr. GALLINGER. Yes.

Mr. CLAY. Will the Senator permit me to ask him a question before he takes his seat?

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. GALLINGER] has the floor.

Mr. GALLINGER. Just an additional word, and then I will yield. I feel sure that if the Senator from Montana is patient, as he usually is—and the Senator has been here a long time and knows that we have not ordinarily disposed of bills of this magnitude in two or three days—I feel sure that, if the Senator remains patient, he will have no occasion to find fault with any of us who have some doubts as to some features of this bill. I think we ought to have a reasonable time to examine it, to look into it, and perhaps to inquire of our constituents as to how they feel about it, and then when we get around to it, which will be in the near future, I am confident we will vote upon it. I think the Senator will agree that that is the proper course to pursue.

Mr. CARTER. I accept in perfect good faith the statement of the Senator from New Hampshire and shall of course not insist unduly on the disposition of this bill with immature consideration, but hope still that a vote will be taken in the near future.

Mr. SMITH of Michigan. I should like to ask the Senator from Montana a question. He said yesterday, if I correctly understood him, that the bill as it had been framed by the committee would restrict the function of the Government in handling these deposits. What I desire to know of the Senator from Montana is whether the Government has more than two or three functions that it can perform in connection with this fund? First, it may receive it and obligate itself to pay interest upon it. Second, it shall deposit it in a local bank, preferably where the fund is accumulated. That is the requirement of the bill, as I understand, and is not left to regulation by a board merely. Third, in the event that it is unable to secure a satisfactory local depository it may invest it. Now, what latitude has the board of trustees in the matter of investment?

The VICE-PRESIDENT. Does the Senator from Iowa withdraw his motion?

Mr. CUMMINS. I have not yet done so.

The VICE-PRESIDENT. The Chair desired to know.

Mr. MONEY. I wish to say a word.

Mr. CUMMINS. I want to say just now that I do not desire that the Senator from Montana shall be held responsible—there were some remarks made which seemed to hold him responsible—for my desire to consider this bill, not to hasten the bill.

Of course, it will take two or three weeks; but I believe we ought to go forward with it with reasonable dispatch until we finish it.

Mr. CARTER. My recollection is that the Senator from New Hampshire suggested that, under the rules and in accordance with the procedure of the Senate, it is impracticable to make two bills the unfinished business—one the unfinished business and the other the unfinished business in a qualified sense. Upon reflection I think it would be unwise to make this bill subject to any other bill. The rules of the Senate give the right of way here to appropriation bills and other bills of public character that require prompt attention when presented. But if by the action of the Senate this bill should be made subject to the Alaska bill, I think that action would preclude a motion to be hereafter made, after the hour of 2 o'clock, to make this bill the unfinished business, in preference to the Alaska bill.

Mr. GALLINGER. Undoubtedly.

Mr. CARTER. Now, a situation may arise where such a motion will be desirable, and that situation could well arise if the Alaska bill was before the Senate and unanimous consent to proceed to the consideration of this bill was denied. A motion to proceed with the consideration of this bill would, of course, if agreed to, displace the Alaska bill; and we do not wish to be restrained in that particular.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I yield.

Mr. HEYBURN. I do not understand that the Senate, in terms, makes any bill the unfinished business. The unfinished business arises by operation of the rules of this body, and a motion to make a bill the unfinished business is not in order. When a bill is taken up after 2 o'clock by a vote, it becomes the unfinished business of the Senate; and if it is not concluded upon the day on which it is taken up, it is the unfinished business by operation of the rules of the Senate, and there can be but one bill in that position at a time.

Mr. GALLINGER. Unquestionably.

Mr. CUMMINS. Mr. President, do I understand the Senator from Idaho to make a point of order against my motion?

Mr. HEYBURN. That this bill be made the unfinished business? Yes. It is not in order to make such a motion.

Mr. CUMMINS. I ask for a ruling.

The VICE-PRESIDENT. The Chair did not understand the Senator from Idaho to make the point of order. Does the Senator make that point of order?

Mr. HEYBURN. I understood the Senator from Iowa to withdraw his motion.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. CUMMINS. The Senator could not possibly have so understood, because I have not done so.

Mr. HEYBURN. Let the motion be stated.

The VICE-PRESIDENT. The motion of the Senator from Iowa is that the postal savings-bank bill be made the unfinished business, subject to the Alaska bill.

Mr. HEYBURN. I raise the point of order. We do not make the unfinished business in that way.

Mr. BACON. Mr. President, I do not want to occupy the time of the Senate.

The VICE-PRESIDENT. The Chair will hear the Senator from Georgia.

Mr. HEYBURN. The Senator from Georgia can not be heard.

The VICE-PRESIDENT. The Chair is informed by the clerk—the present occupant of the chair was not in the chair when the order was made—that the Alaska bill was made the unfinished business not by operation of the rules, but by the unanimous consent of the Senate.

Mr. GALLINGER. By a vote of the Senate.

Mr. HEYBURN. It may have been so worded erroneously, but the motion was to proceed to the consideration of the bill, and that motion having been agreed to, after 2 o'clock the bill became, by operation of the rules, the unfinished business, and it was not because of any motion to make it the unfinished business.

The VICE-PRESIDENT. The Chair was simply stating the information received from the clerk. The present occupant of the chair was not here when that order was made. The RECORD will show whether the clerks are correct or not.

Mr. BACON. I think the Senator from Idaho [Mr. HEYBURN] has stated the rule with absolute correctness. The usual procedure is to move to take up a certain bill, and, as stated by him, if upon adjournment that bill has not been disposed of, and no other bill has been taken up in its place, it is by operation of the rule the unfinished business when the hour of 2 o'clock again arrives on the succeeding session of the Senate. I do not think there is any correct motion to the effect that anything be made the unfinished business. It is the unfinished business if the Senate enters upon its consideration and does not displace it, and the usual way in which that which is the unfinished business is displaced is simply by agreeing to a motion to take up another bill.

Mr. GALLINGER. After 2 o'clock.

Mr. BACON. When that is done it ceases to be the unfinished business, although there may have been no motion couched in that language. I do not think there can be any question about the correctness of that statement.

Mr. CUMMINS. Submitting to parliamentary knowledge that I am sure is superior to my own, and suggesting that I made the motion simply to get the bill along and to insure its disposition some time during the present session, I withdraw the motion.

The VICE-PRESIDENT. The Senator from Iowa withdraws the motion.

Mr. SMITH of Michigan. Now, I should like the Senator from Montana to answer my question.

Mr. CARTER. It was quite lengthy, and the infirmities of memory may not allow me to cover all of the points raised. As I recall, the Senator stated that the Government had but few functions to perform with respect to this fund—first, to receive the deposits; second, to deposit the money in banks in the neighborhood; and, finally, to invest it. Aside from the safeguarding of the funds and the providing of the machinery, the Senator has stated the substance of the proposition.

Mr. SMITH of Michigan. Then it is not contemplated that the board of trustees will by regulations invade that field at all?

Mr. CARTER. Under the bill the board of trustees can invest only as prescribed. If the banks in any locality or State refuse to receive the deposits on the terms prescribed, if they fail or refuse to give the security, or if they decline to pay the rate of interest, then the board of trustees may deposit the money with the treasurer of the board, the Treasurer of the United States being ex officio the treasurer of the board, and the money thus deposited with the treasurer resulting from the failure or refusal of the banks to accept it may be invested in securities of the United States or in approved savings-banks investments of the respective States.

Mr. SMITH of Michigan. Then that puts us in this situation: If in any community the banks should for any reason feel that they have sufficient funds to meet all ordinary demands they will simply refuse to bid for this money, and if they do, the money is to be sent out of the community, deposited in Washington; and to just that extent the local community is to become more dependent upon the regularly constituted local bank.

Mr. CARTER. The Senator from Michigan must take into consideration the fact that the refusal of the money by the bank in the neighborhood, town, or county does not authorize the board to invest it in government securities. The refusal must extend to the State or the Territory, and of course if the banks in the State of New York, for instance, will not receive and pay interest upon the postal deposits received in that State, then the board of trustees may buy Panama bonds or any other bonds they can buy or think proper to buy in the interest of the fund. That is for the purpose of avoiding the loss of interest.

Mr. SMITH of Michigan. Then, we find ourselves in this situation: We are seeking to establish competition in the banking business——

Mr. CARTER. Who is the other fellow?

Mr. SMITH of Michigan. We are seeking to establish at least a new system whereby the man with excess money may put it in the Government's possession—money that would probably be otherwise gathered and put into local enterprises if it were not for this provision.

I know of instances in the last stringency where thousands upon thousands of dollars were invested in postal money orders, not drawing any interest at all, because the people thought that the money was more secure with the Government than in the banks. But, alas, we now propose to go into partnership with the banks by the terms of this bill. Mr. President, there has been a good deal of fencing in the Senate over this bill by the opponents and the advocates of it; fencing evidently for time or for advantage or for some other reason. We may as well come directly to the merits of the proposition before us and determine whether the United States Government shall be forced into practical partnership with the banking interests of the country. If we take the money in at a post-office, why not return it to the depositor through the same agency and make it indeed a government function?

I do not believe it will be satisfactory to introduce any other intermediary. The Government can not afford to delay repayment; lack of funds would be no excuse under such a trusteeship, and this money must not be employed in general banking. It must be wisely and securely placed within easy reach of the depositor and returned promptly on demand; otherwise the Government will be blamed and the very foundation of all confidence destroyed. In England more than 11,000,000 people patronize it; in Japan more than 8,000,000 people; in France more than 6,000,000 people, with millions upon millions of money to their credit, and if the same situation follows the establishment of the postal savings bank here millions of our own countrymen will demand of the Government that they shall make good these deposits as their necessities require. The Government may some time be called upon to augment their reserves for the purpose of meeting that situation. It seems to me it raises a very great question of public policy as to how far the Government ought to go into partnership with the banks in this matter.

I think this will grow to be a very large fund. I would not, under any circumstances, vote to create a board and give it the power to say how and where these funds shall be deposited or the rate of interest that shall be paid, especially in view of the fact that it would be entirely political, frequently changed, and subject to geographical and sectional influences.

Is the Post-Office Department, that has never been run at a profit, always honeycombed with political bias, to be trusted with the additional responsibility of finding investment for hundreds of millions of dollars? No. Let us fix the conditions in the law, if at all, so that every citizen may understand them and know exactly the conditions governing the relationship. I do not say that I shall oppose the bill. I only say that it is serious and of great magnitude and smacks very largely of paternalism, which, if carried much further, may destroy the initiative of the individual, which has done so much to raise the standard of our citizenship in the eyes of the world.

Mr. President, I am anxious to see the bill carefully considered, and hope that if it is passed it will be advantageous to the country. But if we should see more harm in it than good, if it would operate at any time to inflame the people against their Government or cause them to doubt its stability, then it is of such serious magnitude as to challenge the utmost scrutiny at the hands of Senators.

This is the time above all others when the Senate, resting on its oars, if it ever does, should consider such a proposition as this. By and by we will have other important questions to settle. The House of Representatives is busily engaged on the supply bills that will come to us very soon. When they come, we will not have so much time to give to the consideration of this question and will be asked to pass it under whip and spur. I hope it will be considered now and the amendments offered.

Mr. BRISTOW. I should like to inquire of the Senator from Montana if the Senator from Michigan is not in error when he suggests that this bill as it is proposed will place in the hands of any board, political or otherwise, the investment of funds? The funds are not to be invested; they are to be deposited in the banks, according to the specific provisions of this bill.

Mr. SMITH of Michigan. Providing the banks desire the deposits. If the banks should decline the deposits, the money must be held indefinitely until it has been invested.

Mr. BRISTOW. Does the Senator think that under the provisions of the bill the deposits would be refused by the banks of any State in the Union?

Mr. SMITH of Michigan. I hope not, Mr. President, and yet there are times when banks are not anxious to pay for money on deposit. There are banks in the country that are very prosperous which do not pay any interest at all on deposits.

Mr. GALLINGER. If the Senator will permit me, I think I am safe in saying there is not a bank in my State, outside of savings banks, that pays interest on deposits. No national bank in New Hampshire pays interest. I have no idea they would accept this money.

Mr. SMITH of Michigan. The reason I interrogated the Senator from Montana as to the uses to which this fund could be applied under the bill was because I understood the fund accumulated would go directly to the banks in the community, both State and National, and remain with them as a permanent fund until the depositor asked for its return. I can see an advantage in a permanent deposit of that kind which remains practically unimpaired for years, and believe the banks can afford to pay 2 or 2½ per cent on it, because they can count upon it from day to day.

Mr. SMOOT. I wish to suggest to the Senator from Michigan that I believe this bill allows the board to invest every dollar of the money, not only the money that is refused to be taken by the banks, but every dollar deposited in any bank in this country. The board of trustees have a right to invest it as prescribed by them.

Mr. SMITH of Michigan. Do you mean to withdraw it?

Mr. SMOOT. To withdraw it from any bank in the country.

Mr. SMITH of Michigan. And reinvest it?

Mr. SMOOT. Transfer it to any part of the country and reinvest it in securities prescribed by the board.

Mr. SMITH of Michigan. If that is the case, I would not vote for it under any consideration. I would not lodge with any political board the power to deprive a thrifty community of the use of the accumulations and savings of its own citizens. This was my objection to the bill reported last year, and I then urged that its scope should be broadened so that communities would not be discriminated against, so that the savings might be deposited in state or national banks, thus insuring their retention in the neighborhood where raised.

Mr. CARTER. That does not happen to be the case. I think the Senator from Utah has forgotten that the suggestion was made that he prepare any amendment he thought fit to forestall any such operation as he thinks possible under the phraseology of this bill. The committee have no such thought. They undertook to guard against the identical thing the Senator suggests as being feasible under the bill.

Mr. SMOOT. I simply want to suggest to the Senator from Montana that I spoke of it again on account of the fact that the Senator from Michigan was not present at our former discussion, and he in his remarks confines the money that could be transferred from one section to another to the money that was refused by the banks, whereas I claim that under this bill the whole of the money can be transferred from one section to the other.

It is true that the Senator from Montana claims that that is not the intention of the committee, and it is also true that he asked that I prepare an amendment to make this point more specific, and that I intend to do. But I simply wanted to call the attention of the Senator from Michigan to the fact, as I saw it, and as I understand the bill.

Mr. BRISTOW. I rose to bring out the very point that the Senator from Montana is emphasizing. The Senator from Utah is making the objection that he made some time since, in the earlier part of the afternoon, as to which the Senator from Montana said that if the provisions did admit of the transfer as suggested by the Senator from Utah, he himself wanted it corrected, and invited the Senator from Utah to offer an amendment that would do it. So that is eliminated, so far as the consideration of the bill by the Senator from Montana is concerned.

I apprehend that there is no danger that a State in this Union will permit the funds to be withdrawn by this board because they are not worth, for investment in the enterprises of that State, 2½ per cent. If there is any State where money is so plentiful and the industries so dead and the enterprises that are seeking money so scarce, then I think it is altogether proper the board should have the power to withdraw the money and invest it where it is needed more.

Mr. SMITH of Michigan. Then that opens up the question of their discretionary power. Take it in the South, for instance, when the cotton crop is being moved, or in the West when wheat and corn is being moved, and they require large sums of money. Is it possible that the board is to have the discretion to transfer these funds from section to section, as occasion may require?

Mr. BRISTOW. This board has no discretion to transfer funds at all. When the funds are deposited in the banks they are there and can not be transferred. They remain there in that community.

Mr. SMOOT. Under this bill?

Mr. BRISTOW. Under this bill, if amended as you suggest. If the Senator from Utah will get into his head that the amendment he wants everybody is for, and take it for granted that it is now in the bill, it will eliminate a good deal of this discussion.

Mr. SMOOT. I do not know——

Mr. BRISTOW. The board has no authority to transfer any of these funds unless the banks of the State refuse to accept them at 2½ per cent.

Mr. SMITH of Michigan. Or unless the banks of the various States fail to meet the requirements.

Mr. BRISTOW. Unless they could give the security the board desires or the law fixes.

Mr. SMITH of Michigan. They have discretionary power in that regard. I presume that it is a wise discretion, although it might be subject to political influence.

Mr. BRISTOW. The bill plainly provides that they shall give indemnity bonds or collateral security for the return of the funds when the depositors demand it, and of course the Senator from Michigan would not want that eliminated from the bill.

Mr. SMITH of Michigan. No; I would not.

Mr. CARTER. Mr. President, some of the observations of the Senator from Michigan [Mr. SMITH] go to the question of public policy, and I think it is well to very briefly consider that feature. It is not the intention to interject into the affairs of this country any experimental legislation.

As I took occasion to say yesterday, this postal bank system, conceived in the interest of and operated for the benefit of the poor people, has been tried out under all conditions of political organization and geographical extent known to men. It has been in operation in Great Britain since 1861, at the close of over fifty years of agitation on the subject to take it up. In 1888 Mr. Gladstone, who advocated the bill, made this statement in the House of Commons:

> The post-office savings bank is the most important institution which has been created in the last fifty years for the welfare of the people and the State. I consider the act of 1861, which called the institution into existence, as the most useful and fruitful of my long career.

There are 11,000,000 depositors in the savings banks of the United Kingdom. They have in the neighborhood of $700,000,000 on deposit, an average of about $72 per capita. There are a large number of depositors in Japan, with an average deposit to the credit of each of a little over $5.

The provisions of the bill here under consideration do not contemplate any departure into the domain of banking. The bill does not contemplate extending facilities to any person of large means to engage in financial operations. It proposes to extend to the people of this country a class of accommodations extended by the enlightened governments all over the world to their citizens and subjects, to enable the poor people, the children, the stokers, the laboring classes, to save up small pittances with the guarantee of the Government for their repayment.

Now, as to the question of the duty of the Government in this behalf, one of the most deplorable things that can happen anywhere and one of the most pathetic sights to be witnessed on this earth is the failure of a savings bank and the collection of weeping women and disheartened men and children surrounding its closed doors. There is the breeding ground of anarchy, because these poor people can not understand the legerdemain through which their hard-earned wages and savings are taken from them, and that, too, by a process they can not understand. It is the duty of the Government, as it is the interest of the Government, to give to struggling men absolute safety for their small pittance of daily savings up to such point as will enable them to accumulate a sufficient amount to buy an humble home or to invest in something of a stable and reliable character.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. I do.

Mr. SMITH of Michigan. I should like to suggest to my honored friend, the Senator from Montana, that that sounds very much like some of the arguments made in behalf of the Oklahoma bank-guaranty plan.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. I notice my distinguished friend, the Senator from Oklahoma [Mr. OWEN], sitting near the Senator from Montana; and I think that the arguments that both have made along this line harmonize without very much difficulty.

Mr. OWEN. Mr. President, I wish to suggest to the Senator from Michigan that since the guaranty plan was adopted in Oklahoma the state bank deposits have increased from $18,000,000 to over $50,000,000.

I will suggest further to the Senator from Michigan, that if he be no more accurate in his discriminating allusions to the Oklahoma bank-guaranty fund than he is to his criticisms on this bill, his observations are not of really great value, because in this very bill he points out that there is no limitation put upon the interest to be charged, and he points out further objections which the bill on its face shows to be unfounded.

Mr. SMITH of Michigan. No; I did not say that, Mr. President. I did not say there were no limitations as to interest. I knew that the bill fixed the rate of interest.

Mr. OWEN. The notes, I think, will show that the Senator did not express clearly what he intended to say.

Mr. SMITH of Michigan. I think they will show that the Senator has not understood me.

Mr. OWEN. That may be entirely possible, and if that observation was not made by the Senator from Michigan it is not material anyway.

But I want to say on behalf of this measure that it not only will be beneficial to the poor people of the country in having some place where they can place their savings with absolute security, but it is far more important to the United States that this system should be established under the safeguards of this bill, for the reason that it will, above all other considerations, give stability to the commerce of the country, because the very evil which leads to panic in this country, the timidity of the weaker and the poorer depositors, who always make a rush upon the banks in times of financial stress, will be eliminated; and instead of being a source of weakness to the stability of our national commerce, the bill will provide that these persons, even at such times, in withdrawing perhaps deposits from the banks immediately to place them in the hands of the Government of the United States, would, in fact, have those very funds withdrawn placed back in the banks of the immediate vicinity.

Not only is that a sound reason, but the further reason pointed out that to the large number of depositors in stimulating their providence it also stimulates their patriotism, and it will make them all the more earnest and zealous in supporting the Government because of the confidence inspired by their deposits in the hands of the Government.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. I yield.

Mr. SMITH of Michigan. Mr. President, I have the highest respect for my friend the Senator from Oklahoma, and I would not intentionally raise a question that might excite his ire.

Mr. OWEN. That is impossible, Mr. President.

Mr. SMITH of Michigan. But I have been very badly misinformed if the bank-guaranty law in Oklahoma has operated to strengthen the confidence of the people of Oklahoma in the government of the State.

Perhaps I am in error about it, but I have noticed only recently a bank failure which involved thousands of depositors and a large sum of money, where the officials of the State of Oklahoma were very sharply criticised for it and judicial proceedings threatened to ascertain whether there had been neglect in state supervision over the failed bank. If I am in error about it, if the system does kindle the patriotism of the people of Oklahoma and really gives them greater security, and if it will operate advantageously to the American people, perhaps that ought to be one very good reason for adopting it.

Mr. OWEN. It is an excellent reason, Mr. President; and the fact that the people of Oklahoma have increased their deposits over 100 per cent under this system, that the deposits have gone from $18,000,000 to over $50,000,000, is the best evidence of their belief in the wisdom and stability of the plan.

Mr. SMITH of Michigan. Mr. President, I think all values in Oklahoma have increased proportionately from general causes during the same period.

Mr. OWEN. Mr. President, we are under some obligation to the people who are emigrating from Michigan to Oklahoma, realizing how much better Oklahoma is than some other parts of the Union.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 2, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1910.

SURVEYOR-GENERAL.

Edward H. Archer, of Madison, Cal., to be surveyor-general of California, vice William S. Graham, term expired.

REGISTER OF THE LAND OFFICE.

Charles D. Ford, of Colorado, to be register of the land office at Denver, Colo., his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Stephen M. Hackney, Sixth Infantry, to be major from January 31, 1910, vice Maj. Richard R. Steedman, Sixth Infantry, retired from active service on that date.

First Lieut. James M. Kimbrough, jr., Twenty-seventh Infantry, to be captain from January 31, 1910, vice Capt. Stephen M. Hackney, Sixth Infantry, promoted.

Second Lieut. Roland W. Boughton, First Infantry, to be first lieutenant from January 31, 1910, vice First Lieut. James M. Kimbrough, jr., Twenty-seventh Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1910.

CENSUS SUPERVISORS.

Harry Burns to be supervisor of the census in the sixth district of Georgia.

William J. Schmidt to be supervisor of the census in the fifth district of Wisconsin.

Lester B. Dresser to be supervisor of the census in the tenth district of Wisconsin.

UNITED STATES ATTORNEY.

Francis S. Howell to be United States attorney for the district of Nebraska.

POSTMASTERS.

ARKANSAS.

John W. Bell, at Greenwood, Ark.
Frank H. Kennedy, at Cotton Plant, Ark.
James C. Russell, at Camden, Ark.
Henry M. Sugg, at Dardanelle, Ark.

CONNECTICUT.

George D. Carey, at Sound Beach, Conn.
William H. Marigold, at Bridgeport, Conn.

GEORGIA.

Walter Akerman, at Cartersville, Ga.
Samuel E. Dailey, at McDonough, Ga.
James F. Overstreet, at Douglas, Ga.
Jerome E. Poche, at Washington, Ga.
William H. C. Tate, at Dahlonega, Ga.

IOWA.

Frederick H. Clark, at Lake View, Iowa.
Fred C. McCall, at Nevada, Iowa.
George L. Robb, at Albia, Iowa.
Samuel G. Wilson, at Delta, Iowa.

MAINE.

Walter E. Clark, at Waldoboro, Me.
Frank M. Hume, at Houlton, Me.
James H. Phair, at Presque Isle, Me.

MARYLAND.

Charlton Sasscer, at Upper Marlboro, Md.

MASSACHUSETTS.

George F. Bourne, at Lenox, Mass.
Harold A. Foster, at North Brookfield, Mass.
Frederick H. Fowler, at Walpole, Mass.
William A. Murphy, at Amesbury, Mass.
Peter P. Smith, at Adams, Mass.
Edgar J. Whelpley, at Salem, Mass.

MICHIGAN.

Faustina M. Towle, at Gaylord, Mich.

MISSOURI.

Samuel A. Chapell, at Monett, Mo.
Henry Gilbert, at Marshfield, Mo.

OKLAHOMA.

Edmond Arnold, at Holdenville, Okla.
Herbert Caldwell, at Hinton, Okla.
Nolia B. Dore, at Westville, Okla.
Elijah E. Norvell, at Wynne Wood, Okla.
Arthur J. Plunkett, at Porum, Okla.
Jesse E. Ramey, at Porter, Okla.

PENNSYLVANIA.

Clayton O. Slater, at Latrobe, Pa.

RHODE ISLAND.

Walter A. Hill, at Phenix, R. I.

VERMONT.

Frederick Chapman, at Woodstock, Vt.
Orrin H. Jones, at Wilmington, Vt.
John A. Sheldon, at Rutland, Vt.

WISCONSIN.

John M. Tompkins, at Granton, Wis.
James T. Webb, at Lancaster, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 1, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18162, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911; Mr. CAMPBELL in the chair.

The Clerk read as follows:

For salaries and field and station expenses necessary for the use, maintenance, and protection of the national forests.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of securing some information from the chairman of the committee. I notice that the chairman calls attention to the fact that the appropriation is increased by the sum of $397,500 by reason of the addition of approximately 26,000,000 acres to the area of the forest reserve. I find on reference to the report of the Forester that of the approximately 26,000,000 acres added to the area of the reserves about 14,000,000 acres was added in Alaska. Therefore of the increase of $397,500 that is asked for I assume that a proportion of that increase is made necessary by these Alaskan additions. I now find on computing the proportion that the Alaskan additions bear to the total additions that there has been added to the bill $220,110 on account of additions in Alaska, and yet when I turn to the bill and the item now under consideration, for salaries and field and station expenses necessary for the use, maintenance, and protection of the national forests, the two national forest reserves in Alaska, the Tongass and Chogach, are only given the sum of $18,500. In other words, while the committee increases the appropriation by reason of the additions to the reserves in Alaska $220,000 and over, the committee only provides for expenditure in Alaska $18,500. I am anxious, Mr. Chairman, if I can, to reduce the appropriation by the amount it has been increased on account of increased reserves in Alaska, less the sums which are to be used in Alaska. Unfortunately, the new arrangement of dividing up appropriations by reserves presents a condition of affairs where it is almost impossible to find that $220,000. It is somewhere in this bill, because it is an additional appropriation made on account of Alaskan additions. The problem is to find it.

It is not proposed, however, to use any considerable portion of it in Alaska. Then where is it? Whereabouts in the bill is it concealed? There were 12,000,000 additions to the forest, but as they were divided among the various reserves, it is impossible to say whether the additional appropriation which the committee give on account of these reserves, about $175,000, is used for this service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, in reply to the statement of the gentleman from Wyoming, I wish to say that, as he himself has suggested, it is impossible to locate every dollar of the addition which is authorized in the bill to the current appropriation for the use of the forests. In a general way, however, I may say this: The amount of the appropriation in the current law for taking care of the forests is equivalent to 2.7 cents per acre, whereas the amount carried in the pending bill for this purpose is only 2.5 cents per acre. If the same rate were maintained in this bill which prevails in the present law, the amount of increase would be $715,000 instead of $397,500. The committee feels, therefore, that it has not been extravagant in authorizing this increase.

I think gentlemen do not take into account—because they have not looked the matter up and do not know—the enormous addition to the work of the bureau made necessary by the very great increases in the uses of the forests. It would perhaps surprise gentlemen to learn that each ranger in the forests as now organized has under his jurisdiction 103,000 acres, whereas under the old system, away back in 1901, while the forests were still under the care of the Interior Department, and practically no use was being made of them, each ranger had under his jurisdiction only 98,000 acres. To give the House some information as to the extent to which the work of the bureau has been multiplied by the increasing demand for the various

utilities of the forests, I read an extract from the statement of Mr. Pinchot before the Committee on Agriculture in the hearings on page 201:

In 1901 there were 2,300 permits for grazing. Last year there were 27,000. In 1901 there were no special-use permits. Last year there were 5,000. In 1901 there were no permits for crossing forests with stock. Last year there were 2,000. In 1901 there were no permits for private land grazing. Last year there were 1,200. In 1901 there were 283 free-use permits. Last year there were 33,000. In 1901 there was a total of 2,600 permits. This last year there were 69,000. Of timber sales in 1901 there were 31. This year there were 5,000.

Gentlemen will realize——

Mr. TAWNEY. How does the area of the forest compare now as with the year the gentleman is making comparisons?

Mr. SCOTT. The area of course has enormously increased; but I have just stated that in 1901, with the small area of the forests and with practically no use being made of them, there were more rangers in proportion than there are now.

Mr. TAWNEY. The timber sales of course would necessarily increase?

Mr. SCOTT. Certainly.

Mr. TAWNEY. Is the proportion any greater now than in 1901?

Mr. SCOTT. I have not figured it out. And it does not make any difference so far as my argument is concerned. I am trying to account for the necessity for the large increase in these appropriations, and it seems to me abundantly accounted for when I cite the enormous growth in the work that devolves upon the service.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAWNEY. I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. What was the appropriation for the Forest Service of 1901, and what is it now?

Mr. SCOTT. In 1901 the appropriation was $80,000; in 1910 the appropriation is $4,966,319.

Mr. MONDELL. That is some slight increase.

Mr. SCOTT. Certainly. It is an enormous increase, but not disproportionate to the area of the forests and the use that is made of them.

Mr. MANN. Can the gentleman tell us how much are the receipts now of the Forest Service?

Mr. SCOTT. The receipts from all the uses of the forest in 1909 was $1,870,000.

Mr. MANN. That may be properly deducted from the expense?

Mr. SCOTT. Undoubtedly.

Mr. MANN. In making a comparison.

Mr. SCOTT. Certainly.

Mr. TAWNEY. And still leaves three millions and a half, as compared with $80,000.

Mr. MANN. Well, yes.

Mr. SCOTT. Mr. Chairman, if no amendment is pending, I will ask that the reading shall proceed.

Mr. MANN. I desire to ask the gentleman a question: You have carried in the bill $4,708,000 for the Forest Service; about $750,000 of that is for work outside of the forest reservations?

Mr. SCOTT. Yes, sir.

Mr. MANN. These forest reserves are largely what would be called virgin timber, are they not, so far as they are timber at all?

Mr. SCOTT. That is my understanding.

Mr. MANN. If they will ever be profitable to handle as forests, ought they not to be profitable now?

Mr. SCOTT. The reason they are not profitable now is that there is available for lumber uses at the present time a very large amount of land in private ownership, that is better situated, in which the timber can be reached and cut and transported at less expense than it can in the national forests. The gentleman will realize that the more accessible timber was, of course, first sought by private enterprise, and by the time the national-forest policy was adopted there remained but little forest upon the national domain that was readily accessible. For the most part it is in the high and more remote areas of the mountains, and the sale of timber on many of the national forests will not be a profitable business, I take it, until the more accessible private holdings have been disposed of to a considerable extent.

Mr. MANN. I suppose the gentleman is fairly accurate in that statement, and yet the great forests which were available a few years ago, easily accessible, have been largely destroyed. There is not much in the way of great forests any more like those that were in Michigan, Wisconsin, and Minnesota. The forests in California, Oregon, and Washington are not under the control of the forest reserves, in the main. There is this Rocky Mountain territory, where there is more or less forest, largely under the control of the Forest Service. Now, if there ever will come a time when the forest reserves can be made profitable, I do not understand why they can not be made profitable now. They start in with timber certainly as mature as it will ever be, in the main, because it is old enough to have attained its development.

Mr. SCOTT. Mr. Chairman, the timber that is cut in the national forests is cut at a profit to the Government. The gentleman must not lose sight of the fact that there is an enormous amount of work done upon the national forests which is not directly concerned with the sale of timber. By far the larger part of this appropriation is expended in the protection of the forests, in guarding them against fire, in looking after the various uses of the forest not directly connected with the manufacture of lumber. The only expense that can be properly charged against the sale of timber, I take it, is the expense of the men directly connected with that sale, whose salaries must be paid on account of the sales, and those proceedings, as I understand it, are profitable. We simply have not yet been able to develop the forests to a degree which makes it possible for us to sell enough timber to make them self-supporting.

(The time of Mr. MANN having expired, by unanimous consent it was extended five minutes.)

Mr. MANN. I do not lose sight of the fact that the greater portion of the expense is not in connection with the cutting of the timber, but I have heard time out of mind from the Forest Service since I have been in this House, and especially from the very distinguished gentleman who was the Forester, that the Government or other people could profitably maintain forests. That would include not only the cutting of the timber but the preservation of the forest. Now, if the Government can take possession of a virgin forest, where timber is as large and mature as it will ever get, timber that is fairly convenient to transportation—because even in the Rocky Mountains they have the largest of the sawmills—why can not the Government make these forest reserves profitable? They say that other people can make forest reserves profitable. They say that the Government can maintain a forest reservation and make it profitable. Why do they not make it profitable?

Mr. SCOTT. Mr. Chairman, it seems to me the answer which I made to the gentleman's question when he first propounded it ought to be fairly satisfactory.

Mr. MANN. I agree that it is the only answer that can be made, and yet it is not to me satisfactory. I would like to ascertain, if possible, whether the Government, maintaining these forest reservations, does it on the principle of keeping the timber in the future so that it can not be used at all, or whether they do it on the principle that the Government, by maintaining forest reserves, can make forestry profitable.

Mr. LAMB. I want to say to the gentleman from Kansas that his statement corresponds to the report of Mr. Pinchot.

Mr. SCOTT. I was just going to read a brief extract from the hearings before the committee, which I think will throw some light on this question and will confirm what I have just stated. The Forester said:

It is rather curious that in 1901, long before the Forest Service had charge of the national forests, the area to be taken care of by one ranger amounted to about 98,000 acres; and at that time there was practically no work being done on the national forests. Now, with the enormous amount of work being done, one ranger has to take care of 103,000 acres. I would like to illustrate that, if I may. Mind you, each ranger under this bill will have a larger area to take care of than he had in 1901, and also the additional business to which I am about to refer in round numbers. In 1901 there were 2,300 permits for grazing. Last year there were 27,000. In 1901 there were no special-use permits. Last year there were 5,000. In 1901 there were no permits for crossing forests with stock. Last year there were 2,000. In 1901 there were no permits for private land grazing. Last year there were 1,200. In 1901 there were 283 free-use permits. Last year there were 33,000. In 1901 there was a total of 2,600 permits. This last year there were 69,000. Of timber sales in 1901 there were 31. This year there were 5,000.

In other words, not only has the area which a ranger has to take care of increased since 1901, but the work which that ranger has to do has multiplied in some cases hundreds and even thousands of times.

Let me interject a remark that it has been the policy of the Forester always to encourage small sales to men of limited capital rather than to sell the timber to great corporations which own large bodies of their own. Indeed, the service has always refused to make timber sales to great corporations when it knew that they were the prospective purchasers, because it did not want to encourage the corporations to hold their own timber until the supplies on the national forests should be exhausted and they could then force a monopoly price on their own products. I believe that has been a wise policy.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SCOTT. I will yield to the gentleman from Wyoming.

Mr. MONDELL. The chairman does not intend to be understood as saying that the Forestry Bureau has not sold timber to great corporations?

Mr. SCOTT. I have the word of the late chief for the statement that it has never knowingly done so.

Mr. MONDELL. In my State the only people it has sold any amount of timber to are the large lumber corporations in the State. Of course, they are not vast corporations, because it is not a great timber country; but their sales have all of them of any moment been to people operating on a very large scale.

Mr. MANN and Mr. GOULDEN rose.

Mr. MANN. Mr. Chairman, in whose time is the gentleman speaking, in his own time or mine?

The CHAIRMAN. The gentleman from Kansas has the floor. The gentleman from Illinois had taken his seat.

Mr. MANN. But that was only to rest. [Laughter.]

The CHAIRMAN. The Chair did not know for what purpose the gentleman from Illinois sat down, and recognized the gentleman from Kansas.

Mr. SCOTT. I will yield to the gentleman from New York.

Mr. GOULDEN. I would like to ask the gentleman what is the total amount carried in the bill for the maintenance of this service?

Mr. SCOTT. For the entire service?

Mr. GOULDEN. Yes.

Mr. TAWNEY. As I read it, it is $5,043,000.

Mr. SCOTT. The entire appropriation for Forest Service is $5,043,700.

Mr. GOULDEN. What is the income from all sources?

Mr. SCOTT. One million eight hundred thousand dollars.

The CHAIRMAN. The time of the gentleman from Kansas has expired, and the pro forma amendment of the gentleman from Wyoming is withdrawn.

Mr. COX of Indiana. This bill says, on page 25, "official traveling and other necessary expenses." I notice that the Government pays the ordinary expenses of postal employees by giving them an allowance per diem, and I think probably the same rule obtains in the Census Department. I would like to ask the gentleman how the employees of this bureau travel; on passes?

Mr. SCOTT. Not at all.

Mr. COX of Indiana. Their expenses are paid?

Mr. SCOTT. Yes; on itemized vouchers.

Mr. COX of Indiana. Rendered each month?

Mr. SCOTT. Rendered each month.

Mr. COX of Indiana. Can the gentleman inform the committee about how much the expenses amount to carried in this item a year? I mean the traveling expenses and living expenses and whatever the expense may be.

Mr. SCOTT. The gentleman will notice that the allowance which he has read applies to all the expenses connected with the maintenance of 50 or 60 forests which follow. I can give him an estimate for the traveling expenses of any one of these foresters.

Mr. COX of Indiana. If the gentleman will please do so.

Mr. SCOTT. I find in these detailed estimates the station, field, and traveling expenses are lumped together, and in the Kansas National Forest, which I happen to turn to first, the allowance for these expenses is $705.

Mr. COX of Indiana. Has the gentleman investigated with a view of determining whether or not any economy could be obtained by allowing a per diem instead of paying the full expense?

Mr. SCOTT. It has been the judgment of the committee, based on the experience of the department, that better results in the way of economy are obtained by requiring itemized vouchers, which are sworn to and present the actual expense incurred, than by allowing a lump sum for expenses.

Mr. COX of Indiana. The per diem allowance given to the postal employees while traveling in the interest of the Post-Office Department ordinarily is $4 per day. Can the gentleman say whether or not these expenses, upon an average, will reach that amount per day?

Mr. SCOTT. Mr. Chairman, it has been several years since I investigated that particular matter, and I should hesitate to speak, because I would not feel that I was sure of being right. I can only say that at the time the committee did investigate that particular matter it reached the conclusion that the practice to which I have alluded brought better results.

Mr. COX of Indiana. I am rather inclined to the gentleman's view that it should only include the actual expense. I think it would be economy to the Government if that was practiced all around.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph. The gentleman from Illinois wants to know why the various reserves do not pay. That is a very simple proposition. The administration of the forest reserves is so scandalously extravagant that it would be utterly impossible for the reserves to pay under any reasonable or proper system of sales. I desire to call the attention of the committee to the fact that the Agricultural Committee states in its report that it has added $397,500 to this appropriation by reason of approximately 26,000,000 additional acres of reserves. That is approximately a cent and a half an acre. Of the 26,000,000 acres added to the reserves, approximately 14,000,000 acres are in Alaska. On the basis of a cent and a half an acre there has been added to this bill $220,110 on account of additional reserves in Alaska. When we turn to the appropriation for the reserves in Alaska, however, we find that the two reserves in that territory together have an appropriation of only $18,500, so that there is over $200,000 added to this bill for Alaska that is not used in Alaska, and still the committee has added it to the appropriation on the theory that it was necessary for the care of the Alaskan reserves.

Mr. TAWNEY. Can the gentleman from Wyoming state whether or not the two Alaskan reserves referred to specifically in this bill include the Alexander Archipelago reserve? I can not find it anywhere.

Mr. MONDELL. The two reserves I find are the Tongas and the Chogach.

Mr. TAWNEY. The Alexander Archipelago reserve is the one which includes all of the islands of southeastern Alaska, including Prince of Wales Island, which is 175 miles long and about 75 miles wide. I wanted to know whether that was included in this or not.

Mr. MONDELL. Mr. Chairman, in answer to my inquiry why this addition was made, the chairman of the committee, the gentleman from Kansas [Mr. SCOTT], called our attention to the fact that they were doing more on the reserves now than formerly, that there was greater activity upon the reserves, that there was a greater number of permits and more work on the reserves. Well, if these additional appropriations were to be made on the ground of additional activity, on the ground of necessity for additional clerical force, on the ground of necessity for additional rangers, it seems to me that the Forest Service should have been frank with the House and have said so; but the Forestry Bureau, following its usual line of lacking somewhat in candor with regard to its appropriations, has asked for over $200,000 on account of additional reserves in Alaska, and yet it is only proposing to use $18,500 in Alaska.

In other words, it is simply a pretense, a pretext for adding to the appropriation, and as Alaska contains 378,000,000 acres they can add to the area of the reserves in Alaska year after year until they cover the entire territory and get this appropriation up to $10,000,000, all on account of Alaska, and yet use but a trifling sum there.

Mr. SCOTT. Mr. Chairman, will the gentleman permit me to correct his figures? The bill carries a provision for two forests in Alaska, and the aggregate appropriation for it is $26,148 instead of the $18,000 the gentleman states. It is a very small matter, and I realize that it does not impair the force of the gentleman's argument, if his argument is otherwise sound. I wish to make this suggestion: The gentleman has stated that the reason the Forest Service can not be conducted profitably is because it is carried on with such wild extravagance; I believe he used the term "scandalous extravagance"——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. SCOTT. I hope before he closes he will try to inform the committee in what particular this extravagance lies. The Committee on Agriculture certainly wants to know it, if it exists, and the House wants to know, and the gentleman ought not to make a statement of that sort, and, I presume, has not made it, without abundant basis upon which to make it.

Mr. MONDELL. Mr. Chairman, I regret that in the space of five minutes it is utterly impossible for me to even begin to express my views as to the scandalous, scandalous extravagance of the Forest Service.

Mr. TAWNEY. I ask unanimous consent that the gentleman from Wyoming may proceed for ten minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I do not know that I desire ten minutes. Forestry and forest reserves have been a fad with the American people for a few years past and it does not seem to matter to them how much it costs. I realize that, and I have exposed myself to all sorts of criticism by being one of the very few people who have had something to say about the extravagance of the service. I have gone into it quite fully in other sessions of Congress. I realize it did not do a particle of good; I realize it did not do any more good than it does now for me to remind the House there is about $220,000 added to the appropriation carried in this bill on the statement of the Forest Service that it is needed for the control and care and maintenance of the additional 14,000,000 acres of reserves in Alaska, while as a matter of fact a comparatively small sum is used in Alaska. As to the 12,000,000 acres of the added reserve it is utterly impossible for us to determine whether the additional sum which the committee gives is to be used within those areas, because it is divided up among many reserves, but in Alaska we have a concrete case.

Approximately 14,000,000 acres are added to the reserves in Alaska, and that makes, on the basis of 1½ cents an acre, the sum of $220,110 added in this bill because of the necessity of policing, patrolling, and caring for these reserves in Alaska. But when the committee comes to appropriate for Alaska—and I am not making a criticism of the committee, I have the highest regard both for the committee and its most able, diplomatic, and good-natured chairman—I realize they are dealing with a thing that is a national fad; I realize how futile my arguments or statements are in the face of the insistence of the American people that this fad shall run to the limit. But a few thousand dollars are found necessary and the additional appropriation is divided up among the reserves generally, gone to swell the clerical forces here in Washington, gone to swell the forces in the six district headquarters, gone to swell the mileage account of men who are sent wherever there is a great meeting in the West which might pass resolutions critical of the Forest Service, to hold meetings of rangers and supervisors at the same time, as was done a few days ago in Ogden and a short time ago in Denver. Certainly members of the committee have not forgotten the $200,000, I believe it was, that was proposed to be paid for the education of young men of the Forest Service in the agricultural colleges of Western States, and a curious thing about that arrangement was that just after these young gentlemen entered one of these agricultural colleges the faculty of the college and some others resolved themselves——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Members of the faculty of that agricultural college and some others met as a state forestry association and passed resolutions highly commendatory of the Forest Service. And why not? The service had added to their student body a considerable number of fine young men whose tuitions were paid by the Government as well as full pay. Now, I could go on at great length and point out what I consider extravagance of the Forest Service, but I do not care to take the time of the committee in doing so, for I realize that the committee proposes to give the Forest Service whatever it asks and without much question.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MANN. I ask that the gentleman's time be extended for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Does the gentleman think the House is so infatuated in what the gentleman calls a "fad" in reference to the Forest Service that it is disposed to condone the scandalous use of money by the Forest Service? If the gentleman can give the information to the House, does not the gentleman believe that the House is just as anxious to have information of the administration of the Forest Service and information as to the handling of the government money as are those who may be opposed to the Forest Service?

Mr. MONDELL. Well, of course, that is somewhat a matter of opinion. If I were in favor of the Appalachian and White Mountain forest reserves, perhaps I should not criticise any use of this appropriation to carry on that propaganda, and thereby get great support in the South and East. If I believed in the national control of the range in the West, as the great cattlemen of the West do, I might be disposed to look with favor and approval on considerable portions of the hard cash of the forest appropriation being used to carry on that propaganda.

Mr. COCKS of New York. Do I understand that you think the Forest Service discriminates against the small cattle owner?

Mr. MONDELL. Well, that is a large question, Mr. Chairman. If I had time I could give a few concrete cases of that kind; yes.

Mr. COCKS of New York. The remarks of the gentleman would certainly indicate that the big cattlemen were favored by this proposition, but from all that I have heard from the West the complaint was that the service discriminated, if anything, in favor of the small cattle owner.

Mr. MONDELL. I realize that $85,000 of expenditure per annum for the publication of praise of the methods of the Forest Service is a very powerful influence in bringing people to that view.

Mr. COCKS of New York. The gentleman would not consider as an answer to my question what they do through their press bureau, but it looks to me he ought to know some cases where they have discriminated against the small cattle owner, and if he does, I shall be pleased to hear of it.

Mr. MONDELL. The Forest Service, in so far as I know of its operations, has the support of almost every great interest in the country in which it operates. Now, it is all nonsense to talk about the big men being against the Forest Service. The great timber owners of the country have been hand in glove with the service and are; and to a certain extent I do not blame the service for that, because the very fact of the retention of vast areas of timber lands in the hands of the Government must inevitably enhance the present value of all individual holdings. It has had that effect to a very marked degree.

I called the attention of the House a year or two ago to one case where the stumpage price of lumber in a certain district in my State was raised $6 in one year by reason of the establishment of a forest reserve. The large lumbermen in my State have never complained to me about the Forest Service, except that one of them complained because I, on the floor of the House, did call attention to the fact that he was compelled to pay $6 stumpage. I do not appear on this floor for the big lumbermen or the little lumbermen, but I appear here—or endeavor to—for the people as a whole and for a fair deal for everyone.

Now, this man had a monopoly in that region. He was not complaining because he paid $6 for stumpage when private stumpage in the community was worth $1.50, because he had established a monopoly. I was complaining on behalf of my constituents, who paid the $6 per thousand additional price for lumber. Now the gentleman asks about——

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. COCKS of New York. I ask unanimous consent that the gentleman may have five minutes more. I want to get a concrete example where the Forest Service has discriminated against the small cattle owner in his or any other State.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Wyoming have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The attitude of the great cattle associations of the country is well known. There are many men in this House who understand who constitute the National Live Stock Association. Some very good friends of mine are in that association. They are all rich and powerful men. That association is composed largely of the great cattle barons of the United States. There are also in that association some small men. That association has invariably, at all times and under all circumstances, stood up for the Forest Service. That indicates, I think, the position of the large cattle owners. Now, I will say to the gentleman very frankly that I could tell him instances in my own State where small men have been discriminated against, but I do not care to publish on the floor of the House the names of such men. I have in mind one case where one great cattle company, the owner of which is a good friend of mine, a fine man, a gentleman, controls about 55 miles in length and 20 miles in depth in the forest reserves, against all comers, great and small.

Mr. COCKS of New York. Well, Mr. Chairman, will the gentleman permit a question? Were any small men rejected or their offers refused on account of these men?

Mr. MONDELL. Time out of mind, Mr. Chairman. I know that the gentleman is assuming that everything is as it should be in the Forest Service, and can not realize that some things are not as they ought to be.

As the gentleman knows, I have always been in favor of the national forestry policy.

Mr. SCOTT. But "agin" its enforcement. [Laughter.]

Mr. MONDELL. I am against its enforcement in the way in which it is now enforced, because the national forestry policy has long since ceased to be a forestry policy. The National Forest Bureau has become a bureau preaching every fad wafted to it by any wind that blew. The bureau has spent its time and the public money preaching the establishment of Appalachian and White Mountain forest reserves. It has spent its time and public money in our western country preaching the establishment of federal control of the range. It has spent more money in matters that do not directly relate to the preservation of the forests in the reserves than in matters that do relate to that subject. The Interior Department for $350,000 protected the forests as well as they are protected to-day, with less fire loss. The acreage was then one-third what it is now. At the same ratio the Interior Department for $1,000,000 would have given protection to the present area, as against $4,000,000 expended by the Forest Service. No man can say the fire protection not as good then as it is now.

Now, Mr. Speaker, the Forest Service is so important in the country in which I live, it is so necessary a service, that we have been for years hoping that it would become a real Forest Service, for the care and protection of the forests, and that it would not keep piling up bills of expense in traveling expenses, in its press bureaus, in its high salaries for some men whose usefulness is questionable, but would come back to the reasonable care of those great assets of the Nation in the West.

Mr. STEPHENS of Texas. After these forest reserves have been established and leased to cattlemen, is it not a fact that those cattlemen and the cowboys whom they employ do everything in their power to protect the grass, because if the grass is burned up they will lose their stock? Is not that true?

Mr. MONDELL. I do not think I have said anything to the contrary.

Mr. STEPHENS of Texas. I think that is one of the strongest reasons not only why we should maintain the Forest Service, but why we should lease the entire public domain of the United States.

Mr. MONDELL. The gentleman is in favor of the leasing of the range.

Mr. COCKS of New York. Mr. Chairman, I should like to ask the gentleman if he has ever come before the Agricultural Committee and called attention to any specific case where the little man has been discriminated against? I want to assure him that the whole committee would have been very happy to take up a case of that kind and see that it did not occur again.

Mr. MONDELL. I called attention, last year or the year before, to one case where a small sheep man with one band of sheep was compelled to leave the range allotted to a great cattle company, compelled to go 120 miles to a summer range, when they had been occupying a range 20 miles away, and compelled to cross a state line, where they met a state quarantine, and to cross a range of mountains, in order to get to feed. There are many cases of complaint.

Mr. COCKS of New York. But the gentleman never appeared before the Agricultural Committee. This was in his general set speech that he has made annually for several years and, I suppose, did not receive the attention that it would if it had been made before the Committee on Agriculture.

Mr. MONDELL. I have not made any set speeches. I have made a few remarks when the Committee of the Whole were discussing the bill, and I again call the attention of the committee to the important fact that the sum of over $220,000 was added to this bill, distributed through the bill, and therefore possibly not reachable, but added to the appropriation on the statement that it was needed for the care and preservation of reserves in Alaska, reserves, by the way, much of which is as innocent of tree growth as the floor of this Chamber.

Mr. MANN. There are a great many green things here. [Laughter.]

Mr. MONDELL. They must come from along the lake shore.

Mr. COCKS of New York. When the Forester was before the committee he testified that in 1901 there were 2,300 permits for grazing, while last year there were 27,000 permits for grazing. That means that the number of individuals pasturing stock must have increased. Of course the acreage of reserves has very greatly increased.

(The time of Mr. MONDELL having expired, by unanimous consent it was extended two minutes.)

Mr. MONDELL. Mr. Chairman, there are many reasons for the increase of the number of permits. It is partly due to the very laudable—from the standpoint of the Forest Service—plan whereby a large sheep man is requested to divide his permits up. It does not look well to give a man a permit for 15,000 or 20,000 sheep, and so Mr. Jones, the owner of the sheep, gets a permit, and Mr. Jones's herders each get permits, and in that way you increase the number of permittees without interfering at all with the benefits received by the owner on the reservations. The plan works quite as well with cattle.

Mr. SCOTT. Does the gentleman from Wyoming think it would be imposing on him if I should ask him to file statements with the Committee on Agriculture in accordance with his statement just made for use in making the appropriations next year?

Mr. MONDELL. I think I can do that, and I would be glad to.

Mr. ENGLEBRIGHT. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN (Mr. ANTHONY). Does the gentleman from Kansas yield to the gentleman from California?

Mr. SCOTT. I will.

Mr. ENGLEBRIGHT. I would like to call the attention of the chairman of the committee to the matter inserted in the hearings on page 216, as to the proposition whether the expense of these forest reserves are not largely augmented by having large areas included in them which ought not to be; that is, not forest lands, not grazing lands, and absolutely no use for the conservation of water?

Mr. SCOTT. Mr. Chairman, an answer to that question would be the determination of the fact. The gentleman states that large areas of land are included in the forest reserves which ought not to be so included. The Forester, in response to questions which are always put to him when he comes before the committee, has declared with all possible emphasis that there are no such lands; that during the past summer an additional survey was made of all the forests with the purpose directly in view of excluding any lands which ought not to be made a part of the forest reserves.

Mr. ENGLEBRIGHT. Will the chairman look at the schedule 77, on page 216 of the hearings. I call attention to these figures, which he probably has not examined carefully. In the Manti National Forest, Utah, there are 786,000 acres, and the standing timber amounts to 176,000,000 feet. If you divide these two numbers you will find there are 225 feet of lumber per acre. Now, a cord of wood and a thousand feet of lumber is very near the same, so that in that national forest you will find that they have a cord of wood on about 4½ acres.

Mr. MANN. A cord of wood is equal to about half a thousand feet.

Mr. ENGLEBRIGHT. Then there would be a cord of wood on about 9 acres. Now, this is valued at $410,000, which would make $1.32 a thousand. Dividing up again, you will find that the timber, according to their own figures, on that national forest is actually worth 52 cents an acre.

Mr. SCOTT. The statement the gentleman from California makes does not convey any information to the Committee on Agriculture, and I fancy it is not new to a large number of Members of the House. It is a well-known fact that all the land included in the national forests is not covered with timber. On the contrary, I believe the statement of the Forester is that only about one-third of it is so covered. The policy of the National Forest Service is not only to preserve the forests that exist, but it is to conserve land which is more valuable for forestry purposes than for any other purpose, and for the purpose of protecting the watersheds of important streams.

Mr. ENGLEBRIGHT. Would the gentleman consider land valuable for forest purposes that contained timber only worth 52 cents an acre?

Mr. SCOTT. The fact that it has no valuable timber on it at this time does not prove that it is not valuable for forest purposes. It may be of such a character that it will reseed or can be planted to forests, and therefore become more useful for forests than for any other purpose. It would depend altogether upon whether it was valuable for any other use. Does the gentleman happen to know?

Mr. ENGLEBRIGHT. In the same hearing it says that the stock grazed—cattle and horses, 19,666 head; sheep and goats, 189,000 head—showing that it is purely for grazing purposes. Can the chairman give us any information as to what was paid for the grazing privileges on that reservation?

Mr. SCOTT. I have not the information at hand for that particular forest.

Mr. ENGLEBRIGHT. The estimate in this bill for the care of that reservation is $38,000.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ENGLEBRIGHT. Mr. Chairman, I ask that my time be extended five minutes.

Mr. SCOTT. I will not object now, but the committee must realize that all this proceeding is out of order, and I trust gentlemen will not protract it unnecessarily.

Mr. ENGLEBRIGHT. It goes right to the question of these appropriations.

Mr. SCOTT. I know it does, but it is not addressed to any particular amendment. If the gentleman has a specific amendment to offer I would be glad to give him reasonable time to debate it.

Mr. ENGLEBRIGHT. I do not want to pick out any particular forest reserve. If you will examine in the same line of figures, on page 217——

Mr. TAYLOR of Colorado. Will the gentleman yield for a question along that line?

Mr. SCOTT. The gentleman from California has the floor.

Mr. ENGLEBRIGHT. If you will look on another forest reserve, on page 217, you will find the timber in that reserve is valued at 33 cents an acre, and if you will look into the grazing privilege of that reserve you will find that they grazed one cow on 320 acres.

Mr. SCOTT. That would seem to indicate that it is not very much of a grazing proposition.

Mr. TAYLOR of Colorado. Will the gentleman from Kansas please answer a question now?

Mr. SCOTT. Yes, sir; if I can.

Mr. TAYLOR of Colorado. I understand the chairman of the Committee on Agriculture to state that the Forester stated before the Committee on Agriculture that the forest reserves of the West were practically all forest land or land needed for forest purposes?

Mr. SCOTT. The gentleman misunderstood me. I stated that the Forester said, according to my best recollection, that about one-third of the reserves were in timber.

Mr. TAYLOR of Colorado. Did the committee of which the gentleman has the honor to be chairman consider the memorial of the Colorado legislature to this body in which that legislature this last spring memorialized Congress that out of something like 16,000,000 acres within the forest reserves in the State of Colorado more than two-thirds of the entire forest area was not covered by any merchantable timber whatever, and does the Forester deny that statement of the Colorado legislature?

Mr. SCOTT. That particular statement was not brought to the attention of the Forester. He was questioned very carefully as to the extent to which lands might be of the kind that ought to be excluded.

Mr. TAYLOR of Colorado. Let me ask the gentleman this question: Does the Agricultural Committee consider that it is a good governmental policy to retain within forest reserves, say, 5,000,000 acres in one State of grazing land and lease it to large cattle companies at 2 cents an acre when that land will produce crops worth from $25 to $50 an acre every year if it is cultivated?

Mr. SCOTT. The Committee on Agriculture does not consider it to be its province to discuss the question of policy to which the gentleman refers. The only function of this committee in relation to the Forest Service, unless some bill is presented asking for new legislation, is to provide the funds to carry forward the work authorized under existing legislation. The chairman, therefore, does not feel called upon to answer specifically the gentleman's inquiry.

Mr. TAYLOR of Colorado. The question is whether or not it is a good idea to spend all this money conserving sage brush, cactus, and buffalo grass.

Mr. SCOTT. In direct response to that I will read a short statement by Mr. Pinchot before the committee, and I think perhaps the gentleman from Wyoming [Mr. MONDELL] might listen with profit to this statement. He was asked upon what theory he was holding land that was not timbered, and he said:

> We are holding it on this theory, and we have held it so from the first—that this land is more valuable for the growth of timber than for any other purpose. There is naturally forested land of the same character in the same neighborhood, and this land which is now timberless will, with help and protection, be restocked with trees.
>
> I would like to add, Mr. Chairman, if I may, that one of the most important things to understand about the national forests is just this question that you are bringing up. There have been one or two attempts made to eliminate all land from the national forests not now occupied by trees, on the ground that if it is not forest land now it never had been and never would be forest land. That would be precisely equivalent to saying of every city that every building lot which did not have a house on it now should never be built on and should not be subject to taxation or the other laws of the city, or to saying to a farmer that all the land on his farm that did not carry a crop this year should never be allowed to carry a crop.

Mr. TAYLOR of Colorado. Does not the gentleman know, and does not the Committee on Agriculture know, that land that is at an altitude of 7,000 to 9,000 feet takes from two hundred to four hundred years to grow a saw log, and at a little higher altitude five hundred years, and do we want to wait five hundred years or from two to five hundred years to grow trees, when in a lower altitude the same size trees can be grown in five to ten years?

Mr. SCOTT. Well, "the eternal years of God are long," and if the land is not fit for anything but growing trees, I guess we can afford to wait four hundred years.

Mr. TAYLOR of Colorado. If it is worth $50 an acre, as some of the land adjoining the forest reserves to-day is worth that sum and some of it $200 or $300 an acre, why do we want to keep that within forest reserves? You ask for a concrete case. I will say that I own two small ranches, one of them of 20 acres and the other of about 50 acres, within a mile and a half of a forest reserve. I can sell every acre of that cultivated land for $300 an acre, and it is not any better land than some that is in the forest reserve.

Mr. SCOTT. Is the land within the forest reserves of the same character?

Mr. TAYLOR of Colorado. Yes.

Mr. SCOTT. And does it have the same relation to water?

Mr. TAYLOR of Colorado. Yes. Much of it can be cultivated and irrigated.

Mr. SCOTT. So that ranches just as valuable could be made of it?

Mr. TAYLOR of Colorado. Yes. I think there are approximately 5,000,000 acres of land in Colorado that can be turned into profitable agricultural use if we can get them eliminated from the forest reserve.

Mr. SCOTT. Then the State of Colorado is sleeping upon its rights, either the State or the citizens of Colorado, because under the law they have an absolute right to claim land within the reserve that is more valuable for agriculture than for other purposes.

Mr. TAYLOR of Colorado. We have been trying to do it for five years, and let me call the attention of gentlemen on the other side to the fact that one of the numerous reasons that there are three Democrats here to-day instead of the three Republicans that were here a year ago is because of our people's inability to get this administration or the last one to open up these reserves to settlement under the homestead laws.

Mr. SCOTT. The citizens of Colorado have evidently pursued the wrong methods. [Laughter.] They have carried their grievance to the polls instead of to the courts.

Mr. TAYLOR of Colorado. They have carried it to the courts and every other possible source, but they have been unable to get relief, and some of them have thought, possibly, if they would protest that way that you gentlemen would consider it——

Mr. LAMB. Mr. Chairman, I make the point of order that the discussion is not germane to the bill.

The CHAIRMAN. The point of order is well taken.

Mr. MONDELL. I should like to inquire of the chairman how the people of that western country can get to the courts with any of these questions? We have been asking that question for a number of years.

Mr. TAYLOR of Colorado. If the gentleman will point out the remedy, I would like to know it.

Mr. SCOTT rose.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. SCOTT. I never knew of a right granted to any citizen under the law that there could not somewhere be found a method by which to enforce that right.

Mr. MONDELL. Then the gentleman is fortunate that he has not lived in the country I have, because I have seen many, many cases where——

Mr. LAMB. Mr. Chairman, I renew my point of order.

The CHAIRMAN. The point of order is well taken.

Mr. SCOTT. Mr. Chairman, I think the point of order is well taken, and I should be very glad indeed to proceed at once to a reading of the bill, but I do feel that statements have been made to which the House is entitled to a brief reply, and if there is no objection, I should like to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, I have always refrained, when this bill was before the House, from entering into a protracted discussion either as to the policy of the forest reserves or as to the manner in which that policy is being carried out, because I conceived it to be my duty to get this appropriation bill passed through the House with as little delay and with as few changes as possible. And I do not propose now to enter into a discussion of the broad policy of the service or to endeavor to discuss in detail the manner in which that policy is enforced. I do wish to express my regret, however, that gentlemen who have attacked the service have not been able to lay their fingers on some specific instance of "scandalous" extravagance. The Committee on Agriculture, knowing that this bureau is always subject to attack, if not under suspicion, realizing that the rapid increase of the appropriation must inevitably attract attention, has always exercised unusual diligence in the effort to discover extravagance if it existed and to correct it if it were found. Possibly we have not been the best cross-examiners. The truth remains at least that we have not been able to find any instance in which expenditures could be reduced. I wish to call the attention of the Members of the House to the extent to which the bill this year has been itemized.

There are now carried here in 12 pages of the bill matter which in former times was carried in 12 lines. We have done this in the hope that when the different items are laid out in this way Members will be able to scan them, and if there are extravagances they will be able hereafter to point them out. The gentleman from Wyoming [Mr. MONDELL] suggested that the former chief of the service had not been entirely candid and frank, perhaps, in statements made to the committee. I wish to say to him that there is no bureau coming before our committee which submits its estimates in fuller detail. I hold in my hand a typewritten book of hundreds of pages in which the appropriations for the coming year are itemized in the minutest detail. I read here, for example, the estimated improvements that are contemplated in the Teton National Forest:

Two miles of trail, at $60; 4 miles of road, at $450; 1 bridge, $655; repairs, roads and rails, $200; repairs, cabins, barns, and telephone, $107.

I turn over to another schedule and find items of "field instruments and equipment," and I will refer to some of them to show upon what these estimates are based. It contains axes, barometers, calipers, chains, compasses, magnifying glasses, hammers, markings, handles, long (for marking hatchets and marking axes), instruments (drafting), pencils—and so on, with almost infinitude of detail, showing that the matter has been worked out somewhere with the greatest care.

Now, as to the matter of extravagance in salaries to which the gentleman referred. The Keep Commission reported that the salaries paid in the Bureau of Forestry were lower, on an average, than in any other bureau of the Department of Agriculture, and the salaries in the Department of Agriculture lower than the average for most of the departmental service.

Mr. MONDELL. Will the gentleman tell us who constituted the Keep Commission?

Mr. SCOTT. Mr. Pinchot was a member of the commission, but I take it that some of the other members had something to say in the report which they were making. Furthermore, I think the gentleman's insinuation is far from warranted by the character of Mr. Pinchot and the other gentlemen who made up that commission.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SCOTT. Well, let the bill be read.

The Clerk read as follows:

Absaroka National Forest, $20,844;

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word.

I observe on this page, near the bottom of page 37, there are certain appropriations for about 150 national forest reserves, appropriating several million dollars. Now, I think that this bill ought to designate or give the location of each one of these reservations. I think the chairman of the committee will agree with me that it would be of decided benefit to the House if we had the information as to the States in which these reservations are located. I therefore ask unanimous consent that the gentleman in charge of the bill, the chairman of the Committee on Agriculture, before the bill passes, do insert the name of the State or States in which each one of these particular forest reserves is located.

Mr. MANN. And Territories or districts.

Mr. TAWNEY. And Territories.

Mr. SCOTT. The gentleman may offer his suggestion in the form of an amendment, but I shall object to it as a request.

Mr. TAWNEY. The difficulty in my offering it would be this: I can not do it without unanimous consent, except by proposing an amendment to each one of these paragraphs as read, and then to be able to do it I would have to have the information. I do not know whether they are all located in one State or in what particular State.

Mr. COCKS of New York. Oh, yes; you do.

Mr. TAWNEY. I may know as to many of them, but I think it would be a decided advantage to the House for us to known hereafter as well as now the territory or geographical location of these various forest reserves.

Mr. SCOTT. If the gentleman will yield to me for a brief statement, I believe he will revise his opinion upon this question. As originally submitted for the consideration of the committee this list of forests did contain the name of the State or Territory in which they were all located. But before the committee had completed consideration of the bill officials of the Forest Service came and asked to make certain corrections in the language of the estimates, stating that those estimates had been made last July or August, and since that time the boundary of the forests in question had been changed, and they wished therefore to change the name either of the forest itself or the State in which it was originally reported as being located. In some instances they found that mistakes had been made in the first instance, a forest being listed as being in Nevada, for example, when it was afterwards found to be in Nevada and California.

Mr. TAWNEY. Will the gentleman permit me? Does the gentleman think the errors of the department constitute a reason why it should not be required to mark and definitely designate the geographical situation?

Mr. COCKS of New York. It is sometimes in two States.

Mr. TAWNEY. No; it is not.

Mr. SCOTT. If the gentleman will possess his soul in patience he will perhaps see why we have made this amendment. Now, the fact, Mr. Chairman, that even after three or four months it is found necessary to correct this language in the estimates and the further fact that in case Congress should appropriate for the support and protection of a forest reputed to be located in Nevada, and it should prove to be located in California, would bring the service into conflict with the officials of the Treasury, suggested to the committee the thought that all reference to the States should be omitted. I believe that no injury can result to the public service, while a great deal of good may follow if the bill is allowed to stand in its present form. What difference does it make whether you print in the law the name of the State in which the forest is located? There are no two forests of the same name. They all have to be designated. The law provides that the President may change the boundaries or change the name of a forest whenever the public service seems to demand it, and yet, if this amendment were adopted, he might be deterred from doing so. All these considerations led me to the conclusion, and led the committee to the conclusion, that it would be in the interest of the public service, and of no possible detriment to any branch of it, simply to omit the names of the States from the appropriation bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. MANN. What State is the Siuslaw National Forest located in?

Mr. SCOTT. I can tell the gentleman.

Mr. MANN. I thought perhaps the gentleman could tell offhand.

Mr. SCOTT. It is in Alaska.

Mr. MANN. No; but the gentleman did not tell offhand. He had to refer to a book to find out.

Mr. SCOTT. The gentleman would not expect the chairman of the committee to commit this long list of forests to memory.

Mr. MANN. The reason I asked the gentleman was because I expected he would not know. It shows that Members of the House can not know, but that if the State or Territory was in the bill, everybody would know; that is, everybody except the Forest Service.

Mr. SCOTT. Is it not true that anybody interested enough to inquire can find out?

Mr. MANN. I am interested in all these items.

Mr. SCOTT. What difference does it make to the gentleman whether the Siuslaw National Forest is in Alaska or in Wyoming?

Mr. MANN. It may make no difference to the gentleman where money is to be expanded, but in my consideration of an appropriation bill it does sometimes make a difference whether a forest reservation is located in Maine or the north end of Alaska, or in the south end of New Mexico or Arizona. I would like to know as a matter of information. It makes no difference

what the name is. If the gentleman's committee puts in an item giving the name and the amount, the name gives no information to me at all. If the State was in it would give me some information. Now, it does seem to me that the people in charge of the forest reservations, however little they may know about some parts of the reservations, ought at least to know what States the reservations are in.

Mr. SCOTT. The idea of the committee in itemizing the appropriation in this respect was this: We realized that the average citizen or the average Member of Congress would not be any better able to determine whether this fund was being economically and honestly expended by the fact that it was appropriated for the specific use of some particular forest and if it were appropriated in a lump sum; but we did figure that Members living in the States where the forests were located would be able in this way to check the matter up in a degree. The gentleman from Wyoming [Mr. MONDELL], for example, ought to have, and no doubt would have, an excellent judgment as to whether the amount we appropriate here for the care and maintenance of some particular forest in his State is extravagant or otherwise.

Mr. TAWNEY. Will the gentleman from Kansas accept the judgment of the gentleman from Wyoming as to whether or not the amount appropriated for the forest reserves in that State is sufficient or insufficient?

Mr. SCOTT. If the gentleman from Wyoming will submit an amendment proposing a change in any appropriation for the support of any forest in his State, the gentleman from Kansas will not contest it, but will leave it to be settled between the gentleman from Wyoming and his constituents.

Mr. TAWNEY. Does not the gentleman think that every Member of this House is entitled to information respecting the geographical location of these forest reserves that we are specifically appropriating for?

Mr. SCOTT. Absolutely. I think they ought to have it if they want it.

Mr. TAWNEY. If that is so, it can be very easily given to the House by the gentleman inserting in this bill the State or Territory or two States in which a reservation is located.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAWNEY. I will take the floor in my own right.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. SCOTT. The committee had no other purpose in the world——

Mr. TAWNEY. I am not criticising the committee.

Mr. SCOTT. The committee had no other purpose in the world in eliminating the names of the States in which these national forests are located than to simplify the bill, to simplify the law, and avoid any possible controversy or confusion in the control of the forests, in the appropriations, and in the expenditure of the appropriations that are made for their support. Now, if the gentleman can give a good reason why the names of the States should be reinserted the committee will not object.

Mr. TAWNEY. I think I can. Mr. Chairman, I have no criticism whatever to make of the committee reporting this bill because of the omission of the States and Territories in which these forest reserves are located. I think the committee is to be commended for the way in which they have brought in the appropriation bill this year for the Forest Service by segregating the various items for which a lump sum has heretofore been appropriated. It is not as valuable now as it will be in the future. Hereafter when this bill is under consideration we will be able, by comparison with previous appropriation bills, to determine what increases have been made, where they have been made, and ascertain by inquiring the reason of the increase or reasons for the reduction.

But I have found in my experience in connection with appropriations reported from the Committee on Appropriations that it is not only of benefit and value to the committee to know the geographical location of the national parks, of which we have a great many scattered all over the United States—it is of importance and of value to the House to know where these parks are located, and it is of far more importance to have the geographical location of the forest reserves mentioned in the bill than it is to have the location of the national parks; because, when we come to consider the appropriations for about 150 or more forest reserves that are specifically appropriated for, we naturally want to know where they are located, how many of them there are in the same State, and we want to know how many are included in one or more States or Territories. It does not impose any additional burden on the committee, and it does not cost any additional money, nor does it tend to confusion in the consideration of the appropriations for these forests, but it rather tends to systematize the work in the House in the consideration of the special appropriations for about 150 forest reserves.

Now, the argument that the gentleman made, and the only reason he gave why this should not be done, was the fact that the Forest Service made some mistake in preparing their estimates originally as to the location of these forest reserves. If mistakes of that kind occurred they were the result of carelessness on the part of those who prepared the estimates, for the Forestry Bureau has the data necessary to inform them as to the exact geographical location of every one of these reserves. The fact that they may change the boundaries slightly from time to time does not militate against the proposition at all. There is, therefore, no reason why this should not be done, and I insist that there are strong reasons why it should be done for the information of the House in order to intelligently consider these appropriations when we come to the consideration of this agricultural appropriation bill. And inasmuch as it does not interfere with the form of the bill, it does not require any extra labor and would be of benefit, or at least could be for the convenience of the House, I think the gentleman ought not to object to my request for unanimous consent that he insert the geographical location of the forest reserves specifically appropriated for in this bill.

Mr. SCOTT. Mr. Chairman, this is a matter that the committee considered carefully before bringing in the bill in the form in which it appears. I think the committee disagrees—I am sure the chairman does—with the position taken by the gentleman from Minnesota. But in order to test the sense of the House, I suggest that he offer an amendment inserting the word "Montana" in line 10, page 25, after the word "Forest;" and if that amendment carries I shall not object to his request for unanimous consent to insert the proper state names in all the other paragraphs.

Mr. TAWNEY. I will offer that amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 25, line 10, after the word "Forest," insert the word "Montana."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and on a division there were 40 ayes and 20 noes.

So the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I now renew my request for unanimous consent, and I ask that the chairman of the committee be authorized to insert the geographical location of the several forest reserves mentioned in this bill.

Mr. MANN. I suppose what the gentleman means is that the Clerk shall insert on the information given to him by the chairman. The chairman can not insert it in the bill.

Mr. TAWNEY. I will change the form of my request, that the Clerk be authorized to insert the geographical location, by name, of the various reserves, upon information furnished him by the gentleman in charge of the bill, the chairman of the Committee on Agriculture.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Clerk be authorized to insert the geographical location of the forest reserves on information of the chairman of the Committee on Agriculture. Is there objection? [After a pause.] The Chair hears none. Without objection all pro forma amendments will be withdrawn and the Clerk will read.

The Clerk read as follows:

Alamo National Forest, $33,449.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I dislike very much to in any way start again the controversy of a while ago, but the gentleman from Wyoming [Mr. MONDELL] a few moments ago stated that the Forest Service was guilty of scandalous extravagance. He did not use the word "scandalous" only once, but he repeated it so that it would be scandalous, scandalous, and repeated it altogether four or five times.

Mr. MONDELL. Only three, I think.

Mr. MANN. Well, if the gentleman does not change his remarks, and the stenographer took it down correctly, he will find there are five times, because I checked it off on him. When we ask him what this extravagance is, he does not give very specific information. Now, to say in the House that a branch of the government service is guilty of scandalous extravagance, is to make a pretty serious charge. If it be true, it is the duty of the House to investigate the matter, and it is our duty to know whether the money we are appropriating is extravagantly

and with scandal expended—not mere extravagance, but extravagance that is such that every one knows there is scandal connected with it. The only statement that the gentleman from Wyoming [Mr. MONDELL] made in answer to my query of what this scandalous extravagance was, was to the effect that the department was engaged in magazine and newspaper work, in propaganda work, in favor of the Appalachian forest reserves, and some other propositions in different portions of the country. I read from the law which is now current, relating to the appropriation for the Forest Service:

No part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Now, the only statement which the gentleman offered to make specifically went to the effect, as I understood it, that this service was scandalously extravagant because it was engaging in propaganda work through the newspapers and magazines. If that statement be true, it is in direct violation of the law, and these gentlemen ought to be brought to book before the proper legal authorities. If that statement is not accurate, then the gentleman owes an apology to the House and to the Forest Service. It seems to me that the gentleman ought not in the House, charging the House with the responsibility, state that the money being appropriated by the House is used for purposes in direct conflict with the provision of the law unless the gentleman has the proof, and if he has the proof it ought to be submitted to the House before we make another appropriation which can be used for that purpose, because after the gentleman's statement that this money is being expended in this way in scandalous extravagance, every Member of the House is put upon notice that if those statements are correct he is now asked to vote for appropriations which have been used, which are now being used, and which may be used in the future in direct violation of the law which accompanies the appropriation.

Mr. MONDELL. Mr. Chairman, the statements which I made in regard to the expenditures of the Forest Service were made with a full realization of their seriousness, and had I the time I should have no difficulty, I think, in proving to Members of the House who do not consider that every expenditure made by the Forest Service for whatever purpose is and must be proper that the service had been scandalously expending the government money. I have in my hand a clipping from the New York Tribune of Friday, January 21, that contains a statement of a matter, known of us all, with regard to the education or the payment of tuition of young men in the government service in certain western agricultural colleges. It is stated in the clipping I have before me that they have been spending $40,000 a month illegally, and that there was a proposed total expenditure of $200,000 this winter in that way, and I understand that the officials of the Treasury Department have refused to pay those bills. The service has been engaged in that sort of work for some time, I am told. I have known of it, but I have not thought it was worth my while to call it to the attention of the House, so thoroughly convinced has the House seemed to be that whatever the Forest Service may do is done in good faith and within the appropriation and for the benefit of the service and of the people.

Now, Mr. Chairman, the Forest Service——

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. With pleasure.

Mr. MANN. Does not the gentleman think that his former statement being a reflection upon the Forest Service, the present statement is rather a reflection upon the House——

Mr. MONDELL. I do not understand the gentleman.

Mr. MANN. That the House will make an appropriation notwithstanding the gentleman should show that it was used with scandalous extravagance.

Mr. MONDELL. I did not make my statement in exactly that way, Mr. Chairman. I did not charge the House with any intent of making appropriations that are going to be used with scandalous extravagance. I tried to call to the attention of the House a year ago the fact that the establishment of the six district headquarters had cost the Government three-quarters of a million dollars, without reducing to any considerable amount the cost of the service here in Washington.

Mr. SCOTT. If the gentleman will permit, the chief of the bureau stated to the committee that the additional cost of establishing the six district headquarters was $100,000 a year.

Mr. MONDELL. Mr. Chairman, I itemized the statements taken from the reports of the service last year and it amounted to, as I recollect it, in the neighborhood of $750,000, the additional cost of the service by reason of the establishment of those headquarters; of course it may not cost that much additional each year. If it only costs $100,000 additional each year, that I submit is a considerable increase. Now, it may be that the service needs $44,000 worth of typewriters in one year. I called the attention of the House in the consideration of a former bill to the fact of the remarkable estimate for typewriters as one of the items of this wonderfully elaborate system of enumeration on proposed expenditures to which the chairman refers.

Mr. MANN. Does the gentleman say they do not need the $44,000 worth of typewriters?

Mr. MONDELL. Well, I suppose I should assume they may need more money for typewriters than they do for fighting fires or caring for the forests, but it seems to me rather out of proportion to spend $44,000 for typewriters and——

Mr. MANN. I am not sure it is as much as we spend here in the House of Representatives for its Members.

Mr. MONDELL. This service spent $87,000 last year for a press bureau.

The amendment to which the gentleman referred is the amendment which I offered, and it was adopted by the House, I think, three years ago, intending to limit the then operations of the bureau. It did limit it to a certain extent, but to a certain extent only, because the service has the most marvelous press bureau in the world to-day, and it sends to every newspaper in the country these documents, lurid, some one suggests, telling of the wonderful work of the service and informing the people of the marvelous things the service has done and proposes to do for them.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. May I have five minutes more, Mr. Chairman?

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. FITZGERALD. What is the compensation of the official "puffer?"

Mr. MONDELL. I did not know that there is a person under that title in the service. I know they have wonderful titles there, but I never heard and did not know that they had named him, the official in question, the "puffer;" it is appropriate.

Mr. SCOTT. Will the gentleman suggest some of these wonderful titles to which he alludes.

Mr. MONDELL. Well, there was a time I did not understand what a silviculturist or a dendrologist was, but I have discovered now.

Mr. COCKS of New York. That is your fault.

Mr. MONDELL. There are many wonderful titles in the Forest Service, all of which denote, I have no doubt, very excellent service. Another matter, Mr. Chairman; I do not believe it is necessary for the Forest Service to gather its rangers and supervisors in the West in great numbers just at times when other public gatherings are to be held, which might, if not properly influenced, pass resolutions not complimentary to the service. Now, the gentleman may not consider that scandalous. I do; I think it is a scandalous use of public money.

Mr. MANN. If the gentleman will permit me, the House has no information upon the subject in a definite charge, but simply the wild statement of the gentleman upon the subject.

Mr. SCOTT. The statement the gentleman makes is absolutely and explicitly contradicted by the chief of the service.

Mr. MANN. There has been no definite statement made.

Mr. MONDELL. I will make a statement definitely. When the National Woolgrowers' Association met in Ogden a short time ago, the exact date of which I think my friend from Ohio can give me——

Mr. COLE. January 7.

Mr. MONDELL (continuing). There was a meeting of the foresters and supervisors of the surrounding country held at Ogden. I know nothing of the meeting except as I heard and read of it through the papers published in that region. If no such meeting was held, then the newspapers are to blame. The newspapers said there were several hundred rangers and supervisors, and referred to the fact that their presence was appreciated; that they were helping out the hotels, and in many ways they were adding to the popularity of the service. I assume they were all there under pay. I venture to say they all drew mileage. If it was any part of their duty to be there in consultation, I should certainly be the last person to criticise their meetings.

Mr. SCOTT. Was it not advisable to have them there for the purpose of consultation when they were in charge of the reservations that the woolgrowers at that association were using?

Mr. MONDELL. I do not believe that these two bodies ever took any official or unofficial action with reference to the range at all. My information, such as I have, and my belief is, that they did not. Now, Mr. Chairman, in conclusion, it is not a pleasant duty for me to criticise the Forest Service. In the first place, I know personally many high-minded, earnest, faithful men in that service, and I believe in them. Further than that, the Forest Service is necessary, for the present at least. In a way it is a necessary evil. But it is a necessity at this time. I never will believe that retaining vast areas within the borders of a State and holding it under permanent federal control is an unmixed blessing. It never can be. But as conditions stand, we must have, at least for a time, federal control of these reserves, and our people desire it; but they hope the Forest Service will keep within proper bounds and that it will care for the forests, and not attempt to control and supervise all of our industries in the reserves.

Mr. Chairman, I am certainly not opposed to appropriations to be expended largely in the region in which I live. I do not claim a greater virtue in this regard than other Members of the House, but there are two reasons why I continue to call attention to the extravagance of this service.

The first, because I believe it my duty to call attention to extravagance in the public service wherever I find it; and, second, because the effect of this extravagant service in our region is this: We realize, and I think the service realizes, that this House will not forever continue to appropriate sums each year two and three times greater than can be obtained from the resources of the forest reserves, and the Forest Service is therefore fastening federal control on every industry in the reserves, levying a tax on everything from the keeping of bees to the turning of a turbine, with a view of eventually securing a vast revenue.

Mr. GOULDEN. I should like to ask the gentleman who is chargeable with the abuse in this service—who is responsible for it?

Mr. MONDELL. The House partly, in my opinion, without intending any criticism of my fellow-Members. The fault lies partly in the fact that we do not scrutinize these appropriations as we should. If we kept the service within proper bounds by reasonable appropriations, it would not be tempted to tax everything in sight, and would not have money to spend for purposes not necessarily incident to the Forest Service.

Mr. GOULDEN. I am glad the gentleman has pleaded guilty, and I hope others on his side will do the same under his lead.

Mr. MONDELL. I do not have influence enough to reduce these items. The House can do it if it will.

Mr. GOULDEN. That is true.

Mr. MONDELL. But I can give the gentleman this information: Here is $200,000 for the schooling of forest officers. I do not know how much they have expended for mileage of their men attending meetings. I do not know how much they might reduce the expenditure annually of $90,000 for a press bureau, but from having examined the output of that bureau, I should say they should reduce it three-fourths without loss to the people.

Mr. GOULDEN. Is there anything authorizing that press bureau under the law?

Mr. MONDELL. I doubt it.

Mr. COLE. Mr. Chairman, I attended the National Woolgrowers' meeting at Ogden on the 7th day of January. I did not know at the time that there was a meeting of the members of the Forest Service there. It may be true. I was in the city of Ogden two days, and have an account of the whole meeting of the association, but I did not observe anything in the papers nor any statement relative to that meeting of which the gentleman from Wyoming makes mention.

But, Mr. Chairman, if there had been a meeting there at the time of this meeting in connection with the Forest Service, it occurs to me that it would have been in harmony with their public duty and in the line of their public duty. There are 6,500,000 sheep on the national domain. These sheep men in the West, so far as I could glean from conversation and newspaper report, are not satisfied with the administration of that service on the reservations. It comes from two reasons: First, on account of the charge that is made for grazing; and it would seem to me, from the investigation the committee has made and the report that the department gives us each year, that the price for grazing is not at all exorbitant, and it is made a considerable source of income to sustain that department.

Then there is another condition there about which they complain, and that is this: The intercourse with the individual members of the Forest Service and the conduct of these men toward them; and it occurs to me that that was the very place for these men to be on that occasion, in close contact with these sheep men of the national association, so that they could come to better terms, get better acquainted, and work upon a more satisfactory basis.

Now, just one word in regard to the extravagance of this bureau. As the chairman already stated, we have no better reports from any bureau in this department than from the Forestry Bureau. The chief of this bureau always appears before the committee and makes an extended report. I have a volume here of the hearings last year, in which I think almost 200 pages are devoted to the Bureau of Forestry, in which they make a detailed account of all the operations of that bureau, all the receipts and all the expenditures. And while the members of our committee are, I think, of average intelligence at least, and of at least average industry in making our inquiries and investigations, we have not discovered this great extravagance that is charged. If any Member of this House can locate it, I consider it to be his duty to appear before the committee and give them the information. Whenever the information is furnished to the committee, I assure you that our report to this House will be in conformity with that information.

Now, as to the making of these various districts, Mr. Pinchot appeared before our committee this year. My recollection is he said from the standpoint of efficiency and good of the service it was the best movement the bureau had made in all its history. So we have the testimony of the Chief Forester on that proposition. How else are we going to get this information? In my judgment, it is the duty of the gentleman from Wyoming [Mr. MONDELL] or the gentlemen from any of these Western States directly affected, where they find there is an exorbitant appropriation, to report the matter to the committee, so that we can take proper action. Until that time comes, we must act upon the information at our command, and such has been the report brought into this House by the Committee on Agriculture. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DIEKEMA having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Gen. Lewis Wallace, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Indiana.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these proceedings.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Cheyenne National Forest, $28,350.

Mr. SCOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 27, line 9, strike out "Cheyenne" and substitute "Medicine Bow."

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the Clerk be directed, in making up the bill, to arrange this list of forests in alphabetical order, in order properly to take care of the amendment which has just been adopted and another which I will offer later.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the Clerk be authorized to arrange the names of these forests in alphabetical order. Is there objection?

There was no objection.

The Clerk read as follows:

Medicine Bow National Forest, $19,854.

Mr. SCOTT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 31, line 8, strike out the words "Medicine Bow" and substitute "Colorado."

The amendment was agreed to.

The Clerk read as follows:

Nebraska National Forest, $18,250.

Mr. LATTA. Mr. Chairman, I move to strike out the last word. I have listened yesterday and to-day to this discussion about the appropriations for these national forest reserves. In my State of Nebraska you appropriate $18,000 for the maintenance of a national reserve. You can buy all the timber on that reserve for less than $5,000. You can not propagate timber there, because the reserve is leased to sheepmen, and the sheep eat off every bush that grows. I agree with the gentleman from Wyoming [Mr. MONDELL] that these appropriations seem extravagant, unreasonable, and uncalled for. We commenced in 1901 with an appropriation of $90,000. In nine years we have increased it to $5,000,000. Now, what have we got for it? Are we making parks or pleasure reserves out of these forest reserves, or are we trying to propagate and increase the growth of timber? If we are trying to increase the growth of timber, we are also leasing these reserves to men who are grazing sheep, goats, and cattle and horses on them and thereby destroying every small tree and bush. Now, the two things do not work together. It is unwarranted extravagance and misjudgment in my opinion. I am not criticising the members of this committee; but are the people getting value received for the money expended? It looks to me as though they are not.

Mr. SCOTT. Will the gentleman permit a question?

Mr. LATTA. Certainly.

Mr. SCOTT. I believe the gentleman addresses his remarks to the paragraph for the maintenance of the national forest reserve in Nebraska.

Mr. LATTA. Yes; that with the other.

Mr. SCOTT. Does the gentleman offer an amendment to reduce it?

Mr. LATTA. No.

Mr. SCOTT. Does the gentleman desire to submit an amendment striking out the paragraph from the bill?

Mr. LATTA. Not unless you strike out the others; strike out the entire appropriation. I simply wanted to say, Mr. Chairman, that I am acquainted somewhat with the Nebraska Forest Reserve, and I know it is extravagant to appropriate $18,000 for the maintenance of that forest reserve.

Mr. SCOTT. If the gentleman knows that, I hold it to be his duty to offer an amendment proposing a reduction of the appropriation. That is why we have itemized these appropriations in this bill——

Mr. LATTA. I will move to strike the appropriation out entirely.

Mr. SCOTT (continuing). So that gentlemen having personal knowledge of the conditions existing in these reservations can submit amendments, if the appropriations are considered too large, that will correct it; and I insist that the gentleman either ought to submit an amendment proposing a reduction or else withdraw the statement that there is unreasonable extravagance.

Mr. CARLIN. I would like to ask the gentleman from Kansas a question.

Mr. SCOTT. The time belongs to the gentleman from Nebraska.

Mr. CARLIN. Assuming that the gentleman's statement is correct, and we have no information to the contrary, is the chairman of the committee willing to accept the amendment of the gentleman from Nebraska as correct, and will he accept an amendment if he will offer it?

Mr. SCOTT. If the gentleman from Nebraska will offer an amendment either striking out the paragraph relating to the Nebraska National Forest Reserve or to reduce it, while I have no authority to accept it, I will vote for it and put it up before the House.

Mr. LATTA. I will offer an amendment, Mr. Chairman, to strike out the entire appropriation for the Nebraska Forest Reserve.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, strike out lines 15 and 16.

Mr. GAINES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska has the floor.

Mr. MONDELL. Will the gentleman from Nebraska yield for a question?

Mr. LATTA. I will yield to the gentleman.

Mr. MONDELL. Are there any trees on this forest reserve in Nebraska?

Mr. LATTA. On one reserve there is not a tree or a bush; on the other there are a few trees scattered along a stream that runs through it.

Mr. MONDELL. Who uses the reservation?

Mr. LATTA. It is rented to some range men.

Mr. MONDELL. Are they the same men that had it fenced, and were required to take down the fences for fear of prosecution?

Mr. LATTA. I think they are the same parties—the Ricketts-Comstock Company.

Mr. GAINES. Mr. Chairman, the proposition of the chairman of the Agricultural Committee seems to me hardly fair, that if any Member of the House believes that an appropriation to be expended in his district is excessive he should make a motion to strike out the particular section, leaving the general plan untouched. I should like to ask the chairman of the committee, in view of the criticism of this particular appropriation which has just been made by the gentleman from Nebraska, how much the total is that we are spending for these forest reserves each year?

Mr. SCOTT. In round numbers about $4,000,000 for the work of taking care of the forests.

Mr. GAINES. How many acres does that take care of?

Mr. SCOTT. About 200,000,000 acres.

Mr. GAINES. Is there an estimate of the amount of timber on the 200,000,000 acres? The reason I ask is that we have been told by the gentleman from Nebraska that there is a forest reservation there with practically no timber on it.

Mr. SCOTT. Mr. Chairman, estimates have been made of the amount of timber in the national forest reserves. It has been some time since I saw those figures, and I would not trust my memory to quote them.

Mr. GAINES. As to the particular forest reserve in which we are told by the gentleman from Nebraska that there is no timber, what is the reason for having a reserve there, especially in connection with the statement that the land is leased out for grazing of cattle and sheep? Of course, if it is leased for grazing any small timber that begins to grow would be destroyed.

Mr. SCOTT. Mr. Chairman, at the very earnest appeal of the Representatives from Nebraska and representatives from Kansas national forest reserves were established in both of those States. The land was reserved from the public domain which did not have a shrub on it, the purpose of the reservation being to determine whether or not it might be possible to reforest land in that region. I speak with some knowledge of the Kansas reservation, and I presume the character of the Nebraska reservation is much the same. For the most part the land is made up of sand hills, west of the one hundredth meridian, in an arid portion of the country. It was thought desirable to make an experiment to determine the question of whether or not trees could be made to grow. As a matter of fact very considerable success has been met in the Kansas National Forest, and I have understood that a great many of the trees planted in the Nebraska forest had also grown.

Mr. GAINES. Mr. Chairman, we seem to be getting a considerable confusion of information. We are told in one breath that this land is leased for grazing of cattle and sheep, and in another breath that it is made up of sand hills.

Mr. SCOTT. There is no inconsistency in those statements. [Laughter.] The grass grows over the hills and between the hills, and I presume that the areas used for experimental purposes, to determine whether trees will grow, have been fenced in so that the outside range could be used for grazing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. If the gentleman will permit me, I think I can make a brief statement which will perhaps anticipate some of his questions, and which may give to the House information it might like to have in passing upon this amendment. The detailed estimate for the Nebraska National Forest, which consists of 556,072 acres, is as follows: Salary, 1 supervisor, $1,700; 1 deputy supervisor, $1,300; 1 clerk, at $900, four months, $300; 1 ranger, $1,100; 4 rangers, at $1,000, $4,000; 3 rangers, at $900, six months, $1,350; station, field, and traveling expenses, $1,500; forest planting $7,000.

It will be seen, therefore, that nearly one-half of the estimated appropriation for this forest is to be expended in tree planting, carrying out the suggestion of a moment ago, that the purpose of withdrawing the reserve in the first instance was to test the question as to whether trees could be grown in that latitude or not.

Mr. GAINES. Mr. Chairman, I assume from the statement of the gentleman from Nebraska [Mr. LATTA]—and he seemed to speak with knowledge on the subject and with deep conviction—that as a matter of fact the cattle and sheep were ranging on the land that was supposed to be in the reserve, in order that trees may grow upon it. The gentleman from Nebraska is upon his feet. What is the fact?

Mr. LATTA. Mr. Chairman, these reserves are in the semiarid regions and no tree will grow there until the country is irrigated, and there is not water sufficient to irrigate that country now. That is the reason.

Mr. SCOTT. I will ask the gentleman whether it is a fact that there are any trees growing there?

Mr. LATTA. Along the stream that runs through it, skirting the stream, there are a few trees and a little brush. There are two forest reserves there and on one of them I do not think there is a single sprout of anything growing.

Mr. SCOTT. Does the gentleman know whether any trees have been planted on either of those reservations?

Mr. LATTA. No; I do not.

Mr. SCOTT. I will state to the House that I have been shown photographs that represented quite an extensive grove of pine trees that were represented to the committee to be growing on this Nebraska reservation.

Mr. LATTA. Yes; but if they started that or planted trees there and leased the ground out for ranging of sheep and cattle there will not be any young trees there. They will not let them grow.

Mr. SCOTT. Might not the trees be inclosed with a fence?

Mr. LATTA. They could be, perhaps, with a woven-wire fence, but not with a barbed-wire fence.

Mr. SCOTT. Does the gentleman know, as a matter of fact, whether there is any fence around them?

Mr. LATTA. No.

Mr. SCOTT. Has the gentleman ever been on the reservation?

Mr. LATTA. Never on the reservation. I know there is no timber there.

Mr. SCOTT. What information has the gentleman that that is so?

Mr. LATTA. Oh, the information that anybody would get from a general knowledge of the country. I have lived there ever since before white people went there.

Mr. MANN. Does not the gentleman think it would be very important to learn, if it is possible, to raise forests out there?

Mr. LATTA. Yes; it is very important. The eastern part, or the part of the State that is settled by the people of the State, has trees growing upon it, for every man has grown a grove there. There are four times as much timber in the State of Nebraska now as there was before the first white man went there.

Mr. MANN. Not where these forest reserves are.

Mr. LATTA. No; not where these forest reserves are.

Mr. MANN. There is a territory where land is not very valuable for any purpose. I will say to the gentleman, I have been strongly urging upon the Forest Service that they ought to make experiments to see whether it is not possible to raise trees on some of the territory out there—I guess it is not regarded as bad land——

Mr. LATTA. Well, it is sandy, dry, semiarid country.

Mr. MANN (continuing). Because I think, perhaps, the land will be valuable for other purposes, and if it be demonstrated that it be possible to raise trees upon the land where lumber is very much needed it will be one of the greatest services which the forest reserve can perform, and I hope they will be able to make such experiments to determine that question.

Mr. LATTA. But is not it cheaper and better if you want to grow timber to put it on land that will produce timber in a reasonable time? That land is so poor it will not grow a merchantable saw log in five hundred years. [Laughter.]

Mr. MANN. That may all be. The Government can not afford to enter into endeavors to raise forests on land where it is possible to raise grain crops or beef cattle. Now, if that territory out there be of such a character that it is profitable to raise grain, it would be absurd to try to raise trees, but if that be land where it is impossible to raise grain, where the land is worthless for any other purpose, where the Forest Service believes it may be practicable that they can keep out the fire and raise trees upon it, suppose it should take five hundred years; but it will not take that long.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. Mr. Chairman, while these reservations are in the State which I have the honor in part to represent here, they are several hundred miles from where I live, and happen to be outside of the particular limits of my district, but, in a general way, I think I can give the House some information upon the amendment which will be of value when you come to cast your vote. These reservations are in a part of Nebraska known as the sand-hill country. It is true, on account of the lay of the land, that it can not be irrigated, at least, by any system yet devised. There are valleys where there are artesian wells and plenty of water and sometimes lakes, and the soil will raise anything if you had sufficient moisture to put on it. Now, as I understand, the object of making forest reservations in this country was to ascertain whether it was not possible to grow some kind of tree upon this land, and to experiment with the view of securing a tree that would grow there; perhaps not to make merchantable timber, at least, to begin with, but along that line of experimentation. I understand that the scheme upon which this Forest Service is based is with the idea of making some use of this land that heretofore had not been used for any practical purpose outside of grazing. It was government land, and had not been homesteaded; that was being used by cattle and sheep men without any recompense, without any payment to the Government for such use. And while I have not been in either one of these forest reserves I have read a good deal about them, and I have seen pictures taken of the methods which were being used in the way of experimentation. There is no doubt, in my judgment, but what good timber could be raised if water could be supplied, and there have been some efforts made, as I understand, to supply water in some of these ranges by artesian wells. I do not know whether the Government has done that particular work or not. As I understand it—and I still believe it to be true, but not in such a way I could testify, but just in a general way from the reading of some reports and some newspaper articles, and by talking in a general way with men who travel back and forth and know something about it—I have always been of the opinion that the pastures which were rented out to the sheepmen or to the cattlemen were those parts that were either fenced, or in localities that could be fenced. There are some places, as I said, where there are valleys, fertile valleys, and other places, where there are hills, upon which there is practically no grass growing.

Now, gentlemen smile at that statement, but I want to say that I do not think they have ever been on one. I know that on one of these reservations, in localities in the West, in my own State, and one in my own district, where I was shown a mountain of white sand as high as the ceiling of this room, and there was a man living close by who was cultivating land worth $75 an acre growing as good alfalfa as ever grew upon ground. They had planted these scrub trees, which held the sand, and made good soil where there was nothing but a barren area. They set out sticks and they gathered up the sand deeper and deeper around them. The sand is very fertile. These scrub trees would grow, and the result of that was that where they made these mounds they would have an additional soil in that locality where they will be able to grow crops; and on some of that soil they are growing alfalfa to-day. The soil, as I have already stated, in these localities is sandy and will blow away, and they plant these trees to prevent the shifting of it by the wind. It has been my understanding in a general way that the Forest Service in this country where these reserves were is trying to redeem some of the land along these lines. They were going to raise on some portions of it, perhaps, trees that would be in the nature of an experiment, it is true, but with the idea of raising timber in some cases, timber that would become merchantable, and in other cases of using the balance of the land for the purpose of getting some revenue for the Government where heretofore it had paid none. Now, I yield to the gentleman.

Mr. SCOTT. I desired merely to state that when he appeared before the Committee on Agriculture, Mr. Pinchot said that about 50 or 60 per cent of the trees planted in the sand hills of the Nebraska reservation had lived.

Mr. NORRIS. From my own observation in other localities I would say that that is not a bad estimate.

Mr. GAINES. How long has this Nebraska National Park reservation been in existence?

Mr. NORRIS. I do not remember.

Mr. GAINES. Have any trees ever been planted there?

Mr. NORRIS. I think I can, without going and looking at the trees, answer that question in the affirmative, that there have been trees planted there.

Mr. GAINES. Then, I suppose, the original design was not to plant them for the purpose of growing timber, but in the hope of getting little scrub trees to grow and hold the sand together.

Mr. NORRIS. That may be partially true; it is not known exactly what kind of timber would grow best in that immediate locality. It is somewhat of an experiment, the same that has been tried in a great many other places where they have forest reserves without any timber. If we could get timber to grow in these localities, if scrub trees would grow, it would gradually redeem a country now almost worthless. I submit, Mr. Chairman, that while I can not tell of my own knowledge at this time, and do not claim to be an expert as to just what our policy should be in regard to these reserves, I want to say, in all fairness and justice, you should not pick out one and treat it differently from all the rest unless you find the policy is wrong, and then cut them all off.

Mr. GAINES. Does the gentleman know what is the extent of this experiment?

Mr. NORRIS. I have only a general knowledge of it, but in a general way I know that they have planted a great deal out there; I do not know with what success, to be positive about it, and I can not say what the result of that experiment has been.

Mr. MADISON. Mr. Chairman, there is in my district, in the western portion of it, a forest reserve similar to that which has been talked about by the gentlemen who have preceded me. I want to say to the members of the committee that this reservation has proved of great benefit to the people of our section of the State. In the first place, the bureau is searching throughout the country and finding out the kind of trees that will grow upon these sand hills. They are bringing the seeds or cuttings of those species to this reserve; and I want to say to gentlemen who have insisted that these reserves are of no value, that they are growing trees on the Garden City Reserve—that there is no question about it being a success. It is true that as yet these reserves have not been long established, but sufficient experiment has been made to establish their practical value. They have a nursery at Garden City, where they grow young trees from the seed and then take them out into the sand hills and plant them, and they are growing. A large percentage of them are living. It is entirely possible to grow jack pine and other species of trees in those sand hills, and the Government is actually doing it.

The educational value to the people who live in the communities near a forest reserve like the Garden City Reserve is simply incalculable.

These people out on those treeless plains want to be told and have demonstrated to them what trees will grow there, and the influence in this forest is becoming to be felt all over the southwestern portion of Kansas.

I understand that this reserve that is under consideration is located in the western part of Nebraska.

Mr. NORRIS. In the northwestern portion.

Mr. MADISON. Where the conditions are practically the same as in western Kansas. I simply want to add my testimony to that of the gentleman who has just spoken, to the effect that these reserves are of great value to the localities in which they are situated. The land that is being planted is not of much good for anything except the growing of trees of the kind and character that are being planted there.

Mr. GAINES. What kind of trees are they growing?

Mr. MADISON. I mentioned one kind, the jack pine.

Mr. CRUMPACKER. Is the jack pine good for anything except Christmas trees?

Mr. MADISON. I want to say to my friend that there is no tree on earth that has brought so much happiness to mankind as the Christmas tree. [Applause and laughter.]

If the gentleman had lived in western Kansas and Nebraska, he would know what tree hunger is, and he would understand of what value even a scrub is to the people upon those windswept plains.

It is also true that this land which is now being planted to forests, if you take it out of the jurisdiction of the Forestry Bureau, will simply be turned out to the commons. As it is now, it is leased to cattlemen for grazing purposes, that portion that they have not reached in the tree planting. A large portion of the money obtained from these leases—I am not able to say what per cent—is covered into the local treasuries for the support of public schools and the building of good roads. If there was no other reason except that, it ought to be sufficient to keep these forest reserves in western Kansas and Nebraska going, and I sincerely hope that the motion to strike out will not prevail, but that this magnificent work that is being carried on by the Forestry Bureau in our section of the country will be continued. [Applause.]

Mr. KEIFER. Mr. Chairman, I hardly know what would be the effect of the adoption of the present motion. I have listened for some time to this discussion, and I do not care to appear to be opposed to appropriations for the forest reserves. But if the theory is that we are going to keep our arid and timberless lands for forests to be grown thereon by nature, none of us now living can be particularly interested in it except in so far as we are interested for those who may come after us in remote ages.

Gen. William Henry Harrison, the great military man and statesman of long ago, who lived in a forest country for most of his life and before he was elected President of the United States, prepared an address on the subject of the time that it required nature to grow a forest of value.

He worked it out on strictly scientific principles, and in his address demonstrated that the great forests that we had in Ohio and Indiana and in regions of the country he was most familiar with, and in a country well adapted to the growth of a forest of value for useful purposes, took two hundred years. There was an evolution about it, the growth of something that disappeared, and then something else, and finally a forest of a valuable kind grew in one locality, different from that in another within sight of it. This was what he called working out by natural law a forest evolution. If we expect to keep our arid and timberless public lands for nature to make forests in the future, it will be with results at a very remote period. I do not think that the devastation of timber growths by fire in the grass that grew upon the plains was the only reason why there were not forests in all this great western domain. I have had some experience with forests on public lands. About 1868 I purchased some land in the district now represented by the gentleman from Nebraska [Mr. NORRIS] in the Big Bend of the Republican River, and it had the finest timber on it of any place in all that region. Everything looked beautiful and promising. I had some timber land and some bottom land and some hill land, and I looked forward to the time when it would be a very choice place to settle and establish a home. There was but one man, and he was from Prussia, that lived anywhere near it. He is still living.

I went out about twenty years later with a view to its settlement and there wasn't any timber as big as my thumb on any part of it. The very roots were dug out of the ground by the homesteaders of Kansas and Nebraska to build fires in their dugouts all through that country. [Laughter.] And they were right about it. There were no railroads to bring coal to them and they took the fuel where it was handiest, and I never complained about it. That land was then regarded as worthless—it was located in what was once called the Great American Desert—but to-day much of it is worth $100 an acre for farming purposes, to raise corn, wheat, oats, rye, alfalfa, and other things of that kind that we can utilize. I am glad to say that I have some of that land yet.

Mr. NORRIS. We would like to have the gentleman come out and live on it.

Mr. KEIFER. I want to say one thing more. That it is land suitable for forests that will be made valuable by proper planting and cultivation. I have a young grandson now in the university at Lincoln. He went out early last spring, down on some of the land I have referred to, and planted above 8,000 trees, with the help of a boy to assist him. He said it cost him, as I recollect, about 4 or 5 cents apiece to plant them. He is going to have a forest there some of these days.

I can tell you how he planted them. He laid out the ground like he was going to plant corn, 4 feet apart in rows, with cross rows. He planted a tree in each indicated place, as you would plant corn. Some might say that 4 feet apart is too close for successful timber growth, but they are mistaken; trees thus planted will grow better when close together while young and they will grow up straighter than when planted wider apart, and when they are big enough to cut for wire-fence posts they can be cut out, every other one, and the others remaining can grow until they are big enough for ties for railroads and for other purposes. After a while a forest will be produced; and that is the only way you will ever get a forest of any useful kind upon the now timberless regions of our great West. You have got to cultivate them, and you are not going to get a forest in our day on these lands by waiting for nature alone to produce it, nor will nature alone produce it in the lifetime of our children or our grandchildren.

Mr. KINKAID of Nebraska. Mr. Chairman, inasmuch as this forest reserve to which the amendment applies is in the district

that I have the honor to represent, I feel that I ought to contribute my personal knowledge to this discussion.

Mr. SCOTT. May I interrupt the gentleman to ask him a question which will tend to remove some confusion in the minds of the members of the committee?

Mr. KINKAID of Nebraska. Certainly.

Mr. SCOTT. I think the most of the Members understood the gentleman from Nebraska [Mr. LATTA] to say that the reserve was in his district.

Mr. LATTA. I did not say that, and I did not mean to convey that idea. I said it was in my State.

Mr. SCOTT. Then I beg the gentleman's pardon. I should not have challenged him to offer the amendment that he did if I had not got the idea that it was in his district.

Mr. KINKAID of Nebraska. Mr. Chairman, there are three forest reserves in the district I represent, a district covering more than one-third of the great area comprising the State of Nebraska. There is room for these three reservations, as well as for the thousands of productive farms, with prosperous and happy homes, which do actually exist within this area. I deem it my duty to inform the committee as to my knowledge of the character of these reservations and the soil. The soil, if there be any soil in the greater portion of it, is very poor. The territory selected in the one of the three reservations which is most advanced with experiments was selected on account of its consisting mostly of large sand dunes. There is no system or order to these dunes; they are promiscuous. There are no valleys; they are great, high sand dunes and then pockets between them. There is no valley that you can follow in any direction. It is a deep pocket here, and over the dune is another deep pocket, and so on, and this topography is deemed the most desirable by the Forestry Department, for the reason that these high dunes with the deep pockets protect the trees from the hot winds and shelter them in the several respects which are desirable.

Now, where the principal reserve is most of the land comprehended within it consists of such topography as I have stated. It is well adapted, peculiarly adapted, to the experiments being made, and is little fit for anything else except for grazing.

Now, I wish to be frank and say that I think there has been too much comprehended in one of these forest reserves in our State. I have received a great many requests that I make an effort to have some of that turned back, and if I had been early enough to secure a consultation with the Chief of the Forestry Bureau before this was set apart I am sure he would not have included the better lands in this reservation which were set aside and that he would not have made the recommendation to the Secretary of the Interior, which was done. This reserve is called the North Platte Reserve.

Mr. MOORE of Pennsylvania rose.

Mr. KINKAID of Nebraska. Let me finish this statement. But in the main most of the lands comprehended in the other two reserves are quite well adapted to the experiment of pine-tree growing. Now I will yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Will the gentleman state what provision is made by the State of Nebraska for its forest reserves?

Mr. KINKAID of Nebraska. By the State?

Mr. MOORE of Pennsylvania. Yes; does the State make any provision for the protection of its forests?

Mr. KINKAID of Nebraska. The State is doing nothing with the forest reserves.

Mr. MOORE of Pennsylvania. Then it has no state reserves?

Mr. KINKAID of Nebraska. It is public domain, and the State has nothing whatever to do with it. I should speak further for the information of the committee of an object lesson as to the feasibility of reforesting that country if the country was ever forested in the first place. An object lesson exists in the county of my residence, which is farther east than where these three forest reserves are. Sixteen or seventeen years ago jack pines, such as grow in northern Michigan and Wisconsin, were set out under the advice of the state administration and under the personal direction of one of the leading scientific foresters of our State and of the West, the late Professor Bessey. Something like 3 acres were planted in the first place, but a fire ran over the country and destroyed a good portion of it, so that there is at least 1 acre which has on it standing trees.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID of Nebraska. I ask unanimous consent for only a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINKAID of Nebraska. At least an acre of trees remains in a compact body, and are all promising trees and promise to make fair saw timber, perhaps good lumber for commercial purposes. They look as promising for that purpose as does the timber of the same age, as I would estimate it, in forests which have been successfully devoted to the manufacture of lumber for the best markets. I think as this experiment has been started by the Government and advanced thus far, it ought to be continued for a period longer at least, and my observation convinces me that it would be an excellent long-time investment for capitalists or the Government to plant trees upon such lands just as is being undertaken in western Nebraska in two of these particular reserves.

Mr. Chairman, I trust the motion to amend by striking out this $18,000 item intended to be used in the further support of experiments on these Nebraska forest reserves may be voted down.

Mr. SCOTT. Mr. Chairman, I move that debate on this amendment close in seven minutes.

The CHAIRMAN. The gentleman from Kansas moves that general debate on the amendment close in seven minutes.

The motion was agreed to.

Mr. REEDER. Mr. Chairman, I became a settler of what was known as the "Great American Desert" a great many years ago, and I have spent practically all my life in that desert. I think that a good many of the remarks made here indicate that many eastern and southern people have not yet become acquainted with what is being done in that country. For instance, I remember the time that trees were set out in that western country, when nine-tenths, if not ninety-nine one-hundredths of the people were quite sure they would not grow. Some of those same trees have been cut into saw logs at least ten years since, and at a good profit. I speak of this, because I think my friend from Ohio, General KEIFER, is very much mistaken about the time it takes to grow trees. It could not have been over twenty-five years from the time they were planted until they were cut into saw logs at a great profit—saw logs that would measure from 2 to 3 feet in diameter at the butt.

Mr. MANN. Were they cottonwood trees?

Mr. REEDER. Yes.

Mr. GAINES. What tree was that?

Mr. REEDER. Cottonwood. Sometimes we plant what is known as the Carolina poplar. It is a variety of the cottonwood.

I wish to speak for a moment as to the quality of soil of that desert as we knew it on our maps, because I perceive that some of the eastern Members have very little idea of the fertility of that country. I was traveling along a certain place in western Kansas back in 1876, and it occurred to me that I had gotten far enough West; that it was impossible white men could ever live there on account of a sand storm that occurred that day. I did not go back to that section for at least twenty years, and when I did I found a most beautiful little city within a mile and a half or 2 miles of where I had seen the sand storm, and every part of the country was covered with finer farms than you see any place east of Illinois. Mr. Chairman, it does a man good to get out of West Virginia or Pennsylvania or Ohio into that American Desert to see where people live comfortably on a farm, and I often wonder that these gentlemen do not go and see what has been done with the American Desert. That is why I have stood here day after day, and I wish I had more ability, in an effort to prevent the gobbling up of such an amount of this western land by speculators which ought to go into the hands of settlers as it did in Kansas and Nebraska, and thus make of this intermountain country what it ought to be—a paradise for farmers.

Some years ago, quite a number, I among others, did a great deal of irrigation in western Knasas. We spent a good deal of money and made the land valuable, but conditions have changed there to such an extent that there is no irrigation in my district. We simply had to quit because our cultivation and tree planting have produced such an atmospheric condition that the rains come more frequently, so that we raise good crops on the land in that section and we have quit irrigation for that reason. Another thing occurred in that Great American Desert which will surprise some of you. It is the fact that there are 30 or more trees growing naturally, that nature planted, to where there was one when we settled in that country. Some forty years ago a few trees grew along the borders of the streams, as indicated by my friend from Nebraska, but, unassisted, nature has produced at least 30 trees for every one that was growing before, in addition to what we have cut for fuel when we could not secure coal. We could not get coal in the early days on account of the distance to a railroad; corn was also burned in great quantities for lack of other fuel in that country. We cut out

the large trees along the streams in places where they had grown by being thus protected from fire. Much has been done to make that the finest farming country on earth by the discovery of plants that will prosper under the conditions as they exist now in that desert.

I have replanted the trees four different times on my home place, because I did not know the kind of trees to plant under the existing conditions. We are now learning what to plant; we are learning the kinds that succeed best. Pines and cedars will grow in the sand hills, and in time they, in connection with cultivation, will render that intermountain and sand-hill country as fertile a country as the locality in which I live. Some of this land in the section where I reside that appeared to be absolutely worthless years ago is now worth and will sell for $100 an acre for what grows out of the ground in the way of farm products, and I doubt whether any section east of Illinois will grow as much grass to the acre as some of this land in the so-called "American Desert." I know of places where they grow five crops of alfalfa each year without irrigation, and they do not exceed that in Virginia, Ohio, or Pennsylvania.

Mr. GAINES. Mr. Chairman, I have no doubt in the world that that is better land than that which we have, but the accurate, minute description of the land which the gentleman suggests does not indicate it.

Mr. REEDER. It exactly indicates what the country was when it was first settled, and the later description indicates what it is now after forty years of cultivation—a much finer looking country than I have ever seen any place east of Illinois.

It is very much to be deplored that when we have made what was a desert when Illinois was first settled the most productive wheat belt in the world and at the same time one of the greatest corn, cattle, and hog producing sections of the United States, that men who are intelligent enough to be sent to Congress are yet doubtful of the expediency of still experimenting with other portions of our arid and semiarid lands.

Then it is even more to be regretted that other Members of this House who do know of the development of the West should display such energy to prevent a proper care of the resources of the people as to attempt to cut the expense of forest preservation below 2½ cents per acre, when other countries, such as France, Germany, and England, spend as many dollars per acre as we do cents annually to care for and conserve their forests. Switzerland spends annually $5 per acre in the care of her forests, and she is now, after about seventy-five years of scientific care, able to cut from those same forests about $10 worth per acre per annum, or a net profit of $5 per acre per annum without depletion. Such a condition in our forests, handled as well, would give us a net profit of $1,000,000,000 a year, or enough to run the Government without so much as a tariff law, a revenue law, or even the sale of a postage stamp. And we need only to use such a portion of our country for forests as is unfit for cultivation on account of the roughness of its surface.

While it will take years to bring our forests to the condition of those in Germany or Switzerland, we are, under the Agricultural Department, moving in that direction.

These forests if protected and propagated will largely pay the necessary expense of their care in retarding floods, preventing soil erosion, and the filling of our streams with sediment, and thus regulating largely the stream flow for use in water powers, our most valuable source of heat, light, and power in the not distant future.

How these Members can be induced to commit so great a crime against posterity for the trivial profit to be taken out of these resources and put into the pockets of rich speculators is beyond my ken. If these lands and the profits of these resources of timber, coal, and water powers could go in small amounts into the possession of families of limited means, we could look with some complacence on the efforts to wring them from the possession of the Government. But when they simply mean the adding of a few hundred thousand or a million or two to the wealth of a few whose already accumulated fortunes makes it scarcely possible for them to raise families who are not criminals, makes these efforts seem doubly to be condemned. We occupy the last and most favorable spot on earth for a great nation, evidently hidden for thousands of years from civilized man by that power which overrules the destinies of men and nations until man was brought to as high a state of civilization as could be produced under the existing conditions. Then God permitted its discovery, and through great trials sorted out the best of that civilization and sent them to the stormy New England coast to found the civilization we are called to promote for the good of the whole human race.

Let us get above the miserly grabbing for a few sordid dollars for either ourselves or our constituents; gather information as to our God-given resources and opportunities, and act solely in the interest of bringing our citizenship to the very highest level of general intelligence, uprightness, and contentment that has ever been attained by any people on God's footstool.

Mr. SCOTT. Mr. Chairman, I understood the gentleman from Nebraska [Mr. LATTA] to say that this forest reserve is in his district. Evidently I misunderstood him, and it was while under that wrong impression that I accepted his proposition not to oppose the amendment which he might offer to strike out this appropriation. I was quite willing to let him offer that upon his own responsibility as the Representative of the district in which, as I understood at the time, the forest is located, and present the matter for the judgment of the House. But since I have now learned that the forest is in the district of another Representative from Nebraska, who protests most earnestly against striking out the appropriation, I feel as if I am warranted in expressing the hope to the committee that the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

White River National Forest, $19,990.

Mr. TAYLOR of Colorado. Mr. Chairman, having reached the portion of this bill pertaining to the forest reserves within the State of Colorado, I ask the indulgence of the committee for a few minutes to say something concerning these forest reserves. I will not attempt to go into details, but merely offer a few general observations upon pending and proposed legislation affecting the public domain of the West. Whether we like them or not, the forest reserves are there, and I am frank to say they are doing some good.

We, of the West, heartily join with you of the East, North, and South in every honest effort at the conservation of our natural resources. We do not question the patriotic motives of the President of the United States, or the good intentions of the Secretary of the Interior; and I have not impugned the honesty of purpose of Gifford Pinchot. I have for many years differed very widely from him in his methods of handling the forest reserves within my State. But, Mr. Chairman, what I seriously object to, and what I think every man in the arid West who understands the situation will or ought to object to, is the constantly increasing assumption of authority by the Forest Service. If the Forest Service would confine its operations to forestry and to forest lands, and the legitimate conservation of the forests thereon, all good citizens would commend and uphold their efforts. We want to see everything conserved that ought to be conserved, and we want to see all of our natural resources safeguarded and economically developed and used; and as a member of the Public Lands Committee, I shall gladly assist in the framing of as strict laws as anyone could reasonably ask to accomplish those objects and prevent the fraudulent acquisition of any of the public domain, and also prevent the monopoly of any of the coal, material, and other valuable resources of our country, pending the time that they are lawfully passing into private ownership.

But if the term "conservation" is being used, as I fear it is in some quarters, as a pretext for the increase and creation of powers that have never heretofore been granted by law; if a laudable sentiment is being insidiously used as a cover for the enactment of a code of land laws that will perpetually exploit the public domain and its resources in our Western States, I feel that I would be recreant to the people who have honored me by election to this distinguished body if I did not raise my voice in earnest protest.

Never before in the history of this country has there been such a systematic and determined effort upon the part of the Federal Government toward infringements upon the rights of the West. While it is true, as the President in his message to the Senate and House on the 14th of last month well stated, that "all the principal land statutes were enacted more than a quarter of a century ago," and while it is also probably true that the country needs a new code of land laws, and probably a land court also, that will properly safeguard the rights of the Government in the disposition of its coal, mineral, forest, and other property rights, at the same time, when we come to consider the numerous bills and measures that are presented to this Congress for that laudable purpose, several of which have the official sanction of the administration, I am amazed at the boldness of the proposals therein contained. I can not realize how the Members of this honorable House from the older States can calmly consider the propositions to absolutely take from the people of the arid west some of the most sacred property rights they have, not only reversing the tradition of this Government for a hundred years, but violating the very constitu-

tional guaranties upon which those States were admitted into this Union. In the brief time allowed me I can not go into details, but I will mention a few of these measures, and as the water of the arid west is the most precious and valuable property right we have, I will mention that first.

On July 26, 1866, for the purpose of inducing immigration to and settlement of the West, and for the protection of property rights therein, Congress passed the following act:

> Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Rev. Stat., 2339.)

For the purpose of further guaranteeing and protecting the western settlers in their property rights and rights of way for their ditches and water rights, on July 9, 1870, Congress passed the following act:

> All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section. (Rev. Stat., 2340.)

Neither one of those acts have ever been repealed from that day to this. They were the foundation upon which many billions of dollars worth of property was made by many years of toil and privation, and upon which that property has securely rested for nearly a half a century.

On the 3d day of March, 1875, Congress passed the enabling act, permitting the inhabitants of the Territory of Colorado to frame and submit its constitution for admission to the Union. Section 1 of the enabling act reads as follows:

> That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a state government, with the name of the State of Colorado, which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respect whatsoever, as hereinafter provided.

In pursuance of that enabling act the inhabitants of the Territory of Colorado adopted a constitution on the 14th of March, 1876, and submitted it. Paragraphs 5 and 6 of article 16 of that constitution which was submitted to this Government are as follows:

> *Water public property.*—The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.
>
> *Right of appropriation.*—The right to divert unappropriated waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes.

That constitution, with those provisions therein, was formally approved, and President Grant on August 1, 1876, signed and issued the proclamation making Colorado the centennial State of this Union. That enabling act and those two provisions within our constitution were an absolutely binding and forever inviolate contract between this Government and the State of Colorado. Probably one-half of the property value of our entire State has been built and based upon those provisions. You of the East have little conception of what water rights mean to us of the West.

The act of June 4, 1897, establishing the forest reserves, also contained the following provision:

> The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned, the intent and meaning of this provision being that the State wherein any such reservation is situated shall not, by reason of the establishment thereof, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

The Supreme Court of the United States in the case of Kansas *v.* Colorado (206 U. S., 46–118) and all of the other decisions of that court upon the subject during the past forty years have emphatically declared:

> That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vetsed in the State.

We have no navigable streams within the State of Colorado. The doctrine of riparian rights never did prevail in our country. All the waters of our streams became the property of the people when our State was admitted into the Union, and from the 1st day of August, 1876, up to this hour neither this Government nor Congress has ever had any right whatever to interfere with or exercise any jurisdiction over one drop of water within the boundaries of Colorado. Our State was admitted upon an absolute equality with every other State in this Union. Congress has no right to interfere with our property rights or our local self-government any more than it would with any other State; and I can not resist feeling that such an effort would not be attempted against the older States. But now, for the first time in the history of this Government, the President recommends not only the control of the power sites, but also the waters within our States.

The conservation press of the country some time ago, with great unanimity, raised a great furore and bugaboo about gigantic power-site combinations and monopolies in the West. Magazines have been teeming with articles clamoring for the conservation of power sites and of the Nation's valuable water rights. This Nation has no water rights in the West. They belong to the people of those States. While the right-of-way act of Congress of 1901, under which rights of way for canals and ditches, and so forth, are now obtained over government land, through the office of the Secretary of the Interior, had the effect of superseding the right-of-way provision in the latter part of the act of 1866, in so far as it did not affect vested rights, the first official action taken by the Government toward asserting its claim to water-power sites and withdrawing land for that purpose was a year ago in January, when over three and a half million acres of the public domain were hurriedly withdrawn from all forms of entry or disposition for the purpose of "the conservation of water resources." As a matter of the fact, the Government has never had any "water resources" whatever within the State of Colorado since the 1st day of August, 1876.

While a large portion of that land has been restored to entry, at the same time there are still large tracts of land that do not contain any power sites which ought to be open to settlement. Even the President does not claim there was any authority of law for the withdrawal of these lands from appropriate entry. I want to again insist that we do not question the good faith or the patriotic motives of our President. He is candid and frank, and we admire him for it, while I do not feel the same way toward some who seem to be so desperately determined to get more revenue from the West. But I can not resist the belief that both the President and the Secretary of the Interior are being unconsciously influenced by this simultaneous agitation for conservation throughout the eastern press and by the hobgoblins that have been manufactured about the gigantic frauds in the West.

I am aware it is expressly stated that these withdrawals are only temporary and for the purpose of affording Congress an opportunity to legislate upon the subject; but it is from these measures now pending before Congress that we must infer what character of legislation is contemplated and desired. We obtain this not only from the annual report of the Secretary of the Interior for the fiscal year ending June 30, 1909, and which was recently placed before us, but also from several bills now pending before the Senate and House, sent in by the President himself. It would take too long to go into these propositions in detail, because they are lengthy and ingenuous. Their proposals, in plain English, amount to a systematic effort to capitalize into an enormous and permanent federal revenue-producing proposition practically all of the remaining natural resources upon the public domain, including the use of the waters of the streams of all the Western States. It is boldly proposed to hereafter charge a rental or royalty for the right to carry water across public land and for the use of the public land for reservoirs or power sites, and only grant an easement for a limited period, with a maximum of thirty years, which may be renewed only at the option of the Government.

The intention is to make that apply to not only the 200,000,000 acres within the forest reserves, but also to the 603,355 acres of public land outside of the forest reserves, and which is now withdrawn, as claimed, for the purpose of "the conservation of the water resources" thereon. The idea appears to be to have the Federal Government permanently retain title to all of such lands as can be used for these purposes, with the deliberate intention of deriving a perpetual revenue therefrom in that manner.

But to my mind, the most outrageous proposition, which in itself concedes the violation of all our laws and constitutional rights, is the requirement to compel every man who contemplates using any water for power purposes to first secure his

right by appropriation and with the proper plans and specifications and diligent completion of his development and then convey it to the Government of the United States and receive in return therefor a lease, as above stated, and agree to thereafter pay a royalty for the temporary permission to use his own plant and the water which he has appropriated therefor.

This Government entered into a solemn compact with each of the Western States and induced the people to settle in and build up those States upon the surrender of its title to and jurisdiction over all of the waters therein, and admitted each State into the Union with the constitutional guaranties that the waters therein should forever belong to the people thereof, subject to appropriation; and now, when practically every drop of water within the boundaries of every one of those Western States has been lawfully appropriated and is now being beneficially used, it proposes to coerce the people who may seek further to develop our Commonwealths into surrendering those constitutional guaranties and making themselves perpetual federal tenants.

Were I not a new Member of this honorable body, I would characterize this proposed legislation in terms much stronger than I feel it would be appropriate for me now to use. But I will say that I heartily coincide with the remarks of the distinguished gentleman from Wyoming [Mr. MONDELL] when, the other day, in referring to this subject on the floor of this House, he said:

> I think I am justified in saying that whatever our various opinions may be as to the wisdom, justice, propriety, or necessity of legislation such as that proposed herein, all those who are familiar with our land legislation and the decisions of the courts with regard to our public domain must admit that it is the most revolutionary and startling proposition relating to federal control of local affairs, through the ownership of public lands, ever presented to Congress. It is so startling and so revolutionary that I must of necessity speak of it earnestly and emphatically, and in doing so I desire to have it understood that I speak with due respect to the very able and efficient Secretary who made this recommendation and for the views of all those in official or private life who honestly agree with him. All those who have been demanding federal control of power development owe the Secretary a debt of gratitude for having put their demands in concrete form.

I take the liberty of making this reference to the able chairman of the Public Lands Committee, first, because he knows the conditions of the West and the needs of our people as well, if not better, than any man in this House; and, second, to show that this is not a question of politics nor of men. It is a bold attempt to trample upon a principle which lies at the foundation of a republican form of Government. It is a most menacing attempt by the power of numbers to force the Western States, as the price of the opportunity for the future development of their resources, to surrender one of the most sacred rights they have guaranteed to them by their organic laws. It is a brazen denial of the "equal footing" upon which they entered this Union, and I can not believe that the people of the West will tamely submit to such an outrage, nor do I believe the courts would enforce it.

I am fully aware that if the Federal Government desires to retain title to the lands that have not thus far been disposed of, and thus retard the development of the country, it may, of course, do so. But the Government has no constitutional, legal, or moral right whatever to exercise jurisdiction over or interfere with the use of the waters of the nonnavigable streams within our borders; and this attempt to invade the inherent rights of the citizens of the Western States not only applies to water for power purposes, but also to its use for irrigation.

The value of the waters of the West for irrigation is probably a hundred times what it is for power purposes. And yet the water power of the mountain streams of my State alone, when properly harnessed, will generate a million horsepower. It is authoritatively stated that 1 horsepower, operated every day in the year, turns out an average of $1,152 in manufactured articles, and that the average wage paid annually per horsepower is $248.

From this mere reference it can be readily seen what marvelous possibilities there are to our State in our water resources. The question involved is whether Colorado or the Federal Government shall own and control that almost inconceivable wealth and derive the $248,000,000 annually therefrom.

But there are apparently innumerable schemes for interfering with our rights of self-government in the West. I have not had time or opportunity to read all of the various bills that seem to have for their purpose the interference with our domestic affairs and the insidious filching of money by some pretext or other from us of the West. Some of them seem to have forgotten that our form of government contemplates the freest possible exercise of individual liberty consistent with the public good, and that the Government has no right to regulate every man's private business.

The distinguished gentleman from Illinois [Mr. MANN], chairman of the Committee on Interstate and Foreign Commerce, has introduced a bill, H. R. 18834, which was referred to the other day, and which, I presume, is at least to a certain extent a semiadministration measure, and which is another illustration of the pending attempted infringement upon the property rights, as well as the governmental and constitutional rights, of the people of the West. As I understand it, that bill provides in substance that no dam can hereafter be built upon any stream adjoining which there is any remaining government land without the construction being under the supervision of the Secretary of Agriculture, and he shall have all the power and the same authority as the Secretary of War and the Chief of Engineers as to the construction and maintenance of dams in navigable waters, and that no dam can be constructed without the express authority of the Secretary of Agriculture; and that if such a dam is not within the forest reserve it would come under the jurisdiction of the Secretary of the Interior, who will have the same authority as the Secretary of Agriculture in relation to forest reserves and the Secretary of War over navigable waters. As was pointed out, if a farmer in the West hereafter wants to build a little earthen dam for a small reservoir to irrigate a piece of land or to run his churn, he would have to get permission of the Secretary of the Interior or the Secretary of Agriculture, or both, and then probably have the Chief of Engineers of the War Department supervise the construction of his dam, for all of which the farmer would have to duly pay. I think I can imagine what some of my farmer friends would think of that kind of a law, if it should ever pass this Congress.

With all due respect to everyone, I can not appreciate the brotherly spirit exhibited in some of these measures presented by Members coming from the States that have been settled and built up by the leniency of this Government; States that had not one-tenth the hardships that the present frontier States have to endure, and that have been made rich by settlement and development during the past hundred years, and which now seek to hamper and place unwarranted burdens upon the new and needy States of the West. Moreover, it is also passing strange that none of these proposed measures for encroachments upon our rights, as I view them, come from people who are familiar with our conditions. To me these paternalistic and centralizing tendencies appear little short of national bureaucracy run mad. It would be no more unfair, unconstitutional, or illegal for the National Government to commence taxing and proceed to derive an enormous revenue from the use of navigable rivers and harbors, upon the theory that it retains a certain interest therein. Why does not some of the muckrakers work up a scare about an impending monopoly of the power sites of the streams of the East? Why does not some one discover the secret formation of a gigantic trust composed of all the navigable waters and frantically appeal to the Government to take them all over and charge the users of them $1,000,000,000 a year royalty for their conservation and preservation for the national good and for the welfare of future generations, and incidentally for a large number of new offices? I am heartily in favor of conservation, and I would especially like to see some conservation of law and of the constitutional rights of the people of the West. I want to see the conservation of a little old-fashioned honesty and fair dealing.

I can not see the justice, and there certainly is no necessity, for placing a burden of millions of dollars in taxes and royalties upon the development of the West for the maintenance of this Government. That looks to me like robbing children.

It seems to me that it is time the Western States were inquiring whether or not they are to hereafter be treated as equal members of this Union or to be relegated to the position of federal provinces and be governed by federal bureaus. It is a question as to whether or not our Western States are capable of controlling our internal affairs, or whether we are to have our property rights managed from Washington.

FOREST RESERVES.

I will not at this time attempt to take up the time of the House in discussing the hundreds of exasperating and impracticable rules and regulations now prevailing in the West in the Government's administration of the public domain, especially within the forest reserves. There are many things that seriously interfere with the settlement of the public domain and prevent the development of our country as we have a right to have it developed under the express and well-settled laws. We are being reigned over by an army of federal officers, many of them nonresidents, who are not in sympathy with the inhabitants of the public domain, and many of whom inevitably cause dissatisfaction.

I could right now offer in this record a hundred pages of newspaper editorials, resolutions, speeches, and letters to me vigorously protesting against existing conditions upon the public domain in Colorado alone. But I understand that there are at this time two grievance committees from my State on their way to Washington to present the situation to the proper departments and ask for relief, so I will not now go into a discussion of these matters.

It is a common saying that the timid never started West and the weak died on the way. I have spent nearly all of my life on the frontier. I know the hardships that the pioneers have had to endure to build up that country. History will record the fact that they have certainly done their full share toward making our country the magnificent Nation that it is, and we have a right to expect and to demand the same consideration at the hands of this Government that was accorded to the early settlers of the great States represented by you gentlemen from the Middle West.

Mr. NORRIS. Will the gentleman allow me to ask him a question?

Mr TAYLOR of Colorado. Certainly.

Mr. NORRIS. I would like to ask the gentleman when he refers to the Government deriving revenues if he refers to leasing for the purpose of pasturage on some of these reservations?

Mr. TAYLOR of Colorado. Yes; I have reference to that in part only.

Mr. NORRIS. Is it not true that this is entirely government land, owned by the Government of the United States, and if it were not thus leased it would not bring in revenue from anyone, and would be used without any compensation?

Mr. TAYLOR of Colorado. My dear sir, did the people of Nebraska ever pay to this Government one dollar for the use of the public domain within its borders?

Mr. NORRIS. Not that I know of.

Mr. TAYLOR of Colorado. No, sir; you did not. None of the Middle States ever paid a dollar for using any of the grass on the public lands.

Mr. NORRIS. But if the Government of the United States owns lands in your State or mine, that prior to these reservations were used by people without giving compensation or paying any taxes, or anything, and those lands are now being leased and controlled by the Government, have we any right to complain that they are using their own property now and getting a revenue that is being put into the reserves for the purposes of improving them when part of it goes to the State as a matter of fact, and before that the State received nothing?

Mr. TAYLOR of Colorado. I just a few moments ago stated that when the States that we of the West represent came into the Union the enabling acts of Congress which admitted our States guarantee that each of them "shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever," and that the act of Congress establishing the forest reserves provides that—

> Jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, * * * the intent and meaning of this provision being that the State wherein any such reservation is situated shall not by reason of the establishment thereof lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens * * * of the State.

It has been one of the important rights and privileges of the settlers of every State in this Union for a hundred years to use free of charge the public domain for the grazing of their stock, and why should not our cattle be allowed to eat government grass which would otherwise go to waste? It did not cost Uncle Sam a dollar, and why should the Government, now for the first time in a century, inflict a tax upon the people of the West for the grazing of that grass? And why should it be a criminal offense for a settler's cow to stray onto a forest reserve? I do not believe this great Government needs the 60 cents; nor do I believe it is justified in collecting that sum from the struggling settler for what grass each head of his stock can find on the arid public domain during each short summer.

Mr. NORRIS. Will the gentleman yield to me at this point?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. NORRIS. The gentleman admits that it is government land?

Mr. TAYLOR of Colorado. Why, of course it is government land.

Mr. NORRIS. Now, the right that the gentleman claims was possessed by the people of the State to use the grass on government land prior to the time they were put into forest reserves was only applied to a particular class of people, who succeeded without any legal right, as a matter of fact, to get possession, did not go to the inhabitants of the State as a class or as a whole. Now, is not that true?

Mr. TAYLOR of Colorado. Have not the Government and the public-land laws at all times invited the people to go West and settle up the frontier; and have not the pioneers of the frontier States always enjoyed the privilege of grazing the grass which would otherwise probably be burned?

Mr. NORRIS. Exactly; but I might have a homestead on one side of the road and you, a large cattleman, might have two or three sections on the other side of the road; and you would not permit my cattle and sheep to graze on the land which you might be in possession of and of which, at the same time, possession was taken without any legal right and without paying the Government a penny for its use. Under the present regulations you would have to pay something and the Government would get the benefit of it.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. NORRIS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes, inasmuch as I have taken up much of it, and I apologize to the gentleman for so doing.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Kansas asks for unanimous consent that the debate on this paragraph close in five minutes. Is there any objection?

There was no objection.

Mr. TAYLOR of Colorado. If I am only allowed five minutes, I must decline to be interrupted any further. The West does not object to the conservation of anything that ought to be conserved. The West has never opposed forest conservation. We earnestly want the timber carefully preserved, and we have no objection to forest reserves wherever there is any forest. But we do not want agricultural lands that are without timber to be permanently retained within forest reserves. We are not in favor of the conservation of sagebrush, cactus, and buffalo grass; and we have been for years appealing to the federal authorities and to Congress to have the agricultural portions of the forest reserves eliminated and surveyed and thrown open to settlement. We want to get the lands in the hands of the settlers. It is a mockery to retain within the forest reserves hundreds of thousands of acres of good agricultural land that has not had a tree on it for five hundred years, and upon which it would take five hundred years to grow a tree big enough to be of any use to the country. We have no use for fads, feudalism, or freak forestry.

There are nearly 16,000,000 acres now within the forest reserves in the State of Colorado, practically one-fourth of our State, and the press and the public and the legislature have officially stated that two-thirds of it is not forest land at all. Instead of eliminating any of it the Forest Service is desperately clamoring to have nearly a half million acres more added to the forest reserves. Fortunately, they can not do it without an act of Congress. There has been an amazing amount of misinformation, glittering generalities, and unemployed veracity concerning the reforestation of the mountains of the West. I think I put it mildly when I say that the universal sentiment of the West is that the claim of reforestation of the Rocky Mountains is one of the most gigantic humbugs that was ever attempted to be foisted upon intelligent people. I think it was Mark Twain who said, in referring to some visionary or scientific speculation, that it was—

> Very fascinating; one gets such wholesome returns of conjecture from such a trifling investment of facts.

The average altitude of the 18 forest reserves within the State of Colorado is about 9,000 feet, and a careful investigation has shown that at that altitude the average of tree growth for each 12 inches in diameter is: For red spruce, two hundred years; yellow pine, two hundred years; lodge-pole pine, three hundred years; and white spruce, four hundred years; so that it can be readily seen that it requires from a thousand to fifteen hundred years to grow a saw log. Moreover, my colleague Mr. MARTIN has conclusively and eloquently shown that there has thus far been pactically nothing done toward reforestation, or forestry either, within our State. In fact, it has been repeatedly stated that the school children of the country on Arbor Day plant more trees than the entire Forest Service does in the three hundred and sixty-five days of each year.

But be that as it may, that agricultural land is not needed within the forest reserves for any legitimate purpose. It will produce immense crops of oats, alfalfa, timothy, potatoes, small fruit, and many other products, and we want it taken out and have it surveyed and opened for settlement, and allow it, under

definite laws and without harassing regulations, to be settled and become the homes of many thousands of good citizens. We want definite land laws, and not an ever-shifting set of rules and regulations subject to individual caprice. President Taft, in his message that I referred to a moment ago, well said that "no sane person can contend that it is for the common good that nature's blessings are only for unborn generations." The West heartily approves of that sentiment, and we earnestly hope that his administration and this Congress will carry it out. We want this generation to enjoy some of the blessings of the unimpeded development of the marvelous resources that nature has placed within the boundaries of our Western States.

If I have figured it correctly, we are to-day appropriating $5,043,700 for the 148 forest reserves in the United States and 2 in Alaska. Of that enormous sum, $405,430 goes toward the administration of the forest reserves within the State I have the honor to represent. I will not try to prevent the federal officers within my State from getting their share of this princely sum. With rare exceptions they are personally a fine set of young fellows. They are quite a cosmopolitan collection. I think that most of you gentlemen have constituents among them. But I confess my utter inability to comprehend where this Government is getting value received for all of that money. In addition to these vast appropriations, the Government proceeds to heap further charges upon our people to the amount, as I understand it, of about $1,800,000 a year, which is constantly increasing, for the use of the property that we feel Uncle Sam should gladly grant as an inducement to bring settlers into that country and build it up. But we do not object so much to these petty fees and charges as we do to the principle upon which they are charged and collected. As a matter of fact, you are, or ought to be, as much interested as we are in building up the West, and you can not do it by inflicting unnecessary taxes upon us and treating us as though we were a federal province or an object of legitimate prey. That is not good policy, and never has been the policy of this Government.

We most earnestly protest and object to what I understand is the contemplated policy of capitalizing our coal mines, our power sites, our oil and gas and asphaltum, and mineral resources, as well as timber and grass, and proceeding to lease everything within our borders to us for an enormous royalty. And I suppose some ingenious conservationist will soon be figuring on the capitalization of our Colorado climate and pure air and sunshine.

Mr. SHERLEY. Is it true that the result of leasing has been to give the small cattle owner more chance at the public domain than he ever had before?

Mr. TAYLOR of Colorado. No, sir.

Mr. SHERLEY. That statement was repeatedly made in the hearing before the conservation commission, and that it resulted also in protecting the land and producing a better crop of grass instead of having it overstocked and thereby destroyed.

Mr. TAYLOR of Colorado. In the regulation of the range I think the Forest Service has done some good, but as a matter of fact, it has put some good men out of business, and I think it has injured ten to every one it has materially benefited. It is true the forest people have prevented sheep and cattle wars in some places, and that has done a great deal of good. The Forest Service does some good in many ways. We are not objecting to it, except in so far as it retards development and imposes upon the settlers unnecessary burdens and impracticable regulations, and prevents the development of our country. We want the agricultural lands eliminated and surveyed and opened to settlement, not bottled up.

I noticed in the press that there are 70,000 citizens of this country who this year will immigrate to Canada and settle upon the public lands of that country because its land laws are more liberal than ours. They will take with them on an average of a thousand dollars apiece, which means $70,000,000 of good American money, besides 70,000 of as good people as there are in the world reluctantly expatriating themselves and going to a foreign country largely because of the lack of wisdom of this Government in the administration of its public domain. We would like to have them come to Colorado.

We want the impracticable restrictions removed from prospecting, and the inauguration of such regulations as will allow the development of our mining resources. Prospecting has practically ceased within the State of Colorado; there have been no more new Creedes or Cripple Creeks or other important mining camps developed since the public domain was taken possession of by the Forest Service.

We will heartily welcome such laws as will prevent land grabbers of every kind. We are more opposed than anyone else can be to the spoliation or monopoly of any of our immensely valuable resources. We want the timber conserved, not monopolized, and a government monopoly is not much better than any other.

If the bills are prepared by men who know the conditions of our country, and are drafted in the interest of the growth and development of the West instead of its exploitation, I care not how strict the requirements may be for guarding against frauds of every kind. But we insist upon what we believe to be our rights, that this property shall lawfully and orderly, and as speedily as may be reasonably possible, all go into private ownership and become the property of the residents of the States within which it is situated, and subject to taxation for the benefit of the States and counties therein. We believe that to be an inviolable right, and in every respect in accordance with the policy that has made this Nation what it is. We ask for nothing more and we expect nothing less. Even though it were not a violation of our rights, we do not believe it either practical or good policy for this Government to embark in the coal business, or the oil business, or the gas, or water power, or mining, or any other such business within our borders.

Some enthusiastic conservationists write as though the Western States were a new country just discovered and taken by conquest by this Government, and in which there are fabulous riches which the Government itself should immediately occupy by an army of new officers, appointed from outside of the territory, and should proceed to develop and handle that property and charge a 25 per cent royalty upon the use and enjoyment of it for the purpose of conserving it. Of course, that sounds absurd; but let me assure you that it does not sound any more strange or ridiculous to the East than some of the things we now hear sounds to us of the West.

Mr. SCOTT. Has the gentleman introduced a bill providing for the modification of the laws under which these reserves are now being administered?

Mr. TAYLOR of Colorado. No, sir.

Mr. SCOTT. Does he know of any bill that has been introduced by anybody for that purpose?

Mr. TAYLOR of Colorado. I understand that the President has already had quite a number of them introduced. I want to say that Colorado and Wyoming are a unit on this proposition, and whenever you criticise the position of the chairman of the Public Lands Committee you are hitting us in Colorado.

Mr. SCOTT. It seems to me that instead of airing his grievances on an agricultural appropriation bill, where the matter is not germane, the gentleman ought to bring in a bill and have the matter brought up squarely before the House.

Mr. TAYLOR of Colorado. What position would a new and minority Member be in in trying to enact such legislation in this House?

Mr. SCOTT. If the legislation had merit, I am sure it would receive consideration in spite of the newness of the gentleman's membership.

Mr. TAYLOR of Colorado. We are going to give the President of the United States the benefit of believing that his intentions are for the best, and as far as his recommendations are practicable and for the welfare of the West we are going to heartily support him. There is not a particle of politics in this matter. It is a question of resisting the federal encroachments upon the rights of the West. We are simply insisting upon the God-given right of local self-government. That is the way we look at it.

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Honest conservation is all right; but when it threatens to descend to an ingenious revenue-getting scheme, when it is apparently being used largely as a device to furnish offices and expend the public money, it is time the people who foot the bills should be consulted. Conservation should be conducted according to law and with the consent of the people most directly affected, instead of according to the ideas of sensational writers for eastern magazines.

Mr. Chairman, I have endeavored in a very hasty and disconnected way to give the House a composite reflection of what I believe to be the sentiment of the West. I do not expect some of my statements to escape the criticism of the ultra-partisan, or the few who hold federal jobs or specially advantageous permits or other favorable concessions. But I believe my statements voice the disinterested consensus of public opinion. The subject of the administration of the public do-

main is a question that is considered in nearly every issue of the press in the West. We are not a complaining nor fault-finding people. We recognize to the fullest extent the rights of and our obligations to the National Government, and we want to join in both the making and the execution of the laws pertaining to the West.

This is one of the greatest subjects before this country at the present time and will require the wisest and most conservative statesmanship to intelligently solve the problems as to how to rightly administer the public domain and also conserve our natural resources and not invade the rights of the Western States and their citizens.

It is an American instinct to have an individual opportunity and to establish a family heritage in the soil. Look at Oklahoma! A few days ago a barren Indian reservation; to-day one of the richest, most intelligent and prosperous States in this Union. All by reason of allowing American citizens to acquire an individual home and a portion of the public domain. We all want to encourage the settlement and development of the West. The East—in fact, the world—needs our products. If we could have a million farms cleared and put into cultivation within the next five years, it would be one of the greatest boons that could possibly come to this Nation.

The new States of the West need all of their natural and financial resources for their upbuilding and development. To deprive them of their natural wealth and then tax them for using it is to doubly impoverish them. The great States of the East have always utilized and are still enjoying the benefits of all of their lands and other resources within their borders.

In the case of coal, the profit of production stays to enrich every one of those States within which the deposits exist. Not only the coal, but all of their other resources and their ever-increasing wealth has always remained to yield taxes and other benefits to enrich the States and counties in which the resources are situated. But in the new States, if the resources of the public domain are to be taxed under this new and strange policy and the proceeds converted into the National Treasury, the States which are most in need of the sustenance will be thus wrongfully deprived for the benefit of the older Commonwealths, which have, and are still, reaping the full use and profit of all of their own resources.

Referring again to the subject of coal. At the present rate of consumption, by actual calculation of the Geological Survey, in the State of Colorado alone there is enough coal to supply this Nation for nine hundred years. If my State was required to pay a royalty of even 2 cents a ton on that coal she would yield more than $7,000,000,000—twice as much as all of the money of all kinds now in circulation in this country, with the entire national debt thrown in for good measure. If the royalty should be fixed, as has been suggested, at 15 cents a ton, Colorado's coal would pay more than $50,000,000,000, or nearly one-half as much as the present entire wealth of this Nation.

I can not believe that either the President or Congress will attempt to ruthlessly trample upon the inherent rights of the Western States to the profit of their own resources. If there is to be any royalty imposed upon the coal, asphaltum, or any of the rest of our resources, the proceeds should pass into the treasury of the State whose resources are being thus administered. We have no objection to the temporary withdrawal of the public domain, nor of any of these precious resources pending an expeditious passage of wise and systematic laws safeguarding their disposal; and, of course, we will cheerfully submit to the payment of all necessary expenses and for such reasonable number of federal officers as may be necessary in the due administration and disposal of those properties within our States. There should, of course, be practical and carefully prepared restrictions. There should also be, and doubtlessly will be by this Congress, a revision of the coal-land laws.

But, in brief, we insist that the policy of this Government, ever since the adoption of our Federal Constitution, has been that each State was entitled to and has always enjoyed the benefits of the natural wealth and resources and climatic conditions within its borders. We simply ask at your hands and of this administration the application of that same principle to the States of the West that has always prevailed in and been accorded to the older Commonwealths. Moreover, the legitimate and practical regulation and control and safeguarding of the resources of each State should be within the province of the state government, and whatever revenues are derived therefrom should pass into the state and county treasuries.

American citizens do not take kindly to absentee landlordism. We do not relish tyrannical interference with our local affairs. We do not like bureaucratic rule. We prefer to be governed by law and by our own people. We want the laws intelligently framed in the light of the welfare of the governed, as well as of the governing body. We do not consider an officer's proclamation of his own virtue a sufficient reason for setting aside the Constitution of the United States, or even the acts of Congress. We do not want to have to go to the Land Office and the office of the forest supervisor every morning to learn what the law is.

The inhabitants of the Alps of Switzerland, the Highlands of Scotland, and the mountainous regions of the earth have always been the most intensely patriotic and liberty-loving people, and the citizens of the West now are, and the succeeding generations will be, a perpetual exemplification of this rule. We are 2,000 miles away, but we are your younger brothers still. Do not impose upon us because you have the power to do so. Let us develop our own resources, and we will soon become a storehouse of wealth to this Nation.

I firmly believe there is not a State in this Union that has one half the variety or aggregate amount of natural resources that is within the State I have the honor to represent. Sometime I will ask a few minutes to present to this House the wealth and beauty of the Centennial State.

But for the present, and in conclusion, I will only say that we believe our climate excels that of all the other States, in proportion as we exceed them in altitude; that our soil and climate and mountain streams make our agricultural and horticultural resources the garden spot of this Nation. At this very moment the county adjoining my home is sending 25 carloads of apples to London, where they top the market of anything that has ever been known in this country, both in price and quality. Our precious metals exceed the output of any other State in the Union. As I have shown, our coal and our water power are sufficient to run an empire for a thousand years. Our oil, gas, and asphaltum, and hundreds of other resources make us the coming treasury of our country.

Colorado is the brightest jewel set in the crest of this continent, where she shines as the Kohinoor of all the gems of this Union. [Applause.]

The Clerk read as follows:

Zuni National Forest, $19,741.

Mr. LEVER and Mr. MONDELL rose.

Mr. LEVER. Mr. Chairman, I rose for the purpose of calling the attention of the gentleman from Wyoming to the fact that we were passing over the item which carried an appropriation for the forest reserve in his State, but I see that he is up and will probably offer an amendment, and I will wait and see what it is.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 14, page 37, insert:

"*Provided*, That the total of the above appropriation for salaries and field and station expenses necessary for the use, maintenance, and protection of the national forests be reduced in the sum of $200,000, said reduction to be pro rata among the various items of appropriation under the above title."

Mr. MANN. Mr. Chairman, I make a point of order against that amendment as a matter of proper procedure, without any interest in the question. Here we have read several pages of items giving specific appropriations for specific forests, and having concluded those items, and the committee having passed over them, having voted down an amendment to strike out one, and there having been no amendment offered to the items, they having been accepted by the committee, the gentleman from Wyoming now proposes to offer an amendment to amend every one of the items. I do not think it is within the province of an amendment to do that. I do not think the gentleman can recur to the original items without unanimous consent. I do not think he can offer an amendment to amend each one of these items, because that is what this amendment amounts to. Not only would it amount to that, but it would require the Clerk, or some one, to make a computation on each item to see how much should be taken out.

Mr. MONDELL. Mr. Chairman, I am endeavoring to find the $220,000 that was added to the appropriation on account of the Alaskan forest reserves, but which is not to be used for the purposes of those reserves, and which, therefore, must be distributed through these items. The items which have been read are a part of one paragraph. It is true that the chairman of the committee has not objected to amendments to the various items of appropriation, but I think he might properly have objected to these specific amendments until the entire paragraph was read.

I inquired of the chairman some time ago, and I understood him to say that he undersfood the items constituted one paragraph, and as soon as the Clerk concluded the reading of the items I offered my amendment. This is the only place in which the amendment could be offered.

Mr. MANN. If the gentleman will permit me, while it is clear to my mind that these are separate paragraphs within the rules of the House, still, if the gentleman had an agreement with the chairman of the Committee on Agriculture that he might offer his amendment after these items had all been read, I would be glad to ask unanimous consent that the gentleman may be allowed to offer the amendment.

Mr. MONDELL. Mr. Chairman, I do not want to be misunderstood. I do not claim that I had an agreement with the chairman of the committee, or anything of the sort. I asked the chairman of the committee when I first drafted this amendment if he considered this as one paragraph, my idea being to present the amendment at the proper place, and my understanding was that he said he so considered it. This is the only way and the only time and the only place in which the House can scale down the appropriations generally.

Mr. SCOTT. Allow me to ask the gentleman: Suppose his amendment should prevail, how would the distribution be made?

Mr. MONDELL. I do not know the exact sum of the items, because it does not seem to have been carried out as it seems it should have been.

Mr. SCOTT. The gentleman's amendment seeks to reduce each appropriation in proportion to the amount appropriated.

Mr. MONDELL. Yes.

Mr. SCOTT. Now, Mr. Chairman, on the point of order, if I may have a word; it strikes me that the only way in which the gentleman could, in order, have the amendment made which he proposes is by moving to recommit the bill at the proper time, under instructions to have these various items reduced. I do not believe it could be done by amendment offered at this time.

The CHAIRMAN. Does the chairman of the Committee on Agriculture construe all of these separate items as one paragraph in the appropriation bill?

Mr. SCOTT. That was the way it occurred to me when the matter was first presented by the gentleman from Wyoming [Mr. MONDELL], speaking very hastily and without much consideration. I think if I had taken time to consider the matter more at length I should have held to the opinion that the provision for each forest constituted a separate paragraph, because there is a sum of money stated at the end of each paragraph. But the gentleman from Wyoming was perfectly warranted in making the statement he did.

Mr. NORRIS. Mr. Chairman, only for the purpose of calling to the attention of the Chair the fact that it would not be right to permit the judgment of the chairman of the Committee on Agriculture to settle this legal proposition, and not because I have any particular interest in the point in controversy, do I rise to say just a word upon this proposition. It seems to me that the Chair ought to bear in mind that it would be the worst kind of a precedent to establish here for the Chair to say that he would hold this to be one paragraph because the chairman of the committee having the bill in charge has that opinion. If there was an opinion held by the chairman of the Committee on Agriculture that this was all one paragraph, it was not called to the attention of the Committee of the Whole or to the attention of the Chair, who has the right to pass upon that question in the first instance. I would like also on that point to call the attention of the Chair to the fact that whatever may be the technical right to call each one of these a separate paragraph, or all of them together one paragraph, we have gone through all the items on the theory that they were separate paragraphs. The Chair and the entire committee have acted on that theory, and even though, technically, that were not true, it is too late now, after we have gone through all the items, to say that they should be considered as one paragraph only.

The CHAIRMAN. The amendment offered by the gentleman from Wyoming [Mr. MONDELL] in the first place is germane to the subject, and it is offered at the place where it is proper to offer such an amendment. In the second place, it seems to the Chair that it is not in its nature legislation, nor a change of existing law. It is not for the Chair to hold that it would be difficult to administer the appropriations provided for in these several paragraphs if this amendment became a part of the law. That is a matter for the committee and for the House and not for the Chair to decide. It seems to the Chair that the amendment is in order, and the Chair therefore overrules the point of order.

Mr. SCOTT. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. TAWNEY. Mr. Chairman, just one inquiry I wish to make of the gentleman from Wyoming. Following the paragraph to which the gentleman has offered his amendment there are items aggregating almost $700,000 under this same title. Does the gentleman intend that his amendment shall apply to the appropriations preceding or shall also include the items under this title which would follow the paragraph?

Mr. MONDELL. Mr. Chairman, I intended, and I think that is a fair interpretation of my amendment, to have this reduction prorated upon the items preceding this proviso, and I think that is quite clear from the reading of the amendment.

Mr. Chairman, I offer this amendment in all sincerity and good faith. I have no desire to cripple the Forest Service. I have no intention of attempting to reduce these appropriations below the appropriations of last year, even though I believe those appropriations more than necessary for the service properly conducted. But there has been an addition made this year, and it has been made in a bill in which all other items have been kept down, on the statement that we must keep within the estimates and, if possible, within the expenditures of last year—reduce them wherever it can be done without detriment to the public service. This increase was made on the statement by the Forest Service that as they had added 26,000,000 acres of land to the forest reserves they must have $397,000 additional for the maintenance of this additional territory.

Now, as to 12,000,000 acres of that additional territory, it is divided up among the reserves in the States generally, but 14,000,000 acres, approximately, are in Alaska. We know, therefore, by computation, that about $220,000 of the increase is, upon the statement of the Forest Service itself, for the purpose of administering the additional reserves in Alaska. And yet we find that when the service comes to make its specific appropriations for the Alaskan reserves only about $25,000 is used. In other words, the committee has granted the service $220,000, approximately, on the basis of Alaskan additions to the reserves and it will only use $25,000 in Alaska. Now, in view of these facts, it seems to me the duty of the House to reduce the appropriation by the amount which the committee added for the additional reserves in Alaska less the amount it is proposed to use in Alaska. This additional appropriation gives the service that much more to spread out over all of the reserves generally, though the Forestry Bureau has never at any time or place that I can learn declared that they needed additional sums for the general care of the reserves throughout the country.

Mr. SCOTT. Mr. Chairman, even if we concede that this bill carried $200,000 more for the use of the Forest Service than economical administration of that service warranted, it seems to me that the adoption of this amendment would be extremely unfortunate, because it suggests so many questions of methods. So many controversies might arise as to the meaning of the amendment and the manner in which it should be carried into effect that its adoption would create grave confusion and might be of very great disadvantage to the public service. I should like to ask the gentleman a question or two in connection with it. His amendment states that the amount appropriated for the expense and maintenance of the Forest Service should be reduced by the sum of $200,000 to be "prorated" among the various items of appropriation. My understanding of the term "prorate" is that the sum should be apportioned in accordance with the amount appropriated under each of the various items. For instance, an item in an appropriation of $100,000 would suffer twice as great a reduction as an appropriation of $50,000, and I would ask the gentleman whether he means to make the reduction in that way, in proportion to the amount provided for each forest, or does he intend to have the total amount of his reduction, $200,000, divided by the total number of forests?

Mr. MONDELL. Mr. Chairman, my intention was to have this reduction prorated by per cent; take so much from each dollar of appropriation so it reduces the appropriation for each reserve by a certain percentage of the appropriation——

Mr. SCOTT. I think that is——

Mr. MONDELL (continuing). And if the chairman can point out any other way in which this matter can be reached, then I will be only too glad to withdraw my amendment, and it can be placed in another form by which this appropriation is reduced.

Mr. SCOTT. Inasmuch as the chairman of the Committee on Agriculture does not think the appropriation should be reduced, I hardly think it is up to him to endeavor to point out to the gentleman the manner in which it should be done. I think the gentleman's interpretation of his language is accurate. Now, the question is, How are we to make this reduction? If this amendment is approved and this language goes into the bill and becomes part of the law, do I understand that the clerks at the desk are to consider themselves instructed to make the mathematical calculations that are necessary to change the amounts in the bill before it is sent over to the Senate?

Mr. MONDELL. I think there will be no difficulty, Mr. Chairman, in having the calculations made, and if the House makes the reduction, the calculations are made before the bill goes to the Senate.

Mr. MANN. The gentleman is not familiar with the method of passing bills if he thinks there will be no trouble. This amendment, if it should prevail, will be attached to the bill and sent to the engrossing clerk, who would not have authority to dot an "i" or cross a "t."

Mr. MONDELL. If the House should reduce the appropriation by leaving it where it was last year, on the basis it was made last year—if the House is willing and anxious to do that, it can provide it by adopting this amendment, and there will be no difficulty in making the computation and having the bill arranged. Of course, that might be an excuse for voting against the amendment, but it does not affect the virtue——

Mr. SHERLEY. I would like to ask the gentleman from Kansas, if he will yield?

Mr. SCOTT. I would like to make one suggestion, and then I will yield to the gentleman. It seems to me, Mr. Chairman, that the replies the gentleman has made to my questions have demonstrated conclusively that the method he has taken to reach the object he seeks is impracticable. If he will permit the suggestion, the proper way would have been for the gentleman himself to have taken the trouble to make the calculations, and, as we reached these items in the reading of the bill, have offered the proper amendment correcting it. I do not believe it can be done now.

Mr. SHERLEY. Without entering into any discussion as to whether this amendment is in proper form or not, or whether it will accomplish what it is intended to, I should like to know if it is true, as charged by the gentleman from Wyoming, that you have appropriated $200,000 more money than the department has heretofore needed, on the ground that the money was to be spent in Alaska, whereas in point of fact when you come to distribute the money only $25,000 goes there. That is the meat of the thing.

Mr. SCOTT. The question goes to the heart of the controversy, as the questions of the gentleman from Kentucky usually do, and leads to the statement that I had intended to make when I had questioned the gentleman from Wyoming. The committee did not understand, was not given the impression by the Chief of the Forest Service, that the additional sum estimated for in this bill was to be distributed pro rata among the new reservations that have been added to the area of the national forests. The statement was made before the committee that on account of these additional forests it would be necessary to have more money than is available for this year. When the appropriations were made for the current year they amounted for this purpose to 2.7 cents per acre. In this bill we provide an appropriation of 2.5 cents per acre. So that we have not, as a matter of fact, allowed a proportionate increase. If we had done so the amount of the increase would have been nearly twice as much as is carried in this bill. It is not the opinion of the committee, therefore, that there has been an undue allowance or that the appropriations are extravagant.

Mr. SHERLEY. If the gentleman will permit me. I am not at all familiar with the testimony as to the moneys necessary, and I am actually asking for information. If you have apportioned this money with the idea that the money was actually needed for each of these places and should be allowed, all right; but if you had a sum total arrived at on the theory that $200,000 was going to be needed in Alaska and only apply $25,000 to Alaska, I would like to know why you did not reduce the total by $175,000?

Mr. SCOTT. It seems to me that the statement I have just made——

Mr. SHERLEY. It may be that I am stupid, but I confess it did not seem to me to meet the point I had in mind. Is it true that the amount estimated for these forest reserves was necessary for these forest reserves?

Mr. SCOTT. Undoubtedly. We have reported the bill strictly in accordance with the estimate.

Mr. SHERLEY. How is it that there is this disparity between your totals? You say that the estimates were based on the necessity for $200,000 for the use of the Forest Service in Alaska and only $25,000 was given, and you did not change your totals.

Mr. SCOTT. We did not figure at any time that $200,000 was to be devoted to Alaska. I stated, and thought that that was an answer to the gentleman's question, that we did not attempt in this bill to distribute the additional appropriation and apportion it equally among the new reservations.

Mr. DOUGLAS. If the gentleman will yield to me, may I make this suggestion? This estimate of the chairman as to a cost of 2.5 cents an acre, does that cover the 14,000,000 acres in Alaska?

Mr. SCOTT. Undoubtedly the 14,000,000 acres are taken into consideration.

Mr. DOUGLAS. But that computation would be absolutely misleading if you are not going to spend 2½ cents per acre for the care of the forests in Alaska. Is it the fact the appropriation was increased by the increased area and that, figured out at 2½ cents, will be the increase that it was necessary to give, or did you determine this according to the department need on each of the various reservations?

Mr. SCOTT. Mr. Chairman, as the gentleman knows, this appropriation has been heretofore carried in a great big lump sum. This is the first time the bill has been reported with any degree of itemization. The committee accepted the estimates of the bureau as to the amount that will be necessary to take care of each of the forests, because the committee knew nothing about them and could not know anything except as informed by the service. The committee took the estimates of the service in making up this bill and did not inquire whether the average of 2½ cents an acre was to be expended on all of them or not. The committee simply accepted the statement of the chief of the bureau that on account of the addition of the area to the forests to this enormous extent of new reservations this much money was needed.

Mr. SHERLEY. Do I understand the gentleman that he does not know whether the proper amount allotted for any given forest reserve represents 2½ cents an acre or not?

Mr. SCOTT. No; I do not.

Mr. SHERLEY. You simply took what was stated as the necessary sum for that particular forest reserve?

Mr. SCOTT. That is exactly the fact. The committee had no way of finding out whether it was necessary or not; and, as a matter of fact, I presume that the amount of 2½ cents per acre is not evenly distributed, because one reserve may need 10 or 15 cents an acre, while another reserve may need very little.

Mr. MANN. May I ask the gentleman a question?

Mr. SCOTT. Certainly.

Mr. MANN. It might be supposed, from some of the suggestions that have been made, that the committee in arriving at the amount that is proposed to be appropriated for this purpose, first ascertained the number of acres, second, determined by resolution the amount per acre, and then reached the total by multiplying the number of acres by 2½ cents. Is that the method the committee pursues in arriving at the amounts which should be appropriated?

Mr. SCOTT. Certainly not.

Mr. MANN. It seems to me that answers the whole question.

Mr. SCOTT. The committee, as I have stated, simply took the estimates of the bureau; and I think nobody believes or supposes that the proportion of 2½ cents an acre is maintained on every reserve. On a forest where a great deal of work is being done the expenditure may amount to 10 or 15 cents an acre. On another forest where nothing is being done except to protect it from depredations or from fire, the expenditure may not amount to more than 1 cent an acre. I referred only to the average, of course.

Mr. SHERLEY. The gentleman's statement is satisfactory to myself, but what may have misled some of us is the statement in the report. The report states that there is an increase of $397,500 in the Forest Service, made necessary by the addition of 26,528,439 acres, which were added after the appropriations for the fiscal year 1910 were made up.

Now, is it true that the additions to the total of the appropriation were determined by the additional amount of land to be cared for?

Mr. SCOTT. That was the only reason given us by the bureau chief who submitted the estimates.

Mr. SHERLEY. If the gentleman will have the committee believe his detailed statement to mean that the estimates are the result of knowledge as to the needs of the particular reserve, then I am against this amendment; but if you have

made this addition on the theory that you have got a lot more land, then the necessity for the appropriation may not follow.

Mr. DOUGLAS. Especially when that land is half of it in Alaska, and they have only appropriated $25,000 for Alaska.

Mr. SCOTT. My information is that only about half the increase of 26,500,000 acres is in Alaska. Now, it may easily be true that the addition of 13,000,000 acres to the forests in the United States may involve the necessity for the addition of $397,500 to the appropriation in order that they may be properly taken care of. That may easily happen. It does not follow that because half of the land is in Alaska, half of the additional money needed to take care of it must also be sent to Alaska. The probability is that these forests in Alaska are so remote now that no use is being made of them; that it is necessary to keep only a few rangers up there in order to protect the forests from depredation or from fire, and a comparatively small amount is needed to take care of them, and yet the addition of the other 13,000,000 acres to the forests in the United States may very well call for $397,000 more than the old appropriation carried.

I trust that the amendment will be voted down.

Mr. MONDELL. Mr. Chairman, just one moment. This is a very simple matter. The House appropriated for the Forest Service last year all that the service asked. It was a most liberal appropriation. This year they ask for an additional appropriation of nearly $400,000 on the ground that additional territory had been added to the reserves. We find that fourteen twenty-sixths of that additional territory is in Alaska, and therefore $220,000 is asked for that territory.

Mr. SHERLEY. I would like to ask the gentleman if that conclusion necessarily follows unless you have the premise that the same amount of expenditure must be given to every acre, and that premise, I understand, the gentleman from Kansas denies?

Mr. MONDELL. If you are to depart entirely from that rule, what is to prevent the Forest Service next year from adding 25,000,000 acres more in Alaska—and there is a great deal of territory up there that has as little forest on it as the territory already included—and then ask for another $400,000 and use it somewhere else, and the next year, and the next year, and the next year.

Mr. SHERLEY. That is not the point at all. The proposition is this: There is an additional number of acres there that have been brought under the supervision of the Forest Service, and by virtue of that they ask an additional amount of money. Now, the gentleman says that fourteen-twenty-sixths of that is in Alaska, and therefore, presumably, that proportion of money is for Alaska. That is a non sequitur; it does not follow at all. What I want to know is whether the gentleman's estimates are based upon information or whether he is presenting simply a mathematical problem——

Mr. MONDELL. Oh, I realize that we can split hairs, and if we do not desire to reduce the appropriation we can excuse ourselves in some way; but the fact still remains that the Forest Service asked for $400,000 because they had 26,000,000 acres added to the reservations. More than one-half of that addition is in Alaska, and still they do not pretend to use but about $25,000 in Alaska.

If anybody but the Forest Service did it, I should be inclined to say that the additions in Alaska were simply an excuse to ask for additional appropriations. We know also that new additions to the national forests always call for less expenditure per acre the first year or two than after they have been for some time in the reserves.

Mr. DOUGLAS. The gentleman from Kansas says that this larger part of the appropriation is made for the service in these forest reserves which are included in the remaining twelve twenty-sixths for the additional land which has been taken in in the United States.

Mr. MONDELL. Then it should be said to the House in that event, that the 12,000,000 acres taken in in the United States require twice the amount per acre additional this year that they did for the last, and twice the amount that was asked for any other land in the national forest. We do not know, because we can not go through this bill and find out, but the same condition may exist, and in my opinion does exist, with regard to the lands added to the reserves in the United States. I am of the opinion that there are no considerable additions made to the appropriations for these particular reservations which were enlarged. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was lost.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Louisiana offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 37, between lines 14 and 15, insert "for a forestry nursery in the State of Louisiana, $1,000."

Mr. SCOTT and Mr. MANN reserved a point of order.

Mr. WATKINS. Mr. Chairman, I offer the amendment at the request of the secretary of the forestry association of the State of Louisiana. They are already doing a good deal of work in the State by the use of stereopticon views, lectures, and disseminating literature, but the funds are about exhausted and they want some nursery stock. The Forest Service is willing to furnish the nursery stock if it is provided with funds to do it, and they say it will take about $1,000.

Mr. SCOTT. I make the point of order, Mr. Chairman, that there is no law authorizing an appropriation of money for that purpose.

The CHAIRMAN. Does the gentleman from Louisiana know of any law authorizing an appropriation of money for this purpose?

Mr. WATKINS. I understand that there has been no provision for this specific purpose in previous bills, but appropriations are made in a general way, and I understood that a portion of them have been used for a similar purpose. The appropriations are made to be distributed in various States for forestry purposes, and I understand that some of them have been utilized in this way.

The CHAIRMAN. The attention of the Chair has not been called to any specific authority of law for the amendment. If it is true that the Secretary of Agriculture has heretofore in the exercise of his discretion, and out of lump sums, added reserves similar to the one suggested in this amendment, and if the Secretary has lawful authority to do that—and the Chair assumes he has—the proposed amendment would amount to a limitation upon his discretion and authority and would also be legislation. The Chair, therefore, sustains the point of order.

Mr. TAWNEY. Mr. Chairman, for the purpose of asking the gentleman in charge of the bill a question, I move to strike out the last word. We have now passed about 150 specific appropriations for certain forests. I understand that this is the first time that we have ever appropriated specifically, and I have no doubt that the Forest Service, in making specific estimates for these various appropriations, has not been able to determine with any degree of certainty the exact amount that will be required in each case, and that therefore there will be deficiencies in some and a surplus in others. I want to ask the gentleman if he does not think it would be advisable at this place to insert a paragraph that would give a little more flexibility during this coming fiscal year to these appropriations, and the next year when the estimates are made the department would be able to determine with more certainty the exact amount required in each case. If there is a deficiency in one and a surplus in the other, that deficiency can not be met except by a deficiency appropriation, whereas there may be a surplus in others sufficient to meet the deficiency; but there is no language in the bill that I can find that would justify the department in supplementing the deficiency in one with a surplus in the other.

Mr. SCOTT. Mr. Chairman, on page 61, at the bottom of the bill, there is a paragraph which reads as follows:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

Now, that paragraph was inserted last year with the expectation that it would provide exactly the flexibility that the gentleman suggests to be necessary.

Mr. TAWNEY. That applies only to miscellaneous expenditures, and the specific appropriations that we have made are not miscellaneous expenditures. They are specific, and therefore that provision will not apply.

Mr. SCOTT. Mr. Chairman, I think the gentleman's point is well taken, and I should certainly be glad to have him suggest such an amendment.

Mr. MANN. How about the provision at the bottom of page 39? Is not that sufficient to cover it?

Mr. SHERLEY. Mr. Chairman, I would like to suggest to the gentleman that his rule may work both ways. It does not necessarily work in favor of economy. If there is any advantage in segregation we had better hold them to the separate items.

Mr. TAWNEY. This is the first time that this segregation has ever been made. I remember some years ago when we re-

quired the Coast and Geodetic Survey to submit specific items for the various branches of that service, and in order to avoid crippling the service in any one branch, which might result because of their not having had any experience and not being able to estimate accurately, the provision was put in there in the interest of the service.

Mr. SHERLEY. Is there any reason on earth why they should not be able to estimate exactly for these different forest reserves with the experience that they have had? If they can not do it now, they never can do it.

Mr. SCOTT. What does the gentleman from Minnesota think about the suggestion of the gentleman from Illinois [Mr. MANN] as to the provision on page 39?

Mr. TAWNEY. I had not read that provision.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase and maintenance of all necessary field, office, and laboratory supplies, instruments, and equipment, $260,640.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Kansas to explain what this appropriation is to be expended for.

Mr. TAWNEY. Mr. Chairman, I would like to inquire of the gentleman from Kansas also as to whether it is not a fact that these laboratory supplies, instruments, and equipments have been heretofore purchased out of the lump-sum appropriation made for the Forest Service, and whether it is necessary to expend every year $360,640 for laboratory equipments?

Mr. SCOTT. The purchase of these instruments has been heretofore made, as the gentleman knows, under a lump-sum appropriation.

The segregation this year was made in compliance with the request of the committee for a more complete itemization. It seems to me impractical to set out all the items in the bill, but we find in the estimates which were submitted to the committee a very detailed statement on the subject of equipment, as well as on other subjects. It covers a very large number of pages in the book which I hold in my hand.

Mr. TAWNEY. What is the character of the field supplies?

Mr. SCOTT. I will read a few of these items:

Stationery and office supplies, $83,561; furniture and office equipment, $49,637; field instruments and equipment, $77,924——

Mr. FITZGERALD. Do they expect to expend $49,000 this coming year for furniture?

Mr. SCOTT. That is the estimate.

Mr. FITZGERALD. Where is that furniture to be placed?

Mr. SCOTT. There are six or eight different headquarters in the field, besides what is maintained in Washington, and this estimate——

Mr. FITZGERALD. Are they established now?

Mr. SCOTT. Yes.

Mr. FITZGERALD. Is $49,000 worth of furniture to be bought for those places which are already established?

Mr. SCOTT. It is not all office furniture; only part of it is.

Mr. FITZGERALD. But you said $49,000 for furniture.

Mr. SCOTT. For furniture and office equipment.

Mr. FITZGERALD. What is office equipment?

Mr. SCOTT. A large number of ranger cabins are built every year that are equipped with a very simple type of furniture, and they would be supplied from this item.

Mr. FITZGERALD. What is the character of the furniture that is to be placed in a ranger's cabin?

Mr. SCOTT. They have a bed, table, two or three chairs, and a stove. I think that about covers what they have.

Mr. FITZGERALD. Has the gentleman any idea how many rangers' cabins will be built during the coming year? Forty-nine thousand dollars may not be much to the gentleman from Kansas for the equipment of this Forest Service, but it seems so to me, particularly when it must be apparent that all of the headquarters are completely fitted up, that most of this equipment would be for the simple furniture that is to be placed in the rangers' cabins. I am inclined to think perhaps there is something in the suggestion there may be extravagance in the manner in which this service is maintained.

Mr. SCOTT. In response to an inquiry addressed to the chief of bureau in regard to this paragraph, he replied:

You will find all the details of this expenditure on schedule 152 of the Estimate Book—

That is the schedule from which I have just read—

This schedule includes a forecast of the actual material to be purchased, but that forecast does not mean we shall have purchased exactly those things. It is impossible for us to foresee so far in advance exactly what quantity of each article may be needed, and that is our best guess on the basis of previous use.

So the committee had to accept their best guess.

Mr. MANN. What page is that?

Mr. SCOTT. I read several of the items under the head of "Stationery and office supplies."

Mr. MANN. Can you give us some of the specific items?

Mr. SCOTT. Here are some of the items under the head of "Stationery and office supplies:" "Rubber bands, assorted in gross boxes, 6,000, at 25 cents, $1,500; baskets, wire, desk, 800, at 12 cents, $96; baskets, willow, waste, 100, at 45 cents, $45; binders, assorted sizes, 200, at 50 cents, $100."

Mr. FITZGERALD. Are 100 wastebaskets required for these forest reserves?

Mr. MANN. They would last about fifteen minutes in the House of Representatives and not as long as that in the Navy Department.

Mr. SCOTT. There are 150 forests and——

Mr. FITZGERALD. Do they have to have a wastebasket in every forest?

Mr. SCOTT. They probably have several in the office connected with each forest.

Mr. TAWNEY. Can the gentleman give us the aggregate of field supplies, office supplies, and laboratory supplies?

Mr. SCOTT. The schedules are arranged in this fashion: First, purchase of supplies and equipment, and that includes furniture and office supplies and equipment. Then there appears under that head stationery and office supplies, which covers several pages. Then there appears another heading of paper, another heading of pencils, and another heading——

Mr. FITZGERALD. Is there an item for press clippings?

Mr. SCOTT. Not under this paragraph.

Mr. FITZGERALD. Under what paragraph is that?

Mr. TAWNEY. Page 39.

Mr. SCOTT. I do not think they have provided for press clippings.

Mr. FITZGERALD. I am not sure they have not. I have found that the Interior Department spent out of one appropriation about $65 for press clippings.

Mr. MANN. Only $65?

Mr. FITZGERALD. Only $65.

Mr. SCOTT. I have been referring to schedules which cover 40 or 50 pages of items; the gentleman does not expect me to read them all?

Mr. FITZGERALD. No, I do not, Mr. Chairman. I assume there must be established now a number of these headquarters, and they must be equipped with furniture. I have no knowledge particularly of the character of supplies and instruments; but what I wish to inquire is, if the gentleman is able to inform me of the general items under which the $260,000 has been spent? There have been enumerated wastebaskets and furniture.

Mr. SCOTT. Is it not true that the appropriation bills making provision for the Interior Department and the Treasury, the Navy and the Army, all carry some provision for office supplies and furniture, wastebaskets, and things of that sort?

Mr. FITZGERALD. I will say to the gentleman that on those bills that I help prepare the men who come before the committee are compelled to specify in detail the whole of the things that are to be used.

Mr. SCOTT. I will venture to say that there is a greater detail of specification made in the preparation of this bill than in any of the estimates of the bills that the gentleman's committee has to do with. Can the gentleman tell us, because he has something to do with the expenses of the Interior Department, how much a gross they pay for rubber bands, and how much a dozen for lead pencils?

Mr. FITZGERALD. I think I could, and when the item is reached in the House, if the gentleman should ever interrogate me, I should be pleased to tell him.

Mr. SCOTT. I shall certainly take advantage of that offer.

Mr. FITZGERALD. I ask the gentleman if he knows what it costs for this press-clipping service, and whether they have any such service as that?

Mr. SCOTT. I reply to the gentleman that they have no press-clipping service. I ask that debate close on the paragraph.

Mr. FITZGERALD. I withdraw the pro forma amendment.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and for other investigations and experiments to promote economy in the use of forest products, $129,420.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. This paragraph, Mr. Chairman, is subject to a point of order, and I reserve the point of order in order that in speaking to the paragraph I may not prevent some other gentlemen from making it.

The CHAIRMAN. The gentleman from Wyoming reserves the point of order to the paragraph at the bottom of page 37.

Mr. MONDELL. Mr. Chairman, I shall not, however, make the point of order myself. I do not know that I am opposed to the appropriation, because I realize it is well to carry on experiments of this kind; but I have been an interested reader of the press bureau of the Forest Service for some years, and I supposed they had settled all these questions long ago. I remember reading their press bulletins two or three years ago, where they stated they had discovered a mode of preserving timber with creosote and preserving timber in various ways. It is true that people have been preserving timber by the use of creosote and by the use of copper preparations for a long time; but, nevertheless, according to one of the service bulletins they are entitled to whatever credit there may be in the discovery. In this connection I desire to ask the chairman of the committee if I understood him to say that the Forest Service had no press bureau?

Mr. SCOTT. The gentleman from New York asked if they had a press-clipping bureau, and I told him to the best of my knowledge they had not.

Mr. MONDELL. Maybe I am mistaken in my understanding of it, but I have understood that the Forest Service sends out multiplied tens and hundreds of thousands and millions of bulletins and leaflets, and that when it sends material to the newspapers it also sends with them a franked envelope, with which the newspaper to which the material is sent is expected to return clippings to the bureau.

Mr. SCOTT. I understand that is the practice.

Mr. MONDELL. I have understood that was the practice; I have heard some complaint among newspaper men in my State, not that it was an unlawful thing to do, but their complaint was that they did not care to print as many of these self-laudatory bulletins of the Forest Service as their competitors did, and therefore they were not able to send in as many clippings to the bureau; and their idea was that therefore they were not getting as many advertisements from the bureau. Probably that was not the reason for their not being patronized. Probably that was simply an assumption.

Mr. SCOTT. Of course that assumption was entirely gratuitous.

Mr. MONDELL. I recognize that possibly it was.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield to me for just a moment, I should like to make a plain statement in regard to what he refers to as the "press bureau" of the department. He has been speaking of it as if it were a large part of the activities of the department, sending out "thousands and millions of self-laudatory bulletins" throughout the country. The simple truth is that just one man does practically all the editorial work to which the gentleman refers.

Mr. MONDELL. He is a daisy. [Laughter.]

Mr. SCOTT. A little man from Kansas. I receive every bulletin that is sent out from the department.

Mr. MONDELL. So do I part of the time.

Mr. SCOTT. The gentleman says he also receives each of them. Now, I will ask him if he has ever received more than one or two in a day?

Mr. MONDELL. Well, I should say not.

Mr. SCOTT. Now, how many days are there in the year?

Mr. MONDELL. I was going to talk about that. They have a mailing list of 750,000 three hundred and sixty-five days in the year—one a day—with three hundred and sixty-five days in the year, and a mailing list of 750,000; the gentleman is a good mathematician, and he can tell us how much that amounts to. [Laughter.] I received these bulletins for only a month or so last summer. At one time they made a pile on my desk, as I recollect, some 3 or 4 inches through, well weighted down.

Mr. SCOTT. Well, then, say there were two a day. The gentleman does not claim that by the multiplication of the publication in innumerable papers the bureau is responsible for sending out a million different bulletins.

Mr. MONDELL. Still they do count up. What I have said is in condemnation of extravagance. I do not want to do the Forest Service any injustice. One does not need to exaggerate matters in regard to their press bureau. There is no necessity to do that. They used last year $87,000 of the people's money for the purpose of informing the people of the wonderful work that they were doing. That is the sum, is it not?

Mr. SCOTT. That statement does not do the bureau justice.

Mr. MARTIN of Colorado. I object to that, when they only spent $35,000 to protect many millions of acres from forest fires.

Mr. SCOTT. And if the gentleman from Colorado [Mr. MARTIN] could have had his way they would not have spent that much for that purpose.

I submit to the gentleman that the bulletins sent out by the Forest Service are not self-laudatory. It is only on the rarest occasions that even the name of the Forest Service appears in them. I watch them with particular care and, I think, with a critical eye, and in the last year I have seen only two of these bulletins that I should feel inclined to criticise; and they, not on account of any laudatory references to the Forest Service, but because, in my judgment, they were, in effect, an argument in favor of the purchase of large tracts of land for forest purposes, and I do not think it is the function of the bureau to enter upon an argument in favor of any policy.

Mr. MONDELL. They were in favor of the Appalachian and White Mountain forest reserves.

Mr. SCOTT. There were two of them that, I think, would bear such a construction; but for the most part, by all odds the greater number of these bulletins contain valuable information. If they do not contain valuable information, why is it that the newspapers all over the country have printed them so universally that they have attained a circulation of over 9,000,000 in the course of a single year?

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. FITZGERALD. The gentleman stated that he has seen only two bulletins that he would be inclined to criticise, and they were in favor of a proposition to which he was opposed. Now, other gentlemen may feel inclined to criticise bulletins advocating policies in connection with the National Government to which they are opposed. If everybody who is opposed to the different things should criticise the bulletins issued on the other side of a particular subject, naturally there would be widespread condemnation of this press-bureau service.

Mr. SCOTT. If I had been in favor of the proposition that the bureau was advocating, I should still have been against the publication of those two bulletins to which I refer, because I do not think it is the function of the bureau to advocate a particular governmental policy. With that exception, all the bulletins I have read have been filled with information which is of value to the people of the country.

Mr. LAMB. May not the two bulletins to which the gentleman refers contain information that may be valuable to a great many people in this country?

Mr. FITZGERALD. I was about to suggest that a bulletin advocating the acquisition of the Appalachian reserve might contain information which would be of interest to a large number of people.

Mr. SCOTT. And yet the purpose of it was to advocate a governmental policy, which I do not think any bureau can properly do.

Mr. FITZGERALD. There are a number of other bulletins issued which are open to the same criticism.

Mr. SCOTT. I do not know of any others. I simply state that I have not seen any other that in my judgment offended in that particular. Now, Mr. Chairman, I ask that we may proceed with the reading of the bill.

The CHAIRMAN. Does the gentleman from Wyoming make the point of order?

Mr. MONDELL. I withdraw the point of order.

The CHAIRMAN. The gentleman from Wyoming withdraws the point of order. The Clerk will read.

The Clerk read as follows:

For silvicultural and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest lands, $108,010.

Mr. SCOTT. In order to correct an error in the estimates, I submit an amendment to the paragraph just read.

The Clerk read as follows:

On page 38, line 9, after the word "silvicultural," insert the word "dendrological."

The amendment was agreed to.

The Clerk read as follows:

For dendrological, market, and other miscellaneous forest investigations and experiments, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $115,470.

Mr. SCOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 38, in line 15, strike out the word "dendrological."

Mr. PERKINS. Mr. Chairman——

Mr. SCOTT. Mr. Chairman, the effect of the adoption of this amendment, in connection with the one which has just been adopted, will be simply to transfer the word "dendrological" from line 15 to line 9. It was a mistake that was made in the bureau in making up the estimates. Then it will read, in line 9—

For silvicultural, dendrological, and other experiments—

And so forth.

And in line 15 it will read—

For market and other miscellaneous forest investigations and experiments.

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I addressed the Chair before, but waited until the amendment offered by the gentleman from Kansas was disposed of. I now rise and move to strike out the last word, because I confess I am greatly confused, although I have no doubt the gentleman from Kansas will remove my confusion, in regard to these appropriations. Here are three large appropriations, one of $66,000 for investigations within the national forests necessary for tree planting, for the reproduction of existing forests, and the regulation of cutting; another for experiments and investigations to determine the best methods for the conservative management of forests and forest lands, $108,000; another for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations, $115,000.

Now, can the gentleman explain to the committee or give some information of what this work is to one who is ignorant of it? The appropriations seem large and suggest the probability of duplicate work. Here is an appropriation of $108,000 to determine the best methods for the conservative management of forests and forest lands, which would seem to be, presumably, office work.

Mr. SCOTT. A great deal of work provided for under that paragraph is field work. The bureau says:

The studies are intended to gather scientific data for practical use in forest management. Small areas are marked off and counts, measurements, and descriptions carefully made. Subsequent counts, measurements, and descriptions register the changes which take place.

Mr. PERKINS. For how many years has this appropriation been made?

Mr. SCOTT. This class of work has been appropriated for ever since the Forest Service was organized.

Mr. PERKINS. When was that?

Mr. SCOTT. The Forest Service was organized early in the nineties.

Mr. PERKINS. And this is permanent work?

Mr. SCOTT. This is permanent work.

Mr. PERKINS. And never ends?

Mr. SCOTT. And never will end, because it is hoped that new results will be obtained every year. Let me read further:

Sometimes these areas are on recent cuttings, sometimes on planted areas, sometimes in thinnings, sometimes on burns, sometimes in natural forests of different positions and degrees of density. In this way knowledge is gained of the kind and amount of reproduction which takes place, the kinds of trees and methods of planting them best suited to the locality, the rate of growth, and the laws of forest life. In the light of this knowledge the forester knows how to handle the forest so as to obtain the best results.

Some of these studies can best be conducted at forest experiment stations. Two of these stations, one in Arizona and one in Colorado, have been established in the past two years and have already furnished valuable scientific information of great use in tree planting and in handling the cutting of timber. The work of these stations for forestry is comparable to that done for agriculture by the agricultural experiment stations.

Mr. PERKINS. How is it in the European countries? Do they carry out work of this sort and make appropriations of this kind proportionately for the care and preservation of the forests?

Mr. SCOTT. I never have inquired; but I know in European forests many dollars and much care is spent in forestry work, and where we spend 2 or 3 cents they spend dollars. The statement I have read, which I think will convey to the membership of the House the best idea of the work done under this paragraph, is that in which it is compared with the work done in the agricultural experiment stations in the promotion of agriculture as this is in the promotion of forestry.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 38, line 11, strike out the words "with individuals."

Mr. FITZGERALD. Mr. Chairman, I offer this amendment for the purpose of eliciting some information. My recollection is that in the past some sort of contracts were made between the Forest Service and certain eminent college professors by which they were to render in their leisure moments some service of some kind—I never knew exactly what—in the prosecution of this work. Great complaint had arisen as to the peculiar relations which existed between the men thus employed and the service. Many men who have more information on the subject than I had were under the impression that in many instances the most important service rendered was in the preparation of special articles advertising the Forest Service and affecting public sentiment favorable to it.

I am not sufficiently well informed as to what has been done to state whether these contentions are correct. It seems to me that the Forest Service has, as all other departments of the Government should have, if properly and regularly organized, all the men who might be essential to its efficient and proper conduct. It is a vicious practice to have retainers, men in the various educational institutions throughout the country, who would be somewhat prejudiced in favor of the service because they were receiving from the appropriation some addition to the compensation that they receive in their regular employment, and who devote some of their time to the preparation of special papers for publication in various magazines and other periodicals, all of them colored in the interest of that particular bureau.

It seems to me, if that practice exists, it is much more vicious than the other practice of maintaining a press agent in the bureau for the purpose of giving out information; because then it is well known that the information is being prepared under the direction of the bureau and for the purpose of exploiting its work. This other method of obtaining favorable comment and laudatory articles in the various periodicals of the country is so adroitly concealed and so effective in deceiving the public that it seems to me it should not be tolerated. If my surmise be correct that these words in this paragraph permit and encourage that practice, I hope, then, that this amendment will prevail. I have offered it for the purpose of obtaining from the chairman the information, and if my information be correct, I shall press the amendment.

Mr. SCOTT. Mr. Chairman, the words which the gentleman from New York moves to strike out do not relate in any way to the practice which he criticises. There is very little cooperation of the character to which he has reference between the Forest Service and educational institutions or members of the faculties of those institutions. The University of Wisconsin has recently erected a $50,000 building and equipped it at great expense for the purpose of carrying on timber-testing experiments. The Forest Service is cooperating with them in that work, and is cooperating in a similar way, I believe, with two or three other institutions. But the cooperation referred to in this paragraph is cooperation with other federal departments, with States, and with individuals looking to more economical and scientific management of privately or state owned forests. For illustration, I read a brief statement submitted at my request in explanation of this work:

Private cooperation carried on with private owners works along essentially the same lines and for the same ends as have already been described under federal cooperation, except that no supervision of cutting or planting is given by the service. An important part of the private cooperative work is advice to farm woodlot owners whose holdings, though great in the aggregate, are too small to justify the employment of a private forester. Such advice is educational, since it tends to widely diffuse a knowledge of practical forestry.

In the hearings before the committee, in response to a question directed to this matter, the Forester said:

We have made in the last year about 90 plans for private owners, who pay the expense of them in the main, covering about 700,000 acres. * * * The total number of such plans to date is 770, comprising an area of about 11,000,000 acres.

The only expense which the preparation of those plans involves to the department is the salary of a man in charge of the work, and we believe it is a very important and entirely proper function of the bureau.

Mr. FITZGERALD. Mr. Chairman, the gentleman's explanation discloses that this is not the particular paragraph that is responsible for the abuse of which I complain, and I withdraw the amendment.

The Clerk read as follows:

For dendrological, market, and other miscellaneous forest investigations and experiments, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $115,470.

The CHAIRMAN. At this point the gentleman from Kansas offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 38, line 15, strike out the word "dendrological;" and, in line 16, strike out the words "and experiments."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 38, after line 14, insert:

"Paper test: To enable the Secretary of Agriculture to test such plants and woods as may require tests to ascertain if they be suitable for making paper, $14,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses."

Mr. MANN. Mr. Chairman, I ask unanimous consent to insert at this point some memoranda furnished to me by the department in relation to ground-wood experiments.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert certain papers in the RECORD. Is there objection?

There was no objection.

The papers referred to are as follows:

Ground-wood experiments in cooperation with the American Paper and Pulp Association.

THE PROBLEM.

It is proposed that the Forest Service and the American Paper and Pulp Association cooperate in an experimental study of the following problem:

Is it possible to produce commercially a grade of ground wood from species other than spruce suitable for the production of news, wrapping, and other cheaper grades of paper, and under what conditions?

SCOPE OF WORK.

The commercial feasibility of utilizing any species of wood for the manufacture of ground wood is in main dependent upon the quality of pulp produced and the cost of production. These in turn are chiefly dependent upon such fundamental manufacturing conditions as surface of stone, peripheral speed of stone, pressure on grinder, temperature of grinting, moisture, condition of wood, etc.

Briefly, the work will be an experimental study of the relation of these factors to the quality of pulp reduced and the cost of production.

The scope of the work should be limited to a study of the first three conditions mentioned above. One condition at a time should be verified, and complete records of quality of pulp, rate of production, power consumption per ton, and losses should be made for each run.

METHODS OF ATTACK.

There are two general plans of attack that may be followed in investigating this problem:

PLAN I.

To conduct the experiments with commercial equipment and under conditions ordinarily encountered in commercial practice.

PLAN II.

First, to conduct the experiments by means of equipment of a semi-commercial character adapted to laboratory work and, second, to verify on a commercial scale the most promising results secured.

PRELIMINARY STEPS.

PLAN I.

Before work can be undertaken under Plan I the following steps must be taken:

a. The rental of a building in Appleton, Wis., or some other pulp-manufacturing center near Madison, Wis. Approximately 3,000 square feet of floor space is required.

b. The rental of covered and open space for storing materials, which will require 6,000 square feet of the former and 1,600 square feet of the latter, will be required.

c. The securing and installation of a working unit of a ground-wood mill, consisting of the following equipment:

One 40-inch saw; one 5-foot barker; one Standard splitter; one 40-horsepower motor for above; one Standard grinder, 3 pockets; one Standard wet machine, 84 inches; one Standard diaphragm screen, 12 plates; one 500-horsepower motor; and one 50-horsepower motor.

Minor electrical equipment for accurate record of power consumption and grinder control.

Miscellaneous equipment, such as scales, pumps, shafting, gauges, valves, etc.

d. The employment of the following labor:

One skilled observer in charge, who shall be held responsible for carrying out the working plan.

Two laborers, more or less familiar with pulp-mill operation, to assist the man in charge.

PLAN II.

Before undertaking work under Plan II the following preliminary steps must be made:

a. Securing and installing in the Forest Products Laboratory at Madison the following equipment:

One modified commercial grinder, 1 pocket, size of stone 54 to 56 inches diameter by 12 inches face.

One 75-horsepower motor.

Minor electrical equipment for accurate record of power consumption and grinder control.

Miscellaneous equipment, such as pumps, valves, gauges, etc.

b. The employment of the following laborers:

One skilled observer in charge, who shall be held responsible for carrying out the working plan.

One assistant.

APPROXIMATE COST ESTIMATES.

PLAN I.

Equipment and installation.

*Equipment	$18,000
*Installation of equipment	2,000
Total	20,000

Operating cost per annum.

Rent of building and ground (including light, heat, water, telephone)	$2,550
Electric power	5,400
*Cost of wood, 100 cords, 3 different species, at $12 per cord	1,200
(This estimate includes freight charges, hauling, and other expenses chargeable to the transportation and delivery of the wood to the experimental apparatus.)	
Salaries	3,000
Miscellaneous expenses (including repairs, modification of equipment, etc.)	1,500
Contingent	500
Total	14,150

PLAN II.

Equipment and installation.

*Equipment	$3,500
*Installation of equipment	1,000
Total	4,500

Operating cost per annum.

Electric power	$1,500
*Cost of wood, 18 cords, 3 different species, at $15 per cord	270
(Estimate includes freight charges, hauling, and other expenses chargeable to the transportation and delivery of the wood to the experimental apparatus.)	
Salaries	3,000
Miscellaneous expenses (including repairs, modifications, etc.)	1,000
Contingent	500
Total	6,270

SHARING EXPENSE.

It is proposed that the American Paper and Pulp Association will provide items and bear expenses as indicated by asterisks.

Under this arrangement the cost of the experiments will be divided as follows:

PLAN I.

Cost to the association.

For equipment and installation	$20,000
Operating expenses per annum	1,200

Cost to Forest Service.

Operating expenses per annum	$14,100

PLAN II.

Cost to the association.

For equipment and installation	$4,500
Operating expenses per annum	270

Cost to Forest Service.

Operating expenses per annum	6,000

LENGTH OF TIME.

PLAN I.

Assuming the species to be studied are hemlock, jack pine, and balsam, the total time required for the work should not exceed two years after installation is made.

PLAN II.

In order to obtain the same results as in Plan I, the amount of time required should be the same for the two plans, namely, not to exceed two years. In case, however, the number of fundamental conditions studied is increased, or experimental work of a radically different nature is undertaken, the length of time will be increased.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Speaker pro tempore (Mr. MALBY) having assumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Gen. Lewis Wallace, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Indiana.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings—

to the Committee on Printing.

SPECIAL MESSENGER, HOUSE OF REPRESENTATIVES.

The SPEAKER pro tempore laid before the House the following communication:

The Clerk read as follows:

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, Washington, D. C.

SIR: I hereby resign my position as special messenger of the House of Representatives, to take effect February 1, 1910.

Respectfully,

JOSIAH H. SHINN.

JANUARY 20, 1910.

The SPEAKER pro tempore. Without objection, the communication will lie upon the table.

There was no objection.

Mr. BARTLETT of Georgia. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER pro tempore. The gentleman from Georgia offers a privileged resolution (H. Res. 364), which the Clerk will report.

The Clerk read as follows:

In lieu of House resolution 362:

"*Resolved*, That J. J. Speight is hereby appointed as successor to the person named in the resolution adopted by the House January 28, 1909, as special messenger, as provided for in the legislative, executive, and judicial appropriation act approved March 4, 1909, to take effect on and after February 1, 1910."

The question was taken, and the resolution was agreed to.

On motion of Mr. BARTLETT of Georgia a motion to reconsider the vote by which the resolution was passed was laid on the table.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Great Falls and Old Dominion Railroad Company, transmitting the report of the company for the year ended December 31, 1909 (S. Doc. No. 339)—to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cumberland River, Tennessee (H. Doc. No. 632)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clatskanie River, Oregon (H. Doc. No. 633)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hillsboro Bay, Florida (H. Doc. No. 634)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the president of the East Washington Heights Traction Railroad Company, transmitting the report of the company for the year ended December 31, 1909 (S. Doc. No. 340)—to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the vice-president of the Potomac Electric Power Company, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 629)—to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 628)—to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 624)—to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the vice-president of the Brightwood Railway Company, transmitting the annual report of the company for the year ended December 31, 1909 (H. Doc. No. 625)—to the Committee on the District of Columbia and ordered to be printed.

10. A letter from the vice-president of the City and Suburban Railway of Washington, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 626)—to the Committee on the District of Columbia and ordered to be printed.

11. A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report of the company for the year ended December 31, 1909 (H. Doc. No. 627)—to the Committee on the District of Columbia and ordered to be printed.

12. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of a bill to cancel an allotment to Bill Billy, Pahute Indian (H. Doc. No. 631)—to the Committee on Indian Affairs and ordered to be printed.

13. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey of the tribal lands in the Omaha Indian Reservation, in Nebraska, and draft of proposed legislation relating thereto (H. Doc. No. 630)—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19714) authorizing the President to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "administration building," reported the same without amendment, accompanied by a report (No. 372), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. Res. 163) directing the Committee on the Library to employ competent artists for painting the pictures of certain ex-Speakers of the House of Representatives, reported the same with amendment, accompanied by a report (No. 376), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13907) to provide for agricultural entries on coal lands, reported the same with amendment, accompanied by a report (No. 377), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18695) to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia, reported the same with amendment, accompanied by a report (No. 367), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18806) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark., reported the same with amendment, accompanied by a report (No. 368), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18807) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark., reported the same with amendment, accompanied by a report (No. 369), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18808) to authorize the reconstruction, maintenance, and operation of a bridge across the White River, at Augusta, Ark., reported the same with amendment, accompanied by a report (No. 370), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18895) to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa., reported the same with amendment, accompanied by a report (No. 371), which said bill and report were referred to the House Calendar.

Mr. MOON of Tennessee, from the Committee on Rivers and Harbors, to which was referred the concurrent resolution of the Senate (S. C. Res. 21) authorizing and directing the Secretary of War to cause a further examination to be made of Cape Lookout, North Carolina, reported the same without amendment, accompanied by a report (No. 373), which said concurrent resolution and report were referred to the House Calendar.

By Mr. HOWARD, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 113) granting permission to the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States to remove the monument or statue of Albert Pike, reported the same without amendment, accompanied by a report (No. 375), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 2648) for the relief of Harry W. Krumm, postmaster at Columbus, Ohio, reported the same without amendment, accompanied by a report (No. 366), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16505) granting a pension to Abraham Mann—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12764) granting an increase of pension to Frank Bieker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 19860) to create a legislative council in the Territory of Alaska, to confer legislative powers thereon, and for other purposes—to the Committee on the Territories.

By Mr. BURNETT: A bill (H. R. 19861) to amend section 21 of the immigration law—to the Committee on Immigration and Naturalization.

By Mr. CARY: A bill (H. R. 19862) to fix the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SWASEY: A bill (H. R. 19863) authorizing the sale of a tract of government land known as Old Fort St. Georges, at Thomaston, Knox County, Me.—to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 19864) allowing railway postal clerks traveling expenses—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: A bill (H. R. 19865) for the creation of a Bureau of Arts and Public Buildings and of a Council of the Arts, and defining their duties—to the Committee on Public Buildings and Grounds.

By Mr. COWLES: A bill (H. R. 19866) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 19867) to establish a light-house and fog-signal station at the mouth of Rondout Creek, Hudson River, State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYS: A bill (H. R. 19868) to provide for the survey of St. Joseph Bay Harbor, in the State of Florida—to the Committee on Rivers and Harbors.

By Mr. OLCOTT: A bill (H. R. 19869) to increase the pay of mechanics employed in the Postal Service—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: A bill (H. R. 19870) amending section 13, third proviso, of the act of March 3, 1899—to the Committee on Naval Affairs.

By Mr. FOULKROD: A bill (H. R. 19871) authorizing the Secretary of War to purchase certain land adjoining the Frankford Arsenal, Philadelphia, Pa.—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 19872) to provide dummy armament for the armories of the Coast Artillery Militia—to the Committee on Military Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 19873) providing for a payment to certain members of the Osage tribe of Indians—to the Committee on Indian Affairs.

By Mr. PRAY: A bill (H. R. 19874) appropriating money for the improvement of the Missouri River from Sioux City, Iowa, to Fort Benton, Mont.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19875) providing for a survey of the Yellowstone River between the cities of Glendive and Billings, Mont.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19876) appropriating money for dredging Polson Harbor, Flathead Lake, Montana—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 19877) providing for appropriation for survey of public lands in Montana—to the Committee on Appropriations.

By Mr. COVINGTON: A bill (H. R. 19878) to authorize commissions to issue in the cases of officers of the Army and Marine Corps retired with increased rank—to the Committee on Military Affairs.

By Mr. PAYNE: Resolution (H. Res. 363) authorizing the Committee on Ways and Means to make investigation into the cost of living in the United States, etc.—to the Committee on Rules.

By Mr. COUDREY: Joint resolution (H. J. Res. 135) authorizing an investigation of the meat packers and the present unwarranted high price of beef, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 19879) granting a pension to Mary Steil—to the Committee on Pensions.

By Mr. ANDERSON: A bill (H. R. 19880) to remove the charge of desertion and grant an honorable discharge to Samuel Zellner—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 19881) granting a pension to Ellen J. Gilmore—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19882) granting an increase of pension to Nathan Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19883) granting an increase of pension to Marion I. Woods—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19884) granting a pension to Ada Hurst—to the Committee on Pensions.

By Mr. BYRNS: A bill (H. R. 19885) granting an increase of pension to Mary E. Walton—to the Committee on Pensions.

Also, a bill (H. R. 19886) for the relief of the estate of Williamson Gatewood—to the Committee on War Claims.

Also, a bill (H. R. 19887) to remove the record of dismissal from the military record of J. K. P. Wayman, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 19888) to correct the military record of Clark W. Cottrell—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 19889) granting an increase of pension to Thomas Bolien—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19890) granting an increase of pension to Abraham A. Gossett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19891) granting an increase of pension to Nathaniel Pemberton—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19892) to remove the charge of desertion from the military record of James E. Dickerson and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 19893) granting a pension to William A. Richards—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 19894) granting an increase of pension to William Shuler—to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 19895) granting an increase of pension to Alfred Melvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19896) granting an increase of pension to James C. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19897) for the relief of Kendal P. Clandaniel—to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 19898) granting an increase of pension to G. O. Jobes—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19899) granting an increase of pension to Frederick Kuhlenbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19900) granting an increase of pension to William J. Rumbley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19901) granting an increase of pension to Ernest C. North—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19902) granting an increase of pension to James G. Orem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19903) granting an increase of pension to Henry B. Tounemacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19904) granting an increase of pension to John Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19905) granting an increase of pension to Daniel Judd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19906) granting an increase of pension to Griffin Mosley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19907) granting an increase of pension to William Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19908) granting an increase of pension to Malissa E. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19909) granting an increase of pension to Andrew Y. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19910) granting an increase of pension to Edmond Hogland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19911) granting an increase of pension to George W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19912) granting an increase of pension to Joseph D. Halbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19913) granting an increase of pension to Philip W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19914) granting an increase of pension to Elbridge Emerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19915) for the relief of the estate of Josiah Jennison, deceased—to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 19916) for the relief of Peter S. Clark—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 19917) granting a pension to Margaret Nevison—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 19918) granting an increase of pension to John Barthelemy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19919) granting an increase of pension to Thomas Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19920) granting a pension to Hattie Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19921) granting a pension to Lydia West—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 19922) granting a pension to George W. Everhart—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 19923) granting an increase of pension to Alvin L. Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19924) granting a pension to Lucena D. Hussey—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19925) granting an increase of pension to W. M. Jolly—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 19926) granting a pension to Thomas C. Acton—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 19927) granting a pension to Nannie L. Ezell—to the Committee on Pensions.

Also, a bill (H. R. 19928) for the relief of the heirs of Theodore Dehon—to the Committee on War Claims.

By Mr. KEIFER: A bill (H. R. 19929) granting an increase of pension to Helen W. Miller—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 19930) granting an increase of pension to Thomas McPeak—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 19931) granting a pension to Ellen F. Harting—to the Committee on Invalid Pensions.

Aslo, a bill (H. R. 19932) granting an increase of pension to Archibald Sinclair—to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 19933) granting an increase of pension to Fred Crafts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19934) granting an increase of pension to George Z. Hathaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19935) granting an increase of pension to Joseph Gray—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 19936) granting a pension to Andrew J. Scott—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 19937) granting an increase of pension to Danvers C. Boyce—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 19938) granting a pension to Caroline S. Mindil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19939) granting a pension to Elizabeth De Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19940) granting a pension to Pricilla C. Givler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19941) granting a pension to John W. Ely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19942) granting an increase of pension to Frederick Mitzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19943) granting an increase of pension to Charles C. Hartline—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 19944) granting an increase of pension to Edward O. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19945) granting a pension to Rose Blackburn—to the Committee on Invalid Pensions.

By Mr. HENRY W. PALMER: A bill (H. R. 19946) granting an increase of pension to George Deitrick—to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 19947) granting an increase of pension to Alvin Eck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19948) granting an increase of pension to John F. Armstrong—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 19949) for the relief of Bull Snake and Old Coyote, Crow Indians—to the Committee on Pensions.

By Mr. ROBERTS: A bill (H. R. 19950) granting an increase of pension to John P. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19951) granting an increase of pension to Herman W. Kuchmeister—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 19952) for the relief of the estate of Oliver P. Boyd, deceased—to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 19953) granting an increase of pension to William N. Chapman—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 19954) granting an increase of pension to George F. Babin—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 19955) granting an increase of pension to Ambrose E. Rice—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 19956) granting an increase of pension to William H. Stanley—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19957) granting an increase of pension to John M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19958) granting an increase of pension to Henry C. James—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of James B. Ormsby—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Retail Merchants' Corporations of Buffalo, N. Y., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. ANDERSON: Paper to accompany bill for relief of Jacob Hoover (H. R. 19082)—to the Committee on Invalid Pensions.

Also, petition of Knights of Modern Maccabees, of Port Huron, Mich., favoring House bill 17543, to admit as second-class mail matter publications of fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Coshocton Chapter, No. 130, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. AUSTIN: Petition of Veteran Surviving Volunteer Officers of the Union Army, by Gen. John T. Wilder and associates, indorsing House bill 18899, for volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BARCHFELD: Petition of citizens of Coraopolis, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Duquesne, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Griffen Post, Grand Army of the Republic, of Homestead, Pa., against accepting the statue of General Lee for Statuary Hall—to the Committee on the Library.

By Mr. BATES: Petition of Grand Army of the Republic, Post No. 240, Albion, Pa., against acceptance of the statue of Gen. R. E. Lee—to the Committee on the Library.

By Mr. BENNET of New York: Paper to accompany bill for relief of Mrs. Ellen J. Gilmore—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Somerset Pomona Grange, Skowhegan, Me., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BYRNS: Paper to accompany bill for relief of J. K. P. Wayman—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mrs. Mary E. Walton—to the Committee on Pensions.

By Mr. CAMPBELL: Petition of old soldiers of Neodesha, Kans., against acceptance of statue of Gen. R. E. Lee—to the Committee on the Library.

Also, petition of citizens of Neodesha, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: Paper to accompany bill for relief of William H. Peck—to the Committee on Invalid Pensions.

Also, petition of Sylvanus H. Hart and others, of Jacksonville, Fla., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DIXON of Indiana: Paper to accompany bill for relief of Joseph Jennison—to the Committee on War Claims.

Also, petition of citizens of Crothersville, Ind., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Moores Hill and Dupont, Ind., favoring the Johnston Sunday rest bill, etc.—to the Committee on the District of Columbia.

By Mr. DOUGLAS: Petition of convention of coal operators of Ohio, for an investigation into the coal industry of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Kendall, Wis., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Cornelius L. Martin—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Emanuel Sassaman—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: Paper to accompany bill for relief of Hattie Barnett—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Liquid Carbonic Company, of Chicago, Ill., for the repeal of the publicity feature in the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of New England Dry Goods Association, for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Boston Chamber of Commerce, for appropriation adequate to remove obstructions now in the Pollock Rip slue channel of Boston Harbor—to the Committee on Rivers and Harbors.

Also, petition of Boston Chamber of Commerce, against increase of tonnage tax—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of citizens of Hamilton, N. Dak., against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Carpio, N. Dak., for a more effective regulation of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMLIN: Petition of citizens of Green County, Mo., against postage increase on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMMOND: Petition of John R. Jones and two others, of Adrian, Minn., and First National Bank, of Heron Lake, Minn., and nine others, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Labor Council of San Francisco, favoring policy of Secretary Meyer, of the Navy, as to maintenance of navy-yards—to the Committee on Naval Affairs.

Also, petition of Roy Leavitt and 72 other members of the Elevator Constructors Union, of San Francisco, Cal.; Local Union, No. 151, International Brotherhood of Electrical Workers, of San Francisco, Cal.; Dow Turner, T. J. Mullins, E. J. Ryan, A. B. Nelson, and John J. Breslin, and 47 other citizens of San Francisco, Cal., against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Thomas C. Acton—to the Committee on Pensions.

Also, petition of T. J. Vandergeift, Woodsfield, Ohio, favoring postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Peoples' Banking Company and 19 citizens of Amsterdam and Woodsfield, Ohio, against postal savings banks—to the Committee on Banking and Currency.

By Mr. HOWELL of Utah: Petition of John Watson and other residents of Ogden, Utah, against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES: Petition of general assembly of the Commonwealth of Kentucky, approving bill introduced by Hon. J. CAMPBELL CANTRILL to amend act of Congress approved July 2, 1890, relative to trade and commerce protection against unlawful restraints and monopolies—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petitions of Edward Ellison and 47 other members of Furniture Handlers' Union, No. 1, of San Francisco, Cal.; J. Kavanaugh and 47 other citizens of San Francisco, Cal.; Martin J. Troy, Thomas Ker, John F. Infield, F. H. Edkins, G. W. Shield, Thomas Alexander, F. E. Harvey, G. U. Walsmy, and D. H. Johnson, of San Francisco, Cal.—to the Committee on Foreign Affairs.

By Mr. KNAPP: Paper to accompany bill for relief of Thomas McPeak—to the Committee on Pensions.

By Mr. KÜSTERMANN: Petition of A. Neselmann and others, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOWDEN: Petition of citizens of Sterling, Ill., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of George H. Simmons and others, of Auburn, Mich., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of 50 citizens of Northumberland County, Pa., against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Carthage, Ill., asking for admission of publications of fraternal societies as second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of veterans of the civil war of Warsaw, Ill., favoring National tribune pension bill (H. R. 14533)—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of James Archley, of Meigs County, Tenn.—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petition of citizens of Harrisburg, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY W. PALMER: Petition of Edwin Davenport and others, of Plymouth, and John Smoulter and others, of Nanticoke, Pa., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. PICKETT: Petition of Dubuque County Volunteer Officers' Association, favoring House bill 12387, for volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Charles Payne Post, No. 141, Grand Army of the Republic, Department of Iowa, favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of 29 veterans of the civil war of Flathead County, Mont., favoring bill to amend acts of June 27, 1890, and April 19, 1908—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Petition of Scott Mayer Commission Company, of Little Rock, Ark., favoring the Burkett bill relative to sale of goods by express companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Paper to accompany bill for relief of William H. McGunigle—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of Otto Knapp and other citizens of Minnesota, against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Virginia and Pittsburg Coal and Coke Company, of Fairmont, W. Va., and C. A. Miller Grocery Company, of Martinsburg, W. Va., for repeal of clause 6 of section 38 of the corporation-tax law—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Quintard Iron Works Company, for repeal or amendment of the corporation-tax law—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of various volunteer officers of the civil war, favoring House bill 18899 for volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WASHBURN: Paper to accompany bill for relief of Ambrose E. Rice—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of farmers and taxpayers of Wisconsin, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of West Bend, Wis., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tug Firemen and Linemen's Protective Association of the Great Lakes, against purchase of a government dredge for west coast of Lake Michigan and Lake Huron—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of Westfield (N. Y.) Grange, No. 109, Patrons of Husbandry, against any change in the oleomargarine law—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *February 2, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair announces the appointment of the senior Senator from New York [Mr. DEPEW] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

COMMITTEE SERVICE.

Mr. MONEY submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That Mr. PURCELL be appointed to fill the vacancies in each of the following committees: Conservation of National Resources, Cuban Relations, Indian Affairs, Industrial Expositions, Mississippi River and its Tributaries, Pacific Islands and Porto Rico, Railroads, and Transportation and Sale of Meat Products.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 31st ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported and requiring an appropriation therefor (S. Doc. No. 342), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ESTATE OF GEORGE NECK, SR., DECEASED, V. THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Emile E. Zimmer, administrator of the estate of George Neck, sr., deceased, *v.* The United States (S. Doc. No. 343), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1909 (H. Doc. No. 624), which was referred to the Committee on the District of Columbia and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Brightwood Railway Company for the year ended December 31, 1909 (H. Doc. No. 625), which was referred to the Committee on the District of Columbia and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1909 (H. Doc. No. 628), which was referred to the Committee on the District of Columbia and ordered to be printed.

CITY AND SUBURBAN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the City and Suburban Railway Company for the year ended December 31, 1909, which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Company for the year ended December 31, 1909, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1909, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Newport, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Newport, N. H., praying for the passage of the so-called "Burkett-Sims bill" to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Newport, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the New England Stove Manufacturers' Association of Boston, Mass., praying for the repeal of clause 6 of section 38 of the corporation-tax law, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Antisaloon League of the District of Columbia, praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Windham, South Londonderry, Cambridgeport, and Athens, all in the State of Vermont, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. WARNER presented a petition of sundry citizens of Barry County, Mo., praying for the enactment of legislation for the relief of J. N. West, J. T. West, and John H. West, heirs at law of Sarah West, deceased, which was referred to the Committee on Claims.

Mr. BRISTOW presented a petition of Hackney Grange, Patrons of Husbandry, of Kansas, praying for the enactment of legislation to establish a government experimental station on the Chilocco Government Reservation in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Brownell, Kans., remonstrating against an increase of the rate of postage on periodicals, and also against the restriction of the rural free delivery, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a memorial of sundry citizens of Elm Grove, W. Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. SHIVELY presented a memorial of the Central Labor Union of Indianapolis, Ind., remonstrating against the importation of cigars from the Philippine Islands free of duty, and also against the further use thereon of the guaranty stamp, which was referred to the Committee on Finance.

Mr. LODGE presented a memorial of sundry citizens of Fall River, Mass., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Finance, to whom was referred the bill (S. 4464) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5680) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme, reported it with an amendment and submitted a report (No. 155) thereon.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 1105) for the relief of the legal representatives of William H. Miller, deceased, reported it with amendments and submitted a report (No. 156) thereon.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 115) for the relief of Marcellus Troxell, reported it with amendments and submitted a report (No. 157) thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 158); and

A bill (H. R. 16311) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 159).

Mr. JOHNSTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910, reported it with an amendment and submitted a report (No. 160) thereon.

BONDS AND CERTIFICATES OF INDEBTEDNESS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 19548) prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any bonds and certificates of indebtedness of the United States hereafter issued shall be payable, principal and interest, in United States gold coin of the present standard of value; and that such bonds may be issued in such denominations as may be prescribed by the Secretary of the Treasury.

Section 2 exempts any certificates of indebtedness hereafter issued from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority; and appropriates a sum not exceeding one-tenth of 1 per cent of the amount of any certificates of indebtedness issued to pay the expenses of preparing, advertising, and issuing the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida; to the Committee on Commerce.

By Mr. PILES:

A bill (S. 6052) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail; to the Committee on Military Affairs.

A bill (S. 6053) granting an increase of pension to David L. McStotts; and

A bill (S. 6054) granting an increase of pension to Eli Masters (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6055) authorizing the extension of Barry place NW., and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. DILLINGHAM:

A bill (S. 6056) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BOURNE:

A bill (S. 6057) to amend the enlarged homestead act of February 19, 1909, in so far as it applies to the State of Oregon; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908; to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns (with an accompanying paper); to the Committee on Public Lands.

A bill (S. 6060) granting a pension to Eugene G. Burt; and

A bill (S. 6061) granting an increase of pension to Sampson G. Haws; to the Committee on Pensions.

By Mr. ALDRICH:

A bill (S. 6062) granting an increase of pension to D. C. Stevens;

A bill (S. 6063) granting an increase of pension to John R. Atwood (with an accompanying paper);

A bill (S. 6064) granting an increase of pension to George A. Tanner (with an accompanying paper);

A bill (S. 6065) granting an increase of pension to Mary M. Allen (with an accompanying paper);

A bill (S. 6066) granting an increase of pension to Baxter R. Waldron (with an accompanying paper); and

A bill (S. 6067) granting an increase of pension to Rebecca C. Cotton (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6068) granting a pension to Ellen Waters; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6069) authorizing the President to reinstate Chauncey C. Devore as a cadet in the United States Military Academy (with accompanying papers); to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 6070) granting a pension to Thomas Burke; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6071) to correct the military record of Christopher Parkin; to the Committee on Military Affairs.

PRICES AND WAGES.

Mr. LODGE submitted the following resolution (S. Res. 163), which was read and referred to the Committee on Finance:

Senate resolution 163.

Resolved, That there shall be appointed by the President of the Senate a select committee of five Senators to investigate the cost of living and the prices of the necessaries of life; to ascertain, so far as possible, whether such prices have increased during the past ten years, and the cause or causes of such increase; said committee shall also investigate the subject of wages and ascertain whether wages have increased during the same period; said committee shall also investigate the cost of production of said articles and of their distribution and sale; and shall report to Congress the results of their investigations, together with any recommendations, and with a bill or bills if, in the judgment of the committee, legislation is necessary in regard to the subjects of the investigation.

Said committee or any subcommittee thereof is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report hearings, and have such hearings printed. And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

PROTECTION AND PRESERVATION OF FOOD FISHES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 638), which was read, and, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State submitting "a system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada," which have been "prepared by the International Fisheries Commission pursuant to and under the authority of the convention of April 11, 1908, between the United States and Great Britain."

The regulations are submitted to the Congress in order that due legislative action on the part of the Government of the United States may be taken, as stipulated for in article 3 of the convention.

WM. H. TAFT.

THE WHITE HOUSE, *February 2, 1910.*

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the Senate proceed to the consideration of House bill 18282, the urgent deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee may be considered as they are reached.

The VICE-PRESIDENT. The Senator from Maine asks that the formal reading of the bill be dispensed with and that the

committee amendments be first considered. Is there objection? The Chair hears none, and the order is made. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 13, to strike out "To meet the actual and necessary expenses of the delegates of the United States to the Fourth International Conference of American States to be held at the city of Buenos Aires, beginning on the 9th day of July, 1910, and of their salaried clerical assistants, to be expended in the discretion of the Secretary of State, and to continue available during the fiscal year 1910, $50,000," and to insert "To meet the actual and necessary expenses of the delegates of the United States to the Fourth International Conference of American States to be held at the city of Buenos Aires, beginning on the 9th day of July, 1910, and of their clerical assistants, $100,000, to continue available during the fiscal year ending June 30, 1911, and to be expended in the discretion of the Secretary of State, who is hereby authorized to direct the outgoing and return of the delegates and their clerical assistants in such manner and by such route as he may deem proper."

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

International Conference on Maritime Law: For expenses necessary for the representation of the United States at the adjourned meeting of the Third International Conference on Maritime Law, at Brussels, Belgium, in April, 1910, for the purpose of considering conventions and projects relating to collisions at sea, salvage, liability of shipowners, and liens, $5,000, or so much thereof as may be necessary, together with the unexpended balance of the previous appropriation for representation of the United States at the Third International Conference on Maritime Law, to meet at Brussels in 1909.

Mr. HALE. In line 11, I move to strike out the words "in April."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 18, to insert:

St. John River Commission: To complete the work of the joint commission authorized in the diplomatic and consular act for the fiscal year 1907, to investigate and report upon the conditions and uses of the St. John River, and to make recommendations for the regulation of the use thereof by the citizens and subjects of the United States and Great Britain, according to the provisions of treaties between the two countries, $20,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

International Agricultural Exhibition, etc., Buenos Aires, Argentine Republic: To enable the Government to participate in the International Agricultural Exhibition, and the International Exposition of Fine Arts, to be held at Buenos Aires, Argentine Republic, beginning in May, 1910, and to participate in the Exhibition of Fine and Applied Arts to be held at Santiago, Chile, beginning in September, 1910, and to provide for the compensation and expenses of commissioners thereto on the part of the United States, $75,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State and to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

Building, International Bureau of American Republics, maintenance: For maintenance of the new building of the International Bureau of American Republics until June 30, 1910, $2,500.

The amendment was agreed to.

The next amendments were, under the head of "Treasury Department," on page 4, after line 21, to strike out:

Office of the Secretary of the Treasury, Division of Loans and Currency: To continue the employment of the following during the last half of the fiscal year 1910, namely: One clerk of class 1; 7 clerks and counters, at the rate of $720 each per annum; and 2 laborers, at the rate of $660 each per annum; in all, $3,780.

Office of the Comptroller of the Currency: To continue the employment of the following during the last half of the fiscal year 1910, namely: Fifteen clerks of class 1; 7 counters, at the rate of $840 each per annum; and 1 assistant messenger, at the rate of $720 per annum; in all, $12,300.

Mr. HALE. I ask that the two amendments, from line 22, on page 4, to line 11, on page 5, be disagreed to, and I shall offer an amendment to come in at the end of line 11.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the committee which have just been read.

The amendments were rejected.

Mr. HALE. At the end of line 11, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 11, on page 5, insert:

Office of the Treasurer of the United States: To continue the employment of 1 clerk of class 1 during the last half of the fiscal year 1910, $500. And all payments heretofore made to persons employed or appointed in said Division of Loans and Currency, Bureau of Engraving and Printing, office of the Comptroller of the Currency, office of the Treasurer of the United States, and in the government paper mill at Pittsfield, Mass., occasioned by the passage of the emergency currency act, and paid from the indefinite appropriation made to enforce the same, are hereby legalized.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 6, after line 12, to insert:

For additional amount required for washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals, and for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees; and purchase of other absolutely necessary articles, $100.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

Distinctive paper for United States securities: For the following additional employees during the fiscal year 1910, namely, assistant register, at the rate of $1,050 per annum; counter, at the rate of $720 per annum; and laborer, at the rate of $660 per annum; in all, $1,215, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to insert:

That the sum of $980, heretofore appropriated to be paid to David Stewart, administrator of Paul Bentalou, in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved March 3, 1899 (30 Stat. L., p. 1201); that the sum of $490, heretofore appropriated to be paid to David Stewart administrator de bonis non, cum testamento annexo of estate of Paul Bentalou, in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved May 27, 1902 (32 Stat. L., p. 226); and the sum of $1,241.17, heretofore appropriated to be paid to David Stewart, administrator of Paul Bentalou, in the act entitled "An act for the allowance of certain claims reported by the Court of Claims, and for other purposes," approved February 24, 1905 (33 Stat. L., pt. 1, p. 786), being in the aggregate the sum of $2,711.17, be now paid to Leigh Bonsal, administrator of Eloise Bentalou Sanger Michard: *Provided*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that said Leigh Bonsal as administrator represents the next of kin of said Eloise Bentalou Sanger Michard, and the court which granted the administration shall certify that said Leigh Bonsal, as administrator of said Eloise Bentalou Sanger Michard, has given adequate security for the legal disbursement of the amount herein appropriated.

Mr. BACON. Mr. President, I have no doubt that it is all correct, but I would be very glad if the Senator would give us some reason why the amendment is introduced in this bill.

Mr. HALE. The amendment follows the practice in such cases. It is no appropriation of money, but provides that the previous appropriation shall be paid now to the actual parties in interest. That is all there is in the amendment. It is not a new matter at all.

Mr. BACON. I simply desired to know whether provisions of this kind are usually found in the deficiency appropriation bill.

Mr. HALE. Yes; provisions of this kind, simply sending previous appropriations to heirs and administrators, are always put upon deficiency appropriation bills.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 12, after line 23, to insert:

Ansonia, Conn., post-office: The provision in section 35 of the public-building act approved May 30, 1908, requiring sites to be bounded upon at least two sides by streets, shall not apply to the public building at Ansonia, Conn., but the limit of cost of site and building shall not thereby be increased.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

Danville, Va.: Rent of buildings and moving expenses incident thereto, $4,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to insert:

Fremont, Nebr.: Rent of buildings and moving expenses incident thereto, $3,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to insert:

Jackson, Tenn.: Rent of buildings and moving expenses incident thereto, $6,000.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

Kansas City, Kans., post-office, etc.: For rent of buildings and moving expenses incident thereto, $10,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 3, to insert:

Lima, Ohio: Rent of buildings and moving expenses incident thereto, $5,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

Los Angeles, Cal., post-office and court-house: For mechanical devices and equipment for conveying and handling mails, $25,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 21, to insert:

Reno, Nev., post-office: For completing the approaches and retaining wall at the river front, $5,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 24, to insert:

Santa Rosa, Cal., post-office: For constructing a drain, with proper outlet, $1,500.

The amendment was agreed to.

The reading was continued to line 11, on page 15.

Mr. HALE. After line 11, on page 15, I move to insert:

Indianapolis, Ind., court-house and post-office: To pay Rankin & Kellogg the amount found due them as commissions for services performed under the provisions of the act approved February 20, 1893, as architects in charge of the construction of the court-house and post-office building, Indianapolis, Ind., $1,144.86.

The amendment was agreed to.

The reading was continued to line 8, on page 16.

Mr. HALE. On page 16, after line 8, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 8 it is proposed to insert:

Relief of Henry D. Dillon: The accounting officers of the Treasury Department are hereby directed to allow as a charge against the respective appropriations as rendered, all vouchers and railroads accounts covering expenses incurred by Henry D. Dillon, an assistant inspector of furniture, including also his salary as such inspector while traveling under instructions from the department and engaged in the work of inspecting furniture for public buildings for the time between April 26, 1909, and September 6, 1909, and for this purpose such settlements as have heretofore been made shall be reopened and readjusted.

The amendment was agreed to.

The reading was resumed.

The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 16, after line 22, to insert:

For printing the annual reports of the superintendent of insurance for the years 1907 and 1908, $1,000, or so much thereof as may be necessary.

Mr. HALE. In line 23, after the word "printing," I move to insert the words "and binding."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 18, line 3, after the word "ninety-six," to insert "and Senate Document No. 326;" and in line 5, after the word "session," to strike out "$2,964.71" and insert "$3,269.01," so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Document No. 496 and Senate Document No. 326, of this session, $3,269.01, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head of "Military establishment," on page 20, after line 11, to insert:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Reimbursement Canadian department of public works: To authorize the officer in charge of the Washington-Alaska military cable and telegraph system to reimburse the Canadian department of public works from receipts of the Washington-Alaska military cable and telegraph system on account of telegraphic transfer business with the Dominion government telegraph system at International Boundary, Alaska, $82.39.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence department," on page 20, line 24, after the word "ten," to strike out "including cost of actual subsistence of military convicts;" and on page 21, line 1, after the word "dollars," to strike out:

Provided, That no part of the last foregoing appropriation carried in this act for subsistence of the army, including all objects mentioned under that head, shall be expended in payment for more than actual subsistence to military convicts serving sentence in the military prison at Fort Leavenworth, Kans., and in like prisons and in their several branches.

So as to make the clause read:

For subsistence of the army, including all objects mentioned under this head in the army appropriation act for the fiscal year 1910, $1,250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 21, after line 22, to insert:

Shiloh National Military Park: For replacing property owned by the Government in the Shiloh National Military Park, destroyed by the cyclone of October 14, 1909, and removing débris from the park, including about 10,000 fallen trees, $34,500.

The amendment was agreed to.

The next amendment was, under the head of "Naval establishment," on page 25, after line 11, to insert:

NAVAL ACADEMY.

Heating and lighting, Naval Academy: Fuel, oil, waste, and other materials for the operation, repair, and maintenance of the plant; heating and lighting apparatus and tools; and for heating and lighting the academy and band men's quarters, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 26, after line 2, to insert:

Completion of filing system, Interior Department: For continuing and completing the installation of the vertical system of filing in the General Land Office and the Office of Indian Affairs, $9,500, to be immediately available and remain available until used.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to insert:

For the Capitol: For additional amount for repairs, improvements, and equipment to the Senate kitchens and restaurants in the Capitol building, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, $37,350.

The amendment was agreed to.

The next amendment was, on page 26, line 25, before the word "for," to strike out "Capitol building," so as to make the clause read:

For work at Capitol and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol; flagstaffs, halyards, and tackle, wages of mechanics and laborers; purchase, maintenance, and driving of office vehicle, $13,541.05.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert:

Senate Office Building: For maintenance, including heating, lighting, ventilating, miscellaneous items and supplies, and for all necessary personal and other services for the operation of the building, under the direction and supervision of the Senate Office Building Commission, $12,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 28, after line 2, to insert:

For the following employees for the remainder of the fiscal year 1910, namely: For 1 clerk of class 1; 1 clerk at the rate of 1,000 per annum; 1 clerk at the rate of $900 per annum; and 2 messenger boys, at the rate of $480 per annum each; in all, $2,030, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 30, line 9, after the word "appeals," to insert: "The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' shall hereafter be at the rates per annum as follows;" in line 24, after the word "annum," to strike out "in all, for the balance of the fiscal year 1910, $27,440, or so much thereof as may be necessary," and insert "and for the payment of the said compensation for the balance of the fiscal year 1910, at the rates herein fixed, there is appropriated the sum of $27,440, or so much thereof as may be necessary," so as to make the clause read:

United States court of customs appeals: The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall hereafter be at the rates per annum as follows: For the presiding judge and four associate judges, at the rate of $7,000 each per annum; marshal, at the rate of $3,000 per annum; clerk, at the rate of $3,500 per annum; assistant clerk, at the rate of $2,000 per annum; five stenographic clerks, at the rate of $1,600 each per annum; stenographic reporter, at the rate of $2,500 per annum; messenger, at the rate of $840 per annum; and for the payment of the said compensation for the balance of the fiscal year 1910, at the rates herein fixed, there is appropriated the sum of $27,440, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

The salary of the Assistant Attorney-General authorized in said act is hereby fixed at the rate of $8,000 per annum.

The amendment was agreed to.

The next amendment was, on page 32, line 6, before the word "dollars," to strike out "twenty" and insert "forty," so as to make the clause read:

In all for United States court of customs appeals, $71,440, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 35, after line 2, to insert:

Immigration Commission: For the expenses of the commission provided for in section 39 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," $125,000, to be available until December 5, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said

commission be entitled to or receive any salary as such member after March 1, 1910. And the said commission shall complete its entire work and make its final report and the commission shall cease on the first Monday of December, 1910.

Mr. STONE. Mr. President, I see that that provision which is inserted as an amendment in the pending bill appears in the bill as presented to the House of Representatives, where it went out on a point of order. I do not see why the same point of order made in the other House would not be well taken in the Senate, based on the ground that it is an appropriation made, for which there is no authority in existing law. I am disposed, at all events, at this time to raise that point of order against the provision just read.

Mr. LODGE. Mr. President, the point of order made in the other House against this provision as it was reported by the House Committee on Appropriations was under the House rule that it was changing existing law, which was unquestionably obnoxious to the House rule. Our rule is as to general legislation. I do not think this is general legislation. It is a mere continuance to supply a deficiency of work which was authorized by previous legislation.

Mr. STONE. Mr. President, I make this single observation, that it is rather a splitting of hairs to say that there is a difference between enacting legislation in a given case, and making an appropriation in a given case, where there is no provision of law authorizing it or to meet any demand of existing law, and to say that this is not general legislation. If there is no law on the subject, if there is no legal demand, no legal authority for the appropriation, then it is new legislation and, in substance and effect, is general legislation.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri make the point of order against the amendment?

Mr. STONE. I did make it, Mr. President.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that there is proper ground for a difference of opinion as to the correct construction of the rule on this particular amendment, and exercising his right under Rule XX the Chair will submit the matter to the Senate. Senators who are of opinion that the amendment is in order will say "aye," those opposed will say "no." The "ayes" have it, and the amendment is declared to be in order. The question is on agreeing to the amendment.

Mr. BACON. Mr. President, not for the purpose of taking any issue whatever with the general propriety of this amendment, I should really like to have some statement as to how this money is to be spent, simply in a general way. Of course we can not go into all the details.

Mr. DILLINGHAM. Mr. President, in order to make the matter perfectly clear, I may perhaps refer to the action of a year ago. When the commission was organized it was authorized to make a very full and thorough investigation, and the payment of the expenses of the commission was to be made from what was known as the "immigrant fund." A year or more ago the immigrant fund was abolished. It then became necessary for the expenses of the commission to come under the supervision of the Committees on Appropriations of the two Houses. When this was done—it was just about a year ago this time—the bill as presented by the committee of the House of Representatives contained an appropriation of $300,000 to complete the work of the commission. That went out on a point of order. An amendment was offered in the Senate, based upon an estimate of the commission of the amount of work that would be required to make the necessary tabulations and to edit the reports, at $250,000, which was adopted. The bill went back to the House when the amendment was disagreed to, but from the committee of conference there was reported a modification of the amendment appropriating $150,000, with a stipulation that the work should be completed by the 4th day of March next.

The commission have been diligent during the last year and have turned out a large amount of work. In addition to the reports already presented to Congress they have many others almost ready for presentation. On the other hand, they have a vast amount of material which has been gathered by the field force, about 50 per cent of which has been tabulated, but which will be entirely worthless unless a further appropriation is made for completing the tabulation and preparing the reports based upon the same. The commission, therefore, ask for this appropriation.

Mr. BACON. If the Senator will pardon me, it is right there that I desire information.

Mr. DILLINGHAM. Certainly.

Mr. BACON. What is the character of the information which has to be tabulated? I do not ask the Senator to go into details, but to state it only in a general way.

Mr. DILLINGHAM. I do not know that I quite understood the Senator's question.

Mr. BACON. The Senator from Vermont said that the commission had been actively engaged and had secured a large amount of information, which was to be tabulated and then incorporated in a report.

Mr. DILLINGHAM. Yes.

Mr. BACON. I simply desired, not going into detail and not unnecessarily to burden the Senator, but in a general way, a statement as to the character of that information.

Mr. DILLINGHAM. I think I can briefly answer the question of the Senator from Georgia. We have already submitted reports to Congress on the white-slave traffic; on steerage conditions; on physical assimilation of the immigrant; on congestion in the large cities of the country; and also upon the occupations of immigrants and their children. Those reports are all in. We have reports in process of preparation, which will probably be completed before the 4th of March, upon several other subjects—the immigrant in agriculture, the relative fecundity of immigrants and their children, the investigations in Europe, and the medical examination abroad. We have a report on the immigrant aid societies that will probably be presented this week; another on alien criminality, of great interest and great value; and a very exhaustive report on the immigration situation in Canada, which, in contrast to ours, is not only interesting, but very important. We have also a dictionary of the immigrant races, a very complete volume for reference; the history of European immigration in the United States, covering the whole period and written in popular form; a review of the immigration legislation of the country from the beginning, and legislation regulating the carriage of passengers at sea. That is a subject which we have already acted upon in a bill passed last winter. Another report will be presented on immigrants' banks.

The unfinished work to which the Senator refers covers some of the large industries of the country. When it is prepared and presented it will give a picture, I think, representing almost the exact status of the immigration of the last twenty or thirty years, which is of a class entirely different, new, and distinct from the immigration which came to this country prior to 1887. I have in my hand a chart, which perhaps the Senator can see from his place [exhibiting]. The dark portion of that chart represents the immigration from 1882 to 1909 of those coming from northern and western Europe, England, Ireland, Scotland, Wales, and the western part of Europe, and the lighter portion of the chart shows how the immigration from southern and eastern Europe has been constantly increasing. I think I have here the statistics that will show what that change has been and how vitally it affects us as a Nation.

Down to 1882 the immigration from northern and western Europe—that is to say, from Great Britain, Ireland, Germany, Denmark, Sweden, Belgium, Spain, and Portugal—constituted 87 per cent of the entire immigration into the United States, while the immigration from southern and eastern Europe—that is to say, from Italy, Austria-Hungary, Russia, Greece, Turkey, and the Balkan States—was only 13 per cent of the total. Twenty-five years later, in 1907, that from northern and western Europe had decreased from 87 to 20 per cent of the whole, while that from southern and western Europe had increased from 13 per cent to 80 per cent of all coming into the country.

Presented in another form, from 1820 to 1882, inclusive, a period of sixty-two years, 9,538,000 persons, or 96 per cent of the whole immigration of the country, came from northern and western Europe, while from 1883 to 1909, a period of only twenty-six years, we received 8,192,000 persons, only about a million less than we received in the previous period of sixty-two years, and of this number nearly 57 per cent came from southern and eastern Europe. This was a vast influx, as will be seen, of new and of untried races.

With the increase in the business industry of the country within the last twenty years, this current of new immigration has gone into the coal mines; it has gone into the woolen and cotton industries; it has gone into agriculture; it has gone along all the lines of industry, and has found employment. The commission has been making a very exhaustive study in more than one hundred selected localities to show what effect the coming of those immigrants has had upon the community and upon the individual American, and, on the other hand, what effect the American has been having on the immigrant.

We have, Mr. President, already in the process of preparation, and very nearly ready to be presented, a most exhaustive study of the bituminous coal industry in this country, and I call the Senator's attention to two or three facts that show the character of it. We find that the number of tons of bituminous coal produced in Pennsylvania in 1885—so recent a date as

that—was 23,413,000, in round numbers, while in 1907 it was 149,559,000, or an increase of 539 per cent.

We have gone not only to Pennsylvania, but to other sections of the country as well, and have made a most exhaustive examination of the immigrant of the new type, who has been employed in that industry. He has been examined from every point of view; and a report which will probably make a volume of five or six hundred pages will be presented showing just precisely how he is behaving, how he is living, whether he is prospering, what influence he is exerting upon the community, and what influence the community is having upon him. In short, how and to what extent the work of assimilation is going on. It is a very exhaustive and a very valuable report. Without this appropriation no more reports of that kind can be made.

In addition to this, we have material covering the woolen industry, the cotton industry, the glass industry, the boot and shoe industry, and several other of the great industries of the country, in regard to which much study has been given, in which industries different nationalities have been employed.

This amendment, the Senator will observe, provides that no further salaries shall be paid to the commissioners, and no new field work shall be undertaken. The commission is asking for the appropriation simply that the work on the material already on hand, which is partly prepared and partly tabulated, may be completed, and that reports covering the entire field of the investigation may be prepared and presented to Congress by the 1st of December next.

Mr. LODGE. Mr. President, may I interrupt the Senator for a moment?

Mr. DILLINGHAM. Certainly.

Mr. LODGE. The Senator from Vermont omitted, I think, to mention one great collection of statistics and figures which will simply be wasted and thrown away unless this additional appropriation is made. The matter to which I refer relates to the Asiatic immigration on the western coast, a matter of the very greatest importance. The material has all been collected, and some $40,000 was spent in field work relating to the Chinese, the Japanese, and the Hindoos. That will simply be wasted and thrown away unless we can have an opportunity to tabulate it and put it into form. That is another of the matters that will be lost.

Mr. DILLINGHAM. That work has been under the charge of Professor Millis, of Stanford University, of California, and is one of the most exhaustive investigations I have known. I said to the committee yesterday that the material covering that subject, consising of individual and family cards, containing the most vital and minute information, that was shipped from San Francisco to Washington weighed a ton. That shows something of the exhaustive character of that investigation, and I may add that it covers not only California but all the Rocky Mountain States from Idaho through to Arizona. It will bring together a mass of information in which, I think, other departments of our Government will be very much interested in the future.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. I am very glad to.

Mr. STONE. I have listened with pleasure to the very interesting statement of the Senator from Vermont; and I should like to ask him a question. This commission has been in existence some three years?

Mr. DILLINGHAM. It was organized in the spring of 1907. Some work was done in Europe that summer, and during the next winter the scope and the extent of the inquiry were determined upon and plans for the field work adopted. It was begun on the 1st day of July, 1908, and was substantially completed on the 1st of July, 1909.

Mr. STONE. The expenses incurred by the commission under the act authorizing its creation were to be paid out of the immigration fund?

Mr. DILLINGHAM. They were.

Mr. STONE. And the Senator says that that fund became exhausted, so that it became necessary——

Mr. LODGE. No.

Mr. DILLINGHAM. No. It did not become exhausted, but the fund was abolished by legislation, and the receipts from that source were turned into the general fund of the United States Treasury. So it became necessary to have appropriated by Congress whatever sums that might be necessary to complete the work.

Mr. STONE. The fund ceased to be available, at all events.

Mr. DILLINGHAM. Yes.

Mr. STONE. Then you had to resort to ordinary appropriations?

Mr. DILLINGHAM. Yes.

Mr. STONE. What was the amount of the last appropriation?

Mr. DILLINGHAM. A hundred and fifty thousand dollars.

Mr. STONE. What has been the total amount of appropriations?

Mr. DILLINGHAM. The total amount expended?

Mr. STONE. The total appropriation.

Mr. DILLINGHAM. That is the only appropriation which has been made.

Mr. STONE. The only one?

Mr. DILLINGHAM. Yes; at that time, as I said, the commission asked for $250,000.

Mr. STONE. That appropriation was made at the last session.

Mr. DILLINGHAM. At the last session.

Mr. STONE. Of the last Congress?

Mr. DILLINGHAM. Yes.

Mr. STONE. Was there a provision—I understand there was—that with that appropriation the business of the commission was to be concluded and the life and labors of the commission should cease in March, 1910.

Mr. DILLINGHAM. That is the fact; but Congress appropriated only $150,000, though the commission informed that body that it could not complete the work without an expenditure of $250,000. They have gone as far as they have been able to do.

Mr. STONE. What has been the total appropriation?

Mr. DILLINGHAM. From the beginning the total disbursements have been $657,992.67. Of this amount, $509,861.61 has been for the cost of collection and tabulation of material; general field work and clerical force, with 153 field agents and 310 clerks employed, all told—salaries and expenses. The cost of administration, salaries and expenses of commissioners, secretaries, statistical and headquarters force was $91,904.66; printing, supplies, and miscellaneous expenses, $35,549.89. The expenses of the commission in Europe were $20,676.51.

Mr. STONE. Mr. President, if the Senator from Vermont is through, I desire to say that it seemed to me that the commission had expended a very large sum of money and had been at work a long time, and that we had reached a point where we had better adhere to the determination arrived at when the last appropriation was made, namely, that the life and labors of the commission should cease on March 10, 1910. I remember reading some remarks made by members of this commission last year, when the appropriation bill was pending, to the effect that there was no reason why the work of the commission could not be completed and final report made by the 1st of December of last year and certainly by the 1st of January of the present year. That opinion was decisively expressed by members of the commission. There was some difference of opinion, though not radical, as to that; and finally it was determined that the appropriation should be made and the work be prosecuted and completed by March 10—I think that was the date—of the present year.

And so, when I saw that a further appropriation of $125,000 was asked for and an extension of the life of the commission for nine or ten months, I was disposed to approve the view taken by Members of the House—some of them, at least—and that we had better insist upon this work being completed in accordance with the provisions of the act of last year.

However, after having been advised as I have been by the very clear and intelligent statement made by the Senator from Vermont; after having been advised by him as to the character of the work not yet completed and of its importance—and in that I concur—I am myself disposed to think that it would be bad legislation and bad policy to withhold the $125,000 which he says is absolutely necessary to have the statistics tabulated and the publications made. But I sincerely hope that after this Congress we will not have another application for further appropriations and an extension of time.

Mr. DILLINGHAM. Mr. President, I very much appreciate the attitude of the Senator from Missouri, and I want to assure him that if this appropriation is made, no further request will be made on the part of the commission. I am perfectly confident that the work can be completed for this sum, and that when it is completed the country will think that the investment has been a good one.

The truth is we have lived a century without any investigation, from a scientific standpoint or other methodical means, looking to a consideration of this great question of immigration to this country, and the commission thought that the ques-

tion was one of such vast importance that it warranted the broad scope it has assumed.

Mr. BACON. Mr. President, I made the inquiry because I desired the information which the Senator from Vermont has given in a very clear and satisfactory manner. I confess that the labors of the commission have covered a breadth of inquiry that I did not myself know of. I recognize the very great importance of it from the outline given us by the honorable Senator from Vermont. I think I may properly congratulate the commission upon the fact that I made the inquiry, because I think, in the absence of the inquiry, the statement which has been made, as it should have been made, in justice to the commission itself, might not have been made.

I confess, Mr. President, that from what I have seen in the way of newspaper criticism and criticism elsewhere, I was not prepared for the statement which the Senator has made, and I recognize that not only in what has been done in the accumulation of information and in the reports made upon the subjects already concluded, but in the part which is now in process of conclusion, there is a great deal of the utmost importance to the people of this country.

There is a very widespread feeling in my part of the country that immigration has not been sufficiently guarded, and I think it is of the utmost importance that the information such as is indicated by the Senator from Vermont should be given to the people, in order that they may know what has been done and what is the effect of it, in order that they may the more properly determine what shall be done in the future.

While I know nothing about whether the expenditure has been properly made or not, of course I can not do otherwise than rely upon the judgment and good faith of those who have had in charge this work. For myself I think the work ought to be completed. I am not prepared to say whether the amount asked for is proper or not. I can only rely upon the Senators when they ask for it and say it is necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. BACON. Mr. President, as I may be called from the Chamber, I should like to ask the Senator from Maine for some information as to an item passed over. It is on page 8. It is in the bill as it came from the House, and I presume has had full investigation there. It is an item of $100,000 for furnishing the post-office and custom-house at Cleveland, Ohio. That ordinarily would appear to be quite an extravagant amount, unless the furniture includes fixtures. I do not know whether it is meant to include fixtures or only the ordinary articles which are generally included under the term "furnishings."

Mr. HALE. The items covered in this provision came from the Treasury Department as necessary for the equipment and installation of the building, and the House committee hearings show the testimony that was furnished in the case.

I will say to the Senator that there will be here an additional item for this very purpose beyond the sum covered in this bill for the Cleveland post-office.

Mr. BACON. Do you mean for furnishing it?

Mr. HALE. Yes.

Mr. BACON. An amount additional to the hundred thousand?

Mr. HALE. An additional item, from the Secretary of the Treasury. It is a very important port; it is a large custom-house; it is a new building, and practically it is all left to the Treasury Department to make examination and make the estimates and give the items in detail. The House committee adopted this sum, and there will be another amendment offered.

Mr. BACON. What is the additional amount?

Mr. HALE. Fifty thousand dollars.

Mr. BACON. One hundred and fifty thousand dollars for furnishing the building?

Mr. HALE. Yes.

Mr. BACON. It may be all right, but I confess that for furnishing a building, a single building, with office furniture, $150,000 appears to me to be a large sum.

Mr. BURTON. I think I can explain it to the Senator from Georgia. This is a building which has been under way a considerable number of years. The total cost, including the site, is $3,750,000. The building is to be finished on the 1st of November next. No provision has been made for furniture. The furniture must be contracted for at this time. Otherwise when the structure is completed it can not be utilized.

Mr. BACON. The inquiry which I made was directed to the question as to the character of the furniture, office furniture, for a single building, which would amount to $150,000. Of course there can be fixtures put in a building which would bring it up to a very much larger sum than that.

Mr. BURTON. This includes electric-light fixtures and some others, and not merely sofas and tables and chairs.

Mr. BACON. It includes everything?

Mr. BURTON. Everything that can be legally classed as fixtures.

Mr. BACON. Does the Senator understand that it includes such fixtures as are found in bank buildings and structures of that kind——

Mr. BURTON. Yes; most of them.

Mr. BACON. Not ordinarily classed under the head of furniture.

Mr. BURTON. I think all of them, practically.

Mr. BACON. Of course, if that is the class of articles embraced in the proposed expenditure, it can very easily run up to that amount; but, under the ordinary head of "furniture," it seems to me to be very extravagant.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 37, after line 13, to insert:

SENATE.

The Secretary of the Senate is hereby authorized and directed to pay to James V. Brooke, clerk to the Hon. F. L. Thompson, of North Dakota, from November 11 to December 6, 1909, and to Hancock Robinson, clerk to the Hon. JAMES GORDON, of Mississippi, from January 1 to January 4, 1910, for clerical services rendered, from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate, for the fiscal year 1910.

The amendment was agreed to.

The next amendment was, on page 37, after line 24, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to insert:

For additional amount for purchase of an automobile, including driving, maintenance, and care of the same, for use of the Vice-President, $1,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 7, to insert:

For purchase of furniture, $2,500.

The amendment was agreed to.

The next amendment was, on page 38, after line 9, to insert:

To pay George Boyd for compiling customs tariffs, $250.

Mr. HALE. In line 10, after the name "George," I move to insert the initial "H."

The amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, on page 39, after line 13, to insert:

The allotment for printing and binding for Congress is hereby made available for the printing as public documents of such of the publications of the National Monetary Commission as the commission may designate. And the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents of the National Monetary Commission as may be required for sale: *Provided*, That the appropriations for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents.

The amendment was agreed to.

The next amendment was, on page 39, after line 24, to insert:

The allotment for printing and binding for Congress for the fiscal year ending June 30, 1910, is hereby made available for the printing and binding of the International Bureau of American Republics in the sum of $3,478.83, being amount of charges remitted by the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, on page 40, after line 5, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 535, and which have not been appealed, namely:

Under the War Department, $2,836.14;
Under the Navy Department, $4,014.85;
Under the Department of Commerce and Labor, $3,257.15;
Under the Department of Justice, $225.40;

In all, $10,333.54, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to insert:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in Senate Document No. 320, at its present session, $26,437; said judgments to be paid after the

deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled, "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exist no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The amendment was agreed to.

The next amendment was, on page 42, line 9, after the word "thirty-seven," to insert "and Senate Document No. 337," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 437 and Senate Document No. 337.

The amendment was agreed to.

The next amendment was, on page 42, line 16, before the word "cents," to strike out "six hundred and twelve dollars and forty-one" and insert "nine hundred and eighty dollars and seventy-four," so as to make the clause read:

Under War Department, $26,980.74.

The amendment was agreed to.

The next amendment was, on page 42, line 19, before the word "cents," to strike out "and $85.87" and insert "$39.02," so as to make the clause read:

Under Navy Department, $2,239.02.

The amendment was agreed to.

The next amendment was, on page 42, line 20, after the word "Interior," to strike out "$38,240" and insert "$47,269.61," so as to make the clause read:

Under Department of the Interior, $47,269.61.

The amendment was agreed to.

The next amendment was, on page 42, line 24, before the word "In," to insert "Under Department of Justice, $842.23;" and on page 43, line 1, before the word "cents," to strike out "$67,082.73" and insert "$77,476.05," so as to make the clause read:

Under Department of Justice, $842.23; in all, $77,476.05: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the Treasury Department," on page 44, line 21, before the word "cents," to strike out "forty" and insert "forty-nine," so as to make the clause read:

For expenses of Revenue-Cutter Service, $1,116.49.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the War Department," on page 46, line 16, before the word "hundred," to strike out "ninety-eight" and insert "ninety-seven," so as to make the clause read:

For transportation of the army and its supplies, except the claim No. 9787, $40,944.73.

The amendment was agreed to.

The next amendment was, on page 58, after line 17, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1907 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 333, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For transportation of fractional silver coin, 1909, $1,144.66.
For Public Health and Marine-Hospital Service, $23.33.
For redemption of stamps, $609.95.
For payment of judgments against internal-revenue officers, $865.16.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the army, $68,944.88.
For mileage to officers and contract surgeons, $31.
For incidental expenses, Quartermaster's Department, $33.11.
For transportation of the army and its supplies, $1,552.52.
For clothing, and camp and garrison equipage, $489.67.
For headstones for graves of soldiers, 1908, $4.77.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $68.89.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the navy, $684.12.
For pay, Marine Corps, $213.23.
For contingent, Marine Corps, $8.80.
For transportation, Bureau of Navigation, $23.76.
For construction and repair, Bureau of Construction and Repair, $105.44.
For indemnity for lost clothing, $69.
For bounty for destruction of enemy's vessels, $3.18.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For expenses, special inspectors, Department of the Interior, 1909, $108.25.
For photolithographing, Patent Office, 1909, $6.20.
For contingent expenses, office of surveyor-general of Arizona, 1909, $8.37.
For salaries and commissions of registers and receivers, 1908, $130.53.
For Indian schools, support, $39.12.
For telegraphing, transportation, etc., Indian supplies, 1909, $6,880.32.
For transportation of Indian supplies, $2.45.
For contingencies, Indian Department, 1909, $340.71.
For incidentals in Arizona, 1909, $1.35.
For Indian school, Riverside, Cal., 1909, $200.01.
For incidentals in Montana, 1909, $47.35.
For support of Pawnees: Schools, Oklahoma, 1909, $11.04.
For Indian school, Pierre, S. Dak., 1909, $16.46.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For salaries, chargés d'affaires ad interim, 1909, $2,796.37.
For transportation of diplomatic and consular officers, 1910, $503.05.
For transportation of diplomatic and consular officers, 1909, $1,231.75.
For contingent expenses, Territory of Alaska, 1910, $1.
For contingent expenses, Territory of New Mexico, 1909, $2.74.
For general expenses, Forest Service, $101.03.
For collecting statistics relating to commerce, 1909, 51 cents.
For party expenses, Coast and Geodetic Survey, $7.76.
For fees of clerks, United States courts, 1909, $1,288.59.
For fees of clerks, United States courts, 1908, $14.45.
For prosecution of Indians in Arizona, act of March 4, 1907, $2,358.93.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I offer an amendment to come in on page 27, after line 2.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 27, after line 2, it is proposed to insert:

To enable the Secretary of the Interior to complete the classification and appraisement of the lands of the Yakima Reservation, in the State of Washington, in accordance with the provisions of the act of December 21, 1904, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington," $5,000, or so much thereof as may be necessary: *Provided*, That this sum shall be reimbursed to the United States from the proceeds of the sale of the surplus lands of said reservation.

The amendment was agreed to.

The VICE-PRESIDENT. The bill is in Committee of the Whole and subject to amendment. All the committee amendments have been disposed of.

Mr. BURTON. On page 8, line 12, after the words "one hundred," I move to insert "and sixty," so as to read:

Furnishing new post-office, custom-house, and court-house, Cleveland, Ohio: For furniture equipment corresponding to the present regulation designs, for the new post-office, custom-house, and court-house building at Cleveland, Ohio, $160,000.

Mr. HALE. Is this matter submitted by the Secretary of the Treasury?

Mr. BURTON. I will state that it is. I have a letter here from the Secretary of the Treasury stating that $60,000 is needed in addition to the $100,000 appropriated.

Mr. HALE. Let the letter be printed in the RECORD. I do not object to the amendment.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 27, 1910.

Hon. T. E. BURTON,
United States Senate.

SIR: I have the honor to acknowledge receipt of your letter of the 25th instant, stating that complaint has been made that the amounts available or recommended will not be sufficient to provide proper fixtures for the new post-office, custom house, and court-house building at Cleveland, Ohio.

The urgent deficiency bill (H. R. 18282) contains a provision of $100,000 for furniture equipment corresponding to the present regulation designs of the department. This amount is sufficient only for the use of equipment which the department can furnish under its usual contracts. The interior trim and decoration of the Cleveland building are such as to require furniture and lighting fixtures of special design. The court rooms and offices of some of the principal officials are trimmed in Circassian walnut, while all the other rooms in the building are finished in mahogany. To equip the entire building with furniture and fixtures in keeping with the trim of the rooms it is estimated that an appropriation of $60,000 will be needed in addition to the $100,000 referred to above.

Respectfully, C. D. HILLES, *Acting Secretary.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON].

The amendment was agreed to.

Mr. BULKELEY. I wish to give notice that I shall raise a point of order in the Senate on the amendment on page 30 regarding the salaries of the judges, officers, and employees of the court of customs appeals on the ground that it is general legislation and changes existing law.

The VICE-PRESIDENT. The Chair will recognize the Senator from Connecticut for that purpose when the bill is in the Senate.

The bill was reported to the Senate as amended.

Mr. BULKELEY. On page 30, line 9, under the head of "Judicial," after the words "United States court of customs appeals," the following amendment was inserted as in Committee of the Whole:

The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall hereafter be at the rates per annum as follows:

Looking at the language of the act passed at the special session, I find in section 29:

That a United States court of customs appeals is hereby created, and said court shall consist of a presiding judge and four associate judges appointed by the President, by and with the advice and consent of the Senate, each of whom shall receive a salary of $10,000 per annum.

I raise the point of order that this amendment is general legislation and changes existing law on an appropriation bill.

Mr. HALE. Mr. President, in order to throw the whole matter into conference—I see the point the Senator makes—I move to strike out the whole paragraph.

Mr. BULKELEY. If the Senator makes that motion I will withdraw the point of order.

The VICE-PRESIDENT. The Senator from Connecticut withdraws the point of order and the Senator from Maine moves to strike out the entire paragraph.

The motion was agreed to.

Mr. HALE. That is all, Mr. President.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. HALE. As I shall be called away from the Senate on public business and desire a short executive session, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ARMY APPROPRIATION BILL.

Mr. WARREN. I move to take up the army appropriation bill, House bill 15384.

Mr. KEAN. Let the unfinished business be first temporarily laid aside.

Mr. WARREN. I was waiting until 2 o'clock.

Mr. KEAN. It is just 2 o'clock.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. KEAN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

The Senator from Wyoming moves that the Senate proceed to the consideration of House bill 15384, the army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 1, line 11, before the word "thousand," to strike out "twenty-five" and insert "forty," so as to make the clause read:

Contingencies of the army: For all contingent expenses of the army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War, $40,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief of Staff," on page 3, line 15, after the word "instructors," to insert "and students," so as to make the proviso read:

Provided, That the provisions of section 1330, Revised Statutes, authorizing leaves of absence to certain officers of the Military Academy, during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and are hereby, extended to include officers on duty exclusively as instructors and students at the service schools on approval of the officer in charge of said schools.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 6, line 13, after the word "dollars," to insert the following proviso:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to allow payments for exercising higher command under the provisions of section 7 of the act approved April 26, 1898 (30 Stat. L., 364), which have been made between the date of the passage of said act and March 18, 1907, in accordance with the regulations and decisions then existing: *Provided*, That where disallowances have been made in the settlement of claims filed by officers of the army for arrears on account of foreign service, increase of pay, and other causes, the Auditor of the Treasury for the War Department is hereby authorized to reopen said settlements and credit to the claimants any sums which have heretofore been deducted under the head of increased pay for the exercise of higher command.

So as to make the clause read:

For pay of officers of the line, $7,211,700: *Provided*, That the accounting officers of the Treasury are hereby authorized, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of enlisted men," on page 7, after line 12, to insert the following proviso:

Provided, That one of the two "blacksmiths and farriers" now authorized by law for each troop of cavalry shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of cavalry, and the other shall hereafter be designated as "farrier" and receive the pay of a corporal of cavalry; and that one of the "mechanics" now authorized by law for each battery of field artillery shall hereafter be designated as "horseshoer" and receive the pay of a sergeant of artillery.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 7, line 23, before the word "hundred," to strike out "Four" and insert "For pay of enlisted men, four," so as to make the clause read:

For pay of enlisted men, $475,716.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the word "Additional," to insert "pay," so as to make the clause read:

Additional pay for length of service, $66,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 8, line 2, before the word "hundred," to strike out "Two" and insert "For pay of enlisted men, two," so as to make the clause read:

For pay of enlisted men, $216,036.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 8, line 7, before the word "hundred," to strike out "Two" and insert "For pay of two," so as to make the clause read:

For pay of 200 post quartermaster-sergeants, at $45 per month each, $108,000.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," on page 8, line 13, before the word "hundred," to strike out "Two" and insert "For pay of two," so as to make the clause read:

For pay of 207 post commissary-sergeants, at $45 per month each, $111,780.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps," on page 8, line 19, before the word "master," to strike out "42" and insert "For pay of 42," so as to make the clause read:

For pay of 42 master signal electricians, at $900 each, $37,800.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the word "hundred," to strike out "One" and insert "For pay of one," so as to make the clause read:

For pay of 132 first-class sergeants, at $540 each, $71,280.

The amendment was agreed to.

The next amendment was, on page 9, line 1, before the word "hundred," to strike out "One" and insert "For pay of one," so as to make the clause read:

For pay of 144 sergeants, at $36 per month each, $62,208.

The amendment was agreed to.

The next amendment was, on page 9, line 4, before the word "cooks," to strike out "24" and insert "For pay of 24," so as to make the clause read:

For pay of 24 cooks, at $30 per month each, $8,640.

The amendment was agreed to.

The next amendment was, on page 9, line 7, before the word "hundred," to strike out "One" and insert "For pay of one," so as to make the clause read:

For pay of 156 corporals, at $24 per month each, $44,928.

The amendment was agreed to.

The next amendment was, on page 9, line 10, before the word "hundred," to strike out "Five" and insert "For pay of five," so as to make the clause read:

For pay of 552 first-class privates, at $18 per month each, $119,232.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "hundred," to strike out "One" and insert "For pay of one;" and in line 14, before the word "privates," to strike out "second-class," so as to make the clause read:

For pay of 168 privates, at $15 per month each, $30,240.

The amendment was agreed to.

The next amendment was, in the subhead "Pay to clerks, messengers, etc.," on page 10, line 2, after the word "departments," to insert "and posts commanded by general officers," so as to read:

Pay to clerks, messengers, and laborers at headquarters of divisions, and departments, and posts commanded by general officers, and office of the Chief of Staff.

The amendment was agreed to.

The next amendment was, under the subhead "Hospital Corps," on page 11, line 19, after the word "departments," to insert "posts commanded by general officers," so as to make the clause read:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, posts commanded by general officers, or office of the Chief of Staff, shall be assigned to duty with any bureau in the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the staff corps and staff departments," on page 14, after line 11, to insert:

The Secretary of War is hereby authorized to detail one additional officer of the army as assistant to the Chief of the Bureau of Insular Affairs, under the same provisions of law in regard to the vacancy in the line thus created and return to the line as govern in the case of the assistant authorized by the act of March 2, 1907; and the assistant herein authorized while serving in this capacity shall have the rank, pay, and allowances of colonel; and both officers detailed in the Bureau of Insular Affairs shall hereafter be designated, while on this duty, as assistants to the chief of the bureau.

The amendment was agreed to.

The next amendment was, under the subhead "Retired officers," in the item of appropriation for pay of officers on the retired list, on page 15, line 2, after the word "dollars," to insert the following proviso:

Provided, That the President may, in his discretion, extend the proviso contained under the heading "Retired officers" in the act making appropriations for the support of the army for the fiscal year ending June 30, 1908, approved March 2, 1907, so as to include any officer who served creditably either as an officer or enlisted man in the regular or volunteer forces of the United States during the civil war, and who is now and has been for a period of not less than one year serving as a brigadier-general on the active list of the army, and who at date of retirement will have served in the army more than forty years.

Mr. WARREN. I move to amend the amendment by striking out, in line 8, the first seven words, the words "either as an officer or enlisted man."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 16, line 6, before the words "one hundred," to insert "pay of;" in line 8, before the word "dollars," to strike out "fifty-five thousand and twenty" and insert "sixty-seven thousand eight hundred and eighty;" and in the same line, after the word "dollars," to insert:

Sixty-seven thousand eight hundred and eighty dollars; and the superintendent and members of the Female Nurse Corps shall hereafter be paid at the following rates: Superintendent Nurse Corps, $1,800 per annum; female nurses, $50 per month for the first period of three years' service; $55 per month for the second period of three years' service; $60 per month for the third period of three years' service; and $65 per month after nine years' service in said Nurse Corps; and all female nurses shall hereafter be entitled, in addition to the rates of pay as herein provided, to $10 per month when serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii), and to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed $30 per month; and the superintendent shall be entitled to the same allowances, when on duty, as the members of the Nurse Corps.

So as to make the clause read:

For pay of 100 nurses (female), $67,880; and the superintendent and members of the Female Nurse Corps shall hereafter be paid at the following rates, etc.

The amendment was agreed to.

The next amendment was, on page 17, line 9, before the word "thirty-one," to insert "pay of," so as to make the clause read:

For pay of 31 dental surgeons, $57,960.

The amendment was agreed to.

The next amendment was, on page 17, line 11, before the word "contract," to insert "pay of," so as to make the clause read:

For pay of contract surgeons, $36,000.

The amendment was agreed to.

The next amendment was, on page 19, line 13, before the word "of," to strike out "pay" and insert "payment," so as to make the clause read:

For payment of exchange by special disbursing agents of the Pay Department serving in foreign countries, $200.

The amendment was agreed to.

The next amendment was, on page 19, line 22, after the word "to," to strike out "persons designated to receive the same by officers and enlisted men on active service who have died from wounds or disease contracted in line of duty" and insert "beneficiaries of officers and enlisted men who die while in active service from wounds or disease not the result of their own misconduct," so as to make the clause read:

For six months' additional pay to beneficiaries of officers and enlisted men who die while in active service from wounds or disease not the result of their own misconduct, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 22, line 5, after the word "until," to strike out "expended" and insert "the end of the fiscal year 1912," so as to make the clause read:

Encampment and maneuvers, organized militia: For paying the expenses of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1912, $1,350,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to insert:

The Secretary of War is authorized, under requisition of the governor of a State or Territory or the commanding general of the Militia of the District of Columbia, to pay to the quartermaster-general or such other officer of the militia as may be duly designated and appointed for the purpose so much of its allotment under the annual appropriation authorized by section 1661, Revised Statutes, as amended, as shall be necessary for the payment, subsistence, transportation, and other expenses of such portion of the organized militia as may engage in encampments, maneuvers, and field instruction with any part of the Regular Army at or near any military post or camp or lake or seacoast defense of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," in the item of appropriation for the purchase of subsistence supplies, on page 23, line 23, after the word "expended," to strike out "to defray the cost of furnishing food, and for providing extra-duty pay for cooks, assistant cooks, and waiters, and for perishable table equipment in subsisting enlisted men of the Regular Army and the organized militia who may be competitors in the national rifle match: *And provided further*, That no competitor who is thus subsisted shall be entitled to commutation of rations, and no greater expense shall be incurred than $1.50 per man per day for the period the contest is in progress," and insert "for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the organized militia who may be competitors in the national rifle match: *And provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per diem, and when meals are furnished no greater expense than that sum shall be incurred per man per diem for the period the contest is in progress," so as to make the proviso read:

Provided, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the organized militia who may be com-

petitors in the national rifle match: *And provided further,* That no competitor shall be entitled to commutation of rations in excess of $1.50 per diem, and when meals are furnished no greater expense than that sum shall be incurred per man per diem for the period the contest is in progress.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," in the item of appropriation for regular supplies of the Quartermaster's Department, on page 27, line 14, after the word "separation," to insert:

And the Auditor for the War Department is authorized and directed to remove all suspensions or disallowances in accounts of quartermasters for the supply of said allowances under such circumstances, and the Quartermaster-General is authorized to repay to officers any sums collected from them in payment therefor.

So as to read:

And hereafter, when an officer is separated from his authorized number of owned horses through the nature of the military service upon which employed, they shall not be deprived of forage, bedding, shelter, shoeing, or medicines therefor, because of such separation, and the Auditor for the War Department is authorized and directed to remove all suspensions or disallowances in accounts of quartermasters for the supply of said allowances under such circumstances, and the Quartermaster-General is authorized to repay to officers any sums collected from them in payment therefor.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of horses for cavalry, artillery, and engineers, on page 32, line 15, after the word "horses," to insert the following further proviso:

And provided further, That hereafter when a mounted officer is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for his authorized number of owned horses exceeds the sum at the time allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe, in his discretion to permit the purchase of said horses by the Quartermaster's Department, at a price not exceeding the average contract price paid for horses during the preceding fiscal year, the exact price to be fixed by a board of officers.

The amendment was agreed to.

The next amendment was, on page 33, line 3, after the word "quarters," to strike out:

For barracks and quarters for troops, other than seacoast artillery, storehouses for the safe-keeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and officers' quarters at military posts as may be approved by the Secretary of War; for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided,* That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further,* That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War—

And insert—

For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extra-duty pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts, and for sales to officers, as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents: *Provided,* That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further,* That the number of and total sum paid for civilian employees in the Quartermaster-General's Department, including those paid from the fund appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War.

So as to make the clause read:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extra pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts, and for sales to officers, as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents: *Provided,* That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further,* That the number of and total sum paid for civilian employees in the Quartermaster-General's Department, including those paid from the fund appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $1,600,631.

The amendment was agreed to.

The next amendment was, on page 35, line 14, after the word "gymnasium," to insert "including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902;" so as to make the clause read:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, $70,900: *Provided,* That not more than $40,000 of the above appropriation shall be expended at any one post or station.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "transportation of the army and its supplies," on page 35, line 26, after the word "crating," to insert: "*Provided,* That hereafter baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess;" on page 36, line 11, after the word "other," to strike out "quartermaster" and insert "quartermasters;" and in line 17, after the word "sent," to insert "and hereafter transportation may be furnished for the authorized number of owned horses of an officer from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station; and the Auditor for the War Department is authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the payment of such transportation heretofore furnished, and the Quartermaster-General is authorized to repay to officers any sums collected from them in payment therefor," so as to read:

Transportation of the army and its supplies: For transportation of the army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating: *Provided,* That hereafter baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster's stores from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent, and hereafter transportation may be furnished for the authorized number of owned horses of an officer from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station; and the Auditor for the War Department is authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the payment of such transportation heretofore furnished, and the Quartermaster-General is authorized to repay to officers any sums collected from them in payment therefor.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the army and its supplies, on page 39, line 3, after the word "navy," to strike out "departments" and insert "department," so as to make the proviso read:

Provided, That when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the army transport service may be furnished the secretaries and supplies of the army and navy department of the Young Men's Christian Association.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the army and its supplies, on page 39, line 11, after the word "million," to strike out "five hundred thousand four hundred and eighty-five dollars and seventy cents" and insert "eight hundred and fifty thousand four hundred and

eighty-five dollars and seventy cents," so as to make the proviso read:

Provided, further, That when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War; and for the purchase and repair of harbor boats, and repair of boats for the seacoast artillery service, $11,850,485.70. Authority is hereby granted the Secretary of War to transfer to the Navy Department the United States Army transport Ingalls.

The amendment was agreed to.

The next amendment was, on page 40, after line 8, to strike out:

For repairs and maintenance of military and post roads, bridges, and trails in the district of Alaska, $100,000.

And insert:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, $100,000, to remain available until the close of the fiscal year ending June 30, 1912.

The amendment was agreed to.

The next amendment was, on page 41, line 10, before the word "thousand," to strike out "seven hundred and fifty" and insert "three hundred and seventy-five;" in line 11, before the word "thousand," to strike out "seven hundred and fifty" and insert "three hundred and seventy-five;" and in line 15, after the word "of," where it occurs the second time, to strike out "$12,000, of a colonel or officer above the rank of captain, $10,000, and of an officer of and below the rank of captain, $7,000," and insert "$10,000; of a colonel or officer above the rank of captain, $7,500; of an officer of the rank of captain, $5,000; and of an officer below the rank of captain, $3,500," so as to make the clause read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $375,000: *Provided,* That no part of said $375,000 shall be expended for the construction of quarters for officers of the army, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of $10,000; of a colonel or officer above the rank of captain, $7,500; of an officer of the rank of captain, $5,000; and of an officer below the rank of captain, $3,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 11, to insert:

Hereafter all moneys arising from disposition of serviceable quartermaster's supplies or stores, authorized by law and regulations, shall remain available throughout the fiscal year following that in which the disposition was effected, for the purposes of that appropriation from which such supplies were authorized to be supplied at the time of the disposition.

The amendment was agreed to.

The next amendment was in the item of appropriation for construction and repair of hospitals, on page 43, line 3, after the words "dollars," to insert the following proviso:

Provided, That of this sum there may be used for the construction of a modern hospital at Fort Missoula, Mont., $45,000; for the construction of a modern hospital at Fort H. G. Wright, N. Y., $50,000; for the enlargement of the hospital at Fort George Wright, Wash., $25,000; and for the construction of quarters for nurses at the Walter Reed General Hospital, District of Columbia, $25,000.

The amendment was agreed to.

The next amendment was, on page 43, line 22, before the word "thousand," to strike out "twenty" and insert "eighty-four," so as to read:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the national guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $184,125.

The amendment was agreed to.

The next amendment was in the item of appropriation for shooting galleries and ranges, on page 44, line 7, after the word "Texas," to insert the following further proviso:

Provided further, That of the above sum there may be used and made immediately available $40,000, or so much thereof as may be necessary, for the construction and equipment of a target range for the field firing of the artillery, cavalry, and infantry branches of the United States Army, and for machine guns, including the construction of a concrete storehouse, portable railroad, and improvements on camp sites for water and sanitation, on land authorized to be acquired near Sparta, Monroe County, Wis., as a site for a target range, and for all other absolutely necessary expenses in connection therewith; and $24,000, or so much thereof as may be necessary, for the completion of rifle range of the military reservation of Fort D. A. Russell, Wyo.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 47, line 5, after the word "expenses," to strike out "for" and insert "of," so as to read:

Engineer depots: For incidental expenses of the depots, including fuel, lights, chemicals, stationery, hardware, etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the Engineer School, Washington, D. C., on page 48, line 17, after the word "the," to strike out "Chief of Engineers" and insert "Secretary of War," so as to read:

For travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction.

The amendment was agreed to.

The next amendment was, on page 49, after line 8, to insert:

Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Engineer Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been allotted by the Chief of Engineers for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 51, after line 14, to insert:

For blank ammunition for use of troops participating in maneuver camps of instruction, $75,000.

The amendment was agreed to.

The next amendment was, on page 53, line 8, before the word "thousand," to strike out "nine" and insert "ten," so as to make the clause read:

National trophy and medals for rifle contests: That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the national guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice, including the reimbursement of necessary expenses of members of the national board for the promotion of rifle practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, $10,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 14, to insert:

Ordnance contracts: Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief of Ordnance, or by officers under him authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties with their names at the end thereof. In all other cases contracts shall be prepared under such regulations as may be prescribed by the Chief of Ordnance.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to insert:

The Secretary of War is hereby authorized to make such issues of ordnance and ordnance stores, from time to time, without charging the cost or value thereof, to the governor of each State and Territory, and to the commanding general of the National Guard of the District of Columbia, as are required to keep on hand a sufficient supply of arms and the necessary accouterments and equipments therefor, of the model that may at the time of any issue be in use by the corresponding arm, corps, or department of the Regular Army, for the use of the maximum number of organized militia authorized by law or regulations; such issues to remain the property of the United States and to be accounted for as now provided by law.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DEWITT EASTMAN.

Mr. BULKELEY. Mr. President, I inquire if it is in order at this time to ask unanimous consent for the consideration of a bill on the calendar?

The VICE-PRESIDENT. It is.

Mr. BULKELEY. Then I ask unanimous consent for the present consideration of the bill (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "sixty-five," to insert "and the Secretary of War is hereby authorized and di-

rected to issue to him an honorable discharge as of said date;" so as to make the bill read:

Be it enacted, etc., That Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery I, Fourth Regiment United States Artillery, on the 13th of June, 1865, and the Secretary of War is hereby authorized and directed to issue to him an honorable discharge as of said date: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASED COST OF LIVING.

Mr. ELKINS. Mr. President, if it be in order, I should like to ask the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate when it would be convenient for him to report the resolution submitted by me and referred to his committee on January 5?

Mr. GALLINGER. What is the resolution?

Mr. ELKINS. The resolution is No. 115. It relates to the cost of living.

Mr. KEAN. Mr. President, I should like the Senator from West Virginia to inform me what is his pleasure in the matter.

Mr. ELKINS. I do not like to disclose personal conversations had with my amiable friend the Senator from New Jersey about this or any other subject, but I am sure he will not be offended if I say I have asked him almost every day that I have been in the Senate for the past two or three weeks to report the resolution favorably or unfavorably. All I desired was that the resolution be reported for action by the Senate.

Mr. KEAN. I will endeavor at the proper time, when reports of committees are in order, either to report or not to report the resolution of the Senator from West Virginia.

Mr. ELKINS. I hope the Senator will agree to one thing or the other, either to make some report or not to on the resolution. I think this is due the Senate and myself as the author of the resolution. I do not understand that even so able and experienced a chairman as he is of his committee has a right to indefinitely postpone the consideration of a resolution before his committee. I think it is due to a Senator and the Senate, when a resolution is introduced in good faith, to have it acted upon. I do not want it to sleep the sleep of death in some pigeonhole of the Senator's committee room. The subject is too important. Eighty millions of people are demanding to know why the cost of living is advancing, and if there is not some remedy to stop this alarming increase. For my part, I earnestly desire a fair and impartial investigation of this great subject. The Senate owes it to the people of the United States to promptly examine into and investigate the high and advancing cost of living, and if any remedy can be found by legislation, to take prompt action. At least the Senate can ascertain the facts and report them to the country.

FLATHEAD INDIAN RESERVATION, MONT.

Mr. DIXON. I ask unanimous consent for the present consideration of the bill (S. 3983) to amend the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following sections:

"SEC. 23. That the Secretary of the Interior be, and he is hereby, authorized to immediately cause to be surveyed and subdivided into lots, not less than 2 acres and not more than 5 acres, all of the unallotted lands fronting on Flathead Lake, in the State of Montana, that are embraced within the limits of the Flathead Indian Reservation, whether classified as grazing, agricultural, or timber lands.

"That when said lands are so surveyed and subdivided into lots as aforesaid, the Secretary of the Interior shall sell the same to the highest bidder, either at public sale or under sealed bids, as in his judgment he shall deem best for the interest of the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille Indians. The proceeds from the sale of said lands, after deducting the expenses of the survey and sale of the lands, shall be paid into the Treasury of the United States and expended as heretofore provided in section 14 as amended by the act of May 29, 1908.

"SEC. 24. That where allotments of lands have been made in severalty to said Indians from the lands embraced within the area of said Flathead Indian Reservation, which are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed 60 acres of such individual allotment of land under such terms and conditions of sale as the Secretary of the Interior may prescribe, one half of the proceeds of the sale of said individual allotment to be paid to the Indian allottee and the remaining half of the proceeds of sale to be held in trust for the said Indian allottee, upon which he shall be paid annually not less than 3 per cent interest, the remaining principal sum to be paid to said allottee or his heirs when the full period of his trust patent for the remaining lands covered by his allotment shall have expired, or sooner, should the Secretary of the Interior, in his judgment, deem it best for said Indian allottee.

"And in the event of the failure, neglect, or refusal of any such allottee to relinquish any allotment made to him on any land reserved or necessary for reservoir sites, as aforesaid, the Secretary of the Interior is authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title to any and all lands necessary or useful for said reservoir sites that have heretofore been allotted on said Flathead Indian Reservation lands."

Mr. DIXON. I offer an amendment to the amendment. In preparing the report my stenographer inadvertently left out a part of the recommendation of the Secretary of the Interior, and the amendment is to cover that. It should be inserted after the word "allottee," on line 3, page 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert, after the word "allottee," in line 3, page 5, the following:

SEC. 25. That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the surplus unallotted and otherwise unreserved lands of the Flathead Indian Reservation as may be necessary to provide an allotment to each Indian having an allotment on any of the lands set aside and reserved for power or reservoir sites, as authorized by section 22 of the act of March 3, 1909 (35 Stat. L., 796), who may relinquish his allotment within such power or reservoir site.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF INTERIOR DEPARTMENT, ETC.

The VICE-PRESIDENT. The Chair appoints the Senator from North Dakota [Mr. PURCELL] to fill the vacancy on the joint committee authorizing an investigation of the Interior Department and the Bureau of Forestry, Agricultural Department, caused by the resignation of the Senator from Kentucky [Mr. PAYNTER].

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5876) to establish savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CARTER obtained the floor.

Mr. DAVIS. Mr. President——

The VICE-PRESIDENT. For what purpose does the Senator from Arkansas rise?

Mr. DAVIS. I wish to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from Arkansas offers an amendment which will be stated.

The Chair would like to be advised whether the Senator from Iowa [Mr. CUMMINS] is present. The Senator from Iowa had an amendment printed, but, as the Chair recollects, it was not offered, but simply submitted for the information of the Senate.

Mr. CARTER. The Senator from Iowa will return to the Chamber presently.

Mr. GALLINGER. It was not offered.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Arkansas.

The SECRETARY. On page 5, line 15, strike out the word "public" and insert "state or national," so that it will read:

That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks, subject to state or national supervision and examination in the State or Territory, and as nearly as practicable in the immediate neighborhood, etc.

Mr. CARTER. The committee understood the word "public" to embrace state or national inspection and examination. The amendment of the Senator from Arkansas makes that more explicit, perchance, and I see no objection to its adoption.

Mr. DAVIS. Mr. President, the only purpose I had in mind in offering the amendment was to fix it so that the board of trustees having in charge this money might not so interpret the word "public" with respect to examination and inspection as that it should mean only a national inspection and examination. This does not help my State. Neither does it help any of the other Southern States—Mississippi, Virginia, Tennessee—which have no law relating to inspection and examination of banks. But it does make it certain that either state or national inspection is

all that is required by this bill; and I thank the Senator in charge of the bill very much for accepting the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. SMOOT. I offer an amendment.

The VICE-PRESIDENT. The Senator from Utah presents an amendment which will be stated.

The SECRETARY. On page 6, line 12, after the word "received," at the end of the line, insert:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay depositors and other obligations of the Government under this act and shall not be withdrawn for investment so long as the banks are willing to retain it and pay not less than 2½ per cent interest.

Mr. CARTER. I suggest to the Senator from Utah the propriety of inserting "willing to retain it and to comply with the provisions of this law with reference to security." It might be well as a matter of caution to insert those words.

Mr. SMOOT. The amendment says, "money deposited in the banks and secured to the satisfaction of the board of trustees as herein provided;" that is, as provided in this bill.

Mr. CARTER. Let the amendment as proposed be read again at the desk.

The VICE-PRESIDENT. Without objection, the Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. CARTER. I observe that the Senator's amendment provides for the point I had in mind.

Mr. PAGE. I should like to inquire if it is the purpose of this amendment to fix the rate absolutely for all future time at 2½ per cent?

Mr. SMOOT. The rate of 2½ per cent is provided for in the bill, and the amendment provides that this money shall not be withdrawn for any other purpose than to pay depositors and other obligations of the Government under the act, so long as the banks where the money is deposited desire that it shall remain there and are willing to pay not less than 2½ per cent interest.

Mr. PAGE. But I do not understand that this bill does absolutely fix the rate at 2½ per cent, but rather says it shall not be less than 2½ per cent.

Mr. SMOOT. That is just exactly what my amendment says—and pay not less than 2½ per cent interest.

Mr. PAGE. But suppose in the future it should be found necessary or best for all in interest that this rate be changed. It seems to me that the amendment of the Senator from Utah would make it impossible to change that rate so long as the bank was willing to pay 2½ per cent.

Mr. SMOOT. The whole bill would have to be amended then, because this amendment simply follows out the provisions of the bill. The Senator will find it in the bill itself. It says that the rate of interest shall not be less than 2½ per cent.

Mr. PAGE. Yes; but it may be more, it seems to me.

Mr. SMOOT. And so it may be with this amendment.

Mr. PAGE. No. But having been once deposited at 2½ per cent, it is beyond the power of the trustees to withdraw that fund so long as the bank is willing to pay 2½ per cent.

Mr. SMOOT. So long as they are willing to pay not less than 2½ per cent. That is what the amendment states.

Mr. PAGE. I may be wrong in my understanding of the amendment, but it seems to me it fixes the rate so that it is beyond the power of the trustees to change it.

Mr. SMOOT. It will be beyond their power to accept a less rate than 2½ per cent, but not a greater one.

Mr. CRAWFORD. Mr. President, it seems to me there is something in the suggestion of the Senator from Vermont; that is, that the effect of this amendment and the effect of the bill as it is now presented is to fix a rate, a stipulated rate, and have that rate prevail for all time to come. I do not say it is 2½. It can not be less than 2½, but it must be some rate—2½ or 2½ or 3 per cent—and whatever rate it is is fixed for all time to come, and a contract relation is established between the banks and the Government as the depositor in which the rate is fixed forever, irrepealably.

Mr. SMOOT. I call the attention of the Senator to section 8 of the bill, in which it is said:

That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory, and as nearly as practicable in the immediate neighborhood in which the funds are received, at a rate of interest not less than 2½ per cent per annum.

Mr. CRAWFORD. Very true. I am not stating that the Senator's amendment changes that provision, but I do call attention to the fact that this provision, as well as the Senator's amendment, contemplates that a rate shall be fixed——

Mr. SMOOT. That is right.

Mr. CRAWFORD (continuing). At the time the deposit is made, and it shall remain at that fixed rate for all time to come.

Mr. SMOOT. Unless by amendment.

Mr. CRAWFORD. No; there is no "unless" about it. It is a contract, and a subsequent act can not annul the contract. It is a contractual relation.

Mr. SMOOT. So far as that is concerned——

Mr. CRAWFORD. Can you withdraw a deposit simply because you can not get a higher rate of interest than you have agreed to accept by contract? I do not so understand it. I should think that ought to be made clear here. Is money to be deposited in one of these banks, with a stipulation fixing the rate of interest—2½, or 2½, or 3 per cent—and is that contract to run forever and that rate of interest to be fixed and remain unchanged for all time to come and a contract established that can not be repealed?

Mr. SMOOT. Under the provisions of this bill the board of trustees can withdraw this money.

Mr. CRAWFORD. They can withdraw it for what purpose?

Mr. SMOOT. For the payment of depositors.

Mr. CRAWFORD. They can withdraw it for the payment of depositors; but suppose the depositor elects to leave it there?

Mr. SMOOT. Then the Government is not out anything in any way, shape, or form.

Mr. CRAWFORD. That is possibly true. If the depositors are satisfied, that may leave the question where it will be safe.

Mr. CARTER. Mr. President, I think this is such an important matter that no ambiguity should be left in the text. The construction suggested by the Senator from Vermont [Mr. PAGE], supported by the Senator from South Dakota [Mr. CRAWFORD], might obtain as to this particular amendment. Unquestionably the board of trustees may in the beginning fix the rate of interest to be paid by a bank, subject to the limitation that it shall not be less than 2½ per cent per annum. But this amendment deals with the withdrawal of money, and as far as its provisions go would seem susceptible of the construction that the rate of interest fixed by the board on the receipt of the deposit could not thereafter be changed by the board. That might lead to the situation of two rates of interest, one on a set of deposits received prior to a certain date and another rate on other deposits received at a subsequent time, whereas it seems desirable that the rate of interest should be uniform all the time and everywhere.

Mr. President, I can see no objection to the insertion here of language that will relieve this of any ambiguity. I suggest, without having the text before me, that the substance be inserted as follows:

Retain it at such rate of interest, not less than 2½ per centum per annum, as the board may prescribe.

Mr. BURTON. Will the Senator from Montana yield to me for a question?

Mr. CARTER. Certainly.

Mr. BURTON. Does the Senator understand that in the operation of this law there would be one invariable rate of interest for the whole country as to all the banks in which deposits are made or that the board would have discretion to fix the rate according to conditions in different localities?

Mr. CARTER. I presume the rates will be fixed by the board. There is nothing in the law requiring uniformity of rate. But I should think in the execution of the law, inasmuch as the funds in the respective States are to be retained there, that uniformity of rate would be just and fair throughout the whole country. But the board is not bound to establish a uniform rate.

Mr. BURTON. Then the Senator from Montana does not consider this bill as intimating any rule to the board upon that point?

Mr. CARTER. No; no rules are established by the bill.

Mr. BURTON. That is left to their discretion.

Mr. SMOOT. Mr. President, referring to the remarks of the Senator from Montana, it seems to me that there can be no question about the rate of interest, or that there could be a higher rate of interest than 2½ per cent for this reason: If the board should increase that interest, say, to 3 per cent, all that the depositor would have to do would be to withdraw his money and redeposit it at 3 per cent, and even if he did not withdraw his deposit, then, of course, it would draw the 2½ per cent, as provided in the contract at the time of deposit.

Mr. CARTER. I doubt if the Senator from Utah and the Senator from Montana understand the "depositor" in the same sense. This amendment goes to the deposit in the bank by the Government, not by the original depositor at the post-office. He is disposed of by the postmaster.

Mr. SMOOT. The Senator from Montana is correct.

Mr. PAGE. Mr. President, I do not like any feature of the amendment of the Senator from Utah. I believe there ought to be no conditions imposed which would prevent the trustees acting in their discretion. The time is coming, it seems to me, when the whole question of interest may be very important, and for this reason: We are now making a law, as it seems to me, which virtually makes the Government a preferred creditor. For one, I think the commercial interests of the States should be regarded and protected. If we have a bank in our little village doing a business which invites deposits from merchants generally, those merchants take a risk, and have been taking a risk for years, which is the ordinary risk of a creditor, and that is all right. I think the merchant should stand absolutely upon a par with the Government. I do not believe there should be any preferred creditor in connection with this matter.

I do not think very much loss would grow out of taking the ordinary risk of banking; and we may well later on think it better to make the rate 2½ per cent and let the added one-quarter per cent cover the risk and not insist upon the bank taking all its assets and shoving them up to the Government for these deposits, so that when it comes to fail, if it does, the merchants and the ordinary business men will be compelled to take the poorer assets which are left.

I do not like that provision. But I imagine it may be taken care of by the trustees under this bill if we do not hamper them by some such restriction as that suggested by the Senator from Utah.

Mr. SMOOT. The object of this amendment is not to interfere with the interest rate whatever, because that is provided for in section 8 of the bill. But it is for the purpose of retaining the money deposited in one section of the country in that particular section.

Mr. PAGE. Let us imagine a case that may arise. A deposit of these funds may be made in the banks of Utah. Those banks may create a little trust of their own, and say "We will agree to pay 2¼ per cent, and we will not pay any more." Under this statute you are compelled to leave the money in Utah.

Mr. SMOOT. No. The Senator has not read the bill carefully when he makes that statement.

Mr. PAGE. I have listened to your amendment, Mr. Senator.

Mr. SMOOT. No; it is provided in the bill, in the same section—

If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States.

Mr. PAGE. But this fund can not be withdrawn except for the purpose of paying depositors.

Mr. SMOOT. Mr. President——

Mr. PAGE. It can not, under your restrictions, be withdrawn because the bank refuses to pay more than a given rate.

Mr. SMOOT. Not at all, Mr. President. This fund, if the bank refuses to take it, can be withdrawn for the payment of the postal savings depositor or for investment in bonds or other securities of the United States, and so forth.

Mr. PAGE. But having been deposited, the amendment of the Senator from Utah, as I understand, enjoins the trustees from withdrawing it, and that is the condition to which I object.

Mr. SMOOT. That is, withdrawing it with the exception of some specific purpose—for the purpose of paying the depositor.

Mr. PAGE. Yes. I do not imagine that case will ever arise.

Mr. SMOOT. Then the whole difference between the Senator from Vermont and myself is this, that he thinks the trustees ought to have the power to withdraw all this money from one State and put it anywhere else they desire.

Mr. PAGE. Most assuredly, Mr. President. If there should be a combine in Utah or Vermont that would say, "We will not pay more than 2¼ per cent," having secured the deposits, the amendment of the Senator from Utah has so arranged matters that the trustees under this bill are forbidden to withdraw it, and the trust can continue to enjoy indefinitely the 2¼ per cent rate, while in other States, where there is no combination, no trust, the banks might be paying 3 or 4 per cent.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. CARTER. Mr. President, I desire to suggest to the Senator an amendment which I think he will accept. It is that the amendment shall read as follows:

Provided, That money deposited in banks and secured to the satisfaction of the board of trustees as herein provided shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed from time to time by said board, which rate shall not be less than 2¼ per cent per annum.

Mr. SMOOT. I am quite willing to accept it.

Mr. PAGE. I am in hearty accord with that amendment. I do not see any objection to it.

The VICE-PRESIDENT. Does the Senator from Utah accept it in lieu of his amendment or does the Senator from Utah withdraw his amendment?

Mr. SMOOT. I will accept it as a modification of my amendment.

The VICE-PRESIDENT. The Secretary will read the modification of the amendment of the Senator from Utah.

The SECRETARY. On page 6, at the end of line 12, insert the following proviso:

Provided, That money deposited in banks and secured to the satisfaction of the board of trustees as herein provided shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed from time to time by said board, which rate shall not be less than 2¼ per cent per annum.

Mr. PILES. I should like to ask the Senator a question. Under the amendment, as I catch it from the reading, can a deposit be withdrawn for the purpose of investment?

Mr. CARTER. It can not be withdrawn for the purpose of investment so long as the money is not needed to pay, for instance, the current expenses of administration and the obligations of the Government under the act, and it can only be withdrawn then in case the banks refuse to pay the rate of interest or to give the security.

Mr. PILES. Then, under the amendment is it not possible, if the banks in a given State should believe that they were unable to pay more than 2¾ per cent, we will say, by way of illustration, that every dollar of the money raised in the State and deposited in the local banks could be removed from that State to another State which would pay 2¾ per cent?

If that is the purpose of the amendment, I am not in favor of it; because it seems to me that it would be much better to permit the banks in a State to pay only 2¼ per cent rather than to have it removed, for instance, from the State of Washington to the State of Vermont. In other words, I prefer that the people of the State of Washington should deposit their money in their local banks, and if the local banks are unable to pay more than 2¼ per cent that the people of that State shall have the benefit of that fund in the State rather than that it should go to the State of Vermont for 2¾ per cent. Do I understand that that is the purpose of the amendment?

Mr. CARTER and Mr. SMOOT addressed the Chair.

Mr. CARTER. I will let the Senator from Utah explain it.

Mr. SMOOT. The Senator from Washington must certainly understand that the board of trustees can not make one rate for one section and another rate for another; at least it is not so contemplated in this bill.

Mr. FLINT. I understood the Senator from Montana to say a moment ago that the act did not provide for a uniform rate and that the board of trustees might make one rate at one place and another rate at another place.

Mr. SMOOT. I think the Senator misunderstood the Senator from Montana in his construction of the amendment.

Mr. CARTER. The statement of the Senator from Montana was that the act did not pretend to prescribe any rule with reference to interest binding upon the board except that the rate should be at least 2¼ per cent. He further stated that in the administration of the law the board would unquestionably be called upon to establish a uniform rate throughout the country.

Mr. SMOOT. And along that line I was simply saying to the Senator from Washington that I did not believe the trustees would at any time make one rate for one section of the country and another rate for another section of the country.

The amendment simply means that at the present time the rate will be 2¼ per cent per annum, but if some unfortunate circumstances should arise, as suggested by the Senator from Vermont [Mr. PAGE], and the rate should be 2¾ or 3¼ per cent per annum, then the banks all over the country must pay that rate, or else the money can be withdrawn from those banks.

Mr. PILES. Then let me ask the Senator this question: Suppose the banks should start in at a rate of 2¼ per cent; that the board of trustees should raise the rate to 3 per cent; and the banks in the State of Utah should say they were unable to pay 3 per cent on account of financial conditions in that State; would not the board of trustees have the power under this law to remove the money from Utah, deposited by citizens of that State, to the State of Ohio, if the banks there would pay 3 per cent?

Mr. CARTER. I will state to the Senator in that behalf. I think the bill would clearly prohibit the transaction to which he refers. The bill would not allow deposits refused in the

State of Washington to be transferred to the State of Pennsylvania or to the State of Montana, but the money refused because of the refusal to pay the interest prescribed or to give the security required would then be invested in bonds of the United States or the classes of security prescribed in the act.

Mr. PILES. I am speaking of the amendment, which I have not seen, as it has not yet been printed.

Mr. CRAWFORD. If I may ask a question there, this money could not be invested in government securities except in a case where all the banks in the State refused to accept the money at the rate of 2½ per cent?

Mr. CARTER. Not less than 2½ per cent. Their refusal to accept it at the rate of 3 per cent would not justify investing the money in United States securities or anything else. It is only when they refuse to accept the money at a rate of not less than 2½ per cent.

Mr. PAGE. Mr. President, it is just a little amusing to hear my good friend from Washington suggest that Vermont would pay a rate that would call the money from Washington to Vermont. If the bidding for a rate was to determine this matter, I imagine that Utah would take all of our Vermont money without much doubt.

I wish to say in this connection that I do not suppose this bill will have very much to do with Vermont. Our banks there have the entire confidence and faith of the depositing public, and if I vote for the bill, as I expect to do, it is because it may do some good in those States which have not the banking facilities we have in Vermont. But if the question of bidding is to determine the location of this money, then certainly Vermont will have no share in it. Utah and Washington will probably get it all.

Mr. SMOOT. As far as the rate is concerned, I want to say that in Utah it is about as low to-day as it is in Vermont.

Mr. CUMMINS. Mr. President, I understood the Senator from Montana to answer the Senator from South Dakota—possibly it was just the reverse—that if this board fixed the rate of interest at 3 per cent and the banks of South Dakota refused to take the money at 3 per cent thereupon the board could not withdraw the money from the banks of South Dakota. If that be his construction of the bill, I am sure he is mistaken.

Mr. SMOOT. The board could not withdraw money from the banks of South Dakota to put it into the banks of Iowa or Utah, or any other State.

Mr. CUMMINS. If the board fixed the rate of interest at 3 per cent and the banks of South Dakota refused to take it at that rate, then the board could withdraw every penny of the money of South Dakota that was so refused and invest it in the securities that are named in this section; not deposit it in any bank, but invest it in government bonds or other bonds, or such other securities as the State of South Dakota permits its savings banks to invest their money in. But I want it to be perfectly clear that this does permit, as it is now drawn, the withdrawal of the money from a State if the banks of that State refuse to take it at the rate of interest that is prescribed by the board; and I do not believe there is any requirement in the bill that will compel the board to fix a uniform rate of interest throughout the United States.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. I have not made a careful, detailed study of the bill, but am I not correct in assuming that the rate of interest paid to the depositor is 2 per cent, and not more than 2 per cent? I do not mean the Government as the depositor, but to the individual whose savings are supposed to be promoted by the bill.

Mr. CUMMINS. That is right.

Mr. CARTER. It is a uniform rate.

Mr. CRAWFORD. It is only 2 per cent. It occurs to me that it is hardly fair to the poor man, whose small earnings are being conserved by the bill, to confine him absolutely to a rate of 2 per cent and say that unless all the banks in his State shall agree to pay a rate not limited to 2½ per cent but some rate fixed by the board—it may be 4 per cent or it may be 5 per cent—the board can drain the money out of the community and invest it somewhere else. Yet the poor man whose pennies are being collected for the making of this fund is to receive only 2 per cent. Who gets the difference if it is being loaned at 4 or 5 per cent? Who gets the 3 per cent increment?

Mr. CUMMINS. Undoubtedly the Government gets the surplus.

Mr. CRAWFORD. I should feel as though that was a satisfactory provision if the bill means that.

Mr. CUMMINS. Permit me to say that I agree with the Senator from South Dakota that this is not a scheme for profit on the part of the Government, and it ought not to be. I do not like the provision which will enable the Government to withdraw the money from a State if the banks of that State refuse to pay the interest that may be fixed by the board; but nevertheless——

Mr. CRAWFORD. If the Senator will pardon me, that is why I assume strongly that the only justification for removing the funds from a State or investing them elsewhere would be the refusal of all the banks in the State to pay the 2½ rate and not any rate above that which the board might fix.

Mr. CUMMINS. That was the original amendment, as I understood it, of the Senator from Utah, and I hoped that it would so remain, but under the persuasive influences of the Senator from Vermont [Mr. PAGE] a change has been induced that will put all the States of the Union into competition with each other.

Mr. CRAWFORD. What change? The Senator says a change was made.

Mr. CUMMINS. If Vermont or any considerable number of States are willing to pay more than 2½ per cent, naturally the board will fix a higher rate for the entire country, and that may result in the very thing against which we have been contending, namely, the withdrawal of the money from the State in which it was collected.

I really hoped that the original amendment of the Senator from Utah would be adopted, for I do not believe that the Government wants to enter into an enterprise for the purpose of getting all the interest that the varying fortunes of the whole country will enable some particular locality to offer for these funds.

Mr. CRAWFORD. Mr. President, I would suggest that if the Government should take down the limit the poor man whose savings are making this fund should be the one to get the benefit of the increased rate, and not the Public Treasury.

Mr. CUMMINS. I was about to suggest, if I may add one additional word, that it seems to me if the original amendment of the Senator from Utah had been changed to the extent only of creating or taking advantage of competition in the State itself our general purpose would have been served, and still the Government would not have been injured. But I do not believe in the proposition to bring the interest on the deposits to a uniform standard throughout the country and to have that standard measured by the willingness of certain banks in certain States to pay a specific rate of interest.

Mr. CARTER. Mr. President, if the Senator will permit me, there is no disposition, I think, on the part of anyone to bring about an unseemly competition among banks in bidding for this money. The board of trustees will certainly not be unmindful of the fact that this institution is being created not for profit, but for the public welfare. In order that the postal depository may recoup for losses sustained, it must have the power to increase the rates of interest charged for the use of the money. The rate fixed to be paid to the citizen is arbitrary. Two per cent must be paid, and out of the funds deposited the trustees must make an amount equal to the 2 per cent plus the cost of operation.

In Great Britain some instructive figures are furnished with reference to this matter. For instance, a continual loss of profits accrued, according to the table before me, from 1876 to the year 1895. In 1896 losses; that is, the amount of the expense to the Government exceeded the receipts by £6,162, and this continued down until 1899. Then a profit set in in 1900, 1901, and 1902.

Again, in 1903, a loss of £107,403 was incurred, and this continued without abatement or change, except some variation of amount, until 1908. The total profits accruing thus far to the Government from the operation of the savings banks of Great Britain amount to £1,665,208. The losses aggregate £709,270.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. In just a moment. I wish to complete the sentence. There has been a net gain on the whole operation since 1876 of £955,938, or $4,652,072. The losses have occurred through the abnormal increase of the price of consols for one period and the subsequent drop in the market value or quotations.

Beginning about 1903 the rate of interest paid on the par value of the consol dropped down to 2½ per cent, whereas the rate paid to depositors was 2½ per cent. The loss occurred because the whole burden of operation was cast upon the treasury, the amount of interest collected being just the equivalent

of the amount paid out. But the Government thought better to continue to pay the regular rate of interest out of the surplus which had accrued through the year than to decrease the rate for the time being.

This is the situation: What we desire for the United States board of trustees is the right to raise the rate of interest if the payments, to meet obligations for expenses and interest, are found to be greater than the interest charge will supply.

Mr. GALLINGER. Mr. President, I have seen no statement that would indicate approximately whether or not this is to be a good transaction, so far as the Government is concerned, in a financial way. I want to ask the Senator from Montana if he can state to the Senate the rate of interest that is allowed in Great Britain to the depositor and the rate that is charged to the banks or other institutions receiving this money? Is it about the same difference that is carried in the bill?

Mr. CARTER. The rate paid to the depositor in Great Britain at present—and that has been the rate for a long time—is 2½ per cent. All the funds are invested in government securities, the consols of the United Kingdom; and the consols now paying only 2½ per cent, the rate paid results in the loss to which I have referred.

Mr. GALLINGER. It fluctuates because of the fluctuation in the price of consols.

Mr. CARTER. The price of consols determines the receipts of the Government.

Mr. GALLINGER. While I am on my feet, I wish to ask the Senator if he has any objection, in line 18, page 5, to inserting before the word "rate," the word "uniform?" Is there any objection to making that change in the text of the bill, on page 5, line 18, so as to read, "That the funds shall be received at a uniform rate of interest of not less than 2½ per cent per annum?" If there is objection, I will not offer it; but it occurred to me——

Mr. BURKETT. I think that would refer only to the immediate neighborhood. I have an amendment here that I think would cover the point, and that is the reason why I have been studying it.

Mr. GALLINGER. I will not press it now.

Mr. BURKETT. I ask the Senator if the rate at that point in the bill does not apply to the immediate neighborhood?

Mr. GALLINGER. My purpose was to make it of general uniformity, of course.

Mr. BURKETT. I understand that the Senator wants it uniform throughout the country.

Mr. GALLINGER. I do.

Mr. BURKETT. I will say, while I am on my feet, that it seemed to me if there is any doubt left in the bill as to the authority of the board to make a rate in different sections of the country, we ought to foreclose that doubt.

Mr. GALLINGER. I think so.

Mr. BURKETT. We ought to provide, in my judgment, that the rate shall be uniform throughout the country, and as I sat here I have been thinking about it. I thought of suggesting, after the words "per annum," in line 19, to insert "and which rate shall be uniform throughout the country."

Mr. GALLINGER. I had it so written myself.

Mr. BURKETT. It had not occurred to me, I will say, in my consideration of the bill that there would be any thought anywhere that different rates of interest would be made in different States. It seems to me that there ought to be a uniform rate throughout the country. Since this question has arisen I am of the opinion that we ought certainly to put in the bill a provision that the rate shall be uniform.

I will merely suggest to the chairman that possibly we might cover the other question that has been raised by an amendment after the words "per annum." Section 8 reads:

> That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks subject to public supervision and examination in the State or Territory and as nearly as practicable in the immediate neighborhood in which the funds are received at a rate of interest not less than 2¼ per cent per annum.

We might follow that by this provision:

> Nor more than is reasonably sufficient to meet the expenses of the system herein established, and which rate shall be uniform throughout the country.

I am very certain of the latter part of my amendment. I am not so certain yet as to the first part of the amendment.

Mr. CRAWFORD. Mr. President, I will only say that the thought expressed by the Senator from Nebraska is the one I had in mind; that is, if it is not the purpose of the Government in any sense to profit by the increase in the rate of interest, that purpose ought to be declared in the act, and the increase over what the individual depositor gets should be limited to such an amount as is necessary to reimburse for the additional expense incurred in administering the law and in making good the losses sustained.

Mr. HEYBURN. Mr. President, has it occurred to Senators that when you place the use, for a convenient expression, of $700,000,000 under the control of a board they will dictate to the entire financial world the rate of interest that they will receive on their money? The deposits in this bank, according to the statements made, will be two-thirds of the amount now deposited in national banks, of private money, and if the money can be obtained from the Government at 2¼ per cent it certainly will have a very serious effect upon the rates of interest that private individuals or business concerns may receive for their money. In other words, the Government will come into the loaning market to compete with the people who to-day furnish the money of the country.

Do you see what effect it is going to have upon incomes? Instead of 5 or 4½ or 6 per cent that may be realized to-day, with a competing market for money that has no individuality behind it, do you suppose that the incomes to-day derived from investments will maintain their status? Do you not realize that you are bringing a competitor into the market against those who live upon the income of their money that will, if not destroy it, at least reduce it to a point which will count for hundreds of millions of dollars in the incomes of the people?

Does not that phase of the case appeal to you? You are going to build up a great money-loaning institution in the country upon the minimum basis of 2¼ per cent. I merely make the suggestion at this time, and I shall probably develop it a little later on.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT].

Mr. HEYBURN. Let the amendment be stated.

The SECRETARY. On page 6, at the end of line 12, it is proposed to insert:

> *Provided*, That money deposited in banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed from time to time by said board, which rate shall not be less than 2¼ per cent per annum.

Mr. HEYBURN. Mr. President, is it possible that a bank whose right to use the money was limited to the neighborhood would pay any interest on it?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. In a moment. Is it possible that a bank that could look nowhere beyond the local community for the use of its money would receive it at any rate of interest? I should like to know what the Senator from Utah [Mr. SMOOT] thinks of that proposition.

Mr. SMOOT. Mr. President, I will simply say to the Senator from Idaho that many of the banks in the West do pay interest on their deposits.

Mr. HEYBURN. But with the privilege of using their money wherever they can find a market for it.

Mr. SMOOT. Why, Mr. President, this bill does not prevent any bank from using the money anywhere on earth.

Mr. HEYBURN. Let the amendment be again reported. I think the amendment does.

Mr. SMOOT. Mr. President, the Senator from Idaho has mistaken the language of the amendment.

Mr. HEYBURN. Let us hear it read. I am mistaken sometimes; and we shall see whether I am now mistaken.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The Secretary again read Mr. SMOOT's amendment.

Mr. HEYBURN. It shall not be withdrawn by the Government except for the limited purpose, under the limited conditions——

Mr. SMOOT. Mr. President, that is where the Government is limited, not the bank.

Mr. HEYBURN. I have just stated——

Mr. SMOOT. No; I understood the Senator to say that we are limiting the bank as to investment.

Mr HEYBURN. What is the effect of it?

Mr. SMOOT. It is this——

Mr. HEYBURN. It shall be drawn from the bank for the limited purpose of paying depositors. If you have any adequate provision for paying—which you have not yet—it shall be withdrawn from the bank by the Government only for that purpose.

Mr. SMOOT. Mr. President, so long as the money is deposited in the bank, whoever deposited it should have at least a right to withdraw it.

Mr. HEYBURN. There is as yet no provision in this bill giving him any such right.

Mr. SMOOT. Oh, yes; I think there is such a provision, and I think it is a very broad provision, because it confers upon the board of trustees almost unlimited power.

Mr. HEYBURN. Oh, the power is not to the depositor, but it is to the board of trustees.

Mr. SMOOT. Why, Mr. President, the depositor in this case is the Government, not the man who deposits in the post-office. He draws it direct from the Government under the rules and regulations as provided to be prescribed under this bill; but this amendment does not apply to the person who makes the deposit at the post-office. It simply applies to the Government as a depositor.

Mr. HEYBURN. I think I understand the Senator from Utah. He says that money is deposited by the Government. I find an absence in this bill of the provision contained in the previous bill, which declared these to be public moneys. What is the character of this money? To whom does it belong when it is deposited in the banks? That is the question.

Mr. SMOOT. I should say that it was a trust fund deposited by the Government of the United States.

Mr. HEYBURN. Well, then, these are public funds, are they?

Mr. SMOOT. Not in the broad sense in which the Senator would say that moneys collected for customs revenue or other taxes of any kind were public funds.

Mr. HEYBURN. It is a trust fund, then, deposited in private banks, and it may be drawn by the Government for limited purposes? Is the use that the bank may make of it limited?

Mr. SMOOT. No, Mr. President; banks can do whatever they please with it as long as they are solvent concerns.

Mr. HEYBURN. With trust funds? Was ever such a provision contained in any law on earth?

Mr. SMOOT. Yes; it is contained in the law and practiced in all parts of this country. Whoever heard of trust funds being deposited in a bank and held within a vault? The bank handles the money; the bank makes the loan; the bank is responsible for the return of the money; and the bank, in this case, will be responsible to the Government for the return of the money.

Mr. HEYBURN. The Senator from Utah is speaking of the practice rather than of the law—an unfortunate practice—very sharp evidence of which is forced upon us with too much frequency.

Now, Mr. President, until you define the character of this fund you can not apply the rule suggested by the Senator from Utah to it. If it is a trust fund placed there by the Government there must be some limitation which will secure the integrity of the fund. If it is public money, then it is subject to appropriation by Congress. Is it subject to appropriation by Congress? No. Congress will have no control over this fund—none whatever. They can not use it for any public purpose. If 10 per cent of $700,000,000 is in the Treasury, as is provided for by one of the sections of this bill, can Congress regulate the use of that $70,000,000? Is that public money?

Mr. SMOOT. I do not think anybody has ever claimed that it is public money.

Mr. HEYBURN. The bill which we dealt with at the last Congress expressly said that it should be, but this bill is silent; and silence breeds suspicion in a case of that kind when the measure comes from the same source. Why not be as candid in this bill as you were in the bill before the last Congress and define the character of this money? In that measure it is expressly provided that it shall be public money.

Mr. SMOOT. As I understand, the bill a year ago, if I remember it correctly——

Mr. HEYBURN. I have it before me.

Mr. SMOOT (continuing). That bill declared this money to be public money, in the sense that it should not be garnisheed. I have not read the bill for some time.

Mr. HEYBURN. I will read the whole sentence:

> The postal savings-depository funds are hereby declared to be public moneys and subject to the safeguards and preferences provided by statute therefor.

What "safeguards and preferences" are established by this bill for this fund?

Mr. SMOOT. I ask the Senator from Idaho to continue the reading.

Mr. HEYBURN. I have read the whole sentence.

Mr. SMOOT. But not the remainder of the section.

Mr. HEYBURN. I have not read the whole bill; but I read a sentence that is complete in itself.

What was the object of declaring these to be public moneys, except to stamp upon them the character that pertains to public moneys that are under the control of Congress? I understand the Senator to say that Congress will have no control over this fund, but that it will be subject to the sole administration of this board.

Mr. SMOOT. Congress, Mr. President, can change the law at any time it so desires.

Mr. HEYBURN. I know, but if we are to enact bad laws here because we may change them, we establish a very dangerous and reckless rule.

Mr. President, we are far from a safe conclusion as to the provisions which should be contained in this bill.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I think the Senator from Idaho [Mr. HEYBURN] and my colleague [Mr. SMOOT] are talking about two different things.

Mr. HEYBURN. Your colleague is talking about three different things. [Laughter.]

Mr. SUTHERLAND. The Senator from Idaho is evidently talking about one thing and my colleague is talking about another, as I understand.

Mr. HEYBURN. Inasmuch as I had the floor, he should have confined himself to the subject that we are discussing or else have taken the floor in his own right.

Mr. SUTHERLAND. Will the Senator from Idaho permit me to make a suggestion?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. My understanding is that under the former bill, from which the Senator from Idaho has quoted, these moneys, when they were deposited in the post-offices, were public moneys.

Mr. HEYBURN. They were public moneys.

Mr. SUTHERLAND. They were public moneys then, but when the moneys were deposited in the bank by the Government the relation, as I understand it, of debtor and creditor would be created between the banker and the depositor. They would not be trust moneys; they would not be public moneys in the sense that they could be followed.

Mr. HEYBURN. Let us see. We gather some wisdom from the language of this. There is no limitation as to the place.

> That postal savings-depository funds—
>
> No matter where they are—
>
> are hereby declared to be public moneys.

The postal savings-depository funds—and there is no limit as to where they may be.

Mr. SUTHERLAND. The moment the moneys were deposited in a bank they would become merged with the general funds of the bank. They could not be traced; they would not be a special deposit. They could not be considered as trust funds, then. They are not in any manner controlled by the Government. They become the property of the bank precisely the same as money deposited by the Senator in a private account becomes the property of the bank.

Mr. HEYBURN. No; here is the provision that controverts that:

> If any bank in which such funds are so deposited shall become insolvent, such funds shall be a prior lien upon its assets, and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever.

What character does that stamp upon the funds?

Mr. SUTHERLAND. That simply means that the Government, for its debt owed by the bank to the Government, has a prior lien upon the funds of the bank.

Mr. HEYBURN. It says "such funds shall be a prior lien." The word is "funds," not "credit;" not a prior right of recovery. Does not that stamp them with the character of a special deposit? It says:

> Such funds shall be a prior lien—
>
> Not "such credit."

Mr. SUTHERLAND. I do not see how the funds could be a prior lien upon anything.

Mr. HEYBURN. Neither do I. We discussed that, but I am only comparing——

Mr. SUTHERLAND. Will the Seantor permit me to interrupt him?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. The Government might have a prior lien for the funds.

Mr. HEYBURN. That is another proposition.

Mr. SUTHERLAND. But the funds themselves could not be a lien upon anything.

Mr. HEYBURN. That is another proposition, that the Government might have a prior lien; but this does not say that.

Mr. SUTHERLAND. There must be some inaccuracy.

Mr. HEYBURN. I should like to state my purpose. I was not calling attention to these provisions because I approve of them, but I was calling attention to them in the nature of an inquiry as to why they had been abandoned.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, I cheerfully answer that inquiry by stating that I reached the conclusion that it was not in the power of Congress to create any such lien as that contemplated by the provision the Senator has just read; that the Government would be a mere depositor, and one depositor could not, certainly as to a state bank, create a prior lien on the resources made up in part of the deposits of other people.

Mr. SUTHERLAND. That is, that a deposit of money by the Government would simply create the relation of debtor and creditor between the bank and the Government, precisely the same as if a private individual had made the deposit.

Mr. CARTER. I answer that a lien could not be created by Congress. It was futile to attempt it, and we therefore eliminated that feature.

Mr. HEYBURN. I not only contended then, but I contend now, that it is not within the power of Congress to say that these funds, which are deposited in banks as other deposits are, might be exempted from the operation of the laws of preference and of the attachment and execution laws of a State. The Senator is right in saying that it can not be done. I am simply comparing the wisdom of that hour with the wisdom of this hour, in order that we may draw obvious conclusions.

Mr. CARTER. Very greatly to the credit of the Senator's judgment, of course.

Mr. HEYBURN. Mr. President, the amendment of the Senator from Utah [Mr. SMOOT], which is in the inconvenient position of not being printed, necessitates the carrying of its wording in mind when discussing it. The Senator takes a part of the suggestion I made with reference to these moneys and undertakes to base an argument upon it. I was discussing the relation of that money to the Government and to the depositor and the right of the use of that money by those parties. You have to discuss it from the dual standpoint. I commenced the consideration of it by calling attention to the fact that this would create a new reservoir from which to draw funds to meet loans for the necessities of business, and I rose to call attention to the results that that would have upon the money market of the world; and the money market of the world, when I discuss it, does not relate solely to the speculators, but it relates to those who find a market for their earnings and savings or accumulated wealth and live upon the interest that they may derive from it.

The price of money is regulated by its volume, its accessibility, and the convenience of obtaining it, and I am surprised that those who have in their hearts the welfare of the invested funds of this country that represent the estates of the helpless, the accumulation that stands to the credit of the children, should so far forget the duty that rests upon us as to disturb it, either as to its safety or as to its earning capacity.

They come in here with a bill that might be denominated "An act to provide a collection agency for the banks in order that the people who, in the the imagination of those who are favoring this measure, are incapable of taking care of their money, may be protected." They have shown themselves capable of accumulating it. They must be capable of accumulating it before they can deposit it, and yet they are held up here as objects of pity because they are not capable of investing or depositing their own money. I think there is no more firmly demonstrated capacity to take care of money anywhere than that shown by the very people out of whose hands you are seeking to take it. You are planning to take out of the hands of a community that has accumulated hundreds of millions of dollars the custody of it, under the pretense that you are going to make it more useful to them. You certainly are not going to make it more convenient to them, because you have provided no means on earth by which they can regain it within any reasonable bounds.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. The Senator from Idaho has used several times the word "take." The word, as he uses it, implies that the Government proposes to forcibly take——

Mr. HEYBURN. Oh, no.

Mr. CUMMINS (continuing). From these people a certain part of their earnings.

Mr. HEYBURN. No; Mr. President, I can not yield to a criticism——

Mr. CUMMINS. I am sure the Senator does not intend to create any such impression, but I hope he will remember that this is simply an opportunity given to the people, which they can embrace or not as they see fit, and if they are the intelligent men and women whom we know them to be they will not give the Government their money unless they believe it is for their interest to do so.

Mr. HEYBURN. Mr. President, the Senator has placed a limited meaning upon the word "take." The word "take" does not necessarily imply a forcible taking. We take things in the ordinary course of business with no element or suggestion of force behind it. I did not use the word in the sense of forcibly taking, and I think the Senator will understand now, if he did not before, that I did not so use it.

Mr. CUMMINS. I think I understood the Senator; but I am sure that the word as he used it in connection with the argument concerning it, would lead to but one conclusion, and that is that the Government was attempting to compel somebody to give it their money for safe-keeping.

Mr. HEYBURN. No; Mr. President, I do not think the Senator understood me——

Mr. CUMMINS. I did not——

Mr. HEYBURN (continuing). To mean that; and I doubt if anyone else would. But they are proposing by this bill—and I will use another term—to inveigle the people into placing their money in the hands of the Government for safe-keeping and interest bearing under conditions which will confront them with a very serious feature when they come to get it back. Suppose, as has been suggested, that the account must be viséed and verified at Washington, just think where the depositor in Alaska or Porto Rico would stand when he wanted to draw his money. There is no separate provision for those people. Are they to apply to the local post-offices for permission to withdraw their money and to have that application sent to Washington to be authorized?

Mr. CARTER. Mr. President, the Senator realizes that every savings bank in the country reserves unto itself the right to have from thirty to ninety days after demand, for payment.

Mr. HEYBURN. Well, Mr. President, every stocking or tin can in the country does not. [Laughter.] And that is where you are supposed to draw this money from.

Mr. CARTER. Mr. President, we have, we think, a better thing than the stocking or a tin can, and therefore——

Mr. HEYBURN. Is it proposed, Mr. President, that you are going to draw these funds from savings banks?

Mr. CARTER. Not at all.

Mr. HEYBURN. Well, then, why put that argument forth at all?

Mr. CARTER. Mr. President, the Senator's argument proceeded to illustrate, if you please, the great hardships imposed upon a depositor in the post-office by requiring him to file an application for repayment and wait a week or ten days for his money——

Mr. HEYBURN. Yes; or three months.

Mr. CARTER. We propose to pay on demand, and I cite the fact that every depositor in every savings bank in the country is constantly faced with the rule of the bank which enables that institution to exact from thirty to sixty days' notice before paying one farthing.

Mr. HEYBURN. Well, Mr. President, is it suggested by the Senator from Montana that such rules and regulations will be made relative to withdrawing the deposits from these banks?

Mr. CARTER. This bill provides that these funds shall be repayable to depositors on demand, subject to the rules and regulations prescribed.

Mr. HEYBURN. Let us see about that.

Mr. CARTER. Section 7 is the one that applies to this case.

Mr. HEYBURN. I will read it:

SEC. 7. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest—

It does not say "on demand"—

after complying with such regulations as the board of trustees may prescribe.

Who will be the members of that board?

Mr. CARTER. The officers known as the Secretary of the Treasury, the Postmaster-General, and the Attorney-General.

Mr. HEYBURN. But what are the names of those gentlemen?

Mr. CARTER. The names are well known at the present time.

Mr. HEYBURN. What will their names be five years hence?

Mr. CARTER. They will be honorable men, thoroughly capable for the respective positions, regardless of the party that may be in power.

Mr. HEYBURN. Better capable of making laws than the Congress of the United States?

Mr. CARTER. Better capable of judging of conditions that may exist then than is Congress, that has no knowledge of the various details to be dealt with.

Mr. President, at this point I desire to call the attention of the Senator, who wants to incorporate all these rules and regulations into an act of Congress, to the fact that this book [exhibiting], embracing rules and regulations, is called "Staff instructions for the guidance of officials in the savings banks of Victoria."

Mr. HEYBURN. Is that entire book devoted to that subject?

Mr. CARTER. This entire book.

Mr. HEYBURN. How much did that book cost?

Mr. CARTER. It cost me nothing, I will say to the Senator. I do not assume ownership of it, however. Just what price may be paid for it by the officials who are in charge of the administration of the law there I am unable to say; but I presume the books are sent out as our public documents are to public officials for their instruction.

Mr. HEYBURN. I will ask the Senator to say if there is an indication of the price of the book in the title-page or elsewhere?

Mr. CARTER. I do not observe any statement as to that, nor have I seen the book advertised for sale. I assume it is a public document. It is—

Issued under the authority of George E. Emery, inspector-general of savings banks in Victoria, and in conformity with sections 2 and 9 of General Order No. 26 of the commissioners of savings banks, together with the savings banks acts of Parliament and general orders.

The book is published in Melbourne by McCarron, Bird & Co., 479 Collins street. In the table of contents the first chapter relates to "I, cash and cashbooks; II, signatures and new accounts; III, deposits and repayments; IV, checks, orders, and so forth; V, garnishee orders;" and so on throughout an extensive table of contents dealing with every phase of the administrative work. We can not put a volume as large as that into an act of Congress, and therefore we propose to commission the board which will have charge of the work of administration to prescribe the needful rules and regulations under authority of law.

Mr. HEYBURN. Now, Mr. President, there is a volume before our eyes—and I will ask the Senator the courtesy of letting me look at it for a moment—that is supposed to contain the law corresponding with what is not in this bill. It covers 398 pages of a book. I suppose in order that a depositor should know what his rights were he would want to possess a copy of this or a similar book in order that he might know just exactly how he was to deposit and how he was to withdraw his money. I think it is estimated that there will be about 7,000,000 postal savings depositors.

Mr. SMITH of Michigan. More than that.

Mr. HEYBURN. Say 7,000,000 depositors. This book sells at something like $3, I am informed.

Mr. CARTER. By whom?

Mr. HEYBURN. Where you buy it. [Laughter.] I do not mean it would cost that to the Senator from Montana, but to the poor depositor who would need it.

Mr. CARTER. Mr. President——

Mr. HEYBURN. I guess that would be quite an item in making up the affairs of the Government. Would the Senator propose that the Government should furnish each depositor with one of these books?

Mr. CARTER. Of course the Senator will be better informed after he has read the title-page of that book. The book embodies instructions for the officers charged with the execution of the law.

Mr. HEYBURN. Yes; but the man who is to be executed under the law will want to know something about it, too. [Laughter.]

Mr. CARTER. Undoubtedly. We have in circulation a very interesting volume, about four times as large as that and containing about ten times as much matter, known as the "Postal Guide." Does the Senator understand that everybody who mails a letter in this country must have a copy of that book?

Mr. HEYBURN. I will just refer that question to the Senator from Montana and ask him to report upon its wisdom and its application to the matter under consideration.

Mr. CARTER. I report now. It is just as wise as the assumption of the Senator from Idaho.

Mr. HEYBURN. I think I will refrain from indulging in anything like banter or recrimination in this matter. I find that this is the equivalent of that which this bill contemplates—the rules and regulations under which the money of the people may be deposited and withdrawn from this institution.

Mr. President, does not that point the absurdity of leaving unwritten in the law that which some private publisher must of necessity furnish to the people in order that they may know the law? Seven million books—well, if it was a million or a half a million books—is the burden that we are to shift to the people to pay for a knowledge of the rules and regulations that stand with them for the law which it is our duty to enact.

Are we incapable of legislation? Have we no time for legislation? Are our energies so sapped and depreciated that we can not bring them to bear upon the performance of our sworn duty, and that we have to refer that duty to an indefinite board and enact a law upon the faith and supposition that this board will furnish the people with some such publication as that? I am not more industrious than another member of this body, but I feel that I have the time, and I know that the duty rests upon me, to exercise the lawmaking power and functions here in this Chamber.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. Mr. President, it seems to me the Senator from Idaho might carry this matter far enough to be almost ridiculous if he is going to insist upon Congress, whenever it creates any such institution as this, going into all the details of making regulations. We never have done that with respect to any institution we have heretofore created. We created the whole rural free-delivery system in a very few lines, if I remember correctly, originating in an appropriation bill. We created the whole Department of Commerce and Labor by a bill containing not as many words as this, and I suspect that every one of the great departments has been similarly created. I have not read all of the bills, although I have read some of them. If the Senator will go through that book he will find it supplies the details, in the main, of carrying out the general proposition for which legislation is enacted.

The Senator has just called attention to the time of payment. Take it in Great Britain. I remember in their regulations it runs from three to twelve days, depending upon the particular portion of the country whence the depositor may call for his money. Then, again, there is a special provision as to certain amounts under certain conditions. The money can be even paid by telegraph.

Those are things with respect to which we can not legislate. Those are details for which we can not legislate. There must be rules and regulations putting into operation this postal system.

In the more remote portions of the country, if there is only one central paying place, the depositor could not expect to get his money as quickly as at some places closer to the central paying place; and on the other hand, it may seem advisable, with our great extent of territory and in view of the fact that this is made to include Alaska, to have different zones in which the money can be paid. That certainly should be a matter of regulation. The time of payment must be worked out by some one who can give time and attention to the details and to time tables and the necessary time required. It is not a thing we can do. It is not a matter of legitimate legislation. It is a matter of detail for carrying into effect this legislation.

Now, there may be certain things which have been omitted. If there are such, the Senator or anybody else can suggest them—any principle of law. But it does seem to me if the Senator goes to the limit, as he has been going here, it would make the law ridiculous to attempt to incorporate them in the bill, and it is almost ridiculous to contend for a law as extensive as such a law would be. I undertake to say now that the Senator himself could not go into those details.

Mr. HEYBURN. I think the Senator has developed his criticism all right. But, unfortunately, it has no application to that for which I was contending. Would the Senator think it would be sufficient for us to simply enact:

It is hereby enacted that a board of three, consisting of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General, shall have authority to establish and make rules and regulations for the establishment and conducting of the business of postal savings banks, this act to take effect ten days hence.

Mr. BURKETT. We have not done that. There is not any occasion for such a question, because that is not what is done.

Mr. CARTER. Three months.

Mr. HEYBURN. That is exactly the principle upon which we are proceeding in this bill.

My attention is called to an inscription in this book:

These general instructions are to be regarded by officers as strictly confidential, and care is to be exercised to prevent them from being read by persons outside the service.

You do not know what is going to hit you or exactly where it is going to hit you. There are some men who know. Does it not seem ridiculous that we should be aping that class of government and legislation? Is it consistent with the method and the purpose of our Government—holding up Great Britain and France and Germany; not Germany, probably Kamchatka, for all I know. We are going into strange climes for wisdom. There is enough at home. Has not this legislative body, the people's Congress, sufficient ability? The people ought to inquire; and if they find that they have not gathered together a body of men capable of legislating, or as capable as these Cabinet officers, they had better have an election.

This book is brought in here to demonstrate the wisdom of this proposed policy, and we find that it consists of instructions of a confidential nature that are not to be disclosed to the beneficiaries of the legislation at all. They are not to know what the law is. It is not to be written upon the high pillars.

I will read the second paragraph:

When an officer retires from the bank this book is to be returned to me.

GEORGE E. EMERY, *Inspector-General.*

That is the kind of rules and regulations. Are you going to adopt them, on that plan of secrecy—that this board shall stand behind a screen, and the people may not approach or peep around it?

Mr. CARTER. The national banking act has been suggested to me as a fair illustration. That act consists of a very few sections. The language is terse. It has been amended but little. And yet the Comptroller of the Currency, a bureau chief in the Treasury Department, is vested with the power to issue all needful rules and regulations, with the approval of the Secretary of the Treasury, for the guidance of all officials having to do with the inspection and conduct of every national bank in this country. That officer may to-night close any bank in the city of Washington or in any other city in this country——

Mr. HEYBURN. Yes.

Mr. CARTER (continuing). And put in a receiver to-morrow morning.

Mr. HEYBURN. Or open it with a jimmy.

Mr. CARTER. The jimmy method belongs to another class.

Mr. HEYBURN. It is not what he can do; it is what he can do under the law. The Senator speaks of every bank in this city. Are they subject to be closed under the law?

Mr. CARTER. The rules and regulations prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury, voluminous in character and relating to very numerous details, are not made public, and it would be contrary to the public interest to make them public. Those rules and regulations to which the Senator refers are directed to the administrative officers who are guarding and protecting money from the jimmy man, to whom the Senator refers, and people of his kind, and of course they are not for uniform publication, because if the man with the jimmy is put onto the job he will quickly evade the rule.

Mr. HEYBURN. I should like to know what the Senator from Montana meant, then, by bringing this book in and holding it up as an answer to my inquiry as to the volume and character of these rules and regulations made for the depositor. Why did the Senator bring this book in as an answer to that inquiry? [A pause.] Does the Senator want to answer that?

Mr. CARTER. Most assuredly, Mr. President. That book illustrates the vast number of details which will have to be prepared for the guidance of persons charged with the administration of this law. The law itself constitutes ample notice to the depositor, together with such terms as may be fixed in simple rules, everywhere easily understood, as to the time required and the manner of withdrawing deposits.

Mr. HEYBURN. Now, Mr. President, I will demonstrate an easy way of withdrawing something. I will ask the Senator to withdraw this book which he says has no application at all to the depositor.

Mr. CARTER. I am very glad to get the book back. [Laughter.]

Mr. GALLINGER (to Mr. HEYBURN). Ask him where he got it.

Mr. HEYBURN. No; I will not ask him where he got it. [Laughter.]

Now, where does this bill stand? I ask, again, Where are the rules and regulations, or where is there an instance of rules and regulations that affect the depositor and prescribe the terms upon which he may withdraw or deposit his funds? And that book will not answer it.

Mr. CARTER. For the information of the Senator from Idaho and other Senators who may desire to be informed, I am having compiled the rules and regulations affecting depositors in all the countries where postal savings banks are in operation, and I hope to have this compilation ready to submit to the Senate, to be printed as a document, to-morrow. I think it will be instructive and will in some manner indicate the general class of rules and regulations which this board will be called upon to promulgate, and, perchance, to modify from time to time.

Mr. HEYBURN. I only desire to say now, in response to the suggestion made by the Senator from Montana with reference to national banks, that there is not a note issued which is not provided for by law; there is not a note issued pursuant to a rule or regulation of anybody; and there is not a note redeemed by the Government except pursuant to express statute.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 3, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1910.

PENSION AGENT.

Daniel Ashworth, of Pittsburg, Pa., to be pension agent at Pittsburg, Pa., his term having expired. (Reappointment.)

POSTMASTERS.

ARKANSAS.

U. S. Bratton to be postmaster at Little Rock, Ark., in place of Winfield S. Holt. Incumbent's commission expired January 31, 1910.

George E. Davis to be postmaster at Wynne, Ark., in place of George E. Davis. Incumbent's commission expires February 27, 1910.

Jacob Shaul to be postmaster at Marianna, Ark., in place of Jacob Shaul. Incumbent's commission expired January 31, 1906.

David F. Taylor to be postmaster at Osceola, Ark., in place of David F. Taylor. Incumbent's commission expires February 22, 1910.

Thomas A. Tennyson to be postmaster at Arkadelphia, Ark., in place of Thomas A. Tennyson. Incumbent's commission expires February 27, 1910.

Mattie Vanbooser to be postmaster at Siloam Springs, Ark., in place of David R. Hammer. Incumbent's commission expires February 5, 1910.

CALIFORNIA.

David W. Morris to be postmaster at Modesto, Cal., in place of David W. Morris. Incumbent's commission expires February 28, 1910.

Hiram L. Tripp to be postmaster at Santa Rosa, Cal., in place of Hiram L. Tripp. Incumbent's commission expires February 22, 1910.

COLORADO.

Olie Thorson to be postmaster at Glenwood Springs, Colo., in place of Olie Thorson. Incumbent's commission expires February 5, 1910.

CONNECTICUT.

Willian Caruthers to be postmaster at Norwich, Conn., in place of William Caruthers. Incumbent's commission expires February 28, 1910.

David L. Clinton to be postmaster at Clintonville, Conn., in place of David L. Clinton. Incumbent's commission expires February 28, 1910.

James W. Hague to be postmaster at Torrington, Conn., in place of James W. Hague. Incumbent's commission expires February 5, 1910.

James A. Howarth to be postmaster at New Haven, Conn., in place of James A. Howarth. Incumbent's commission expires February 28, 1910.

GEORGIA.

Frederick G. Boatright to be postmaster at Cordele, Ga., in place of Frederick G. Boatright. Incumbent's commission expires February 28, 1910.

Charles W. Moxley to be postmaster at Wadley, Ga., in place of Charles W. Moxley. Incumbent's commission expires February 22, 1910.

IDAHO.

S. D. Beebe to be postmaster at Coeur d'Alene, Idaho, in place of John M. Elder. Incumbent's commission expired December 15, 1909.

ILLINOIS.

Ralph F. Bradford to be postmaster at Pontiac, Ill., in place of Ralph F. Bradford. Incumbent's commission expired January 23, 1910.

Perry J. Harsh to be postmaster at Sullivan, Ill., in place of Perry J. Harsh. Incumbent's commission expires February 27, 1910.

Maggie Kay to be postmaster at Camp Point, Ill., in place of William T. Kay, deceased.

William A. Koenigstein to be postmaster at O'Fallon, Ill., in place of William A. Koenigstein. Incumbent's commission expired January 23, 1910.

INDIANA.

John W. Elam to be postmaster at Valparaiso, Ind., in place of John W. Elam. Incumbent's commission expires February 27, 1910.

IOWA.

Thomas P. Hollowell, jr., to be postmaster at Fort Madison, Iowa, in place of Thomas P. Hollowell, jr. Incumbent's commission expires February 19, 1910.

John M. Lytle to be postmaster at Washington, Iowa, in place of John M. Lytle. Incumbent's commission expired January 15, 1910.

Samuel W. Moorehead to be postmaster at Keokuk, Iowa, in place of Samuel W. Moorehead. Incumbent's commission expires February 27, 1910.

Harold E. Scott to be postmaster at Sibley, Iowa, in place of Harold E. Scott. Incumbent's commission expires February 5, 1910.

Scott Skinner to be postmaster at Creston, Iowa, in place of Scott Skinner. Incumbent's commission expires February 27, 1910.

KANSAS.

Delmar E. Deputy to be postmaster at Manhattan, Kans., in place of Delmar E. Deputy. Incumbent's commission expires February 7, 1910.

William A. Hopkins to be postmaster at Solomon, Kans., in place of William A. Hopkins. Incumbent's commission expires February 7, 1910.

William J. Watson to be postmaster at Pittsburg, Kans., in place of William J. Watson. Incumbent's commission expires February 27, 1910.

MAINE.

Benjamin J. Woodman to be postmaster at Westbrook, Me., in place of Benjamin J. Woodman. Incumbent's commission expired January 23, 1910.

MASSACHUSETTS.

Charles H. Mead to be postmaster at West Acton, Mass., in place of Charles H. Mead. Incumbent's commission expires February 28, 1910.

Harry S. Tripp to be postmaster at Spencer, Mass., in place of Harry S. Tripp. Incumbent's commission expires February 28, 1910.

MICHIGAN.

Frank J. Battersbee to be postmaster at Croswell, Mich., in place of Frank J. Battersbee. Incumbent's commission expires February 28, 1910.

John J. Davis to be postmaster at White Pigeon, Mich., in place of John J. Davis. Incumbent's commission expires February 27, 1910.

Isaac Foster to be postmaster at Gladwin, Mich., in place of Isaac Foster. Incumbent's commission expires February 28, 1910.

Hugh B. Laing to be postmaster at Gladstone, Mich., in place of Hugh B. Laing. Incumbent's commission expires February 27, 1910.

David B. Menerey to be postmaster at Coleman, Mich., in place of David B. Menerey. Incumbent's commission expires February 27, 1910.

MINNESOTA.

Minnie M. Holmes to be postmaster at Detroit, Minn., in place of Minnie M. Holmes. Incumbent's commission expires February 22, 1910.

Frank H. Juergens to be postmaster at Jordan, Minn., in place of Frank Juergens. Incumbent's commission expires February 22, 1910.

Edwin Mattson to be postmaster at Breckenridge, Minn., in place of Edwin Mattson. Incumbent's commission expires February 28, 1910.

Charles Scheers to be postmaster at Akely, Minn., in place of Charles Scheers. Incumbent's commission expires February 27, 1910.

MISSISSIPPI.

Clara E. Mortimer to be postmaster at Crystal Springs, Miss., in place of Clara E. Mortimer. Incumbent's commission expires February 22, 1910.

MONTANA.

Lucius Whitney to be postmaster at Joliet, Mont. Office became presidential January 1, 1910.

MISSOURI.

William P. Brown to be postmaster at Princeton, Mo., in place of William P. Brown. Incumbent's commission expires February 28, 1910.

Simon P. Loebe to be postmaster at Charleston, Mo., in place of Simon P. Loebe. Incumbent's commission expires February 5, 1910.

William L. Moorhead to be postmaster at Hopkins, Mo., in place of Isaac N. Strawn, resigned.

Gus H. Page to be postmaster at Grandin, Mo., in place of Gus H. Page. Incumbent's commission expires February 5, 1910.

Warren S. Randall to be postmaster at Poplar Bluff, Mo., in place of Warren S. Randall. Incumbent's commission expires February 27, 1910.

Thomas J. Ulen to be postmaster at Dexter, Mo., in place of Thomas J. Ulen. Incumbent's commission expires February 5, 1910.

NEBRASKA.

George W. Draper to be postmaster at Niobrara, Nebr. Office became presidential January 1, 1910.

Griffith J. Thomas to be postmaster at Harvard, Nebr., in place of Griffith J. Thomas. Incumbent's commission expires February 26, 1910.

Clarence O. Turner to be postmaster at Bethany, Nebr. Office became presidential January 1, 1910.

NEVADA.

Charles A. Beemer to be postmaster at Sparks, Nev., in place of Charles A. Beemer. Incumbent's commission expires February 28, 1910.

NEW HAMPSHIRE.

Charles E. Marsh to be postmaster at Greenville, N. H., in place of Charles E. Marsh. Incumbent's commission expires February 5, 1910.

NEW JERSEY.

Jacob Feldman to be postmaster at Woodbine, N. J., in place of Jacob Feldman. Incumbent's commission expired December 19, 1909.

James W. Kelley to be postmaster at Tuckerton, N. J., in place of James W. Kelley. Incumbent's commission expires February 22, 1910.

Samuel L. Major to be postmaster at Roebling, N. J. Office became presidential January 1, 1910.

Louis Sabow to be postmaster at Chrome, N. J., in place of Louis Sabow. Incumbent's commission expires February 28, 1910.

Brice P. Walling to be postmaster at Sussex, N. J., in place of Brice P. Walling. Incumbent's commission expires February 19, 1910.

NEW YORK.

George L. Jackson to be postmaster at Goshen, N. Y., in place of Charles T. Jackson, deceased.

George F. Vreeland to be postmaster at Far Rockaway, N. Y., in place of Henry A. France. Incumbent's commission expires February 5, 1910.

NORTH DAKOTA.

John I. W. Durston to be postmaster at Bisbee, N. Dak., in place of John I. W. Durston. Incumbent's commission expired January 10, 1910.

George Leslie to be postmaster at Drake, N. Dak. Office became presidential October 1, 1909.

Edgar C. Lucas to be postmaster at Lisbon, N. Dak., in place of Harry S. Oliver, deceased.

Tobias R. Tobiason to be postmaster at Hatton, N. Dak., in place of Tobias R. Tobiason. Incumbent's commission expired January 24, 1910.

OHIO.

Sarah E. Maddox to be postmaster at Ripley, Ohio, in place of William L. Maddox, deceased.

OKLAHOMA.

David N. Smith to be postmaster at Sentinel, Okla. Office became presidential October 1, 1909.

PENNSYLVANIA.

H. J. Jordan to be postmaster at Mount Pleasant, Pa., in place of Jacob R. Zuck. Incumbent's commission expires February 9, 1910.

SOUTH DAKOTA.

George F. Fuller to be postmaster at Henry, S. Dak. Office became presidential January 1, 1910.

John G. Ropes to be postmaster at Groton, S. Dak., in place of John G. Ropes. Incumbent's commission expires February 28, 1910.

TENNESSEE.

Abraham Lincoln Demarcus to be postmaster at Clinton, Tenn., in place of Rufus Rutherford. Incumbent's commission expired December 14, 1908.

Louis K. Freeman to be postmaster at Savannah, Tenn., in place of Laden F. De Ford. Incumbent's commission expired January 30, 1910.

A. D. Holt to be postmaster at Milan, Tenn., in place of Robert F. Haun. Incumbent's commission expires February 9, 1910.

John W. Jackson to be postmaster at Columbia, Tenn., in place of Archelaus M. Hughes, removed.

Daniel M. Nobles to be postmaster at Paris, Tenn., in place of Daniel M. Nobles. Incumbent's commission expired January 14, 1909.

John L. Sinclair to be postmaster at Dyersburg, Tenn., in place of John L. Sinclair. Incumbent's commission expires February 26, 1910.

William R. Sloan to be postmaster at Madisonville, Tenn., in place of Charles Parsons, resigned.

Daniel W. Starnes to be postmaster at Lawrenceburg, Tenn., in place of Daniel W. Starnes. Incumbent's commission expired March 1, 1909.

WASHINGTON.

Joseph B. Furby to be postmaster at Almira, Wash. Office became presidential January 1, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1910.

COMMISSIONER OF INTERNAL REVENUE.

Royal E. Cabell to be Commissioner of Internal Revenue.

COLLECTOR OF CUSTOMS.

John S. Parsons to be collector of customs for the district of Oswego, N. Y.

REGISTER OF THE LAND OFFICE.

Valentine F. Gorman to be register of the land office at Independence, Cal.

POSTMASTERS.

ALABAMA.

J. Percy Freeman, at Bridgeport, Ala.
James M. Stovall, at Carbon Hill, Ala.

CALIFORNIA.

Frank L. Bostwick, at Laton, Cal.
Henry W. Brown, at Coram, Cal.

KANSAS.

Rodman A. De Forest, at Wetmore, Kans.
John W. Willis, at Gypsum, Kans.

NEBRASKA.

Levi M. Copeland, at Minden, Nebr.
William A. McCool, at Indianola, Nebr.
Charles Miner, at Ravenna, Nebr.

NEW JERSEY.

Frederick C. Meyer, at Holly Beach, N. J.
Horace E. Richardson, at Cape May Court House, N. J.
Edward M. Sutton, at Ocean City, N. J.

NEW YORK.

Fred M. Askins, at Schaghticoke, N. Y.
George R. Vail, at Chester, N. Y.

PENNSYLVANIA.

H. J. Jordan, at Mount Pleasant, Pa.

UTAH.

Eva C. Wilcox, at Garland, Utah.

WASHINGTON.

William F. Case, at Northport, Wash.

WYOMING.

George W. Hoyt, at Cheyenne, Wyo.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 2, 1910.*

The House met at 12 o'clock noon.

Prayer by the Rev. John Van Schaick, jr.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. EDWARDS of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 365.

Resolved, That the Committee on Expenditures in the State Department is hereby authorized during the Sixty-first Congress to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the resolution is agreed to.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 5236. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on January 31, 1910, approved and signed bill of the following title:

H. R. 14579. An act to amend section 12 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908, and for other purposes.

COMPENSATION OF STOREKEEPERS AND GAUGERS.

The SPEAKER. This being calendar Wednesday, the Clerk will report the title of the unfinished business.

The Clerk read as follows:

The bill (H. R. 18813) to amend section 63 of the act of August 28, 1894.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. As I recall it, the House was dividing upon the passage of the bill just reported as unfinished business when the point that no quorum was present was made, and thereupon the House decided to adjourn. The parliamentary question I submit now is whether debate on this bill is still in order.

The SPEAKER. The recollection of the Chair is that on calendar Wednesday a week ago the House was dividing, not by roll call, but while it was dividing so many in the affirmative and so many in the negative, the point of no quorum was made, and a quorum not being present, the House adjourned.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. One moment. The Chair reads from the Digest:

After the Speaker has put the affirmative part of the question any Member who has not spoken before to the question may rise and speak before the negative be put, because it is no full question till the negative part be put.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HENRY of Texas. I was just trying to understand what the parliamentary inquiry was. The Chair states the facts just as they were. I made the point of no quorum myself.

The SPEAKER. The Chair recollects.

Mr. MANN. Mr. Speaker, may I make this suggestion?

The SPEAKER. One moment.

Mr. HENRY of Texas. Mr. Speaker, if it will aid in the solution of the difficulty, I will withdraw the point of no quorum.

The SPEAKER. Unfortunately this is Wednesday, February, and that was Wednesday, January, so that the Chair fails to see that a nunc pro tunc order can be entered.

Mr. HENRY of Texas. I do not see myself, but I did not wish to be in the way of the bill.

Mr. MANN. Mr. Speaker, may I make this suggestion?

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. The previous question was not ordered on this bill, having been a report from the Committee of the Whole House on the state of the Union. While the affirmative of the question was put on last Wednesday and the negative of the question was put on last Wednesday, it will be necessary in any event to put the affirmative on the question again to-day if the bill proceeds to a vote. And under the rule, as I understand it, even after the affirmative should be put to-day, it would be in order for any gentleman to rise and ask to be recognized in debate. What took place the other day, so far as the vote is concerned, is wiped out by the fact that there was no quorum present; and hence that point being raised it was not within the power of the House to vote, and all of those proceedings must necessarily be gone over again. The previous question not having been ordered on the bill, it seems to me that up to the time that the negative of the vote is ordered to-day it is in order to address the Chair and receive recognition in debate.

Mr. CLARK of Missouri. Is there anybody that wants to make another speech about this business?

The SPEAKER. The Chair presumes that there is. He is not informed, but the question was asked, and there probably will be.

Mr. LANGLEY. Mr. Speaker, in reply to the gentleman from Missouri [Mr. CLARK], I desire to state that I understand that some of the gentlemen who opposed this bill the other day are not now opposed to it. If that is the situation, I do not desire to be heard upon the question; otherwise, I shall desire to be heard.

Mr. MACON. Mr. Speaker, if the Chair will permit me, I will say that on the motion of the gentleman from Indiana [Mr. CRUMPACKER] all debate would close upon this bill.

Mr. LANGLEY. That was in Committee of the Whole House on the state of the Union, Mr. Speaker. That was before the bill was reported to the House.

Mr. MACON. Yes; that was done in Committee of the Whole. This was in the House.

The SPEAKER. The Chair will again read from the Digest, on page 237, as follows:

> After the Speaker has put the affirmative part of the question, any Member who has not spoken before to the question can rise and speak before the negative be put—

That is, where the previous question has not been ordered—

> because it is no full question until the negative part be put.

Now, the affirmative was put and the negative was put, but upon the negative being put immediately the point of no quorum was made, and it was ascertained that no quorum was present. A quorum is absolutely necessary for the transaction of business. The Chair would be inclined to hold that everything that transpired in the House when no quorum was present would be void. The point of no quorum was not put when those who were in the affirmative voted, but it was put immediately when those who were in the negative voted, and it was ascertained that no quorum was present. There being no quorum present when the negative vote was put, it occurs to the Chair that the whole matter is void so far under the rule. Therefore the Chair, within the language, would say that debate is in order, because "any Member who has not spoken before to the question may arise and speak before the negative be put." The negative was put, but immediately it was disclosed that there was no quorum, and the putting of the negative to less than a quorum, it seems to the Chair, is void.

Mr. DOUGLAS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. How far back does that presumption go? There were 50 men who left the House after the negative was put and those in favor of the negative——

The SPEAKER. There was a quorum present so far as the Journal discloses up to the time that the negative was put. Then it was immediately disclosed for the first time that there was no quorum, and therefore it occurs to the Chair that the House had no power to transact business.

Mr. SHERLEY. Admitting that the Chair is right as to the point of no quorum being made when the call for nays was had, of necessity does not the fact that no quorum was present go back, not simply to the time when the vote was on the negative of the proposition, but also to the time when the vote was had on the affirmative of the proposition?

The SPEAKER. The Chair is not informed from the Journal whether there was a quorum present when the affirmative was put or not.

Mr. SHERLEY. The way the point of no quorum is raised is after the negative vote has been taken, carrying that vote with the affirmative vote for the purpose of ascertaining whether the two together constitute a quorum. Does the Chair hold that after the counting of both the affirmative and negative vote the matter is open for debate, without regard to whether a man wants to speak on one side or the other?

The SPEAKER. The point was made when the negative vote was taken. Perchance there may have been a quorum—and the Chair is presuming from the Journal there was a quorum—when the affirmative was put; but when the negative was put there was no quorum; and therefore it appears that——

Mr. SHERLEY. Do I understand the Chair rules that debate shall be had only by those who have not spoken on the bill or that the matter is open to the same consideration as if no vote had been taken at all?

The SPEAKER. Well, acting on the letter of the rule and the Manual, the Chair would say that when the affirmative was put there was a quorum and when the negative was put there was no quorum; and it seems to the Chair, from the Journal, that the negative would have to be put again; and the Chair recognizes the gentleman who desires to talk.

Mr. LANGLEY. Mr. Speaker, I am very earnestly in favor of this measure, and there are several things that I would like to say in its support. But what I desire is results rather than an opportunity to make a speech. There are now upon the floor a great many gentlemen who were not here when the measure was debated one week ago. There were several assertions made in that debate which I should like to answer now if the House were not impatient to proceed with other business, and particularly the suggestion of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] that the Committee on Expenditures in the Treasury Department had departed from its proper jurisdiction in reporting a bill the effect of which was to increase the expenditures of the Government. I thought at the time that these gentlemen were possibly correct, knowing, as I did, their reputation as parliamentarians and their familiarity with the rules of the House; but I have since found, upon investigation, that one of the very purposes for which these committees were created was, to quote the language of the original rule, adopted in 1817—

> Also to examine into the pay and emoluments of all officers under the laws of the United States, and to report from time to time such a reduction or increase thereof as a just economy and the public service may require.

This bill is a typical case for the exercise of that jurisdiction. It merely proposes to follow out the recommendations of the present Commissioner of Internal Revenue and several of his predecessors, to pay the salary and expenses of these employees in traveling to and from their assignments.

The impression was made the other day that this bill applies to only one section of the country. That is entirely erroneous. It applies to all the employees of that service I am informed by a number of gentlemen around me that they are ready to vote on the question, and I am convinced, from what they say to me now, that there is no longer any serious objection to the bill. If no other gentleman desires to address the House upon the question, and apparently none do, I move the previous question on the passage of the bill.

Mr. MANN. Before the gentleman does that, I would like to have a couple of minutes.

Mr. LANGLEY. Certainly; but I do not want to lose the floor.

The SPEAKER. The gentleman has the floor; he can yield such time as he may desire.

Mr. LANGLEY. To accommodate the gentleman, then, I withdraw, for the moment, the motion for the previous question.

The SPEAKER. The gentleman has not moved the previous question. He can make that motion when he desires. The gentleman is recognized for debate. Does he yield to the gentleman from Illinois?

Mr. LANGLEY. With the understanding that I retain the floor.

The SPEAKER. The gentleman has the floor. How much time does the gentleman yield?

Mr. LANGLEY. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is a bill which was before the House the other day in Committee of the Whole. At that time it did not meet with great favor in the House. This is the result of the activity of one of the expenditure committees, and I compliment the committee on some activity. However, it seems that the first result of the activity of the committee, designed to reduce expenditures, is to recommend the passage of a bill to increase the expenditures of the Government. This bill is a proposition to increase the compensation of gaugers.

It does not seem to me to appeal to the House. There have been similar bills pending before the Committee on Ways and Means for years, which have never received favorable consideration by the committee in the main charged with the duties with reference to such matters. But the moment that the committee on expenditures—to reduce expenditures in the Treasury Department—gets possession of this bill to increase the compensation of gaugers and to increase the expenditures, it is brought into the House, and they undertake to pass it. If we pass this bill, every expenditure committee in the House will be busy reporting bills to increase the compensation of the various officials of the Government.

Mr. LANGLEY. Mr. Speaker, as well as I could understand the gentleman from Illinois in the confusion that is going on upon the floor, he contends that the business of these committees on expenditures is to reduce expenditures.

As I said a moment ago, I have had occasion to look up the history of this question, and I find that under the rules adopted nearly one hundred years ago one of the duties of these committees was to report, from time to time, such a reduction or increase of expenditures as a just economy and the public service may require. And the present rule, defining their jurisdiction, which was adopted in the Forty-sixth Congress, contains substantially the same provision.

Now, the Speaker did me the honor to place me on one of these committees. I was not particularly pleased with that assignment at the time, but since I have read up the history of these commitees and have realized the importance of their jurisdiction, I desire to return my thanks to the Speaker for having placed me upon such an important committee. There are 70 Members of this House on these various committees on expenditures, and I hope to see the same activity on the part of the balance of them that this committee is showing. I insist that it is misleading to assert that this committee has reported to the House a bill that is not within the province of the committee.

Mr. MANN. I have not made any such charge. They have not reported any bill to reduce any expenditures, though.

Mr. LANGLEY. I understood that to be the purport of the gentleman's argument the other day, at least. If these committees have not reported more bills it is the fault of other committees of the House that have purloined our jurisdiction in matters of this kind.

In reference to the suggestion of the gentleman from Illinois [Mr. MANN] that this bill proposes an increase in expenditures, let me say that it involves a total increase of only a few thousand dollars, according to the estimate of the Commissioner of Internal Revenue; not an increase in the salary of anyone, but rather in doing what is done in the cases of other field employees of the Government; that is, to pay the salary and expenses of these revenue employees in traveling to and from the place of assignment, just the same as they are now paid when traveling from one assignment to another under transfer.

I shall not undertake any general discussion of the question as to how important this is to the Revenue Service, because the views of the Commissioner of Internal Revenue covering that point were read to the House when this matter was up for discussion a week ago, and gentlemen who were not present then have doubtless read it in the RECORD. It is, in my judgment, a very important matter, even if it does involve an expenditure of only a few thousand dollars. As the officers of the Treasury Department have reported, it will result in saving revenue amounting to many times as much as the slight increase in expenditures involved. Moreover, it will be simply an act of justice toward these revenue men, who are the most overworked and underpaid set of men in the government service to-day. I wish it were possible to do more for them now, in the way of increasing their emoluments, than this bill proposes to do.

I do not desire to detain the House on this question, but my colleague from Kentucky [Mr. SHERLEY] has requested me to yield three minutes to him, which I now do.

Mr. SHERLEY. So far as the statement of the gentleman from Illinois [Mr. MANN] went as a criticism of these committees for not being more active in proposing reforms, I am in accord with him; but I suggest to him and to the House that the fate of this bill should not be determined by the activity or lack of activity of the committees on expenditures, but that it ought to be determined by the question whether the particular change recommended here is warranted by the facts.

I have spoken here from time to time in regard to the desirability of lessening expenditures; but you are not going to reduce expenditures very much in these matters when you increase your expenditures by millions of dollars in other matters. I was very glad to second the gentleman from Illinois in attempting to do away with a proposition to expend over a million dollars for a national encampment of the militia that I felt could be dispensed with at this particular time, and we found very little support. It is in things of that sort that you may reduce your annual budget, and not in denying legitimate and proper compensation to these men. A gentleman asked me privately if there were any of these gaugers in my district. I said: "Yes; there are quite a number; all Republicans." So that, speaking from a strictly personal point of view, it would not be of any special interest to me to promote the welfare of these men, as they have not shown any activity in regard to mine; but I do believe, on the merits of it, that these men are entitled to their traveling expenses, which the present law does not give them, and I believe the House can afford to pass this bill.

Mr. LANGLEY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. EDWARDS].

Mr. EDWARDS of Kentucky. Mr. Speaker, it seems to me that it is clearly within the proper province of the Committee on Expenditures in the Treasury Department to report or recommend legislation to equalize expenditures and salaries in that department. Therefore it seems to me that this committee has legal jurisdiction over the bill that is now before the House for consideration. This proposed legislation is certainly entitled to the consideration of the House.

Mr. CULLOP. Will the gentleman yield for a suggestion?

Mr. EDWARDS of Kentucky. I will yield to the gentleman.

Mr. CULLOP. On that subject of jurisdiction I desire to call the gentleman's attention to the rule, page 349, that gives the Committee on Expenditures in the Treasury Department jurisdiction of this matter. It is in paragraph 42 and in paragraph 44 where it is expressly given.

Mr. EDWARDS of Kentucky. I thank the gentleman for the suggestion. That is the rule I was referring to, and a rule with which Members of the House are more or less familiar. This bill simply seeks, as I understand it, to pay the expenses of a government employee when going to or from the place of assignment. This class of employees only get $2 a day for doing practically the same work that the men who are on the eligible list under the civil-service rules get $4 a day for, and during the past policy and under the present law they must make the trip to and from the place of assignment at their own expense.

Mr. LANGLEY. And not only that, but they must remain there without compensation until the distillery starts up and begins to work.

Mr. EDWARDS of Kentucky. Yes; I know of my own personal knowledge of cases where the man had been assigned to a small distillery at a compensation of $2 a day and paid his own traveling expenses, amounting to $5 or $10; and then when he got there found that the water supply had given out, or something was wrong, and they decided not to start up, and the man had to return home. I submit to the membership of this House that it is not a question of extravagance, it is not a matter of increased salaries, but it is a matter of justice and equalization. This bill does not go quite as far as I would have it. It should increase the salaries of this class of employees as well as to reimburse them for their expenses. However, I think the House understands the question sufficiently to vote favorably upon it and that further debate is not necessary.

Mr. LANGLEY. Now, Mr. Speaker, if no one desires to address the House, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. LANGLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REPEALING PORTION OF SECTION 429, REVISED STATUTES.

Mr. BOUTELL (when the Committee on Expenditures in the Navy Department was called). Mr. Speaker, by unanimous vote of the Committee on Expenditures in the Navy Department I call up the bill (H. R. 18403) to repeal a portion of section 429 of the Revised Statutes of the United States. This bill is on the Union Calendar, and I therefore ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the second clause of section 429 of the Revised Statutes of the United States be, and the same is hereby, repealed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. SLAYDEN. Mr. Speaker, there was so much confusion in the House that I could not hear what the bill was about.

The SPEAKER. The Clerk will again report the bill.

The Clerk again read the bill.

Mr. SLAYDEN. Will the gentleman from Illinois favor us with some information as to what the section is about?

Mr. BOUTELL. The bill is a bill to repeal an almost forgotten clause in a statute passed in 1843, requiring the Secretary of the Navy to annually print all contracts and bids received by that department, whether accepted or rejected, and under that law the Secretary has gone on all these years printing these statements until this unnecessary printing bill now amounts to several thousand dollars a year, and this bill will make an annual saving to the Government by doing away with this unnecessary printing.

Mr. SLAYDEN. I have no objection.

Mr. HARRISON. I would like to ask the gentleman why he calls it unnecessary printing; isn't it just as well that the public should know what the bids are and what was accepted?

Mr. BOUTELL. That would be disclosed by a reading of the report which will come while the bill is under consideration. All of these matters are made public, as will appear when the report is read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

Mr. BOUTELL. Mr. Speaker, the reasons for the passage of this bill are set forth in the report, and I ask that the report may be read in my time.

The SPEAKER. The Clerk will read the report.

The Clerk read the report by Mr. BOUTELL, as follows:

The Committee on Expenditures in the Navy Department, to whom was referred the bill (H. R. 18403) entitled "A bill to repeal a portion of section 429 of the Revised Statutes of the United States," reports it favorably and recommends that the same do pass.

Section 429 of the Revised Statutes reads as follows:

"SEC. 429. The Secretary of the Navy shall make annual reports to Congress upon the following subjects:

* * * * * * *

"Second. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted."

* * * * * * *

Under the provisions of this law the annual reports of the Secretary of the Navy must contain a detailed statement of all bids received by the department, whether rejected or accepted. It has been the practice of the Paymaster-General to furnish this detailed statement in his report to the Secretary.

The compilation and printing of these bids, as required by the second clause of this section, the committee believes involves an unnecessary expenditure, inasmuch as the publicity—which was originally, in 1843, when this clause was enacted, intended to be provided—is now secured by the fact that all bids for supplies are opened at an advertised time and place; that they are always on file and open to inspection by anyone interested; that they are published by a private journal devoted to that purpose; and that they are, under other provisions of law (secs. 3744, 3745, 3746, 3747, Rev. Stat.), furnished to the returns office in the Interior Department, where copies may be obtained by whomsoever may desire such information.

It is recommended by the Secretary of the Navy in his report for 1908, on page 24, under the head of "Unnecessary printing," and by the Paymaster-General in the same report, on page 726, under the head of "Annual schedule of proposals," as follows:

UNNECESSARY PRINTING.

"Wherever such action can be taken without prejudice to the public interests, the great expense involved in the printing of official reports, particularly when made in tabulated form, should be cut down. In certain cases this printing is required by ancient statutes for some object not now apparent, and the expense is continued merely because it is required by law. A striking example of this is afforded by the provisions of section 429 of the Revised Statutes, under which the annual report of the Paymaster-General of the Navy must contain a schedule of all bids received by the Bureau of Supplies and Accounts, 'indicating such as have been accepted.' This statute dates back to March 3, 1843, and at the time of its passage and for many years thereafter its observance would not necessarily have involved great expense. The business of the navy has, however, so grown that at present the printing of this information in the form required occupied last year 324 pages, enumerating 40,000 bids received by the bureau, at a very considerable cost for printing alone, not to mention the time lost in preparation of the necessary data. All bids for supplies are opened publicly at an advertised time and place; they are always on file and open to the inspection of anyone interested; are published in detail in a private journal devoted to that purpose, and, furthermore, are under other provisions of law furnished to the returns office, where copies may be obtained by whomsoever may desire such information.

"The annual publication in the report of the Paymaster-General of this information in detail seems, therefore, to be wholly unnecessary.

ANNUAL SCHEDULE OF PROPOSALS.

"Under the provisions of section 429, Revised Statutes, the annual report of the Paymaster-General must contain a schedule of all bids received by the Bureau of Supplies and Accounts, 'indicating such as have been accepted.' This law dates back to March 3, 1843, and it would seem as if the time had come to put a stop to such a useless and expensive waste.

"The report of 1907, which was typical of its predecessors, contained 372 pages, 324 of which were devoted to enumerating the 40,000 bids received by the bureau at a cost for printing alone of $1,375, not to mention the valuable time lost in its preparation. All bids for supplies are opened publicly at an advertised time and place. They are always on file and free to the inspection of anyone interested, and are published in detail in a private journal devoted to that purpose. It is recommended, therefore, that Congress be asked to repeal this obsolete law."

The bill was referred to the Secretary of the Navy and the appended letter is his recommendation for the repeal of this clause.

DEPARTMENT OF THE NAVY,
Washington, January 22, 1910.

MY DEAR CONGRESSMAN: The receipt is acknowledged of your letter of the 19th instant, inclosing copy of a bill (H. R. 18403) "to repeal a portion of section 429 of the Revised Statutes of the United States," and requesting that the measure be examined and a report made to you thereon.

In reply I have the honor to inform you that this statute dates back to the year 1843, at which time compliance with its terms obviously would not have involved great expense. The navy, however, has grown to proportions which could scarcely have been contemplated at the time of its enactment, and the business of handling bids has correspondingly increased.

It may be remarked that the publicity which was originally intended to be provided is now secured by the fact that all bids for supplies are opened publicly at an advertised time and place; that they are always on file and open to inspection by anyone interested; that they are published by a private journal devoted to that purpose; and that, furthermore, they are, under other provisions of law, furnished to the returns office, where copies may be obtained by whomsoever may desire such information.

Besides, it is estimated that a considerable sum in each year might be saved by the repeal of the part of section 429 in question, and in view of all the foregoing facts such action is recommended.

The provision whose repeal is sought reads as follows:

"Second. A statement of all offers for contracts for supplies and service made during the preceding year, by classes, indicating such as have been accepted."

For the further information of the committee, there is inclosed a copy of the current report of the Paymaster-General, showing from page 110 to page 377 thereof, 267 pages in all, the matter that would be saved by the enactment of the proposed legislation.

Faithfully yours,

G. V. L. MEYER.

THE CHAIRMAN COMMITTEE ON
EXPENDITURES IN THE NAVY DEPARTMENT,
House of Representatives.

The SPEAKER (during the reading). The time of the gentleman has expired.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk concluded the reading of the report.

Mr. BARNHART. Mr. Speaker, in the statement of the gentleman from Illinois [Mr. BOUTELL], and also in the report of the committee, it is alleged that these reports now published by the Government under authority of law are also reported and published in a private journal, and that the publication of this private journal would be all sufficient. I would like to inquire, if the authorized publication of these reports were abandoned, what reliability might be placed in this publication in a private journal? Might it not be misleading?

Mr. BOUTELL. Mr. Speaker, I would say to the gentleman that no one who is interested in these bids needs to rely upon the journal, which is called the "United States Government Advertiser," a copy of which I hold in my hand, and which is a journal about 28 years old. Anyone who is interested in the accuracy of the statements here can go to two different places to verify them. In the first place, all of these bids and offers and all the details are on file and open to inspection, as stated by the Secretary of the Navy, in the Navy Department. Also, this law of 1862, to which he refers, requires that all of these bids shall also be on file in the returns office of the Interior Department. Undoubtedly, if we could look into the minds of the legislators in 1862, when they passed this provision, we would find that they intended to repeal the old law of 1843.

Mr. BARNHART. Could the gentleman state what the cost of these publications is now to the Government?

Mr. BOUTELL. It can not be told with accuracy, but the report of the Paymaster-General for 1909 containing these printed statements occupy in very fine print pages 110 to 376, or 266 pages of fine print, which probably no mortal man ever looked at. It costs the Government in the first place from two to three thousand dollars simply to print it, and it also requires the services of clerks in tabulating and collating these matters when they might better be employed in some other work. The law is obsolete, and the work is absolutely useless in view of the compiling of the bids in the Navy Department and in the returns office.

Mr. COOPER of Pennsylvania. Mr. Speaker, I would like to suggest to the gentleman from Illinois that the Joint Committee on Printing had this very proposition under investigation. In a conversation I recently had with the Assistant Secretary of the Navy he called my attention to these facts, and it was his opinion that there was ample provision for publicity of these

matters outside of this statute. Now, there are other matters in this department in which we think there can be large saving made. The Navy Department seems to favor this economy, and it is our desire that every economy that is consistent with proper administration should be effected. We have their interest and cooperation, and we want it in bringing about a reform in printing in the executive departments. I hope this proposition will be received favorably by the House.

Mr. BOUTELL. Mr. Speaker, I am very glad to have the decision of the Committee on Expenditures in the Navy Department corroborated by the Joint Committee on Printing, of which the gentleman from Pennsylvania is a member.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FOOD FISHES IN INTERNATIONAL BOUNDARY WATERS.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 638), which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State submitting "A system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada," which have been "prepared by the International Fisheries Commission pursuant to and under the authority of the convention of April 11, 1908, between the United States and Great Britain."

The regulations are submitted to the Congress in order that due legislative action on the part of the Government of the United States may be taken as stipulated for in article 3 of the convention.

WM. H. TAFT.

THE WHITE HOUSE, *February 2, 1910.*

THIRTEENTH DECENNIAL CENSUS.

The SPEAKER. The Clerk will continue the call of committees.

Mr. CRUMPACKER (when the Committee on the Census was called). Mr. Speaker, by direction of the Committee on the Census, I desire to call up for consideration the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, which I send to the desk and ask to have read.

Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from Indiana presents a bill, by direction of the Committee on the Census, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, with Mr. TILSON in the chair.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I would like to hear the bill read, so the House can be informed as to just what it is.

Mr. CRUMPACKER. All right, then. I will ask unanimous consent that the Clerk read the substitute instead of the original bill. The committee recommends a substitute.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909.

Be it enacted, etc., That section 8 of an act entitled "An act to provide for the thirteenth and subsequent decennial censuses," approved July 2, 1909, be amended to read as follows:

"SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home, and whether or not a survivor of the Union or Confederate army or navy; and the name and address of each blind or deaf and dumb person; and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions.

"The schedules relating to agriculture shall include name, color, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland, and character of timber thereon, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops planted and to be planted during the year of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

"The schedules of inquiries relating to manufactures and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, cooperative, or other form; character of business or kind of goods manufactured; amount of capital actually invested; number of proprietors, firm members, copartners, stockholders, and officers, and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous expenses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed.

"The census of manufactures and of mines and quarries shall relate to the year ending December 31 next preceding the enumeration of population and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood household and hand industries: *Provided*, That the census shall also include an enumeration of the number of cattle, calves, sheep, lambs, hogs, goats, and kids slaughtered for food purposes, and all hides produced, whether taken from animals slaughtered for food purposes or otherwise, during the year next preceding the year of the enumeration of population, irrespective of the character of the establishment in which slaughtered or produced.

"The inquiry concerning manufactures shall cover the production of turpentine and rosin, and the report concerning this industry shall show, in addition to the other facts covered by the regular schedule of manufactures, the quantity and quality of turpentine and rosin manufactured and marketed, the sources, methods, and extent of the industry.

"Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

"The form and subdivision of inquiries necessary to secure the information under the foregoing topics shall be determined by the Director of the Census."

Mr. CRUMPACKER. Mr. Chairman, I would like to have the attention of the committee briefly upon this bill. It is not as formidable as it appears. All there is that is new is the proviso on page 4 of the bill. Under the original law, under the act providing for the thirteenth and subsequent decennial censuses, the Director of the Census is authorized to take a full and complete census of agriculture, and that includes the food animals slaughtered on the farms and the hides taken from animals on the farms. The act also authorizes or requires a census of manufactures, and that requires an investigation and the census of the food animals slaughtered in the large packing establishments; but the act provides that no census shall be taken of what is called the hand or neighborhood industries of the country, and the Director of the Census has construed that to mean the little butcher establishments, so that under the law now we are to have a census of the number of animals slaughtered in the large establishments with the number of hides produced, the number of animals slaughtered on the farms, but no account is to be taken whatever of the animals slaughtered in the thousands of country butcher shops all over the land. The amendment simply covers that gap. It provides that in addition to the census of the slaughterhouses and of the farms there shall be an account for the year 1909 of the animals slaughtered in the little butcher shops, and that is all there is to the amendment.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. CRUMPACKER. Certainly.

Mr. BARTLETT of Georgia. Is that all the change that is made in the law enacted last year?

Mr. CRUMPACKER. That is all the change that is made, and it is contained in the proviso on page 4. We add that proviso and there is no other change in the law whatever.

Mr. BARTLETT of Georgia. This provision in italics, page 4, line 23, or rather all these italicized words, is simply a repetition of the old law, and you have simply recommended the existing law and added to it the words in reference to the taking of the census of the number of cattle, calves, sheep, lambs, hogs, goats, and so forth, irrespective of where slaughtered.

Mr. CRUMPACKER. The gentleman is right about that. We propose that change because we thought it better legisla-

tion in amending the act to copy the amended section as it will be when amended, and that is the reason why the committee reported the substitute for the original bill.

Mr. BARTLETT of Georgia. Then another question. I understand that the provision as to the appointment of these special agents by the director, and the manner in which they shall perform their duty, is not a change of the existing law, but is the law as it now exists and as already passed.

Mr. CRUMPACKER. That is absolutely right. We made no change at all except to add the proviso on page 4.

Mr. BARTLETT of Georgia. May I ask the gentleman this question: Why it was put in the original law that these statistics which we have provided for here should be collected by agents to be employed without respect to locality? Why was it necessary to put such a provision as that in he law?

Mr. CRUMPACKER. Well, I do not know. I suppose that is so agents could be sent from one place to another, experienced men, to make investigations. Then another reason is experienced men are taken in the line of manufactures from manufacturing establishments, and it is advisable, as a matter of policy, to send such men out of their own localities sometimes, away from rivals, for instance; but that was a matter that was determined when Congress passed the law.

Mr. BARTLETT of Georgia. This is simply repeating what is already the law?

Mr. CRUMPACKER. That is already the law.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield.

Mr. COX of Indiana. What is the purpose of having this census of hides?

Mr. CRUMPACKER. Of course in taking a census of the number of animals slaughtered in the country butchering establishments it adds nothing to the expense to take a census of the hides also, because we all know that every animal that is slaughtered for food purposes has a hide; that is, most every animal. The supreme court of Indiana, I think the gentleman will remember, has said that chickens are animals, but probably it will not require a census of chicken hides.

Mr. COX of Indiana. I take it for granted that the gentleman has some other purpose than to simply know the number of animals that have been slaughtered in this country in the taking of the census of the hides.

Mr. CRUMPACKER. I intended to explain that in a moment. The object is to find out the percentage, for instance, of the food animals slaughtered in the United States that are slaughtered in the large packing establishments, the percentage that are slaughtered on the farms, and the percentage that are slaughtered in the country butcher shops. The law requires us to take a census of the number of animals slaughtered in the large establishments and the number slaughtered on the farm.

How much information in the way of statistics does that convey to the country? Here are twenty-five or thirty thousand local community butchering establishments, each one of which slaughters quite a number of animals each year, and we would have no account of those at all. This is to make the statistics complete and valuable. Then deductions may be made respecting, for instance, the price of meats, based upon the percentage of the meat product that may be controlled by the large packing houses.

Mr. COX of Indiana. Will the gentleman yield, in that connection, for another question? I woud like to know whether or not the increased price of shoes and other finished leather goods has induced the gentleman to bring in this amendment to the bill, especially after hides were placed upon the free list last August in the Payne bill?

Mr. CRUMPACKER. No; not at all. If there is any argument——

Mr. COX of Indiana. I am not making any argument. I wish to know if it had anything to do with this proposed amendment?

Mr. CRUMPACKER. If there is any inference to be drawn from the fact that after placing hides on the free list they went up in price, it is that it is a dangerous thing to reduce the tariff schedules.

Mr. COX of Indiana. I am simply trying to get at the purpose of the gentleman in taking this census.

Mr. CRUMPACKER. The purpose of taking this census is to give statistical information upon some very vital questions; and the meat question is a vital one and the hide question is an important one. It is true, I understand, that since hides were put on the free list they have increased in price. Is it not important to know now if there are any artificial forces operating on the price of hides? Is it not important to know now what percentage of the hides produced in this country may be under the control of the large packers and what percentage may be taken from the farm and what from the country butcher shop?

Mr. COX of Indiana. I quite agree with the gentleman that it is important, with a view of seeing whether or not the meat packers or any other institution in this country are controlling the hide market, with a view of not only forcing up the price of hides, but forcing up the price of finished leather goods as well. And if that is the purpose of this, I think it is commendable.

Mr. CRUMPACKER. It is the purpose to furnish statistical information. The gentleman must bear in mind that the Bureau of the Census is a statistical bureau alone. It is not engaged in throttling crime——

Mr. COX of Indiana. I quite agree with the gentleman there.

Mr. CRUMPACKER. Its business is not to hunt down criminals, but it is to furnish trustworthy and reliable information of the great industries of the country.

Mr. COX of Indiana. Will the gentleman yield to another question?

Mr. CRUMPACKER. I will.

Mr. COX of Indiana. Does he think if this amendment becomes a law and a complete census is taken of the hides, that that will furnish the country with the information as to whether the price of hides in this country is controlled by any combination of men?

Mr. CRUMPACKER. It would simply furnish such information as statistics would yield. All else is a matter of deduction and argument. It will furnish reliable statistical information. Then the gentleman, when he enters into a campaign, as he doubtless will many times in the future—I hope he will——

Mr. COX of Indiana. I desire to say again that I am heartily in favor of the gentleman's proposed amendment.

Mr. CRUMPACKER (continuing). Can have reliable information as to what percentage of hides is under the control of the big packers, what percentage of meats is produced by the large packers, what percentage on the farm, and what in the little country butcher establishments. It will be reliable information. There need be no guesswork. Our imaginations then will perhaps not be excited by the influences connected with the campaign, and the statistics will compel us to tell the truth to the people.

Mr. COX of Indiana. Oh, that is what we all want and what we are all supposed to do.

Mr. KEIFER rose.

Mr. CRUMPACKER. I had agreed to yield to the gentleman from Wisconsin.

Mr. WEISSE. Mr. Chairman, no doubt the gentleman from Indiana, as well as other Members of Congress, discovered last summer when we were in the tariff debate how hard it was to get any statistics on hides in these departments according to the tanners and hide dealers' classification. I got figures from the department, and I found that dry hides were taken and mixed in with green salted hides. The price of dry hides is usually double the price of green salted, weighing about 40 per cent of the green salted weight. When these are grouped together the average price is given for a number of pounds, which was practically no information to the tanner, as he did not know what per cent was dry or green; also could not tell the number of dry hides that were dutiable, and for this reason in the debate when the figures are taken and inserted in the RECORD you will see that they do not balance. I believe as long as we are keeping statistics we should keep them according to trade classification and not according to the department classification that can not be compared in any way in making an estimate or report. I believe that hides should be classified by the department, first, green cattle hides, 25 pounds and over; calfskins and kip, 25 pounds and under; horsehides; dry hides, 10 pounds and over; dry calfskins, 10 pounds and under; goatskins and all other kinds—this would cover hides from all animals not classified above.

I have introduced the following resolution:

Resolved, That the Secretary of Commerce and Labor be compelled to compile and publish a monthly statement showing the imports and exports on the following classification of tanned leather:

1. Sole leather.
2. Harness, skirting, and strap leather.
3. Belt leather.
4. Upper leather made of cattle hides.
5. Upper leather made of calfskins.
6. Upper leather made of goatskins.
7. Upper leather made of sheepskins.
8. Automobile and furniture leather.

Now, I believe this bill should have the support of every Member of Congress, as well as the people of the United States, so that we can get a trade classification that everybody can understand, not alone of what we import but what we produce at home.

In answer to the gentleman's question about the price of hides and shoes, I wish to state that buff hides have gone up 400 per cent from the lowest prices that we had some years ago, and shoes have only advanced about 10 to 40 per cent; and I for one resent the insinuation of the trust-paid lobbyists who come here and who try to defend the packer trust as against the tanning and shoe industries of this country.

Mr. CRUMPACKER. I now yield to the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, I am not opposed to this bill, and I only want to ask a question or two. I do not think we are dealing with a question of the tariff now. We have had our say about it. It is a matter on which many of us have different opinions. This is not a question of tariff upon cattle hides, but a question of the tariff on cattle hides that affect the price of beef. The important question is this: Whether in the proposed amendment to the census act we will take a census that will show all of the cattle killed upon the farms for farm-home consumption, or whether it is not by the language and by the interpretation construed merely to hides of cattle killed by the packers and by the small butchers?

Mr. CRUMPACKER. Oh, no; the agricultural provision requires a complete census of all agricultural products, and that means, of course, everything that is produced on the farm.

Mr. KEIFER. But that is not an answer, I believe, to my question. That is all true; but when we are taking a census to get such statistics as will show the number of hides taken from food animals under the provisions of the bill, does it include hides taken from food animals raised perhaps by the farmer and killed for his own use at home?

Mr. CRUMPACKER. Well, now, all I wish to say is that the Director of the Census, in a letter in reference to the advisability of this bill, said that he had ample authority to collect all information respecting animals killed on the farm and in large slaughtering concerns, but a provision in the law excluding household and neighborhood industries not conducted on the factory system excluded the country butcher. This bill is to give that authority. The director has prepared schedules for full information respecting the farm and packing houses.

Mr. KEIFER. It looks to me that you are simply, by this bill, extending the right to the Director of the Census, when a census is taken of the number of hides of animals of not only the packers—they seem to have been covered already—but the small butcher, wherever they may be located through the country, and not include the great number of cattle that are killed by individual farmers all over the country for their own use. If that is omitted here, I think this whole proposed new provision will be valueless for any purpose whatever.

Mr. CRUMPACKER. The Director of the Census says he has already ample authority to take the animals slaughtered on the farm and in the packing establishments, and the only thing this bill does is to cover the gap between those two. That is the purpose of the bill. We have got authority to take the census of the animals on farms. I reserve the balance of my time.

Mr. KEIFER. I was not quite through.

Mr. CRUMPACKER. I reserve the balance of my time.

Mr. RUCKER of Missouri. I would like to ask the gentleman if there is anything in this proposed amendment, or in the law which it proposes to amend, which either authorizes or may be construed as authorizing the supervisors of the census, or any of the census enumerators, to gather and accumulate data or political information for purely political purposes?

Mr. CRUMPACKER. Oh, no; there is no such thing in the law, and there is no such thing contemplated by the committee or by anybody connected with the census.

Mr. RUCKER of Missouri. I should like to ask the gentleman another question.

Mr. CRUMPACKER. I will yield for another question.

Mr. RUCKER of Missouri. I did not suppose there was anything in this bill that authorized any such procedure as that; but in view of the fact that information has reached the chairman that some efforts, at least, have been made along those lines, would not the gentleman consent to an amendment which would make it a criminal act for a census enumerator or supervisor thus to prostitute his duties and himself to such purposes?

Mr. CRUMPACKER. Of course in this bill we are undertaking to get statistics. It is not a proposition to reform anything or anybody.

Mr. RUCKER of Missouri. Would the gentleman consent to an amendment to make it a criminal offense?

Mr. CRUMPACKER. No; I will not consent to anything being added to the bill, except possibly——

Mr. RUCKER of Missouri. In view of matters that have come to the gentleman's attention, does he not think such a law ought to pass?

Mr. CRUMPACKER. Well, I think the man who is guilty ought to be sent to jail. I think we have sufficient law now to adequately punish anybody who has been prostituting the powers of his office to political or personal ends.

Mr. RUCKER of Missouri. What statute is there that would reach that kind of a case?

Mr. CRUMPACKER. I would be glad to take that up with the gentleman some time, but I do not care to do so now. We have this question up, and I want to get it disposed of.

Mr. RUCKER of Missouri. I thought, as the gentleman had the information himself, he would likely favor the amendment suggested.

Mr. CRUMPACKER. There is an abundance of authority in the census law and in the penal law of the country.

Now, Mr. Chairman, I reserve the balance of my time.

Mr. HAY. Mr. Chairman, the history of this legislation, as I understand it, is that the tanners of the country had their attention directed to the fact that the law providing for the taking of the Thirteenth Census did not provide for taking a full census of hides. They therefore requested the Director of the Census to take a census showing all the hides and the animals slaughtered, not only on the farms and in packing houses, but everywhere else. The Director of the Census said that under the law he could not do it; that he did not have the power to do it, and therefore he suggested the idea contained in this bill.

Mr. COX of Indiana. What do the tanners want this census taken for?

Mr. HAY. Because they want full information and not partial information on this subject.

Mr. COX of Indiana. What benefit did the tanners say they would get if they had this information?

Mr. HAY. So that they would know how many hides were produced in this country.

Mr. COX of Indiana. Do the tanners think they are being squeezed by some other organization?

Mr. HAY. I have no doubt they do.

Mr. COX of Indiana. Did they make any statement before the gentleman's committee to that effect?

Mr. HAY. No; they did not make any statement before the committee at all. They were not before the committee.

Mr. COX of Indiana. Has the gentleman any information whether or not the tanners of the country are getting squeezed by anybody?

Mr. HAY. I have no information as to whether they are getting squeezed. I presume they are getting squeezed by these trusts, like the rest of us.

Mr. COX of Indiana. Does the gentleman know that there is in this country such an institution as the leather trust, that is composed of a large number of tanners?

Mr. HAY. I do not know whether there is such a trust or not. I know there are a large number of independent tanners who do not belong to the trust, and who are very anxious to get this information; tanners who live in my district, and tanners who live probably in the gentleman's district, who want this information and who are entitled to have it. Now, if the census is to gather information it ought not to be partial information, it ought to be full information, and the law as it is now does not provide for full information. This bill is only for the purpose of getting full information on this subject.

Mr. COX of Indiana. Can the gentleman state whether the committee received any information that if the census of hides was taken, the tanner would be in a position to increase or decrease the price of hides?

Mr. HAY. There was nothing said about increasing or decreasing the price of hides. The price of hides did not enter into the question. It is a question of statistics. It is a question of whether you are going to take a census showing the statistics of this industry in full, whether you are going to get all the information, all the statistics, or only partial information.

Mr. COX of Indiana. Can the gentleman say whether or not information from the sources along this line will be of any benefit to the tanners?

Mr. HAY. It will not only prove of benefit to the tanners, but of benefit to the people generally and to anybody who wants to study this industry and look into it.

Mr. COX of Indiana. I quite agree with the gentleman; I think the provision incorporated in the amendment is a splendid

one, because I think somebody is being squeezed in this industry.

Mr. HAY. I yield to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I think this bill ought to be passed, not alone for what it does, but also for what it does not accomplish. It has already been very clearly stated on the floor by other gentlemen that the primary purpose of the bill is to secure full information concerning hides and the number of animals slaughtered for food purposes.

Under the general law providing for the taking of the Thirteenth Census, the census as to animals slaughtered and hides obtained is limited to the packing houses and to animals slaughtered on farms, and this bill extends the inquiry to those slaughtered in country butcher shops. The bill does not, however, gentlemen of the committee, authorize the securing of information as to the political affiliations of citizens in any State, and in reply to a statement made by the chairman of the committee I desire to say here that efforts have been made to use the machinery of the Census Bureau for political purposes, and that fact is known to every Member of Congress who reads the daily newspapers and to the members of the Cabinet and the President himself, who a short time ago, I am informed, issued an order forbidding it.

I want to say to the committee that applicants for appointment as census enumerators in Missouri were informed, over the signature of a Member of Congress from the State of Missouri, that if he would present his application and undertake in advance to do political work, to ascertain the relative strength of the insurgents and the regulars in the State of Missouri, he could have easy sailing in getting the job. [Laughter.]

The chairman of the committee is apprised of that fact. Whatever may be the existing law on the subject, down in the State of Missouri applicants for appointment as enumerators of the census have been notified by a Member of Congress from Missouri that the only condition upon which they can get the job is that they shall be loyal, regular Republicans, and undertake to do work not connected with their duties as census enumerators and of a political character.

Mr. BARTHOLDT. Will the gentleman allow me a question?

Mr. ROBINSON. Certainly.

Mr. BARTHOLDT. Does my friend say that the letter which was written by one of my colleagues from Missouri——

Mr. ROBINSON. I want to say that it was not the gentleman addressing me.

Mr. BARTHOLDT (continuing). Was in any way attempting to speak for the administration? Was not it written solely on his own account and giving his own conception of the work that was to be done?

Mr. ROBINSON. Mr. Chairman, in response to that I will ask permission to read the letter and insert it in the RECORD, and gentlemen of the committee may form their own conclusions.

The letter is as follows:

CARUTHERSVILLE, MO., *September 9, 1909.*

DEAR FRIEND: I received your letter and note all you say about being appointed census enumerator. Your being a Republican is the first qualification and you are O. K. in that line. You probably will be asked to do some extra work, not a part of your duty as enumerator, if you are appointed, but it is such work as any enthusiastic Republican will be glad to do, and will in no way conflict with your duty as enumerator.

This extra work will be outlined to you before you are appointed, so that you need not accept the appointment if you do not desire to do what will be asked of you.

Mr. BARTHOLDT. Outlined by whom?

Mr. ROBINSON. I leave it to the gentleman to draw his own inference when it is announced that before he can get the appointment he must obligate himself to do the work.

Mr. BARTHOLDT. I wonder if the administration was Democratic and had enumerators to appoint, whether the work would not be outlined for them.

The time of Mr. ROBINSON having expired, Mr. HAY yielded the gentleman five minutes more.

Mr. ROBINSON. I will finish reading the letter:

You get the indorsement of your county committee, and then if you are willing to do the extra work I think you will have easy sailing.

Yours, very truly,

C. A. CROW.

Mr. CLAYTON. What is his complexion in politics?

Mr. ROBINSON. He is a Republican from the State of Missouri.

Mr. CLAYTON. An insurgent or a regular?

Mr. LANGLEY. Will my friend permit me to ask what section of the bill he is addressing himself to?

Mr. ROBINSON. I am addressing myself to the fact that the bill does not embrace the legislation permitting enumerators to do political work, which I think the gentleman from Kentucky would like to see in it.

Mr. SHERLEY. Will the gentleman state whether this Member from Missouri was a regular or an insurgent?

Mr. ROBINSON. He is a regular of the regulars. I want to proceed now with the interview that was given by this gentleman. This letter was written after the executive order had been issued by the President.

Mr. Chairman, the gentleman is quoted in a current newspaper as follows:

"I did not realize how strictly President Taft intended his order," said Mr. CROW to-day. "The instructions I referred to as likely to be forthcoming were that the enumerators were to report informally to the Republican county or the district committee as to the sentiment they found—if the section they canvassed was filled with insurgent sentiment or whether it was inclined to stick by the regular party, or if there was defection that might take men out of the party altogether. We wanted to know where we stood, and this seemed a good and, I am sure, a legitimate way of ascertaining the lay of the land."

Mr. SHERLEY. Mr. Chairman, I would suggest to the gentleman that it is also an economical way of doing it. [Laughter on the Democratic side.]

Mr. ROBINSON. Yes. He is further quoted as saying:

Of course, just as soon as President Taft reiterated his order, I stopped writing to the candidates for enumerators.

Mr. RUCKER of Missouri. Mr. Chairman, as I understood the reading of that last interview, the gentleman said he wanted to know where he stood?

Mr. ROBINSON. Yes.

Mr. RUCKER of Missouri. Well, I want to suggest to the gentleman from Arkansas that if the gentleman lived in the Sixth district of Missouri he would know to-day darned well where he stands. [Laughter on the Democratic side.]

Mr. ROBINSON. Mr. Chairman, in connection with that statement, it may be stated that the authentic way of ascertaining a political census is by holding an election, and down in Missouri, in the State from which the Member of Congress who wrote this letter comes, in the State from which the member of the Cabinet who is charged with enforcing this census comes, they held a political census just a day or two ago, and the results are very gratifying to gentlemen upon this side of the Chamber. [Applause on the Democratic side.]

Mr. BARTHOLDT. Mr. Chairman, I ask the gentleman from Virginia to yield to me.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman, the gentleman whose letter has been read on this floor happens to be absent from the floor, inadvertently, I suppose. I regret very much that my friend from Arkansas [Mr. ROBINSON] saw fit to bring this matter up at a time when the writer of the letter himself was not able to answer for himself. I saw that letter printed in the newspapers, and I must say as a Republican Member of this House, having to do with recommendations for all kinds of offices, I was as much surprised as my friend from Arkansas at seeing such a letter.

Mr. ROBINSON. Surprised at the publication of the letter or at the contents of the letter?

Mr. BARTHOLDT. At the contents of the letter; because nothing that I have heard either from the department or from the Director of the Census would authorize me in giving such instructions or writing such a letter to any candidate for enumerator in my district. If my colleague has seen fit to write such a letter, I am sure it will turn out, and no doubt he will make his own explanation to this effect, that he has done so without authority from anyone connected with the administration or the executive department. He has told his friend——

Mr. RUCKER of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. In a minute. He has told his friend who made application for a position as enumerator simply that he expected him to be his political friend, and that is no more than any Republican or any Democrat on this floor would do.

Mr. CLAYTON. O Mr. Chairman, I submit that the letter says more than that.

Mr. BARTHOLDT. And where it says more, he has certainly exceeded his authority in representing the administration in a matter of this kind. I want to give to my friend from Alabama [Mr. CLAYTON] a sample of how strictly nonpartisan this administration is endeavoring to be in matters of census appointments. We had recommended in the city of St. Louis for superintendent of the census a well-known young business man, connected with a prominent business firm there for many, many years, known to the business world and known to all

bankers there as a business man. He happened, however, to be a member of the central committee of that city, representing the twenty-eighth ward, and for that reason, although all the powers that be in the city of St. Louis representing that party were in his favor, he was turned down by the Secretary of Commerce and Labor. In other words, he was turned down because of his connection with a political organization. I must say that I do not wholly approve that position, though the Secretary acted, no doubt, in accordance with the policy laid down by the administration. I want citizens to take an interest in party affairs. Because of the connection of a man with a party organization, I do not want him to be discriminated against when he seeks an office. I am sure my Democratic friends will agree with me in that respect; but he was turned down, and why? Because President Taft has laid down the policy that this census is to be taken as a nonpartisan task and that no man connected with a political organization should take part in it.

Mr. CLAYTON. Does not this letter say that this man must be an enthusiastic Republican and he must ascertain the strength of the insurgents in the district? Now, we Democrats expect Republicans, as a rule, to fill the offices; but we think that in your own family row, when it comes to taking the census, you might be fair with your insurgent brethren.

Mr. BARTHOLDT. Mr. Chairman, my colleague from Missouri will answer for that himself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Chairman, I am very glad the gentleman from Missouri, who has just taken his seat, speaks for the Census Bureau and for the Secretary of Commerce and Labor. A resolution has been submitted to the Committee on the Census making inquiry or calling upon the Bureau of Census and Labor to find out whether any instructions had been given along the line of taking a political census, as stated in the letter just read by the gentleman from Arkansas, or whether any would be given, or whether it was a necessary qualification in a census enumerator that he should promise to take this political information. That resolution has not been reported. I do not know that it will be, but the gentleman from St. Louis [Mr. BARTHOLDT] says that the census is to be thoroughly nonpartisan, and that the Census Bureau has given out that kind of instructions. Then why, let me ask him, does the Census Committee refuse to call upon the Secretary of Commerce and Labor and let him so inform the House over his own signature, so we will know whether it is to be political or nonpolitical, and that he means exactly what he says? If we are to have a thoroughly nonpartisan census we are entitled to the information from the officer in charge and over his own signature.

Mr. CRUMPACKER. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. And it is this. I should have made the point at the beginning of the remarks of the gentleman from Arkansas, but I was not listening until he got fully launched. The gentleman from Missouri is not speaking to the bill. I appreciate, Mr. Chairman, the latitude that is allowed as a general rule in general debate, but I want to know now whether that latitude of discussion is to apply to questions that come up on calendar Wednesday?

Mr. BOOHER. Mr. Chairman, I hope this is not coming out of my time; the gentleman is consuming it rapidly.

Mr. CRUMPACKER. I am presenting to the Chair a question of order. I think the gentleman is not in order because he is not discussing the bill, and that on calendar Wednesday even the custom of discussing all sorts of questions in connection with bills does not apply, and that calendar Wednesday ought to be confined to the transaction of business that is called up on that day. That is the proposition I make.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union, and so far as the opinion of the Chair goes it is that the debate has not exceeded the limit generally taken in general debate. [Applause on the Democratic side.] However, it is in the power of the Committee of the Whole House on the state of the Union to determine, and unless the committee should determine to arise and report to the House to close debate, the gentleman from Missouri will proceed.

Mr. BOOHER. Mr. Chairman, I propose to test the sincerity of my friend from Missouri upon this proposition to know whether or not he is in favor of taking a census so we will have it thoroughly nonpolitical and nonpartisan, and I now send to the Clerk's desk an amendment which I propose to introduce at the proper time, and I ask to have it read in my time for the information of the House.

The Clerk read as follows:

That whoever, being a census enumerator, or other person employed in taking the Thirteenth Decennial Census of the United States, shall ask any question of any person of whom he is obtaining information respecting the census as to his political affiliations or sentiments, or of the political affiliations or sentiments of others, or shall make known to anyone such information acquired by him in connection with his work as such census enumerator or other census employee, shall be fined not more than $1,000 and imprisoned not more than one year.

Now, that will test the gentleman from Missouri. If he is in earnest, he will vote for the amendment.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Well, it must have been taken up by the gentleman from Indiana, because I have not occupied it all.

Mr. SHERLEY. Mr. Chairman, I submit that the gentleman from Missouri has not been speaking for five minutes; he has not been speaking two minutes even, excluding the time taken by discussing the point of order, and the gentleman is still entitled to the floor.

The CHAIRMAN. The Chair will state that the Clerk says ten minutes has expired since the gentleman took the floor.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. HAY. Mr. Chairman, I yield three minutes more to the gentleman from Missouri.

Mr. BOOHER. Mr. Chairman, I do not know whether the Member from Missouri who wrote that letter wrote it on his own initiative or not. It does not say so, and it does not bear that construction upon its face. He uses the pronoun "we" several times. "We" expect them to do thus and so. Who is "we?" The Secretary of Commerce and Labor, a gentleman for whom I have the highest admiration, is a member of the national Republican committee. He is a resident of the State of Missouri, and took an active part in the campaign that resulted in the election of the writer of the letter just read. The Secretary of Commerce and Labor also took an active part in the campaign which has just closed in the sixth district, as other gentlemen from Missouri have, and who knows but what the writer of that article was referring to the gentleman as "we" when he wrote. He certainly was not referring to the insurgents as "we." They are to be singled out.

Mr. GARDNER of Massachusetts rose.

Mr. BOOHER. And I hope my friend from Massachusetts will not interrupt me, because I believe the insurgents were mighty numerous yesterday out in the sixth district of Missouri, as the returns show.

Mr. GARDNER of Massachusetts. Does the gentleman think the Secretary of Commerce and Labor is in any way involved in that letter of the Congressman, or what does he mean by insinuating it?

Mr. BOOHER. I have not insinuated it unless a fair construction put upon language that anybody can understand would indicate it.

Mr. GARDNER of Massachusetts. Then the gentleman thinks, and is willing to say so to this committee, that, in his opinion, the Secretary of Commerce and Labor was back of that letter?

Mr. BOOHER. The gentleman can not put any words in my mouth. He is at liberty to put such construction on my language as suits him.

Mr. GARDNER of Massachusetts. The records put them there.

Mr. BOOHER. I have introduced a resolution, which is now pending before the Committee on the Census, to ask the Secretary of Commerce and Labor that very question. I have supposed I would get an answer to it, and I want the answer from the Secretary and not from anybody else. I will take the word of the Secretary of Commerce and Labor upon that or any other proposition, but I want it to come from him. We have had word from one Member of Congress, and we do not want another, because they will not agree.

Mr. BARTHOLDT. Does my colleague blame the insurgents for the result in the sixth Missouri district?

Mr. BOOHER. No; I am glad they turned out and got right once. The result of the election in the sixth district on yesterday shows conclusively that the people of this country can not be deceived all the time. Your party and its legislation was on trial there yesterday, and the verdict was overwhelmingly against you. If the insurgents, as you call them, aided in bringing about the result, it is a strong indication that their work here and elsewhere has not been in vain. [Applause.]

Mr. HAY. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to come to the help of my friend from Missouri, Mr. BARTHOLDT, and also my other friend from Missouri, Mr. BOOHER, by saying that in order to have a nonpar-

tisan census taken in Tennessee every single supervisor in the State is a partisan Republican, and appointed because he is a Republican. They are competent to take the census, I have no doubt, but in order to have an absolutely nonpartisan census in Tennessee every man appointed is a partisan Republican, but they have delivered them a lecture to the effect that they must not be partisan. Does not that show that we are going to have a nonpartisan census? If you were going to have a nonpartisan election would you appoint all Republicans or all Democrats and then give them a lecture? I know from the statement of the gentleman from Missouri that the way to have a nonpartisan census is to have a partisan instrumentality by which it is to be——

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. Is the gentleman informed of the fact that in the appointment of census supervisors the usual rule has been in Democratic States to appoint Republicans and in Republican States to appoint mugwump or Democratic supervisors?

Mr. SIMS. Has that been the rule—the Republican rule?

Mr. MANN. That is the rule so far as my information has gone.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MANN. That is the case in my territory.

Mr. STEPHENS of Texas. Out of 24,000 voters I have three Republican supervisors.

Mr. MANN. That is what I stated.

Mr. HAY. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. WEISSE].

Mr. WEISSE. Mr. Chairman, I am glad this matter came up. It gives me an opportunity to relate the experiences we are having in Wisconsin, the hotbed of insurgents. Up in one of the districts where we have an insurgent one of the most prominent Republicans who stayed by the Cannon system was defeated in the last election, and in that district they appointed a supervisor over the protest of that insurgent Republican, Mr. LENROOT. In another district represented by another gentleman from Wisconsin, Mr. NELSON, the condition is the same, according to newspaper reports. They did the same thing in the district of that great insurgent, Mr. CARY, who usually walks out of the caucus when it tries to gag and bind him and his constituents. They appointed a man over his recommendation. But they split there, because there was an insurgent and a standpatter in the city of Milwaukee, and the standpatter made the appointment. There is some excuse for that.

But the other two appointments, I am willing to say, were made absolutely against the recommendations of the insurgents. I have nothing in this fight, and I regret that a census for commercial and business purposes is going to be taken for political purposes, by politicians along partisan lines of the system, to the detriment of the public interest and good government.

Mr. LANGLEY. Does the gentleman think that is true?

Mr. WEISSE. I am willing to insert newspaper clippings and editorials from Republican papers in my State showing its truth, and I believe I can get a good number of them, and, if necessary, I think that the insurgents would be willing to get up on this floor and defend my position in the matter. My information comes from interested and well-informed persons. [Loud applause on the Democratic side.]

I believe men should vote according to their own ideas and represent their people, and not make a party issue out of every business question that comes up. It appears we are unable to take up even such a matter as the taking of the census without some one making it a party issue or some one wanting to use the enumerators, paid by the Government, for personal and political purposes. We had enough of this in Wisconsin the last few years, and it has cost our taxpayers thousands of dollars.

"DARE TO DO OUR DUTY."

[From the Milwaukee Free Press, Tuesday, January 11, 1910.]

"Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."—Abraham Lincoln.

CONSISTENT AT LEAST.

The opponents of Speaker CANNON in Congress and elsewhere must give him credit for one thing, at least, and that is consistency.

In some cases this devotion to expressed views and ideas, even though their origin lie in the mist-wreathed past, has given rise to the charge that "Uncle Joe's" mind is as fixed and steadfast as the northern star," and therefore unamenable to the allurements of progressive thought and enterprise.

In his attitude toward the victory of the combined Democrats and insurgent Republicans, however, his consistency is not likely to call forth any such criticism from his enemies; indeed, it should rather prompt them to see something of virtue in the despised "Cannon idea."

For the Speaker will not fight to regain his power to appoint the House members of the Ballinger investigation committee, and why? Because to do so would be to repudiate his time-honored shibboleth, "The majority rules."

Should the Senate attempt to interfere with the desire of the House majority to elect its own members to the said committee, we doubt not that the Speaker will resent its attempt to interfere with the prerogative of his Chamber, although the majority of that chamber in this matter was composed of his enemies.

No doubt this attitude of Speaker CANNON is the part of wisdom, but even if we hold it thus, it is a wisdom which at least has the merit of consistency, which is a quality of which many more progressive politicians than the Danville fixture can not boast.

WILL BADGER BUNCH GAIN BY THE MOVE?—REPORTS THAT EMBARGO ON FEDERAL PATRONAGE IS TO BE REMOVED AND INSURGENTS ARE TO BE GIVEN RECOGNITION—GREAT INTEREST IN THIS STATE AS TO WHETHER THE WISCONSIN PROGRESSIVE MEMBERS OF CONGRESS WILL BE AMONG THOSE ADMITTED TO PATRONAGE PIE COUNTER—PLENTY OF EVIDENCE THAT THEY HAVE BEEN SHUT OUT OF LATE.

[From the Milwaukee News, January 15, 1910.]

MADISON, WIS., *January 15, 1910.*

Republicans in Wisconsin are watching eagerly to see if the lifting of the embargo from insurgents obtaining federal patronage applies to the Wisconsin bunch as well as those from other States. Outside magazines like The Outlook can write editorials ad infinitum and Wisconsin papers like the STEPHENSON organ can echo these editorials, but the people of Wisconsin know full well that federal patronage has been withheld from Wisconsin men because they have actual experience on the subject. Pen denials of the fact that patronage is being withheld from Senator ROBERT M. LA FOLLETTE will do no good when the public has only to think that months ago Senator LA FOLLETTE recommended William J. McElroy, of Milwaukee, for the position of United States district attorney for Milwaukee, and that the appointment has not yet been made, but instead that H. K. Butterfield, of Hartford, the incumbent from a former administration, still holds the place.

NO ACTION ON SCHULZ.

The Wisconsin public is also fully aware that Senator LA FOLLETTE during state-fair week recommended for the position of collector of customs for the city of Milwaukee Henry Schulz, of the ninth ward; but this place is still filled by W. H. Devos, with no indications that the federal Treasury Department is in any hurry to act on the suggestion of the Senator from Wisconsin in regard to the appointment. These facts in themselves show how Senator ROBERT M. LA FOLLETTE is being treated in the matter of appointments down in Washington and whether insurgents are being given any pie from the federal pie counter by President William Howard Taft and the other lights at the national capital who are angry because some Republicans are having the hardihood to dare disobey the dictates of the Republican national "machine" and not jump at the beck and call of the national whips.

MANY OTHER INSTANCES.

Then it might be mentioned, even in such a little matter as census appointments, the recommendations of Wisconsin insurgent Congressmen have not been recognized, President Taft having gone deliberately over the heads of Congressmen LENROOT, CARY, and NELSON in his selections of men for census enumerators in the district represented by these men and having selected men for the positions who did not have the recommendations of the Congressmen. This fact stares Wisconsin people in the face, and they know a thing or two about the way their Representatives at the national capital are being treated in the distribution of plums.

In fact, so flagrant was the turning down of some of the recommendations of Wisconsin insurgents in regard to the selection of census appointments that Senator LA FOLLETTE has felt constrained, as chairman of the Census Committee of the United States Senate, not to report two of the census appointments from Wisconsin for confirmation by the Senate, the idea of the Madison United States Senator in his stand being undoubtedly to impress on the people of the Nation the way Congressmen from Wisconsin districts have been treated at the national capital in the matter of recognition in the way of patronage.

AS TO POST-OFFICE JOBS.

Then there have been some recommendations from Wisconsin insurgent Congressmen in regard to the appointments of postmasters which have been mysteriously held up, just as has been the appointment of W. J. McElroy for United States district attorney, and the only result from these actions has been to show the people of Wisconsin how their Representatives are regarded by the national political officials because of their hardihood in making a fight for what they considered as just and right as regards legislation. No amount of denials by The Outlook or Wisconsin cuckoos will change opinions based on this state of facts.

The Washington dispatches are to the effect that President Taft has reconsidered his plans for the nonrecognition of recommendations from insurgents in regard to federal appointments, and from this time on these recommendations will be given some attention. It can be said that real friends of President Taft in Wisconsin hope this statement will prove correct, for as far as the President is concerned he has not improved his standing with the rank and file of the Republican party in this State by disregarding the recommendations of the insurgents.

REALIZE THEIR MISTAKE.

There have been a few old hard-shell Stalwarts who think that everything that can be done to hit Senator LA FOLLETTE is a political gain for them and who do not seem to remember that the pursuance of this course on their part in Wisconsin for years has strengthened Senator LA FOLLETTE with the people. These smirk and approve the President's course, but the wiser even among the political opponents of Senator LA FOLLETTE know that this withholding of the regular federal patronage which comes with their offices from Senator LA FOLLETTE and his supporters has been of great advantage to Senator LA FOLLETTE, who thrives on petty persecution of this kind.

The bulk of the supporters of Senator ROBERT M. LA FOLLETTE in Wisconsin are not people who are influenced a particle by patronage. They are people who are really for the issues to which Senator LA FOLLETTE has been showing his support down in Washington, and such political plays as the withholding of patronage from Senator LA FOLLETTE and his supporters merely emphasizes to these people that he is being struck by his political enemies with those blows because he has dared stand up against legislation which he has considered was for the benefit of the interests and against the people.

THE SHAMELESS TRUTH.

[From the Milwaukee Journal.]

When the announcement first was made that President Taft, listening to the maladroit advice of Spoilsman Hitchcock, had entered upon a policy to "discipline" the Republican insurgents by withholding from them patronage, The Outlook—Theodore Roosevelt, contributing editor—could not bring itself to believe that he would be capable of such action. "The President," it said, "has shown through the years of his public life so high a standard of disinterested public service that no one of intelligence could credit a report that he would use his appointing power in any arbitrary way without respect to the fitness of the appointees." And, besides:

"Those who are known to be 'insurgents' against the oligarchical group headed by Speaker CANNON are not enemies of Mr. Taft's administration or opponents of his policy. On the contrary, whether wisely or not, they have acted uniformly with a view to carrying out the very policies for which Mr. Taft is known to stand."

The Outlook, in making comment on current affairs, is published under the limitations placed upon a weekly newspaper designed for national circulation. A great deal may happen within a week. What it conceived several weeks ago to be incredible to one of intelligence actually came to pass. Upon that point all of the Washington correspondents of any standing were agreed. The Washington Star, which is a recognized administration mouthpiece, reported that the "official statement issued by the Republican congressional committee, which it is known has the approval of President Taft, states the attitude of the campaign committee toward insurgents within the party." They were warned that—

"The President, Vice-President, the Speaker, and many other Republican leaders have stated that the present law is the best tariff we have ever had, and the results of its operation confirm that statement. The Republican congressional committee makes no issues with any individual insurgents, but it will oppose to the full extent of its power the principle of insurgency and will advocate the nomination and election of regular and loyal Republicans. It concedes the right and privilege of individual opinion and its expression, but maintains with the President that there must be party solidarity if the best in legislation and administration is to be attained."

How stupid it is, then, for a daily newspaper, which should be conversant with the facts, to recite that President Taft has been the victim of "lying rumors" circulated by the "unrest papers," and that "he has not even contemplated using federal patronage to punish House insurgents." Yet we find the Younger Twin asserting that "the President has shown no disinclination to consult the patronage desires of any insurgent save those in the Senate."

And this in the face of the fact that Representative LENROOT'S recommendation of census supervisor in the eleventh district was ignored by the President. He was punished and disciplined. So were Congressmen NELSON and CARY. So were insurgent Congressmen from other States. Senator STEPHENSON was rewarded, in the case of Dresser, for his fidelity to ALDRICH and the betrayal of his constituents. Dresser's chief qualification consisted in the fact that when a state officer he distributed several thousand dollars for the Senator in the primary campaign, and when placed on the witness stand had destroyed his account books, bank books, and other written evidence, and was unable to remember little save that he received the money and spent it. So he was appointed.

Such is the record, and neither stupidity, if it be such, nor the brazen impudence of a discredited organ, if it be not the folly of an obtuse mind, can change it to meet the exigencies of the administration's embarrassment.

The idea finds utterance in the Louisville Courier-Journal, Colonel Watterson giving it voice:

"We are not willing to see in the affaire Pinchot-Ballinger merely the first gun in the inevitable war between Taft and Roosevelt. Even that drives deeper than appears above surface. It will be, when it arrives, a kind of destiny. The protective system is as bound to go as ever the institution of African slavery was bound to go. Theodore Roosevelt, the most astute politician now alive, realizes that and has for a long time realized it. The Republicans of the West are with him almost to a man. BEVERIDGE and CUMMINS and DOLLIVER and NELSON and BRISTOW, not to mention LA FOLLETTE, and all the insurgents of the House—good Republicans every one—know they can long hold none of their States upon any high protectionist measure such as the Payne-Aldrich Act. By throwing himself into the arms of ALDRICH and CANNON and the standpatters, Taft commits his administration to a high-protective system and certain defeat. Roosevelt can alone save the day."

At Washington there is a cry of peace, peace; but there can be no peace. It would avail nothing, as long as privilege remains undisturbed, if CANNON and Ballinger should be forced to retire. It would not quiet the storm if in desperation the ship's crew should seize hold of ALDRICH, the captain, and HALE and LODGE and BURROWS and ELKINS, the mates, stewards, and engineers, and heave them overboard. These men represent the forces of exploitation. They typify certain evils and obstruct the way. But they are not the issue. The issue is not one of men, though men enter into it, but one of policies and principles. It has varied phases. It is not an issue confined to any country or people. It is world-wide. In England it finds emphasis in the land question. But wherever it is found the issue is the privilege of the few in conflict with the inherent rights of the many. It may be a franchise working to the public injury, a tariff privilege placing extortion on the people, a title defrauding the public domain of coal lands or water power; but whatever its phase, the issue remains the same.

Mr. Taft can not serve under the flag of exploitation—he can not make common cause with ALDRICH and the forces that he typifies—and lead the people to victory.

LITTLE JOURNEYS LIGHTLY JOTTED.

Writing from Washington to the Detroit News, a Taft supporter in the presidential campaign, George E. Miller, says that "President Taft is thoroughly angry at those who are urging him to break with Senator ALDRICH and Speaker CANNON. To-day one of his intimate friends from Ohio made this explanation, as representing exactly the way President Taft feels: 'It is no secret that President Taft and his advisers have become vexed at the prevailing character of criticism that is sweeping the country in and out of the Republican party, criticism that is aimed at the cooperation that the President is trying to establish between himself and the leaders of party in the two houses of Congress. He might entertain for all of them a profound dislike, personally and officially, and yet if the present session of Congress is to do anything to give the country the legislation it is demanding, he must work with these men and they must work with him.'"

KILL THE INSURGENTS, AND THEN?

[From the Milwaukee Journal, January 6, 1910.]

There is quite general agreement among the Washington correspondents of the newspapers of the principal cities of the Middle West that it is the purpose of the Republican organization to invoke the aid of the administration in an effort to crush the congressional insurgents and end the progressive movement.

John Callan O'Laughlin, the correspondent of the Chicago Tribune, reports that "all the great forces of the Republican party are being used to crush the insurgents." The insurgents are to feel the weight of the administration's displeasure. They are to be denied patronage. None of their measures or amendments is to be given consideration. They are to be treated as outlaws—pariahs to be shunned and isolated. "The fact that President Taft has been drawn into the conflict between the standpatters and insurgents in Congress," Mr. O'Laughlin thinks, "is one of the surprising and, in many respects, sensational developments of this struggle."

The Washington correspondence in the Record-Herald states the situation essentially as it is set forth in Mr. O'Laughlin's dispatches. Postmaster-General Hitchcock, we are told, has stated without reservation that the administration purposes to make no appointments upon the recommendations of Republican insurgents. CANNON and ALDRICH and the discipline of the party organization are at stake. CANNON may go, undoubtedly will go, but discipline must be maintained if the organization's usefulness to "the interests" is not to be jeopardized. "Leaders in Congress on the Republican side," it is asserted by the Record-Herald correspondent, "have grown accustomed to perfect discipline and explicit obedience. They can not tolerate the presence in their ranks of insurgents or independents. Their own views regarding legislation and policy should be accomplished rather than the sentiments of the people represented by those they would now read out of the party."

The situation of affairs comes as no revelation to the readers of the Journal. From the very opening of Congress our Washington dispatches have recited that the administration and the CANNON-ALDRICH organization have joined in unholy alliance to punish insurgent Representatives and Senators for their unpardonable offending in voicing the sentiments of their constituents and standing out against the granting of greater privileges to the tariff beneficiaries at a time when the people have been led to expect a curtailment of privilege and release from the clutches of tariff-sheltered monopoly. The insurgents are to be punished for being true to their party's pledges and Mr. Taft's promises.

What will be the effect upon the constituents of the insurgents when they receive the ultimatum that if they would remain in the good graces of the administration they must repudiate the Senators and Representatives in Congress that have been true to their interests—that if they would love Taft, they must love his ALDRICH-CANNON dog? If human nature has not materially changed since Mr. Taft was inaugurated to the office of President, we should say that it will arouse a wave of indignation in the West which will leave the administration discredited and without the moral sanction of its people. If the issue shall be forced, it can have but one ending. There will be no second term for Mr. Taft, and the power of ALDRICH and CANNON and the forces of evil that they typify will be broken beyond repair.

BADLY ADVERTISED.

[From the Milwaukee Daily News, Thursday, January 13, 1910.]

As near as can be determined from the Washington reports, Postmaster-General Hitchcock seems to be the adviser who is principally to blame for President Taft's announced decision to punish the insurgents by depriving them of their patronage.

Those who remember Mr. Hitchcock's career as an Assistant Postmaster-General, and who have not forgotten the "steam-roller" methods adopted at the Chicago convention, will find little difficulty in believing that he is the person who is responsible for the presidential attitude.

Just at present, facing as he is a grave crisis in his administration, it is unfortunate for the President that he should have been advised by a man of the Hitchcock temperament and methods. The occasion was one which called for tact, not bluff; for diplomacy, not blows; and had it been properly handled, the split in the Republican party, daily growing in extent, would not have been precipitated.

Mr. Taft could readily have discovered that the fight on Cannonism, waged by the insurgents, was not directed against his own progressive measures, but, rather, meant strong support for them. And he would have learned that the mass of the people are back of the insurgents.

Judicious and tactful handling of the situation would have saved much trouble. But the advice of Hitchcock, the adoption of the "steam-roller" methods, and the resultant lining up of the President with the reactionaries has disrupted the party and put the Taft administration in an unenviable position, from which it will have great difficulty in extricating itself, if it be possible to do so at all.

WILL BE REASONABLE.

[From the Milwaukee Sentinel, Thursday, January 6, 1910.]

Recent outgivings from Washington as to the allotment of federal patronage will not make comfortable reading for gentlemen in expectancy of political plums through the favor of Senators and Representatives who have factiously gone out of their way to thwart and embarrass the administration, and even to insult and vilify and attempt to undermine President Taft. But they must blame their predicament of hope deferred on the factious perversity and selfish rancor of their chiefs.

Patronage is purely a matter of usage and courtesy. And, we repeat, there must be some reciprocity of courtesy and cooperation. The President is not going to repay insult with favors. Republican Senators who, for reasons best known to themselves, elect to block the administration, imperil the party, hamstring the President—in a word, to act with or for the Democratic opposition—can not reasonably expect the administration favors and courtesies due to loyalty and cooperation.

It is primarily their fault if their satellites at home must chew the bitter cud of disappointment as applicants at what is colloquially called the "pie counter."

Now, let us remark here that President Taft is an eminently fair and judicious man, not at all a narrow and vindictive man; and we believe his course in this regard of patronage will reflect those qualities. He will act with discrimination and fairness.

To suppose for a moment that he will take a stupid Andrew Jacksonian course of blacklisting every Senator and Representative not obsequiously subservient to his views and recommendations is nonsense. He is too big a man to cherish and wreak a lot of small personal grudges; he is too wise a man not to see the impolicy of planting a crop of martyrs.

That he will institute a wholesale proscription of "progressives" who differ from him about the tariff is wildly improbable. That he will set up fealty to Senator ALDRICH or Speaker CANNON as a touchstone of good Republicanism and of fitness for administration favors is unthinkable.

Our impression is that not only some factious radicals but also Messrs. ALDRICH and CANNON will be required to dismount from their high horses occasionally before this Taft administration is over with.

As for allotment of patronage courtesies, there are, in respect of disagreements with President Taft, progressives and progressives.

There are progressives with venom on their tongues and treason in their hearts—selfish factionists and disorganizers who apparently mean to do all they can to balk and discredit the Republican administration and the man at the head of it and Bryanize their party. Such men and their tools are deservedly liable to some hard rebuffs and disappointments in the distribution of offices. Can they reasonably expect anything else?

As for the progressives of the broad-minded type, good Republicans who, fairly and with due regard to the fact that this is a Taft administration, exercise their right to have and promote their individual opinions, we expect they will find President Taft eminently fair and considerate in the treatment of federal patronage.

THE FIGHT IS ON.

[From the Milwaukee Daily News, Thursday, January 6, 1910.]

Observers of affairs at Washington will not be astonished at the reports of the termination of President Taft's "neutrality." His leaning toward the reactionary element of the party was evidenced in the Winona speech last September. It has been more and more strongly foreshadowed every day since the assembling of Congress in December.

The surprise comes in the measures which, it is said, will be adopted in the fight against the insurgents. The history of the country shows no such severity of discipline as it is proposed to mete out to the insurgents who refuse to bow to the presidential mandate on all matters of legislation. If the programme is carried out, the insurgent Congressmen might as well remain at home, and the insurgent Senators will have nothing to do but make occasional speeches, a right of which, under the rules of the Senate, they can not be deprived.

If he takes this step, on advice of CANNON, ALDRICH, and the other reactionary leaders, President Taft will make a fatal mistake. He will stand before the country in the light of a man who is willing to bribe with patronage in order to insure the success of his measures. He will occupy the even more unenviable position of a man who would force his policies down the throats of the lawmakers, regardless of their convictions of the desires of their constituents. Even Theodore Roosevelt, with all his radicalism, all his impatience of contradiction, all his bluster, never went to such extremes as this.

If the progressives of the House and Senate are fighting for principle, they will not be influenced by the promises or threats of the administration. If they are influenced by them, it is well for the people to know it. The information will be forthcoming promptly.

Should Mr. Taft persist in the course laid out for him, he has signed his political death warrant. He has himself split his party irritrievably. The insurgent sentiment is strong throughout the country. The people are awake to the dangers of Cannonism and Aldrichism. And a bitter war precipitated by Mr. Taft and his reactionary advisers will do more to crystallize sentiment against him and his administration than could any other method. The President, having allied himself with the reactionary wing of the party, will go down with it to defeat which is inevitable.

ONE KIND OF INSURGENT.

[From the Milwaukee Free Press, Thursday, January 6, 1910.]

Those insurgent Congressmen who in their zeal have turned upon President Taft himself are now attempting to stir up a mighty to-do because they are not receiving their expected share of patronage.

They seem to hold that it is perfectly legitimate for a Republican Senator or Representative to attack and oppose the head of the administration, but when that administration can not see their claim to partisan reward after such hostility they accuse it of perfidy.

In other words, these gentlemen who prefer to be "insurgents" rather than Republicans in Congress, are as "regular" as the stauncest old-line Republican when it comes to the distribution of the spoils in their home bailiwicks.

Then the President is expected to stand by them, although they are doing everything to discredit and defeat the President. Yet these same insurgents would raise their hands in holy horror if they were asked to recommend one of their opponents for office.

We have no quarrels with the principles of the insurgents. Their work and their propoganda is leavening the Republican party. But we have no approval for that small group which is trying to change what should be a legitimate, intra-party reform movement along the lines of progressive principle into a warfare in which disruption of character, besmirching of motive, and self-exploitation are leading features.

We have no tolerance for the men of this group when they turn upon the head of their party, the Executive of the Nation, a man as sincerely devoted to the welfare of the people as they, because his temperment and experience does not incline him to employ the same methods.

We have no tolerance for them when, because they feel they can not join with him in some issues, they oppose him in everything and withhold their aid where they could conscientiously give it.

We have no tolerance for them when they take advantage of popular impatience—because the new administration does not indulge in fireworks and breakneck methods—to foment distrust and arouse suspicion of the purposes and motives of the new President.

That brand of insurgence, instead of being constructively progressive, is destructively retrogressive.

It not only inhibits the wheels of progress in Washington, but it makes a chaos of sound public opinion.

It fosters that most unfortunate state of mind which suspects everything except denunciation and has no faith in reform if it does not come in the guise of a thunderbolt.

Happily this brand of insurgency is not in the ascendant. There are in Congress to-day many sincerely progressive Members who will fight the abuses of the old guard and its domination, who will stand everything that savors of reaction, but who will do so without sacrificing their party or the policies to which they can lend support merely to play the rôle of heroes and martyrs.

For these insurgents we have only admiration and encouragement. With them no Republican, whatever his shade of belief, can justly quarrel. Nor will there be any curtailment of their patronage.

TAFT'S NEUTRALITY.

[From the Milwaukee Daily News, Thursday, December 2, 1909.]

* * * * * * *

It is difficult to reconcile the assertion that President Taft is seeking to maintain a neutral attitude in face of his utterances and his acts. He has made open and common cause with Aldrich and Aldrichism. He could not go further in his embrace of reaction if he should take CANNON to his bosom. In the distribution of the patronage his administration has gone out of its way to ignore and disregard the recommendations of progressive Senators and Representatives. If that is neutrality, then the Executive's open enmity should be welcomed by the progressives.

[From the Milwaukee Daily News, Thursday, December 2, 1909.]

Business and not "politics" should be the aim and end of the coming session of Congress. Practical statesmanship and not self-seeking is desired from the people's representatives.—Wausau Record-Herald.

FOR HIS OWN POLICIES.

[From the Milwaukee Sentinel, Friday, January 7, 1910.]

* * * * * * *

All the President will expect from those who solicit favors and courtesies from him is a reasonable degree of loyalty and cooperation from them. He has a right to expect it, and to employ reprisals if he does not get it. He is a good-natured, tolerant man, but no meek nonresistant and pocketer of insult.

UNDER WHICH FLAG.

[From the Milwaukee Sentinel, Tuesday, January 25, 1910.]

The un-Republican or antiadministration type of insurgency in the House has evidently forced President Taft to abandon his early attitude of noninterference with the legislative branch.

If he wants his measures passed against a treacherous cabal to make his administration a failure, he must take a hand in the congressional fight for them. His methods will be less strenuous and directly coercive than President Roosevelt's; but they may well be more effective and certainly should be more conducive to harmony.

One powerful weapon he has available against this seditious and factional spirit which for political ends is underhandedly trying to discredit and undermine him, and we hope he will use it. He can appeal to the people in behalf of his measures and against the self-seeking tricksters. That was Governor Hughes's unfailing recourse.

There are two widely differing types of House insurgency. There is the anti-CANNON insurgency proper, which is entirely compatible with loyalty to party, President, and administration. Then there are insurgents who make no scruple of secretly antagonizing the administration and exploiting the fight against CANNON to thwart and embarrass Taft. In common pariance, the main and ulterior purpose of these skulking bushwhackers is to "put Taft in a hole" and make his administration a failure.

But the President does not propose to be trapped or shot from the brush by these "Republican" camp followers.

If they are going to play the turncoat when the party needs their services, they must stand up and be counted. The House Republicans will caucus on strictly party and administration measures, and if there is any knifing to be done it must be done openly.

Taftism in the party is one thing and Cannonism in the House of Representatives quite another. The distinction between open and honorable anti-CANNON insurgency and furtive, treacherous, self-seeking antiadministration plotting and planning is going to be made very plain before this session of Congress is over.

HELPING UNCLE JOE.

[From the Milwaukee Daily News, Tuesday, December 14, 1909.]

Incidentally to the movement for greater publicity for campaign expenses in congressional elections comes the interesting news that the Republican congressional committee is expending considerable sums of money in the campaign of publicity designed to present Speaker CANNON in a better light than he now occupies before the public.

It is not surprising that many members of the committee have taken the stand that such use of the committee's funds is improper and are considering the advisability of uttering an indignant protest against it.

However, under existing circumstances that is about as far as the objectors can go. The congressional committee is a close corporation. It collects its funds from various sources; is required to make no public reports, and it may, without legal impediment, expend these funds as it sees fit, unless those who contribute the money happen to raise objections.

And as a large proportion of the moneys raised are contributed by the privileged interests, the CANNON publicity campaign is doubtless looked upon by the donors with complacency.

Under the present system the congressional committee can almost make or break a candidate. If he has "been good," the committee can send large sums of money into his district to aid him in his fight for reelection. If he has incurred the displeasure of the committee, it can refuse him financial aid, and may further complicate the situation by giving substantial assistance to his opponent.

These abuses would be done away with in large measure by requiring complete publicity of expenditures in congressional campaigns. And certainly, if such a law were on the statute books, the committee would not be permitted to hire press agents a year ahead of the election for the purpose of exploiting the generally questioned virtues of Mr. CANNON.

[From the Racine Times.]

If there is any reading out of the Republican party, it will be those men who stand for and are identified with Aldrichism and Cannonism as expressed in vicious legislation, violated pledges, and perverted government.

Mr. HAY. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty-eight minutes remaining.

Mr. HAY. I yield three minutes to the gentleman from Missouri.

Mr. HAMLIN. Mr. Chairman, I simply want to say that I do not know that my colleague from Missouri ought to be too severely censured for writing the letter that has been read to the committee. He is a new Member, and of course was not on to all the tricks and turns practiced by his party, and was no doubt led to believe from the conduct of those higher up in authority that the same policy that was being pursued by the Secretary of Commerce and Labor in the appointments of supervisors would be pursued when you come to select the enumerators. In my State every supervisor appointed was a Republican, notwithstanding the fact that the best that the Republicans can claim is that the State is a battle ground. If this is to be a nonpartisan census, as contended by my friend and colleague from Missouri [Mr. BARTHOLDT], will he tell us why, when we go to appoint the census supervisors, not one single Democrat from Missouri was selected?

Mr. GAINES. May I answer that question?

Mr. HAMLIN. Certainly.

Mr. GAINES. Suppose that the President of the United States were a Democrat, would the gentleman think that the appointments ought to be made of Democrats or that he ought rather to appoint Republicans?

Mr. HAMLIN. If this is to be a census divorced entirely from any politics, and I were President of the United States, I believe I could find Republicans in Missouri whom I would be willing to trust with the taking of the census. If, on the other hand——

Mr. LANGLEY. Would you do it?

Mr. GAINES. The gentleman has not answered my question. If the President of the United States were a Democrat, would the gentleman want Democrats or Republicans appointed for these census positions?

Mr. RUCKER of Missouri. One of the greatest Republicans that ever sat in the White House did appoint Democrats. I refer to Mr. McKinley.

Mr. HAMLIN. I have the floor. The point I make is this, that if there is not to be any suspicion that this census is to be influenced or the information gathered shall not contain any political information whatever, why is it in close States there are not some Democratic supervisors appointed instead of all being Republicans?

Mr. HAY. I reserve the balance of my time. [Cries of "Read!"]

Mr. CRUMPACKER. Mr. Chairman, I yield three minutes to the gentleman from Kentucky.

Mr. LANGLEY. Mr. Chairman, it does seem to me that gentlemen on the other side are tolerably hard pressed for a political issue in the coming campaign to raise a question of this character at this particular time. So far as I am personally concerned, it is my opinion that a Republican can be just as just and fair and nonpartisan in taking this census as a Democrat can be. I want to say, further, that we have at the head of the Census Bureau a gentleman who is so desirous of being fair and nonpartisan in the administration of the affairs of that great bureau that he actually leans the other way, sometimes, in talking to Republican Congressmen about these census appointments. My judgment is, gentlemen of the committee, that this discussion, injected at this time, is improper and will tend only to embarrass the administration of the Census Bureau. We have never in the history of that bureau had a better class of men appointed as census supervisors than we now have in charge of this great work, and I regret that the gentleman from Arkansas saw fit to inject this matter——

Mr. ROBINSON. Will the gentleman allow me to ask him a question?

Mr. LANGLEY. I yield to the gentleman.

Mr. ROBINSON. The gentleman said a while ago that he thought that a Republican could take the census just as fairly as anyone else. Does the gentleman mean to imply by that remark that he believes that the enumerators should be appointed with reference to their political affiliatons? In other words, does he indorse the letter that the gentleman from Missouri [Mr. CROW] has published?

Mr. LANGLEY. I have not carefully read the letter to which the gentleman refers, and I can not say whether——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. I ask the gentleman from Indiana to give me three minutes more.

Mr. CRUMPACKER. I yield three minutes more to the gentleman from Kentucky.

Mr. ROBINSON. The gentleman can inform the House whether he stated or intended to have inferred from his remarks that he believed that the enumerators appointed to take this census should all be Republicans.

Mr. LANGLEY. If I had it in my power I should certainly give a very large majority, at least, of the appointments to the Republicans in my district. That is the way I feel about it as far as this census is concerned; and I want to say, furthermore, in my judgment if William J. Bryan or any other member of the gentleman's party were at the head of this Nation, we would not get a smell in the way of census appointments or anything else.

Mr. ROBINSON. When it comes to getting "smells," the gentleman from Kentucky [Mr. LANGLEY] always gets his smell when it comes to political appointments. [Laughter.] But now I want to ask the gentleman whether or not he commits himself to the policy of appointing only Republican enumerators, in violation of the statute which says they shall be nonpartisan?

Mr. LANGLEY. I do not; nor did I by my reply to the gentleman so commit myself. On the contrary, I desire to state to him that in my own congressional district there are to be a number of good Democrats—not bad ones—appointed to those positions.

Mr. HAMLIN. There are no bad Democrats. [Laughter.]

Mr. LANGLEY. Oh, yes; there are quite a number. [Laughter.]

Mr. CRUMPACKER. Mr. Chairman, I am very sorry that the debate on this bill has digressed in the manner it has. [Laughter on the Democratic side.] That remark seems to strike a very responsive chord in the hearts of gentlemen on the other side of the aisle. My regret is based upon the fact that a great many of us, representing committees of more or less importance, with bills upon the calendar, look forward to calendar day with some hope of getting our legislation considered. We have to-day established a precedent that debate altogether foreign to the legislation under consideration is not only in order, but proper, on calendar Wednesday. Before the end of this session of Congress gentlemen on the other side of the aisle will probably be complaining that calendar Wednesday is practically nullified by political and other kinds of irrelevant discussion.

Mr. SHERLEY. I suggest to the gentleman from Indiana that there has not been a word said that does not relate to the census. We have been sticking closer to our knitting than usual.

Mr. CRUMPACKER. I insist that it is irrelevant debate that has no connection with the bill; and I insist, further, that it has no logical connection with the census. There may be down in Missouri, and possibly in Arkansas and Kentucky and Indiana, occasionally a man who is actively connected in some way or other with politics who, if he had his way about it, would appoint all the enumerators from members of his own party, but every man in this House knows that the Department of Commerce and Labor and the Bureau of the Census have outlined and published a policy that is absolutely nonpartisan, absolutely as fair as it is possible for an administrative concern to be.

Mr. SHERLEY. If the gentleman will permit, there is an old saying—

> For forms of government let fools contest;
> Whate'er is best administer'd is best.

Now, it is all right to have regulations, if they are obeyed, but this discussion went to the question of whether they were being obeyed.

Mr. CRUMPACKER. I beg the gentleman's pardon. It had no sort of reference to the Census Office; no sort of reference to the Department of Commerce and Labor. It was not in relation to anyone who had any authority whatever to speak. It was not in relation to anyone who had any connection with the taking of the census.

Mr. SHERLEY. The gentleman can not ignore the fact that a Republican Congressman, writing in reply to a question as to the conditions upon which he would indorse an application, made the statements which gave rise to this discussion. Now, it is childish to say that Members of Congress have nothing to do with these appointments.

Mr. CRUMPACKER. That is simply buncombe and political claptrap to insist that they do, under existing conditions. That is the only proper way to characterize such a statement.

Mr. SHERLEY. The gentleman speaks with enough feeling to indicate that he, at least, has not had any influence.

Mr. CRUMPACKER. I have not sought any influence. I am interested in securing under the law, as it exists now, the best and most trustworthy census that the country has ever had, and I believe that conditions now prevail that will result in giving the country more for the money expended in the way of census taking than it has ever had before in the history of the Government.

Mr. BARTLETT of Georgia. I hope the gentleman is right in that statement; but does not the gentleman know that in certain States, not represented on the floor of this House by any Republican, the supervisors in those States were appointed on the recommendation of what are called "Republican referees," indorsed by the Postmaster-General, who is the chairman of the national Republican committee?

Mr. CRUMPACKER. Well, I do not know.

Mr. MANN. The same thing was done in Chicago, notwithstanding. [Laughter.] I may say that I made no recommendation for the appointment of a census supervisor.

Mr. CRUMPACKER. I did not hear what the gentleman from Illinois stated.

Mr. BARTLETT of Georgia. He said that the same thing was done in Chicago.

Mr. CRUMPACKER. Of course, the gentleman from Illinois is a living witness to the fact that the present administration is not prostituting the Census Office or the administration of the census to partisan purposes.

Mr. BARTLETT of Georgia. But what right has the Postmaster-General to dictate and interfere in the appointment of census supervisors?

Mr. CRUMPACKER. It is said that the Postmaster-General is doing things. I do not know whether he is or not, but somebody has to do them; somebody has to find out whether men are fit for the service or not. The President of the United States is charged under the law with the duty to appoint supervisors. He can not know them personally, and he must find out through somebody that does.

Mr. BARTLETT of Georgia. But how can the Postmaster-General know?

Mr. CRUMPACKER. The President has laid down repeatedly certain rules governing the appointment of supervisors; the only course, it seems to me, that he could pursue.

Mr. BARTLETT of Georgia. In my district a supervisor was appointed on the indorsement of five men, residents of the district, and the Republican referees living outside of the district, and added to that was the indorsement of the Postmaster-General, chairman of the national Republican committee.

Mr. OLCOTT. Will the gentleman from Indiana yield?

Mr. CRUMPACKER. I will yield to the gentleman from New York.

Mr. OLCOTT. I asked the gentleman to yield simply for the purpose of saying that the supervisor of New York County was so estimable a man and so satisfactory to the Democrats that Tammany Hall has asked him to resign and accept a position under that organization. [Laughter.]

Mr. CRUMPACKER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-six minutes.

Mr. BURKE of Pennsylvania. Will the gentleman yield to me?

Mr. CRUMPACKER. I will yield to the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. Mr. Chairman, there seems to be some misunderstanding as to the effect of the ruling recently made by the Chair. I want to ask if it is not a fact, now that we have entered upon a political discussion, that the gentleman from Missouri had entered originally upon the discussion, and the gentleman from Indiana claimed that it was wholly irrelevant to the bill and raised the point of order that operating under the rule by which we go into Committee of the Whole automatically on calendar Wednesday, we are confined to the particular bill under discussion. Is it not a fact that gentlemen on that side of the House contended that that was not the proper interpretation of the rule and that on calendar Wednesday it was proper for gentlemen to enter upon a discussion of any subject, wholly irrespective of the bill under consideration?

Mr. MANN. I submit that that question has not been submitted and has not been decided, and it is not fair to put the House in that attitude.

Mr. CRUMPACKER. I submit that that identical question was decided. The gentleman from Arkansas opened the debate, and after he made a speech on that side the gentleman from Missouri made a speech on this side. I then made the point of order that the debate was irrelevant.

Mr. MANN. The Chair said that he had heard no debate that was irrelevant, and any man acquainted with parliamentary law would have held the same.

Mr. CRUMPACKER. I say that the debate was irrelevant.

Mr. MANN. If this discussion is not relevant to a census bill, I can not imagine any bill to which it would be relevant.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. CRUMPACKER. I beg the pardon of the gentleman from Missouri, but the gentleman from Pennsylvania has asked me a question and I have not answered it.

Mr. CLARK of Missouri. It may be the same question that I want to ask; I could not hear the question of the gentleman from Pennsylvania.

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. CLARK of Missouri. I want to ask if anybody voted for calendar Wednesday that had any idea that it was going to cut off the debate that we usually have on any bill which we want to debate in this House? The gentleman's speech seemed to lead in that direction.

Mr. CRUMPACKER. We ought to have debate on bills, but the only question before the House is whether section 8 of the act providing for the taking of the Thirteenth Census shall be amended by adding to it a proviso for taking a census of the animals slaughtered in the country butcher shops, and the debate ought to be confined to this bill.

Mr. MANN. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. MANN. Is this not one of the provisions in the bill now pending before the Houses:

> Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

Mr. CRUMPACKER. That is not before the committee at all.

Mr. MANN. Well, I thought it was. I read it in the bill.

Mr. LANGLEY. That is a part of the present law.

Mr. MANN. I read it out of the substitute. I am familiar with what is in the bill.

Mr. CRUMPACKER. I don't care for the gentleman's interpretation. I think everybody knows that the only thing we are to determine is whether we will take a census of animals slaughtered in country butcher shops.

Mr. MANN. Would it not be in order to offer an amendment to strike that out of the bill?

Mr. CRUMPACKER. I think so.

Mr. MANN. And if it is stricken out, would it not be the law?

Mr. CRUMPACKER. Mr. Chairman, I decline to yield any further upon this question to anybody. Now, I think we ought to begin the reading of this bill.

The CHAIRMAN. If there is no further general debate, the Clerk will read.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield the floor?

Mr. MANN. Oh, I do not ask the gentleman from Indiana to yield the floor to me.

Mr. CRUMPACKER. I suppose the gentleman from Illinois is entitled to the floor in his own right. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, it is not my intention to detain the committee, but I think the committee ought not to pass without question the statement that the Chair had ruled, whatever the Chair might rule if that question were presented, that debate upon any question would be in order in the consideration of this bill. Whether the Chair would so rule on debate in the Committee of the Whole may be presented to the Chair before a great while on some bill and be ruled upon, but the bill that was presented and is now before the Committee of the Whole is the existing eighth section of the census act, with a modification, and every provision that is in the existing eighth section, with the proviso, is now before the House for discussion. It authorizes a range of discussion concerning appointments, because in itself it provides for appointments, and certainly the discussion that has taken place in the House under the rules of the House has been strictly in order.

Mr. RUCKER of Missouri. Mr. Chairman, I want to be recognized in my own right for a short time.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. RUCKER of Missouri. Mr. Chairman, I am satisfied that the next census taken is going to be taken fairly and in a nonpartisan way. Gentlemen on the other side of the Chamber have told us so. The President of the United States himself

has said so. The Secretary of Commerce and Labor has said so, and even the Director of the Census has said so. The Director of the Census said that the department was so tenacious of its purpose and so thoroughly determined to have the very best men, that the best man would be chosen regardless of politics; and he also said that where a man had filled the office of supervisor in a former census and had made a good record, that man's record would stand against a world of political indorsement, in effect. Well, I presented him that kind of a case, a splendid Democrat, a man who, during the administration of President McKinley, was supervisor of the census in the district which I have the honor to represent.

That man made a record in his office, and I asked the Director of the Census what it was. He gave it to me in writing and said it was A No. 1. He told me, in addition to that, that in appointing a supervisor this time care would be exercised to select a man from the largest city in the district, and next to that it must be near the geographical center of the district, so that there were three conditions—one, the best man of any political party; next, a man coming from the greatest center of business in the district; and, next, a man residing nearest the geographical center of the district. Now, what did he do? My friend from Kentucky [Mr. LANGLEY] said the director leaned uphill toward him and some of his Republican friends. Lord, he wobbled all around me! Why, he did not select a man of large experience, but a man who never had experience along this line of work. He did not go to the greatest business center in my district for his supervisor, but he took one from one of the smaller cities or towns of the district. He did not go to the geographical center of the district, but, on the contrary, went so near one end of it that had he gone 10 miles farther he would have gone up into the district represented by my colleague, Mr. LLOYD, for his supervisor; so that every condition he stated to me was violated in order to pay a party debt to a partisan Republican. [Applause on the Democratic side.]

Now this takes me back to the sixth district of Missouri, where we had a census yesterday under the immediate supervision of the Secretary of Commerce and Labor, and I tell you that the returns from that district are glorious tidings to democracy throughout the country. [Applause on the Democratic side.]

These returns show that the untrammeled Democrats of that district, men who stand against the especial representatives of the Speaker, sent there to influence the result of yesterday's election; who would not even yield to the overtures of the President of the United States; men who defy the influences of boodle and corporate corruption, constitute nearly 4,000 majority. [Applause on the Democratic side.] Now, to go back to my own district, which is the very best in the State: Ten years ago a Democrat was supervisor; this year a Republican. Oh, the gentleman from Indiana scoffs, almost, at the suggestion that a Member of this House has anything to do with census taking and the appointment of enumerators. I want to say, and I believe the gentleman from Indiana [Mr. CRUMPACKER] knows it, that a Member of Congress has all to do with it. I say that the Members of Congress who watch after these matters, like the author of the letter read this morning, control the nomination of supervisor, and they also control the appointment of every enumerator in that supervisor's district.

Gentlemen grow captious because we talk about these matters. My friend from West Virginia [Mr. GAINES] wants to know what we would do if in power. Give us a chance and we will show you. It is my opinion to-day that if I should be here ten years from now I would favor the appointment of my good friend from West Virginia [Mr. GAINES], or some other Republican like him, who has been voted out of Congress, to be supervisor of census in the district in which he lives. [Applause on the Republican side.] The fact is——

Mr. LANGLEY rose.

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER of Missouri. Yes; I will be pleased to yield to the gentleman.

Mr. LANGLEY. I believe the gentleman from Missouri has a great political future ahead of him and it would not surprise me if the people of this country should some day make him President, if they ever conclude to commit such a grievous error as to elect a Democratic President. Now, I would like to ask him if, in the event he is President ten years from now, he will give me a Republican supervisor in the tenth district of Kentucky? [Laughter.]

Mr. RUCKER of Missouri. Why, Mr. Chairman, feeling profound sympathy for my friend in the political obscurity which will surround him and his party ten years hence, if I can penetrate the gloom and find him I will give him anything he wants. [Applause on the Republican side.]

Mr. LANGLEY. I will assure the gentleman that if he will come down to Kentucky then, I can be found.

Mr. RUCKER of Missouri. Mr. Chairman, how much time have I? I have an hour, have I not?

The CHAIRMAN. The gentleman has.

Mr. RUCKER of Missouri. I will spend just a few more minutes in the sixth district of Missouri. Mr. Chairman, this morning as I went from my home to my office every man I met was smiling except one or two, and they were stalwart Republicans—not insurgents—and they were the worst disgruntled set I ever saw, and well they may be, because I tell you, gentlemen, those of you who have not political sagacity enough to read the handwriting upon the wall, the pace we set in the sixth Missouri district yesterday is the pace the Democrats will duplicate throughout the country in November next. [Applause on the Democratic side.]

And I want to say, moreover, that the chosen emissaries of the Speaker of this House and the representatives of his bounty and of his pleasure may go where they will, and wherever they go the people will rise up and smite them, because the American people have determined that henceforth and forever when they get a chance at the ballot box they will vote to free their Representatives and reestablish the principles of representative government in this House. [Applause on the Democratic side.] Mr. Chairman, I reserve the balance of my time. I now yield fifteen or twenty minutes to the gentleman from Tennessee [Mr. SIMS], and I hope he will devote five minutes of that time to the sixth district of Missouri. [Laughter and applause.]

Mr. SIMS. Mr. Chairman, I will not use the entire time. Ten years ago I had the good fortune to be a Member of this House and the country had the good fortune to have one of the best Republicans as President of the United States that that party has ever produced, Mr. William McKinley. He appointed as Director of the Census General Merriam, and I had not the slightest idea that any Democrat would be appointed in my district to look after the census. I never asked for anybody to be appointed; I never recommended anybody until I was invited to do so. Finally I received a request from General Merriam to submit a recommendation for supervisor of census in my district.

I did so, but not until I was invited, and I was very much surprised when I was invited to do so; and I desire further to say the gentleman from Kentucky [Mr. LANGLEY] was, I think, appointment clerk, as I now remember, and he made not the slightest objection because I recommended a Democrat to be appointed. Not long after I was asked, without any initiative on my part, to recommend, or rather to make a recommendation, of two names for permanent clerks in the Census. I sent them in because I was doing what I was invited to do.

Mr. CLAYTON. Were you a member of the Census Committee at that time?

Mr. SIMS. I was not. I was not a member of the Census Committee at that time and never sought or asked any favor before it was given to me gratuitously.

Mr. LANGLEY. The gentleman's statement is entirely correct. I would like to ask him this question, namely: If he agrees with the remarks his colleague has made this morning on that side of the House about nonpartisan appointments, why did he not recommend a Republican instead of a Democrat when we gave him the opportunity to recommend some one?

Mr. SIMS. When I get through I will not have to answer the question. It will answer itself. Shortly after that time—I think it was three——

Mr. LANGLEY I really think the gentleman got four or five.

Mr. SIMS. I was then afterwards asked to make a recommendation of three temporary clerks, as I now recall. I did it, and they were all appointed, and not being a Republican, but a Democrat, I recommended Democrats in every instance. And I never heard any complaint that they did not do their work well because they were Democrats.

I believe a Republican can take a nonpartisan census in the sense of doing his official duty, and that a Democrat can do the same. When the time came for taking the present census, and the fact being known that my recommendation was accepted before, applications began to pour in, both Republican and Democratic. I mean, requests to me to recommend them for appointment as supervisor. I think I have received about 25 letters from Democrats and about 15 from Republicans. I got tired of answering letters without knowing what was going to take place, and I finally went down and spoke to Mr. Durand, the Director of the Census.

I said to him, "What is going to be the policy of the administration? Are you going to appoint all Republicans, or some

Republicans and some Democrats in Tennessee, and especially in my district?" He said, "The policy of the administration is to appoint the best men." I said, "Mr. Director, I will not deceive you. There are Republicans in my district that are fully competent to be supervisors of that district. They are just as competent as Democrats. You can get competent men from either party in my district. On the other hand, I doubt whether you can get all Republican enumerators as competent, as a class, as Democrats, on account of certain enumerators' districts in certain counties being almost altogether colored. I have not come to deceive you or to make any misrepresentation whatever, but I want to know so as to tell these gentlemen what can be done, if anything." He said, "We want the best men, and I would ask you to submit a recommendation." I told him there was no use of submitting a recommendation and getting into trouble down home if my recommendation was to have no weight and was not to be considered. I said, "Partisan as I am, if I was a Republican and could get as competent a Republican as I could a Democrat, I would appoint him." I say so yet. I say you have a right, when you do not sacrifice competency and efficiency, to appoint Republicans, and I do not blame you for it.

But here is what I do blame you for. It is for the hypocritical pretenses that you want an absolutely nonpartisan census, and that the way to get it is to appoint exclusively partisans to take it. They can give you an absolutely nonpartisan census, either Democrats or Republicans, if they do their duty, but is it not most natural, if you wanted nonpartisan work done, that you should have a mixed body?

Why is it that every census supervisor in Tennessee is a Republican? It is not that you can not get competent men who are Democrats. If you want to avoid partisanship, why not make appointments from both parties. In Republican States give them some Democrats and in Democratic States give them some Republicans, when they are qualified and competent to discharge the duties of the office. I do not blame them for appointing Republicans. If I could go into private history, not personally connected with myself, I could state that it was given out, when considering only the good of the service, that it was determined to divide the appointments in Tennessee; but, for some reason or other which we can not possibly attribute to a desire to benefit the service, afterwards it was decided to appoint nobody but Republicans in that State. Eight of those supervisors came from one faction of the Republicans in Tennessee and two came from another.

Now, we might just as well be candid in speaking about this matter; it is not necessary to make any false pretense. No doubt you want a true and fair census, and no doubt you will get it; but do not claim that you are adopting the best method possible to get a nonpartisan census. That can not possibly be true when you appoint only partisan Republicans to take the census.

There may be places in some of the Southern States where there are not Republicans qualified to take the census. There may be Southern States where there are not competent Republicans, and in that place you appoint a Democrat, but not to get a nonpartisan census. You have appointed a Democrat where it is impossible to change the political complexion by so doing or to get any political advantage in a particular district. Perhaps Democrats would do just like you, with the exception that I hope they would not pretend they did not have a partisan purpose. Now, I appeal to the gentleman from Kentucky to answer this question: Do you think I am correct about it?

Mr. LANGLEY. I am not clear about what the gentleman means by a partisan census. They have to ascertain and report certain facts. The law provides a heavy penalty if they report that which is not a fact. Does the gentleman mean by partisan census a falsification of figures as to any particular inquiry, and that there is any more likelihood of a Republican census official making a false report of the facts than a Democratic census official?

Mr. SIMS. Well, do you doubt that a Democrat under oath would be as true to his work as a Republican?

Mr. LANGLEY. Not at all.

Mr. SIMS. Then, why draw the line on Democrats?

Mr. LANGLEY. I think that a Republican administration should give preference to those of its own party; and I do not think in doing so that it thereby implies that they are going to take a partisan census.

Mr. MANN. Why not say so, and abandon the policy of saying that you should not do it, and yet do it?

Mr. SIMS. Now, why pretend that you are not acting in a partisan way and for partisan benefit, when you know that the appointing of enumerators all over the United States is a great political asset? Now, is it not?

Mr. LANGLEY. I do not think so.

Mr. SIMS. What do you do it for?

Mr. LANGLEY. I think our census office is being managed in a businesslike way. I believe that the Director of the Census has made it perfectly clear that everybody who applies for one of these places is entitled to and will receive proper consideration. Every applicant will be allowed to take the test examination, and everyone, regardless of politics, who passes a satisfactory test of his fitness for the position will be considered in making up the list of enumerators.

Mr. SIMS. Do you think the present method better than that of ten years ago, when you were in the Census Bureau?

Mr. LANGLEY. I think, as a result of our experience in taking the Twelfth Census, that we have been able to improve the law for the taking of the Thirteenth Census, based on that experience. I think the present law is better than the last law in some respects, and I think in years to come we will have a still better law, profiting by experience as we go along from census to census.

Mr. SIMS. Being able to speak from actual knowledge, having been in the Census Bureau at that time, upon an average were the schedules prepared by Democrats as well prepared as those prepared by Republicans?

Mr. LANGLEY. Well, I never heard any complaint against Democratic census employees as such, regarding the faithful and efficient discharge of duty.

Mr. SIMS. Then why should Democrats be excluded?

Mr. LANGLEY. I have heard of a good many being appointed, more than I, as a Republican, think should be appointed.

Mr. SIMS. Do you think the present President of the United States has the good of this country any more at heart, is any more honest and patriotic in determining the means by which to promote that good, than the late lamented President McKinley?

Mr. LANGLEY. I think both of them have been actuated by the very highest motives of patriotism and the purest sense of public duty.

Mr. SIMS. Do you regard the present methods in a State like Tennessee, in not having appointed a single Democrat, an improvement over President McKinley's course in dividing the appointments?

Mr. LANGLEY. Oh, I am not going into details about what may have been done in Tennessee, but——

Mr. SIMS. That is a mere detail, is it?

Mr. LANGLEY. I am talking about the general policy of the present administration.

Mr. GAINES. I have been told a number of times that there are census supervisors, quite a number of them, appointed from many of the Southern States, who are Democrats. I want to be fair enough to the gentleman to say that if I had it to do I would not appoint Democrats, just as if there were a Democratic President I would not expect, much less request, the appointment of Republicans.

Mr. SIMS. Ten years ago I never requested one, and did not this time.

Mr. GAINES. But when you are requested to do so, you recommend Democrats, just as I would recommend Republicans if a similar request were made to me.

Mr. SIMS. What do you do it for?

Mr. GAINES. Is it not a fact that a number of Democratic census supervisors have been appointed in the Southern States?

Mr. SIMS. Why, I suppose where there are no suitable Republicans that has been done, or where there is no party benefit growing out of it.

Mr. GAINES. One reason why I do not approve of the appointment of Democratic supervisors in the Southern States is because when that courtesy has been paid to Democrats they have answered that the reason was because proper and even respectable Republicans could not be found there. That is the sort of partisan return that has been made to nonpartisanship on the part of a Republican administration.

Mr. SIMS. I said I supposed; I did not know.

Mr. GAINES. That is one reason why I would never have appointed one Democrat if I had had the appointment.

Mr. SIMS. How many Democratic supervisors have been appointed in West Virginia?

Mr. GAINES. None; and in my district a Republican was appointed upon my recommendation.

Mr. SIMS. Why did you recommend a Republican?

Mr. GAINES. Because I thought I should recommend people of my own party, and for the same reason that the gentleman from Tennessee did and always will recommend Democrats when he has the opportunity.

Mr. SIMS. The gentleman from West Virginia does not claim, then, that he made his appointment without reference to party interest or party feeling or party reward?

Mr. GAINES. On the contrary, "the gentleman from West Virginia" asserts that he made his recommendation with reference to the Republicanism as well as the high qualifications of the person appointed as supervisor.

Mr. SHERLEY. I should like to ask the gentleman from West Virginia if he is in a different class from that occupied by the gentleman from Indiana [Mr. CRUMPACKER]?

Mr. GAINES. I do not undertake to classify the gentleman from Indiana [Mr. CRUMPACKER], whom I know very well and with whom my association has been most satisfactory.

Mr. SHERLEY. He classified himself by saying that all of these appointments were to be made without regard to politics at all, and that he had had nothing to do with getting Republicans appointed to positions.

Mr. CRUMPACKER. I beg the gentleman's pardon. I did not say that.

Mr. SHERLEY. I so understood the gentleman. If he has been getting appointments, I am glad to know it.

Mr. CRUMPACKER. My contention was that the census would be nonpartisan.

Mr. SHERLEY. Oh!

Mr. CRUMPACKER. I concede that all people in this country are Republicans, Democrats, or Populists; that they belong to some party.

Mr. SHERLEY. I am glad to know that the gentleman is not being neglected or ignored.

Mr. CRUMPACKER. I thank the gentleman for the concern he manifests for my interests.

Mr. SIMS. The gentleman from West Virginia talks just as I know he feels and just as I feel. I would recommend a Democrat for appointment. In the first place, of course, he must be competent. That is first to be considered; but where there are men equally competent in both parties, the gentleman from West Virginia has the courage to tell the naked truth about it, and not say that he recommended Republicans because he thought Republicans as such could take a better nonpartisan census than Democrats could, as such. My fight is altogether on the sham and false pretense there is about this matter. The truth is, the census is being taken upon a partisan basis; that is, the agents, the supervisors, and the enumerators are being selected because they are Republicans and not because they are better qualified to take the census than Democrats in the same locality.

Mr. LANGLEY. Will the gentleman yield?

Mr. SIMS. I will yield to the gentleman.

Mr. LANGLEY. From what the gentleman stated, I think he left the impression on the committee that an invitation to come to the Census Office ten years ago was extended to him every time he went there to seek an appointment. I think I ought to say that while the gentleman was invited, perhaps, the first time that he came there, as soon as he found the way there and learned how to get appointments he thereafter came without invitation, and very frequently, much oftener than most Members of the House came. [Laughter.]

Mr. SIMS. Mr. Chairman, in reply to the inquiry of the gentleman from Kentucky, I will state that I was written to to make a recommendation, and it was a perfect surprise to me, but I made it. Five persons were appointed on my recommendation, or at least they were appointed and I recommended them. Now, then, when I wanted to get them promoted or get an increase of salary I went a number of times, and the gentleman from Kentucky [Mr. LANGLEY] made me believe that they were going to do the best thing in the shortest possible time, but they kept deferring the matter, and it was slow coming, and I did go a number of times.

But finally they all got out but one. I am not complaining. Nobody will question the motive of President McKinley or of the present President of the United States; but what intelligent man, that is willing to be fair and square with himself, will claim that in order to obtain a fair, nonpartisan census it should be done by one political party? The way to make it nonpartisan is to do it through nonpartisan agents. Mr. McKinley thought it was best that it should be done by nonpartisan appointments, and he followed that out. The present President thinks differently, and he has a right to his opinion.

Mr. GAINES. Will the gentleman yield?

Mr. SIMS. I will yield to the gentleman from West Virginia.

Mr. GAINES. The gentleman from Tennessee and I seem to have no quarrel whatever on this proposition; that he and I would without any pretense whatever pursue the same course, and recommend, each of us, for appointment men of his own political faith. But I want to ask the gentleman this question: Whether or not, as a matter of fact, a number of Democratic census supervisors were appointed in the Southern States by this Republican administration? And I am the more anxious to have a confirmation by an affirmative answer, if that be the fact, for the reason that it has been said, I am told, in some of the Southern States to local Republicans, in whose neighborhood Democrats have been appointed, that it was an admission by the Republican administration that proper men, suitable men, could not be found in the Republican party to take the census.

Mr. SIMS. I do not know in what States Democrats have been appointed in the South. And I do not know the alleged reason for it. I am told in Kentucky there has not a single Democrat been appointed. There has not a single one been appointed in Tennessee. Has any been appointed in Missouri?

Mr. RUCKER of Missouri. No.

Mr. SIMS. There have been no Democrats appointed in Indiana, as I am told. Now, why is it that they did not appoint a Democrat or some Democrats in the great States of Missouri, Kentucky, Tennessee, and Indiana, but appoint them in such States as Mississippi, Alabama, Georgia, and South Carolina, if it was not for the fact that it was thought that no political benefits in those Southern States would arise from the appointment of Republicans?

Mr. GAINES. Does the gentleman think that the appointment of a few Democrats in Southern States is a political advantage to the Republican party? He must believe either that the Republicans down there have very little care about the appointments for themselves or else that the Democrats in that neighborhood are mighty easily seduced away from their party.

Mr. SIMS. Oh, the gentleman is using language that is mere claptrap. Democrats can not be seduced away from their party by a little office like that. Can the gentleman tell me whether there have been any Democratic supervisors appointed in West Virginia?

Mr. GAINES. The political history of West Virginia shows that no such thing is necessary to hold Republicans. The political history there——

Mr. SIMS. I want to ask the gentleman—and he can tell me, for he is on the inside—why Democratic supervisors are appointed in Mississippi, Alabama, Georgia, and South Carolina?

Mr. GAINES. Mr. Chairman, if the gentleman asks me why Democratic supervisors are appointed anywhere, I want frankly to confess that I do not know the answer.

Mr. SIMS. Mr. Chairman, I did not expect a personal answer. I thought the gentleman was on the inside and was speaking for the administration.

Mr. GAINES. Oh, I am not sufficiently on the inside to answer the gentleman's question.

Mr. SIMS. Mr. Chairman, it must be plain to the gentleman from West Virginia [Mr. GAINES], or to anybody else, that we must judge of the motive of an act from the results that naturally follow it. The gentleman knows, and I know and everybody else knows, that it is a benefit, politically speaking, so far as getting out a vote and party work is concerned, to have these enumerators of your own party. There is not a particle of question about that. Therefore you do have the enumerators all Republicans in Kentucky, Tennessee, and Missouri, doubtful States, sometimes going one way and sometimes another way; but in the Democratic States, where it is impossible for you to win with your enumerators or otherwise, then you adopt your nonpartisan methods by appointing Democrats in such States as Mississippi. Why should there be any pretense that the object and purpose of these appointments was not to have political effect—and a good political effect—for the Republican party? Not that you expected to take a different census or violate the law, but are not these enumerators a very valuable part of a political organization, and do they not constitute a valuable force which will come in with great benefit in the next and subsequent elections?

Mr. BARNHART. Mr. Chairman, I would like to ask the gentleman from West Virginia a question.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. SIMS. Mr. Chairman, I yield that the gentleman may ask a question.

Mr. BARNHART. Mr. Chairman, I only want to ask the gentleman one question. If this is to be a nonpartisan census, as is greatly paraded in the Indiana press and elsewhere——

Mr. GAINES. To whom does the gentleman address his question?

Mr. BARNHART. To the gentleman from West Virginia. How does it occur that in the State of Indiana, where there are two Republican Congressmen and eleven Democrats, the two Re-

publican Congressmen appoint the census enumerators in their own districts, and the Republican United States Senator appoints them in the eleven Democratic districts?

Mr. GAINES. Well, Mr. Chairman, my answer to that is this: I can not see any relation whatever between a nonpartisan census and the appointment of Republicans or Democrats. Certainly, the appointees are bound to be either Republicans or Democrats or Populists; they can not be people without any political meaning, and they might all be of one party and the census be perfectly nonpartisan.

I thoroughly agree with the gentleman from Tennessee [Mr. SIMS], however, that if the appointments are all from one party, then the appointments to office are not nonpartisan, and he and I further agree that we would appoint people of our own party. But the gentleman from Tennessee said, and that was the reason I interrupted him, that he believed there ought not to be any pretense of appointment of people of the other party, and I wished to find out whether it was not a fact that Democrats were appointed in the Southern States, and I think the debate has developed the fact that there are many Democratic supervisors who have been appointed in Southern States under this Republican administration.

Mr. SIMS. Mr. Chairman, I will not occupy the floor any longer than simply to say that nobody has charged that the object and purpose of the making of these appointments was to have the census schedules made out other than correctly, but the charge is made, and it is absolutely true, that the political benefit or effect that the Republican party will get by appointing Republican census officials is very great; that that was the object and the purpose of appointing them, and not that the appointing power thought the Republican census enumerators would do better work or render more efficient results.

Now, if you all will do like the gentleman from West Virginia [Mr. GAINES] and tell the plain truth about political matters, we will have no quarrel with you. Go on and appoint your Republicans and be responsible for them, but do not pretend that you have no party benefit in view—not directly in taking the census, but in benefits to the party as a whole, and then we will bury the hatchet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Chairman, I would like to address a question or two to the gentleman from Kentucky [Mr. LANGLEY] if he will permit me to do so, because I know he is very well informed. How many supervisors of the census did we have ten years ago—what was the total number?

Mr. LANGLEY. I think there were 300. I think the act providing for the Twelfth Census limited the number to 300. That is my recollection.

Mr. RUCKER of Missouri. Can the gentleman state to us about how they were divided as between political parties?

Mr. LANGLEY. The gentleman means how many each party had?

Mr. RUCKER of Missouri. Yes; how many Democrats and how many Republicans?

Mr. LANGLEY. I can not reply as to how many; I know quite a number were Democrats—more than the Democrats were entitled to, I think.

Mr. RUCKER of Missouri. Were not the places substantially divided between the political parties?

Mr. LANGLEY. Oh, no; not at all. But in the Southern States there were quite a number of Democratic supervisors appointed.

Mr. RUCKER of Missouri. I will ask the gentleman this question, then: If it has not been the invariable rule, not departed from before, that the supervisors of census be divided between the two parties in all the States?

Mr. LANGLEY. It has not been the rule. The gentleman is mistaken about that. There was a sort of general understanding that, particularly in the southern section of the country, some of the supervisors were to be named by Members of the minority party.

Mr. RUCKER of Missouri. Mr. Chairman, I am very much obliged to the gentleman for his information, but I want to say that his information is not as accurate as I expected. He lacks a knowledge of the facts which I thought he possessed.

Mr. LANGLEY. For the information of the gentleman and as explanatory of my lack of accurate recollection of the exact facts, I think I ought to say that I was not in charge as appointment clerk of the selection of supervisors. They had a separate division which had direct charge of that work.

Mr. RUCKER of Missouri. I appreciate that, and I appreciate the answer the gentleman has made me; but I want to say the Director of the Census himself told me, both the present director and the one who recently left the office, that it had been invariably the rule, from the time of the first census, to make this work strictly nonpartisan.

Mr. LANGLEY. All over the country?

Mr. RUCKER of Missouri. Possibly not in every State, but substantially, and I merely want to suggest that that rule has been departed from——

Mr. MANN. They are doing this now; the supervisor in Chicago is a Democrat.

Mr. RUCKER of Missouri. Oh, it is a mere sham——

Mr. MANN. It is not a sham, and the gentleman will not make the statement that a statement I make is a sham; it is a fact.

Mr. RUCKER of Missouri. What is your statement again; let me understand it, and——

Mr. MANN. That the man appointed in Chicago is not a Republican politician; he is not a Republican.

Mr. RUCKER of Missouri. Is he a Democrat?

Mr. MANN. We call him a Democrat.

Mr. RUCKER of Missouri. Oh, that is all right, Mr. Chairman——

Mr. MANN. We charge he is a Democrat.

Mr. RUCKER of Missouri. The gentleman can not tell me what to say. I will determine that for myself. I do not care who says it, how often it is repeated, from how many housetops it is shouted, I say all this talk about a nonpartisan census is a mere sham.

Mr. BURKE of Pennsylvania. Mr. Chairman, I raise the point of order made by the gentleman from Indiana some time ago that the gentleman is not confining himself to the bill under consideration.

Mr. RUCKER of Missouri. Mr. Chairman, I make the point of order that the gentleman ought to take his seat; the Chair ruled on that once and the gentleman from Pennsylvania [Mr. BURKE] is out of order.

Mr. BURKE of Pennsylvania. Mr. Chairman, I desire a ruling, because there is a misunderstanding——

Mr. RUCKER of Missouri. How often do you wish to get a ruling on this, I want to know.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BURKE of Pennsylvania. The gentleman's discussion is not confined to the provisions of the bill now under consideration. Now, I will say to the gentleman from Missouri, I do not want to take him off the floor——

Mr. RUCKER of Missouri. You can not do that anyhow. The gentleman can make his statement, but he can not take me off the floor.

Mr. BURKE of Pennsylvania. If the gentleman will allow me, his time is about expired, but there is a misunderstanding in this committee whether or not this question has been ruled upon, and I hope the gentleman will allow a ruling to be made regarding it so there can be no controversy in the future.

The CHAIRMAN. The Chair has ruled, and the Chair states, that as far as the Chair is informed, and he has read the rule carefully, that he knows no difference between calendar Wednesday and any other day when the House is in Committee of the Whole House on the state of the Union.

Mr. RUCKER of Missouri. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Sixteen minutes.

Mr. RUCKER of Missouri. I yield ten minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I understood the gentleman from Indiana to say just now that this census is being taken, and ought to be taken, in a perfectly nonpartisan, nonpolitical manner, and that this statement of the gentleman from Indiana was intended to apply not only to the appointment of supervisors, but also to the appointment of enumerators.

Mr. REEDER. Mr. Chairman, may I ask the gentleman a question?

Mr. HARDWICK. I have not got started with my presentation of the matter; not at present.

Mr. REEDER. But I would like to ask you a question before you get started.

Mr. HARDWICK. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. HARDWICK. I will yield to the gentleman later. I want to call the attention of this House and the country to a rule promulgated by the administration that is being applied throughout this country, or at least a great section of it, which can not possibly fail to have a disastrous effect upon the taking of an accurate and careful census of the country, and that is the rule that in certain parts of the country, where a certain

portion of the inhabitants are black, we shall have negro enumerators, regardless of their ignorance or of anything else.

It seems that this administration has determined that in certain States in the South, although assurances to the contrary were repeatedly given during the last session of this Congress, where there is a certain large proportion of negro population we shall have negro enumerators simply because there are many negroes to be enumerated. Now, Mr. Chairman, it strikes me that a rule like that can not be defended on the idea of obtaining an accurate and efficient census force. It is well known to all of us who hail from that section of the country that the inevitable effect of this rule is not to promote an efficient census, but, on the contrary, to keep us from getting an efficient census. It is true that this rule is not so distasteful and not so hateful to us in the South as it would otherwise be, because of the fact that the administration gives it out that these negro enumerators are to take the census of negroes only, and that they are not to go into a single white family to take the census. Therefore we will not be accused of having any racial prejudice on this question when we say to you that a rule that, where there are a certain amount of black people, you are going to have both white and black enumerators, one to take the census among the white people and one among the black people, was never conceived in any desire to promote an efficient census. On the contrary, it cuts in two the compensation of the enumerators, and its very effect and tendency is to cause a worse census than we would otherwise have. And we all know there, as it is known all over the country, that this rule was born not of any desire to give the country a complete, accurate, and reliable census, but out of the political necessities of the Republican party, which must rally to its support in the approaching election, in the doubtful States of the West and North and East, this negro vote in solid phalanx. And they have undertaken to do it at the expense of an accurate census, and at the expense of a complete census, and by an operation that will give us hundreds and hundreds of inefficient, inaccurate, and almost useless enumerators throughout the South.

Mr. HARDY. Will the gentleman yield for just one moment?

Mr. HARDWICK. With pleasure.

Mr. HARDY. Is not the further effect and apparent purpose of that rule also to aid the present administration in securing the votes of those States in the coming Republican convention?

Mr. HARDWICK. Undoubtedly the purpose, in my opinion, is not only to rally the colored vote in the doubtful States, but also to rally the colored delegates in the next Republican national convention and try to overcome some of the——

Mr. GAINES. I do not want to interrupt the gentleman here, but——

Mr. HARDWICK. I am glad indeed to have the gentleman do it.

Mr. GAINES. The gentleman is absolutely mistaken about there being any such purpose. Let me tell him——

Mr. HARDWICK. About what purpose?

Mr. GAINES. About the purpose and object. The object is to get a completer census. The idea is to get colored men and have a complete census made of that portion of the population which might be skipped by a white man.

Mr. HARDWICK. I want to say to the gentleman that you will never get a complete census in the South by any such means as that, because we have not people there of that class in large enough numbers and of sufficient intelligence to do it. White men can and would do the work much better in all cases.

Mr. HARDY. I want to ask if the purpose of that is not more partisan even in that it tends to help the Republicans out and help the administration branch of the Republicans?

Mr. MADDEN. The gentleman has made the statement that appointments of the census supervisors have been made with the view of creating Republican sentiment in various sections of the country, I think.

Mr. HARDWICK. No; I did not say that. I said it was to rally the colored brother in States like Illinois, Ohio, Indiana, Kentucky, and Missouri, I expect, that you do this. You will not make any sentiment amongst the white people of the South by doing that, and, thank God, one of the effects of the action will be to kill the idea of building up any white Republican party in Dixie. [Applause on the Democratic side.]

Mr. MADDEN. The gentleman says the administration is making appointments merely for the purpose of building up the administration.

Mr. HARDWICK. I think that certainly has something to do with it.

Now, Mr. Chairman, it looks to me that a rule like that, that wherever you give positions to a certain number of black people, regardless of qualification, regardless of whether or not there are more competent white men that are applicants for the positions, it never could have been born of any desire to obtain a complete and accurate census, but was born of something at least entirely different from that, and not even connected remotely with it. Therefore I have been impelled to make these observations in reply to the remark of the gentleman from Indiana [Mr. CRUMPACKER] in opening the debate, that this census was to be taken with a view of obtaining a complete, accurate, and impartial census, and everything that was done was being done along those lines. This is one instance, at least, where I know that is not true.

I tell you now if you want an honest and efficient census taken, and honest and efficient enumerators everywhere throughout the country, you will never accomplish that purpose by appointing a lot of negro enumerators in the South, even if they are going to operate among the negroes alone.

I am unalterably opposed to the appointment of any negro enumerators. [Applause.]

Mr. RUCKER of Missouri. I yield two minutes to the gentleman from Wisconsin.

Mr. WEISSE. Mr. Chairman, it is not surprising to me, a business man, that the system and the boss are up in arms today and trying to get the attention of the people away from panic conditions of Wall street. According to newspaper accounts, February 1 we had a bank failure in New York of Fiske & Robinson, with liabilities of seven millions and with assets of less than a million, following the failure of J. M. Fiske & Co., whose liabilities were over a million, and Bradstreet's report showing 275 failures in the last week and total failures of 11,845 last year, with liabilities of over one hundred and forty millions, and call money going as high as 6 per cent and over.

There was an election yesterday in the sixth district of Missouri to fill the place made vacant by the death of that great Democratic leader, Judge De Armond. The bosses made a strenuous fight, but the people, by the largest majority ever given in the district, repudiated the system and elected a Jeffersonian Democrat who stands for government by the people. The issue was whether legislation here should be controlled by the people through their chosen representatives or by the bosses who repress the representatives of the people. The issue was decided against the bosses by an overwhelming majority, which is the highest honor the people out there could have shown to the memory of De Armond, whose voice was always raised and whose vote was always cast in behalf of constitutional freedom. [Loud applause on the Democratic side.]

Mr. CRUMPACKER. Mr. Chairman, I have been trying to get the floor for some time.

The CHAIRMAN. The gentleman from Missouri was recognized for an hour and has used all of that time but three minutes.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division!

The committee divided; and there were—ayes 48, noes 58.

So the committee refused to rise.

Mr. CRUMPACKER. I reserve my time. I hoped general debate would close so that we could have a vote on this bill this afternoon. It is very important, but I do not see very much prospect of it.

Mr. KEIFER. Mr. Chairman, if I am recognized in my own right, I yield five minutes to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, we have had a great many suggestions on the other side of the aisle about making appointments of the supervisors of the census. We have heard it stated that all of these appointments are made for the purpose of making political capital for the administration and for continuing control of the delegates from the Southern States in the next Republican convention. I think that the appointments made by the administration in the State of Georgia, from which State the gentleman who last spoke comes, were made with a view to securing an honest census of all the people in the Southern States and not a few; and it makes no difference whether a man is black or white who is appointed to take this census, provided he has the qualifications to perform the work well and has the honesty of purpose to do the work in accordance with the rules laid down by the law. What is sought to be obtained is an honest census of the people, and that census secured in an honest way.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield to me?

Mr. MADDEN. Surely.

Mr. HARDWICK. If that is the purpose, why is it that if a white man stands a better examination for census enumerator, and would make a better one, you prefer to appoint a black man, who stands a worse examination?

Mr. MADDEN. I am not prepared to admit the truth of the statement implied by the gentleman's question. I am prepared to say that in the appointment of the supervisors in the city of Chicago, which contains ten congressional districts, seven of which are represented on this floor by Republicans, no Republican Representative from that city was consulted as to who should be appointed supervisor of the census in that great metropolis. No Republican Representative from that city had his views sought on the question of who should be selected. No Republican Representative on this floor from that city sought to give advice as to who should be appointed. The administration selected the man it thought best qualified, and every man and woman appointed by this supervisor of census so far has been appointed without political influence, without bias of any kind or nature; and the men and the women who have been appointed to the subordinate positions under this man have been appointed because of the qualifications possessed by them for the duties they are to perform. I object to the insinuation made by the gentleman from Georgia that because men are black they are not qualified to perform the duties which they have been appointed to perform in the Southern States. The color of a man's skin makes no difference in this proud free land of ours. We are all Americans, whether we be black or white. A man should be taken as a man regardless of color or creed; and I glory in the independence manifested by this administration in the selection of the men for this work regardless of color or what their politics may be. [Applause on the Republican side.]

Mr. KEIFER. Mr. Chairman, from having listened to this debate, I have reached the conclusion that perhaps somebody on this side of the House ought to make a few purely unimpassioned remarks upon the subject now before the House, nonpartisan in character. [Laughter.]

The perennial or, rather, periodical exultation of Democrats, and complaints are being aired over this innocent little census bill.

Summarizing the proposition of the distinguished gentleman from Georgia [Mr. HARDWICK], he arraigns the Republican party of this country for not having passed a law or made a rule to prohibit any colored man in the South from being an enumerator. His complaint rests on that alone.

Mr. HARDWICK. Mr. Chairman——

Mr. KEIFER. The gentleman will have to wait a little longer. Then I will yield to him. He thinks that is a serious matter, but he concludes his remarks by saying that the failure of the Republican party to do that thing will unite the white people of the South in the Democratic ranks.

I have some recollection of a census that was taken away back in 1880. At that time there were four times as many Democratic white votes cast in the Gulf States in electing Congressmen as there are to-day in electing them. Republicans were elected then; not now. There was a complaint made on this floor similar to the one made by the gentleman from Georgia now—that is, that Republicans in Mississippi and other States were going to take the census, and that they would return too many colored people, and show that they were entitled to too many Members of Congress, because they were then electing Republicans. But after thirty years we are met with the claim that we want a census, the purpose of which shall be, I have no doubt, to get more colored people returned as residents of those States, in order that more white Democrats may get into Congress without their votes.

I do not agree with gentlemen on either side, as far as I understand them, on the subject of the policy of President Taft with reference to the taking of the census. I do not understand that there is any order of the President or any rule or regulation of the Director of the Census to supervisors requiring them to select nonpartisans for enumerators, and there was no order that nonpartisans should be selected for supervisors. If anybody could furnish proof of anything of that kind I should regard it as the most extraordinary thing that has ever occurred in these extraordinary times in politics. If I had the power I would not appoint a man even for an enumerator in a small enumerating district if he was so much of a nonentity, so absolutely worthless and trifling, that he did not know any party, and did not belong to one. [Applause.] I would sooner take Democrats all the time than get such a poor, shiftless, worthless fellow as that; and there should be no purpose to select that kind of nonpartisan. What the administration requires is that a Republican or a Democrat who may be a supervisor or an enumerator, or otherwise connected with taking the census, shall not perform partisan duty while engaged in taking the census. The supervisor in my district held a position on a central committee. He resigned, so that there should not be any appearance of his acting in connection with politics during the time he was performing the duties of supervisor of the census.

Mr. HARDWICK. If the gentleman is correct in his theory as to the nonpartisan character of this census, why is it that instead of going to the Director of the Census or the Secretary of the Interior to assist him in making these selections, the President goes to the Postmaster-General, a member of his Cabinet, who happens to be the active head of the Republican machinery?

Mr. KEIFER. I have heard that said so often on the floor that I am inclined to think some of the gentlemen who put such questions believe the statement to be true, but I do not.

Mr. HARDWICK. Does the gentleman deny that?

Mr. KEIFER. I deny it so far as the final determination of any census supervisor or enumerator in the United States is concerned.

Mr. HARDWICK. Do I understand the gentleman from Ohio to say that none of the census supervisors were appointed on the advice and recommendation of Postmaster-General Hitchcock?

Mr. KEIFER. I do not know how many times he may have been consulted and talked to about it, but they were all appointed by the President of the United States on the recommendation of the Director of the Census.

Mr. BARTLETT of Georgia. I want to say that I went to see the President of the United States about the appointment of a supervisor in my district, and he said I must confer with Mr. Hitchcock, the Postmaster-General. [Applause on the Democratic side.] I did not do it, however.

Mr. KEIFER. I understand that in times gone by a great many Democrats even were consulted before appointments were made. I would like to know how many Democrats on the other side of this House went to the President in the last few months and begged him to appoint Democratic supervisors in their districts. I am told that nearly a hundred have gone and done that thing, and now they are here complaining because they did not get partisan Democrats appointed. [Applause.]

Mr. LAMB. I want to say to the gentleman from Ohio that I am one who did not do it.

Mr. MACON. And I want to say that here is another Democratic Member that did not ask the President to appoint a supervisor for his district.

Mr. KEIFER. Well, I will take the word of these gentlemen. Only two so far have entered a denial.

Mr. BOEHNE. I want to say that I did not go.

Mr. KEIFER. One more—three in all. [Applause.]

Mr. Chairman, speaking further on the nonpartisan character of the census, I am quite sure I can make an accurate statement, and that is that there will be no census takers appointed anywhere in the United States until after some form of examination is had for them to show their qualifications to take a census. Moreover, in making the appointments all through the North, at least, there will be no discrimination among census takers who shall show the qualifications because they are Democrats or anything else.

There are some Socialists in my district who may be census takers. There is nothing partisan about that. But they would not appoint a Democratic chairman of a committee or a Democratic ward politician. They would exclude them as they would Republican chairmen and committeemen in making the appointments unless they resigned their little political offices. President Taft's order requires this.

Mr. HEFLIN. I would like to ask the gentleman a question.

Mr. KEIFER. I will yield to the gentleman.

Mr. HEFLIN. I am opposed to appointing negroes to take the census. Does the gentleman believe that negroes ought to be appointed to take the census in the South?

Mr. KEIFER. If they are well qualified.

Mr. HEFLIN. Then, the gentleman disapproves the President's policy when he said he would not appoint negroes to office in the South.

Mr. KEIFER. I do not understand that the President ever said so. If he said so, he ought not to have said it.

Mr. HEFLIN. Did not he say it in his inaugural address?

Mr. KEIFER. I think not. On the contrary, he said in his inaugural address that he would "exercise a careful discretion" in appointing negroes to office. I believe that anybody

who is qualified has a right to be appointed to an office in our Government. Those who are the humblest are the people whom we should take more care of in preserving their rights, political as well as all others.

Mr. HEFLIN. Did the gentleman from Ohio ask for negro enumerators in his own district?

Mr. KEIFER. I have not asked for a Republican or a Democrat to be appointed as such, or a negro.

Mr. HEFLIN. Has the gentleman asked for the appointment of any negro in his district?

Mr. KEIFER. Probably I have not asked for the appointment of colored men, but I am putting this where the rule of the President puts it, on qualifications. He requires the Census Bureau to be carefully administered in a nonpartisan way.

Mr. HEFLIN. Will the gentleman please answer my question? Has the gentleman from Ohio requested that any negro in his district be appointed a census enumerator?

Mr. KEIFER. I do not think there have been any appointments made in my district of census takers, white or colored.

Mr. HEFLIN. Has the gentleman requested that any negro be appointed?

Mr. KEIFER. No, sir; I have not requested anybody to be appointed, and I told the gentleman that before. I am working under this nonpartisan presidential rule [laughter on the Democratic side] requiring enumerators to be selected without regard to party on their showing proper qualifications, and that is what the rule authorizes; they may be good Republicans or Democrats, or what not. The colored man is not barred.

Now, Mr. Chairman, I have been drawn into this debate very unwillingly. I want it quite well understood that I am a partisan when it comes to partisan things, but when we are doing the public business I believe in forgetting it as far as possible; and if a man, be he Republican or Democrat, is put into office, he should fill it in the interest of the people and not in a partisan way.

Mr. HAMLIN. Mr. Chairman, will the gentleman from Ohio yield?

Mr. KEIFER. I will yield to the gentleman.

Mr. HAMLIN. I understood the gentleman to speak of the administration's nonpartisan rule in appointing census takers, regardless of party. Does he understand that rule applied also to the appointment of supervisors?

Mr. KEIFER. I do not think that rule was applied to them, except to this extent. No person was allowed to be appointed, under the order of the President, a supervisor who held any political office, even to that of chairman or member of a committee of any party.

Mr. HAMLIN. I understand that these supervisors in all the States except the Southern States were to be Republican?

Mr. KEIFER. No, sir; that is not true either.

Mr. HAMLIN. Then, I will make this statement. I think I can enlighten the gentleman. In my individual district a man, a Republican, appointed supervisor, died, and afterwards I was inquiring as to whether his successor had been appointed, and the census director told me he had not, but said he would like to have me give my opinion on some good man.

Mr. KEIFER. That was proper.

Mr. HAMLIN. But he said, "Understand he must be a Republican." [Laughter on the Democratic side.]

Mr. KEIFER. Very good.

Mr. SABATH. And the gentleman found that it was a very hard thing to do. [Laughter on the Democratic side.]

Mr. HAMLIN. I told him I had no recommendation to make.

Mr. KEIFER. A competent man was the thing desirable, and, of course, he would ask the gentleman who might know.

Mr. HAMLIN. He did not say that he must be a competent man. He said that he must be a Republican. [Laughter on the Democratic side.]

Mr. KEIFER. He must be competent, of course, for that is the rule all the way through. Mr. Chairman, I think that is all I desire to say on this subject, and I reserve the balance of my time. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, I wish to say just a little along this line of discussion on the situation of Democratic supervisors as developed by the remarks of the gentleman from Georgia [Mr. HARDWICK]. The gentleman from Ohio [Mr. KEIFER] who has just taken his seat professes to be moving under the nonpartisan administration now in effect at the White House. I wish to say something about how that nonpartisan administration seems to work. The President has announced a number of times that his administration of this census should be nonpartisan, and then it was understood that in those States where the Republican party had no hope of life or resurrection, where it could do no possible harm to the Republican party, there would be some Democrats appointed to take the census. Apparently, this was in line with the hope expressed in many places that the President might build up a Republican party in the South, and for that purpose it seemed to be well calculated; but as to its administration being nonpartisan, I want to call the attention of the Members to the fact that in doubtful States, in doubtful districts, no Democrat has been appointed supervisor of the census. [Applause on the Democratic side.] Take a State like Missouri or some other State that seems to be doubtful, Kentucky or Tennessee—those States are held exclusively for the purposes of the administration in its distribution of the pie in order to increase the strength of the party. But, Mr. Chairman, that is not the worst. I like nonpartisan methods sometimes, and I could not help being a little enthused and a little exalted by the apostrophe of the gentleman from Illinois [Mr. MADDEN] to the glorious independence of the present administration and occupant of the White House when he was replying to the gentleman from Georgia [Mr. HARDWICK].

But what does that glorious independence amount to? It amounts to this, that in Texas and in Georgia, where there is only the hope of building up a little to the tail of Republicanism that is left there now, some supervisors are made Democrats, but in those districts where Democrats in my State are made supervisors they are, nevertheless, instructed that certain persons under the direction of the national administration will call to their attention certain colored brethren who must be appointed enumerators in certain precincts and districts to enumerate the negroes. Is there anything partisan in that? Is there any politics in that? Yes; the politics consists in this, that the present administration, in naming the enumerators in these precincts, will thereby control the state convention, and it is not only partisan politics, but it is factional politics within partisan politics. [Applause on the Democratic side.] By that means the delegations in the national convention from the Southern States will be controlled through the Census Bureau in the appointments of these enumerators in the little districts or in the small precincts where there is a Democratic supervisor; and that is about the only political use the administration could possibly make of the census appointments there.

Mr. SLAYDEN. Mr. Chairman, I would like to ask my colleague whether he knows that the referee in Texas is the man who makes all the appointments, and if the referee is or is not in charge of the Republican machinery and sees that it is oiled and keep going?

Mr. HARDY. Mr. Chairman, my understanding is that that question suggests its true answer, which is that the referee (that is the title by which he is generally designated) distributes all the official pie controlled by the federal administration. As to the census, special presidential agents I suppose you might call them, have to appoint these little precinct enumerators. For my district, and I presume for the whole State, there are two of them—one at Paris, 100 miles north of my district, and the other at Houston, 50 miles south. Now, why in the name of God the administration would want to tell the supervisor of my district to go down to Houston to get advice about who to appoint enumerators, and then to go up to Paris to get the name of another man to tell him whom he should appoint in these districts down in the river bottom, where there are few people, except negroes, I can not see, unless it be for this reason, that the state convention when it meets to send delegates to your Republican convention will be dominated from the Census Bureau appointments, and these two agents, one at Paris and the other at Houston, are holding the reins and driving the team of the political wagon. Of course, that may not be partisanship. The supervisor in my district is a Democrat and is instructed to eschew politics when he is in office, and I have advised him to do it, but somebody higher than he is not eschewing politics. Somebody higher than the supervisor of the census in my district is playing politics with the census taking in the State of Texas and all through the South.

Now, I do not know how many votes in the Republican convention will come up from south of Mason and Dixon's old line, but every one of them in my State comes under the leading string of the distributors of the spoils, and I have thought there ought to be another office created in the United States, and that office ought to be advisor for the Republican party in States and districts where it has nobody living that can advise it. The office referred to by my friend from Texas [Mr. SLAYDEN] is not named by the Constitution or laws, but is known as "referee." [Applause and laughter on the Democratic side.] My district seems to be in that attitude. We have nobody in the district that can advise them, but there is a man at Houston and another man at Paris who can advise about this matter.

In further reply to my colleague [Mr. SLAYDEN], I will say that when the present administration first came in the newspapers were full of the idea of a new deal for the South. Her people were to have voice in the filling of the little local federal offices. The President himself, in his inaugural address, seemed to hold out this hope. But—

Oh, ever thus, from childhood's hour,
I've seen my fondest hopes decay.

Time passes, a little time and we find the same old referee doing business at the same old stand in Texas; the same spoils and pie system. The officiousness of these agents in these census matters is in no way different from that of the referee in connection with all other federal offices in Texas and, I presume, in the whole South. Our fathers, the Constitution builders, forgot to provide for the referee, his title or emoluments, but he is the most important Republican functionary in the South. No federal officer is appointed till he nods his head in approval.

It seems the President and postal authorities here at the seat of government have surrendered their right to appoint collectors of customs and internal revenue and postmasters of all classes to the referee, who can not know local conditions throughout a great State like Texas. Yet a man who resides on the Red River, in extreme north Texas, absolutely appoints every small postmaster, even as far south as Cameron County, on the Gulf of Mexico. The reason of his being is not hard to find. An election approaches and delegates must be chosen. The southern delegates to Republican national conventions are usually influenced by two things—federal office and cold cash. The referee is the dispenser of these favors. He is the gatherer in chief of delegates.

I think it is not unlikely that the fact that he is useful in this way accounts for the failure of the President to redeem the promise made in his Georgia speech that he would abolish this iniquitous, offensive, and extra-legal functionary. The gentleman from Illinois [Mr. MADDEN] and the gentleman from Ohio [Mr. KEIFER] may sing and have sung the glories of the present nonpartisan administration, but who will sing the glories of the referee? The carpet-bag days are gone, but a rose by another name smells just as sweet. Georgia hung enraptured over the words of the President in 1909, but let those who will take a sniff at the rose, the referee.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that general debate may be now closed and we may proceed with the reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment on line 11 to the paragraph just read.

Mr. CRUMPACKER. Mr. Chairman, I desire to suggest this is all one section and that the gentleman had better withhold his amendment until the section has been read. The gentleman's amendment is an amendment to section 8 of the original act.

The CHAIRMAN. The Clerk will proceed with the reading, as the bill is in one section.

Mr. CAMPBELL. Then I will offer my amendment at the close of the reading of the bill.

The CHAIRMAN. The Chair will recognize the gentleman at the proper time.

The Clerk proceeded with and finished the reading of the bill.

Mr. CAMPBELL. Mr. Chairman, I now offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

After line 11, on page 3, insert:
"And to collect authoritative statistics relating to farmers' mutual insurance companies, showing the amount of such insurance and the insurance results accomplished."

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve the point of order against the amendment.

Mr. CAMPBELL. Mr. Chairman, I do not care to discuss the point of order just now, although I do not think the amendment is subject to the point of order; but I want to refer to the merits of the amendment and ask the Clerk to read some resolutions in support of it. There are many mutual insurance companies engaged in carrying insurance among the farmers, insuring stock, insuring houses, barns, and grain; in fact, insuring practically everything connected with the farm. A similar line of mutual insurance is carried by mutual insurance companies in the cities, and I think that it may be of interest to the country that this decennial census should ascertain the amount and success of that insurance, so that the country may know the facts as to the cost of the insurance and if it is a safe insurance. Now, Mr. Chairman, I ask unanimous consent to have read in my time that portion of this letter inclosed with pencil marks, which includes the resolutions adopted by the Farmers' Mutual Insurance Association, of Columbus, Kans., at its last annual meeting.

The CHAIRMAN. The Clerk will read the article referred to in the time of the gentleman from Kansas.

Mr. CAMPBELL. These resolutions, I will state, were adopted by the Farmers' Mutual Insurance Association in southeastern Kansas, at Columbus, Kans., recently, and sent to me by the secretary of that association, Mr. G. W. Snyder.

The Clerk read as follows:

At its last annual meeting the Farmers' Mutual Insurance Association, of Columbus, Kans., an organization of farmers of southeast Kansas, adopted the following resolutions:

"Whereas authoritative statistics are very desirable showing results accomplished by farmers' mutual insurance companies; and

"Whereas the Director of the Census declares that there is a lack of authority in his department to make such a compilation, but that Congress will be asked for such authority: Therefore be it

"*Resolved*, That our Representative in Congress and both our United States Senators be instructed and requested to give their full support to such legislation as will enable or direct the Director of the Census to make a full compilation of such statistics at the coming enumeration of census of farmers' mutual insurance companies and other farmers' cooperative associations; and it is further

Resolved, That our secretary be instructed to send a copy of these resolutions to our Congressman and both our United States Senators."

Mr. CAMPBELL. These resolutions indicate the necessity for information among the farmers as to the extent and effect of that class of insurance. Where associations are engaged in that sort of business it seems to me that it is wise to enumerate the number of insurance companies of that character, the amount of insurance carried, the losses paid, and the cost to the insurer, and to get such other information as the Director of the Census should deem proper in regard to the amount and the nature of the business of that class of insurance. I hope the gentleman from Indiana will not make the point of order, although I do not think the amendment is subject to the point of order. It is germane to this bill, and the bill itself is an amendment to the law authorizing the Thirteenth Decennial Census. The amendment I propose simply enlarges the scope of the work proposed by the bill.

Mr. CRUMPACKER. If the Chair desires to hear anything on the point of order, I would like to submit a few suggestions.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CRUMPACKER. In the first place, this bill is a bill to amend section 8 of the original census act. The Chair takes notice of what the law is. All that is new in the bill is the proviso about the middle of page 4, and that is the only thing that is new in the bill; the other is law which is already existing, which the Chair is bound to take official notice of, so that really all that is before the Chair now is this proviso. In the second place, the proposition is not germane. The section deals with population, agriculture, mines, and mining, and the amendment offered by the gentleman from Kansas relates to insurance—altogether a different subject. Insurance has no relation to agriculture, it has no relation to agriculture necessarily, and it is no part of manufactures, it is no part of mining, it is a totally different enterprise. Now, so much for the point of order. I have some observations to submit upon the merits of the question when the point of order has been disposed of.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that section 8 of the census law being presented here for amendment, the entire section is before the Committee of the Whole, being a part of the text of the bill as presented here for consideration. That being so, the matter of insurance is only adding another phase to the inquiries already provided for in the bill, to wit, population, agriculture, manufacture, and mining, and is no more foreign, for instance, to population than agriculture is to population, or manufacture is to population. So the Chair is of the opinion that it is germane to section 8 of the census law, which is presented here for consideration. Therefore, the point of order is overruled.

Mr. CRUMPACKER. Mr. Chairman, I want to say a few words to the committee on the pending proposition. It is an exceedingly dangerous thing to propose a piece of legislation in relation to the census for consideration at this time on account of the liability of having all kinds of amendments hooked onto it. The permanent Census Office is charged with the duty of investigating the subject of insurance—the various kinds of insurance, fire, life, and, I think, casualty insurance. That

office does that work during the interim between the decennial censuses.

Mr. CAMPBELL. Will the gentleman yield just there?

Mr. CRUMPACKER. I will yield.

Mr. CAMPBELL. That was the opinion of the Farmers' Mutual Insurance Company, of southeastern Kansas. They requested the Director of the Census to make an enumeration of the mutual insurance companies among farmers in the country, and he informed them that he had neither the authority or the money to make an enumeration of such companies as were indicated in the request.

Mr. CRUMPACKER. I do not know what requests were made or what information was given, but I do know that the Director of the Census several years ago made an investigation of the general subject of insurance, and if any amendment of the law is to be made at all, if the authority does not cover mutual fire insurance, there ought to be an amendment to the permanent census law and not to this. Now, gentlemen, I want to impress upon you this proposition. The decennial census was carefully limited to four principal inquiries, namely, population, agriculture, manufacture, and mining. Why? Because they were the most important subjects among all the rest, and it was deemed of vital importance to so limit and circumscribe the duty and the requirements of the Census Office, so that these investigations could be made with accuracy and dispatch and the report given to the public by the 1st day of July, 1912. Numerous meritorious projects have been submitted to the committee, and if they were all embodied in the bill it would practically break down the work. The work would be protracted to such an extent that the reports could not be prepared, tabulated, and published until they had largely lost their current value.

The office has everything it can do now. It can not take on any additional work and carry on these great investigations and be expected to give the public the results of the investigations while they are fresh. Now, that is the chief objection to this amendment. This investigation in relation to mutual insurance could be made, if it is to be made at all, in connection with the general investigation of the subject of insurance. It can not be made by the enumerators, it can not be made in connection with the population schedule, with the agricultural schedule, the manufacturing schedule, or the mining schedule. It will involve the creation of an additional division or bureau in the office. Nobody knows how much it will cost nor how long it will take.

Now, I ask, gentlemen, to let it go over until we have gotten through with this gigantic undertaking that is already on the shoulders of the Director of the Census. Let us finish the four principal inquiries, do that right, and give the country reports while they are fresh, and then take up the mutual insurance and other things that may be deemed of sufficient importance to justify additional legislation.

Mr. CAMPBELL. Mr. Chairman, nothing that has been said convinces me that it is either inexpedient or unwise to agree to the amendment proposed to this bill. If we should wait until a law is specially enacted to make an enumeration of mutual insurance companies, we shall probably have no such law. It is important, because, as stated a moment ago, there are many of these mutual insurance companies throughout the country now doing business. What the farmers want to know is how the business is carried on, the extent to which it is carried on, and the success with which it is carried on, so that they can determine the wisdom of availing themselves of that class of insurance.

Mr. GOULDEN. I would like to ask the gentleman from Kansas if there should not be included an investigation of regular insurance of all the various classes?

Mr. CAMPBELL. I am informed that the Director of the Census does that now, but claims he has no authority to include mutual insurance companies.

Mr. GOULDEN. I do not see any reason why they should not be compelled to give that information. They are conducting business on purely insurance lines, and they ought to be included with the others.

Mr. CAMPBELL. I think the observations of the gentleman from New York are entirely correct. I think they ought to be; but, unfortunately for this branch of insurance, they have not been enumerated. The extent to which insurance of that kind has been carried on has not been made known.

Mr. GOULDEN. How much would it add to the expense, probably, to take that census?

Mr. CAMPBELL. Oh, it ought not to add much.

Mr. GOULDEN. How much would it add to the burden of the work of the Census Bureau?

Mr. CAMPBELL. Very little. There is but one insurance company of this kind in four or five or perhaps a dozen counties. It ought not to take the enumerator long——

Mr. GOULDEN. Of course, the gentleman is aware that there are a large number of these companies?

Mr. CAMPBELL (continuing). To make an enumeration of a congressional district. I say that the supervisor in every congressional district ought to be able by one day's work of a competent man to find out how much insurance is carried, how many members there are in the association, how many losses there were, and whether or not the losses have been met, and the cost to the insurer in each instance.

Mr. GOULDEN. I would like to ask the gentleman if that information can not now be obtained by reference to the reports of the state insurance commissioners?

Mr. CAMPBELL. They ought to be able to secure it in that way, but in many instances it is not available in the state insurance departments. The success of this class of insurance in Kansas can not be known in New York except by obtaining the reports of the insurance commissioner of that State, and the farmers in New York may have mutual insurance associations which are a success in New York, and we know nothing about it in Kansas. It would be a benefit to the farmers in both States to know these facts.

Mr. GOULDEN. All these insurance companies report to the commissioner of insurance in New York.

Mr. CAMPBELL. They may report to the insurance commissioner in New York, but the reports are not usually available to the farmers in Kansas, Iowa, or Arkansas.

Mr. GOULDEN. They can be obtained very readily.

Mr. CAMPBELL. I have no doubt; and so can many other things, if one goes to the trouble; but if that information was collated, as contemplated by this amendment, then the information would be available to everybody in all sections of the country, with but little trouble.

Mr. CRUMPACKER. Will the gentleman allow me to ask, What value are these statistics? I am a member of a farmers' mutual insurance company in my own county, and we do not care a continental what the companies in other counties or in other States or districts are doing. We know what our insurance costs, and we contribute toward the payment. We do not know what benefit it would be to know what it is costing elsewhere.

Mr. CAMPBELL. I will tell you what benefit you obtain from it. Do you think that you are getting this insurance cheaper than other insurance?

Mr. CRUMPACKER. We think so.

Mr. CAMPBELL. But there are other counties in Indiana that do not have that kind of insurance and do not know anything about how successful it is in your county.

Mr. CRUMPACKER. Do not assume anything of that kind.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. I ask for two minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that he may proceed for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. Mr. Chairman, if the society or association to which the gentleman from Indiana belongs is a success, it would be an inducement to the farmers in Wyoming or in Arkansas or in Kansas to organize a similar society. If they do have losses, and it costs less to the insurer, we ought to know it out in Kansas, and we can only know that by having just the kind of a report made that is contemplated by the amendment I have proposed. I am as anxious as the gentleman from Indiana that the branches proposed to be covered in the taking of the census should be concluded as speedily as possible, and I do not fear the work proposed would delay reports on the principal work to be undertaken. I therefore urge that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken and the Chair announced that the noes seemed to have it.

Mr. CAMPBELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 23, noes 41.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the word "farm," in line 3, page 3, insert "the acreage of land under irrigation."

Mr. MONDELL. Mr. Chairman, I do not desire to burden the taking of the census with any unnecessary or unimportant features, neither do I think it would be wise to provide for new

additional inquiries that would consume any considerable amount of time on the part of the enumerators.

But I call the attention of the committee to the fact that we provide, among other things, that the enumerators shall inquire as to the acreage of woodland on the farms. While that inquiry is being made inquiry can also be made without any considerable loss of time as to the amount of land on the farm, if any, that is under irrigation. It would not be necessary even to have all of the schedules carry this provision. Only those schedules which are distributed and used in the arid region need contain this provision if it is not deemed wise to have all of the schedules carry it. It is an important inquiry. The Government is engaged in irrigation. Private enterprise is engaged in irrigation. It is important that we should know how much irrigated land there is in this country; I think quite as important, perhaps, as that we should know how much woodland there is in the country. It is no more difficult to secure this information than it is to secure information as to the size of the farm or as to the amount of the farm which is timbered. It simply provides one additional question which can be readily answered, and which will give all the country information of very great value.

Mr. CRUMPACKER. I received a communication from the Director of the Census this morning upon the subject of irrigation and irrigation establishments, and he said that the schedules already prepared required a census of the acreage of irrigated land. I have no objection to that provision going in the bill. We are already doing the work. It is not specifically provided in the law, but the director notified me this morning that the schedules already include that investigation.

Mr. MONDELL. In that case I am sure the committee will agree that the power ought to be specifically given to authorize the bureau to do what they contemplate doing.

Mr. CRUMPACKER. I have no objection to the amendment.

Mr. POINDEXTER. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Wyoming. It just goes a little further.

The CHAIRMAN. The Chair will state that that would be an amendment in the third degree, and therefore not in order. The gentleman from Wyoming will proceed.

Mr. MONDELL. Mr. Chairman, as there seems to be no objection to my amendment, I call for a vote on it.

The question being taken on the amendment of Mr. MONDELL, it was agreed to.

Mr. MONDELL. Mr. Chairman, I now offer the following amendment.

The Clerk read as follows:

At the end of line 24, page 3, insert:
"Inquiry shall also be made as to the location and character of irrigation enterprises."

Mr. MONDELL. Mr. Chairman, I think perhaps it is not necessary to discuss this amendment at any length, owing to the fact that the chairman of the committee has suggested that the Director of the Census proposes to make this kind of inquiry; but it seems to me that it is important, if that be the fact, that he be authorized specifically by law to make it.

I call the attention of the committee to the fact that this is an amendment to the paragraph that provides that inquiry shall be made with regard to manufactures, mines, quarries, and so forth. There is a very considerable portion of the country in which there are a very few manufacturing industries, very few quarries, very few mines, and where the most important industry is that of irrigation. It is important not only that we should know the acreage under irrigation, which information we shall obtain through the amendment already adopted, but that inquiries be made as to the irrigation enterprises, their character, number, and location; and this inquiry can be made with but very little additional time or expense.

I doubt if it will add a penny to the expense of the taking of the census, because the same schedules which make the inquiries with regard to manufactures in a manufacturing district, in regard to mines in a mining district, in regard to quarries, will also provide for the information as to irrigation enterprises.

These irrigation enterprises are not very numerous; still it is important that we should know where they are, how they are conducted, who owns them, and generally the information in regard to them that we will have in regard to other industrial enterprises. It is important from the fact that, the Government being engaged in the work of irrigation, we should have information as to the projects with which the Government is not connected in order that we may compare the different projects as to their size and importance and as to the progress they are making. The plan of their operation and ownership, whether corporate, cooperative, or individual, also capitalization, cost of operation, and so forth.

Mr. CRUMPACKER. Mr. Chairman, the amendment submitted by the gentleman from Wyoming covers all irrigation plans and enterprises, big and little. I do not know how many there may be. I suppose that if some fellow with a shovel should dig an irrigation ditch from a river, or stream, or a natural body of water and take the water down to irrigate a garden or 40-acre farm, that would have to be investigated. I have no doubt the Federal Government keeps accurate statistics concerning all federal irrigation plants. The state government, I have no doubt, has accurate statistics respecting all state plants, but this is an uncertain field of investigating private irrigation schemes. I think it is of doubtful propriety, and I do not understand what particular benefit there can be in it.

The law will require the Director of the Census to take a census of the irrigated lands and the States in which they are located. Is not that all that is of any particular importance taking in connection with the federal plants and records that show correctly the capacity, and the state plants? Why is it necessary now to load up the Thirteenth Census with a subject like this that is altogether foreign at least from the four principal subjects of investigation that are to make up the decennial census? I do not think the amendment ought to be agreed to.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. STEPHENS of Texas. Is it not a fact that the Reclamation Service itself provides for making reports to Congress, and would not those reports be much better?

Mr. CRUMPACKER. Yes; and there ought not to be two reports by the Director of the Census; he ought not to be required to make an investigation of the Reclamation Service of federal irrigation plants and the state service, and then make duplicate reports. I think that is a very forcible argument.

Mr. MONDELL. The gentleman understands, of course, that the report made by the Reclamation Service only applies to federal irrigation and it does not apply to private projects.

Mr. STEPHENS of Texas. The gentleman from Indiana informs us that under the law as it now is the private plants can be reported.

Mr. CRUMPACKER. The acreage of the land irrigated is to be reported under the census as it now is.

Mr. STEPHENS of Texas. And I think that is sufficient.

Mr. MARTIN of Colorado rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MARTIN of Colorado. I rise to support the amendment.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MARTIN of Colorado. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I am glad to support the amendment offered by the gentleman from Wyoming [Mr. MONDELL], because it authorizes the Census Bureau to make inquiries concerning the most important line of work in the United States concerning which no statistics are obtainable through the medium of the census. Practically one-half of the total area of the United States to-day depends for its very existence upon irrigation, so that there can be absolutely no question regarding the great importance of this branch of inquiry; and yet there is nowhere any compilation or compendium of statistics to which reference can be had to determine the magnitude and value of this institution and to determine the location of water and lands for the encouragement of settlement throughout the irrigated region.

I want to say that this is not a new subject sprung upon the Census Committee at this time, as has been objected to other amendments. This is a subject concerning which western Representatives, at the instance of their people, have been in correspondence and personal contact with the Director of the Census for some months. I myself have had several personal interviews with the Director of the Census, and I have interviewed the Director of the Reclamation Service. I went before the Committee on the Census with substantially the same amendment as is now offered by the gentleman from Wyoming, and at the suggestion of the committee I introduced in this House a joint resolution for the purpose of having the director make this line of inquiry, the committee having sug-

gested that perhaps it would be better to proceed in that way than to attempt to amend this act.

The Director of the Census admits the great importance of this line of inquiry, but is of the opinion that he is not authorized to undertake it unless he is directed by Congress so to do. The schedules as they are now framed provide for ascertaining the acreage irrigated, the kind of crop grown, the quantity and value of the crop, and that is as far as the inquiry goes. What we want, gentlemen, is information concerning the plants which irrigate this land. We want to know the names of the irrigation enterprises; we want to know the location; we want to know their character and value, and all information of that nature.

Millions of dollars have been invested in irrigation enterprises throughout the West, while other millions are seeking investment. Investors ought to be furnished information and encouragement by a definite showing, officially made, as to the magnitude and merit of the interest into which their money is going; and I undertake to say that no greater stimulus could be given this beneficent, but profitable, work than a concise and complete tabulation by the Government showing the name, location, character, and value of the great network of irrigation systems upon and along the streams of the West. Let investors see the basis of their investments and let home seekers learn where and for what land and water are to be had. In no other way can the country be more thoroughly impressed with the great present and greater future value of this institution.

I want to say further that this amendment is introduced at the express request of the board of governors and the board of control of the National Irrigation Congress, a body which was the father of the Reclamation Service in this country and practically of all our western irrigation laws, including the work that is now being done by the Government to reclaim these arid lands; and which now endeavors to supply the desired information by an annual publication gotten out at its own expense and, therefore, necessarily limited—in fact, inconsiderable from every standpoint as compared with a national census publication. This board of governors and board of control have specially requested me, by reason of the fact that I happen to be the chairman of the legislative committee of the National Irrigation Congress, to undertake to secure this amendment, to the end that as speedily as possible this information shall be secured.

I will say further that this is not a temporary work. It was suggested to me by some gentlemen on the Census Committee that one reason this amendment should not be incorporated in the census act was because it was only temporary in character, but that is obviously a very mistaken view. It is of great magnitude now, but it will be of greater magnitude ten years hence, and still greater twenty years hence, growing forever with the growth of the West. People talk about the importance of the mining interest, and it is important, but I want to say that in the State of Colorado, which is recognized as the greatest mining State in the United States, the agricultural interests this past year were two or three times in excess of the value of the mining interests. In other words, the value of our mining output amounted to some fifty millions of dollars, while the value of the crop output exceeded one hundred millions. This great showing being almost wholly due to irrigation. Now, that condition does not apply alone to that State, but it applies to every State west of the one hundredth meridian.

Such facts as these ought to enable Members to determine at a glance and without further argument the great importance of collecting some information with reference to this institution.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREEN of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

CENSUS.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. CRUMPACKER), there were—ayes 45, noes 45.

Mr. MONDELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. MONDELL and Mr. CRUMPACKER took their places as tellers.

The committee again divided, and the tellers reported—ayes 82, noes 63

So the amendment was agreed to.

Mr. HAMLIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of page 3 insert:

"That if any person or persons employed in the taking of this census, or who shall be charged with the responsibility of taking the same, shall knowingly falsify, or shall cause or permit to be falsified, any schedule or return, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not to exceed $1,000."

Mr. HAMLIN. Mr. Chairman, I think there will be no serious objection to this amendment if I may have the attention of the committee for a moment. I assume, and I have the right to assume, that every Member of this House wants a complete, fair, and honest census. There is a provision in the general law now making it a misdemeanor for any enumerator to falsify any reports that he makes, but there is nothing in the existing law that makes it a penalty or a crime, after that list reaches the Census Office, if it should be changed there in any way when it is being tabulated. No penalty is provided for the punishment of anyone who may be guilty of that offense. This amendment seeks only to make it a crime for anyone in the Census Office tabulating, or having in charge the tabulation, of these returns to falsify them or permit them to be falsified. I do not care to make any speech, but I only make that explanation. That is the purpose of the amendment.

Mr. CRUMPACKER. Mr. Chairman, I would like to have the amendment again read.

The CHAIRMAN. Without objection, the amendment will be read in the time of the gentleman from Indiana.

There was no objection, and the Clerk again reported the amendment.

Mr. CRUMPACKER. Mr. Chairman, that is all covered by law. There are numerous general statutes that prevent the falsifying of official or public records and reports, and my impression is it is covered in the census law. I have not had time to examine it critically.

Mr. HAMLIN. Mr. Chairman, if the gentleman will permit, the only section in the census law that could by any possibility cover it is section 22, and I think a careful reading of that section by the gentleman will convince him that it does not cover this alleged offense.

Mr. CRUMPACKER. Well, does not the gentleman know that there are federal statutes, penal statutes, that make it a crime for any officer or person employed in a public capacity to falsify any report or any record of any kind or character, which probably carry a heavier penalty than the gentleman seeks to impose?

Mr. HAMLIN. That might be construed to apply only to official records.

Mr. CRUMPACKER. Well, these are official records.

Mr. HAMLIN. Well, not necessarily.

Mr. CRUMPACKER. Here is what section 22 provides in addition to other provisions:

If he shall willfully and knowingly make a false certificate or a fictitious return and report he shall be guilty of a misdemeanor, and on conviction—

And so forth.

Mr. HAMLIN. I submit, and I think the House will agree with me, that does not cover the point that is sought to be covered by this amendment.

Let me illustrate. Suppose the returns made by the enumerators show that only a certain per cent, say 50 per cent, of the people of this country own farms, and for a certain purpose the Census Office concludes it would make a better showing if the returns showed that 60 per cent owned their own farms, and in order to make this showing an order should be issued that in tabulating these reports, if the reports as actually filed do not show 60 per cent of the people of this country as farm owners, then they should be changed so that they will show that number. Then there ought to be a penalty imposed upon anybody who issued the order or made the change falsifying those returns.

Mr. CRUMPACKER. If the law does not already cover this sort of public misconduct, I am greatly mistaken. It can not be possible that this Government has gone along until this time without providing against official corruption of that character. I think this is one of those amendments that has originated in the excitement and superheated condition of the other side of the House this afternoon, so that gentlemen's imaginations were abnormally active, and they saw all manner of things in the nature of political bugaboos. Now, I think when the gentleman's head gets cool—and I do not speak with any sort of disparagement or disrespect—he will reach the conclusion that we have plenty of law to take care of all these things.

The CHAIRMAN. Debate on this subject has closed.

Mr. McCALL. Mr. Chairman——
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. McCALL. I move to strike out the last word.
The CHAIRMAN. That is an amendment in the third degree, and is not in order. The question is on agreeing to the amendment offered by the gentleman from Missouri.
The question was taken, and the Chair announced the noes seemed to have it.
On a division (demanded by Mr. HAMLIN) there were—ayes 53, noes 78.
Mr. HAMLIN. Tellers, Mr. Chairman.
Tellers were ordered.
The committee again divided, and the tellers (Mr. CRUMPACKER and Mr. HAMLIN) reported that there were—ayes 69, noes 82.
So the amendment was rejected.
Mr. POINDEXTER. Mr. Chairman, I offer the amendment which has been sent to the Clerk's desk, and I ask to have it read.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Insert at the close of line 11, on page 73:
"It shall also include the number of acres irrigated during the last calendar year, the value and kind of crops raised on such irrigated lands during said year, the amount of water used per acre thereon during said year for irrigation, and whether said water was obtained from state, national, or private works."

Mr. POINDEXTER. Mr. Chairman, this amendment would simply provide for some additional information in regard to the irrigation in addition to that which is provided for by the amendment which has been just adopted. It could be obtained at the same time without any additional expense and would give information, in my judgment, of great value to the census upon the subject of irrigation.

The mere number of acres which are irrigated is rather a barren and unenlightening statement unless we know the value of the crop produced upon that land and the kind of crops produced upon it, and it would also be of immense value to the science and art of irrigation to know the amount of water with which these crops were produced. This amendment also would provide information as to whether this water was obtained from national, state, or private irrigation works. The enumerators in taking this census are required to ask a number of questions, or, at least, they will ask a number of questions, of every man engaged in agriculture. They have all the blanks prepared, and it will take an insignificant addition of time and expense to acquire this great information over what would be expended without it.

In the western country in the last few years millions of acres of land which supported no population at all, which was absolutely a desert so far as the support of human habitation was concerned, has been converted into the most thickly settled, the most populous agricultural region on the face of the earth. It has become the great paramount industrial and agricultural question of the West, and I say that it will be a reflection upon this great Government to take a census this year and not include in it information which would fully enlighten the people in regard to the progress of this great work and the result of it.

The information called for by this amendment is the number of acres irrigated, the kind and value of crops produced thereon, the amount of water per acre used and the sources from which that water is obtained, as to whether it is national, state, or private works. Now, that information being obtainable at an insignificant additional cost, it is obvious, I think, to the gentlemen of this House that the value to the entire people of this country—not only to the West, because the East is just as much interested in providing homes for its surplus population in the West as we are interested in building up prosperous agricultural communities there—would be very great.

I submit, Mr. Chairman, that it is along the same line as those amendments which have been approved by the House this afternoon. It gives additional information which would make a complete and enlightening return upon the state of irrigation in this country.

Mr. CRUMPACKER. Mr. Chairman, I move that all debate on the pending section and amendments thereto be closed in five minutes.
The CHAIRMAN. Only one section?
Mr. CRUMPACKER. Only one section. I move all debate be closed on this section and all amendments thereto in five minutes.
Mr. HARRISON. Will not the gentleman modify his resolution so as to allow us five minutes? We each have an amendment, and have been sitting here all day waiting our turn.
Mr. BOOHER. I would like to offer an amendment, Mr. Chairman.
The CHAIRMAN. The question is on the motion that debate on this section and all amendments thereto shall close in five minutes.
Mr. CLARK of Missouri. I would suggest to the gentleman from Indiana [Mr. CRUMPACKER] that he make it ten minutes, and that these gentlemen have the time.
Mr. CRUMPACKER. Mr. Chairman, I will modify my request so as to fix the limit to ten minutes. Therefore, I move that all debate on the section and all amendments thereto be closed in ten minutes.
The CHAIRMAN. The question is on the motion of the gentleman from Indiana.
The question was taken, and the motion was agreed to.
Mr. BOOHER. Mr. Chairman, I desire to offer an amendment now.
The CHAIRMAN. There is an amendment pending, the amendment of the gentleman from Washington [Mr. POINDEXTER].
Mr. CRUMPACKER. Mr. Chairman, I desire to submit a few words upon the amendment submitted by the gentleman from Washington to the effect that the amendment, except for the quantity and volume of water, is already covered by the law and the amendment submitted by the gentleman from Wyoming [Mr. MONDELL].
Mr. POINDEXTER. The gentleman is mistaken.
Mr. CRUMPACKER. I am sure I am not. The gentleman's amendment provides for the value of crops. That is in the law, as is also the acreage of the crops.
Mr. POINDEXTER. Will the gentleman allow me to interrupt him? The point is not the value of the crops raised upon the farms, but the value of the crops raised upon the irrigated land.
Mr. CRUMPACKER. That is the provision of the law.
Mr. POINDEXTER. There is no provision in the law for that at all.
Mr. CRUMPACKER. The law provides for the value of crops on all lands that are irrigated, as well as other kinds, and the director is preparing blanks for that purpose, and every schedule will show, in the semiarid region, whether the land is irrigated land or not. If it is, it will give the value of the crop, the quantity of it, and everything except the provision about securing information respecting the quantity of water that may be used.
I submit that we have gone far enough upon the irrigation project, and for information that can be obtained from the Federal Government and from the state governments. I ask now for a vote.
Mr. POINDEXTER. Will the gentleman allow me to ask him one question? I would like him to point out in the law any provision whereby the value of crops raised upon irrigated lands is to be had not commingled with those raised upon nonirrigated land, is provided outside of this amendment?
Mr. CRUMPACKER. There is no such provision in relation to clay lands or sand lands or any other kind of lands, but there is specific information upon the subject of irrigation, and the schedules are prepared to find the area of irrigated lands in the country.
Mr. POINDEXTER. That was adopted this afternoon?
Mr. CRUMPACKER. Those provisions are already in the schedule.
Mr. POINDEXTER. In the schedule, but not in the law.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.
The question was taken, and the Chairman announced that the noes seemed to have it.
Mr. POINDEXTER. I ask for a division.
The committee divided, and there were—ayes 28, noes 56.
Mr. POINDEXTER. Mr. Chairman, I ask for tellers.
The question was taken on ordering tellers.
The CHAIRMAN. Not a sufficient number; tellers are refused, and the amendment is rejected.
Mr. BOOHER. Mr. Chairman, I desire to offer the following amendment.
The Clerk read as follows:

That whoever, being a census enumerator, or other person employed in taking the Thirteenth Decennial Census of the United States, shall ask any question of any person of whom he is obtaining information respecting the census, as to his political affiliations or sentiments, or of the political affiliations or sentiments of others, or shall make known to anyone such information acquired by him in connection with his work as such census enumerator or other census employee, shall be fined not more than $1,000.

Mr. BOOHER. Mr. Chairman, this is the amendment that I gave notice some time ago that I would offer, with one change,

after consultation with Members on both sides of the Chamber; the change is striking out the imprisonment penalty. I do not desire to discuss this measure any further. It was fully discussed this morning. The reason for offering this amendment is well known to every Member of this House, and I am not going into it again. I want as much as anybody does a thoroughly nonpolitical and nonpartisan census taken. I do not want anybody to be employed in the taking of the census who shall gather the kind of information that my distinguished colleague from Missouri in his letter read this morning requested should be gathered and disseminated for the benefit of the Republican party. If the political parties of this country want to have a poll of the voters of this country, let the political parties of this country pay for that poll, and not take it out of the pockets of the people. [Applause on the Democratic side.] Let us have a nonpartisan census in fact as well as name. I hope this amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the chairman announced that the noes seemed to have it.

Mr. BOOHER and Mr. CLARK of Missouri. Division!

The committee divided; and there were—ayes 64, noes 75.

Mr. BOOHER. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. BOOHER] and the gentleman from Indiana [Mr. CRUMPACKER] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 84, noes 85.

So the amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I move that the committee's amendment as amended be now agreed to.

The CHAIRMAN. The gentleman from Indiana moves that the amendment in the nature of a substitute be now agreed to.

The question was taken, and the substitute was agreed to.

Mr. CRUMPACKER. I move that the committee do now rise.

Mr. HARDY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. Mr. Chairman, in connection with the census the enormous growth of the city of New York is of interest. Nothing connected with out city has grown more than our postal system, and I take pleasure, therefore, in presenting a review of it prepared by the postmaster of New York, Hon. E. M. Morgan, who has been thirty-eight years in the service, rising by merit from letter carrier to postmaster of the largest city in the Nation:

Address of Hon. Edward M. Morgan, postmaster of New York, at a meeting held on the evening of November 19, 1909, at 8 o'clock, at the Fourth Presbyterian Church, New York City.

TOPIC—"POSTAL SERVICE IN NEW YORK."

At our meeting of November 19, 1909, after the transaction of regular business, the president introduced the speaker as follows:

Postmaster Morgan represents our highest type of public official. He has come to us to-night to tell us something about the post-office and his work, of which we are every day beneficiaries. Having entered the employ as a carrier, he has risen, through faithful service, to be the head of that office, the largest in our country. His advancement speaks well for our civil service. It is my great pleasure to introduce to you Postmaster Morgan, whose topic will be "Postal Service in New York."

Mr. President, and gentlemen of the Fourth Presbyterian Church Brotherhood:

When Mr. Jones asked me to come and talk to you to-night he suggested that I speak for from a half to three-quarters of an hour. I fear I shall have difficulty in interesting you that long. I shall be obliged to refer at times to my notes, because it will be impossible to give you an adequate idea of the service without using figures, and large ones at that.

My talk to you to-night will be on the post-office and its business, and I know of no subject that should prove of greater interest, for the post-office comes in closer touch with our daily life than possibly any other institution, public or private. Between us and our friends, near and distant, it is a welcome link, and the visits of the letter carrier are looked forward to as expectantly to-day as in the olden time when, as a post rider, booted and spurred, he galloped along the highways.

Of our local post-office we are all more or less proud, and my talk will be confined to its phenomenal rise from the smallest of beginnings.

The post-office played but a minor part in the early affairs of New Amsterdam. For many years after the consummation of the greatest real estate deal on record, which secured from the Indians the whole island of Manhattan for $24, most of the slight correspondence that was carried on was forwarded in the care of chance travelers or mutual friends of the correspondents. Later, the necessity of some sort of receiving place was felt, and what was known as the "Coffee House Delivery" came into use, letters being addressed to some popular coffee house or tavern, where, upon receipt, they were "posted" in a conspicuous place in the public room, where they remained until chance or gossip regarding their arrival brought their owners to claim them.

That system in time came to be regarded as unsatisfactory, and in 1692, when New York, as it had then come to be called, was still a quiet village of about 5,000 inhabitants, the municipal authorities established an act or ordinance establishing a post-office. This was followed by the founding here, in 1710, of a "Chief Letter Office" by the postmaster-general of Great Britain. Shortly afterwards, arrangements were made for the delivery of mail from Boston twice a month, and propositions were advertised for the establishment of a post to Albany. The interesting feature of that advertisement, to us who are accustomed to the speedy locomotion of to-day, was that the mail was not to be carried by coach, or boat, or even on horseback, but on foot. Think of lingering at the breakfast table until the carrier arrived on foot from Albany with your morning mail!

The records are hazy as to the location of our first official post-office, but according to an advertisement that appeared in a paper of the period, it was removed in 1732 from the quarters it then occupied to "the uppermost of the two houses on Broadway, opposite Beaver street." The year 1753 found it still in the same location. It was closed on Sundays, and at other times it was open for business from 8 a. m. until noon, excepting on post nights, when business was transacted until 10 p. m.

In 1786, during the administration of Sebastian Bauman, the second postmaster after the close of the war of the Revolution, there was a regular schedule for the arrival and dispatch of mails between New York and Albany and New England, and also between New York and the South. Mail from New England and Albany arrived on Wednesday and Saturday in winter, and on Tuesday, Thursday, and Saturday in summer. The income of the office at that time was $2,789.84. It will require an effort to grasp the full meaning of the difference between that sum and the income for the twelve months ended September 30 of this year, when, for the first time in the history of our post-office, the receipts for any twelve consecutive months passed the twenty-million dollar mark, being exactly $20,451,172.53.

A reference to the post-office of that period would not be complete without some mention of Gen. Theodorus Bailey, who, besides having been a Congressman and a United States Senator, holds the record for length of service as postmaster, having served continuously from 1804 until his death in 1828. In the General's time there were altogether eight clerks, one of whom was Joe Dodd, afterwards known as Colonel Dodd, who became an employee of the office in 1816. That date brings us back practically to the beginning of things in the New York post-office; yet how really short the time is may be judged from the fact that it is spanned by less than two lifetimes, for there are many men still in the service who worked side by side with him, and when I was appointed in 1873 he was still a member of the working force.

Part of the colonel's duties in the earlier days was to ferry the southern mails over the Hudson from the Jersey shore, and then draw them in a wheelbarrow to that little post-office of which I have spoken, located in the uppermost of those two houses on Broadway opposite Beaver street—and small indeed it was, for it consisted of but one room, 15 feet long by 12 feet wide. He died in 1874, a year too soon to see his dearest wish fulfilled in the opening of the new post-office building in 1875.

The removal of the new building was attended with some show of ceremony, the employees marching in a body to their new home from the Old Dutch Church on Nassau street. Of that little band of marchers quite a number are still in harness, for, strange as it may seem, we have still with us in the service, remarkably active for his age, a man who has performed continuous service for sixty years; we have 4 men who have been doing duty for over fifty years, 45 for over forty years but less than fifty, and 157 for over thirty years but less than forty. We have, therefore, on our rolls to-day 207 men who, for a period extending from thirty to sixty years, at salaries in no case excessive and often inadequate, have performed faithful, conscientious, honest service; and now that the hand of time is beginning to press heavily upon the older of them it does seem a hardship that there is no provision in the way of a pension to help them in their declining years.

But I have wandered ahead of my story, which left us in the old office on Broadway, opposite Beaver street. In the summer of 1822, during an epidemic of yellow fever, a temporary move was made to what was then and still is known as "Bank street," but which at that time was away up in Greenwich village, then an outlying settlement separated from the town by a wide stretch of territory, mostly marsh and swamp. When the scare had subsided a return was made to the old quarters.

In 1825, a two-story frame building on Garden street, now known as Exchange place, formerly used as a schoolhouse, was leased for post-office purposes, and into it moved the eight clerks and six letter carriers who composed the entire staff. Another move was made two years later, when a lease was secured of the basement of the new exchange on Wall street, near Pearl. A fire destroyed the exchange in 1835, and after occupying quarters for a short time on Pine street, near Nassau, the post-office secured a new home in the building known as "The Rotunda," situated in City Hall Park. The New Yorkers of those days were of the opinion that the city would never grow far to the north, and the removal to City Hall Park raised such a storm of protest against having the post-office so far up town that finally it was decided to lease the Old Dutch Church on Nassau street, on the site of the present Mutual Life Insurance Building. This had been successively a church, a prison, a stable, and again a church, and it was turned into a post-office and remained so until the completion, in 1875, of the present post-office building at Broadway and Park row, the foundation stone of which was laid in 1869. Of the march of the employees from the old office to the new I have already spoken. The postmaster at that time was one of the ablest we have ever had. I refer to the Hon. Thomas L. James, who afterwards became Postmaster-General, and is now president of the Lincoln National Bank.

The new building, then one of the sights of the town because of its size and height, but now dwarfed by the immense sky-scraping structures surrounding it, did not long remain adequate for the purpose for which it was erected. As the city crept northward the business of the post-office followed, and branch after branch was established, until to-day, located at points best suited to the needs of the people, we have 42 branch post-offices and 251 substations, manned by a force of 7,511 employees, of whom 4,118 are clerks, 2,471 are letter carriers, 282 are laborers, 459 are substitute carriers, 181 are substitute clerks. This large force of men is apportioned among the general post-office and the 42 branches to which I have referred, and one of the most impor-

tant tasks that falls upon the supervisory officials is the duty of seeing to it that the sanitary conditions in all of these places are as they should be. Post-office clerks, like other men, are influenced to a large extent by their environment, and it has been my experience that where the work is performed in a well-lighted and properly ventilated office, with clean closets and accessories, much better results are obtained than when the work is done in insanitary and unsavory quarters.

From the very beginning the main office was unsuited for the uses to which it had to be put, and it must be admitted that in many of the older stations there was much room for improvement in the matter of light and sanitation. Gradually, however, all this is being changed, and as the old leases expire and new quarters have to be secured these questions receive first consideration. In order that you might see the men at work under these newer and better conditions, I would like, if it were possible, to take you all down with me to the Hudson Terminal Station, with its 30,000 square feet of well-lighted, well-aired floor space, or up to the new Station M on Washington Heights, where a building erected expressly for post-office purposes supplies all the conveniences that the most exacting might desire.

Of this large force of over 7,500 men, scattered as they are throughout the city, all are doing their share in handling the more than a billion pieces of mail that are delivered in this city each year. I fancy that I can see some incredulous eyebrows raised at the mention of the word "billion," but it is in no wise an exaggeration, for in the last fiscal year the pieces of mail delivered here amounted to 1,095,882,050. These, please remember, are only the pieces of mail delivered in the city, or rather in the two boroughs of Manhattan and Bronx, which comprise the territory of the New York post-office, and do not include the mail deposited here for dispatch to other parts of the world, the total of which was even greater, being, for the same period, 1,314,860,396. So it will be seen that we handle in our post-office each year over 2,400,000,000 pieces of mail, or more than enough, placed end to end and figuring each piece as eight inches long, to reach from here to the moon.

Each one of these letters or packages must be handled separately by several employees at the offices of origin and address, as well as, in the majority of cases, by the railway mail and sea post clerks in the course of transportation, and the very small loss that occurs annually through depredations speaks well for the honesty and faithfulness of the entire post-office force.

It will be interesting here to follow one of those letters on its outward journey from New York and see how fast it travels as compared with the rate of speed a century ago. Let us suppose that a member of this congregation is corresponding with, well, his sister in Seattle. He has an office in the Bowling Green Building, and at half past 7 o'clock on Monday evening, from the fourteenth floor, he drops a letter into one of those brass-bound, glass-paneled mailing chutes that are now installed in most of our large buildings. In a twinkling the letter is in the chute box on the ground floor, and from there it is taken by a collector and deposited in Station P, with a load of other letters, at 8 o'clock. At the station it helps to form a pyramid of mail on a large table, where a corps of nimble-fingered clerks perform the process of "facing," which consists of arranging the letters address side up. When this is done they are ready for the canceling machine, an electric device which performs the double duty of postmarking the envelope and canceling the stamp at the rate of 30,000 pieces an hour. And here I wish to inject a word of caution. There is only one proper place for the postage stamp, and that is in the upper right-hand corner of the address side. Many people, from eccentric or other motives, have the habit of placing the stamp in all sorts of positions—sometimes on the back, where it acts as a seal, and sometimes in one of the other corners on the face—anywhere but where it should be. Perhaps there would be less of this if it were generally known that it not only impedes the work of the clerks, but usually delays the forwarding of the letter, for a stamp so placed will not catch the canceling lines and the envelope to which it is attached must be cast aside to be canceled by the slow hand process after the letters that were properly stamped have been disposed of, and often after they are on their way to their destination.

But to get back to our letter. After leaving the canceling machine it is conveyed to one of the distributing cases, where a separating clerk, working with a speed and accuracy nothing short of marvelous, places it and others addressed to the same destination into a pigeonhole labeled "State of Washington and Alaska." Within a few minutes, time being up, the letters in the pigeonhole are tied in a bundle bearing the same label, and at 8.30 the bundle is dispatched through the pneumatic tube to Grand Central Station, where it arrives about ten minutes later. There the clerks are waiting for it. They take it from the tube and bring it to the pouching case, where it is placed in a pouch labeled "New York and Chicago R. P. O. No. 2," and is dispatched on the train leaving Grand Central Depot at 9.30. That train reaches Chicago at 8.20 the following evening, and an hour and thirty minutes later our letter has left Chicago and is on its way to the Far West. On the way to Chicago it remained undisturbed in the package, but after that city has been left behind the package is ripped open by the railway mail clerks and placed with the thousands of others that are destined for Seattle. It arrives in Seattle at half past 8 in the evening of the fourth day out from New York, and gets to the post-office a half hour later. It rests overnight in the office and is delivered to the addressee on the 7.30 delivery the following morning. This, it will be admitted, is a vast improvement on the service of a hundred years ago, when Seattle was not yet in existence and when the quickest and practically the only way to the Pacific was by sailing packet round Cape Horn.

For the great improvement in the transportation of letter mail in the larger cities, most of the credit must be given to the pneumatic tube. There are over 20 miles of these tubes in operation in the territory of our post-office, branching out from the general office and making a complete circuit of the stations as far north as One hundred and twenty-fifth street, with cross-town connections at that street and also at Forty-second street.

Other factors which contribute to a quick delivery are the sea post and mail-boat services in connection with foreign mail, and also the evening-delivery service, inaugurated two years ago, under which people living in what are known as the "residential districts" may receive their mail at a late hour in the evening. The sea post service makes it possible for the mail to be assorted to a large extent during the voyage, thus obviating a great deal of that work at the office of delivery.

The mail-boat service has two speedy vessels under charter for the unloading of mail from ocean steamers. Very often, as you know, the steamers suffer a long detention at quarantine, after which they have to be towed slowly up the river and nosed into their docks with a great deal of maneuvering. All this consumes a lot of time, and it is to save this time that the mail boats are brought into requisition. They meet the steamers at quarantine, unload the mail, and hurry at full speed to the dock, often beating the steamers up the river by several hours. Of just how this service, helped out by the pneumatic tube and the evening delivery, works to the benefit of the citizen will be best understood by the following illustration:

One of the mail-carrying liners leaves Liverpool on a Saturday morning, bearing among its stock of mail a letter addressed to a citizen residing in the West Eighties. When the vessel arrives within hailing distance of our coast, as far east as Nantucket, that fact, to the hour and minute of sighting, is reported to the office of the postmaster, who is also kept informed of its further progress and is thus able to determine when it will arrive at quarantine. The squad of clerks assigned to the mail-boat service are ready for the word, and when it is given they go to the Cortlandt street dock and board the boat for quarantine, reaching there a short time before the arrival of the steamer. In the case we are describing, the two boats meet at quarantine at 2.30 p. m. on the Friday following the departure from Liverpool. The mails, consisting, it may be, of as many as 4,000 sacks (on the *Majestic*, arriving December 17, 1907, there were 4,968 of them) are slid down a chute from the steamer to the deck of the mail boat, and as soon as the first few sacks have been transferred the clerks begin the task of arranging them in separate piles according to the destination as shown on the labels. This work of separation is completed by the time the boat reaches the dock. We are all familiar with the old story about the "soft snap" enjoyed by the government clerk, but if the department rules permitted you to go down the bay on one of the mail boats and watch a squad of those government "clerks," attired in shirt and overalls and hustling as few longshoremen ever hustle, your opinion regarding the "snap" would be modified to the extent at least of omitting a post-office clerkship from the list of easy berths.

The mail is unloaded at the dock and dispatched to various points for transportation to ultimate destination. The letter we have in mind is addressed for delivery on the middle west side, and it, with other city mail, is driven to the general post-office, where it is sorted by an expert on the city scheme and forwarded by tube to Station W. From there, after having been sorted to the carrier's route, which includes the addressee's street and number, it is taken out by the carrier assigned to the evening delivery and delivered that night. If it is an important letter, requiring an immediate answer, the addressee can reply to it at once, and if he mail the answer in a street letter box before 10.50 p. m. it will go out on one of the mail steamers sailing the following morning.

The time of arrival shows that the letter we have had in mind was mailed on one of the slower steamers, and if it had come on one of the faster of the present-day boats still better time would have been made. The *Mauretania*, for instance, sailed from Liverpool at noon on September 25 last. She arrived at this port and left quarantine for her dock at 2.25 p. m. on September 30. Being a Cunard Line ship, she was not equipped with a sea post-office, the consequence being that the city mail that she carried was not made up in transit and had to be separated after arriving at our office. It reached the office at 6.31 p. m., and, notwithstanding the fact that the separation had to be made as stated, the letters addressed for delivery in the residential districts arrived at their stations by pneumatic tube in time to be taken out on the 8 o'clock delivery that night—just five days and eight hours after the departure of the ship from Liverpool. Mail arriving on her for, let us say, Buffalo, and received in direct pouches made up at Liverpool, was dispatched to the destination on the 9.30 p. m. train over the New York Central, arriving in Buffalo at 8.05 the following morning. Mail received in similar pouches for Pittsburg went out on the 8.44 train over the Pennsylvania Railroad and arrived in Pittsburg at 8 o'clock next morning, having been delivered, as was the Buffalo mail, in the forenoon of the same day.

Thus we see how all these inventions and innovations cooperate so wonderfully in curtailing the time between the posting and the delivery of foreign mail. Other inventions will follow, and it is not beyond range of probability that we may yet be able to drop our letter in a receptacle on any street corner and have it instantly whisked away by compressed air to the nearest post-office station.

We all know, of course, that New York is far in the lead of all other American cities, not only in population but also in the volume of business transacted, but how many of us realize that she does a bigger postal business, in the number of pounds of mail handled, than the cities of Chicago and Philadelphia combined, and that she all but equals the postal business of 21 of our States and Territories. Yet so it is, for an official weighing of the mails, made about two years ago and extending over a period of six months, demonstrated beyond question that the volume of mail handled at the New York post-office was close to the total of the mail handled by the following States and Territories taken together: Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. For the benefit of those good people who must be "shown," whether they come from Missouri or elsewhere, I will give the figures of the weighings: The New York post-office for the period mentioned handled 101,051,766 pounds of mail; Chicago and Philadelphia combined handled 98,325,115 pounds, and the States and Territories of which I have spoken handled 102,296,001 pounds.

In connection with the money-order business the figures are even more astounding. In 1875 the New York post-office had 770,486 money-order transactions, with a total cash value of $35,166,361.25. In 1890 the number of money-order transactions had jumped to 3,322,281, representing a cash value of $101,334,178.28; while during the fiscal year ended on June 30 of this year the transactions reached the enormous total of 11,303,299, the value being $423,543,790.14. Even the sum last mentioned does not represent high-water mark, for in the previous year—the fiscal year preceding the panic—the half-billion mark was passed, the total value being $526,304,437.44. This drop of over $100,000,000 shows that the panic, affecting at first only the capitalists, sifted down through all the intermediate stages of wealth until it hit the people of small means, for it is this class that makes most use of the money-order system, and it was to a falling off in their patronage that the shrinkage referred to was due.

But perhaps the great advance in New York's postal business can best be shown by a comparison of the business transacted in the registry division. The periods that I have chosen as a basis of comparison are the fiscal years ended June 30, 1899, and June 30, 1909, and for convenience we will call them "1899" and "1909."

In 1899 the pieces of registered mail received and delivered in New York amounted to 1,868,761, while in 1909 the number was 3,912,334. The number of registered articles received at the New York post-office for distribution in 1899 amounted to 1,197,274, while in 1909 the number was 3,974,463. The number of registered pieces mailed at the general post-office and stations in 1899 was 1,363,378, while in 1909 the number was 4,346,177. Thus we see that in the total number of registered pieces handled there was a jump from 4,429,419 in 1899 to 12,232,974 in 1909, showing that in ten years the registry business has almost been trebled.

And so it goes. There seems to be no end to our growth, and I have no doubt that some future postmaster, taking pride in a postal business that caters to a population of 10,000,000, will refer with complacency to our $20,000,000 business of to-day.

In connection with all that I have said, it is well to remember that the New York post-office does not serve all of the city of New York, but only the two boroughs of Manhattan and Bronx, there being separate post-offices in Brooklyn, Long Island City, and other former independent municipalities that are now included in the greater city.

And now, before I close, I wish to say a word on a subject that unfortunately seems to be inseparable from the post-office, and that is the subject of deficit. All of you, I am sure, have heard or read of criticism against the Post-Office Department because the service has not been placed and maintained on a paying basis. All of this criticism would cease if it were borne in mind that the post-office never was intended to be a money-making branch of the Government, and that it was and should be regarded primarily as a means of convenience to the public. This has been shown in many ways. Just as soon as revenue is about to catch up with expense, the service is loaded with some costly but beneficial innovation, as, for instance, the now indispensable rural free-delivery service, which is such a boon to the farmers. The rate of letter postage has been gradually reduced until it is now almost nominal. Solely in the interest of education, newspapers and periodicals that comply with certain rules are delivered at the rate of a cent a pound, although the actual cost of carriage is many times greater. Freight and express companies, which are conducted for revenue only, arrange the rate according to the distance, but the post-office, working solely in the interest of the public, has the same flat rate for all distances, the cost of mailing a letter being only 2 cents, whether the destination be South Ferry or the Philippines. The relation which this flat rate bears to the postal revenues will be understood when I state that of the first lot of mail sent to Circle City, Alaska, the average cost of each letter was $450, although the only cost to the sender was the price of a 2-cent stamp.

Mr. LANGLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. I now move that the committee rise and report the bill to the House as amended, with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, and had directed him to report the same back to the House with an amendment in the nature of a substitute, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. CLARK of Missouri. Mr. Speaker, I move to recommit the bill to the Committee of the Whole, with instructions to report back immediately with the following amendments.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CLARK of Missouri. I am opposed to the bill.

The SPEAKER. The gentleman from Missouri moves to recommit the bill with the following instructions: That the committee do report the bill forthwith with an amendment, which the Clerk will report.

The Clerk read as follows:

That whoever, being a census enumerator, or other person employed in taking the Thirteenth Decennial Census of the United States, shall ask any question of any person of whom he is obtaining information respecting the census as to his political affiliations or sentiments, or of the political affiliations or sentiments of others, or shall make known to anyone such information acquired by him in connection with his work as such census enumerator or other census employee, shall be fined not more than $1,000 and imprisoned not more than one year.

Mr. CRUMPACKER. Mr. Speaker, I move to lay the motion to recommit on the table.

Mr. UNDERWOOD. I make the point of order that that is not in order.

The SPEAKER. It occurs to the Chair that the motion to lay on the table a motion to recommit is not in order.

The question being taken on the motion of Mr. CLARK, the Speaker announced that he was in doubt.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 118, nays 150, answered "present" 10, not voting 109, as follows:

YEAS—118.

Adair	Dent	Hughes, Ga.	Pou
Adamson	Denver	Hull, Tenn.	Pujo
Alexander, Mo.	Dickson, Miss.	Humphreys, Miss.	Rainey
Anderson	Dies	Johnson, Ky.	Randell, Tex.
Ansberry	Dixon, Ind.	Johnson, S. C.	Rauch
Ashbrook	Driscoll, D. A.	Jones	Reid
Barnhart	Edwards, Ga.	Kinkead, N. J.	Robinson
Bartlett, Ga.	Ellerbe	Kitchin	Rucker, Mo.
Bartlett, Nev.	Estopinal	Korbly	Shackleford
Bell, Ga.	Ferris	Lamb	Sharp
Boehne	Floyd, Ark.	Latta	Sheppard
Brantley	Foster, Ill.	Lee	Sherley
Burleson	Gallagher	Lindbergh	Sherwood
Burnett	Garner, Tex.	Lindsay	Sims
Byrns	Garrett	Livingston	Sisson
Candler	Gill, Mo.	Lloyd	Slayden
Cantrill	Gillespie	McHenry	Smith, Tex.
Cary	Gordon	Macon	Spight
Clark, Fla.	Goulden	Maguire, Nebr.	Stephens, Tex.
Clark, Mo.	Gregg	Mays	Talbott
Clayton	Gronna	Moon, Tenn.	Thomas, Ky.
Cline	Hamlin	Moore, Tex.	Thomas, N. C.
Collier	Hammond	Morrison	Tou Velle
Conry	Hardy	Murdock	Underwood
Cooper, Wis.	Heflin	Nelson	Watkins
Covington	Helm	Nicholls	Webb
Cox, Ind.	Henry, Tex.	Oldfield	Weisse
Craig	Houston	Padgett	Wickliffe
Cravens	Howard	Palmer, A. M.	
Cullop	Hubbard, Iowa	Poindexter	

NAYS—150.

Austin	Fairchild	Kennedy, Iowa	Olcott
Barchfeld	Fassett	Kennedy, Ohio	Palmer, H. W.
Barnard	Fish	Kinkaid, Nebr.	Parker
Bartholdt	Fordney	Knapp	Parsons
Bates	Foss	Knowland	Payne
Bennet, N. Y.	Foster, Vt.	Kopp	Pearre
Bennett, Ky.	Foulkrod	Kronmiller	Pickett
Boutell	Fowler	Küstermann	Plumley
Bradley	Fuller	Langham	Reeder
Brownlow	Gaines	Langley	Reynolds
Burke, Pa.	Gardner, Mass.	Law	Roberts
Burleigh	Gardner, Mich.	Lenroot	Rodenberg
Butler	Garner, Pa.	Longworth	Sheffield
Calder	Goebel	Loud	Simmons
Calderhead	Graff	Loudenslager	Smith, Iowa
Cassidy	Graham, Pa.	Lundin	Southwick
Chapman	Grant	McCall	Stafford
Cocks, N. Y.	Greene	McCreary	Sterling
Cole	Griest	McCredie	Stevens, Minn.
Cook	Guernsey	McGuire, Okla.	Sturgiss
Coudrey	Hamer	McLachlan, Cal.	Sulloway
Cowles	Hamilton	McLaughlin, Mich.	Swasey
Creager	Hanna	Madden	Taylor, Ohio
Crow	Haugen	Madison	Tener
Crumpacker	Hayes	Malby	Thistlewood
Dalzell	Heald	Mann	Tilson
Davidson	Higgins	Miller, Kans.	Tirrell
Davis	Hollingsworth	Miller, Minn.	Townsend
Dawson	Howell, N. J.	Millington	Volstead
Denby	Howell, Utah	Mondell	Vreeland
Diekema	Howland	Moon, Pa.	Wanger
Draper	Hubbard, W. Va.	Morehead	Washburn
Driscoll, M. E.	Huff	Morgan, Mo.	Weeks
Durey	Hughes, W. Va.	Morgan, Okla.	Wilson, Ill.
Dwight	Johnson, Ohio	Morse	Wood, N. J.
Elvins	Joyce	Moxley	Woods, Iowa
Englebright	Keifer	Needham	
Esch	Kendall	Nye	

ANSWERED "PRESENT"—10.

Andrus	Carter	Hardwick	Martin, Colo.
Beall, Tex.	Currier	James	
Booher	Foelker	Lever	

NOT VOTING—109.

Aiken	Gill, Md.	McDermott	Sabath
Alexander, N. Y.	Gillett	McKinlay, Cal.	Saunders
Allen	Gilmore	McKinley, Ill.	Scott
Ames	Glass	McKinney	Slemp
Anthony	Godwin	McMorran	Small
Barclay	Goldfogle	Martin, S. Dak.	Smith, Cal.
Bingham	Good	Maynard	Smith, Mich.
Borland	Graham, Ill.	Moore, Pa.	Snapp
Bowers	Hamill	Moss	Sparkman
Broussard	Harrison	Mudd	Sperry
Burgess	Hawley	Murphy	Stanley
Burke, S. Dak.	Hay	Norris	Steenerson
Byrd	Henry, Conn.	O'Connell	Sulzer
Campbell	Hill	Olmsted	Tawney
Capron	Hinshaw	Page	Taylor, Ala.
Carlin	Hitchcock	Patterson	Taylor, Colo.
Cooper, Pa.	Hobson	Perkins	Thomas, Ohio
Cox, Ohio	Hughes, N. J.	Peters	Wallace
Dodds	Hull, Iowa	Pratt	Wheeler
Douglas	Humphrey, Wash.	Pray	Wiley
Edwards, Ky.	Jamieson	Prince	Willett
Ellis	Kahn	Ransdell, La.	Wilson, Pa.
Finley	Kelliher	Rhinock	Woodyard
Fitzgerald	Lafean	Richardson	Young, Mich.
Flood, Va.	Lawrence	Riordan	Young, N. Y.
Focht	Legare	Rothermel	
Fornes	Lovering	Rucker, Colo.	
Gardner, N. J.	Lowden	Russell	

So the motion to recommit was lost.

The following pairs were announced:
For the session:
Mr. CURRIER with Mr. FINLEY.
Mr. YOUNG of New York with Mr. FORNES.
Mr. HILL with Mr. GLASS.
Mr. WOODYARD with Mr. HARDWICK.
Mr. ANDRUS with Mr. RIORDAN.
Mr. AMES with Mr. AIKEN.
Until further notice:
Mr. McMORRAN with Mr. STANLEY.
Mr. BURKE of South Dakota with Mr. SAUNDERS.
Mr. CAPRON with Mr. O'CONNELL.
Mr. ELLIS with Mr. SHARP.
Mr. OLMSTED with Mr. JAMES.
Mr. MARTIN of South Dakota with Mr. MARTIN of Colorado.
Mr. TAWNEY with Mr. RICHARDSON.
Mr. McKINNEY with Mr. JAMIESON.
Mr. BINGHAM with Mr. GILMORE.
Mr. GILLETT with Mr. GODWIN.
Mr. LAFEAN with Mr. HAMILL.
Mr. MOORE of Pennsylvania with Mr. ROTHERMEL.
Mr. MUDD with Mr. PAGE.
Mr. MURPHY with Mr. RHINOCK.
Mr. SPERRY with Mr. RUSSELL.
Mr. WHEELER with Mr. SPARKMAN.
For this day:
Mr. SCOTT with Mr. LEVER.
Mr. LOWDEN with Mr. HUGHES of New Jersey.
Mr. FOELKER with Mr. GOLDFOGLE.
Mr. HAWLEY with Mr. BEALL of Texas until Saturday, inclusive.
Mr. COOPER of Pennsylvania with Mr. HITCHCOCK until the 5th instant, inclusive.
Mr. McKINLEY of Illinois with Mr. BOOHER until Saturday, inclusive.
Mr. KAHN with Mr. CARTER until February 4, inclusive.

Mr. CARTER. Mr. Speaker, did the gentleman from California [Mr. KAHN] vote?

The SPEAKER. He did not.

Mr. CARTER. I voted aye. I wish to withdraw my vote and vote present.

Mr. ANDRUS. Mr. Speaker, I voted aye, but I find that I am paired with the gentleman from New York [Mr. RIORDAN], and I wish to withdraw my vote and be recorded as present.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was given leave of absence for two days on account of important business.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Saugatuck Harbor and Kalamazoo River, Michigan (H. Doc. No. 635)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Aransas Pass Harbor, Texas (H. Doc. No. 639)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. Report of the Washington, Alexandria and Mount Vernon Railway Company for the year 1909 (H. Doc. No. 636)—to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation to provide for care of the insane in Alaska (H. Doc. No. 637)—to the Committee on the Territories and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18592) to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo., reported the same with amendment, accompanied by a report (No. 379), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. THISTLEWOOD, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 19959) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 378), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17720) granting a pension to Emilie L. Kruger—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17726) granting an increase of pension to Thomas McDonough—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THISTLEWOOD, from the Committee on Invalid Pensions: A bill (H. R. 19959) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. KINKEAD of New Jersey: A bill (H. R. 19960) to appropriate $500,000 to deepen the channel and to open an additional channel in the Hackensack River, in the State of New Jersey—to the Committee on Rivers and Harbors.

By Mr. LINDSAY: A bill (H. R. 19961) granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 19962) establishing a commission on fine arts—to the Committee on the Library.

By Mr. TAYLOR of Alabama: A bill (H. R. 19963) providing for the erection of a public building at Fort Morgan, Ala., for the use of the Treasury Department—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19964) to remodel the public building at Mobile, Ala., known as the custom-house—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19965) providing for the erection of a public building at Mobile, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 19966) to establish land courts of the United States and an appellate land court of the United States—to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 19967) authorizing the Warfield Coal and Salt Company to construct a bridge across Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: A bill (H. R. 19968) to provide for a site and public building at Beardstown, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 19969) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes—to the Committee on the District of Columbia.

By Mr. VREELAND: A bill (H. R. 19970) for the completion of the improvement to Dunkirk Harbor—to the Committee on Rivers and Harbors.

By Mr. ALLEN: A bill (H. R. 19971) providing for the appointment of Commander Robert E. Perry a rear-admiral in the navy, as an additional number in grade, and place him upon the retired list—to the Committee on Naval Affairs.

By Mr. LINDSAY: A bill (H. R. 19972) granting pensions to widows and minors of soldiers and sailors of the civil war—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 19973) to authorize an investigation of the coal lands belonging to the United States by the Secretary of the Interior, and to provide for a report thereon to Congress—to the Committee on the Public Lands.

By Mr. PARKER: Resolution (H. Res. 366) as to a new rule as to debate in Committee of the Whole—to the Committee on Rules.

By Mr. BURKE of Pennsylvania: Resolution (H. Res. 367) to amend rules—to the Committee on Rules.

By Mr. SHEFFIELD: Memorial of the legislature of Rhode Island to the Congress of the United States, for the improvement of the Providence River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19974) granting an increase of pension to Clement R. Strahan—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 19975) granting an increase of pension to David H. Mellinger—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19976) granting an increase of pension to William Wince—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 19977) providing for payment to P. L. Coultry for services in the folding room of the House of Representatives—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 19978) for the relief of Silas Crump—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 19979) granting an increase of pension to Ichabod E. Spring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19980) granting an increase of pension to Osborn Sheely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19981) granting an increase of pension to Henry A. Keve—to the Committee on invalid pensions.

Also, a bill (H. R. 19982) granting an increase of pension to William R. Wolbert—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 19983) granting a pension to Ella Kavel—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 19984) granting a pension to Denny H. Vocke—to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 19985) granting an increase of pension to Benjamin F. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19986) granting a pension to George W. Turner—to the Committee on Pensions.

Also, a bill (H. R. 19987) for the relief of the heirs of John T. London, deceased—to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 19988) for the relief of Reece Boan Stump—to the Committee on Claims.

Also, a bill (H. R. 19989) for the relief of the heir of Allen J. Mann, sr., deceased—to the Committee on Claims.

By Mr. FOELKER: A bill (H. R. 19990) granting an increase of pension to Charles Dimmler—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 19991) granting a pension to Vernon E. Cummings—to the Committee on Pensions.

By Mr. GREENE: A bill (H. R. 19992) granting a pension to John Marshall—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19993) granting a pension to John D. Gardner—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 19994) granting an increase of pension to Alexander Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19995) granting an increase of pension to Thomas L. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19996) to remove charge of desertion from the military record of Peter Scott—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 19997) granting an increase of pension to William H. Allard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19998) granting an increase of pension to John H. Spear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19999) granting an increase of pension to William C. Gardiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20000) granting an increase of pension to Lawrence Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20001) granting a pension to Adelaide E. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20002) granting a pension to Margaret Conway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20003) granting a pension to Mary E. McGinn—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 20004) granting an increase of pension to James Ormsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20005) granting an increase of pension to John C. Mayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20006) holding and considering Silas Steffy to have been honorably discharged—to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 20007) granting a pension to Walter Commerce—to the Committee on Pensions.

By Mr. LOWDEN: A bill (H. R. 20008) granting an increase of pension to Joseph Shelhamer—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 20009) granting an increase of pension to Spencer Wright—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 20010) for the relief of the estate of Edward Lake—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 20011) for the relief of Julia Blount Thacker, Amanda Catherine Johnson, John Clark Rowden, and Samuel Echols Rowden, the only heirs at law of Isaac Curry Rowden and Sarah E. Rowden, of Wauhatchie, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 20012) granting an increase of pension to James Atchley—to the Committee on Invalid Pensions.

By Mr. MOXLEY: A bill (H. R. 20013) granting a pension to Mabel J. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20014) to remove the charge of desertion from the military record of John C. Whittin—to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 20015) granting a pension to Lowry Holman—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20016) granting an increase of pension to Harriet Hicks—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 20017) granting an increase of pension to Delos W. Story—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20018) granting an increase of pension to W. C. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20019) granting a pension to Buena Vista Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20020) granting a pension to Kate McMullan—to the Committee on Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 20021) for the relief of the heirs of Elisha Oliver, deceased—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 20022) granting an increase of pension to William A. Rusie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20023) granting an increase of pension to Henry Haupt—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 20024) granting an increase of pension to Levi R. Fox—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 20025) to remove the charge of desertion from the military record of Robert F. Risley—to the Committee on Military Affairs.

Also, a bill (H. R. 20026) to remove the charge of desertion from the military record of Henry Crangle—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 20027) granting an increase of pension to Thomas R. Gray—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 20028) for the relief of the heirs of Giles Mathis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20029) for the relief of heirs of John Mills, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20030) granting an increase of pension to Reuben D. Priddy—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 20031) for the relief of George Hallman—to the Committee on Claims.

Also, a bill (H. R. 20032) granting a pension to Sarah Baer—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20033) for the relief of Kate Kearney Henry, widow and administratrix of James L. Henry, deceased—to the Committee on Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 20034) granting a pension to Edward A. Poag—to the Committee on Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 20035) granting an increase of pension to John W. Morris—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 20036) for the relief of the heirs of Permelia F. Henry—to the Committee on War Claims.

By Mr. COCKS of New York: A bill (H. R. 20037) for compensation, salvage, and reward to the legal representatives of Capt. Horatio Nelson—to the Committee on Claims.

By Mr. LUNDIN: A bill (H. R. 20038) granting an increase of pension to Charles A. Dahl—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of G. W. Harris, commander of Keller Post, No. 128, of Bucyrus, Ohio, favoring House bill 14666, for relief of Thomas J. Sheppard—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of D. P. Campbell, of Utica, Ohio, for repeal of section 38 of the tariff law enacted August 5, 1909—to the Committee on Ways and Means.

By Mr. BARNHART: Petition of Farmers' Institute of Kosciusko County, Ind., against abolition of the free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of F. J. Rappald, of Erie, Pa., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. F. Adams Company, Erie, Pa., for repeal of clause 6 of section 38 of the corporation-tax law—to the Committee on Ways and Means.

By Mr. CARY: Petition of Fuller & Johnson Manufacturing Company, of Madison, Wis., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CASSIDY: Petition of the Philadelphia Bourse, favoring a river and harbor bill at this session of Congress—to the Committee on Rivers and Harbors.

Also, petition of the Chipola, Flint, Chattahoochee, and Apalachicola Waterway Association, for adequate appropriation for its namesake system of rivers—to the Committee on Rivers and Harbors.

By Mr. CONRY: Petition of National Liberal Immigration League of New York City, against resolution to repeal law (sec. 40, act of February 20, 1907) which created the national distribution bureau—to the Committee on Immigration and Naturalization.

Also, petition of Cluett, Peabody & Co., of Troy, N. Y., favoring House bill 14544, repeal of corporation-tax law—to the Committee on Ways and Means.

Also, petition of Municipal Art Society of New York, favoring participation of the United States Government in the Rome and Turin Exposition of 1911—to the Committee on Industrial Arts and Expositions.

By Mr. DENBY: Petition of Frank Debal and other citizens of Michigan, against increase of postage rate on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Farmers' Institute of Eleva, Wis., against repeal of the oleomargarine law—to the Committee on Agriculture.

Also, petition of Cochrane Cooperative Farmers' Creamery Company, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Petition of E. W. Hirsh and other citizens of Newton, Ill., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the American Varnish Company, of Chicago, Ill., in favor of certain amendments of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GREENE: Paper to accompany bill for relief of John Marshall—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, in favor of the Jones bill (S. 4033) concerning travel pay, etc., to officers and soldiers in the volunteer service in the Philippines, etc.—to the Committee on Military Affairs.

Also, petition of L. M. Larson and 65 others, of Hardwick, Minn., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Paper to accompany bill for relief of William J. Whitfield—to the Committee on Pensions.

By Mr. HAY: Petition of citizens of Boyce, Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Orchard City Grange, No. 333, favoring plan to reduce the postal deficit caused on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. O. C. Ord Post, No. 82, Department of California and Nevada, Grand Army of the Republic, against acceptance of the Lee statue for Statuary Hall—to the Committee on the Library.

By Mr. HIGGINS: Petition of residents of Stonington, Conn., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Paper to accompany bill for relief of Edward L. Riley—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of residents of South Amboy, N. J., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of Brotherhood of American Yeomen of Des Moines, Iowa, against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Chamber of Commerce, for re-establishing the fast evening mail train between New York, Philadelphia, and St. Louis—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of Ohio: Petition of citizens of Portsmouth, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of Local Union No. 151, Independent Brotherhood of Electrical Workers, and L. Squires and 47 other citizens of San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. LOWDEN: Petition of citizens of Rockford, Ill., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of Pastors' Federation of Washington, for the Johnson Sunday bill for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Philadelphia branch of the American Pharmaceutical Association, against the Coudrey amendment to the food and drugs act of June 30, 1906—to the Committee on Agriculture.

By Mr. RAINEY: Petition of merchants of the Twentieth Congressional District of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Lebanon, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Missouri: Petition of citizens of Livingston County, Mo., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Paper to accompany bill for relief of Thomas R. Gray—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Modale, Iowa, and vicinity, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPERRY: Resolutions of the Wholesale Grocers' Association of Southern New England, urging the repeal of the corporation tax—to the Committee on Ways and Means.

Also, resolution of Wadhams Post, No. 49, Grand Army of the Republic, of Waterbury, Conn., protesting against the acceptance of the statue of General Lee—to the Committee on the Library.

By Mr. SPIGHT: Paper to accompany bill for relief of Reuben D. Priddy—to the Committee on Pensions.

Also, paper to accompany bill for relief of heirs of Giles Mathis—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of John Mills—to the Committee on War Claims.

By Mr. STEENERSON: Petition of W. E. Baker and P. L. Virlannes, of Thief River Falls, Minn.; George Brunner, A. F. Greening, Leon Filiatrault, D. E. Hawes, Emil Hanson, and E.

Laplante, of Crookston, Minn., against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of citizens of Dwight, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Gustav D. Brown and 49 other citizens of Charlestown, W. Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Ohio: Petition of J. L. Bracken and other citizens of Columbus, Ohio, favoring repeal of the excise tax on corporations, joint-stock companies, associations, and insurance companies (section 38 of the tariff law)—to the Committee on Ways and Means.

Also, petition of Chapter No. 1, of Columbus, Ohio, and Chapter No. 22, of Westerville, Ohio, American Insurance Union, in support of House bill 17543, relative to publications of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of Huntsburg Grange, No. 1588, Patrons of Husbandry, against increase of postage rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Caneadea Grange, No. 1139, Patrons of Husbandry, of New York, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Hooker Association of Massachusetts for an adequate appropriation to construct a crypt in the chapel at the Naval Academy at Annapolis for the body of John Paul Jones—to the Committee on Naval Affairs.

SENATE.

THURSDAY, *February 3, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting estimates of deficiency in the appropriations for the service of the Post-Office Department, $34,000 (S. Doc. No. 348), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Mrs. Mattie U. Boykin, Thaddeus C. Ferrell, and Mrs. Lula D. Meriwether, heirs of Thaddeus N. Ferrell, deceased, *v.* The United States (S. Doc. No. 344);

Francis L. Ward and Eliza C. Ward, administrators of Marjorie Ward, deceased, *v.* The United States (S. Doc. No. 345);

William H. Thompson, Ada A. Thompson, Michael D. Thompson, Andrew Thompson, and Jessie D. Thompson, heirs of William H. Stringer, deceased, *v.* The United States (S. Doc. No. 346); and

B. J. Cowart, administrator of the estate of Aaron Turner, deceased, *v.* The United States (S. Doc. No. 347).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CARE OF INSANE IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President, a draft of a bill to provide for the care of the insane in the Territory of Alaska, by authorizing the Secretary of the Interior to select a tract of public land and to erect and furnish suitable buildings thereon (H. Doc. No. 637), which was referred to the Committee on Territories and ordered to be printed.

Mr. HEYBURN subsequently said: Mr. President, I desire to call attention to the communication just received from the Secretary of the Interior introducing into this body a bill proposing legislation. We on a former occasion had to deal with that question. I object to the reference of the bill, because it is not in conformity with any rule or privilege under the law or under the rules of this body.

The VICE-PRESIDENT. With the consent of the Senate, the reference is annulled, and the Chair will return the communication to the department.

Mr. DOLLIVER. I should like to inquire of the Senator from Idaho what is the rule or privilege that determines the matter?

Mr. HEYBURN. The rule or privilege that only members of the Senate of the United States may introduce measures for its consideration.

Mr. DOLLIVER. Do I understand that the Secretary of the Interior has undertaken to introduce a bill?

Mr. HEYBURN. Yes. I will read the rule.

RULE XV.

1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate.

There is a note to the rule, as follows:

NOTE.—*Resolved*, That no communications from heads of departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President. (Senate Journal, 1st sess. 60th Cong., p. 122.)

Mr. DOLLIVER. If the Senator will permit me, what is the nature of the communication from the Secretary of the Interior?

Mr. HEYBURN. It is a proposed bill. It comes to the Senate accompanied by a letter signed by the Secretary of the Interior.

Mr. DOLLIVER. Does the Secretary go so far as to introduce the bill into the Senate?

Mr. HEYBURN. That is a question as to the effect of the presentation of the measure.

The VICE-PRESIDENT. If the Chair may be indulged a moment, heretofore when such communications have come from departments the Chair has returned them to the departments and called attention to the rule. This letter of transmittal states, however, in its opening clause that the communication was sent by the direction of the President, and because of that the Chair submitted it to the Senate.

Mr. HEYBURN. Mr. President, the Constitution allows the President to communicate with Congress on matters of public interest. It does not allow him to delegate the power to any other persons. A bill introduced by a member of this body is subject to an objection, and the question is one of consent and not one of right. The proper motion or expression upon the presentation of a bill is that the member of this body asks consent to introduce the bill.

The VICE-PRESIDENT. This bill has not been introduced.

Mr. HEYBURN. What is its status, if I may ask, Mr. President?

The VICE-PRESIDENT. It is simply referred to the committee for its consideration as a part of a communication from a department of the Government, and is not introduced.

Mr. HEYBURN. Mr. President, no department of the Government is authorized to send messages to Congress. I object to its reference.

Mr. BACON. Mr. President, I think the point is well taken by the Senator, and that he could go still further. The President of the United States, I will say in all courtesy, has no right to send a bill to this body to be referred to a committee. There is but one way in which a bill can get before a committee, and that is by its regular introduction by a Senator, and to send a bill to a committee from the Vice-President's desk is practically to introduce it. Of course if the committee charged with its consideration thinks right to report it back, when reported back it will take its place on the calendar, if reported favorably.

I think, Mr. President, it is time that this matter should be dealt with properly, and it is a very much graver matter than simply one of sending a communication by a head of a department in contravention of the rule which has been read by the Senator from Idaho. It is a very much graver undertaking to introduce a bill into the Senate in a way other than that which the law undoubtedly alone authorizes, and that is by a Senator.

Mr. President, the design of the framers of our Government was that the three departments should be separate. If there is anything that is well expressed and the intention left beyond the shadow of a doubt, it is that. The success of our system of government depends upon the maintenance of that clear division between the duties and powers of each department of the Government. It is entirely different in this particular from the English system of government, under which the executive functions are, in fact, exercised by a responsible ministry, accountable to the legislative department. Those ministers are themselves members of Parliament, and are, in effect, a committee of Parliament. For those ministers known as "the government" to send a bill to Parliament to be enacted into law is no breach of parliamentary prerogative.

It is necessarily apparent to everyone that there is a constant encroachment in this regard on the part of the executive department. I am not speaking of any particular Executive or of any particular administration, for it has been so for years under administrations by Democrats as well as by Republicans, and there is nothing partisan in what I say. There has been a constant and growing disposition on the part of the executive department for years past to dominate and control legislation and to dictate its enactment by the legislative branches of the Government.

Mr. President, we see in the papers every day now that certain policies are being formulated by the executive department into legislative bills, that the provisions are being considered by the executive department, and that not only in this administration but in former administrations parties who belong to no branch of the Government are being called in for a consultation as to what shall be embodied in bills thus to be enacted. If I recollect aright, even in this morning's papers there was an announcement of the fact that a bill which has been prepared by the executive department and is to be presented as a policy to be carried out had been framed and sent to the printer, and when it comes from the printer it is to be sent to Congress with a practical statement that it is to be enacted.

Of course, Mr. President, that is aside from the particular point we have in view. It is a great breach of the privilege of the Senate, in my opinion, a most radical violation of the constitutional powers and prerogatives of the Senate, for the executive department to send a bill to the Senate in a communication, the design of which is that it shall in that way be introduced and enacted into law.

I understand, Mr. President, that the Chair has annulled the order, and there is nothing further to be done.

The VICE-PRESIDENT. The Chair has not yet done so. The Chair was about to say that if there is no objection, the reference would be annulled, and the Chair will return the communication to the department with a reference to the rule which it is alleged was infracted.

Mr. MONEY. Mr. President, before this incident closes I would be glad to know from whom this communication comes and how it is addressed.

The VICE-PRESIDENT. The communication is addressed to the President of the Senate and it is signed by the Secretary of the Interior. In the opening sentence of his letter he states that by direction of the President the communication is sent.

As the Chair stated a few moments ago, when such communications have come heretofore the Chair has returned them to the persons sending the communication, calling attention to the Senate rule, and has invariably received back a very courteous answer, thanking the Vice-President for calling attention to the rule. That will be done in this case.

Mr. MONEY. There would not seem to be anything to object to if it did not include something else. Is there anything else besides?

The VICE-PRESIDENT. The Chair did not hear the Senator from Mississippi.

Mr. MONEY. I say so far as the statement of the Chair is concerned there can be no objection to receiving the communication from the head of a department, but does it include anything else besides the communication that causes the point of order?

The VICE-PRESIDENT. The communication contains the draft of a proposed bill.

Mr. MONEY. I still do not understand how the department could send a bill to the Senate to be introduced unless through a member. Is it a proposition from the Secretary of the Interior to have the bill introduced and referred through some Senator or upon his own motion?

The VICE-PRESIDENT. The Chair has not read the communication in full. The Chair is unaware just exactly what the proposition is. The Chair simply read the opening sentence, and seeing that it was sent by direction of the President he laid it before the Senate rather than return it, which has been the custom of the Chair when such communications have been received other than from the President.

Mr. MONEY. The reason why I made this inquiry is because if there is no intention on the part of the Secretary to have the bill introduced here on his own motion there is no object to be met in the point of order. If there is, it is so obviously improper that notice of it will have to be taken as a matter of course. But I do not yet understand that the Secretary of the Interior or the President has attempted to introduce a bill for reference through any other than the ordinary channels of sending it to some Senator for his action and approval, to be introduced either by request or on his own responsibility.

The VICE-PRESIDENT. Shall the Chair read the opening clause of the communication to the Senator from Mississippi?

Mr. MONEY. I simply want to understand whether the Secretary of the Interior proposes to introduce a bill or whether he was simply sending a bill here for someone else to introduce.

The VICE-PRESIDENT. The Chair assumes that the Secretary of the Interior understood that somebody would introduce the bill. The opening sentence is—

By direction of the President I have the honor to submit draft of a bill to provide for the care of the insane in the Territory of Alaska—

And so forth.

Mr. HEYBURN. Mr. President——

Mr. MONEY. I do not understand, if I may be allowed a moment, that this is an attempt of the Secretary to introduce a bill at all. He sends it to the Chair. The Chair is to do with the bill whatever he chooses. I suppose it is usual for the Chair to hand it to some member of the Senate and ask him to introduce it on his responsibility or by request. If that is the attitude, there is no complaint to be made, as I understand it, and there can be no objection to it; but if it is an attempt to introduce a bill, then of course the objection made by the Senator from Idaho is very proper and timely.

Mr. HEYBURN. Had not the communication better be read in full, in order that the whole question may appear in the RECORD and point all the objection? I ask that the communication be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the communication.

The Secretary read as follows:

OFFICE OF THE SECRETARY OF THE INTERIOR,
Washington, January 29, 1910.

The President of the Senate.

SIR: By direction of the President, I have the honor to submit draft of a bill to provide for the care of the insane in the Territory of Alaska by authorizing the Secretary of the Interior to select a tract of public land and erect and furnish suitable buildings thereon.

Under the provisions of the act of April 28, 1904 (33 Stats., 526), persons legally adjudged insane in Alaska have been cared for in a sanitarium at Mount Tabor, Portland, Oreg., at an expense of $348 per annum per patient. Under act of February 6, 1909 (35 Stats., 601), after due advertisement, another contract was entered into with the owner of the said sanitarium to care for the insane for five years from and after January 16, 1910, at the rate of $330 per annum per patient. This contract is, however, subject to cancellation at the expiration of two years from the date thereof. It is believed that the insane of Alaska should be cared for at some point within the Territory and at an institution provided by the Government for that purpose. The selection of a tract of public land as a site for the buildings and for hospital uses will obviate the expenditure of money for the purchase of land and confine the expense to the erection, furnishing, and maintenance of the buildings.

Very respectfully, R. A. BALLINGER, *Secretary.*

A bill to provide for the care and support of insane persons in the district of Alaska.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to select and reserve not exceeding 1,280 acres of public lands in the district of Alaska for hospital uses and as a site for buildings to be devoted to the care, maintenance, and treatment of persons legally adjudged insane in that district, and to cause to be erected thereon suitable buildings for such purpose, and to properly furnish the same, and the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated for carrying the purposes of this act into effect.

Mr. HEYBURN. Mr. President, I would have it distinctly understood that it is in no sort of captiousness that I made the objection to the reference of this communication, but having in mind——

Mr. BRADLEY. Mr. President——

Mr. HEYBURN. In just a moment. I want to finish my sentence. I had it in mind that at a comparatively recent date we considered this matter, and by a resolution, intended to settle this question, provided that no communication should be received from the head of a department by this body except it came through the President. This is the reverse, in a way, of that proposition. The communication of the President comes through the head of a department. Now, I will yield to the Senator from Kentucky.

Mr. BRADLEY. What is the number of the rule to which the Senator refers?

Mr. HEYBURN. It is Rule XV. It is only in the interest, Mr. President, of orderly procedure and a proper recognition of the law of the land and the rules of this body that I felt impelled to make this objection, and I do not desire to be placed in the position of one who is criticising through a spirit of antagonism or animosity, but only as one who has regard for the rules of this body.

Now, in this connection I desire that there shall appear in the RECORD Rule XV and the resolution of the Sixtieth Congress on this question. I will read them in the RECORD in connection

with the objection, stating first that I object to the receiving of this document because it is in direct violation of a resolution passed at the first session of the Sixtieth Congress, which reads:

Resolved, That no communications from heads of departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.

This is clearly in violation of that rule.

Now I desire to call attention to the constitutional provision under which the President may communicate with this body. Section 3 of Article II of the Constitution provides, in defining the rights and duties of the President, as follows:

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may on extraordinary occasions convene both Houses—

And so forth.

I have read so much of it as pertains to this communication. It does not come under any of those rules and is under the prohibition of all of them.

I repeat, in connection with it, that it is out of no spirit of antagonism toward the department or toward the Executive that I make this objection, but merely because it should be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909;

H. R. 18403. An act to repeal a portion of section 429 of the Revised Statutes of the United States; and

H. R. 18813. An act to amend section 63 of the act of August 28, 1894 (28 Stats., p. 567).

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5236. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by U. S. Grant Post, No. 327, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., favoring the enactment of a law directing Gen. F. D. Grant to be enrolled as a soldier of the civil war, which were referred to the Committee on Military Affairs.

Mr. CULLOM presented memorials of sundry citizens of Sterling, New Berlin, Greenville, National City, Edwardsville, Worden, and Ridgeway, all in the State of Illinois, and of St. Louis, Mo., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry citizens of Wendell, N. C., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. JOHNSTON presented a memorial of sundry citizens of Slocomb, Ala., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented a petition of Sovereign Camp, Modern Woodmen of the World, of Omaha, Nebr., praying for the enactment of legislation providing for the admission to the mails of fraternal publications on the same basis as newspapers and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of Henry W. Howland, of North Littleton, N. H., remonstrating against an increase of the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Dairymen's Association of the District of Columbia, Maryland, and Virginia, remonstrating against the enactment of legislation to protect public health by regulating the production and sale of milk, cream, and ice cream in and for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of Lawton-Warren Post, No. 5, Department of Rhode Island, Grand Army of the Republic, of Newport, R. I., praying for the enactment of legislation granting a pension of $30 a month to all honorably discharged soldiers and sailors who served ninety days in the civil and Mexican wars, which was referred to the Committee on Pensions.

He also presented a petition of the American Association of State Geologists, praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. DEPEW presented memorials of sundry citizens of New York City and Brooklyn, in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Presbyterian Preachers' Meeting of New York City, N. Y., and a petition of sundry citizens of Chautauqua, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Chautauqua, N. Y., praying for the enactment of legislation to provide for United States surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers between the ports of the United States and foreign ports, which was referred to the Committee on Immigration.

He also presented a petition of James M. Brown Post, No. 285, Department of New York, Grand Army of the Republic, of Jamestown, N. Y., praying for the enactment of legislation to amend an act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," reported it with an amendment and submitted a report (No. 165) thereon.

Mr. FLINT, from the Committee on Finance, to whom was referred the bill (S. 2902) to establish an assay office at Los Angeles, State of California, reported it without amendment and submitted a report (No. 166) thereon.

He also, from the Committee on Interoceanic Canals, to whom was referred the bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, reported it with amendments and submitted a report (No. 167) thereon.

Mr. PENROSE, from the Committee on Finance, to whom was referred the bill (H. R. 14676) for the relief of the Pittsburg Brewing Company, reported it without amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res 101) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe railroad on the military reservation at Fort Leavenworth, Kans., reported it with amendments and submitted a report (No. 170) thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification, reported it with amendments and submitted a report (No. 171) thereon.

Mr. CHAMBERLAIN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4653) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation, reported it without amendment and submitted a report (No. 172) thereon.

He also, from the same committee, to whom was referred the bill (S. 4139) to provide for the sale of timber on allotted Indian lands, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BULKELEY, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 863) to correct the military record of John M. Miller (S. Rept. No. 173);

A bill (S. 864) to correct the military record of John Oates (S. Rept. No. 174); and

A bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party (S. Rept. No. 175).

Mr. BROWN (for Mr. WARNER), from the Committee on Military Affairs, to whom was referred the bill (H. R. 2828) for the relief of William Martinson, reported it with an amendment and submitted a report (No. 176) thereon.

He also (for Mr. WARNER), from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1676) for the relief of William Martinson; and

A bill (S. 2397) for the relief of William Martinson.

He also (for Mr. WARNER), from the same committee, to whom was referred the bill (S. 3501) providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo., reported it without amendment and submitted a report (No. 177) thereon.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 3264) for the relief of Watson, Frye & Co., reported it without amendment and submitted a report (No. 178) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to whom was referred the bill (S. 5697) to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company, reported it without amendment and submitted a report (No. 179) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 5167) to provide for an enlarged homestead, reported it with amendments and submitted a report (No. 180) thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, submitted a written report (No. 162) to accompany the bill (S. 4781) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, heretofore reported by him.

He also, from the same committee, submitted a written report (No. 161) to accompany the bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, heretofore reported by him.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 163) accompanied by a bill (S. 6072) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 17. Moses Ashenfelter;
S. 19. Anthony L. Bledsoe;
S. 29. Dewitt C. Gardner;
S. 32. Simon Jenson;
S. 34. Alexander Kinney;
S. 36. Robert Moore;
S. 54. John R. Clegg;
S. 57. Peter Vandyke;
S. 61. William P. Lovejoy, jr.;
S. 80. Carr Nicholas;
S. 139. William F. Rodgers;
S. 141. William H. Lewis;
S. 142. Benjamin S. Wilbur;
S. 144. George W. Edson;
S. 200. Samuel H. Parker;
S. 202. Thomas W. Knight;
S. 203. Joseph B. Fearon;
S. 239. Samuel W. Upright;
S. 242. George W. Mann;
S. 253. Thomas A. Crouch;
S. 265. Jesse Hiner;
S. 298. John H. Flier;
S. 340. Millard F. Lash;
S. 342. Francis M. Linn;
S. 344. Charles H. Mallo;
S. 348. James I. Moss;
S. 349. Oliver F. Pettibone;
S. 385. Samuel W. Hart;
S. 394. Charles W. Hoskin;
S. 421. Kate Gorham;
S. 444. Edward Waltemeyer;
S. 454. Joseph B. Driesbach;
S. 457. James Congdon;
S. 460. James Walter Smith;
S. 470. Thomas H. Brown;
S. 474. William C. Shute;
S. 480. Robert Stewart;
S. 570. Cassie Thompson;
S. 591. Charles W. Sager;
S. 632. Charles J. Decker;
S. 633. Harrison Sloggy;
S. 634. Daniel W. Ingersoll;
S. 643. Thomas E. Stanley;
S. 668. Charles H. Enos;
S. 679. Charles H. Golden;
S. 680. Harrison L. McGinnis;
S. 691. Eloi J. Hotton;
S. 692. Hiram D. Brown;
S. 718. Charles Williauer;
S. 722. James M. Stanley;
S. 728. Alfred Hemmant;
S. 729. Jesse F. Snow;
S. 756. George W. Muncy;
S. 757. Edwin Kerns;
S. 782. Albert Slates;
S. 790. William S. Woodford;
S. 859. John Fagan;
S. 969. Asa B. Henry;
S. 990. Gus D. Robison;
S. 1048. Henry G. Pickens;
S. 1098. William C. Bishop;
S. 1248. John French;
S. 1252. Gates Saxton;
S. 1253. Tilman P. Edgerton;
S. 1274. Alfred H. Livingston;
S. 1279. Thomas J. Vinyard;
S. 1288. Hubert Steimel;
S. 1289. George W. Hamilton;
S. 1295. Charles A. Hinman;
S. 1303. Thomas Hewson;
S. 1363. Hannah J. Dinsmore;
S. 1366. John M. Johnson;
S. 1409. William H. McCormick;
S. 1412. Volney J. Shipman;
S. 1428. Christian R. Shirey;
S. 1449. John Robertson;
S. 1457. Thomas R. Buxton;
S. 1473. Stephen Thrasher;
S. 1476. George F. Shoemaker;
S. 1760. Elias H. Funk;
S. 1733. Charles Allen;
S. 1735. Thomas Johnson;
S. 1739. Margaret J. Davis;
S. 1741. William H. Hasty;
S. 1800. Ozen B. Nichols;
S. 1847. Wilson Carter;
S. 1850. Crisley G. Hagan;
S. 1887. Charles Heathfield;
S. 1891. George H. Wheeler;
S. 1935. Andrew Alyea;
S. 2014. William D. W. Pringle;
S. 2018. William O'Brien;
S. 2026. Gertrude Smith;
S. 2035. Jacob H. Wolcott;
S. 2273. James B. Andrews;
S. 2295. William H. Johnson, jr.;
S. 2296. Napoleon B. Neal;
S. 2307. David S. Green;
S. 2315. James Olds;
S. 2333. John McGlone;
S. 2352. Joseph L. Kitchen;
S. 2355. John S. Taylor;
S. 2364. Martin W. Frisbie;
S. 2380. Marcus M. Chatfield;
S. 2383. George Auld;
S. 2384. Thomas Kerr;
S. 2435. George L. Duston;
S. 2436. Frederick D. Reed;
S. 2438. James Early;
S. 2449. George H. Teagarden;
S. 2454. Alfred N. Scott;
S. 2456. Charles H. Bartlett;
S. 2500. James C. Watson;
S. 2511. James A. Edsall;
S. 2512. Ella F. Laverty;
S. 2522. Allen Osborn;
S. 2535. Eli Estridge;
S. 2555. William R. Stephens;
S. 2557. Margaret Dempsey;
S. 2559. Leonard Briggs;
S. 2625. John H. Kimmel;

S. 2725. John Wharton;
S. 2789. Catharine O'Keeffe;
S. 2796. Joseph Thomas;
S. 2812. William Thomas;
S. 2814. Andrew J. Leonard;
S. 2816. Wilson Hoag;
S. 2819. Addison L. Ewing;
S. 2821. Gillis J. McBane;
S. 2823. Aaron Richardson;
S. 2830. Charles M. Catlin;
S. 2831. George P. Price;
S. 2845. James F. Marshall;
S. 2850. Henry Roberts;
S. 2871. Jeremiah Thomas;
S. 2874. Alfred M. Buttolph;
S. 2875. Harrison T. Wilson;
S. 2876. Richard Davis;
S. 2877. James W. Gunnels;
S. 2879. John T. Ream;
S. 2972. Charles J. Jenner;
S. 2973. Augustus Parish;
S. 2992. Theodore Hardeland;
S. 2995. John D. Harris;
S. 3034. Ursula Dickinson;
S. 3211. Milton Nourse;
S. 3263. Nellie A. Farrell;
S. 3268. Mary E. McKeen;
S. 3270. Joseph Dudley;
S. 3280. Anna P. Daggett;
S. 3293. Cecilia E. Griffith;
S. 3302. Charles H. Ellis;
S. 3303. James Plunkett;
S. 3304. Lewis T. Pierce;
S. 3307. Charles Hanthorn;
S. 3309. John W. Rowe;
S. 3345. Thomas Mills;
S. 3346. Edward L. Allen;
S. 3355. Henry A. Van Dalsem;
S. 3356. Judson N. Willis;
S. 3357. William C. Markward;
S. 3358. Frederick Basford;
S. 3359. Cornelius V. Vansyckel;
S. 3361. Stillman P. Cannon;
S. 3362. John H. Cole;
S. 3363. Nathaniel W. Davis;
S. 3364. Patrick Dowd;
S. 3366. Matthew B. White;
S. 3371. Robert P. Murray;
S. 3375. Pope Catlin;
S. 3383. Lawrence Usher;
S. 3392. Hiram H. Heath;
S. 3444. William W. Townley;
S. 3461. George Tyson;
S. 3470. Henry C. Jordan;
S. 3471. Henry R. Millett;
S. 3473. Alonzo J. Nevers;
S. 3474. William O. Needham;
S. 3475. Joseph H. Holbrook;
S. 3479. Parker J. Rhoades;
S. 3533. Charles S. Davis;
S. 3534. John W. Snow;
S. 3714. Henry C. Campbell;
S. 3745. Thomas Crayon;
S. 3809. Michael Reynolds;
S. 3810. Nathan W. Haskell;
S. 3856. William Sharp;
S. 3881. John W. Kitchell, No. 1;
S. 3936. Harrison C. Wells;
S. 3941. George R. Knapp;
S. 3954. Eli E. Peck;
S. 3981. Frederick O. McPherson;
S. 3985. John Carrigan;
S. 3995. John R. James;
S. 4000. Amasa S. Condon;
S. 4007. John W. Grissom;
S. 4027. Sarah A. Musgrave;
S. 4103. Joseph F. Healey;
S. 4126. Richard Dobson;
S. 4157. Corwin F. Camp;
S. 4223. Leicester P. Riley;
S. 4224. William H. McKinley;
S. 4229. James M. Merritt;
S. 4231. James W. Hester;
S. 4232. Foster D. McKibben;
S. 4233. James Pierce;
S. 4243. Richard Cullen (alias George Farrand);
S. 4373. Haymond J. Powers;
S. 4374. Charles H. O'Harnett;
S. 4390. George H. Bishop;
S. 4392. Joseph Douglass;
S. 4395. Andrew J. Getchel;
S. 4426. William Burroughs;
S. 4434. Joseph P. Redman;
S. 4435. John D. Harker;
S. 4449. Nebet Hickman;
S. 4451. William McCoy;
S. 4491. John C. S. Weills;
S. 4523. Charles H. Henshaw;
S. 4552. Austin B. Wells;
S. 4584. James Crooks;
S. 4591. John W. Christie;
S. 4593. Samuel Elliott;
S. 4596. Frederick Frankhouse;
S. 4598. Joseph Carl;
S. 4612. Maurice Crimmings;
S. 4634. Frank W. Richards;
S. 4636. Martha J. Bussell;
S. 4657. Edward W. Thomas;
S. 4716. Thomas Lloyd;
S. 4717. David Price;
S. 4727. Jacob C. Cumins;
S. 4734. Edwin N. Josselyn;
S. 4736. Joseph Reither (alias Charles Debeau);
S. 4739. Isabella Morrison;
S. 4859. Elizabeth A. Burritt;
S. 4864. Whipple B. Bradley;
S. 4867. Byron C. Barrows;
S. 4868. Ellen G. Brown;
S. 4870. Charles H. Schuler;
S. 4879. Andrew J. Madden;
S. 4894. George Carpenter;
S. 4895. Marcellus F. Cushman;
S. 4897. David A. Jordan;
S. 4924. John C. Allendorph;
S. 4926. Allen N. Perry;
S. 4927. Joseph R. Paradise;
S. 4939. Harvey McCaskey;
S. 4987. George P. Sanborn;
S. 5068. Carlton M. Rhoades;
S. 5083. Mary J. Hennessy;
S. 5088. Sylvanus F. Westlake;
S. 5100. Calvin P. Jefferis;
S. 5124. William J. R. Waters;
S. 5136. James R. Caudle;
S. 5168. Newell Coburn;
S. 5170. Edrick Adams;
S. 5190. John T. Martin;
S. 5194. John W. Dyson;
S. 5221. Jane Moore;
S. 5226. Libbie B. Smith;
S. 5297. Edward A. Campbell;
S. 5361. Henry F. Royce;
S. 5431. David E. Stevens (alias David E. Tripp);
S. 5442. Aime M. Golay;
S. 5448. Harriet A. Wheeler;
S. 5461. Joseph Robinson;
S. 5464. William Franklin Stotts;
S. 5540. Harriet V. Wheeler;
S. 5542. Thomas F. Rowley;
S. 5614. Susan C. Schroeder; and
S. 5740. Jessie Green.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 164), accompanied by a bill (S. 6073) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 446. Jeremiah J. Hannon;
S. 576. Caloway G. Tucker;
S. 577. William H. Mullins;
S. 593. Sarah A. Waite;
S. 1221. Thomas Smith;
S. 1462. Lucy M. Soule;
S. 1597. George Baldey;
S. 2003. Jesse H. Arnold;
S. 2177. Cassimero Masters;

S. 2178. Peter C. Masters;
S. 2276. Paul De Chaine;
S. 2558. Gertrude L. Bradley;
S. 2624. Jane Jameson;
S. 2654. Richard W. Brooks;
S. 2795. Nicholas Gradick;
S. 2970. Thomas Topping;
S. 3305. Ellen Scoggin;
S. 3497. Edmond Damour;
S. 3540. Curtis S. Parker;
S. 3545. Mary P. Eastman;
S. 3546. Charles Thomas;
S. 3700. Nick Morrow;
S. 4030. Hattie S. Carruth;
S. 4681. Charles Roth;
S. 4674. Anna E. Barnard; and
S. 4866. Julia Walke.

PRICES AND WAGES.

Mr. LODGE, from the Committee on Finance, to whom was referred Senate resolution No. 163 submitted by him yesterday for the appointment of a special committee to investigate the cost of food products in the United States, reported it favorably with amendments, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

ELIZABETH G. MARTIN.

Mr. DAVIS. I am directed by the Committee on Claims, to whom was referred the bill (S. 3082) for the relief of Elizabeth G. Martin, to report it with an amendment, and I submit a report (No. 168) thereon. The bill has the unanimous indorsement of the committee, it is a trivial affair, and I ask the Senate for its immediate consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of $20,000, for the aid and support of Elizabeth G. Martin, widow of James P. Martin, who lost his life as the result of injuries received on the 6th day of April, 1906, by being run over by an engine of the Isthmian Canal Commission at Paraiso, belonging to the United States, being operated on the Panama Railroad at Paraiso, in the Canal Zone, be hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be paid to the said Elizabeth G. Martin by the Secretary of the Treasury immediately upon the approval of this act.

Mr. DAVIS. The bill has been amended so as to reduce the amount to $5,000.

Mr. KEAN. I ask the Senator from Arkansas the reason of this bill. Have not the canal commission at the present time the power to adjust all these claims?

Mr. DAVIS. The committee considered that question. If the Secretary will be kind enough to read the report of the committee, it will be shown that it is a clear case of liability against the Government. The committee did not recommend the payment of $20,000, but of $5,000, and it is the unanimous report of the committee. This is a very just claim. The claimant is a poor woman, dependent absolutely upon her own resources, and her husband was killed while in the discharge of public official duties.

Mr. KEAN. But my point is that this is a claim, if there is a claim, against the canal commission at Panama, and it can be settled out of that fund and not by an appropriation by Congress.

Mr. DAVIS. No, sir; upon an investigation the committee thought otherwise.

Mr. SMOOT. I suggest to the Senator from Arkansas to let the bill go to the calendar and we will have time to examine it. The calendar will be up almost any day and the bill will be reached in regular order.

Mr. DAVIS. I hope the Senator from Utah will not object to the consideration of the bill. If the Secretary will be kind enough to read the report of the committee, I am certain it can be disposed of at once.

The VICE-PRESIDENT. Does the Chair understand the Senator from Utah to object?

Mr. SMOOT. I object to the immediate consideration of the bill.

Mr. DAVIS. Very well.

The VICE-PRESIDENT. The bill will go to the calendar.

JAMES L. BRADFORD.

Mr. McENERY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 1232) for the relief of James L. Bradford, to report it favorably with an amendment, and I submit a report (No. 169) thereon. I ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the request for the immediate consideration of the bill?

Mr. GALLINGER. Let the bill first be read.

The VICE-PRESIDENT. The Secretary will read the bill in full.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the request for present consideration?

Mr. GALLINGER. I will ask if there is a preamble to the bill?

The VICE-PRESIDENT. There is a preamble, and the committee report to strike out the preamble.

Mr. GALLINGER. If the preamble is stricken out, it seems to me that the text of the bill will not be proper. The bill recites that "said James L. Bradford." It looks to me as though the bill will have to be recast, if the preamble goes out, and the preamble ought to go out, of course.

The VICE-PRESIDENT. Does the Senator from New Hampshire object to its present consideration?

Mr. GALLINGER. I think the bill had better lie over for the purpose of making those changes. I do not object to the bill.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the calendar.

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT.

Mr. ALDRICH. I submit a privileged resolution and ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Civil Service and Retrenchment shall hereafter consist of eleven members, as follows: Messrs. CUMMINS, chairman; PERKINS, LA FOLLETTE, LODGE, SMOOT, BORAH, DIXON, CLARKE of Arkansas, RAYNER, OWEN, and JOHNSTON; and that Mr. CUMMINS be appointed to fill the vacancy on the Committee on Patents.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 6074) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 6075) granting an increase of pension to William M. Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6076) for the relief of the heirs of the late John W. Massey; to the Committee on Claims.

By Mr. HALE:

A bill (S. 6077) granting a pension to Adda M. Conner (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6078) for the relief of Fred Klossner and Edward J. Klossner; to the Committee on Claims.

A bill (S. 6079) granting an increase of pension to William H. McCune (with accompanying papers); and

A bill (S. 6080) granting an increase of pension to George O. Ellsworth (with an accompanying paper); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6081) to provide for the purchase of a site and the erection of a public building thereon at Wellsburg, in the State of West Virginia; and

A bill (S. 6082) to provide for the erection of a public building in the city of Sistersville, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

A bill (S. 6083) granting an increase of pension to Sanford Glass (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6084) providing for leave of absence to certain civilian employees of the United States Government; to the Committee on Naval Affairs.

By Mr. BAILEY (by request):

A bill (S. 6085) for the relief of Augustus Celaya and Joseph Celaya, sole heirs of Simon Celaya, deceased;

A bill (S. 6086) for the relief of the heirs of Franklin Perin, deceased (with an accompanying paper);

A bill (S. 6087) for the relief of the heirs of J. N. Blackwell, deceased (with accompanying papers); and

A bill (S. 6088) for the relief of the heirs of Joseph Brogan, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. BULKELEY:

A bill (S. 6089) to correct the military record of Edward D. Gilbert (with accompanying papers); to the Committee on Military Affairs.

By Mr. CULLOM:

A bill (S. 6090) granting an increase of pension to Eugene E. Scherrer (with accompanying papers); and

A bill (S. 6091) granting an increase of pension to John Harrison (with an accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6092) granting an increase of pension to Betsey Crandall (with an accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6093) providing for the granting and patenting to the State of Utah desert lands formerly in the Uinta Indian Reservation in Utah; to the Committee on Public Lands.

By Mr. RAYNER:

A bill (S. 6094) granting an increase of pension to William H. Baugher (with accompanying papers); to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 6095) to authorize the Secretary of the Interior to negotiate an agreement with the Indians having tribal rights on the Fort Belknap Indian Reservation, in the State of Montana; to the Committee on Indian Affairs.

A bill (S. 6096) granting an increase of pension to Mamie R. Harrison; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6097) for the relief of Dennis E. White, administrator of the estate of Buckner and Sarah Henderson, deceased; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 6098) granting an increase of pension to Alfred Odle (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 6099) to amend the act of April 13, 1908, amending the interstate-commerce act, approved June 29, 1906; to the Committee on Interstate Commerce.

By Mr. BURROWS:

A bill (S. 6100) granting a pension to Phil Terry, jr. (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6101) granting an increase of pension to Ferdinand Brown (with an accompanying paper); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6102) for the relief of the estate of Silas F. Baker, deceased; to the Committee on Claims.

By Mr. GAMBLE (for Mr. CLAPP) (by request):

A bill (S. 6103) to authorize the Secretary of the Interior to investigate the allotment to Sooc-oog (Red Foot) or Bill Billy; to the Committee on Indian Affairs.

Mr. HALE. I introduce a bill and I ask that it may be read at length.

The bill (S. 6104) providing for the appointment of Commander Robert E. Peary a rear-admiral in the navy as an additional number in grade and placing him upon the retired list was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Commander Robert E. Peary, of the United States Navy, a rear-admiral in the navy, to be carried as an additional number in said grade, and to place him upon the retired list of the navy.

The VICE-PRESIDENT. The bill will be referred to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 6105) granting an increase of pension to Wiley S. Roberts (with accompanying papers); and

A bill (S. 6106) granting an increase of pension to Judson D. Haren (with an accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6107) granting a pension to Christopher P. Curtis (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6108) granting an increase of pension to Joseph Coates (with accompanying papers); to the Committee on Pensions.

A bill (S. 6109) to provide for the establishment and maintenance of a branch hydrographic office at the port of Milwaukee, Wis.; to the Committee on Naval Affairs.

PRICE OF FOOD PRODUCTS ON THE FARM.

Mr. McCUMBER. Mr. President, the other day I introduced a resolution (S. Res. 154) concerning the investigation of the price of food products, which was referred to the Committee on Agriculture and Forestry. There have been a number of similar resolutions introduced, and one, very lately introduced, covering the same subject-matter, which has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate. With the consent of the chairman of the Committee on Agriculture and Forestry, I ask that the resolution introduced by me, and to which I have referred, be referred to the same committee, in order that all these resolutions may be considered by that committee.

The VICE-PRESIDENT. Without objection, the Committee on Agriculture and Forestry is discharged from the further consideration of the resolution submitted by the Senator from North Dakota [Mr. McCUMBER], and the resolution is referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

INCREASED COST OF LIVING.

Mr. STONE. Mr. President, in connection with what the Senator from North Dakota [Mr. McCUMBER] has said about the resolution he introduced a few days since and had referred to the Committee on Agriculture and Forestry, I desire to ask whether this morning the Senator from New Jersey [Mr. KEAN], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, has reported, as I inferred he would do, from what he said yesterday, the resolution introduced by the Senator from West Virginia [Mr. ELKINS] on the 5th day of January, just a month ago, which was referred to the committee presided over by the Senator from New Jersey? May I ask whether that resolution has been reported this morning?

Mr. KEAN. It has not been.

Mr. STONE. Well, does the Senator have any idea when it will be reported?

Mr. KEAN. The "Senator from New Jersey" thinks it will probably be considered and reported at a very early date. I have three such resolutions at the present time.

Mr. STONE. The Senator from New Jersey, as I understand from some observations which have been made to me, is practically the whole committee. I think the committee has very few, if any, meetings. The Senator meets in his committee room, does the business, and makes the reports. I have no objection to that, except it seems to me that where the work of the committee is done substantially by the chairman he ought not to require more than a month to report a resolution one way or the other. I ask the Senator from New Jersey if his committee—if he cares to answer it—has been called together to consider this resolution?

Mr. KEAN. I can not answer directly the inquiry of the Senator from Missouri, but I think the Committee to Audit and Control the Contingent Expenses of the Senate is in session all the time. I notice that there are always vouchers to be signed and some work to be done, and I repeat the committee is always in session.

Mr. STONE. It looks, Mr. President, just a little bit as if there were a disposition to sidetrack or to suppress this resolution. It ought to be brought to the Senate.

Mr. ELKINS. I think I understood the Senator from Missouri [Mr. STONE] to say that this morning there was reported a resolution covering this subject, substantially the same as the one introduced by myself.

Mr. STONE. I did not say so; nor was I aware that any such resolution had been reported.

Mr. ELKINS. I thought the Senator from Missouri said that; and I was about to answer the Senator and tell him that the resolutions are very different. The one reported by the Finance Committee is not the same in substance, nor in form, as the resolution I introduced. The resolution I introduced goes much further; and I want to read to the Senate in what particulars the resolution I introduced differs from the one introduced by the Senator from Massachusetts [Mr. LODGE], covering these questions, and on which the Finance Committee can report overnight, but the Committee to Audit and Control the Contingent Expenses of the Senate can not report in thirty days, and now refuses to report it to the Senate. Why this difference in treatment of Senators, this discrimination in favor of a resolution introduced by one Senator and against one introduced by another, both covering the same subject?

Mr. KEAN. Mr. President, I have tried in the brief time that I have been in the Senate to follow the example at times set by the distinguished chairman of the Committee on Interstate Commerce [Mr. ELKINS].

Mr. ELKINS. Mr. President, I believe that the resolution reported this morning by the Senator from Massachusetts [Mr. LODGE] omits some very material things which ought to be covered in the consideration of this question. I shall not read all of the resolution which I introduced, but that part which is not incorporated in the resolution submitted by the Senator from Massachusetts:

If, in the judgment of said committee, such articles have been increased in price by reason of the increased production of gold throughout the world, the expansion of the currency in the United States, or by legislation by Congress.

That means the tariff. Why do the Finance Committee and the Senator from Massachusetts want to avoid that question? There are a great many people who think the tariff increases the cost of living. I am a tariff man and a protectionist, and I am not afraid to meet that question and be frank with the American people, moved as never before on an economic question.

More than that, Mr. President——

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. ELKINS. I do.

Mr. STONE. If the Senator from West Virginia will permit me, I ask him—for I came into the Chamber after the present order of business was taken up—whether a resolution such as he indicated was reported this morning?

Mr. ELKINS. Yes, sir.

Mr. STONE. By whom?

Mr. ELKINS. From the Committee on Finance, by the Senator who introduced the resolution yesterday, being a member of that committee. It was introduced yesterday and reported this morning. It looks to me as though that committee worked quicker than the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. STONE. Yes.

Mr. ELKINS. One in thirty days and the other in thirty hours.

Mr. LODGE. The Committee on Finance is a larger committee.

Mr. ELKINS. Mr. President, I want to read the remainder of this resolution. It does not take long when the senior Senator from Rhode Island [Mr. ALDRICH] arrives at the scene of action to look after certain things affected by the recent tariff, the passage of which through the Senate he secured as he wished and almost alone.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. ELKINS. I do.

Mr. LODGE. The resolution which I introduced yesterday, and which I reported from the Committee on Finance this morning, as amended by the Finance Committee, covers the entire question of foreign importations and the tariff. I merely mention that. It does not do it at quite such great length as the resolution of the Senator from West Virginia [Mr. ELKINS], but it is all there.

Mr. ELKINS. I fail to find anything about the tariff possibly being one of the causes of the high cost of living in his resolution.

Mr. LODGE. The reason the Senator from West Virginia has not found it is because he has not read the amended resolution.

Mr. ELKINS. I want to say further to the Senate that I had begun to reach the painful conclusion that the Senator from Massachusetts [Mr. LODGE] and the Finance Committee wanted to avoid the question of the tariff and other questions raised by my resolution.

Now, Mr. President——

Mr. LODGE. Mr. President——

Mr. BAILEY. I hope the Senator from West Virginia will say the majority of the Finance Committee.

Mr. LODGE. If the Senator from West Virginia will allow me one word on that point——

Mr. ELKINS. It was gotten through overnight and reported this morning.

Mr. LODGE. If the Senator from West Virginia will allow me one moment. I made a speech here the other day devoted exclusively to that subject—the effect of the tariff on wages and prices. So certainly I show no disposition to avoid the question.

Mr. ELKINS. Mr. President, the Senator made a very able speech on my resolution last Friday—said it was important and should be reported. Now, why did he change his mind and introduce a like resolution covering the same subject? I knew the Senator would claim that there was no disposition to avoid the tariff and other questions as contributory causes, but the press of the country says there is such a disposition.

Mr. BAILEY. Which does the Senator from West Virginia believe—the press or the Senator from Massachusetts?

Mr. ELKINS. I suspend pronouncing judgment just at present. [Laughter.] I want to hear more of the performances of the Committee on Finance, of which the Senator is an able member, and also from the Committee to Audit and Control the Contingent Expenses of the Senate, before reaching conclusions. It may be that this was referred to the committee of which my amiable friend from New Jersey [Mr. KEAN] is chairman, in order that it might sleep the sleep of death and avoid any investigation whatever. I for one, as a Republican, want to meet the question squarely, locate the difficulty, and ascertain the contributory causes of the high cost of living, and I introduced a resolution thirty days ago—on January 5—for this very purpose.

Mr. LODGE. That is not thirty days ago.

Mr. STONE. How did it happen that the resolution of the Senator from Massachusetts did not go to the Committee to Audit and Control the Contingent Expenses of the Senate as well as the one introduced by the Senator from West Virginia?

Mr. LODGE. It has gone there.

Mr. ELKINS. It was introduced yesterday, and it is already in the hands of the Senator from New Jersey [Mr. KEAN], as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, having been reported upon favorably by the Finance Committee this morning.

Mr. STONE. It has been referred to him?

Mr. LODGE. It has been referred to his committee. All such resolutions must be so referred.

Mr. ELKINS. I can not understand the celerity, the quickness, the dispatch of the Finance Committee overnight as against the painful consideration and slow methods of the Committee on Audit and Contingent Expenses of the Senate. [Laughter.] I am going to read this resolution, if the Senator from Massachusetts is through asking me questions.

Mr. LODGE. I only wanted to call the Senator's attention to the fact that the resolution reported from the Committee on Finance reads:

That there shall be appointed by the President of the Senate a select committee——

Mr. ELKINS. I know that.

Mr. LODGE. One moment—

of seven Senators to investigate the cost of living and the prices of the necessaries of life and of articles in common use, both foreign and domestic——

Mr. ELKINS. Mr. President, I understand what that means. It means just what the Finance Committee want it to mean, nothing more. That is an easy way to sidetrack my resolution by adopting only about one-half of it.

Mr. LODGE. The resolution continues:

To ascertain, so far as possible, whether such prices have increased during the past ten years, and the cause or causes of such increase.

It is all there; and I can assure the Senator that there is no disposition to avoid the question on the part of anybody. That is merely the imagination of the Senator.

Mr. ELKINS. My resolution has slept the sleep of death for thirty days, and this one goes through the Committee on Finance in one short night.

Mr. GALLINGER (to Mr. ELKINS). But you did not send your resolution there.

Mr. LODGE. If the Senator would send his resolution to the Committee on Finance, we would bring it in promptly.

Mr. ELKINS. I will send one to the Finance Committee in due season and see how long it stays there.

Mr. BAILEY. Mr. President, when the Senator becomes a member of that committee he will get dispatch equal to that of the Senator from Massachusetts, but not until then.

Mr. ELKINS. If I were a member of that committee, I might get action; but I have never got anything from it, except the small drippings meted out to me in making up the tariff bill. I voted for nearly everything that was proposed by the Senator from Rhode Island to get what I did for my State.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. I do.

Mr. BAILEY. I advised the Senator from West Virginia while that bill was pending precisely how he could get all he wanted, and if he had done that he would have gotten it. I did that in a private way; but I am willing to put it in the RECORD. I told him then that if he were to serve notice on

the Republican leaders that he intended to vote for the income-tax amendment to that bill he would get all he wanted. He did not do it, although he was persuaded in his judgment and his conscience that it was a righteous tax. Still, in order to keep the peace with the "powers that be" on the other side of the Chamber, he turned it aside and now he sees what he is getting. [Laughter.]

Mr. ELKINS. The next time I will consider the Senator's advice more carefully. [Laughter.]

Mr. President, I have had a great number of interruptions. I continue reading from the resolution introduced by myself:

If, in the judgment of said committee, such articles—

That is, the articles that enter into the cost of living—

have been increased in price by reason of legislation by Congress, or by any monopoly, combination, or conspiracy to control, regulate, or restrain interstate or foreign commerce in the supply, distribution, or sale of such articles, it shall report the same to the Senate.

As I heard the resolution of the Senator from Massachusetts read, there was nothing about monopolies or trusts or combinations in it. I am willing, if the cost of living has been increased by monopolies or by trusts or by combinations or by the tariff, to ascertain the fact and let it be reported to the country. I do not want to dodge these issues, and I do not think the Republican party or the Republican leaders in the Senate ought to avoid them. I think they should meet them fairly and squarely. The people demand a full, fair, and impartial investigation, not a restricted one, not into some of the alleged causes of the high cost of living, but all of them.

The Senator's resolution does not meet the issue as it should. It leaves out several important factors.

Mr. ALDRICH. Mr. President, if the Senator will read——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. Yes.

Mr. ALDRICH. If the Senator will read the resolution reported this morning from the Committee on Finance, he will find it much broader than his resolution and that it includes many more subjects. It includes any possible cause which may exist to increase prices or increase wages.

Mr. ELKINS. Let us see if it says anything about monopolies or combinations or legislation by Congress. Why are these words left out and covered only by general clauses or terms?

Mr. ALDRICH. I believe the Senator from West Virginia is or was a lawyer, and he will understand the rule that reciting one cause may be held to exclude all the others. In the resolution reported we include all causes. So far as I am concerned, I would be willing that the Senator should put into this resolution just as many causes as he sees fit. There is no disposition on my part to dodge any investigation which may be made in regard to this matter.

Mr. ELKINS. I am glad to hear that acknowledgment from the Senator from Rhode Island.

Mr. ALDRICH. It did not need acknowledgment on the part of the Senator from Rhode Island.

Mr. ELKINS. Then I am glad none was needed.

Mr. ALDRICH. I never had any such idea, and I have none now. The resolution reported by the Committee on Finance, I repeat, is much broader and more comprehensive than that offered by the Senator from West Virginia. If, however, he desires to specify certain matters of inquiry, I am sure there will be no objection on anybody's part to their being inserted.

Mr. ELKINS. I still do not find anything in the resolution about trusts, combinations, monopolies, or conspiracies to control, regulate, or restrain interstate or foreign commerce.

While I may understand what the Senator from Rhode Island and the Senator from Massachusetts mean, the great public will not; it will reach the conclusion the Senate wishes to avoid those questions.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. ELKINS. I do.

Mr. GALLINGER. If the Senator from West Virginia will permit, I will venture to suggest to him that when this resolution or when some resolution shall be reported from the Committee to Audit and Control the Contingent Expenses of the Senate, it will then be competent for the Senator from West Virginia to offer amendments to it, if he chooses, and, if a majority of the Senate agrees, to put into the resolution such language as the Senator thinks ought to be added to it and will accomplish his purpose. He can not be foreclosed from offering his resolution as a substitute, if he wishes, for any resolution that may be reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ELKINS. I do not spell anything out of the remarks made by the distinguished Senator from New Hampshire. I do not see how they are pertinent. I have got certain rights, say, a long way off. I know some of my rights—I do not, however, know them all as well as the distinguished Senator does—but in due season I will try to get my rights and the rights of the people, stand by, and defend them. I shall make a statement hereafter.

I admit that the Finance Committee, which reported the resolution this morning, has made certain additions to the resolution as introduced, but I do not see the necessity of taking it from me by keeping it in committee. I know the other side discredits me as a protectionist, but I did not think the Finance Committee did, and was afraid to let my resolution pass. I do not know what it all means; but, Mr. President, the country will take notice of this. We can not impose upon the intelligence of 80,000,000 people; we can not deceive them, and we should not try. A great many people believe that these monopolies, trusts, conspiracies, and combinations in restraint of trade have contributed to this disastrous condition in the increased cost of living.

Mr. BAILEY. And that the tariff contributed to the monopolies and trusts.

Mr. ELKINS. I do not say that. Mr. President, I thought that I was answering the question of the Senator from Missouri [Mr. STONE] when I rose to show, as I think I ought to do, the difference between these resolutions. I have taken up more time of the Senate than I wished, but I had to answer the questions that were put to me.

Mr. ALDRICH. Mr. President, the Senator from West Virginia seems to have given a great deal of attention to this subject, as he does to all subjects in which he is interested. Perhaps he will be willing to state to the Senate whether he thinks prices have been increased by the tariff or by the trusts. Perhaps he has already made up his mind upon that subject, and can tell us what he personally thinks about it—whether the tariff is responsible for the increased prices and the increased cost of living, or whether the trusts are responsible. Perhaps he already knows something about the subject and may be willing to state now to the Senate what he thinks about it.

Mr. ELKINS. In order to get my resolution reported and acted upon I am not called upon to give my opinion. Later on I may. That is what I wanted the committee selected for. I wanted it to get that information; and I did not think there would be any objection to it. Indeed, I am surprised that any Senator should oppose the resolution—substitute one in its stead and rush it through.

Mr. ALDRICH. Mr. President, there has been no objection on anybody's part; and so far as I am concerned—and I have no doubt so far as the Senate is concerned—the investigation into this subject should be made as broad and as comprehensive as possible. If the Senator from West Virginia or any other Senator wants any particular subject investigated, I am sure he will have a chance to have it investigated to his heart's content.

Mr. ELKINS. It does not seem so. I can not get my resolution reported when it is broader, more comprehensive, and fuller than the resolution reported overnight by the Finance Committee, while my resolution is still in committee.

But, Mr. President, all resolutions ought to have the same treatment at the hands of the committee and be reported promptly. If all these resolutions are not put to sleep in the Committee to Audit and Control the Contingent Expenses of the Senate, I will make known my views, if I have a chance, later on. The Senator wants me to answer his questions. I might put half a dozen questions to him now and take up the time of the Senate about various matters. Is he in favor of this or in favor of that? I want a fair chance at the hands of the Senate and the Republican party, that is all, for all the people of the United States, no matter what I believe individually, to know, if possible, the real causes of the alarming advance in the cost of living; and I do not think it wise in the Republicans of the Senate to restrict the investigation of this subject. What is to be gained by refusing action on a resolution introduced a month ago and rushing one through introduced yesterday, except it be to control the make-up of the committee of investigation to suit the Finance Committee?

Mr. STONE. But they are not willing——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. ELKINS. I do.

Mr. STONE. The Senator from Rhode Island said that the Senator from West Virginia could have any subject investigated by the proposed committee that he desired investigated, but I judge from the course of this matter that it is not desired

by the Senator from Rhode Island or his Republican colleagues on the committee and others associated with him that the Senator from West Virginia should himself have any voice in making the inquiry. He can request the committee to do it, but he is not permitted to do it himself; and hence the resolution he offered is sidetracked by the introduction, through the Senator from Massachusetts, of another resolution of substantially the same kind, so that it may be reported here and a committee created leaving the Senator from West Virginia off.

I do not know the opinion of the Senator from West Virginia as to the subject-matter under discussion and embraced in the resolution; I do not know what he thinks about the tariff or combinations or trusts raising or reducing the prices of commodities; but I do think that, if it be not discourteous, what has been done to him is a manifest indication on the part of those who are seemingly in control of this business of lack of confidence in the attitude of the Senator from West Virginia.

Mr. ELKINS. I absolve the Senator from Massachusetts and the Finance Committee for any intentional discourtesies in what has been done; but it does seem to me I have not had fair treatment in the desire of these Senators to control the investigation, I can not imagine for what purpose.

Mr. President, since yesterday and the introduction of the resolution by the Senator from Massachusetts, I have despaired of ever having anything to say or do about the investigation of the cost of living, although I introduced the first resolution calling for an investigation a month ago. The one I introduced I suppose will never see daylight, and as to the one that is substituted for mine, I will have nothing to say except as a member of the Senate in open session. I thought, when I introduced this resolution thirty days ago, that I might have something to say on the subject. I had definite ideas about the investigation, and I introduced the resolution in good faith to have an investigation. I made the language as broad as I could to cover all these questions and show to the country that the Senate was not afraid to investigate the tariff and monopolies and trusts and combinations. It seems the Finance Committee is determined to control this investigation, just as it did the tariff. Both Senators now agree that that was left out when the resolution of the Senator from Massachusetts was introduced.

Mr. ALDRICH. Mr. President, the Senator is entirely mistaken in his statement of facts. The words which were in the original resolution which was offered by the Senator from Massachusetts as to the causes have not been changed at all. The committee to be appointed will investigate the causes and report upon all causes. That, of course, includes trusts, the tariff, and everything else. If the Senator desires to specify when this resolution comes before the Senate—it is not before the Senate now at all, and this debate is entirely out of order in a sense, as it is proceeding by unanimous consent—but when the resolution is before the Senate, if it is not specific enough, I have no doubt the Senate will be very glad to put in specific cases or specific inquiries in reference to this matter.

Mr. ELKINS. This does not reconcile me to the action of the Finance Committee in taking charge of the investigation, when I introduced the first resolution on the subject. Such a proceeding is not usual or regular in this body.

I would have been through long ago if I had not been interrupted. The Senator says that the tariff should be one of the causes investigated. I am not prepared to admit as much as the Senator does in regard to his own child, the tariff bill. It was nearly his production in the Senate, for whatever he said, I think, controlled what went into the bill and what was left out.

Mr. President, I am apprehensive the action of certain Senators will not be understood. I picked up one of the morning papers, the New York Journal, I think——

Mr. KEAN. The New York American.

Mr. ELKINS. The American, I believe. I will not put this extract in the RECORD now. It has some references to my friend the Senator from Rhode Island and I do not agree with them at all. Nobody rivals me in admiration of him, his good qualities, his ability, and his intelligence. His leadership is able, though terrific and terrible at times, but I generally submit to it gracefully, as I have done on many occasions.

Amongst the questions asked by the American, in speaking of the extraordinary action of the Finance Committee, which is getting to be a very good administration paper of late and entitled to respect in the Senate, "Is it a tariff whitewash?" Why did that creep into the public mind overnight? "Is the resolution offered by the Senator from Massachusetts a tariff whitewash?" I will not read more of this article now, but there is an abundance of it. The country is alarmed. Here is a serious question. Thirty days ago I introduced, as I have said, in the best of faith, a resolution comprehensive and broad, providing for a committee of Senators, to be selected by the President of the Senate, to go into this subject, and up to this moment I can not get any action either by clamoring for action in open Senate or by persuasion of the chairman on Audit and Control the Contingent Expenses of the Senate with all the smooth words I can command. I can not get it out of the pigeonholes of his committee. There ought to be some rule by which a Senator can get a bill or a resolution reported.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. ELKINS. I do.

Mr. BACON. The article to which the Senator alludes is very suggestive, and I hope he will read it now. He says he will not do it now, emphasizing "now." If he intends to do so at another time, I think this is the time, for if there is a suggestion as to a tariff whitewash, we would like to know it.

Mr. ELKINS. I think it will keep.

Mr. BAILEY. If the Senator will permit me, I want to warn the Senator from West Virginia again that he is sacrificing his opportunities in order to keep the peace over there. If the Senator from West Virginia becomes an insurgent rife he will get what is coming to him and to his State.

While I am on my feet, with the permission of the Senator, I want to express a difference of opinion with my friend the Senator from Missouri [Mr. STONE]. It was not that the majority distrusted the Senator from West Virginia that moved them to take this matter out of his hands; it was the very well-defined fear that they could not trust him to go around the tariff question. It was a belief in their minds that if the Senator from West Virginia finds the tariff responsible for any of these hardships and these high prices he will frankly say so, because the Senator from West Virginia has more than once exhibited an inclination to get off of that reservation over there. [Laughter.] I would not be very much surprised to see the Senator from West Virginia within the next fortnight in agreement with some of the most conspicuous and useful insurgents in this body. I think he is getting tired of belonging to the anarchists. I think he is getting ready to belong to the insurgents.

Mr. ELKINS. One word more, Mr. President, and only one. I could not get off the reservation during the consideration of the tariff. I was afraid to try. The distinguished Senator from Rhode Island [Mr. ALDRICH] knows why. The Senate knows why. But now I have a little more sea room. I do not have to in order to get scant justice. I have some definite notions about this matter, and some definite notions about the rights of a Senator when he introduces a resolution in the Senate covering a question about which another Senator introduces a similar resolution and has it referred to his committee and reports it next morning. I have definite notions as to whether this is proper treatment. Had the Senator from Massachusetts or the Finance Committee conferred with me, and said it was desirable that he should be chairman of the committee on the proposed investigation, especially in view of the fact the Finance Committee dictated the tariff, I would have cheerfully yielded.

Mr. CLAY. Will the Senator from West Virginia permit me to ask him a question?

Mr. ELKINS. Certainly.

Mr. CLAY. In other words, the Senator rather acquiesced in the statement made by the Senator from Texas that the Senator from West Virginia, in his conscience and judgment, approved of an income tax. He did not deny it. I am sure the Senator acquiesced in it. Now that the Senator has more liberty, and is not in slavery this time, I suppose he will be in favor, when this question shall come again, of a substantial revision of the tariff in regard to the sugar schedule. I am almost persuaded that the Senator's judgment and conscience were in favor of such a revision when our last tariff bill was passed.

Mr. ELKINS. I voted for the income tax. I need not give my reasons now. I was on the reservation. I do not have to stay there always. The tariff is considered only once in about six or seven years. Some Senators have freedom the balance of the time. I am somewhat in fear we will have no investigation. I do not know why this method and this procedure should obtain in respect to my resolution. I can not find out the reasons for this unusual course. I generally go to my friend, the distinguished Senator from Rhode Island [Mr. ALDRICH], when anything is not going right, and I ask what is the matter. He generally puts me right, or he says—when the tariff bill is under consideration—"You had better keep right where you are, if you know what is good for you." [Laughter.] But, Mr. President, seriously, I do not believe that this whole pro-

ceeding is the kind of treatment that a Senator should have in the Senate of the United States.

Mr. GALLINGER. I call for the regular order, Mr. President.

Mr. BACON. Will the Senator from West Virginia permit me to ask him a question?

The VICE-PRESIDENT. The Senator from New Hampshire demands the regular order. The regular order is the introduction of bills and joint resolutions.

Mr. BACON. I desire to know what the Senator from West Virginia meant by having more water to swim in now.

COMPANIES ENGAGED IN INTERSTATE COMMERCE.

Mr. DOLLIVER. I move that the bill (S. 305) to regulate the issue of securities by transportation, telegraph, and telephone companies engaged in interstate commerce, for the purpose of better protecting the people against unreasonable rates and charges, now on the table, be referred to the Committee on Interstate Commerce.

The motion was agreed to.

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE.

Mr. DOLLIVER submitted the following resolution (S. Res. 166), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 166.

Resolved, That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. HEYBURN submitted the following resolution (S. Res. 164), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 164.

Resolved, That the Committee on Manufactures, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

JOINT COMMITTEE ON REVISION OF THE LAWS.

Mr. HEYBURN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 167) was read, as follows

Senate resolution 167.

Resolved, That the Secretary of the Senate is hereby authorized to purchase and furnish for the use of the Committee on Revision of the Laws the United States Supreme Court Reports with Digest and the Federal Reporter with Digest, to be paid for from the contingent fund of the Senate.

The VICE-PRESIDENT. Under the statute the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEYBURN. A word of explanation, with the permission of the Senate.

The Committee on Revision of the Laws is not supplied with either the decisions of the Supreme Court of the United States or the federal courts, and access to the library is very inconvenient. Any lawyer will understand that when you send for one book, it suggests that you send for others, and so on. It is an endless chain. It seems to me if any committee of the Senate, in addition to the Judiciary Committee, should have these law books in the committee room, it is a committee appointed for the purpose of revising the laws. I have purchased a number of law books, but this is rather a heavy contract. While I have these books in another library, I have them not here.

Mr. KEAN. Do I understand that this is a committee of the Senate?

Mr. HEYBURN. It is the committee appointed by the President of the Senate to act conjointly with the committee of the House.

Mr. KEAN. It is a joint committee, created by law.

Mr. HEYBURN. Yes. It is a joint committee created by law.

Mr. KEAN. It is not a Senate committee.

Mr. HEYBURN. Well, it is partly a Senate committee. That is rather a fine-drawn distinction. The House, I may say, has provided the House committee with these books and many others; with quite an extensive library. The Committee on the Revision of the Laws, which was a standing committee of this body until a few months since, may, or may not, have had these books. I do not know. I was not a member of it. I have been a member of the joint committee for some time, and have been working at a very great disadvantage. I think an appeal for the law books necessary for the work to be performed ought not to be rejected.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEYBURN. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. The law requires that the resolution shall go to the Committee to Audit and Control the Contingent Expenses of the Senate before any action can be taken upon it.

Mr. HEYBURN. I have no objection to its reference, but I want these books.

INCREASED COST OF LIVING.

Mr. ELKINS. I offer a resolution, and ask that it be read and referred to the Committee on Finance. I hope to have as speedy action on it as I had on the other resolution.

The VICE-PRESIDENT. The resolution will be read.

The resolution (S. Res. 165) was read, as follows:

Senate resolution 165.

Resolved, That there shall be appointed by the President of the Senate a select committee of seven Senators, with authority to sit during the session of the Senate or during the recess of Congress, either as a committee or by a subcommittee, with instructions to make an exhaustive investigation into the cost of living and any increase in the same since 1900; to ascertain whether the price of the necessaries of life which enter into the general use and consumption of the people have since the year 1900 been increased; and if so, to ascertain the cause or causes which have influenced said increase. In making such investigation special attention shall be given by the committee to the subject of wages and income, and if the increase in the same has kept pace with the increase in the cost of living; increased price, if any, of such articles as meat, grain, provisions, rents, cotton, wool, clothing, lumber, coal, iron, oil, brick, and cement; stating in said report the price to the producer, the wholesaler or jobber, the retailer, and the consumer at which said articles included in the investigation by said committee were distributed and sold in the year 1900, and the price for their disposition and sale at the present time. It shall further be the duty of said committee to ascertain the cost of production of said articles and the cost of their distribution and sale when in the hands of the wholesaler or jobber and the retailer between the same periods. If, in the judgment of said committee, such articles have been increased in price by reason of the increased production of gold throughout the world and the expansion of the currency in the United States, or legislation by Congress, or by any monopoly, combination, or conspiracy to control, regulate, or restrain interstate or foreign commerce in the supply, distribution, or sale of such articles, it shall report the same to the Senate, with suggestions or recommendations as to the remedy to be applied to reduce the cost of living, and accompany its report with such bill or bills as will, in the opinion of the committee, correct and remove the cause or causes which have enhanced the price of said articles. Said committee or subcommittee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, and to have such hearings printed.

And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance.

HOUSE BILLS REFERRED.

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, was read twice by its title and referred to the Committee on the Census.

H. R. 18403. An act to repeal a portion of section 429 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 18813. An act to amend section 63 of the act of August 28, 1894 (28 Stat., p. 567), was read twice by its title and referred to the Committee on Finance.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I ask unanimous consent that the Senate resume consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending amendment is that offered by the Senator from Utah.

Mr. CARTER. Let the amendment be again reported for the information of the Senate.

The VICE-PRESIDENT. Without objection, the amendment will again be read.

The SECRETARY. On page 6, at the end of line 12, it is proposed to insert:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed, from time to time, by said board, which rate shall not be less than 2½ per cent per annum.

Mr. CARTER. I think the amendment as thus perfected is satisfactory.

Mr. BRISTOW. Mr. President, I certainly can not vote for this amendment. Its provisions will enable this board to fix an arbitrary rate of interest that may be higher than the banks of a State would be willing to pay, and if they do, they can withdraw all the funds deposited in the banks of that State and invest them in any way they see fit. If the rate that prevails in some other State should be 3 or 3½ per cent and the board should fix that as the rate, then that would be the standard rate throughout the Union, and it would permit this board in that way to get control of this enormous fund, to be used in investments, and it would nullify the very purpose which the Senator from Utah had in mind in offering his original amendment.

Mr. CARTER. It seems to me the amendment proposed by the Senator from Nebraska, providing that the rate fixed shall be uniform throughout the United States, would, taken in connection with this condition, remove any such possible contingency. If the rates were to be regulated in the respective States according to the wishes of the board, I can conceive it might be that the rate would be fixed too high in some States, but if the rate is required to be uniform throughout the States and Territories, I can not imagine that the board would ever so raise the rate as to liberate all the money from the banks and bring about such a condition as would prevent the banks accepting the money. There must be some flexibility about the rate charged. We certainly must have at least 2½ per cent in order to pay the interest and likewise meet the obligations incident to administration. I think the bill taken altogether would clearly indicate to the board that it was the purpose of Congress to have such a rate as would meet engagements under the bill and no greater rate. If we should fix a maximum it would probably have to be fixed too high, and the maximum at 3 per cent, if named, might impel the board to reach the rate of 3 per cent independent of the necessities of the case. But if the rate is fixed at a minimum of 2¼ per cent and is made uniform in all the States and Territories, and it appears on the face of the bill itself that it is not a profit-making adventure, but only an addition to the Postal Service, for the accommodation of the people, there certainly could not be such a construction placed upon the whole act and the two amendments—the one pending and the other to be proposed—as would warrant the board in raising the rate of interest to a point where the banks would refuse the money.

Mr. BRISTOW. May I ask that the proposition, which has not been read, may be read for the information of the Senate?

Mr. CARTER. The Senator from Nebraska has the amendment written out, and I will ask him to read it.

Mr. BURKETT. On page 5, line 19, after the words "per annum," the amendment as prepared proposes to insert these words:

> Which rate shall be uniform throughout the several States and Territories.

Mr. BRISTOW. Then, with that amendment incorporated, which I understand is acceptable to the committee, there will be a uniform rate of not less than 2¼ per cent, which will prevail throughout the Union.

Mr. CARTER. That is the effect of the amendment, and the amendment is acceptable.

Mr. BRISTOW. It seems to me there ought to be some limitation. I grant that the argument of the Senator from Montana is forcible when he states that the board would hardly increase the rate to an amount that would result in the withdrawal of these funds, taking into consideration the phraseology of this bill and the manifest intent of Congress. But, nevertheless, it seems to me there ought to be some provision or declaration in the bill indicating that it is the purpose and desire of Congress that this money shall be left in the banks; and I fear that the last two lines of the amendment of the Senator from Utah throws the field wide open for a withdrawal of these funds, the very thing we have been seeking to avoid here since the discussion began.

Mr. JONES. I should like to ask the Senator from Montana as to the advisability of a declaration in this bill that it is the intention that the board shall simply make a rate that will cover the interest and cost of administration.

Mr. CARTER. I see no objection to that, providing the phraseology is so framed as to leave such reasonable flexibility as may be necessary to avoid hampering administration. For instance, a declaration that it is not the purpose of Congress, by or through this measure, to make any profit for the United States. There might be a profit, and there will at times be a profit to the postal revenues received from the operations of this bill. At other times there may be a corresponding loss. If the rates were so adjusted in the rigid terms of the law as to prevent the board charging enough interest at any time to meet contingencies, then the board might find itself very greatly hampered, and the law would be rendered inefficient. A declaration that it is not the intention of the United States to make this a profit-yielding measure for the postal revenues or the Treasury would, I take it, construe the bill according to its true intent.

Mr. JONES. I think there should be some declaration of that kind, because I understand that is the policy of the bill. I do not think the board, however, ought to be restricted, so that there might not be any profit in a given year, but it should be so arranged that one year with another there should not be a profit made out of this business.

The PRESIDING OFFICER (Mr. PILES in the chair). The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. BRISTOW. Let me inquire of the Senator from Montana if, at the end of the amendment offered by the Senator from Utah, there could not be added a phrase something like this:

> Which rate shall not be less than 2¼ per cent per annum and not more than an amount sufficient to provide amply for the expenses of maintaining this system.

Mr. CARTER. Whether "expenses" would include interest charges I do not know. Probably the interest charge might be considered an expense. I will say to the Senator that the general idea of his amendment is proper enough, according to my view. If it is clear to his mind and the mind of the Senate that the term "expenses" would include the interest to be paid to the depositors at the post-offices——

Mr. BRISTOW. I hardly think that——

Mr. CARTER. "Expense and interest."

Mr. BULKELEY. Would it not be well to insert "expense and interest?"

Mr. CARTER. "Expense and interest." That, I think, would make the matter more clear.

Mr. BRISTOW. That would be entirely satisfactory.

Mr. SMOOT. I suggest, however, that the amendment would come in better where the rate of interest is provided—that is, the rate of 2 per cent payable to the depositor in the post-office—better than to have it follow the amendment offered by myself.

Mr. BURKETT. Yesterday when I had the floor the Senate will recall that I suggested the putting in of an amendment in line 19, on page 5. There is the place where it seemed it ought to come in, if we are going to put in such a provision—that is, to insert, after the words "at a rate of interest not less than 2¼ per cent per annum," the words "nor more than is reasonably sufficient to meet the expenses of the system herein established."

Mr. SMOOT. That is the proper place, if the amendment is going to be inserted.

Mr. CARTER. I suggest that the amendment offered by the Senator from Utah be first disposed of.

Mr. BURKETT. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

Mr. BRISTOW. Now, I should like to ask the Senator from Nebraska to offer the amendment he has just suggested.

Mr. BURKETT. After the words "per annum," in line 19, on page 5, I move to insert:

> Nor more than is reasonably sufficient to meet the expenses of the system herein established.

Mr. CARTER. I suggest "to meet the expenses of the system and interest charges."

Mr. BURKETT. It seems to me that interest is one of the expenses. I think that is included.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk, that the Secretary may read it?

Mr. CARTER. While the Senator is preparing the amendment I request unanimous consent that the following table be printed in the RECORD. It shows the number of postal money-order offices in each State and Territory, separated into presidential and first-class post-offices, in operation July 1, 1909. The number of postal money-order offices has been increasing. January 8, 1910, the number was 51,824. From this table each Senator can determine the number of presidential offices and likewise the number of fourth-class offices in the money-order issuing class, and also the total of both.

Mr. BRISTOW. I should like to inquire of the Senator from Montana if the table shows the number of money-order offices and the stations from which money orders are issued, but be-

longing to the same general post-office? I understand there are not 51,000 separate and individual offices that are money-order offices, but that figure includes the stations as well as the main offices in the total. Does that appear in the table?

Mr. CARTER. It does not appear in the table. I am not aware of the basis upon which the table was prepared by the department, so I am unable to answer the Senator's question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that the table be printed in the RECORD?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Table showing the number of postal money-order offices in each State and Territory, separated into Presidential and fourth-class post-offices, in operation July 1, 1909.

State or Territory.	Presidential—first, second, and third classes.	Fourth class.	Total.
Alabama	97	991	1,088
Alaska	9	29	38
Arizona	24	159	183
Arkansas	102	1,058	1,160
California	228	1,104	1,332
Colorado	81	501	582
Connecticut	112	260	372
Delaware	21	75	96
District of Columbia	1		1
Florida	62	715	777
Georgia	151	925	1,076
Guam		1	1
Hawaii	10	60	70
Idaho	47	337	384
Illinois	433	1,294	1,727
Indiana	232	923	1,155
Iowa	336	940	1,276
Kansas	248	806	1,054
Kentucky	106	1,429	1,535
Louisiana	70	783	853
Maine	106	735	841
Maryland	55	595	650
Massachusetts	193	487	680
Michigan	278	1,020	1,298
Minnesota	229	845	1,074
Mississippi	107	862	969
Missouri	242	1,455	1,697
Montana	49	328	377
Nebraska	183	579	762
Nevada	27	123	150
New Hampshire	68	357	425
New Jersey	169	558	727
New Mexico	33	313	346
New York	503	2,028	2,531
North Carolina	118	1,130	1,248
North Dakota	118	497	615
Ohio	323	1,477	1,800
Oklahoma	166	873	1,039
Oregon	76	490	566
Pennsylvania	485	2,805	3,290
Porto Rico	12	62	74
Rhode Island	23	95	118
Samoa		1	1
South Carolina	75	533	608
South Dakota	99	388	487
Tennessee	106	852	958
Texas	320	1,664	1,984
Utah	30	230	260
Vermont	59	358	417
Virginia	115	1,847	1,962
Washington	103	606	709
West Virginia	86	1,195	1,281
Wisconsin	250	828	1,078
Wyoming	26	199	225
Grand total	7,202	38,805	* 46,007

* The number of postal money-order offices is increasing. On January 8, 1910, there were 51,824.

Mr. BURKETT. I now offer the amendment I suggested.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Nebraska.

The SECRETARY. On page 5, line 19, after the words "per annum," insert the following:

Nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

Mr. CARTER. I suggest that the word "is" be stricken out and the words "may be" inserted, with the permission of the Senator from Nebraska.

Mr. BURKETT. Very well.

The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment by striking out "is" and inserting "may be." The question is on agreeing to the amendment as modified.

Mr. PAGE. Mr. President, before I vote on the amendment I should like to inquire of the Senator from Nebraska whether he has taken into account the possible contingency of losses by failures of banks in which these deposits are made. It seems to me that the suggestion of the Senator from Washington, to wit, a declaration that it is not the purpose of this act to make it a matter of profit to the Post-Office Department or to the Government is quite as good as this amendment. While I do not want to object to the amendment, I should like before I vote on it to know what the Senator from Nebraska will say about it.

Mr. BURKETT. Mr. President, I will say to the Senator from Vermont very frankly that the first part of the amendment as I have now drawn it is very questionable in my mind. I really have some apprehensions with reference to our adopting it. It was suggested to me yesterday in practically this form by the discussion which was precipitated on the amendment of the Senator from Utah, which has just been adopted. Then, resulting from the discussion this morning, I joined it with the other provision making the rate uniform. I rather doubt whether we ought to throw about the department any limitations as to the maximum, but we should leave that rather to the conditions of commerce and trade. I rather doubt whether it would not be well if there comes a time when the United States can serve itself with this money, both from the income standpoint and the standpoint of taking care of some of its own bonds, perhaps, that it should be able to do it. However, it seemed to be the concensus of opinion that this sort of an amendment should go in, and that there should be that limitation, and I am not greatly averse to it.

In reply specifically to the question the Senator from Vermont has asked, I think there are more words even in this amendment as I offered it than it is necessary to include. I think the words "expenses" alone would have included not only the 2 per cent that is going to be paid to the individual for his deposit in the post-office, but that it would have included the running expenses, the going expenses of the postal system, and it would have included as a part of the going expenses whatever may be lost here and there in the banks.

When the department takes up the question of rates, one of the questions they will have to consider will be, first, what are the ordinary expenses going to be for the additional clerical help, the blanks, the printing, and all those things? Then they will have to make a calculation as to what the probable loss may be, and they will have to calculate that. They will have to add enough to the 2 per cent to cover all the expenses of the system. The word "expenses," in my judgment, would cover the 2 per cent interest that is to be paid. That is a part of the expenses of the system. It would cover whatever loss there may be in the banks, for that is certainly a part of the system. It would cover the running, clerical expenses of the system, and that sort of thing, and by using that word alone we would not tie up the department in the way I suggested.

If we would strike out the words "and interest," in my judgment it would be abundantly provided for. I am not certain, I will say, but that we sometimes put in too many words. I have even more doubt of its covering the exact point the Senator has suggested after putting in the words "and interest" than if you left in simply the word "expenses." When you go to specifying and detailing what the provision is going to mean there may something come in that is not covered. The word "expenses," by any reasonable interpretation, would include every item of expense, loss, clerical help, interest, and all.

As I said, I would rather risk it with just the word "expenses" than to add even the words "and interest;" but it seemed to be wise to add those words. I wanted to get the amendment in a form that would be acceptable; and I thought there would be plenty of time to think over it after we got it in print, and therefore I accepted it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. BURKETT].

The amendment was agreed to.

Mr. CUMMINS. Mr. President, day before yesterday I offered an amendment to section 8 in the way of a substitute for it. It was really the pending amendment yesterday, but the Senate by common consent considered the amendment proposed by the Senator from Utah [Mr. SMOOT], that has just been disposed of. In order to make the record entirely clear, I withdraw, with the consent of the Senate, the substitute which I offered day before yesterday, and propose the following amendment to section 8.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn and the substitute therefor will be read by the Secretary.

The SECRETARY. It is proposed to strike out all after the word "banks," in section 8, page 5, line 15, down to and including the word "surplus," in line 21, and to insert:

Whether organized under national or state law, being subject to national or state supervision and examination and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2½ per cent per annum if there is more than one such bank in any city, town, or village willing to take such deposit upon the terms provided for herein, the same shall be divided among them substantially according to their capital and surplus. If no one of such banks in any such city, town, or village is willing to accept the deposits upon such terms, or if there be no bank or banks therein, or if the post-office at which the funds are received is not in a city, town, or village, then the deposit shall be made in a solvent bank or banks subject to such supervision and examination of the State or Territory in which the post-office is situated, giving preference to those that are in the same general community as the post-office receiving the funds.

Also strike out from and including the word "*Provided*," in line 18, on page 6, to and including the word "depositories," in lines 22 and 23.

Mr. CUMMINS. Mr. President, this amendment, or these amendments, are in substance and, it may be said, in words precisely like the substitute that I offered for the entire section, the only difference being that I have adopted the language of the original section in so far as it was possible to do it and preserve the changes that I intended to make. These amendments have been considered, I believe, by the Senator in charge of the bill.

The PRESIDING OFFICER. Will the Senator suspend for a moment? The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. KEAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey? The Chair hears none, and the unfinished business is temporarily laid aside without prejudice. The Senator from Iowa will proceed.

Mr. CUMMINS. These amendments make two changes in the section. First, they render it more certain that the money coming at the post-office of a particular city, town, or village shall be deposited in the bank or banks of that city, town, or village, and if there be no such bank or banks there, then in the neighborhood or in the general community. I believe it to be in exact harmony with the spirit of the bill as reported. I understand the Senator in charge of the bill has no objection to the adoption of this amendment.

The second change is to eliminate from the section the provision which requires 10 per cent of the entire deposits throughout the United States to be kept in the Treasury of the United States or in some bank as a reserve fund.

Mr. CARTER. I will ask the Senator if he will not substitute the word "permitted" for "required," merely permitting the board to keep this reserve in the banks or in the Treasury not exceeding 10 per cent?

Mr. CUMMINS. I did not quite catch the suggestion.

Mr. CARTER. The Senator stated that the reserve referred to in the proviso is required to be kept in the Treasury at Washington.

Mr. CUMMINS. Or in the banks.

Mr. CARTER. Or in the banks. The bill merely permits it.

Mr. CUMMINS. I will correct my reference to the bill to that extent. The language of the bill is that the board shall be permitted to do so if it sees fit; but those four lines are stricken out in this amendment. I understand the Senator in charge of the bill has no objection to that change.

The amendments made by the Senator from Nebraska [Mr. BURKETT] I find are contained in that part of section 8 which I seek to strike out, but I am sure there will be found a way in which the text of my amendment can be amended or a way in which the amendment of the Senator from Nebraska can be preserved even though the text be changed as I have suggested.

Mr. BURKETT. I think, as I have listened to the reading of the amendment, that if it shall be adopted I can insert my amendment after the provision for the minimum rate of interest. I will want to do that after the amendment has been voted on, if it shall be adopted.

Mr. CARTER. It was intended to make the text of the bill on page 5 in the particulars referred to quite sufficient to accomplish the purpose manifest on the face of the text. I have no objection to any language which will make that purpose more definite if it is at all questionable. I doubt if this amendment does make the text more clear, but the Senator from Iowa, after mature consideration, thinks it more specific and that it will accomplish the purpose with greater certainty. I therefore accept the amendment, adding, of course, the insertion therein of the amendment of the Senator from Nebraska. I presume by unanimous consent the amendment which was heretofore adopted in that portion of the text can be inserted in this amendment.

Mr. BURKETT. Then, I ask to perfect the amendment in line 7 by inserting after the words "per annum" the words of the amendment which I offered and which was adopted a moment ago.

Mr. CUMMINS. I accept that.

The PRESIDING OFFICER. Without objection, the insertion requested by the Senator from Nebraska will be made. The question now is on the amendment of the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. CARTER. Now, the question is on the other amendment proposed by the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has also offered another amendment, which will be read.

The SECRETARY. In section 8, on page 6, strike out from and including the word "*Provided*," in line 18, down to and including the word "depositories," in lines 22 and 23.

Mr. CARTER. In view of the other amendments adopted that amendment is eminently appropriate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Before it is voted on, let me inquire whether there is any other provision which requires a reserve.

Mr. CARTER. There is. The entire deposit in the banks is subject to check at all times, and constitutes a reserve for immediate use.

Mr. GALLINGER. It is all right, then.

The amendment was agreed to.

Mr. CUMMINS. I gave notice at the time I proposed the amendments just adopted that I would offer an amendment to section 7, which I now do.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 7, on page 5, line 7, after the word "prescribe," insert:

Withdrawals shall be paid from the deposits in the State in which the depositor withdrawing resides, and, so far as practicable, from the deposits in the community in which the depositor resides.

Mr. CUMMINS. I think it will be granted on every side that this amendment is necessary in order to carry out the spirit and effectuate the purpose of the amendments already adopted.

Mr. CARTER. I will ask that the amendment be again read.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. GALLINGER. It seems to me that the language might be simplified, if I may be permitted to have the amendment a moment. I suggest to the Senator from Iowa that it should read:

Withdrawals shall be paid from the deposits in the State, and, so far as practicable, from the deposits in the community in which the depositor resides.

Mr. CUMMINS. The Senator from New Hampshire suggests, without any change in the meaning, that the language might be shortened by putting it in this way:

Withdrawals shall be paid from the deposits in the State, and, so far as practicable, from the deposits in the community in which the depositor withdrawing resides.

Mr. BURKETT. Let me ask a question which occurs to me. I am not so familiar as I might be with all the provisions of the amendments the Senator from Iowa offered, but it seems to me we are liable to get this tied up so that we can not do any business under it in our anxiety to do what we all want to do, of course, and that is to keep the money in the State where it comes from. Take the amendment now before us for an example. Suppose there is not any money in the banks of a State—I take an extreme case—where the banks have not accepted the money. Then, as to the money which under the provisions of the bill is invested somewhere else, how will you pay those withdrawals?

Mr. GALLINGER. There will be no withdrawals nor any money.

Mr. CUMMINS. Does the Senator mean, if the moneys that have been gathered at the post-offices have not been deposited in that State and have gone elsewhere?

Mr. BURKETT. Yes.

Mr. CUMMINS. The possibility is so remote that I think it is hardly necessary to provide for it.

Mr. BURKETT. I said I used the most extreme case, of course, but there might be all grades of it. You may get into trouble if you just provide for a certain place for withdrawals

to be paid from. I can not see any great danger myself in rather leaving that to the board. I understand, of course, that the object is to keep the money in the local banks among the people where it originates, and in that I coincide; but it seems to me that unless there is some saving clause somewhere, this provision might make trouble. As I said, I am not familiar enough with the provisions of the other amendments submitted by the Senator from Iowa to know just what this amendment might result in.

Mr. CUMMINS. Mr. President, I am sure that the contingency to which the Senator from Nebraska refers would never occur. If the Senator believes that it is so imminent that it ought to be provided for, I hope he will suggest an amendment in some appropriate part of the bill. This particular amendment is eminently right, because we all agree that we do not want the money which has been deposited in the banks in New England withdrawn for the purpose of paying the depositors in Iowa or in Utah; and, therefore, we ought to fix this in any event as we desire to have it, and make some other provision for the contingency feared by the Senator from Nebraska.

Mr. GALLINGER. At this point I am going to suggest, and I think the Senator having the bill in charge will agree with me that it is well to do so, that at the conclusion of to-day's session the bill shall be reprinted with the amendments which have been agreed to, so that we will have it before us to-morrow.

Mr. CUMMINS. With the amendments in italics?

Mr. GALLINGER. Yes; with the amendments in italics, so that we will have it before us to-morrow in a shape in which we can understand it. Several amendments have been agreed to that I confess I have not carefully examined. Then, if it be found that we have made mistakes, we can correct them either before the bill goes into the Senate or after it reaches the Senate.

Mr. CARTER. The suggestion is so clearly appropriate, I now ask, fearing the matter might hereafter be overlooked, that at the close of the consideration of the bill for this legislative day the bill be reprinted with all amendments adopted in italics.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. CUMMINS. I am quite willing to adopt the suggestion of the Senator from New Hampshire, and I ask that the amendment I have offered be made to read as follows:

Withdrawals shall be paid from the deposits in the State, and, so far as practicable, from the deposits in the community in which the depositor withdrawing resides.

Mr. BURKETT. Mr. President, I can not help doubting the wisdom of that amendment. We know the experience of our public officers. I think they have been very careful in times past to withdraw funds from public depositories, even without any law regulating it, very equally and proportionately over the country. The Senator suggested that the proposition I made was the suggestion of a very remote danger, but I undertake to say that there will be some of the States in which the banks will not want to take money from the Government at the rate of interest at which it is going to be placed, which can not be less than 2¼ per cent. It probably will not be less than 2½ or 2¾ per cent. It is going to be uniform. That may be a small rate of interest in Iowa, Nebraska, Idaho, and other Western States, but it is a pretty high rate of interest in the Eastern States. I surmise that the time may come when it will be too high in some States, and the banks will refuse to pay that interest. They will not want the money. Under the provision which is in the bill, if that time does come, I want to know where you are going to get the money to pay the depositors. You have tied it up. I can not see any good reason for it. All through the bill we have put every safeguard against the centralization of this money or its being withdrawn unduly from any particular locality. There would not be any government official, after reading this law, who would be able to satisfy his conscience as a public official and not keep these funds as near by as he possibly could in the community where they are collected. It seems to me that this provision would tie it up so tight that the machinery might not work.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. BURKETT. Certainly.

Mr. GORE. I ask the Senator from Nebraska if he does not think this would remedy that sort of evil: Where this amendment provides that "withdrawals shall be paid from the deposits in the State" to add the words "if there are sufficient deposits in said State?"

Mr. BURKETT. Of course something of that sort could be inserted, but it seems to me that the suggestion of the necessity for that only accentuates the difficulty in which we may find ourselves. I do not think the danger is sufficient to warrant us in adding this limitation or this restriction. It does not seem to me that the danger is probable enough that any public official, after this bill is written as it is, is going up into the banks in Vermont or out in Iowa to draw money to pay to depositors over in Nebraska or Oklahoma or elsewhere. I think we had better err on the side of keeping the machinery so that it will run practically than to restrict it so that we will get into the trouble we are likely to get into with that provision, in my judgment.

Mr. PAGE. Mr. President, I am somewhat in accord with the views just enunciated by the Senator from Nebraska [Mr. BURKETT]. I am afraid, if we undertake to go into all the details of this bill, that the Treasurer of the United States and the officials in charge will say that the men who framed this bill knew as much about practical banking as Nicodemus is said to have known about the second birth. I believe the better way is to set forth the principles that actuate this body, if they can be set forth in some way that embraces all of the thoughts and ideas which have been enunciated by the Senator from Iowa [Mr. CUMMINS]; to say that it is the purpose of this legislation that the money received on deposit in any State or community shall be deposited in the banks there, and leave the details so that they will work out easily and practically.

Now, let me make a suggestion which illustrates what I mean. I shall not be surprised if it would be found when we come to the practical workings of this bill, that it would be better that in the State of Iowa, for instance, there should be some central bank, perhaps at Des Moines, where this money would be deposited in little driblets by the postmaster; that it then be subdivided into even dollars, in round amounts, among the different banks of the State, so as to avoid this complex figuring of accounts—a half dollar, a dollar, or $5 at a time between the department and the little banks. I do not know that it is so, but I believe the whole spirit of this matter can be worked out in a way that will absolutely meet the ideas of the Senator from Iowa. I have no doubt that the men in charge of this matter—the trustees who will be appointed—will follow the spirit of whatever we adopt here in the execution of this law. I may be wrong; but I wish it might be the policy of Senators on this bill to leave the little details to the men who have the practical knowledge of how these matters should be worked out, assuring the Senator from Iowa, as I do, that I believe they all will work out exactly to his liking.

Mr. CUMMINS. Mr. President, if I looked upon this as a detail I should certainly yield to the assurances of the Senator from Vermont [Mr. PAGE]. With me it is a fundamental, vital part of the measure. I can not for a moment think that the board that is created here would be animated by any other than upright and honest purpose; but we have had enough experience in our country with money that is subject to be placed here or there, at the pleasure of a government official, to be somewhat wary of committing this sort of discretion to any board. It has not been very long since one part of this country, with a great deal of unity of action, went to the Secretary of the Treasury and insisted that the money of the United States which was distributed all over the United States should be withdrawn from certain parts and concentrated in another part.

The Secretary of the Treasury had no other purpose than to do the thing which he believed would benefit the whole country. I do not want, however, a bill passed that in a time of stress and storm would enable this board, even if it believed it to be wisest for the country, to take money, which had been deposited in Iowa, and to remove it to New York by the payment of the depositors in New York, who were withdrawing, simply because the board thought that the business of the country and the necessities of the country required that New York should have the money or required that the money should not be drawn from the New York banks.

It involves a feature of the system which, as I think, is of vast importance; and I am not willing to allow that contingency to go unprovided for. I am perfectly willing to see inserted anywhere in the bill that if there is no money in the banks of the State in which the withdrawals are occurring, then the money may be taken from the banks of other States, although I regard that possibility as so remote that it need not give us the slightest concern.

The real point, however, is—and I shall feel compelled to insist upon it—that the withdrawals in any State or Territory shall be paid through the deposits or by deposits in the banks in that State or Territory. We can in that way preserve the purpose of the bill; there will be no danger attending it; and I can not conceive that it will in anywise restrict or hamper the board in the administration of the bill.

Mr. HEYBURN. Mr. President, I am somewhat at a loss to know just how you are going to compel the banks to keep the money in any particular place, inasmuch as you, by another provision of the bill, give them the right to use it as though it were their own.

Mr. CUMMINS. Mr. President, I assume that is a question directed to me.

Mr. HEYBURN. Yes.

Mr. CUMMINS. And I shall be very glad to answer it.

Of course, the moment the Government deposits this money—derived from the post-offices, if you please—in the banks, it ceases to be the Government's money. The Government simply becomes a creditor of the bank in which the deposit is made, and the bank can do whatsoever it pleases within the limits of its power with that money, just as it could do with the money deposited by the Senator from Idaho [Mr. HEYBURN].

It is assumed, however, that the banks will always keep themselves in condition to satisfy the demands of any depositor, whether it be the Government of the United States or whether it be the Senator from Idaho. This has no concern with the use of the money by the bank. It only declares—if I may be permitted to explain it, for the Senator from Idaho was not here when I came in—it only means that, if during the last month the savings depositors in Iowa were to call on the Government for a million dollars for the payment of their deposits, the Government would check or call upon the banks of Iowa in which it had deposits for that sum, and would not call upon the banks of New York or the banks of New England for that sum. That is the whole purpose and the entire scope of the amendment.

Mr. HEYBURN. Then, Mr. President, it follows, of course, that those banks must at all times carry a reserve far in excess of that which they carry under ordinary banking transactions.

Mr. CUMMINS. Mr. President, on the contrary, if I were a banker, I should consider the deposits made by the Government—the postal savings fund—as much more likely to be permanent than the deposits of individual customers of the bank, because the experience of other countries has been that such deposits grow constantly for a great many years anyway after the institution of the system. While I believe it to be true that the law, so far as national banks are concerned, would require them to keep the same reserve for government deposits that they keep for all other deposits, yet these reserves would be much less likely to be called upon in the case of the Government than in the case of the individual depositor.

Mr. HEYBURN. Then, Mr. President, I understand that it is not contemplated that any reserve whatever shall be carried by the banks because of these deposits.

Mr. CUMMINS. Mr. President, that is an error so far as the national banks are concerned, because the law applicable to the creation of reserves would be just as applicable to the government deposits as to any other deposits, and, of course, if a bank had a million dollars of government deposits, its reserve would necessarily be much larger than though it had not those government deposits.

Mr. SMOOT. The same thing applies to state banks, but that is because, under the law of the State, they are compelled to keep a certain reserve.

Mr. CUMMINS. Precisely, if the state law requires them to keep a reserve.

Mr. HEYBURN. Unless some action has been taken during my absence from the Chamber, there is no provision that would cover this class of deposits—I mean no provision governing government deposits which would be applicable. These moneys are not declared to be public moneys, and so they go into the banks as private deposits unless some action has been taken since yesterday and during my absence, because when we were discussing this question yesterday it was conceded that these moneys were not declared to be public moneys.

Mr. CUMMINS. Mr. President, as I understand—and I am sure I am right about it—the law which requires national banks to maintain a reserve applies to all deposits, no matter whether individual or government deposits. This does not affect that law at all.

Mr. BULKELEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. I do.

Mr. BULKELEY. Mr. President, if I recollect the law in regard to government deposits, where the banks are required to furnish collateral, as they are required to do now, they are not required to keep any reserve.

Mr. HEYBURN. That is the answer to the proposition?

Mr. CUMMINS. Precisely; but this bill gives the bank the opportunity either to give indemnifying security or collateral. If the bank chooses to give collateral, then it would be precisely like any other deposit.

Mr. BULKELEY. Mr. President, as I understand the propositions in this bill they practically place these deposits on the same level with ordinary government deposits. The banks are required either to give an indemnity bond or collateral for the postal savings-bank deposits, the same as for ordinary deposits of the Government, and the Senator from Iowa will realize that practically none of these funds will remain in the communities where they will be deposited in the postal savings banks. They will drift, with all the other funds of the banks of the West or the banks of the East, to the commercial centers of the country, where they will be used as they are used now. It is going to be a difficult task sometimes, it seems to me, for the board of trustees, if they are restricted to keeping deposits in every little bank in the country, to withdraw from those banks enough funds to meet the drafts in a particular place.

It occurs to me that it is not wise to tie up the details of administration in this legislation authorizing a postal savings-bank system. We must leave some of the details, even as we have done, to some board to provide some measure for the withdrawal of deposits.

It sometimes happens in this country that we have a dearth of currency in one section and not in another. It might be possible that in the good State of Iowa, with which my financial dealings have made me quite familiar, sometimes they have a dearth of currency with which the banks could meet drafts of this character, which might be made with but a moment's warning. We have had the same conditions in the East. So it seems to me we should leave some of these questions of administration to the discretion of the board. The Government is responsible for the funds that come into its hands, whether they are called public funds or funds of whatever character they may be. They are deposited with the Government, and the gentlemen who are named in this bill to act as trustees are merely carrying out a governmental policy. They are in charge of the fund, not as we have it in some departments of the Government, I am sorry to say, for we have now in the hands of the Bureau of Insular Affairs, and subject actually to the control of the distinguished military officer in charge of that department of the Government, and on deposit in the trust companies of New York almost exclusively, more than $12,000,000. You will find some allusion to it in the report of the Bureau of Insular Affairs. He requires collateral, but it is subject to the fluctuations of the market; and the vaults that contain those securities are opened day by day; and as they are disposed of by the banks that hold deposits other securities are substituted in their place as the market rises and falls.

Mr. HEYBURN. Mr. President, I was attempting to develop the position. The Senator from Connecticut [Mr. BULKELEY] first observed it, but has drifted off into a wider question. I want to present this question in a concrete form. As I understand the law, the banks are not required to carry any reserves against secured funds now.

Mr. BULKELEY. I think the Senator is absolutely right on that question.

Mr. HEYBURN. Yes. The idea I started to develop was, that these funds were of such a character that the bank would not be required to carry any reserve to meet the drafts upon it, so that whatever reserves were held to meet these drafts would be the reserves that are held against another class of deposits. That would naturally follow. Suppose the Government has a million dollars of this class of funds in a bank, and ordinary depositories have another million dollars; the million dollars the Government has is secured under the provisions of this act by the deposit of collateral or such other security as is provided for. The other deposits are not secured at all, except by the reserve that the bank is required to carry. Here is a bank with two classes of funds, one of which carries a reserve and the other of which does not, and yet they may be drawn out under exactly similar circumstances.

Mr. President, I have before me this provision of the bill that is pertinent to be considered in connection with that thought. It will be observed that the amendment introduced by the Senator from Utah [Mr. SMOOT], which, I understand, was adopted during my absence to-day, provides that the Government may not withdraw this money from the banks so long as the banks are willing to retain it and pay interest for it. We give the banks the right to pay this money back or else stop the payment of interest, and we reserve no corresponding right to the Government. The Government can not withdraw it from the banks, except for limited purposes, and the Senator in charge of this bill, if I understood him correctly, has

prophesied that the fund would never diminish, but that it would be a growing fund at least for some years.

The result is that if the bank serves notice upon the Government that it will no longer pay interest, it is no longer required to pay it, because the Government, though required to receive interest, can not withdraw it from the bank except for the contingency which the Senator in charge of the bill says will never arise. That is rather an anomalous condition of affairs. The Government can not withdraw it and thus save itself from paying interest under any condition that is likely to arise, but the bank at any time, according to the letter and the text of this amendment, which has been adopted, may relieve itself of the obligation of paying interest by serving notice upon the Government to take its money out.

Is that a businesslike transaction, where one side disarms itself from the right to recover its money and the other side is equipped with a weapon by which it may stop interest payment at any time? It does not seem to me that it is. I think something has been overlooked there. Take a bank, for instance, that has $100,000 on deposit, and, because of the financial conditions of the country, that bank knows, or thinks it knows, that the Government can find no other market for that money. It simply notifies them that after the day after to-morrow they desire that the money be drawn out, otherwise the interest will stop on it. What provision is there for that?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. If the Government received notice from the bank to withdraw the money or, in other words, that they would not comply with the terms of this bill, then the board of trustees is authorized to withdraw that money from the bank and invest it.

Mr. HEYBURN. Yes.

Mr. SMOOT. Invest it in government bonds. The rate that the Government pays is only 2 per cent, and we have no government bonds drawing less than 2 per cent. I have no doubt that the Government to-day could, if it were a question of profit, make money upon the action of a bank that would take that position.

Mr. HEYBURN. That is rather a startling proposition. Government bonds in very large amounts are about as difficult to get sometimes as some other things.

Mr. SMOOT. The bill does not provide that it shall be confined to government bonds.

Mr. HEYBURN. No.

Mr. SMOOT. There are other securities that can be purchased.

Mr. HEYBURN. Yes. Well, Mr. President, if you wanted to inflate the price of securities, all you would have to do would be to put the Government in the market as a buyer, and as a buyer under compulsion, as a buyer that must find a market for its money on the best terms possible, with a limitation as to the rate of interest to be paid.

I do not believe that any Senator or any number of Senators, after a reasonable consideration of that question, would advise a policy that would result in the placing of the Government in that position.

These will be large sums; they will not be petty and trifling sums; they will be counted by millions; and if the Government, pursuant to a notice from a bank that it will no longer pay interest, should withdraw a million dollars and go into the market with the avowed intention of buying the limited class of securities provided for in this bill, what would be the effect on the market price of those securities?

Mr. SMOOT. There would hardly be a million dollars in one bank.

Mr. HEYBURN. Well, multiply your millions, for there will be hundreds of millions. I am only using it as a unit of consideration.

Mr. SMOOT. Not in one bank; and that is what we are talking about.

Mr. HEYBURN. I know. You might just as well talk about the complexion of the cashier of the bank as to attempt to divide a great principle by any such lines as that. The bank, so far as the deposit is concerned, is a unit, because the principle is a unit in its application to the sum total of deposits.

Mr. SMOOT. But that is no reason why all the banks in the country would act as a unit.

Mr. HEYBURN. Well, Mr. President, it is not the policy of wise legislation to provide for conditions that might become dangerous. In conservative legislation we legislate only along lines that preclude the possibility of danger. If we are going to pass a law which, in the event of certain conditions, would be destructive of the interests of the people, we are on pretty reckless ground.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. Let me suggest to the Senator from Idaho that, upon inquiry, I find that 5,069 national and state banks in the United States pay no interest at all on deposits.

Mr. HEYBURN. I know that.

Mr. SMITH of Michigan. This morning I was told at the Riggs Bank that they do not pay any interest on $7,000,000 of deposits. I think we may very appropriately consider what the alternative of the Government may be with a large fund in the event that it may not be needed by the banks.

Mr. HEYBURN. That is a very wise suggestion. I have been diligently inquiring for some weeks, or ever since this bill has been under consideration, as to the character and proportion of national banks that pay interest on deposits. I find that a very large majority of them do not, and I very seriously doubt the right of any of them to pay interest on deposits.

Mr. CARTER. Mr. President, I think every bank in the United States, including the Riggs Bank, in the city of Washington, pays interest to other banks on daily balances.

Mr. HEYBURN. That is another proposition.

Mr. CARTER. And on time deposits, also.

Mr. SMITH of Michigan. I was not speaking with reference to the reserve. I asked the question whether they paid interest on deposits. They did not pay interest.

Mr. CARTER. Most assuredly.

Mr. CUMMINS. What is the aggregate of all the deposits in the bank?

Mr. SMITH of Michigan. I do not know; but I think there are in the neighborhood of seven or eight thousand national banks in the country, are there not? This shows that more than a majority of them——

Mr. BULKELEY. Probably twice that number.

Mr. CARTER. There are about 22,000 banks in all. I can tell the Senator in a moment the number of national banks.

Mr. SMITH of Michigan. Here are 5,000 banks that do not pay any interest.

Mr. CUMMINS. On individual deposits.

Mr. SMOOT. The Senator from Michigan must certainly confine that statement to individual deposits. I doubt very much whether there are many national banks in this country that do not pay interest to other banks which deposit their money with them.

Mr. HEYBURN. Why would a bank——

Mr. SMITH of Michigan. I would not dispute——

Mr. HEYBURN. Why would a bank bid for the deposits of the postal savings banks and pay for the use of the money when they can get all the money they want without paying interest? The conclusion is inevitable that the high class of banks that have sufficient money on hand for the transaction of all the business they can get would not be the ones which would receive it, and that the ones which would receive this money and be anxious for it are the class of banks having difficulty in getting credit.

Mr. SMOOT. In answer to that I may say that the strongest banks in the city of New York are to-day paying interest on deposits from western banks, and they have done so for years and years.

Mr. HEYBURN. For what purpose?

Mr. SMOOT. For the purpose of securing the deposits, and just exactly for the same purpose that they would pay interest under this bill—to secure the deposits from the Government.

Mr. HEYBURN. There is the Senegambian, Mr. President, right there. The New York banks that pay high rates of interest for money to use on call would probably get all of it.

Mr. SMOOT. It is impossible——

Mr. HEYBURN. I understand the Senator's proposition exactly. If we are to stand here and legislate a system of government by which the money is to start on its course from every home and hamlet and business center in the United States toward the city of New York, I take it you will find no support for the measure outside of the city of New York and the sympathies that surround it.

Mr. President, that is just what would happen; and because of just such provisions as are obtained in this amendment, adopted this morning, by which the Government's hands are tied and not the banks'. The banks have the money when these conditions arise. They must have it before they arise. They have it, and the Government can only draw it under

limited circumstances. That is the provision of this amendment. So unless they want to withdraw it for depositors they can not get it out of the bank at all.

Let us see if I am right about that. Here is the language of it. It is most astonishing:

That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act.

I suppose that means the expense of administering it.

It shall only be withdrawn for that purpose. It can not be withdrawn for the purpose of depositing it somewhere else. The Government can not withdraw it for the purpose of moving it from one money center to another. It can not withdraw it for the expenses of government. There is the situation as to the Government's relation to the money. It—

shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed.

Investment. That refers to the bond investment. They can not withdraw it at all for transfer. The Government can not, but the banks which are made the custodians of the money may send it down the stream that ends at Castle Garden. Is that a wise provision of law, think you? Do you think the Government's interests are protected; do you think the depositors' interests are protected under a provision like that?

Mr. CUMMINS. Is the Senator from Idaho in favor of putting into this bill a provision that will determine how the banks shall use this money after it is deposited with them?

Mr. HEYBURN. No. If I put any provision into this bill, I would favor putting in a provision of safety; and as far as I would go would be that the Government should receive the money through its agencies in the post-offices and take it into its own custody and use it for its own purposes, if it paid interest on it, and hold it as a sacred fund to be invested in property and in things over which the Government had absolute control. That is as far as I would go. I will never be a party to legislation that contemplates the picking up of this class of money and putting it into the channels of speculation. I never would be a party to that. I never would be a party to making it the plaything for what are called "financiers."

Mr. SMITH of Michigan. If I may be permitted to make a suggestion to the Senator from Idaho, I will venture the assertion that the reserves in the national banks in the city of New York encourage speculation.

Mr. HEYBURN. There are two classes of reserves in the New York banks. There are the reserves that are held against the daily or recurring drafts of the bank that does business with the New York bank; what they call the correspondent bank. That is one class of reserves. Then there is the other class of reserves, which we discovered here a few months ago when we were discussing the last financial bill—the reserves which the outside banks send to New York, upon which they receive interest, which may be used by the New York banks for any purpose that occurs to them. Those are the two classes of reserves. I was not referring to the class of reserves carried against the daily balances of exchange.

Mr. SMITH of Michigan. Right on that point, I was reading this morning an article in which it was stated that on the 28th of April, 1909, the items "due to other national banks" from the banks of New York, Chicago, and St. Louis footed up in round numbers to $546,000,000.

Mr. HEYBURN. Yes; it has increased over $100,000,000 since we discussed the question last. Then it was about four hundred and a small fraction millions. It is evidently growing. It is evident that the outside banks are carrying larger reserves in the New York banks than then, and that the money of the country is concentrating in New York; and when it goes out of there it is at the will of the New York banks. I am not going into a general discussion of the financial system of balances, but it is written in this amendment to the extent that it requires the consideration I have given to it, in my judgment.

I should like to know what steps will be taken by the Government or by this board upon notice from a bank that they would not pay any interest. There is no time limit. So they might say that after to-morrow we will not pay any interest on the deposits held by us of this class of funds.

Mr. CARTER. Will the Senator yield for an answer at this time?

Mr. HEYBURN. Yes; I yield.

Mr. CARTER. The proposition of the Senator is that arrangements are being made to require that the money deposited in a neighborhood shall be retained in the neighborhood, and that, therefore, we are making arrangements to sluice it into the banks in New York. That is, as I understand, the Senator's first proposition. I will undertake in the course of a few moments, when the Senator yields the floor, to touch upon that aspect of this bill as covered by the amendment of the Senator from Utah.

Mr. HEYBURN. If the Senator gathers no wisdom as to my position between now and the time when he takes the floor in reply to it, he will be firing in the air. I have assumed no such position. I was considering not that the credits might stay in the neighborhood, but that the money might stay in the neighborhood. There is a vast difference between the question as to whether or not the credits on the books of a bank show that the money is in the bank and the question whether the money is in the bank or not.

Mr. CARTER. To give an illustration, we will assume that a given bank in the city of Boise, in the State of Idaho, declines to pay interest any further on postal savings funds and so notifies the authorities in charge. Thereupon, under the operation of this bill, the board may deposit that money in any other bank in Idaho.

Mr. HEYBURN. With the consent of the other bank.

Mr. CARTER. Of the other bank.

Mr. HEYBURN. Yes.

Mr. CARTER. The banks of Idaho may become so opulent that they will not require 2 per cent money——

Mr. HEYBURN. They would not take it to-day.

Mr. CARTER. But that day is somewhat distant, I anticipate.

Mr. HEYBURN. Just a moment here.

Mr. CARTER. Failing to get another bank in the State willing to take the discarded deposits—and that failure would not be encountered often—then the bonds referred to in the act may be invested in.

Mr. HEYBURN. May be what?

Mr. CARTER. May become the subject of investment. The money need not lie idle.

Mr. HEYBURN. The most violent assumption I have heard indulged in lately is the one just stated by the Senator. The banks in Idaho would not under existing conditions take a cent of this money. The Senator can just mark that down as a fact.

Mr. CARTER. Mr. President——

Mr. HEYBURN. They have all the money they can make use of and are complaining that there are not enough uses to absorb the money they have.

Mr. CARTER. That is a happy state of affairs.

Mr. HEYBURN. It exists in Idaho, and there are a great many other happy states of affairs in that State.

Mr. CARTER. I know—delightful fruit, fine men, and beautiful women. This happy situation is enviable, but I do not envy Idaho. I am glad of her prosperity. It is unique and really unparalleled in the history of any State in this Union.

Mr. HEYBURN. That is very gratifying, and these encomiums are delightful to the ears of those from Idaho.

It is easy enough to build up a theory based upon loaning this money to some other person, but it requires the cooperation of both parties. When the Government of the United States, accumulating as it might in Idaho a fund of a million dollars or so, goes to the banks there and says, "We want you to take this money into your vaults, and we want you to give security for it, which you do not give for ordinary deposits, and security we approve, and we want you to pay interest on it," it would meet with a dead silence on the part of those banks.

Mr. President, this security question is not very well developed——

Mr. SMITH of Michigan. Will the Senator yield to me for a moment right here?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. It seems to me that the dangerous feature of this bill, if it has any danger at all in it, grows out of the fact that the Government in the first instance pays interest on these deposits.

Mr. HEYBURN. That is the first evil in it.

Mr. SMITH of Michigan. Yes; and next that because of the fact that it pays interest it must loan this money or invest it for the depositor. I want to ask the Senator from Idaho and the Senator from Montana, if 5,000 national banks or state banks in the country, with deposits aggregating many hundreds of millions of dollars, do not pay any interest to secure deposits——

Mr. HEYBURN. Or give any bond.

Mr. SMITH of Michigan (continuing). Or give any bond, why should the Government engage in the banking business, pay interest, and then have the responsibility for these investments

and practically go into partnership with the banks of the country?

Then one word further. I do not object to the saving individual receiving a return, but he can get that return in any commercial or industrial walk. He may get it in a building and loan association. He may get it from his state bank. But it is the overtimid man who wants his money back on the instant and who wants to take no chances at all who would use this system.

I do not remember whether it was the Senator from Utah or the Senator from Kansas, but I think, on reflection, it was the Senator from Kansas who told me the other day that he knew of one individual who bought $3,500 worth of post-office money orders and held them because he knew they were secure and he could get his money when he wanted it. If this Government desires to protect the timid and the helpless and hold their funds securely for them, let the Government hold those funds. That is a proper function. I would not object to it. There is nothing paternalistic in it. But when the Government undertakes to invest that fund for innumerable private citizens, I think there is great danger in it and that the Government, for some bad investment or bad policy which perhaps might result disastrously to millions of depositors, would be very seriously criticised and blamed and the foundations of our Government shaken because of this attempt to do business for private individuals.

Mr. HEYBURN. And, Mr. President——

Mr. BULKELEY and Mr. CARTER addressed the Chair.

Mr. HEYBURN. Just a moment. And, Mr. President, after a short time there would be an interminable squabble between the Government and the other creditors of failing institutions as to the right of preference, because no preference is given, and the Government of the United States in five years would have a thousand lawsuits on hand to determine whether or not they should be first considered or how the fund should be administered in the case of a bankrupt or failing estate. Oh, there is a nice prospect of confusion wrapped up in the folds of this bill!

I yield to the Senator from Connecticut temporarily.

Mr. BULKELEY. I wish to ask the Senator from Michigan if he does not understand that under the provisions of this bill, whatever may be the result of the investment of deposits, the Government is responsible to the individual depositor, not depending on the success of the investment?

Mr. SMITH of Michigan. Certainly.

Mr. BULKELEY. So that, except to the Government of the United States, it makes no difference whatever.

Mr. SMITH of Michigan. Yes. But if the Senator from Connecticut will pardon me, my criticism lies in the fact that we originally undertake to pay interest.

Mr. BULKELEY. I think, if the Senator will permit me, that the iniquity of this whole bill, if there is any iniquity in it, is in the fact that you are establishing by law a demand on the banks of this country to pay interest on their deposits subject to withdrawal from day to day. I think that is the wrong principle of the law, if there is any—this attempt to establish a postal savings bank for the country and to demand that the funds shall be placed in the banks of the various localities, and that they shall pay interest, which is the most dangerous thing, I think, for a bank to engage in.

Mr. SMITH of Michigan. I do not object to the Government taking in this money at the post-offices and holding it for the people and repaying it through the post-offices, but in such a case the Government should segregate this money. It need not enter into our revenues. It need not become a part of our fiscal system. We simply hold it in trust for our citizens, and there will be millions of men who will deposit hundreds of millions of dollars to their credit under such circumstances.

Mr. CARTER. Would the Senator have all the collections made at the post-offices consigned to perpetual idleness and permanently withdrawn from the channels of trade?

Mr. SMITH of Michigan. No; I think that would be very dangerous, but I would not obligate the Government to loan it through the banks, thus exposing the Government to criticism and doubt.

Mr. CARTER. How could you dispose of this money if you did not loan it or invest it or otherwise handle it?

Mr. SMITH of Michigan. I would get the money back into activity through the medium of the individual citizen who makes his own investment in his own way, rather than to leave it to the initiative of the Government. I would make it of so little advantage to him to carry his money in idleness in the Government's hands that he would invest it in some enterprise in his own community.

Mr. CARTER. We now have, as I understand, a great many million dollars invested in post-office orders, payable to the purchasers and renewed annually at a cost of $3 per thousand. One engineer, I was informed recently, working on a dredge on the Panama Canal, had something in excess of $5,000 in money orders, which he had been regularly renewing each year, refusing to put the money in bank. The money was idle in the post-office or in the hands of the department. The Government could not touch it or use it. The individual not only lost the interest, but likewise suffered the penalty of an annual payment of $3 per thousand. If this money should be held by the Government without investment——

Mr. SMITH of Michigan. No; I did not say without investment.

Mr. CARTER. Most assuredly; but we are endeavoring to devise means for its investment that will not disturb the financial equilibrium of the neighborhood and of the country. We require that it shall be deposited in the banks as near as may be at the point of reception; that it shall be deposited there with security, and that the board of trustees shall not be at liberty to take the money deposited in the State of Oregon and at will transfer it to the city of New York, nor to take the money deposited in South Carolina and send it for use in the State of Maine.

Mr. HEYBURN. No; but may the banks do it?

Mr. CUMMINS. The banks do it now.

Mr. CARTER. I suppose the banks in the West, as heretofore, when a surplus of money appears which can not be used at home, will send it where it will bring the best rate of interest.

Mr. HEYBURN. Why should not the Government do it? Why delegate the power to the banks to do it?

Mr. CARTER. I think with the Senator that this juggling of public funds throughout the country is an evil that ought to be guarded against. The Government is a water-logged institution in the banking world, helpless in the matter of self-protection, and used at certain times for the purpose of bracing banks in centers here and there, with questionable wisdom and sometimes with questionable propriety.

Mr. HEYBURN. I concur very largely in that sentiment, and therefore wonder at the attempt to put the Government into the banking business. If I were going to put the Government into the banking business, I would do it through the central banking system, and if I was going to have a central bank I would make it the capital business of the central bank system. If I were going to favor the postal savings bank, I would at the same time organize a central bank system of which these funds should be the capital. I would not have it in some one place. I would have a head to it, but I would have branches all over the country, so that these accumulated funds, which constituted the capital of the central banking system, should be distributed ratably and fairly throughout the country. But I am not ready now to develop further than the suggestion that plan, because we have to confront at no distant day the question of a central bank, and when we do confront it we have to consider the question where its capital is to come from. If the central-banking system is to be safe, its capital must be of that character that we may term "reasonably permanent" in its location and as free from fluctuation as possible.

I think it is safe to say that the volume of money in the postal savings bank, the aggregate of it, would probably be as little fluctuating as any fund one could imagine in the world, and therefore, perhaps, would make the best basis for the central banking system. We certainly can not establish a central bank, if it is a bank in the ordinary sense of the word at all, upon money realized from the sale of bonds. The Government only receives money through certain limited channels—through the revenues at its custom-houses or from the internal-revenue system and such like. We can not take that as the capital of a central banking system. We have to look somewhere for money that will rest nearly permanently in the bank as a basis not only of circulation, but of issue. Now, if you want to get the money into the channels of trade——

Mr. FLINT. Mr. President——

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes.

Mr. FLINT. My attention was called a moment ago by the Senator from Idaho to the purchase of bonds with these funds, and to the fact that it would have a tendency probably to advance the price.

Mr. HEYBURN. It generally does.

Mr. FLINT. I agree with the Senator. The Government having purchased the bonds at the advanced prices, if it should be required to sell them at a loss to repay depositors where would the money come from to make up this loss?

Mr. HEYBURN. There is a question I would not undertake to answer, because I never would reach it. But it is a reason-

able question. I understand the Senator to inquire whence any loss would be compensated that the Government might suffer by reason of the depreciation of bonds it had purchased. Is that it?

Mr. FLINT. That is correct.

Mr. HEYBURN. There is no provision in this bill for it. The only provision is the ordinary commercial provision that it would come out of the pockets of the Government.

Mr. FLINT. There is another question I desire to ask the Senator, and that is whether or not, under the provisions of this bill permitting investments, the money could not be loaned on notes and mortgages? It says the money may be invested in the same bonds or securities in which the funds of savings banks are authorized to be invested by the laws of the State or Territory. I take it that most States and Territories permit the investment of the funds of such institutions in notes and mortgages.

Mr. HEYBURN. The State of California is made by one of the provisions of the bill one of the criteria.

Mr. FLINT. If the State has no such regulation, then the laws of California and New York apply, and in New York and California the banks are permitted to loan money on note and mortgage, and under this bill the trustees could make such loans in the several States of the United States, and there might be losses on those loans.

Mr. HEYBURN. Mr. President, I am under an obligation to the Senator from California for the valuable suggestions he has made as to the reckless, careless manner of this proposed legislation, that contains no provision for protection against those conditions; and you might multiply them many times over, conditions not imaginary, but such conditions as arise every day in the banking and business world and with which all men of affairs are familiar. If this law is to contain some safeguard against those conditions, let us have it brought forth; but if the only safeguard is the plaudits that we hear of the men who hold these positions to-day and the promise as to the men who will hold them to-morrow, it is a mighty poor kind of security against the loss to the Government. The depositors can lose nothing as long as the Government of the United States is solvent and Congress is willing to authorize the issuance of bonds to cover losses.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes; I yield.

Mr. SHIVELY. Then under this bill at last the general taxpayer in furnishing the security.

Mr. HEYBURN. Yes; and, Mr. President, as suggested by the Senator from California, it being allowed that the funds may be invested according to the rules of insurance or trust companies that invest in notes and mortgages, again would arise one of those cases that I have before referred to, of a contest between the Government and our creditors as to who should have the proceeds of the sale of this property.

Did anyone ever hear of the responsible proposition advanced that a government should loan the money gathered up through the postal savings banks as the ordinary money lender lends it, without any legal boundary or restriction or safeguard thrown around it? It is not even provided that it shall be a preferred claim against any fund. No governmental supervision is provided for over the corporations whose bonds the Government would buy, and the stability and value of the bonds could not be protected by the Government in any way. A railroad could be thrown into the hands of a receiver by a county court, and the Government would be holding its bonds as security for money that belonged to these depositors.

The banks in which the Government places the money under the terms of its deposits would be the poorest class of banks so far as security is concerned, because, as has been said by the Senator from Michigan [Mr. SMITH]—and his information is unquestionably accurate—the very large majority of the strong banks in the country would not participate in it, and those that did reach out for it would be the last ones that ought to have it.

Mr. President, we are about to vote upon an amendment here containing provisions that only add to the objections to the bill; that make it more difficult for the Government and easier for the banks to shift this money from one part of the country to the other.

I inquired when the Senator from Montana was speaking whether or not the prohibition which contained in the amendment against these three men, transferring the money from one part of the country to the other, applied to the banks; and, of course, he said no, because it does not. How could we, under any power that is vested in us, control the right of the banks, in whose hands we place this money, to send the money where they please? We do not even require them to carry a reserve in the home bank. They could send every dollar of it away. They can not do that with any other funds that they have. They must maintain a reserve under the law against ordinary deposits. They carry no reserve under this proposed amendment as against these deposits, and we tie our hands by placing the power, not in succeeding Congresses, but in succeeding appointive officers, who give no bond.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I yield to the Senator.

Mr. CUMMINS. The Senator from Idaho certainly did not intend to say that banks would be required to create no reserve against any of these deposits.

Mr. HEYBURN. No; they would not. The banks are not required to carry any reserve against deposits that are secured by bonds or sureties to-day.

Mr. CARTER. Mr. President——

Mr. CUMMINS. I question it.

Mr. CARTER. The Senator is inaccurate, and I will call his attention to the law, if he desires to have it quoted. I am sure the Senator has confused the statutes.

Mr. HEYBURN. I think we will arrive at a conclusion after we read the law, and not before it.

Mr. CARTER. Section 5153 provides for the designation of certain national banks as United States depositaries, and an act passed May 30, 1908, provides—

that the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Mr. HEYBURN. Of course, now, the Senator runs up against that and slides by it just as though he had not seen it.

Mr. CARTER. Mr. President, let us be fair about this matter. I presume the Senator made an honest mistake in supposing the word "security" to be there, and that the statute would apply to all future acts of Congress.

Mr. HEYBURN. No; I did not make any mistake.

Mr. CARTER. A correct interpretation of the statute to which I have referred clearly applies exclusively to the one hundred and sixty odd million dollars deposited in national banks on the basis of collateral security deposited by these banks. The collateral security amounts to some one hundred and eighty odd million dollars.

Mr. HEYBURN. I know; but go to the provision, if the Senator pleases, with reference to the reserves.

Mr. CUMMINS. That is the exception to the general law.

Mr. CARTER. The exception is made of the reserve only as to moneys deposited under this peculiar section.

Mr. BULKELEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. I yield.

Mr. BULKELEY. Designated depositories are required just as well to put up a collateral for their deposits.

Mr. CARTER. Most assuredly, a designated depository is required by law.

Mr. BULKELEY. The Senator referred to the $160,000,000, but it involves the daily deposit of postmasters and the revenue collected all through the country.

Mr. HEYBURN. I think the Senators understood, as well as they understand anything, that I was not referring, and I stated it plainly, to the class of balances carried to meet the current expenses. There is the other balance, where the Government places money, as it did three or four years ago, for all I know last year. That is an entirely different class of government deposits.

Mr. CARTER. The Senator will, I think, admit, because it is the fact, that the Government of the United States does not deposit one dollar of either general funds or current receipts in any national bank without the deposit of callateral security.

Mr. HEYBURN. Of course they do not; and does the Senator maintain that in that case, in a case where the Government had $250,000,000 in two banks in New York with collateral security, whatever its character may have been, that those banks carried a reserve against that deposit?

Mr. CARTER. No, sir; because——

Mr. HEYBURN. They did not.

Mr. CARTER. Because they are specifically——

Mr. HEYBURN. I am referring to that class of deposits.

Mr. CARTER. Because they are specifically exempt from the reserve provision by the section of the statute enacted in 1908.

Mr. HEYBURN. That makes no difference.

Mr. CARTER. Prior to that time the banks were required to keep a reserve to cover the amounts of special deposits made on collateral, just as on other current funds.

Mr. HEYBURN. The Senator has conceded just exactly what I said. I differentiated between the two classes of deposits in the beginning of my remarks clearly and fairly, and there could be no mistake as to my reference to deposits that were secured by collateral, made under the second classification that I stated, and in that case I reassert it, because in response to an inquiry from one of the Senators in charge of the finance bill, when the information was unquestionably accurate, it was stated that they carried no reserves at all, and the argument was made to show why they did not.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I yield.

Mr. CARTER. Since my explanation quoting the statute so moved the Senator, I suspect possibly I did not understand his contention.

Mr. HEYBURN. That might be.

Mr. CARTER. The Senator's contention, as I understand it, was that no reserve would be required to be kept by the banks acting under the national banking act as against these postal savings-bank deposits. That statement is not according to the law. The only exemption is that made by the statute to which I have referred—deposits held in consequence of collateral security by depository banks designated under a special act of Congress.

Mr. HEYBURN. If the Senator is so sure of that, why not incorporate into this bill a provision to that effect, as to the reserves which shall be carried by the banks that hold the money? Why not incorporate it in the bill? Would it meet with the approval of the Senator from Montana if an amendment is offered providing that a reserve of a certain per cent shall be carried against these deposits?

Mr. BULKELEY and Mr. CARTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. HEYBURN. I have yielded to the Senator from Montana; and if the Senator from Montana does not object, I will yield to the Senator from Connecticut.

Mr. BULKELEY. I wish to ask if this law does not simply apply to national banks, and there is no provision in the bill itself which requires state banks, which may be large depositories of this money, to have any reserve?

Mr. HEYBURN. I am obliged to the Senator for emphasizing the position which I took. Of course the Congress of the United States can make no provision requiring state banks to carry a reserve. We can focus this argument in a minute.

The Senator from Connecticut has very justly suggested that the state banks could carry no reserve against the deposits, and we have no power to compel them to do it. Therefore, would the Senator deposit these funds in a bank over which we have no control to prescribe the reserve which it should carry as a guaranty of its solvency?

Mr. BULKELEY. But, Mr. President, while you can not compel a state bank to maintain a reserve, you can by a provision of this bill provide that no deposit shall be made in a bank that is not required to maintain it, just the same as you require them to have state supervision. You can require them to maintain a reserve the same as national banks.

Mr. HEYBURN. We could prescribe such conditions here as would leave perhaps only one or two banks in the United States available as a depository for this money, but the change that has been brought about, the claim made for the bill, is that it extends the provisions to the state and other private banks. That is held up as being the item of merit in the new bill which is brought before us. Under the other bill it was provided that the money could be deposited only in national banks; and the cry went up, "You are going to shift so many hundreds of millions of dollars from the state banks and the insurance companies that do a banking business, and so on, to the national banks." That cry was sufficient to drown the demand for the yeas and nays on the bill in this body, and it went out, smothered to death by its own weight.

Now it comes back here with a provision that professes to extend the depositing capacity of the act to state and other banks, surety companies, and so on, and when the objection is made that they do not and can not be required to carry a reserve against the day of insolvency or embarrassment, it is suggested that they might be eliminated. If you eliminate them, you go back to where you were a year ago.

If you leave them in you are met by the unanswerable argument that the Government of the United States can in no way control or insure their sufficiency. Yet that is to be voted in in this amendment. I think it would be wise to allow the amendment to lie over.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I hope the Senator from Idaho does not refer to my amendment, because he has not given the pending amendment the respect of a passing glance in the whole argument that he has made this afternoon. He has been arguing another amendment. I hope he will not require my little, simple, plain, obvious amendment to go over on account of the objections which he has so forcibly expressed this afternoon. The whole matter, I know, will be open for amendment on the policy of the bill, but I should like to come to an end of this particular part of it.

Mr. HEYBURN. Mr. President, the prohibition of the Senator from Iowa has come more nearly expressing what I may term the "measure of my toleration" of this bill than any other Senator who has discussed it. He is working in the right direction. His amendment provides that the withdrawals shall be made from the deposits in the State or Territory.

What I was saying was directed, at least in part, to the question how those deposits were to be kept in the State or Territory, and I was differentiating between the credit and the money, because if the United States Government or these three agents of the Government can not control that money, then this amendment would be without effect. If the money was sent away by the bank, the fact that it had not been authorized by the board or the act done by the board would be an ineffective proposition.

Mr. CUMMINS. There is no attempt here made to change the general banking law of the United States or of any State. We are dealing with the banks precisely as other depositors might deal with the banks. I hope that the Senator from Idaho will not think that this has any effect whatsoever upon the power which the banks have to deal with the money the Government deposits with them.

Mr. HEYBURN. No; I realize that.

Mr. CUMMINS. I am sure the Senator from Idaho will agree with me that it is wise. I do not ask him to agree that the bill is wise, because he has a very positive and somewhat persuasive view of the bill as a whole; but this simply means to say that if the depositors in New York want their money from the Government the Government can not go to the banks in Iowa and ask them for the money with which to pay off the depositors in New York. The whole course of the argument of the Senator from Idaho is in harmony with the policy that is attempted to be put in the bill by the amendment I have now offered.

Mr. HEYBURN. Mr. President, I say to the Senator from Iowa let us talk together about this for a moment. It has a limitation in it as well as an enlarged right upon the people, because it might be held that if there was insolvency or failure in the fund within a State, because the fund would fall below the deposits, the depositor could not look to any other fund. Do you think that is sufficiently protected in that language?

Mr. CUMMINS. I do not think that the contingency is proximate enough to even be considered, but I have no objection, as I suggested——

Mr. HEYBURN. Will the Senator pardon me?

Mr. CUMMINS. As I suggested to the Senator from Nebraska, if it is desired to provide for that very remote possibility it can be put in anywhere, in a dozen different places in the bill.

Mr. HEYBURN. Will the Senator allow me to suggest right here, under that construction of the statute—that is to say, if the deposits in a State were impaired to the extent of a dollar, if the orders in that State, which must be exactly coextensive with the post-offices, were presented, there would be a shortage. That is evident. Now, could you draw against the fund of some other State for that?

Mr. CUMMINS. Possibly not; but it is very clear that before long, if the views of the Senator from Idaho are sound with regard to the condition in his own State—and I do not doubt his accuracy in that respect—the Government will have in the Treasury, or in some other form of security, all the deposits that are made at post-offices in Idaho; and there is no prohibition here against taking those deposits and using them for the purpose of paying depositors anywhere.

Mr. HEYBURN. There is an implied prohibition here.

Mr. CUMMINS. Only as to banks.

Mr. HEYBURN. It says the withdrawals shall be paid from the deposits in the State or Territory in which they are made. It does not provide that they may be paid out of any general

fund. Does the Senator think that is sufficiently comprehensive to the public?

Mr. CUMMINS. I have no right to consume the Senator's time in these interruptions.

Mr. HEYBURN. I do not object.

Mr. CUMMINS. All I ask is that if there is some contingency that is not provided for by the amendment I have proposed, then I hope the Senator will amend my amendment or suggest an amendment that will cover the danger he has in view, and not put my amendment under the weight of his wrath against the bill generally. I should like to see it perfected in this respect and then take up the question of policy which he has so ably argued this afternoon.

Mr. HEYBURN. I suggest, offhand, an amendment that will perhaps meet the Senator's approval. It is to make it read:

Withdrawals shall be paid from the deposits in the State or Territory so far as the fund on deposit in such State or Territory may be sufficient.

Mr. CUMMINS. I will accept the amendment.

Mr. HEYBURN. And in the event that it shall not be sufficient, that they may be paid out of the accumulated fund in the Treasury of the United States.

Mr. CUMMINS. I am perfectly willing to accept the amendment.

Mr. HEYBURN. I merely suggest that amendment.

Mr. CUMMINS. I recognized, when the Senator from Nebraska [Mr. BURKETT] first mentioned it, that there might possibly be a time when the money deposited in the banks of any State or Territory would not be sufficient to meet the withdrawals of that State. I fancy that it would not occur in a million years, if we endure that long. But, nevertheless, I am willing to provide for the last and remote contingency.

Mr. HEYBURN. Now, here is the second clause:

And so far as practicable from the deposits in the community in which the depositor withdrawing resides.

Suppose a man makes a deposit in Iowa, and makes it to the limit, $5,000, and he afterwards resides in Idaho. From which fund would he withdraw?

Mr. CUMMINS. In that particular case, the general rule or policy I am seeking to maintain would be departed from, and the deposits made in the State of Idaho would be used to pay the depositor, although at the time the deposit was made he may have lived in Iowa and made his deposit in Iowa, but it would not affect in anywise the right of the depositor to get his money, and that is the thing, I fancy, that the Senator from Idaho is particularly solicitous to govern and secure.

Mr. HEYBURN. It would affect the right of depositors in Idaho to the extent that the Iowa man came and depreciated the fund in Idaho. How would that fund be recouped?

Mr. CUMMINS. By citizens of Idaho moving into Iowa; and I hope they will move there in large numbers.

Mr. HEYBURN. Well, Mr. President, that only points the wisdom of this legislation. I do not mean the wisdom of the suggestion of the Senator from Iowa [Mr. CUMMINS], because his ability is such that we must recognize it, especially in legal matters, and his amendment was skilfully drawn, but this question is bigger than all of the amendments that you will ever get adopted.

Mr. CUMMINS. I realize that. I am not attempting in anywise to minimize the scope of the great question of policy involved in this bill as a whole, but I do not think that these considerations relate to that particular amendment.

Mr. HEYBURN. I took this amendment in my hand for the purpose of concentrating my remarks upon it, having been charged with having forgotten.

Mr. President, it will be seen that every principle touching the manner of the deposit or the withdrawal of these funds that I have discussed this afternoon is wrapped up in this amendment in some form; but if we are going to turn it all over to a board, not selected by Congress, but to be selected by whoever may hereafter occupy the office of President, we do not need to legislate on the subject at all. As I suggested, I think, yesterday, we might change the title of the bill and denominate it "A bill to provide for the collection of the money of the poor people to be used by a board of trustees to be appointed by the President under such terms and conditions as they may hereafter adopt."

I do not care to now occupy more time on the amendment, but there are a great many questions yet reserved in this measure.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. HEYBURN. I ask for the yeas and nays.

Mr. PAGE. Just a moment, Mr. President. I should like to say a few words.

The Senator from Idaho [Mr. HEYBURN] seems to think we are delegating too much power to this board of trustees. On the other hand, I believe that the tendency of the Senator from Iowa [Mr. CUMMINS] is to inject into the bill a regulation of so many of the small details as to make the bill impracticable. To illustrate: Instead of leaving the question of securities for the board of trustees, we provide that when a bank secures a deposit of the postal funds it shall give security satisfactory to the board of trustees, and after the money has been placed in the hands of the bank it shall not thereafter be withdrawn except under very peculiar conditions.

It seems to me that in the very nature of things the security which may be deposited to-day as security for funds, in five years may have depreciated so that the security will be insufficient. We must leave some discretion to this board of trustees.

Again, the bill provides that any bank which is subject to national or state supervision may take these deposits. I do not know, however, of any way in which the board of trustees can compel the state supervisors or the state bank examiners to disclose what they find about a bank.

The provisions do not seem to dovetail as they ought to do if you undertake to tie the matter up in this way. So I say we ought to leave a discretion in the hands of the board of trustees, so that they may at all times preserve the high character of the securities, that they may at all times either get such satisfactory information from the state examiner as they must have, or else not be compelled to make the deposit, or, having made it, shall not be compelled to leave it in the bank if they think it unsafe.

Furthermore, in looking over the details of this bill, which its framers have tried to tie up with so much nicety, I can not see that any provision is made for fresh deposits in a bank which may at the time it received the original deposit have given satisfactory security. The law says that the funds thereafter deposited shall be made in this or that bank. There is no provision here that the bank shall in advance deposit security for that fund. The result may be that the current deposit will be without security.

Mr. CARTER. Before the Senator proceeds in that behalf with the provision which empowers the board of trustees to make the regulations for the receipt, transmission, custody, investment, and so forth, of these funds, it seems to me that it would be an eminently appropriate regulation for the board to stipulate that no bank should receive a deposit until the security had been provided and approved; and I doubt not, under the general authority to make regulations, they would so provide.

Mr. PAGE. I have no doubt that in the absence of specific directions to the contrary that would be correct, but may I ask the Senator from Montana if he believes that under the provisions of the amendment of the Senator from Iowa the board of trustees would have a right to withdraw the funds from a bank which, from any cause, they came to believe was becoming insolvent, or from a bank the securities of which, from any cause, they thought were becoming weaker and less satisfactory?

Mr. SMITH of Michigan. Or for any other cause.

Mr. PAGE. Or for any other cause.

Mr. CARTER. Mr. President, it is probable that the right of the board in that direction might be made more specific by an amendment which would require the banks to maintain indemnity bonds or collateral security to the satisfaction of the board of trustees, and whenever the board reached the conclusion that the security or the collateral was inadequate or unsatisfactory, the funds could undoubtedly be withdrawn if such amendment were provided.

Mr. PAGE. I have no doubt that this bill can be amended in that particular so as to make it satisfactory; but if, in a casual reading of this bill, I can find two or three fatal objections, is it not probably true that we are here in this Hall trying to frame a bill which, when put to the test, will be found to be impracticable; a bill which can not be utilized for the purpose for which it is drawn, and should we not set forth here the purpose of this act, to wit, to keep these funds in the State from which they came, and leave the matter with the trustees to carry out the spirit of this law in some way without attempting to hamper them with rules? It seems to me that we can; and that, it seems to me, would be the better way.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. KEAN. Let the amendment be stated.

Mr. SMITH of Michigan. I should like to have the amendment again read.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. As modified, the amendment is to insert in line 7, section 7, after the word "prescribe," the following:

Withdrawals shall be paid from the deposits in the State or Territory, so far as the postal funds on deposit in said State or Territory may be sufficient for the purpose, and, so far as practicable, from the deposits in the community in which the depositor withdrawing resides.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I want to ask the Senator having in charge this bill a question. The bill now provides that not less than 2½ per cent shall be paid per annum, and by an amendment to-day we have provided that this shall not be a matter of profit to the Government. Now, Mr. President, I ask the Senator if he has any objection in section 6, line 1, before the words "two per centum," to inserting "not less than," so that the depositors in certain contingencies might be granted a little higher rate of interest than 2 per cent? Suppose that a large fund had accumulated. We are not going to make any profit out of it, according to our own declaration. Might not the board of trustees be permitted for a time, we will say, to allow a little higher rate of interest to the poor people who have been furnishing the money? If the Senator objects to such an amendment, of course I will not offer it.

Mr. CARTER. The Senator is well aware that it is not the desire to put this postal savings institution into competition with the savings banks or other institutions paying interest on small deposits. I imagine that in a very short time there might be an almost irresistible demand made upon the trustees for an increase of the rate if they were empowered to make such increase. It seems to me wiser policy for the time being, pending the thorough installation of the system, to have stability in that particular as far as practicable.

Mr. GALLINGER. I think there is force in that; and yet I will say to the Senator that I am somewhat troubled as to what we are going to do with this money if we get a large accumulation of it. We have announced that we are not going to run this institution as a matter of profit to the Government. If we get a very large accumulation of money, what are we going to do with it?

Mr. CARTER. Mr. President, according to the provisions of the bill as it was originally reported—and there is nothing in the amendment contrary thereto—the funds will be deposited in the banks in the neighborhood where received on the approval of securities by indemnity bond or collateral. Through the operation of this we have an investment made automatically by the mere deposit under contractual arrangement for interest, and at the same time the money is left in the community to enrich the channels of trade.

Mr. GALLINGER. Mr. President, of course in a matter of that kind I defer to the better judgment of the Senator from Montana, and will not offer the amendment which I had in mind; and yet it does seem to me that if these poor men are contributing money sufficiently to warrant a little higher rate than 2 per cent they ought to have the benefit of it.

The PRESIDING OFFICER. The bill is before the Senate, as in Committee of the Whole, and open to amendment. If there be no further amendments proposed, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, I have been notified by a number of Senators that they desired to speak upon this measure before it came to a vote. I do not care to stand here in the position of one holding the bill against their coming. So I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate adjourn.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho withhold the motion?

Mr. HEYBURN. I withhold the motion for a moment.

Mr. CARTER. Before that motion is put, and for the purpose of advising Senators who desire to address the Senate on this measure of the time when a vote will be taken, I ask unanimous consent that the final vote be taken on the bill on Thursday of next week at the hour of 4 o'clock in the afternoon.

Mr. HEYBURN. I object. I would discuss it if it were debatable, but it is not.

The PRESIDING OFFICER. Objection is made.

Mr. CARTER. Mr. President, then I hope the Senator will yield for a motion to proceed to the consideration of executive business.

Mr. HEYBURN. If the Senate desires to proceed to the consideration of executive business, I will withdraw my motion to adjourn.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. BULKELEY. I hope before that motion is put the Senator will allow me to ask for the consideration of a short bill. I have to leave town to-morrow for a somewhat extended absence, and there is a bill, authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, that I should like to have passed.

Mr. CARTER. I withdraw my motion for that purpose.

CONNECTICUT RIVER BRIDGE, CONNECTICUT.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 5680) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with an amendment, in line 7, after the word "River," to insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the State of Connecticut, acting through the Saybrook and Lyme Connecticut River Bridge Commission, a commission created by the laws of the State of Connecticut, be, and hereby is, authorized to construct and maintain a drawbridge across the Connecticut River, at a point suitable to the interests of navigation, between the towns of Old Saybrook and Old Lyme, in the State of Connecticut, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT STATION AT BATTERY POINT, WASHINGTON.

Mr. CARTER. Mr. President——

Mr. PILES. I ask the Senator from Montana to withhold his motion, in order that I may report a bill from the Committee on Commerce and ask for its present consideration.

Mr. CARTER. I withhold the motion for that purpose.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4458) to increase the limit of cost of the light and fog-signal station to be established at Battery Point, Washington, to report it with amendments, and I submit a report (No. 181) thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 8, before the word "thousand," to strike out "twenty" and insert "thirty-three;" and in line 9, before the word "thousand," to strike out "thirty-four" and insert "forty-seven," so as to make the bill read:

Be it enacted, etc., That the limit of cost of a light and fog-signal station to be established at Battery Point, Wash., heretofore authorized by the acts approved June 28, 1902, February 26, 1907, and March 4, 1907, is hereby increased by the sum of $33,000, so as to make the total limit of cost $47,000 instead of $14,000, as heretofore authorized.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CARTER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 4, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1910.

POSTMASTERS.

NEW HAMPSHIRE.

Charles E. Marsh, at Greenville, N. H.

NORTH DAKOTA.

Louise B. Evans, at Agricultural College, N. Dak.

WEST VIRGINIA.

Harry E. Munday, at Shepherdstown, W. Va.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 3, 1910.*

The house met at 12 o'clock noon.

Prayer by the Rev. John Van Schaick, jr.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. CROW. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CROW. Mr. Speaker, while I was absent yesterday at lunch a letter which I wrote was read. I am wholly responsible for every word that is in that letter and expressed my views exactly, and I do not regret having written it. The only thing I do regret is that there are some Members of this House so narrow-minded as to get the idea that the President of the United States or any of his subordinates had anything whatever to do with the writing of that letter. But it seems that our Democratic friends are ever ready to raise a howl or a roar when a piece of pie is cut and they do not share in it.

Mr. UNDERWOOD. Mr. Speaker, the gentleman is not speaking to a question of personal privilege. If the gentleman desires to make a political speech I have no doubt that this side will grant unanimous consent that he may do so. I do not think, however, that the gentleman has stated a question of personal privilege.

Mr. CROW. Mr. Speaker, then I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CROW. Mr. Speaker, a shining example of the fairness and nonpartisanism of the Democrats of this country can be seen in the shape of my district, which is almost 400 miles long and at one place only about 27 miles wide. It was gerrymandered by the Democratic party for the sole purpose of making it Democratic forever, but, thank goodness, there have been enough Republicans who have removed from the North to make it Republican, and it will remain Republican so long as it stays in the shape that it is now in. Another shining example of Democratic fairness can be seen in the vote cast in one county in my State, which is strongly Democratic. One township of that county had, it was estimated, 2,000 persons living in it, and yet a vote was cast of more than 1,500. The Democratic chairman was asked how he accounted for that. He said:

> Why, we always vote the name of every man, living or dead, who has ever lived in this township within the last forty years, and to make it good measure we vote his horses' and his dogs' names sometimes.

[Applause on the Republican side.]

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18162—the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. CAMPBELL in the chair.

The CHAIRMAN. The business pending before the committee when it rose on Tuesday last was an amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There was no objection, and the Clerk again reported the amendment, as follows:

> Page 38, after line 20, insert:
> "Paper test: To enable the Secretary of Agriculture to test such plants and woods as may require tests to ascertain if they be suitable for making paper, $14,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses."

Mr. DOUGLAS. Mr. Chairman, before the gentleman begins I would inquire to what section this is offered as an amendment?

Mr. MANN. This is a new paragraph, to be inserted at the end of line 20 on page 38. Mr. Chairman, the amendment is intended, if adopted, to take the place of the item on page 62 of the bill in relation to paper tests. The purpose of inserting the paragraph at this place is in order to put the appropriation under the control of the Forestry Bureau, where it is now actually controlled. When the item on page 62 was first inserted in the bill, several years ago, the money carried was divided between the Bureau of Plant Industry and the Forestry Service, but since that time a new item has been inserted in the bill, carried in the pending bill, for the work done by the Bureau of Plant Industry, under the head of the "Plant Industry Bureau," and this item, I think, should properly be carried under the Bureau of Forestry. When the appropriation was made, it was first intended by the department to divide the $10,000 between the Bureau of Plant Industry and the Forest Service. I have become interested in the matter through my service on the special committee, and I took the matter up with the Department of Agriculture, and it was determined that this appropriation should be expended by the Forest Service.

The amendment also carries an increase in the amount from $10,000 to $14,000. There have been two plans proposed in reference to this work of investigation of the question of making ground-wood pulp out of other woods than spruce. Those plans are set forth in the RECORD on page 1361. Both plans contemplate the cooperation of the American Pulp and Paper Association, that association furnishing a portion of the money. One of the plans contemplates that the Government shall furnish $14,000 and the American Pulp and Paper Association shall furnish $21,200, and that is the plan upon which the item of $14,000 is based, if it shall be adopted. The other plan proposed would cost the Government $6,000 and the American Pulp and Paper Association $4,770. One plan contemplates an endeavor to test the making of ground wood other than spruce in a commercial way, and the other contemplates work in the laboratory only. We are in this situation, that to-day we make wood pulp, the basis of all cheap papers, practically only out of spruce wood. We have a very limited quantity of spruce wood in the United States, and we are, or we shortly will be, depending upon Canada for our spruce-wood supply. We want to see if it is not possible to make ground-wood pulp in a commercial way so that it can be used as a basis for cheap print paper, as spruce now is, out of other kinds of wood, and the present contemplation is to try balsam, hemlock, and jack pine. There are immense quantities of jack pine scattered over the United States, most of it valueless because as a rule it is not large enough to make good saw logs. If we can discover a practical commercial method of making ground wood out of the jack pine that grows so readily we will not be dependent on Canada for our future cheap-paper supply, and even if it shall demonstrate to us by our experiments that it is not possible to make this ground-wood pulp out of other kinds than spruce, it will be worth to us many times what it will cost, because we will then know that we must either raise the spruce through governmental agencies or else depend upon the Canadian supply of spruce, and for that reason, while it is not yet definitely settled that the $14,000 will be required instead of $6,000, I hope the House will consent to authorize the expenditure of the $14,000 on the part of the Government, which will be accompanied by $21,200 from the pulp and paper association, if they shall conclude that that is the best method of making the investigation.

Mr. DOUGLAS. Will the gentleman permit me to ask him a question?

Mr. MANN. Yes.

Mr. DOUGLAS. I understood the gentleman to say that the association of manufacturers contribute an amount of money equal to a third more than is proposed to be appropriated for the same purpose.

Mr. MANN. The manufacturers have offered to furnish the equipment, which, if that plan were adopted, will cost $18,000; the cost of the installation of the experiment, which will be $2,000; and the cost of the wood for a year's supply, which is estimated at $1,200, so that the amount to be contributed by the manufacturers will be $21,200, as against $14,000 proposed to be expended by the Government.

Mr. DOUGLAS. Does that proposition give the manufacturers any sort of supervision or control over the experiments?

Mr. MANN. Not at all.

Mr. DOUGLAS. Nor any control over the discovery?

Mr. MANN. Not in the slightest degree.

Mr. TAWNEY. The $14,000 would not be the total contribution of the Government?

Mr. MANN. Yes.

Mr. TAWNEY. Would not the salaries of the men engaged in making the investigations be paid out of the appropriations made for the payment of their salaries in addition to the other?

Mr. MANN. No; it is paid out of this sum; this covers the question of salaries.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SCOTT. Mr. Chairman, I shall not oppose this amendment. It does not materially change the bill, and I am inclined to think that the change it does make is proper, in view of the

facts that have been presented by the gentleman from Illinois. When it was first determined, three years ago, to enter upon this investigation, it was not known exactly in which bureau the work would properly come, and the paragraph providing for it was accordingly inserted as an independent paragraph, so that the Secretary might designate men in any bureau of the department to engage in the study of the problem. As the work has progressed, it seems to have divided naturally into two branches, one of them conducted by the Bureau of Plant Industry for testing and breeding fibrous plants which may be used for paper making, and the other one, the one now under consideration, passing to the Forest Service, which has been making a study as to the value of various kinds of trees for pulp-making purposes. Inasmuch as the work done under the authority of the paragraph in question is now confined to the Forest Service, I see no reason why the provision authorizing the appropriation to pay for it should not come under the Forest Service. In reference to the increase of the amount, I believe the House will concur in the judgment of the gentleman from Illinois that if by the expenditure of $4,000 more than was contemplated we can have a test made upon a commercial scale of new methods or of the availability of new materials, the money will be well expended. For these reasons, therefore, I trust that the amendment will prevail.

Mr. MANN. Mr. Chairman, just a word, which I think is due to Doctor Galloway. When this item was put in the bill last year the department divided this $10,000 between the Bureau of Plant Industry and the Forest Service, and the other $10,000 went to the Bureau of Plant Industry. I called on Doctor Galloway in reference to the matter, and explained the situation to him—a more courteous and efficient public officer, I think everyone who meets Doctor Galloway will say, has never drawn a salary or filled an office without a salary—as it was wholly with his acquiescence that the change which was made was brought about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent to strike out of the bill lines 7 to 12, on page 62.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to strike from the bill certain lines, which the Clerk will report.

The Clerk read as follows:

Page 62, lines 7 to 12, both inclusive.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Provided, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article; but this shall not prevent the giving out to all persons, without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Mr. TAWNEY. Mr. Chairman, in order to accomplish what was intended by this proviso, I move to amend by inserting after the word "persons," in line 6, the words "when requested."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 39, line 6, after the word "persons," insert "when requested," so that it will read, "giving out to all persons, when requested, without discrimination," etc.

Mr. TAWNEY. Mr. Chairman, the first part of this paragraph or proviso is to prohibit the expenditure of any part of the appropriations made for the purpose of paying for the preparation or publication of any newspaper or magazine article. Then the language follows which says:

But this shall not prevent the giving out to all persons, without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Now, it has come to my notice, and there has been forwarded to me a number of articles prepared in the Forestry Bureau for publication in newspapers and magazines, notwithstanding the prohibition in this proviso. This will continue as long as they are allowed to give newspaper and magazine writers and publishers any facts or official information of value to the public, for it does not say in what form the information shall or may be furnished. This is why the fore part of the proviso is violated. While they are prohibited from preparing articles for magazines and newspapers, they are in fact preparing articles for magazines and newspapers under the provision which says that they are authorized to give out without discrimination certain facts or official information. Now, if the language is inserted which I propose here, whereby they would be limited to the giving out of facts or official information only upon request, then we would stop what the committee and what Congress has heretofore attempted to stop, namely, the wholesale preparation of newspaper and magazine articles.

I think that would materially reduce the amount which has heretofore been expended for the preparation of newspaper and magazine articles that have been prepared by the bureau under the language of the existing law. This only carries out the spirit and intent of the law; that is, they were to give out official information and facts when requested to do so. If any writer or any newspaper desires information concerning the work of the bureau, and requests that information, then the department would be authorized to furnish it, but it would not be authorized to prepare, voluntarily, for the magazines and newspapers general articles on the subject of the work of the bureau. I think the amendment ought to be adopted.

Mr. KEIFER. Mr. Chairman, I think the proposed amendment of the distinguished gentleman from Minnesota [Mr. TAWNEY] would defeat the very purpose of this proviso of the bill. The object here is clearly stated and fairly and reasonably inferred, namely, to have the department give out information and facts which it thinks is of value to the public. Now, then, if you limit it to the giving out of these facts and furnishing this information only to those who may request it, it will be, in effect, an inhibition against any general publication of important information or facts that are required and the public may never get unless somebody hunts around and finds them out and publishes them in the interest of the publication which he represents.

Mr. TAWNEY. The gentleman from Ohio is aware that this proviso is put in here for the purpose of putting a stop to or breaking up the practice of having men in the bureaus devote their time to the preparation of newspaper and magazine articles.

Mr. KEIFER. That is already taken care of separately in the first part of the proviso.

Mr. TAWNEY. But that practice continues to-day just as it did before the existing language of the law.

Mr. KEIFER. It will not be carried at all by the amendment proposed.

Mr. TAWNEY. It will be, if it becomes a law and the law is observed.

Mr. KEIFER. If observed, it would not. Let us read this proviso carefully:

Provided further, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article.

Now, that is complete within itself; that part of the proviso is well understood, and it works a prohibition against paying out or using any part of the appropriation for the preparation or publication of any newspaper or magazine article, whereas under the gentleman's amendment that very thing would be done.

Then follows:

But this shall not prevent the giving out to all persons, without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

The gentleman from Minnesota proposes to put in after the word "persons" the words "upon request." That is to say, in effect, under any fair construction, if this language is in it, that the information can not be gained and the facts shall not be published under any circumstances for the benefit of anybody unless somebody makes a request for it. That will be the effect of the language, and it has nothing to do with the first part of the proviso, which is intended to be accomplished by prohibiting the use and preventing the use of or the preparation of matter for any magazine or newspaper articles.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. TAWNEY. Do you mean to say that this would in any way interfere with the department or the Bureau of Forestry publishing, as it does now publish, full information with regard to the work of the bureau in the bulletins published by the bureau?

Mr. KEIFER. I do not mean to say that; but I do mean to say that it would prohibit the giving out of information that might be of great interest to the public and prevent that information being given out, and the facts published at the time that it ought to be given to the public, unless somebody requested it to be given out. The printing of the reports of the different bureaus, the printing of the bulletins that go to the

archives of the different departments and are picked up and sent out as it happens or as people call for them, is another thing. But there may be very important information, very important facts, that the public should have, and that they should be permitted to give, which the amendment proposed would prohibit being given out at all.

Mr. MORSE. Mr. Chairman, I am very much opposed to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY], because I believe that it would prevent the people getting a good deal of valuable information that they are entitled to receive. It so happens that there is given out from the department information that can be condensed in small space that is not of sufficient size or dignity to be published in a bulletin. Now, then, this is given out gratis to many newspapers throughout the United States.

Mr. TAWNEY. If the gentleman will permit me, it is given out in the shape of articles prepared in violation of this law.

Mr. MORSE. If the gentleman from Minnesota had had a great deal of newspaper experience, he would be cognizant of the fact that if this information is prepared in the department and given out in its prepared form it would be of greater benefit to the public than if prepared in a thousand little newspaper offices throughout the country.

Mr. TAWNEY. If the gentleman will permit me, that would be in violation of this law.

Mr. KEIFER. Not if your amendment is in.

Mr. TAWNEY. That is what the amendment is intended to prevent.

Mr. KEIFER. The effect would be just what you say it ought not to be.

Mr. MORSE. There are thousands of little newspapers published throughout this country glad to publish this material free, but they will not request it. If the amendment of the gentleman from Minnesota prevails, a great deal of valuable information will be prevented from getting to the people. They are entitled to it. The newspapers are willing to grant the space free; and I believe we should permit the department to send this out without being specifically requested in each particular instance. I believe that the Forestry Bureau of the Agricultural Department is one of the most valuable activities of the Government. We are paying these scientific people for the work they are doing, and the wider publicity we can give to the work being done in this bureau the greater will be the benefit received from that work. Now, the intention of the amendment of the gentleman from Minnesota is to restrict the giving out of this information, which he himself does not say is of no value.

Mr. SCOTT. Mr. Chairman, I move that debate on this paragraph and amendments thereto close in ten minutes.

Mr. COOPER of Wisconsin. Will the gentleman from Minnesota permit me to ask him one question?

Mr. TAWNEY. Yes.

The CHAIRMAN. The gentleman from Kansas moves that debate on the pending paragraph and amendments thereto close in ten minutes.

The question was taken, and the motion was agreed to.

Mr. COOPER of Wisconsin. Is not the gentleman's proposition self-contradictory? The gentleman from Minnesota proposes that the information shall not be given out except upon request. Now, how is anybody to know that they have the information? You have got, in the first place, to tell somebody that you have got it before they will ask for it. They are not going to ask for something that they do not know anything about. Therefore, if they have discovered a new thing and are not allowed to tell anybody about it, nobody will ask for it. The proposition contradicts itself.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18282. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes; and

H. R. 15384. An act making appropriation for the support of the army for the fiscal year ending June 30, 1911.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3983. An act to amend the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto; and

S. 614. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909.

The message also announced that the Vice-President had appointed Mr. PURCELL a member of the joint committee on the part of the Senate, as provided for in the joint resolution of January 19, 1910, entitled "Joint resolution authorizing an investigation of the Department of the Interior and its several bureaus, officers and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees," in place of Mr. PAYNTER, resigned from said committee.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. Mr. Chairman, the Department of Agriculture, including the Bureau of Forestry, is expending large sums of money annually in reports and bulletins which fully explain the activities of the department and the bureaus and all new discoveries that are made from time to time in these bureaus and in the department. The law especially provides for that, in order that the people may be fully informed as to what the department is doing. Now, up until about two years ago the practice of preparing articles in the Bureau of Forestry for publication in magazines and newspapers, articles that were intended primarily for the purpose of boosting the bureau rather than giving information to the public, had been abused to such an extent that Congress, in order to put a stop to it, expressly provided that no part of the appropriation for the Bureau of Forestry should be used for the purpose of paying, in whole or in part, for the preparation or publication of any newspaper or magazine article.

Now, the intention of Congress was to put a stop to the preparation of magazine and newspaper articles. It is not the function of any department to maintain a press association for the purpose of exploiting itself, and to put a stop to it Congress put in this prohibition. But under the language which follows that which I have just read the practice is continued. I have during the last year received a number of completed articles prepared in the Bureau of Forestry for publication in newspapers, and sent broadcast, to be released on a certain day. Now, the intent of Congress was that the giving out of facts and official information should be limited to those persons who desired the information. Instead of that the bureau has gone on and continued its press agency in the bureau, at an expense, I understand, of something like $70,000 during the last fiscal year. Now, I want to call attention to the fact that this press-agent service is comparatively new in the departments here at the seat of government. It is not only in the Agricultural Department; it is extending to all the departments; and as the result of it, and as the result of the influence which these departments are able to wield through the press of this country, it is almost impossible for a man to stand upon this floor and criticise a bureau, or the department, without himself being subjected to severe criticism, no matter how just his complaint may be against the bureau. These press agents and these publicity bureaus in the several departments of the Government are maintained largely for the purpose of exploiting and popularizing the bureau, to the end that its activities may be increased, and also its appropriations from year to year. One reason why many of the appropriations for a number of bureaus in the various departments of the Government can not be kept down is because of the influence which these bureaus exert to-day in the press of the country in the districts of the several Members of this House.

Now, Mr. Chairman, I do not think that the department ought to withhold any information from the public, outside of the information that is published in the reports and in the bulletins; but I do say that the giving out of any additional information or facts should be limited to those who request it, because those are the people who undoubtedly would want to use it, and in the use of it they might perhaps satisfy their readers; but the idea of maintaining generally, in view of the prohibition here, a press agency in the Bureau of Forestry was not, I say, the intent of Congress when this prohibition was enacted.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. If the gentleman's proposition were enacted into law might there not be danger that those newspapers which have correspondents in Washington, and magazines which do not, would request this information not given to the public generally, and other papers would not be able to get it, so that the very purpose of the gentleman would fail, in that all of the in-

formation would be furnished to the newspaper correspondents and the magazines who can get it by request, and the little newspapers that reach the people in the country would not be able to get the information?

Mr. TAWNEY. The small newspapers that the gentleman refers to will get their information as well from the metropolitan press represented in the city of Washington—and that is where they do get the most of their information now—and it serves the same purpose as if they got it directly from the department. The gentleman does not pretend to say that the Bureau of Forestry is furnishing newspaper articles for all country newspapers; the articles prepared in the bureau to-day in violation of law are furnished to the metropolitan press.

Mr. MANN. I mean to say that all of the memoranda and all that the bulletins cover are furnished to everybody, but under the gentleman's proposition they could get only what was furnished to the magazines.

Mr. TAWNEY. No man can go into any department to-day and obtain any information except that which is prepared by the press agent in the interests of the bureau and the department.

Mr. MANN. I do not see how the gentleman's amendment would change it.

Mr. TAWNEY. It would limit it in this bureau to the furnishing of information upon request.

Mr. SCOTT. Mr. Chairman, we spend several hundred thousand dollars a year through the Forest Service to acquire information that we think will be useful to the people of the United States. It would certainly be gross extravagance to spend large sums to acquire this information and then refuse to disseminate it. I do not entertain the feeling of nervousness and agitation in relation to the alleged press bureau of the Forest Service which has prompted the gentleman from Minnesota to offer this amendment. More than two years ago it was charged that such a bureau was maintained and was used for the purpose of exploiting and popularizing the service. It was alleged that large sums of money were expended annually to defray the expense of preparing newspaper and magazine articles, the primary purpose of which was to exploit the bureau rather than to convey information to the people. In order to correct this alleged evil a proviso was inserted in the bill providing that no part of the appropriation should be expended for such purpose.

The bureau did not oppose it, the Agricultural Committee did not oppose it, because the bureau had always declared that no such articles were prepared, and there was therefore no objection to the inhibition against it. The work which is done by the alleged bureau is simply to send out broadcast over the country items of information that would be useful to the people in the conservation of their forests, in the more economical use of timber, in the best methods of lumbering, and things of that sort. And these news items are not furnished alone to the big magazines, but the bureau maintains a mailing list of 750,000 names, and in that list are included practically all of the newspapers in the country, small as well as great. Through the use of the newspapers there was obtained for these paragraphs last year a circulation of over 9,000,000 copies, at no cost to the Government except for the preparation of the articles. If these articles had not contained useful information they certainly would not have been so widely printed.

Mr. TAWNEY. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. TAWNEY. What is the difference between information furnished the newspapers and magazines and that furnished in the bulletins of the bureau?

Mr. SCOTT. A bulletin is a longer and more carefully worked out article; it is a complete study of some particular question.

Mr. TAWNEY. The information is the same. They may be written in a little better style, perhaps, but the information is the same, and if you continue this service, what is the use of the bulletin?

Mr. SCOTT. A bulletin is a longer and more complete study of some particular subject. It may contain 30 or 40 pages, while these articles would rarely take more than half a column in a newspaper. They contain brief suggestions, bits of information covering a very wide range of subjects, extremely useful and yet not of a character which would justify publication in bulletin form, and by being sent out to the newspapers they are given immeasurably wider circulation than would be possible in any other way.

I think it would be against public interest and would impair the usefulness of the department to have the amendment which the gentleman from Minnesota offers inserted in the bill, and I trust that the House will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was lost.

Mr. RUCKER of Missouri. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. Mr. Chairman, during the past several weeks the local press has devoted considerable space to informing us as to the attitude of gentlemen on the other side of the aisle with reference to the so-called "Taft policies." We have been informed that gentlemen on that side have been exceedingly diligent and active in declaring themselves unalterably, unwaveringly, and eternally committed to all of the so-called "Taft policies." One of these policies, as I learn from his messages sent to the House by the President, is the purpose of the administration to increase the postal rates on newspapers and periodicals, thus further taxing the intelligence of the country. Not long ago the public press informed us that the President in a public speech declared that the Payne-Aldrich tariff measure was the best tariff bill ever passed by Congress. This sentiment has been repeated and indorsed innumerable times by gentlemen on the other side of the aisle. Even the Speaker himself is credited in the public press with having quoted with approval this sentiment of the President. In this connection, Mr. Chairman, I send to the Clerk's desk a short telegram, clipped from the St. Louis Republic, which I desire to have read in my time.

The Clerk read as follows:

EVEN HOLINESS GETS COSTLY—PRICE OF BIBLES WILL GO UP ON MARCH 1 BECAUSE OF TARIFF.

CHICAGO, ILL., *January 30, 1910.*

The price of Bibles will go up on March 1, according to an announcement to-day by a large Bible publishing house, which has branches in Cincinnati, Kansas City, and San Francisco. The cause for the advance is the enforcement of the new tariff on imported leather and paper.

"Bibles are now about 20 per cent higher than they have ever been before," said a member of the firm. "The materials for the best Bibles have gone up so high in price on account of the tariff that we can not afford to continue to sell our output at prices now listed."

Mr. RUCKER of Missouri. So, Mr. Chairman, not content with its diabolical success, through oppressive rates, in taxing the Holy Bible out of the homes of the poor people, they are now bent on another policy almost as diabolical in its purpose and as injurious in its effects, and that is, to take away from the poor man the weekly newspaper. It seems to me, Mr. Chairman, that the Republican party, in its last dying efforts to perpetuate itself, has been forced to base its hope of success upon decreasing intelligence in the country and upon that chaotic condition of public morals which will exist when the weekly newspaper, that great source of information and wisdom, and the Bible of our mothers have been withdrawn from the people. [Applause on the Democratic side.]

Mr. COLE. Mr. Chairman, I ask unanimous consent that I may address the committee for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLE. Mr. Chairman, it has been the uniform custom of this committee not to inject politics into the consideration of the agricultural appropriation bill; but in view of the attitude taken by a member of the committee on the other side of the aisle, I wish to read a newspaper clipping for the benefit of the distinguished gentleman who has just taken his seat. It is as follows:

IMPORTS FREE OF DUTY VALUED AT $699,799,771 IN 1909—MORE THAN HALF THE IMPORTS.

WASHINGTON, *January 30, 1910.*

More than half of the merchandise imported under the new tariff law enters the United States free of duty. The new act went into effect August 6, 1909, but the Bureau of Statistics of the Department of Commerce and Labor shows only full months in statements of imports and exports. Taking the full month of August, the share of the imports entering free of duty was 46.32 per cent; in September, 49.25 per cent; in October, 50.61 per cent; in November, 54.11 per cent; and in December, 55.96 per cent, the average for the entire five-month period being 51.5 per cent. This is a larger percentage of imports free of duty than under any prior law of this character except the act of 1890, which, admitting sugar free of duty, showed an unusually high proportion of nondutiable imports. Prior to that time the highest annual average importation free of duty occurred in 1841, when 49.73 per cent of the imports were free of duty, the figures for 1840 being 48.82 per cent.

In other words, Mr. Chairman, there is a larger per cent of imports coming into the United States free of duty under the operation of this law which has brought down upon it the ire of the gentleman from Missouri [Mr. RUCKER] than under any law in the history of the country since 1840, even including the

free-trade act which the gentleman from Missouri points to with pride, the Walker law of 1846.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. COLE. No; I will not.

Mr. RUCKER of Missouri. Why, what is the matter with the gentleman?

Mr. COLE. Mr. Chairman, the articles coming into the United States free of duty which make up the aggregate of these articles——

Mr. RUCKER of Missouri. What are they?

Mr. COLE (continuing). Are the necessaries of life, the necessaries and not the luxuries; and when gentlemen on the other side of the aisle raise the question of a slight increase upon some of the luxuries, I point to the important fact that the rates of duty have been lowered——

Mr. RUCKER of Missouri. Mr. Chairman——

Mr. COLE. The rates of duty have been lowered on the necessaries of life and increased on some of the luxuries.

Mr. RUCKER of Missouri. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman has declined to yield.

Mr. RUCKER of Missouri. I thought I could ask him a second time, and the Chair would not take exception to it. If the Chair did not want to ask the gentleman——

The CHAIRMAN. But the gentleman from Ohio had already declined to yield.

Mr. RUCKER of Missouri. I wanted to ask the gentleman how many of those luxuries were controlled by the trusts. The people are getting no benefit from your darned tariff. [Laughter.]

Mr. COLE. Mr. Chairman, I do not know what kind of leather they use in their Bibles in Missouri, and I doubt seriously if they use that article down there at all——

Mr. HENRY W. PALMER. Which article, the leather or the Bibles?

Mr. COLE. The Bibles. Let us take the question of hides and skins—$104,000,000 worth—and if that is not a necessity that goes into the home of every American workman I would like to know what is. The duty on both leather and paper, every item that enters into the make-up of a Bible, has been decreased. Tin, 27,500,000. That is the article upon which the Democrats defeated William McKinley for Congress in the state of Ohio in 1890, because they sent a lot of cheap tin peddlers around over the country telling the people that his tariff had raised the price of tin cups and tin pans. Now, $27,500,000 worth of that article comes in free of duty.

Mr. BURLESON. Why does not the gentleman put all of that article into the RECORD?

Mr. COLE. Mr. Chairman, I will ask the privilege of submitting this entire article and inserting the remainder of these articles into the RECORD, every one of which, with two exceptions, is a necessity of life and which is on the free list.

Mr. SABATH. There are no articles on the free list that the gentleman has read——

Mr. GAINES. Mr. Chairman, I demand the regular order.

Mr. COLE. Mr. Chairman, I shall not take up any more time and shall content myself with the statement that I have made. The rest of the article is as follows:

The total value of all merchandise entering free of duty, which never reached as much as $100,000,000 prior to 1873, passed the two hundred million line in 1880, the three hundred million line in 1891, the four hundred million line in 1892, the five hundred million line in 1905, the six hundred million line in 1907, and in the calendar year just ended was practically $700,000,000, the exact figures being $699,799,771. The principal articles forming this large total of nondutiable imports in the calendar year 1909 were: Hides and skins, $104,000,000; India rubber, $79,000,000; pig tin, $27,500,000; raw silk, $74,000,000; fibers, $29,666,000; cotton, $15,000,000; copper, $40,000,000; coffee, $86,500,000; tea, $16,500,000; cacao, $13,333,000; chemicals, $52,500,000; art works, $13,500,000; and undressed furs, $12,750,000.

Mr. WEISSE. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I give notice now that I shall make the point of order upon any more political discussions; that side of the House wasted the day yesterday in political talk.

The CHAIRMAN. The Clerk will read.

Mr. SIMS. Mr. Chairman, I offer an amendment. I move to strike out the last word——

The CHAIRMAN. But the gentleman from Wisconsin was on his feet.

Mr. WEISSE. Mr. Chairman, while the gentleman from Ohio is inserting his statement in regard to hides I wish he would mention the number of dutiable and undutiable hides.

He could not receive that information from the department as they do not keep a record according to trade classification.

I insert a telegram showing that the department does not keep a record:

WASHINGTON, *D. C., February 3, 1910.*

Hon. CHARLES H. WEISSE,
House of Representatives:

Reports from collectors of customs to this department do not classify hides in the form indicated in your telegram.

BENJAMIN S. CABLE,
Acting Secretary.

Mr. SCOTT. Mr. Chairman, I am obliged to make the point of order against remarks not direct to the subject under discussion. I did not do it before because both of the Members who addressed the committee are members of the Committee on Agriculture.

Mr. WEISSE. I want the gentleman to put in a correct statement.

Mr. SCOTT. I can not be responsible for the gentleman's statements.

Mr. RUCKER of Missouri. Mr. Chairman, I want to say——

Mr. SIMS. Mr. Chairman, there has been so much misinformation circulated through the newspapers and otherwise as to the free distribution of vegetable and flower seed by the Government, as to the cost of the seed, the number of packages, and the cost of franking the seeds through the mails that I thought it worth while to have a statement from the Secretary of Agriculture as to the number of packages of such seed, the total weight of the seed, including containers or envelopes, and the average weight of packages. So on the 22d of January of this year I wrote the Secretary for this information, and I now read his reply to my inquiry:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1910.

Hon. T. W. SIMS,
House of Representatives.

SIR: In compliance with your request of January 22, 1910, I inclose herewith a memorandum showing the total weight of the seeds and their containers which enter into the congressional seed distribution for the present year. From this statement you will note that the average weight per package of vegetable seed is 2.16 ounces, and that the average weight per package of flower seed is 0.653 ounce.

Trusting that this information will fully answer your purpose, I am,

Very respectfully,

W. M. HAYS, *Acting Secretary.*

Weight of 1909–10 vegetable-seed distribution.
(10,006,000 packages.)

	Pounds.
Beans, 4,755 bushels	285,300
Corn, 5,432 bushels	244,440
Peas, 2,830 bushels	158,480
Beet	15,869
Brussels sprouts	8,334
Carrot	27,455
Collard	4,467
Cucumber	6,364
Endive	3,995
Kale	6,934
Kohl rabi	8,740
Lettuce	71,472
Muskmelon	7,700
Mustard	2,574
Okra	8,667
Parsley	13,650
Parsnip	31,300
Radish	142,943
Squash	6,613
Tomato	5,754
Turnip	43,582
Watermelon	13,400
Total	1,118,033
ENVELOPES.	
4,271,000 No. 15, 13 pounds 3½ ounces per thousand	56,457
5,735,000 No. 5, 8 pounds 8 ounces per thousand	48,748
PACKETS.	
4,271,000 No. 10, 8 pounds 6 ounces per thousand	35,770
6,697,000 No. 2a, 2 pounds 13½ ounces per thousand	19,045
5,010,000 No. 2, 2 pounds 8½ ounces per thousand	12,682
34,052,000 No. 1, 1 pound 12½ ounces per thousand	60,655
Total weight	1,351,390

One million three hundred and fifty-one thousand three hundred and ninety pounds (total weight) divided by 10,006,000 (total number of packages) gives 2.16 ounces as average weight per package, or 135.07 pounds as average weight per thousand packages.

Weight of 1909–10 flower-seed distribution.
(1,863,000 packages.)

	Pounds.
Ageratum	5
Antirrhinum	250
Balsam	95
Calendula	1,234
Castor-oil bean	100
Celosia	10
Coreopsis	400
Candytuft	2,045

Weight of 1909–10 flower-seed distribution—Continued.

	Pounds.
Cosmos	1,350
Cypress vine	109
Dianthus	438
Eschscholtzia	1,234
Four o'clock	134
Helianthus	294
Kochia	445
Lobelia	32
Morning-glory	1,700
Mignonette	1,800
Nasturtium, dwarf	7,550
Nasturtium, T	5,500
Pansy	20
Petunia	5
Poppy, double	1,417
Poppy, single	1,342
Sweet alyssum	147
Sweet peas	14,000
Verbena	63
Zinnia	250
Total	42,069
ENVELOPES	
5,000 No. 15, 13 pounds 3½ ounces per thousand	66
1,858,000 No. 5, 8 pounds 8 ounces per thousand	15,793
PACKETS.	
2,010,000 No. 2, 2 pounds 8½ ounces per thousand	5,088
7,330,000 No. 1, 1 pound 12½ ounces per thousand	13,057
Total weight	76,073

Seventy-six thousand and seventy-three pounds (total weight) divided by 1,863,000 (total number of packages) gives 0.653 ounces as average weight per package, or 40.83 pounds as average weight per thousand packages.

By reference to the letter I have just read from the Acting Secretary of Agriculture it is seen that the total weight of all the vegetable seed, including the weight of the containers, or envelopes, is 1,351,390 pounds; that the average weight of each package is 2.15 ounces, or practically 2 ounces to the package; that the average weight of a package of flower seed is about one-half ounce, including weight of wrapper or container; that the total weight of all flower seed is 76,073 pounds; that if postage was paid on all the vegetable seed sent out by congressional frank at the rate paid on second-class matter it would amount to only $135,513.90, and at same rate the total postage paid on flower seed would be only $760.75.

As shown by the report of the Postmaster-General the total weight of the mail of all classes for 1907 was 1,290,358,284 pounds. It is thus seen that the total weight of all seeds—vegetable and flower—is less than one one-thousandth part of the whole. Therefore, the amount of the total deficit for last year being $17,500,000, not over one one-thousandth part can justly be charged to the seed-franking privilege, amounting in all to the sum of $17,500.

The Clerk read as follows:

Total for Forest Service, $5,043,700.

Mr. SCOTT. Mr. Chairman, by a vote of the House on Tuesday the Department of Agriculture was directed to include the geographical location of each of the national forests in the list of forests printed in the bill, and in order that my compliance with that direction may be a matter of record I ask unanimous consent to insert the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "forests," in line 9, page 25, down to and including the word "dollars," in line 14, page 37, and substitute the following:

"Absaroka National Forest, Mont., $20,844;
"Alamo National Forest, N. Mex., $33,449;
"Angeles National Forest, Cal., $50,644;
"Apache National Forest, Ariz., $31,414;
"Arapaho National Forest, Colo., $21,560;
"Arkansas National Forest, Ark., $32,960;
"Ashley National Forest, Utah and Wyo., $19,668;
"Battlement National Forest, Colo., $15,700;
"Beartooth National Forest, Mont., $17,299;
"Beaverhead National Forest, Mont. and Idaho, $31,837;
"Bighorn National Forest, Wyo., $32,238;
"Bitterroot National Forest, Mont., $31,391;
"Blackfeet National Forest, Mont., $38,159;
"Black Hills National Forest, S. Dak., $44,746;
"Boise National Forest, Idaho, $27,925;
"Bonneville National Forest, Wyo., $22,822;
"Cabinet National Forest, Mont., $21,143;
"Cache National Forest, Utah and Idaho, $18,700;
"California National Forest, Cal., $26,240;
"Caribou National Forest, Idaho and Wyo., $20,200;
"Carson National Forest, N. Mex., $28,971;
"Cascade National Forest, Oreg., $37,280;
"Challis National Forest, Idaho, $21,600;
"Chelan National Forest, Wash., $42,195;
"Chiricahua National Forest, Ariz. and N. Mex., $21,131;
"Choctawhatchee National Forest, Fla., $9,009;
"Chugach National Forest, Alaska, $17,848;
"Clearwater National Forest, Idaho, $41,105;
"Cleveland National Forest, Cal., $38,783;
"Cnochetopa National Forest, Colo., $17,704;
"Coconino National Forest, Ariz., $50,226;
"Coeur d'Alene National Forest, Idaho, $45,976;
"Colorado National Forest, Colo., $19,854;
"Columbia National Forest, Wash., $23,376;
"Colville National Forest, Wash., $22,910;
"Coronado National Forest, Ariz., $24,212;
"Crater National Forest, Oreg. and Cal., $31,369;
"Crook National Forest, Ariz., $27,712;
"Custer National Forest, Mont., $12,847;
"Datil National Forest, N. Mex., $42,903;
"Deerlodge National Forest, Mont., $41,208;
"Deschutes National Forest, Oreg., $30,463;
"Dixie National Forest, Utah and Ariz., $16,600;
"Eldorado National Forest, Cal., $11,350;
"Fillmore National Forest, Utah, $18,730;
"Fishlake National Forest, Utah, $20,800;
"Flathead National Forest, Mont., $35,830;
"Fremont National Forest, Oreg., $29,900;
"Gallatin National Forest, Mont., $26,594;
"Garces National Forest, Ariz., $19,345;
"Gila National Forest, N. Mex., $47,484;
"Gunnison National Forest, Colo., $20,586;
"Hayden National Forest, Wyo. and Colo., $16,850;
"Helena National Forest, Mont., $34,508;
"Holy Cross National Forest, Colo., $18,610;
"Humboldt National Forest, Nev., $19,026;
"Idaho National Forest, Idaho, $21,780;
"Inyo National Forest, Cal. and Nev., $29,500;
"Jefferson National Forest, Mont., $34,001;
"Jemez National Forest, N. Mex., $31,476;
"Kaibab National Forest, Ariz., $20,400;
"Kaniksu National Forest, Idaho and Wash., $28,448;
"Kansas National Forest, Kans., $8,805;
"Kern National Forest, Cal., $27,512;
"Klamath National Forest, Cal., $42,000;
"Kootenai National Forest, Mont., $30,634;
"La Sal National Forest, Utah and Colo., $13,890;
"Lassen National Forest, Cal., $31,154;
"Leadville National Forest, Colo., $29,720;
"Lemhi National Forest, Idaho, $20,750;
"Lewis and Clark National Forest, Mont., $17,426;
"Lincoln National Forest, N. Mex., $20,218;
"Lolo National Forest, Mont., $28,952;
"Madison National Forest, Mont., $24,745;
"Malheur National Forest, Oreg., $24,063;
"Manti National Forest, Utah, $23,000;
"Manzano National Forest, N. Mex., $14,776;
"Marquette National Forest, Mich., $2,405;
"Medicine Bow National Forest, Wyo., $28,350;
"Michigan National Forest, Mich., $3,744;
"Minnesota National Forest, Minn., $24,433.
"Minidoka National Forest, Idaho and Utah, $17,800;
"Missoula National Forest, Mont., $34,504;
"Moapa National Forest, Nev., $3,400;
"Modoc National Forest, Cal., $30,890;
"Mono National Forest, Nev. and Cal., $23,725;
"Monterey National Forest, Cal., $15,070;
"Montezuma National Forest, Colo., $23,440;
"Nebo National Forest, Utah, $9,300;
"Nebraska National Forest, Nebr., $18,250;
"Nevada National Forest, Nev., $20,900;
"Nez Perce National Forest, Idaho, $28,507;
"Ocala National Forest, Fla., $5,623;
"Olympic National Forest, Wash., $32,925;
"Oregon National Forest, Oreg., $40,882;
"Ozark National Forest, Ark., $26,961;
"Palisade National Forest, Idaho and Wyo., $15,550;
"Payette National Forest, Idaho, $20,660;
"Pecos National Forest, N. Mex., $29,489;
"Pend Oreille National Forest, Idaho, $27,162;
"Pike National Forest, Colo., $41,280;
"Plumas National Forest, Cal., $42,012;
"Pocatello National Forest, Idaho and Utah, $20,246;
"Powell National Forest, Utah, $16,500;
"Prescott National Forest, Ariz., $33,851;
"Rainier National Forest, Wash., $36,220;
"Rio Grande National Forest, Colo., $26,620;
"Routt National Forest, Colo., $22,050;
"Salmon National Forest, Idaho, $29,825;
"San Isabel National Forest, Colo., $18,070;
"San Juan National Forest, Colo., $31,458;
"Santa Barbara National Forest, Cal., $37,889;
"Sawtooth National Forest, Idaho, $27,200;
"Sequoia National Forest, Cal., $31,512;
"Sevier National Forest, Utah, $20,550;
"Shasta National Forest, Cal., $38,675;
"Shoshone National Forest, Wyo., $25,220;
"Sierra National Forest, Cal., $49,370;
"Sioux National Forest, S. Dak. and Mont., $10,919;
"Siskiyou National Forest, Oreg. and Cal., $29,561;
"Sitgreaves National Forest, Ariz., $28,074;
"Siuslaw National Forest, Oreg., $23,175;
"Snoqualmie National Forest, Wash., $30,129;
"Sopris National Forest, Colo., $22,058;
"Stanislaus National Forest, Cal., $35,788;
"Sundance National Forest, Wyo., $6,029;
"Superior National Forest, Minn., $19,379;
"Tahoe National Forest, Cal. and Nev., $30,886;
"Targhee National Forest, Idaho and Wyo., $16,850;
"Teton National Forest, Wyo., $22,100;
"Toiyabe National Forest, Nev., $24,000;
"Tongass National Forest, Alaska, $8,300;
"Tonto National Forest, Ariz., $33,111;
"Trinity National Forest, Cal., $36;
"Tusayan National Forest, Ariz., $27,214;
"Uinta National Forest, Utah, $28,600;
"Umatilla National Forest, Oreg., $17,200;
"Umpqua National Forest, Oreg., $36,110;
"Uncompahgre National Forest, Colo., $25,990;
"Wallowa National Forest, Oreg., $33,300;
"Wasatch National Forest, Utah, $23,450;
"Washington National Forest, Wash., $31,925;
"Weiser National Forest, Idaho, $22,800;

"Wenaha National Forest, Wash. and Oreg., $19,790;
"Wenatchee National Forest, Wash., $32,129;
"White River National Forest, Colo., $19,990;
"Whitman National Forest, Oreg., $26,950;
"Wichita National Forest, Okla., $10,650;
"Wyoming National Forest, Wyo., $19,700; and
"Zuni National Forest, N. Mex. and Ariz., $19,741."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,000; one editor, who shall be assistant chief of division, $2,250; one chief clerk, $2,000; one associate editor, $2,000; four assistant editors, at $1,600 each; two assistant editors, at $1,400 each; one assistant in charge of indexing, $1,800; one indexer, $1,400; one assistant in charge of illustrations, $2,000; one draftsman or photographer, $1,500; two draftsmen or photographers, at $1,400 each; six draftsmen or photographers, $1,200 each; one assistant photographer, $840; one assistant in charge of document section, $2,000; one assistant in document section, $1,600; one foreman, miscellaneous distribution, $1,500; one foreman, farmers' bulletin distribution, $1,200; one forewoman, $1,400; one forewoman, $1,200; 1 clerk, class 2; 5 clerks, class 1; ten clerks, at $1,000 each; ten clerks, at $900 each; twenty-five clerks, at $840 each; thirty-two clerks, at $720 each; one chief folder, $1,000; one folder, $900; three folders, at $840 each; two skilled laborers, at $900 each; fifteen skilled laborers, at $840 each; fifteen skilled laborers, at $780 each; nineteen skilled laborers, at $720 each; two messengers, at $840 each; four messengers, at $720 each; three messengers, at $600 each; two messengers or messenger boys, at $480 each; two messengers or messenger boys, at $420 each; two messengers or messenger boys, at $360 each; two laborers, at $660 each; one laborer, $600; three charwomen, at $480 each; four charwomen, at $240 each; in all, $172,730.

Mr. HEFLIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend line 19, on page 49, by striking out the words "three thousand dollars" and insert in lieu thereof the words "three thousand five hundred dollars."

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

Mr. HEFLIN. Mr. Chairman, I offer this amendment because this officer in the Agricultural Department is one of the hardest worked officers in that department. I refer to the editor of the Bureau of Publication. I submit to gentlemen on the other side that the high cost of living now is such that this officer does not get enough, and I think that his salary ought to be raised $500. Officers of like rank in the War Department, the Treasury Department, and the Navy Department are receiving more than this man who does such valuable work for the agricultural interest of this country, and I simply want to say to the gentlemen that I am heartily in favor of raising the salary of this man.

I insist that these men in the Agricultural Department should be placed on the same footing with officers of like station in the War Department and in the Navy Department.

Mr. SCOTT. Mr. Chairman, I can cordially indorse all the gentleman from Alabama has said in reference to the efficient gentleman who fills the position of chief of this division, but I do not think that this is the place to increase a salary, and therefore I feel obliged to insist upon the point of order.

Mr. HEFLIN. It only raises his salary $500.

The CHAIRMAN (Mr. BUTLER). The Chair would like to ask the gentleman whether this salary is fixed by the general law or is it fixed each year by the appropriation act?

Mr. SCOTT. It has always been held that a salary fixed by a current appropriation is existing law, and that an amendment offered to change it is obnoxious to the rule.

Mr. HEFLIN. Mr. Chairman, I do not think the gentleman's point of order is good. I do not think this salary is fixed by separate statute, and it seems to me that it can be raised or reduced every year in this appropriation bill.

The CHAIRMAN. The Chair recalls that quite frequently salaries fixed in appropriation bills year after year have the force of the general law behind them. That being so, the Chair will sustain the point of order.

Mr. HEFLIN. Mr. Chairman, I have another amendment, to line 21, page 49, striking out the words "two hundred and fifty" and inserting the words "five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 21, strike out "two hundred and fifty" and insert "five hundred," so as to make it read "five hundred dollars."

Mr. SCOTT. Mr. Chairman, I make the same point of order against that as against the previous amendment.

The CHAIRMAN. The Chair will be compelled to sustain the point of order.

Mr. HEFLIN. I supposed that as long as the Chair sustained the other point of order he would sustain this one. However, this man ought to have an increase in salary.

The Clerk read as follows:

BUREAU OF STATISTICS.

Salaries, Bureau of Statistics: One statistician, who shall be chief of bureau, $3,500; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 16 clerks, class 1; 10 clerks, at $1,000 each; 6 clerks, at $900 each; 6 clerks, at $840 each; 10 clerks, at $720 each; 2 messengers, at $840 each; 1 messenger, $660; 1 messenger or messenger boy, $480; 1 laborer, $720; 1 laborer, $660; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $104,700.

Mr. HEFLIN. Mr. Chairman, I find on investigation that there has been left out of the bill just at this point a very important provision, a provision which I amended when I was a member of the Committee on Agriculture, providing that the report on crop conditions shall be gathered from practical farmers. I find several lines in this provision stricken out entirely. In the outset of this bill it says that—

The following sums be, and are hereby, appropriated, out of the money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1910, for the purposes and objects expressly named in this bill.

Now, this object is not named in the bill, and I submit to this House that the reports on crop conditions, so far as the South is concerned, were more accurate last year and came nearer the truth than at any time in the history of the Agricultural Department or since these reports have been obtained.

I suppose it was an oversight, because some of the Members I discussed it with say that the matter was not mentioned in the committee at all, and I mentioned it to the chairman of the committee, who finally said he thought it was provided for in another law. As I understand it, each bill stands or falls upon the provisions contained in it, and unless this provision is contained in this bill I fear that it is not the law. And representing, as I do, a part of the great agricultural interests of the South, and in the name of justice to the farmers, who know more about crop conditions and who can obtain the truth more readily and more nearly than anybody——

Mr. TAWNEY. Will the gentleman yield?

Mr. HEFLIN (continuing). I want this provision put back.

Mr. TAWNEY. If the gentleman could be satisfied that the provision which is contained in the current agricultural appropriation act was permanent law, and therefore did not need to be included, would that satisfy him?

Mr. HEFLIN. Certainly; but until I am convinced of that I shall insist that the provision be put back in this bill. I have been told that——

Mr. TAWNEY. Is it not the opportunity to make a speech in behalf of this provision that you hate to let go by? As a matter of fact, the law now authorizes what the gentleman is contending for.

Mr. HEFLIN. I differ with the gentleman, Mr. Chairman, because this bill expressly says in the outset that the purposes set out in this bill are appropriated for, and none other. No, sir; it was not my desire to make a speech that moved me in this matter, but I could speak and speak, if you will give me the time, every hour in the day from now until we adjourn, exposing Republican rottenness in this House and your oppression of the farmers of this country. [Applause on the Democratic side.] It is in the interest of a certainty and in the interest of fairness to the farmers that I demand that this provision go back. [Applause on the Democratic side.] I do not see why it was stricken out. It can not do any harm to put it back. It is the safest thing to do, and there is a question in my mind, if it is left out, whether or not it is the law.

Mr. MANN. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. MANN. Is the gentleman aware of the fact that it has been the constant holding of the department and of the Comptroller, who is the one that finally decides on language like this, "that hereafter such and such will be the case," that this constitutes permanent law and that it is not necessary to repeat it in the appropriation bill every year?

Mr. HEFLIN. No, sir; I am not aware of the fact that that is the custom or the holding of the department.

Mr. MANN. Is not the gentleman satisfied with his victory of last year——

Mr. HEFLIN. I am; but it takes eternal vigilance here to hold a victory. I want to be sure.

Mr. MANN (continuing). In inserting this provision as permanent law rather than as in a mere appropriation bill?

Mr. HEFLIN. I am, if it is permanent. I wanted to be sure of that.

Mr. MANN. It is permanent law and can not be considered otherwise.

Mr. HEFLIN. Well, I wanted the House and the country to have full knowledge of the fact that the provision is not contained in this bill. I hope the gentleman from Illinois is right

and that it will be held to be the law, and I value the gentleman's opinion. I have done my duty in regard to the matter.

Mr. MANN. To insert it year by year in the appropriation act might be taken as an intention of Congress to construe it as not permanent law, and would weaken the effect of the gentleman's amendment of last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. I move to strike out the last word.

Now, Mr. Chairman, it was merely my purpose to raise this important question, and I did it in good faith. I discovered it was left out of the bill. I then mentioned it to every Democrat on the committee, and all of them said that it was never called to their attention. I mentioned it to one Republican, and he said it was never mentioned; and I wanted the House to know that it had been omitted from the bill. I am glad to have the expression of gentlemen that it is their belief that it is the law. I wanted to enter my protest against its being stricken out, so that if anything should happen hereafter the country should know that I was attending to my duty and looking after the interests of the farmer.

Mr. SCOTT. The gentleman from Alabama is probably the only Member of the House who is not aware that when the word "hereafter" is applied to any provision in an appropriation bill it has always been construed as making it permanent law. This proviso appeared in the current law in this form:

Provided, That hereafter monthly crop reports, which shall be gathered as far as possible from practical farmers, and which shall be issued about the 10th of each month—

And so forth.

That language was repeated in the estimates this year, but it was inclosed in heavy brackets, showing that the department believed that it was no longer necessary to include it in the appropriation bill. It was therefore laid before every member of the committee, and none of us had any doubt, in view of the fact that it contained the word "hereafter," that it was and is permanent law.

Mr. HEFLIN. I want to ask the gentleman, then, how he disposes of the language in the bill now under consideration—

That for the purposes and objects hereinafter expressly named in this law?

Mr. MANN. That is the appropriation.

Mr. HEFLIN. That is the appropriation for objects named in this law right here. I want to say further to the gentleman from Kansas [Mr. SCOTT] that I discussed this matter with the Democratic members of that committee and that they replied that it was never called to their attention at all, and one Republican said the same thing.

Mr. SCOTT. This proviso simply directs the Secretary how and in what manner the information shall be collected and distributed. The language which the gentleman quotes refers only to the money to be appropriated. The money is appropriated for carrying this provision into effect. The proviso refers to the manner in which it should be used. I will assure the gentleman he need have no uneasiness about it, and if he does not withdraw his amendment I hope it will be voted down.

Mr. JAMES. Was it put in the appropriation bill last year by unanimous consent?

Mr. SCOTT. Certainly; it never could have been done except by unanimous consent.

Mr. JAMES. Well, was the original proviso that you say was passed last year, and which you say is law, put in the bill by unanimous consent?

Mr. SCOTT. If any point of order had been made against it, it would have gone out. Do I understand the gentleman from Alabama to withdraw his amendment?

Mr. HEFLIN. Mr. Chairman, in view of the assurances that I have from the chairman of the committee and other gentlemen that this proviso will be continued, I withdraw the amendment. I either wanted the provision put back in the bill or the assurance that it is accepted as the law as I amended it last year.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

General expenses, Bureau of Statistics: For all necessary expenses for collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports, and for special investigations and compilations, as follows.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word in order to ask about a provision that has already been read, but I was not here when it was disposed of. I was curious to ask the chairman of the committee something about the status of the provision on page 46 of $300,000 on account of the "continued spread of the gypsy moth." That is a provision that we have had for quite a number of years, I think. Now, I would like to ask the chairman what progress, if any, we are making in this respect? Is the spread checked or is this moth still extending its operations, that we should have so large an appropriation?

Mr. SCOTT. Mr. Chairman, Mr. L. O. Howard, the Chief of the Bureau of Entomology, who has charge of this work, made quite an encouraging report to the committee this year. He stated that the geographical area infested by the gypsy moth had not extended, except to a small degree in a northerly direction. The department has not attempted to limit the moth on the north, because it believes climatic conditions will prevent its destructive spread very far in that direction.

It has been endeavoring, with a great deal of success, to quarantine the pest; that is, to hold it, as far as possible, within its original limits. It has succeeded very well in doing that, and has cleared out a great many sections of forest so completely that the moth is no longer doing any injury there.

The bureau has also been very successful in the introduction of parasites, and it is from these natural enemies of the moth that its ultimate control is expected. Parasites have been imported from Japan and from Europe, and 35 or 40 different species have been acclimatized in this country. During the past summer parasites were found quite thickly spread over an area of about 500 square miles, where they were causing a very considerable mortality of the moth. One or two varieties of parasites have been introduced that attack not only the gypsy moth, but the brown-tail moth also, so that, on the whole, the department reports very gratifying progress in the work.

Mr. PERKINS. Is there any reason to suppose, or does anyone claim, that through these appropriations this gypsy moth will finally be exterminated where its ravages have already begun, or do you do anything more than endeavor to prevent its spread?

Mr. SCOTT. They exterminate it so far as the funds at their disposal will permit. The eggs of the moth are laid in such a way that they are easily discovered and a large number of men are constantly employed to destroy them. But it is believed that the ultimate control of the moth must come from the work of its natural enemies.

Mr. PERKINS. How many years have these appropriations been made?

Mr. SCOTT. I think it was four years ago that we began with $82,500. The next year we raised it to $150,000, the third year to $250,000, and the current year to $300,000.

Mr. PERKINS. So far as the natural enemies go, they are furnished by nature, are they not, whether this appropriation is made or not?

Mr. SCOTT. There were no natural enemies indigenous to this country, for the reason that the moth itself was a foreigner. It happened to get in without bringing any of its parasites along with it, so that a part of this appropriation has been used to send men to Japan and Europe, where the moth came from, and find the parasites which preyed upon it.

Mr. PERKINS. That is, the department has brought over the parasites?

Mr. SCOTT. In very great numbers.

Mr. PERKINS. They have been imported artificially and did not come of their own accord.

Mr. SCOTT. They have been imported by the department, and with very fair success.

Mr. MANN. The main purpose of this is to give further illustration to the old adage that hope springs eternal in the human breast. As long as we make these appropriations we hope that we may discover a method of doing away with these moths, and meanwhile something may come along and really end the trouble.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $99,000, as follows: Alaska, $28,000; Hawaii, $28,000; Porto Rico, $28,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

Mr. MANN. I move to strike out the last word. I believe this is the same as the item in the current law. It provided for the erection of buildings, and so forth, and also for the sale of the product, the money to be used toward the maintenance of the station, which is always a bad provision. But what are the facts in regard to these stations? Do they want new buildings, and do they have any products which they sell; and if so, what are the amounts of the sales?

Mr. SCOTT. Mr. Chairman, in regard to the buildings, with the exception of Guam, where I think a house of moderate cost has been or is to be built for the use of the director, no buildings are erected except the small temporary structures that may be necessary in the current work of the station. I am not able to answer the gentleman's inquiry as to the amount of products sold at the various stations. In a general way, we can all agree with him that it is bad legislation to provide for a revolving fund of this sort; and yet there seems to be hardly any other way to handle the business in Alaska, or in Hawaii, or in Porto Rico, because a very large part of the products are perishable, and unless they were sold on the ground the value of them would be entirely lost.

Mr. MANN. I have no objection to selling the products. I do not see what else they could do with them.

Mr. SCOTT. In the case of other experiment stations in the various States we make an appropriation from the Federal Treasury in support of these stations, and we do not require them to turn back to the Treasury the funds which they may obtain from the sale of the products they raise. In order to put other stations in our outlying possessions upon an equal footing with the state stations, this provision has been inserted.

Mr. MANN. This is a good deal like fancy farming. A man in the city owns a farm in the country, which he expects to support, and yet it seems we ought to have some statement about what we produce in these places and what it amounts to.

Mr. SCOTT. I think the reports of the directors of the various stations contain the information which the gentleman inquires for, but the reports were not made a part of the hearings before the committee.

Mr. MANN. I am sure I do not know, but I have read with interest all the publications that I have seen issued on the subject, but I have not noticed that any of them contain that information. We are spending $28,000 in Alaska. It is desirable to see if we can raise things up there and see what we can raise. But I am curious to know whether we spend $28,000 year after year in order to produce a thousand dollars' worth of some kind of green vegetables. Of course anybody in Alaska could farm on that basis if that be the case.

Mr. SCOTT. As a result of the experiments made in Alaska a very lucrative business has been built up by private enterprise in truck gardening. The gentleman would perhaps be surprised, as I was, to learn that in the neighborhood of Fairbanks there are a great many vegetables which can be grown to maturity, and that that city is to a considerable extent supplied with fresh vegetables from truck farms that lie near it.

Mr. MANN. I am not surprised at that at all. There are many vegetables that grow very rapidly, and it does not take but a few weeks to grow them here. There, where the sun shines for nearly twenty-four hours a day, they grow very rapidly.

Mr. SCOTT. But the attempt to grow them was not made until it was demonstrated by our experiment station that it could be done.

The Clerk read as follows:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $10,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word in order to ask the gentleman in charge of the bill whether under this provision there is now defrayed the expenses of what we used to call the "poison squad," that was fed on deleterious food to see what happened to them.

Mr. SCOTT. The work done under this provision has no relation to what was called the "poison squad."

Mr. MANN. I want to say that the poison squad was cut out, and it has been one of the greatest detriments that ever happened to this bill. I do not know but that it was the gentleman from New York that made the point of order; I think it was the gentleman from Georgia that cut out the provision for the poison squad, that was worth millions of dollars to the public if it had been kept in.

Mr. PERKINS. I hope that I made the point of order, for if there ever was a provision discredited by men in every walk of life it was that provision for the poison squad.

Mr. MANN. If there ever was an instance of the strenuous influence of the so-called "interests" to accomplish through so-called "scientific methods," in order to overthrow demonstrative facts which were demonstrated under the poison-squad provision, it was in the cutting out of this provision.

Mr. PERKINS. Why does the gentleman say "so-called scientific methods," when the most eminent chemists in the country were called in? Is it because their report was unfavorable to Doctor Wiley?

Mr. MANN. It was not, so far as I am concerned, because the report was unfavorable to Doctor Wiley, although I have a great deal of confidence in Doctor Wiley. I have witnessed expert testimony and the results of expert testimony ever since I commenced to practice law at the bar some years ago. I have just as much confidence in the average expert testimony of a lawyer who testifies as to the value of legal services, or a doctor who testifies in reference to some medical proposition where he is employed to testify one way, as I have in the testimony and opinions given by these eminent chemists who made these examinations.

Mr. PERKINS. By whom was the board of review, appointed by the President of the United States, employed? Wherein would the interests have an opportunity to employ them as experts?

Mr. MANN. That is one thing I have been trying to ascertain—by whom they were employed.

Mr. PERKINS. They were appointed by the President of the United States.

Mr. LEVER. Mr. Chairman, let me suggest to the gentleman from Illinois [Mr. MANN] that the physicians of the State of New York evidently indorsed the work of Doctor Wiley, if we are to believe the newspaper accounts. I noticed a few days ago that the medical association of that State had indorsed the work of Doctor Wiley and had tabooed benzoate of soda.

Mr. MANN. And, Mr. Chairman, the very fact that such a distinguished Member of this House, for whom I have great admiration and in whose judgment I have great confidence, is afraid to have a government official proceed with an investigation designed to ascertain facts, shows that the gentlemen are afraid. I never objected to the special board; was perfectly willing that the special board should continue to acquire information, all that it desires. I have no doube it acquired valuable information, although I do not agree with their conclusions; but that is not an important fact at all. The gentleman from New York [Mr. PERKINS] and other gentlemen who have been afraid of the final conclusion of the country in reference to the use of preservatives object to the department obtaining information which the people want and which the people ought to have.

Mr. PERKINS. Mr. Chairman, I do not see any question of fear in the matter at all. The only position taken by some has been that omniscience is not always found even in a government employee. When other experts in chemistry may make mistakes, it is possible that even Doctor Wiley may sometimes be wrong; and when it was demanded that if the head of a bureau had issued his edict in reference to any article of food, no one else in the country, no board of chemists, however eminent or disinterested, should pass upon it, or if they did pass upon it, that they must necessarily be regarded, as the gentleman from Illinois says, as emissaries and purchased agents of great interests, then that is a proposition as to which I can not agree with my friend from Illinois [Mr. MANN].

Mr. HUGHES of New Jersey. Will the gentleman from New York yield for a question?

Mr. PERKINS. Yes.

Mr. HUGHES of New Jersey. I would like to ask the gentleman if he does not think in this matter of preservatives, eminent gentlemen having decided on both sides of the question, it would be only fair to give the people of the United States the benefit of the doubt?

Mr. PERKINS. What does the gentleman mean by "the benefit of the doubt?"

Mr. HUGHES of New Jersey. If there is some question as to whether this preservative is poison, does the gentleman not think that the people ought to have the benefit of the doubt?

Mr. PERKINS. When the people of the United States have eaten this in the small quantities in which it is necessary for generations, and the race is still in the condition of vigor that it is, I do not think it is necessary to give the benefit of the doubt to any man who says that it never shall be used in the future.

Mr. MANN. Mr. Chairman, there are two answers to the last proposition. In the first place, the race has not taken preservatives in this way for generations, and not for very many years.

Mr. PERKINS. A good many years.

Mr. MANN. Not even during the lifetime of the gentleman from New York.

Mr. PERKINS. That covers more than a generation.

Mr. MANN. In the second place, there are a great many people in this country now who are suffering in health from the effect of the preservatives that they have taken in their foods unknown to themselves.

Mr. LEVER. And that fact is testified to by almost every scientist except the Remson board.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $70,380.

Mr. CRAIG. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out the word "seventy," in line 12, page 59, and insert in lieu thereof the word "ninety-five."

Mr. CRAIG. Mr. Chairman, the effect of this amendment is to increase the appropriation for irrigation investigations $25,000. When this bill was first reported to the House and general debate was entered upon, I gave notice in the fifteen minutes allotted to me that I would offer this amendment, and stated my reasons why. For the benefit of those who were not present at that time, I will state that I desire this amendment adopted for the purpose of allowing more money for irrigation investigations and experiments in the humid regions east of the one hundredth meridian. Last year there were $75,000 appropriated for irrigation experiments generally. This year it is cut down to $70,380. Last year $3,000 of that amount was used in the humid regions and good results were obtained. Experiments are being carried on in quite a number of States—in Florida, Alabama, Georgia, South Carolina, North Carolina, Virginia, and I understand some experiments have been made in New Jersey and some in Missouri.

Mr. SCOTT. Will the gentleman from Alabama yield?

Mr. CRAIG. With pleasure.

Mr. SCOTT. To whom are these experts to whom the gentleman refers making reports?

Mr. CRAIG. I get a good deal of information from Mr. Milo B. Williams, the engineer in charge of this work in the humid regions, and men employed under his direction.

Mr. SCOTT. Is that done at the expense of the Government or State or individual?

Mr. CRAIG. Why, in a great many instances the State cooperates with the Government; in other instances, as for instance in Alabama, an individual is cooperating with the Government.

Mr. SCOTT. But the experiments are initiated by the Government?

Mr. CRAIG. I do not think they have been initiated by the Government. I asked them to come down—I might say that I initiated the one in Alabama, in part.

Mr. SCOTT. At any rate, they are all participated in to some degree by the Government?

Mr. CRAIG. That is my information, that they are all participated in to some degree, and to how small a degree the House will readily realize when I state I was informed by the man at the head of this work, who directed the experiment in my district, that he had allotted more money to the experiments in my district than he had to any other; he had allotted $100 to the man in my district, so you can imagine the vast extent to which the Government has participated in these experiments. Last year the cotton crop of Alabama amounted to 1,263,953 bales. This year, almost solely on account of the drought which came the latter part of August and lasted through September and up through part of October, the cotton crop was reduced to 987,254 bales, nearly 300,000 bales of cotton less. At $80 a bale it is very easy to see the immense loss that was occasioned in this one industry in one State by reason of not being able to supplement the rainfall. It might seem a little new to some persons to speak of irrigation in a country where there is ordinarily a good rainfall; but it will not seem unusual or in any degree strange when I tell you that in some years in the humid regions we have nearly all the rainfall in the first few months of the spring; and very often in the latter part of the summer, when the crops are really being made and need the most moisture, they get absolutely none and it occasions great loss. The loss which was occasioned this crop year was by reason of just such conditions.

Now, the farmers in the southern part of the humid region, and as I understand in other parts of the humid region, are taking a great deal of interest in the matter and they want to know something about irrigation. There is appropriated by this bill for the investigation of dry-land farming $31,730, investigation of reclamation lands $74,380, and the amount to be expended under this paragraph in the West, figuring the same proportion as expended in the humid regions last year and adding $500 thereto, is $66,880, making a total of $172,990 for irrigation experiments and investigations, or investigations of that nature, in the arid and semiarid regions. It is not at all unreasonable for the humid region to ask and to receive at least $30,000 in order that the farmers may have some instruction in how to supplement the rainfal, which is at times very scarce. Now I yield to the gentleman from Texas.

Mr. SLAYDEN. I would like to ask the gentleman from Alabama what is the average rainfall in his section of the State? I refer to the annual rainfall.

Mr. CRAIG. Why, for the last twenty years I should say something like 50 to 55 inches.

Mr. SLAYDEN. The average annual rainfall?

Mr. CRAIG. I get that from the report just compiled. I think it includes all the years from the time the bureau was established up to now.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SLAYDEN. I ask unanimous consent that the gentleman may proceed for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Alabama may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I merely wanted to observe that, in my opinion, the purpose of these irrigation schemes was to inquire as to how they might make crops on land in the arid and semiarid regions, and it seems to me your proposition is drainage rather than irrigation.

Mr. CRAIG. The gentleman is entirely mistaken.

Mr. THOMAS of North Carolina. Will the gentleman yield for a question?

Mr. CRAIG. I will.

Mr. THOMAS of North Carolina. While your rainfall is at times large, as I understood you the other day, you had a drought in Alabama for some months.

Mr. CRAIG. Most assuredly; and that drought cost us 300,000 bales of cotton.

Mr. THOMAS of North Carolina. And that drought reduced your crop by some 300,000 bales.

Mr. CRAIG. Yes.

Mr. GOULDEN. And that drought extended all through the East—up into Virginia, Maryland, Pennsylvania, clear to New York.

Mr. CRAIG. It did; and the farmers of New York, Maryland, Pennsylvania, and Virginia suffered like our farmers did.

Mr. SLAYDEN. It is undoubtedly true that occasionally we have droughts in this country, but if we proceed on the idea of developing irrigation projects in all sections of this country, where they occasionally have droughts, it strikes me we will bankrupt the Government.

Mr. THOMAS of North Carolina. May I ask the gentleman another question?

Mr. CRAIG. I yield to the gentleman from North Carolina.

Mr. THOMAS of North Carolina. Are not these investigations and experiments also for the benefit of the truck farmer as well as the cotton farmer?

Mr. CRAIG. They are more used by the truck farmers than they are by the cotton farmers. In fact, Mr. Chairman, if the Republican party is looking for a way to cheapen food in this country and they do not want to cut down the tariff in order to do it, which they seem averse to doing, the best thing in the world they can do is to insure by irrigation in the humid regions the truck crops that are grown east of the one hundredth meridian.

Now, the gentleman from Texas [Mr. SLAYDEN] makes an assertion about irrigation in the humid regions that he would not make if he knew the facts. The gentleman possibly does not know that in the Alpine region of Europe, where there is more humidity than there is in any other part of the whole Continent, there is more irrigation going on to-day, and has been for years, than there is in any other part of Europe. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. MADISON. Mr. Chairman, I represent a district a portion of which does not enjoy the luxury of a rainfall as great

as the locality represented by the gentleman who has just spoken, but one in which the question of irrigation is a very important and very practical one. A portion of the district I represent is in what is known as the "semiarid region," the rainfall being about 20 inches per annum, and it is necessary to supplement the rainfall with irrigation, and there is more or less of irrigation in that section of the country.

I understand that the appropriation last year for this work was $75,000. I can not understand why it should have been decreased, and I think that the work is of such importance that the amendment of the gentleman from Alabama ought to prevail. [Applause.]

I want to call your attention to this fact, gentlemen: This Government is building irrigation plants all over the West, and you are inviting people to come out and take land under those plants, many of whom know no more about irrigation than they know about the Koran. As a consequence, many people are making failures and are having to give up their claims because of the fact that they do not understand how to use water in irrigation. You have established a magnificent pumping plant at Garden City, and there is a difficulty existing at the present time between the water-users' association and the Government, arising to some degree because of the fact that those people, even in that region where they have been in contact with irrigation, more or less, and have used it to a greater or less extent for years, have not yet fully learned the art of irrigation.

Every man here who comes from an irrigated section understands that men have to be educated in order to effectively use water for the purposes of irrigation. We ought not to invite people to go out and take land under these projects that we are establishing without providing some adequate means to educate, or, at least, to assist them in the matter of education in irrigation. It is a province which the Government may well enter upon. It is akin to many other plans and projects that the Government has entered upon to assist the American people, and as this is so intimately connected with work that the Government is doing in the matter of the reclamation of arid lands, we ought to unquestionably do what we can to assist the people to learn how to irrigate their lands. I certainly hope that the amendment offered by the gentleman from Alabama [Mr. CRAIG] will prevail. I believe that the suggestion he has made may well be considered by this House; and in the West, where irrigation is a vital problem, we feel there should be no decrease in this appropriation, but, instead of that, we ought to increase it.

Doctor Fortier, who has charge of these irrigation investigations, is doing a magnificent work. He has a very efficient man at work in my district, one of those bright and active young fellows who are engaged in the government service who are endeavoring to do something practical, something of value for the people, but he is unable to accomplish much because of the limited funds that are given him. I believe this meager appropriation of $70,000 is so small that it is of very little practical benefit. It means that you scatter these dollars over too vast a surface. [Applause.]

Mr. SCOTT. I am sure the gentleman from Alabama [Mr. CRAIG], who offers this amendment, will realize that the situation in the arid and semiarid West is such as to call for a very much larger expenditure there for investigation for irrigation purposes than is necessary in the humid East and South——

Mr. CRAIG. Will the gentleman permit a question?

Mr. SCOTT (continuing). In some parts of the West farming depends entirely upon the question of irrigation. The farmers there would not be able to make a living at all unless they could irrigate their lands; and the question as to whether a certain area shall be populated or not depends entirely upon the development of irrigation. But in the South and in the eastern portion of the country the principal crops can be grown without irrigation. It is only in intensified farming in the East, and in rice farming in the South, that irrigation is practiced or would be practiced in the humid regions of the country. Obviously, it would not be economy for the ordinary farmer to maintain a system of irrigation which he might need only once in three or four years.

Mr. CRAIG. Does the gentleman state that the irrigation systems in Europe which were established in the thirteenth century, and previous to that, have been maintained at a loss?

Mr. SCOTT. Certainly not; but the conditions there are entirely different.

Mr. CRAIG. Are not they in humid regions?

Mr. SCOTT. I say the conditions there are entirely different.

Mr. CRAIG. What is the difference?

Mr. SCOTT. The difference is in the density of population. The situation to which the gentleman refers only confirms the remark I have just made—that irrigation in humid regions is of value only in extremely intensified farming. That is the reason it is needed in Europe, because intensified farming must be practiced if the population is to be supported. That condition does not yet exist in the United States; and, therefore, I hold that all that the Federal Government can properly do is to carry on experiments here and there to bring out such facts as will be of benefit to the comparatively few people who might make use of the methods developed. The gentleman has stated in reply to my questions that the Government is now participating in a number of experiments carried on in Louisiana and some half dozen other States that he named. I find, from the report of the drainage office, that $3,500 was expended in that way.

Mr. CRAIG. I think the gentleman is in error. There was not $3,500 expended in that work this year.

Mr. SCOTT. Perhaps the amount allotted for this year is only $3,000. The gentleman may be right about that.

Mr. CRAIG. I am correct about it.

Mr. SCOTT. But the estimate is $3,500 for this year; they are going to expend $500 more than last year. And they expect to expend in addition $2,000 in connection with rice-irrigation work. The fact that the department itself has not estimated for any increase would seem to warrant the committee in reporting the bill in its present shape.

As to the suggestion of my friend from Kansas in relation to the decrease of this appropriation, I wish to state that it is in appearance only, and not in fact. There is an apparent decrease of $4,200, but of this $3,720 is to be transferred to the statutory rolls of the bureau for the payment of employees who hitherto have been paid out of lump sums, and $900 is accounted for by the transfer of one carpenter to the Secretary's roll in pursuance of the plan of concentrating the mechanical force, to which I alluded in my opening statement. So that there will be precisely as much money for this purpose next year as is being expended during the current year. But this is not all the money that will be available for irrigation work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Is the amount carried in the bill the amount of the estimate?

Mr. SCOTT. Precisely.

I just remarked that the amount carried in this paragraph is not all the money that is available for irrigation work in this bill. The gentleman from Kansas very appropriately spoke of the importance of the irrigation work in our great reclamation projects in the West. But we provide, under the Bureau of Plant Industry, for investigations in connection with the utilization of land reclaimed under the reclamation act, an appropriation of $74,300. So that, as a matter of fact, something more than $100,000 is available for substantially the same purpose as is provided for in this paragraph.

Mr. MADISON. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MADISON. That language you just read differed from this, which is contained in the section under discussion:

> With especial suggestions of the best methods for the utilization of irrigation waters in agriculture.

Does the gentleman say—and I am asking for information—that the same work will be done in the government irrigation projects as will be done under the provisions of this section?

Mr. SCOTT. The "best methods" which the language of this paragraph seeks to develop are the improvements that are hoped to be developed from experiments; and I take it that the experiments conducted in reclamation projects certainly will contribute a great deal to the information of the officials of this office.

Mr. MADISON. Is it not true that that which the gentleman just read refers to plant discovery, the kind of plants that can be best grown there, rather than the use of the water in irrigation?

Mr. SCOTT. I do not see very well how they could develop a reclamation project without at the same time discovering the best methods of using the water. It seems to me that the work carried on with a view to developing the reclamation projects must contribute directly and materially to the fund of information which the investigation provided for under this paragraph is designed to acquire.

But let me say further, in closing, that this work has not just begun, and it will not end with this year. It has been carried on for a great many years, and an immense amount of information has been collected, which is now available for

anybody who is going into the arid regions with the expectation of farming through irrigation. Bulletins have been published and books have been prepared; letters can be written in response to inquiries as a result of the investigations and experiments that have been carried on in former years; so that a man going onto an arid or semiarid farm is not left helpless because there is not enough money appropriated in this particular bill to send somebody to sit down alongside of him and show him what to do. He can obtain all the information he is likely to be able to use by applying to the department. There has been no estimate for an increase in this appropriation, and I do not believe an increase is needed in the interests of the country, either East or West. I trust, therefore, that the amendment offered by the gentleman from Alabama will be voted down.

Mr. MONDELL. Mr. Chairman, I regret to advise or suggest increases of appropriations above the amounts asked by the department, but I realize that in considering this bill we must take into consideration the fact that the Secretary of Agriculture, like the other Secretaries, was informed that the estimates should be kept as low as possible, and that therefore in some instances the estimates did not include all that the department might advantageously use in carrying on its work.

The work carried on heretofore and that contemplated under this paragraph is exceedingly important. Part of the work contemplated and provided for in the paragraph has largely been accomplished, and in no department of investigation have we had more valuable and effective work than under this appropriation in the study of the irrigation methods of the various countries in which irrigation is carried on, in studying the irrigation laws, institutions, and methods of foreign countries in which irrigation is carried on, and of the various States of the Union, and in encouraging the legislation which has been had in the past few years amendatory of the irrigation statutes of the various States.

I have in mind no appropriation that has led to greater improvement, or that has conferred greater benefit in any field than the portion of this appropriation used for the purposes to which I have referred.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. SCOTT. Does it not occur to the gentleman that the very fact he has stated, the tribute he has paid to the excellent work that has been accomplished by this bureau, should argue that it has been doing very well with the money we have given it, and therefore does not need to have its present appropriation increased 25 or 30 per cent?

Mr. MONDELL. That is true in a certain limited sense; but I was going on to say that while that field has been fairly well covered in the past, there is still much to do in it. We need still further study in that direction, but the major portion of this appropriation is not now used for that class of work. It is used for the purpose of studying irrigation conditions throughout the country; in advising beginners under irrigation as to the best methods to be practiced, and in conducting experiments to demonstrate the most economical and most advantageous way of using water in irrigation. The appropriation to which the chairman refers has to do entirely with the government reclamation projects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

Mr. SCOTT. I ask unanimous consent that debate close in five minutes on this paragraph and all amendments thereto.

Mr. CRAIG. I ask that it be fifteen minutes. There are one or two other gentlemen who want to be heard.

Mr. SCOTT. I will modify my request, and ask that debate on the paragraph and all amendments close in fifteen minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the item to which the chairman refers is an appropriation for experimental work on Government irrigation projects, and it is used for the purpose of conducting experimental farms. That work is a valuable and important work. It is a practical work, but it applies only to the lands covered by the government reclamation projects, and in many Western States there is but one such government project while there may be thousands of private irrigation enterprises.

The one government project may occupy territory entirely different from that occupied by a great majority of the private projects. Conditions vary vastly as to water supply, as to the character of the land, as to the slope of the territory irrigated, as to the character of crops that can be profitably grown. So that these practical demonstrations and experiments on the government reclamation projects, while valuable, do not cover the entire field, whereas the work carried on under this appropriation is carried on generally throughout the entire country where irrigation is practiced. It is carried on both in a practical way and in a scientific way. It covers the entire field of irrigation law and of irrigation policy and of irrigation practice. It is helpful in the rice fields of the South, it is useful in the intensified farming that is being carried on under irrigation in the East, and which, in my opinion, will increase vastly in the future. It is useful throughout the entire western country where work is carried on by practical demonstration, by investigation and study, and by the preparation and publication of pamphlets and reports, which are widely read and which are exceedingly useful, informing newcomers as to the proper methods of irrigation and encouraging those long engaged in that form of agriculture in improving their methods.

I have no question but that had the Secretary felt that he was at liberty to increase any of the items in the bill above the amount used last year, he would have felt that this was one of the items that ought to be increased.

I know something of the work carried on under this appropriation. I believe they need more money for the economical extension and development of the valuable and important and useful work which they have undertaken. I desire, in closing, to call attention to the fact that we have given only a little more for this work, scattered throughout the entire United States, from Louisiana and Alabama to New Jersey and California, than we have given for the patrolling of a couple of the forest reserves in the West. [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, I do not see why there should not be some increase in this appropriation. This appropriation is used in the investigation of irrigation throughout the arid and semiarid lands of the West and also a very small amount in the humid regions of the South and East. I believe the gentleman from Alabama [Mr. CRAIG] stated only about $3,000 of the whole amount was available last year for experiments and investigations with reference to the irrigation of the humid lands in the South and East.

Now, Mr. Chairman, the chairman of the Committee on Agriculture has been very successful with this bill. I do not believe the bill has been amended at all. I do not recall any amendment, but I agree with the gentleman from Wyoming [Mr. MONDELL] when he says if the Secretary of Agriculture had felt that he could have made any recommendation for any increase of appropriation, in view of the Treasury deficit, he probably would have made it for this appropriation. The gentleman from Kansas, chairman of the Committee on Agriculture, says that the work has just been begun, and that is true; but because it has been such valuable work those who are interested in the humid regions of the South and East would like to see the work extended and continued. It is valuable in periods of drought not only to the cotton farmer, but especially valuable to the truck farmer. We are interested in my immediate section of the country in truck lands and their proper irrigation. I have seen lands worth only $5 an acre increase in value in eastern North Carolina to $100, $200, and $300 per acre by reason of the development of truck and intensified farming.

We are beginning to experiment in our own way in irrigating our truck crops, but there is a great deal of useful information which might still be disseminated among the cotton and truck farmers of the South in order to show them the best methods of irrigating their lands, both the cotton and the truck lands. I hope, Mr. Chairman, that the amendment will prevail. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to print in the RECORD some remarks made by a constituent of mine, Hon. J. N. Whitner, of Sanford, Fla., delivered at the horticultural convention held at Council Bluffs, Iowa, on the subject of subirrigation.

The CHAIRMAN. Is there objection?

There was no objection.

The remarks are as follows:

When God made man He made him a horticulturist and put him to dress the Garden of Eden, and the happiness and perhaps the very existence of the race has depended since then upon the tilling of the soil. The failure to produce crops resulted in famine. Crop failures were for want of irrigation to supply failure of rainfall. Until recent years man has, in the main, been content to trust the seasons for "the early and the later rain" to supply the moisture every crop requires.

THE SANFORD SYSTEM.

Civilized man, with rapidly increasing millions to feed, with intensive farming, which makes it necessary to obtain the most and best from his ground, has turned to irrigation. We are amazed at what has been and is being done by private, as well as government, enterprise. And as this great national convention and exhibition is assembled to tell and show what great things have been and can be done, the far

South, even Florida, sends you greeting and bids me claim fellowship and a part in your labors. We have brought some of our products to show you, and I am sent to tell you of our system of irrigation and some of its results. We know it as the "Sanford system of subirrigation and drainage."

Let me describe the system, its operation, and theory; then, with your permission, tell you something of what it has done for us. Its possibilities seem limitless. Without an illustration or drawing a description is difficult to understand or remember. I have, therefore, brought a sufficient number of illustrations, a glance at which will give a full understanding. These are for free distribution at the Florida booth, or will be mailed upon request. Briefly stated, the water is applied through 3-inch tile, laid in parallel ditches 18 inches deep, with a fall of not less than 1 inch to the 100 feet. The distance between the rows of tile varies according to quality of soil; in our sandy loam 25 feet affords effective drainage, as well as irrigation. The more clay and the stiffer the soil the nearer they should be placed. At the upper end of the tile, beginning at the water supply (with us flowing or artesian wells), and running by the end of each row of tile, is a water main, the cheapest being small sewer pipe cemented at the joints. Between the tile and this water main a joint of 6-inch sewer pipe is used as a stand pipe, connected by a short iron pipe on one side with the main, while on the other is the connection with the tile. It will readily be seen that water turned into the water main and running by each of the standpipes can be turned into as few or as many as desired, in this way irrigating all or any portion of the field. Of course the tile is in short joints—with us 1 foot in length—and the water finds ingress or egress at the joints, porous tile being largely a myth. At the lower side of the field the tile discharges into a waste ditch, and when the ground is level and the flow of water not too rapid it will be found that capillary attraction supplies all the moisture needed, even for setting plants; but most fields are equipped with stop boxes at the lower end of tile, and when ground is much broken these boxes are placed at intervals, as required, and the illustration shows how the water is dammed up to any level required, even to flooding the ground.

IRRIGATION AND DRAINS.

This much for irrigation. It is quite as effective for drainage, being laid on an incline and water applied by gravity. In case of rain the excess is taken off very quickly, and on our soil if it rains 3 inches to-day we can plow to-morrow. This we find is of inestimable value, for with the soil saturated with water, as the small boy would say, there is nothing doing, or, as one of you western farmers put it, "You can't get no action out of the ground." The reason of this inertia, as you all know, is that the water excludes the air from the ground. Now, with surface irrigation and without this subdrainage you have to wait for the water to evaporate, which, slowly drying from the surface, inch by inch, lets in a little air from above, while the plants await the life-giving air. With our system, as soon as the water stops running the tile becomes a conveyer of air, which is supplied, so to speak, from both top and bottom. Our system not only does these things, but furnishes warmth from below, and as warm air rises from the tile it has a marked influence on the growing crop, especially in winter, when our most profitable crops are grown, for with us September or October are seed time and February and March the harvest. You can understand that it matters little to us whether it rains or not, for during the winter of 1906 it rained frequently and in torrents, while the next year we had not a single rain from September 15 to April 5, yet raised equally as good and profitable crops. So rain is not necessary to plant, grow, or perfect a crop.

CELERY OR LETTUCE.

As yet our principal crops are celery and lettuce for the northern markets. And I quote from the state department of agriculture for the crop of 1907–8, volume 8, page 129, as follows:

Lettuce, 139 acres, 97,180 crates, $132,587, or $953.86 per acre.

Celery, 209 acres, 209,185 crates, $402,300, or $1,924.88 per acre. Total, $2,878.74 per acre.

I have not seen the report for 1908–9, but the results were certainly as good. These figures, 1907–8, do not mean two years, but one, running from November of one year to June of the next, that being one crop season. Now, with your kind indulgence, I want to tell you a few of the things we have accomplished by this unique and wonderful system of irrigation. In the spring of 1898 I had the honor to ship the first carloads of celery from Sanford, this being the first year we used subirrigation, and the first carload of produce of any kind following the freeze of 1895, which destroyed our orange groves, valued at $100,000,000. The past season from this one point we shipped 1,700 carloads, exclusive of express shipments, making in all close to 2,000 carloads, the estimated income of same being $600,000, from approximately 800 acres of land. It is certain that one brokerage firm, Chase & Co., paid the growers $275,000 for the portion of the crop they handled. We have one grower, C. F. Williams, who sold from measured 5 acres in celery $30,680 in three consecutive years. L. A. Brumley brought 1½ acres, with crop on it, in March, 1908, and in fourteen months sold $5,000 worth of celery and lettuce from the 1½ acres. T. V. Denton, a New York commission man, told me that last season he paid Mr. Allison $1,200 for the lettuce on 1 acre, which was then planted in celery, for which he paid him $1,800, making $3,000 the past season from 1 acre. Is it any wonder, then, that we estimate a revenue to railroads of $700 per acre on our subirrigated farms? And if you will add $700 to the above known yields and tell me what our subirrigated lands are worth, figured on an interest-bearing basis, I will thank you.

VALUE OF LANDS.

As to the value of these lands, ten years ago, before subirrigation was adopted, 1,000 acres of these Sanford celery delta lands were sold for 25 cents an acre. That fall, just ten years ago, H. H. Chappell, being fortunate enough, by the sale of the railroad he was working for, to lose his position, began farming on this then new plan of subirrigated lands, practically without means. On the 25th of October just past he bought 35 acres of subirrigated lands, just across the road from his farm where he made the money, and paid $35,000 for it. He paid in addition for the labor and fertilizer already expended for his season's crop, making the purchase price $40,000 for 35 acres, this 35 acres being a part of the land sold at 25 cents ten years ago. Please note this was no land boomer's sale to a stranger.

This is what has been done in ten years by a people made destitute by the freeze, and most of it in five years. With more brains—and I do not say better brains—more brawn, and, lastly, more money, what the future holds for us requires a more vivid imagination than mine to predict. Now, gentlemen, I invite you to come to Florida; and if you do, come to Sanford and see our irrigated fields and their products, and if I fail to satisfy the most skeptical of the accuracy of every statement I have made, I will pay your expenses for the entire trip. I thank you for your attention.

Mr. REEDER. Mr. Chairman, I am of the opinion that the proposed amendment should not be adopted, for the following reasons: First, that many of the irrigation projects are already provided with lands and buildings necessary for these experiments, and this makes the expense of conducting these experiments very much less on the Agricultural Department. That is, out of the national irrigation fund these provisions are made on most of these government irrigation projects, so that a great portion of the expense necessary for teaching people how to irrigate is made from the regular irrigation funds.

Mr. SCOTT. But the work is done just the same.

Mr. REEDER. Certainly; but it requires less expense than if the work had to be done and the building and lands furnished.

Mr. SCOTT. The gentleman means that $70,000 appropriated for that purpose will do a great deal more work.

Mr. REEDER. Yes.

Mr. MONDELL. Will the gentleman permit a question?

Mr. REEDER. Not until I finish the statement I am making. I want to repeat, that on all the government projects many men are already located who know how to irrigate, and who become instructors to a large extent of the new settlers. Then the information that is gained each year on each one of these projects reaches into the future, so that very much information has been already accumulated; hence it does not seem to me advisable to increase this fund, for these reasons, but the most important reason is that I do not like to have us fall into the habit of giving the departments more than they ask. I now yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I judge from the gentleman's remarks that he evidently thinks this appropriation was used partially at least on the government irrigation projects.

Mr. REEDER. I so understand.

Mr. MONDELL. I do not so understand it.

Mr. REEDER. These experiments are made by the Agricultural Department, and the reclamation fund furnishes the buildings and the land, and the present Secretary of the Interior desires us to put the power of establishing these stations into an explicit law, thinking it is not now provided for in the law as it stands.

Mr. MONDELL. But the gentleman understands there is another item that carries the appropriation for these projects and this is the general item that relates to the country as a whole.

Mr. REEDER. Yes; and to the irrigation projects as well. The Agricultural Department uses this money, as I understand it, for the purpose of instructing on the reclamation projects, as well as those outside of reclamation projects.

Mr. MONDELL. Is not that, then, an argument for increasing it, because we do not have even this amount for the general work?

Mr. SCOTT. Mr. Chairman, if my colleague will pardon me, I think he is mistaken in his opinion that any part of the appropriation under this paragraph is expended on the reclamation projects. There is provision in another part of the bill for work on those projects.

Mr. REEDER. Then, I was mistaken as to the particular source of the funds which the Agricultural Department is using in the experiments.

Mr. MONDELL. Mr. Chairman, I do not want to take the time of either gentleman, but I think I can clear the situation. My understanding is that a very limited portion of this fund, an infinitesimal portion, is used in this way; that some of the gentlemen connected with these investigations do, in an advisory way, assist in the work on the reclamation projects.

Mr. SCOTT. That is quite probable. Mr. Chairman, I do not care to occupy the attention of the committee longer than to say that the appropriation carried under this paragraph has been increased in the last five years from $33,750 to $75,000; that is to say, in five years it has more than doubled, and the investigations are of a character which do not call for a large amount of money. They can be conducted on a small scale, with just as satisfactory results as if the scale were very much larger, and I hope that the committee will not insist in overriding the judgment of the Secretary of Agriculture and the judgment of the Committee on Agriculture by adopting an amendment which provides for an increase in the appropriation of 25 per cent.

Mr. CRAIG. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CRAIG. To discuss the proposition.

The CHAIRMAN. The time for debate is closed. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. CRAIG) there were—ayes 30, noes 62.

Mr. CRAIG. Mr. Chairman, I ask for tellers.

The CHAIRMAN. All in favor of taking the vote by tellers will rise and stand until counted. [After counting.] Not a sufficient number, and tellers are therefore refused.

So the amendment was rejected.

Mr. CRAIG. Mr. Chairman, I move to amend by striking out the word "seventy" and inserting the word "eighty-five."

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 59, line 12, strike out the word "seventy" and insert the word "eighty-five," so it will read "$85,000."

The question was taken, and the Chair announced the noes seemed to have it.

Upon a division (demanded by Mr. CRAIG) there were—ayes 29, noes 63.

So the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I offer as a new paragraph, on page 59, between lines 13 and 14, the following amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 59, after line 13, insert the following:
"To enable the Secretary of Agriculture to bore artesian wells for the purpose of irrigation, $25,000."

Mr. SCOTT. Mr. Chairman, I make the point of order against the amendment, or I will reserve the point of order if the gentleman desires to be heard upon it.

The CHAIRMAN. The gentleman from Kansas reserves the point of order on the proposed paragraph.

Mr. NORRIS. Mr. Chairman, it seems to me that the chairman of the committee ought to make no objection to this amendment or to this proposed new paragraph which I seek to put in this bill. As I understand, one of the principal objects at least of most of the items of this bill is to enable the Department of Agriculture to make the necessary experiments in any particular line or along any particular ideas which would have a tendency to advance agriculture in any part of the country. Now, I am satisfied that those of us who live in or near territory where irrigation is used, either in part or wholly, for the purpose of raising agricultural crops, have had a great many inquiries from people who would like to have the Government experiment in localities where they do not have sufficient water from the streams, with the idea of putting down artesian wells for the purpose of irrigation. It costs a great deal of money for poor men to experiment in putting down artesian wells, and hence the individuals, the farmers, usually poor in those communities, are not able to risk the money that would be necessary to be used in making this kind of an experiment.

I do not desire to have the committee understand that I think that the department by reason of putting down these artesian wells would irrigate any large tract of land, but, on the other hand, they would go into the communities where they do not have a sufficient amount of water in the streams and conduct experiments in such places in different localities in the South and West, and when they once established in a certain community that it was possible to get artesian water, the people themselves then would bore their own artesian wells. The only reason the people do not do so now is for the reason, as I have said, that they can not afford to put up the money to be used in the experiment with the risk that the experiment may be a failure. It is a line, it seems to me, which ought to appeal to the chairman of the committee, and one in which the department can well afford to use some of the public funds in order to experiment along a line which if successful would enable large communities to become agricultural communities of the finest character where it is impossible on account of the lack of water now to raise anything in the way of agriculture.

Mr. PAYNE. Mr. Chairman——

Mr. NORRIS. I yield to the gentleman from New York.

Mr. PAYNE. Has not the Irrigation Bureau made experiments of this kind and spent a large sum of money trying to irrigate by the use of artesian wells?

Mr. NORRIS. I think not. I can say to the gentleman that a few years ago I took the matter up with the department with the idea of having them make an experiment in localities where there were indications that artesian water was to be found, and they refused to go into it, and said they did not——

Mr. PAYNE. If they enter upon a scheme of this kind, will it not take a great deal of money?

Mr. NORRIS. That may be true, and they informed me that they did not think they had authority to do it.

Mr. PAYNE. We spend seven or eight millions of dollars every year for the purpose of irrigation, and I do not see why it is not perfectly competent and good faith to try this.

Mr. NORRIS. This is the reason why it is not competent under existing law to-day. They said to me:

We have money which we can use in irrigation, but we know in advance that by putting down this particular well in this particular locality we will not succeed in getting enough water in that one well to lay out a whole plan of irrigation in this community. It will, perhaps, irrigate 20, 40, 80, or maybe, if a really good well be found, 160 acres of land; but the money that we have a right to use in this department is for the purpose of going into the field and laying out large schemes for the purpose of irrigation, and therefore we do not believe we have the legal right to do it, knowing in advance, even if the experiment is successful, that particular well will only irrigate a small amount of territory.

I believe the department is right. I never criticised them for it. I think they took the right view. But this proposition is to let the Government have $25,000 to expend for the purpose of experimenting in that particular way.

Nobody believes, and I am not claiming, that if the amendment is passed that with one well they will get enough water to lay out a large irrigation scheme, but if they get a well in one community that produces a reasonable amount of water, it will mean that every settler in that community will put down his own well and have his own irrigating plant on his own farm.

Mr. DOUGLAS. I would like to ask the gentleman if he does not think that he ought to confine his amendment to exploration upon the public domain rather than upon private property?

Mr. NORRIS. I am very glad to have the gentleman's question, because I think it is one well worthy of consideration; but, in my judgment, it is not true that it ought to be confined to the public domain. From the very nature of the experiment I ask for in this appropriation it can do good only in the community where they are successful in finding an artesian well. An artesian well found on government domain would do no good to anybody or anyone unless they were in that immediate community. An artesian well sunk in a place where they use water for irrigation, and where it is necessary to irrigate in order to raise crops for the benefit of all the people, would do just as much good, and more good, if it was in a community where it was thickly settled, and would thus be an experiment that, if successful, would enable every man in the community, whether he was on government land or deeded land, to make the same kind of an artesian well for his own individual use. It is an experiment which, if successful, will do good, not because the particular experiment that, if successful, will in itself do any particular good, but it will demonstrate that in the communities where these artesian wells are found everybody will be able to get artesian water.

Mr. DOUGLAS. Mr. Chairman——

Mr. SCOTT. Mr. Chairman, I must insist upon the point of order.

Mr. NORRIS. Now, Mr. Chairman, I want to be heard on the point of order. I do not believe this is subject to it.

The CHAIRMAN. The Chair will hear the gentleman from Nebraska on the point of order.

Mr. SCOTT. Mr. Chairman, for a moment before pressing the point of order, I would like to make this statement: There is an enormous expanse of territory in the United States where irrigation is needed. To sink an artesian well at any place in that territory would develop the fact as to whether water could be obtained at the very point the well was sunk, but it would not answer the question as to whether water would be obtained on the adjoining quarter section, or, indeed, the adjoining acre of land.

It follows, therefore, that in order to be of any value such exploration as the gentleman wishes us to undertake would have to be carried on all over this immense territory. There would have to be an uncountable number of wells drilled, and the expense to the National Treasury would be appalling. For the reason, therefore, that I do not believe it to be a function of the Government to undertake an enterprise of that kind, I make the point of order; and I shall be glad to discuss that question with the gentleman. My point of order, of course, is that the amendment is new legislation, a direction to the Secretary of Agriculture to do work which under existing law he is not authorized to do.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. NORRIS. Mr. Chairman, it strikes me the amendment I have offered clearly is not legislation. It runs along the particular line of the preceding paragraph we have just read. If

it is subject to the point of order, then there is no item in this bill in regard to irrigation or any other object that is not likewise subject to the point of order. It pertains particularly to irrigation, and it is one of the means by which experiments shall be made by the Secretary of Agriculture under existing law that gives him authority to make any other experiment mentioned in this bill. I do not think there can be any reasonable claim that this is legislation in any way.

The CHAIRMAN. The Chair is ready to rule. The statute provides for experimental artesian wells in the Reclamation Service. That statute, however, requires that the money shall be taken from the reclamation fund. The amendment proposed takes the money direct from the Treasury and authorizes the Secretary of Agriculture to do a work that there appears to be no authority of law now for him to do. The paragraph just read, to which the amendment is offered, was not objected to as being in violation of the rules. That question is, therefore, not before the Chair. But in its largest sense the section that has just been read refers to an investigation of agriculture in its broadest meaning. The proposed amendment goes much further than an investigation in agriculture. It proposes the boring of artesian wells for the purpose of irrigation. The Chair thinks the point of order well taken, and sustains it.

The Clerk read as follows:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $78,860.

Mr. NORRIS. Mr. Chairman, I reserve the point of order against the paragraph.

Mr. MANN. I will make the point of order, and help the gentleman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. There is no authority of law for this investigation or this experiment. The Agricultural Department, by its organic act or by any subsequent act, has not been authorized to make this investigation in reference to swamp and other wet lands; and while the appropriation has been carried from year to year, and I apprehend it will be carried when this appropriation bill becomes law, I think it is just as well to say it is subject to the point of order, and might properly go out here, considering the desire to stick in a lot of extraneous matters for the investigation of such things.

Mr. SCOTT. Mr. Chairman, I concede the point of order. Gentlemen are very well aware of the fact that there are a great many provisions in this bill subject to the point of order in case anybody cares to raise it. I presume the gentleman from Nebraska, who first suggested the point of order, did so in order to test the opinion he had expressed a moment ago—that if the amendment he offered was not in order, there were similar provisions not in order; and the gentleman was quite right in that statement.

Mr. NORRIS. Now, as the gentleman refers to me, I desire to state that I reserved the point of order to give the gentleman an illustration that I was going to do better by him than he had done by me. I was going to give him an opportunity to explain the item, and then withdraw the point of order. I wanted to give him an illustration of returning good for evil. [Laughter.]

Mr. SCOTT. I have not misunderstood the object of the gentleman.

Mr. BUTLER. Mr. Chairman, I make the point of order that gentlemen are not speaking to the bill.

Mr. NORRIS. I have not made the point of order.

The CHAIRMAN. Gentlemen are not discussing the point of order.

Mr. SCOTT. I will ask the gentleman from Illinois if he will not withdraw the point of order, because I think the work is important and should go on.

Mr. MANN. Mr. Chairman, I have no special objection to the item in the bill as it stands, although I think it is a pretty nearly useless expenditure of public money. I thought possibly that the gentleman from Nebraska reserved the point of order in connection with some other gentleman, perhaps, calling attention to provisions where there might be some amendment offered, amendments which would be subject to the point of order, but upon which no point of order could be made after this item was under consideration. If it is satisfactory to let this item stay in the bill in the way it is, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

Mr. PERKINS. Mr. Chairman, I was so impressed by the remarks of the gentleman from Illinois that I raise the point of order. Because the gentleman from Illinois has withdrawn it, he can not withdraw it and take that privilege away from any other Member. I was so much impressed with the force of his argument that if he withdraws it I will make it.

Mr. LEVER. Mr. Chairman, I make the point of order that the gentleman's point comes too late.

Mr. PERKINS. Oh, not at all.

Mr. LEVER. The Clerk had begun to read.

The CHAIRMAN. No debate had intervened, and the Clerk had not read. The Chair thinks the point of order is within time, and if the gentleman from New York insists on it, the Chair sustains it.

Mr. PERKINS. I insist on it, Mr. Chairman.

The Clerk read as follows:

Total for Office of Experiment Stations, $1,067,820.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The Office of Experiment Stations is conducting in some of the Western States experiments to demonstrate what can be accomplished by the use of a limited amount of water for irrigation in connection with a nonirrigable farm—that is, they carry on what are called "dry-farming" experiments along with irrigation experiments, in order to show the farmer in dry regions how he can successfully combine the two methods of irrigation and dry farming. This leads me to observe that of all the important and useful movements in this country at this time, and particularly in the western country, that known as the "dry-farming movement" is the most important and promises to be the most successful. Four years ago the dry-farming congress was organized, and it holds annual meetings, at which are discussed the principles of what is known as "dry farming." The term is another name for scientific farming, and it treats of the cultivation of the soil by the application of scientific methods. In the West those scientific methods have for their object the retention in the soil of all the moisture that falls, in order that crops may be grown with an amount of moisture that, except for this scientific cultivation, would not be sufficient to produce an ordinary crop. But this scientific-farming movement is important not only to the West, but to all portions of the country.

The principles of scientific dry farming, deep plowing, subsoiling, thorough cultivation, frequent surface cultivation, cultivation after the crop is planted and while it is growing, all these when applied to worn-out soils, and soils that have largely lost their fertility, are wonderfully helpful in restoring such soils to a profitable crop-growing condition. So that this movement, which had its beginning in the West, and which is now spreading throughout that country, is not only going to be helpful in adding vastly to the wheat area of the country, vastly to the area which can be made productive and support large populations on portions of the public domain now unoccupied, but the movement will, in my opinion, be of vast benefit to people in the East who are studying the best methods for the restoration of the worn-out soils of some of the older States of the Union. This work, thus carried on by the Office of Experiment Stations, has encouraged men to take up public land in the West heretofore considered valueless except for grazing purposes; and the last Congress wisely passed a law increasing the amount of the homestead in certain regions, with a view to further encouraging this dry-farming development.

I am glad to be able to say to the House that the effect of that law has been to open up to settlement large regions heretofore unoccupied. It has brought upon our manless land in many portions of the West the landless man from the Middle and Eastern States, and under the improved methods now practiced in the name of dry farming these men are conquering the desert, making fertile vast areas heretofore given over to the grazing of bands of sheep and cattle, and adding vastly to the agricultural wealth of the country. No bill passed by Congress in many years has been more useful than the 320-acre or dry-farm homestead bill of the last Congress. And no present movement in the West promises more to the future of that region in the way of agricultural development than the so-called "dry-farming movement." These scientific methods must be adopted in much of our western country in order to make farming thoroughly successful. Therefore we shall carry on the work through necessity, which eventually will, as the methods are adopted farther east, be of vast benefit.

The Clerk read as follows:

OFFICE OF PUBLIC ROADS.

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $3,000; 1 chief clerk, $1,600; 1 clerk, $1,320; 5 clerks, class 1; 1 clerk, $1,140;

4 clerks, at $1,000 each; 1 clerk, $900; 1 laborer, $660; 2 laborers, at $600 each; 1 messenger, $600; 1 messenger boy, $480; 1 messenger boy, $360; in all, $21,260.

Mr. ANTHONY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 60, after line 10, insert:

"For the purpose of encouraging the permanent improvement of the highways in the different States utilized by the Government for rural free-postal delivery, the amount to be apportioned to the improvement of the roads on each rural route not to exceed one-fourth of the total cost of improving such post-roads, the remainder to be borne by the State, county, or township in which said route is located, $5,000,000."

Mr. SCOTT. Mr. Chairman, I reserve the point of order against that.

Mr. ANTHONY. Mr. Chairman, there is no paragraph in the bill under consideration which carries an appropriation for a more worthy bureau of the Government than what is known as the Office of Public Roads. There is no question that since the creation of this bureau of the Federal Government it has disseminated all over this country information in regard to the improvement of our public highways which has resulted in an impetus being given to the improvement of the roads in every State of the Union.

My idea is, however, that the Federal Government should go further than merely to disseminate useful information in regard to good roads. I believe that the time has come for the Federal Government actively to participate in the great work of improving the primary arteries of commerce, those highways over which the farmers of the country transport the products of the land from the farm to the railroad.

One of the greatest drawbacks and obstacles to the further extension and even maintenance of the present rural free-delivery service is the miserable condition of the roads over which the Post-Office Department has to send its rural carriers.

The Constitution undoubtedly gives the power to the Federal Government to expend money for the permanent improvement of those public roads which are utilized by the rural free-delivery branch of the Post-Office Department, and I believe that the improvement of these highways all over the country will confer even a greater blessing upon the people, not alone those engaged in agricultural pursuits, but upon all our people, than will the expenditure of untold millions of dollars for the improvement of our rivers and the water highways of the country. The improvement of the public highways on the land is just as important as the improvement of the public highways on the water, and the plan which I would here suggest is that the Government set aside each year an amount of money not less than that mentioned in my amendment to be used for the purpose of cooperating with the respective States, with the counties, and with the townships for the improvement of the roads utilized by the rural free delivery.

You can call this, if you will, a national subsidy for good roads.

I live in a State which contains the geographic center of the United States, about as far as it is possible to be from those States containing great seaports, States which have great maritime interests which are now asking the Federal Government for a subsidy or increased ocean mail pay, or whatever you may call it, to assist in building up the merchant marine, and I want to say that I am heartily in favor of federal aid for this laudable work both from a business and from a patriotic standpoint, and in return I believe that it would be no more than fair for the Representatives of those States which would receive the benefit of a subsidy for an increased merchant marine to vote for a subsidy for the construction of good roads, to be largely used in the great agricultural regions of the West and South.

During the month of December in 1909 the National Good Roads Association of the United States held its annual convention in the city of Topeka, Kans., and in response to the call for this meeting in the interest of good roads issued by the national association, and in response to the proclamation issued by the governor of the State of Kansas indorsing the movement, there assembled at Topeka nearly 1,000 delegates from all parts of this country, from Alaska, and from the Territories as well as from the States, and there issued from this convention resolutions in favor of the improvement of our highways, which I shall ask permission to set forth in my remarks.

I know that the prevailing sentiment in Congress is perhaps opposed to federal aid in the construction of roads in the States further than the general assistance given in the existing appropriation in this bill, but I believe that there can be evolved a plan of partial federal aid and assistance which will work in the nature of a subsidy and aid and an incentive to the development and construction of good roads all over this country which should receive the indorsement of this House.

I have a bill pending which I am in hopes may be acted upon favorably and which, if so acted upon, will in time give to the great West an object lesson in good-roads construction. The bill I speak of provides for the construction of a military highway between Fort Leavenworth and Fort Riley, the two greatest military posts in the United States, both of which are located in the State of Kansas, 110 miles apart. Large bodies of troops and great quantities of material move each year back and forth across the country between these great posts. At Fort Leavenworth are located two great federal penitentiaries—one under the control of the War Department, for military prisoners, and the other under the control of the Department of Justice, for other federal prisoners. In the course of a short time the labor of all the thousands of prisoners in these institutions will no longer be needed for the work in which they are now engaged, that of constructing the new buildings of these institutions. It will then be necessary either to put these prisoners at work manufacturing articles of merchandise which will come into conflict and competition with the product of free labor or to put them to work upon some public enterprise.

I propose to utilize the surplus labor in these institutions at times when it can be spared upon the construction of this military highway between these two great military posts. The people of my district and of the State of Kansas have become so interested in the project that the farmers in the townships through which the proposed military road will run have held meetings and pledged themselves to furnish to the Government free of charge all of the rock necessary to be used in the construction of the road. Here it will be possible to utilize the surplus labor of these prisoners, and I want to say that, despite what the wardens of some penitentiaries say, it is a boon to the inmate of any penitentiary to put him to work where he can work in God's sunshine and breathe fresh, outdoor air. It is a labor merciful to the prisoner in every way.

So that, if this opportunity is offered, the Government can construct a piece of public road which will have educational value for the people of the West by showing them how to proceed in similar improvement work, and the work on this road can be done with but little extra expense to the Government other than the maintenance of the prisoners engaged in the work.

Mr. Chairman, I trust that this idea of a federal subsidy for the construction of good roads all over this land will receive the serious attention of this body.

Proceedings of annual convention of National Good Roads Association, December 14, 1909, at Topeka, Kans.

ASK NATIONAL AID FOR DEVELOPMENT OF COUNTRY'S ROADS.

[From the Topeka (Kans.) newspapers, December 15, 1909.]

The tenth annual convention of the National Good Roads Association, which is meeting in Topeka, will to-day declare for national aid for the construction of permanent roads. This action will be taken when the committee on resolutions presents its recommendations to the assembly this afternoon. The committee will recommend that the delegates of the convention upon their return to their homes prepare and circulate petitions in their communities and present them to their respective Members of Congress. This committee on resolutions is composed of the presidents of the state associations represented at the convention, and H. W. McAfee, of Topeka, is chairman.

President Jackson, of the National Good Roads Association, and Mr. McAfee, president of the Kansas association and secretary of the national association, are both strong advocates of national aid, and yesterday afternoon stated that the principal resolution which the committee would recommend to-day would be one declaring for national aid.

President Jackson thinks that the National Government should build public turnpikes connecting the capitals of each State in the Union and that the individual States should build good roads connecting the county seats. This would give the country a network of permanent roads that would afford ready and easy communication between the principal cities and towns of the country.

Speaking of this, President Jackson said:

"Suppose the National Government should institute aid for road construction and improvement. I feel sure that work would also begin in every State and in a few years we would have a magnificent system. A road worthy the name should reach every farm in Kansas and this country, if the Government would spend one-half the sum on good roads as it is expending for war purposes in times of peace. I think that it will be shown that any reasonable amount spent by your county, State, or Nation will bring handsome returns. It has been estimated that more than a billion dollars is lost annually in this country on account of inefficient roads. It is a disgrace to our country and should not be permitted."

The convention began its sessions in Topeka yesterday morning with an address of welcome by Governor Stubbs. Representative Hall was crowded. Yesterday afternoon there were between three and four hundred out-of-town delegates registered at the convention headquarters, and many more were still coming in. It is believed that there are a number who have not registered who are in the city.

"That good roads figure largely in the moral and intellectual development of the people of the country, and have been a great civilizer,"

was the statement made by President Taft in a letter to Governor Stubbs, which was read at the session yesterday morning.

President Taft's letter follows:

THE WHITE HOUSE,
Washington, November 16, 1909.

MY DEAR GOVERNOR: From your letter I understand you are to have a national good roads convention at Topeka, Kans., December 14 to 15. I take great interest in the movement which that convention is to promote in the development of good roads.

My own view of the good roads question is that it is chiefly a state function, and that all the States ought to unite in an effort to promote good roads. I do not think that the farmers are as much interested in the matter as they ought to be.

The truth is, I think, that the good roads have much to do with the use of waterways and also with the question of railway transportation, because the difficulties of getting to waterways and railways are the great burdens that the farmers have to bear.

I believe that good roads figure very largely in the moral and intellectual development of the people, because they affect directly communication between farmers and the neighboring towns, and the closer this is the more in touch are farmers with the general condition in the country.

Next to education, the system of good roads is the greatest civilizer.

I have no doubt that much remains to be learned by experiment and otherwise concerning the economy in the construction of roads and their durability; but it is most gratifying to have such a meeting as that you are to have in Kansas, which shows a national awakening as to the subject and gives an earnest of progress in the right direction.

Sincerely, yours,

WM. H. TAFT.

USE FEDERAL PRISONERS.

DAN R. ANTHONY, Jr., Representative from the First Kansas Congressional District, at Washington, advocates the use of the federal prisoners for building roads. In a letter read yesterday afternoon, he said as follows:

"There is no public matter in which I take more interest than the movement to secure good roads in this country. I am firmly convinced that there is no economic problem in which the American farmer should be more vitally interested than in the improvement of the public highway. The enormous cost to the farmer of the West in the moving of his crops from the farm to the railway station over the bad roads which prevail in the Middle West for at least six months of the year runs into many millions of dollars, and could be saved by the improvement of these highways. Ever since I have been in Congress it has been my ambition to have the Government use the labor of the federal convicts at Fort Leavenworth to build a military highway to connect Fort Leavenworth and Fort Riley. So far I have been unable to secure the passage of legislation to this end because of the fact that the labor of the prisoners is now used, and will be used for several years yet to come, in the construction of the buildings for the two new government penitentiaries being erected at Fort Leavenworth, but I have secured the approval of the plan by President Taft, General Bell, and other high officials of the War Department, and in my opinion the labor of the convicts at Fort Leavenworth will be put upon the construction of this road just as soon as their labor is no longer demanded in government construction at Fort Leavenworth, and it will be used for the construction of this fine highway before any of this labor is put to work manufacturing articles which will come in competition with free labor."

Chancellor Frank Strong, of Kansas University, spoke at the session yesterday afternoon. Mr. Strong pointed out the fact that while it was supposed that the modern agricultural and road theories were in advance of all time, the Romans knew more about raising crops from bad ground and building permanent roads than we do now. He also said that the Greeks knew a great deal about irrigation.

"We don't know how to build good roads yet," said Chancellor Strong, "and we won't have any good roads until the farmers of Kansas make up their minds to do something and make some progress. I hope that the time will soon come in Kansas when the local community will decide to act. It is the local community that has the power and you can't do anything about good roads until the small communities decide to have them, and will take the responsibility for them."

President Henry J. Waters, of the State Agricultural College, also spoke at the session yesterday afternoon. In his address he said that the need was for greater intelligence on the part of the rural residents and an increase in the production per acre.

"The lack of good communication in winter is causing a constant exodus from the rural districts to the cities, and it is lowering the standard of the people who live in the open country and striking at the vital spot of our sustenance, because our cities are not self-sustaining, and must draw upon the best blood of country life. To stop this exodus, you must keep the people of the country from being isolated two and three months of the year.

"During the past twenty-five years the output of the country has been materially increased, but only on account of the increased acreage, not an increase per acre. To meet this situation—to increase the yield per acre—we must increase the product per acre and to do this means greater intelligence on the part of the farmers, and the first step is to keep the best farmers on the farm."

At the afternoon session Mrs. Charles F. Spencer, representing the Federation of Women's Clubs of the State, read a paper, in which she reviewed the good roads and agricultural exhibits at the Alaska-Yukon Exposition at Seattle. In part she said:

"The Federation of Women's Clubs has always shown its willingness to help in every cause that has for its object the betterment of humanity, and it stands not only for higher culture, but for every practical improvement that makes life more useful and more enjoyable for this generation and for those who are to come after us, and while the women may not go out and personally work on the roads they will be a power in creating public sentiment in regard to the need of better highways."

W. S. Gearhart, state highway engineer of Kansas, in his address at the meeting yesterday afternoon, said that he met a great many farmers every day, and he found that they were not so indifferent to good roads as was generally supposed.

"The trouble is," said Mr. Gearhart, "that the farmers have no organized way of doing road work. Our present road system does not encourage men to fit themselves for intelligent road work. Nowadays, when men do their road work, they go out with the intention of having a good time, and I know of cases where the men have played craps while supposed to be working out their poll tax. There should be a rigid system of overseeing the road work. This should be the duty of the county engineer, and to assist him he ought to have 2 or 3 aids. A county engineer who would take up this work could earn his yearly salary in three months by conserving the money spent on the roads and seeing that it really goes into the roads. Taxpayers do not get $1 worth of work for $1 in money. Sometimes less than 40 per cent gets into the road, and this condition ought to be changed so that the taxpayer gets his $1 worth for $1 spent. To do this, a business basis should be adopted by which the responsibility is narrowed down to one man."

Mr. Gearhart said that two-thirds of the money appropriated for county work each year went into caring for bridges and culverts. He advocated the use of concrete in the building of bridges and culverts and that would end all expense, allowing the money to go into the building of permanent roads that was formerly used in keeping up less permanent bridges and culverts. The end of road work should be macadam, Mr. Gearhart said, but while these were being built good dirt roads should be kept up.

James S. Tustin, of St. Louis, claims agent for the Missouri Pacific Railroad, in an address pointed out that it is not the railroads that are responsible for the excessive cost of getting the grain to market, but the poor roads.

Governor Stubbs, who made the principal address of welcome at the opening of the convention, said that road work should be put on a business basis. In part he said:

"It is a very great pleasure for me to welcome you here for the great Commonwealth of Kansas.

"Transportation is one of the great problems of the day. It is divided into three classes. There are the railroads, the waterways, and the public highways. The railroads were built up because we had to have them first. Forty years ago we were building homes and settling on the farms.

"Now we are doing the things that are building up the Nation in a social way as well as to give profits. While billions of dollars have been put into railways, but comparatively little has been put into waterways and roads. I believe that you are here to-day to discuss a problem which will affect the happiness and welfare of the Nation.

"I believe that it is a good investment to build good roads. I think that we should take a common-sense view of the question. A railroad that is well built pays, while one that is not well built does not pay, and the same will apply to roads. I think that every community of farmers ought to have a man on the roads to make them good, to keep them in repair. When you put this on a business basis and have good roads in Kansas, no one would want to go back to the old conditions."

President Jackson is a strong advocate of national aid, and in his address yesterday morning touched upon that subject as follows:

"It is folly to assume that abutting property owners should be required to pay for the good roads. They are public property and owned by no individual. They are owned by all the people and should be paid for by all the people.

"As the public highways are owned by all the people and should be paid for by all the people, we should have government aid. There was never any system built in any land that was not built by the Government. For many years there has been an increasing demand for national aid."

MR. COOLEY'S ADDRESS.

[From the Topeka (Kans.) Journal, December 15, 1909.]

George W. Cooley, Minnesota state highway engineer, gave an address which was appreciated by the road experts.

"The principal road system now before the people is the stone of macadam," said Mr. Cooley. "This system has been in vogue for centuries. We can't afford now to cover this country with the roads we need.

"The system of tar or asphalt macadam roads is gaining in popularity.

"The two principles in road construction are construction and drainage.

"If you can't get the water away from the road, get the road away from the water.

"We have to depend for twenty-five to fifty years largely on good earth roads, and the question that we have to consider is how to build them with the least expense.

"The secret of the magnificent roads in France and Germany lies not in the construction, but in the maintenance. A stitch in time saves nine; and the people in those countries realize it.

"In Norway and Sweden the roads are of ordinary macadam and most strongly recommend themselves in price and in economy, subject to the objection of faulty alignment, and grades, and the narrowness of the improved portions. The same objections apply to the roads of Denmark."

"In Germany," Mr. Cooley states, "the macadam roads constructed with tar and asphalt binders were most highly considered, while in France the most approved roads are made under a variety of specifications." Concerning the roads of all these countries, including also Switzerland, Italy, and England, Mr. Cooley says:

"The general plan of construction in all these countries for general service roads has been macadam, constructed under the usual approved specifications, bound generally with the finer particles of the principal aggregate, but in many places tar and asphalt binders are used. Such a variety of methods are employed that it is impossible to specialize, but it is apparent from an examination of several pieces of the best highways that the latter methods give the best results. The Great North road of England is, in places, the best example of such construction, and seems to stand the wear of heavy traffic and rapid automobile travel better than any. Roads of approximately the same construction built by the New Jersey highway commission are to all appearances the equal of any European roads."

Asked which roads most strongly recommended themselves to him, from a standpoint of general excellence, Mr. Cooley said:

"To a western American accustomed to the country roads of earth, all European roads are excellent (with some exceptions), but as a rule, in comparing our methods of construction with theirs, we lose nothing in the comparison."

Regarding the systems of maintenance, Mr. Cooley was most strongly impressed with those of France and Germany. He said:

"Roads of France and Germany are constructed and maintained under a rigid system of supervision. Perishable material is enfirely prohibited in the former, and continual repair provided for in the latter. Also a strict accountability is required from all having charge of the work."

Prof. W. C. Hoad, of the engineering department of the state university, spoke in part as follows:

"This country is a big country, and this movement for good roads is a good movement. This movement is diversified. In Massachusetts and Connecticut they have needed and have secured for their country thoroughfares hard rock roads.

"The need is just coming to us, and it is one of the next steps of our progress.

"In the construction of hard roads it isn't worth our while to do all our experimenting before we learn what are the best methods, as we can profit by the experience of others. The same can be said of oil roads. We can study the ground that has been gone over in California.

"Now, there are certain general principles in connection with building hard roads; for example, a good, solid roadbed is a necessity. An other general principle is that we must have some durable material for the road surface. Beyond that there are hardly any principles that can be generally applied; it becomes a local matter.

"The requirement for rigidity or solidity necessitates good subdrainage. It is the result we want. Keeping the water out of the road will help preserve its solidity.

"We do not have the material for road building that they have in New Jersey, New York, and other States, but we do have good limestones, and limestones make good roads.

"They cost less to construct, but do not wear quite as long. We have been running a series of road tests in connection with our laboratory at the state university, and find in many parts of the State are excellent road-building materials. It often comes to the point of which of two or three different materials should be used.

"The matter of thickness of the road is largely a local matter. In the East they have 6-inch roads. Here 8 inches is considered about the proper depth for our limestone.

"The construction of good roads should be along the lines of business—that is, the thoroughfares that are used most are the ones which will justify an immediate expenditure.

"If it can be shown that road construction will more than pay for its cost through a saving to the users, then the building of them is justified.

"It seems to me that our road development should be done by local money and service. This is my own opinion about it, although I know that it will not meet the approval of all road enthusiasts.

"The hard thing is to make a start in good road building, but when we once start it will not be so difficult."

PASSENGER MAN TALKS.

H. G. Kalil, assistant general freight and passenger agent for the Union Pacific, was next on the programme. "We know that the question of good roads is of interest to almost every one," said Mr. Kalil. "The question of good roads is, of course, universal. We have found in handling the freight traffic that if we can get the produce brought to us throughout the year and not have things congested it is of considerable benefit to us.

"If it were not for our elevator service along our roads I don't know what we would do. We appreciate from the standpoint of the railroad good roads, and if the farmers would quit talking politics and would help to get good roads it would be a good thing."

The last address on the morning programme was by Curtis Hill, state highway engineer of Missouri. He said in part:

"The improvement of wagon roads means the improvement of our own property.

"The people of these States have so long been under the impression that road money has been wasted they rather hesitate about putting more money into roads. The money has been lost on account of a lack of knowledge of efficient work. Whenever the general public is willing to submit to scientific and competent supervision and leave politics out of the affair, we will get good roads.

"State tax and expert supervision is the prescription of good roads. There are not more than one out of ten of our petty road officials who have a competent knowledge of roadmaking. It is the fault of our venerable system and not the officials, as they are generally honest.

"Like everything else, it depends largely upon the individual put in charge. Our law is in many places poorly applied, but our law is good."

Mr. Hill is a strong advocate of putting convicts on road construction, and talked at length on this point.

Miss Anna M. Grady, of Chicago, treasurer of the National Good Roads Association, gave an interesting talk, during the course of which she urged the importance of the women waking up to the realization that they can by their influence do much toward securing for the country better thoroughfares.

"I think it is lamentable that the women of to-day, as intelligent as they are, do not take a more active part in a movement of this nature," said Miss Grady. "In different parts of the country the women have banded together in the cause of woman suffrage; that may and may not be all right, but here is a cause they can have a voice in where they are more welcome.

"The children of the country attend a rural district school for a few years, and, in order to attain a higher education, they are compelled to leave home and board, perhaps, in town. This is the starting point of the great trend to the city. The boy comes to the city and, becoming acquainted with city ways, does not care to return to the farm under the existing conditions.

"When the burden becomes too heavy for the shoulders of the old folks, they, too, come to the city to live with their children, and the farm naturally falls into the hands of a tenant, and you all know what that means." The speaker then called upon the men to talk good roads to their wives upon their return home from the convention.

ADVANCEMENT OF ROAD WORK SLOW.

R. J. Clancey, tax commissioner of the Union Pacific Railroad, who substituted for N. H. Loomis, chief of the legal department of the road, spoke on the cost of hauling products to the railroad station and of the benefit of better roads.

"While no branch of the transportation problem is of greater importance than wagon transportation, it is alone distinguished for lack of progression. Wagon transportation is of primary importance because of its essentiality in transporting the products of the farm to the railroad station. The importance of this form of transportation intensifies as you consider it from the standpoint of distance, volume, and cost. The average wagon haul on foodstuffs in the United States is 8.1 miles, and the ton-mile cost is approximately 28 cents. A normal crop of barley, corn, oats, and wheat constitutes more than 26,000,000 average wagon loads and consumes 17,300,000 working days in moving their crop of wheat, oats, corn, and barley from the farm to the railroad station—about $61,000,000. It costs the farmers that amount to move these four cereals named a distance of 8.1 miles.

"To reduce the cost of wagon transportation, the farmer must increase the load tonnage. Two things are necessary for this—reduction of the gradients and hard surfacing of the roadbeds.

"New methods are needed to remedy the lack of progression; the whole system of road construction should be under the direct supervision of the States and Federal Government. There should be national and state highway commissions. Wards of the State, penal or otherwise, capable of physical endurance, should be impressed into good road construction."

George W. Cooley, state highway engineer of Minnesota, made an address yesterday morning and rehearsed some of the principles of road construction and drainage. He also emphasized the importance of "a stitch in time" in the maintenance of the roads.

Clark Hudson, representing the Oklahoma Federation of Commercial Clubs, gave an interesting report of the trip of the Yoakum good-roads special, which recently carried delegates from the good roads associations of Oklahoma, Arkansas, Texas, and Louisiana through the Atlantic Coast States from Maryland to New Hampshire.

The Kansas Good Roads Association met yesterday morning before the session of the regular convention, and a number of new members were added to the rolls. The membership now numbers about 115. An effort will be made, following the convention, to affiliate the state organization with the Southwestern District Association, which is now composed of Oklahoma, Texas, Arkansas, and Louisiana. Missouri will join this association and Kansas has been invited to do so, but no action has yet been taken.

RESOLUTIONS.

The resolutions are, in part, as follows:

The National Good Roads Association, at Topeka, December 14 and 15, believing that among all the appropriations made for various purposes and believing in the organic and underlying principle of the greatest amount of good to the greatest number of people, and that no appropriation made by our National Government could benefit more people than one for the aid of building public highways in the different States, and that the time has come when such aid should be given: Be it

Resolved, That we demand a system or fixed policy by our National Government and an annual appropriation in the States for the express purpose of erecting and constructing permanent public highways; and be it further

Resolved, That we call upon Congress and the United States Senators to enact and place upon our statute books a law looking to that end.

Whereas a letter from Congressman ANTHONY was read before the good-roads convention, in which he advocates the construction of a military road between Fort Leavenworth and Fort Riley by appropriation and convict labor: Therefore be it

Resolved, That this convention hereby heartily indorses the idea set forth in his letter and the effort put forth to bring about the completion of this plan. Be it further

Resolved, That we ask the delegates here present to urge their Congressman and Senator to assist in this movement. Be it further

Resolved, That a copy of these resolutions be sent to Congressman ANTHONY.

As in many of our States laws exist whereby the poll and road tax may be either paid in in cash or worked out in person: Be it

Resolved, That we demand of our state senators and representatives that they use their influence toward the passage of a bill whereby these taxes must be paid in cash, that better results may be obtained from this money on our public highways: Be it

Resolved, That we demand of our state senators and representatives that they work for the passage of a bill whereby all the money paid into the several States through the state licensing of electric, gasoline, and steam driven pleasure and commercial vehicles shall be set aside for the exclusive use of the improving of our state highways.

We urge the construction by the National Government of a system of permanent highways connecting Washington, D. C., with the capital of every State and Territory.

Whereas Wyandotte County has 40 miles of macadam road and Leavenworth County has 10 miles of macadam within its borders, and there remains 8 miles of unpaved road between the counties, which, if macadamized, would give the public a metal road from Fort Leavenworth to Kansas City, Kans.

Whereas this road is traveled more than any road in the State of Kansas, and it would be of the greatest public benefit to complete this connection between two of the most thickly settled counties in Kansas.

Whereas section — of the Kansas statutes for —— provides for the construction of a modern highway between the cities of Leavenworth and the city of Kansas City, Kans., the same to be constructed by the State with convict labor: Therefore be it

Resolved, That the National Good Roads Association hereby indorse the plan as set forth, and encourage generally the construction of good roads by the use of convict labor, and that the delegates present use their best efforts to encourage the construction of public highways by such labor: Be it further

Resolved, That such construction be done under the direct supervision of the state highway engineers: Be it

Resolved, That a true and accurate copy of the resolutions adopted by this National Good Roads Congress, assembled in Topeka, Kans., December 14 and 15, be sent to each of our Senators and Representatives of the United States.

ROAD CONSTRUCTION AND DRAINAGE.[a]

[By W. R. Goit, president Oklahoma Good Roads Association.]

To undertake to locate, drain, and construct a railroad, to build a bridge, or a building without plans, would be disastrous, financially and otherwise, and subject one to just criticism, which applies with equal emphasis to road location, drainage, and construction.

Skilled location of a road accurately determines route, drainage, and grades, and skilled supervision and construction intelligently and economically executes the plans of the engineer, and conserves the moneys, resulting in enduring, permanent work at minimum cost.

The use of any material for bridges, culverts, or surfacing of a road that will not resist the elements, and sustain the wear of travel,

[a] Paper read at the Tenth National Good Roads Convention, Topeka, Kans., December 14 and 15, 1909.

is reprehensible indeed; such makeshifts should not be countenanced or permitted if permanent construction be intended or desired.

Build for all time, and 'tis cheap at any cost; and where the moneys are derived from the voting of bonds, posterity has every right to expect that there will be something left for them that will at least endure until the bonds mature; but temporary construction and makeshifts, without adequate plans and estimates, will be forever calling for continuous expenditure for maintenance, and prove, as has been demonstrated in the past, "an expensive luxury to the taxpayer."

Education is the one great factor that makes the engineer a necessity in road location and construction. His training for the purpose qualifies him to obtain results; whereas one uneducated and untrained usually leaves us "in the mud."

A mixture of soil or dirt and water produces mud, the depth of consistency being determined by the quantity of water present. 'Tis simply a question of cause and effect; remove and prevent the water from obtaining access to the soils, and subsequent evaporation and absorption will leave only dry soils or dirt remaining after a mud hole is drained. Such a simple remedy for the treatment of a mud hole surely can be applied by any ordinary mortal, though he be not educated or skilled in the work. Where is the mortal who is willing to admit he does not know enough to "run water downhill." Strange as it may seem, there do be mortals who venture where "engineers" fear to tread, who do attempt to run water uphill—a most extravagant and expensive undertaking, never accomplished by the wisest road overseer who ever built a mud hole—and there do be many.

In the location of a road or highway, a survey of the route will locate the road so as to obtain the shortest distances between the two points to be connected. Do not deviate from a straight line between these two points, except where first cost would be greatly reduced by locating on a more circuitous route, either to avoid heavy cuts through hills or high embankments across valleys, or in case property through which the road would pass would be excessively damaged. The less mileage there is to maintain, the less the cost of maintenance. The shorter the distance the less time it requires to cover the road between the two points. All of our railroads built in the years gone by are now making cut-offs to shorten distance, and are reducing grades by cutting through the hills and filling across the valleys to obtain approximate levels, and enable them to draw the maximum tonnage with the minimum expenditure of power—an economical feature which also applies to wagon roads, and could be profitably utilized in their location and construction. Locate the roads as direct as is practical and possible, and to reach points off and away from the direct line or route, locate lateral or branch roads. Under no circumstances, when easy grades obtain, should the highway or thoroughfare deviate from a direct course from the point of departure and the objective point. The direct line or location, that enables the engineer to eliminate grades and obtain required drainage, is the most economical, even though first cost is greater, for the reason that it will require less power to move the tonnage that must pass over the roadway, and less time to cover the decreased or shortened distance. The old adage, "time is money," aptly obtains when a circuitous, undrained, muddy road with steep grades is encountered, though the locator, evidently, was not cognizant of the fact.

After location is determined, grades and drainage follow, and both should receive careful attention and consideration at the hands of the engineer. First, the grade line must be established, to reduce the hills, and fill the valleys, and bring the roadway to a maximum uniform slope or grade, of easy ascent and descent; not too steep, so as to permit heavy loads to be hauled without overtaxing the team, and where long ascents obtain, rests or level sections should be introduced in the grade line at proper intervals, to enable the teams to obtain a breathing place and take the loads off the collars. This will materially increase the tonnage that can be drawn, and be a factor in determining the value of the road commercially, as the steep sections of the road limit the tonnage though the major portion of the road may be practically level. Hence the economy of keeping down steep grades by cutting the hills as far as practical, even at a greater initial cost. After locating route and establishing grade lines, the material necessary for construction of embankment should be borrowed in such manner as to leave perfect drainage in both ditches, and to permit free run-off of the storm water; for perfect drainage and proper diverting of storm waters are the basic principles in the construction and maintenance of good roads.

The question of proper and perfect drainage is an essential feature, and is the principal factor in determining the cost of road maintenance. Avoid concentration of storm water, and do not attempt to carry it long distances in the upper ditch to save the cost of an additional culvert. Dispose of it at the first opportunity, and it will cease to add to the problems that confront us in road construction. When an embankment across a waterway imposes as a dam, and obstructs the free run-off of the storm water, provide a culvert under and across the roadway of adequate size to accommodate the storm water from each drainage area centering at each waterway, thus effectually draining the subbase of the embankment so as to give it a dry footing. Keep the subbase drained and dry and it will reduce the cost of maintenance to a minimum. The one enemy of good roads that must be continually combated is water. Unmolested, it will undermine and wash away the most expensive and carefully constructed roadway, and if permitted to stand in ditches on the upper side of the roadway it will seep through the sub-base and destroy the embankment. Thorough and perfect drainage secures a dry, permanent sub-base, without which a good road can not be maintained with any reasonable cost. Build from the sub-base up. Expensive surfacing of roads with macadam, asphalt, oil or any other approved material, can not stand under travel without a dry, well-drained sub-base, which is the foundation of all permanent road construction, and must obtain.

Storm water conducted long distances in a ditch is constantly augmented by run-off from intersected water courses, and is ultimately concentrated and becomes difficult to handle; whereas if disposed of at frequent intervals, when the volume is limited, and conducted under and across the roadway into the lower ditch or spillway by small, permanent culverts constructed of vitrified culvert pipe, stone masonry, or cement concrete, the concentration of the storm water does not result, and its disposal is easily and economically accomplished and the subbase kept drained and dry. Assist the storm water in following its natural course from each drainage area. Simulate natural conditions, and provide an adequate culvert of sufficient port or capacity to accommodate the storm water that concentrates at each identical waterway obstructed by the embankment. The drainage should then be perfect, provided the lower ditch or spillway is constructed to accommodate the run-off. Fall is the factor that determines the velocity of the water and the carrying capacity of a flow line. Without fall there would not be any run-off to the storm water. Water is acted upon by the same general law that governs solids, and falls precisely as fast. Release a drop of water at a given point, permitting it to fall in space, and at the expiration of one-fourth of a second it will have reached approximately 1 foot from the initial point of release; whereas at the expiration of one-half second it will have reached 4 feet from the initial point of release, falling only 1 foot in the first quarter of a second, and with constantly increasing velocity, is finally falling with a velocity of 3 feet in a quarter of a second, virtually moving through three times the space in the last interval of time, which accelerated velocity is due to gravity. This establishes the axiom: "Fall is the factor that handles water." Conserve it, and utilize it, and you will find it a valuable assistant, as it will decrease the cost of culverts and drainage. Increasing the area of the cross section of a culvert is only obtained at an additional cost, and is neither advantageous or economical. Carefully compiled tables can be obtained from various sources giving the exact capacity in gallons per minute of any size culvert pipe on stated fall per hundred feet. A study of these tables will convince the most skeptical that the capacity of a culvert is determined by the velocity or momentum of the water, rather than by the area of the cross section.

The velocity of water flowing on a fall of 36 inches to the hundred feet is approximately 22 miles per hour, while the velocity of water flowing on a fall of 1 inch to the hundred feet is only approximately 4 miles per hour.

In the construction of culverts, vitrified culvert pipe will prove to be the most convenient, durable, and economical whenever it can be used to accommodate the volume of storm water or run-off. Purged by the fires of the kilns of all that is volatile, and fused together by the intense heat to which it is subject, it is the density of glass, and has all the strength of steel, resisting the action of the elements, and enduring until the end of time. In the construction of culverts where one line of vitrified culvert pipe will not accommodate the run-off, two or more lines can be laid, so as to secure enough port of capacity to care for the storm water originating on the watershed. Care should be taken to utilize all the available fall, that the velocity may be secured to assist in handling the run-off. When the ground is level and the fall is slight, only a shallow ditch should be excavated on the upper side of the roadway or embankment, excavating the majority of the grading material from the lower ditch, which construction will increase or converse the existing fall, elevating the upper end of the culvert so as to obtain the greatest fall across the roadway. When two or more lines of pipe are required to secure enough capacity to accommodate the run-off, the best results are obtained by separating the lines of pipe when placed in the embankment, allowing a space of 4 or 5 feet between them, which will prevent them from being obstructed by floating débris. When the embankment will not permit the use of a large-size pipe, because sufficient cover can not be secured to protect it from travel, the same capacity can always be obtained with two or more pipes of equal area if the same fall be maintained through the embankment from upper to lower ditch.

Example: If only 12 inches of cover could be secured when using a 24-inch vitrified culvert pipe, a cover of 18 inches can be obtained by using two 18-inch pipes, as there is 6 inches less diameter. The area of a 24-inch pipe is 452 square inches, whereas the area of an 18-inch pipe is 254 square inches. The capacity of the two 18-inch pipes on any stated fall is approximately the same as the capacity of one 24-inch pipe on the identical fall. If the road builder desires to increase the run-off or capacity of the culvert, and can secure adequate cover, he can obtain 6 inches more fall or gradient across the roadway by the use of two 18-inch pipes rather than one 24-inch pipe, for the reason that the upper end of the 18-inch pipe can be elevated 6 inches above the flow line of the 24-inch pipe, and still secure the same cover. This will materially increase the velocity and consequent run-off and decrease the cost of handling the storm water. Do not forget that fall has a value, if utilized, that can be computed in dollars and cents; remember that increasing the velocity increases the capacity, and thereby decreases the size of the pipe required to handle a stated quantity of run-off or storm water.

Example: A 24-inch pipe on a fall of 1 inch to the 100 feet has a carrying capacity of 2,396 gallons per minute. Increase the fall to 36 inches to the 100 feet, and it will have a carrying capacity of 14,466 gallons per minute, which is over six times the capacity it had on 1 inch of fall. Under these conditions, if the fall can be obtained, the road builder could use one pipe in lieu of six at one-sixth the expense, which is evidence that fall has a money value, and is an economic factor in road construction. Nature bestows it lavishly at times, and again almost withholds it. If you will conserve and utilize it you will not find it so expensive to handle the storm water. We refer to vitrified culvert pipe particularly, for the reason that an established gradient can always be maintained and a fixed velocity secured whereby the capacity can always be accurately determined. When any other approved material is used in culvert construction, it is still imperative that fall receive due consideration to economically handle the run-off or storm water.

Substantial abutments of brick or stone masonry, or cement concrete, should be constructed at each end of the culvert when either vitrified pipe or other approved material is used for culvert construction.

On level bottom lands no excavation should be permitted to form a ditch on the upper side of the grade on embankment, as it will only provide a place for water to accumulate and stand, constantly seeping into and through the subbase. The better construction on such lands is to borrow all the material for the embankment from the lower ditch and wherever water is concentrated in depressions on the upper side of the embankment, provide and construct a culvert to secure a run-off into the lower ditch. If the embankment is high enough to insure a dry surface court of 18 inches to 24 inches and the run-off of the lower ditch secures sufficient drainage to keep it dry, a good road can be easily maintained.

In the construction of all grades longitudinal or lengthwise drainage must be maintained, so as to permit of run-off from the numerous ruts that occur at some seasons on steep grades or hillsides. "Thank-you-marms" or V-shaped obstructions should be constructed across the roadway at frequent intervals with the apex uphill to divert the water from the ruts to the ditches. On steep ascents no water should be permitted to pass over the embankment. The roadway should slope toward the hill and shed the water into the upper ditch, from which it should be permitted free exit through culverts under and through the embankment, to secure free run-off and prevent concentration and consequent erosion or washing out of upper ditch. This is usually secured by an obstruction in the form of a dam across the ditch immediately below the run-off culvert.

The embankment or grade should be constructed to secure free run-off of storm water and should consist of a berm on either side of

the roadway proper to support and sustain the spread of the roadway under travel.

Subdrainage should be appealed to where it becomes necessary to intercept a seep, or drain the sub-base, by lowering the water levels. Common porous drain tile is used exclusively for this purpose by engineers; the tile being laid in such manner as to drain into the lower ditch, where the end should be protected by an abutment.

Absolutely level gradients should never obtain in the construction of embankment on approximately level ground, but slight grades should be secured longitudinally to accelerate and secure run-off from the ruts produced by travel. This can always be accomplished by raising the grade of the embankment gradually from each side when a culvert is constructed, so that the culvert will be at the apex or summit of the grades.

This will prevent any holes and insure drainage of the surface of the roadway. Subsoils should be used in the construction of embankment and when complete the slopes and surface should receive a cover of the surface soils to encourage the growth of grass and prevent erosion of the surface by rut or the run-off of the storm water.

Light wash soil on dirt that is deposited in the draws or depression should never be used to construct an embankment. The usual method of construction of embankments by throwing all the grass, sod, and humus to the center of the roadway, where it becomes a storage for all the moisture it will retain, should be discountenanced.

The relation of drainage to good road construction is so important that every little detail must be provided for to insure the stability and permanency of the construction of good roads. The skill of the most expert engineer is often taxed, and various experiments must be made before success is achieved and the work secured from damage or injury for want of proper drainage. Therefore the employment of the unskilled, uneducated, and inexperienced should be discountenanced, and those placed in charge who are educated for the work.

Drainage is all there is to road building. This accomplished, and you have a good, dry road. What more could you ask for? Macadam! Eh? This is only a question of what your pocketbooks will stand for, but without drainage, macadam would be an extravagant waste of money, and ineffectual.

On the road to the creaking water mill,
Halting, the mud-burdened horses stand still;
In torrents and gusts pours the pitiless rain
On the roadway the builder neglected to drain.
The driver said: "If I had a boat,
I could cross this flood,
But a wagon won't float."

GOOD ROADS.

[By Arthur C. Jackson, president National Good Roads Association.]

Fifty years ago Charles Sumner declared that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads." There is an increasing multitude of people who believe that it is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over a billion dollars a year and that the saving of this stupendous sum constitutes an economic question of vast importance.

In the year 1890 the foundation of the National Good Roads Association was laid in a state good roads convention held at Kansas City, Mo. The subject of "Charities, correction, and good roads" was discussed by delegates from several States. The sentiment and resolution of that convention recommended to the governors of all States "That the increasing demands of charity for the defective classes and the tremendous increase of criminal arrests in the nation call for stringent vagrancy laws and their vigorous enforcement." Another resolution urgently requested "the cooperation of municipal, county, and state authorities to utilize the labor of able-bodied tramps, vagrants, paupers, and short term prisoners in public improvements."

It has been shown that such labor can be used economically and with good results on quarries, gravel pits, and rock piles in preparing the materials and loading it upon work trains or wagons and in the actual construction of roads and streets. Many States are now making substantial progress in road building with convicts. It is the aim of the National Good Roads Association to continue its agitation of the question until every commonwealth, municipality, and district community shall be awakened to its importance, enact suitable laws providing for this public work, and then see that these laws are enforced. At all times, and more especially during stringent periods, there is a large army of itinerant men who drift from State to State and who live by begging or stealing. They commit nearly every crime in the criminal calendar. Hundreds of thousands of this class are arrested annually, housed and fed and kept in idleness in jails or prisons at the expense of the honest toilers and taxpayers. This is a senseless crime against the State.

During the last nineteen years the Good Roads Associations have held over 2,000 county, state, and national good roads conventions. Vast quantities of literature have been distributed. The public press has printed thousands of pages, ever educating communities while advocating and urging good roads as a substantial asset and as a social and commercial necessity in the nation's expansion, contentment, and prosperity.

The Interstate Association was merged into the National Good Roads Association in convention at Chicago, November 21, 1900. Its objects were and are, first, to associate all who are in sympathy with the good roads movement in a universal demand for the permanent improvement of public roads and streets; second, to secure better results from the millions of dollars annually expended upon the public roads and streets; third, to have established in all States and Territories highway departments with practical engineering supervision; fourth, to secure thorough teaching of highway engineering in all universities and agricultural colleges; fifth, to utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets; sixth, to secure state and national aid for the construction and maintenance of permanent public roads for this and future generations.

On November 17, 1909, the following officers of the national association were elected: President, Arthur C. Jackson, president National Good Roads Congress; vice-president, F. A. Delano, president of the Wabash Railroad; secretary, H. W. McAfee, president of the Kansas State Good Roads Association; treasurer, Anna M. Grady, secretary and treasurer of the Illinois State Good Roads Association.

On May 23, 1908, the National Good Roads Congress was incorporated under the laws of the State of Illinois to associate all interested in a national movement for good roads, and the following call was signed by the governors of 40 States and the mayors of more than 100 leading cities, convening the congress at Chicago June 15, 1908, and Denver July 6, 1908: "Recognizing a well-nigh universal sentiment in favor of better public highways, and believing that a general discussion of this great problem from every point of view will prove timely and effective, the undersigned join in urging all interested to attend the National Good Roads Congress at Chicago June 15, 1908, and Denver July 6, 1908, that the results of its deliberations may be presented for the consideration of the coming national conventions, all legislative bodies, and the public in general."

As a result of the congress, the Republican national convention at Chicago adopted the following good-roads plank in its platform: "We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting owner," and the Democratic national convention at Denver declared, "We favor federal aid to state and local authorities in the construction and maintenance of post-roads."

The second National Good Roads Congress was held at Johns Hopkins University May 18, 19, 20, and 21, 1908, and in Washington, D. C., May 22, 1909. It was opened by Cardinal Gibbons and addressed by Vice-President Sherman, Speaker CANNON, Governor Crothers, and many of the most prominent men in public life. Among the resolutions adopted by this congress was one urging the construction by the National Government of a system of permanent national highways connecting the capital at Washington with the capitals of every State and Territory, and urging the several States to supplement these highways by another system of state roads to connect the several state capitals with the county seats of each State. It also favored the annual appropriation by the National Government of a certain percentage of the internal-revenue receipts for road construction and the loaning to States by the National Government, upon the application of the proper authorities, of money without interest for road building, the same to be repaid in annual installments. It also urged the immediate adoption of a postal savings-bank bill, in the confident belief that such a measure would yield abundant funds for a complete system of state and national highways.

The officers of the congress are the same as the national association, and the headquarters of both organizations are at Chicago, Ill.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, December 7, 1909.

Mr. ARTHUR C. JACKSON,
President National Good Roads Association, Chicago, Ill.

DEAR SIR: I have your kind invitation of the 4th instant to attend the Tenth National Good Roads Convention, for which I have to thank you, and to say that were it possible it would give me much pleasure to be with you at the meeting having for its object such an important subject as the improvement of roads, and one in which this bureau is so vitally interested, but owing to the pressure of public business, greatly to be augmented by the coming Congress, it will not be possible for me to leave Washington at the time mentioned.

With best wishes for a successful convention, and assuring you of my interest therein, I am,

Very truly, yours,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

P. S.—If the attached data will be of any use to you on the occasion of your convention, you are at liberty to make any use of them which you desire.

The interest which the Post-Office Department has in the good-roads movement, now generally active throughout the country, and in cooperating with road organizations and rural residents for the betterment of the public highways is the realization of the fact that good roads are essential to the efficiency of the rural delivery service in promoting reliable and uninterrupted delivery and collection of mail in rural communities.

It is a condition precedent to the establishment of rural delivery that the roads over which it is proposed to establish the service shall be in such condition as to be traveled with facility and safety at all seasons of the year, and the department insists that after the service is established the roads shall be maintained in good condition, so as to avoid delays and interruptions. There are now in operation throughout the United States 41,116 rural routes, which are costing $37,500,000 per annum to maintain. Serving these routes are 41,006 rural letter carriers, all of whom, with but few exceptions, travel their routes daily, covering a total of about 1,000,000 miles a day and serving a rural population of about 20,000,000.

Without entering into a discussion of the economic and advantageous features of good roads, but dealing with the question solely in its relation to the postal service, the Post-Office Department is necessarily vitally interested in the improvement of the highways; for bad roads mean an impaired and unsatisfactory mail service and a severe hardship upon the thousands of rural letter carriers and the horses used by them, as well as a vast expense in repairing the wear and tear unavoidably resulting from poorly kept roads.

In the State of Kansas there are 1,771 rural routes of an average length of 27.09 miles. This means that the rural carriers in that State are required to travel nearly 48,000 miles of road a day, or 14,500,000 miles in the course of the year. Is it to be wondered at, then, that carriers complain when the roads are bad and that the department insists that they shall be kept in good condition for travel?

The excuse is sometimes given for a failure to keep up the roads that if they are good enough for those who reside on them they should be good enough for the carrier. These persons fail to appreciate the fact that while they are required to travel from 2 to 5 miles to the town where the post-office is located, and may go when they please and proceed leisurely, the rural carrier is required to travel his full route every week day, exclusive of certain holidays, and to maintain a fixed rate of travel.

For a half dozen years or more the Post-Office Department has been actively engaged in doing what it could within its limitations to secure the betterment of the highways throughout the country, in order to secure on each rural route the delivery of mail with certainty and celerity, and in response to the requirements of the service that the roads be kept up the department has received the hearty cooperation of state and local highway officials and good-roads clubs. The result of this cooperation has undoubtedly brought about a greater interest in the good-roads question, the building and rebuilding of more miles of good roads, and the intelligent expenditure of more money for good roads than any other one fact stimulating the good-roads movement. Hardly a day passes but that one can read of a state or local convention being held in behalf of good roads or some other movement being started to arouse the people to interest and activity in the matter, and

numerous invitations are received by the department for the attendance of some of its representatives at such conventions and meetings.

Illustrating the good and immediate results attained through the cooperation of the department which was extended to the Lancaster Automobile Club, of Lancaster County, Pa., in its efforts to secure the improvement of the highways, a letter has just been received by the department from the president of the club stating that within one year the club has succeeded in getting 300 road drags working on the roads in Lancaster County, to say nothing of the interest the subject has aroused, and that the result was achieved mostly because of the hearty cooperation of the rural letter carriers, and that as a result of the success obtained the Pennsylvania Good Roads Association has been formed to secure the improvement of the highways throughout the entire State.

The Post-Office Department is not only willing to cooperate, but will gladly lend all aid that may properly be given in furtherance of the good-roads movement, and desires that postmasters and rural letter carriers throughout the country interest themselves in the movement and give their active aid and cooperation as far as they may consistently do so.

P. V. DE GRAW.

Telegrams of indorsement from Senators, Members of Congress, and governors of States to good roads convention.

WASHINGTON, D. C., *December 1½, 1909.*

Hon. ARTHUR C. JACKSON,
President National Good Roads Convention, Topeka, Kans.:

I am heartily in favor of national aid for public dirt roads. For ages the Government has made appropriations for waterways and water transportation. For years Congress has donated millions of acres to railroads to encourage traffic by rail. Ninety per cent of the travelers are carried over dirt roads. It is high time that Congress display activity on the good-roads question. I rejoice at the activity of your organization, and I assure you of my heartiest cooperation.

SCOTT FERRIS.

WASHINGTON, D. C., *December 1½, 1909.*

Hon. ARTHUR C. JACKSON,
Care State Capitol, Topeka, Kans.:

Sorry I can not be with you. Best wishes for the good-roads convention.

J. THOS. HEFLIN.

WASHINGTON, D. C., *December 1½, 1909.*

ARTHUR C. JACKSON,
State Capitol, Topeka, Kans.:

Permit me to join in greeting to your convention and express my interest in the movement of which it is the outgrowth.

MOSES E. CLAPP.

WASHINGTON, D. C., *December 1½, 1909.*

PRESIDENT NATIONAL GOOD ROADS ASSOCIATION,
Topeka, Kans.:

Letter just called to my attention. I beg to assure you of my interest and cooperation.

T. P. GORE.

WASHINGTON, D. C., *December 1½, 1909.*

ARTHUR C. JACKSON,
President National Good Roads Association, Topeka, Kans.:

Regret I can not attend the congress. Of course I feel a deep interest in every intelligent movement for good roads. The value of good roads can scarcely be estimated. I wish your meeting great success.

WM. J. STONE.

WASHINGTON, D. C., *December 1½, 1909.*

ARTHUR C. JACKSON,
President National Good Roads Association, Topeka, Kans.:

I take the deepest interest in the good roads movement and send you my cordial greetings and good wishes; there can be no more important international development than this improvement which will so greatly add to the productive power of the Nation or more substantially minimize waste in the delivery of its products. Please convey to the members of the congress my best wishes and assurance of my great interest in the purposes of the National Good Roads Convention.

ROBT. L. OWEN.

EXECUTIVE DEPARTMENT,
Jackson, Miss., December 10, 1909.

Mr. H. W. MCAFEE,
Secretary National Good Roads Association, Topeka, Kans.

DEAR SIR: I am in receipt of your letter of the 8th instant. I regret being unable to attend the national convention to be held on the 14th. I appointed delegates.

Good roads add greatly to the pleasure and profits of country life. They bring neighbors nearer together, nearer to market, nearer church, and enable them to make all their journeys quicker and better. All costs of transportation from farm to market, and market to farm, lessen the value of the products of the farm and the profit of its owner. Every reduction of this outlay is to be welcomed. The good roads movement in this State is of recent start, but is making rapid progress.

Very sincerely,

E. F. NOEL, *Governor.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 11, 1909.

ARTHUR C. JACKSON, *President, Chicago, Ill.*

DEAR SIR: Your esteemed favor of the 7th instant, asking for an expression of my views on the question of national aid to public roads, to hand and noted. I beg to assure you that I am highly in favor of the Federal Government making large appropriations to aid the public roads of the country, provided the law is so guarded as not to interfere with the proper control by the States of such roads.

I am sorry that I will not be able to attend your convention. I have not made any speech in Congress on the subject, and those that I have made at our state and county good-roads meetings were extemporaneous, and I did not keep copies of them.

Very respectfully,

JOHN L. BURNETT.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 11, 1909.

ARTHUR C. JACKSON, *Chicago, Ill.*

MY DEAR SIR: I am encouraged and gratified to see that you are to hold a convention at Topeka, Kans., December 14 and 15, and wish it were in my power to be with you.

No more important movement could interest the American people than that of good roads. The problem of transportation is the great problem of the age. Transportation by railroad and by waterways has for many years had the active and generous support of the General Government. The importance of railroads and rivers and waterways is fully understood. The truth is good public roads, generally called "country roads," cut a much greater figure in the advancement of American civilization than any other single factor of transportation.

Good roads reach the homes of all the people. It is a direct benefit to every farmer, in every neighborhood, in every city throughout the Union.

Congestion of population in the cities of the United States seems to be generally considered one of the greatest dangers to American life. The army of the unemployed comes almost entirely from this congestion. The most practical as well as the most valuable way to arrest this movement from the country to the city is the development of country roads.

So accept my congratulations upon your activity, and best wishes for the success of this great undertaking.

Yours, very truly,

GEO. W. TAYLOR.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., December 11, 1909.

Hon. ARTHUR C. JACKSON, *President, etc., Chicago, Ill.*

MY DEAR SIR: I am very much in favor of any rational good roads movement and will be delighted to do what I can to help it along. I was born and reared in Kentucky, where they have the best roads in the world, and have spent nearly all my manhood days in Pike County, Mo., where they have 200 miles of the finest graveled roads in the country. Consequently I am in a situation to appreciate good roads and am happy to say that in every county in my district they are building rock roads and gravel roads and greatly improving the dirt roads. I wish you may have a happy and successful meeting.

Very truly, yours,

CHAMP CLARK.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 11, 1909.

Mr. ARTHUR C. JACKSON, *President, Chicago, Ill.*

DEAR SIR: Your letter of the 7th instant received. I am heartily in favor of good roads in the United States, and especially approve the action of the various States to secure them. Our State is doing considerable in that direction now, although it has just started the improvement. In some of the Eastern States the progress made has been very flattering and general, and a great improvement will be found in the roads of these States. I am specially interested in the repair of roads already completed. This part of the work has not yet seemed to have reached perfection in our own State and in many others, and without efficient repair, of course, good roads will prove a failure.

While I am in favor of road building by the States, I am utterly opposed to road building by the National Government. We are going as far in that direction as we ought to in making experiments in trying to advise the States as to the proper construction of the roads.

Yours, very truly,

SERENO E. PAYNE.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PENSIONS,
Washington, D. C., December 11, 1909.

Mr. ARTHUR C. JACKSON, *Chicago, Ill.*

ESTEEMED SIR: I am just in receipt of your favor in which it is stated that I am urged to send your office a communication to be read at the approaching Tenth Good Roads Convention to be held at Topeka, Kans., on the 14th and 15th instant, and I hasten to reply to say that my duties as a Member of Congress for the next few days will not permit me to take time to prepare a paper upon the subject, and hence I will content myself by saying that I am deeply interested in the cause of improving the roads of our country, and stand ready to vote for an appropriation for that purpose at the earliest opportunity. The farmers support the world, and they ought to have the very best roads possible to haul the products of the farm that they support the world upon to market. Your cause has one "friend in court" at this time, if no more.

With very best wishes for the success of the approaching convention, I am,

Very sincerely, yours,

R. B. MACON.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INVALID PENSIONS,
Washington, D. C., December 11, 1909.

The National Good Roads Association, Chicago, Ill.

DEAR SIR: I submit a statement of my position on this great question.

Truly, yours,

T. T. ANSBERRY.

"The question of good roads is one that takes us back as far as history has preserved a record, and this because the cost of transportation of any product of the farm or factory or mine or taken from the depths of the sea goes a long way to make up the sum total of the cost of the particular article, and therefore has a great deal to do with the personal economy of every household. For all these things or most of them had to be, and now many of them must be, hauled over the highways, and the relation that good roads bear to the cost of living is thus shown to be very close.

"The grangers of the country, however, had this question brought more directly to them, because they had to use the highways to travel back and forth from plantation or farm to the market, and they suffered the personal inconvenience incumbent upon one who is compelled daily to travel over poor roads; result, agitation for good roads, first, purely local, and now it is one of the greatest questions before the American people, and I doubt if you can find a legislator or a taxpayer who is not favorably disposed toward this great movement without much reckoning the cost. I am glad to say that the State of Ohio has taken a long step in the right direction in recent legislation on this subject, and the National Agricultural Department has devoted much of its money and time to construct model roads out of the materials nature has left near by, and the department should have the encouragement of all. I favor this subject, and shall do all in my power to promote it."

EXECUTIVE OFFICE, STATE OF OKLAHOMA,
Guthrie, December 11, 1909.

Mr. H. W. MCAFEE,
Secretary National Good Roads Association, Topeka, Kans.

DEAR SIR: Replying to yours of the 8th instant, I am in hearty accord with Governor Stubb's call for the good roads meeting, and I am sending a full list of delegates to participate.

I regret exceedingly that as December 15 is the opening day for the sale of school land at Chandler, Okla., which I must necessarily attend, that I will be compelled to miss this meeting myself, but you can mark me as being in full sympathy with Governor Stubb's idea.

Sincerely, yours,

C. N. HASKELL, *Governor.*

HOUSE OF REPRESENTATIVES,
Washington, December 13 1909.

Hon. ARTHUR C. JACKSON,
President National Good Roads Association, Topeka, Kans.

DEAR SIR: I congratulate the association on the splendid work it is doing. The programme of improvement, construction, and maintenance of public roads is bound to absorb the interests of our people in every section. This will become more apparent with the increase of population and the consequent enlarging of social and industrial expansion.

The social and commercial life of the great agricultural sections will be vastly improved by a system of good roads. The producers can market their products more easily and the commercial centers can distribute their goods in exchange to the greater advantage of all. The farmer and his family will make more frequent visits to the village centers; social intercourse among neighbors will be encouraged; the farm will have a greater earning power because of shortened distances to markets, schools, and churches; population between country and city will be more equally distributed, and thus will help to relieve the congested centers. Indifference to the movement will finally be turned into active support when we begin to realize the advantages to come from improved systems of roads.

I am deeply interested in the system of improved roads, and I trust that splendid results will follow from your meeting and that you will be able to propagate the educational programme to all parts of our country.

Very truly, yours, JOHN A. MAGUIRE, M. C.

Address of F. A. Delano, president Wabash Railroad and the American Railway Association, vice-president National Good Roads Association, read at Tenth National Good Roads Association Convention, Topeka, Kans., December 14 and 15, 1909.

It is commonly said that all men act from interested motives, and the public usually assumes that of a man representing a corporation this is especially true. Statements of this kind may be made in a tone of cynicism and disparagement where they carry a bad impression and "leave a bad taste in the mouth." On the other hand, there is a sense in which it is true. A man may act for himself or for a corporation which he represents from a narrowly selfish motive, or he may act selfishly but in a very farseeing way which represents a highly enlightened self-interest. It is the duty of the president of a railroad corporation, as trustee for the owners of the property, to conserve the interests of his company, and in view of the fact that the courts have determined that a railroad is a quasi public corporation it follows that the officer of a railroad is a quasi public official. It is clearly his duty, therefore, to keep in touch with public interests, with the needs of the communities along his line, and to seek in every way to develop those interests. The most intelligent railroad official recognizes that in developing the industrial growth of the communities along the railroad he is rendering the highest possible service to the corporation he represents. It is in this sense, therefore, and in this sense only, that I feel entirely justified in appearing upon this platform.

I will touch very briefly on the problems which are to come up before this congress and which will be presented to you very fully and clearly as the session proceeds.

I. THE GROWTH OF THE POPULATION.

The population of the United States is now increasing at the rate of about 1,500,000 per year. This is 1,000,000 due to immigration and a half a million due to excess of births over deaths. As has been pointed out a great many times, with this enormous and constant increase in population and with no increase in our area, it is evident that it will not be long before every acre of land will be in demand.

II. THE TENDENCY TOWARD CENTRALIZATION IN CITIES.

Everyone appreciates that the tendency toward centralization in cities has been very marked in recent years. You probably know that during the administration of President Roosevelt a commission was appointed to investigate this subject and see in what way life on the farm could be made more agreeable and so counteract this tendency. Railroads are interested on both sides of this question and are therefore fairly in a position to look at it impartially. The cities through which they run are growing with great rapidity, and the growth in business originating at those cities is more rapid than the growth in business at the smaller country stations, but this is not an unmixed benefit to the railroads. The growth of the cities produces a condition of affairs which involves perhaps the most serious problem in railroad management—the problem of furnishing sufficient and adequate terminal facilities in the large cities and still keeping the cost of transportation down within moderate limits. The passenger terminal expense in one of our large eastern cities amounts to 25 cents for every passenger handled through the terminal; in another city it is 20 cents; in another 47 cents, and so on, these terminal expenses alone being more than the total fare collected on a large percentage of the short-distance travel. Furthermore, as every farseeing railroad man knows, the railways are absolutely dependent on the well-being of the entire community. Congestion in large cities means high rents; high rents mean high wages; deficient productivity of the farms means high cost of farm productions, high cost of living for the man who lives in the city, and that again means higher wages and higher cost of railway operation.

This brings me to the third great proposition, viz:

III. PRODUCTIVITY OF THE SOIL.

Jonathan Swift (called "Dean Swift"), writing two hundred years ago, said: "Whoever could make two ears of corn or two blades of grass grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together." It is interesting to note what has been done along this line. In very arid regions much has been done by irrigation and dry farming. In swampy regions much has been done by proper methods of diking and draining. But for the great percentage of our fair land very little has been done in the direction of increasing the productivity, and, what is far worse, the development in many cases has been just in the opposite direction. In other words, we have cropped the soil without any thought of the most simple and well-known rules of crop rotation. We have made little attempt to return to the soil the valuable elements which have been taken from it, and only in very recent years have we gone scientifically to work to find out just what the soil lacked to make it highly productive. The agricultural departments of our Western States, our universities, and our schools of agriculture have done most excellent work in this respect, as you will hear later from some of the speakers; but, at the same time, as we look over the work that has been done and consider what yet remains to be done, we feel that we have only "scratched the surface"—that we have only just begun to do our full duty.

DECENTRALIZATION.

I have already spoken of the tendency toward centralization of the population in our cities and the importance of working toward decentralization. The railroads have tried to help this movement in various ways. One is by the familiar method of some-seekers' excursions, low rates from cities to farm lands, advertising farm lands, etc. The railroads have favored and, I think, should continue to help in any proper way they can anything which will tend to improve and ameliorate the condition of the farmer. I do not mean to say for a minute that the farmer needs any sympathy or commiseration. In the States of the Mississippi Valley farm lands have, generally speaking, doubled in value in the last ten years. Furthermore, during the whole of this time, conditions of life on the farm have materially improved. But, despite this, we see the tendency of the farmer to come to the cities and farmers' boys and girls giving up life on the farm. The argument most frequently cited in explanation of this is that man is by nature a gregarious animal, and that the loneliness of farm life is driving men and women to towns and cities. There is undoubtedly a good deal in this; but at the same time it is recognized that greater comforts on the farm, as well as convenient means of communication with neighbors, will do a great deal toward ameliorating these conditions. The bicycle and the farm telephone have already done much. The automobile will do more. Good state and county roads will do still more.

IX. THE COST OF GETTING FARM PRODUCTS TO MARKET.

The Bureau of Commerce and Labor, in a bulletin issued some time ago, pointed out that it cost the farmer in many States more to get his products to the railroad station than it did to pay freight charges on the products to the market in which he sold them. Undoubtedly this is not true in all the States; for example, in the State of Illinois, having the largest railroad mileage of any State in the Union except Texas, only 2 per cent of the entire area of the State is more than 8 miles away from a railroad track; but assuming that the statement is correct as to many States, it is obvious that if we can reduce the cost to the farmer of getting his products to the railroad station, it will be just as effective to him as reducing railroad rates. The cost of hauling on a country road is assumed by a number of authorities to be 20 cents per ton per mile. This is about 30 times the average railroad freight rate on all classes of business the country over and about 60 times the freight rate which applies on low-grade bulk commodities over a greater part of our country. In other words, the cost of hauling coal or brick or sand or grain or cotton on our average country roads is about the same for a distance of 12 miles as the freight charge for a distance of 200 miles, which is approximately the average haul of freight on railroads in the United States. Good roads are just as important to the farmer as low freight rates; and the value of farm products on the farm is the value of that produce in our central markets, less the cost of gathering on the farm, the cost of wagoning to the railroad station, the cost of transportation to market, and anything which will reduce or tend to reduce these costs will increase the value of those farm products to the farmer in just that proportion.

X. THE SHARE OF TAXATION PAID BY RAILROADS.

In the aggregate the railroads of the country pay, in round figures, $85,000,000 taxation; or, as near as I can figure it, 10 per cent of the total taxes of the country. In some States this is more and in some less. Hence, when any railroad official advocates general improvements, such as the betterment of state and county roads out of the general expenses, it is with recognition that a large share of the cost of this work will fall upon the railroads. Here again the merely selfish view would be not to advocate any such improvements because of the resultant expenditure. From the standpoint of a more enlightened self-interest, it seems to me we are justified in advocating such improvements, feeling assured that the community as a whole will be very much benefited and that the railroads will be certain to share in that benefit.

Mr. SCOTT. Mr. Chairman, the amendment proposed by my colleague is so clearly in the nature of new legislation, and therefore obnoxious to the rule, that I am compelled to insist upon the point of order.

The CHAIRMAN. The gentleman from Kansas, chairman of the Committee on Agriculture, makes the point of order that the amendment offered by the gentleman from Kansas is new legislation, and the Chair sustains the point of order.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $16,000.

Mr. DOUGLAS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 60, line 23, strike out the word "sixteen" and insert in lieu thereof the word "twenty-five."

Mr. DOUGLAS. Mr. Chairman, I do not offer this amendment for the sole purpose of making a speech on it, but I propose to make a short one, by the courtesy of the committee, nevertheless. I want also to give notice that in addition to this amendment I will offer an amendment to the next paragraph in this bill, to increase the amount appropriated thereby from $43,000 to $75,000.

Now, Mr. Chairman, I want to preface what I have to say on this subject by three propositions. In the first place, I insist that no one in this House can find any authority in the Constitution of the United States for building a post-office in any community of this land which will not with equal force apply to the building of post-roads. In the second place, I make the statement that there is no highly civilized country on earth with as poor roads, upon the average, as ours. In the third place, I insist that the present movement or propaganda in favor of better roads in this country began soon after the establishment of this bureau, and that its work, more than any other one influence, has fostered that propaganda.

I submit, with reference to the first proposition, that for ninety years there has been no substantial doubt expressed as to the right of Congress, its constitutional right, to legislate for the establishment of post-roads, and I venture to make this assertion, although I believe it will surprise some of the Members of the House, that there has never been a decade in the history of the country, beginning with 1806, when the first appropriation was made by Congress to promote what was known as "the Cumberland road," or that part of the old national road extending from Cumberland, Md., to Wheeling, Va., when as little money has been appropriated or granted by Congress under this provision of the Constitution as has been appropriated within the last decade. In spite of the fact that within that time a Bureau, or Office, of Good Roads has been established, if you will divide all that has been appropriated or granted, directly or indirectly, by Congress for the promotion and "establishment of post-roads" in this country by 9—that is, the last ninety years—I venture to say that the lowest decade will be found to be the last.

Mr. MANN. Will the gentleman yield for a question?

Mr. DOUGLAS. I will.

Mr. MANN. Will the gentleman include in that all of the money that has been expended by the War Department in the construction of military roads throughout the United States?

Mr. DOUGLAS. Yes.

Mr. MANN. Then the gentleman will have another guess coming.

Mr. DOUGLAS. I think not. That was all done, or substantially all done, in one or two decades.

Mr. MANN. I mean the last ten years. We have spent more money some years on military roads in the last few years than we have ever spent before.

Mr. DOUGLAS. Oh, the gentleman himself has "another guess coming." I do not mean appropriations for highway and wagon roads, but I mean, as I said, granted or appropriated under that provision of the Constitution which enables this Government to establish and improve the "post-roads" of the country, under which, I will say to the gentleman from Illinois [Mr. MANN], all of the enormous land grants were made to the railroads of the West, and they were made under no other authority. The "general-welfare" clause of the Constitution was appealed to, but it was universally admitted that the only authority under which, beginning in the State of Indiana or Illinois and going straight west to the Pacific coast, we granted great quantities of land to the railroads was that simple clause of the Constitution which enables the General Government to establish post-offices and post-roads. I do not propose to discuss further that phase of the subject, because I take it for granted that it is substantially admitted.

Neither do I intend to dwell upon the historical aspect of the subject, interesting as that has always been to me. As matter of fact, as I have said, beginning with the first appropriation of 1806 for the Cumberland road, there never has been a year, or rather no long period of years, in which appropriations have not been made for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. Mr. Chairman, as I will make both of my speeches on this and the next paragraph at one time, if permitted, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may proceed for ten minutes.

Mr. BUTLER. Oh, make it five minutes.

Mr. MANN. There is no need of the gentleman's talking on the next paragraph, because I am going to make a point of order on that.

The CHAIRMAN. Is there objection?

Mr. SCOTT. Mr. Chairman, I am very anxious to finish this bill this afternoon and, much as I regret it, I shall have to object.

Mr. DOUGLAS. Mr. Chairman, I am surprised that the gentleman in charge of this bill, in view of the fact that he permitted this afternoon political speeches for half an hour, should now make objection. I ask, then, with the consent of the chairman of Committee on Agriculture, unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Chairman, I contend that this and the next paragraph provide for what is essentially the most valuable work of this bureau. The language of this paragraph is "for inquiries in regard to the system of road management throughout the United States and for giving expert advice on the subject;" and the next paragraph provides for investigations of the best methods of road making and for giving expert advice on that subject. I submit to the House that this work of this bureau comes directly within the definition of the gentleman from Kentucky of the proper function of the Government, to which I have heretofore referred on the floor of this House, namely, that this work relates to "the fundamentals" of this matter. Much as I would like personally to see the amendment offered by the gentleman from Kansas, which was ruled out of order, ruled to be in order or made a law, so that the General Government might financially assist in the actual construction of roads, at the same time that is much beyond what is here proposed. This appropriation is to help do what? And I ask if the money of this Government can be devoted to a better purpose than doing what it is here proposed to do, namely, to teach the people of each community by expert advice two things, each of them absolutely essential to their having good roads in their communities.

The first is the best way to manage their roads, and the second is the method of making the best roads that can be made out of the materials they have. I submit to the committee that there is nothing the Government can do more valuable than this. Anybody can make a good road out of crushed limestone. Anybody having plenty of good crushed limestone can grade up a little ridge, put on the crushed limestone, and make a good road. But the point is for the people throughout the country to learn to make the best roads that can be made out of the material they have, and then manage them most advisably, and this is what it is here proposed to do.

Just think of it! "For inquiries and for giving expert advice," $16,000. I suppose that the gentleman in charge of the bill will suggest, as he did a few moments ago, it would be "appalling" to increase it to $25,000. I am just a little tired of this use of that word. The Government is going to be swamped by an appropriation which extends the work of any bureau, for the obvious reason that this House can stop appropriating when it pleases. We make appropriations for these purposes every year, and surely an increase of this appropriation for making inquiries as to the best way of managing our roads and giving expert advice upon the subject to $25,000, and to increase the amount for experiments in reference to the use of materials for making roads, and giving advice upon that subject to $75,000, can not be considered a very serious increase so far as the revenues of the country are concerned, and yet it will be at least a step in the right direction.

The importance of the subject it would be hard to overstate. It is estimated that there are in this country some two hundred and twenty-five to two hundred and fifty thousand miles of road over which the Government in the rural delivery service is today actually carrying the mails. That service has unquestionably come to stay. It is one of the most useful and valuable of all the functions of the Government. It is being, as it ought to be, constantly extended; and the time is coming, I sincerely hope is not for far off, when in the more thickly settled portions of our land every dweller in the rural districts will have his newspaper and his mail delivered to him daily. The increase of this service necessarily must go hand in hand with the improvement of the rural highways. But far beyond and above the value of good roads to the Government itself is their value as a civilizing agency. I can not do better in this connection than to quote the language that I find in the brief on this

subjected submitted to Congress by the National Good Roads Association. In speaking of good roads the writer says:

There is no use in making an argument as to the value of good roads. They economize time, labor, and money; save worry, waste, and force; they aid the social and religious advancement of the people; they increase the value of property and aid every avocation, and especially that of agriculture; they mean the ability at all times to move a maximum burden at a minimum cost; they permit the transportation of marketable products during bad weather, when no work can be done on the farm; they save the wear and tear on horses, drivers, harness, and wagons. Good roads are the avenues of progress; the best proof of intelligence; the ligaments that bind the country together in the bonds of patriotism and thrift; they are the woof of sentiment woven into the great web of our civilization; they are to the body politic what the venous system is to the human body. Without it stagnation and decay follow; with it all forms of growth, strength, and beauty prevail. Good roads are the initial fountains of commerce, the rivulets that swell the great streams that flow out of every country and distribute the products of our fields, factories, forests, and mines. They will do more to extend trade and commerce of the country, will add more to the happiness, intelligence, and prosperity of the people, and will contribute more to their social elevation and moral strength than any other material thing whatever.

It seems to me but a matter of justice that the rural districts of the country should receive from the General Government, if not direct financial aid in the building of roads wherever the rural mails are carried over them, certainly every help that the Government can extend in this regard. I have spoken before of the enormous proportion of our revenues spent upon preparation for war and in payment for past wars, amounting to more than two-thirds of the total revenues of the Government. In addition we are spending vast sums on the improvement of rivers and harbors, which may indirectly, but certainly do not directly, benefit the dwellers in the rural districts far from where these improvements are made. In these districts the matter of good roads is of paramount importance; and I therefore appeal again, as I have appealed before, to the Committee on Agriculture to increase and ever increase the appropriations for this branch of the Government's activities. The bureau known as the "Office of Roads" receives in this bill but $114,000. I would like to see one experiment station, at least, in every congressional district in the land—a station where, as I have said, the people of every community can be taught by scientific men and experts in road making how to make the best roads out of the material at hand. In some parts of the country this has been done with great success, and I can see no reason why the Government can not and should not extend this work in every direction and why we should not, as Representatives of the people and of the whole people, gladly increase appropriations along these lines.

Mr. LEVER. Mr. Chairman, I have listened with a great deal of interest to the statement of the gentleman from Ohio, and I believe that this committee and the Committee on Agriculture both are in sympathy with the purposes of his amendment. I want, however, to call the attention of the gentleman from Ohio to this fact, that a committee charged with the responsibility of recommending appropriations, if it does its duty to itself, the House, and the country, must make its recommendations in accordance with the condition of the revenues at the time being. We should not overappropriate, and we have been told from time to time we are facing a depleted Treasury; that the expenses and extravagances of this Government are taking more than the revenues can meet; and it is true, and in this connection I want to call the attention of the gentleman from Ohio to the fact that he himself personally and as a member of a great party is responsible for this condition of the Treasury. [Applause on the Democratic side.]

I have most carefully watched the course of the gentleman during the progress, slow as it is, through the committee, and I presume, Mr. Chairman, that he marked it out for himself, for the reason that he wished to make the pending proposition to the House, else his course would appear most inconsistent, because during the general discussion, when the chairman of the committee, the gentleman from Kansas, was speaking, the gentleman from Ohio gave us to understand that he had commissioned and dedicated himself to the great purpose of standing by the great American farmer in the consideration of this bill. It did my heart good, in the consideration of this bill, first, when the gentleman from Arkansas [Mr. MACON] gave us to understand that he had given it a clean bill of health. It did my heart good because I believe in the farmer and know his need, representing, as I do, an agricultural district, when the gentleman from Ohio gave us later to understand that he had commissioned himself to see to it that the farmers should get a fair deal at the hands of Congress. You can imagine my surprise, Mr. Chairman, to find that when we of the South were battling here for two days for an increase in the appropriation for meeting the ravages of the boll weevil, an insect that threatens one of the greatest industries of this country, an industry upon which depends in such a large measure the clothing supply of the Nation and of the entire world, to find my friend from Ohio voting against that proposition——

Mr. DOUGLAS. Will the gentleman yield?

Mr. LEVER. In just one minute. When the battle was at its very crisis, and the contending forces were surging forward and backward; when everything was in the balance, I listened with my hand to my ear to hear a bugle blast fill the air, for I knew if I heard it, it would be sounded by the gentleman from Ohio rushing to the defense of the farmers of this country; but, gentlemen, the bugle never blared. [Laughter and applause on the Democratic side.]

Mr. DOUGLAS. Will the gentleman yield?

Mr. LEVER. I will yield in just a moment. Again, when I saw my friend from Tennessee [Mr. HOUSTON] offer an amendment the purpose of which was to increase the appropriation for the teaching of agriculture throughout the country, I listened once more for the blare of the bugle from Ohio, and she did not blare. And then——

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CLARK of Missouri. I ask that the gentleman from South Carolina have five minutes more.

The CHAIRMAN. Without objection, the time of the gentleman from South Carolina will be extended five minutes.

There was no objection.

Mr. LEVER. Then, Mr. Chairman, I saw the gentleman from Colorado [Mr. MARTIN] offer an amendment to increase the appropriation for semiarid work, and again I listened for the bugle blare, intently, seriously, earnestly, almost prayerfully, but she did not blare. I thought to myself the gentleman from Ohio must have had a purpose in mind else I should be spared this painful silence, and it is disclosed to-day. He has held back the blare of his bugle in order to raise it in the interest of good roads. And for what better purpose could he raise it? We are in sympathy with him. This committee is in sympathy with him. The Committee on Agriculture is in sympathy with him.

The chairman of the great Committee on Agriculture, the gentleman from Kansas [Mr. SCOTT], is just as much an advocate of that proposition as is the gentleman from Ohio [Mr. DOUGLAS], but the gentleman from Kansas knows that the edict has gone forth that appropriations must be pared to the very bone, because the Treasury will not stand for them. [Applause on the Democratic side.] Why, Mr. Chairman? Because the gentleman from Ohio [Mr. DOUGLAS] and the gentlemen across this aisle have been piling for years and years Pelion on Ossa, extravagances in appropriations, which make it impossible for us to appropriate now even in a reasonable degree for the great cause of agriculture. [Applause on the Democratic side.] The gentleman from Ohio [Mr. DOUGLAS] in his colloquy with the chairman of the committee makes the use of this declaration, which would give the country to understand that he stood here against the appropriation for the building of battle ships and for those for the Agricultural Department. Here is the gentleman's statement:

Does the gentleman doubt that, instead of building two battle ships this year, if we added $5,000,000 to the appropriation for the various useful bureaus of the Department of Agriculture that Secretary Wilson would be able to spend the money wisely and judiciously?

Mr. DOUGLAS. Will the gentleman yield?

Mr. LEVER. Yes; but just for a question.

Mr. DOUGLAS. I am going to ask you a question. Do you know what you are reading from?

Mr. LEVER. I am reading from your speech.

Mr. DOUGLAS. About what?

Mr. LEVER. About the agricultural appropriations.

Mr. DOUGLAS. It was a speech in favor of giving to this House a chance to look over the whole field of appropriations, and it was on a resolution that I offered.

Mr. LEVER. Let it be born in mind, gentlemen of this committee——

Mr. DOUGLAS. It is only used by way of illustration.

Mr. LEVER. Let it be borne in mind, no matter what the purposes were, that the country got the idea, perhaps the mistaken idea, I am glad to have the gentleman say, that he stood here against appropriations for a large navy because that meant that we could not make large appropriations for the Department of Agriculture. I was interested to know, and this committee may be interested to know, that the gentleman from Ohio is on record in the last session of Congress, the Sixtieth Congress, in favor of a two battle-ship proposition. And yet here we are. We would like to increase this appropriation. We are all in sympathy with it. We know the purposes are good, but, gentlemen, these battle ships have put the Treasury in such a condition that we can not do it in justice to the Treasury.

Therefore, feeling my responsibility as a Member of this House and as a member of the Committee on Agriculture, charged with the duty of recommending appropriations, much as I dislike to do it, I shall have to vote against the proposition of the gentleman from Ohio because his action and the action of his party have made it necessary for me and my party to do it. [Applause on the Democratic side.]

Mr. MADISON rose.

Mr. SCOTT. Will my colleague yield to me to request that debate on this paragraph and all amendments thereto close in ten minutes?

Mr. MADISON. I will.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] asks unanimous consent that debate on this paragraph and all amendments thereto be closed in ten minutes. Is there objection?

Mr. DOUGLAS. I object.

Mr. SCOTT. Mr. Chairman, I move that debate end in six minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas [Mr. SCOTT].

The question was taken, and the motion was agreed to.

Mr. MADISON. Mr. Chairman, I heard a gentleman who was sitting behind me a short time ago make the statement that he had heard a great many remarks upon this floor in the way of criticism, but he had very seldom seen any Member rise for the purpose of saying something in commendation of anybody or anything. I am only going to take a minute or two of the time of the committee, and I want to take it for the purpose of saying something in commendation of the work of the Good Roads Office. I do not believe that there is a bureau in all the great departments of the Government that under all the circumstances has rendered greater service to the country during its existence than this one. I speak at first hand in regard to the matter, because my people have been the beneficiaries of the work of this bureau. It was stated by the gentleman from Ohio [Mr. DOUGLAS] that the main purpose that this bureau accomplished was in teaching people how to build good roads. He ought to have gone a little further than that and have said they do that by the best means of instruction; that is, object-lesson roads. They send men all over the United States into communities where the road problem is a serious one and solve for them the problem of good roads.

We have more natural good roads in Kansas, perhaps, than in any other State in the Union, but we are confronted in a number of localities with the sand-road problem; and any person who has ever attempted to drive over a sand road understands what it means. Put a range of sand hills between two communities, and it almost isolates one from the other. South of the Arkansas River in Kansas there are ranges of sand hills, and the towns to the north have been almost cut off from those to the south by reason of the sand hills. These men from the Office of Public Roads have gone out in these communities and have instructed these people how to build a sand-clay road that gives them a durable, a permanent road, one that stands up under heavy traffic, and at a cost of about $1,000 a mile. I want to say to you, gentlemen, that it is a remarkable thing, and the results that have been accomplished in these communities have been simply of incalculable benefit. I simply rise in my place to say this word of commendation of the Good Roads Office.

Mr. STEPHENS of Texas. Will the gentleman yield to a question?

Mr. MADISON. Yes.

Mr. STEPHENS of Texas. I desire to ask you how much you propose shall be carried in this bill—$15,000?

Mr. MADISON. I do not hear the gentleman plainly.

Mr. STEPHENS of Texas. And there are about 400 Members in the House.

Mr. MADISON. Yes.

Mr. STEPHENS of Texas. I have in my district 48 counties. That would give me about 80 cents and a fraction for each one of them; and if it is to cost $1,000 a mile to build one of these roads, how far would that 80 cents go? [Laughter.]

Mr. MADISON. The gentleman assumes that I am against the amendment.

Mr. STEPHENS of Texas. It might fill up one hole somewhere.

Mr. MADISON. Is the gentleman assuming that I am opposed to the increase in the appropriation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADISON. I do not know that I understood the gentleman from Texas. I could not hear him distinctly. I did not say these roads were built at government expense. The local communities furnish the money; the employees of the bureau teach the people how to build the roads, and they supervise the building of model roads, but not with the money of the Government.

Mr. SCOTT. Mr. Chairman, I reserved only one minute for myself to close this debate, because I do not think it is necessary to consume any time in speaking to the amendment. I only asked for this one minute because the gentleman from Ohio seemed to be seriously offended when in the plain exercise of my right and, as I believed, in accord with the wish of the House I objected to extending his time exceeding five minutes, and he stated in a tone of reproach that I had yielded half an hour early in the day to a political discussion. He is mistaken in that statement. I yielded only ten minutes to political debate, five minutes to the gentleman from Missouri [Mr. RUCKER] and five minutes to the gentleman from Ohio [Mr. COLE], because both are members of the Committee on Agriculture, and I did not wish to seem discourteous to them.

Touching the pending amendment, I desire merely to remind the House that within the past five years this appropriation has grown from $37,000 to $100,000, and the committee believes the amount in the current law will be amply sufficient to carry forward the work that must be done during the coming year.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. LONGWORTH. I move to strike out the last word, Mr. Chairman, for the purpose of asking unanimous consent to print in the RECORD a document entitled "Corporation-Tax Circular No. 2" of "the Illinois Manufacturers' Association." I wish to read but one or two sentences from it, to show gentlemen of the House what it purports to be. It is headed, "Repeal the corporation-tax law—Quick action on your part will produce the result." Then it goes on to say:

Fully 60 per cent of the Members of Congress believe the corporation-tax law is unjust, inquisitorial, and discriminatory. Fully 40 per cent are ready to vote now for its repeal.

Mr. MANN. Mr. Chairman, I raise the point of order——

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. Well, of course, debate is really out of order. I have no objection to giving the gentleman unanimous consent.

Mr. LONGWORTH. I am perfectly willing, I will say to the gentleman——

Mr. MANN. My point of order is made for the purpose of preventing a protracted political debate in the House.

Mr. LONGWORTH. I have no intention of making a political speech at all or leading up to a political debate.

Mr. MANN. I will withdraw the point of order, as far as the gentleman is concerned.

Mr. LONGWORTH. I thank the gentleman. I merely want to call the attention of the House to this sort of propaganda. The entire circular is as follows:

Corporation-Tax Circular No. 2.

ILLINOIS MANUFACTURERS' ASSOCIATION,
Chicago, January 22, 1910.

REPEAL THE CORPORATION-TAX LAW.

QUICK ACTION ON YOUR PART WILL PRODUCE THE RESULT.

Fully 60 per cent of the Members of Congress believe the corporation-tax law is unjust, inquisitorial, and discriminatory. Fully 40 per cent are ready to vote now for its repeal.

The returns received at this office in reply to our letter of January 6 indicate the foregoing facts, and are encouraging. Please write your Senators and Congressmen again and urge action. Bring to their attention that they are under more obligation to their constituents than they are to the administration. Point out that the administration can give them no votes in the districts in which they reside.

Please send a contribution for $25, or such amount as you care to contribute, unless you have already contributed, to aid in the campaign. It takes postage and printing to bring this matter to the attention of all the corporations in the United States.

The conference called under the auspices of the Illinois Manufacturers' Association in this city Friday, January 14, was a great success. Do you want a copy of the proceedings? It will be mailed upon request.

Subjoined is a copy of the resolutions, a list of the committee named to conduct the campaign, and copies of the repealing measure offered by Congressman SOUTHWICK, of Albany, and the bill to extend the time introduced by Congressman COUDREY, of St. Louis.

JOHN M. GLENN, *Secretary.*

REPORT OF COMMITTEE ON RESOLUTIONS.

Whereas at a conference of representatives of corporate industries, commercial organizations representing various sections of the country, and individual corporations, held at Chicago, Ill., on the 14th day of January, 1910, under the auspices of the Illinois Manufacturers' Association, the corporate-tax law of August 5, 1909, has been carefully discussed and considered from every standpoint; and

Whereas the representatives of this conference are of the unanimous opinion that this law, as framed, is inimical not only to the interests of those represented but to the country at large, as being at variance with established rights and principles, and especially as infringing upon the domain of the sovereignty of the various States, as discriminating between individuals operating as individuals and those operating through corporate bodies, as granting to the Federal Congress the right, by and through a tax on corporate operations, to find a means to create

revenues which might lead to excessive government expenditures, and especially obnoxious by reason of the publicity which the law would give to corporate business as opposed to that which is carried on by partnerships and individual enterprise: Therefore be it

Resolved, That the unqualified indorsement of this conference be given to the efforts which are being made for the absolute repeal of this act; and be it further

Resolved, That the members of this conference pledge themselves to exercise their utmost endeavor to secure the cooperation of other bodies and other interests toward such repeal; that every member of this conference pledge himself to bring all possible influence to bear upon the various Members of Congress to secure such repeal: Be it further

Resolved, That pending this repeal of the act as a whole Congress be requested and urged to immediately abolish the publicity feature of the law, which is unfair, discriminatory, and unjust: Be it further

Resolved, That a committee of 11 be appointed by the chairman of this conference to devise ways and means with full power to carry out the spirit of these resolutions and test the constitutionality of the law, if deemed advisable.

La Verne W. Noyes, Illinois Manufacturers' Association, chairman, Chicago; A. P. Nevin, National Association Manufacturers, New York; J. H. Beek, St. Paul Jobbers and Manufacturers' Association, St. Paul; W. A. Roberts, Pittsburg Chamber of Commerce, Pittsburg; William O. Matthews, Cleveland Chamber of Commerce, Cleveland; Frederic C. McDuffie, Arkwright Club, Boston; W. B. Martin, Iowa State Manufacturers' Association, Dubuque; T. Jas. Fernley, National Hardware Association, Philadelphia; Melville, W. Mix, Manufacturers' Bureau of Indiana, Mishawaka; W. P. Wagner, Green Bay Business Men's Association, Green Bay, Wis.; Geo. M. Gillette, Minnesota Employers' Association, Minneapolis; L. C. Blanding, Tri-City Manufacturers' Association, Moline, Ill.,

Committee.

REPEALING MEASURES.

Please demand that corporations be given an immediate hearing on these bills by the Committee on Ways and Means, and refuse to be sidetracked or flagged by any talk looking to delay or by the assertion that nothing can be done.

Sixty-first Congress, second session.

In the House of Representatives, December 14, 1909, Mr. SOUTHWICK introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed:

A bill (H. R. 14545) to repeal the corporation-tax law.

Be it enacted, etc., That section 38 of the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," be, and the same is hereby, repealed.

Sixty-first Congress, second session.

In the House of Representatives, January 10, 1910, Mr. COUDREY introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed:

A bill (H. R. 17504) amending the corporation-tax law.

Be it enacted, etc., That article 3 of the corporation-tax law be amended in such form as to extend the time allowed for filing schedules and returns from the 1st day of March, 1910, to the 1st day of May, 1910, and the 1st day of May in each year thereafter.

SEC. 2. That article 6 of the corporation-tax law is hereby repealed and the following substituted in lieu thereof:

"When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue."

Mr. BARTLETT of Georgia. I did not understand from whom this is.

Mr. LONGWORTH. This is a circular issued by the Illinois Manufacturers' Association and has in it the names of the members of a committee, made up from a number of States, to constitute a national campaign committee. Now, I do not know the amount of this campaign fund that is referred to or what it might be. If every corporation in the country contributed $25, I assume that it would amount to a good many million dollars. The only comment I care to make now is to suggest to gentlemen that it is not at all extraordinary that they are receiving nowadays a large number of letters from corporations in their districts.

I have only one more word to say. I am glad to be able to state that all men interested in corporations and men of large affairs are not of this same mind. I desire to read a letter written by a constituent of mine in reply to this circular. The writer of this letter is one of the largest men of affairs in the city of Cincinnati and a man largely interested in corporations. He says:

JANUARY 27, 1910.

Mr. JOHN M. GLENN,
Secretary Illinois Manufacturers' Association, Chicago, Ill.

DEAR SIR: In answer to a circular signed by you on behalf of the Illinois Manufacturers' Association, I beg to say, for our company, that we are not in sympathy with the movement of your association, nor do we believe it to be patriotic or wise; therefore we do not contribute. We believe that the support of the administration will be more advantageous to the people of the United States than the point which you make, that Senators and Congressmen should be influenced as a matter of being more under obligations to their constituents than they are to the administration. We are convinced that the business of the United States should pay toward the support of the Government. As to whether this corporation tax is equitable is not the question just now. It is a means which has been adopted, and if it is not equitable it should be modified so as to be an equitable assessment on all business. We do not believe in your campaign.

Very respectfully, yours, LUCIEN WULSIN,
President.

I do not intend to discuss the merits of the corporation tax at this time. I shall probably take occasion to do so later. I have risen to-day merely to call the attention of the House and of the country to the methods that some corporations are taking to force a repeal of the corporation tax before it has an opportunity to demonstrate its value, before even its constitutionality has been passed upon by the courts.

The Clerk read as follows:

For investigations of the best methods of road making and the best kinds of road-making materials throughout the United States and for furnishing expert advice on road building and maintenance, $43,000.

Mr. MANN. I reserve the point of order on the paragraph. In view of the proposition of the gentleman from Ohio [Mr. DOUGLAS] to increase the amount, I am inclined to make the point of order, although I am somewhat shaken in that determination because of the fact that the gentleman from Ohio seems to be alone in the proposition.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. Mr. Chairman, as I understand, this is one of the few items in the bill where there has been a considerable increase in the appropriation over that made last year.

Mr. SCOTT. The total appropriation for the Office of Public Roads is the same as in the bill of this year.

Mr. MANN. I am not asking for the total appropriation. I am asking for the total on this item.

Mr. SCOTT. The appropriation on this item in the current law is $34,000.

Mr. MANN. And in this bill?

Mr. SCOTT. In this particular item there is an increase of $9,000.

Mr. MANN. As I understand, it is one of the very few items in the bill where there is a substantial increase in the amount appropriated.

Mr. SCOTT. That is very true.

Mr. DOUGLAS. I did not quite understand the gentleman's remarks. Did I understand him to say that if I did not offer the amendment he would not insist on his point of order?

Mr. MANN. That is the proposition.

Mr. DOUGLAS. All right; then I will not offer it.

Mr. MANN. I will withdraw the point of order.

The Clerk read as follows:

MISCELLANEOUS.

And the Secretary of Agriculture is hereby authorized to investigate the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigation in whatever manner he may deem best; this authorization to be effective upon the approval of this act.

Mr. SHERLEY. Mr. Chairman, I make a point of order against that paragraph.

Mr. SCOTT. Mr. Chairman, I do not care to argue the point of order further than to call the attention of the Chair to section 520 of the act creating the Department of Agriculture, which I think the Chairman has on his desk. The committee believe that information relating to the cost of food supplies at the farm and to the consumer would be in the nature of useful information on the subject connected with agriculture, and therefore I can not concede the point of order.

Mr. SHERLEY. I suggest to the Chair that it is very much broader than the authorization, even if that could be construed to authorize a specific provision of this nature. The study of the cost of food supplies is not necessarily limited to the subject of foods that are agricultural products, because there are other food supplies than those produced by agriculture.

Mr. SCOTT. Does not the larger include the lesser?

Mr. SHERLEY. Yes; but the lesser does not include the larger. Agriculture does not create all food supplies.

Mr. COCKS of New York. It says food supplies at the farm.

Mr. SHERLEY. It says cost of food supplies at the farm, but not farm food supplies.

The CHAIRMAN. The Chair is ready to rule. The paragraph against which a point of order is made proposes that the Secretary of Agriculture shall be authorized to investigate the cost of food supplies at the farm and to the consumer and to disseminate the results of such investigation. It further provides that the authorization shall be effective on the approval of this act.

In the opinion of the Chair, this is clearly legislation. Even if it were an appropriation authorizing this on an appropriation bill, it would still be subject to a point of order as something unauthorized by law. It has been heretofore held that the in-

vestigation of foods in their relation to commerce and consumption was not authorized by law in such a way as to permit an appropriation on the agricultural appropriation bill. The Chair therefore sustains the point of order.

Mr. SCOTT. Mr. Chairman, in view of the amendment whereby the paragraph relating to paper tests was transferred to another part of the bill, and in view of the ruling of the Chair by which the paragraph providing for an investigation of the cost of food supplies is removed, I offer an amendment to strike out the last paragraph of the bill, as it is merely a duplication of language already inserted.

The CHAIRMAN. The Clerk will report the last paragraph.

The Clerk read as follows:

Total carried by this bill for the Department of Agriculture, $13,417,136.

Mr. SCOTT. Mr. Chairman, I move that that be stricken out.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The question was taken, and the motion was agreed to.

Accordingly, the committee determined to rise; and the Speaker having resumed the chair, Mr. CAMPBELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18162, the agricultural appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, I demand the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross.

There was no demand for a separate vote.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Public Lands was discharged from consideration of the bill (H. R. 19407) making an appropriation for the repair and maintenance of the east and south roads into the Yellowstone National Park, and the same was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that Tuesday, February 15, may be considered as District day in lieu of Monday, February 14.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Tuesday, February 15, be substituted as District day in lieu of Monday, February 14. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19255, the diplomatic and consular appropriation bill; and, pending that motion, I ask unanimous consent that general debate on the bill be limited to six hours, one-half to be controlled by the gentleman from Georgia [Mr. HOWARD] and one-half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill; and, pending that motion, he asks unanimous consent that debate may close in six hours, one half to be controlled by the gentleman from New York [Mr. PERKINS] and the other half by the gentleman from Georgia [Mr. HOWARD]. Is there objection?

Mr. HOWARD. Mr. Speaker, pending that request I desire to ask the gentleman from New York if he will not consent to make the time for general debate eight hours? I have requests on this side that will take four hours for general debate, and I would like very much to accommodate these gentlemen who have asked for the time.

Mr. PERKINS. I do not want to be unaccommodating to Members on the other side, neither do I want unnecessarily to occupy the time of the House.

The requests that have been made of me, including the few minutes that I shall myself occupy, I do not think will take three hours. I would suggest that we make it seven hours; and I think, without any question, I can help the gentleman out, for I do not think our side will consume as much as three hours' time.

Mr. HOWARD. Mr. Speaker, if there is likely to be no expansion of the demand on the gentleman's time, I would suggest that he make it three hours and that he give me four hours of that time.

Mr. PERKINS. Oh, that would be unconstitutional. [Laughter.]

Mr. HOWARD. Then, I would like to change the gentleman's constitution.

Mr. PERKINS. No; I should insist on the form that one-half should be controlled by myself and one-half by the gentleman from Georgia.

Mr. HOWARD. I would like very much to accommodate the gentlemen on this side of the House who have made a request for time. I do not assume that it is an unnecessary consumption of time. Members of this House who desire time for general debate are presumed, and should be presumed, to make such use of that time as will be commendable to this House, to themselves, and to the country.

Mr. BOUTELL. Mr. Speaker, will the gentleman from New York yield?

Mr. PERKINS. Yes.

Mr. BOUTELL. Mr. Speaker, I trust that the gentleman from New York will accede to the request of the gentleman from Georgia, and for this reason: That it is possible that, as the debate progresses, it may develop requests for time on this side which have not yet been referred to the gentleman from New York.

Mr. PERKINS. Very well, then, Mr. Speaker, I will ask unanimous consent that general debate be limited to eight hours, one-half to be controlled by the gentleman from Georgia and one-half by myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to eight hours, one-half to be controlled by the gentleman from New York and one-half by the gentleman from Georgia. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19255, the diplomatic and consular appropriation bill, with Mr. TILSON in the chair.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PERKINS. Mr. Chairman, I desire to occupy but a few minutes in reference to this bill, and as the House is fairly full I think I will do so now. The report of the committee explains fully the items that you are asked to appropriate for in this bill. There is but one large item of increase to which I desire to call the attention of the committee. There is an increase of $250,000 to be paid to the Republic of Colombia. That is in no way an increase in the cost of the diplomatic and consular service, but this year for the first time we begin under this bill to make appropriations at the rate of $250,000 a year, to continue for ten years, which are really a part of the cost of the Panama Canal.

By the treaty in connection with that canal we agreed to pay to the Republic of Panama $250,000 a year, beginning, first, nine years after the making of the treaty, which was modified afterwards so as to begin four years from the time of the making of the treaty. In the meantime it was decided that Panama should pay to Colombia $2,500,000 in ten annual payments for lands belonging to that Republic which, in connection with the construction of the canal and the organization of the new Republic, had been taken. We have agreed that the payments which we should otherwise make directly to Panama should, until the $2,500,000 are paid up, be paid to the Republic of Colombia.

Mr. Chairman, that is the only item of the bill with reference to which I desire to speak particularly, but I do wish to say just one word more. I may be criticised for repeating what I have so often said, what others have so often said, what the

gentleman from Ohio [Mr. LONGWORTH] whom I see sitting in front of me has so often said. The only apology I have to make for this bill is not that it is too large, but that it is too small. It would have given me great pleasure and it would have given the committee great pleasure if we had not recognized the fact that our recommendation would have been subject to a point of order, and it was hopeless that there should be no one in this House who would make the point of order, in this bill to have begun, at least, to make some provision that should be the first provision for a system of appropriations for consular buildings in the East and diplomatic buildings in the great capitals of the West.

I do not intend to occupy any of the time of the committee by arguing this question. More and more I think the people of this country and Members of this body recognize that if the diplomatic and consular service is to be maintained at all it should at least be maintained decently. I am glad to say, so far as it may effect gentlemen on the other side of the aisle, I do not think any more clear, cogent, or forceful argument in favor of the installation of a system of purchase of government buildings for the embassies and consuls of the East was ever made before the Committee on Foreign Affairs than was made two or three years ago by that distinguished Democrat, William J. Bryan, and I trust that his words may sink deep into the hearts of his followers. Now, Mr. Chairman, about the only objection advanced to this is the idea originating in the minds of a good many people, perhaps even in the House of Representatives, that the diplomatic service, at least the embassies and the ministries, to some extent are remnants of a former condition, and that the work of the department and the relations with other nations could to a large extent be carried on, as has sometimes been bluntly stated, by cables and telephones, and that the importance of personal relation has grown less. Mr. Chairman, there is no question that for years the work required of an ambassador or minister may not be critical, but the time comes, and it comes just as much now as it came in the days when there were no railroads and no cables and no telephones, when the personal influence of the right man in the right place is worth to the Government infinite money, and no system of communication can take its place. Take now, Mr. Chairman, what is going on in the city of Washington—not so much by our Representatives, perhaps, as by the representatives sent to us—in the negotiations by which it is sought to reach an agreement between this country and the other great countries, under the Payne bill, so that the maximum tariff may not be declared, and so that an agreement may be made by which the President can certify that in his judgment this country is treated by other nations on terms of equality.

The importance of those negotiations, alike to the countries of Europe and to us, no man can overestimate, and any man who knows anything about it must see the absolute necessity of personal interviews by experienced and able men in order to bring about an agreement. Let me suggest one other incident, and only one, because perhaps it is as notable as any in the annals of our country. The cable was working during the civil war. There was a possibility, as every man knows, after the escape of the *Alabama* and the threatened escape of the other cruisers—and more than a possibility; you might say it was imminent—that a war might arise between this country and England, and if that war had come it surely would have been disastrous and it might have been fatal. There is no man familiar with the history of the country who does not know that the personal influence, the personal contact, the personal appeal, in season and out of season, in public buildings and private houses, of Mr. Adams, our representative at that time, turned the point and saved us from the possibility of war. Those things may come again, Mr. Chairman, and it is surely at this time economy, if we are to preserve this system at all—and preserve it we must—to provide what is necessary for its decent maintenance. And let me make another suggestion to the members of this committee. I am in sympathy with economy as much as any Member of this House, but the manner in which the demand for economy sometimes appears makes me a little tired. When a man talks about economizing and gets very thrifty about his matches, but keeps on drinking his champagne, it does not seem to me that his economy will be largely efficacious. The cost of all the buildings in the East, in China and Japan, that are absolutely requisite for the development of our trade, together with the cost of proper buildings at the embassies—neither so enormous as to require a rich man nor so small as to be unfit for any man—the cost of them all, scattered through a period, say, of ten years, will not exceed, in my judgment, $5,000,000, one-half the cost of a *Dreadnought*, of which we vote one, two, three, or four, as may be required, every year; and, Mr. Chairman, the $5,000,000 once spent for housing our representatives would remain for a hundred years, when the *Dreadnought* would have rotted away at the dock in ten years from the time the last nail was driven into it.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me for a question?

Mr. PERKINS. I yield, with pleasure.

Mr. LONGWORTH. And also that $5,000,000, if properly spent in the foreign capitals, would not only be worth fully as much at the end of that time as it is now, but infinitely more?

Mr. PERKINS. Oh, yes; there is no possible doubt about that. If, for instance, we had bought in the great capitals seats for our representatives at the same time England bought, long ago, for every dollar we paid at that time we could get, assuming that by any possibility we should want to sell, I dare say, $5 now, and the English embassy in Paris could be sold for many times what it cost.

Mr. LONGWORTH. And here at home, in Washington, after investigating this matter pretty thoroughly a few years ago, I found that it cost the English Government less than 40 cents a foot to buy the property upon which the embassy now stands, and it is worth to-day more than $10 a foot on the market.

Mr. MANN. Perhaps we had better buy land all over the world. Will the gentleman from New York [Mr. PERKINS] yield for a question?

Mr. PERKINS. I surely will.

Mr. MANN. What does the gentleman estimate it will cost to have an embassy building of our own at Berlin?

Mr. PERKINS. I think a proper building could be bought there for $300,000.

Mr. MANN. I will simply say to the gentleman that I am told by a gentleman who is supposed to be expert on these matters, and who is on the gentleman's committee, that it would cost not less than a million dollars.

Mr. PERKINS. That is simply absurd.

Mr. LONGWORTH. This Government has been offered an option on one of the finest buildings in Berlin for less than $400,000.

Mr. PERKINS. In London, if we bought Dorchester House, it would cost a great deal, but we should buy it. In Paris the Government has been offered a building which may not be ideal, but it seems to me and to the committee that for the purposes of an embassy—not such as some multimillionaire might desire, but so much the better for that—amply sufficient for any proper representation, for between $300,000 and $400,000. When a man comes over and says it will cost a million, either he is some multimillionaire or some real-estate agent.

Mr. MANN. I have been told further—and I wish to ask the gentleman's opinion in reference to it—that the State Department has said it would cost a million dollars in the city of Berlin for an embassy building.

Mr. PERKINS. That is rather extreme, because I have looked over, in the State building, with representatives of the State Department, plans of a building which, perhaps, were not all that could be desired——

Mr. MANN. The plans?

Mr. PERKINS. There is a building there on the ground that could be purchased for between $300,000 and $400,000. I think the gentleman must have seen some excited representative of the State Department.

Mr. MANN. The gentleman will pardon me. The talks I have had have been with members of the gentleman's committee.

Mr. PERKINS. Well, I can only give the views of one member of the committee. I have seen those plans. I have talked with the State Department, and I have talked with our representatives both at Berlin and Paris. Unless they are all doing a good deal of fibbing the gentleman has been very largely misinformed.

Mr. HENRY W. PALMER. The gentleman has been misled.

Mr. MANN. The gentleman has not been misled. On the contrary, the gentleman helped prepare a bill that is pending before the Committee on Foreign Affairs now, which, if they would report, would finally get something out of this thing.

Mr. PERKINS. That may be; but it will not be necessary under that to pay as much as $1,000,000 for each building.

Mr. MANN. It will not be necessary, but that is the first thing they will ask for when they get the eastern buildings completed—to have a building in Berlin.

Mr. PERKINS. An appropriation for a building that will cost that amount will not come out of the Committee on Foreign Affairs as long as it is constituted as it now is.

Mr. FOSTER of Vermont. I would like, with the consent of the gentleman from New York [Mr. PERKINS], to ask the gentleman from Illinois [Mr. MANN] whether he is opposed to the

general proposition of the Government owning embassies in such capitals as Berlin, London, and Paris?

Mr. MANN. I will answer that question very frankly when it is before the House.

Mr. CLARK of Missouri. I would like to ask how many buildings you provide for in this bill?

Mr. PERKINS. None; because we felt confident that the distinguished gentleman from Illinois [Mr. MANN], or somebody else, would raise a point of order. The proper thing, I think, when any appropriation is to be made, is to make it in a separate bill, and now under our Calendar Wednesday system, fortunately, if you report a bill from the committee you can get it considered.

Mr. CLARK of Missouri. Is it the plan of the committee to build them all at once——

Mr. PERKINS. Oh, no.

Mr. CLARK of Missouri (continuing). Or extend them over a term of years?

Mr. PERKINS. The plan of the committee would be, for instance, if there was an offer of a building in Paris or Berlin at the price of three or four hundred thousand dollars, if that seemed proper and was approved by the judgment of those familiar with the situation, the committee would believe in purchasing a single one in a year, and perhaps making an appropriation for a certain amount for work to be done in the consular buildings in the East, which, of course, presents a different proposition, because in many of those places we have to furnish the building, because there is no building that can be used for consular purposes. There is no necessity for erecting buildings for the consular service in Europe, where suitable buildings can always be had.

Mr. CLARK of Missouri. Is it the intention of the committee or the plan ultimately to build an embassy building wherever we have a diplomatic representative?

Mr. PERKINS. I should think not. We should buy some embassy buildings. I think that in the great capitals, like London, Paris, Berlin, and St. Petersburg, and in Italy, perhaps, the Government should have its building, but no country, so far as I know, has a building in every small nation to which it may send a minister.

Mr. CLARK of Missouri. Well, if you are going to build them for the American representatives abroad who are getting the best salaries, is there not much stronger reason why you should build them at the capitals of countries where the ministers are getting smaller salaries?

Mr. PERKINS. The gentlemen who are getting the best salaries are the worst off. A man of moderate means can take a position as minister and go to Belgium or Portugal and live on his salary respectably; there are no great social expenses. But when he goes to London, Paris, or Berlin he will not have much of the $17,500 left after he has paid six or seven thousand dollars a year for rent.

Mr. LONGWORTH. May I ask the gentleman from Illinois a question?

Mr. PERKINS. Certainly.

Mr. LONGWORTH. Will the gentleman from Illinois commit himself so far as to say whether he will support a bill which would carry no appropriation whatever, but would simply authorize the State Department to acquire at some future time land or buildings for this purpose whenever Congress should appropriate therefor?

Mr. MANN. Is the gentleman acquainted with the Lowden bill, pending in the Committee on Foreign Affairs?

Mr. LONGWORTH. I am very familiar with it.

Mr. MANN. Is the chairman of the committee familiar with that bill?

Mr. PERKINS. I am quite familiar with it.

Mr. MANN. I should say that a bill like the Lowden bill, if presented in the House, not for a million dollars, but half a million dollars a year, might pass through Congress without opposition at all, and that would cover the first year, taking care of the consular buildings in the Far East, the estimate for which a year ago was $575,000, or something like that.

Mr. PERKINS. Including the building at Shanghai, something more than that should be provided.

Mr. MANN. Possibly. The Lowden bill seems to be very well safeguarded in that direction. It seems to me that a million dollars at the present time is a little too large an amount, but half a million dollars would probably cover all that is necessary. I do not think gentlemen would find any objection to passing a bill of that kind.

Mr. LONGWORTH. I am glad to have the gentleman say that.

Mr. MANN. I think that would accomplish all that is necessary at this time. I would be glad to see the bill pass without any opposition. The Lowden bill carries no appropriation.

Mr. LONGWORTH. I think it does.

Mr. MANN. The gentleman is mistaken. The Lowden bill provides for the authorization.

Mr. LONGWORTH. The Lowden bill last year did.

Mr. PERKINS. But not this.

Mr. MANN. The Lowden bill carries an authorization which is well safeguarded, so as to make some provision against extravagant expenditures if some one in the State Department should desire to indulge in making extravagant expenditures, holding the matter in the control of Congress.

Mr. PERKINS. If the gentleman is through, I desire to say one word more, and call the attention of the House to one thing, and I would be glad if through the newspapers some of those outside the House might have their attention called to it, and that is the cost of our consular service. When we are in here asking with all modesty, and there has been considerable delay certainly in receiving an answer, for proper consular housing in the East and diplomatic housing in the West, I would like to state to the House the net cost of the consular service.

We have consuls in every civilized and pretty nearly every uncivilized land. Whatever the consular service may have been in the past—it never was as black as it was painted—it undoubtedly has been vastly improved in the last few years, and it does most valuable work. The import business from the rest of the world, amounting to hundreds of millions of dollars a year, is dependent upon the consular service for the proper certificates and documents in order that the goods may be sent from all parts of the world to this country. Everyone will agree with me that the consular service has done work of enormous value in increasing the exports of this country. It has opened new channels of trade. It has sent its reports, some of which have certainly been of very large value, calling the attention of the manufacturers of this country and the producers of this country to new fields for American enterprise, thereby giving our exports a proper outlet as American manufactures become more and more important.

Such is the work done by this service. What do the Members of this House suppose it costs for all this work done over the entire world? Under a bill that we passed a few years ago absolutely all fees are turned into the Treasury. Everybody, high or low, consular clerk or consul-general, is paid a fixed salary from the Government, and receives no more and no less. During the past year the entire expense of the consular service, consuls' assistants, clerks, and all those connected with it, was a little over $2,000,000. There was received in cash by the Government from fees collected by these consuls $1,800,000 in round figures. In other words, the net cost of the consular service during the year last past was $249,000. That is less than we spend every year to check the onward progress of the gypsy moth; and if there is any other branch of the Government that for the expenditure of $249,000 can show work like that done by the consular service, covering hundreds of millions of dollars of commerce between this country and other countries, I am not familiar with it. Surely, Mr. Chairman, with such results, the consular service of the United States deserves our commendation, our support, and our pride. [Applause.]

I reserve the balance of my time.

Mr. HOWARD. Mr. Chairman, I yield one hour, or so much of it as he may require, to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, the matter which I propose to discuss is the question of federal incorporation. I presume I shall use the entire hour, which is about fifteen minutes more time than I have ever before taken to make a speech in the House, but I do not see how I can occupy any less time. Is it the desire of the committee to remain in session for another hour this afternoon?

Mr. PERKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19255, the diplomatic and consular appropriation bill, and had come to no resolution thereon.

CLEARANCES AND SAILINGS FROM UNITED STATES PORTS.

Mr. GREENE. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I ask unanimous consent to print as a House document, for the use of the Members of the House, a statement showing clearances and sailings from United States ports during the six months ending December 31, 1909, of mail and commercial steamers. (H. Doc. No. 641.)

Mr. CLARK of Missouri. There is no argument in favor of a ship subsidy in it, is there?

Mr. GREENE. Not at all. It is simply what its title indicates.

The SPEAKER. Is there objection?

There was no objection.

REPRINT OF A BILL.

Mr. SABATH. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 19783) amending section 38 of the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3983. An act to amend the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto—to the Committee on Indian Affairs.

S. 614. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909—to the Committee on Military Affairs.

ADJOURNMENT.

Mr. PERKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dog River, Mississippi (H. Doc. No. 642)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Alpheus Truett against The United States (H. Doc. No. 640—to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hackensack River, New Jersey (H. Doc. No. 643)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. Statement showing the clearances and sailing from United States ports during the six months ended December 31, 1909, of mail and commercial steamers (H. Doc. No. 641)—ordered to be printed as a House document.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12397) granting certain rights and privileges to the department of fisheries of the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 381), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19399) to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the House Calendar.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18902) to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," reported the same with amendment, accompanied by a report (No. 383), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANDERSON, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof a bill (S. 5574) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 380), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky., reported the same without amendment, accompanied by a report (No. 384), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1324) for the relief of James J. Elliott, reported the same with amendment, accompanied by a report (No. 385), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18633) granting an increase of pension to Frank A. Sandland, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. POINDEXTER: A bill (H. R. 20039) appropriating $196,000 for the erection of necessary buildings upon the United States Military Reservation at Fort George Wright, in the State of Washington—to the Committee on Appropriations.

By Mr. CAMERON: A bill (H. R. 20040) to establish a fish-culture station in the Territory of Arizona—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS of Georgia: A bill (H. R. 20041) for the improvement of Sapelo Harbor, in Georgia—to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 20042) providing for the erection of a public building at Fort Morgan, Ala., for the use of the Treasury Department—to the Committee on Public Buildings and Grounds.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20043) to amend and reenact section 15 of an act to increase the efficiency of the permanent military establishment of the United States, approved February 2, 1901—to the Committee on Military Affairs.

By Mr. CRAVENS: A bill (H. R. 20044) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 20045) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. A. MITCHELL PALMER: A bill (H. R. 20046) to erect a monument to the memory of John Summerfield Staples at Stroudsburg, Pa.—to the Committee on the Library.

By Mr. COVINGTON: A bill (H. R. 20047) providing for the construction of 8 ice piers in the Susquehanna River at and near Port Deposit, in the State of Maryland—to the Committee on Rivers and Harbors.

By Mr. BENNETT of Kentucky: A bill (H. R. 20048) to provide for the erection of a public building at Flemingsburg, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20049) to provide for the erection of a public building at Augusta, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20050) to provide for the erection of a public building at Carlisle, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 20107) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating liquors to Indians, providing penalties therefor, and for other purposes—to the Committee on Indian Affairs.

By Mr. BATES: A bill (H. R. 20108) providing for the retirement of petty officers and enlisted men in the United States Navy—to the Committee on Naval Affairs.

By Mr. McCALL: Resolution (H. Res. 368) providing for the consideration of Senate joint resolution 59—to the Committee on Rules.

By Mr. WEISSE: Joint resolution (H. J. Res. 136) compelling the Secretary of Commerce and Labor to compile and publish a monthly statement showing the imports and exports on classification of tanned leather—to the Committee on Ways and Means.

By Mr. DENT: Joint resolution (H. J. Res. 137) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes"—to the Committee on Military Affairs.

By Mr. GRIEST: Concurrent resolution (H. C. Res. 34) providing for the printing of 10,000 copies of the report on the Star Spangled Banner, Hail Columbia, America, and Yankee Doodle—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20051) for the relief of the estate of Fritz Eggert, deceased—to the Committee on Claims.

Also, a bill (H. R. 20052) granting an increase of pension to Jose Baca—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 20053) to correct the military record of Charles Hilbert—to the Committee on Military Affairs.

By Mr. BOEHNE: A bill (H. R. 20054) granting an increase of pension to Joshua Wallace—to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 20055) granting an increase of pension to Reuben T. Berry—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20056) granting an increase of pension to John Faris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20057) to remove the charge of desertion standing against the record of John Potter—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20058) granting an increase of pension to George W. Beckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20059) granting an increase of pension to William L. Allison—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20060) for the relief of W. H. De Long—to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 20061) granting a pension to William L. McFarland—to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 20062) for the relief of Sarah Jane Pirtle, widow, and the heirs of John W. Pirtle, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20063) granting an increase of pension to James Ward—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 20064) granting an increase of pension to Oscar Law—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 20065) granting a pension to Elizabeth Adams—to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 20066) granting a pension to Jacob B. S. Rice—to the Committee on Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 20067) granting an increase of pension to Benjamin F. Spencer—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 20068) granting an increase of pension to Jacob F. Newman—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 20069) granting an increase of pension to Thomas Doyle—to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 20070) granting a pension to Annie Miller—to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 20071) for the relief of George J. Consigny—to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 20072) for the relief of Hans N. Anderson—to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 20073) granting an increase of pension to Thomas W. McClellan—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 20074) for the relief of the estate of Marilda F. Sims, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20075) for the relief of the estate of Thomas B. Posey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20076) for the relief of the estate of Ann Fields, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20077) for the relief of the estate of David L. Scott, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20078) for the relief of David N. Williams—to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 20079) granting a pension to Sarah E. Penny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20080) for the relief of Allison W. Pollard—to the Committee on War Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 20081) for the relief of James B. Bazell—to the Committee on War Claims.

Also, a bill (H. R. 20082) for the relief of Moses J. Robertson—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 20083) to reimburse J. H. Whealton for moneys paid by him as surety for C. W. Fullerton, late postmaster of Whealton, Va.—to the Committee on Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 20084) granting an increase of pension to Westley Shonafelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20085) granting an increase of pension to J. T. Axline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20086) granting an increase of pension to George Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20087) granting an increase of pension to Daniel Groft—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 20088) granting an increase of pension to Angus C. McKenzie—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 20089) granting an increase of pension to Royal Yeamans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20090) granting an increase of pension to Charles Triquet—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 20091) granting an increase of pension to Frank A. Sandland—to the Committee on Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 20092) granting an increase of pension to Corydon M. Turnbull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20093) granting an increase of pension to James R. Cruson—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 20094) granting a pension to Julia A. Russ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20095) granting an increase of pension to Alexis Snow—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 20096) granting an increase of pension to Joseph Reeves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20097) granting an increase of pension to Benjamin F. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20098) granting an increase of pension to William T. Soward—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 20099) granting an increase of pension to D. S. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20100) granting an honorable discharge to Joseph Fisher—to the Committee on Military Affairs.

Also, a bill (H. R. 20101) granting an honorable discharge to Elias Branham—to the Committee on Military Affairs.

Also, a bill (H. R. 20102) granting an honorable discharge to George W. Comer—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 20103) for the relief of Augustus B. Miller—to the Committee on War Claims.

By Mr. WOOD of New Jersey: A bill (H. R. 20104) granting an increase of pension to Gilbert M. Everham—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 20105) for the relief of the estate of Samuel Very, jr.—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 20106) granting an increase of pension to Americus Rhodes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Association of American Agricultural College and Experiment Stations, praying for the printing and distribution of the report of the Country Life Commission—to the Committee on Printing.

Also, petition of Spokane (Wash.) Chamber of Commerce, praying for an increase of salaries of the justices of the Supreme, circuit, and district courts of the United States—to the Committee on the Judiciary.

Also, petition of board of directors of the Philadelphia Bourse, praying for legislation for the improvement of rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of Harry Moss and 49 other citizens of Paris, Ill., protesting against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. G. Fielding and 19 others, of Hillsboro County, Fla., protesting against the limitations of the postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph Svoboda and Phillip Svoboda, of Nebraska, protesting against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of board of directors of the Philadelphia Bourse, praying for legislation for the encouragement of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Boston, gathered in Faneuil Hall, praying for such legislation as shall reduce the prices of the necessaries of life—to the Committee on Ways and Means.

By Mr. ANDRUS: Petition of citizens of Larchmont, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of American Insurance Union, favoring the measure of the National Fraternal Press Association embodied in House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Underwriters of Fire Insurance, against House bill 13862—to the Committee on the District of Columbia.

Also, petition of Illinois Manufacturers' Association, for repeal of corporation feature of the tariff law—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Petition of R. G. Brandenburg and other citizens of Cedar Hill, Tex., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Petition of citizens of Flemingsburg, Ky., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of Pennsylvania: Petition of citizens of Oakmont, Pa., against postal savings banks—to the Committee on Banking and Currency.

By Mr. CALDERHEAD: Petition of Kansas legislature, favoring Senate bill 1000—to the Committee on Military Affairs.

By Mr. CLINE: Paper to accompany bill for relief of Oscar Law—to the Committee on Invalid Pensions.

By Mr. COUDREY: Petition of R. J. Larkland and other citizens of St. Louis, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ENGLEBRIGHT: Petition of Gold Hill Grange, No. 326, Patrons of Husbandry, against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of California Division of the Travelers' Protective Association, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Labor Council; Vallejo Lodge, No. 252, International Association of Machinists; and Vallejo Lodge, No. 148, Brotherhood of Boiler Makers and Ship Builders, regarding reorganization of the navy as per Secretary Meyer's plan—to the Committee on Naval Affairs.

Also, petition of D. N. Hann and 68 others, favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of citizens of Fall Creek, Wis., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of Syracuse, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of Galey H. Lotz—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Postal Defense League, of Chicago, Ill., concerning the proposed increase of postage on second-class matter, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sunny Brook Distillery Company, of Chicago, Ill., for the repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of the American Protective Tariff League, against reopening the question of tariff revision, etc.—to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of the Treble Clef Club, against the use of Hetch Hetchy Valley as a water reservoir for San Francisco—to the Committee on the Public Lands.

By Mr. HELM: Papers to accompany bills for relief of Mary H. Letcher, executrix of estate of Thomas K. Letcher; the estate of Joseph M. Moss; John H. Engleman, administrator of estate of John Engleman, sr.; the heirs of Monroe Curtis; the estate of David L. Scott; and the estate of Marilda F. Sims—to the Committee on War Claims.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of James Creighton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Seals—to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of citizens of Des Moines, Iowa, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Maritime Association of New York City, favoring publication of maritime charts by the Hydrographic Office—to the Committee on Naval Affairs.

By Mr. GRIEST: Petition of citizens of Mount Joy, Pa., and vicinity, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of William Flamsburg—to the Committee on Invalid Pensions.

By Mr. KOPP: Petition of citizens of De Soto, Wis., against the Johnson Sunday bill (S. 404) for the District of Columbia—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition of William H. Aitken, Rudolph Papst, and other citizens of Michigan, favoring a Union officers' civil war volunteer retired list—to the Committee on Military Affairs.

By Mr. MILLINGTON: Petition of B. Johnson, of Ilion, and Charles Williamson and W. H. Shepard, of Frankfort, N. Y., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Columbia Grange, Patrons of Husbandry, of New York, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. PLUMLEY: Papers to accompany bills for relief of Julia A. Russ, widow of Hiram Miller, and Alex Snow—to the Committee on Invalid Pensions.

By Mr. REEDER: Paper to accompany bill for relief of heirs of Jesse Weatherlee—to the Committee on War Claims.

By Mr. ROBINSON: Petition of W. Givens and others, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Colorado: Petition of New Windsor Socialist Local of the International Socialist party, protesting against the action of the municipal authorities of Spokane, Wash., in relation to the arrest of so-called Socialist speakers, signed by 32 residents of New Windsor, Colo.—to the Committee on the Judiciary.

Also, petition of citizens in various towns of Yuma, Boulder, Washington, and Weld counties, Colo., against sectarian legislation and a proposed bill (S. 404) relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHARP: Petition of citizens of Oberlin, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joyce Chapter, of the Brotherhood of Methodist Church, of Lorain, Ohio, against cornering of food supplies—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of citizens of Tennessee, for legislation against gambling in farm products—to the Committee on Agriculture.

By Mr. SPERRY: Petition of representative deaf of Hartford, Conn., favoring an appropriation of $5,000 in aid of the World's Congress of the Deaf—to the Committee on Appropriations.

By Mr. STURGISS: Petition of Chamber of Commerce of Charleston, W. Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Maritime Association of Port of New York, favoring compilation of pilot charts, to be kept in hands of Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOU VELLE: Petition of Lima Chapter, No. 6, American Insurance Union, favoring enactment of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Steadman Grange, No. 241, Patrons of Husbandry, of Ashville, N. Y., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of Harmony Grange, No. 694, Patrons of Husbandry, of Ashville, N. Y., and Portville Grange, No. 842, Patrons of Husbandry, of Portville, N. Y., against any change in the oleomargarine law—to the Committee on Agriculture.

SENATE.

FRIDAY, *February 4, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

INCREASED COST OF PRODUCTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 10th ultimo, certain information relative to the increase in the price of various food and other products (S. Doc. No. 349) which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

Mr. CRAWFORD subsequently said: This morning during my absence the Department of Commerce and Labor made a report in answer to Senate resolution 125, and I understand it was referred to the Committee on Finance. I have looked at the report, and it simply contains information which should go to the country. The response to the resolution appears to be complete. I desire, if it is proper, to ask that the report, which will be printed as a public document, may lie on the table. I may wish to call it up to make some remarks upon it.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Senator from South Dakota asks that the report may be recalled from the Committee on Finance and that it may lie on the table. Is there objection? The Chair hears none, and it is so ordered.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year ended December 31, 1909, being a substitute for the annual report submitted on January 14, 1910 (H. Doc. No. 542, pt. 2), which was referred to the Committee on the District of Columbia and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Baltimore and Washington Transit Company of Maryland for the year ended December 31, 1909 (H. Doc. No. 650), which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. MALBY, and Mr. BOWERS managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against the enactment of legislation restricting in the District of Columbia the writing of insurance contracts to admitted stock companies, which was referred to the Committee on the District of Columbia.

Mr. OLIVER presented memorials of Erie Chapter, No. 253, American Insurance Union, of Erie; of Rural Valley Chapter, No. 71, American Insurance Union, of Rural Valley; and of Mount Queen Chapter, No. 113, American Insurance Union, all in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Athens, of the Woman's Home Missionary Society of the First Methodist Episcopal Church of Tarentum, and of sundry citizens of Bolivia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. GALLINGER presented a memorial of the Pittsburg Paint, Oil, and Varnish Club, of Pittsburg, and a memorial of the C. A. Woolsey Paint and Color Company, of Jersey City, N. J., remonstrating against the passage of the so-called "Heyburn paint bill," which were referred to the Committee on Manufactures.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation to eliminate grade crossings connecting with the navy-yard, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against the enactment of legislation restricting in the District of Columbia the writing of insurance contracts to admitted stock companies, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Benning Citizens' Association of the District of Columbia, praying that an appropriation be made for the reclamation of the Anacostia Flats and the improvement of the Anacostia River, which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of members of the Bar Association of Chicago, Ill., and a petition of the Chicago Association of Commerce, of Chicago, Ill., praying for the adoption of certain amendments to the present interstate-commerce law, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Trenton, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of sundry merchants and manufacturers of Decatur, Ill., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Methodist and Presbyterian Preachers' Meeting, of New York City, N. Y., praying for the passage of the so-called "Burkett antigambling bill" to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a memorial of the National Live Stock Exchange, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Indiana State Association of Master House Painters and Decorators, of Fort Wayne, Ind., praying for the passage of the so-called "Heyburn paint bill," which was referred to the Committee on Manufactures.

He also presented a petition of the Chicago Association of Commerce, of Chicago, Ill., praying for the adoption of certain amendments to the present interstate-commerce law, which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a memorial of sundry citizens of Council Bluffs, Iowa, remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Gilmore City, Promise City, Silver City, Dayton, and Fort Dodge, all in

the State of Iowa, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting travel pay and commutation of subsistence to the mustered-out officers and soldiers of the volunteer service who served in the Philippine Islands, which was referred to the Committee on Military Affairs.

Mr. MARTIN presented a memorial of sundry citizens of Mount Jackson, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a memorial of sundry citizens of Prosser, Nebr., and a memorial of sundry citizens of Pleasanton, Nebr., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Strong Post, No. 91, Department of Nebraska, Grand Army of the Republic, of Minden, Nebr., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union, of Wauneta, Nebr., praying for the enactment of legislation to provide for United States surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers, and also to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Immigration.

He also presented sundry affidavits to accompany the bill (S. 5264) granting an increase of pension to Alfred G. Brann, which were referred to the Committee on Pensions.

Mr. BACON presented an affidavit to accompany the bill (S. 5586) for the relief of the heirs of Sarah Mallett, deceased, which was referred to the Committee on Claims.

He also presented an affidavit to accompany the bill (S. 5588) for the relief of Mary A. F. Smith, which was referred to the Committee on Claims.

Mr. BRANDEGEE presented a petition of sundry citizens of Hartford, Conn., praying that an appropriation of $5,000 be made to aid in the payment of the expenses of the World's Congress of the Deaf to be held at Colorado Springs, Colo., in August, 1910, which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to extend the time for filing reports of corporations and for the collection of the corporation tax, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Bridgeport, Stonington, and Middletown, all in the State of Connecticut, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. ROOT presented a petition of sundry citizens of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors on ships and buildings owned by the United States Government, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Chautauqua, N. Y., praying for enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented memorials of sundry citizens of Larchmont, Plattsburg, Little Falls, Silver Creek, Albany, Waverly, and Schenectady, all in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. CURTIS presented memorials of sundry citizens of Emporia, Wellington, Neodesha, Kansas City, Lebanon, Centralia, and Huron, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Post No. 158, Department of Kansas, Grand Army of the Republic, of Arkansas City, Kans., and a petition of Post No. 276, Department of Kansas, Grand Army of the Republic, of Effingham, Kans., praying for the passage of the so-called "National Tribune pension bill," which were referred to the Committee on Pensions.

He also presented a petition of Hackney Grange, Patrons of Husbandry, of the State of Kansas, praying for the enactment of legislation to establish a government experiment station on the Chilocco Reservation in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Manhattan, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, and also to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of Will Wendell Post, No. 46, Department of Kansas, Grand Army of the Republic, of Holton, Kans., remonstrating against the acceptance by the Government of statues of confederate generals to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a memorial of sundry citizens of Williamsburg, Kans., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting travel pay and commutation of subsistence to the mustered-out volunteer officers and soldiers who served in the Philippine Islands, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented memorials of sundry citizens of Princess Anne, Chance, Mount Vernon, Williamsport, Sykesville, Woodbine, Mount View, and Alpha, all in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

NATIONAL RESOURCES.

Mr. JONES. I present a short communication, addressed to me by Arthur J. Shaw, of Spokane, Wash., relative to the national resources on the public lands of the United States. I ask that the communication be printed in the RECORD, without reading, and referred to the Committee on Public Lands.

There being no objection, the communication was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *January 18, 1910.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I trust that you will not think it impertinent on my part to express my views to you concerning the national resources on the public lands of the United States. As you know, I have for many years been employed in the government land service, and have been a resident of Idaho and Washington for twenty-seven years.

Before the Federal Constitution was adopted by the legislatures of the 13 original colonies all the lands and water thereon and natural resources—such as timber, coal, minerals, and water power—were declared to be the property of the people of the respective colonies. After the adoption of the Constitution all the lands within these colo- states and the lands constituting the States of Kentucky and Tennessee were owned, controlled, and sold by these respective States. All the remaining outlying lands constituted the public lands of the United States.

From the 20th day of May, 1785, to June 30, 1909, under the various acts of Congress, there was received from the sale of the public lands and converted into the general fund of the Treasury of the United States $423,135,507.90. Nearly every settler who has contributed his earnings to this amount has had to borrow his proportion of this money and pay interest thereon. It is not an unreasonable estimate to make when it is stated that the public-land owners of the South and West have been obliged to earn and pay $1,000,000,000 to secure title to their homes. The new States now constitute more than two-thirds of the United States of America. Is there any valid reason why these new States should be required to pay nearly half of a billion dollars into the general fund of the Public Treasury when the original States were not required to pay a single dollar? If this can only be answered in the negative, why should the public-land States continue to pay annually $9,000,000 from the sale of lands into the Treasury?

Not only the lands of the original States, but all of their "natural resources," were and are owned and utilized locally, and, under the Federal Constitution, it is not within the power of this Government to control them, except by purchase. Under the circumstances there is nothing to prevent the predatory dollar, the trusts, the syndicate, the Morgans, or the Rockefellers from absorbing everything in this unfortunately unprotected portion of the United States.

When the public surveys—no public surveys were ever made in the original States—were to be extended over government lands, it was provided by statute that the lines of survey should not be extended over navigable or tide waters of the United States. The banks and beds of streams, together with the waters therein, were reserved from sale, and when the new States were admitted to the Union these banks and beds of streams and all the waters within those States were declared to be the property of the respective States. State control and state ownership has always been exercised over this class of property, subject to the right of Congress to regulate commerce. Under these circumstances it may be a matter of doubt as to whether the Federal Government has a right to charge for the use of water within a State. The various States have, through their legislatures, declared title to all waters within the States and have provided statutory ways and means by which title can be acquired for irrigation, mining, and manufacturing purposes.

In 1877 (see discussion in CONGRESSIONAL RECORD, 44th Cong., vol. 5, pt. 2, pp. 1966 to 1968) Congress passed an act which provided that "the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights." Thus the nonnavigable waters in Territories and navigable and nonnavigable

waters in States are held free for a useful purpose, subject to existing rights. In order to give force to this statute existing rights must clearly mean existing appropriations of water for a useful purpose. The statutory authority to hold the water "free for public appropriation" must necessarily abrogate the old common-law riparian ownership on all government lands and on all lands purchased from the Government since the passage of this act. This statute is the only safeguard for the Reclamation Service in the West. But for it the riparian owners along the streams and lakes wherein water is diverted for irrigation and other purposes could maintain innumerable suits for damages, and thus hamper and possibly prevent the diversion of water for the useful purposes named in this statute. This statute was enacted for the benefit of the people, and it should never be repealed.

If Congress should change the rule of property rights in water and charge a nominal fee per horsepower, as has been suggested, what would be the result? The longest electrical-power line in the world is less than 200 miles in length. If a train upon a track electrically equipped should be started with hydro-electrical power, furnished from the greatest power-producing plant in the world, it would become stalled for want of power within a radius of 200 miles from its starting point. Thus the patrons within this small radius of territory would be obliged to pay the federal tax per horsepower for water used for power and lighting purposes. Is there any equitable reason why the people of the South and West should pay a consumers' tax on water power that is not paid by the consumer living in the first States constituting this Union?

Within the Pacific coast States in the near future will be built an empire equal to the Atlantic coast empire. To encourage its upbuilding it should have all the natural power and fuel at its command at a minimum cost. Instead of saying to the investing dollar, you shall not develop these national resources without paying a bounty, concessions should be made in aid of their development. In the sparsely settled sections of the West and South it is very difficult to interest capital in the development of hydro-electrical power, for the reason that a million dollars or more is required to construct and install a power plant. If a government tax is added the investing dollar will naturally be located in one of the original States, which will, to that extent at least, retard the manufacturing industries of the South and West.

It is also suggested that a tax be paid on every ton of coal that is mined from the public domain. Coal is valuable for the units of heat it will produce. When its cost of production and its cost of transportation equals its value in units of heat the extent of the area in which it can be marketed is determined. If a tax is added, which will increase the cost, the area will be lessened to that extent, and the consumers within that area must pay the added tax.

Nearly all the producing coal mines in this country are owned and operated by railway companies. If a royalty is levied upon coal mined upon government land, it will permit the railway companies, as competitors, to charge the consumer so much more for coal and thus place millions of money in the pockets of the coal barons at the expense of the consumer. Coal is usually sold at the mine at a very small profit per ton. The large mines of Ohio and West Virginia are leased upon a royalty of 10 cents per ton. Under like conditions in the west a nominal government royalty, necessarily small, would constitute a large portion of the profit.

It costs about $200,000 to develop and equip a coal mine, and it is doubtful if any company could be found willing to undertake the task of mining coal on leased lands in competition with the old companies, with a government bounty as a handicap.

The various kinds of coal found in the Territory of Alaska have never been marketed, because of the excessive cost of development and the lack of transportation, and it is very doubtful if this so-called and misnamed "great Alaskan wealth" will ever materialize without government aid.

The steam locomotive is the great consumer of the world's supply of coal. A 250-ton locomotive will pull 60 carloads of freight from New York to the foothills of the Rocky Mountains. When this point is reached double-header locomotives are used for a distance; then the train is cut in two and two double-headers are supplied. Just before the last steep climb is made to the mountain tunnels, which are nearly a mile above the level of the sea, a large locomotive is added to push each train through the tunnels. Thus six times as many units of heat are consumed in transporting freight over the mountain ranges of the West as is required on level territory.

Coming down the sides of these mountains, from snow-capped peaks, are thousands upon thousands of tons of water capable, if harnessed into electrical power, to carry a much greater tonnage over the great western divides without consuming the local coal reserves. Instead of levying a tribute for this power, and thus raising the freight rates proportionately for the consumers of the West, it would seem to be a wise precaution in the exercise of economy in our political housekeeping to encourage, and, if necessary, compel the great railway companies to use hydro-electrical power wherever possible and thus conserve for public use the coal reserves of this country. Such a policy would naturally reduce the consumption of coal and lessen its cost to the consumer.

A large portion of the timber reserves of this country have passed beyond federal control. When the States of Washington, Idaho, and Utah were admitted to the Union their estimated wealth in timber was a very attractive feature. Settlers came from all parts of the United States, knowing how valuable an asset timber lands would soon become, made filings, and prosecuted their claims to patent in the shortest time possible. Large tracts were combined and sold to sawmilling companies. Some of these companies attempted to enlarge their holdings by securing dummy entrymen to make final proof upon lands adjacent to their mills. When Judge Ballinger was appointed Commissioner of the General Land Office special agents were appointed by him to inspect all entered lands and ascertain the good faith and compliance with the statutes of the entryman before final proof was made. This wise precaution is in practice to this day, and it is now virtually impossible for an applicant to obtain title to land through fraud.

When the forest reserves were extended over the great land grants of the continental roads of the West, the railroad companies owning these granted lands at once applied for and received land scrip in lieu of the lands thus taken into the forest reserves. That the reader may fully understand where valuable timber is found on mountains it will only be necessary to state that the action of the rains and melting snows washes the rich soil to the foothills and valleys, where the heavy growth of timber is found at a comparatively low altitude. Upon ascending the mountain the trees diminish in size until the timber line is reached, where the climate is so cold that nothing will grow.

From this it will be seen that these railway companies had many thousands of acres within their land grant, extending across the mountains, that were absolutely worthless. To place or extend a forest reserve over these granted lands could only result in a gift of millions of dollars in scrip to the railway companies. This scrip was at once sold to large mill companies, who located all the valuable timber lands along the foothills and valleys of the mountains accessible to transportation in the States above named. When these States were admitted to the Union, Congress very properly, in view of the fact that the 13 original States owned and utilized all their land, donated to each of these new States 200,000 acres of land for school and capitol building purposes. The governors of these States have not to this day been able to locate the whole amount of these donated lands, for the reason that scrip locations have been made in advance of the government surveys. In the meantime, the prospective settler is crowded back upon the mountain sides within the forest reserve, where little of value is found. Could it be possible for the people of these respective States to have squandered their greatest wealth if they had originally owned these lands? Does conservation conserve?

If there is anything of value left, would it not be wise to let the people of the land-grant States, who understand local conditions and values, own and control their own natural resources without the burden of additional taxation? It is only through their work and enterprise that these resources have been made valuable, and why should the people of other States share in the fruits of their labor?

There is not a single owner having large holdings in sheep or cattle who has been able to obtain a favorable lease to the exclusion of the local settler at a nominal figure on the forest reserves, for a stock range, who does not favor the present plan of the conservation of natural resources. There is not a single owner of timbered lands who expects to purchase the small amount of timber now remaining on the forest reserves at a nominal figure who does not favor the reforestation plan proposed by the Government. It is natural that this should be the case. But how about the interests of the people who have made these natural resources valuable? They would like to share some of the beneficial results of their labor and self-sacrifice.

If hydro-electrical power is to be the substitute for the power now generated from the vanishing supply of coal and wood, then it will soon be necessary to construct power plants on nearly all of the navigable rivers throughout the United States. Applications may soon be made to Congress for authority to construct perhaps 20 or more (or as many as the natural fall of the river will permit) generating stations on the Hudson River to furnish light, power, and heat for the people of New York City and the surrounding country. Will the people of this metropolitan city vote to pay an additional federal tax every time they press the button? The voters of this country might be induced once to cast their ballots for the proposed plan for the conservation of natural resources, but when they understand that by so doing they must pay the additional tax, no Member of Congress could expect to be elected on that issue a second time.

Mr. Lincoln once said that "You can fool all the people some of the time and a part of the people all the time, but you can't fool all the people all the time."

Yours, very respectfully, ARTHUR J. SHAW.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15448) to authorize certain changes in the permanent system of highways plan, District of Columbia, reported it without amendment and submitted a report (No. 182) thereon.

Mr. SCOTT. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3998) to authorize certain changes in the permanent system of highways plan, District of Columbia, to submit an adverse report (No. 183) thereon, as it is identical with the bill which I have just reported and which has already been passed by the House. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16324) to authorize the extension of Park place NW., reported it without amendment and submitted a report (No. 184) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 3890) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, reported it without amendment and submitted a report (No. 185) thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 78) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets, reported it without amendment and submitted a report (No. 186) thereon.

He also, from the same committee, to whom was referred the bill (S. 2040) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, submitted an adverse report (No. 188) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. J. Res. 46) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets, reported

adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the Committee on Immigration, to whom was referred the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, reported it with amendments and submitted a report (No. 187) thereon.

Mr. BRISTOW, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 4968) for the relief of the heirs or legal representatives of Wright R. Fish, deceased (Report No. 189); and

A bill (S. 2735) authorizing the adjudication and payment of the claim of Charles Dupre (Report No. 190).

Mr. BURKETT, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16328) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road (Report No. 191);

A bill (H. R. 16329) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision (Report No. 192); and

A bill (H. R. 16336) authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW. (Report No. 193).

Mr. BURKETT, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 4628) for the extension of Franklin street NE. from its present terminus east of Twenty-fourth street to the Bladensburg road;

A bill (S. 4627) authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW.; and

A bill (S. 4625) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 4931) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, submitted an adverse report (No. 196) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 11989) to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia (Report No. 194); and

A bill (S. 3253) providing for guides in the District of Columbia, and defining their duties (Report No. 195).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 6110) for the relief of the heirs of Mary Everitt, deceased; and

A bill (S. 6111) for the relief of the State of North Carolina; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6112) granting an increase of pension to Henry V. Steiner (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 6113) to amend an act entitled "An act to establish a code of law for the District of Columbia;" to the Committee on the Judiciary.

A bill (S. 6114) for the relief of the estate of William Benton, deceased; and

A bill (S. 6115) providing for the payment of a specified sum to the estate of Henry Yonge, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. FLINT:

A bill (S. 6116) to create in the War and Navy departments, respectively, a roll to be known as the "Volunteer officers' retired list," to authorize placing thereon, with pay, surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the Mexican war, the civil war, or the Spanish-American war, and who are not now on the retired list, and for other purposes; to the Committee on Military Affairs.

A bill (S. 6117) to provide for the sale of public lands to municipalities for sewer and other sanitary purposes; to the Committee on Public Lands.

By Mr. ROOT:

A bill (S. 6118) to amend the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" (with accompanying papers); to the Committee on Commerce.

By Mr. CULLOM:

A bill (S. 6119) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908; to the Committee on Foreign Relations.

A bill (S. 6120) granting a pension to Alexander Lamont (with accompanying papers); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 6121) granting an increase of pension to Elizabeth Fairfax Ayers; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6122) to provide for the purchase of a site and the erection of a public building thereon at Williston, N. Dak.; to the Committee on Public Buildings and Grounds.

A bill (S. 6123) granting a pension to John Broshard (with an accompanying paper);

A bill (S. 6124) granting a pension to Sarah S. Mendenhall (with an accompanying paper);

A bill (S. 6125) granting an increase of pension to James Flannagan (with accompanying papers);

A bill (S. 6126) granting an increase of pension to M. Skorresan (with an accompanying paper); and

A bill (S. 6127) granting an increase of pension to Thomas Griffin; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 6128) granting a pension to Catherine M. Cunningham (with an accompanying paper); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 6129) to increase the efficiency of the army and the organized militia of the United States; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 6130) granting an increase of pension to William H. H. Blanchard; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 6131) for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 6132) for the relief of Wilbur S. Richardson; and

A bill (S. 6133) for the relief of the estate of Granville Smith, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. BACON:

A bill (S. 6134) granting a pension to Polly Giddens; and

A bill (S. 6135) granting a pension to Eliza McDermid; to the Committee on Pensions.

A bill (S. 6136) for the relief of the heirs of David R. Cook, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. BURKETT:

A bill (S. 6137) to correct the military record of Robert M. Mann; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 6138) granting an increase of pension to James Callahand;

A bill (S. 6139) granting an increase of pension to Albert B. Boone;

A bill (S. 6140) granting a pension to Frank West;

A bill (S. 6141) granting an increase of pension to William M. Sylvester;

A bill (S. 6142) granting an increase of pension to George W. Joles;

A bill (S. 6143) granting an increase of pension to Daniel G. Webster;

A bill (S. 6144) granting an increase of pension to James M. Flynn;

A bill (S. 6145) granting an increase of pension to James Eiffert (with an accompanying paper);

A bill (S. 6146) granting a pension to Sina Underwood (with an accompanying paper); and

A bill (S. 6147) granting an increase of pension to Seth Nation (with accompanying papers); to the Committee on Pensions.

A bill (S. 6148) for the relief of George Lisle;

A bill (S. 6149) for the relief of Stephen B. Borden;

A bill (S. 6150) for the relief of James Farrell; and

A bill (S. 6151) for the relief of Daniel W. Light; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 6152) providing for the allotment of land to the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., and for other purposes; to the Committee on Indian Affairs.

A bill (S. 6153) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. FOSTER:

A bill (S. 6154) granting a pension to Elizabeth P. Bell; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6155) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, and the involuntary servitude imposed upon seamen of the merchant marine of foreign countries while in the ports of the United States, to prevent undermanning and unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, and to amend the laws relative to American seamen; to the Committee on Commerce.

A bill (S. 6156) to amend an act to provide for the thirteenth and subsequent censuses, approved July 2, 1909; to the Committee on the Census.

THE CENSUS.

Mr. HEYBURN submitted an amendment intended to be proposed by him to the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, which was referred to the Committee on the Census and ordered to be printed.

LANDS IN NEVADA.

Mr. NIXON submitted an amendment intended to be proposed by him to the bill (H. R. 19028) for the purchase of land for the use of certain Indians in Nevada, which was referred to the Committee on Indian Affairs and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr. FLINT submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 168.

Resolved, That the Committee on Interoceanic Canals be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on February 3, 1910, approved and signed the following acts and joint resolution:

S. J. Res. 55. Joint resolution authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography;

S. 3318. An act to legalize a bridge across the Snake River between the States of Idaho and Oregon;

S. 4891. An act to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas; and

S. 5040. An act to authorize Bonners Ferry Bridge Commission to construct a bridge across the Kootenai River at Bonners Ferry, Idaho.

HOUSE BILL REFERRED.

H. R. 18162. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, was read twice by its title and referred to the Committee on Agriculture and Forestry.

POSTAL SAVINGS DEPOSITORIES.

The VICE-PRESIDENT. The morning business is closed, and the calendar is in order.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. BAILEY. What is the request? My attention was diverted.

The VICE-PRESIDENT. That the Senate now proceed to the consideration of the postal savings-depositories bill.

Mr. BAILEY. A parliamentary inquiry, Mr. President. Would the granting of the request make the bill the unfinished business——

The VICE-PRESIDENT. It would not.

Mr. BAILEY. And displace the present unfinished business?

The VICE-PRESIDENT. It would not.

Mr. BAILEY. Then I have no objection to the request.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CARTER. Mr. President, I yield to the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. I ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the bill will be temporarily laid aside. The Chair hears no objection.

PRICES OF FARM PRODUCTS.

Mr. McCUMBER. Mr. President, I have listened with great interest and with still greater concern to the discussion, not only in the press but in the Senate, on what are called exhorbitant prices of food products. I have been doubly concerned, because I have long since learned that the interest of the food producer is the last one to be considered whenever any conflict arises in the industrial or commercial field between his interest and that of the rest of the population. Following this natural trend of the political mind, the moment agitation was started against the high price of food products a blow was struck at the farmer—the producer. Two bills were introduced in Congress the other day, one to deprive the farmer of any protection to his meat products and the other to deprive him of any protection on any other thing which his toil produces. The conditions seemed to demand that something or some one should be assaulted. The farmers of the country have not that thorough organization which enables them to strike back quickly and effectively, and so it was thought much safer to strike in that direction.

It is rather singular, if not amusing, to note that without stopping to investigate any of the causes for these so-called "exorbitant" prices of food products, without taking any steps to ascertain whether the farmer is receiving more than fair compensation for his labors, or whether the meat trust or retail trust is responsible for these high prices of food products, we start an industrial and a legislative boycott against the tillers of the soil.

Mr. President, I say now, most earnestly and emphatically, that never in the history of the country have the farmers received the honest, inherent value of their products, based upon the labor bestowed upon them; that the labor of the farmer has always been the poorest paid labor in the United States; that the thing which the farmer sells always has represented and still represents twice as much expended energy in its production as the thing which he buys with it; that, based upon the amount and the character of labor required, the food products have been and are to-day cheaper than any other products in this country. The food producer has for ages been suffering this commercial wrong. It is useless to go into the question of the origin of the injustice or how a system has grown into existence whereby agriculture has been forced to occupy a position in the industrial field inferior to that of any other vocation. We know that any two articles, each requiring the same amount of intelligence and labor in its production, ought to trade equally, one for the other, and that if a system has grown up whereby two of such articles are compelled to be traded for one of the other, there is an industrial wrong that ought to be righted; and while we may not be able to remedy it by legislation, we certainly ought not to attempt by legislation to prevent the law of home supply and demand from working out its own remedy.

We are now approaching a condition when the farmer is about to secure equality of remuneration, and the moment we

reach toward that goal of justice a boycott is started against his products, both in the cities and in the National Legislature, by the introduction of bills designed to destroy his profits.

The world has been so used to that inequitable condition and has so accustomed itself to it that it views with alarm any evidence of the breaking of the crust of that venerable custom whereby, with far less endeavor and with fewer hours of labor, all other trades and professions have lived—many in luxury and all in comfort—upon the surplus created by the tillers of the soil by their longer hours of service and fewer days of recreation.

It has been customary to look upon the agriculturist as a sort of laborer designed by the Almighty to furnish food for the rest of humanity, for which necessary function he has been conceded the right to live in a humble and unostentatious manner, and the fact that he seems to be rising from this condition is looked upon by the balance of the world as the height of audacity that ought to be summarily checked.

Mr. President, I represent an agricultural citizenship in this Congress, and I purpose to defend their interests all along the line. I believe their labor is just as intelligent as the highest priced labor in the United States, and that they should receive for that labor, in its product, just as much as other skilled laborers receive for their service, and anyone who imagines that he is going to secure any legislation that shall leave the agricultural products of this country unprotected while other interests are protected may prepare for a long, determined, and vigorous battle.

For the last few months the farmer has been securing better remuneration for his labor in the higher prices paid for his products than he has received since the war. He is, however, receiving not one cent more for any article than he is justly entitled to, and in my candid opinion he is not receiving as much to-day as he is going to receive in the future, and in the very near future. And the public may just as well begin to understand that the day of equal justice to the farmers of this country, though long delayed, is near at hand. Heretofore the products of his labor and the labor of his family have had to compete in open market with articles produced by the cheaper labor of the world. The day of overproduction of food products has nearly passed. Consumption is rapidly overtaking production, and we are reaching a trade condition when the farmer's work, hour for hour, will be worth just as much as that of the artisan, the bricklayer, or the carpenter in your great cities.

The value of the product of your mills and your factories is governed by the amount of capital invested, the cost of the raw material, and the price paid for the labor which creates it. If the amount of capital required to-day to economically produce any line of manufactured article is twice as much as it was fifteen or twenty years ago, and if the labor employed is twice as expensive as it was then, your manufactured article will advance in price accordingly, and the farmer will pay that advanced price. And yet we seem to be struck with a fit of consternation if the same governing principles are applied to the farmer's produce.

Wheat lands in the Red River Valley which ten years ago could be purchased for from $10 to $25 per acre are to-day worth $40 and $50 per acre. The day labor which ten years ago could be secured at from $1.50 to $1.75 per day now ranges from $2.50 to $3 per day. We are compelled to double the amount of money invested as capital in a farm; we are compelled to double the prices paid for the farm labor. Can anyone, therefore, give me any honest reason why the product of that farm should not greatly increase in value, in order that the farmer may pay for his farm from its proceeds? If wheat was worth 60 cents a bushel when land was worth $20 an acre and labor $1.50 per day, why should it not be worth at least $1 when both the land and the labor have doubled?

And when, Mr. President, because of increased prosperity over the whole country, the farmer pays more for the things he buys, why should he not receive more for the things he sells? Ten years ago, throughout the western part of my State, land could be purchased from $3 to $5 per acre for grazing purposes. That same land is to-day worth at least $20 per acre. It is so high priced that you can not afford to use it for ordinary range or pasture purposes. You are therefore compelled to cultivate this high-priced land and raise crops on it to feed your cattle. You can not raise cattle as cheaply as you could a few years ago when you could get land cheaper. And if the cost of raising a steer has greatly increased, why should not the price which the farmer receives for that steer increase accordingly? If the earning capacity of the people of the United States has advanced 60 per cent in the last dozen or fifteen years, why should not the farmer be entitled to the same raise?

You are complaining about prices paid for beef. Do you ever stop to think what it costs to produce that beef—of the years of labor bestowed upon it?

It takes about four years to produce a steer in the best condition for beef purposes. Before the farmer could own that steer he must expend from one-half to two-thirds of his working life in earning the farm on which the steer is to be raised. He must then cultivate that land; he must raise crops of hay and corn and other produce to feed that steer. He must then for four long years dance atendance upon the wants and the requirements of that animal. He must feed him and shelter him and take care of him, with a three-tine fork at one end and a four-tine fork at the other end. At the expiration of that time he ships him to Chicago, pays the freight and feed and stockyard charges and turns him over to the beef trust.

That represents the amount of labor expended upon that steer by the farmer. What then becomes of him? Mr. President, within thirty minutes after he goes into the hands of the beef trust he is beef and in cold storage, and ready for shipment to the city of Washington or to other places.

Now, what are the comparative prices that are received by the farmer and that are received here? I have before me a bill of fare taken from the United States Senate cafe down here. I look at that bill of fare and I observe the prices of steaks. I notice that the ordinary sirloin steak will run from $1.15 up to $3 per service. I notice that the tenderloin will run about the same; and I find that the porterhouse will run from $2 up to about $4 in the ordinary restaurant.

I had a meat man a short time ago give me an estimate of what a 4-year-old steer would bring if served at one of the restaurants here in the city of Washington at these rates, taking all the items that you will find in this list, and he estimated that it would bring from $2,000 to $3,000. The farmer's price is about $60 to $80, with all of the four years that he expended upon that steer. With the little additional work, thirty minutes in the city of Chicago and transporting him here to the city of Washington and cooking him at your café, he advances from $70 to $2,500 or $3,000—enough to pay half the price of a farm. Yet the people who are paying those prices for this same steer served are introducing bills in Congress and asking that the tariff or protection be taken away from the farmer's product on which he has expended all these years of labor.

Now, let me speak of this matter as it applies to other products and I will show that the farmer's produce immediately advances with a very little additional labor upon it from 200 per cent to 6,000 per cent before it reaches the table of the family or in the restaurant.

Let us take wheat, Mr. President, which probably represents the least margin of difference between what the farmer receives and what is received for it at the bakery or at the restaurant. The farmer in my State received about 90 cents a bushel for his last year's crop of wheat. One bushel of wheat will make about 75 loaves of bread. The loaf is ordinarily about 14 ounces in weight, and it contains considerable moisture in making up its weight.

Before the farmer became the owner of that bushel of wheat he had to spend two-thirds of his working life in order to become the owner of the farm on which it was raised. Then he had to plow that land; he had to cultivate it; the next spring he had to seed it; he had to furnish seed. He then had to harvest the crop, cut it and bind it, and thrash it, and pay the expenses, and then haul it to the elevator.

That represents his work upon it. Now, I want any man to compare the amount of energy expended in producing a bushel of wheat on the farm with the amount of energy expended in transporting that wheat to the city of Minneapolis or to Chicago, grinding it into flour, transporting it to the bakery, and converting it into bread. I think you will find that there has been at least double the amount of energy expended in producing it than was expended upon it after it left the farmer's hands. And yet, taking the average price that the baker receives, say 5 cents a loaf, you will find that that bushel has advanced from 90 cents to $3.75 a bushel, or an increase of 400 per cent.

But, Mr. President, I want to follow that bushel of wheat a step further, to meet the objections of the people who claim that they are paying too high prices for food products and blame the protection to the farmer for that condition. Let us follow it to the restaurant. When that is served down here in your restaurant or in any other restaurant in the city of Washington, if you order bread and butter alone, you are paying all the way from 10 cents to 20 cents a service. You will probably use about a couple of slices. That same loaf of bread, then, sells upon the table in the restaurant for about 50 cents, and 75 loaves, at 50 cents apiece, means $37.50 for that bushel of

wheat. Then we have, again, the farmer's price, 90 cents a bushel. The price after the farmer has let go of it and it reaches the consumer on the table is $37.50 per bushel.

I can take anything else that the farmer produces and show the same advance in the price after it leaves his hands; I do not care whether it is fruit or cereals, or whatever it may be.

Let us take potatoes. I saw a farmer the other day, and he told me he was receiving 30 or 35 cents a bushel for his potatoes. I find from this same bill of fare that if you will take one of those potatoes and hash it brown down here you pay 15 cents for it. In other words, 2 potatoes served here cost as much as the entire bushel of about 300 potatoes that was sold by the farmer, an increase of about 3,000 per cent, and this leaves out of account entirely the other half bushel that has to be turned over to the colored waiter for serving that one potato.

I could select, Mr. President, a great many other articles and they will all show the same additional price. I am speaking of those things simply to show that there is no ground on earth for the objections that are being directed against the farmers' product or against the protection which he receives upon it.

Suppose the farmer does get the full benefit of his present tariff protection, and that if you should remove that tariff he would only receive $60 instead of $80 for the four years of labor bestowed upon a steer, and suppose you should really get some benefit out of his loss and get your beef half a cent cheaper, are you in a position to ask it? Is the average family in the city of Washington, for instance, entitled to object to the profits that are being made by the farmer in the production of beef for its tables? You will probably find the father of this family in government service earning from $1,400 to $2,000 a year, with probably a couple of daughters earning from $1,000 to $1,400 per year, and possibly a son or two with equal earning capacity. Is there any family on the farm whose net income will measure up to the income of that family? And if, as is the case, the great majority of the clerks are unmarried, then you have from $1,000 to $2,000 salary for one individual. Is there any young man or young woman on the farm who is receiving such compensation? Does the average family on the farm, the husband, the wife, or the daughter earn any such sums, even with the present prices of food products?

Mr. President, you know they do not, and I know they do not. The average housewife on the farm does not receive as much compensation as the colored cook in your families, and she does not have her Wednesdays and Sundays off, either, by any means.

What does the bricklayer, the carpenter, the stonecutter receive in the large cities per hour? Probably not less than 40 cents, and from that up to 60 cents an hour. Now, you estimate the farmer's labor at 40 cents an hour in raising that steer, and what will its value be? I do not mean for the whole four years, but for the actual time bestowed upon it. The value of that steer will be at least several times as much as the farmer is receiving to-day. What right then have you to ask him to reduce his price? Will the bricklayer, the carpenter, or the stonecutter enter into an agreement with the farmer to build a house for the latter at the same compensation per hour that the farmer receives in producing a steer for beef? Not by any means. If he will, the whole country will soon be a garden, dotted with beautiful farm homes.

If they will not, what right have they to complain against the farmer? If they will direct their complaints against the beef trust or the retail trust, they may have ample reason for it, but they have no reason on earth to complain against the farmer or the farmer's prices.

I have stated that the country will have to get used to paying higher prices for food products, just as the farmer for years has been compelled to adjust his expenditures according to the prices he has been compelled to pay for the things which he requires for his use. And it will be no hardship. The adjustment may force greater economy. It may compel a denial of a few luxuries; and why should it not? By what law, God given or man created, have the denizens of the cities a greater right to the comforts, the luxuries, the pleasures of life than have the tillers of the soil?

How many farmers bring their families into the cities and pay $2 a seat at your theaters? How many times a year do they indulge in that luxury? Not once. A half-dollar seat would seem to them to border on the realm of extravagance. Yet the whole white population of this city turns out en masse to fill those theaters at those prices year in and year out. And even the poor government clerk drops her $4 for a seat at the grand op ra as though it were one of the ordinary necessities of life. I am glad their compensation enables them to do so. But, I insist, they have no just complaint against the farmer, who does not earn enough to ever justify any such expensive habits.

The wonderful prosperity of the last dozen years has developed a life of reckless extravagance in this country. The great number of wealthy people now present in every large city has set a pace of high living with which the less fortunate are trying to keep up. Economy and self-denial seem to have become almost a lost art. The city gait is entirely out of relation and proportion to the more rigid economy practiced by the rural population. There must and should be an economic adjustment upon a plane of closer equality, and this means that we must eliminate some of our most extravagant habits; that we may not satisfy all of our expensive desires. We make living expensive because we submit to excessive charges rather than deny ourselves some useless luxury. Let us begin our economy at the right point. Let those men who need some expression for their excessive boycott spirit turn it against the $5 to $25 per day rooms at their hotels. Let those ladies direct it toward the $25 to $50 hat that has not $4 actual worth of material on it. When they have done that they will have accomplished a double good—they will have brought these and kindred articles down to a reasonable basis, and they will have saved sufficient means to pay the farmer and the retailer fair and honest compensation for their foodstuffs. They will have given new strength and power to the principle of "live and let live."

Mr. President, I am not imbued with one atom of socialism. There is not one drop of that creed in my mental make-up. But I have a sense of equal justice, and that sense of justice is outraged when I read of the men and women who have accumulated vast fortunes in this country out of a prosperity whose foundation is agriculture—for, after all, agriculture is the foundation of all our wealth—meeting in their palaces to boycott the farmer's product, to boycott the man whose back has bended low in toil to support, with the greatest frugality, and care for and educate his family—just as dear to him as are those of the boycotters organizing against the farmer to destroy his meager profits.

Mr. President, I prophesied in a public address two weeks ago that unless the farmers of this country immediately began an organization to protect their own interests, as soon as they began to receive just and fair prices an agitation would be started to place them back in their old condition, and that as soon as we reached that stage where the consumption of food products in this country would equal production and the farmer began to secure his just rights, bills would be introduced to take away his protection. It seems I did not have to wait ten years. I had to wait less than two weeks before such bills were introduced in Congress.

To offset the effect of this agitation against the food products of this country, I introduced a resolution the other day asking the Committee on Agriculture to investigate the question of cost of production of an article on the farm, the price received for it on the farm, and the price received for the same article after it had left the farmer's hands and reached the consumer, either at the retail store or on the table at the restaurants. My object in introducing this resolution was that it might act as a kind of a buffer against this contemplated legislation. I knew that any honest investigation of the subject would show, first, that considering the rise in the value of lands, the price of labor, the price of the things which the farmer must buy with his products, the farmer is not yet receiving his just dues; second, that with less labor expended on an article after it leaves the farmer's hands than was expended on it before, its price increases from 200 to 6,000 per cent before it reaches the table for consumption. I felt certain that as soon as the public became aware of this truth there would be no further demand to deprive the farmer of any advantage that might accrue to him by reason of the present protective rates.

But let us get at the real causes for the higher prices of our food products. I want to give here in a very few sentences the combined causes, for no single cause is responsible for them.

There are four prime causes. The first is the enormous increase in our circulating medium, and that affects not only farm produce, but it affects everything else, and is responsible in a great degree for these higher prices. The per capita circulation of the United States in 1900 was about $25. It is to-day, I believe, about $38, an increase of over 60 per cent. Now, everyone understands that the value of a commodity always responds to the quantity of the circulating medium. Money is not only the measure of value of an article, but it is a commodity having an inherent value, which increases and decreases as its volume expands or contracts. If you have added 60 per cent to your measuring stick, how can anyone reasonably ask

that the thing measured by it should be according to the old standard and not the new length? If money has increased in per capita volume 60 per cent, it is nothing more than reasonable that there should be a similar raise in the price of the article purchased with that money. It excites little comment when this rule is applied to other things. But it seems to excite wide and wild condemnation when applied to the farmers' products.

The second cause is that of the scarcity of the article, the result of the law of supply and demand. On account of the higher price of land, the higher price of corn and every product that goes into making cattle and hogs, the number raised has not kept pace with increasing population. The price of cattle in Chicago depends to some extent, at least, upon the question of supply and demand. Whenever shipments come in a little too heavily prices go down by the act of the beef trust. Whenever they can not get sufficient they bid up to start the stock moving again. They have been bidding up lately and have been compelled to go higher and higher, because there has not been the quantity in the country to fill the demand. They had to raise the price of hogs to 9 cents on the foot, and still they could not get enough. And of course if they have to pay higher prices we must naturally look for corresponding raises in the price of the meat product. But we should not look for more than what would be a corresponding raise.

The third cause is that of the trustification of our meat industry. The economy in handling and converting the live stock into meat products at these great centers is so much greater than in the small establishments that the latter have not been able to compete with them in producing many kinds of meat. And more and more, therefore, has the industry gone into the hands of a few persons who, working in unison, fix the prices in the several sections and cities of the country. And those prices are not fixed so much by the law of supply and demand as they are by the ability of the people of any section to pay a given price.

And this leads directly to the fourth cause; that is, ability to pay. Prices are fixed in every city to correspond with the earning capacity of the people of that city. Prices are higher in Washington than in Baltimore. Why? Because the earnings of the people per capita in Washington are much above those in Baltimore. And this applies to nearly every article of commerce. Let me give a little illustration: A hog is raised in North Dakota and is shipped to Chicago, eight hundred or a thousand miles. It is converted into meat. One ham is shipped back to North Dakota and sold there. The other ham of the same animal is shipped to Washington and sold here. Now, the freight rates are probably less between Chicago and Washington than between Chicago and a given point in North Dakota. They certainly should be no more. But if you will go into the markets you will find that you will buy the one ham for at least 25 per cent less in North Dakota than you will pay for the other ham in Washington. Again, why? Because the ordinary clerk in North Dakota does not receive from $1,000 to $1,400 a year, as he or she does here if fortunate enough to get into department service. The amount paid in private business is probably a little more than half what is paid in the departments. The earning capacity, therefore, of this class of wage-earners is nearly double in the city of Washington what it is elsewhere. The ability of the public at any point to pay a given rate for any commodity and still live has been carefully gauged by these trusts, wholesale and retail, and prices have been fixed accordingly.

And this condition explains a matter that was brought up here the other day—the difference in the cost of meat in Detroit and in Windsor, on the Canadian side. The people of Detroit earn more, live better, and are able to pay a higher price for their meat than the people of Windsor are able to pay. Under the system which has grown up wherever the packers and retailers have practically no competition, the price in any given city is gauged according to what the people can stand.

The farmer, however, must not lose sight of some of the benefits to him which flow from the more remunerative employment outside of the farm. Two-thirds of the population is engaged in business outside of agriculture. It is far better for the farmer that one man produces the food for two than that two men should produce the food for one.

But I want to give a little note of warning to those people who believe in a policy of protection, but want to deny it to any particular class of the American people. I have always admitted that so long as we are exporting, so long as production in this country is very much in excess of consumption, we could get only partial benefits from a protection of our cereals and food products—that is, a partial direct benefit. We did get great indirect benefits by the building up and adding to the volume of consumption in this country. But, as was explained by the Senator from Texas the other day, even while we are exporting in considerable amounts, we still get protection within certain zones, governed more or less by freight rates, and so forth. We get higher prices for our grain in North Dakota than are received on the Canadian side; and I have no doubt but that if we would allow the free importation of cattle, hogs, sheep, and other meat-producing animals it would, by increasing the supply of the live stock in the country, decrease the pirce of that stock to some extent, but not very much to the consumer. In other words, the farmers might suffer by it, but consumers gain very little. Certainly anyone can easily understand that a cent and a half per pound tariff does not explain a 5 or 10 cents per pound excess of prices.

Mr. President, we have been entertained in the press and in both Houses of Congress with a great deal of philosophy concerning the drift of population from the farm to the city, and we are pleading with the young man to remain upon the farm, overlooking the fact that the law of supply and demand governs just as much in the matter of the flow of population toward any vocation as it does in any line of business. Population will go where it will find greatest profit. The young man has been leaving the farm because, with the expenditure of a given amount of energy, he can earn more, live better, and get more enjoyment out of life in the city than he can on the farm. There is no business or profession in the country that has not heretofore opened into an avenue of far greater possibilities than agriculture.

Why, Mr. President, men have become millionaires by manufacturing toothpicks; men have become millionaires by making chewing gum; men have become millionaires by mixing up a few harmless herbs with a little poor whisky and palming it off on the public as a cure-all. This world is full of men who have become millionaires and multimillionaires by producing things that have been of no avail or value whatever to the population of this country; and yet history fails to record a single case where any man has become a millionaire by farming the soil. It does show, however, thousands who have become multimillionaires by farming him. And yet we have wondered why the ambitious young man was always wanting to leave the farm. To-day you are asking him to return to the farm, and while your flattering words are still ringing in his ears, while you are depicting the beauty and independence of farm life, you are threatening to boycott the farm produce and threatening to make life on the farm less profitable. To-day there is a greater demand for the soil than ever before, because there is a growing belief that hereafter farm life will be more profitable. But you immediately check that tendency by attempting to strike a blow at farm products.

Mr. President, the farmer has never boycotted any article because of its high price. He has not been ignorant of the fact that in the commercial field he has for years been compelled to trade an article which cost him twice as much in expended effort as has been expended upon the article which he receives for it. But he has been hoping that the day of justice would soon dawn. At last he catches the glimpse of brighter hours to come. He feels that the sun of his prosperity is about to rise. He has not heretofore organized, as has every other industry in the country, for his own defense. But if, by any act, either legislative or boycotting, he finds that he will not be treated squarely, you will certainly hear from him. He is able to organize his forces into one of the most formidable bodies in this country. His work in that direction is already under way. By your action in boycotting his product you will give renewed grounds for a strong agricultural organization. When that has been accomplished he will meet you in the boycotting business, and when the farmer is stirred up to the defense of his rights you will find him the best boycotter on earth. He is used to hardships, used to rigid economy, and he has a decided advantage over the rest of the world in that he can get along without replenishing his stock of what he purchases from the world for an indefinite time, while you can not get along three days without that which his labor produces.

Mr. President, while this matter is under discussion I have before me a table that was made up by Mr. C. F. Rakow, who is a member of the American Society of Equity, a farmers' organization in my State, which I wish to present. He takes the value of all of our farms, all of our cattle, stock, and machinery that are necessary to operate those farms. Then he estimates the farmer's labor and the labor of his wife and his children at about the same rate that the ordinary laborer receives in the city, and makes an allowance for depreciation in the price of his stock, the same as any business man would do, and he draws a balance. He shows by this estimate that if you estimate the farmer's labor exactly the same as the

labor of the artisan, the stonecutter, the bricklayer, or the carpenter in the city, the farmers of the country would be losing more than $2,000,000,000 a year. The reason they are not losing that sum is that under the exigencies of the case they are compelled to put in the labor of themselves and families at absolutely nothing in order to compute any compensation upon capital invested. I will ask that this table be printed and made a part of this address.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). In the absence of objection, permission is granted.

The table referred to is as follows:

Capital invested in farms, stock, and machinery	$30,000,000,000
Interest at 6 per cent on the above investment	1,800,000,000
Tax on 800,000,000 acres, at 15 cents per acre	120,000,000
Board for 21,000,000 horses and mules, at $75 a head	1,575,000,000
Board for 50,000,000 hogs, at $8 per hog	400,000,000
Board for 14,000,000 cows, at $40 per cow	560,000,000
Seventy million bushels of seed wheat	75,000,000
Seed oats, barley, rye, corn, and potatoes	80,000,000
Fourteen million farm hands, at $300 a year per man	4,200,000,000
Seven million housekeepers, at $156 a year per housekeeper	1,092,000,000
Repairs on 7,000,000 farms, at $35 a year per farm	245,000,000
Depreciation on $6,000,000,000 personal property, at 10 per cent	600,000,000
Machinery, oil, wagon grease, etc	15,000,000
Binding twine for 150,000,000 acres, at 15 cents per acre	22,000,000
Thrashing bill for 700,000,000 bushels wheat, at 10 cents per bushel	70,000,000
Thrashing bill for 1,200,000,000 bushels oats, barley, rye, at 6 cents per bushel	72,000,000
Thrashing bill for 24,000,000 bushels flax, at 15 cents per bushel	3,600,000
Total	10,929,600,000
Secretary of Agriculture Wilson's estimate of the value of the 1909 farm products at	8,760,000,000
Actual loss to the farmer	2,169,600,000

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. Mr. President, I do not observe the Senator from Iowa [Mr. CUMMINS] present, and therefore will withhold the suggestion of an amendment in line 9, which would amend the amendment adopted yesterday evening in section 8. I do not know of any other amendment pending at the present time.

Mr. HEYBURN. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. CARTER. Before stating the amendment or making any suggestion with reference to it, I prefer that the Senator from Iowa should be present. I supposed he was in the Chamber, but finding that he is not, I forego any reference to the proposed amendment at this time.

The PRESIDING OFFICER. The consideration of the amendment will be deferred until the return of the Senator from Iowa.

Mr. KEAN. We might have the amendment read.

Mr. HEYBURN. I do not know why the amendment should not be stated.

The PRESIDING OFFICER. The Senator from Montana requested that the amendment be not stated until the return of the Senator from Iowa.

Mr. CUMMINS entered the Chamber.

Mr. CARTER. The Senator from Iowa is now in the Chamber. I will therefore move that the amendment yesterday adopted, found in section 8, on page 6, of the bill——

Mr. SMOOT. Of the reprint?

Mr. CARTER. Of the reprint—be amended by inserting after the word "charges," in line 9, the words "and to provide an adequate reserve," so that as proposed to be amended the text would read:

> At a rate of interest not less than 2½ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges, and to provide an adequate reserve, etc.

Mr. HEYBURN. "Adequate" for what?

Mr. BURKETT. I should like to ask the Senator what he is going to have an "adequate reserve" for?

Mr. CARTER. Mr. President, I took occasion during the discussion of the bill the day before yesterday to refer to the fact that in Great Britain for a series of years postal savings were conducted with a slight annual profit. Following these years of profit came certain years during which small losses were encountered; that is, years during which the interest and expenses exceeded the income from the invested funds. Instead of changing the rate of interest to the depositor by lowering the amount, the board of trustees elected to pay the interest charge formerly paid, but to take the same out of the accumulated reserve. This was done for a number of years. After a time a profit began to accrue again without any change of the rate paid to the depositor. A small reserve is necessary in order to avoid sudden and unexpected changes in the rate of interest paid or demanded by the Government.

Stability is important in operations of this kind, and if a small reserve is accumulated, that reserve can be called upon as the governing force, overcoming temporary losses, and provide the means to meet engagements, notwithstanding the income for a given year may not be equal to the outlay for that year. I assume that the board, without this provision, would so prudently conduct the business as to accumulate a small amount each year in excess of the actual necessities; but, in order to make the right of the board clear in that behalf, I have suggested the amendment to provide an adequate reserve.

Mr. SHIVELY. Mr. President, let me inquire of the Senator on what page of the reprint does the amendment come in?

Mr. CARTER. On page 6 of the new print it is proposed to insert, after the word "charges," in line 9, the words "and to provide an adequate reserve."

Mr. CUMMINS. Mr. President, inasmuch as this occurs in a part of the bill which has been amended upon my motion, I think possibly it is appropriate for me to say that I have no objection whatever to the amendment proposed by the Senator from Montana. As I said yesterday, I believe that the rate of interest ought to be uniform, and I was willing to leave it without any limitation, believing that the board could not and would not raise the rate to an impossible point simply to give it the power to withdraw the funds from the banks, if the effect of such an act would be to withdraw the funds from all the banks throughout the country.

The amendment proposed now is a change that substantially will leave the power of the board without restriction, because no one can determine for the board what an "adequate reserve" is. I assume the board would act conscientiously and intelligently about that; and, so far as I look at the matter, I see no objection to the amendment.

Mr. CARTER. Mr. President, instead of making the insertion of the new matter immediately after the word "charges," I ask that the new matter be inserted after the word "of," so that the text would read:

> Sufficient to meet the expenses and interest charges of and to provide an adequate reserve for the system herein established.

Mr. HEYBURN. This is the first provision in the bill that undertakes to provide for the payment of interest by the Government on——

Mr. CUMMINS. Section 6, if I may be permitted to state——

Mr. HEYBURN. I want to straighten it out; it has a kink or two in it.

Mr. CUMMINS. Section 6 provides for the payment of interest by the Government to the depositor. This section provides only for interest paid by the banks to the Government.

Mr. HEYBURN. That is the point to which I am addressing my remarks. I say it is the first section that provides for the payment of interest to the Government by the banks receiving the deposits, and it says now, as proposed to be amended, that those banks shall pay a rate of interest to the Government of not less than 2½ per cent per annum, nor more than is reasonable to meet the expenses and interest charges of and to provide an adequate reserve. I think that amendment is not in the right place.

Mr. CARTER. An adequate reserve for the system.

Mr. HEYBURN. Yes; but see the language—"nor more than is reasonably sufficient to meet the expenses and interest charges of"—what? Of the reserve? That is the way it reads now.

Mr. CARTER. Of the system. I think that is the proper reading. There is a considerable difference in reading, according to punctuation, and so forth.

> No more than is reasonably sufficient to meet the expenses and the interest charges of and to provide an adequate reserve fund for the system herein established.

Mr. HEYBURN. The word "for" was omitted either because of my failure to hear it or otherwise. It is proposed that the banks shall pay such rate of interest as shall meet the expenses and interest charges of the system herein established. I have read that without the proposed amendment. The amendment only adds to that the creation of a reserve. Are those the only uses to which this interest is to be applied? It seems to me that the interest fund to be derived from the loaning of this money to the banks should have a wider application than those three items.

Mr. CARTER. I think——

Mr. HEYBURN. Is it not intended that the interest that the banks pay to the Government shall be used at least in part

by the Government to pay the interest that it contracts to pay to the depositor?

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Yes; I yield.

Mr. CARTER. The interest charges constitute the obligation of the Government to the depositor, and the charges referred to cover the interest to be paid to the depositor.

Mr. HEYBURN. That is a very loose way of stating an item of so much importance, stated in the body of a general expression—to pay interest charges. Interest charges to whom? Interest charges upon what?

Mr. SMOOT. Upon deposits.

Mr. HEYBURN. We can talk it here, but it is not in the bill. It is easy enough to state what it is for, but it should be stated in the bill.

Mr. SMOOT. I think it is stated in the bill, because it says they shall pay interest at the rate of 2 per cent.

Mr. HEYBURN. That is in another section and another part of the bill.

Mr. SMOOT. That is the only interest in the bill, and referring to the question of interest, it certainly refers to the interest to be paid upon deposits, and it could not apply to anything else.

Mr. HEYBURN. That still would be outside of the record. The remarks of the Senator from Utah will not accompany the law.

That is not all that occurs to me in regard to this. It certainly is an insufficient statement of an important item or principle in legislation. Mr. President, it is to be 2¼ per cent, and it is also to be reasonably sufficient to meet the expenses, and so forth. Why reasonably? Why not provide that it shall be sufficient? What condition, less than the actual amount necessary to pay it, constitutes "reasonably sufficient?"

I make these suggestions, and I think it would be profitable to give them some heed. I repeat, why limit the provision for the payment of these items that are an absolute charge, if they are anything, by using the words "reasonably sufficient?" Would a thousand dollars less than the amount necessary to pay the obligations of the Government be reasonably sufficient, or would an amount, say $10,000 less be reasonably sufficient, or would an amount $1 less be reasonably sufficient to meet a fixed obligation of the Government? I submit that question to the Senator from Montana for his consideration. Votes for this bill will probably be given or withheld according to the ultimate provisions which it contains.

Mr. CARTER. Is not that rather a rash statement?

Mr. HEYBURN. I am speaking on the basis of the conscientious principle——

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. I beg pardon. Yes; I yield.

Mr. PAGE. I think myself in patching up this amendment we have, perhaps, done so at the sacrifice of clearness. For instance, in line 7 we speak of the interest charge. Then we interpolate something in regard to expenses, and then in line 10 we return again to the question of interest. As the Senator from Idaho has been talking it seemed to me that that might be made a little clearer by changing the amendment to read in this way:

> At a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges of the system herein established, including loss by the insolvency of banks or otherwise, and to provide an adequate reserve.

Mr. HEYBURN. That certainly would improve the form.

Mr. President, this amendment would result in the necessity of publishing quotations as to what rate of interest the Government was paying every day, just as consols are reported to-day, because it says that they shall charge not less than 2¼ per cent for the use of this money by the banks. "Not less than" means they may charge anything more than that. "Postal rates," I suppose, or "postal interest," would be the form of the quotation. January 1, 2¼ per cent, February 1, 3 per cent, March 1, 2¼ per cent again, April 1, 4 per cent.

That which can be done in legislating must be presumed to be done under any law. That is the rule, and the only safe rule. If the Government can change the rate of interest that the banks shall pay, when may the change be made operative and how? Shall it be by an order emanating from a board not now existing under any law, or will it be by executive order? How will the rate of interest be changed? Will it be from day to day or from month to month? If I am answered that it will probably not be changed, then, I say, why make the provision for the change? Why provide for the possibility of danger if no danger may arise? I do not believe that a provision such as that, involving such large sums of money, loaned under such unusual conditions to the banks, will meet with the approval of any investigator or sound thinker upon this question.

Mr. CARTER. Would the Senator so frame the bill that the board of trustees would be required to hold the money perpetually on deposit at the rate at which they first made the deposit?

Mr. HEYBURN. Yes; if they put it there at all. Undoubtedly, if there is anything on earth that will relieve this bill against the criticism that it will necessarily draw, it is that it shall be uniform and that it shall be stable and unchanging.

Mr. CARTER. I will ask the Senator——

Mr. HEYBURN. And if you make a provision that the board of trustees, an unknown body, shall control the rate of interest which shall be paid for the hundreds of millions of dollars by these banks, you put into their hands a power that can shake the financial affairs of this country to the foundation any day.

Mr. CARTER. I will ask the Senator if he would, in the first instance, compel the board to fix the rate abnormally high in order to be sure of its adequacy to meet the demand upon it, or would he deprive the board of the privilege of fixing the rate at 2¼ per cent to begin with, and, if that was found inadequate, to increase it later on?

Mr. HEYBURN. Inadequate for what?

Mr. CARTER. To meet interest charges, expenses, and to provide a reasonable reserve fund.

Mr. HEYBURN. Is the Senator contemplating that this money will not be taken by the banks, and therefore that the interest received will not offset the interest to be paid? Is that possible?

Mr. CARTER. The interest received will, of course, offset the interest to be paid, plus expenses, if the interest rate is high enough. But 2¼ per cent might prove inadequate. Would the Senator then say that because it proves inadequate the board ought to be powerless to increase the rate to make it sufficient?

Mr. HEYBURN. That introduces an element of danger which I do not suppose anybody would contemplate for a moment—that the board may shift from day to day and hour to hour this interest rate upon the vast sum of money that is in the banks. Where would the stability of the bank holding the money be if the rate of interest that it should pay on a deposit of a million dollars should vary from one day to another?

Mr. CARTER. The bank would be advised under this very amendment that no greater rate would be charged than was necessary to pay the 2 per cent to the depositor and the running expenses.

Mr. HEYBURN. How can the bank know whether or not that necessity will arise? The alternative right exists, according to this bill, in the board, and of course the bank would be advised, if they were going to take the money, under the provisions of this bill, of this contingency; but would they take it under such a contingency?

Mr. CARTER. We believe that one-fourth of 1 per cent will pay all the expenses and meet all the charges against this fund.

Mr. HEYBURN. What is that belief based upon?

Mr. CARTER. But we may be mistaken.

Mr. HEYBURN. But you must not be mistaken in legislating.

Mr. CARTER. We lack that infallibility which the Senator claims for himself.

Mr. HEYBURN. Mr. President——

Mr. CARTER. All together we do not possess that infinite wisdom which would enable us to determine with absolute accuracy just what the charges will be. We know we will be required to pay only 2 per cent per annum, but we do not know what the volume of expense will be. It will probably be covered by one-fourth of 1 per cent.

Mr. HEYBURN. Has the committee an estimate of the expense? Have they entered into that question at all?

Mr. CARTER. We can only estimate it upon the basis of cost elsewhere, and I think from that estimate, made by the Postmaster-General two or three years ago, we are justified in believing that one-quarter of 1 per cent will pay all the expenses.

Mr. HEYBURN. How much was the amount? What was the estimate?

Mr. CARTER. The estimate was that all expenses would be met by one-quarter of 1 per cent on the deposits.

Mr. HEYBURN. That is the statement of a principle. But does the Senator know the amount estimated as necessary to execute this kind of a measure?

Mr. CARTER. Of course, the amount necessary to meet the expenses will be dependent upon the volume of business, to no inconsiderable extent. We do know that if the business is small, the expenses will be correspondingly light. If the business is large, a larger sum in the aggregate will be required to pay the expenses; but the one-quarter of 1 per cent margin will likewise make a larger sum total.

Mr. HEYBURN. I should like to ask the Senator a question. Turning to section 10, which provides for that question, it provides that additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings deposit business. Who is to fix and determine the additional compensation?

Mr. CARTER. The board of trustees will determine the additional compensation. It can not exceed one-quarter of 1 per cent to fourth-class postmasters, and it may not be uniform. Offices doing a small business may be paid a larger percentage than offices doing a large volume of business. I can conceive, for instance, in a mining camp, where only a fourth-class post-office exists, that the deposits in the postal savings of that community may at a quarter of 1 per cent furnish the postmaster more compensation than his regular post-office business furnishes. In another case, the amount of business done in a farming community might not be as large in proportion to population as in a coal-mining camp, or a quartz-mining camp, or a manufacturing center.

Mr. HEYBURN. The amount, one-fourth of 1 per cent, is exactly the difference between the rate of interest paid by the Government and the rate of interest that is paid to the Government, is it not?

Mr. CARTER. It is the difference.

Mr. HEYBURN. So that it would cancel absolutely all profit which the Government has by reason of charging a higher rate of interest than it receives.

Mr. CARTER. It is quite probable; and I think in the workings of the system it will be found that, in the main, not to exceed one-eighth of 1 per cent will be paid to the fourth-class postmasters.

Mr. HEYBURN. What is that based upon? Has the committee a statement showing the basis of that estimate which can be investigated by the members of this body?

Mr. CARTER. I will be glad to get the figures of the Postmaster-General, if the original data are required.

Mr. HEYBURN. Did the committee have those figures before it?

Mr. CARTER. The committee had the statement of the Postmaster-General of his conclusion, after a very careful consideration of the subject.

Mr. HEYBURN. In writing?

Mr. CARTER. I think the statement was made before the committee and reduced to writing.

Mr. HEYBURN. Then the provision in the amendment that has been suggested by the Senator is to meet conditions which may arise by the payment of additional compensation under section 10, at least in part, is it?

Mr. CARTER. The maximum compensation to be paid under section 10 is fixed in section 10 at one-quarter of 1 per cent to certain classes of postmasters. Postmasters of the fourth class, as the Senator knows, are paid compensation based upon the volume of business transacted in the respective offices for the preceding year. The presidential postmasters, on the other hand, are paid fixed salaries, which are increased from time to time, as the volume of business in the office increases. But their salaries are generally sufficient to secure competent men to transact the business. In the small fourth-class post-offices, however, it happens we must allow some compensation for the transaction of this work, because the salaries are not adequate to cover the additional trouble and the value of the time to be employed.

Mr. HEYBURN. Has the committee any figures to submit as to the proportion of money that would be received in the fourth-class post-offices?

Mr. CARTER. We have endeavored to set forth in the report the number of fourth-class offices and the number of first, second, and third class offices.

Mr. HEYBURN. Will the Senator give me a reference to the page where that is set forth?

Mr. CARTER. In the course of a moment I will endeavor to do that.

Mr. HEYBURN. Is the Senator sure it is set forth in the report?

Mr. CARTER. The Senator will find, I think, that it is set forth in the report; but he will find it in more convenient form in the RECORD to-day, and I will endeavor to refer him to the RECORD.

Mr. HEYBURN. I find that the report refers almost entirely to foreign countries.

Mr. CARTER. The Senator will find on page 1432 of the RECORD—yesterday's proceedings—a statement inserted which shows that there are 38,805 fourth-class post-offices now issuing money orders, and 7,202 presidential offices; that is, offices of the first, second, and third class.

Mr. HEYBURN. I find it in the statement introduced yesterday by the Senator from Montana.

Mr. President, more than four-fifths of the post-offices that would receive this fund come under the provisions of section 10 of this act. It is entirely probable that that proportion of the receipts from postal savings deposits would be in the fourth-class offices, and 38,805 postmasters would probably receive all of the profit that is provided for between the amount of interest paid by the Government and the amount of interest received by it. There are only 5,000 postmasters who are excluded from this increased salary.

Mr. CARTER. That is correct, except it is about 2,000 short.

Mr. HEYBURN. Where is the Government going to get the money to meet the expenses of this system if the profit on the interest account is used for another purpose? Where is the Government going to get it? Is it going to get it out of the proposed amendment just submitted by the Senator from Montana, which carries with it the power to charge a higher rate of interest to banks, and is it going to interject into this bill at this stage the element of uncertainty as to what rate of interest the Government will charge the banks, or are we going to legislate along definite lines?

One of the prime elements of the law is that it shall be certain. I am trying to bring out at this time, which is the proper hour at which these things should be brought out, the real facts as to the bill, its character and its effect, should it be enacted into law, and to pass it over, merely because it comes with the recommendation of this or that man or this or that body of men, at this stage would be criminal, because it is going to be one of those things which, once adopted, we can only be relieved from through a scandal. We have had one experience in this Government, and it is a scandal to-day, and that is the old Freedmen's Savings Bank.

Mr. GALLINGER. Were not the depositors paid?

Mr. HEYBURN. No; they have not been paid; and a bill drawn so loosely as this will inevitably result in a difference of opinion—first, as to the power of the board; second, as to the wisdom of the board—and that will always be a divided opinion, and then it will be followed by an opinion that the whole system is so carelessly flung out into the air as to cast the reflection of carelessness upon the body that enacted it.

Mr. President, I have no love for the position in which I find myself in regard to this bill in this body. It is not attractive to me. I would rather be relieved from it. But the bill is here for responsible action, and the name of every Member of the Congress of the United States will be held by our constituencies as a guaranty for the wisdom of it. It will not be sufficient to say that it was reported favorably from the committee and seemed all right on its face, and there seemed to be no general objection to it, and we let it go through. We did that with another piece of legislation within the easy memory of everyone present, and there are a great many interrogations raised from the business world to-day as to why you did not give it careful consideration and embody in it protection against conditions which are to-day found very harassing to good men.

Mr. CUMMINS. Is the Senator from Idaho referring to the tariff bill passed at the recent session?

Mr. HEYBURN. No; I am referring to a provision that was attached to it, which I voted against, the only vote I cast, I think, against it.

Mr. CUMMINS. The corporation tax?

Mr. HEYBURN. Yes; the corporation tax.

Mr. CUMMINS. I joined the Senator in voting against it.

Mr. HEYBURN. I will not undertake at this time to go into any consideration of it. The people are considering it, even those who demanded it in their frenzy for getting at somebody.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. In a moment. This question is large enough itself to occupy our attention now, and so far as I am concerned, while I might perhaps be justified in saying I saw the outcome of it, I am going to take time enough to say what I have to say, so that I will not be ashamed to read the record of what I did in this hour. I yield to the Senator.

Mr. CARTER. Mr. President, in addition to the estimate made by Postmaster-General Meyer some years ago with refer-

ence to the expense and the sufficiency of one-fourth of 1 per cent to meet the charges and expenses outside of interest, I have a letter from the Postmaster-General, dated January 8, 1910, covering this subject. Inasmuch as it is quite brief and was sent in response to inquiries presented by me to that official, I will ask the Senator to permit the reading of the response at this time.

Mr. HEYBURN. Certainly.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JANUARY 8, 1910.

MY DEAR SIR: In response to your personal inquiry, I beg to state that, in my view, operated under a suitable law and controlled by proper regulations, postal savings depositories would not in the long run impose any additional financial burden upon the Government. In this connection I said in my annual report:

"Under a statute and regulations properly drawn and enforced, a postal savings-bank system in this country would be self-supporting. A fractional margin between the rate of interest paid to the depositors and the rate realized by the Government on redeposits would easily cover the cost of conducting the business. Only a moderate original outlay would be required for special equipment. Improvements in the postal service now being made should place the department in such condition that the additional work and responsibility incident to the operation of postal savings banks could be readily assumed."

The margin referred to between the interest paid to the Government and that which it in turn would allow depositors should be sufficient to defray all charges, including the necessary initial expense of preparing blanks, books, and instructions. The rapid extension of the money-order feature of the postal service, until at the present time 51,824 offices out of a total of 59,578 are equipped to issue and pay money orders, might be regarded in the nature of a valuable preliminary step in preparing the service to undertake the additional duties and responsibilities which necessarily would be entailed. At each of the 51,824 money-order post-offices there is presumably at least one person competent to undertake postal savings business; and, except in the case of offices below the presidential grade, their doing so would not necessarily add greatly to the cost of the service. At some of the larger offices additional clerks would be necessary. It is impossible to foretell with any degree of accuracy just how many would be required. In the nature of things their number and total compensation would fluctuate with the volume of business transacted, and should not be allowed to pass the limits dictated by prudent management. The employment of officers and clerks at the central office would be governed by similar considerations.

It is not believed that postal savings depositories would interfere in any way with the ordinary operations of the postal service. In this respect comparison may, with propriety, be made to the money-order service, which certainly has had no deleterious effect.

Predicated upon the experience of other countries and taking into consideration the fact that in all probability a lower rate of interest will be allowed here than in any other instance, I consider it safe to say that a system of postal savings depositories, wisely planned and administered, will prove to be a success from a financial standpoint.

Yours, very truly,

F. H. HITCHCOCK,
Postmaster-General.

HON. THOMAS H. CARTER,
United States Senate.

Mr. HEYBURN. That is just as good an example of glittering generalities as some of the provisions of this measure. He speaks of the establishment of the office and the arrangement in Washington to carry out this law. I have not taken up that question for consideration yet, but I have conferred with men whose judgment is very good, and the conclusion stated has been that it would take at least 5,000 clerks to take care of tabulating and keeping track of 5,000,000 accounts. I am inclined to think that that is not only a conservative but a very conservative estimate.

That is a charge, with the average salary paid that class of officers, of $5,000,000 a year, to be paid for executive services here in Washington. The postmasters and their clerks will represent certainly 60,000, if every one of those fourth-class offices is entitled to an extra clerk, and they probably will get them; instead of being 44,000 it will be 75,000 clerks, an addition there, we will say, for round figures, of 30,000, which means $3,000,000 more.

Now, you have $8,000,000 for clerk hire. Out of what fund is that going to be realized, when you have absorbed four-fifths of the profits that can possibly be derived from this enterprise by the Government in the payment of extra service to 44,000 fourth-class postmasters? Out of what fund are you going to pay these extra clerks? It does not need any elaborate calculation to demonstrate the fact that you are going to go into the fund itself, or else into the Treasury of the United States, for about $8,000,000 on some appropriation bill.

The bill provides that this money, when it is deposited in the Government Treasury, shall still be subject to withdrawal by this board; that is, they think that it can. Let me call your attention to this provision:

Provided, That in the Treasury or with the Treasurer of the United States postal savings funds shall be subject to disposition as provided in this act and not otherwise.

There is a contemplated violation of the prohibition of the Constitution, which says that public moneys can not be withdrawn from the Treasury except pursuant to direct appropriations based upon estimates. That is what the Constitution says, but this law proposes a different method. The minimum sum in the Treasury of the United States subject to those provisions will exceed $80,000,000 in any event. That is the obvious result of the provision of the bill. And you propose to draw that at the option and will of the board, and for such purposes as they may denominate, in the face of the constitutional prohibition.

You will get just so far as it becomes known that you are attempting or contemplating it, and the Comptroller or some proper officer of the Treasury will be reminded that it would be a violation of the Constitution of the United States. Suppose this board, with this 10 per cent reserve fund in the Treasury of the United States, should order that that money should be drawn from there and invested in interest-bearing securities, do you suppose the Treasurer would honor the draft? He would say, "Where is the act of Congress that authorizes me to pay out or transfer the public moneys of the United States, except pursuant to an appropriation based upon estimates, as provided in the Constitution?" Would Congress then be called upon at every recurring session to make an appropriation under the urgent deficiency bill?

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator will remember that yesterday there was stricken from the bill the provision with regard to the reserve fund to be deposited in the Treasury. There is no such provision in the bill now before the Senate. Therefore no moneys would be required to be withdrawn from the Treasury.

Mr. HEYBURN. Mr. President, of course I have the bill before me, showing that the provision of yesterday was abandoned, but the principle of yesterday is attempted to be incorporated into this bill just the same under general language more dangerous than that which was stricken out. It is in section 8, the one that we have under consideration. Let us see what we have for it:

Provided, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings-bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of saving-bank funds by the laws of the States of New York or California.

The language stricken out was the following:

Provided further, That said board of trustees shall maintain a reserve fund, either with the Treasurer of the United States or the banks as herein provided, not more in amount than 10 per cent of the total funds deposited in postal savings depositories.

Now, that was stricken out because, perhaps, of the suggestions which were made yesterday that they would not be able, at their will and pleasure, to handle the fund; that it could only be gotten out of the Treasury, as I suggested yesterday, pursuant to an appropriation. It evidently occurred to those in charge of the bill that they must get that money where they could handle it easier and with less restrictions.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I am responsible for the amendment under which those lines were stricken out, and I disavow any such motive. My purpose was to allow all the money to bear interest. Money in the Treasury could not earn interest, and therefore it seemed to me to meet the requirement of the bill that the money must be earning interest; that, substantially, all of it must be earning interest.

Mr. HEYBURN. Mr. President, I did not, of course, intend to impugn the motives of the Senator. I was impugning the language. There is a difference there. The Senator is acting entirely within conscientious lines in dealing with the bill and endeavoring, if he can—which he can not—to carve out of it something that will be, at least in a measure, free from the objections which have been pointed out.

Mr. President, that was stricken out; and now we come in with a provision providing for the hiring, as they say in some sections of the country, of this money to the banks, if the banks will hire it, making no provision for the money or the disposition of it where the banks will not hire it except its investment in fluctuating securities.

Since I have been on the floor I sent for the financial statement of this morning. I had it here a moment ago. I will state it, however. The moneys, that are not now to be held in the Treasury of the United States, because it would be inconvenient to the board to use them, and I say that in a proper manner, are to be invested in a class of securities that have fluctuated since the 4th day of December, according to the

statement, to an extent that would represent a pretty large percentage of this reserve fund in values.

The Government to-day, of course, is not requiring large deposits of securities for government moneys, because there is very little government money in the depositories. We had $10,000,000 of this class, of what I call "careless securities," up on the 4th day of December, and we have something like two million of it up now.

It means this: That the status of $10,000,000 of securities has been shifted and changed by operation of the affairs of the Government in sixty days.

The PRESIDING OFFICER. The Senator from Idaho will suspend for a moment. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. KEAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection that the unfinished business be temporarily laid aside? The Chair hears none. The Senator from Idaho will proceed.

Mr. HEYBURN. Here is what is left of the provision for the disposition of the funds that the banks will not hire and the Government can not invest in securities; that is, in such securities as the Government is accustomed to take—

If such bank or banks refuse to receive such deposits on the terms prescribed—

That is, at the rate of interest which this board may fix—

said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board.

Now, when they are in the Treasury, will they be in his hands as treasurer of this board, or will they be a part of the public moneys of the United States? That question is left to conjecture, but it ought to be determined. We should have some expression in regard to that, that in recurring to the RECORD we would know what the committee thought would be the status of that money, whether he would hold it as treasurer of the board or as Treasurer of the United States.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly. I read from page 7.

Mr. CARTER. The language on page 7 is—

If such bank or banks—

Is that the portion the Senator referred to?

Mr. HEYBURN. Yes; I read that.

Mr. CARTER (reading):

If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board.

The Senator will perceive that it does not provide that the funds shall be deposited in the Treasury of the United States, but with the Treasurer of the United States, who shall be ex officio treasurer of the board. These moneys are not coming into the Treasury of the United States, nor do they assume the character of the funds at any time made subject to the constitutional provision to which the Senator has referred.

Mr. HEYBURN. Mr. President, I think if anything would cast discredit upon the bill, a provision like that would accomplish it, that you are going to put $80,000,000 in the custody of a man who is treasurer of a board and make no provision for the security of that money. There is nothing like it in this Government.

Mr. CARTER. Does the Senator realize that that treasurer can not in any manner, shape, or form dispose of a dollar except under the rules and regulations prescribed by the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States? We do not place $80,000,000 in the possession of a man who may go across to Canada and bid us good-by. He may only use that money as the board may prescribe.

Mr. HEYBURN. The poor wretch who a few days since commenced upon a term of service under sentence of the court was in exactly the same position. He might not use a dollar except under the direction and control of the board of directors of the bank.

Now, I am casting no aspersions upon any man. I am prophesying no degradation of any man. I am merely saying that there is no other instance in this Government or in business where we provide that a fund of this kind shall be placed in the hands of a man because he is Treasurer of the United States, without any provision for accounting, disbursement, or responsibility. No such proposition was ever made before. But I will read on. We now have the money in the hands of this treasurer:

And may be withdrawn from deposit upon their order—

That is, the order of the board—

for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits are received.

That classification includes ordinary promissory notes, two-name paper. Is the Government going to loan this money? Is it going to propose to loan this money upon that class of securities?

I may not be demonstrating the wisdom of this legislation as it should be, but I am directing my efforts to demonstrate the fact that the bill is not a safe or proper bill to be passed in this body. No burden rests upon any Senator to perform the work of the committee. It is the duty of the committee to bring a measure to this body safely drawn and that represents legislation which will effectuate a purpose.

I on yesterday suggested the only character of a postal savings bank that I would support, and I repeat it, because the statement is brief. I will support no postal savings-bank law that provides for the Government of the United States paying interest and loaning money to recoup itself; in other words, going into the banking business. Even ordinary banks in their inception held money, just as the Government would hold it under those conditions, as a custodian. The banks of Venice, which was the first seat of banking, where the banking business as we know it to-day was invented, could not use the money of a depositor. They provided safe-keeping for money and property, but they could not use a dollar of it. Out of that condition the banking system of to-day has grown. I am not, especially on this occasion, going to make war upon it or do more than merely suggest the fact.

Mr. President, I suggested that notes and mortgages and two-name paper were within the list of securities upon which the institutions named in section 8 of the bill could loan money. I verified that statement by inquiry of a member of this body who has knowledge upon that subject. Are you going to provide that these moneys may be loaned upon that class of security? That is carrying it further than it has ever been proposed to carry it before. I shall just call attention to that fact; and it behooves the committee having charge of the bill when those objections are pointed out to propose some remedy.

The bill should go back to the committee, if it is a bill. This skeleton should go back to the committee with instructions to place some sinews and flesh upon it that will hold it together.

I have no hesitation in saying that, in my judgment, for what it is worth, the failure to provide for the manner of receiving and disbursing this fund was because the committee did not feel that it had on hand the wisdom that would enable it to do it. They undertook it a year ago, and in the face of criticism they abandoned it. The attempt that was written in the bill of a year ago does not appear in this bill. They have so completely repudiated the wisdom of last year that they do not even refer to it as a text or utter a word about it. No; they say, in effect, we create a board of three men and authorize them to create and constitute a system of postal savings banks and make all law relative to it. You do not even restrict them in the use of the money according to the methods ordinarily adopted in legislation. Then here is the amendment:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees—

Not secured according to law. That expression does not arise anywhere in the bill, I think, because there is no law to be "according to," but according to "the satisfaction of the board of trustees"—trustees for whom, I will ask the Senator in charge of the bill? For whom are they trustees, the Government or the depositor?

Mr. CARTER. Both.

Mr. HEYBURN. In a contest between the depositor and the Government whom would they represent, which of the "both?"

Mr. CARTER. Mr. President, I will only give the Senator the amount of rest which seems necessary in order to avoid having a statement too extravagant go unchallenged. The board of trustees will occupy the same relation to the postal savings system that any board of trustees occupies to a created entity over which they have jurisdiction and control for the purposes named in the bill and subject to the conditions and limitations of the law.

Mr. HEYBURN. That is, subject to the conditions and limitations that should be in the law and are not. The proviso reads:

That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors—

You can draw it out of the bank now for only this purpose:

The depositors and other obligations of the Government under this act.

That is, you may draw out of the banks to the extent necessary to recoup the Government for loss. Then what becomes of the fund? What becomes of the discrepancy that must necessarily exist in a case of that kind by reason of the drawing out of this money? There would be no condition under which there would not be a discrepancy, because you draw from the principal. The provision reads that the money "shall not be withdrawn for investment so long as the banks are willing to retain it." When the banks are no longer willing to pay interest on the money for which they have no market and no use, then, I suppose, it would be withdrawn, and these trustees would hunt a market for the money. If they failed to find one that would yield 2¼ per cent or 2 per cent, they would have to pay the interest to the depositors out of the public funds of the United States.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. I do.

Mr. SMITH of Michigan. Right at that point I want to suggest to the Senator from Idaho that there is in all probability upward of $6,000,000,000 in the banks of the United States upon which there is no interest paid. If the Government proposes to establish the precedent of paying interest on deposits, and thereby force the depositories of this vast sum of money to pay interest on deposits, then the borrower, whether he be a prosperous man or otherwise, would be obliged to pay the higher interest on loans. The result would be that our action would tend to increase the rate of interest and the burden which the borrower will have to bear in ordinary enterprises.

Mr. SMOOT. Mr. President——.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SMOOT. Along that line I want to call the Senator's attention to the fact that every dollar of money that he has reference to is deposited in national or state commercial banks and not in savings banks. There is nearly twice that amount of deposits in the savings banks that does draw interest; it is deposited as a savings account, and moneys deposited under this bill is virtually a savings account.

Mr. SMITH of Michigan. But I made that suggestion because in time of stringency, if the Government puts its hand out, takes this money in, and pays a fair rate of interest on it, I think it is reasonable to suppose that noninterest-bearing deposits will be transferred from the channels of business into the Government's hands. Then it becomes incumbent upon the Government to loan it out again, and the Government must loan it out at such rate as will pay back the Government's obligation to the original depositor and the charges of administration.

Mr. SMOOT. What the Senator fears can never happen under the provisions of this bill, because if the money is drawn from the banks and placed in the post-offices as a deposit on account of the fear of the bank failing or otherwise, the Government turns right around and deposits that same money back in the bank and it can not be taken out of the channels of trade.

Mr. SMITH of Michigan. I understand that; but the Senator from Utah [Mr. SMOOT] must admit that by that process you have burdened the money with at least an interest charge of 2¼ per cent, which otherwise bore no burden, which the borrower might perhaps get at a less rate of interest than he could if you did not have that permanent charge against it.

Mr. SMOOT. But, Mr. President, if this bill did not provide some mode of putting the money back into the channels of trade, that identical money, withdrawn from the banks, would go into old stockings, into hiding places, and out of trade channels. I think, so far as the business of the country is concerned, they could well afford in times of stress to pay 2¼ per cent to keep that money in the channels of trade.

Mr. SMITH of Michigan. If the Senator from Idaho will permit me, I want to make this observation: We fix the minimum rate of interest in this bill at not less than 2¼ per cent. We do not fix the maximum in definite language. I think the Senator from Iowa [Mr. CUMMINS] yesterday helped that feature somewhat, and I was glad to see his amendment adopted. But I make the prediction that if this bill becomes a law and is as popular in America as similar legislation is in France or in England or in Japan, it will be the football of politics; that the millions of depositors who are drawing 2¼ per cent interest will be appealed to by demagogues at election times and told, "If you vote for this party or that party, we will double your return on this money." I am afraid you are putting into the hands of unscrupulous politicians an opportunity to array a large army of depositors—citizens and aliens—against the Government on the slightest provocation, and that the rate of interest and the character of the investment to be made with this fund will subject the Government to caustic criticism and possibly misjudgment in the years to come.

Mr. HEYBURN. Mr. President, I would suggest in connection with that that you must bear in mind that no member of this board of trustees is an elective officer at all; that these are all purely political offices. I want to proceed to the proposition on page 9, in section 8 of the bill. We have been dealing with section 8. It provides:

And no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of any deposit, unless directed so to do by the Postmaster-General.

That undertakes to substitute the Postmaster-General of the United States for the law officer of the State and the county in cases of garnishment or execution. What do you suppose the States will say to that?

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. Mr. President, the Senator from Idaho, I think, will agree with me, on a moment's reflection, that the funds deposited in the post-office will not be subject to garnishment. The United States is the depositor, and the United States can not be sued and can not be garnisheed. So the contingency just suggested could not possibly arise.

Mr. HEYBURN. Mr. President, the Senator lost the point of my criticism. It was against any law which would enable a depositor to place himself in that position. I am perfectly well aware of the restrictions in the execution of a writ, but I object to a law which enables a man to put himself in that position.

Mr. CUMMINS. I shall not argue the point which the Senator from Idaho now makes. I only corrected what I thought was a misapprehension under his former statement, namely, that the law officer of the State could not reach this sum by garnishment.

Mr. HEYBURN. That is a result that flows from an act of the individual who takes money that would otherwise be subject to execution and places it beyond the reach of execution.

Now, I come to probably—I was going to say the worst provision of this bill, but it would be pretty difficult to say which is the worst——

Mr. CUMMINS. Make no rash assertions about it.

Mr. HEYBURN. No; I shall not indulge in comparisons. I call attention to section 3, which provides—

That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over, in his or her own name.

I pause there; but there are other provisions which follow it. Contemplate the situation. A family of half a dozen children over 10 years of age and under the age of responsibility getting hold of money, it matters not how, placing it in a postal savings bank, and receiving a credit from the Government of the United States that can not be attached. The money passes out of their control. They have a little book, which says that these children—not sui juris—have a claim against the Government of the United States for $3,500. That, under the law, is the property of the parent, and liable and responsible for the maintenance of the household and the care and the education of the children. The parent's consent is not required. The child might take the parent's money and deposit it in the post-office. What proceedings could be appealed to to recover that money? The thief might take the product of his night's adventure and deposit it in the post-office, and the lips of the postmaster would be sealed. He could not even say, "Yes, Guy Fawkes placed $500 here this morning." Is not that worth considering? Are we going to open up an avenue of this kind and seal the lips of the officer of the Government against giving any information? Yet there is something that, as was suggested, is not the subject of garnishment.

There is no provision for the transfer of the ownership of this pass book; it is not made transferable from one person to another; yet this deposit has been made, and the only evidence of it is the pass book in the possession of the wrongdoer or the irresponsible depositor. It seems to me that any law dealing with this question should make ample provision against such conditions and should preserve rights.

It would become a favorite means of disposing of ill-gotten money, pilfered from the table or the pocket, or how, it matters not, by putting it beyond the reach of inquiry behind the sealed lips of the Government of the United States.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I yield.

Mr. CARTER. Mr. President, I should like to know whether the Senator from Idaho believes that it would be proper to authorize every postal clerk and person dealing with post-office matters to go out on the public streets and proclaim just the amount deposited every day by each man, woman, and child in the community, and make it the subject of current conversation? Does the Senator know of any bank anywhere that would for one moment tolerate the action of an employee in going out into the crossroads places and telling all about the private business and the deposits of individual depositors of the bank? How long would the Senator continue to do business with a bank which authorized its clerks to go out and tell all about the deposits and the amount thereof, and his debts or the amount of his debts? Of course the Senator knows that there is absolutely no virtue whatever in the contention that this provision prohibiting an employee of the Government from disclosing the character of the deposit is contrary to good, sound public policy or public morals.

Mr. HEYBURN. The question was not involved in my consideration of the propriety of providing a means for secreting funds that did not belong to the parties secreting them, though, of course, we know that any bank may be garnisheed and required to make known to the officers of the law the credit that is held in favor of any individual. As to whether I would send clerks out to herald it on the streets is not involved. The Senator knows that just as well as he would know it after I explained to him what my views would be.

Mr. CARTER. The Senator from Idaho makes special objection to that provision of the proposed law which prohibits the employees of the Post-Office Department from giving out information concerning the current accounts of depositors.

Mr. HEYBURN. The Senator from Montana never was more mistaken in his life. I do not object to it at all. It would be utterly improper to allow these officers to give out the information. What I object to is creating a condition where the question may be raised at all.

In the first place, I am opposed to allowing children 10 years of age to be made the medium of covering up the cash of the household against its responsibilities; that is one reason, and inasmuch as it might amount readily to a difference between ten years and twenty-one years, it might be a twenty-year proposition. Each child depositing $500 a year in its own name would have $5,000, and a family of five children, we will say, or six children, might have enough money to stake that family and escape from its creditors in the bosom of Uncle Sam, and you could not get at it.

Mr. CARTER. I will ask the Senator from Idaho what the exemption from attachment and seizure under the operation of law is in the State of Idaho as to a resident of that State?

Mr. HEYBURN. Mr. President, I have in my committee room all the statutes of the State of Idaho, and the law upon that subject is scattered through a number of volumes. If I thought that it would add to the wisdom brought to bear upon this question, I would bring them in and read what the law is; but it is not necessary at all.

Mr. CARTER. Mr. President, I think the Senator, with his usual directness, will admit that all of the States exempt from attachment and execution sums varying from $1,000 to $5,000.

Mr. HEYBURN. That is right.

Mr. CARTER. Including the homestead value, the books of the professional man, the tools and implements of the farmer, the tools of a mechanic, and so on, to an extent that frequently involves much more than $5,000.

Mr. HEYBURN. Yes; and this would add that much more to it.

Mr. CARTER. Mr. President, if the savings of the poor are not a subject for some little protection during their accumulation, then I am not a good judge of what is rational public policy.

Mr. HEYBURN. The poor. Mr. President, I traveled on one occassion with a man who carried a savings-bank account of several thousand dollars. He owns more farms than any man within the sound of my voice, and yet he patronized savings banks. Does the Senator imagine for a moment that postal savings banks would be patronized only by the poor?

Mr. CARTER. Mr. President, we can only determine about what would be by that which we know to exist elsewhere. The fact is that between 40 and 50 per cent of the depositors in postal savings banks are children and over 15 per cent are laboring people.

Mr. HEYBURN. But the fund is not protected behind this cast-iron secrecy. You can probe the savings bank and test the bona fides of a deposit that is made by a parent out of his own money to the credit of a child for the purpose of relieving the account from liability under execution.

Mr. CARTER. Well, Mr. President, the Senator is endeavoring to determine an entire case upon an extravagant illustration.

Mr. HEYBURN. That is a very nice expression, and it will look well in the RECORD [laughter], but it is not pertinent to a fair consideration of the question now before us.

Mr. CARTER. Mr. President, I do not wish to be regarded as impertinent in dealing with the Senator. My disposition is to be extremely courteous, as the Senator, I think, knows, but I take this to be true, that we can not legislate on any subject in this presence upon the theory that the average man is a crook. I believe the average man, the average woman, and the average child, if you please, throughout this country have characters that are honest, square, and decent, and the fact that some man may take advantage of this postal-savings institution to defeat his creditors is no argument at all calculated to justify us in denying a beneficial institution to a whole people. The fact that somebody is guilty of petty larceny is no reason why we should discontinue all business and business operations. It is true that abnormal conditions will be found in human nature, just as abnormal conditions will be found in the mountains, on the plains, and everywhere throughout nature; but the legislation of the Government is not conducted, except when dealing with criminal statutes, to apply to the abnormal. It is the normal with which we deal.

Mr. HEYBURN. Mr. President, if I were to express the strong impression made upon my mind by the remarks of the Senator and the sympathy that rang in the tones of his voice, I would move to amend by striking out the restriction against disclosure, resting upon the honesty of all the people and the lack of any necessity for any provision of law requiring them to refrain from giving information. This whole provision is based upon the necessity of putting these deposits behind the bars of secrecy, and why go away from that? It was a nice, eloquent flight the Senator gave us, but it is not applicable.

Mr. President, not only are the deposits of children provided for without requiring any consent or knowledge of the parent, but we find that money may be deposited by a married woman in her own name, free from any control or interference by her husband. It might be the husband's money. [Laughter.]

Mr. CARTER. Would the Senator put in the proposition that the husband might deposit without interference from his wife? [Laughter.]

Mr. HEYBURN. Mr. President, if I would put any provision in a skeleton like this, it would be a substantial one that would require open, candid, and businesslike rules of conduct.

Mr. CARTER. Then, the Senator would advise posting the names of the depositors in front of the post-offices and the amount of their daily balances?

Mr. HEYBURN. I have not reached that point of absurdity yet.

Mr. CARTER. I think the Senator will in due time, if he keeps on. [Laughter.]

Mr. HEYBURN. Mr. President, the laws of some States, and perhaps of all States, make the property of the wife contribute, under limitations or without them, to the payment of the obligations of the household. This bill would permit the wife to deposit her money in the savings banks and it might be that the husband would have no money left. Is that the intention?

Mr. CARTER. Mr. President, I do not express much sympathy with the husband who can not support his own family.

Mr. HEYBURN. Mr. President, he could do it provided he retained the money that came to him. I am casting no aspersion upon any woman or upon any man when I say we are not supposed to legislate upon the hypothesis that no legislation is necessary.

Mr. CARTER. Mr. President, in most of the States, as the Senator well knows, this provision would be wholly unnecessary. The enlightened course of modern legislation has brought us to a position in most of the States where wives may, without any interference, let, or hindrance on the part of their husbands, manage their own individual personal property.

Mr. HEYBURN. Their personal property that has not been acquired during coverture.

Mr. CARTER. Well, Mr. President, even such a limitation as that does not apply where a wife, even after marriage, through business operations that prove profitable, accumulates money. Under the laws of many of the States the husband can not

interfere with any disposition she may think proper to make of her earnings or her savings.

Mr. HEYBURN. She must then become a feme sole trader.

Mr. CARTER. That is sometimes required.

Mr. HEYBURN. It is true of the State which the Senator in part represents.

Mr. CARTER. I think of the State of Montana that is true.

Mr. HEYBURN. And in the State I in part represent.

Mr. CARTER. That is by a mere declaration filed of her intention to become such.

Mr. HEYBURN. That her husband is unable and unwilling to support her. That is the preliminary in Montana and in Idaho.

Mr. CARTER. I think the Senator had better confine his remarks to Idaho in that particular, because it is not in the Montana statutes.

Mr. HEYBURN. I may surprise the Senator by producing the statute. Women may become feme sole traders in many States where the husband is either irresponsible or not inclined to take care of the family; and it is quite usual under such circumstances for the wife to file a declaration—and it must be under oath—of those facts. Thereupon, an order will be made declaring her a feme sole trader, authorized to acquire property and deal with it independent of her husband; but, in the absence of such a provision, the accumulated property after marriage is common property and subject to the common responsibility for the payment of expenses.

Mr. CARTER. In the absence of such a statute, the Senator well knows that at common law all the property of the wife belonged to the husband, and, as a matter of fact, she could not hold any individual property.

Mr. HEYBURN. Yes; I read that in Blackstone.

Mr. CARTER. Yes; I know. Some time ago. [Laughter.]

Mr. HEYBURN. The carrying out of this doctrine would permit a family of five children and a wife to accumulate in the neighborhood of from forty to fifty thousand dollars.

Mr. CARTER. That is, the grandchildren being imported into the transaction.

Mr. HEYBURN. No; take five living children and the wife, running ten years—because between the ages of 10 and 20 it is not unreasonable to contemplate five children [laughter] who may live to be 10 years of age——

Mr. CARTER. The Senator, in view of that contingency, thinks this bill ought to be amended. [Laughter.]

Mr. HEYBURN. Mr. President, just a moment of privilege. I never deal in levity, and especially I never deal in levity that may possibly have a vulgar meaning. Just take that as a cue for any remarks I may make.

Mr. CARTER. Mr. President, the Senator is endeavoring to demonstrate mathematically that one family under this bill may accumulate and have in the post-office or post-offices forty or fifty thousand dollars. I assert that one family—five children, husband, and wife—can have, all told, but $3,500 in the postal savings bank, exclusive of accumulated interest, at any time.

Mr. HEYBURN. Thirty-five hundred dollars?

Mr. CARTER. Thirty-five hundred dollars—$500 a year each. That is the maximum limitation.

Mr. HEYBURN. That is for one year.

Mr. CARTER. They could not add to it as long as they have $500 on deposit.

Mr. HEYBURN. I do not find the limitation expressed in such language.

Mr. CARTER. The Senator will find it in the most explicit language.

Mr. HEYBURN. Then, call my attention to the page, please.

Mr. CARTER. If the Senator will turn to page 5, he will find that limitation.

Mr. SMOOT. Page 5, line 4.

Mr. CARTER. If the Senator will turn to that page, he will observe the following proviso:

Provided, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

That does not refer to one year or ten.

Mr. HEYBURN. Well, if that is confined to one year, then the suggestion of the Senator is correct that they might cover up $3,500.

Mr. CARTER. Mr. President, it is not confined to one year nor to ten years. It is clear, explicit, and unequivocal language, declaring that there shall never be to the credit of any account more than $500, exclusive of accumulated interest. It would be difficult to make language more explicit than that.

Mr. HEYBURN. Of course the interest would be added, and the interest would be a considerable sum.

Mr. CARTER. I hope they would leave the money there.

Mr. HEYBURN. If the money of the family can be placed in the hands of children and put behind the bars of secrecy provided by this bill, and if the wife may deposit her $500 there, and then that would be an addition to the exemptions under the state law, I think you are giving a pretty wide latitude of protection.

Mr. CARTER. I realize that the Senator is serious, and is gravely apprehensive that this bill may be made a shield for those desiring to avoid the payment of their honest debts. It is true that the States have wisely provided liberal exemptions from seizure of property under process of law. But may not anybody, desirous of sequestering his estate and refusing to pay his debts, buy bonds now and lock them up in his safety-deposit vault or bury them in some corner of his lot? May he not with equal ease purchase stocks of any sort in the name of his children or the name of a neighbor and thus avoid the payment of his debts? If men are dishonest and are unwilling to pay their debts, they suffer a penalty which society imposes in being discredited and being denied that standing to which honorable dealings lead.

Mr. President, there might be a case now and then where a man would seek to avoid the payment of his grocery bill or doctor bill or drug bill by depositing money in the name of a child in a postal savings bank. But that man is infinitely more likely to pay his debts, after he has accumulated a little surplus and with it a certain self-respect, than he is if he never accumulates anything at all.

Mr. HEYBURN. Let me ask the Senator whether he thinks that the child should be allowed to make a deposit without the consent or against the wishes of the parent and put the money beyond the possibility of the parent's controlling its use?

Mr. CARTER. I do not know that the parent may not prohibit a bank from transacting business with a minor, but the fact is that banks all over the country now receive deposits from minors. No objection is made to it, and it is as a rule a most desirable practice. I should like to see every child in this country upon reaching the age of 10 given a practical lesson in saving by keeping an account at the post-office.

Mr. HEYBURN. How would it affect the law of inheritance? Would the inheritance run from the child or from the parent?

Mr. CARTER. That would depend upon the local statutes, of course.

Mr. HEYBURN. I know; but at present the inheritance does not flow from a minor. This would change that law, would it? The child dying during minority, where would the money go?

Mr. CARTER. The estate of the child would be disposed of under the law of the locality of course.

Mr. HEYBURN. Then we would add to the existing condition of affairs the estate of children to be administered. Who would administer it?

Mr. CARTER. I presume that the local law would control in every case. There is nothing in this bill that disturbs existing legal relations in any State. It extends a privilege.

Mr. HEYBURN. Could the child withdraw this money from the postal savings fund without the consent of the parent?

Mr. CARTER. That we understand to be true.

Mr. HEYBURN. Then the parent would lose all control over this money that he perhaps had given the child or which the child may have taken possession of.

Mr. CARTER. I presume the gift would be made with the idea that the child would make use of the money, and most parents would be gratified to know that instead of spending the gift for trifles and toys the child had shown a disposition to save a little as against a rainy day. No great injury will flow from that.

Mr. HEYBURN. It is true to-day that people constantly open accounts with a savings bank in the name of a child, but then the relation of guardianship is not destroyed. The parent controls it under the law. A child is not at liberty to go and draw the money out of the savings bank against the wishes or without the consent of the parent, and this will necessitate the appointment of a guardian in every case of that kind where there is a controversy.

I realize the necessity and the desirability of encouraging a disposition to save money by children and by all people, but we are legislating here on the assumption that we will not disturb existing relations between the parent and the child; we will not give any advantages that do not exist to-day; and yet you are going to create an entirely new relation. And how will the child enforce a recovery of the money?

Mr. CARTER. A child would not be called upon to enforce a recovery. The Government of the United States——

Mr. HEYBURN. Would pay it to the child?

Mr. CARTER. The Government of the United States is a just Government, and it will not be necessary to enforce recovery.

Mr. HEYBURN. Will it pay it to the child?

Mr. CARTER. To the child; most assuredly.

Mr. HEYBURN. Even though the parent was of the opinion that a child of 10 or 11 years of age was not competent to take care of it?

Mr. CARTER. The deposit by the child would raise a reasonable presumption that the child knew what to do with money.

Mr. HEYBURN. That might be prompted perhaps by some one else than the child.

Now, I am going to close my criticism of this bill for the present by asking one or two questions. Out of what fund will the interest be paid? In the event that the Government did not realize enough money out of the funds that it had collected to pay interest, out of what fund would it be paid? Can the Senator tell me?

Mr. CARTER. The bill contemplates turning the surplus earnings into the postal revenues.

Mr. HEYBURN. Suppose there are no surplus earnings. There is no assurance there will be.

Mr. CARTER. It will devolve upon the board of trustees to guard that.

Mr. HEYBURN. This bill relies very largely upon things yet to be done—rules and regulations yet to be made. There is no existing law covering the subject at all; and should no rules and regulations be made, there would be no way of recovering this money from the banks.

Mr. President, my objections to this bill have been stated at great length, and I feel that I might apologize to those who have been present and those who have not been present for having detained the Senate so long. But I am thoroughly impressed with the conviction that this measure is as vicious as it can be; that it is laying the foundation for a trouble that will tease this Government for years to come; that it will probably result in the first flush of its operation in gathering up a large sum of money belonging to the people, which the people themselves have shown themselves capable of accumulating and preserving, and owned by people who have given no evidence of unfitness for the management of their affairs. They are going to be asked to turn it over, and without exactly understanding the workings of this law, they will probably turn it over, a large amount, and then we will find that the banks will not borrow the money when they can get noninterest-bearing money. We will have it on hand, and we will go into the stock market to buy stocks in competition with private enterprise, with the result that it will inflate the price of securities they bid for and they will not get enough of them, because there is not enough in existence to meet the requirements of this bill.

There are not enough private securities in the United States to afford security, dollar for dollar, of the fund that would be accumulated under this law in two years. What condition would the business world or the investing world be in if the Government had absorbed all the securities of the class proposed to be accepted under the provisions of this bill? The Government would hold them as security for deposits in the banks. The interest on them would go to the banks, if they were interest-bearing securities, and they would be withdrawn from the ordinary channels of business—I mean business in securities—and withdrawn perpetually. They would remain withdrawn.

There is no provision in this bill for the disposition of these securities when they mature. Nine-tenths of them will mature within ten years. There is no provision for a substitute for them. The issuer of the security would proffer payment, and it would have to be accepted. The interest would cease. Then what provision is made for a substitute to secure these deposits?

You are building up a great big financial ghost that will fade away and go down under its own weight and lack of strength to support itself. There is no provision, I repeat, for substituting the securities. The securities will not exist that are required under the law. What is the alternative? There is where danger comes. The only alternative is to put the money in the Treasury of the United States. The banks do not own and can not get securities enough to cover the deposits at the end of twenty-four months. They are not in existence, according to the financial records of the United States. We thrashed that question out when we were discussing the finance bill two years ago.

It is easy enough to say that the banks shall give security to the Government for the repayment of the money and specify the character of the securities. But if they do not exist or will not exist, your provision is absolutely futile, and we have no alternative, and we want none, under which the banks may hold money without security. Four hundred and sixty million dollars is the limit of the securities existing to-day which come within the provisions of this bill. And what are you going to do for securities against the deposits above that sum, if they were available? There is not a hundred million dollars of them available to-day. They could not be obtained. They are earning more money. They are performing more desirable functions for their owners.

Now, we pass a law; the deposits come in; and the Government looks around for an opportunity to comply with the next provision; that is, to sell the money in the market to the banks, with a limit upon the terms, so far as interest is concerned. It can not sell it for less than 2¼ per cent, and the banks can not get it even on those terms unless they put up securities within the class and character named in this bill, and when that period is reached, then this legislation will just melt down into a failure and tantalize us for years to come with a demand for legislation to relieve the situation. That is what it will do. And what can we do, then? The Postmaster-General or this board will say, "We have $500,000,000 for which we can find no market at the rate of interest we are required to charge;" or if they can find a proffer for it, they will say, "We have only offers from people who can not comply with the requirements of the law and give the security," and they will say to Congress, "What shall we do? Put it into the Treasury of the United States?" Where will the depositors be? It will be just as safe as possible, but the depositors can only get the money when we appropriate it to pay them; and do you think we will make an appropriation to pay them when they demand it? No. We will make an appropriation to return the money to them as the only way out of our present situation. That is what you have to face.

Mr. President, I think my conscience will be clear, whatever the fate of this bill may be, having expressed my views against its provisions, not in a revolutionary spirit, not for the purpose of antagonizing this measure merely because I want to antagonize it, but because it will not accomplish the purpose.

I have been reminded, I was going to say officially, that the pledge of the Republican platform demands that I vote for this bill. It does nothing of the kind. I am not going to stand here and speak disrespectfully of the Republican party, because the Republican party consists of every member of the party, and nothing less. The Republican platform to me contains every provision that ever was written in a Republican platform. No provision ever written in the Republican platform has been written out of it at any time. Good government, political and financial conscience, have always been sacred to the Republican party, and it has stood for it; and where men, in the carelessness of the hour or the real or imaginary stress of circumstances, have written wrong words in it, we have done just what the courts do. We do not accept those words as meaning the destruction of the Government or of the interest of the people. The principles for which the Republican party stands are not all contained in its last platform, and I can gather no wisdom from the composite and aggregate declarations of principles of the Republican party that compels me to vote for a measure so utterly wanting in wisdom and safety as the one before this body.

I have never had to apologize for my Republicanism in the long years that I have worked in that party and sat in its councils. I am no insurgent. I took upon me the obligations of a member of this body before those unofficial gentlemen met in Chicago; and my obligations are not changed since the day I took them upon me. We are acting here responsibly, and if we create such a juggernaut as is wrapped up in the terms of this bill and start it out coursing among the people without rudder or guide, crushing out their lives and their hopes under the pretense that it is going to be their ark of safety, I will allow the responsibility to rest upon other shoulders than mine.

Mr. CARTER. I ask unanimous consent to have the bill with the amendments thus far adopted printed in the RECORD.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Senator from Montana asks unanimous consent that the bill as thus far amended may be printed in the RECORD.

Mr. BURTON. Will the Senator from Montana yield for a question relating to this bill?

Mr. CARTER. I would be glad to yield, but I preferred a request which I desire to have acted upon.

Mr. HEYBURN. What is the request?

Mr. CARTER. That the bill as thus far amended be printed in the RECORD—not the amendments pending, but the amendments agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is agreed to.

Mr. MONEY. I could not hear what the request was.

Mr. CARTER. The Senator from Montana requested unanimous consent that the bill with the amendments thus far adopted be printed in the RECORD.

The PRESIDING OFFICER. The Chair understands that the request has been granted.

Mr. CARTER. Mr. President, I have two purposes in asking for unanimous consent, and I thank the Senate for having acceded to it. First, there is a demand for information as to the progress of the bill from day to day, and this can be most conveniently given through the RECORD. I have another purpose, and that is to have the print of the bill follow the speech of the Senator from Idaho; and I assert that this bill which will be printed in the RECORD is the one pending, and not the bill to which the Senator from Idaho has addressed his remarks. I hope the Senator will take occasion to edit the manuscript, because he will find, if he compares the statements made with the text of the bill, that the statements do not correctly represent the measure that is pending in any substantial particular.

Mr. HEYBURN. I shall not edit the manuscript. The remarks I presented were directed against the bill pending and the principles involved in it. I criticised it in comparison with the bill presented by the same committee a year or more ago; but I think I know to what I directed my remarks, and they will stand in the RECORD, as my remarks have always stood since I have been a member of this body.

The bill as amended is as follows:

A bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Be it enacted, etc., That there be, and is hereby, established a system of postal savings depositories under the supervision and direction of a board of trustees, which board shall consist of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, acting ex officio. All regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed by said board of trustees, and any general regulation prescribed by the Postmaster-General under authority of this act shall be subject to the approval of said board. Said board shall report to Congress at the beginning of each regular session their transactions under the provisions of this act, including a statement showing the number of post-offices receiving deposits of postal savings in each State and Territory, the aggregate amount of deposits made therein, the aggregate of withdrawals therefrom, the amount of interest paid to depositors, and the amount of extra expense incident to the system of postal savings, and all other facts and recommendations which they may deem pertinent and proper to present.

SEC. 2. That every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General in his discretion may from time to time designate, are hereby declared to be postal savings depository offices to receive deposits from the public and to account for and dispose of the same according to this act. Every postal savings depository office shall be kept open for the transaction of business every day (Sundays and legal holidays excepted) during the usual post-office business hours of the town or locality where such depository is located, and between such additional specific hours as the Postmaster-General may direct: *Provided*, That the Postmaster-General may, if he deems it necessary or more practical, establish at first postal savings depositories only at the money-order offices of the first, second, and third classes, and thereafter extend the system as rapidly as practicable to all other post-offices specified above.

SEC. 3. That accounts may be opened and deposits made in any postal savings depository established under this act by any person of the age of 10 years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall simultaneously have more than one postal savings account.

SEC. 4. That the postmaster at a postal savings depository shall, upon the making of an application to open an account under this act and the submission of an initial deposit, deliver to the depositor a pass book upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits shall be made: *Provided*, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device in lieu of a pass book as a means of making and preserving evidence of deposits.

SEC. 5. That at least $1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and $1, or multiples thereof, may be deposited after such account has been opened, but no one shall be permitted to deposit more than $100 in any one calendar month: *Provided*, That in order that smaller amounts may be accumulated for deposit any person may purchase from any depository office for 10 cents a postal savings card to which may be attached specially prepared adhesive stamps, to be known as "postal savings stamps," and when the stamps so attached amount to $1, or a larger sum in multiples thereof, including the 10-cent postal savings card, the same may be presented as a deposit for opening an account, and additions may be made to any account by means of such card and stamps in amounts of $1 or multiples thereof, and when a card and stamps thereto attached are redeemed by any postmaster he shall immediately cancel the same. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof.

SEC. 6. That interest at the rate of 2 per cent per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the board of trustees may prescribe; but interest shall not be computed or allowed on any amount less than $1, or some multiple thereof: *Provided*, That the balance to the credit of any one person shall never be allowed to exceed $500, exclusive of accumulated interest.

SEC. 7. That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe. Withdrawals shall be paid from the deposits in the State or Territory, so far as the postal funds on deposit in such State or Territory may be sufficient for the purpose, and, so far as practicable, from the deposits in the community in which the depositor withdrawing resides. No bank in which postal savings funds shall be deposited shall receive any exchange or other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the postal savings depository system.

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2½ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories. If there is more than one such bank in any city, town, or village willing to take such deposits upon the terms provided for herein, the same shall be divided among them substantially according to their capital and surplus. If no one of such banks in any such city, town, or village is willing to accept the deposits upon such terms, or if there be no bank or banks therein, or if the post-office at which the funds are received is not in a city, town, or village, then the deposits shall be made in a solvent bank or banks, subject to such supervision and examination, of the State or Territory in which the post-office is situated, giving preference to those that are in the same general community as the post-office receiving the funds. The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board. If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits are received: *Provided*, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed, from time to time, by said board, which rate shall not be less than 2½ per cent per annum: *Provided*, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings-bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of savings-bank funds by the laws of the States of New York or California. Interest and profits accruing from the deposit or investment of postal savings funds shall be applied to the payment of expenses of administration authorized by the board of trustees and approved by the Postmaster-General and of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury as part of the postal revenues: *Provided*, That in the Treasury or with the Treasurer of the United States postal savings funds shall be subject to disposition as provided in this act and not otherwise. For the purposes of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

SEC. 9. That postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the postal service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post-Office Department shall disclose to any person other than the depositor the amount of any deposit, unless directed so to do by the Postmaster-General. All statutes relating to the safe-keeping of and proper accounting for public moneys are made applicable to such funds, and the Postmaster-General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary.

SEC. 10. That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at not to exceed one-fourth of 1 per cent on the average sum upon which interest is paid each calendar year on receipts at such post-office, and shall be paid from the postal revenues; but postmasters, assistant postmasters, and clerks at post-offices of the presidential grade shall not receive any additional compensation for such service.

SEC. 11. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to enable the Postmaster-General and the board of trustees to establish a system of postal savings depositories in accordance with the provisions of this act; and the Postmaster-General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal savings depository business as may be necessary; and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this act into effect.

SEC. 12. That postal savings depository funds are hereby declared to be entitled to all the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishment provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use, or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal savings depository business, and the forgery, counterfeiting, alteration, improper use or handling of postal savings depository

blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor.

SEC. 13. That this act shall take effect on the first day of the third calendar month after its approval.

Mr. BULKELEY. I ask leave to present a proposed amendment to the bill, which I ask to have read and lie on the table.

The amendment was read and ordered to lie on the table, as follows:

At close of section 8 insert:

"*Provided*, That postal savings funds received under the provisions of this act, except reserve funds, shall be invested as soon as practicable in the bonds or securities of the United States bearing a rate of interest not exceeding 3 per cent per annum; and

"*Provided further*, That said board of trustees may retain on deposit in any solvent bank or banks, as provided in this section, a reserve fund equal to 20 per cent of the aggregate amount of such postal savings deposit."

STEAMERS "A. B. WOLVIN" AND "CAMBRIA."

Mr. SMITH of Michigan. I desire to prefer a request for the present consideration of the bill (S. 5697) to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company. The bill comes from the Committee on Commerce with a favorable report. It also has the indorsement of the Secretary of Commerce and Labor, and I hope there will be no objection to its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the action of the House relating to the urgent deficiency appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY the conferees on the part of the Senate.

COLLECTION DISTRICTS IN OREGON.

Mr. BOURNE. I ask unanimous consent to call up the bill (S. 538) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. Let it be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in section 2, page 4, line 9, after the word "Oregon," to insert the following proviso:

Provided, however, That nothing in this act shall be construed as in any way affecting the action heretofore taken by the Secretary of the Treasury under the provisions of section 253 of the Revised Statutes in discontinuing Port Orford, Gardiner, Ellensburg, and Newport as ports of delivery, nor as requiring customs officers to be stationed at such places.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, grant the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN the conferees on the part of the Senate.

DEATH OF REPRESENTATIVE WILLIAM C. LOVERING.

A message from the House of Representatives by W. J. Browning, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. WILLIAM C. LOVERING, late a Representative from the State of Massachusetts, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. MCCALL, Mr. LAWRENCE, Mr. GREENE, Mr. WASHBURN, Mr. KELIHER, Mr. PETERS, Mr. BOUTELL, Mr. FOSTER of Vermont, Mr. MCCREARY, Mr. BARTLETT of Georgia, Mr. KENDALL, Mr. LEE, Mr. HENRY W. PALMER, Mr. CALDERHEAD, and Mr. SIMS as members of the committee on the part of the House to attend the funeral.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

House resolution 370.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM C. LOVERING, a Representative from the State of Massachusetts.

Resolved, That a committee of fifteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. LODGE. Mr. President, I send to the desk the following resolutions and ask for their adoption.

The VICE-PRESIDENT. The Senator from Massachusetts submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Senate resolution 169.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM C. LOVERING, late a Representative from the State of Massachusetts.

Resolved, That a committee of five Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. LOVERING, at Taunton, Mass.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Massachusetts.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as the committee on the part of the Senate under the second resolution Mr. LODGE, Mr. CRANE, Mr. WETMORE, Mr. BAILEY, and Mr. NEWLANDS.

Mr. LODGE. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 5, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1910.

COLLECTOR OF CUSTOMS.

John Goffigon, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia, in place of Clarence G. Smithers, resigned.

RECEIVER OF PUBLIC MONEYS.

John J. Deane, of San Francisco, Cal., to be receiver of public moneys at Oakland, Cal., vice George Stone, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Edward A. Keyes, Sixth Cavalry, to be first lieutenant from February 1, 1910, vice First Lieut. Charles M. Maigne, Twelfth Cavalry, retired from active service on that date.

INFANTRY ARM.

First Lieut. Alvin K. Baskette, Third Infantry, to be captain from February 2, 1910, vice Capt. Marion M. Weeks, Ninth Infantry, retired from active service on that date.

Second Lieut. John S. Upham, Fifteenth Infantry, to be first lieutenant from February 2, 1910, vice First Lieut. Alvin K. Baskette, Third Infantry, promoted.

PROMOTION IN THE NAVY.

Surg. Charles F. Stokes, U. S. Navy, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear-admiral, from the 5th day of February, 1910, vice Medical Director Presley M. Rixey, U. S. Navy, whose term of office expires on that date.

POSTMASTERS.

ALABAMA.

Madison D. Majers to be postmaster at Georgiana, Ala. Office became presidential January 1, 1908.

ARKANSAS.

Thomas O. Fitzpatrick to be postmaster at Forrest City, Ark., in place of Thomas O. Fitzpatrick. Incumbent's commission expires February 27, 1910.

Jack Grayson to be postmaster at Prescott, Ark., in place of Jack Grayson. Incumbent's commission expires February 5, 1910.

Harry Harriman to be postmaster at Eudora, Ark. Office became presidential January 1, 1910.

Jeffrey H. Houghton to be postmaster at Jonesboro, Ark., in place of Jeffrey H. Houghton. Incumbent's commission expires February 27, 1910.

Thomas Mull to be postmaster at Holly Grove, Ark., in place of Edward W. Burruss. Incumbent's commission expired January 11, 1910.

John N. Sarber, jr., to be postmaster at Clarksville, Ark., in place of John N. Sarber, jr. Incumbent's commission expires February 5, 1910.

FLORIDA.

J. Paul Clark to be postmaster at West Palm Beach, Fla., in place of John C. Stowers, resigned.

IDAHO.

Carl F. Zinnius to be postmaster at Spirit Lake, Idaho, in place of James H. Huling, resigned.

INDIANA.

John E. Pershing to be postmaster at Elnora, Ind. Office became presidential January 1, 1910.

IOWA.

William C. McCurdy to be postmaster at Massena, Iowa. Office became presidential January 1, 1910.

Kate C. Warner to be postmaster at Dayton, Iowa, in place of Kate C. Warner. Incumbent's commission expires February 5, 1910.

KENTUCKY.

H. W. Lockridge to be postmaster at Mount Sterling, Ky., in place of Benjamin W. Hall. Incumbent's commission expires February 27, 1910.

LOUISIANA.

Benjamin F. Cowley to be postmaster at Leesville, La., in place of Jessie B. Wells, resigned.

MASSACHUSETTS.

John Duff to be postmaster at New Bedford, Mass., in place of John Duff. Incumbent's commission expires February 22, 1910.

MICHIGAN.

George A. Brown to be postmaster at Pontiac, Mich., in place of Herman A. Wyckoff, resigned.

Angus G. Grayson to be postmaster at Pellston, Mich., in place of Allen C. Wright, deceased.

John O'Donnell to be postmaster at Munising, Mich., in place of Robert G. Elliott. Incumbent's commission expired January 23, 1910.

MISSISSIPPI.

William T. Branch to be postmaster at Winona, Miss., in place of William T. Branch. Incumbent's commission expired December 15, 1909.

Charles W. Montgomery to be postmaster at Edwards, Miss., in place of Ellis E. Perkins, resigned.

MISSOURI.

Jasper L. Geer to be postmaster at Campbell, Mo., in place of Clarence Gardner. Incumbent's commission expires February 19, 1910.

Ezekiel A. Sample to be postmaster at Fredericktown, Mo., in place of Ezekiel A. Sample. Incumbent's commission expired January 29, 1910.

NEBRASKA.

Joseph Krahulik to be postmaster at Clarkson, Nebr. Office became presidential January 1, 1910.

NEVADA.

Dwight A. Dawson to be postmaster at Reno, Nev., in place of Dwight A. Dawson. Incumbent's commission expires March 21, 1910.

NEW JERSEY.

J. Albert Harris to be postmaster at Wildwood, N. J., in place of William B. Livezey. Incumbent's commission expired December 19, 1909.

NEW YORK.

Dean Best to be postmaster at Philmont, N. Y., in place of August F. Funk. Incumbent's commission expired December 19, 1909.

Evert B. Du Bois to be postmaster at Wallkill, N. Y., in place of Evert B. Du Bois. Incumbent's commission expires February 28, 1910.

Minnie N. Slaight to be postmaster at Bentley Manor (late Tottenville), N. Y., in place of Minnie N. Slaight, to change name of office.

OHIO.

David M. Riley to be postmaster at Convoy, Ohio. Office became presidential January 1, 1910.

George W. Wilkinson to be postmaster at North Baltimore, Ohio, in place of George W. Wilkinson. Incumbent's commission expires February 27, 1910.

OREGON.

O. A. Wolverton to be postmaster at Monmouth, Oreg., in place of O. A. Wolverton. Incumbent's commission expires February 5, 1910.

PENNSYLVANIA.

Harry S. Angle to be postmaster at Milford, Pa., in place of William Angle, resigned.

Jacob R. Evans to be postmaster at Nanticoke, Pa., in place of Jacob R. Evans. Incumbent's commission expired January 17, 1910.

TEXAS.

J. W. Boynton to be postmaster at Anson, Tex., in place of Harry C. Butler. Incumbent's commission expires February 22, 1910.

WASHINGTON.

William A. Buckley to be postmaster at Sprague, Wash., in place of William A. Buckley. Incumbent's commission expires February 22, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1910.

ASSISTANT SECRETARY OF THE TREASURY.

James F. Curtis to be Assistant Secretary of the Treasury.

COLLECTOR OF INTERNAL REVENUE.

Timothy A. Field to be collector of internal revenue for the seventh district of Kentucky.

RECEIVER OF PUBLIC MONEYS.

John J. Deane to be receiver of public moneys at Oakland, Cal.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

Lieut. Col. Hiram M. Chittenden to be brigadier-general.

COAST ARTILLERY CORPS.

Harrison Cressy Browne, of Michigan, to be second lieutenant.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Ben F. Ristine, Twenty-first Infantry, to be first lieutenant.

Second Lieut. George R. Guild, Thirtieth Infantry, to be first lieutenant.

Second Lieut. Stuart A. Howard, Thirtieth Infantry, to be first lieutenant.

Second Lieut. John F. Franklin, Seventh Infantry, to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. Frederick Marsh, Coast Artillery Corps, to be colonel.

Maj. Henry C. Davis, Coast Artillery Corps, to be lieutenant-colonel.

Capt. Gordon G. Heiner, Coast Artillery Corps, to be major.
First Lieut. Stanley S. Ross, Coast Artillery Corps, to be captain.
Second Lieut. Olin H. Longino, Coast Artillery Corps, to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. Aaron H. Appel, Medical Corps, to be colonel.
Maj. Alfred E. Bradley, Medical Corps, to be lieutenant-colonel.
Capt. Roger Brooke, jr., Medical Corps, to be major.

INFANTRY ARM.

Capt. Stephen M. Hackney, Sixth Infantry, to be major.
First Lieut. James M. Kimbrough, jr., Twenty-seventh Infantry, to be captain.
Second Lieut. Roland W. Boughton, First Infantry, to be first lieutenant.
Second Lieut. William C. Russell, Eighth Infantry, to be first lieutenant.

POSTMASTERS.

ARKANSAS.

George E. Davis, at Wynne, Ark.
Jacob Shaul, at Marianna, Ark.
David F. Taylor, at Osceola, Ark.
Thomas A. Tennyson, at Arkadelphia, Ark.
Mattie Vanhooser, at Siloam Springs, Ark.

CALIFORNIA.

David W. Morris, at Modesto, Cal.
Hiram L. Tripp, at Santa Rosa, Cal.

COLORADO.

Olie Thorson, at Glenwood Springs, Colo.

CONNECTICUT.

David L. Clinton, at Clintonville, Conn.
William Caruthers, at Norwich, Conn.
James W. Hague, at Torrington, Conn.
James A. Howarth, at New Haven, Conn.

IDAHO.

John W. Jones, at Rigby, Idaho.

ILLINOIS.

Ralph F. Bradford, at Pontiac, Ill.
Perry J. Harsh, at Sullivan, Ill.
Maggie Kay, at Camp Point, Ill.
William A. Koenigstein, at O'Fallon, Ill.

IOWA.

Thomas P. Hollowell, jr., at Fort Madison, Iowa.
John M. Lytle, at Washington, Iowa.
Samuel W. Moorehead, at Keokuk, Iowa.
Harold E. Scott, at Sibley, Iowa.
Scott Skinner, at Creston, Iowa.

KANSAS.

William A. Hopkins, at Solomon, Kans.
William J. Watson, at Pittsburg, Kans.

MAINE.

Benjamin J. Woodman, at Westbrook, Me.

MASSACHUSETTS.

Charles H. Mead, at West Acton, Mass.
Harry S. Tripp, at Spencer, Mass.

MICHIGAN.

Frank J. Battersbee, at Croswell, Mich.
John J. Davis, at White Pigeon, Mich.
Isaac Foster, at Gladwin, Mich.
Hugh B. Laing, at Gladstone, Mich.
David B. Menerey, at Coleman, Mich.

MINNESOTA.

Minnie M. Holmes, at Detroit, Minn.
Frank H. Juergens, at Jordan, Minn.
Edwin Mattson, at Breckenridge, Minn.
Charles Scheers, at Akely, Minn.
Edwin E. Tuttle, at Hastings, Minn.

MISSOURI.

William P. Brown, at Princeton, Mo.
Dwight R. Ford, at Cameron, Mo.
Simon P. Loebe, at Charleston, Mo.
Luther McGehee, at Joplin, Mo.
William L. Moorhead, at Hopkins, Mo.
Gus H. Page, at Grandin, Mo.
Warren S. Randall, at Poplar Bluff, Mo.
Henry C. Shubert, at Richland, Mo.
Thomas J. Ulen, at Dexter, Mo.

NEVADA.

Charles A. Beemer, at Sparks, Nev.

NEW JERSEY.

Jacob Feldman, at Woodbine, N. J.
James W. Kelley, at Tuckerton, N. J.
Samuel L. Major, at Roebling, N. J.
Louis Sabow, at Chrome, N. J.
Brice P. Walling, at Sussex, N. J.

OKLAHOMA.

David N. Smith, at Sentinel, Okla.

PENNSYLVANIA.

William W. McClelland, at Polk, Pa.
Isador Sobel, at Erie, Pa.
Starling W. Waters, at Warren, Pa.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 4, 1910.*

The House met at 12 o'clock noon.

Prayer by Rev. John Van Schaick, as follows:

Almighty God, our heavenly Father, we invoke Thy blessing upon this Government, and especially upon this House, charged with heavy responsibility. In time of sorrow and in joy, may we realize that Thou dost rule and overrule, that Thou art the lord of our lives, the disposer of our lot.

Face to face with the death of a Member of this body, help us to lift ourselves above the shadows of earth into the light of Thy countenance, into the comfort of Thy presence. Let Thy blessing be with all who mourn. Help us all to be grateful for a life full of years and of service, and more and more strive to do and to bear Thy blessed, holy will. So may Thy kingdom come and Thy holy will be done on earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 18282, the urgent deficiency appropriation bill, with Senate amendments thereto, to disagree to the Senate amendments and to ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the urgent deficiency appropriation bill, to disagree to the Senate amendments thereto, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees on the part of the House:

Mr. TAWNEY, Mr. MALBY, and Mr. BOWERS.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15284) making appropriations for the support of the army, with Senate amendments, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the army appropriation bill, to disagree to all Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees on the part of the House:

Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4458. An act to increase the limit of cost of a light and fog-signal station to be established at Battery Point, Washington;

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4458. An act to increase the limit of cost of a light and fog-signal station to be established at Battery Point, Washington—to the Committee on Interstate and Foreign Commerce.

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

QUESTION OF PRIVILEGE.

Mr. BURGESS. Mr. Speaker, I offer the following resolution, involving the privileges of the House, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 369.

Whereas the speech of the Hon. RUFUS HARDY, printed in the CONGRESSIONAL RECORD of February 2, 1910, and delivered in the House on January 28, 1910, and purporting to print a speech delivered by him on October 18, 1909, at Cameron, Tex., contains language improper and in violation of the rules and the privilege of debate, in that it contains criticism of the proceedings in the Senate and the action of a Senator, who is specified by name: Be it

Resolved, That this resolution be referred to the Committee on the Judiciary, with instructions to report in ten days what action shall be taken.

Mr. BURGESS. Mr. Speaker, I move the adoption of that resolution. I deem it unnecessary now to enter into a discussion of the matters to which it refers. Certainly no Member will have any objection to the reference of this matter to the Committee on the Judiciary, and that committee will fully investigate it. I have no doubt myself that the speech is subject to be expunged from the RECORD, that it is clearly in the face of all the precedents of this House and of the Senate as well, and would lead to interminable trouble if allowed to stay in the RECORD. It would necessarily involve an answer by Senator BAILEY, and that brings the reason of the rule. I will read briefly from Hinds's Precedents, volume 5, page 74:

The Speaker [Mr. Reed], in ruling, quoted the provisions of Jefferson's Manual, and said:

"If the Chair understood the remarks of the gentleman from Maine, they were, in addition to the reading of matters in the RECORD, criticisms with regard to the personal action of Members of the other House and in regard to their votes. * * * The thing to be kept in mind by the House and by gentlemen in addressing this body, not for our own sakes particularly, but for the sake of orderly proceedings in public bodies, is that principle which is laid down in this manual—the principle that there should be in such bodies no such criticism or reference to the Members of another and a coordinate body as would be liable to lead to recriminations or disputes.

"The reason for this is simple and plain on reflection. It is that all legislation, in order to become law, must receive the sanction of both Houses. Anything, therefore, which means misunderstanding between the two Houses—like criticism of the person or manner by the Members of either branch of those of the other—would be likely to create friction and have a very bad effect upon public legislation. At least, that is the theory on which the rule and the construction of the rule to which attention is called is based. And I think everybody will see the soundness and wisdom of it.

"The Chair has the impression that the rule certainly goes as far as stated by the gentleman from Pennsylvania, a former Speaker of this House [Mr. Grow], and possibly it goes even further, under the usages of the House. So far as my personal recollection is concerned, my impression is that allusion to the acts, and especially to the motives, of Members or the criticism of Members of the other House is not permissable here, nor is a criticism of us permitted over there, and the purpose of it is that we may avoid unnecessary ill feeling between the two bodies, in the interest of the country and the advancement of legislation. *Because, where criticism is made of a man where he can not reply, it is more irritating than criticism of a man where he can reply. And so the motive for establishing a proper rule to govern our relations with the other body is even stronger than it is for establishing proper relations among ourselves.* Now, I have no doubt that the gentleman from Maine will proceed in order. But I think that the remark which came to the attention of the Chair was not strictly in order."

Now, sir, this rule is based upon the general assumption that Members of the other body and of this body must not mention, especially adversely, what is going on in the other body, because it is obvious that a Member of either body can not speak in the other body, and if he thinks what was said calls for answer, then he makes answer in the body of which he is a Member, and then the other man replies, and so leads on to interminable confusion.

I do not care to discuss this at length now; I think it ought to be referred to the Judiciary Committee. I think we have been too lax with reference to what the CONGRESSIONAL RECORD contains, and now is a good time to refer this to that committee and have a report upon which we can all stand. I move the adoption of the resolution.

Mr. HARDY. Mr. Speaker——

Mr. BURGESS. Mr. Speaker, I will yield to my colleague five minutes.

Mr. HARDY. Mr. Speaker, I am surely not desirous of opposing the reference of this matter to the Judiciary Committee, if the gentleman could point out one single syllable that reflects on a Senator or the senatorial body. I exercised the greatest care to eliminate from the Cameron speech, which, by unanimous consent, was permitted to be incorporated in the RECORD—I exercised the greatest care to eliminate anything that contained or might seem to contain a personal criticism of the motive or person of any Member of the Senate or of the House.

I did in the Cameron speech, as is customary in making speeches to the people at home, refer by name to certain Members; not only members of the Senate, but Members of the House. I spoke of my colleague [Mr. HENRY], giving him his familiar name, by which he is known at home—BOB HENRY.

I spoke of the Speaker, Mr. CANNON. It was known to be a speech made at home, when unanimous consent was given to put it in the RECORD, and everybody knows that in our speeches at home we call Senators by their names. It seems to me before the adoption of a resolution of this kind the gentleman offering it ought to point out something that reflects upon or criticises some Senator or some Member of the House. I edited that speech, and perhaps did not do as the permission required me to do in incorporating the speech in the RECORD as it had been published, because I eliminated three paragraphs, equaling perhaps half a page, in order to obviate any criticism whatever.

I am free to admit that the speech at Cameron is subject to the usual exception that Members of the Senate and the House must be referred to by their titles and States rather than by their names, but it was a speech made at home. I want to say further that I do not know of any reason, except the precedents and practice of the House, which makes it improper to speak of a Member of the House by name, as is frequently done, or of a member of the Senate, in referring to arguments made by them at a former session. The impropriety of discussing arguments made in the other body at this session is based or put upon the ground that it might have a tendency to influence the action of this body by referring to that body. The comments I made in the Cameron speech are upon arguments made by a member of another body, both at home in Texas and in the Senate, and giving a line up of the contention and the argument of a Senator on a public question, his statements outside the Senate and in the Senate at a session already gone, and it is as customary as it is for the days to come around to refer to arguments made in past sessions of either House or Senate in order to criticise and reply to those arguments. If this House be so shut up that its Members are not allowed to reply to arguments made somewhere else, even though they be made in the sacred precincts of the hall of another body, then the rule is better—as it has certainly been oftener—honored in the breach than in the observance.

I admit that no personal criticism or reflection ought to be made in this House upon the membership of the other House, or of this House, but this House ought to be chary, it seems to me, of going far enough to give the resolution dignity by referring it to the Judiciary Committee before the gentleman presenting it finds some paragraph or syllable that does reflect or criticise the motives of any Senator or Congressman. That seems to me to be reasonable. I know that every day we refer to "Senator LODGE" or "Senator SMITH" or "Senator ALDRICH" and others, and if it was intended to use it in the nature of a reflection or criticism, then the rule applies. If this be a rule, it is violated oftener than it is observed and no attention is called to it, even when an argument is made replying to an argument in the other body at the same session. I submit that before reference some paragraph ought to be pointed out in the speech published which does reflect or criticise the motive of a member of the other body. Every precedent the gentleman from Texas [Mr. BURGESS] has read was in a case where it was claimed there was a reflection or personal criticism involved. If we make a new precedent and establish the rule that a Member of the House can not quote an argument or statement of a member of the Senate and refute, we will be guilty of a folly and offense against common sense.

And I wish to say further, of course I could obviate the objection that the name is used and could make another speech if that were desirable, in which I could go on and obviate that

technical rule of the House, but it seems to me that common sense does not require it.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield for just a moment? I want to ask one question here before the gentleman proceeds with his argument, not intending to discuss the merits of the resolution, but to ask the gentleman from Texas a question. And in order that it may be more intelligible, I will read part of the resolution. First, it reads:

Be it resolved, That a committee of five Members be appointed to consider the remarks aforesaid and report to the House within ten days what action, if any, should be taken.

A part of the language is stricken out, commencing with the word "committee," as it was in typewritten form, and the following language is inserted in pencil:

Be it resolved, That this resolution be referred to the Committee on the Judiciary with instructions to report within ten days what action should be taken.

The question I desire to ask the gentleman from Texas is why that change was made from referring the resolution to a select committee, as was done in the Willett case, and reference made to the Judiciary Committee? Not that there is any objection by me, and I make no question about the propriety of its reference.

Mr. BURGESS. Because it was thought by those who framed it that that was the highest committee in power, influence, and judgment in the House, and we desired this matter to be submitted to the best committee we could pick out.

Mr. HENRY of Texas. Of course that disarms me; and being a member of that committee, I will gracefully submit.

Mr. BURGESS. Now, Mr. Speaker, with reference to bringing the speech within the rule, I will say briefly this: In that speech the gentleman from Texas quotes by name from what the Senator said in the Senate of the United States. That is one thing that brings it within the rule, and it could not have been done on this floor if anybody had objected at the time he was making his speech. All the way through the speech he refers to what occurred in the Senate, that Senator ALDRICH said this and Senator BAILEY said that, and it is a discussion in which you could not pick out what the gentleman said about the Senate without taking the whole gist of the speech out. Now, he seems to think that the rule would permit him to name a Senator and quote language from him. That is not true. The rule positively prohibits that, and in connection with that I read directly from a case in point. I read from Hinds's Parliamentary Precedents, volume 5, page 74:

On May 4, 1896, Mr. Charles A. Boutelle, of Maine, called up the naval appropriation bill, which had been returned from the Senate with amendments, and proceeded to quote the utterances of certain Senators in the Senate, and to say that if it were parliamentary he might contrast these with the votes of the same Senators, which he proceeded to specify. Mr. Lemuel E. Quigg, of New York, made the point of order that the gentleman's remarks were obnoxious to the rule.

During the debate Mr. Galusha A. Grow, of Pennsylvania, said:

"Mr. Speaker, if I am correct in my view, the Members of one House can not refer to proceedings pending between the two Houses in a way of comment. Proceedings, however, of either House as printed in the RECORD become history, and any Member may refer to them as history, but without commenting upon them, or discussing the reasons why a Member of the other body uttered certain sentiments at one time and certain other sentiments at another. The RECORD is history, and may be referred to; but comments upon it are, I think, excluded by parliamentary law."

The Speaker in ruling quoted the provisions of Jefferson's Manual, and then proceeded with the quotation which I have already read, showing that it is impossible in this House, unless you will change the rule, to allude to what has occurred in the other House, for you will provoke recrimination and——

Mr. HARDY. Will the gentleman allow me?

Mr. BURGESS. In just a moment; then I will. Now, the gentleman's speech in the RECORD is such an argument that if it stands, then Senator BAILEY will reply in the Senate, and that brings up the reason for the rule. You can not do that which provokes a reply in the Senate, for the rule is that a Member of the House must proceed in order, and you can not by any inference or otherwise provoke recrimination in the Senate, and that is exactly what this speech does. Now I will yield to the gentleman.

Mr. HARDY. Does the gentleman understand the distinction between crimination and recrimination and argument and reply?

Mr. BURGESS. Why, I think so.

Mr. HARDY. Can the gentleman find anything in the speech to which he refers that reflects upon the motive or purpose or is at all a criticism of the motive or purpose of a Senator or that is anything except a reply to an argument?

Mr. BURGESS. Then you take the position that a Member of the House can have an argument with a Senator about any matter; that you can quote what he says in his speech, and he can reply to that speech ad libitum?

Mr. HARDY. I take the position that time out of mind Members of this body have quoted arguments made by Senators in the other body without objection and replied to them——

Mr. BURGESS. That is true.

Mr. HARDY (continuing). And every day we find it——

Mr. BURGESS. That is true.

But he can not do it. It is unparliamentary to do it. You can not quote a Senator in this House, you can not quote an argument he makes, you can not quote anything he says in the Senate, in this House, in the face of a specific rule.

Mr. HARDY. I will state that so far as that question is concerned, the permission to incorporate was given with the full knowledge, I presume, of every Member here of what was in the speech.

Mr. BURGESS. I beg the gentleman not to take that position, because that would be screening him behind a technicality.

Mr. HARDY. I do not propose to screen myself if this speech is subject to the rule, one particle, but I do not think the gentleman will find one single illustration or example where any speech was ever sought to be expunged that did not involve a reflection, that was simply answer to an argument.

Mr. BURGESS. Mr. Speaker, I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

ORDER OF BUSINESS.

Mr. LAW. Mr. Speaker, I ask unanimous consent that Friday, February 11, be substituted for this day for the consideration of business on the Private Calendar reported from the Committee on War Claims, to be taken up immediately after the disposal of business reported from the Committee on Invalid Pensions and the Committee on Pensions.

The SPEAKER. The gentleman from New York [Mr. LAW] asks unanimous consent that Friday, a week from to-day, be substituted for to-day for business from the Committee on War Claims in order under the rule, immediately after business is concluded on that day which is in order and reported by the Committee on Invalid Pensions and the Committee on Pensions. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I believe the gentleman would have——

The SPEAKER. Does the gentleman from New York [Mr. LAW] yield to the gentleman from Illinois?

Mr. LAW. I do.

Mr. MANN. Under the rule the gentleman's committee would have two weeks from to-day anyway, as I understand it.

Mr. LAW. I think the gentleman from Illinois is in error about that. The Committee on Claims had two weeks ago to-day. This is our regular day. Two weeks from to-day would be the day for the Committee on Claims.

Mr. MANN. The gentleman is in error about that. The next day that is taken up on claims will be given to the War Claims Committee, regardless of when it comes. In other words, the first day on claims goes to the Committee on Claims. The next Friday that is devoted to claims business goes to the Committee on War Claims. So the gentleman's committee would not lose anything except a week's time, and for that reason I object.

THE LATE HON. WILLIAM C. LOVERING.

Mr. GILLETT. Mr. Speaker, it is my painful duty to announce to the House the death this morning of Hon. WILLIAM C. LOVERING, a Member from the State of Massachusetts. Thus endeth a long life full of public honors. He carried with him the affection of a host of friends and left a name universally honored and respected.

At some later date we shall ask that a day be set aside for the paying of proper tribute to his memory.

I now offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 370.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM C. LOVERING, a Representative from the State of Massachusetts.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the Speaker be allowed to appoint this committee after adjournment, inasmuch as the House will adjourn until Monday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Speaker be allowed to appoint this committee after adjournment and hand the names to the Journal clerk, with authority that the clerk journalize the same. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the resolution was agreed to.

The SPEAKER subsequently announced the appointment of the following committee:

Mr. MCCALL, Mr. LAWRENCE, Mr. GREENE, Mr. WASHBURN, Mr. KELIHER, Mr. PETERS, Mr. BOUTELL, Mr. FOSTER of Vermont, Mr. MCCREARY, Mr. BARTLETT of Georgia, Mr. KENDALL, Mr. LEE, Mr. HENRY W. PALMER, Mr. CALDERHEAD, and Mr. SIMS.

Mr. GILLETT. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 33 minutes p. m.) the House adjourned until Monday, February 7, 1910.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Civil Service Commission submitting supplemental recommendations as to a building for the commission (H. Doc. No. 621, pt. 2)—to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the sale of timber on the Chippewa Indian reservations in Minnesota (H. Doc. No. 651)—to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the president of the Commissioners of the District of Columbia, transmitting the report of the Baltimore and Washington Transit Company for the year 1909 (H. Doc. No. 650)—to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the vice-president of the Chesapeake and Potomac Telephone Company, transmitting the report of the company for the year 1909 (H. Doc. 542, pt. 2)—to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Polson Bay, Flathead Lake, Montana (H. Doc. No. 645)—to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oakland Harbor, California (H. Doc. No. 647)—to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Siuslaw River, Oregon (H. Doc. No. 648)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bogue Sound, North Carolina (H. Doc. No. 649)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lorain Harbor, Ohio (H. Doc. No. 644)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Double Creek, New Jersey (H. Doc. No. 646)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William B. Adams, executor of estate of Anan Willis, against The United States (H. Doc. No. 652)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 114) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the Confederate Veterans' Reunion, to be held at Mobile, Ala., in April, 1910, reported the same with amendment, accompanied by a report (No. 387), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 138) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Juan Torroella y Rooney, of Cuba, reported the same without amendment, accompanied by a report (No. 386), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8613) granting an increase of pension to Mary A. Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20082) for the relief of Moses J. Robertson—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DIEKEMA: A bill (H. R. 20109) to quiet title to certain land in Dona Ana County, N. Mex.—to the Committee on Private Land Claims.

By Mr. FISH: A bill (H. R. 20110) granting a franking privilege to Theodore Roosevelt—to the Committee on the Post-Office and Post-Roads.

By Mr. WICKERSHAM: A bill (H. R. 20111) to provide for the care and support of insane persons in the Territory of Alaska—to the Committee on the Territories.

By Mr. BURLESON: A bill (H. R. 20112) to provide for the erection of a public building at Georgetown, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. FASSETT: A bill (H. R. 20113) to license customhouse brokers—to the Committee on Ways and Means.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20114) to provide that in certain cases the register of a United States land office shall become ex officio receiver thereof, and to provide that in certain cases the receiver of a United States land office shall become ex officio register thereof, and for other purposes—to the Committee on the Public Lands.

By Mr. HULL of Iowa, from the Committee on Military Affairs: A joint resolution (H. J. Res. 138) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Juan Torroella y Rooney, of Cuba—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20115) granting a pension to George Baxter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20116) granting an increase of pension to John Cupitt—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20117) granting a pension to Emma J. Fouts—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20118) granting a pension to Andy C. Shipley—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 20119) for the relief of the estate of Andrew Jackson Miller—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 20120) granting a pension to Susan M. Burns—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 20121) granting an increase of pension to Isaac N. Johnston—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20122) for the relief of William P. Rowland—to the Committee on War Claims.

Also, a bill (H. R. 20123) for the relief of the heirs of David A. Miller—to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 20124) granting an increase of pension to Mathias Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20125) granting a pension to Woodson O. Angel—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 20126) granting a pension to Elroy R. Cary—to the Committee on Pensions.

By Mr. DUREY: A bill (H. R. 20127) granting an increase of pension to Walter F. Rhodes—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 20128) granting an increase of pension to Alexander S. Nobles—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 20129) for the relief of Lieut. Col. John S. McDonald—to the Committee on Military Affairs.

Also, a bill (H. R. 20130) for the relief of the heirs of William H. Bodkin—to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 20131) granting an increase of pension to Ephraim Behner—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 20132) for the relief of Emil Haberer—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 20133) granting an increase of pension to Alexander Falke—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 20134) for the relief of J. J. Price, of Wilson County, Tenn.—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 20135) granting an increase of pension to Charles E. Ball—to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 20136) for the relief of Elmer P. Kerr—to the Committee on Military Affairs.

By Mr. LATTA: A bill (H. R. 20137) granting an increase of pension to J. R. McCartney—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 20138) for the relief of the heirs of John W. Gilliam—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 20139) granting an increase of pension to George Young—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20140) granting an increase of pension to James W. Lucas—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20141) granting an increase of pension to Lester T. Adams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of John Cupitt—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Ward H. Bickford and 37 others, of Cliff Island, Me., against sectarian legislation and a proposed bill (S. 404) relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Wooster (Ohio) Chapter, No. 341, American Insurance Union, favoring measure of the National Fraternal Press Association as per House bill 17543—to the Commitee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Chicago Association of Commerce, favoring a court of commerce to regulate traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of Andrew Chapter of Sons of the American Revolution, against abolition of the division of information relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Paper to accompany bill for relief of Alex. S. Noblis—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Merchant Marine League of San Francisco, Cal., in favor of House bill 16362, concerning the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. M. Fogelslanger, editor of New Ideals, of Philadelphia, Pa., against proposed increased postage rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois commissioners of the centennial celebration of the battle of Lake Erie, in favor of the Keifer bill (H. R. 16363), for an exposition and celebration in commemoration of battle on Lake Erie—to the Committee on Industrial Arts and Expositions.

By Mr. GAINES: Paper to accompany bill for relief of heir of William H. Bodkin—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Chicago Association of Commerce, against creation of a court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of League of American Sportsmen, favoring House bill 10276, placing all migratory birds under federal control—to the Committee on Agriculture.

Also, petition of Public Schools Athletic League of New York, favoring House bill 15798—to the Committee on Military Affairs.

Also, petition of Allied Printing Trades of New York City, favoring House bill 15441, eight-hour working day—to the Committee on Labor.

Also, petition of Henry Keck and C. F. G. Schermer, of New York City, against any appropriation for the George Washington University—to the Committee on Appropriations.

Also, petition of National Liberal Immigration League, of New York City, for House bill 18399—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Texas: Petition of citizens of Elk, Tex., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of New Haven (Conn.) Chamber of Commerce, favoring legislation to extend time for filing reports of business subject to the corporation-tax law—to the Committee on Ways and Means.

By Mr. KNAPP: Paper to accompany bill for relief of Charles E. Ball—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of F. W. Krueger and other residents of Green Bay, Wis., against postage increase on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LANGHAM: Petition of citizens of Freeport, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Papers to accompany bills for relief of Mary A. F. Smith and Sarah Mallett—to the Committee on War Claims.

By Mr. OLDFIELD: Papers to accompany House bill 18889—to the Committee on the Public Lands.

By Mr. PADGETT: Papers to accompany bills for relief of heirs of Americus C. Mayberry and heirs of William M. Smith—to the Committee on War Claims.

By Mr. SHEFFIELD: Petition of business men of Providence, R. I., and Westerly (R. I.) Board of Trade, for repeal of the publicity clause of the corporation-tax section of tariff law—to the Committee on Ways and Means.

SENATE.

SATURDAY, *February 5, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

KANSAS CITY (KANS.) POST-OFFICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an item of appropriation for rent of buildings and moving expenses incident thereto at the post-office building at Kansas City, Kans., $10,000 (S. Doc. No. 350), which was referred to the Committee on Appropriations and ordered to be printed.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1909 (H. Doc. No. 123), which was referred to the Committee on Patents and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Unity Club, of Lancaster, N. H., remonstrating against the destruction of the Yosemite Valley National Park, in the State of California,

which was referred to the Committee on Conservation of National Resources.

He also presented a petition of the New Hampshire Weekly Publishers' Association, of Rochester, N. H., praying for the enactment of legislation to prohibit the free printing by the Government of stamped envelopes, which was referred to the Committee on Printing.

He also presented a petition of the congregation of the First Universalist Church of the city of Washington, praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Montgomery County Pomona Grange, Patrons of Husbandry, of Brighton, Md., remonstrating against the adoption of section 7 of the bill to regulate the shipment of milk and cream into the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BRISTOW presented a memorial of sundry citizens of Pratt, Springvale, Coats, Wichita, and Sawyer, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. OLIVER presented a memorial of sundry citizens of Ariel, Pa., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Carrolltown, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented a petition of sundry merchants of Omaha, Nebr., praying for the adoption of a certain amendment to the bill relating to fire insurance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. ROOT presented a petition of the Board of Trade of Cattaraugus, N. Y., praying that an appropriation be made for the improvement of the port of Dunkirk, in that State, which was referred to the Committee on Commerce.

Mr. BACON presented sundry affidavits to accompany the bill (S. 5587) for the relief of the estate of John Brown, deceased, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BRADLEY, from the Committee on the District of Columbia, to whom was referred the bill (S. 3889) to amend an act to incorporate the Masonic Temple Association of the District of Columbia, reported it without amendment and submitted a report (No. 197) thereon.

He also, from the same committee, to whom was referred the bill (S. 2614) to incorporate the cult of The Aryans, submitted an adverse report (No. 198) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the bill (S. 1461) to prevent fraudulent representations as to government guaranties of foods and medicines, reported it without amendment and submitted a report (No. 199) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLINT:

A bill (S. 6157) providing for the appointment of an assistant treasurer of the United States at the city of Los Angeles, in the State of California; to the Committee on Finance.

A bill (S. 6158) to provide for the purchase of a site and the erection in the city of Los Angeles, State of California, of a building to be used as a subtreasury, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY:

A bill (S. 6159) granting an increase of pension to Michael Laughlin; to the Committee on Pensions.

A bill (S. 6160) for the relief of the estate of William Thomas Lowe; and

A bill (S. 6161) for the relief of Lieut. Allison W. Pollard; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 6162) granting an increase of pension to John Dancer; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6163) for the relief of Mrs. E. J. Martin; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 6164) authorizing the extension of Military road NW., in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. BACON:

A bill (S. 6165) for the relief of the heirs of Thomas Cater, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 6166) for the relief of R. B. Whitacre & Co.; to the Committee on Claims.

By Mr. BURKETT:

A bill (S. 6167) granting an increase of pension to John Davis; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6169) granting a pension to Elizabeth Waring Kieffer; to the Committee on Pensions.

WATSON, FRYE & CO.

Mr. CRAWFORD. A day or two ago I reported from the Committee on Claims the bill (S. 3264) for the relief of Watson, Frye & Co. It was the intention of the committee to have the bill reported adversely and indefinitely postponed, as the report so stated. Through inadvertence the bill was placed on the calendar as having been reported without amendment. I move that the bill be taken from the calendar and indefinitely postponed.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had, on February 4, 1910, approved and signed:

S. 5236. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

PAROLE OF UNITED STATES PRISONERS.

The VICE-PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

The bill (S. 870) to parole United States prisoners, and for other purposes, was announced as first in order on the calendar.

Mr. HEYBURN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

REGULATION OF FEDERAL COURT PRACTICE.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over.

PINE RIDGE INDIAN RESERVATION LANDS.

The bill (S. 2341) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

Mr. GAMBLE. There is an error in the print of the bill. The word "Washington," in line 6, page 2, should read "west" instead of "Washington;" and the same amendment should apply to the word "Washington," in line 7, on the same page.

The VICE-PRESIDENT. Without objection, those amendments will be made. The amendments of the committee will be stated in their order.

The first amendment was, in section 1, page 2, line 5, after the word "the," where it occurs the second time, to strike out "range line between ranges 42 and 43" and insert "fifth guide meridian, west;" and in line 7, after the word "said," to strike out "range line" and insert "fifth guide meridian, west," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Pine Ridge Indian Reservation in the State of South Dakota lying and being within the following-described boundaries, to wit: Commencing at a point on the eastern boundary line of the Pine Ridge Indian Reservation where the township line between townships 39 and 40 intersect the same; thence south on said boundary line to a point where the same intersects the boundary line between the States of South Dakota and Nebraska; thence west on the said state line to a point where the same intersects the fifth guide meridian, west; thence north on said fifth guide meridian, west, to a point where the same intersects the township line between townships 39 and 40; thence east of said township line to the point of beginning, except such portions thereof as have been allotted to Indians.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 16, after the word "the," to strike out "Indian Bureau" and insert "Indian Department;" in line 22, before the word "as," to insert "to select such clerks and assistants at such compensation;" in line 26, after the word "within," to strike out "each" and insert "that portion of said;" on page 5, line 1, after the word "reservation," to strike out "as;" in line 6, after the

word "mineral," to insert "and timber;" at the beginning of line 7 to insert "*Provided*, That the timber lands shall be classified without regard to acreage; *And provided further*, That all land classified as timber lands shall be reserved for the use of the Pine Ridge Indians;" and in line 13, after the word "expenses," to insert "exclusive of subsistence," so as to make the section read:

SEC. 3. That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisement as herein provided. The President of the United States shall appoint a commission to consist of three persons, to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior, or otherwise disposed of, and excepting sections 16 and 36 in each of said townships, said commission to be constituted as follows: One resident citizen of the State of South Dakota, one representative of the Interior Department, and one person holding tribal relations with said tribe of Indians. That within twenty days after their appointment the said commissioners shall meet and organize by the election of one of their number as chairman. The said commission is hereby empowered to select such clerks and assistants at such compensation as the Secretary of the Interior may approve. The said commissioners shall then proceed to personally inspect, classify, and appraise, in 160-acre tracts each, all of the remaining lands embraced within that portion of said reservation described in section 1 of this act. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any; the mineral and timber land not to be appraised: *Provided*, That the timber lands shall be classified without regard to acreage: *And provided further*, That all land classified as timber lands shall be reserved for the use of the Pine Ridge Indians. That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands, and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of organization of said commission. That when said commission shall have completed the classification and appraisement of all of said lands the same shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 4, after the word "prescribe," to insert "and patents therefor shall be issued to the purchasers," so as to read:

And provided further, That any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash, without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and patents therefor shall be issued to the purchasers.

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 12, after the word "Statutes," to insert "and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and to issue patents for such reserved tracts to the municipality legally charged with the care and custody of lands donated for such purposes. And the Secretary of the Interior shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other buildings or improvements in the town sites in which such lots are located;" and in line 23, after the word "lands," to insert "less the amount set aside to aid in the construction of schoolhouses or other buildings or improvements," so as to make the section read:

SEC. 5. That the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe, in accordance with section 2381 of the United States Revised Statutes; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and to issue patents for such reserved tracts to the municipality legally charged with the care and custody of lands donated for such purposes. And the Secretary of the Interior shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other buildings or improvements in the town sites in which such lots are located. The net proceeds derived from the sale of such lands, less the amount set aside to aid in the construction of schoolhouses or other buildings or improvements, shall be credited to the Indians as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 18, after the word "at," to strike out "one dollar and twenty-five" and insert "two dollars and fifty;" on page 9, line 1, after the word "not," where it occurs the first time, to strike out "occupied" and insert "otherwise appropriated;" and at the end of the section to insert "*Provided further*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs," so as to make the section read:

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement: *Provided further*, That in any event not more than 2 sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 12, after the word "of," to strike out "sixty-five" and insert "one hundred and twenty-five;" and in line 16, after the word "of," to strike out "twenty-five" and insert "thirty-five," so as to make the section read:

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $35,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

The amendment was agreed to.

The next amendment was, on page 10, to insert the following new section:

SEC. 10. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

Mr. BACON. Mr. President, I ask if all those amendments which have been submitted and agreed to are in print?

The VICE-PRESIDENT. They are printed in the report and are committee amendments, save one, where the word "Washington" was changed to the word "west."

Mr. BACON. Has the bill been printed as it will be when amended?

The VICE-PRESIDENT. It has.

Mr. BACON. The bill itself?

The VICE-PRESIDENT. It has.

Mr. BACON. It is an impossibility, of course, for us to know anything in this way about a bill of this magnitude and importance, with the vast number of amendments. I was about to suggest, if the amendments have not already been printed, that we have the bill printed as amended, so that we might see it.

The VICE-PRESIDENT. It was printed in the form in which it has now been read, including the amendments. The Secretary advises the Chair that it has been on the calendar since January 17 in the form in which it has now been agreed to.

Mr. BACON. I am not familiar with these matters. Evidently it relates to a very wide subject and embraces a very large amount of value. How far the interests of the Government may be affected by it, it is an impossibility for us to know just from the reading of the amendments. It is the fault of Senators that they have not heretofore informed themselves, I admit, but it is not a wise thing to pass the measure in this manner. I should like very much if the Senator from South Dakota would give us some idea of the scope and purpose of the bill.

Mr. GAMBLE. Mr. President, this bill was reported by the Committee on Indian Affairs on the 17th of January last, and the bill with the amendments was printed and the report filed and submitted upon that day.

The bill proposes to open about 790,000 acres of land in the southern part of South Dakota, being the southeastern part of the Pine Ridge Indian Reservation, embracing all the lands within the boundaries of the county of Bennett, recently organized by an act of the legislature of the State. The bill contains the usual provisions in regard to the opening of Indian reservations that have been followed for a number of years in the opening of lands not only in the State of South Dakota, but generally throughout the Northwest. It provides that all allotments shall be made to Indians who are entitled to allotments before the lands are opened to settlement. It also provides for a commission, to be appointed by the President, to appraise and classify the lands, one of the commissioners to represent the Interior Department, another holding tribal relations with the Indian tribe, and a citizen of the State of South Dakota. It also provides the compensation of the commissioners and a time when a report thereof shall be made to the department.

The lands are to be appraised and classified by the commission and a report made to the Secretary of the Interior, which is subject to his approval. When all allotments are completed and the lands ready to be opened, it provides that the President shall issue a proclamation specifying the terms and the conditions, in compliance with the provisions of the bill, that the surplus lands shall be opened to settlement and the manner in which registration and settlement may be made. The entryman, at the time he makes settlement upon the land, must pay one-fifth of the appraised valuation of the lands to be opened and the balance in five equal annual installments. The settlers must possess the qualifications of entrymen under the land laws of the United States. If the settler does not comply with the provisions of the law in regard to the payment, he forfeits his rights, and the lands revert to the Indian tribe. The land so forfeited would again be open to settlement, and the party making the second filing thereon would be obliged to pay, as in the case of the original settler, the price of the land fixed by the appraisement.

The Government simply acts as a trustee in behalf of the Indians to collect and account to them for the amount of money paid by the settlers as consideration for the land. The school lands, being sections 16 and 36 in each township, are granted to the State for the benefit of the common schools in compliance with the act admitting the State into the Union.

I may state further that the bill follows substantially the same lines as the bill affecting the Rosebud Reservation, in the same section of the State, which was under discussion, and which passed the Senate a few days since, and that embraced an area of about 830,000 acres. This embraces about 790,000 acres. That is the total area. Possibly half or more of the area has been or will be taken by Indian allotments. The surplus lands are to be opened for settlement.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. GAMBLE. Certainly.

Mr. BACON. If I recollect aright, in the bill which was before the Senate a few days ago, to which the Senator has just alluded, in connection with the subject of the school lands there was a provision by which the State got the benefit of those lands, and as they belong to the Indians and not to the Government there was a provision by which certain other lands were to be substituted at the expense of the United States Government for those lands which were thus disposed of.

Mr. GAMBLE. I may say in reply, Mr. President, referring to the enabling act providing for the admission of North and South Dakota, Montana, and Washington, that sections 16 and 36 in each township were granted to the separate States in each State for the benefit of the common schools; but in the States where there were Indian reservations, it provided that the grant should not take effect until the lands were opened to settlement, or, in other words, became a part of the public domain. By the passage of the bill in question the lands so opened become a part of the public domain and open to settlement, and the grant in the enabling act becomes immediately operative and conveys sections 16 and 36 in each township to the State. That was a contract between the Government and the several States as provided by the act of admission. The State of South Dakota is clearly entitled to the school lands, free from any charge to the State.

Perhaps in explanation of the suggestion of the distinguished Senator from Georgia I might say, as to sections 16 and 36, that on these Indian reservations the Indians are first allotted. They are permitted to make their selections and, as a rule, take the best lands. In many cases sections or parts of sections 16 or 36 in the different townships are taken by the Indians for their allotments. Unless some provision were made for the State to make other selections in lieu of those taken, it will be a loss to the State; and in order to carry out the provisions of the enabling act, the State is authorized, under rules which may be prescribed by the Secretary of the Interior, to select other sections or parts of sections in lieu of those which have been taken by Indian allottees.

An amendment, which was proposed and agreed to, requires the State to make those selections within the particular township in which the loss occurred, so that they can not go on a roving commission and select the best lands upon the reservation. This is regarded as a matter of fairness to the Indians.

Mr. BACON. I suppose it is due to my failure to properly express myself that the Senator has not touched upon the question I asked him about. The question I asked, or rather the statement I made, was that, in the bill which was considered a few days ago, as I understood it, these school lands, as they belong to the Indians, were lands which, when taken by the State, proper compensation had to be made to the Indians therefor; and as I understood in the former bill, and as I suppose in this bill, there was a provision under which certain lands were to be bought by the United States, or procured in some other way, to make substitution for the lands and as compensation thereby to the Indians for the school lands. A large sum of money, if I recollect aright, in the former bill was appropriated for the purpose of purchasing lands, which were to be substituted to the Indians for the lands which were thus allotted as school lands. Am I correct in that?

Mr. GAMBLE. I will say in reply to the Senator that section 7 of the bill grants to the State of South Dakota sections 16 and 36, and the Government pays the Indians $2.50 an acre for those lands that are granted to the State for common-school purposes, as I meant to answer the Senator's inquiry. Largely sections 16 and 36 have not been subject to allotment to the Indians, but in cases where they have been allotted then the State may select other sections.

Mr. BACON. I am not speaking about that at all, and have no reference to that matter.

Mr. GAMBLE. I thought that was the Senator's inquiry.

Mr. BACON. No. If I recollect aright, in the discussion the other day it was developed that as the State received certain parts of the land in these reservations which really belong to the Indians the Government, under the bill, was required to purchase such other lands or pay a price equivalent for certain other lands which were to be substituted for those which were thus taken for school purposes. Am I correct in that?

Mr. GAMBLE. Yes. I will read section 7.

Mr. BACON. I hope the Senator will let me ask him the question, because evidently he does not understand me. What was the amount it would cost the Government under the former bill to compensate the Indians for the school lands thus taken for the State? It was several hundred thousand dollars, was it not?

Mr. GAMBLE. I think about $165,000 by the former bill.

Mr. BACON. Of course I did not pretend to be accurate in the amount. There was another bill preceding that, was there not?

Mr. GAMBLE. That was a bill to correct an error. That has no relation to this bill whatever.

Mr. BACON. Very well. It had no provision for the payment of money, then, as in the former bill?

Mr. GAMBLE. Yes, it had.

Mr. BACON. How much did the two added together make?

Mr. GAMBLE. The Standing Rock and Cheyenne Indian Reservation lands embrace about 3,000,000 acres, including the public lands to be opened to settlers as well as the Indian allotments, and as that bill was reported and passed the Senate we agreed to pay the Indians $2.50 an acre for the school lands.

Mr. BACON. How much did that amount to in that bill?

Mr. GAMBLE. I think about $400,000. The bill went to the House and by an error they passed it at $1.25 an acre. The House a week ago corrected the error they made and amended the act so as to provide for the payment of $2.50 an acre for the land, because they felt the Government was pledged to pay that amount.

Mr. BACON. That amounted to some four hundred and odd thousand dollars, and then $160,000 in the second bill?

Mr. GAMBLE. Yes, sir.

Mr. BACON. Making somewhere between $550,000 and $600,000. The point I am after to which all this leads, though of course those things are passed, is how much in this bill is the amount of money in the same way which is to be paid?

Mr. GAMBLE. One hundred and twenty-five thousand dollars.

Mr. BACON. Making altogether about $700,000 that is to be paid on account of these school lands? I am simply asking for information.

Mr. GAMBLE. I think so.

Mr. BACON. That is what I wanted to get from the beginning.

Mr. GAMBLE. I can refer back to the rule that has been followed in the State of South Dakota in the opening of the Sisseton Reservation, in the year 1892. The Government paid $2.50 an acre directly to the Indians for all the land in the act of opening and donated the school lands to the State.

Mr. BACON. This is practically paid to the State. It is the same thing.

Mr. GAMBLE. It is in conformity to the contract and agreement made between the State and the Federal Government when the State was admitted into the Union. South Dakota as a Territory was powerless. The Indians of the Northwest were removed to and placed within the limits of the Territory,

and the people of the Territory had no voice therein. There are practically 20,000 Indians within South Dakota at this time.

As I read to the Senate, by the provisions of the enabling act the Government agreed to give these lands to the State for the benefit of the common schools. This is simply carrying out the provisions of the enabling act.

I may state further that before the admission of the State into the Union, in the opening of the great Sioux Reservation, where something like 9,000,000 acres were opened, the Government paid $1.25 an acre for the school sections and donated them to the State for school purposes. The same thing was done in the opening of the Yankton Reservation, and the same in the opening of Gregory County and Tripp County, and in the Cheyenne and Standing Rock Reservation. It is simply following the rule adopted as to all of the States which were admitted under the same enabling act.

Mr. BACON. Mr. President, I have had no purpose in the colloquy which I have had with the Senator to offer any amendment or to make any special opposition to his bill. I simply desired that the facts should be clearly stated and that it should be known exactly what is the effect of the bill. Of course the Senate will deal with it as it sees proper.

The VICE-PRESIDENT. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT BUSINESS METHODS COMMISSION.

Mr. ALDRICH. I ask leave out of order to report from the Committee on Public Expenditures a bill.

The VICE-PRESIDENT. Without objection, the bill will be read by title.

The SECRETARY. A bill (S. 6168) creating a government business methods commission.

Mr. ALDRICH. I ask that the bill may be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That a commission is hereby created, to be called the "government business methods commission," to be composed of three members of the Senate, to be appointed by the presiding officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof, and three members to be appointed by the President; and any vacancy on the commission shall be filled in the same manner as the original appointment.

SEC. 2. That it shall be the duty of this commission to inquire into and report to Congress at the earliest date or dates practicable what changes are necessary or desirable in the methods of transacting the business of the Government or in the laws relating thereto, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittees or otherwise, to examine witnesses and to make such investigations and examinations of the subjects committed to their charge as they shall deem necessary.

Mr. ALDRICH. Mr. President, I am instructed by a unanimous vote of the Committee on Public Expenditures, at a meeting at which all the members of the committee but two were present, to make this report and to ask for the present consideration of the bill.

Mr. ELKINS. I should like to have it go over, because I do not understand quite whether it ousts the jurisdiction of the Senate committees or not.

Mr. ALDRICH. It does not affect the jurisdiction of any Senate committee.

Mr. ELKINS. I am unwilling to surrender whatever jurisdiction we have over these matters to a committee.

Mr. ALDRICH. It does not affect the question of the jurisdiction of Senate committees at all. If the Senator desires to have the bill read again, he will see that that is perfectly plain.

Mr. ELKINS. Let the bill lie over, Mr. President.

Mr. ALDRICH. Then, I give notice that on Monday I shall ask the Senate to proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator from West Virginia objects to present consideration, and the bill will be placed on the calendar.

CONFEDERATE VETERANS' REUNION.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the joint resolution which he has indicated.

Mr. GALLINGER. Mr. President, I will not object to this request, but after the joint resolution has been disposed of I shall insist that the regular order shall be proceeded with.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution.

Mr. HEYBURN. Mr. President, I object.

The VICE-PRESIDENT. Objection is made. The next bill on the calendar will be proceeded with.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River, from Washington to the Arlington estate property, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BORAH. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is.

Mr. BORAH. I ask that the report be read, if it is not too long.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. MARTIN January 17, 1910:

The Committee on the District of Columbia, to whom was referred the bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, having considered the same, report thereon with a recommendation that it pass.

Similar bills were introduced in the Senate during the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, reported favorably, and passed by the Senate.

The report on Senate bill 1046, Sixtieth Congress, first session, which your committee adopt, was as follows:

"The Committee on the District of Columbia, to whom was referred the bill (S. 1046) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, having considered the same, report thereon with a recommendation that it pass.

"Similar bills were introduced in the Senate during the Fifty-eighth and Fifty-ninth Congresses, reported favorably, and passed by the Senate.

"The report on Senate bill 1373, Fifty-ninth Congress, first session, which your committee adopt, was as follows:

"'The Committee on the District of Columbia, to whom was referred the bill (S. 1373) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, having considered the same, report thereon with a recommendation that it pass.

"'A similar bill (S. 820) was introduced in the Senate during the Fifty-eighth Congress, reported favorably, and passed by the Senate.'

"The report was as follows:

"'The Committee on the District of Columbia, to whom was referred the bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, having considered the same, report thereon with a recommendation that it pass.'

"The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:"

EXECUTIVE OFFICE, COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, December 7, 1903.

SIR: The commissioners have the honor to recommend favorable action upon Senate bill 820 (58th Cong., 1st sess.), "To provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property," which was referred to them at your instance for their examination and report.

They have for the past three years annually recommended a similar proposition to Congress as a memorial to American patriotism. It has been recommended by the President of the United States, and has the active support of patriotic organizations and citizens all over the United States. During the meeting of the national encampment of the Grand Army of the Republic at Washington from October 5 to 9, 1902, a fine corner stone for the memorial bridge was presented by the Stonecutters' Union of the District of Columbia and accepted by the Secretary of War upon the recommendation of the Grand Army of the Republic.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners
District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia,
United States Senate.

Mr. BORAH. Mr. President, I inquire what is the status of this bill? Is it here by unanimous consent?

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, subject to objection.

Mr. BORAH. I object to its present consideration.

The VICE-PRESIDENT. The bill will go over.

DESCENDANTS OF THE SIGNERS.

The bill (S. 1425) to incorporate the Descendants of the Signers was announced as next in order.

Mr. HEYBURN. I object to that bill, Mr. President.

Mr. BAILEY. I object to that bill.

Mr. HEYBURN. Let it go over under Rule IX.

The VICE-PRESIDENT. It will go over——

Mr. BAILEY. Mr. President, let me be sure I understand this bill. As I understand, it is a bill to incorporate the Descendants of the Signers of the Declaration of Independence, and is a District of Columbia incorporation.

Mr. CLARK of Wyoming. In the absence of the Senator from Connecticut [Mr. BRANDEGEE], who reported the bill, I will say that the Senator is right.

Mr. BAILEY. If it were an attempt to create a corporation beyond the District of Columbia I should resist it as wanting in power. It is a proposition to incorporate a kind of inherited glory, which I think a very bad proposition under a government like this; but I am content for the bill to be voted on, though I shall vote against it. I think that those who desire to incorporate the glory of their ancestors lack the true spirit of our institutions.

Mr. HEYBURN. I ask that the bill go over under Rule IX.

Mr. BACON. I want to suggest to the Senator from Idaho, with his permission, that, in the absence of the Senator from Connecticut [Mr. BRANDEGEE], who is in charge of the bill, possibly it would be better to limit his request simply to an objection.

Mr. HEYBURN. I had not observed the absence of the Senator from Connecticut. I shall not insist that the bill go to Rule IX, but simply that it go over.

The VICE-PRESIDENT. The bill goes over.

EXTRADITION OF FUGITIVES FROM JUSTICE.

The bill (S. 4462) to amend section 5278 of the Revised Statutes was announced as next in order.

Mr. KEAN. Is that the extradition bill?

Mr. PILES. It is.

Mr. KEAN. Let it go over.

Mr. PILES. Mr. President, I hope that the bill will not go over. I am perfectly willing to submit the matter now to a vote.

Mr. KEAN. I thought, Mr. President, that the aim in all legislation of the present day was to try to secure uniform laws.

Mr. PILES. Practically every State in the West prosecutes by information. This bill simply proposes to carry out the idea that a man may be extradited by information. I do not think, as a matter of law, that right can be denied, anyway; but the decision of the circuit court of appeals for the fourth circuit has put this question in doubt. I therefore move that the Senate proceed to the consideration of the bill at the present time, unless the Senator from New Jersey will withdraw his objection, as I hope he will.

The VICE-PRESIDENT. The question is on the motion of the Senator from Washington [Mr. PILES] to proceed to the consideration of the bill (S. 4462) to amend section 5278 of the Revised Statutes, the objection of the Senator from New Jersey [Mr. KEAN] to the contrary notwithstanding.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5278 of the Revised Statutes so as to read as follows:

SEC. 5278. Whenever the executive authority of any State or Territory demands any person, as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, an information duly filed, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand shall be paid by such State or Territory.

Mr. BURKETT. Mr. President, will the Senator from Washington explain the bill at some length? I have not the report before me, and I desire to understand just what the bill is. As I understand, there are only a few words added to the present law, and that is on the question of information. I should like to have the Senator from Washington explain the bill.

Mr. PILES. Mr. President, I will explain the bill to the Senator in a very few moments. The present law provides that a fugitive from justice may be extradited upon the production of "a copy of an indictment found or an affidavit made," and so forth. We seek by this amendment to insert in the statute the words "an information duly filed."

The reason for the proposed amendment to the existing law is this: In the case of Ex parte Hart, reported in Sixty-third Federal Reporter, the circuit court of appeals of the fourth circuit held that one prosecuted by information filed by a prosecuting attorney could not be extradited from one State to another State.

Upon the authority of the Hart case several governors have refused to surrender the alleged fugitive. The former governor of the State of Washington called my attention to this matter a year or so ago. I then presented the question to this body, and a similar bill was passed by the Senate at a former session of Congress.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. PILES. Certainly.

Mr. CRAWFORD. Is that the only change which the amendment makes?

Mr. PILES. That is the only change.

Mr. CRAWFORD. Simply the addition, so that it will include an information as well as an indictment?

Mr. PILES. It simply authorizes the extradition to be on information as well as on indictment or on affidavit before a justice of the peace.

Mr. KEAN. An affidavit before a justice of the peace?

Mr. CLARKE of Arkansas. That is the law now.

Mr. PILES. The law now authorizes the extradition of an individual upon an indictment found or an affidavit filed with a justice of the peace. I see no reason why a fugitive from justice may not be extradited upon an information duly filed in a court of record.

Mr. BACON. The language of the law is "magistrate;" not "justice of the peace."

Mr. PILES. A magistrate is a justice of the peace.

Mr. BACON. The Senator from Washington means to say they are synonymous?

Mr. PILES. I do.

Mr. BACON. But I say the language of the law is "magistrate."

Mr. PILES. Yes; but in law a "magistrate" means a justice of the peace as well as a judge of a higher court when sitting as a committing magistrate.

Mr. BACON. The question which I understood the Senator from South Dakota [Mr. CRAWFORD] was asking the Senator from Washington was whether there was any other proposed change in the present law.

Mr. PILES. There is none.

Mr. CRAWFORD. Mr. President——

Mr. BACON. The Senator has not heard the question.

Mr. PILES. Very well.

Mr. BACON. The question is, Is there any other change than the mere insertion of the word "information?" Does the Senator strike out "magistrate" and insert "justice of the peace?"

Mr. PILES. I do not. I simply insert the words "an information duly filed."

Mr. BACON. That is the entire change? It simply inserts the word "information?"

Mr. PILES. Exactly.

Mr. BACON. There is no use of discussing the question of the difference between "magistrate" and "justice of the peace."

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. PILES. I do.

Mr. CRAWFORD. That is, the words "or an affidavit made before a magistrate" are in the law now?

Mr. PILES. Yes.

Mr. CRAWFORD. And the Senator's amendment simply puts in the four words, "an information duly filed?"

Mr. PILES. That is all.

Mr. BAILEY. Mr. President, I have no objection to that amendment, but I do not recognize the power of Congress to compel the governor of a State to deliver a fugitive.

Mr. PILES. This does not, either.

Mr. BAILEY. The law as it now stands declares that it shall be the duty of the executive of a State, but the Supreme Court decided many years ago in the case of Dennison *v.* Magoffin, as I remember, that the Congress of the United States could not require a state officer to execute a federal statute. I believe the Supreme Court was right, and if we want a fugitive delivered, and the State does not choose to deliver him a resort to a federal tribunal through federal officers would be the only way to execute that provision of the Constitution. I think one sovereignty has no power over another. I am aware that afterwards, in the Louisiana case, under the stress of what appeared to be a great political emergency, the doctrine of Dennison *v.* Magoffin was somewhat qualified; but I believe it is the true construction of the Constitution. I simply want to record that as my opinion, and I have no objection to this amendment.

Mr. HEYBURN. Mr. President, I have scant time to look at a point which suggests itself with regard to this matter—the language "an information duly filed." The word "duly," used in that connection, is often responsible for very serious

controversy in the courts. If there was an existing law of the United States regulating the conditions and manner of filing an information, then the word "duly" would refer to that; but in the absence of a sufficient provision or definite provision as to the manner and effect of filing an information, the word "duly" refers to nothing. There should be some elaboration of that statement—"an information duly filed." There should be some statement as to the jurisdiction in which that is to be filed. Is it to be filed in the jurisdiction where the offense is alleged to have been committed, or may it be filed elsewhere, or is it to be filed in the jurisdiction where the party sought to be apprehended is found? The provision here is not sufficiently protected or guarded to justify us in enacting it without something more definite than the words "duly filed."

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. If the Senator will refer to the original statute, he will see that the part of the section to which the pending bill relates has reference altogether to the action taken in the State which is claiming the defendant.

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I read from the section as it is proposed to be amended:

> SEC. 5278. Whenever the executive authority of any State or Territory demands any person, as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, an information duly filed, or an affidavit made before a magistrate of any State or Territory—

And so forth.

That must of necessity refer to the action had in the State and in the jurisdiction which is claiming the person of the defendant. Of course the question of the due filing of information depends entirely upon the provisions of the state statute, which must be shown to the satisfaction of the executive of the State upon whom the requisition is made.

Mr. HEYBURN. I understand that. Under existing law, I ask the Senator what constitutes now the due filing of an information?

Mr. CLARK of Wyoming. There may be different practices in different States. Due filing of an information in my State would be the filing of the information by the prosecuting attorney in the office of the clerk of the court.

Mr. HEYBURN. Then, it is contemplated by this provision that the information shall be filed in the state courts?

Mr. CLARK of Wyoming. Unquestionably.

Mr. HEYBURN. Over which we have no control.

Mr. CLARK of Wyoming. That is the only place it can be filed in the State in which I live. The Senator from Montana says in his State it requires the consent of the court before the information can be filed.

Mr. HEYBURN. Of course we have no control, and can exercise none, in legislating as to the manner of filing an information in the state courts. So we can not say here what is a due filing.

Mr. CLARK of Wyoming. That is a question between the executive asking for the extradition and the executive upon whom the request is made.

Mr. HEYBURN. Yes. Then this simply leaves it to be controverted in the jurisdiction where the defendant is found. It leaves the question open to controversy as to whether or not there has been due compliance with the law.

Mr. CLARK of Wyoming. As all questions of whatever sort are left open to that same authority in extradition proceedings.

Mr. HEYBURN. This does not, then, relate to extradition on behalf of the Government of the United States?

Mr. CLARK of Wyoming. Certainly not.

Mr. HEYBURN. In no sense whatever?

Mr. CLARK of Wyoming. In no sense whatever.

Mr. HEYBURN. And it has no application to the federal law, except as the constitutional provision in regard to Congress regulating or providing, within the limitations expressed, for the execution of a writ of this kind.

Mr. CLARK of Wyoming. I understand the Senator is accurate in his statement.

Mr. HEYBURN. I think it should be made very plain that we are not attempting to enact a federal statute for the extradition of federal prisoners or those accused under the federal law.

Mr. CLARK of Wyoming. I will call the attention of the Senator to the fact that this bill does not propose a new statute or a new law; it simply enlarges the scope of the present statute so as to include the practice of proceeding against defendants by information in certain jurisdictions.

Mr. HEYBURN. I should like to have had time to investigate that question in the light of the suggestion from the chairman of the Committee on the Judiciary of this body, because the general impression in regard to this legislation has been that it was legislation in the interest of the execution of the laws of the United States, and communications have come to the committee having charge of the revision of the laws of the United States in regard to this matter inquiring as to what effect it would have upon existing federal law. If it is true, in the judgment of the Senator in charge of the bill and the chairman of the Judiciary Committee, that we are not legislating at all in regard to offenses against the federal law, then I will be content to leave this to the interpretation that might be placed upon it by the state courts, because the state courts would be the only ones to deal with it; but if this is a question that is to come up before the federal authority in its various branches, then it is a question that we should pause long enough to consider more thoroughly than we are giving it consideration now.

Mr. PILES. Mr. President, I will say to the Senator, if he will permit me for just a moment, that there is no such purpose as that in my mind.

The purpose of the amendment is simply to give the States who prosecute by information the same right to extradite upon an information as they now have upon an affidavit filed before a magistrate or upon an indictment found by a grand jury. It has absolutely no relation to anything else.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. PILES. Certainly.

Mr. ROOT. It appears to me, Mr. President, that there is another very serious question involved in the pending bill, and that is, whether the Congress of the United States should undertake to impose upon the governments of the several States—for the language of this bill does undertake to impose upon the governments of the States—the duty of extraditing and sending out of their territory to other and distant States persons charged with crime, without any evidence whatever being produced as to the commission of the crime.

When an indictment is produced as the basis of a demand for the extradition of a person resident in a State, that furnishes the highest evidence that a grand jury, proceeding upon competent testimony, has found a prima facie case of guilt. The indictment is the finding upon sworn evidence. When an affidavit is produced the officer to whom it is presented in the State upon which the demand is made must find within the four corners of the document competent proof of the facts which constitute the offense. That affidavit is a preliminary to a prosecution in accordance with the due and orderly process of law in the State making the demand. But what is an information? It is simply a charge, made, it is true, by a public officer, but made upon no assertion or assumption of any guilt on the part of the defendant; that is to say, it is made upon no evidence of the commission of an offense.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Will the Senator permit me to finish my very brief statement? Then I will yield.

Mr. BORAH. Certainly.

Mr. ROOT. The charge as it is presented over the signature of a public officer gives no warrant that anyone has given any testimony or can give any testimony to the facts which constitute the offense.

Mr. President, the Constitution of the United States has prescribed the rule for us which we ought to follow. It has declared that—

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, etc.

I shall not give my vote to change the laws of the United States in such a way as in terms to undertake to force upon the government of any State a rule regarding the holding of men to responsibility for crime which is directly in contravention of the mandate of our own Constitution and the rule which is prescribed by that Constitution.

Mr. PILES. Mr. President——

Mr. ROOT. Mr. President, if the Senator will pardon me a moment further, I will then yield.

It is no light thing for us to change the law upon which citizens of the United States may be taken from their homes and, against their will, carried thousands of miles away from

those communities in which their characters are known for trial upon the charge of an infamous crime. It is not a thing that we ought to do upon a bill without a report from a committee——

Mr. CLARK of Wyoming. Mr. President——

Mr. ROOT. With a reasonable argument in support of the bill. It is not a thing that we ought to do upon any basis other than the sworn evidence of facts which show to the officer upon whom the demand is made that a crime has been committed.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. BORAH. I thought the Senator had concluded.

Mr. ROOT. I yield to the Senator from Idaho.

Mr. BORAH. The suggestion of the Senator from New York that an information is filed without any evidence of the commission of a crime is an error, so far as any law I am familiar with in reference to the filing of informations is concerned. The prosecuting officer in my State can not file an information until a preliminary examination has been had, and he can only file an information concerning a crime which is revealed in the hearing to have been committed. Therefore when the prosecuting officer files his information he bases it upon sworn testimony taken before a magistrate, where the defendant appears and is examined and cross-examined, if he desires to be, or where his witnesses are introduced, examined, and cross-examined, and where his attorney is heard. You can not file an information under the law relating to the prosecution of criminals by information until a thorough examination has been had, unless it is waived by the defendant. The courts have held that an information filed and not based upon evidence taken in that way is wholly void, and is not duly filed in any sense of the term whatever.

Now, so far as prosecuting by information is concerned, the Supreme Court of the United States has settled that question. It has held that a prosecution upon information is a full compliance with the provision of the Constitution which has just been read by the Senator from New York, and that it is in every sense a compliance with the provision to which he has called attention. So we give in this case the authority to extradite upon the basis of that which the State deems sufficient upon which to prosecute, and that is the only purpose of this amendment—to extradite upon an information which the Supreme Court has held to be an ample compliance with the right of a party to know the charge before he is proceeded against. As the Senator will remember, in the case of Hertardo *v.* California, which came up from California, that question was discussed and settled by the Supreme Court. It was held to constitute due process of law.

[Mr. CLARKE of Arkansas addressed the Senate. See Appendix.]

Mr. ROOT. Mr. President, it is quite evident from the statement made by the Senator from Arkansas that there are some States where an information may be filed without any formal proceeding. It seems to me that if we were otherwise willing to make this change in regard to the States where an information may be filed only on the basis of sworn testimony, we ought to have furnished to us or have the opportunity to examine ourselves into the laws of all the States which would be affected by this act, and that if there are any States in which, in accordance with the old common-law custom, the prosecuting officer can file an information at his own pleasure when there is nothing but a charge and no evidence, we ought not to pass this bill in its present form, making it so that it will be applicable to those States.

But even as to the States where the statutes require the prosecuting officer to proceed upon the basis of sworn testimony, the objection I have is not fully met. It seems to me that the officer to whom the demand is made ought to have laid before him either the formal finding of the grand jury or the evidence upon which the magistrate or the prosecuting officer, whatever officer he may be, determined that there is evidence of an offense. There is no trouble about extradition. All that is necessary is to produce the affidavits made before the magistrate. What this bill would do would be to make it unnecessary to produce to the officers of the State on which the demand is made that evidence, and permit as a substitute for it the information of a prosecuting officer.

The decisions which hold that the adoption by a State of prosecutions under the laws by information is not obnoxious to any prohibition of the Federal Constitution are not decisions which relate to federal procedure. They leave still standing the provision of the Constitution, binding upon us, upon all federal courts and officers, that no person shall be held to answer for an infamous offense except upon presentment of a grand jury; and there are some States, Mr. President, which still hold to the views of the framers of the Constitution. There are some States which still believe that the grand jury and the requirement of a presentment or indictment by a grand jury constitute a valuable protection to the rights of a citizen.

My objection to this bill is that it is an attempt to deny to those States which still wish to protect their citizens the safeguard of our Constitution and to impose upon all persons acting under federal procedure the obligation to abandon that safeguard in regard to those people dwelling within their borders whose extradition is demanded by other States. I do not think we ought to compel the State of Massachusetts or the State of New York or the State of New Jersey to send people out of their borders without any indictment by a grand jury and without any evidence being laid before the officers of those States that a crime has been committed. We, acting under the Constitution, which requires an indictment by a grand jury, ought not to compel the States which believe that that is a valuable protection to their citizens to abandon it in extradition proceedings.

Mr. CLARKE of Arkansas. I think the Senator is right, and I would limit the proposed act to such States as have abolished the grand jury.

Mr. PILES. Mr. President, this is not an attempt upon the part of any State to force the governor of another State to surrender a fugitive who has fled from the State in which he is charged with crime. The amendment does not in anywise change the existing law in this respect. The governor of the State in which the fugitive has sought an asylum is not obliged by law to surrender the alleged fugitive, as the Senator from New York well knows. A great many of the Western States, while not abolishing the grand-jury system altogether, prosecute very largely by information filed by the prosecuting attorney. The legality of such prosecutions has been repeatedly sustained by the Supreme Court of the United States.

The Senator from New York [Mr. ROOT] asks why a citizen of New York or New Jersey should be taken from his home and carried across the country and there prosecuted upon an information. I might answer by asking him: "Why should a citizen of New York who, while in the State, violates the laws of the State of Washington have any greater rights than a citizen of that State?" If the fugitive were arrested while in the State, it must be conceded that he could, under the decisions of the Supreme Court of the United States, be there prosecuted by information. And no good reason can, in my judgment, be shown why he should not be extradited upon an information for trial in the State whose laws he has violated.

We find prosecutions by information much more expeditious and much more economical than prosecutions by indictment. The prosecuting attorney who informs against accused persons is acting under his oath of office. He is better fitted by training than a magistrate to determine whether or not an accused person should be informed against; also, whether his State should be put to the expense of seeking to extradite one charged with violating the laws of his State. In the twenty years that prosecutions have been carried on in the State of Washington by information I have never heard it charged that the prosecuting attorney had abused the great power vested in him by unjustly, oppressively, or maliciously filing an information against an innocent person.

Mr. CLARKE of Arkansas. Has indictment by grand jury been abolished in Washington?

Mr. PILES. It has not. The constitution of the State does not, however, require a preliminary examination before a magistrate as a prerequisite to proceeding by information.

I am not able to agree with the Senator from Idaho that the courts have held that unless there be a preliminary examination the prosecution can not proceed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. PILES. Certainly.

Mr. BORAH. I said so far as my State is concerned.

Mr. PILES. I did not catch the Senator.

Mr. BORAH. Our supreme court has held within the last ten days that such an information would be utterly void.

Mr. PILES. That is undoubtedly true under the laws of Idaho.

Mr. BORAH. That is what I said.

Mr. PILES. The Supreme Court in the matter of Strauss (197 U. S., 333), in speaking of extradition on informations, uses this language:

* * * And these preliminary proceedings are not completed until the party is brought before the court in which the trial may be had. Why should the State be put to the expense of a grand jury and an

indictment before securing possession of the party to be tried? It may be true, as counsel urge, that persons are sometimes wrongfully extradited, particularly in cases like the present; that a creditor may wantonly swear to an affidavit charging a debtor with obtaining goods under false pretenses. But it is also true that a prosecuting officer may either wantonly or ignorantly file an information charging a like offense. But who would doubt that an information, where that is the statutory pleading for purposes of trial, is sufficient to justify an extradition?

While it is true that the statement of the court in respect to informations was not necessary to a determination of the question at issue in the case it had under consideration, it nevertheless shows that that court did not consider that the rights of an accused person would be violated when extradited upon an information duly filed by a prosecuting officer.

Mr. CRAWFORD. I should like to ask the Senator from Washington if it is not possible to secure the extradition of a criminal who has fled the State of Washington by lodging complaint against him before the committing magistrate and applying for his extradition upon the information and affidavit lodged with the committing magistrate?

Mr. PILES. That is possible. Yes; that may be done.

Mr. CRAWFORD. So that you are not without a remedy in the matter of extradition.

Mr. PILES. Not at all. But we desire to pursue the usual course adopted in the western country.

Mr. CRAWFORD. Will the Senator permit another question?

Mr. PILES. Certainly.

Mr. CRAWFORD. Do you not have in your State rules governing extraditions which require that the application shall be accompanied with affidavits setting out in detail the charge?

Mr. PILES. The usual procedure in the State of Washington is this: If one feels that another has committed an offense of which he has knowledge or information, he goes before the prosecuting attorney and makes an affidavit setting forth the facts upon which he bases the accusation. The prosecuting attorney thereupon investigates the charge, and if he finds that a crime has been committed he files an information in the superior court and proceeds against him on the information. If the accused has fled from justice and the prosecutor wishes him returned to the State for trial, he presents the matter to the governor, the same as though an indictment had been returned by a grand jury.

Mr. CRAWFORD. Is the certified copy of the information unaccompanied by any corroborating affidavits?

Mr. PILES. I am not sure about that. It may be that the affidavit of the complaining witness accompanies the information.

Mr. CRAWFORD. I think the Senator will find that under the rule which generally prevails in States where indictments are presented, and in States where informations are filed, that they are accompanied with a certified copy of the affidavits corroborative of the charge and going into the details.

Mr. PILES. I understand that the executives of the several States have uniform rules on the subject of extradition.

We have, as I said, been prosecuting by information in Washington for about twenty years. If we can send men to the penitentiary for life, if we can hang them when convicted upon an information, why can we not extradite upon an information duly filed by a prosecuting attorney?

Mr. ROOT. May I ask the Senator from Washington a question?

Mr. PILES. Yes.

Mr. ROOT. You never convicted any man and hanged him or sent him to the state prison for life without evidence, did you?

Mr. PILES. I hardly think we could do that.

Mr. ROOT. My proposition is that you should not be permitted to extradite him without evidence. I am not quarreling with the proceeding by information. I do not know that I would differ with the Senator from Washington as to the expediency of it. That question is not here at all. I do not question at all the right or the propriety or the wisdom of the people of the State of Washington in prosecuting crime by information. But it is possible now for every State to secure the extradition of a prisoner charged with crime from any other State upon the presentation of proof that a crime has been committed, by way of an affidavit before a magistrate or by the presentation of indictment, and the only thing this bill adds to the law is the liberty to take a man from the State in which he resides to another State without any evidence being produced that he has committed an offense.

Mr. PILES. Will the Senator let me ask him a question?

Mr. ROOT. If in States like Idaho the laws require the information to proceed upon sworn testimony, as now under the present law, the production of that sworn testimony is a basis entirely adequate for extradition. It is only in the States where informations can be filed without any sworn testimony, at the will or pleasure of the prosecuting officer, that this bill produces any effect.

Mr. PILES. Let me ask the Senator a question right there.

Mr. ROOT. Certainly.

Mr. PILES. Is it not a fact under existing law that John Jones may go before a justice of the peace, and upon the filing of an affidavit put in motion the machinery necessary to extradite Peter Smith, for instance? Why should an affidavit filed with a justice of the peace be more effective than one filed with a prosecuting attorney, who is skilled in the law, and who is acting under his oath of office?

Mr. ROOT. Because when John Smith goes before a committing magistrate and makes an affidavit which sets in motion the wheels of the machinery that result in a demand for extradition, the sworn affidavit that he has made goes to the State upon which the demand is made, and before the officer who has the right to make the order of extradition, and he can see in it and say whether the offense charged and the testimony given are sufficient to constitute a proof of the offense.

Mr. PILES. Mr. President——

Mr. ROOT. One moment. But when a prosecuting officer can file an information, with or without evidence, and upon that information set the wheels in motion, there goes then before the officer of the State on which the demand is made, merely this prosecuting officer's charge—not any proof, but a charge which may have proof behind it or which may not have proof behind it.

Mr. PILES. Will the Senator let me interrupt him right there? The Senator is mistaken. Suppose the State of Washington should seek to extradite an alleged fugitive from justice from the State of New York. The governor of New York would have a perfect right to say to the chief executive of the State of Washington, "Before I will honor your requisition you must furnish me with an affidavit of the complaining witness."

Mr. ROOT. He would do that in plain violation of the terms of this law which you are proposing to pass.

Mr. PILES. I do not agree with the Senator, because the governor upon whom the demand is made has the right to require the submission of such evidence as will satisfy his conscience before yielding to the demand.

Mr. ROOT. Because it is proposed in this law to add to the existing law, which requires in terms extradition upon an indictment and extradition upon an affidavit, the further requirement that extradition shall be made upon the information, without any affidavit and without any indictment.

Mr. BORAH. Mr. President, does the Senator from New York think that the governor upon whom the demand is made would have to honor a requisition by reason of the passage of this statute?

Mr. ROOT. I beg the Senator's pardon; I did not catch his question.

Mr. BORAH. I ask, Does the Senator think that the governor of the State upon which the demand is made would have to recognize the demand? It is in his discretion, whatever this statute may be.

Mr. ROOT. A discretion under which he ought always to demand proof, under the responsibility of an oath that a crime has been committed. What it is proposed that we shall do by this amendment is to say that he shall not exercise any discretion in that way, but he shall extradite without proof.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. It does not occur to me that that is a fair interpretation of the statute that is proposed to be amended. It simply provides that according to the usual machinery and the usual custom they shall have a right to extradite upon information; but that does not curtail or in any way take away the right of the governor upon whom the demand is made to require anything that he desires before he grants the requisition.

At the present time you may extradite upon the mere affidavit of the party before a magistrate. That would be simply the sworn statement of an individual without any proof or evidence whatever. But there can be no doubt that if the governor was not satisfied with that, he could demand a further showing before he would grant the requisition.

So while in this case it is said that you may extradite upon information, it rests at last with the governor who is to grant the requisition as to whether he is to be satisfied with that or not.

Mr. ROOT. Then, Mr. President, our deliverance is idle. It is bringing the Congress of the United States into contempt by assuming to impose upon the executives of the several States

duties which we know they will not perform, and which we feel they ought not to perform.

Mr. SHIVELY. Will the Senator from New York allow me?

Mr. ROOT. Certainly.

Mr. SHIVELY. Then, the virtue of this proposed statute is the fact that it may be ignored.

Mr. ROOT. Precisely; and it is now proposed to add to it something that we all agree ought to be ignored.

Mr. PILES. It may be ignored to-day. The governor is not required to return the man on indictment found.

Mr. ROOT. He may refuse, and for the reason that it may be ignored it is proposed that we should add to it something which we believe ought to be ignored.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. I ask the Senator from New York if he thinks it is within the power of Congress to pass a law which would compel the governor to recognize a requisition?

Mr. ROOT. I do not think there is——

Mr. HEYBURN. Will the Senator permit me to call attention to the real law, which is in the Constitution, and which leaves no option whatever in the governor? I read from it:

> A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

That is all the provision. There is no latitude there for the exercise of discretion.

Mr. BORAH. Mr. President, I would like to extend the inquiry to my colleague. Does he think it is within the power of Congress for us to pass a law which will compel the governor to recognize a requisition?

Mr. HEYBURN. The Constitution compels the governor to recognize a requisition if it comes in the form and manner prescribed by the Constitution.

Mr. BORAH. With all due respect to the Senator from Idaho, I do not think we can pass such a law.

Mr. HEYBURN. Mr. President, I am not talking about passing a law. The law was passed by the constitutional convention, and we can not affect its provisions by anything we do.

Mr. BORAH. Unfortunately for that position, the Supreme Court of the United States, which is the last tribunal to construe this fundamental charter, has, in my opinion, decided otherwise. It rests at last in the discretion of the governor. We can not compel him to deliver the party. If we could we would have done so in one or two instances.

Mr. SHIVELY. Is it not a fact that the test in such a case is whether the governor could be mandamused to deliver up an alleged fugitive charged? The courts have held that he could not.

Mr. BORAH. It is very well settled, and has been for a number of years.

Mr. HEYBURN. Mr. President, I will offer an amendment in a moment. I want to suggest that perhaps we have found a provision of the Constitution that can not be enforced; but I doubt it. The mere statement that the governor can not be compelled by mandamus to obey the positive injunction of the Constitution is rather a dangerous doctrine. So far as I have taken this matter under consideration, it is not what we may do by legislation that will affect this provision of the Constitution, but it is a question as to what the law is. If we are proposing here to enact a measure that is absolutely in conflict with that provision of the Constitution it is high time we knew it.

Now, pointing the objection which I made to this measure, I propose on line 10, page 1, to strike out the words "duly filed" and to insert in lieu of them the words:

> Made after an examination and the hearing of sworn testimony and filed in a court of competent jurisdiction to try parties charged for the offense.

That, when read into the bill, will read this way:

> Whenever the executive authority of any State or Territory demands any person, as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, an information made after an examination and the hearing of sworn testimony and filed in a court of competent jurisdiction to try parties charged for the offense, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, etc.

Now, that gives some responsibility to the presentment. As I understood the Senator from the State of Washington to say, in that State a prosecuting attorney may file a presentment and immediately demand a requisition, and the presentment need not be filed upon any testimony taken or upon any oath or responsible statement of any person. The law as it stands to-day has behind every act to be performed the responsibility of the party making the affidavit before the magistrate, the party who can be held responsible in the event of the charge being found frivolous or not being sustained; but in the case of a prosecuting officer who may go in and file a presentment there is no responsibility to protect the party who has perhaps been taken the entire length of the United States.

Much of the discussion of these questions has proceeded upon the assumption that he would be brought only from some convenient neighboring State, but if you take a man from Maine to California upon an irresponsible charge of a district attorney, who does not swear to the presentment, or, rather, to the statement, because he does not know the facts, and he may have learned them by rumor or through rumor only, and upon the first examination it is shown, first, that no crime has been committed, that the whole thing was a mistake; or, second, that the man at the time he was charged with doing this act was in Europe, or any of the hundred things that are interposed between a man as a defense against a charge, he has no relief. He has been taken under the humiliating circumstances of arrest from one end of the United States to the other, pointed out to the passengers on the train as a man who is charged with murder and is being taken out to California for trial, and, lo and behold, when the charge proves to be without any foundation he has no relief against any person. He has no guaranty against a frivolous charge, and it is a very serious matter. Had I not felt that it was I would not have started this discussion.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. I yield.

Mr. PILES. I ask the Senator what protection a fugitive from justice would have before a justice of the peace?

Mr. HEYBURN. He has the responsibility of the man who made the oath charging him with the offense, and the justice of the peace is presumed, and fairly presumed, to take notice of the responsibility of the charging party. There is no law in any State under our system of government whereby a justice of the peace can act except upon a sworn statement. Except to apprehend a man for violating the law in his presence, he can not act upon his own initiative in holding a party or in issuing a warrant for him.

Mr. PILES. May I ask the Senator if he does not know that if A goes before a justice of the peace charging B with the commission of a crime, before the extradition can be brought about the affidavit must be submitted to the prosecuting attorney, who lays the matter before the governor? Why, then, is not the affidavit of the complaining witness filed with the prosecuting attorney just as potent as when filed with the justice of the peace?

Mr. HEYBURN. According to the Senator's statement——

The PRESIDING OFFICER. The Senator from Idaho will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. PILES. I ask that the unfinished business be laid aside temporarily, without prejudice.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Idaho will proceed.

Mr. HEYBURN. The Senator from Washington has stated within a few moments that no affidavit was required as a basis for the filing of an information by the district attorney, and it is true. That is the condition which existed when the English people rose up against just that system, where a man could be apprehended and placed on trial without any preliminary investigation; and the grand-jury system grew out of it, because it was thought wise in that day, and it is very wise in this age of sensationalism, that the charges men make attacking the integrity of others shall be submitted and sifted through the cool and conservative judgment of more than one man. Individuals know that if they file a sworn charge against a man which shall be the basis of his arrest that they are responsible not only in damages, but they are responsible for perjury and prosecution for the offense that they commit in making a false oath. Those things stand to-day against men and protect them from the annoyance and the injustice of being taken from one part of the country to another upon frivolous and irresponsible charges. Shall we remove them without having before us a copy of all the laws regulating the filing of information in the several States?

We have a statement from my colleague [Mr. BORAH] as to the law in the State of Idaho, in which he says that it is re-

quired under the provisions of that law that no information shall be filed except after the filing of a responsible statement under oath that the party is guilty of the crime charged against him. Then we come to the statement of the Senator from Washington that in his State no such oath is required. I think both of them are right. Then, I know of my own knowledge that in many States none is required, and in some States it is required.

We have had occasion to consider this matter in another committee of this body, and we are preparing careful legislation upon it. Whether or not it is wise to modify the very bulwark of our laws—the grand-jury provisions contemplated and provided for in the Constitution—I do not feel called upon to discuss at any length. I want to say——

Mr. SUTHERLAND. Mr. President——

Mr. HEYBURN. In just a moment. So far as my own judgment is concerned, as a member of the constitutional convention that framed the constitution of Idaho, and as chairman of the judiciary committee of that body, I opposed the modification of the grand-jury system.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SUTHERLAND. The laws of perhaps one-half the States of the Union provide for prosecution by information. Under those informations a citizen may be arrested in the State; he may be incarcerated in the jail awaiting trial, if he is unable to give bail, or in a capital case incarcerated whether he can give bail or not, all upon information.

Mr. HEYBURN. Mr. President, I would have to go back to the consideration of the question in the light that it was presented to our constitutional convention, and I do not feel called upon to discuss the wisdom of the system of presenting criminal charges in that way. I only do not want the Government of the United States, as has been so well suggested by the Senator from New York [Mr. ROOT], to force this innovation upon other States that have repudiated this modified doctrine.

Mr. SUTHERLAND. The point I want to direct the attention of the Senator from Idaho to is that under these informations in the State a citizen may be prosecuted, may be arrested, may be incarcerated in jail. I wanted to ask him whether he saw any greater hardship and outrage in the further provision that he may be brought from the State.

Mr. HEYBURN. Yes; I certainly do see an additional hardship. The man who is at his home and about his business can give quick response and make prompt defense against being taken away from his home for trial; but a man who is 3,000 miles away has no opportunity after he has traveled that distance and been taken on this humiliating trip from one part of the country to another to present himself before strangers in a strange community. There is a vast difference between being charged as you stand on your own threshold, where you can raise your hand in defense of yourself, and being charged thousands of miles away to answer at some future day before a strange tribunal. We must be more careful in providing for taking people from their homes to be inquired of as to whether there are probable grounds to charge them with a crime than in the case of the person who is right at home and may give a prompt answer. Therefore, I regard this as a most serious offense. I regard it in the light of a case that contemplates the bringing of a man from the farthest parts of our country, because there the burden is greatest. It is not to be minimized by presenting cases of bringing a man across a line, which might be 10 feet or 10 miles.

The people who framed the Constitution of the United States were conservative men. They were closer to the hour when civilized people realized and enacted that they should not be placed upon trial for crime until probable cause had been established through the medium of sworn testimony and careful examination by a grand jury of more than 16 or 24 men. That represented the conservatism of the day when they were making the fundamental law of this land, and the wisdom of that day is prime wisdom in this day.

Mr. BACON. Mr. President, I desire to say only a very few words.

If the effect of this statute would be to impose an obligation upon a state executive with which he must comply, then it would be of the utmost importance to weigh every word, to see that no possible injustice could result in the obedience by the executive to the terms of the statute.

But, Mr. President, it has been well settled by the decisions of the Supreme Court of the United States that the clause in the Constitution itself is but directory, and under those decisions it results that, whatever the moral obligation imposed by the federal law, the discretion, in practice at least, is with the state executive; that in such practice and in the absence of any power to compel him otherwise he may require such proof as he sees proper before he will honor a requisition, and that he has the power under the law to absolutely refuse it, whatever may be the extent of the proof submitted to him.

The case which has been alluded to by the Senator from Texas, and which has been commented upon by others, I hold in my hand—the case of the Commonwealth of Kentucky against Dennison, governor of Ohio—in which the Supreme Court of the United States lays down this as the law, so far as concerns the power to compel the state executive. In construing the section of the Constitution which the Senator from Idaho has read, and the statute passed in 1793 in pursuance thereof, the Supreme Court says:

> The word "duty," in the act of 1793, means the moral obligation of the State to perform the compact in the Constitution, when Congress had by that act regulated the mode in which the duty was to be performed.
>
> But Congress can not coerce a state officer, as such, to perform any duty by act of Congress. The state officer may perform it if he thinks proper, and it may be a moral duty to perform it. But if he refuses, no law of Congress can compel him.
>
> The governor of Ohio can not, through the judiciary or any other department of the General Government, be compelled to deliver up Lago—

That was the name of the fugitive—

> and, upon that ground only, this motion for a mandamus was overruled.

This was a case of original jurisdiction in the Supreme Court of the United States, where there was an effort made by the State of Kentucky to have the Supreme Court issue a mandamus against the governor of Ohio.

Mr. President, the only effect of this bill is to put in a class which may be honored by a State informations which have not heretofore been included in that class by the statute, but which the governor can scan and scrutinize and demand proof under just as he can now demand it under indictments and under an affidavit made before a magistrate.

The Senator from New York suggests in response to that contention, a contention to which there can be no possible reply under the decisions of the Supreme Court, that we are called upon to pass a law which we recognize the right of a State to refuse to comply with, and which we in effect invite him to refuse to comply with. If that is a legitimate criticism upon this bill, it is a criticism upon the law as it now exists, a law which has been upon the statute books for one hundred and seventeen years. There is nothing in the proposed bill which will change that feature of the law, and the same construction of the Supreme Court which applies to the law as it now exists will apply to it and control it if the amendment is adopted.

It is perfectly competent for the executive of a State, and it is not only competent but a matter of most frequent occurrence for an executive, when a requisition is presented, to demand the proof upon which the requisition is based. He is not shut up in practice to a blind compliance with the requirement that he shall surrender the fugitive upon the presentation of a requisition based upon an indictment or upon an affidavit before a magistrate.

Mr. MCCUMBER. May I make a suggestion to the Senator right there?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. With pleasure.

Mr. MCCUMBER. I do not think there is a State in the United States that has not a provision in its own laws to govern the governor in granting such a requisition, stating to him what evidence he shall receive in order to honor it, and fully protecting in every manner the citizen who is sought to be removed from that State.

Mr. BACON. I think the Senator is quite correct. I know that frequently in my State requisitions have been refused, some of them, I recollect, within the past year or two. I doubt if there is a single State in the Union, certainly not one which has been in the Union a number of years, where circumstances have not occurred under which the executive has refused to honor a requisition. It is at last within the discretion of the executive, and under the decisions of the Supreme Court any statute which we pass on the subject is not mandatory, but simply suggestive or directory, and under the decision of the Supreme Court the provision in the Constitution itself is but directory, and suggesting that which may be recognized as a moral obligation. There can be no possibility that under this law there could be any injustice worked, unless the executive is absolutely blind to the protection of the man within his jurisdiction whose extradition is sought.

I repeat, Mr. President, that if this statute were obligatory upon a state executive—one which he would be bound to obey,

one which the federal law could force him to obey—then we could not be too careful to weigh every word and every syllable to see to it that no injustice could be done in the extradition of an innocent man or in the extradition of any man upon insufficient evidence of the fact that he should be brought to trial; but there is no possibility of that, unless the executive is absolutely blind in the exercise of his own powers and in the performance of his duties.

Mr. CRAWFORD. Mr. President, in consideration of the importance of the matter, the variety of views, and the different conditions in the several States as to procedure, I move that the bill be recommitted to the Judiciary Committee.

Mr. PILES. Mr. President, I hope that motion will not prevail, for this bill has previously been before the Judiciary Committee. It passed this body last winter. It has been twice thoroughly examined.

Mr. CLARK of Wyoming. Mr. President, of course the motion of the Senator from South Dakota [Mr. CRAWFORD] is made with the idea that the Judiciary Committee may perhaps be able to give further consideration to this bill than has heretofore been accorded it. I understood the Senator to make a motion to recommit the bill.

Mr. CRAWFORD. That was my motion. Certainly it was not made with any idea that the Judiciary Committee had not conscientiously dealt with the bill, but in consideration of the different views expressed here.

Mr. CLARK of Wyoming. I think I thoroughly understand the Senator's position and his desire; but I want to say to him that I do not believe, as a matter of practical importance, the recommittal of this bill would make any difference whatever in the report that would come into this body for the third or the fourth time. This is a bill which has been very thoroughly considered by the Committee on the Judiciary. Whether well considered and a proper conclusion arrived at or not, of course, is for the Senate to determine for itself; but so far as further consideration of the bill before the committee is concerned, I am sure it would result in exactly the same thing which we have before the Senate at the present moment. I therefore hope that the motion will not prevail.

Mr. CRAWFORD. Mr. President, in view of that statement of the chairman of the Committee on the Judiciary, I withdraw the motion.

The PRESIDING OFFICER. The Senator from South Dakota withdraws his motion to recommit.

Mr. McCUMBER. Mr. President, I wish to move to strike out, in line 10, on page 2 of the bill, the two words "six months" and insert in lieu thereof "a reasonable time." I want to ask the Senator in charge of the bill if the words "six months," in which the agent is to appear after a man has been arrested in any State and to remove him to the State where the crime has been committed, are a part of the law as it now stands?

Mr. CLARK of Wyoming. That is a part of the law as it now stands and has been for many years. The only change proposed to the law is in the insertion of the four words relating to the information.

Mr. McCUMBER. I should like to have the Senator give a good reason why, with the railroad facilities we have to-day, but which we did not have one hundred and seventeen years ago, we should still retain that provision of six months—allow an arrest to be made of a man in New York charged with an offense in the State of Wyoming, and allow the authorities of New York, at the instigation of the authorities of Wyoming, to hold the prisoner for six months after he has been imprisoned before an agent shall come to remove him.

Mr. CLARK of Wyoming. I will say to the Senator that I do not care to express an opinion upon that matter, because it is not a matter which goes to the amendment now before the Senate; and it is a matter which I think was not considered at all in committee.

Mr. McCUMBER. But it goes to the amendment I have just now offered.

Mr. CLARK of Wyoming. I do not know that I have any reason to urge against the amendment proposed by the Senator; but that is a matter for the Senate itself to consider.

Mr. McCUMBER. Mr. President, it seems to me that if we insert in line 10 the words "a reasonable time" before the words "from the time of the arrest," we allow the governor of the State in which the party has been arrested to determine what is a reasonable length of time for an agent to appear and remove from his jurisdiction the person charged. I have known cases where it has been abused. For that reason I hope the Senator will consent to this amendment.

Mr. CLARK of Wyoming. I will say to the Senator from North Dakota that the Senator from Wyoming is not in charge of the bill. It is in charge of the Senator from Washington [Mr. PILES].

Mr. PILES. I see no objection to the amendment.

Mr. McCUMBER. It seems to me it is fair.

Mr. PILES. The bill as drawn in that respect is according to existing law, and I did not therefore propose to change it.

The PRESIDING OFFICER. The Chair suggests to the Senator from Wyoming that there is an amendment now pending offered by the Senator from Idaho [Mr. HEYBURN].

Mr. McCUMBER. I will then withdraw my amendment until the previous amendment has been disposed of.

Mr. CARTER. Mr. President, I think it is quite apparent that a vote can not be reached on the pending bill to-day; and for the purpose of allowing time for further reflection, and possibly an adjustment of differences of opinion on this measure, I ask unanimous consent that Senate bill 5876, being the postal savings-bank bill, be now taken up. There are one or two amendments to that bill to be disposed of.

Mr. PILES. The bill I have in charge is now under consideration.

Mr. CARTER. I ask that the bill may be temporarily laid aside.

Mr. PILES. I do not care to consent to that, Mr. President. There is reason for passing this bill. I understand the Senator wants the bill temporarily laid aside.

Mr. CARTER. I desire that the bill shall be temporarily laid aside for the purpose of proceeding with some amendments to the postal savings-bank bill.

Mr. PILES. That would take the whole afternoon.

Mr. CARTER. Mr. President, permit me to suggest to the Senator from Washington that there is a desire for an executive session, that there are certain committee meetings which will be held which will call a number of Senators from the Chamber, and I doubt if any progress can be made on the pending bill. I think, however, we can make some progress on a few amendments to the postal savings-bank bill.

Mr. PILES. Mr. President, I want to leave this question to the Senate. If Senators are disposed to prohibit the States that have laws providing for prosecution by information to be without the right of extradition except upon an affidavit filed with a justice of the peace or upon an indictment duly found, then let them say so. The junior Senator from Oregon [Mr. CHAMBERLAIN], who was formerly governor of that State, told me just a few moments ago that when he was governor of Oregon he asked for a fugitive from justice in the State of California, and under the decision reported in Sixty-third Federal Reporter, to which I have referred, his request was refused. I should like to have this bill disposed of at an early date, in order to avoid future complications.

Mr. BAILEY. Mr. President, I want to ask if, after all, this does not subject the fugitive—or, we will say, the man who is claimed to be a fugitive—to precisely the same rule as the people of a State who continue there?

Mr. CLARK of Wyoming. Absolutely, Mr. President. I want to say in this connection——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. BAILEY. Certainly.

Mr. CLARK of Wyoming. Just for a moment.

Mr. President, the people of a State of this Union, within the Constitution, have a right to prescribe the methods by which they shall prosecute crime. The people of certain States, within that limitation, have prescribed that crime may be prosecuted by information. The people of certain other States desire to make their States a harbor of refuge, apparently, because they say that Washington can not go into New York—shall not take a Washington criminal back to his home and have him tried according to the laws of the State wherein the crime has been committed.

Mr. President, it takes a far clearer vision than mine to see anything unconstitutional in that; it takes a far clearer vision than mine to find any overriding of the rights of a citizen of the State in that. It seems to me, if the matter is thoroughly understood, that there can be but one result. I hope that the vote will be taken this afternoon.

Mr. BAILEY. Mr. President, I know of a number of instances in which the power to refuse the surrender of a fugitive has been grossly abused. I do not recall an instance in which the power to surrender him has been improperly exercised. If a citizen of one State visits another State and transgresses its laws, surely if the citizens who continue their residence there and never leave it may be prosecuted in any way, the fugitive is entitled to no greater protection. Without naming cases, the Senate itself will recall that the power of the governor has been interposed on more than one occasion to shield from the justice

of an offended Commonwealth criminals of a higher or lower degree. There is now—and it will occur to the mind of every Senator here—an instance where for years a man charged with a grave crime in one State has been sheltered and protected by the executive authority of a neighboring State. More than twelve years ago the State which I have the honor in part to represent indicted certain people, residents and citizens of another State, and though often solicited to surrender them for trial in our State their surrender was denied.

Mr. President, remembering that if any federal right is involved it can be protected in a proper proceeding, it seems to me that the States could safely be trusted. That is especially true, as suggested by the Senator from Georgia [Mr. BACON], in view of the fact that a State can not be compelled under this statute to surrender a fugitive. I believe that fugitives can be taken, the protest of the State notwithstanding, under a federal law. I believe there is no provision of the Federal Constitution which can be made to depend for the faithful execution of it upon the will of a state official, but we have not seen fit, and I hope we never shall see fit, to undertake by direct federal authority to enforce that provision. It has been well settled in the case of Dennison *v.* McGoffin, or, as it is sometimes styled, and I believe styled in the reports, the Commonwealth of Kentucky *v.* Dennison, where the governor of Kentucky sought to compel by mandamus the governor of Ohio to surrender a free negro, who had aided slaves to escape, and had thus violated the Kentucky statute made in that behalf, that under this statute a State can not be compelled to surrender.

The Supreme Court of the United States declared that it was the duty of the governor of Ohio to surrender him and that the governor of Ohio had no discretion in the matter, but they held—and I think they very properly held—that the Federal Government could enact no law requiring a state officer to execute a federal statute.

My recollection is that there is an earlier case, probably of Prigg *v.* The Commonwealth of Pennsylvania, in which a magistrate of the State was required to perform certain duties with respect to the fugitive slave law, and the court intimated in that case that a State could not be compelled to execute a state law.

So, Mr. President, it being true that, after all, under the statute which we are now proposing to amend, and under the law as it will stand after this amendment is enacted, a governor may still refuse to deliver a fugitive, I think the Congress could well afford to say that a man who commits an offense, or who is charged with committing an offense in a State, and flees to another State might be taken back upon the same proceeding under which a citizen of that State could be arraigned. I think there is no danger in it, and I believe this bill ought to pass.

I want to say, Mr. President, that I do not believe in the abolition of the grand jury. It is an ancient and useful institution. I do not believe that any one man on earth ought to, upon his own motion, though it receive the sanction of his oath, call his fellow-citizen before the bar of justice and charge him with a crime; but if the State of Washington chooses to do it, or the State of California, and I am told that the State of California has absolutely abolished the grand jury, and the State of Washington has disused it——

Mr. PILES. It is used about once a year.

Mr. BAILEY. It ought to be used every time the court convenes, and no man ought to be called, and, under the Federal Constitution no man can be called, to answer for an infamous crime except upon an indictment or presentment of a grand jury. I think that ought to be the law. I would not vote in any legislature to abolish the grand jury or permit it to fall into disuse; but if any State in this Union chooses to do it, I am willing to subject all the people who visit that Commonwealth to the same measure and rule of justice which it applies to its own people.

Mr. HEYBURN. Mr. President, I will call the attention of the Senator from Texas to the fact that it does not follow necessarily that the party charged with a crime has been in the State seeking to extradite him. I have in mind a number of cases, some of which arose in the State so ably represented by the Senator from Texas, where the parties never were within the state lines, but they were indicted for violating the state laws through the means of their agents and agencies. That question has arisen all over the United States.

Mr. BAILEY. Mr. President, that is true, and of course that raises the old question as to whether such a man was a fugitive from justice within the meaning of the act or within the meaning of the Constitution. My own opinion is that it was intended to make every man who violates the law of the State amenable to the authority of that State.

Mr. HEYBURN. As a fugitive or otherwise.

Mr. BAILEY. I think so.

Mr. HEYBURN. I think that the weight of opinion is that way, but there has been quite a diversity of opinion upon it.

Mr. BAILEY. That is true; but that is a matter which the governor of the State could consider, and it seems that was the consideration which controlled the governor of a great State in a case which I now have in my mind. I would have to be absolutely convinced, if I were the governor of a State, that a citizen of the State of which I was the governor was being taken back to another State for the purpose of practicing some grave injustice upon him before I would dishonor the requisition of any Commonwealth of this Republic. I have not seen many innocent men punished; but, instead of permitting ninety-nine guilty ones to go free in order certainly to avoid the punishment of that one innocent man, I have seen nine hundred and ninety-nine guilty men go free. So I think nobody in this country is in any grave danger of that, and yet I do not want to make it easy to convict people.

I do not forget, Mr. President, that there was a time in the history of the world, and that time may come again, when corrupt and tyrannical officials would employ the court as a means of freeing their power from the criticism of upright and courageous men. I do not believe that we progress in any real sense when we undertake to make the conviction of a citizen easy of accomplishment. But all I say, and all I desired to say, is that we can safely trust the States of this Union to administer their criminal laws. If they have erred at all their error has been in being altogether too liberal to the men who have violated and defied their authority.

Mr. HEYBURN. Mr. President, this condition has occurred to me as possible: A man is arrested in the State of California, and the officer starts to the State of New York with him. He comes to a State in which a man can not be held at all except upon indictment or presentment of a grand jury, and he has telegraphed ahead, as I have known it to be done, to have all the papers drawn and an application for a writ of habeas corpus prepared. As the train speeds through a State within which a man can not be held upon anything but an indictment or a presentment of a grand jury, they take him off the train and bring him up before the court. I have a very vivid recollection of that being resorted to during the very strenuous times of serious labor difficulties some years ago, when men were taken off the train three or four times and subjected to the ordeal of the courts in an application for a writ of habeas corpus. I could name an instance that would probably sound familiar to two or three Senators whom I see before me, where men were taken off trains. In the State of Idaho, Mr. President, we have to pass through two other States in going from the northern portion of the State to the southern portion, and before that State was divided into judicial districts we experienced that difficulty. As we would go into the State of Washington on our way with a prisoner to try him at Boise, a writ would be sued out in Washington, and then, if that ordeal was passed, when we would strike the next State—the State of Oregon, through which we must pass—a writ would be sued out in Oregon. If we finally got the prisoner to Boise, we did so more because we had possession of him as a matter of fact than because we had legal possession of him. That condition would readily arise under this provision in the law. A man who was in the State, for the purposes of protection may invoke the laws of the State in which he is, and no other State can interfere. No other State can exercise jurisdiction over a man who is in a neighboring State. If a man who has not been convicted of crime and is not under the ban of the judgment of the law is passing through Iowa, he may appeal to the laws of the State in which he is, and neither the State of New York nor its administrative government can exercise any power to protect him against being taken off a train in the State of Iowa, and we can not give them such power. No act of Congress can confer that power.

So, does it not occur to Senators that we are simply laying the foundation for trouble in providing for the exercise of a right in the face of the differing laws of the several States, and could we not more intelligently legislate upon this subject if we had the time and the opportunity to have before us the laws of the several States in this Union upon this question?

It is true that they all have statutes regulating, so far as they may, the exercise of this right.

Why not be patient in legislating upon a great question? This is a great question; it was the greatest question that ever arose in the history of the English people; it caused the greatest revolution in the laws of the English-speaking people that ever occurred, and that is the establishment of a tribunal that should stand of right between the man charged and the jurisdiction that might try him. It built a bulwark of safety against

putting men upon trial upon the mere request or the single statement of any man. Do you not think we had better postpone the final disposition of this matter until we can be better prepared to exercise an ultimate judgment that shall be far-reaching? This is the first time, so far as I know, that the question of the abolition of grand juries has been before Congress. No one ever had the temerity to propose to abolish the grand-jury system as a part of the federal procedure, and I doubt if the sentiment of this body is in favor of it or could be favorable to it. If that is true, we ought not, merely because our ox is not gored, to indulge in legislation that is a violation of the principles that actuate us in dealing with the things that pertain to our own interests.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be stated.

The SECRETARY. On page 1, line 10——

Mr. KEAN. Let the bill go over, Mr. President.

Mr. PILES. Mr. President, I am perfectly willing that this bill shall go over. The Senator from Montana [Mr. CARTER] wants to present some amendments to the postal savings-bank bill. I therefore ask leave now to let the pending bill go over until after the conclusion of the morning business on Monday morning, subject, of course, to the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and that order is made.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I now ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CARTER. I call attention to the position in which the amendment has been placed on page 7 of the bill. The amendment of the Senator from Utah, on page 7, should, I think, be placed after the word "California," on page 8. I move that that transposition be made.

The SECRETARY. The amendment proposed by the Senator from Utah——

Mr. CARTER. It is on page 7.

The SECRETARY. The proviso on page 7, after the word "received," at the end of line 14, it is now proposed to insert after the word "California," in line 3 on page 8.

Mr. SMOOT. I have not the bill with me, but I take it the transposition does not affect the meaning in any way or the terms of the amendment.

Mr. CARTER. It does not affect the provisions of the amendment at all. It is for the purpose of permitting continuity of the text, which is not at all interfered with except by the wrong placing of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. BURTON. Will the Senator from Montana yield for a question or two?

Mr. CARTER. With pleasure.

Mr. BURTON. I should like to ask the Senator from Montana what is the relation of the Government to the depositor under this bill? Is it that of trustee or of debtor?

Mr. CARTER. The relation of debtor and creditor, according to my view, arises between the Government and the depositor.

Mr. BURTON. What provision is made in this bill for the payment to the depositor in case the funds deposited by the Government with the banks should prove insufficient or should not be promptly paid over?

Mr. CARTER. The Government would be liable for payment to the parties. That contingency to which the Senator refers is of course quite remote. There is no appropriation in this bill to meet that contingency, and that is not done because it is believed under the provisions of this bill the funds deposited will always be subject to check and call for the purpose of repayment to the depositor, the payment of expenses, and charges against the fund.

Mr. BURTON. Does not the Senator from Montana think it possible that in time of stress the funds in the banks would not be readily available for payment of the claims of depositors?

Mr. CARTER. The funds, according to the terms of the bill, would always be subject to check for any of the purposes contemplated by the bill. If the banks in one State should fail to respond to a demand made for repayment, then the moneys could be withdrawn from any other State. Of course if the banks universally failed all over the country, the Government would still be liable to the depositors at the post-offices for the amounts of their respective deposits.

Mr. BURTON. Does the Senator from Montana think this bill provides a proper system for the prompt payment of the obligations without any reserve fund?

Mr. CARTER. I have thought from the beginning that a reserve fund should be provided, and an amendment offered yesterday had that in contemplation. The Senator from Vermont [Mr. PAGE] has an amendment to present which, I think, will more effectively and concisely cover the reserve point than the amendment yesterday proposed. The substance of the text as amended yesterday will not be changed, but by the amendment of the Senator from Vermont the phraseology will be very much improved.

Mr. BURTON. As I understand, the provision on page 8, to the effect that the board of trustees shall maintain a reserve either with the Treasurer of the United States or with the banks, was stricken out.

Mr. CARTER. It was stricken out; and in lieu of that provision I shall, with much pleasure, support the amendment to be presented by the Senator from Vermont, which provides for a reserve as well as making provision for the payment of depositors.

Mr. BURTON. That is all.

Mr. PAGE. In order that the amendment may be before the Senate, I ask leave to introduce it at this time, to wit, to strike out all after the word "situated," in the seventh line, down to and including the word "Territories," in line 11 on the same page, and to insert in lieu thereof what I will ask the Secretary to read.

The PRESIDING OFFICER. The Senator from Vermont, as the Chair understands, offers the proposed amendment to have it pending, and he asks unanimous consent that it may be considered as pending. Is there objection?

Mr. CARTER. Has the other amendment, the one proposed by me, been disposed of?

The PRESIDING OFFICER. The transposition?

Mr. CARTER. Yes.

The PRESIDING OFFICER. It was agreed to.

Mr. CARTER. Then there is no amendment now pending, except that offered by the Senator from Vermont?

Mr. GALLINGER. Except, I will suggest to the Senator, that this is an amendment to the amendment agreed to in Committee of the Whole, which is not, under the rules, allowable, except by unanimous consent.

Mr. CARTER. Except by unanimous consent; and I ask unanimous consent for the present consideration of the amendment presented by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none. The Secretary will state the amendment.

The SECRETARY. On page 6, line 7, in the committee amendment already agreed to, strike out the words:

> At a rate of interest not less than 2½ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

And in lieu of those words insert:

> At a rate of interest not less than 2½ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges of the system herein established, and to provide an adequate reserve fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont.

Mr. SMITH of Michigan. I should like to ask the Senator from Montana whether he would not consider it advisable to reduce the minimum rate of interest to 1½ per cent?

Mr. CARTER. Does the Senator mean the minimum to be paid to the depositor?

Mr. SMITH of Michigan. Yes.

Mr. CARTER. We arbitrarily fix the amount to be paid to the depositor at 2 per cent. There is no minimum or maximum named. The amount paid to the depositors is 2 per cent per annum; and I do not think that that rate ought to be reduced, nor do I think it would be prudent to leave to the board the discretion to pay a higher rate, because that would be a standing invitation to the board to raise the rate.

Mr. SMITH of Michigan. I was going to suggest to the Senator if the rate to the depositor could be made 1½ per cent and the rate the Government received 2 per cent, it seems to me there would be less fault found with the legislation and the results would be equally good.

Mr. CARTER. If the Senator will permit me, I will call attention to the rates paid by the respective governments maintaining postal savings systems, from which record it will appear that we here propose the smallest rate paid by postal savings banks in any country. Austria pays 3 per cent; Belgium, up to $386, 3 per cent, on excess over $386, 2 per cent; Bulgaria pays 4 per cent; France pays 2½ per cent; Hungary pays 3 per cent; Italy, 2.4 per cent; the Netherlands, 2.64 per cent; Sweden, 3.6 per cent; the United Kingdom, 2½ per cent; in the Bahamas, 2½ per cent, as in the United Kingdom; British Guiana, 2.4 per cent; Canada, 3 per cent; British India, 3–3½ per cent; Ceylon, 2.4 per cent; Straits Settlements, 3 per cent; the Dutch East Indies, 2.4 per cent; Japan, 4.8 per cent; and so on through the various countries having these postal savings, none of which pays as low a rate as that provided for in this bill.

Mr. SMITH of Michigan. If the Senator will pardon me, I want to suggest that the higher the rate paid by the Government the greater the burden placed upon this fund. We must loan that fund at a higher rate than we pay or it would not be satisfactory to the people. Suppose 10,000,000 people used this bank. I believe in England 11,000,000 use it, and in Japan five or eight millions.

Mr. CARTER. Eight millions, about.

Mr. SMITH of Michigan. If 10,000,000 people in this country—men, women, and children—use it, the other 80,000,000 people are going to be burdened with the increased value of that money for commercial and industrial purposes.

Mr. CARTER. If the Senator will permit me, our points of view seem to be entirely different. According to my theory—and I think that theory is based upon widespread observation and the announced experience of others—the money which will be deposited in the post-offices is not now available in the main for use in trade or commerce at all. It is money that is not now deposited in the banks or put to any useful purpose. It is largely hoarded money or small sums which in detail are of little consequence, but in the aggregate would make up a large sum. Therefore, instead of being a burden upon the community, this line of deposits would enrich the channels of trade by putting new blood into the arteries of commerce.

Mr. SMITH of Michigan. Yes, Mr. President. The Senator from Montana is undoubtedly correct. But when 5,000 banks in the United States pay no interest at all upon deposits I think it is of very questionable wisdom for the Government to establish by law its intention to pay interest upon deposits except for the necessities of the Government.

Mr. CARTER. The Senator refers to national banks. There are 6,893 national banks in the United States, according to the report of the Monetary Commission. It is true that every bank of the 6,893 has deposits on which no interest is paid. That is true, likewise, of state banks. In very rare cases do the banks allow interest on daily or monthly balances.

But almost every national bank and certainly every state bank pays some interest on time deposits. These deposits are not subject to check. They are generally evidenced by a certificate issued, naming the amount, the date of the deposit, the agreed time of payment, and the rate of interest.

So it may be stated, as the Senator puts it, that every one of these banks has deposits on which no interest at all is paid. At the same time almost every one of them has deposits on which interest is paid, and this rate of 2½ per cent, let me say to the Senator, is so far below the average rate paid that this money will certainly be a boon to the banks paying a larger rate on current deposits.

Mr. SMITH of Michigan. I do not know whether I am exact about it or not, but I hazard the opinion that the average rate of interest upon bank deposits is very little above the figure provided in this bill reported by the Senator from Montana. But I find, upon examination of the reports of the Monetary Commission, that upward of $6,000,000,000 receives no interest at all. I can readily understand that if the moneys accumulated by foreign countries are to be used to defray the general expenses of their government, or are to be segregated for the purpose of a limited use by those governments, they might of necessity pay more and be willing to do so. But I contend that if this postal savings-bank law goes into effect and 2 per cent is to be paid upon the deposits millions of dollars will be withdrawn from the ordinary channels of commerce and trade, whereas if you make the rate to be paid smaller it will be an inducement, as soon as the depositor recovers his confidence in the Government and in the country, to put his money into private enterprise, where it ought to be employed.

I look with a great deal of suspicion upon any suggestion for our Government to direct the personal affairs of its citizens. I do not care how humble that citizen may be or how dependent he may be, he will be a better man, stronger and more self-reliant, if he uses his own ideas and his own common sense and experience. Lose or win, as he may here or there, he will become a far more helpful citizen if he conducts his own affairs in the battle with his fellows, and he will be a better member of the community than he will if the Government takes him in hand.

I do not like to see our Government embark upon any such course. I feel that anything which dulls the individual initiative is harmful to our people, and the results no one can foretell.

I think I might, if I cared to speak invidiously of other countries, say that some of the countries named by the Senator from Montana have for years been endeavoring to throw off that torpor due to governmental initiative, and they will be stronger and more self-reliant when they succeed in doing it.

Now, I do not want to antagonize the proposition that there should be some place of safety for the timid to place their money, but I would hold out as little inducement as possible, so that when he recovers his confidence he will withdraw his savings from the limited avenue into which the Senator would place it and invest it in the broad fields of commercial enterprise, where labor is employed and enterprise and thrift prevail.

Mr. CULLOM. Would the Senator from Montana object to allowing this amendment to go over, in order that we may have a brief executive session?

Mr. CARTER. I presume the amendment can be disposed of now. It is largely——

Mr. DOLLIVER. If I caught the trend of the amendment, it restores to the bill a scheme of policy which was affirmatively stricken out by the Senate on a former day. This bill as originally reported contemplated a reserve fund in the Treasury for the current redemption of these accounts, and if I understood correctly the debate and the action of the Senate it was determined to make this redemption at the banks and not at the Treasury at all.

I doubt the propriety of submitting, in the absence of those interested in striking that out from the original bill, an amendment which restores the policy of making the redemptions at the Treasury within the discretion of these trustees.

Mr. CARTER. The amendment has been submitted, I think, to the Senator's colleague, and is agreeable to him. It does not effect the restoration of the provision for the deposit of anything in the Treasury or change the place of deposit at all.

Mr. DOLLIVER. I understand, however, that the rate of interest charged for the deposit of this money in the banks is made elastic, and the standard upon which it is charged as the maximum is an amount sufficient to pay the current interest and the expenses of administration and to keep up a reserve fund.

Mr. CARTER. To provide an adequate reserve fund.

Mr. DOLLIVER. That is certainly worse than this bill originally contemplated, because in the original bill we made at least a maximum limitation upon the reserve fund; and if this amendment is adopted it restores the discretion in the trustees to so adjust the rate of interest as to draw into the Treasury any sum of money which in their discretion may be necessary at any particular time. I think if that is done, it ought to be done in a more elaborate way.

Mr. CARTER. There is no provision in the amendment to put anything into the Treasury, but since the Senator's mind is not at rest on the amendment at this time, the amendment not having been printed, I will yield to the Senator from Illinois for the motion he desires to make.

Mr. GALLINGER. Before the Senator from Illinois makes his motion, I desire to ask the Senator from Vermont what he regards as an adequate reserve. "Adequate reserve" is a rather elastic term.

Mr. PAGE. I confess there is a little elasticity to that term, but I can not believe that the board of trustees, who are to be appointed by the bill, will misuse the term, nor can I believe that my good friend the Senator from New Hampshire, coming from the State he does, would believe that it would be advisable to pay a higher rate of interest than would save, probably, the necessity of making a direct appropriation from the Treasury to take care of any loss which might occur.

Mr. GALLINGER. No. But the point I wanted to suggest was that I think it is almost universal, with great financial institutions, insurance companies, and others, for the law to require a certain specified percentage of reserve. Why should we leave this optional with three men to make the reserve 5 per cent or 6 per cent or 1 per cent, when it ought to be 10 per cent? It seems to me we ought to be able to reach a conclusion as to what an adequate reserve would be. That I will press a little further later on.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 7, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1910.

SURVEYOR OF CUSTOMS.

Charles F. Gallenkamp, of Missouri, to be surveyor of customs for the port of St. Louis, in the State of Missouri. (Reappointment.)

COLLECTORS OF CUSTOMS.

Matthew B. Macfarlane, of Florida, to be collector of customs for the district of Tampa, in the State of Florida. (Reappointment.)

William R. Moseley, of Mississippi, to be collector of customs for the district of Pearl River, in the State of Mississippi, in place of Frederick W. Collins, whose term of office expired December 21, 1909.

Benjamin B. Arnold, of Virginia, to be collector of customs for the district of Richmond, in the State of Virginia, in place of Joseph B. Stewart, whose term of office will expire February 8, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1910.

REGISTER OF THE LAND OFFICE.

Charles D. Ford to be register of the land office at Denver, Colo., his term having expired. (Reappointment.)

PROMOTION IN THE NAVY.

Surg. Charles F. Stokes to be Surgeon-General and Chief of the Bureau of Medicine and Surgery.

POSTMASTERS.

NEBRASKA.

George W. Draper, at Niobrara, Nebr.
Griffith J. Thomas, at Harvard, Nebr.
Clarence O. Turner, at Bethany, Nebr.

NEW YORK.

George L. Jackson, at Goshen, N. Y.
George F. Vreeland, at Far Rockaway, N. Y.

PENNSYLVANIA.

Charles W. Zook, at Roaring Spring, Pa.

SENATE.

MONDAY, *February 7, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Journal of the proceedings of Saturday last was read and approved.

CLAIM OF S. AUGUSTA TASKER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of S. Augusta Tasker, widow of George E. Anderson, deceased, *v.* United States (S. Doc. No. 352), which, with an accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Champaign, Urbana, and Fisher, all in the State of Illinois, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a petition of the board of directors of Sovereign Camp, Woodmen of the World, of Omaha, Nebr., praying for the enactment of legislation permitting periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning to be admitted as second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry business firms of Omaha, Nebr., remonstrating against the enactment of legislation restricting in the District of Columbia the writing of insurance contracts to admitted stock companies, which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the Commercial Club of St. Paul, Minn., praying for the enactment of legislation providing homes for the American ambassadors in foreign capitals, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Milk River United Irrigation Association, of Havre, Minn., praying that an appropriation be made for the completion of the reclamation projects of the Milk River Valley, in that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of Minnesota Lodge, No. 157, Order of B'nai B'rith, of St. Paul, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURROWS presented a petition of the common council of Grand Rapids, Mich., praying that an investigation be made into the high price of living, which was referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 18, American Federation of Labor, of Detroit, Mich., remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Ypsilanti Chapter, American Insurance Union, of Ypsilanti, Mich., and a petition of sundry citizens of Plymouth, Mich., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Onsted, Flint, St. Charles, Adrian, Battle Creek, Burr Oak, Holly, and Sault Ste. Marie, all in the State of Michigan, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Van Buren County, Mich., remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Central Trades Council, American Federation of Labor, of Bay City, Mich., remonstrating against the construction of seagoing dredges by the United States Government, which was referred to the Committee on Commerce.

He also presented a memorial of the Allendale Creamery Company, of Allendale, Mich., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Orcutt Post, No. 79, Grand Army of the Republic, Department of Michigan, of Kalamazoo, Mich., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet, Mich., praying for the passage of the so-called "employers' liability bill," which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of the New Hampshire Weekly Publishers' Association, of Rochester, N. H., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New England Dry Goods Association, of Boston, Mass., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a memorial of the Unity Club, of Lancaster, N. H., remonstrating against the water in the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on National Resources.

He also presented a petition of the New York State Chamber of Commerce, praying for the repeal of clause 6 of section 38 of the corporation-tax law, which was referred to the Committee on Finance.

Mr. DILLINGHAM presented a petition of sundry citizens of Bellows Falls, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Bellows Falls, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii,

which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. GALLINGER presented a petition of the Board of Trade of the city of Washington, praying for the enactment of legislation creating a teachers' retirement and pension fund, which was referred to the Committee on Appropriations.

He also presented a petition of the Brightwood Park Association, of Washington, D. C., praying for the establishment of a public-service commission in the District, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Pontoosuc, Ill., and Fort Madison, Iowa, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present resolutions adopted by the common council of the city of Grand Rapids, Mich., bearing upon the question of the high cost of living. I ask that the resolutions be read for the information of Senators and be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas most of the articles necessary to sustain life have been advanced in price to such an extent that it is practically impossible for workingmen with large families to purchase the same; and

Whereas a movement is widespread the country over looking toward the investigation by Congress of the high price of living, with a view to the relief of the situation at the earliest possible time: Therefore be it

Resolved by the common council of the city of Grand Rapids, That we are in hearty sympathy with this movement; and be it further

Resolved, That the city clerk be instructed to forward a copy of this resolution to our United States Senators and to our Representative in Congress, with the request that they use their earnest efforts to assist this movement.

Adopted.

I hereby certify that the foregoing is a true transcript of the action of the common council of the city of Grand Rapids in public session held January 24, 1910.

JAMES SCHRIVER, *City Clerk.*

Mr. DU PONT presented a memorial of sundry citizens of Milton, Del., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. OLIVER presented a memorial of Local Chapter No. 176, American Insurance Union, of Beaver Falls, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Derry and Somerset, in the State of Pennsylvania, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. SHIVELY presented a memorial of the Farmers' Institute of Kosciusko County, Ind., remonstrating against the abolishment of the present free rural-delivery system, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants' Association of Indianapolis, Ind., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

He also presented petitions of Local Chapter No. 456, of New Albany; of Local Chapter No. 426, of Muncie; of Local Chapter No. 449, of Bedford; and of Capital Chapter, No. 453, of Indianapolis, all of the American Insurance Union, in the State of Indiana, praying for the enactment of legislation permitting periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning to be admitted to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a memorial of sundry citizens of Jewett City, Conn., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Society of Master House Painters and Decorators of New Haven, Conn., praying for the passage of the so-called "Heyburn paint bill," which was referred to the Committee on Manufactures.

Mr. PILES presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation granting to the board of trustees of Whitman College, in that State, the lands embraced in the Fort Walla Walla Military Reservation for the purpose of aiding in the establishment and maintenance of an institution of higher learning in the Pacific Northwest, which was referred to the Committee on Military Affairs.

Mr. HALE presented a memorial of the Board of Trade of Portland, Me., remonstrating against the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

Mr. MARTIN presented a memorial of sundry citizens of Lancaster County, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. PENROSE presented a resolution adopted by the National Board of Trade, relative to the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the National Board of Trade, praying for the adoption of an amendment to the federal antitrust law, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the National Board of Trade, relative to the repeal of the corporation-tax law, which was referred to the Committee on Finance.

Mr. MONEY presented an affidavit to accompany the bill (S. 5249) granting a pension to H. W. Hale, which was referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of sundry citizens of Laurel, Iowa, praying for the enactment of legislation providing for the inspection of grain under government control, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Barnes City, Rose Hill, What Cheer, Parkersburg, and Delta, all in the State of Iowa, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. DICK presented memorials of sundry citizens of Cincinnati, De Graff, Bowling Green, Nevada, and Cuyahoga Falls, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. TILLMAN presented a memorial of sundry citizens of Bamberg and Columbia, S. C., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. FRYE presented a memorial of the Board of Trade of Portland, Me., remonstrating against an increase of the present tonnage tax, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Waldoboro, Me., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

HEARINGS BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEYBURN on the 3d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 164.

Resolved, That the Committee on Manufactures, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DOLLIVER on the 3d instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 166.

Resolved, That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FLINT on the 4th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 168.

Resolved, That the Committee on Interoceanic Canals be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 6170) granting a pension to Josephine M. Johnson; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6171) to provide for participation by the United States in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911; to the Committee on Foreign Relations.

By Mr. HALE:

A bill (S. 6172) granting an increase of pension to Lucius I. Bartlett (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 6173) to license custom-house brokers (with an accompanying paper); to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 6174) granting an increase of pension to William H. Freeman (with an accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6175) to extend the benefits of the act of June 27, 1890, as amended by the act of May 9, 1900, granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, and the general pension law granting pensions to those who contracted disabilities in the service and in the line of duty; to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 6176) granting an increase of pension to Austin D. Bates (with an accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 6177) granting an increase of pension to Isaac James; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6178) granting an increase of pension to Joseph Barber; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6179) granting an increase of pension to Joseph Burke (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6180) granting a pension to Mary A. Hanks (with accompanying papers); and

A bill (S. 6181) granting a pension to Firmin James (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS (by request):

A bill (S. 6182) to amend section 895 of the Code of Law for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. FRYE:

A bill (S. 6183) granting an increase of pension to Joseph A. Silby; and

A bill (S. 6184) granting an increase of pension to George Wilber (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6185) appropriating $25,000 to the Franklin Institute, of Philadelphia, and the Purdue University, of Lafayette, Ind., for the purpose of determining the quantity of the so-called "hammer blows," "centrifugal lift and tangential throw" of locomotive driving wheels in use on American railroads; to the Committee on Appropriations.

By Mr. MARTIN:

A bill (S. 6187) to carry out the findings of the Court of Claims in the cases herein enumerated; to the Committee on Claims.

By Mr. PILES:

A bill (S. 6188) granting an increase of pension to Lawrence Jacobs (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 6189) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased; and

A bill (S. 6190) for the relief of the heirs of Theodore Dehon; to the Committee on Claims.

By Mr. CLARKE of Arkansas:

A bill (S. 6191) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 6192) granting an increase of pension to Joseph Elliott; to the Committee on Pensions.

Mr. OVERMAN. I introduce a joint resolution and ask that it be read and referred to the Committee on Finance.

The joint resolution (S. J. Res. 75) postponing the time of making returns and assessments under the operation of the corporation-tax law was read the first time by its title and the second time at length, as follows:

Senate joint resolution 75.

Resolved, etc., That whereas certain cases are now pending in the Supreme Court of the United States for the purpose of testing the validity and constitutionality of the provision known as the "corporation-tax provision" contained in section 38 of Public Law No. 5, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," that the time fixed for giving in returns and making assessments under the provision of said act be, and the same is hereby, postponed for sixty days from and after the passage of this joint resolution, and the corporation tax provided for in said section of said act shall not be assessable until three calendar months after the time for making returns has expired.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Finance.

By Mr. CLAY:

Joint resolution (S. J. Res. 76) donating to the State of Georgia one brass cannon; to the Committee on Military Affairs.

FORMATION OF CORPORATIONS.

Mr. CLARK of Wyoming introduced a bill (S. 6186) to provide for the formation of corporations to engage in interstate and international trade and commerce, which was read the first time by its title.

Mr. CLARK of Wyoming. I ask that the bill be read the second time and referred to the Committee on the Judiciary.

Mr. NEWLANDS. I suggest that the bill should be referred to the Committee on Interstate Commerce, and I make a motion to that effect.

Mr. CLARK of Wyoming. If the Senator will take the pains to read the bill, he will find that it is a bill which should, beyond all question, go to the Committee on the Judiciary; that the question of the constitutional right to form such corporations is the prime question in the bill. The question of policy, as to whether such corporations should be formed, is a question that follows on and is incidental to the main question in the bill.

Mr. NEWLANDS. I would ask the Chair what is the proper method of proceeding in this matter? Is it to have the bill lie on the table, to have the motion considered to-morrow, or to take it up now?

The PRESIDENT pro tempore. If there is objection to the second reading of the bill, it will go over until to-morrow.

Mr. NEWLANDS. Then, I object to the second reading of the bill, and to-morrow I will move its reference to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The bill, having been read the first time, will go over.

TRAVEL ALLOWANCE FOR POSTAL CLERKS.

Mr. BURROWS submitted an amendment authorizing the Postmaster-General to make a travel allowance in lieu of actual expenses to each railway postal clerk who is assigned to duty in a railway post-office, at the rate of 25 cents for each meal and lodging, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

VALLEY PAPER COMPANY.

Mr. SMOOT. I offer a resolution, and, as it is a privileged question, I ask for its immediate consideration.

The resolution (S. Res. 173) was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 173.

Whereas REED SMOOT, JONATHAN BOURNE, Jr., and DUNCAN U. FLETCHER, member of the United States Senate, who, together with three Members of the House of Representatives, constituting the Joint Committee on Printing of Congress, have at the instance of the Valley Paper Company (Incorporated), plaintiffs, been sued in the supreme court of the District of Columbia, as members of the Joint Committee on Printing of Congress, calling in question their action as members of such joint committee, in rejecting the proposal of the said Valley Paper Company (Incorporated) for furnishing paper for public printing and binding for the period from March 1, 1910, to February 28, 1911, as was done by said Joint Committee on Printing of Congress at the present session of Congress; and

Whereas it is prayed by the said plaintiffs or petitioners that a writ of mandamus issue directing said members of the Joint Committee on

Printing of Congress, to wit, that they withdraw awards which have heretofore been made and that they award certain contracts to the plaintiffs; and

Whereas the following rule to show cause has been issued by Mr. Justice Wright, of the supreme court of the District of Columbia, to wit:

In the supreme court of the District of Columbia.

THE VALLEY PAPER COMPANY (INCORPORATED), plaintiff, v. THE JOINT COMMITTEE ON PRINTING OF CONGRESS, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. } At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock, a. m., why a writ of mandamus should not be issued as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

WRIGHT, *Justice.*

A True copy:
Test:
J. R. YOUNG, *Clerk.*
By H. BINGHAM, *Assistant Clerk.*

Therefore be it

Resolved, That said rule be referred to the Committee on the Judiciary to inquire and report what action the Senate should take in the premises, and particularly in the matter of instructing the said REED SMOOT, JONATHAN BOURNE, Jr., and DUNCAN U. FLETCHER, as to the course they should pursue in the premises.

SECOND-CLASS MAIL MATTER.

Mr. CLAY. I introduce two resolutions and ask for their immediate consideration.

The PRESIDENT pro tempore. The first resolution sent to the desk by the Senator from Georgia will be read.

The Secretary read the resolution (S. Res. 170) as follows:

Senate resolution 170.

Resolved, That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative cost, in the United States, of transporting publications, designated as second-class mail by mail, express, and fast freight.

Second. That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative rates paid by the United States Government and by the express companies to the principal railroad companies in the United States for similar service in transporting publications designated as second-class mail matter.

Third. That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative rates paid to the leading railroad companies for transporting the several classes of mail of the Government of the United States, and for similar service paid by the express companies to the principal railroad companies in the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PENROSE. I should like to have the resolution go over until I can examine it.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over. The Senator from Georgia offers another resolution, and requests its immediate consideration. The resolution will be read.

The resolution (S. Res. 171) was read as follows:

Senate resolution 171.

Resolved, That the Postmaster-General be, and he is hereby, directed by the Senate to ascertain and report to the Senate the comparative postal rates for transporting periodicals designated as second-class mail in the United States with rates in foreign countries.

Second. He is directed specially to ascertain and report to the Senate the comparative rates paid to the leading railroads for transporting the several classes of mail of the Government of the United States, Canada, Great Britain, and France, in their respective countries.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. I think both resolutions ought to go to the Committee on Post-Offices and Post-Roads.

Mr. CLAY. I prefer to have the resolution go over until to-morrow rather than to have it committed at this time. There is a resolution of a similar character pending, I think, before the Committee on Post-Offices and Post-Roads. It was adopted by the Senate some weeks ago. I think the information can be furnished by the Interstate Commerce Commission without much expense, as the information, I understand, has already been collected. I prefer to have the resolution go over rather than to have it committed to the committee at this time.

Mr. PENROSE. Let the resolution go over.

The PRESIDENT pro tempore. Objection being made, the resolution will go over.

WASHINGTON GAS LIGHT COMPANY.

Mr. BROWN submitted the following resolution (S. Res. 172), which was referred to the Committee on Corporations Organized in the District of Columbia:

Senate resolution 172.

Resolved, That the Attorney-General of the United States be requested to inform the Senate what legal authority, if any, exists for the present capitalization of the Washington Gas Light Company, a corporation existing and doing business in the District of Columbia, and what legal authority, if any, exists for an increase of the present capitalization of said corporation.

RIPARIAN AND WATER RIGHTS.

Mr. NELSON. I ask unanimous consent that the paper which I send to the desk may be printed as a Senate document. It is a brief which has been prepared by the Committee on Public Lands in reference to the riparian and water rights of the Government and of the various States. Fifty copies have been printed, the extent the committee could have printed, and there is a great demand for it. I move that it be printed as a document.

The motion was agreed to.

LIQUOR TRAFFIC IN HAWAII.

Mr. PILES. On behalf of the Delegate from Hawaii [Mr. KALANIANAOLE], and owing to the fact that Senate bill No. 5253, to prohibit the selling of intoxicating beverages in the Territory of Hawaii, is now before the Committee on Pacific Islands and Porto Rico for consideration, I ask that the following brief on that bill be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

Referring to the bill (S. 5253) now pending before the Senate Committee on the Pacific Islands and Porto Rico, to enact a prohibitory law for the Territory of Hawaii, I desire to submit the following facts and considerations, each of which has a direct bearing on the principle involved in the proposed legislation:

First. That for over half a century previous to annexation Hawaii enjoyed a constitutional government and was recognized as an independent nation, both by the European governments and by the United States.

Second. That Hawaii did not become a Territory of the United States either through conquest or purchase; that its annexation was brought about solely and only by a treaty negotiated between two sovereign nations by commissioners appointed by the United States of America and the Republic of Hawaii, respectively, and treating as equals.

Third. That the treaty entered into on the 16th of June, 1897, by the representatives of the two Governments stipulated the terms on which such annexation should be consummated.

Fourth. That the Hawaiian Senate on September 9, 1897, ratified the above treaty in the following words:

"*Be it resolved by the Senate of the Republic of Hawaii*, That the Senate hereby ratifies and advises and consents to the ratification by the President of the treaty between the Republic of Hawaii and the United States of America on the subject of the annexation of the Hawaiian Islands to the United States of America, concluded at Washington on the 16th day of June, A. D. 1897."

Fifth. That the above treaty was ratified on the part of the United States by the joint resolution of annexation approved July 7, 1898.

That resolution recites, in part, as follows:

"Whereas the Government of the Republic of Hawaii having in due form signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all right of sovereignty, of whatsoever kind, in and over the Hawaiian Islands, etc.: Therefore

"*Resolved, etc.*, That said cession is accepted, ratified, and confirmed," etc.

In order to further carry out the mutual character of that treaty the joint resolution further provided:

"The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper."

President McKinley, in pursuance of the above, appointed Hon. S. M. CULLOM and Hon. John T. Morgan, of the United States Senate; Hon. R. R. HITT, of the House of Representatives; and Hon. Sanford B. Dole and Hon. W. F. Frear, of Hawaii.

This commission, after extensive hearings held in Hawaii, and after a thorough consideration of all local laws and conditions, reported a form of organic act for the Territory of Hawaii, which act was, in all substantial forms, enacted into law by the act of Congress approved April 30, 1900.

Sixth. That because Hawaii, as an independent government, voluntarily ceded its domain to the United States, in view of the high standard of self-government already attained by the people of these islands, and, further, because of the inherent reasons for giving an isolated community such as Hawaii the largest measure of local autonomy, the Congress saw fit to confer upon the Territory of Hawaii in its organic act certain broader powers than have ever been given to any other Territory of the United States.

Seventh. That because of the satisfactory showing made by the territorial government of Hawaii since annexation Congress has seen fit to enlarge those powers of self-government in certain respects, and in no case heretofore have those powers been lessened or infringed upon.

Eighth. That section 55 of the organic act provides:

"That the legislative powers of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable."

Ninth. That, acting under the legislative authority vested in it by the organic act, the territorial legislature has enacted a rigid law for the regulation of the liquor traffic in Hawaii. Under this law a board of license commissioners is appointed by the governor for each county. The members of these boards serve without remuneration, and no one

interested, either directly or indirectly, in the liquor business can be a member of such boards. The citizens now serving on these boards are, for the most part, men of distinctly temperance sentiment. In fact, in the county of Kauai the board has refused to issue any saloon licenses whatever, thus practically establishing local prohibition on one of the four largest islands of the group.

Section 4 of the Hawaiian liquor law provides that—

"Each license board, within its own county, shall have the sole power, authority, and discretion to grant, refuse, suspend, revoke, regulate, and control licenses to sell intoxicating liquors in such county, subject only to the limitations and directions in this act contained. The exercise of the power, authority, and discretion by the act vested in the board shall be final in each case, and shall not be reviewable by or appealable to any court or tribunal."

The law further provides that written consent to granting of licenses must be obtained from a majority of the holders of all the real estate situated within 250 feet of the proposed location, if within one-half mile of a first or second class post-office. Outside the half-mile radius a majority of all holders within 1,000 feet must be secured.

Bond must be given by licensees for compliance with all regulations of the law. Neither women nor minors are permitted to enter saloons; and gambling and free lunches are strictly prohibited.

Not only is the sale of liquor forbidden to any woman or minor, but also to any person whose wife, son, daughter, brother, sister, parent, guardian, or employer shall have given notice, as provided, forbidding the sale of liquor to such person.

Licenses are granted only after a public hearing, where opportunity is given any citizen to show cause why the license should be refused, even though all requirements of the law have been complied with; and no new license can be issued to anyone who has once had a license revoked.

The parts of the law here referred to form only the main lines of the rigid surveillance of the sale of liquor provided for in the new Hawaiian liquor law of 1907.

If the Congress should pass a bill repealing the liquor law enacted by the Hawaiian legislature, and thus leave the liquor business wholly unrestricted in Hawaii, such an act would at once be recognized as a violation of the rights conferred on the citizens of Hawaii to regulate their domestic affairs and to establish their own police regulations.

Both in principle and in fact the pending bill similarly invades the self-governing powers conferred by Congress on the Territory of Hawaii, to be exercised by its elected legislature; it would, in effect, be no less an invasion of the right of home rule than would an act legalizing the sale of liquor to all persons and in all places in the Territory.

When the people of Hawaii gave up their independent government to become a Territory of the United States, they knew that Congress would of necessity have plenary legal authority to legislate on any subject whatever affecting the Territory; in other words, that while the Congress, by the organic act, reserved certain legislative powers to itself and conferred certain others on the Territory, the legal power to legislate on all subjects affecting those islands would still inhere in the Congress.

But the people of Hawaii transferred the supreme authority of their government to the United States, believing that the established principles of this Nation would never admit of its interfering with rights of self-government conferred on a Territory, particularly when an independent country was made a Territory of the United States, for the mutual benefit of both countries; and we still believe that the Congress, in legislating for Hawaii, will be governed by moral obligations and a regard for good faith and will not, knowingly and without good cause, revoke a previously conferred and important power of self-government, even though it have the naked legal power so to do.

It is noteworthy that the pending bill does not provide for prohibition "in the Territories of the United States," nor even for "the insular Territories and possessions of the United States." Instead it is limited to Hawaii only, implying that such paternal legislation is needed more there than in Arizona, New Mexico, Porto Rico, and the Philippines.

I resent this reflection on the people of Hawaii, because there are no facts and conditions to justify it.

As already stated above, the liquor laws in Hawaii are more restrictive than in the average State where the traffic is permitted at all. As to the character of the Hawaiian people and their capacity for self-government, it should be remembered that through their legislature, elected under the Constitution, the Hawaiian people had self-government long before either Arizona or New Mexico became a Territory of the United States; that they enjoyed self-government before the States of California, Oregon, and Washington had even achieved a territorial status; that for three-quarters of a century they have had a public-school system, so thorough and efficient that the percentage of illiteracy among Hawaiians is less than that of the great State of Massachusetts.

The unanimous testimony of nearly 100 Members of Congress who have visited Hawaii since annexation is that it is one of the most progressive American communities under the flag. Upon what grounds, then, can the Congress rightfully single out this one Territory to lessen its right to administer its purely local governmental affairs?

The annexation of Hawaii, as above shown, was secured by the United States under terms of mutual agreement with an independent government as to the degree of self-government it was to enjoy as a Territory of the United States. It is therefore respectfully submitted that any limitation of those rights can be rightfully made by the Congress only under one of two conditions, viz, either that it be shown that the misuse or abuse of that self-government in a given particular is injuring the Federal Government and the people of the United States, or else that it be legislation desired of Congress by a majority of the citizens of Hawaii.

Neither of these conditions obtaining in the case of the special legislation now pending before the Senate, I respectfully submit that the enactment of any legislation of this character would be an invasion of the rights of self-government conferred on the citizens of Hawaii, and it would necessarily violate the moral obligation of this Government to adhere to the spirit and terms of the treaty under which it secured the voluntary cession of the independent government of the Hawaiian Islands.

The Hawaiian legislature, convened in special session in November last, passed a joint resolution protesting against the passage by Congress of any such legislation as the pending measure.

As the elected representative of the citizens of Hawaii I join in that protest, and ask that no right to legislate on subjects of local administration shall be taken from us till it be shown that we are incapable of proper self-government in that particular.

Respectfully submitted.

J. KALANIANAOLE.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BRISTOW. Mr. President, some weeks since I introduced a joint resolution (S. J. Res. 50) proposing an amendment to the Constitution providing for the election of Senators by direct vote. The joint resolution was referred to the Committee on the Judiciary. I should like to inquire of the chairman of the committee about when we may expect a report on the joint resolution?

Mr. CLARK of Wyoming. I will say to the Senator from Kansas that as yet the committee has not had an opportunity to consider the joint resolution at all. I am unable to state definitely at what time it may report upon it.

Mr. BRISTOW. Is there any prospect of the committee giving consideration to the joint resolution?

Mr. CLARK of Wyoming. There is always a prospect and there is always a certainty that the committee will give consideration to every question that is sent before it. But, unfortunately, the committee has a vast amount of business on hand. The question to which the Senator refers will be taken up in due and proper time, and the committee will act on it, as on all other matters. There is no——

Mr. BRISTOW. Can the Senator indicate with any definiteness whatever about when the committee will get to the joint resolution?

Mr. CLARK of Wyoming. The Senator from Wyoming can not indicate with definiteness when the committee will reach the joint resolution or any other specific matter upon the calendar of the committee.

STANDARD WEIGHT OF COINS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith copy of a letter from the Secretary of the Treasury inclosing a memorandum and letter from the Director of the Mint relative to a modification of the deviations now allowed by law from the standard weight of the silver coins of the United States.

The Secretary of the Treasury approves of the suggestion of the Director of the Mint, and it is recommended by both that section 3536 of the Revised Statutes be amended by striking out the following words: "And in weighing a large number of pieces together, when delivered by the coiner to the superintendent and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in 1,000 dollars, half dollars, or quarter dollars, and one-hundredth of an ounce in 1,000 dimes."

From the memorandum prepared by the Director of the Mint it is apparent that a saving in the manufacture of subsidiary silver coin would be effected by amending section 3536 of the Revised Statutes as proposed, and I recommend that favorable action be taken by the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 7, 1910.*

GOVERNMENT BUSINESS METHODS COMMISSION.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. ALDRICH. I ask that Senate bill 6168, reported from the Committee on Public Expenditures, be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the bill (S. 6168) creating a government business methods commission be considered. Is there objection to the present consideration of the bill?

Mr. BURKETT. I should like to know something about this measure. It has not been to the committee——

Mr. ALDRICH. It was reported unanimously from the Committee on Public Expenditures.

Mr. BURKETT. I should like to know something about it. I do not know what the object is.

Mr. ALDRICH. The object is to appoint a commission to report upon the business methods in use by the Government, with a view of saving, as the committee thinks can be done, from 10 to 20 per cent of the present expenditures by the adoption of improved methods. It is a report from the Committee on Public Expenditures, unanimously made. All the members of the committee were present but two—Democrats and Re-

publicans—in a committee of 18 or 19 members and have given this matter very careful consideration.

Mr. SMITH of Michigan. I should like to ask the Senator from Rhode Island if it is intended that this commission shall perform any function that is now performed by the regular standing committees of the Senate?

Mr. ALDRICH. It is not. It does not interfere in any way with any of the functions of any standing committee.

Mr. SMITH of Michigan. Is it the purpose that the commission shall simplify the public expenditures?

Mr. ALDRICH. To simplify the methods of public expenditure.

Mr. CULLOM. I think we ought to have the bill read.

Mr. ALDRICH. Perhaps it had better be read.

Mr. SMITH of Michigan. I should like to hear it read.

The PRESIDENT pro tempore. The bill was read to the Senate on Saturday.

Mr. CULLOM. I was not here at the time.

The PRESIDENT pro tempore. At the request of the Senator from Illinois, the bill will be again read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMITH of Michigan. If it is the purpose of the bill to create any additional bureaus, permanent in their character, I should not favor it. It seems to me——

Mr. ALDRICH. It has no such purpose. The effect undoubtedly will be to abolish a number of unnecessary bureaus that are now duplicating work.

Mr. SMITH of Michigan. Mr. President, at the last session we——

Mr. BAILEY. Mr. President, a parliamentary inquiry. Is the matter now before the Senate, or is it pending on a request for unanimous consent?

The PRESIDENT pro tempore. On a request for unanimous consent.

Mr. BAILEY. I will ask the Senator from Rhode Island to withdraw it for a few moments until the Senator from Maryland [Mr. RAYNER] can address the Senate, as he must leave the Chamber shortly.

Mr. ALDRICH. I will withdraw the request, and will renew it later.

POSTAL SAVINGS DEPOSITORIES.

Mr. RAYNER. I ask that Senate bill 5876 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. RAYNER. I will ask the unanimous consent of the Senate that I may have incorporated in the RECORD some authorities that I do not care to read in full.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Maryland.

Mr. RAYNER. I will ask, furthermore, that I be not interrupted until I finish the argument, and after I have concluded I shall be glad to answer any question I can. I propose to discuss the bill along constitutional lines.

I shall not discuss the policy of this legislation. Whenever a measure is presented in Congress to which my attention is directed I propound to myself the antiquated question, Is this legislation authorized by the Constitution? I apprehend that this is a question that everyone should address to himself. I have not been able to find any constitutional ground whatever for this measure. No one who has read the Constitution of the United States will contend for a moment that it comes under any of the express powers of the instrument, and the utmost that will be claimed for it, I suppose, is that under the eighteenth clause of section 8 of Article I it is the necessary and proper law to carry into execution the delegated powers. I have searched in vain for any decision sustaining this contention. It is not a law necessary and proper to carry into execution clause 2 of section 8 of Article I, which gives Congress the power to borrow money on the credit of the United States, because this enactment does not purport to be for any such purpose. This Government could not borrow money simply to loan it out again. This would invest it with the power of acting as a loan association or a pawnbroker, and I recall no delegated power that confers upon the Government either capacity.

This is not a bank that we are organizing, and therefore does not come within the meaning of the decision of McCullough *v.* The Bank of the United States, in Fourth Wheaton, or of the subsequent cases along the same line. This does not pretend to be a bill to borrow money upon the credit of the United States. Its title is:

> To establish postal savings depositories for the depositing of savings at interest, with the security of the Government for repayment thereof, and for other purposes.

In other words, I want to impress upon the Senate in the most emphatic way I can, substantially repeating the language of Chief Justice Marshall in the great case I have referred to, that legislation like this is not the end for which other powers are exercised, but always the means by which other powers are accomplished. It must pass as incidental to other powers that are given. We have not heard one word throughout this entire debate as to the express power that it is intended to execute. The power to create a postal depository is not an express power; the power to lend money to the banks is not an express power; and the power to invest in government or other securities is not an express power. In this bill, however, these powers constitute the end and not the means. If these powers constitute the end, then the Constitution does not warrant them; and if they constitute the means, then I respectfully challenge you to name the end that they accomplish.

It is said that the Government has a right to organize a bank or charter a bank. Of course it has. Why? Because a bank is an instrumentality for carrying out a governmental function; it is not an end; it is the means of accomplishing some of the enumerated powers. Every member of our profession here will admit that this Government would have no right to organize or charter a bank simply for the purpose of going into the banking business. This Government has no right to go into the banking business, except in aid of the enumerated powers. The case that I have cited, upon the philosophy of which all subsequent decisions rest, was argued by Webster, by Pinkney, by Wirt, and by Luther Martin. Three of these illustrious advocates came from my own State, and all of them constituted as great an intellectual combination as was ever assembled before any judicial tribunal in the world.

Wirt, that gifted genius, with an inspired mind when it came to analyzing the profound principles of jurisprudence, formulated the argument that Marshall followed step by step in delivering the imperishable opinion of the court. What was it that Wirt claimed? That the Government had a right to go into the banking business as an end under any of the powers in the Constitution? Never for a moment. There is a mistaken idea like this prevalent here among some Members of this body, but no jurist, high or low, who ever presided over any court, State or Federal, ever gave utterance to such a sentiment.

Here is what Wirt said, and as Attorney-General of the United States all that he claimed, and Marshall never went a step beyond this utterance. Speaking of the bank, he said:

> We contend that it was necessary and proper to carry into execution several of the enumerated powers, such as the power of levying and collecting taxes through this widely extended empire; of paying the public debts; * * * of borrowing money; * * * of regulating commerce; * * * of raising and supporting armies and a navy, and of carrying on war. That banks diffused throughout the country are appropriate means of carrying into execution all these powers, can not be denied.

Now, I ask again, where is the power that this legislation is to execute? I challenge an answer under the decisions. This Government has no right to go into the banking business, except as an instrumentality to carry out some governmental function. Government banks can be created, and banks can be incorporated. Why? Simply because they are, within the language of the Constitution, the necessary and proper means to carry out some of the delegated powers of the Constitution. We could not pass an act of incorporation for any of the purposes indicated in this bill. Why? Because there is no governmental function involved. The depositing of money by the people is not a governmental function. Lending money by the Government is not a governmental function.

What is the object of this bill? To enable the people to deposit their earnings; to enable the Government to borrow it after it is deposited in order to loan it out again. But these are not the necessary and proper means for any end at all defined in the Constitution. It is the end itself, under this legislation, and it is the purpose of the bill, and there is nothing beyond it; and I challenge you to show me the provision of the Constitution under which it arrays itself, either expressly or by implication.

Let us not make the mistake therefore of supposing that this is a bank that we are organizing. I will give you the definition of what a bank is. I read from the best text-book, perhaps, on

that subject—Morse on Banks and Banking, volume 1, page 6, section 2:

A bank is an institution, usually incorporated, with power to issue its promissory notes intended to circulate as money (known as bank notes), or to receive the money of *others* on general deposit, to form a joint fund that shall be used by the institution for *its own benefit*, for one or more of the purposes of making temporary loans and discounts, of dealing in notes, foreign and domestic bills of exchange, coin, bullion, credits, and the remission of money; or with both these powers, and with the privileges, in addition to these basic powers, of receiving special deposits and making collections for the holders of negotiable paper, if the institution sees fit to engage in such business.

These postal depositories have no right to issue promissory notes intended to circulate as money; they have no right to use the fund for their own benefit; they have no right to discount negotiable paper, or to deal in foreign and domestic bills of exchange; or to act as collecting agents for the holders of negotiable paper. They are not government banks or national banks, or any other sort of banks, and they have no right to exercise any of the functions which go to constitute a bank. They are simply paternal institutions to take care of the people's money and to act as their custodian, guardian, or committee—a novel and original conception in these United States, however well established it may be in other countries that have no written constitution—a design that was never dreamed of by the framers of the instrument; and throughout all the long line of federal cases I call now for a single decision that has ever justified or warranted such an undertaking similar to this either in form or in substance.

This bill, then, simply provides for a savings depository, without any banking privileges, and with no pretense of carrying out a governmental function authorized by the Constitution; and it differs as much from a bank as it does from a post-office, which is the next claim in which, perhaps, refuge will be sought. This is clause 7 of section 8, but it can hardly be conceived that a post-office or a post-road is the same thing as a savings institution. Adhering to well-established legal definitions, and keeping within the range of professional sanity, there is no more similarity between a post-office and a savings institution than there is between a post-office and an aquarium or a zoological garden. Nor will we be able to show that it arrays itself under clause 3 of section 8—that all-embracing provision, and a panacea for all unconstitutional legislation—the power to regulate commerce among the States. On the contrary, the only commerce, if any, that it pretends to regulate is the loaning out of the invested money to neighboring banks in proximity to the post-office within the State, and not out of the State; and there is not a single feature of the transaction embodied in this bill, from its inception to its completion, that has the slightest connection with or effect upon interstate commerce. Therefore, you can ransack the whole Constitution and not find any warrant for this proposed enactment; and, therefore, its authors and advocates, in all the arguments that have been delivered upon the subject, with a single exception that I shall presently refer to, have not pretended to justify its constitutionality.

I do not know what the Supreme Court will do with it, if it should become a law, nor can I permit a prophetic utterance that the Supreme Court will pronounce it constitutional upon some ground or another, to influence me in my action. With the profound respect that I entertain for this august tribunal and each of its members in supporting measures here, I must find the sanction of the law before their passage, and not vote for them in the expectation that some other forum will, after their passage, discover some constitutional authority for their enactment.

I want it distinctly understood that I have not given the policy of this legislation any consideration, because the assumption of its constitutionality—an utterly unproven and indefensible assumption—must be made perfectly clear to me before I can be called upon to investigate its merits. Perhaps some profound student of the Constitution, some great discoverer of hidden and latent constitutional prerogative, will arise upon this floor before the discussion ends and point with unerring certainty to the clause of the article upon whose bosom this contemplated legislation has lain dormant for a century; and until then I reserve my right to question its authority.

I want it distinctly understood before this body that I am not influenced in the views that I take by any of the banking interests of the country. I have not held communication with any bank, directly or indirectly, or any of its officers, in my State or elsewhere, upon this subject; and I assure you that if I was in favor of this legislation upon grounds of public policy and considered it a lawful measure, without asserting any degree of independence greater than that maintained by anyone else in this Chamber, I would not permit all the banking interests in the country to influence me the other way. Nor can I, on the other hand, permit any popular demand that may exist in its favor to induce me to act contrary to my own belief and convictions. That is often the trouble with a great many of us—and I include myself in the number—that we vote for measures that we think the people want, without trying to educate them up to the point that they can not have them except at the risk and peril of our institutions. In my own State I am quite sure that if I could satisfy its intelligent constituencies that this measure finds no warrant or authority in our organic law, that they would not desire me to vote for it, no matter how convenient or advantageous it may be.

This brings me now to the only ground upon which this bill has been placed so far, and it really furnishes the reason why I have arisen to-day to participate in its discussion.

A few days before the adjournment of the Senate at the last session, a brief colloquy took place between the senior Senator from Nebraska and myself, to which I have already referred, during the course of an address that the Senator was delivering upon this bill, and to which I again make reference now. His address was replete with valuable information, and full of the fire and force that always characterize his utterances upon the floor. It was preceded at the last session, as it has been followed at this session, by a powerful and instructive argument upon the measure by the senior Senator from Montana, who is in charge of this bill, and who always illumines and unravels every subject that he discusses, and in all of his arguments upon the subject he has given us a presentation so full of interest and information that it leaves very little, if anything, for anyone else to say who is in favor of the measure.

I now quote this colloquy between the senior Senator from Nebraska and myself, substantially:

Mr. RAYNER. Mr. President, I do not know whether I am in favor of this bill or opposed to it. The trouble I have about it is this: You will admit that we must put this bill under some clause of the Constitution. Now, what clause of the Constitution is it under which this legislation is proposed?

Mr. BURKETT. I will say, in response to the Senator's inquiry, that I expect to refer briefly to that a little later on, but I think the general-welfare clause would cover it.

Mr. RAYNER. The general-welfare clause would cover everything on earth. I am aware of that.

Mr. BURKETT. Well, it has covered a good many things, I will say to the Senator.

Mr. RAYNER. Is that the proposition? You do not put it under the clause to establish post-offices and post-roads, for it is hardly possible that we could turn a post-office into a bank; you do not put it under the clause giving the power to coin money and to regulate the value thereof; but this bill is put under the general-welfare clause of the Constitution. Some of us want to understand that, because we do not believe—I certainly do not believe—that the general-welfare clause means anything in the world, and I do not think the Supreme Court of the United States has ever said that it does.

A little later on the Senator from Nebraska said:

I am not disturbed by any fear of lack of power that we may have to enact this legislation. As I replied to the Senator from Maryland, the general-welfare clause has been too liberally interpreted and too often relied upon to sustain necessary legislation for the good of the people to halt at this particular time and in this particular legislation.

This is not the first time that I have heard the general-welfare clause of the Constitution referred to upon this floor as a source of legislative power. When I first came to this body and heard Senators allude to the general-welfare clause as a grant of power, I looked upon it as a sort of burlesque upon the Constitution. I thought Senators were only indulging in a little pleasantry when they were asked under what clause of the Constitution does such and such legislation array itself, and the answer came, in a sort of bantering way, "Under the general-welfare clause, of course." I treated it as a species of satire and irony, amusing, but entirely meaningless and harmless. But lately the same answer has come so frequently that the matter has assumed a serious aspect, and I can not sit in patience any longer, if there is any impression amongst us whatever, as the Senator from Nebraska seems to think there is, that we have any right to enact the bill that he is advocating, or any bill of any kind or for any purpose, under the general-welfare clause of the Constitution.

Let me see if I can not, in a few words, relieve the Senator's mind upon that subject, and satisfy him beyond the peradventure of a doubt that there is no general-welfare clause in the Constitution as an independent grant of power, and that no text writer, no commentator, and no court has ever announced the proposition that the Senator contends for. I stand here now to declare that I shall never vote for any legislation if it has no other authority than the general-welfare clause of the Constitution, and I propose now to demonstrate, with precision, I hope, that this clause can never be invoked to sanction any measure that does not come under the enumerated powers of our organic law.

Let me now read the general-welfare clause of the Constitution:

Article I, section 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now, what does this mean? It simply means that Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common defense and general welfare of the United States. If, instead of saying, "to pay the debts and provide for the common defense and general welfare," it had said, "in order to pay the debts and provide for the common defense and general welfare," there never would have been the slightest discussion over this proposition. All schools and all political creeds agree upon the construction that I have placed upon this section, and it is too late at this hour, I submit to the Senator from Nebraska and to all others who may agree with him, to pervert its meaning and misconstrue its purpose. I shall read only a few brief extracts now, which, in my judgment, forever place this subject beyond the pale of controversy.

I read from Madison in The Federalist:

Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction.

Had no other enumeration or definition of the powers of the Congress been found in the Constitution than the general-welfare expressions just cited, the authors of the objection might have had some color for it. * * *

But what color can the objection have when a specification of the objects alluded to by these general terms immediately follows? * * * For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural and common than first to use a general phrase, and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which, as we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.

Now, let us see what Jefferson said upon the subject:

To lay taxes to provide for the general welfare of the United States, is to lay taxes for the purpose of providing for the general welfare. For the laying of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. The Congress are not to lay taxes ad libitum for any purpose they please; but only to pay the debts, or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. * * *

Hamilton, who can not be charged with placing any unnecessary limitation upon the exercise of federal power in his celebrated Report upon Manufactures in 1791, which was, perhaps, the first interpretation of this clause, thus speaks of it:

Common defense and general welfare are not to be construed as a distinct grant of power, but are qualifications of the objects of the taxing power.

Judge Story, upon page 661 of his first volume upon the Constitution, uses this strong language with reference to this clause:

* * * Do the words, "to lay and collect taxes, duties, imposts, and excises," constitute a distinct substantial power; and the words, "to pay the debts and provide for the common defense and general welfare of the United States," constitute another distinct and substantial power? Or are the latter words connected with the former so as to constitute a qualification upon them? This has been a topic of political controversy, and has furnished abundant materials for popular declamation and alarm. If the former be the true interpretation, then it is obvious that under color of the generality of the words to "provide for the common defense and general welfare" the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumerations of specific powers; if the latter be the true construction, then the power of taxation only is given by the clause, and it is limited to objects of a national character, to "pay the debts and provide for the common defense and the general welfare."

* * * The reading, therefore, which will be maintained in these commentaries is that which makes the latter words a qualification of the former; and this will be best illustrated by supplying the words which are necessarily to be understood in this interpretation. It will then stand thus: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises in order to pay the debts and to provide for the common defense and general welfare of the United States;" that is, for the purpose of paying the public debts and providing for the common defense and general welfare of the United States.

I quote in this connection what Story says in reference to the preamble of the Constitution. The preamble reads as follows:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

These are the observations of Story:

And here we must guard ourselves against an error which is too often allowed to creep into the discussions upon this subject. The preamble never can be resorted to to enlarge the powers confided to the General Government or any of its departments. It can not confer any power per se; it can never amount, by implication, to an enlargement of any power expressly given. It can never be the legitimate source of any implied power, when otherwise withdrawn from the Constitution. Its true office is to expound the nature and extent and application of the powers actually conferred by the Constitution, and not substantively to create them. For example, the preamble declares one object to be, "to provide for the common defense." No one can doubt that this does not enlarge the powers of Congress to pass any measures which they may deem useful for the common defense.

Pomeroy, who belongs to the same school that Story does, uses this apt and unambiguous language in reference to this clause:

Congress has power "to lay and collect taxes, etc., to pay the debts and provide for the common defense and general welfare of the United States." Do these two clauses contain two separate and distinct powers, or is the latter a limitation upon the other? In other words, does the Constitution, by this language, confer upon the legislature a general faculty of taxation, and also another general capacity to pay public debts and provide for the common defense and general welfare; or does it confer a limited power of taxation, by restricting the purposes for which taxes may be laid, and confining them to the payment of debts and provisions for the common defense and general welfare? * * * If the construction should be adopted which regards the second clause as an independent grant of power, it would, in effect, be making our General Government unlimited. Providing for the common defense and general welfare includes everything which any government could possibly do; and a grant of power in these broad terms would be the same as making Congress omnipotent, equal in the extent of its functions to the British Parliament.

I quote now a few lines from John Randolph Tucker, who is one of the leading advocates of the doctrines that I believe in. He says:

To pay debts can hardly be said to be a political power. To lay and collect taxes is a power, and a proper power, where its object is to pay the debts of the Government; and as these words "to pay the debts," are indissolubly connected with the words "to provide for the common defense," etc., it follows that these latter words must share the fate of the words "to pay the debts," and be taken to declare the object of the preceding power, and not the creation of a distinct power.

I will close these extracts by citing a few words from an opinion of Judge Rogers in the district court for the western district of Missouri, delivered on the 28th day of February, 1898, in the case of The United States *v.* Boyer. In that case, speaking of Judge Story's views upon the subject, he concludes as follows:

After a most elaborate and historical discussion of the subject, presenting the different views of the different political schools or parties, he concludes that the "general-welfare" clause "contains no grant of power whatsoever, but it is a mere expression of the ends and purposes to be effected by the preceding power of taxation." I content myself with the fact that the former construction has never been sustained by any court, and the reverse has been held so often as not to require citations to support it; while the latter construction rests upon the theory that the "general-welfare" clause contains no power of itself to enact any legislation, but, on the contrary, the words "and provide for the common defense and general welfare of the United States," according to the most liberal constructionist, is a limitation on the taxing power of the United States, and that only.

No case has been cited tracing the power to enact any statute to the general-welfare clause above quoted, and I do not believe any can be. The learned counsel, in this connection, has cited various acts of Congress of a nature quite similar to the one in question, but no number of statutes or infractions of the Constitution, however numerous, can be permitted to import a power into the Constitution which does not exist, or to furnish a construction not warranted. * * *

In closing these references, I make the assertion that neither in the case of The United States *v.* The Gettysburg Electric Railway Company, in One hundred and sixtieth United States, 668, referred to by the Senator from Nebraska, nor in any other case decided by the Supreme Court or by any other court, has it ever been held that the general-welfare clause was a grant of power, but, on the contrary, all the cases in which the constitutionality of acts of Congress have been maintained have always been traced to one of the enumerated and delegated powers reposed by the States in the General Government.

That this statement may not seem to be exaggerated, I now assert that there is not one single case in all the line of federal authorities where it has ever been held that any act of Congress was justified under the general-welfare clause of the Constitution. In One hundred and sixtieth United States this case was placed under the power to declare war, and other enumerated powers. The act of Congress provided for the

erection of tablets to the memory of the dead upon the field of Gettysburg.

Congress has power to declare war—

Says the court—

and to create and equip armies and navies.

Then the court proceeds to hold that Congress has a right, as an incidental power, to commemorate the memory of those who have fallen upon the field of battle.

I hope, therefore, that we shall hear no more in the Senate about the general-welfare clause constituting a grant of power. It strikes me like a discordant note of music that jars the melody of the Constitution and makes the whole instrument vibrate with inharmonious sounds.

I know the Constitution under the last administration was in a state of collapse. Upon a number of occasions upon this floor I attempted to show how it received blow after blow, until it was almost sent staggering to its grave. The predecessor of our present President, whatever else he may have been, was not a student of the Constitution; he did not care for its restrictions, and did not consider himself bound by its limitations. We have an occupant of that office now who is thoroughly familiar with the landmarks of his power; who, with his judicial temperament, will not only hold himself in equilibrium, but proposes to hold in proper poise and balance the checks and safeguards of governmental power. Therefore when he submits a question like this to us it is worthy of our most serious consideration. The President takes the oath not only to protect and defend, but to preserve the Constitution. Now, by the solemn oath he takes, may he preserve it unprofaned in all its parts, and once more call it back to resurrection and to life.

He has never said in the messages that he has submitted to us under what grant of constitutional power he has proposed this important legislation. One thing I feel sure of, and that is that he will never regard the general-welfare clause of the Constitution as an independent grant of power. Such an interpretation as this, while it would suit the heretics who are waging relentless war against the philosophy of our institutions, would convert us into a centralized government of inherent and unlimited functions; would sweep to oblivion the reserved rights of the States; would render the enumerated powers of the Charter absolutely superfluous and unnecessary; would give Congress the right to pass any legislation whatever that, in its arbitrary discretion or from political motives, it may determine upon, and, in my opinion, destroying the autonomy of the States and obliterating the inviolable declaration of the tenth amendment; would make such a gaping wound in the heart of the Constitution that the blood that gave it life would wither in its veins.

Mr. SUTHERLAND. Mr. President, the Senator from Maryland, in opening his remarks, suggested that he did not desire to be interrupted until he had completed what he had to say. I want to ask the Senator a question or two—and I am not asking them in any spirit of antagonism to what he has said, for he has evidently given this subject a great deal of attention, but I ask them with a sincere desire to ascertain his opinions with reference to them. In the first place I, of course, entirely agree with what he has said with reference to the general-welfare clause. The general-welfare clause of the Constitution is not a substantive grant of power; it is simply a limitation upon the taxing power. I think that is clear.

Let me begin with an illustration. The word "commerce" in the Constitution has been applied so as to include new and additional things during the history of the Government. It has a more extended meaning to-day than it had, perhaps, when it was first used in the Constitution; at any rate, it is applied to new instrumentalities, new conditions that have since arisen.

The Senator said that this proposed legislation could not be justified under the post-office clause. The post-office itself is a matter of growth. Post-offices not only in the United States, but all over the world, have taken upon themselves new functions and are performing new functions—functions that were not recognized as belonging to the post-offices of a hundred years ago—and this is one of them. Post-offices in practically all the civilized countries of the world, as a part of their post-office business, have established postal savings-bank depositories. The question I want to ask the Senator is, In view of that history, in view of the fact that it is recognized by practically all the countries in the world that the postal savings institution does belong to the post-office, whether or not it may be considered now as belonging to the post-offices of this country as well? In line with that suggestion, I wish to call the Senator's attention to the fact that the post-offices to-day issue money orders, which are in the nature of bills of exchange. The post-offices do that without any objection, and the law of Congress giving that power, so far as I know, has never been attacked. Does not the Senator think that the function of postal savings banks belongs as much to the modern post-office as that of issuing bills of exchange?

Mr. RAYNER. Mr. President, I am glad the Senator from Utah has asked me that question, and I will try to answer it briefly; for, if I should answer it fully, it would take me a long time.

The power that a bank exercises in discounting commercial paper is a regulation of commerce. When banks receive notes and checks and bills and drafts and engage in the business of discounting them all through the United States, they are aiding the Government, in connection with one of the enumerated powers of the Government, to regulate commerce between the States. The placing of a deposit in a post-office does not aid any of the enumerated powers. It is not the business of a post-office to receive money as a savings institution. How do you connect the business of receiving money with the post-office? There is no connection between a post-office to receive the mails and a place within the post-office which is to be a savings institution. What legal connection, what constitutional connection, is there between post-offices and post-roads—a post-office being the place to hand the mail in and deliver it, and a post-road being the place over which it is carried—and an institution where people can deposit their earnings upon interest? Where is the incidental power? Where are the necessary and proper means, using the language of the Constitution, to establish a post-office?

Now, as the Senator has asked me the question, let me read him a few lines from two of the greatest lawyers of their generation. They were arguing the proposition of a government bank, and their argument answers the proposition of the Senator from Utah. I refer to what Mr. Webster said in this great case that I have referred to. There was no contention that the Government could go into the banking business any more than that the Government would have a right to go into the savings-institution business. A savings institution is not even a bank; but, conceding that it is, Mr. Webster, in arguing for the constitutionality of the Bank of the United States, said:

Corporations are but means. They are not ends and objects of government. No government exists for the purpose of creating corporations as one of the ends of its being.

Let me now read what Pinkney said upon the subject. Both of these great lawyers were arguing in favor of the constitutionality of this act of Congress. This was his argument, and Marshall followed close along the line of Pinkney and of Webster and of Wirt. It was argued on the other side by Luther Martin from my State, who contended for the opposite doctrine, as the Senator will recollect. Speaking of the Bank of the United States, Pinkney said:

In the bank, which is actually established and incorporated, the United States are joint stockholders and appoint joint directors; the Secretary of the Treasury has a supervising authority over its affairs; it is bound, upon his requisition, to transfer the funds of the Government wherever they may be wanted; it performs all the duties of commissioners of the loan office; it is bound to loan the Government a certain amount of money on demand; its notes are receivable in payment for public debts and duties; it is intimately connected, according to the usage of the whole world, with the power of borrowing money, and will all the financial operations of the Government. It has, also, a close connection with the power of regulating foreign commerce, and that between the different States. It provides a circulating medium by which that commerce can be more conveniently carried on and exchanges may be facilitated.

Not one of these powers does this postal depository exercise in aid of the right to regulate commerce to which the Senator has referred. The people go into the post-office, and it makes little difference whether they actually go into the post-office or go into some other building next to the post-office or go into any other building. A building can not make an unconstitutional law constitutional. And they deposit their money. I ask the Senate, Is that a governmental function? Let us stop there. I ask any Senator to rise in his seat and tell me that the depositing of money by the people anywhere, at any time, or in any place, is a governmental function. What is the next step? The next step is that the Government takes this money. What does it do with it? It loans it out to the banks. Is loaning it out to the banks a governmental function? This Government has a right to borrow money. For what purpose? To pay the expenses of the Government. It has no right to borrow money simply for the purpose of loaning it out again. It takes this money. It loans it to a bank. It receives 2½ per cent from the bank, and it takes the 2½ per cent and with 2 per cent pays interest to the depositor. Where is there anything that assimilates itself to a post-office in this transaction? Tell me the similarity, the slightest resemblance, between such an institution as that and a post-office. It is a savings institution, and a savings institution is

not a post-office. That is the reason I have argued this proposition at both ends. If it was a bank, it accomplished no governmental functions, but it is not a bank. How is it possible to treat it as a necessary and proper means to carry on the post-office? That is the language of the Constitution—necessary and proper means to carry on a post-office or a post-road.

Mr. SUTHERLAND. One other suggestion. One of the things that will be accomplished by the postal savings depository, as I understand it—at least, one of the things that it is claimed will be accomplished—is that it will bring out of hiding a great amount of money. I think it is estimated by the Postmaster-General that at least a half billion dollars or more may be brought into circulation, which otherwise would be hidden away in stockings and bureau drawers, and so forth. But whatever the amount may be, it undoubtedly will bring a large amount of money into circulation.

Everybody understands the profound relation between money and commerce. Commerce can not be carried on without money.

Mr. RAYNER. Let me interrupt you. Something important may escape your mind. Postal orders are merely the means of enabling the post-office to execute its governmental power in the transmission of the mail. Postal orders are transmitted through the mails to enable the Government to execute its governmental powers. But how does the depositing of money in a post-office, which is taken right out of the post-office and put in a bank, enable the Government to execute a governmental function?

Mr. BAILEY. If it happened that the Government had an internal-revenue office in all these towns instead of a post-office this bill would provide for depositing the money with the internal-revenue collector instead of the postmaster, and it simply adopts the post-office without any pretense that it bears any relation to power to establish post-offices and post-roads.

Mr. RAYNER. Because it is convenient.

Mr. BAILEY. That is all.

Mr. SUTHERLAND. In making the first inquiry I put to the Senator from Maryland the thought in my mind was that a post-office is a thing which may take upon itself new functions. What the word "post-office" meant a hundred years ago may not be exactly what it means to-day.

Mr. BACON. Mr. President——

Mr. SUTHERLAND. In other words, the post-office to-day may embrace more than it embraced a hundred years ago; and we may have reference, in determining that question, to the usages and customs of the civilized world.

Mr. BACON. Mr. President——

Mr. RAYNER. I will answer when the Senator from Georgia shall have concluded.

Mr. BACON. I desire, with the permission of the Senator from Maryland, to ask the Senator from Utah a question. The Senator's suggestion is that while postal savings banks were not originally recognized as a legitimate part of the post-office, other nations have engrafted them upon the post-office business, and therefore they might be recognized now the world over as a legitimate part of the functions of the post-office.

Mr. SUTHERLAND. Will the Senator permit me?

Mr. BACON. The question I desire to ask is this. I have not yet asked the question. Suppose other nations, after having completed their system by having engrafted postal savings banks upon the Post-Office Department, should go further and inaugurate a system of government insurance—life insurance and fire insurance—and should engraft it upon the post-office systems of their several countries, would the Senator contend that that would give warrant for us to enlarge, as a legitimate function, under the Constitution of the United States, of the Post-Office Department, the entering by the Government of the United States into the business of life insurance or fire insurance, to be performed through the agency of the Post-Office Department?

Mr. SUTHERLAND. The Senator from Utah was not contending for either proposition. The Senator from Utah was simply asking for the view of the Senator from Maryland.

Mr. BACON. But the Senator did suggest this, and I understood he suggested it necessarily with his personal approval, that as the business of the post-office departments in other governments had been enlarged the legitimate functions of the Post-Office Department had been enlarged by the general recognition in foreign governments of the propriety of ingrafting upon the business of the post-office the business of postal savings banks, and that therefore our constitutional limits had been enlarged correspondingly, and that as this was a legitimate part of the function of the post-office in other governments it would also be a legitimate part of its function in this Government.

I simply desire to know of the Senator whether, if that were true, there could not be an enlargement of the functions of the Post-Office Department under the Constitution of the United States to the extent that it would take in also fire insurance and life insurance or any other department of business, and where possibly would the line be drawn, if perhaps other governments, not having our constitutional limitations, should seek to ingraft upon their post-office departments functions which they have not heretofore recognized as legitimately belonging to them?

Mr. SUTHERLAND. Of course I recognize that we may go so far that the proposition may lose all reason. But within reasonable limits—and I am not prepared now to say where those limits are—we may have some reference to what is being done in other countries as pointing the meaning of a word in our own Constitution. As I said in the first question I put to the Senator from Maryland, the word "commerce" has come to have a more extended meaning; at least it has come to include things which it did not include when originally used. It includes railroads, which, of course, it did not include at the time of its adoption.

Mr. BACON. Therefore the Senator argues that postal savings banks are properly included within the functions of the postal business; and hence I desire to know of the Senator if we could not with equal logic, if other governments should seek to engraft fire or life insurance upon the post-office, extend it to those lines as a legitimate business of the Post-Office Department, as well as the function of savings banks?

Mr. SUTHERLAND. I do not care at this time to enter upon a discussion of that particular question, and I was entirely in earnest when I said to the Senator from Maryland——

Mr. RAYNER. I want to say a word——

Mr. SUTHERLAND (continuing). That my question was asked with a view to getting the opinion of the Senator from Maryland upon that subject.

Mr. BAILEY. The Senator from Utah is too good a lawyer to adopt the view that he suggested, and I have looked in his face and watched the operation of his mind answer his suggestion. That is the reason he does not answer.

Mr. RAYNER. I was just going to pay the Senator from Utah the same compliment—that upon reflection he would come to the conclusion——

Mr. SUTHERLAND. I will say to the Senator——

Mr. RAYNER. Let me answer the question. There is no more connection between a savings institution and a post-office than there is between a savings institution and the army and the navy. We have the right to declare war. We might provide that the people might take their money into the War Department and hand it to the Secretary of War, because he could use it in case of war. There is just as close connection between the one as the other.

Mr. CARTER rose.

Mr. RAYNER. I see the Senator from Montana has risen. The Senator from Utah would not stand in court, and the Senator from Montana would not stand in court—both of them are too good lawyers—and say to the Supreme Court of the United States that a post-office is the same thing as a savings institution.

Mr. CARTER. No; but with the permission of both Senators——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. In just a moment. The Senator from Utah is simply seeking light, and he thinks he is applying to the proper source.

Mr. RAYNER. I think it requires very little light to illumine this proposition, and the Senator from Utah, capable as he is, will upon reflection, I am sure, come to the same conclusion.

Mr. SUTHERLAND. I was about to put to the Senator another question when I was interrupted, and had partly formulated it, but not entirely. I was calling the attention of the Senator to the fact that commerce and money are intimately related. I think it was Mr. Webster or Mr. Hamilton who said that money is the very lifeblood of commerce. We can not carry on commerce without money. Now, may it not be that if the savings depositories bring into circulation a large amount of money which would otherwise be hidden away, they have such a profound relation to commerce that they may be said in a measure to regulate commerce? In other words, if we would pass a law here which would retire from circulation entirely all the money in the country, commerce would be destroyed; it would be brought to an end.

Mr. RAYNER. There is one response to that question without answering it in full. That a bill may possibly do some-

thing that it does not indicate or purport to do is no warrant for action, because if you go upon that line you could go through a hundred grades until you come to the incidental power you want. The bill must demonstrate that the method it adopts is necessary for carrying out a governmental power. This money is to go to the state banks, and state banks can not exercise a governmental function.

Mr. SUTHERLAND. But it brings the money into circulation.

Mr. RAYNER. It brings the money into circulation by loaning it out to state banks, and state banks have no right or power to exercise a governmental function, and Congress has no right to invest them with it.

Mr. SUTHERLAND. The result of this institution is to bring into circulation for the use of commerce a vastly increased sum of money. It profoundly affects commerce, and the question I wanted to submit to the Senator was whether or not——

Mr. BACON. Suppose the Government was to go into the gold-mining business for the same reason—to bring more money into circulation?

Mr. SUTHERLAND. I do not think the Government could go into the gold-mining business.

Mr. BACON. That is true; but it is a fact that the Senator's argument carried to a legitimate conclusion would bring it exactly to that point. The Senator's argument simply is that anything that will bring more money into circulation is a governmental function. If the Government should develop gold mines, it would bring more money into circulation.

Mr. SUTHERLAND. That was one of the strong arguments for the United States bank—that by promoting the circulation of money it would affect commerce and in that way be a regulation of commerce.

Mr. BAILEY. The Senator persistently speaks of commerce. Of course, he knows as well as I do that it must be interstate commerce before it is subject to the jurisdiction of the General Government. I would ask the Senator from Utah if he thinks that the act of receiving deposits and making a loan bears any resemblance to interstate commerce?

Mr. SUTHERLAND. If you increase the supply of money you increase the facility with which commerce may be carried on among the States; the fact that it may also incidentally affect intrastate commerce would not, in my judgment, affect the power of Congress.

Mr. BAILEY. The Senator from Maryland has well suggested that the purpose to be served must be an immediate purpose. You can not go through the various gradations until you serve what the lawyers call a "causa remota." It must not only be proximate, but it must be immediate; and the idea of the Federal Government regulating discounts and deposits, or if you do not choose to call it "discount," then call it "deposit and loan of money," within a State, upon the theory that it might remotely affect interstate commerce, is going altogether too far.

I am not so sure but that the Federal Government would have ample power to purchase and operate a gold mine if it was purchasing and operating it in order to obtain gold to perform its constitutional function of coining money. I express no decided opinion on that. But I do express the decided opinion, as has been so often and well stated by the Senator from Maryland, that before the Government can do anything under what are called the "implied powers" of the Constitution it must find some specific grant of power. That grant of power being found, then the Congress can choose the means of executing it. But certainly until you find the power to regulate the thing itself, Congress has no choice of means.

Now, I will state it in this way: If the Constitution of the United States were to say that Congress shall have power to encourage thrift and economy among the people, then undoubtedly, if we conclude that a postal savings bank is a necessary and appropriate means of encouraging thrift and economy, we would have the power to establish it. But the purpose of this bill, as proclaimed by all its supporters and as asserted by the President of the United States—not the present President, but his predecessor in that great office—is to encourage thrift by guaranteeing the safety of deposits. The Government having no power to encourage thrift, having no power to guarantee the deposit of any man's money, it has no power to create an instrumentality for that purpose; and that is the whole argument against the matter.

Mr. SUTHERLAND. The Senator from Texas has spoken about the power to coin money. I think it is conceded, at any rate the Supreme Court has determined, that one of the constitutional functions of the Government is to provide a currency for the people, and if I am not mistaken in the Veazie Bank case said that having assumed that constitutional duty it was also the duty of the Government to see that the currency was preserved and that an adequate supply was provided.

If that statement of the power of the Government is correct, then the Government would have the power to increase the quantity of money to be circulated through the country by adding to the supply, by coining more money, by issuing more bank notes, or in some such way as that. If it has the constitutional power to do that, why may it not also have the constitutional power to add to the quantity of money by some device of this character which will bring it out of hiding and put it into circulation quite as effectively as would be done by additional coinage?

Mr. BAILEY. Of course the Senator from Utah knows as well as I do the conflict between the decisions of the Supreme Court of the United States on the question of paper currency. He understands very well that the court twice decided the legal-tender acts unconstitutional, and finally decided they were constitutional. The Senator from Utah also understands there was a divided court in the case of Veazie Bank *v.* Fenno. But I waive all that, and I admit it is not only the right, but the duty, of the Government to supply the country with a sufficient volume of currency. But I deny that in the performance of that duty the Government can act on anybody except itself. If it is true that the Government has the power to bring this money out of hiding by enticing it from its hiding place, it has the power to bring it out by punishing the man who hides it. The Senator from Utah would not contend that a statute making it a crime for a man to bury or lock up his money would be within the competence of Congress; and yet if Congress possesses the power to keep the money in circulation after it has issued it and possesses the power to act upon those who are disposed to keep it at their homes in any way they please, then it must have ample power, because, the power granted, all the courts say it is plenary, and it is sufficient to fulfill its purpose.

I think nobody would be willing to say the Congress of the United States could make it a crime if I chose to lock up my money or if anybody else chose to do so.

Mr. CARTER. Mr. President, it is not my purpose to further delay the consideration of the bill; the Senator from Washington is very desirous of proceeding; but I deem it appropriate at this time to make a brief statement on the subject-matter which has been under discussion.

I think the Senator from Maryland is entitled to the thanks of the Senate for making the timely and exhaustive statement he has made in opposition to this measure on constitutional grounds, and it is quite important that we should understand his position clearly.

First, be it understood that the Senator from Maryland does not insist that the establishment of a postal savings-bank system as contemplated by the pending bill would be in violation of any clause of the Constitution to which he can refer. It is important to bear this in mind. The Senator does not assert—and because he does not so assert I assume it can not be asserted—that any particular provision of the Federal Constitution would be violated by this enactment. What the Senator does contend is that there is no specific authority to be found in the Constitution to warrant this kind of legislation.

Mr. RAYNER. Let me say just a word. Do not make any mistake. I do not contend for that. I contend that there is no specific authority and no implied authority. This is not a specific grant, nor is the bill the necessary and proper means to carry out any specific grant.

Mr. CARTER. I will liberalize to the end that the Senator may have the full benefit of the statement as he qualifies it. The Senator contends that he can not find specific or implied authority in the Constitution for this proposed enactment.

Mr. President, much has been written on the Constitution of the United States, and many views originally adhered to with great strength have been abandoned. The Constitution itself, although the subject of long discussion, probably destined to be the subject of difference of opinion to the end of time, seems to be, after all, what the framers intended it should be—a very simple, plain document. Section 8 of Article I of the Constitution enumerates the powers which Congress shall have—the power to do various things. I think there are about 18 subdivisions of that section. Section 9 proceeds to state what the Congress can not do. Section 10 proceeds to prohibit the States from doing certain things. If every act of government must be traced back to some specific authorization contained in section 8, then it would be necessary for us to curtail government activities in a thousand general and special directions, if you please, which will occur at once to the mind of every Senator present without recapitulation on my part.

The very building in which we are deliberating was erected without special constitutional warrant. The whole detailed fabric of Government has been established in many particulars without any special warrant of law. Who can find any constitutional authority for the examination of soils in the States by the Department of Agriculture? Who can find any specific constitutional authority for placing fish in the streams in the various States? Who can find forest reserves named in the Constitution?

Mr. President, there is no prohibition on this legislation. But bear in mind that while the Constitution prohibited certain things to the Congress and gave certain powers, that same Constitution created a sovereign State, and in the exercise of an attribute of sovereignty this Government was authorized to do whatsoever was not prohibited which might lead to the betterment of the people and the accomplishment of the high ends of Government.

Mr. President, the question here, and the only question, is, May the Government of the United States authorize the people of the United States, for their own benefit and convenience, to subject existing machinery of Government to an additional use in no sense inconsistent with the purposes for which the machinery was created? We permit the States to occupy the old Hall of the House of Representatives with statues of former citizens of renown in the respective States. It is believed that that is an exhibition conducive of patriotism and its growth. But there is no constitutional warrant for it, of course, more than there is a constitutional warrant for the Smithsonian Institution and its administration.

Mr. President, I hope Senators who hereafter address themselves to the constitutional proposition here involved will answer this question: Is it competent for the Government of the United States, having an established governmental institution with widespread facilities, consisting of post-roads, post-offices, and officers in charge, to permit the people of this country to use these facilities for purposes wholly consistent with, and in no sense inconsistent with, the purpose for which the facilities were created? That is the only question involved in this case.

Mr. RAYNER. Will the Senator allow me to say just one word?

Mr. CARTER. Certainly; I would be glad to have the Senator do so.

Mr. RAYNER. I want to say only a word.

The proposition the Senator states is stated often here. Whenever we are dealing with an unconstitutional act some one cites some unconstitutional statute in support of it. I have heard it often here that we have passed such-and-such a law, and such-and-such a law. These laws have never gone before the Supreme Court of the United States.

I want to read merely two lines to the Senator from Montana, instructive lines, from a decision from the case of The United States *v.* Boyer, delivered by Judge Rogers in the district court for the western district of Missouri, when the same citation was made in the court and the very question that the Senator asks was answered. This was under the meat-inspection law, and the question was whether Congress had a right to send an inspector to a State for the purpose of examining cattle. We passed the law, and when the law was passed dozens of statutes were cited in support of it, that we have passed such-and-such a law; but when the law came into court the judge who presided, and who is a man of great ability, and served, I think, in the House of Representatives with the Senator from Montana and myself, used this language. He said:

> The learned counsel, in this connection, has cited various acts of Congress of a nature quite similar to the one in question, but no number of statutes or infractions of the Constitution, however numerous, can be permitted to import a power into the Constitution which does not exist, or to furnish a construction not warranted.

What we want in this case is not some law that has never been passed upon by any of the federal courts, but we want a law that has been passed upon by some of the federal courts. These laws, one by one, as they come before the Supreme Court will perhaps be pronounced to be unconstitutional.

In this case a party was charged with an attempt to bribe an inspector. The point was made that under the meat-inspection law you had no right to send an inspector into the State of Illinois. The court held you could not bribe him, because the act sending him into the State of Illinois was an unconstitutional act. This decision has never been appealed from by the law officers of the Government. You can not send these inspectors into our States. About a year ago I went to the Secretary of Agriculture. He had sent an inspector into one of the farming districts of my own State, into Carroll County, and had assumed powers he had no right to exercise. I called the Secretary's attention to this decision. He said his attention had never been called to it before.

You have no right to go into the States and exercise a power that does not carry out some enumerated power of the Constitution, unless that power itself is necessary and proper within the language of the cases I have cited to effect an enumerated power. If the only constitutional warrant—and I say it with the greatest respect and deference, because there are no two Senators in this body for whom I have greater respect—if the only constitutional warrant for this act is the argument that has been made by the Senator from Utah and the Senator from Montana, then we can all assume that it is unconstitutional.

Mr. CARTER. Mr. President, perchance at a later hour in the course of the discussion of this question, I shall undertake to review the authorities presented by the Senator from Maryland and those to be presented by the Senator from Texas. My purpose in arising at this time has been served by a presentation of the question to be considered, as I understand it; and that I will repeat so that no misunderstanding may arise.

The Senator states that this is not in violation of any clause of the Constitution, but it is unwarranted by any delegated or implied power. I put the question again: Does the Senator deem it a violation of the Constitution of the United States for the Congress, in the exercise of its wisdom as to a course of policy deemed wise, to extend to the body of the people the right to use facilities created, existing, and maintained under constitutional authority, when the use thus extended is in no wise inconsistent with the original purpose of creating the governmental facility or machinery?

Mr. RAYNER. I hope the Senator from Montana, in the presence of the distinguished Senator from New York [Mr. ROOT], will not pursue the proposition that we can pass any legislation here that we want if it does not violate the Constitution of the United States.

EXTRADITION OF FUGITIVES FROM JUSTICE.

Mr. PILES. Mr. President, I ask that Senate bill 4462 be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4462) to amend section 5278 of the Revised Statutes.

Mr. PILES. The Senator from Idaho [Mr. HEYBURN] has an amendment pending. I have sent for the Senator to come in.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN]. The amendment will be stated.

The SECRETARY. On page 1, line 10, strike out the words "duly filed" and insert "made after an examination and the hearing of sworn testimony and filed in a court of competent jurisdiction to try the parties charged for the offense charged."

Mr. BORAH. Mr. President, it does not seem to me that that amendment is at all essential. It covers that which may now be done by the governor of the State before the prisoner is demanded to be given up, and it is in a measure overhauling the law as it now exists.

While I am on my feet I may say that this provision which has been reported here simply covers the question of an information and leaves the statute otherwise just as it is now. Under the present law the governor may demand a hearing and he may refuse to give up the prisoner demanded if the hearing is not satisfactory to him.

It was not the intention of the committee to redraft and overhaul the entire statute with reference to extradition. It was simply the desire of the committee to include in the extradition law a provision that a man may be extradited upon indictment, or upon information, or upon affidavit filed before a magistrate.

It was suggested the other day while we were discussing this matter that it did not necessarily follow that a party would have to be in the State where he was charged before he could be extradited; that is to say, that it did not necessarily follow that if the party was charged with crime in the State of Washington, he should have been in the State of Washington before extradition would lie.

I call attention to the fact that a party can not be extradited under the statute nor under the Constitution unless he has been in the State which is demanding him. This matter has been well settled by the Supreme Court in the case of Hyatt *v.* Corkran, where it is held that if a party was not in the State which charged him with the offense, he is not subject to extradition. It does not make any difference whether he is charged by indictment, by affidavit, or information, he must

have been a fugitive from justice, and he can only be a fugitive from justice when he was physically present in the State at the time he violated the law of the State.

So, we have here, Mr. President, in the first place, States which prosecute men by information. There are recognized methods of procedure in those States. The purpose of the committee was to recognize that method of procedure and to recognize it in the extradition law.

Second, we have as a safeguard to that the fact that the governors of the States are never compelled to deliver up the party.

Third, that the governors of the States may demand any showing that they desire.

And, fourth, that the party must have been physically present in the State where he is charged before he can be extradited at all.

There can be no possible injury worked to anyone under this amendment of the law. There can be no possible harm done, because it is a recognized act of procedure in the State, and the governor has the absolute control of it and is not in any sense compelled to act upon the mere showing that can be made under the statute.

Mr. PILES. Mr. President, I have sent for the senior Senator from Idaho, who is down in the lunch room. I do not like to have the amendment disposed of in his absence. Therefore, I will say a few words in respect to it, in order that the Senator may reach the Chamber before the amendment is disposed of.

The amendment as proposed by the senior Senator from Idaho would put the existing law in a much worse condition than it is at the present time. The law now provides that one may be extradited from one State to another State upon the production of an indictment found or an affidavit filed before a magistrate. The proposed amendment provides that before extradition can be had upon an information there must be an examination and the sworn testimony filed in a court of competent jurisdiction. This would, as I view it, entail a needless and a useless expense upon the States which prosecute by information. The examination could be of no benefit to the alleged fugitive, because he would not be within the limits of the State and could not participate in the examination.

I hope, therefore, that this amendment will not prevail, as it would simply encumber the existing law and put us in a worse condition than we are at the present time.

GOVERNMENT OF ALASKA.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. PILES. It is the desire of the Senator having charge of the bill that it be temporarily laid aside without prejudice. I ask unanimous consent that the bill be temporarily laid aside without prejudice.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

MONONGAHELA RIVER BRIDGE, WEST VIRGINIA.

Mr. ELKINS. Mr. President, with the permission of the Senator in charge of the bill pending, I should like to ask unanimous consent to take up a bridge bill. It is House bill 17161. It is merely a bridge bill, to which there is no objection.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. PILES. I yield to the Senator from West Virginia.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate, if there be no objection.

The Secretary read the bill (H. R. 17161) to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River, in the State of West Virginia, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTRADITION OF FUGITIVES FROM JUSTICE.

Mr. PILES. I now ask that Senate bill 4462 be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4462) to amend section 5278 of the Revised Statutes.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Idaho.

Mr. ROOT. Mr. President, I dislike to see the bill disposed of in the absence of the Senator from Idaho [Mr. HEYBURN]. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Crawford	Gamble	Purcell
Beveridge	Cullom	Guggenheim	Root
Borah	Curtis	Hale	Shively
Bourne	Depew	Heyburn	Simmons
Bradley	Dillingham	Johnston	Smith, Mich.
Briggs	Dixon	Kean	Smoot
Bristow	Dolliver	La Follette	Stephenson
Brown	du Pont	McCumber	Stone
Burkett	Elkins	Martin	Sutherland
Burnham	Fletcher	Nixon	Taylor
Carter	Flint	Oliver	Tillman
Clapp	Foster	Overman	Warner
Clark, Wyo.	Frazier	Page	Warren
Clarke, Ark.	Frye	Paynter	
Clay	Gallinger	Piles	

Mr. FLINT. I desire to announce that my colleague [Mr. PERKINS] is ill and unable to be present.

The PRESIDENT pro tempore. Fifty-eight Senators have responded to their names. There is a quorum present. The pending question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be stated.

The SECRETARY. On page 1, line 10, strike out the words "duly filed" and insert "made after an examination and the hearing of sworn testimony and filed in a court of competent jurisdiction to try parties charged for the offense charged."

Mr. HEYBURN. Mr. President, it is not my intention to discuss the amendment further than to restate what it proposes in this, I presume the moment of voting, so that it may be understood. There can be no reason why the amendment should not be adopted. It simply requires that the responsibility of some one shall be behind the issuance of requisition papers, so that a party may have some redress, either in the nature of damages or to hold the party responsible in other ways who files or makes a statement that proves to be utterly baseless.

I have in my mind two instances that came under my notice where parties were taken the full length of the country and brought up in court only to have a nol-pros entered under the instructions of the judge, who said, "This is apparently an effort to invoke the criminal law for the collection of a debt;" and the debt was a disputed item. They had been taken across the continent in order to be told that. Had some one been compelled to put some responsibility behind the charge, perhaps they would have been a little more careful. I am willing to submit it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BEVERIDGE. It was the understanding between the Senator who is in charge of the postal savings-bank bill and the chairman of the Committee on Territories that the unfinished business should be laid aside from day to day until the consideration of that bill had proceeded a reasonable time. That is the reason why the unfinished business is still laid aside, and will not be asked to be considered until 2 o'clock to-morrow.

Mr. HEYBURN. I think I should say at this time that within a few days, or a comparatively short period, the Committee on the Revision of the Laws will present the judiciary title for the consideration of the Senate, and because of the importance and the character of the measure we would like to have it in the position of unfinished business at as early a day as possible. It will be a long and laborious task, undoubtedly, to present it and consider it in this body.

I merely make that suggestion so that existing orders may, if it is convenient to the Senators and in their judgment wise and possible, be disposed of before that measure comes in.

ASSAY OFFICE AT LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 2902) to establish an assay office at Los Angeles, State of California.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. STONE. I should like to ask the Senator from California if there is not an assay office now at the city of San Francisco?

Mr. FLINT. There is one at San Francisco.

Mr. STONE. What is the distance between Los Angeles and San Francisco?

Mr. FLINT. Over 500 miles.

Mr. STONE. What is the special need for another assay office so near to San Francisco?

Mr. FLINT. On account of the enormous business coming from the southern part of Nevada and from Arizona, which is entirely tributary to southern California now, and not to San Francisco.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to establish an assay office of the United States at Los Angeles, in California; the office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873, and provides that the officers of the assay office shall be an assayer in charge, at a salary of $2,500 per annum, who shall also perform the duties of melter; an assayer, at a salary of $1,800 per annum; a cashier, at a salary of $1,500 per annum, who shall perform the duties of the assayer in charge in his absence. It also authorizes the Secretary of the Treasury to rent a suitable building for the use of the assay office, and appropriates $20,000 for salaries of assayer in charge, assayer, cashier, and wages of workmen, and for rent and contingent expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH G. MARTIN.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the bill (S. 3082) for the relief of Elizabeth G. Martin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, for the aid and support of Elizabeth G. Martin, widow of James P. Martin, who lost his life as the result of injuries received on the 6th day of April, 1906, by being run over by an engine of the Isthmian Canal Commission at Paraiso, belonging to the United States, being operated on the Panama Railroad at Paraiso, in the Canal Zone, be hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be paid to the said Elizabeth G. Martin by the Secretary of the Treasury immediately upon the approval of this act.

Mr. CURTIS. The amendment as printed in the bill is incorrect. I move to correct it by striking out "twenty-five" and inserting "five," so as to read "five thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, ST. JOHNS RIVER, FLORIDA.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 1377) for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida, for the propagation of shad, mullet, and other fishes, the purchase of site, construction of buildings and ponds, and equipment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 1378) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida.

Mr. STONE. Mr. President, why can we not take up the calendar in regular order?

Mr. BEVERIDGE. Mr. President, I have no objection to taking up the calendar in regular order, but I have just sent word to the Senator who is in charge of the postal savings-bank bill that from the appearance of things here the Senate is waiting to pass his bill. I assume, of course, that he will want to have it taken up and passed at the earliest moment. I would not want to give unanimous consent for the present consideration of the calendar when that measure, so far as appearances are concerned, is ready to be passed. I suggest to the Senator from Missouri [Mr. STONE], in the interest of the expedition of legislation, that until the Senator from Montana [Mr. CARTER] gets here, he allow Senators to call up bills in which they are interested and have them considered, instead of going to the calendar.

Mr. STONE. There is no objection, Mr. President, to Senators calling up bills, but there are several bills here which have been reported from different committees—several which I reported—and they are not very far away from the top of the calendar. It seems to me that we ought to proceed in the regular way, so that we can get those bills disposed of.

Mr. BEVERIDGE. Mr. President, I perceive that there is a member of the Post-Office Committee present. I believe the Senator from Iowa [Mr. DOLLIVER] is a member of the Post-Office Committee. Perhaps there are three or four more members of the committee present. Is there any reason why the postal savings-bank bill should not proceed to a vote? I am not in charge of the bill, but the understanding was that the unfinished business should be laid aside from day to day for its consideration. Now, the Senate, I think, is willing to proceed, as it has been, to its consideration.

Mr. DOLLIVER. Mr. President, I know of no reason why the postal savings-bank bill might not be submitted to a vote now, except an understanding by the Senator in charge of the bill that other Senators shall have, I think, until Thursday of this week to prepare and deliver to the Senate their views upon the constitutional aspects of the measure. I do not think it would be agreeable to them to have the measure disposed of before they take the proper steps to safeguard the Constitution.

Mr. BEVERIDGE. Mr. President, if there are any Senators who wish to speak on that bill, I, in charge of the unfinished business, did not know of it. It simply seemed to be a position in which the Senate sometimes gets, where it has been considering a bill and is ready to pass it. But, of course, if Senators have informed the committee in charge of the bill that they desire to expound the constitutional or any other phases of the bill, that is sufficient reason why we should proceed with any particular bill or with the calendar, according to the request of the Senator from Missouri [Mr. STONE].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida [Mr. FLETCHER] to consider the bill the title of which has been stated?

Mr. ROOT. I think the bill had better go over.

The PRESIDENT pro tempore. Objection is made. The calendar, under Rule IX, would really be in order, but the Senator from Missouri [Mr. STONE] asks unanimous consent that the Senate proceed with the consideration of bills on the calendar under Rule VIII.

Mr. STONE. I ask unanimous consent of the Senate to proceed to the consideration of the calendar under Rule VIII.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none. The Secretary will state the first bill on the calendar.

PAROLE OF UNITED STATES PRISONERS.

The bill (S. 870) to parole United States prisoners, and for other purposes, was announced as next in order.

Mr. KEAN. Let that go over.

The PRESIDENT pro tempore. The bill goes over on the objection of the Senator from New Jersey.

INJUNCTIONS AND PRACTICE OF DISTRICT AND CIRCUIT COURTS.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over under objection.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as next in order.

The PRESIDENT pro tempore. This bill has been read to the Senate several times. Is there objection to its present consideration?

Mr. BORAH. I object to the consideration of the bill at the present time.

The PRESIDENT pro tempore. Objection is made to the consideration of the bill, and it goes over without prejudice.

DESCENDANTS OF THE SIGNERS.

The bill (S. 1425) to incorporate the Descendants of the Signers was announced as next in order.

Mr. KEAN. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over on the objection of the Senator from New Jersey.

GLACIER NATIONAL PARK IN MONTANA.

The bill (S. 2777) to establish the Glacier National Park, in the Rocky Mountains, south of the international boundary line, in the State of Montana, and for other purposes, was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

HENRY W. LEE.

The bill (S. 5018) for the relief of Henry W. Lee was considered as in Committee of the Whole. It proposes to pay to Henry W. Lee, out of the funds of the Winnebago Indians of Wisconsin, $2,000, that being the amount found due him by the Court of Claims in congressional case No. 10219.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF HAWAII.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as next in order.

Mr. KEAN. Mr. President, that is a long and a very important bill, and I think it had better go over.

Mr. DEPEW. What is the bill?

Mr. KEAN. It is a bill in relation to the government of Hawaii.

Mr. DEPEW. That is a very long and a very important bill. I think it had better go over, retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the calendar.

GOVERNMENT OF ALASKA.

The bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. That bill, being the unfinished business, will be passed over.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS, MINN.

The bill (H. R. 12289) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city, was considered as in Committee of the Whole. It proposes to authorize the city of Minneapolis, in the State of Minnesota, to construct, maintain, and operate a new bridge and approaches thereto across the Mississippi River, where an old bridge is now standing, from Plymouth avenue north, on the west side of the river, to Eighth avenue NE., on the east side of the river.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES MILITARY ACADEMY.

The bill (S. 2325) to increase the efficiency of the United States Military Academy, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment in line 4, after the word "Academy," to strike out the words "the succeeding appointment may be made from his congressional district or at large in accordance with the existing law," and to insert "his successor may be admitted to the academy; and the corps of cadets is hereby increased to meet the provisions of this act;" so as to make the bill read:

Be it enacted, etc., That whenever any cadet shall have finished three years of his course at the United States Military Academy his successor may be admitted to the academy; and the corps of cadets is hereby increased to meet the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I should like to have printed in connection with the bill just passed the report of the committee thereon.

The PRESIDENT pro tempore. In the absence of objection it will be so ordered.

The report referred to is as follows:

[Senate Report No. 144, Sixty-first Congress, second session.]

INCREASE IN CORPS OF CADETS AT THE UNITED STATES MILITARY ACADEMY.

Mr. DU PONT, from the Committee on Military Affairs, submitted the following report, to accompany S. 2325:

The Committee on Military Affairs, which has had under consideration the bill (S. 2325) to increase the efficiency of the United States Military Academy, and for other purposes, hereby reports the same favorably to the Senate, and recommends that it be passed, amended as follows:

Strike out all after the comma in line 4 and insert in lieu thereof the words "his successor may be admitted to the academy; and the corps of cadets is hereby increased to meet the provisions of this act."

The act of March 1, 1843, provided that there should be 1 cadet at the Military Academy from each congressional district, 1 from each Territory, and 10 appointments at large by the President. This act was amended on the 6th of June, 1900, by giving 2 additional cadets to each State and 30 appointments at large to the President.

Under the law as amended the authorized number of cadets is 533, while the actual number at West Point is but 411, due to the fact that there are always a number of vacancies caused by candidates failing to report or to pass the entrance examinations, or by the elimination of cadets who are found deficient in their studies or in conduct.

The object of this bill is to increase the number of cadets at the Military Academy by a slight modification in the method of making appointments. It is proposed that Members of Congress and the President who recommend or make the appointments shall have the right to a second appointment as soon as their appointee shall have become a member of the graduating class after three years' service at the academy. In other words, those recommending or making cadet appointment will each have 1 cadet at the Military Academy during three years and 2 cadets during every fourth year.

The effect of this bill, if passed, would be to increase the authorized number of cadets from 533 to 710, while the actual number, judging from the experience of many years, would be about 550 cadets, or an increase of about 135, which would give an annual average of about 140 graduates. This increase, however, would be progressive—88 additional cadets would enter the academy in March, 1911, who would not graduate until 1915, and the corps of cadets would be gradually enlarged until 1915, at which time the whole number of the additional cadets would be at the academy.

From 1878 to 1898 the average number of appointments to the grade of second lieutenant was 87 per year, while the average number of West Point graduates was but 55 per year. From 1898 to 1907 the average number of appointments was 262 per year, while the average number of graduates was 90 per year; so that an average of 140 graduates each year will not begin to fill the average number of annual vacancies in the army, and will not have the effect of closing the doors to promotions from the ranks or to appointments from civil life.

The extra expense involved for the first year—being the pay and rations of the additional cadets—would be only about $6,243, but later it would be necessary to make a moderate increase in the number of instructors, and this, with other items, would bring the additional cost up to about $15,000 a year, which is less than 1 per cent of the annual cost of maintaining the Military Academy. The cost of maintaining this school is practically the same whether it be attended by the entire number of cadets authorized by the bill, or only by half of that number, as the care and maintenance of the buildings, their heating, lighting, etc., the pay of instructors and employees, and other expenses of the institution would be nearly equal in both cases.

It is to be observed that since 1902 Congress has authorized the expenditure of $7,500,000 for the purpose of reconstructing and enlarging the buildings at the Military Academy so as to accommodate 750 cadets and for improvements generally. Most of this money has been spent, and there are ample accommodations and quarters now vacant for the proposed additional cadets. Notwithstanding these facts, while the navy has a much smaller commissioned personnel than the army, there are 754 midshipmen under instruction at Annapolis and but 411 cadets at West Point. Further, the proportion of West Point graduates to the whole population of the country is less than it ever has been before and very much less than it was in former days. From 1820 to 1830 the average of West Point graduates to the population of the country was 1 to 347,730, while from 1890 to 1900 the average was 1 to 1,251,203.

The following table shows the proportion which one graduate at the Military Academy bore to the entire population of the United States at the various decades from 1811 to 1900, the average number of graduates for each decade, and the percentage which the average number bore to the total population:

Decade.	Average for decade.	In proportion to population, one graduate equals—	Per cent of total population.
1811–1820 (census 1820)	21	+ 458,753	+ 0.0000023
1821–1830 (census 1830)	37	+ 347,730	− .000003
1831–1840 (census 1840)	43	+ 396,964	+ .0000025
1841–1850 (census 1850)	44	+ 527,088	+ .0000014
1851–1860 (census 1860)	39	+ 806,239	+ .0000012
1861–1870 (census 1870)	48	+ 803,924	+ .0000012
1871–1880 (census 1880)	51	+ 983,446	± .0000010[a]
1881–1890 (census 1890)	51	+ 1,227,887	+ .0000008
1891–1900 (census 1900)	61	+ 1,251,203	+ .0000008

[a] Two classes graduated in 1861.

Looking at the matter from the standpoint of salary alone: A cadet who enters the academy between the ages of 17 and 22 is paid a salary of $600 per annum during his four years' attendance at the academy; and when he receives his commission he is still a young man in the early twenties. An officer commissioned from civil life at an age between 21 and 27 years is paid a salary of $1,700 during each of his first five years of service, and he must in that time take substantially the same course of military instruction as that which a cadet

receives at the Military Academy; but with a salary of $1,700 per annum instead of $600, and while the expense of the latter's education is larger, his average age being greater, the length of his active service in the army is apt to be considerably less.

The following table shows the number of appointments to second lieutenancies in the army in each year since 1898 from the Military Academy, from the ranks and from civil life:

Table showing appointments to grade of second lieutenant, United States Army, since January 1, 1898.

Year.	Military Academy.	Ranks.	Civil life.	Total.
Calendar:				
1898	52	27	204	283
1899	66	54	180	300
1900	49	66	19	134
1901	62	215	524	801
1902 (to June 30)	47	14	161	222
Fiscal:				
1903	83	44	50	177
1904	124	37	13	174
1905	111	24	20	155
1906	77	19	----------	96
1907	110	27	18	155
1908	108	15	29	152
1909 and to October 1 of fiscal year 1910	101	22	160	283
Total	990	564	a1,378	2,932

a Includes 615 appointed from United States Volunteers.

From these totals it will be seen that in the years covered there were appointed:

	Per cent.
From the Military Academy, 990, or	33.76
From the ranks, 564, or	19.24
From civil life, 1,378, or	47.00

Of the total number of officers now in the army, the percentages run as follows:

	Per cent.
From the Military Academy	43.36
From the ranks	12.97
From civil life	43.67

It will be seen, then, that the number of cadets under instruction is insufficient for the reasonable demands of the army, that there are ample accommodations for the proposed additional cadets now lying idle and unused, and that the increase provided for by the proposed legislation will involve less than 1 per cent of the annual cost of maintaining the academy.

The object of Congress in authorizing the very large expenditures made at West Point was undoubtedly to supply a larger number of officers to meet the demands of an increased army, and, now that the money has been expended, the obvious dictates of good business and economy would seem to demand that a larger proportion of the commissioned officers of the army be educated at the academy.

Attention is invited to the following favorable indorsement of this measure received from the Acting Secretary of War and the accompanying memorandum of the Chief of Staff of the Army, containing interesting and valuable information and figures upon the subject of the proposed legislation.

WAR DEPARTMENT,
Washington, January 5, 1910.

SIR: Referring to Senate bill No. 2325, the Sixty-first Congress, which was referred to this department for report and recommendation, I have the honor to recommend that the bill be amended by striking out all after the comma in line 4 and substituting therefor the words "his successor may be admitted to the academy, and the corps of cadets is hereby increased to meet this provision," so that the bill will read as follows:

"*Be it enacted, etc.,* That whenever any cadet shall have finished three years of his course at the United States Military Academy, his successor may be admitted to the academy, and the corps of cadets is hereby increased to meet this provision."

This change appears to be desirable for the reason that existing law authorizes the appointment of cadets one year in advance of the date of admission, and it is believed that the real purpose of the provisions of the bill should be more clearly stated.

I beg to invite attention to the inclosed memorandum of the Chief of Staff, in which I concur. The memorandum explains the purposes of the bill, and I am forwarding under separate cover a portfolio containing photographs illustrating the present progress of construction and enlargement at the Military Academy.

Very respectfully,
ROBERT SHAW OLIVER,
Acting Secretary of War.

CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

[Memorandum for the Acting Secretary of War.]

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,
Washington, January 4, 1910.

It is proposed to increase the number of cadets at the United States Military Academy by enacting into law the following:

"Whenever any cadet shall have finished three years of his course at the United States Military Academy, his successor may be admitted to the academy, and the corps of cadets is hereby increased to meet this provision."

If this provision is enacted into law it will increase the corps of cadets about 25 per cent, but will increase the cost of the Military Academy less than 1 per cent. The increase would be made without disturbing the present method of making appointments upon the recommendation of Senators and Members of Congress. Apointments would be made from States at large and congressional districts in accordance with existing law, but they would be made more frequently—every three years instead of every four years, as is now the case. As soon as a cadet reached the graduating class he would create a vacancy, and his successor would enter as a fourth class man. The three lower classes would contain as many cadets as are now contained in the whole corps. The size of the corps would, therefore, be increased theoretically 33 per cent, but practically only 25 per cent, because of the number who would fail in their entrance examinations and in their studies at the academy, rendering it impracticable to keep all the vacancies filled all the time. There would be no increase in the army due to this increase in cadets, but of the vacancies occurring in the army under existing law a greater proportion would be filed by graduated cadets and a lesser proportion by appointments direct from civil life.

In order to understand more fully the necessity for this legislation at this time, it may be well here to review a summary of the development and purposes of the Military Academy.

The United States Military Academy was established by an act of Congress approved March 12, 1802, a corps of 10 cadets being authorized. In 1808 the number of cadets was increased to 156 and in 1812 to 250. By the act of March 1, 1843, it was provided that there should be 1 cadet from each congressional district, 1 from each Territory, and 10 appointed at large by the President. This law remained in force for fifty-six years, and under it, due to the increase in the number of congressional districts, the authorized number of cadets grew from 257 in 1843 to 371 in 1899. On June 6, 1900, the law was amended to authorize 2 additional cadets from each State and 30 appointments at large by the President. Under this law (which has since been slightly modified) and due to an increase in the number of congressional districts, the authorized number of cadets is now 533.

By the act of June 28, 1902, Congress authorized an expenditure of $5,500,000—which has subsequently been increased to $7,500,000—for the purpose of increasing the Military Academy in accordance with a plan by which 750 cadets can be accommodated. The law, however, made no provision for increasing the number of cadets, and the purpose of the legislation now proposed is to authorize some of the additional cadets which can at this time be accommodated under that plan. The work of enlargement has progressed to the extent that 260 additional cadets can now be accommodated without crowding. The proposed legislation, however, will only add about half that number. This will be explained more in detail later. The figures heretofore mentioned with reference to the number of cadets have in each case been the authorized number and not the actual number. The actual number in each case has been very much less—in recent years about 20 per cent less. For example, in 1894, when the authorized number of cadets was 371, the actual number was 290; and at the present time, when the authorized number is 533, the actual number is 411. This shortage is due to the failure of candidates to report and to the failure of cadets in their examinations.

The purpose of the Military Academy, of course, is to furnish officers for the army. But of the 4,852 cadets who have graduated, about one-fourth have at one time or another in their careers gone into civil life and become most useful citizens.

President Finley, of the College of the City of New York, in a study of the value of collegiate education as a factor of success in life, gives a list of 18 leading universities and colleges and the percentage of their graduates who have met with "success," based upon data compiled from biographical dictionaries, etc. He places West Point at the head of the list, with a percentage of 5.9; the Naval Academy and Harvard are placed second, each with a percentage of 5.5. The West Point list includes 1 President, 3 presidential candidates, 2 vice-presidential candidates, 4 Cabinet officers, the president of the confederacy, 1 ambassador, 14 ministers, 24 United States Senators and Representatives, 16 governors of States, 17 mayors of cities, 14 judges, 21 bishops and clergymen, 46 presidents of colleges and universities, 87 presidents of railroads and corporations, 125 chief engineers and superintendents of railroads and public works, and many others.

The value of the Military Academy in furnishing officers for the American Army is so well known that it hardly seems necessary to dwell upon it here. With reference to the services of graduates in the Mexican war, General Scott, himself not a graduate, says:

"I give it my fixed opinion that but for our graduated cadets the war between the United States and Mexico might, and probably would, have lasted some four or five years, with, in its first half, more defeats than victories falling to our share; whereas in less than two campaigns we conquered a great country and a peace without the loss of a single battle or skirmish."

During the civil war every important battle was commanded on one side or the other by graduates of the Military Academy. When the war ended all the armies in the field were commanded on both sides by graduates, as were nearly all the corps, most of the divisions, and many of the brigades. In all, 11 per cent of all the graduates have risen to the grade of general officer.

The Military Academy has a world-wide reputation and is probably the best institution of its kind that has ever existed. Between the close of the Mexican war and the beginning of the civil war practically all officers of the army came from West Point. From the close of the civil war up to 1898 the great majority came from West Point, but since 1898 only a small proportion have come from West Point, and a great majority of officers commissioned in the army have come from civil life and from the ranks.

Between 1878 and 1898 the average number of appointments to the grade of second lieutenant was 87 per year, while the average number of West Point graduates was 55 per year. Between June 30, 1898, and June 30, 1907, the average number of appointments was 262 per year, while the average number of graduates was 90 per year. The total number of appointments during this latter period was 2,941, while the total number of graduated cadets was 985. Of the 2,941 appointments mentioned, 1,561 were to fill vacancies caused by legislation, and 1,380 were to fill vacancies caused by retirements, deaths, resignations, etc.

It is thus seen that during the past eleven years the number of graduated cadets has averaged 45 per year short of the number required to fill ordinary vacancies and 172 short of the number required to fill all vacancies, including those caused by legislation. Of the officers now in the army, 43.36 per cent are from West Point, 43.67 per cent are from civil life, and 12.97 per cent are from the ranks.

Some have always held that it is desirable to hold open a certain proportion of commissions in the army for the appointment of enlisted men and civilians, but it hardly seems likely that anyone should advocate running the Military Academy at half its normal capacity and at the same time commissioning more men direct from civil life than from West Point. Congress could never have intended such a thing, and, as a matter of fact, the legislation of 1902 and subsequent years authorizing an expenditure of $7,500,000 could have had no purpose if not to

increase the Military Academy to meet the demands of an increased army. In 1901 the army was increased from 25,000 to 80,000. West Point in order to supply the officers must be similarly increased, but not in the same proportion.

Though the navy has a much smaller commissioned personnel than the army, the Naval Academy has an authorized strength double that of West Point, and at this time has 754 cadets under instruction as against 411 at West Point.

Assuming, therefore, that it is the intention of Congress to provide a sufficient number of cadets to insure a reasonable return for the money invested—that is, the running of the institution at its normal capacity—the only question to consider is whether the work of enlargement has progressed to such an extent that the increase in cadets should be authorized at this time or should be postponed until a later date. It is believed to be of the greatest importance that the increase should be authorized during the present session of Congress. If the proposed bill is enacted into law, it will provide for the appointment of 88 additional cadets to enter the academy in March, 1911. These cadets would not graduate until June, 1915. In the meantime, under the provisions of the bill, a certain number of additional cadets would be appointed to the lower classes, so that by June, 1915, the corps would have been increased by about 125, the total number of cadets under instruction being increased from 411 to about 535.

Practically the only additional expense connected with the increase for the first year will be the pay and rations of the cadets—about $6,243 per year. Subsequently, no doubt, there will be a slight increase in the number of instructors, and other incidental expenses will occur, but the total cost by 1915 could not well be placed at more than from $10,000 to $20,000 per year—less than 1 per cent of the present cost of conducting the Military Academy. In other words, the output of the institution could be increased 25 per cent by an increase of 1 per cent in cost.

Without going into the details of the progress of enlargement, it may be stated in general terms that there are now ample accommodations for 130 additional cadets. There are vacant sleeping and messing accommodations for twice this number, but due to the fact that the new academic building has not yet been constructed, a certain number of rooms in the cadet barracks would probably have to be used temporarily for instruction purposes, as has been done in the past. The new cadet barracks, with a capacity of 312 cadets, without crowding, is occupied now by only 51 cadets. If the additional cadets are authorized, the average number of graduates will still be considerably short of the average number of vacancies occurring in the army, and a number of vacancies will still be open for the appointment of enlisted men and civilians.

Very respectfully,

J. F. BELL,
Major-General, General Staff, Chief of Staff.

Approved January 5, 1910.

ROBERT SHAW OLIVER,
Acting Secretary of War.

WALES ISLAND PACKING COMPANY.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. SMOOT. I ask that that bill go over, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

MONHEGAN ISLAND LIGHT-SHIP, MAINE.

The bill (S. 2955) to construct and place a light-ship near Monhegan Island, entrance to Penobscot Bay, Maine, was considered as in Committee of the Whole. It appropriates not exceeding $175,000 to construct and place near Monhegan Island, entrance to Penobscot Bay, Maine, a light-ship.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SILETZ INDIAN RESERVATION, OREG.

The bill (S. 539) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, was considered as in Committee of the Whole.

Mr. CULLOM. I ask from what committee that bill comes?

The PRESIDENT pro tempore. The bill is reported from the Committee on Indian Affairs with amendments.

The amendments reported by the Committee on Indian Affairs were, in section 2, page 2, line 7, after the word "shall," to strike out "offer for" and insert "reserve from;" and in line 9, after the word "reserved," to strike out "under such conditions as will, in his judgment, bring the best price obtainable without regard to the platting of such lands for town sites," so as to make the section read:

SEC. 2. That he is also authorized to cause the lands reserved for administrative purposes in connection with the affairs of the Siletz Indians and those reserved for educational and missionary purposes to be surveyed, platted, appraised without considering any improvements located thereon, and sold for town lots or for such other purposes as he may deem advisable: *Provided, however,* That he shall reserve from sale any water-power sites that may be located on the lands so reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE STATION, ELIZA ISLAND, WASHINGTON.

The bill (S. 4109) to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington, was considered as in Committee of the Whole. It proposes to appropriate $30,000 to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington, together with a suitable building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ONE HUNDRED AND TWO RIVER, MISSOURI.

The bill (H. R. 13438) to declare One hundred and two River in Missouri nonnavigable was considered as in Committee of the Whole. It declares that One hundred and two River south of the north boundary line of Andrew County, Mo., as now located, to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NODAWAY RIVER, MISSOURI.

The bill (H. R. 13439) to declare Nodaway River, in Missouri, nonnavigable was considered as in Committee of the Whole. It declares Nodaway River, in the counties of Andrew, Holt, and Nodaway, in the State of Missouri, to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BIG TARKIO RIVER, MISSOURI.

The bill (H. R. 13440) to declare the Big Tarkio River, in Holt and Atchison counties, Mo., nonnavigable was considered as in Committee of the Whole. It declares Big Tarkio River, in the counties of Holt and Atchison, in the State of Missouri, to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TELEPHONE SERVICE AT TWO RIVERS LIFE-SAVING STATION, WISCONSIN.

The bill (H. R. 16221) for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be established, at a cost not to exceed $1,000, telephone service from the Two Rivers life-saving station, at the city of Two Rivers, Wis., to the Twin River Point light-house, located at Twin River Point, Wisconsin.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROHIBITION OF INTOXICANTS TO INDIANS.

The bill (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," was announced as next in order, and the Secretary read the bill.

Mr. SMITH of Michigan. Mr. President, I notice the absence of the Senator from Minnesota [Mr. CLAPP], chairman of the Committee on Indian Affairs, and so I suggest that that bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

WILLIAM R. LITTLE.

The bill (S. 1324) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little or his heirs with the Sac and Fox Indians was announced as next in order, and the Secretary read the bill.

Mr. CARTER. Mr. President, will any Senator explain whether it is necessary to give this power or whether the power does not exist under the law at the present time? It is rather an unusual bill, and I suggest that it go over.

The PRESIDENT pro tempore. At the suggestion of the Senator from Montana, the bill will go over without prejudice.

E. C. MANSFIELD.

The bill (S. 3808) for the relief of E. C. Mansfield was considered as in Committee of the Whole. It directs the Postmaster-General to cause the accounts of E. C. Mansfield, postmaster at Boston, Mass., to be credited with $215.67, and that he cause this credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of that sum in postal funds stolen from the Back Bay station of the Boston post-office, it appearing that the loss was without fault or negligence on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS DEPOSITORIES.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. Under the arrangement already suggested by the Senator from Indiana [Mr. BEVERIDGE], the bill will go over without prejudice.

MISSISSIPPI RIVER BRIDGE, HILL CITY, MINN.

The bill (H. R. 11307) to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CURRENT RIVER BRIDGE, ARKANSAS.

The bill (H. R. 17743) to authorize Clay County, Ark., to construct a bridge across Current River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

The bill (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 8, after the word "River," to insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLACK RIVER BRIDGE, ARKANSAS.

The bill (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 8, after the word "River," to insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, ARKANSAS.

The bill (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River, at Augusta, Ark., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment, in line 8, after the word "River," to insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN IDAHO.

The bill (S. 11) to establish a fish-cultural station in the State of Idaho was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, FARGO, N. DAK.

The bill (S. 130) to establish a fish-culture station at the city of Fargo, in the State of North Dakota, was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries, with an amendment, in line 5, after the word "station," to strike out "at the city of Fargo," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-culture station in the State of North Dakota, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

Mr. McCUMBER. I hope the amendment will not be agreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment to the title so as to make it read:

A bill to establish a fish-cultural station in the State of North Dakota.

The amendment was rejected.

FISH-CULTURAL STATION IN NEBRASKA.

The bill (S. 219) to establish a fish-cultural station in the State of Nebraska was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Nebraska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN RHODE ISLAND.

The bill (S. 291) to establish a fish-cultural station in the State of Rhode Island was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station at a point in the State of Rhode Island to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN MINNESOTA.

The bill (S. 627) to establish a fish-cultural station in the State of Minnesota was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN GEORGIA.

The bill (S. 869) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia was considered as in Committee of the Whole. It proposes to appropriate $15,000 for the establishing of a fish-hatching and fish-cultural station for the hatching and propagation of shad at some suitable point to be selected by the Secretary of Commerce and Labor upon or near the seacoast in the State of Georgia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN DELAWARE.

The bill (S. 975) to establish a fish-cultural station in the State of Delaware was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN WYOMING.

The bill (S. 1039) to establish a fish-cultural station in the State of Wyoming was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Wyoming.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN KENTUCKY.

The bill (S. 1251) to establish a fish-cultural station in the State of Kentucky was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station at a point in the State of Kentucky to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARINE BIOLOGICAL STATION IN FLORIDA.

The bill (S. 1378) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with amendments.

The first amendment was, in section 1, page 1, line 3, after the word "the," to strike out "Commissioner of Fish and Fish-

eries" and insert "Secretary of Commerce and Labor;" in line 6, before the word "biological," to strike out "fish cultural and;" in the same line, after the word "on," to strike out "or near;" and in line 7, after the word "on," to strike out "or near," so as to read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized, empowered, and directed to establish a biological station on the Gulf of Mexico at a point on the coast of the State of Florida, to be selected by him in said State.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, after the word "the," to strike out "Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor," so as to make the section read:

SEC. 2. That the professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States shall be admitted to said station to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 14, before the word "thousand," to strike out "one hundred" and insert "fifty," so as to make the section read:

SEC. 3. That for the necessary surveys, erection of buildings and other structures, and for the proper equipment of said fish-cultural and biological station, the sum of $50,000, or so much as may be necessary, be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a marine biological station on the Gulf coast of the State of Florida."

FISH-CULTURAL STATION IN CONNECTICUT.

The bill (S. 2002) to establish a fish-cultural station in the State of Connecticut was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Connecticut.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 2545) to establish a fish-culture station in New Mexico was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-culture station in New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN UTAH.

The bill (S. 3246) to establish a fish-culture station in the State of Utah was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-culture station in the State of Utah.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN ALABAMA.

The bill (S. 3733) to establish a fish-cultural station in the State of Alabama was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Alabama.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC STATES MARINE-FISHERY INTERESTS.

The bill (S. 4461) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish, at some suitable point on the coast of the Pacific States, a station for the investigation of problems connected with the marine-fishery interests of that region, and for that purpose appropriates $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAROLE OF UNITED STATES PRISONERS.

Mr. BACON. Mr. President, there is an order which was passed over under objection, and which objection will be withdrawn, and I ask that the Senate may recur to the bill. It is the bill (S. 870) to parole United States prisoners, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has heretofore been read in full.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEVADA.

The bill (S. 4785) to establish a fish-cultural station in the State of Nevada was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Nevada.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NORTH CAROLINA.

The bill (S. 5198) to establish a fish-cultural station in the State of North Carolina was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of North Carolina.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA M. COLLINS.

The bill (S. 4781) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Ella M. Collins $821.08, to reimburse her for money expended for necessary clerical assistance and supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPEALS IN FORMA PAUPERIS.

The bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

Mr. OVERMAN. I hope the Senator will not object to the consideration of the bill. It has been thrashed out by the Judiciary Committee and is a very important matter.

Mr. KEAN. I think it is a very important matter, and therefore I should like to examine it.

Mr. OVERMAN. It merely allows a poor man to prosecute his appeal in the court of appeals. The law was so construed by the circuit court of appeals, but the Supreme Court of the United States overruled the circuit court of appeals. I move to take it up.

Mr. KEAN. As near as I can get at it—I have read it only hastily—it makes no provision for the payment.

Mr. OVERMAN. It is the old statute exactly as it is with only two or three words added.

Mr. KEAN. The trouble is with the two or three words added. I think the Senator ought to be satisfied with the passage to-day of the bill for a fish-cultural station in North Carolina.

Mr. BACON. Will the Senator permit me—informally, of course—before the objection is pressed, to make a statement? The law was passed by Congress to the effect that one unable to pay the costs of a suit should be allowed to prosecute his suit to conclusion by making that fact properly to appear. The evident intention of Congress was that it should relate to all the courts. But a case which had gone through the court of original jurisdiction afterwards went to the circuit court of appeals and then went to the Supreme Court of the United States, and the Supreme Court decided that the word "conclusion" used in that statute did not relate to the final conclusion of the suit in the court of ultimate resort, but that it meant simply the original court. There was the purpose, and the well-approved purpose of Congress to let a man who had a cause of action, but who was unable to pay the cost of the suit, to pursue his case in forma pauperis, and by the construction of the word "conclusion" by the Supreme Court that purpose of the law is defeated.

The sole purpose of this bill is to enlarge the law as it now stands upon the statute books as it has been construed by the Supreme Court, so that one who is unable to pay the costs of a suit shall not only be permitted to pursue it in the court where it originates, but also in the appellate courts. It simply gives

him the right to go into the appellate court in the same way that he now has the right to go into the original court. That is the sole scope of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I suggest that the statement in italics be reversed—that is, instead of proceeding in the absence of a certificate, require the certificate. That is more in conformity with the methods of legislation on such matters. Instead of making it a negative proposition, make it a positive one. The amendment reads:

Unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith.

A party who desires to sue as a pauper must, of course, proceed affirmatively. He must express his desire to do so and give the reasons for doing so. That is an affirmative proposition. That principle should be carried clear through the proceeding and not stop at a certain stage of it and say he may do these things unless the court says he shall not do them. I do not believe in negative legislation.

Mr. BACON. If the Senator will pardon me, if the condition was such as would be indicated by the closing words used by him, his contention would be correct. But it is not that he shall do certain things or shall not do certain things to which the court shall certify. It is simply this: If the court shall be satisfied that the litigant is not proceeding in good faith, the court can prevent his proceeding in forma pauperis by saying "I do not believe this litigant is proceeding in good faith."

The Senator will recognize that in a very large majority of the cases, probably 999 out of 1,000, suits are instituted in good faith, in the effort to obtain what the plaintiffs consider to be their just dues; and very much less difficulty will be presented if it is only in a case where a judge shall certify that a litigant is proceeding in bad faith that he shall arrest it by that certificate rather than that the judge shall be called upon each time to say, "I believe this litigant is proceeding in good faith."

I will say to the Senator that the exact question he has raised was before the Judiciary Committee, and the Judiciary Committee, upon consideration, thought it better that it should be put in the negative.

Mr. HEYBURN. I will ask the Senator from Georgia, Does not this put the burden upon some one to prevent any man from proceeding as a pauper?

Mr. BACON. It does not put any burden, but here is the judge who heard the case——

Mr. HEYBURN. Could not anyone proceed in that way until, if I may use the term, he was headed off by some objection?

Mr. BACON. No. The judge is the officer who hears the case. He knows all about it. He is the judge to whom at last goes for his approval the record which is to go to the appellate court, and he is in a position not only by knowledge, but by opportunity to arrest it if it is a case where the party is not proceeding in good faith.

Mr. HEYBURN. Should not the judge pass upon it in the first instance? Now, a party desiring so to proceed must set forth the facts and ask the court for the privilege.

Mr. BACON. He will have to do that under the law. He has to make that appear.

Mr. HEYBURN. Well?

Mr. BACON. Now, when he fails to arrest it with a statement that he does not think the litigant is proceeding in good faith, it is an acquiescence in the assumption that he is proceeding in good faith.

Mr. HEYBURN. That would be all right perhaps if this were confined to the appellate proceedings, but as appears on the first page it would seem to relate back to the original proceeding. I think the law should be that a party coming into court——

Mr. BACON. That is the law now.

Mr. HEYBURN. I understand that. I have had to do quite recently with the consideration of it. The party, before he is recognized as a pauper, because every presumption is against him, should make that known to the court and then be permitted by the court to proceed as a pauper. Now, why should not that order run clear through the proceeding?

Mr. BACON. I will make this suggestion to the Senator. When a judge has heard a case and it is about to be carried to an appellate court, he is in possession of all the facts. He has seen the litigants, possibly; certainly so in a large majority of instances. He is in a position to judge whether it is a case proceeding captiously, or viciously, or with prejudice, or from any other improper motive, or whether the litigant is proceeding in good faith.

But when the case is first brought—in many such cases a deposit, as the Senator knows, is required—it is impossible for a judge to make a certificate one way or the other, because he has not the familiarity with the case which would enable him to say whether or not the litigant is proceeding in good faith or in bad faith. The law now on the statute book authorizes the litigant to proceed in the original court, and the suggestion the Senator makes does not go to the amendment proposed by this bill, but goes to the law as it now stands upon the book.

I think the statement I have made shows that it would be impracticable to require a judge, before a litigant may proceed in the original court and before he has heard the case, to certify whether or not, in his opinion, the litigant is proceeding in good faith. But he can do that with propriety and with convenience and with reasonable impartiality after he has heard the case.

Mr. HEYBURN. Yes. The existing law is quite sufficient, so far as I have had occasion to observe it, and the thing which attracted my attention particularly was that the negative proposition applies to a part of the proceeding and the affirmative to a part. Of course a man must affirmatively show that he is in this position before he can proceed at all. Now, then, he has proceeded to the stage of an appeal. Why should not the same rule apply when he files his petition for an appeal or the necessary writ, that it be accompanied with an affidavit?

Mr. BACON. He does.

Mr. HEYBURN. Yes; but this does not require him to do that. In other words, it provides that he may, under the first showing, go along to the court of last resort unless some order is made that prevents him from doing it. It is rather an unusual method of legislating.

Mr. OVERMAN. Mr. President, all the proceedings as to being a pauper have been certified, and he is now suing as a pauper in the lower court by reason of the order made by the court upon the affidavits and the proceedings below. Therefore this whole question has been passed upon before, and if the appeal is not in good faith, the judge can dismiss it. But if the bona fides are there, the appeal is taken or the writ of error prosecuted in forma pauperis.

Mr. HEYBURN. Yes; our statute is complete. I have before me the existing law authorizing him to do so. I was not aware that any necessity had arisen for further legislation upon it, because under existing law it is always within the power of the court by an order to allow him to proceed.

Mr. OVERMAN. In a case in the One hundred and ninety-fifth United States Reports this act was construed. The circuit court had construed it as the Senator has construed it, but the Supreme Court overruled the circuit court, holding that the provision only applied to the trial court and did not extend to the circuit court of appeals.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. If I may be permitted to make just a suggestion, was not that prior to the existing law of 1892?

Mr. OVERMAN. No. A case reported in One hundred and ninety-fifth United States was carried up under this statute.

Mr. HEYBURN. One hundred and ninety-fifth United States. It was just about that time. I have it not before me. I do not know the date of it. However, I think the matter had better go over for a day. I will look into it. It is one of those measures which is not pressing.

Mr. CLARKE of Arkansas. Mr. President, before the matter goes over I desire to say there is not any answer to what the Senator from Idaho [Mr. HEYBURN] has said about it. It is very proper that a person should be permitted, as a pauper, to prosecute, in the first instance, a meritorious cause of action in the absence of a statement of the evidence upon which the cause is based. But after the case has been tried and all of its features are understood, and he then seeks to prosecute an appeal in a litigation, unsuccessful up to that point, it would be most extraordinary to expect the trial judge to give an affirmative certificate that the whole litigation was without merit. I think the record should be submitted to somebody, to the trial judge, or one of the judges of the appellate court, for a determination of the question whether such errors were made or were probably made as to make it an act of proper grace on the part of the Government to permit an appeal. Otherwise the party may go to the appellate tribunal at any time within the period prescribed by the law, as a matter of course, and it would be an unusual judge, one not to be ordinarily found, who would interpose an objection, with a written statement that any particular appeal from his court was prosecuted in bad faith.

It reverses the order; and I think the original suggestion made by the Senator from Idaho ought to be incorporated in this bill. It will cover every meritorious case that can by any possibility arise. At that stage of the case it is eminently

proper that somebody disinterested should pass upon the record to know whether the costs incident to an appeal to one of the appellate courts of the United States should be incurred. It involves a very considerable printing bill; the clerks are allowed very considerable costs, and they deduct their costs from the amount paid by other litigants. So it is practically a donation by the United States Government of the expense of the appeal wholly upon the initiative of an unsuccessful litigant and his lawyer.

There is no use overlooking the fact that many cases presented in forma pauperis are gotten up by ambulance-chasing lawyers, whose business it is to trump up personal-injury cases against corporations. They are decided adversely by the nisi prius court, and there is an appeal. It is the easiest thing in the world to keep that state of uncertainty going for several years by perfecting an appeal, when it is done at the expense of the United States, wholly without regard to the fact whether or not there is any merit in the appeal.

My own judgment, based on an observation of some years, is that the Government has done much for the litigant when it says that if he shall prepare a record and present it to a judge—either to the judge who tried the case or some other—(and I would select one convenient to approach) and if in the judgment of the judge, upon an examination of the record, such errors were reserved as might result in the reversal of the verdict below, the case may proceed in this manner. But this bill reverses the proper order of procedure, in my humble judgment, because it permits an appeal to be docketed and proceeded with—because once it gets upon the docket the court must go through with it—which, upon an examination, may turn out to be wholly unnecessary, and that, too, at the expense of the General Government. That is a degree of liberality which I do not think the due administration of justice calls for.

I believe where a meritorious cause of action exists in the judgment of some disinterested person upon a casual inspection, resolving all doubts in favor of an appeal, it would not be a misuse of discretion to say that such case might be docketed and proceed to trial. But to open the door and say that every litigation that proves unsuccessful should be carried to the court of appeals or the Supreme Court of the United States as a matter of course and at the expense of the National Government is carrying the matter a little too far.

Mr. HEYBURN. Mr. President, I would supplement the remarks of the Senator by calling attention to the fact that the appealing party would have rather an impaired standing in the appellate court after the trial judge had certified that the appeal was not taken in good faith.

Mr. CLARKE of Arkansas. He would never get that certificate.

Mr. HEYBURN. He ought not to get a certificate where the right of appeal lies. If the right of appeal lies it should be an unimpaired right of appeal that would allow the party to go to the appellate court without an adverse expression on the part of the judge who tried the case.

Another thing. The existing law provides that the United States shall not be liable for any of the costs incurred in that trial. That is the existing law. I think under the circumstances the least we can ask is that the bill may go over. It ought to be considered in the light of these suggestions.

Mr. CLARKE of Arkansas. I do not object to its fullest consideration.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. OVERMAN. I have no objection to the bill going over until to-morrow, of course, if the Senator from Idaho wants to look into it.

Mr. HEYBURN. Let it go over.

Mr. OVERMAN. I am satisfied the Senator will agree to the bill when he reads the case of Harvey *v.* The Railroad in One hundred and ninety-fifth United States.

The PRESIDENT pro tempore. The bill goes over without prejudice.

FISH-CULTURAL STATION IN COLORADO.

The bill (S. 4197) to establish a fish-cultural station in the State of Colorado was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish a fish-cultural station in the State of Colorado, at a suitable place to be selected by him, and appropriates $20,000 for the purchase of site, construction of buildings and ponds, and equipment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPRAISER OF MERCHANDISE, DISTRICT OF PUGET SOUND.

The bill (S. 4464) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, was considered as in Committee of the Whole. It provides that there shall be in the customs collection district of Puget Sound, State of Washington, an appraiser of merchandise, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of $4,000 per annum.

The bill was reported to the Senate without amendment.

Mr. SMOOT. Mr. President, since the bill was reported from the Finance Committee I find that the compensation paid the appraisers at the ports of Chicago, Ill.; Baltimore, Md.; New Orleans, La.; Portland, Me.; St. Louis, Mo.; and Buffalo, N. Y., is $3,000 per annum.

I move to amend the bill in line 7 by striking out "four" and inserting "three," so that it will read "and with compensation at the rate of $3,000 per annum."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WILLIAM H. MILLER.

The bill (S. 1105) for the relief of the legal representatives of William H. Miller, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

MARCELLUS TROXELL.

The bill (S. 115) for the relief of Marcellus Troxell was read.

Mr. BURKETT. Mr. President, I should like to ask some member of the committee a question. I do not want to object to this bill. I see that it comes from the Committee on Interoceanic Canals, and I should like to ask some member of the committee what, by this legislation, we are going to establish?

The PRESIDENT pro tempore. The Committee on Interoceanic Canals was discharged from the further consideration of the bill, and it was referred to the Committee on Claims, from which committee it was reported with an amendment.

Mr. BURKETT. Yes; I see that the Committee on Interoceanic Canals was discharged. I thought it should have come from the Committee on Claims.

It seems to me if we start this method of adjusting these claims it is liable to lead to a great many such bills and to a rather laborious undertaking on our part. I am not objecting to the bill on the merits, for I certainly have not given it time to know anything about it, and therefore I would not doubt the merits of it or even question the amount proposed to be appropriated, but by passing this bill it seems to me we will establish a precedent for adjusting such claims in this particular way, and with the great number of people who are employed there and the great number of accidents that must occur, it will certainly bring before Congress a great flood of this sort of legislation.

I make the inquiry because it occurred to me that there ought to be some way established, I presume by general legislation, by which such claimants can have their claims adjusted. I should like to have the committee make some sort of a statement as to whether they expect to let the claims always go through in this way or whether they have in view some other system of settling the claims.

I realize, of course, that under the law we passed a year or so ago one who is injured is entitled to a year's pay. That might, perhaps, cut out a good many claims. I understand that this accident occurred before that law was in operation. But in any event, to start out in this way, it seems to me, will open up a great amount of similar legislation that will take a great deal of time and attention.

I doubt also whether this is the best way to settle these claims. I am clearly certain that it is not. It seems to me that a congressional committee can not very well turn itself into a court to take up the question of evidence, the question of liability, determine the amount that should be paid, and all that sort of thing. It seems to me that there ought to be some more general way provided for a determination by a court.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BURKETT. I will not object. I wish to withhold the objection until the Senator reporting the bill can make some sort of an explanation.

There being no objection, the bill was considered as in Committee of the Whole. The amendment of the Committee on

Claims was, in line 7, before the word "dollars," to strike out "twenty thousand" and insert "two thousand five hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Marcellus Troxell, of Sutton, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $2,500, to compensate him for injuries received while in the employ of the Government on the Panama Canal.

Mr. CRAWFORD. Mr. President, this is a bill to recompense an employee on the Isthmus of Panama who was injured by a freight train, which ran over his left leg and made amputation necessary. It occurred before the general law went into effect, which allowed to all injured employees one year's salary as compensation for an injury sustained.

Only a half hour ago the Senate, without a single objection, unanimously passed a bill in favor of the widow of a deceased employee on the Isthmus, who is to receive $5,000 as compensation for the injuries sustained.

The injury was received by this man a short time before the general law went into effect giving all employees sustaining injuries on the Isthmus one year's compensation. The proposed legislation is just, because the man who was injured has, in morals and justice and right, the same claim upon the Government to be compensated for the loss of his leg as other employees who come in and get similar compensation by virtue of the subsequent enactment. I do not see upon what ground the Government of the United States can discriminate against injured employees in justice and equity who received the injuries before the passage of the act.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. CRAWFORD. Certainly.

Mr. SMOOT. The Senator is mistaken, I think, in saying that we passed a bill to-day appropriating $5,000 in such a case. I do not think we have a right to do that.

Mr. CRAWFORD. Yes; half an hour ago the bill for the relief of Mrs. Martin was passed.

Mr. SMOOT. Then that was done while I was out of the Senate.

Mr. CRAWFORD. The bill had been reported by the Senator from Arkansas [Mr. DAVIS].

Mr. GAMBLE. Mr. President, I recall legislation had on a similar proposition about a year ago. A bill was introduced by the then senior Senator from Iowa, Mr. Allison, to compensate for a severe injury to a citizen of Iowa who was then employed in the Canal Zone. The person was disabled for life, as I recall the case, and an appropriation of $10,000 was made. That was before the enactment of the general law. So this is following the precedent already established. I recall that the name was Banton, and I think he was a resident of Cedar Rapids, or some place in the central part of Iowa. This I remember for the reason that he has a brother living in my home town, who spoke to me concerning the legislation.

Mr. SMOOT. The Martin bill was passed when I was out of the Chamber. The Senator from South Dakota was correct in saying that it had passed.

Mr. CRAWFORD. Does not the Senator understand that the Martin bill was passed?

Mr. SMOOT. I so understand it now. The Senator from Kansas [Mr. CURTIS] tells me it did pass. However, I think this bill is entirely different from the Martin bill, and if I had been in the Senate at the time I certainly would have objected to the passage of the Martin bill.

This bill is following out the rule that has been adopted in the past in allowing claims similar in character, where it was no fault of the man himself, and where, if it had happened in ordinary life when a corporation was employing the man, they would have been responsible, and no doubt he would have collected this amount of money. The committee, taking that into consideration, allowed a favorable report upon the bill, but the Martin bill is of an entirely different character, and I can state that if I had been here I certainly would have objected to its passage.

Mr. CRAWFORD. I may state to the Senate, as a short recital of fact, that this man was in charge of a gang in the canal who were blasting, and while he was engaged in the performance of his duties as an employee of the Government, without any negligence whatever on his part, a freight train loaded with freight backed down the track, when he was caught in the space between the dredging engine and train. He was thrown under the wheels and the entire train ran over the poor man's left leg, crushing it until it was practically severed from his body. In addition to that, he received very severe bruises and wounds upon his head and back and shoulder, and sustained a nervous and mental shock from which he has never recovered. The permanent injury he has sustained has not been simply the loss of his good left leg, but a nervous and mental shock which permanently unfits the poor fellow from supporting himself.

His home is over here at Sutton, W. Va. He has an old mother, 80 years of age, dependent upon him. All they have in the world is a little home there in her name, in which they reside, and a part of which they rent at an income of $10 a month.

Soon after this man received his injuries, out of a spirit of justice and fairness to the thousands of American employees who have gone down on the Isthmus to help in this great work, Congress passed a law providing that all employees after receiving an injury shall receive one year's salary as compensation. But this poor fellow gets no benefit whatever of the act. It was enacted after he received his injury. It seems to me that it is very narrow and very penurious on the part of this great Government, when inviting employees down there to carry on that work, to question so small and reasonable a claim as this is.

The committee allowed him, by a unanimous report, $2,500 for the loss of the leg and the permanent injury which he has received, and I hope there will be no question raised about the granting of the relief under the circumstances.

Mr. BURKETT. Mr. President, the Senator may have misunderstood my inquiry. Of course there are two exceptions in this case. One is that it happened before the general law was enacted, and I will not undertake to gainsay the justness of that law. I helped pass it. I think certainly the Government ought to put itself in a position with these employees at least equal to the liability of private concerns. But that law provides that a person injured in the service shall draw a year's salary. Of course, this happened before that law went into effect, and therefore necessitates special legislation; but the point that attracted my attention particularly and on which I wanted some explanation was that this bill grants a thousand dollars more than the year's salary would have been.

I am not questioning the propriety of a bill to reimburse the man because, perhaps, it was his injuries and others that suggested the enactment of the general legislation; but if we are going to take up a special case and make the amount larger than the general law provides for, why should we not then, in justice, take up each of these other claims as they come along and add an additional amount to what the general law would give? If you pass this special law and give more than the general law provides, are you not inviting all those who may have been injured not to accept payment under the general law, but to come to Congress with a special bill, and in that case are you not opening up a vast amount of legislation? If the amount provided is not sufficient in certain cases—cases like this, where there has been serious injury—would it not be better, if we are going beyond the limit of the law, to provide some general system whereby the claimants can get their rights adjusted?

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Under the rule no Senator can speak more than once nor over five minutes.

Mr. CRAWFORD. Very well. The Senator from Nebraska asked for an explanation.

The PRESIDENT pro tempore. The Chair hears no objection to the Senator proceeding.

Mr. CRAWFORD. I wish to say just a word with reference to the report of the committee which allows this man a thousand dollars more than his salary would have amounted to. The action of the committee was based, not upon the subsequent statute, under which of course all employees injured since that time would come, but it was based upon what seemed to be due the man as a matter of justice and equity. He was getting $125 a month. His salary for one year would be $1,500. The evidence submitted with his claim is very convincing in its character, coming from physicians and acquaintances of a lifetime, who went into the details and showed that since his injury he has incurred expenses week after week and year after year because of his condition. The nervous and mental shock that made him a wreck, trouble with his leg, and the condition in which he finds himself have made it necessary for him to incur quite a bit of expense since he returned from the Isthmus; and as long as we were simply undertaking, in a measure, to do what seemed to be justice to this man, we did not feel bound technically and narrowly by a subsequent statute, and as something of a compensation for the expenses he incurred for surgeons and physicians since his return we allowed him the additional $1,000. I believe that it is right and just to him that we should do this as long as we are legislating for his benefit.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. B. GRAHAM.

The bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, was considered as in Committee of the Whole. It proposes to pay to W. B. Graham, late postmaster at Ely, Nev., $3,335, to reimburse him for money expended for necessary clerical assistance.

Mr. BRISTOW. I should like to inquire what are the reasons for this reimbursement?

Mr. NIXON. Mr. President, the reasons for the passage of this bill, I think, are covered by the report which accompanies the bill. A similar measure to this was passed by the Senate at the last session of Congress under the recommendation of the Post-Office Department, but failed to pass the other House. Another bill was introduced at this session covering the same point. I should like to have the Secretary read the report accompanying the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BURROWS on February 3, 1910, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

A similar bill (S. 6682) was reported favorably from the Committee on Post-Offices and Post-Roads during the first session of the Sixtieth Congress, and the report made thereon is herewith made a part of the report on S. 4778.

[Senate Report No. 649, Sixtieth Congress, first session.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 7, 1908.

MY DEAR SIR: In reply to your letter of the 22d ultimo, relative to the merits of Senate bill 6682, "to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance," I beg to inform you that in view of the fact that Mr. Graham was forced to pay the amount claimed from his personal funds in excess of the amount allowed by the department, and the further fact that the department could not give him an increased allowance on account of the exhausted condition of the appropriation for unusual conditions, it is believed that this case is meritorious.

Very truly, yours,
C. P. GRANDFIELD,
Acting Postmaster-General.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

Mr. BRISTOW. Mr. President, what I wanted to find out was for what this expense was incurred, why there was an exhaustion of the fund, and why did this postmaster need $3,000 more than he was entitled to under the laws or under the appropriation?

Mr. NIXON. If the Senator will allow me, Mr. President, I will state that this occurred during the excitement at the mining camp of Ely some two or three years ago, when that camp grew from a small place to a city of several thousand people. In the meantime the postmaster was unable to secure the clerical assistance with the allowance which had been given him by the Post-Office Department, and he hired the extra clerical help and paid them out of his own pocket. I can say that I am personally acquainted with the facts in this case, and that if there ever was a just claim this is one. I trust the Senator from Kansas will not make any objection to it.

Mr. BRISTOW. Mr. President, the criticism which I would pass is not so much on the merits of the claim as applied to the individual who received the money, but Congress every year appropriates so much money for just such cases. When the Post-Office Department sends in a claim here for $3,000 it means an increase in that appropriation. If the appropriation which is allowed for these extraordinary conditions had been used, then this claim would not have been necessary. Why is it that this was not paid from the fund that is provided for that purpose instead of being sent in here as an additional and extraordinary appropriation?

Mr. NIXON. At that time, Mr. President, the appropriation for extraordinary expenses had not yet been allowed.

Mr. BRISTOW. But, Mr. President, it is allowed whenever there is an appropriation made. There is an appropriation made for that purpose every year, and the Post-Office Department has the discretionary power to appropriate that money to meet such expenditures. For a claim of this kind to come in means an increase in that appropriation, because the department has got the money, or ought to have it, to meet just such claims.

Mr. NIXON. As I understand it, under the law the Post-Office Department is only allowed to pay a certain rate of wages for employees; and in the mining camp of Ely no one was allowed to work for under $4 a day. The postmaster had to pay this in excess of what the Post-Office Department allowed him to pay for clerical help. The same conditions exactly existed in southern Nevada, at Goldfield, at Tonopah, and at Rhyolite. Claims of this same kind have been allowed by this body. They are entirely just. In this case it was a question of either entirely closing up the post-office or securing employees at a higher rate of wages.

Mr. KEAN. Let me ask the Senator from Nevada a question. Was it not the case at both Goldfield and Ely that the offices were fourth-class post-offices, and therefore the Government could not make the allowances? Then, there came an inrush of miners and others, which increased the receipts of those offices before they were changed from fourth-class to third-class post-offices. Therefore no extra allowance could be made between those times.

Mr. NIXON. That is very true.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BRISTOW. Mr. President, I shall have to ask that the bill go over. I shall be glad if the Senator from Nevada [Mr. NIXON] will get a detailed statement as to the amount of money which was allowed this post-office by the Post-Office Department for extra clerical help, and why it was that it was necessary to send here this kind of a claim, for that is what it is. It is an increase in their appropriation, and should have been brought in as a deficiency.

The PRESIDENT pro tempore. The bill goes over without prejudice.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18006) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, line 20, after the words "rate of," to strike out "16" and insert "12," so as to make the clause read:

The name of Thad Parrish, late of Company K, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to strike out:

The name of John D. Smith, late first-class machinist, U. S. S. Buffalo, United States Navy, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "Infantry," to insert "and pay him a pension at the rate of $12 per month," so as to make the clause read:

The name of Eugene Bourassa, late of Company A, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 8, after the name "Spain," to insert "and pay him a pension at the rate of $12 per month," so as to make the clause read:

The name of Charles F. Brown, late of Company H, Second Regiment United State Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 16, after the words "rate of," to strike out "twenty-five" and insert "sixteen," so as to make the clause read:

The name of Claudia D. Blakeman, widow of Robert S. Blakeman, late passed assistant surgeon, United States Navy, and pay her a pension at the rate of $16 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16311) granting pensions and increase of

pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, line 5, after the words "rate of," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of William H. H. Yakey, late of Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to strike out:

The name of Henry A. Cook, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 19, after the words "rate of," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of Benjamin C. Barnes, late of Company B, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 7, after the word "rate of," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Robert W. McStraw, late of Company I, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 9, after the words "rate of," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of John R. Brambley, late of Company A, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. McCUMBER. I ask the Senate to disagree to that amendment. Evidence which has been furnished since the report was made satisfies the Committee on Pensions that the reduction should not be made.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 45, after line 3, to strike out:

The name of William O. Marvin, late of U. S. S. North Carolina and Vanderbilt, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 48, line 20, after the word "receiving," to strike out "said pension to commence from February 18, 1909," so as to make the clause read:

The name of Henry B. Fenton, late of Company B, Seventy-seventh Regiment Indiana Volunteer Infantry, and U. S. S. Grampus, General Bragg, and Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

CONFEDERATE VETERANS' REUNION AT MOBILE, ALA.

The joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910, was announced as next in order on the calendar.

Mr. HEYBURN. Mr. President, let that go over under Rule IX.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of the joint resolution.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the joint resolution just laid before the Senate, notwithstanding the objection. The question is on that motion.

Mr. KEAN. Mr. President, it is evident that the Senate is very thin this afternoon.

Mr. BAILEY. The Senate will dispose of this or it will not dispose of anything else this afternoon.

Mr. BANKHEAD. Mr. President, I should like to make a short statement in connection with this joint resolution, if it be in order. This joint resolution, Mr. President——

Mr. HEYBURN. Mr. President, I rise to a point of order. A motion to proceed to the consideration of a measure is not debatable, I think, under the rule.

Mr. BANKHEAD. Does the Senator move to proceed to the consideration of executive business?

Mr. HEYBURN. No. I understand the motion of the Senator from Alabama is that the Senate proceed with the consideration of the joint resolution.

Mr. BANKHEAD. Yes; and that motion takes precedence.

Mr. HEYBURN. I have not interposed any other motion. I have merely raised the question that the motion of the Senator from Alabama is not debatable.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BANKHEAD. Then I will not debate it.

Mr. BAILEY. Let us have the yeas and nays on the motion, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the joint resolution just read, notwithstanding the objection. On that motion the Senator from Texas [Mr. BAILEY] demands the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. I ask for the reading of the joint resolution.

Mr. BANKHEAD. Would it not now be in order to read the joint resolution before the vote is taken? I call for the reading of the joint resolution.

The PRESIDENT pro tempore. The Senator demands the reading of the joint resolution?

Mr. BANKHEAD. Yes.

The PRESIDENT pro tempore. Without objection, the joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Senate joint resolution 63.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the executive committee, Confederate Veterans' Reunion, to be held at Mobile, Ala., April 26, 27, and 28, 1910, 500 wall tents, with poles, ridges, and pins for each; 250 saddles, 250 bridles: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said reunion as may be agreed upon by the Secretary of War and Jacob D. Bloch, general chairman of said executive committee; *And provided further*, That the Secretary of War shall, before delivering such property, take from Jacob D. Bloch a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. BANKHEAD. Mr. President, there is an amendment reported by the Committee on Military Affairs that I should like to have read.

The PRESIDENT pro tempore. The committee amendment will be stated.

The SECRETARY. On page 1, line 7, after the date "1910," it is proposed to strike out ".500 wall tents, with poles, ridges, and pins for each; 250 saddles; 250 bridles," and insert "such tents, with necessary poles, ridges, and pins, as may be required at said reunion."

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] to proceed to the consideration of the joint resolution, notwithstanding the objection. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. If he were present, I should vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], who was called from the Chamber a short time since. With his consent, however, I will vote. I vote "yea."

The roll call was concluded.

Mr. CLAY. I inquire if the senior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair is informed that he has not voted.

Mr. CLAY. I have a pair with that Senator, but I will transfer it to the senior Senator from Oklahoma [Mr. OWEN], and vote. I vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Minnesota [Mr. CLAPP] is paired with the Senator from North Carolina [Mr. SIMMONS], and that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from Connecticut [Mr. BRANDEGEE].

The result was announced—yeas 53, nays 0, as follows:

YEAS—53.

Bacon	Burnham	Dolliver	Hughes
Bailey	Chamberlain	du Pont	Johnston
Bankhead	Clarke, Ark.	Fletcher	Jones
Borah	Clay	Flint	La Follette
Bourne	Crawford	Foster	McCumber
Briggs	Curtis	Frazier	McEnery
Bristow	Davis	Frye	Martin
Brown	Depew	Gamble	Money
Burkett	Dillingham	Gordon	Newlands

Oliver	Rayner	Smith, S. C.	Warner
Overman	Richardson	Smoot	Warren
Page	Root	Stephenson	
Piles	Shively	Stone	
Purcell	Smith, Mich.	Tillman	

NOT VOTING—39.

Aldrich	Crane	Guggenheim	Penrose
Beveridge	Culberson	Hale	Perkins
Bradley	Cullom	Heyburn	Scott
Brandegee	Cummins	Kean	Simmons
Bulkeley	Daniel	Lodge	Smith, Md.
Burrows	Dick	Lorimer	Sutherland
Burton	Dixon	Nelson	Taliaferro
Carter	Elkins	Nixon	Taylor
Clapp	Gallinger	Owen	Wetmore
Clark, Wyo.	Gore	Paynter	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Military Affairs, which has been stated.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is before the Senate, as in Committee of the Whole, and open to amendment. If there be no further amendment, the joint resolution will be reported to the Senate.

Mr. HEYBURN. Mr. President, it is undoubtedly the pleasure of the Senate at the present time to proceed to the consideration of this joint resolution. I did not vote against the motion to proceed to its consideration, and I shall not weary the Senate with a long discussion of the reasons why I shall vote against the joint resolution. I want to say at this time that what I shall say with regard to this joint resolution, or while considering it, will be said in good temper, spoken to friends, on a conscientious principle that is not the creature of a day.

There are some questions upon which all men may have a candid, fair, tolerant, and honest difference of opinion. There are some questions that are at all times open to differing opinions and differing conclusions. There are some questions upon which conclusions have been reached that are binding upon all men under the law and in conscience.

This joint resolution refers in terms to the confederate veterans' reunion to be held at Mobile, Ala., upon three days which are specified, and proposes that the Government of the United States in recognition of that celebration shall loan to those engaged in it the property of the United States in order to carry out the purpose of the celebration. I trust I will not be charged with bad faith in saying that I have inquired this day of a Senator who is interested in the passage of this joint resolution whether or not upon that occasion, under the protection of the Government of the United States, the men engaged in this celebration would wear the rebel uniform. I propounded that question to him to-day, and he answered me in the affirmative. I asked him whether or not they would carry over this property of the Government of the United States the rebel flag, and he said "We always carry both flags." The Senator is present, and I violate no confidence when I make this statement, because he knew at the time why I made the inquiry.

I would be the last man in this body who would wantonly reopen wounds of that war. They were ghastly enough, God knows, in that hour, to appall men on either side of it, and I would not reopen them. I carry in my heart no rancor against the men who fought in the ranks in that war. But I carry in my heart and in my mind a pity for the mistakes of men. All men are prone to make mistakes. It has always been so, and, in my judgment, it will always be so. But when men make mistakes, and especially mistakes so grave in their nature and far-reaching in their results, they should be the parties to keep them in the background, rather than to bring them out for investigation or review.

I was asked, "Do you not loan these articles to the Grand Army of the Republic?" Yes, thank God, we do, because they fought on the side of the Government of the United States, and their cause was a glorious and an honorable one. I speak with all kindness, but with all candor. I have received here ill-tempered, scurrilous squibs from many papers and many pens, because I have dared to have a patriotic opinion and have dared to express it. They have in no measure modified my views as to the right and the wrong of this question. Join with us in letting the issues of that day fade out from consideration, if possible, I would say, from the memory of mankind. I detract nothing from the individual valor of the men who fought against the Union. The record of the great battles of the war attest in letters of blood that the Americans are brave people and know how to fight. But when they divide within their own household, one or the other side must be mistaken. Sometimes the mistake is determined by the courts, sometimes it is determined by the votes of the people. On this occasion only it was determined upon the battlefield.

And do you expect that those whose affiliations and whose support were with the Union will sit idly or silently by and see these questions brought up in this responsible field of action and say nothing? Are men less patriotic to-day than they were in 1862 and 1863 and 1864? Is patriotism a subject of jest in this age? If it is, the sooner we know it the better.

I presume to say to those who are supporting this measure you should not, in the interest of good feeling, support it or any measure like it. Do you not believe that the spirit of patriotism and loyalty to the flag still exists? Believing it, do you suppose that men will stand by and see the Government of the United States made the instrument for the vesting of honorable position upon those who made the mistake? Brave men make mistakes. Because men make mistakes they are not cowards. They are not to be despised because they make mistakes. But the man who makes the mistake must not claim the same credit as the man who did not make it.

I refrain from drawing the comparison which arises in my mind between the spirit which actuated the men in the ranks of the South and that which actuated the men in the ranks which opposed them, because they, too, many of them, were of the South, and I demand the right here to speak without either feeling or incurring rancor. It is my right, just as it is the right of every other man, to speak his mind and his conscience. There is no personal equation at all in this matter with me. I speak for a principle that is as dear to me as any you can entertain which is dear to you, and I stand just as ready to back that principle with the responsibility of manhood as any man dares to stand for a principle he espouses. Let us be candid with each other. You are too brave to admire a man who is afraid to stand up and speak for his principles, whether you agree with him or not. The shirking of these issues leads to wider differences and more disastrous conditions. I would not dream of standing here and bringing up the scenes of the war and thrashing them over for the purpose of creating a feeling of rancor in the bosom of any man.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. HEYBURN. For a question.

Mr. DAVIS. I should like to ask whether the Senator from Idaho was in the war?

Mr. HEYBURN. I did not catch all of the question. I understood the Senator to say he would like to ask me——

Mr. DAVIS. If you were in the war.

Mr. HEYBURN. O Mr. President, that is the stock question of the cheap reporter. It has been rung incessantly. I have had clippings from papers in the Senator's State just along those lines. I will answer it.

Mr. DAVIS rose.

Mr. HEYBURN. I will answer it right now.

Mr. DAVIS. I understand——

The PRESIDING OFFICER. The Senator from Idaho is entitled to the floor.

Mr. DAVIS. I understand the Senator represents 264 negroes in his State; that is all.

Mr. HEYBURN. I am somewhat puzzled to know just exactly what that kind of a statement has to do with anything I am talking about. The Senator from Arkansas need have no difficulty in knowing exactly how old I was when the war commenced and when it ended. There are no leaves in my history that are not open to the Senator or which may not be opened by him. When he asked that question he probably had looked at the Congressional Directory to answer it first. The second part of the question was spoken indistinctly, and I will ask to have it repeated. Does the Senator from Arkansas desire to repeat the second question, or shall I have it read from the reporter's notes?

Mr. DAVIS. I said I understood the Senator from Idaho represents 264 negroes in his State.

Mr. HEYBURN. If they live there I do. I represent all the people there, and the Senator from Arkansas also represents all the people in Idaho as I represent also all the people in Arkansas. The Senator perhaps has overlooked the fact that he was commissioned a Senator of the United States and not a Senator of the State of Arkansas. Here there are no State lines in patriotism.

Now I will yield to a reasonable, dignified question, but not to those petty questions which have nothing to do with the matter under consideration.

Mr. President, if there are any Senators here now or when this vote shall be taken who think it is appropriate that the

rebel flag should wave over property of the United States, by recognition of Congress, they can vote for the joint resolution and answer for it. If they believe that the rebel flag was furled forever at Appomattox, they had better look to their vote. If there are any Senators here who believe that the rebel flag should be carried under the recognition and by the assistance of Congress, let them vote for this measure; and if they do not believe it, let them look to their vote.

There are millions and millions and millions of people in the United States, North and South, East and West, who have implanted deep in their hearts the spirit of loyalty and patriotism. There are men now, who, as boys—as I was in that day—saw the soldiers of the Nation go forth, many of whom they never saw come back, in whose breasts burns not resentment but love of country and loyalty, not to some faction, but to the great Nation and its flag. Is it not better in this age to teach the children in all sections of the country that reward of loyalty is honor among men? Does anyone dream that this generation is going to apologize to the world for the loyalty of the men who participated in that contest or the sons or the grandsons of those men? Do not dream that you can do it and that the people will let it pass by. They will not.

I have seen neighborhoods in our community thinned down until there was nothing left but the women of the household and the decrepit and the children. I stood by the open graves and heard the clods fall upon the coffins of members of my own family and household. While the roar of cannon and the rattle of musketry might have made a deeper impression upon my mind, yet I tell you that that impression was so deep that no span of years will ever obliterate it or allow it to grow dim. Inasmuch as this occasion has demanded the consideration of this and kindred questions, I may just as well express myself, respectful of the consideration of men, but at the same time with that candor which is due to men from men. I may as well say on this occasion as another that conservative wisdom on the part of the South would seem to me to dictate a policy of contentment—contentment that they recovered their country. They recovered their Government and they recovered all that is great and good in American citizenship by the loss they incurred at Appomattox. Like many other things in this life, those which seem to us disasters prove to be the blessings of our lives. Why can not we, in this hour, with almost half a century between those days and these, dwell in the harmonious contentment that belongs to a condition which all men unite in saying they would not change were the issue before them to-day?

Why not devote ourselves to harmonious action for the upbuilding of the spirit of liberty, the welding together of the great principles upon which this Union of States rests, and not the forgetfulness of the sentiment of the household, but of the rancor and contention of war? Why not? What do they gain—I will not use the term "what do you gain," but what do they gain who insist on stirring up these questions by action that inevitably does bring it up for consideration, and what would you think of men, whose sentiment was with the Union, who would shirk the issue?

I did not vote against taking up the joint resolution, because there never was an hour, and there never will be one so long as life shall pulse in my veins, when I do not stand ready to speak for the Union and the sentiment that held the Union together and the sentiment that denounced the attempt at secession.

Mr. President, I would not assume the attitude or the air of a volunteer adviser of men, but I feel I am justified in making the suggestion that you look to the history of the great men who were patriots, loyal and true, in the founding of the Government and the maintenance of it, leaving out that little block of years which marks the error of a generation, and when you select men to place in marble statuary in places of high honor, do not overlook your Marshalls, and your early Lees, and your Masons, and your Monroes, and your Henrys; and I might name some who have come since. Do not forget them. Do not use the occasion to provoke a sentiment that you know exists. It exists as deep to-day as it did in the sixties. There is some wisdom in that counsel.

I have had thrust upon me, through the mails of the United States, for the last few weeks volumes of stuff that would invoke the criminal law to read on the public streets. Do you think it has sent any terror to my soul? It has been a justification of all that I have said and may say, because it demonstrated the fact that the rancor which would keep those issues alive to-day, by thrusting forward the things that pertain to them, was not in the high-minded, but in the minds only of those who are incapable of decent humanity.

Mr. President, years ago I thought the time had come when these questions would never again be presented; when the occasion for their presentation would not arise. I hope now that the conservative judgment of the South and of those who cast their lot with it in the dark hours in the history of this Government will avoid pressing conditions under the mistaken impression that they will not be met openly, candidly, fully.

I have been told in many communications I have received that England had honored Cromwell; that his statue stood in the streets and by the highways and in places of honor. Cromwell was at the head of the Government of England by the will of the people of England. That can not be said of those in issue to-day.

I think I have successfully avoided the use of harsh terms in referring to men. I have not mentioned men by names. I dare to do it if I am challenged. I prefer not to do it, because the principle is clear-cut enough and well enough known and understood to make it unnecessary.

Those days come up before my mind as I discuss this subject until they almost overwhelm me with sentiments which, if I were to express them, would carry me way beyond the bounds I have set for myself in expressing myself to-day. I am doing it in a spirit of fraternal kindness. I see Senators smile as though they did not understand that a man can be kind and yet fight, if necessary. I restrain myself against violence in expression because I want every word that I shall utter here to-day to stand upon the pages of the record of the Senate, so that I shall never blush to face them and that no man will feel obliged to apologize for what I may say.

To the Senators upon this side of the Chamber the matter will rest with your conscience. I find I must make some exceptions, by reference if not by name, and perhaps by name, and I know that you will give me credit for not doing it in a spirit of bitterness.

The war would never have crossed the line of one month had it not been for certain things which transpired at the beginning. The violation of the obligations of men high in rank and position who had taken upon themselves to support and defend the Constitution of the United States and who had sworn allegiance to the flag, and the forgetfulness of that pledge, did more than anything else to encourage men who would otherwise have been content in their homes to leave them and die upon the battlefield. The example of those men cost hundreds of thousand of lives and thousands of millions of dollars. It was not an irresponsible act upon their part; I mean an act of thoughtlessness. In the Army of the United States there was—educated at the expense of the Government of the United States—an officer holding a high rank who was sent for by the Commander in Chief of the Army of the United States and tendered a high commission in the army, for its defense. He held a commission in that hour, and he held the commission of an officer in the Army of the United States when he stood up and took the oath of allegiance to a rebellious organization.

I say this to hurt no man's feelings. No man's feelings could be hurt more than mine are when I see this man put forward as worthy of a high place in the hall of fame. In that very hour when Congress was setting apart the old Hall of the House of Representatives to receive the statues of men worthy to be honored by their country, the State he represented was not a part of the Congress of the United States, in either body.

It cast no vote at all in favor of it. They can not claim at all that they participated in opening this avenue of glory to men. In that very hour, on that very day, they were engaged in trying to destroy the Union. And then we, in this hour, come in here and propose to waive what? The memory? God grant that we could waive the memory of those days. When we come in here and propose to waive the conditions under which this organization is to celebrate for three days and to extend to them the fraternal hand of the Government by loaning them the Government's property to assist them in doing it, if there is no other voice raised and no other vote cast I stand against it; and I do it because I am as loyal to-day as I ever was or ever will be.

The principles of loyalty do not change. I would not charge a man in this Hall, wheresoever he sit, with being disloyal for one minute. I glory in the fact that all men here are loyal and that they have stood up before this high tribunal with their hand raised to heaven and taken an oath of loyalty. I believe that they are sincere in their hearts, and that they will keep it. I am talking now about times that are past, happily—not the condition of men's minds to-day. If my words find no lodgment in the breast of any man, still would I speak them, still would I be true to the principles that are a part of and belong to my whole life.

It is in no spirit of reproach that I have said what I say to-day. The faith of the pledge of liberty rests not only in

the hands of the men who were boys then and are men now, but it rests upon even children unborn. It is no reproach to a man that he was not born in time to have participated in the war, but it would be a reproach to him if, not having been born at that time or old enough to participate, he should stand to-day mum and silent as to the principles for which men who were old enough were willing to sacrifice and lay down their lives in that day.

I ask you in the interest of harmony, in the interest of loyalty to the country in all hours and at all times, to say to the people who sent it here, "Come and take away the image which, though dear to you, is not dear to the American people." Take it away to your own homes and worship it, if you please, and teach your children to; but do not intrude those sentiments upon the American people. I ask you that. I ask it in all candor, because I think it is the only thing to do.

It is in no reproach, and in no spirit of reproach to Virginia, that I say she did not participate in inviting the States to place any statues there. She can not claim that she was part of the spirit that set in motion that sentiment. Now, take him home and make him the most sacred, if you please, of all the gods in your local countries, but do not—do not, for God's sake—start again the spirit which resulted in such horrible times, in such terrible conditions. Do not start it again.

I do not mean that I predict war. War will never come again between the American people. The war of the sword will never come, thank God, in this country again. But in order that there may be that harmony which is absolutely essential to good government let us avoid these conditions.

Do not undertake for a moment to urge that the Grand Army of the Republic, the army of heroes that saved the Union, that saved to the men of the South the right to sit in this Hall, shall be placed from a national standpoint upon the same basis as those who did not fight upon that side. Claim the glory of your own household within it, but do not take it out and parade it and demand, like Gessler, that we shall doff our hats to it. We will never do it. We will respect and honor the individual's bravery and manhood and honor, but we will close our eyes to those pages unless you bring them out.

Much senseless talk has appeared, charging that I was—to use an expression for which an American should blush, except that it is made necessary—waving the "bloody shirt." I am as far in my mind from doing that as any man has ever dreamed of. The war was a very real thing to me. I happened to live upon the border line. I was 13 years old and more when it closed. I had been waiting day after day that I might be tall enough and heavy enough to participate in it, not from thirst for blood, but because I had been taught to love my country, and I love it too well to see it drifting upon these shores of discontent or these shores of personal strife.

I appeal to you as American citizens to send these memories back to the firesides where they belong and where they are appreciated. You gain nothing by bringing them out to be paraded, either between the North and South or elsewhere. This great building is dedicated to loyalty. It belongs to the Union. There is no North, no South, no East, no West in this building. It is the great Capitol of the greatest Nation on earth. Bring no element of discord or inharmony within its walls, either in image or in speech. Can you not refrain from it? Can you not fold within your own embrace things that are dear to you without thrusting them upon those who feel differently?

I hope for such a termination of this question. I do not regret that you have called forth this occasion. I will not say I do not care how the vote is, because I do, because I would like to see every man on that side and this side of the Chamber express the sentiment in his vote that we would push back all that pertains to those terrible times, and that we would henceforth regard them in the light of memories, to be cherished each according to his own conscience.

Mr. BANKHEAD. I am sure, Mr. President, that the Senator from Idaho feels much better now, and I ask for a vote.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDENT pro tempore. The question is on ordering the joint resolution to a third reading.

Mr. BACON and Mr. MONEY demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. I transfer that pair to the junior Senator from Maryland [Mr. SMITH] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. I do not regard this as a question covered by that pair, and I shall vote. I vote "yea."

The roll call was concluded.

Mr. CLAPP. I vote "yea."

The result was announced—yeas 61, nays 1, as follows:

YEAS—61.

Bacon	Crawford	Hughes	Purcell
Bailey	Davis	Johnston	Rayner
Bankhead	Depew	Jones	Richardson
Borah	Dillingham	La Follette	Root
Briggs	Dixon	McCumber	Shively
Bristow	Dolliver	McEnery	Simmons
Brown	du Pont	Martin	Smith, Mich.
Burkett	Elkins	Money	Smith, S. C.
Burnham	Fletcher	Nelson	Smoot
Burton	Flint	Newlands	Stone
Carter	Foster	Nixon	Tillman
Chamberlain	Frazier	Oliver	Warner
Clapp	Frye	Overman	Warren
Clark, Wyo.	Gallinger	Page	
Clarke, Ark.	Gamble	Paynter	
Clay	Gordon	Piles	

NAYS—1.

Heyburn

NOT VOTING—30.

Aldrich	Culberson	Hale	Smith, Md.
Beveridge	Cullom	Kean	Stephenson
Bourne	Cummins	Lodge	Sutherland
Bradley	Curtis	Lorimer	Tallaferro
Brandegee	Daniel	Owen	Taylor
Bulkeley	Dick	Penrose	Wetmore
Burrows	Gore	Perkins	
Crane	Guggenheim	Scott	

So the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910."

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 8, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1910.

COLLECTORS OF CUSTOMS.

Rufus A. Soule, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts. (Reappointment.)

Thacher T. Hallet, of Massachusetts, to be collector of customs for the district of Barnstable, in the State of Massachusetts. (Reappointment.)

PENSION AGENT.

William L. Curry, of Columbus, Ohio, to be pension agent at Columbus, Ohio, vice William R. Warnock, term expired.

PROMOTIONS IN THE NAVY.

Lieut. Commander George N. Hayward to be a commander in the navy from the 4th day of December, 1909, vice Commander William L. Rodgers, promoted.

Second Lieut. Frederick A. Gardener to be a first lieutenant in the United States Marine Corps from the 13th day of May, 1908, vice First Lieut. Thomas M. Clinton, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1910.

SURVEYOR OF CUSTOMS.

Charles F. Gallenkamp to be surveyor of customs for the port of St. Louis, Mo.

PENSION AGENT.

Daniel Ashworth to be pension agent at Pittsburg, Pa.

POSTMASTERS.

ARKANSAS.

U. S. Bratton, at Little Rock, Ark.
Thomas O. Fitzpatrick, at Forrest City, Ark.
Jack Grayson, at Prescott, Ark.
Harry Harriman, at Eudora, Ark.

Jeffrey H. Houghton, at Jonesboro, Ark.
Thomas Mull, at Holly Grove, Ark.
John N. Sarber, jr., at Clarksville, Ark.

IDAHO.

S. D. Beebe, at Coeur d'Alene, Idaho.

ILLINOIS.

Charles M. Carpenter, at Neponset, Ill.
Henry Schneider, at Waterloo, Ill.
Charles A. Simington, at Sheffield, Ill.
Cornelius Sullivan, at Riverside, Ill.

IOWA.

William C. McCurdy, at Massena, Iowa.
Kate C. Warner, at Dayton, Iowa.

MASSACHUSETTS.

John Duff, at New Bedford, Mass.

MICHIGAN.

George A. Brown, at Pontiac, Mich.
Angus G. Grayson, at Pellston, Mich.
John O'Donnell, at Munising, Mich.

MONTANA.

Lucius Whitney, at Joliet, Mont.

NORTH DAKOTA.

Edgar C. Lucas, at Lisbon, N. Dak.

OREGON.

O. A. Wolverton, at Monmouth, Oreg.

PENNSYLVANIA.

Harry S. Angle, at Milford, Pa.

TEXAS.

James J. Dickerson, at Paris, Tex.
H. E. Kinsloe, at Corsicana, Tex.

WASHINGTON.

Joseph B. Furby, at Almira, Wash.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 7, 1910.*

The House met at 12 o'clock m.

Prayer by the Rev. I. M. Atwood, D. D., of Rochester, N. Y.

The Journal of the proceedings of Friday last was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER laid before the House the following credentials, which were read:

THE STATE OF MISSOURI,
State Department.

To all who shall see these presents, greeting:

Know ye, that by reason of the death of David A. De Armond, late Representative in Congress from the Sixth Congressional District in the State of Missouri, a vacancy in said office was occasioned, by reason whereof Hon. Herbert S. Hadley, governor of Missouri, duly and lawfully issued his proclamation calling a special election in the several counties in said district to fill said vacancy in said office in said district, and setting the 1st day of February, A. D. 1910, as the day on which said special election should be held in the several precincts in the several counties of said Sixth Congressional District of said State; that said special election was duly and lawfully held in each of the precincts of each of said counties in said congressional district, and that the complete returns from each of said counties have been duly certified to the secretary of state and to the governor of this State; that said returns were duly opened by the said secretary of state, in the presence of the governor, as required by law, and the votes for the candidates for Congress in said district at said special election duly cast up and counted, whereupon it appeared that CLEMENT C. DICKINSON, of Henry County, Mo., had received 16,777 votes, and that Phil. S. Griffith, of Dade County, Mo., had received 12,999 votes for said office of Representative in Congress in said Sixth Congressional District of the State of Missouri.

Now, therefore, I, Cornelius Roach, secretary of state of the State of Missouri, do hereby certify that CLEMENT C. DICKINSON, at the special election held in the Sixth Congressional District of Missouri, in each precinct of each county thereof, on the 1st day of February, 1910, said election having been lawfully called and held to fill the vacancy occasioned by the death of David A. De Armond, having received a majority of all the votes cast at said election for candidate for the office of Representative in Congress in and for said district, has been and is duly and lawfully elected Representative in Congress from the sixth district of Missouri to fill said vacancy.

In witness whereof I have hereunto set my hand as secretary of state and affixed the great seal of the State of Missouri. Done at my office, in Jefferson City, Mo., this 5th day of February, 1910.

[SEAL.] CORNELIUS ROACH,
Secretary of State.

The SPEAKER. The Chair understands the Member-elect is present and desires to qualify.

Mr. DICKINSON appeared at the bar of the House, and took the oath of the office.

QUESTION OF PRIVILEGE.

Mr. FINLEY. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. Mr. Speaker, as is known, in the organization of the House the gentleman from Pennsylvania [Mr. COOPER], the gentleman from West Virginia [Mr. STURGISS], and myself constitute the House Committee on Printing, and as such are members of the Joint Committee on Printing, which consists of three Members of the Senate and three Members of the House, constituting the full committee. Recently, on the 21st of January, bids were opened, as required by law, for the purpose of receiving propositions to supply the Government Printing Office with material for the year commencing March 1. One week after that the awards were made. A bid which had been submitted by the Valley Paper Company (Incorporated) was rejected. A few days ago a suit was commenced against the Joint Committee on Printing of Congress, naming the Members of the Senate and Members of the House constituting the Joint Committee on Printing of Congress as the defendants. On that a rule was issued by a justice of the supreme court of the District of Columbia against the members of the Joint Committee on Printing to appear on the 11th day of February next and show cause why a mandamus should not issue requiring the committee to set aside certain awards that had been made and to award certain contracts to the Valley Paper Company (Incorporated). The Committees on Printing of the House and Senate, constituting the joint committee, have considered the matter, and at a meeting this morning action was taken directing me, so far as the House is concerned, to offer the preamble and resolution that I hold in my hand. We are of the opinion that should we appear in court and answer that proceeding without first obtaining the instruction of the House, we would be guilty of a breach of privilege and liable to censure, so that, Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman offers the following preamble and resolution, which the Clerk will report:

The Clerk read as follows:

House resolution 371.

Whereas ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY, Members of the House of Representatives, and constituting the Committee on Printing, and along with three members of the Senate, constituting the Joint Committee on Printing, have at the instance of the Valley Paper Company (Incorporated), plaintiffs, been sued in the supreme court of the District of Columbia as members of the Joint Committee on Printing of Congress, calling in question their action as members of such joint committee in rejecting the proposals of the said Valley Paper Company (Incorporated) for furnishing paper for public printing and binding for the period from March 1, 1910, to February 28, 1911, as was done by said Joint Committee on Printing of Congress at the present session of Congress; and

Whereas it is sought by the said plaintiffs or petitioners that a writ of mandamus be issued and directed against said members of the Joint Committee on Printing of Congress, to wit, the three members of the Senate, who, together with the three Members of the House above mentioned, constitute the said joint committee, commanding them to withdraw awards which have heretofore been made and to award said contracts to the plaintiffs; and

Whereas the following rule to show cause has been issued by Mr. Justice Wright in the supreme court of the District of Columbia, to wit:

In the supreme court of the District of Columbia.

THE VALLEY PAPER COMPANY (INC.), Plaintiff, *v.* THE JOINT COMMITTEE ON PRINTING OF CONGRESS, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, Respondents. | At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

WRIGHT, *Justice.*

A true copy.
Test:
J. R. YOUNG, *Clerk.*
By H. BINGHAM,
Assistant Clerk.

Resolved, That it be referred to the Committee on the Judiciary of the House of Representatives to inquire and report what action the House of Representatives should take in the premises, and particularly in the matter of instructing the said ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY as to the course they should pursue in the premises.

Mr. FINLEY. Mr. Speaker, this is in accordance with the instruction of my colleagues on the committee. We are of the opinion that a Member of Congress can not waive his privilege as a Member of Congress, that if he should do so without first obtaining permission of the House he would lay himself liable

to censure by the House. So that we have thought it best, we have thought it the only course open to us, to come to the House and submit the matter to the House and receive the instructions of the House.

Mr. KEIFER. Will the gentleman allow an interruption?

Mr. FINLEY. Certainly.

Mr. KEIFER. I would like to know what privilege the gentleman's committee thinks would be waived if members of the committee on the part of the House appear and show cause why the writ of mandamus should not issue?

Mr. FINLEY. I will say to the gentleman from Ohio that the precedents are numerous that an officer of the House can not have a writ of this character issued against him. It has been attempted more than once, and in the British Parliament the rule that I have cited holds good. This is the first time in the history of the Government that a committee of Congress has been used. So that the question is, if the action of Congress or the action of a committee of Congress or a Member of Congress, can be called in question by any court in all the land, when a committee of Congress or a Member of Congress acts in that capacity, then the distinction that is fundamental in the law of the land, defining the three departments of the Government, the executive, the legislative, and the judicial, will be broken down.

Mr. KEIFER. If the gentleman will allow me one question further. I know of no provision in the Constitution of the United States that protects a Member of the House from being sued, except as to matters that relate to his personal conduct, such as being privileged from arrest while in attendance upon the sessions, and perhaps he is entitled to protection on account of anything he may say or do in a legislative way. But if I am mistaken the gentleman will correct me. I understand this Joint Committee on Printing has undertaken to let contracts.

Mr. FINLEY. Under the law?

Mr. KEIFER. As authorized by law.

Mr. FINLEY. That is correct.

Mr. KEIFER. I do not understand that to answer to a court in a case like this as to whether they have done their duty as parties to a contract under the law is waiving any privilege as a mere Member of the House of Representatives. As to that there may be precedents, but I do not remember any, and I think the question has been gone over heretofore. I have no objection to the gentleman's resolution being adopted.

Mr. NORRIS. Mr. Speaker, I want to ask the gentleman a question.

Mr. FINLEY. I will yield to the gentleman.

Mr. NORRIS. I did not quite get it when the Clerk read the resolution; but what date has been fixed upon by the court for the committee to appear?

Mr. FINLEY. On the 11th day of February.

Mr. NORRIS. And the gentleman's resolution does not give the Committee on the Judiciary any instructions as to reporting prior to that date?

Mr. FINLEY. The commitee is satisfied that the Committee on the Judiciary will act promptly.

Mr. NORRIS. But there might be this danger: That if the Committee on the Judiciary fail to act promptly the day might pass by.

Mr. FINLEY. We have no fears on that score. Mr. Speaker, I want to say in answer to the gentleman from Ohio that here is a committee of Congress that has performed its duties, or attempted to perform its duties, as such. Now, that committee has been sued because of its acts in the performance of its duties as a committee of Congress. This is the first time in the history of this country that a committee has been sued, and I trust it will be the last time.

Mr. KEIFER. If the gentleman will allow me, I may be mistaken—I never heard of the suit before I came in this morning—but I understand that the suit brought does not attack the duty of the Members of this House as Members or as a committee of Congress at all, but it simply undertakes to inquire whether or not a committee of Congress that is authorized by law to make the contract with outside parties have done their duty as members of that contract committee, if you please.

Mr. FITZGERALD. Does the gentleman from Ohio think that the members of the committee are acting as Members of Congress or as officers of the Government?

Mr. KEIFER. The committee is authorized by law to make contracts.

Mr. FITZGERALD. They must be acting as Members of Congress or as officers of the Government in some other capacity, and they can not be acting in some other capacity, because they could not hold some other office.

Mr. KEIFER. Oh, that question was thrashed out many years ago when a suit was brought by a humble homesteader out in Utah against Carl Schurz, as Secretary of the Interior, to require him to deliver to the homesteader a patent for land. The Secretary set up the doctrine that the Supreme Court had no right to order the delivery of a patent to that man, but the Supreme Court issued the order and required him to deliver the patent. That court went over all that doctrine in that case.

Mr. FITZGERALD. Mr. Speaker, if the gentleman will permit me, there is an earlier case, in which John Marshall held that although he could issue a subpœna to the President of the United States, he had no power to compel him to obey it. That was the celebrated Aaron Burr case.

Mr. KEIFER. That is very true.

Mr. FITZGERALD. So there may be some difference even in this case.

Mr. KEIFER. There is no analogy between that and the question whether the members of the Joint Printing Committee may be sued to inquire into their conduct in making a contract they are authorized by law to make, and not because of anything they as a committee are to report to Congress.

Mr. CLAYTON. Mr. Speaker, I desire to suggest that the proceedings of the court affects the dignity and the independency of the House and Senate, the independency of the legislative department of the Government from the judicial. And it strikes me that this committee of the House and Senate, being a joint committee of the two Houses of Congress, the proceedings against the members of the committee are based upon the theory that those members are officers within the meaning of the Constitution. Now, my offhand opinion is that they are not officers, but they are a committee, composed of Members of the House of Representatives as such and Members of the Senate as such; and, if they are, they can not be officers; and not being officers, the mandamus will not lie against them. I do not recall any case similar to the one now presented to the House, but a question did arise several years ago which was, in some respects, analogous to the one now presented. You will remember that the Hawaiian Commission was appointed of Members of the Senate and the House; that is, the commission was composed of Senators as such and Representatives as such—that is my recollection—and the question was raised as to whether or not they were "officers." The matter was referred to the Committee on the Judiciary of this House, just as the gentleman now seeks to have this question referred to the same committee, for the purpose of ascertaining the legal status of that commission. That resolution was adopted, and the question was referred to the Committee on the Judiciary. Mr. David B. Henderson, afterwards Speaker of this House, was chairman of that committee, and his committee reported unanimously and in effect that that commission, being composed of Senators and Representatives, was in the nature of a committee of Senators as such and Representatives as such, and were not officers. It may be that will be the judgment of the Committee on the Judiciary in this case. I think that, following this case, the gentleman from South Carolina and his committee have pursued an eminently proper course in suggesting this resolution here.

I do not agree with the gentleman from Ohio [Mr. KEIFER] that a member of any committee appointed by this House would be treating the House with proper respect if he should rush into court and answer a suit against him as a member of such committee without having first called the attention of the House to the suit, which can not be other than an attack upon the independency and rights of this House to appoint and control its own committees. The House must necessarily employ many agencies to discharge functions necessary for the performance of the full duties of the House, and many times it may be said that the business imposed upon such agents or agencies is merely ministerial or executive, but such duties are inseparably connected with the proper performance of the whole functions of this House. Here in this case the House must have printing done; it is a necessary part of the proper conduct of the business of the House; and so, likewise, must the Senate have printing done; it is a necessary part of the proper conduct of the business of the Senate. Of course it was merely for convenience that a plan has been provided for a standing joint committee, and, without investigation, it seems to me that the courts can not interfere with freedom of action in this regard by the House and the Senate. This committee can not be a part of the executive department of the Government. No one would contend that, I think. The Members of the House are merely instrumentalities serving for the proper legislative convenience of the two Houses of Congress. Without saying more, Mr. Speaker, let me add one word, that I believe that the gentleman from South Carolina and his associates would have com-

mitted a breach of propriety, if not of any positive rule, possibly a breach of the privilege of membership of the House—and that I have not investigated—if they had pursued any course other than the course they have here pursued, and from every standpoint, ethical and otherwise, this resolution is proper, and I trust that the House will adopt it without hesitation.

Mr. KEIFER. I want to say that the gentleman who has just taken his seat utterly misunderstood me if he understood that I opposed this resolution. On the contrary, I said it was proper, and that I was in favor of its adoption, but I questioned whether or not the members of the joint committee were officers, and in that I agree with the gentleman. I also questioned whether an effort was being made to have a writ of mandamus issued against them in their capacity as committeemen of Congress in the discharge of a legislative duty. As I understand it, they are sued because, by law, they are transformed into a body of men who are to make binding contracts with third parties outside, and in that respect I suppose the court might look into the question whether they had proceeded according to law.

Mr. CLAYTON. From a parliamentary and ethical standpoint I do not doubt that the position of the gentleman from South Carolina [Mr. FINLEY] is correct. He ought to have first submitted this question to the House, because it affects the dignity and independency of both Houses, and he and the other members of his committee would not have treated this House with proper respect if they went to the court and made answer without first consulting this House, whose creature they are in part.

Mr. KEIFER. I agree with the gentleman as to that.

Mr. FINLEY. In volume 3, page 1123, of Hinds's Precedents, section 2675:

> In the case of Kilbourn *v.* Thompson the court affirmed the immunity of Members of the House from prosecution on account of their action in a case of alleged contempt.
> The constitutional privilege as to "any speech or debate" applies generally to "things done in a session of the House by one of its Members in relation to the business before it."

Mr. GAINES. Mr. Speaker, I merely wish to make this suggestion: It seems to me that the resolution is drawn in most appropriate and temperate language, and that the House almost unanimously concurs in the propriety of its passage. Does not the gentleman think it would be better now not to debate the question upon which we are asking a report from the committee?

Mr. FINLEY. Mr. Speaker, I will state to the gentleman that debate has been limited so far as I know and as far as I can control it. I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will call the Unanimous Consent Calendar.

Mr. CLARK of Missouri. Mr. Speaker, I call for order.

The SPEAKER. The House will be in order. While the House is coming to order the Chair desires to say that the Unanimous Consent Calendar, in the opinion of the Chair, is a most important one. Under former rules of the House the Chair, as a Member of the House, viséed the requests for unanimous consent, and exercised his privilege as a Member in not recognizing for unanimous consent where he felt assured that the matter ought not to be treated by unanimous consent. Now it is up to the House, and the Chair suggests, especially on this calendar, that the House should be in order and that each Member should pay attention. The Clerk will call the calendar.

WILMINGTON HARBOR, CALIFORNIA.

The first business was House joint resolution 110, directing the Secretary of War to deepen the entrance to Wilmington Harbor, California, to 24 feet.

The SPEAKER. The joint resolution (H. J. Res. 110) is amended by a substitute, and without objection the Clerk will read the substitute.

There was no objection.

The Clerk read as follows:

> Strike out all after the resolving clause and insert:
> "*Resolved, etc.*, That the balance unexpended of appropriation heretofore made for improvement or maintenance of improvement of harbor at Wilmington, Cal., be, and the same hereby is, made available for the further improvement of the entrance to said harbor by dredging to a depth of 24 feet at mean low water within the present project limits.

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, has that resolution gone to a committee; and if so, what is the report?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have an explanation from the gentleman who introduced the resolution showing why this matter is not carried in the river and harbor bill.

Mr. LIVINGSTON. Mr. Speaker, I have asked a question.

The SPEAKER. The Chair is not informed, and did not know that such a resolution was upon the calendar.

Mr. LIVINGSTON. Has it been reported by a committee?

The SPEAKER. The Chair takes it for granted that it has been, otherwise it could not be on the calendar. The Chair is informed that it is reported by the Committee on Rivers and Harbors and is on the Union Calendar.

Mr. McLACHLAN of California. Mr. Speaker, the reason why this is not included in the bill we are now framing is because of the necessity for this work to be done at once. I will state briefly the conditions. In Wilmington there is a project in progress to deepen the harbor to 24 feet, including a turning basin of 1,600 feet in diameter. The entrance to that harbor under that project was constructed to a depth of only 20 feet. Work has already been completed under that project, except the turning basin, which, as I said before, was to be 1,600 feet in diameter. That turning basin, under that project, has been completed with the exception of a core in the center, so that now a ship can turn in that turning basin. The difficulty with the harbor now is that at the entrance it is only 20 feet in depth, while the rest of the harbor is 24 feet in depth. Inasmuch as the turning basin can now be used in its present condition, it is desired now to use the remaining money appropriated for that purpose to deepen the entrance to the harbor to 24 feet, because recently ships have arrived at that port drawing more than 20 feet and could not enter the harbor because of the shallow depth of the entrance.

Mr. MACON. Mr. Speaker, I desire to ask the gentleman if there has been a survey of this project.

Mr. McLACHLAN of California. Yes.

Mr. MACON. And a report made upon it?

Mr. McLACHLAN of California. A favorable report.

Mr. MACON. How much will it cost?

Mr. McLACHLAN of California. Well, the money has already been appropriated. We ask simply to divert it from the turning basin to the deepening of the entrance to the harbor.

Mr. MACON. It is simply to make immediately available an appropriation already made?

Mr. McLACHLAN of California. That is right.

Mr. MACON. If that is all, I will not object.

Mr. HITCHCOCK. Mr. Speaker, I will renew the reservation. Do I understand the gentleman to say that this is a diversion of a fund from one purpose to another?

Mr. McLACHLAN of California. No; it is in the same harbor. The project there contemplated deepening the entrance to the harbor to 20 feet and 24 feet inside the harbor, including a turning basin of 1,600 feet in diameter.

That work has already been done, except taking out a core in the center of the turning basin. Ships now turn in that basin even with the core there, but ships have recently called at that port drawing more than 20 feet and could not enter because of the shallow entrance, and now it is proposed, in the interest of commerce, to stop the further construction of the turning basin and to divert the unexpended balance to deepen the entrance to 24 feet and make it similar to the rest of the harbor.

Mr. HITCHCOCK. Then it does contemplate a change from the plan under which the original appropriation was made?

Mr. McLACHLAN of California. Yes; but there is an authorization already made by Congress to deepen the entrance of this harbor to that depth. That has been authorized and agreed upon by the board of engineers.

Mr. HITCHCOCK. What is the amount?

Mr. McLACHLAN of California. Between $30,000 and $40,000 which is sought to be diverted for this purpose.

Mr. HITCHCOCK. Will an additional amount be made necessary to complete the turning basin?

Mr. McLACHLAN of California. Certainly. We can not dig out the core of the turning basin unless more funds are appropriated in the future for that purpose, if this amount is now used to deepen the entrance to the harbor.

Mr. FITZGERALD. How much did the gentleman say is available for this purpose?

Mr. McLACHLAN of California. Between $30,000 and $40,000 is the unexpended balance.

Mr. FITZGERALD. The report of the committee says about $25,000.

Mr. McLACHLAN of California. I do not know exactly, as they are constantly at work there, but the last report was that there was between $30,000 and $40,000.

Mr. FITZGERALD. How much is it estimated will be required to deepen the entrance to 24 feet?

Mr. McLACHLAN of California. I could not state.

Mr. FITZGERALD. There was a survey, was there not?

Mr. McLACHLAN of California. There is another survey reporting in favor of deepening the entrance of the harbor to 30 feet, but we are asking now that this be used to make the entrance 24 feet, so that the whole harbor can be made available to that depth.

Mr. FITZGERALD. Is there no estimate of what the cost will be?

Mr. McLACHLAN of California. For the 24 feet; no.

Mr. FITZGERALD. Does the gentleman know whether it will take the balance or more than the balance?

Mr. McLACHLAN of California. I do not know; but I believe this balance will complete it.

Mr. GAINES. Will the gentleman answer this question? Is it likely to commit us to something that will take a very much larger sum than the unexpended balance?

Mr. McLACHLAN of California. Not at all; not a single dollar.

Mr. MANN. Will the gentleman answer this question? When this resolution was reported it was not yet settled whether there would be a river and harbor bill brought into this House this year. As I understand it from common rumor, it is now settled that there will be brought into the House a river and harbor bill, and I assume that means it will become a law. Is there any reason why this should not go on the river and harbor bill in connection with other projects for other places?

Mr. McLACHLAN of California. There is not, except that the necessity for deepening this entrance is pressing at the present time.

Mr. MANN. Is not that true of all proposed river and harbor improvements that the necessity is pressing, at least pressing very hard upon the Members who are advocating the project?

Mr. PAYNE. As I understand it, this money is already appropriated for the purpose of making this turning basin in the harbor. There is an unexpended balance of some $30,000 or $40,000. It develops now the water on the bar is only 20 feet, while the turning basin will permit of a depth of 24 feet, and this is simply for the purpose of deepening that with the $30,000 or $40,000 of unexpended balance, to dig out this bar so that vessels drawing 24 feet of water can come in there. This is to make available what improvements have already been done there. It does not require any new appropriation, but is simply a diversion of the money for the same project, and that is, it seems to me, a good reason for taking it up now.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire if the gentleman is on the Rivers and Harbors Committee?

Mr. McLACHLAN of California. Yes.

Mr. CLARK of Missouri. How much are you going to ask for the improvement of rivers and harbors?

Mr. McLACHLAN of California. That I am not able to say; the bill is not completed.

Mr. CLARK of Missouri. How much money is left of this unexpended balance?

Mr. McLACHLAN of California. It is impossible to say exactly, because since this resolution was introduced, some time ago, they have been going on with the work on this turning basin and spending the balance for that purpose. In my judgment, there is in the neighborhood of $30,000 or $40,000.

Mr. CLARK of Missouri. How much will it take to remove that core you are talking about?

Mr. McLACHLAN of California. To deepen the bar?

Mr. CLARK of Missouri. Not to deepen the bar, but to remove the core.

Mr. McLACHLAN of California. The money appropriated for that purpose will complete it.

Mr. LIVINGSTON. Provided you do not divert it.

Mr. CLARK of Missouri. If that is true, why do you want this special resolution?

Mr. McLACHLAN of California. We want the money now on hand to be expended in deepening the entrance to the harbor, because the turning basin, in the condition it now is, will allow the turning of vessels, consequently the only pressing necessity of the harbor is to deepen the entrance from 20 to 24 feet, making it the same depth as all the rest of the harbor.

Mr. CLARK of Missouri. If you use up all the money appropriated for that harbor for this performance that you are speaking about, will not that necessitate another appropriation by Congress to remove that core——

Mr. McLACHLAN of California. Certainly.

Mr. CLARK of Missouri (continuing). That this money was appropriated for originally?

Mr. McLACHLAN of California. Certainly. It is simply to relieve the pressing necessity of that harbor. Ships have come there recently drawing more than 20 feet, and could not enter the harbor because the entrance was only 20 feet, whereas the balance of the harbor was 24 feet.

Mr. CLARK of Missouri. Why was not this thing put on the river and harbor bill?

Mr. McLACHLAN of California. Because our desire was to make this fund available at once for this purpose.

Mr. CLARK of Missouri. Is not this a fact: If we permit you to get what you want, and permit Tom, Dick, and Harry to get what they want, by special resolutions brought in here, that the rest of us who want a general scheme of river and harbor improvement will be left in the cold in the end?

Mr. McLACHLAN of California. Not at all.

Mr. LIVINGSTON. Mr. Speaker, I suggest to the gentleman why did he not have this put in the urgent deficiency bill, which has just now passed the Senate?

Mr. McLACHLAN of California. Because we selected this method as the best. It is new legislation and would require a special act in order to make this transfer. The money is already appropriated, and this act would legalize the transfer.

Mr. LIVINGSTON. But why did not you ask the committee to have it put on the bill transferring the money that was appropriated?

Mr. McLACHLAN of California. We maintain this is the proper way.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. McLACHLAN of California. Yes.

Mr. FITZGERALD. Has the gentleman requested an appropriation in the coming river and harbor bill to deepen this entrance to the channel to 30 feet on the survey already made?

Mr. McLACHLAN of California. I will say to the gentleman that I am in hopes that we can appropriate for the entire scheme to deepen the whole of that harbor, including the entrance, to 30 feet.

Mr. FITZGERALD. Well, if that be true this bill should not pass.

Mr. McLACHLAN of California. The only point, if the gentleman from New York will allow me, and the only object of this resolution, was to make this small unexpended balance available to meet the urgent necessities of that harbor at once.

Mr. FITZGERALD. There is nothing in the report to show that it is urgent; no report from the Chief of Engineers, and no statement of the local engineer as to the urgency. And if, as the gentleman says, a survey has been made for improving this entrance by deepening it to 30 feet, and an estimate of the cost of that improvement has been made, and that no estimate has been made of how much it will cost to deepen it to 24 feet, I believe the interests of the harbor will be advanced by having this improvement taken care of in the river and harbor bill, authorizing the 30 feet instead of 24 feet.

Mr. McLACHLAN of California. If the gentleman will allow me to suggest, whatever is done under this resolution to deepen the entrance to the harbor from 20 to 24 feet will be that much accomplished, and will not be necessary to be done under the general project to deepen it to 30 feet.

Mr. FITZGERALD. How much will it take to deepen it to 30 feet?

Mr. McLACHLAN of California. The project takes in the entire work in the harbor and does not segregate the entrance from the balance of the harbor.

Mr. FITZGERALD. Mr. Speaker, I think the House is entitled to know how much a projected improvement will cost, and should not be asked to permit money that has not been expended for one project to be given to another that has not yet been authorized. Until I can have an opportunity to find the real facts of the situation about this project if it is to be pressed for passage at the present, I shall object.

The SPEAKER. Is there objection?

Mr. McLACHLAN of California. I ask, if the gentleman insists upon his objection, that the bill be passed without prejudice.

Mr. GAINES. Mr. Speaker, I make the point of order that that can not be done under the rule.

The SPEAKER. The Chair will examine the rule.

Mr. MANN. It can be passed without prejudice by unanimous consent.

Mr. GAINES. Well, if that sort of practice is a proper interpretation of the rule, Mr. Speaker, we will have these matters on the Calendar for Unanimous Consent piled up to a point where it will be absolutely intolerable. In my opinion, when matters are on the Calendar for Unanimous Consent, they ought to go through or go off the calendar when they are reached.

The SPEAKER. The rule provides in the last clause:

Should objection be made to the consideration of any bill so called, it shall immediately be stricken from the Calendar for Unanimous Consent, and it shall not thereafter be placed thereon.

The rule seems mandatory.

Mr. MANN. But, Mr. Speaker, it is very important to have this matter passed on so that the House may be properly advised. Objection has not been made yet to the bill.

The SPEAKER. But the request was made for the purpose of passing it without prejudice, which would allow it to remain on the calendar.

Mr. MANN. Of course that can only be done by unanimous consent, but where an objection has not been made to the bill the rule does not require it to be stricken from the calendar. Now, it may often happen when a matter comes before the House that some one desires additional information in reference to the bill before it shall be considered by unanimous consent, and it seems to me that a proper construction of the rule would permit of the person in charge of the bill asking that the bill be passed without prejudice, no objection to its consideration having in fact been made, because that would still leave the bill where it could be acted upon by the House after the information is obtained.

The Speaker will notice that to say that when the bill is brought before the House it must act upon it, is not either the spirit or the letter of the rule. The rule says it can not go on the Unanimous Consent Calendar more than once. The rule is to a large extent following Rule VIII in the Senate, where it is common practice in the construction of the rule to permit bills to be passed over without prejudice and by unanimous consent where no objection is made to them. I should think that was the fairest construction of this rule; it still leaves it within the power of the House, by unanimous consent, to consider the bills on the calendar.

The SPEAKER. The Chair will read the rule in full. The request was made by the gentleman from California that the bill be passed over without prejudice, so as to allow it to remain on the Unanimous Consent Calendar. The whole rule is as follows:

Paragraph 3, Rule XIII:

"3. After a bill which has been favorably reported shall have been upon either the House or the Union Calendar for three days, any Member may file with the Clerk a notice that he desires such bill placed upon a special calendar, to be known as the 'Calendar for Unanimous Consent.' On days when it shall be in order to move to suspend the rules, the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills upon the Calendar for Unanimous Consent. Should objection be made to the consideration of any bill so called, it shall immediately be stricken from the Calendar for Unanimous Consent and it shall not thereafter be placed thereon."

Now, the Chair, in construing this rule, has held that a bill on the Unanimous Consent Calendar shall be upon the printed calendar. Why? So that every Member of the House, by consulting the calendar, may be informed what bills are subject to unanimous consent upon that calendar. The rule, it seems to the Chair, is mandatory that if objection is made, not that the bill shall be defeated, but that it shall take its departure from the Unanimous Consent Calendar and return by leave of the House to the Union Calendar. But, as a matter of fact, objection is made——

Mr. MANN. Objection has not been made in this case.

The SPEAKER. Precisely; but there comes the request that it be passed without prejudice, which is equivalent to another chance for the bill upon the Unanimous Consent Calendar.

Mr. MANN. Suppose the Member in charge of the bill were ill, unable to be on the floor, and the House desired to extend the courtesy to that Member, as might readily be the case, to pass the bill without prejudice until the Member should be present. Does the Speaker rule that it is not possible for the House to so do?

The SPEAKER. There are 391 Members of the House. If there be some Member that is especially interested in a bill upon this calendar, some other Member or colleague might act for him. Furthermore, these bills on the Unanimous Consent Calendar do not disappear from the House or the Union Calendar when they are put on this calendar. They are on two calendars, retaining their place on the House or the Union Calendar. The rule seems to be mandatory.

Mr. SHERLEY. Mr. Speaker, Just a word. It seems to me that the error that the Chair is about to fall into is in not distinguishing between the consideration of the bill on its merits and such consideration on a motion to pass a bill without prejudice, such as the one that is made here. The rule does say that if consideration be objected to by any person, thereupon the bill shall go off the calendar, but the motion here does not ask consideration within the meaning of the rule. The consideration there meant is the consideration on the merits. What is asked for here is that the bill may be passed without prejudice, and then it is in the same situation it would have been if not reached to-day on the Unanimous Consent Calendar.

The SPEAKER. This bill is not before the House; the request is to get it before the House.

Mr. SHERLEY. The bill is called by the Clerk. Now, anyone can object to consideration if consideration on its merits is raised. But if in lieu of that a motion is made to pass it without prejudice, then I submit that the rule does not require that it go off the calendar.

The SPEAKER. The Unanimous Consent Calendar appears for the first time at this session of Congress. It occurs to the Chair that bills on the House Calendar and on the Union Calendar, not losing their places, are on all fours with bills that are not upon the Unanimous Consent Calendar. The Chair made a ruling, which the House approved, that the bill must be printed upon the calendar, so that a bare glance at the calendar would inform the Members what bills were upon the calendar.

Again, a Member or Members may be present now who would object to the consideration of a bill on the calendar if objection was called for. Objection has not yet been called for. By unanimous consent—otherwise it would be impossible for the House to administer the calendar—there has been talk about this bill. But now, before it is before the House, comes the request that it may be passed. The Chair is of opinion that a fair construction of the rule is that if the bill meets with an objection, that would take it off the calendar, standing as it does upon either the Public or the Union Calendar——

Mr. FITZGERALD. I wish to submit, if the Chair will permit me, that a ruling made by the Chair itself early in the session may have some importance on this subject. Before the establishment of this calendar, when a bill was submitted for unanimous consent and objection was made, if afterwards the Member making the request was able to satisfy the objector that his objections were not well founded, the Chair would resubmit the request. The Speaker has announced, however, that he would not recognize anyone for unanimous consent for a bill which could be placed upon this calendar. Very frequently bills may be placed upon this calendar to which, after some discussion, there may be temporary objection which could be removed if an opportunity were given to furnish the additional information.

It seems to me that many cases might arise where bills would be passed temporarily without injustice, because if anybody be present who wishes to object to the bill he can protect his rights by objecting to the bill being passed and objecting to its consideration. It seems to me that in working out the business of the House in harmony with the practice that has existed heretofore it might be desirable many times to permit bills to be passed temporarily until the information that might be obtainable could be submitted to the House.

The SPEAKER. The gentleman from New York will recollect that there is a calendar Wednesday, when upon the call of committees any committee can call a bill on either the House or Union calendars, and the Chair has noticed, both from the operation of the calendar Wednesday and the state of the House and the Union calendars, that the calendars are being kept comparatively clean.

Now, it occurs to the Chair that if this rule be construed as the gentleman from New York and the gentleman from Illinois suggest, it will take much of the time of the House; that it will subject the Member who objects to an avalanche of pressure, and in the very nature of things it would bring about a practice where the Members—391 in number—would beget the custom of having kissing go by favor.

Mr. MANN. Will the Speaker permit one word more upon that point?

The SPEAKER. Yes.

Mr. MANN. It is wholly within the power of any Member of the House now to object to the consideration of this bill; and if he so objects, under the rule the bill goes off the Unanimous Consent Calendar. That is what the rule says, and there can be no question about it. It is within the power of any Member of the House now, if he be present in the House, to stop the consideration of this bill on the Unanimous Consent Calendar; but the indications are that the ruling of the Speaker will go a great deal further than that. It not only gives any Member of the House now the power to object, but forbids the House unanimously to postpone the consideration of this bill until it can acquire information in reference to it. Now, that is not the wording of the rule. That is not, it seems to me, the spirit of the rule. If when the bill is called before the House no Member does object, why can not the House, by unanimous consent—that is what it will amount to, because any Member can at any time object and stop it—why can not the House, by

unanimous consent, postpone the consideration of this measure, allowing it to retain its place on the Unanimous Consent Calendar, so that it will again come before the House with the desired information?

I have repeatedly heard the present occupant in the Speaker's chair say that the House can do anything by unanimous consent. Now, if that be true, then the House certainly can pass a bill on the Unanimous Consent Calendar, where no one objects, and leave it there, taking it off if anyone objects, and leaving it on if no one objects. Let us look at the effect of the ruling such as has been proposed. It is true that the House and Union calendars are now taken care of very well by calendar Wednesday. It is also true that a little later in this session, and more especially in the next session of Congress, when bills are being reported in with great frequency and when calendar Wednesday will have to be suspended at the next session of Congress on some days in order to pass the appropriation bills, that we may be shortly in a position that no bill, however important, can possibly be reached for consideration if some Member has accidentally or erroneously objected at some time to its consideration, or if some Member has erroneously placed it on the Unanimous Consent Calendar. He can not take it off. If it comes before the House under that ruling, it must be disposed of. He can not postpone it; if some one objects, it is lost—a bill that every Member may desire to pass. It seems to me that will get the House into a pretty bad tangle.

The SPEAKER. The Chair desires to state that the Unanimous Consent Calendar was provided by a rule adopted by the present Congress. Calendar Wednesday, one day in each week, went into the rules to deal exactly with the same class of bills, so that there is one day in each week that must be devoted to the House Calendar and the Union Calendar unless two-thirds of the Members of the House dispense with calendar Wednesday. In addition to that, under the rule, after a bill has been upon the House or Union Calendar for three days it may, upon the request of a Member, be transferred to the Calendar for Unanimous Consent without at the same time being taken off the House or the Union Calendar, where it has its chance for consideration upon calendar Wednesday, which practically can not be dispensed with. Now, if an objection is made, the bill keeps its status on the House or Union Calendar and can be treated upon calendar Wednesday.

The Chair desires to state that calendar Wednesday already is receiving something of criticism and protest, not against the disposition of bills upon the House and Union calendars, but because of the time that it takes. For instance, under a rule of the House there are two Mondays in the month devoted to business on the District of Columbia, and two for unanimous consents and suspensions, which have the right of way immediately after the Journal has been approved, a request for unanimous consent to consider first, and a motion to suspend the rules second. In addition to that, there is a day set apart each week for private bills granting pensions, paying claims, and so forth. Thus practically three days in each week—Mondays, Wednesdays, and Fridays—are segregated for classes of business. Now, the Chair, looking to the transaction of the public business, and the reason for the calendar Wednesday and the Unanimous Consent Calendar, is of opinion that the construction of the rule or the reading into the rule of something that is not there would tend to embarrass the House in the transaction of business—the great public business.

The gentleman from Illinois [Mr. MANN] says the House can do anything by unanimous consent. That is correct; but the unanimous consent must be under the rules of the House; otherwise it would be in the power of one Member or ten Members, a minority or a majority of the Members and the Speaker, to do all business by unanimous consent, whether from the committee or formed in concrete or vague form in the brain of any Member, without having received consideration by a committee of the House.

Now, having explained the views of the Chair as touching this matter, the Chair is quite willing to take the judgment of the House, because the Chair thinks, from the statement of the gentleman from New York [Mr. FITZGERALD] and the statement of the gentleman from Illinois [Mr. MANN] and the statement of the Chair, that the House understands the question, and the Chair will submit it to the House.

Mr. FITZGERALD. Mr. Speaker, before the Chair does that I wish to call attention to one thing. Under the rules the House can not do anything it pleases by unanimous consent. There are certain things that the Speaker can not submit to the House for unanimous consent.

The SPEAKER. Under the rules.

Mr. FITZGERALD. Under the rules; but there is nothing in this rule which prohibits the bill being passed by unanimous consent. One of the common expressions of the Chair has been that "the House could pass an elephant through the House by unanimous consent." Of course it was an exaggerated statement, but there is nothing in this rule which would prohibit the House, by unanimous consent, from restoring a bill to this calendar.

The SPEAKER. The Chair desires to interrupt the gentleman just at that point. After great agitation in the country, in the public press, both newspapers and magazines, about granting unanimous consent being within the power of the Speaker and about how Members would have to crawl upon their knees and in the dust abase their personal and legislative dignity by asking the Speaker to submit matters for unanimous consent, the House, in its wisdom, made calendar Wednesday and made the Unanimous Consent Calendar to get away from asking the Speaker not to run over the dignity of the Member or impose upon the House by exercising his discretion as to whether he would submit a matter for unanimous consent.

Now, then, at the beginning of the operation of this rule, when this bill is called, before objection is made, the gentleman appeals for recognition to the Speaker to submit by unanimous consent a request that this bill shall have another chance. [Applause.]

The Chair will submit this question: Shall it be in order for the Speaker to entertain a request for unanimous consent that a bill on the Unanimous Consent Calendar be passed without prejudice?

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. The Chair thinks the House understands——

Mr. SHERLEY. But I submit, Mr. Speaker, if the Chair thinks of submitting the matter to the House, the matter is debatable, and I desire to be heard upon it.

The SPEAKER. The Chair will hear the gentleman.

Mr. SHERLEY. But, Mr. Speaker, that is not the point. Without meaning to be captious, if the matter is submitted to the House, then I desire to debate the matter before the House. If the Chair is to decide, then I will await the decision of the Chair.

Mr. GAINES. Mr. Speaker, I make another point of order. My point of order is, the question submitted to the House in the form in which it has been submitted does not accurately describe the question before the House. I made the original point of order, and I should like to be heard upon the point of order for a few moments——

The SPEAKER. The gentleman will suspend for a moment. The submission put by the Chair was, "Shall it be in order for the Speaker to entertain a request for unanimous consent that a bill on the Unapimous Consent Calendar be passed without prejudice?" It seems to the Chair that is just the case, but the Chair will hear the gentleman's suggestion.

Mr. GAINES. Request was made not to pass the bill on the Unanimous Consent Calendar in the first instance; that is not what occurred. The matter was called up, read by the Clerk, preliminary debate was had by unanimous consent pending the consideration of the request; and then, after it appeared that the matter had been thrashed out in the House to such a point that it was apparent objection would be made, the request was to withdraw the request for unanimous consent to consider the bill, and to ask unanimous consent that it be passed without prejudice and retain its place on the calendar. Now, it may be very well that this House and the Speaker might hold in the case of the absence of a Member or in any other case that a request should be made for unanimous consent to pass a bill on the calendar without prejudice, and that that request should be entertained and acceded to, but it is a very different proposition to pursue the matter up to the point of objection, and after a request for unanimous consent to consider it has been made, to then request a withdrawal of the bill in order to avoid an objection obviously impending. I submit that the proposition put by the Speaker to the House is not entirely accurate. The proposition is whether the House will permit a unanimous consent to be withdrawn after it is made and after a discussion has been had on the merits of the bill, pending the conclusion on the part of Members whether they will make an objection. That is the proposition before the House, and a very different one from asking in the first instance that the matter go over until some other day without prejudice. I submit, Mr. Speaker, if we are to debate these bills in the usual form, upon a request for unanimous consent until it is determined that some Member will object, and then permit such bills to be restored to their place on a calendar, then the calendar will be so crowded that bills far down on it

will never get any benefit whatever of the calendar for unanimous consent. It will be a race between Members of this House to see who can get as far up as possible on the Calendar for Unanimous Consent, and the rule will be a fruitful source of intolerable congestion of legislation and defeat the very purpose for which the House passed it.

Mr. SHERLEY. Could not that be stopped by some one simply objecting to unanimous consent to postpone?

Mr. GAINES. People will not object. My answer to that, and it seems conclusive to me, is this: That if gentlemen can make that sort of an appeal, we will never have any final objection and the same old bills will stay at the head of the calendar and clog it up, and the House will have no opportunity of reaching other bills of equal or perhaps greater merit which happen by chance to be lower down on the calendar.

Mr. SIMS. Mr. Speaker, I desire to make an additional point of order.

The SPEAKER. One moment. The gentleman from Ohio.

Mr. KEIFER. Mr. Speaker, I do not rise to occupy any time, but to ascertain certainly as to what proposition is being submitted to the House. My purpose was to raise the same question as that which has been raised by the distinguished gentleman from West Virginia. I understood the question decided, or before the Speaker, was whether after a bill had been called up for consideration from the Calendar for Unanimous Consent, and after objection is made to its consideration, that the rule must be enforced and it must go off such calendar. Now, then, is it not asking, in submitting it to the House now, whether by unanimous consent we are setting aside that rule and doing it permanently, so that in future whenever we can get a bill up, and it is objected to, we can get the privilege of keeping it on the calendar? I do not think that any other question than that is now before the House, and any other question submitted would be a mere abstraction. If the Chair is going to submit the question whether or not by unanimous consent a bill that has been called up for consideration on the Unanimous Consent Calendar can be retained on the calendar before objection to its consideration is made, that will be a proper question; but if we are going to go the whole length and set the rule aside by a mere construction directly in opposition to the plain language of the rule, then we better wait until the real question has arisen and has been discussed. If the rule is wrong, it should be amended by the House, not set aside by arbitrary construction.

Mr. SIMS. Mr. Speaker, I desire to make a point of order, if the Chair will hear me.

The SPEAKER. The Chair will hear the gentleman.

Mr. SIMS. If I understand the submission of the Chair, it virtually means an amendment to the unanimous-consent rule, or the Speaker is submitting a point of order to decision of the House; I would like to know what the Chair's ruling as to it is. If it is an amendment to the unanimous-consent rule, I make the point of order that under the rule nothing can be considered on this day not on the Unanimous Consent Calendar.

The SPEAKER. The Chair listened to the gentleman from West Virginia, also to the gentleman from Ohio, and other gentlemen. The Chair is quite free to say that he has no pride of opinion touching this matter. It occurs to the Chair that the matter proposed to be submitted to the House does not state the question as it exists in fact. Two questions in the construction of that rule arise or might arise. The one that arises now is—

> Shall it be in order, after there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request that the bill be passed without prejudice?

Now, that is one. Now, there may be still another question arise, namely—

> Shall it be in order, before there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice?

That is not the question now pending before the House, but suggested by the gentleman from Illinois [Mr. MANN]. The Chair will again read what he will submit to the House, modifying the former submission, or withdrawing it entirely—

> Shall it be in order, after there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice?

Mr. SIMS. Is that virtually an amendment to the rule or construing the rule?

The SPEAKER. It is construing the rule. It is just the same in all matters about which gentlemen disagree; and each Member is quite as much interested in the proper construction of the rule as the Chair. After all, rules like laws, like all judisdictions that control the action of men, have to be construed. We have got very few rules in the Manual; I do not know exactly, but about 40. It is the work of one hundred and twenty years, and yet the precedents that have been made by the House fill eight volumes of about a thousand pages each. So that it is the construction of the rules which make the law for the House; and the Chair has felt justified in submitting, after discussion, this question to the House to determine what shall be the construction of the rule.

Mr. SHERLEY. If I understand the Chair is to submit that question, I would like to be recognized to address the House on it.

The SPEAKER. The Chair will hear the gentleman from Kentucky.

Mr. SHERLEY. Well, Mr. Speaker, I would like to know in advance if the Speaker is going to submit the point of order to the House, because I want to address myself to the House, if it is to decide; and if the Chair is to decide, then I shall endeavor to convince the Chair.

The SPEAKER. Precisely; the Chair has submitted to the House. The Chair has just read again what the House is to vote upon.

Mr. SHERLEY. The general proposition is simply this: What construction of this rule will best promote the business of the House and best comply with all the rights of the Members of the House? Now, it has been urged by those who oppose the right to submit a motion for unanimous consent to pass without prejudice when a bill is reached on the Unanimous Consent Calendar, that if we allow such motion we would unnecessarily encumber this calendar, and that the calendar would never be cleared. My response to that proposition is simply this: A matter is called up, as it was this morning; there is discussion had upon it. During that discussion it becomes evident that some gentleman is proposing to object. The matter comes up casually, and for that reason you can not understand the question, and in order that the matter may be more clearly understood by the House, and that a Member may have time to investigate outside, the advocate of the bill moves that it may be passed without prejudice. Now, then, any man who has determined that he does not want the matter further considered can prevent the calendar from being crowded up by simply saying, "I object." Then the question is forced of the consideration of the bill, and by an objection it is put out of the way; it is off the calendar, and off forever.

But if you adopt the construction intimated by the Chair and advocated by the gentleman from West Virginia [Mr. GAINES] you have yourself in this situation: A bill may be brought up on the Unanimous Consent Calendar. It is a bill of some intricacy. During the discussion a confusion arises as to just what it means. A man with that doubt in his mind, unwilling to let it come up by unanimous consent, if forced to act upon it then, will object. Then immediately it goes off that calendar and goes onto the calendar from which it came, either the House or the Union Calendar. When it gets there, it has been stated by the Speaker that upon calendar Wednesday it could be reached; but that may or may not be true. The call of the calendar may be with a committee so far away from that bill that it will not be reached that way, and yet it is a matter that when properly understood, by a little investigation on the outside, would have gone through by unanimous consent.

Now, we adopted this rule, not to put ourselves in a worse position than we were when the Speaker recognized Members for unanimous consent, but to put ourselves in a better position; and yet every man on this floor who has had any experience knows that he has had occasion to have the Speaker recognize him for unanimous consent, the matter would be called up, and objection would be made. Subsequently, he would see the man who had objected, and explain to him the situation fully, and that man's reason for objection would be removed. He would then obtain from the Speaker recognition again and would again ask unanimous consent, and the bill would go through.

Now, if the rule is to be construed as the gentleman from West Virginia contends, we are infinitely worse off than we were before, because when a bill is called on the Unanimous Consent Calendar and objection is made, by virtue of some doubt and the need of some explanation, that bill is forever denied the right to come up on that calendar during the entire Congress, and I submit that that is not a position that the House ought to put itself in, and I hope the House will affirmatively determine that it is right for the Chair to submit a request to have a bill on the Unanimous Consent Calendar passed without prejudice. [Applause.]

Mr. GAINES. Mr. Speaker, I desire to say but a word in answer to the very lucid statement of the gentleman from Kentucky, and that is this: If we adopt the practice of permitting Members of the House to bring up for unanimous consent their bills on the Unanimous Consent Calendar, debate them, in answer to the various questions of Members of the House, and then when they reach the point of requesting unanimous consent they find that it is likely to be refused—if we allow the bills under these circumstances to remain on the calendar, we will have this condition existing: Nobody likes to object to anybody's bill. We all hate to do it. Nothing but a strong sense of duty ever induces one to make an objection when a brother Member wishes a bill passed. Now the easy way to make objections will be pointed out. Members will say, "If this bill is to be considered now I shall have to object." Then the request will be that the bill go over and remain on the Unanimous Consent Calendar. My answer to the proposition that this calendar will not relieve the old situation, if the view that I contend for is adopted, is this: We have done away now with the old situation. Whether the present rule is an improvement or a mistake I have no disposition to consider; but if we are to permit a few bills at the head of the calendar to be debated, and then to take their place upon the calendar again—for the Member would always ask unanimous consent that they be retained on the Unanimous Consent Calendar—then the top of that calendar will be blocked up, and instead of the old situation of which complaint was made, we will have a new situation from which there will be no escape whatever.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES. Certainly.

Mr. MANN. Does the gentleman think it is practically possible for the Unanimous Consent Calendar ever to become so long that it will not be gone through with in one day?

Mr. GAINES. I should think that what is occurring here to-day would be a conclusive answer to the question.

Mr. MANN. Will the gentleman rest his case on whether we get through with this Unanimous Consent Calendar to-day or not? We will be through in an hour after the gentleman finishes his speech.

Mr. GAINES. Well, if we are, there will be less debate than usually takes place in the consideration of such matters. I do not know how many bills there are now on the calendar; I have not counted them.

Mr. MANN. There are as many as usual.

Mr. GAINES. There are 21 bills, and unless we do get some off the calendar, my answer is that the calendar will soon become so long that the foot of it can not be reached, because it will be blocked at the top.

Mr. CLARK of Missouri. I want to say to the gentleman from West Virginia that he has been here a good while, and so have I, and time and time again he has seen some gentleman get the permission of the Speaker to call up a bill by unanimous consent, and because of insufficient information some Member objects. Then the man in charge of the bill comes over and has a confabulation with the man that did the objecting, and explains to him the facts in the case, and the man that asked for unanimous consent originally went to the Speaker and told him that the man who objected had withdrawn his objection, whereupon he would get a second chance to call up his bill by unanimous consent, and it would go through. That has been done hundreds of times to my knowledge.

Now, does not this turn out to be the case—if the gentleman's contention is correct, then instead of this rule helping to expedite the business of the House it makes our present condition worse than our former condition? Is not that true?

Mr. GAINES. I will answer the gentleman from Missouri that the former condition never seemed to me to be a particularly bad one.

Mr. CLARK of Missouri. But it was one that the people objected to.

Mr. GAINES. I never found the Speaker of the House unwilling or discourteous in a matter of an application for unanimous consent.

Mr. CLARK of Missouri. I am not saying anything about that.

Mr. GAINES. I do not think the gentleman did. I never found there was any more difficulty in asking the consent of the Speaker, as a Member of this House, than in asking consent of any other Member of the House. Now, the gentleman from Missouri asked me whether our later condition will not be worse than the first. The first was rather more objectionable to the people than to the House, but we have made this modification. I am not able to make a comparison and I have no desire to make a comparison between the new rule, for which I voted, and the old system which it superseded. But I want to say again to the Members of this House that if one who wishes to make an objection can avoid his full responsibility and say, "I shall have to object now;" and if then the gentleman asking unanimous consent may have the bill kept on the calendar, then I know that the new rule will be worse than the old condition, for we will have the calendar congested at the top, which will absolutely preclude the bottom of the calendar from any consideration.

And I want to make this further statement: This is not a case where one has asked, before the request for unanimous consent, that his bill may go over, or where a friend is sick, that the bill may go over, or because of the absence of a Member particularly acquainted with it or interested in it; but here is a case where the matter has taken up the time of the House, and a considerable amount of it, and then, being confronted with an objection, the Member asks that the same matter continue to stand on the Calendar for Unanimous Consent, preventing the other 21 bills from consideration.

Mr. SHERLEY. Can not any Member simply object to the request for unanimous consent that it go over?

Mr. GAINES. Yes; but he will not do it. The gentleman from Kentucky knows as well as any Member of this House, for he is both conscientious and courteous, that it is frequently the duty to object and always an unpleasant duty to object. I submit that the conduct of the business of this House has not advanced, but is absolutely impeded, when we make an opportunity for this kind of halfway objection, which postpones the time when one may finally refuse to give his consent to another Member of the House.

Mr. CLARK of Missouri. I want to make a suggestion. As to this particular case, I did not object. As the gentleman from West Virginia says, it is always a painful performance to object to unanimous consent; but I would object for two reasons until I am informed upon two points about the particular matter pending. In the first place, I would object to it unless I am assured that this is what the doctors call a "sporadic case" coming from the River and Harbor Committee, and was not to be a piecemeal performance, by which the members of that committee can get what they want and the rest of us can not get what we want. That is number one. In the second place, I tried to find out and could not, because the gentleman from California did not seem to know himself, whether, if the money in this particular case was diverted, it would be followed by an appeal for a new appropriation for that project out there.

If those two facts were cleared up in my mind I would not have any disposition whatever to object to this request; but what I say is that, if it goes over by consent, in order that the gentleman from California [Mr. MCLACHLAN] might be able to inform us on both of those points, and if the doubt in the case were resolved in the way I would like to see it resolved, then, as far as I am concerned, there would not be any objection to it; but if it were resolved the other way, then, when it came up the next time, I would object to it. It seems to me, in the interest of expediting business, when a man comes in here with a matter about which you can not get the information you desire, he ought to be permitted to take it out and get it back here at some other time when we can get the information.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a question?

Mr. CLARK of Missouri. I have not the floor.

Mr. GAINES. I yield to the gentleman.

Mr. MURDOCK. Suppose the gentleman's argument is right about that. Then ought not the bill of the gentleman from California, which has had its opportunity before the House, to go to the bottom of the calendar?

Mr. CLARK of Missouri. I think that is correct.

Mr. MURDOCK. But there is no such proposition before the House. It takes its place at the head of the calendar.

Mr. GAINES. But the difficulty is that we are proceeding under the rule, and the rule does not provide any way to get it at the bottom of the calendar. Possibly the suggestion now made that by unanimous consent it may go to the bottom of the calendar introduces a third proposition. We are getting pretty far away from the original proposition.

Mr. SHERLEY. Mr. Speaker, I submit to the gentleman that while there might be some few cases where a man would make what he calls a halfway objection, and force the matter to go over, yet the other side of the question would present such a hardship on the House that of the two evils the former would be the lesser. If the gentleman's construction is concurred in, then a bill having once been on that calendar and being objected to can never by any possibility get back during the two years' life of the Congress, and while it may be that

occasionally a bill will remain on the calendar that ought to have gone off, the very next day that calendar is called it will go off in a hurry, as it should go off the first time if a man did his full duty. The whole argument of the gentleman is based on the premise that we are going to be cowardly in doing what we ought to do.

Mr. GAINES. O Mr. Speaker, not at all. The gentleman from Kentucky [Mr. SHERLEY] may use better terms, and I may modify them. I say the difficulty is that we are rather courteous to each other in doing our duty in the House. Here is this bill which has had its hearing to-day. It has had its day in court. The gentleman from Missouri [Mr. CLARK] shows that he contemplates another consideration of it when it comes up at some other time if it remains on the calendar. I submit that we are up to this proposition, whether we will so administer this rule as to advance the Calendar for Unanimous Consent, so that everybody may have his chance, or whether the Calendar for Unanimous Consent is to be monopolized by bills that happen to be at the top.

Mr. LONGWORTH. As I understand the gentleman, he makes distinction between the case of a bill on which some discussion has been had and a bill on which no discussion has been had?

Mr. GAINES. Oh, yes; a very clear distinction.

Mr. SIMS. Mr. Speaker, the proposition as submitted by the Chair, if I understand it, is that after a bill has been discussed and arguments made in favor of it, the statement and arguments not being sufficient to remove objection or satisfy every Member of the House so that he will not object after all that information is ascertained, a request then comes to pass it over without prejudice to some future day, at which time a similar request may be made. Now, the other proposition, as I understand it, is to submit at the time the bill is reached on the calendar a request to pass it over without prejudice before any statement is made or discussion is had on the bill by the proponent of the bill as to its merits, so as to cover the case of accident, like the illness or unavoidable absence of a Member.

I would be willing to vote for such a construction of the rule, but as submitted it means that after an opportunity to get up and explain a bill, when some gentleman like the gentleman from New York [Mr. FITZGERALD] gives notice that if the bill is not passed over he will object, the gentleman in charge, under compulsion, asks to pass the bill without prejudice. In the meantime he has a private conference with the objecting Member, and perhaps satisfies him, so that he will not object on the next day when unanimous consents are in order. So by such a course, when the day rolls around for the Unanimous Consent Calendar to be taken up, some other gentleman, who perhaps not being present on the occasion when the bill was first reached, says he will object unless the bill is again passed over. Thus, after taking considerable time on both occasions in explaining the bill, it goes over again. It is possible to repeat this performance on many bills, and virtually waste all the time on the only day when unanimous consents are in order.

Mr. FITZGERALD. If the gentleman will permit, the gentleman should state in fairness that I called for certain information which the gentleman was unable to give, and it was for the purpose of enabling him to get the information.

Mr. SIMS. Of course, I accept the statement of the gentleman from New York, but the bill was presented by the gentleman in charge of it, and he endeavored to satisfy the gentleman from New York and, therefore, he being unable to make out a case for unanimous consent, virtually asked for a continuance in court after the case was tried and before the verdict. Then, exactly as the gentleman from West Virginia claims, on the next unanimous-consent day he may call up his bill again. In the meantime the gentleman from New York has been satisfied. How? Not by any statement or argument before any committee, not by statements or argument before this House, but privately. I submit that such a practice as that is not a model way of removing objections to legislation. Now, then—— [Cries of "Vote!"]

I know you are getting tired, but this is a good way to waste time. Now, such a proceeding as this will be just as the gentleman from West Virginia has stated. It will give any Member an opportunity to try to have his bill passed here every unanimous-consent day as long as the session may last or as long as Congress may last.

Now, is that fair, and is that justice to the House? Is that a method of legislation which ought to be encouraged? I am not speaking particularly of this bill, but it seems to me to illustrate the evil of such a course. Here is a gentleman on the Rivers and Harbors Committee asking unanimous consent to pass a bill, and nearly every one of us expect a little piece of pork in the river and harbor bill, and we are naturally embarrassed when it comes to objecting to a bill pressed by a member of that committee. It puts such a member in the shape of dominating to some extent the Members of the House even further than if consent had to come from the Speaker. I think this proposition ought to be voted down. I agree that a bill may be passed over, provided it is the first request and does not come after discussion has developed that unanimous consent can not be had. I hope that this proposition will be voted down in its present form and not permit a bill to be passed over after it has been thoroughly discussed and its lack of merit sufficiently developed to warrant some Member of the House in objecting to its consideration without further explanation.

Mr. MANN. Mr. Speaker, I would not detain the House if this were not such an important matter. The gentleman from West Virginia, the Speaker in the suggestion he has made, and the gentleman from Tennessee, assume that you must construe this rule one way before the discussion, perhaps, and another way after the discussion, perhaps, and I suppose it is within the power of the House to make an illogical construction of the rule; but the proposition is not to amend the rule, but to construe the rule, and if the rule allows a request for unanimous consent to be put before the bill is discussed at all, then the rule allows the request for unanimous consent to be put at any time before objection is made, because under the rule there is no difference until objection is made. Now, regardless of that, the argument made by the gentleman from West Virginia and the gentleman from Tennessee is that if a bill shall be passed without prejudice on this calendar it will permit the calendar to be so loaded up that bills will not be reached. I have watched unanimous consents in this House more or less ever since I have been in the House and I have never yet seen a day occupied in this House on unanimous consent, and if I stay in this House long enough to see a whole day occupied in the House on unanimous consents I will live to be older than Methuselah.

Mr. FITZGERALD. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. FITZGERALD. The gentleman must remember that this is not only unanimous-consent day, but this is suspension day also, and unanimous consents are not all we have to deal with on unanimous-consent days.

Mr. PAYNE. Did the gentleman from Illinois ever see a day prior to this Congress when any man in the House could not stop unanimous consent by calling for the regular order? Of course the gentleman never saw a whole day occupied by unanimous consent.

Mr. MANN. I have seen the House consider a good many requests for unanimous consent, and during the time when Mr. Reed was Speaker, when unanimous consents were only considered once a month or more, I have seen the time of the House occupied for a good while—less than half a day—in going through requests for unanimous consent which were made, but any Member now can stop all bills on the Unanimous Consent Calendar in a very few moments by simply saying when the bill is presented, "I object."

Mr. PAYNE. I want to say to the gentleman, he did not see so many bills considered, although he may have seen a good many bills passed; and they were not considered by the House because Members did not like to object.

Mr. MANN. That is the situation, and always will be. The Speaker himself says that the reason for the introduction of this rule was because of the objection of many Members to going to the Speaker and making the request. That was not the whole reason that some gentlemen favored the rule, and the reason the country asked for something, by people who are not well informed. I take it that the real reason of this rule is that the Members may be informed when unanimous consent is to be asked of the House on bills, so that any Member who was interested in the investigation of any bill might know from the calendar when he would need to be in his seat to object. That was the real reason for the rule.

Now, Mr. Speaker, if the construction contended for by the gentleman from West Virginia shall prevail, there will be many bills pending in this House when the session ends, without any opportunity to bring them before the House, much to the regret of gentlemen that may be interested in them, because some one will have temporarily objected to the consideration, and there will be no opportunity afterwards to bring the bill before the House except on calendar Wednesday, and at the end of the session calendar Wednesday will be inevitably loaded with work it is unable to perform.

Mr. SHERLEY. Will the gentleman yield to a suggestion, to answer the statement made by the gentleman from Kansas [Mr. MURDOCK] that the bill ought to go to the foot of the calendar? That can be had in this way: If the request is made

for unanimous consent that it be passed without prejudice any Member can simply state, "If the gentleman will modify his request so that the bill shall go to the foot of the calendar, I will not object." But if you adopt the contention of the gentleman from West Virginia, no latitude is allowed at all; you are simply tying your hands for a whole Congress.

Mr. MANN. The suggestion made by the gentleman from Kansas met with no serious objection, I take it. The House will never see any loading up of the calendar with unanimous consents. There is no possibility of getting the calendar overloaded with unanimous consents when twice a month there will be consideration of the bills. It makes no difference whether the bills are at the top of the calendar or at the bottom of the calendar. If it is on the Unanimous Consent Calendar at all it will be reached for consideration, but this contention would take it off the calendar and put it where it can not be reached for consideration. [Cries of "Vote!"]

Mr. LONGWORTH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. In the event that the House shall determine this question in the negative, is it the intention of the Chair to submit the question as to whether the Chair shall recognize gentlemen for a discussion on the question of postponing?

The SPEAKER. When that question is presented the Chair will decide it. This is the question pending before the House, the submission to the House, in further answer to the parliamentary question. The Chair reads it again:

Shall it be in order, after there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice?

When that question is decided, answering the question further, if it should be decided in the negative it would probably be in order to discuss the question of asking whether it be passed without prejudice before debate. However, that matter can be determined when it arises.

Mr. COOPER of Wisconsin. Mr. Speaker, the original question turned upon the construction to be given this sentence in the rule:

Should objection be made to the consideration of any bill so called, it shall immediately be stricken from the Calendar for Unanimous Consent and it shall not thereafter be placed thereon.

It is clear to me that the word "consideration," as here used, means present consideration—not future consideration, but present consideration—and therefore that this sentence properly construed would read as follows:

Should objection be made to the present consideration of any bill, and so forth, it shall immediately be stricken from the calendar, and so forth.

Now, in reason, any motion or request the granting of which would prevent present consideration is, under this rule, to be treated as if it were a straight-out objection to present consideration. The motion or request of the gentleman from California to permit this bill to go over without prejudice is, in effect, the exact equivalent of an objection to its present consideration. I take it that the proper construction of these words in the rule is the construction which the Speaker intimated, or seemed to intimate, that he would give them in the first instance.

But I do not think the rule as it now reads is all that it ought to be, and therefore I am very glad that the House has been accorded this opportunity to put a construction upon it.

When the opportunity presents itself, I shall vote so to construe the rule as that before any discussion of a bill a motion may be made that it shall go over until a future day without prejudice. But if a gentleman, upon his request for unanimous consent, has occupied the time of the House for half an hour or three-quarters of an hour or an hour and a half and not been able by the facts at his command to convince the House that it should grant unanimous consent and pass the bill, he ought not again upon the same measure to take up the time of the House on another unanimous-consent day.

Mr. SHACKLEFORD. He ought to have present consideration.

Mr. COOPER of Wisconsin. He ought to have present consideration and be prepared with all his facts to show that the bill should pass, or else, before debate, he should ask that the bill go over.

Several MEMBERS. Vote! Vote!

The SPEAKER. The Clerk will again report the proposition which is submitted to the House.

The Clerk read as follows:

Shall it be in order, after there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice?

Mr. CANDLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. Right in connection with that, suppose that this proposition submitted by the Speaker is voted down by the House; then will this bill, and bills similarly situated in the future, go off the calendar entirely, not only for the session in which the request is made, but for the entire Congress, so that it will be impossible to get that bill back upon the Unanimous Consent Calendar during that Congress?

The SPEAKER. The gentleman desires to know whether, under this rule, if a bill goes off the Unanimous Consent Calendar, losing its place there, but having its place, however, on the Public Calendar, it may come back on the Unanimous Consent Calendar?

Mr. CANDLER. During the whole of that Congress.

The SPEAKER. That is hardly a parliamentary question; but the Chair will answer it, if there be no objection, by reading the rule:

Should objection be made to the consideration of any bill so called, it shall be immediately stricken from the calendar and shall not thereafter be placed thereon.

The Chair supposes that means during the Congress. As many as favor——

Mr. GAINES. Let it be reported again.

The Clerk again read the pending question.

The SPEAKER. As many as wish to answer in the affirmative will say aye; as many as desire to answer in the negative will say no.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. SHERLEY. Division!

The House divided; and there were—ayes 97, noes 128.

Mr. MANN. Mr. Speaker, I ask for tellers.

Mr. GAINES. I demand the yeas and nays.

Mr. MANN. I do not expect to ask for the yeas and nays, as far as I am concerned. I ask for tellers.

Mr. FITZGERALD. Let us get the yeas and nays. Let us see who want to do business.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 147, answered "present" 7, not voting 93, as follows:

YEAS—140.

Adair	Dixon, Ind.	Jamieson	Randell, Tex.
Adamson	Edwards, Ga.	Johnson, Ky.	Ransdell, La.
Anderson	Ellerbe	Johnson, S. C.	Rauch
Ashbrook	Englebright	Kahn	Reid
Austin	Ferris	Kennedy, Iowa	Richardson
Barnhart	Finley	Kinkaid, Nebr.	Robinson
Beall, Tex.	Fitzgerald	Kinkead, N. J.	Rothermel
Bell, Ga.	Flood, Va.	Kitchin	Rucker, Colo.
Bennet, N. Y.	Floyd, Ark.	Knowland	Rucker, Mo.
Boehne	Fordney	Korbly	Russell
Booher	Foster, Ill.	Kronmiller	Sabath
Bowers	Gallagher	Lafean	Saunders
Brantley	Garner, Tex.	Langham	Sheppard
Broussard	Garrett	Lever	Sherley
Burgess	Gill, Mo.	Livingston	Sherwood
Burke, S. Dak.	Gillett	Lloyd	Sisson
Burnett	Good	McDermott	Small
Candler	Gordon	McKinlay, Cal.	Smith, Cal.
Cantrill	Goulden	McLachlan, Cal.	Smith, Tex.
Carlin	Gregg	Macon	Spight
Carter	Gronna	Madison	Talbott
Clark, Mo.	Hamlin	Mann	Tawney
Clayton	Hardy	Mays	Taylor, Ala.
Cline	Haugen	Mondell	Taylor, Colo.
Collier	Hawley	Moon, Tenn.	Taylor, Ohio
Conry	Heflin	Moore, Pa.	Thomas, Ky.
Cox, Ind.	Henry, Tex.	Moore, Tex.	Thomas, N. C.
Cox, Ohio	Houston	Morrison	Tou Velle
Craig	Howell, N. J.	Moss	Underwood
Cullop	Howell, Utah	Murphy	Volstead
Dawson	Howland	Norris	Wanger
Dent	Hughes, N. J.	Oldfield	Watkins
Dickinson, Mo.	Hull, Tenn.	Parker	Webb
Dickson, Miss.	Humphrey, Wash.	Parsons	Wickliffe
Dies	Humphreys, Miss.	Pray	Wilson, Pa.

NAYS—147.

Alexander, Mo.	Cooper, Wis.	Foss	Higgins
Allen	Coudrey	Foster, Vt.	Hollingsworth
Ames	Cowles	Fuller	Howard
Anthony	Creager	Gaines	Hubbard, Iowa
Barchfeld	Crow	Gardner, Mich.	Hubbard, W. Va.
Bartlett, Ga.	Crumpacker	Gillespie	Huff
Bates	Currier	Goebel	Hughes, Ga.
Bennett, Ky.	Dalzell	Graff	Hughes, W. Va.
Bingham	Denby	Graham, Ill.	Hull, Iowa
Borland	Diekema	Guernsey	Jones
Boutell	Dodds	Hamer	Joyce
Bradley	Douglas	Hamilton	Keifer
Brownlow	Driscoll, M. E.	Hammond	Kennedy, Ohio
Burleigh	Dwight	Hanna	Knapp
Burleson	Edwards, Ky.	Hardwick	Küstermann
Butler	Ellis	Harrison	Lenroot
Byrns	Elvins	Hay	Lindbergh
Campbell	Fairchild	Hayes	Longworth
Cary	Fassett	Heald	Loud
Chapman	Fish	Helm	Loudenslager
Cook	Focht	Henry, Conn.	Lowden

Lundin	Nelson	Reynolds	Sulzer
McCall	Nicholls	Roberts	Swasey
McCredie	Nye	Scott	Tener
McGuire, Okla.	Olcott	Shackleford	Thistlewood
McKinley, Ill.	Padgett	Sharp	Tilson
Madden	Page	Sheffield	Tirrell
Maguire, Nebr.	Palmer, A. M.	Sims	Townsend
Malby	Payne	Slayden	Weeks
Miller, Kans.	Pearre	Slemp	Wheeler
Miller, Minn.	Perkins	Sperry	Wiley
Morehead	Peters	Stafford	Wilson, Ill.
Morgan, Mo.	Poindexter	Steenerson	Wood, N. J.
Morse	Pou	Stephens, Tex.	Woods, Iowa
Moxley	Pratt	Sterling	Woodyard
Murdock	Prince	Sturgiss	Young, Mich.
Needham	Reeder	Sulloway	

ANSWERED "PRESENT"—7.

Ansberry	Fornes	Martin, Colo.	Weisse
Draper	Hitchcock	Rainey	

NOT VOTING—93.

Aiken	Esch	Kendall	Patterson
Alexander, N. Y.	Estopinal	Kopp	Pickett
Andrus	Foelker	Lamb	Plumley
Barclay	Foulkrod	Langley	Pujo
Barnard	Fowler	Latta	Rhinock
Bartholdt	Gardner, Mass.	Law	Riordan
Bartlett, Nev.	Gardner, N. J.	Lawrence	Rodenberg
Burke, Pa.	Garner, Pa.	Lee	Simmons
Byrd	Gill, Md.	Legare	Smith, Iowa
Calder	Gilmore	Lindsay	Smith, Mich.
Calderhead	Glass	McCreary	Snapp
Capron	Godwin	McHenry	Southwick
Cassidy	Goldfogle	McKinney	Sparkman
Clark, Fla.	Graham, Pa.	McLaughlin, Mich.	Stanley
Cocks, N. Y.	Grant	McMorran	Stevens, Minn.
Cole	Greene	Martin, S. Dak.	Thomas, Ohio
Cooper, Pa.	Griest	Maynard	Vreeland
Covington	Hamill	Millington	Wallace
Cravens	Hill	Moon, Pa.	Washburn
Davidson	Hinshaw	Morgan, Okla.	Willett
Davis	Hobson	Mudd	Young, N. Y.
Denver	James	O'Connell	
Driscoll, D. A.	Johnson, Ohio	Olmsted	
Durey	Keliher	Palmer, H. W.	

So the question was answered in the negative.

The following pairs were announced:

For the session:

Mr. HILL with Mr. GLASS.

Mr. ANDRUS with Mr. RIORDAN.

Mr. MCMORRAN with Mr. PUJO.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. MCKINNEY with Mr. ANSBERRY.

Mr. MOREHEAD with Mr. POU.

Mr. WASHBURN with Mr. RICHARDSON.

Mr. MILLINGTON with Mr. DENVER.

Mr. KOPP with Mr. WEISSE.

Mr. OLMSTED with Mr. JAMES.

Mr. GARNER of Pennsylvania with Mr. RHINOCK.

Mr. SNAPP with Mr. BYRD.

Mr. COOPER of Pennsylvania with Mr. HITCHCOCK.

Mr. MARTIN of South Dakota with Mr. MARTIN of Colorado.

Mr. CAPRON with Mr. O'CONNELL.

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. SMITH of Michigan with Mr. WALLACE.

Mr. SMITH of Iowa with Mr. PATTERSON.

Mr. HENRY W. PALMER with Mr. MCHENRY.

Mr. MORGAN of Oklahoma with Mr. LEE.

Mr. MOON of Pennsylvania with Mr. LATTA.

Mr. MCCREARY with Mr. LAMB.

Mr. KENDALL with Mr. GODWIN.

Mr. JOHNSON of Ohio with Mr. GILMORE.

Mr. GRIEST with Mr. ESTOPINAL.

Mr. FOULKROD with Mr. CRAVENS.

Mr. DAVIS with Mr. COVINGTON.

Mr. COLE with Mr. CLARK of Florida.

Mr. CALDER with Mr. BARTLETT of Nevada.

Mr. BURKE of Pennsylvania with Mr. STANLEY.

Mr. BARTHOLDT with Mr. AIKEN.

Mr. SOUTHWICK with Mr. HAMILL of New Jersey.

For this day:

Mr. CALDERHEAD with Mr. LINDSAY.

Mr. GREENE with Mr. SPARKMAN.

Mr. LAWRENCE with Mr. KELIHER.

Mr. SIMMONS with Mr. DANIEL A. DRISCOLL.

Mr. CARTER. Mr. Speaker, did the gentleman from California [Mr. KAHN] vote?

The SPEAKER. He did.

Mr. CARTER. I voted "present," thinking I was paired with the gentleman from California. I wish to withdraw my vote of "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. CARTER, and he voted "aye," as above recorded.

Mr. BURGESS. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. BURGESS. I was present and did not hear my name called.

The SPEAKER. Was the gentleman giving attention when his name should have been called, and did not hear it?

Mr. BURGESS. Yes.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BURGESS, and he voted "aye," as above recorded.

Mr. ENGLEBRIGHT. Mr. Speaker, I was present and giving attention and did not hear my name called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ENGLEBRIGHT, and he voted "aye," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The Chair desires to state, by permission of the House, it would seem that the vote in the negative in this case would fairly well imply, when taken in connection with the debate, that it would be in order before there has been discussion as to a bill called on the Calendar for Unanimous Consent, for the Speaker to entertain a request for unanimous consent that the bill be passed without prejudice, and the Chair would be so inclined to rule when the question should arise, if it did.

Mr. TALBOTT. Mr. Speaker, a parliamentary inquiry. What disposition would be made of it? Ought it not then to go to the foot of the calendar?

The SPEAKER. That question does not arise at the present time. Is there objection to the consideration of the resolution under consideration when the question of order arose?

Mr. HITCHCOCK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Nebraska objects. The Clerk will call the next business.

TWO CONCURRENT GRAND JURIES IN CERTAIN CASES.

The next business was the bill (H. R. 16037) to amend section 810 of the Revised Statutes.

The Clerk read as follows:

Be it enacted, etc., That section 810 of the Revised Statutes be amended so as to read:

"SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire issue therefor. If the United States attorney for the district shall certify in writing to the district judge, or the senior district judge of the district, or one of the judges of said circuit court, that the exigencies of the public service require it, the judge shall also order a venire to issue for a second grand jury. Either of said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever in its judgment it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

With the following amendment: Line 3, page 2, strike out "shall" and insert "may."

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, reserving the right to object, I would like to ask an explanation from the gentleman from New York [Mr. PARSONS].

Mr. JOHNSON of South Carolina. Mr. Speaker, I reserve the right to object.

Mr. BARTLETT of Georgia. Mr. Speaker, I reserve the right to object.

Mr. PARKER. Mr. Speaker, there is only one new sentence in this bill. It is the second sentence, which allows the judge on the certificate of the district attorney that the exigency of public business requires it to impanel a second grand jury. In the city of New York business is so congested that one grand jury can not get through with it, and this section was recommended by the district attorney there, recommended by the Attorney-General of the United States in his annual report, and is desired by everyone in the interests of justice, so that the business of the district attorney at that place may be done. The word "may" is to take the place of the word "shall." The district judge may order another grand jury.

Mr. HARRISON. Mr. Speaker, will the gentleman yield for a question?

Mr. PARKER. Yes.

Mr. HARRISON. Has not a judge of the district court in New York now the power to call a second grand jury?

Mr. PARKER. After the expiration of the first, but not at the same time.

Mr. BARTLETT of Georgia. Then, as I understand it, they want to have two grand juries at a time.

Mr. PARKER. Yes; two grand juries there at once, so as to get through with the business. It is absolutely needed. The

gentleman from New York [Mr. PARSONS], who introduced the bill, may have a word more to say. I yield to him sufficient time——

Mr. BARTLETT of Georgia. Mr. Speaker, but I wanted to ask the gentleman from New Jersey a question first, inasmuch as I reserved the right to object.

Mr. PARKER. I thought perhaps the gentleman from New York [Mr. PARSONS] might answer the gentleman. What is the question? I yield to the gentleman.

Mr. BARTLETT of Georgia. Oh, no; I have no question now.

Mr. PARKER. Oh, the gentleman from Georgia—please—we have——

Mr. BARTLETT of Georgia. Mr. Speaker, I believe I shall object to the bill.

The SPEAKER. The gentleman from Georgia objects. The Clerk will report the next business.

ADDITIONAL DISTRICT JUDGE, DISTRICT OF MARYLAND.

The next business was the bill (S. 821) to provide for the appointment of an additional district judge in and for the district of Maryland.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the district of Maryland, by and with the advice and consent of the Senate, who shall reside in said district and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said district of Maryland shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

SEC. 3. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however,* That in case the said two district judges do not agree, the senior circuit judge of the fourth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. TALBOTT. Mr. Speaker, I ask that the report of the committee be read to the House.

The SPEAKER. The Clerk will read the report in the time of the gentleman.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 821) to provide for the appointment of an additional district judge in and for the district of Maryland, having had the same under consideration, beg leave to report it to the House with recommendation that it do pass.

Judge Thomas J. Morris, of Baltimore, is the present district judge. He is 72 years of age, and hence entitled to retire on full pay. He is broken in health and not able to perform all the labors of the position. He, however, does not desire to retire, but will be compelled to do so on account of his health if he does not receive assistance in the way of the appointment of another judge. In case of his retirement the appointment of another judge would of course be necessary. Judge Morris feels that he can do some work and be of assistance in disposing of the congested docket in that district and prefers to remain active for a while.

It is thus to be seen that this bill will incur no additional expense on the Government. If Judge Morris should retire, he would be entitled to full pay, and thus two judicial salaries would be going to that district. If an additional judge is provided for and he continues active for a while, the Government will gain Judge Morris's services during the time that he remains on the bench.

Attorney-General Wickersham recommends the passage of the bill. It also has the indorsement of ex-Attorney-General Bonaparte and many other prominent members of the Maryland bar. The recommendation of the Judiciary Committee that the bill pass is unanimous.

Mr. TALBOTT. Mr. Speaker, I do not wish to say anything more than that report says, except that it does not involve one dollar of expense to the Government. Judge Morris can retire any day and still receive full pay. He is only willing to finish up some business that he has and to assist another judge for a time. I hope the gentleman from Illinois will not object. The gentleman said to me privately that we can pass this at some other day, but there is nothing like the present to do a thing.

Mr. MANN. Mr. Speaker, the call of committees is on Wednesday, and the Committee on the Judiciary is practically the committee on call, or very close to the committee on call, and will be reached on Wednesday. Here is a proposition to create an additional judge.

Mr. TALBOTT. But there will be not a dollar more money come out of the Treasury of the United States.

Mr. PARKER. Will the gentleman allow a question? Does the gentleman remember that one bill consumed all the time on last Calendar Wednesday, and the Committee on the Library has six bills between this one and its turn on that calendar? Judge Morris is broken in health and desires this relief or else he will be compelled to resign and we will lose his very valuable services.

Mr. MANN. I will say to the gentleman, a few years ago we were asked to pass a bill identically the same as this in the case of Ohio. We passed the bill and the appointee has since died, and now it is proposed because we provided at one time two judges that the Committee on the Judiciary shall recommend an additional judge now. I do not know whether the Committee on the Judiciary will do that or not, but I think this is a bill where we ought to have a chance in the House to put gentlemen on record as to whether they are going to come in when the old judge dies and ask an additional judge. The Committee on the Judiciary will be called next Wednesday, it is very close to the top of the calendar, and I think that is the proper time to dispose of it, and I, therefore, will object. I would not object to the bill being passed over without prejudice, but that is not possible, owing possibly to the attitude of the gentleman himself.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 16364) to amend in part section 658 of the Revised Statutes.

Be it enacted, etc., That so much of section 658 of the Revised Statutes of the United States as provides for the holding of circuit courts in the southern district of New York "exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December," be amended so as to read "exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the first Mondays in January, March, May, July, September, and November."

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I reserve the right to object.

Mr. PARKER. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, the only purpose of this bill is to change the time of some terms of court held in the southern district of New York. The courts are confined exclusively to the trial of criminal cases. They have now six terms. Four terms are two months apart, then the June term; that is, in the month after the May term, and then there are four months after the June term. The purpose of the bill is to equalize the terms of the court so as to have a term each alternate month during the year. The main purpose of changing the terms is, I think, the grand jury that is held in the summer time has a four months' term and is a great hardship, and the change has been requested by the Attorney-General and by the Department of Justice, and I do not believe there can be any objection to the passage of the bill. It is purely a local matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

Joint resolution (H. J. Res. 111) to donate a brass cannon to the governor of the State of Georgia.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver, without expense to the United States, to the governor of the State of Georgia, at Atlanta, Ga., if the same can be done without detriment to the public service, a small brass cannon once belonging to the Georgia Military Institute, to be used on a monument to be erected in the confederate cemetery at Marietta, Ga.

The committee amendment was read, as follows:

In lines 4 and 5 strike out "the governor of."

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, I reserve the right to object merely for the purpose——

The SPEAKER. This bill is on the Union Calendar.

Mr. KEIFER. For the purpose of asking a question about this matter.

Mr. SLAYDEN. Mr. Speaker, this is a small brass cannon which belonged to the State of Georgia before the civil war and was at the Georgia Military Institute, from where it was captured. The gun is here in the possession of the Government; its history is well known; it is perfectly identified; and the State of Georgia has asked that the gun be returned to them for the purpose of ornamenting a monument. It appealed to the committee, and there was a unanimous report, and, as the report says, it seems to be a simple act of courtesy to the State of Georgia; that the gun is of no value, its historic value alone appertaining to the State of Georgia; and the committee thought that with perfect propriety the gun should be given back to that State, and so the committee made a unanimous report.

Mr. KEIFER. I want to say that my attention was attracted to this joint resolution by its title, which purported to give a brass cannon to the governor of the State of Georgia. I did not know whether or not we had reached the point where we were passing cannon around to even as distinguished a gen-

tleman as the governor of Georgia; but I find the resolution has been changed so as to return it to the State of Georgia. Now, being entirely satisfied with that form of the bill, I have no objection to the cannon going back, but I would like to ask one or two questions. Where was this cannon when it was taken from the Georgia Military Institute?

Mr. SLAYDEN. I will ask my friend from Georgia [Mr. BARTLETT], who is perfectly familiar with its history, to answer that question.

Mr. KEIFER. Where was this cannon at the time it was taken from the Georgia Military Institute?

Mr. BARTLETT of Georgia. At Marietta, Ga., at the Georgia Military Institute.

Mr. KEIFER. Was the cannon there at the time it was taken?

Mr. BARTLETT of Georgia. It was kept there where the boys were taught. I want to state that Mr. LEE, the author of the bill, is absent on account of business, attending a funeral.

Mr. KEIFER. We will take care of his bill, I think. I want to know where this cannon is that is now regarded as of some historic value. In other words, has it been devoted to some historic purpose or is it in some museum somewhere now, and it is proposed to be taken out and returned to the State of Georgia?

Mr. SLAYDEN. It is in the hands of the Ordnance Department, and I will state to my friend that this gun was really obsolete before the war——

Mr. KEIFER. I have no doubt of that.

Mr. SLAYDEN. It was of no value either as a weapon of defense or offense, and now it is proposed to return it to the State of Georgia.

Mr. KEIFER. Does the gentleman know whether or not it was turned over to some military museum?

Mr. SLAYDEN. It was not; it is in the hands of the Ordnance Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and consider the same in the House. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution to donate a brass cannon to the State of Georgia."

FOOTBRIDGE ACROSS TUG RIVER, WEST VIRGINIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18411) to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.

The bill was read, as follows:

Be it enacted, etc., That the Thacker Coal Mining Company, a corporation organized under the laws of the State of West Virginia, is hereby authorized to construct, maintain, and operate a footbridge and approaches thereto across the Tug River at a point suitable to the interests of navigation, at or near Thacker, in the county of Mingo, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

NEW LAND DISTRICT IN MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2523) for the establishment of a new land district in the State of Montana.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the boundaries hereinafter described is hereby constituted a new land district, and that the land office for said district shall be located at Havre, in Chouteau County, Mont.: Beginning on the range line when extended between ranges 28 and 29 east, where the same will intersect the international boundary line between the United States of America and the Dominion of Canada; thence south, allowing for the proper offsets on the sixth, seventh, and ninth standard parallels north, to the point of intersection with the center of the Missouri River; thence westerly and northwesterly along the center of the Missouri River to the point of intersection with the center of the Marias River; thence northwesterly along the Marias River to the point of intersection with the Montana principal meridian; thence north along said principal meridian to the point of intersection with the international boundary line; thence east to the range line when extended between ranges 28 and 29 east, to the place of beginning.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I desire to reserve the right to object.

Mr. PRAY. Mr. Speaker, I think a brief statement of the matter will be sufficient to show the necessity for the legislation. The facts are stated in the report, and I will ask the Clerk to read the first page of the report.

The Clerk read as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2523) for the establishment of a new land district in the State of Montana, having given the bill due consideration, report the same back with the recommendation that it be passed without amendment. The necessity for this legislation will be found from a perusal of the letter of the Secretary of the Interior, which is hereto appended and made a part of this report. This district, when established, will include within its boundaries a great portion of Chouteau County. The office is to be located at Havre. The nearest land office is at Great Falls, 120 miles from the proposed site of the new land office. From recent authentic information received, it appears that on January 13, 1910, there were in the Great Falls land office over 3,000 applications for entry upon public lands which had not been acted upon. New applications are coming in at the rate of 1,000 to 1,500 per month. The nearest land office on the east is about 155 miles and on the west about 250 miles. Owing to the great influx of home seekers in this section of the State, which is the greatest in its history, it appears to be necessary that this office should be established at the earliest possible date for the better accommodation of the settlers.

Mr. UNDERWOOD. Mr. Speaker, the reading of the report satisfies me in reference to the bill, and I withdraw my objection.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman how much land will be embraced in the control of the new land district?

Mr. PRAY. About 16,000 square miles. It embraces nearly the whole of Chouteau County—about 15,000 square miles, to be more accurate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. PRAY. Then I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, and that it be considered in the House.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, and that it be considered in the House. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

TO ABOLISH UNITED STATES LAND OFFICE AT DES MOINES, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5238) to abolish the United States land office at Des Moines, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the land office at Des Moines, Iowa, shall be, and is hereby, abolished from and after the 28th day of February, 1910; and the Secretary of the Interior is hereby authorized to transfer to the State of Iowa such of the transcripts, documents, and records of the office as are not required for the use of the United States and as the State may desire to preserve.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

CHAPTER 271, VOLUME 35, UNITED STATES STATUTES AT LARGE.

The next business on the Private Calendar was the joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large.

The joint resolution was read, as follows:

House joint resolution 116.

Whereas, through an error, chapter 271, volume 35, of the United States Statutes at Large does not express the true intent of Congress in enacting the said chapter 271, as evidenced by examination of the original House bill (H. R. 24835), together with the committee reports thereon, and together with the report of the committee of conference thereon, and the legislative history of the same as evidenced by the Journals of the Senate and House of Representatives, and as set forth in the CONGRESSIONAL RECORD for the second session of the Sixtieth Congress: Therefore be it

Resolved, etc., That the words "5 per cent" in the last proviso of the said chapter 271 of volume 35 of the United States Statutes at Large be changed to read "20 per cent," so that the said chapter when so changed shall read as follows:

"That the Secretary of the Interior may, in his discretion, cause to be made, as he may deem wise, under the rectangular system now provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: *Provided further*, That not to exceed 20 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby."

The SPEAKER. Is there objection?

Mr. REEDER. Mr. Speaker, I desire to reserve the right to object until I can ask a question or two. I want to ask the

gentleman whether this change from 5 to 20 per cent is all the change that is made?

Mr. MONDELL. It is the only change. It is to correct an error in the enrollment of the bill.

Mr. REEDER. Now, this language about not disturbing the lines of men who have settled, regardless of the shape of their claim; is that the usual language in the framing of these laws?

Mr. MONDELL. I will say to the gentleman that it is the language which has been used in the bills which have been passed from time to time providing for resurveys and retracements.

Mr. REEDER. Now, I would like to ask if a settler there has settled on land, and it is very irregular in shape, and they run these lines, supposed to be section lines, and one goes through his land, will he still hold that land on each side?

Mr. MONDELL. In carrying out the retracements in cases of that kind the line is carried to the tract claimed by the entryman, then the tract is surveyed out and he is given his lot.

Mr. REEDER. These lines would go around that, however irregular?

Mr. MONDELL. That is the usual way in which the retracements are made.

Mr. REEDER. I will not make any objection to the bill.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. Does this have any effect upon the boundary lines between public lands and the lines of Territories and States?

Mr. MONDELL. I will say to the gentleman this resolution does not change the law except that in the section of the bill which passed the last Congress the percentage of the appropriation that was to be used for the purpose of resurveying was erroneously stated, and it is proposed now to write in the law the action of both the House and Senate.

Mr. STEPHENS of Texas. The reason I asked the question——

Mr. MONDELL (continuing). There is no change made in the existing law, except to correct an error as to the amount of appropriation for surveys and resurveys which may be used in the surveys and resurveys provided for in the bill.

Mr. STEPHENS of Texas. I am glad to hear that that is true. The reason I asked the question was because 56 miles of the line between Texas and New Mexico have not been definitely settled between the United States Government and Texas.

Mr. MONDELL. This resolution could not affect that.

Mr. STEPHENS of Texas. This resolution could not affect that. We have on our part a commission already appointed, and we are awaiting the appointment of commissioners on the part of the United States Government to settle that question, and we do not wish to disturb that situation by this bill.

Mr. MONDELL. I ask that the Committee of the Whole be discharged from further consideration of the bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and to consider it in the House. Is there objection?

There was no objection.

Mr. MANN. I suppose the gentleman intends to move to strike out the preamble.

Mr. MONDELL. There is no objection to that.

Mr. MANN. Then, the first two words in line 1 of page 2 ought to be stricken out.

Mr. MONDELL. I do not know that it is necessary to strike out the preamble.

Mr. MANN. It is not customary to let the preamble remain. A preamble is supposed to draw the attention of the House to certain facts. After the joint resolution is passed the preamble becomes of no importance.

Mr. MONDELL. What is the gentleman's suggestion?

Mr. MANN. To strike out the words "the said" in line 1 on page 2. Those words refer to the preamble.

Mr. MONDELL. I think those words refer to the law that we are amending.

Mr. MANN. The words "the said chapter" refer to the preamble. It should read "the last proviso of chapter 271." That covers what the gentleman wants.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the preamble be stricken from the resolution, and that the first two words in line 1 on page 2 to be stricken out.

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, strike out in line 1 the words "the said."

The amendment was agreed to.

Mr. MONDELL. Also, to strike out the preamble.

The SPEAKER. That will come later.

The joint resolution was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

By unanimous consent the preamble was stricken out.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 59) providing for the filling of vacancies to occur on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The joint resolution was read, as follows:

Senate joint resolution 59.

Resolved, That the vacancies which will occur on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of John B. Henderson and Alexander Graham Bell, residents of the city of Washington, whose terms of office expire on that date.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCALL. Mr. Speaker, this resolution should be amended, because the 27th of January has already passed.

In line 3 strike out the words "will occur" and insert in place the word "occurred."

In line 8 strike out the word "expire" and insert the word "expired."

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 3 strike out the words "will occur" and insert the word "occurred," and in line 8 strike out the word "expire" and insert the word "expired."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended by striking out the words "to occur" and inserting the words "which occurred."

DEPUTY CLERKS, UNITED STATES CIRCUIT COURT OF APPEALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15665) providing for the appointment of deputy clerks to the United States court of appeals.

The bill was read, as follows:

Be it enacted, etc., That one or more deputies of the clerk of the circuit court of appeals may be appointed by the court on the application of the clerk and may be removed at the pleasure of the court. In case of the death of the clerk his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I should like to hear an explanation of the bill.

Mr. PARKER. I yield to the gentleman from Ohio.

Mr. GOEBEL. Mr. Speaker, the Committee on the Judiciary reported unanimously in favor of this bill. The report made by the committee contains all that I could say with reference to this bill, and I ask that the report be read.

The SPEAKER. The Clerk will read the report in the gentleman's time.

The Clerk read the report (by Mr. GOEBEL), as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 15665) providing for the appointment of deputy clerks to the United States circuit court of appeals, having had the same under consideration, beg leave to report it back to the House with recommendation that it do pass.

The purpose of the bill is to permit the circuit court of appeals to appoint one or more deputies of the clerk of that court. At present there is no provision of law authorizing such an appointment. In case of the death or serious illness of the clerk no one has power to act for him. No process, mandate, or other official paper can issue from the clerk's office.

Congress has provided for a deputy clerk in every other court of the United States, namely, for the Supreme Court by Revised Statutes, section 678; for the circuit court by Revised Statutes, section 624; for the district court by Revised Statutes, section 558; for the Court of Claims by Revised Statutes, sections 1053–1054; for the supreme court of the District of Columbia by section 174 of the Code of Laws for the District of Columbia; and for the court of appeals for the District of Columbia by section 224 of the same code. The omission in this instance was clearly an oversight.

The bill is drawn substantially like Revised Statutes, section 678. The Attorney-General of the United States in his last report, on page 30, recommends the passage of such measure. As every clerk of the circuit court of appeals now employs one or more assistants, and their compensation being paid by the clerk out of fees received from litigants, it is not likely that the number will be increased nor that the Government will be at any expense.

Mr. SHERLEY. Mr. Speaker, I notice the bill reads "one or more deputies of the clerk of the circuit court of appeals." There are several clerks of the circuit courts of appeals, and it seems to me that the bill ought to provide, if it be proper at all, for a deputy to each clerk of a circuit court of appeals.

Mr. GOEBEL. I have no objection.

Mr. SHERLEY. But I would like the gentleman's opinion on it. I have just seen the bill and that objection occurred to me. It reads "one or more deputies to the clerk of the circuit court of appeals." There are as many clerks as there are circuits.

Mr. GOEBEL. There are nine circuits.

Mr. SHERLEY. Nine clerks. It would seem proper to so draw the bill as to authorize the clerk of each circuit court of appeals to appoint a deputy. The change might be effected by changing the word "clerk," in line 3, to "clerks," so that it would read "one of more deputies to the clerks of the circuit court of appeals."

Mr. PARKER. If you change the word "the" to "each," so that it will read "one or more deputies to each clerk of the circuit court of appeals," it will be sufficient. I ask unanimous consent that that amendment be made.

Mr. SHERLEY. There are more questions I want to ask. This does not change the compensation at all?

Mr. GOEBEL. Not at all.

Mr. SHERLEY. The clerks receive compensation through fees. It does, however, do this. I hope the time is coming very shortly when we will abolish the fee system for the payment of clerks of courts, and when that time comes you are going to find that every man who is getting money by virtue of fees will object to the change, and if you add a lot of deputies you will find hard work to change the fee system.

Mr. GOEBEL. "Sufficient unto the day is the evil thereof."

Mr. SHERLEY. I would like to ask the gentleman what reason there is for the appointment of additional deputies?

Mr. GOEBEL. Not additional deputies.

Mr. SHERLEY. Well, deputies.

Mr. GOEBEL. The reason is that if the clerk becomes sick or incapacitated there is no one to act in his place in the issuing of mandates or orders.

Mr. SHERLEY. Is that the only reason?

Mr. GOEBEL. That is the reason given by the Attorney-General.

Mr. SHERLEY. If that is the only reason, it would be better to authorize the court to appoint a clerk to act in the interim; but if he needs additional help right along, there may be a reason for authorizing these deputies.

Mr. MANN. Under the provisions of this bill and the existing law the deputy who acts for the clerk is subject to the bond of the original clerk, whereas if you waited for the court to appoint and for the deputy to give a new bond there would be a time elapse when there would be nobody authorized to sign the papers on behalf of the clerks. We had the same discussion up in reference to deputies of ordinary clerks, holding the bondsmen of the original clerk liable for the action of the deputy after the death of the original clerk. I think that is the reason it is in this form.

Mr. SHERLEY. But here you are authorizing more than one deputy.

Mr. GOEBEL. It depends upon the application of the clerk to the court.

Mr. SHERLEY. I understand it does, but I do not want it to depend on him; I want to get rid of a lot of deputies, who, when it comes to changing the law, will insist on receiving a salary; and if you have six deputies where you could get along with two, you will have difficulty in getting rid of the unnecessary four. I happen to know that there will be legislation shortly in the House looking to a change in the fee system, which ought to have occurred long ago. Now, if the gentleman will make this read "one deputy may be appointed," I will not object.

Mr. GOEBEL. This provides for one or more.

Mr. SHERLEY. Well, strike out the "or more."

Mr. GOEBEL. It leaves it within the discretion of the court to appoint one.

Mr. SHERLEY. But I do not want to leave it there.

Mr. GOEBEL. Then I understand the gentleman is not willing to trust the courts as to the number required.

Mr. SHERLEY. One of the very worst things possible is to leave a matter of this kind to somebody's discretion. Wherever we can decide positively and not leave it to discretion, then I am in favor of deciding. I suggest that the gentleman could get the relief by putting it at one deputy.

Mr. GOEBEL. I would suggest to the gentleman that we ought to leave that to the court to determine the necessity of whether there should be one or more.

Mr. SHERLEY. But I do not think so.

Mr. GOEBEL. Then I must differ with the gentleman.

Mr. SHERLEY. Very well, then; if the gentleman wants me to object to the bill in its present form, I shall certainly do it.

Mr. GOEBEL. Mr. Speaker, a parliamentary inquiry. Is it still in order after the matter has been considered for the gentleman to make an objection?

Mr. SHERLEY. But an objection has been reserved.

The SPEAKER. Objection was reserved, as the Chair recollects, and this discussion has been going on by unanimous consent.

Mr. GOEBEL. Does the gentleman insist upon his position that the bill be so amended or that he will object?

Mr. SHERLEY. I will object unless the amendment I suggest is made to the bill.

Mr. GOEBEL. Then I shall move to amend the bill in that way.

The SPEAKER. First, is there objection to the consideration of the bill?

Mr. SHERLEY. With the understanding that the gentleman will offer that amendment, I shall not object.

Mr. GOEBEL. I will offer the amendment.

The SPEAKER. The Chair hears no objection. The Clerk will report the amendment.

The Clerk read as follows:

Line 3, page 1, strike out the words "or more," and strike out the word "deputies" and insert in lieu thereof the word "deputy."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. SHERLEY. Now, I suggest the other amendment of changing the word "the" to the word "each."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 3, before the word "circuit," strike out the word "the" and insert in lieu thereof the word "each," so as to read "clerk of each circuit court."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GOEBEL. Mr. Speaker, I offer an amendment which I desire to have the Clerk report.

The Clerk read as follows:

Line 6, strike out the words "or deputies."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CIRCUIT AND DISTRICT COURTS AT SACRAMENTO, CAL.

The next business was the bill (H. R. 4830) establishing regular terms of the United States circuit and districts courts of the northern district of California at Sacramento, Cal.

The Clerk read as follows:

Be it enacted, etc., That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Sacramento, Cal., in each year from and after the passage of this act, said term to begin on the second Monday in April and continue as long as the business may require.

SEC. 2. That the clerk of the district and circuit courts for the northern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PRACTICE IN CERTAIN CIVIL AND CRIMINAL CASES, WESTERN DISTRICT OF ARKANSAS.

The next business was the bill (H. R. 18019) to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas."

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western dis-

trict of Arkansas," approved June 2, 1906, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That the defendants in criminal cases now or hereafter pending in the district courts of the Harrison or Texarkana divisions of the western district of Arkansas and who are incarcerated at Fort Smith to await trial because of their inability to furnish bail and who desire to plead 'guilty' may, on their written motion showing those facts and filed in the case, in vacation, and upon the order of the judge, duly signed and filed in the case, have their cases transferred to the Fort Smith division of the western district of Arkansas, to the end that trials may be had and sentences imposed as in other cases of like nature; and prisoners bound over to answer to indictments in the Harrison or Texarkana divisions of the western district of Arkansas for offenses committed in those divisions and who are incarcerated in the jail at Fort Smith, Ark., for inability to furnish bail, and who desire to plead 'guilty' to such offenses, may on their own motions have their cases submitted to a grand jury of the Fort Smith division for indictment and final disposition in the courts of that division, or in proper cases may plead to informations filed in the proper court in said division and have their cases disposed of as other cases of like nature when the offense was committed in the Fort Smith division. When a transfer is ordered, as provided in this section, the clerk shall make out and forthwith send a certified copy of the record entries, together with the indictment and all the original papers, to the clerk of the court to which such case is transferred, who shall file the same, and thereupon the case shall be proceeded with as other cases of like nature pending in such court. For making out said transcript and forwarding the same, together with the original papers in said case, the clerk of the court shall have the usual compensation for making out transcripts and for filing the petition and order and entering the order, and $2 additional, all such compensation to be taxed and paid by the United States as other costs taxed against the United States are paid."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will suggest that this is on the Union Calendar.

Mr. PARKER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and consider the same in the House.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER.

The next business was the bill (H. R. 18895) to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport shoals, Allegheny County, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Wilson and Glassport Bridge Company, a corporation organized and existing under the laws of the State of Pennsylvania, is hereby authorized to construct a bridge across the Monongahela River from a point suitable to the interests of navigation on State street, in the borough of Wilson, Allegheny County, Pa., about 1,030 feet south of the north boundary line of said borough, to a point on the opposite side of said river in the borough of Glassport, said county and State, at or near the intersection of Broadway and Michigan avenues, in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Page 1, in line 7, strike out the words "on State street."

Page 1, in lines 8, 9, and 10, strike out the words "about 1,030 feet south of the north boundary line of said borough."

Page 1, in lines 11 and 12, strike out the words "at or near the intersection of Broadway and Michigan avenues."

The SPEAKER. Is there objection?

Mr. TALBOTT. Mr. Speaker, I reserve the right to object.

Mr. MANN. Mr. Speaker, this is an ordinary bridge bill to authorize the construction of a bridge across the Monongahela River, which is an act conforming to the practice of the House, and has the approval also of the Chief of Engineers in the War Department, and I yield to the gentleman from Pennsylvania, who introduced the bill, if any further information in regard to it is required, although I will be glad to furnish any additional information.

Mr. TALBOTT. Mr. Speaker, the gentleman from Maryland does not need any additional information; I withdraw the objection.

Mr. FITZGERALD. Has the gentleman from Illinois examined this bill?

Mr. MANN. He has, and made a lot of amendments to it.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 18695) to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia.

Be it enacted, etc., That the act entitled "An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River," approved June 29, 1906, is hereby revived and reenacted: *Provided*, That actual construction of the bridge therein authorized shall be commenced within one year and completed within three years from the date hereof.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, there should be an amendment there. I think this bill is improperly printed. It should have a section 2, to read:

The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as section 2:

"The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The committee amendment was read, as follows:

In line 9 strike out the word "hereof" and insert "of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 19714) authorizing the President to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "Administration Building."

Be it enacted, etc., That the President be, and he is hereby, authorized, in his discretion, to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "Administration Building," together with the ground on which the same is located, for a sum not less than $80,000, and the proceeds of such sale, if made, shall be covered into the Treasury of the United States.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, how much is this building worth?

Mr. MANN. Mr. Speaker, I would not wish to put in the RECORD, if I can help it, a statement that we offered to sell a building to the Republic of Panama for more than it is worth, but I should say myself it is not worth more than $50,000. We are offering to sell this for not less than $80,000.

Mr. FITZGERALD. The gentleman is speaking strictly of the building?

Mr. MANN. I am speaking of the building and the ground, with which I am quite familiar, although not in the sense of an expert real-estate dealer.

Mr. FITZGERALD. How does the gentleman then fix $80,000 as the upset price?

Mr. MANN. I fix that on the statement of the Secretary of War and gentlemen in charge of the construction of the canal, who say that $80,000 is a fair price for the property. I suppose probably no one else would purchase it for any sort of a price except the Republic of Panama. The building is not of a character one could use for ordinary purposes at all. It was a building constructed by De Lesseps and was the administration building of the old Panama Canal Company, and was occupied shortly after we first went down there by Chief Engineer Wallace as a residence, and has never been occupied since except as a sort of storage for supplies for a few traps and things of that kind.

Mr. FITZGERALD. Is there any possibility of its being used as an embassy? They are talking about buying embassies in different places.

Mr. MANN. Well, I think not. I think we can provide an embassy down there for a great deal less money than authorized here. I will say to the gentleman that the Secretary of War has suggested that there might be authority given to the Secretary of War to sell any property down there that we had acquired from the old Panama Canal Company and the proceeds might be paid into the fund for the construction of the canal. Subsequently, when objection was made to that, the suggestion was made that he be given authority to sell this particular administration building and that the money could be paid into the fund provided for the construction of the canal. The gentleman will see that the bill is not drawn in that way, but authorizes the President to make the sale, and so far as the resolution is concerned we have dealt with the President and not the Secretary of War, and it provides that the money, if the sale is made, shall be paid into the Treasury and not as part of the Panama Canal fund.

Mr. FITZGERALD. I suppose the Panama Government desires to use this as a public building?

Mr. MANN. I think they do desire to use it for that purpose.

Mr. HARRISON. Will the gentleman permit me to say, does not the gentleman realize that there is a very grave admission

contained in an extract from the annual report of the Secretary of War, in which he says:

Upon an examination of the law I am of the opinion that the President had not the authority to dispose of this property without the sanction of Congress.

That is the very first time in that connection that this or the previous administration has ever admitted that the President could not do all and anything in connection with the administration of the Canal Zone, and I want to ask the gentleman whether it does not stultify all the arguments the gentleman has made on the floor concerning the whole subject of the Canal Zone?

Mr. MANN. Quite the contrary. No President has ever claimed any authority to sell any property upon the Canal Zone. We have had that matter up before. We passed a bill through Congress, which I think the gentleman himself voted for, although he has not voted for every proposition I have presented to the House concerning the Panama Canal, authorizing the sale of land down there for agricultural purposes; but this is for another purpose.

Mr. HARRISON. Did that pass the Senate?

Mr. MANN. Oh, yes; and is law. We have always contended, and it has been acquiesced in by the President—in fact, he has never claimed otherwise so far as real estate owned by us on the Panama strip is concerned, he has no control over it so far as the sale is concerned, except such as we give him by legislation.

Mr. HARRISON. Does the gentleman seriously believe that anybody, after the original bill he put through the House over our dead bodies, so to speak, would ever think it necessary to pass such a law as this with reference to anything?

Mr. MANN. Well, the gentleman and I look at things from different angles, sometimes. I do not see how anybody could read the bill and put any other construction upon it.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Do we propose to sell any ground in connection with the building?

Mr. MANN. No ground except that on which the building stands.

Mr. STEPHENS of Texas. Is that in connection with the city of Panama, in the Republic of Panama?

Mr. MANN. This building is right in the city of Panama, on a prominent corner.

Mr. STEPHENS of Texas. Has it ground all around the building?

Mr. MANN. It has no ground around or adjacent. It is part of a city lot that the Government owns—the building without any land around it.

Mr. STEPHENS of Texas. The Government owns the ground on which the building stands?

Mr. MANN. It owns the ground on which the building stands.

Mr. STEPHENS of Texas. I believe the gentleman is one of those who says that where the flag is hoisted it shall never be hauled down; now he is proposing to sell ground of the United States. What excuse does the gentleman make?

Mr. MANN. I do not care to make any excuse, not even here.

Mr. STEPHENS of Texas. Would the gentleman object to striking out "Panama" and inserting "Philippine Islands?" If you do I will not object to the bill.

Mr. MANN. I think I would not care to do that.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. FITZGERALD. Is there any statute by which the administration has the right to sell other property on the Canal Zone?

Mr. MANN. They have no right to sell any property on the Canal Zone except as we pass the laws to allow them to sell the real estate.

Mr. FITZGERALD. I do not mean real estate. I notice a contract has just been made for the sale of scrap on the zone.

Mr. MANN. Yes; I think they have that authority; they certainly exercise it.

Mr. FITZGERALD. I have no objection to this bill; I think we ought to sell the property.

Mr. MANN. I think that is the opinion of everybody who is familiar with the matter.

The SPEAKER. The Chair hears no objection.

Mr. MANN. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, and that it be considered in the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill, and that the same be considered in the House. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

FISH HATCHERY AT PRESQUE ISLE PENINSULA, PENNSYLVANIA.

The next business reported from the Calendar for Unanimous Consent was the bill (H. R. 12397) granting certain rights and privileges to the department of fisheries in the State of Pennsylvania.

The bill was read, as follows:

Be it enacted, etc., That the department of fisheries of the State of Pennsylvania is hereby granted the right to enter upon and occupy the following-described land of the United States, known as "Presque Isle Peninsula," in the county of Erie and State of Pennsylvania, to wit, all that part of said peninsula lying and being between the east line of the Erie waterworks lands and a line substantially parallel with and adjacent to the west line of the lands of the Presque Isle light-house, on the north shore of said peninsula, and the line of the present walk leading from said light-house to the north shore of Misery Bay, for the purpose of establishing and maintaining thereon a hatchery for the propagation of game and food fishes, and in pursuance thereof to improve the lands and ponds and reclaim marsh lands thereon; to construct buildings, houses, and sheds, and docks and approaches from Presque Isle Bay to said lands and to the ponds and hatchery buildings on said lands; to lay out, build, and maintain roads and walks in connection therewith, and plant trees and shrubs thereon for the preservation thereof: *Provided*, That the occupation and use of the said lands for the aforesaid purposes shall in no manner affect the right, title, and interest of the United States in and to said lands, nor the Government right of passage over and across the lands so occupied; and the said department of fisheries of the State of Pennsylvania shall do nothing on said lands that may injuriously affect the harbor of Erie or the peninsula of Presque Isle as a protection for the harbor: *Provided further*, That the United States shall not be liable for any damages whatsoever that may at any time occur to the improvements of the department of fisheries of Pennsylvania on said lands: *And provided further*, That the exercise of the rights hereby granted and the execution of any work on said lands hereby authorized shall be in accordance with such plans and specifications as may be approved by the Secretary of War and subject to such further stipulations and conditions as he may prescribe.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. GILLETT). Is there objection?

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ANTHONY. I yield to the gentleman from Pennsylvania [Mr. BATES].

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and that it be considered in the House. Is there objection? [After a pause.] The Chair hears none.

Mr. BATES. Mr. Speaker, this bill is reported from the Committee on Military Affairs unanimously, and it came before that committee on a favorable report from the Engineer's Office of the War Department. It grants a right to the fish commission of the State of Pennsylvania to erect a fishery on the eastern portion of Presque Isle Peninsula, that peninsula being an arm of land of about 4½ miles in length, and forms Erie Harbor. It is proposed by the fish commission of Pennsylvania to erect a modern fish hatchery thereon for the propagation of game and food fishes. I think the object is a commendable one. In these days of high prices of beef, we in Pennsylvania propose to erect, possibly, the best fish hatchery in the country and show the balance of the world that Pennsylvania desires to do her full share in the supply of food products.

The title of this land is in the State of Pennsylvania, but for the purposes of national defense and harbor protection the right and custody of the same is in the United States Government and under the control of the Department of Engineers, and the favorable report has come from the Engineer Department and the Military Affairs Committee. The bill carries no appropriation, but confers upon the department of fisheries of Pennsylvania the right to use and occupy this portion of the peninsula (about 175 acres) to erect buildings, dredge pools and inlets, all, however, subject to the supervision and control of the Secretary of War. There can be no possible objection to such occupation, and the public-spirited bodies of citizens of Erie—the board of trade and chamber of commerce—promise to assist the enterprise to the fullest extent. The passage of this bill gives the opportunity for erecting one more splendid institution in Pennsylvania, and Erie, with her 70,000 people, will take a just pride in counting this hatchery as one of her

institutions as well. I trust, therefore, Mr. Speaker, that the bill will pass.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent to dispense with the reading of the bill.

Mr. HULL of Iowa. I ask unanimous consent to dispense with the further reading of the bill, and that the Committee of the Whole be discharged from further consideration of it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ANTHONY, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS BLACK RIVER NEAR PAROQUET, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18806) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.

The bill was read, as follows:

Be it enacted, etc., That the St. Louis, Iron Mountain and Southern Railway Company, a corporation organized and existing under the laws of the States of Missouri and Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Black River near Paroquet, Ark., or to reconstruct, maintain, and operate the present bridge of said company across the said river in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressely reserved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The following committee amendments were read, considered, and agreed to:

Strike out, in lines 5 and 6, the words "its successors and assigns, be, and they are," and insert in lieu thereof the word "is."

Amend, in line 8, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The title was amended so as to read: "A bill to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark."

BRIDGE ACROSS ST. FRANCIS RIVER NEAR PARKIN, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18807) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.

The bill was read, as follows:

Be it enacted, etc., That the St. Louis, Iron Mountain and Southern Railway Company, a corporation organized and existing under the laws of the States of Missouri and Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. Francis River near Parkin, Ark., or to reconstruct, maintain, and operate the present bridge of said company across the said river in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The following committee amendments were read, considered, and agreed to:

Strike out, in lines 5 and 6, the words "its successors and assigns, be, and they are," and insert in lieu thereof the word "is."

Amend, in line 8, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

Mr. MANN. I do not know that it is important, but there are some commas in there that ought to go out. After "Arkansas," in line 5, there is a comma which ought not to be there, and also after "hereby," in line 6. I ask unanimous consent to strike out those commas, and also the same in the bill last passed.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the commas designated by him in this bill and the previous bill be stricken out. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended to read: "A bill to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark."

BRIDGE ACROSS THE WHITE RIVER AT AUGUSTA, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18808) to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.

The bill was read, as follows:

Be it enacted, etc., That the St. Louis, Iron Mountain and Southern Railway Company, a corporation organized and existing under the laws of the States of Missouri and Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the White River at Augusta, Ark., to reconstruct, maintain, and operate the present bridge of said company across the said river in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The following committee amendments were read, considered, and agreed to:

Strike out, in lines 5 and 6, the words "its successors and assigns, be, and they are," and insert in lieu thereof the word "is."

Amend, in line 8, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "A bill to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark."

BRIDGE ACROSS THE MISSOURI RIVER AT KANSAS CITY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18592) to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved February 20, 1907, entitled "An act to amend an act entitled 'An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.,' approved March 19, 1904," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That the construction of the bridge authorized to be constructed by the act approved March 3, 1887, and of which this act is amendatory, shall be completed within three years from March 19, 1910, and the time for so doing is hereby extended accordingly, and unless these conditions are complied with, this act and the acts of which it is amendatory shall be null and void: *Provided*, That in all matters and particulars not expressly provided for in the acts of which this act is amendatory, the construction, control, and use of such bridge shall be governed by the act of Congress approved March 23, 1906, entitled 'An act to regulate the construction of bridges over navigable waters.'

"SEC. 3. That the Congress reserves the right to change, alter, amend, or revise this act and the acts of which it is amendatory at any time."

The Clerk read the following committee amendments:

In line 12, page 2, strike out the word "act" and insert "acts."

In line 13, page 2, strike out the word "control" and insert the word "maintenance." Also strike out the word "use" and insert the word "operation."

In line 14, page 2, strike out the words "governed by" and insert the words "in accordance with the provisions of."

In line 18, page 2, strike out the words "the Congress reserves."

In line 19, page 2, strike out the word "change." Also strike out the word "revise" and insert "repeal."

In lines 19 and 20 strike out the words "at any time" and insert "is hereby expressly reserved."

Strike out the preamble.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask a question. I observe that the act authorizing this bridge to be built was passed in 1904, and this requires it to be completed in 1913, nine years thereafter. Why has it taken so long?

Mr. MANN. I may say to the gentleman from Wisconsin that it is a great deal worse than that. The original act for the construction of that bridge was passed in 1887. It has been extended from time to time until three years ago, and when this bill was presented the committee required evidence, a portion of which is printed in the report, giving the reason why this bill should be enacted. It seemed that originally the piers of the bridge were constructed, but for many years it was practically abandoned. There were troubles in reference to the erection of the bridge and troubles in reference to the ownership of the land on either side of the river. Now, the present parties who have it got an extension of time three years ago and have expended over $100,000. They have a number of contracts outstanding. They have recovered apparently from the stringency of the panic of 1907 and are preparing to go ahead with the construction of the bridge, a thing that the people are interested in.

Mr. COOPER of Wisconsin. What kind of a bridge is it?

Mr. MANN. It is a railroad, foot passenger, and wagon bridge.

Mr. COOPER of Wisconsin. Thirty-three years is a long time.

Mr. MANN. No doubt about it. I propose to offer an amendment striking out the word "three," in line 6, and inserting the word "two," so that it will give them only two years more to complete the bridge instead of three years. Our rule is to give one year in which to commence the construction of a bridge and two years after that in which to complete it. So that we treat them now as though they had commenced the construction of the bridge and allow them two years more to complete it. There is no doubt that for many years this was a franchise that might be up for sale, and there was not much chance to sell it and not much chance to build the bridge. These people are now ready to go ahead, at least they make the claim that they are, and the gentleman from Missouri [Mr. BORLAND] is satisfied that they are going ahead with the construction.

Mr. BORLAND. That is the only thing we wish to be assured of, that they are actually going ahead with the construction, and we are going to limit them to two years.

Mr. ANTHONY. I would like to ask the gentleman if this is the old Winner Bridge?

Mr. BORLAND. Yes.

Mr. ANTHONY. And they are actually at work on it now?

Mr. BORLAND. Yes; they are. It is now known as the Arnold, Burlington and Swift Terminal.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment:

In line 6, page 2, strike out the word "three" and insert the word "two."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The title was amended by striking out the preamble.

The question was taken, and the bill was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent to enter a motion to reconsider the votes whereby all the bills reported by the Committee on Interstate and Foreign Commerce were passed, and to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to enter a motion to reconsider all the votes whereby the bills reported from the Committee on Interstate and Foreign Commerce were passed and to lay that motion on the table. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19399) to extend the time for the completion of the bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time fixed by the act of Congress entitled "An act to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River," approved February 15, 1907, for the completion of the construction of the bridge therein authorized to be constructed is hereby extended one year.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Strike out all of section 1 and insert the following:

"That the time for completing the construction of the bridge authorized by the act entitled 'An act providing for the construction of a bridge across the Mississippi River,' approved February 15, 1907, is hereby extended to one year from the date of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, disagreed to by the House of Representatives, had agreed to conference asked by the House of Representatives, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company;

S. 538. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon; and

S. 234. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

The message also announced that the Senate had passed the following resolutions:

Senate resolution 169.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM C. LOVERING, late a Representative from the State of Massachusetts.

Resolved, That a committee of five Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. LOVERING at Taunton, Mass.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance of the foregoing resolutions the Vice-President had appointed as the committee on the part of the Senate under the second resolution Mr. LODGE, Mr. CRANE, Mr. WETMORE, Mr. BAILEY, and Mr. NEWLANDS.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company—to the Committee on the Merchant Marine and Fisheries.

S. 538. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon—to the Committee on Ways and Means.

S. 2341. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriations and provision to carry the same into effect—to the Committee on Indian Affairs.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on February 4, 1910, approved and signed bill of the following title:

H. R. 19548. An act prescribing certain provisions and conditions under which bonds and certificates of indebtedness of the United States may be issued, and for other purposes.

COMMITTEE ON THE JUDICIARY.

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 377.

Resolved, That the Committee on the Judiciary shall have leave to sit during the sitting of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MANUFACTURE OF SUBSIDIARY SILVER COIN.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 655), which was read and, together with the accompanying papers, referred to the Committee on Coinage, Weights, and Measures and ordered printed:

To the Senate and House of Representatives:

I submit herewith a copy of a letter from the Secretary of the Treasury, inclosing a memorandum and letter from the Director of the Mint relative to a modification of the deviations now allowed by law from the standard weight of the silver coins of the United States.

The Secretary of the Treasury approves of the suggestion of the Director of the Mint, and it is recommended by both that section 3536 of the Revised Statutes be amended by striking out the following words: "And in weighing a large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in one thousand dollars, half-dollars, or quarter-dollars, and one-hundredth of an ounce in one thousand dimes."

From the memorandum prepared by the Director of the Mint it is apparent that a saving in the manufacture of subsidiary silver coin would be effected by amending section 3536 of the Revised Statutes as proposed, and I recommend that favorable action be taken by Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 7, 1910.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. HUBBARD of West Virginia, indefinitely, on account of important business.

To Mr. ESCH, indefinitely, on account of illness in his family.

To Mr. RIORDAN, indefinitely, on account of death in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted—

To Mr. STURGISS to withdraw from the files of the House, without leaving copies, papers in the case of George W. Johnson, Sixtieth Congress, no adverse report having been made thereon.

To Mr. REYNOLDS to withdraw from the files of the House, without leaving copies, the papers in the case of J. H. Sparks, Fifty-sixth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 19871) authorizing the Secretary of War to purchase certain lands adjoining the Frankfort Arsenal, Philadelphia, Pa., was changed from the Committee on Military Affairs to the Committee on Appropriations.

By unanimous consent, reference of the bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky., was changed from the Private Calendar to the Union Calendar.

DEPORTATION OF CONVICTED ALIENS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on Immigration and Naturalization have five days within which to file their views respecting a bill reported from the committee with reference to the deportation of convicted aliens.

The SPEAKER. Is there objection?

There was no objection.

STATUE OF GEN. LEWIS WALLACE.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 378.

Resolved, That exercises appropriate to the acceptance from the State of Indiana of the statue of Gen. Lewis Wallace, erected in Statuary Hall, in the Capitol, be made the special order for Saturday, February 26, 1910, after the conclusion of the routine morning business.

The SPEAKER. The Chair thinks this is of that class of special orders that are purely matters of ceremony and feels authorized in administering the rules to submit the request for unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, with Mr. TILSON in the chair.

Mr. GARRETT. Mr. Chairman, the President of the United States, in his special message transmitted to the Congress on January 10, 1910, recommended the enactment of a general law providing for the granting by the Federal Government of charters creating corporations to engage in interstate and foreign commerce.

It will be borne in mind that he does not recommend making it compulsory upon corporations to take out federal charters in order to engage in interstate and foreign commerce, but proposes to leave it to their own election.

If the policy recommended by the President be adopted, the Federal Government will have gone far beyond any point heretofore reached or seriously sought to be reached by it. It is a policy so sweeping in its character and so far-reaching in its intendment that the Congress surely will pause and give it exhaustive consideration before entering upon it. I beg the indulgence of the House to submit a brief review of some phases of the question in advance of the coming before us of bills from the committees having the recommendations in charge.

The President in his message has anticipated and sought to answer certain objections that would be urged to the scheme, saying:

> Such a national incorporation law will be opposed, first, by those who believe that trusts should be completely broken up and their property destroyed. It will be opposed, second, by those who doubt the constitutionality of such federal incorporation, and, even if it is valid, object to it as too great federal centralization. It will be opposed, third, by those who will insist that a merely voluntary incorporation like this will not attract to its acceptance the worst of the offenders against the antitrust statute and who will therefore propose instead of it a system of compulsory licenses for all federal corporations engaged in interstate commerce. (President's Message, Jan. 10, 1910.)

And he then proceeds to consider those objections in the order stated by him.

THE CONSTITUTIONAL QUESTION FIRST.

It seems to me, Mr. Chairman, that the second objection suggested by the President as likely to arise, or at least the first portion of it—the question of the constitutionality of it—deserves first consideration, because that is a question of principle; the others may be classed as questions of policy. If such an act be unconstitutional, of course that is the end of it; if not, then we may consider the other phases and effects as matters of policy upon their respective merits.

Let us then turn to this, and let us bear strictly in mind just what is proposed. It is that Congress pass a general law authorizing the granting of charters of incorporation to private business associations desiring to carry on interstate commerce; it is not to authorize the creation of corporations that are to perform some governmental function, as, for instance, a bank with authority to issue currency, or a public highway, such as a railroad or canal, but purely private business concerns engaged wholly in private business for private profit, performing no public service, exercising no governmental function whatsoever.

Let us remember just here that there is a distinction as wide as the poles between this proposition and that which has been much agitated of a system of federal licenses or federal registry of associations engaged in interstate and foreign commerce. While I grant that much may be said upon each side of the latter proposition, still it is wholly different in its constitutional aspects from the former. The President proposes that the Federal Government be clothed with authority to create a new entity, a new commercial agency; in the other it is a form of regulation of those already in existence or hereafter to be created by the sovereign States.

Let us also remember that the corporations to be created under the proposed policy will be entirely different in character from those created under authority of Congress in the District of Columbia and in the Territories. These corporations, though created by federal authority, bear the same relations to all others and to the governments, State and Federal, as those created by the States. They are "citizens" of the District or of the Territory, as the case may be. Those created under the President's policy will be federal corporations. They will not be citizens of any State or Territory or of the District of Columbia. They will have a legal status wholly different from individuals or joint-stock companies or partnerships engaged in similar activities; wholly different from state corporations engaged in precisely similar work. They will have legal rights, immunities, and privileges which individuals acting as individuals can never attain.

Mr. Chairman, the second section of the sixth article of the Constitution of the United States provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

If, therefore, such federal corporations as the President advocates can be created, they will, under this section, as it has again and again been interpreted and applied by the courts, be supreme above state regulation and law. They can enter a State without so much as saying "by your leave," and carry on their business, their agents snapping their fingers contemptuously at state law and rules. The States can have no authority, can exercise no control, can impose no terms save such as the discretion and grace of the Federal Government allow them. "If it please you, O Federal Government," the States must say, "we would do this or that, make this regulation or that for your creatures, your corporations that have been given life by your law; if it please you not, however, why, not our will, nor our wisdom, but yours be exercised." How vast the sweep of the proposed policy! How tremendous the change which will be wrought if it be consummated!

A corporation may be formed having its place of business in the State of Massachusetts but desiring to cross the border and do business in New Hampshire. By taking a federal charter it will escape any regulation of New Hampshire, except such as the discretion of the Congress of the United States may permit that State to have. The judgment of representatives from Tennessee and Georgia, from California and Oregon, from 44 other States must be substituted for that of the citizens of New Hampshire.

In passing, let me say, Mr. Chairman, that if we are to have any such incorporation I quite agree that it should be under a general law, and only under a general law. There should be no special acts of Congress granting charters to particular associations for special purposes. Gentlemen may remember that during my brief service here I have frequently protested against the passage of special bills granting charters of incorporation to District associations, simply on the ground that we ought not to pass such special acts. I am glad to see that we have fewer of these than formerly. If we are to have this general policy, by all means let it be under a general law, but let us consider well before we have it at all.

VOLUNTARY FEATURE MAKES NO CHANGE IN CONSTITUTIONAL ASPECT.

One other matter to bear in mind in considering the constitutionality of the question is that leaving it optional with an association whether it will take a federal charter or receive its life from a State, has no bearing whatsoever.

Where the Federal Government may go, the Federal Government can go, so far as the Constitution is concerned. In other respects the voluntary feature of the proposition is a matter of great moment, but the constitutional question is unaffected by it.

If the Federal Government may constitutionally pass an act permitting a charter at the election of an association, I apprehend it could go further and say that, in order to engage in interstate commerce at all, the association, if it be a corporation, must be a federal corporation, must have a federal charter. If it can go that far, could it not go still further and say, if Congress, in its discretion should determine to do so, that only incorporations should have the right to engage in interstate trade?

At any rate, in my view of the matter, the voluntary feature does not affect the fundamental legal phase. But whether it does or not, I shall undertake to maintain that the proposed legislation lies beyond the limit of federal authority.

The President, in answer to the constitutional objection which he anticipated would be urged, says:

> Second. There are those who doubt the constitutionality of such federal incorporation. The regulation of interstate and foreign commerce is certainly conferred in the fullest measure upon Congress; and if, for the purpose of securing in the most thorough manner that kind of regulation, Congress shall insist that it may provide and authorize agencies to carry on that commerce, it would seem to be within its power. This has been distinctly affirmed with respect to railroad companies doing an interstate business and interstate bridges. Why, then, with respect to any other form of interstate commerce, like the sale of goods across state boundaries and into foreign commerce, may the same power not be asserted?

The President might have added that, in the exercise of another power, the Congress created a corporation to engage in the banking business, becoming a partner in the concern, and this was sustained by the courts after what was probably the greatest legal battle in the history of the Republic.

But, Mr. Chairman, there is a vast difference, a difference which all lawyers and most laymen must appreciate, between the nature and functions of an institution which issues currency or a substitute for currency for use in exchanging commodities and values, and one which manufactures commodities to be exchanged. And there is an equal difference between the nature and functions of a railroad or canal or bridge—a public highway constructed for the transportation and passage of persons and things—and a trading company engaged in private commerce for private gain.

The fact that the motive of those who engage in banking activities or in the construction and operation of railroads is precisely the same as the motive actuating those who sell groceries or weave the cotton fiber into clothing—that is, to make money—does not change the essential character of the businesses themselves. The test is the nature of the work in which the corporation is to engage, as that work is related to the public service or the exercise of some governmental function, and not the motives of the individuals who compose the association.

To determine whether the Federal Government has power to create a corporation we must look to the business in which that corporation is to engage. If it is to be an agency created as a matter of convenience to carry on some activity which the Government itself might engage in directly in the exercise of some one of its delegated powers, then, under the well-settled and often-reiterated decisions of the courts the Federal Government is empowered to create it; but if it is to be a private business concern carrying on no governmental work, exercising purely private functions, then, sir, there is no precedent for the Federal Government creating such an one, and it will be violative of the Constitution for it to do so.

SOME LEAVES FROM HISTORY.

In the convention which framed the Constitution Mr. Madison, of Virginia, often referred to as the "Father of the Constitution," and Mr. Pinckney, of South Carolina, on August 20, 1787, each submitted to the convention a proposal that the Congress be clothed with the power to create corporations. The proposition of Mr. Madison was in the following words:

> Congress shall have power to grant charters of corporation in cases where the public good may require them and the authority of a single State may be incompetent.

The proposition of Mr. Pinckney was simply—

> Congress shall have power to grant charters of incorporation.

These proposals were first referred to the committee on detail (see the Madison Papers) and were never heard of in that form again, so far as any records of the convention show. Other proposals made by these gentlemen at the same time and referred to that committee were favorably acted upon by the committee and by the convention, and are in the Constitution today. This was rejected.

Three days before the convention adjourned, however, Mr. Madison brought forward another proposition which I shall undertake to show was much more restricted than his first proposal. Dr. Benjamin Franklin on that day, September 14, 1787, as the Constitution was being whipped into final shape, moved to add, after the words "post-roads," section 8 of Article I (that being the section granting to Congress the power to establish post-roads), a power "to provide for cutting canals where deemed necessary," and Mr. Madison then suggested an enlargement of the motion into a power "to grant charters of incorporation where the interest of the United States might require, and the legislative provisions of individual States may be incompetent."

Gentlemen will observe the wide difference in the two propositions submitted by Mr. Madison. In the first it was proposed to authorize Congress to create corporations where the public good might require, and in the last where the interest of the United States might require. It is quite clear to my mind that had his first proposition prevailed, Congress might, in its discretion, have incorporated even trading companies, and it is equally clear that in the last Mr. Madison meant the Government of the United States. It was so regarded at the time in the convention, as the debate on it, to be found in the Madison Papers, show. It was suggested by some one that Congress already had the power, meaning, of course, the power to grant a charter of incorporation to a company which was exercising some function of the United States Government. Others denied this, and Mr. Madison himself, in the first constitutional debate had in the Congress after the Government was formed, took the position that it had not. No one ever suggested in convention, so far as the records show, that the Congress had any such power as would have been granted by Mr. Madison's first proposal.

But, Mr. Chairman, even his last proposal to grant the power to create a corporation for governmental purposes failed. The motion was so modified as to permit a vote upon the canal proposition alone, and the vote was 8 States against to 3 in favor, and the Madison amendment, of course, failed with the original. The matter was not again brought before the convention, and the Constitution, without this power to create corporations even for governmental purposes being expressly

granted, went to the States for the ratification or rejection of their people.

I have searched the records of the debates in the various state conventions held for the purpose of passing upon the ratification of the instrument with such diligence as I could to find if any discussion was there had of this specific matter, and strange to say, I find nothing bearing upon it or that tends to throw any light upon the question of how it was viewed in those assemblies.

It seems rather remarkable that this matter was not touched upon in some of those searching and luminous discussions, but we must bear in mind that at that time corporations, as we now understand them, scarcely existed.

According to an article appearing some seven or eight years ago as one of a series of "Yale Bicentennial Publications" there were during the days of colonial government but six corporations in all the colonies that were of strictly American origin. There were, of course, a number in existence as monopolies granted by the English Crown. The first corporation of a business character owing its franchise purely to American sovereignty was the bank established through the efforts of Robert Morris, to aid in financing the Revolutionary war. From 1775, when the Confederation was formed, to the time of the adoption of the Constitution there were just 20 business corporations organized by the several States, and 11 of these were navigation companies. A very great prejudice existed in all the States against the granting of charters of incorporation. Even in New York the powerful genius of Hamilton, reinforced by the sagacity of Livingston, could not overcome it.

It is interesting to note that the State of North Carolina took the first advanced step and "gave the modern world an object lesson in political science." In 1795 she offered incorporation for business purposes freely on equal terms to any who desired it. It was the first time that a sovereign power had done this since the beginning of the Roman Empire. Her offer was confined first to the construction of canals. Prior to this time the charters granted by sovereign powers had been almost exclusively in the nature of monopolies and had been granted by special acts of legislative bodies or by the crowns. The general laws had been restricted to the formation of charitable, religious, or literary corporations.

Is it conceivable, Mr. Chairman, that the people of the sovereign States ever intended to delegate to the new Government a power which they had scarcely exercised through their own state governments—the charter of trading companies?

At any rate, sir, the Constitution was ratified without this power being expressly given, without it having ever been proposed, save as proposed by Madison and Pinckney.

THE BANK A GOVERNMENTAL AGENCY.

Mr. HITCHCOCK. Will the gentleman permit an inquiry there?

Mr. GARRETT. Certainly.

Mr. HITCHCOCK. Do the debates of those days reveal whether Madison proposed to give the Congress the power to require corporations doing interstate-commerce business to take out charters of that sort or was there any consideration of the voluntary feature as proposed in the President's message?

Mr. GARRETT. None whatever.

I need not enter here upon a review of the debates in regard to the establishment of the national bank. Gentlemen are familiar with the outcome. The bank was established, ran its course, and was later rechartered. Under this second charter the question of constitutional power was brought before the Supreme Court of the United States, and the result was the great opinion in the case of McCulloch *v.* Maryland, in which the power was sustained. But I beg gentlemen to remember that it was upheld wholly because the bank was to exercise a governmental function, was to be an agent of the Government and do for it what the Government might have itself done directly. Certainly it will not be insisted that that great decision with all its wealth of learning goes further than this. Congress did not create the bank in order to regulate it, but in order that it might perform a governmental duty. In the power to create a bank, then, the advocates of a federal corporation law for private trading companies can find no support.

PUBLIC HIGHWAYS.

Coming to the incorporation of interstate highway companies, canal companies, and bridge companies, let us examine briefly the history of this and try to find the principle upon which the action rests.

I believe the first railway company to be created as a federal corporation—of course there were some created as corporations of the District of Columbia earlier—was the Union Pacific. Gentlemen who will take the trouble to investigate the original act passed July 1, 1862, will find that it was not created as an interstate corporation but as an interterritorial one. So far as the Union Pacific Company was concerned, it was only given the right to build from a point in the then Territory of Nebraska, through other Territories, to the western line of the Territory of Nevada. The act then authorized the Leavenworth, Pawnee and Northern Railroad Company, a corporation of the State of Kansas, to build to the beginning end of the line, and authorized the Central Pacific Company, a corporation of the State of California, to join to the Union Pacific line at the western line of the Territory of Nevada and make the road continuous through to San Francisco.

As the bill originally was proposed, it was to authorize the construction through the States of Kansas and California, but even in that bitter hour, amid the awful throes of the war of secession, when the expression "states rights" was about the most unpleasant which could fall upon the ears of the statesmen then controlling the destinies of the Union, the Congress would not invade the States to build even an interstate highway, notwithstanding the military and postal necessities, and under the lead of Senator Trumbull, of Illinois, the bill was amended so as to confine the authority of the corporation being created to the territory of the United States out of which no States had been created. (Acts 37th Cong., pp. 493–494.)

In 1864, by act of July 2, the Northern Pacific Railroad Company was chartered as a federal incorporation. It authorized the construction of a railroad and telegraph line from some point on Lake Superior in Minnesota or Wisconsin to a point on Puget Sound. Gentlemen who will take the trouble to examine that act will find that section 18 of it provides expressly that the said company should obtain from the States through which it was to run permission before entering them to build. (Acts 38th Cong., p. 372.)

An examination of the act of July 27, 1866, chartering the Atlantic and Pacific Railroad Company, will disclose that the same condition as to securing the consent of those States through which it was run was imposed, and that the consent was had from California and Missouri through legislative acts. Texas was then under military government. The same is true as to the Texas and Pacific Railroad Company, chartered by act of Congress as a federal incorporation March 3, 1871.

So far as the interstate railways are concerned, the authority of the States has been always recognized.

It was not until 1875, in the case of Kohl *v.* United States (97 U. S., 367), that the right of the eminent domain was held to belong to the Federal Government. When the Pacific railroads were chartered by Congress this power had never been exercised. They were chartered as territorial corporations and sent to the States to obtain state permission under state terms to cross their bounds.

These so-called "Pacific railroads" are, I believe, the only ones that have been chartered as federal incorporations by the Congress.

It would seem, therefore, that the President, distinguished jurist though he has been and learned lawyer though he is, is not wholly fortunate in citing these as precedents to justify the federal incorporation of trading companies, even if there were not an intrinsic and inherent difference in the character of a corporation engaged in building public highways and one engaged in manufacturing soap or selling sewing machines.

BRIDGES AND CANALS.

This brings us to the interstate bridge companies and perhaps the canal companies, among others the Lake Erie and Ohio River Canal Company, fathered by the Fifty-ninth Congress at its first session, my distinguished friend, the gentleman from Pennsylvania [Mr. DALZELL], being chief sponsor at its birth.

It is true that since the power of eminent domain was held to belong to the Federal Government in the Kohl case, which I have cited, decided in 1875, the Congress has authorized the construction of bridges over navigable waters within state territory and across interstate streams, granting the power of eminent domain, and in at least one instance has granted a charter of incorporation for that purpose, and the Supreme Court of the United States, in the case of Luxton *v.* North River Bridge Company (153 U. S., 524), has upheld the right.

It is also true that at least one canal company, the one already referred to, has been chartered as a federal incorporation. I believe it has not yet gotten into the courts.

Assuming for the purposes of this argument that the grant of power to the canal company was constitutional and that, under the decision in the Luxton case, the Federal Government might go further than it ever went in the railroad-incorporation bills, and might charter them and give them authority to enter States without State permission, let us turn to the principle

upon which such can be upheld and see if there be any difference between these and trading companies engaged in private business and doing no public service.

Mr. Chairman, in every civilized country in history the construction and maintenance of highways for the use of citizens has been a governmental function, and it is true in our own. We have many kinds in this country, but they may be roughly divided into four classes: First and most common, the ordinary public roads of the country and streets of the towns and cities; second, the streams and bodies of water that are capable of being navigated; third, the artificial waterways which we call canals; and, fourth and most modern, the railways.

The ordinary public roads in the States belong to the States or counties or other political subdivisions, being held in trust by them for the use of the public. In establishing and maintaining these it has been of most frequent occurrence for them to be given in charge to corporations created by the State. I suppose all the older States and many of the new ones have had and may still have turnpike companies. These companies are corporations created by the State, charged with fixed duties of public service, and clothed with authority to charge certain tolls for the passage of persons and things.

States and counties, too, have leased ferriage rights across navigable waters.

The same is true as to canal companies.

Such corporations created for the performance of public service have been under direct and immediate governmental control—a control more searching and intimate than in any case of a corporation organized to conduct private business, because their duties and nature and relation to the public are essentially different. In the one case, the corporation is to exercise governmental functions for private gain. In the other, the corporation is to conduct private business, perform purely private functions for private gain.

As for the streams naturally navigable, they belong, so far as their navigable qualities are concerned, to the governments, State and Federal, as trustees for the public. It is not necessary to enter now into the refinements and intricacies of the respective jurisdiction of State and federation since a reminder of the general principle is sufficient to indicate the point I am seeking to make clear. The governments may improve these directly or they may authorize individuals to do so or they may create corporations to do so.

RAILWAYS AND BRIDGES PUBLIC HIGHWAYS.

Now, the railway and the bridge are public highways, technical in character, it is true; but simply highways as are the country roads, the city streets, the navigable waters, and the railway with its freight and passenger rates is precisely the same so far as its fundamental legal character is concerned as the turnpike company with its tollgates. The State, in the exercise of its sovereign power, may construct and maintain them unless something in its constitution prevents, or it may create a corporation to do so.

The State, however, can not go beyond its own borders.

The Federal Government was given the power to establish and maintain post-roads by express delegation, and it has the right to establish avenues for the transportation and movement of its military forces and stores. It may establish them directly or it may create corporations to do it since those corporations are to do governmental work.

The debates on the bills creating the railroad companies as federal incorporations, Mr. Chairman, were bottomed wholly on the post-roads clause, the military necessities, and the right of the Government to grant concessions through its own territory over which it held absolute sovereignty for all purposes. Gentlemen will find the commerce clause scarcely referred to there. The interstate bridges and canals may be sustained upon precisely the same basis.

Such corporations are public; they perform public work, exercise governmental functions.

THUS FAR, BUT NO FURTHER.

We are all agreed that thus far the Federal Government may go under the express powers given it together with the necessary implications arising, but further than this it has not gone, nor can it, in my opinion, constitutionally go.

The Federal Government has never created a federal corporation to do anything, to conduct any business, to perform any service, which the Government itself might not have done directly, nor may it do so.

The States have and the States may. Why? Because the creation of corporations is an act of sovereignty. Sovereignty rests not in the States, not in the United States, but in the people. The people created the federal entity as the agency for the execution of certain sovereign powers. To the States, the governmental forces already in existence, they retained all powers and rights and duties not delegated. The States possessed the power to create corporations before the Constitution was even a dream. This power was not delegated. Certain specific powers were and for the execution of those powers the Federal Government may create a corporation, if that corporation is to perform functions which the Federal Government itself might perform directly. That is the limit of its authority, the terminus of its constitutional power.

Surely the doctrine in McCulloch *v.* Maryland extends no further than this. Surely all the subsequent decisions as to railways and bridges and canals do not carry the law beyond this point. Surely the most liberal constructionist of the Constitution must pause before going further.

If this principle is correct, if the Federal Government may not create a corporation to engage in any activity in which the Government itself may not engage, then let us apply it to the policy proposed by the President, and what is the conclusion?

I take it that no man here or elsewhere would insist for a moment that under our Constitution the Federal Government could enter into, say, the wholesale grocery business, buying and selling in the marts of the States and the world for commercial gain. A suggestion that it attempt to do so under the present Constitution would be set down as preposterous and make its author the laughing stock of the Republic.

Would anyone say that under the power to regulate commerce the Federal Government could engage in the manufacture and sale of farming implements, of engines, of clothing? To ask the question is to answer it. If it can not, then can it, being a government of delegated powers, create a corporation and clothe it with authority to do that which it may not do itself?

The States may, of course. But the States are not governments of delegated powers. They can create trading corporations; they can clothe them with power to engage in activities in which the State may not be able to engage; they can impose the conditions upon which the corporations of other States may do business in their borders. But they did not by express terms delegate this authority to the federal organism.

To my mind it is inconceivable that in granting the power to regulate interstate and foreign commerce it lay within the thought of the people of the States to delegate to the new entity being created by them the authority to organize corporations that might enter those States without state permission to do, not governmental business, but private business without reference to the State's regulation and control.

A power to regulate is not the power to produce, nor is it, by any fair construction, the power to create agencies of production.

Gentlemen must not forget that the courts have held that manufacture is not commerce. A long line of consistent decisions of the Supreme Court sustains this assertion again and again. The case of Kidd *v.* Pierson (128 U. S., 1), the Knight case (156 U. S., 1), the case of Coe *v.* Errol (116 U. S., 571), the Addystone Pipe and Steel Company case (211 U. S., 246), and others will prove of interest to gentlemen who care to go further into this question.

The President's proposition, then, is not to regulate commerce, but to regulate those engaged in commerce in so far as they happen to be corporations. It is at least one degree removed from the commerce clause of the Constitution. If the Supreme Court has been correct in its long unbroken line of decisions that manufacture is not commerce, how, then, can the Federal Government regulate manufacture or manufacturers? There is no delegation of authority to do that. It lies beyond the domain of constitutional action. The Federal Government is one not of excepted but of delegated powers. Some gentlemen seem to act upon the theory that it may do anything not denied; it can, in fact, do only those things that are allowed it in the chart.

Creating corporations as federal creatures that may enter sovereign States in disregard of state wish or regulation and do private business is not one of the delegated powers.

Mr. Chairman, for the Members of the Congress individually and collectively I entertain the greatest respect. Differing, as I do, radically from many of them upon governmental questions, great and small, I know their ability, their character, and concede them, in the main, proper conceptions of justice. I do not doubt that future Congresses will maintain the high order of those past and present, but, sir, as one Representative of my State, and speaking for those of its people who have honored me, I can not for them agree that the discretion of any Congress shall be substituted for their own as to the terms and conditions upon which corporations may enter her sovereign confines and do business with her citizens.

I do not ask to aid in fixing conditions for other States. I protest against them being fixed by outsiders for my own.

To the extent of such ability as I have, therefore, I shall oppose the proposed policy of the President.

Mr. SIMS. Mr. Chairman, will the gentleman allow me a question?

Mr. GARRETT. Certainly.

Mr. SIMS. If Congress has the power to charter railroad corporations doing interstate business, would not Congress have the power to tax the railroads doing similar business not having a national charter and thereby impose a coercive tax similar to that imposed upon the state banks?

Mr. GARRETT. That may be true. I am inclined to think it would, but my colleague sees the point I am trying to make. I concede the power of Congress to create interstate railroad corporations. I concede that power for the purposes of this argument, but would prefer not to go into collateral details such as the question of my colleague suggests, because of the time limit under which I am speaking.

Mr. COOPER of Wisconsin. I would like to ask the gentleman one question. I was exceedingly interested in the gentleman's argument, and here is one question which has occurred to me: In relating the case of McCulloch against Maryland and the United States Bank the gentleman stated that McCulloch against Maryland sustained the bank charter upon the ground they chartered the bank for governmental purposes and to perform a governmental function. Did not that bank have the power to discount notes?

Mr. GARRETT. It did.

Mr. COOPER of Wisconsin. That is not a government function.

Mr. GARRETT. But the main power of that bank was a governmental function.

Mr. COOPER of Wisconsin. But it did a private business, notwithstanding.

Mr. GARRETT. Yes; it did a private business to some extent, but that was not the main purpose of the bank, and I think what I have said will be borne out by a rereading of the opinion in that case.

Mr. COOPER of Wisconsin. The gentleman's argument, then, is that the charter having been granted for functions purely governmental, the merely incidental fact that bills were discounted by the bank did not invalidate the charter.

Mr. GARRETT. The court held not.

Mr. Chairman, I have devoted my efforts to-day almost exclusively to the constitutional question involved, deeming that, as I said in the beginning, of first importance. On some future day I may again ask the indulgence of the House to discuss some of the other phases of the policy. A wide field is opened here for our investigation—questions that loom so large as to challenge most solemn consideration before action is had. The opportunities that will be offered under the President's plan for consolidation—why, sir, it seems to be almost a proposition to undo all that the courts have done in monopoly repression; the jurisdiction of the courts over federal incorporations; the respective merits of state and federal control and of the joint system of control as against the single system which is proposed by the President—all these and other phases must be thoroughly thrashed out and scrutinized with exceeding great care ere we proceed.

But for the present I wish to emphasize but one other thought—that which was stated a few moments ago. This is not a proposition to regulate commerce; it is a proposition to regulate a specific class of the many classes of agencies engaged in commerce. It proposes to use the commerce clause as a means to reach an end which can not be reached directly. That, I take it, everyone will concede. It is a proposition to use the commerce clause to reach another business related to but not itself coming within the scope of that clause. It is a proposition to use a subterfuge, to evade, by a stretching of the commerce clause of the Constitution, the tenth amendment, which the people in their zeal for protecting state power demanded, the amendment which put into direct expression the principle:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is the age-old cry for power; the age-old spirit which has moved men and nations to cunning, to revolution, to bloodletting. It is the power lust which the fathers sought to curb.

Mr. Chairman, I know quite well that almost all men are inclined to be more liberal in their construction of the Constitution of these United States than most men were in the earlier days of the Republic. Many who then were deemed liberal would now be classed as strict constructionists. This spirit has in a large measure permeated the people. It is due, of course, mainly to the result of the war of secession. The moral effects of that result went far beyond the immediate question which was at stake in the contest—that of the right of a State to secede—and ever since it was ended there has been a growing tendency to intensify and centralize federal power by ingenious and farfetched activities, by legislative manipulation, and judicial construction.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Arkansas.

Mr. FLOYD of Arkansas. Right in that connection I want to ask you if it is not proposed to create this agency, in addition to regulation?

Mr. GARRETT. It is to authorize the creation in order to regulate them.

Sir, it will be said that if this policy prevails in Congress, notwithstanding that it is not a proposition in fact to regulate commerce but to regulate those engaged in commerce, yet being based upon the commerce clause the courts, under the well-settled rule that they can not inquire into the motives of the legislative body, may sustain it.

Even if that be true, sir, I submit to gentlemen that we legislators have a responsibility to the Constitution of our own, a responsibility sealed by our solemn oaths to support it and defend it, to "bear true faith and allegiance to the same." We must examine our motives, and if, in our judgment, a proposition violate the organic law in letter or in spirit we dare not yield it our support.

The war of secession modified the Constitution indeed, but it did not destroy it nor release its binding force and obligations. It stands to-day as potent, as forceful, and as binding as when it came fresh from the hands of the fathers, wrought by their lively genius, sanctified by their labors and their loves.

The Constitution, sir, is not a dead thing to be kicked with contempt from our pathway or trodden with ruthless roughness into the dust beneath our feet. It is a living thing, a vital organism, the shield of our past, with its passion and power; the shelter of our present, with its prayer and its praise; the sheet anchor of our future, with its dread and its dreams. Let us "the true faith and allegiance" keep unto its letter and its spirit, the great faith we owe to all that is and all that is to be. [Loud general applause.]

Mr. PERKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. GAINES having assumed the chair as Speaker pro tempore, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19255, the diplomatic and consular appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PERKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an estimate of appropriation for the Bureau of Fisheries (H. Doc. No. 659)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Conneaut Harbor, Ohio (H. Doc. No. 653)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency appropriation for the army and its supplies (H. Doc. No. 660)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ashtabula Harbor, Ohio (H. Doc. No. 654)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Commissioner of Patents, transmitting his annual report for the year 1909 (H. Doc. No. 123)—to the Committee on Patents and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting petitions of gaugers, storekeepers, and storekeeper-gaugers for an increase of compensation and annual leave (H. Doc. No.

658)—to the Committee on Expenditures in the Treasury Department and letter only ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. M. Wilson, administrator of estate of William S. Wilson against The United States (H. Doc. No. 661)—to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. R. Wright, administrator of estate of Nancy Wright against The United States (H. Doc. No. 662)—to the Committee on War Claims and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mobile Harbor, Alabama (H. Doc. No. 657)—to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for supplies furnished to sufferers from a storm in Louisiana (H. Doc. No. 656)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4621) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 388), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4624) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch, reported the same without amendment, accompanied by a report (No. 389), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13864) to extend Fourth street SE., reported the same without amendment, accompanied by a report (No. 391), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13893) to authorize the extension of Forty-first street NW., reported the same with amendment, accompanied by a report (No. 392), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16330) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District, reported the same without amendment, accompanied by a report (No. 393), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COX of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16331) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, reported the same without amendment, accompanied by a report (No. 394), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16334) for the widening of Sixteenth street NW. at Piney Branch, and for other purposes, reported the same without amendment, accompanied by a report (No. 395), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19038) to authorize the opening of a road along the Anacostia River in the District of Columbia, reported the same without amendment, accompanied by a report (No. 398), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19039) authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line, reported the same without amendment, accompanied by a report (No. 399), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19785) to authorize the extension of Columbia road NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 400), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16920) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit, reported the same without amendment, accompanied by a report (No. 403), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWELL of New Jersey, from the Committee on Immigration and Naturalization, to which was referred the House bills 1022, 17159, 18288, 19550, and 19861, reported in lieu thereof a bill (H. R. 20166) to amend section 21 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, relative to criminal aliens, accompanied by a report (No. 404), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18593) to authorize the transfer of the government highway, known as the "Alter road," to the city of Detroit, Mich., reported the same with amendment, accompanied by a report (No. 405), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGHAM, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13401) to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city, reported the same without amendment, accompanied by a report (No. 390), which said bill and report were referred to the House Calendar.

Mr. COX of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16916) to authorize certain changes in the permanent system of highways plan, District of Columbia, reported the same without amendment, accompanied by a report (No. 396), which said bill and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18156) directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts, reported the same without amendment, accompanied by a report (No. 397), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19787) to change the name of the west side of Fifteenth street NW. between I and K streets to McPherson place, reported the same without amendment, accompanied by a report (No. 401), which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 15593) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, with register, reported the same adversely, accompanied by a report (No. 402), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4875) granting a pension to Charles M. Baughman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18496) granting an increase of pension to Benton Lynn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19140) granting a pension to James Murray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12158) authorizing and directing the Secretary of War to convey to Lewis E. Smoot all right and title of the United States in square south of square 1048, in the city of Washington—Committee on the District of Columbia discharged, and referred to the Committee on Public Buildings and Grounds.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 20142) to provide for the formation of corporations to engage in interstate and international trade and commerce—to the Committee on the Judiciary.

By Mr. HEALD: A bill (H. R. 20143) to change and fix the terms of the circuit and district courts of the United States in the district of Delaware—to the Committee on the Judiciary.

By Mr. MOREHEAD: A bill (H. R. 20144) to provide for the erection of a public building at Oxford, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: A bill (H. R. 20145) to prohibit selling intoxicating beverages in the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. LIVINGSTON: A bill (H. R. 20146) to provide for the marking of the Peachtree Creek battlefield, Fulton County, Ga.—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 20147) to provide for compulsory education of the native children of Alaska, and for other purposes—to the Committee on the Territories.

By Mr. CALDER: A bill (H. R. 20148) to provide for an additional judge of the district court for the eastern district of New York—to the Committee on the Judiciary.

By Mr. COX of Indiana: A bill (H. R. 20149) for the relief of the nonenlisted officers and members of the crews of the Mississippi Ram Fleet, Marine Brigade, or the Mississippi Squadron—to the Committee on Military Affairs.

Also, a bill (H. R. 20150) to pension army teamsters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20151) to amend section 4004 of the Revised Statutes of the United States, being an act passed March 3, 1873, entitled "Additional pay for postal cars"—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: A bill (H. R. 20152) to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 20153) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 20154) to create in the War and Navy departments, respectively, a roll to be known as the "Volunteer officers' retired list;" to authorize placing thereon with pay surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the Mexican war, the civil war, or the Spanish-American war, and who are not now on the retired list, and for other purposes—to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 20155) to regulate the sale of berths upon sleeping cars carried by common carriers—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20156) to regulate the checking of baggage by common carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 20157) to limit the time in which land warrants, certificates of location, and scrip may be acquired and located—to the Committee on the Public Lands.

By Mr. BRANTLEY: A bill (H. R. 20158) to provide for an additional United States district judge for the State of Georgia—to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 20159) relating to the removal of civil cases from the state courts to United States courts—to the Committee on the Judiciary.

By Mr. SMALL: A bill (H. R. 20160) providing for the appointment of a chaplain for each of the life-saving districts in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER of New York: A bill (H. R. 20161) to build and locate a light-ship and fog signal midway between Point Albino and Sturgeon Point, Lake Erie—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 20162) relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia—to the Committee on Labor.

By Mr. LEVER: A bill (H. R. 20163) to provide for increasing the limit of cost of the public building authorized to be erected at the city of Orangeburg, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 20165) to provide for the purchase of a site and the erection thereon of a suitable building or buildings for Marine-Hospital purposes at San Francisco, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey, from the Committee on Immigration and Naturalization: A bill (H. R. 20166) to amend section 21 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, relative to criminal aliens—to the Union Calendar.

By Mr. NICHOLLS: A bill (H. R. 20355) to authorize the Secretary of War to donate two condemned brass or bronze cannon and cannon balls to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, Scranton, Pa.—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 20356) for the establishment of an auxiliary fish-cultural station at Nashua, N. H.—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Ohio: A bill (H. R. 20357) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MORSE: Resolution (H. Res. 372) for amendment to Rule XXVI—to the Committee on Rules.

By Mr. LANGLEY: Resolution (H. Res. 373) authorizing the Doorkeeper of the House to employ 10 laborers for certain purposes—to the Committee on Accounts.

By Mr. SHERLEY: Resolution (H. Res. 374) providing for an additional House rule—to the Committee on Rules.

By Mr. FISH: Resolution (H. Res. 375) relative to the establishment of a parcels-post delivery to the Committee on Rules.

By Mr. OLDFIELD: Resolution (H. Res. 376) directing the Secretary of the Interior to transmit to the House certain information—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANSBERRY: A bill (H. R. 20167) granting an increase of pension to Aaron Lautzenheiser—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 20168) granting an increase of pension to Samuel Peppard—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20169) for the relief of Henry Knisely—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 20170) granting an increase of pension to William Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20171) granting an increase of pension to William Huskins—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20172) to correct the military record of Nicholas Lochboeler—to the Committee on Military Affairs.

Also, a bill (H. R. 20173) to correct the military record of Peter Kloeppinger, alias Philip Klein—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky: A bill (H. R. 20174) granting an increase of pension to William A. Stockdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20175) granting a pension to Josephine L. Whitt—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 20176) granting a pension to Patrick Kennedy—to the Committee on Invalid Pensions.

By Mr. BINGHAM (by request): A bill (H. R. 20177) for the relief of the estate of Mary W. Cousinery—to the Committee on Claims.

Also (by request), a bill (H. R. 20178) for the relief of the estate of William H. Abbott and others—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 20179) granting an increase of pension to Mary E. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20180) for the relief of Patrick Shields—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 20181) granting an increase of pension to Andrew J. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 20182) granting an increase of pension to Joseph Fass—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20183) granting an increase of pension to James Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20184) for the relief of the estate of Adam B. Fullen, deceased—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 20185) granting an increase of pension to Harriet Porter Lemly—to the Committee on Pensions.

By Mr. BYRNS: A bill (H. R. 20186) granting a pension to Nathan Hirshberg—to the Committee on Pensions.

Also, a bill (H. R. 20187) granting an increase of pension to John L. McMurtry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20188) for the relief of the heirs at law of James E. Wilson, deceased—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 20189) granting an increase of pension to John H. Scott—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20190) granting an increase of pension to Samuel W. Bacon—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 20191) to remove the charge of desertion from the military record of Charles D. Tifft—to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 20192) granting an increase of pension to Nathan G. Springs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20193) granting an increase of pension to John H. Paus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20194) granting an increase of pension to William M. Robinson—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri (by request): A bill (H. R. 20195) to correct the military record of Philip Sappington—to the Committee on Military Affairs.

Also, a bill (H. R. 20196) granting a pension to Elizabeth Farishon—to the Committee on Pensions.

Also, a bill (H. R. 20197) for the relief of the legal representatives of Alexander Andrae, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20198) for the relief of the treasurer of State Hospital No. 1, at Fulton, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 20199) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Mo.—to the Committee on War Claims.

By Mr. COLLIER: A bill (H. R. 20200) for the relief of the heirs of Elizabeth Cessna, deceased—to the Committee on War Claims.

By Mr. COX of Indiana: A bill (H. R. 20201) granting an increase of pension to Benjamin A. Flock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20202) granting an increase of pension to Henry F. Kroenke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20203) granting an increase of pension to John W. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20204) granting an increase of pension to Charles Hooten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20205) granting an increase of pension to H. H. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20206) granting an increase of pension to John Betz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20207) granting an increase of pension to William H. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20208) granting an increase of pension to Luther Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20209) granting a pension to Angia E. Leslie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20210) for the relief of Henry L. Emmerke—to the Committee on War Claims.

By Mr. CRAVENS: A bill (H. R. 20211) correcting the military record of James M. Wright—to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 20212) granting an increase of pension to Joseph Herndon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20213) granting an increase of pension to Calvin D. Weatherman—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 20214) granting an increase of pension to Milton D. Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20215) granting an increase of pension to Enoch Cruea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20216) granting an increase of pension to Nicholas A. Swadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20217) granting a pension to Susannah Lindsey—to the Committee on Pensions.

Also, a bill (H. R. 20218) to correct the military record of Joseph H. Rogers—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 20219) granting an increase of pension to Hamilton Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20220) granting an increase of pension to Nancy J. Steward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20221) granting a pension to John Schafer—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 20222) granting a pension to Elizabeth G. Mills—to the Committee on Pensions.

Also, a bill (H. R. 20223) granting a pension to Alta Wilde—to the Committee on Pensions.

By Mr. DIEKEMA: A bill (H. R. 20224) granting an increase of pension to Octave Jarvis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20225) granting a pension to Peter Penning—to the Committee on Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 20226) granting a pension to Emily E. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20227) for the relief of Liston H. Pearce—to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 20228) for the relief of Bland Massie—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 20229) granting an increase of pension to Frederick Niefenegger—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 20230) granting an increase of pension to Johanah Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20231) granting an increase of pension to William Powers—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 20232) granting an increase of pension to Charles J. Stillwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20233) granting an increase of pension to Isaac Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20234) granting a pension to Maria I. Sparks—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 20235) granting a pension to Emma Brown—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 20236) granting an increase of pension to Herman Brumley—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20237) granting an increase of pension to Henry W. Sanford—to the Committee on Pensions.

Also, a bill (H. R. 20238) granting an increase of pension to Enoch C. Morse—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 20239) granting an increase of pension to Isaac Vosburg—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20240) granting an increase of pension to Joseph M. Piersol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20241) granting an increase of pension to Henry Hammond—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20242) granting a pension to Emily Patterson—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20243) granting an increase of pension to Henry A. Siders—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 20244) for the relief of Benjamin R. Waller—to the Committee on War Claims.

Also, a bill (H. R. 20245) for the relief of the Christian Church of Cadiz, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 20246) for the relief of J. C. Peeples—to the Committee on War Claims.

Also, a bill (H. R. 20247) for the relief of S. Hodge—to the Committee on War Claims.

Also, a bill (H. R. 20248) for the relief of J. C. Glenn—to the Committee on War Claims.

Also, a bill (H. R. 20249) for the relief of John R. Martin—to the Committee on War Claims.

Also, a bill (H. R. 20250) for the relief of J. C. Shelby—to the Committee on War Claims.

Also, a bill (H. R. 20251) for the relief of J. M. Woolf—to the Committee on War Claims.

Also, a bill (H. R. 20252) for the relief of Mrs. Mary English—to the Committee on War Claims.

Also, a bill (H. R. 20253) for the relief of George W. Landram and H. M. Henson—to the Committee on War Claims.

Also, a bill (H. R. 20254) for the relief of William H. Calvert—to the Committee on War Claims.

Also, a bill (H. R. 20255) for the relief of the trustees of the Methodist Episcopal Church South, at Paducah, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 20256) for the relief of the heirs of C. R. Young, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20257) for the relief of the heirs of Joseph Chandet—to the Committee on War Claims.

Also, a bill (H. R. 20258) for the relief of the estate of P. F. Warterfield—to the Committee on War Claims.

Also, a bill (H. R. 20259) for the relief of the estate of John M. Higgins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20260) for the relief of the estate of S. F. Crider—to the Committee on Claims.

Also, a bill (H. R. 20261) for the relief of the estate of Seth Wright, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20262) for the relief of the estate of H. Cothis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20263) for the relief of the estate of James A. Gregory, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20264) for the relief of the estate of John Allred—to the Committee on War Claims.

Also, a bill (H. R. 20265) for the relief of the estate of Joseph Wilson, deceased, late of Fulton County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 20266) for the relief of the estate of W. M. O'Hara, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20267) for the relief of the estate of Timothy Burgess, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20268) for the relief of the estate of T. J. Pritchett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20269) for the relief of the estate of Richard Pemberton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20270) for the relief of the estate of J. Milton Best, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20271) for the relief of the estates of M. F. de Graffenried and T. D. de Graffenried, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20272) for the relief of the estate of N. N. Rice, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20273) to correct the military record of Lee Thompson—to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20274) granting a pension to Claude J. Sprigg—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 20275) granting a pension to William H. Franks—to the Committee on Pensions.

By Mr. JOYCE: A bill (H. R. 20276) granting an increase of pension to Ebenezer Gooden—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 20277) for the relief of pilot boat *Lady Mine*—to the Committee on Claims.

By Mr. KENNEDY of Ohio: A bill (H. R. 20278) granting an increase of pension to Jesse W. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20279) granting an increase of pension to George H. Wirebaugh—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 20280) granting an increase of pension to Ignicious Wauker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20281) granting an increase of pension to Charles H. Stowell—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 20282) granting an increase of pension to Joseph B. Spence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20283) granting an increase of pension to William Amos—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20284) granting an increase of pension to James Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20285) granting an increase of pension to Robert Bayles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20286) granting an increase of pension to Martin Brady—to the Committee on Pensions.

Also, a bill (H. R. 20287) granting an increase of pension to Daniel Dempsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20288) granting an increase of pension to Benjamin F. Doremus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20289) granting an increase of pension to Leonidas Folckemmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20290) granting an increase of pension to Benjamin F. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20291) granting an increase of pension to William B. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20292) granting a pension to William A. Carlisle—to the Committee on Pensions.

Also, a bill (H. R. 20293) granting a pension to Jacob W. Horner—to the Committee on Pensions.

Also, a bill (H. R. 20294) granting a pension to Timothy C. Faries—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20295) for the relief of William Allen—to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 20296) granting an increase of pension to Sarah Ann Milligan—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 20297) granting an increase of pension to George W. Dickinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20298) granting an increase of pension to Henry C. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20299) granting an increase of pension to William Hay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20300) granting an increase of pension to Thomas Rosa—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 20301) granting an increase of pension to Charles J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20302) granting an increase of pension to Almeda Stafford—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 20303) granting a pension to Dora Seaberry—to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 20304) granting an increase of pension to William S. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20305) for the relief of the heirs of John Dunn—to the Committee on War Claims.

Also, a bill (H. R. 20306) to perfect the title to certain land to the heirs of Henry Hyer and his wife, Julia Hyer, deceased, and other persons—to the Committee on Private Land Claims.

By Mr. MOREHEAD: A bill (H. R. 20307) for the relief of Hamilton Perryman and others—to the Committee on Claims.

By Mr. MORGAN of Missouri: A bill (H. R. 20308) for the relief of the heirs of Sarah West, deceased—to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 20309) granting an increase of pension to Daniel H. Stewart—to the Committee on Invalid Pensions.

By Mr. MOXLEY: A bill (H. R. 20310) to reimburse G. W. Sheldon & Co., of New York—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 20311) granting an increase of pension to Louis C. Olson—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 20312) granting an increase of pension to Caleb Arnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20313) granting an increase of pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20314) granting a pension to Sarah J. Leister—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 20315) granting an increase of pension to John J. Hiatt—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 20316) granting a pension to Lissa Leatson Burge—to the Committee on Pensions.

Also, a bill (H. R. 20317) granting a pension to Margaret A. Hardin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20318) granting a pension to Claudia B. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20319) granting an increase of pension to William Dudnit—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 20320) granting an increase of pension to W. L. Crumrine—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 20321) granting a pension to D. B. Finnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20322) for the relief of Caroline Holder Harrell—to the Committee on War Claims.

By Mr. ROBINSON: A bill (H. R. 20323) granting a pension to David Hubert—to the Committee on Pensions.

Also, a bill (H. R. 20324) for the relief of the heirs of H. S. Young—to the Committee on War Claims.

By Mr. SHEFFIELD: A bill (H. R. 20325) granting an increase of pension to Ruth Thomas—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 20326) for the relief of the estate of John Hasselback, deceased—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 20327) for the relief of the heirs of David C. Riley—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 20328) granting a pension to Boyd Suthers—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 20329) granting a pension to Ransom Buck—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 20330) granting an increase of pension to Alvin H. Cleveland—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 20331) granting a pension to Maria Rath—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 20332) granting an increase of pension to James H. Johnson—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 20333) granting an increase of pension to Charles H. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20334) granting an increase of pension to Grethi T. Iverson—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 20335) granting an increase of pension to James S. Sines—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 20336) granting a pension to William Garfield—to the Committee on Pensions.

Also, a bill (H. R. 20337) granting a pension to Alice K. Richardson—to the Committee on Pensions.

Also, a bill (H. R. 20338) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 20339) granting an increase of pension to James Steen—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 20340) granting an increase of pension to Peter Stewart—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 20341) granting an increase of pension to William Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20342) granting an increase of pension to Augustus Hubbell—to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 20343) granting a pension to Annie W. Thompson—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 20344) for the relief of William Keyes—to the Committee on Military Affairs.

Also, a bill (H. R. 20345) for the relief of Daniel J. Mahoney—to the Committee on Military Affairs.

Also, a bill (H. R. 20346) granting an increase of pension to Theron G. Clark—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20347) granting an increase of pension to Hiram Mushrush—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20348) granting an increase of pension to David Sharp—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 20349) to correct the military record of William A. Viles and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 20350) granting an increase of pension to John L. Abbott—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 20351) granting an increase of pension to Isaac Paradise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20352) granting an increase of pension to Calvin Waldron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20353) granting an increase of pension to John Brady, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20354) for the relief of the legal representative of Jesse Weatherlea—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Charles H. Bender and others, of Marion, Ohio, against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George Tinson, president of American Insurance Union, of Bucyrus, Ohio, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Kiel and others, of Woodville, Ohio, and A. H. Laughbaum and others, of Galion, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of citizens of Ohio, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ANTHONY: Petition of citizens of Huron, Kans., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Rev. W. E. Holloway and 47 others, of Holmesville, Ohio, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Papers to accompany bills for relief of William Thomas and William Haskins—to the Committee on Invalid Pensions.

Also, petition of Local Union No. 66, International Union of Steam Engineers, of Pittsburg, Pa., against postage increase on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. W. Lawrence & Co., paint manufacturers, against the Heyburn paint bill (S. 1130)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Keystone Chapter, No. 94, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Petition of E. W. Stetson, M. Felton Hatcher, W. P. Stevens, S. R. Jaynes, jr., Emory Winship, and others, of Macon, Ga., against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John G. Patton (H. R. 1068)—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of American Protective Tariff League, against any change at present in tariff law—to the Committee on Ways and Means.

Also, petition of Alton W. Matheson, for the conservation of natural resources—to the Committee on Agriculture.

Also, petition of Samuel B. Bale & Son, of Girard, Pa., against printing of stamped envelopes by the Government—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie Typographical Union, No. 7; Erie Chapter, No. 253, American Insurance Union; and Erie Allied Printing Trades, against increase of postage rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. R. Head, of Saegerstown, Pa., against change in oleomargarine law—to the Committee on Agriculture.

By Mr. BELL of Georgia: Paper to accompany bill for relief of heirs of Parmelia F. Henry—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of Patrick Kennedy—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of Philadelphia branch of the American Pharmaceutical Association, against amendment of the food and drugs act—to the Committee on Agriculture.

Also, petition of National Board of Trade favoring a White Mountain and Southern Appalachian reserve—to the Committee on Agriculture.

Also, petition of Chicago Mill and Lumber Company, of Chicago, Ill., in favor of a repeal of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of National Board of Trade favoring 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BOOHER: Paper to accompany bill for relief of Marion I. Woods—to the Committee on Pensions.

By Mr. BROWNLOW: Paper to accompany bill for relief of Thomas J. Wear—to the Committee on War Claims.

By Mr. BUTLER: Petition of citizens of Chester, Pa., protesting against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BYRNS: Paper to accompany bill for relief of Nathan Hurshberg—to the Committee on Pensions.

By Mr. CAMPBELL: Petition of soldiers of the Third Kansas Congressional District, favoring amendment to pension acts of June 27, 1890, and February 6, 1907—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Petition of Home Chapter, No. 336, American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of Yahr & Lange Drug Company, Milwaukee, Wis., against House bill 17438—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fuller & Johnson Manufacturing Company, Madison, Wis., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Milwaukee Pharmaceutical Society, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Richard J. Dawson Camp, No. 5, United States American War Veterans, of Milwaukee, for appropriation to raise the *Maine*—to the Committee on Naval Affairs.

By Mr. CLINE: Paper to accompany bill for relief of Charles T. Rodgers—to the Committee on Invalid Pensions.

By Mr. COLLIER: Paper to accompany bill for relief of Elizabeth Cessna—to the Committee on War Claims.

By Mr. CONRY: Petition of Chamber of Commerce of New York, for House bill 17270, relative to diplomatic service—to the Committee on Foreign Affairs.

Also, petition of New York Chamber of Commerce, against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

By Mr. COOK: Petition of Philadelphia Produce Exchange, favoring House bill 17267, relative to bills of lading defining rights of consignors and consignees—to the Committee on Interstate and Foreign Commerce.

Also, petition of fortieth annual meeting of the National Board of Trade, favoring adoption of a comprehensive system of improvement to our inland waterways and coast harbors, backed by a liberal appropriation—to the Committee on Rivers and Harbors.

Also, petition of Chicago Association of Commerce, favoring the act to regulate commerce by creating a court of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Paper to accompany bill for relief of James M. Wright—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Unity Club, of Lancaster, N. H., against the use of Hetch Hetchy Valley as a water tank for San Francisco—to the Committee on the Public Lands.

Also, petition of citizens of Hanover, N. H., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. DIEKEMA: Petition of George Markley and 35 other citizens of Boyne, Mich., against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Chamber of Commerce of New York, for repeal of paragraph 6 of corporation-tax law—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, favoring House bill 17270, relative to diplomatic service—to the Committee on Foreign Affairs.

By Mr. ELLIS: Petition of E. D. Kline and 40 others, of Baker City, Oreg., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Howard A. Steadman and 30 others, of Eugene, Oreg., and O. E. Barrett and 27 others, of Portland, Oreg., against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Shiloh Post, No. 77, Grand Army of the Republic, Newberg, Oreg., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Charles H. Anderson—to the Committee on Invalid Pensions.

Also, petition of L. B. Woolett and 49 other citizens of McConnellsburg, Fulton County, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Jacob F. Newman—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Cluett Peabody & Co., of Troy, N. Y., in favor of repeal of corporation-tax clause of the Payne tariff bill—to the Committee on Appropriations.

Also, petition of Chicago Association of Commerce, opposing legislation on interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Printing Trades Council, favoring House bill 15441—to the Committee on Labor.

Also, petition of National Liberal Immigration League, of New York City, favoring House bill 18399—to the Committee on Immigration and Naturalization.

Also, petition of Public Schools Athletic League of New York City, favoring House bill 15798—to the Committee on Military Affairs.

Also, petition of Maritime Association of New York, favoring consolidation of the pilot charts in the hands of the Hydrostatic Bureau, United States Navy—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Illinois: Petition of W. T. Barr and other citizens of Trenton, Ill., against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Legion of Honor of Illinois, favoring a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of George W. Luckey and others, of Lawrenceville, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joe Hill and others, of Birds, Ill., favoring a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the Military Order of the Loyal Legion of the United States, Department of Illinois, favoring the creation of volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of the Municipal Art League of Chicago, of Chicago, Ill., favoring participation by this Government in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of 50 merchants of Rockford, Ill., opposed to creation of proposed postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Petition of Farmers Union, of Medina County, Tex., for legislation to prevent gambling in farm produce—to the Committee on Agriculture.

Also, petition of J. M. Bowen and others, of Simmons, Tex., against increase of postage on second-class matter, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Anthony McCarthy and others, against House bill 12343, appropriating for the George Washington University—to the Committee on the District of Columbia.

Also, petition of Charles J. Fenner and 68 residents of New York City, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of New York, for repeal of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, favoring House bill 17270—to the Committee on Foreign Affairs.

Also, petition of Municipal Art Society, of New York, for representative at the Rome and Milan exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Lint Butscher, of Ross, N. Y., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM of Illinois: Paper to accompany bill for relief of Charles J. Stillwell—to the Committee on Invalid Pensions.

Also, petition of Commandery of Illinois Loyal Legion, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of citizens of Litchfield, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Maria L. Sparks—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of St. Joseph, Mich., against the Johnston Sunday bill (S. 404) for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Burr Oak and Three Rivers, Mich., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of North Dakota Grain Growers' Association, favoring government inspection of grain, all garden seeds, etc.—to the Committee on Agriculture.

Also, petition of citizens of Bowbells, N. Dak., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dakota Grain Growers' Association, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. HAYES: Petition of San Jose Chamber of Commerce, favoring ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. HELM: Petition of citizens of Lancaster, Ky., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Margaret A. Orr—to the Committee on War Claims.

Mr. HIGGINS: Petition of residents of Jewett City, Conn., against postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Petition of James M. Hines and 9 other citizens of Harrison County, Ohio, against any change in the oleomargarine law—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Hiram Mushrush—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of 43 citizens of Derry, Pa.; 31 citizens of Latrobe, Pa.; and Local Union No. 66, International Union of Steam Engineers, of Pittsburg, Pa., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of W. H. Franks—to the Committee on Pensions.

By Mr. JOYCE: Petition of R. P. Moore and others, of Guernsey County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Malta Chapter, No. 46, and Cambridge Chapter, No. 333, of American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KORBLY: Papers to accompany bills for relief of Timothy C. Faries, William B. Elliott, Daniel Dempsey, Leonidas, Folckemmor, Robert Boyles, and Joseph B. Spence—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob W. Horner—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Harry Lee Post, No. 21; Rankin Post, No. 10; and Clarence D. McKenzie Post, No. 389, all of Brooklyn, N. Y., against the statue of anyone in Statuary Hall who served the cause of disunion—to the Committee on the Library.

Also, petition of the Allied Printing Trades of New York, the Workingmen's Fraternity, and the International Union of Steam Engineers, of Brooklyn, N. Y., for the eight-hour working day bill (H. R. 15441)—to the Committee on Labor.

Also, petition of United Commercial Travelers, favoring House bill 1491 concerning sample baggage and excess baggage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants' Association of New York, favoring House bill 6862, for permanent consular improvements and commercial enlargement—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of New York State, favoring House bill 17270, relative to diplomatic service—to the Committee on Foreign Affairs.

Also, petition of National Liberal Immigrating League, for House bill 18399—to the Committee on Immigration and Naturalization.

Also, petition of Association of Army Nurses of Civil War, favoring Senate bill 2556—to the Committee on Invalid Pensions.

Also, petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, in favor of the Jones bill (S. 4033) concerning travel pay, etc., to officers and soldiers in the volunteer service in the Philippines, etc.—to the Committee on Military Affairs.

Also, petition of New York State Bankers' Association, for House bill 1438, exempting incorporated banking institutions organized under any state or national law—to the Committee on Ways and Means.

Also, petition of David A. Molitor, of Cornell University; Illinois State Teachers' Association; and William L. Felter, against an appropriation for the George Washington University—to the Committee on Appropriations.

Also, petition of National Society of Mural Painters and the American Art Annual, of New York, for government participation in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Cluett, Peabody & Co., of Troy, N. Y.; Manufacturers' Association of New York; Chamber of Commerce of New York; Hay Budden Manufacturing Company, of New York; Kalbfleisch Company, of New York; Butler Kelly Company, of New York; and John S. Loomis Company, of New York, for House bill 14544, relative to corporation tax—to the Committee on Ways and Means.

Also, petition of Lewis R. Stegman, of Brooklyn, N. Y., for House bill 13383, for promotion of General Sickles—to the Committee on Military Affairs.

Also, petition of Public Schools Athletic League, of New York, for House bill 15798—to the Committee on Military Affairs.

By Mr. LOWDEN: Petition of George L. Baldwin, of Lena, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. J. Larabell and others, and Granite City Lodge, No. 11, Amalgamated Association of Iron, Steel, and Tin Works, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of citizens of Milton, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: Petition of citizens of Champaign, Ill., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bills for relief of Almeda Stafford and Charles J. Smith—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Franklin Haddock and other veterans of the civil war, for increase of civil-war soldiers' pensions, as per National Tribune bill—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of citizens of Omaha, Nebr., against House bill 13862, relative to Code of Laws of the District of Columbia relating to insurance—to the Committee on the District of Columbia.

By Mr. HENRY W. PALMER: Petition of citizens of Hazleton, Pa., and citizens of West Pittston, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of Harriet Hicks—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of 122 citizens of White Hall, Ill., against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Jewell, Lenora, and Palco, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. RHINOCK: Paper to accompany bill for relief of George G. Hughes—to the Committee on Invalid Pensions.

Also, petition of citizens of Newport, Ky., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Petition of W. W. McCulloch and others, of Hot Springs, Ark., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of Commandery of Illinois, Military Order of the Loyal Legion of the United States, for a volunteer retired list—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of New York City, favoring House bill 17270, relative to diplomatic service—to the Committee on Foreign Affairs.

By Mr. SCOTT: Paper to accompany bill for relief of Calvin Waldron—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of Lawton Warren Post, No. 5, Department of Rhode Island, Grand Army of the Republic, favoring National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of Local Council of Women of Rhode Island, favoring legislation to abolish the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of Ellen Murphy and James Moran—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petitions of O. Jacobson and Theo. Murk, of Thief River Falls; Sever Chabneau, John Christe, John C. Sanberg, Olaf Mortensen, B. F. Oliver, B. D. Bjork-

man, and David Sanders, of Crookston; and Hans M. Holmvik and Theodore Iverson, of Beltrami, all in the State of Minnesota, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Petition of Sunday Union Club, of St. James African Methodist Episcopal Church, of St. Paul, Minn.—to the Committee on Industrial Arts and Expositions.

Also, petition of Minnesota Federation of Women's Clubs, favoring prosecution of the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of certain citizens of Texas and Oklahoma, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of William Tonk & Bros., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of National Irrigation Congress, for an appropriation of $10,000,000 annually for the reclamation fund—to the Committee on Irrigation of Arid Lands.

Also, petition of National Society of Mural Painters, favoring participation by the United States in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Chamber of Commerce of New York, for H. R. 17270, diplomatic service—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of New York, favoring certain amendments of the corporation-tax clause of the Payne tariff bill, etc.—to the Committee on Appropriations.

Also, petition of Postal Defense League, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Association of Masters, Mates, and Pilots, for amending House bill 16926 so as to include employees on vessels, etc.—to the Committee on Labor.

Also, petition of electrical mechanics of the Brooklyn Navy-Yard, favoring appropriation for repairs on ships, etc.—to the Committee on Naval Affairs.

Also, petition of William J. Rudolph and other residents of New Orleans, favoring a pension status for all who rendered service in the civil war of thirty days and over—to the Committee on Invalid Pensions.

Also, petition of Executive Board of Jewish Organizations of New York, for some kind of legislation to prevent rise in price of meats and breadstuff, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Printing Trades Council of New York, for eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Chicago Association of Commerce, for a court of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of residents of Chautauqua, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of the officers and directors of Tradesmen's National Bank of Conshohocken, Pa.; James H. Shelly and 49 other citizens of Richlandtown and Quakertown, Bucks County; and Gilbert L. Thompson and 41 others, of Perkasie, Bucks County, Pa., and vicinity, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 8, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CARE OF INSANE IN ALASKA.

The VICE-PRESIDENT. The Chair lays before the Senate the following courteous note from the Secretary of the Interior, relating to the matter under discussion the other morning. It will be read.

The Secretary read the communication, and it was ordered to lie on the table, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 4, 1910.

SIR: I have the honor to acknowledge the return from the Senate of draft of bill to provide for the care of the insane in the Territory of Alaska, which draft I submitted to you "by direction of the President."

The proposed bill was submitted in the manner indicated with the view that it did not contravene the resolution of the Senate, Sixtieth Congress, first session, Senate Journal, page 122; but I thank you for directing my attention to the matter and assure you that in future the resolution as interpreted by the Senate will be carefully obeyed.

Very respectfully,

R. A. BALLINGER, *Secretary.*

The PRESIDENT OF THE SENATE.

CLAIM OF CALVIN H. DYSON.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Calvin H. Dyson, administrator of George W. Dyson, deceased, *v.* United States (S. Doc. No. 354), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 22 26, 27, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 29, 30, 31, 32, 33, 34, 37, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out from said amendment all after the word "trees" to the end of the paragraph and insert in lieu thereof the following: "and excluding repair of state monuments, nineteen thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: On page 30 of the bill, in line 17, after the word "cents," insert the following: "Except that the award certified in favor of Pedro C. Casanova, Albert Wright, as administrator of the estate of Ricardo Casanova, deceased, and Maria Luisa Casanova Montalvan, for forty thousand four hundred dollars, included in House document numbered five hundred and one, of the present session, shall be paid to Pedro C. Casanova and Albert Wright, as administrator of Ricardo Casanova, deceased, as finally awarded by the commission;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: On page 37 of the bill strike out lines 19, 20, and 21 and insert in lieu thereof the following: "For indemnity for lost property, naval service, act March second, eighteen hundred and ninety-five, except the claim numbered eighty-eight hundred and fifteen, two thousand six hundred and thirty dollars and thirty-seven cents;" and the Senate agree to the same.

On amendments numbered 4, 9, 36, 38, 39, 46, and 47 the committee of conference have been unable to agree.

EUGENE HALE,
J. H. GALLINGER,
A. S. CLAY,
Managers on the part of the Senate.

JAMES A. TAWNEY,
GEORGE R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate further insist on its amendments in disagreement and ask for a further conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY the conferees on the part of the Senate at the further conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 2523. An act for the establishment of a new land district in the State of Montana; and

S. 5238. An act to abolish the United States land offices at Des Moines, Iowa.

The message also announced that the House had passed the joint resolution (S. J. Res. 59) providing for the filling of vacancies, to occur on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4830. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal.;

H. R. 12397. An act granting certain rights and privileges to the department of fisheries of the State of Pennsylvania;

H. R. 15065. An act providing for the appointment of deputy clerks to the United States circuit court of appeals;

H. R. 16364. An act to amend in part section 658 of the Revised Statutes;

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;"

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River, near Paroquet, Ark.;

H. R. 18807. An act to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.;

H. R. 18808. An act to authorize the construction, maintenance and operation of a bridge across the White River at Augusta, Ark.;

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.;

H. R. 19399. An act to extend the time for the completion of the bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company;

H. R. 19714. An act authorizing the President to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "Administration Building;"

H. J. Res. 11. Joint resolution to donate a brass cannon to the State of Georgia; and

H. J. Res. 116. Joint resolution to amend an act to correct chapter 271 of volume 35, United States Statutes at Large.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Flathead County, Mont., praying for the enactment of legislation to authorize the settlement and cultivation of all lands in the valleys of that State which are included in the forest reserves, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented a memorial of sundry citizens of Utica, S. Dak., remonstrating against an increase of the rate of postage on periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Meckling, S. Dak., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURTON presented a petition of Benjamin Franklin Chapter, Society Sons of the American Revolution, of the State of Ohio, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Holmesville, Zanesville, Apple Creek, Conneaut, De Graff, Oberlin, Bowling Green, Painesville, Grand River, Fostoria, Athens, Woodsfield, and Amsterdam, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Spencer Lumber Company, of Columbus, Ohio, praying for the repeal of clause 6 of section 38 of the corporation-tax law relative to the excise tax on corporations, which was referred to the Committee on Finance.

He also presented petitions of Akron Chapter, No. 300, of Akron; of Scioto Chapter, No. 323, of Scioto; of Greenfield Chapter, No. 150, of Greenfield; of Marion Chapter, No. 149, of Marion; of Ashtabula Chapter, No. 144, of Ashtabula; of Cincinnati Chapter, No. 13, of Cincinnati; of Canton Chapter, No. 119, of Canton; of Advance Chapter, No. 417, of Advance; of Cambridge Chapter, No. 333, of Cambridge; of Malta Chapter, No. 46, of Malta; of Mabel Chapter, No. 361, of Mabel; of Century Chapter, No. 308, of Cleveland; of Progress Chapter, No. 56, of Youngstown; of Bankers' Chapter, No. 378, of Cleveland; of Lima Chapter, No. 6, of Lima; of Webster, Camp & Lane Company Chapter, No. 392, of Akron; of Brook Chapter, No. 303, of Brook; of Wooster Chapter, No. 341, of Wooster; of Columbus Chapter, No. 1, of Columbus; of Basil Chapter, No. 39, of Basil; of Westville Chapter, No. 22, of Westville; of Hamilton Chapter, No. 111, of Hamilton; of Springfield Chapter, No. 38, of Springfield; of Bucyrus Chapter, No. 193, of Bucyrus; of London Chapter, No. 160, of London; of Home Chapter, No. 336, of Akron; of Coshocton Chapter, No. 130, of Coshocton; and of Perry Chapter, No. 402, of Perry, all of the American Insurance Union, in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. OLIVER presented a petition of the Manufacturers' Association of Erie, Pa., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, praying for the ratification of a reciprocal treaty between the United States and the Dominion of Canada, which was referred to the Committee on Foreign Relations.

Mr. McCUMBER presented memorials of sundry citizens of Turtle Lake, Hamilton, Souris, and Hamar, all in the State of North Dakota, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. STEPHENSON presented memorials of sundry citizens of Algoma, Oconto, Fond du Lac, and Waukesha, all in the State of Wisconsin, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Rosseau Post, No. 14, Grand Army of the Republic, Department of Wisconsin, of Portage, Wis., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a memorial of the Farmers' Institute of Eleva, Wis., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Richard J. Dawson Camp, No. 5, United Spanish War Veterans, Department of Wisconsin, of Milwaukee, Wis., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* in Habana Harbor, and also for the removal and burial in Arlington Cemetery of those who perished in that wreck, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Licensed Tugmen's Protective Association, of Two Rivers, Wis., remonstrating against an appropriation being made for the construction of a seagoing suction dredge for the western shore of Lake Michigan, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a memorial of the Graffort Club, of Portsmouth, N. H., remonstrating against the destruction of the Yosemite National Park by diverting the water supply therein to be used in the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a petition of the Washington District Epworth League, of the District of Columbia, praying for the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet, Mich., praying for the passage of the so-called "employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Gen. F. M. Lawton Camp, No. 1, United Spanish War Veterans, Department of Michigan, of Bay City, Mich., praying for the enactment of legislation providing for the raising of the wreck of the United States battle ship *Maine* in Habana Harbor, and also for the removal and burial in Arlington Cemetery of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 5917) granting an increase of pension to Charles G. Van Ness, which were referred to the Committee on Pensions.

Mr. FLINT presented a petition of Gen. H. G. Otis Camp, No. 34, Department of California, United Spanish War Veterans, of Los Angeles, Cal., and a petition of Admiral Glass Camp, No. 36, Department of California, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting travel pay and subsistence to the mustered-out volunteer soldiers who served in the Philippine Islands, which were referred to the Committee on Military Affairs.

He also presented a petition of the North, Northeast, and Northwest Improvement Association, of Los Angeles, Cal., praying that an appropriation be made for the erection of a custom-house and appraisers' building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS presented a petition of sundry citizens of Logan, Kans., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Lenora, Washington, Pratt, Denton, Palmer, and Blue Rapids, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BRISTOW presented a memorial of sundry citizens of Meriden, Kans., remonstrating against the passage of the so-called "ship-subsidy bill," and also against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Jewell, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Wichita, Kans., remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of Wichita, Kans., praying for the enactment of legislation to defer the date of filing the first reports required of corporations under the corporation-tax law until such time as the Supreme Court renders a decision as to the constitutionality of the law, which was referred to the Committee on Finance.

Mr. BRIGGS presented a petition of Typographical Union No. 94, American Federation of Labor, of Jersey City, N. J., praying for the enactment of legislation limiting the hours of daily service of laborers and mechanics employed upon work done by the Government, which was referred to the Committee on Education and Labor.

He also presented the petition of Dyer Smith, of Orange, N. J., praying for the adoption of a certain amendment to the bill donating public lands to the several States which may provide colleges for the benefit of agriculture and the mechanic arts so as to include the George Washington University of the District of Columbia, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Paterson, N. J., and the petition of Mrs. E. B. Rowe, of Rutherford, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, and also in government buildings and ships, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the R. H. Comey Company, of Camden, N. J., praying for the repeal of clause 6 of section 38 of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Trenton, N. J., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of the C. A. Woolsey Paint and Color Company, of Jersey City, N. J., remonstrating against the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Montclair, Perth Amboy, Elizabeth, and Hudson County, all in the State of New Jersey, praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented a petition of the C. A. Woolsey Paint and Color Company, of Jersey City, N. J., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Edison Portland Cement Company, of Stewartsville, N. J., and the petition of Daniel H. Applegate, jr., of Red Bank, N. J., praying for the establishment of a bureau of mines in the Interior Department, which were referred to the Committee on Mines and Mining.

He also presented memorials of sundry citizens of East Orange and Bayonne, in the State of New Jersey, remonstrating against an increase of the rate of postage on magazines and periodicals, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Arthur Patton, of Ridgewood, N. J., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of the Board of Trade of Cattaraugus, N. Y., praying that an appropriation be made for the improvement of Dunkirk Harbor, in that State, which was referred to the Committee on Commerce.

He also presented a petition of Adirondack Chapter, Society of the Sons of the American Revolution, of the State of New York, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Brooklyn and New York City, N. Y., remonstrating against an increase of the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York State Evaporated Fruit Producers' Association, of Marion, N. Y., remonstrating against the discrimination being made against the United States and in favor of Canada in the matter of tariff on evaporated and chopped apples, which was referred to the Committee on Finance.

He also presented a memorial of Argyle Grange, No. 1081, Patrons of Husbandry, of Argyle, N. Y., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the American Protective Tariff League, remonstrating against any further revision of the tariff, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of New York City and Windsor, in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Local Union No. 543, United Brotherhood of Carpenters and Joiners of America, of Mamaroneck, N. Y., and a petition of Local Union No. 258, United Brotherhood of Carpenters and Joiners of America, of Brooklyn, N. Y., praying for the enactment of legislation limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, which were referred to the Committee on Education and Labor.

INCREASED COST OF LIVING.

Mr. McCUMBER, from the Committee on Finance, to whom was referred Senate resolution 165, submitted by Mr. ELKINS, providing for the appointment of a special committee to inquire into the cost of living, and so forth, reported it with amendments, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

FORMATION OF CORPORATIONS.

Mr. CLARK of Wyoming. Yesterday upon the introduction of what is known as the "national incorporation act" objection was made to the second reading. I ask that the bill be read the second time and referred to the Committee on the Judiciary.

The bill (S. 6186) to provide for the formation of corporations to engage in interstate and international trade and commerce was read the second time by its title.

Mr. NEWLANDS. Mr. President, I believe I made a motion yesterday that the bill be referred to the Committee on Interstate Commerce.

Mr. CLARK of Wyoming. I think at the time the Senator made his motion my motion was pending.

Mr. NEWLANDS. I do not understand the Senator.

Mr. CLARK of Wyoming. I understand that I made a motion on introducing the bill that it be referred to the Committee

on the Judiciary, and I think my motion will take precedence of the Senator's motion.

Mr. NEWLANDS. Mr. President, it makes little difference as to who made the motion. The question is as to the committee jurisdiction over the bill. This bill, for the national incorporation of enterprises engaged in interstate commerce, is an economic measure. Its name indicates its purpose. It has been introduced pursuant to a message of the President calling attention to the evils of corporate monopoly and advising national action upon the subject for the purpose of preserving the good features and suppressing the bad features of industrial combination.

The jurisdiction of the Judiciary Committee and of the Interstate Commerce Committee is indicated by their names. The Judiciary Committee, as its name indicates, has jurisdiction over all matters relating to the judiciary, the organization and the procedure of the courts, the framing of a penal code, matters of constitutional law, and other questions of such nature. The Interstate Commerce Committee has jurisdiction over the entire subject of interstate commerce as declared in our Constitution and embraced within the power to regulate interstate and foreign commerce. It is a committee which is intended to take hold of the phases of this question that relate to public policy and economics. This bill is intended to meet the economic situation. It involves questions relating to the interstate trade of the enormous aggregations of capital known as the "trusts," and the Interstate Commerce Committee has jurisdiction of it.

The President in his recent message on "Interstate commerce and antitrust laws and federal incorporation," the title of his message, presented two general measures for the consideration of Congress. One related entirely to that branch of interstate commerce relating to transportation. The other referred to that portion of interstate commerce that related to trade. With reference to interstate transportation the President advised the organization of a commerce court, and also advised amendments of and additions to the interstate-commerce act relating to the initiative of proceedings to condemn a rate, to the classification of rates, to the pooling of railroad companies, and other matters of that kind.

An administration bill prepared pursuant to this portion of the message was introduced by the Senator from West Virginia [Mr. ELKINS], and was referred to the Interstate Commerce Committee. Yet that bill itself, while relating to many of the economic features of interstate commerce and the administrative procedure of the Interstate Commerce Commission, provided also for a court of commerce. We have therefore this contradiction, that the bill which related to the organization of a court of commerce was referred to the Interstate Commerce Committee, and a bill relating purely to the economics of the trade question is sought to be referred to the Judiciary Committee. One would have thought that a strict compliance with the jurisdiction of these two committees would have demanded that the bill relating to the court should be referred to the Judiciary Committee, and bills relating to the economic phases of or questions of public policy relating to interstate commerce should be referred to the Interstate Commerce Committee.

The Senator from Wyoming insisted when he presented this bill that it involved a constitutional question as to whether or not the National Government has the power to create corporations for the purpose of engaging in foreign or interstate trade.

I submit that no such objection can be seriously urged. It is too late to-day to say that Congress, possessing full power to regulate interstate and foreign commerce, is denied the power to create the artificial beings that engage in such commerce. It has already been held with reference to the banks that under this and other powers national banks can be created, and they have been created. It has already been held that under the interstate-commerce power Congress has the right to create national corporations for the purpose of engaging in interstate transportation. This has been clearly and unequivocally decided; and if Congress has the power to create corporations for the purpose of engaging in one form of interstate commerce it has the power to create corporations for engaging in the other.

So far as I am individually concerned, I have repeatedly during the past four or five years urged upon Congress the wisdom of creating national corporations for interstate transportation. I have urged the passage of a law that will permit the incorporation of great trunk lines from ocean to ocean and from the Lakes to the Gulf, providing for national control as to capitalization and dividends, providing an insurance fund for employees against accident and the disabilities of age, providing a uniform method of taxation by the States, and subjecting such corporations except as to purely federal questions to the jurisdiction of state courts, subjecting them to the control of the police laws of the States, and subjecting them in purely state commerce to the regulation of the States themselves. This measure, protecting alike the interest of investors, employees, and shippers, is now pending in the Senate and has been referred to the Interstate Commerce Committee. The jurisdiction of that committee was recognized by the Senate over the subject-matter so far as it related to interstate transportation. Why should it be denied with reference to interstate trade?

So far as the industrial aspect of this matter is concerned, I approach it with an absolutely open mind, but so far as the law or the constitutionality of the question is concerned, my judgment is made up. The power clearly exists. I have an open mind simply as to the economic necessity for a national incorporation of trade corporations, as to whether it is better for the Nation itself to create the instrumentalities that are to enter into this trade or simply to license existing corporations organized under state law upon compliance with the regulation and control imposed by a national law, forbidding them to engage in interstate or foreign commerce except upon such terms as are imposed by the law itself. These are the only questions that are really to be considered by Congress relating to this matter. It is not a question of the Constitution, it is not a question relating to the judiciary or judicial procedure, but a question of method, a question of policy, a question of economics relating to interstate commerce.

Now, what are the questions of policy and economics which will be involved? First will come up the question as to whether or not it is wise to organize these corporations at all, and second, whether it is wise to make the law cover all corporations, big or little. If I were inclined to acquiesce in a national law relating to interstate trade, I should hesitate to take hold of the numerous small corporations in the country engaged in both state and interstate trade and subject them to the provisions of a national law.

Our purpose is simply to meet the abuses of these great capitalistic organizations, the abuses of monopoly, and the restraint of trade, and in order to accomplish that purpose it is not essential that we should take hold of the numerous small corporations of the country.

So I would confine the operations of the national law, if practicable, to corporations whose capitalization or whose income is in excess of a certain amount, so that the regulating power of the Government would be applied only to those combinations and organizations whose practices are pernicious in the interstate trade of the country. That is an economic question, a question of policy, not a question to be considered by the Judiciary Committee, but a question to be considered by the Interstate Commerce Committee.

I am sure that I have no disposition to intrude upon the jurisdiction of the Judiciary Committee. We have the highest respect for it and for its membership. But, I submit, it should be confined to its jurisdiction, and the matters properly entitled to the consideration of the Interstate Commerce Commitee should go to that committee.

Now, there is another question that we will have to meet. If, under the power to regulate interstate commerce, we take hold of these great combinations, we must regulate their pernicious practices or exercise such control over their capitalization, their dividends, or their charges as to make oppression of the people impossible. If we wish to regulate and control pernicious practices, then it might be advisable to organize in the Interstate Commerce Commission two departments—one department relating to transportation, the other department relating to trade, giving the department relating to trade the same power over interstate trade as is now exercised by the Interstate Commerce Commission with reference to transportation.

In this way, without either incorporating or licensing the various combinations and monopolies of the country, we will put them under the control of an administrative tribunal that will slowly and gradually, without revolutionary process, work a correction of the pernicious practices of which the people complain, at the same time preserving all the economic advantage that comes from large capitalization and combination of plants. That is an economic question. That is a question of policy. If we do not wish to pursue that course, then will come up the question of national incorporation or of national license, a question of policy, not a question of Constitution or of law.

Mr. President, with reference to this great question, it is entirely clear that we must either permit the courts to pursue their present course under the Sherman antitrust law, rendering decrees destroying these great combinations, dissolving them into their original elements, and thus restoring the principle of free competition with perhaps its attendant evils of industrial readjustment, overproduction, and strikes, or we will

have to sanction these great combinations and place them under practical control. If these combinations become so powerful as to be able to fix prices, if they become so powerful that they can absolutely destroy their competitors by lowering the price in the field of competition and maintaining it or increasing it in the field of their monopoly; if they have such power and we propose to regulate and not to destroy them, then it logically follows that the regulation must be as ample and as complete as that over the public utilities of the country.

Gas companies, water companies, electric-light companies are not public utilities simply because they cover water and light and gas. They are public utilities because they have all the attributes of monopoly, necessarily so from the very nature of their organization. So the law takes hold of them and regulates their charges.

In the same way, when the production and the furnishing of any commodity comes under monopolistic control or a control tending to monopoly, the same power attaches to the Nation in interstate commerce and the States in state commerce to control the capitalization, to control the dividends, and even to fix the price itself as the States now have relating to gas, water, and electricity. The Government, National and State, each within its jurisdiction, can, if the monopoly exists, fix the price of coal, and oil, and steel, and iron just as completely as the States and municipalities fix the price of gas or water or electricity; and the only question which Congress will have to consider will be one of policy, as to whether it will go so far as to fix the prices in interstate trade or whether it will limit its control simply to capitalization and dividends, through the latter exercising a controlling power over prices, but leaving the corporation itself a large range of discretion.

Mr. President, these are the economic questions, the questions of policy, that come up in the consideration of this bill. If there is any great constitutional question upon which the Senate seeks advice, it may be referred to the Judiciary Committee, to which it belongs, but I do not believe there is such a question. We have only questions of policy and of economics to consider; and the Interstate Commerce Committee, it seems to me, is the proper one to have jurisdiction.

It may be that some one will raise the question of constitutional law. The question of constitutional power can be raised on any bill. If that were to control, the Judiciary Committee would absorb the jurisdiction of all our committees. During the last debate regarding rate regulation the question of constitutional power was the one mainly discussed, and yet the bill for rate regulation went to the Interstate Commerce Committee, and not to the Judiciary Committee.

Mr. President, these are the considerations which it seems to me require that this bill should be referred to the Interstate Commerce Committee rather than to the Judiciary Committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming [Mr. CLARK] to refer the bill to the Committee on the Judiciary.

The motion was agreed to.

CIVIL-WAR VETERANS' RETIREMENT.

Mr. SMITH of Michigan. Mr. President, I have received a large number of petitions and memorials bearing upon the question of the civil-war veterans' retirement bill, pending in the Committee on Military Affairs. There is a great deal of anxiety manifested among those officers, who are now already advanced in years, and I should like to ask the Senator from Wyoming [Mr. WARREN] if there is any prospect of a report upon that bill, which is now pending before his committee, and, if so, at what time we may expect such report? I do not mean by this inquiry to criticise the Committee on Military Affairs at all, but I am anxious, and I know a number of other Senators are anxious, that this matter may be presented to the Senate for consideration. I shall be obliged to the Senator from Wyoming if he will enlighten us as to the present status of that bill.

Mr. WARREN. Mr. President, replying to the interrogatory of the Senator from Michigan, I will say there are several bills bearing upon this same subject, but differing in terms; it is not confined to one bill, but there are a half dozen or more of such bills. All have been referred to a subcommittee, consisting of the Senator from Missouri [Mr. WARNER], the Senator from Delaware [Mr. DU PONT], the Senator from Ohio [Mr. DICK], the Senator from Louisiana [Mr. FOSTER], and the Senator from Tennessee [Mr. FRAZIER], with instructions by the committee to ascertain as nearly as may be the total yearly cost, the adaptability of the bills to the subject, and object sought, and what shall be the line of beneficiaries included. Those Senators, I assume, are industriously engaged in considering the subject.

I think I ought to say, in addition, that the Senate in its wisdom at the beginning of this Congress initiated a somewhat new feature, or at least created a new committee—a Committee on Public Expenditures—of 21 members. That committee has had meetings, and the chairman has appointed subcommittees, one of which is to examine into and take cognizance of all military matters, which include the army and navy pensions, and so forth. Another subcommittee is to look after new legislation and new authorizations of expenditures.

It is the opinion of the Military Committee, in view of the fact that such a committee has been authorized, and the further fact that the revenues of the Government are not now equal to its expenditures and have not been of late, that when this subcommittee reports the committee will ask the cooperation and assistance of the proper subcommittee of the Committee on Public Expenditures.

Mr. SMITH of Michigan. Mr. President, then are we to understand that the Committee on Military Affairs, to whom all these petitions and memorials were referred, are really dependent upon this new committee for action before any progress can be made or these petitions considered?

Mr. WARREN. Mr. President, of course I do not propose to enter into the domain or general subject of the powers and the various relations of Senate committees, but my conception of the relations existing between that committee and its subcommittees and the older standing committees is not that of dictation and control so much, but in a matter where the expenditure would reach millions of dollars a standing committee finds that it is necessary to enlist all of the strength that it can; and there being such another committee with such a subcommittee it would be, as the Senator from Michigan knows, very advantageous if the Military Affairs Committee could have the cooperation of so large a committee as the other one mentioned to act in conjunction with it.

I will say there has been no action whatever, so far, which has sought to take from the Committee on Military Affairs its powers in this case or in any other.

Mr. SMITH of Michigan. Mr. President, for several years memorials and petitions in favor of this bill have been referred to the Committee on Military Affairs. They undoubtedly know the general sentiment of the people regarding this legislation. I think it is looked upon with favor in all sections of the country. I was reminded by the Senator from Louisiana [Mr. MCENERY] only yesterday that he was very much interested in this legislation and feels it to be just and proper and that it ought to be enacted. I feel the same way about it.

If this new committee, censorizing all that is done by the regular standing committees of the Senate, is to have control of this legislation in any way, then, for one, I propose to reply to all the inquiries that such petitions might with great propriety be addressed to that committee rather than to the Committee on Military Affairs.

These men are advanced in years; they have rendered conspicuous service to the country; and if they are to be recognized at all, it should be done now while they live and can appreciate it. I hope that we may not be delayed much longer; at least we should have a report from the Committee on Military Affairs on this matter for our consideration.

I do not say this by way of criticism of other Senators. I know the sympathy and kindly disposition of the Senator from Wyoming [Mr. WARREN] very well, and that he would not intentionally delay reports that are important or the consideration of bills that are just and right; but representing, as I do, a large number of veterans interested in this legislation, I urge that it may receive consideration and that the Senate may be given opportunity to vote upon it.

Mr. KEAN. Mr. President, are reports of committees still in order?

The VICE-PRESIDENT. Reports of committees are still in order.

Mr. WARREN. Mr. President, I trust the Senator from New Jersey will allow me just a moment.

Mr. KEAN. Certainly.

Mr. WARREN. I am glad the Senator from Michigan [Mr. SMITH] has expressed himself so fully. I think I ought to say, in view of what he has said, first, that a subcommittee which once had charge of this measure felt compelled to report to the full committee against the proposed legislation, thinking it was inadvisable at that time to pass the bills in the form in which they came to us.

I wish to say to the Senator from Michigan that the bills have varied widely in their terms. Personally I have no doubt that at some time some provision will be made for certain or all of the survivors who served in the civil war, but there should be some limit of amount. The bills, in the first place, came in,

let me say, to apply only to brigadier-generals and those above that rank, and to give them three-fourths pay of what they would have received if in active service. I assume that the Senator himself would hardly expect the Military Affairs Committee to report in favor of a bill that should pay those who were brigadier-generals and above, when, as a matter of fact, many colonels served for many long months as commanders of brigades who would not receive that compensation. Then, bills followed which applied to those from lieutenant-colonel up; then others covered all of the commissioned volunteer officers. In the meantime——

Mr. FLINT. Mr. President, if the Senator from Wyoming is going on with a long explanation with reference to the amount to be paid these various officers of various ranks, I should like to ask him whether the committee has considered any bill which they could adopt and report to the Senate which would be equitable to all officers?

The Senator from Wyoming also says that the committee can not at this time, but at some other time will, consider the matter. A great many of these officers are dying, and it seems to me that we ought to have prompt action in reference to these various bills.

Mr. WARREN. Mr. President, if the Senator from California will content himself until I finish, perhaps he may understand that better.

On the House side a bill was reported which provided for all the officers and the enlisted men—all of rank and file. So there has been such a diversity of opinion as to estimated annual outlay, the amounts running from fifteen to seventy million dollars, that members of the committee have believed that they should take sufficient time to harmonize the opinions and desires of those demanding this legislation. The committee, I believe, will continue its consideration of the matter and take such time as it may find necessary in order to harmonize, if possible, these various opinions which come in here, as I have said before, ranging all the way from those who believe that every man, rank and file, should receive recognition, to those who believe that only certain officers should receive it. Furthermore, there are those who believe the legislation sought should apply only to those above a certain age, and others who believe that it should apply at once and regardless of age.

The Committee on Military Affairs is proceeding in as expeditious a manner as so important a matter ought to be proceeded with. My reference to another committee is not intended to throw the responsibility upon its members. If the Senator from Michigan [Mr. SMITH] and others wish to send their resolutions and bills to the Committee on Public Expenditures I shall not contest it. I think perhaps it would be a better plan to do that way. But what I intended to explain was that when we shall have decided, and a bill is reported, if it be a bill which carries millions of dollars, the Senator knows that it will be necessary to have upon this floor and upon the floor in another place very strong efforts and support; I will not say "combinations," but a very strong and large number of men who believe in the measure and who have had time to consider it, or else we never can pass the measure.

Mr. SMITH of Michigan. Mr. President, I want to disabuse the mind of the Senator from Wyoming that any criticism is intended by me of his committee. I prefer that the Committee on Military Affairs should pass upon these matters, because I feel that they are just and patriotic and will consider these memorials and petitions and act fairly toward these old soldiers.

Mr. BEVERIDGE. Mr. President, I only wish to say one word, and that not in the least in any spirit of criticism of the Committee on Military Affairs; but that word is called out by a suggestion of the chairman of the committee [Mr. WARREN] that this matter will be considered in connection with another, and a new committee to determine whether this is the time to consider his legislation.

Mr. President, the legislation should be considered now, as soon as may be. It is a question which enters into human life itself. The men who were fighting for their country and not nesting in comfortable safety are nearing the ends of their lives. It will not be long until no measure, unless it be soon considered, can interest them. They will make their last vivouac soon.

It has been suggested that this committee, which heretofore has handled these matters, is now conferring with another and a new committee, created, no doubt, for a very wise and necessary public purpose; that is, the Committee on Expenditures, which includes in its membership many of the strongest men in this body—a very large committee—and yet our attention was called yesterday to the fact that this new committee, with this important subject of considering the public expenditure, can not itself do that work, and Congress is asked to establish a new agency to do for it the work which it was established to do. That being the case, it would not appear that there would be any overwhelming advantage in having another committee supervise the work of a committee so eminently and so highly experienced as the Committee on Military Affairs, and postpone the consideration of a measure which, as I said in the beginning, involves not only the most sacred sentiments of patriotic men, but the endurance of human life itself, especially as we are confronted with the proposition, which may be right and advisable, though I do not yet know, that within less than a year of the creation of this new committee it itself asks for the creation of a new body to do the very work which it itself was established to perform.

Mr. WARNER subsequently said: Mr. President, I was not present during the discussion with reference to the volunteer retirement bills introduced into the Senate and now before the Committee on Military Affairs. The fact was mentioned that I am a member of the subcommittee to which those bills have been referred. There seemed to be some question whether action would be taken by that committee upon those bills. I am not authorized to speak for the committee, but I do speak for myself as chairman of the subcommittee, and I assure the Senator from Michigan and others that there will not be an hour or a minute of unnecessary delay in presenting a report upon those bills.

INCREASED COST OF LIVING.

Mr. KEAN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably Senate resolution 165, which was reported by the Senator from North Dakota [Mr. MCCUMBER] this morning from the Committee on Finance.

The VICE-PRESIDENT. The Senator from New Jersey, from the Committee to Audit and Control the Contingent Expenses of the Senate, reports favorably Senate resolution 165.

Mr. KEAN. Let the resolution be read. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of the resolution. The Secretary will read the resolution for the information of the Senate.

The SECRETARY. Senate resolution (S. Res. 165) by Mr. ELKINS——

Mr. STONE. Mr. President, I should like very much if the Senator would consent to take up that resolution to-morrow morning.

Mr. KEAN. Let the resolution first be read. Will the Senator allow it to be read?

Mr. STONE. I have no objection to its being read; but the Senator asked for its present consideration.

Mr. KEAN. I think after the Senator has heard it he will not object. I ask that the resolution be read as amended.

The VICE-PRESIDENT. The Secretary will read the resolution as amended, if there be no objection.

The SECRETARY. The resolution as proposed to be amended reads as follows:

Senate resolution 165.

Resolved, That there shall be appointed by the President of the Senate a select committee of seven Senators, with authority to sit during the session of the Senate or during the recess of Congress, either as a committee or by a subcommittee, with instructions to make an exhaustive investigation into the cost of living and any increase in the same since 1900; to ascertain whether the price of the necessaries of life which enter into the general use and consumption of the people have, since the year 1900, been increased; and if so, to ascertain the cause or causes which have influenced said increase. In making such investigation special attention shall be given by the committee to the subject of wages, salaries, and earnings, and if the increase in the same has kept pace with the increase in the cost of living; increased price, if any, of such articles as meat, grain, provisions, rents, cotton, wool, clothing, lumber, coal, iron, oil, brick, and cement; stating in said report the price to the producer, the wholesaler or jobber, the retailer, and the consumer at which said articles included in the investigation by said committee were distributed and sold in the year 1900 and the price for their disposition and sale at the present time. It shall further be the duty of said committee to ascertain the cost of production of said articles and the cost of their distribution and sale when in the hands of the wholesaler or jobber and the retailer between the same periods. If, in the judgment of said committee, such articles have been increased in price by reason of the increased production of gold throughout the world and the expansion of the currency in the United States, or by tariff or other legislation of Congress, or by any monopoly, combination, or conspiracy to control, regulate, or restrain interstate or foreign commerce in the supply, distribution, or sale of such articles. And the committee is also authorized and directed, by subcommittee or otherwise, to make a thorough investigation of the prices of food products on the farm in various parts of the United States, the wholesale prices of such food products at the wholesale trade centers of the United States, and the retail prices of such food products in the larger cities of the United States, and also a comparative statement showing cost of production on the farm.

It shall report the same to the Senate, with suggestions or recommendations as to the remedy to be applied to reduce the cost of living and accompany its report with such recommendations as will, in the opinion of the committee, correct and remove the cause or causes which

have enhanced the price of said articles. Said committee or subcommittee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, and to have such hearings printed.

And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. STONE. Mr. President, a number of resolutions covering the subject-matter embraced in this resolution have been pending for some time. This resolution is couched in very different phraseology from that of any of the others, and I should like to have the resolution go over until to-morrow morning, as I think it ought, so that we may have an opportunity to examine it. I shall be perfectly willing to have it disposed of to-morrow morning without any objection.

The VICE-PRESIDENT. The Senator from Missouri objects to the present consideration of the resolution.

Mr. KEAN. I have no objection to its going over.

Mr. STONE. Let it be printed.

Mr. BAILEY. Mr. President, I suggest, unless it is already provided by the rules, that the resolution as reported by the committee shall be printed and a copy placed on each Senator's desk.

The VICE-PRESIDENT. The resolution will be printed.

Mr. BEVERIDGE. That is provided for now.

Mr. KEAN. It will be printed with the amendments.

Mr. BAILEY. I should myself like to have a copy of it.

Mr. FLINT. I want to suggest to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, if he will permit me, that in line 16, on page 1, after the word "wool," the word "hides" be added.

Mr. KEAN. I have no objection.

Mr. BAILEY. If you are to add specific articles, then I want leather added, because since you took the duty off of hides leather has gone up.

Mr. BEVERIDGE. It was suggested when the Senator from North Dakota [Mr. MCCUMBER] brought in his resolution, which is one of the many stones that has been the foundation of this composite production, that the price of meat not only here, but the price for American meats and cattle sold abroad, should be included. So I think it very wise that the resolution go over until to-morrow, so that we can see it.

Mr. KEAN. I think if the Senator from Indiana will examine the resolution, he will be entirely satisfied.

Mr. BEVERIDGE. I hope I shall be.

Mr. BAILEY. Mr. President, I suggest to the Senator from California [Mr. FLINT] that personally I prefer to eliminate all specific articles and make it a general inquiry as to the level of prices. In addition to the suggestion which has been made, of course I am going to insist that the committee shall be directly charged to inquire what influence the enormous increase in the production of gold has exerted over prices.

Mr. ELKINS. That is already in the resolution.

Mr. ALDRICH. Yes; that is in the resolution.

Mr. CRAWFORD. Mr. President, I only heard the resolution read; I have not seen the text of it; but there is one feature of the proposed investigation to which I want to call particular attention. I think it is a foregone conclusion, which the public has already reached and which a dozen investigating committees sitting throughout the year will not change, that the prices of food products and the prices of commodities in general have gone up and have been going up for a period of ten years. After the committee has made this investigation it will undoubtedly simply reiterate what everybody knows upon that proposition; but the most material point in the investigation, and the one in which there is the deepest and most keen interest everywhere, is whether or not the wages of the wage-earner have increased proportionately.

The report from the Department of Commerce and Labor, which has been laid on the tables of the members of the Senate in response to a resolution which I introduced, shows that the wages in the leading manufacturing concerns of the United States have increased, and the percentage of the increase is given; but all of the investigation of the Department of Commerce and Labor in regard to wages has been confined to the employees in manufacturing establishments. There is a vast army of employees engaged in the transportation business in the United States, there is a vast army of public servants—a very large number of them in the city of Washington—who are living upon fixed incomes, salaries drawn as clerks in the departments, that have not changed a dollar during the period of ten years. There are in addition domestics working in households and employees in the great mercantile establishments; but the inquiry of the Department of Commerce and Labor as to the wage scale has been confined to manufacturing establishments. The proposed investigation, if it is to render a service to the country, should be especially directed to that class of wage-earners not embraced in the investigations made by the Department of Commerce and Labor. The place where the shoe pinches, the place where just ground exists for complaint, is on the part of the wage-earner whose wage has not proportionately increased with the general rise in the level of prices. I call particular attention to that feature of the investigation and express concern as to whether or not the resolution is broad enough to make the investigation exhaustive upon that point.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The resolution will lie over.

STATE BANKING STATUTES.

Mr. ALDRICH. From the National Monetary Commission I report a digest of the state banking statutes, compiled by Samuel R. Welldon. I move that the digest be printed. (S. Doc. No. 353.)

The motion was agreed to.

WASHINGTON, SPA SPRINGS AND GRETTA RAILROAD COMPANY.

Mr. CARTER. From the Committee on the District of Columbia I report favorably, with an amendment, the bill (H. R. 17531) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, line 10, after the words "District of Columbia," to insert "and all obligations imposed on said company by the act amending the same approved March 3, 1909."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THE FOREST SERVICE.

Mr. HEYBURN. I offer a resolution and ask for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HEYBURN. Let it be read.

The PRESIDING OFFICER. The Secretary will read the resolution (S. Res. 174).

The Secretary read as follows:

Senate resolution 174.

Resolved, That the Secretary of Agriculture is hereby directed to furnish to the Senate a statement as to the amount of money expended under the direction of the Forester in the education of forest students, the institutions they attended, the names of such students, and whether or not their transportation to and from these institutions and their salaries were paid during their attendance.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I note that the Senator from Iowa [Mr. DOLLIVER] is absent from the Chamber for the moment, and I know that he has a resolution on the subject to offer. He has submitted it to me, and the papers are here, I think, containing the information asked for in this resolution, and I do not believe there will be any objection on behalf of the Senate when the Senator from Iowa presents the matter.

Mr. HEYBURN. Let the resolution lie over.

Mr. SMOOT. I ask that it lie over.

Mr. WARREN. I wish to inquire whether the chairman of the Committee on Printing is aware of the amount of material to be printed?

Mr. DOLLIVER. At the proper time, I will say to the Senator from Wyoming, it is my purpose to submit to the Senate the question of printing this detailed statement of expenditures of the Department of Agriculture which the Secretary, in accordance with the law, has sent to the Senate and which is now before the Committee on Agriculture. I do not intend to conceal from the Senate the fact that it is a large manuscript, and I desire to have the matter referred to the Committee on Printing.

I will say to the Senator from Wyoming that an itemized statement of the expenditures of the Bureau of Forestry is contained in this report, showing the disposition of every dollar of the appropriation.

Mr. SMOOT. The Committee on Printing has decided that the document should not be published in the usual number—2,564—because it would cost some $2,600 to do it. If we have but a hundred copies, they will be sufficient, and that is what will

be called for by the resolution to be offered by the Senator from Iowa. If it was published as a public document, it would have to go to every library in the country, to every department in the Government, and the Senate would then receive only 220 copies; and it is believed that this will answer the purpose.

Mr. DOLLIVER. As the matter is now before the Senate I ask unanimous consent, out of order, for the present consideration of a resolution.

The PRESIDING OFFICER. Is there objection to its present consideration?

Mr. GALLINGER and Mr. KEAN. Let it be read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Resolved, That there be printed 100 copies of the attached report from the Secretary of Agriculture for the use of the Senate, and that the usual number be not printed.

Mr. CARTER. What is the difference in the cost of printing the usual number and the limited number contemplated by the resolution?

Mr. SMOOT. In my opinion it will be about $500. But that is not all that we want to reach. If this is printed as a public document, it will be sent to every one of the libraries throughout the country.

Mr. CARTER. Most assuredly.

Mr. SMOOT. And that expense attaches to it.

Mr. CARTER. I think that a very appropriate course of conduct in reference to expenditures of the Government. The people are interested in knowing what are the expenditures of the Government, and I can not understand why, when the total expense will only be $2,600 and the expense of printing 100 copies will be $2,100, we should deprive the users of libraries, the usual channels through which this information is disseminated, of the privilege of scrutinizing this report.

Mr. SMOOT. The experience we have had in the past in printing these very documents is that when they go to the libraries they are never placed there for the general public to read. They are thrown aside, and many of the libraries have asked that they be not sent to them; that they take up room.

Mr. CARTER. Would it not be well for the Committee on Printing to prepare a general rule, rather than to select a report here and there to be partially suppressed?

Mr. SMOOT. So far as concerns the suppressing of the report, we have no such idea at all.

Mr. CARTER. I understand; but I do not think the Committee on Printing should pursue a policy which would leave to that committee discretion as to the kind of matter that should go to the libraries and the kind of matter that should be confined exclusively to the use of the Senate.

Mr. SMOOT. The law requires that every document published as a public document shall go so many to each library in the country, so many to every department of the Government, so many to the use of the House of Representatives, and so many for the use of the Senate. If it is published as a public document we have no control over it; it must be sent to these various places.

The Senator from Iowa, as chairman of the Committee on Agriculture, thought this should be printed for the use of the Senate in the discussion of the agriculture bill, and that was the only reason we had in limiting the number, and for the further reason, of course, of saving that amount of money and that amount of postage.

Mr. BACON. I should like to ask——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. BACON. If I correctly understand the resolution, it limits the publication to 100 copies.

Mr. SMOOT. One hundred copies for the use of the Senate, and that the usual number be not printed.

Mr. BACON. In other words, it limits it to a publication of 100 copies.

Mr. SMOOT. That is correct.

Mr. BACON. One for each Senator. We will certainly get applications for the document.

Mr. SMOOT. If Senators want the usual number or if the chairman of the committee is desirous that the usual number be printed, so far as I am concerned I shall not object.

Mr. BACON. I am indifferent as to whether it is printed as a document, but the number ought to be sufficiently large to enable those who receive applications for the document to respond to them.

Mr. SMOOT. If the usual number is printed, I will say, there will be 220 copies for the use of the Senate. Of course that will be two for each Senator.

Mr. DOLLIVER. Mr. President, I had very grave doubts about the wisdom of printing this document at all. It is the same document that is sent under the statutes to all the appropriations committees; and if they were all printed, there would be an enormous bill for printing. I know from a long observation of affairs that few people, if anybody at all, look into such documents. Curiously enough at present the Department of Agriculture and other departments of the Government are exciting some public attention that is not common, and it was the opinion of some very wise men that this year it might be well to depart from the usual negligence with which the Senate treats this document when sent in in typewritten manuscript and to print this report of the Department of Agriculture. I do not believe anybody will ever read it, either here or anywhere else, except possibly a very few people who desire to familiarize themselves with the details of these expenditures, notably the forestry expenses. For that reason I made the suggestion that the printing be limited to 100 copies. If any Senator thinks anyone, either here or anywhere else, wants to read this document, I suggest striking out "one hundred" and the insertion of a provision for printing the usual number, if the Clerk will be kind enough to note the amendment.

Mr. TILLMAN. Can the Senator inform us of the amount of money that will be saved by this departure from the rule?

Mr. SMOOT. About $500, and not only that——

Mr. TILLMAN. We surely are getting very economical if we are going to haggle here about an expenditure like that; quarrel about $500 when we expend and waste, I think, millions on things that are worthless.

Mr. DIXON. I should like to inquire at this time why, especially, the Forest Service is being singled out in detail from all the various items of expenditure? Why is it necessary to spend $2,000 to print the itemized expenditures of the Forestry Bureau as against dozens of other departments of this Government?

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. DIXON. I addressed my inquiry to the Senator from Iowa.

Mr. DOLLIVER. I quite sympathize with the curiosity which prompted the Senator from Montana to ask that question; but the truth is that for many years here the appropriations of the Department of Agriculture have been subjected to a running fire of criticism, among which was the fact that the money was being wasted and thrown away and that nobody knew who got it or how much of it. And so strong was the feeling of the Senate in the last session that in the midst of the consideration of the appropriation bill a detailed report was ordered printed of these expenditures.

This proposition includes not only the Bureau of Forestry, but all the bureaus and divisions of the Department of Agriculture, and is simply a statement of the disposition of the funds, the salaries, the lump sums, and whatever is contained in the general appropriation bill. I do not think it is singled out, because that report is sent to every appropriations committee of the Senate under the statute passed some five years ago.

Mr. DIXON. What need is there for reprinting this at the present time, when it has already been printed?

Mr. DOLLIVER. No. The expenditures of the year before were printed last year. This document contains the expenditures of last year and the expenditures of the current year.

Mr. DIXON. What is the purpose of this? Here is the War Department, that spends $100,000,000 of the people's money. It goes into a thousand channels more widely differentiated than this does. Here is the Navy Department, which spends $140,000,000 of the people's money, which goes into battle ships and navy-yards and personnel. So with half a dozen other departments of the Government. For some purpose—and I certainly acquit the Senator from Iowa of having any ulterior motive in the matter—this service is picked out. I just heard read a resolution of the Senator from Idaho directed especially to the expenditures of forest officials, in some schools, as I caught the reading of it. I have seen the statement going around in the press that the forestry officials were spending $40,000 a month to educate their young men at four or five western universities at a total expenditure of $200,000. Why should such loose statements be made on the floor of the Senate and scattered through the newspapers of the country when there is not a word of truth, or only a very little truth, in the whole proposition?

Before I say what I have in mind to say I will state that I made some personal investigations about two weeks ago, when

these statements first appeared from inspired sources, from the Capitol. I wrote to the president of a state university regarding this matter, about which these sensational statements have been printed throughout the country. The truth is these foresters during the winter months, when their duties call for little active work as forest rangers, were ordered into these winter schools for a short free course in scientific forestry instruction at the state universities, and there was absolutely not a dollar charged for their tuition. It was intimated that the Government was paying their board and tuition. The truth of the matter is they hold their summer schools of instruction at some convenient point, where they call in their different rangers to educate them along the lines for which we pay them their salaries. These four winter schools were merely calling in the rangers off the snowclad mountains, where they had no duties during the winter months, for a free course of instruction. It is easy to get the facts in the case without spending $2,000 to single out a particular service.

If we are going into these details, let us have the same details with respect to the War Department and the Interior Department. We appropriated millions of dollars last year for the Interior Department for special agents. Let us also have the detailed expenditures of the other departments.

The printing in the proposed report of the different items of expenditures will give every man with an animus an opportunity to pick out and hold up for ridicule these items, with nobody to offer an explanation of what each really was for. Let us have the whole Interior Department expenditures in detail if we are going to have them from the Agricultural Department.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Certainly.

Mr. BORAH. The statement of the Senator from Montana is rather interesting to me, and I want to ask the Senator if he ascertained, upon that investigation of his, that, as a matter of fact, students had been attending these universities at the time they were drawing salaries from the United States? I have seen the statement in print.

Mr. DIXON. Four western state universities had established forestry classes—Utah, Washington, I am not certain about Colorado, and Montana. The Forestry Bureau, following a wise plan, as I believe, getting free tuition for their rangers, at no cost to the Federal Government, merely ordered them in for the winter class of instruction, the same as they have done in their summer class of instruction for their rangers and forest supervisors, and ordered them practically into camp at the state universities, where they could receive a free course in forestry, at not one dollar of additional expense to the Govment, except the railroad fare for probably 100 miles and back.

The military department of this Government every year spends thousands of dollars at Fort Leavenworth in educating officers of the army where the Agriculture Department expends money merely for their railroad expenses. We appropriate, I presume, $2,000,000 for the army school at Fort Leavenworth to educate army officers. But in this case where an official of this Government, at no expense to the Federal Government except railroad transportation, seeks to better the personnel of the forest employees by taking advantage of a free course in forestry, certain people hold up their hands in horror at this great extravagance. Is it criminal in the one case and the subject of praise in the other? Why single out one bureau? Let us go into the whole proposition. Let us also have the Interior Department, in all its many ramifications, and the other departments of the Government show their receipted bills and their expenditures in a thousand different directions.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. DIXON. Gladly.

Mr. ALDRICH. I should like to ask the Senator whether these students, or whatever they may be called, are a part of the permanent force of the Government, as the soldiers are? Are they employed for life?

Mr. DIXON. They are, under civil-service rules, employed for life.

Mr. SMITH of Michigan. That does not employ them for life.

Mr. DIXON. They are under the civil service.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BORAH. I am not interested in the criticism of the Forestry Bureau or of the Interior Department, nor do I desire to make any invidious comparisons between any of them, but what I should like to know, since the Senator from Montana has investigated the matter, is whether or not as a fact these students were attending these universities at the time when they were drawing salaries from the United States Government.

Mr. DIXON. They were not attending universities as university students in the usual acceptation of the term. In summer time they are called into camps for courses of instruction, on their own salaries, at the expense of the Government. These were merely winter schools of instruction at state universities, which were giving a free course to anybody applying, without a cent of cost to the United States Government.

Mr. BORAH. Were they on the pay roll and drawing salary at the time they were attending school?

Mr. DIXON. They were, just the same as they were in the summer schools; just the same as an officer of the United States Army at Fort Leavenworth, to take a course in military instruction.

Mr. BORAH. Another question, if the Senator will permit me. How many were attending school under those circumstances?

Mr. DIXON. About 160—about 40 at four different places.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. DIXON. With pleasure.

Mr. TILLMAN. Do I understand that these foresters are under civil-service rules?

Mr. DIXON. They are.

Mr. TILLMAN. Then they must have stood an examination before they were appointed.

Mr. DIXON. I imagine they did.

Mr. TILLMAN. They are very poorly equipped for their work, and very ignorant of the purposes for which they were appointed, or else they did not need to go to school.

Mr. DIXON. Just as a boy sent to West Point is ignorant of the science of war.

Mr. TILLMAN. A boy from West Point, after he is graduated—which would be equivalent to the appointment after examination of a man as forester—does not need to go to school to learn what he is appointed for.

Mr. DIXON. The Senator from South Carolina is probably aware that nearly all of these men in the lower grades of the Forest Service are drawn by civil-service examination from the ordinary walks of life without having had any special course in forestry at any school or university.

Mr. TILLMAN. They have already been sifted out from among others, and they have stood an examination, and they are supposed to know what they are to do.

Mr. DIXON. They have had no training in forestry matters.

Mr. TILLMAN. How can they get an appointment if they have had no training?

Mr. DIXON. Just as with everybody else in the civil service. They pass an examination.

Mr. TILLMAN. Then it is a humbug.

Mr. DIXON. It may be a humbug, but it is not half the humbug that it is to single out this little incident of an opportunity of getting 200 men trained accurately in the scientific end of forestry at no cost to the Federal Government. Why single it out? You vote a hundred millions to the army——

Mr. TILLMAN. I do not want to single it out. I want to get at the whole thing.

Mr. DIXON. It is not more of a humbug than the money you pay out at Fort Leavenworth every year to instruct men. You appoint every year a hundred second lieutenants in the army from civil life who know absolutely nothing about the business. You send them to Fort Leavenworth. Is that a humbug?

The PRESIDING OFFICER. Senators will please suspend for a moment. The Chair would like to announce that if any Senator desires to interrupt the Senator who has the floor he should address the Chair and get the permission of the Senator entitled to the floor before he proceeds.

Mr. DIXON. I want to ask the Senator if he thinks it is a humbug to appoint a hundred second lieutenants in the army from civil life and educate them at government expense at $1,500 per annum? Is that a humbug?

The PRESIDING OFFICER. The Senator from South Carolina is recognized to answer the question.

Mr. TILLMAN. Thank you, sir. I do not know of any appointments from civil life of ignoramuses of that type. They are usually graduates of a military school and are trained specifically along military lines, and they have to pass an examination before they are allowed to enter the army.

Mr. DIXON. Does the Senator from South Carolina——

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Montana?

Mr. TILLMAN. I thought he had the floor.

Mr. DIXON. I want to ask him a question in good faith. Has the average second lieutenant appointed to the Marine Corps or the infantry had any military training? Are not three-fourths of them boys who have never more than seen a soldier in uniform before they got into the army?

Mr. TILLMAN. That is not my understanding.

Mr. DIXON. It is mine; and I know of instances of that kind in——

Mr. TILLMAN. It may be the Senator can get appointments of that kind, but they do not come down our way.

Mr. DIXON. At the last meeting of the Military Committee I happened to be present and reported the nominations of four second lieutenants from civil life, one of whom was from South Carolina.

Mr. TILLMAN. If so, he had been graduated at a military school.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. DIXON. Gladly.

Mr. BURKETT. I do not want the Senator to have a wrong impression. It seems that a very proper thing to do here, and almost a mandatory thing, has kicked up a good deal of unnecessary trouble. There has been a law on the statute books since 1895 requiring a department to render to Congress a statement in detail as to where the money has gone that we appropriated last year and also a statement in detail as to where it expects to spend the money that it is asking for the next year.

I sat on the Appropriations Committee in the other House for several years before I came to the Senate, and since I have been here I have had the fortune or otherwise of being on the Appropriation Committee for two or three years. One of the unpleasant things that has always occurred to me has been to bring the great appropriation bills in here covering millions of dollars where not a single person in the Senate was able to stand up and tell the Senate where the money was going to. I say it has been rather trying on me as I have seen the appropriation bills come in. This morning, in a casual sort of discussion, there was one particular point touched of printing, which is referred to here, and it was remarked that it should come here in detail. It seems that when we are going to spend almost $14,000,000 we could well afford to spend a couple of thousand dollars in finding out where the money is going to. I will say to the Senator from Montana and other Senators that I was one of those who thought it was imperatively the duty to print that report, if not for the benefit of the country at large, if not for the benefit of the Senate especially, for the benefit of the committee which was going to pass on the items of the bill. So far as singling out is concerned, it never occurred to my mind that there was any idea of reflecting on anybody or on any particular department.

I did realize, of course, as I realize at present, that this particular department is before the country attracting considerable attention by reason of an investigation, and that very probably before we get through with the hearing of the bill and the reading of all the material that will be required to be printed in some form or other the country will want to know, the Senate will want to know, and above all the committee ought to be forestalled with the most complete possible detail of the information pertaining to the department.

The Senate can readily see that it is impossible to handle a document as it is there in these loose leaves. They are not bound together. There is only one copy of it. It is impossible for even the committee to handle it and get any benefit out of it. So it seemed to the committee that it ought to bring it in here and have it printed and get it in a shape where we may utilize it.

I will say that I am not only making this contention for this particular bill, but, in my judgment, in the consideration of all the great appropriation bills there should be printed a statement, so that Senators can have it before them. When we are spending $100,000,000, as has been suggested, on one bill, we can afford to spend a couple thousand dollars to have the details printed showing where the expenditures go. In my judgment, if we do that we will save enough in one bill by absolutely knowing all the details to pay for all the printing that will be required in connection with all the bills.

Now, that is no reflection upon anybody. I do not think there is anybody here who will not stand up and pay a tribute to the Secretary of Agriculture, and yet I dare say the Secretary of that great department does not know where all the money has been expended that was appropriated a year ago. There is not any of us but who will stand up and pay a tribute to the heads of any of the bureaus under that great department. Perhaps there is not any of them but what I am ready to pay tribute to and to compliment on the great work that they have done, and yet I dare say that the heads of those bureaus do not know where all the money has gone.

Now, if you print these reports and get them in an available shape, the newspapers can publish them, and they will publish them, as a matter of fact, as true, not as hearsay. I think there is now a good deal of confusion caused by the newspapers when they have to get the information the best way they can. It has not been possible for anybody to print the truth about the expenditures of the Agricultural Department or any other department. There is not any way to find out the truth—that is, not any public sort of a way that could be useful; but if you print a document, the truth will go out.

I have such faith in the men who expend this money, I have such faith in every man and every branch and every bureau of the Agricultural Department, that I do not believe it will hurt one of them to have the truth go out. So far as I am concerned, I do not care if it is circulated in every library and circulated all over the country, because I believe when the truth goes out and the people know the facts, they will realize what the Agricultural Department has been doing.

There is criticism, for example, of the Agricultural Department. Perchance I have not heard much of it, but of course there is criticism of that department. This report will show to anyone who wants to know about it, or to anybody who accuses any wrongdoing, exactly what the Agricultural Department is doing. We may be accused, perchance, of being niggardly with the appropriations for the Agricultural Department. We may be accused of being extravagant with the Agricultural Department. The report will show exactly what we are doing, and not only here will we be able to find out what has been done, but all over the country there are people who are interested in certain branches of the work of that department. If the report goes out they will be able to find out exactly what has been done; they will not have to guess at it; and if anything is done that is wrong then they will call some Senator's attention to the particular wrong or the particular extravagance that has been committed, and that Senator will call the attention of Congress to it. So, in my judgment, this report ought to be printed.

I saw here once, in connection with another department, a great appropriation of three or four hundred thousand dollars, and there had never been any sort of report in regard to the expenditure. I never questioned that particular expenditure, but I have always questioned whether it is in the interest of economy, whether it is in the interest of good legislation, that we should appropriate these vast sums of money and never have anywhere printed a report showing how the money was expended.

For example, the Senator from Rhode Island [Mr. ALDRICH] brought in a bill on Saturday looking to the appointment of a commission to establish business methods—to originate, I guess it would be—business methods for the Government. The Senator knows that I asked some questions about it. I am not responsible for delaying it, but I do hope that the committee reporting the bill will be able to show us what we are going to get by it. I have not much faith in the proposition of commissions. As we have had them in the past, they simply added more expenditure and very little was accomplished. If any good is to be accomplished, I am glad of it, and I hope the committee will be able to show it.

However, one of the troubles that has arisen for that action comes, in my judgment, from the fact that Congress itself has not known enough about the details of what is going on in the Government. I do not mean that every Senator ought to know everything about every question, for that is impossible. I do not expect to know everything about the military expenditures, because I am not on that committee. I am not expected to know everything about the details of the expenditures of the Navy Department, because I am not on that committee. But it does seem to me that those of us, say, who are on the Committee on Agriculture and Forestry ought to know all the details about the expenditures of the Agricultural Department, and those of us who have to handle the legislative, executive, and judicial appropriation bill ought to know all about the details and where the money goes that we appropriate in that bill. Those who are on the Committee on Military Affairs ought to go into the minutest detail so as to know where the money goes that is appropriated in the great military appropriation bill.

As a whole we have to depend in the last analysis upon the committee, upon their judgment and upon their industry in working out these matters. Any Senator can see that without such printing as is here proposed it is impossible for us to go to the bottom of any of these expenditures. It is said that the committees call before them different members of these departments. I wish that some other department was under consideration just now. We call before us the heads of different bureaus. They do not know the details of those expenditures, and Senators who are on the Committee on Appropriations know that often when such persons are called they have to go back and send up a letter in order to give some particular details, or they will have to go back and send up another clerk, a man lower down in rank in the service, who knows more particularly about the details. It is almost impossible even for the heads of the various bureaus to know about the details of the expenditures. The only way that we can get it is in this sort of a report, and the only way that we can make it of any consequence for our use is by getting it in printed form. So I have been in favor of printing the report. I do not know whether it is advisable to print all of these matters. As I said, this was called to my attention, as I am on this particular committee, yet I do not know but that it would be advisable to print in the same way the items regarding every one of the great bills of the departments, though perhaps not every year. Perhaps it would be better to scatter them along, two or three in one year and two or three the next, but I am very certain that this report ought to be printed.

I am very glad the Senator from Montana allowed me to express myself so fully.

Mr. DIXON. Mr. President, I was very glad to listen to the remarks of the Senator from Nebraska, and I fully appreciate most of the things he said. But if we are going to print the expenditures of the Forestry Bureau—and that is what this is for, of course—I want to offer an amendment to have the expenditures of the Interior Department printed in detail, showing what was given to every special agent and how the money we appropriated for that department has been spent. I want that to accompany this same report. The country is up in arms over the Ballinger-Pinchot controversy. If we are going to have the expenditures of one department printed, let us print them both for the benefit of all the people of the United States.

While on this question of printing the expenditures in the Agricultural Department, I should also like to have the Post-Office Department's expenditures printed. My mail is full of letters from people in my State, directly charging that we are paying the railroads of this country 9 cents a pound for carrying second-class matter, while they charge the express companies only a half a cent a pound. I do not believe it, and I can not believe that such conditions exist; but if those things are true, let us have the expenditures, itemized in detail, of the Post-Office Department printed.

I think there is as much agitation in this country now to know where the expenditures in the Post-Office Department go as there is in the little Forestry Bureau, that does not expend one dollar where they expend a thousand in the Post-Office Department. If there is a deficit of $63,000,000 a year in the Post-Office Department from carrying magazines and papers at 1 cent a pound when we are paying the railroads of the country 9 cents a pound for carrying them, let us have that to accompany this report also.

Two or three years ago Congress authorized an Immigration Commission. It is said that they spent $500,000, I apprehend legitimately, and, I think, for a good purpose. If we are going to have the expenses of one department printed, let us have that report accompanied by a report of the expenditures of the Immigration Commission that Congress authorized, which has expended $500,000 of the people's money.

Last year we authorized a currency commission, which, I think, was a most meritorious proposition. How much money have they expended? In what direction has it gone? I should like to see the report of the Monetary Commission printed to accompany these detailed expenditures of the Agricultural Department.

I would not say anything about the contingent expenses of the Senate. Probably that is not a matter of public comment, but it might be well to add the contingent expenses of the Senate to that report, and let us see where that money, too, goes in detail.

Understand me, Mr. President and Senators, I am not objecting to this report. It is all right to have it printed, but I do not want to see flesh made of one department and fowl made of another. Let us have it all if we are going to have any of it. I shall offer at the proper time some amendment to the resolution to get all this information for the benefit of the people and of the Senate.

Mr. DOLLIVER. Mr. President, if I had had the slightest notion that the offering of such a resolution would lead to a prolonged debate I would have hesitated longer than I did in bringing it forward. The presentation of the resolution arose out of the desire of the proper committee of the Senate to have detailed information in respect to the expenditures in the department for which they were charged with a certain responsibility. The law provides that these reports shall be made every year to the Senate in detail. It is not in the nature of an attack on any department that we print their report. On the other hand, it seems rather a shabby method to deal with a report made under the statute by a great executive department that we should not print it. I agree with those who think that all these reports should be printed at least for the use of the two Houses of Congress.

In view of what has been said I desire to withdraw the resolution which I offered——

Mr. BEVERIDGE and others. Oh, no.

Mr. DOLLIVER. And to move that the report be printed.

Mr. MONEY. I hope the Senator will not withdraw the resolution.

Mr. DOLLIVER. I desire to offer the document to be printed as a Senate document.

Mr. MONEY. Mr. President, I wish to be allowed a word on this matter. I am a member of the Committee on Agriculture and Forestry. We are just about to begin the consideration of the agricultural appropriation bill, which has come over from the other House. The Senator from Nebraska [Mr. BURKETT] showed very clearly and very forcibly the importance of knowing something about what we are doing in appropriating the people's money.

I concede to the Senator from Montana the correctness of his view, that it is quite important the rangers in the employment of the Forestry Bureau should be well qualified for their work. But I think his parallel with the military department stops short in the desirability of the work, because the education of officers at Leavenworth is provided for by law. He has told us more about the education of the rangers at Harvard or other schools in forestry than I ever heard of before. I presume he is correctly informed about it, and it may be exceedingly desirable, but I want to know the authority of law under which this was done.

The military department of the Government is fully authorized by law in the schools which have been established as to the manner and the time in which the officers shall attend those schools, the code of instruction, and so on. I know of no law which authorizes the Secretary of Agriculture or the Chief Forester to educate his rangers or employees at any university or school, however desirable that work might be. There must be some law authorizing it.

Mr. President, I am especially desirous that this information shall be printed for another reason. I think it is time that the 2,000 or more——

The PRESIDING OFFICER. Will the Senator from Mississippi suspend? The hour of 2 o'clock having arrived, the unfinished business should be laid before the Senate. The Secretary will read the title of the bill, which is the unfinished business.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside, without prejudice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONEY. Mr. President, I am particularly desirous that this detailed report shall be printed for the use of the Senate and for the knowledge of the country. We have been proceeding in a loose way in appropriating money for this department. It is, I think, altogether one of the best-managed departments of the Government, as far as the chief goes; but we have had a Chief Forester, and we have one now, who has over 2,000 men under his employment, without statutory salary or wages. This is absolutely an incorrect way of doing any business for the public.

It is highly desirable, and I think necessary, that this great force of employees should be classified and should have a statutory wage. As it is to-day the caprice of the Chief Forester will determine the pay of all those men. He can raise them up and he can put them down just as he wills.

I have not a word to say against the honorable and distinguished gentleman who has presided over the affairs of this bureau. He is universally highly esteemed; but he is an en-

thusiast in this matter, and he has gotten it so close to him that he does not see anything else but it, and that is extremely undesirable.

I propose, before the agricultural appropriation bill shall be reported, to make an effort, whether successful or not, to have these employees classified, so that their pay will be determined by law and their duties determined by law, not to be varied by any chief, however good his ideas may be. We are all the creatures of law in the discharge of official duty, and there is no good reason why one man should be exempt in the service of this country.

It is necessary for half a dozen reasons, which it is not necessary for me to state, but I shall certainly make an attempt to do it; and for any chance of success we must have the information upon which we can proceed in this good work.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. MONEY. Certainly.

Mr. DIXON. Mr. President, I have the greatest confidence in the patriotic purposes of the Senator from Mississippi. I fully agree with the statement that he is now making. But is not the Senator from Mississippi just as anxious to know how the other great departments of the Government spend their money in detail as this one bureau? Would it not be a good thing to incorporate in the resolution the further proposition of having all of the departments of the Government submit for printing detailed statements of every dollar they have spent and let us have the information all at one time? What is the objection to that kind of a procedure?

Mr. MONEY. Mr. President, there is probably more than one objection to that. The principal objection I have is that we want this printing now for a special purpose. I have no objection to any committee charged with the consideration of a bill appropriating money for any department calling for the printing of any information which it thinks desirable.

I do not know that it would be a good thing to print them all, whether they are desired or not, to lumber up committee rooms or Senators' private rooms with documents that nobody wants and nobody will read. But when a great committee charged with an appropriation bill shows a desire to get the information so it can put it in shape to be made available. I do not see why there should be an objection or why it should depend upon something else being printed which nobody wants. I am somewhat of a utilitarian. I do not want to do things that are unnecessary or superfluous. I can accord to the Senator a desire to know everything about the Government, but what I want to know is about this department, for the proper administration of which I am in some degree responsible as far as appropriations go.

I want to say that there is not a Senator here who feels more liberally inclined to each executive department with which he has to deal than I do. At the same time, however, while believing in liberal appropriations, I believe in economical expenditures. The departments must expect to have their affairs looked into when they call upon us for another appropriation according to their estimates.

Now, in this particular bureau, where over a million dollars has been used as a slush fund, I may say—I will not say for any illegal or corrupt purpose, but because the law has not restricted its use and it can be disposed of at the pleasure of the Chief Forester—have we any auditing officer for this expenditure of over a million dollars? Is there any reviewing officer? He just simply spends the money as he pleases, and this ought not to be.

It grew up from so small a beginning that the danger and difficulty were not obvious at first. It kept growing with the enormous conversion of public lands into forest conservation. We have to-day in the United States of America 303,000 square miles already delimited from the general public domain for forest reservations. It is fifty or sixty million acres more than any empire in Europe except Russia. It is more than the thirteen original colonies leaving out Georgia and South Carolina. We have the information from the Committee on Agriculture—I do not know whether it is correct or not—that after the law approved March 4, 1907, had been signed 15,000,000 more acres, making about twenty-five or twenty-six thousand square miles, were cut out contrary to law. That has to be explained somewhere and at some time.

It is time that we were knowing definitely what we are doing, and it is time that we were determining that no more slush funds in such a vast amount shall be voted to anybody. I would not give the President of the United States, as much as I respect him, the control of such an enormous fund to be used at his will and caprice without an auditing board or a reviewing officer. It is unwise legislation; it is improper administration; it ought to be corrected; and it must begin here, as it has not begun in the other House which originates the appropriation bills.

In view of these things it is extremely desirable that this matter should be printed, and I hope the honorable chairman of the committee will not withdraw the resolution but let it go to an issue now.

Mr. DOLLIVER. I withdrew the resolution simply to make a formal request that it be printed as a Senate document.

Mr. MONEY. Just so that it is printed, Mr. President.

The PRESIDING OFFICER. Does the Senator from Iowa make that request now?

Mr. DOLLIVER. I make that request now.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. DIXON. Mr. President, I want to assure the Senator from Iowa I have no earthly objection to printing the statement. I think it is a wise thing to do; but I think, at the same time, if we are going into the business of printing detailed reports from one department of the Government, showing the expenditure of the public moneys, we certainly ought to include the other departments. What objection is there to it? Will a single Senator who is in favor of this resolution frankly state what objection there is to amending the resolution so as to incorporate all the departments? Let us have them all.

Mr. WARREN. I appreciate what the Senator says about the desirability of printing, but I think it would be entirely out of order to move an amendment to print something that is not before us. This matter now to be printed comes as a report from the Committee on Agriculture. I simply suggest that a request to print various other matters and other reports could hardly be considered as an amendment to a definite proposition from the committee, in the way of a committee report, to print a certain document. At the proper time we can order any other document to be printed.

Mr. DOLLIVER. I withdraw a certain resolution in respect to the printing of the document. I make the request that it be printed as a Senate document without a formal resolution.

Mr. DIXON. I have no objection to the printing of the document. I think I will content myself with offering a resolution to-morrow morning calling for the same kind of information from every other department of the Federal Government.

The VICE-PRESIDENT. The Senator from Iowa [Mr. DOLLIVER] asks unanimous consent that the itemized statement heretofore presented be printed as a Senate document. Is there objection? The Chair hears none.

ACCIDENTS ON THE ISTHMUS OF PANAMA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 355), which was read, and, with the accompanying paper, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I am transmitting herewith certain papers relative to the cases of Alexander Comba, Pedro Sanchez, John H. Cole, and Oscar F. Lackey, who were injured on the Isthmus prior to August 1, 1908, while in the employment of the Isthmian Canal Commission.

Comba's legs were crushed, necessitating amputation, and he was still lying in the hospital nearly two years after the accident. The left arm and right hand, except the thumb, of Sanchez were amputated because of injuries received in a dynamite explosion. Cole's right hand was cut off while he was at work on a steam shovel crane. Lackey suffered a fracture of the spine which has permanently disqualified him from doing anything but a limited amount of light work.

In these, and similar cases of injury received by employees of the commission prior to August 1, 1908, there is no authority for giving any pecuniary relief to either the employees themselves or to their families, except that each employee was entitled to and was granted under his contract of employment thirty days meritorious sick leave with pay.

It needs no argument to establish the obligation which the Government of the United States is under to provide relief for its employees who are permanently disabled or maimed, and for the families of those who are thus injured or killed, through no fault of their own, while employed upon work of such hazardous character as that connected with the construction of the Isthmian Canal. This obligation is recognized by the act of May 30, 1908, and by section 8 of the Panama Canal bill (H. R. 12316) now pending before the Congress.

There are a number of bills pending before the Congress for the relief of certain employees who were injured prior to Au-

gust 1, 1908, and among them a bill for the relief of Lackey. It seems right that some general law should be enacted which will enable a reasonable allowance to be made to employees who were permanently disabled or maimed and to the families of those who were killed in accidents occurring prior to that date through no fault of their own.

By the act approved May 30, 1908, the widow, children, or dependent parents of an employee killed in the course of hazardous employment are entitled to receive compensation for a year at the rate the employee was paid at the time of his death, provided a claim is filed with the Secretary of Commerce and Labor within ninety days from the date of death.

The families of employees living in foreign countries, especially the families of Spanish employees, in a number of cases were unable to file a claim within the limited time fixed. The Secretary of Commerce and Labor has therefore been compelled to disapprove a number of claims which show that the claimants were entitled to the benefits of the act. The time limit for filing such claims should be extended and the Secretary of Commerce and Labor authorized to consider and allow such claims as have heretofore been filed.

I therefore recommend that suitable legislation be enacted authorizing the Secretary of Commerce and Labor to act upon any claims for compensation on account of death which have heretofore been filed under the act approved May 30, 1908, and that authority be given the President, under such restrictions as the Congress may deem advisable, to settle all claims on account of the death or permanent disability or maiming of employees of the Isthmian Canal Commission caused by accidents on the Isthmus of Panama prior to August 1, 1908, for which such employees were not responsible.

A draft of a bill, substantially following the Panama Canal bill now pending, which I believe will meet the requirements of the situation has been prepared by the Secretary of War and is at the disposition of Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 8, 1910.*

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3103) to provide for the removal of the present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia, to submit an adverse report (No. 200) thereon. I ask that the bill be indefinitely postponed, as a similar bill came from the House of Representatives.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7900) for the relief of Thomas B. Pope, reported it without amendment and submitted a report (No. 201) thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims, which was agreed to:

A bill (S. 6148) for the relief of George Lisle; and

A bill (S. 6150) for the relief of James Farrell.

Mr. BRIGGS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3037) to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein," reported it with amendments and submitted a report (No. 202) thereon.

RETURN OF A BILL.

Mr. BRIGGS. I desire to enter a motion to reconsider the vote by which the bill (S. 579) to correct the lineal and relative rank of certain officers of the United States Army was passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. BRIGGS. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 6193) granting an increase of pension to Davis N. Garten (with accompanying papers); and

A bill (S. 6194) granting an increase of pension to Charles E. McQueen (with accompanying papers); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6195) granting a pension to D. H. McLaughlin; and

A bill (S. 6196) granting an increase of pension to David Adamson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6197) granting an increase of pension to R. A. Caldwell; to the Committee on Pensions.

A bill (S. 6198) authorizing the Otoe and Missouria and the Omaha tribes of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. FLINT:

A bill (S. 6199) for the relief of the pilot boat *Lady Mine;* to the Committee on Claims.

By Mr. BROWN:

A bill (S. 6200) to provide for the purchase of a site and the erection of a public building thereon in the city of Wahoo, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. TILLMAN:

A bill (S. 6201) to establish a fish-cultural station in the State of South Carolina (with an accompanying paper); to the Committee on Fisheries.

By Mr. WARNER:

A bill (S. 6202) granting an increase of pension to J. C. Rule;

A bill (S. 6203) granting an increase of pension to Elizabeth J. Moss;

A bill (S. 6204) granting an increase of pension to Mary A. Langston (with an accompanying paper); and

A bill (S. 6205) granting an increase of pension to Benjamin Carter (with an accompanying paper); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6206) granting a pension to Mary C. Christensen (with an accompanying paper); and

A bill (S. 6207) granting a pension to Samuel P. Dale (with an accompanying paper); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 6208) to transfer Capt. John Clarke Wilson from the retired to the active list of the navy; to the Committee on Naval Affairs.

A bill (S. 6209) granting an increase of pension to William R. Mitchell (with an accompanying paper); and

A bill (S. 6210) granting an increase of pension to Charles A. Tournier (with an accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6211) authorizing the widening of First street NE. in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCUMBER:

A bill (S. 6212) granting an increase of pension to Harriet Beattie; and

A bill (S. 6213) granting a pension to Anna Smith (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 6214) to establish a fish-cultural station in the State of New Jersey; to the Committee on Fisheries.

By Mr. STONE (for Mr. CLARKE of Arkansas):

A bill (S. 6215) appropriating the sum of $75,000 to defray the expenses of making a survey of the St. Francis River basin in the State of Arkansas, for the purpose of improving the streams therein and to determine the feasibility of reclaiming the lands therein now wet and unfit for cultivation by the adoption of a comprehensive draining system; to the Committee on Commerce.

By Mr. BRISTOW:

A bill (S. 6216) for the relief of the heirs of William W. C. Chaney; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 6217) to provide for the purchase of a site and the erection of a public building at Lorain, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CURTIS:

A joint resolution (S. J. Res. 77) for appointment of commission to investigate the matter of employer's liability and workman's compensation; to the Committee on the Judiciary.

POSTAL SAVINGS DEPOSITORIES.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes; which was ordered to lie on the table and be printed.

INCOME TAX.

Mr. BORAH. I submit a resolution and ask that it lie on the table subject to call.

The Secretary read the resolution (S. Res. 175), as follows:

Senate resolution 175.

Resolved, That the Committee on the Judiciary be, and is hereby, directed to report to the Senate as early as may be practicable, whether, in the opinion of the committee, the proposed amendment to the Constitution of the United States, as submitted to the States for ratification at the special session, would, if adopted, authorize Congress to lay a tax upon incomes derived from state bonds and other municipal securities or would authorize Congress to tax the instrumentalities or means and property of the State or the salary of state officers.

The VICE-PRESIDENT. The resolution will lie on the table, at the request of the Senator from Idaho, subject to call.

REGENTS OF SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 59) providing for the filling of vacancies to occur on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which were in line 3, strike out "will occur" and insert "occurred;" in line 8, strike out "expire" and insert "expired;" and to amend the title so as to read, "A joint resolution providing for the filling of vacancies which occurred on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. CULLOM. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 4830. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal.;

H. R. 15665. An act providing for the appointment of deputy clerks to the United States court of appeals;

H. R. 16364. An act to amend in part section 658 of the Revised Statutes; and

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas."

H. R. 12397. An act granting certain rights and privileges to the department of fisheries in the State of Pennsylvania was read twice by its title and referred to the Committee on Fisheries.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River, at Thacker, Mingo County, W. Va.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.;

H. R. 18808. An act to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark.;

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.; and

H. R. 19390. An act to extend the time for the completion of the bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

H. R. 19714. An act authorizing the President to sell and convey to the Republic of Panama the building situated in the city of Panama known as the "Administration building" was read twice by its title and referred to the Committee on Interoceanic Canals.

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 116. Joint resolution to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was read twice by its title and referred to the Committee on Public Lands.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of the postal savings-depositories bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. The pending amendment is the amendment offered by the Senator from Vermont [Mr. PAGE].

The VICE-PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. In section 8, page 6, line 7, after the word "situated," it is proposed to strike out down to and including the word "Territories," in line 11, on the same page, and to insert in lieu thereof the following:

At a rate of interest not less than 2½ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges of the system herein established, and to provide an adequate reserve.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BRISTOW. Mr. President, I rise to a parliamentary inquiry. There is an amendment which is now pending. I desire to move to strike out a part of that amendment, and I inquire what would be the proper form of motion?

The VICE-PRESIDENT. The Senator from Kansas may move an amendment to perfect the amendment.

Mr. BRISTOW. I wish to strike out the words "and to provide an adequate reserve." I can not see any purpose in that language except to accumulate a fund, which we are trying to avoid.

Mr. CARTER. That is the exact purpose.

Mr. BRISTOW. In the consideration of this bill heretofore we have endeavored to throw around it safeguards, so that the money deposited in the post-offices can not be taken out of the community where it was deposited, but that it must be deposited by the Government in the banks of that community. Provision is made by this amendment for the payment of the interest which the Government agrees to pay to the depositor and for the expenses incident to maintaining the system. What necessity, therefore, is there for a reserve?

Mr. CARTER. Mr. President, the Senator, upon close inspection of the amendment, will observe that the reference to a reserve fund, if you please, only fixes the standard for the rate of interest to be charged to the banks. It does not provide for, nor does it contemplate, the withdrawal from the community of any deposit. In recapitulating the basis upon which the board must proceed to ascertain what will be an adequate rate of interest to be charged the banks, several things are to be taken into account. First, the amount of interest to be paid to depositors; second, the amount of the current expenses; and, finally, this amendment provides for the addition of some slight amount to meet the contingency of losses which are likely to occur in the vast operations of this system. It would not answer to charge just the amount of interest the Government would be called upon to disburse under the law plus the salaries of employees and commissions to the fourth-class postmasters. Those two things alone would be comprehended in the word "expenses." It therefore proceeds further and says the board may take into consideration, in fixing the rate of interest to be charged to the banks, the creation of a reserve to meet contingencies and losses which may arise. In the absence of such language, the rate of interest could not be lawfully fixed to meet any losses at all.

Mr. BRISTOW. I would suggest that the word "losses" be incorporated, then, instead of the words "adequate reserve," because "an adequate reserve" is an indefinite term and any construction may be put upon it by the officers charged with the administration of this law, so that the reserve might be adequate for a number of things that are not specified. If the Senator will incorporate the word "losses," it will meet the contingency and relieve the measure from this uncertainty.

Mr. CARTER. The Senator would have the amendment read, then, "a reserve to meet losses?"

Mr. BRISTOW. Yes.

Mr. CARTER. That might be a qualification which the Senator, perchance, would not desire to fix. Experience, as depicted in the course of some observations the other day on the operations of the Bank of England, disclosed the fact that certain profits accrued for a series of years. These profits resulted in the accumulation of a surplus or reserve. Thereupon the

price of consols, in which the British funds are invested, increased very rapidly, and such increase resulted in a loss to the fund. The profit on the consols or the interest drawn from that investment not being adequate to meet the expenses and to pay the interest to depositors, instead of reducing the rate to be paid depositors, the Government concluded that it would be better to draw, for the time being, on the reserve fund and maintain the rate paid to the depositors unchanged. That was done for several years. After the lapse of half a dozen years or so the conditions became righted up, so to speak, a profit again accrued, and the reserve fund began to recoup what had been wasted in keeping unchanged the rate of interest paid under somewhat adverse conditions.

Of recent years, however, the reduction in the interest paid on consols has resulted in that country in another loss to the interest fund, but the rate of interest paid depositors still remains unchanged, the reserve fund being drawn upon.

The purpose of the reserve, Mr. President, is to give some stability to the operations of the law. It will not answer to change the interest rate so as to meet a loss here and there over the country. It is better by far to provide what I think would be an adequate reserve, or, in other words, a reasonably safe operating fund, so as to meet any contingent loss either in the operation of the system or the failure of a bank. That is the purpose of the reserve, and that is its only purpose.

Mr. BRISTOW. Mr. President, provision for the payment of the interest is already made under the terms of the bill. Under the bill the board of trustees has invested in them an authority to fix a rate that will meet all interest charges, so that the contingency that necessitates a reserve in England can not possibly apply under this bill, because, by the very provisions of the bill, the board is authorized to charge an interest of not less than 2½ per cent, or whatever amount is necessary to meet the interest which the Government is obligated to pay; so that there is no possible necessity for a reserve to meet that expenditure, because it is provided for. Then the expenses are also provided for. It seems to me that the only purpose of the reserve would be to meet losses that might occur, and it would certainly be better to incorporate the word "losses," because then the bill will provide for every form of expenditure that might be incurred.

Mr. CARTER. Well, Mr. President, I do not perceive that adding the word "losses" would be anything short of a limitation. "A reserve to meet losses" would be probably construed as meaning failures of the banks, one or more, in which the funds were deposited, and the amount of funds to be credited for that purpose could not be well ascertained in advance.

Originally the Senator from Vermont [Mr. PAGE] had the words "to meet losses" incorporated at the close of his amendment—"an adequate reserve to meet losses"—but at my request the Senator struck out the words "to meet losses," because I could not perceive that they added strength, but were possibly a limitation of the amendment.

Mr. BRISTOW. But a limitation is exactly what we are undertaking to get. We want it limited.

Mr. CARTER. Mr. President, I should think it would be better not to have a limitation. Unquestionably an adequate reserve fund ought to be provided for any going business to meet any sort of contingency that may arise in the course of its operations.

Mr. BRISTOW. Mr. President, I should like to inquire if a fund, as provided, paying interest sufficient to pay the expenses of the system and to pay any losses that may occur, does not cover all possible contingencies?

Mr. CARTER. Well, Mr. President, I presume that would be true if the money were loaned out continuously, but there might be contingencies arise that would not come within the strict definition of the term "loss." It might be waste; it might be failure to collect interest.

Mr. BRISTOW. That is provided for in the interest provision.

Mr. CARTER. I do not know whether or not a failure to collect interest would be a loss.

Mr. BURTON. If the Senator from Kansas and the Senator from Montana will excuse me a moment, I should like to make an inquiry.

Mr. BRISTOW. Certainly.

Mr. BURTON. This amendment refers to "an adequate reserve." Suppose there should be a heavy loss from the failure of banks with which the moneys had been deposited. Is there any provision in this bill under which the Government might recoup itself for those losses by increasing the rate of interest?

Mr. CARTER. The purpose of this amendment is to make it quite clear that the Government would have the right to recoup itself on losses by increasing the rate of interest charged the banks.

Mr. BURTON. The term "reserve," however, does not refer to past losses; it refers to provision for future losses or withdrawals by depositors. It clearly does not refer to that which is past and gone.

Mr. CARTER. Mr. President, I should think a reserve could be drawn upon to meet a loss past, present, or to come, whenever it did arise.

Mr. BURTON. Is the Senator from Montana clear that the language used here, "provide an adequate reserve," means payment for losses at all? Does not "a reserve" rather refer to a fund that is ready to meet the claims of depositors?

Mr. CARTER. I think the ordinary purposes to which a reserve is devoted in the course of banking operations would afford the appropriate construction of the word "reserve." A reserve is available, as I understand, in a bank to meet any obligation of the bank. The reserve would be provided in this case to meet abnormal conditions, howsoever they might arise, which abnormal conditions might result in a decrease in the funds of the Government held for the purpose of meeting obligations under the law.

Mr. BRISTOW. There could be no requirement, it seems to me, except for the three purposes mentioned—interest, expenses, and losses. I seriously object to the creation of a reserve, because it enables the board to accumulate a fund as large as it may desire in its discretion or judgment; and the creation of that fund is the withdrawing of that money from the various communities where it is deposited and redepositing it here in Washington or in the commercial centers. That is the serious objection that is urged against the passage of a postal savings-bank bill. We can not be too careful, we can not hedge about this fund, which will grow in time to be an enormous amount, with too many restrictions to prevent such accumulation. I trust that the Senator from Montana will not insist upon the creation of this reserve fund, because it is the vital objection that is offered to the measure by my correspondents; and I have a great many of them.

Mr. CARTER. Mr. President, the original objection was based upon the bill as it was presented by the committee. That bill contemplated the establishment of a reserve fund in the Treasury of not less than 10 per cent. It was suggested that the fund in the Treasury would not draw interest, thus leaving the burden upon the 90 per cent of the deposits to pay the interest on the 100 per cent of total deposits; that this fund, at 2½ per cent, would barely make ends meet, on the interest question alone, with 10 per cent of the money idle in the Treasury. The reserve was, therefore, stricken out, as provided in the bill, and it does not anywhere appear as applicable to deposits.

This amendment relates to the rate of interest to be collected from the banks. It does not change the deposits from the banks to the Treasury; it does not provide anywhere else than the banks for the deposits, but merely fixes a standard which will guide the board of trustees in the determination of the adequate rate of interest which must be charged the banks in order to meet the interest charges of the Government, the expenses of the system, and to create an adequate reserve, leaving the extent of that reserve to the judgment of the board.

Mr. BRISTOW. That is the very point that I am objecting to, that "an adequate reserve is provided for," which is vague and indefinite, for any amount may be decided to be necessary. It would result in increasing the rate charged to the banks for the purpose of accumulating this reserve for an indefinite purpose. It seems to me it is very objectionable.

There will probably be losses—not many, but there may be some losses—and I admit that it is altogether proper to give this board authority to fix a rate that will make ample provision for such anticipated losses. It seems to me that the word "losses" incorporated would remove from the amendment the objection, and I trust that the Senator from Montana [Mr. CARTER], as well as the Senator from Vermont [Mr. PAGE], will consent that that word be removed and the word "losses" inserted.

Mr. PAGE. Mr. President, I should like to inquire of the Senator from Kansas if he objects to the general principle of a reserve?

Mr. BRISTOW. Well, I object to the provision for a reserve which is so indefinite that it does not specify what the reserve is for. This is not as a bank, because this is not any speculative enterprise. The Government is receiving deposits upon which it agrees to pay 2 per cent interest to the depositor. It is authorized to take that money and deposit it in a bank in the community where the post-office is located, charging not less

than 2¼ per cent. The difference between 2 per cent and whatever rate would be fixed is for the purpose of meeting the expenses of the system, paying the losses that might occur and the interest that might not be earned. That covers everything.

Mr. PAGE. Mr. President, the purpose of the amendment, as Senators will see if they read it carefully, is to limit the amount which may be charged to the different banks for deposits made therein. It says that the rate shall not be less than 2¼ per per cent nor more than sufficient to pay the interest to the depositor, plus the expense of doing the business and plus a reasonable reserve. I see no objection to limiting that reserve. Perhaps the usual reserve on the part of the savings banks of the country is from 5 to 10 per cent. In my State mutual savings banks, where there is no stock paid upon, usually adopt the 10 per cent rate, and after they have accumulated a reserve of 10 per cent they then pay the depositors the actual earnings of the bank.

I see no objection to limiting the amount of that reserve to 10 per cent or not more than 10 per cent, but I can not quite see why it is not best that we charge a rate of interest that will save the Government any loss in doing this business, and it seems to me that "an adequate surplus," perhaps, is as near as we can regulate this matter. In other words, if the surplus was made absolutely at 5 per cent, the rate of interest charged to the banks might have to be the subject of monthly change. I think it should be somewhat elastic.

So far as I personally am concerned, I want to say to the Senator from Kansas now that Vermont is not asking for this bill. We understand that Nebraska, that Kansas, and the Western States are, and because the Republican platform has promised it and because the President asks for it, I, coming from a State that does not care for it—perhaps would prefer not to have it—yield the point and say amen to the proposal for the establishment of postal savings banks. But in the establishment of the banks I think it is the duty of those of us who are not anxious for it to see that a fair and reasonable safeguard is established, to the end that the Government may not be called upon to suffer by reason of this bill. Therefore I provided that the rate of interest charged by the Government to the banks should not be less than 2¼ per cent, or more than enough to cover the expenses; and it seems to me, in doing that, I have met the views of my friends from the West and of the Senator from Kansas. If I am wrong, and if you prefer to have the words "adequate reserve to cover losses," I certainly have not any objection.

Mr. BRISTOW. I should very much prefer to have it specified, because then it does not give any opportunity for the accumulation of 5 or 10 per cent, which, if our deposits aggregate as much as those in Great Britain, would amount to from $40,000,000 to $70,000,000, to be accumulated by the imposition of interest on this fund, which I think would be very unfortunate.

Mr. PAGE. I do not care to take that matter out of the hands of the friends of the measure or the Senator who is in charge of it, but with his permission I should not have the slightest objection to restoring those words.

Mr. CARTER. I shall interpose no objection, if it is acceptable to the Senator from Vermont, to the amendment being changed in that way—"to meet losses."

The SECRETARY. After the word "reserve," it is proposed to insert "to meet losses."

Mr. GALLINGER. "And other contingencies," I should think.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Kansas.

Mr. GALLINGER. Mr. President, it occurs to me that it ought to be broadened a little. It seems to me if we are going to insert those words, we ought to insert the words "to meet other contingencies." I do not think it should be so circumscribed. There may be other things that would come under that head which should be included.

Mr. PAGE. What can the Senator conceive of which would not come under those three provisions?

Mr. GALLINGER. I have an impression there might be other things. It will do no harm to insert the words.

Mr. President, I think we ought to establish a reserve just as other financial institutions do, and name the amount. I have in my hand a report on a bill that I have submitted to Congress several times during the last few years, for the reimbursement of the depositors of the late Freedmen's Savings Bank, which was a governmental institution, established by the Government, officered by the Government, administered by the Government of the United States. Under the operations of that law the poor colored people of the country deposited nearly $3,000,000. The bank failed What has been the result? We have paid back of that amount $1,730,000. There is now a million dollars due those depositors, and yet we are haggling in Congress here over the repayment of that amount. There is no reserve from which to pay them. The Government is morally bound to reimburse them, and yet the Government does not reimburse them.

Mr. President, it seems to me if we are going into this matter of asking the poor people, largely aliens, to deposit their funds in this bank, we ought to provide a reserve, which all prudent institutions in this country do, so that in the event of losses occurring, defalcations occurring, misappropriations of funds occurring, and the banks failing, we would be prepared to reimburse the depositors promptly and to the full amount of their claims.

I will not press the suggestion I made a moment ago to add the words "and other contingencies," but I will say that I hope the Senator from Vermont will see the propriety of specifying, say, 10 per cent—which is what the savings banks of New Hampshire provide—to secure the depositors in those banks and make it definite. "An adequate reserve" does not mean anything. It is as elastic as a piece of india rubber. It may be one-half or one-fourth of 1 per cent, or 1 per cent, or 5 per cent, according to the fancy of the board having this matter in charge. If we go into this business at all—my State is not asking for it; I do not know whether I shall vote for this bill or not—I want to see these poor people so taken care of that after their money shall have been deposited in the banks they will not sustain any losses through failure or through misappropriation of funds.

Mr. PAGE. Mr. President, I have a very poor comprehension of this bill if under any possible contingency the poor depositors to whom the Senator from New Hampshire refers could suffer. I am, in this amendment of mine, trying to provide for the poor Government. I do not want it to suffer. This simply provides that we shall accumulate a surplus which shall protect the Government. If I thought that any words could be added which would strengthen this idea of a surplus, I certainly should not object to their insertion, although I do not believe in 10 per cent or more than 10 per cent; I do not think it should exceed that in any case, and my impression is there never will be a time when there will be a 5 per cent deficiency.

Mr. GALLINGER. If the Senator will permit me, I may have an entire misconception of the purpose of the bill. I have sometimes thought that nobody quite understands it. I fear that is the case. But is the Senator sure that the poor depositors could not suffer in any contingency? Is the Senator sure there will be a profit in this transaction? There is not going to be any profit to the Government in all the fourth-class postoffices. The profits will have to come through the larger postoffices of the country. Does the Senator know how many thousands of employees it will require to conduct this business? Has he the least idea?

Mr. PAGE. That may be a point for future discussion; but to come to the point which the Senator has raised, I understand that the position of the Government is that of a debtor to the depositors.

Mr. GALLINGER. Precisely; and I agree with the Senator in that I likewise want to protect the Government as well as the depositor. But I want to protect the depositor not at the expense of the Government, and it seems to me we ought to have a provision here that would absolutely protect both the depositors and the Government. It may be it is in the bill. I am not going to be technical about it. But it occurs to me that we yet have to give this bill very serious consideration before we will have it in shape where it will not leave the depositors in precisely the position the depositors in the old Freedmen's Savings Bank are—where the Government admits there is a million dollars owed to those poor colored people, through the failure of a bank established by the Government, officered by the Government, administered by the Government, and yet we are not paying it to them.

Mr. PAGE. To be entirely certain about this, I want to read my amendment again and see if it does not cover the exact point to which the Senator from New Hampshire refers:

> At a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges of the system herein established, and to provide an adequate reserve.

If that does not meet all the contingencies suggested by the Senator from New Hampshire, I will be very glad indeed to have him suggest some language that does, and I shall be only too glad to incorporate it in the amendment.

Mr. GALLINGER. Mr. President, I am willing to bow to the superior judgment of the Senator from Vermont, who knows very much more about banking than I do. My only anxiety is to have the Government and the poor people who deposit in those banks dealt with fairly and honestly. If the Senator is sure that his amendment covers those contingencies, I have nothing further to say. I was afraid it did not.

Mr. PAGE. That was certainly the design of the amendment, and I think it does, although I do not claim to have any judgment superior to that of the Senator from New Hampshire in regard to the matter.

Mr. BRISTOW. I understand the Senator from Montana and the Senator from Vermont offer no objection to the amendment I made, to add the words "to meet losses."

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to insert at the end of the proposed amendment the words:

To meet losses.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BURTON. I wish to be heard on the amendment.

Mr. President, it is an absurdity to suppose that the banking business can be carried on without a reserve. All States, in governing the business of banking, some by severe penal laws, require a reserve fund, and I think we can hardly recommend to the country a bill here which entirely omits so necessary a provision.

I desire to vote for this bill, but I doubt whether I can do so, provided section 8 is retained. It provides that the Government shall go into the banking business on a very large scale. If there can be found anywhere in the country a banking institution which has succeeded when doing business in such a manner I should like to know where it is.

What does this bill provide? That money shall be received on deposit in 46 States and the Territories of the Union, and that when so received it shall immediately be redeposited in banks in the towns in which it is received from the depositors. If there is more than one bank, it is to be divided among them, if you can.

At the very start it is expected there will be 7,000 towns or cities in which these funds will be received and located in the banks—7,000 cities, with all their varied interests, remote from any center, to be looked after by a department which is not in the banking business, but which is organized for the purpose of conducting the postal affairs of the Government.

To conduct a banking business is no child's play. It requires men of the very best training. It requires constant watchfulness in looking after each debtor and in considering the conditions of the money market. Why is it safe for an ordinary bank to extend credit to a minor institution in the country or near at hand? It is because it is constantly having transactions with that institution, knows of its promptness in making remittances, knows the degree of risk it incurs in extending credit. All those sources of knowledge, all the precautions which an ordinary bank would take, would be entirely lacking in the conduct of affairs as contemplated in this measure. This provides for embarking in banking enterprises on an enormous scale, over a great area, giving the direction of the business to men who are not trained bankers and whose other duties occupy all their time.

Let us look for a minute at the manner in which this money is to be secured:

The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand.

That is a novel method, Mr. President, for securing the payment of money to depositors. Ordinarily it is rather a slow and tedious procedure to secure money on an indemnity bond. If there were any system of private banking under which the funds of an institution were to be let out on indemnity bonds, I am inclined to think depositors and those who had to deal with it would be very suspicious of it.

Or, it is said:

At its option any bank may deposit collateral security.

Think for a minute what kind of banking management it would be for a central department here at Washington to receive, as security for money lent, collateral given in a remote part of Arizona or Washington. A bank in Alaska even might take advantage of this privilege. What degree of judgment could be exercised in regard to such collateral? What assurance would there be that it would be adequate security?

And yet under the terms of this section a bank in any portion of the United States or its Territories has the option either to give an indemnity bond to pay for good money deposited with it or to deposit collateral security.

The fact is there is illustrated in this bill what often happens in legislation—that when a salutary policy or enterprise designed to benefit the people is presented, local or selfish interests seize upon it for their own benefit and nullify all the good that would come from it.

I do not believe, Mr. President, in the idea of sending this money all over this country and investing it with these various banks. It is demanded by local interests, but it is contrary to every principle of good financial policy and fatal to success.

We must bear in mind at the very outset that we are differently placed from the other countries in which there are postal savings banks. In these practically every one of the deposits made at the post-office is utilized for the payment of the public debt. The depositor in the savings bank is a creditor of the Government; and incidentally it may be remarked that the postal savings-bank system in England and France strengthens not only the credit of the Goverment, but the Government itself, because every small proprietor who leaves his modest sum at the savings bank has an interest both in the finances of the Government and in the continuance of its authority. How is it possible to make those institutions in countries much more paternal than ours successful? It is the fact that there is an easy means of disposing of the moneys deposited. Buying government bonds or utilizing it in some other way to carry a share of their great indebtedness.

This bill has a distinctive feature, at least as contemplated under section 8. It is unique, but it is a feature which I do not believe is practicable, namely, the provision that money when once deposited shall be reinvested. The postal savings bank of England is an agency for the United Kingdom for carrying a part of its national debt. This proposed savings bank is going into the banking business, pure and simple. The Government receives deposits. For what? Not to pay the expenses of the Government, not to carry a part of its debt, but to reinvest again.

Right in this connection I wish to call the attention of the Senate to one fact. I think you may search this bill from beginning to end for any provision which secures the depositor in case the money deposited in these numerous banks should not be forthcoming. Is there any appropriation of any money to pay losses? Is there even a declaration in this whole bill that the United States of America is responsible for any failure to pay? Instead of that there are long and complicated provisions relating to the manner in which the money shall be received and shall be invested.

Everyone would draw the inference from reading the bill that the Government of the United States was a mere trustee, receiving money from the depositor, scattering it among some 10,000 banks, collecting it back from those banks, and paying it to the depositors when they request it, but in case the banks fail, making no provision to reimburse the depositor for his loss.

I am perfectly aware, Mr. President, of the degree of confidence with which propositions relating to banking are usually approached. I claim no experience in the business, and yet certain principles pertain to it which every student of the subject must observe. It is not an easy matter to receive funds and then invest them and be assured of their safety. It is an oversanguine temperament which trusts that every man who borrows money will repay it, and repay it promptly. And so this business must be managed with extreme care, with the greatest strictness in requiring security for the repayment of indebtedness.

Another thing, and it applies with especial force here: It must be conducted within such limits that it may be safely managed, and in this bill I am satisfied no such limits exist. Where else is there a bank, where else a financial institution, which has been established or which if established has survived, which has pretended to do business with ten thousand and more correspondents, when there must be absolute ignorance as to the financial condition of nearly all of them?

It is plain to see what the object of this bill was—to give to different localities loanable funds; and perhaps for a commendable reason—that the rate of interest might be lower in such portions of the country as furnish deposits. But, Mr. President, that is more or less of a delusion. Money will go from these outlying towns, however remote they may be, to the financial centers. You can not prevent it. There will be times in the year when there will be a surplus of money in the possession of the country banks. A bank can not, as this bill seems to contemplate, lend all its funds in its own immediate locality. It sends them to some city where the money is required.

Thus there is a transfer from the country to the city. In certain seasons of the year it is bound to accumulate in these

financial centers, and no statute law that we can pass will prevent the operation of that inexorable financial law. You might just as well attempt to frame a measure under which the wholesale or jobbing trade should be transferred from the cities to the little towns. What is the explanation of the origin of several great banks in London? They were first established in the country. They gained very large deposits in the manufacturing and agricultural centers, but they found it was necessary to send the money for investment to London. At first they changed their business only so far as to establish an agency in London, but later they moved their main office from the country into London, maintaining their branches outside and obtaining from them deposits, but depending upon the financial center as their place for lending most of their funds.

I want to say that this bill, I think, is framed upon an entirely wrong theory when it overlooks that fact—that just as the great currents of business in merchandise seek their center in the larger cities, so the deposits of banks will inevitably go to the same place. There is, of course, at times a movement in the contrary direction, but the advantage of the great financial centers is in the constant demand for money which exists there.

Mr. President, I question very much whether such a plan is either safe or workable. These deposits are to be scattered more than to the four winds, in every direction in our country, in all kinds of institutions, without the ability to properly judge of their stability. It is certain that under such an arrangement as this an ordinary bank would fail.

There may be a very considerable depletion of the funds that are deposited. If there were some method by which this money could be used for the purpose of paying off our national debt or for the purchase of our bonds, or if it could be put under the charge of a central agency which could invest these funds in such a way as to make them promptly available to pay debts, we would have a very different proposition from what is here.

Right in this connection I wish to call attention to some doubtful points in the bill. Are deposits in a certain town to be paid by the postmaster by checks on the banks in that town, or are they to be paid from some center? Are there notices to be given of the time after which amounts can be withdrawn?

Suppose a bank in which deposits are made fails to respond. What is to be done? I do not believe it needs any law or statement of fact or experience to make clear to the Senate that you can not depend upon all of the 10,000 or more banks to respond promptly to the demands upon them. It would be absolutely unprecedented in the history of banking. In this bill, without reserving the right to supervise, we say that every bank in the United States is a safe depository for the funds of poor people, those of limited means, who choose to depend upon savings banks created by us. It is virtually a statement that we will rely on all the various banks to meet whatever demands are made upon them at any time.

I started, Mr. President, to oppose the omission of reserves, and I will return to that for a minute. It seems to me it would be most careless on our part to omit a provision for a suitable reserve fund, not merely a reserve against losses, but a reserve that will meet demands made on the banks. A reserve does not necessarily imply the permanent loss of the funds deposited, but in all banking business there are times when there is a failure immediately to respond to current demands in particular localities, and I feel that we shall be derelict to our trust if we do not insist upon the maintenance of an adequate reserve fund. To limit the bill to a reserve for losses is to violate every principle of good banking and every rule of prudence in the management of funds.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. BRISTOW] to the amendment of the Senator from Vermont [Mr. PAGE].

Mr. BURTON. On that I ask for a division.

Mr. KEAN. Let the amendment to the amendment be stated.

The VICE-PRESIDENT. Without objection, the Secretary will again read the amendment to the amendment.

The SECRETARY. At the end of the proposed amendment insert the words "to meet losses," so as to make the amendment read:

At a rate of interest not less than 2½ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges of the system herein established, and to provide an adequate reserve to meet losses.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The question being put, there were on a division—ayes 3, noes 41; no quorum voting.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Crawford	Gallinger	Nixon
Bourne	Cullom	Gamble	Oliver
Brandegee	Curtis	Gordon	Page
Briggs	Depew	Guggenheim	Richardson
Bristow	Dick	Heyburn	Root
Brown	Dixon	Hughes	Shively
Burkett	Dolliver	Johnston	Simmons
Burnham	du Pont	Jones	Smith, Mich.
Burton	Elkins	Kean	Smoot
Carter	Fletcher	La Follette	Stephenson
Clapp	Flint	McCumber	Warren
Clarke, Ark.	Foster	McEnery	
Clay	Frye	Money	

The VICE-PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present. The question recurs on agreeing to the amendment to the amendment.

Mr. BRISTOW. Before the question is put, I should like to say a few words for the benefit of Senators who were not here. First, I will ask that the amendment of the amendment to the amendment be read.

The VICE-PRESIDENT. If there be no objection, the amendment and the amendment to the amendment will be again read.

The Secretary read the amendment and the amendment to the amendment.

Mr. BRISTOW. Mr. President, the interest that is to be charged the banks upon this fund is for three purposes—to pay the interest that the Government owes to the depositor, to meet the expenses of the system, and to create a reserve to meet losses. The amendment of the Senator from Vermont proposes to provide "an adequate reserve," leaving the reserve vague and indefinite as to what the reserve would be. The objection I had to that was that the reserve might be used to accumulate a fund in the Treasury for which there would be no definite use, and that it would drain the money from distant parts of the country and bring it here to Washington and accumulate a fund that could be used at the discretion of this board, which, I think, is undesirable.

The reserve can be used for no other purpose except to meet losses, because there is no occasion for a reserve for any other purpose. The interest that the Government owes is provided for, the expense of the system is provided for, and a reserve is being provided for to meet the losses that might occur in the handling of the money. I do not believe that we want a reserve for any other purpose. Certainly, we do not want a reserve to loan out. We then would be going into the banking business, as suggested by the Senator from Ohio [Mr. BURTON].

It is the purpose of my amendment to limit the amount of money that will be collected in the reserve to the amount that is necessary to meet the requirements of the system, and not permit the accumulation of a fund that is not needed for those purposes.

Mr. BURTON. Mr. President, I desire to restate very briefly, in answer to the Senator from Kansas, what I have already said, that no banking business, no business which involves the payment of deposits, is safe or prudent without a reserve fund. There is no provision in the bill anywhere for the payment of losses by the Government, and as this means embarking in the banking business on a very large scale, I maintain that provision should be made for an adequate reserve in accordance with the phraseology of the amendment as it would be without adding the words "to meet losses."

Mr. FLINT. May I ask the Senator from Ohio a question?

Mr. BURTON. Certainly.

Mr. FLINT. Do I understand that the Senator desires to have a rate of interest charged that would be sufficient to create a large sum of money as a reserve, and that it should be maintained in the Treasury of the United States as a reserve at all times, the same as the capital of a bank?

Mr. BURTON. If I would answer the question of the Senator from California by yes or no, I should say "yes." I will say, however, that I have mentioned no particular percentage or sum. What is needed is a sufficient reserve to meet emergencies. Without such a fund, either by direct appropriation by Congress or by the retaining of a certain portion of the interest, it would leave this system in an unworkable condition and in an unsafe one as well.

I think the objections of the Senator from Kansas, that we can not tell how this fund would be used, are not well founded. It would be very easy to pass a statute providing what disposition should be made of it.

Mr. HEYBURN. I should like to ask the Senator from Ohio a question.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. HEYBURN. Why is any reserve necessary when the entire fund of the deposits is subject to the Government's check to meet these very demands?

Mr. BURTON. Because everyone familiar with the banking business or the deposit of money knows that losses occur here and there; also that there is delay in payment where actual loss is not involved.

Mr. HEYBURN. But the entire sum deposited, whatever it may be, under the provisions of the bill is subject to the Government's check to pay any obligation that may rest upon the Government, whether it be deposits, losses, or whatsoever. Why create a reserve fund under those circumstances, when every dollar is subject to the Government's check?

Mr. BURTON. It certainly will be a revelation to the financial world to learn that it is safe to conduct business where the amount of deposits is no less than the amount of obligations, particularly when they are scattered in 10,000 different banks. That is, you do not have a dollar in excess of obligations which you may or may not obtain promptly, and portions of which you are reasonably certain to lose.

Mr. HEYBURN. Is there any part of this sum of, we will say for convenience, $700,000,000, that is not at any moment subject to the check of the Government upon it?

Mr. BURTON. The Senator from Idaho seems to overlook the fact that banks occasionally fail, and there have been instances in which banks have been tardy in meeting the demands upon them, even though they do not fail.

Mr. HEYBURN. But, Mr. President, does the Senator lose sight of the fact that the Government's check may be made upon any bank in the United States, and not upon any particular bank, and is he to presume that all the banks will fail and be unable to meet the Government's check?

Mr. BURTON. I suppose demands can be made upon any of them, but the plain intent of the proposed law is that the money shall be repaid from banks located in the same towns in which the deposits are made.

Mr. HEYBURN. But not necessarily under the provisions of the bill. The bill makes it a common fund deposited in a large number of banks against any one of which the Government may draw. Suppose the local bank does fail, under the provisions of the bill the Government may draw upon any other bank, because it is all one fund, so far as the Government is concerned.

Mr. BURTON. It would certainly be a most irregular proceeding to draw upon one State, where large demands may be made in the future, to pay for deficiencies already incurred in another State. It is contrary to the whole spirit of the system as proposed here.

Mr. HEYBURN. Is it to be presumed that all the banks in any one State in the Union are going to fail? If that idea enters into the consideration of this question, it is on even more dangerous ground than we had ever thought it might be.

Mr. BURTON. I think the Senator from Idaho will recognize the fact that there have been times when there has been a partial suspension over wide areas of the country, perhaps over the whole country, which would be so serious that money could not be promptly obtained. I think, also, the Senator from Idaho will, if he considers the question, recognize that many banking enterprises are started with high hopes and with great pretensions, which fail simply because of the same sanguine reliance on prompt payment which seems to be manifested here to-day.

Mr. HEYBURN. No word has been uttered during the discussion of this matter that more clearly emphasizes and points out the dangers of this system.

Mr. MONEY. Mr. President, I listened with interest to the Senator from Ohio [Mr. BURTON]. He remarked that we—that is, the Government of the United States—are about to engage in the banking business, that we are about to engage in it on a large scale, and it would be contrary to the best business methods pursued by other people engaged in the banking business not to have a reserve fund. I should like to ask that Senator, waiving all questions of the constitutionality of this proposed act, whether he thinks it an expedient and wise thing for the Government, which is organized only to govern, not to go into business of any sort, to begin business and to begin what he has called a "banking business on a large scale?" Does the Senator think it is wise and expedient to support such a measure?

Mr. BURTON. O Mr. President, the question is somewhat embarrassing to me——

Mr. MONEY. I withdraw it, Mr. President.

Mr. BURTON. But the question is whether I can vote for the bill with section 8 in it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. BRISTOW] to the amendment of the Senator from Vermont [Mr. PAGE].

The amendment to the amendment was rejected, there being on a division—ayes 4, noes 44.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PAGE]. [Putting the question.] The noes appear to have it.

Mr. CARTER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRISTOW. I should like to have that part of the bill read and then to have the amendment read, so as to show the difference between the bill as it is unamended and as proposed to be amended by the amendment of the Senator from Vermont.

The VICE-PRESIDENT. If there be no objection, the Secretary will read as requested by the Senator from Kansas.

The SECRETARY. The first part of section 8, as proposed to be amended by the committee, reads:

That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks, whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2¼ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

If amended as now proposed the first part of section 8 will read:

SEC. 8. That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks, whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges of the system herein established, and to provide an adequate reserve.

Mr. BRISTOW. Mr. President, as I understand it, the only change the amendment of the Senator from Vermont makes is to add the reserve feature. The bill provides for an interest that will meet the expenses of the system, and the Senator from Vermont seeks to amend it so as to provide for a reserve. I should like to know what occasion there is for a reserve. The reserve that is secured by charging interest to the banks is for the purpose of meeting expenses that are contingent to the system. Then it is proposed to create a reserve for some vague and indefinite purpose—to meet losses or for any other purpose that the board may decide. It has been suggested that the reserve should not be less than 5 and possibly as much as 10 per cent of the deposits. If 10 per cent, and there was as much on deposit in the United States as there is now in England, it would mean a fund of $70,000,000 lodged in the hands of this board, to be invested by them at their discretion; and that is the very thing we have been seeking to meet since the bill was introduced.

Mr. CLAPP. Will the Senator from Kansas pardon an interruption?

Mr. BRISTOW. Certainly.

Mr. CLAPP. That difference, if made 10 per cent—I do not know of any authority for its reinvestment—if it is to be held as a reserve to meet losses, unless it be reinvested, the total loss of interest on 10 per cent would approximately equal the difference between the rate of interest the Government pays and what it receives.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. I do.

Mr. CARTER. I think the Senator from Kansas [Mr. BRISTOW] did not desire to convey to the Senator from Minnesota [Mr. CLAPP] the impression that this amendment provided for any 10 per cent reserve, nor for any reserve in the Treasury of the United States at all.

Mr. President, the issue here presented is very simple. The rate of interest to be paid depositors by the United States is 2 per cent. The rate of interest to be paid by the banks to the United States will not be less than 2¼ per cent, plus any amount in excess of that sum which the trustees may deem necessary to meet expenses, to pay the interest to depositors, and, according to this amendment, create an adequate reserve. An adequate reserve for what?

Mr. President, we will assume that the amount on deposit is $100,000,000. The United States is absolutely obligated to make up the $100,000,000 and pay the same on demand. There is no question about that. In order to meet the contingencies

which are likely to arise, and which will surely arise in some cases, it is important, it seems to me, that a small surplus be provided to protect the Government against a deficiency which will arise between the amount of money paid back by the banks and the amount the Government is obligated to pay to the depositors at the post-office plus the expenses. This proposed reserve is not intended to set aside any part of the deposits in the Treasury of the United States; it does not refer to an amount received at a post-office, but it constitutes an element in the computation of the interest to be charged to the banks. So those Senators who oppose the amendment must do so upon the theory that they would leave the Government absolutely unprotected by making any provision at all for any failure of any bank or any contingency which might arise in the conduct of its business.

I would go further, Mr. President, than an adequate reserve. I would, if I had the sole say, provide that the trustees might create a surplus to demonstrate the earning capacity of these deposits to the end that we might in due time increase the 2 per cent interest to be paid to depositors. If the money of the depositors under the administration of the Government can be made to yield an amount which will enable the Government to pay the depositors more than 2 per cent, a fair regard for the depositor requires that the money be made to earn that which it will legitimately earn in the market.

I have no tender solicitude for the banks. I anticipate that they will get this money just as cheaply as they can and loan it out at as high a rate as they can get. This surplus is to be made to pay the interest, the earnings of the deposits. It is to remain, of course, in the banks, to be added to the funds. If it amounts to a million dollars in a year, it will leave the Government in funds $1,000,000 in excess of its outstanding obligations to the depositors—nothing less and nothing more. If the Government loses a million dollars during a year, it will have a million dollars less. If there is no reserve fund provided, there will be a million dollars short, and that million dollars must be made up by being appropriated out of the Treasury of the United States. I would that this money, when loaned to these banks, should be loaned at a rate of interest which would create a surplus to meet all the contingencies that might in reason be expected to arise. The term "adequate" will appeal to the sound judgment of this board of trustees. The failure to provide any reserve, but only for expenses and interest, will invite an obligation upon this Government to make direct appropriations to meet any losses that may be incurred in the course of the administration.

I believe the amendment will avoid that contingency by authorizing the creation of a surplus to meet contingencies that may arise and will probably arise. Senators who feel that they can just as well bring about a situation which will lead to an appropriation to meet deficiencies in the administration of this service may, of course, dispense with any surplus or any reserve. I hope the amendment will be adopted.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. The Senator from Kansas [Mr. BRISTOW] is entitled to the floor.

Mr. BRISTOW. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I should like to ask the Senator from Montana [Mr. CARTER] whether there is a sufficient limitation in the amendment "and other charges of the system?" Of course that is a very indefinite term.

Mr. CARTER. I will ask that the amendment be again stated, Mr. President.

Mr. SMITH of Michigan. I am reading from the amendment. It says:

> At a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges of the system herein established.

Now, I want to ask the Senator——

Mr. CARTER. Has the Senator from Michigan read all the amendment?

Mr. SMITH of Michigan. The amendment concludes:

> And to provide an adequate reserve.

I should like to ask the Senator from Montana if it is not possible that the "additional charges" may be so large that the money can not be turned over to the banks at such a rate of interest as they would be willing to pay, in which event the funds would be disposed of in the discretion of this board of trustees—a situation which I seek to avoid. The words "and other charges of the system" should be defined by contemporaneous construction.

Mr. CARTER. Mr. President, I have no doubt that the Senator from Vermont [Mr. PAGE] was very solicitous that under no combination of circumstances should the Government be left to make up a deficiency to be provided for by appropriation from general funds of the Treasury to meet the expense or anything connected with this operation. The word "charges" may be, as added to "expenses," surplusage. I think it was interjected by the Senator from Vermont through an abundance of caution. After all, the only purpose of the amendment is to guard the Government of the United States against loss by providing that the board shall charge the banks an adequate rate of interest to meet the government charges and expenses, and likewise to provide an adequate reserve.

Mr. SMITH of Michigan. Mr. President, if the Senator from Kansas [Mr. BRISTOW] will pardon me——

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. I think the solicitude manifested by the committee is very creditable. The Government ought not to take any chances, and it should have funds from which it could recoup any necessary charges for the administration of this law. I agree perfectly in that. Under no circumstances, however, do I want any power given to this political board of trustees which will enable them to so burden this fund that the banks may not want it, and then have it to dispose of in their discretion. I should regard that as a calamity, to leave the disposition of this fund to any board, and I hope that the amendment is sufficiently safeguarded, so that there can be no stretch of construction placed upon the word "charges" that will operate to defeat our purpose.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. McCUMBER. I wish to ask the Senator from Montana [Mr. CARTER] another question. As I understand from his statement and from the bill the Government is to pay 2 per cent interest?

Mr. CARTER. Not less than that.

Mr. McCUMBER. Not less than that, or such sum as will pay the running expenses of operating this system. In addition to that, if I correctly understand this amendment, it attempts to create a surplus in addition to the necessary running expenses. I can not understand any necessity for a surplus, other than that in a case where a bank might possibly fail or where the board itself loses money and fails to get a return upon it. If the Senator would just simply add after the word "charges" the words "including any probable loss," we should then have entirely disposed of the surplus question and we should have a levy which is sufficient to cover all running expenses, including the probable losses, and no more. It would seem to me that that would be a far better amendment than the one which is now suggested—to consider the matter of the losses practically as a part of your expenses.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. According to the provisions of this bill there will be no surplus accumulated from the difference between the interest paid by the Government and the interest received by it, because the bill provides in terms that that amount shall be added to the salaries of fourth-class postmasters. Forty-four thousand postmasters are to receive one-fourth of 1 per cent, in addition to their present salaries, for handling this business. The difference is between what the Government pays and what it receives—one-fourth of 1 per cent. Where is the surplus? Out of what margin is the surplus going to accumulate? That is the question. You have already disposed of the profit which the Government is supposed to make under this bill by donating it to the postmasters for their services; and if you do not charge more than 2¼ per cent there will be no surplus arising from the interest earned by this money, except 6,400 postmasters, whose salaries are not to be increased, which is only a very small proportion of them, That disposes of your accumulation of a surplus out of the interest.

Mr. CARTER. If the Senator from Kansas will permit me, the point made by the Senator from Idaho leaves out of consideration a very important element which most people understand in connection with the calculation of interest. I have paid enough interest to know something about it. The fact is, that the postmasters are paid not to exceed one-fourth of 1 per cent on the money on which interest is paid at their respective offices. The Senator must remember two things in that connection, both of them worthy of reflection: First, postmasters get not to exceed one-quarter of 1 per cent on the amount of money upon which the interest is paid at the office over which they preside——

Mr. HEYBURN. That is not the provisioh of the bill.

Mr. CARTER. Mr. President, the Senator will find it in the bill.

The amount of money, on the average, on which interest will be paid at a particular office will fall far short of the amount annually received at that office, because the interest is to be computed annually, whereas withdrawals during the year will average, perchance, about as much as the amount of money on which interest is paid.

Mr. HEYBURN. That it not the provision of the bill. If the Senator from Kansas will permit me, the postmaster, if I am not mistaken in my recollection of the provisions of the bill, is to receive one-quarter of 1 per cent on the money he takes in, whether it is loaned or not. If the money is never loaned to the banks and earns nothing, still you pay the postmaster one-quarter of 1 per cent upon the money which he takes in. That is my recollection of the bill, and I think the Senator from Montana will find that it is correct. If that money never earns a dollar, then the Government would have to pay that money out of the principal.

Mr. CARTER. Mr. President, this is the provision to which the Senator refers, and I will read it for his information. Section 10 provides:

> That additional compensation shall be allowed postmasters at post-offices of the fourth class for the transaction of postal savings depository business. Such compensation shall be at not to exceed one-fourth of 1 per cent on the average sum upon which interest is paid each calendar year on receipts at such post-office, and shall be paid from the postal revenues.

Mr. HEYBURN. That is, on which interest is paid to the depositor in each calendar year, and not interest paid by the banks.

Mr. CARTER. Mr. President, I labored in vain if I did not make that quite explicit. I intended to have the Senator understand that the compensation of the postmaster was to be computed on the basis of the interest paid on deposits received at his office.

Mr. HEYBURN. Paid by whom?

Mr. CARTER. Paid by the United States, of course.

Mr. HEYBURN. Yes; then the interest is to be paid by the United States on all of it; so that there is no contingency about it. The Government pays interest whether it loses the money or not.

Mr. CARTER. The Senator, in order to get that correct, must refer to that portion of the bill which provides for the computation of interest, the computation being annually only.

Mr. HEYBURN. It does not make any difference whether it is annually or monthly.

Mr. SMITH of Michigan. Mr. President, I should like to suggest to the Senator from Montana [Mr. CARTER] that the amendment proposed by the Senator from Vermont [Mr. PAGE] be amended by striking out, in line 5, the words "and other charges of the system herein established" and inserting after the word "the," in line 4, where it occurs the second time, the words "actual expenses of administration," so as to read:

> Nor more than is sufficient to meet the interest paid to the depositors and the actual expenses of administration.

Mr. BRISTOW. I should like to observe now, if other Senators are through——

Mr. CLAY. Mr. President, will the Senator from Kansas let me ask the Senator from Montana a question?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BRISTOW. Certainly.

Mr. CLAY. I have gone through this bill very carefully. I went through it last night, and if there is any satisfactory way for the depositor to withdraw the money that he has deposited, I have not been able to find it. Suppose a depositor living near a fourth-class post-office in the country deposits $25 with the postmaster. That money is afterwards loaned to the bank. The depositor is known to nobody except the postmaster. He simply has had the transaction with that postmaster, and the postmaster has not charge of the funds any longer.

Suppose the depositor wants to draw $10 of his deposit at some time in the future under the provisions of this bill, where will he get it? On whom will he check? He can not check on the bank, because the Government is dealing with the bank and making loans to the bank, and the depositor is dealing with the postmaster. The postmaster undoubtedly will not pay him the $10 on his demand. He can not draw a check on the bank for the amount, because he has no relations whatever with the bank. In reading the bill and analyzing it I have not been able to reach the conclusion that there is any satisfactory provision specified therein whereby the numerous depositors throughout the length and breadth of the country can draw their funds. To say the least, many of the depositors, if not most of them, will be plain people, poor people, who know very little about the banking business, and so there ought to be specified in this bill a plain provision as to how they can get their funds.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. Certainly.

Mr. CARTER. I should like to make a brief statement in reply to the Senator from Georgia [Mr. CLAY].

Mr. BRISTOW. Certainly.

Mr. CARTER. Mr. President, the details connected with withdrawals have not been provided in the bill, and for reasons that I think will appear quite obvious to the Senator on very brief explanation. It is provided in section 7:

> That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe.

Now, Mr. President, with reference to prescribing rules, permit me to say to the Senator from Georgia that experience here and elsewhere, as time goes by, will enable the board of trustees to accommodate the depositors of the banks or the post-offices infinitely better than any foresight we can display with reference to the details with which we are little acquainted. For instance, I have here a circular entitled "Post-Office Notice; Advantages of the Post-Office Savings Banks." It was published many years ago and was sent me through the mail by an individual who had been a depositor for many years in the postal savings banks of the United Kingdom. With reference to withdrawals, let me say to the Senator that the whole matter is left to rules and regulations, and in the course of time they have added many things to the method of withdrawal which have convenienced the people. For instance, the circular goes on to say:

> Withdrawals can be made with the utmost promptitude by sending notice by post to the London chief office on the form provided for the purpose, which is obtainable at any post-office, and payment can be received at any savings-bank office in the United Kingdom convenient to the depositor, without regard to the office of deposit.
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> * * * * * * *
>
> Withdrawals by telegraph: On application at any savings-bank office, which is also a telegraph office, and on procuring the deposit book, a depositor may, at a small charge, obtain payment on the day of notice of any sum up to £10, or payment can be received by return post of any sum up to £20.

They have the postal telegraph connected with their post-office system in that country. Just how far the board may be able to go for the convenience of depositors time and experience will determine. That the convenience of the public will be consulted in the administration, with due regard, of course, to safety in the checking of accounts, is not a matter, I think, open to much question.

Mr. CLAY. By all means, I will say to the Senator, this bill ought to provide, or the rules and regulations ought to provide, if you are going to leave it to rules and regulations fixed by the board of trustees, that the small depositors can draw their money out of the post-office where they deposit it or out of a bank close thereby.

My recollection is that the bill originally reported from the Committee on Post-Offices and Post-Roads, which was before the Senate probably two sessions ago, provided how this money should be withdrawn. That, in connection with the safe-keeping of these funds, is the most important matter that we could possibly consider, affecting, as it does, the convenience of the depositors. If the depositor were to go anywhere else than the place where the deposit was made, in nine cases out of ten he would have to be identified, which might give him a great deal of trouble. There is nothing that the Senator has said which shows that there is in this bill anything that aids the depositor in any way in checking on the funds he has on deposit.

Mr. CARTER. Mr. President, the Senator will remember, I think, that the bill formerly introduced provided that an application should be made by the depositor at the post-office, that application to be forwarded to the Postmaster-General. We anticipate that the forwarding of applications for repayment to the Postmaster-General may be avoided. Payments can not be made at the respective post-offices without some examination of accounts. We can not make every postmaster to whom this bill applies a banker for the community. We can not cause the postmasters to keep open accounts subject to check. We do not intend by the bill—at least I do not so understand the purpose—to engage in the current business of banking. The purpose is to enable the people to save small sums, and not to open bank accounts upon which they can check for current needs.

Mr. CLAY. But, with the Senator's permission, the Senator recognizes that the small depositor who places his money with the Government, by all means and at all times ought to have

the right, when he needs it, to draw it out, and there ought to be every possible convenience for the depositor to draw his money out. I will say to the Senator that when this bill was originally reported to the Senate I was on the subcommittee that considered it. The Senator knows that I voted for a favorable report on that bill—and I do not say that I shall vote against this bill—but I do say that I have not been as much impressed during the last ten or fifteen days with the bill now pending as I was with the bill formerly reported.

Mr. CARTER. Mr. President, the bill as formerly reported undertook to prescribe the details of administration. This bill eliminates them and leaves them to rules and regulations to be prescribed by a board of trustees. The bill as originally introduced left the entire administration to the Postmaster-General. This bill contemplates the administration by a board. The bills are somewhat different in the respects to which I have referred, but in no other essential respect.

Mr. BRISTOW. Mr. President, I will not consent that a vote be taken on this amendment without a quorum of the Senate being present.

Mr. CARTER. Will the Senator allow us to proceed to the consideration of executive business? The hour is getting somewhat late——

Mr. BRISTOW. I yield for that purpose.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 9, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1910.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Under the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I submit the following nominations:

Newton W. Gilbert, of Indiana, to be vice-governor of the Philippine Islands, vice W. Cameron Forbes, appointed governor-general.

Charles B. Elliott, of Minnesota, to be a member of the Philippine Commission and secretary of commerce and police in the government of the Philippine Islands, vice W. Cameron Forbes, appointed governor-general.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1910.

COLLECTORS OF CUSTOMS.

James J. Haynes to be collector of customs for the district of Corpus Christi, Tex.

Francis L. Lee to be collector of customs for the district of Galveston, Tex.

Robert W. Dowe to be collector of customs for the district of Saluria, Tex.

John Goffigon to be collector of customs for the district of Cherrystone, Va.

Benjamin B. Arnold to be collector of customs for the district of Richmond, Va.

UNITED STATES MARSHAL.

Seth Bullock to be United States marshal, district of South Dakota.

ASSOCIATE JUSTICE, SUPREME COURT OF ARIZONA.

Fletcher M. Doan to be associate justice of the supreme court of Arizona.

ASSOCIATE JUSTICE, SUPREME COURT OF NEW MEXICO.

Frank W. Parker to be associate justice of the supreme court of New Mexico.

POSTMASTERS.

NEW YORK.

Dean Best, at Philmont, N. Y.
Evert B. Du Bois, at Wallkill, N. Y.
Minnie N. Slaight, at Bentley Manor (late Tottenville), N. Y.

NORTH DAKOTA.

John I. W. Durston, at Bisbee, N. Dak.
George Leslie, at Drake, N. Dak.
Tobias R. Tobiason, at Hatton, N. Dak.

PENNSYLVANIA.

Jacob R. Evans, at Nanticoke, Pa.

SOUTH DAKOTA.

George F. Fuller, at Henry, S. Dak.
John G. Ropes, at Groton, S. Dak.

TEXAS.

James T. Ballard, at Beeville, Tex.
Jefferson D. Bell, at Bartlett, Tex.
J. W. Boynton, at Anson, Tex.
R. C. Couch, at Munday, Tex.
Augustus S. Davis, at McGregor, Tex.
W. James Gilmore, at Moody, Tex.
Waldo E. Haisley, at Sinton, Tex.
William A. Hawn, at Athens, Tex.
M. B. Howard, at Sweet Water, Tex.
August F. Loessin, at Lagrange, Tex.
Robert C. May, at Leonard, Tex.
Zachary Monroe, at Goree, Tex.
Wenzel K. Richter, at Moulton, Tex.
Charlie Simmons, at Valley Mills, Tex.
Marshall Smith, at Brownwood, Tex.
William J. Stark, at Yorktown, Tex.
Jesse D. Starks, at Floydada, Tex.
Frank K. Sterrett, at Albany, Tex.
Thomas M. Wren, at Silsbee, Tex.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 8, 1910.*

The House met at 12 o'clock noon.

Prayer by the Rev. John Van Schaick, jr., of Washington, D. C.

CORRECTION.

The Journal of yesterday's proceedings was read.

Mr. BENNET of New York. Mr. Speaker, I ask to correct the RECORD and the Journal. The RECORD indicates that I reported from the Committee on Immigration and Naturalization the bill (H. R. 20166) to amend section 21 of an act entitled "An act to regulate the immigration of aliens in the United States," approved February 20, 1904, relative to criminal aliens. The bill is a committee bill, and was ordered reported by Mr. HOWELL of New Jersey, the chairman, and so reported. I think it is due the desk to say that the fault is very largely mine. I do not think the exact facts were indicated on the report.

The SPEAKER. Without objection, not only the RECORD but the Journal will be corrected.

The Journal was then approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1251. An act to establish a fish-cultural station in the State of Kentucky;

S. 1039. An act to establish a fish-culture station in the State of Wyoming;

S. 975. An act to establish a fish-cultural station in the State of Delaware;

S. 870. An act to parole United States prisoners, and for other purposes;

S. 869. An act to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia;

S. 627. An act to establish a fish-cultural station in the State of Minnesota;

S. 539. An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon;

S. 291. An act to establish a fish-cultural station in the State of Rhode Island;

S. 219. An act to establish a fish-cultural station in the State of Nebraska;

S. 130. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota;

S. 115. An act for the relief of Marcellus Troxell;

S. 11. An act to establish a fish-cultural station in the State of Idaho;

S. J. Res. 63. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile Ala., in April, 1910;

S. 5524. An act to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.;

S. 5523. An act to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.;

S. 5522. An act to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

S. 5198. An act to establish a fish-cultural station in the State of North Carolina;

S. 5018. An act for the relief of Henry W. Lee;

S. 4785. An act to establish a fish-cultural station in the State of Nevada;

S. 4781. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies;

S. 4464. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington;

S. 4462. An act to amend section 5278 of the Revised Statutes;

S. 4461. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region;

S. 4197. An act to establish a fish-cultural station in the State of Colorado;

S. 4109. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington;

S. 3808. An act for the relief of E. C. Mansfield;

S. 3733. An act to establish a fish-cultural station in the State of Alabama;

S. 3246. An act to establish a fish-culture station in the State of Utah;

S. 3082. An act for the relief of Elizabeth G. Martin;

S. 2955. An act to construct and place a light-ship near Monhegan Island, entrance to Penobscot Bay, Maine;

S. 2902. An act to establish an assay office at Los Angeles, State of California;

S. 2545. An act to establish a fish-culture station in New Mexico;

S. 2325. An act to increase the efficiency of the United States Military Academy, and for other purposes;

S. 2002. An act to establish a fish-cultural station in the State of Connecticut;

S. 1378. An act to establish a marine biological station on the Gulf coast of the State of Florida; and

S. 1377. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1137. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.;

H. R. 12289. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 13438. An act to declare One hundred and two River in Missouri nonnavigable;

H. R. 13439. An act to declare Nodaway River in Missouri nonnavigable;

H. R. 13440. An act to declare Big Tarkio River in Holt and Atchison counties, Mo., nonnavigable;

H. R. 16221. An act for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin;

H. R. 17161. An act to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River in the State of West Virginia; and

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18006. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

CONFERENCE REPORT ON URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I submit the conference report on the urgent deficiency bill for printing in the RECORD under the rule.

The conference report and statement of House managers are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 22, 26, 27, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 29, 30, 31, 32, 33, 34, 37, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111.

And agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out from said amendment all after the word "trees" to the end of the paragraph and insert in lieu thereof the following: "and excluding repair of state monuments, nineteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: On page 30 of the bill, in line 17, after the word "cents," insert the following: "Except that the award certified in favor of Pedro C. Casanova, Albert Wright, as administrator of the estate of Ricardo Casanova, deceased, and Maria Luisa Casanova Montalvan, for forty thousand four hundred dollars, included in House Document Numbered Five hundred and one, of the present session, shall be paid to Pedro C. Casanova and Albert Wright, as administrator of Ricardo Casanova, deceased, as finally awarded by the commission;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: On page 37 of the bill strike out lines 19, 20, and 21 and insert in lieu thereof the following: "For indemnity for lost property, naval service, act March second, eighteen hundred and ninety-five, except the claim numbered eighty-eight hundred and fifteen, two thousand six hundred and thirty dollars and thirty-seven cents;" and the Senate agree to the same.

On amendments numbered 4, 9, 36, 38, 39, 46, and 47 the committee of conference have been unable to agree.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

EUGENE HALE,
J. H. GALLINGER,
A. S. CLAY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18482) making appropriations to supply urgent deficiencies submit the following written statement in explanation of the action agreed upon and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Appropriates $100,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for the Fourth International Conference of American States, to be held at Buenos Aires.

On amendment No. 2: Appropriates $5,000, as proposed by the Senate, for the Fourth International Conference on Maritime Law.

On amendment No. 3: Appropriates $20,000, as proposed by the Senate, to complete the work of the St. John River Commission.

On amendment No. 5: Appropriates $2,500, as proposed by the Senate, for maintenance of the building of the International Bureau of American Republics.

On amendment No. 6: Provides for the continuance of one clerk at $1,200 in the office of the Treasurer of the United States and legalizes payments heretofore made for clerical force in the Treasury Department employed under the emergency currency act.

On amendment No. 7: Strikes out the appropriation of $100, proposed by the Senate, for certain contingent expenses in the Treasury Department.

On amendment No. 8: Provides, as proposed by the Senate, for continuing employment of three employees on account of distinctive paper for United States securities.

On amendment No. 10: Inserts the provision, proposed by the Senate, with reference to certain payments involving $2,711.17 under omnibus claims acts.

On amendment No. 11: Inserts the provision with reference to the location of the public building at Ansonia, Conn., as proposed by the Senate.

On amendments Nos. 12, 13, 14, 15, 16, 17, 18, and 19: Insert appropriations for public buildings, as proposed by the Senate, as follows:

At Danville, Va., $4,000.
At Fremont, Nebr., $3,500.
At Jackson, Tenn., $6,000.
At Kansas City, Kans., $10,000.
At Lima, Ohio, $5,500.
At Los Angeles, Cal., $25,000.
At Reno, Nev., $5,000.
At Santa Rosa, Cal., $1,500.

On amendment No. 20: Inserts the appropriation of $1,144.86, proposed by the Senate, to pay amount found due Rankin & Kellogg.

On amendment No. 21: Inserts the provision, proposed by the Senate, to settle the account of Henry D. Dillon for services and expenses as assistant inspector of furniture.

On amendment No. 22: Strikes out the appropriation of $1,000, proposed by the Senate, to print certain annual reports of the superintendent of insurance of the District of Columbia.

On amendments Nos. 23 and 24: Appropriates for payment of certain judgments against the District of Columbia, as proposed by the Senate.

On amendment No. 25: Appropriates $82.39, as proposed by the Senate, for payment to the Canadian government for telegraphic transfer business.

On amendments Nos. 26 and 27: Retains in the bill the provision, proposed by the House, with reference to actual subsistence of military convicts.

On amendment No. 28: Appropriates $19,900 instead of $34,500, as proposed by the Senate, for the Shiloh National Military Park, and excludes the payment therefrom of any sum on account of monuments erected by the States.

On amendment No. 29: Appropriates $10,000, as proposed by the Senate, for heating and lighting the Naval Academy.

On amendment No. 30: Appropriates $9,500, as proposed by the Senate, for completing filing system, Interior Department.

On amendments Nos. 31, 32, and 33: Appropriates, as proposed by the Senate, $37,350 for expenditure on account of Senate kitchen and restaurants in the Capitol building and $12,000 for maintenance of the Senate Office Building.

On amendment No. 34: Appropriates $5,000, as proposed by the Senate, to complete the classification and appraisement of the lands of the Yakima Reservation.

On amendment No. 35: Strikes out the provision, proposed by the Senate, for certain additional employments in the Department of Justice.

On amendment No. 37: Fixes the salary of the Assistant Attorney-General at $8,000, as proposed by the Senate.

On amendments Nos. 40, 41, 42, 43, 44, and 45: Inserts the appropriations, proposed by the Senate, for certain expenses of that body.

On amendments Nos. 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111: Appropriates, as proposed by the Senate, for judgments of United States courts, judgments in Indian depredation cases, judgments of the Court of Claims, and certain additional audited claims, all of which have been certified to Congress since the bill was passed by the House.

The conference committee have been unable to agree on the following amendments, namely:

On amendment No. 4: Appropriating $75,000 for the International Agricultural Exhibition at Buenos Aires, Argentine Republic.

On amendment No. 9: Appropriating $160,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for furnishing the new public building at Cleveland, Ohio.

On amendments Nos. 36 and 38: Relating to the United States customs court.

On amendment No. 39: Appropriating $125,000 for the Immigration Commission.

On amendment No. 46: Providing for printing and binding for the National Monetary Commission.

On amendment No. 47: Providing for printing and binding for the Bureau of American Republics.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

PRINTING AND BINDING FOR COMMITTEE ON ELECTIONS NO. 2.

Mr. MILLER of Kansas. Mr. Speaker, I desire to ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk to have read.

The Clerk read as follows:

House resolution 380.

Resolved, That the Committee on Elections No. 2 be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixty-first Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. MILLER of Kansas. Mr. Speaker, I desire also to ask unanimous consent for the immediate consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 379.

Resolved, That the Committee on Elections No. 2 be authorized to hold meetings of the committee during the sessions of the Sixty-first Congress.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. Is this the usual proceeding of Election Committees?

Mr. MILLER of Kansas. It is.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19255, the diplomatic and consular appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union; Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19255, the diplomatic appropriation bill.

Mr. PERKINS. Mr. Chairman, I yield fifteen minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, at the proper time I propose to offer the following amendment to the pending bill:

For the maintenance of international headquarters of the Interparliamentary Union, $5,000.

I am aware, Mr. Chairman, that this amendment is subject to a point of order for the reason that such an appropriation is not authorized by existing law, but I trust that the point may not be made owing to the beneficent object to be attained by the amendment.

When in 1908, during the session of the interparliamentary conference at Berlin, the news came that the British Government had decided to make an annual appropriation of £2,000 for the support of the Interparliamentary Union, there was general rejoicing among the 700 lawmakers who attended that conference as the representatives of twenty or more parliaments of the world. While it was known that Norway, Denmark, Switzerland, and some other smaller countries had for some time past been making appropriations for that purpose, Great Britain was the first of the greater countries to offer such a contribution. Since the Berlin conference the question has been taken up in nearly all national legislative bodies represented in the Interparliamentary Union, and the probability now is that when that organization of lawmakers will meet at Brussels this year favorable reports will be received from the majority of nations, and it is my fervent wish, shared, I hope, by every Member of the American Congress, that the United States may be among

them. It was upon the motion of your humble servant that in 1906 the London conference unanimously agreed to appeal to the governments for financial aid in furtherance of the great work of the Interparliamentary Union; hence, unless the American Congress proposes to repudiate the action of its own delegates, a compliance with that resolution can not well be refused; in fact, the United States should be the first country to extend its helping hand.

It is proper to ask what these amounts of money are to be expended for, and I hope the House will bear with me while I make a brief explanation. The Interparliamentary Union, from the time of its foundation in 1887, has maintained permanent headquarters at Berne, Switzerland, with a general secretary and several clerks in charge. These officers rendered their services gratuitously, while the necessary expenses were defrayed by small contributions from the several branches or groups and from individual members of the organization. As the membership of the union grew, and its importance as a factor tending to international amity and peace was more and more recognized, it became desirable to reorganize the union and to enlarge its administrative functions. Therefore at the Berlin conference it was decided to appoint a salaried permanent secretary and to transfer the headquarters from Berne to Brussels, with a view to eventually locate them in the peace palace at The Hague, which is being erected through the generosity of an American citizen. The administration of the union is in the hands of an executive board composed of prominent members of the union, under whose auspices the secretary and clerks perform their work. This work consists in conducting a voluminous correspondence, in preparations for the annual or biennial conferences, and in recording the events in the cabinets as well as parliaments such as may be of interest to the members of the union and having reference to the peace of the world. The object of my amendment, therefore, is to officially grant financial support for the maintenance of that international bureau instead of further relying on voluntary contributions by groups or individuals.

It is apparent that the significance of the appropriation here asked for does not lie in the amount of money to be contributed, but in the official recognition of the Interparliamentary Union by the governments of the world. Morally it has been recognized long ago. To its influence was due the convening of the first and second peace conferences at The Hague, the first one having been called by the Czar after that monarch had been familiarized with the aims and objects of that organization, and the second by President Roosevelt in direct response to a resolution of the interparliamentary conference held in St. Louis in 1904. For both of The Hague conferences the union had prepared a fixed programme, and the influence of its members was exerted at The Hague in 1899 as well as in 1907 in the direction of making the governments adhere to the programme arranged by the representatives of the legislative bodies of the world. At the conferences to be held between now and 1915, when the third great council of nations will meet at The Hague, additional demands to insure the more permanent peace of the world will be formulated, and thus the task of the governments will be considerably lightened by the preparatory work of the union, whose voice may well be recognized as the voice of the people. The limited time allotted to me will not permit of a more comprehensive review of the history of the Interparliamentary Union, but allow me to suggest that the growing sentiment of the people of all countries in favor of substituting judicial decisions for brute force in the settlement of international controversies is due more to the systematic efforts of that organization and its members than to any other one factor, especially because all these members have mandates as lawmakers in national legislative bodies and are therefore clothed with responsibility by the people.

The membership of the union is now over 2,000, and I am happy to say that over 200 members of our own Congress have signified their willingness to participate in the great work of the union and to subscribe to its beneficent objects. It has been proposed to clothe the conferences of the union and the organization itself with an official character by providing for the formal election of the delegates to its conferences by the respective parliaments, but, to my mind, it is a question of grave doubt whether the usefulness of the organization would thereby be enhanced. Certainly its liberty of action would thereby be limited, and its cherished independence partly destroyed, but there certainly is no reason why the governments should not contribute their mites toward the maintenance of the organization, voluntary though it may be, and to the perpetuation of its great work in behalf of international arbitration and peace.

It is well to remember in this connection that other governments are going much further in their promotion, by financial means, of international amity and peace. Only recently the Government of Great Britain has set aside a fund of $250,000 to be expended for the entertainment of distinguished visitors from other countries and for the encouragement of mutual visits. It is evident that no moneys could be expended for a nobler and more beneficial purpose. There is nothing more apt to bring nations closer together than an increased mutual understanding of each other. The conferences of the Interparliamentary Union serve such a purpose, inasmuch as they are held in the great capitals of the world and are bringing together from seven to eight hundred lawmakers, representing practically all the parliaments of the world. I well remember what a wonderful revelation to the more than 200 members of foreign parliaments was their visit to the United States on the occasion of the great interparliamentary conference held at St. Louis in 1904. They came as skeptics and parted as our friends. Most of them were born and reared in monarchical countries, and they did not believe until they saw it with their own eyes what a successful experiment a democratic government has proved to be on American soil.

The effect and benefit of that visit, short though it was, will be perpetual and will remain an asset of the American people for all time to come. Its value can certainly not be measured by dollars and cents, and therefore when a small appropriation is asked for a cause of this character there should be no dissenting voice.

The only question is whether the aims and objects of the Interparliamentary Union, for which this support is asked, are worthy of our approbation. On this score permit me to say that only members of national legislative bodies are eligible to membership in the organization; hence it is made up not of dreamers and visionaries, but of practical men of affairs, who, being elected by the people, are responsible to the people. It is plain that this element of responsibility must always be a safeguard against the schemes and dreams of visionaries. The whole platform of the union is contained in the first section of its constitution, which says that—

> The Interparliamentary Union consists of members of all parliaments, who have organized groups in their respective countries for the purpose of carrying out, either by legislation or international agreement, the principle that differences between the various nations shall be settled by arbitration.

If there is a Member of this body or an American citizen who is not willing to stand upon this platform, I have not heard of him, and my proposition is that, as we have ascertained the right, the time has come to enforce the right and to carry out that platform by practical measures.

While I have the floor, Mr. Chairman, I should like to call the attention of the House to the progress already made toward the peaceful settlement of international disputes by the substitution of judicial decisions for war. As will be remembered, the second Hague conference, while assenting to the creation of a permanent court of arbitral justice, had failed to agree on a method of appointing the permanent judges. At the same time, the governments had unanimously agreed on an international prize court. While the powers had promised to give their immediate further attention to the appointment of the permanent judges, nothing was done by them for several years, and it seemed as if a deadlock had been reached. Then it was that Secretary Knox, with the advice and consent of President Taft, sent his circular note to the powers proposing that the contemplated prize court should be invested with jurisdiction as a court of arbitral justice, and that the same judges should sit as members of both courts. It was an inspiration, and the plan appeared so eminently practical that its approval by the powers is now only a question of time. It will mark the actual establishment of a supreme court of the world, and therefore the realization of Secretary Knox's plan must justly be recognized as a new and distinct triumph of American statesmanship, an achievement which will redound to the everlasting credit of the present administration and to the glory of this Republic. [Loud applause.]

With the permission of the House, I shall insert an interesting article on the history of The Hague court:

THE PROPOSED HIGH COURT OF NATIONS.

[By James L. Tryon, assistant secretary of the American Peace Society. From the Yale Law Journal for January, 1910, with permission.]

"Very recently the State Department has proposed in a circular note to the powers that the prize court should also be invested with the jurisdiction and functions of a court of arbitral justice. The United States, as the originator of this project, is confidently yet anxiously looking forward to its acceptance by the powers, which will give to the world an international judicial body to adjudge cases arising in peace as well as controversies incident to war." (Secretary Knox.)

An international court was one of the first ideas proposed in the practical programme of the world peace movement. As early as 1840 the constitution and functions of such an institution were worked out by William Ladd, the founder of the American Peace Society. This

legal preventive of war was afterwards urged by the Peace Society, and in later years was predicted by Edward Everett Hale as sure to be realized. But not till the first Hague conference met in 1899 did an international arbitration court come into existence. The "Permanent court of arbitration," as it is technically called, though popularly known as "The Hague court," settled the Pious Fund case, the Venezuela Preferential Payment case, the Japanese House-Tax case, and the dispute between Great Britain and France over their treaty rights in Muscat, passed upon the Casablanca incident, adjusted the dispute between Norway and Sweden as to their maritime frontier, and has pending before in the fisheries dispute between the United States and Great Britain and the Orinoco Steamship case between the United States and Venezuela.

That the court has been a success, on the whole, is beyond question. The only serious fault found with its decisions has been in connection with the Venezuela Preferential Payment case. In that case the court was accused of favoring the side of military force, which it was established to supersede; but its decision was accepted as law and was approved by such high legal authorities as Chief Justice Baldwin, of Connecticut, and Prof. John Bassett Moore, of Columbia. (See Mohonk Report for 1904.) Other criticisms, however, have been made in regard to its constitution and the liberty of its members. These will be dealt with later. The fact that nearly a hundred arbitration treaties, including 24 made by the United States, pledge most of the nations to refer certain classes of disputes to it, shows that it has won public confidence, and has, to a large degree, become fixed in the life of the world. But besides this court, which is actually in service, are two others, both of them projected by the second Hague conference, that may also go into operation when certain formalities are complied with or certain necessities arise. One of these is the international prize court, which is for the adjudication of cases of capture of neutral merchant ships and cargoes in time of war, a code for which was made at the naval conference held in London in 1909, but is not yet ratified by the nations that are parties to it. The other is the court of arbitral justice, also called the "Judicial arbitration court," which is for the same kind of cases that now go to the permanent court of arbitration. It is the court of arbitral justice, an institution that is known to but comparatively few American people, and that may easily be confused in the popular mind with the present Hague court, to which I wish to call attention.

But why, it may be asked, should we have a new court when we already have one that is successful and acceptable? The answer reveals the wonderfully rapid growth of the peace cause within the past decade, and is of special interest to lawyers, because it is they who, coming to the aid of the movement, are responsible for the proposition. Improvements upon the procedure of the court of 1899 were suggested by various writers, but except for the American Journal of International Law, practically no peace literature up to the time of the second Hague conference proposed a new court, nor had any demand been made for it, either by peace societies or by the resolutions of the Interparliamentary Union, which are frequently taken as the platform of the peace movement.

The progress which has been made toward the court is due primarily to the efforts of three great American lawyers—Ex-Secretary ROOT, Prof James Brown Scott, and Hon. Joseph H. Choate, especially the two first named. All who attended the opening session of the National Peace Congress in New York in 1907, which was organized for the purpose of bringing public sentiment to bear on The Hague conference, will remember the profound impression made by Mr. ROOT's address. In it occurred these significant passages, which may be taken as the foundation ideas of the proposed court:

"In the general field of arbitration we are surely justified in hoping for a substantial advance, both as to scope and effectiveness. It has seemed to me that the great obstacle to the universal adoption of arbitration is not the unwillingness of civilized nations to submit their demands to the decision of an impartial tribunal; it is rather an apprehension that the tribunal selected will not be impartial."

Mr. ROOT quoted in support of his position a dispatch that Lord Salisbury sent to Sir Julian Pauncefote March 5, 1896, in which the difficulty of selecting impartial judges from a panel of arbitrators, on account of popular sympathy for one side or the other, is pointed out.

"The feeling which Lord Salisbury so well expressed is, I think," said Mr. ROOT, "the great stumbling block in the way of arbitration. The essential fact which supports that feeling is that arbitrators too often act diplomatically rather than judicially; they consider themselves as belonging to diplomacy rather than to jurisprudence; they measure their responsibility and their duty by the traditions, the sentiments, and the sense of honorable obligation which have grown up in centuries of diplomatic intercourse rather than by the traditions, the sentiments, and the sense of honorable obligation which characterize the judicial departments of civilized nations. Instead of the sense of responsibility for impartial judgment which weighs upon the judicial officers of every civilized country and is enforced by the honor and self-respect of every upright judge, an international arbitration is often regarded as an occasion for diplomatic adjustment. Granting that the diplomats who are engaged in an arbitration have the purest motives; that they act in accordance with the policy they deem to be best for the nations concerned in the controversy; assuming that they thrust aside entirely in their consideration any interests which their own countries may have in the controversy, or in securing the favor or averting the displeasure of the parties before them, nevertheless it remains that in such an arbitration the litigant nations find that questions of policy and not simple questions of fact and law are submitted to alien determination, and an appreciable part of that sovereignty, which it is the function of every nation to exercise for itself in determining its own policy, is transferred to the arbitrators."

Mr. ROOT illustrates his view by reference to the satisfactory settlement by arbitration of disputes among South American States, the arbitrators of which were detached from international politics and confined themselves to the merits of the questions before them, "as a trained and upright judge decides a case submitted to his court."

"What we need for the further development of arbitration," added Mr. ROOT, "is the substitution of judicial action for diplomatic action, the substitution of judicial sense of responsibility for diplomatic sense of responsibility. We need for arbitration not distinguished public men concerned in all the international questions of the day, but judges who will be interested only in the question appearing upon the record before them. Plainly this end is to be attained by the establishment of a court of permanent judges, who will have no other occupation and no other interest but the exercise of the judicial faculty under the sanction of that high sense of responsibility which has made the courts of justice in the civilized nations of the world the exponents of all that is best and noblest in modern civilization."

Mr. ROOT was at this time Secretary of State and in a position to give his ideas effect. He therefore embodied them in his instructions to our delegates to the second Hague conference. His outline, which was calculated to put arbitration upon a judicial instead of a diplomatic basis, was elaborated by Prof. James Brown Scott, solicitor for the Department of State, and technical delegate to The Hague. Professor Scott, whose name will always be associated with historic attempts to make a high court of nations, gave his whole soul to the proposed court at the time and has done his utmost ever since to have it made a living agency of justice. His plan was brought before the conference by Mr. Choate, who assisted him enthusiastically. It had the joint sponsorship of the United States, England, and Germany. No less strenuous a personage than Baron Marschall von Bieberstein, Germany's first delegate, expressed the belief that such a court would automatically attract to itself the disputes of nations for settlement.

The agreement providing for the court contains 35 articles. The first article reads as follows:

"With a view to promoting the cause of arbitration, the contracting powers agree to constitute, without altering the status of the permanent court of arbitration, a judicial arbitration court of free and easy access, composed of judges representing the various judicial systems of the world and capable of insuring continuity in jurisprudence of arbitration."

The main features of the proposed court correspond with Mr. ROOT's idea of a court of law. They may be best appreciated in a comparison with the so-called "Permanent court of arbitration." First of all, the proposed institution is a court, and not a panel. The number of its judges, though not given in the agreement, is expected to be 15, with deputies as alternates. Fifteen members would mean nearly twice as large a body as the Supreme Court of the United States, which consists of nine judges, but is small compared with the number allowed to the court of 1899, which may consist of four arbitrators from every one of the 46 States that are commonly recognized as belonging to the family of nations, though two or more States may choose the same judges, and may therefore go outside their own nationality for their appointees.

Many smaller powers have appointed only one or two judges of this court. But the arrangement as already carried out means about 100 judges, and might mean nearly 200, or so large a body as could never conveniently come together; or which, if it did, would be a judicial assembly rather than a court, which is undesirable. On the other hand, 15 judges make a body that is not unwieldy, but sufficiently large to guarantee impartiality, which is better secured, especially in important cases, by having a moderately large rather than a small tribunal, say, of three or five members.

Next there is the essential characteristic of permanence. The court of 1899 is styled "permanent," but, as Professor Scott has pointed out, this is a misnomer. The panel is permanent, but the tribunal is only temporary, as it is selected for every new case. In spite of the efforts of the United States to make it permanent, the court of 1899 was never intended by the powers to be so. Andrew D. White, delegate to the first Hague conference, said in an address at Mohonk:

"First, it has been argued that The Hague Tribunal should sit steadily and permanently, thus resembling the Supreme Court of the United States. This idea was embodied in the first American proposal made in 1899, but an almost unanimous opinion was soon developed against it.

"It was objected with much force that the expense of maintaining such a court in permanent session would be irksome to all the powers, and that upon some of them it would bear somewhat heavily. It was also urged that such a court in continuous solemn session, having, certainly during intervals of many months, and perhaps even during years, nothing to do, would probably become an object of ridicule, and that finally, even among the greater powers, a sentiment would probably arise which would give opportunity for demagogues to move to strike out the appropriations for the maintenance of a court apparently accomplishing nothing. These considerations prevailed and the tribunal was established as we now have it. It is my belief that any effort to change the present system during the session of 1907 will be met by the same arguments which were urged in 1899, and with the same result."

Furthermore, the members of the court of 1899 are appointed for a term of but six years, though their appointment is renewable. The judges of the proposed court would have a term of twelve years, which is also renewable. The judges of the court of 1899 are paid only when they are on duty, which is when they have a case to try. The judges of the proposed court would be put on a salary of $2,400 a year from the time of their appointment, and receive about $40 a day, with traveling expenses additional, when they go into session. The draft of the agreement contemplates an annual session beginning the third Wednesday in June, provided public business requires it; besides the election annually of three of the members, with substitutes, as a permanent delegation in residence at The Hague and always ready to try minor cases or cases for summary procedure. The delegation is a unique and promising feature of the proposed court. It makes the court free and easy of access, which is desirable, and is an advantage over the system of the court of 1899, whose tribunals have to be especially summoned, even for a minor case. It is given large power, but can not perpetuate itself at the expense of the whole court, as it is not only subject to election by the general body, but may at any time, on application of the nations, be superseded by it. The whole court may at any time be summoned in extraordinary session by the delegation. The delegation may act as a commission of inquiry, and, as such, may have associated with it nationals of the states parties to a case who, though not members of the court itself, may assist in its investigations. This arrangement therefore supplies machinery for a permanent commission of inquiry, such as might take a case like the Dogger Bank incident, with the assistance of naval experts, or any case in which facts are in dispute, and report on its findings. The world has never yet had a permanent commission like this. Provision for it is potentially a great peace measure.

One of the advantages in permanence is continuity of jurisprudence. It is believed that the system of long tenures of office and the provision for a delegation always on duty would tend to the creation of precedents that would insure continuity of jurisprudence, which is one of the chief purposes of the court. Later its decisions might furnish material for a code of international law, an ideal that in the last generation was held up before the nations by David Dudley Field, and has since been supported by the Interparliamentary Union.

The criticism made by Mr. ROOT that arbitral procedure has been diplomatic rather than judicial is met by the requirements for the fitness of the arbitrators. Both the court of 1899 and the court proposed in 1907 contemplate the selection of members of high moral character

and recognized competency in international law, but the plan for the new court, unlike that of the institution of 1899, insists that they shall have qualifications as judges according to the standards of their own country or have a reputation as jurists. Here is a safeguard against the choice of mere politicians or diplomatists to adjudicate matters in which compromise, negotiation, and compliance with excited public sentiment are out of place, but in which only the application of the law to the merits of the case is in order, which was Mr. ROOT's idea, as expressed in his New York speech. The court, as already indicated in the first article [see ante], also contemplates the use of the prevailing systems of jurisprudence—Roman, Spanish, and Anglo-American—which its practice is expected to harmonize.

The proposed judicial arbitration court, to be sure, if installed today, would not be open to all the nations, as is the present Hague court, but only to the nations which accept it by entering into a special contract. These nations, however, acting as a whole and not separately, are to pay the salaries of the judges, a method that is an improvement on the court of 1899, as under its system each litigant pays its own judges, a thing that would not be tolerated in a judicial court in municipal law. The costs of the proposed court, apart from the salaries of the officers, are apportioned among the litigants, who are also required to pay their own charges for counsel, witnesses, etc. No judge will be allowed to sit on a case in the decision of which he has already taken part in its earlier stages in national courts, nor can he appear before the court as counsel or advocate in any case, as men have done before the court of 1899. A judge is not permitted to receive money or hold any office under authority of one of the litigants, or of his own nation, inconsistent with his duties as a judge. In these respects, then, the new court is more truly judicial than the court of 1899, and, though limited to the contracting powers, is fundamentally more international in its spirit.

Such are some of the superior features of the proposed court of arbitral justice. It is not, however, intended to supplant the court of 1899, but to be used instead of it if litigants prefer its services. It is stipulated that its members shall be taken, as far as possible, from the judges of the permanent court of arbitration. In common with that court it follows the procedure laid down in the Convention for the Pacific Settlement of International Disputes, except as it is empowered specifically to make its own rules. Its jurisdiction is as large as possible. It may take cases coming to it by a standing treaty of arbitration or by a special agreement. The United States and Germany suggested that it might also be used as a court of revision or review, but their suggestion was rejected. As already pointed out, members of it may act as a commission of inquiry. They may also serve in the International Prize Court. With such large and varied possibilities, the court of arbitral justice ought, when established, to attract nearly all controversies between the nations.

The projected court has the further advantage of being allowed to formulate the preliminary conditions of an intended arbitration, which is known as the "compromis," unless that be specifically excluded from its power, or is otherwise provided for by treaty. This formulation may be made at the request of one of the parties when diplomacy has failed and the other party is reluctant to arbitrate. The power to make it corresponds somewhat to the forcible citation to court of one party by another in municipal law. This provision does not apply to the twenty-four treaties made between the United States and other powers, as the preliminary agreement under them must, in every case, be made by the President and the Senate. It is, however, especially applicable to disputes relating to contract debts, an agreement to arbitrate which may be made a dead letter by delaying the "compromis."

The court is supposed to sit at The Hague, but may sit elsewhere if obliged to do so. The delegation may, of its own accord, hold its sessions elsewhere with the consent of the parties, if circumstances make a change of place necessary. The court may call upon states to help it in serving notices and securing evidence. It determines the language that is to be used in cases coming before it. It discusses its cases and makes decisions upon them in private session, under the control of a president or vice-president, but a judge who is appointed by one of the parties may not preside. A judge can not serve as a member of the delegation "when the power which appointed him, or of which he is a national, is one of the parties" [Art. 6]. The decisions of the court must be made in writing by a majority of the judges present, who must give the reasons for their opinions and disclose their names. The judgment must be signed by the president and registrar. The court is authorized to improve upon its rules of procedure, but must communicate them to the contracting powers for approval.

The draft of the new court was approved by the second Hague conference, except as to the selection of judges, Switzerland alone reserving its vote, but the court itself has not come into operation. This fact may occasion surprise, but is easily understood when once the present condition of the doctrine of the equality of nations is explained. Theoretically, and, for most purposes, practically, the sovereign states have equal rights in international law, but each is tenacious of its rights, the smaller and the newer states being, if anything, more jealous of them than their larger neighbors. As Mr. Choate put it in his humorous way, in an address at the Harvard Union two or three years ago, Panama can not see why she is not as important as England. But states as big as England take a different view of the matter; they believe that they should have special consideration, and are unwilling to trust their interests to judges appointed by the smaller states on equal terms with themselves.

No plan within the political ingenuity of The Hague conference could determine satisfactorily how 15 judges could be equitably apportioned among 46 States. The rotation scheme adopted for the International Prize Court of 15 judges, those of the greater powers, with correspondingly large maritime interests, 8 in all, Germany, Austria-Hungary, United States, France, Great Britain, Italy, Japan, and Russia, sitting all the time, and those of the smaller powers, according to a classified list, some of the time, in a fixed period of years, though acceptable for the settlement of claims resulting from war, was not acceptable for the adjudication of differences that might cause war. This scheme was defeated by Doctor Barbosa, of Brazil, who declared it was based upon military and naval force instead of upon population and intelligence, and was therefore unjust to the interests of the less powerful states, particularly to those of South America. Probably most men will agree that the world will be better off in the end by adopting a plan that recognizes the equality of nations in every sense of the word; but much is to be said in favor of the rotation system as reported by Professor Scott and others at the conference. Scott in his address showed that the rotation plan was based upon population. This recognizes the material interests of the nations, to which litigation has a proportionate relation. New York, for example, has more legal business than Rhode Island because it is a bigger State than the latter. So England would have more legal business before this court than Panama. This plan also provides for adequate representation of the principal systems of jurisprudence which is essential to international justice.

The appointment of a judge by each of the 46 nations, about 15 judges to serve in three successive groups, was suggested by Senator Barbosa, but his suggestion was afterwards withdrawn. The election of 15 judges by a plurality or majority vote of the secretaries of state of all the nations desiring the court would seem to be a reasonable solution of the problem, but has not been tried. The suggestion is made now, and bids fair to be accepted, that the difficulty be met by conferring the jurisdiction of the court of arbitral justice upon the prize court. Mr. Knox, addressing the Pennsylvania Society of New York, in December, said: "Very recently the State Department has proposed in a circular note to the powers that the prize court should also be invested with the jurisdiction and functions of a court of arbitral justice. The United States as the originator of this project is confidently yet anxiously looking forward to its accetance by the powers, which will give to the world an international judicial body to adjudge cases arising in peace as well as controversies incident to war." This method of constituting the court, as Dr. George W. Kirchwey aptly pointed out in an address in Boston, is a conservative, a lawyer's way of making progress, as it makes use of an already existing institution. The conference left the matter to be adjusted by negotiation. When, therefore, a method of appointing the judges is agreed upon, the new high court of nations will get to work. That it may go into operation soon and become the recognized means of settling the disputes of nations judicially, as is fondly hoped by its distinguished legal advocates, should be the wish of every lawyer and of every friend of international peace.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. PERKINS. Mr. Chairman, I yield thirty minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Chairman, at the risk of shocking the membership of the committee, I wish to speak a few moments upon a subject which is at least closely allied with the bill which is supposed to be under consideration. I refer to our consular service. It will be remembered that four year ago Congress passed a bill to reform and improve the consular service of the United States. Up to that time there was no branch of the public service so utterly neglected by the Government as was this. As a rule, the compensation of our consuls were inadequate. In many instances the salary was ridiculously small; in some instances it was only $1,000 per year. No adequate allowances were made for rent or for the maintenance of the consular offices.

American travelers abroad, upon returning home not infrequently had bitter complaints respecting the personnel of the service. While it is undoubtedly true that there were occasional cases where the complaint against the consul was not without foundation, in the majority of instances the criticism should have been directed against the system in vogue and against the Government for its neglect of its officials. These travelers were too frequently chagrined and humiliated by the seedy appearance of our representatives, maintaining an office in some back room in some remote alley. Too often they failed to appreciate the fact that these men were sent abroad by the Government without the means to maintain themselves or their office in a manner compatible with the dignity and importance of the country they were sent to represent. They forgot that in altogether too many instances the Government sent the consul abroad with a mere pittance, and then practically abandoned him to his fate.

By the provisions of the law which we enacted four years ago we did much to place the consular service upon a proper plane. We classified the consulships according to their importance, we substituted salaries for fees, we partially Americanized the service with the expectation that in the near future it would be completely Americanized. We provided that no consul receiving a salary of more than $1,000 shall transact business for compensation outside the service; and, finally, we provided for five inspectors of consulates through whom the State Department is enabled to keep in close touch with all American consuls.

In connection with this law, President Roosevelt issued an executive order which provided for the rigid examination of all candidates for appointment to the service. It further provided that appointments should be made to the lower grades, and that when vacancies occurred in the higher grades they should be filled by promotion from the lower grades.

This law and the executive order of President Roosevelt, which has been continued in force by President Taft, has already resulted in a great improvement in the service. At the time we passed the law just referred to we did not go as far as many of the reformers asked us to go. We were asked to enact

a law which embodied the provisions of the law which we enacted and also the provisions of President Roosevelt's executive order. But some of us, remembering that old document which is sometimes referred to as the Constitution, recall that the power to appoint these consuls is placed in the hands of the President, by and with the consent of the Senate. For myself I think this was one of the few mistakes of the fathers. Certainly if I had my way to-day I would place the appointment of these consuls in the hands of the President, thus making it possible to place them under the civil service.

Mr. CLARK of Missouri. I should like to ask the gentleman one question. I served on the gentleman's committee a long time with a great deal of pleasure, and this matter was always up for agitation. Have the results of the change of the law to which the gentleman refers been anything like the promise that was made of the benefits that were to accrue from it?

Mr. FOSTER of Vermont. I believe so, Mr. Chairman.

Mr. CLARK of Missouri. If I understand the drift of the gentleman's remarks, he proposes still further changes.

Mr. FOSTER of Vermont. I am coming to that in a moment.

Mr. CLARK of Missouri. I do not want to interrupt. I want to know whether the thing has panned out according to promise.

Mr. FOSTER of Vermont. I believe that the changes which were instituted by reason of the law which we enacted and the executive order of President Roosevelt have resulted in greatly improving our consular service. When I say that I do not wish to be understood as criticising indiscriminately the personnel of the consular service under the old régime. I believe that the old service was a good service. I believe that as a rule we sent abroad to fill our consular positions patriotic American citizens who did everything in their power to maintain the dignity and prestige of the American name, and to promote our commercial interests in foreign lands.

Mr. CLARK of Missouri. One more question. Does the gentleman think that the improvement that has been made grows entirely out of the increase of salary, or for other reasons?

Mr. FOSTER of Vermont. The improvement in our consular service has resulted from the law and the executive order to which I have referred. The increases in compensation provided for in that law were extremely moderate. In many instances there was no increase. We cut off the fees and increased the salary by way of compensation. Under the old method there was little hope for promotion from the lower-grade consulships to those of the higher grade. There were few inducements held out to the appointees in these lower-grade offices. You could hardly expect a first-class man, able to speak at least one language besides his own, to be willing to go abroad to one of those consulships with a salary of only $1,500 or $2,000, so long as there was little hope for his promotion to a more important position.

But now when we can say to the man whom it is proposed to appoint to one of these low-grade consulships that if he proves himself a faithful and efficient official, well adapted to the work of the service, he may look forward to being promoted from grade to grade as he grows in experience until he reaches the highest grade with its salary of $12,000 per year, it necessarily follows that men better qualified and better equipped for the service seek appointment. College graduates and other thoroughly educated men who are able to speak one or more languages in addition to their own are taking the examinations which are held from time to time under the direction of the Department of State.

The records of the State Department show that 101 men passed the 7 consular examinations from March, 1907, to November, 1908. These men came from 37 States, Territories, and possessions of the United States. Of this number 44 were graduates of American universities and colleges. Thirty-two took a partial college course and 25 did not go to college. There were 41 successful candidates in the examination for the consular service in November, 1908, mostly university graduates; every man speaking one language besides English, and many familiar with three or four languages, German, Spanish, and French predominating.

But what I want to call to the attention of the committee particularly is the propaganda with its headquarters at Chicago, which is calling for further legislation upon this subject. There is a bill now pending here known as House bill 6862, which practically embodies the provisions of this executive order to which I have referred. This propaganda has been calling upon the business men all over the country to write to their Congressmen, and particularly to the members of the Committee on Foreign Affairs, urging them to pass this bill. When we ask them if they think it is constitutional for us to undertake to limit the President in his appointing power, and the Senate in its power of confirmation, they say "Yes;" they believe we have that power under the Constitution.

They call our attention to certain decisions in various States where it has been held that the adoption of civil-service rules as to the selection of officers whose appointment is vested in the governor is not an infringement of or an encroachment upon the rights or powers of the Executive. And if we still protest that we believe we have not the constitutional power to do this, they go further and say that we ought to pass this bill anyway, because, in the first place, if we once put the law on the statute book, placing our consuls under the civil service, thereby limiting the President in his appointment of these consuls to the list of eligibles prepared under the civil service, no one would ever venture to take that law to the courts; that there would be no one to question its constitutionality. No President, they say, would ever venture to disregard the law because of its unconstitutionality, and no President would ever venture to ask any of his friends to take the question to the Supreme Court.

Let me quote from one of those who are urging us to enact a law placing the consular service under the civil service:

> The question of the constitutionality of a law, such as that which is proposed as to the consular service, providing that the exercise of the power of nomination to office, conferred upon the Executive by the Constitution, shall in any wise be limited or regulated by legislation, has never been distinctly passed upon by the Supreme Court of the United States. However, by the supreme courts of several of the States, in cases involving civil-service laws, the constitutionality of similar legislation has been sustained as having the effect not of depriving the executive of his constitutional power of nomination, but as simply regulating its exercise; and even though the federal legislators might disagree as to the constitutionality of the proposed consular-service law, it could hardly be doubted that its adoption would be practically effective in guiding the Executive in his exercise of the nominating power in accordance with the merit system.

Therefore these people say that if we once place it upon the statute book it will remain there; that the longer it is acquiesced in the stronger will be the argument of acquiescence should the law be taken to the Supreme Court. So I say we are receiving letters from all over the country urging us to enact into law House bill 6862.

In order, therefore, that my position as a member of the Committee on Foreign Affairs may not be misunderstood, and in order that I may say something in reply to these many letters which I have received from all parts of our country, I wish to discuss briefly the question involved. The Constitution vests in the President, by and with the consent of the Senate, the power to appoint our consuls. To many of us it would seem a violation of the Constitution to enact a law which would in any way restrict this constitutional power of the Chief Executive. And to me it is a serious question whether a Member of the House should vote for a bill the provisions of which he earnestly believes to be unconstitutional. Before entering upon the duties of our office as Members of this House we are required to take an oath to support the Constitution. What do we mean when we swear that we will support the Constitution? If we have an abiding faith that a pending measure is unconstitutional, can we vote for such measure and assure ourselves that we are supporting the Constitution? I believe that every man is bound to decide for himself, first of all in view of his oath, whether the pending legislation is constitutional. Of course there may be a doubt. And if a Member has an honest doubt he may well say that the question of constitutionality should be left to the Supreme Court. But where he is possessed of the conviction that the proposed legislation is unconstitutional, then it seems to me that he should vote against it.

Mr. PERKINS. Mr. Chairman, would it annoy the gentleman if I ask him one question?

Mr. FOSTER of Vermont. Not at all.

Mr. PERKINS. Has the gentleman in connection with his study of this question investigated the power given the President to appoint officers in the army and navy, and then considered the legislation by which Congress, by laws which have been in force for a very long period, has regulated that, and does he think there is any analogy to be drawn from that that might affect the question he is now discussing?

Mr. FOSTER of Vermont. Mr. Chairman, I have studied that question, and I believe that the same constitutional question applies there as applies here.

Mr. PERKINS. So do I.

Mr. FOSTER of Vermont. Indeed, the chief argument of the people who are urging this legislation is that it is analogous to the legislation to which the gentleman from New York [Mr. PERKINS] refers. Let me quote:

> Congress simply was asked to establish, with the President's concurrence, the same sort of rules for appointments in the consular service that have long been established and maintained in regard to appoint-

ments in the army and navy. Regulations of this kind are practically effective, and there is no earthly reason why Congress and the President should not agree upon them just as they have agreed upon them as to the army and navy. The difference between regulations so agreed upon, incorporated in a statute, and regulations made by the President alone is largely a difference of permanence. If they are put in the statute they will continue indefinitely. If they are only established by an executive order, they are liable to be changed as administrations change.

These people reason that as the laws referred to by the gentleman from New York [Mr. PERKINS] were never taken to the Supreme Court, and because those most interested have long acquiesced in them, therefore we should enact this legislation which they demand in the faith that no one would venture to raise the question of constitutionality. In this way they would have us amend the Constitution. There may be some people who honestly believe that this proposed legislation would be entirely constitutional. But so convinced am I of its unconstitutionality that I can imagine only one condition under which I would be willing to consider the propriety of my giving it my support. If the President of the United States should indicate to the Senate that he favors the passage of such a law, and if the Senate, which has, with the Executive, a part in the appointment of these consuls, should thereupon pass a bill restricting the selection of these consuls to men who have passed the civil-service examination and have got their names upon the list of eligibles, I should certainly deem it my duty to consider most carefully the constitutional question involved. But I want to say once for all to these good people who are continually writing and urging us to enact this kind of legislation that until the Senate does take the initiative I shall oppose any such legislation here.

Mr. SLAYDEN. Mr. Chairman, I have been listening to the gentleman's speech with a great deal of interest, and I am not sure from the last remark that he has made whether I get the full import of his argument. I understood him to say that in his judgment this proposed bill was unconstitutional.

Mr. FOSTER of Vermont. In my judgment it is so.

Mr. SLAYDEN. Now, I understand him to say that if its enactment should be initiated in the Senate and it should be sent here he might be inclined to support it. Am I right?

Mr. FOSTER of Vermont. Not at all. What I did state, or what I intended to state, was that the only circumstance under which I would consider the question of voting for a bill containing the provisions which this bill contains is that the Senate should pass such a bill upon the recommendation of the Executive, and that the bill should come here for consideration. Whether it is constitutional or not, I meant to say I would not think of supporting a bill originating in this House which encroached in any way upon the rights or privileges of the other body. Such a bill ought to originate at the other end of the Capitol.

Mr. SLAYDEN. I quite agree with the gentleman.

Mr. FOSTER of Vermont. And it is very doubtful, I say, whether under those circumstances I would support such a bill.

Mr. SLAYDEN. I was under the impression, Mr. Chairman, from my understanding of the gentleman's speech, that he had practically announced his willingness to waive his constitutional objection in the event that the bill should originate in the Senate.

Mr. FOSTER of Vermont. Oh, no. I meant to say that I believe to-day that this bill is unconstitutional; that in view of this belief and in view of the fact that the proposed legislation would be an encroachment upon the constitutional powers of the Senate, I should not think of giving such legislation my support unless it originated in the Senate; that even then I should not give it my support unless in the end I modified my present judgment as to its constitutionality. If in the end and under those circumstances I should come to the conclusion that there was a reasonable doubt as to the correctness of my views I would give the proposed measure my support.

Mr. SLAYDEN. I must apologize to my friend for tresspassing on his time, but it was my interest in the legislation which we have on hand which induced me to do so.

Mr. CLARK of Missouri. Let me ask the gentleman this question: Suppose the President should recommend this and the Senate should pass it, would that in any way change the constitutionality of it?

Mr. FOSTER of Vermont. Not in the least.

Mr. CLARK of Missouri. It would be simply persuasive that it was.

Mr. FOSTER of Vermont. Yes, persuasive. Where we have two parties to whom belongs the appointing power willing to circumscribe that power the assumption is that they believe they have the constitutional right to so circumscribe their power. And naturally such action would have its weight with me in determining my course.

Mr. CLARK of Missouri. One other question. Suppose the President recommended—taking an extreme case—and the Senate unanimously passed it, and the House unanimously passed it, and the President signs it, and he goes out of office, and some President should happen to come in who did not believe the thing was constitutional and should proceed to exercise his undoubted right to appoint whomsoever he pleased, then where would your law be?

Mr. HENRY W. PALMER. In the soup.

Mr. HOWARD. Will the gentleman permit me?

Mr. FOSTER of Vermont. Certainly, with pleasure.

Mr. HOWARD. Will the gentleman permit me to direct his attention to one other feature of this legislation in regard to this service, which is the organization of a system of consular inspection? I think the gentleman omitted to allude to that. A system of consular inspection; and as a result of that consular inspection reports are made to the State Department, and no promotions are made from the lower to the higher grade without being based on these actual practical results of men's achievements.

Mr. FOSTER of Vermont. Mr. Chairman, perhaps the gentleman from Georgia was not in during the early part of my remarks. I called attention to that as one of the most important features of the new law. I stated that under the old system these consuls were sent abroad and oftentimes practically abandoned by the Government; that much of the criticism that was made of the personnel of the consular service at that time was due to the fact that our consuls were underpaid and neglected by the Government; that now the State Department, through these inspectors, keeps in close touch with all the consular officers and is fully informed as to the needs of each.

Mr. KEIFER. Will the gentleman yield?

Mr. FOSTER of Vermont. Certainly.

Mr. KEIFER. As I understood the distinguished gentleman from Vermont, he announced an entirely new doctrine, and I wanted to see whether I am right about it; and that is, it would be our duty as Members of the House to waive our constitutional scruples and grant the necessary form of laws to the Executive and Senate, if they decided they wanted to experiment in the matter of something in relation to the consular service that was entirely unconstitutional.

Mr. FOSTER of Vermont. No; the gentleman misunderstood me.

Mr. KEIFER. I understood the gentleman to say if they wanted to enter upon that the gentleman would waive his objections as to its constitutionality.

Mr. FOSTER of Vermont. The gentleman misunderstood me. What I attempted to say was, that aside from the constitutional question involved, the Senate should take the initiative in legislation of this kind, for the reason that its effect would be to circumscribe the powers of the Senate. Aside from all other considerations, I should hesitate long before giving my support to a House bill providing for any encroachment upon the rights, privileges, or powers of the Senate. On the other hand, if the Senate should initiate legislation upon the subject under discussion, such action would in itself have its weight with me in determining our constitutional right to enact such legislation. It would, of course, not be conclusive. And I might add that all this talk is thoroughly academic, for no one familiar with the course taken by the Senate in connection with the legislation that was passed four years ago relative to our consular service has any apprehension that the Senate will ever take any such initiative.

Mr. KEIFER. Mr. Chairman, I congratulate the gentleman on his last statement, for I mistook him before, and thought he was entering upon something entirely new as to our duty.

Mr. SHERLEY. Mr. Chairman, I did not hear all the statement of the gentleman, and so he may have covered what I am about to ask him. Have you discussed the question of whether Congress in creating the office of consul at any particular place can make certain requirements as to the person to fill such place?

Mr. FOSTER of Vermont. Mr. Chairman, I have not discussed that question; but I have investigated it and have studied it, and I am of the opinion that Congress can not, as to consuls.

Mr. SHERLEY. Of course, the gentleman admits that Congress can create as many or as few of these consular positions as it sees fit?

Mr. FOSTER of Vermont. Yes.

Mr. SHERLEY. Well, now, what constitutional provision would prevent Congress, in fixing the places, from determining the character of the person to be appointed? Suppose it should put into the act that a consul should be appointed to a given country, who should be of the age of 35. Does the gentleman

think that that requirement as to age would be an encroachment upon the prerogative of the President and Senate?

Mr. FOSTER of Vermont. I certainly do, Mr. Chairman. The Constitution vests in the President the right to appoint consuls, and it is my present judgment that Congress can enact no law that would in any way restrict that right.

Mr. SHERLEY. Well, the proposition that seems to me to be involved is this: Of course, I agree with the gentleman that Congress can not designate to the President whom he shall appoint, but Congress, in creating the office, may create that office with such restrictions as to practically require the appointment of men who come within the requirement of the act.

Mr. FOSTER of Vermont. I think, Mr. Chairman, that this is analagous to the position taken by many of the advocates of this proposed legislation which I have discussed. They say that in many of the States the courts have held that the enactment of civil-service laws as to the appointment of officers whose appointment is vested in the governor is no restriction upon the right of the governor to appoint.

Mr. SHERLEY. Does the gentleman consider that the qualification of the man, that, for instance, he should be a natural-born American, would be an encroachment upon the prerogative of the President? I am trying to put some broad classification so as to see if the gentleman goes to the full extent of saying that when the office is created it will be without any restriction on the power of the President.

Mr. FOSTER of Vermont. I think the latter is true. We are absolutely limited. As I said before, I think it is one of the few mistakes the fathers made in not placing the appointment of all consular officers in the hands of the President, and I repeat that I have taken the time of the committee principally for the purpose of saying to these people who have written us urging this legislation that I am opposed to it not because I am in favor of the "spoils system" rather than the "merit system," but because I am possessed of the abiding faith that we have not the constitutional power to enact any such legislation.

Mr. PERKINS. Mr. Chairman, I take the liberty of yielding myself two minutes, because I would like to ask my friend from Kentucky a question.

The CHAIRMAN. The gentleman from Kentucky is recognized for two minutes.

Mr. PERKINS. The gentleman from Kentucky suggested the very interesting question whether, Congress having the power by statute to appoint a consular officer at a certain place, it could not as a part of the appointment restrict in a certain way the manner in which the appointment should be made. Without expressing any opinion as to that, I would like to ask the gentleman from Kentucky if he does not recognize the fact that the President of the United States, with the consent of the Senate, but without any authority by act of Congress, can send ambassadors and consuls anywhere he pleases? Of course they will not get any pay unless Congress appropriates it, but I think the gentleman will find that the President would have the power, with the consent of the Senate, to designate anybody to go as ambassador or consul to any place.

Mr. SHERLEY. Frankly, my question was not the result of any study, and I did not have in mind whether the provisions of the Constitution gave the President the power of appointing such an officer as a consul. What I did have in mind was, simply assuming that the office had to be created (which may be a false assumption, and which I am inclined from the suggestion of the gentleman to believe was a false one), whether Congress could not in so creating it put certain qualifications concerning the appointee to such office.

Mr. PERKINS. I ask the gentleman from Georgia [Mr. HOWARD] to consume some of his time.

Mr. HOWARD. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Chairman, a few days ago the gentleman from Illinois [Mr. BOUTELL] honored me by addressing himself to my remarks recently made in the House of Representatives touching the Payne-Aldrich tariff bill.

For a number of years it has been our pleasure to listen to this annual tariff speech of the distinguished gentleman. He is pleasing in diction, ornate in rhetoric, and withal a Representative of fine ability. In addition to these charms he now has the further one of being a correct prophet.

In the beginning of his remarks he said:

The Payne tariff act must justify itself, or the Republican party must go out of power.

In all his career the gentleman never uttered a truer prophecy. The Payne-Aldrich tariff measure is not justifying itself, and the Republican party will go out of power. [Applause on the Democratic side.]

When I read the speech it seemed proper that I should address myself to answering any argument the able gentleman might have made. After thoroughly reading it, I found it to be not an argument, but a delight characterized by the poet when he penned his immortal lines:

> But pleasures are like poppies spread,
> You seize the flower, its bloom is shed;
> Or, like the snowfall in the river,
> A moment white, then melts forever.
>
> Or like the borealis race that flit
> Ere you can mark the place;
> Or like the rainbow's lovely form,
> Evanishing amid the storm.

[Laughter and applause on the Democratic side.]

Mr. Chairman, the gentleman charged the Democracy as being the party of "calamity" and arraigned us as "calamity howlers." We dispute it and say that the Democracy is not the party of calamity howlers, and here assert that you gentlemen have become the party of calamity. And to demonstrate the truthfulness of this assertion permit me to make proffer of the official resolutions introduced by the gentleman from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, and the two introduced at the other end of the Capitol by the Senator from West Virginia [Mr. ELKINS], and the Senator from Massachusetts [Mr. LODGE], wherein all these gentlemen deplore the prices of the necessities of life, abnormal prices, and the swelling tide of living expenses. *These resolutions from the Republican party are the official warning that calamity is abroad in the land.* [Applause on the Democratic side.] You gentlemen have become the official spokesmen of the calamity howlers, and have introduced resolutions to ascertain the cause of this great rise in prices and "abnormal" conditions throughout the land. We earnestly protest against your partisan Ways and Means Committee making the investigation, as proposed by the gentleman from New York [Mr. PAYNE]. We fear your verdict and here now challenge the array of jurors and ask that a new jury be impaneled. For just and legal cause we challenge such persons as the gentleman from Illinois [Mr. BOUTELL] as being highly warped, prejudiced, and having a mind irrevocably made up. If the other jurors are so prejudiced we know the verdict of your Ways and Means Committee on the proposed investigation, and the merest novice can foretell a whitewash as the result. It would be a strange progenitor to find judgment against his own progeny, and we warn the country, deny the impartiality of your committee, and beg for another tribunal and forum. Gentlemen, you need not trouble yourselves about the investigation.

The people everywhere have already investigated, and will write the verdict at the first election held in the United States. Did you see the blazing lights of Democratic victory thrown athwart the skies in Missouri the other day in the district so long represented by that great master of satire, logic, and debate, the lamented David A. De Armond, where the Democracy increased their majority 2,000 votes? [Applause on the Democratic side.]

Gentlemen, we refuse to allow you to select the category in which we are to be placed. We do not intend for you to limit the investigation to the increased prices of food products, but you must make it broader. And it must cover the questions of increased cost of all living expenses, as witnessed to-day throughout the land. [Applause on the Democratic side.] The gentleman from Illinois read a part of the speech made by me. Permit me to reread it, in order that I may state some plain and pertinent facts in reply. He quoted from my remarks as follows:

> Deliberately considering the Payne-Aldrich bill, I here state that, after a most exhaustive analysis, in my judgment it is the most outrageous tax measure ever placed upon the statutes of any government in Christendom.
>
> The plighted faith was not kept, but cruelly broken, and the demands for lighter tax burdens answered with a law piling the load still higher upon a groaning people.

Standing here to-day I deliberately reiterate the statement and decline to withdraw the charges then made. [Applause on the Democratic side.] The gentleman has added another laurel to his wreath. He has become the humorist of his side of the House. You will find in perusing his speech that he states he will not say the Payne tariff law "has brought additional prosperity" in the United States. He contends that it made our condition no worse. Gentlemen, why all the talk about revision last year if conditions were good; why did you go before the people and promise it if this bill has not added any prosperity to our country, but has left us where we were?

With great gusto he quoted from a Texas governor's message, repeating a platform of the state Democracy. The quotation reads:

Recognizing that the rice and oil industry are of great importance to the growth of the State, we recommend legislation that will protect them.

He should have known, as we all know, that this platform did not refer to tariffs and federal revenue laws. It meant only local state laws and policies. *Texans are not for protection in any form, and Texas Democracy stands by the ancient landmarks of revenue tariffs and against the doctrine of protected industries.* The gentleman misread, misconstrued, and misunderstood the state platform quoted, and does rank injustice to true Texas Democracy.

ATTEMPTED PROOF OF TEXAS PROSPERITY BY NEWSPAPER GREETINGS.

The gentleman read from some newspapers in my district a selection of Christmas and New Year carols, written as editorials, before the good cheer of the holiday feasts had died away. Thus he endeavored to prove prosperity in Texas and the South.

The refrains read:

[Waco Times-Herald editorial, January 2, 1910.]

Yes, Waco is going to have a sky scraper, which is a demonstration that some of us, brethren beloved, are confident as to her future. But shall we be content with one? Why not a dozen sky scrapers? Shall we not make it possible for Sanger Brothers to come to the corner with a magnificent structure? And shall we not have a vision of a royal palace for Goldstein & Migel? And shall we not be getting ready to greet the Mistrots in marble hall? The list can be indefinitely extended if only our old men will dream dreams and our young men see visions.

[Editorial, January 15, 1910.]

This is to be Waco's best and biggest year, unless all signs fail. Put your money in Waco dirt.

But they have not been able to hold us back; we are making progress. Ourselves the recipients of favors from those gone before, we recognize our obligations to those who are to come after, and hence constant endeavor, from which will issue the greatest commonwealth in the American Union.

And this is the gentleman's proof of prosperity in my home city and the Eleventh Congressional District. I thank him for the compliment, but wish to say we are prospering there in spite of the Payne-Aldrich bill and the Republican administration. [Applause on the Democratic side.]

CONTRASTING THE PROSPERITY OF THE ELEVENTH DISTRICT WITH THAT OF MR. BOUTELL.

In the colloquy with the gentleman from Illinois that day, I stated that conditions were not so good in his district and in the city of Chicago, and referred to the fact that school children had been sent to the public schools morning after morning without breakfast. In his usual affable way he denied the statement. Permit me to read from an official report of the board of education to demonstrate my charges. The report is entitled: "Chicago Public Schools. Report on Underfed Children." And it is dated October 21, 1908. The report is made by Prof. W. L. Bodine, and he states in the letter now held by me that his statements were challenged at the time, but that he "made good." These same conditions still exist in Chicago, and I commend them to the thoughtful consideration of my friend from Illinois [Mr. BOUTELL]:

1. *Five thousand children who attend the schools of Chicago are habitually hungry. They often go to school breakfastless, and at times go to bed hungry. As a result of being underfed and living in insanitary homes they have become victims of malnutrition—which creates subnormal children.*

2. *I further report that 10,000 other children in the city—while not such extreme cases as the aforesaid—do not have sufficient nourishing food; that the lack of "a square deal and a square meal" at home often presents the pathetic sequel of the child who is backward at study and forward in delinquency.*

Mr. RUCKER of Missouri. I would like to ask the gentleman a question right there.

Mr. HENRY of Texas. I will yield, if it is only a question.

Mr. RUCKER of Missouri. I want to ask the gentleman if there is anything in the article, or if the gentleman from Illinois said anything about the fact which has been printed in the papers, that in Chicago they are actually selling white babies for $1 to $3 apiece?

Mr. HENRY of Texas. No; that state of affairs was too grim for this optimistic humorist. [Laughter on the Democratic side.]

Further reading the report, we find:

4. *In the canvass made by truant officers, mothers were repeatedly found who go to bed hungry themselves in order that their children may have a scant breakfast next day. This self-denial is habitual heroism in some large families, where the rations are scarce—particularly among widows and deserted wives.*

Again we find—

A. *Armour school district.—Father out of work, mother sick, and not a scrap of food in the house. Five children; three half naked, and one garbed only in an undershirt, crying for bread. For three days they had lived on tea—no bread, milk, nor sugar.*

Permit me to read another horrible revelation:

I. *Drummond school district.—Family of seven; no food in the house; father out of work; went to the lake to commit suicide, but changed his mind and committed a misdemeanor in order to be locked up at West Chicago Avenue Police Station and get a prison meal. Lack of shoes and hunger often interfered with children's school attendance.*

* * * * * * *

I estimated the total number of children in Chicago who do not receive three square meals daily at 15,000.

Mr. BURKE of Pennsylvania. The name of one of the children would be gratifying.

Mr. HENRY of Texas. A voice from Pittsburg, Pa., the storm center of many strikes. The report makes our blood run with feelings of horror by further stating:

7. *We find that a large number of children have only bread saturated in water for breakfast day after day; that the noon meal is bread or bananas, and an occasional luxury of soup made from pork bones; that children often frequent South Water street begging for dead fowl in the crates or decayed fruit; that others have been found searching for food in alley garbage boxes, and several cases were reported where hungry children at school picked up crusts of bread or fragments of lunch which other children had thrown away.*

These are the Chicago public schools. I have a letter from the superintendent of the compulsory department saying these conditions exist in that great city. [Applause on the Democratic side.]

And now let me propound to my friend an honest query: If the tariff bill has brought prosperity to my district and Texas and the South, why has it not also come to Chicago? The gentleman spoke of "groaning" in Texas. Is there any "groaning" out in Chicago? Answer me fairly, why the difference? We intend to meet these questions, and shall not evade any of them. You gentlemen promised the American people downward revision of the tariff. You won in the election and came back to this body, and fell by the wayside in your promises. The bill you passed and used to call the "Payne Act" is spelled "pain" now, so onerous have become its burdens. [Laughter on the Democratic side.]

TEXAS—HER RESOURCES, PROGRESS, AND POSSIBILITIES.

Mr. Chairman, grant me indulgence while I engage in the delightful task of briefly dwelling on Texas, my native State. Permit me to show something of her power, grandeur, and possibilities.

In 1820 that great Democrat, Mr. Jefferson, wrote of Texas:

And to us the province of Techas will be the greatest State of our Union, without exception. Its southern part will make more sugar than we can consume, and the Red River on its north is the most luxuriant country on earth.

Thus he wrote in 1820, before Mexico had been disenthralled from the dominion of Spain, ere Texas had achieved her independence and become a republic in 1836, before she came into the Union. Jefferson foresaw that ultimately Texas would come under that flag, out of Spanish thralldom, destined to be one of the greatest of the sisterhood of States. And now we are proud that we can stand under yonder ample folds above the distinguished Speaker's head while speaking for 5,000,000 of people. [Applause on the Democratic side.]

In area we have 264,280 square miles. We are larger in territory than all of New England, New York, New Jersey, Pennsylvania, Maryland, Illinois, and Indiana combined, more extensive than the original thirteen States of the Union, almost six times the size of the State of Pennsylvania, and nearly six times the size of the State of New York. We are greater in size than the Republic of France. In 1860, at the beginning of the civil war, we had less than 300 miles of railroad. Now we have more than 14,000, and are first in railroad mileage. Every year we build more miles of railway than any other State. Annually we establish more banks. We came into the Union on January 1, 1846, and had a population of less than 100,000 people. And from that year to this we have increased to 5,000,000 living, breathing, and happy souls. When we entered the Union we were the twenty-fifth State in population, and are now the fifth. And, perhaps, the next census will make Texas the third, and certainly the fourth in population. By the official decennial censuses we have grown rapidly, to wit:

	Population.
Second Census, twenty-fifth State, 1850	212,592
Third Census, twenty-third State, 1860	604,215
Fourth Census, nineteenth State, 1870	818,579
Fifth Census, eleventh State, 1880	1,591,749
Sixth Census, seventh State, 1890	2,235,523
Seventh Census, fifth State, 1900	3,000,000

With the pending census we will outstrip Ohio and Illinois and stand face to face with Pennsylvania in population. Within the next generation we will pass beyond our sisters and stand without a rival commonwealth in all the earth in population, resources, fertility of soil, and productive capacity. Then, as now, we will continue to smile, prosper, and drive

gaunt hunger and poverty from the land. Our material growth and prosperity are attested by our taxable values and increases as follows:

They were in—

1850	$51,814,615
1860	294,315,659
1870	170,473,778
1880	311,470,736
1890	782,111,883
1900	946,320,258
1909	2,309,893,626

And thus we grew, in sunshine and storm, under Republican and Democratic rule. We leaped forward in spite of mere party policies and administrations of government. No mere power of men retarded us in our onward progress.

ONE HISTORIC REPUBLICAN HINDRANCE.

But, Mr. Chairman, we did have one Republican misfortune, and it is mentioned here not for the purpose of arousing partisan rancor. The reference is made only to show the giant strength of Texas to overcome any adversity. There was an administration in Texas that cruelly handicapped us. It was one of those wicked Republican administrations that sometimes befall a State. Permit me to read from the pen of one of our most gifted historians, a gentleman once occupying a seat in this body:

THE ADMINISTRATION OF E. J. DAVIS.

His administration was one of boundless extravagance, disorderly and lawless despotism, increasing disregard of every principle of personal and political liberty, and it brought utter ruin to the best interests of the State and its citizens. He was given enormous power and patronage by the legislature; he used them in the most reckless and arbitrary manner. He established a state police, officered by petty tyrants and composed of disreputable adventurers. He assumed the right to declare martial law whenever and wherever his authority was resisted, and he reduced whole counties and districts to a state of terrorism and outlawry.

To overthrow this dreadful administration there was a nonpartisan convention called in Austin. It was composed of the finest citizens in Texas of all parties, and breathed forth patriotism in every act and utterance. Of this convention the historian referred to says:

That convention ascertained and published to the world the fact that the two legislatures of 1870 and 1871 had appropriated for the expenses of the Government the enormous sum of $3,752,375, besides subsidies granted to railroads amounting to $14,000,000; and the state and county tax was $2.17½ on each $100, besides poll, occupation, and license taxes.

Mr. Chairman, in spite of such disaster, Texas, like Antæus, with renewed strength from mother earth rose and pressed forward. And despite that terrible nightmare, the McKinley law, the Dingley and Payne acts, we are still growing and prospering. [Applause on the Democratic side.] All our administrations have been democratic since then. It is true there is not much groaning in Texas. And it is certain there is much groaning throughout the land. We are willing to address our cause to the forum of public conscience and try it upon the real facts, and will not run away from the contest. Yes; the gentleman's prophecy is correct when he says this bill must justify itself or the Republican party must go out of business. [Applause on the Democratic side.] *It can not justify itself. because you did not keep your word with the American people and reduce the tariff schedules as you pledged them.* [Applause on the Democratic side.] Let me here read what your President said on the subject of downward revision, and it will be often read. I believe he intended to keep his word when he made the promise. Unfortunately, he found it impossible when engaging in conflict with the body at the other end of the Capitol. He said:

It is my judgment that the revision of the tariff, in accordance with the pledge of the Republican platform, will be, on the whole, a substantial revision downward, though there probably will be a few exceptions in this regard.

Did you keep that promise made to the American people? This is the question that must be answered.

THE PRICE OF COTTON THIS YEAR NOT TOO HIGH.

The gentleman asked me this question:

Mr. BOUTELL. Does the gentleman think prices are too high?
Mr. HENRY of Texas. Certainly I think prices are too high.
Mr. BOUTELL. What, does the gentleman want to lower the price on cotton? [Laughter and applause on Republican side.]
Mr. HENRY of Texas. I want to say to the gentleman——
Mr. BOUTELL. Mr. Chairman, I decline to be interrupted until I answer these remarks, until I have answered the questions the gentleman has asked me.
Mr. HENRY of Texas. Let me complete my answer.

The gentleman still refused to yield to me. He asked me if I thought the price of cotton was too high, and declined to yield in order that I might answer him. I am going to reply to that question now and not run away. He shall have the answer.

No; I do not think the price of cotton is too high nor the other things produced by the farmers of this country. The difficulty we have is not at the farm. [Applause on the Democratic side.] The price of cotton is not high enough. After the gentleman had declined to yield, he assumed a histrionic attitude, as much as to say to this House and the country that the Payne-Aldrich tariff bill was responsible for the good price of cotton. Ah, what logic! What humor! Does the gentleman mean to say that the Payne-Aldrich tariff measure raised the price of cotton this year? Now, gentlemen, I want to show you just exactly how much the Payne-Aldrich bill did for the price of cotton, and I wish the gentleman to answer me. Here is the free list: *Cotton and cotton waste or flocks.* [Applause on the Democratic side.] *The Payne-Aldrich tariff act placed cotton on the free list, and yet he would have the country believe that the law advocated by him and his party is responsible for the present good price of cotton.* [Applause on the Democratic side.] The gentleman from Illinois is a member of the Ways and Means Committee; he was a tariff conferee last summer.

Let me give you some more facts in regard to that great staple which are of significant interest touching the points involved.

COTTON PRODUCED IN UNITED STATES—PRICES AND EXPORTS.

It is interesting here to invite your attention to the amount of cotton produced in the United States during the last few years, the prices, and the quantity exported. We ascertain the facts to be as follows:

Year.	Crop.	Average price.	Exported.	Value.
	Bales.	*Cents.*		
1907	11,375,461	11.5	9,036,434	$481,277,797
1908	13,587,306	9.2	7,633,997	437,788,202
1909	10,088,000	13.92	.....	.....

In 1907 the amount of cotton was over 11,375,000 bales, and the price a little over 11 cents, and of that we exported over 9,000,000 bales. In 1908 we raised over 13,500,000 bales and the price was a little above 9 cents, and we exported more than 7,500,000. In 1909, the shortest crop in years, we raised around 10,000,000 bales and the price went as high as 13 and 14 and 15 cents. And yet with a crop exceedingly short we will probably export 9,000,000 bales of that amount.

Figuring on the basis of the last official exports, we will proportionately ship as much this year as we did in 1908. And in view of such conditions the member of the Ways and Means Committee and conference committee would induce this House to believe that the Payne bill raised the price of cotton. [Applause on the Democratic side.] Mr. Chairman, the gentleman said the Republican party and tariff laws have done much for the farmers of the South and made them prosperous. Let me show you what they did for the farmer under the Dingley act, which went into effect in 1897. In 1898 the price of cotton was 5.9 cents per pound, in 1899 it was 5.4 cents, and in 1900 7.7 cents, and continued exceedingly low until last year, when the crop was short. The gentleman [Mr. BOUTELL] insists that the Payne bill gave cotton its good price. *It is the irrepealable and immutable law of supply and demand throughout the world that has brought cotton to its present prices.* [Loud applause on the Democratic side.] In 1907 we exported cotton to the value of $481,277,797, and in 1908 it ran as high as $437,788,202. Hence, the alleged argument by the gentleman that the tariff act fixed the good price of cotton will not commend itself to any thoughtful person. The effect of that law is no more related to the prices of cotton than an oriental tale delightfully recited by the versatile conferee on the Payne-Aldrich measure.

FOR THE AMERICAN FARMER—A WHOLESOME AND SALUTARY RESPECT FOR HIM.

Prefacing what I shall say of the American farmer and his position in our society and government, let me quote Mr. Jefferson:

Those who labor in the earth are the chosen people of God, if He had a chosen people, whose hearts He has made His peculiar depository for genuine and substantial virtue. It is the focus in which He has kept alive that sacred fire which otherwise might escape from the earth. Corruption in morals in the mass of the cultivators of the earth is a phenomenon of which no nation or age can furnish an example. It is the mark set on those who, not looking up to heaven, to their own toil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Generally speaking, the proportion which the aggregate of other classes of citizens in any State bears to that of the husbandman is the proportion of its unsound to its healthy parts, and a good barometer whereby to measure its degree of corruption. The mobs of great cities add just as much to the support of pure government as sores do to the strength of the human body.

A tribute in which I cheerfully join with all my heart.

And now, what have these gentlemen done for the farmer in the South and throughout the land to make him prosperous? *Forty per cent of our population live in rural precincts and 60 per cent in the cities, yet this 40 per cent produce about 70 per cent of our exports.* [Applause on the Democratic side.] When you talk about benefits to the farmer derived from such laws as this, we deny it and charge that the Republican party, instead of helping the farmers, has trampled them under foot. The gentleman contends that you have raised the price of cotton. And when we from the South urged that cotton bagging and ties be placed on the free list, you put a burden and a tax on them in order to lay a bounty at the feet of the American steel trust. [Applause on the Democratic side.] That is an example of the way you have helped the cotton farmer.

HOW THE FARMERS CONTRIBUTE TO PROSPERITY AND COMFORT OF PEOPLE AT HOME AND ABROAD.

There are more than 10,000,000 of people engaged in agriculture in the United States and 7,000,000 in manufacturing enterprises. The total agricultural products of the United States in 1909 were $8,760,000,000. Included in the above are animal products to the amount of $3,000,000,000. Of those products we exported last year $903,000,000, about 10 per cent of the whole product. In 1907 we produced on the farms products amounting to $7,412,000,000. Out of such total of farm products in that year we exported, including meat products, $1,055,000,000. The aggregate domestic merchandise exported in 1907 was $1,853,718,034. *Of this vast sum of exports, farm products constituted about 64 per cent. Ah, what a glorious tribute to the farmer and the American farms!* Permit me to cite some other facts about the wealth of the agricultural resources as we annually contribute to feeding and clothing the world. In the production, value, exports, and imports of wheat, cattle, meat, and dairy products, the following figures give charm to thoughtful consideration:

Production, value, exports, and imports of wheat and cattle.

WHEAT.

	Number.	Price.	Exports.	Value.
1907 ..... bushels..	634,087,000	$0.79	146,700,425	$115,893,335
1908 ..... do....	664,602,000	.99	163,043,669	161,413,232
1909 ..... do....	730,046,000	.99	.....	.....

CATTLE.

1907	51,565,731	*$81.00	423,051	$34,577,392
1908	60,073,000	84.00	349,210	29,339,134

CATTLE IMPORTED.

1907	31,567	.....	.....	$442,892
1908	89,168	.....	.....	1,358,168

*Average price.

Meat and dairy products.

	Imported.	Exported.
1907	$8,178,559	$202,392,508
1908	8,877,183	192,802,708

In 1907 we raised over 630,000,000 bushels of wheat and exported more than 146,000,000 bushels. In 1908 we produced 664,000,000 bushels and exported 163,000,000 bushels; and so with substantially everything produced by the American farmer. A large percentage of this is shipped abroad, and the tariff that you put in this bill making pretense of protection to the American farmer is a humbug and amounts to nothing. The farmer produces the vast bulk of our exports, and yet you seek to cajole him by saying you have protected him against foreign competition. What a colossal piece of absurdity. You herald to the world, "We have protected the farmer on his corn 15 cents a bushel, wheat 25 cents per bushel, barley 30 cents per bushel, his cattle, hogs, oats, and so forth, so much," and yet you know he is shipping abroad all these things every year, and this so-called "protection" to him is a miserable snare and delusion and grotesque farce. The farmer produces these things and ships them abroad, and yet when he returns and wants to bring in an agricultural implement, a woolen suit of clothes, shoes for his children, utensils for his kitchen, and furniture for his household, the custom-house official meets him and says, in effect, "You must pay tribute under the tariff law to the trusts and combinations of this country before you bring these things into the United States." [Applause on the Democratic side.]

Mr. LONGWORTH. Will the gentleman yield to me for a question?

Mr. HENRY of Texas. If it is a short question.

Mr. LONGWORTH. For a short question. I merely want to ask the gentleman whether he does not know that the Payne law decreased the duties on almost every one of those articles he has just mentioned?

Mr. HENRY of Texas. You may have decreased the duties on a few, but only reduced 6 per cent of the 100 per cent of the schedules, and they are yet prohibitory. Now, later in these remarks I want to read a little further from your President. I want your attention to this—the gentleman, a member of the Ways and Means Committee:

Does the gentleman from Illinois think the price of beef is too high in Chicago?

Mr. BOUTELL. Well, with prime heavy steers selling in the gentleman's district at $10 upon the hoof, I do not see how the people in Chicago can buy them for $6 on the hoof. Does the gentleman want to repeal the duty on cattle?

Mr. HENRY of Texas. I will answer the gentleman.

Mr. BOUTELL. Does the gentleman want to repeal the duty on cattle to help lower the price?

Mr. HENRY of Texas. I hope to make myself explicit, and shall plainly answer all questions before concluding. Where we in Texas get $80 for a Texas steer, the beef trust gets $400 and much more from the starving citizens of Chicago and the people throughout the country.

Mr. BOUTELL. Then will the gentleman from Texas favor the repeal of the duty on cattle?

Mr. HENRY of Texas. I want to ask the gentleman how will you reduce the price? You say it is too high in Chicago.

Mr. BOUTELL. Will you repeal the duty on cattle?

Mr. HENRY of Texas. I will agree to repeal every protective duty in your bill, and the duty on meats dressed and shipped into this country. And furthermore, I will agree to put every one of those beef-trust magnates in the penitentiary. Will the gentleman from Chicago help me to do the same thing? [Applause on the Democratic side.]

Mr. BOUTELL. To whom does the gentleman refer?

Mr. HENRY of Texas. The beef trust.

Mr. BOUTELL. Who are the beef trust?

Mr. HENRY of Texas. Do you not know? And you from Chicago! If you do not, then those starving children will haunt you in your dreams, and their fathers will be swift to remove you from Congress. [Applause on the Democratic side.] Now, I decline to yield further, just as the gentleman did the other day.

Mr. BOUTELL. That is a very excellent place to stop.

Mr. HENRY of Texas. I am stopping just like you did on cotton the other day when requested to yield to me to answer your question. [Applause on the Democratic side.]

THE PRICE OF BEEF.

The gentleman speaks of the good prices we received for Texas beeves. *It is not enough yet. It should be still more, considering the years, expense, attention, and investment our farmers and stock raisers have at issue. The great prices are received after the cattle go beyond the control of the farmer and into the hands of the trust.* I can not better illustrate than to quote an apt and pertinent illustration from Senator MCCUMBER. He said in the Senate a few days ago:

Now, what are the comparative prices that are received by the farmer and that are received here? I have before me a bill of fare taken from the United States Senate café down here. I look at that bill of fare, and I observe the prices of steaks. I notice that the ordinary sirloin will run from $1.15 up to $3 per service. I notice that the tenderloin will run about the same; and I find that the porterhouse will run from $2 up to about $4 in the ordinary restaurant.

I had a meat man a short time ago give me an estimate of what a 4-year-old steer would bring if served at one of the restaurants here in the city of Washington at these rates, taking all the items that you will find in this list, and he estimated that it would bring from $2,000 to $3,000. The farmer's price is about $60 to $80, with all of the four years that he expended upon that steer. With the little additional work, thirty minutes in the city of Chicago and transporting him here to the city of Washington and cooking him at your café, he advances from $70 to $2,500 or $3,000—enough to pay half the price of a farm. Yet the people who are paying those prices for this same steer served are introducing bills in Congress and asking that the tariff or protection be taken away from the farmer's product on which he has expended all these years of labor.

If you repeal the duty on cattle, the farmer and cattle raiser will not get the benefit. The beef trust will buy up the imported product and still keep the prices high and above the power of people of limited means to purchase meat. Besides, we export cattle and meats. There is no source from whence cattle can come to us now beyond the United States. There is no present supply to draw from. The prices would remain the same at the farms, and the packers and trusts would engross the supply and pile the prices still higher upon the consumer.

YOUR PLATFORM, PRESIDENT, AND PARTY MAKE PROMISES ONLY TO BE BROKEN HERE.

Reiterating my statement, I am here again to-day to arraign the Payne-Aldrich tariff bill. A few years ago you were all standpatters. Then the murmurings from home produced a crop of revisionists. Then the storm rumbled, the crop increased, and you all became revisionists. *Your convention at Chicago fairly howled for revision. On the stump you vied with one another in enthusiasm for revision.* Mr. Taft, with his great brain and heart, at Milwaukee said, in effect: "Fear not, revision is at hand. We have promised it, and you shall have it." He meant it, but simply has not had the power to redeem the pledge. Environment overcame his intent. After the bill passed last fall, at Winona he said:

With respect to the wool schedule, I agree that it is too high, and that it ought to have been reduced. I am not saying that the tariff does not increase prices in clothing and in building and in the other items that enter into the necessities of life.

What did the gentleman from Illinois [Mr. BOUTELL] say? He said the act had fixed the prosperity of the country. And yet Mr. Taft, whom I will not disparage, whose great heart beat in unison with the American masses, proclaimed last fall:

I will not deny that the tariff does increase the prices in clothing and in building and in the other items that enter into the necessities of life.

Why did the President change his views? I shall not conjecture nor impugn his motives, but give you the language from his lips. He said at Winona:

The interests of the party required me to sacrifice the accomplishment of certain things in the revision of the tariff which I had hoped for, in order to maintain party solidarity.

"The interests of the party required" him to sacrifice his solemn pledge of downward revision! *In behalf of party solidarity!* [Applause on the Democratic side.] He did not heed the cries of idle men traversing the Republic seeking employment. His ears were closed to starving children and wailing and groaning of pale-faced mothers in Chicago and other cities of the United States. *He sacrificed his whole country in behalf of "party solidarity!"* [Applause on the Democratic side.] Ah, gentlemen, when you talk of prosperity in the South and read Christmas carols and New Year's greetings in order to prove it, you are reckoning without your hosts. You avowed to the American people you would lower the tariff; that you would take the burdens from their backs. You have failed to do it, and if there is anything significant in the protests of the American people the next election will witness an avalanche of Democratic triumphs. [Applause on the Democratic side.]

Where have you helped the farmer in your Payne-Aldrich bill? You put his cotton on the free list. You taxed him on bagging and ties. And you refused to lower the woolen schedule. You raised the cotton schedule by reclassification and in other ways more than 10 per cent. You raised the duty on lumber and building material, taking into consideration the maximum and minimum rates. When he asked you for free iron ore, you taxed it with a prohibitory duty in behalf of the American steel trust. [Applause on the Democratic side.]

Judge Gary, their agent here and elsewhere, admitted against interest before the Ways and Means Committee:

If you remove the duty from iron ore alone and it remains so, no doubt that would protect the people here, who will in the future have to buy their ore against possible oppression on the part of our corporation.

The gentleman from Illinois undoubtedly heard that solemn declaration before his committee.

The new humorist of the Republican party, Mr. BOUTELL, said that he would not claim that the Payne-Aldrich bill had brought "additional prosperity" to the country. No; he could not make such claims. *Because when you say to the laboring men that it has done so, they would reply that "in twelve years our wages have not increased 20 per cent, and the cost of living has been augmented more than 60 per cent under the Dingley and Payne bills."*

WHEREIN YOU HAVE FAILED TO LIGHTEN THE FARMERS' BURDENS AND HAVE PILED THEM HIGHER THAN EVER.

Pray, how have you helped the southern farmer by this bill, or the agriculturists anywhere? You are challenged to specify. Under its provisions the increased cost of clothing to men and boys in the year 1910 will amount to almost $150,000,000. Considering the maximum and minimum duty, the price of lumber is increased more than 50 per cent. You tax the cheapest woolen blankets more than 100 per cent. You raised the tax on cotton stockings and greatly increased their price. Structural steel and products of iron, already outrageously protected, you increased and advanced their prices. Since you passed your tariff law the prices of clothing have increased 25 per cent. Living expenses are admittedly higher now by 60 per cent than twelve years ago, and yet you prate about this being prosperity. The wages of those who labor have increased barely 20 per cent, and yet they must spend three times more than that amount to live and provide for their families. If this be increased prosperity, deliver us from it!

The gentleman from Illinois said the woolen schedule had only been slightly changed in two respects, and yet the American people have determined that it was too high, and the President declared it to be so. When the bill passed through the House, although you promised a downward revision, you raised the schedules 1.56 per cent, and the Senate raised these schedules more than 6 per cent above the Dingley rates. And yet you had frequently promised downward revision. You decreased 6 per cent of the schedules and left untouched 80 per cent of the Dingley schedules. You call that a downward revision and a relief for the American farmer!

Ah, gentlemen, in the last extremes, when the bill went to conference, the President threw himself into the breach. The President, the conferees, and the Senate were engaged in a bitter struggle for weeks. The President came to the rescue of the American people and declared that the Senate rates must be lowered, and finally they were lowered in some slight respects. The American press said that President Taft had achieved a great victory. What was it?

THE THRILLING STORY OF THE PRESIDENT'S CONTEST WHILE THE BILL WAS IN CONFERENCE.

From day to day history was made by the conferees and recorded by the press. Let me recite some of it by exhibiting the record as published by some of the papers. It is startling, edifying, and interesting. Here it is:

For four months the people here have been witnessing an exhibition at Washington of a party trying to enact a tariff bill in flat violation of its pledges to the people. If the final result shall be a law of that kind, the next election shall see the tariff the chief issue. (Governor Fort, of New Jersey, in Washington Post, July 16, 1909.)

In the Washington Post, July 17, 1909, we find:

Smilingly President Taft told a delegation of 22 Republican Congressmen and 1 Protectionist Democrat, who called on him yesterday in the interests of duties on raw materials, that he would insist upon a downward revision of the tariff according to the pledges given to the people by the Republican party.

Again, Washington Post, July 17, 1909:

The President repeated the platform of the Republican party, and said that he had always understood that it meant a downward revision in many instances, though, perhaps, in some few instances an increase might be needed.

* * * * * * *

He said he felt that his position as the titular head of the Republican party and as President, with the whole people as his constituency, gave him a somewhat broader point of view than that of a single Member of Congress in respect to articles produced in his district. He felt strongly the call of the country for a downward revision within the limitations of the protective principle, and he hoped to be able to respond to that call as he heard it, as well in the interests of the party as of the country. (From a statement issued at the White House dated July 16.)

All the above occurred at the famous White House dinner.

The President asserts for the first time his authority as titular head of his party. As such, he announces his conviction that the party platform meant a downward revision and that no other interpretation could be placed upon it.

This is the comment of the Washington Post.

Again, in Washington Post of July 18, 1909, we find:

TAFT TO WIN FIGHT.

President Taft will win his fight for downward revision of the tariff. * * * *This was admitted by a majority of the conferees on the tariff bill yesterday.*

And here is another most engaging item in the Washington Post of July 25, 1909:

The indications are that the President, backed by the House, is gradually gaining ground in his fight against the Senate for the downward revision which he demands. That this defeat is a bitter pill for the Senate goes without saying, since it has become almost a tradition for the Senate to frame the tariff laws of the country.

And still refreshing news came through the Washington Post of July 30, 1909:

Conferees agree; victory for Taft. President forces action. Sends letter to committee chamber in morning reiterating his demand for $1.25 rate on lumber and the adoption of the Senate schedule on gloves. Polite inference of veto if wishes are ignored causes consternation, and results in speedy adjustment of differences.

What a glorious privilege it would be to see that "presidential letter, dated July 29, 1909." Will not our humorist friend now secure its publication? He at last reduced the schedules as made by the Senate and did not reduce those of the Dingley bill. And when the conference was over, when this great victory was heralded to the world, the average schedules of the Payne bill were 1.71 per cent higher than the Dingley rates. So the President failed, reducing neither the Dingley nor Payne rates.

Mr. LONGWORTH. Does the gentleman rest his case that the Payne law has increased the duties over the Dingley law on the fact that the average ad valorem is higher?

Mr. HENRY of Texas. I could rest it on that, but I will rest it on a firmer foundation from the gentleman's standpoint, which is that the President of the United States says the rates were too high, but he had to sacrifice them on account of "party solidarity."

Mr. Chairman, the gentleman from Ohio does not think rates are too high generally. I stand in this presence and say that the Payne rates are excessive, and, thank God, I also voted to reduce the Dingley rates, which course the people expected your party to also pursue.

Mr. Chairman, there is no middle ground, from my standpoint, on this tariff question. Tariff imports can be levied for two purposes—one for the purpose of protecting private individuals and the other for the purpose of raising revenue for the Government. There is no compromise zone on principle. To levy duties for the purpose of revenue is justifiable; to lay them for the purpose of enriching individuals is no less than robbery, even though it be done under the guise of law. [Applause on the Democratic side.]

THE PROCESSES AND FASHION IN WHICH THE BILL WAS MADE.

It is interesting to know how the tariff act was framed and brought into existence. I will call a high Republican authority and permit him to give expert testimony. He is a lifelong member of that party. His indictment and narrative run:

Our House of Lords is not made up of landlords, but of steel lords, woolen lords, cotton lords, lumber lords, and, as the latest creation, zinc lords. The amount of taxes and bounties on steel, woolen and cotton goods, lumber, and zinc is determined for us, not by a responsible ministry as in England, but by these lords, through the influence they can exert on individual Members of Congress; still more through the pressure they bring to bear on Senate and House committees; and most of all by their power to dictate terms to the committee of conference which, subject to the votes of their colleagues and the presidential veto, practically determines what the tariff shall be.

Again, with startling interest, this same author asserts:

For instance, when the President sent his demand for a reduction on lumber to the recent committee of conference, Mr. Aldrich announced that, if that was an ultimatum, the whole bill was at an end; the conference did nothing for six hours, until one of the conferees on the part of the House, himself a lumber man, went out and labored with the representatives of the lumber interests, induced them to withdraw their claims, and reported their concession to the conference committee; whereupon Mr. Aldrich said, "Of course, if they yield, we yield;" and so, by grace of these lumber lords, we pay the Aldrich-Payne rather than the Dingley rates of tax and bounty on all sorts of things.

This is from the pen of Dr. W. De Witt Hyde, president of Bowdoin College, in the Outlook.

Mr. Chairman, old Noah sent out from the ark a dove to make a valuable and pertinent inquiry. That scriptural dove returned with an olive branch. They had timber schedules then. When the conference committee understood that the lumber interests would not yield, they sent out another dove of peace, our colleague, the gentleman from Michigan [Mr. FORDNEY], who induced the timber interests by "cooing"——

Mr. JAMES. And wooing.

Mr. HENRY of Texas. Yes; as my friend from Kentucky says, and by "wooing," and persuading, induced them to agree to a reduction. Then he came back and said the lumber interests had slightly succumbed to his protestations after the conference had been waiting six hours, that the rates on lumber might be reduced with their permission. *Then the gentleman from Rhode Island said, "Of course, if they yield, we yield."* [Applause and laughter on the Democratic side.]

And then the dove flew away to tall timber on the dry land. Mr. Chairman, if the lumber lords had not yielded, if the dove of peace from Michigan had not gone forth, we would have had no Payne-Aldrich bill to-day. And it would have been far better for the American people if we had not. [Applause on the Democratic side.] I am sorry the dove ever returned from that first fatal flight. I wish he had followed the example of that ancient dove on the second exodus from the ark.

Mr. BOUTELL. Will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. BOUTELL. The children and all of the other people in my district to whom the gentleman refers are very much interested in the price of eatables. One of the most nourishing things we have in the world is rice. May I ask if the gentleman from Texas is in favor of the immediate repeal of the duty on rice?

Mr. HENRY of Texas. Yes, Mr. Chairman, I am in favor of the immediate repeal of all protective duties in the bill. [Applause and laughter on the Democratic side.] God knows, if it will bring relief to those suffering children, I will agree to repeal any protective duty and let them have rice.

Mr. BOUTELL. Now, let me ask the gentleman one other question that I did not get an answer to, and that is this, Is the gentleman also in favor of the repeal of the duty on cattle?

Mr. HENRY of Texas. I am in favor of the repeal of every protective duty in that bill. [Applause on the Democratic side.] I will say to the gentleman now that we have no protective party in Texas. We are a Democratic party. We stand for a tariff for revenue. And if my people expected me to vote for protectionism in any form, I would return my commission rather than depart from Democratic faith. [Applause on the Democratic side.] In no form does a protective duty commend itself to me.

Now, let me ask the gentleman a question: Is he in favor of the repeal of the duty on woolen goods, on wheat, on cotton goods, and meat, and oats, and barley——

Mr. BOUTELL. I was in favor of placing cattle and most agricultural products on the free list in committee.

Mr. HENRY of Texas. Then, if you will, I pledge you the Democrats will join you and put those things on the free list. [Applause on the Democratic side.] Now, how about sugar? Would you repeal the duty on sugar?

Mr. JAMES. Answer.

Mr. HENRY of Texas. And in order to help you, I will vote to put sugar on the free list to-morrow.

Mr. BOUTELL. How would the gentleman raise the sixty millions of revenue?

Mr. HENRY of Texas. Oh, tell me about sugar. It is a sweet subject and the gentleman is a sweet singer.

Mr. BOUTELL. How would you raise the sixty millions of revenue?

Mr. HENRY of Texas and several Members on the Democratic side. By an income tax!

Mr. HENRY of Texas. And revenue tariffs and corporation and special excise taxes. [Applause on the Democratic side.] How does the gentleman stand on the income tax?

Mr. BOUTELL. I am opposed to the income tax. [Laughter on the Democratic side.] I stand with Thomas Jefferson on the income tax. [Applause on the Republican side.] He was the father of the Democratic party.

Mr. HENRY of Texas. How do you stand on the corporation tax?

Several MEMBERS on the Democratic side. Answer! Answer! [Laughter and applause on the Democratic side.]

Mr. HENRY of Texas. Ah, the gentleman sits and solemnly fails to respond in this presence how he stands on the corporation tax! Ah, Mr. Chairman, the gentleman from Ohio [Mr. LONGWORTH] stands pat, but the gentleman from Illinois [Mr. BOUTELL] is now willing to repeal some duties, but none that will help the consumer. He was kind enough to say he would go to my district and help me if I had no Republican opponent, but after his admission to-day it can not be possible for his district to return him to Congress without a Democratic opponent. [Applause on the Democratic side.] He will say to those children, to those laborers walking the streets and crying for bread and asking for employment, that he is opposed to an income tax, that these rates are not too high. His district will make answer. Let me say to him that my party believes the wealth of the country ought to bear its just proportion of taxes, and the American people will yet pass an income-tax law. [Loud applause on the Democratic side.]

Mr. Chairman, I regret I have not more time to devote to this subject, but I have thrown out a few observations that may perhaps be of some benefit to the gentleman from Illinois and the gentleman from Ohio. [Applause on the Democratic side.] And permit me to again remind them that the American people demanded a fair revision. You have utterly failed to give it to them. But when November comes, as indicated by the signal guns in Missouri the other day, the Republican party and the "gates of hell" shall not prevail against the righteous indignation of the American consumers. Ah, you ask where the groaning comes in. Let me recite the story. The people agitated and won a verdict for revision of the Dingley rates below those written in that law in 1897. You assembled here last March and ignored the verdict. Those rates had proved to be far too high, and living had constantly increased. On cotton manufactures the rates exceeded 53 per cent. You increased them more than 10 per cent in the Payne-Aldrich bill. The woolen schedules exceeding 59 per cent and admitted to be exorbitant, you refused to change. They should have been reduced 40 per cent and more. The steel and iron schedules should have been cut from their exorbitant basis more than 50 per cent, and many articles covered therein placed on the free list. Lumber should have gone on the free list. And so with iron ore, bagging and ties, agricultural implements, and everything competing with a trust-controlled article. *You are challenged to show where you have lightened the burden of the American farmer and consumer. You make his cotton free and tax him to death on lumber, his plows, implements, cutlery, clothes, hats, shoes, socks, furniture, cooking utensils, building*

material, glassware, hearses, coffins, and practically everything he eats, wears, and needs from the cradle to the grave.

You have ground the 40 per cent of our population living in the country into the very dust for the benefit of a few. Many have been forced to abandon their calling on the farms by your increased cost of living to seek more remunerative employment in the business centers. In other days more than 90 per cent of our people lived in the rural precincts, and their calling was more profitable. They have borne your burdens patiently, but they will turn and retrieve their wonted prestige. It is true the farmer is getting fairly good prices at the farm now, but the extortion and charges almost akin to robbery prevailing throughout America are fixed by monopoly, trusts, and other dealers after the products have left the farmer. Ah, Mr. Speaker, the issue is at hand, the hour has struck, and the American toilers and consumers are demanding a fulfillment of seductive avowals. Imbued with conscientious regard for the rights of property and honestly accumulated wealth, I enlist here now under the flag of those marching to certain and permanent victory, vindicating the imperishable principle of absolute equality under just and humane laws. [Loud and continued applause on the Democratic side.]

Mr. PERKINS. Mr. Chairman, I yield one hour to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman and gentlemen of the committee, the other day in speaking in the House I had occasion to call attention to some applause from the Democratic side which punctuated certain references in my remarks, and I asked why it was that Democrats in the mass always applauded a reference to misery or misfortune. Again I ask that question to-day, Why it is that Democrats in the aggregate, in their political capacity, always applaud a reference to misery, misfortune, or disaster, and why is it, Mr. Chairman, that they are louder and more tempestuous in their applause the older and more incorrect the tale of suffering and disaster is? [Applause on the Republican side.] But, Mr. Chairman, the Democrats of the House exceeded all their previous records in this line to-day. Some of you gentlemen are fathers and some of you, I know, are grandfathers. You can go from this session of the House to-day with a new tale to your wives and children. You can gather them about you, and you can say: "Ah, but we had a grand old Democratic time in the House to-day. Oh, it was splendid; it would have done your hearts good, you mothers and little children, to have been there.

"The gentleman from Texas [Mr. HENRY] raked up an old report of the school board of Chicago, two years old, at a time when the city was suffering from the panic of 1907, and he read a statement to the effect that little children, little, helpless, suffering children in that city had to go to school hungry, and we received that with tempestuous applause, the more impetuous of us pounding on our desks and stamping our feet. Oh, my wife and children, was not that a glorious time for the grand old Democratic party?" [Applause on the Republican side.] "And when he got the number of suffering children up into the thousands we applauded still louder, and when he got the tale of suffering two years old into the tens of thousands, our men went wild and jumping mad with glee. Oh, my wife and children, it was a glorious occasion, a triumphant occasion for the party of misfortune, distress, and national disaster." [Applause on the Republican side.]

So much for that phase of the gentleman's discussion of the Payne tariff. In all the large cities we have, as the Good Book says, the poor always with us. There is where the glorious rural districts of Texas are ahead of the great cities. But we do our best to take care of them, and the condition of some two years ago, as I said when we were discussing this matter the other day, does not exist at the present time.

Furthermore, the gentleman from Texas, if he had been familiar with some of my public utterances—some of them, I am glad and proud to say, given before a great educational institution in the South—if he had been familiar with some of my public articles, with some of my addresses in the city of Chicago, he would have known my views about the treatment of children in the public school. He could have mentioned my suggestion to the school boards of the great cities of the country, and I will give it to him now for the benefit of the large cities that are going to grow up in his splendid State. It is this—and in dealing with public schools I push aside absolutely the objection that anything that we can do for the welfare of the children is in the nature of paternalism:

I say children in public schools, whether they are the children of millionaires or the children of paupers, are just like canary birds—they are always restless and they are always hungry—and in no public school ought a child to be either cold, thirsty, or hungry. Just as you would put a furnace in a school, just as you would put a water cooler in a school, so in every schoolhouse in every city of the world there should stand convenient for all a cooler of pasteurized milk and a barrel of crackers, so that every child could help himself freely. These are my personal views of our duty toward children in the public schools. I hope they will meet the approval of my friend from Texas when those large cities grow up in his State, as they surely will, but do not attempt to make the Payne tariff that was passed six months ago responsible for conditions that prevailed two years ago.

Mr. AUSTIN. I wish to ask the gentleman from Illinois if it is not a fact that the English Parliament four years ago passed a law giving the municipal authorities permission to use public funds out of which to feed school children in free-trade Great Britain?

Mr. BOUTELL. Oh, yes; and not only that, but in a great many other cities of the world hungry children are taken care of in this way. But to say that there are any hungry children now, anywhere in this country, owing to any national legislation is of course pure moonshine. It is simply idle talk for possible political advantage.

Now, Mr. Chairman, I come to something which I refer to with considerable hesitancy.

Mr. HARDY. Will the gentleman permit a question?

Mr. BOUTELL. I prefer not to yield at this time.

Mr. HARDY. I just want to ask——

Mr. BOUTELL. I must decline to yield until I have answered the gentleman from Texas to some extent; then if time is granted to me I will yield to any extent to gentlemen of the minority.

As I was saying, I shall now have to refer to a matter which I allude to with considerable hesitancy, because gentlemen on the other side of the aisle from the South know the feelings I have regarding that section; with what pride and joy and satisfaction I have looked upon the developments that have taken place in that part of the country under Republican policies. When I spoke in reply to the gentleman from Texas [Mr. HENRY] the other day I wanted to adopt the simplest form of common-law pleading; and if we had a judge here—if we could refer it to my friend from Missouri [Mr. CLARK], the leader of the minority, as a judge—I would like to have him decide as to whether in the argument of the gentleman from Texas the pleadings have been adhered to. In brief, the pleadings are: The gentleman from Texas said that the whole country was groaning under the burdens of the Payne law. That is his declaration. Here is my answer: The whole country is not groaning under the burdens of the Payne law. The part of the country that the gentleman from Texas knows most about is his own district and his own State. The eleventh district of Texas and the State of Texas are not groaning under the Payne law, because they are not groaning at all. Now the gentleman from Texas admits that there is no groaning in his State, but he asserts that the Payne tariff, passed in 1909, is now causing distress in my city because children went to school hungry in 1908. I submit that this is not good pleading.

I think it was abundantly proved by the papers published in the strongholds of Democracy and in articles from a great southern nonpolitical trade journal that nobody is groaning in Texas on account of the Payne tariff. But I was interrupted in the course of my remarks ten days ago by my friend from Texas [Mr. STEPHENS], now sitting in the front row of the minority, who, when time was yielded to him by me during my remarks, stated that the prosperity in Texas was not caused by the Payne law. I did not say that it was. That it was not caused by Republican legislation. I did not say that it was. I had simply traversed the statement of the gentleman from the eleventh district that there was groaning in his State. The gentleman from Texas [Mr. STEPHENS] said that the prosperity there was in spite of Republican legislation, and it was due to the fact that Texas had had a Democratic state government since 1872, and that that was the cause of its prosperity. That I must now dispute and give my proof.

Mr. STEPHENS of Texas. Will the gentleman permit me? We had had Republican adversity from 1866 to 1872, and groaned under it, and that we had grown since that time and prospered more than any other State of the Union.

Mr. BOUTELL. When the gentleman from Texas [Mr. STEPHENS] made that statement on the former occasion I held in my hand proof to the contrary. I refrained from using it. I have it in my hand to-day, and I will give to the gentleman from Texas [Mr. STEPHENS] and to the gentleman from the eleventh district an opportunity now to withdraw their statements and expunge them altogether from the RECORD that

Texas was always prosperous under a Democratic state government, and that its prosperity was due to that Democratic state administration.

If the gentlemen do not care to withdraw that statement, they compel me to answer it. I will prove by the governor of Texas that in 1895, two years after a Democratic national administration had been elected to cooperate with the Democratic state administration that had been carrying on the affairs of Texas for twenty-three years, the school fund of the State of Texas was bankrupt, and that the general fund of the treasury was empty. Do you wish me to go into the details, or will you now withdraw your statement?

I hold in my hand the remarks made by Speaker T. S. Smith, of the house of representatives of the Texas legislature, on January 8, 1895, just two years after the inauguration of Cleveland and disaster: [Laughter and applause on the Republican side.]

In my judgment we are confronted with the gravest conditions and the heaviest responsibilities that have been before the legislature of this State in many years.

What did those ominous words presage? I now read from the annual message of Hon. C. A. CULBERSON of January 16, 1895, a man whose word no one in Texas would gainsay:

The indebtedness due the State on the available school fund and the general revenue has grown to such proportions as to necessitate vigorous efforts to collect it. It is also absolutely essential to reform existing methods of collection and, wherever just and advisable, to resort to new sources of taxation and revenues. The duty which confronts the legislature upon these measures is urgent and imperative.

Among the elements of the permanent school fund are $15,000,000 in land notes, and the interest on them, together with leases of school lands, are principal sources of the available fund out of which the schools are supported. During the past few years, partly from inefficient collection agencies and partly from financial depression, arrears of interest have so greatly increased that the state treasurer on August 21, 1894, estimated the total deficiency in interest and leases on August 31, 1895, less forfeitures on land sales for 1887, at $761,889.25 and the comptroller at $956,889.25. The treasurer now estimates this deficiency at $1,000,000 on January 1, 1895.

In addition to the unpaid interest there is due the school fund, excluding the insolvent list, $222,196.17 for delinquent school taxes from 1873 to 1886, and the sum of $174,070.88 from 1886 to 1893, inclusive, aggregating $396,228.82, less uncertain and inconsiderable amounts paid in redemption of land sold for taxes for these years.

The delinquencies in the general fund are especially significant—

Listen to this my friends. This is especially significant:

From 1873 to 1886—

Years in which the Democrats were in complete control of the State—

From 1873 to 1886, excluding the insolvent list, taxes were unpaid amounting to $301,845.46, and from 1886 to 1893, inclusive, the sum of $230,531.55, aggregating $532,127.03, less receipts in redemption of property, $201,890.46, leaving the net delinquency $330,236.57. A small portion of the redemption receipts represents payments for school purposes, but the total of all taxes is the same and the several items approximately accurate. The delinquent poll list from 1886 to 1893, reported insolvent, is $1,826,302.79. From this statement it will be seen that the total delinquent tax lists, including ad valorem, school, and poll, reaches the extraordinary sum of $2,052,765.88.

FINANCIAL CONDITION OF THE PUBLIC SCHOOL.

For the year 1893–94 there was a deficit of $606,018.45 in the apportionment, which has not been paid, but which, with a subsequent deficit, amounted on August 31, 1894, to $659,468.50.

How about the general fund?

THE GENERAL FUND.

The condition of the treasury as to the general revenue is also exceedingly embarrassing. In May last it appeared that there was an excess of expenses over the receipts for the year ending August 31, 1893, amounting to $302,837.41. In September it was estimated by the comptroller that the receipts from all sources for the year ending February 28, 1895, would be $2,125,000, which added to $47,693.05 cash in the treasury aggregated $2,172,693.05. The disbursements for that year were estimated at $2,300,000, making a deficit of $127,306.95, which added to the estimated deficiency in appropriations of $200,000 created a deficit of $327,306.95. The situation now, as reported by the comptroller, is far more serious.

I would call the attention of the gentleman from the eleventh district [Mr. HENRY of Texas] to this:

Instead of a deficiency of $327,306.95 it is $768,329.48. In his report for 1894 the comptroller shows that on August 31, 1894, there was a cash balance in the treasury of $38,443.85, and outstanding registered warrants amounting to $430,993.57. This cash balance was called "absorbed warrants," not included in the registered warrants mentioned, and consequently at the time named the treasury was empty, and there was an outstanding registered indebtedness of $430,443.85. On the 14th of this month the treasurer reported that this outstanding registered indebtedness had increased to $573,015.34. In addition to this the comptroller reports that for the past year there were registered and estimated deficiencies amounting to $195,314.14, which made the total indebtedness on January 14 $768,329.48, as above stated, with no balance in the treasury to general revenue. It is also shown by this officer that the appropriations asked for by the heads of departments, state institutions, judiciary, etc., for the two years beginning March 1, 1895, aggregate $5,251,085.40, while the net receipts under present tax rate and laws are estimated at $3,863,359.50. If the legislature should make the appropriation asked, there would be a deficit of $1,387,725.90 for the two years besides that now existing, and would require the tax rate to be raised to 30 cents for the year 1895 and 25 cents for the year 1896.

That, gentlemen of the committee, is the actual situation in the State of Texas, after twenty-three years of continuous Democratic administration of the state affairs, and after two years of Democratic administration under the last Democratic President.

Mr. Chairman, I would not have alluded to this past history of the State of Texas under Democratic national and state administrations if I had not been forced to do so by Representatives from that State and if there was not a more cheerful sequel to the story. I believe in looking for the bright things of life. I believe in looking for those things which benefit and help mankind, and I will read now from the message read in the house of representatives of the Texas legislature in 1901, by Governor Joseph D. Sayres, four years after Cleveland and disaster had been supplanted by McKinley and prosperity. [Applause on the Republican side.] And it tells a different story in the State of Texas. It shows what could be effected by national policies, which could not be done by the state administration.

In his message read in the house of representatives of the Texas legislature on January 8, 1901, Governor Joseph D. Sayres said:

It is indeed gratifying that you have convened under circumstances so auspicious.

Excepting not more than 15 of the 243 counties—organized and unorganized—into which the State is divided, prosperity prevails in them all to an extent not exceeded in any year of their history.

Abundant crops, with a remunerative market, have well rewarded the husbandman, and never before has the demand for labor—skilled and unskilled—been so great and universal or the compensation of wage-earners more satisfactory.

The cattle and sheep industries are prosperous, railway construction has been actively renewed, and manufacturing enterprises of many kinds are being inaugurated.

Money has become more plentiful and its circulation more general, resulting in a marked decline of the interest rate.

A desirable immigration is being attracted in large numbers through the healthfulness of our climate, the fertility and freshness of our lands, and the many opportunities that here await industry, economy, and thrift.

The resources of the State in all their variety, wealth, and abundance are unknown even to ourselves, but with the continuance of present conditions—

Namely, a Republican tariff and a single gold standard—

Though for a few years only, and with a prudent and conservative administration of the public affairs, such development may be safely anticipated as will not disappoint the most sanguine expectations.

Gentlemen, we gave that permanency of affairs, and the expectations have not been disappointing.

With the construction of the Isthmian Canal—

Not a Democratic state policy—

nothing except inexcusable folly in matter of government will prevent this Commonwealth taking within the next two decades the foremost place among the States of the American Union.

It will also be gratifying to know that the administration of the state government has, during the past two years, given to the people the best service possible.

That was after four years of Republican national administration, undoing what twenty-three years of Democratic administration had brought about, an insolvent school fund and an empty treasury. [Applause on the Republican side.]

We come down four years later. Now, let me read some inspiring words uttered in Texas on the 10th day of January, 1905, by the Hon. H. P. Breisford, of Eastland County, nominating F. W. Seabury, of Starr County, for speaker of the house. Remember the date, 1905, after eight years of the Dingley tariff law and the financial bank act of March 14, 1900:

Present conditions do not demand, will not permit, legislative convulsion.

The great cattle industry of northwest and west and southwest Texas sturdily stemming the current of depressed values; the planters and farmers of the black and red and sandy lands whose good sense at last has checkered the wide spread of the cotton fields with truck patches and alfalfa and corn; the great railroad interests of Texas, with a total mileage now greater than any other State; our banks and trust companies, whose vaults are teeming with dollars not borrowed from the North and East, but the savings of a prosperous people; all of these great factors in the prosperity of grand new Texas sends to us a message set to the new music of whirling looms and spindles and ringing hammers and the clanking machinery of new factories, and the message is: "Let us have peace."

[Applause on the Republican side.]

I did not suppose there were any standpatters in Texas five years ago. [Laughter and applause on the Republican side.]

A prosperous people is a conservative people, and when Texas struck a balance sheet at the end of the year just gone her people found reason for exultation.

No one who has lived in Texas long enough to become acclimated has doubted the almost illimitable wealth of her resources or has failed to note the steady and resistless trend toward her destiny as queen regent in the imperial sisterhood of States.

I think, gentlemen, I have brought the story of prosperity in Texas down to the present day in the extracts I read in the House a little over a week ago. A Democratic state administration for

twenty-three years brought Texas just to the verge of bankruptcy in 1893. A national Democratic administration for two years pushed Texas right over the verge in 1895 until she was toppling in irretrievable financial panic, and the Republican party brought her back to prosperity. And what the Republican party did for Texas she did for the entire South. [Applause on the Republican side.]

Now, Mr. Chairman, the turn given to this debate by the gentleman from Texas compels me to perform a still more painful task. I must appeal from the Democratic statesman to the Democratic man of business; from the Texas politician to the Texas man of business.

During the last campaign I met a gentleman from Texas with whom I discussed many of these conditions, and I naturally said to him as we got more or less intimate, "How are you going to vote down in Texas this year?"

Oh, well—

He said—

you are touching now on a rather delicate subject, but I will say this much to you, when we vote, of course we vote the Democratic ticket, but we pray that the Republicans will win.

[Laughter on the Republican side.]

That was the sentiment of a Texas business man.

Now I am going to make an appeal from the Texas statesman to the Texas man of business. I hold in my hand a printed copy of a speech entitled "Texas prosperity," an address delivered by J. O. Terrell, of San Antonio, before the national meeting of the Commercial Secretaries' Association at San Antonio, Tex., December 10, 1909, and on the fly leaf of this pamphlet, which is one of the most interesting I have read for many months, is this sentiment in quotation marks:

The land that produces and sells raw materials is rarely prosperous or happy.

After an eloquent allusion to prosperity, I come to this language on the second page—and let me say that this speech is so good I am going to put it all in the RECORD; but I must read a few paragraphs now to show the difference between the opinions of the southern man of business and the southern statesman, between the Texas man of business and the Texas statesman:

Texas surpasses all of her sister States in the production of cotton, rice, cattle, and demagogues.

[Laughter on the Republican side.]

Her cotton is largely shipped to other lands, where it is manufactured and sold by the purchasers at a great profit. Her cattle and rice feed the world. Her demagogues are reserved solely for home consumption, and appear to be as useless and prolific as the house fly.

[Laughter on the Republican side.]

Let me say before I go any further that I want to absolve every Member of the Texas delegation in this House from any criticism in this address. I want to take literally what the author says about Texas demagogues, that they are reserved exclusively for home consumption, and that they do not come as Members from Texas to this House. [Laughter and applause.]

There is no demand for them anywhere, because all lands are overstocked, and human thought stands appalled at an effort to ascertain a reason for their existence.

Some one has said that the demagogue was created to make the world humble, because he always endeavored to keep it dissatisfied.

He is found in every community, and whatever be his fault he can not be accused of a lack of industry. Everywhere he is constantly telling the people that they are being cruelly robbed, that they are absolutely at the mercy of more favored sections, that their rulers are corrupt, that government is a farce, and that justice has no temple on the earth.

He has thus talked so often and so long to the people of Texas that in many places he has become enthroned as a deity, worshipped as a statesman, and loved as a patriot. Whole communities listen with bated breath when he speaks, and admiring parents point him out to their children as the lofty spirit who constantly shields them from the oppression of the world. It goes so far that many of our people believe that they are in danger of becoming white slaves, and some of them actually glory in the faith that they are downtrodden and oppressed. There used to be an old man in eastern Texas who, when one inquired how he was getting along, always answered, "Poorly, poorly, thank God."

[Laughter.]

It is really strange that our people listen to the demagogue, but they do. It is stranger still that they elect him to office, but they do. It seems clear that they prefer to be told of their misfortunes than to be told of their faults. The demagogue tells them that they have no faults but many misfortunes, and they believe him. He weeps with them and they vote for him. He tells them that the corporations are thirsting for his blood and they fly to arms in his defense. They do not seem to realize that he is an 18-karat fraud, and 16-to-1 hypocrite, and that he is the most expensive nuisance that ever beset a State.

[Applause and laughter on the Republican side.]

He has cost Texas more money than all the tariff sheets ever invented.

[Applause on the Republican side.]

He has done her more damage than all the armies that ever marched against her, but "with all his faults she loves him still."

[Laughter and applause.]

I assert to-day that Texas is, in climate, soil, and productiveness, the "Garden of the Lord," and that if in any particular she is behind any sister State the cause of the default is in her laws or in the demagogues who make or execute them.

So much for a Texas business man's opinion of what a Democratic state administration is doing for Texas. Then he goes on to enter into the reasons why Texas is not even more prosperous than she is, that more money of the country should be invested in cotton factories and other industries. Then he says:

We sell cows and buy butter. We sell steers and buy beef. We sell fruit and buy preserves. We sell hides and buy leather. We sell wool and buy blankets. We sell cotton and buy calico, and then we stand up like brave men and cuss old man ALDRICH and the little State of Rhode Island.

[Applause and laughter on the Republican side.]

Would that we could sell a great many demagogues and buy a few statesmen. To be plain about it, I would like to purchase ALDRICH himself and keep him down here a few years.

[Applause on the Republican side.]

I believe it would be a great investment. He would certainly turn things upside down. I would enjoy hearing those New England "Yankees" groaning and complaining that the South was getting all their money.

Gentlemen, do you wonder that the South is dissatisfied? Are you surprised when you hear complaints? Do you wonder that her newspapers are constantly telling of her woes? Whose is the fault? Where is the cause, and where is the cure? Can the conditions be reversed by constantly abusing the northern manufacturers? We have tried that plan for more than a quarter of a century and our hearts are weary.

Can hope come from special laws intended to benefit our farmers? Our statutes are reeking to-day with such legislation. Even as discontented a man as Mr. D. J. Neill, the late president of the Farmers' Union, declared over his signature last year that "the farmers of Texas have no cause to complain of the government of Texas."

Can it come from political conventions, from silver-tongued orators, from high-sounding platform declarations? Alas, we have already had more of those things than any other land under the sun.

Can we reach it by abusing the trusts? The trusts care but little how we abuse them so long as we continue to buy from them. Has anyone quit buying from them? We will not permit them to do business in Texas, but we send them our dollars just the same. If we had a few trusts ourselves, they might worry the people of some other State, but they would bring their money here. They would create a balance of trade in our favor. I have noticed few complaints of the trusts from the States in which they are situated. An old farmer friend once declared to me in a confidential way that most of his troubles arose from the fact that he paid more for the things he bought than he received from the things he sold. He seemed surprised when I told him that much of the trouble of the world arose from the same cause. That is the ailment of Texas to-day.

And yet the case is plain and the remedy is easy. Build factories in the Southern States. Do not wait for a new generation; build them now. Let their smoke arise like incense; let them double and treble the value of our raw materials, and let the money of the South remain at home. Do you know why this was not done long ago? I answer, the demagogue. Demagogues and factories do not flourish in the same soil.

[Laughter and applause on the Republican side.]

Then he goes on to give a business view of how the laws could be framed in Texas so as not to drive away investments from the State. He then proceeds:

All this time, however, you could console yourself by listening to the silvery voice of the demagogue crying, "Hurrah for grand old Texas! Hurrah for the people! Down with the trusts! No corporation can ever fasten its fetters on grand old Texas."

Yes; we give great encouragement to manufacturing plants to locate somewhere else, and they generally do it.

The trouble with many of our laws is that they do not help, but hinder. By keeping the manufacturer away they lessen the farmer's profits, but our national resources are so great that he can probably survive the loss. The serious point is that it teaches him bad morals. One great fundamental truth should guide all legislation. It is, that while grass grows and water runs, we should have the same laws for all classes of men. No logic can evade this sublime declaration. It is unanswerable, because it is right. It was right in the "morning of the world." It was right when Mary's Son walked beneath the bending palms of Palestine. It is right to-day.

When we turn from it we begin to pass laws to please the majority and to injure the minority. We begin to quote that pernicious phrase about giving the "greatest good to the greatest number." We begin to forget that statesmanship in every age has found its noblest duty in the protection of the few from the rapacity of the many.

Once started on this line we know not where to stop. Sometimes we endeavor to pass laws that will permit us to do things which they forbid in others. Sometimes we realize that such laws might be unconstitutional, and then we pass them to apply to all, but only enforce them against others. Of this condition it can only be said that it sears the conscience of any people who permit its existence.

Take, for illustration, the present trust laws in Texas. Are they being enforced against farmers? You read almost weekly of great meetings that fix the price—

Of what, Mr. Chairman—

You read almost weekly of great meetings that fix the price of cotton and cotton seed at abnormal prices. Do you read of any indictments against the men who fix the prices? Do you hear of any of the young gentlemen in the Attorney-General's office traveling over the State and endeavoring to stop the fixing? Never! These young gentlemen are traveling over other States searching for evidence to convict other people from putting up prices on things we buy. They appear to think

that it is entirely proper to combine and put up prices on the things we have to sell. Do you think it is virtuous to put up the price of cotton seed and a crime to put up the price of oil? Do you think that it can be commendable to agree to put up the price of wheat and a sin to agree to put up the price of lard when both of them go into the same biscuit? If you think so, you need a new conscience. People of Texas, such laws injure you more than anyone else. It is true that you may occasionally put a little money in your treasury by such practices. You may take a million or so from an oil company and rob its stockholders of their property. You may fine the manufacturers of machinery and drive them from your State. You may collect a few dollars now and then from various business men who attempt to do what you are doing, but you can not repeal that sublime text: "Whatsoever you would that men should do unto you, do you even so unto them."

It does not pay to be unfair. Leaving aside all questions of morality and justice, it does not pay even from a monetary point of view. Kerosene oil furnishes light for the farmer's home. Do you think it will go down in price when the Waters-Pierce Company is finally dismantled? You are still buying harvesting machinery. Has the price gone down? You are still buying all sorts of manufactured articles. Have your servants at Austin reduced prices upon them? Do not you really think it would be better business sense to bring the manufactories down here, take a little stock in them, sell them some supplies, and make money in fair trade with them, instead of continually persecuting them for doing exactly what you are doing? Do you realize that if they were here our money would be kept at home and that you would occasionally see some of it a second time? What good are our state antitrust laws doing? I will give any one of you a week to answer that question, and it will then remain unanswered. Now, do you know what would happen if they were repealed?

First. Men from everywhere would hasten to put their money in manufacturing plants in Texas.

Second. The personal wealth of the State would double in five years.

Third. The prices we are paying for manufactured articles would be promptly and greatly reduced.

But what would then become of the demagogue? All the old issues are frozen stiff. What would he talk about if the trust issue should go like greenbackism, free silverism, and all the others isms have gone? Perhaps he could still appeal to the "man in the forks of the creek." The fork dweller has become quite a character in our politics. Frequently he lives on the hills, but for campaign purposes we always locate him at the forks. He is supposed to be absolutely impervious to reason. He is the old guard in the battalions of ignorance. The demagogue is the only connection he has with the world. He believes what the demagogue tells him, because his ears have heard no other sound.

The periods of the orator, the tables of the statistician, the wit of the essayist, have no more effect upon him than has the dew upon the pyramids. Perhaps if the trust issue were buried the demagogue could talk to him about the public-school system of Texas, for the poor fellow actually believes that Texas has a good public-school system. This is the most cruel delusion that the demagogue has fastened upon him. I believe I will demolish it here, because there can be no real prosperity anywhere without educating childhood. Texas has a fair public-school system in all of her cities, in some of her towns, and in a few of her villages. In her country school districts she has the poorest school system of all the civilized countries of the earth.

[Laughter on the Republican side.]

Mr. Chairman, I have put all of that pamphlet into the RECORD, so that all that this distinguished Texas business man has to say on the situation can be examined in connection with these few pointed and searching extracts which I have read.

Mr. STEPHENS of Texas. Will the gentleman also state that the man who made that speech is a Republican and a member of the Republican state committee?

Mr. BOUTELL. Gladly; for I did not think there was a Democrat in Texas capable of making such a speech. [Laughter on the Republican side.]

Mr. Chairman, I want to say about this whole controversy that has been brought up by the gentleman from Texas [Mr. HENRY] that I hope we will not have to allude to it again during this session and that we can pass on to more important matters. The gentleman from Texas [Mr. HENRY] and the gentleman from Tennessee [Mr. HULL] have each made the mistake in discussing the present Payne tariff of using the language of excited and inflamed imaginations for describing what their hopes would lead them to wish for, instead of a reasonable discussion of the facts in the case. Observations upon a law of the land, made in that spirit outside of this House, deserves no attention whatever from anybody, as they would influence nobody except the man who dwells in the "forks of the creek." They are absolutely of no value to a reasonable and thinking man. But when such criticisms in such inflamed and exaggerated language are used on the floor of this House they must be answered. Mr. Chairman, in replying to the first speech of the gentleman from Texas [Mr. HENRY], who said that the people of this country were groaning under the Payne tariff, I simply made the straight denial that they were not groaning under the Payne tariff, because they are not groaning at all.

Now, the gentleman from Texas comes back to-day and gets upon the subject of prices and trusts and prosecutions and some other general matters that are about as far removed from the Payne tariff as the speeches of the demagogue to which our Texas business man alludes.

I have in my hand an article from the Austin Statesman, and if the Austin Statesman is anything but a Democratic newspaper I would like to have some gentleman from that Lone Star State explain what kind of a paper it is. I did think at first that I would read the article in full, but I am not going to do it, because it mentions the names of two Members of the Texas delegation whom I do not see present in the Chamber. I do not know whether this article expresses their views. If I had their consent, I would insert it in the RECORD, but without being able to see them and without being able to ask their permission, I am not going to read it in full so as to mention them by name. I have no quarrel, personal or political, with any Member of the Texas delegation until it appears that the generation of the men at the "forks of the creek" have disappeared and that a Republican can be elected, and then I will have a political quarrel in every district where that is likely to happen. Then I would be glad to go down to Texas and argue the matter.

But I do not wish to place anything in the RECORD which may interfere with the political plans of any Member of that delegation, or give an advantage to an opponent of his own party, and so I shall not read the names in this editorial, which is entitled "Free Cattle." I asked the gentleman from the eleventh district if he was in favor of free cattle and free rice and other articles which the papers of Texas, of Democratic complexion, favor placing a duty upon. I induced him to say that he would vote for the immediate repeal of the duty on rice. I am not sure that I quote him correctly in saying that he favored the immediate repeal of the duties on cattle on the hoof. I did understand him to finally say that he was in favor of free cattle. This article I hold in my hand refers to a bill which seeks to abolish the tariff duty on cattle and animals used for food, and says, "This bill is a scheme to place more money in the coffers of the beef trust," a bill introduced by one of the Texas delegation, and the exact language of the bill is:

Provided, That after the passage of this act all cattle and animals used for food purposes, whether live or dressed, shall be admitted free of duty.

And then the article goes on to state that another Representative from Texas was instrumental in sending this bill to the pigeonhole, after showing that to repeal the law levying a duty on cattle would be to extend a monopoly now enjoyed by the beef trust, and I took it from some of the outpourings of my friend from the eleventh district of Texas that he is not in favor of doing anything which would still further intrench what he is pleased and this editorial is pleased to call "the beef trust." This paper is opposed to the repeal of the duty on cattle, and the closing paragraph is illuminating:

The tariff question is becoming so complicated that few men know where they are at.

That is a great admission for a Texas Democrat.

Free hides did not reduce the price on shoes and other leather products, and the reduction of the tariff on lumber failed most signally to give us building material at a less price.

And in other editorials which I have here you find the same sentiments. One of them closes with this paragraph:

Texas is no longer for free trade.

Of course it is not. Texas wants a duty on rice and cattle and wool, and on other objects in which her people are interested. I said at the opening that it was wonderful how Democrats in the aggregate always applauded any allusion to misery, misfortune, or disaster. It is equally surprising to me that Democrats in the aggregate are always ready to applaud the unreasoning abuse of anyone, and no louder applause came from the other side of the House than in the threat which was made by the gentleman from Texas to put the officers of the beef trust in the penitentiary. I asked him in all sincerity what he meant by the beef trust? With some considerable scorn and ridicule he expressed a surprise that that question should come from a Representative from Chicago. The gentleman used the expression and it was used in the newspaper article to which I referred. I asked the gentleman in all candor what he meant by the beef trust? I ask it of him again. I ask it of the gentleman from the San Antonio district, who interrupted my remarks ten days ago and said that they would have greater prosperity in Texas if they could send somebody connected with the beef trust—I do not know but that he said the big four—to the penitentiary. I will ask the gentleman again what he meant by "the beef trust?" I will ask any gentleman who uses the expression what he means by the "big four?"

I do not know what they meant by either one, and I will say, Mr. Chairman, that in the discussions before the Committee on Ways and Means we often asked that question, and in our consultations, too, and some one would begin and say, "Why, the beef trust is So-and-so and So-and-so, you know," and that is as far as he would get, just mentioning two names. Well, two is not a very big four, and so when this abuse is being hurled at the beef trust and the big four, I say it is irrational, because it is indefinite, so long as the men who use the terms refuse to

tell what they mean by them. But when the gentleman from the eleventh district and the gentleman from the San Antonio district refer with scorn to people of my district, thinking, perhaps, that some one connected with these organizations, the name and nature of which they can not or will not disclose, live in my district, I have this reply: Do not use that language if you expect to influence anybody but the men on the hill and the men "in the forks of the creek." If you mean anything by the beef trust, say what you mean. If you mean anything by the big four, say what you mean. When you rise here on your responsibility as a Member and say that you are going to send the officers of the beef trust to the penitentiary, name what you mean, and if you think they are individuals in my district, name them.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PERKINS. Does the gentleman from Illinois desire any more time?

Mr. BOUTELL. I should desire a little more time.

Mr. PERKINS. How much more time does the gentleman desire?

Mr. BOUTELL. I think about ten or fifteen minutes.

Mr. PERKINS. Mr. Chairman, I yield fifteen minutes more to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. We do not add at all to the information that goes to the country, we do not add at all to the dignity of debate in this House by this irrational abuse of corporations which can not be specifically named, individuals who only appear in the excited imagination of the men who make the charge. But as long as the gentleman from the San Antonio district and the gentleman from the eleventh district have referred to individuals from my State in speaking about Texas and Texas prosperity, I take pleasure and pride in alluding to the fact that Texas does owe a debt of gratitude to one man of my district, a man whom I had the honor, after many interims, to succeed on the floor of this House. It was a man who previously represented my district on the floor of this House and afterwards the State of Illinois in the Senate who built the magnificent statehouse of the State of Texas in their beautiful capital city—the late Charles B. Farwell.

I want to tell the people of Texas another thing about these days of prosperity which have dawned for them. I want to say that three Chicago men have done more than all other agencies put together, with the exception of the railroads, to carry the settlement of Texas back from the coast line, to raise the values of your farm land, to give you the present price of wheat, corn, oats, barley, and rye. These three men are the inventor of the reaper and of farming machinery, who resided not only in my district but in my own ward, a name that will be honored for all time to come, when the names of generals and admirals and statesmen are forgotten—Cyrus H. McCormick, the inventor of the reaper and other farm machinery. [Loud applause on the Republican side.] The other two are those who established the packing plants in the South and West and helped to found the great Chicago houses and gave value to the Texas steer on the range—Philip D. Armour and Gustavus Swift. These three men from the city of Chicago, all now gone to their reward, are men whose names are to be remembered with gratitude by every citizen of the State of Texas, and by every man who owns an acre of farm land, wherever it is.

Now, Mr. Chairman, I will bring my desultory remarks to a close.

Mr. HARDY. Will the gentleman allow me? I would like to correct a statement which the gentleman made in his colloquy with my colleague [Mr. HENRY of Texas] by reading the quotation of the price of beef. The gentleman spoke of cattle on the hoof bringing $10 in Texas. I have the quotations of January 21, and I find this quotation of cattle prices at Fort Worth, Tex.:

Beef steers, choice quality, averaging 1,169 pounds, brought $6 on a higher-priced basis, with good demand. Butcher stock, market active and strong to higher; a part load, showing good quality, sold at $4.35, while the carload topped was $3.60.

Mr. BOUTELL. Is the gentleman in favor of repealing the duty on cattle?

Mr. HARDY. These were the prices, instead of $10, which the gentleman was talking about, that lead to the present high prices of beef.

Mr. BOUTELL. I was asking the gentleman from Texas if he was in favor of repealing the duty on cattle.

Mr. HARDY. I would repeal the duty on everything to eat. [Applause on the Democratic side.]

Mr. BOUTELL. Of course, including rice and sugar.

Mr. HARDY. Yes.

Mr. GAINES. Will the gentleman permit me?

Mr. BOUTELL. I wanted to answer what the gentleman said about the price of cattle; but I now yield to the gentleman from West Virginia.

Mr. GAINES. I want to read from the Washington Post of February 7—yesterday, I believe:

Swift & Co.'s sale of fresh beef in Washington, D. C., for the week ending Saturday, February 5, averaged 8.2 cents per pound.

In view of the price stated in Chicago, that by the gentleman from Texas for beef on the hoof in Texas, and the price at which it is sold by the Chicago people in Washington, it would seem that there is not, after all, so great a profit upon the steer.

Mr. CLARK of Missouri. I would like to ask the gentleman from West Virginia if he has been buying any beefsteaks in Washington lately? [Laughter on the Democratic side.]

Mr. HARDY. Just allow me for one moment. I wish to say that if a Texas steer costs 10 cents down there, and it is taken to Chicago and sold at 8 cents, that reverses anything I ever heard of.

Mr. BOUTELL. The gentleman from Texas will find when I go into the matter of prices, which I promise myself the satisfaction of dealing with some time soon, he will find a great many illustrations of where things are sold for less than they cost. They are sold at less than they cost to the retailer. I have here a circular from a Washington market that is selling the best granulated sugar at 5 cents a pound, and that granulated sugar cost him $5.35 a hundred pounds. So that it is not at all extraordinary to find cases where goods are selling at much less than they cost the trader.

I must decline to yield for the present until I have answered this question. I said, in reply to the gentleman from Texas, who was speaking about the price of beef and trying to connect it with the hungry children in my city in 1908—I said that I was not at all surprised that beef was high, when heavy prime steers sold at $10 a hundred pounds on the hoof; and I say here now that there have been many instances within the last ninety days when prime heavy steers sold at over $10 on the hoof, and I can only regret that there are none of them left in the gentleman's State.

Also that there are plenty of them left in the State of the gentleman from Missouri [Mr. CLARK] if the high prices have not brought them all out, and I think he could bear witness to the fact that in his own district prime heavy steers have been held at $10, and that hogs have sold as high as $9.

Mr. HARDY rose.

Mr. BOUTELL. Let me say, so that the gentleman from Texas will not be uneasy, that I decline to yield until I have answered this question, then if I have time I shall be glad to do so. I have in my hand here a paper of November 11, 1909, with this heading:

Iowa beeves at $9.25—Chicago packer pays within 5 cents of open market top since 1882.

What a pathetic spectacle is there, Mr. Chairman and gentlemen, of the farmers in the great progressive State of Iowa holding up the Chicago packers and making them pay $9.25 last November for beef on the hoof?

I have here another paper dated November 13:

Reached the $8.20 top notch—Hog market reaches highest level ever known at this season of the year.

So my reply to the gentleman from the eleventh district of Texas was not far out of the way.

Now, Mr. Chairman, let me bring what I have to say in this desultory manner to a close. I wish to speak on this subject of prevailing prices with relation to the tariff at a later day. I shall also hope to speak about the effect of the financial legislation of the Republican party upon industrial conditions. And I am glad to know that the people of Texas have benefited as much as those from any other State from those conditions. I must use the few moments that I have left in replying categorically to a few of the questions raised in colloquy by the gentleman from the eleventh district of Texas.

Thomas Jefferson held one idea firmly to his death, namely, that he would like to amend the Federal Constitution so as to limit federal revenues to duties on foreign imports. In 1811 he wrote to Robert Gallatin, congratulating him upon the repeal of the internal-revenue taxes, and the gentleman from Missouri [Mr. CLARK] will remember, if no other gentleman on that side does, the language of that letter to Gallatin, in which he said:

I believe that the revival of the internal-revenue tax would ruin any administration that tried it.

Thomas Jefferson, the founder of what was then called the Republican party, now named the Democratic party, favored amending the Constitution so as to limit the federal revenues to duties on foreign imports. He was opposed, as a matter of policy, to every kind of an income or internal-revenue tax.

Mr. LONGWORTH. Will the gentleman permit a question?

Mr. BOUTELL. Yes.

Mr. LONGWORTH. Did not Thomas Jefferson also recommend the adoption of a maximum and minimum plan of tariff, against which the gentleman from Texas [Mr. HENRY] inveighed this morning?

Mr. BOUTELL. Quite correct, and I am going to have the pleasure of referring to that again, although I put it in full in the RECORD in my speech on the tariff when the Payne bill was originally discussed in the House.

The maximum and minimum rate in our tariff, against which the gentleman from the eleventh district inveighed, and which as great a man as Prof. Woodrow Wilson, in his article in the North American Review, says is the greatest joke in the Payne tariff, that maximum and minimum was outlined by Thomas Jefferson as Secretary of State in his report to Congress in 1793, approved by Washington and all his Cabinet, only Jefferson went a step further than we go in the Payne law. What he said in his recommendation was substantially this, and I must quote from memory: "A fair and reasonable rate to all nations that treat us fairly and reasonably. For others, an additional and higher rate, and, if necessary, prohibition." Thomas Jefferson went a step further in the matter of the maximum than we have gone, and favored a prohibitive rate, the absolute exclusion of certain goods where another country treated us unfairly. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Does the gentleman desire any more time?

Mr. BOUTELL. I should like about five minutes more.

Mr. PERKINS. I yield to the gentleman from Illinois five minutes more.

Mr. BOUTELL. So that when the Democratic party claims that the income tax is some sort of a cherished possession of the Democracy they do not know the horn books of their own party. It was repudiated by Jefferson and never taken up again until it was advanced within very recent years by one who even on that side of the House is not considered a very good historical Democrat.

Now, as to this matter of the duties on the agriculture schedule, there are duties fixed in this bill and in all recent tariffs, both Republican and Democratic, which, to my mind, have absolutely no effect in protecting the home industries. They have, as is shown, little or no effect in the revenues.

In my opinion, speaking personally for myself, the food products in the agricultural schedule, together with cattle and meats, would better be put on the free list. But you can not go into a caucus on that side of the House and get 10 men who would agree to such a schedule. So much for that.

Has the Payne tariff had any effect in advancing the prices of necessaries? I close what I have to say with just this one statement, and we will argue it out during the rest of this session, but remember my friends of the minority, do not make any mistake by talking here to the man on the hill and the man in the forks of the creek. If you do, the country will get onto you. You now talk about prices being raised by the Payne tariff. We waited eagerly for somebody on that side to fall into the mistake of making that point for possible political advantage. I am glad it was first made by a leader on that side in two different speeches—by the gentleman from New York. It has been amplified by the gentleman from Texas [Mr. HENRY] and by the gentleman from Tennessee [Mr. HULL]. Whenever the statement has been made it has been received with rapturous applause on that side of the House. We met you on that issue and said, "We will have an investigation into the prevailing high prices," and I want every possible agency that can be employed to make that investigation. I speak as an ultimate consumer myself, and I speak on behalf of the interests of the millions of other ultimate consumers. I speak for an exclusively city district; I speak for a district that is paying the high prices of the raw materials of food that come from the farmers. I am in favor of the fullest possible investigation.

Mr. HEFLIN and Mr. SABATH. Will the gentleman yield?

Mr. BOUTELL. I must decline to yield, as my time is about to expire. I would like to see the tariff experts appointed under the Payne tariff act take this up and look into the prices of imported articles. I would like to see the Senate committee look into the whole subject of prices. I would like to see a committee of this House composed exclusively of members of the minority take it up.

I would like to see an investigation into this matter of prevailing high prices made by a committee composed of one delegate each from the boards of trade of every Southern State. But you gentlemen from the agricultural districts, you do not want an investigation, and the country is getting onto your bluff. You are getting letters from your constituents, and they are saying, "We do not want any investigation that will reduce the price of cattle. We do not want any investigation that will put cattle on the free list. We do not want any investigation that will reduce the price of wheat, of corn, of oats, of rice." That is the trouble; you have made a mistake; you have put your heads into the noose, and we are going to draw it tighter and tighter, and we are going to show the country the blunder you have made in attributing an advance in prices to the Payne tariff.

I close with a statement which everybody who has studied the Payne tariff knows is true. Every man in this body ought to know it. Investigation by a commission such as I have suggested, made up exclusively of Democrats from agricultural districts, would prove it, and it would be a unanimous report of all that investigated this subject of high prices: *There is not in the Payne tariff law a single advance in rate above the Dingley rates that justifies an increase in the final retail price to the ultimate consumer of a single necessary article of food, of clothing, or of household use.* Read that statement in the RECORD to-morrow morning and ponder it. That is what the investigation will show and what you gentlemen of the minority do not want to have shown. And the agricultural districts are opposed to any agitation that threatens the present high prices of their products. [Loud applause on the Republican side.]

APPENDIX A.

Texas prosperity.

[An address delivered by J. O. Terrell, of San Antonio, before the annual meeting of the Commercial Secretaries Association of San Antonio, Tex., December 10, 1909.]

I do not think that a more useless task could be assigned to a man than that of delivering a speech on "prosperity." Prosperity speaks for itself. It is silver tongued and vocal with the inspiring melodies of a thousand harps. It is business set to music, and its refrain carries gladness to every heart. It sounds no note of sorrow.

It is "sweetness and light" to the family hearthstone and the balm of Gilead for a nation or a State. Under its inspiration the desert blooms and the waste places are restored. Its pulsations reach out to all the varied haunts of humanity and its touch adds a new ribbon to the hat of the peasant maiden and pins a plume on that of her friend who happens to be the child of fortune and aristocracy.

It comes with majestic step through the fruited cornfields, through the waving wheat, and through the cotton patch. It is seen in the herd that grazes on the hills and in the creamery that stands in the valley. It shows in the smoke that rises from factories and in the revolutions of their tireless wheels. It is heard in the clink of the dollars at the banker's counter and in the touch of the full pails that belong to the tin-bucket brigade. But it means more than this. It means more than the accumulation of wealth. It can not be measured by mere dollars and cents. It means a vast structure, with justice, virtue, morality, and intelligence as the corner stones. It means a steady growth in these great characteristics and principles. Without them any structure is built upon the sands. It finds its happiest development in the schoolroom, where red-cheeked children crowd the benches and youthful ardor masters the experience of the past and aspires to dominion of the future.

Is it here? Is it here in full-blown glory? Is its stature dwarfed or its splendor diminished? Has it brought contentment to our people, and are they satisfied with their finances, their servants, or their government? Is there any spirit of discontent floating in the air, and if so why? Texas is the paradise of bucolic production; is it the "Vale of Avoca" for the contented soul? I hardly think so, and I will tell you why.

Texas surpasses all of her sister States in the production of cotton, rice, cattle, and demagogues. Her cotton is largely shipped to other lands, where it is manufactured and sold by the purchasers at a great profit. Her cattle and rice feed the world. Her demagogues are reserved solely for home consumption and appear to be as useless and prolific as the house fly.

There is no demand for them anywhere, because all lands are overstocked, and human thought stands appalled at an effort to ascertain a reason for their existence.

Some one has said that the demagogue was created to make the world humble, because he always endeavored to keep it dissatisfied.

He is found in every community, and whatever be his fault he can not be accused of a lack of industry. Everywhere he is constantly telling the people that they are being cruelly robbed, that they are absolutely at the mercy of more favored sections, that their rulers are corrupt, that government is a farce, and that justice has no temple on the earth.

He has thus talked so often and so long to the people of Texas that in many places he has become enthroned as a deity, worshipped as a statesman, and loved as a patriot. Whole communities listen with bated breath when he speaks, and admiring parents point him out to their children as the lofty spirit who constantly shields them from the oppression of the world. It goes so far that many of our people believe that they are in danger of becoming white slaves, and some of them actually glory in the faith that they are downtrodden and oppressed. There used to be an old man in Eastern Texas, who when one inquired how he was getting along, always answered, "Poorly, poorly; thank God."

It is really strange that our people listen to the demagogue, but they do. It is stranger still that they elect him to office; but they do. It seems clear that they prefer to be told of their misfortunes than to be told of their faults. The demagogue tells them that they have no faults, but many misfortunes, and they believe him. He weeps with them, and they vote for him. He tells them that the corporations are thirsting for his blood, and they fly to arms in his defense. They do not seem to realize that he is an 18-karat fraud and a 16 to 1 hypocrite, and that he is the most expensive nuisance that ever beset a State. He has cost Texas more money than all the tariff sheets ever invented. He has done her more damage than all the armies that ever marched against her; but "with all his faults she loves him still."

I assert to-day that Texas is, in climate, soil, and productiveness, the "Garden of the Lord," and that if in any particular she is behind

any sister State the cause of the default is in her laws or in the demagogues who make or execute them.

To demonstrate this, I beg you to consider for a brief moment her unparalleled resources. She produces annually nearly 4,000,000 bales of cotton and 2,000,000 tons of cotton seed. She leads all the States in the production of cattle and of rice. She can be put abreast with any of them in the production of corn, oats, hay, pork, iron, poultry, or dairy products. She produces more oil than she does milk. She is numbered among the first in the production of lumber, coal, horses, sheep, and fruits. Beyond question she leads the world in the production of raw materials. Other States may lead in the production of some of the things enumerated, but no other State can produce them all. Illinois can produce more corn, but she produces neither cotton nor rice. Pennsylvania may produce more iron, but she has fewer cattle. It is one of the strangest facts in the history of our country that, with such wonderful resources, the people of Texas are constantly complaining that their lot is hard and that the wealth of the Nation is rapidly concentrating in the bleak and barren States of New England, where, to quote the famous phrase of Governor Coke in describing Alaska, "they have nine months winter and the other three d——d cold weather."

A great many years ago Hon. David B. Culberson, one of the boldest and ablest of our public servants, a man who was not afraid to think and not afraid to say what he thought, in a speech at Honey Grove, said: "The north is the main beneficiary of our crops. We pay out our money for the products manufactured from the raw material which we produce. The North employs the great auxiliary agencies of skill and intelligence in the production of wealth, while the South relies on muscle and the mule. We furnish the raw material and the North takes it from us and converts it into finished and manufactured products and sells them back to us, plus freight both ways, at a profit of from 100 to 500 per cent over the value of the raw material."

Some one then asked him why the manufacturers did not bring their mills here, and at least save the freights, and replying, among other reasons, he said: "Capital at the North is reluctant to come among us. Social disorders, inspired by depraved politicians, alarm our rich brethren at the North." Perhaps those conditions continue to this day.

Did you ever think of it? The South has received about $6,000,000,000 in the last ten years for her cotton crop. A sum so vast the human mind can scarcely comprehend, and the statement causes us to ask the question, What has become of these vast sums of money, this river of gold that has run through the Southern States year by year? The southern farmers have created by their toil in the last ten years and have received gold therefor enough money to almost buy the earth. The question arises to the inquiring mind, What has become of our "river of gold?" The answer is easy. It has gone to other States, for if you take away from the tax lists the amount of land values—and the earth was here when we commenced to make this great wealth—we have very little to show for the billions of dollars that have passed through our hands.

Do you know where it has gone? Yes; everyone knows that. Everyone knows that we pay out nearly everything we make for various manufactured articles. The land that produces and sells raw materials is rarely prosperous or happy. Such a system may be romantic, but it is void of common business sense. The mill and the field should stand side by side. The speeches delivered against tariffs or trusts, the gold standard, or corporations may tickle the farmer's ear, but they are "as sounding brass and tinkling cymbals" so long as he tries to match his muscle and the mule against intellect and skill. No purely agricultural country can successfully compete in the race for wealth against manufacturing industry. It has been said that "England, on a space of less than 10 square miles, could place all her cotton mills, and within that inclosure she could take the entire product of southern cotton farms and by manufacturing create as much wealth and employ as much labor as the South produces and employs in all her cotton fields." This illustration can be applied locally to every city in Texas. A factory can be erected on a vacant lot that will create more wealth and employ more labor than 10,000 acres of cultivated land.

Something more than a year ago, in addressing the State Bankers' Association at Forth Worth along these lines, I said:

"The Texas farmer rises early in the morning and slips into clothes made in New York and shoes made in Massachusetts. He cuts his fire wood with an ax made in Pennsylvania and an ax handle made in Wisconsin. He builds a fire in a stove made in Michigan, and his wife, dressed in goods woven in New Hampshire, proceeds to fry bacon that was packed in Illinois and potatoes that were grown in Colorado. She makes biscuit with lard rendered in Nebraska and wheat grown in Kansas. At breakfast he eats from dishes made in Ohio, and uses a table and chairs from Minnesota. He goes to the field and uses a plow from Indiana and a hoe from Connecticut. When he retires to rest he blows out a lamp made in Chicago and falls upon a bed whose springs were made in Pittsburg, whose frame was made in Detroit, and whose blankets came from San Francisco."

The list can be indefinitely extended. "For years the thrifty North has sold us our necessities, and now it is also selling us our luxuries. Take the item of automobiles alone. You see them everywhere. In some towns the bootblacks have them. They are growing in popularity beyond any invention of recent years. Texas is paying out hundreds of thousands of dollars for them, but not one to my knowledge is manufactured in a Southern State.

"We sell cows and buy butter; we sell steers and buy beef; we sell fruit and buy preserves; we sell hides and buy leather; we sell wool and buy blankets; we sell cotton and buy calico; and then we stand up like brave men and cuss old man ALDRICH and the little State of Rhode Island. Would that we could sell a great many demagogues and buy a few statesmen. To be plain about it, I would like to purchase ALDRICH himself and keep him down here a few years. I believe it would be a great investment. He would certainly turn things upside down. I would enjoy hearing those New England 'Yankees' groaning and complaining that the South was getting all of their money.

"Gentlemen, do you wonder that the South is dissatisfied? Are you surprised when you hear complaints? Do you wonder that her newspapers are constantly telling of her woes? Whose is the fault? Where is the cause and where is the cure? Can conditions be reversed by constantly abusing the northern manufacturers? We have tried that plan for more than a quarter of a century, and our hearts are weary.

"Can hope come from special laws intended to benefit our farmers? Our statutes are reeking to-day with such legislation. Even as discontented a man as Mr. D. J. Neill, the late president of the Farmers' Union, declared over his signature last year that 'the farmers of Texas have no cause to complain of the government of Texas.'

"Can it come from political conventions, from silver-tongued orators, from high-sounding platform declarations? Alas! we have already had more of those things than any other land under the sun.

"Can we reach it by abusing the trusts? The trusts care but little how we abuse them so long as we continue to buy from them. Has anyone quit buying from them? We will not permit them to do business in Texas, but we send them our dollars just the same. If we had a few trusts ourselves they might worry the people of some other State, but they would bring their money here. They would create a balance of trade in our favor. I have noticed few complaints of the trusts from the States in which they are situated. An old farmer friend once declared to me in a confidential way that most of his troubles arose from the fact that he paid more for the things he bought than he received from the things he sold. He seemed surprised when I told him that much of the trouble of the world arose from the same cause. That is the ailment of Texas to-day.

"And yet the case is plain and the remedy is easy. Build factories in the Southern States. Do not wait for a new generation; build them now. Let their smoke rise like incense. Let them double and treble the value of our raw materials, and let the money of the South remain at home. Do you know why this was not done long ago? I answer: The demagogue. Demagogues and factories do not flourish in the same soil. Suppose you had $20,000 to invest, would you invest it to-day in a factory in Texas? Now, if you wished to invest it in a farm, the laws would guard you as well as laws could possibly do. Your land would be assessed at about two-thirds of its value. You would pay no occupation tax and no tax on intangible values. By 'intangible values' I think our government means values that do not really exist; but, at any rate, you would pay no taxes upon them. If you raised 1,000 bales of cotton and 5,000 bushels of corn you would pay no taxes upon them, because you are an agriculturist. You would pay no occupation taxes, no franchise taxes, and no gross-receipts taxes. If your products failed to bring high prices you could organize with your fellowmen and demand high prices. If they were really bringing high prices you would, of course, proceed to organize and demand higher prices. If you wished them to bring still higher prices, you would meet and organize again. Just where the limit would be I do not know. It has not yet been reached.

"But let us suppose that you really desired to aid your State, and, with others, build a factory and put in your $20,000. What would happen? You would proceed to form a corporation, and, first, you would pay to the State a charter fee in advance. Then you would pay annually in advance a franchise tax, also annually you would pay an occupation tax. Then you would probably pay annually a gross-receipts tax, although, as a matter of fact, your expenses may have actually exceeded your income. All the while you would be paying an ad valorem tax on the full amount of your $20,000, and likewise you would probably be called on to pay taxes on about $20,000 worth of intangible values that you did not really possess. If you failed to pay practically any of these taxes your business would be promptly closed up, your charter forfeited, and your property placed in the hands of a receiver. If, however, you managed to earn enough money to pay all your taxes this would be taken as positive proof that you belonged to a trust, and the attorney-general's department would bring a suit against you for a few millions in penalties, and a jury composed exclusively of gentlemen who had put up the price of raw material upon you would assess the fine. Even if you could then pay the fine, the courts would seize your property and sell it to the highest bidder, and neither you nor any corporation interested in a similar business would be allowed to bid. This would, of course, cause it to bring a fair price. All this time, however, you could console yourself by listening to the silvery voice of the demagogue crying: 'Hurrah for grand old Texas! Hurrah for the people! Down with the trusts. No corporation can ever fasten its fetters on grand old Texas.'"

Yes, we give great encouragement to manufacturing plants—to locate somewhere else, and they generally do it.

"The trouble with many of our laws is that they do not help, but hinder. By keeping the manufacturer away they lessen the farmer's profits, but our natural resources are so great that he can probably survive the loss. The serious point is that it teaches him bad morals. One great fundamental truth should guide all legislation. It is that while grass grows and water runs we should have the same laws for all classes of men. No logic can evade this sublime declaration. It is unanswerable because it is right. It was right in the 'morning of the world.' It was right when Mary's Son walked beneath the bending palms of Palestine. It is right to-day.

"When we turn from it, we begin to pass laws to please the majority and to injure the minority. We begin to quote that pernicious phrase about giving the greatest good to the greatest number. We begin to forget that statesmanship in every age has found its noblest duty in the protection of the few from the rapacity of the many.

"Once started on this line we know not where to stop. Sometimes we endeavor to pass laws that will permit us to do things which they forbid in others. Sometimes we realize that such laws might be unconstitutional, and then we pass them to apply to all, but only enforce them against others. Of this condition it can only be said that it sears the conscience of any people who permit its existence.

"Take for illustration the present trust laws of Texas. Are they being enforced against farmers? You read almost weekly of great meetings that fix the price of cotton and cotton seed at abnormal prices. Do you read of any indictments against the men who fix the prices? Do you hear of any of the young gentlemen in the attorney-general's office traveling over the State and endeavoring to stop the fixing? Never! These young gentlemen are traveling over other States searching for evidence to convict other people from putting up prices on things we buy. They appear to think that it is entirely proper to combine and put up prices on the things we have so sell. Do you think it is virtuous to put up the price of cotton seed and a crime to put up the price of oil? Do you think that it can be commendable to agree to put up the price of wheat and a sin to agree to put up the price of lard when both of them go into the same biscuit? If you think so, you need a new conscience. People of Texas, such laws injure you more than anyone else. It is true that you may occasionally put a little money in your treasury by such practices. You may take a million or so from an oil company and rob its stockholders of their property. You may fine the manufacturers of machinery and drive them from your State. You may collect a few dollars now and then from various business men who attempt to do what you are doing, but you can not repeal that sublime text: 'Whatsoever you would that men should do unto you, do you even so unto them.'

"It does not pay to be unfair. Leaving aside all questions of morality and justice, it does not pay even from a monetary point of view. Kerosene oil furnishes light for the farmer's home. Do you think it will go down in price when the Waters-Pierce Company is finally dismantled? You are still buying harvesting machinery. Has the price

gone down? You are still buying all sorts of manufactured articles. Have your servants at Austin reduced prices upon them? Don't you really think it would be better business sense to bring the manufactories down here, take a little stock in them, sell them some supplies, and make money in fair trade with them, instead of continually persecuting them for doing exactly as you are doing? Do you realize that if they were here our money would be kept at home, and that you would occasionally see some of it a second time? What good are our state antitrust laws doing? I will give any one of you a week to answer that question and it will then remain unanswered. Now, do you know what would happen if they were repealed?

"First. Men from everywhere would hasten to put their money in manufacturing plants in Texas.

"Second. The personal wealth of the State would double in five years.

"Third. The prices we are paying for manufactured articles would be promptly and greatly reduced.

"But what would then become of the demagogue? All the old issues are frozen stiff. What would he talk about if the trust issue should go like greenbackism, free silverism, and all the other isms have gone? Perhaps he could still appeal to the 'man in the forks of the creek.' The fork dweller has become quite a character in our politics.

"Frequently he lives on the bills, but for campaign purposes we always locate him at the forks. He is supposed to be absolutely impervious to reason. He is the 'old guard' in the battalions of ignorance. The demagogue is the only connection he has with the world. He believes what the demagogue tells him because his ears have heard no other sound. The periods of the orator, the tables of the statistician, the wit of the essayist have no more effect upon him than has the dew upon the pyramids. Perhaps if the trust issue were buried the demagogue could talk to him about the public school system of Texas, for the poor fellow actually believes that Texas has a good public school system. This is the most cruel delusion that the demagogue has fastened upon him. I believe I will demolish it here, because there can be no real prosperity anywhere without educating childhood. Texas has a fair public school system in all of her cities, in some of her towns, and in a few of her villages. In her country school districts she has the poorest school system of all the civilized countries of the earth. Let me give you a few figures, taken from the records of 1907, and which are doubtless a fair average with any other year. In that year Texas had in round numbers, within scholastic ages, about 265,000 children in the cities, towns, and villages, and about 625,000 in the country districts. Of this 625,000 over 87,000 did not even start to school. Now, will you stop a minute and think of that? If the same average runs through other years you can easily calculate that nearly 45,000 young men from the forks of the creek, and who never attended school, become voters every year. What sort of votes will they be? But this is not all. During that year there was an average daily absence from our country schools of nearly 263,000 children. In other words, out of every 100 children residing in the country 47 were out of school all the time in 1907.

"Let me give you a few more figures. The people residing in the cities and towns of Texas have invested in schoolhouses and grounds $36.17 for each child in scholastic age, while the people of the country districts have invested for such purposes only $6.05 per child. Every independent district in Texas, except two, had a library in 1907, but of the 8,701 country districts only 547 had libraries.

"Now let me compare the situation with that in other States. The scholastic age in Texas runs from 7 to 17. It is longer in every other State or Territory in the Union. Texas is at the foot of the list. One can only go to a public school in Texas ten years. In New York he can go sixteen years, and in Massachusetts he can go as long as he lives. The average length of the public school term in Massachusetts is 187 days; in Texas it is 116 days. Massachusetts spent for the education of each child in 1907 $26.42, while Texas spent $5.54. The average for all the States of the Union is more than double that of Texas. And yet you occasionally hear some apparently sensible man talk loftily about the splendid free school system of Texas, and the demagogue is always boasting about it. He boasts of it because he fears to tell the people that they ought to tax themselves and educate their children. Really he does not wish them educated, because he can control them better when they are ignorant. He delights to tell them that they are smart. You will hear him say, 'The corporation can fool them fellows in town, but you boys in the forks of the creek are on to their curves.' And they believe him. The parents of the poor boy in the forks of the creek honestly believe that their child, growing up without education, will be able to compete with the educated child from Massachusetts.

"And yet one of our wisest men said: 'Education is the most valuable of all assets. It can not be lost, it can not be stolen, it can not be taken away. When misfortune has scattered riches and poverty has conquered wealth, the educated brain remains to furnish either a foundation for a new fortune or consolation for the one that was lost.'

"Gentlemen, Texas has survived and is surviving such conditions. In spite of them she enjoys a kind of prosperity, but not the real article to which she is justly entitled. She is only receiving a small dividend, when she should have 100 per cent. Some day she will have her rights. Some time she will push the demagogue aside and step to the front wearing the robes of victory.

"I know not when the dawn will come, but I know the night will break. The light is already beginning to shine upon the red hills of Georgia. It is moving along the valley of the inland river, which in the ancient days nurtured the laurel and the willow that shadowed the blue and the gray. It is seen in the factories of the Carolinas and in the glow of the furnaces of Alabama. And it will come to Texas.

"I turn my eyes to the future. I believe that they will yet see the 'Glory of the coming of the Lord.' I may never enter the promised land, but I can see the mountain tops. The wilderness may bury the present generation, but the next shall enter Canaan. Old prejudices will surely pass away. The light shall penetrate the darkness and this imperial State, boundless in natural resources, glorious of climate, and fertile of soil shall come unto her own."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY as the conferees on the part of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. PERKINS. Mr. Chairman, I will now ask the gentleman from Georgia to consume some of his time.

Mr. HOWARD. Mr. Chairman, I yield one hour to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Chairman, before I proceed I will yield one minute to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, I want to say in the one minute yielded to me by the gentleman from Arkansas that the gentleman from Illinois [Mr. BOUTELL] has stated that we of this side are getting letters from the farmers saying that they do not want any investigation of the causes of the high price of foodstuffs. I want to say that I have not received a letter from anybody denying that they want an investigation into the high prices of foodstuffs. I do not believe that any farmer has written such a letter. Nobody on this side has received such a letter. The Democratic party stands now asking for an investigation of the high price of foodstuffs, and the Republican party, it will be shown, through its meat trust is responsible for the high price of meat, and so on. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message of the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 579) to correct the lineal and relative rank of certain officers of the United States Army.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution of the Senate (S. J. Res. 59) providing for the filling of vacancies to occur on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had passed with amendment the bill (H. R. 17531) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. MACON. Mr. Chairman, before I proceed I will ask unanimous consent to be allowed to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. BENNET of New York. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if his remarks are going to have any reference to myself or the Immigration Commission?

Mr. MACON. Yes, they are; but there will not be any unparliamentary language inserted in connection with them.

Mr. BENNET of New York. Mr. Chairman, for the present I object.

Mr. MACON. Mr. Chairman, that is only in keeping with the policy which has been employed by that side of the House whenever any attempt has been made upon this side to expose the rotten expenditures of any commission appointed by the majority of the House. [Applause on the Democratic side.]

A few days ago, upon advices received from different sources, I made some remarks upon the extravagances of the Immigration Commission which was appointed by this House nearly three years ago, and, I think, after deliberate reflection and investigation that I was justified in everything I said. I know I had foundation for what I said, for a year ago the same question was advocated in the Senate and also in the House by the gentleman from Kansas [Mr. MURDOCK], a Republican, and certain exposures were made of the extravagances of the commission at that time. Now, after they have had ample opportunity of investigating immigration questions, when they have expended $657,992.67, without giving to the country any adequate return therefor, and I saw fit to oppose a further extension of the life of the commission and an additional appro-

priation of $125,000, which was asked in order that it might live another year, a mighty howl is waged against me for doing so. I did it, sir, without any partisan feeling whatever. I realized that the commission was composed of Democrats as well as Republicans and I realized that wherever Democrats have shortcomings they ought to be exposed as well as Republicans who commit wrongful acts.

But after making a statement in regard to the matter that was predicated upon truth in every material sense and every material point, it was then that the coxcomb member of the commission [laughter on the Democratic side] became offended and came to this House and undertook to defend the extravagant expenditures of the commission. When he arose to a question of personal privilege, Mr. Chairman, there was not a voice raised against it on this side, though we knew he had no question of privilege to present to the House. A point of order could have been made against his request, and he could not have been heard, but no one upon this side desired to smother anything in connection with the matter. If Democracy desires to smother corruption anywhere at any time, Mr. Chairman, I hope to God there will be some power that will expose it to the American people to the extent that it will never have national recognition now or at any time in the future. [Applause on the Democratic side.] The gentleman from New York was allowed to speak without limit in reply to what I said, and had full opportunity of saying everything he desired, and when I asked to be heard in reply I was immediately limited by a Republican objection to thirty minutes, while the gentleman from New York had had the privilege of speaking without limit.

Further than that, there was denied to me by a Republican objection the poverty-stricken privilege of revising my remarks in the RECORD, in order that I might correct any incongruity of speech that may have appeared in my remarks by reason of haste or interruption of debate. Even that was denied by a Republican objection, and to-day, when I come to speak from the RECORD, I am met with a Republican objection again, and by the gentleman from New York [Mr. BENNET], whom I did not object to being heard as he desired when he asked to be heard upon a question of privilege that he did not have. Such magnanimity, Mr. Chairman, as that is damnable, and I say to the gentleman that his conduct in regard to the matter is characteristic of the littleness of the man with whom I am dealing.

When the gentleman from New York undertook to answer the charges I presented to this House as a reason why it should not make a further appropriation of $125,000 to continue the life of this Immigration Commission, the gentleman denounced my author as a liar and the facts upon which they were predicated as a lie out of the whole cloth.

Mr. Chairman, that was not a brave act. The gentleman knew that under the rules of the House the man he denounced as a liar did not have opportunity to reply, did not have opportunity to defend himself against the charge, and he knew that under the Constitution he could not hold him responsible elsewhere for what he said upon this floor. That was a very high character of bravery, indeed, that caused a Member of this House to denounce one who had no opportunity to defend himself against the attack here or elsewhere as a liar. Indeed it is the kind of courage that would cause a strong man to take a newborn, helpless babe and whip it to a finish. [Laughter and applause.] Such bravery! [Laughter.] It deserves a monument that will almost kiss the skies, and if I were the gentleman from New York I would be so proud of myself for having exercised it that I would hardly know how to contain myself because of it. Oh, such noble courage! It is great. [Laughter.] But, Mr. Chairman, let us see if my informant was a liar. For a Member of the House to say that some one is a liar who is not in the House or that facts stated by another is a lie out of the whole cloth is not binding upon anybody; it does not make it the truth by a jugful. [Laughter and applause.] If the words of one person denouncing another as a liar make it so, then I have an interview on my desk that appeared in the Star of this city a few days ago which makes the gentleman from New York a liar. [Laughter and applause.]

The gentleman's speech in defense of the Immigration Commission against charges of extravagances and delay made by me disclosed that Mr. J. H. Patten, secretary of the Immigration Restriction League and chairman of the national legislative committee of the American Purity Federation, was my informant that was denounced as a liar by the gentleman from New York, and that part of the daily press of the country that is controlled by special interests heralded his denunciation of Mr. Patten over the country, and, in doing so, sought to impress the casual reader with the idea that I, perhaps, had made false statements in my charges of extravagance and delay upon the part of the commission by heading the reports of his speech with big headlines such as "MACON's facts coldly false," and so forth.

Now, Mr. Chairman, it is easy to denounce a statement as false, just as it is easy to call a defenseless person a liar, but proving the fact is a different thing. After the gentleman had made his speech in reply to what I had to say in regard to the conduct of the commission, Mr. Patten was interviewed by an Evening Star reporter of this city on Thursday, January 27, and, among other things, said:

Representative BENNET is quite mistaken in representing that I did anything one year ago last fall to prevent his reelection to Congress.

His allegations, in so far as they are material and implicate me as knowingly or unknowingly misrepresenting the situation, are absolutely untrue, false, and unfounded in fact, and he does not dare to prosecute my statements or to make his libelous statements in an unprivileged place.

One year ago Representative VICTOR MURDOCK, of his own motion and notion, and without any knowledge on my part, called attention to the commission's expenditures. Similarly Senator GARY, in the Senate, February 18, 1909.

The best authority is perhaps Representative TAWNEY, who said Monday, after the debate on the commission's expenditures, according to page 947 of the RECORD: "All the facts brought out in this debate came to the Committee on Appropriations, were discussed," and resulted in the commission's curtailment.

I mention this to show that the gist of the episode certainly can not be attributed to my fabrications, as Mr. BENNET's accusations allege.

Mr. Chairman, if the remarks of the gentleman from New York made Mr. Patten a liar in deed and in truth, I want to know if Mr. Patten's statement has not made him a liar. [Laughter.]

Mr. Patten says the statement of the gentleman from New York is libelous, and that he dare not make it in an unprivileged place; and therefore, Mr. Chairman, coming back to my statement of a few days ago, I think I was justified when I said that Mr. Patten was entitled to as much credit upon this floor for truthfulness and veracity as the gentleman from New York until it could be shown that the gentleman from New York was a saint and Mr. Patten was a liar, and I knew the gentleman from New York was not a saint. [Applause.] But, Mr. Chairman, the gentleman from New York said that the facts furnished me by Mr. Patten were lies out of the whole cloth, and he said if I had desired to find out the truth about the commission that I could have come to him and he would have told me. Mr. Chairman, what do you think of that? [Applause.]

I have always understood that it was just as illogical and would be as futile to go to a person charged with wrong doing, whether he was a Member of Congress or not, in order to get the true facts—the true, burning, living facts—about charges made against him as it would be to take a trip to heaven to hunt devils or to hell to find saints. [Laughter and applause.]

The gentleman from New York in his speech took up the immaterial things set forth in my remarks, and dwelt at great length upon them; he attempted in that way to muddy the waters, and from the way the Republicans of the House applauded him you would have thought he was making a great hit; that he was declaring gospel truths, when, in fact, he only attacked the immaterial matters contained in my speech. For instance, he asked me if Mr. Patten said there was a steering committee connected with the Immigration Commission. I had said in my remarks that there was a steering committee in connection with this commission, and when I replied that he did, he said that was a lie out of the whole cloth, that he had never heard of such a thing as a steering committee in connection with the commission, and he dwelt at considerable length upon the subject and received considerable applause from the Republicans of the House. What are executive committees? Are they not steering committees directing the action of the body of which they are a part? Are they not created solely for that purpose? There is an executive committee in connection with this Immigration Commission, and Mr. BENNET of New York is a member of it, and when he charged that the suggestion of a steering committee in connection with the commission was false he was simply quibbling and trying to lead the minds of his hearers away from the real truth upon the subject.

Why, sir, the Committee on Rules of this House is nothing more nor less than a steering committee, that directs the procedure of the House. It is the steering committee of the House, and every attempt to deny it is an attempt to evade the truth; and when Members try to evade the truth, they are not worthy of consideration, in the House or out of it. [Applause on the Democratic side.]

But the gentleman from New York tried to create the impression that the commission while abroad worked, worked, worked overtime; that they severed their connection with the Union and worked overtime until they were so completely ex-

hausted that they actually fell asleep. [Laughter.] Mr. Chairman, that was an effort to create the impression that the commission was hard at work all the time it was abroad. I had denounced the trip as being for fun, and I am going to prove before I get through that they did have some fun [laughter], and that was the main thing for which they went abroad. [Laughter and applause.]

In regard to that falling-asleep business, Mr. Chairman, I want to say that I have seen men fall asleep who had not toiled long and arduously [laughter]; something that they had taken at the dinner table seemed to make them drowsy, and they sometimes get sleepy from atmospheric conditions. I am of the opinion that one of those things had more to do with putting the members of the commission to sleep than the work they did, and that the gentleman from New York knows it. [Laughter and applause.] He said when he was in Rome that he was so hard at work that he did not have time to cast his eyes upon the great St. Peter's. [Laughter.] He said that when he was in the gay city of Paris he did not have time to see any of its beauties, and he tried to convey the idea that he hardly had time to draw a good long breath, and that the only thing that kept him there overnight was that he could not get a train out of the city; and the next time he was there that he only remained about two hours, and that he had the record of having made the two shortest trips to Paris that any American on earth had made.

Gentlemen, that remark was only characteristic of the extravagance of the gentleman's remarks throughout his speech, and he had no evidence whatever of a truthful character to show that a thousand Americans had not made shorter trips to Paris than he; and yet when he made that statement it received Republican applause, when every Member that applauded him knew there was no truthful foundation upon which his statement could rest.

Mr. BENNET of New York. I ask that the gentleman's last words be taken down, in which he said that every man in the House——

Mr. MACON. I said every Member who applauded; not every man in the House.

Mr. BENNET of New York. His words in which he said every man in the House knew there was no truth or foundation in that statement.

The CHAIRMAN. The gentleman from New York asks that the words be taken down.

Mr. MACON. I withdraw the words. I do not want to quibble, and will withdraw them rather than have an argument.

Mr. GAINES. I raise the point of order that the gentleman can not proceed in this manner, as the gentleman from Arkansas has, and every time he transgresses the rule and the dignity and order of the House then say "I withdraw it," and go on in the same manner.

Mr. MACON. I can not do any more than withdraw what I said.

Mr. GAINES. I myself, if the point of order is withdrawn by anyone, will renew it. I demand that his words be taken down. My point of order is that, under the rule, the gentleman should immediately take his seat and not proceed unless the House permits him to do it.

Mr. JAMES. I move that the gentleman from Arkansas be permitted to proceed in order.

Mr. CLARK of Missouri. Mr. Chairman, that seems——

The CHAIRMAN. The gentleman from New York has demanded that these words be taken down.

Mr. CLARK of Missouri. And the gentleman from Arkansas withdrew the words.

The CHAIRMAN. The question is raised whether he can withdraw them.

Mr. CLARK of Missouri. There is no question about his withdrawing them, is there?

Mr. GAINES. My point of order is that he can not keep on repeating words that are clearly out of order, and then simply withdraw them.

Mr. JAMES. The words certainly do not hurt anybody when they are withdrawn, do they?

Mr. GAINES. Mr. Chairman, I am not questioning the propriety of withdrawing the language. My proposition is that when the gentleman has transgressed the order and rules of the House and is called to order, he may not proceed unless he is permitted to do so by a vote of the committee.

Mr. JAMES. Mr. Chairman——

The CHAIRMAN. The Chair thinks the point of order is well taken, and the gentleman from Kentucky is recognized to make that motion.

Mr. JAMES. I move that the gentleman from Arkansas be allowed to proceed in order. That motion is certainly in order.

The CHAIRMAN. Does the gentleman insist that the words be taken down?

Mr. BENNET of New York. Since the gentleman from Arkansas has withdrawn them, I have no objection to withdrawing the demand.

Mr. GAINES. Then, I renew the demand.

Mr. JAMES. And I renew my motion.

Mr. CLARK of Missouri. Is not the motion of the gentleman from Kentucky——

The CHAIRMAN. The gentleman from Missouri will state his point.

Mr. CLARK of Missouri. I make this parliamentary inquiry, whether the motion of the gentleman from Kentucky is not a proper motion to be put?

The CHAIRMAN. The Chair was about to put it. The Chair will read the rule:

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Mr. SHACKLEFORD. I make the point of order that neither the gentleman from New York [Mr. BENNET] nor the gentleman from West Virginia [Mr. GAINES] indicated the words which they desired to have taken down.

Several MEMBERS. Oh, yes; they did.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] rose immediately after the words were spoken, and indicated the last sentence.

Mr. SHACKLEFORD. He asked that the words be taken down, but he did not specify, and I appeal to the notes of the Official Reporter.

Several MEMBERS. Yes, he did.

Mr. GAINES. I say he expressed himself accurately enough. No one in the House has any doubt as to the words which were intended.

Mr. SHACKLEFORD. I ask that the words of the gentleman from New York, in asking that the words be taken down, be read from the notes of the Official Reporter.

Mr. JAMES. The gentleman from New York withdrew his demand, while the gentleman from West Virginia [Mr. GAINES] did not specify the words, and it comes too late.

Mr. GAINES. I said that I renewed the demand made by the gentleman from New York.

Mr. JAMES. I think the gentleman's language was that he demanded that the words be taken down without specifying the language.

Mr. GAINES. On the contrary, I said that I renewed the demand made by the gentleman from New York.

Mr. JAMES. I do not think the gentleman from West Virginia used that language.

Mr. SHACKLEFORD. Mr. Chairman, I ask that the demand which was made by the gentleman from New York be read.

Mr. JAMES. I insist, Mr. Chairman, on my motion that the gentleman from Arkansas be permitted to proceed in order.

Mr. KEIFER. But the motion of the gentleman from Kentucky is not in order until the proceeding is concluded, until the words are taken down and reported, and after that it may be in order.

Mr. JAMES. But the Chair has just ruled that the words were specified.

Mr. KEIFER. Yes; but they have not been read, and the gentleman's motion is not in order until after they have been read.

The CHAIRMAN. The words have not been read at the desk, and the Chair is trying to ascertain what they were.

Mr. JAMES. I thought the Chair had ruled that the words were specified.

The CHAIRMAN. But they have not been read at the desk. The Clerk will report the words.

Mr. SHACKLEFORD. I did not ask that the words used by the gentleman from Arkansas be reported, but the words used by the gentleman from New York.

The CHAIRMAN. But the Chair is proceeding under the rule. The Clerk will read.

The Clerk read as follows:

And yet when he got upon his feet and made that part of the statement it received Republican applause, when every man who applauded knew that there was no truthful foundation whatever upon which it could rest.

Mr. ROBINSON. Mr. Chairman, I make the point of order that the words are not objectionable and that the gentleman from Arkansas was in order when he made the statement.

Mr. SHACKLEFORD. I still insist on my point of order that the words of the gentleman from New York be read.

Mr. JAMES. I move that the gentleman from Arkansas be permitted to proceed in order.

Mr. ROBINSON. And I make the point of order that the words are not out of order.

The CHAIRMAN. The motion now in order is, if it is desired to make it, that the committee rise and report the words to the House.

Mr. SHACKLEFORD. Mr. Chairman, in a spirit of fairness, I ask that the words of the gentleman from New York be read, in which he made the demand of the House.

Mr. ROBINSON. And I make the point of order that the words are not out of order, and that the gentleman from Arkansas did not proceed out of order.

The CHAIRMAN. That is not for the Chair to determine, but for the House to determine.

Mr. JAMES. I make the point of order that it is not in order to move that the words be taken down after the gentleman from Arkansas has withdrawn them.

The CHAIRMAN. But the demand that they be taken down was made before they were withdrawn.

Mr. JAMES. The demand was not made by the gentleman from West Virginia before the gentleman from Arkansas withdrew the words.

Mr. KEIFER. The demand had been made before they were withdrawn, and then the gentleman from West Virginia renewed the demand as quick as he could.

The CHAIRMAN. The gentleman from New York first made the demand, and then it was renewed by the gentleman from West Virginia. Does the gentleman from Missouri ask that the words of the gentleman from New York [Mr. BENNET] be read?

Mr. SHACKLEFORD. I do ask that they be read.

The official reporter read as follows:

Mr. BENNET of New York. I ask that the gentleman's last words be taken down in which he said every man in the House——

Mr. MACON. I said every Member who applauded; not every man in the House. I said everybody that applauded.

Mr. BENNET of New York. His words in which he said every man in the House knew there was no truth or foundation in that statement.

The CHAIRMAN. The gentleman from New York asks that the words be taken down.

Mr. MACON. I withdraw the words. I do not want to quibble.

Mr. GAINES. I raise the point of order that the gentleman can not proceed in this manner, as the gentleman from Arkansas has, and every time he transgresses the rule and the dignity and order of the House then say "I withdraw it," and go on in the same manner.

Mr. SHACKLEFORD. Now, Mr. Chairman, I make the point of order that the language used by the gentleman from Arkansas are not the words that the gentleman from New York asked to have taken down. The gentleman from Arkansas said that "every man who applauded knew" so and so, and the gentleman from New York asked to have the words taken down, "and every man in the House knew," and so forth, an entirely different statement.

The CHAIRMAN. The Chair is of the opinion that it is not necessary that the words be specified verbatim.

Mr. KEIFER. The gentleman from Missouri seems to think that the words must be repeated word for word and syllable for syllable.

The CHAIRMAN. The Chair holds that it would not be necessary for the gentleman from New York to state the exact language, but to so state it so that it can be identified.

Mr. SHACKLEFORD. Mr. Chairman, just one word on my point of order. The gentleman from Arkansas said that these people who applauded might be a small number, and the gentleman from New York said "every man in the House," which is altogether a different thing and not substantially the same at all.

The CHAIRMAN. The Chair would state that it is not what the gentleman from New York said, but what the gentleman from Arkansas said.

Mr. SHACKLEFORD. Oh, yes; you can not take down anything except what the gentleman from New York asks to have taken down. He asks that certain words be taken down, and those words he asks to be taken down were not the words uttered by the gentleman from Arkansas.

The CHAIRMAN. The gentleman from New York asked that the last words of the gentleman from Arkansas be taken down, and those were the words taken down, and it was not necessary to mention those words verbatim, but simply to describe them——

Mr. PERKINS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PERKINS. I rise to demand the regular order. The discussion between the gentleman from Missouri [Mr. SHACKLEFORD] and the Chairman, however interesting, is entirely out of order.

The CHAIRMAN. The Chair will inform the gentleman that the regular order was the disposition of this matter, which the committee has ordered to be taken down.

Mr. PERKINS. Mr. Chairman, precisely; and the motion I suggest to the Chair before the committee is the motion of the gentleman from Kentucky [Mr. JAMES], that the gentleman from Arkansas be allowed to proceed in order, on which it seems to me the committee should vote.

The CHAIRMAN. The Chair will hold that it was in order for the committee to vote to rise and report the words to the House, and that is the only motion that is now in order.

Mr. FLOYD of Arkansas. No such motion has been made.

The CHAIRMAN. And no such motion having been made——

Mr. JAMES. In that view, Mr. Chairman, then my motion is in order.

The CHAIRMAN. No such motion has been made, and the Chair will entertain the motion that the gentleman be allowed to proceed in order. The question, therefore, is on the motion of the gentleman from Kentucky, that the gentleman from Arkansas be allowed to proceed in order.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The gentleman from Arkansas will proceed in order.

Mr. MACON. Mr. Chairman, I do not plead guilty to having transgressed the rules of the House in any sense of the word. I withdrew, or said I would withdraw, what I said, because I did not care to take up the time of the House with quibbling. I recognize my responsibility here too well to want to fool with foolishness, to try to make capital out of nothing, or to engage in child's play when we ought to be discharging the full duties of full-grown men. [Applause on the Democratic side.] I was saying, Mr. Chairman, that the gentleman tried to convey the idea that while the Immigration Commission was abroad it was so engrossed with its labors investigating immigration conditions in foreign countries for the purpose of bettering immigration conditions in this country that it did not have time to have any fun at all. The gentleman from New York practically said that he did not have time to look upon the great St. Peters, and did not have time to say anything or see anything in Paris; but, Mr. Chairman, let us see whether they had time, or any member of the commission had time, to see anything anywhere else or to take part in any sort of amusements or pleasures or entertainment while abroad.

I noticed in an article in one of the papers of the city of New York, published on the 7th day of September, 1907, that among other things said about the Immigration Commission's trip abroad, the following language was employed, which has not been denied up to this time that I have heard of, as much given to denying facts as the gentleman from New York seems to be:

Representative WILLIAM S. BENNET, of New York, and Mrs. Bennet, who returned from Europe yesterday by White Star steamer *Cedric*, had some interesting experiences while abroad. Mr. BENNET was a member of a committee that investigated immigration conditions in Europe and Asia Minor. While in Turkey a call was made upon the Sultan—

You all remember that old Sultan [laughter and applause], whose public life was so corrupt and whose private life was so dissolute that he was driven from the throne.

A MEMBER. It was not the Sultan of Sulu?

Mr. MACON. No; Abdul Hamid.

The Turkish ruler was very courteous—

This same old Abdul Hamid, now deposed—

and decorated Mrs. Bennet with the insignia of the Order of Kindness, an ancient Turkish society. This medal is in the shape of a five-pointed star, with a diamond in the center. It is inlaid with enamel and studded with rubies.

Mr. Chairman, is it reasonable to believe that the gentleman's statement was entirely correct when he said that he was so engrossed in his duties as an immigration commissioner, investigating immigration conditions while abroad, that he could not take time to look upon the great cathedral of St. Peter, in Rome, or draw a good long breath or have a good sight of Paris, when we have this record of his remaining long enough in Turkey to deal with and cultivate the attention and good will of old Abdul Hamid [laughter and applause], until he felt called upon to decorate Mrs. Bennet, the companion of the distinguished gentleman from New York, with the Order of Kindness, and placing diamonds upon her breast. [Laughter and applause.]

I want to say that, in my humble judgment, the gentleman either had time to look upon St. Peters or draw a good breath in Paris, or else he willfully neglected his duties as commissioner in Turkey in order to engage in such sumptuous and decorative entertainments as this. [Laughter.] But the gentleman says that they did not have any junket abroad. He took

quite an offense at what I said about a junket, Mr. Chairman, the definition that Webster gives of a "junket" is, "A feasting by public officials at the expense of the government." [Laughter and applause.] That is a junket. I want to say to the gentleman from New York that the records on file in the Treasury Department in this city show that he junketed to the extent that he had himself entertained at hotels, at the Waldorf-Astoria, at $6 a day, in this country, and hotels abroad that stood as well or as high or higher than does the Waldorf-Astoria in this country, and from the record the commission's expense account discloses that they had charges for railroads and steamships, fees and tips, hotel bills, carriages, telegrams, wines, whiskies, cognac, mineral waters, lemonade, glacé, pills, siphons, citrons, cleaning and pressing clothes, shaves, shines, hair cuts, shampoos, and rubs. [Laughter and applause.]

Mr. Chairman, the record shows that they had these wines, whiskies, lemonades, and other luxuries throughout Europe, and that the auditor saw fit to allow them as necessaries, but he refused to allow for the shines, shaves, shampoos, rubs, and so forth, on the theory that it was graft and that he could not afford to stand for graft by public officials, and yet the gentleman says their trip abroad was not a junket. [Laughter.] Mr. Chairman, the tips I speak of, in so far as the gentleman from New York is concerned, are rich. The commission had a meeting and agreed on tips on a 10 per cent basis, but the coxcomb member of the commission was not willing to allow it to stand at that, and complained in regard to it, and said that he had a position in connection with his appointment as a commissioner and as a Member of Congress to sustain, and he raised the tip price and put it at about 25 per cent. In other words, the gentleman was trying to sustain the dignity of a Member of the American Congress and a member of the Immigration Commission by the tip route.

Mr. Chairman, the gentleman from New York indicated that the commission had no time for pleasure, that he did not even see the Appian Way, but the commission seems to have seen something else. [Laughter.] And he was a member of it, and so I charge it to the commission. Their accounts contain many charges for carriages and they were all allowed. They were all certified to by the chairman of the commission as correct, and all admitted by the auditor to have been for official business. Some of them are amusing, as I think you will conclude. I find here a carriage trip to Bethany from Jerusalem. [Laughter.] Did you ever hear of any immigration coming to this country from Bethany that would be poisonous or deleterious to the social conditions of this country. [Laughter.] I never did, and yet they took a business trip to Bethany to investigate immigration conditions, or else they did it for pleasure, and if they took it for pleasure, then it was at the expense of the Government, and they had no more right to do it than I have to take a hack ride in this city at the expense of the Government if I should care to ride over it for pleasure.

They had a trip to Bethlehem from Jerusalem to investigate immigration conditions; a carriage journey to Joppa to investigate immigration conditions; a carriage trip to the ambassador's and return in London to investigate immigration conditions in that august embassy; a trip to the House of Lords. Gentlemen, do you think it necessary to go to the House of Lords to investigate immigration conditions? [Laughter.] If you do, then I do not understand why we should not throw the gates wide open and permit citizens from every country to come to our shores if we are going to permit members of the House of Lords to come. [Laughter.] They went there for the purpose of investigating these lordly gentlemen in order to benefit immigration conditions in this country, of course.

Mr. MANN. Will the gentleman allow me a question there?

Mr. MACON. Wait until I get through with this enumeration. They had a carriage ride to the Lake of Killarney.

Mr. BENNET of New York. I would like to ask if the gentleman charges I took that ride?

Mr. MACON. I charge that the commission did. Is the gentleman a member of it?

Mr. BENNET of New York. I never was in Ireland in my life.

Mr. MACON. And did not take any wine while abroad, I suppose?

Mr. BENNET of New York. Never.

Mr. MACON. It is charged up in your bill on file in the Treasury Department.

Mr. BENNET of New York. Unquestionably it is; and I will tell you just where it came. In the Sicilian trip, where I paid all the bills for all the party, consisting of Mr. BURNETT——

Mr. MACON. You took wine also; did you not?

Mr. BENNET of New York. I did not.

Mr. MACON. Did you drink anything at all?

Mr. BENNET of New York. I paid for it, but did not drink any.

Mr. MACON. You paid for it out of the commission's money?

Mr. BENNET of New York. I certainly did.

Mr. MACON. When did you become an abstainer?

Mr. BENNET of New York. Thirty-nine years ago. [Loud applause on the Republican side.]

Mr. MACON. Well, let us see about that. Let me read from the New York Sun of March 30, 1900, and see whether or not the gentleman is a teetotaler; the article is headed "Liberal William and the Liberal Sunday:"

Another day star has fallen from the firmament; another light-ship has gone ashore on the coast of reform; another beacon in the pathway of purity has been quenched. We hate to admit it. We have suppressed the fact as long as we could; but we can do no more. The Hon. WILLIAM S. BENNET, "Our Billy," has gone over to the demon rum. The white ribbon is trailing in the mud—there is the sound of ribaldry in every Raines law hotel. Even in the Republican county committee headquarters beneath the marble tower that tops the skies there is the sound of unrestrained weeping. No more tea parties with "Beautiful Billy" to pour; no more of those sweetly instructive "at homes" of the Hon. HERBERT PARSONS. A pillar of the community has been wrenched from its foundations and another shorn Samson goes to his ruin, while the temple of teetotalism trembles to its base. * * * Our friend has fallen off the water wagon!

[Laughter.]

It is not an unheard-of thing. Other people have had a similar experience. Here it is almost the 1st of April; and that is a respectable period for any New Year's resolution to persist.

[Laughter and applause.]

Mr. Chairman, the gentleman from New York attempts to convey the idea that he did not take wine when he was abroad, because he quit thirty-nine years ago, but here is a statement saying that he fell off the water wagon only last year. [Great laughter and applause.]

Mr. BENNET of New York rose.

Mr. MACON. I decline to yield.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MACON. I thought I was doing that.

The CHAIRMAN. The Chair is of the opinion that personalities of that sort from a newspaper should not be used in that way.

Mr. JAMES. That was a pleasantry, not a personality.

Mr. MACON. Goodness alive! I am not offering anything offensive, I hope. I was only reading an article from a Republican paper about a Republican falling off of a water wagon. But back to the joy rides. They had a carriage to the castles at Edinburgh, a carriage to Westminster Abbey, a carriage to the Tower of London, a cab to Regent Square, and a cab to the British Museum.

I wonder if they were trying to investigate immigration conditions in Westminster Abbey or in the British Museum. [Laughter.]

In Siracusa we find "a carriage ride to the catacombs," Mr. Chairman, a place that is filled with dead men's bones which are decaying hour by hour [laughter] and the stench that arises from them, if long endured, will produce certain death. Yet the commission was investigating immigration conditions among those dead bones that are giving forth such a stench that would ordinarily drive a hyena to his hole.

Ah, do you think, sir, that the commission was in an honest discharge of its duties in the matter of investigating immigration conditions when its members were taking these joy rides? No man who has a reverence for the truth will insist that they were.

But, O Mr. Chairman, there are so many things here that can be shown by the records, and I will say, in passing, that I have introduced a resolution calling for an investigation of the expenditures of this commission that took $90,000 with them when they went upon the European trip, only $20,675 of which has been accounted for in their reports. We would like to know what became of the balance of that $90,000, and we would like to know the nature of the many other extravagant expenditures that have been made by the commission; $667,992.67 spent, and nothing to show for it except four or five little reports that do not amount to a bill of beans, the greater part of the information contained in them having been copied from something that had already been written and said upon the immigration question, and therefore they are nothing more or less than plagiarism in the true sense of the word, and not based upon an intelligent investigation of immigration conditions by this commission.

But from what the gentleman from New York [Mr. BENNET] said the other day, one would naturally conclude that he was a friend to the cause of immigration reform conditions in this country, and I thought from what he said that he was in favor of the $4 head tax, because he said that the commission was

responsible for the legislation that provided for it, and that they had brought so many millions of dollars into the country by reason of their recommendations, to offset the expenditures that they had made, that the country was financially much better off than it would have been if the commission had not been created.

But let us see what the gentleman says upon that subject in a letter written to New York about the time the commission was created. Let us see if he is a friend to the conditions as they exist in this country under the law, or whether he is not seeking to destroy the law and to help to pollute the social conditions of the country by bringing in a class of immigration that can not come here under any sort of decent law. I read, Mr. Chairman, from a letter written from this city on February 19, 1907, just the day before the immigration law was approved that created the commission; it is directed to the Liberal Immigration League, 150 Nassau street, New York:

HOUSE OF REPRESENTATIVES,
Washington, February 19, 1907.

LIBERAL IMMIGRATION LEAGUE,
150 Nassau Street, New York, N. Y.

GENTLEMEN: Referring again to your kind invitation to be present at the mass meeting to be held under the auspices of your league on the 22d instant, would say that I find that, owing to the engrossing nature of my duties here, I shall be unable to be present. I am more than pleased to have been able to report from the conference committee so moderate a bill as that which has just passed Congress.

Actually, through the bonding privilege, people who are now being rejected daily, because of poor physique, low vitality, or liability to become public charges, can, after this law takes effect, be admitted, so that the campaign of the restrictionists has ended in a bill under which persons who can not be admitted under existing law, can, after this new law takes effect, be admitted.

And no additional persons, other than epileptics, certain classes of insane persons, and a certain class of contract laborers will be excluded.

A confession, Mr. Chairman, that under the new law a class of people can be brought into this country who will become obnoxious, poisonous to the society of it, who will become a charge upon the Government, a charge upon the burden-bearing citizens of this country from one end of it to the other, a pollution of the happy social conditions of which we are so justly proud and jealous.

In regard to the head tax of $4, it is without justification, but it will be an irritation and not a restriction.

If we had not accepted it, we probably could not have obtained a bill, and thus have been deprived of the bonding clause.

I should advise that your league continue. The increased head tax is worth protesting against, and, in addition to that, notice was publicly given on the floor of the House that the restrictionists intend to continue their campaign, with the idea of getting the educational test in the Sixtieth Congress.

If the restrictionists continue their campaign, you ought to continue yours, and I can not speak too highly of the work of your league during this Congress, without which it is quite certain there would have been an educational test upon the statute books to-day, thus excluding yearly about 200,000 deserving immigrants.

Regretting my inability to attend, and wishing you every success in your efforts, I am,

Very truly, yours,
WILLIAM S. BENNET,
Member Immigration Commission.

Mr. PERKINS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PERKINS. I rise because I wish to take the liberty of suggesting that the time of the gentleman from Arkansas has expired.

Mr. MACON. Oh, no; I lost fifteen minutes by debate over words spoken by me and complained of by Members on the other side of the House.

Mr. PERKINS. That was chargeable to the gentleman's time. They have four hours on the Democratic side, and they can use it in any way they see fit. If the gentleman from Arkansas desired to use it up by having rulings made on his remarks, that is his business. Surely it must come out of the gentleman's time if it comes out of the four hours.

Mr. CLARK of Missouri. Mr. Chairman, surely the time taken up in wrangling about a parliamentary situation is not to be taken out of the time of the gentleman from Arkansas or the time of the gentleman from Georgia, who manages the bill on this side of the House, or out of the eight hours for general debate.

Mr. PERKINS. It was a wrangle growing out of remarks made by the gentleman from Arkansas.

Mr. GAINES. And remarks which the gentleman from Arkansas himself deemed improper by withdrawing them.

Mr. HOWARD. And after they were withdrawn the gentleman from West Virginia undertook to retain them before the House in a contention which consumed the most of the time. [Applause on the Democratic side.]

Mr. GAINES. The gentleman from Georgia is very much mistaken. I did not undertake to retain them.

Mr. HOWARD. I call the gentleman to order.

Mr. MACON. Mr. Chairman, I desire to say to the gentleman from West Virginia that he misstates facts when he says that I thought the words were improper. I said that I would withdraw them because I wanted to avoid a quibble and a squabble.

The CHAIRMAN. The gentleman will suspend until the Chair rules upon the point of order made by the gentleman from New York. The Chair immediately upon the parliamentary situation being concluded deducted the time that was consumed, and there are remaining now to the gentleman from Arkansas six minutes.

Mr. MACON. Mr. Chairman, I want to say that the gentleman from New York took some exception the other day to my making an attack upon a Member of Congress without hunting up evidence before I proceeded that could be proven even to the point of the crossing of every "t" and the dotting of every "i" in the information that I presented and based my charges upon. Upon what meat have Congressmen fed that they have grown so great that they can not afford to be questioned? I remember to have read that a Member of Congress from the State from which the gentleman comes was charged with a felony while a Member of this House and escaped upon a plea of the statute of limitations. I remember to have read that two Congressmen from the State of Oregon were indicted for felonies, one of them tried and convicted, and the other, though not tried and convicted up to the time his term of office expired, is standing trial at this moment upon the charge.

I remember to have read that a Senator who had served the State of Oregon thirty long years was indicted for a felony, and died, figuratively speaking, between the court-house and the penitentiary, he having been convicted of the charge. I remember to have read that a Senator from the State of Nebraska was indicted for a felony while a Member of Congress, but escaped punishment by entering a plea of the statute of limitations. I remember that a Senator from the State of Kansas, while a Member of Congress, was indicted for a felony, convicted, and served his time in a felon's cell; and all of these gentlemen that I have mentioned belonged to the same party, were of the same political household and faith of the gentleman from New York. With that record standing boldly forth, am I not justified in concluding that perhaps a Congressman, even a Republican Congressman, can do something wrong that he can be charged with by a Member of Congress? Ah, Mr. Chairman, the fact that an individual is elected to the Congress of the United States is not conclusive evidence of his integrity, nor does it make him immune from attack. In the matter of wrongdoing he stands upon the same plane that the humblest human beings that ever breathed the breath of life occupy. An election to Congress no more makes a man sacred than does the simple election of a man to the office of justice of the peace endow the justice of the peace with a full and complete knowledge of all the law of the land, whether enacted by legislatures or parliaments or other lawmaking bodies, including the courts.

The information that I predicated my speech upon the other day was furnished me by the secretary of a secretary of an immigration league, and I want to say that, in my judgment, a thousand per cent more Congressmen of the other House and of this have been indicted for felonies, convicted, and have served times as felons than have immigration secretaries. And that being the case, I respectfully refer the history of the case to the gentleman from New York [Mr. BENNET], and ask him if I could not afford to use the facts given to me by an honorable secretary of an immigration society, in view of the fact that none of them have ever stood trial for felony, that none of them have ever been indicted, while Congressmen have been both indicted and convicted. Now, Mr. Chairman, a few words about the extravagance of this commission. They have over 200 persons in their employ, their salaries ranging all the way from $40 a month for a janitor to $28 a day for a detective to nose around over the country and get secret information about this, that, or the other thing; secret information about the farmers of the South, who perhaps may not have lived up to every contract exactly as somebody else might have them live up to them, but who live up to their contracts as completely and as perfectly as do the citizens of any other quarter of this Union, and any reflection or aspersion that is attempted to be cast upon them by appointing peonage detectives to go among them and nose around about their business is disgusting and repulsive to any decent and fair-minded man on earth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACON. I will ask the gentleman from Georgia to grant me a little more time.

Mr. HOWARD. The remaining hour has been assigned to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I will ask the gentleman from Georgia to yield five minutes of my time to the gentleman from Arkansas.

Mr. HOWARD. I yield five minutes more to the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, this commission had in its employ 200 people, and they received salaries, as I said, all the way from $40 a month for a janitor to $28 a day, many of them receiving in addition to their salaries their actual traveling expenses, and as high as $3.50 a day in addition thereto in lieu of subsistence. You will find by investigating the records that there has been a wholesale expenditure of the money of the people by this commission in a most extravagant manner.

But they say, Mr. Chairman, that it has been spent in the interest of immigration investigations. But what have they to show for it? As I have said, there are only these four or five little reports, about 5 by 8 inches in dimension, and containing from 10 to 60 pages. Any immigration society could have gotten them out in less than thirty days, at an expense not exceeding $5,000 at the outside, and yet the American people are charged with this enormous expenditure, $657,992.67, and must bear the burden without a groan. I insist that the resolution that I have introduced ought to be passed, in order that an investigation of the expenditures of the commission can be had. If it has not been extravagant, let them come forth and show it. If they have been, let the American people know it, in order that the blame can be properly lodged. I also have in mind another commission—the Monetary Commission—which has the privilege, under the law, of expending every dollar they care to expend without accounting for it except in a lump sum. They are without limit and their accounts can not be questioned under the law that created the commission. The law provides that the auditor must accept every voucher of expenses that is signed by the chairman or the acting chairman without question as to amount or the object for which it was expended.

If we are to have commissions of that extravagant character in great numbers without limit upon their appropriations, with no limit to the number of people they can employ, then it will only be a question of time until the Government will be practically bankrupt. We have been substantially that way for some years past. We have been living beyond our income; we have gone beyond the realm of good statesmanship and good business judgment and business sense, and we ought to call a halt to such expenditures before it is too late. Why, sirs, Walsh, of Chicago, was only extravagant in the expenditure of trust funds; Morse, of New York, was only extravagant with the trust funds that were confided to his keeping; both high up in life, and yet one of them at this hour is serving time in the penitentiary at Atlanta and the other in the penitentiary at Leavenworth, Kans.; and unless we call a halt it will only be a question of time when commissions will go so far that they, too, will be called before the bar of justice, certainly before the bar of public opinion, and the demand made that they correct their ways, that they shall no longer extravagantly waste the people's money in the profligate way they have been doing.

Mr. Chairman, I hate graft and despise grafters and for that reason I expect to raise my voice against them every opportunity I have, and I declare an extravagant expenditure of trust funds, whether belonging to nations or individuals, to be graft pure and simple, and there is no truthful way of getting around it. I thank the House for its attention. [Applause.]

Mr. Chairman, assuring the House that I will not put a single unparliamentary thing in my remarks I would like to have the privilege of revising and extending them. I will not allow anything to appear in violation of the rules of the House.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD.

Mr. PERKINS. Mr. Chairman, I feel constrained to object. The gentleman has twice been called to order, and I think under the circumstances the request should not be granted.

Mr. MACON. Mr. Chairman, I expected that much from that side of the House, but I can outlive it, thank God, and the American people will call upon you to account for your extravagances, whether you allow me to expose them in the RECORD or not.

Mr. GAINES. Mr. Chairman, regular order.

Mr. PERKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19255, the diplomatic and consular appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated:

S. 291. An act to establish a fish-cultural station in the State of Rhode Island—to the Committee on the Merchant Marine and Fisheries.

S. 539. An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

S. 627. An act to establish a fish-cultural station in the State of Minnesota—to the Committee on the Merchant Marine and Fisheries.

S. 869. An act to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia—to the Committee on the Merchant Marine and Fisheries.

S. 870. An act to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

S. 975. An act to establish a fish-cultural station in the State of Delaware—to the Committee on the Merchant Marine and Fisheries.

S. 1039. An act to establish a fish-culture station in the State of Wyoming—to the Committee on the Merchant Marine and Fisheries.

S. 1251. An act to establish a fish-cultural station in the State of Kentucky—to the Committee on the Merchant Marine and Fisheries.

S. 1377. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

S. 1378. An act to establish a marine biological station on the Gulf coast of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

S. 2002. An act to establish a fish-cultural station in the State of Connecticut—to the Committee on the Merchant Marine and Fisheries.

S. 2325. An act to increase the efficiency of the United States Military Academy, and for other purposes—to the Committee on Military Affairs.

S. 2545. An act to establish a fish-culture station in New Mexico—to the Committee on the Merchant Marine and Fisheries.

S. 2902. An act to establish an assay office at Los Angeles, State of California—to the Committee on Coinage, Weights, and Measures.

S. 2955. An act to construct and place a light-ship near Monhegan Island, entrance to Penobscot Bay, Maine—to the Committee on Interstate and Foreign Commerce.

S. 3082. An act for the relief of Elizabeth G. Martin—to the Committee on Claims.

S. 3246. An act to establish a fish-culture station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

S. 3733. An act to establish a fish-cultural station in the State of Alabama—to the Committee on the Merchant Marine and Fisheries.

S. 3808. An act for the relief of E. C. Mansfield—to the Committee on Claims.

S. 4109. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 4197. An act to establish a fish-cultural station in the State of Colorado—to the Committee on the Merchant Marine and Fisheries.

S. 4461. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region—to the Committee on the Merchant Marine and Fisheries.

S. 4462. An act to amend section 5278 of the Revised Statutes—to the Committee on the Judiciary.

S. 4464. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington—to the Committee on Ways and Means.

S. 4781. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies—to the Committee on Claims.

S. 4785. An act to establish a fish-cultural station in the State of Nevada—to the Committee on the Merchant Marine and Fisheries.

S. 5018. An act for the relief of Henry W. Lee—to the Committee on Indian Affairs.

S. 5198. An act to establish a fish-cultural station in the State of North Carolina—to the Committee on the Merchant Marine and Fisheries.

S. 5522. An act to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.—to the Committee on Interstate and Foreign Commerce.

S. 5523. An act to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.—to the Committee on Interstate and Foreign Commerce.

S. 5524. An act to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.—to the Committee on Interstate and Foreign Commerce.

S. 11. An act to establish a fish-cultural station in the State of Idaho—to the Committee on the Merchant Marine and Fisheries.

S. 115. An act for the relief of Marcellus Troxell—to the Committee on Claims.

S. 130. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota—to the Committee on the Merchant Marine and Fisheries.

S. 219. An act to establish a fish-cultural station in the State of Nebraska—to the Committee on the Merchant Marine and Fisheries.

S. J. Res. 63. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion, to be held at Mobile, Ala., in April, 1910—to the Committee on Military Affairs.

MESSAGE FROM THE PRESIDENT—EMPLOYEES ON THE ISTHMIAN CANAL.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 355).

The Clerk read as follows:

To the Senate and House of Representatives:

I am transmitting herewith certain papers relative to the cases of Alexander Comba, Pedro Sanchez, John H. Cole, and Oscar F. Lackey, who were injured on the isthmus prior to August 1, 1908, while in the employment of the Isthmian Canal Commission.

Comba's legs were crushed, necessitating amputation, and he was still lying in the hospital nearly two years after the accident. The left arm and right hand, except the thumb, of Sanchez were amputated because of injuries received in a dynamite explosion. Cole's right hand was cut off while he was at work on a steam-shovel crane. Lackey suffered a fracture of the spine, which has permanently disqualified him from doing anything but a limited amount of light work.

In these and similar cases of injury received by employees of the commission prior to August 1, 1908, there is no authority for giving any pecuniary relief to either the employees themselves or to their families, except that each employee was entitled to and was granted, under his contract of employment, thirty days' meritorious sick leave with pay.

It needs no argument to establish the obligation which the Government of the United States is under to provide relief for its employees who are permanently disabled or maimed, and for the families of those who are thus injured or killed, through no fault of their own, while employed upon work of such hazardous character as that connected with the construction of the Isthmian Canal. This obligation is recognized by the act of May 30, 1908, and by section 8 of the Panama Canal bill (H. R. 12316) now pending before the Congress.

There are a number of bills pending before the Congress for the relief of certain employees who were injured prior to August 1, 1908, and among them a bill for the relief of Lackey. It seems right that some general law should be enacted which will enable a reasonable allowance to be made to employees who were permanently disabled or maimed and to the families of those who were killed in accidents occurring prior to that date through no fault of their own.

By the act approved May 30, 1908, the widow, children, or dependent parents of an employee killed in the course of hazardous employment are entitled to receive compensation for a year at the rate the employee was paid at the time of his death, provided a claim is filed with the Secretary of Commerce and Labor within ninety days from the date of death.

The families of employees living in foreign countries, especially the families of Spanish employees, in a number of cases were unable to file a claim within the limited time fixed. The Secretary of Commerce and Labor has therefore been compelled to disapprove a number of claims which show that the claimants were entitled to the benefits of the act. The time limit for filing such claims should be extended and the Secretary of Commerce and Labor authorized to consider and allow such claims as have heretofore been filed.

I therefore recommend that suitable legislation be enacted authorizing the Secretary of Commerce and Labor to act upon any claims for compensation on account of death which have heretofore been filed under the act approved May 30, 1908, and that authority be given the President, under such restrictions as the Congress may deem advisable, to settle all claims on account of the death or permanent disability or maiming of employees of the Isthmian Canal Commission caused by accidents on the Isthmus of Panama prior to August 1, 1908, for which such employees were not responsible.

A draft of a bill, substantially following the Panama Canal bill now pending, which I believe will meet the requirements of the situation has been prepared by the Secretary of War and is at the disposition of Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 8, 1910.*

The SPEAKER. Without objection, so much of this message as refers to claims of individuals will be referred to the Committee on Claims, and so much as refers to legislation will be referred to the Committee on Interstate and Foreign Commerce. [After a pause.] The Chair hears no objection.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16221. An act for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin;

H. R. 13439. An act to declare Nodaway River in Missouri nonnavigable;

H. R. 13440. An act to declare the Big Tarkio River, in Holt and Atchison counties, Mo., nonnavigable;

H. R. 13438. An act to declare One Hundred and Two River, in Missouri, nonnavigable;

H. R. 12289. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.; and

H. R. 17161. An act to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River, in the State of West Virginia.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 8, 1910.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 579) "to correct the lineal and relative rank of certain officers of the United States Army."

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

PRINTING AND BINDING FOR THE COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

House resolution 381.

Resolved, That the Committee on Expenditures in the Post-Office Department is hereby authorized, during the Sixty-first Congress, to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

PENSIONS OTHER THAN CIVIL WAR.

The SPEAKER laid before the House the bill (H. R. 18006) granting pensions and increases of pension to certain soldiers and sailors in the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, with amendments of the Senate, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree to the Senate amendments and request a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

CIVIL-WAR PENSIONS.

The Speaker also laid before the House the bill (H. R. 16311) granting pensions and increases of pensions, with Senate amendments, which were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

LEAVE OF ABSENCE.

Mr. THISTLEWOOD, by unanimous consent, obtained leave of absence for ten days, on account of death in family.

ADJOURNMENT.

Mr. PERKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for the reimbursement of George H. Baker (H. Doc. No. 663)—to the Committee on Claims and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for payment to the Royal Insurance Company (H. Doc. No. 664)—to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a recommendation of an increase of the office force of the Commissioner of Internal Revenue (H. Doc. No. 665)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Indian Service (H. Doc. No. 666)—to the Committee on Indian Affairs and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Milwaukee Harbor, Wisconsin (H. Doc. No. 667)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of the Interior, transmitting a resolution of the Creek national council respecting equalization of allotments (H. Doc. No. 668)—to the Committee on Indian Affairs and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Atchafalaya River, Louisiana (H. Doc. No. 669)—to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel from Apalachicola River to St. Andrews Bay, Florida (H. Doc. No. 670)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 19962) establishing a commission on fine arts, reported the same with amendment, accompanied by a report (No. 407), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEBEL, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, reported the same with amendment, accompanied by a report (No. 408), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the resolution of the House (H. J. Res. 137) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," reported the same without amendment, accompanied by a report (No. 409), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GUERNSEY: A bill (H. R. 20358) relating to the taxation of interest-bearing deposits of national banking associations—to the Committee on Banking and Currency.

By Mr. FLOOD of Virginia: A bill (H. R. 20359) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite—to the Committee on the Library.

By Mr. TALBOTT: A bill (H. R. 20360) giving credit to officers of the army for service in the Philippine Constabulary—to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 20361) to repeal the act of May 24, 1828, and all other acts authorizing the suspension of discriminating duties; to notify foreign nations of the termination of conventions made in pursuance thereof; and to extend the coastwise laws to the trade between the Philippine Islands and the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. STURGISS: A bill (H. R. 20362) to provide for the erection of a public building at Grafton, W. Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20363) to extend the limit of cost for the acquisition of a site and the erection of a government building thereon at Morgantown, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 20364) to authorize the extension of the public building in the city of Salem, Oreg.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20365) to further amend section 2276 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. MAYS: A bill (H. R. 20366) to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 20367) providing for an increase of salary for the United States marshal for the eastern district of Louisiana—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 20368) providing for a site for a public building at Raton, N. Mex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20369) to provide for the assignment of certain water rights acquired by the United States under the laws of the different States and Territories—to the Committee on Irrigation of Arid Lands.

By Mr. SMITH of Michigan: A bill (H. R. 20370) authorizing the widening of First street NE., District of Columbia—to the Committee on the District of Columbia.

By Mr. GOEBEL: A bill (H. R. 20371) authorizing the consolidation of and evidence in actions for libel—to the Committee on the Judiciary.

By Mr. BENNET of New York: A bill (H. R. 20372) to better regulate the traffic in intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANN (by request): A bill (H. R. 20373) to prohibit the importation into the United States of adulterated seed and seed unfit for planting—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS: A bill (H. R. 20374) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for those vocational subjects in state normal schools, and to appropriate money therefor and to regulate its expenditure—to the Committee on Agriculture.

By Mr. FAIRCHILD: A bill (H. R. 20375) to authorize certain changes in the permanent system of highways, District of Columbia—to the Committee on the District of Columbia.

By Mr. CREAGER: A bill (H. R. 29376) to confer jurisdiction on the Court of Claims to determine the amounts due certain Shawnee and Delaware Indians of the United States—to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 20377) providing for site and public building at Lancaster, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY (by request): A bill (H. R. 20378) fixing the time within which actions must be commenced under the act of Congress of July 2, 1890 (26 Stats., p. 290), known as "An

act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 20379) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. MOXLEY: A bill (H. R. 20479) providing for a post-office building and site in the town of Cicero, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. COCKS of New York: Joint resolution (H. J. Res. 139) authorizing the President to prevent the entry into the United States of slave-made cocoa—to the Committee on Ways and Means.

By Mr. FLOOD of Virginia: Concurrent resolution (H. C. Res. 35) requesting the Secretary of State to investigate and report concerning American tobacco, etc.—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20380) to remove the charge of desertion against George G. Balser and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. AMES: A bill (H. R. 20381) granting an increase of pension to William A. Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20382) granting a pension to Kayeton Stravink—to the Committee on Pensions.

By Mr. ANDERSON: A bill (H. R. 20383) granting an increase of pension to John Cook—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20384) to remove the charge of desertion from the military record of Jacob Ley—to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 20385) granting an increase of pension to Jacob Guy—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20386) for the relief of Seemann & Co., of St. Louis, Mo.—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 20387) granting a pension to Eli M. Blair—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 20388) granting an increase of pension to Mary C. Opdyke—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 20389) for the relief of the administrator or heirs of John G. Campbell, to permit the prosecution of an Indian depredation claim—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 20390) granting an increase of pension to Lemuel Wilson—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20391) granting an increase of pension to Elisha K. Cady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20392) for the relief of the heirs of David Williams, deceased—to the Committee on War Claims.

By Mr. COCKS of New York: A bill (H. R. 20393) for the relief of the estate of Daniel Downs, deceased—to the Committee on Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20394) granting an increase of pension to John R. Hayden—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 20395) granting an increase of pension to Edward Chapin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20396) granting an increase of pension to Julius Engler—to the Committee on Pensions.

Also, a bill (H. R. 20397) granting an increase of pension to Amos Shatzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20398) granting an increase of pension to Richard T. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20399) granting an increase of pension to William J. Sliter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20400) granting an increase of pension to Clarence M. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20401) granting an increase of pension to Mathew S. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20402) granting an increase of pension to John Mikesell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20403) granting an increase of pension to Henry L. Kyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20404) granting an increase of pension to William F. Hoopert, alias Frederick C. Hupee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20405) granting a pension to William Golden—to the Committee on Pensions.

Also, a bill (H. R. 20406) granting a pension to Louisa K. Schlagel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20407) granting a pension to Sarah E. Bender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20408) granting a pension to Orlando H. McKnight—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 20409) granting an increase of pension to Irvin Brock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20410) granting an increase of pension to Emanuel Choate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20411) granting a pension to John T. Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20412) granting a pension to Henry J. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20413) granting a pension to Amanda E. Glenn—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 20414) granting an increase of pension to James H. Parks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20415) granting an increase of pension to Appolos Cook—to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 20416) granting a pension to Ruth E. Dietz—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20417) granting an increase of pension to Lumon Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20418) granting an increase of pension to William E. Summers—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 20419) for the relief of J. D. Coleman—to the Committee on War Claims.

Also, a bill (H. R. 20420) for the relief of C. S. Harrell, administrator—to the Committee on War Claims.

Also, a bill (H. R. 20421) granting a pension to M. M. Bothwell—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 20422) granting an increase of pension to Henry Beyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20423) granting an increase of pension to Gerhard Ferber—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 20424) granting an increase of pension to Calvin B. Holbrook—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 20425) granting a pension to Annie Marble—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 20426) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement—to the Committee on Pensions.

Also, a bill (H. R. 20427) granting an increase of pension to Abraham P. Coons—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20428) granting an increase of pension to John Lett—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 20429) for the relief of the heirs of Ann E. Timberlake—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 20430) granting a pension to Nina Prosser—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 20431) granting an increase of pension to Joseph F. Smith—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 20432) granting an increase of pension to Samuel D. Kingsbury—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 20433) granting an increase of pension to George A. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20434) granting an increase of pension to Edward L. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20435) granting an increase of pension to John McGlaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20436) granting a pension to Anson P. Wishon—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 20437) for the relief of John H. Jarvis—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 20438) granting a pension to Margaret Shea—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 20439) granting an increase of pension to Jacob Carlile—to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 20440) for the relief of E. J. Older—to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 20441) granting an increase of pension to John S. McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20442) granting an increase of pension to Nelson O'Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20443) granting an increase of pension to A. C. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20444) granting an increase of pension to Thomas Wheeler—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 20445) for the relief of the heirs of Edward Coke Johnson, deceased—to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 20446) granting an increase of pension to Joseph S. Neese—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 20447) for the relief of the Western Distilleries, of Agnew, Cal.—to the Committee on Claims.

Also, a bill (H. R. 20448) granting a pension to Martha J. Howell—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 20449) granting a pension to Davis N. Garten—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 20450) granting a pension to Newell B. Clark—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 20451) granting an increase of pension to John L. Wells—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 20452) for the relief of Addison Baker—to the Committee on War Claims.

By Mr. MURPHY: A bill (H. R. 20453) granting an increase of pension to William Jones—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 20454) granting an increase of pension to John F. Spence—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20455) granting an increase of pension to Elizabeth Gaunt—to the Committee on Invalid Pensions.

By Mr. HENRY W. PALMER: A bill (H. R. 20456) granting an increase of pension to John N. Eddinger—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20457) granting an increase of pension to James P. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20458) granting an increase of pension to Robert Boyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20459) granting an increase of pension to Richard H. Ely—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 20460) granting an increase of pension to Oliver P. Stout—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 20461) for the relief of the estate of Moses S. McCord—to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 20462) granting an increase of pension to Benjamin Zellner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20463) granting an increase of pension to Alfred Lynn—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 20464) granting a pension to Mary C. Christensen—to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 20465) for the relief of Thomas Bingham—to the Committee on War Claims.

Also, a bill (H. R. 20466) for the relief of David C. McGee—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 20467) granting a pension to Daniel M. Yeager—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20468) granting an increase of pension to John T. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20469) granting an increase of pension to John M. Reese—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 20470) granting an increase of pension to Emma L. Spear—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 20471) for the relief of the heirs of Charles Leroy—to the Committee on Claims.

By Mr. WEBB: A bill (H. R. 20472) to complete the military record of Cyrus E. Burnett, and for an honorable discharge—to the Commitee on Military Affairs.

Also, a bill (H. R. 20473) granting a pension to Cora Garland—to the Committee on Pensions.

Also, a bill (H. R. 20474) for relief of certain employees of the Government Printing Office—to the Committee on Claims.

By Mr. WOODS of Iowa: A bill (H. R. 20475) granting an increase of pension to Williston W. Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20476) granting an increase of pension to Charles W. Beresford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20477) granting an increase of pension to John J. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20478) granting an increase of pension to Clark H. Castle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Petition of C. H. Everly, H. B. Hubbard, and 46 other citizens of Daviess County, Mo., for passage of Senate bill 404 and House joint resolution 17—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Alexander M. Rainay—to the Committee on Pensions.

By Mr. ANDERSON: Petition of A. F. Hull, president of the American Insurance Union, of Marion, Ohio, urging the passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDREWS: Petition of citizens of eastern New Mexico, for amending act of Congress of February 19, 1909—to the Committee on the Public Lands.

By Mr. ANTHONY: Petition of citizens of Holton, Kans., against Senate bill 404 and House joint resolution 17—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Queen City Chapter, No. 237, American Insurance Union, favoring passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward Shampoe, of Erie, Pa., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie Trust Company, favoring passage of House bill 17267—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of Protective Tariff League, against reopening of the tariff question—to the Committee on Ways and Means.

Also, petition of Horticultural Importers' Association, against House bill 15656—to the Committee on Agriculture.

Also, petition of Atlantic Mutual Insurance Company of New York, for retention of pilot chart publication by the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of New York, in favor of a repeal of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, favoring House bill 17270, relative to diplomacy—to the Committee on Foreign Affairs.

Also, petition of Commandery No. 55, Knights of St. John and Malta, favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Harry Lee Post, No. 21, Grand Army of the Republic, of Brooklyn, N. Y., against Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of Chicago Association of Commerce, relative to a court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Walter J. Stone—to the Committee on Invalid Pensions.

Also, petition of American National Live Stock Association, for conservation of national resources—to the Committee on Agriculture.

By Mr. CARY: Petition of Excelsior Publishing Company, of Milwaukee, Wis., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Schroeder Lumber Company, of Milwaukee, Wis., against certain sections of House bill 6865—to the Committee on the Merchant Marine and Fisheries.

By Mr. COCKS of New York: Petition of Alfred M. Wood Post, Grand Army of the Republic, of Jamaica, N. Y., relative to the placing of statues in Statuary Hall—to the Committee on the Library.

By Mr. COOK: Petition of Philadelphia Maritime Association, for preparation of the Pilot Chart in the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of Pennsylvania: Petition of citizens of Garrett, Pa., and vicinity, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Produce Exchange, for House bill 17267—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition favoring House bill 3075 and Senate bill 1614, prohibiting the Government from printing envelopes without charge—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Margaret Lee—to the Committee on Pensions.

By Mr. FAIRCHILD: Petition of citizens of Milford, Otsego County, N. Y., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of Maritime Association of the Port of New York, for retention of publication of the Pilot Chart in the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, in favor of the Jones bill (S. 4033) concerning travel pay, etc., to officers and soldiers in the volunteer service in the Philippines, etc.—to the Committee on Military Affairs.

Also, petition of Chicago Association of Commerce, favoring amendment to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of William E. Summers—to the Committee on Invalid Pensions.

Also, petition of citizens of Van Buren County, Ark., for abolishing forest reserve in Van Buren County, Ark., to accompany House bill 18889—to the Committee on Agriculture.

Also, petition of citizens of Van Buren County, Ark., in support of House bill 18889, asking that Van Buren and other counties be excluded from Ozark National Forest—to the Committee on Agriculture.

By Mr. FORNES: Petition of National Society of Mural Painters of New York City, for American representation at fine arts exposition of Rome and Turin—to the Committee on Industrial Arts and Expositions.

Also, petition of William F. Jordon, of New York city, against House bill 12343—to the Committee on Appropriations.

By Mr. FULLER: Petition of Chicago Allied Printing Trades Council, of Chicago, Ill., in opposition to the proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sapp, Pettit & Sapp, publishers of Republican-Times, of Ottawa, Ill., in favor of the passage of House bill 3075, prohibiting the printing of certain matter on stamped envelopes, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of De Moulin Brothers & Co., of Greenville, Ill., against publicity feature in the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of citizens of Gap and Columbia, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of Commercial Club of Williston, N. Dak., asking for an appropriation for a public building to be located at Williston, N. Dak.—to the Committee on Appropriations.

Also, petition of citizens of Fort Ransom and Hannaford, N. Dak., for regulation of the liquor traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Souris, N. Dak., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMMOND: Petition of H. G. Anderson and 6 other citizens of Jackson, Minn., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Turtle Lake, N. Dak., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Donnybrook, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas: Petition of citizens of Temple, Tex., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Andrew Crowl—previously referred to the Committee on Military Affairs, committee discharged and referred to the Committee on War Claims.

By Mr. HOWARD: Petition of Thomas N. McKibben and other citizens of Eatonton, Ga., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of estate of John Brown—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of board of the Reformed Church in America, protesting against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Lydia Hunt and Alfred Jewett Cook—to the Committee on Invalid Pensions.

Also, petition of citizens of South River, N. J., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Loyal Association of New Jersey, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petition of George G. Hendricks and other prominent citizens of Richmond, Utah, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of San Francisco Iron Trades Council, in favor of Meyer plan of operating navy-yards—to the Committee on Naval Affairs.

By Mr. HUFF: Petition of 46 citizens of Sayre, Pa., and vicinity, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of citizens of Spring Forge, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lieutenant R. W. Smith Post, No. 270, Grand Army of the Republic, of Wrightsville, Pa., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Charles S. Kinman—to the Committee on Pensions.

By Mr. LINDBERGH: Petition of Tri-State Grain Growers' Convention, favoring passage of the McCumber bill providing for the inspection and grading of grain—to the Committee on Agriculture.

By Mr. KELIHER: Petition of New England Dry Goods Association and New England Stove Manufacturers' Association, for repeal of the publicity feature of the federal corporation-tax law—to the Committee on Ways and Means.

By Mr. MANN: Petition of Chamber of Commerce of the State of New York, in regard to repeal of paragraph 6 of corporation-tax law—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of the State of New York, in regard to repeal of House bill 17270, to provide for reorganization of the diplomatic service—to the Committee on Foreign Affairs.

By Mr. MAGUIRE of Nebraska: Petition of firms and corporations of Omaha, against passage of House bill 13862—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of W. H. Carpenter, president of Union National Bank, of Philadelphia, Pa., favoring House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Maritime Exchange, for retention of publication of Pilot Chart in the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the G. W. Blabon Company, of Philadelphia, Pa., against the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of the Philadelphia Produce Exchange, for House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Trust and Savings Company, of Philadelphia, Pa., favoring House bill 17267, relating to bills of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Typographical Union, No. 2, against an increase in the rate on second-class postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago Association of Commerce, for bills to amend the act to regulate commerce by the creation of a court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. W. Lawrence & Co., Pittsburg, Pa., against the Heyburn paint bill—to the Committee on Agriculture.

Also, petition of National Board of Trade, against the federal antitrust law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Merchants and Manufacturers' Association of Baltimore, Md., against House bill 13862—to the Committee on the District of Columbia.

By Mr. PADGETT: Paper to accompany bill for relief of Elizabeth Gaunt—to the Committee on Invalid Pensions.

By Mr. RAUCH: Petition of L. V. Conwell and 40 others, of Van Buren, Ind., against postal savings legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Graham County, Kans., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Jewell, Kans., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Papers to accompany House bill 20324, for the relief of the heirs of H. S. Young—to the Committee on War Claims.

By Mr. ROTHERMEL: Petition of citizens of Berks County, Pa., against passage of the Johnston Sunday bill and House joint resolution 17—to the Committee on the District of Columbia.

By Mr. HENRY W. PALMER: Petition of Stanley Zbowski and others, of Nanticoke, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. REID: Paper to accompany bill for relief of Mary E. Stout—to the Committee on War Claims.

By Mr. SHARP: Petition of Trades Council of Mansfield, Ohio, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of Hon. William Sprague, of Rhode Island, sole surviving war governor, in favor of House bill 18899—to the Committee on Military Affairs.

By Mr. SABATH: Petition of residents and voters of the Fifth Congressional District of Illinois, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago Association of Commerce, relative to a court of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Petition of Sons of the American Revolution, of the District of Columbia, relative to the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. STURGISS: Petition of board of directors of the Philadelphia Bourse, favoring House bill 16362—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: Petition of volunteer officers of the civil war, favoring House bill 18899—to the Committee on Military Affairs.

Also, petition of citizens of Onsted, Mich., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Pennsylvania Nurserymen's Association, against House bill 15656—to the Committee on Agriculture.

Also, petition of Philadelphia Maritime Exchange, relating to Pilot Charts, Hydrographic Office—to the Committee on Appropriations.

By Mr. WEBB: Petition of O. E. Ford and other citizens of Shelby, N. C., against postal savings-banks law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William B. Banks—to the Committee on Pensions.

SENATE.

WEDNESDAY, *February 9, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF WASHINGTON GAS LIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Gas Light Company for the year ended December 31, 1909, which was referred to the Committee on the District of Columbia and ordered to be printed.

CLAIM OF J. R. ALLISON.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the case of J. R. Allison, administrator de bonis non cum testamento annexo of Isaac Haynes, deceased, *v.* The United States (S. Doc. No. 356), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16311) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18066) granting pensions and increases of pension to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (S. 579) to correct the lineal and relative rank of certain officers of the United States Army.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.;

H. R. 12289. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 13438. An act to declare One Hundred and Two River, in Missouri, nonnavigable;

H. R. 13439. An act to declare Nodaway River, in Missouri, nonnavigable;

H. R. 13440. An act to declare the Big Tarkio River, in Holt and Atchison counties, Mo., nonnavigable;

H. R. 16221. An act for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin; and

H. R. 17161. An act to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River, in the State of West Virginia.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a resolution adopted by General Lander Post, No. 5, Grand Army of the Republic, Department of Massachusetts, of Lynn, Mass., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

HEADQUARTERS GENERAL LANDER POST 5,
GRAND ARMY OF THE REPUBLIC,
Lynn, Mass., February 3, 1910.

At a regular meeting of the post, held this evening, the following preamble and resolution was unanimously adopted:

Whereas it has come to our notice that the Commonwealth of Virginia has sent a statue of Robert E. Lee to the statuary room of the Capitol at Washington, a building which he would probably have destroyed had his forces captured the city at the time of Early's raid; and

Whereas the act of Congress under which Virginia seeks to place the statue was enacted in 1864, when the Nation was exerting all its power to defend itself against the assaults of Lee; and

Whereas to place the statue of one who, having held the responsible position of Adjutant-General of the Army of the United States, deserted to the enemies and led them through four years of bloody war would be contrary to the spirit of the act under which it is sought to honor a traitor; and

Whereas we believe that it would be an insult to the memory of the men who gave their lives for their country, and the Union veterans who survived the war, and who still cherish a love for the flag they fought under, to place the statue of Robert E. Lee, in the full uniform of a rebel general, in the Hall of Fame, as it would teach coming generations that the man who fought to destroy the country deserves the highest honors the Nation can bestow: Therefore be it

Resolved, That we protest most emphatically against the proposed outrage and urge our Senators and Representatives in Congress to use their most earnest endeavors to prevent the acceptance of the statue by the Government, and to secure its removal from the Capitol, where it has been placed without authority.

The adjutant was instructed to mail a copy to our Senators and Representatives in Congress.

Official.

JOSIAH R. LEE, *Commander.*

JOHN ANDERSON, *Adjutant.*

Mr. CULLOM presented a petition of Local Union No. 2416, American Federation of Labor, of Farmersville, Ill., and a petition of Local Union No. 200, Cigarmakers' International Union of America, of Galesburg, Ill., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a memorial of Typographical Union, No. 282, American Federation of Labor, of Sterling, Ill., and a memorial of Local Lodge No. 11, Amalgamated Association of Iron, Steel, and Tin Workers, of Granite City, Ill., remonstrating against an increase of the rate of postage on second-class

mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of West Frankfort, Wheeler, Newton, Litchfield, and Lawrenceville, all in the State of Illinois, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. FRYE presented a memorial of sundry citizens of South Paris, Me., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Tri-State Grain Growers' Convention, of Minnesota and North and South Dakota, praying for the enactment of legislation providing for the inspection and grading of grain under federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a memorial of sundry citizens of Graham County, Kans., remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Lewis, Fellsburg, Coldwater, Garland, and Jewell, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 5780) granting an increase of pension to Henry A. James, which were referred to the Committee on Pensions.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union, of the Woman's Foreign Missionary Society of the First Methodist Episcopal Church, and of the Missionary Society of the Presbyterian Church of Massillon, Ohio, and a petition of sundry citizens of Mount Gilead, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Mount Gilead, Ohio, and a petition of the Missionary Society of the Presbyterian Church, of the Woman's Christian Temperance Union, and of the Ladies' Aid Society of the First Methodist Episcopal Church, of Massillon, Ohio, praying for the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Mount Gilead, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the Indiana State Association of Master House Painters and Decorators, of Fort Wayne, Ind., praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

Mr. STEPHENSON presented a memorial of sundry citizens of Sparta, Wis., and a memorial of sundry citizens of Shawano, Wis., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of the Wisconsin State Federation of Labor, remonstrating against an increase of the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Central Labor Union, of Lincoln, Nebr., praying for the adoption of certain amendments to the present homestead law relative to distribution and entry, which was referred to the Committee on Public Lands.

He also presented a memorial of the International Publishing Association, of Collegeview, Nebr., remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STONE presented memorials of sundry citizens of Cardwell, Silex, Perryville, Hallsville, St. Louis, New Melle, Fulton, Wright City, Ewing, West Plains, and Glasgow, all in the State of Missouri, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BURKETT presented a memorial of sundry citizens of College View, Nebr., remonstrating against an increase of the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

Mr. MARTIN presented a memorial of sundry citizens of Waynesboro, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. KEAN presented a petition of the Clinton B. Ayars Canning Company, of Bridgeton, N. J., praying for the enactment of legislation providing for the inspection of canning factories under federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Typographical Union No. 94, American Federation of Labor, of Jersey City, N. J., remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Supreme Council of the Loyal Association, Protection to the Widow and Orphan, of Jersey City, N. J., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Edwards & King, of Elizabeth, N. J., and a petition of the Master Painters and Decorators' Association, of Hudson County, N. J., praying for the passage of the so-called "Heyburn pure-paint bill," which were referred to the Committee on Manufactures.

He also presented a petition of Local Union No. 14, United Hatters of North America, of Newark, N. J., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Hackettstown, Dover, Newton, South River, and Paterson, all in the State of New Jersey, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. WARNER presented memorials of sundry citizens of St. Peters, Warsaw, Higginsville, Eugene, Powersville, Lebanon, Montrose, Brownington, Chamois, Norborne, Lexington, Liberty, Canton, Chillicothe, Poplar Bluff, Jamesport, Linn Creek, Ozark, Kansas City, Alba, High Hill, Montreal, and Leeds, all in the State of Missouri, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Oronogo, Mo., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ROOT presented petitions of sundry citizens of New York City, N. Y., and a petition of the Council of the National Sculpture Society of New York City, N. Y., praying that an appropriation be made to enable the Government of the United States to participate in the international exposition to be held in Rome, Italy, in 1911, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on the Judiciary, to whom was referred the bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States, reported it without amendment and submitted a report (No. 203) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 18411) to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.;

A bill (H. R. 18592) to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

A bill (H. R. 18806) to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

A bill (H. R. 18807) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.;

A bill (H. R. 18808) to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark.;

A bill (H. R. 18695) to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

A bill (H. R. 18895) to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.; and

A bill (H. R. 19399) to extend the time for the completion of a bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

Mr. MARTIN. I desire to enter a motion to reconsider the vote by which the bill (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; the bill (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and the bill (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark., were passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. MARTIN. I move that the House be requested to return the bills to the Senate, as they are identical with House bills just reported by me.

The motion was agreed to.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4629) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District, reported it with amendments and submitted a report (No. 204) thereon.

He also, from the same committee, to whom was referred the bill (S. 4617) to acquire land in the vicinity of the Connecticut avenue bridge for the extension of certain streets, reported it without amendment and submitted a report (No. 205) thereon.

Mr. JONES, from the Committee on Public Lands, to whom was referred the bill (S. 4477) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 206) thereon.

COMMANDER ROBERT E. PEARY.

Mr. HALE. From the Committee on Naval Affairs I report back, with an amendment, the bill (S. 6104) providing for the appointment of Commander Robert E. Peary a rear-admiral in the navy as an additional number in grade, and placing him upon the retired list, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, at the end of the bill, after the word "navy," to insert the words "at the highest pay in the grade," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Commander Robert E. Peary, of the United States Navy, a rear-admiral in the navy, to be carried as an additional number in said grade, and to place him upon the retired list of the navy at the highest pay in the grade.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL EXPOSITIONS AT ROME AND TURIN.

Mr. CULLOM. From the Committee on Foreign Relations I report back without amendment the bill (S. 6171) to provide for participation by the United States in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911; and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BURKETT. There was so much noise I did not catch all of the bill. Do I understand that the one bill provides for two expositions?

Mr. CULLOM. For two expositions, one at Rome and the other at Turin, in the same country.

Mr. BURKETT. What is the occasion?

Mr. CULLOM. The fiftieth anniversary of the Kingdom, of free Italy.

Mr. BURKETT. Is there to be the same sort of an exposition at each place?

Mr. CULLOM. The same sort—agricultural, manufacturing, and so forth.

Mr. BURKETT. Is it not rather unusual to take up two expositions in one country the same year?

Mr. CULLOM. That is for them to determine.

Mr. BURKETT. There was a good deal of confusion in the Chamber. What is the limit of it? Is it simply starting it, and does this action contemplate a large outlay?

Mr. CULLOM. If the Senator will allow the bill to be read, he will see——

Mr. BURKETT. The bill was read, but there was so much confusion I did not get the amount.

Mr. CULLOM. The exposition at Rome begins in February, 1911, and the one at Turin begins in April of the same year. There is only a year in which to get ready, and it is very important that this little appropriation shall be made. Unfortunately we failed to make an appropriation for the exposition at Brussels, when Belgium has always acted very liberally toward us in making appropriations for our world's fairs.

Mr. BURKETT. I notice that the bill authorizes the Smithsonian Institute to turn over the necessary exhibits, as I understood it. Is there any limit in the bill?

Mr. CULLOM. The appropriation is $130,000 for both expositions, nothing more nor nothing less.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6218) granting an increase of pension to Levi William Walden; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 6219) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

A bill (S. 6220) to provide for the purchase of a site and the erection thereon of a public building in the city of Plymouth, Ind.; to the Committee on Public Buildings and Grounds.

A bill (S. 6221) granting an increase of pension to William J. Cook (with an accompanying paper);

A bill (S. 6222) granting an increase of pension to Amos H. Cory (with accompanying papers);

A bill (S. 6223) granting an increase of pension to Elisha Pierce (with an accompanying paper); and

A bill (S. 6224) granting an increase of pension to Benjamin F. Welker; to the Committee on Pensions.

By Mr. CLAPP (by request):

A bill (S. 6225) authorizing the Secretary of the Interior to issue patents to certain Indians in the State of Washington (with an accompanying paper); and

A bill (S. 6226) to amend the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and the act amendatory thereof, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," approved June 27, 1902, relating to the disposal of ceded lands and the timber thereon; to the Committee on Indian Affairs.

By Mr. GAMBLE:

A bill (S. 6227) authorizing the Secretary of the Interior to issue patent to the Lutheran Church of Harding, Harding County, S. Dak., to certain lands for cemetery purposes; and

A bill (S. 6228) authorizing the Secretary of the Interior to issue patent to Buffalo Township, Harding County, S. Dak., to certain lands for cemetery purposes; to the Committee on Public Lands.

A bill (S. 6229) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company; to the Committee on Commerce.

By Mr. SHIVELY:

A bill (S. 6230) to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana; to the Committee on Commerce.

A bill (S. 6231) granting a pension to Anna L. Yachmann;

A bill (S. 6232) granting an increase of pension to John W. Sutton;

A bill (S. 6233) granting a pension to Sarah C. Burtop;

A bill (S. 6234) granting a pension to Caroline Chambers;

A bill (S. 6235) granting an increase of pension to Mathias Berry (with accompanying papers);

A bill (S. 6236) granting an increase of pension to Samuel F. Biteman (with accompanying papers);

A bill (S. 6237) granting an increase of pension to Joseph N. Calvert (with an accompanying paper); and

A bill (S. 6238) granting an increase of pension to Albert De Witt Clinton Walker (with an accompanying paper); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 6239) to correct the military record of John Holmes (with accompanying papers); to the Committee on Military Affairs.

By Mr. HEYBURN:

A bill (S. 6240) granting an increase of pension to Joseph Lewis (with an accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:
A bill (S. 6241) for the relief of Emma Kiener; to the Committee on Claims.
A bill (S. 6242) granting an increase of pension to Orlando F. Davis (with accompanying papers); to the Committee on Pensions.
By Mr. GALLINGER:
A bill (S. 6243) for the establishment of an auxiliary fish-cultural station in connection with the fish-cultural station at Nashua, N. H.; to the Committee on Fisheries.
A bill (S. 6244) granting an increase of pension to Barnard S. Reed (with accompanying papers); to the Committee on Pensions.
By Mr. McENERY:
A bill (S. 6245) for the relief of the Levee Steam Cotton Press Company, of New Orleans, in the State of Louisiana; to the Committee on Claims.
By Mr. BURTON:
A bill (S. 6246) granting a pension to Daniel W. Graham; to the Committee on Pensions.
By Mr. GUGGENHEIM:
A bill (S. 6247) to provide for instruction in forestry in the colleges of agriculture and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, and for experiments in forestry in agricultural experiment stations; to the Committee on Agriculture and Forestry.
By Mr. TILLMAN:
A bill (S. 6248) for the relief of the estate of John Fripp, deceased;
A bill (S. 6249) for the relief of William A. Chisolm, administrator of William S. Chaplin, deceased;
A bill (S. 6250) for the relief of the heirs of Joseph M. Farr, deceased;
A bill (S. 6251) for the relief of the heirs of T. B. Fripp, deceased;
A bill (S. 6252) for the relief of the heirs of Daniel P. Jenkins, deceased;
A bill (S. 6253) for the relief of the estate of Richard N. Kittles, deceased;
A bill (S. 6254) for the relief of the estate of Stephen A. Kittles, deceased; and
A bill (S. 6255) for the relief of the estate of Hamilton Slawson, deceased; to the Committee on Claims.
By Mr. BURKETT:
A bill (S. 6256) granting an increase of pension to Abraham A. Croy; to the Committee on Pensions.
By Mr. MARTIN:
A bill (S. 6257) for the relief of the heirs of John D. Rawlings, deceased;
A bill (S. 6258) for the relief of the estate of Richard Wiseman, deceased;
A bill (S. 6259) for the relief of Mason Shipman;
A bill (S. 6260) for the relief of the heirs of Amanda M. James, deceased;
A bill (S. 6261) for the relief of the estate of John Ivy, deceased; and
A bill (S. 6262) for the relief of the estate of Mary G. Temple, deceased; to the Committee on Claims.
A bill (S. 6263) granting a pension to W. D. Clark; to the Committee on Pensions.
By Mr. CRAWFORD:
A bill (S. 6264) restricting the issuance of injunctions and restraining orders by the district and circuit courts of the United States and the judges thereof, issued for the purpose of enjoining the enforcement of the statute of a State; to the Committee on the Judiciary.
By Mr. DICK:
A bill (S. 6265) granting a pension to Clara von Tangen Sullivan;
A bill (S. 6266) granting a pension to Christina Rieker;
A bill (S. 6267) granting an increase of pension to Israel S. Dear;
A bill (S. 6268) granting an increase of pension to Thomas C. Hill;
A bill (S. 6269) granting an increase of pension to William Lazarus; and
A bill (S. 6270) granting an increase of pension to Jacob Newbauer; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment proposing to appropriate $31,055.08 to pay the sums found due former postmasters who served between July 1, 1864, and July 1, 1874, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment providing that all payments for work performed on the Isthmian Canal, etc., shall be made in the silver coin of the United States, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Finance and ordered to be printed.

REGULATION OF FEDERAL COURT PRACTICE.

Mr. CRAWFORD submitted an amendment intended to be proposed by him to the bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

USE OF FUEL OIL IN THE NAVY.

Mr. TILLMAN submitted the following resolution (S. Res. 176), which was considered by unanimous consent and agreed to:

Senate resolution 176.

Resolved, That the Secretary of the Navy be directed to furnish to the Senate the amount in barrels of fuel oil (petroleum and naphtha) consumed by the navy on torpedo boats and torpedo-boat destroyers or other naval vessels; that he give the average cost of same for each year for the last five years; and that he state from whom it was purchased.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

SECOND-CLASS MAIL MATTER.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a prior day, which will be read.

The Secretary read Senate resolution 170, submitted by Mr. CLAY on the 7th instant, as follows:

Senate resolution 170.

Resolved, That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative cost, in the United States, of transporting publications, designated as second-class mail by mail, express, and fast freight.

Second. That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative rates paid by the United States Government and by the express companies to the principal railroad companies in the United States for similar service in transporting publications designated as second-class mail matter.

Third. That the Interstate Commerce Commission be directed to ascertain and report to the Senate the comparative rates paid to the leading railroad companies for transporting the several classes of mail of the Government of the United States, and for similar service paid by the express companies to the principal railroad companies in the United States.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. KEAN. I do not see present the chairman of the Committee on Post-Offices and Post-Roads. I thought he desired to have both resolutions submitted by the Senator from Georgia referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAY. Mr. President, I prefer to have the resolutions acted upon, because there is a resolution pending before the Committee on Post-Offices and Post-Roads instructing the committee to find out this information, and in order to comply with the former request of the Senate, it will be necessary to secure the information sought by these resolutions.

Heretofore the Senate adopted a resolution directing the Committee on Post-Offices and Post-Roads to make a thorough investigation in regard to this subject. The reason for it has arisen probably from the fact that an effort is being made to increase the postage on second-class mail matter.

But, inasmuch as the chairman of the Committee on Post-Offices and Post-Roads is absent from the Senate, I will ask that the resolutions lie on the table until he returns. He objected to their consideration for a day when they were introduced, and I would not desire to press them in his absence.

The VICE-PRESIDENT. If there be no objection, the resolution will lie on the table, and also Senate resolution 171, of like purport.

Mr. CLAY. Let the same action be taken in regard to it.

The VICE-PRESIDENT. Like action will be taken in regard to resolution 171.

THE FOREST SERVICE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a prior day, which will be read.

The Secretary read Senate resolution 174, submitted yesterday by Mr. HEYBURN, as follows:

Senate resolution 174.

Resolved, That the Secretary of Agriculture is hereby directed to furnish to the Senate a statement as to the amount of money expended under the direction of the Forester in the education of forest students, the institution they attended, the names of such students, and whether or not their transportation to and from these institutions and their salaries were paid during their attendance.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INCOME TAX.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a prior day, which will be read.

The Secretary read Senate resolution 175, submitted yesterday by Mr. BORAH, as follows:

Senate resolution 175.

Resolved, That the Committee on the Judiciary be, and is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the proposed amendment to the Constitution of the United States, as submitted to the States for ratification at the special session, would, if adopted, authorize Congress to lay a tax upon incomes derived from state bonds and other municipal securities or would authorize Congress to tax the instrumentalities or means and property of the State or the salary of state officers.

Mr. BORAH. I ask that the resolution may be passed over.

The VICE-PRESIDENT. At the request of the Senator from Idaho, the resolution will lie on the table.

INCREASED COST OF LIVING.

Mr. KEAN. I ask unanimous consent for the consideration of Senate resolution 165, reported yesterday from the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a resolution, which the Secretary will read.

The Secretary read the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. STONE. Mr. President, I do not object to the consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE-PRESIDENT. There are several committee amendments which should first be adopted. Does the Senator from Missouri desire those to be acted on before he addresses the Senate?

Mr. STONE. I have no objection.

The VICE-PRESIDENT. The Secretary will state the committee amendments in their order.

The SECRETARY. The amendments reported by the Committee on Finance are, on page 2, line 1, after the word "wages," to strike out "and incomes" and insert "salaries and earnings;" in line 17, before the word "by," to strike out the word "legislation," and after the word "by," to insert "tariff or other legislation of;" in line 21, after the word "articles," to strike out the word "it" and insert "and the committee is also authorized and directed, by subcommittee or otherwise, to make a thorough investigation of the prices of food products on the farm in various parts of the United States, the wholesale prices of such food products at the wholesale trade centers of the United States, and the retail prices of such food products in the larger cities of the United States; and also a comparative statement showing cost of production on the farm."

And on page 3, line 6, after the word "such," to strike out the words "bill or bills" and to insert "recommendations," so as to make the resolution read:

Resolved, That there shall be appointed by the President of the Senate a select committee of seven Senators, with authority to sit during the session of the Senate or during the recess of Congress, either as a committee or by a subcommittee, with instructions to make an exhaustive investigation into the cost of living and any increase in the same since 1900; to ascertain whether the price of the necessaries of life which enter into the general use and consumption of the people have, since the year 1900, been increased; and if so, to ascertain the cause or causes which have influenced said increase. In making such investigation special attention shall be given by the committee to the subject of wages, salaries, and earnings, and if the increase in the same has kept pace with the increase in the cost of living; increased price, if any, of such articles as meat, grain, provisions, rents, cotton, wool, clothing, lumber, coal, iron, oil, brick, and cement; stating in said report the price to the producer, the wholesaler or jobber, the retailer, and the consumer at which said articles included in the investigation by said committee were distributed and sold in the year 1900, and the price for their disposition and sale at the present time. It shall further be the duty of said committee to ascertain the cost of production of said articles and the cost of their distribution and sale when in the hands of the wholesaler or jobber and the retailer between the same periods. If, in the judgment of said committee, such articles have been increased in price by reason of the increased production of gold throughout the world and the expansion of the currency in the United States, or by tariff or other legislation of Congress, or by any monopoly, combination, or conspiracy to control, regulate, or restrain interstate or foreign commerce in the supply, distribution, or sale of such articles. And the committee is also authorized and directed, by subcommittee or otherwise, to make a thorough investigation of the prices of food products on the farm in various parts of the United States, the wholesale prices of such food products at the wholesale trade centers of the United States, and the retail prices of such food products in the larger cities of the United States; and also a comparative statement showing cost of production on the farm. It shall report the same to the Senate, with suggestions or recommendations as to the remedy to be applied to reduce the cost of living, and accompany its report with such recommendations as will, in the opinion of the committee, correct and remove the cause or causes which have enhanced the price of said articles. Said committee or subcommittee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, and to have such hearings printed.

And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

The amendments were agreed to.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. The Senator from Missouri has the floor.

Mr. STONE. I yield to the Senator from Wyoming.

Mr. WARREN. On line 4, page 2, after the words "cotton, wool," I move to insert "hides, leather, boots and shoes."

If I may be permitted just a word, I do not wish to enter into a discussion, but I notice down below, on the same page, in line 17, a reference to "tariff or other legislation," and as there is no tariff on raw cotton, and in the last tariff act raw wool remained unchanged, while manufactures of wool were slightly reduced in two instances, it seems to me that the item of boots and shoes, which enters so largely into the clothing of the American people and upon which the reduction of the tariff was greater than upon almost any other commodity, should be included. Hides being made free, leather being reduced 75 per cent in some grades and 60 per cent in others, harness being reduced more than one-half, and boots and shoes from 25 to 10 per cent, I think the words "hides, leather, boots and shoes" ought to be included.

I should like this committee to ascertain why, with free hides and greatly reduced rates on products of hides, prices thereof have not been reduced. As a matter of fact, prices of hides, leather, harness, saddles, and boots and shoes have been greatly advanced.

Mr. KEAN. I have no objection to the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment submitted by the Senator from Wyoming.

The SECRETARY. On page 2, line 4, after the word "wool," insert the words "hides, leather, boots and shoes."

The amendment was agreed to.

Mr. BURTON. I should like to ask the Senator from New Jersey reporting the resolution why only specific articles are included in it? Why is not the committee authorized to investigate the price of commodities generally?

Mr. KEAN. The resolution was not originally drawn by the Senator from New Jersey. It was drawn by the Senator from West Virginia [Mr. ELKINS] and reported with amendments from the Finance Committee. It was then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and it has been reported favorably from that committee.

Mr. BEVERIDGE. It would be much stronger if it included all commodities.

Mr. BURTON. I suggest an amendment, which is a very simple one.

The VICE-PRESIDENT. Does the Senator from Missouri yield for that purpose?

Mr. STONE. Mr. President, I do not think I have any objection to perfecting the resolution before I address myself to it. I am perfectly willing to yield the floor until that is done, if it is desired by Senators.

Mr. BURTON. I will state to the Senator from Missouri that I understood he was retaining the floor merely with a view of speaking after amendments to perfect the text of the resolution have been presented.

Mr. STONE. Mr. President, for the purpose of perfecting the resolution, if it is the pleasure of Senators, I will surrender the floor for the present.

Mr. BURTON. Then I suggest an amendment. In line 3, page 2, after the word "of," I move to insert "commodities including."

Mr. KEAN. There is no objection to that, Mr. President.

The VICE-PRESIDENT. The Secretary will read the amendment submitted by the Senator from Ohio.

The SECRETARY. On page 2, line 3, after the word "of," where it occurs the second time, insert the words "commodities including," so as to read:

Of commodities including such articles as meat, grain, provisions—

And so forth.

The amendment was agreed to.

Mr. OVERMAN. I move to add, after the word "cement," in line 5, page 2, the words "farming implements."

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In line 5, page 2, before the word "cement," strike out the word "and," and after the word "cement" insert "and farming implements."

The amendment was agreed to.

Mr. MONEY. Mr. President, I wish to know whether these special amendments which are being offered in any way limit the scope of the investigation. My idea of the resolution, derived from hearing it read, was that it was intended that this committee should inquire into the rise of prices in this country, and that they were not limited to any particular investigation, and when words were inserted mentioning specific articles it was intended to be directory to that particular subject, but not to exclude the committee from considering others. I should like to have a ruling on that point. I should like to know what the Chair would rule on it.

The VICE-PRESIDENT. Does the Senator think that is a parliamentary inquiry which the Chair should answer?

Mr. MONEY. I think it is a parliamentary inquiry, because I want to know the effect of naming of specific articles upon the scope of the investigation. If it shall limit the committee in any respect, I would object to any amendment whatever. Although I think all the articles mentioned should be examined into, they should be examined into along the line with everything else.

The VICE-PRESIDENT. The Chair hardly thinks that it is a parliamentary inquiry, but the Chair is entirely willing to give his judgment.

Mr. MONEY. I should like to have the judgment of the Chair upon the question.

The VICE-PRESIDENT. The resolution contains the word "commodities," a pretty broad-meaning word. The Chair does not understand that it is the intention of those proposing amendments to limit the scope of the resolution but rather to direct especially the attention of the committee having the matter in charge to those particular subjects.

Mr. MONEY. I had that opinion myself, Mr. President, but I want the expression of others. When you have expressed something it might exclude some word not mentioned. I am glad the Chair has expressed his opinion in that way, because in my opinion it is a useless investigation that does not touch everything that commends itself to the committee having the subject in charge.

Mr. BEVERIDGE. Mr. President, I did not intend to say a word on the resolution, but on the suggestion of the Senator from Mississippi I would make a remark for his consideration. Does not the enumeration mean the exclusion, and where a general word is followed by specifications, is not that general word modified by those specifications? I merely make this suggestion so that it can be on the record.

I rise to another——

Mr. HEYBURN. I wish to offer an amendment to the resolution.

The VICE-PRESIDENT. The Senator from Indiana has the floor. Does he yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly. I rose to a question of the order of business, and will state it as soon as the Senator gets through.

Mr. HEYBURN. I move to amend the resolution on page 1, line 1, after the word "That," by striking out "there shall be appointed by the President of the Senate a select committee of seven Senators, with authority to sit during the session of the Senate or during the recess of Congress, either as a committee or by a subcommittee, with instructions," and inserting in lieu thereof the words "the Secretary of Commerce and Labor be instructed," so that it will read: "That the Secretary of Commerce and Labor be instructed to make an exhaustive investigation," and so forth. Then, whenever the word "committee" occurs, I move to strike out that word and insert the word "Secretary;" on page 2, to strike out after the word "periods," in line 14, down to and including the word "articles" in line 21; and then in line 22, page 2, to strike out the words "by subcommittee or otherwise."

I also move, in line 3, page 3, to strike out the word "It" and substitute "He;" in line 7, page 3, to strike out the word "committee" and substitute "Secretary;" and to strike out all after the word "articles," in line 9, down to the end of the resolution, so that it will provide that the Secretary of Commerce and Labor shall perform the things proposed by the resolution to be performed by a committee.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 1, line 1, after the word "That," strike out down to and including the words "with instructions," in line 5, and insert "Secretary of Commerce and Labor be instructed." Wherever the word "committee" appears in the resolution substitute the word "Secretary;" on page 2, line 14, strike out, beginning with the word "If," down to and including the word "articles," in line 21; and in line 22 in the committee amendment strike out the words "subcommittee or otherwise;" on page 3, line 3, strike out the word "It" and insert in lieu thereof the word "He;" and on page 3, line 9, beginning with the word "Said," strike out the remainder of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. ELKINS. I object to the amendment.

Mr. HEYBURN. What is the question which is being presented, Mr. President?

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho.

Mr. HEYBURN. Are there other amendments pending?

The VICE-PRESIDENT. No; all the other amendments have been voted upon.

Mr. HEYBURN. Then I will say a few words in explanation of the amendment.

Mr. President, I see no reason for appointing a committee to do that for which provision has already been made by general law. When the Department of Commerce and Labor was created, it was urged that it was to furnish Congress with just such information as is called for in this case. That department is maintained at very great expense. The committee will undoubtedly go right to that department to get this information; and the department has the information on hand, or, if it has it not up to date, it can procure it more readily, with the vast resources at its command, than any committee could procure it. I offer this as a suggestion.

Mr. BEVERIDGE. Mr. President, with the permission of the Senate, I want to call the attention of Senators, and especially the Senator from Montana [Mr. CARTER], to the order of business. I do so at this moment because there are so many Senators here, and of course I do it, as I say, with the consent of the Senate. Many days ago, immediately after the Alaska government bill was made the unfinished business, the postal savings-bank bill was brought in, and it was agreed that the unfinished business should be laid aside from day to day until a reasonable time had elapsed to bring a vote on the postal savings-bank bill. Some time has elapsed. So far as the committee in charge of the unfinished business is concerned, it is perfectly willing, with the consent of the Senate, of course, which controls all these things, that the unfinished business shall still be laid aside from day to day, so that plenty of time may be had to pass the postal savings-bank bill. But I think it advisable to say to the Senator from Montana that, after what has seemed to all to be a reasonable time has elapsed for the consideration of the postal savings-bank bill, the committee in charge of the unfinished business would like to proceed with its consideration, of course with the consent of the Senate. I am, therefore, expressing the hope, Mr. President, while so many Senators are present, that the Senator from Montana will get, if he can, a day fixed for a vote upon the postal savings-bank bill, so that we may know where we are with reference to these various procedures.

I wish to say that there is no disposition, and there will be none, on the part of those who are in charge of the unfinished business to in anywise interfere with the progress of the discussion of the postal savings-bank measure. I, for one, am earnestly hopeful that it will be speeded to a conclusion; but the other matter is important also; and merely that the minds of Senators might be brought to this matter, I have made this suggestion while the chairs are so numerously occupied.

Mr. CARTER. Mr. President, I realize the natural anxiety of the Senator from Indiana to proceed with the unfinished business that by an arrangement has been temporarily laid aside each succeeding day, with a view of considering the postal savings-bank bill. I have been assured by Senators who have expressed a desire to be heard on this measure that there is no disposition whatever to avoid a vote. The Senator from Texas [Mr. BAILEY] desires to be heard with reference to the

constitutionality or the alleged unconstitutionality of the proposed measure. He is in some doubt as to the day on which he can address the Senate. I was notified this morning that a member of the committee, the Senator from Oklahoma [Mr. OWEN], desires to be heard in favor of the bill at some length, but would not be able to address the Senate until to-morrow. I should be glad, indeed, to have some definite time fixed for a vote, allowing a sufficient number of days for all Senators who desire to speak to be heard. I think all amendments, at least all suggested, save only two, have been disposed of. There is one amendment pending, and another which was offered yesterday evening. Those amendments can be disposed of, I take it, within a week, and all Senators be accorded the privilege of speaking on the measure.

In order to reach an understanding in some definite way upon this point, I now ask unanimous consent that a vote be taken on the postal savings-bank bill and all amendments pending at the time——

Mr. GALLINGER. Pending and to be offered?

Mr. CARTER. Pending and to be offered, at 4 o'clock on Wednesday, one week from to-day.

Mr. BAILEY. Mr. President, I can not consent to that, because, unless I change my plan, I must be absent from the Senate until after Wednesday next, and I hardly think now that I shall be prepared, or at least that I would be inclined, to address the Senate until I have returned from the errand on which I go, and which will keep me away until after the date the Senator from Montana names.

Mr. President, if I could prevent a vote on this bill by objection I would do so, and I would take whatever responsibility attached to that course. I recognize that I can not do that, and I am not inclined to engage in a futile attempt. So, if the Senator from Montana will fix the day a week from the time he proposes, I shall offer no objection.

Mr. CARTER. Then, Mr. President, if it is agreeable to all Senators, I make the request for a vote at 4 o'clock on Wednesday, the 23d instant, on the bill and all amendments then pending or to be at that time offered.

Mr. BACON. Mr. President, our experience has not been a fortunate one when a particular hour is fixed for a vote. It has uniformly happened that when the hour has been specified some Senators have had greatly the advantage of others in the debate closing when many Senators desired to say a few words. I therefore think it much better that merely a day for taking the vote shall be fixed.

Mr. BAILEY. Before we adjourn.

Mr. BACON. A day, rather than an hour.

Mr. BAILEY. That is true.

Mr. BACON. I think that would give everybody a fair chance.

Mr. CARTER. Mr. President, it has been suggested that probably a great many Senators would be absent on the 22d instant, and that, therefore, to return might not be convenient on the 23d.

Mr. BAILEY. Let us make it Friday. That is a good day for work of this kind.

Mr. CARTER. It is all in the point of view.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Mr. President, I desire to reach a point on which Senators will agree. I suggest that Saturday, the 19th instant, before adjournment, be fixed for a vote on the bill and all amendments then pending.

Mr. HEYBURN. Mr. President, I can not agree at this time to the fixing of that date for a vote on the bill. I have made an engagement for that day to deliver an address, which will take me from the city of Washington early in the day. I merely state that to show that I am not making a captious objection. I am not willing at this time that any day shall be fixed for a vote upon this measure. It is my intention, as soon as I can find time to do so, to formulate an amendment that will be in the nature of a substitute for the bill. The discussion so far has demonstrated the fact that the question is not free from serious embarrassments and difficulties, and I can not at this time consent to the fixing of a day for taking a vote upon this measure.

Mr. BEVERIDGE. Mr. President, that would seem to settle the request for any unanimous consent for any specific day. That being the case, I am not so sure that the Senator will not get his bill through earlier without fixing a time. The omnibus objection of the Senator from Idaho has settled that. I think it only fair to the unfinished business to suggest that, while it will continue, according to agreement made, to be laid aside from day to day without prejudice whenever any Senator desires to speak upon the postal savings-bank bill in order that that bill may be speeded to a conclusion, still if times come when there is no one prepared to take the floor upon that bill, the unfinished business will be pressed.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN] to the pending resolution.

The amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the resolution as amended.

Mr. STONE. Mr. President, I do not rise to oppose the resolution before the Senate, nor yet to advocate it, but I desire to submit some observations respecting it before it is finally disposed of. I should be pleased if I could proceed, as the Senator from Massachusetts [Mr. LODGE] and the Senator from North Dakota [Mr. MCCUMBER] were permitted to proceed, without interruption until I have completed what I have to say. Thereafter, if any Senator cares to question me, I shall be glad to answer, if I can.

Mr. President, on Friday, January 28, 1910, the Senator from Massachusetts [Mr. LODGE] delivered an address from his place in the Senate, based on a resolution which had been presented to the Senate on January 5 by the Senator from West Virginia [Mr. ELKINS], providing for the appointment of a select committee of the Senate to inquire into and report upon the causes for the recent remarkable increases in the prices current for the necessaries of life, and for other purposes. This address of the Senator from Massachusetts was a carefully prepared address, and was delivered from manuscript.

During the course of its delivery the Senator from time to time exhibited different bundles of statistics which he had prepared, or which had been prepared at his instance, and which he offered in support of his argument. He did not read the statistics at the time, but asked and received consent to insert them in the body of his speech. For some inexplicable reason the speech of the Senator did not appear in the RECORD of the following day, and was not printed in the RECORD until Tuesday morning, February 1. Why the Senator found it necessary to withhold for revision a speech so prepared and delivered for a period of four or five days is something rather difficult at first blush to understand. I wonder if it be possible that the Senator was uncertain as to some of his statements or as to some of his statistics, and that he found it necessary to employ several days to revise them before being willing to commit them to cold type? There is another incident in connection with this of somewhat striking significance. As I have said, the Senator from West Virginia [Mr. ELKINS] had, on January 5, introduced a resolution for a select committee of investigation, which resolution, since then, had been lingering for three or four weeks in the committee to which it had been referred, and over which committee the Senator from New Jersey [Mr. KEAN] presides.

For some unaccountable reason the Senator from West Virginia was unable to secure a report on his resolution from that committee, although he has stated on the Senate floor that he had made almost daily endeavors to have it reported. The Senator from West Virginia had good reason for his belief that an attempt was being made to smother or suppress his resolution for some ulterior purpose. What could be the meaning of this committee procrastination? The Senator from Rhode Island [Mr. ALDRICH], the head of the Senate Republican organization, was absent from Washington when the Senator from Massachusetts delivered his speech, and had been absent for some time. He returned to the capital several days after the delivery of the speech referred to and a day or so before its publication. Is it possible that the Senator from Massachusetts withheld his speech that it might be submitted to the Senator from Rhode Island for his approval before it appeared in the RECORD?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. STONE. I do.

Mr. LODGE. I desire in the fullest way to respect the request of the Senator not to interrupt him, but I think he will allow me to correct him when he is attributing motives to me. The speech to which he refers was never submitted to the Senator from Rhode Island, and I do not think he has ever read it to this day. There was no connection whatever that I know of between his return and the speech. I held the speech out until Monday, which was the first day I could get it in the RECORD, in order that I might collate the tables of figures. There was no change made whatever, but all those figures had to be very carefully collated. That was the sole reason for

the delay. It was entirely innocent, and there is no mistake about it at all.

Mr. STONE. Well, Mr. President, there is a well-grounded belief here and throughout the country that the Senator from Rhode Island is at the head of a coterie of powerful Republican Senators who undertake to direct, and do direct, the course of important events in the Senate of the United States. It may be—and the Senator from Massachusetts says it is true, and of course I accept what he says—that he did not desire the seal of approval affixed by the crown chief on his deliverance before it was laid before the public. At all events, the speech appeared in the RECORD the day following the reputed return of the Senator from Rhode Island. Moreover, on the very day after the Senator from Massachusetts caused his address to be published he offered a resolution here providing for a select committee of Senators to investigate the subject of prices, wages, and so forth. It was somewhat narrower in scope, but still in substance similar to the resolution offered by the Senator from West Virginia.

That resolution was referred to the Committee on Finance, of which the Senator from Rhode Island is the chairman and the Senator from Massachusetts a distinguished member, and on the following day, February 3, 1910, it was favorably reported from that committee. Thereupon the resolution was referred to the Committee to Audit the Contingent Expenses of the Senate, so that that committee might inquire into and report upon the question of expense incident to the proposed examination. That committee on yesterday and within four legislative days after the reference of the resolution reported back the resolution now before the Senate. This resolution is reported back as a substitute for the resolution first proposed by the Senator from West Virginia.

Mr. President, there has been a vast amount of "monkey business"—if I may be excused for using this expressive but not altogether ornate colloquialism—or, in other words, there has been a vast amount of dilly-dallying and delay in connection with this resolution of investigation. I have been puzzled to know the meaning of it. I confess the whole performance hath too much the complexion of a purpose to conceal, rather than a purpose to discover.

Why did the Republican members of the Finance Committee come rushing headlong into this business and exhibit an overweaning anxiety to take charge of the proposed inquiry? If the remarkable things done here have given to this business the sinister aspect of a scheme on the part of certain Senators to organize a committee that would start in primarily to hold the Payne-Aldrich tariff law blameless for the evils the country complains of, then the Senator from Massachusetts and his Republican associates on the Finance Committee have only themselves to blame. Is it the purpose of the great Senators who have thrown themselves into this breach to put the proposed investigation under the control of Senators who were chiefly instrumental in framing the new law and most concerned in exempting it from all responsibility for the higher prices which followed its enactment? A deep-laid apprehension to that effect has been expressed by many newspapers and by many people in different parts of the country. As an example of newspaper comment, I quote the following from the Washington Post of February 3:

> Frankly admitting the fear that a prolonged investigation of the increased cost of living by the Ways and Means Committee of the House, or as provided for by any of the rival resolutions, might drag throughout the summer and work to the disadvantage of the Republicans in the elections next fall, the Senate Finance Committee yesterday formulated a programme for a quick, sharp inquiry of the subject in all its phases. Senator LODGE introduced in the Senate a resolution providing for the appointment of a committee of five Senators to do the work.
>
> No problem, it is said, has proven so embarrassing to the Republican party. When the majority members of the Finance Committee met yesterday consideration was given to demands from every section of the country that something be done to restore normal prices. Several Senators declared the high prices would be attributed directly to the tariff, and unless something were done to refute these charges the Republican party would be compelled to bear the brunt of the attack.

This is from one of the most intelligently conducted newspapers of the country and a paper whose partiality for the administration is well and widely known. If it be true that the scheme is to exonerate the new tariff law from blame, well and good, for I know of nothing that stands in greater need of a deep-laid coating of whitewash. Would it not be a misnomer to call such a thing an "investigation?" Think of it, Mr. President, a plan projected and organized not for a broad and impartial inquiry, but for the primary purpose of proving that the new tariff law is in no wise responsible for the untoward conditions which have stirred the people to demand both information and relief. If this investigation is to be made by the men who framed and forced this tariff iniquity through Congress, will the investigation be worth the price the taxpayers must pay for it?

I venture to conjecture that our friends who are engineering this business will find it difficult to hoodwink a majority of the American people. They may succeed in doing it, but they will find it a difficult task.

Mr. President, that a material and marked advance has been made in the prices of the necessaries of life, not only in foodstuffs, but in other necessaries, since the Payne-Aldrich law was enacted is so manifest and universally known as to be beyond intelligent dispute. Whether this enhancement in current prices is due in any measure to the tariff may be the subject of dispute, but the fact of the rise in prices since the enactment of the law is beyond the realm of disputation. I see it reported in the press within the last few days that Dr. H. W. Wiley, of the Agricultural Department, is accredited with suggesting at a public hearing before the District Commissioners that the American hen is largely to blame for the increase in the cost of foodstuffs. He is reported as saying that the American hen is being bred for commercial purposes and taught to lay smaller eggs and more of them. He seemed to think the hen might be trained to lay smaller eggs, but he doubted her capacity to materially increase the supply. Yes, Mr. President, the causes for the increase in prices may be problematical, but the fact is indisputable. No doubt there are others like Doctor Wiley who stand ready to accuse the American hen more vehemently than the American tariff.

Again, Mr. President, the Senator from Massachusetts in his speech explains the rise in prices partly by what he states to be the fact that the demand for commodities has increased without a corresponding increase in production and partly by the fact that the world's gold supply has been augmented beyond the needs of business and the arts. Narrowing the inquiry for the moment to the actual point involved in what I am saying, it certainly will not be contended that any marked difference in demand and supply for commodities in general has occurred since the President signed the new tariff law on August 5, 1909, and therefore the quick rise in prices since that date can not be attributed to that cause. Secondly, while the argument of the Senator respecting the effect on prices of the increased supply of gold in recent years may be well founded, it can not be contended that that cause has operated to any appreciable extent on the increase of prices which immediately followed upon the enactment of the new law. The Senator from Massachusetts made this statement:

> Gold is the standard by which other commodities are measured. If gold grows scarcer and dearer, all other commodities fall in price. If, on the other hand, gold increases more rapidly than the demand of business and the arts requires, it will become cheap and more plentiful, and the prices of all the other commodities which it measures will rise.

I feel sure, Mr. President, that the Senator from Massachusetts must have extracted that quotation from some speech made by Mr. Bryan or some other Democrat during the memorable campaign of 1896. That campaign was anterior to the new discoveries—enormous discoveries—of gold since made in our Western States, in Alaska, Africa, Australia, and elsewhere, and at that time the estimated per capita circulation of the country was far below that of the present. The actual amount of money then supposed to be in the country was little more than one-half what it is supposed to be at this time, even if the whole of our possible circulation at that period had been available.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. SHIVELY in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. TILLMAN. I do not want to interrupt the Senator from Missouri, but I am enjoying this so hugely that I desire our Republican brethren to hear it. I should like to get a quorum here.

Mr. STONE. Please do not do that. Do not stop me. I ask the Senator not to do it.

The PRESIDING OFFICER. Does the Senator from South Carolina make the point of no quorum?

Mr. STONE. No; he does not.

We Democrats contended at that time that the cause of low prices was not due to the rates of duty imposed by tariff laws—for, in fact, the average rate had not been materially changed for years—but was due chiefly to a gross inadequacy in the volume of available currency. Neither knowing nor anticipating that the early discoveries of new gold deposits, so stupendous as to amaze the world, would be made, we advocated bimetallism as the only apparent remedy for the evils then

afflicting the country. We argued then, as the Senator from Massachusetts argues now, that low prices were superinduced by the scarcity of money, and that to increase the volume of standard money would be to increase the value of labor and its products. At last Republican orators are driven to accept Democratic arguments which formerly they denounced as puerile if not idiotic. I agree that in the quotation I have made from the Senator's address he states a sound economic principle, but I deny its applicability when he seeks to use it as an explanation for the advance in prices which has occurred within the last half year and immediately following the enactment of the new tariff schedules. It would be useless, as I have said, for any Senator to deny that prices have been greatly advanced since the passage of the new law. If any Senator makes such denial I will not waste time in joining issue with him.

I will prefer to have his denial read broadcast by the men and women of all the States who have homes to care for and work to do, and leave the answer to them. This much we know: That this universal complaint against the increase of prices has found voice and comes to us in the form of protests since the enactment of the new law.

Mr. President, at the close of the speech made by the Senator from Massachusetts on January 28 the Senator from Georgia [Mr. BACON] took the floor and in an impromptu address sought to controvert—I think with great success—some of the statements made by the Senator from Massachusetts. Among other things the Senator from Georgia sought to show that meats and other food products produced in America were sold cheaper abroad than at home. Instantly the Senator from Massachusetts, the Senator from Michigan [Mr. SMITH], and others sought to discredit the statement of the Senator from Georgia. That was a strange shifting of positions for our friends on the other side. During the tariff debates last summer, and in other previous debates of like character, our Republican friends quite frankly admitted that American products were sold cheaper in foreign markets than in American markets, and this they partly explained on the ground that these cheaper sales were of surplus products, and that they were made in order to keep our mills going and our artisans employed.

In other words, we were given to understand that our great industrial monopolies were selling abroad at lower prices, even at a loss, purely out of charity and philanthropic motives. But now the contention is made that prices for necessaries abroad are substantially the same as in this country. When the Senator from Georgia contended that there was a wide margin in the difference of cost here and abroad, the Senator from Massachusetts and the Senator from Michigan demanded his authority for the statement. The Senator from Georgia read numerous extracts from reliable journals showing prices upon given commodities in this country, in Canada, and in Europe, and thereupon the Senator from Massachusetts joined issue with the Senator from Georgia and told the Senator from Georgia that he had and would publish statistics in his address, taken from the reports of consuls, commercial bodies, and other sources that would prove the contention of the Senator from Georgia to be erroneous. Have we then come to the pass when Republicans are driven into the contention that it costs as much to live in Canada and the principal countries in Europe as it does to live in America?

To admit that, as it now seems to be admitted, is to throw away one of the pet arguments with which protectionists have been wont to delude the American people, namely, that one commanding need for a higher scale of wages in America is due to the alleged fact that the cost as well as the standard of living in this country is also higher. Mr. President, I have no volume of carefully and prudently selected statistics now at hand, such as the Senator from Massachusetts had prepared for him, to prove that American productions are sold cheaper abroad than at home. I had not supposed that that would be seriously controverted. There is one thing, however, that I wish to lay before the Senate in this connection. On January 24, ultimo, the Hon. James Wilson, Secretary of Agriculture, appeared before a subcommittee of the House Committee on the District of Columbia, which was engaged upon an inquiry relating to increased prices and their causes. He said that his department had been prosecuting an investigation into that subject. Among other things, he said:

> We inquired into the prices that the farmer gets on the farm to ascertain whether the farmer was getting all the money of the country for the sale of his meats. We found that the stock steer on the farm, a 2-year-old steer, is not a particle dearer now than it was twelve years ago. You can buy them just as cheap now as you could have bought them twelve years ago. Good ones can be bought at 4 cents a pound; good ones, stock steers, weighing 800 pounds.
>
> Mr. WILEY. A gentleman whom we all know, a Member of Congress, raises fat veal for market. He says he is getting this year 1 cent less than last year, and yet, here in the District, the price of veal has advanced from 25 to 30 per cent.
>
> Secretary WILSON. Yes. We all know these things, we on the outside, but we have not the power that you have.
>
> Mr. WILEY. I may say that it is Mr. GARDNER, of Atlantic City, to whom I refer. He tells us that.
>
> Secretary WILSON. The American people have always had the cheapest food in the world up until lately.
>
> I am gathering the facts to show that the food products you see here, grown on the American farm, are sold cheaper abroad than they are sold in the United States. I will get the facts and have them printed. I will repeat that: The food products of the American farmer are being sold in foreign countries, some of them that I know of, to the consumer abroad for less prices than they are being sold for to consumers here.

Mr. President, I presume that this proposed select committee if created will have the Senator from Massachusetts at its head, or at least a part of its membership. He is a very able, adroit, and discriminating gentleman. If he is on the committee, I wonder if he will strive to get at the facts Secretary Wilson says he is striving to secure? Judging by the Senator's speech and his known opinions and partialities, if he should follow the line of inquiry he would naturally prefer, I doubt if he would seek zealously to discover facts that would compel him to make a report corroborating the Secretary of Agriculture.

It goes almost without the saying that the Senator from Massachusetts, and those who think as he thinks and feel as he feels, would infinitely prefer to have the investigation disclose a situation that would more nearly comport with the views expressed by the Senator from Massachusetts in the carefully prepared speech he withheld for several days to be revised. Mr. President, such an investigation to have any economic value should be impartially conducted with a view to honest results, and not conducted in a partisan spirit for partisan effect.

Mr. President, I have said that it would be a work of supererogation and a practical waste of time to undertake to prove that prices have materially increased since the enactment of the new tariff law. Nevertheless, with the view, not of proving but of emphasizing the fact, I will advert to one or two things which seem to me to be singularly pertinent. It is not proper to confine this inquiry to meats and breadstuffs. There are other things almost as necessary to human comfort and human existence as things to eat, and so I would broaden the inquiry so as to enter into a larger field of production and of prices, especially as relates to what we term the necessaries of life. The New York Journal of Commerce, a trades paper of recognized authority, last month contained a dispatch from Philadelphia, the integrity of which it vouches for, and from which I quote as follows:

> With the price of hosiery and underwear already 50 per cent higher than it was a year ago, the manufacturers of the country have just decided to put on another 25 per cent, so that, as they say, they can get some profit out of the business.
>
> Not only does the 50 per cent increase apply to these two textile products, but it has been made also in every line of textiles in the manufacture of which cotton is used. And the additional advance agreed upon will also apply to cotton goods of all sorts.
>
> A gentlemen's agreement to make these advances effective was put through on Monday in New York at a conference between representatives of the National Association of Hosiery and Underwear Manufacturers and the Wholesale Dry Goods Association. While the manufacturers who attended the conference and the several mill owners from this city who were in attendance were careful to make plain the fact that no price increase had been ordered, such will be the effect of their ultimatum.
>
> They can not, under their articles of agreement in the national organization, "cut each other's throats," under penalty of drastic action on the part of the association directorate. In the organization, which has its headquarters and principal offices in this city, are about 80 per cent of the hosiery and underwear manufacturers of the United States, so that the action taken at the conference will be far-reaching.

During the consideration of the Payne-Aldrich bill it was charged over and again by those of us opposing its enactment that its passage would have the almost immediate effect of advancing the already high prices on numerous commodities regarded as common necessities. Without quoting from Democrats, as I could by columns, I will quote an utterance from the Senator from Wisconsin [Mr. LA FOLLETTE], made in a speech on June 9, 1909. He said:

> We are about to pass a bill at this session that will impose additional burdens upon the consumers of the country. They asked for relief. This bill will increase the cost of living in every home in the land.

That prophecy has been speedily realized.

As early as November and December last, I made numerous inquiries as to prices of merchants in person and by letter. Among others I addressed a letter to Mr. Murray Carleton, of St. Louis, president of the Carleton Dry Goods Company, of that city, one of the largest wholesale dry-goods establishments in the Middle West, making inquiry of him as to the effect of the new law on prices in the lines handled by his house. Mr. Carleton is one of the most intelligent and conservative merchants in the country, and there is no man upon whose statements more implicit reliance can be placed. He replied to my

letter at some length, saying that he had written it after consulting with other merchants. He gave me a list of different kinds and qualities of cotton goods which had been advanced from 12½ to over 33 per cent since the passage of the new law. He also gave me a list of men's, women's, and children's cotton underwear, which had been advanced from about 7½ to 15 per cent.

Concerning linens, he said that since the passage of the new law the cost on about 70 per cent of his purchases had advanced about 7½ per cent and on about 15 per cent of his purchases the advances were approximately 10 per cent. He further said that on the class of goods described as "white goods," of which ladies' waists, and so forth, are manufactured, and on lawns and the like, there had been an advance of 5 to 8 per cent; and that on cotton towels there have been advances averaging about 12½ per cent, depending upon the character of the merchandise, and an advance on laces and embroideries of about 5 per cent. On hosiery he said the advances made to that time were about 10 per cent, and that this applied especially to the cheaper grades used by the masses.

The Rice-Stix Dry Goods Company, of St. Louis, is also one of the largest establishments of its kind in the Central West. That company on December 16, answering my inquiry, transmitted to me certain tables showing advances in the prices of certain goods since the enactment of the Payne-Aldrich law. I ask leave to insert so much of these tables as is pertinent to the immediate subject I am discussing as a part of my remarks, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

DECEMBER 16, 1909.

Hosiery department.

	Cost prior to Payne tariff bill.	Cost of same articles to-day.
	Per dozen.	*Per dozen.*
Men's, women's, and children's hosiery	$1.67	$1.88
	1.84	2.05
	2.21	2.48
	2.59	2.86
	3.34	3.55
Men's cotton and jersey gloves	.72	1.17½
	1.26	1.65
	1.62	1.98

White goods department.

	Old duty.	New duty.	Increase in landed cost.
	Per cent.	*Per cent.*	*Per cent.*
Laces made on a "lever" or go-through machine	60	70	6½
Table damask counting over 100 threads to square inch and weighing less than 4½ ounces to square yard	35	45	7½
Embroideries and handkerchiefs bought in currency at a landed price[a]	60	60	2

[a] Duty has not been changed, but an administrative act forces manufacturers to add extra percentage to cost of goods.

Wash fabric department.

Since the new tariff on foreign colored wash fabrics imported to this country, the schedule has advanced on all lines of cotton goods on account of the increase in duty. The advance is greatest on raised figures, which enter into the construction of nearly all fancy wash fabrics.

Mr. STONE. Mr. President, cotton fabrics are almost as necessary to human comfort as bread and meat.

Mr. Carleton also wrote me that on dress goods made of wool, or of part wool and part cotton, the merchants had then made few purchases since the enactment of the new law, for the reason that their purchases of such goods for the fall and winter trade were made prior to its enactment. However, Mr. Carleton sent me a copy of a letter addressed to him by a gentleman whom he described as "one of the most intelligent buyers of dress goods in the United States." This gentleman stated that he had made no purchases of consequence since the passage of the Payne-Aldrich law, but he expressed the opinion that advances would appear. I quote the following extract from his letter:

> We have paid an advance of 2½ to 5 per cent on some lines of domestic dress goods, but the commission houses claim that the advances are due to the advance in wool and not to the change in the tariff bill.

Of course. You may be sure that these manufacturers will be smart enough to devise some excuse for higher prices and to assign some cause for it over which they have no control and which leaves them helpless and blameless. It is not to be imagined that the men who swarmed upon Washington to clamor for increased rates and to protest against reductions would take the blame for higher prices upon themselves. Mr. Carleton also sent an "announcement," dated October 16, 1909, sent out by a large concern engaged in the manufacture of knit goods, informing their customers that they would be obliged to withdraw all quotations for any further orders for 1909 delivery at the current quoted prices. The merchants are told that because of the higher cost of wages and raw material this manufacturing concern would not be able in future to sell at the prevailing quotations. Here again the blame for increases is cast upon other shoulders. Reflect that these proposed advances on knit goods are made on fabrics covered by a protective duty of from 95 per cent to 141 per cent, and ponder that well when you read the transparent excuses made for the increases. Here are manufacturers making goods sheltered by a practically prohibitive tariff pretending that they must advance the price of their products for some extraneous reason beyond their control. Is it possible that there are people so dull as to be further hoodwinked by such tommy rot? Is it possible that any sane man can doubt that manufacturers are taking advantage of the new law to advance prices for greater profits? Remember that the Payne-Aldrich bill was passed by Congress and signed by the President on the 5th day of August last and that these marked increases in price almost immediately followed the enactment of that law. The case is too plain for argument.

At this point I will revert to that provision of the Republican platform declaring that tariff duties should be made high enough to cover the difference in the cost of production between this and foreign countries. What constitutes this difference? The Republican platform itself answers that question, as did Mr. Taft during the campaign. It was declared by both that a duty sufficiently high to measure the difference in cost of production was a duty that should be high enough to cover, first, the difference in labor wage, and, second, high enough also to insure a reasonable profit to the manufacturer. The fact is that the only essential difference in the actual cost of production here and in other leading industrial countries is the difference in the labor wage. So far as the amount of capital invested, allowances for interest and depreciation, cost of fuel, and raw material are concerned—or, in other words, as far as the ordinary expenses of operation outside of labor are concerned—it may be fairly asserted that the manufacturers of the United States and of the leading countries of Europe, such as Great Britain and Germany, are practically on a footing of equality. At the same time it is true that the American standard of daily wage is the highest in the world. It is equally true that the American wage-earner pays far more than any other wage-earner in the way of living expenses. I agree that the daily wage paid to American workingmen is the highest paid in any country; yet, taken all in all, the American labor employer gets far better results from his labor than does his foreign competitor; and hence, when the labor cost of production is scientifically measured, the difference is far less than the mere difference in daily wage. I could quote from numerous authorities in support of this statement, but I content myself with a brief quotation from Mr. Schwab, who was educated and fitted for his remarkable career by Andrew Carnegie. He said:

> I have been in contact with labor of all kinds for years, and I know what I can do. I know that American laborers can produce more steel in a given time than any other workmen in the world. * * * It is true that we have to pay our workmen more; you always have to pay the most skillful workmen the highest wages. The Americans are the best workmen on earth. The highest-paid laborer is the cheapest to the employer.

And here, speaking of this labor question, I want to say that a world of mistakes and misapprehensions have crept in upon the public mind regarding it. That there is a difference in the wage paid American workmen and European workmen is undeniable. If it were not so, God only knows how the American workmen could live, paying the enormously higher prices they do for whatever they consume. Yes; there is an appreciable difference in the day's wage, but even that difference is by no means as great as those who advocate protective-tariff laws pretend. A systematic scheme of false education upon this subject has been in progress for years, both in and out of Congress.

Now, Mr. President, let me give some instances of "reasonable profits" earned by some of our New England industrial philanthropists. Many of these were referred to during the debate last summer. Indeed, this whole subject was gone over then, but I do not think it amiss to recall the facts:

First, I will take four leading cotton mills in New Bedford, Mass. Under the laws of Massachusetts, corporations of this kind are required to make public report of their capital stock,

surplus, dividends, etc.; and their stocks are dealt in—that is, bought and sold—through certain agencies. The principal agent handling the stocks of these New Bedford companies is the firm of Sanford & Kelly, bankers of that city, and these bankers issue periodical statements relating to them. From these statements, which I have seen and from which I collated a mass of information, I found that in 1907 and 1908 the Acushnet Mills, with a capital stock of $500,000; the City Manufacturing Company, with a capital stock of $750,000; the Pierce Manufacturing Company, with a capital stock of $600,000; and the Dartmouth Manufacturing Company, with a capital stock of $600,000, paid dividends as follows: In 1907, an average dividend of 34.7 per cent, and in 1908, following the beginning of and during the panic, a dividend of 25.2 per cent on their entire capital stock; and this does not include profits transferred to the surplus funds of the companies.

Fall River is another manufacturing center of Massachusetts. The same law as to publishing reports and the same practice as to the sale and purchase of stocks obtain at Fall River as at New Bedford. I examined statements issued by Edwin J. Cole, banker and broker, No. 8 South Main street, Fall River, Mass., showing the capitalization, surplus, dividends, and market value of the stocks of a number of manufacturing companies at that place. The Troy Cotton and Woolen Manufactory, capitalized at $300,000, with a surplus of $366,529.28, paid a dividend in 1907 of 67 per cent, and its shares of stock, having a par value of $100, had a quoted market value of $330. The Border City Manufacturing Company, with a capital of $1,000,000 and surplus of $107,266.54, in 1907 earned a net profit aggregating 37.5 per cent, and paid in dividends to the stockholders 23½ per cent, the remaining going to the surplus. The stocks of this company, with a par value of $100, were quoted as having a market value of $150. The Union Cotton Manufacturing Company, with a capital stock of $1,200,000 and a surplus of $572,544.66, in 1907 earned net profits aggregating 46 per cent, and out of that paid dividends amounting to 35½ per cent, adding the remainder to the surplus. The $100 shares of this corporation's stock were quoted at $195. I have a record of nine companies altogether doing business at Fall River, but I will not go through the whole of them. Suffice it to say that the average dividend actually paid in 1907 by these nine companies was 25½ per cent, although their net earnings were much larger, all earnings above the dividends declared going into the surplus funds of the respective companies, and the average selling price of the stocks of all these companies on January 1, 1909, of $100 shares, was $178.66.

During the last nine years the Pepperell Manufacturing Company, of Biddeford, Me., has declared dividends averaging 24 per cent. In 1905 its dividends were 47 per cent, and in 1906 62 per cent. The Bates Manufacturing Company, of Lewiston, Me., capitalized at $1,200,000, with a surplus of $1,100,000, had net earnings in 1907 amounting to 41.87 per cent and declared a dividend of 35 per cent. The Great Falls Cotton Manufacturing Company, of Somersworth, N. H., capitalized at $1,500,000, with a surplus of $987,000, had net earnings in 1907 of 21 per cent. The American Linen Company, a Massachusetts corporation, in 1907 had net earnings of 30 per cent, 11 per cent being paid in dividends and the remainder transferred to the surplus. The Sagamore Manufacturing Company in 1906 had net earnings of 48½ per cent and declared a dividend of 30 per cent. The Algonquin Printing Company, organized in 1893 and capitalized for $500,000, had in 1907 a surplus of $750,000. During the last nine years its net earnings have aggregated 607 per cent, or six times the entire amount of the capital invested. Its average annual dividend to its stockholders during the last nine years has amounted to 67½ per cent.

Numerous other instances substantially of like nature could be cited, but in heaven's name this is enough. In the face of this showing, the facts of which are known partly through official sources and partly through the authorized advertisements of bankers and brokers, these manufacturers had the audacity to demand of the Congress that they should not reduce the rates of duty already provided, but in most instances clamored to have the rates increased. The demands of these cormorants were for the most part acceded to and written into the law. Take the cotton mills of New England for example. Several of the mills I have named are engaged in manufacturing cotton fabrics. The corporations conducting these industries, paying the exorbitant dividends I have indicated, with surplus funds almost equal and in some cases exceeding the capital stock, and with their stocks quoted in the markets at two or three times their par value, not content with all this as 'a reasonable profit,' sent representatives to the capital to urge an increase in the tariff rates on cotton goods, and Congress obsequiously advanced the rates from about 45 to 50 per cent throughout the schedule.

Mr. President, every man of common sense knows, or ought to know, that the enormous profits accruing to investors in these industries are the result of artificial conditions created, in part at least, by law. I do not see how it can be contended that these artificial conditions from which the consumers of the country have at last become the impatient sufferers are chiefly for the benefit of American wage-earners employed in protected manufacturing industries. I will not now discuss to what extent, if any, all things considered, the onerous burdens imposed on importations benefit employees in manufacturing industries; but I assert, with the greatest confidence, that the tariff rates, as a rule, are far in excess of any difference in the labor wage in America and the chief competing countries of Europe; and I assert with equal confidence that the chief beneficiaries of this system are the men who employ this labor, as the chief sufferers are the consumers who are the victims of their monopolies, the so-called "protected" wage-earners suffering alike with others.

Mr. President, I will not contend that the tariff is the sole cause of exorbitant prices, but I do insist that a practically prohibitive tariff, such as we have, is at least one of the chief causes that make exorbitant prices for human necessities a possibility. In the testimony given by Secretary Wilson before the House subcommittee to which I have referred he was asked whether he thought that the lower prices of American productions in foreign countries was due to any excess of supply in this country. He answered:

> No; I wish you would find out what it is due to. I believe it is due to combinations, miserable little trusts, found in every town in the land.

It may be that trusts and combinations put up prices—I think they do—but at the same time I believe the old contention to be true—that a high-protective tariff is the mother of trusts. I do not mean to affirm that a commercial combination is impossible independent of a protective tariff, for there may be, and sometimes is, a peculiar and exceptional condition where such a combination may be organized without regard to a tariff. Nevertheless, it follows that where outside competition is prohibited or rendered hazardous and ineffective by exorbitant tariff rates, there is no security for the home consumer except in home competition. And equally is it true that whenever foreign competition is practically excluded the opportunity is at once presented and made comparatively easy for such domestic combinations as will in effect destroy home competition. Moreover, if such a tariff duty does not enhance the selling price of a domestic production, then it is in no sense protective, and in that view we might as well proceed unanimously to levy duties solely to produce a public revenue.

But, Mr. President, every duty, high or low, is protective. Even a reasonable duty, even a duty such as Republicans in earlier days contended for—that is, a duty just high enough to cover the difference in labor wage here and abroad—is protective; and the higher the level of the duties rise the more protective it becomes, even until it may reach the point of absolute prohibition. With foreign competition excluded or heavily burdened, and with domestic competition destroyed by combinations, a high protective tariff attains the supreme height of its possibilities for good or evil, as you wish.

Mr. President, I presume, as a matter of course, that the resolution before the Senate will be agreed to by a majority of the Senate, and that a committee will be appointed which will bring its work quickly to an end, for fear that an ample and exhaustive investigation might attract public attention to the detriment of the Republican party. I prophesy that the work will be speedily done and speedily reported, and that thereafter those engaged in it will hug close to their faint hearts the sad delusion that all is well.

Mr. President, I ask leave to insert at the close of my remarks, without reading, an extract from an address issued by a convention of Missouri Democrats held at Kansas City, January 8, 1910.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Missouri. Is there objection? The Chair hears none, and the request is granted.

The matter referred to is as follows:

> Extract from the address to the voters of Missouri adopted by the committee on address at the Democratic convention in Kansas City, held January 8, 1910:
>
> Concerning questions likely to be uppermost in the coming campaign the members of this conference, appointed by the Democrats of Missouri, make this address to the people of the State:
>
> THE TARIFF.
>
> We regard the early and just reformation of our tariff laws as the most urgent and the most important economic question to be dealt with in the immediate future. The Dingley law, passed in 1897, and which remained in force until 1909, prescribes the highest rates of duty on imports ever imposed up to that date by any statute of this or any other industrial nation.

The tax rates imposed by that law were so exorbitant as to substantially exclude the importation of many important lines of manufactures, and in all cases to so burden importations as to make them difficult and often hazardous. Taking quick advantage of the favoring opportunities thus afforded, the great monopolies were organized in most of the more important lines of American manufactures.

The first business of these monopolies was to crush competition, or to so hamper and circumscribe it as to make it ineffective; and, this being accomplished, the next move, under one excuse or another, was gradually to advance the price of their commodities to consumers. After years of experience under the operations of this law a deep-laid and widespread conviction was forced on the public judgment—among Republicans as well as Democrats—that the law had become the shelter of monopoly and an instrument of extortion. As a result of this conviction, an emphatic, almost peremptory, demand came from every quarter of the Union for a speedy revision of the tariff, with a material reduction in the rates. It was known that the Democratic party, consistently and always opposed to a high protective tariff, would, if given power, make substantial reductions on all the rates with a view to reaching a revenue basis as speedily as possible, and so the magnates of special privilege, with a view to weakening the Democratic position, induced the Republican bosses to play a confidence game on the American voters. The Republican party, through its national platform and through the oft-repeated declarations of Judge Taft, its presidential candidate, made during the campaign of 1908, committed itself to a solemn promise that if it continued in power that party would thoroughly revise the tariff with a substantial reduction in the rates. The people were deceived and the scheme succeeded. The Republican party did "revise the tariff" by the passage of the Payne-Aldrich law, but they did not reduce the rates of duty. On the contrary, on many articles of prime necessity and in universal use the rates were increased and on many others the high rates of the old Dingley law were left undisturbed.

The general average of the rates prescribed by the new law are materially higher than those prescribed by the Dingley law. In truth, it is manifest that the framers of the new law had in mind almost exclusively the interests of the great protected producing monopolies, with little thought or care for the great consuming public, whose demands had extorted the promise of lower taxation during the progress of the campaign. It is a plain case of party betrayal through the instrumentality of powerful party bosses, and the vacillation and weakness of party candidates.

For example, the monopolistic and almost prohibitive rate on woolen fabrics prescribed by the Dingley law were left practically unchanged in the new law, while the rates on cotton manufactures, unaccountable as it may seem, were greatly increased, and this, notwithstanding the fact that authentic and uncontradicted data were laid before Congress during the tariff debate showing that for years past the leading cotton manufacturers of New England had been reaping a clear profit of from 25 to over 67 per cent per annum on their capital stock, and that even on a greatly inflated capitalization. So it is clear that instead of the Payne-Aldrich law being in compliance with the anteelection promise of the Republican party, it has still more strongly intrenched monopoly and increased still higher the price of necessaries to the people.

In fact the startling, unwarranted, and audacious advance in the most of living expenses since the enactment of that law, six months ago, is the most striking event in current history. What pretense of justification is put forth by the makers of that law for its enactment in defiance of the public will and in violation of their party promise? They chant the old, old song—it is necessary for the protection of American industries, American workingmen, and American farmers. This they do now, as ever, in utter disregard of their platform declaration, oft repeated, that the true measure of protection is the difference in the cost of production in this country and competing countries abroad, and, notwithstanding the well-known fact that the tariff rates imposed by the Dingley law and the new law alike are enormously in excess of that difference in cost as to the protection of American industries, it stands admitted that this new enactment certainly does protect the already overprotected and opulent manufacturing monopolies.

As to the "protection of American workingmen," we have this to say: That great army of so-called common laborers who work outside the protected industries, so far from sharing in the supposed benefits of a protective law, are its victims by

REASON OF THE RESULTANT HIGHER COST OF LIVING.

The amount of their wages is in no way dependent upon the tariff, but depends on the labor demands and supply, and upon other conditions in no wise related to the tariff, while undoubtedly their living expenses, in common with all, are directly affected by the burdens of the tariff taxation. Mechanics trained as experts in specialties receive in this, as they do in other countries, higher wages than mill operatives, but, as in the case of common laborers, their wages are in no sense dependent on the tariff, but depend mainly upon their organizations, upon skill, and upon the demand for and supply of such labor. But this class, like all others, must bear the burden of the increased cost of living resulting from monopolistic control of our productive industries through protective laws. It is a question of extreme doubt whether even the operatives in manufacturing industries are the recipients of any substantial advantage under the economic system now prevailing. The Republican contends that the item of labor constitutes the chief difference in the cost of production here and abroad, and only a few years since the Republican advocacy of high protection was predicated almost wholly on the proposition that the tariff should be high enough to cover the alleged difference in the labor cost as between America and competing foreign countries, thereby, as they contended, equalizing labor conditions and maintaining the American wage standard at home.

But now it is known of all informed men that the tariff rates of the new law are far in excess of the difference in labor wage at home and abroad. Who gets the benefit of that? Not the workingmen, for their wages for the most part remain the same, and where wages have been changed in recent months there have been more reductions than increases. Who gets the benefit? The manufacturers. Who foots the bill, who suffers? The consumers, including the employees of the manufacturers, who, in common with all, must bear the heavy additional cost of living. America, the boasted land of plenty, has become by far the most expensive country of the world in which to live. Already we have reached the point when thousands, perhaps millions, of men earning wages and salaries find it difficult, after every reasonable economy, to make their incomes meet their reasonable expenditures, and men working in protected industries are not exempt from this depressing condition.

AS TO THE "PROTECTION OF THE AMERICAN FARMERS."

We affirm that, with rare exceptions, and particularly in respect to the vegetables along the Canadian border, it is impossible that the tariff can directly or materially affect the price of staple farm products raised in all America. As long as there is shortage in the world's food supply, and as long as we produce an excess above our home demands for export, protection to the farmer against foreign competition is a shallow pretense and a myth. While we continue to be exporters of food products, the price of our productions will be regulated by the world's supply and demand, which will vary from one period to another without regard to tariff legislation; and if in the future it should happen that the domestic demand should outstrip the domestic supply, then humanity and justice alike would protest against augmenting the price of food necessary for the sustenance of the people by artificial means. The American farmer knows he does not need home protection against foreign competition, and he knows also that he bears his full share of the burdens protected monopolies impose upon the customer.

This conference is firm in the belief that the struggle for a just downward revision of the tariff should be pushed forward without halt or the least abatement in purpose or energy, until monopoly shall be unhorsed and full justice done the American people. We regret that the Republican Senator from this State turned his back upon the progressive reform element of his party, ignored his party pledges and his duty to his own constituency, and surrendered himself without reason to the mastery of that legislative bossism which under the leadership of ALDRICH and CANNON dominated the last session of Congress.

Finally, being unalterably opposed to a high monopoly-breeding tariff and strongly favoring the old Democratic policy of a "tariff for revenue," we confidently call upon the Democrats of Missouri, and all who sympathize with their views, to give emphatic expression to their convictions upon this great question at the next November election.

PUBLIC EXTRAVAGANCE.

The enormous and rapid growth in recent years in the volume of public expenditures, national and State, presents a question scarcely less important than the tariff. Taxation is substantially the only means of raising the public revenue. The public Treasury is supported almost wholly by contributions from the people collected by taxgatherers. Taxation being a burden imposed on the citizens for the maintenance of government, it follows logically that the old Democratic doctrine that that burden should be made as light as possible, consistent with good government economically administered, is sound. Large expenditures make high taxation necessary; and conversely it follows that the acquisition of a large revenue by excessive taxation leads to extravagance and needless expenditures. Honesty and economy in administration with the least possible burden of taxation should furnish the true standard of American Government. But that has not been the rule in recent years. In fact, that is not the rule upon which the Republican party administers government. That party seems possessed with a mania for money spending, and we are living in an era of astounding public extravagance. For example, the appropriations made for the first two years of Taft's administration ($2,052,000,000) will exceed the appropriations for the whole four years of Cleveland's last term ($1,860,000,000) by $192,000,000; and this enormous increase occurs in an average period of about twelve years.

Assuming that the appropriations for the last two years of Taft's administration will equal those for the first two years—and if the Republicans control the next Congress there will be no probability of a decrease—the total expenditures of his administration will aggregate the colossal sum of $4,104,000,000, as against $1,860,000,000 expended during the whole of Cleveland's last term. These vast expenditures have exhausted the enormous revenues extorted from the people by excessive taxation until the current Treasury deficit will approximate $100,000,000.

During the delivery of Mr. STONE's speech,

The PRESIDING OFFICER. Will the Senator from Missouri suspend for a moment? The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside, without prejudice.

Mr. KEAN. I hope the consideration of the resolution will be allowed to continue also, and that the Senator from Missouri will be permitted to proceed.

The PRESIDING OFFICER. The Senate has heard the request. Is there objection? The Chair hears none. The Senator from Missouri will proceed.

After the conclusion of Mr. STONE's speech,

Mr. DEPEW. I ask unanimous consent to call up Senate bill 3360. It is a very important amendment to the organic law of the government of Hawaii, and especially the land laws, and it is quite essential that it should receive early consideration.

Mr. McCUMBER. I do not object to the Senator from New York calling up that measure after we have disposed of the pending resolution. Probably we can have a vote on the resolution now.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. JOHNSTON. Mr. President, I move to amend the resolution by adding after the word "as," at the end of line 3, page 2, the words "beef, hogs, and sheep."

The resolution calls for only a specific investigation as to meat. I want to see whether the price of meat has been increased by the farmer. I am inclined to think that it has not; so I move to add these words.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FRYE. Let the amendment be read.

Mr. McCUMBER. I should like to have the amendment read.

The SECRETARY. On page 2, line 3, after the word "as," insert "beef, hogs, sheep, and."

The amendment was agreed to.

Mr. BACON. I move to amend the resolution on page 2, in the fifth line, by inserting after the word "iron" the word "steel." It is true that from a generic standpoint steel might be included in iron, but I desire to have it specific.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 5, after the word "iron," insert "steel."

Mr. KEAN. There is no objection to that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

GOVERNMENT OF HAWAII.

Mr. DEPEW. I now call up the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

I will state that it is a bill which amends the organic act for the government of Hawaii, the most important part of it being in relation to the land laws. The proposed amendment to the land laws has been unanimously passed by the legislature of Hawaii, has received the approval of the governor of Hawaii and the Secretary of the Interior, and it is necessary that action should be had on the bill at an early day to correct conditions which exist in reference to the disposal of the public lands in those islands.

Mr. CULLOM. The bill comes from the committee?

Mr. DEPEW. It comes from the Committee on Pacific Islands and Porto Rico. It was unanimously reported.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

Mr. CLARK of Wyoming. Mr. President, I should like to ask what is the legislative status of this bill? Is it now before the Senate?

The PRESIDING OFFICER. The bill has just been read and it is now before the Senate as in Committee of the Whole.

Mr. CLARK of Wyoming. Mr. President, I would not wish to object to the present consideration of this bill, but there are some matters in it to which I should like to call attention for about three or four minutes, without going into an elaboration of them, for I am compelled to leave the Chamber. Some of the novel features of the bill seem to impress it upon my mind as a bill of the very greatest importance, as it departs so largely from the policy of the Government in other Territories or in the States of the Union.

In the first place, on page 4, the bill authorizes the legislature of the Territory to loan the public moneys, and it—

> may provide for loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

It seems to me it is a very serious question as to whether Congress should authorize the legislature of the Territory to subsidize railroads or any other corporations for the purpose of making improvements of that sort. I call attention to that.

Further, I call attention to the fact that the bill provides for an entirely different system of practice and policy in regard to the land laws. For instance, while we have the control of the land laws in all our States and Territories, where the public domain exists, in the hands of Congress, or, at most, in the hands of the President of the United States, this leaves the control of their public lands to the legislature or to officers created by the legislature. Of course I fully realize that a different system has always prevailed in the Hawaiian Islands in regard to their lands, and that the process of extending our land laws over the Territory of Hawaii may be attended with some difficulty. At the same time, I doubt the wisdom or the propriety of passing over to that Territory the control of the public lands to be managed and disposed of as may be provided by the laws of the Territory.

The eighth section of the bill provides for salaries. I am not one of those who think that the salaries given either by our States, by the governments of our Territories, or by the United States should be niggardly; but there seems to be a marked departure here from the rule which has heretofore prevailed. For instance, as to the supreme court of the Territory, for the chief justice the salary is fixed at $6,500, while the associate justices of that supreme court receive $6,000 each. That, so far as salary is concerned, puts the salaries of the judges of the territorial courts on a higher plane than the salaries of the United States court judges of the same jurisdiction. That, I think, ought not to be.

Much to my regret—and probably I am not to be excused for it—I have not examined this bill thoroughly enough to go into the details of it, but I make these suggestions to the Senate in a general way that they may know the importance of the bill, not only as affects the immediate matter of legislation, but as affects the policy of the country in regard to these great public questions.

Mr. CLARK of Wyoming. Mr. President, I want to ask the Senator from New York, as he and I and two or three other Senators whom I see before me have a rather important committee meeting at half past 2, if it would be disagreeable to him to allow this bill to go over?

Mr. DEPEW. As the matter to which the Senator refers is very important, I am perfectly willing that the bill may go over, and I ask that it do so, retaining its place.

The PRESIDING OFFICER. The bill will go over, retaining its place on the calendar.

HOMESTEADS IN IDAHO.

Mr. BORAH. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 5167) to provide for an enlarged homestead. This is a bill which relates alone to the State of Idaho and has for its purpose the extending of the homestead law, which we passed a year ago, to that State.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, page 1, line 6, before the word "nonmineral," to insert "arid," so as to read:

> That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this act, in the State of Idaho, 320 acres or less of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over 1½ miles in extreme length.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 1, at the beginning of the line, to insert:

> Which by reason of rainfall or other sources of moisture will raise crops of grasses, grains, vegetables, fruits, or profitable crops of any kind and.

Mr. BORAH. I hope the amendment will not be adopted. My colleague is now present in the Chamber. The amendment came from the Committee on Public Lands, but I think it will not be urged, and I ask therefore that it be rejected.

The amendment was rejected.

Mr. HEYBURN. I would say in explanation that there has been an agreement reached in regard to the form that this bill shall ultimately take, and it has been agreed that the amendment referred to, commencing at the top of page 2, be not accepted.

The next amendment of the Committee on Public Lands was, on page 2, line 3, after the word "until," to strike out "such" and insert "the," so as to read: "until the lands."

The amendment was agreed to.

Mr. HEYBURN. That leaves the bill as reported from the committee stand with the amendment, in line 6, page 1, by inserting "arid" after the word "of."

Mr. BORAH. That amendment has been adopted.

Mr. HEYBURN. Yes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 3501) providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo.

Mr. McCUMBER. I will ask the Senator from Missouri if he will not let us go to the calendar under Rule VIII and take up the bills in their order? I shall make no objection to the request of the Senator from Missouri, but after this bill is disposed of I will ask that we may proceed with the calendar regularly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri for the present consideration of the bill indicated by him?

Mr. HEYBURN. Mr. President, I object.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. McCUMBER. I now ask unanimous consent that the Senate proceed to the consideration of the bills on the calendar under Rule VIII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first bill in order on the calendar.

REGULATION OF FEDERAL COURT PRACTICE.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first business in order on the calendar.

Mr. KEAN. Let the bill go over. It has gone over many times before.

The PRESIDING OFFICER. The bill will go over.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as the next business in order on the calendar.

Mr. MARTIN. The bill may be passed over. There are some amendments necessary. I want to perfect the bill. It is not in the shape I should like to see it.

The PRESIDING OFFICER. It will be passed over.

DESCENDANTS OF THE SIGNERS.

The bill (S. 1425) to incorporate the Descendants of the Signers was announced as the next business in order on the calendar.

Mr. HEYBURN. Let the bill go over.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will go over.

THE GLACIER NATIONAL PARK.

The bill (S. 2777) to establish the Glacier National Park, in the Rocky Mountains, south of the international boundary line, in the State of Montana, and for other purposes, was considered as in Committee of the Whole.

Mr. DIXON. I offer the amendments I send to the desk.

Mr. GALLINGER. Has the bill been read?

The PRESIDING OFFICER. It has been read.

Mr. CULLOM. I think it had better be read again.

The PRESIDING OFFICER. The Senator from Montana offers certain amendments.

Mr. DIXON. There are two amendments. One is a new amendment, and the other is in lieu of the amendment heretofore offered by the committee.

Mr. GALLINGER. Mr. President, I will ask to have the bill read. I do not recollect that it was read before. I am quite sure it was not.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, which had been reported from the Committee on Public Lands with an amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee, which will be stated.

The SECRETARY. On page 3, line 14——

Mr. CARTER. I understood my colleague to request that the amendment offered by him be reported as a substitute for the committee amendment.

Mr. DIXON. Yes.

Mr. MONEY. Mr. President, I wish to ask the Senator in charge of this bill if there is a printed report accompanying the bill which can be read?

Mr. DIXON. Did the Senator from Mississippi address his inquiry to me?

Mr. MONEY. I do not know who has charge of the bill. If you have, I address myself to you.

Mr. DIXON. The bill was introduced by my colleague. I made the report from the Committee on Public Lands.

I will be delighted to say a few words regarding this country, which, undoubtedly, outside of the Yellowstone, is the greatest region of natural scenery on this continent. If the Senator from Mississippi so desires, I will read from the report, but I have in my hand 7 feet of a better and more eloquent speech, taken with a camera by Mr. Walcott, formerly Director of the Geological Survey, of merely one corner of this wonderful country, which, if any Senator is interested, gives in better language and with more eloquence than I can command a description of this wonderful country. The then Secretary of the Interior, Mr. Garfield, made the original report on the bill, supplemented by a report by Mr. Chapman, of the Geological Survey. If, after having seen these truly wonderful photographs of that region of sublime grandeur, the Senator from Mississippi cares to hear the report I have made from the Public Lands Committee, I will read something of it.

Mr. MONEY. Mr. President——

Mr. DIXON. Before reading it, I will say to the Senator from Mississippi that this country lies where the Continental Divide cuts the boundary between Canada and the United States in Flathead County in northwestern Montana. To the north of this country the Canadian government has already set aside perpetually as a national park the country contiguous to the country sought to be set apart by this bill. There is an area of about 1,400 square miles of mountains piled on top of each other. There is no agricultural land whatever, except a little down in one valley on the west slope, where possibly half a dozen, maybe ten, settlers have located.

Mr. MONEY. If the Senator will permit me at this point, I want to say I did not rise for the purpose of objecting to this bill at all, but to get the information he has just given as to how much land on the public domain will be withdrawn from the use of settlers by this act. I have no objection to the park. I wanted simply the information he has given me, and, so far as I am concerned, he need not go any further.

Mr. DIXON. In this region are some 60 glaciers, remnants of the old glacial period, I presume the only ones within the boundaries of the United States. I rode up there some years ago. I could not adequately describe the country, but I think without any contradiction that, so far as concerns tremendous mountains and glaciers, it is unequaled. There are 250 lakes within the area. The old ptarmigan, which is closely akin to the prairie chicken and as white as snow, still lives on those remnants of glaciers, the descendants of those who made their home there a quarter of a million years ago, when the polar ice sheet extended hundreds of miles farther south. The country is unique in itself and without parallel in the United States. It is already within a forest reserve—all of it.

Nothing is taken from anyone. The rights of these few settlers and mineral entrymen are protected in the bill, where they have heretofore initiated their rights. I would be glad if other Senators who seem to be interested in this matter would examine these 3 yards of camera reproduction made by Mr. Walcott, of the Geological Survey, who has been one of the ardent and original promoters of the Glacier National Park.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 2, after line 18, insert the following proviso:

Provided further, That rights of way through the valleys of the north and middle forks of the Flathead River for steam or electric railways may be acquired within said Glacier National Park under filings or proceedings heretofore or hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a government reclamation project.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. DIXON. I do.

Mr. GALLINGER. This matter appeals very strongly to me, and I think we ought to have this park by all means. I want to ask the Senator about these railroad routes. Is it contemplated that they will run directly through the park or up the valley skirting it?

Mr. DIXON. I suggest that the Senator turn to the map printed as a part of the report in the files on his desk.

When the bill was first introduced in the committee, at the suggestion of the Department of the Interior this amendment was prepared. The Senator will notice on the western boundary of the map of the proposed Glacier National Park the Flathead River. That is the only route into Canada from the United States for a distance of probably 200 miles. Last year, pending the first introduction of this bill, the Chicago, Milwaukee and Puget Sound Railroad perfected their surveys and filed their plats of the definite line of the route, as did a branch of the Great Northern Railroad. These two routes cross the Flathead River probably a half a dozen times, sometimes being on the national park side and sometimes on the other, and it was to protect these surveys where construction is about ready to begin that the amendment was offered.

Mr. GALLINGER. You think it is all right?

Mr. DIXON. Yes.

Mr. GALLINGER. Can the Senator tell me how large an area Canada has which will be added to this park?

Mr. DIXON. About half as large as ours. The government at Ottawa——

Mr. GALLINGER. I know the Dominion government has taken some action along that line.

Mr. CARTER. In that behalf I will say I understand that the government of the Dominion has set apart all of the country of this character east of the main range of the Rocky Mountains. That is as far as the jurisdiction of the Dominion Parliament extends. It is expected, however, that the parliament of British Columbia will set apart a considerable portion to the west.

The VICE-PRESIDENT. The Chair thinks the question should first be put on the committee amendment on page 3, and then, following that——

Mr. DIXON. The amendment which I have sent to the Clerk's desk provides for striking from the bill the first amendment proposed by the committee. The amendment which I now send is substituted in lieu of that, because the committee amendment, drafted in a hurry by myself, was a little bit crude, and the present amendment is to take the place of the amendment proposed by the committee.

The VICE-PRESIDENT. Should not the question first be put on agreeing to the committee amendment?

Mr. DIXON. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. HEYBURN. I desire to inquire whether or not there are any settlers along the Flathead River who will have to be dealt with by the Government?

Mr. DIXON. As I said a while ago, possibly six or eight settlers have squatted on the east side of the river within the boundary.

Mr. HEYBURN. There are a post-office or two there?

Mr. DIXON. I think there is no post-office. There is no mail route north of Columbia Falls. There is practically no settlement. But in the bill we have taken care of any rights of settlers heretofore initiated.

Mr. HEYBURN. The boundary is the middle of the stream.

Mr. DIXON. The boundary is the middle of the stream.

Mr. HEYBURN. There are a number of islands in that country, as I recollect. Is the bill sufficiently definite to dispose of those islands in the river or will it be a question which is the main channel?

Mr. DIXON. The Senator asks something with respect to which I am not in a position to give him a positive answer. I rode through that country eighteen years ago. I do not recall any islands in the river.

Mr. HEYBURN. There are a number of them. I recall them distinctly.

Mr. DIXON. The bill makes no——

Mr. HEYBURN. Of course that could be disposed of by a determination of what is the main channel of the stream.

Mr. DIXON. I should think so.

Mr. HEYBURN. When this question was up before for consideration here I suggested that the filing of the Milwaukee and the branch of the Great Northern—I think it is—should be shown upon this plat. I will ask the Senator if that question was given consideration?

Mr. DIXON. I will say to the Senator I personally went to the Land Office and the Forestry Bureau to get those plats put on the map. As a matter of fact, the plats were filed last May and June, but unfortunately they are still hanging fire in the Land Office.

The Land Office referred them to the Forestry Division some time last fall, and no report has been made, and there was no way you could get hold of the maps. I understand the reports will be in within the next few days. I examined them with a good deal of care. Both lines of road cross the river probably six or seven times in a distance of 50 miles. They wind to the east side of the river within the proposed park, and sometimes to the west, according to the character of the country. The plats are filed in the Land Office and have been for eight months.

Mr. HEYBURN. I was aware of that.

Mr. DIXON. Under a recent decision of the Secretary of the Interior it is held that these filings do not attach or give any right until final approval. For that reason I offered the last amendment.

Mr. HEYBURN. That question has been in the courts. I was going to say it is an open question. Yet I think it can hardly be so considered. It has been passed upon more than once.

My object in asking as to the filings was because of the provision in the law under which they file for depot ground—the 10 or 20 acres. I was anxious to know whether or not the railroads had so filed their plats that their depot grounds—the 10 or 20 acres—would be on the park side or on the other side of the river.

Mr. DIXON. The truth is no depot grounds, I think, are shown on the plats.

Mr. HEYBURN. I think you will find they are. I have never known——

Mr. DIXON. At this time the country is already in a forest reserve.

Mr. HEYBURN. But still, under the right-of-way act, the railroad companies always designate and claim their depot grounds, and very properly, for they must have them; and it seemed to me material. On a line of this length there would be a large area of ground that the railroad company would be entitled to claim for depot purposes.

It has been held, and it is the practice, that when they take a 20-acre depot site, they may do what they please with it, and the railroad company might possibly have the exclusive right, because of the ownership of these recurring tracts of land, to select towns and communities that would build up there to the extent of pretty large places. I wanted to see their filings in order that we might determine how much ground the railroads would get within the park, or whether they had selected their depot grounds upon these islands, or on the other side, the west side of the river.

Mr. DIXON. I will say to the Senator I have examined the plats very carefully. They are filed in four or five sections. If there was a depot site or town site there it escaped the vigilance of my eagle eye at that time.

I want to say further that the land is at this time within a forest reserve, and I do not think they could acquire, except by special consideration, any town site or anything except what they might need for depot purposes. In that stretch of 50 miles, I do not think there will be more than one or two or three depots. The country on the other side of the river is in a forest reserve. It has not yet been extensively occupied for settlement, and except for one little bend in the river, there never can be any settlement on the eastern side of the river. I doubt if there will be an extensive settlement along that line of road near the proposed park in the next one hundred years.

Mr. HEYBURN. I was referring more to business places. Every park naturally offers business opportunities in the way of hotel and other conveniences.

Mr. DIXON. The main entrance to the park will probably be down at the lower end, not affected by this bill, where the Great Northern main line already runs.

Mr. HEYBURN. Does not the Senator from Montana think there should be some provision here to take this out of the forest reserve? A park within a forest reserve can not possibly be successful.

Mr. DIXON. That is what this bill expressly does.

Mr. HEYBURN. Then it will no longer be in a forest reserve when the bill becomes a law?

Mr. DIXON. No.

Mr. HEYBURN. That is quite an important consideration. Then, it no longer being in a forest reserve, as an offhand estimate, I should say nearly a thousand acres of land would be available to the railroad company under the general law which they have only to designate for depot grounds. They might thus secure a considerable holding within the park. For that reason I felt interested to know on which side of the river they had filed their line.

Mr. DIXON. I will say to the Senator, from a pretty fair personal knowledge of that country, that they would and could not file for any thing but water tanks and depots.

Mr. HEYBURN. But they are going to carry the people who are to go into the park to enjoy it. We are creating the park under the impression that many people will go there; otherwise there would be no use in creating it. There are a number of considerable streams coming down from the east to the Flathead River. There are a number of very beautiful lakes at the head of or along those streams, and it will be found when this country is opened that there is an immense field lying immediately east of the Flathead River from the Canadian line down, where people will go to camp and to enjoy the park, according to its purpose, and the railroad will naturally make arrangements that they may alight at a convenient place to explore those rivers and those lakes.

Mr. DIXON. If they do acquire a hundred acres of land, I would say "God bless them," for it will be for the accommodation of the people who will go there.

Mr. HEYBURN. Of course.

Mr. DIXON. I can not see how it will be possible for any condition adverse to the Government's interests to arise from their acquiring depot sites.

Mr. HEYBURN. I am not opposed to this measure. I voted for it in committee, and shall vote for it here. I am thoroughly in sympathy with it. My only desire was that there might be no controversy in the future as to rights along the Flathead River. While the glaciers may be approached from the southern branch, and perhaps are now altogether approached from that way, yet from my knowledge of the country I am sure there will be other interesting and convenient methods of reaching those glaciers.

Mr. DIXON. There are glaciers upon the west side of the park.

Mr. HEYBURN. The existing railroad now naturally takes you to the southern border of the park, but the other road, when constructed, will give access along a very considerable line.

Mr. DIXON. At this time I can not resist the temptation to extend a cordial invitation to all of you to come to Montana next summer and see for yourselves the wondrous beauties and the sublime grandeur of this region in Montana which, as it becomes better known to the people of this country, will cause you to wonder why you have heretofore spent your time and money in European sight-seeing, when this wonderful glacier park lies almost at your very doors. Three weeks spent in northwestern Montana amid these placid lakes, set among snow-capped mountain peaks, flanked with virgin forests of pine, spruce, and hemlock, the very home of the speckled trout, the deer, elk, moose, and caribou, will bring the ruddy glow of health to your cheek, appetite to your stomach, and let you return to your eastern homes with a better knowledge of your own country and prouder of the fact that you are Americans.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I desire to offer an amendment to the section just amended by the Senator from Montana.

The VICE-PRESIDENT. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment heretofore agreed to the following:

And provided further, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

Mr. CHAMBERLAIN. Mr. President, I do not know that any railroad company or any corporation or any other corporation has lands within the park to be created, but the park is in the neighborhood of the Great Northern Railway, and possibly within the land grants of the Northern Pacific Railway; and if that be true, it is possible that the railroad company or corporation having lands within the park may use the lands lost to it as a basis for selection somewhere else.

My reason for the doubt is to be found in the fact that the statute which repealed the indemnity-selection law excepted from the operation of the law contracts which had theretofore been made by the Secretary of the Interior with certain corporations. But the act is silent as to what the corporations are. Whether any corporation with which the Secretary of the Interior had a contract has or has not any land within this grant I do not know. But if there are within it no grants belonging to any of these excepted companies, the amendment can do no harm; and if contracts have been made or if any laws have been passed that would give them the right of selection, this will protect the park from that right.

Mr. DIXON. I will say that the amendment offered by the Senator from Oregon ordinarily would be well timed. I have no objection to the amendment going in the present bill, but it seems to me it is wholly unnecessary, because the southern boundary of the park, on an air line to the Northern Pacific Railroad, the only road in Montana which has had a land grant, is distant at the nearest point, I should say, more than 100 miles. The Great Northern Railroad had no land grant. The original land grant of the Northern Pacific was only 40 miles on each side, and the lieu-land indemnity strip extends 10 miles further, which would make only a possible limit of 50 miles. At no point does the southernmost part of the proposed park come nearer than 100 miles to the Northern Pacific Railroad. I am sure that they have no lieu selections within the proposed park limits. There could be no part of the park territory within the original land grant or within the lieu limit strip. Out of abundant precaution it is a good piece of legislation. If there were any grounds for it I would have no objection, and I have none now, as far as I am concerned.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as next in order.

Mr. GALLINGER. Let the bill go over, and also the next bill on the calendar, Senate bill 5436, to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

The VICE-PRESIDENT. The bills will be passed over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. The bill goes over under the objection of the Senator from Utah.

The bill (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill goes over on objection.

WILLIAM R. LITTLE.

The bill (S. 1324) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to examine the accounts of William R. Little, formerly a trader at the Sac and Fox Agency, in Oklahoma, and to pay to him or his heirs such sums as he may be satisfied are equitably due from Indian members of the Sac and Fox tribe, to the extent of any funds in his hands or to come into his hands and control belonging, respectively, to such Indians.

The bill was reported to the Senate without amendment, ordered engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS DEPOSITORIES.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. McCUMBER and Mr. SMOOT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over under objection.

APPEALS IN FORMA PAUPERIS.

The bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court, and to provide for the prosecution of writs of error and appeals in forma pauperis," was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE-PRESIDENT. The bill goes over under objection.

ESTATE OF WILLIAM H. MILLER.

The bill (S. 1105) for the relief of the legal representatives of William H. Miller, deceased, was announced as next in order.

Mr. SMOOT. Let that bill also go over.

The VICE-PRESIDENT. The bill goes over under objection.

W. B. GRAHAM.

The bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over under objection.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6072) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was announced as next order.

Mr. BURTON. I ask that this and the next bill on the calendar may go over.

Mr. McCUMBER. Does the Senator from Ohio ask that these pension bills may go over?

Mr. BURTON. I understand that they are general bills.

Mr. McCUMBER. Oh, no; they are omnibus bills.

Mr. BURTON. Special pension bills are incorporated in these bills?

Mr. McCUMBER. That is all.

Mr. BURTON. Then I have no objection.

Mr. McCUMBER. They are all private bills.

The bill was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Moses Ashenfelter, late of Company I, Seventy-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Anthony L. Bledsoe, late of Company H, Eighty-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Dewitt C. Gardner, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Simon Jenson, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Alexander Kinney, late of Company F, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Robert Moore, late of Company I, One hundred and fortieth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John R. Clegg, helpless and dependent son of John Clegg, sr., late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, $12 per month.

Peter Vandyke, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William P. Lovejoy, jr., late of Company G, Seventh Regiment West Virginia Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Carr Nicholas, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William F. Rodgers, late of Company F, One hundred and fiftieth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Lewis, late of Company F, Seventeenth Regiment Michigan Volunteer Infantry, $15 per month in lieu of that he is now receiving.

Benjamin S. Wilbur, late of Company I, Fifteenth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Edson, late of Company C, Tenth Regiment Michigan Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Samuel H. Parker, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas W. Knight, late of Company M, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Joseph B. Fearon, late of Company A, First Regiment New York Veteran Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Samuel W. Upright, late of Companies A and L, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

George W. Mann, late of Company G, One hundred and eighty-first Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas A. Crouch, late of Company A, Third Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Jesse Hiner, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John H. Flier, late of Company E, Second Regiment Rhode Island Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Millard F. Lash, helpless and dependent son of Jacob S. Lash, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, $12.

Francis M. Linn, late of Company A, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and Companies H and I, Mississippi Marine Brigade, Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles H. Mallo, late of Company B, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James I. Moss, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Oliver F. Pettibone, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Samuel W. Hart, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles W. Hoskin, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and Company I, Twenty-eighth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Kate Gorham, widow of James Gorham, late of Company A, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edward Waltemeyer, late of Company D, First Regiment Maryland Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Joseph B. Driesbach, late of Company F, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Congdon, late of Company E, Eighth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James Walter Smith, late of Company M, Eighteenth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Thomas H. Brown, late of Company F, First Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William C. Shute, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Robert Stewart, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Cassie Thompson, late of Company K, Forty-fourth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles W. Sager, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Charles J. Decker, late of Company G, Thirtieth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison Sloggy, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Daniel W. Ingersoll, late of Company B, Eighth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas E. Stanley, late of Twentieth Battery Indiana Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Charles H. Enos, late of Company D, One hundred and twenty-second Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles H. Golden, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harrison L. McGinnis, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Eloi J. Hotton, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hiram D. Brown, late of Company F, Fifteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Williauer, late of Company E, Fourteenth Regiment Kansas Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James M. Stanley, late of Company K, Ninth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Alfred Hemmant, late second lieutenant Company A, One hundred and twenty-first Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jesse F. Snow, late of Company D, Seventieth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Muncy, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edwin Kerns, late of Company F, Seventy-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Albert Slates, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William S. Woodford, late of Company F, Twenty-eighth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Fagan, late of Company A, Thirteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Asa B. Henry, late of Company A, Second Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Gus D. Robison, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry G. Pickens, late of Company F, Ninth Regiment West Virginia Volunteer Infantry, and Company F, First Regiment West Virginia Veteran Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William C. Bishop, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John French, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Gates Saxton, late of Company H, Fourtenth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Tilman P. Edgerton, late of Companies D and B, Thirty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alfred H. Livingston, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Companies G and C, First Regiment Missouri Volunteer Engineers, $24 per month in lieu of that he is now receiving.

Thomas J. Vinyard, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hubert Steimel, late of Company H, Cole County (Mo.) Home Guards, $24 per month in lieu of that he is now receiving.

George W. Hamilton, late of Battery K, Second Regiment Illinois Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Charles A. Hinman, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Hewson, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hannah J. Dinsmore, widow of Marquis D. L. Dinsmore, late acting third assistant engineer, United States Navy, $20 per month in lieu of that she is now receiving.

John M. Johnson, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

William H. McCormick, late acting ensign, U. S. S. *Ottawa*, United States Navy, $24 per month in lieu of that he is now receiving.

Volney J. Shipman, late captain Sixth Company, First Battalion, New York Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

Christian R. Shirey, late of Company D, Fifteenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Robertson, late of Company L, Fourth Regiment Tennessee Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Thomas R. Buxton, late of Companies H and D, Tenth Regiment Kansas Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Stephen Thrasher, late of Company K, Fifteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George F. Shoemaker, late of Company E, Seventieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Elias H. Funk, late of Company I, Two hundredth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles Allen, late of Company H, Eighth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas Johnson, late of Company L, Seventh Regiment Kentucky Volunteer Cavalry, $20 per month in lieu of that he is now receiving.

Margaret J. Davis, widow of Frederick A. Davis, late hospital steward, United States Army, $20 per month in lieu of that she is now receiving.

William H. Hasty, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ozen B. Nichols, late of Company I, One hundred and eleventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Wilson Carter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Crisley G. Hagan, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Charles Heathfield, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George H. Wheeler, late of Company K, Twelfth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew Alyea, late of Company A, Twelfth Regiment Indiana Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

William D. W. Pringle, late first lieutenant and adjutant, Ninth Regiment New York Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

William O'Brien, late of Company A, One hundred and ninety-sixth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Gertrude Smith, widow of John Smith, late of Company C, Third Regiment Pennsylvania Reserve Volunteer Infantry, and Companies F and B, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jacob H. Wolcott, late of Company D, Twenty-third Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James B. Andrews, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Johnson, jr., late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and Company B, Third Regiment Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

Napoleon B. Neal, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David S. Green, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Olds, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and One hundred and fifty-sixth Company, Second Battalion, Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

John McGlone, late of Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph L. Kitchen, late musician, band, Thirty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John S. Taylor, late of Company C, Twenty-third Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Martin W. Frisbie, late of Company E, Twentieth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Marcus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George Auld, late of Company B, Seventieth Regiment New York Volunteer Infantry, and captain Company K, First Regiment North Dakota Volunteer Infantry, war with Spain, $30 per month in lieu of that he is now receiving.

Thomas Kerr, late of Company B, Eleventh Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George L. Duston, late of Company G, First Regiment Maine Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Frederick D. Reed, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Early, late of Company K, Fourth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

George H. Teagarden, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Alfred N. Scott, late of Company I, Fourteenth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Charles H. Bartlett, late of Company H, Eleventh Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James C. Watson, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James A. Edsall, late of Company F, First Regiment New York Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Ella F. Laverty, widow of Oliver P. Laverty, late of Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry and unassigned Veteran Reserve Corps, $12 per month.

Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Eli Estridge, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William R. Stephens, late of Company C, Gasconade County, Missouri Home Guards, $12.

Margaret Dempsey, widow of John Dempsey, late of Company A, Sixty-first Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Leonard Briggs, late second lieutenant Company I, One hundred and eighty-ninth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John H. Kimmel, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Wharton, late of Company E, Seventh Regiment Wisconsin Volunteer Infantry, Second Company, Second Battalion Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

Catharine O'Keeffe, widow of Daniel O'Keeffe, late of Company K, Ninety-ninth Regiment New York National Guard Infantry, $12.

Joseph Thomas, late of Company B, First Regiment Arkansas Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Thomas, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew J. Leonard, late of Company H, Fifteenth Regiment Missouri Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Wilson Hoag, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Addison L. Ewing, late captain Company I, Sixty-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Gillis J. McBane, late of Company G, and sergeant-major Seventy-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Aaron Richardson, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Charles M. Catlin, late commissary-sergeant, One hundred and eleventh Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George P. Price, late of Company F, Fourth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James F. Marshall, late of Company D, Twelfth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Roberts, late of Battery C, First Regiment Ohio Volunteer Light Artillery, and Company B, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, $12.

Jeremiah Thomas, late of Company A, One hundred and first Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Alfred M. Buttolph, late of Company D, Twenty-eighth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison T. Wilson, late of Company A, First Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Richard Davis, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James W. Gunnels, late of Company K, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John T. Ream, late of Company C, Thirty-third and Thirty-fourth Regiments Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles J. Jenner, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and Company D, Fifth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Augustus Parish, late of Company C, Eighth Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Theodore Hardeland, late of Company L, First Regiment New York (Lincoln) Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

John D. Harris, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ursula Dickinson, widow of Hiram L. Dickinson, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, $12.

Milton Nourse, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Nellie A. Farrell, widow of John E. Farrell, late of Thirtieth Unassigned Company Maine Volunteer Infantry, $12.

Mary E. McKeen, widow of Salmon McKeen, late of Company B, Fifty-fifth Regiment Illinois Volunteer Infantry, $12.

Joseph Dudley, late of Company F, Thirty-second and Thirty-first Regiments Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Anna P. Daggett, widow of Converse R. Daggett, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cecilia E. Griffith, widow of David D. Griffith, late of Company H, Twenty-first Regiment Iowa Volunteer Infantry, $12.

Charles H. Ellis, late of U. S. S. *Supply*, *Savannah*, and *Wachuset*, United States Navy, $30 per month in lieu of that he is now receiving.

James Plunkett, late of Company D, Fourth Regiment California Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis T. Pierce, late of Company K, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and Two hundred and forty-sixth Company, First Battalion Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

Charles Hanthorn, late of Company B, Seventy-seventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John W. Rowe, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Mills, late of Captain Walker's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edward L. Allen, late of Company H, Thirteenth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry A. Van Dalsem, late of Company A, One hundred and fifty-eighth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Judson N. Willis, late of Company H, Ninety-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William C. Markward, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Frederick Basford, late of Company I, Sixth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Cornelius V. Vansyckel, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Stillman P. Cannon, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and One hundred and sixty-eighth Company, Second Battalion, Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

John H. Cole, late of Company C, Second Regiment, and Company D, Eighteenth Regiment, New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nathaniel W. Davis, late of Company F, Fourth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Patrick Dowd, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Matthew B. White, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Robert P. Murray, late of Company C, Third Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Pope Catlin, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lawrence Usher, late of United States ships Florida, Catskill, and North Carolina, United States Navy, $24 per month in lieu of that he is now receiving.

Hiram H. Heath, late of Company A, Thirty-ninth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William W. Townley, late of Company D, Ninety-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George Tyson, late of Company D, Thirty-second Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry C. Jordan, late of Company C, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Henry R. Millett, late first lieutenant Company G, and captain Company E, Twenty-ninth Regiment Maine Veteran Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alonzo J. Nevers, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William C. Needham, late of Company G, Thirty-second and Thirty-first Regiments Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph H. Holbrook, late of Company I, Thirtieth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Parker J. Rhoades, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and Company D, Seventeenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Charles S. Davis, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John W. Snow, late of Company H, Twenty-third Regiment Massachusetts Volunteer Infantry, and Company H, Twenty-first Regiment Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

Henry C. Campbell, late of Company A, One hundred and fifth Regiment, and first lieutenant Company B, Two hundred and sixth Regiment, Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Crayon, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and Company K, Tenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Michael Reynolds, late of Company I, Fourth Regiment Massachusetts Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Nathan W. Haskell, late of Company I, Forty-ninth Regiment Massachusetts Militia Infantry, and Company D, Second Regiment Massachusetts Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

William Sharp, late of Company A, Third Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John W. Kitchell, No. 1, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Harrison C. Wells, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George R. Knapp, late of Company K, Tenth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Eli E. Peck, late of Company B, Seventy-sixth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick O. McPherson, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Carrigan, late of Battery A, Second Regiment United States Artillery, $24 per month in lieu of that he is now receiving.

John R. James, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Amasa S. Condon, late of Company E, Sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John W. Grissom, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Sarah A. Musgrave, widow of Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That, in the event of the death of Mont. J. Musgrave, helpless and dependent child of Job Musgrave, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah A. Musgrave the name of said Mont. J. Musgrave shall be placed on the pension roll at $12 per month, from and after the date of death of said Sarah A. Musgrave.

Joseph F. Healey, late of Company D, Sixteenth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Richard Dobson, late of Company G, First Regiment Michigan Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Corwin F. Camp, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Leicester P. Riley, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and of U. S. S. *Fort Hindman*, United States Navy, $24 per month in lieu of that he is now receiving.

William H. McKinley, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James M. Merritt, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James W. Hester, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Foster D. McKibben, late of Company D, Ninety-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Pierce, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard Cullen, alias George Farrand, late of Company G, Fifty-second Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Haymond J. Powers, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles H. O'Harnett, late of Company D, Fifteenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

George H. Bishop, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Douglass, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew J. Getchel, late of Company D, Seventeenth Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Burroughs, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph P. Redman, late of Company H, Fifty-ninth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John D. Harker, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Nebet Hickman, late of Company E, First Regiment Delaware Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William McCoy, late of Company D, First Regiment Delaware Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John C. S. Wells, late of Company F, First Regiment United States Veteran Volunteer Engineers, $24 per month in lieu of that he is now receiving.

Charles H. Henshaw, late captain Company K, One hundredth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Austin B. Wells, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Crooks, late acting third assistant engineer, United States Navy, $30 per month in lieu of that he is now receiving.

John W. Christie, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel Elliott, late of Company D, Second Regiment Wisconsin Volunteer Infantry, and Company A, Independent Battalion, Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick Frankhouse, late of Company F, Second Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph Carl, late of Cavalry Company A, Thirty-sixth Regiment Illinois Volunteer Infantry; Company I, Fifteenth Regiment, and Company M, Tenth Regiment, Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Maurice Crimmings, late of Third Battery, Wisconsin Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Frank W. Richards, late of Company I, Sixtieth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Martha J. Bussell, widow of John B. Bussell, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, $12.

Edward W. Thomas, late of Company C, Fifth Regiment United States Veteran Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Lloyd, late of Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David Price, late of Company E, Fifth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jacob C. Cumins, late of Company H, Twentieth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin N. Josselyn, late of Company E, Second Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Reither, alias Charles Debeau, late of Company I, First Regiment Pennsylvania Reserve Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Isabella Morrison, widow of William Morrison, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Elizabeth A. Burritt, widow of Ira N. Burritt, late second lieutenant Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Whipple B. Bradley, late of Company A, First Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receving.

Byron C. Barrows, late of Company C, First Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ellen G. Brown, widow of James G. Brown, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank Howard Brown, helpless and dependent child of said James G. Brown, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen G. Brown the name of the said Frank Howard Brown shall be placed on the pension roll at $12 per month from and after date of death of said Ellen G. Brown.

Charles H. Schuler, late of Company I, Tenth Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that he is now receiving.

Andrew J. Madden, late of Company E, Forty-eighth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George Carpenter, late of Company B, Fifteenth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Marcellus F. Cushman, late of Company K, Seventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David A. Jordan, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John C. Allendorph, late of Company A, Second Regiment Iowa Volunteer Infantry, also of Company L, Eleventh Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Allen N. Perry, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Joseph R. Paradise, late of Capt. G. W. Smith's independent company Maryland Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Harvey McCaskey, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George P. Sanborn, late of Company B, Fifteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Carlton M. Rhoades, late of Company I, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary J. Hennessy, widow of William Hennessy, late of Company B, Seventy-seventh Regiment New York National Guard Infantry, $12.

Sylvanus F. Westlake, late of Company H, Thirtieth Regiment New Jersey Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Calvin P. Jefferis, late of Company E, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William J. R. Waters, late of Company G, Twenty-sixth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James R. Caudle, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Newell Coburn, late of Company F, First Regiment New York Volunteer Mounted Rifles, $30 per month in lieu of that he is now receiving.

Edrick Adams, late of Companies L and C, First Regiment Vermont Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

John T. Martin, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John W. Dyson, late of Company A, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jane Moore, widow of Robert Moore, late of Company D, First Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel Moore, helpless and dependent daughter of said Robert Moore, the additional pension hereby granted shall cease and determine.

Libbie B. Smith, widow of Charles A. Smith, late lieutenant-colonel Thirty-fifth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edward A. Campbell, late of Company A, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry F. Royce, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David E. Stevens, alias David E. Tripp, late of Companies B and K, Twentieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Aime M. Golay, late second lieutenant Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harriet A. Wheeler, former widow of Henry Barnes, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, $12.

Joseph Robinson, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Franklin Stotts, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and Company A, Thirteenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Harriet V. Wheeler, widow of Daniel Edson, jr., late first lieutenant and regimental quartermaster Seventh Regiment Massachusetts Volunteer Infantry, $12.

Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan C. Schroeder, widow of Henry T. Schroeder, late of Company A, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and first lieutenant Company B, First Regiment North Carolina Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jessie Green, widow of Edmund Green, late of Second Battery, Vermont Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6073) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Jeremiah J. Hannon, late of Company E, Second Regiment Arkansas Volunteer Infantry, war with Spain, $24 per month in lieu of that he is now receiving.

Caloway G. Tucker, late of Company C, Third Regiment Tennessee Volunteer Infantry, war with Mexico, $30 per month in lieu of that he is now receiving.

William H. Mullins, late of Company K, Thirtieth Regiment United States Infantry, $10.

Sarah A. Waite, widow of George B. Waite, late of Company B, Fourteenth Regiment United States Infantry, $12 per month, and $2 per month additional on account of each of the minor children of the said George B. Waite until they reach the age of 16 years.

Thomas Smith, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, $10.

Lucy M. Soule, dependent mother of George W. Soule, late of Company G, First Regiment Idaho Volunteer Infantry, war with Spain, $12.

George Baldey, late of Company G, Sixteenth Regiment United States Infantry, war with Mexico, and lieutenant-colonel Sixty-fifth Regiment United States Colored Volunteer Infantry and brevet brigadier-general United States Volunteers, $30 per month in lieu of that he is now receiving.

Jesse H. Arnold, late first lieutenant Company K, First Regiment Washington Volunteer Infantry, war with Spain, $12.

Cassimero Masters, late of Captain Mickler's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, $16 per month in lieu of that he is now receiving.

Peter C. Masters, late of Captain Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Paul De Chaine, late of Company D, Eighteenth Regiment United States Infantry, war with Spain, $12.

Gertrude L. Bradley, former widow of George P. Bradley, late of Company F, Sixteenth Regiment United States Infantry, $12.

Jane Jameson, dependent mother of Malcolm S. Jameson, late second lieutenant Company E, Second Regiment Oregon Volunteer Infantry, war with Spain, $15.

Richard W. Brooks, late of Capt. Leroy G. Lesly's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Nicholas Gradick, late of Captain Stephens's company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Thomas Topping, late of Company E, Eighth Regiment United States Infantry, Texas and New Mexico Indian war, $16 per month in lieu of that he is now receiving.

Ellen Scoggin, dependent mother of Paul E. Scoggin, late of Company E, Seventh Regiment United States Infantry, $12.

Edmond Damour, late of Company D, Second Regiment Massachusetts Volunteer Infantry, war with Spain, $30 per month in lieu of that he is now receiving.

Curtis S. Parker, late of Company B, Eighth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Mary P. Eastman, widow of James E. Eastman, late captain Battery L, Second Regiment United States Artillery, $30 per month in lieu of that she is now receiving.

Charles Thomas, late of Captain Carter's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Nick Morrow, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, $12.

Hattie S. Carruth, widow of George L. Carruth, late of ordnance detachment, United States Army, $12 per month, with $2 per month additional on account of each of the minor children of the said George L. Carruth until they reach the age of 16 years.

Charles H. Roth, late of Company A, Twenty-second Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Anna E. Barnard, widow of John G. Barnard, late colonel of engineers, United States Army, and brigadier-general, United States Volunteers, $40 per month in lieu of that she is now receiving.

Julia Walke, widow of Henry Walke, late rear-admiral, United States Navy, $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEYENNE RIVER AND STANDING ROCK LANDS.

The bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect," was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 2, line 20, after the word "settlement," to strike out the proviso in the following words:

Provided, That in any event not more than 2 sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or any part thereof, within the township in which the loss occurs, except in any township where there may not be 2 sections of unallotted lands, in which event whatever is required to make 2 sections may be selected in any adjoining township.

The amendment was agreed to.

Mr. GAMBLE. I propose an amendment to be placed after the word "respectively," in line 18, on page 3.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 3, line 18, after the word "respectively," insert the following additional proviso:

Provided further, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the said States or otherwise disposed of under the provisions of this act shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GAMBLE. I call attention to order of business 36 under Rule IX, the bill (S. 3286) to amend sections 7 and 8 of the act of May 29, 1908 (35 Stat. L., p. 460), entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

I move the indefinite postponement of the Senate bill for the reason that House bill No. 12438, which has just passed the Senate, covers the identical proposition.

The motion was agreed to.

GOVERNMENT OF THE CANAL ZONE, ETC.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. SMOOT. At the request of the Senator from California [Mr. FLINT] I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over.

JAMES L. BRADFORD.

The bill (S. 1232) for the relief of James L. Bradford was considered as in Committee of the Whole.

Mr. McENERY. That bill, I believe, has already been read once.

Mr. GALLINGER. It was read.

Mr. McENERY. It was retained on the calendar in order that an amendment might be made. The Committee on Public Lands recommended that the preamble be stricken out. With that view I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The Senator from Louisiana offers amendments, which will be stated.

The SECRETARY. On page 3, line 3, after the word "That," strike out "the said," so as to read:

That James L. Bradford be, and he is hereby, authorized within six months after the approval of this act to file a bill in equity against the United States in the Court of Claims, which the said court is hereby authorized to hear and determine as other suits in equity are now tried therein, to determine the question how far and to what extent the said—

and so forth.

The amendment was agreed to.

The SECRETARY. Page 3, line 9, after the word "said," strike out the remainder of the section and insert:

James L. Bradford is entitled to claim the value for improvements for clearing, draining, and buildings on certain lands described in suits in equity in the United States circuit court for the eastern district of Louisiana, numbered 13253, 13254, 13255, 13256, 13257, 13326, 13327, said suits having been brought to annul the title of said James L. Bradford, one of the defendants, to said lands described in said suits, and said James L. Bradford consented in writing to a decree annulling his titles to said lands, provided the right to claim the value for improvements on the same be reserved in the decree annulling said titles to said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McENERY. I move that the preamble be stricken out.

The motion was agreed to.

PITTSBURG BREWING COMPANY.

The bill (H. R. 14676) for the relief of the Pittsburg Brewing Company was considered as in Committee of the Whole. It directs the Secretary of the Treasury to reopen and consider the matter of the assessment against the Pittsburg Brewing Company, made by the Commissioner of Internal Revenue on the September list, 1907, and to adjust the same and make such refund of the tax paid thereunder as he may deem just and equitable.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATCHISON, TOPEKA AND SANTA FE RAILROAD.

The joint resolution (H. J. Res. 101) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans., was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment, in line 4, after the words "Santa Fe," to strike out the word "Railroad" and insert "Railway," so as to make the joint resolution read:

Resolved, etc. That the Secretary of War be, and he is hereby, authorized to permit the Atchison, Topeka and Santa Fe Railroad Company to extend its tracks on the military reservation at Fort Leavenworth, Kans., in such manner as he may deem expedient, for the purpose of connecting said tracks with the government terminal switch tracks on that reservation: *Provided*, That such extension shall be made without expense to the United States.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title of the joint resolution was amended so as to read: "A joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railway on the military reservation at Fort Leavenworth, Kans."

Mr. SMOOT. I move that the Senate adjourn.

Mr. GALLINGER. Mr. President, will the Senator from Utah withhold the motion for a moment?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I wish to ask the consideration of House bill 15448. I will suggest to the Senator from Utah that a short executive session is desired.

Mr. SMOOT. I withdraw the motion.

CHANGES IN HIGHWAYS PLAN FOR THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 15448) to authorize certain changes in the permanent system of highways plan, District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Commissioners of the District of Columbia to prepare a new highway plan for that portion of the third section of the permanent system of highways plan lying west of Rock Creek, north of Massachusetts avenue and the Observatory circle, east of Thirty-sixth street west, south of Cathedral avenue, southwest of Cleveland avenue, south of Calvert street, and southwest of Connecticut avenue, under the provision contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and the amendment to that act approved June 28, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 10, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 9, 1910.

NAVAL OFFICER OF CUSTOMS.

Frederick J. H. Kracke, of New York, to be naval officer of customs in the district of New York, in the State of New York. (Reappointment.)

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Grant T. Trent, of Tennessee, to be an associate justice of the supreme court of the Philippine Islands, vice Charles B. Elliott, nominated for appointment as a member of the Philippine Commission and secretary of commerce and police in the government of the Philippine Islands.

RECEIVERS OF PUBLIC MONEYS.

Sanford Parker, of Nebraska, to be receiver of public moneys at O'Neill, Nebr., his term having expired. (Reappointment.)

Elof Olson, of Nebraska, to be receiver of public moneys at Valentine, Nebr., his term having expired. (Reappointment.)

REGISTER OF THE LAND OFFICE.

Luke M. Bates, of Nebraska, to be register of the land office at Valentine, Nebr., his term having expired. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from February 8, 1910.

Frederick Hultman Foucar, of New York.
Bert Roy Huntington, of Minnesota.
James De Witt Kerr, of Pennsylvania.
Robert Clarence McDonald, of Texas.
William Frank McLaughlin, of the District of Columbia.
Henry Cabell Maddux, of Virginia.
Shelley Uriah Marietta, of Iowa.
Raymond William Mills, of New York.
Arthur Le Roy Pulver, of New York.
Edward Chauncey Register, of South Carolina.
James Lee Robinson, of Washington.
Jay Dashiel Whitham, of Pennsylvania.

POSTMASTERS.

ARKANSAS.

John P. Roberts to be postmaster at Booneville, Ark., in place of John O. May. Incumbent's commission expired February 5, 1910.

Milton R. Stimson to be postmaster at Brinkley, Ark., in place of Milton R. Stimson. Incumbent's commission expires February 27, 1910.

DELAWARE.

J. Frank Reybold to be postmaster at Delaware City, Del., in place of J. Frank Reybold. Incumbent's commission expired January 30, 1910.

IDAHO.

Emma L. Reed to be postmaster at Bellevue, Idaho. Office became presidential January 1, 1910.

ILLINOIS.

Smith D. Atkins to be postmaster at Freeport, Ill., in place of Smith D. Atkins. Incumbent's commission expired February 5, 1910.

INDIANA.

John F. Thompson to be postmaster at Newcastle, Ind., in place of James H. Jones. Incumbent's commission expires February 13, 1910.

IOWA.

William F. Kopp to be postmaster at Mount Pleasant, Iowa, in place of William F. Kopp. Incumbent's commission expired February 7, 1910.

John C. Milner to be postmaster at Belle Plaine, Iowa, in place of Le Roy E. Cox, resigned.

Thomas W. Nickson to be postmaster at Prairie City, Iowa, in place of Jacob Mummert. Incumbent's commission expired December 16, 1909.

James H. Willett to be postmaster at Tama, Iowa, in place of Charles J. Wonser. Incumbent's commission expired January 30, 1910.

MARYLAND.

Willis B. Burdett to be postmaster at Rockville, Md., in place of James P. B. Veirs. Incumbent's commision expired February 7, 1910.

MICHIGAN.

Byron H. Colburn to be postmaster at Lawrence, Mich., in place of Byron H. Colburn. Incumbent's commission expired February 5, 1910.

William F. Crane to be postmaster at Manistique, Mich., in place of William F. Crane. Incumbent's commission expires February 12, 1910.

MINNESOTA.

E. C. Hellickson to be postmaster at Caledonia, Minn., in place of Moses Emery. Incumbent's commission expired January 24, 1910.

Edward F. Joubert to be postmaster at Wheaton, Minn., in place of Edward F. Joubert. Incumbent's commission expired February 5, 1910.

MISSISSIPPI.

Daniel E. Rosser to be postmaster at Cleveland, Miss., in place of Daniel E. Rosser. Incumbent's commission expires February 22, 1910.

John T. Wood to be postmaster at Columbus, Miss., in place of John T. Wood. Incumbent's commission expires February 22, 1910.

NEBRASKA.

George H. Olive to be postmaster at Weeping Water, Nebr., in place of George H. Olive. Incumbent's commission expires February 19, 1910.

NEW JERSEY.

Nathaniel H. Furman to be postmaster at Lawrenceville, N. J., in place of Nathaniel H. Furman. Incumbent's commission expired February 5, 1910.

Eli R. Marsh to be postmaster at Williamstown, N. J., in place of Eli R. Marsh. Incumbent's commission expires February 27, 1910.

NEW MEXICO.

John S. Mactavish to be postmaster at Magdalena, N. Mex. Office became presidential January 1, 1910.

NEW YORK.

William B. Adams to be postmaster at Bedford Hills (late Bedford Station), N. Y., in place of William B. Adams, to change name of office.

Thomas J. Quick to be postmaster at Port Jervis, N. Y., in place of Stephen D. Boyce. Incumbent's commission expired January 30, 1910.

Garfield Vanderburgh to be postmaster at Florida, N. Y., in place of Garfield Vanderburgh. Incumbent's commission expires February 22, 1910.

NORTH CAROLINA.

Robert D. Langdon to be postmaster at Benson, N. C. Office became presidential January 1, 1910.

Otto S. Woody to be postmaster at Whitakers, N. C. Office became presidential January 1, 1910.

NORTH DAKOTA.

Thomas G. Johnson to be postmaster at University, N. Dak. Office became presidential January 1, 1910.

Frank V. Kent to be postmaster at Grand Forks, N. Dak., in place of Minnie L. Budge. Incumbent's commission expired December 19, 1909.

E. H. Pierce to be postmaster at Grafton, N. Dak., in place of Thomas H. Tharalson, removed.

OHIO.

William A. Campbell to be postmaster at Lima, Ohio, in place of William A. Campbell. Incumbent's commission expired March 8, 1908.

Carl H. Schell to be postmaster at Hamilton, Ohio, in place of Oakey V. Parrish, resigned.

Chester R. P. Waltz to be postmaster at Delta, Ohio, in place of Chester R. P. Waltz. Incumbent's commission expired February 5, 1910.

T. Frank Williams to be postmaster at Waynesburg, Ohio. Office became presidential April 1, 1908.

RHODE ISLAND.

Edward James Prest to be postmaster at Bristol, R. I., in place of William M. Gorham, removed.

WASHINGTON.

Richard A. McKellar to be postmaster at Kettle Falls, Wash. Office became presidential January 1, 1910.

WEST VIRGINIA.

Arthur W. Windom to be postmaster at Hendricks, W. Va. Office became presidential January 1, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1910.

NAVAL OFFICER OF CUSTOMS.

Frederick J. H. Kracke to be naval officer of customs for the district of New York.

PROMOTIONS IN THE NAVY.

Lieut. Commander George N. Hayward to be a commander.

Second Lieut. Frederick A. Gardener to be a first lieutenant in the Marine Corps.

POSTMASTERS.

IDAHO.

Carl F. Zinnius, at Spirit Lake, Idaho.

INDIANA.

John W. Elam, at Valparaiso, Ind.
Jonas E. Pershing, at Elnora, Ind.

NEBRASKA.

Joseph Krahulik, at Clarkson, Nebr.

NEVADA.

Dwight A. Dawson, at Reno, Nev.

OHIO.

Plympton S. Lybarger, at Shelby, Ohio.
Sarah E. Maddox, at Ripley, Ohio.
John F. Outcalt, at Wauseon, Ohio.
Fred D. Pierce, at Wakeman, Ohio.
David M. Riley, at Convoy, Ohio.
Solomon P. Soliday, at Murray, Ohio.

RHODE ISLAND.

Edward James Prest, at Bristol, R. I.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 9, 1910.*

The House met at 12 o'clock noon.

Prayer by the Rev. John Van Schaick, jr., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, in view of the fact that the urgent deficiency appropriation bill carries a number of important items that should become law as soon as possible in the interest of the administration of the Government, I ask unanimous consent to take up for consideration the privileged report by the conferees on the urgent deficiency appropriation bill. I do not think it will require more than fifteen minutes to dispose of it.

The SPEAKER. This being calendar Wednesday, the gentleman from Minnesota asks unanimous consent to call up for

present consideration the conference report on the urgent deficiency bill. Paragraph 4, Rule XXVI, reads as follows:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House, by a two-thirds vote on motion to dispense therewith, shall otherwise determine.

Now, this is calendar Wednesday. The gentleman from Minnesota asks recognition to ask unanimous consent to postpone the operation of calendar Wednesday for the purpose of considering a conference report. It would be in order for the gentleman from Minnesota to move to dispense with calendar Wednesday entirely, and on a vote of two-thirds of the House Wednesday for that day would be devoted to business under the rules of the House other than that called for by Rule XXIV.

It is perfectly clear to the Chair that if the gentleman can dispense with it entirely by a two-thirds vote, the House ought to have an opportunity to defer it for a time by unanimous consent for convenience in consideration of conference reports, and possibly for other business of that nature. The Chair might instance certain matters that might arise, like privileged questions, where, on a fair construction of this rule, similar requests for unanimous consent might be admitted. But the Chair does not have to meet such cases until they arise. It seems to the Chair that a conference report is of such a nature that the Chair should feel authorized to submit the matter to the House for unanimous consent without violating the spirit of the rules relating to calendar Wednesday and the Unanimous Consent Calendar.

Mr. McCALL. Mr. Speaker, pending the request, I would like to ask the gentleman from Minnesota whether it makes any difference to this particular bill whether it is considered to-morrow or to-day.

Mr. MACON. Mr. Speaker, I reserve the right to object.

The SPEAKER. Certainly; all the rights of the gentleman from Arkansas will be preserved.

Mr. TAWNEY. I will say that this is not a final report. If it were a final report, then it might not be so material whether it was adopted to-day or to-morrow; but the purpose is to adopt the report so far as the two Houses have agreed, insist upon our disagreement as to the items that are in disagreement, and hold another conference, and, if possible, dispose of the bill some time during the remainder of this week. There are some appropriations carried in the bill that are very urgent. The departments are inquiring almost every day respecting the probability of when they are liable to pass. That is my only reason for making the request at this time, so as to dispose of that part of the agreement where the two Houses have been brought together, and afford an opportunity for further conference on the items in disagreement.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman about how long he thinks this would take.

Mr. TAWNEY. I do not know of anything that would consume any great amount of time, certainly not more than fifteen or twenty minutes unless there was unexpected debate. I will say to the gentleman from Missouri that the item of $75,000 for the International Agricultural Exhibition at Buenos Aires is in dispute; also the item for furniture for the Cleveland, Ohio, public building. The Senate amended our appropriation of $100,000, adding $60,000. That is still in dispute. The question of the court of customs appeals and the salaries of the judges and officers in that court is in disagreement.

Mr. CLARK of Missouri. What is the dispute about that?

Mr. TAWNEY. Also for the Immigration Service, $25,000; and two items for printing, one for the Monetary Commission and one for the Bureau of the American Republics.

Mr. CLARK of Missouri. What is the dispute about the salary of the court of customs appeals?

Mr. TAWNEY. The proposition about the court of customs appeals is in relation to compensation. The House fixed the compensation at $7,000 for the judges and changed the law in respect to the amount that the other officers and employees of that court should receive.

I think we will be able to reach an agreement very soon, in another conference on that, in accordance with the action of the House.

Mr. CLARK of Missouri. What does the Senate propose?

Mr. TAWNEY. The gentleman will recall, perhaps, that in the Senate they struck out our provision entirely and proposed nothing. They originally proposed what was recommended to this House by the Committee on Appropriations. A point of order was made against it, as it was made against the provision in the House, and of course it went out on the point of order. Thereupon the gentleman in charge of the bill moved to strike out our provision, in order that the matter might get into conference; and I have every reason to believe that we will reach a conclusion very soon, in the next conference that we have upon this proposition, and that it will be in line with the original proposed action of the House.

Mr. CLARK of Missouri. Mr. Speaker, I should like to say a word about this rule if the gentleman will permit. Of course I take it that the Speaker and every Member of the House wants to see this rule operate in a way that will expedite business instead of retarding it; and it seems to me that whether the unanimous-consent proposition ought to be entertained or not, this proposition could be entertained properly to defer the operation of this rule pro tanto by a two-thirds vote, for the purpose of considering this conference report, and then, when we get through with the conference report, go on under the rule.

The SPEAKER. Yes; but the Chair calls the attention of the gentleman from Missouri to the fact that the rule does not so provide.

Mr. CLARK of Missouri. I know it does not.

The SPEAKER. The rule provides that the day may be entirely dispensed with on a two-thirds vote, and the request for unanimous consent—which would require not only two-thirds, but the whole membership of the House—is to dispense with it for the consideration of this conference report for the time being.

Mr. CLARK of Missouri. I understand that.

Mr. TAWNEY. I will say to the gentleman from Missouri that it is not my purpose to suspend the operation of the special calendar day entirely.

Mr. CLARK of Missouri. I was trying to help you out.

Mr. TAWNEY. My purpose is merely to defer it or postpone it for a few minutes, until this conference report, which involves appropriations that are needed, incident to the administration of the affairs of the Government, may be considered; and rather than move to dispense with the special calendar, I have asked unanimous consent for sufficient time merely to dispose of this conference report, and then we can go on with the business on the calendar for to-day.

Mr. CLARK of Missouri. The action of Members is frequently determined by the way they have slept or how they have digested their meals; and this proposition, it seems to me, is right in line with the spirit of the rule, that if you can postpone calendar Wednesday in toto by a two-thirds vote, you can postpone it pro tanto by a two-thirds vote. That would be perfectly legitimate.

Mr. TAWNEY. The rule, however, reads the other way, I will say to the gentleman.

Mr. CLARK of Missouri. I do not care how it reads. [Laughter.] Every rule and every proposition is to be construed by the rules of common sense.

Mr. PAYNE. May I suggest to the gentleman that this provision is put into the rule, that it can be suspended for the day by a two-thirds vote——

Mr. CLARK of Missouri. Yes.

Mr. PAYNE. And with only five minutes' debate on a side, for the purpose of having a speedy determination of the matter. Now, if it is held to be in order that the gentleman from Minnesota can come in here and ask to suspend calendar Wednesday for the purpose of considering a conference report, and make a motion to that effect, and the motion fails to receive a two-thirds affirmative vote and is defeated, then it is possible for the Chair to recognize some other gentleman to move to postpone it for his bill, and so the speedy determination of the House as to whether they will dispense with the rule at all will be lost and the rule will be so construed as to occasion great delay. It seems to me, for that reason, the suggestion of the gentleman is open to objection.

The SPEAKER. Is there objection?

Mr. HARRISON. Mr. Speaker, believing that this would establish a bad precedent, I demand the regular order.

The SPEAKER. The gentleman demands the regular order, which is equivalent to an objection. The call rests with the Committee on the Census.

THIRTEENTH CENSUS.

Mr. CRUMPACKER. Mr. Speaker, by direction of the Committee on the Census, I call up Senate joint resolution 66, amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses," which I send to the desk and ask to have read.

The Clerk read as follows:

Senate joint resolution 66.

Resolved, etc., That section 18 of the act of Congress approved July 2, 1909, providing for the thirteenth and subsequent decennial censuses (36 Stat. L., p. 7) be amended by adding at the end of the section the words: "which may include a minimum and maximum rate of per diem compensation to be fixed by him, the maximum rate in such cases not to exceed an average of $6 per diem for the period of em-

ployment and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding $3 per diem during necessary absence from their usual place of residence."

Mr. CRUMPACKER. Mr. Speaker, this resolution is on the Union Calendar. It is a small matter, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Indiana asks unanimous consent that this resolution be considered in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish the gentleman would explain what the resolution covers, pending that request, in order that the House may be informed.

Mr. CRUMPACKER. Mr. Speaker, the resolution is an amendment of section 18 of the act providing for the thirteenth and subsequent decennial censuses. Section 18 of that act provides for the appointment of a number of special agents and fixes the compensation on a per diem basis of not less than $3 nor more than $6 per day.

The last clause of that section provides, however, that the director may employ special agents and pay them on what is called the piece-price basis; so we have the two policies of paying special agents, one, per diem, and the other the piece-price policy. This amendment simply enables the Director of the Census, in his discretion, to combine the two. It is thought desirable that special agents may be authorized to make investigations and be paid by schedule, and yet a uniform rate per schedule would be inequitable throughout the country, because of the great differences in conditions. A basis of pay for the city of New York or the New England States which would be equitable there would be entirely inadequate for many of the Western States, because of the sparse settlement and because of the relatively smaller number of manufacturing establishments that are to be investigated. Therefore the Director of the Census desires the amendment that this resolution provides, so he can fix a piece-price basis for special agents in making investigations, and also that he may provide a maximum and minimum rate of pay that special agents may earn on that basis. For instance, in a city where there may be a dozen or twenty manufacturing establishments to be investigated by a special agent, if the pay should be a dollar a schedule, the entire investigation might be made in two days and the agent might make ten or twelve or fifteen dollars a day. In some other locality, where there are only one or two or three establishments, the pay would not be more than a dollar and a half or two or three dollars a day on that basis, and again the agent might be required to travel 25 or 30 miles to some place to investigate one single establishment. Therefore the director desires to have the authority to fix the minimum rate of pay and the maximum. There are a good many reasons for it aside from those that I have suggested. If the special agents are put on a piece-price basis and there is no limitation to the amount they can earn the temptation will always be before the agent to do hurried and slipshod work in order to get in as many reports as possible, to increase to as high a standard as possible the average daily earning.

On the other hand, if this work is all to be done on a per diem basis, there is constant temptation before the special agent to nurse the work and make as few reports as may be consistent with the safety of his tenure of office as a government employee, so as to prolong the period of his employment. I think it will be clear to anyone who gives the matter any study at all that this amendment is a good one, in the interest of reliable investigations and economy, and it will bring about better results, and they will be gotten more cheaply than under the law as it now stands.

Mr. STAFFORD. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. STAFFORD. Will the gentleman explain what difference there is in the proposed amendment with existing law as to the proviso for the allowance for traveling expenses?

Mr. CRUMPACKER. There is not any.

Mr. STAFFORD. And the allowance for subsistence?

Mr. CRUMPACKER. There is not any. There is no change at all.

Mr. STAFFORD. Then the phraseology as carried in the latter part of this proposed joint resolution is the same as in the existing law.

Mr. CRUMPACKER. The same, exactly.

The SPEAKER. The request of the gentleman from Indiana is for unanimous consent to consider this resolution in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the section.

The Clerk read as follows:

Senate joint resolution 66.

Resolved, etc., That section 18 of the act of Congress approved July 2, 1909, providing for the thirteenth and subsequent decennial censuses (36 Stat. L., p. 7), be amended by adding at the end of the section the words: "which may include a minimum and maximum rate of per diem compensation to be fixed by him, the maximum rate in such cases not to exceed an average of $6 per diem for the period of employment and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding $3 per diem during necessary absence from their usual place of residence."

Mr. FITZGERALD. Will the gentleman from Indiana yield for a question?

Mr. CRUMPACKER. Yes; I yield for a question.

Mr. FITZGERALD. The gentleman from Indiana is——

The SPEAKER. Does the gentleman from New York desire to be recognized in his own right?

Mr. FITZGERALD. The gentleman from Indiana has yielded.

The SPEAKER. Yes; but the gentleman from Indiana has no time to yield. This is under the five-minute rule, and the joint resolution is being considered in the House as in the Committee of the Whole House on the state of the Union, and if the gentleman from New York desires to offer an amendment he will be entitled to recognition.

Mr. FITZGERALD. Well, Mr. Speaker, I move to strike out all after the enacting clause.

The SPEAKER. The gentleman from New York moves to strike out the first word after the enacting clause.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Indiana has frequently criticised committees for reporting bills purporting to amend various sections of different acts by simply inserting or adding specific language and without reenacting the provision as amended. Now, will the gentleman state to the House his reason for adopting the very practice which he so many times has so severely condemned on the part of others?

Mr. CRUMPACKER. Mr. Speaker, I will be glad to explain my attitude to the gentleman in this connection, if it is of any particular advantage to him or the country, or even whether it is or not. In the first place, this is a Senate joint resolution which came over to the House from the Senate and was referred to the Committee on the Census and the Committee on the Census of the House reported it back unanimously without any change.

Mr. FITZGERALD. Does the gentleman believe that because it is a Senate joint resolution there is anything particularly sacred about it?

Mr. CRUMPACKER. I want to explain that the initial wrong, if there be one, is not upon the House committee, and is not upon the gentleman from Indiana. I do believe that scientific legislation requires that where a section of a law is amended, the amended section ought to be set out and reenacted, but when you come to look at the practical side of it, a week ago today we had up a bill in which an amendment was sought to be made to section 8 of the census bill. That amendment was presented in what I regard as the scientific way, and it opened up the whole section for amendment, and involved all kinds of irrelevant debate, and it took practically from noon to 6 o'clock to get that bill through. Therefore, it is not a safe proposition to be scientific in certain matters in this House at this particular time in regard to the census.

Mr. FITZGERALD. The gentleman offers as an excuse for asking the House to indulge in unscientific legislation the fact that some other body is the original offender, and that it may take a little more of the time of the House in order to do things properly. I thought it advisable to emphasize the fact that those Members of this House who set themselves up as critics of all other committees, who indulge in unrestricted criticism of the work of other committees of the House, might hold their own committees to the same rigid rules. I trust that hereafter the gentleman from Indiana will not think the Committee on the Census so privileged that it can violate the fundamental principles of what he conceives to be a scientific method of legislation. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Speaker, I desire to find out from the gentleman from Indiana where these special agents are to be appointed from. May they be appointed from any place in the United States to take the census in any other portion of the United States, or is there any limit to the district from which they may be drawn?

Mr. CRUMPACKER. The law does not impose any limitation at all, but the custom has been, and the practice of course will be, that special agents will be selected in the locality where the work is to be done. Examinations are being held all over the country for the appointment of these special agents. The

law does not require an examination, but the director does, and he has caused examinations to be held all over the country for special agents, in the view of employing them in the various communities where the work is to be done.

Mr. CAMPBELL. But is it the purpose of the director to select the special agents for the taking of an industrial census alone from those who take the examination?

Mr. CRUMPACKER. I suppose it is, or he would not hold these examinations in all these States for special agents—the examinations that he has held.

Mr. CAMPBELL. Do you not think it would be in the interest of economy to require that these special agents be appointed within special zones, and in that way save long-distance traveling expenses?

Mr. CRUMPACKER. I do not think so, because it may occasionally be necessary to send men from one State to another on certain lines of manufacture, and he ought to have the right to do so. Let us always keep in mind that the object of the census is to get an accurate census, to secure a correct count, a trustworthy investigation of manufacturers and mines and mining; and we should not hamper this great work by requiring the employees to be in any particular locality. The director will distribute them. It has always been the custom, and I have no doubt the present director will distribute the special agents throughout the country equitably, so far as the good of the service will permit it.

Mr. CAMPBELL. Do you not think it would be a good thing to require the shortest distance of travel by the agent in reaching the work?

Mr. CRUMPACKER. It is a question of competency.

Mr. STAFFORD. If the gentleman from Kansas will yield to me, I might furnish the information that he requested of the chairman of the committee.

Mr. CAMPBELL. I would like to have it.

Mr. STAFFORD. It is a matter of my personal knowledge that in many instances when the examinations were held for special agents last November there were not a sufficient number who applied, or were successful in taking the examinations. In those cases where there is not a sufficient number of men on the eligible list, they are delegating to the men selected from representatives of the Census Bureau who are dispatched to these various localities to supervise the work authority to select men without civil-service examination. So that I hardly think the practice suggested that is indulged in by the bureau of dispatching those on the eligible list to all parts of the country, when the returns show that there have not been enough applicants, is not followed. The gentleman may recollect the order required that they should have some acquaintance with economics, accounting, or should be college graduates.

Mr. CAMPBELL. I am familiar with the scope of the examination, and the requirements under it, and think it was unreasonable in its requirements.

Mr. STAFFORD. In consequence of it very few took the examinations, and many of these failed to qualify.

Mr. CAMPBELL. But I still think it would be good legislation to prevent sending these special agents clear across the continent to make an enumeration of manufacturers and mining.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. PAYNE. Will the gentleman allow me?

Mr. CAMPBELL. My time has expired.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman offer an amendment?

Mr. MANN. I move to strike out the last word. Mr. Speaker, I would like to inquire of the gentleman from Wisconsin where he got his information as to how these special agents are appointed without requiring them to pass a civil-service examination. Is it because he is consulted with reference to appointments? I am told that some Members of the House are able to get special agents appointed.

The SPEAKER. The Journal clerk calls the attention of the Chair to the fact that the amendment offered by the gentleman from New York has not been voted upon or withdrawn. Does the gentleman from New York withdraw his amendment?

Mr. FITZGERALD. I withdraw the amendment temporarily.

Mr. MANN. I wish to ascertain, if possible, in reference to these appointments, whether the men now proposed to be appointed temporarily are appointed at the request of the gentleman from Wisconsin or other prominent Members of the House who have influence either with the administration at the Census Office or the supervisors who are named in those districts.

Mr. FITZGERALD. Why does not the gentleman ask that question over at the Census Office?

Mr. MANN. Because I am not in communication with the Census Office with reference to any appointments. [Laughter.]

Mr. PAYNE. Incommunicado.

Mr. STAFFORD. Mr. Speaker, I do not know whether the gentleman from Illinois has taken as much interest in the question of filling the various positions for taking the census as I have been perforce required to take by reason of the published notices in the daily press in regard to this special character of work. Representatives generally received some time in September or October notice from the Census Bureau that special examinations would be held for special agents. While at home I had a number of requests from constituents, who called upon me as to the requirements of that examination. When they had taken the examinations they requested me to ascertain whether they had passed. I learned upon investigation that very few had taken the examination, and that of those few only a small number were successful in having passed the examination. Upon further inquiry I learned that in those cities where, perhaps, there were a large number of men out of employment, with the peculiar capacity who could qualify, that in those instances, such as in Cincinnati, a sufficient corps of men to perform that work had become eligible for appointment.

In my city—I suppose by reason of the fact that most of the men were employed in other lines of work and not seeking public employment—very few qualified; in fact, only about two in the entire State. So I made some inquiries as to the method of appointment of these special agents where additional men were required, and learned that the authority was going to be delegated to the representative of the bureau who would be in charge of that work, and that he would have some sort of examination to test their ability. I suppose the same information could have been obtained by the gentleman from Illinois if he were not so busy with the affairs of legislation.

Mr. MANN. Oh, it is not because I am busy. It is probably because I am a little bit independent. I do not kneel at the shrine of the Chief of the Census Bureau. [Applause.] And it may be, and probably is, the case that the gentleman from Wisconsin [Mr. STAFFORD] and other gentlemen are now able, through political influence, to secure appointments which the census law provides shall be made through a competitive examination, but which examination has been made so severe that they knew they would not secure appointees, and now perhaps dole them out as political perquisites.

Mr. STAFFORD. If the gentleman will permit, I think that is a very unfair criticism of the statement I have made of the conditions, because in some localities there have been many men who have qualified and who have been appointed to these positions. I suppose the reason why there were so few who qualified in Milwaukee was because of the fact that men of the high character necessary for this work were engaged in private employment. I take exception to the remark of the gentleman that I have in any way cringed or fawned upon any person whatsoever in gaining appointments.

Mr. MANN. If the gentleman understood me to say that——

Mr. STAFFORD. I have only received the courteous treatment at the Bureau of the Census that the gentleman from Illinois would receive, and I believe he would receive much more courteous consideration by reason of his reputation of being the great objector of this House.

Mr. MANN. I have no doubt that while there may have been nobody in Wisconsin to accept the appointment under a civil-service examination, yet the gentleman from Milwaukee will be able to find plenty of them to take it as a political appointment.

The SPEAKER. The time of the gentleman has expired.

Mr. NORRIS. I rise to oppose the motion made by the gentleman from Illinois. It seems to me that if the gentleman from Wisconsin [Mr. STAFFORD] has accurately informed the House on the proposition, we have a condition deserving some consideration at the hands of the House or of Congress. He states that these examinations for special agents were so severe that very few of the applicants were able to pass them. One of the conditions he states is that the applicant must be a college graduate. Now, the suggestion that comes from the gentleman from Illinois [Mr. MANN] seems to me to be apt, that if these examinations are made so severe that very few people can successfully pass them, the department can rightly be criticised for making them so severe, unless it can be shown that the men they send out from the department to do the work possess the qualifications that are demanded of those who apply when examinations are held. I would like to ask the gentleman from Wisconsin if he can enlighten us on this point: Do these men who are sent out from the department possess the qualifica-

tions that the department asks that the applicants for the examination should possess?

Mr. STAFFORD. Very likely the gentleman from Nebraska has a misapprehension as to the way this service is being conducted. It was not intended, even under the examination scheme, that the special agents should be in control of this special work, but that experienced men, connected with the bureau for many years, would be sent to the respective localities to supervise the work.

Mr. NORRIS. Who does the actual work?

Mr. STAFFORD. This supervising work has been performed by men who have been long connected with the bureau.

Mr. NORRIS. Who takes the place of the men who fail in the examination?

Mr. STAFFORD. If the gentleman will allow me, the men sent out from the bureau are men who have long experience and ample qualifications for the work of supervision. The work of special agents is performed by the best available men that this local supervisor sent from the bureau can obtain.

Mr. NORRIS. And he selects them without an examination?

Mr. STAFFORD. He selects them as the result of an examination that he may prescribe. In some cities, as I have stated, for instance, Cincinnati, there were ample men found who were able to take this examination for the position of special agent.

Mr. NORRIS. Right there, was that after examination had been held and the applicants had failed to pass?

Mr. STAFFORD. It was under this examination that was had pursuant to the call of the Civil Service Commission of last November.

Mr. NORRIS. And the gentleman says these applicants failed because they did not possess the necessary qualifications?

Mr. STAFFORD. I did not say they failed. I said there were numerous applicants who qualified, and some did not qualify, and others may have failed.

Mr. NORRIS. I understood the gentleman to say that in the entire State of Wisconsin there were only two who were successful in passing the examination.

Mr. STAFFORD. So far as I am informed, only two qualified for appointment as special agents.

Mr. NORRIS. What kind of examination was passed by those who did do the work?

Mr. STAFFORD. This work has not been inaugurated yet.

Mr. NORRIS. But the examinations have been had, have they not?

Mr. STAFFORD. The first civil-service examination was held in the fore part of November.

Mr. NORRIS. But nobody passed.

Mr. STAFFORD. Two persons became eligible for appointment. Now, that same character of work was performed five years ago, and there was at that time no civil-service examination held in selecting the men.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I withdraw the amendment that I offered.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The question was taken; and the Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The Clerk proceeded with the call of committees, and the Committee on the Library was called.

THANKS TO GOVERNMENT OF ITALY FOR CERTAIN GIFTS.

Mr. McCALL. Mr. Speaker, I am instructed by the Committee on the Library to call up House joint resolution 93, on the House Calendar.

The Clerk read as follows:

House joint resolution 93.

Whereas the Government of Italy, as an expression of its gratitude for the action of Congress and of the American people in behalf of the sufferers from the earthquake of December, 1908, has presented to the Library of Congress a copy of each engraving seen in the "Catalogue of the best prints and engravings in copper which exist in the Royal Copperplate Collection:" Therefore be it

Resolved, etc., That the President is hereby authorized to convey to the Government of Italy the thanks of the Government of the United States for the gift, valuable from the standpoint of art, and more valuable as an expression of the good will of the Government and people of Italy.

Mr. MANN. Mr. Speaker, it is a very small matter to raise a question in regard to the way words are printed in a resolution, but I notice in the preamble of this resolution, which it is necessary to retain as the resolution is drawn, where they refer to the catalogue of the best prints and engravings in copper, that they print these words without capitals, although wherever the same description is given in all of the letters and papers relating to the catalogue the words are capitalized. It would appear as though we were putting in small letters a descriptive catalogue of the Government of Italy which that Government takes the trouble to capitalize.

Mr. McCALL. What would the gentleman suggest in regard to that—to strike out the small initial letters and insert capitals? I imagine that that would be within the discretion of the enrolling clerk.

Mr. MANN. No; it would not be in the discretion of the enrolling clerk.

Mr. McCALL. If the gentleman wishes to strike out the initial letters in the words indicated and insert in place thereof capital letters I shall have no objection.

Mr. MANN. The title is referred to in several places. In the letter of the Secretary of State the words are capitalized, and apparently in all the official communications. I think they ought to be capitalized in the resolution.

Mr. McCALL. If the gentleman will make the motion that all the words in the title begin with a capital letter I will accept the amendment. It is very common to capitalize the first letter of every word in the title, whether it is a large word or a small word. I am entirely willing that there should be an amendment offered to that effect.

Mr. MANN. All I want is to have it conform to the official communications. I take it that this resolution will be enrolled and sent to the Government of Italy.

Mr. McCALL. Mr. Speaker, that seems to be the style adopted by the Government Printing Office.

Mr. MANN. But the gentleman has long since learned that a proof reader of the Government Printing Office knows exceedingly little with reference to capitalization or punctuation.

Mr. McCALL. What does the gentleman suggest we should capitalize?

Mr. MANN. The words "best," "prints," "engravings," "copper," and "exist" in the title of the catalogue.

Mr. McCALL. Then, Mr. Speaker, I make that motion to amend, if the Clerk has taken the words suggested by the gentleman from Illinois.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the preamble by capitalizing the words "best," "prints," "engravings," "copper," "exist."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HARRISON. Mr. Speaker, for the sake of information, will the gentleman from Massachusetts please tell us why this did not come from the Committee on Foreign Affairs?

Mr. McCALL. Mr. Speaker, I will say that this matter was brought to my attention by a letter from the Assistant Secretary of State. This gift was made to the Library of Congress, and I suppose he thought it was a proper thing for the Committee on the Library to consider.

Mr. HARRISON. No matter what the subject-matter of the resolution may be, is it not customary for the channel of communication between the Secretary of State and the President and foreign nations to be maintained by the Committee on Foreign Affairs?

Mr. McCALL. It is common; but I think either committee would have jurisdiction.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

STATUE OF ALBERT PIKE.

Mr. McCALL. Mr. Speaker, by direction of the Committee on the Library, I call up House joint resolution 113, granting permission to the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States to remove the monument or statue of Albert Pike, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 113.

Resolved, etc., That permission be, and is hereby, granted the Supreme Council (Mother Council of the World) of the Inspectors-General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Freemasonry of the Southern Jurisdiction of the United States of America to remove the monument or statue to the memory and in honor of Albert Pike, which was erected by said supreme council on park reservation No. 188, in the plan of said city of Washington, under authority of a joint resolution of Congress approved April 9, 1898, to the lots Nos. 33, 49, 50, and 51, in Benjamin V. Keyser's subdivision of lots in square No. 183, of the city of Washington, D. C., on the west side of Sixteenth street between L and M streets NW., which said lots are the private property of said supreme council, or upon the parking in front of said lots: *Provided*, That said removal of said monument or statue shall be done under the direction and with the approval of the Superintendent of Public Buildings and Grounds and the Com-

missioners of the District of Columbia: *And provided further*, That said removal of said monument or statue shall be made without any expense to the United States or the District of Columbia.

Mr. McCALL. Mr. Speaker, unless some one desires to ask some questions, I ask for a vote.

Mr. NORRIS. Mr. Speaker, I would like to ask the gentleman a question. In the original erection of this monument was there any expense paid by the United States Government, or was it erected by this organization?

Mr. McCALL. It is my recollection that the entire expense was paid for by private parties; but I am not sure about that.

Mr. NORRIS. I would like to say to the gentleman that it would be a very bad precedent, it seems to me, for us to permit the removal of monuments of this kind if originally the Government had paid any portion of the expense in its erection.

Mr. McCALL. This bill was introduced by the gentleman from Georgia [Mr. HOWARD]. The statue was erected by the Masons. It occupies a very prominent space in one of the streets of the city of Washington. I think it would be a very good thing to get more of the space occupied by monuments for future use. Now the Masonic brothers want to remove this statue and place it on their own land in front of the new temple which they are to build. I think it is a very good thing for the Government to permit them to do it.

Mr. NORRIS. I would say that inasmuch as the Government did not expend anything in erecting it, it seems to me it is proper that the resolution should pass.

Mr. McCALL. It is my understanding they did not expend anything, although I am not sure they did not expend something in connection with the pedestal.

Mr. MANN. I think they did not do that even.

Mr. McCALL. But I should be willing to throw in the pedestal to have the statue taken out of the space it occupies, and I say this without reflecting on the statue.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REPLICA OF STATUE OF GENERAL VON STEUBEN.

Mr. McCALL. Mr. Speaker, by direction of the Committee on the Library, I call up the bill (H. R. 16222) for the erection of a replica of the statue of General Von Steuben, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the expenditure of the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be made under the direction of the Secretary of State and the Joint Committee on the Library for the erection of a bronze replica of the statue of General Von Steuben, authorized to be erected in Washington; said replica to be presented to His Majesty the Emperor and the German Nation in return for the statue of Frederick the Great, presented by the Emperor to the people of the United States.

With the following amendment:

Line 10, strike out the words "in return for," and insert in lieu thereof the words "in recognition of the gift of."

Mr. McCALL. Mr. Speaker, as this involves a very simple proposition, I ask unanimous consent that it be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I will ask what is the estimated cost?

Mr. MANN. Five thousand dollars.

Mr. McCALL. I will yield to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the expenditure of the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be made under the direction of the Secretary of State and the Joint Committee on the Library for the erection of a bronze replica of the statue of General Von Steuben authorized to be erected in Washington; said replica to be presented to His Majesty the German Emperor and the German Nation in return for the statue of Frederick the Great, presented by the Emperor to the people of the United States.

With the following amendment:

Line 10, strike out "in return for" and insert in lieu thereof "in recognition of the gift of."

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Missouri [Mr. BARTHOLDT] if it is his understanding——

The SPEAKER. Does the gentleman from Minnesota move to amend the bill?

Mr. TAWNEY. I will move to strike out the last word, or I will speak to the committee amendment.

The SPEAKER. The gentleman from Minnesota asks recognition on the committee amendment.

Mr. TAWNEY. For the purpose of asking a question, and that is, Whether it is the understanding of the gentleman from Missouri, the author of the bill, that this language carries an appropriation of $5,000 for that purpose?

Mr. BARTHOLDT. That is my understanding, and that was the purpose of the committee.

Mr. TAWNEY. It authorizes the expenditure, but there is no appropriation, and we will have to make the appropriation hereafter, if it is done.

Mr. BARTHOLDT. Mr. Speaker, I do not care to occupy the attention of the House unless——

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTHOLDT. Certainly.

Mr. MANN. Does the gentleman think that this will have a tendency toward bringing about the era of peace the gentleman is so urgent to bring about by making these gifts back and forth between the two warlike nations of the world?

Mr. BARTHOLDT. Mr. Speaker, in answer to that I am happy to say that no such gifts are necessary to establish an era of peace between the United States and Germany [applause], because the two countries have maintained a traditional friendship from the time of Frederick the Great.

A few years ago the German Emperor presented to this country a statue of Frederick the Great. It was a token of the traditional friendship between Germany and the United States. Frederick the Great was a friend and wellwisher of George Washington, and the first of European monarchs to formally recognize the independence of the American colonies. In remembrance of these historical facts the statue was presented by the German Emperor and accepted by the American Government. No return has ever been made on the part of this country for this act of international courtesy. It is, therefore, proposed in the pending bill to present to the German Emperor and Nation, in recognition of their gift, a replica of the monument which Congress has authorized to be erected in this city to the memory of Baron Steuben, the great drill master of the Revolutionary Army. A replica of the Steuben statue is generally regarded as a most fitting object of a gift to Germany, for the reason that the baron, who left the Berlin court to tender his services to General Washington, was a friend of both Washington as well as Frederick the Great, and the gift will, no doubt, be received by the great ruler of the German Empire in behalf of his people in the same spirit in which it is to be tendered.

The bill, which has the unanimous recommendation of the Committee on the Library, carries an appropriation of only $5,000, $4,000 of which will be the cost of the replica and $1,000 to cover the expenses of shipping, and so forth. I sincerely hope that the bill may be passed without further debate.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman a question, and that is: Whether he does not think that it would be better for the liberty and freedom of all the people throughout the world to send to Germany a statue of George Washington instead of the statue of General Von Steuben?

Mr. BARTHOLDT. Well, that proposition was not before us and is not before us now, but if my friend from New York will make a motion to that effect I should vote "aye" upon it.

Mr. SULZER. Mr. Speaker, then, in order to test the patriotic sense of the Members of the House, I move to amend by inserting the statue of George Washington instead of the statue of Steuben.

The SPEAKER. Is the amendment of the gentleman an amendment to the amendment or a substitute for the amendment?

Mr. STAFFORD. Mr. Speaker, I make the point of order that the amendment is not germane.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "Von Steuben" and insert "George Washington."

The SPEAKER. To which amendment some gentleman made the point of order that it was not germane.

Mr. STAFFORD. I made the point of order.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order that it is not germane.

Mr. MANN. Mr. Speaker, may we have the amendment again reported so we can tell just what it is?

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

In line 8 strike out the words "Von Steuben" and insert "George Washington."

The SPEAKER. Does the gentleman from New York desire to be heard on the point of order?

Mr. SULZER. Mr. Speaker, I do not desire to be heard on the point of order, although I do not think the point of order can possibly lie against this amendment. I have a right I believe to move an amendment to this bill; it is before the House for the purpose of being amended or perfected.

Mr. McCALL. Mr. Speaker, I think the gentleman from New York would have to make his amendment a little more definite; he would have to specify what statue of Washington he desires to have sent. We have a number in the city of Washington.

Mr. BARTHOLDT. Mr. Speaker, I should like to be heard.

The SPEAKER. For or against the point of order?

Mr. BARTHOLDT. For the point of order.

The SPEAKER. The Chair is prepared to rule. The gentleman from New York does not desire to be heard on the point of order. The Chair sustains the point of order, as under the precedents it is clearly not germane. The object of the bill is for the erection of a replica of a statue of General Von Steuben——

Mr. SULZER. A parliamentary inquiry, Mr. Speaker——

The SPEAKER (continuing). And it is not a general bill to erect a monument, but it is confined to a monument or a replica of General Von Steuben.

Mr. SULZER. Just a parliamentary inquiry, Mr. Speaker.

The SPEAKER. Certainly.

Mr. SULZER. I would like to know if George Washington is out of order. [Laughter.]

The SPEAKER. In the present company, yes. [Great laughter.]

The question was taken, and the amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MEMORIAL ARCHES AT VALLEY FORGE, PA.

Mr. McCALL. Mr. Speaker, I call up the bill (H. R. 55) providing for the erection of two memorial arches at Valley Forge, Pa.

The bill was read, as follows:

Be it enacted, etc., That the expenditure of the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection upon the site of the encampment during the winter of 1777 to 1778 of the American Army at Valley Forge, Pa., of two memorial arches at the principal entrances to Valley Forge Park, to be called "Washington memorial arch" and "Steuben memorial arch," respectively, in commemoration of the patriotism displayed and the suffering endured by Gen. George Washington, his officers and men during said winter: *Provided*, That the money appropriated as aforesaid shall be expended by the Valley Forge Park Commission under the direction of the Secretary of War, and that the location, plans, specifications, and designs for such arches shall be approved by the Secretary of War before any money so appropriated are expended: *Provided further*, That when such arches are erected the responsibility for the care and keeping of the same shall be with the said Valley Forge Park Commission or as may otherwise be provided by the State of Pennsylvania and without expense to the United States.

The amendments recommended by the committee were read, as follows:

On page 1, line 3, after the word "the," insert the words "expenditure of the;" in lines 4, 5, and 6 of the same page, strike out the words "appropriated out of any money in the Treasury not otherwise appropriated" and insert in place thereof the word "authorized;" on page 2, line 1, strike out the word "appropriated" and insert in place thereof the words "authorized to be expended;" and in lines 5 and 6 of the same page strike out the words "before any moneys so appropriated are expended."

Mr. McCALL. Mr. Speaker, I would ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider this bill in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendments.

The bill was again read.

Mr. McCALL. Mr. Speaker, speaking in support of the amendments of the committee, as this bill appropriates $50,000, perhaps I should say a word in explanation of it in order to differentiate it from other bills. Valley Forge is a spot of very great historic interest, as we all know, equal to that of the battlefield of Gettysburg. Both are in the Commonwealth of Pennsylvania. That Commonwealth has appropriated over $350,000 in preserving the Valley Forge camp, restoring it, erecting monuments, and some of the States of the Union have also taken a part; and it seems to be entirely proper that the Government of the United States should be recognized in the matter. So we have reported this bill appropriating for these two memorial arches.

Mr. FITZGERALD. Does the gentleman believe this is a good time to be expending money for monuments to be erected by the Government?

Mr. McCALL. I think it is a good time to expend this particular money.

Mr. FITZGERALD. Does the gentleman think at a time when the President has stated that it is necessary to issue bonds to pay the running expenses of the Government, that we should be authorizing expenditures for monuments?

Mr. McCALL. I think, Mr. Speaker, we can always afford to be patriotic and to do the proper thing. I do not care to go into a discussion of our general financial situation, but I would call the gentleman's attention to the fact that since the Payne bill went into effect a deficit has been converted into a surplus, and we are in possession now of a revenue sufficient to meet the running expenses of the Government. We are not so poor that we can not appropriate for such a worthy object as this.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts is sadly in error about what has happened since the Payne bill has gone into effect. The Secretary of the Treasury, in his annual report to the President, stated that the revenues for the coming fiscal year would not be sufficient to meet the expenses of the Government, and recommended that the money necessary to pay the current expenses of the Government be obtained by issuing bonds for the purpose of reimbursing to the Treasury the moneys already expended for the Panama Canal. The President of the United States, seconding the recommendation of the Secretary of the Treasury, has made that recommendation. It seems to me that the gentleman from Massachusetts is hardly justified in asserting that since the 5th of August, when the Payne bill went into effect, there has been a surplus created and a deficit wiped out. There is to-day a deficit in the Treasury for the current year and the lowest working balance we have known in many years in the Treasury.

The Treasury Department is anxious to obtain from Congress legislation which will enable it to market bonds of the United States, which it seems for the first time in a great many years can not be floated at this time at 2 per cent interest. So, I think, the gentleman's suggestion that we are rolling in plenty, with surplus money to spend throughout the United States in the erection of monuments to the dead, is not justified by the facts. I should think it would be quite patriotic if we were to defer legislation to erect monuments to the dead and to consider legislation which would give some relief to those who have become hungry on account of the passage of the Payne bill.

Mr. OLMSTED. I merely rise to call the attention of the gentleman from New York to the fact that this bill makes no appropriation. It simply lays the foundation for one, which may be reported by the Committee on Appropriations, of which the gentleman is a member, if it thinks it expedient to do so.

Mr. TAWNEY. Will the gentleman permit me a question?

Mr. FITZGERALD. I thought I had been recognized.

The SPEAKER. The Chair will recognize the gentleman if he desires.

Mr. FITZGERALD. I desire to say to the gentleman from Pennsylvania that if we adopt the committee amendments, no appropriation will be made; but my experience with Republican Congresses is that where a foundation is laid for it, the appropriation will be made even if the money has to be borrowed to pay the bill when the time comes.

Instead of spending our time discussing these bills to appropriate money which we have not at this time, and can only obtain by borrowing, in order to erect monuments to the heroic dead, who have been permitted to slumber unhonored in this way for so many years, I think it would be much more appropriate that the Congress should devote itself to some remedial measures which would bring relief to the country from the present exorbitant prices which have arisen and of which complaint has been made only since the recent Republican tariff bill went into effect. With its usual capacity for evading the issue, a patriotic Republican House proposes to expend money in erecting monuments and let the hungry come and admire beautiful monuments while the people starve. [Applause on the Democratic side.]

Mr. McCALL. Mr. Speaker, I want to say that my statement about the relation between the income and the expenditure of this Government was precisely accurate, and I simply appeal to the current Treasury reports. I did not mean to say

that we were paying for the Panama Canal out of the current receipts, and nobody thought that we were, but we are getting money enough to pay the running expenses of the Government.

Mr. FITZGERALD. The gentleman is mistaken. The Payne bill so changed the law that the entire cost of the Panama Canal, amounting to $375,000,000, will be paid from the proceeds of the bonds. At that time, under the Spooner Act, the limitation upon the bond issue was $130,000,000, and the Secretary of the Treasury, in his annual report, recommends that the Treasury be reimbursed for moneys not to be expended at this time, but for moneys expended prior to this time, in order to make good the vacancy that will exist in the Treasury, in order to meet the current expenses of the Government, and that is the condition that exists under this celebrated Payne tariff bill, which was to create prosperity, but has brought want and hunger to the people of the country.

Mr. TAWNEY. Mr. Speaker, I desire to be heard in opposition to the bill.

The SPEAKER. Does the gentleman move to strike out the last word?

Mr. TAWNEY. I move to strike out the last word for the purpose of asking some questions of the gentleman from Massachusetts [Mr. MCCALL], who reported the bill.

In the first place, I desire to know whether the Government of the United States owns any part of the land known as the "Valley Forge Park?"

Mr. MCCALL. It does not.

Mr. TAWNEY. This is, then, for the purpose of improving private property, or property that belongs to a private corporation or to the State of Pennsylvania.

Mr. BARTLETT of Georgia. An association.

Mr. MCCALL. I should hardly call it private property. It was condemned under the law of eminent domain, and is held for all time for public purposes as a park.

Mr. TAWNEY. But the gentleman from Massachusetts stated in his opening statement that the Government of the United States had improved the battlefield of Gettysburg at large expense. That is true, but the Government of the United States purchased the land on which the improvement was made for the purpose of preserving the lines of battle and the various movements of the respective armies engaged in that battle, and the States have marked the positions of the regiments from those various States that fought in that battle. But that is not this case at all. Here is a Valley Forge Park Association. Now, we are asked to expend $50,000 in erecting arches over two of the entrances to this private or state park, a park that is owned by a private association, something that we have never done heretofore. In fact, Congress has always refused to expend public money for the purpose of beautifying any private park or any park of this kind owned by a private association. I do not know what estimate the committee had before it when it authorized the expenditure of $50,000. Twenty-five thousand dollars for an arch is a very large sum of money. Whether the committee went into the question of whether or not this was an extravagant amount, I do not know; but I think that, under all the circumstances, in view of the fact that we are at this session of Congress trying to keep down authorizations for new expenditures that have not been estimated for or appropriated for heretofore, and inasmuch as the revenues of the Government will be barely sufficient, if they are sufficient, to meet the ordinary running expenses of the Government this year, we ought to be very careful in making new authorizations for new expenditures.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MANN. Does the gentleman think the Government now is as hard up, when it is proposed to erect memorial arches in memory of the Continental Army at Valley Forge, as the Continental Congress was when it maintained the army there? [Laughter.]

Mr. TAWNEY. I know that the Government of the United States, since the army was maintained there by the Continental Congress, has, during many years, been far better able to erect these memorial arches than it is now. Why, if we have waited for over a century to do honor to the Continental Army that was encamped at Valley Forge, can we not wait a year or two longer? There is no one that will suffer except the memorial association that owns the park, that may be put to the expense of erecting ornamental arches at the entrance of the park. I do not think it is absolutely necessary that it should be done at this time.

Mr. OLMSTED. Mr. Speaker, I am surprised that a gentleman who was born at Gettysburg should object to a monument at Valley Forge in memory of the soldiers who fought, bled, and, some of them, died there——

Mr. TAWNEY. I will say that I am not objecting to the proposition; I am objecting to doing it at this time. We have waited for over a century——

Mr. MANN. Have we not waited long enough? [Laughter.]

Mr. TAWNEY. We have waited until a time when we are not capable of doing it without borrowing the money.

Mr. OLMSTED. This bill does not appropriate any money. It only proposes to authorize the construction of these memorial arches at such time as the Committee on Appropriations, presided over by the gentleman from Minnesota——

Mr. TAWNEY. Oh, the gentleman knows that that is not the fact, because when the sundry civil bill is under consideration in the House the gentleman from Massachusetts may offer an amendment appropriating the money, and it is in order, and the House could adopt it.

Mr. OLMSTED. I will undertake to save enough money to pay for these arches by striking out on a point of order some provision from that appropriation bill that will cover a larger amount than this calls for.

Mr. MCCALL. Mr. Speaker, I would like to ask the gentleman from Minnesota a question. Does the gentleman from Minnesota know how much the Government has expended at Gettysburg?

Mr. TAWNEY. I do not know; I know that we are expending about $85,000 a year, but we have expended the money in the improvement of our own property. We are not expending money there for the purpose of beautifying property owned by private individuals or by a private association.

Mr. MANN. The trouble is that the gentleman from Minnesota was not in the battle or in the encampment at Valley Forge. [Laughter.]

Mr. WANGER. Mr. Speaker, I want to say that this Valley Forge public park is owned by the State of Pennsylvania, and not by any memorial association.

Mr. TAWNEY. That does not help the matter in so far as we are concerned. We are not called upon to improve the property of Pennsylvania. I want to call attention to another bill reported from this same committee, a bill to appropriate $25,000 for a memorial monument at Fort Recovery, Ohio.

Mr. MCCALL. Mr. Speaker, I think we would better consider these resolutions and bills one at a time. The objection of the gentleman from Minnesota seems to be that because the United States has not taken the Valley Forge Park, and has not expended hundreds of thousands of dollars on it as it has at Gettysburg, he wants it wiped off the map entirely. If the gentleman from Minnesota has read the history of his country he will know that Valley Forge is one of the most historic spots we have within the Republic, and that there were nearly 3,000 soldiers of Washington's army who died during the encampment, and most of them are buried there. It seems to me it would be an impropriety not to give this recognition to a great work done by the Commonwealth of Pennsylvania at its own expense in preservation of that historic camp.

Mr. THOMAS of North Carolina. Will the gentleman allow me a suggestion?

Mr. MCCALL. Certainly.

Mr. THOMAS of North Carolina. I wish to say to the gentleman from Massachusetts and to the House, in reference to the policy of authorizing the expenditure of money for memorial arches either upon parks owned by the State or upon parks maintained by memorial associations, that the same thing which it is proposed to do by this bill has been done elsewhere. It has been done in North Carolina at the Guilford battle ground. This Congress passed a bill authorizing the erection of two memorial arches there, and it was highly approved by the people of the country, to carry out a resolution of the Continental Congress, in memory of Generals Nash and Davidson.

Mr. WANGER. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania rises to oppose the amendment?

Mr. WANGER. Mr. Speaker, in 1893, almost seventeen years ago, the State of Pennsylvania began the acquisition of the title to the ground upon which was the encampment of General Washington and the Continental Army of 1777–78, for preservation as a free public park, and from that year to the present appropriations have been made for the acquisition of the property and its development, until to the present time almost $400,000 have been expended by the State for that purpose and maintenance and for the erection of an equestrian statue of Gen. Anthony Wayne.

The several States of the Union and patriotic associations have been invited—or, rather, the State of Pennsylvania has

authorized the commissioners of Valley Forge Park to permit the United States of America, or any of the States thereof, to erect monuments or other memorials in said park and to accept on behalf of the State gifts of money or of land adjacent to the park; and under that authorization an imposing granite shaft, called the "Waterman monument," has been erected there by a patriotic association, and another monument, marking the location of those Revolutionary soldiers who came there from that part of the former colony of Massachusetts Bay which now constitutes the State of Maine, has been accepted. It is understood that other monuments by other States have been authorized. The development of this park has been gradual and well sustained, with fine conditions to begin with. The original rifle pits and fortifications are clearly marked upon the ground. The situation is most beautiful, and from the heights can be seen a vista of rare loveliness. This park, as I have said, has been gradually developed, and one part of the development has been a boulevard of a few miles in length, at one end of which, as well as the other, it has been thought appropriate should be erected memorial arches, in keeping with the subject, the character of the park, and the manner in which the property has been developed by the State of Pennsylvania, and somewhat in harmony with the dignity of the Nation; and if any criticism is to be made upon the sum of $25,000 for each of these proposed memorial arches, it is that the sum is too small rather than too large.

While Pennsylvania has secured more than 400 acres of this sacred soil, there are more acres yet to be secured, and from the manner in which Pennsylvania has discharged her duty toward the place to this time there can be no question but that the park will be enlarged by the Keystone State hereafter, and the importance of appropriate and imposing arches to mark the main entrances is greatly emphasized.

Mr. GOULDEN. Mr. Speaker, the gentleman has answered the question which I proposed to ask him by stating the number of acres, but, if he will permit, I desire to say that it has been my good luck and pleasure to visit this beautiful spot and I wish to indorse every word the gentleman from Pennsylvania has so ably said. The bill should become a law.

Mr. WANGER. While Pennsylvania has created this park to be for the free use of the people forever, is it not appropriate that the entire United States should have appropriate memorials there as testimony of the regard which all patriotic Americans have for Valley Forge [applause] and for the heroic conduct of Washington and his soldiers in the dreadful winter of 1777–78? [Applause.]

[By unanimous consent Mr. WANGER was granted permission to extend his remarks in the RECORD.]

The success of the celebration of the one hundredth anniversary of the conclusion of the encampment of General Washington and his army at Valley Forge, Pa., June 19, 1878, and the intense interest manifested therein by the people, who assembled in great multitudes upon the occasion, to which pathos was added by the death of the eloquent orator of the celebration, Henry Armit Brown, shortly after the closely following celebration at Monmouth, N. J., showed how dearly Valley Forge, with its history of patriotic suffering and endurance, is enshrined in the hearts of the people; and the immediate result was the formation, by patriotic women, of the Centennial and Memorial Association of Valley Forge, and the purchase of the house and 1½ acres of land which were the headquarters of General Washington during the greater and latter part of the period of the encampment.

The inability of this association to meet the interest payments accruing on the mortgage of $3,000, which was one-half of the purchase price of the property, led to action by the Patriotic Order Sons of America in 1886 and the extinguishment of that indebtedness and the acquisition of 3,600 shares of stock by the patriotic order and its representation in the management of the association.

In 1887 the general assembly of Pennsylvania appropriated $5,000 to the association "for the improvement, extension, and preservation of the lands and buildings occupied by Gen. George Washington as his headquarters at Valley Forge during the winter of 1777 and 1778;" and the headquarters building was restored to the same condition in which it was when occupied by General Washington, a warden's lodge erected, and the grounds generally beautified and adorned.

In 1889 the association purchased an additional acre and a half of ground, thereby securing the site of the famous Washington Camp Spring, and a few years later acquired 2 additional acres, whereon was erected the stone barn used as a hospital during the Revolutionary encampment, the total expenditures of the association being about $14,000 or slightly more than that sum.

By an act approved May 30, 1893, the general assembly of the State of Pennsylvania "for the purpose of perpetuating and preserving the site on which the Continental Army under Gen. George Washington was encamped in winter quarters at Valley Forge during the winter 1777 and 1778," declared:

The title to and ownership in the ground covering said site, including Forts Washington and Huntingdon, and the intrenchments adjacent thereto, and the adjoining grounds, in all not exceeding 250 acres, but not including therein the property known as "Washington's headquarters" and now owned by the Centennial and Memorial Association of Valley Forge, * * * shall be vested in the State of Pennsylvania, to be laid out, preserved, and maintained forever as a public place or park by the name of Valley Forge, so that the same and the fortifications thereon may be maintained as nearly as possible in their original condition as a military camp, and may be preserved for the enjoyment of the people of the said State.

This act further provided for the appointment, by the governor, of ten citizens to serve without compensation, and for the acquisition of the site, compensation of the owners, and the improvement of the park, which might be used as a camping ground for the National Guard of Pennsylvania, and appropriated $25,000—

For the purchase or condemnation money of said lands and making the said forts and intrenchments accessible to the public by such means as may be deemed necessary, and for the necessary expenses incident thereto.

By a supplement to the foregoing act, approved July 3, 1895, $10,000 was appropriated to the commissioners of the Valley Forge Park—

To complete the purchase or condemnation money for lands already taken by the State for a public park, known as "Valley Forge"—

And the commissioners were thereby—

Authorized to accept on behalf of the State any gift or gifts of money or of land contiguous or adjacent to the lands taken or to be taken for the said public park, to be held and used for the purposes thereof—

And said commissioners were further—

Authorized to permit the United States of America, or any of the States thereof, to erect monuments or other memorials on the grounds now or hereafter to be acquired for said park, upon such terms and conditions as may, in the discretion of said commission, be deemed suitable and proper.

The following additional appropriations have been made by the State of Pennsylvania for the acquisition of additional land and the improvement of the same, viz: In 1901, $7,400; in 1903, $74,500; in 1905, $115,815; in 1907, $80,500; and by the act approved May 13, 1909, as follows: Fifteen thousand dollars for roads and paths; $1,000 for trees and shrubbery; $30,000 for maintenance and administration, flags, and so forth; $1,500 for lawns; $1,000 for expenses of commission; $2,600 for building gun carriages for the cannon loaned by the United States Government to mark positions of batteries—a total of $51,100 for the two fiscal years beginning June 1, 1909. (The Pennsylvania legislature only meets biennially.)

Accordingly the State of Pennsylvania has appropriated $364,315 to the park commission toward the acquisition and improvement of the land and buildings, including the Washington headquarters building and grounds, which were acquired in 1905 by condemnation at the price of $18,200 and made free to all visitors. The total expenditures for lands by purchase and condemnation has been about $160,000. The number of acres included in the park is 467.1169.

Out of the balance of the state appropriations there was erected an observatory upon the summit of Mount Joy, from which there is a vista of widely extended scenery of diversified character and of marvelous beauty; between 5 and 6 miles of macadam roads and paths have been laid; Forts Washington and Huntingdon and other intrenchments have been restored; trees and shrubs, including rhododendron, have been treated and planted, and much seeding has been done. More than 10 miles of iron fence has been built, and the spring house at the Washington headquarters has been rebuilt; 2 stone guardhouses and 5 log huts (used by park guards), the latter a reproduction of those used during the encampment, have been erected. Also 15 large granite markers to locate positions of brigades, also many iron signboards, and tables and benches, as well as hitching rails, to accommodate picnics, have been provided.

The old schoolhouse built by Petitia Aubrey in 1705, stones of which are marked 1714 and 1716, which was used as a hospital during the encampment, has been restored. Two wells have been dug to secure water on the outer lines of intrenchments; and 2 nurseries planted, in order that trees may be at hand for planting in suitable locations. The underbrush in a large part of the woods has been cleared. Six of the 20 brass cannon donated by the United States Government have been mounted upon carriages of the type used during the Revolutionary war, according to design furnished by the British war office. The main purpose has been to preserve the encampment grounds as nearly as practicable in the condition they are supposed to have been at the time of the encampment, and so as to make prac-

ticable the fullest enjoyment of them by the people as a public park.

During the year 1908 there were 108,000 visitors to the park from the various parts of the United States and from foreign countries.

No encampment of the National Guard of Pennsylvania has ever been held at the park and unless a greatly extended area of land is secured none can well be held, owing to the topography of the ground. Possibly one-third of the park is and always has been woodland.

Besides the foregoing appropriations of $364,315 for the acquisition and development of the park, the State of Pennsylvania in 1905 appropriated the sum of $30,000 for the erection of an equestrian statue of Gen. Anthony Wayne within the park, and this, designed by the well-known artist, H. K. Bush-Brown, was located by the commission upon the crest of the land where his command, the Pennsylvania line, was encamped, being the most exposed position on the outer line of intrenchments, looking toward Philadelphia, where the British army lay, and was dedicated in June, 1908.

The foregoing has been done under the auspices of the commission with state funds. A description of this park would be incomplete without reciting what has been done under other auspices.

In 1901 the Daughters of the Revolution erected, on a lot donated by Mr. I. Heston Todd, and had formally dedicated an imposing granite shaft 50 feet high, called the Waterman monument. On the face of the plinth is the following inscription:

To the soldiers of Washington's army
Who sleep at Valley Forge 1777–1778.
Erected by the
Daughters of the Revolution.

On the south side of the plinth is another inscription, as follows:

Near this spot lies Lieutenant John
Waterman.
Died April 23, 1778, whose grave alone of all
His comrades was marked.

It is estimated that there were 3,000 deaths during the encampment.

In 1905 the Daughters of the Revolution erected east of but not far from where Varnum's Brigade is supposed to have been encamped, a log hut of the exact dimensions erected by the soldiers at Valley Forge, with a tablet above the door bearing the following inscription:

On this spot stood one of the huts
occupied by the soldiers of
Washington's Camp
during the winter of 1777–1778.
This reproduction was erected by
Colonial Chapter of Philadelphia,
Daughters of the Revolution,
May, 1905.
Site was presented by I. Heston Todd.

The Rev. W. Herbert Burk, in a sermon on "Washington the Churchman," in All Saints' Church, Norristown, Pa., of which he is the rector, on Sunday, February 22, 1903, suggested the propriety of a memorial, and Mr. and Mrs. I. Heston Todd having given title to an approved site a short distance east of the star redoubt, the corner stone of the Washington Memorial Chapel was laid June 19, 1903, by the Right Reverend Bishop Whitaker, of the diocese of Pennsylvania, the stone being the gift of Bishop Coadjutor Mackay-Smith, and the words used by Bishop Whitaker being as follows:

In the name of the Father, and of the Son, and of the Holy Ghost, amen. I lay the corner stone of an edifice to be here erected by the name of the Washington Memorial Chapel, to be devoted to the service of Almighty God, agreeably to the principles of the Protestant Episcopal Church in the United States of America, in its doctrine, ministry, liturgy, rites, and usages; and in memory of George Washington, communicant and lay reader of this church, and the patriot churchmen and churchwomen who served their God and country in the struggle for liberty.

The Washington Memorial Chapel is intended to be flanked on the west by the Cloister of the Colonies, which is almost completed; and to be flanked on the east by Patriots' Hall, Porch of the Allies, tower, and rectory. Services are held regularly each Sunday in the unfinished memorial chapel, prior to the roofing of which they were held in a temporary frame structure erected in 1903, wherein President Roosevelt spoke in 1904 and Vice-President Fairbanks spoke in 1905, besides the Right Reverend Bishop of Delaware, Bishop of Virginia, Missionary Bishop of Porto Rico, and other distinguished churchmen and citizens, who have participated in functions occurring there.

In view of the action taken by Congress in building monuments, as was done at Yorktown, or in contributing toward the erection of other monuments, as has been done at several places prominent in revolutionary history, where like amounts were contributed by States or associations, it is respectfully submitted that the appropriation of $50,000 asked for for the erection of two memorial arches, one to be erected at the western terminus of the boulevard through the park and the other at the eastern terminus, is reasonable, and may with the utmost propriety be granted.

To grant the appropriation will be to encourage the splendid work of Pennsylvania and her people and the Daughters of the Revolution. Maine has located a marker; it is reported that Rhode Island has appropriated twenty or more thousand dollars for the erection of a suitable monument to mark the position of the Rhode Island soldiers during the encampment; and others of the original 13 States, including particularly Massachusetts, New York, and Connecticut, are favorably considering the propriety of erecting monuments. Participation by the National Government will be an incentive to Pennsylvania to continue her grand undertaking and to the other original States to participate, to make truly national in scope and spirit this sacred and all-important revolutionary camp ground.

Mr. HARRISON. Mr. Speaker, I regret that I am unable to agree with my colleague from New York [Mr. FITZGERALD] that this is the proper place to economize. It seems to me that in these days of unbroken success we Americans should cherish the memory of the time when the truest test of manhood and of character was produced that has ever been seen in our history. Those men at Valley Forge, with their naked and bleeding feet, with their starved and half-clothed bodies, gave to succeeding generations an enduring example of the greatest heights to which the American character can rise—courage and manhood under adversity. I do not possess the eloquence to do credit to this subject, but it seems to me the very least the National Chamber can do is to authorize this appropriation, so that we may do our part in erecting a tribute to the memory of the men whose courage under adversity made possible the creation and freedom of our country and the union of these United States. [Applause.]

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

COMMISSION OF FINE ARTS.

Mr. McCALL. Mr. Speaker, by direction of the Committee on the Library, I call up the bill (H. R. 19962) establishing a commission of fine arts, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President be authorized to appoint, with the advice and consent of the Senate, seven artists of repute as a commission on fine arts, which commission shall have authority to decide upon the location of statues and monuments in the public squares, streets, or parks in the District of Columbia, except in cases where otherwise provided by law. It shall also be the duty of such commission to advise in the selection of models for such statues or monuments and in the selection of artists for the execution of the same. Said commission shall have a secretary and such other assistance as the President may authorize, and the members of the commission shall have the expenses of their travel and their other personal expenses in going to and returning from Washington to attend the meetings of the commission.

SEC. 2. That to meet the expenses made necessary by this act the expenditure of $10,000 a year is hereby authorized.

With the following amendment:

Strike out all after the enacting clause and insert:

"That the President be authorized to appoint, with the advice and consent of the Senate, seven artists of repute as a commission of fine arts, which commission shall have authority to decide upon the location of statues and monuments in the public squares, streets, and parks in the District of Columbia. It shall also be the duty of such commission to advise in the selection of models for statues and monuments erected under the authority of the United States and in the selection of artists for the execution of the same, and generally to advise upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the President may authorize, and the members of the commission shall each be paid at the rate of $500 a year and actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same.

"SEC. 2. That to meet the expenses made necessary by this act the expenditure of $10,000 a year, or so much thereof as may be necessary, is hereby authorized."

The SPEAKER. This bill is on the Union Calendar.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that we consider the bill in the House as in the Committee of the Whole House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MANN. I object.

Mr. FITZGERALD. I object.

The SPEAKER. Under the rule the House is in the Committee of the Whole House on the state of the Union for the con-

sideration of the bill which has just been read, and the gentleman from Pennsylvania [Mr. OLMSTED] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19962) establishing a commission of fine arts, with Mr. OLMSTED in the chair.

Mr. McCALL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCALL. Mr. Chairman, gentlemen who heard the bill read will have no difficulty in apprehending its purpose. It is to create a national commission of fine arts. We have had a very haphazard development of art in the city of Washington. We have had our streets and our squares filled up by art objects that are not always art. We have had commissions appointed—temporary, sporadic commissions—one commission to operate upon one statue and another commission to operate upon another, and the result is that we have had no uniform or well thought out development. Every civilized country in the world has, I believe, a commission of art corresponding to this one. In France they have a cabinet minister—the minister of public education, of crafts, and of the fine arts. This is a very modest provision in this bill, because we do not assume geographic jurisdiction over the whole country with regard to artistic matters, but we provide here for a commission of artists who shall have a somewhat similar jurisdiction to that which was marked out in the letter of President Roosevelt creating or establishing what was called "a council of fine arts."

The President of the United States has no power to create a council of fine arts and give them any definite legal authority, and I think there should be such a council or commission established by act of Congress. This bill simply authorizes the expenditure of $10,000 a year, and we are each year expending hundreds of thousands of dollars in this capital upon matters where the advice of artists might well be taken. We might have provided——

Mr. SULZER. Mr. Chairman, will the gentleman yield?

Mr. McCALL. I will yield to the gentleman in just a minute. We might have provided that the members of this commission should serve without any compensation, but I think, economically, that it is better for a public officer to receive something in the way of compensation, and then he will feel that it is his duty to render the service and that he will not render it simply as a matter of charity or honor. We provide here for a very small fee of $500 a year and for the traveling expenses of the gentlemen composing this commission in going to and in returning from the capital and at Washington while attending the commission. We also provide for a secretary. That would result in our having here in Washington an accumulation of plans, engravings, and copies of different art objects of the world, and it would be an excellent place for information for people who are interested here in artistic matters on behalf of the Government. Then this commission is given advisory power, so that any executive department of the Government or any committee of Congress which has anything to do with artistic matters may confer with the commission and secure their advice. I believe that for a very small annual expenditure of money we shall get a great deal, and therefore the Committee on the Library has authorized me to report this bill and to ask the House to pass it. I reserve the balance of my time.

Mr. MANN. Before the gentleman takes his seat, will he yield for a question?

Mr. McCALL. Certainly.

Mr. MANN. The gentleman is familiar, for instance, with the Agricultural building—perhaps the gentleman may not get over that way very often—and is the gentleman familiar with the two wings of the Agricultural building?

Mr. McCALL. I am in a general way, but I should hardly want to give an artistic opinion as to the building, however.

Mr. MANN. I should not think the gentleman would hesitate at all about giving an artistic opinion of that building over there. The gentleman must be exceedingly cautious if he hesitates to give an opinion as to whether that building authorized by Congress, in the first place, ought to be located the first story below the level of the ground, and, in the second place, where there is no necessity for it—where clerks are supposed to work—and, in the third place, whether it is artistic and whether, when Congress authorized the building to be constructed, two wings should be constructed widely separated instead of one completed building as a whole. Now, I do not know whether the gentleman has information on that, but I suppose he has information as to whether that was done at the request or direction of the President, based upon the opinion of an art committee or commission.

Mr. BARTHOLDT. And without authority of law.

Mr. MANN. Of course it was done without authority, as the gentleman from Missouri suggests. It was done in direct violation of the law, but that is entirely away from——

Mr. McCALL. This commission would have no authority to violate the law. If Congress established or fixed a certain location for a building or a work of art, the commission would not have any authority to change that act of Congress. I should say furthermore to the gentleman that this resolution would not confer even in the first instance upon this commission the authority to locate a public building.

Mr. MANN. Oh, well, I am not so sure about that.

Mr. McCALL. I think not.

Mr. MANN. The language would certainly go that far, unless Congress specifically provided that they should be advised in reference to the location of the building, it being upon a question of art, when required to do so by the President or by any committee of either House. Now, the location of a building is a question of art.

Mr. McCALL. Well, the gentleman will find in the first instance the committee is given authority to decide upon the location of statues and monuments; that is an authority it has. In the next place it is made their duty to advise when called upon.

Mr. MANN. I understand.

Mr. McCALL. It is not necessary to follow their advice.

Mr. MANN. Oh, well.

Mr. McCALL. An officer charged with the responsibility of doing anything relating to art may call upon this commission for their advice.

Mr. MANN. What I am trying to find out is whether we are legalizing such a commission which might perpetrate such an enormous crime as was perpetrated in the construction of the Agricultural building, in our day or hereafter. A future place will never be hot enough to properly singe the man for the present Agricultural Department constructed as it is. No one in Washington who is compelled to work beneath the level of the surface of the ground in the summer time will ever forgive the man who located the Agricultural building.

Mr. SLAYDEN. Who did it?

Mr. MANN. The art commission was responsible for it.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. As to the question of responsibility, President Roosevelt ordered it done at the request of the Burnham art commission.

Mr. SULZER. Will the gentleman yield to me?

Mr. McCALL. I would like first to reply to the gentleman from Illinois. This bill would certainly give no commission authority to do just what the gentleman says this commission did. This bill confers no authority whatever upon the commission to locate a building.

Mr. MANN. Well, take the exact case that took place.

Mr. McCALL. It is given in reference to these monument and statue commissions. I am on a commission now with reference to the Barry statue. I know nothing about it. The people of this country are divided now into almost two hostile camps over the selection of the artist. We have had a great difficulty in deciding upon the location. But we have decided on that. I do not think that we used any great artistic judgment in deciding this question. I think that it would better have been decided by a commission of artists. Wherever a statue or monument is to be erected, it is to be turned over to this commission on fine arts.

Mr. MANN. And that could be done in any act that is passed provided that the distinguished chairman of the Committee on Library shall make the location. He might provide that some distinguished artist be selected; but I think I would prefer to take the judgment in the District of Columbia of the gentleman from Massachusetts to any artist I know of on the question of the location of a statue in the District.

Mr. SULZER. But I would not.

Mr. MANN. But take the exact question we have. The gentleman says it would not confer authority upon the commission, when there was a commission without authority of law, and yet that commission exercised a power which in the end produced the Agricultural building, over the protests of the gentlemen who are constructing the building, against the advice of Doctor Galloway, who was chairman of the committee in the Agricultural Department and had charge of the plans and construction of the building, against the advice of everybody connected with the location of the building, and built it below the surface of the ground, divided in such a way as to destroy its artistic possibilities and its beauty at the request and upon the demand of an unauthorized commission. Now, the gentleman proposes

to make an authorized commission, which would have still greater power.

Mr. McCALL. Right in that connection I would like to have the gentleman from Illinois point to any language in this bill which would justify the statement with which he concluded his remarks. The very thing that the gentleman complains of might happen if we do not pass this bill at all. This is to protect the future from the occurrence of what he says has been done in the past; and I would like him to show a line in the bill that would justify his statement.

Mr. SULZER. If my memory serves me correctly, and I think it does, it was the same commission that put the Grant monument in the Botanic Garden, a disgrace to the District. This was done at the request of the same art commission that we are all opposed to, and this would give them absolute authority to do it that way again.

Mr. MANN. The gentleman is in error on that. Special authority was given to a special committee created by the act, the same as these other special committees that have been created heretofore by act of Congress, and they acted at the request and upon the demand of this unauthorized commission.

Mr. SULZER. Exactly. The gentleman is quite right about it, and I understand that every visitor——

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts still has the floor.

Mr. McCALL. I yielded to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I understand that nearly every visitor that knows anything about art or artistic matters that comes to Washington and walks around the iron fence of the Botanic Garden, looks over at the two lions and the marble pedestals, wonders what it is all about, then makes inquiry, and is informed that some commission, supposed to know what it was about, decreed that the Grant monument should be located there, thus destroying the shrubbery, destroying the beautiful and historic trees, destroying the landscape, destroying the Botanic Garden as it was. Then they walk away with the conviction that the place selected for the Grant monument is no more fit for it than the Potomac Flats would be.

The people of the District of Columbia, I remember, cried out against the outrage of placing Grant's monument in the Botanic Garden. Members of Congress who had some idea of artistic matters voted against the outrage, but I believe that the committee over which the gentleman presides, or a majority of its members, stood by the art commission and against the opinion of Congress, against the judgment of the people of the country, and against the wishes of the people of the District of Columbia who had some little knowledge of artistic matters.

Mr. McCALL. I want to say to the gentleman——

Mr. SULZER. And I want to say while I have the floor——

Mr. McCALL. I want to correct the statement made by the gentleman from New York.

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts [Mr. McCALL] has the floor.

Mr. SULZER. He yielded to me.

The CHAIRMAN. Does the gentleman yield?

Mr. SULZER. I yield to the gentleman from Massachusetts for the purpose of making a statement.

Mr. McCALL. I wish to state, for the information of the gentleman from New York, that when he said that the committee over which I presided stood by a certain outrage, that the fact was the other way. The committee over which I have the honor to preside brought in a bill attempting to make void that action, and it was called up in the House, and we secured a majority of the House to support us in it. The gentleman is very much misinformed about the course of procedure in the location of the Grant memorial.

Mr. MANN. The outrage was perpetrated in one of the supply bills, and not in the bill that came from the gentleman's committee.

Mr. SULZER. I think that is true, and I accept the gentleman's statement.

Mr. TAWNEY. In the interest of truth I wish to say that the House did not support the Committee on the Library, but, on the contrary, that it supported my colleague on the Committee on Appropriations in demanding that the location be agreed on by Congress.

Mr. MANN. It gave a majority to the Committee on the Library, but not the two-thirds necessary to pass the bill.

Mr. McCALL. We tried to suspend the rules, and we only got a majority instead of the necessary two-thirds.

Mr. SULZER. That was the way it was done.

Mr. McCALL. And the gentleman from Minnesota [Mr. TAWNEY] was followed by a little over one-third of the House, and the Committee on the Library by a majority.

Mr. SULZER. All I desire to say in conclusion——

The CHAIRMAN. The Chair desires to understand the situation. Does the gentleman from Massachusetts yield the floor, or does he yield time to the gentleman from New York?

Mr. McCALL. I yield four minutes to the gentleman from New York and reserve the balance of my time.

Mr. SULZER. Mr. Chairman, just a few words more. In my judgment it would be a very good thing to have created an art commission for the District of Columbia. There are more grotesque statues located in public places in the District of Columbia in the name of what some people call art than in almost any other city in the world. We ought to have an art commission of the highest order to determine what statues shall be placed in the public buildings and the public squares and places in the District of Columbia. I think this is a bill along right lines, and I am in favor of it. I know that in almost every city in the Old World and in most of the cities in this country that give any attention whatever to artistic matters there is an art commission that passes on these matters. Congress has been doing it through its joint Committees on Library heretofore, and in some respects doing it very well; but I believe it would be a good thing to pass this bill, and to have the President appoint the ablest men in the country that he can get to serve as commissioners, and I would be in favor of paying them better salaries than this bill provides, so that we could secure the very highest order of talent and experience.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. SULZER. Yes.

Mr. GOULDEN. Does my colleague think the payment of salaries is really necessary? Does not he know that in New York the board of education and the art commission do not receive a penny, and we get the best service in the world?

Mr. SULZER. Yes; I know that. I was just coming to it. I believe that we could get very good and very competent men to serve for the honor. I want to say, however, that so far as I am concerned, I would be willing to pay the art commissioners good salaries, so that they would be in Washington nearly all the time and devote most of that time to these very important matters. We are not only interested, the people of this generation are not alone interested in this matter, but the people of this country, and of other countries for generations yet to come are interested in it.

Mr. TAWNEY. Mr. Chairman, I trust that the committee will not approve of this proposition. As stated by the gentleman from Illinois, we have had an illustration of what an art commission can do in respect to a previous authorization by Congress when that commission is illegally created. If the action of that unauthorized commission is any indication of what a commission created by authority of law may do, then, certainly, we ought not to create a commission with even limited authority.

But I am not in favor of government by commission. I believe that the Congress of the United States should reserve some of its legislative functions, some of its legislative power, and not delegate it to commissions or to any other body. We are responsible to the people for legislation, and can not escape that responsibility by the appointment of commissions. Commissions are justified only when in the exercise of its functions Congress requires information that can only be obtained through investigations by commissions. We have control by virtue of the law over the District of Columbia. When Congress authorizes the construction of a public building and fixes the location of that building and requires its erection within the authority and the appropriation made therefor, or the limit of cost, I do not believe that there is any body of men, or any man, or any executive officer, I care not how high in authority he may be, who should have the power, or unlawfully exercise executive power, to defeat the will of Congress as expressed in the law it enacts.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. PARSONS. In authorizing statues now, does Congress fix the location for them?

Mr. TAWNEY. Congress appoints a commission to determine the location, but always before that commission is appointed and before the authorization for the statue is given Congress knows where it is probably to be located. There has never been a time when a statue has been erected in this city without Congress or the appropriate committee of Congress knowing where it was proposed to locate it.

Mr. PARSONS. Then, why was not the location named in the bill?

Mr. TAWNEY. Simply because the committee of Congress felt that while it had the authority to limit and fix the location, as was done in respect to the erection of the Agricultural

Department building, yet commissions have been created for the specific purpose of locating statues, but these commissions are at all times under the control of Congress. If before a statue is erected Congress sees fit to change the location or change the law in respect to the location of a statue, it has the power to do so; the matter is at all times under the control of Congress. This commission is not to act under the direct authority of Congress, but upon its own authority, without any supervision. Here you have a permanent commission authorized to act in respect to the things mentioned here, and by virtue of that authority will assume to act in respect to all public buildings authorized in the city of Washington, as a similar commission heretofore created without authority of law has done.

Mr. McCALL. Will the gentleman yield for a moment?

Mr. TAWNEY. Certainly.

Mr. McCALL. I would like to say to the gentleman that I do not know of an instance where Congress knew beforehand or attempted to decide beforehand where a statue should be erected. These commissions are treated precisely the same as a general commission is treated. The only time when I have known of the location of a statue to be decided in Congress or to be fought out in Congress was the location of the Grant memorial.

Mr. TAWNEY. Mr. Chairman, I say there is absolutely no necessity for creating this new organization in the District of Columbia for the purpose proposed. Men may criticise the artistic beauty of the various statues erected in the city of Washington, and their criticism may be just. I do not know anything about it, and I do not pretend to know anything about it, but I do say that, in my judgment, we are not going to improve the artistic beauty of the statues now erected or those hereafter to be erected by creating and authorizing the creation of a sky-line commission, such as is proposed by this bill, a commission that will assume to exercise functions and powers whether we authorize them or not.

They are a class of men that do not know anything about law, and respect it less when it interferes with what they believe to be the artistic line along which we should go in the erection of memorials, buildings, and monuments in this city; they will not look very far into the question of their authority; they will follow only the artistic ideals they may have conceived in their own brains.

Now, the selection and location of statues in this city has been made by commissions appointed for that specific purpose, and at all times under the control of Congress. I for one do not believe, first, that it is necessary to create this new organization, adding additional expense to the Government of the United States; or, second, that any benefit will be derived from it, except to the men who receive the honor of an appointment on this national commission and who may thereby gain reputations that may be of some practical and material benefit to them in their chosen profession.

Mr. Chairman, I reserve the balance of my time.

Mr. McCALL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I have listened with interest to what the gentleman from Minnesota [Mr. TAWNEY] has had to say. I always do, and in an humble way and with my feeble efforts I have always endeavored to follow him when he was working for the economical control of the revenues of the Government. It is painful to have to separate from him, even on a small matter like this, though it is not trivial. I regard it as of great importance. I shall support the proposition, and I would support it more cheerfully if the Committee on the Library had embodied in their bill authority for the commission to take a broadax and go through this city and destroy half of the so-called "works of art." I think a man only has to make a visit to that chamber of horrors under the Dome to realize the importance of some sort of advice on matters of art. This commission, as I understand it——

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. SLAYDEN. Oh, I have only five minutes.

Mr. MANN. We will give the gentleman an hour, if he wants it.

Mr. SLAYDEN. But I do not want it. I want to go to lunch. I can not find in the language of the bill any of the dangers apprehended by some of our friends who oppose the appointment of the commission. It is an advisory board, and if it should do as the gentleman from Minnesota [Mr. TAWNEY] suggests it may, view with an eye only to the artistic excellence of works that are to be erected, and therefore disregard the cost of them, certainly Congress can—and assuredly Congress will—check them, for it does retain in its own hands the control of expenditures in all such cases. That a crime was committed in departing from the express mandate of Congress in the construction of the new Department of Agriculture building is, I think, beyond question. Somebody was responsible for that. I dare say that the gentlemen who are regarded, and properly regarded, as the leaders of this House knew where that responsibility was, knew who committed that deed that has been described here by one of them as a crime.

Mr. TAWNEY. Primarily, the head of this unauthorized sky-line commission.

Mr. SAYDEN. Primarily; but what authority had the head of that sky-line commission, as the gentleman calls it, to force its recommendation on anybody?

Mr. TAWNEY. Well, they did.

Mr. SLAYDEN. Somewhere ultimately, finally, there was lodged absolute authority, and if that authority was not exercised in the interests of the people and for the maintenance of law, then it should be criticised and not the gentlemen who advised, because they were perhaps swept off their feet by a desire to erect an artistic building, a building that would be an ornament to the District of Columbia and a monument to their taste.

Mr. MANN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MANN. Take the case of the Agriculture building, where the President undoubtedly, in a way, was responsible——

Mr. SLAYDEN. In a way.

Mr. MANN. Well, I am not sure. I suppose the authority probably was in the Secretary of Agriculture, and the Secretary of Agriculture was directed by the President. It is common knowledge that the President, at the request of this sky-line commission, met the gentlemen here in Washington, had a considerable consultation with them morning, afternoon, and evening, and at the end, rather contrary to the opinion of the President, he yielded to the opinion of the art commission and requested the Secretary of Agriculture to adopt the plan which was finally adopted. Now, the President can not be criticised for that. He was doing that which we think ought not to be permitted to be made the law, but he was acting on the same theory that the gentleman from Texas [Mr. SLAYDEN] is talking—that the artists know better about things of common sense than men of common sense do.

Mr. SLAYDEN. Mr. Chairman, I do not understand that the taking of advice from gentlemen trained in art necessarily carries with it the obligation to violate the law.

One of the most valuable features of this bill is the fact that the commission, which will be composed of men who are qualified for the work by training and experience, will be employed not only to give advice, but will have the authority to select the artists for the execution of works of art. I wish, Mr. Chairman, with all my heart, that that law had governed in the selection of the artists to do that work, examples of which we now find in Statuary Hall.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. I would like to have a little more time, Mr. Chairman.

Mr. McCALL. How much more time?

Mr. SLAYDEN. About five minutes; I will guarantee to conclude my remaks in that time.

Mr. McCALL. Mr. Chairman, I yield the gentleman from Texas five minutes additional. How much more time have I remaining?

The CHAIRMAN. The gentleman from Massachusetts has now thirty-six minutes and will have thirty-one remaining when the gentleman from Texas has occupied the time which the gentleman has now yielded him.

Mr. SLAYDEN. Mr. Chairman, just for a moment, and in a sentence I will refer again to the remarks made by the chairman of the Committee on Appropriations, the gentleman from Minnesota. I want to repeat to Members of the House on this side that Congress does not pass away its control over the purse strings of the Government when it seeks advice from capable artists on artistic matters. The educational value of real works of art can not be overestimated. If such commissions were more generally distributed throughout this country, if a control of the kind suggested obtained in every city that goes in for artistic development, I think that the minds and morals of the people of the country would be distinctly elevated. I heard my friend from New York [Mr. GOULDEN] refer to the fact that they have a fine-arts commission, I believe it is called, in the city of New York.

A few weeks or months ago I read that one of the great railroad systems that go into Jersey City on this side of the Hud-

son River had prepared plans for the construction of a great bridge. It was presumably a beautiful as well as a durable structure, yet when submitted to this commission of capable artists they pointed out inartistic features. The report of the New York commission was submitted to the railway corporation and it withdrew those plans, had new ones prepared, and I am told that now they are going to have a bridge that will be one of the ornaments of the world and serve a double purpose, an æsthetic as well as a utilitarian purpose. New York City is to be congratulated on the fact that she has taken this long step in advancing the education of her people, and I hope that the time will come when every city in the country will permit itself to be advised by an art commission, not controlled by a commission, for I am as much opposed to that as the gentleman from Minnesota or the gentleman from Illinois. A few days ago, when a discussion was being had as to the propriety of placing certain statues in Statuary Hall, I went through that room for the purpose of learning who among our departed worthies had had an image placed there, and I made a complete list of them. I took that list with me that night to where there was a little entertainment. There were a number of Members of Congress there who may be said to have average intelligence. There were a great many newspaper correspondents present, and it will be conceded that they have perhaps more than average intelligence. I read this list to a number of those gentlemen, and not 25 per cent of either body knew anything about more than 15 or 20 per cent of the people whose images now stand in that chamber.

Mr. JOHNSON of South Carolina. But would a commission's advice have helped in giving them that information?

Mr. SLAYDEN. But, Mr. Chairman, in addition to the fact that nobodies, so far as permanent historic value is concerned, have had their images placed there, a most casual inspection by a mere tyro in such matters will convince anyone that they are lacking, most of them at least, in every attribute of true art, and, I repeat, if my friend will only clothe the commission with authority to go through this city and smash most of them, I will vote for his bill with almost tumultuous pleasure. [Loud applause.]

Mr. CAMPBELL. Mr. Chairman, in ordinary matters coming before the House I follow the recommendations of the committee without very much question. The volume of business that comes into the House makes that course usually necessary, and I follow the committee unless there is some principle involved in the legislation contemplated to which I can not assent, and I regret on this occasion to have to dissent from the recommendations of the committee which reported this bill. I do not feel myself called upon to discuss art, sculpture, painting, architecture, or anything of that sort, although I confess that what the gentleman from Texas has said made a very strong appeal to me to take up some works of alleged art that are to be found scattered over this city.

I would like, with him, to see many of the so-called works of art in the city of Washington placed where they would no longer offend the vision of an innocent public, but my opposition to this bill is that it creates another commission [applause] which in time will be converted into a bureau or department of the Government. For one, I have long since tired of seeing the Government of the United States gradually handed over to commissions and bureaus. [Renewed applause.] This is a Republic, a representative government, and we are responsible under the Constitution to the people for good government. We can not save ourselves that responsibility by creating commissions and bureaus ad libitum, as we have been doing, and as we are seemingly disposed to do.

Mr. PARSONS. Will the gentleman yield to me for a question?

Mr. CAMPBELL. I yield to the gentleman.

Mr. PARSONS. The precedent for an art commission here is in the city of New York, which has an art commission. Without considering whether we should have an art commission in Washington or not, we consider our art commission has been of service in New York, and is not that the most material consideration for this bill?

Mr. CAMPBELL. I am now discussing a principle that is involved, and I will say to the gentleman from New York that they have a great many things in that city——

Mr. MANN. Principally indebtedness.

Mr. CAMPBELL (continuing). That might well be emulated.

Mr. GOULDEN. And we have something to show for it.

Mr. CAMPBELL. And they have many other things that may well be shunned.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. CAMPBELL. I yield to the gentleman.

Mr. PARSONS. Would the gentleman advise the city of New York to do away with its art commission?

Mr. CAMPBELL. Not knowing just what the art commission has done, or whether or not the work could not have been better done in some other way, I refrain from expressing my opinion of the art commission of New York.

Mr. PARSONS. The art commission of New York passes upon every statue, every bridge, every public building erected in New York, and every one of those erected in the past ten years has been passed upon by our art commission. Now, does the gentleman advise us to do away with our art commission? I challenge the gentleman to find an artist of any repute who would advise the city of New York to dispense with its art commission.

Mr. CAMPBELL. I am not discussing the art commission of New York, or New York. I have never advised anywhere that New York City's example be followed in government.

Mr. PARSONS. Why, the gentleman has just said that there are many things in New York to be emulated.

Mr. CAMPBELL. I may be asked to turn over New York to its aldermen. Well, under present conditions up there, not artistic, but political, I can not say that I would. Yet there have been some artists in the board of aldermen in the city of New York.

Mr. PARSONS. Not that I have heard of.

Mr. GOULDEN. I would like to say on that proposition as to New York government and politics that there is not a better art commission in existence.

Mr. CAMPBELL. I have disclaimed any knowledge of the art commission that exists in New York.

Mr. GOULDEN. But the gentleman passed a criticism on its government.

Mr. CAMPBELL. I have understood, in a general way, that its government has piled up a colossal debt that posterity will have to pay.

Mr. GOULDEN. But we have something to show for it, and are proud of it.

Mr. CAMPBELL. But it is a question whether or not the art that you have displayed in New York will be sufficient compensation to posterity for the money they will have to pay for it.

Mr. GOULDEN. The taxpayers think it is, and we are satisfied with it.

Mr. CAMPBELL. Now, if the gentleman from New York on my left and the gentleman from New York on my right are satisfied with the art commission in New York, we will simply pass that, and I will proceed in discussing the creation of another commission for Washington under the Government of the United States.

In the limited time that I have been here I have seen the power of Members of Congress taken away from them by bureaus and commissions of their own creation. Why, if a bill is referred to a committee, and it in any way touches a question that has within its scope the work of a bureau or commission, the first question asked by the Members is, "What does the commission or bureau say about this?" Unless there is a favorable recommendation by the commission or by the bureau, the man interested in the bill stands no chance whatever to get the bill reported by the committee with a favorable recommendation. It occurs every day. The gentleman from Texas says we have control of the purse strings. We have not. The bureaus and commissions practically have control of the purse strings. They do the work we have commissioned them to do, and then come to us for the money with which to pay for it, and we have to appropriate the money. I am not afraid of taking the responsibility from time to time of providing such temporary commissions as may be necessary in order to locate any particular work of art in this city.

But I am opposed to the creation of another permanent commission or of another bureau, and I sincerely hope the Members of this House will retain what there is left of work for Congress to do and not yield further to bureaus and commissions. Unless we do that, there will be but little left for us to do here in the future except to make the appropriations the commissions ask for. I am opposed therefore to the bill creating another commission, and I sincerely hope that it will not pass.

Mr. PARSONS. Will the gentleman please tell us what power this bill takes away from Congress that it now exercises?

Mr. CAMPBELL. I assume that the purpose of creating this commission is to give it authority to do certain things relative to the location of statues, arches, or other works of art in the city of Washington.

Mr. PARSONS. Does Congress now locate those statues and arches? It was stated a while ago that the only instance in which Congress had located one was in the case of the Grant

statue, and that in every other case the location was left to a commission.

Mr. CAMPBELL. I have heard it denied that Congress did that.

Mr. McCALL. It located that by a provision on an appropriation bill.

Mr. CAMPBELL. I think it illogical to say that this commission would not have authority to do the work that it is commissioned to do and that Congress ought to do.

Mr. PARSONS. Does the gentleman think, then, that Congress ought to locate every statue?

Mr. CAMPBELL. Why, undoubtedly, if it must be located with authority from Congress.

Mr. PARSONS. That it must decide just where it shall be put?

Mr. CAMPBELL. Oh, the gentleman from New York can not make me say that the Congress should say that it should be located within 2 feet of a certain point, and that it should be on a pedestal of a certain height.

Mr. PARSONS. Who must say that?

Mr. CAMPBELL. The authority that has been given to locate the statue should give some discretion to those who are to place it.

Mr. PARSONS. Why not give that to the commission?

Mr. CAMPBELL. Simply because I would not create a perpetual fine-arts commission for the purpose of locating an occasional statue or some other work of that kind in Washington or the District.

Mr. COOPER of Wisconsin. Mr. Chairman, I am strongly in favor of this bill, and I have been very much interested in some of the arguments advanced this morning against it. For example, the gentleman from Kansas has just animadverted with a good deal of bitterness against the alleged power of bureaus of this Government to rob the United States Treasury. That practically was his statement. Now, the reason that Members of the House consult bureaus or departments of the Government as to the advisability or inadvisability of making appropriations or passing certain measures is that the magnitude of this Government has compelled the specialization of its business into bureaus. It is utterly impossible for the gentleman from Kansas to know all about what the bureaus in the Navy Department are doing, what the bureaus in the War Department are doing, what the bureaus in the Department of the Interior are doing, what the bureaus in the Department of Agriculture are doing. Of course that is utterly impossible. Therefore when we have a bill the substance of which is important to a particular bureau, or to a number of bureaus, we are of necessity obliged to consult the bureau chiefs or the heads of departments. They are not as much interested as I am in the passage of my bill. They are not as much interested as is the gentleman from Kansas in the passage of his bill. They are salaried officials, presumed, under their oaths of office, to do what is right. We go to them as disinterested people and ask them about bills. We are not bound by their judgment at all, and it is within the knowledge of every Member of the House that every day we disregard the recommendations of bureau chiefs and department chiefs. We appropriate, in our discretion, frequently very much against their will and to their intense displeasure. So I see nothing whatever in that objection of the gentleman from Kansas.

The gentleman from New York [Mr. SULZER] a moment ago made a speech which I thought was not quite in point, as did also the gentleman from Minnesota [Mr. TAWNEY]. I respect them both as men of great ability, but it struck me that their remarks were not germane.

There is no proposition in this bill to permit a commission to determine the location of any public building in the city of Washington or elsewhere. The gentleman from Minnesota asked if we would indorse what was done in the location of the new buildings of the Department of Agriculture, putting one story below the ground, and so forth. There is no proposition to give that power, nor any equivalent power, nor anything analogous to it, to any commission named in the pending bill. Then why this kind of argument? I have often heard it indulged in in lawsuits. It may not intentionally be made to mislead, but it does have the effect of obscuring the issue that is before the jury. This bill gives this commission of experts an opportunity to advise people in this city where to locate statues and works of art. They can locate these in public parks, public streets, and public grounds. They can not locate them on private property; of course not. But they can say that it is their judgment that the location of a certain statue or other work of art, all things considered, would be best in this place or in that place, and that is all.

Public buildings are entirely out of the bill. Then why this intense vehemence against a proposition that is not before the House? Nobody is asked to give the commission the power to locate public buildings. Why do gentlemen so earnestly oppose a proposition that is not here for discussion?

Now, as to the Grant statue, the gentleman from New York [Mr. SULZER] said that the location of the Grant statue at the base of Capitol Hill outraged the feelings of everybody in Congress and out of it. He said—I have forgotten whether it was the gentleman from New York, but some gentleman said—that the men who fixed the location of that statue were artists but lacked practical sense. Let us see. St. Gaudens, the very greatest of American sculptors—I will go further than that and say a sculptor whose genius is unrivaled in this generation anywhere in the world—St. Gaudens was a member of the commission who helped to locate the Grant statue in that place. Who else? Olmstead, the very first of our landscape gardeners. Who else? McKim, one of the world's greatest architects. Who else? Burnham, another of the world's famous architects. I do not recollect who the others were.

Mr. PARSONS. The other members were Senator ROOT, when Secretary of War, and later on President Taft, when he was Secretary of War, and the report of the commission was unanimous.

Mr. COOPER of Wisconsin. Yes. The members of the commission whom I have named were gentlemen who had devoted their lives to the study of the artistic—in sculpture, landscape gardening, and architecture—and they were the men who located the monument to General Grant in the place where it now stands. They were artists; but somebody has said that they had no practical sense. Let us take the "practical" men on the commission.

Mr. PARSONS. Will the gentleman allow an interruption?

Mr. COOPER of Wisconsin. Certainly.

Mr. PARSONS. Is it not a fact that all the members of the Grant family desired the memorial to be erected where it is?

Mr. COOPER of Wisconsin. Yes, sir. Now, let us look at the practical men on the commission. I would like to ask the gentleman from New York [Mr. SULZER], who wants practical men to do these things, and also the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MANN], who want practical people to decide these questions, do they know of a man of more practical, more calm, more deliberate judgment than is the gentleman who was Secretary of State under Mr. Roosevelt, ELIHU ROOT?

ELIHU ROOT went as a witness before the committee of which the gentleman from Massachusetts [Mr. McCALL] is chairman, and I took much pleasure in reading the report of his testimony. He said that after considering thoroughly the question as to where the Grant memorial should be erected, after searching the whole city through, all the members of the commission were of the opinion that the only place in Washington where it could be properly placed with justice to the great structure, which is 240 feet long on the base, was just where it is to-day.

I think that the opposition to the site selected for the Grant statue is primarily attributable to the fact that these critics have not stopped to exercise their imaginations long enough to see what the conditions about the memorial will be when all of the contemplated improvements have been perfected.

Mr. TAWNEY. What about the Botanic Garden?

Mr. COOPER of Wisconsin. The Botanic Garden is a small affair, not comporting at all with the dignity of the United States Government. Everybody knows that it ought to be moved away from there. I have heard it said by prominent Members of the House that it ought to be moved to where it will have a greater opportunity, and that it will be so moved in the not distant future.

Now, I read that an artist—I do not know whether he was an artist, but at any rate he was from Boston——

Mr. MANN. The same thing. [Laughter.]

Mr. COOPER of Wisconsin. A gentleman from Boston, after visiting the site chosen for the Grant statue and studying the plans for its contemplated improvement, said that he believed it would be the handsomest square of its size in the world. Apparently the gentleman from New York [Mr. SULZER] thinks that the high fence, the old brick house, and the old glass houses are to stay there, and that Grant is to be hidden behind all that mass of stuff. Not at all. The fences are to be taken down and the buildings to go away. They are not valuable. They ought not to be located there. They are an eyesore, and I wonder they have not long ago been an eyesore to the gentleman from New York [Mr. SULZER]. The fences will be removed, the buildings taken away, and trees and shrubbery removed and rearranged so that the statue of Grant will be

seen by practically every stranger who visits the city of Washington.

Mr. SULZER. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. Some people proposed that the statue of Grant go into the northwestern part of the city; others that it go over in front of Union Station; still others that it be placed west of the Capitol farther out. Ulysses S. Grant was one of the world's great characters, and will be for all time, and his monument ought to occupy a conspicuous place in the capital of the Nation he did so much to save. The plan of the Burnham commission is the memorial to Grant at the base of Capitol Hill, beautifully surrounded, in what the Boston man said will be the handsomest square of its size in the world; in the center of the Mall, midway to the Potomac, the monument to Washington, and on the shore of the river a magnificent memorial to Abraham Lincoln—Grant, Washington, Lincoln—and from the Lincoln monument a beautiful memorial bridge to Arlington, where sleep the Nation's dead.

The conception is magnificent. The foremost artists in America devised it. We are not obliged to follow it, and yet I think that it will be the consensus of opinion, based upon a study of the plans, that nothing so fine has been proposed for any other city in the world. We will not carry it out in our generation, but I believe that ultimately the people of the United States will carry it to completion.

Now I yield to the gentleman from New York.

Mr. SULZER. Mr. Chairman, I was unable to determine from the gentleman's remarks whether he is in favor of this bill or against it.

Mr. COOPER of Wisconsin. I said at the outset that I was strongly in favor of it.

Mr. SULZER. Well, I am in favor of the bill, too. [Laughter.]

Mr. COOPER of Wisconsin. I did not so gather from what the gentleman said.

Mr. SULZER. My criticism, however, was upon a former so-called "art commission," that ruthlessly ordered Grant's monument to be set up in the Botanic Garden. That was a mistake worse than a crime. Now, I would like to ask the gentleman whether in removing the fences and the houses, and so forth, in the Botanic Garden they are going to remove the trees of that historic place, with all their associations?

Mr. COOPER of Wisconsin. Not all of them.

Mr. SULZER. They have removed some.

Mr. COOPER of Wisconsin. They have, I think, cut down only one tree of any importance whatever.

Mr. SULZER. They have cut down more than one. They are all historic trees, all important.

Mr. COOPER of Wisconsin. They have transplanted them. None of the historic trees have been destroyed.

Mr. SULZER. The Crittenden peace tree was destroyed.

Mr. COOPER of Wisconsin. No; they transplanted that.

Mr. SULZER. Well, if they transplanted it, it will die. It was too old to be dug up and transplanted. Ask Brother SMITH.

Mr. COOPER of Wisconsin. Well, it is now growing.

Mr. HOWARD. It has been living for two years.

Mr. SULZER. I hope it will live—it ought to live—but I doubt it. However, the Grant monument never should be erected there. A great artistic work like the Grant monument should not be put in a hollow; should not be put in a hole; should not be buried out of sight. It ought to be on an elevation; it ought to be where all the people can see it. They will never be able to see it there. They can not see what is there now; they do not know what is going on there; they will never be able to see it as it ought to be seen—to get the proper perspective. In all these artistic matters the great thing is to get the right perspective. If you can not get that, you can not determine the artistic merit of the work. The Grant monument is buried at the foot of Capitol Hill in the old frog pond—out of the way. [Laughter.]

Mr. COOPER of Wisconsin. Did the gentleman say "get the prospectus" or "perspective?"

Mr. SULZER. I said "perspective," but I now commend to the gentleman's attention "the prospectus that put it there." [Laughter.]

Mr. COOPER of Wisconsin. Mr. Chairman, I understand somewhat better now the attitude of the gentleman from New York. I recall a few years ago the argument which the gentleman made against taking down the fence around the Botanic Garden. Gentlemen who were Members of the House at that time can not forget what he said.

Said the gentleman:

They propose to take down that fence around the Botanical Garden, and the cows and other animals on the streets will go right in there all over those trees and plants.

[Laughter.]

The next day one of the Washington papers had an exquisite cartoon of the gentleman from New York, and showing the fence down and two big cows jumping right through the glass roof of one of the greenhouses. [Laughter.]

That fence is to go down and the Botanical Garden to be taken away, and then, when some of the shrubbery shall have been removed, people with ordinary eyesight will be able to see the Grant monument as far distant as Pennsylvania avenue, about 400 feet. It will be in plain sight of every tourist who comes down Pennsylvania avenue to visit the Capitol.

The Burnham commission has been, I think, very roughly treated—the commission which proposed the new plan for the improvement of Washington. They have been denounced in unmeasured terms as impractical and visionary. Now, let us see what the practical people did. If you remember, this House of Representatives a few years ago voted into the Mall forever a great railroad station to cut that park in two and spoil the view from the Capitol to the river. That was what the practical men asked for; but McKinley and Burnham and other men, who thought Washington deserved something better than that, insisted that there should be a Union Station and that a building should not be permitted to cut that beautiful park in two.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. I will.

Mr. MICHAEL E. DRISCOLL. Right there, is it not true that the right of way coming in at Sixth street and Pennsylvania avenue was given the Pennsylvania Railroad by Congress, and the very next Congress, when the location for the Union Station was changed, allowed $1,250,000 for the right of way which it gave a couple of years before? Does not the gentleman think that the railroad company had some interest in getting that $1,250,000 for a donation which was given a year or two before, and that had something to do with the change of location of the station?

Mr. COOPER of Wisconsin. I will say to the gentleman from New York that I do not care to enter into a discussion of that bygone episode further than to say that I voted against the location of that station in that park. I did not do it because I was a "sky-line" architect or anything of that kind, but because I thought it only ordinary justice to future generations of Washingtonians not needlessly to spoil that beautiful park. Nor did I think that a great Baltimore and Ohio station should be put at the foot of Capitol hill on the other side, and I voted against that. The artists, gentlemen like Burnham and McKim and Olmstead, said that two stations would be a fatal mistake. McKinley thought the same thing, and finally the splendid Union Station was decided upon, and there it will stand, an object of beauty, as long as Washington endures. That is the difference between having men who do not understand the artistic and men who do understand the artistic locate a public building. I believe that just as much business can be done amidst pleasant surroundings as can be done amidst those which are not pleasant.

As a Member of the House, if gentlemen come here with something that does not please me, from a practical point of view, I shall vote against it. I shall not support a bill simply because a commission of artists think that it ought to be enacted into law. Nevertheless, when it comes to the location of statues, when it comes to the location of monuments, I shall defer almost every time to the judgment of men like McKim, if another should take his place, and St. Gaudens, if another should take his place, and Burnham, and therefore I shall support this bill. I certainly hope that it will pass. I do not think that so righteous a measure as this put into a law, the necessity for which anyone must see who studies Washington, can make it a precedent for bad legislation at the hands of legislators, like ourselves, who are absolutely independent.

To vote for this bill the gentleman from Kansas suggested would set a bad precedent. But, as the gentleman from Massachusetts said, this bill ought to be passed in the interests of Washington. When another bill comes up and this one is cited as a precedent, I shall not vote for that other bill unless it appeals to my judgment as being a measure worthy of support.

Mr. MACON and Mr. MICHAEL E. DRISCOLL rose.

The CHAIRMAN. Is the gentleman in opposition to the amendment?

Mr. MACON. I rise in opposition.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, I have listened to the remarks of the gentleman who has just preceded me with great interest; but notwithstanding his very superior argument, the very plausible manner he has of stating the case, he has not succeeded in taking the bad taste out of my mouth that I have for commissions. [Laughter.] This Government is to-day burdened with commissions. We have a Monetary Commission upon our hands that is without limit, so far as appropriations for its support are concerned. The chairman of that commission is empowered under the law that created it to write out any kind of a voucher that he sees fit for any kind of expense that he may designate, and the auditor, or head of the department to which the bill of expenditures is presented, can not question its correctness or propriety in any way; it matters not whether it be for a drove of cattle, for a gold mine, or a gold brick, as my friend on my right suggests. If it is written in a voucher and signed by the chairman, the Auditor of the Treasury Department, under the provisions of the law creating the commission, is bound to allow it without question.

I insist, Mr. Chairman, if commissions of this kind are to prevail in this country, it will not be long before it will be commission ridden and the taxable burdens the people must bear will be unendurable.

We also have a commission that I have heard some little something about, known as the "Immigration Commission." [Laughter.] It has had something to do with the eating up of the finances of this country for the past three years. It has been extravagant in its expenditures to the extent of having employed more than 200 persons to prepare four or five little pamphlets of from 10 to 60 pages each, and, as I said in a previous discussion of its operations, nearly all of the facts in them were taken from other publications developed from other sources by individuals of other employment. This Immigration Commission, so I have read in a newspaper—and I want it understood now that I can produce the publication showing that this vast herd of employees that it has had on its pay roll were selected by friends of the commission for reasons other than their fitness for the positions to which they were appointed. It is stated in the paper that one of them was taken from Mississippi, at a handsome salary, for no other reason than that he sources by individuals or other employment. This Immigration Commission, so I have read in a newspaper—and I want it is related to a member of the commission; that another was taken from the State of New Jersey because he happened to be a constituent of one of the commissioners and desired to spend a few months in Washington at the Government's expense while he was doing it. Another of its employees, so this newspaper article reports, is in a dashing widow, whose only excuse for such a job was that she had a sweetheart in the city of Washington and a certain Senator as a backer.

Ah, Mr. Chairman, the commission business has run mad; it is wildly rioting from one end of the country to the other. It is on an almost constant junket from the time it is appointed until its dying hour. I want the country to know just what the commission business is doing for it. I am satisfied that the majority of this House will not sustain me in my effort to strike down corruption in any form. I am satisfied that the majority of this House will never raise its arm to strike a blow at the hydra-headed monster of graft, no matter how high it lifts its head toward the roof of our governmental structure. Mr. Chairman, when a proposition for economy is brought into the House it meets with little support. But, thank God, there are those on the outside of this building who are listening to what is being said here, and unless I mistake their temper, there will be a rumbling sound because of what they hear that will extend from one ocean to the other, from the Lakes to the Gulf, that will be so overpowering that it will compel Representatives to heed its sound. The commission that is to be created by this bill will be composed of seven members, at a compensation of $500 per year each, and their duties will be to select sites upon which statues are to be erected in the city of Washington. It makes no difference whether one statue is to be erected each year or one in ten years, the salaries of the commission will go on forever at $500 per year; and it will be authorized in the act to employ a secretary, at what amount no one can tell, and such other assistants as it may call to aid it in its work.

Sir, this is just a beginning. Think of it! Employing seven commissioners to do an uncertain work—perhaps there will be nothing for them to do for months or for years—at a salary of $500 apiece, and giving them authority to select a secretary at any salary they may name, and call to their assistance such other aid as they may see fit to help them in their work is, in my judgment, too loose a piece of legislation for this Congress to enact. If it does enact it, it will have no regard whatever for the masses who earn their living by the sweat of their brow.

Ah, sirs, it is easy for us, by our votes, to waste the money of the country. It is easy and popular for us to advocate upon this floor this or that measure, that pleases somebody who happens to be present and interested in its passage or who stands around on the outside in the lobby waiting to call out Members and encourage them with a "God bless you" and a smile to vote for this or that proposition, because of the interest they have in it. In all of this we are apt to forget the boy who is following the plow; we fail to watch the man who is digging deep in the earth with his pick. We fail to consider the interests of the man working in the shop or the welfare of those who stand in bread lines begging for bread and employment in all of the great cities of the country.

I do not ask anything at the hands of the Members of the House for myself, but in behalf of the plain people of the country, in behalf of the toiling masses who support you and me, who furnish us with the clothes we wear and the food that sustains life, in their names I urge this Congress to call a halt and strike down the commission business now and forever.

Sirs, the past history of commissions is enough to cause any legislative body to turn against them. If a monument is to be erected in this city, there will always be some one interested in it. There will always be enough citizens in favor of it who will, as an act of love, find a place to locate it and select a desirable design. But, sirs, to create a commission of seven persons in this metallic way, and have them select a site for a monument to some one whom they never knew, whose memory they do not even revere, is, in my judgment, wrong. When I am called to my final rest and a monument is to be erected over my humble tomb, I want those who love me to select the place where I shall rest and the kind of monument to be placed over my grave.

But, sirs, by this bill we proposed to create a commission at the expense of the American people, whose members will, in a metallic way, select the place for the monument of some departed citizen who has distinguished himself in life, but for whom the commission cares nothing, and pay them $500 a year, whether employed or not. Mr. Chairman, this may be right. I am not here to say that Members who vote for this proposition do not believe it is right, but if they do, the great Creator made them different to myself. They may be as conscientious as I am, but I insist that, in my humble judgment, they forget the condition of those they leave behind them; they forget the conditions of the districts that they represent, that need their attention and need every dollar of money that can possibly be appropriated for the improvement of the internal affairs of the country.

I can not bring myself to vote to pay thousands and thousands of dollars each year to commissioners to be squandered while every Member of this House has some navigable stream in his district that is fairly crying out for help, while many Members have harbors that are fairly clamoring for improvement, beautiful cities that need nice public buildings in which to conduct the affairs of the Government. Yet, sirs, with these conditions upon us, we are called upon to vote to establish commissions of this sort to waste the people's money, instead of erecting public buildings, instead of improving our rivers so we can float our commerce to the sea, instead of dredging our harbors so that vessels can come in and take our commerce across the wide oceans to all ports of the world.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, so far as I am concerned, I would like to cast my vote for anything that will improve the artistic beauty of the city of Washington. It is the capital of a great Nation, and we should not be niggardly in appropriations which will tend to beautify it and make it more attractive to all the people in this country. I am prompted to say a few words on this occasion by the suggestion made by the distinguished gentleman from Massachusetts, the Chairman of the Library Committee. He referred to the award made in the case of the Barry statue, saying that he was on that committee, and that with reference to the award the people were divided into two hostile camps.

Mr. Chairman, I can not—notwithstanding my respect for the gentleman from Massachusetts, and I do respect him as a scholar, a statesman, a man of culture, refinement, and honor—let that remark pass without correcting it by saying that, with reference to the award in the Barry statue matter, the people are not divided into two hostile camps.

Mr. McCALL. Allow me to suggest to the gentleman from New York that I was speaking broadly, and possibly rhetorically, when I made that statement.

Mr. MICHAEL E. DRISCOLL. I am glad that the gentleman did not intend to give it the meaning which I understood; and since the question has come up, I wish to state the facts with reference to the Barry statue award and its bearing upon the art commission which acted in the matter and made the recommendation which it did. I trust you will bear with me, for I am very much interested in this question, because I was the one who introduced the bill in three Congresses before it was finally passed; and it was passed largely because there were several hundred thousand citizens of this country back of it in the various districts who appealed to their Representatives in Congress to support the bill. Finally it was enacted into law providing for an appropriation of $50,000 to erect a monument to the honor and memory of John Barry in the city of Washington.

The question then came up as to the location of the statue, the selection of a model and a sculptor. The commission created by the act consisted of the Secretary of War, the Secretary of the Navy, the chairman of the Committee on the Library in the Senate, and the chairman of the Committee on the Library in the House, the distinguished gentleman from Massachusetts.

We had not much difficulty in locating the site for the statue, which was agreed upon as the center of the west side of Franklin Square. We were very much interested in the selection of a model. We had ideas of what the statue should represent. We were proud that we had secured the appropriation, and were proud that a monument was to be erected to the memory of "Fighting Jack Barry" in the city of Washington. Statues have been erected to Lafayette, Rochambeau, Steuben, and Kosciuzko, and the people of Irish birth and descent in this country thought it was only fair and reasonable that a statue should be erected to the honor and memory of one of their countrymen who rendered signal and valuable service to the colonies in the time of their dire distress. And after much consideration Barry was selected as the character to whom should be accorded this signal honor.

We were told by the commission that the representatives of the various organizations in this country, through whose influence and activity the appropriation was made, would be permitted to view the models which were submitted for consideration, examine them, and vote or express their choice, and submit their views to the commission.

I do not say that we were told that our recommendations or suggestions would be final or conclusive, but we were invited to express our choice, and we did think that our wishes would be given some consideration by the commission which was to make the selection. In accordance with such invitation or permission the representatives of various organizations which were interested in the Barry statue proposition met and examined the various models submitted. The names of the artists who submitted the models were not given. They simply appeared on exhibition by numbers. I was invited to take part with the others and vote on the selections—I suppose because I got the bill through the House and was very much interested in the matter. Each one of us expressed his first, second, and third choice, in writing, and sent it to the commission. We did not all agree as to first choice, or the second, but we all did agree practically on two of the models, which we believed embodied the idea of what a Barry statue should represent.

We all saw and examined the model submitted by Andrew O'Connor, of Paris, but it impressed each one of us as so inappropriate and so radically objectionable to our conception of what a Barry statue should be that we did not seriously consider it. It seemed to us impossible, and we did not think that any commission, either of artists or laymen, could possibly consider it with any favor.

In submitting my own letter expressing my choice as to the models I said:

> After viewing the models for the Barry statue this morning I wish to express as my first choice No. 6. My second choice is No. 5. I have no third choice, except it be the model without a number, with the harp, but with the harp removed.
>
> This is intended to be an American and not an Irish statue. It is true that Barry was born in Ireland and always loved his native country, but he left it when about 14 years of age, came to America, where he lived until his death. He was intensely American and patriotic, and his statue should, as far as possible, express that idea.

That short note expressed my opinion then and now of what the statue to Barry should embody. When the report of the commission was published, we learned that the model of Andrew O'Connor was placed first on the list, and without protest he would be awarded the contract. Immediately a storm of protest arose in this country from one end to the other. Organizations through whose activity and influence the Barry bill was enacted into law protested and appealed to the commission not to accept the Andrew O'Connor model, and not to erect in the city of Washington a statue to Barry in any respect like the model submitted by him. Barry, as I said, was born in Ireland, but left his native country when about 14 years of age, settled in Philadelphia, and lived there until his death in about 1803.

He fought during the seven or eight years of the Revolution on land and sea, and fought the last battle of that war after peace was declared; but as General Jackson fought the battle of New Orleans after peace was declared, Barry was at sea and had no notice of the fact that the war of the Revolution was over and that the colonies were free. He was the ranking officer of the American Navy during the last three years of the Revolution; and in 1796, when President Washington's administration created the new navy, the nucleus of our present splendid naval establishment, Barry was made the ranking officer of that navy and held that position until his death. If he did anything to distinguish himself—and I think he rendered much distinguished and patriotic service—if he did anything, I say, to entitle him to a monument in the capital city of the United States and at the hands of the Congress, with an appropriation from the Federal Treasury, it was as a naval officer of the United States; and we insist that the statue erected to his memory should be strictly American—something like the statues erected to Lafayette and Rochambeau—and, if representing history at all, it should be American and not Irish history.

Now, what kind of a model was approved by the commission of fine arts which was called in to advise the legally constituted commission? First, it represented a fountain with a pool of water around it, with a long frieze of bold-relief figures, starting in with the history of Ireland when the people were naked or clothed in skins. It undertook to represent various events and misfortunes in the history of the Irish people, from the baptism of the King of Tara by St. Patrick down to the present time—Brian Boru at the battle of Clontarf, the landing of Strongbow in Ireland, the driving of the native people toward the west, their misfortunes and their miseries; and finally it represented various Irish immigrants, men and women, landing at Castle Garden absolutely nude. [Laughter.]

The Irish people are not ashamed of their history or of its reproduction in proper form and in its proper relations. They have high ideals with reference to some things. They do not entertain the views of the Latin Quarter of Paris. They do not admire nude statuary anywhere; but when their own mothers and grandmothers were represented in this model at Castle Garden as absolutely nude they objected to it, and they were justified in doing so. The controversy over this matter got into the press, and they were called prudes and ignoramuses, because they did not like the model submitted by Andrew O'Connor.

The idea or conception of Mr. Andrew O'Connor, which was partially embodied in the frieze and the historical groups, was carried out in the pedestrian figure which it was intended should stand in front of the frieze and fountain. That represented Barry, not as a naval officer of the United States, but as a swaggering Bowery tough on a rolling deck. [Laughter.]

Mr. Chairman and gentlemen, we objected to that. We said we did not want a history of Ireland represented on a Barry statue in the city of Washington; that we did want an American statue—a statue representing the patriotic and brilliant service of an American naval officer to the Colonies when they were in need of strong arms and stout hearts.

Mr. Chairman, that matter has been held up from that time to this. I have stated these facts as bearing on the lack of ability, taste, and capacity in the commission of artists who were called in to advise the regular legalized committee in this matter. That model and the artist who made it, as I am informed (and if I am not correct I want the gentleman from Massachusetts to tell me), was recommended by an artists' commission in the city of Washington.

They seemed to have no conception of what the people back of the Barry statue proposition wanted, and absolutely ignored the advice and suggestions given them by the people who are interested in the statue and through whose efforts it was made possible. I do not say but that those various figures of the Andrew O'Connor model were well executed. I do not say but that the technical work was good, for I have no knowledge on that subject. But the conception and idea were all wrong, and the better the work would be done the more offensive it would be.

Mr. PARSONS. What was the name of the sculptor?

Mr. MICHAEL E. DRISCOLL. Andrew O'Connor, of Paris.

Mr. FITZGERALD. The model to which the gentleman has referred is the one selected by what was known as the council of fine arts, which was created by executive order, was it not?

Mr. MICHAEL E. DRISCOLL. I understood it that way, and that is why I have not much faith in that commission of fine arts or in a commission of artists which would be ap-

pointed. In this particular case they may have some ideas of art, but they certainly lacked common sense and sound judgment. They seemed to have no conception of what was proper and what would represent the ideals and conceptions of what the people interested in the Barry statue wish to have embodied in it.

The gentleman from Massachusetts [Mr. McCALL] was a member of the commission, but he never attended the meetings of that commission, as I am informed. I do not think he did. I think he left it almost entirely to the commission of fine arts, and that is what they produced in this particular case. My own experience with reference to the commission of fine arts is very unsatisfactory, and that is all the experience I had as to their work or the results of their work. My experience leads me to say that men of judgment, common sense, and broad patriotic conceptions should be selected, and if they have technical and artistic ability, so much the better. My experience leads me to say that they are a failure, not only in that but in the Agricultural building and other things. [Applause.]

One thing more which I forgot, one of the points I want to make. The gentleman from Massachusetts said that the people are divided into two hostile camps as to the award made in the Barry statue matter. I say to you, Mr. Chairman, and I want you gentlemen to listen to this, that there is not a man, woman, or child, in my judgment, of Irish extraction or of Irish ideals, from one end to the other in this country, who is not selfishly interested, who favors the model submitted by the commission of artists; not one. A great many of our people have given the matter no consideration or attention whatever; but the people who are interested—the people who acted and appealed to their Representatives in Congress for the passage of the Barry bill—are all on one side. They are all against the model approved by this fine arts commission, and I challenge contradiction of this statement on the floor of this House or elsewhere.

I put this statement into the RECORD, where it will remain, and I am willing to stand by it, that practically all the people in this country who are interested at all in the Barry statue proposition and who caused the appropriation to be made, and were back of it until the bill was enacted into law, are strongly and abidingly opposed to this model approved by the fine arts commission.

If we were disposed to insist on a statue representing the harp and the banner of Ireland, with historical events of which we may be proud, on a monument to Barry in a public park in this city of Washington, erected at the national expense, the commission would be justified in rejecting our request, and, I think, in rebuking us for our presumption. But on the contrary we are the ones who insist that the Barry statue shall not represent Irish history or include Irish figures, but that it shall be a strictly American statue representing Barry as an American naval officer, as large, graceful, and beautiful as the appropriation will permit.

The commission has power. It can do as it likes. But if a statue of Barry like the first model, or even the second model, of Andrew O'Connor is erected it will be a perpetual insult to the people in this country of Irish birth, extraction, and ideals. They will continue to resent it. In my judgment they will again appeal to Congress for a site, at all events, on which they will, by their own contributions, erect a beautiful and appropriate monument to the memory of John Barry as a brilliant, successful, and patriotic American naval officer. [Applause.]

Mr. McCALL. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I think the discussion of this bill has taken a wider range than the innocent character of the bill would justify. As a matter of fact, art commissions have done great work, notwithstanding the tempestuous remarks of my colleague from New York [Mr. MICHAEL E. DRISCOLL] in regard to the Barry statue. They have done wonderful work in New York, where their power is very much greater than is proposed to be conferred upon this commission in this bill.

They not only have advisory powers relative to monuments to be erected, but they are called into consultation by the mayor of the city of New York in regard to the style and character of bridges. The improvement in the general architectural features of New York has been so great that I believe there is not a dissenting voice in New York City that it was one of the most admirable things the legislature of the State of New York ever did for the city. The commission has saved us money and has assisted us in getting proper monuments and proper buildings in the city of New York. There is not any foreign city of importance that has not an art commission of a similar character to this. All this talk as to an usurpation of the powers of Congress seems to me to be absurd to the extreme. The commission will not have the power to determine what statues, what architectural structures, or what monuments we authorize. It will only have the power, when Congress, with the consent of the chairman of the Committee on Appropriations——

Mr. TAWNEY. Oh, no.

Mr. OLCOTT (continuing). Decides to appropriate a certain amount of money for a monument, to give the benefit of their views and judgment to the President of the United States as to where these monuments shall be placed and what character of monument shall be erected.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. OLCOTT. Certainly.

Mr. TAWNEY. Does the art commission of New York receive any compensation?

Mr. OLCOTT. The art commission of the city of New York does not receive any compensation; I will acknowledge that.

Mr. TAWNEY. The gentleman has traveled abroad a good deal and visited foreign capitals and, knowing as I do he is of an artistic turn of mind, he knows, no doubt, the character of statutes erected in foreign cities. Now, can the gentleman say whether or not the statues in the city of Washington compare favorably with those of the capitals of foreign countries?

Mr. OLCOTT. Just as an American citizen I am always for the United States, and I will therefore say they are superior; but they can be made better, and there will be fewer criticisms to be passed on those that are now here if we have the best talent possible to assist us in the matter.

Mr. TAWNEY. But they are good enough as long as they are better than any others in foreign countries.

Mr. OLCOTT. But I will answer the gentleman further. The art commissions in all of these foreign capitals are comparatively of recent creation. The cities on the other side are much older than we are, and most of the monuments that justify my saying that the Washington ones are better were erected before the creation of those commissions.

This commission will cost little. The objection to it on the ground that it usurps the power of Congress seems to me to fall by the mere statement of it, and therefore I hope most earnestly, in the interest of doing what everyone in this House of Representatives wants to do, what every citizen of the United States wishes to have us do—make the city of Washington the most beautiful in the world—we will form this commission, so that Washington will be made still more beautiful than it is now. [Applause.]

Mr. HARRISON. May I be allowed to ask my colleague a question?

Mr. OLCOTT. Certainly.

Mr. HARRISON. I understand my colleague to be in favor of this bill. I would like to have some information, which I doubtless missed by being out of the Chamber at the beginning of this debate. It appears that $10,000 a year is to be appropriated for the expenses of this commission, and it also appears that seven artists are to be paid $500 a year apiece and their expenses. That makes $3,500 for their salary, and that leaves a balance of $6,500, as I understand it. Now, will the gentleman inform me, is this balance to be paid the secretary, or what is the purpose of appropriating that amount?

Mr. OLCOTT. I will only say to my colleague from New York that the appropriation is not to exceed $10,000 a year allowed under this bill. That is the limit of appropriation. You can very easily imagine, if we should pass a bill for the erection of several monuments, it might be necessary for the commission to meet several times in Washington, and you can see the expense might reach the amount specified in the bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. OLCOTT. I still yield to my colleague from New York.

Mr. HARRISON. Does not the gentleman think the Government could secure the services of seven artists of high reputation free, in the same way we secured them in New York for our municipal arts commission?

Mr. OLCOTT. Personally I believe they could; yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. YOUNG of New York. Mr. Chairman, I want to say a few words regarding this bill, because I am very much interested in it and very much interested in fine art. There are gentlemen from New York on both sides of this House who are entirely familiar with the great and good work performed by the art commission of that city. I personally have had extensive experience with the work of that commission, and have found it invaluable. Many times, when it was impossible for a number of men interested in works of art to come to any decision, the art commission was called in, and rendered very valuable service. The question has just been asked by a gentleman from New York on the other side of the House whether artists and sculptors could not be had to serve on such a commission

in the city of Washington without compensation, as is done in the city of New York. The members of the commission in New York are all citizens and residents of New York. The members of such a commission to serve in Washington will doubtless have to come from various parts of the country, and the $500 suggested in this bill will simply be as a retainer to those gentlemen to render their valuable services to the Government and to Washington. There is not a city in this country that needs an art commission more than does Washington. The commission in New York has had not alone to consider the merit and location of works of art, of monuments, of statues, of bridges, and arches, but the various artistic works that were proposed to be set up in the city of New York.

The question has been asked, Are the statues and works of art in Washington equal to those in any other country? I would say, measurably, they are. There are some of the most striking examples to the contrary, however. I refer to one especially on Pennsylvania avenue, near Seventh street—a fountain presented by Mr. Cogswell. That should have no place in this city. It is a monstrosity and unworthy of the city. I think, Mr. Chairman, that such a commission would be able to relieve from embarrassment those charged with responsibility very many times by the suggestions which they might make, and which we would all recognize as being most valuable to the city. The New York art commission is one of the most valuable commissions the city has ever received from the legislature, and there are other committees and commissions that might very well and properly be dispensed with in the city of New York, rather than the art commission, whose services have been recognized by all those interested in the city government as most desirable and most valuable.

Mr. PARSONS. I will ask the gentleman if his relations with the art commission of New York were not at a time when he was park commissioner?

Mr. YOUNG of New York. The services that I speak of rendered by that commission were when I was park commissioner of the city of New York, and where I received the valuable and cheerful assistance of the commission. [Applause.]

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman in charge of this bill one or two questions in regard to its language. While the bill at present asks an appropriation of $10,000, is not it such an authorization as would warrant the appropriation of any sum to be made by a subsequent Congress?

Mr. McCALL. I think not.

Mr. SHERLEY. Well, if the gentleman will look at the language he will see that the President is authorized to appoint this commission:

> And said commission shall have a secretary and such other assistants as the President may authorize.

Well, now, is not that sufficiently broad to create a very large clerical force, and would not the language authorize the appropriation of large sums for the payment of their salaries in subsequent Congresses?

Mr. McCALL. But the gentleman must construe the whole act together, and he must be confined to the expenditures authorized by the act.

Mr. SHERLEY. But if you will read the second clause, it says:

> That to meet the expenditures made necessary by this act the expenditure of $10,000 a year, or so much thereof as may be necessary, is hereby authorized.

Mr. McCALL. Yes.

Mr. SHERLEY. Now, that is, in fact, an authorization of $10,000, but it is not a limitation against a larger authorization to meet the purposes of this act, if Congress should see fit to make such larger expenditure.

Mr. McCALL. Well, the President would have no authority to go beyond the authorization of the act, amounting to $10,000.

Mr. SHERLEY. Unquestionably the President could not expend any money not appropriated.

Mr. McCALL. Now, then, if you come into the House with an appropriation bill that appropriates more than $10,000, the point of order would be made that it is not authorized by existing law.

Mr. SHERLEY. The point of order would not lie. That is the point to which I am calling the attention of the gentleman.

I have no doubt that he intended that the maximum sum which might ever be authorized was $10,000, but the bill as now drawn would authorize in an appropriation bill an item carrying any sum, and a point of order would not lie to such item.

Now, there is one other matter I would like to ask the gentleman about. That is, why does he require that the appointment of these men shall be by and with the advice and consent of the Senate?

Mr. McCALL. Because that, I think, is the usual way to appoint officers of the United States.

Mr. SHERLEY. No. It is the usual way as to officers of very high rank or position, but a great many appointments are made without the advice and consent of the Senate; and does not the gentleman think that it would be better to leave the appointment of them to the President direct?

Mr. McCALL. I do not think that it is a matter of any particular consequence one way or the other. If the gentleman would prefer an amendment on that point, it would be entirely satisfactory.

Mr. SHERLEY. I suggest, without meaning to cast any reflection anywhere, that you would be more likely to get men of the very highest order of talent, without regard to other considerations, if the appointment was vested solely in the President, without the consent of the Senate.

Mr. McCALL. I think that where the compensation of men is chiefly in honor and dignity, it would rather enhance the dignity of the office to have them appointed by the President and confirmed by the Senate. That is a mere matter of taste.

Mr. MANN. The gentleman secured the passage of a resolution on Monday for the appointment of Regents of the Smithsonian Institution. Has not the gentleman found that that method is quite satisfactory, where men are neither appointed by the President nor confirmed by the Senate?

Mr. McCALL. Inasmuch as under that system they are able to get the services of the distinguished gentleman from Illinois [Mr. MANN], I would say that it worked well in that case.

Mr. MANN. They do not get the services of "the gentleman from Illinois" under that system. "The gentleman from Illinois" is appointed a member of the Board of Regents by the Speaker.

Mr. McCALL. Certainly.

Mr. MANN. But they do get the assistance of the very best men in this country as members of the Board of Regents of the Smithsonian Institution, not Members of Congress, and there has never been a commission of the Government which had a higher class of men than those appointed by joint resolution of Congress.

Mr. COOPER of Wisconsin. I should like to ask the gentleman from Massachusetts a question.

Mr. McCALL. Yes.

Mr. COOPER of Wisconsin. A question suggested by what the gentleman from Illinois just said. Would not the gentleman from Massachusetts be willing to accept this amendment, to strike out, beginning with the word "at," in line 21, all down to and including "and," in the next line, so that it will read:

> and the members of the commission shall each be paid actual expenses—

Leaving out the $500 a year?

We get splendid men for Regents of the Smithsonian, and I believe we can get the very best talent in the United States on this commission without paying its members $500 a year each.

Mr. McCALL. I have no objection whatever to striking that out. It occurred to me that when men were rendering services under an act of Congress it would be better to pay them something, and then they would feel that they were paid for what they did and would render the service more as a matter of contract. But it is practically immaterial to me. I should be entirely willing to strike that out.

Mr. COOPER of Wisconsin. There can not be any question that the selection of these men by the President of the United States, in recognition of their fitness for this position, will be a sufficient inducement to secure men of the highest talent and standing.

Mr. McCALL. I will be content if the gentleman will offer that as an amendment.

Mr. COOPER of Wisconsin. I will offer it as an amendment.

Mr. McCALL. Then, I suggest to the gentleman that the next section be amended to meet the point of the gentleman from Kentucky. It does not impress me as especially important, except that I always think the gentleman from Kentucky [Mr. SHERLEY] is apt to have some foundation for any suggestion that he makes upon a legal question. I suggest to the gentleman from Wisconsin that he add a proviso to limit the total expenditure to $6,000, if we strike out the salaries.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman from Massachusetts if he sees any necessity at all for section 2?

Mr. MANN. There is a necessity for a limitation.

Mr. TAWNEY. I understand, and there is always a limitation, and that is the amount that may be appropriated for the service.

Mr. McCALL. Then there would be no limitation whatever. There would be an expenditure authorized—for instance, the traveling expenses of the commission.

Mr. TAWNEY. I want to ask the gentleman another question. What is the necessity of having a secretary for this commission? There is not an art commission in existence in any of the States or municipalities of the Union that has an organization of that kind.

Mr. McCALL. I question whether the gentleman is correct in that statement.

Mr. TAWNEY. What is the necessity for a secretary?

Mr. McCALL. In my opening statement to the committee I tried to make clear my idea of what a secretary would do. It would result in keeping an office open in Washington, in the gradual accumulation of artistic material, with statistics about different statues and works of art in the world.

Mr. TAWNEY. Which the President would be authorized to appoint. Of course it would result in maintaining a large organization here in the city of Washington.

Mr. McCALL. I think not, if there is a limitation.

Mr. TAWNEY. So far as the work of the commission is concerned, there is absolutely no necessity for a secretary, and there is no necessity for a building or for rooms in a building here in the city of Washington.

Mr. McCALL. I think there should be a secretary and there should be rooms. I think that we could get a great benefit by having some trained man, who would have this office and who would keep the various statistics about art, where we could get at them when the members of the commission were not here.

Mr. TAWNEY. If that is the idea of the gentleman, then I am more strongly opposed to this bill than ever.

Mr. SHERLEY. I would suggest to the gentleman from Massachusetts that the way to make certain the limiting of the expenditures to $10,000 would be to amend the second section, so that it would read:

That to meet the expenses made necessary by this act an expenditure of not exceeding $10,000 a year is hereby authorized.

Congress would not need to appropriate that amount, but it could not appropriate more than that amount.

Mr. McCALL. I think that would make it entirely clear. If the bill is amended and the salaries are stricken out, that $10,000 should be changed, perhaps, to $6,000.

Mr. SHERLEY. For my own part, I see no objection to the very moderate salary named in the bill. I believe that the giving of a salary of that size would place the recipient under a direct obligation and would insure his prompt response to any call on the part of the Government, and certainly it could not be objected to seriously as being a large expenditure.

Mr. McCALL. That was my idea in putting it in, and with regard to the Regents of the Smithsonian Institution, they are sort of trustees, like the trustees of colleges. I do not think it takes much of the time of the Regents. They would not have to come to Washington five or six times a year and pass upon the merits of particular artistic propositions. They are sort of guardians of a great trust, and they oversee the officers who administer that trust and undoubtedly make very valuable suggestions.

Mr. MANN. Does the gentleman really think that if Mr. Glenn Brown was appointed secretary to this art commission he would really need any of the members to ever come to Washington?

Mr. TAWNEY. Oh, no.

Mr. MANN. Is not he all sufficient in himself to dispose of these matters?

Mr. McCALL. I have not the honor of a very intimate acquaintance with Mr. Glenn Brown.

Mr. MANN. Well, if this bill passes and if the gentleman remains the chairman of this committee he will form a closer acquaintance.

Mr. McCALL. If there were a commission having an honorarium of four or five hundred dollars a year, I think they would feel it their duty to come here and do the work they are paid to do. It is of no consequence at all so far as the commission is concerned. It seems to me there is a principle involved, and I am inclined to think that if the gentleman from Illinois [Mr. MANN] were not a Member of this House and was a member of the Board of Regents of the Smithsonian Institution and should receive a salary of $500 he would render very conscientious service.

Mr. TAWNEY. I may say now that most conscientious services are rendered by such men as ex-Senator Henderson and other gentlemen, including Alexander Graham Bell, who gives a great deal of his attention to the Smithsonian work without a salary, and I doubt whether it would be possible to employ men in the city of Washington of equal capacity and knowledge by paying salaries.

Mr. McCALL. I am not reflecting at all on the gentleman or his colleagues. I was simply speaking of the principle involved in the payment of small salaries. I do not think that is of great importance. I do not want the bill to fail on account of the payment of these small salaries. I should be willing to have the provision stricken out of the bill.

Mr. SHERLEY. I desire again to suggest to the gentleman a change in regard to the method of appointment. It is a little bit embarrassing to discuss that phase of it, but I believe you will have less complication, and perhaps a commission more in accord with the purpose of this act, if the appointments are made solely by the President of the United States.

Mr. McCALL. That is a matter of taste upon which I should be willing to yield.

Mr. SHERLEY. It is more than a matter of taste; you eliminate any question of geographical and political bias.

Mr. McCALL. In the one case they are high constitutional officers, and in the other case they are in a subordinate rôle. I am willing to strike out that provision.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. McCALL. Certainly.

Mr. FITZGERALD. What is the term of service of the members of this commission under this bill?

Mr. McCALL. There is no term.

Mr. MANN. They could not be removed.

Mr. SHERLEY. The question of the gentleman from New York raises an interesting question, and that is whether any of these men could be removed.

Mr. FITZGERALD. What is the tenure of the members of this commission? The gentleman is a constitutional lawyer.

Mr. McCALL. I am not a constitutional lawyer; but there is no tenure.

Mr. FITZGERALD. Are we never to have a chance? [Laughter.]

Mr. McCALL. In order to give the gentleman from New York a chance, we can fix a tenure of a few years. There is no tenure prescribed in the bill; it would be, I suppose, during good behavior.

Mr. FITZGERALD. But the gentleman knows that supposition does not operate as a tenure.

Mr. CRUMPACKER. I think it is at the will of the appointing power.

Mr. FITZGERALD. It does not say so.

Mr. CRUMPACKER. No; it does not say so, but I think that would be the effect of it. I think, Mr. Chairman, it would be a good plan to read the first section of this bill, and then these suggestions could come in as amendments.

Mr. SHERLEY. Prior to legislating we should desire to have some information. I presume that the gentleman from Indiana will acquiesce in that view point. I was interrogating the author of the bill to obtain information, and I would like to know whether he considers this tenure limited or unlimited?

Mr. McCALL. I said there was no limitation on the tenure. If the gentleman thinks that we should limit it, we might make it four years, and that would give the gentleman from New York an opportunity.

Mr. FITZGERALD. Suppose some one was nominated a member of the commission and his views should get out of date or out of style—and there are men who have some ideas of art that are popular for a while and soon pass out—is he to be fastened forever upon all the work authorized by Congress for the purpose of unifying and beautifying this city? I say that, because it seems, from the remarks of the gentleman from New York [Mr. MICHAEL E. DRISCOLL], that an eminent aggregation of gentlemen, constituting what was known as the Council of Fine Arts, has attempted to perpetrate on the country a statue to the memory of John Barry that would be considered preposterous by any man at all familiar with the history of the country. Artistic ideas of that kind should not be indefinitely fastened upon the people of the country by a commission like this.

Mr. McCALL. If I may say a word on that point, in reference to the statement of the gentleman from New York [Mr. MICHAEL E. DRISCOLL], that was called out by a statement by myself, that the country was apparently divided into two hostile camps upon the artistic questions raised in connection with the Barry monument, I would like to correct the remark which called out the observations of the gentleman's colleague, and say that the country is divided into one hostile camp. I do not desire to say much about the Barry statue, being a member of the commission having the august duty of deciding upon the artist. But I would say this, that I understand the commission had a meeting, at which I was not present, and got the advice of some-

body—I do not think it was the Council of Fine Arts—got the advice of somebody as to the artistic value of a certain model—and they were advised by whoever they consulted that the model presented by Andrew O'Connor was artistically the best model. Andrew O'Connor is the man who made the brilliant statue of Gen. Lew Wallace, in Statuary Hall, and I am informed that the French Government has asked for a copy of his Barry model for the Luxemburg. It is, I suppose, beyond question of great artistic excellence, but the commission did not decide to take it because there are other points to be considered.

Mr. FITZGERALD. I am thoroughly familiar with it——

Mr. McCALL. And the gentleman knows there was a controversy——

Mr. FITZGERALD. Yes; not over the æsthetic and artistic value of the statue, but on the ground that character and the achievements of General Barry were not properly represented and commemorated.

Mr. McCALL. Let me suggest further to the gentleman, if he will permit me, that this advice was made under the present system. It was a sort of unauthorized, unofficial advice. Now, would it not be better to have an established legal authorized tribunal; would not their advice perhaps be more upon a sense of their responsibility as public officers than if they were simply called in and asked what they thought of this model or that one?

Mr. SHERLEY. Going back to the present bill we are discussing, I would like to ask the gentleman if any member of this commission should die, is there any provision in the bill authorizing the appointment of a successor?

Mr. McCALL. I imagine the President would have the right to appoint a successor.

Mr. SHERLEY. There is no provision in the bill to that effect. I am not suggesting these things captiously, but seriously. It seems to me there ought to be something of that kind in the bill.

Mr. McCALL. Does the gentleman remember what the provision is in regard to the other commissions established by law?

Mr. SHERLEY. I do not remember.

Mr. McCALL. Did not they have general tenure for a certain number of years?

Mr. TAWNEY. For a certain object.

Mr. McCALL. For a certain number of years.

Mr. MANN. Will the gentleman kindly permit me to call his attention to the fact that under this bill an appointment could only be made once; that no vacancy could ever be filled?

Mr. SHERLEY. I have just suggested that to the gentleman from Massachusetts, and I thought there ought to be a provision not only defining the tenure, but providing for the filling of vacancies, caused either by removal, death, or resignation.

Mr. McCALL. Well, if the gentleman will prepare an amendment covering that point——

Mr. SHERLEY. Well, I should be very glad to do so if the gentleman desires, but knowing the ability of the gentleman, I believe he can easily draft such an amendment and I submit the bill in its present form is imperfect.

Mr. McCALL. The gentleman has a number of other amendments which he is engaged in drafting, but I think it could well be provided that there should be a commission composed of seven artists of repute to be known as a "commission of fine arts," whose term of office shall be four years, and that such commission shall be appointed by the President, and any vacancy at any time occurring shall be filled by appointment by the President. Would that cover what the gentleman had in mind?

Mr. TAWNEY. Will the gentleman from Massachusetts permit a suggestion? In view of these proposed changes and necessary changes, I would suggest to the gentleman in charge that he would move to rise and report the bill to the House, with the recommendation that it be recommitted to the committee with instructions to revise and report it at a late date.

Mr. McCALL. Well, the chairman would hardly care to take that responsibility. This is a case of the "Greeks bearing gifts." The gentleman is not friendly to this bill in any way, and it is very simple to make these amendments on the floor now.

Mr. SHERLEY. I am in favor of the purpose of the bill, and my suggestions have been made in good faith. Now, the suggestion in answer to my inquiry seems to cover all points but one, and that is whether the President should be given power of removal. My own judgment is he ought to be given the absolute power of removal and of filling vacancies in case of such removal.

Mr. McCALL. I think with a term of four years that no new styles of art would come in.

Mr. SHERLEY. Oh, I am not speaking of it on that basis. It is easily supposable that an appointment might be made that would prove very unfortunate, and if you are going to put the responsibility of appointment on the President, give him also power of removal.

Mr. TAWNEY. Mr. Chairman, in order to test the sense of the committee I desire to make a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Kentucky yield for that purpose?

Mr. SHERLEY. For the purpose of a parliamentary inquiry.

Mr. TAWNEY. Mr. Chairman, would it be in order to move that the bill be laid aside with the recommendation that it be recommitted to the Committee on the Library?

The CHAIRMAN. That motion will be in order when general debate shall have been concluded.

Mr. TAWNEY. I did not know but it could be done at this time, and that we could go on with the consideration of other bills the Committee on the Library may have.

Mr. AUSTIN. I call for the reading of the bill.

Mr. SHERLEY. But, Mr. Chairman, I have not yielded for that purpose.

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. McCALL. If the gentleman from Kentucky will use his time in general debate in enlightening the House, we will then have an opportunity of drafting the amendments which he has suggested.

Mr. SHERLEY. The "gentleman from Kentucky" is perfectly willing to cease debate, but it hardly comes with grace from the gentleman, when very palpable omissions have been suggested; and I was waiting until the gentleman from Massachusetts should answer these questions.

Mr. McCALL. Nothing ungracious was intended toward the gentleman. The clerical work of drafting these amendments would require two or three minutes, perhaps, and if the gentleman would occupy that time in enlightening the House, we would prepare them in accordance with his suggestion.

Mr. SHERLEY. As I have never spoken against time, I must decline to do so now, and I will yield the floor.

The CHAIRMAN. Without objection, the bill will be read for amendments.

Mr. FITZGERALD. I wish to be recognized, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. FITZGERALD. Mr. Chairman, I am in favor of the general purpose of this bill to create a commission of fine arts, convinced from my knowledge of officials here in Washington and aware of the opportunity that they seem to have had to be educated to artistic ideals, that one is very necessary in this city. I would hesitate to make this statement if it were not that the chairman of the Committee on the Library himself reported this bill. I understand that it has been the practice when bills are reported from that committee to provide for commissions to superintend the erection of the various monuments to include in the commission the chairman of the Committee on the Library of one or both Houses. Since the chairman of the Committee on the Library of the House seems to believe that this expert information is necessary for him, it can not be charged that anybody else has unfairly aspersed his knowledge on such questions. I believe such a commission should have some real power, rather than the indefinite and limited authority here proposed. It has no real power under this bill. If it be a competent commission, it should have complete control of the placing of monuments in the city of Washington; and it would be desirable if such a commission should devote itself to the study of a plan along which the city of Washington should be improved and beautified. I have not much sympathy with the limitation placed upon the expenses of such a commission. I do not sympathize with the suggestion that this commission be paid their actual expenses for days spent in Washington or in coming to or going from the city to attend meetings of the commission. A commission that is worth having is worth being paid adequate compensation; and I would very much prefer fixing some reasonable, decent compensation for the members of such a commission, so as to obtain from them the very best that they might be capable of giving to the Government.

I suggest, Mr. Chairman, in the line of the suggestion of the gentleman from Kentucky, that the members of the commission should have a definite tenure of office. Provision should be made for filling vacancies which occur either by death, resignation, or removal. Some measure should be provided for eliminating members of the commission, although if the tenure were restricted to four years, perhaps it would not be necessary to confer the power of removal on any person. I am inclined to believe that it is desirable to have this commission confirmed

by the Senate. Even some of our Presidents have not been noted for their peculiarly ideal artistic taste, and their opinion of who might or might not be competent men to serve upon such a commission might not meet with the commendation of others who would be competent to judge. It seems to me that no more appropriate body could be selected to pass upon who are or who are not competent artists than the Senate of the United States.

Mr. Chairman, there is one other suggestion which I wish to make to the chairman of the committee, and that is he shall not insist upon authorizing the President to determine what assistants this commission shall have. That should be left to the judgment of Congress. I favor also the removal of the limitation upon the amount that can be appropriated for the commission. Let the commission submit to Congress estimates of the assistants actually required, and let Congress give it the help it should have. It is a somewhat extraordinary provision to have the President determine how many assistants and what clerks any particular commission should have.

Mr. McCALL. We are putting in the limitation in conformity with the suggestion of the gentleman from Kentucky.

Mr. FITZGERALD. I am going to vote against the limitation. If Congress believes in the creation of this art commission it should be charged with the duty of appropriating the proper amount for its uses. If we can not trust Congress to appropriate for this art commission, we should give up making appropriations.

I am not afraid that Congress is going to become unduly extravagant in providing for this commission. It is hardly fair to legislate in this way so as to prevent some other House exercising what it believes to be its best judgment as to the amount of money such a commission should have. If we are to have an art commission, let us have one that amounts to something, that can do some good work. If we have one that is so crippled that it will be of no value, it would be better not to authorize it at all.

Mr. MANN. Mr. Chairman, it seems to me that this bill is illustrative of the necessity or the desirability of appointing a commission of legislative experts for the purpose of drawing bills.

Mr. SHEPLEY. I suggest to the gentleman that I have such a provision now pending before the Committee on Rules.

Mr. MANN. I do not know whether the distinguished gentleman from Massachusetts [Mr. McCALL], who so ably presides over the Committee on the Library and who is an ornament to the Committee on Ways and Means, is the author of this bill or not; but if he drew it, or whoever drew it, it does not accomplish the purpose in mind.

Attention has already been called to the fact that under this bill there could be only one set of appointments made. The usual form of law creating a commission is that there is hereby created a commission consisting of so many members, to be appointed in such and such a manner. That would be authority for the filling of the vacancies, but all this bill does is to give authority in the first instance for the appointment of seven artists of repute. There is no authority to fill any vacancy, because there would be no vacancies. If any of them died, the remaining members would exercise the authority of the commission until there was only one left, unless Congress should intervene.

But I fear there is another defect in the bill, which the gentleman has not noticed, and to which attention certainly has not yet been called.

The bill says the commission shall have a secretary and such other assistants as the President may authorize. Whoever has in mind the securing of the position of secretary has failed to give the secretary any pay or salary.

Mr. FITZGERALD. He does not want any.

Mr. MANN. And under the provisions of this bill, if enacted into law, there could be no salary given to the secretary. Even a proposition in the Committee of the Whole on an appropriation bill to appropriate for a secretary would be subject to a point of order. The commission is not given authority to authorize any pay to the secretary. The commission is not given authority to fix the salary of a secretary. The President is not given authority to give a salary to a secretary, and the whole purpose of Mr. Glenn Brown in this proposition would fail, if his purpose is to secure the salary of a secretary; but if his purpose is to secure extravagant appropriations for new works of art in Washington he might secure that. I suppose when the gentleman proposes to provide an expenditure of $10,000 a year, he does not anticipate that the traveling expenses of the commission would amount to that, and yet outside of $3,500 salary the remaining $6,500 under the gentleman's bill would have to be spent for traveling expenses. There is no authorization in the bill to rent quarters, there is no authorization in the bill to pay anybody any money. No place is provided for the commissioners to meet in Washington. Of course they might meet in some committee room. They might meet in the Committee on the Library.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly; always.

Mr. CRUMPACKER. This bill creates the office of secretary to the commission, and then appropriates $10,000 to pay the expenses of the commission. Does not that carry authority on the part of the commission to pay the secretary?

Mr. MANN. Most certainly not.

Mr. CRUMPACKER. Why not? It is to be made up of seven commissioners and a secretary, and salaries and expenses are to be paid.

Mr. MANN. The gentleman might as well claim that they could pay the commissioners more than $500 a year each.

Mr. CRUMPACKER. We fix the salaries of the commissioners, but we do not fix the salary of the secretary.

Mr. MANN. We do not only not fix it, but we do not authorize any salary for the secretary.

Mr. TAWNEY. None at all.

Mr. CRUMPACKER. Expenses are authorized, and we say there shall be a secretary for the commission, and that is a part of the expenses of the commission, and we appropriate $10,000 to cover the expenses. I do not think there is any question about the right to pay the secretary.

Mr. MANN. If the gentleman were in the chair instead of on the floor, and were receiving the advice of a parliamentarian probably of equal strength to the gentleman himself, and the gentleman from Indiana himself is a great parliamentarian, he would not think of holding that the authority to create an office was authority to pay a salary not authorized by law.

Now, here is the creation of a secretary and the creation of a commission, with the salary of the commission fixed. The reasoning is that Congress, having created two offices and having provided a salary for one, did not intend that there should be a salary for the other at all. And when this bill is passed, if it is passed with the amendments that have been suggested, neither the secretary nor the commission receive a salary. If the contention of the gentleman from Indiana be correct, then, if we strike out of the bill "to be paid at the rate of $500 a year," these gentlemen may be paid $5,000 a year, because, having created the office and not giving them a salary, the gentleman contends we authorize ad libitum a salary to be created; and if we strike out the $500 a year on the reasoning of the gentleman, the commissioners could come in with a request to be paid $5,000 a year. Does the gentleman think they could get that?

Mr. CRUMPACKER. No; I do not, for we do not appropriate the money.

Mr. MANN. What is the difference between creating one office at a salary and another office without a salary?

Mr. CRUMPACKER. We provide for the expenses of a commission and provide in the bill that there may be a secretary, and, of course, the position of the secretary necessarily implies service for which pay is contemplated.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MANN. I will yield.

Mr. COOPER of Wisconsin. I want to call the attention of the gentleman to the ordinary rule of law, that the mention of one thing is the exclusion of another. When you say a man shall be paid expenses, the ordinary rule would be that that is all that he would be paid. I think that that answers the question of the gentleman from Illinois.

Mr. MANN. Not at all.

Mr. CRUMPACKER. This bill appropriates $10,000 for expenses. What constitutes expenses? Why, it is the clerical work; the work of the secretary and the traveling expenses constitute the expenses of the commission.

Mr. MANN. Here we have a bill now before us. The gentleman from Indiana assumes that if we pass a bill nonsensical in its terms, the court or the controller will read sense into it. The court and the comptroller have no such authority. It is our business to pass a bill which says what it means. It is not the right of the comptroller or the court to say that which we have passed is ridiculous in itself in its present form. It is our business to put it in proper shape, and the gentlemen who advocate the bill, if they do the proper thing, will send the bill back to the committee, so that the gentleman from Massachusetts and the gentleman from Indiana and others may be able to prepare a bill in proper form and say what they mean. There is not a line in this bill that will stand examination.

Mr. CRUMPACKER. I want to submit to the gentleman an amendment to take the place of the first three lines of the bill, to meet the criticism of the gentleman from Illinois, which I think was a good one:

That a permanent commission of fine arts is hereby created, to be composed of seven artists of repute, who shall be appointed by the President to serve for a period of four years, or until their successors are appointed. The President shall have authority to fill all vacancies.

That is to take the place of the first three lines of the substitute reported. I think that would meet the criticism of the gentleman from Illinois.

Mr. MANN. I will say frankly that while I do not pretend that the House ought to pass over things of this sort, with what little expertness I may have in reference to bills, I never have yet been able, upon the mere reading of a proposition of importance, to determine whether it does what it pretends to do or not. The gentleman's amendment sounds good. It is certainly in better form than the bill.

Mr. CRUMPACKER. I took the suggestion from the gentleman's criticism, and put it, as near as I could remember this amendment, in the gentleman's own language.

Mr. MANN. Very likely. I say the amendment sounds good. I did not know that the gentleman took my criticism or my language. I will not undertake, as far as I am concerned, to pass upon a matter of that importance by simply hearing it read.

Mr. TAWNEY. Mr. Chairman, I want to say a word in regard to the provision here for a secretary. Section 2, authorizing the payment of all expenses, will not authorize the payment of a salary to any person or any officer whose appointment is authorized by this act. It has been so held over and over again in construing appropriations for miscellaneous expenditures. You can not pay any salary out of an appropriation for expenses; the salary must be specifically authorized.

Mr. PARSONS. Let me ask the gentleman, can not you pay the $500 to each member of the commission?

Mr. TAWNEY. Yes; because that is authorized specifically; but there is no salary fixed for the secretary, and if hereafter an appropriation for the salary of this secretary is submitted to the House it would be subject to a point of order, because no salary is authorized.

Mr. CRUMPACKER. Let me ask the gentleman this: Suppose we strike out all the provisions of the bill in relation to the secretary, would not the commission be authorized to employ a secretary and pay him out of this general fund?

Mr. TAWNEY. I do not think it would.

Mr. CRUMPACKER. I do not think there is any sort of doubt about it.

Mr. TAWNEY. I will call the gentleman's attention to a statute which absolutely prohibits it.

Mr. CRUMPACKER. Let us see the statute.

Mr. TAWNEY. It is the act of 1882. It expressly prohibits the employment of any clerical service at the seat of government unless expressly authorized by law. This section 2 does not authorize the employment of any clerical service.

Mr. CRUMPACKER. That statute does not apply to these commissions.

Mr. TAWNEY. The statute applies to any department, any governmental institution, any institution that may be created by Congress. It applies to the employment of personal services here at the seat of government and there is no salary to be appropriated for, and no salary would be allowed by any Auditor or Comptroller of the Treasury if paid out of this general appropriation relating to the ordinary expenses of the commission.

Mr. MANN. May I ask the gentleman from Massachusetts [Mr. MCCALL] what it purposes in reference to section 2?

Mr. MCCALL. What my purpose was?

Mr. MANN. No; what it is now?

Mr. MCCALL. To have a limitation upon the amount of money that might be expended under this act.

Mr. MANN. Does the gentleman propose to offer an amendment to make it a limitation?

Mr. MCCALL. Yes.

Mr. MANN. In its present form it is not a limitation.

Mr. MCCALL. To make it a limitation, as suggested by the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. If there be no further general debate, the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the President be authorized to appoint, with the advice and consent of the Senate, seven artists of repute as a commission on fine arts, which commission shall have authority to decide upon the location of statues and monuments in the public squares, streets, or parks in the District of Columbia, except in cases where otherwise provided by law. It shall also be the duty of such commission to advise in the selection of models for such statues or monuments, and in the selection of artists for the execution of the same. Said commission shall have a secretary and such other assistance as the President may authorize, and the members of the commission shall have the expenses of their travel and their other personal expenses in going to and returning from Washington to attend the meetings of the commission.

Mr. TAWNEY. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. That motion is in order and is preferential.

Mr. MCCALL. Mr. Chairman, I would ask if the Clerk read the original bill or the substitute recommended by the committee?

The CHAIRMAN. The Clerk read the original bill.

Mr. MCCALL. Is not the substitute the one before the committee?

The CHAIRMAN. The reading of the original was first in order. The substitute is proposed as a committee amendment, which would now be in order except for the motion to strike out the enacting clause, which, under the rule, has precedence. The question is now upon the motion of the gentleman from Minnesota to strike out the enacting clause.

Mr. TAWNEY. Mr. Chairman, I think that the committee will agree with me in saying that the bill in its present form——

Mr. MCCALL. Mr. Chairman, a parliamentary inquiry. Is the motion of the gentleman from Minnesota debatable?

The CHAIRMAN. That question was once held in the negative. It was ruled that such a motion was not debatable at all. At a later Congress it was held debatable without limit, but the better ruling upon the question seems to have been made by the present occupant of the chair [laughter and applause] in 1902, when the gentleman from Illinois, Mr. JOSEPH G. CANNON, made a similar motion, and, after considerable discussion of the point of order, the Chair made an elaborate ruling, which is found in section 5335 of Hinds's Precedents—and which seems to have been supported by a ruling, or at least by some observations, of Mr. Speaker Blaine—to the effect that the motion being analogous to an amendment, it is debatable five minutes on either side. Following its former ruling, the Chair now so holds in answer to the parliamentary inquiry of the gentleman from Massachusetts.

Mr. TAWNEY. Mr. Chairman, I stated at the beginning of the consideration of this bill that I was not in favor of the creation of this commission, and I think the discussion has developed the fact that the bill, though drafted and reported by the Committee on the Library, does not meet with either the requirements of the rules of the House or the judgment of the chairman of the Committee on the Library himself, with respect to its various provisions. I stated at the outset that my reason for not favoring the proposition was that it was unnecessary to create a permanent commission for this purpose. Now, the chief function of this commission, as I understand it and as described by the gentleman from Massachusetts, is to supervise and control the erection of statues here in the city of Washington. How many statues do we erect in a year? I have been a Member of this House now for almost eighteen years. During that time we have authorized the erection of 12. It is now proposed to have a permanent commission, at an expense of at least $10,000 a year, to supervise the erection and the preparation of plans for the erection of an average of about one statue every two years.

Heretofore we have erected these statues under the direction and supervision of commissions appointed for that purpose. They serve without compensation, and when that purpose has been accomplished their service terminates. We do not have a permanent organization, we never have had, and I can not see how we can obtain any better results from an artistic standpoint by having a permanent commission composed of seven artists of this country than we have had or would have by continuing the policy of having temporary commissions appointed when it is necessary, or when Congress deems it necessary, to authorize the erection of a statue.

There is absolutely no necessity for creating a permanent organization of that kind here at the seat of Government. If you are going to limit the functions of this commission to the things specified in this bill, then you will create a permanent commission to supervise the construction or erection of about one statue every one or two years instead of having a voluntary commission performing that service without compensation.

Mr. SHERLEY. Does not this bill also authorize the commission to advise the President or Congress upon other art matters?

Mr. TAWNEY. No; it does not.

Mr. SHERLEY. I so read it.

Mr. TAWNEY. It reads:

It shall also be the duty of such commission to advise in the selection of models for statues and monuments erected under the authority of the United States and in the selection of artists in the execution of the same——

Mr. MCCALL. Go on; the gentleman should not stop.

Mr. TAWNEY (reading):

and generally to advise upon questions of art.

Well, I presume some questions of art may arise in relation to the construction of public buildings here in the city of Washington or elsewhere, and that language would give them authority over all public works, including reclamation projects and river and harbor improvements.

Mr. MANN. Might they not advise as to the erection of a national gallery of art?

Mr. TAWNEY. Yes; they might advise as to the erection of a national gallery of art. But, Mr. Chairman, when Congress deems it necessary to erect anything of that kind, deems it necessary to employ the services of specialists along these lines, Congress can authorize the employment of such services for that purpose. When the purpose has been accomplished the service is ended, and those employed go back into civil life; they do not become a permanent fixture. Here you are creating a permanent organization, one that will continue for all time to come and as long as it continues it will continue to secure from Congress additional authority for the increase of its activities, for the increase of its jurisdiction, and there will be no end to the extent to which this commission will seek to enlarge its authority and to enlarge its activities. A monument erected no matter where in the United States, or a public building erected anywhere in the United States, this commission will assume control over its erection, and I therefore hope that this amendment will prevail.

Mr. McCALL. Mr. Chairman, undoubtedly some crimes have been committed in the drafting of this bill. It does not appear to be a perfect measure, but I scarcely think all of its defects justify the display of sensibility made by the gentleman from Illinois and the gentleman from Minnesota. The gentleman from Kentucky [Mr. SHERLEY] made a perfectly good suggestion about the bill, that as to tenure and that as to the limitation of expense, but it seems to me that most of the suggestions of my distinguished friend from Illinois and of my equally distinguished friend from Minnesota would be worthy of our old friend Dogberry. They were mere quibbles, most of them, and if we were to undertake to deal in the same way with the expenditure of the money of this Government it would be impossible to pay for the most ordinary services that are rendered, if those services did not happen to be mentioned in laws.

Now, Mr. Chairman, the criticisms of this bill are of two kinds. First, criticisms that go to particular cases. For instance, that relating to the Barry statue and that relating to the location of the Grant memorial, but it is to be noted that both of those cases, if they were wrong, occurred under the existing system, when we had no established and responsible commission on the fine arts, and it was under the present system of making the chairman of the Committee on the Library of the Senate, a very estimable gentleman, and myself (and I claim to know nothing about art), and the Secretary of War, who does not know much more about art, and somebody else pass upon these important questions; I have brought in this bill to the House because of my personal experience upon these commissions and because of my belief caused by that personal experience that a different system should be adopted. The second kind of criticism is general and against the notion of commissions. Why, gentlemen, shudder at the creation of a little commission which is to have a technical jurisdiction over fine arts, which is one of the great things in the education of the world?

As I said a moment ago, it has a representation on the cabinet of France. There is not a government in Europe that does not have in effect, if not in form, a commission of fine arts, and the most progressive cities in the world have commissions on fine arts; and yet when it is proposed that we create such a commission for the capital of this country—a city which has, I believe, one-fifth of all the equestrian statues in the world, which has had nearly all the statues the gentleman from Minnesota spoke of authorized within half a dozen years——

Mr. TAWNEY. Oh, no——

Mr. McCALL. None of them, hardly, was made during the gentleman's first twelve years of service.

Mr. TAWNEY. Oh, yes——

Mr. McCALL. And the record will show that. When it is proposed, I say, to create for the capital city of this country, at an expense of only $10,000 a year, a commission of artists, who shall give their opinion when required upon matters of art, why, gentlemen hold up their hands in holy horror.

I certainly did not think that the gentleman, my friend from Illinois, would have been guilty of taking the position that he has taken here. The gentleman from Minnesota is a professional economist [laughter], and he opposes, impartially, every bill, just and unjust, that comes up that does not emanate from the Committee on Appropriations. He does not want anybody else to touch the purse strings of the Government, and I can understand his action. But I believe, sir, that this is a bill that ought to be passed, that it will conduce to our having better art in the city of Washington. The commission has no jurisdiction, and gentlemen who have read it know it has no jurisdiction over buildings. It relates simply to questions of art. Now, I am willing to accept amendments as to the tenure and a limitation as to expenditures, and if gentlemen think this commission should not receive the small salary, I will accept an amendment striking that out; but I do think that if that is done, there is no objection worthy to be urged against the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota, to strike out the enacting clause.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided, and there were—ayes 30, noes 62.

So the motion was rejected.

Mr. MACON. Mr. Chairman, I have an amendment I desire to offer.

The CHAIRMAN. Just a moment. The Chair desires to know if the committee amendment is not in the nature of a substitute?

Mr. McCALL. I think the amendment ought to be offered, because it is a substitute for the whole bill.

The CHAIRMAN. Without objection, the Clerk will read section 2 and then read the committee amendment.

The Clerk read as follows:

SEC. 2. That to meet the expenses made necessary by this act the expenditure of $10,000 a year is hereby authorized.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert the following:

"That the President be authorized to appoint, with the advice and consent of the Senate, seven artists of repute as a commission of fine arts, which commission shall have authority to decide upon the location of statues and monuments in the public squares, streets, and parks in the District of Columbia. It shall also be the duty of such commission to advise in the selection of models for statues and monuments erected under the authority of the United States and in the selection of artists for the execution of the same, and generally to advise upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the President may authorize, and the members of the commission shall each be paid at the rate of $500 a year and actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same.

"SEC. 2. That to meet the expenses made necessary by this act the expenditure of $10,000 a year, or so much thereof as may be necessary, is hereby authorized."

Mr. McCALL. Mr. Chairman, I offer the following amendment: Strike out all of the lines 8, 9, and 10 and substitute for the parts stricken out what I have sent to the Clerk's desk.

The Clerk read as follows:

On page 2 strike out all of lines 8, 9, and 10 and insert in lieu thereof the following:

"That a permanent commission of fine arts is hereby created, to be composed of seven artists of repute, who shall be appointed by the President, and shall serve for a period of four years each and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. Said commission shall have authority."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. I would like to ask the gentleman from Massachusetts whether in proposing that amendment he considered the fact that the terms of the commissioners will expire at one time?

Mr. McCALL. Yes; I considered that, but I do not think that in matters of this character it is really material.

Mr. STAFFORD. I thought it might be advisable to have a continuing body.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. McCALL. Mr. Chairman, I now move to strike out the word "the" in line 2, after the word "act," and insert in place the word "an."

The CHAIRMAN. The Chair will state that the Clerk was unable to get the amendment of the gentleman from Massachusetts.

Mr. McCALL. In line 2, on page 3, after the word "act," change the word "the" to "an;" then after the word "of," in the same line, insert the words "not exceeding;" and then strike out the words at the end of that line and in the next, "or so much thereof as may be necessary," so that it will read: "That to meet the expenses made necessary by this act an expenditure of not exceeding $10,000 a year is hereby authorized."

The Clerk read as follows:

Page 3, amend section 2 so as to read:
"SEC. 2. That to meet the expenses made necessary by this act an expenditure of not exceeding $10,000 a year is hereby authorized."

Mr. FITZGERALD. When is it in order to move to strike out that section?

The CHAIRMAN. After it is perfected. The Chair will state that this section is in the nature of an amendment, and this is an amendment to the amendment.

Mr. COOPER of Wisconsin. I offer the following amendment——

The CHAIRMAN. One moment. Does the Chair understand the gentleman from Wisconsin to offer an amendment to the section?

Mr. COOPER of Wisconsin. No.

The CHAIRMAN. The question, then, is upon the amendment offered by the gentleman from Massachusetts.

Mr. COOPER of Wisconsin. I move to strike out his amendment and insert this.

Mr. SHERLEY. I make the point of order that that is an amendment in the third degree.

The CHAIRMAN. The amendment of the gentleman from Wisconsin is an independent amendment, which will be in order after the amendment of the gentleman from Massachusetts shall have been voted upon.

Mr. MACON. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. MACON. The Clerk has an amendment that I offered to section 2.

The CHAIRMAN. That will still be in order.

Mr. MACON. I wish to ask if it would not be proper at this time to entertain the amendment to section 2.

The CHAIRMAN. The committee amendments are first in order. The question is on the amendment of the gentleman from Massachusetts.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend on page 2 by striking out all after the word "Congress," in line 19, and insert the following:
"Said commissioners shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same."

Mr. MACON. Mr. Chairman, of course that amendment strikes out the salary that is proposed to be paid to the members of the commission. I am opposed to the measure, as stated a moment ago, but if it is to be passed I would like to see it perfected in the manner indicated by the amendment that I have just offered. If these fine art commissioners are worth anything, they are worth more than $500 a year each. If they are patriotic and willing to serve their country in the manner proposed by this measure for that sum, it strikes me that they will be patriotic enough to want to serve for this noble purpose that the commission is to be created for without compensation, if their actual expenses are paid. The amendment I offer provides that their expenses in going to and returning from Washington, and during the sessions of the commission, shall be paid by the Government. I oppose the whole proposition, however, because, in my judgment, if this commission is created it will not be more than a year or two years at the outside before authority will be asked of this House to permit this particular commission to take a junket all over the world, to view statues elsewhere in order that they may get a better idea of the kind of designs that they would like to have used in this country. And we know what junkets are. We know that they call for expenses for wines, for joy rides, and for pressing of clothes, and for other things of the sort that ordinarily are deemed luxuries. We know that they take money out of the Treasury for the purpose of feasting public officials at governmental expense.

I hope the amendment will be adopted, because I believe it will be an incentive to patriotism on the part of those gentlemen who are so educated along artistic lines that they will be appointed upon the commission, and will induce them to take up this work as a matter of love, and not undertake it from the standpoint of a petty compensation.

Mr. McCALL. Mr. Chairman, I will say that I am willing to accept an amendment striking out compensation for the commission.

Mr. SHERLEY. I am not.

Mr. McCALL. But I do not think the amendment in the form in which the gentleman has offered it, striking out the secretary and all clerical assistants, should be adopted. If this amendment be voted down, an amendment striking out the salaries of the commissioners will be offered.

Mr. MACON. I am willing to allow the gentleman to modify my amendment, if he will, or to offer one of his own.

Mr. McCALL. I will say that an amendment has been prepared, which will be presented, striking out the salaries of the commissioners.

Mr. MACON. With that understanding I will ask unanimous consent to withdraw my amendment.

Mr. FOSTER of Vermont. I object, Mr. Chairman.

The question being taken, Mr. MACON'S amendment was rejected.

Mr. COOPER of Wisconsin. Now, Mr. Chairman, I offer the amendment which I have sent to the desk.

The Clerk read as follows:

Beginning with the word "at," in line 21, page 2, strike out all down to and including the word "and," in line 22, on said page. The words proposed to be stricken out being "at the rate of $500 a year and."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I want to offer an amendment if it is in order.

Mr. McCALL. Mr. Chairman, I move to amend by striking out the word "President," in line 20, and inserting in place thereof the word "commission." That amendment was suggested by the gentleman from Illinois [Mr. MANN].

Mr. TAWNEY. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Massachusetts the following:

Strike out the words "the President may authorize," in line 20, and insert "Congress may from time to time appropriate for."

The CHAIRMAN. The Chair will state that as the amendment offered by the gentleman from Massachusetts is an amendment to an amendment, a further amendment would be in the third degree, and therefore not in order at this time.

Mr. TAWNEY. Well, Mr. Chairman, I want to call attention to the fact, and I will address myself to the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The Chair understands that the amendment offered by the gentleman from Massachusetts has not been reported. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "President" and insert the word "commission."

Mr. TAWNEY. Mr. Chairman, this transfers the authority for the employment of additional clerks and assistants from the President to the commission. In my judgment neither ought to have unlimited authority, or even authority under the limitation proposed here, to employ clerical assistance for the work of this commission. If you are going to have a permanent commission it ought to submit estimates for necessary clerical services. In that case Congress could appropriate for the necessary clerical services.

Mr. MANN. The commission will meet in Washington occasionally?

Mr. TAWNEY. Yes.

Mr. MANN. And when they meet here they will require some additional assistance that they would not require when not here. They can make an estimate for a sum of money that would be sufficient to employ services here. If they make an estimate for a sum of money to authorize the employment of services here, would it not be more economical than for Congress to make an appropriation for annual services?

Mr. TAWNEY. My thought is, Mr. Chairman, that if the commission has a secretary there will be no necessity for additional clerical assistance.

Mr. MANN. I am a member of one commission where members come from abroad, and I know that there is more or less expense in connection with the additional assistance at the time of the meeting, and there would be at the time of these meetings, and it seems to me that it would not be advisable to make a permanent appropriation for that assistance. The gentleman has it within his authority, within the authority of the Committee on Appropriations, to appropriate the amount of money within the limitation. The limitation is not to exceed $10,000. He can require such estimate as he pleases, but it does not seem wise to appropriate for annual assistance when it is not necessary. Make the amount of the appropriation within the control of the commission, so that they may employ assistance for a few days when they meet here and it becomes necessary.

Mr. TAWNEY. When the commission is organized they can come to Congress and ask for an appropriation for temporary service, if you please, and a lump sum for the employment of temporary service can be appropriated. Congress then has an opportunity to inquire into the necessity of this service and the extent of it; but, if it is turned over absolutely to the commis-

sion to employ assistance when they deem it necessary, we must make the appropriation whether, in our judgment, it is necessary or not.

Mr. MANN. There is no legal compulsion on Congress to make the appropriation.

Mr. TAWNEY. If we authorize the employment of personal service, of course we will have to appropriate for it or appropriate to pay a judgment that would be rendered in favor of the persons employed.

Mr. MANN. We are not even obliged to appropriate for judgments, although we do. These gentlemen will have to present an estimate, or the Secretary of the Treasury for them, every year. It comes before the Committee on Appropriations. They do not have to appropriate $10,000 or $5,000 or 5 cents unless they choose to. I do not know of any legal compulsion on anybody. They must make some showing. You can find it in many branches of the government service where authority is given to employ assistants, but every one of them must get the money from Congress through the Committee on Appropriations.

Mr. TAWNEY. I am aware of that; but here it is proposed by the gentleman from Massachusetts to strike out the word "President," who, under the language as reported in the bill, is authorized to employ such other assistance as he may deem necessary. Now, the gentleman from Massachusetts proposes to change that authority from the President to the commission. I say that they should be authorized to employ such services as Congress shall hereafter authorize and appropriate for. We would then retain the power of determining whether to authorize the employment of such services at all or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. McCALL. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 2, section 2, strike out the word "ten" and insert in lieu thereof the word "six."

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. The only object is to prevent the House at some future time, if the rules be the same as they are now, from carrying an appropriation larger than $6,000 in a proper place for the work of this commission. It seems to me that we should be just as willing to trust future Congresses to do what is proper in providing money for this commission as we think we are competent to do ourselves. I have no sympathy with this class of legislation, which is indirectly attempting to tie up future Congresses as to what they shall do in regard to appropriating money. I intend to move to strike out this entire section, because I believe in a short time we will have a House of Representatives that can be intrusted to appropriate properly for any purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I now move the following amendment.

The Clerk read as follows:

Strike out section 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. McCALL. Mr. Chairman, I move that the committee do now rise and report the bill with amendment, with a favorable recommendation.

The motion was agreed to.

Accordingly, the committee rose, and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19962) establishing a commission on fine arts, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

COMMITTEE APPOINTMENT.

The SPEAKER announced the following committee appointment:

Mr. DICKINSON to the Committee on Revision of the Laws.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 5238. An act to abolish the United States land office at Des Moines, Iowa;

S. 2523. An act for the establishment of a new land district in the State of Montana; and

S. J. Res. 59. Joint resolution providing for the filling of vacancies, which occurred on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River; and

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 17161. An act to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River, in the State of West Virginia;

H. R. 16221. An act for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin;

H. R. 13440. An act to declare Big Tarkio River, in Holt and Atchison counties, Mo., nonnavigable;

H. R. 13439. An act to declare Nodaway River, in Missouri, nonnavigable;

H. R. 13438. An act to declare One Hundred and Two River, in Missouri, nonnavigable;

H. R. 12289. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; and

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. PATTERSON, indefinitely, on account of sickness.

Mr. CALDERHEAD, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. STURGISS to withdraw from the files of the House, without leaving copies, the papers in the case of Charles H. Keefer, Sixtieth Congress, no adverse report having been made thereon.

COMMISSION ON FINE ARTS.

Mr. McCALL. Mr. Speaker, I move the previous question on the bill (H. R. 19962) establishing a commission on fine arts, and amendment, to final passage.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to order the previous question on the bill and amendment to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. McCALL, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Washington Gaslight Company, transmitting the annual report for the year ended December 31, 1909 (H. Doc. No. 675)—to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation relating to Indian allotments in the State of Washington (H. Doc. No. 672)—to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coquille River, Oregon (H. Doc. No. 673)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Nanticoke River, Delaware and Maryland (H. Doc.

No. 674)—to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Livingstone channel, Detroit River, Michigan (H. Doc. No. 676)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WASHBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5680) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme, reported the same without amendment, accompanied by a report (No. 411), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LANGHAM, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 410), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 20490) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 418), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4672) to correct the military record of William Keyes, reported the same with amendment, accompanied by a report (No. 412), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2445) for the relief of Peter Fleming, reported the same with amendment, accompanied by a report (No. 413), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3348) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 414), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16824) for the relief of Daniel H. Wiggin, reported the same with amendment, accompanied by a report (No. 415), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17838) for the relief of George W. Flack, reported the same with amendment, accompanied by a report (No. 416), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20180) for the relief of Patrick Shields, reported the same with amendment, accompanied by a report (No. 417), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 14) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, reported the same without amendment, accompanied by a report (No. 419), which said joint resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14200) granting an increase of pension to Daniel Nagle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20139) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20304) granting an increase of pension to William S. Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2670) granting a pension to John Patterson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANGHAM, from the Committee on Invalid Pensions: A bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ELLERBE: A bill (H. R. 20481) authorizing the purchase of a site and the erection of a public building thereon at Bennettsville, S. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20482) authorizing the purchase of a site and the erection of a public building thereon at Marion, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. COUDREY: A bill (H. R. 20483) to change the form of government in the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'CONNELL: A bill (H. R. 20484) to provide for the erection of a suitable memorial over the grave of William J. Burke, a sailor of the United States Navy, who lost his life on board the U. S. S. *Georgia*—to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 20485) to authorize the patenting of certain lands to soldiers and sailors of the war of the rebellion—to the Committee on the Public Lands.

By Mr. THOMAS of Kentucky: A bill (H. R. 20486) defining combinations and conspiracies in trade and labor disputes and regulating the granting of injunctions therein—to the Committee on the Judiciary.

By Mr. MACON: A bill (H. R. 20487) to reorganize the eastern judicial district of Arkansas, and for other purposes—to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: A bill (H. R. 20488) providing for the resurvey of the lands in Kiowa County, Colo.—to the Committee on the Public Lands.

By Mr. REYNOLDS: A bill (H. R. 20489) to appropriate the sum of $50,000 as a part contribution toward the erection of a monument at the city of Altoona, in the county of Blair and State of Pennsylvania, in commemoration of the conference of the governors of sundry loyal States, held September 24, 1862, to take measures for a more active support of the Government in suppressing the rebellion—to the Committee on the Library.

By Mr. BENNETT of Kentucky, from the Committee on Pensions: A bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. PRAY: A bill (H. R. 20491) to provide an additional district judge for the district of Montana—to the Committee on the Judiciary.

By Mr. FINLEY: A bill (H. R. 20567) to provide for increasing the limit of cost of the public building authorized to be erected at Gaffney, S. C.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20568) to establish a fish hatchery and fish-cultural station in the State of South Carolina—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID of Nebraska: A bill (H. R. 20569) to amend section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska"—to the Committee on the Public Lands.

By Mr. MORSE: A bill (H. R. 20570) to convey to the State of Wisconsin all of the unappropriated unreserved public lands within the State for forestry purposes—to the Committee on the Public Lands.

By Mr. SMALL: A bill (H. R. 20571) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Belhaven, N. C.—to the Committee on Ways and Means.

Also, a bill (H. R. 20572) for the erection of a federal building for the United States at Greenville, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 382) to pay Harry B. Smith a certain sum of money—to the Committee on Accounts.

By Mr. MILLER of Kansas: Resolution (H. Res. 383) providing for the payment for clerical services in contested-election case, Parsons v. Saunders—to the Committee on Accounts.

By Mr. BOUTELL: Resolution (H. Res. 384) requesting the Secretary of the Navy to furnish certain information—to the Committee on Expenditures in the Navy Department.

Also, resolution (H. Res. 385) requesting the Secretary of the Navy to furnish certain information—to the Committee on Expenditures in the Navy Department.

Also, resolution (H. Res. 386) requesting the Secretary of the Navy to furnish certain information—to the Committee on Expenditures in the Navy Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 20492) for the relief of William J. Worthington—to the Committee on War Claims.

Also, a bill (H. R. 20493) for the relief of T. P. Salyer—to the Committee on War Claims.

Also, a bill (H. R. 20494) for the relief of Daniel Mans—to the Committee on War Claims.

Also, a bill (H. R. 20495) for the relief of the estate of Thomas R. Hill—to the Committee on War Claims.

Also, a bill (H. R. 20496) for the relief of John E. Wells—to the Committee on War Claims.

Also, a bill (H. R. 20497) for the relief of St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 20498) for the relief of the Baptist Church at Flemingsburg, Ky.—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 20499) to correct the military record of Orrin E. Harper—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20500) granting an increase of pension to Jesse A. R. Forbes—to the Committee on Pensions.

Also, a bill (H. R. 20501) granting an increase of pension to Johnie E. Pogue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20502) granting a pension to Frank W. Spear—to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 20503) granting an increase of pension to Charles T. Rogers—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 20504) granting an increase of pension to Charles H. Frank—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 20505) granting relief to William Baker—to the Committee on War Claims.

Also, a bill (H. R. 20506) granting an increase of pension to Isaac A. Hall—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20507) granting a pension to Fred Yeomans—to the Committee on Pensions.

Also, a bill (H. R. 20508) granting a pension to Catherine Husted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20509) granting an increase of pension to John W. Hall—to the Committee on Pensions.

Also, a bill (H. R. 20510) granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20511) granting an increase of pension to David McGehee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20512) granting an increase of pension to George W. Rains—to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 20513) granting an increase of pension to John G. Baker—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 20514) naturalizing Zickman Mowery—to the Committee on Immigration and Naturalization.

By Mr. FOELKER: A bill (H. R. 20515) granting an increase of pension to Philip J. Train—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 20516) granting an increase of pension to Charles S. Dow—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20517) granting an increase of pension to V. F. Prewett—to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 20518) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps—to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 20519) granting a pension to James G. Munday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20520) granting a pension to Edwin W. Bretz—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 20521) granting an increase of pension to John C. Moore—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 20522) granting an increase of pension to Thomas J. Cole—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 20523) granting an increase of pension to William Wiggins—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 20524) for the relief of the legal representatives of Joseph H. Maddox, deceased—to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 20525) granting an increase of pension to Agnes Luyster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20526) to correct the military record of Leo Metze—to the Committee on Military Affairs.

By Mr. KRONMILLER: A bill (H. R. 20527) granting an increase of pension to William H. Cook—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 20528) granting an increase of pension to Charles G. Miller—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 20529) for the relief of the Georgia Railroad and Banking Company—to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 20530) granting a pension to Delaney Julien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20531) granting a pension to Martha A. Staten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20532) granting an increase of pension to Joseph M. Stevenson—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20533) granting a pension to W. H. Smith—to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 20534) granting an increase of pension to Wilson S. Lenhart—to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 20535) granting an increase of pension to Elihu Chilcott—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 20536) granting an increase of pension to Joab W. Mercer—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 20537) for the relief of Huldah Powell, widow of S. Benton Powell, deceased—to the Committee on War Claims.

By Mr. NICHOLLS: A bill (H. R. 20538) granting an increase of pension to John B. A. Foin—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 20539) granting an increase of pension to D. H. Custard—to the Committee on Invalid Pensions.

By Mr. HENRY W. PALMER: A bill (H. R. 20540) granting an increase of pension to Amos W. Lanning—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 20541) to carry out the findings of the Court of Claims in the case of the vestry of St. Paul's Protestant Episcopal Church, situated near Point of Rocks, Md.—to the Committee on War Claims.

Also, a bill (H. R. 20542) granting an extension of letters patent No. 470030 to Benjamin F. Young, John L. Vogel, and Preston S. Vogel—to the Committee on Patents.

By Mr. PETERS: A bill (H. R. 20543) for the relief of William W. Stewart—to the Committee on Claims.

By Mr. REID: A bill (H. R. 20544) granting an increase of pension to Samuel Reed—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20545) granting a pension to Patrick Kenney—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 20546) granting an honorable discharge to J. L. M. Wilcox—to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 20547) granting a pension to Edward Fay, jr.—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20548) granting an increase of pension to Emery A. Markland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20549) granting an increase of pension to Thomas B. Faught—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20550) for the relief of William Schroeder—to the Committee on Military Affairs.

Also, a bill (H. R. 20551) for the relief of Albert Sidney Coomer—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 20552) granting an increase of pension to Samuel J. Spears—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 20553) for the relief of Sanford A. Pinyan—to the Committee on Military Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 20554) authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lula Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased—to the Committee on the Public Lands.

By Mr. SMALL: A bill (H. R. 20555) granting a pension to Thomas M. Davis—to the Committee on Pensions.

Also, a bill (H. R. 20556) granting a pension to Mary E. Alford—to the Committee on Pensions.

Also, a bill (H. R. 20557) for the relief of Mary J. Manning—to the Committee on Claims.

Also, a bill (H. R. 20558) for the relief of the heirs of Alfred F. Garrett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20559) for the relief of the estate of Samuel R. Fowle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20560) for the relief of the estate of B. F. Havens—to the Committee on War Claims.

Also, a bill (H. R. 20561) for the relief of the estate of Richard A. Bynum, deceased—to the Committee on Claims.

Also, a bill (H. R. 20562) for the relief of the estate of the late Thomas C. Fuller—to the Committee on the Judiciary.

Also, a bill (H. R. 20563) for the relief of the estate of the late Jesse R. Stubbs—to the Committee on the Judiciary.

Also, a bill (H. R. 20564) for the relief of the estate of T. H. B. Myers, surviving partner of John Myers & Son—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 20565) granting a pension to Anna S. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20566) granting an increase of pension to John W. Wilkinson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of John Cook—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of citizens of Soldier, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Denton, Kans., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition in connection with House bill 17387, to authorize the President to appoint Col. James F. Randlett, retired, a brigadier-general in the United States Army—to the Committee on Military Affairs.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of John G. Patton—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. BURLEIGH: Petition of Board of Trade of Portland, Me., requesting amendment to the Humphrey ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maine corporations, requesting repeal of the excise tax—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Philadelphia Maritime Exchange, for retention of pilot chart publication by the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

By Mr. CONRY: Petition of Perry's Victory Centennial Association, favoring action on Keifer bill—to the Committee on Industrial Arts and Expositions.

Also, petition of National Provisioner, of New York, favoring repeal of tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Kohler & Campbell, of New York City, favoring Humphrey bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Papers to accompany House bill 20211, correcting military record of James M. Wright—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Military Affairs.

By Mr. ELLIS: Petition of Natal Grange, No. 302, Patrons of Husbandry, of Mist, Oreg., against the passage of a ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FORNES: Petition of National Provisioner, of New York, favoring repeal of tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Kohler & Campbell, of New York City, favoring Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Sandwich Manufacturing Company, of Sandwich, Ill., in favor of repeal of corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of 28 business and professional men of Rockford, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chicago Association of Commerce, of Chicago, Ill., concerning proposed legislation to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Paper to accompany bill for relief of V. F. Purbett—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Downtown Taxpayers' Association, favoring House bill 15441 and Senate bill 5578—to the Committee on Labor.

Also, petition of Kohler & Campbell, of New York City, and Christman Sons, of New York City, favoring Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIEST: Petition of citizens of Mountville, Pa., and citizens of Columbia, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Berthold, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of James Burke—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition of members of Prairie Valley Union, Farmers' Union of Texas, and members of the Farmers' Union of McLennan County, Tex., against gambling in farm products—to the Committee on Agriculture.

Also, petition of citizens of McLennan County, Tex., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Redmond, Wash., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of San Francisco Parlor, No. 49, Native Sons of the Golden West, in favor of ship-subsidy law—to the Committee on Interstate and Foreign Commerce.

Also, petitions of San Francisco Labor Council and San Francisco Lodge, No. 68, in favor of the Meyer plan at navy-yards—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of San Francisco, in favor of extending powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of Grange of Sandy Creek, N. Y., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. KORBLY: Paper to accompany bill for relief of Jacob W. Horner—previously referred to Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. LINDSAY: Petition of Downtown Taxpayers' Association, of Brooklyn, N. Y., favoring the eight-hour working day—to the Committee on Labor.

Also, petition of Winchester Post, No. 197, Grand Army of the Republic, of Brooklyn, N. Y., against the statue of anyone in Statuary Hall who served the cause of disunion—to the Committee on the Library.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska State Horticultural Society, favoring the passage of House bill 15422, with appropriation for agricultural extension purposes—to the Committee on Agriculture.

By Mr. MARTIN of Colorado: Petition of citizens of Rio Grande, Montrose, and Hotchkiss, Colo., against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLDFIELD: Papers to accompany bills for relief of Sarah J. Leister and Caleb Arnett—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of citizens of Boston, Mass., favoring the passage of the eight-hour bill on all work for the United States Government—to the Committee on Labor.

By Mr. PEARRE: Petition relative to St. Paul's Protestant Episcopal Church, Point of Rocks, Md.—to the Committee on War Claims.

By Mr. PRAY: Petition of Roosevelt Camp, No. 9, Spanish War Veterans, Department of California, and Lennington Camp, No. 6, Spanish War Veterans, Department of Montana, favoring passage of Senate bill 4033, for the relief of officers and soldiers in the volunteer service—to the Committee on Invalid Pensions.

By Mr. SABATH: Petition of Chicago Bar Association, Chicago, Ill., relative to a court of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SHARP: Petition of citizens of Mansfield, Ohio, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of Business Men's Association of Woonsocket, R. I., against publicity feature in the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. STEENERSON: Petition of Frank E. Hunt, John A. Duffy, Dan Carroll, and other citizens of Red Lake Falls, Minn., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition to accompany House bill 20031—to the Committee on Claims.

Also, paper to accompany bill for relief of George Hallman—to the Committee on Claims.

By Mr. SULLOWAY: Petition of Graffort Club, of Portsmouth, N. H., against the use of Hetch Hetchy Valley as a water tank for San Francisco—to the Committee on the Public Lands.

By Mr. SULZER: Petition of Stamford Commercial Club, of Stamford, Tex., favoring House bill 13406—to the Committee on Public Buildings and Grounds.

Also, petition of the National Provisioner, of New York City, relative to the repeal of the 10-cent tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Henry von Berge, of Buffalo, N. Y., in favor of promoting rifle practice as a means of national defense, and in support of House bill 15789—to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Petition of citizens of Montrose, Colo., against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *February 10, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Harriet A. Mills, Addison M. Brown, Willis A. Law, and Maye C. Law, heirs of John B. Brown, deceased, *v.* United States (S. Doc. No. 359); and

John W. Knight and sundry subnumbered cases (Portsmouth, N. H., Navy-Yard) *v.* United States (S. Doc. No. 360).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 66) amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses."

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 55. An act providing for the erection of two memorial arches at Valley Forge, Pa.;

H. R. 16222. An act for the erection of a replica of the statue of General Von Steuben;

H. R. 19962. An act establishing a commission on fine arts;

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts; and

H. J. Res. 113. Joint resolution granting permission to the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rites of Freemasonry for the Southern Jurisdiction of the United States to remove the monument or statue of Albert Pike.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 2523. An act for the establishment of a new land district in the State of Montana;

S. 5238. An act to abolish the United States land office at Des Moines, Iowa;

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River; and

S. J. Res. 59. Joint resolution providing for the filling of vacancies, which occurred on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Associated Banks of Cleveland, Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. JONES. I present resolutions passed by the transportation bureau, of the Seattle Chamber of Commerce, favoring the establishment of a government line of steamships to ply between Panama and Pacific coast ports. I ask that the resolutions be read and referred to the Committee on Interoceanic Canals.

There being no objection, the resolutions were read and referred to the Committee on Interoceanic Canals as follows:

Whereas the United States Government maintains an efficient steamship service between New York and the Isthmus of Panama, by reason of which service practically all of the supplies used in the construction of the Panama Canal, and for the sustenance of the employees (including meats, fruits, vegetables, cereal products, and other foodstuffs, as well as hay, grain, and fodder), are purchased in New York and other Atlantic seaboard markets to the exclusion of the producers, manufacturers, and merchants of the Pacific coast; and

Whereas the establishment of an efficient service by the Government between Seattle and Panama would bring to this coast a large volume of this business, to the advantage of the Government as well as to the advantage of the Pacific coast producers, manufacturers, and merchants: Now therefore be it

Resolved, That in justice to the shippers, producers, manufacturers, and merchants of the Pacific coast, the transportation bureau of the Seattle Chamber of Commerce urges that the Government inaugurate such transportation facilities between Seattle and Panama as will remove the existing discrimination in favor of the Atlantic seaboard, and at the same time provide a prompt and efficient service at reasonable rates of freight between Seattle and New York; and be it further

Resolved, That the secretary of the transportation bureau of the Seattle Chamber of Commerce be instructed to send copies of this resolution to the Washington congressional delegation urging them to support the bill, provided only that Seattle is named as the northern terminus; otherwise to oppose the bill.

SEATTLE, WASH., *February 5, 1910.*

Mr. OLIVER presented a petition of the Home and Foreign Missionary Society of the Church of Christ, of Sayre, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Maritime Exchange, of Philadelphia, Pa., remonstrating against transferring the preparation of pilot charts from the Hydrographic Office, Navy Department, to the Weather Bureau, which was referred to the Committee on Appropriations.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to reduce the postage on letters to 1 cent, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Queen City Chapter, No. 237, of Queen City; of Hazelwood Chapter, No. 247, of Pittsburg; of Du Bois Chapter, No. 213, of Du Bois; and of East Liberty Chapter, No. 137, of Pittsburg, all of the American Insurance Union, in the State of Pennsylvania, remonstrating against an increase of the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a memorial of sundry citizens of Newport, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. WETMORE presented a petition of the Local Council of Women of Providence, R. I., praying for the enactment of legislation to suppress the so-called "white-slave traffic," which was referred to the Committee on Immigration.

He also presented a petition of the Board of Trade of Westerly, R. I., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

Mr. STONE presented a paper to accompany the bill (S. 6038) granting an increase of pension to David Everly, which was referred to the Committee on Pensions.

Mr. DU PONT presented a petition of the State Federation of Women's Clubs of Wyoming, Del., praying for the enactment of legislation to suppress the so-called "white-slave traffic," which was referred to the Committee on Immigration.

Mr. BURKETT presented the memorial of F. M. Richard, of Franklin, Nebr., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Lincoln, Nebr., praying for the adoption of certain amendments to the present homestead law relative to the entry and plan of distribution, which was referred to the Committee on Public Lands.

Mr. CLARK of Wyoming presented a memorial of the Trades and Labor Council, American Federation of Labor, of Sweetwater County, and of Local Unions Nos. 2174, 2282, 2298, and 2516, United Mine Workers of America, of Rock Springs, in the State of Wyoming, remonstrating against an increase of the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry citizens of Franklin, Mass., praying for the enactment of legislation to conserve the natural resources of the country, which was referred to the Committee on Conservation of National Resources.

Mr. WETMORE presented a petition of the temperance committee of the First Methodist Episcopal Church of Newport, R. I., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Woonsocket, R. I., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the temperance committee of the First Methodist Episcopal Church of Newport, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. ROOT presented petitions of sundry citizens of New York, California, Illinois, Iowa, and Massachusetts, praying for the enactment of legislation providing for a reformation of the reorganized consular service of the United States, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Albany, Honeoye Falls, Brooklyn, Troy, and Alfred, all in the State of New York, and of Boston, Mass., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which were referred to the Committee on Mines and Mining.

He also presented memorials of sundry citizens of Canton, Bloomfield, Orwell, Richfield Springs, Argyle, Chemung, Clinton Corners, Ellenburg, Columbia, Antwerp, Harkness, Central Square, Trumansburg, Willink, Sinclairville, Ischua, East Chatham, Homer, Ithaca, Napoli, and Sheridan, all in the State of New York, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Albany, Binghamton, Brooklyn, Brownville, Buffalo, Cohoes, Lestershire, Matteawan, New York City, Oneida, Patchogue, Sandy Hill, Syracuse, Utica, and Walton, all in the State of New York, remonstrating against the retention of the publicity clause in the corporation-tax law, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 209), accompanied by a bill (S. 6271), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 18. Maria H. Amsden;
S. 22. David Chapman;
S. 37. Allen D. Mourer;
S. 39. Jacob D. Passage;
S. 40. Lafayette Platt;
S. 73. William E. Cornwell;
S. 352. Loren G. Robinson;
S. 353. Henry B. Rose;
S. 358. Duane E. Simons;
S. 463. Charles Rogers;
S. 477. Edward F. Parker, alias Edward Franklin;
S. 666. Phillip Sutton;
S. 989. Nellie A. Getchell;
S. 1049. George W. Board;
S. 1131. Henry K. Carson;
S. 1191. James M. Nicholas;
S. 1203. Levi J. Smith;
S. 1214. Lewis W. Graham;
S. 1254. John J. Swett;
S. 1368. Woodbury Blocksom, alias Ralph D. Wood;
S. 1474. Benjamin F. Simpson;
S. 1475. Luther W. Whitbeck;
S. 1616. Joseph Sharpney;
S. 1737. Franklin T. Noel;
S. 1742. Jervis E. Barber;
S. 1771. David F. Ragsdale;
S. 1786. William T. Adkins;
S. 1795. George P. Sargent;
S. 1849. William L. Creasman;
S. 1863. Robert H. Clark;
S. 1945. William J. R. Beach;
S. 2269. Melvin L. Colman;
S. 2320. William Dollman;
S. 2377. Joseph Luckman;
S. 2382. Elijah H. Bean;
S. 2387. David Detty;
S. 2392. Ashley R. Williams;
S. 2455. Joseph L. Buckley;
S. 2483. Mortimer L. Milledge;
S. 2494. Milton Yeager;
S. 2561. Amos H. Hampton;
S. 2649. Elizabeth Barker;
S. 2817. Albert Kalt;
S. 2881. Edwin L. Rood;
S. 2882. William H. Dodge;
S. 2883. David H. Hill;
S. 2905. George P. Clark;
S. 2906. Josephine Amsden;
S. 2929. Judson Spofford;
S. 2953. Peter Harmon;
S. 3055. Mary Cannon;
S. 3080. Cushing Nichols;
S. 3100. George E. Worcester;
S. 3262. Henry M. Whiteman;
S. 3269. Henry Moore;
S. 3275. Albert P. Given;
S. 3279. Alice Preble Anderson;
S. 3295. Christa A. Hoge;
S. 3306. Joanna Williams;
S. 3308. Samuel T. Thomas;
S. 3344. David Thompson;
S. 3368. Edwin L. Thrasher;
S. 3370. David A. Paige;
S. 3407. William E. Shepherd;
S. 3467. John Rice;
S. 3531. Nellie A. Sanborn;
S. 3532. James Minot;
S. 3541. Charles G. English;
S. 3554. John H. Bushman;
S. 3747. James Ormiston;
S. 3761. Albert C. Little;
S. 3774. Greenough D. Sanborn;
S. 3802. John McKeever;
S. 3942. Lester Knight;
S. 3945. Franklin Walker;
S. 4161. John A. Spencer;
S. 4244. Catherine E. Sperry;
S. 4371. Alamanda B. Richardson;
S. 4391. Robert Emery;
S. 4485. Joseph Copler;
S. 4614. Edwin F. Briggs;
S. 4635. Lucinda A. Hoyt;
S. 4668. Byron J. Stockwell;
S. 4718. Jacob C. Neff;
S. 4764. Margaret Mack;
S. 4765. Susan L. Brown;
S. 4862. Edmund Moore;
S. 4869. Thomas A. Curran;
S. 4871. Charles A. Place;
S. 4900. Thomas Powers;
S. 4901. Frances M. Richardson;
S. 4902. Joel M. Sawyer;
S. 5030. Ida Thomas Hobson;

S. 5099. Astoria A. Austill;
S. 5104. Andrew J. Arnold;
S. 5127. Lewis O. Hills;
S. 5169. Lewis M. Strong;
S. 5193. Romulus M. S. Hutchins;
S. 5220. William R. Brabazon;
S. 5234. Florence Van Etta;
S. 5330. George E. Guthrie;
S. 5640. George W. Dunn;
S. 5735. Nathaniel T. Smith;
S. 5739. William N. Dixon;
S. 5777. John L. Kain;
S. 5801. William W. Aspinwall;
S. 5830. Mary Kean Maull;
S. 5849. Anna S. Shay;
S. 5936. Ellen J. McIntire; and
S. 5985. Charles C. Whitmore.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 210), accompanied by a bill (S. 6272) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 2312. James Strong;
S. 2468. Caroline B. McCrea;
S. 2652. James H. Lewis;
S. 3261. Charles W. Pierce;
S. 3547. Simeon Tison;
S. 3910. Thomas Harrison;
S. 4479. John R. Kissinger;
S. 4899. Isaac S. Nickerson;
S. 5103. Fred C. Frederickson;
S. 5570. Josiah Roberts; and
S. 5571. John McCarthy.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 17752) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 208) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 17755) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 207) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to whom was referred the bill (S. 5576) to increase the efficiency of the United States Military Academy, reported it with amendments.

Mr. OVERMAN, from the Committee on the Judiciary, to whom was referred the bill (S. 1374) for the relief of C. M. Cox, and to confirm and legalize his acts while acting as United States commissioner, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 13145) for the relief of John W. Dula, reported it with an amendment and submitted a report (No. 214) thereon.

He also, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. TALIAFERRO on the 28th ultimo, proposing to appropriate $150,000 to acquire additional land necessary for the army post at Fort Taylor, at Key West, Fla., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. JOHNSTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2072) to remove the charge of desertion from the military record of John Reed, reported it with an amendment and submitted a report (No. 215) thereon

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, reported it with amendments and submitted a report (No. 216) thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 5656) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, to report it adversely, and I ask that the bill be indefinitely postponed, the subject-matter being covered by the bill just reported by me.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

RECLAMATION PROJECTS.

Mr. HEYBURN. From the Committee on Public Lands I report back with amendments Senate resolution 150 and submit a report (No. 211) thereon. I ask for its present consideration.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a resolution reported by him.

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. HEYBURN January 24, 1910, as follows:

Senate resolution 150.

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate a statement of the amount of money required to finish every one of the reclamation projects now under construction, together with a statement of the amount of money that has already been expended upon each of them, giving the nature of the work completed and to be completed upon each one of them.

That he also be instructed to furnish an estimate of the amount of the income reasonably expected from the sale of public lands, the income from which shall each year for ten years be contributed to the reclamation fund.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The Secretary will state the amendments of the committee.

The amendments were, in line 3, before the word "amount," to insert the word "estimated;" in the same line to strike out the words "every one" and insert the word "each;" in line 4, after the word "construction," to insert the words "or approved or contemplated extensions thereof;" in line 7, after the word "then," at the end of the line, to insert "separately;" in line 9, after the word "reasonably," to insert the words "to be;" in line 11, after the words "years be," to strike out "contributed" and insert "applicable;" and at the end of the resolution to add:

and state the acreage of land under each project, or extension thereof, that may be reclaimed. That he shall also furnish an estimate of the probable income to the reclamation fund from the sale of reclaimed lands and water sales under each project and extension thereof, and an estimate of the number of acres that will be sold thereunder.

So as to make the resolution read:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate a statement of the estimated amount of money required to finish each of the reclamation projects now under construction, or approved or contemplated extensions thereof, together with a statement of the amount of money that has already been expended upon each of them, giving the nature of the work completed and to be completed upon each one of them separately.

That he also be instructed to furnish an estimate of the amount of the income reasonably to be expected from the sale of public lands, the income from which shall each year for ten years be applicable to the reclamation fund, and state the acreage of land under each project, or extension thereof, that may be reclaimed. That he shall also furnish an estimate of the probable income to the reclamation fund from the sale of reclaimed lands and water sales under each project and extension thereof, and an estimate of the number of acres that will be sold thereunder.

The amendments were agreed to.

Mr. CARTER. Is this resolution reported by the committee?

Mr. HEYBURN. It is reported by the Committee on Public Lands.

Mr. CARTER. I insist that it be referred to the Committee on Irrigation and Reclamation of Arid Lands for the reason that the committee has in hand an investigation of the identical matters referred to in the resolution. I think it belongs to that committee.

Mr. HEYBURN. Mr. President, I shall have to oppose a change of reference in this case. The matter has been under consideration and has been given very thorough consideration by the Committee on Public Lands, and it is strictly and accurately within their jurisdiction. It is calling for information upon a matter with which the Public Lands Committee are dealing, and in order that they may deal intelligently they want this information.

Mr. CARTER. I understand the resolution has just been reported to the Senate. I think it should lie over a day for the purpose of giving Senators an opportunity to learn something about it.

Mr. HEYBURN. The time has passed when that is in order.

The VICE-PRESIDENT. The Senator from Idaho is correct. The Senate has given unanimous consent for the present consideration of the resolution, and the amendments have been agreed to. The resolution is now before the Senate, subject to amendment.

Mr. CARTER. I ask that the resolution be read again.

The VICE-PRESIDENT. Without objection, the resolution as amended will be again read.

The Secretary read the resolution as amended.

Mr. CARTER. Mr. President, the subject-matter of this resolution has been under consideration by the Committee on Irrigation throughout the entire vacation. The resolution, in the first instance, should have been referred to the committee having jurisdiction over the subject-matter. The Committee on Irrigation has been holding meetings for the last month dealing with the identical questions referred to in the resolution.

It will at once, I think, become apparent, upon slight reflection, to every Senator that this attempt to divide between committees of the Senate the same subject-matter can but lead to confusion and a needless duplication of work. Every question propounded by the resolution can be answered now by the files and records of the Committee on Irrigation. Quite a volume of testimony has been taken, and that testimony is now being printed. The committee, I think, will be as fully advised as the Interior Department or any department of the Government concerning the exact condition, financially and physically, of all the reclamation projects when its report is finally prepared. To start out a department to deal with a committee of the Senate having no jurisdiction over the subject-matter will cause needless labor in the department, and can not in the nature of things lead to aught else than confusion, discussion, and a contest for jurisdiction between committees.

When the reclamation enterprises were undertaken, both branches of Congress thought proper to create separate committees, to be charged with appropriate attention to this class of questions, and the Committee on Irrigation of the other branch of Congress, as well as the Committee on Irrigation of this branch, has been constantly and vigilantly pursuing all needful inquiries, in order to reach a thorough understanding of the present status of this work.

The propriety of referring the resolution, I think, is obvious, and I therefore move to refer it to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. WARREN. Mr. President, I am very glad that the Senator from Montana has taken a stand for the Committee on Irrigation, and has demanded for it the consideration of subjects that surely belong to that committee's jurisdiction. There are various matters, more in the past, perhaps, than there will be in the future, that might be considered by either the Committee on Irrigation and Reclamation of Arid Lands or the old-established and very able Committee on Public Lands; but this resolution undoubtedly relates to matters over which the Irrigation Committee has jurisdiction. Unless propositions of this kind go to the Committee on Irrigation, even after having been considered by the other committee, it will confuse the work, increase the expenses, and serve to defeat, rather than to forward, the interests sought to be protected.

I may say, without injuring the feelings of anyone, I think, that there have been times when the Committee on Irrigation has not taken cognizance of all the bills it should have considered and has not demanded jurisdiction of them. I say it with some humility, because I have been a member of that committee ever since the committee was created. There have been times when bills have gone to the Committee on Public Lands when they should have gone to the Committee on Irrigation. I will not say that they have been improperly handled, because I have no desire to impugn either the motives or the action of the Committee on Public Lands. I do not think it at all strange that when a bill comes up the Chair refers it to the Committee on Public Lands when the Senator introducing it asks that that reference be made, and there is no occasion to lay the blame anywhere except upon the Committee on Irrigation. That committee should demand and receive the jurisdiction which belongs to it in such matters.

Mr. HEYBURN. Mr. President, it would be intolerable that a standing committee of this body should under any circumstances be deprived of the power to obtain information which in its judgment is needed in connection with the consideration of matters referred to it. That one committee ever should be at the mercy of another committee to obtain information necessary for the consideration of the committee of measures referred to it would result in the Committee on Public Lands standing still, so far as the consideration of those measures is concerned, until some other committee might find time or disposition to obtain information for it, and that is what it would amount to. Every committee is entitled to call for information necessary to its consideration, without having the consent of any other committee of this body. I do not know whether the Committee on Irrigation will ever need this kind of information or not, but I know one thing, that the Committee on Public Lands are not standing at the door waiting for the action of the Committee on Irrigation. They are acting on their own responsibility. They have requested this information upon grounds or reasons sufficient to them, and that some other committee should have charge of it and dole it out to them seems to me to be rather a singular position for a Senator to assume.

Mr. WARREN. Mr. President, just a word. I see no occasion for any heat in regard to this matter.

Mr. HEYBURN. Mr. President, I am tired of that expression. If my earnestness is to be twitted as heat of expression every time I speak in my own way, according to my own disposition, it would become very much more intolerable. I am tired of having Senators on this floor follow the example of a newspaper reporter in attributing to me heat because I am earnest in insisting upon my rights.

Mr. WARREN. I was about to say that I saw no occasion for heat, and that I personally did not propose to become heated. Now, if the Senator from Idaho thinks that applies to him, he can take it. I intended no reference to him in the remarks I was about to make.

The Committee on Irrigation might like to add still more to a resolution of this kind, and to have this and other information now in its possession assembled in regular order.

It may be that any committee and every committee should be permitted to ask for any kind and all kinds of information and to receive it. Nobody on this floor, whom I know of, proposes to debar them from receiving it. But I submit that it is more reasonable and more businesslike to have measures of this kind go finally to the department from the committee having the subject-matter in charge, which committee may have some views of its own.

Mr. TILLMAN. Mr. President, this is merely a family quarrel between two committees, in which I am not interested, as I belong to neither. But I recall the fact that a resolution was adopted by the Senate at its last session instructing the Committee on Irrigation to make a personal examination and inspection and to report to the Senate; and it does look to me a little odd that we should jump in and pass a resolution from the Committee on Public Lands in a way superseding a previous order of the Senate. It appears to me, as a matter of common sense, that until that committee shall indicate its inability or its indisposition to make a report, it would be treating it with grave discourtesy as well as in a measure superseding it, to call for similar information or a duplicate of information which that committee ought to be prepared to give us.

Mr. HEYBURN. Mr. President, I do not know whether that committee is prepared to give us information, but I do know that we stand still waiting for the information. I do know that the measures which have been referred to the Public Lands Committee can not receive consideration, and I think will not receive consideration, until they are equipped with the information that will enable them to act intelligently.

Now, that to some standing committee or special committee has been delegated the power to obtain information in part or in whole covering this question is immaterial in determining whether the Committee on Public Lands shall have the information that in its judgment, after mature deliberation, is necessary to its consideration of measures referred to it.

This report was not made hastily or unadvisedly. It was made after thorough consideration. Are we to stand in idleness or allow these measures before us to rest without consideration simply because some other committee has not even taken up the question?

Mr. CARTER. Mr. President, as the Senator from Wyoming [Mr. WARREN] stated, the Senate thought proper during the closing days of the Sixtieth Congress to direct the Committee on Irrigation to examine into the physical, financial, and other conditions of the Reclamation Service and the reclamation projects. Congress adjourned during the month of August, and a few days after adjournment the committee began its work of investigation. Fifty-four days were spent visiting the various projects in course of construction. Numerous witnesses were examined, physical conditions of the work in each case on some thirty-odd projects inspected, and the testimony taken is now being printed.

The official notes of the stenographers were not extended and delivered until the 15th of December. The work of taking testimony concluded about the 20th of November. In the meantime the committee has been industriously collecting data and preparing a report upon its observations and investigations.

The information sought by the Senator in the resolution just presented can be answered now. If the Senator thinks proper to call at the room of the Committee on Irrigation he can procure

all that information in tabulated form without any difficulty whatever. The committee is in possession of the information.

The objection to this resolution, from a committee having no jurisdiction over the subject-matter and having nothing properly before it for consideration to which this line of information is necessary, is that it seems to me to be a needless confusion of committee work, a needless burden upon a department, and a wholly useless inquiry, because one committee is now in possession of the information. I therefore insist on the motion to refer the resolution to the Committee on Irrigation.

Mr. HEYBURN. If the Senate is now in possession of the information, I would be glad to have a reference to it.

Mr. CARTER. I presume the committees of the Senate constitute repositories for information. I would be very glad to have sent to the Senator's room within fifteen minutes from now a complete answer to every question propounded by the resolution, and that, too, in tabulated form, properly indexed, and in good position for reference.

Mr. HEYBURN. Every question asked in the resolution?

Mr. CARTER. I think every question. I have heard the resolution read but once, but I think the entire matter is covered by tabulated material now in the possession of the committee.

Mr. HEYBURN. I assume that the information has come to the committee, then, only within a day or two.

Mr. CARTER. It has been in charge of the committee for two weeks.

Mr. HEYBURN. I am rather astonished that the committee has not reported it to this body.

Mr. CARTER. The committee has thought proper to report in full on the subject rather than in a fragmentary way. The committee report will be quite voluminous, and I hope that it will be of some benefit to the Senate and to the Senator.

Mr. HEYBURN. Mr. President, I do not care to have the Senator send to my room papers of his selection in this matter. I will prefer to wait for a response to the report from the committee. The committee is the instrument of the Senate, and its work, or the result of its work, should be made available to the Senate and to every Member of it.

The motion, I understand, is that the resolution be referred to the Committee on Irrigation.

The VICE-PRESIDENT. The motion is to refer the resolution to the Committee on Irrigation.

Mr. HEYBURN. The Senate can refer the resolution there if it pleases, but it will delay the work in the Committee on Public Lands. I give notice that when this question comes up, as it will, in connection with the agricultural appropriation bill, now before a committee of the Senate, there will be a rather slow procedure until we get this information.

The VICE-PRESIDENT. The question is on agreeing to the motion submitted by the Senator from Montana [Mr. CARTER] to refer the resolution to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay."

Mr. BAILEY (after having voted in the affirmative). I wish to inquire if the Senator from West Virginia [Mr. ELKINS] has voted.

The VICE-PRESIDENT. The Senator from West Virginia [Mr. ELKINS] has not voted.

Mr. BAILEY. Then, I think I ought to withdraw my vote, out of respect to my pair with that Senator.

The result was announced—yeas 26, nays 29, as follows:

YEAS—26.

Bankhead	Cullom	Oliver	Taylor
Bourne	Curtis	Page	Tillman
Briggs	Depew	Piles	Warner
Brown	du Pont	Purcell	Warren
Burkett	Kean	Richardson	Wetmore
Burnham	Lodge	Root	
Carter	Nixon	Sutherland	

NAYS—29.

Bacon	Crawford	Jones	Overman
Bristow	Cummins	La Follette	Simmons
Burton	Fletcher	McCumber	Smith, S. C.
Chamberlain	Frye	McEnery	Smoot
Clapp	Gordon	Martin	Stone
Clark, Wyo.	Heyburn	Money	
Clarke, Ark.	Hughes	Nelson	
Clay	Johnston	Newlands	

NOT VOTING—37.

Aldrich	Brandegee	Daniel	Dolliver
Bailey	Bulkeley	Davis	Elkins
Beveridge	Burrows	Dick	Flint
Borah	Crane	Dillingham	Foster
Bradley	Culberson	Dixon	Frazier
Gallinger	Lorimer	Rayner	Stephenson
Gamble	Owen	Scott	Taliaferro
Gore	Paynter	Shively	
Guggenheim	Penrose	Smith, Md.	
Hale	Perkins	Smith, Mich.	

So the Senate refused to refer the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MOUNT RAINIER NATIONAL PARK.

Mr. JONES. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4654) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington, to report it favorably without amendment, and I submit a report (No. 212) thereon. I call the attention of the senior Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I desire to inquire of the Senator in charge of the bill what occasion there is for preventing people from entering a national park?

Mr. PILES. It is to prevent trespassing. The bill was reported from the Committee on Public Lands, to which the Senator is a member. A report accompanies the bill, which I ask the Secretary to read.

Mr. HEYBURN. I should like to ask, Who is a trespasser upon a public park of the United States?

Mr. PILES. A great many people go into the parks and ruthlessly destroy game in violation of law—elk, deer, and other rare game.

Mr. HEYBURN. I would ask if this is a proposition to constitute the soldiers who shall be stationed there the peace officers?

Mr. PILES. It is on the same line as the regulations for the Yellowstone National Park.

Mr. HEYBURN. We have a commission in the Yellowstone National Park, and a man is entitled to make a defense before being ejected. This places no limitation upon the action of a soldier. If he considers a man a trespasser, he may take him away by force.

Mr. PILES. This bill confers no greater power than that exercised in the Yellowstone and other national parks.

Mr. HEYBURN. They generally have a civil administration, so that a man can be heard. I will ask for the reading of the report.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. JONES, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 4654) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington, having had the same under consideration, beg to report it back favorably and recommend that it do pass.

In this connection attention is called to the attached letter from the Secretary of the Interior, which is made a part of this report, wherein he favors passage of this bill, also to the statement of the Secretary of War, saying that he has no objection to the passage of this bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1910.

Hon. KNUTE NELSON,
Chairman Committee on Public Lands, United States Senate.

SIR: Your letter has been received inclosing, with request for report thereon, S. 4654, Sixty-first Congress, second session, to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington.

The bill reads as follows:

"*Be it enacted, etc.*, That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purposes prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein."

In response thereto I have to state that the detail of troops for duty in the Mount Rainier National Park will enable the department to more

thoroughly patrol and administer the affairs of that reservation than it is now practicable to do with the limited number of forest rangers employed therein.

Legislation similar to that contemplated by the bill under consideration has heretofore been enacted by Congress in connection with the Yellowstone, Yosemite, Sequoia, and General Grant national parks in the acts of March 3, 1883 (22 Stat., 626), and June 6, 1900 (31 Stat., 618). I have the honor to recommend that the bill receive favorable consideration and be enacted into law.

In this connection it is suggested that, inasmuch as the bill provides for a detail from the army, it be referred to the honorable Secretary of War for an expression of his views thereon.

Very respectfully,

R. A. BALLINGER, *Secretary.*

[Second indorsement.]

WAR DEPARTMENT,
Washington, January 22, 1910.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate.

The War Department has no objection to the passage of this bill.

J. M. DICKINSON,
Secretary of War.

Mr. HEYBURN. Mr. President, what a narrow escape! Just think of Congress being given the right and privilege of enacting a law, a great measure like this, by two departments; that is, two executive departments of the Government. I am very much impressed with the generosity that prompted the permission of those two departments that we might act upon this matter.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 6273) granting an increase of pension to Stephen C. Beck; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6274) granting an increase of pension to James Enloe;

A bill (S. 6275) granting an increase of pension to Jackson Long;

A bill (S. 6276) granting an increase of pension to Micajah Dugger;

A bill (S. 6277) granting a pension to Louisa H. Highley; and

A bill (S. 6278) granting an increase of pension to Samuel W. Dicus; to the Committee on Pensions.

A bill (S. 6279) for the relief of Peter V. Shell; to the Committee on Military Affairs.

A bill (S. 6280) for the relief of the heirs of John Ruedi, deceased; and

A bill (S. 6281) for the relief of Sidney J. Wetherell, assignee of A. V. Davis; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 6282) for the relief of Rice E. Buckner and others; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 6283) granting an increase of pension to Benjamin F. Bentley (with an accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6284) granting an increase of pension to Emilie de G. Chynoweth; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6285) for the relief of T. S. Williams; to the Committee on Post-Offices and Post-Roads.

By Mr. PILES:

A bill (S. 6286) to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes; to the Committee on Commerce.

By Mr. BANKHEAD:

A joint resolution (S. J. Res. 78) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;" to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to appropriate $500,000 for improvement of conditions of the routes over which rural delivery routes are or may be hereafter established, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,092.56, being the amount of balance due the Alabama Great Southern Railway Company for erroneous mail-pay deductions, etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for investigations into the best means of exterminating the white fly, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

HAZING AT THE NAVAL ACADEMY.

On motion of Mr. PILES, it was

Ordered, That the papers accompanying the bill (S. 2488, 60th Cong.) authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing be withdrawn from the files of the Senate, there having been no adverse report thereon.

CLAIMS OF POSTMASTERS.

On motion of Mr. PENROSE, it was

Ordered, That there be printed for the use of the Senate Committee on Post-Offices and Post-Roads 10,000 copies each of Senate Report 153 and Senate Document 318, Sixty-first Congress.

INDIAN TREATIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 358), which was read and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, agreements concluded with certain Indian tribes for the commutation of their perpetual annuities under treaty stipulations, together with draft of a bill providing for the ratification of said agreements and making the necessary appropriations for carrying the same into effect.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1910.*

HOUSE BILLS REFERRED.

The following bills and joint resolutions were severally read twice by their titles and referred to the Committee on the Library:

H. R. 55. An act providing for the erection of two memorial arches at Valley Forge, Pa.;

H. R. 16222. An act for the erection of a replica of the statue of General Von Steuben;

H. R. 19962. An act establishing a commission on fine arts; and

H. J. Res. 113. Joint resolution granting permission to the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rites of Freemasonry for the Southern Jurisdiction of the United States to remove the monument or statue of Albert Pike.

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts, was read twice by its title and referred to the Committee on Foreign Relations.

MONONGAHELA RIVER BRIDGE.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 18895) to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALLEY PAPER COMPANY—PRIVILEGES OF THE SENATE.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred Senate resolution 173, submitted by the Senator from Utah [Mr. SMOOT] on the 7th instant, to submit a report (No. 213) thereon, accompanied by a resolution (S. Res. 177), and for said resolution I ask immediate consideration.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the resolution accompanying the report which he has just submitted receive immediate consideration. The Secretary will read the resolution.

The Secretary read as follows:

Senate resolution 177.

Resolved, That Justice Wright, of the supreme court of the District of Columbia, in granting and issuing the following rule to show cause why a writ of mandamus should not be issued, to wit:

In the supreme court of the District of Columbia.

The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued, as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

WRIGHT, *Justice.*

A true copy.
Test:
J. R. YOUNG, *Clerk.*
By H. BINGHAM, *Assistant Clerk.*

against three members of this body named in said rule, to wit: Senators REED SMOOT, JONATHAN BOURNE, Jr., and DUNCAN U. FLETCHER, and in causing the said rule to be served upon them, in the opinion of the Senate, thereby unlawfully invaded the constitutional privileges and prerogatives of the Senate and of said Senators, and was without jurisdiction to grant said rule; and said Senators are directed to make no appearance in response thereto.

Mr. CLARK of Wyoming. Mr. President, a simple statement will, I think, give to the Senate the views of the Committee on the Judiciary. It is true that they are expressed in the resolution which has just been read.

The view of the Committee on the Judiciary is that Congress is an independent coordinate branch of this Government; that the Joint Committee on Printing is a committee of Congress; that the members of this committee, or the committee itself, under the Constitution, are not bound to answer elsewhere for any of their acts, and that a rule requiring them to appear and answer elsewhere is a violation of the prerogatives and privileges of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. If there be no objection, the resolution will be agreed to.

Mr. NELSON. Mr. President, I object to the resolution and wish to move to amend it.

The VICE-PRESIDENT. The Chair recognizes the Senator from Minnesota.

Mr. NELSON. I move to strike out the following words at the end of the resolution:

And said Senators are directed to make no appearance in response thereto—

And to insert in lieu thereof the following words:

That said Senators, without acknowledging the jurisdiction of said court, may, in their discretion, appear therein for the sole purpose of showing to the court that it is without jurisdiction in the premises and is unlawfully invading the constitutional privileges and prerogatives of the Senate and of said Senators.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out at the end of the resolution the words—

And said Senators are directed to make no appearance in response thereto—

And to insert in lieu thereof the words:

That said Senators, without acknowledging the jurisdiction of said court, may, in their discretion, appear therein for the sole purpose of showing to the court that it is without jurisdiction in the premises and is unlawfully invading the constitutional privileges and prerogatives of the Senate and of said Senators.

Mr. NELSON. Mr. President, I will briefly state why I offer this amendment.

The Committee on the Judiciary were far from unanimous in reporting this measure as reported by the chairman of the committee [Mr. CLARK of Wyoming]. A week or so ago—I do not remember the exact time—a petition was presented to Justice Wright, of the supreme court of the District of Columbia, petitioning for a writ of mandamus against the Joint Committee on Printing. Upon that petition the court issued a rule of order directing the members of the committee, which consists of three Members of the other House and three members of the Senate, to appear at a day certain, specified in the order, to show cause why a peremptory writ of mandamus should not issue. The question is, as presented to the Senate at the instance of the Senate members of that committee, as to what action the Senate ought to take in the premises.

The question of whether the court is invading any of the constitutional privileges of the Senate is, to say the least, one of doubt. If the Joint Committee on Printing were simply acting under orders of the two Houses or under orders of each House separately, there could be no doubt but that it was the action of the House, and it would be a clear case of invading the privileges and prerogatives of the House. But, as a matter of fact, this Joint Committee on Printing is created by a statute adopted January 12, 1895. This statute creates the Joint Committee on Printing and prescribes its duties. So it is a committee acting not by any order of either House, but it is a committee organized and created by statute, the statute defining the particular duties the committee are to perform. I will briefly quote, Mr. President, from the statute. It reads:

Be it enacted, etc., That there shall be a Joint Committee on Printing, consisting of three members of the Senate and three Members of the House of Representatives, who shall have the powers hereinafter stated.

SEC. 2. The Joint Committee on Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing; and the committee shall have power to order reprinted not exceeding 300 copies of a public bill pending before either House of Congress, when the supply shall have become exhausted, and the interests of the public service demand immediate action.

SEC. 3. The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, Cincinnati, St. Louis, Louisville, Omaha, Denver, San Francisco, and Chicago, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished to applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. And the Public Printer shall furnish samples of the standard of papers fixed upon to applicants therefor who shall desire to bid.

SEC. 4. The advertisements shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Printing may determine; but when the minimum portion so specified exceeds, in any case, 1,000 reams, it shall state that proposals will be received for 1,000 reams or more.

Then follows the particular section that is involved in this controversy:

SEC. 5. The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by a bond approved by a judge or clerk of a court of record in the penalty of $5,000 that the bidder or bidders, if his or their proposal is accepted, shall enter into a contract to furnish the articles proposed for and by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish.

The precise question involved in this case, Mr. President, as I understand, is that certain bidders, the plaintiffs in this proceeding, put in a bid. It is admittedly the lowest bid; but they failed to file such a bond as the statute requires, and on that account the committee rejected their bid. To my mind, to say the least, the question involved in this controversy is surely a mooted one. It involves the construction of a statute of Congress; and, to my mind, that is a judicial question for the determination of the courts.

In the main part of the resolution reported by the committee I concur, because it simply expresses an opinion. It states that it is the opinion of the committee that the action of the judge was an invasion of the privileges and prerogatives of the Senate; but when the resolution goes a step further, Mr. President, and practically forbids the members of the committee to appear in court and raise the question of jurisdiction, I think it goes too far.

While this is a Government of three departments, each moving within its own sphere and scope, yet there is a certain comity that one branch of the Government owes to the others. I do not conceive it beneath the dignity of this body, nor do I conceive that it is the sacrifice of any of our constitutional rights, to allow these Senators, in their discretion, to appear in court and plead to the want of jurisdiction in the court to proceed; the want of jurisdiction being the fact that this is a privileged matter within the scope and purview of the legislative department of the Government, and hence that the court has no jurisdiction.

I think it is an elementary proposition of law that whenever a suit is instituted in any court or forum, the court or forum must, in the first instance, pass upon the question of whether it has jurisdiction or not. In this case a judicial proceeding is instituted. It is for the court, in the first instance, to pass upon that question of jurisdiction.

Now, let us look at the question from another standpoint. If we assume that the court has no jurisdiction and that we have

the sole jurisdiction, the only way to bring that question to a direct and forcible issue would be for us to bring the judge of the court who issued the rule to show cause before the Senate for contempt of this body and the rules, privileges, and prerogatives of this body.

This question has for many years undergone debate and discussion in the courts of England. I will not take the time of the Senate to read the later decisions of the courts in that country, although I have them here; but the later opinions of the courts there are that whenever a suit is instituted against a member of Parliament and he pleads privilege, or the privilege is claimed for him, the court has a right, in the first instance, and it is the duty of the court, to pass upon that privilege.

Mr. President, I am as ready as any Senator in this body to stand for the rights and dignity of the Senate; but I feel, if I may use a vigorous expression, perhaps not as polite as it might be, that while we should be ready to assert our rights, we never ought to go around with chips on our shoulders. I think it will be no more than the courtesy we owe to the judicial department of the Government to say to that department that, "in our opinion, you have exceeded your authority and your jurisdiction, and neither the Senate of the United States nor a committee of that body is amenable to your jurisdiction."

Here is a cause of action predicated upon an act of Congress—not upon a resolution of a single House or a concurrent resolution of the two Houses, but upon an act of Congress—designating the Joint Committee on Printing. It provides for a joint committee of the two Houses, and the law itself prescribes the duties of the members of that committee. Are we the sole judges of whether they have performed the statutory duty entailed upon them by an act of Congress, or is not that a matter that is appropriate for the consideration of the court?

I submit these questions to the consideration of the Senate. Although, as I said a moment ago, I am greatly in doubt about whether it is a matter of privilege, I am willing to go to the extent of stating that, in my opinion, it is a question of privilege and that the action of the court is an invasion of the privileges and prerogatives of the Senate. I think, however, as a matter of comity and justice, the three Senators who have been served with process from this court should have, in their discretion, the privilege of appearing in the court and pleading to the jurisdiction and asserting the privileges of this body and their own privileges as members of this body. That is the proposition about which we differ.

I am unwilling to longer take up the time of the Senate in elaborating this question. I simply aimed briefly to state my view on the subject.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Minnesota [Mr. NELSON].

The amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the resolution reported by the Senator from Wyoming [Mr. CLARK].

Mr. ROOT. Mr. President, I am not entirely satisfied with the conclusion of the resolution as reported. I think perhaps a course which differs a little from that proposed by the Judiciary Committee and from that proposed by the Senator from Minnesota [Mr. NELSON] might be more consonant with the dignity of the Senate and with the respect which we owe to the judicial branch of our Government. I do not want to take up the time of the Senate unduly, but I think the matter is a somewhat serious one; at all events, any question of conflict between two branches of the Government is liable to become serious as it develops.

The subject of printing is an exceptional one in the operations of our Government. The printing of the RECORD, and of bills, resolutions, amendments, and documents arising in the course of each day's business in the Senate and in the House of Representatives is a matter essential to the conduct of legislative business. We have substituted printing for the old-fashioned engrossment by clerks at their desks. We could not continue our business a day except through the performance of this aid to our information and to our deliberations. Therefore the Congress has made an exception of the public printing from all other parts or kinds of governmental activity. It has seen fit not to intrust it to any executive department, but has kept in its own hands, so far as it relates to the business of Congress during the sessions of Congress, the supervision of its printing and directs it through a committee of its own.

The Joint Committee on Printing long antedates any statute. The retention of control over this essential part of the conduct of the legislative business in the hands of Congress itself existed long before the act of 1895. That act but regulates the control over this essential part of the conduct of our business. It provides that there shall be a Public Printer, whose business it is to make the contracts and to execute the orders of Congress, and every day from the desks in both Houses of Congress there pours forth a stream of orders to that Public Printer to do things essential to the conduct of our business, and it provides that this work shall be done by him under the supervision and the direction of our committee.

Mr. President, one of the things that the Public Printer is directed to do, under the supervision and direction of the committee, is the purchase of paper. He is directed to advertise for bids, and it is provided that the bids shall be opened in the presence of the committee. I beg the attention of the Senate to the terms of the provision regulating the duties of that committee upon the opening of the bids. The provision is that the committee shall award a contract to the bidder whose bid is lowest and best for the interests of the Government—not lowest, but lowest and best for the interests of the Government. Never were words more clear in imposing upon a public officer the duty of exercising discretion and judgment. Never was there a clearer case, a more apt illustration of the universal, unquestioned rule that where the exercise of discretion is required from a public officer no court can require him, by mandamus or any process whatever, to exercise that discretion in one way or another. That is the rule as to all public officers. The court may require an officer to act. When there is discretion no court can tell him how to act.

We have not before us the proceeding upon which this proceeding goes or the allegations which the relator presented to the court as the grounds for the mandamus that he asks, but in the resolution which was presented by the Committee on Printing there is this recital, which I assume to be a correct statement:

> Whereas it is prayed by the said plaintiffs, or petitioners, that a writ of mandamus issue directing said members of the Joint Committee on Printing of Congress, to wit, that they withdraw awards which have heretofore been made and that they award certain contracts to the plaintiffs.

Manifestly, if the court issues such a writ of mandamus to this committee, it is taking out of the hands of the committee, where we have placed it—the committee that is subject to our control always, because it is our committee—the power to exercise the discretion and judgment we have commanded them to exercise and is substituting the judgment and discretion of the court. Manifestly the court has no power. There can not be even discussion on that, because it is settled both on principle and by authority.

If such an order were to go to an ordinary officer in an executive department, there would be but a simple duty before him, and that would be to respond to the rule to show cause and present to the court the reasons why the mandamus ought not to issue. But the situation is a little different here, it seems to me, for the reason I have suggested, that the matter itself is one essential to the conduct of the business of the National Legislature, and therefore we have intrusted it to the authority of a committee of our own number. We have intrusted that discretion to them.

These gentlemen hold no office except the office of Senators of the United States. They have received no appointment from any appointing power except their election by their legislatures to be members of this body. They have taken no oath to discharge the duties of any office except the oath to discharge their duties as Senators of the United States. They are performing a duty as Senators, and those members of the committee from the House are performing a duty as Representatives in Congress under the sanction of their oath as legislators and in the discharge of the duty imposed upon them by us in pursuance of the policy which bids us keep within our own hands and under our own control this activity which is essential to the conduct of our business and to our legislative independence.

When a court undertakes to call before it such a committee and require it to show cause why a writ of mandamus should not issue against it to compel it to exercise in a particular way the discretion that it holds from us, I think a different situation arises from that which exists when an ordinary executive or administrative officer is called upon. It is a fundamental rule that there are certain matters which are essential to the existence and effective life of a legislative body in respect of which the courts can not interfere. The qualifications of the members of the body, the maintenance of order, the discipline of members, everything that is essential to the life and due performance of its functions by a legislative body, are beyond the reach of any court.

It is not necessary that exclusive power over such matters shall be expressly vested in the body, for it is inherent in the

nature of the body. Many times courts have undertaken it, and always the conclusion has been that if the matter in question is a matter essential to the independence of the legislative body that body alone can deal with it and no court can interfere.

Mr. President, I think that this matter is not only a plain attempt by a court to control that discretion which the law forbids a court to control, but that it does trench upon the independence of the legislative branch by undertaking to assume control over a matter which is essential to the conduct of our business; and I should not be satisfied, sir, to see it dealt with merely by permitting individual members of a committee to go before a court and at their own expense, upon the suggestion of their own minds, defend, assert, protect this matter which is our matter, not theirs. The question whether the supreme court of the District of Columbia shall control the printing is not a question of this committee. It is a question of this Senate. We do not appoint the Committee on Printing to defend our right to legislative independence. We appoint them to supervise the printing. This is not a question of printing. It is a question of the relative power of two great departments of the Government. It is not the committee's question, but our question. It seems to me it would be wholly inadequate to permit these gentlemen to go, one by one, to do what seems to him appropriate regarding his own personal relation to this transaction.

On the other hand, I do not think that the respect we owe to the judicial branch of our Government should permit us to pass over the matter without some further and other action than the simple adoption of the resolution. It is true that in the case of Marbury *v.* Madison, which is the foundation of so much of our law affecting the powers of the courts over executive officers, there was no appearance whatever for or by the Secretary of State, and that great case was argued solely on behalf of the applicant for the writ of mandamus and was worked out by the court in the absence of any respondent. The proposal of the Judiciary Committee would lead to a like result in the court of the District of Columbia.

But it seems to me, sir, it would be more seemly, more respectful, for the Senate itself to direct its appropriate officer to communicate to the court its views regarding this rule to show cause why a writ of mandamus should not issue.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. Certainly.

Mr. CLARK of Wyoming. If the Senator from New York will pardon me for a moment, it is the intention of the chairman of the Committee on the Judiciary to make such a motion, provided the resolution is adopted. It was not included in the resolution itself, because it was felt that the resolution stood simply as a declaration of the view of the Senate upon the subject-matter.

Mr. ROOT. That would be entirely satisfactory to me.

Mr. BACON. With the permission of the Senator from New York, I should like to add a word to what the chairman of the Committee on the Judiciary has stated. The fact is that that matter was discussed in the Judiciary Committee, and the purpose that is indicated by the chairman of the committee was the purpose of the committee—that such motion should be made and that it should be respectfully communicated to the court.

Mr. ROOT. That is entirely satisfactory to me.

Mr. CLARKE of Arkansas obtained the floor.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. The Senator from Arkansas has been recognized.

Mr. CLARKE of Arkansas. The Senator from Utah may proceed.

Mr. SUTHERLAND. Mr. President, I think I am quite as jealous of the rights and privileges and prerogatives of the Senate as a member of it, but I also think that no man is so high as to be above the law, and I think no institution is so high as to be above the law. If any member of this body is proceeding in an unlawful manner, the only place where that can be finally determined, in my judgment, is in the courts of the country. Under the Constitution of the United States certain immunities and privileges are granted to the Members of Congress. One of them is that no Member of Congress shall be subjected to arrest for certain specified offenses during the time Congress is in session. But if any Member of Congress should be arrested, I undertake to say, he would not bring his case to this body to determine whether he should appear in court. He would obey the warrant of the court, appear in court, plead his privilege, and subject himself to the judgment of the court.

Another privilege which is granted by the Constitution of the United States is that no Member of this or the other body shall be held to answer for any words uttered in debate; and yet, if any Member of either body was sued in an action of slander for any words uttered in debate, either upon the floor of the Senate or in a committee—to which the same privilege extends, as I understand—he would not bring his case to the Senate to determine whether he should answer, but he would plead his privilege in the court, and the court would determine it.

While I am inclined to agree with the position of the Senator from New York and with the position outlined in this resolution, that the members of the Printing Committee are performing a legislative duty, still I think the question is not by any means free from doubt, and I am far from being clear in my own mind about it. I think it is a fairly debatable question, upon which lawyers of ability may well differ, as to whether or not the duties imposed by this law upon the Printing Committee are legislative in character or are purely ministerial in character.

Mr. McCUMBER. May I ask the Senator from Utah a question right here?

Mr. SUTHERLAND. Certainly.

Mr. McCUMBER. I ask the question simply because I have not heard the debate so far. I want to ask the Senator whether, in his opinion, if the same authority had been conferred upon the Secretary of the Interior that has been conferred upon this committee, and the Secretary of the Interior was carrying out that law, it would be legislative business or would it be purely executive business; would he be acting in an executive capacity or in a legislative capacity? And following that up, if it is an executive capacity on the part of the Secretary of the Interior, is it any the less executive because it is being carried out by a committee of Senators?

Mr. SUTHERLAND. The Senator from North Dakota has anticipated by his question what I was just about to say next. The law under which this committee is constituted has been referred to by the Senator from Minnesota, and is to be found on page 601 of the Twenty-eighth Statutes at Large. Section 5 of that act provides, as the Senator from New York has already stated, that the sealed proposals to furnish paper shall be submitted to the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government.

Section 8 provides that in case of difference of opinion between the Public Printer and any contractor for paper respecting its quality, the matter of difference shall be determined by the Joint Committee on Printing or by the Secretary of the Interior when Congress is not in session, and the decision of the Joint Committee on Printing or of the Secretary of the Interior shall be final as to the United States.

Now, it is rather a grave question, as it appears to me, whether or not an act when performed by one body of men is a legislative act and when performed by another body of men or by another individual becomes an administrative act. I do not understand that you can determine whether an act is judicial in character, legislative in character, or administrative in character by ascertaining the person who is to discharge it. That is to be determined by the character of the act itself; and that has been decided over and over again by the courts of the country. So if the act which the Joint Committee on Printing is performing under this statute is a legislative act when performed by it, it must of necessity be a legislative act when performed by the Secretary of the Interior. And yet we have no power to confer upon the Secretary of the Interior any legislative authority.

If, upon the other hand, we are to justify the act of the Secretary of the Interior upon the ground that he is performing an administrative act, then the same act when performed by the Joint Committee on Printing must be an administrative act likewise, and in either case they are amenable to the process of the courts.

I recognize the force of the statement which the Senator from New York makes that in all probability these people would not be amenable to this sort of process, because they are called upon to exercise their discretion, but that is not a question for the Senate to determine. That is a question for the court to determine. That defense could be made by an individual the same as by a member of the Senate, and it is aside from the question we are now considering.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SUTHERLAND. I do.

Mr. TILLMAN. Suppose the court were to decide that these Senators were subject to its jurisidction and ignore the plea of privilege; then what?

Mr. SUTHERLAND. Then I would advise them to contest it and take it to the Supreme Court of the United States.

Mr. TILLMAN. Then, suppose that the Supreme Court of the United States decided that way.

Mr. SUTHERLAND. Then I would advise them to yield to the decision of the Supreme Court, the same as any good citizen is compelled to do.

Mr. TILLMAN. And the Senate would disappear.

Mr. SUTHERLAND. The Senate is compelled to disappear very often, Mr. President. We pass laws here. It is true the courts can not interfere with us in discharging that function to begin with, but time and again the courts declare laws passed by Congress unconstitutional, and we yield to them. Is there any invasion of the prerogatives of the Senate or the prerogatives of Congress in that? The only difference is that the action of the court in that case is taken after the action of Congress. But they declare in the one case as much as in the other that the Congress or the committee has no power to do the thing which they have undertaken to do. We pass laws here and they go before the courts of the country, and the Supreme Court of the United States declares that Congress in passing the laws was outside its constitutional authority and we submit to it, the same as the people of the country submit to it.

Mr. TILLMAN. That would be a constitutional question. This would be a question of privilege and prerogative, keeping the coordinate branches of the Government separate and having each independent of the other.

Mr. SUTHERLAND. That is the very question we are trying to settle. Let me put an illustration to the Senator from South Carolina. Suppose that the Senate were to pass a resolution, or Congress were to pass a law devolving upon the Committee on the Judiciary the authority to hear and try and determine the question as to whether or not some citizen or group of citizens had committed some offense, and they were proceeding to hear it and try it and determine it, would the Senator from South Carolina think that the courts were powerless in that sort of a case to interfere? The committees of Congress are not——

Mr. TILLMAN. I can not imagine Congress being such a fool as to pass a law like that.

Mr. SUTHERLAND. Neither can I.

Mr. TILLMAN. Therefore the analogy does not hold good at all.

Mr. SUTHERLAND. The illustration is an extreme one, but sometimes it is necessary to use extreme illustrations to point the truth of an argument. That is what I am undertaking to do here. I am undertaking to show that the committees of Congress are not always and under all circumstances entirely above the law.

Now, the courts have time and again pointed out the distinction for which I am contending. While I do not intend to weary the Senate, I want to call attention to one of the early cases. I direct attention to the case of Hayburn in the second Dallas. That was a case where Congress had undertaken to devolve upon a court the power to try and determine a question which was not a judicial question. The Supreme Court itself did not pass upon the question, but the judges who were constituted to hear it did pass upon it, and in the course of their opinion they use this language:

> That by the Constitution of the United States the Government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from and to oppose encroachments on either. That neither the legislative nor the executive branches can constitutionally assign to the judicial any duties but such as are properly judicial, and to be performed in a judicial manner.

And so the legislative branch of the Government can not arrogate to itself any duty which is not legislative. It can not confer the power upon the judiciary to do anything that is not judicial. It can not confer upon the executive branch the power to do anything that is not of an administrative character, and it can not arrogate to itself any power to do anything that is not legislative in character. If it may do that and not be amenable in some form or other to the courts, we have a wrong without a remedy, something which the law books tell us can not very well exist.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from South Carolina?

Mr. SUTHERLAND. Yes.

Mr. TILLMAN. If there was in this instance fraud, dishonesty; if this award was contrary to sound public policy, and there was, as I said, dishonesty or fraud involved, is not the remedy to apply to the Senate and to have the petitioner prove that its committees had acted dishonestly rather than to go to the courts?

Mr. SUTHERLAND. If the committee is undertaking to discharge a purely legislative function, I undertake to say that the Senate has not any more power to deal with it than the committee has. The whole question is whether it is a legislative function or an administrative function which they are undertaking to perform.

Mr. TILLMAN. Is the law which the Senator quoted and which the Senator from New York quoted, anything more than a rule?

Mr. SUTHERLAND. It is very much more than a rule. It is a law.

Mr. TILLMAN. In what respect is it different from a rule of the Senate?

Mr. SUTHERLAND. A rule of the Senate is a matter which is adopted by the Senate alone, to govern its internal——

Mr. TILLMAN. We could just as easily have directed how the printing should be done by a rule as we did by a statute.

Mr. SUTHERLAND. The Senator did not hear me through. A rule of the Senate is simply adopted for the purpose of regulating its internal affairs. This goes fairly beyond that, because the law provides not only that this committee shall superintend the printing for both Houses of Congress, but all the government publications, the publications of the executive department, as well as the publications of the Senate and the House.

Mr. TILLMAN. Nevertheless, it seems to me that it is nothing more than a rule governing their functions and explaining and defining what they shall do.

Mr. SUTHERLAND. Of course, a law is a rule, in a sense. I think the definition that Mr. Blackstone gives—it is some time since I read it—is that a law is a rule of conduct. But a law of Congress differs materially from a mere rule of the Senate, which is only a rule without being a law.

This question is not an absolutely new one. Congress has before undertaken to devolve upon committees functions which they ought not to have devolved upon them as committees. Some years ago a resolution was passed in the House of Representatives providing for the appointment of a committee to investigate the business affairs of certain business men. The committee met and undertook to do that, and called a witness before them and interrogated him. He declined to answer. The committee then undertook to imprison him for contempt, and did imprison him for contempt. The individual was not willing to submit to that sort of treatment, and he brought an action against the members of the committee and the Sergeant-at-Arms of the House to recover damages for false imprisonment. It was not thought in that case that the privileges of the House had been invaded so that the House was called upon to do anything about it; but the members of the committee appeared in court and pleaded their privilege. Finally the case reached the Supreme Court of the United States, and the Supreme Court held that in that case the claim was well taken, that what the Members of the House had done was privileged. They held, in substance, that the constitutional provision with reference to words uttered in debate applied not only to words uttered on the floor and to words uttered in the committee, but it applied to all acts performed by them as legislators. But they appeared in court and pleaded privilege; and I see no reason why the Joint Printing Committee should not likewise appear in court and plead their privilege—that what they were doing was by virtue of their offices as Senators of the United States. I am inclined to think that the court would sustain the plea.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. I would ask the Senator from Utah, suppose they should appear and plead their privilege and the court should decide against the committee, what would be the result so far as controlling the business of the Senate is concerned?

Mr. SUTHERLAND. I do not know what the result would be, and I do not care, if it is the proper thing to do, and I think it is. I do not imagine that the business of the Senate is going to be interfered with if the courts should determine—which they might do, and I think there would be some justification for the determination, although it is not my own opinion—that although the Joint Committee on Printing is called a committee, in substance and effect it is only a board. They would simply interfere with that commission to that extent. They would

not interfere with the regular legislative committees of the Senate in any way, shape, or form.

Mr. BORAH. Mr. President, I was going to ask the Senator in addition to that, if the court should decide against the contention of the committee, what effect would it have as to controlling that which is essential to the discharge of our legislative duties here? This is a part and parcel, and an essential and indispensable part of the duties of the Senate, a part of that which it must do in order to perform the functions of the Senate.

Mr. SUTHERLAND. Mr. President, we are appointing Senators upon boards. We have members of this body who have membership on the board of the Smithsonian Institution. When they are acting upon that board are they discharging legislative functions? If they undertake to do something that the law does not warrant and invade the rights of the citizen, are they not amenable to the courts precisely the same as if they were not Senators, and precisely the same as their associates upon the board who are not Members of either House of Congress?

Mr. BORAH. It seems to me, Mr. President, that the Senator, not intentionally of course, does not answer the question which I ask him, not for the purpose of contradiction but for the purpose of information. What would be the effect as to the power of the Senate controlling that which is essential to the discharge of its functions and duties if the courts should control the question of printing for it?

Mr. SUTHERLAND. The courts do not control the question of printing, except to the extent of entering the proper judgment. If the Joint Committee on Printing, acting under the law, were doing something that the law did not warrant, and thereby invading the rights of the parties who have brought suit, it would not interfere with their functions in any way whatever, any more than when an action is brought against an executive officer of the Government his functions are interfered with—any further than they are involved in that particular case. I can not see where any great harm is to result from that situation.

Mr. President, I do not care to discuss this question further. I am opposed to the resolution in its present form, and I thought I ought to say that much about it. It does not seem to me that the dignity of the Senate or the dignity of Congress is going to be in any way outraged by permitting these Senators and these Members of the other House to appear in court in the regular way and plead the privilege which is guaranteed to them as Members of Congress. I can not imagine that the dignity of the Senate is offended in any way whatever by that proceeding any more than the dignity of the House was offended or outraged by the appearance of those members of the committee in the Kilbourn case, to which I have just directed attention. I think we may well express our views upon the question as to whether they are entitled to this privilege, and we ought to authorize them, or direct them, to appear in the court and plead their privilege.

Mr. BACON. Mr. President, I recognize, of course, as suggested by the Senator from New York [Mr. ROOT], that it is a very grave matter whenever there is any conflict, actual or threatened, between the different departments of the Government. I recognize that whenever a question of that kind arises it should be treated with the utmost care, and that one department, in dealing with it, should treat the other department with the utmost respect. Therefore in what I shall say I am not unmindful of the courtesy and respect which are due from the legislative department to the judicial department.

I think that this is a matter not simply involving the dignity of the Senate. That is important, and I am always in favor of maintaining the dignity of the Senate. But, in my judgment, it is a question which in itself, in the principles which are involved, and the results which may follow in regard to it, is vital to the very life of the legislative department. In other words, as I shall endeavor to show in the few remarks which I shall make, the exercise of this power by the courts, if recognized by the legislative department, puts the preservation of the inherent powers of Congress within the keeping of the judicial department, and can lead to the utter overthrow of the powers of the legislative department.

Senators, I think, make a great mistake in confusing the privileges of an individual Senator and the immunities of an individual Senator with those things which constitute the rights and prerogatives of the Senate itself. If the mandate of the court violates the privileges or immunities of the individual Senator, it is his duty to appear in the court and plead his personal privilege or immunity. In so doing he does not put in jeopardy the prerogatives of the Senate. But that is not the case here at this time. As has been suggested, this is not a matter which concerns the members of this committee individually. It is not a matter that concerns them officially in their own persons. If the Senators cited by the court appear in obedience to the mandate, it is not to plead individually and personally their personal privileges and immunities, but to plead the prerogatives of the Senate. That is a matter which concerns the Senate, and when this committee is cited to appear before a court it is the same as if the Senate were cited to appear before that court, and the cases found in the books where Senators or Representatives have appeared in court to plead their personal privilege or immunity have absolutely nothing to do with the question before us. The rule is entirely different when the mandate of the court is directed against the Senate or its committee.

The reason for the distinction is easily apparent. Without exception, every citizen, whatever be his station or office, is subject to the jurisdiction of the courts. When the process of a court is directed against him, he must appear and, if for any reason he enjoys a privilege or immunity which exempts him, he must plead such privilege or immunity. But the courts have no jurisdiction over the Congress, or either branch of it, either to command, restrain, or prohibit it, in the performance of its constitutional legislative functions. Therefore no process of a court can be legally issued or directed against the Congress, or against either branch of it, or against its committee. A Senator, being not only a Senator, but also a citizen, must, in a matter which concerns him personally, appear and plead his privilege or immunity as a Senator, if such there is in the case. But the Senate is not to plead before any tribunal its constitutional prerogatives, and it is never to appear in any court for such purpose. Each of the three coordinate branches of the Government—the legislative, the executive, and the judicial—is the guardian and final judge of its own constitutional prerogatives.

What is a committee of this body? There are certain duties which it is inconvenient for the body as a whole to perform, certain work which it can not conveniently do as a whole body, and therefore the device has been adopted, and is followed in all legislative bodies, of organizing certain members of those bodies into committees, and devolving upon them certain duties as the representative of the entire body. Work is committed to them which, because of inconvenience, the entire legislative body could not collectively perform. When that committee is one of the Senate and is assailed, when its act is called in question, when its authority is disputed, when restraints are sought to be put upon it or commands to be laid upon it, it is the same as if the assault were upon the Senate and the same as if those restraints and those commands were addressed to the Senate.

Mr. President, as stated by the Senator from New York, there are certain things which are essential to the life of a body, without which it can not exist and in the determination of which it itself must necessarily be supreme and accountable to no other body. Each department of the Government has, especially under a written constitution, those prerogatives and those powers which are thus inherent in it and vital to its life, which can not be interfered with by another department, and which each department must determine for itself. This question now before us is, I think, one which involves these powers.

By way of illustration, Mr. President, we pass laws which courts are to administer, but we can not dictate to a court what it shall determine in any given case. Suppose that Congress should pass a law requiring a court to find a judgment in a given case according to the directions in that statute, what would be the act of the court? Would it do anything else than simply disregard it? Suppose, Mr. President, that we should enact a statute that the President of the United States should nominate a certain man to be ambassador to England or to France, what would the Executive do? It is his prerogative under the Constitution to nominate the ambassador to either of those countries or to any other country; and if we were to invade his province and attempt to dictate that he should nominate a certain party for the office, there would be but one thing for the Executive to do, and that would be to ignore such action of the legislative body.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. I wish to ask the Senator a question, if it will not disturb the line of his argument. Suppose we pass this resolution, and the Senators who are sued, following its instruction—which they would, of course—fail to put in an appearance and plead this privilege. The court thereupon

enters a default, proceeds to a hearing ex parte, and renders judgment against them; it issues a final mandamus directing them to do this act. They then decline, on the advice of the Senate, to perform the act, and proceedings for contempt are instituted. They refuse to come into court, and the power of the officers of the executive department is invoked to force them into court. In the ultimate result, must we not appeal to the courts? The Senate and the House certainly can not continue an unseemly struggle with the courts of the country, with a resort to force upon both sides. There must be some place where and some time when that question must be finally determined, and is it not to be determined by the courts of the country ultimately?

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Senator will yield for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. KEAN. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. BACON. Mr. President, the inquiry of the honorable Senator is absolutely foreign to the particular branch of the subject which I was endeavoring to present to the Senate. I will come to it at a later point in what I will say.

I was speaking, Mr. President, first, as to what is our right and our duty. As to what shall be our action is another question, and I shall endeavor to answer the Senator before I conclude.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I will, if the Senator will ask me a question upon the line I am on now.

Mr. CUMMINS. I think I will, Mr. President. If I correctly understood the precise point which the Senator is now discussing, or which is under discussion at any rate, the question which bothers me is this, Is it legally possible for a Senator to act as a Senator in executing a law already passed by Congress?

Mr. BACON. I suggest to the Senator I am coming to those points. The Senator will kindly permit me to answer it when I reach the particular place.

Mr. CUMMINS. I certainly will. I thought the Senator had assumed that the Senate was acting as a Senate or through a committee of the Senate in the execution of the law now under consideration.

Mr. BACON. The Senator anticipates what must necessarily be taken up before the question is concluded, and I will get to it as rapidly as I can. I shall not forget the question of the Senator, and I would have discussed it if he had not asked the question, because it lies directly in the path and can not be avoided. It is the central matter of controversy in the whole case and necessarily could not be ignored.

Mr. President, the Congress of the United States is an independent branch of the Government, and in the performance of its legislative functions is independent of control by any other branch of the Government. When we have exercised our function in the enactment of a law, there is another branch of the Government which is authorized under our Constitution, as it has been construed, to say whether or not it is a valid law, passed in pursuance of the Constitution; but in all the work we do in the performance of our necessary functions as legislators it is a matter within our supreme, absolute, unconditional control. If the Senator will pardon me a little while until I make my statement, I will then listen to him with great pleasure.

Mr. President, there has been so far developed little or no issue upon the proposition that this is an invasion of the prerogatives of the Senate. So far as it has been developed by the argument in opposition to the report of the committee, it is a contention that, conceding it to be an invasion of the prerogatives of the Senate, proper respect for a coordinate branch of the Government, or an officer of it, requires that we should appear in the court and plead that fact.

There is a contention which has been suggested, and which has been adverted to by the Senator from Iowa in the question which he directed to me, that this statute lays upon the Senators and Representatives composing the joint committee administrative or executive duties, and that therefore, while as legislators they would not be subject to the processes of the court, as such administrative or executive officers they are subject to the processes of the court.

Now, let us examine that for a moment. There are some things, Mr. President, which are elementary, the mere statement of which proves them without argument. I submit to the Senate that one of these elementary propositions is that no legislative body can confer upon a committee any powers which it does not itself possess. While this is true in all cases when subjected to thorough examination, it is more pointedly true in a case where a legislative body derives its powers, as Congress does, from a written Constitution, in which the powers of the Members of Congress are defined and limited. That is a general principle—that no legislative body can confer upon a committee any powers which the legislative body itself does not possess. Applying that to the Congress, no committee of either House or joint committee of the two Houses can have conferred upon it by Congress any power that Congress itself does not possess.

There is no question of the fact—I presume no lawyer will for a moment suggest it—that Congress has any power or any function except a legislative power. The only possible exception is where either House is called upon in a certain contingency to elect a President or Vice-President, or, perhaps, the two Houses in joint session to count the electoral vote and declare who has been elected as President. It is not necessary to discuss that exception in any manner, nor is it necessary even to mention it as an exception, because we are dealing with the general, ordinary duties of Congress, with the proper, essential duties of Congress.

I say I presume there is no lawyer who will contend for a moment that Congress has any power except a legislative power. It must follow logically that Congress can not confer upon any committee executive powers. It can not confer upon any committee anything else than legislative powers. If such additional powers can be conferred in one instance, there is no limit to the additional powers which may be thus conferred. If Congress can confer executive power upon its committees, it can also confer judicial powers upon them. If it can confer one executive power or one judicial power, it can confer all executive and all judicial power upon its committees. If so, by breaking itself up into a sufficient number of these committees and thus conferring upon themselves executive and judicial powers Congress may thus absorb to itself all the powers of the Government. This is the *reductio ad absurdam*. Necessarily it must follow, logically, that this joint committee is a committee in its work clothed only with the powers of legislation, and in the performance of its work it is performing a legislative duty, and, as has been pointed out by the honorable Senator from New York, under the terms of that statute not only performing a duty, but performing a duty in which it is vested with a discretion.

One of two things must be true. If it be true that Congress can not confer upon a committee any powers which it does not possess, either the powers conferred by this act are legislative powers and the committee is engaged in legislative work and duty, or else if they are executive powers they are unconstitutional and nobody would have a right to claim anything under them. The court necessarily has judicial cognizance of the powers as well as of the prerogatives of Congress. If the committee is engaged in legislative work the court can not call its act in question. If, on the contrary, it is engaged in executive work, the act conferring such power upon a legislative committee would be unconstitutional and the complainant would have no right thereunder. In saying this I do not express a doubt that the committee is engaged in the performance of a legislative duty, for I have no such doubt.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Does the Senator from Georgia think that Congress would be powerless to confer upon a Member of Congress the power to do these things? In other words, is there anything incompatible between membership in the Senate or the House and the discharge of the duty which we have devolved upon this joint committee?

Mr. BACON. Mr. President, it would certainly be inconsistent, if it were an executive duty, for two reasons: In the first place, Congress would not have any power to impose executive duty upon its committee; and, in the second place, if Congress does attempt to do it, it would be in conflict, if it is an executive function, with the provision in the Constitution which makes any Member of Congress ineligible to hold any other office while a Member of Congress.

Mr. SUTHERLAND. That would depend upon whether this was an office of the United States. But let me put this ques-

tion further to the Senator. The Senator, I think, is a member of the Smithsonian Board.

Mr. BACON. Yes.

Mr. SUTHERLAND. He is appointed under authority of Congress.

Mr. BACON. Yes.

Mr. SUTHERLAND. Is the Senator discharging legislative functions as a member of that board, or executive functions?

Mr. BACON. I say that is not an office of the United States.

Mr. SUTHERLAND. I think this is not an office of the United States.

Mr. BACON. If he is performing executive functions for the Government of the United States, he must necessarily hold an executive office.

Mr. SUTHERLAND. We may have agents, we may have employees, to do things for the Government of the United States who are not officers. Some of the tests of public office are entirely lacking in this case.

Mr. BACON. I contend, Mr. President, that a Member of Congress can not be an employee of the United States, and if the Senator——

Mr. BAILEY. Will the Senator permit me to suggest that employees do not execute laws?

Mr. BACON. No.

Mr. BAILEY. They perform duties below the dignity of executing a law.

Mr. BACON. They certainly do.

Mr. SUTHERLAND. Does the Senator concede that this committee is executing the law?

Mr. BACON. The committee is doing what Congress itself could do without a committee.

Mr. SUTHERLAND. It seems to me if the Senator concedes that this committee is engaged in that, he concedes his case.

Mr. BACON. If that is the case, then every committee is executing the law, because every committee is performing a certain work. It would be perfectly competent for the Congress of the United States itself to award a contract for the purchase of paper for printing and provide who should furnish the paper and what should be paid for it. The committee is simply doing that which it is perfectly competent for Congress to itself do by statute. That is another reason why it is plainly a legislative duty. It is a legislative duty, being performed by its committee, because it could be performed by Congress by a statute. It is a legislative duty, being thus performed, because Congress can not devolve upon its Members anything more than a legislative duty; and if Congress attempts to devolve upon a Member of Congress a duty other than a legislative duty, it is unconstitutional, null, and void.

It is vain by refinement of reasoning to contend that a congressional committee, so named and appointed as such, is not in fact a legislative committee, and is therefore subject to the mandate of a court. By similar refinement the same contention can be made as to other committees, and, with the jurisdiction of the courts recognized to determine the issue, Congress will proceed with its work subject to the orders of the courts.

Mr. President, I want to come to the practical question. There are some Senators who agree with the proposition that this is an invasion of the prerogatives of the Senate who still think that it is due to the court that the Senators who have been cited to appear should appear, some of them say, to plead their personal privilege; others say to plead the fact which we assert—that it is an invasion of the prerogatives of the Senate. When we appear in the court we necessarily submit ourselves to the jurisdiction of the court. When we submit ourselves to the jurisdiction of the court we necessarily obligate ourselves to abide the judgment of the court.

Whenever we come to the point that the court can call the Senate or a committee of the Senate before it for the purpose of deciding and determining as to the rights and prerogatives of the Senate in the performance of its legislative functions, we have ourselves forever abandoned the right to assert and protect our constitutional prerogatives, and have left them to the determination of another branch of the Government.

It will not do to say, Mr. President, that there is warrant for doubt as to the interpretation of this law and that, therefore, the court might be left to its determination. Whenever we concede the proposition that a court has the right to call in question the action of the Senate or the action of a committee of the Senate in the performance of its legislative duties, we can not draw the line when they attempt to assert that authority in an unreasonable case, however unreasonable it may be, because in such case the court would be the judge of the reasonableness of the ground on which action by the court is based. If we have come to the point where, as the Senator from Utah [Mr. SUTHERLAND] says, we must abide the judgment of the court, whatever it may be, then we are utterly dependent upon the judicial department for permission for the exercise of our prerogatives.

Let me give an illustration, Mr. President. We have another joint committee now sitting, charged with the duty, under a joint resolution, which has the force and effect of law, in the investigation of the Interior Department and of every officer in the Interior Department. There is an elaborate provision of law in which the duties of this committee are set out in detail. They are charged with the investigation not only of the Interior Department generally, but of the acts of officers of that department.

We know from things which have been said and things which have been published that there are in this investigation charges which go to the question of the personal and official honor of high officers of the Government, and questions which, if the charges are sustained, might lead to the determination of the official life of high officers of the Government. Certainly no man could have greater interest in the proceedings of an inquiring body than these men have in the proceedings of that joint committee now sitting in the Office Building of the Senate under this joint resolution.

Suppose, Mr. President, that one of these officers thus being investigated should offer a piece of evidence before that committee, and the committee should in its wisdom say that it was not legitimate evidence and should exclude the evidence, would that officer have the right to go before a court in the District of Columbia and say, "My personal and official honor, dearer to me than any property right, is at stake; my official tenure of office is at stake, which involves also the question of my honor if I am to be deprived of it in this way. I have offered before that committee certain testimony which is vital to my case; and which, under the joint resolution, it is the duty of that committee to hear, and that committee has refused to hear it; and I ask you to issue a mandamus to that committee to hear that evidence." Suppose the judicial officer arms the marshal of the District of Columbia with a writ of mandamus and sends him to the Senate Office Building to go before that committee with an order from the judge to hear that testimony, would that not be a parallel case? It is one which comes to us at this time with great force, but it is one absolutely on all fours with the proposition that, because a man has a property right and he claims that right under a statute, and that a committee of Congress is proceeding under a statute, therefore the court shall be permitted to command a committee of Congress, also acting under a joint resolution having all the force and effect of a statute, as to what it shall do in the execution of the order of Congress as to a thing vital to the performance of the legislative duties of Congress.

Well, Mr. President, if there is any argument—and in courtesy to differing Senators I concede there is—in the contention that for the maintenance of a property right a committee of Congress can be enjoined or can be mandamused, the case which I have supposed, involving personal honor and tenure of office, is one which might be presented with equal, if not greater, force. But if you concede the proposition that a court is at any time to determine when there is a case justifying judicial interference in the work of Congress, you can not at another time deny it and say when they come to attempt to exercise that authority in an unreasonable case, "While you were reasonable before, while there was some doubt before, we then submitted to your jurisdiction, but there is none now, and therefore we will not now submit to your jurisdiction." If you are going to submit to the jurisdiction of a court to enjoin or to mandamus a committee of Congress in one case and do not determine that for yourselves, then your mouth is closed forever when a court seeks to mandamus or restrict or enjoin a committee of Congress upon any ground which the court itself may deem proper and sufficient. For I repeat, the right to interfere being conceded to the court, the question of what is a sufficient and proper ground of interference is a question solely for the court.

Mr. President, we have asked Senators—I do not know that we have asked them in this debate, but in our private discussion of this matter—suppose that these Senators should appear before the court and the court should refuse to recognize the correctness of the proposition which we present, that their act is an unlawful invasion of the prerogatives of the Senate and shall order the case to proceed to trial, what then? Some Senators, at least in private conversation, have suggested that that would be time enough to say, "Well, we will not submit to it;" but what an absurd proposition it is that we will go into a court and plead to the jurisdiction with that action on our part in contemplation. If the court decides with us, well and good; if

the court decides against us, we will say, "Well, we will now assert our right to disregard your mandate."

Mr. President, if we are going to assert our right to disregard the mandate at any time, the only dignified and proper way to do it is in the beginning, and not to submit yourself to a jurisdiction and then deny the legitimate consequences of it afterwards.

Sir, if you admit the right of courts to enjoin the Senate, or to direct the Senate, as I say, we can not draw the line. It will in all cases, then, be for the courts to determine. They can, when their judgment approves, with equal right mandamus the Committee on Claims that they shall award a claim or hear certain testimony with as much propriety, even though there might not be as much basis for their judgment as is contended for in the present case. At the same time, if we concede the proposition that the courts are to determine as to the ground upon which to base the jurisdiction, we can not deny that jurisdiction when they seek to exercise it in any case, I care not how ridiculous it may be. In questions which relate to the inherent and essential constitutional powers of Congress, Congress must necessarily be the sole judge.

The Senator from Utah [Mr. SUTHERLAND] said, in response to a question of the Senator from South Carolina [Mr. TILLMAN], I think it was, "Suppose that the district court decides against the prerogative of the Senate, what then?" The Senator from Utah said the case would go to the Supreme Court. "Then," asked the Senator from South Carolina, "suppose that the Supreme Court decides against the prerogative, what then?" "Then," said the Senator from Utah, "I would submit, as all law-abiding citizens ought to submit, to the decree of that court." The Senator from South Carolina very properly said, "That is to efface the Senate." That necessarily follows, because if it be true that the lower court can assert a jurisdiction and that we have at no time the right to dispute it or deny it, but must go and submit ourselves to its adjudication, then it must follow logically, when that case goes to the Supreme Court, if the Supreme Court determines against our prerogative, it is only a question of the gravity of that prerogative so challenged and disputed, it is only a question as to the extent and breadth of that prerogative, as to whether or not the Senate will be in part crippled by the decision, or whether, as the honorable Senator from South Carolina says, it will be entirely effaced.

Mr. CRAWFORD. Mr. President, will the Senator from Georgia permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. BACON. With pleasure.

Mr. CRAWFORD. If the position—and it seems to be the position on both sides of the Senate—is correct, as I believe it is, that the act of this committee is the act of the Senate, as well as an act of discretion on the part of the committee, it would follow, as a matter of course, that whatever judgment the court might enter would be beyond its power, because it had no jurisdiction of the subject-matter. That being true, what difference would it make, what difference could it make, whether there be any appearance or not?

Mr. BACON. Well, I do not know whether or not the case might take another direction. Right in connection with the inquiry of the Senator from South Dakota [Mr. CRAWFORD], I want to ask the attention of the Senate to what this order of this court proposes to effect. Here is a contract to be let by a joint committee of the two Houses of Congress—a strictly legislative act which Congress itself could do without appointing any committee. Now, here comes a man, who says: "I am entitled to that contract," and the court calls upon the Senators and Representatives on that committee to appear before it and show cause why they should not award that contract to that man. That is the issue. If, as the Senator from South Dakota suggests, the court should determine in favor of the complainant in the case, what would be the order of the court? An order of the court that the Senate of the United States—for there is no distinction between the Senate and a committee in this particular—shall in the exercise of its high functions obey the order of the court to award the contract to a man to whom it did not originally award it. And after the contract had been awarded in obedience to the mandate of the court, the next step would be a mandamus from the court ordering Congress to appropriate the money due under the contract. It would be worse than idle to concede the authority of the court to mandamus the committee, and deny the authority to the court to mandamus the Congress, by which alone the mandate of the court could be made effectual. Are Senators ready to come to any such conclusion as that, to submit to any such contingency or possibility as that? It is untenable to claim that the court has the right to command the awarding of the contract and deny its right to enforce the observance of the contract in the payment of the money required by it. One contention is as utterly illogical and impossible as is the other.

Senators ask what we are to do in case the court issues a mandate against the Senate, or against its committee, and attempts to enforce it. In the last resort, Mr. President, I have no fears but that Congress is fully armed with all the powers necessary for the defense and vindication of its prerogatives, essential to the preservation and exercise of its inherent authority.

Mr. President, there have been various views expressed by Senators in the discussion of this matter. There are, to my mind, but two views, one of which alone can be correct. I think the view of the Senator from Minnesota [Mr. NELSON] and the view of the Senator from Utah [Mr. SUTHERLAND] each is utterly untenable. If it be true that this is an invasion of the prerogatives of the Senate, it is not a question of dignity—although the question of dignity is also involved—but it is a vital question of right of official preservation, of the very life of the Senate, and we ourselves should maintain that prerogative and not leave it to the determination of any other man or any other department of the Government. To destroy the constitutional prerogatives of the Senate is to destroy the Senate. If it be true that it is not an invasion of our prerogatives, as is contended by one or two that I know of, then the conclusion is logical that the Senators of the committee should appear; but unless it is true that it is not an invasion of the prerogative, it seems to me there is but one course to pursue, and that is to say, "We are the judges of our prerogatives in the exercise of our high functions; we are the sole guardians of those prerogatives, and we do not propose to have the matter determined or called in question by any other person or by any other authority." If any party has been aggrieved by the alleged misconduct of a legislative committee he is not without remedy, but the redress of that party can only be found in an appeal to Congress, and it can not be legally found in an appeal to the courts.

Mr. President, I do not desire to further consume the time of the Senate, because I know there are other Senators who desire to be heard, but I thought it due to myself as a member of the Judiciary Committee that I should say this much.

Mr. PILES. Mr. President, I have been unable to agree with the majority of the members of the Judiciary Committee as to the policy that should be pursued on this subject. In common with the Senator from Utah [Mr. SUTHERLAND] and the Senator from Mineesota [Mr. NELSON], I feel that the proper and dignified thing for the committee to do in this matter is to appear in court and plead to the jurisdiction of the court.

While I appreciate the fact that the Senate is a very high body, and that no committee thereof may be lawfully commanded or restrained by the courts, I nevertheless recognize that under our form of government we submit life, liberty, and property to the courts. We have in this country a very high respect for the courts; and if we hope to see the masses of the people maintain a proper respect for the judicial branch of the Government we should, it seems to me, whenever possible set examples for them to follow.

As has been said here, Mr. President, the question as to whether or not the committee was acting in a ministerial capacity is not altogether free from doubt; but conceding that it is free from doubt, the dignity of the Senate will not be lowered by the committee appearing specially in court and objecting to its jurisdiction.

I have no desire to take up the time of the Senate by entering upon a discussion of the issues involved and content myself with the views I have briefly expressed, which led me to support the amendment proposed by the Senator from Minnesota [Mr. NELSON].

The PRESIDING OFFICER. The question is on agreeing to the resolution reported by the Senator from Wyoming [Mr. CLARK].

Mr. NELSON. There were so few Senators present when my amendment was voted on that I ask unanimous consent of the Senate to reconsider the vote by which that amendment was rejected, in order that we may have a full vote on it.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that his amendment to the pending resolution be reconsidered. Is there objection?

Mr. CLARK of Wyoming. Mr. President, there is no objection to reconsidering the vote, but my impression is that there are no more Senators in the Senate at the present moment than there were then.

Mr. NELSON. I shall call for a yea-and-nay vote on the amendment, Mr. President.

Mr. CLARK of Wyoming. There is no objection whatever to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota to reconsider the vote by which the amendment offered by him was rejected? The Chair hears none. The question recurs on agreeing to the amendment offered by the Senator from Minnesota.

Mr. NELSON. On that I call for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. NELSON. Before the roll is called I ask that the amendment be again stated.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. It is proposed to strike out at the end of the resolution the following words——

Mr. TILLMAN. I suggest the absence of a quorum. If we are going to have the amendment read, let everybody know what is being voted on.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Cummins	Jones	Richardson
Borah	Curtis	Kean	Root
Bourne	Depew	La Follette	Smith, Md.
Briggs	Dillingham	McCumber	Smith, Mich.
Bristow	Fletcher	McEnery	Stephenson
Brown	Flint	Martin	Sutherland
Burkett	Foster	Money	Taylor
Burnham	Frye	Nelson	Tillman
Burton	Gallinger	Nixon	Warner
Chamberlain	Gordon	Overman	Warren
Clark, Wyo.	Heyburn	Page	Wetmore
Crawford	Hughes	Paynter	
Culiom	Johnston	Piles	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, I inquire if the yeas and nays have yet been ordered?

The VICE-PRESIDENT. On the amendment of the Senator from Minnesota [Mr. NELSON] the yeas and nays have been ordered. The amendment of the Senator from Minnesota is the pending question, and upon that the Secretary will call the roll.

Mr. BROWN. Let the amendment be stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the end of the resolution it is proposed to strike out the words—

And said Senators are directed to make no appearance in response thereto—

And in lieu thereof to insert the following:

That said Senators, without acknowledging the jurisdiction of said court, may, in their discretion, appear therein, for the sole purpose of showing to the court that it is without jurisdiction in the premises and is unlawfully invading the constitutional privileges and prerogatives of the Senate and of said Senators.

The VICE-PRESIDENT. The question is on agreeing to the amendment, and upon that question the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS], but I regard this as a matter affecting the privileges of the Senate and one upon which Senators can not be expected to pair. I shall therefore disregard my usual arrangement and vote. I vote "nay."

Mr. BOURNE (when his name was called). As I am one of the members of the Joint Committee on Printing, I ask to be relieved from voting on this matter.

The VICE-PRESIDENT. Without objection, the Senator from Oregon will be excused from voting. The Chair hears no objection.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE], but, following the views of the Senator from Texas [Mr. BAILEY] and heartily agreeing with them, I shall vote. I vote "nay."

Mr. FLETCHER (when his name was called). Being a member of the Joint Committee, I ask to be excused from voting.

The VICE-PRESIDENT. If there be no objection, the request of the Senator from Florida will be granted. The Chair hears no objection.

Mr. FLINT (when his name was called). I am paired with the Senator from Texas [Mr. CULBERSON], who is absent. For that reason I withhold my vote. If he were present, I should vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I transfer that pair to the Senator from Oklahoma [Mr. GORE], and vote. I vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. I inquire whether that Senator has voted on this question?

The VICE-PRESIDENT. The Chair is informed that he has not.

Mr. PAYNTER. If he were present, I should vote "nay."

Mr. SMOOT (when his name was called). As a member of the committee, I withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan. My colleague [Mr. BURROWS] is necessarily absent from the Senate. He is paired with the senior Senator from Maryland [Mr. RAYNER].

Mr. PAYNTER. Upon reflection, considering that the question involves the privileges of the Senate, I feel that I can vote. I vote "nay."

Mr. FLINT. As I have heretofore stated, I am paired with the senior Senator from Texas [Mr. CULBERSON], but in a matter of this kind I consider that I have a right to vote. I vote "yea."

Mr. CURTIS. I desire to announce that on this vote and all other votes which may be had to-day, the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 14, nays 45, as follows:

YEAS—14.

Brown	Dillingham	McCumber	Piles
Clapp	Flint	Nelson	Sutherland
Cummins	Gallinger	Nixon	
Curtis	La Follette	Page	

NAYS—45.

Bacon	Crawford	Kean	Smith, Mich.
Bailey	Culiom	Lodge	Smith, S. C.
Bankhead	Depew	McEnery	Stephenson
Borah	Dick	Martin	Stone
Briggs	du Pont	Money	Taylor
Bristow	Foster	Overman	Tillman
Burkett	Frye	Paynter	Warner
Burnham	Gordon	Penrose	Warren
Burton	Heyburn	Purcell	Wetmore
Chamberlain	Hughes	Richardson	
Clark, Wyo.	Johnston	Root	
Clay	Jones	Simmons	

NOT VOTING—33.

Aldrich	Crane	Gamble	Rayner
Beveridge	Culberson	Gore	Scott
Bourne	Daniel	Guggenheim	Shively
Bradley	Davis	Hale	Smith, Md.
Brandegee	Dixon	Lorimer	Smoot
Bulkeley	Dolliver	Newlands	Taliaferro
Burrows	Elkins	Oliver	
Carter	Fletcher	Owen	
Clarke, Ark.	Frazier	Perkins	

So Mr. NELSON's amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Wyoming.

Mr. McCUMBER. I should like to have the resolution read again.

The VICE-PRESIDENT. Without objection, the resolution will again be read.

The Secretary read as follows:

Senate resolution 177.

Resolved, That Justice Wright, of the supreme court of the District of Columbia, in granting and issuing the following rule to show cause why a writ of mandamus should not be issued, to wit:

In the supreme court of the District of Columbia.

The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court, this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued, as prayed in said petition, provided a copy of said petition and this rule be served upon said

respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

WRIGHT, *Justice.*

A true copy.
Test:
J. R. YOUNG, *Clerk,*
By H. BINGHAM, *Assistant Clerk,*

against three members of this body named in said rule, to wit: Senators REED SMOOT, JONATHAN BOURNE, Jr., and DUNCAN U. FLETCHER, and in causing the said rule to be served upon them, in the opinion of the Senate thereby unlawfully invaded the constitutional privileges and prerogatives of the Senate and of said Senators, and was without jurisdiction to grant said rule; and said Senators are directed to make no appearance in response thereto.

Mr. McCUMBER. Mr. President, as I intend to vote against the resolution, I desire in a very few words to give my reasons for so doing.

I find here upon our statute books a law passed by both Houses of Congress and signed by the President of the United States. That law constitutes certain persons a board to arbitrate upon the matter of letting contracts with respect to public printing. I can not understand that this board acts in any legislative capacity in passing or acting upon anything that is submitted in the shape of a bid. It is not carrying out a legislative function in any way. It exists only as a board for that particular purpose by virtue of the law under which it is created, and is not acting as a Senate committee or performing the functions of such a committee, which functions relate purely to the matter of enacting legislation and not to the matter of carrying that legislation into effect after it has become a law.

If I understand this law at all, it creates certain individual rights. The man or the company or the corporation which puts in a bid in conformity with the law is entitled to have certain things done by that committee or that board. He has a legal right, if he conforms to the requirements of the law, to compel the board to comply with the requirements incumbent upon it. If we admit that, and admit that there may be a question whether the individual or the corporation has complied with the law, then we must admit that there is some power to try that right, and the only power that I know of lies ultimately in the courts; or else we must say that there is one law upon our statute books which the courts can neither construe nor enforce; that there is one law which must depend entirely upon the Senate or upon the House for its efficacy as a law.

I can not believe that that is the legal status of the individual or the corporation which has complied with the requirements of the law we have passed.

Mr. SUTHERLAND. Mr. President——

Mr. McCUMBER. In one moment. Now, under what authority does this board act? Does it act under the authority of the Senate for the purpose of performing legislative functions, or does it act under the authority of a law that has been passed by Congress; and if it acts under the law, then is it not subject to every legal proceeding for the enforcement of that law?

Now I will listen to the Senator from Utah.

Mr. SUTHERLAND. The Senator from North Dakota suggested that under the action proposed by this committee we would have a situation where the courts would be powerless to interpret one law of Congress. I think when I suggest it to the Senator he will see that he can go still further. Under our form of government we have three departments—one charged with the duty of making laws, another with the duty of executing laws, and a third with the duty of interpreting the laws. We have a situation here where the same body makes the law, executes the law, and finally interprets it, performing all three functions.

Mr. McCUMBER. Without any right of appeal to anyone.

It seems to me that that leaves the case at least sufficiently doubtful, so that any Senator, without any resolution, acting upon his own initiative, can either appear or refuse to appear; and I would prefer to leave it to the individual Senator who has been summoned to appear before that court to appear or not, as he may desire. If he appears, he can plead specially to the jurisdiction, and can take an appeal if it is decided against him. If he does not appear and contempt proceedings are the final result of that nonappearance, he still would have the right to appeal and to try his case in the courts. And I for one am not in favor of the Senate, on such a doubtful case, at least as this seems to me to be, to take the initiative and say that the court shall not pass upon its own jurisdiction, either the court of first resort or the appellate court. For that reason I shall record my vote against the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Wyoming.

The resolution was agreed to.

Mr. CLARK of Wyoming. I offer the resolution I send to the desk.

The VICE-PRESIDENT. The Senator from Wyoming offers a resolution, which the Secretary will state.

The Secretary read the resolution, as follows:

Senate resolution 178.

Resolved, That the Secretary of the Senate respectfully communicate to Mr. Justice Wright, justice of the supreme court of the District of Columbia, the views of the Senate upon the question of the jurisdiction of said court in the case of The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, etc., in which a rule to show cause was made by said justice on the 2d day of February, A. D. 1910, as expressed in S. R. 173.

The resolution was considered by unanimous consent and agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS, MO.

Mr. CULLOM. I ask leave to call up the bill (H. R. 19390) to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANK OF CERTAIN ARMY OFFICERS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate in compliance with its request the bill (S. 579) to correct the lineal and relative rank of certain officers of the United States Army.

Mr. BRIGGS. I move that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered.

The motion was agreed to.

Mr. BRIGGS. I move that the bill be indefinitely postponed.

The motion was agreed to.

INCOME TAX.

Mr. BORAH. I ask consent to call up Senate resolution 175.

The VICE-PRESIDENT. Without objection, Senate resolution 175 will be laid before the Senate.

The Secretary read the resolution submitted by Mr. BORAH on the 8th instant, as follows:

Senate resolution 175.

Resolved, That the Committee on the Judiciary be, and is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the proposed amendment to the Constitution of the United States, as submitted to the States for ratification at the special session, would, if adopted, authorize Congress to lay a tax upon incomes derived from state bonds and other municipal securities or would authorize Congress to tax the instrumentalities of means and property of the State or the salary of state officers.

Mr. BORAH. Mr. President, a few weeks ago one of our most distinguished and justly celebrated of public men, Governor Hughes, of New York, sent a message to the New York legislature recommending against the ratification of the proposed amendment to the Constitution providing for levying an income tax without apportionment. It has been assumed by the public press, since the message of the governor, that it would be impossible, in view of his declaration, to secure the enactment of the amendment. So firm a hold has the governor of New York upon the public mind and so high is the esteem in which he is held as a lawyer that it was regarded as in a nature conclusive against the amendment. After some considerable consideration of the matter it occurs to me that there are at least two sides to the controversy, and, in my own opinion, the grounds stated for the rejection are not such as should prevail against the amendment. The governor stated in his message as follows:

I am in favor of conferring upon the Federal Government the power to lay and collect an income tax without apportionment among the States according to population * * *. But the power to tax incomes should not be granted in such terms as to subject to federal taxation the incomes derived from bonds issued by the State itself or those issued by municipal governments organized under the State's authority * * *. You are called upon to deal with a specific proposal to amend the Constitution * * *. This proposal is that the Federal Government shall have the power to lay and collect taxes on incomes *"from whatever source derived."*

The contention of the governor being that if this proposed amendment should be adopted it would confer upon the Government the power to levy an income tax upon incomes derived from state and municipal bonds; and it would follow, although he does not so state, as a matter of logic and a matter of law, that it would confer the power to levy an income tax upon the salaries of state officers, executive, judicial, and legis-

lative. In other words, the position of the governor is that it would confer upon the National Government the power to tax the instrumentalities and means of state government, and for that reason he opposes it.

It is curious to observe, Mr. President, that this is precisely the same objection that was urged to the language contained in the taxing power of the National Constitution at the time of its submission to the thirteen States for ratification. It was contended upon the part of those who opposed its adoption that the language of the National Constitution was such as to enable the National Government to impose a tax upon the instrumentalities and means of state governments, to thereby embarrass the state governments, and in the end to practically destroy them as independent and separate sovereignties. The argument was based in those days upon the plenary power which was given to the National Government to tax, it being contended that the language conveyed power to tax all property of whatever kind or from whatever source derived, and that this would give the power to tax the instrumentalities and means of the State.

When Mr. Hamilton came to answer that argument in his Federalist articles he did not recede from the proposition that full power had been given to the Federal Government to tax. He stated that the power of the Federal Government to tax was without limit, unqualified, plenary, and that it should be so; that it was intended to be so; and that that was the only reasonable construction which could be placed upon it. He gave his reasons in the following statement, quoting from the thirty-first number of the Federalist:

> A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care and to the complete execution of the trusts for which it is responsible; free from every other control but a regard to the public good and to the sense of the people.
>
> As the duties of superintending the national defense and of securing the public peace against foreign or domestic violence involve a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the Nation and the resources of the community.
>
> As revenue is the essential engine by which the means of answering the national exigencies must be procured, the power of procuring that article in its full extent must necessarily be comprehended in that of providing for those exigencies.
>
> As theory and practice conspire to prove that the power of procuring revenue is unavailing when exercised over the States in their collective capacities, the Federal Government must of necessity be invested with an unqualified power of taxation in the ordinary modes.

I am not going to assume that the effect of this tax would be any other than that which Governor Hughes suggests. For the purpose of the remarks I propose to make to-day I shall assume that it would have the effect for which it is contended without discussing that question.

The amendment which has been submitted reads as follows:

> Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration.

The words upon which the governor lays stress are "from whatever source derived," he believing them to include incomes from the sources I have suggested.

I submit for the consideration of the Senate, first, that this amendment, if adopted, will add nothing to the power of the National Government to lay and collect taxes in the way of power; that the power of the National Government at the present time, as I have said, is full, complete, unlimited, and unfettered, save as to exports from the States, which has nothing to do with the argument here.

It is true that there are two rules with reference to the manner in which the Congress shall exercise the power—that of uniformity and that of apportionment—but as to the power itself, putting aside for the moment the manner of its exercise, I submit that the power is at the present time vested in Congress without any limitation, unfettered in every sense of the term.

Secondly, I invite the attention of the Senate to the proposition that the words "from whatever source derived" add nothing to the force or strength of the amendment itself. When the Constitution says that the Congress shall have power to lay and collect taxes, it conveys all the power that it would convey if it said "shall have power to lay and collect taxes upon property from whatever source derived." If we should have said in this amendment that Congress shall have power to lay and collect taxes upon incomes without apportionment, it would necessarily, in constitutional parlance, include all incomes of whatever nature or from whatever source derived.

I reason from this basis: We find in the Constitution at the present time this power that Congress shall have power to lay and collect taxes, and the court has held that it includes taxes upon all kinds of property and from whatever source it may be derived. Therefore the adding of the words "from whatever source derived" does not amplify the power conferred or make it mean any other than it would mean if the words had been entirely omitted from the amendment.

Third, the amendment did not deal, does not purport to deal, and was not intended to deal with the question of power. It intended to deal, and does deal, alone with the manner of exercising that power which is already complete, that which is already without any limit. The sole obstacle to be removed by those who sought to change the Constitution was that of apportionment. No one has ever contended that it was not within the power of Congress to lay a tax upon incomes. That power has belonged to Congress from its organization, under the original taxing power of Congress. Whether apportioned or unapportioned was a matter of discussion, and concerning which courts and lawyers differed; but the power to impose an income tax upon all property, "from whatever source derived," was never doubted, so far as I know, by either court or lawyers in this country.

As a basis, therefore, of my argument to-day, I desire to show that the power of Congress to tax is at the present time unlimited, and has been so construed; that, so far as express provisions of the Constitution are concerned, there is no reason why we could not impose a tax upon state bonds and municipal bonds or upon the salaries of state officers at the present time. If the governor were asked why we do not impose a tax upon state bonds at the present time, to what provision of the Constitution would he direct our attention? If the governor were asked what limitation is there upon the taxing power of Congress, to what provision of the Constitution or language therein would he direct our attention?

If the governor were asked upon what principle the Supreme Court has held that you can not tax the instrumentalities of the State, to what principle would he direct our attention? If he were asked what change is being made by this amendment in that principle upon which the court has held that you can not tax the income from state bonds, what change could he possibly suggest?

In other words, Mr. President, the principles upon which the Supreme Court has held that notwithstanding the completeness of the taxing power now in Congress you can not tax the instrumentalities of a State are principles which are imbedded in, interwoven with, and a part of the texture of the whole instrument, are in no sense changed by this amendment, nor could they be by any words which are contained in it.

The Supreme Court of the United States, in Pacific Company *v.* Soule (7 Wall., 433), said:

> The taxing power is given in the most comprehensive terms. The only limitations imposed are that direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform, and no duty shall be imposed upon articles exported from any State. With these exceptions—

That is, uniformity and apportionment and exports from States—

> *the exercise of the power is in all respects unfettered.*

It will be conceded that the question of exports is not involved in this controversy, and can not be. Then, if we apportion an income tax at this time, under what prohibition or limitation of the Constitution are we inhibited from laying it upon state bonds? I ask that question so as to disclose more fully as I proceed that the reasoning is based upon principles which are not affected by this amendment, and which can not possibly be so, because of the language employed.

Again, the Supreme Court said, in Veazie *v.* Fenno (8 Wall.):

> Nothing is clearer from the discussions in the convention and the discussions which preceded final ratification by the necessary number of States than the purpose to give this power (to levy taxes) to Congress as to the taxation of everything except exports in its fullest extent. * * * More comprehensive words could not have been used. * * * The words used certainly describe the whole power, and it was the intention of the convention that the whole power should be conferred.

In Mr. Pomeroy's work on the Constitution, volume 1, page 188, he says:

> Because the Nation is thus paramount its taxing power is supreme; it may be applied to all subjects; it may be exerted upon all individuals, and upon every species of property.

That is the announcement by a constitutional writer of the principle which has been embedded in the decisions of the Supreme Court of the United States from the time the great Chief Justice Marshall first took hold of the taxing clause and construed it. Yea more, it has been a part and parcel of the accepted jurisprudence of this country since Alexander Hamilton

interpreted the Constitution in the articles known as the "Federalist."

I ask, if to-day under the present taxing clause of the Constitution we can tax all property of whatever species, from whatever source derived, what inhibition is there against our taxing every state bond of the State of New York, and the municipal bonds of New York, at the present time, so far as the provision of the Constitution is concerned? Certainly no one will contend that the present taxing clause is not full enough to cover all property, of whatever kind and from whatever source derived. It has always been so construed. If it were to be construed alone, it would undoubtedly be sufficient to enable us to tax state bonds. But it can not be construed standing alone; neither could this amendment. The rules of construction which control this present unlimited taxing clause would control in the same way and for precisely the same reasons the proposed amendment.

In the late case of Nichol *v.* Ames (173 U. S., 515) the Supreme Court said:

It (Congress) has power from that instrument (the Constitution) to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare, and the only constitutional restraint upon the power is that all duties, imposts, and excises shall be uniform throughout the United States, and that no capitation or other direct tax shall be laid unless in proportion to the census or enumeration directed to be taken, and no tax or duty can be laid on articles exported from any State. Thus guarded, the whole power of taxation rests with Congress.

Again, in Bank *v.* Billings (4 Pet., 514) Chief Justice Marshall said:

The power of legislation and, consequently, of taxation operates on all persons and property belonging to the body politic.

Mr. Hamilton, in his Report on Manufactures, said:

The National Legislature has express authority to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare, with no other qualifications than that all duties, imposts, and excises shall be uniform throughout the United States; that no capitation or other direct tax shall be laid unless in proportion to numbers ascertained by a census or enumeration taken on the principle prescribed in the Constitution; and that no tax or duty shall be laid on articles exported from any State. These three qualifications excepted, the power to raise money is *plenary* and *indefinite*.

Thus the whole power of taxation rests with Congress. When you exclude exports from States and conform to the rule of uniformity and of apportionment, there is no limitation upon the taxing power of the National Government as it exists at the present time. I submit that it would be difficult to find language which would convey more than the full and complete power which is now conferred by the Constitution.

I say, therefore, that already Congress is given absolute power; and if the reasoning of the distinguished governor were correct, the language being full and complete, conveying all power, we could tax state bonds and municipal securities and state salaries at the present time.

But there is another controlling reason why we can not do so, which reason is omitted in the message and which is not affected by this amendment in any manner. The first time the question arose as to power of one sovereignty to tax the means or instrumentalities of another sovereignty was in the case of McCulloch *v.* Maryland. In that case, as all lawyers well remember, there was an attempt on the part of the State of Maryland to tax the stock of the United States Bank. The United States Bank having been organized as an instrumentality of the National Government to carry out certain functions of granted power, it was held that it was not a taxable article. In that case Chief Justice Marshall considered this question and gave us the basis upon which has been built the entire structure of law which prevents one nationality from taxing the instrumentalities and means of another.

In the first place, it was admitted by the Chief Justice that there was no provision of the Constitution which controlled the subject-matter. It was stated by the Chief Justice that there was neither any limitation nor grant of power which prevented the States from taxing the instrumentalities of the National Government, and he stated in his decision that, therefore, the taxing power of the National Government being complete, the inhibition had to be found somewhere other than that of the taxing clause itself. He said, in McCulloch *v.* Maryland (4 Wheat.):

There is no express provision (of the Constitution) for the case, but the claim—

That is, the exemption from taxation—

has been sustained on a principle which so entirely pervades the Constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture as to be incapable of being separated from it without rending it into shreds.

Upon what principle, stated a little more fully, but never more comprehensively, did the Chief Justice argue that you could not tax the instrumentalities of Government? Upon the theory that the Constitution as a whole created two separate and distinct sovereignties independent of each other in their specific and reserved powers, and that however full the grant of power of taxation might be in the Constitution, there must always be subtracted from that power the right of the different sovereignties to perform their functions as such. In other words, said the Chief Justice, to construe it otherwise would be to rend the whole fabric into shreds.

It was not, therefore, because of the fact that the taxing clause of the Constitution had any limitations either express or implied in its language, it was not because the language failed to convey all the power of the National Government to tax, but because of the universal rule that every component part of the Constitution must be construed in the light of every other part of it; and that it all must be construed as a whole in the light of the designs and purposes and objects to be accomplished when the instrument was written. Those designs and purposes were to create a national government in its own sphere, independent and separate and distinct from the state governments, and to create the state sovereignties, which in their reserved powers are separate, distinct, and independent of the National Government.

There is one thing that we overlook in arguing this question, and it seems to me to be the vice of the distinguished governor's argument. It is that the state governments, in their separate and independent sovereignties, in their reserved powers, are just as much beyond the jurisdiction and control of the National Government as the National Government in its sovereignty is beyond the control and jurisdiction of the state governments.

In a later case, in Railroad Company *v.* Peniston (18 Wall., 31), the Supreme Court said:

The States are, and they must ever be, coexistent with the National Government. Neither may destroy the other. Hence the Federal Constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the State or prevent their efficient exercise.

Again, the court in United States *v.* Railway Company (17 Wall., 327) said:

The right of the States to administer their own affairs, through their legislative, executive, and judicial departments, in their own manner, through their own agencies, is conceded by the uniform decisions of this court and by the practice of the Federal Government from its organization. This carries with it an exemption of those agencies and instruments from the taxing power of the Federal Government.

I call attention also to the following citations and authorities, all bearing out the same line of reasoning:

The taxing power of the United States is subject to an implied restraint arising from the existence of the powers in the State which are obviously intended to be beyond the control of the General Government. (Hare on the Constitution, vol. 1, p. 265.)

This clause with reference to taxation is without any express restriction except that already referred to and explained—uniformity and apportionment and exports in the State. Despite this, it has been decided that the United States can not tax the salary of a state officer or a state municipal corporation or process of state courts or a railroad owned by a State. This decision rests upon the strong ground that the power of Congress—even under this full grant as contained in the language of the Constitution—to pass a tax law is restricted to a law which is necessary and proper to carry its taxing power into effect, and as taxation of a state franchise by the Federal Government is an infringement upon the reserve power and autonomy of the State, and as the power to tax without limitation is the power to destroy, execution by the United States of a power which involves the total destruction of state functions was not only not proper, but radically improper. (Tucker.)

The revenue act of 1898 (United States *v.* Owen, 100 Fed. Rep., 70) provided that a stamp tax of 50 cents should be imposed upon "all bonds of any description except such as may be required in legal proceedings not otherwise provided for in this section." It was held that a tax could not be required upon a saloon keeper's bond required by the statutes of the State, notwithstanding this law. The court said:

These cases establish the principle that the great law of self-preservation, the inherent attribute of sovereignty, exempts any and all means and instrumentalities of state government from federal taxation.

Rules of Construction, from Mr. Story:

1. The first and fundamental rule in the interpretation of all instruments is to construe them according to the sense of the instrument and the intention of the parties.

2. There may be obscurity as to the meaning from the doubtful character of the words used, from other clauses in the same instrument, or from inaccuracy or repugnancy between the words and the apparent intention derived from the whole structure of the instrument or its avowed object.

3. In construing the Constitution of the United States, we are in the first instance to consider what are its nature and object, its scope and design as apparent from the structure of the instrument viewed as a whole and also viewed in its component parts.

I desire especially to call attention to the language in the case of Collector *v.* Day. This is the case where the question first arose as to the power of the National Government to tax the instrumentalities of the State. The case of McCulloch was a case where the State was undertaking to tax the national instrumentalities. This was where the National Government undertook to tax the state instrumentalities; and the argument upon which the court rests its conclusion controls this proposition clearly and distinctly in the face of any language contained in this amendment. The court said in Collector *v.* Day (11 Wall.):

> Such being the separate and independent condition of the States in our complex system as recognized by the Constitution, and the existence of which is so indispensable that without them the General Government itself would depart from the family of nations, it would seem to follow as a reasonable if not a necessary consequence that the means and instrumentalities employed for carrying on the operations of their government, for preserving their existence and fulfilling the high and responsible positions assigned to them in the Constitution should be left free and unimpaired, should not be liable to be crippled by the taxing power of another government, which power acknowledges no limits but the will of the legislative body imposing the tax. * * * In respect to the reserve powers the State is as sovereign and independent as the General Government.

We are discussing now the question of taxing the state means.

> *It is admitted there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of a State, nor is there any prohibiting the State from taxing the means and instrumentalities of the Government. In both cases the exemption rests upon necessary implication and is upheld by the great law of self-preservation, as any government whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government.*

What were the conditions under which this decision was rendered, and what were the facts? In the first place, Congress had passed a statute specifically covering the salaries of all officers. Congress had passed the act under a power in the Constitution which had been held, and was held in that case, to be without limitation.

We have, therefore, the lawmaking body of the Government exercising the power conferred upon it by the Constitution to tax property of all kinds and from whatever sources, specifically taxing, in so many words, the property which was exempted by the decision of the court, and not exempted because the language of the Constitution failed to cover the property, not exempted because the court found somewhere in the language a lack of power to put a tax upon this particular kind of property, but exempted for the reason, as said by the court in practically so many words, that there must be subtracted from this unlimited power the right of the state government to exist and perform its functions.

That being true, when we should have this amendment adopted what would we have? We would have the unlimited power of the National Government to tax still unimpaired. We will assume that it does convey all the power to the Government that could be conveyed for the purpose of taxing, nevertheless we would fall back upon the principle enunciated in the McCulloch case and in Collector *v.* Day, upon the principle that it is not within the jurisdiction of the National Government to exercise control over the state functions or the functions of a separate and individual sovereignty; that unlimited power to tax covering property or incomes from whatever source derived will never be construed, so long as we have an indestructible union of indestructible States, so as to embarrass or destroy each other. The fullest taxing power must be construed in the light of the objects, designs, purposes, and schemes of the Constitution as a whole.

But it seems to me that this question has been even more definitely determined and decided. The income-tax law of 1864 specifically provided for the laying of a tax upon salaries, also to tax incomes derived from any kind of property. The language was quite as broad and comprehensive as the language of the proposed amendment in which we are at present interested. The Supreme Court held unanimously that this income tax of 1864 was constitutional, and it said over and over again that there was positively no limitation upon the power of the National Government to tax; that all property was subject to taxation. So under this constitutional power to tax everything Congress passes an act specifically taxing salaries and property from whatever source derived. Now, if the constitutional provision was unfettered, and Congress, under this unfettered power, specifically laid a tax upon salaries and incomes from whatever source derived, were they not in as strong a position to assert the right to tax state officers' salaries as they would be were this amendment passed? Yet, notwithstanding this express provision of Congress under this full taxing power of the Constitution, it was held that you could not tax the state instrumentalities. In other words, that while the language was unequivocal and unambiguous and the power was unquestioned, so far as the taxing provision alone was concerned, such provision and such act of Congress must be construed in the light of the fact that we are a dual Government.

The internal-revenue act of 1864 also provided that no instrument or document should be admitted into any court until the requisite stamps should be affixed. The term "any court" covered all courts, and it was quite clear that the lawmakers intended it to apply to all courts. Notwithstanding the language of the statute, notwithstanding its broad and comprehensive language, it was construed in the light of relationship between the State and the National Government and it was held this could not apply to state courts. (Carpenter *v.* Snelling, 97 Mass., 457; Green *v.* Holway, 101 Mass., 243; Barber *v.* Gale, 43 N. Y., 40; Bank *v.* Hill, 43 Tenn., 325.)

But, Mr. President, it seems to me that the question has been brought nearer to the present hour and more definitely presented in the famous Pollock case itself. We remember that in the Pollock case the income-tax law of 1894 was involved. The statute of 1894 had incorporated in it almost the identical language which is found in this amendment, covering property of whatever kind and incomes from property of whatever kind.

That law was passed upon in the light of the general taxing power of Congress. It was brought to the attention of the court that included in some of the incomes was income from state bonds. There were two things upon which the court in that case were not divided. The first was that there was no limitation upon the power of Congress, as contained in the clause of the Constitution, as to what kind of property should be taxed and what should not.

On the first proposition it was held that the power was unlimited. The second proposition was that, notwithstanding that fact, Congress could not pass an act which would cover the incomes derived from state bonds or salaries of state officers. I desire to read a quotation from both the affirmative and the dissenting opinion. Mr. Fuller, Chief Justice, said in the Pollock case:

> The power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion.

Mr. Justice White said:

> The words "duties, imposts, and excises," in conjunction with the reference to direct taxes, adequately convey the power of taxation to the Federal Government. * * * It is unquestioned that the provisions of the Constitution vest in the United States plenary powers of taxation; that is, all powers which belong to the Government as such, except that of taxing exports. * * * In deciding, then, the question of whether the income tax violates the Constitution, we have to determine not the existence of a power, but whether an admittedly unlimited power to tax—the income tax not being a tax on exports—has been used according to the instruction as to method. Not power, it must be borne in mind, but the manner of its use is the only issue presented in this case.

The basis of the court's opinion rested upon the proposition that there was an admittedly unlimited power, and under this unlimited power Congress had passed an act covering this specific kind of property. It would be interesting to go back and read the act of 1894 to observe with what fullness the statute covers the same kind of property which we are seeking here to tax; and yet, notwithstanding the fact that the court started in on its reasoning upon the basis that there was no limit in Congress to tax, and that Congress had under its full power exercised its privilege to tax, it fell back to the case of Collector *v.* Day, and argued that you could not construe a component part of the Constitution in disregard of the instrument as a whole. Without repeating here what I have said, the court adopted and accepted to its full extent the reasoning in the case of Collector *v.* Day, and again announced that the doctrine must prevail that one sovereignty could not interfere with the instrumentalities of another.

In other words, Mr. President, when this amendment says "from whatever source derived," that must be a source within the jurisdiction and taxing power of the nationality which lays the tax.

I undertake to say, without fear of successful contradiction from the authorities, that the National Government has no more jurisdiction as a governmental fact over the functions of a state government than it has over the property across the line in Canada as a territorial fact. They are not within its power or control. Until we revise the Constitution as a whole, take the instrument up and revise it and definitely announce that these separate and independent sovereignties are no longer to be so, no court will ever hold that you can interpret the taxing

clause of the Constitution so as to destroy those sovereignties. As Judge Nelson said in one case:

> The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme. But the States within the limit of their power as granted, or in the language of the tenth amendment preserved, are as independent of the General Government as that government within its sphere is independent of the States.

Again he says:

> In respect to the reserve powers the State is as sovereign and independent as the General Government.

Justice Brewer in a noted case said:

> The States are in many respects sovereign and independent.

Chief Justice Marshall, in laying down the rule of taxation in the case to which I have already called attention, says in another part of the decision:

> All subjects over which the sovereign power of a State extends are objects of taxation. But those over which it does not extend are, upon the soundest principles, exempt from taxation. This proposition may almost be pronounced self-evident. Sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission; but does it extend to those means which are employed by Congress to carry into execution the powers conferred on that body by the people of the United States? We think it demonstrable that it does not.

Take this ruling of the Chief Justice, which has been repeated in substance and in principle so often since, put it down by the side of the proposed amendment to the Constitution, and construe that amendment in the light of that principle, that only those things over which each sovereignty has jurisdiction and control are subject to taxation, what possible fear can there arise in the mind of any man that the Supreme Court will say that out of the words "from whatever source derived" comes the power to do as Marshall said, "rend the whole fabric into shreds?"

These words must always be construed in the light of these principles; that is, as expressing authority which belongs to the jurisdiction which undertakes to lay the tax.

In conclusion, on this phase of the subject, I submit:

First. That the proposed amendment adds nothing to the taxing power of the National Government. This power was complete, unfettered, plenary before. It can be no more than that should this proposed amendment be adopted.

Second. The proposed amendment does not deal or purport to deal with the question of power which is already complete, but simply with the manner and method of exercising and using that power.

Third. No one has ever questioned the power of the National Government to lay an income tax, for, as was said by Justice White, the question has always been "whether an admittedly unlimited power to tax has been established according to the instruction as to the method," and it was to remedy the method alone that the amendment was submitted.

Fourth. The words "from whatever source" add nothing to the force of the amendment. It would, in constitutional parlance, be just the same if it said "to lay and collect taxes on incomes without apportionment," for who could then say that you would not have the right to lay taxes upon all incomes? The present taxing power would not be a particle stronger if it stated "to lay and collect taxes upon all property from whatever source."

Fifth. To construe the proposed amendment so as to enable us to tax the instrumentalities of the State would do violence to the rules laid down by the Supreme Court for a hundred years, wrench the whole Constitution from its harmonious proportions and destroy the object and purpose for which the whole instrument was framed.

Sixth. To construe it to cover those incomes from sources within the jurisdiction and control of the sovereignty laying the tax is to construe it in harmony with the principles given us by Marshall and followed from that hour to this.

Mr. President, the history of the income tax since 1894 has not been one which any citizen can recite with pride. For nearly one hundred years the construction of the Constitution as established by the men who helped to write it had received the approval of an undivided court time and time again. During that period there sat upon the bench of the Supreme Court some of the greatest lawyers of that or any other period of this or any other country. During that period wealth had not become so domineering and so powerful and so determined to have its own way. During that period this Government had the power to impose the burdens and expenses of government upon consumption and upon all forms of wealth, and we did so. In 1894–95 these precedents were overturned. This Constitution received a construction unknown to its makers. In the face of two powerful dissenting opinions, assented to by two other judges, the startling and astounding doctrine was announced that the framers of the Republic had made it impossible to levy a tax upon some forms of wealth even in time of war; that the builders of this Government had made it impossible to dispose and divide the burden of government between consumption and the different forms of wealth. At the last session we were called upon to express our assent to that interpretation of the Constitution, by express act to declare our acceptance of it. Under majority rule there was submitted this amendment to cover and eliminate that supposed hideous defect in the fundamental law.

Now, Mr. President, the scheme and plan is to defeat that amendment. Having, as a legislative body, solemnly declared our acceptance of this construction of the Constitution, thereby making it practically impossible to again appeal to the courts, if this amendment can now be defeated this Government of the people, for the people, and by the people will stand alone among all the civilized nations of the earth shorn of the power to divide the burden of government between consumption and the different forms of wealth. This is the scheme and the plan; and, unfortunately, the great governor of New York has given much aid and comfort to the cause by reason of his high standing among the people of the country.

Mr. President, no one ever saw this country in just the condition in which it is to-day. Never since this Government was launched has there been such a universally restless spirit among the masses of the people, such persistent inquiries, such ugly questioning. No part of the Government seems above challenge or criticism, and it is fast becoming popular in some parts of this country to scoff at the Constitution itself. A restless, unquiet, dissatisfied, and—worst of all—a suspicious public mind is the public mind of to-day.

You can defeat this amendment; and I fear, from the men who are gathering to the crusade, that it will be defeated. Some of those who are proposing to encompass its defeat will not stop on the hither side of most disreputable means to accomplish their purpose. They are vitally involved. But when you shall have accomplished your purpose and the people shall have ascertained how their rights have been manipulated away, it will go far toward exciting to renewed force and strength that feeling of wrath and class hatred which is already too strong in this country. When those who are ill able to bear the burden of government see the expenses of the Government constantly increasing, when they see the creation of larger navies and larger armies, the burden of expenses increasing everywhere, and learn that, after all, this entire burden must be borne by what they eat and what they wear, and that certain forms of wealth which breed luxury, idleness, and idiocy go untaxed, they will not listen to you when you are called upon to plead with them against radical changes in our form of government which will be submitted to this country within the next fifty years.

I hope, therefore, Mr. President, that the governors of the States and the legislatures of this country will do their duty and see that this amendment is adopted; that they will meet this matter, whether there is a division among them or not as to when it should be exercised, upon the basis that it is a power that ought not to be taken away from the Government.

The people should bestir themselves upon this vital matter before it is too late. It would be nothing less than a catastrophe for this amendment to be defeated, if we are, out of a false idea of courtesy, to be deprived of appealing to the court. It is the people's fight, and no one should be misled by the utterly unfounded proposition that this amendment contains the power to embarrass and destroy the States and "rend the whole fabric into shreds."

Mr. BROWN. Mr. President, I inquire if the question is on the adoption of the resolution? If so, I ask the Senator from Idaho [Mr. BORAH] to permit his resolution to lie on the table. I desire to address the Senate on the subject, but not this afternoon.

The VICE-PRESIDENT. If there be no objection, the resolution will lie on the table.

Mr. BAILEY. I hope that the Senator from Nebraska [Mr. BROWN], who had the honor to offer this amendment, will assent to the doctrine announced by the Senator from Idaho [Mr. BORAH]. Speaking for myself, I voted for that resolution, believing what the Senator from Idaho has so well expressed, and if the Senator from Nebraska, as the author of the amendment, will give his approval to that doctrine I think it will materially strengthen our case. I hope the Senator from Nebraska will not hesitate to express his adherence to that doctrine.

Mr. BROWN. Mr. President, I was not hesitating to express my opinion upon the subject; I was waiting for the Senator to get through. I have a very well-defined notion in my own mind with respect to the amendment and with respect to the argument to which we have just listened, as well as with respect to the argument from the State of New York. My own judgment is that the words against which complaint is lodged, "from whatever source derived," neither add to nor take away from the power of the Government to reach the incomes of the country, provided the proposed amendment is adopted. But I further maintain, Mr. President, and I shall do so at some length with the indulgence of the Senate, that, without regard to whether or not the proposed amendment will reach the incomes of state officers or the incomes arising from state securities, nevertheless the amendment should be adopted.

I am not so clear, Mr. President, but that the very fact that the proposed amendment makes no exception of any income does not commend it to public approval. So that, conceding for the moment that this amendment would confer a power to reach state securities, nevertheless the fact that every man's income shall be reached may become one of the reasons why the amendment should be adopted.

I want to say further, before leaving the subject, that I do not agree with my friend from Idaho that this amendment will be defeated. I agree with him that there is an assault and fight being made against its ratification and adoption, but I am not here, as a friend of the cause, predicting that it will be defeated. I have too much confidence in the patriotism of the American people to believe that they will refuse to confer upon their Government a power that is exercised by every civilized nation on the face of the earth. I do not care whether you agree to the economic policy of taxing incomes in times of peace or not, the American people want their Government to have the power to protect itself in times of trouble, and the exercise of that power may become necessary for the Government's preservation. I ask the Senator to let the amendment lie on the table.

Mr. BAILEY. The Senator has no doubt in his mind that the state governments are as much the Government of the American people as is the General Government?

Mr. BROWN. Yes, indeed, they are, Mr. President.

Mr. BAILEY. Mr. President, I only want to add that the sincere friends of the income tax are not likely to favor a construction of this amendment which will put an argument in the mouths of its opponents to accomplish its defeat. Of course I do not mean to intimate—for if I believed that I would not intimate it; I would say it—I do not mean to intimate that the Senator from Nebraska is trying to aid the opponents of the income-tax amendment. I think when he takes time to address the Senate at length he will express practically the same views which have been expressed by the Senator from Idaho. I have no doubt myself——

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. Certainly.

Mr. BROWN. I hope the Senator did not understand me to express any dissent from the argument made by my friend from Idaho——

Mr. BAILEY. Oh, no; I was saying that I feel sure——

Mr. BROWN. But, assuming that the point made by the governor of New York is practical, still the amendment should be ratified.

Mr. BAILEY. I assume—and this was distinctly stated—that the Senator from Nebraska will agree with the Senator from Idaho. My own opinion is that there can not be any rational ground for dissent, and I would regret very much to see any one of those who believed it unnecessary to amend the Constitution, but who, overwhelmed by a majority on that point, finally assented to the submission of this amendment, giving aid and comfort to those who are now arguing against its adoption by putting a construction upon it that no court, in my judgment, will ever sanction.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 11, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1910.

SECRETARIES OF LEGATIONS.

Fred Morris Dearing, of Missouri, now secretary of the legation at Habana, to be second secretary of the embassy of the United States of America at London, England, vice Hugh S. Gibson.

Balkam Schoyer, of Pennsylvania, now secretary of the legation at Bogota, to be secretary of the legation of the United States of America at Berne, Switzerland, vice Jacob Sleeper.

CONSUL-GENERAL.

Arthur Hugh Frazier, of Pennsylvania, now secretary of the legation and consul-general at San Salvador, to be secretary of the legation of the United States of America at Bogota, Colombia, vice Balkam Schoyer, nominated to be secretary of the legation at Berne.

PROMOTIONS IN THE NAVY.

Lieut. Andrew T. Graham to be a lieutenant-commander in the navy from the 23d day of October, 1909, vice Lieutenant-Commander John F. Hubbard, promoted.

The following-named carpenters to be chief carpenters in the navy from the 28th day of December, 1909, upon the completion of six years' service in their present grade:

Joseph Feaster, jr.,
Peter Treutlein,
Allen D. Mosely,
Robert H. Lake,
Sverre Floathe,
Harry T. Newman,
Harry E. Cooper,
James W. Costello,
Patrick Sarsfield,
Albert Tucker,
Frank Gilbert,
Edward F. Pullen,
Clifton Greenwell, and
Thomas B. Casey.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1910.

COLLECTORS OF CUSTOMS.

Rufus A. Soule to be collector of customs for the district of New Bedford, Mass.

Thacher T. Hallet to be collector of customs for the district of Barnstable, Mass.

VICE-GOVERNOR, PHILIPPINES.

Newton W. Gilbert to be vice-governor of the Philippine Islands.

MEMBER PHILIPPINE COMMISSION.

Charles B. Elliott to be a member of the Philippine Commission and secretary of commerce and police in the government of the Philippine Islands.

POSTMASTERS.

IDAHO.

Walter T. James, at Bonners Ferry, Idaho.

INDIANA.

John F. Thompson, at Newcastle, Ind.

MARYLAND.

Willis B. Burdett, at Rockville, Md.

NEW YORK.

Thomas J. Quick, at Port Jervis, N. Y.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 10, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON THE PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I present a resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 387.

Resolved, That the Committee on the Public Lands have leave to sit during the sitting of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the resolution is agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa, from the Committee on Military Affairs, reported the bill (H. R. 20579) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes, which was read the first and second time and, with the accompanying report (No. 423), was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from New York [Mr. SULZER] reserves all points of order upon the bill.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I desire to call up the conference report on the urgent deficiency bill; but first I desire to yield to the gentleman from Ohio [Mr. KEIFER] to submit a privileged report from the Committee on Appropriations.

PENSION APPROPRIATION BILL.

Mr. KEIFER, from the Committee on Appropriations, reported the bill (H. R. 20578) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, which was read the first and second time and, with the accompanying report (No. 422), was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] reserves all points of order upon the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18006) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14676. An act for the relief of the Pittsburg Brewing Company;

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia; and

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.

The message also announced that the Senate had passed with amendments joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

H. J. Res. 101. Joint resolution entitled "Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.;" and

H. R. 12438. An act entitled "An act to amend sections 7 and 8 of the act of May 29, 1908, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.'"

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6171. An act to provide for participation by the United States in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911;

S. 6104. An act providing for the appointment of Commander Robert E. Peary a rear-admiral in the navy as an additional number in grade, and placing him upon the retired list;

S. 6073. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 5167. An act to provide for an enlarged homestead;

S. 2777. An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes;

S. 1324. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians; and

S. 1232. An act for the relief of James L. Bradford.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.

STATEMENT OF APPROPRIATIONS.

Mr. TAWNEY. Mr. Speaker, I now yield to the gentleman from New York [Mr. MALBY] to submit another privileged report (No. 427).

Mr. MALBY. Mr. Speaker, by request of the Committee on Appropriations, I submit the following privileged resolution.

The SPEAKER. The gentleman from New York submits a privileged resolution from the Committee on Appropriations, which the Clerk will report.

The Clerk read as follows:

House resolution 165.

Resolved, That the Secretary of the Treasury is hereby requested to furnish for the use of the House the following information:

First. Statement of appropriations for permanent, specific, and indefinite objects, giving titles and dates of acts of appropriations and references to statutes.

Second. Statement of appropriations for permanent, specific, and indefinite objects proposed to be repealed by the bill H. R. 13833, Sixty-first Congress, second session, and the expenditures therefrom during the fiscal years 1908 and 1909.

Third. Statement of appropriations for permanent, specific, and indefinite objects not repealed by the bill H. R. 13833, Sixty-first Congress, second session, and the expenditures therefrom during the fiscal years 1908 and 1909.

Fourth. Whether in his opinion said bill H. R. 13833 should be enacted with or without amendment.

Mr. MALBY. Mr. Speaker, I ask for the immediate consideration of the resolution.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman what he means by the indefinite business in there?

Mr. MALBY. To what does the gentleman from Missouri refer?

Mr. CLARK of Missouri. I desire to know what you mean by indefinite objects?

Mr. MALBY. Mr. Speaker, under the present law there are a great many appropriations which are carried in the general law which are not appropriated by Congress. They are appropriated under a general statute, and the Congress has no information in relation to them. I may say that this resolution is in substance and in form with that of a resolution passed by the Sixtieth Congress and bringing that information down to date. This resolution requires that the Secretary of the Treasury shall give information carrying down the information which we had two years ago on these subjects to this date, as to what has been done with these permanent indefinite appropriations which have been made under general statutes.

Mr. CLARK of Missouri. Now, is it the intention of this resolution to get rid of these permanent appropriations, or so that the House will have information about them?

Mr. MALBY. That is one of the objects.

Mr. TAWNEY. The purpose is to obtain information regarding the number of these appropriations, with amount authorized and the amount expended, so that the Committee on Appropriations can consider the bill pending in that committee for the repeal of certain permanent indefinite appropriations and certain permanent specific appropriations.

Mr. CLARK of Missouri. How long is it since you obtained that information before?

Mr. TAWNEY. We never obtained the information in full. The resolution adopted by the House at the beginning of the last Congress and referred to the department was never answered in full, they claiming that the work involved was so great that it is impossible for them to answer the resolution in full.

Mr. CLARK of Missouri. Now, these things——

The SPEAKER. Does the gentleman from New York [Mr. MALBY] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. MALBY. I yield to the gentleman from Missouri for a question.

Mr. CLARK of Missouri. The gentleman from Minnesota seemed to take it off your hands.

The SPEAKER. Does the gentleman from New York [Mr. MALBY] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. MALBY. For a question.

Mr. CLARK of Missouri. Is this resolution intended to look into the reducing of appropriations or increasing them?

Mr. MALBY. Mr. Speaker, this resolution is for the purpose of obtaining intelligent information as to what appropriations are carried under those statutes over which Congress has no control. I presume that it would result naturally in furnishing, at least to the Appropriations Committee and the House itself, intelligent information as to the present conditions, which they do not now have. I may say to the gentleman from Missouri that there is an express purpose on the part of the Committee on Appropriations to make this inquiry for the purpose of abolishing certain permanent appropriations.

Mr. CLARK of Missouri. Now, as a matter of fact, when you come to make up the schedules for the appropriations, these permanent appropriations do not figure in the totals at all, do they?

Mr. TAWNEY. Always.

Mr. MALBY. They figure in the totals. We do not appropriate for them at all.

Mr. CLARK of Missouri. I know that a distinguished Member of this House made a speech in Kansas City two or three years ago, in which he accused me of charging that he said there were $75,000,000 more appropriated that year than were appropriated. It seems to me by this permanent appropriation there is a lot of stuff covered up.

Mr. MALBY. That is what we want to know.

Mr. CLARK of Missouri. If that is so, I am with you.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. MALBY. Yes, sir.

Mr. MANN. I notice the resolution provides:

> The Secretary of the Treasury is hereby requested to furnish to the House.

The practice of both bodies of the Congress has been to direct the Cabinet officers to furnish information, and not to request it. I see no reason why we should vary from that practice. Is not the gentleman willing to have it read:

> Is hereby directed to furnish.

Mr. MALBY. I am not very particular, if that is the way in which those things are usually done.

The SPEAKER. Will the gentleman from Illinois [Mr. MANN] submit an amendment?

Mr. MANN. I can not submit an amendment, as I have not the floor. Then I would like to ask the gentleman this: I see by the third section of this provision it refers to a House bill now pending in the Committee on Appropriations as repealing certain laws. Since when did the introduction of a bill and reference to the Committee on Appropriations repeal the statutes?

Mr. MALBY. I do not know what the gentleman from Illinois has reference to.

Mr. MANN. If the gentleman will notice in the second paragraph he provides for indefinite objects proposed to be repealed, but in the third paragraph he provides for permanent, specific, and indefinite objects not repealed by the bill pending in the Committee on Appropriations. That would indicate that the introduction of a bill and the reference to the Committee on Appropriations repealed certain statutes of the United States.

Mr. MALBY. I would say to the gentleman from Illinois that his reference is to a matter before another subcommittee, and I will yield to the gentleman from Minnesota on that matter.

Mr. MANN. I suppose that the gentleman had in mind the objects that are proposed to be repealed by the pending provision. I would like to ask the gentleman a question on another matter.

Mr. MALBY. I yield for a question.

Mr. MANN. That is whether, in the opinion of the gentleman from New York, the House of Representatives, when a bill is pending before it, ought by formal resolution to ask a member of the executive department of the Government whether it ought to pass that bill or not. Can the gentleman find any precedent for such action? The gentleman brings this resolution in as a privileged resolution, and stated that it was a privileged resolution. It was impossible for the Members of the House to hear it when read. It is not a privileged resolution, and if I had heard the resolution read I would have made that point of order against it.

Now, the gentleman proposes to have the House pass a formal resolution asking the Secretary of the Treasury whether we ought to pass a certain bill or not. We never have asked him such a thing before, and I hope the gentleman will consent to strike out the fourth paragraph of this resolution.

Mr. MALBY. Mr. Chairman, I do not agree with the gentleman from Illinois that this is not a privileged resolution. This is a resolution reported by the Committee on Appropriations calling upon a member of the Cabinet of the United States for certain information for the enlightenment of the House and the Committee on Appropriations when it is considering certain appropriations. Why, gentlemen, that is a privileged resolution. Now, I will say to the gentleman, further, that I know of no rule, never heard of a rule, never heard the proposition criticised, if Congress should not ask any of its public officials to furnish such information as may lead to their enlightenment in the discharge of the duties of the House or any of its committees.

Mr. MANN. I do not criticise obtaining information.

Mr. MALBY. We are asking the Secretary of the Treasury here whether a certain bill in his judgment should pass with or without amendment. We ask him for that information because it is within his peculiar province to know. We are not bound to follow any advice he gives. But certainly a Cabinet officer, charged with the administration of the law to which an inquiry refers, ought to have some information which it would not be a bad thing for this House to have. This resolution is altogether in the interest of economy, intelligent legislation, and good government. It is a notorious fact that for many years millions of dollars have been appropriated under general laws over which no committee of Congress has any jurisdiction or control whatsoever. It amounts to nearly $135,000,000 a year.

The Committee on Appropriations has no power and no control over a single dollar of this immense sum which is annually appropriated under general laws. It is charged by the Secretary of the Treasury that they are spending moneys in various departments and that they are not intelligently expended. We are asking him for information in relation to the manner in which this money is being expended. Certainly we ought to have that information. Certain it is that various appropriations are carried by general and special laws that have never been passed upon by any committee. Certainly we ought to obtain information in some way concerning these appropriations and the way these vast sums of money are being expended by our various departments. Now, there is not a Member of Congress who has a particle of accurate information with reference to these annual appropriations carried under general law, and the purpose of this resolution is to get that information. I trust that the gentleman from Illinois, who is always interested in an economical administration of the affairs of our Government as well as securing intelligent information in regard to it, will not interpose any technical objection.

Mr. MANN. I quite agree with the gentleman about the desirability of getting information, and hence propose that the Secretary be directed to furnish that information; but I question the propriety of Congress, in either branch, requesting by formal resolution the opinion of a Cabinet officer upon whether a certain bill ought to pass with or without amendment.

Mr. TAWNEY. If my colleague will yield to me for a minute.

Mr. MALBY. I yield to the gentleman from Minnesota.

Mr. TAWNEY. I will say to the gentleman from Illinois that the purpose of the fourth paragraph of the resolution to which he has referred is to obtain information concerning the advisability of the repeal of certain specific permanent appropriations. There are $135,000,000 expended annually from permanent appropriations, which, as the gentleman from New York says, Congress has no control over whatever. Many of these permanent appropriations are in the nature of trust funds. There is no department of the Government that has a more intimate knowledge concerning the administration of the permanent appropriations than the Treasury Department, presided over by

the Secretary of the Treasury. Now, this bill referred to in this resolution is very broad and sweeping in the matter of repealing permanent appropriations. It may be that some of these permanent appropriations ought not, in the judgment of the Secretary, to be repealed, because of the purposes for which they have been made and in the administration of them; and it is merely to obtain information from the Secretary of the Treasury, who is charged with the responsibility of administering all of the permanent appropriations, to know whether or not all the appropriations proposed to be repealed in this bill should be repealed or whether the bill should be amended in any respect as to particular appropriations or trust funds.

That is the only reason for it, and that information has been called for by the House for a number of years. As I said in answer to the gentleman from Missouri a few moments ago, the work of obtaining this information is so great that we have never yet succeeded in securing all of it, and the committee has never yet been able to act on the bill which was introduced for the purpose of putting an end to at least a great many of these permanent appropriations. There is not the least reflection upon Congress in asking for information with respect to these particular appropriations, as to whether or not they should all be included or some of them omitted.

Mr. GARDNER of Massachusetts. Mr. Speaker, I wish to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. MALBY. For a question; yes.

Mr. GARDNER of Massachusetts. Is it not true that this House bill 13833 is the bill that has been in here so often, to take away the permanent appropriations from various public undertakings, such as small custom-houses and other matters of that sort, and to put the power in the hands of the Appropriation Committee to say whether those things shall be starved to death or not? Is not this the same old bill?

Mr. MALBY. Mr. Speaker, I do not know how aged this bill is to which the gentleman referred. If it has been here a long time, it ought to have been passed. I am fully aware that there are certain custom-houses throughout the United States where forces of men are maintained to collect customs where no customs dues have been collected for a number of years. I know of certain customs districts in the United States where it costs 100 per cent to collect all customs dues which are collected. I know of other places where they have not collected a single dollar in customs for the last ten years, and yet customs offices are maintained. If this law should have the effect of wiping out those useless institutions, which are only an expense to the Government, I should consider that we had accomplished very much with reference to this legislation.

Mr. GARDNER of Massachusetts. Will the gentleman yield for another question?

Mr. MALBY. Well, if it is a question; yes.

Mr. GARDNER of Massachusetts. Does the gentleman remember that the House voted on this same proposition, on the custom-houses, some years ago, and totally disagreed with the position the gentleman has taken?

Mr. TAWNEY. If the gentleman from New York will permit me, I will say in answer to the gentleman from Massachusetts that the House has never voted on the question of repealing the permanent appropriation of $5,500,000 for the collection of customs.

Mr. GARDNER of Massachusetts. The motion made by the gentleman from New York to go into Committee of the Whole House on the state of the Union to consider that bill was overwhelmingly defeated.

Mr. TAWNEY. Oh, no; it was not for that purpose at all. That bill was for the consolidation of the customs districts of the United States.

Mr. GARDNER of Massachusetts. Its object was precisely the same. The object was to get rid of the small custom-houses. This bill goes much further, and embraces the whole question of permanent appropriations.

Mr. MALBY. I just yielded for a question. I do not know what the objection is to getting information.

Mr. GARDNER of Massachusetts. None at all.

Mr. MALBY. I hope the gentleman from Massachusetts does not object to being enlightened on the subject.

Mr. GARDNER of Massachusetts. Not a bit.

Mr. MALBY. I hope he does not object to this House being enlightened, and I am only seeking for information.

Mr. Speaker, I move to amend the resolution so that it will read as I have indicated.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution so that it will read:

"*Resolved*, That the Secretary of the Treasury is hereby directed to furnish for the use of the House the following information:

"First. Statement of appropriations for permanent, specific, and indefinite objects, giving titles and dates of acts of appropriations and references to statutes.

"Second. Statement of appropriations for permanent, specific, and indefinite objects proposed to be repealed by the bill H. R. 13833, Sixty-first Congress, second session, and the expenditures therefrom during the fiscal years 1908 and 1909.

"Third. Statement of appropriations for permanent, specific, and indefinite objects not proposed to be repealed by the bill H. R. 13833, Sixty-first Congress, second session, and the expenditures therefrom during the fiscal years 1908 and 1909."

Mr. MALBY. By that amendment the fourth section is stricken out.

The SPEAKER. The amendment is as read by the Clerk, which amendment proposes to strike out and insert.

Mr. FITZGERALD. Has the gentleman from New York [Mr. MALBY] accepted the suggestion of the gentleman from Illinois [Mr. MANN], striking out the provision that the Secretary of the Treasury be requested to give his opinion as to the advisability of this legislation?

Mr. MALBY. Yes; the suggestion of the gentleman from Illinois has been incorporated in this amendment.

Mr. FITZGERALD. Does the suggestion of the gentleman from Illinois come from the fact that this member of the Cabinet is a distinguished Democrat, and is he afraid to have his opinion submitted to the House? [Laughter.]

Mr. MALBY. I do not know whether he is a distinguished Democrat or not.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the urgent deficiency bill, H. R. 18282, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up the following conference report with the request that the statement be read in lieu of the report. The Clerk will read the title.

The Clerk read as follows:

The bill H. R. 18282, making appropriations to supply urgent deficiencies in appropriations for the year 1910, and for other purposes.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Minnesota if this conference report has been printed in full?

Mr. TAWNEY. It has been, on page 1594 of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

[For conference report and statement see proceedings of the House, Tuesday, February 8, 1910.]

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report.

Mr. HULL of Iowa. Mr. Speaker, I want to make one inquiry in regard to amendment 28, where the House insisted on excluding state monuments on the battlefield of Shiloh. The States directed the monuments to be turned over to the Federal Government, and they were accepted by the Federal Government. The Federal Government cares for them and keeps them in repair. A storm came through that battlefield and destroyed the trees and damaged the monuments. I would like to ask the gentleman from Minnesota why they refuse to replace the monuments destroyed by the act of God. They are under the control of the Federal Government.

Mr. TAWNEY. Mr. Speaker, the conferees on the part of the House, in considering this matter, came to the conclusion that the Government of the United States, in the first instance, is not obligated to repair or rebuild the Iowa monument, the only monument, it seems from the report of the War Department, that has been destroyed. It is estimated that $19,000 will be required for the purpose of rebuilding that monument.

There is another consideration that entered into the action of the committee. The monument was originally erected by the State of Iowa to commemorate the services of the soldiers of that State who fought on the battlefield of Shiloh. Now, the reconstruction of the monument by the National Government would change, to that extent at least, the character of the memorial, making it National rather than State, and the committee

felt that perhaps the State of Iowa would want to retain that same relation toward that monument that marks the spot on the field on which her sons had fought than to have the Federal Government rebuild the monument to be known hereafter at least as a quasi national monument rather than a state monument.

It is true that these monuments, when dedicated, are turned over to and accepted by the Federal Government for the purpose of police protection, and if any person should deface a monument the Government of the United States would be obligated to repair that damage; but in this instance the monument has been destroyed by the act of God, and the committee felt that the State of Iowa at least ought to have the first opportunity to reconstruct the monument, originally erected by the State as a memorial to the heroic services of citizens of that State engaged in that great battle at Shiloh, and that is the reason the Senate conferees receded and concurred in the action of the House.

Mr. HULL of Iowa. Mr. Speaker, it seems to me that the State having erected the monument, having done its part in commemorating the valor of the state troops, when the monument is turned over to the Federal Government and it is accepted as its property it becomes the duty of the Federal Government to do whatever is necessary to perpetuate the monument on the battlefield. I have no doubt that if the Federal Government refuses an appropriation, ultimately the State of Iowa will gladly make it. But it may be some other State the next time; and as years go by, lack of interest in some States may come, and an act of God may destroy other state monuments; and if the Federal Government refuses to do what, to my mind, is its clear duty to do, then the men who are commemorated by the original monument may pass out of the memory of men.

Mr. TAWNEY. Mr. Speaker, that may be all true; but, in the first instance, I think the State ought to have an opportunity to reconstruct the monument which it originally constructed and dedicated to her sons as a memorial to their valor and patriotism on that great battlefield. It was erected by the State with the understanding that the memorial should stand there forever as an evidence of the appreciation on the part of the people of the State of the heroic services which her sons rendered in this great battle.

If a State refuses to reerect its monument, then the Federal Government may consider the question of reconstructing it, or removing what is left of it entirely, for the purpose of making the park more harmonious, or making it conform to the monuments in that vicinity. But in the first instance we felt that the Federal Government should not step in and reerect a monument that a State had erected for the purpose of commemorating the services of its citizens in any of the great battles of the civil war. If the State of Iowa does not do it, I grant you that then the Federal Government ought to do it, in order to maintain the park according to the original idea and plan.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. TAWNEY. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments not concurred in, and ask for a further conference.

Mr. GARDNER of Massachusetts. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 39, and concur in the same.

The SPEAKER. The gentleman from Massachusetts demands a separate vote upon amendment No. 39. The question will first be taken on the motion of the gentleman from Minnesota to further insist on the disagreement to the Senate amendments not concurred in, with the exception of Senate amendment No. 39, on which the gentleman from Massachusetts demands a separate vote.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Massachusetts, that the House recede from its disagreement to Senate amendment No. 39 and concur in the same. The Clerk will report the amendment.

The Clerk read as follows:

39. Immigration Commission: For the expenses of the commission provided for in section 39 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," $125,000, to be available until December 5, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said commission be entitled to or receive any salary as such member after March 1, 1910. And the said commission shall complete its entire work and make its final report and the commission shall cease on the first Monday of December, 1910.

Mr. TAWNEY. Mr. Speaker, I would inquire how much time the gentleman from Massachusetts desires.

Mr. GARDNER of Massachusetts. Have I not the floor, Mr. Speaker?

The SPEAKER. While the motion to recede and concur in an amendment is a preferential motion, yet the gentleman in charge of the conference report does not thereby lose control of the floor. That is the uniform practice.

Mr. GARDNER of Massachusetts. Mr. Speaker, I was aware that the gentleman could not be taken off the floor by the motion to recede and concur, but I was not aware that the floor did not transfer under the circumstances. However, I hope the gentleman will yield me some time.

Mr. TAWNEY. Certainly; how much time does the gentleman desire?

Mr. GARDNER of Massachusetts. I think fifteen minutes will be sufficient.

Mr. TAWNEY. Mr. Speaker, I yield fifteen minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, I am very sorry that this question of the appropriation for the Immigration Commission has been confused with so much acrimony in debate. I suppose if there is anybody in this House who has a right to be acrimonious with regard to this Immigration Commission it is I myself. I opposed the creation of that commission. I was voted down, after one of the closest fights ever had in this House, and I was taken off the conference committee because my position in reporting the bill did not agree with that of the majority of the House. I opposed that commission because the paragraph creating it was used for the purpose of supplanting the educational test by amendment. That by no means meant that the commission would not be useful. I objected to it because it postponed the question of the educational test. I objected to it because it was used to defeat the educational test; but that has nothing to do with the question now. That commission, in my opinion, has done most valuable work. I have served for four years on the Committee on Immigration with the gentleman from New York [Mr. BENNET]. My colleagues on that committee, one and all, will bear witness to the fact that the gentleman from New York [Mr. BENNET] has made a profound study of immigration questions, has devoted more faithful and laborious work to it than any man on earth. [Applause on the Republican side.] Now, Mr. Speaker, let us not pursue a penny wise and pound foolish policy. This commission has expended $657,000, an enormous sum, it is true, and now they ask for $125,000 more with which to complete their most valuable work; $125,000 more, not for trips to Europe, though if another trip to Europe were wanted by Mr. BENNET I should favor it with all my heart [applause on the Republican side], because I think every minute of time he spends there is worth to this Nation its weight in gold, if time can be said to have a weight in gold. But there are to be no more trips to Europe; there is no more salary for any member of the commission; there is no question of more field work. It now remains to put the report in shape, where legislators and the press and the public can use this vast mass of valuable facts that have been acquired by this commission, after the most diligent work, after work on the part of no man so diligent as the gentleman from New York [Mr. BENNET].

Now, Mr. Speaker, as an opponent of this commission, as a man who probably had a more mortifying experience than any man on the floor of this House when that immigration bill was under consideration, when I was, for sound parliamentary reasons, removed from the conference committee, I feel that I can advocate this expenditure without misconstruction. As one of the strongest restrictionists in this House, I feel that I can, as well or better than anyone, defend this commission which I so vehemently opposed. The expenses of its European trip were $20,656.51, and no more. If any gentleman, in or out of Congress, says or implies that these expenses were in excess of that sum I shall take the liberty of rising to a question of personal privilege for the purpose of denying the accuracy of his information. The cost of the trip was $20,656.51. There were $509,800, or nearly six-sevenths of the whole, expended for the collection and tabulation of material, for the general field work and clerical force, with 153 field agents and 310 clerks employed. If any gentleman had taken the trouble to go down to the Maltby Building, where the commission's office force was stationed, and had there examined the work of this commission, he would have found less idle people there, less people sitting around doing nothing, than in any other department of the Government of the United States. So far as I know, this statement is also true with regard to any department of any state government. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to the motion of the gentleman from Massachusetts. I have no interest in the personal controversy that has arisen between a Member of this House who is a member of the commission and another Member of the House. I am interested solely in the question as to whether the money asked for is necessary for some useful public purpose. Six hundred and fifty-odd thousand dollars have already been expended. The life of the commission was to expire on the 4th of March, 1910, and the money was appropriated at the last session of Congress, which, in the opinion of Congress, would be sufficient to complete the work. The work is not completed; an extension of time is asked until December, 1910, and $125,000 is the amount asked to enable the work to be finished. I have not been able to ascertain to what purpose the $125,000 can properly be put. It is said that the field work is complete, that no more money is to be expended for that purpose, that the only object of obtaining this appropriation is to enable the commission to put in proper shape the information already collated; that in doing the necessary work, whatever it may be, to put it in shape and to place it at the disposal of the public, the commission asks that it be authorized to expend for office work alone the sum of $12,500 for each of the next ten months of this year. Mr. Speaker, there has been no detailed estimate of the amount that is required, but there is a peculiar coincidence in the fact that $125,000 is the identical sum that this commission tried to obtain from the Congress at the last session in addition to the amount then appropriated.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. GARDNER of Massachusetts. Is not that a very good indication as to the accuracy of the estimate of last year, as to the amount it would cost?

Mr. FITZGERALD. My experience differs from that of the gentleman, Mr. Speaker. My experience has been that when estimates are made for a certain sum to accomplish a certain amount of work there is a certain pride, if it would not be more properly termed obstinacy, of opinion on the part of those asking for the money to see that they expended every dollar that in the original estimates they thought to be necessary. This commission was commanded by the Congress to complete this work by the 4th of March this year. It was given the money that the Congress decided would be sufficient for that purpose. Did it obey the command of the Congress? Not at all, but it proceeded with this work along the lines it had projected when it made its original estimates, and did the very thing that the Congress has been condemning departments of the Government for doing for some years, and that is, it did what it pleased rather than what the Congress determined should be done. What excuse has been offered for not completing the work? The only excuse that I have seen in any place is that they have exhausted the money in paying compensation and expenses which they decided to be necessary. If this commission had a proper conception of its duties, Mr. Speaker, it would have so planned its work as to complete it within the authority given by the Congress, but instead of doing that it proceeded along the lines originally outlined by itself, disregarding the limitations placed upon it.

I do not believe that a commission composed of Members of the Congress is either above or beneath the law. I think that we are entitled to more careful action on the part of such commissions, and they should be particular in obeying the injunctions of the Congress, because when the House and Senate are so persistent in holding down the Executive to the limitations placed upon it, the Members of the House and Members of the Senate should set a good example to the Executive. Until some one is able to point out with that particularity which Congress insists on from all of the departments of the Government when they ask for appropriations, what is to be done with this money, I shall not vote to appropriate it.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. PARSONS. Was not that what the commission did—to use the money allowed them last year to complete their work so far as they could? If they do not get any additional money, some of their work will be uncompleted. They could not complete it all with the money they had. They did the best they could.

Mr. FITZGERALD. The statement of my colleague is not quite accurate. With the money so appropriated for the commission it was charged to complete its work. The word "complete" has a definite and significant meaning, and it is not to do what they could, but it was to complete the work; and they should have made a complete report, even if not as full as the commission might have thought desirable.

Mr. PARSONS. Well, they had certain material——

Mr. FITZGERALD. The gentleman will not contend for a moment that an accumulation of a mass of undigested material in the office of this commission, unavailable for any purpose, can be considered in any way a completion of the work it was charged to do?

Mr. PARSONS. Then the gentleman is opposed to making use of all the material they gained?

Mr. FITZGERALD. No; he is not. I think I am competent to express exactly what I intend, and I do not require the assistance of my able and courteous colleague to make plain exactly what I wish the House to understand to be my position. No one has ever had any trouble, Mr. Speaker, in knowing exactly the position I occupied in this House upon any public question, and no twisting or ingenious running about by my colleague can put me in any other position than the one I occupy. I have my opinion as to how much will enable the commission to do all that is desirable to do at this time. No one has yet, as I have stated, given any satisfactory explanation of how this money can be used.

I am not willing to have this accumulation of material wasted, and I shall at the proper time offer an amendment which will permit the commission to have what I believe will be a sufficient sum to do the work they have to do, to do it economically, and to make some effort to do it with proper regard to economy.

Mr. PARSONS. The gentleman's position is that what was allowed them before was sufficient?

Mr. FITZGERALD. I do not grant that the amount was sufficient. But I charge that the commission grossly ignored the act of Congress imposing a certain duty upon them, and it is somewhat of an effrontery for them to come here now and say that the Congress was so ignorant, so incompetent, and so unintelligent that it did not accept the views of the commission, instead of proceeding upon its own judgment. That kind of egotism on the part of commissions does not appeal to me. If I were upon a commission and Congress said its work should be completed at a certain time, and a certain amount of money were given for that purpose, I would take a particular pride in completing the work within the amount appropriated, and would not come back begging for more money, on the plea that Congress was such an ignorant body that it did not know what it was doing and was incompetent to determine how much it required for a particular work. [Applause on the Democratic side.] That is the theory, Mr. Speaker, upon which the Republican administration has been proceeding for a great many years, and it grew to such an extent that even Republican Congresses were compelled to enact laws within the past three or four years which made it a penal offense for the heads of departments to pursue such a course under certain circumstances.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. PARSONS. The gentleman was on a committee that has charge of the Office Building, was he not?

Mr. FITZGERALD. That has charge of it now.

Mr. PARSONS. Has that committee always seen that the Office Building was kept up under the appropriations made by Congress? Has it not requested Congress to increase the appropriations at times?

Mr. FITZGERALD. Not to my knowledge; not since I have been on the commission. I am not familiar with what took place before that. I have taken particular pains to see that there was no deficiency in the appropriation; and not only that there was no deficiency, but I made the Superintendent of the Capitol present to me an itemized statement of every position desired, the compensation that the person was to receive, and an explanation made where each person was to serve, and, until I was completely satisfied, refused to give consent to the appropriation requested. And I intend to pursue that course in the future. [Applause.]

Mr. TAWNEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has forty-five minutes remaining.

Mr. TAWNEY. I yield ten minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, it is extremely embarrassing for me to make any comment upon the business of this commission because of the recent direct personal attack made upon a friend, Mr. BENNET. It is almost impossible for one to separate himself in the performance of a public duty like this from the hold which his conscience has upon him and the inclination to take the part of a friend. I was not here the other day when the gentleman from Arkansas [Mr. MACON] made his attack upon the gentleman from New York [Mr. BENNET]. They are both very sincere men. I greatly deprecate the fact that he found occasion for the assault. I think the discussion of this amendment may be had without feeling and can be disposed of in a way that will do justice all around. Before I give to the committee the benefit of such investigation as I have made, I want to now bear testimony to the integrity of the gentlemen who compose this commission. I do not think that it is fair toward men who have lived long lives of rectitude to quickly assail them in public place, lest the public become inflamed, and thereby induced to destroy.

Mr. Speaker, it is true that the gentleman from New York [Mr. BENNET] and his colleagues took a long trip abroad. I concede that they could not have performed their important duty unless they had taken the journey. It becomes absolutely necessary for gentlemen traveling on public or private business to make certain expenditures of public or private moneys. It may be that here and there the members of the commission might have practiced greater economy. I do not think, however, that they ought to be decried because perhaps in one place or another they may have expended a bit more public money than the most rigid economist would have spent.

I do think, however, doing both the country and the alien square justice, this appropriation ought not to be made. I feel that $657,000 is sufficient money for the purpose for which this commission was created. I again repeat in making that statement, and I want it publicly understood, that I have no reflection to make upon the honor of the gentlemen who served on this commission, whether they sit with the Democrats or with the Republicans. I do not mean to criticise them in any way; but with all due respect to their knowledge of the subject and their zeal in its application, they have taken too wide a range in endeavoring to furnish to the country the information they were directed to furnish. Congress never anticipated such an extensive examination of the subject.

Mr. Speaker, I will not tire the House long. I am sorry that I can not vote for this amendment. I am sorry, because in voting against it I fear that I may be considered in some way reflecting upon the integrity of these commissioners by reason of the attack made upon them. I would like to see their work finished; but to see the end would not justify the cost of reaching it. I requested some facts that I might myself know and might thereby be able to give them to others—and you all appreciate how tiresome this kind of inquiry is if you have engaged in it. I did not want to be considered as preparing for criticism without facts to warrant it, if they existed, so I asked the auditor for a copy of one of the commission's pay rolls. I found no hesitation whatever upon the part of its secretary in promptly furnishing me such information as I desired for myself and for the information of the House.

This work has covered a tremendous scope. These gentlemen have had employed between 40 and 50 special agents. I find that they have been employed from all parts of the United States—continental United States and territorial United States. They came from Porto Rico, and I believe that there are some of them now employed from Alaska. It may be that I am not accurate in giving the detail; but there is no place that we own or pretend to own that these special agents have not been employed to do special duties. Mr. Speaker, I asked the commission to furnish me information as to the character of the work that has been performed by these employees, and I asked information as to the date of the employment, and further asked the secretary to furnish me with the place of residence of these employees at the time of their employment, and further asked him to furnish me with the names of the people who indorsed their applications for appointment. I find they come from all over the United States. The secretary says that in some instances—I am not pretending to quote accurately from his letter, but I will ask to have his letter published in the RECORD—the applicants have been recommended by Members of Congress, and in many instances they were recommended by people who had knowledge of their qualifications, and for that reason the appointments were made.

When I joined in the movement the other day to take from this bill the appropriation reported by the committee, I had it in my mind that, perhaps, these men had been appointed for political reasons. I make no objection if they were, if capable, but I desired to know. I did not have the information and I asked for it.

These special agents have been drawing from $100 per month to $166.66 per month. They have also been drawing quite a large sum of money for traveling expenses. The Acting Secretary of the Treasury writes me on the subject of traveling expenses in a letter dated February 2, 1910, which is as follows:

TREASURY DEPARTMENT,
Washington, February 2, 1910.

Hon. THOMAS S. BUTLER,
House of Representatives.

SIR: Your inquiries concerning the accounts of the Immigration Commission have related to the following topics:

1. Organization. This the vouchers do not show, except in so far as suggestions may be obtained from the titles of officers as they appear on the vouchers and rolls. The general administrative scheme is not disclosed.

2. Number of officers and employees and rates of pay. It was your wish to deal, not with the entire force of the commission from its beginning, which has varied from time to time in numbers and personnel, but with an illustrative period. I am inclosing herewith copies of two rolls—your own selection. One of these shows payments by check during the period July 1 to September 30, 1909. (The check method of payment was used where employees were absent from Washington on pay days.) It will be observed that payments were, in the majority of cases, semimonthly; hence, covering, as it does, a period of three months, the roll repeats the names of many permanent employees five or six times. Many employments were transient. The total number of individuals whose names appear on the roll is approximately 170.

The other roll, covering the period September 1 to 15, 1909, shows cash disbursements of salary, the ordinary method where employees are present at the place of payment. It should be remembered that neither of these rolls shows in itself all employees for a given period, and that it is only for the period which they jointly cover—September 1 to 15—that they together show practically the commission's entire force. The vouchers do not show the legal residences of employees, nor do they show at whose instance appointments were made.

3. Travel expenses. At your suggestion, I have selected a representative period—the month of July, 1909. The accounts show that during this month expenses, in the aggregate, of $2,811.58 were incurred by 43 officers and employees of the commission. The average expense per employee for July was therefore $65.39. It should be understood, however, that in many cases travel was not continuous throughout the month. Trips varied in length. In some instances there was no railroad travel, the charges consisting of expenditures for street-car fares, telephone, postage, etc., within a city. The greatest individual travel expenditure for the month was $203.30. Of the 43 charges there were:

One over $200.
Five over $150.
Nine over $125.
Thirteen over $100.

The bulk of the charges in these and in all travel vouchers of the commission were for railroad and Pullman fares, baggage, cabs, livery, street-car fares, telephones, telegraphs, expressage, meals, and lodgings. In the majority of cases employees received a per diem allowance in lieu of subsistence (meals and lodgings) of $3.50 while traveling. These per diem allowances have, of course, been included among the travel expenses. Charges of frequent occurrence in travel vouchers, and of considerable aggregate amount, are for the services of interpreters.

The travel vouchers show practically nothing as to the work done. They are merely formal statements of travel from point to point; the objects in view or the operations at points reached by travel are not revealed. Upon every voucher, however, there is a statement that the expenses were incurred in the discharge of public duty; the maker subscribes under oath or affirmation in verification of his expenditures, and all vouchers are approved by the chairman of the commission.

Respectfully,

CHARLES D. NORTON,
Acting Secretary.

Whether or not the money expended for traveling expenses was economically used I do not know, and I do not suppose these commissioners know. I understand that by the amendment which has been proposed by the Senate all these traveling expenses are to be hereafter denied.

I see by the warning of the Speaker that my time has expired. I would like to have the attention of the chairman of the House conference committee [Mr. TAWNEY]. I wish that the conferees had seen fit to report to the House a provision that the Secretary of Commerce and Labor should designate some one or more men, well qualified for the purpose of going through this mass of material, which I have no doubt is valuable to the country, and to report to this House how much it would cost the Government to publish it, and to report to us what, in his opinion, ought to be published and what ought not.

I want to repeat what I said in the beginning. In voting against this amendment offered by the gentleman from Massachusetts [Mr. GARDNER] I desire to state publicly that it is not done for the purpose of reflecting upon any gentleman belonging to this commission. [Applause.]

Mr. Speaker, I ask unanimous consent to publish in the RECORD the letter and pay roll to which I have referred.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print certain matter in the RECORD. Is there objection?

Mr. MACON. I will say to the gentleman from Pennsylvania that there will be no objection from me.

Mr. BUTLER. I am grateful to the gentleman from Arkansas.

The SPEAKER. Is there objection?

There was no objection.

The documents referred to are as follows:

FEBRUARY 7, 1910.

Hon. THOMAS H. BUTLER,
House of Representatives, Washington, D. C.

SIR: I have received your letter of February 4, 1910, in which you request information regarding those employees of the Immigration Commission who were on its pay rolls during the quarter ending September 30, 1909 (beginning July 1, 1909, instead of July 31, as stated in your letter), as follows: When each employee was appointed; his place of residence immediately prior to his appointment; upon whose recommendation he was appointed; whether any test was made of his qualifications prior to his appointment; and the character of service rendered by each employee and his fitness for such work.

In accordance with your request, and by direction of the commission, I am sending you herewith a statement showing the name, designation, character of work done, date of appointment, salary, and residence of all persons employed by the commission during the period specified.

The date of original appointment to the service of the commission is stated in each case. In the group designated as "Clerks, who were special agents prior to July 1, 1909," the dates of appointments as special agents rather than as clerks are given. The salaries of these special agents as such for services in June, 1909, were, of course, paid in July, and the list includes two special agents who did not become clerks until August and September, respectively.

It is impracticable to state upon whose recommendation each employee was appointed, for the reason that employees of the commission, generally, were not appointed solely because of any individual indorsement. Many of the clerks were selected because of their previous good service in temporary government and other positions, and on the indorsement of persons having knowledge of their ability and experience. Among these and other clerks appointed were many who were indorsed by Senators and Representatives in Congress, while a considerable number also were chosen on their own application, because, by their credentials, they were obviously qualified to do the work. The superintendents of agents and many of the field agents were chosen by the commission, or by a committee of the commission charged with conducting some particular branch of the inquiry. The great majority of the minor field agents were appointed on the recommendation of the superintendents of agents under whom they worked. Under the rules of the commission all appointments were subject to the approval of the commission or executive committee.

In the selection of employees no formal examination was required, but, so far as practicable, preference was given to applicants who, by training or experience, were best fitted for the work they were expected to do. In several cases persons who were not applicants accepted appointments at the commission's request. Both field and office forces as a whole rendered excellent service. Monthly efficiency records were kept, based upon the accuracy, speed, adaptability, and attention to duty of clerks when the work upon which such clerks were engaged made such records practicable. Clerks were divided into five classes, according to their efficiency, the classes being designated as follows: A, B, C, D, E.

The basis of the rating was a good, average clerk, capable of doing work satisfactorily, both in quantity and accuracy. Such an average clerk was rated "C." The ratings indicated by all the above letters are:

A—Much above average.
B—Above average.
C—Average.
D—Below average.
E—Much below average.

During the quarter ending September 30, 1909, the efficiency record included 246 clerks. According to the latest rating given such clerks during that period, the total number was distributed among the five classes as follows:

Much above average	59
Above average	77
Average	76
Below average	24
Much below average	10
Total	246

A rule of the commission required that any clerk receiving the rating "E" two months in succession should be dropped. Under this rule eight clerks left the service during that quarter.

Respectfully,

M. E. CRANE, *Secretary.*

Immigration Commission—List of employees, July 1–September 30, 1909.

Name.	Designation.	Character of work.	Date of appointment.	Salary.	Residence.
				Per annum.	
Crane, Morton E	Secretary and disbursing officer.		Apr. 22, 1907	$5,000.00	District Columbia.
Husband, W. W	Secretary		....do	3,500.00	Vermont.
Croxton, F. C	Statistician	In charge of statistical work	Aug. 1, 1907	3,000.00	District Columbia.
Hill, Joseph A	....do	In charge of work on census schedules	July 24, 1907	3,000.00	Do.
Lauck, W. Jett	Superintendent of agents	In charge of industrial investigation and writing reports on same.	June 21, 1907	3,000.00	Virginia.
Millis, H. A	....do	In charge of investigation on Pacific coast	July 15, 1908	3,000.00	California.
Rauch, W. A	....do	Compiling state laws and reports on immigration	May 22, 1908	3,000.00	District Columbia.
				Per month.	
Boas, Franz	Special employee	In charge of anthropological investigation	May 16, 1908	250.00	New York.
Bailey, F. J	Stenographer	Chief clerk	Feb. 1, 1908	150.00	Vermont.
Jelline, Max	Translator	Translating	June 1, 1908	125.00	New York.
Fuller, Chas. F	Examiner of schedules	Examining schedules	July 21, 1908	150.00	District Columbia.
Barnum, Vernon	Messenger	Messenger	June 4, 1909	40.00	Do.
Sherman, Alpheus J	....do	....do	Sept. 29, 1909	40.00	Do.
Bryan, Clara	Charwoman	Charwoman	Apr. 9, 1909	25.00	Do.
West, Sarah	....do	....do	July 10, 1909	20.00	Do.
Drew, Samuel L	Janitor	Janitor	Jan. 1, 1909	50.00	Do.
Sydnor, George	....do	....do	July 1, 1909	40.00	Do.
Weeden, Henry H	Watchman	Watchman	Dec. 3, 1908	60.00	Vermont.
Allen, Chas. F	Special agent	Field work, agricultural investigation	Oct. 6, 1908	100.00	Massachusetts.
Barclay, D. M	....do	....do	Nov. 1, 1908	125.00	Virginia.
Bell, George H	....do	Field work, industrial investigation	Feb. 10, 1908	125.00	New York.
Bradford, John H	....do	Field work, agricultural investigation	May 22, 1908	125.00	Alabama.
Cance, Alexander E	....do	....do	June 12, 1909	125.00	Massachusetts.
Clapp, Willard	....do	Field work, industrial investigation	Mar. 18, 1909	100.00	Nebraska.
Cross, Ira B	....do	Field work, Pacific coast investigation	June 1, 1908	150.00	California.
Dodson, Martha E	....do	Writing report on immigrant homes	Sept. 1, 1907	125.00	Pennsylvania.
Edwards, Glen	....do	Digest work in office	Feb. 3, 1909	125.00	Porto Rico.
Elder, John Clifton	....do	Field work, peonage investigation	July 25, 1908	150.00	New York.
Evans, Julia	....do	Field work, Pacific coast investigation	June 25, 1908	100.00	California.
Folkmar, Daniel	....do	Digest work in office	Aug. 3, 1908	125.00	New York.
Goldenweiser, E. A	....do	Writing report on immigrants in cities	June 10, 1907	150.00	Do.
Hayford, Leslie	....do	Digest work in office	Aug. 3, 1908	125.00	Tennessee.
Henckels, Theodore	....do	....do	Aug. 5, 1908	166.66	Pennsylvania.
Herkner, Anna	....do	....do	June 15, 1908	150.00	Maryland.
Hicker, H. De V	....do	Field work, Pacific coast investigation	Apr. 24, 1907	150.00	California.
Hodges, Le Roy	....do	Field work, industrial investigation	July 24, 1908	125.00	Virginia.
Hughes, Evan J	....do	Field work, Pacific coast investigation	Sept. 2, 1908	125.00	California.
Hutchinson, H. T	....do	....do	Jan. 2, 1909	135.00	Do.
Ichihashi, Yamato	....do	....do	June 1, 1909	120.00	Do.
Johnston, John R	....do	Examining schedules	Oct. 13, 1908	100.00	Maryland.
Kawara, M	....do	Field work, Pacific coast investigation	Apr. 1, 1909	100.00	California.
Kellett, J. C	....do	Field work, agricultural investigation	Feb. 10, 1908	125.00	Alabama.
Kenny, Raymond	....do	Field and office work, industrial investigation	Jan. 4, 1909	100.00	West Virginia.
Konno, R. G	....do	Field work, Pacific coast investigation	May 17, 1909	100.00	California.
Lord, J. A	....do	Field work, agricultural investigation	Aug. 4, 1908	125.00	Pennsylvania.
Mark, Louise	....do	Assistant to the statistician	June 10, 1907	100.00	Ohio.
Meredith, Edward C	....do	Field work, industrial investigation	July 28, 1908	150.00	Virginia.
Moffett, E. A	....do	Field work, competition of immigrants	Aug. 22, 1908	125.00	New Jersey.
Morrow, D. A	....do	Field work, industrial and agricultural investigations	July 28, 1908	125.00	Ohio.
Motomura, S	....do	Field work, Pacific coast investigation	May 17, 1909	100.00	California.
Newton, W. S	....do	Digest work in office	June 15, 1908	125.00	Illinois.
O'Connor, Bart	....do	Steerage investigation	Aug. 27, 1909	140.00	New York.
Parmalee, Julius H	....do	Writing occupation report	Sept. 8, 1909	125.00	District Columbia.
Paxton, William	....do	Field work, industrial investigation	Mar. 19, 1909	100.00	West Virginia.

Immigration Commission—List of employees, July 1–September 30, 1909—Continued.

Name.	Designation.	Character of work.	Date of appointment.	Salary.	Residence.
				Per month.	
Potter, Mary G	Special agent	Writing reports and digest work	Feb. 15, 1908	$100.00	New York.
Ramsey, W. K., jr	do	Field work, immigrant banks investigation	Jan. 18, 1909	100.00	Arkansas.
Redd, Samuel M	do	Field work, railroad construction	Nov. 1, 1908	125.00	Virginia.
Rust, Lily L	do	Field work, industrial investigation	do	100.00	Do.
Shaw, Frank L	do	Examining schedules	Aug. 15, 1908	125.00	Maine.
Sonnichsen, Albert	do	Field work, industrial investigation	July 13, 1908	125.00	New York.
Sydenstricker, Edgar	do	Digest work, industrial investigation	May 18, 1908	150.00	Virginia.
Woods, Erville B	do	Assistant to the statistician	Aug. 8, 1908	150.00	Minnesota.
Workman, R. Dubois	do	Field work, industrial investigation	Mar. 15, 1909	100.00	Pennsylvania.
Berlin, H	Observer	Anthropological investigation	Apr. 21, 1909	75.00	New York.
Goldenweiser, A	do	do	do	75.00	Do.
				Per week.	
Jaegendorf, M. A	do	do	May 1, 1909	15.00	Do.
				Per month.	
Lischner, H	do	do	Apr. 23, 1909	75.00	Do.
				Per week.	
Meltzer, Milton	do	do	Aug. 25, 1909	10.00	Do.
				Per month.	
Rappaport, D	do	do	Mar. 5, 1909	75.00	Do.
Schwarz, Osias	do	do	Dec. 22, 1909	75.00	Do.
Agnew, Katharine	Clerk	Tabulation	Apr. 1, 1909	60.00	District Columbia.
Allen, Mary P	do	do	Apr. 26, 1909	60.00	Vermont.
Altman, Samuel	do	do	Jan. 22, 1909	a70.00	New York.
Anderson, Alice V	do	do	Mar. 29, 1909	60.00	District Columbia.
Apple, Alice M	do	do	Mar. 24, 1909	60.00	Do.
Arnold, Mrs. C. I	do	do	Mar. 25, 1909	60.00	Do.
Aydelotte, Mrs. H. L	do	do	Mar. 29, 1909	60.00	Do.
Baden, Florence V	do	do	Aug. 28, 1907	75.00	Do.
Ball, Anna E	do	do	Nov. 23, 1908	70.00	Do.
Ball, Fred W	do	do	July 6, 1909	60.00	Do.
Ball, Rose Mary	do	do	Aug. 10, 1909	60.00	Do.
Ballou, Mrs. J. C	do	do	Mar. 25, 1909	60.00	Do.
Bancroft, May D	do	do	Feb. 17, 1908	75.00	Do.
Baumgarten, Sophie	do	do	Jan. 4, 1909	65.00	California.
Beall, Maude	do	do	Apr. 1, 1909	60.00	District Columbia.
Billingsley, Mattie P	do	do	Mar. 26, 1909	60.00	Do.
Brawner, Martha W	do	Supervising clerk	Aug. 26, 1907	80.00	Do.
Briscoe, Ida D	do	Tabulation	Apr. 2, 1909	60.00	Do.
Brockington, Florence A	do	Stenographer	Mar. 22, 1909	70.00	Vermont.
Brooks, S. May	do	Tabulation	Aug. 2, 1909	60.00	District Columbia.
Brown, Catherine I	do	Stenographer	Dec. 28, 1908	70.00	Do.
Brown, Mary L	do	Supervising clerk	Dec. 1, 1908	70.00	Do.
Brown, Anna V	do	Tabulation	Mar. 25, 1909	60.00	Do.
Buckley, Anna T	do	Supervising clerk	Dec. 1, 1908	70.00	Do.
Burns, W. B	do	Tabulation	Dec. 8, 1908	70.00	Mississippi.
Bushman, Bernadotte	do	do	July 19, 1909	60.00	District Columbia.
Cain, Belle B	do	do	Nov. 19, 1908	70.00	Do.
Chalmers, V. Kate	do	do	Feb. 19, 1908	75.00	Do.
Chamberlain, Annie V	do	do	Dec. 22, 1908	70.00	Do.
Clark, Inez M	do	do	Dec. 15, 1908	70.00	Do.
Clay, Cornelia	do	Supervising clerk	July 16, 1908	75.00	Do.
Clifton, John W	do	Special digest work	July 23, 1909	70.00	Tennessee.
Connolly, Nellie	do	Tabulation	Dec. 1, 1908	65.00	District Columbia.
Converse, Antonia T	do	do	July 19, 1909	60.00	Do.
Cooper, Katharine M	do	do	Oct. 17, 1907	80.00	Do.
Crawford, Mary	do	do	July 22, 1909	60.00	Do.
Croxton, Grace A	do	do	July 15, 1909	60.00	Do.
Curry, Lillian M	do	Typewriting	Mar. 29, 1909	60.00	Do.
Daggett, Julie E	do	Tabulation	June 14, 1909	60.00	Do.
Dale, Marion P	do	do	Apr. 3, 1908	75.00	Do.
Darneille, Margaret S	do	do	Feb. 19, 1908	70.00	Do.
Davis, Anne E	do	do	June 14, 1909	60.00	Do.
Davis, Lena C	do	do	Mar. 24, 1909	60.00	Do.
Deshler, Frances	do	do	Dec. 1, 1908	65.00	Do.
Dickey, Elva M	do	do	do	70.00	Do.
Dorsch, Grover C	do	do	Aug. 1, 1908	70.00	New York.
Drain, Miss M. R	do	Tabulation and translating	July 20, 1909	60.00	District Columbia.
Dunlap, Christine W	do	Tabulation	Mar. 25, 1909	60.00	Do.
Dunlop, Maude D	do	do	Apr. 12, 1909	60.00	Do.
Eagan, Mary Helen	do	Examination of schedules and digest work	Dec. 7, 1908	70.00	New York.
Eckart, Lillian H	do	Tabulation	Aug. 4, 1909	60.00	
Edgerton, Franklin	do	Digest work	June 14, 1909	70.00	District Columbia.
Edgerton, Henry W	do	Tabulation	June 28, 1909	60.00	Do.
English, Marie R	do	do	Oct. 21, 1907	80.00	Do.
Farrar, Juliet H	do	do	Jan. 26, 1909	70.00	Pennsylvania.
Farren, Katharine E	do	do	Mar. 25, 1909	60.00	
Fisher, Ida M	do	do	May 1, 1909	60.00	District Columbia.
Fitzgerald, Margaret D	do	do	Aug. 3, 1908	65.00	Do.
Fitzhugh, Lucy W	do	do	Apr. 19, 1909	60.00	Virginia.
Flynn, Wm. S	do	Examination of schedules	Nov. 23, 1908	70.00	Rhode Island.
Francis, S. H	do	Tabulation	Dec. 15, 1908	70.00	New Jersey.
Francke, Olea	do	do	Jan. 25, 1909	a70.00	New York.
Frye, Isabel S	do	do	Feb. 28, 1908	75.00	District Columbia.
Glancy, Cora B	do	do	Apr. 5, 1909	60.00	Do.
Gleason, Genevieve S	do	do	July 6, 1909	60.00	Do.
Graham, Hazel E	do	do	Aug. 3, 1909	60.00	Do.
Gray, Augusta C	do	do	Feb. 24, 1909	65.00	Do.
Gray, Bernadette L	do	do	Apr. 15, 1909	60.00	Do.
Greenwood, Irene	do	do	Apr. 1, 1909	60.00	Do.
Hagan, Alice V	do	Supervising clerk	June 23, 1908	75.00	Do.
Hanger, Harry B	do	Chief of tabulating division	Aug. 7, 1907	150.00	Do.
Harper, Elizabeth E	do	Examination of schedules	Aug. 14, 1907	75.00	Virginia.
Hathaway, H. E	do	Tabulation	Mar. 30, 1909	60.00	New Jersey.
Hemingway, Lulu W	do	do	July 12, 1909	60.00	Alabama.
Hempstone, Frances C	do	do	Mar. 23, 1909	60.00	District Columbia.
Hess, Bessie G	do	Typewriter	do	70.00	Do.
Hickman, Mrs. Robert	do	Tabulation	Apr. 19, 1909	60.00	Do.
Hill, Leonore C	do	do	July 21, 1909	60.00	Maryland.
Hosley, Genevieve P	do	do	June 21, 1909	60.00	District Columbia.
Hubbard, jr., E. H	do	do	June 14, 1909	60.00	Iowa.
Hyde, Elizabeth A	do	Examination of schedules and digest work	Apr. 1, 1909	60.00	District Columbia.
Ickis, Imogene R	do	Tabulation	Aug. 2, 1909	60.00	Do.
Ingram, Ethel L	do	Supervising clerk	Dec. 1, 1908	70.00	Do.
Irwin, Lois	do	Tabulation	Aug. 11, 1909	60.00	Do.
Jefferis, Mary E	do	Stenographer	Mar. 29, 1909	70.00	Do.
Jenkins, Esther F	do	Tabulation	July 21, 1909	60.00	Do.

a $15 per week, July 1–31; $70 per month from August 1, 1909.

Immigration Commission—List of employees, July 1–September 30, 1909—Continued.

Name.	Designation.	Character of work.	Date of appointment.	Salary.	Residence.
				Per month.	
Johnson, Clara E.	Clerk	Tabulation	Mar. 24, 1909	$60.00	District Columbia.
Johnson, Roberta A	do	do	Mar. 25, 1909	60.00	Do.
				Per day.	
Keegan, Alice	do	Copying	Oct. 23, 1908	3.00	New York.
				Per month.	
Kehoe, Elizabeth A	do	Tabulation	Dec. 1, 1908	65.00	District Columbia.
Kilmartin, Annie M	do	Typewriting	Sept. 15, 1909	60.00	Do.
King, Roberta	do	Supervising clerk	Dec. 28, 1908	70.00	Do.
Kinney, Mrs. D. L	do	Tabulation	Jan. 13, 1909	65.00	Alabama.
Knowlton, Rose D	do	do	Jan. 23, 1909	70.00	District Columbia.
Lambson, Amanda T	do	do	Feb. 17, 1908	75.00	Do.
Leavell, Elizabeth O	do	do	Mar. 29, 1909	60.00	Do.
Leftwich, Virginia I	do	do	Sept. 21, 1909	60.00	Do.
Leland, Louise J	do	do	Mar. 5, 1908	75.00	Do.
LeRoy, Mabel F	do	do	Apr. 5, 1909	70.00	Michigan.
Linder, Maud E	do	do	Mar. 23, 1909	60.00	District Columbia.
Lingo, L. Blanch	do	do	Apr. 12, 1909	60.00	Do.
Lippitt, George F	do	do	Dec. 21, 1908	70.00	Do.
Little, May K	do	do	July 6, 1909	60.00	Do.
Lloyd, Jessie C	do	Stenographer	Aug. 27, 1907	80.00	Do.
Long, Emily F	do	Tabulation	Oct. 17, 1907	75.00	Do.
McCarthy, P. H	do	do	Apr. 14, 1909	60.00	Do.
McGuire, Anne R	do	do	Feb. 17, 1908	80.00	Do.
McLinden, Pauline	do	Stenographer	Aug. 17, 1908	75.00	Do.
McRoy, Virginia	do	Tabulation	Mar. 27, 1909	65.00	Do.
Mann, Ida M	do	do	Mar. 30, 1909	60.00	Do.
Marceron, Mattie	do	do	Apr. 1, 1909	60.00	Do.
Marscher, Julia M	do	do	Mar. 29, 1909	60.00	Do.
Martin, Clare C	do	do	do	60.00	Do.
Matthews, Jennie W	do	do	June 7, 1909	60.00	Do.
Maxon, Katharine N	do	Stenographer	Oct. 1, 1907	80.00	Do.
Mears, Edith	do	Tabulation	Sept. 20, 1909	60.00	Do.
Menefee, G. G	do	do	June 21, 1909	60.00	Do.
Meredith, Margaret	do	do	June 17, 1909	60.00	Do.
Milleson, Mary B	do	do	Mar. 29, 1909	60.00	Do.
Mickley, Mabel	do	do	June 18, 1909	60.00	Pennsylvania.
Moise, Hettie E	do	do	Aug. 27, 1907	80.00	District Columbia.
Moser, Frank W	do	Shipping and stock-room clerk	Dec. 11, 1908	70.00	Pennsylvania.
Moyer, Mrs. E. G	do	Tabulation	Jan. 11, 1909	65.00	Indiana.
Mumford, Pauline	do	do	Aug. 5, 1909	60.00	District Columbia.
Murphy, Mary A	do	do	Aug. 3, 1909	60.00	Do.
Mylotte, Mary A	do	Stenographer	June 3, 1908	100.00	California.
Nabers, Miss B. E	do	Tabulation	Aug. 9, 1909	60.00	District Columbia.
Neale, Margaretta H	do	do	Apr. 1, 1909	60.00	Do.
Newlands, E. Emojean	do	do	Mar. 23, 1909	60.00	Do.
Nicholson, J. M	do	do	Feb. 17, 1908	75.00	Do.
Noel, Kathleen W	do	do	May 25, 1908	75.00	Do.
O'Reilly, Elizabeth	do	do	Dec. 1, 1908	70.00	Do.
O'Rourke, Fannie M	do	do	Aug. 5, 1909	60.00	Do.
Palisay, Blanche	do	do	Sept. 27, 1909	60.00	Do.
Padgett, Helen W	do	do	July 6, 1909	60.00	Do.
Parkhurst, Annie H	do	do	a July 2, 1909	60.00	Do.
				Per day.	
Parrott, Caroline C	do	Stenographer	Nov. 4, 1907	2.90	New York.
				Per month.	
Peacock, Natalie J	do	Tabulation	July 12, 1909	60.00	District Columbia.
Phillips, Ida M	do	do	Mar. 23, 1909	60.00	Do.
Pitney, Ethel D	do	do	Aug. 13, 1909	60.00	Do.
Pitts, Fannie	do	do	Dec. 19, 1908	60.00	Maryland.
Plemmons, Juliet M	do	do	June 28, 1909	60.00	District Columbia.
Prince, Elizabeth Y	do	do	Mar. 25, 1909	60.00	Do.
Ragan, Emily M	do	do	Dec. 1, 1908	70.00	Do.
Ramsay, Mary Cowles	do	do	Feb. 23, 1909	65.00	Do.
				Per day.	
Raymond, Mrs. J. F	do	Copying	Oct. 26, 1908	3.00	New York.
				Per month.	
Read, Nancy W	do	Tabulation	July 8, 1909	60.00	District Columbia.
Reinburg, Susie C	do	do	Mar. 29, 1909	60.00	Do.
Reinhard, Minnie A	do	do	July 19, 1909	60.00	Do.
Rice, Margaret A	do	do	Apr. 16, 1909	60.00	Do.
				Per week.	
Richard, Julia	do	Typewriter	Sept. 2, 1909	10.00	New York.
				Per month.	
Rixey, Laeta E	do	Tabulation	July 21, 1909	60.00	Virginia.
Roach, Florence E	do	Supervising clerk	Mar. 30, 1909	60.00	District Columbia.
Rogers, Harriet E	do	Tabulation	May 20, 1908	75.00	Do.
Ruhland, Millie	do	do	June 1, 1908	75.00	New York.
Sargent, Mrs. Eleanor	do	do	Sept. 13, 1909	60.00	District Columbia.
Sargent, Mabel	do	do	Mar. 24, 1909	60.00	Do.
Schmidt, Mattie L	do	do	Dec. 7, 1908	65.00	Do.
Schooler, Grace L	do	do	July 12, 1909	60.00	Do.
Seeley, Blanche L	do	Typewriter	May 26, 1908	75.00	Do.
Sell, Blanche M	do	Tabulation	Apr. 29, 1909	60.00	Minnesota.
Seymour, Mrs. W. P	do	do	Jan. 13, 1909	65.00	Maryland.
Shelly, Mary I	do	do	Apr. 29, 1909	60.00	Michigan.
Shinn, Edna	do	Supervising clerk	May 25, 1908	75.00	District Columbia.
Simonds, Frances	do	Stenographer	Aug. 10, 1909	60.00	Do.
Simpson, Lillian H	do	Supervising clerk	Feb. 1, 1909	65.00 70.00	New York.
Skidmore, C. Louise	do	Tabulation	Sept. 18, 1907	75.00	District Columbia.
Sligh, Irene D	do	do	Dec. 16, 1908	65.00	Do.
Smith, Mrs. H. Warren	do	do	Mar. 27, 1909	60.00	Do.
Smith, Lilian J	do	do	Apr. 12, 1909	60.00	Do.
Smith, Minnie F	do	do	July 23, 1909	60.00	Do.
Smith, Walter	do	do	Apr. 5, 1909	60.00	New York.
Spann, Lawrence Y	do	do	Apr. 15, 1909	60.00	District Columbia.
Spellman, Bessie	do	do	Dec. 9, 1908	65.00	Do.
Spencer, T. Peachy	do	do	July 26, 1909	60.00	Do.
Spofford, A. M	do	Stenographer	July 27, 1908	80.00	Do.
Sprague, Blanche Z	do	Tabulation	June 1, 1908	75.00	New Jersey.
Stansbury, Rose S	do	Supervising clerk	Feb. 17, 1908	100.00	District Columbia.
Stephenson, Nina D	do	Tabulation	Mar. 19, 1908	75.00	Do.
Steuben, Grace M	do	do	Mar. 23, 1909	60.00	Do.

* Noon.

Immigration Commission—List of employees, July 1–September 30, 1909—Continued.

Name.	Designation.	Character of work.	Date of appointment.	Salary.	Residence.
				Per month.	
Stott, Mary L.	Clerk	Tabulation	July 12, 1909	$60.00	District Columbia
Stull, Kate W.	....do	....do	May 25, 1908	75.00	Do.
Talty, Virginia	....do	....do	Mar. 25, 1909	60.00	Do.
Tegethoff, Erna	....do	....do	July 6, 1909	60.00	Do.
Tiffany, Virginia	....do	Typewriter	July 1, 1909	60.00	Do.
Towles, Caroline G	....do	Tabulation	June 1, 1908	75.00	Do.
Tracy, Mrs. S. V	....do	....do	Aug. 6, 1909	60.00	Do.
Turner, Mary L.	....do	....do	June 28, 1909	60.00	Do.
Urben, Mary	....do	....do	July 26, 1909	60.00	Do.
Vaughan, Fred A	....do	....do	Mar. 24, 1909	70.00	Kentucky.
Walsh, Ella E. V	....do	....do	Mar. 29, 1909	60.00	New York.
Walton, Ada. B.	....do	Stenographer	July 19, 1909	70.00	Virginia.
Warmbath, Margaret	....do	Tabulation	June 14, 1909	60.00	District Columbia
Watkins, Elton	....do	....do	June 22, 1909	60.00	Do.
Webb, Elizabeth G	....do	....do	Dec. 19, 1908	65.00	Do.
Weedon, Miss C. E.	....do	....do	Aug. 5, 1909	60.00	Do.
Welch, Ruth F	....do	....do	May 25, 1909	60.00	Massachusetts.
Wentworth, Margaret	....do	....do	Mar. 29, 1909	70.00	District Columbia.
West, Mary Mills	....do	Digest work	Jan. 18, 1909	70.00	Do.
Wilkerson, Mrs. S. L.	....do	Tabulation	Aug. 2, 1909	60.00	Do.
Wilkins, Isabel	....do	....do	Dec. 1, 1908	65.00	Do.
Williams, Clara F	....do	Stenographer	Oct. 21, 1908	70.00	Do.
Wood, Estella E	....do	Tabulation	July 24, 1909	60.00	Do.
Woodbury, Mrs. E. S.	....do	....do	Aug. 11, 1909	60.00	Do.
Yarberry, M. Ray	....do	....do	July 19, 1909	60.00	Kentucky.
Yates, Minetta A	....do	....do	Mar. 22, 1909	60.00	District Columbia.

CLERKS WHO WERE SPECIAL AGENTS PRIOR TO JULY 1, 1909.

Addison, John W	Clerk	Digest work	Aug. 11, 1908	$70.00	Virginia.
Alexander, D. W	....do	Tabulation	Mar. 22, 1909	70.00	West Virginia.
Askenazy, Oscar	....do	....do	Oct. 26, 1908	70.00	New York.
Ballard, Nellie A	....do	....do	May 13, 1908	70.00	Illinois.
Bean, W. R	....do	....do	Apr. 19, 1909	70.00	North Carolina.
Beckwith, L. T	....do	....do	Mar. 9, 1909	70.00	Maine.
Biggerstaff, H. K	....do	....do	Apr. 9, 1909	70.00	North Carolina.
Booker, Helen	....do	....do	Mar. 16, 1909	70.00	Virginia.
Bowers, Jessie L.	....do	....do	June 8, 1908	70.00	California.
Claiborne, Betty P	....do	....do	Mar. 30, 1909	70.00	West Virginia.
Clark, Earle	....do	Digest work	Apr. 12, 1909	70.00	Massachusetts.
Cunningham, LeRoy	....do	Tabulation	Mar. 31, 1909	70.00	Ohio.
Dunlap, W. Allan	....do	....do	Dec. 16, 1908	70.00	Tennessee.
Durand, Alice M	....do	Digest work	June 1, 1908	70.00	Ohio.
Eaves, Ruth	....do	Tabulation	July 17, 1908	70.00	California.
Ekstedt, Edward G	....do	....do	Mar. 22, 1909	70.00	
Farrell, Melissa B	....do	....do	Mar. 31, 1909	70.00	
Fleming, R. D.	....do	Digest work	Oct. 1, 1908	70.00	Pennsylvania.
Griffiths, Robert	....do	Tabulation	Jan. 19, 1909	70.00	Do.
Haddock, Frank T	....do	....do	Mar. 17, 1909	70.00	Massachusetts.
Hamory, L. S. H	....do	....do	Mar. 27, 1909	70.00	New York.
Harman, Henry A	....do	....do	Apr. 1, 1909	70.00	
Hyde, Arthur E	....do	....do	Feb. 23, 1909	70.00	Do.
Jones, Emily M	....do	....do	Apr. 1, 1909	70.00	
Keenan, Thomas H	....do	....do	....do	70.00	Massachusetts.
Kelley, Daniel F	....do	....do	Mar. 16, 1909	70.00	New York.
Kelley, Mattie B	....do	....do	Apr. 1, 1909	70.00	Pennsylvania.
Kelly, A. C	....do	....do	Apr. 13, 1909	70.00	
Kendall, F. C.	....do	....do	Sept. 1, 1908	70.00	Massachusetts.
Lauck, Lee G.	....do	....do	Mar. 19, 1909	70.00	West Virginia.
Lawton, David A.	....do	....do	Mar. 29, 1909	70.00	
Leimer, R. J.	....do	Supervising clerk	Feb. 8, 1909	70.00	New York.
Leyshon, Ralph	....do	Tabulation	Mar. 27, 1909	70.00	Pennsylvania.
McArthur, Edward H	....do	Supervising clerk	Mar. 29, 1909	70.00	New York.
Miller, Jane F	....do	Tabulation	Nov. 1, 1908	70.00	Virginia.
Michael, J. K.	....do	....do	Mar. 18, 1909	70.00	West Virginia.
Minetree, Geo. McP	....do	Digest work	Oct. 14, 1908	70.00	District Columbia.
Morrow, R. B.	....do	Tabulation	Mar. 25, 1909	70.00	Ohio.
Nicolson, Donald	....do	....do	Jan. 27, 1909	70.00	Massachusetts.
Preyer, A. E.	....do	....do	Oct. 3, 1908	70.00	New York.
Raymond, Frank E.	....do	....do	Apr. 20, 1909	70.00	Massachusetts.
Richter, A. W.	....do	....do	May 10, 1909	70.00	Illinois.
Schnell, Jerome C.	....do	....do	Nov. 16, 1908	70.00	New York.
Sheets, Nellie F	....do	Supervising clerk	Oct. 1, 1908	70.00	Ohio.
Smith, Jesse G.	....do	Tabulation	Feb. 3, 1909	70.00	Tennessee.
Smyth, S. Cora	....do	....do	Feb. 19, 1908	75.00	District Columbia.
Steele, Allen	....do	....do	Mar. 25, 1909	70.00	Connecticut.
Stewart, Ruby	....do	....do	Apr. 1, 1908	70.00	Illinois.
Swift, Helen R	....do	....do	Apr. 7, 1909	70.00	New York.
Turton, W. Frank[a]	....do	....do	July 27, 1908	70.00	District Columbia.
Van Gunten, H. R	....do	....do	Apr. 1, 1909	70.00	
Von Reutlinger, Robert	....do	....do	Apr. 13, 1909	70.00	California.
Wilson, Geo. N	....do	....do	Oct. 26, 1908	70.00	New York.
Witt, R. R., jr	....do	....do	Mar. 19, 1909	70.00	Virginia.
Woodward, D. Lucile Field[b]	....do	....do	June 3, 1908	70.00	New York.

[a] Special agent until July 31, at $125 per month.

[b] Special agent until September 8, at $100 per month.

Employed in June, 1909, but not thereafter.

SPECIAL AGENTS.

Aitken, Agnes, Illinois; Grubb, W. Neal, Illinois; Harris, Estelle, Illinois; Harris, Louis L., New York; Kirk, W. A., ———; Lavery, J. S., ———; Maloney, R. Q. M., District of Columbia; McCalmont, J. K., District of Columbia; Painter, Florence M., New York; Points, Juliet S., New Jersey; Warshaw, Jacob, ———; White, Charles N., New York; Neighbors, R. G., New York; Tate, Edythe L. M., Illinois.

OBSERVERS, OR AGENTS (ANTHROPOLOGICAL WORK).

Braun, M., New York; Frachtenberg, Leo, New York; Frachtenberg, M., New York; Lewis, I., New York; Lubarsky, D. A., New York; Michelson, Truman, New York; Vital, Joseph, New York; Wineberg, Louis, New York.

Of the special agents employed in June, 1909, but not thereafter, Messrs. White, Kirk, McCalmont, Harris, Warshaw, Maloney, Neighbors, Grubb, and Lavery were engaged in field work in the industrial investigation. The Misses Harris, Painter, Tate, Points, and Aitken were engaged in field work in the congestion investigation. Payments of salaries to these agents for their services in June were made in July, as also to the observers or agents in the anthropological investigation.

Of the clerks who were special agents prior to July 1, 1909, W. Frank Turton was a special agent until July 31, and D. Lucile Field Woodward until September 8, each becoming a clerk after the respective dates. All the other clerks in that list came in from field service and became clerks July 1 at reduced salaries. They were all engaged in field work of the industrial, agricultural, or congestion investigation.

Voucher No. 3480.

Pay roll for personal services, September 16, 1909.

We, the subscribers, severally acknowledge to have received of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, in person or by his deputy, and in cash, the sums set opposite our respective names, in full payment for our services, and we hereby certify that said sums are correct.

Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount paid.	Signature.
1. John W. Addison	Clerk	$70.00	Sept. 1-15	$35.00	John W. Addison.
2. Katherine Agnew	do	60.00	Aug. 25 Sept. 1-15	22.00	Katherine Agnew.
3. D. W. Alexander	do	70.00	do	35.00	D. W. Alexander.
4. Mary P. Allen	do	60.00	do	30.00	Mary P. Allen.
5. Alice V. Anderson	do	60.00	do	30.00	Alice V. Anderson.
6. Oscar Askenazy	do	70.00	do	35.00	Oscar Askenazy.
7. Mrs. H. L. Aydelotte	do	60.00	Sept. 2-15	28.00	Mrs. H. L. Aydelotte.
8. Florence V. Baden	do	75.00	Sept. 1-15	37.50	Florence V. Baden.
9. Fred W. Ball	do	60.00	do	30.00	Fred W. Ball.
10. Rose Mary Ball	do	60.00	do	30.00	Rose Mary Ball.
11. Nellie A. Ballard	do	70.00	Sept. 1-12	28.00	Nellie A. Ballard.
12. Sophia Baumgarten	do	65.00	Sept. 1-15	32.50	Sophia Baumgarten.
13. Maud Beall	do	60.00	Sept. 2-15	28.00	Maud Beall.
14. W. R. Bean	do	70.00	Sept. 1-15	35.00	W. R. Bean.
15. H. K. Biggerstaff	do	70.00	do	35.00	H. K. Biggerstaff.
16. Mattie P. Billingsley	do	60.00	do	30.00	Mattie P. Billingsley.
17. Helen Booker	do	70.00	do	35.00	Helen Booker.
18. Jessie L. Bowers	do	70.00	do	35.00	Jessie L. Bowers.
19. Martha W. Brawner	do	80.00	do	40.00	Martha W. Brawner.
20. Florence A. Brockington	do	70.00	do	35.00	Florence A. Brockington.
21. S. May Brooks	do	60.00	do	30.00	S. May Brooks.
22. Katherine I. Brown	do	70.00	do	35.00	Katherine I. Brown.
23. Mary L. Brown	do	70.00	do	35.00	Mary L. Brown.
24. Anna V. Browne	do	60.00	do	30.00	Anna V. Brown.
25. Clara Bryan	Charwoman	25.00	do	12.50	Clara Bryan.
26. Anna T. Buckley	Clerk	70.00	do	35.00	Anna T. Buckley.
27. W. B. Burns	do	70.00	do	35.00	W.B. Burns.
28. Bernadotte Bushman	do	60.00	do	30.00	Bernadotte Bushman.
29. Annie D. Chamberlain	do	70.00	do	35.00	Annie D. Chamberlain.
30. Betty P. Claiborne	do	70.00	do	35.00	Betty P. Claiborne.
31. Earl Clark	do	70.00	do	35.00	Earl Clark.
32. Inez Clark	do	70.00	do	35.00	Inez Clark.
33. Cornelia Clay	do	75.00	do	37.50	Cornelia Clay.
34. John W. Clifton	do	70.00	do	35.00	John W. Clifton.
35. Nellie Connolly	do	65.00	do	32.50	Nellie Connolly.
36. Antonio T. Converse	do	60.00	do	30.00	Antonio T. Converse.
37. Mary Crawford	do	60.00	Sept. 1-15	30.00	(a)
38. Frederick C. Croxton	Statistician	250.00	do	125.00	Frederick C. Croxton.
39. Leroy Cunningham	Clerk	70.00	do	35.00	Leroy Cunningham.
40. Lillian M. Curry	do	60.00	Sept. 1-10	20.00	Lillian M. Curry.
41. Julie E. Daggett	do	60.00	Sept. 1-15	30.00	Julie E. Daggett.
42. Lena C. Davis	do	60.00	do	30.00	Lena C. Davis.
43. Elva M. Dickey	do	70.00	do	35.00	Elva M. Dickey.
44. Grover C. Dorsch	do	70.00	do	35.00	Grover C. Dorsch.
45. Miss M. R. Drain	do	60.00	do	30.00	M. R. Drain.
46. Samuel L. Drew	Janitor	50.00	do	25.00	Samuel L. Drew.
47. W. Allen Dunlap	Clerk	70.00	do	35.00	W. Allen Dunlap.
48. Maud D. Dunlop	do	60.00	do	30.00	Maud D. Dunlop.
49. Alice M. Durand	do	70.00	do	35.00	Alice M. Durand.
50. Mary Helen Eagan	do	70.00	do	35.00	Mary Helen Eagan.
51. Ruth Eaves	do	70.00	do	35.00	Ruth Eaves.
52. Lillian H. Eckart	do	60.00	do	30.00	Lillian H. Eckart.
53. Franklin Edgarton	do	70.00	do	35.00	Franklin Edgarton.
54. Edward G. Ekstedt	do	70.00	do	35.00	Edward G. Ekstedt.
55. Juliet H. Farrar	do	70.00	Sept. 7-10	9.33	Juliet H. Farrar.
56. Melissa B. Farrell	do	70.00	Sept. 1-15	35.00	Melissa B. Farrell.
57. Katherine E. Farren	do	60.00	do	30.00	Katherine E. Farren.
58. Ida M. Fisher	do	60.00	do	30.00	Ida M. Fisher.
59. Margaret D. Fitzgerald	do	65.00	do	32.50	Margaret D. Fitzgerald.
60. Lucy W. Fitzhugh	do	60.00	do	30.00	Lucy W. Fitzhugh.
61. R. D. Fleming	do	70.00	do	35.00	R. D. Fleming.
62. Wm. S. Flynn	do	70.00	Sept. 9-15 July 16-21	30.33	W. S. Flynn.
63. S. H. Francis	do	70.00	Sept. 1-15	35.00	S. H. Francis.
64. Chas. F. Fuller	Examiner	150.00	do	75.00	Chas. F. Fuller.
65. Cora B. Glancy	Clerk	60.00	do	30.00	Cora B. Glancy.
66. Genevieve S. Gleason	do	60.00	do	30.00	Genevieve S. Gleason.
67. Hazel E. Graham	do	60.00	do	30.00	Hazel E. Graham.
68. Augustus C. Gray	do	65.00	do	32.50	Augustus C. Gray.
69. Bernadette L. Gray	do	60.00	do	30.00	Bernadette L. Gray.
70. Irene Greenwood	do	60.00	do	30.00	Irene Greenwood.
71. Robert Griffiths	do	70.00	do	35.00	Robert Griffiths.
72. Frank T. Haddock	do	70.00	do	35.00	Frank T. Haddock.
73. Alice V. Hagan	do	75.00	do	37.50	Alice V. Hagan.
74. L. S. H. Hamory	do	70.00	do	35.00	L. S. H. Hamory.
75. Harry B. Hanger	do	150.00	do	75.00	Harry B. Hanger.
76. Henry A. Harmon	do	70.00	do	35.00	Harry A. Harmon.
77. Elizabeth E. Harper	do	75.00	do	37.50	Elizabeth E. Harper.
78. H. E. Hathaway	do	60.00	Sept. 7-15	18.00	H. E. Hathaway.
79. Lulu W. Hemingway	do	60.00	Sept. 1-15	30.00	Lulu W. Hemingway.
80. Frances C. Hempstone	do	60.00	do	30.00	Frances C. Hempstone.
81. Bessis G. Hess	do	70.00	do	35.00	Bessis G. Hess.
82. Mrs. R. Hickman	do	60.00	do	30.00	Mrs. R. Hickman.
83. Leonore C. Hill	do	60.00	do	30.00	Leonore C. Hill.
84. Genevieve P. Hosley	do	60.00	do	30.00	Genevieve P. Hosley.
85. E. H. Hubbard, jr	do	60.00	do	30.00	(b)

[a] "37. Mary Crawford, clerk, $60; September 1–15, 1909, $30; 37 (no signature)." On this date, September 16, Mrs. Crawford was on leave of absence with pay, and was therefore put on the roll for the full period, September 1–15; but she resigned her position with the commission soon afterwards. Her resignation deprived her of the amount of leave of absence which she would have been entitled to had she remained with the commission until the end of the year. She was accordingly entitled to salary only for the period September 1–2, $4. This amount was paid her September 16, as per her receipt herewith attached.

The balance of $26 is in my possession, and will be turned in to the credit of "Miscellaneous receipts."

WASHINGTON, D. C., *September 16, 1909.*

Received of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, $4, salary as clerk from September 1, 1909, to September 2, 1909.

MARY CRAWFORD.

[b] "85. E. H. Hubbard, jr., clerk, $60; September 1–15, 1909, $30; 85 (no signature)." Mr. Hubbard has been absent since September 4. All efforts to locate him have failed. The $30 is in my possession, and will be turned in to the credit of "Miscellaneous receipts."

Pay roll for personal services, September 16, 1909—Continued.

	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount paid.	Signature.
86.	Edith A. Hyde	Clerk	$60.00	Sept. 1–15	$30.00	Edith A. Hyde.
87.	Ethel L. Ingram	....do	70.00	....do	35.00	Ethel L. Ingram.
88.	Lois M. Irwin	....do	60.00	....do	30.00	Lois M. Irwin.
89.	Mary E. Jefferies	....do	70.00	Sept. 1–6	14.00	Mary E. Jefferies.
90.	Max Jelline	Translator	125.00	Sept. 1–15	62.50	Max Jelline.
91.	Esther F. Jenkins	Clerk	60.00	....do	30.00	Esther F. Jenkins.
92.	Clara E. Johnson	....do	60.00	....do	30.00	Clara E. Johnson.
93.	John R. Johnston	Special agent	100.00	....do	50.00	John R. Johnston.
94.	Emily M. Jones	Clerk	70.00	....do	35.00	Emily M. Jones.
95.	Thomas H. Keenan	....do	70.00	....do	35.00	Thomas H. Keenan.
96.	Elizabeth A. Kehoe	....do	65.00	Sept. 1–7, 11–15	26.00	Elizabeth A. Kehoe.
97.	Daniel F. Kelley	....do	70.00	Sept. 1–15	35.00	Daniel F. Kelley.
98.	A. C. Kelly	....do	70.00	....do	35.00	A. C. Kelly.
99.	F. C. Kendall	....do	70.00	....do	35.00	F. C. Kendall.
100.	Roberta King	....do	70.00	....do	35.00	Roberta King.
101.	Mrs. D. L. Kinney	....do	65.00	....do	32.50	Mrs. D. L. Kinney.
102.	Rose D. Knowlton	....do	70.00	....do	35.00	Rose D. Knowlton.
103.	Lee G. Lauck	....do	70.00	....do	35.00	Lee G. Lauck.
104.	David A. Lawton	....do	70.00	....do	35.00	David A. Lawton.
105.	Elizabeth O. Leavell	....do	60.00	....do	30.00	Elizabeth O. Leavell.
106.	R. J. Leimer	....do	70.00	....do	35.00	R. J. Leimer.
107.	Mabel P. Le Roy	....do	70.00	....do	35.00	Mabel Le Roy.
108.	Ralph Leyshon	....do	70.00	....do	35.00	Ralph Leyshon.
109.	Maude E. Linder	....do	60.00	....do	30.00	Maude E. Linder.
110.	L. Blanche Lingo	....do	60.00	....do	30.00	L. Blanche Lingo.
111.	George F. Lippitt	....do	70.00	....do	35.00	George F. Lippitt.
112.	May K. Little	....do	60.00	....do	30.00	May K. Little.
113.	Jessie C. Lloyd	....do	80.00	....do	40.00	Jessie C. Lloyd.
114.	Ida M. Mann	....do	60.00	....do	30.00	Ida M. Mann.
115.	Mattie Marceron	....do	60.00	....do	30.00	Mattie Marceron.
116.	Louise Mark	Special agent	100.00	....do	50.00	Louise Mark.
117.	Clare C. Martin	Clerk	60.00	....do	30.00	Clare C. Martin.
118.	Jennie W. Matthews	....do	60.00	....do	30.00	Jennie W. Matthews.
119.	E. H. McArthur	....do	70.00	....do	35.00	E. H. McArthur.
120.	P. H. McCarthy	....do	60.00	....do	30.00	P. H. McCarthy.
121.	Pauline McLinden	....do	75.00	Sept. 7–15	22.50	Pauline McLinden.
122.	Margaret Meredith	....do	60.00	Sept. 1–15	30.00	Margaret Meredith.
123.	J. K. Michael	....do	70.00	....do	35.00	J. K. Michael.
124.	Mabel Mickley	....do	60.00	....do	30.00	Mabel Mickley.
125.	Mary B. Milleson	....do	60.00	....do	30.00	Mary B. Milleson.
126.	Geo. McP. Minetree	....do	70.00	....do	35.00	Geo. McP. Minetree.
127.	Hettie E. Moise	....do	80.00	....do	40.00	Hettie E. Moise.
128.	Mrs. E. G. Moyer	....do	65.00	....do	32.50	Mrs. E. G. Moyer.
129.	Mary A. Murphy	....do	60.00	....do	30.00	Mary A. Murphy.
130.	Miss B. E. Nabers	....do	60.00	....do	30.00	Miss B. E. Nabers.
131.	Margaretta H. Neale	....do	60.00	....do	30.00	Margaretta H. Neale.
132.	E. Emojean Newlands	....do	60.00	....do	30.00	E. Emojean Newlands.
133.	J. M. Nicholson	....do	75.00	....do	37.50	J. M. Nicholson.
134.	Donald Nicholson	....do	70.00	....do	35.00	Donald Nicholson.
135.	Kathleen W. Noel	....do	75.00	....do	37.50	Kathleen W. Noel.
136.	Fanny M. O'Rourke	....do	60.00	Sept. 1–7, 9, 11–15.	26.00	Fanny M. O'Rourke.
137.	Helen W. Padgett	....do	60.00	Sept. 1–15	30.00	Helen W. Padgett.
138.	Annie H. Parkhurst	....do	60.00	....do	30.00	Annie H. Parkhurst.
139.	Natalie J. Peacock	....do	60.00	....do	30.00	Natalie J. Peacock.
140.	Ida M. Phillips	....do	60.00	....do	30.00	Ida M. Phillips.
141.	Ethel B. Pitney	....do	60.00	....do	30.00	Ethel B. Pitney.
142.	Fanny Pitts	....do	60.00	....do	30.00	Fanny Pitts.
143.	Juliet M. Plemmons	....do	60.00	Aug. 16 Sept. 1–15	32.00	Juliet M. Plemmons.
144.	A. E. Preyer	....do	70.00	Sept. 1–15	35.00	A. E. Preyer.
145.	Emily M. Ragan	....do	70.00	....do	35.00	Emily M. Ragan.
146.	Mary Cowles Ramsey	....do	65.00	....do	32.50	Mary Cowles Ramsey.
147.	Frank D. Raymond	....do	70.00	....do	35.00	Frank D. Raymond.
148.	Nancy W. Read	....do	60.00	....do	30.00	Nancy W. Read.
149.	Susie C. Rainburg	....do	60.00	....do	30.00	Susie C. Rainburg.
150.	Minnie A. Reinhard	....do	60.00	....do	30.00	Minnie A. Reinhard.
151.	Margaret A. Rice	....do	60.00	....do	30.00	Margaret A. Rice.
152.	Laeta E. Rixey	....do	60.00	....do	30.00	Laeta E. Rixey.
153.	Florence E. Roach	....do	60.00	....do	30.00	Florence E. Roach.
154.	Harriet E. Rogers	....do	75.00	....do	37.50	Harriet E. Rogers.
155.	Mrs. Eleanor Sargent	....do	60.00	Sept. 13–15	6.00	Mrs. Eleanor Sargent.
156.	Mabel Sargent	....do	60.00	Aug. 16 Sept. 8–15	18.00	Mabel Sargent.
157.	Mattie L. Schmidt	....do	65.00	Sept. 1–15	32.50	Mattie L. Schmidt.
158.	Jerome C. Schnell	....do	70.00	....do	35.00	Jerome C. Schnell.
159.	Grace L. Schooler	....do	60.00	....do	30.00	Grace L. Schooler.
160.	Blanch L. Seeley	....do	75.00	....do	37.50	Blanch L. Seeley.
161.	Blanch M. Sell	....do	60.00	Sept. 1–10	20.00	Blanch M. Sell.
162.	Mrs. W. T. Seymour	....do	65.00	....do	21.67	Mrs. W. T. Seymour.
163.	Frank L. Shaw	Special agent	125.00	Sept. 1–15	62.50	Frank L. Shaw.
164.	Nellie F. Sheets	Clerk	70.00	....do	35.00	Nellie F. Sheets.
165.	Mary I. Shelley	....do	60.00	....do	30.00	Mary I. Shelley.
166.	Edna Shinn	....do	75.00	Sept. 2–15	35.00	Edna Shinn.
167.	Frances W. Simonds	....do	60.00	Sept. 1–15	30.00	Frances W. Simonds.
168.	C. Louise Skidmore	....do	75.00	Sept. 1–9, 11–13.	30.00	C. Louise Skidmore.
169.	Irene D. Sligh	....do	65.00	Sept. 1–15	32.50	Irene D. Sligh.
170.	Mrs. H. Warren Smith	....do	60.00	....do	30.00	Mrs. H. Warren Smith.
171.	Jesse G. Smith	....do	70.00	....do	35.00	Jesse G. Smith.
172.	Lillian J. Smith	....do	60.00	Sept. 1–15	30.00	Lillian J. Smith.
173.	Walter Smith	....do	60.00	....do	30.00	Walter Smith.
174.	Lawrence Y. Spann	....do	60.00	Sept. 3–15	26.00	Lawrence Y. Spann.
175.	Blanch Z. Sprague	....do	75.00	Sept. 1–15	37.50	Blanch Z. Sprague.
176.	Allen Steele	....do	70.00	....do	35.00	Allen Steele.
177.	Kate W. Stull	....do	75.00	....do	37.50	Kate W. Stull.
178.	Helen R. Swift	....do	70.00	....do	35.00	Helen R. Swift.
179.	George Sydnor	Messenger	40.00	....do	20.00	George Sydnor.
180.	Virginia Talty	Clerk	60.00	....do	30.00	Virginia Talty.
181.	Erna Tegethoff	....do	60.00	....do	30.00	Erna Tegethoff.
182.	Virginia Tiffany	....do	60.00	....do	30.00	Virginia Tiffany.
183.	Caroline G. Towles	....do	75.00	....do	37.50	Caroline G. Towles.
184.	Mary L. Turner	....do	60.00	....do	30.00	Mary L. Turner.
185.	W. Frank Turton	....do	70.00	....do	35.00	W. Frank Turton.
186.	Mary Urben	....do	60.00	....do	30.00	Mary Urben.
187.	H. R. Van Gunten	....do	70.00	....do	35.00	H. R. Van Gunten.

Pay roll for personal services, September 16, 1909—Continued.

	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount paid.	Signature.
188.	Fred A. Vaughan [a]	Clerk	$70.00	Sept. 1–6	$14.00	Fred A. Vaughan.
189.	Robert von Reutlinger	do	70.00	Sept. 1–15	35.00	Robert von Reutlinger.
190.	Ada B. Walton	do	70.00	do	35.00	Ada B. Walton.
191.	Elton Watkins	do	60.00	do	30.00	Elton Watkins.
192.	Elizabeth G. Webb	do	65.00	Sept. 6–15	21.67	Elizabeth G. Webb.
193.	Ruth F. Welch	do	60.00	Sept. 1–15	30.00	Ruth F. Welch.
194.	Mary Mills West	do	70.00	do	35.00	Mary Mills West.
195.	Sarah West	Charwoman	20.00	do	10.00	Sarah West.
196.	Mrs. S. L. Wilkerson	Clerk	60.00	do	30.00	Mrs. S. L. Wilkerson.
197.	Isabel Wilkins	do	65.00	do	32.50	Isabel Wilkins.
198.	Clara F. Williams	do	70.00	do	35.00	Clara F. Williams.
199.	George M. Wilson	do	70.00	do	35.00	George M. Wilson.
200.	Estella E. Wood	do	60.00	do	30.00	Estella E. Wood.
201.	Mrs. E. S. Woodbury	do	60.00	do	30.00	Mrs. E. S. Woodbury.
202.	D. Lucille Field Woodward	do	70.00	Sept. 9–15	16.33	D. Lucille Field Woodward.
203.	Minetta A. Yates	do	60.00	do	30.00	Minetta A. Yates.
204.	L. T. Beckwith	do	70.00	Sept. 8–15	18.67	L. T. Beckwith.
205.	Minnie F. Smith	do	60.00	Sept. 1–15	30.00	Minnie F. Smith.
206.	Annie Maude Kilmartin	do	60.00	Sept. 15	2.00	Annie Maude Kilmartin.
207.	Anna E. Ball	do	70.00	Sept. 1–15	35.00	Anna E. Ball.
208.	May D. Bancroft	do	75.00	do	37.50	May D. Bancroft.
209.	Belle B. Cain	do	70.00	do	35.00	Belle B. Cain.
210.	V. Kate Chalmers	do	75.00	Sept. 1–9	22.50	[b]
211.	Katherine M. Cooper	do	80.00	Sept. 1–15	40.00	Katherine M. Cooper.
212.	Marion P. Dale	do	75.00	do	37.50	Marion P. Dale.
213.	Marie R. English	do	80.00	do	40.00	Marie R. English.
214.	Isabel S. Frye	do	75.00	Sept. 1–6, 8–15	35.00	Isabel S. Frye.
215.	Amanda T. Lambson	do	75.00	Sept. 1–15	37.50	Amanda T. Lambson.
216.	Louise J. Leland	do	75.00	Sept. 2–3, 6–15	30.00	Louise J. Leland.
217.	Emily F. Long	do	75.00	Sept. 1–16, 13–15	22.50	Emily F. Long.
218.	Anne R. McGuire	do	80.00	Sept. 1–15	40.00	Anne R. McGuire.
219.	Katherine M. Maxon	do	80.00	Sept. 6–15	26.67	Katherine M. Maxon.
220.	Rose S. Stanbury	do	100.00	Sept. 1–15	50.00	Rose S. Stanbury.
221.	Nina D. Stephenson	do	75.00	do	37.50	Nina D. Stephenson.
	Total				7,210.17	

WASHINGTON, D. C., *September 16, 1909.*

[a] Received of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, $14, salary as clerk from September 1, 1909, to September 6, 1909.

FRED A. VAUGHAN.

WASHINGTON, D. C., *September 17, 1909.*

[b] Received of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, $22.50, salary as clerk from September 1 to September 9, 1909.

V. KATE CHALMERS.

Payment of salaries in this voucher in the sum of $7,210.17 is hereby approved.

W. P. DILLINGHAM,
Chairman Immigration Commission.

Accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, for the quarter July 1, 1909, to September 30, 1909.

[Salary payments by check.]

Date.	Voucher No.	Check No.	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount.	Amount payable under appropriation of act of February 17, 1907.	Amount payable under appropriation of act of March 4, 1909.
July 1, 1909	3221	385880	Samuel Altman	Clerk	[a] $15.00	June 16–30	$32.50	$32.50	
Do	3221	385881	H. Berlin	Observer	75.00	do	37.50	37.50	
Do	3221	385882	M. Braun	do	75.00	do	37.50	37.50	
Do	3221	385883	Leo Frachtenberg	do	75.00	do	37.50	37.50	
Do	3221	385884	M. Frachtenberg	do	75.00	do	37.50	37.50	
Do	3221	385885	Olea Francke	Clerk	[a] 15.00	do	32.50	32.50	
Do	3221	385886	A. Goldenweiser	Observer	[a] 15.00	do	32.50	32.50	
Do	3221	385887	M. A. Jegendorf	do	[a] 15.00	do	32.50	32.50	
Do	3221	385888	I. Lewis	do	[a] 15.00	do	32.50	32.50	
Do	3221	385889	H. Lischner	do	75.00	do	37.50	37.50	
Do	3221	385890	D. A. Labarsky	do	[a] 15.00	do	32.50	32.50	
Do	3221	385891	Truman Michelson	do	[a] 15.00	do	32.50	32.50	
Do	3221	385892	D. Rappaport	do	75.00	do	37.50	37.50	
Do	3221	385893	Millie Ruhland	Clerk	75.00	do	37.50	37.50	
Do	3221	385894	Osias Schwarz	Observer	75.00	do	37.50	37.50	
Do	3221	385895	Joseph Vital	do	[a] 15.00	do	32.50	32.50	
Do	3221	385896	Louis Weinberg	do	75.00	do	37.50	37.50	
Do	3221	385897	Jeremiah W. Jenks	Commissioner	[b] 7,500.00	do	312.50	312.50	
Do	3221	385898	Charles P. Neill	do	[b] 2,500.00	June 1–30	208.33	208.33	
Do	3221	385899	W. W. Husband	Secretary	[b] 3,500.00	June 16–30	145.84	145.84	
Do	3221	385900	William R. Wheeler	Commissioner	[b] 7,500.00	June 1–30	625.00	625.00	
Do	3221	385901	H. A. Millis	Superintendent of agents	250.00	do	250.00	250.00	
Do	3221	385902	Mary Mylotte	Clerk	100.00	do	100.00	100.00	
Do	3221	385903	Julia Evans	Special agent	100.00	do	100.00	100.00	
Do	3221	385904	H. De V. Hicker	do	150.00	do	150.00	150.00	
Do	3221	385905	Evan J. Hughes	do	125.00	do	125.00	125.00	
Do	3221	385906	H. T. Hutchinson	do	135.00	do	135.00	135.00	
Do	3221	385907	Ira B. Cross	do	150.00	do	150.00	150.00	
Do	3221	385908	Yamato Ichihashi	do	120.00	do	120.00	120.00	
Do	3221	385909	M. Kawara	do	100.00	do	100.00	100.00	
Do	3221	385910	R. G. Konno	do	100.00	do	100.00	100.00	
Do	3221	385911	S. Motomura	do	100.00	do	100.00	100.00	
Do	3221	385912	Nellie Connolly	Clerk	65.00	June 16–30	32.50	32.50	
Do	3221	385913	Franklin Edgerton	do	70.00	June 14–30	39.67	39.67	
Do	3221	385914	William Flynn	do	70.00	June 24–30	16.33	16.33	
Do	3221	385915	Elton Watkins	do	60.00	June 22–30	18.00	18.00	

[a] Per week.

[b] Per annum.

Accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, etc.—Continued.

Date.	Voucher No.	Check No.	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount.	Amount payable under appropriation of act of February 17, 1907.	Amount payable under appropriation of act of March 4, 1909.
July 1, 1909	3221	385916	W. Allan Dunlap	Special agent	$80.00	June 22-30	$24.00	$24.00	
Do	3221	385917	Edythe L. M. Tate	do	100.00	June 16-30	50.00	50.00	
Do	3221	385918	B. G. Neighbors	do	100.00	do	50.00	50.00	
Do	3221	385919	Theodore Henckles	do	166.66	June 1-30	166.66	166.66	
Do	3221	385920	George McP. Minetree	do	125.00	June 16-30	62.50	62.50	
Do	3221	385921	Helen Booker	do	100.00	do	50.00	50.00	
Do	3221	385923	Martha E. Dodson	do	125.00	do	62.50	62.50	
Do	3221	385924	R. D. Fleming	do	125.00	do	62.50	62.50	
Do	3221	385925	Daniel Folkmar	do	125.00	do	62.50	62.50	
Do	3221	385926	E. A. Goldenweiser	Superintendent of agents	150.00	do	75.00	75.00	
Do	3221	385927	Leslie Hayford	Special agent	125.00	do	62.50	62.50	
Do	3221	385928	W. Jett Lauck	Superintendent of agents	250.00	do	125.00	125.00	
Do	3221	385929	Jane F. Miller	Special agent	100.00	do	50.00	50.00	
Do	3221	385930	Lillie L. Rust	do	100.00	do	50.00	50.00	
Do	3221	385931	Erville B. Woods	do	150.00	do	75.00	75.00	
Do	3221	385932	Glen Edwards	do	125.00	do	62.50	62.50	
Do	3224	385934	Lee G. Lauck	do	100.00	do	50.00	50.00	
Do	3224	385935	R. B. Morrow	do	100.00	do	50.00	50.00	
Do	3224	385936	Geo. H. Bell	do	125.00	do	62.50	62.50	
Do	3224	385937	Leroy Hodges	do	125.00	do	62.50	62.50	
Do	3224	385938	J. C. Kellet	do	125.00	do	62.50	62.50	
Do	3224	385939	Raymond Kenny	do	100.00	do	50.00	50.00	
Do	3224	385940	J. A. Lord	do	125.00	do	62.50	62.50	
Do	3224	385941	W. S. Newton	do	125.00	do	62.50	62.50	
Do	3224	385942	Samuel M. Redd	do	125.00	do	62.50	62.50	
Do	3224	385943	Albert Sonnichsen	do	125.00	do	62.50	62.50	
Do	3224	385944	W. Frank Tutton	do	125.00	June 16-30	62.50	62.50	
Do	3224	385945	D. W. Alexander	do	100.00	do	50.00	50.00	
Do	3224	385946	Oscar Askenazy	do	100.00	do	50.00	50.00	
Do	3224	385947	W. R. Bean	do	100.00	do	50.00	50.00	
Do	3224	385948	H. K. Biggerstaff	do	100.00	do	50.00	50.00	
Do	3224	385949	Jessie L. Bowers	do	100.00	do	50.00	50.00	
Do	3224	385950	Ruth Eaves	do	100.00	do	50.00	50.00	
Do	3224	385951	Edward G. Ekstedt	do	90.00	do	45.00	45.00	
Do	3224	385952	Melissa B. Farrell	do	100.00	do	50.00	50.00	
Do	3224	385953	Robert Griffiths	do	100.00	do	50.00	50.00	
Do	3224	385954	Frank T. Haddock	do	90.00	do	45.00	45.00	
Do	3224	385955	Harry A. Harmon	do	90.00	do	45.00	45.00	
Do	3224	385956	Louis Hamborszky	do	80.00	do	40.00	40.00	
Do	3224	385957	A. C. Kelly	do	90.00	do	45.00	45.00	
Do	3224	385958	H. R. Van Guntan	do	90.00	do	45.00	45.00	
Do	3224	385959	Edward H. McArthur	do	100.00	do	50.00	50.00	
Do	3224	385960	A. W. Richter	do	100.00	do	50.00	50.00	
Do	3224	385961	Arthur E. Hyde	do	100.00	do	50.00	50.00	
Do	3224	385962	Daniel F. Kelly	do	100.00	do	50.00	50.00	
Do	3224	385963	Ralph Leyshon	do	90.00	do	45.00	45.00	
Do	3224	385964	Chas. N. White	do	125.00	do	62.50	62.50	
July 2, 1909	3226	385966	A. E. Preyer	do	125.00	do	62.50	62.50	
Do	3226	385967	Mattie B. Kelly	do	90.00	do	45.00	45.00	
Do	3226	385968	Richard J. Leimer	do	100.00	do	50.00	50.00	
Do	3226	385969	Frank E. Raymond	do	100.00	do	50.00	50.00	
Do	3226	385970	Jerome C. Schnell	do	100.00	do	50.00	50.00	
Do	3226	385971	Cora Smith	do	100.00	do	50.00	50.00	
Do	3226	385972	Helen R. Swift	do	90.00	do	45.00	45.00	
Do	3226	385973	George N. Wilson	do	80.00	do	40.00	40.00	
Do	3226	385974	John Anderson	do	125.00	do	62.50	62.50	
Do	3226	385975	Donald Nicholson	do	100.00	do	50.00	50.00	
Do	3226	385976	W. K. Ramsey, jr	do	100.00	do	50.00	50.00	
Do	3226	385977	Chas. Allen	do	100.00	do	50.00	50.00	
Do	3226	385978	D. M. Barclay	do	125.00	do	62.50	62.50	
Do	3226	385979	Edward C. Meredith	do	150.00	do	75.00	75.00	
Do	3226	385980	D. A. Morrow	do	125.00	do	62.50	62.50	
Do	3226	385981	J. H. Bradford	do	125.00	do	62.50	62.50	
Do	3226	385982	Earl Clark	do	100.00	June 16-25	33.33	33.33	
Do	3226	385983	Allan Steele	do	90.00	June 16-30	45.00	45.00	
Do	3226	385984	Robert von Reutlinger	do	100.00	do	50.00	50.00	
Do	3226	385985	David A. Lawton	do	100.00	do	50.00	50.00	
Do	3226	385986	Thomas H. Keenan	do	100.00	June 16-27	40.00	40.00	
Do	3226	385987	R. R. Witt, jr	do	100.00	June 16-30	50.00	50.00	
Do	3226	385988	Willard Clapp	do	100.00	do	50.00	50.00	
Do	3226	385989	Leroy Cunningham	do	100.00	do	50.00	50.00	
Do	3228	385992	Agnes Aitken	do	100.00	do	50.00	50.00	
Do	3228	385993	Mary G. Potter	do	100.00	May 1-17	56.67	56.67	
July 3, 1909	3228	385994	Franz Boas	do	250.00	June 17-30	116.67	116.67	
Do	3228	385995	F. C. Kendall	do	125.00	June 16-30	62.50	62.50	
Do	3228	385996	Ruby Stewart	do	100.00	do	50.00	50.00	
Do	3230	385998	Nellie A. Ballard	do	110.00	do	55.00	55.00	
Do	3230	385999	J. K. McCalmont	do	100.00	do	50.00	50.00	
Do	3230	386000	Alice M. Durand	do	100.00	do	50.00	50.00	
July 7, 1909	3238	386009	Betty P. Claiborne	do	100.00	do	50.00	50.00	
Do	3238	386010	Louis L. Harris	do	100.00	do	50.00	50.00	
Do	3238	386011	Jacob Warshaw	do	100.00	do	50.00	50.00	
Do	3238	386012	D. Lucille Field Woodward	do	100.00	do	50.00	50.00	
Do	3238	386013	R. Du Bois Workman	do	100.00	do	50.00	50.00	
Do	3239	386014	do	do	100.00	July 1-5	16.67		$16.67
Do	3251	386026	L. T. Beckwith	do	100.00	June 16-30	50.00	50.00	
Do	3251	386027	Estelle Harris	do	100.00	do	50.00	50.00	
Do	3251	386028	Emma O. Lundberg	do	100.00	do	50.00	50.00	
Do	3251	386029	Florence M. Painter	do	110.00	do	55.00	55.00	
July 8, 1909	3259	386037	Mrs. J. F. Raymond	Clerk	*3.00	June 25-30	15.00	15.00	
Do	3259	386038	Alice Keegan	do	*3.00	do	15.00	15.00	
July 9, 1909	3269	386048	William A. Kirk	Special agent	100.00	June 16-30	50.00	50.00	
July 10, 1909	3276	386055	Harry H. Weeden	Watchman	60.00	June 1-30	60.00	60.00	
July 16, 1909	3309	386092	W. A. Rauch	Superintendent of agents	250.00	July 1-15	125.00		125.00
Do	3309	386093	Helen Booker	Clerk	70.00	do	35.00		35.00
Do	3309	386094	Glen Edwards	Special agent	125.00	do	62.50		62.50
Do	3309	386095	William S. Flynn	Clerk	70.00	do	35.00		35.00
Do	3309	386096	Daniel Folkmar	Special agent	125.00	do	62.50		62.50
Do	3309	386097	Leslie Hayford	do	125.00	do	62.50		62.50

* Per day.

Accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, etc.—Continued.

Date.	Voucher No.	Check No.	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount.	Amount payable under appropriation of act of February 17, 1907.	Amount payable under appropriation of act of March 4, 1909.
July 16, 1909	3309	$86098	Theodore Henckels	Special agent	$166.66	July 1-15	$83.33		$83.33
Do	3309	86099	W. W. Husband	Secretary	a 3,500.00	do	145.83		145.83
Do	3309	86100	Jeremiah W. Jenks	Commissioner	a 7,500.00	do	312.50		312.50
Do	3309	359301	Alice Keegan	Clerk	90.00	do	36.00		36.00
Do	3309	359302	Geo. H. Bell	Special agent	125.00	do	62.50		62.50
Do	3309	359303	W. Jett Lauck	Superintendent of agents	250.00	do	125.00		125.00
Do	3309	359304	W. S. Newton	Special agent	125.00	do	62.50		62.50
Do	3309	359305	W. K. Ramsey, jr	do	100.00	do	50.00		50.00
Do	3309	359306	Lillie S. Rust	do	100.00	July 1-14	46.67		46.67
Do	3309	359307	Ruth F. Welch	Clerk	60.00	July 1-15	30.00		30.00
Do	3309	359308	Erville B. Woods	Special agent	150.00	do	75.00		75.00
Do	3309	359309	Martha Dodson	do	125.00	do	62.50		62.50
Do	3309	359310	W. Frank Torton	do	125.00	July 1-15	62.50		62.50
Do	3309	359311	Samuel M. Redd	do	125.00	do	62.50		62.50
Do	3309	359312	Leroy Hodges	do	125.00	do	62.50		62.50
Do	3309	359313	Albert Sonnichsen	do	125.00	do	62.50		62.50
Do	3315	359319	R. Q. M. Maloney	do	100.00	July 16-30	50.00	$50.00	
Do	3317	359321	Mrs. J. F. Raymond	Clerk	b 3.00	July 1-15	36.00		36.00
Do	3317	359322	Samuel Altman	Observer	c 15.00	do	32.50		32.50
Do	3317	359323	H. Berlin	Clerk	75.00	do	37.50		37.50
Do	3317	359324	Olea Francke	do	c 15.00	do	32.50		32.50
Do	3317	359325	A. Goldenweiser	Observer	75.00	do	37.50		37.50
Do	3317	359326	M. A. Jaegendorf	do	c 15.00	do	32.50		32.50
Do	3317	359327	H. Lischner	do	75.00	do	37.50		37.50
Do	3317	359318	E. Rappaport	do	75.00	do	37.50		37.50
Do	3317	359319	Josiah Schwarz	do	75.00	do	37.50		37.50
July 17, 1909	3323	359336	Chas. F. Allen	Special agent	100.00	do	50.00		50.00
Do	3323	359337	D. M. Barclay	do	125.00	do	62.50		62.50
Do	3323	359338	John Bradford	do	125.00	do	62.50		62.50
Do	3323	359339	Alexander E. Cance	do	125.00	do	62.50		62.50
Do	3323	359340	J. C. Kellet	do	125.00	do	62.50		62.50
Do	3323	359341	Raymond Kenney	do	100.00	do	50.00		50.00
Do	3323	359342	J. A. Lord	do	125.00	do	62.50		62.50
Do	3323	359343	D. A. Morrow	do	125.00	do	62.50		62.50
Do	3323	359344	Edward C. Meredith	do	150.00	do	75.00		75.00
Do	3323	359345	D. Lucille Field Woodward	do	100.00	do	50.00		50.00
Do	3332	359354	Jessie G. Smith	Clerk	70.00	do	35.00		35.00
July 19, 1909	3335	359395	C. Louise Skidmore	do	75.00	do	37.50		37.50
Do	3335	359396	Juliette H. Farrar	do	70.00	do	35.00		35.00
Do	3335	359397	Margaret Wentworth	do	70.00	July 1-9	21.00		21.00
Do	3335	359398	Grace M. Steuben	do	60.00	July 1-13	26.00		26.00
Do	3352	359415	William Paxton	Special agent	100.00	July 1-8	25.00		25.00
Do	3352	359416	Millie Ruhland	Clerk	75.00	July 1-15	37.50		37.50
July 23, 1909	3361	359425	Mrs. Bessie Spellman	do	65.00	July 1-2	4.33		34.33
July 27, 1909	3363	359427	W. K. Ramsey, jr	Special agent	100.00	July 16-26	36.67		36.67
July 30, 1909	3368	359432	Juliet Stuart Points	do	110.00	June 16-30	55.00	55.00	
July 31, 1909	3368	359433	W. W. Husband	Secretary	a 3,500.00	July 16-31	145.84		145.84
August 2, 1909	3372	359337	Jeremiah W. Jenks	Commissioner	a 7,500.00	do	312.50		312.50
Do	3372	359338	Charles P. Neill	do	a 2,500.00	July 1-31	208.34		208.34
Do	3372	359339	William R. Wheeler	do	a 7,500.00	do	625.00		625.00
Do	3372	359340	D. M. Barclay	Special agent	125.00	July 16-31	62.50		62.50
Do	3372	359341	Martha E. Dodson	do	125.00	do	62.50		62.50
Do	3372	359342	Glen Edwards	do	125.00	do	62.50		62.50
Do	3372	359343	Daniel Folkmar	do	125.00	do	62.50		62.50
Do	3372	359344	Leslie Hayford	do	125.00	do	62.50		62.50
Do	3372	359345	Theodore Henckels	do	166.66	do	83.33		83.33
Do	3372	359346	Leroy Hodges	do	125.00	do	62.50		62.50
Do	3372	359347	Raymond Kenny	do	100.00	do	50.00		50.00
Do	3372	359348	D. A. Morrow	do	125.00	do	62.50		62.50
Do	3372	359349	W. S. Newton	do	125.00	do	62.50		62.50
Do	3372	359350	Samuel M. Redd	do	125.00	do	62.50		62.50
Do	3372	359351	Albert Sonnichsen	do	125.00	do	62.50		62.50
Do	3372	359352	A. M. Spofford	Clerk	80.00	do	40.00		40.00
Do	3372	359353	Erville B. Woods	Special agent	150.00	do	75.00		75.00
Do	3372	359354	Mary Helen Eagan	Clerk	70.00	July 1-15	35.00		35.00
Do	3372	359355	W. A. Rauch	Superintendent of agents	250.00	July 16-31	125.00		125.00
Do	3372	359356	Alice Keegan	Clerk	b 3.00	do	42.00		42.00
Do	3372	359357	Mrs. J. F. Raymond	do	b 3.00	do	42.00		42.00
Do	3372	359358	W. Frank Turton	Special agent	125.00	do	62.50		62.50
Do	3372	359359	H. A. Millis	Superintendent of agents	250.00	July 1-31	250.00		250.00
Do	3372	359360	Mary A. Mylotte	Clerk	100.00	do	100.00		100.00
Do	3372	359361	Julia Evans	Special agent	100.00	do	100.00		100.00
Do	3372	359362	Evan J. Hughes	do	125.00	do	125.00		125.00
Do	3372	359363	H. T. Hutchinson	do	135.00	do	135.00		135.00
Do	3372	359364	H. De V. Hicker	do	150.00	do	150.00		150.00
Do	3372	359365	Ira B. Cross	do	150.00	do	150.00		150.00
Do	3372	359366	Y. Ichishahi	do	120.00	do	110.00		110.00
Do	3372	359367	M. Kawara	do	100.00	do	100.00		100.00
Do	3372	359368	R. K. Konno	do	100.00	do	100.00		100.00
Do	3372	359369	S. Motomura	do	100.00	do	100.00		100.00
Do	3372	359370	Chas. F. Allen	do	100.00	July 16-31	50.00		50.00
Do	3372	359371	Geo. H. Bell	do	125.00	do	62.50		62.50
Do	3372	359372	John H. Bradford	do	125.00	do	62.50		62.50
Do	3372	359373	Alexander E. Cance	do	125.00	do	62.50		62.50
Do	3372	359374	J. C. Kellet	do	125.00	do	62.50		62.50
Do	3372	359375	J. A. Lord	do	125.00	do	62.50		62.50
Do	3372	359376	W. K. Ramsey, jr	do	100.00	July 27-31	13.33		13.33
Do	3372	359377	D. Lucille Field Woodward	do	100.00	July 16-31	50.00		50.00
Do	3272	359378	W. Jett Lauck	Superintendent of agents	250.00	do	125.00		125.00
Do	3372	359379	Juliet H. Farrar	Clerk	70.00	July 16-20	11.67		11.67
August 3, 1909	3374	359381	Franz Boas	Special agent	250.00	July 1-31	250.00		250.00
Do	3374	359382	D. Rappaport	Observer	75.00	July 16-31	37.50		37.50
Do	3374	359383	Osias Schwarz	do	75.00	do	37.50		37.50
Do	3374	359384	A. Goldenweiser	do	75.00	do	37.50		37.50
Do	3374	359385	H. Berlin	do	75.00	do	37.50		37.50
Do	3374	359386	M. A. Jaegendorf	do	c 15.00	do	75.00		75.00
Do	3374	359387	H. Lischner	do	75.00	July 16-23	20.00		20.00
August 4, 1909	3374	359388	Henry W. Edgarton	Clerk	60.00	July 16-18	6.00		6.00

a Per annum. b Per day. c Per week.

Accounts of Moxton E. Crane, secretary and disbursing officer of the Immigration Commission, etc.—Continued.

Date.	Voucher No.	Check No.	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount.	Amount payable under appropriation of act of February 17, 1907.	Amount payable under appropriation of act of March 4, 1909.
August 6, 1909	3379	359493	John W. Clifton	Clerk	$70.00	July 23-31	$18.67		$18.67
Do	3379	359494	Mrs. Christine W. Dunlap	do	60.00	July 30-Aug. 3	8.00		8.00
August 9, 1909	3387	360302	Frank W. Moser	do	70.00	Aug. 1-7	16.33		16.33
August 10, 1909	3387	360303	Samuel Altman	do	a 15.00	July 16-31	35.00		35.00
Do	3387	360304	Olea Francke	do	a 15.00	do	35.00		35.00
Do	3387	360305	Millie Ruhland	do	75.00	July 16-21	15.00		15.00
August 16, 1909	3414	360333	Jeremiah W. Jenks	Commissioner	b 7,500.00	Aug. 1-15	312.50		312.50
Do	3414	360334	W. Jett Lauck	Superintendent of agents.	250.00	do	125.00		125.00
Do	3414	360335	Chas. F. Allen	Special agent	100.00	do	50.00		50.00
Do	3414	360336	D. M. Barclay	do	125.00	do	62.50		62.50
Do	3414	360337	Geo. H. Bell	do	125.00	do	62.50		62.50
Do	3414	360338	John H. Bradford	do	125.00	do	62.50		62.50
Do	3414	360339	Alexander E. Cance	do	125.00	do	62.50		62.50
Do	3414	360340	Martha E. Dodson	do	125.00	Aug. 1-12	50.00		50.00
Do	3414	360341	Glen Edwards	do	125.00	Aug. 1-15	62.50		62.50
Do	3414	360342	Daniel Folkmar	do	125.00	do	62.50		62.50
Do	3414	360343	Leslie Hayford	do	125.00	do	62.50		62.50
Do	3414	360344	Theodore Henckel	do	166.66	do	83.33		83.33
Do	3414	360345	Leroy Hodges	do	125.00	do	62.50		62.50
Do	3414	360346	W. W. Husband	Secretary	b 3,500.00	do	145.83		145.83
Do	3414	360347	Alice Keegan	Clerk	c 3.00	do	36.00		36.00
Do	3414	360348	Raymond Kenny	Special agent	100.00	do	50.00		50.00
Do	3414	360349	D. A. Morrow	do	125.00	do	62.50		62.50
Do	3414	360350	W. S. Newton	do	125.00	do	62.50		62.50
Do	3414	360351	W. K. Ramsey, jr	do	100.00	do	50.00		50.00
Do	3414	360352	Mrs. J. F. Raymond	Clerk	c 3.00	do	36.00		36.00
Do	3414	360353	Samuel M. Redd	Special agent	125.00	do	62.50		62.50
Do	3414	360354	Albert Sonnichsen	do	125.00	do	62.50		62.50
Do	3414	360355	Erville B. Woods	do	150.00	do	75.00		75.00
Do	3414	360356	D. Lucille Field Woodward	do	100.00	do	50.00		50.00
Do	3414	360357	Mary P. Allen	Clerk	60.00	do	30.00		30.00
Do	3414	360358	Maud Beall	do	60.00	do	30.00		30.00
Do	3414	360359	Florence A. Brockington	do	70.00	do	35.00		35.00
Do	3414	360360	R. D. Fleming	do	70.00	do	35.00		35.00
Do	3414	360361	S. H. Francis	do	70.00	do	35.00		35.00
Do	3414	360362	Chas. F. Fuller	Examiner	150.00	do	75.00		75.00
Do	3414	360363	Mary E. Jefferies	Clerk	70.00	do	35.00		35.00
Do	3414	360364	Max Jelline	Translator	125.00	do	62.50		62.50
Do	3414	360365	Edna Shinn	Clerk	75.00	do	37.50		37.50
Do	3414	360366	S. Cora Smyth	do	75.00	do	37.50		37.50
Do	3414	360367	A. M. Spofford	do	80.00	do	40.00		40.00
Do	3414	360368	Isabel S. Frye	do	75.00	do	37.50		37.50
Do	3414	360369	Louise J. Leland	do	75.00	do	37.50		37.50
August 17, 1909	3418	360373	H. Berlin	Observer	75.00	do	37.50		37.50
Do	3418	360374	A. Goldenweiser	do	75.00	do	37.50		37.50
Do	3418	360375	Osias Schwarz	do	75.00	do	37.50		37.50
Do	3418	360376	Millie Ruhland	Clerk	75.00	do	37.50		37.50
Do	3418	360377	Samuel Altman	do	70.00	do	35.00		35.00
Do	3418	360378	Olea Francke	do	70.00	do	35.00		35.00
Do	3418	360379	Edward C. Meredith	Special agent	150.00	do	75.00		75.00
Do	3418	360380	Helen Booker	Clerk	70.00	July 16-24	21.00		21.00
August 20, 1909	3420	360382	Yamato Ichinasi	Special agent	120.00	July 1-31	10.00		10.00
Do	3420	360383	Jos. C. Kellett	do	125.00	Aug. 1-15	62.50		62.50
Do	3420	360384	Roberta A. Johnson	Clerk	60.00	Aug. 9	2.00		2.00
August 23, 1909	3426	360390	Willard Clapp	Special agent	100.00	July 1- 5	16.67		16.67
August 26, 1909	3437	360402	Edith B. Tarry	do	100.00	May 1- 3	10.00	$10.00	
August 27, 1909	3437	360403	Millie Ruhland	Clerk	75.00	July 22-27	15.00		15.00
September 1, 1909	3437	360404	Miss Alice Keegan	do	c 3.00	Aug. 16-23	21.00		21.00
Do	3437	360405	Mrs. J. F. Raymond	do	c 3.00	do	21.00		21.00
Do	3437	360406	Glen Edwards	Special agent	125.00	Aug. 16-31	62.50		62.50
Do	3437	360407	Daniel Folkmar	do	125.00	do	62.50		62.50
Do	3437	360408	E. A. Goldenweiser	Superintendent of agents.	150.00	do	75.00		75.00
Do	3437	360409	Leslie Hayford	Special agent	125.00	do	62.50		62.50
Do	3437	360410	Theodore Henckels	do	166.66	do	83.33		83.33
Do	3437	360411	Leroy Hodges	do	125.00	do	62.50		62.50
Do	3437	360412	W. W. Husband	Secretary	b 3,500.00	do	145.84		145.84
Do	3437	360413	J. C. Kellett	Special agent	125.00	do	62.50		62.50
Do	3437	360414	Raymond Kenny	do	100.00	do	50.00		50.00
Do	3437	360415	W. Jett Lauck	Superintendent of agents.	250.00	do	125.00		125.00
Do	3437	360416	Edward C. Meredith	Special agent	150.00	Aug. 23-31	40.00		40.00
Do	3437	360417	D. A. Morrow	do	125.00	Aug. 16-31	62.50		62.50
Do	3437	360418	W. S. Newton	do	125.00	do	62.50		62.50
Do	3437	360419	W. K. Ramsey, jr	do	100.00	do	50.00		50.00
Do	3437	360420	Samuel M. Redd	do	125.00	do	62.50		62.50
Do	3437	360421	Albert Sonnichsen	do	125.00	do	62.50		62.50
Do	3437	360422	Jeremiah W. Jenks	Commissioner	b 7,500.00	do	312.50		312.50
Do	3437	360423	Wm. R. Wheeler	do	b 7,500.00	Aug. 1-31	625.00		625.00
Do	3437	360424	Chas. P. Neill	do	b 2,500.00	do	208.33		208.33
Do	3437	360425	Chas. F. Allen	Special agent	100.00	Aug. 16-31	50.00		50.00
Do	3437	360426	D. M. Barclay	do	125.00	do	62.50		62.50
Do	3437	360427	Geo. H. Bell	do	125.00	do	62.50		62.50
Do	3437	360428	John H. Bradford	do	125.00	do	62.50		62.50
Do	3437	360429	Alexander E. Cance	do	125.00	do	62.50		62.50
Do	3437	360430	W. A. Rauch	Superintendent of agents.	250.00	do	125.00		125.00
Do	3437	360431	D. Lucille Field Woodward	Special agent	100.00	do	50.00		50.00
Do	3437	360432	Mrs. Mary L. Brown	Clerk	70.00	Aug. 16-31	35.00		35.00
Do	3437	360433	Chas. F. Fuller	Examiner	150.00	do	75.00		75.00
Do	3437	360434	Mary E. Jefferies	Clerk	70.00	do	35.00		35.00
Do	3437	360435	Jane F. Miller	do	70.00	do	35.00		35.00
Do	3437	360436	Geo. McP. Minetree	do	70.00	do	35.00		35.00
Do	3437	360437	Hettie E. Moise	do	80.00	do	40.00		40.00
Do	3437	360438	Mrs. S. V. Tracy	do	60.00	Aug. 16-19	8.00		8.00
Do	3437	360439	Roberta von Reutlinger	do	70.00	Aug. 16-31	35.00		35.00
Do	3437	360440	Erville B. Woods	Special agent	150.00	Aug. 16-20	25.00		25.00
Do	3437	360441	Margaret S. Darneille	Clerk	70.00	Aug. 16-31	35.00		35.00
Do	3437	360442	Mrs. Marie R. English	do	80.00	do	40.00		40.00
Do	3437	360443	Emily F. Long	do	75.00	do	37.50		37.50
Do	3440	360446	Jos. A. Hill	Special agent	250.00	do	125.00		125.00
September 2, 1909	3440	360447	H. A. Millis	Superintendent of agents.	250.00	Aug. 1-31	250.00		250.00

a Per week. b Per annum. c Per day.

Accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, etc.—Continued.

Date.	Voucher No.	Check No.	Name.	Designation.	Monthly salary.	Period of service, 1909.	Amount.	Amount payable under appropriation of act of February 17, 1907.	Amount payable under appropriation of act of March 4, 1909.
September 2, 1909..	3440	360448	Mary A. Mylotte	Clerk	$100.00	Aug. 1-31	$100.00		$100.00
Do	3440	360449	Julia Evans	Special agent	100.00	do	100.00		100.00
Do	3440	360450	H. De V. Hicker	do	150.00	do	150.00		150.00
Do	3440	360451	Adam J. Hughes	do	125.00	do	125.00		125.00
Do	3440	360452	H. T. Hutchinson	do	135.00	do	135.00		135.00
Do	3440	360453	Ira B. Cross	do	150.00	do	150.00		150.00
Do	3440	360454	Y. Ichihashi	do	120.00	do	120.00		120.00
Do	3440	360455	M. Kawara	do	100.00	Aug. 1-28	93.33		93.33
Do	3440	360456	S. Motomura	do	100.00	Aug. 1-26	86.67		86.67
Do	3440	360457	R. G. Konno	do	100.00	Aug. 1-27	90.00		90.00
September 3, 1909..	3442	360459	Samuel Altman	Clerk	70.00	Aug. 16-31	35.00		35.00
Do	3442	360460	Olea Francke	do	70.00	do	35.00		35.00
Do	3442	360461	Millie Ruhland	do	75.00	Aug. 17-31	35.00		35.00
Do	3442	360462	Osias Schwarz	Observer	75.00	Aug. 16-31	37.50		37.50
September 10, 1909.	3454	360475	Franz Boas	Special agent	250.00	Aug. 1-31	250.00		250.00
Do	3454	360476	Mary L. Stott	Clerk	60.00	Aug.16-Sept.2	34.00		34.00
September 11, 1909.	3458	360480	Vernon Barnum	Messenger	40.00	Sept. 1- 7	9.33		9.33
September 15, 1909.	3476	360499	A. W. Richter	Clerk	70.00	Aug.16-Sept.3	42.00		42.00
Do	3476	360500	R. B. Morrell	do	70.00	Aug.16-Sept.2	39.67		39.67
September 16, 1909.	3481	360505	Charles F. Allen	Special agent	100.00	Sept. 1-15	50.00		50.00
Do	3481	360506	D. M. Barclay	do	125.00	do	62.50		62.50
Do	3481	360507	George H. Bell	do	125.00	do	62.50		62.50
Do	3481	360508	John H. Bradford	do	125.00	do	62.50		62.50
Do	3481	360509	Alexander E. Cance	do	125.00	do	62.50		62.50
Do	3481	360510	Glen Edwards	do	125.00	do	62.50		62.50
Do	3481	360511	Daniel Folkmar	do	125.00	do	62.50		62.50
Do	3481	360512	E. A. Goldenweiser	Superintendent of agents	150.00	do	75.00		75.00
Do	3481	360513	Leslie Hayford	Special agent	125.00	do	62.50		62.50
Do	3481	360514	Theodore Henckels	do	166.66	do	83.33		83.33
Do	3481	360515	Leroy Hodges	do	125.00	do	62.50		62.50
Do	3481	360516	W. W. Husband	Secretary	a3,500.00	do	145.83		145.83
Do	3481	360517	J. C. Kellett	Special agent	125.00	do	62.50		62.50
Do	3481	360518	Raymond Kenny	do	100.00	do	50.00		50.00
Do	3481	360519	W. Jett Lauck	Superintendent of agents	250.00	do	125.00		125.00
Do	3481	360520	Edward C. Meredith	Special agent	150.00	do	75.00		75.00
Do	3481	360521	D. A. Morrow	do	125.00	do	62.50		62.50
Do	3481	360522	W. S. Newton	do	125.00	do	62.50		62.50
Do	3481	360523	W. K. Ramsey, jr	do	100.00	do	50.00		50.00
Do	3481	360524	Samuel M. Redd	do	125.00	do	62.50		62.50
Do	3481	360525	Albert Sonnichsen	do	125.00	do	62.50		62.50
Do	3481	360526	Jeremiah W. Jenks	Commissioner	a7,500.00	do	312.50		312.50
Do	3481	360527	Grace A. Croxton	Clerk	60.00	do	30.00		30.00
Do	3481	360528	Imogene R. Ickis	do	60.00	Sept. 1-7	14.00		14.00
Do	3481	360529	Mattie B. Kelly	do	70.00	Sept. 1-15	35.00		35.00
Do	3481	360530	Lillian H. Simpson	do	70.00	do	35.00		35.00
Do	3481	360531	T. Peachy Spencer	do	60.00	do	30.00		30.00
Do	3481	360532	D. Lucille Field Woodward	Special agent	100.00	Sept. 1-8	26.67		26.67
Do	3481	360533	F. J. Bailey	Stenographer	150.00	Sept. 1-15	75.00		75.00
Do	3481	360534	W. A. Rauch	Superintendent of agents	250.00	do	125.00		125.00
Do	3481	360535	Samuel Altman	Clerk	70.00	do	35.00		35.00
Do	3481	360536	H. Berlin	Observer	75.00	do	37.50		37.50
Do	3481	360537	Olea Francke	Clerk	70.00	do	35.00		35.00
Do	3481	360538	A. Goldenweiser	Observer	75.00	do	37.50		37.50
Do	3481	360539	Millie Ruhland	Clerk	75.00	Aug. 16 Sept. 1-15	40.00		40.00
Do	3481	360540	Osias Schwarz	Observer	75.00	Sept. 1-15	37.50		37.50
Do	3481	360541	Julia Richards	Clerk	b10.00	Sept. 2-15	20.00		20.00
Do	3481	360542	Milton Meltzer	do	b10.00	Aug.25-Sept.2	20.00		20.00
Do	3481	360543	Julius H. Parmalee	Special agent	125.00	Sept. 8-15	33.33		33.33
Do	3481	360544	Miss C. E. Weedon	Clerk	60.00	Sept. 1-10	20.00		20.00
September 20, 1909.	3484	360547	Blanche M. Sell	do	60.00	Sept. 16-20	10.00		10.00
Do	3484	360548	Anna Herkner	Special agent	125.00	Aug. 1-31	125.00		125.00
September 22, 1909.	3484	360549	Margaret S. Darneille	Clerk	70.00	Sept. 1-13	30.33		30.33
Do	3484	360550	J. A. Lord	Special agent	125.00	Aug. 3	4.17		4.17
Do	3484	360551	D. A. Morrow	do	125.00	Sept. 16-22	29.17		29.17
September 24, 1909.	3496	360563	Mary K. Little	Clerk	60.00	Sept. 15-18	6.00		6.00
Total							27,244.67	$8,575.50	18,669.17

a Per annum. b Per week.

Payment of salaries in this voucher in the sum of $27,244.67 is hereby approved.

W. P. DILLINGHAM,
Chairman Immigration Commission.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I desire to thank the gentleman from Massachusetts [Mr. GARDNER] for his very kind expressions. He and I have disagreed more directly on the general subject of immigration than possibly any other two men in the House. I have full confidence in his integrity of purpose, and I am glad to hear from his own lips that he has the same confidence in mine.

I desire to thank the gentleman from Pennsylvania [Mr. BUTLER] for his very fair, correct, and kindly statement. And I desire to agree with my colleague from New York [Mr. FITZGERALD] that when this Congress gave us $150,000 it was our duty to cut off field work at the earliest possible moment and to complete the work so far as the money given us by Congress would go.

We did more than that. On the 1st day of July, the moment that the $150,000 appropriation became effective, we cut off every particle of field work except a trifling amount in relation to immigrants in agriculture, and we devoted that entire sum to the tabulation of the material we had secured.

The gentleman from Pennsylvania [Mr. BUTLER] says correctly that our investigation was widespread. It was. It covered the United States, and that is what we were directed to do.

Said commission shall make full inquiry, examination, and investigation, by subcommittee or otherwise, into the subject of immigration.

It was a duty imposed upon us by Congress, and at that time imposed without any limitation whatever as to funds, with a fund which was constantly increasing and to be increased by the doubling of the head tax from $2 to $4.

We went ahead on our duty, as directed by Congress. When Congress cut us off, the very moment that the fiscal year ended,

we ceased our field work and commenced the tabulation of the materials.

We had collected an enormous quantity of material, and we had investigated on the Pacific coast the Chinese and Japanese question, most important to this country. We had selected tons of material. We had investigated the 22 leading industries in this country. We have in our commission tabulated and reported statistics, more or less full, relating to 3,000,000 foreign-born people and their descendants; and of all the questions relating to immigration the two most important are the environment, surroundings, and antecedents of the people in their homes and what they and their children do here. We have gone into every industry; coal; iron; we have gone into the steel industry; we have gone into the manufacture of cotton; into the agricultural business; into boots and shoes; into any leading industry that can be named; and can, if Congress gives us this money, report to Congress just what wages the people in these industries get, and in particular the unskilled people, about whom no statistics have ever been gathered.

Mr. KÜSTERMANN. Will the gentleman yield for a question?

Mr. BENNET of New York. I will yield to the gentleman.

Mr. KÜSTERMANN. I want to ask whether this refers to matters three years old or not? You are going to furnish us with an old report that is of no use at the present time, because conditions are constantly changing.

Mr. BENNET of New York. Our information will be up to July 1, 1909, not yet a year back. The gentleman from Wisconsin, who has collected statistics, knows that in gathering a large mass of statistics you can not get the information any closer than a year and a half. When the census was taken ten years ago it was a year and a half before they got out the first information, and that was a bulletin on population. This will be the quickest report ever made from an investigating commission of statistics of this size.

I have here a detailed statement showing how we want to spend the $125,000. I went personally, as the gentleman from Minnesota will bear me out, before the subcommittee on the urgent deficiency prepared to answer any question they wished to ask, and I did answer every question they asked in relation to the expenditure. We have done a tremendously valuable work.

It has been stated that we only made three reports. That is not correct. The reason the small pamphlets have appeared is because they are small and the printing took no time at all. We have furnished five reports in all, three of which were presented to the Senate at this session and are still in the hands of the proof reader for correction. These reports, whether we get this appropriation or not, will be completed. One shows the history of the bituminous-coal industry. It may interest the House to know that since 1885, a quarter of a century, the bituminous-coal industry of the United States has increased 539 per cent, and into that industry has largely gone the work of aliens. We have found out all about them—the wages they get, how they live, and, most important of all, it seems to me, what their children are doing in the second generation; because, after all, the big question in relation to immigration is just that question.

Mr. GOULDEN. Will my colleague yield for a question?

Mr. BENNET of New York. I will yield to the gentleman.

Mr. GOULDEN. I think the House would—at least I should—be very much interested if the gentleman would give us the items of the $125,000 that they want to complete the work of this commission.

Mr. BENNET of New York. I will do that. The principal item is 100 tabulating clerks, stenographers, and typewriters (six months, average salary $75), $43,000. In passing, I might say that it seems to me it ought to be a source of gratification to Congress that the commission appointed by Congress without any civil-service trammels at all paid a lower rate for the same service than the bureaus of the divisions which have the civil service.

The Bureau of Labor pays $107.50 average salary per month. For this same service the committee paid $66.53. The same bureau pays $123.09 for special agents, and we paid $120.42. Our total average salary, including two or three fairly high-priced secretaries, was $79.02 per month, certainly not an extravagant proportion. Now, for janitor, messenger, and charwomen (nine and one-half months), $1,425. E. A. Moffett, salary $150 per month to complete inquiry into the competition of immigrants; a study of the effect of immigration from the workingman's standpoint, $1,150.

Clerical assistance on the Pacific-coast work, $4,988. Prof. Franz Boas, salary $250 per month, to complete tabulation and preparation of material for the anthropological report, $3,650.

We have for the first time in the history of this country taken up the question of whether the immigrant and his descendants assimilate; and scientists, persons who know, say to us that for two hundred years our commission will be remembered, if for nothing else than for the partial report that we have already made on anthropological work.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. FITZGERALD. Does the gentleman seriously wish to inform this House that one of the important questions investigated is whether the immigrants that come to this country assimilate with the population?

Mr. BENNET of New York. Certainly; it is one of the most important questions, and I will just show my colleague why. If my colleague will look at this table which I hold in my hand, and most of the House can see it, I will state that the dark lines diminishing in size from the year 1882, at the bottom, up to 1900 show the number of immigrants coming from Germany, Ireland, Scandinavia, England, and so forth.

The light lines indicate the immigration that came and is coming from southern Europe. My colleague will note that they have tremendously increased. I think the most important question before the American people to-day is to determine, so far as we can by investigation and work, whether this, which we call for the purpose of this discussion, "new immigration" is assimilating or not. My colleague asks me if I regard it as important; and I say "yes," by all means.

Mr. FITZGERALD. Mr. Speaker, it is a well-known fact that at the beginning of the great German, Scotch, Irish, and English movement to this country the same antipathy and the same prejudice was as openly displayed against those people as is now displayed against the people who are coming from the countries referred to. Any man of any sense knows that people who voluntarily come to this country to make their homes not only assimilate, but become a valuable part of the citizenship of the country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. BENNET of New York. I can agree with the gentleman personally. He will find, however, numerous men on his side of the House and on this, also, who will not agree with him, and it is a mooted question in the country, and the country is entitled to know the facts. The motto of our commission was that we were not afraid of a fact, whether it fitted in with our preconceived views or not. [Applause.]

Mr. GAINES. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. GAINES. Mr. Speaker, I believe that I am as free from racial prejudice of any kind as any man can possibly be. Did I understand the gentleman from New York [Mr. FITZGERALD] to say that the new immigration coming to this country is assimilating with the population of the country to the same extent and in the same way that the Irish immigration of years ago and the English and Scotch and German immigration did? If he does not mean to say that, then I desire to say that the gentleman from New York is very seriously mistaken about a very serious proposition.

Mr. BENNET of New York. Mr. Speaker, I have at least demonstrated that there is exactly the conflict of opinion in this country that I stated there was, and that the country is entitled to a full report of the facts.

Mr. SHERLEY. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. SHERLEY. I would like to know how much of the money heretofore expended has been expended in field labor, and how much in tabulating and arranging the results of that field labor?

Mr. BENNET of New York. I can give that to a penny, I think. In general field work, industrial, agricultural, economic investigation, and clerical force, $374,741.36. Investigation of excluded classes—well, I regret to say that that was not a separated. There is some tabulation included in that.

Mr. SHERLEY. If the gentleman can give me roughly how much, all told, has been expended up to this time, I would be very glad to have him do so.

Mr. BENNET of New York. Six hundred and fifty-seven thousand nine hundred and ninety-two dollars and fifty-seven cents up to the 10th of January.

Mr. SHERLEY. How much of that has been for field work, approximately? That is all I desire to know.

Mr. BENNET of New York. Over one-half of it.

Mr. SHERLEY. Then, as I understand the gentleman, practically all of the present $125,000 is to be for compilation of field work?

Mr. BENNET of New York. Practically every cent.

Mr. SHERLEY. Now, then, I want to suggest to the gentleman this proposition, that over 50 per cent of the total expenditure is an expenditure for compiling and presenting material gathered in the field. Does not it strike the gentleman that that is rather excessive?

Mr. BENNET of New York. I do not think it is. We have had the best supervising force that we could get.

Mr. SHERLEY. I suggest that either the reports from the field have been wrongly made and therefore require a great deal of revision, or the office force is incompetent, if it takes 50 per cent of every dollar to give to the public the information gathered in the field.

Mr. BENNET of New York. I either did not make my statement correctly to the gentleman, or he has not correctly understood me. In addition to the industrial field work and work of that character there has been spent in the investigation of the excluded classes $43,632.92, and a great deal of it does not come into the special field work or tabulation; investigation of the criminal alien, $7,248.12; steerage conditions, $5,014.99——

Mr. SHERLEY. Would the gentleman say that $400,000 of the $600,000 had been expended in the field work?

Mr. BENNET of New York. In field and special investigations?

Mr. SHERLEY. Yes.

Mr. BENNET of New York. I should be inclined to think—no; I could not state with the accuracy I should like to upon the floor of the House.

Mr. SHERLEY. From the gentleman's figures it would indicate there has been something over $400,000 that has been spent exclusive of office expenditure, tabulation, and so forth.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. Now, take that as a basis and you have got, say $200,000 expended for office work and tabulation and $125,000 which you are asking for office work, and I submit that when it costs even 40 per cent to tabulate and present what you have gathered in the field you have got the wrong system.

Mr. BENNET of New York. No; I can not agree with the gentleman. We took a man who had been at the head of a similar investigation and our rate of cost for tabulation is less than it has been in any other investigation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, I trust the gentleman from Minnesota will extend the time of the gentleman from New York a few minutes. This is a very important matter, and we desire to get all the information we can.

Mr. TAWNEY. Mr. Speaker, I yield two minutes more to the gentleman from New York.

Mr. SULZER. I ask the gentleman to yield to me for an inquiry.

Mr. BENNET of New York. Certainly.

Mr. SULZER. I am much interested in this matter, and the people I represent are more deeply interested in it. I would like to ask the gentleman from New York this: Can not a great deal of this information that the country wants, and that we all want, be procured through the agency of the Census Bureau? If it can, we should avail ourselves of it without delay.

Mr. BENNET of New York. It can be secured by any agency that will go out and duplicate this work. This has already been done, we have done the work, we have got the statistics, and all we want is the necessary money to tabulate them and present them to the country, and if we do not get that the public money we have already spent under the direction of the Congress—not of our own volition, because we were sent out—will be absolutely gone and wasted. [Applause.]

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I stated my position a few days ago in regard to this appropriation for work of the Immigration Commission. I believed then and have believed for a year and more that the work of this commission ought to have been concluded by the beginning of this session. I still think, Mr. Speaker, that too much time has been taken by the commission. I believe if in our investigations we had gone into typical neighborhoods, if we had taken types of character and types of conditions, instead of extensive individual investigations, that there would not have been so much matter accumulated and not so much delay created, but it would still have been sufficient for the purposes of the commission. There is a great deal of matter accumulated by the commission that is important to the people of the country and to Congress. I still think, that this material can be brought to a conclusion before the end of this session. I believe if that be required, $125,000 would not be necessary to bring it to a conclusion. Now, if the work is extended to next December, the salaries of high-priced clerks and other employees will be continued and expenses kept up until they will consume the $125,000 asked for, but if it is completed and report made by the 1st of May, I think $75,000 will be adequate.

I believe enough force can be brought together, Mr. Speaker, to finish this work by the 1st day of May, and I hardly suppose Congress will adjourn before that time, and we will then get the benefit of the legislation that may be recommended by the commission at this session. It was an important investigation, and we have gone very seriously into it, perhaps more extensively than was necessary. That is, the commission has, in my opinion, prolonged and extended its investigation much further than it should have done..

There is one item into which the commission has gone that I have thought all the time should not be incorporated in the work, and that was what was known as the "anthropological investigation." As I understand it, some of the investigations under that branch of our work will be continued if this appropriation is made and the time extended. I believe that part of the work ought to be stopped right now and that portion of the expense cut off.

It was thought by Congress that there ought to be some investigation in the matter of peonage. It was asked for by two distinguished southern gentlemen, Members of this House, who thought that their States had been maligned by government officials and by reports that had gone to the magazines and newspapers of the country, namely, my friend from Florida [Mr. CLARK] and my friend from Mississippi [Mr. HUMPHREYS]. The commission did not seek that work, Mr. Speaker, but it was imposed upon it by Congress. That is a part of the work that has been done by the commission, and for which a considerable sum has been expended. That investigation has gone along just as far as the members of the commission could give it their personal attention, and we did not want to report upon so important a matter without giving it our personal attention. There will perhaps be some expense attached to the finishing up of the work.

I believe that with a number of competent clerks this work can be brought to a close on the 1st day of May, and I think, as I said before, that $75,000 will be a sufficient sum to complete it. I am not here for the purpose of casting any reflections upon the work of the commission.

I believe they have acted conscientiously in regard to the extent of the work, and, as has been stated by the distinguished gentleman from New York [Mr. BENNET], so far as the expense is concerned, I undertake to say it has been less expensive for the amount of work that has been done than the work of any other commission in this country. We were required by the act creating the commission to go fully into the investigation, both in Europe and in this country, yet I believe that the work should have been concluded and the report made before now. I am free to say that I do not think that we could now make the report by the 1st day of March, as required by Congress a year ago. That is only a little over two weeks off. But I do believe that by proper activity the whole thing can be done, and well done, by the 1st of May, if required. The men in the clerical force are workers, both the subordinates and the chief clerks and secretaries, and there is perhaps a lot of nonessentials that may be disregarded, although I am not competent to speak about that, as I am not on the executive committee of the commission. I believe the work should be concluded by the 1st day of May, at an expense of not exceeding $75,000, and as now presented I shall vote against the amendment offered by the gentleman from Massachusetts to extend the time to December and make the appropriation $125,000.

Mr. MACON. May I ask the gentleman from Minnesota [Mr. TAWNEY] a question?

Mr. TAWNEY. Certainly.

Mr. MACON. I understood that the Secretary of Commerce and Labor, Mr. Strauss, has stated that he could have the work of this commission completed without extra expense to the Government. I would like to know if the gentleman has heard of such a statement?

Mr. TAWNEY. It is the first information I have had on the subject; besides Mr. Strauss is no longer Secretary of Commerce and Labor. I never heard of it, and I understand from the gentleman from New York [Mr. BENNET] that the gentleman's information is incorrect.

Mr. Speaker, the gentleman from New York [Mr. FITZGERALD], in opposing this motion, referred to the history of the law which by this amendment will be repealed as to the amount of money to be expended and the time within which the commission is to complete its work. This commission was created to do a certain work without limit of time and without limit of

money, except in so far as the aggregate amount of money in the immigration fund limited their expenditures.

Now, at the last session of Congress—and I refer to this for the purpose of giving the House the benefit of a few historical facts connected with it, the Committee on Appropriations recommended the repeal of the permanent indefinite immigration appropriation—that action was approved by the House. Then, we also recommended that hereafter the department having control of that service come to Congress with their estimates for the Immigration Service, so that Congress could appropriate annually for that purpose. The Committee on Appropriations also in the same bill, and in the next paragraph relating to the estimates, recommended the provision for the expenses of the commission provided for in section 39 of the immigration act of February 20, 1907, including the salaries of the commissioners, their clerks, and other employees, $300,000. That was recommended by the Committee on Appropriations as a specific appropriation for the work of this commission during the fiscal year 1910.

Mr. FITZGERALD. Will the gentleman do me the justice to say——

Mr. TAWNEY. On the floor of the House the gentleman from New York [Mr. FITZGERALD] made a point of order against this provision, and it went out of the bill.

Thereupon the Senate, in the consideration of the sundry civil appropriation bill, in which this provision was originally incorporated, amended the House bill by inserting the provision of the House that went out on the point of order, fixing the amount of the appropriation at $250,000, instead of $300,000, as originally recommended by the House committee. In conference, without any information whatever as to the length of time it would require to complete this work, the conferees agreed on $150,000, and fixed the time for the commission to make its final report arbitrarily on March 1, 1910. That time was fixed without any investigation as to the amount of work to be done or the length of time required to complete the work.

Mr. FITZGERALD. If the gentleman will yield to me, I think the gentleman is in error in his statement. The conferees originally fixed the first Monday of December, and upon the request of the chairman of the commission, the Senator from Vermont, fixed March 1, 1910.

Mr. TAWNEY. I think the gentleman is correct in that the conferees agreed on December 1, and in submitting the conference report the gentleman from Alabama [Mr. BURNETT], who has just taken his seat, asked that we fix the time for completing the work March 1. But I referred to it merely for the purpose of showing that the limit of time Congress put on the completion of the work was done arbitrarily and without any investigation as to the amount of work to be done or the length of time required to do that work.

Now, this is the situation: We have already expended $657,000 in carrying on the work which this commission was authorized to do, and that work is not complete. The only question is, Are we willing to complete the work? And if so, are we willing to accept the judgment of the commission as to the amount of money necessary to complete the work and fix the time within which they say the work can be completed? It is therefore a simple business proposition that confronts this Congress. We are not discussing to-day the question whether or not this work ought not to have been authorized or whether or not the money expended was expended extravagantly. Questions of that kind ought not to influence our judgment now.

A previous Congress authorized the work to be done. It fixed no limitation of time within which the work should be completed. This work has gone on under this previous authority; it remains incomplete; it has cost the people of the United States almost $700,000. Now, I say that if the work originally ought to have been done, and if it is necessary to complete it, to have a tabulation of the statistics and other data collected, we owe it to the country, if this report and work are to be of any value, to appropriate enough money to complete the work and then give the country the information this commission has collected. Otherwise we simply throw away $657,000, or work which has cost the Government that amount of money.

Mr. Speaker, I do not think anyone is to be criticised for favoring this appropriation to thereby complete this work. We arbitrarily fixed the time for its completion without any information as to when it could be completed. What we aimed at primarily in the last Congress was to bring to a close the work of this commission within a reasonable time. I think that the action of the last Congress in fixing this limitation, both as to the amount of money and time, was wise. I do not believe it would be wise now to stop the work and throw away what has already been expended simply because we then erred as to the time required to complete the work of this commission, or because in the judgment of some Members of the House the expenditures were not in every instance wisely made.

I therefore move the previous question on the motion of the gentleman from Massachusetts.

The question was taken, and the previous question was ordered.

Mr. FITZGERALD. I ask a division on the question.

The SPEAKER. The motion is to recede and concur in the Senate amendment.

Mr. BUTLER. A parliamentary question.

The SPEAKER (continuing). The question will be: Will the House recede from its disagreement to the Senate amendment?

The gentleman will now state his parliamentary inquiry.

Mr. BUTLER. The previous question having been ordered, will any further opportunity be given to offer an amendment?

The SPEAKER. The previous question having been ordered would cut off amendment.

Mr. BUTLER. I requested the gentleman to give an opportunity to offer an amendment, but I now find that it is cut off.

The question was taken on the motion that the House do recede, and the Speaker announced that the "ayes" seemed to have it.

Mr. CLARK of Missouri. Division!

The House divided; and there were—ayes 109, noes 83.

So the motion to recede was agreed to.

The SPEAKER. The House determines to recede, and the vote now comes upon the motion: Will the House concur in the Senate amendment?

Mr. FITZGERALD. Mr. Speaker, I move to commit the amendment to the Committee on Immigration and Naturalization, with instructions to report it with an amendment as follows.

Mr. GARDNER of Massachusetts. A point of order, Mr. Speaker.

Mr. FITZGERALD. I refer to the decision in volume 5 of Hinds's Precedents, page 287.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] makes the point of order that the motion is not in order.

Mr. FITZGERALD. I refer to the decision at page 287, volume 5, of Hinds's Precedents. It is stated as follows:

> The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order.

That was decided in 1893.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I think the gentleman has confused a motion which would be in order before the stage of disagreement has been reached with the status after the stage of disagreement has been reached. I think the general principle of parliamentary law is pretty clear that, after the stage of disagreement has been reached, that motion shall be in order which shall tend to bring the Houses nearer together. Now, I am aware that when we have receded, we have receded from the stage of disagreement, so far as that particular portion of the legislation is concerned; but I doubt very much whether, after the previous question has once been ordered, his motion is in order. My impression is that there is a decision which would seem to carry out the gentleman's idea; but if he reads the footnote, he will see that it was based on a previous decision, made in contravention to the facts. The previous decision, which was quoted incorrectly in the Manual at that time, did not deal with a situation in which the previous question had been ordered.

Mr. FITZGERALD. Mr. Speaker, I am unable to read the footnote to which the gentleman refers, because he has given me no reference to it.

Mr. GARDNER of Massachusetts. I was not prepared for the question, but I stated it from memory.

Mr. FITZGERALD. If the previous question had not been ordered, it would have been in order to have offered an amendment to the gentleman's motion.

Mr. GARDNER of Massachusetts. After recession, because that restored the state of nondisagreement.

Mr. FITZGERALD. The previous question having been ordered, it has been held——

Mr. GARDNER of Massachusetts. I think the gentleman is mistaken.

Mr. FITZGERALD. I may be. I simply submit the authority upon which I base my opinion.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield for a question?

Mr. FITZGERALD. Why, certainly.

Mr. MANN. Does the gentleman claim this is either a bill or a joint resolution?

Mr. FITZGERALD. This motion is not under my amendment to the rules at all; it is under the general parliamentary practice that it is in order to commit this bill with a Senate amendment, with instructions, after the previous question has been ordered. The gentleman has the wrong rule.

Mr. MANN. Oh, I understand; but the other rule——

Mr. FITZGERALD. A conference report on a bill is before the House. The bill is before the House. If it were not before the House, we could not act on the conference report.

Mr. MANN. If when the gentleman prepared his celebrated amendment he had used the term "bill" in its generic sense, it would have applied to all propositions; but when he says "a bill or joint resolution" it removes the bill from its use in the generic sense.

Mr. FITZGERALD. Is the gentleman talking of what I said a moment ago, or of what I said at some other time, about the use of this word "bill?"

The SPEAKER. The Chair has examined the precedent cited by the gentleman from New York, and it is short. The Chair will read it:

The previous question having been ordered on a motion to agree to a Senate amendment to a House bill—

Which is this case—

a motion to commit is in order.

On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

Mr. LEONIDAS F. LIVINGSTON, of Georgia, submitted the question of order whether, after the previous question should have been ordered on a motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

The Speaker expressed the opinion that the motion to commit would in such case be in order.

That was a ruling by Mr. Speaker Crisp, of Georgia. The Chair has not been referred to, and does not recollect any other precedents, but upon general principles it seems to the Chair that the precedent referred to is correct. The previous question operates upon a motion to recede and concur. Under the operation of that question the House has receded, and the question now is, the previous question operating, whether the House will concur, which brings the two bodies together. But the motion to commit with instructions, under Rule XVII and under the precedents, seems to the Chair to be in order. The Clerk will report the motion.

The Clerk read as follows:

To commit to the Committee on Immigration and Naturalization with instructions to report forthwith the provision amended so as to read as follows: "For the expenses of the commission provided for in section 39 of the act of February 20, 1907, entitled 'An act to regulate immigration of aliens into the United States, $65,000, to be available until May 1, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said commission be entitled to or receive any salary as such member after March 1, 1910; and said commission shall complete its entire work and make its final report, and the commission shall cease on the 1st day of May, 1910.'"

Mr. FITZGERALD. Mr. Speaker, I desire to modify the motion by substituting the Committee on Appropriations for the Committee on Immigration and Naturalization.

The Clerk read as follows:

Modify the motion so as to commit it to the Committee on Appropriations.

The SPEAKER. While the Chair is of the opinion that the effect of the phraseology of the instruction is to amend the Senate amendment, if that is what the gentleman desires to do, perhaps it would be better to so state specifically; that would carry the bill with it, of course, with instructions to report the amendment.

Mr. FITZGERALD. I thought that my amendment did that.

The SPEAKER. It does not in words, but, perhaps, that may be the legal parliamentary effect of it.

Mr. FITZGERALD. I will ask the Clerk to modify it so as to amend the Senate amendment 39.

The Clerk read as follows:

Commit to the Committee on Appropriations with instructions to amend Senate amendment 39, so as to read as follows.

The SPEAKER. The question is on the motion of the gentleman from New York to commit the amendment to the Committee on Appropriations with instructions, which have been read.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 131, noes 94.

Mr. TAWNEY. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 128, answered "present" 17, not voting 106, as follows:

YEAS—136.

Adair	Denver	Howard	Rainey
Adamson	Dickinson	Hughes, N. J.	Rauch
Alexander, Mo.	Dickson, Miss.	Humphreys, Miss.	Reid
Anderson	Dies	James	Richardson
Austin	Dixon, Ind.	Jamieson	Robinson
Barnhart	Driscoll, D. A.	Johnson, S. C.	Rothermel
Barthoidt	Edwards, Ga.	Kinkead, N. J.	Rucker, Colo.
Bartlett, Ga.	Ellerbe	Kitchin	Rucker, Mo.
Bartlett, Nev.	Ferris	Kopp	Sabath
Beall, Tex.	Finley	Korbly	Shackleford
Bell, Ga.	Flood, Va.	Küstermann	Sharp
Boehne	Floyd, Ark.	Lindbergh	Sheppard
Borland	Fornes	Lloyd	Sherley
Bowers	Foster, Ill.	Macon	Sherwood
Brantley	Gallagher	Madison	Sims
Broussard	Garner, Tex.	Maguire, Nebr.	Sisson
Burgess	Garrett	Martin, Colo.	Slayden
Burnett	Gillespie	Maynard	Small
Butler	Gordon	Mays	Smith, Tex.
Candler	Graham, Ill.	Moon, Tenn.	Spight
Cantrill	Gregg	Moore, Tex.	Stafford
Cary	Gronna	Morrison	Steenerson
Cassidy	Hamlin	Moss	Stephens, Tex.
Clark, Mo.	Hammond	Murdock	Sulzer
Clayton	Hardy	Nelson	Talbott
Collier	Harrison	Norris	Thomas, N. C.
Conry	Haugen	Oldfield	Tou Velle
Covington	Hay	Padgett	Underwood
Cox, Ind.	Heflin	Page	Watkins
Cox, Ohio	Helm	Palmer, A. M.	Webb
Craig	Henry, Tex.	Palmer, H. W.	Weisse
Cullop	Hinshaw	Peters	Wickliffe
Davis	Hitchcock	Poindexter	Willett
Dent	Houston	Pujo	Woods, Iowa

NAYS—128.

Allen	Foster, Vt.	Knowland	Pray
Barnard	Foulkrod	Kronmiller	Prince
Bennet, N. Y.	Fuller	Lafean	Reeder
Boutell	Gaines	Langham	Reynolds
Bradley	Gardner, Mass.	Langley	Roberts
Brownlow	Gardner, N. J.	Law	Rodenberg
Burke, S. Dak.	Good	Lawrence	Sheffield
Calder	Goulden	Lenroot	Simmons
Chapman	Graff	Lowden	Slemp
Clark, Fla.	Grant	McCall	Smith, Cal.
Cocks, N. Y.	Greene	McCreary	Smith, Iowa
Cook	Griest	McCredie	Sterling
Cooper, Pa.	Hamilto	McKinlay, Cal.	Stevens, Minn.
Cooper, Wis.	Hanna	Madden	Sturgiss
Coudrey	Hawley	Malby	Sullowway
Cowles	Hayes	Mann	Swasey
Creager	Heald	Martin, S. Dak.	Tawney
Crumpacker	Henry, Conn.	Miller, Kans.	Taylor, Ohio
Currier	Higgins	Miller, Minn.	Thomas, Ohio
Denby	Hollingsworth	Mondell	Tilson
Diekema	Howell, N. J.	Moon, Pa.	Tirrell
Dodds	Howland	Moore, Pa.	Townsend
Durey	Hubbard, Iowa	Morgan, Mo.	Volstead
Dwight	Hughes, W. Va.	Morgan, Okla.	Vreeland
Edwards, Ky.	Hull, Iowa.	Morse	Wanger
Elvins	Johnson, Ohio	Moxley	Washburn
Englebright	Joyce	Nicholls	Wheeler
Fassett	Keifer	Olcott	Wiley
Fish	Kendall	Olmsted	Wilson, Ill.
Focht	Kennedy, Iowa	Parsons	Wood, N. J.
Foelker	Kinkaid, Nebr.	Payne	Young, Mich.
Foss	Knapp	Pratt	Young, N. Y.

ANSWERED "PRESENT"—17.

Ansberry	Fitzgerald	Longworth	Thomas, Ky.
Booher	Glass	Morehead	Wilson, Pa.
Byrns	Hardwick	O'Connell	
Carter	Hull, Tenn.	Parker	
Cline	Kennedy, Ohio	Russell	

NOT VOTING—106.

Aiken	Driscoll, M. E.	Johnson, Ky.	Patterson
Alexander, N. Y.	Ellis	Jones	Pearre
Ames	Esch	Kahn	Perkins
Andrus	Estopinal	Kelliher	Pickett
Anthony	Fairchild	Lamb	Plumley
Ashbrook	Fordney	Latta	Pou
Barchfeld	Fowler	Lee	Randell, Tex.
Barclay	Gardner, Mich.	Legare	Ransdell, La.
Bates	Garner, Pa.	Lever	Rhinock
Bennett, Ky.	Gill, Md.	Lindsay	Riordan
Bingham	Gill, Mo.	Livingston	Saunders
Burke, Pa.	Gillett	Loud	Scott
Burleigh	Gilmore	Loudenslager	Smith, Mich.
Burleson	Godwin	Lundin	Snapp
Byrd	Goebel	McDermott	Southwick
Calderhead	Goldfogle	McGuire, Okla.	Sparkman
Campbell	Graham, Pa.	McHenry	Sperry
Capron	Guernsey	McKinley, Ill.	Stanley
Carlin	Hamer	McKinney	Taylor, Ala.
Cole	Hamill	McLachlan, Cal.	Taylor, Colo.
Cravens	Hill	McLaughlin, Mich.	Tener
Crow	Hobson	McMorran	Thistlewood
Dalzell	Howell, Utah.	Millington	Wallace
Davidson	Hubbard, W. Va.	Mudd	Weeks
Dawson	Huff	Murphy	Woodyard
Douglas	Hughes, Ga.	Needham	
Draper	Humphrey, Wash.	Nye	

So the motion to commit with instructions was agreed to.

The Clerk announced the following pairs:
For the session:
Mr. AMES with Mr. AIKEN.
Mr. HILL with Mr. GLASS.
Mr. ANDRUS with Mr. RICHARDSON.
Mr. KENNEDY of Ohio with Mr. ASHBROOK.
Until further notice:
Mr. CROW with Mr. WALLACE.
Mr. HOWELL of Utah with Mr. MCDERMOTT.
Mr. THISTLEWOOD with Mr. TAYLOR of Alabama.
Mr. WOODYARD with Mr. HARDWICK.
Mr. SPERRY with Mr. RANSDELL of Louisiana.
Mr. SOUTHWICK with Mr. RANDELL of Texas.
Mr. SMITH of Michigan with Mr. PATTERSON.
Mr. PEARRE with Mr. MCHENRY.
Mr. MURPHY with Mr. LIVINGSTON.
Mr. MUDD with Mr. LATTA.
Mr. MILLINGTON with Mr. LEE.
Mr. MCKINNEY with Mr. LAMB.
Mr. LOUDENSLAGER with Mr. JONES.
Mr. LOUD with Mr. JOHNSON of Kentucky.
Mr. GUERNSEY with Mr. HUGHES of Georgia.
Mr. GOEBEL with Mr. HOBSON.
Mr. GILLETT with Mr. HAMILL.
Mr. GARNER of Pennsylvania with Mr. GOLDFOGLE.
Mr. FAIRCHILD with Mr. GODWIN.
Mr. ESCH with Mr. GILMORE.
Mr. DAWSON with Mr. GILL of Missouri.
Mr. CAMPBELL with Mr. GILL of Maryland.
Mr. BURLEIGH with Mr. ESTOPINAL.
Mr. BURKE of Pennsylvania with Mr. CRAVENS.
Mr. BINGHAM with Mr. CARLIN.
Mr. BATES with Mr. BURLESON.
Mr. COLE with Mr. ANSBERRY.
Mr. TENER with Mr. BYRNE.
Mr. GARDNER of Michigan with Mr. CLINE.
Mr. MCKINLEY of Illinois with Mr. BOOHER.
Mr. HUBBARD of West Virginia with Mr. RUSSELL.
Mr. MOREHEAD with Mr. POU.
Mr. SNAPP with Mr. BYRD.
Mr. MCMORRAN with Mr. STANLEY.
Mr. NYE with Mr. SPARKMAN.
Mr. CAPRON with Mr. O'CONNELL.
For the balance of the week:
Mr. DALZELL with Mr. FITZGERALD.
Mr. HUFF with Mr. WILSON of Pennsylvania.
Until February 12:
Mr. PICKETT with Mr. RHINOCK.
Until Saturday, inclusive:
Mr. LONGWORTH with Mr. KELIHER, from Thursday to Saturday.
Mr. LUNDIN with Mr. THOMAS of Kentucky, from Thursday to Saturday.
Mr. DRAPER with Mr. HULL of Tennessee, from Tuesday, 3 p. m., until Saturday.
From Tuesday until Monday:
Mr. KAHN with Mr. CARTER.
For the day:
Mr. CALDERHEAD with Mr. LINDSAY.
Mr. SCOTT with Mr. LEVER.

The result of the vote was announced as above recorded.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Can the report, in obedience to the instructions of the House, be made immediately from the floor?

The SPEAKER. The tenor of the instructions was that the Committee on Appropriations report forthwith.

Mr. TAWNEY. The Committee on Appropriations is not in session on the floor of the House. If the committee is to make the report, then it is necessary that the bill be referred to the committee, and that the committee meet for that purpose.

The SPEAKER. This is largely a parliamentary fiction, and in such cases the practice has been for the chairman or some member of the committee, upon instructions of the House, to report the bill forthwith, with the amendment.

Mr. TAWNEY. With that understanding I make the report, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Commit the Senate amendment No. 39 to the Committee on Appropriations, with instructions to report forthwith the provision, amended so as to read as follows:

"For the expenses of the commission provided for in section 39 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States,' $65,000, to be available until May 1, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said commission be entitled to or receive any salary as such member after March 1, 1910, and the said commission shall complete its entire work and make its final report, and the commission shall cease, on the 1st day of May, 1910."

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. If the amendment is voted down by the House, will a motion then to concur in the Senate amendment be in order?

Mr. FITZGERALD. Is not the pending question on a motion to concur?

Mr. TAWNEY. To concur in the amendment with an amendment.

Mr. FITZGERALD. To concur in this as amended.

Mr. TAWNEY. The House has not yet debated the amendment.

The SPEAKER. The question is on concurring to the amendment just reported back, which is, in substance, to concur in the Senate amendment with an amendment.

Mr. FITZGERALD. Is not the question now whether the House shall ask for a conference or concur in the amendment?

The SPEAKER. We have not yet reached that stage.

Mr. FITZGERALD. Well, I am not so sure about that.

The SPEAKER. The Chair was pretty sure about it, but his faith was shaken somewhat by a real or supposed precedent, but on examination it seems that a vote was taken on a former occasion as to whether the House would agree to the amendment as reported from the committee forthwith, under the instructions of the House. It seems to be, in one sense, perchance, a useless vote, although it would not be a useless vote if the majority refused to concur.

The question is, Will the House concur in the Senate amendment with this amendment?

The question was taken; and on a division (at the request of the Chair) there were—ayes 126, noes 120.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 130, answered "present" 13, not voting 108, as follows:

YEAS—136.

Adair	Denver	Humphreys, Miss.	Rauch
Adamson	Dickinson	James	Reid
Alexander, Mo.	Dies	Jamieson	Richardson
Anderson	Dixon, Ind.	Johnson, S. C.	Robinson
Austin	Driscoll, D. A.	Kinkaid, Nebr.	Rothermel
Barnhart	Edwards, Ga.	Kinkead, N. J.	Rucker, Colo.
Bartholdt	Ellerbe	Kitchin	Rucker, Mo.
Bartlett, Ga.	Ferris	Kopp	Sabath
Bartlett, Nev.	Finley	Korbly	Shackleford
Beall, Tex.	Flood, Va.	Küstermann	Sharp
Bell, Ga.	Floyd, Ark.	Latta	Sheppard
Boehne	Fornes	Lindbergh	Sherley
Borland	Foster, Ill.	Lloyd	Sherwood
Bowers	Gallagher	Macon	Sims
Brantley	Garner, Tex.	Maguire, Nebr.	Sisson
Broussard	Garrett	Martin, Colo.	Slayden
Burgess	Gill, Mo.	Mays	Small
Burnett	Gillespie	Moon, Tenn.	Smith, Tex.
Butler	Graham, Ill.	Moore, Tex.	Spight
Candler	Gregg	Morrison	Stafford
Cantrill	Gronna	Moss	Steenerson
Cassidy	Hamlin	Murdock	Stephens, Tex.
Clark, Mo.	Hammond	Nelson	Sulzer
Clayton	Hardy	Norris	Talbott
Collier	Harrison	Oldfield	Taylor, Colo.
Conry	Haugen	Padgett	Thomas, N. C.
Covington	Hay	Page	Tou Velle
Cox, Ind.	Helm	Palmer, A. M.	Underwood
Cox, Ohio	Henry, Tex.	Palmer, H. W.	Watkins
Craig	Hinshaw	Peters	Webb
Cravens	Hitchcock	Poindexter	Weisse
Cullop	Houston	Pujo	Wickliffe
Davis	Howard	Rainey	Willett
Dent	Hughes, N. J.	Ransdell, La.	Woods, Iowa

NAYS—130.

Alexander, N. Y.	Dodds	Hamilton	Langley
Allen	Driscoll, M. E.	Hanna	Law
Barnard	Dwight	Hawley	Lawrence
Bates	Edwards, Ky.	Hayes	Lenroot
Bennet, N. Y.	Elvins	Heald	Lowden
Bennett, Ky.	Englebright	Henry, Conn.	McCall
Boutell	Fassett	Higgins	McCreary
Bradley	Focht	Hollingsworth	McCredie
Brownlow	Foelker	Howland	McKinlay, Cal.
Burke, Pa.	Fordney	Hubbard, Iowa	Madden
Burke, S. Dak.	Foss	Hughes, W. Va.	Malby
Calder	Foster, Vt.	Hull, Iowa	Mann
Clark, Fla.	Foulkrod	Humphrey, Wash.	Martin, S. Dak.
Cook	Fuller	Johnson, Ohio	Miller, Kans.
Cooper, Pa.	Gaines	Joyce	Miller, Minn.
Cooper, Wis.	Gardner, Mass.	Keifer	Mondell
Coudrey	Gardner, N. J.	Kendall	Moon, Pa.
Cowles	Good	Kennedy, Iowa	Moore, Pa.
Creager	Goulden	Knapp	Morgan, Mo.
Crumpacker	Graff	Knowland	Morgan, Okla.
Currier	Grant	Kronmiller	Morse
Denby	Greene	Lafean	Moxley
Diekema	Griest	Langham	Nicholls

Olcott	Reynolds	Sulloway	Wanger
Olmsted	Sheffield	Swasey	Washburn
Parker	Simmons	Tawney	Weeks
Parsons	Slemp	Taylor, Ohio	Wiley
Payne	Smith, Cal.	Thomas, Ohio	Wilson, Ill.
Perkins	Smith, Iowa	Tilson	Wood, N. J.
Pratt	Sperry	Tirrell	Young, Mich.
Pray	Sterling	Townsend	Young, N. Y.
Prince	Stevens, Minn.	Volstead	
Reeder	Sturgiss	Vreeland	

ANSWERED "PRESENT"—13.

Ansberry	Cline	Hull, Tenn.	Wilson, Pa.
Booher	Fitzgerald	Longworth	
Byrns	Glass	O'Connell	
Campbell	Hardwick	Thomas, Ky.	

NOT VOTING—108.

Aiken	Esch	Kahn	Patterson
Ames	Estopinal	Keliher	Pearre
Andrus	Fairchild	Kennedy, Ohio	Pickett
Anthony	Fish	Lamb	Plumley
Ashbrook	Fowler	Lee	Pou
Barchfeld	Gardner, Mich.	Legare	Randell, Tex.
Barclay	Garner, Pa.	Lever	Rhinock
Bingham	Gill, Md.	Lindsay	Riordan
Burleigh	Gillett	Livingston	Roberts
Burleson	Gilmore	Loud	Rodenberg
Byrd	Godwin	Loudenslager	Russell
Calderhead	Goebel	Lundin	Saunders
Capron	Goldfogle	McDermott	Scott
Carlin	Gordon	McGuire, Okla.	Smith, Mich.
Carter	Graham, Pa.	McHenry	Snapp
Cary	Guernsey	McKinley, Ill.	Southwick
Chapman	Hamer	McKinney	Sparkman
Cocks, N. Y.	Hamill	McLachlan, Cal.	Stanley
Cole	Heflin	McLaughlin, Mich.	Taylor, Ala.
Crow	Hill	McMorran	Tener
Dalzell	Hobson	Madison	Thistlewood
Davidson	Howell, N. J.	Maynard	Wallace
Dawson	Howell, Utah	Millington	Wheeler
Dickson, Miss.	Hubbard, W. Va.	Morehead	Woodyard
Douglas	Huff	Mudd	
Draper	Hughes, Ga.	Murphy	
Durey	Johnson, Ky.	Needham	
Ellis	Jones	Nye	

So the motion was agreed to.

Mr. TAWNEY. Mr. Speaker, I desire to know if Mr. ANDRUS, of New York, is recorded as having voted.

The SPEAKER. He is not.

The result of the vote was announced as above recorded.

The Clerk announced the following additional pairs:

Until further notice:

Mr. OLCOTT with Mr. SAUNDERS.

Mr. HOWELL of New Jersey with Mr. GORDON.

Mr. CARY with Mr. DICKSON of Mississippi.

Mr. CHAPMAN with Mr. BURLESON.

Mr. WHEELER with Mr. HEFLIN.

The SPEAKER. The question now is on the motion to agree to ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Messrs. TAWNEY, MALBY, and BOWERS.

PRIVILEGES OF THE HOUSE.

Mr. PARKER. Mr. Speaker, I rise to a question of high privilege.

The SPEAKER. The gentleman will state it.

Mr. PARKER. Mr. Speaker, House Resolution No. 371 was referred to the Committee on the Judiciary to inquire and report what action the House of Representatives should take in the matter of a rule to show cause why a mandamus should not issue against the Joint Committee on Printing or its members, including the Members of the House on that committee, and particularly in the matter of instructing Messrs. COOPER, STURGISS, and FINLEY of the House as to the course they should pursue in the premises. This rule to show cause is returnable in the supreme court of the District of Columbia to-morrow, and it is therefore essential that the House should take speedy action in the matter of this most unusual proceeding.

We have held protracted meetings of the committee and the gentleman from Georgia [Mr. BRANTLEY], a member of the committee, is empowered by them to report the conclusions of the majority of the committee. Three of us file our minority views. I would ask that the report as presented by the gentleman from Georgia, and the minority views of myself, the gentleman from Alabama [Mr. CLAYTON], and the gentleman from Texas [Mr. HENRY] may be read to the House, and thereupon, after the gentleman from Georgia [Mr. BRANTLEY] presents the resolution offered by the committee, I will move an amendment thereto in pursuance with those minority views, and will ask the House to fix the time for debate and a vote.

The SPEAKER. Has the committee submitted a report?

Mr. PARKER. The gentleman from Georgia [Mr. BRANTLEY] submits a report, and I submit minority views.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] will submit the report.

Mr. BRANTLEY. I submit the following privileged report from the Committee on the Judiciary.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas the supreme court of the District of Columbia, at the instance of the Valley Paper Company (Incorporated) as plaintiffs, has caused to be served on ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY, Members of this House, a rule to show cause why writ of mandamus should not issue against them as members of the Joint Committee on Printing of Congress by reason of their alleged action as members of such committee in rejecting certain proposals of the said Valley Paper Company (Incorporated) to furnish certain paper for public printing and binding: Now, therefore,

Resolved by the House of Representatives, That the said ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY be, and they are hereby, granted permission to enter an appearance in response to said rule for the purpose of pleading to the jurisdiction of the court, and taking such further action and interposing such further defenses as to them may seem proper, and for all such purposes they are hereby authorized and permitted to absent themselves from the sessions of the House.

The SPEAKER. Does the gentleman from New Jersey [Mr. PARKER] desire to submit the views of the majority?

Mr. PARKER. I ask, Mr. Speaker, that the report of the majority and the views of the minority be now read.

The SPEAKER. The report of the majority and the views of the minority when submitted would have to be read either by unanimous consent or in the time of some member of the committee.

Mr. PARKER. I will not ask unanimous consent unless that be desired. I offer an amendment to this resolution, which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Georgia [Mr. BRANTLEY] yield for the purpose of having the amendment offered?

Mr. BRANTLEY. Mr. Speaker, I do not desire that to come out of my time.

The SPEAKER. Certainly not.

Mr. BRANTLEY. I have no objection to the reading of the amendment that the minority submitted.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Strike out all after the words—

"For the purpose of pleading to the jurisdiction of the court."

And insert after said words the following:

"And if necessary to prosecute an appeal on writ of error from any judgment, and for such purpose they are hereby authorized and permitted to absent themselves from the sessions of the House."

Mr. CLAYTON. Mr. Speaker, I desire to offer a substitute for the resolution.

The SPEAKER. The gentleman from Alabama offers the following as a substitute for the resolution.

Mr. CLAYTON. Yes, sir; that is correct.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Strike out all after the word *"Resolved"* and insert:

"That Justice Wright, of the supreme court of the District of Columbia, in granting and issuing the following rule to show cause why a writ of mandamus should not be issued, to wit:

"'In the supreme court of the District of Columbia.

"'The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID B. FINLEY, respondents. At law, No. —.

"'RULE TO SHOW CAUSE.

"'On consideration of the petitioners of the Valley Paper Company filed herein the 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of the Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued as prayed in said petition, provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of the Congress, on or before the 7th day of February, 1910.

"'WRIGHT, *Justice.*

"'A true copy.

"'Test:

"'J. R. YOUNG, *Clerk.*

"'By H. BINGHAM, *Assistant Clerk.*'

"against three members of this body named in said rule, to wit, Representatives GEORGE C. STURGISS, ALLEN F. COOPER, and HENRY E. FINLEY, and in causing the said rule to be served upon them, in the opinion of the House of Representatives, thereby unlawfully invaded the constitutional privileges and prerogatives of the House of Representatives, and of said Representatives, and was without jurisdiction to grant said rule; and said Representatives are directed to make no appearance in response thereto."

Mr. PARKER. Mr. Speaker, I think it would be but fair to the gentlemen and myself that he should ask unanimous consent that the views of the minority and report of the majority should first be read.

Mr. BRANTLEY. Mr. Speaker, I rose for the purpose of asking unanimous consent that the report of the committee and the views of the minority should now be read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The preamble and resolution, the report of the committee, the exhibit to the report, and the views of the minority were read, as follows:

[House of Representatives Report No. 432, Sixty-first Congress, second session.]

Mr. BRANTLEY, from the Committee on the Judiciary, submitted the following report (to accompany H. Res. 390):

TITLE.

Suit, The Valley Paper Company (Incorporated) *v.* The Joint Committee on Printing of Congress.

Mr. BRANTLEY, from the Committee on the Judiciary, submitted the following report (No. 432), to accompany House resolution 390:

Your committee has had under consideration House resolution 371, which resolution reads as follows:

Sixty-first Congress, second session.

IN THE HOUSE OF REPRESENTATIVES,
February 7, 1910.

Mr. FINLEY submitted the following resolution (H. Res. 371), which was ordered to be printed:

Whereas ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY, Members of the House of Representatives, and constituting the Committee on Printing, and along with three Members of the Senate, constituting the Joint Committee on Printing, have, at the instance of the Valley Paper Company (Incorporated), plaintiffs, been sued in the supreme court of the District of Columbia as members of the Joint Committee on Printing of Congress, calling in question their action as members of such joint committee in rejecting the proposal of the said Valley Paper Company (Incorporated), for furnishing paper for public printing and binding for the period from March 1, 1910, to February 28, 1911, as was done by said Joint Committee on Printing of Congress at the present session of Congress; and

Whereas it is sought by the said plaintiffs, or petitioners, that a writ of mandamus be issued and directed against said members of the Joint Committee on Printing of Congress, to wit, the three Members of the Senate, who together with the three Members of the House, above mentioned, constitute the said joint committee, commanding them to withdraw awards which have heretofore been made and to award said contracts to the plaintiffs; and

Whereas the following rule to show cause has been issued by Mr. Justice Wright, of the supreme court of the District of Columbia, to wit:

In the supreme court of the District of Columbia.

The Valley Paper Company (Incorporated), plaintiff, against The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

WRIGHT, *Justice.*

A true copy.
Test:
J. R. YOUNG, *Clerk.*
By H. BINGHAM, *Assistant Clerk.*

Therefore be it

Resolved, That it be referred to the Committee on the Judiciary of the House of Representatives to inquire and report what action the House of Representatives should take in the premises, and particularly in the matter of instructing the said ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY as to the course they should pursue in the premises.

And in compliance with the instructions therein submits the following report:

It appears that the said House resolution was adopted in consequence of the institution of certain proceeding for mandamus in the supreme court of the District of Columbia by the Valley Paper Company (Incorporated) against the Joint Committee on Printing of Congress and the issuance and service of a rule to show cause therein by said supreme court of the District against three Members of this House, who are members of said Joint Committee on Printing. For a better understanding of the nature of said proceeding a copy thereof and of the rule to show cause is hereto attached as an exhibit.

Your committee, mindful of the privileges and prerogatives of the House, has carefully considered said proceeding in connection with the claim of authority for its institution and in connection with the constitutional powers of the coordinate branches of the Government. Your committee believes that while the House of Representatives should be diligent in the preservation of its dignity and of its prerogatives, it should also pay due regard at all times to the dignity and prerogatives of the other coordinate branches of the Government, and bearing these considerations in mind we find that the Joint Committee on Printing of Congress is created by statute, and not by the rules of either House of Congress. The members of said committee are Members of Congress, and must be such Members under the statute (see acts, 1895, vol. 28, Stat. L., 601), but the duties they perform are prescribed and defined by law.

Your committee knows of no authority that the House of Representatives has to control or direct the action of said joint committee, and knows of no way by which its duties can be enlarged or diminished or direction given to its work, other than by and through the enactment of some additional law. This statement of the situation naturally causes certain questions to suggest themselves as to the real status of this joint committee, and as to the character of its duties, whether legislative or executive. An inspection of the suit that has been filed also suggests a question as to whether it purports to be a suit against Members of Congress as such Members, or against a legal entity created by act of Congress.

These suggested questions we do not attempt to determine, nor do we understand that any duty is imposed upon us to determine them. It has occurred to us that the sole and only question necessary for our determination is as to what action if any shall be taken by the House by reason of the pending suit against said joint committee, and particularly in the matter of instructing the House members of said joint committee as to the course they should pursue in the premises. This question your committee believes can be determined without a consideration or determination of other questions incidentally or directly connected therewith. It is sufficient therefore to direct attention to the fact that said legal proceeding has been instituted and is based upon a law of the land, and that the acts of the Members of this House complained of are alleged to have been performed under and by virtue of a statute imposing certain duties and not by virtue of any duties imposed by rule or order of the House. Your committee does not believe that Congress has any power to construe the statutes that it enacts, and that regardless of any individual opinions as to the meaning of the particular statute in question and regardless of any individual opinions as to who is or is not exempt from the power of the courts to enforce obedience to said statute, we are of the opinion that the court is the proper forum before which to plead exemption and privilege and by which to interpret and expound the meaning of the statute involved.

And we are further of the opinion that due and orderly procedure and a proper respect for the judicial department of the Government requires that the writ of the court in this particular matter should be responded to.

Your committee would likewise entertain a different view of the matter if it clearly and conclusively appeared that the acts of the Members complained of were performed under rule or order of the House and not under statute and if it likewise was entirely clear that said acts were legislative and not executive in character. We do not intend by this expression to intimate or suggest any opinion as to the character of the acts complained of, or upon the question as to the exemption of the Members from suit. Believing that these and kindred questions are, under the facts in this matter, judicial and not legislative questions, and having reached the conclusion that the writ of the court should be responded to, we think these questions should be left, for the present at least, to judicial determination.

We can not assume that the courts will improperly determine them or that the courts will invade by any order or decree in this matter the constitutional prerogatives of this House. Should these things unfortunately result, it will then be time enough for the House to assert its dignity and enforce its constitutional rights.

The question presented by the record is not entirely free from difficulty, for it is a fact that membership of the Joint Committee on Printing of Congress is based upon membership of Congress, and all the duties of the House Members of said joint committee, although clearly imposed by statute, are nevertheless the direct result of legislative responsibilities imposed upon the membership of the House.

Upon the other hand, the Constitution does not exempt any laws or statutes enacted by Congress from judicial construction and enforcement and Congress can not write into the Constitution any limitation upon the judicial power. Neither can your committee, in passing upon this matter, ignore the fact that the acts of the Members of this House complained are distinctly alleged to be in violation of a statutory executive duty. Upon the whole, therefore, your committee concludes that there is at least sufficient doubt upon all the questions raised by the said court proceeding, in so far as they may directly or indirectly involve the dignity of the House, to authorize a response to the writ of the court and their consideration in the forum of the judiciary.

Your committee has not overlooked the fact that, under the rules and precedents of the House, no Member thereof can waive the privileges of the House except by the express consent of the House, and in order to save all questions of privilege we think it would be advisable for the House to grant permission to the three Members involved to make response to the order of the court. We have not overlooked the further fact that the House is now in session and that the Members thereof, without the consent of the House, can not, while such session continues, be haled into court except in certain specified cases of which the case pending is not one. Believing, however, that Congress, nor its Members, are above or superior to the laws they enact, and believing that the highest legislative body in the land can not afford to set the example of defiance to the law and the courts, except in a clearly defined case of invasion of legislative prerogatives by the judicial power, and believing that in this particular case a due and proper respect for the judicial branch of the Government requires that that department be fully advised and informed of the attitude of the House in these matters and likewise be fully informed as to all the facts in connection with the appointment of members of the Joint Committee on Printing and of their duties to the end that a proper decree and order may be entered in the premises, we recommend the adoption of the following resolution:

Whereas the Supreme Court of the District of Columbia, at the instance of the Valley Paper Company (Incorporated) as plaintiff, has caused to be served on ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY, Members of this House, a rule to show cause why writ of mandamus should not issue against them as members of the Joint Committee on Printing of Congress, by reason of their alleged action as members of such committee in rejecting certain proposals of the said Valley Paper Company (Incorporated) to furnish certain paper for public printing and binding: Now, therefore.

Resolved by the House of Representatives, That the said ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY be, and they are hereby, granted permission to enter an appearance in response to said rule, for the purpose of pleading to the jurisdiction of the court, and taking such further action and interposing such further defenses as to them may seem proper, and for all such purposes they are hereby authorized and permitted to absent themselves from the sessions of the House.

EXHIBIT.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

PETITION FOR WRIT OF MANDAMUS.

To the honorable the justices of the supreme court:

The petition of the Valley Paper Company, of Holyoke, Mass., through its attorney, Fred B. Rhodes, for a writ of mandamus against the Joint Committee on Printing of Congress, respectfully represents:

1. That your petitioner, the Valley Paper Company, is a corporation incorporated under the laws of the State of Massachusetts.

2. That the respondents, members of the Joint Committee on Printing of Congress, appointed by the President of the Senate and the Speaker of the House of Representatives, are charged under the law with the duty of considering proposals for furnishing paper for the public printing and binding of the United States Government and with the duty of awarding contracts for such paper to the lowest and best bidder for the interest of the Government.

3. In pursuance of the provisions of section 3 to 11, both inclusive, of "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, the Public Printer invited your petitioner to submit a bid for furnishing paper for the use of the United States Government and forwarded to said petitioner proposals to be opened by said Joint Committee on Printing of Congress on January 21, 1910, at 10.30 a. m., for furnishing paper for public printing and binding for the period from March 1, 1910, to February 28, 1911.

4. In compliance with the provisions of said proposal, your petitioner submitted a bid for furnishing the aforesaid paper for public printing and binding, which bid said members of Joint Committee on Printing of Congress have refused to consider on the ground that said bid was not accompanied by a bond approved in the manner prescribed by the law hereinbefore referred to, to wit, that the bond which accompanied said bid was not accompanied by a certificate of approval. The certificate required to be filed in connection with said bond reads as follows:

"I certify that I have made due and diligent inquiry as to the ability of the sureties on the above bond and am satisfied that they are good and sufficient for the sum of $10,000."

Your petitioner states that there was filed with the Joint Committee on Printing of Congress before said bids were opened a certificate of Mr. Justice Stafford certifying that the Illinois Surety Company, which was surety on the bond of your petitioner, was good and sufficient for the sum of $10,000. Said certificate was read by said Joint Committee on Printing of Congress at the time the bids were opened. Your petitioner further alleges that the bond of the Illinois Surety Company accompanied said proposal, but the certificate showing the Illinois Surety Company was good and sufficient for the sum of $10,000 was not attached to the bond, but was filed separately. Your petitioner alleges, however, that there is no requirement in the law or regulation which requires that the said certificate of approval should be attached to the bond.

5. Your petitioner further alleges that said bid was accompanied by a bond which had been approved by the United States judge of the District of Columbia, as required by law, and that said bond was executed with all the formalities required by the law hereinbefore referred to.

6. Your petitioner further alleges, however, that the law requiring the certificate of approval of a judge or clerk of the court of record does not apply to bonds which were executed by a corporate surety, and, as the bond of your petitioner was executed by a corporate surety, no certificate of a judge or clerk of the court of record was required under the law.

7. Your petitioner is advised and believes that the bid submitted by it was the lowest and best bid received on a large number of items and that the refusal of the Joint Committee on Printing of Congress to consider said proposal filed by your petitioner is without authority of law and is to the great injury of the petitioner.

Wherefore petitioner prays:

1. That a writ of mandamus be issued and directed against said members of the Joint Committee on Printing of Congress—REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY—commanding them to withdraw awards which have heretofore been made, and in the event the aforesaid bid of your petitioner should be the lowest and best bid, commanding said respondents to award said contract or contracts to your petitioner.

2. That a rule may be issued and served upon the respondents requiring them to appear and show cause why the prayers of this petition be not granted.

3. That such other and further relief may be granted to your petitioner as to the court may seem proper.

VALLEY PAPER COMPANY,
Petitioner.
By FRED B. RHODES, *Attorney.*

DISTRICT OF COLUMBIA, *ss:*

Before the subscriber, Harvey T. Winfield, a notary public in and for the District of Columbia, personally appeared Fred B. Rhodes, who made oath that he is the attorney for the within petitioner and is authorized by it to institute these proceedings; that he has read the foregoing petition by him subscribed; and that the facts as set forth in said petition are true, to the best of his knowledge and belief.

FRED B. RHODES,
Attorney for Petitioner.

Subscribed and sworn to before me this 2d day of February, 1910.

HARVEY T. WINFIELD,
Notary Public, District of Columbia.

In the supreme court of the District of Columbia.

The Valley Paper Company (Incorporated), plaintiff, *v.* The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

RULE TO SHOW CAUSE.

Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

A true copy.
Test:
J. R. YOUNG, *Clerk.*
By H. BINGHAM, *Assistant Clerk.*

WRIGHT, *Justice.*

VIEWS OF THE MINORITY OF THE COMMITTEE ON THE JUDICIARY.

The undersigned dissent from the views of the majority of the committee. The Joint Committee on Printing of Congress, in our opinion, is not a mere creature of a statute. It is appointed under rules of the House of Representatives and the Senate. The appointment of the House Members is provided for in Rule X of the House, and the jurisdiction of the committee is defined under House Rule XI. This committee is the creature of Congress. The House Members are provided by House action, and the Senate Members are provided by Senate action. Manifestly this joint committee, created in this way by the two Houses of Congress, was, for the convenience of the two Houses, for the proper discharge of the legislative functions of the Congress, composed of the two Houses. Of course, the House and the Senate could have provided some other way for their necessary printing and the like, but the two Houses of Congress have seen fit to adopt this plan of a joint committee to control the printing, and so forth, of the two Houses. This committee is not appointed by the statute. No legislature can bind any subsequent legislature. Any Senate or any House of Representatives of any Congress may at any time refuse to appoint members of this joint committee. They are not created by and do not hold under a statute.

It is true that when so appointed by the Senate and House of Representatives they receive aid from a statute. Such aid is often granted to different committees in their legislative duties, it being necessary, in the opinion of the two Houses, for the more convenient discharge of their duties to have power conferred upon the committee. For example, it is often necessary that a joint committee of investigation—such as the committee now investigating the Interior Department and the Bureau of Forestry—should have money for its expenses and should have power to enforce process by subpœna, which can be obtained only by law. That law, however, so far as it creates such a committee, is in the nature of a concurrent resolution. A concurrent resolution of both Houses is included in such a law, and the law being for the appointment of a committee for the information of the two Houses, the committee is subject only to the control of those Houses. The law is in aid of their legislative duties and not in derogation therefrom. The printing of bills, House and Senate documents, the CONGRESSIONAL RECORD, and the executive documents was and is primarily for the information of Congress—a necessary part of its legislative business. The proper publication of the laws enacted by Congress is essential to their validity. Congress either directly or through its committees and each House of Congress have from the beginning exercised a control over the public printing. The printer was formerly called the "Congressional Printer," and was elected by the joint action of the two Houses. It is true that the scope of the work of the Public Printer has been enlarged perhaps to an extent not thought of in the early days of the Republic. It includes a mass of public documents which are for the information of the people as well as for that of Congress, but which are primarily for the information of Congress and in order to secure good legislation.

Instead of making separate contracts for printing, as was done by Congress in the early days, a supervisory control of the work of the Printing Office is allowed to the Joint Committee on Printing, including the ordering of such emergency documents as may be needed, the selection of the standard of paper, and, in this particular case, the determination by their award as if they were a committee of arbitration, which particular bid is "lowest and best for the interests of the United States." This function of supervision of public printing is one necessarily belonging to the Houses of Congress, so far as the congressional printing is concerned. Such supervision is a legislative act, and the fact that it incidentally affects the other public printing does not make any action of the joint committee in that regard any the less a legislative act. That committee are a committee of Congress acting for the two Houses and not subject to suit at law. And this legislative power and discretion of Congress to direct and control its printing, the purchase of its stationery and the like, can not be abridged or interfered with by the courts.

There are many like examples. The Committee on the Library originally had the duty of purchase of books for the information of Congress in the Library of Congress. That library has grown so that it is now managed by outside officers under a law, but that law still recognizes a supervisory control in certain matters as belonging to the Committee on the Library of the two Houses. Whenever the Joint Committee on Printing has anything to do with the public printing it acts solely as a committee of the two Houses. The Secretary of the Interior, when he acts at all in the mattter of the public printing acts as an officer. In his case he may be amenable to court action, but the committee of Congress can not be subjected to court process because the legislative department in the discharge of its functions must be forever independent of the judicial department.

It is impossible that any Member of Congress can become an officer under the United States, because upon his becoming such officer he can no longer be a Member of either House, for the reason that "no person holding any office under the United States shall be a Member of either House during his continuance in office." Any statute is void, so far as it endeavors to give any civil office to a Member of Congress. The statute in question should not be construed as adding any official powers, but only as aiding the committee properly to carry on their work. There is no power conveyed in the statute in question which is inconsistent with the legislative duties of the committee. In fact, as already stated, it is only in aid of their functions as legislators.

The functions of the joint committee in the matter complained of were not a statutory executive duty. They were purely of judgment and discretion, for the contracts are to be awarded by them to the lowest and best bidder in the interest of the Government. Their functions in this matter are not executive, but purely of judgment and discretion as a committee as to what proposals are lowest and best for the interest of the Government. A careful examination of the statute with reference to public printing will show that no executive

functions are intrusted to the joint committee. Everything executive is to be done by the Public Printer, and the joint committee only advise, decide, and award, and all this is done in the discharge of a necessary authority of the two Houses of Congress—of Congress itself to provide for the printing of the RECORD, documents, and so forth.

To hold that the members of the joint committee are answerable to court process would be to hold that they are officers within the meaning of the Constitution, and might render nugatory the act which was intended solely to aid the joint committee of the two Houses conveniently and properly to discharge a duty necessarily incidental to the full exercise of the legislative powers of Congress. The inconveniences which would attend the recognition of such a suit are manifold. Members are to be summoned from their legislative duties to appear in court. If judgment goes against them they are in contempt, but no process of contempt, under the Constitution, can issue against them while they are engaged in their legislative duties. These members are now so engaged.

It is evident from the process of the court which has been served upon the Representatives named in the preamble to the resolution that whatever acts have been performed or have not been performed by the members of the joint committee were solely in the discretion of the members of the committee as Members of Congress, and it is also evident from the same process that the action of the committee is sought to be reviewed by a writ of mandamus after the act has been performed. A writ of mandamus will not lie for such purposes.

Two courses, in our judgment, are open.

The first course is to resolve that the judge in granting and issuing the rule to show cause in the mandamus proceedings, and in causing the same to be served upon the Members of the House, thereby unlawfully invaded the constitutional privileges and prerogatives of the House and of its Members, and that the court was without jurisdiction to grant said rule, and that the Representatives should be directed to make no appearance in response thereto.

The second course would be to amend the resolution as reported by the majority of the committee by striking out all after the words "they are hereby granted permission to enter an appearance in response to said rule for the purpose of pleading to the jurisdiction of the court" and inserting in lieu thereof "and if necessary to prosecute an appeal or writ of error from any judgment therein, and for such purpose they are hereby authorized and permitted to absent themselves from the sessions of the House."

We are unwilling to allow a general appearance which will admit, even for this particular case, that the committees of this House are responsible to any authority except the House itself.

RICHARD WAYNE PARKER.
HENRY D. CLAYTON.
R. L. HENRY.

Mr. BRANTLEY. Mr. Speaker, if I can have the attention of the House for a few moments, I think I can make perfectly clear the position of the Judiciary Committee. If the House paid attention to the reading of the majority report, the House should now very well understand and comprehend the purposes and the conclusions of the majority of this committee.

Mr. Speaker, there is no member of that committee, as there is no Member of this House, I apprehend, who would not resent any attempt upon the part of the executive or the judicial departments of this Government to control or coerce or direct legislation or to interfere with any legislative duty of this body or of any Member of it. Your committee was confronted with a proposition that did not seem on its face to involve any matters of legislative duty. Our friends who dissent from us, as I gather from the reading of the minority views, assert that this Joint Committee on Printing is not the creature of a statute. I desire in reply to this position to direct the attention of the House, first, to the rules of this House. Rule X provides, among other things, that:

Unless otherwise specially ordered by the House, the Speaker shall appoint at the commencement of each Congress the following standing committees, namely—

Naming a great many committees, and among them—

A Committee on Printing, to consist of three members.

We have involved in this case a suit instituted against the Joint Committee on Printing, composed of six members.

Rule XI, which defines the duties of the various committees, says in paragraph 37:

All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.

There is a provision that certain bills shall be referred to the Joint Committee on Printing on the part of the House, but there is no rule that creates the Joint Committee on Printing. Now, where and how does the Joint Committee on Printing originate? I have in my hand the acts of January 12, 1895, and there is recited there a law that was approved by the President on January 12, 1895, the caption of which is:

An act providing for the public printing and binding and the distribution of public documents.

It is quite a lengthy act, but the very first paragraph of it reads:

That there shall be a Joint Committee on Printing, consisting of three members of the Senate and three Members of the House of Representatives, who shall have the powers hereinafter stated.

The act then proceeds to define the powers of this joint committee; and we find that their powers are by no means limited to the printing for Congress, but they supervise the printing for the Government of the United States. Among other things, we find that they shall "advertise for proposals to furnish paper for the Government."

Not for the House or for Congress, it will be noted, but for the Government; and it is provided in section 5 of the act:

The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government.

Now, there are numerous acts that this joint committee is authorized to perform, and nowhere is it provided that they shall submit their recommendations to the Congress as to what contracts shall be entered into or as to what shall be done; but the law provides that they shall perform the acts, and that is an end of them.

Now, my able and learned friends who maintain that that sort of work is legislative, it seems to me may have some difficulty to maintain that proposition. The majority of this committee, Mr. Speaker, having reached the conclusion that the matter was one that, for the present at least, should be disposed of by the courts, did not think it wise for Congress to undertake to determine in advance of the judicial hearing that the acts of this committee were either legislative or executive. We did not think, if we were going to refer the matter to the courts, that we ought to determine it in advance of the hearing. But, Mr. Speaker, when gentlemen undertake to say that the act of awarding a contract for printing or for paper on behalf of the Treasury Department of this Government, for instance, is a legislative act, I would ask where or how does this Congress receive the power to delegate to this joint committee the power to legislate? If it is a legislative act, then it seems to me that there must be very grave doubts, to say the least, as to the validity of the act on the part of the committee representing Congress.

Mr. Speaker, the majority of this committee find as a fact that this Joint Committee on Printing is the creature of a statute. By the way, that has been true longer than since this act of 1895. If gentlemen will refer to volume 28 of the Statutes at Large, where this act is set forth, there will be found a citation to the Revised Statutes referring to an act passed in 1852. In that year Congress enacted a law that there should be a Joint Committee on Printing, and distinctly provided that the Speaker shall name the three Members of the House, and the President of the Senate shall name the three members of the Senate. When your committee came across the fact that this committee was the creature of a statute, we had before us the Constitution of our country, in which it is recited in section 2 of Article III that the "judicial power shall extend to all cases in law and equity arising under the Constitution and the laws of the United States." We were somewhat at a loss to reach a conclusion that a case in law, arising under a law of the United States, was beyond the judicial power. We did not believe that Congress itself had any power to write into the Constitution a limitation of the judicial power by saying that that power was to extend to all cases arising under the laws of the United States except certain cases.

Having reached the conclusion that the judicial power did extend under the Constitution to cases arising under this act of 1895, we could not bring ourselves to the conclusion that any court of competent jurisdiction, entertaining any suit that is predicated solely upon this law, was invading the domain or the prerogatives of the Congress.

It seems to us that if there is to be an invasion of our prerogatives, it is yet to come. We can not assume that the judicial branch of this Government will fail to do its duty. We can not assume that the judicial branch of this Government will not be as true to the Constitution as we claim to be. We can not assume that it will undertake to construe this statute wrongly or to enforce any order or decree that will invade the domain and prerogatives of the Congress of the United States. Should the courts undertake to do so, it seems to me that then would be time enough for Congress to assert its dignity.

Now, the status of this matter is simply that here is a suit filed. There are allegations in it that certain individuals who are not even described as Members of Congress have disobeyed or failed to follow a statute, a law of the land, and relief is sought by reason of those allegations.

That suit has been served upon each of the parties named as a defendant. Does not that fact give the court jurisdiction to enter whatever decree may seem to the court proper, upon the showing made by the complainant? The presence of the defendants who have been served is not necessary to enable the court to enter a decree in the matter. It might be that if the defendants absent themselves a decree will be entered. It might be that we will believe such decree in violation of the prerogatives of this House; but we have not reached that point yet, and it seemed to us that inasmuch as the case was pre-

ceding on its face for a violation of a statute, upon allegations that certain people charged with certain executive duties had not performed them, the proper thing to do would be to make a response to the summons of the court. It seemed to us that in the zeal of the legislative department to enforce its prerogatives and its dignity it should not go to the extent of curtailing the prerogatives and the dignity of a coordinate branch of the Government; and it seemed to us that it was a matter of policy, of wisdom, and of showing proper respect to a great coordinate branch of the Government, that response should be made to this suit. So believing, we have recommended.

It is suggested in the minority views, as I gather from the reading of them, that if this Joint Committee on Printing constitutes an office, these Members of Congress are not eligible to hold it. If we turn to the Constitution, we find that the language is that—

no person holding any office under the United States shall be a Member of either House during his continuance in office.

And the question might be not, Is the holding of the office void, if it be an office, but, Is the seat in this House valid because the Member holds an office under the Government of the United States?

Your Committee on the Judiciary have not undertaken to determine that or to determine any question involved in this case. It has seemed to us that the questions involved are judicial questions, and that a proceeding having been instituted, due and orderly procedure of the same ought to be had.

Now, for myself, Mr. Speaker, I have an opinion from reading the statutes in reference to this joint committee, that it might be wise on the part of Congress to confer the duties of that committee upon some other parties than Members of this Congress.

Certain it is, Mr. Speaker, that if we are in danger of having any of our membership involved in any litigation, or in any trouble, by reason of service on this committee, the remedy is within the hands of Congress; not by denouncing a great coordinate branch of the Government that is clearly exercising, so far, expressly conferred judicial power, but by repealing this law, or by amending this law, so that there could be no possible conflict or question to arise in the future. That is merely a suggestion that I throw out as pertinent at this particular time.

The only question now for this House to deal with is whether or not a response shall be made to this writ or whether the court shall be ignored and defied. So far, Mr. Speaker, as it is proposed to defy and ignore the court the majority of your committee can not agree. Having concluded that it is wise to have a response made to this writ, it occurred to us that possibly we should not limit the action of these named defendants when they did respond, and therefore it was thought in our resolution after reciting that permission of the House should be given them to enter an appearance and plead to the jurisdiction of the court, that they should also be empowered to take such further action as to them might seem proper. I understand that that part of our resolution is the part that the distinguished gentleman from New Jersey excepts to and wishes to strike from the resolution. It seemed wise to your committee that if these Members were going to the court they should go prepared to fully advise and fully inform the court as to the law and the duties of these Members of the House who chanced to serve on this Joint Committee on Printing. Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. PARKER. Mr. Speaker, it is only because this is an important matter that there is a minority report from the Committee on the Judiciary. At the first blush, it is of very little importance whether three gentlemen, Members of this House, should appear in court to answer a suit actually asking a mandamus to set aside something already done, and actually asking for a peremptory mandamus to direct them as to an award which should of right be made, in their discretion, "to the lowest and best bidder for the interests of the Government." This would seem of very little importance; but a larger question lies beneath this suit, namely, whether a committee of this House shall be haled before a court of justice for any action of that committee or whether the action of that committee is not in its essence, and must not be in its essence, legislative action.

This is, we are told, an unusual committee. True, it is a joint committee. It is recognized by law. The Revised Statutes recognize the Joint Committee on Printing, and the act of 1895 and several other acts recognize that committee, just as similar statutes recognize the Committee on the Library. The Statutes give those committees supervisory powers. They do not give them executive power.

The Public Printer has all executive power. The committee supervise. They have the right under the law to say what kind of paper Congress wants in this RECORD and to fix the standard of paper. They are given the right to arbitrate and decide whether the paper comes up to that standard. They are given the right to look over the books and say to the Public Printer that he may advertise for only so much material as is needed. They are given the right to order extra copies of any public document; they are given the right to limit the expense that is placed upon lithographs; they are given the right in that way to supervise and decide on many matters. But they are not executive; they do not do a thing. The Public Printer advertises for bids; the Public Printer does the printing; the Public Printer runs the office, and his employees are under the civil service. All that the committee do is advisory, and to decide and say what ought to be done for the Houses of Congress. In this particular case the bids received for paper by the Public Printer on the advertisement of the Public Printer are to be opened in the presence of this committee of the House, and they make "award." An award is not an executive act, but a judicial act. They make the award as a judicial committee of the House as to what particular bid is the lowest and most for the interests of the United States, and then the Public Printer makes the contract.

Mr. STERLING. The gentleman stated a while ago that their function was purely advisory. He corrects that later by saying that they granted the award. Now, that is not supervisory, that is making the contract itself. All the Public Printer does is to prepare the contract, is to write the contract, which this committee makes.

Mr. PARKER. I do not care to have my time taken with a statement. I will answer that, however. I made no correction; their act is perfectly advisory. They are to award what bid is lowest and best for the Government. It is the decision on a matter of fact, a quasi judicial decision on a matter of fact, and upon that judicial decision the Public Printer makes the contract. I am glad the gentleman made the interruption for that reason.

Our statement has been read to the House. I do not want to take much more time. I want to say briefly what I feel on this subject. This is a committee, now and from the beginning, appointed in this House. It is not appointed by statute. This House, notwithstanding any statute, could refuse to appoint it. There is a statute which aids the House in getting the paper and print that it needs for its work.

The statute aids the joint committee in doing this. If a statute of the United States gives power to a committee of this House to issue a subpœna to bring witnesses for an investigation, does that make the statute the author of the committee? By no means. It gives extra power to the House committee and aids it in legislative matters, and that is all. If anything more than powers which are for the benefit of the legislative branch of the United States be given to that committee, the statute in that respect would be void. Committeemen are officers of this House. They can not constitutionally be made officers of any other department of the Government. They can not, therefore, be sued by mandamus as such officers. The statute should be construed so as to be valid. It should not be so construed as to grant powers which we could not grant and which would turn the men who took them out of office.

Now, what shall we do as a practical matter? I have thought, perhaps, that it would not be inadvisable to plead to the jurisdiction and take a writ of error or other form of appeal, if necessary, to the Supreme Court of the United States, so that we should have an authoritative decision on that matter rather than to stand against the court. That is the purpose of my amendment.

The purpose of the amendment offered by my associate, the gentleman from Alabama [Mr. CLAYTON], is to declare that the court has no power in this matter; that we will not allow this kind of action to be brought against committees of this House, that they may be haled into court at any time. I shall vote for it, but I shall vote certainly for my own amendment. The amendment offered by my brother on the committee is the one that has been adopted already as to the other defendants in the suit, I believe by almost unanimous vote. It is a question of policy for this House, in the protection of its own privileges, whether it will allow plea to be made to the jurisdiction and fight that question to the highest court and to the end. It is not a question of policy, but to my mind entirely out of the question, that this House should allow and order its own committees to appear in court like any other defendant, and to plead and defend generally.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I will ask the gentleman from Georgia to consume some of his time now.

Mr. BRANTLEY. Mr. Speaker, I understand that each member of the committee is entitled to time. I was recognized in my own right as a member of the committee, and I reserve the balance of my time.

Mr. PARKER. It is not the intention of the gentleman to limit debate, because it is now 20 minutes past 4 o'clock.

Mr. BRANTLEY. It is for the House to limit debate.

Mr. CLAYTON. Mr. Speaker, I desire to address the House briefly on this subject, but before doing so I would prefer that some Member in favor of the majority report of the committee would debate the question first. I ask now if any gentleman in favor of the report desires to further debate the question?

Mr. DIEKEMA. I do.

Mr. CLAYTON. Then I yield to the gentleman from Michigan.

The SPEAKER pro tempore (Mr. FOSTER of Vermont). The gentleman from Michigan is recognized in his own right.

Mr. DIEKEMA. Mr. Speaker, the two reports, the majority report and the minority report, are very radically different. The majority report proposes two things, first, a permission to be given to this committee to appear and plead to the jurisdiction of the court, raising the question in the court of the jurisdiction of the court over these defendants, because they are Members of the House of Representatives; and in the next place, the majority report authorizes these Members to take such further steps in the courts as they may deem necessary. The minority report, on the other hand, seeks to absolutely ignore the court and say to the court that we will not appear at all, we will treat your citing us into court as an invasion of the constitutional rights of the Members, and we will have nothing to do with you.

I think all Members will agree with me upon this proposition that if there is any reasonable ground for difference of opinion as to whether the court has jurisdiction or not, then in such a case we should submit that question to the court; that under no circumstances, unless we feel absolutely sure that the court is invading our authority, our jurisdiction, our constitutional rights, should we ignore the court and say we will not appear at all. Then the simple question seems to be, Is there so plain a case here of invasion that we can afford to say we will not appear at all. If, Mr. Speaker——

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. DIEKEMA. I will.

Mr. GRAHAM of Illinois. Is it not true there is very little difference between the majority and minority reports on the very question the gentleman has been discussing?

Mr. DIEKEMA. That is not true.

Mr. GRAHAM of Illinois. The majority report asks, does it not, that this House give the members of the committee leave to answer the court process and appear in court? Does not that imply that without such leave they have no power to so appear? That is practically what the minority report says, too, is it not?

Mr. DIEKEMA. No; everybody concedes that those Members must first submit to the House the question as to whether their rights and the rights of the House have been infringed upon, but here comes the difference. A great majority of the Committee on the Judiciary do not concede that under the special conditions of this case we have the right to say to the court that it has assumed jurisdiction in this case, and that in so doing it has infringed upon our prerogatives. There is the difference between the two.

Mr. GRAHAM of Illinois. But does not the report of the majority necessarily imply that those Members who have been cited by process to appear can not appear without leave of the House, and does not that imply the court has exceeded its power and jurisdiction?

Mr. DIEKEMA. It implies that any man who is proceeded against by process from a court ought not to answer without first submitting the question to the House. We are all agreed upon that proposition.

Mr. KEIFER. Mr. Speaker, I only want to say everyone here does not agree to that proposition, because the Supreme Court of the United States has held just the opposite.

Mr. DIEKEMA. Well, Mr. Speaker, I will except the gentleman from Ohio. The gentleman from Ohio frequently needs exception.

Mr. KEIFER. Yes.

Mr. DIEKEMA. Now, Mr. Speaker, I desire to refer to the rule. Under Rule XI, which provides for the appointment of this joint committee, I read this, paragraph 57:

> All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House—

And then comes this significant statement:

> In addition to the executive duties of the joint committee, the House branch exercises legislative functions, reporting resolutions and bills relating to printing, propositions to correct the CONGRESSIONAL RECORD—

And so on.

Definitely setting forth that when this committee acts as a joint committee their duties are executive. Now, this committee, when acting as a joint committee, its duties are exclusively executive, and it is only when they act here in the House as a House committee that their duties are judicial. If their duties as a joint committee are executive, then there has been no invasion of our constitutional rights by the court, and our rights have not been infringed upon. Now, Mr. Speaker, coming back to the proposition I was trying to state when interrupted, I desire to state this, that if there is any reasonable doubt upon the proposition, then we certainly ought to raise the question in the court. We have no more right to infringe upon the prerogatives of the judicial department than the judicial department has to infringe upon our prerogatives. In the Judiciary Committee of this House there are 14 members who believe that it is a question of the greatest doubt, and there are only 3 members who disagree with the 14. Certainly, then, we can not say that it is a clear question, a question plain and explicit, so clear that we have a right to defy the authority of the court.

This joint committee acts under statute law. The Constitution has given to the court the right to construe statutes. These men were acting, not under the directions of the House, not under any rules of the House, but they were acting under one of the statutes of the United States. The construction of that statute is a question for the court. If that be so, then the question as to whether these Members obeyed the laws of the land is a question to be determined by the court.

I am not here to say that the question of jurisdiction will not be finally settled in favor of this committee, but I am here to say that there is the gravest doubt upon this proposition on the part of 14 members of the Committee on the Judiciary. It is not long since, Mr. Speaker, that some people in the land refused to obey an order of the court upon this high plea. They said:

> Under the Constitution of the United States our individual rights have been infringed upon. Our rights as American citizens, protected by the Constitution, have been infringed upon, and we will not obey the orders of the court, because these orders infringe on our constitutional rights.

Shall we follow this example in a case so uncertain and doubtful as the present one? Shall we assume a position of defiance to the courts, or shall we say that we will submit to a coordinate branch of the Government this great judicial question?

Now, Mr. Speaker, I agree that the liberties of our people can not be maintained unless each one of these three great departments of the Government—the executive, the judicial, and the legislative—is jealous of its own authority; but I am also here to say that law must finally be interpreted by the courts, and we can safely intrust to the courts of this land, whether State or Federal, our rights as Members of Congress and our rights as individual citizens. The courts are the bulwark of safety for all the future of this land. Our lives, our liberties, our possessions, our reputations are safe in the hands of the American courts. [Applause.]

Mr. GRAHAM of Illinois. Will the gentleman submit to a question?

The SPEAKER pro tempore. Will the gentleman from Michigan [Mr. DIEKEMA] yield to the gentleman from Illinois?

Mr. DIEKEMA. I will be very glad to do so.

Mr. GRAHAM of Illinois. Is it not true that under the law, if the act is done already, a court will not issue a mandamus in that case?

Mr. DIEKEMA. That is the general rule relating to mandamus.

Mr. GRAHAM of Illinois. Now, then, the only exception under that rule is when there is fraud or bad faith in the committing of the act. Is not that also true?

Mr. DIEKEMA. That enters into the merits of the question.

Mr. GRAHAM of Illinois. Is there any charge of fraud in this petition?

Mr. DIEKEMA. There is not.

Mr. GRAHAM of Illinois. If there is, the Clerk did not read it. Then, is not the whole question as it now comes before us a purely academic one?

Mr. DIEKEMA. It is not.

Mr. GRAHAM of Illinois. Why not?

Mr. DIEKEMA. The question which the gentleman from Illinois raises, Mr. Speaker, is simply one of defense in the

courts. Now, the question before us is whether we will get into court at all and defend, yes or no.

Mr. GRAHAM of Illinois. But if the court issues process against Members of this body in some matter that was clearly academic, would that Member be required to appear in court, and would this body permit him to appear in court?

Mr. DIEKEMA. Certainly not.

Mr. GRAHAM of Illinois. And if this case be one like that, will the Member be allowed to appear? Let me restate the questions I asked you, so that they may appear concretely. The law unquestionably is that the court will not issue a writ of mandamus to order the doing of a thing which is already done. But this thing is already done. It is also the law that if in the doing of it fraud entered, the court holds it was not done at all; but in this case there is no charge of fraud. Therefore there is nothing now before the district court in the way of a subject for mandamus. The thing has been done. They came into court and asked the court to order the doing of a thing which is done. The court will not entertain such a proposition. Now——

Mr. DIEKEMA. I will yield to a question, but not to a speech.

Mr. MOON of Pennsylvania. I would like, if the gentleman from Illinois [Mr. GRAHAM] would yield to a question from me——

Mr. DIEKEMA. I have the floor now, Mr. Speaker.

Mr. MOON of Pennsylvania. In response to that very query that you have propounded to the gentleman from Michigan [Mr. DIEKEMA] I would like to propound one to you. The Constitution says that no man shall be held responsible before the courts for words uttered upon the floor of this House in debate. If the court in a suit issued a writ against the honorable gentleman from Illinois or a suit was brought against him for slander or libel now, it is perfectly apparent that the gentleman is exempt from liability, but he will not come to Congress and ask whether he ought to plead; he would enter court and plead his privilege, and that is exactly what the resolution of the majority here asks us to do. I have no doubt that upon the facts of this case the court upon hearing will dismiss the case. There is no doubt the moment those people are in court they are out of court; but surely your proposition that the court can not enforce the remedy is not proper; that mandamus is not the proper remedy. To withdraw a contract already awarded does not release the defendants from making this defense in court. That is the exact question there, and your question goes to the power of the court, not to its jurisdiction.

Mr. CLAYTON. Mr. Speaker, instead of interrupting the gentleman from Pennsylvania, who has just taken his seat, I concluded to begin my remarks by noticing his assertions. The gentleman fails to distinguish between the personal rights of an individual Member and his rights as a Representative. He fails to distinguish between the rights of individual men and the constitutional rights and prerogatives of the House of Representatives. This is not a question of personal or individual rights of men.

Mr. MOON of Pennsylvania. Will the gentleman from Alabama pardon me for interrupting him?

Mr. CLAYTON. If I have misstated your case——

Mr. MOON of Pennsylvania. You have unquestionably misstated the intention of my remarks. I did not attempt to draw any analogy between the rights of the individual and those of the committee.

Mr. CLAYTON. Then for what purpose was your illustration, if it was not an act analogous?

Mr. MOON of Pennsylvania. I simply say that, notwithstanding the fact that either the committee or the individual might be exempt from prosecution, they were not exempt from going into court and pleading privilege.

Mr. CLAYTON. Ah, the gentleman steps aside from the consideration of the question now before the House and tries a supposititious one, one that is not at all analogous to the one under consideration by this House; and that is what I intended to call the attention of the House to.

Mr. Speaker, I could answer the remarkable speech made by the gentleman from Michigan [Mr. DIEKEMA] a few minutes ago. I could answer it and give to this House a tone to my utterance that would smack, as his did, of a stump speech against a labor organization; but, sir, I think the dignity of this House rises above reference to court cases where, perhaps, misguided men have been advised to pursue a possibly mistaken remedy to obtain legal redress. Mr. Speaker, where he indulges in what is pronounced by the books on logic as "begging the question," I might follow that obnoxious example and beg the question here. I might do better than he has done and refer to the decision in another body on this precise question as having been well-nigh unanimous in favor of the proposition that I present to the House and contrary to his own, diametrically opposed to the views of that gentleman, the gentleman from Michigan. If he is to parade before this House one case in the courts and hold it up to us to deter us from deciding this question, for fear that we might follow the example of other gentlemen whom he thinks mere agitators, let me hold up to him and commend to the House the better illustration or case that comes of a body charged with the duty of deciding this precise question, and which upon a fair consideration has decided this question in favor of my contention.

The gentleman further begs the question by the pitiful plea of telling this House of Representatives that 14 members of the Committee on the Judiciary concur in the opinion which he has advanced. Ah, Mr. Speaker, if this were on the field, where physical force decides the contest, numbers would count, but in this intellectual forum the brutality of numbers is not the determining factor. The avoirdupois of your 14 committeemen is not the question. Often minorities are correct. Often majorities are wrong. Why, Mr. Speaker, it is but recent history that the Committee on the Judiciary resolved unanimously to change the day of inauguration, and we brought that question before this House and got so badly walloped that the committee sought the first opportunity to withdraw it from the House and take it back and bury it in the committee. [Laughter.]

Mr. Speaker, the question before the House is one involving the rights and privileges of this House. The gentleman says, eloquently, that this House ought to stand for the law. It is upon that fundamental principle that I shall base my remarks in advocating the adoption of the substitute which I have offered—the law, the supreme law of the land, the organic law of the Union. That law the Constitution itself provides:

> All legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives. (Const., Art. I, sec. 1.)

And the Constitution further provides that—

> They (Senators and Representatives) shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, etc. (Const., Art. I, sec. 6.)

And, again, the Constitution says:

> • • • No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. (Const., Art. I, sec. 6.)

It is for the observation of that law, it is for the preservation of the rights of this House and the representatives in Congress of the people under that law, that I now contend.

It is for the separation and independence forever of the legislative from the judicial that I oppose the opinion of the majority of the committee. There must be no trespassing upon the rights of the lawmaking power by the judicial power. These powers are well defined and distinct. This House will not attempt to usurp what belongs to the judiciary. The judiciary must not attempt to obtain what belongs to the Congress or to abridge the full and free exercise of the powers delegated to the Congress.

The matter here presented involves the consideration of several questions. It involves the question as to preserving the rights of this House. It involves the question of preserving the rights of Representatives in this House. The report made by the majority of the committee asserts in substance that even from the view point of the majority this is a close question. That majority carefully refrains from expressing any view on the possible grave consequences of the conflict of two departments of the Government should the judge of a court disregard the limitations imposed upon the judicial department, but the majority do seek to commit this House to the view that a Representative here should be haled into court and made to respond in an action at law in a matter inseparably connected with the discharge of his duties as a Representative in this body, and that, too, while the Congress is in session.

According to the report of the majority this is a doubtful question; that is to say, they have doubt about the correctness of their view of the constitutional question and seem to defend their report upon the ground that it is nice, in consideration of this grave question, to be excessively deferential to a judge who has nothing to do with the transaction of the business of the Congress. The 14 members of that committee said it was doubtful, and that weighty majority of 14 have resolved all doubts under the Constitution, under the rules of the House, under the prerogatives belonging to the House and Members here; have

resolved all these doubts in favor of the court. If I had any doubt on this question, I take it the safer rule for this House would be to resolve that doubt in favor of the House and in favor of the protection of the Members and the preservation of a quorum here.

Mr. Speaker, our Government has lived over one hundred years, and I believe, under the blessing of God, it will live and hand down human liberty for centuries to come. [Applause.] This is the first time in the long history of our Government, with men as selfish in the past as they are to-day, seeking government contracts in the past as they seek them to-day; with judges in the past trying to broaden their jurisdiction as they are to-day; but this is the first time in the history of the Government when an action has been instituted at law against a Member of the House or the Senate on account of his official action while and as a Member of the House or Senate.

Talk about the growth of the Constitution without amendment! We all deplore that. Talk about the growth of the law without statutory enactment! Talk about your judicial amendments! Talk about your judicial enactments! In my humble opinion, if we depart here to-day from the long course of conduct of the House of Representatives and authorize such action as is proposed here to-day, we will have in some sort a pretended amendment of the Constitution by action of the House of Representatives that will rise up as a precedent to plague this House in the future conduct of the public business. [Applause.]

Now, I am going to assume, because I know it to be a fact, that every Member in this House, whether lawyer or layman, knows of the division of the Government into three coordinate departments. You know the wisdom of it. The history of the Constitution, the history of all attempts at the creation of a republican form of government, demonstrates the reason. Before Montesquieu wrote men had considered the division of government into three coordinate departments and the preservation of the rights and independence of each of these departments. The line of cleavage between the powers of one department and the others has been the very safety of the people and has been the means of the perpetuity of our free institutions. [Applause.]

Mr. HENRY of Texas. Will the gentleman yield for a suggestion?

Mr. CLAYTON. Certainly.

Mr. HENRY of Texas. I want to call attention to the fact that when the Speaker appointed the regular committees of the House he also appointed a Committee on Printing, composed of ALLEN F. COOPER, GEORGE C. STUBGISS, and DAVID E. FINLEY.

Now, is it not a fact that that regular committee as appointed by the Speaker are members of the Joint Committee on Printing, but that they are nevertheless members of the Committee on Printing of the House, appointed by the Speaker when all of the other committees are appointed?

Mr. CLAYTON. And could not have served on this joint committee if two facts had not concurred; first, a membership in this House, second, an appointment by the Speaker.

Mr. HENRY of Texas. I just want to call the gentleman's attention to that fact.

Mr. CLAYTON. Those two facts concur, and the gentleman from Georgia [Mr. BRANTLEY] in the ingenious and able speech which he made, laid stress upon the statute, but he ignored what the House of Representatives had done. He ignored the fact that the people had elected those three Representatives to this Congress, and that they had taken an oath of office. He ignored the fact that by authority of this House they were put upon this committee. It is but half a statement to say that they were made eligible to appointment on that committee. If so, then it falls back still upon the proposition that under the rules and by authority of the House, they were put upon that joint committee, and it is a matter of law and fact that with the expiration of this Congress the three Representatives who are on that committee will cease to be members of that committee.

Furthermore, it is in the power of this House to remove them at any time. So at last, in any view, these three men are of the body of this House and in this official capacity a committee of the House, provided and controlled by this House. The House can remove them and put in others. Then, how can it be said that they are the mere creatures of a statute?

Now, Mr. Speaker, I repeat, the independence of the House as such is involved. Shall we permit that independence to be invaded? Shall we permit these powers to fully exercise that independence in order to discharge the full functions of legislation to be taken away by judicial process? Shall we permit those powers to be abridged by a court? Whenever the House permits a court, or recognizes the right of a court, to hale before it members of a committee of this body and question the official action had under the direction of the House, then is surrendered to the court the authority to examine a multitude of questions and matters that would hamper or defeat the proper discharge of the duties of the House and the Representatives.

Now, that is taking the view of it, so far as the House is concerned, that the independence and dignity of this House is involved. You can not get away from it. For the convenience of the business of this House the House and the Senate passed this act, which is invoked to justify the conduct of the judge, not creating the House committee, not creating the Senate committee, but in recognition of the committee, for the purpose of enabling the House and the Senate to more conveniently discharge its public duty. Whenever the House selects an agency to perform some duty incidental to the legislative duty, no court can thwart the will of the House upon the pretense that such agency performed executive functions, and are therefore amenable to its jurisdiction.

Again, the right of the individual Representative to discharge his official duties is involved. Here it is proposed in the report to surrender to the scrutiny of the court the work of your committee, for your convenience, the printing of your RECORD, the printing of your documents, the execution of your legislative will in the matter of detail, just as necessary as it is to have a clerk to keep the Journal. That is the first thing you are asked to do.

Then the next thing you are asked to do is to surrender three Members of this House now in session, protected by the Constitution, to the jurisdiction of the court, not in a strictly civil action, but in a proceeding that may be said to partake of a quasi criminal nature; an action that does not seek to recover damages, an action that does not seek to recover property, but an action at the bottom of which is the power to imprison for failure to obey the alternative writ of mandamus. You can not get away from the proposition that we are asked to authorize these Representatives, a part of this House, to go to court, subject themselves to its process, and when they are there that court can enforce its judgment by a term of imprisonment. Now, the gentleman from Georgia is very ingenious when he says that we must not assume that the court would order these gentlemen to jail and we will reserve what we will do until the court has taken the three Representatives surrendered by us to its jurisdiction. You have all heard the old rag-time song sung by a coon behind the bars, "I rather be outside than to be inside."

I do not think that we ought to humiliate these gentlemen in subjecting them, if you please, to the possibility in an unwarranted proceeding which it is argued will come to naught. The report shows that the contract has been awarded. Well, if so the writ of mandamus will not lie, for there is no allegation of fraudulent conduct, and, therefore, mandamus can not be invoked to undo what has been done and done according to an admitted discretion. But we ought not to assume that the judge who acted in this case will stop short of an order commanding your committee to undo what has been done. Rather, we may be permitted to assume that the court will order what this petitioner wants done. Is that petitioner bringing that suit for fun? Do you expect him to go down to the court and say, "Why, the mandamus will not lie, let it be dismissed?" He is not prosecuting this case for fun.

I am reminded here of the man who had imbibed too much at some banquet, and who later was hanging on to the lamppost heaving up well-nigh his immortal soul at every heave. Some one came along and said, "My good friend, are you sick?" He said, "Yes; you ——— fool, do you suppose I am doing this for fun?" [Laughter.] Do you suppose, Mr. Speaker, that this man brought this suit for fun? Do you suppose this court issued this rule for fun? What is at the bottom of it? If the plaintiff does not intend to insist that the court nullify the action of the committee, it is a mere waste of breath. It is worse than sounding brass and tinkling cymbals to talk about it. What is the case? These gentlemen, if they should be ordered there, will be directed to make an answer and to defend that answer. If that answer, if that defense, does not suit the court, if a mandamus will lie, as the judge seems to hold it will, and he doubtless will still hold, what will be the result of enforcing its judgment? It will be to take three Members of this House by your direction and by your sanction, by your surrender to the jurisdiction of the court, and to let their services be taken away from this body, and they may be confined in some prison. If that is not the intention, if that lies not at the foundation of this suit, then what is the suit for?

Now, the question is twofold, as I said, the independence and dignity of the House, the rights of the individual, and the rights of this body to keep a quorum. I lay down this proposition, that this House ought never to do anything that would effectuate or anything that would seem to effectuate any plan whereby this House can be deprived by a court of a quorum. Yet, if we sanction this, the right to hale our Members down there in a mandamus proceeding, with the power of imprisonment at the back of it, if that is insisted upon and acquiesced in by us, you can readily see that logically it might result in the breaking of a quorum by the action of a court. Now, it is too absurd to contend that we ought to do anything that might lead to such a result. One of our greatest Presidents refused to attend a court in response to a subpœna duces tecum upon the ground that it would set a dangerous precedent, and that a number of judges, by concerted action, could keep him indefinitely away from the discharge of his executive duties at Washington.

Mr. ROTHERMEL. Will the gentleman permit a question?

Mr. CLAYTON. Certainly.

Mr. ROTHERMEL. When was this contract awarded?

Mr. CLAYTON. On the 21st of January, my colleague on the committee, the gentleman from New Jersey [Mr. PARKER] tells me.

Mr. ROTHERMEL. I believe the majority report is to the effect that the Members should obtain leave of this House to raise the question in the court. Is that a fact?

Mr. CLAYTON. That is the majority report of the committee, yes; in a case where the action is already had, and out of an extreme desire to respect the court, who does not seem to have had any respect for the law and not much for the dignity and independence of this House, when he improvidently issued this notice.

Mr. ROTHERMEL. Will the gentleman answer this question? How would a Member obtain leave of this House, provided he would be sued, while we are not in session, and after adjournment?

Mr. CLAYTON. Well, I do not think that is the question here, and as I said I do not want to try any case that has not come before us. The Members are here present, and Congress is in session. Of course if Congress were not in session there would be nobody to instruct the three Representatives who are here involved.

Mr. COOPER of Pennsylvania. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. COOPER of Pennsylvania. Just for the purpose of giving the information, as suggested by the question of the gentleman from Pennsylvania [Mr. ROTHERMEL], these proposals were opened on the 21st day of January. The awards were made on the 28th day of January, and this writ was issued on the 2d day of February.

Mr. CLAYTON. After the award had been made. Then, so far as the legal status was concerned, it was like a last year's bird's nest, and the eggs and birds all out. There was nothing in it.

Mr. FULLER. Mr. Speaker, I have listened carefully to the gentleman's argument, and I admit the force of it; but ought not the argument to be made in court instead of here? Is not that the proper place to present the question? Ought not we, the lawmakers of this country, to show our respect for the courts by submitting the question, first, for judicial decision, and then if the courts impinge upon the prerogatives of this branch of the Government, would it not be time then for us to take action?

Mr. CLAYTON. Mr. Speaker, I thought the gentleman was going to ask me a question. More at length, if not in more eloquent terms, has the gentleman from Georgia [Mr. BRANTLEY] made that same statement; more at length, if not in more eloquent terms, has my distinguished friend from Michigan [Mr. DIEKEMA] said the same thing. I was endeavoring to answer them, and the gentleman's query, injected into the belly of my speech, served no purpose except a "damnable iteration," if I may quote, of what had been said before. [Laughter.] But in answer to the gentleman from Illinois [Mr. FULLER], I will say that I do not think the course suggested by him is the proper one, as I have endeavored to show and will further endeavor to show.

Now, Mr. Speaker, I want to invite the attention of the House to a further consideration of this question. If this House decides that these Members are amenable to this process, then we decide that they are members of a commission with executive powers amounting to making them officers; we decide that they are officers within the meaning of the Constitution. Now, if they are officers within the meaning of the Constitution, holding office incompatible with that of Representatives, holding it in violation of the Constitution, whatever they may have been doing as members of the joint committee may be void or voidable in law. This committee has been acting for some years, long before the act recognizing the joint committee was passed. It is a committee of this House—for this House can not appoint a commission vested with authority other than to aid in the exercise of legislative power or powers necessarily incidental to the full exercise of the legislative power. Whenever the Congress invades the executive branch of the Government to appoint officers to execute duties apart from the legislative duty of Congress, the Constitution is violated, and a Member of Congress who would attempt to execute any civil office outside of his position as a Member of Congress would be guilty of exercising an incompatible office and would forfeit his membership in the Congress.

The joint committee acts as a committee or as executive officers. Whenever an executive office is created it must be filled by executive authority and not by the legislative authority. It is submitted that the correct view is that the joint committee is a legislative committee, and exercises power inseparable and necessarily incidental to the proper discharge of the legislative functions of the Congress. Let me repeat, that whenever Congress appoints persons to civil office the executive department of the Government is invaded by the legislative, and this would offend against the Constitution. It can not be denied that this joint committee holds place by virtue of the fact that the members are elected to the Congress and are afterwards appointed, under the rules of the respective Houses, to the Committee on Printing. This committee performs purely administrative functions. While legislative functions can not be delegated, administrative functions can. The joint committee is simply an agency appointed by the respective Houses for their legislative convenience, to do what the Houses might do directly by concurrent resolution.

Mr. COOPER of Wisconsin. Will the gentleman from Alabama yield for a question?

Mr. CLAYTON. With pleasure.

Mr. COOPER of Wisconsin. As I understand it—I did not hear the reports read, and I do not know exactly the nature of this action or what is sought to be done here—but as I understand it an order has been issued by a court in this city directing this joint committee to rescind a contract and award it to somebody. Is that it?

Mr. CLAYTON. That is the object of it, of course.

Mr. COOPER of Wisconsin. Now, suppose upon the hearing this committee should refuse to obey the finding of the court that there must be a rescinding of this contract and order it to make another award. Then what would the court do to the committee?

Mr. CLAYTON. I assume it would attempt to enforce its orders even to the extent of imprisoning these Representatives.

Mr. COOPER of Wisconsin. That is, an imprisonment for contempt——

Mr. CLAYTON. Certainly.

Mr. COOPER of Wisconsin. The Constitution says that no Representative or Senator, except in case of treason, felony, or breach of the peace, shall be arrested.

Mr. CLAYTON. Yes.

Mr. COOPER of Wisconsin. But he would be arrested in the discretion of this judge and imprisoned, would he not?

Mr. CLAYTON. Undoubtedly, or else there is no way of making the writ of mandamus effective.

Mr. COOPER of Wisconsin. Now, one more question. I am sent here under the Constitution to represent approximately 200,000 people as a legislator——

Mr. CLAYTON. That is right.

Mr. COOPER of Wisconsin (continuing). To make laws. Accurately speaking, they send me here for no other purpose, and my functions are purely legislative. Ought I to jeopardize the rights of my constituents as a legislator by surrendering to a judge in this city the right, possibly, to imprison me for contempt in a case not mentioned in the Constitution?

Mr. CLAYTON. I think the gentleman owes it to his people not to do that thing.

Mr. COOPER of Wisconsin. That is exactly the point and——

Mr. CLAYTON. And I think this House owes it not only to its own dignity, but to the constituencies back of you gentlemen here present, to take no chance of setting any precedent that might deprive this House of the presence of the Members of the Congress, either now or hereafter.

Mr. JAMES. Will the gentleman permit me one question?

Mr. CLAYTON. Most assuredly.

Mr. JAMES. When Congress is not in session, who performs the duty of opening these bids and awarding them?

Mr. CLAYTON. The Secretary of the Interior is authorized to do that.

Mr. JAMES. Now, does not that go to show the duty devolving upon this committee is purely legislative, because when the session ends its duty ends?

Mr. CLAYTON. Why, undoubtedly so. The whole scheme contemplates that this joint committee is created by the two Houses for the purpose of carrying on the business of Congress and if it has gone beyond the business of Congress or what is necessarily incidental to the business of Congress its action is in its nature ultra vires and therefore futile.

Mr. BRANTLEY. Did I understand you to say that if the Secretary of the Interior performed the duty of this joint committee, the Secretary of the Interior was legislative?

Mr. CLAYTON. No, sir. I said he performed a part of the duty that belonged to this legislative committee.

Mr. BRANTLEY. Do you think the Secretary of the Interior can perform any legislative duty?

Mr. CLAYTON. No; I do not. This committee, if it performed the duties of a legislative committee or duties incidental to the full and convenient exercise of the legislative duties of Congress and merely incidental to the proper discharge of legislative duties, then the committee can not be said to have acted in the capacity of civil officers within the meaning of the Constitution. In this way, the committee's discretion in awarding a contract can be sustained. If the committee was acting not as a legislative committee, acting without the sanction of the House, then whatever it may have done was futile.

Mr. BRANTLEY. Does the gentleman believe that Congress has the power to delegate legislative power to any committee or any person?

Mr. CLAYTON. That is not the question. It is no more a legislative duty than the other committees of the House perform every day. It is no more delegation than that. It is incidental to the proper discharge of the business of this House, just like other committees perform.

Mr. BRANTLEY. Can the committees of this House do anything more than to report to the House?

Mr. CLAYTON. Oh, yes; they can execute the will of the House in a number of minor particulars.

Mr. BRANTLEY. Is not the joint committee charged with the duty of awarding contracts?

Mr. CLAYTON. The gentleman is getting away. Let us pursue this inquiry a little further. This very House at this very session appointed under the law certain members of an investigating committee, enjoining upon them duties, just as similar duties are enjoined upon other committees; and I say that their action in the Ballinger and Pinchot matter is not subject to court review or court revision or to be interrupted or impeded by the action of the court. Now, the gentleman may not agree to that.

Mr. BRANTLEY. I will ask the gentleman if he understands that the Ballinger-Pinchot committee is to do anything more than to investigate and ascertain certain facts and report them to the Congress?

Mr. CLAYTON. When is this Committee on Printing to do but one main thing as its primary object? Its primary object is to provide paper, stationery, and printing for this House and for the Senate, and the other duties enjoined upon it are inseparable incidents to that main duty, and I do not think because an inseparable incident goes with a primary proposition that it invalidates the primary proposition.

Now, Mr. Speaker, I wanted to refer the House to a number of decisions that have drawn that distinction. It has been uniformly held in a number of cases, in a number of commissions or committees composed of Members of the House and Senate, and it has been adjudicated in a number of cases in the courts, which are analogous, that whenever the duty of a committee—the main duty of that committee—is to carry out the proper legislation incidental to the office of legislating, then the fact that some incident arises in it does not deprive the legislative body of having the services of that agency.

I am just going to cite you to one or two. It can not be contended that every position held by a Member of Congress is an office within the meaning of the Constitution. A definition of the word "office" might be profitable. The chairman of a committee in Congress is in one sense an officer holding a position different from other members of the committee. Marks of honor and distinction are given to Members of Congress in every way, but all incident to or growing out of their position as a Member of Congress. It is a mark of distinction to be elected as members of escorts to those particular Members who die; designations are made of committees to notify the President and Senate of certain matters. The mind will run over lists of many positions of trust and honor that are conferred upon Members of Congress where no pretense will be made that the offices are within the meaning of the Constitution.

In The United States *v.* Cardwell (6 Wall., 393) it is laid down that an office—

> is a public station or employment conferred by the Federal Government, and there must be an express idea of tenure, duration, emoluments, and duties.

Here the tenure of the House members of the committee is coterminus with their membership in this body. The member of the committee takes no oath as a member of this committee; he takes his oath as a Member of this House. He receives no emoluments; he gets his pay as a Member of this House. So that there is nothing here to make him an officer.

Then you will find the case in Seventh Ohio State Reports, page 556.

A careful consideration of all the decisions above referred to will show that the positions were merely transitory, occasional, or incidental in their nature, and none of them possessed the element of duration, tenure, or emoluments. Inasmuch as the appointees were but instruments to procure detailed information for the better information and guidance of Congress, they are wholly lacking in the essential elements of an office within the meaning of the Constitution.

Now, Mr. Speaker, briefly, and I shall conclude. I am not going to assume that a judge who so improvidently issued this writ upon an inartificially drawn petition will not improvidently direct these men to do a thing that they can not now under the law undo. I am not going to assume that he will not put the penalty for violating his order upon them. The question rises higher and above that. As much respect as I have for the courts, I think that a judge on the bench ought to have some respect for a Senator and a Member of the House.

It would be well for us to follow the example of St. Paul, who said:

> I speak to you Gentiles, inasmuch as I am the apostle of the Gentiles, I magnify mine office.

I think that we are justified in exalting the high offices that we hold here. We hold here under our Constitution, the only body, the only men under the Federal Constitution that can hold a commission direct from the people. Senators hold through an intermediary, the Executive holds through the electoral college, and the judiciary through appointment. We come direct from the people with our commission, and I believe are entitled to be treated with as much respect as the gentleman from Georgia says we ought to treat the judiciary. I think, Mr. Speaker, that in this case the prerogatives and privileges of the House have been violated. We are not seeking here to limit the power of the judicial department of this Government; we are simply saying to a part of that judicial department, We have our legislative duties to perform, we have provided certain agencies and instrumentalities for the printing and the proper conduct of our business, for our convenience, as we see proper to do, and you have issued a mandamus in a case where an authorized committee, a joint committee of the House and the Senate, has already acted to the satisfaction of or without any complaint from the bodies whose creatures they are.

I trust, Mr. Speaker, the House will adopt the substitute that I have offered for the original resolution. I suppose that I may say, as a matter of history, that during Speaker Reed's incumbency he employed the language of a former Speaker, Mr. Grow, and said, in substance, that the proceedings of the other body may in some proper cases be referred to as history without violating any of the rules of this House. So I can say I am justified, I think, in telling this House that the Senate, after consideration of this identical resolution—the names of the men being changed, the body of which they are Members being changed—exactly the resolution, with those exceptions, I have offered as a substitute, the Senate has adopted, I am told, to-day.

Well, now, Mr. Speaker, this involves the business of this House and the business of the Senate. The gentleman from Georgia and the gentleman from Michigan would yield everything to the courts. I have respect for the Senate, which is trying to discharge a duty similar to ours. The Senate is in the same position as the House. No man can say that the Senate has no respect for the judiciary of this country. It is composed for the most part of men riper in experience and perhaps wiser than we are. Certainly many of them have the softening influence of age upon them, and age to most men brings conservatism.

I believe that conservative and great body, with some of the greatest lawyers in the world as its members, well-nigh unanimously agreed that this joint committee has done what was necessary, what was proper, and what was right in the discharge of their legislative duty in the printing of our records, documents, and the like. I believe that that decision of that

body is entitled to more respect than the action of one judge who issued this writ in this case.

Mr. BURNETT. If the report of the majority was adopted, would not the House find itself in this anomalous position: That some of the members of that joint committee are requested by the House to make answer and other members of the joint committee who are members of the Senate are instructed not to make answer, but to pay no attention to it?

Mr. CLAYTON. That is the effect. The Senate has adopted a resolution instructing its members to pay no attention to this writ or notice from the court.

Mr. SHERLEY. If I understood the gentleman, in answer to an inquiry of the gentleman from Wisconsin, he seems to have the idea that an answer by these gentlemen would make them amenable to contempt proceedings subsequently. Now, is it not true that their failure to answer makes them just as amenable? Are they not before the court now by virtue of the process?

Mr. CLAYTON. Yes; by reason of a wrongful process. If we must go up against the courts and the use of wrongful process we might as well go now, instead of postponing it to the future day indicated by the gentleman from Georgia. [Applause.]

Mr. SHERLEY. Suppose we do not have to go at all, by taking the course suggested by the majority of the committee?

Mr. CLAYTON. Then we are setting a dangerous precedent and authorizing the court to interfere with the work of the committees of this House. [Applause.]

Mr. SHERLEY. Which is setting the more dangerous precedent, simply to ignor the summons or to instruct the Members who are summoned to present to the court a proper answer and plead the fact that they are immune from this suit?

Mr. CLAYTON. I think it would set a dangerous precedent, and it would open a veritable Pandora's box, and every little two-by-four lawyer that had an imaginary grievance against a committee of this House would go to some little judge and get a writ against the Members of the great American Congress. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman from Alabama permit an interruption right there? I should like to say just a word. In view of what the gentleman from Kentucky has said as to which is the better policy for the House to pursue, with the permission of the gentleman from Alabama, I will read five lines in the Evening Times, which has just been handed to me by my colleague from Wisconsin [Mr. KOPP].

Senator ROOT, of New York, made a strong argument to the effect that the court had no jurisdiction. He urged that the Senate not only pass the resolution reported by the Judiciary Committee, but that it direct the appropriate officer of the Senate to communicate its action to the court.

Mr. CLAYTON. That gives the minority four Members, not quite equal in avoirdupois to the total weight of the majority, but still a respectable showing. [Laughter.]

Mr. HULL of Iowa. Would not all the respect that is necessary to be shown to the court be shown by adopting a resolution instructing the Clerk of the House to appear there?

Mr. CLAYTON. And communicate the resolution of the House? The House has done that in some cases, according to my recollection.

Mr. KEIFER. Oh, no.

Mr. CLAYTON. Not to respond in such a suit as this, because such a suit was never instituted before; but if you will consult Hinds's Precedents, volume 3, you will find that the House has adopted resolutions instructing Members not to appear in court in answer to a court process.

Now, Mr. Speaker, in the form of a clean-cut proposition, this House ought to assert its dignity and protect its Members and its committee in their work, the work that we want done every day, and to say to its committee not to appear in that court. That is the proposition that I advocate. My colleague [Mr. PARKER], who is always anxious to soothe that awful 14, says that he will vote for my proposition, but that if the House should be guilty—I hope it is not going to be guilty—of voting down the substitute, then he would vote to let them go down there and plead to the jurisdiction only. The proposition of the majority is for them to go down to the court and submit themselves in full to its jurisdiction by pleading to the jurisdiction, and by making such other or further answer as they see proper; in other words, to go and submit their persons wholly to the jurisdiction of the court.

Mr. Speaker, the members of the Joint Committee of Congress on Printing do not hold any civil office. They hold no places except as Members of the Congress. They perform no duties except in connection with their legislative functions.

Sir, it is trifling with the grave question under consideration to say that nothing is involved but the construction of a statute, and that the court ought to be allowed to construe it. The courts can construe any statute in a proper case. No man denies that. But the real question here is that the court can not be allowed to impede the discharge of legislative duties—can not control what is necessarily incidental to the exercise of legislative power—can not be permitted to try an alleged private grievance through the process of mandamus against Representatives who acted under the appointment of the House—can not be permitted to deprive the people and the Congress of the services of three Representatives upon the complaint of a pretended civil injury to a corporation. If Members of Congress performed the duties of executive officers their acts were futile and the courts are open in proper case to the complaint.

The argument that this whole matter should be submitted to the court for decision would lead to the conclusion that the judicial department of the Government is superior to the legislative department, and the submission of a question of the proper discharge of legislative functions to the courts would result in court control of the legislative department. And then, indeed, would it be possible for "miners and sappers" to accomplish the ruin of the Republic. The Senate of the United States, the House of Representatives of the United States, must not be deprived of freedom in making laws in pursuance of constitutional power. The Congress must not be submerged by the despotism of judicial authority exercised without constitutional warrant.

Sir, I think that the substitute offered for the majority report here should be adopted to maintain the majesty, the dignity, and the independence of the House of Representatives of the United States. [Applause.]

Mr. BRANTLEY. Mr. Speaker, in view of the lateness of the hour I would like to take the sentiment of the House as to some certain time for closing the debate. Personally, it is immaterial to me how long we go on. I have no disposition to cut off any gentlemen who desire to speak, but the House must realize that it must be closed to-day, because this rule is returnable at 10 o'clock to-morrow morning, and in order to bring the matter to some agreement I will ask if it will be agreeable to take a vote at 6 o'clock?

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House vote upon this matter at 6 o'clock.

Mr. KEIFER. Mr. Speaker, I do not want to object at this late hour, but I desire at least fifteen minutes to address the House. I do not think so important a question as this, which is liable to get us into great trouble, ought to be concluded without a proper discussion.

Mr. STERLING. Mr. Speaker, I do not think that will give time to discuss the question, and I hope the gentleman from Georgia will modify his request.

Mr. KEIFER. Allow me to suggest that we take a recess until 8 o'clock.

Mr. BRANTLEY. It might be better to fix an hour for a vote at 8 or 9 o'clock, and let the debate continue from now until then.

Mr. PAYNE. Mr. Speaker, I understand the gentleman from Illinois [Mr. STERLING] desires twenty minutes and the gentleman from Ohio desires fifteen minutes. I do not know whether there are any others who want to speak or not.

Mr. BRANTLEY. There are two or three gentlemen on this side that desire to speak.

Mr. CLARK of Missouri. Mr. Speaker, I suggest that the hour for voting on this matter be fixed at 9 o'clock, and let everybody speak who wishes to between now and then; and those who wish can go to supper, and those who do not can stay here.

Mr. BRANTLEY. I think, Mr. Speaker, there should be some agreement as to the division of time between now and 9 o'clock. Is the time to be controlled by the gentleman from New Jersey and myself; what was the suggestion by the gentleman from Missouri?

Mr. CLARK of Missouri. I did not make any suggestion as to the control of the time.

Mr. CLAYTON. Mr. Speaker, I ask that the gentleman from Georgia use fifteen minutes time, and at the end of that time we take a vote.

Mr. KEIFER. I do not think it is fair to submit this question to a vote without an opportunity for other gentlemen to express themselves.

Mr. BRANTLEY. Mr. Speaker, I wish to amend the request of the gentleman from Missouri by adding that the time be controlled by the gentleman from New Jersey and myself.

The SPEAKER. The gentleman from Georgia asks unanimous consent that debate close at 9 o'clock, that the House then vote upon the resolution and the amendments pending, and that the time be equally divided, one half to be controlled by

the gentleman from New Jersey [Mr. PARKER] and the other half by himself. Is there objection?

Mr. HENRY of Texas and others. I object.

Mr. CLARK of Missouri. Then I will make that motion, Mr. Speaker.

The SPEAKER. That motion would hardly be in order under the rule. The right way to close debate is by moving the previous question under the rule.

Mr. CLAYTON. Mr. Speaker, I move that all debate be closed in thirty minutes, one-half of that time to be given to the gentleman from Georgia.

The SPEAKER. Does the gentleman ask unanimous consent that all debate shall close in thirty minutes?

Mr. STERLING. I object.

The SPEAKER. The gentleman from Illinois objects, and the Chair will recognize the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, the resolution referred to the Judiciary Committee directed that committee to report as to what action, in its opinion, the House should take in regard to the matter of this suit, and to particularly instruct the members of the Committee on Printing what steps they should take concerning it. It considered that resolution, and a majority of the committee reported to the House the resolution offered by the gentleman from Georgia, to the effect that this committee is permitted to appear in court and plead to the jurisdiction, setting up, of course, in that plea the fact that they were Members of Congress, that they were members of the Joint Committee on Printing, and to take such other steps as they saw fit in the premises.

During all the consideration of the matter I have not been able to conceive where the independence or the prerogatives of Congress were involved in this question. Gentlemen here can talk about the dignity of Congress, and we can aver that the court, when it assumed to issue process in the regular way against Members who happened to be members of a joint committee, invading the prerogatives and assaulting the dignity of Congress, but that talk does not appeal to me and it will not appeal to the country.

I take it that the only dignity that we enjoy is the dignity that comes from the fact that we have had imposed upon us the duty of making legislation; and I submit that it is no assault upon that dignity, when the construction of a law which this Congress made is involved, to submit the construction of that law to the tribunals that are provided by the Constitution. These gentlemen have proceeded on the theory that this is a legislative committee, that its functions are similar to all the other committees in this House. It has been said that in all the history of this Joint Committee on Printing it has never yet performed a legislative function; that its sole purpose and the absolute extent of its duties are purely ministerial and executive. I submit it is not material what other duties they may have to perform.

The only question involved in this discussion is the duty it was performing in this transaction that constitutes the basis of this suit in court. They were acting under this statute. This law provides that all bids shall be accompanied by a bond and that that bond shall be accompanied by the certificate of a judge or clerk of a court of record, and that that committee shall consider no bids not accompanied by a bond and not accompanied by a certificate from a judge or a clerk of a court of record as to the solvency of the bonding company or the individual. The law further provides that this committee shall consider no bids that are not accompanied by this bond and this certificate from a judge or clerk of a court of record, and that upon consideration of the bids which comply with the terms of that statute they shall grant the contract to "the lowest and best bidder for the interests of the Government."

Now, is it possible to conceive that that committee in the performance of that duty prescribed by this statute is performing legislative duty? I say that it is clearly and plainly an executive or ministerial duty, but I say further that regardless of that fact, whether I be right or wrong, it is not our function and duty to construe the law, but it is the function and duty of the courts to determine whether it is legislative or executive and ministerial. Now, if the court finds that the function that the committee was performing at that time is legislative, it will not issue this writ. It will find that it has no jurisdiction. That is the law everywhere in this country. I undertake to say that you will not find a single instance where any federal or state court has undertaken to review legislative acts. If it is an executive act, they can review it. They have a right to review it, and it is the court's duty to review it. They have a right to construe this statute, and then to determine whether or not this committee was complying with it.

Here is a law that provides plans for letting contracts, and it is not, as the chairman of the Judiciary Committee said, purely a supervisory duty. They award the contracts; they determine the terms and conditions of the contracts; they make the contracts. The statute says the awards shall be awarded by them—this joint committee.

Mr. SHACKLEFORD. If this is purely an executive committee and performing purely executive functions, then why is Congress having anything to do with it at all on this occasion?

Mr. STERLING. The only reason at all, in my judgment, why this House should consider it is the reason involved in the closing sentence of the majority report of the Committee on the Judiciary, wherein it says that these gentlemen are given permission to absent themselves from the House to take care of this lawsuit. They have to have permission to do that under the rules of the House. They can not waive that privilege themselves. The House must necessarily act on that, and for that reason, and that alone, it ought to have been submitted to the House, as it was.

Mr. FITZGERALD. Is it the gentleman's opinion that the court has jurisdiction to determine whether certain duties devolved upon Members of Congress are legislative or ministerial?

Mr. STERLING. The courts have nothing whatever to do in determining whether or not we do our duty as legislators. They would have no jurisdiction at all over any of the ordinary committees or any of the actions of the ordinary committees or any member of any of the committees in the performance of legislation.

Mr. FITZGERALD. The gentleman does not get my question. Is the gentleman of opinion that a court has any jurisdiction to determine whether certain duties devolved upon Members of Congress are legislative duties or duties apart from their representative capacity?

Mr. STERLING. Certainly it has.

Mr. FITZGERALD. Then, suppose there should be a conflict of opinion between the court and the House, which would prevail? Suppose the court were to determine, for instance, that certain duties were apart from the duties devolved upon Members in their representative capacity, and proceeded to a point where it determined to issue process punishing Members in some way, and the House should determine that it would not permit the Member to be punished. In that situation, how would the gentleman reconcile the conflict that must inevitably result?

Mr. STERLING. No conflict would result. If a committee is acting under a rule of this House, the courts would not undertake to review its acts. The courts would not construe a rule of the House.

They have no jurisdiction to construe the rules of this body. If that committee is acting under the law no other tribunal of this land has any right to construe the law but the courts. Now, this committee is acting under this statute. The statute provides a method of letting these contracts. Persons come here and submit their bids under the proposals made by this committee. They submit their bids according to the terms of this statute, and it is the duty of the committee to pursue the statute. Suppose the committee disregards the statute entirely and grants that bid to the highest bidder instead of the lowest? Has not that party any redress? Where is his redress? Would anyone here say that this statute should operate only on one of the parties, operate upon the bidder and not operate upon the committee or upon Congress or the Government? Why, such a proposition would be intolerable, and no one here would undertake to take that position.

I submit to you gentlemen, I submit to you now, where would the man's redress be if this committee ignored the law and granted these bids regardless of the terms of the statute under which they were acting? I submit to these three gentlemen, who claim to possess all the intellectual wealth of the Judiciary Committee, where would his redress be? Would he have none? The law is provided for him as well as us; the law provided for the individual who makes a bid as well as for the Government, and has he no redress? Would you say he would appeal to Congress? Then he appeals to Congress. What would we do? Just determine that the committee had the right to do what they pleased, or would we say it was the duty of the committee to obey the statute? That is what we would say if we were honest with our conscience, if we wanted to be fair to the citizen making the bid. We would look at the statute; we would find out the facts and determine whether or not the committee had obeyed the law, and if we do that we are taking upon ourselves the power to construe the law. We would arrogate to ourselves the powers of the courts—a coordinate branch of the Government.

Mr. MARTIN of South Dakota. If I understand the gentleman's position he seems to take the position that the court has jurisdiction in this case to mandamus this committee. Is that right?

Mr. STERLING. That is not the question that we are concerned with, but I will say to the gentleman that so far as I have examined the facts I have not any doubt in my mind but what they have the power to mandamus this committee.

Mr. MARTIN of South Dakota. Then it would follow logically, of course, they would have the power to enforce their decrees.

Mr. STERLING. Certainly.

Mr. MARTIN of South Dakota. And this House might find Members of the House who happened to be incidentally members of that committee absolutely arrested in face of the statute which says that Members could not be arrested.

Mr. STERLING. They would not be arrested. Let them obey the mandates of the court; let them go and do what the court directs them and not assume to themselves prerogatives that they have not got. There is no man in this House whose dignity, whose position, makes him not amenable to the laws, the same as other citizens. He need not be arrested. He submits to the same tribunals that every other citizen submits to. He ought to willingly submit to the mandates of the courts provided by the Constitution.

Mr. MARTIN of South Dakota. Suppose the court attempts to mandamus any other committee of this House from doing a certain thing; in other words, would you concede that during the session of the House Members of the House, who might be members of a committee appointed by the Speaker, may be called into the jurisdiction of the court and punished by arrest and imprisonment if they do not obey the orders of the court?

Mr. STERLING. Replying, Mr. Speaker, to the question of the gentleman, I do not think the court could arrest and imprison a Member of the House while Congress is in session. I think after Congress has adjourned they could enforce a mandate against that Member and imprison him.

Mr. BURKE of Pennsylvania. Will the gentleman allow me a question?

Mr. STERLING. Yes.

Mr. BURKE of Pennsylvania. Let us assume that one of the Election Committees of this House——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. STERLING. I yield.

The SPEAKER. The Chair will try to enforce the rule during the remainder of this debate that when gentlemen desire to interrupt they must first address the Speaker as the rule provides.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Mr. Speaker, I yield.

Mr. BURKE of Pennsylvania. Let us assume that one of the Committees on Elections of this House was holding its sessions during a recess, investigating conditions attaching to an alleged false return pertaining to an election of a Member of the House. Suppose while that committee was performing those functions it ran counter to the wishes of one of the parties and he invoked the power of a local court to punish or to mandamus that committee to do or not to do a certain thing in connection with the very thing which this Congress had designated it to do, would you hold that the court would have power in that case to interfere with the functions of that committee?

Mr. STERLING. I will say this: The line of distinction is very clear. If that committee was performing an executive duty marked out by statute, it would be subject to review by the courts; that is, its actions would be subject to review by the courts. If it was performing a legislative duty, its actions would not be subject to review by the courts. I am not prepared to determine whether the act you speak of, and it is not necessary to determine it, would be a legislative act or whether it would be an executive act, being performed under the direction of the statute.

Mr. BURKE of Pennsylvania. But does the Government hold in this case, concerning which I ask for information purely, that the functions of the particular committee now under discussion is executive or legislative?

Mr. STERLING. In my judgment the act that it was engaged in; that is, the act involved in this suit, is purely executive; but I say it is not material here whether it was or not. It was for the court to construe this statute and determine whether or not the acts being performed by that committee were such as can be reviewed by it or not.

Mr. COOPER of Wisconsin and Mr. BURKE of Pennsylvania rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. STERLING. I will first yield to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. The gentleman, in admitting that the particular duty in this case——

Mr. STERLING. That is purely my individual opinion, you understand.

Mr. BURKE of Pennsylvania. Your opinion being in this particular instance that the duty was executive, do you admit at the same time that this particular committee has legislative functions to perform?

Mr. STERLING. I can not answer that, because I do not know what all its duties are. I will say this, that if a joint resolution regarding printing was presented in this House and the Senate and it was sent by the House and by the Senate to the Joint Committee on Printing, that in the consideration of that joint resolution the committee would be in the performance of a legislative duty. I do not know whether that ever occurred or not. I do not know whether it can occur, but I will say this: The gentleman from Texas [Mr. HENRY] raised the point by asking the gentleman from Alabama [Mr. CLAYTON] a question a while ago. He referred to the rule, and said this committee is created by the rule or this rule provides for a committee on printing. I should think that the gentleman from Georgia [Mr. BRANTLEY] disposed of that when he read the rule. This joint committee is created by this statute, and it so happens that the Speaker of this House and the President of the Senate appoint on this committee the same men they appoint on the Printing Committee of the House and the Printing Committee of the Senate.

They are three separate and distinct bodies, and there is no connection between them. The Speaker could, I dare say, appoint three other Members as the Committee on Printing different from the Joint Committee on Printing. I do not think there is anything in the rule, and I am sure there is nothing in the law, that requires him to appoint the three members of the Committee on Printing to the Joint Committee on Printing.

Mr. COOPER of Wisconsin. Can the gentleman give anything from the statute in relation to the opening of the bids? Are they required to award the contract to the lowest and best bidder?

Mr. STERLING. They must grant the award to the lowest and best bidder for the interest of the Government.

Mr. COOPER of Wisconsin. Exactly. Now, one moment. Will the gentleman permit a question right there that seems to me furnishes an opportunity to solve this whole problem without question: "The lowest and best bidder" does not necessarily mean the lowest bidder, does it?

Mr. STERLING. No, sir.

Mr. COOPER of Wisconsin. Now, then, this committee might say that John Smith, all things considered, was the lowest and best bidder, and be perfectly honest in the exercise of its discretion in so determining. But the court might say that John Brown, all things considered, was the lowest and best bidder, and he might mandamus this committee of the House and be perfectly honest about rescinding the contract and awarding it to John Brown.

Now, then, in answer to a question a moment ago by the gentleman from South Dakota [Mr. MARTIN], the gentleman from Illinois [Mr. STERLING] said there is no danger of arrest, because it is the duty of this committee to obey the mandate of the court. Would they be honest under their oaths to discharge their duty to the country? They say that John Smith is the lowest and best bidder; on the contrary, the court says that John Brown is the lowest and best bidder. They refuse to award the contract to John Brown. Are they to be tried for contempt?

Mr. STERLING. No. I just want to say to the gentleman that he raises a question not involved in this discussion at all. There is a discretionary power in this joint committee under the law, and the question as to whether it was abused is for the courts to determine. If the committee acted within the discretionary power granted by the statute, the court would not interfere with its acts. That is a matter of defense in court and has no place here at all.

Mr. MOON of Pennsylvania. But, Mr. Speaker, does not that go to the power of the court and not the jurisdiction of the court?

Mr. STERLING. Yes.

Mr. MOON of Pennsylvania. The only question before this House is as to the jurisdiction of the court.

Mr. STERLING. That is a question that will be tried on the merits of this case in court. It is the same as to the other question. The question of discretion is not the only question this committee can plead as a defense in this case. There is the other question, as to whether the committee complied with the law. I want to say now in defense of this committee that they have complied with the law absolutely and literally, and they have an absolute defense in this case on that point also. I say, however, those matters are not involved in the discussion here. They are questions for the court, and they are questions that can be raised under this report of the Judiciary Committee, which the majority brings in here. After they have pleaded to the jurisdiction of the court, these gentlemen representing the committee can take such other action as they may see fit.

Mr. COOPER of Wisconsin. Was there any allegation of fraud in this?

Mr. STERLING. Not at all.

Mr. COOPER of Wisconsin. Now, then, do I understand it to be the contention of the gentleman from Illinois that the conduct of the joint committee of Congress in the honest exercise of its discretion is to be submitted to the court for review?

Mr. STERLING. Who is to determine whether it is honest or not?

Mr. COOPER of Wisconsin. You say there is no allegation that it is dishonest?

Mr. STERLING. It may be absolutely honest, but every man should have a right to inquire into that, and who else ought to determine whether it is or not but a court?

Mr. MOON of Pennsylvania. Mr. Speaker, I think it would add to the clearness of the view if I should explain what are the facts. It is not a matter of allegation. The petitioners say that the joint committee have absolutely refused to consider the bid of this Valley Paper Company. That they have never attempted to exercise their discretion. The allegation is that they threw out the bid because they said it was not accompanied by a bond certified by a judge as to the sufficiency of the security. Therefore the question of discretion never entered into the count in the allegation in the petition filed in this case.

Mr. STERLING. Now, Mr. Speaker, coming back to the question I left a moment ago, when I was interrupted. The gentleman from Georgia quoted the Constitution to this House very well. He said that the—

Legislative power of this Government was vested in the Congress, consisting of a Senate and House of Representatives.

He might have read further—

That the judiciary power of the United States is vested in the Supreme Court and in such inferior courts as Congress sees fit to create.

These are the fundamental laws of the proposition. That is the language of the Constitution—that we shall make the laws, and the courts of this country shall construe the laws. This committee was acting under this law. A party here feels aggrieved. He says that the joint committee disregarded the law. That party construes it one way and the committee construes it another. Now, where is his redress? Who shall construe the law? Shall we invade the province of the courts and construe the laws? These gentlemen talk about the jealousy we should entertain for our rights and our privileges. But the court should be jealous of its independence and its freedom, and its coordinate powers, and all that. Should we be any more jealous of our powers and our rights than we should be jealous of the duties, the powers, and rights of the courts? If we take this action we are now called on to take, we will be invading the powers of the courts, instead of the courts invading the powers of Congress.

RECESS.

Mr. BRANTLEY. Mr. Speaker, I ask the gentleman to yield to me. Without taking the gentleman off the floor, Mr. Speaker, I desire to ask unanimous consent that the House take a recess until 8 o'clock.

Mr. STERLING. I yield for that purpose.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess until 8 o'clock. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 6 o'clock and 11 minutes p. m.) the House was declared in recess until 8 o'clock p. m.

EVENING SESSION.

PRIVILEGES OF THE HOUSE.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] has the floor.

Mr. STERLING. Mr. Speaker, I think we can get some idea of where these gentlemen on the other side of this proposition would lead us by referring to a few things stated by the gentleman from Alabama [Mr. CLAYTON]. Gentlemen will remember that during his speech he referred to the character of the acts which this committee were performing; and the gentleman from Kentucky [Mr. JAMES] asked him this question: Does this committee continue to perform these duties after the adjournment of Congress? The gentleman from Texas replied that they did not, that they were performed by the Secretary of the Interior. The gentleman from Kentucky then exclaimed in great confidence: "Does not the fact that these gentlemen cease to perform their duties when Congress adjourns prove that the acts are legislative and not executive?"

Now, I submit that it does not prove anything, but if it does prove anything it proves the contrary. The official character of the man does not determine the character of the act that he performs; and because this committee act while Congress is in session is no proof that what they do are legislative acts. If the Secretary of the Interior performs the same acts, would not that prove that those acts are executive? They are things done in the execution of a law. Does the Secretary of the Interior perform legislative acts? Or will you say that this committee, granting awards, inspecting bids, determining which is the lowest and best bid for the good of the Government, are legislating, and when the same function, the same duties, and the same acts are transferred from this committee to the Secretary of the Interior that they become executive?

Mr. JAMES. Will the gentleman yield for a question?

Mr. STERLING. Yes.

Mr. JAMES. Your contention is that the duty performed by the Members of Congress upon this committee is not a legislative duty. Is that it?

Mr. STERLING. I insist that the acts which are involved in this litigation are purely executive.

Mr. JAMES. Now, if what they do is not incident to and a part of the legislative duty of Members of Congress, why is it that the duties of the Member of Congress stop when the session ends, and do not go on until the end of his term?

Mr. WEBB. May I answer that question?

Mr. JAMES. Yes.

Mr. WEBB. If you will read the statute you will find that the duty of these Members does not end when Congress adjourns, but that that committee is a continuing committee, and the statute expressly gives the committee this power when Congress is not in session, to make contracts and to supervise the acts of the Public Printer.

Mr. JAMES. In reply to that I will say to the gentleman from North Carolina that the gentleman from Illinois just admitted that when Congress was not in session the Secretary of the Interior performed this duty in the absence of Members of Congress.

Mr. WEBB. The Secretary of the Interior may or this committee may. The statute expressly says so.

Mr. JAMES. I should like to ask you a question.

Mr. WEBB. Yes.

Mr. JAMES. Do you contend that it is an office that the Member of Congress is performing?

Mr. WEBB. I contend that it is a commission, and these committeemen are acting under the supreme law of the land.

Mr. JAMES. But the question is, Is it an office?

Mr. WEBB. That is a question for the court to determine.

Mr. STERLING. Let me answer. No; it is not an office. An officer takes an oath of office; these men do not.

Mr. JAMES. Then this is a part of his duty as a Member of Congress, is it not?

Mr. STERLING. No.

Mr. JAMES. Then if it is not an office and is not a part of his duty as a Member of Congress, what is it?

Mr. STERLING. I will say to the gentleman from Kentucky that I did not say that the Secretary of the Interior performed these duties. I said that the gentleman from Georgia answered the question to the effect that the Secretary of the Interior performed these duties. They are purely executive duties, performed by Members of this House on that committee. That is what they are. The gentleman asks me the question, and I reply that they are executive functions. The statute says what they shall do, and there is no pretense in the petition filed in court that they were doing anything else than considering these bids and granting awards. What is an executive duty? It is carrying out a law; it is the execution of a law; it is the performing of duties imposed by the law. It is an executive duty whether they were Members of Congress, whether they were private citizens, or whether some officer of the Government; it makes no difference. I repeat that the

official character of the man who performs the act can not possibly change the character of the act.

Now, another thing that the gentleman from Alabama [Mr. CLAYTON] referred to that I do not think was a very happy illustration. He referred to the joint commission that was appointed by Congress to investigate the Interior Department and the Forest Service, and he asked the question, Suppose this commission would perform acts in a way that some person interested in that investigation did not approve of? Now, that commission is engaged in an investigation that involves the most valuable possession that a man can have. It involves the character of high officials of this Government. It involves the official life of men in high places. This resolution, as I remember it, provides that this commission has the power, and it is the duty of the commission, to bring witnesses before it. Suppose a man whose character was at stake in this investigation would request that this commission subpœna witnesses that knew facts to his interest, and this commission should arbitrarily refuse, what is the man's redress? To come to Congress? I say no. He can go into a court of justice and mandamus the commission to perform its duties under the law, and nowhere else. But suppose he would come here, what would we do? Would we arbitrarily say that the commission could do as it pleased, and thus violate our oaths to enforce the law? And this joint resolution is law.

Mr. JAMES. Will the gentleman yield?

Mr. STERLING. I will yield to the gentleman from Kentucky.

Mr. JAMES. Do I understand the gentleman from Illinois to hold that under the resolution of this House creating the joint committee for investigating the Ballinger-Pinchot trouble the court can direct our committee who to summon?

Mr. KEIFER. It is not our committee.

Mr. STERLING. Is that all of the question?

Mr. JAMES. Yes.

Mr. STERLING. I say that a man that is refused his rights under that joint resolution, which is the law, could go into the court and mandamus the investigating committee to bring witnesses there.

Mr. JAMES. Now, then, if the court has the authority to mandamus us, to subpœna certain witnesses, has it not the authority to mandamus us to make a certain finding which it may find is warranted by the evidence?

Mr. STERLING. No.

Mr. JAMES. Have they not the power to supervise our findings, if they can tell us the kind of evidence to hear or the witnesses to subpœna?

Mr. STERLING. No; they have not, and it does not follow at all. The proposition is entirely untenable to say that because they are compelled by the court to do their duty under the law that the court has a right to indicate what findings the committee shall make.

Mr. JAMES. It is no more untenable than the gentleman's position.

Mr. SHACKLEFORD. Will the gentleman yield for a question?

Mr. STERLING. For a question; yes.

Mr. SHACKLEFORD. I want to ask the gentleman from Illinois to please develop what authority Congress has by resolution to direct the conduct of an executive officer.

Mr. STERLING. I think a resolution, amounting to a law, can prescribe the duties of an executive officer.

Mr. SHACKLEFORD. Would a resolution passed by this House alone amount to a law?

Mr. STERLING. No; it would not have the force of law. A joint resolution has the force of law.

Mr. SHACKLEFORD. Is not the position of the gentleman from Illinois that of seeking here to direct by resolution of this House the conduct of an executive officer?

Mr. STERLING. In regard to the commission I am speaking of, no. The House and Senate directed the committee in the joint resolution, and laid down its manner of proceeding, in the joint resolution. It is a law. Now, suppose that a party is aggrieved; that he thinks that this commission is violating the law. What is his redress? If he comes into this forum, if he appeals to the House, what will the House do? Will it ignore the law that it passed for the government of this commission? If it does, we will violate our oaths of office in order to maintain the dignity of the House. No; it will not do that. There is not a man on the floor that would say that we should ignore the man's appeal and say that the commission could do as it pleases.

If we were to do anything, we would probably refer him to the courts. If we did not do that, we would take up the joint resolution and construe it for ourselves, and say for ourselves whether or not the commission was performing its duty under the law; and if we did that, we would again violate our oaths of office, because we would take to ourselves duties that belonged to the courts. We would not be supporting the laws of the land.

Mr. JAMES. Will the gentleman yield for another question?

Mr. STERLING. Yes.

Mr. JAMES. If I understand the gentleman, he takes the position that one of these persons might go into court and compel us to subpœna certain witnesses——

Mr. STERLING. I say that if the resolution has that provision in it, and I understand that it has.

Mr. JAMES. Suppose he went into court and set up that we denied him the right of counsel to ask questions of witnesses, could he compel our committee, a committee created by Congress, to give him the right of counsel, as well as the right of certain witnesses to appear before us?

Mr. STERLING. If the law that directs the course of the gentleman's committee gives him that right, he could by mandamus compel that committee to do it or have them put in jail.

Mr. JAMES. Then the gentleman would give to the courts the right to direct how a committee of Congress may proceed?

Mr. STERLING. No; I would not give them the right. They have already got the right, if the committee is engaged in performing executive acts. They have got the right under the Constitution that provides that the judicial power of the United States shall be vested in the Supreme Court and such inferior courts as Congress creates.

Mr. JAMES. Is that in directing legislation or in interpreting legislation?

Mr. STERLING. The gentleman's committee, I undertake to say, is not engaged in legislative acts.

Mr. JAMES. Then the gentleman takes the position that the courts have the right not only to interpret the law, but to direct the making of laws.

Mr. STERLING. By that act the court would have nothing whatever to do with directing the making of laws. We have already made the law and the court would act under it.

Mr. HAMLIN. I would like to ask the gentleman a question. The contract avoided in this case or the failure to avoid the contract complained of was an action on the part of the joint committee?

Mr. STERLING. Yes.

Mr. HAMLIN. Does the gentleman know of any legislative functions possessed by the Joint Committee on Printing?

Mr. STERLING. I do not know of any. I do not say they do not perform legislative functions. I said a while ago that I presumed that a joint resolution before the House and the Senate relating to printing would go to this joint committee, but I do not know. If it did, and they would consider it, then I think they would be engaged in legislative acts.

Mr. HAMLIN. I would call the attention of the gentleman to a rule of the House which seems to indicate that the House at the time of the adoption of the rule did not consider that perhaps that committee had legislative functions. In referring to the Joint Committee on Printing it says:

> In addition to the executive duties—
>
> Recognizing they have executive duties—
>
> In addition to the executive duties of the joint committee, the House branch exercises legislative functions in the recommending of bills—
>
> And so forth.

Mr. STERLING. Does the rule say that?

Mr. HAMLIN. Yes.

Mr. STERLING. I am obliged to the gentleman for referring me to that, because we must certainly recognize in that rule that this committee may engage in executive duties. That ought to settle the question forever as to whether or not they can perform executive duties.

Mr. HAMLIN. The point I want to emphasize is that while I would like to agree with the gentleman from Alabama [Mr. CLAYTON]—that is my natural inclination—it seems to me that he is entirely wrong when he says the executive is incidental and the legislative function is the primary purpose of this committee. It seems to me that it is the reverse; that the executive is the primary function and the legislative is the incidental.

Mr. MARTIN of South Dakota. Mr. Speaker, I desire to ask the gentleman if his position is correct—that the duties of this joint committee are purely executive in character—then what basis or reason is there for this House taking any action?

Mr. STERLING. As I stated to another gentleman who asked a similar question, so far as I can see, it is only this: I do think it was the duty of this committee to come to this House and ask the House to give them the privilege of absenting themselves from the House to look after this matter.

Mr. MARTIN of South Dakota. Still that is not the resolution that the majority of this committee bring in, recommending action to the House. They go further and instruct them what to do in the way of defense in the proceeding. It seems to me, if the position of the gentleman is correct, that here are Members of the House who are not performing duties at all pertaining to their duties as Members, but are simply members of an executive board, entirely distinct from their House duties, the House logically has nothing to do with what defense they shall or shall not make in their executive capacity.

Mr. STERLING. Now, in reply to that, I will say this report that this committee made simply does the thing that the original resolution directed us to do. That original resolution asked us to report what action the House should take and to particularly instruct the committee as to the course they should pursue. Now, we have done nothing beyond that except we have said in the resolution they are excused from attending the sessions of the House for that purpose.

Mr. BRANTLEY. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. BRANTLEY. In regard to the question of the gentleman from South Dakota [Mr. MARTIN], I want to suggest that regardless of the interest of these Members of the House who are sued as to the outcome of the litigation, the House has an interest in them in their presence here to make a quorum and to transact the business of the House.

Mr. MARTIN of South Dakota. Well, I take it that the gentleman from Georgia will not insist that the purpose, the intent, and indeed the language of the resolution we are asked to adopt by the majority of the committee only looks to the matter of excusing those gentlemen from attendance upon the sessions of the House. It goes to the subject of their making defense as to the jurisdiction of the court over them, and further in such other manner as they may deem proper. Now it occurs to me if the position of the gentleman from Illinois is correct and these Members upon the joint committee are not performing legislative duties, but purely executive duties, it is a matter, if not of indifference, certainly not of the business of this House how they shall conduct their defense or whether they shall make any at all.

Mr. BRANTLEY. Except as the privileges of the House may be involved, and in order to save the question of privilege for whatever it may be worth, we propose to grant them this permission to absent themselves from the House.

Mr. MARTIN of South Dakota. I apprehend these members of the committee are not much disturbed about being excused from a few sessions of the House, and it is not the real gist of the subject we are considering.

Mr. STERLING. I will say to the gentleman in regard to that, the committee reported simply on the proposition that was submitted to it by the original resolution and nothing else, and we felt it was our duty to do that.

Now, I desire to say in conclusion, Mr. Speaker, that the gentleman from Alabama talked about the dire calamities that would overtake this House if we recognized this precedent. If we gave way this time to an order of court served on some of our Members we would pass into innocuous decay and lose forever our usefulness. The gentleman draws on his imagination a great deal. I think this is a very serious problem from one view of the case. It is a serious problem if we pass the resolution offered by way of substitute to the resolution brought in by the Committee on the Judiciary. I say it will be a very serious proposition if we take that position at this time. "Why," he says, "to go home to our constituents and say that we had not stood for the dignity and independence of the House!" Better have your constituents say that—I would rather my constituents say that of me than to have them say that I stood for a proposition invading the prerogatives of a coordinate branch of the Government.

Better say that of me than to say that I stood for the monstrous proposition that a citizen of our country could not go to a court for redress of a wrong committed by a Member of Congress. It is just as much our duty, while we are so jealously guarding our own prerogatives and our own rights, to protect the prerogatives and rights of the other branches of the Government. What need we fear? Have we not got the ultimate power? Will we assume, as the gentleman from Alabama [Mr. CLAYTON] intimated that we should assume, that this petitioner is in there not in good faith or that the court, simply in a spirit of arrogance, to show his superiority over this branch of the Government, issued this order? I will not assume that. I will assume that the petitioner is there in good faith and that he is demanding his rights which we gave him under this law, and I will assume that the court is acting in good faith, and that it is not intentionally trespassing upon the rights of Congress. It seems to me that is the better view to take.

We will not sustain our dignity, we will not add anything to it by undertaking to invade the province of another branch of the Government as I believe we would do in this substitute report. Throughout all the decisions, I think, the courts have always refused to review legislative acts. I know of not a single instance where the court assumed to pass upon legislative acts. This court will not do it. At least, let us give it credit for acting in good faith in the matter until it does transgress our rights, and then will be time enough for us to defend this dignity you talk about. Is it possible for courts to establish a line of precedents that would take away from us one iota of our power or our prerogatives? Do we not create them? As long as they act in good faith let us abide by them. If the time ever comes when we think a court willfully or arbitrarily assumes to review and direct the legislative acts of Congress, we will not be in jeopardy then. Can we not impeach the judge? We can abolish the court.

We have the ultimate power, and I appeal to you, gentlemen, let us exercise it in reason and common sense. Let us not stand on this false pride of the dignity and prerogatives of Congress. I fear from the tone of this debate that there is more spirit and disposition here to arrogate to ourselves powers that we do not have than there is in the courts of the land. I for one shall never deny to the humblest citizen his rights under the law on the pretext that it is to preserve the dignity and independence of Congress.

We made this law. Let us not be the first to violate it. We created this court. Let us not be the first to defy it. Let us maintain the real genuine dignity that goes with the office we hold by showing a proper respect for the laws which we made for the guidance of our fellow-citizens and for the courts we instituted to administer those laws. [Applause.]

Mr. STERLING. I yield twenty minutes to the gentleman from Ohio [Mr. KEIFER].

The SPEAKER. The time of the gentleman from Illinois [Mr. STERLING] seems to have expired.

Mr. STERLING. Did I understand the Chair to say that my time was exhausted?

The SPEAKER. Yes.

Mr. MOON of Pennsylvania. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania arises for recognition as a member of the committee, and is entitled to preference in recognition.

Mr. MOON of Pennsylvania. I will yield, at the request of the gentleman from Ohio [Mr. KEIFER], twenty minutes.

Mr. KEIFER. Thank you. Mr. Speaker, twenty minutes is not an adequate time to properly discuss as important a question as this. A little while ago I interrupted the distinguished gentleman from Michigan [Mr. DIEKEMA] to dissent from what he said everybody agreed to, and the gentleman responded by saying that I was "exceptionally an exception." I can not return the compliment he perhaps deserves by saying that he exceptionally is trying to be on the popular side all the time, and I certainly am not. I was objecting to the theory that everybody agreed that the House of Representatives had the right to determine whenever it pleases the jurisdiction of a court when a Member was involved. That was so supremely absurd to my mind that I could not allow it to go without dissenting. I am not alone in this, even if I am exceptional. There is not a decision of a state or national court on that subject that does not affirm expressly what I said, namely, that the House has nothing to do with determining the question of the jurisdiction of a court when a member of a committee of the House is involved.

Does anybody dispute that? Have you any authority? Mr. Speaker, the Constitution does provide certain privileges and rights and immunities, and the courts all hold that that stands as the law to protect a Member of the Senate or the House of Representatives, the same as the law stands to protect a citizen that has a statute in his favor.

More than thirty years ago a witness, Hallett Kilbourn, brought suit in a court of this District to recover damages for being imprisoned under an order of this House through a committee of the House, the order being issued and signed by the Speaker of the House. The suit was brought against the Sergeant-at-Arms and against the Speaker, Mr. M. C. Kerr, who signed the order, and against all the members of the committee, naming them. The same question arose. That suit later went through the courts of the District of Columbia, and a judgment for damages was rendered against the Sergeant-at-Arms; not against the Speaker, because he was dead before the judgment; but against the other members of the committee, and they were

claiming, by a proper plea, immunity because they were Members of the House of Representatives and, as such, members of a committee of the House, and could not be held responsible for damages in the case for false imprisonment.

They plead their immunity in vain before the court of this District. They also plead and claimed what some people claim here to-day—that they could not be sued at all, and that that was a matter for the House to determine. But the Supreme Court of the United States in deciding that case unanimously held that the House of Representatives had nothing to do with the question of the jurisdiction of the courts at all. They quoted a learned opinion of Judge Hoar, of Massachusetts, concurred in by Chief Justice Shaw, of Massachusetts, when a similar case came up in the Commonwealth of Massachusetts and the court unanimously approved that opinion, saying that the House had no right to determine questions of the jurisdiction of the court. If I had time I would read it. You will find an extract from the opinion of Judge Hoar, quoted with approval, on page 199 of One hundred and third United States Reports in the Supreme Court's opinion. Why? It is because we have to work our rights out through the courts. The Supreme Court sustained that opinion, and it reviewed in a very learned way the difficulties that had grown up, and why they grew up, about this very matter. There were precedents cited that arose in the Parliament of England, and there they said it grew out of the fact that there was at one time but one parliamentary body, and that body had always assumed to be the supreme judicature of England, and hence they could decide what courts inferior to them should do, and they could determine their jurisdiction.

And they also say in this same case, when it was claimed that after Parliament was divided into two bodies, the House of Lords and the House of Commons, it was attempted to claim the same jurisdiction for the separate bodies. Now let me read you a single paragraph. After having referred to this historical matter in proposition 3 of the syllabi, in Kilbourn *v.* Thompson (103 U. S., 168):

Neither House of Congress was constituted a part of any court of general jurisdiction, nor has it any history under which the exercise of such power can be used. Its power must be sought alone in some express grant in the Constitution, or be found necessary to carry into effect such powers as are there granted.

That follows immediately after what they stated historically about the Parliament of England. Then in the opinion—if I am permitted I will put it in my speech, and I will quote from the opinion. Maybe I had better read a single paragraph. This case was decided in 1880. After the quotation in the opinion, the justice announcing it says:

In the statement of the law and in the principles laid down we fully concur.

This is quoted from Judge Hoar:

The House of Representatives is not the final judge of its own power and privileges in cases in which the rights and liberties of the subjects are concerned, but the legality of its action may be examined and determined by the court.

I wish I had time to read further on the same point from the opinion of the court.

Now, what happened? In the Kilbourn case judgment was rendered, as I have stated; the case was taken to the Supreme Court of the United States, and there, having passed on all these questions, some of which I have referred to, taking up the question as to the rights of the committee that had been sued and the judgment rendered against them, the court said the members of the committee had the right to plead their immunity, and the technical question arose there as to whether they could plead it because of reports they had made as distinguished from speech that was supposed only to be included in the immunity clause of the Constitution for remarks made in the committee; and the Supreme Court laid down the rule that the committee could not be held; not that the House had a right to decide, but that they could not be held for damages in a case like that, provided their action in reference to the alleged false imprisonment was confined exclusively to such things as they were doing and were called upon to report to the House about, nothing else.

In determining the limit of things to which a Member of the House could claim protection in doing, the court says:

In short, to things generally done in a session of the House by one of its Members in relation to the business before it (p. 204).

The language of the Constitution of the United States (par. 1, sec. 6, Art. II) which guarantees privileges and extends immunities to Members of the Senate and of this House reads:

They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

They said if they had gone so far as to touch the witness when he was being imprisoned they would be liable for damages with the Sergeant-at-Arms. They held that the judgment was good against Mr. John G. Thompson, who was the Sergeant-at-Arms. In the final opinion of the Supreme Court they exonerated the committee, and would have exonerated the Speaker if he had been alive.

Now, that illustrates all I desire particularly to say. It illustrates that we go into the courts for our relief, the same as any other citizens. Somebody says you can not arrest a man while he is attending upon the sessions of Congress. You can arrest him. That has happened a number of times, and what is the remedy? To plead in the court immunity and get discharged. That is what happens whenever a man is arrested for something of which he is not guilty. He pleads his defense, and that is his only remedy. The Constitution gives him the right to relief, but he must work it out in the courts, and the House that is supposed to be assailed has no right to interfere there at all. We use the word "jurisdiction" wrongly when we talk about this question. It is not a question of jurisdiction of the courts. The court that issued this alternative writ of mandamus has jurisdiction of the subject of suits in mandamus. That is the jurisdiction, and the question is a matter of acquiring jurisdiction over the persons who are understood to be Members of the House. That is done by service upon them, and that gives the court jurisdiction. It is then a question of defense. As the Supreme Court says—

It is the duty of a Member to plead his defense—

And that being done, he goes to the court for his remedy, and nowhere else, and in no other way.

So I submit, Mr. Speaker, that the question here is not a question of determining any jurisdiction or the right to exercise it. We have the right jealously to look on and see whether anything wrong is done, and if necessary to aid our Members in a defense that sets up whatever immunity the Constitution gives them when they are sued in these cases.

There is nothing in the Constitution anywhere that exempts a Member of Congress from a civil suit. There is provision that he shall not be put under arrest. My friend from Alabama [Mr. CLAYTON] tried to argue that a mandamus was something more than a civil action. If he had worked out his theory, he would have demonstrated that it was a criminal action, and if he had accomplished that, then it would have been perfectly clear that we have no right to interfere at all, because in every criminal case the courts have jurisdiction, and we have no right to interfere on any pretense whatever, for the Constitution of the United States does not protect any person in a criminal proceeding of any character. Let me read a paragraph from the syllabus of the case of Williamson *v.* United States (207 U. S., 426):

The words "treason, felony, and breach of the peace," as used by the framers of the Constitution in section 6 of Article I, should be construed in the same sense as those words were commonly used and understood in England as applied to the parliamentary privilege, and as excluding from the privilege all arrests and prosecutions for criminal offenses, and confining the privilege alone to arrests in civil cases.

So if we had a criminal case, according to the recent unanimous decision of the Supreme Court of the United States, we would have no right to interfere at all, for the Member is not entitled to any protection in any form of criminal action. All the immunity that is given is against arrests in civil suits such as commonly used to be issued for debt.

Even if I had the time I would not care to discuss whether or not this court has the right to go on the final judgment in this mandamus proceeding. That is for the court to determine, and if the court does not decide right the remedy is to appeal as other suitors do and take the case if necessary to the highest court in the United States and there settle the case and all parties' rights properly and finally. If we get into a controversy with the court by saying the Members will not answer, the court, having acquired jurisdiction by personal summons or notice, may go on to final judgment in the case, and then we will meet the same difficulties that you are proposing to meet now. It is not a question of whether there is to be an imprisonment in a mandamus case. That does not follow. If the court decides that this body of men, constituted by law as agents for the Government, violated the law in making a contract and did not let the contract to the proper party, the court may direct them to do what they should have done under the law in order to save the Government money. This form of suit is used in all the States, especially against boards of public charitable institutions.

And when courts issue orders, they are obeyed. If the Members do not want to obey the court's orders, they can appeal the case to the higher court for final determination, as other un-

fortunate litigants must do to secure protection and to correct errors.

Trust the tribunal. There is no invading of the powers of this House by prosecuting a suit in a proceeding of this kind, and there is no danger of conflict by sending Members to jail unless they are contumacious and refuse to obey the order of the court. We ought to be as good citizens when Members of the House of Representatives as if we were not. If we were not Members of this House, we would obey the order of the court or get relief by proceedings in a higher court.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. KEIFER. I will yield to the gentleman if I have the time.

Mr. HULL of Iowa. The gentleman is very familiar with all parliamentary practice. I would like to ask him if it is not true that the House of Representatives from its earliest days, whenever the question has been presented, has held that Members of the House could not even attend as witnesses when summoned by the courts without the consent of the House, and if it has not been put on this ground—that he was not waiving his own privilege, but by attending without permission of the House he was waiving the privileges of the House which prevented Members from being haled into court?

Mr. KEIFER. The gentleman states the question too broadly. It has been held that Members could not be taken from their duties in the House to answer as witnesses, and that is as far as they have gone. Of course, a Member can not waive privileges that belong to the House, but constantly Members of the House are subpœnaed to attend courts all over the country when we have a session and when we have not had a session, and they have responded to those subpœnas like good citizens. There may be cases where they could not be taken from the floor to attend as witnesses. [Applause.]

Mr. HULL of Iowa. I want to ask the gentleman further if fifty years ago there was not a case where the House brought a witness before a committee——

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. KEIFER. I want to say that I have no recollection of the instance the gentleman is about to inquire about.

Mr. MOON of Pennsylvania. Mr. Speaker, it seems to me that this discussion has taken entirely too broad a range. I propose, in the very few minutes which I shall occupy, to confine my attention exclusively to the subject-matter before the House. We have before us a resolution reported by the majority members of the Judiciary Committee, in response to a resolution that was forwarded to them for advice. The purport of that resolution is—and in order that there be no mistake, as the various questions have been asked evidencing the fact that it is not understood, I shall read a few lines of the resolution. The resolution proposed by the majority members of this committee is that it hereby grants permission to these particular gentlemen to appear in court, to enter their appearance, and to take such further action and interpose such further defense as may to them seem proper, and in addition thereto excuses them from attendance on the House.

I desire to call the attention of the House to the fact that this resolution simply grants permission to these people to do these things; it does not direct or instruct them to do a thing.

Now, the resolution that is proposed as a substitute is of an entirely different character. The vital portion of that resolution is contained in these words: That in the opinion of the House of Representatives the issuing of the rule to show cause why a mandamus should not issue is an unlawful invasion of the constitutional privileges and prerogatives of the House of Representatives and is without the jurisdiction, and that the Representatives are directed not to answer.

Now, that there shall be no misconception, you understand that in the one case the majority resolution gives these people the permission to do what they choose in the matter, and the other stands on the theory that the issuing of the rule to show cause is an invasion of the sovereign prerogatives of this House, and instructs the Representatives not to answer.

Now, Mr. Speaker, this question has been discussed wholly upon this ground, which I propose to show is an absolutely mistaken one. The theory upon which it has been discussed and I believe the thought that prevails in the minds of the Members of the House is that this is an attempt to issue a writ to show cause against a committee of the House to coerce them into exercising their legislative duty. I propose to show that it does not issue a rule to show cause against a committee of this House, and that it does not have the most remote reference to legislative duty.

The Joint Committee on Printing is not a committee of this House. It never was, and by its constitution and composition it can not be a committee of this House. The standing committee of this House is the Committee on Printing, and by the sheerest accident in the world, by a pure incident or accident, that committee happens to be the House end of the Joint Committee on Printing. Now, I repeat the assertion that it is not a committee of this House, and I will explain further why it is not and will tell what it is. One of the provisions under which that joint committee exists under the statute is that when this House is not in session and does not have any Committee on Printing, when it has no committees, then the Senate end of it acts as the Committee on Printing. Bear that in mind. Of course, I think you will all agree that it is an inconceivable proposition that the Senate Committee on Printing can legislate for this House. Then, a further provision of the statute is that when the Senate is not here and when the House is not here that all the duties of this committee devolve upon and are exercised by the Secretary of the Interior. Now, no person would dare assert that the act confers upon the Secretary of the Interior legislative duties.

Therefore, I say, disabuse your minds of the fact that this is a rule to show cause why a committee of this House should not answer. It is not anything of the kind. It is a rule to show cause why a mandamus should not issue against a statutory committee, a committee created by law, a committee of our own creation, and a committee that has not—and I now challenge contradiction, and it is the crux of this whole case—a committee that does not possess one single element of legislative power. It never did a legislative act in its history, and is utterly incapable of performing a legislative act. It is a statutory committee. Now, think for a moment of this unthinkable proposition: We have drifted too far away from the subject. The contention here is that that committee, created by an act of Congress, performs legislative duties. That is, in other words, that the Members of Congress derive their powers to legislate from an act of Congress; that an act of Congress can confer anything except executive duties. We derive our power to legislate from the Constitution of the United States, and no statute that we can pass can either enlarge or abridge it.

Mr. PRINCE. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. PRINCE. If I understood the gentleman correctly, he said this was a statutory committee.

Mr. MOON of Pennsylvania. Pure and simple.

Mr. PRINCE. If it is a statutory committee, will the gentleman state to the House whether it is possible—legally possible—for the members of the statutory committee to claim their privilege as Members of this House?

Mr. MOON of Pennsylvania. I do not propose to go into that question. It is not necessary to decide it, and I do not propose to be misled from the legal proposition that is before me. A very serious question might arise as to the dual relations of Congressmen. We do not have to answer it in this proceeding, and I do not propose to answer it.

Mr. PRINCE. If this is a statutory committee, and they are officers, under the contention of the gentleman and the members of the majority of the Committee on the Judiciary, have these Members of Congress any right to be officers and at the same time Members of Congress?

Mr. MOON of Pennsylvania. That question I shall decline to answer, except to state that there is a wide, wide divergence between acting under a statute and being officers in contemplation of the Constitution of the United States. They may have analogy and they may be as wide apart as is Washington and the North Pole. I do not propose to discuss it, because its discussion or solution are not necessary in the matter before us.

I say, therefore, Mr. Speaker, that the rule to show cause why the writ should issue is not against a committee of this House, and not an attempt to coerce or control the exercise of any legislative power, because it is not a committee of the House and it has no legislative power.

Those two positions having been established, and there can be no doubt about it, let me restate the proposition as it ought to exist before this House. Has a court the right to issue the common-law writ of mandamus to a committee created by an act of Congress to regulate and supervise the exercise of its executive power? That proposition there can be no more doubt about than there is a doubt about the court in any other relation. It has absolute power by the common-law writ of mandamus to compel the performance of a plain ministerial duty.

Let me tell you what the law of mandamus is. It is perfectly clear that wherever there exists by statute a mandatory duty, a duty that is plain and clear and indubitable, a duty

that is wholly ministerial in character, a writ of mandamus will lie. In no other case in the world will it lie.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. COX of Indiana. Whether or not in the opinion of the gentleman a writ of mandamus would lie against Congress to compel it to do certain things.

Mr. MOON of Pennsylvania. To ask that question answers it. I have told you that it must be a mandatory power that is imposed by the law, that is clear, indubitable, and ministerial. None of the acts of Congress are ministerial; they are all legislative. Of course not. The mere statement of that plain rule of law that defines the common-law writ of mandamus answers the question. I repeat; the duty imposed by the statutes must be mandatory, it must be purely and simply ministerial, and it must be clear and indubitable. Of course, therefore, a writ of mandamus can not issue against a committee in Congress to control the exercise of its legislative functions. It is unthinkable. That is not the question before this House at the present moment.

I repeat, and I want to restate the proposition, that it is a rule to show cause why a writ of mandamus should not be executed against a statutory committee in the performance of statutory duties. Now, I want to call the attention of the House to this fact. I said a moment ago that it was the purest accident and incident that the members of the Joint Committee on Printing should be the members of the respective Committees of Printing in the two Houses. The statute does not require it. The statute says there shall be a Joint Committee on Printing that shall consist of three members of the Senate and three Members of the House; and, therefore, there is a committee provided with statutory duties and incidentally provided with a personnel that they shall be Members of Congress, not members of any committee; and our House, in its rule, has perhaps made a mistake for the purpose of convenience by saying: "Well, we will put three men on to perform these statutory duties, and we will indicate these three men, whenever there are legislative duties to be performed, to perform those duties on the part of the House, and will designate them as the House members of the Joint Committee on Printing." It never ought to have been done, and our confusion arises from that accidental and incidental condition.

Now, Mr. Speaker, the persons to whom a writ of mandamus can issue, after one hundred and twenty years of adjudication in our courts, is no longer open to doubt. Marbury and Madison, on the very threshold of our judicial existence, in the great opinion of Chief Justice Marshall, which has been the landmark of the law ever since, laid down in clear, unmistakable language the prerogatives of a writ of mandamus, against whom it could issue, and how that fact was to be determined, and it has been followed by a line of cases one hundred and twenty years long and has never been broken. He said this:

> It is not the office of the person to whom the writ is directed, but the nature of the thing to be done, by which the propriety or impropriety, the legality or the illegality of the writ of mandamus is to be determined.

Now, let us see what that meant. Let us get an interpretation from our present statute. In a session of Congress this joint committee performed these legislative acts. When the Congress is not in session and the Senate is not here the Secretary of the Interior performs them. Nobody in this House or in Congress would ever doubt a writ of mandamus would issue against the Secretary of the Interior when he was performing these acts, but the contention here is that, while the joint committee of Congress is incidentally performing them, no writ will issue.

The application of the doctrine of Chief Justice Marshall makes it very clear. It is not in the office of the person to whom it is directed, but in the nature of the thing to be done that the legality or the illegality, the propriety or the impropriety of issuing a writ of mandamus is determined. Therefore, the thing sought here to be enforced in this writ of mandamus is a plain, palpable statutory duty imposed by our law upon this committee. Now, a great deal of time, Mr. Speaker, has already been consumed by the fact that we have discussed the merits of this case. We have nothing to do with that here.

There is not a man here who can state the imperfections of the petition filed in this case in language too strong for me to indorse. It does not state legal grounds for the issuance of the writ. It is plainly demurrable, and any lawyer in this House after reading it will declare that these people are out of court as soon as they are in it. It is fatal. It is fatal, because it seeks to supply by the common law the right of mandamus, the withdrawal of something already done. It is fatal, because it attempts to coerce a joint committee in their discretionary duties. That is not the question we are discussing. Let them go into court and plead it. When they go into court and demur to this writ they are of court as soon as they are in it, but I beg gentleman on the floor of this House not to confuse that question with the question we are discussing. All of these questions go to the power of the court. We are arguing only the question of the jurisdiction of the court.

Now, gentlemen, I have said nearly all I had intended to say. We have heard a great deal about the dignity of this House. I yield to no man on this floor in my appreciation and veneration for the dignity of the House. No man will go further than I to preserve it; but, gentlemen, is it conceivable that you imagine that the dignity of this House is impaired by responding to a ruling showing cause why a writ of mandamus should be issued?

The Secretary of State has been mandamused time after time. I never heard of the dignity of his great office being impaired by obeying the law. The Secretary of the Interior, the Secretary of the Treasury, every Cabinet officer of the United States has from time to time been the subject of this writ and has been compelled to obey it.

Mr. Speaker, I say if we are jealous of the dignities and prerogatives of this House, if we want to establish them before the country and before the world at large, the simplest way in the world that we can do it is to obey the law—to obey the law. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, being one of the three members of the Committee on the Judiciary who signed the minority views, it is perhaps appropriate that I should address a few remarks to the question at issue before the House. Laying aside all feelings of pride as to the jurisdiction of the House of Representatives and as to the powers of the courts, I wish to discuss the proposition involved purely from a constitutional and legal standpoint. Much has been said in regard to this House abandoning its functions as a representative body, and I shall not go into those questions on this occasion, but shall endeavor to proceed directly to the points at issue.

Mr. Speaker, gentlemen say that the court is simply construing a statute and is called upon to adjudicate rights accruing under the same. There could be no controversy about it if that were the only question. If the petitioner in the case before us had any rights that have accrued under a statute, the proceeding is not in a correct way to have those rights redressed. And if their rights have been denied, then there is another forum where they have an appropriate remedy in a suit for damages, and if there is no remedy in the courts of the country, then this body has the right to pass a statute or resolution allowing them to go to the Court of Claims.

Here is the question of discretion, pure and simple, that has been placed with the Joint Committee on Printing. When the Speaker appointed the committees of the House at the end of the last extraordinary session, he named a committee, along with the other regular committees, from the body of the Members of this House, to act in this capacity, and it was composed of the gentlemen whose names appear in the pleadings. The Senate appointed their Committee on Printing, and then, by reason of a certain statute laying down certain things that the Joint Committee on Printing should do, these two committees act together.

Suppose this body had failed to appoint a committee on printing and the Senate had failed to appoint one, then would there have been a joint committee on printing, which they say is "created by the statute" that was passed in 1895? Why, in the petition itself the gentlemen are named, and I want to call your attention to them. There are named in the petition, as the Joint Committee on Printing of Congress, REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY.

Now, what do they pray for in the petition? Have you thought of that? Let me show you what the prayer of the petition is and analyze it for a few moments. First, the prayer is that these gentlemen who are named in the petition "be required to appear" before that court. Then they proceed to pray further to "withdraw the award granted by the committee," "commanding them to award such contract or contracts to petitioner," that the court shall require these gentlemen to appear in the court in their personal and representative capacity, and then receive a command to award this contract or contracts.

Now, what is the writ? Let me show you how broad is this writ, as issued by Justice Wright. In response to that petition the writ is granted, and these gentlemen are required to appear and show cause why a writ of mandamus should not

be issued, as prayed in said petition. The members of this committee are required to appear in that court, answer the petition and the prayer, and submit themselves to the jurisdiction of that court.

Gentlemen, suppose they fail to respond. Suppose they fail to conform to the orders of the court. Suppose the court orders them to appear, as it has, and then orders them to cancel certain awards, and after they are ordered to cancel those awards, to grant awards to other parties or this petitioner.

Mr. CARLIN. Will the gentleman permit me to interrupt him?

Mr. HENRY of Texas. I have but little time.

Mr. CARLIN. I desire to make a correction of the gentleman's statement.

Mr. HENRY of Texas. I should be glad to yield for a correction.

Mr. CARLIN. You stated that their appearance in answer to this rule subjected them to the jurisdiction of the court?

Mr. HENRY of Texas. Yes.

Mr. CARLIN. That is not true, because they could appear especially for the purpose of pleading the court had no jurisdiction.

Mr. HENRY of Texas. I am coming to that.

I take my position on this broad ground, that this joint committee is part of the machinery of this body, to carry out the rules, regulations, and orders of the House, and they are not the creatures of a statute. The House is the creator, and the committee is the creature of this body.

Suppose they failed to appear; suppose they failed to cancel these contracts, and refused to award them, as the court instructs them to do? Then what occurs? The court will issue process for them, summon them to appear and show cause why they should not be punished for contempt. They refuse to appear. They plant themselves upon that clause of the Constitution which exempts them from such process as this, and what is the result? The court has no power to enforce its writ. The Member refuses to appear and submit himself to the court's jurisdiction and to answer its process. Then the court is powerless to enforce its jurisdiction until this body has adjourned. And even then the Member of Congress has the right to proceed to his home and return to this body and be exempt from arrest and imprisonment, except for certain specific acts expressly stated in the Constitution. While the court can not command a Member of this House to be present and appear, even after we have adjourned, it has no power to do so under any circumstances as long as its Members are exercising a power of discretion.

Gentlemen, it is argued that the Committee on Printing is created by a statute, and therefore they are subject to the jurisdiction of the court. At first I thought it would be better for this committee to be instructed to appear and plead to the jurisdiction of the court; but after thinking of it, and after listening to arguments of able gentlemen, on the other side and on this side, I came to the conclusion that this committee, the mere creature of this House, was subject to our jurisdiction and should not surrender it to the courts. While gentlemen talk about respecting the judiciary of the country, let them not forget that in yielding that respect by this body they might yield some of the constitutional privileges of this House. [Applause.] For my part, I am not willing to yield our jurisdiction to an inferior judicial tribunal. I go as far as any gentleman in respect for the judicial tribunals of the United States. I say, when we yield the proposition that any court can take a Member of this body away from our midst and require him to answer in regard to a discretionary matter, we have forfeited one of the greatest prerogatives vested in us by the Constitution.

Mr. McCALL. May I interrupt the gentleman?

Mr. HENRY of Texas. Just for a moment, for I have but a little time.

Mr. McCALL. I agree with the proposition which the gentleman has just stated. Would the gentleman propose, for instance, to have somebody represent the House—the chairman of the Judiciary Committee, perhaps—who should go to the court and state respectfully and courteously that the House declines to submit its committee to the jurisdiction of the court? Or what communication would the gentleman make to the court?

Mr. HENRY of Texas. Why, perhaps we might do that in some official way; but I would never agree to surrender our jurisdiction to the court.

Mr. McCALL. Does not the gentleman think it would be well for the House, through some one of its Members, to go and courteously state to the court that we decline to submit to the contention which would make the committee answerable to the court?

Mr. HENRY of Texas. That might be done; but when it comes to the last analysis, to the legal proposition, and to get at the real solution, I do not know but what it would be better for this great body to summon the judge here and ascertain why he has issued a writ to take Members of this House into his presence. [Loud applause.]

When an inferior judge undertakes to say that three Members of this body and three United States Senators shall appear in person in his court, he is belittling our constitutional rights and our prerogative; and perhaps instead of our answering at the bar of his court the proper place to determine whether his writ was improvidently issued is at the bar of the House of Representatives, and we are the ones to determine whether our rights have been infringed.

I would not arouse jealously in regard to the jurisdiction of the courts and the House, but I am so firmly convinced that the committee is a part of the machinery of this body that I think its acts are our acts, and should be so respected. I have often seen the chairman of the Committee on Printing rise in his place, day after day, week after week, month after month, and ask unanimous consent that certain orders be made and move that certain things be done. I have seen the living, breathing Committee on Printing here year after year in its performances on this floor, and I say that it is a part of the House and not a mere creature of the statute of 1895, as gentlemen say. [Applause.]

Whenever you authorize the court to summon three of the Members of this House and command them to cancel and award contracts to some one else, the court may summon 300 of us any day and break a quorum and absolutely stop the proceedings of this body. Why the necessity for such action as this? There are other remedies in the courts. Because, forsooth, this company failed to file a proper bond under the statute, then are we, as a coordinate branch of the Government to be required to appear in the courts and remedy that defect? There are other methods of getting at it; and, so far as I am concerned, I shall cast my vote to stand upon our rights as a coordinate and a sovereign branch of this Government. Without meaning to detract from the jurisdiction of any other branch, I shall stand here and protect the privileges and rights of this House in order that no one may say we have descended still lower than the press of the country has already reported us to have fallen. [Applause.]

I yield ten minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I have not been able to bring myself to agree with the report made by a majority of the committee. The contention is that the House should authorize these Members to make response to the order which has been issued. If the Members submit themselves to the jurisdiction of the court for any purpose, it follows that the court, in the exercise of its power, must have the right to pass upon the sufficiency of the plea put in by the Members of the House. If the court had that power, it might hold that the plea submitted by the Members was not sufficient, and might then proceed in the exercise of its power to issue the writ against them, and upon disobedience attempt to enforce the writ by appropriate process. The conclusion of the majority must, if logically followed up, be that the Members, once they have submitted themselves to the jurisdiction of the court for any purpose, are liable to be proceeded against by the ultimate process that can be issued by the court.

Mr. SHERLEY. Will the gentleman yield right there?

Mr. FITZGERALD. Yes.

Mr. SHERLEY. Are not these gentlemen already amenable to the court by virtue of the summons served upon them?

Mr. FITZGERALD. I think not. I believe that raises the very question at issue here, and that is whether the House should consent to permit the Members to respond in any way to the process. It is stated by Jefferson, and his statement is cited in Judge Storey's work on the Constitution, without any additional comment, that all persons are compelled to take notice upon their peril of those who are Members of either House returned of record. This writ is directed to a joint committee of the Congress. Upon its face it appears to be directed against Members of Congress. I am not able to differentiate between the duties that are supposed to be devolved upon the Members, and to distinguish them as legislative or ministerial functions.

Mr. BRANTLEY. Suppose the writ was addressed to the Librarian of Congress; would the gentleman understand that a Member of Congress was involved?

Mr. FITZGERALD. No; I would not. But I suppose that even courts know that joint committees of Congress consist of Members of Congress, particularly so since the courts are pre-

sumed to know the law; and the statute creating this committee expressly states that this committee shall be composed of members of the Senate and Members of the House of Representatives.

This is not a question of individual right or of individual prerogative; it is a question as to whether the process of court will run against any Member of this House while the House is in session. Is the issuance itself of the process an invasion of the privileges of the House? Once make any concession, and, logically, it must be that the process of the court must run to its limit; and the court in the exercise of its powers, if the plea be insufficient, in its judgment, must provide a punishment which must follow on the insufficient return to the order to show cause, if no other answer be made, and if the writ to follow be not obeyed.

It can not be that men who are Members of the House of Representatives can so far have forgotten the history of the English-speaking people as not to know that every right and every privilege that Members of this legislative body enjoy have been wrested from the Crown and from arbitrary power only by centuries of cruel struggle. It has been considered of the utmost importance that in their representative capacity here Members should be free from any interference whatever by courts.

I should have much preferred if the Committee on the Judiciary had been able to have reported a resolution asserting that the issuance of this process was a violation of the privileges of the House, and then, in order to contribute to the harmony of the relations that should exist between the departments of the Government, have directed these Members to have submitted such a reply to the order which had been issued; but I do not believe that we should for one instant acknowledge the propriety of the process or permit the Members of this House, while in the exercise of their representative functions, to submit to the interference by any court. Never has anything like this been attempted in our history.

There is an instance cited in Hinds's Precedents in which, in the investigation of the Belknap charges in 1876, the members of the committee which conducted that investigation were summoned to appear by the supreme court of the District of Columbia, and to bring all papers, documents, records, checks, and contracts in their possession, or in the possession of the Committee of the House of Representatives on Expenditures in the War Department, and so forth. There was considerable debate as to what should be done, and the House adopted a resolution that it was an invasion of the privileges of the House and directed the Members to pay no further attention to the process issued until further order of the House.

I can not differentiate these cases. Members may urge and contend and attempt to distinguish between the duties that devolve upon them because being upon some committee appointed by rule, or under the rule, or some committee the duties of which are fixed by the statute.

Whatever may be the question as to the right of Members of the House to exercise other duties or functions than those of legislators, the fact is that question can not be raised in any other forum except in this House itself. Nobody can enter any other forum to raise the question that by discharging the duties of, or accepting some other position, Members have stripped themselves of the right to membership in this House. The House alone is sole judge of the qualifications of its Members, and so long as the House does not raise the question whether the duties be or be not within the purview of what it is intended that Members of the House should perform it can not be raised elsewhere. The fact is that they are performing the duties for the House itself. What is the object of the Joint Committee on Printing? It is true, in the conduct of its business it regulates contracts for printing for some of the departments of the Government.

The very purpose of establishing the joint committee, however, was to regulate and control the printing for the two Houses of Congress. Will it be said that whenever the two Houses of Congress create a joint committee for the purpose of conducting or controlling some affairs which are important and essential to the two Houses in the discharge of their duties that thereby they become amenable to processes from the courts?

I would, Mr. Speaker, if it were possible, be pleased to vote for some resolution which might, perhaps, not be considered too much like an affront to the court, and yet there are times in history when it is necessary for such a body as this to do that which is essentially to maintain the rights and prerogatives of the body itself, no matter how much it may appear to be an affront to any other person or any other body. [Applause.] It seems to me, in the preservation of the privileges and prerogatives of the House itself, the House should adopt the substitute offered by the gentleman from Alabama [Mr. CLAYTON]. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield ten minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I regard it as particularly unfortunate that this matter should have reached the House at all. It never should have gotten beyond the court which issued the alternative writ in this case. As has been very forcefully and clearly stated by the gentleman from Pennsylvania [Mr. MOON] a while ago, the mere reading of this petition would have shown anyone who had read a law book that it was not a case for the issuing of the alternative writ at all. The writ of mandamus will issue only for the performance of a ministerial duty. When it appears from the petition that the thing in question has been done, the writ should not issue at all; and if the presiding judge in this case had read or had heard read the petition herein, I take it, the alternative writ would never have issued. Now, as I intimated before in the questions I put to the gentleman from Michigan [Mr. DIEKEMA] when he had the floor, there is one exception to such a case as that, and that exception is where fraud is charged; but here the petition on its face showed, first, that the defendants are Members of Congress.

The courts, therefore, knew that fact. It showed, second, that the thing in question had already been done, and finally it failed to show, which the court should also have noticed, that fraud was charged. Under these circumstances, I say, the alternative writ should never have issued. Now it has issued, and the question before us is, What should the House instruct its Members to do in this matter? If they pay no attention whatever to this writ, what is the result? They are not subject to contempt of court. They have merely failed to put in an appearance, and all the court could do would be to render judgment against them by default. What does that amount to? What would the judgment be if default was taken against them and the matter proceeded to hearing? The judgment could only be to order them to do something. To do what? To do the thing prayed for in the petition. To do a thing that already had been done—a most ridiculous judgment. The court could not and would not enter any such judgment, and as the gentleman from Pennsylvania [Mr. MOON] said, as soon as the matter came before the court and he listened to the reading of the petition, then it would be thrown out altogether, either on demurrer or in some other way.

The court, of his own motion, would act if he would ever listen to the reading of this petition. That is the condition we are in now, and if there is any question of doubt as to what should be done, it seems to me very clear that this House should resolve that doubt in favor of its own prerogatives [applause] in favor of the independence of the membership of the House in the performance of its official duty. These Members are in no danger whatever. It is not a question of damages against them. It is not a question of commitment for contempt of court, and perhaps the court has as much of that sort of thing on its hands as it cares to deal with just now. None of those questions are involved here. If the matter goes to default, I ask any lawyer here what judgment can the court enter when that default is made? There is only one judgment the court could make, and that would be to order the defendants to do the thing prayed for in the petition. Now, the petition in this case, a most ridiculous thing, too, prays to withdraw the awards already made. Just think of that! How did a court let such a thing pass it—asking a court in a petition for a writ of mandamus to compel the withdrawal of the awards already made without charging that such awards were made fraudulently or in bad faith?

If the petition had charged that this committee acted in bad faith, or not in good faith, or fraudulently, or corruptly, if the petition had charged any of those things, then it would not be necessary for the petitioner to ask the withdrawal of the awards on these contracts, because the courts have always held, and always will hold, that what is done in fraud is not done at all. But they do not charge fraud here. They say the contract has been awarded, and now they ask the court to issue a writ of mandamus, to exercise one of its most drastic powers, and to exercise that power in the doing of a thing that has already been done; a most ridiculous situation.

Mr. Speaker, I am hardly qualified to discuss, and I shall not ask the House to listen to a discussion by myself of the other features of the case, as, for instance, what position the members of this committee are in if the gentlemen who advocate the majority report are right. Are they holding executive offices; and if so, have they ceased to be Members of this House? And a great many other questions that are raised by the report of the majority. Can they hold an executive office under the Federal

Government and retain their seats in this House? There are many questions of that kind that can easily be laid quietly and silently in their graves by taking the action suggested in the substitute motion of the gentleman from Alabama [Mr. CLAYTON], thus putting this matter quietly to rest. Nobody will be injured, and the dignity and prerogatives of the House will be maintained. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield ten minutes to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, whatever may be the result of these two reports in this House to-day, or to-night, the American people are to be congratulated upon one fact, and that is that we have demonstrated that this House is gradually approaching the time when reasonable debate is to be permitted in this Chamber. I am a member of the Committee on the Judiciary, but was not present when this matter was considered, yet I concur in the report of the majority; but before addressing myself to the subject-matter in hand, I desire to reply to a statement made by the gentleman from Alabama, a member of the Judiciary Committee, when he undertook to gain the favor of this House by inveighing against that committee when he made the statement that we had reported a bill here only a short time ago to change the date of the inauguration of the President of the United States and hastened to grasp the opportunity to send it back to that committee for the purpose of burying it there.

That statement does not accord with the facts so far as I am informed as a member of that committee. It was recommitted for the purpose of perfecting the bill and is to-day under consideration by a subcommittee of that committee whose purpose, so far as I know and believe, is to report it back to this House in accordance with the views of the Members as expressed upon this floor.

Mr. CLAYTON. Will the gentleman yield?

Mr. CARLIN. I will; certainly.

Mr. CLAYTON. Does the gentleman think the committee will bring it back here and does the gentleman think the House will adopt it if it is brought back here?

Mr. CARLIN. I do not assume, as you, to speak for the House, nor do I assume to speak for the committee, but I believe the committee will report it back to the House.

Mr. CLAYTON. May I interrupt the gentleman further to state that the gentleman misstates my attitude. I was only replying to the suggestion of the gentleman from Michigan who remarked and laid emphasis upon the fact that 14 members of the committee had made a certain report and I said that this question rose beyond the mere consideration of numbers, that it was to be debated upon a higher ground than that, and that is all I meant by my statement.

Mr. CARLIN. The gentleman did state, however, according to my recollection, exactly what I have said.

Mr. CLAYTON. I do not think there is any great difference between the gentleman and myself. I think the purpose of the resolution going back to the committee was to wrap that resolution in the cerements and silence of the grave. [Laughter and applause.]

Mr. HENRY of Texas. Will the gentleman permit?

Mr. CARLIN. Certainly.

Mr. HENRY of Texas. Inasmuch as I was the author of the resolution to change the inauguration date and agreed that it should be recommitted, I think I should state why that was. When my friend from Alabama to-day referred to the resolution being sent back to the Judiciary Committee with a view of burying it, I then thought that was the weakest point in his speech, and I still think so. I only agreed it should be recommitted in order to give some gentlemen some time to reflect, and I feel sure that the resolution will yet come out of the Committee on the Judiciary and that the date of inauguration will be changed to the last Thursday in April. [Applause.]

Mr. CLAYTON. Now, may I interrupt——

Mr. CARLIN. The gentleman must remember I have but a short time.

Mr. CLAYTON. I only desire to offer one remark, and that is to say that this committee had this bill to change the date of the inauguration before this House, debating it at length for a day or two, and failed to pass it here, and had to take it out of this House.

Mr. CARLIN. I do not agree with the gentleman in any particular——

Mr. CLAYTON. It was either that, or have it defeated; that is my opinion.

Mr. CARLIN. I think the purpose, as I understood your remarks in this House to-day, was to strengthen your attitude to-day by inveighing against that committee and its wisdom and judgment.

Mr. CLAYTON. Mr. Speaker, the gentleman can not lecture me on propriety and my attitude as a member of that committee, of which I have been a member for more than ten years, and I uphold its dignity and its importance, and have done so long before the gentleman made his advent on the scene, and the gentleman can not understand that in argument and in answering the gentleman from Michigan, who went out of his way to invoke the numerical majority in sustaining his argument, that I had the right to invoke, as I think, the superior intellectual strength of the gentleman from New Jersey [Mr. PARKER] and the gentleman from Texas [Mr. HENRY] as an offset to the mere brutal majority of fourteen. [Laughter and applause.]

Mr. CARLIN. I hope the gentleman will not think that I am undertaking to lecture him. Such is not my purpose.

Mr. CLAYTON. I am glad the gentleman has disclaimed that, and I accept it in the same spirit that he makes it.

Mr. CARLIN. But I am undertaking to answer what I understood you to say, namely, that it had been sent back there for the purpose of burying it, and that we grasped the first opportunity to send it back there for that purpose.

Mr. CLAYTON. The gentleman does not pretend to quote me accurately?

Mr. CARLIN. I do not; but that is my recollection.

Mr. CLAYTON. I can not be blamed for the fault of the gentleman's recollection. I have my own infirmities to bear, and I say reverently, God forbid that I should have to bear yours. [Laughter.]

Mr. CARLIN. I think the gentleman should invoke, if he has to do so, the Divinity to prevent him from having to bear any more infirmities than his own. I agree with him that they are ample and abundant for any one man to bear. [Laughter.] If I am misquoting the gentleman, it certainly is not my intention to do so.

Now, Mr. Speaker, what has happened to provoke this discussion and to provoke these resolutions? A court of law in the District of Columbia has issued a rule against certain Members of this House to show cause why a mandamus should not be issued. Let us look at this matter as lawyers and see whether that court could have done anything else except what it did. I submit it to the legal judgment of any man within my hearing that it was not possible for that court to have refused to issue a rule. Now, what is the practice? When a petition is filed asking for a mandamus the court treating it, as it always does, as an ex parte proceeding, issues a rule to show cause. That is to get it in court not only to investigate the merits, if the court should think proper, but for the purpose, if it please, of determining the very jurisdiction of the court to issue the writ. The gentleman from New York has said that if we should respond to that writ by appearing we would subject ourselves to the jurisdiction of the court. That is not a fact, because a special appearance can be entered for the purpose of pleading to the jurisdiction and determining the question of whether the court has jurisdiction or not.

Mr. FITZGERALD. Will the gentleman yield?

Mr. CARLIN. Certainly, sir.

Mr. FITZGERALD. When the question of the court's jurisdiction is raised, it is not an invitation to the court to pass upon the sufficiency of the claim.

Mr. CARLIN. That is not an appearance and that is not a submission to the jurisdiction.

The SPEAKER. The time of the gentleman from Virginia [Mr. CARLIN] has expired. The gentleman from Texas [Mr. HENRY] has eighteen minutes remaining.

Mr. HENRY of Texas. I yield five minutes more to the gentleman from Virginia.

Mr. CARLIN. The gentleman begs the question when he stated that any appearance gave the court jurisdiction of the parties. Such is not the case, and the parties are not affected any more on determination of that question by special appearance than if they had never appeared in court at all. Now, what is before this House? I have stated that the court of the District of Columbia could not have refused to issue the rule. It was compelled, in accordance with established rules of practice, to issue the rule to show cause. Now, why should not an appearance be entered and the fact pleaded that the court has no jurisdiction?

How is the dignity of the House invaded? How are the rights of a single Member imposed upon? It is only intruded upon, in my judgment, in the imaginative minds of gentlemen who know that this question can and will be settled in twenty minutes after an appearance is entered and the plea to the jurisdiction is made or motion to discharge the rule is made, which is the practice.

Mr. THOMAS of North Carolina. May I ask the gentleman a question?

Mr. CARLIN. Certainly.

Mr. THOMAS of North Carolina. My understanding of the majority resolution is that it provides specifically for a general appearance.

Mr. CARLIN. Only should the committee of the House desire to make a general appearance.

Mr. THOMAS of North Carolina. That was my understanding. I think that is the scope of the majority resolution.

Mr. CARLIN. The gentleman has misunderstood the scope of the majority resolution.

Mr. THOMAS of North Carolina. Suppose, as has been suggested——

Mr. CARLIN. Let us settle one question at a time.

Mr. THOMAS of North Carolina. Suppose the court required them to enter a general appearance after they enter a special appearance and upon failure to do so renders judgment? A pending amendment provides specifically that they shall enter only a special appearance.

Mr. CARLIN. If we are reduced to a case of supposition, why not suppose you and I are in Germany instead of America to-night? One is just as reasonable as the other. I am trying to have this House understand what will actually happen as a matter of legal procedure, and what the court had to do when this petition was filed. This court has not invaded the rights of this House. An ex parte petition was filed, and in accordance with every rule of practice there was nothing left for the court to do except to issue a rule to show cause, which practically means that you shall have permission to come into court and show why this should not be done. That is all. You are not compelled to answer this rule, and this House could by a motion to-night lay both of these reports upon the table, and the effect would be the same.

Now, suppose we adopt the majority report. The members of this committee appear, and they move to discharge the rule upon the ground that the court has no jurisdiction to proceed further. In other words, it can not enter a decree in this proceeding. Has any man here to-night an idea that there is any court in the land that does not agree with us that it has no jurisdiction? The majority and the minority are practically agreed upon that point. The only question is whether we shall undertake here to determine that we will ignore the court, whether we will authorize this committee to proceed in a regular manner, and to appear in court, and give the court an opportunity to determine if it has no jurisdiction. It is not a novel thing for a court to determine that it has no jurisdiction. It is an every-day occurrence; it is an hourly occurrence; but the question must be raised, and it ought to be regularly and decently raised.

The SPEAKER. The time of the gentleman has expired.

Mr. CARLIN. Mr. Speaker, I desire to give notice that I shall ask the floor in my own right.

Mr. HENRY of Texas. I yield five minutes to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Mr. Speaker, I do not expect to add anything to the legal information that has been furnished to this body in the consideration of this question, and I would not have undertaken to say anything upon the question whatsoever, not being learned in the law, but would have sat entirely as a juryman in the case, listening to the arguments of those who are learned in the law, were it not for the statement made by the gentleman from Michigan, in the heated peroration to his argument this afternoon in support of the majority report, making reference to the action of certain gentlemen who are not Members of this House in a case that is now pending before the Supreme Court of the United States.

This Government is not only a government of delegated powers, but it is also a government of reserved powers. The powers that are not delegated to the General or Federal Government are reserved in the various States and to the people.

There is no federal court that can have any greater power than the power conferred upon it by the Constitution. If it infringes upon rights not granted to it by the Constitution and interferes with those rights reserved to the various States and to the people, then it steps beyond its constitutional prerogatives; and when it does so and there is no other method of taking the case to a higher court except by violating its order, then I claim it is patriotism on the part of any citizen whose constitutional rights are infringed upon by a court, and he has no other means of maintaining them except by violating the order of that court, it is the highest patriotism to violate the order of the court in order to get to a higher court and get his case properly adjudicated. [Applause.]

In the case the gentleman has reference to, still pending before the Supreme Court, the courts of the District of Columbia undertook to restrain these men from exercising that which they believed to be a constitutional right. Undertook to restrain them from the exercise of the right of free speech and a free press, guaranteed by the first amendment to the Constitution. They believed that to be the case. They were enjoined from the exercise of these rights, a preliminary hearing was had, and the court made the injunction. There was no other method by which they could establish their rights in the case except by violating the order of this court which had granted a permanent injunction, and they violated it, and thereby got an opportunity to carry the case to a higher court than that which issued the order.

They did that, and their case is now pending before the Supreme Court of the United States. I happen to have the honor of a personal acquaintance with Mr. Gompers, Mr. Morrison, and Mr. Mitchell, an intimate acquaintance, extending over a great many years, and I can say, from personal association with them, that there are no more patriotic, no more law-abiding citizens in the United States than are those three men. [Applause.] It was deemed necessary for the protection of the liberties of the people that the right of free speech and of a free press should be established as a fundamental law of our Government. A court stepped in and attempted to restrain citizens of this country from exercising that right. They refused to be restrained and took the only means available for them, to take their case to the higher court.

Mr. JAMES. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. JAMES. Were not those gentlemen advised by men learned in the law that the ruling of the lower court was not the law, and yet the only way they could test it was by violating it?

Mr. WILSON of Pennsylvania. Yes.

[Here the hammer fell.]

Mr. HENRY of Texas. I do not care to consume any more time if I have any left.

Mr. WEBB. Mr. Speaker, I feel like apologizing to the House for intruding any further remarks upon them on this subject, but, as a member of the committee who has tried to study it from all view points possible and who happens to be one of the "brutal majority" mentioned by the gentleman from Alabama [Mr. CLAYTON], I feel that I ought to express my views on the question, assigning reasons why the majority report should be adopted and the minority report rejected.

There have been a great many things said that have absolutely nothing to do with the question at issue. Members have discussed many irrelevant subjects to-night, from changing the date of inauguration down to what might have happened, but what did not happen.

In the first place, let me answer a few things said by my friend from Texas [Mr. HENRY] before I proceed to the main question, and I promise the House to be brief. My friend says the proper remedy of the Valley Paper Company was a suit for damages. Now, if he admits that the Valley Paper Company has a right to sue these men for damages, then he concedes the whole case, because if the court has jurisdiction of these individual members of this committee for the purpose of mulcting them in damages, then it has jurisdiction of them in this proceeding to serve a rule to show cause why a mandamus should not be issued. They are both civil writs, and the question for us to pass upon is, Has the supreme court of the District jurisdiction over the members of the Joint Committee on Printing?

My friend made the point that in the body of the pleading filed by the plaintiff the words "Joint Committee on Printing of Congress" are used. I want to inform my friend from Texas that there is no such committee in existence. There are only two Committees on Printing. One is the standing committee of this House—the Committee on Printing—which was appointed, like the Judiciary Committee, and is an arm and part of the House, and the other is the statutory committee, known as the "Joint Committee on Printing"—not the "Joint Committee on Printing of Congress," but the "Joint Committee on Printing." So the question my friend raises has nothing to do with the jurisdiction of the court.

The next statement I wish to notice is his assertion that this Joint Committee on Printing, members of which are now being cited to appear before Judge Wright to show cause why a mandamus should not be issued, is a creature of this body—that is, of the House.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. WEBB. Yes.

Mr. CLAYTON. If you have read the statute, you have failed to see that it says "the Joint Committee on Congress," and you seem not to have heard the petition in this case read, and this alternative writ which describes these gentlemen as a committee of Congress. The words are used in the statute and in the papers.

Mr. WEBB. I do not care how the writ describes them; the designation in the writ does not control the statutory name of the committee. I read from the law itself. It says:

There shall be a Joint Committee on Printing.

Not a Joint Committee on Printing of the House or Senate or of Congress, but "there shall be a Joint Committee on Printing," simply.

Mr. CLAYTON. Of Congress.

Mr. WEBB. No; it does not say "of Congress;" and that is where the gentleman is mistaken. The words "of Congress" are not used.

Mr. CLAYTON. There can not be any other committee except the committee of Congress, and the writ recognizes it, and the petition says so.

Mr. WEBB. There can only be such committee as the law creates, and that is created by the statute of February 12, 1895 (28 Stat. L., 601).

Mr. CLAYTON. May I interrupt the gentleman one more time?

Mr. WEBB. Yes.

Mr. CLAYTON. The gentleman will not maintain that this committee is composed of anybody except three Senators and three Members of the House.

Mr. WEBB. The gentleman is now begging the question.

Mr. CLAYTON. Not at all; I think the gentleman himself is begging the question.

Mr. WEBB. That is for the House to determine, and not for my friend. The gentleman started out by saying that this was a Joint Committee on Printing of Congress; that that was the legal designation. I do not find any such expression in the statute. It says "Joint Committee on Printing," and no such committee as he mentions exists.

Mr. CLAYTON. Read the rules of the House, X and XI.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Alabama?

Mr. WEBB. Yes, sir.

Mr. CLAYTON. Now, I ask the gentleman to read Rules X and XI, one providing for the appointment of three Representatives, who compose the House end of this committee, and Rule XI, which defines the jurisdiction of that committee, and he will find the words "joint committee" used, I think.

Mr. WEBB. I presume what the gentleman refers to are the Cannon rules, which he fought so bitterly not long ago, but they do not use the term "Joint Committee of Congress." They mention the Committee on Printing, which is like any other ordinary House committee, and provide for the appointment of the Members to fill the "Joint Committee on Printing."

Mr. CLAYTON. Mr. Speaker, I may say that they are not Cannon rules, but they existed under Speaker Crisp, a Democrat, just as a great many rules in this Manual existed under Speaker Crisp, a Democrat.

Mr. WEBB. We are getting away from the real question again. Let us stick to the issue before the House, without any effort to appeal to individual official prejudice and "dignity of the House," as collective Members of this body. We may have the power to do a certain thing, yet it does not follow that it is wise to do that thing. We have the power to pass the defying substitute, but I assert that such action would be unwise and set a dangerous and unfortunate precedent. This writ is against ALLEN COOPER, GEORGE F. STURGISS, and DAVID E. FINLEY as individuals, and does not mention them as Members of the House or Members of Congress, and refers distinctly to the law under which the plaintiff is proceeding, and that it is the act of 1895, which created the Joint Committee on Printing, and not the Joint Committee on Printing of Congress.

Now, to come back to what I started to say awhile ago when my friend from Alabama interrupted me. My friend from Texas [Mr. HENRY] says that this Joint Committee on Printing is the creation of this House, one particular branch of the Sixty-first Congress, which I respectfully deny, and I appeal to every lawyer and every layman in this body to read this statute passed back in 1895, and when not 3 per cent of the Members of the present House were Members of the Congress which passed the law. The law was passed in 1895, and this particular branch and this particular session of the present Congress had nothing to do with its creation. The law under which the suit is brought was passed by Congress and signed by the President as any other law, and has the same sanctity and supremacy, no more and no less.

Mr. HENRY of Texas. Will the gentleman allow me an interruption?

Mr. WEBB. I will yield to the gentleman.

Mr. HENRY of Texas. The gentleman has said several times that this committee was created by the statute. Suppose the House should fail and refuse to appoint a Committee on Printing, and suppose the Senate should do the same thing, where would you get your Joint Committee on Printing created by the statute that the statute refers to?

Mr. BRANTLEY. Mr. Speaker——

Mr. WEBB. I yield to the gentleman from Georgia.

Mr. BRANTLEY. I would like to ask the gentleman's authority for imagining that the Congress that created the committee will decline to obey the law that it has itself made?

Mr. HENRY of Texas. I do no know that they would decline to obey it.

Mr. BRANTLEY. Then why assume that they would?

Mr. HENRY of Texas. I ask, if the committee created by the statute is not filled by appointment by the Speaker of the House and the Vice-President, where would your Joint Committee on Printing be created?

Mr. WEBB. Oh, I refuse to be sidetracked by such a question. Suppose the President of the United States should fail or refuse to fill a statutory office or commission by making the appointment? But why suppose a case when we have a real one before us, where the Speaker has obeyed the law and the appointments have been made, and the appointees have been exercising the powers given them by law?

Mr. HENRY of Texas. That is not a sidetrack.

Mr. WEBB. The gentleman from Texas stated that this committee was created by this particular session of Congress, and that I deny. This committee was created in 1895 by a supreme law of this land, because the Constitution says that treaties made under the Constitution and enactments of Congress, and the Constitution itself, shall be the supreme law of the land.

Mr. HAMLIN. Will the gentleman from North Carolina yield for a question?

Mr. WEBB. I will yield to the gentleman.

Mr. HAMLIN. I want to call the gentleman's attention to the fact that this committee was provided for by law long prior to the date the gentleman has suggested. It was provided for in 1846 by statute.

Mr. WEBB. That is true to a certain extent; but the law of 1846 did not create any such committee as was created by the law of 1895. The committee of 1846 had no power to let contracts; the power there was of the most limited sort—to supervise the work of the Public Printer and settle disputes between him and the superintendent. That law was amended in 1852, and gave the committee some additional powers and duties.

Mr. HAMLIN. The gentleman is in error there, I think. In 1846 the Clerk of the House and the Secretary of the Senate were authorized to advertise for bids for printing paper, and so forth, and to open the award of bids under the supervision of the Speaker and the President of the Senate.

Mr. WEBB. And if the gentleman will read further in the same act he will find that three Members of the House and three Members of the Senate were appointed as a committee to supervise the difficulties between the Public Printer and the superintendent of printing, and in 1852 the law was amended and strengthened and gave more authority to the committee, and that law was carried down in the Revised Statutes in section 3756, and so forth. In 1895 the whole law of printing was revised, enlarged, and amended, and certain powers and limitations were placed upon the present Joint Committee on Printing. So it is a statutory committee, with clearly defined duties under said statute.

Mr. HENRY of Texas. While on that statute, suppose your Joint Committee on Printing fails and refuses to do a thing authorized by the law of 1895? They refuse to advertise for bids, they refuse to advertise in the cities named in the statute. There are certain cities named, and they fold their hands and refuse to perform a single function mentioned in the statute. What authority has jurisdiction to require them to perform their duties—the courts of the country, or the House that created the membership of the committee, the Senate and the House?

Mr. WEBB. Answering the last part of the gentleman's question first, I would say that this House can not make one of its Members obey a single law; but it might make its Members obey the rules of the House, but not the laws of the United States.

Mr. HENRY of Texas. In reply to that——

Mr. WEBB. There is no power in this House to compel a man to execute the law. That is a function of the courts in proper cases.

Mr. HENRY of Texas. I cite the gentleman to the Constitution, which expressly says that this body shall have the power to compel Members to perform their duties, and expel them.

Mr. WEBB. As Members, subject to the rules of the House.

Mr. HENRY of Texas. Yes, as Members. If they refuse to perform the services——

Mr. WEBB. But the gentleman does not find anywhere in the Constitution anything giving this House the power to physically force any Member to obey the rules of the House.

Mr. HENRY of Texas. Will the gentleman yield further?

Mr. WEBB. Yes.

Mr. HENRY of Texas. Each House may punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member.

Mr. WEBB. Now, does the gentleman think he ought to interrupt me with such a question as that?

Mr. HENRY of Texas. I certainly do, because I think it is pertinent.

Mr. WEBB. I do not think it is pertinent at all.

Mr. HENRY of Texas. Let me ask the gentleman this question——

The SPEAKER. Does the gentleman further yield?

Mr. WEBB. Yes.

Mr. HENRY of Texas. Let me ask the gentleman this question: Does he believe that a Member shall have the right to refuse to accept membership on a commission when required to do so by a majority of this House?

Mr. WEBB. Well, Mr. Speaker, my friend is asking another irrelevant question. The Member has no right to refuse; but if he does, the House can not compel him to serve. It might punish his disobedience by expulsion. But why does not the gentleman stick to the main question—the jurisdiction of the court to construe and execute one of the laws of the United States, the statute in question?

Mr. HENRY of Texas. It is a practical question.

Mr. WEBB. Here is the law, without wondering what might happen in certain cases. Now, getting back to the main question again, I say this, that this House has not one particle of authority to compel any man to obey the law of the United States. It can require Members to perform their duties, possibly, as Members of the House, or suffer expulsion; but duties prescribed by law are quite different, with which the House has nothing to do. My friend does not contend that the Members of this body get their power and authority to perform certain acts mentioned in the statute from the Speaker who appoints them, or from our particular branch of the present Congress, and that is the crux of this whole question. Where do these members of the Joint Committee on Printing get their power? Do they get it from the Speaker? No; they can not exercise a single power except that which is laid down in the act of February 12, 1895, just the same as if the President of the United States should appoint an individual to perform certain duties under a statute. The appointee would not get his power to act from the President, but from the law which he is supposed to execute after he is appointed; and after his appointment the President does not control his duties, but they are defined by statute.

Mr. HENRY of Texas. Mr. Speaker, does the gentleman yield?

Mr. WEBB. Yes.

Mr. HENRY of Texas. The gentleman admitted that the House had a right to compel Members to perform their duties—Members of the House. Now, what are their duties? Are they confined to duties on the floor of the House or in the committees as well?

Mr. WEBB. Well, I should hate to have to tell this House what the duties of the Members are. I assume they know their duty. The Members do not serve on this Joint Committee on Printing as Members of the House, but as individuals subject to no control except the law under which they act.

Mr. HENRY of Texas. If the gentleman does not know, just let him say so, and I will excuse him.

Mr. WEBB. Mr. Speaker, I do not propose that my friend, who is full of theories and hypotheses, shall take up my time when he will not meet the main question. I know this: That the man who serves on this committee is not serving as a legislator, because he does not perform a single legislative act as such member of the committee—his duties are executive and ministerial—and because the moment he takes office or takes a commission under this law he is subservient to the law, for that is the source of every particle of his authority.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Let me get through with one sentence. He is no greater than the law under which he takes his commission and assumes his duties. I think the House would present a pretty spectacle should it put itself in the attitude of saying that every other man shall obey the law or go to jail, but when a Member of the House accepts an office or commission under the laws of the United States and should violate the law or refuse to obey, that the courts of the country have nothing to do with it, and have no right or power to compel the execution of the very law under which the commission is held. All men are amenable to the law—Congressmen like everyone else. No man is too high or too low to escape it.

Now I yield to the gentleman from Illinois.

Mr. SABATH. I desire to ask the gentleman whether anyone else but a Member of this House can be appointed on this committee?

Mr. WEBB. No, he can not; and that is because the statute makes it so.

Mr. SABATH. And because he is a Member of this House.

Mr. WEBB. That is the statutory qualification for membership on that committee. The statute makes it so. After he accepts service on that committee, then he is subject to the law, and wherever the law says a man shall do a thing and he does not do it, the only power that can compel him to do it is the courts alone. Congress can not do so, for its duties are legislative alone.

Mr. SABATH. But he acts as a Member of this body.

Mr. WEBB. He does not act as a Representative. I am trying to get that idea clear in the mind of my friend. He is acting as a member of a statutory committee with only such authority as the statute vests in him as a member of the Joint Committee on Printing.

Mr. SABATH. But would he act if he was not a Member of this House?

Mr. WEBB. He could not, because the statute says he could not.

Mr. SABATH. And he could not be appointed——

Mr. WEBB. Because the statute says so, and I am appealing to the statute, that that is the supreme law that shall be obeyed. My friend is willing to appeal to the provisions of the statute in one respect, but seems unwilling to accept it in another. He says you can not appoint anybody but a Member of Congress on this joint committee, which is correct, because the statute says so and not the House rules; but after he is appointed under that supreme law, shall it be said that he can set the whole law aside if he choose, and is not amenable to it at all?

I deny, Mr. Speaker, the statement of my friend from Texas and his argument that this committee is a creature of this branch of the present Congress or this House, or of the Sixty-first Congress, for that matter. It is a creature of the law. It is a statutory committee created by a solemn law of this land.

Mr. HAMLIN. Will the gentleman yield for a question there?

Mr. WEBB. I will; but I want to make this argument as brief as I can, as the hour is late.

Mr. HAMLIN. I think I agree with the gentleman, in the main; but I want to make this suggestion: Have the members of the Joint Committee on Printing authority to award contracts?

Mr. WEBB. Yes; that is right.

Mr. HAMLIN. If they were to make a wrong award or refuse to make a certain award, has this House any power to compel them to make that certain award or refuse to make it?

Mr. WEBB. If you ask my opinion, I would say absolutely none, any more than this House has the power to make the violator of any other law obey the law. This House certainly could not control the Senate members of the joint committee; neither could it control the House members, for they all must obey the law of their creation as the common source of their powers.

Mr. HAMLIN. I agree with the gentleman there. Now, if the House has not authority to compel them to act in a certain way when they are performing that particular act, are they acting for the House or under the supervision or jurisdiction of the House?

Mr. WEBB. I see the point of the gentleman's question. They are not acting under the supervision of this House, but under the law that created the committee for and in the interest of the people of the United States in awarding contracts for paper for the use of the United States Government, including paper for the use of Congress.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. GRAHAM of Illinois. Has this House the power to make any committee pursue any particular kind of action or make any particular kind of report?

Mr. WEBB. Yes; because that is within the line of our legislative duty, and that is a committee created and filled entirely by this House alone.

Mr. GRAHAM of Illinois. That is not my question. My question was: Has this House the right to make any of its committees make a particular kind of report on any particular matter before it?

Mr. WEBB. We did that to-day here. Of course they can, by a mere majority, and that is how the committee came to make the report. A majority of eight of the House so instructed its committee, and they obeyed the instruction. But that is purely a House committee, created by the House, with only the powers given it by the House.

Mr. GRAHAM of Illinois. You can make a committee bring in a report, but can you make them report a particular way?

Mr. WEBB. We do not make the committee of the House do it, but they make the report as the House directs.

Mr. HAMLIN. The distinction is just here, I think. When the committee acts in a legislative capacity, their acts are subject to a review always by this House; but when they act in an executive capacity, as in the awarding of contracts, their action is not subject to a review by this House at all.

Mr. WEBB. Now, Mr. Speaker, my friend from Texas [Mr. HENRY] devoted a considerable portion of his time to discussing the merits of this case. I say, Mr. Speaker, that we are creating a mountain out of a mole hill. To-morrow morning at 10 o'clock, when these gentlemen of this joint committee file their pleas or answer, that will be the last of this proceeding. No court has issued a mandamus against anybody. Let Members understand this. No court has issued an order to these Members that they shall do or shall not do a certain thing. The court has simply politely requested these members of the joint committee to appear and say why a mandamus should not be issued. Now, if the position of my friend from Texas is correct, if it is a privileged matter, if either the privilege of the House or of Members is involved, if these gentlemen are surrounded by some peculiar power called "privilege," then let them go to the bar of the court and let them make that plea, and the court will dismiss the proceeding if their position is correct. The very argument against this majority resolution which we offer ought to satisfy the House that they should vote for the majority report. If involving the privilege of the House, as the gentlemen claim, then in common respect to the courts of this land, let this plea be set up, and have the case dismissed in an orderly way. These gentlemen ought at least to go down and tell the court what their plea is, and not defy it. That court is guilty of no contempt to this Congress. After it has shown its contempt to the Congress there is time plenty to act. But wait until our prerogatives or rights are invaded, wait until they are run over before we take any extreme action. Of course, Mr. Speaker, as to the merits of the case, the moment the judge in the morning discovers the word "best" used in this statute he will say: "Gentlemen, when the law says the contract shall be awarded to the 'best' as well as the lowest bidder, the word 'best' gives the committee the power to decide what is the 'best' contract, and for this reason I can not issue mandamus to enforce a discretionary power."

Mr. JAMES. Would not the court make the same finding in the morning provided the committee did not appear there when it came to issue the mandamus or to consider the propriety of issuing it?

Mr. WEBB. It would not. You would have treated the court with contempt, and I say to the gentleman from Kentucky that the courts of this land are entitled to as much respect as the Congress of the United States, because they are a coordinate branch of this Government. And I am opposed to this House flinging defiance at this court or any other court in this land. [Applause.] The only way to maintain the dignity of this Congress is to obey the law and respect the courts. [Applause.] It will not add anything to the dignity of this body to pass a resolution here defying the court and throwing contempt in its face, and I am sure this body will be guilty of no such thing. So we need not bother about the merits of the case, gentlemen. That has nothing to do with the question before us now, though the committee has other complete defenses to the merits.

Before proceeding further: My friend from Texas [Mr. HENRY] does not surely mean what he seriously suggests—that this House, in its offended dignity, in its mighty and supreme power and wrath, should send for this judge of the supreme court of this District and try him before the bar here. Would we not have a situation of bedlam and of anarchy and destroy the great trinity of powers upon which this Government rests, which is peculiar to the United States alone of all nations, in that the legislative, the executive, and the judicial departments of this great Government shall forever remain separate, distinct, and independent of each other?

Mr. HENRY of Texas. Will the gentleman yield there?

Mr. WEBB. Yes, sir.

Mr. HENRY of Texas. I did not say that this House should do that; but I do say that if any district judge of the United States should infringe upon the privileges and prerogatives of this House and insulted it by his action, then we would have the right to bring that judge before the bar of the House and deal with him.

Mr. WEBB. My friend is making another hypothetical proposition. Of course, if any judge should be guilty of high crimes and misdemeanor, we would impeach him; but why suppose or infer that a judge is going to commit such a crime when you respectfully answer and plead to the processes of his court? We should rather assume that the judge will not commit crime or violate the privileges of the House or its Members.

Mr. HENRY of Texas. It is not hypothetical at all.

Mr. WEBB. My friend is assuming again that the judge may do so and so. Who is this judge, anyhow? One would think from the excitement of gentlemen that he is a reincarnation of the famous Jeffries.

Mr. HENRY of Texas. I think he is the judge that issued the writ against Gompers and others, is he not?

Mr. WEBB. I should judge from that question that the gentleman from Texas does not like the judge for his conduct in the Gompers case, and is probably actuated by prejudice. This should not control us here. Whether this judge was right or wrong in that case has nothing whatever to do with our duty and responsibility as to the question before us now.

Mr. HENRY of Texas. Probably I got him mixed with Judge Gould, who issued the writ, and Wright wrote the opinion.

Mr. WEBB. I do not know about that, and I do not care. That has nothing to do with the question before the House at present.

Mr. SHACKLEFORD. Will the gentleman allow me to interrupt him?

Mr. WEBB. I yield to the gentleman.

Mr. SHACKLEFORD. The gentleman from North Carolina has said something about the offended dignity of this House. I do not think that question is involved here. I understood you to say that this was an executive committee, performing the executive functions. If it is, then it is precisely like a collector of internal revenue or any other executive officer. Now, why should Congress assume to direct what he shall do because he happens to be sued in that court? What has Congress to do with instructing him how he shall answer?

Mr. WEBB. My friend has got an erroneous idea in his head as to what the report contains. The report does not "instruct" anybody; but my friend knows that the rules of this House provide that a Member of Congress can not leave it without permission, and all in the world that the majority report does is to give these gentlemen permission to go to court and plead to its jurisdiction and make any other pleas that they see fit to make.

Mr. SHACKLEFORD. Then why did not the report say so?

Mr. WEBB. That is just what it does say, and nothing else.

Mr. SHACKLEFORD. But if a Member should be sued on a promissory note in his district, shall he come to Congress and ask what he shall do, and would we pass a resolution referring that to the Committee on the Judiciary for a report as to how he should proceed? One is as good an assumption as the other.

Mr. WEBB. The Committee on the Judiciary is not responsible for the resolution being referred to it. The House did it without any request from our committee, but upon the request of the three gentlemen named in the rule to show cause.

Mr. SHACKLEFORD. Why did not the committee side step it, and say that it was a matter with which they had nothing to do?

Mr. WEBB. But we are the law committee of the House, and when the House sent the resolution to that committee and wanted our advice as to what these three Members should do, that committee, in pursuance of the mandate of the House, submitted its report, which is now under discussion.

Now, Mr. Speaker, I do not think my friend from Missouri wants anybody to side step a question.

Mr. SHACKLEFORD. If the gentleman will permit me, I do not believe that Members should side step anything in defending the committee; but I do not understand any executive officer that happens to be sued in any court would have authority to come here and take the opinion of the House as to what he should do about it.

Mr. WEBB. I understood my friend to ask why our committee had not side stepped the question.

Mr. SHACKLEFORD. I said that was a matter which this House had no concern in, and if this is done in an executive function, why not report it back to the House in that way?

Mr. WEBB. We have practically reported that it is a matter with which this House has no concern and give the individual Members permission to plead, and so forth.

Mr. SHACKLEFORD. I think that would be a correct report.

Mr. WEBB. But now just one more hypothetical speech I want to notice, and it is that of my friend from New York [Mr. FITZGERALD]. He complained here that if these men should go down to court, and if they should plead, and if they did not obey, and if the court should overrule them, and if the court should put them in jail and if so and so should happen—all based upon what might take place. I do not think the gentleman from New York has any right to assume that the court will violate either the law or the privilege of the House or its Members, and if his idea is correct, as I said a moment ago, if these men are immune from suit and process, either because of the privilege of the House or as individual Members, then Judge Wright has sense enough to know it, and will say so.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question.

Mr. WEBB. Certainly.

Mr. FITZGERALD. Now, suppose the court should determine that the Members are not immune to process and that they were not privileged. Do we not in that way permit the court to determine what the privileges of the Members are rather than reserve that right to ourselves?

Mr. WEBB. If the gentleman from New York will permit me, we want these men to go down there in a dignified way and plead to the jurisdiction of this court, and make any other pleas they choose.

If we take the suggestion of the gentleman from New York, we would instruct them to defy the court, wait until the court sends its process after them, and then they will be compelled to plead their privilege or go to jail. Suppose a Member of this body during the session should be indicted for a misdemeanor, would it not be his duty to answer the indictment either by pleading his privilege or to the merits of the case?

Mr. FITZGERALD. Oh, no; if the gentleman were familiar with the history of the Commons, he would know that the Commons would never permit any court to attempt to enforce its process against members, and the same rights and prerogatives belong to the Members of this House and are essential to its liberties.

Mr. WEBB. I want to suggest to the gentleman the danger of pursuing such a course. Then you would have the marshal of the District of Columbia in physical combat with the Sergeant-at-Arms of this House, and then you would have anarchy and the "best man" would win. Why not pursue an orderly course and let these men go down there and plead; let the judge decide whether they are immune from process. To pursue the course suggested by the gentleman from New York would produce anarchy.

In every lawsuit where a man thought he ought not to be sued, he would just take a club and stand up and fight the thing out with the sheriff or anybody who came to serve papers on him, and finally in all things brute force would be the controlling power. We have courts to determine these things peaceably, decently, and orderly.

Now, one more suggestion. The gentleman from New York has suggested the great danger of usurpation of government by the judiciary.

Mr. FITZGERALD. Oh, I beg the gentleman's pardon. I did not say that.

Mr. WEBB. I thought the gentleman spoke of England's judicial usurpation.

Mr. FITZGERALD. No; I did not use that expression.

Mr. WEBB. What did the gentleman say about the judicial usurpation of power?

Mr. FITZGERALD. I said nothing about judicial usurpation. I said that the gentleman would invite the judiciary to determine what are the prerogatives and privileges of the House, rather than having the House reserve that right to itself, as it should.

Mr. WEBB. I suggest, Mr. Speaker, that time was in the past, when the Parliament undertook to control the judiciary of the country, and that is the very reason why, when the fathers wrote our Constitution, they provided that the trinity of powers upon which this Government rests should always remain separate and distinct from each other—the judicial, the executive, and the legislative. The judiciary has no right to tell the legislative what laws they shall pass.

The executive has no right to coerce the judiciary and the legislative has no right to defy or coerce the judiciary. That wonderful instrument provides orderly ways in which to settle these very questions, and that is the suggestion that the majority of this committee makes, that this one should be settled as all other judicial questions are settled, by pleading to the jurisdiction and let the court pass upon it.

Now, I appeal for a moment to that Constitution of the United States, in order to show the sovereignty of every court in this land:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby.

Therefore the act of 1895 is a supreme law of the land, and I say that no man should be permitted to escape carrying out that law when he undertakes to perform its functions.

Next I call the attention of the House to another section of the Constitution:

> The judicial power shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and the treaties made under their authority.

The courts have always had the power to construe the laws that Congress enacts. You gentlemen here to-night are undertaking to say that the House shall construe this law of 1895 and take that function wholly away from the courts. I say that we have no right to do it. And if we did have the right, we ought not to exercise it in this defiant manner. We ought to show our respect for the law which this Congress created long ago. Congressmen ought to obey the law which Congressmen make. If we do not obey the law, how can we expect the humblest citizen of this land to obey it?

The material sections of the law under which this rule to show cause is issued are the following:

> *Be it enacted, etc.*, That there shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, who shall have the powers hereinafter stated.

Sections 2, 3, and 4 prescribe certain duties, but the section involved in this controversy is section 5, as follows:

> SEC. 5. The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by a bond, approved by the judge or clerk of a court of record, in the penalty of $5,000; that the bidder or bidders, if his or their proposals is accepted, shall enter into a contract to furnish the articles proposed for and by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish.

Now, I repeat the statement that the law of 1895 is a supreme enactment, and it says several times that these men on the joint committee "shall" do certain things, not that they may or ought to; they are not directed to do anything, but the very strongest language known to the law is used in the statute, and it is mandatory. It says that these members of this committee "shall" on a certain day let the contract to the lowest and best bidder for the interest of the United States.

There is no escape from the word "shall." It says that they "shall" not consider any bid unless it is accompanied by a bond, and so forth. There are two positive duties enjoined upon the committee by law. One is that they shall do something, and the other is that they shall not do something else. I tell you, gentlemen, whenever the supreme law of this land requires any man to do a particular act, and the legal duty is clear, nobody on earth has the power to make him obey that law except the courts of this land. [Applause.]

These gentlemen have no duties or powers given them by this House on the joint committee, and hence, receiving their power and authority from the law, they are amenable to that law and not to the House. Therefore, in this notice to show cause, the privileges of the House as a body are not invaded. Suppose the law should have required the Speaker to appoint private citizens on this committee, does anyone suppose that the court could not require them to obey the law? Therefore the mere appointment by the Speaker does not raise the House privilege for the members of the committee. Suppose the law had provided that the President should appoint six Members of Congress on this committee, could it be said that just because the appointees were Congressmen that they could avoid, escape, or nullify the law and the courts would have no power to interfere and enforce the law's provisions? Shall the courts be permitted to exercise jurisdiction in construing this law as they do in cases where other laws of the United States are involved?

This Joint Committee on Printing reports to neither the House nor to the Senate nor to Congress and is responsible to neither. They act while Congress is not in session as well as when it is in session.

Then, who can, if not the courts, compel obedience to this law? It is either a law or it is not a law. No one denies it being a law and the law. Surely it was not passed with the idea that no one should be required to obey it! If so, it stands alone among all legislative enactments in all history. The plaintiff alleges that this law has been disobeyed by the joint committee, and whether this allegation be true or false, no one but the court can try the issue, and hence it has jurisdiction for this purpose.

It is the law that determines the question of jurisdiction and not the persons who are required to execute or obey it.

Suppose one of the successful bidders should fail or refuse to carry out his contract to furnish paper and heavy damage to the United States should result, where and by whom would suit be brought to recover the damages? Would it be brought in the name of the House or the Senate or both? Most certainly not, for neither could possibly be construed as a party to such suit, for neither would be entitled to recover the damages. Would the action when brought be tried by the House or by the Senate or both? Certainly not, for neither can try such actions, for their functions are purely legislative except in impeachment proceedings.

Then, of course, the suit would have to be brought in a United States court in the name of the United States, or the Joint Committee on Printing, or both, as plaintiff. The courts would certainly have jurisdiction under the law of the defendant and subject-matter in such case. Then, pray tell me why, when the parties are reversed, the court would not still have jurisdiction? It can not be maintained that courts may have jurisdiction of one half of the contract and of one of the parties to it and not of the other half and of the other party.

There is a question, however, of personal privilege involved in this proceeding, which these gentlemen may raise before the court by suggesting that Congress is now holding its sessions and that they can not be detained in courts at such times. The judge would promptly agree to continue the case until Congress adjourns, just as if they were sued on a note or arrest and bail proceedings. Their personal privilege could be pleaded; but it would always be their duty to appear in court and set up this plea as any other defense should be pleaded.

I close by saying again as strongly as I know how that if the House wants to preserve its dignity, the best way to do it is to show its respect for the law and obedience to the just mandate of the courts of the country. [Applause.]

Mr. BRANTLEY. Mr. Speaker, I arise to submit a very few remarks in conclusion of this debate. I am persuaded from some of the things that have been said on the floor by speech and by question that there has been a great confusion of mind as to the real and only issue that is before the House.

We are not dealing with questions of defense or with questions of procedure. We are confronted with the situation that these three members of the printing committee, whether they should have done so or not, came to the House and asked for instructions as to their action in the premises in connection with this suit, and the House, in its wisdom, submitted their request to the Judiciary Committee, instructing that committee to advise as to what action, if any, the House and particularly these three Members should take in the matter.

Now, we are confronted with three propositions as to the action that should be taken, one that these Members be granted the permission of the House to appear in the court and to plead to the jurisdiction and to make any other defense that, in their judgment, seems proper. There is nothing in that proposition that suggests direction or compulsion, it is a mere permission to these three Members of the House to appear.

The second proposition is that submitted by the gentleman from New Jersey [Mr. PARKER], that they be granted permission to appear and be instructed to appear only for the purpose of pleading to the jurisdiction, and if that be determined against them, to appeal and take the case up.

The third proposition is that of the gentleman from Alabama [Mr. CLAYTON], that this House hurl defiance at the court for issuing the writ.

Now, the sole and only question that we are to deal with is, Shall the House hurl this defiance or shall it grant permission to these Members in an orderly way to plead to the jurisdiction and to plead the privileges of the House, if they see proper so to do.

Mr. COOPER of Pennsylvania. Mr. Speaker, will the gentleman from Georgia yield to me for a brief statement?

Mr. BRANTLEY. I will yield to the gentleman from Pennsylvania.

Mr. COOPER of Pennsylvania. I want to say to the gentleman from Georgia and to the House that as a member of the Printing Committee and as chairman of that committee, when this writ was served upon me and the other Members, mindful of our duties as Members of this body, we felt it our duty to go to the House and inform the House of what was transpiring. We did not feel that we would be justified in going into court and conducting litigation without advising the House and asking for its opinion and instructions as to what we ought to do. We did not come to the House asking for immunity or to invoke the privileges of the House against going into court, but for the purpose of submitting the question to the House and obtaining instructions of the House as to what, in its judgment, we should do. Let me say further that we have a perfectly good defense to the action here. We have no hesitancy whatever in going into court and trying the issue if it be thought proper to do so, and for that reason we merely came here for the purpose of informing the House and getting the advice and consent of the House. [Applause.]

Mr. BRANTLEY. Now, Mr. Speaker, it seems to me, if I can have the attention of the House, that I can state the reasons that influenced and controlled the majority of this committee so clearly that no Member of the House will have any hesitancy in reaching a conclusion on one side or the other of the proposition.

I apprehend, in the first place, that we are all in accord on this proposition—that the acts of this joint committee here are either legislative or executive. I take it that no one will question the soundness of the proposition that these acts are one thing or the other—either they are legislative or they are executive. I think we can all agree still further that, if the acts of this committee are legislative, the court has no jurisdiction to control them, and I think we can all agree further that, if the acts are executive, the court can control them.

Mr. Speaker, are these acts legislative or executive? This afternoon I called the attention of the House to the rules of this body, which, notwithstanding what some gentlemen have stated, nowhere create a Joint Committee on Printing. The rules of the House, while providing for the appointment of a House committee of three on printing, recognize the existence of a Joint Committee on Printing. When we come to investigate how this Joint Committee on Printing exists, we find that it exists under law. Now, your committee did not want to determine in advance of a judicial hearing the status of the members of this committee, but we wanted to go sufficiently far to show that there was at least such question as to the acts of this committee being legislative or executive as authorized the courts to pass upon the question. It is true, and it can not be gainsaid, that this committee exists by a law.

Mr. Speaker, in addition to what I stated this afternoon——

Mr. PARKER. Mr. Speaker, may I interrupt the gentleman a moment?

The SPEAKER. Does the gentleman yield?

Mr. BRANTLEY. I presume I will have to yield to the chairman of my committee.

Mr. PARKER. Only a moment. I desire to ask the gentleman if the rules do not provide in the following words:

> Also the following joint standing committees, viz:
> On the Library, to consist of five members.
> On Printing, to consist of three members.

Mr. BRANTLEY. What rule is that?

Mr. PARKER. Rule X.

Mr. BRANTLEY. Mr. Speaker, I will answer my distinguished friend by an authority that this House, since I have been a Member of it, has recognized without dissent. I have before me the publication that this House authorized to be prepared for its guidance in parliamentary law. I have the compilation as prepared by the parliamentarian of this House, Mr. Hinds, and in answer to my friend from New Jersey, who construes the rules and the law for himself, I quote Mr. Hinds's construction of the proposition that is before the House. He says, in black type, on page 845 of volume 4 of Hinds's Precedents of the House of Representatives, this:

> The Joint Committee on Printing, while recognized by the rules, was created by the statutes.

He also says, in answer to the question as to whether the duties of this committee are legislative or executive, and this is in black type:

> The Joint Committee on Printing has executive duties conferred by statute.

When we come to read the history of this committee we find that it was first created by a law in 1846. Then there was a law in 1852 that provided for the election by each House of a

Public Printer, and continued the Joint Committee on Public Printing. Mr. Hinds says:

The Joint Committee on Printing is therefore created by law instead of by any joint rule of the two Houses, although its existence is recognized in the rule of the House defining its jurisdiction.

When we come to the language pointing out the duties of this committee, we find it stated that they are given—

* * * general supervision of the printing; the procuring of paper of suitable standards and approval of contracts therefor, and for other supplies; control of the arrangement, style, bulk, and indexing of the CONGRESSIONAL RECORD—

And, listen—

appointment of a person to edit the documents and reports accompanying the annual message of the President; the prescribing of limitations and conditions for printing and illustrating for the Patent Office.

Mr. Speaker, with this authority, so long recognized by this House, that the duties of this joint committee are executive, why should we to-day solemnly resolve, in our efforts to humiliate a coordinate branch of the Government, that these duties are legislative, and that the courts can not interfere? Why so resolve, when our own precedents and our own publications to control our actions state that these duties are executive?

Some gentlemen have been confused in this way: They seem to think that because the law creating this committee says that the qualification for membership on it shall be membership in the House or in the Senate, that therefore the acts of these members as performed are the acts of the House and of the Senate, and are legislative. Such gentlemen claim a privilege and exemption for this committee by reason of a qualification that admits to membership on the committee. The situation is just the same as if the law had prescribed as the requisite qualification that no man should be a member of the committee unless he was 30 years old.

This fact of age would be of no value in determining the character of the acts and conduct of the man after he became a member of the committee. The law now under consideration says that in order to be a member of this committee a man must be a Member of Congress. That requirement goes only to the qualification to hold the office. We are not to measure subsequent acts and conduct in office by reason of this requisite of qualification to hold the office. The proposition that seems to disturb some gentlemen was settled by John Marshall more than one hundred years ago. In Marbury *v.* Madison (1 Cranch) he said:

It is not by the office of the person to whom the writ is directed, but the nature of the thing to be done, that the propriety or impropriety of issuing a mandamus is to be determined.

The hole that we run into when we undertake here to declare defiance to the courts and to assert that these duties are legislative is this: Whether these duties are legislative or executive is a matter that can be determined in only one way, and that is by the law that prescribes the duties. There is no other standard. The meaning of this law must be determined by the judiciary, for the Constitution that we have sworn to support tells us that the judicial power of this Government shall extend to all cases in law or in equity that arise under the laws of the United States. Now, here is a law of the United States that fixes the qualifications and prescribes the duties of the members of this committee, and there is but one forum in this Government that can authoritatively declare whether those duties are legislative or executive, and that forum is the judiciary. [Applause.]

So we may hurl our thunderbolts, and while condemning the judiciary, become guilty ourselves of attempting to assume judicial power by trying to construe a statute; but when we are through, whether we defy the court or whether we do not defy it, the court will nevertheless go on, and will determine whether those duties are legislative or executive, and we as law-abiding citizens will be bound by that determination.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BRANTLEY. I would prefer not to do so.

Mr. Speaker, if we had the time I could cite many precedents that seem to have some bearing on this case. In the case of Kilbourn *v.* Thompson (103 U. S., 220), where Members of Congress were sued for what they claimed were legislative acts, did they appeal to Congress to exempt them from the suit and to protect them? Not so. Their appeal was to the Supreme Court of the United States, which declared the privilege that they claimed. We have in our books the case, from Massachusetts, of Benjamin F. Butler, Forty-first Congress, who was sued for his acts that he claimed were performed by him as a Member of Congress. Did he appeal to the Congress to save him from the suit and declare him exempt from it? Not so. He was haled into court and then came to Congress, not to exempt him from the suit, but to furnish funds with which to defray the expenses of the litigation. Mr. Speaker, it is inconceivable to me how any gentleman can believe that this House has any power to save any man from the mandate, under the Constitution, of the judicial power. Gentlemen have surmised and speculated as to what the court might do or could do or would do. I suggest that it is beneath the dignity of this House to assume that any judge is going to violate the Constitution and his oath of office. [Applause.] We can not afford to base our action upon any such assumption.

There seems to be a disposition among some to get the motive and incentive for their duty in this particular by reason of what some gentleman elsewhere have thought ought to be done. In my judgment, if we would maintain the dignity of this House, we should determine this question upon our responsibility and not upon the responsibility of anyone else. [Applause.] We have the power and the jurisdiction and the duty, and we should shirk none of these things. [Applause.]

I want to say one thing more, and I measure my words when I do. There is no protection to-day for life, liberty, or property in this country except through and by the duly constituted courts of the country. The one thing to-day that stands between us and anarchy is the judiciary. We talk about the legislative and the executive and the judicial departments of this Government, but we must realize that great as is our power, and that although we may pile statute upon statute until they tower mountain high, those statutes are meaningless, worthless, and useless unless the courts of this country enforce obedience to them. [Applause.] It seems to me that we can not afford to lose sight of the tremendous part that the judiciary plays in the development and the maintenance and the preservation of the liberty that we enjoy. We surely should not go out of our way to denounce a court or to put into the hands of the lawless, of the anarchists, and of those who habitually defy the law the powerful weapon of being able to assert that the Congress has denounced the courts of the country as usurpers of power and destroyers of liberty. [Applause.]

Mr. Speaker, when a case is instituted and every word and letter of the procedure shows that it is predicated upon a law passed by Congress, and the court does no more than to issue a rule to show cause, by reason of an alleged violation of such law, the due and orderly thing to do, it seems to me, is to respond to the writ of the court and before the court make the defense of privilege, or whatever defense it may be right and proper to make. [Applause.]

Some gentlemen seem to question the wisdom or propriety of this Congress granting permission to its Members to make answer. Your Committee on the Judiciary were mindful of their duty when they suggested the resolution that is now before you. We have precedents. There is one cited in the third volume of Hinds's Precedents, to the effect that Members having informed the House, as these Members did, as a matter of privilege, that they had been summoned before the grand jury of the District, and summoned by an order of court, the House, by resolution, without division, granted them permission to obey the summons of the court.

What more do we want as precedent than that? Without any precedent, however, what is the objection to this, the highest legislative body in the land, showing a proper respect to its great coordinate department, the judiciary, by permitting its Members to respond to a lawful summons?

Mr. Speaker, it seems to me that the majority resolution ought to be adopted, and I move the previous question on this resolution and all amendments thereto to its final passage. [Great applause.]

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] moves the previous question on the resolution and all amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The Clerk will first report the amendment offered by the gentleman from New Jersey [Mr. PARKER].

Mr. CLAYTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. Is the amendment offered by the gentleman from New Jersey first in order, or the substitute?

The SPEAKER. This seems to be an amendment to perfect the original resolution before taking a vote on the substitute.

Mr. PARKER. Mr. Speaker, I would like to have the resolution read as it will read when amended.

The SPEAKER. The Clerk will read the resolution as it would read if amended.

The Clerk read as follows:

Whereas the supreme court of the District of Columbia, at the instance of the Valley Paper Company (Incorporated) as plaintiff, has caused to be served on ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY, Members of this House, a rule to show cause why writ of mandamus should not issue against them as members of the

Joint Committee on Printing of Congress by reason of their alleged action as members of such committee in rejecting certain proposals of the said Valley Paper Company (Incorporated) to furnish certain paper for public printing and binding: Now therefore

Resolved by the House of Representatives, that the said ALLEN F. COOPER, GEORGE C. STURGISS, and DAVID E. FINLEY be, and they are hereby, granted permission to enter an appearance in response to said rule for the purpose of pleading to the jurisdiction of the court, and if necessary to prosecute an appeal or writ of error from any judgment therein, and for such purpose they are hereby authorized and permitted to absent themselves from the sessions of the House.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is now on the substitute, which the Clerk will again report.

The Clerk read as follows:

Strike out all after the word "*Resolved*," and insert:

"That Justice Wright, of the supreme court of the District of Columbia, in granting and issuing the following rule to show cause why a writ of mandamus should not be issued, to wit:

"In the supreme court of the District of Columbia. The Valley Paper Company (Incorporated), plaintiff, v. The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, respondents. At law, No. —.

"'RULE TO SHOW CAUSE.

"'Upon consideration of the petition of the Valley Paper Company filed herein this 2d day of February, 1910, it is by the court this 2d day of February, 1910, ordered that the respondents, the said REED SMOOT, JONATHAN BOURNE, Jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, members of the Joint Committee on Printing of Congress, show cause, if any they may have, on or before the 11th day of February, 1910, at 10 o'clock a. m., why a writ of mandamus should not be issued as prayed in said petition; provided a copy of said petition and this rule be served upon said respondents, members of the Joint Committee on Printing of Congress, on or before the 7th day of February, 1910.

"'WRIGHT, *Justice*.

"'A true copy.

"'Test:

"'L. B. YOUNG, *Clerk*.

"'By H. BINGHAM, *Assistant Clerk*.'

"against three Members of this body named in said rule, to wit, Representatives GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, and in causing the said rule to be served upon them, in the opinion of the House of Representatives, thereby unlawfully invaded the constitutional privileges and prerogatives of the House of Representatives and of said Representatives, and was without jurisdiction to grant said rule; and said Representatives are directed to make no appearance in response thereto."

The SPEAKER. The question is on agreeing to the substitute.

Mr. CLAYTON. Mr. Speaker, upon that question I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Upon this demand the ayes are 35, noes 157. The yeas and nays are refused.

Mr. CLAYTON. Mr. Speaker, I demand tellers on ordering the yeas and nays.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] and the gentleman from Georgia [Mr. BRANTLEY] will take their places as tellers.

The House again divided; and the tellers reported—ayes 46, noes 141.

The SPEAKER. A sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 56, nays 173, answered "present" 13, not voting 145, as follows:

YEAS—56.

Booher	Driscoll, D. A.	Jamieson	Parker
Broussard	Ferris	Korbly	Rodenberg
Burgess	Focht	McCall	Rothermel
Burnett	Gallagher	McHenry	Sherwood
Candler	Garrett	Macon	Sisson
Cantrill	Gill, Mo.	Maguire, Nebr.	Stephens, Tex.
Cassidy	Graham, Ill.	Martin, Colo.	Sulzer
Clark, Mo.	Hamill	Miller, Minn.	Tawney
Clayton	Heflin	Moore, Tex.	Taylor, Ohio
Cline	Henry, Conn.	Morgan, Mo.	Thomas, N. C.
Cooper, Wis.	Henry, Tex.	Moss	Thomas, Ohio
Craig	Hubbard, Iowa	Nicholls	Underwood
Dent	Hull, Iowa	Oldfield	Watkins
Dickson, Miss.	James	Palmer, A. M.	Wiley

NAYS—173.

Adamson	Bennett, Ky.	Conry	Dodds
Alexander, Mo.	Boehne	Coudrey	Driscoll, M. E.
Allen	Bradley	Cowles	Dwight
Anderson	Brantley	Cox, Ind.	Edwards, Ga.
Ashbrook	Brownlow	Cox, Ohio	Edwards, Ky.
Austin	Burke, Pa.	Cravens	Ellerbe
Barchfeld	Burke, S. Dak.	Cullop	Ellis
Barnard	Butler	Davis	Elvins
Barnhart	Calder	Denby	Englebright
Bartholdt	Carlin	Denver	Fassett
Bartlett, Nev.	Cary	Dickinson, Mo.	Fish
Beall, Tex.	Chapman	Diekema	Flood, Va.
Bell, Ga.	Cocks, N. Y.	Dies	Floyd, Ark.
Bennet, N. Y.	Collier	Dixon, Ind.	Fordney
Fornes	Hughes, N. J.	Mays	Slemp
Foster, Ill.	Hughes, W. Va.	Mondell	Small
Foster, Vt.	Humphreys, Miss.	Moon, Pa.	Smith, Tex.
Foulkrod	Johnson, Ohio	Moore, Pa.	Southwick
Fuller	Joyce	Morgan, Okla.	Sparkman
Gardner, N. J.	Keifer	Morrison	Spight
Garner, Tex.	Kennedy, Ohio	Morse	Stafford
Gillespie	Kinkaid, Nebr.	Moxley	Steenerson
Good	Kinkead, N. J.	Nelson	Sterling
Goulden	Kitchin	Olcott	Sulloway
Graff	Knapp	Olmsted	Taylor, Colo.
Grant	Knowland	Padgett	Tirrell
Greene	Kopp	Page	Tou Velle
Gregg	Küstermann	Payne	Townsend
Gronna	Lafean	Poindexter	Volstead
Hamer	Langham	Prince	Vreeland
Hamilton	Latta	Pujo	Wanger
Hamlin	Law	Rainey	Washburn
Hammond	Lawrence	Ransdell, La.	Webb
Hanna	Lenroot	Rauch	Weeks
Hawley	Lever	Reid	Wheeler
Hayes	Lindbergh	Reynolds	Wickliffe
Helm	Lloyd	Robinson	Willett
Higgins	Lowden	Rucker, Mo.	Wilson, Ill.
Hinshaw	McCreary	Scott	Wood, N. J.
Hollingsworth	McLachlan, Cal.	Sheffield	Woods, Iowa
Houston	Madison	Sheppard	Young, Mich.
Howard	Maiby	Sherley	
Howell, N. J.	Mann	Simmons	
Howland	Martin, S. Dak.	Sims	

ANSWERED "PRESENT"—13.

Byrns	Finley	O'Connell	Wilson, Pa.
Campbell	Fitzgerald	Sabath	
Cooper, Pa.	Hull, Tenn.	Sturgiss	
Currier	Murdock	Thomas, Ky.	

NOT VOTING—145.

Adair	Foss	Kennedy, Iowa	Pickett
Aiken	Fowler	Kronmiller	Plumley
Alexander, N. Y.	Gaines	Lamb	Pou
Ames	Gardner, Mass.	Langley	Pratt
Andrus	Gardner, Mich.	Lee	Pray
Ansberry	Garner, Pa.	Legare	Randell, Tex.
Anthony	Gill, Md.	Lindsay	Reeder
Barclay	Gillett	Livingston	Rhinock
Bartlett, Ga.	Gilmore	Longworth	Richardson
Bates	Glass	Loud	Riordan
Bingham	Godwin	Loudenslager	Roberts
Borland	Goebel	Lundin	Rucker, Colo.
Boutell	Goldfogle	McCredie	Russell
Bowers	Gordon	McDermott	Saunders
Burleigh	Graham, Pa.	McGuire, Okla.	Shackleford
Burleson	Griest	McKinlay, Cal.	Sharp
Byrd	Guernsey	McKinley, Ill.	Slayden
Calderhead	Hardwick	McKinney	Smith, Cal.
Capron	Hardy	McLaughlin, Mich.	Smith, Iowa
Carter	Harrison	McMorran	Smith, Mich.
Clark, Fla.	Haugen	Madden	Snapp
Cole	Hay	Maynard	Sperry
Cook	Heald	Miller, Kans.	Stanley
Covington	Hill	Millington	Stevens, Minn.
Creager	Hitchcock	Moon, Tenn.	Swasey
Crow	Hobson	Morehead	Talbott
Crumpacker	Howell, Utah	Mudd	Taylor, Ala.
Dalzell	Hubbard, W. Va.	Murphy	Tener
Davidson	Huff	Needham	Thistlewood
Dawson	Hughes, Ga.	Norris	Tilson
Douglas	Humphrey, Wash.	Nye	Wallace
Draper	Johnson, Ky.	Palmer, H. W.	Weisse
Durey	Johnson, S. C.	Parsons	Woodyard
Esch	Jones	Patterson	Young, N. Y.
Estopinal	Kahn	Pearre	
Fairchild	Kelliher	Perkins	
Foelker	Kendall	Peters	

So the substitute was rejected.

The following additional pairs were announced:

Until further notice:

Mr. MCKINLEY of Illinois with Mr. JOHNSON of South Carolina.

Mr. REEDER with Mr. WEISSE.

Mr. BINGHAM with Mr. TALBOTT.

Mr. ALEXANDER of New York with Mr. ADAIR.

Mr. BATES with Mr. BORLAND.

Mr. DOUGLAS with Mr. BURLESON.

Mr. DUREY with Mr. COVINGTON.

Mr. FOELKER with Mr. HARRISON.

Mr. KENNEDY of Iowa with Mr. HAY.

Mr. SMITH of Iowa with Mr. HITCHCOCK.

Mr. YOUNG of New York with Mr. PETERS.

Mr. FOSS with Mr. SLAYDEN.

Mr. MILLER of Kansas with Mr. SHARP.

Until Monday:

Mr. NYE with Mr. CLARK of Florida.

For the balance of the day:

Mr. COOK with Mr. RICHARDSON.

Mr. TILSON with Mr. JOHNSON of Kentucky.

Mr. CURRIER with Mr. BARTLETT of Georgia.

Mr. GRIEST with Mr. SHACKLEFORD.

On this vote:

Mr. MURDOCK (against majority report) with Mr. MOON of Tennessee (in favor of majority report).

Mr. BOWERS (in favor of majority report) with Mr. HARDY (against majority report).

Mr. H. W. PALMER (in favor of majority report) with Mr. HUMPHREY of Washington (against majority report).

Mr. NORRIS (in favor of majority report) with Mr. CAMPBELL (against majority report).

Mr. FITZGERALD. Mr. Speaker, has the gentleman from Pennsylvania [Mr. DALZELL] voted?

The SPEAKER. He has not.

Mr. FITZGERALD. I voted "yea." I am paired with the gentleman, and desire to withdraw my vote.

The name of Mr. FITZGERALD was called, and he answered "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

COMMUTATION OF ANNUITIES OF INDIAN TRIBES.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 358), which was read, referred to the Committee on Indian Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, agreements concluded with certain Indian tribes for the commutation of their perpetual annuities under treaty stipulations, together with draft of a bill providing for the ratification of said agreements and making the necessary appropriations for carrying the same into effect.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1910.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1232. An act for the relief of James L. Bradford—to the Committee on Private Land Claims.

S. 1324. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians—to the Committee on Indian Affairs.

S. 2777. An act to establish The Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes—to the Committee on the Public Lands.

S. 5167. An act to provide for an enlarged homestead—to the Committee on the Public Lands.

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6073. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 6104. An act providing for the appointment of Commander Robert E. Peary a rear-admiral in the navy as an additional number in grade, and placing him upon the retired list—to the Committee on Naval Affairs.

S. 6171. An act to provide for participation by the United States in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911—to the Committee on Foreign Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River; and

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

RETURN OF BILLS TO THE SENATE.

The Speaker laid before the House the following request from the Senate, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
February 9, 1910.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John L. Woodson, administrator of estate of Richard O. Woodson, against The United States (H. Doc. No. 677)—to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel from Aransas Pass Harbor through Turtle Cove to Corpus Christi, with a view to obtaining a channel 25 feet deep and of the necessary width (H. Doc. No. 678)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 183) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 429), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2341) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 430), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported the same with amendment, accompanied by a report (No. 431), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 20379) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, reported the same with amendment, accompanied by a report (No. 428), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 420), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 421), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 550) to pay Edgar F. Luckenbach for damages to his barge *C. F. Sargent* by collision

with the U. S. dredge *Manhattan*, reported the same without amendment, accompanied by a report (No. 424), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 12811) for the relief of Willard W. Alt, reported the same adversely, accompanied by report (No. 425), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 15267) for the relief of Capt. Joseph M. Johnson, reported the same adversely, accompanied by a report (No. 426), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15874) for the relief of Peter Keveney—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 20561) for the relief of the estate of Richard A. Bynum, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 20573) for the relief of certain employees of the United States during the civil war whose wages were withheld and used for other purposes—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 20574) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 20575) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906—to the Committee on the Judiciary.

By Mr. OLCOTT: A bill (H. R. 20576) to refund certain duties paid in the Hawaiian Islands—to the Committee on Ways and Means.

Also, a bill (H. R. 20577) to consolidate third and fourth class matter and increase the postal revenue—to the Committee on the Post-Office and Post-Roads.

By Mr. DWIGHT: A bill (H. R. 20580) providing for the construction of a public building at Cortland, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 20581) to amend an act approved February 6, 1909, entitled "An act relating to affairs in the Territories, and for other purposes"—to the Committee on the Judiciary.

By Mr. McHENRY: A bill (H. R. 20582) to amend certain sections of an act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended by an act approved October 1, 1890, and an act approved May 9, 1902, and to define the duties of dealers in oleomargarine, to define offenses against this act and prescribe penalties therefor, to make certain provisions of existing laws applicable to oleomargarine and to persons dealing therein, and to prohibit compromises of criminal cases arising under this act—to the Committee on Agriculture.

By Mr. COX of Indiana: A bill (H. R. 20583) for the enlargement of the post-office and federal building at New Albany, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. HAMLIN: A bill (H. R. 20584) to amend chapter 90, Twenty-fourth Statutes at Large, page 373, approved February 3, 1887, and fixing term of office of electors of President and Vice-President of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. KÜSTERMANN: A bill (H. R. 20585) to repeal section 4902 and to amend section 4934 of the Revised Statutes, relating to caveats—to the Committee on Patents.

By Mr. O'CONNELL: A bill (H. R. 20586) to amend an act entitled "An act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 30, 1906—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20587) to provide compulsory saving of a part of the monthly salary of each enlisted man of the Army, Navy, and Marine Corps of the United States—to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 20676) for the relief of homestead settlers under the act of February 20, 1904—to the Committee on Indian Affairs.

By Mr. HULL of Tennessee: Resolution (H. Res. 388) requesting certain information from the Secretary of State relative to appointment in the diplomatic and consular service—to the Committee on Foreign Affairs.

By Mr. GREENE: Resolution (H. Res. 389) providing for an assistant clerk to the Committee on the Merchant Marine and Fisheries—to the Committee on Accounts.

By Mr. ANDREWS: Joint resolution (H. J. Res. 140) approving certain laws of the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. HARRISON: Joint resolution (H. J. Res. 141) postponing the time of making returns and assessments under the operation of the corporation-tax law—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 20588) granting an increase of pension to Andrew Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20589) granting an increase of pension to Frederick K. Hewitt—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20590) granting a pension to Ignacio Salazar—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 20591) granting a pension to Jeannette G. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20592) granting a pension to Anna Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20593) granting an increase of pension to Adam Row—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 20594) granting an increase of pension to William H. Taylor—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20595) granting an increase of pension to Mary A. Brown—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20596) granting an increase of pension to John Kelly—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20597) granting an increase of pension to Jacob M. Hizar—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 20598) for the relief of J. W. Causey—to the Committee on War Claims.

By Mr. CASSIDY: A bill (H. R. 20599) granting an increase of pension to A. H. Bash—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 20600) granting an increase of pension to Eli Rinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20601) granting an increase of pension to Anna Eliza Dunkelberg—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 20602) for the relief of N. H. Waugh—to the Committee on War Claims.

By Mr. COX of Ohio: A bill (H. R. 20603) for the relief of Henry Halteman—to the Committee on Military Affairs.

Also, a bill (H. R. 20604) granting an increase of pension to Jacob Werley—to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 20605) granting a pension to Martha Rebecca Young—to the Committee on Pensions.

Also, a bill (H. R. 20606) to correct the military record of John Sanspree—to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 20607) granting an increase of pension to Morgan Tedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20608) granting an increase of pension to Morgan M. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20609) granting a pension to Alexander Kirkpatrick—to the Committee on Pensions.

Also, a bill (H. R. 20610) granting a pension to James B. Mulford—to the Committee on Pensions.

Also, a bill (H. R. 20611) granting a pension to John Albright—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20612) granting a pension to Davis Woody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20613) granting an increase of pension to William H. Stockwell—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 20614) granting an increase of pension to Lot Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20615) granting an increase of pension to Andrew Pinkney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20616) granting an increase of pension to William B. S. Paul—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 20617) granting a pension to William E. Earl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20618) granting an increase of pension to Frank James—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 20619) granting a pension to Joseph Hasler—to the Committee on Pensions.

Also, a bill (H. R. 20620) granting an increase of pension to George L. Maltz—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 20621) for the relief of R. S. Olum—to the Committee on Claims.

By Mr. HANNA: A bill (H. R. 20622) granting an increase of pension to Edmond Haynes—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 20623) granting an increase of pension to Charles Domney—to the Committee on Pensions.

By Mr. HEALD: A bill (H. R. 20624) granting an increase of pension to John Holzer—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20625) granting a pension to John M. Poplin—to the Committee on Pensions.

Also, a bill (H. R. 20626) granting a pension to James McNulty—to the Committee on Pensions.

By Mr. HUFF: A bill (H. R. 20627) granting an increase of pension to William A. Sloan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20628) granting an increase of pension to William Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20629) granting an increase of pension to Cyrus Klingensmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20630) granting an increase of pension to Walter S. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20631) granting an increase of pension to James L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20632) granting an increase of pension to Matthias P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20633) granting an increase of pension to Alfred Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20634) granting an increase of pension to Robert Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20635) granting an increase of pension to John W. Kreps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20636) granting a pension to Barbara Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20637) granting a pension to Lucy Agnes Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20638) granting a pension to Agnes G. Overholt—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 20639) granting a pension to Charles W. Bowles—to the Committee on Pensions.

By Mr. KNOWLAND: A bill (H. R. 20640) granting an increase of pension to John L. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20641) for the relief of the estates of James C. Welch and Mary S. Welch, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20642) for the relief of Anderson Hatfield—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 20643) for the relief of the widow of the late Capt. Henry B. Noble, retired, Eighth Infantry, U. S. Army—to the Committee on War Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 20644) for the relief of Frederick B. Neilson—to the Committee on Military Affairs.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20645) granting an increase of pension to Richard Strother—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20646) granting an increase of pension to William Hix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20647) granting a pension to James H. German—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 20648) granting an honorable discharge to William Ham—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 20649) for the relief of John Hughes—to the Committee on Claims.

By Mr. PLUMLEY: A bill (H. R. 20650) for the relief of Henrietta V. Dale, widow of John J. Dale, deceased—to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 20651) granting a pension to W. H. Moynihan—to the Committee on Pensions.

By Mr. ROTHERMEL: A bill (H. R. 20652) granting an increase of pension to William H. Paul—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 20653) granting a pension to Jessie W. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20654) granting a pension to Sarah Ann Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20655) granting a pension to Mary Churning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20656) granting an increase of pension to Joseph P. Theobald—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20657) granting pay to Henry C. Nesbitt for a horse stolen from his father, Alexander H. Nesbitt, during the war of the rebellion—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 20658) to remove the charge of desertion from the military record of James O'Brien—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: A bill (H. R. 20659) granting a pension to Laura E. Norris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20660) granting a pension to Margaret E. Hazel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20661) for the relief of the heirs of Anderson Crenshaw—to the Committee on War Claims.

Also, a bill (H. R. 20662) for the relief of the heirs of Edmund P. Lee—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 20663) granting a pension to Fred M. Weeks—to the Committee on Pensions.

Also, a bill (H. R. 20664) granting an increase of pension to Charles H. Gregory—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20665) granting an increase of pension to Charles H. Albright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20666) granting an increase of pension to James Harnden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20667) granting an increase of pension to Ernst Keppler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20668) granting an increase of pension to Carl Graefe—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20669) granting an increase of pension to Joseph D. Lakin—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 20670) granting an increase of pension to Elizabeth Schreiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20671) granting an increase of pension to William H. Ficklin—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20672) granting an increase of pension to Richard Blaine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20673) granting an increase of pension to John M. C. Rentfro—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 20674) for the relief of Adam Hoke—to the Committee on Claims.

Also, a bill (H. R. 20675) granting an increase of pension to John W. Everhart—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Commercial News Company, and other corporations, firms, and individuals, of Danville, Ill., favoring a repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of W. R. Jewell, of Danville, Ill., asking for compensation for John C. Stuebe for injuries received while acting in the public service—to the Committee on Claims.

By Mr. ANDERSON: Petition of C. T. Conant, supporting House bill 15696—to the Committee on Military Affairs.

Also, petition of F. J. Schurlle, president of Crescent Chapter, No. 343, American Insurance Union, of Marion, Ohio, urging

passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Petition of Empire State Society, Sons of the American Revolution, for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of Newburgh Chapter of the Empire State Society, Sons of the American Revolution, for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Faulkton, Cottonwood, Stickney, Rapid City, Canton, Meckling, and Pierre, S. Dak., against a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of Wisconsin State Federation of Labor, indorsing the retention of the present postal rates on magazines and periodicals, government ownership of postal railroad coaches, the parcels post, the postal savings bank, and Senate bill 3731—to the Committee on the Post-Office and Post-Roads.

By Mr. CASSIDY: Petition of Cleveland City Post, No. 403, Department of Ohio, Grand Army of the Republic, against acceptance of the Lee statue—to the Committee on the Library.

Also, petition of Brooklyn Post, No. 368, Department of Ohio, Grand Army of the Republic, against acceptance of the Lee statue—to the Committee on the Library.

Also, petition of Chapters Nos. 5, 34, 50, and 301, American Insurance Union, of Cleveland, Ohio, in support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. J. Sullivan and 12 other citizens of Cleveland, Ohio, against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Trades and Labor Council of Cleveland, Ohio, against increasing postage rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of citizens of Albion, Ill., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Frances M. Johnstone, of New York City, favoring House bill 3654—to the Committee on Expenditures in the Interior Department.

Also, petition of Association of Commerce of Chicago, Ill., favoring court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Maritime Association of Port of New York, against transfer of Hydrographic Office to the Department of Agriculture—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Public Schools Athletic League, of New York City, favoring House bill 15798—to the Committee on Military Affairs.

Also, petition of Downtown Taxpayers' Association, of Brooklyn, N. Y., favoring House bill 15441 and Senate bill 5578—to the Committee on Labor.

Also, petition of the Commercial Club of Stamford, Tex., favoring House bill 13406—to the Committee on Public Buildings and Grounds.

Also, petition of American Art Annual, of New York City, favoring American representation at expositions of Rome and Turin—to the Committee on Industrial Arts and Expositions.

By Mr. FOCHT: Petition of A. A. Uish and other citizens of Beaver Springs, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Downtown Taxpayers' Association, of Brooklyn, N. Y., favoring Senate bill 15441 and House bill 5578—to the Committee on Labor.

Also, petition of F. W. Johnstone, of New York City, favoring House bill 3654—to the Committee on Expenditures in the Interior Department.

Also, petition of Milton Piano Company, Auto-Piano Company, and Auto-Pneumatic Action Company, of New York City, favoring the Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of C. F. Love & Co., of Chicago, Ill., favoring an amendment of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Cigar Makers' Local Union No. 222, of Peru, Ill., against proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bishop & Babcock Company, of Chicago, Ill, against further legislation in regard to transportation companies, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Chamber of Commerce of New York City, favoring House bill 17270, relative to diplomatic service—to the Committee on Foreign Affairs.

By Mr. HAYES: Petition of Local No. 238, Hackmen's Union, International Brotherhood of Teamsters, of San Francisco, Cal., favoring an Asiatic exclusion law, excepting as regards merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Petition of citizens of Hamilton County, Tex., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of James McNulty—to the Committee on Pensions.

Also, paper to accompany bill for relief of John M. Poplin—to the Committee on Pensions.

Also, petition of Brooklyn Post, No. 368, Department of Ohio, Grand Army of the Republic, of Cleveland, Ohio, against a maudlin sentiment to obliterate the distinction between patriotism and treason, etc.—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Petition of citizens of Belmont, N. J., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Paper to accompany bill for relief of Capt. John W. Kreps—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert Cooper—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alfred Miller—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Matthias P. King—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James L. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Walter S. Williams—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Cyrus Klingensmith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Holmes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Agnes G. Oberholt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lucy Agnes Fowler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William A. Sloan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Barbara Sharp—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of many citizens of San Francisco, Cal., favoring improvement of the jetties at the entrance to Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Alexander J. Shepherd and 38 other citizens, Paste Makers' Union, Musicians' Union, Carpet Mechanics' Association, No. 1, Dave Campbell & Son, and Dennis F. Corkey and 35 others, for an effective exclusion law against the Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KENDALL: Petition of citizens of What Cheer and Eldon, Iowa, against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ottumwa, Iowa, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of citizens of Redfield, N. Y., against increase of postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of Vallejo Lodge, No. 252, International Association of Machinists, of Vallejo, Cal., favoring the reorganization of the navy-yards according to Secretary Meyer's plan—to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of Philadelphia Produce Exchange, indorsing House bill 17267—to the Committee on Interstate and Foreign Commerce.

By Mr. McHENRY: Petition of citizens of Urban, Pa., against increase of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of Oregon Grange, No. 917, of Lapeer, Mich., against increasing salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Huronia M. C. B. A., No. 43, of Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska State Board of Agriculture, favoring House bill 15422—to the Committee on Appropriations.

By Mr. MANN: Petition of Nodine Post, No. 140, Department of Illinois, Grand Army of the Republic, against Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of Commandery of Illinois, Military Order of the Loyal Legion of the United States, in support of House bill 18899—to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of Miss Florence Keen, of Philadelphia, Pa., against utilization of the Hetch Hetchy Park for purposes of a water supply for San Francisco—to the Committee on the Public Lands.

Also, petition of Shoemaker & Burch, of Philadelphia, Pa., favoring amendment of section 2 of House bill 17438—to the Committee on Interstate and Foreign Commerce.

By Mr. OLMSTED: Petition of citizens of Richland, Lebanon County, Pa., in opposition to legislation creating postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of citizens of Lyons, N. Y., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMLEY: Petition of Carl D. French and 27 others, of Orleans, Vt., relative to the enactment of a postal savings-bank system—to the Committee on the Post-Offices and Post-Roads.

By Mr. PRAY: Petition of merchants and other citizens of Wibaux, Wolf Point, Poplar, and Scobey, Mont., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Roosevelt Camp, No. 9, Spanish War Veterans, Department of California, and Lennington Camp, No. 6, Spanish War Veterans, Department of Montana, favoring passage of Senate bill 4033, for the relief of officers and soldiers in the volunteer service—previously referred to the Committee on Invalid Pensions, to the Committee on Pensions.

By Mr. RAINEY: Petition of Spencer Waldron and 8 other citizens of Hamburg, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Council No. 27, of Smith Center, Kans., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Petition of sundry citizens of Cambria County, Pa., against proposed savings-bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Petition of C. J. Kaufman and other citizens, for reducing duty on oleomargarine—to the Committee on Agriculture.

By Mr. SHEFFIELD: Petition of Social Union, No. 534, of Newport, R. I., Brotherhood of Painters, Decorators, and Paperhangers of America, against an increase in the rate on second-class postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: Petitions of 460 citizens of Eastland County, Tex.; also Farmers' Union of Scurry County, Tex., favoring legisaltion to suppress dealing in futures in farm products—to the Committee on Agriculture.

By Mr. SULZER: Petition of Charles H. Unverzogt, president Standard Finance Company, of New York City, relating to appeals to help France—to the Committee on Appropriations.

Also, petition of J. J. Colgan, president Downtown Taxpayers' Association, favoring eight-hour law—to the Committee on Labor.

Also, petition of Perry's Victory Centennial, Put in Bay, Ohio, favoring action on Keifer bill—to the Committee on Industrial Arts and Exposition.

By Mr. TAYLOR of Ohio: Petitions of Mrs. C. C. Winans, C. Cohmans, the Columbus Chain Company, J. D. Bryant, the Peruna Company, Louis Innis, W. A. Carlyle, the G. Edwin Smith Shoe Company, the Jeffrey Manufacturing Company, and other citizens of Columbus, Ohio, for the repeal of the excise tax on corporations—to the Committee on Ways and Means.

By Mr. WEBB: Petition for the relief of certain employees of the Government Printing Office, to accompany House bill 20474—to the Committee on Claims.

By Mr. WEISSE: Petition of Wisconsin State Federation of Labor, of Milwaukee, Wis., favoring modern economy in the Postal Service, embodying in such measure the ownership by the Government of the postal railroad coaches, the parcels post, and savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD of New Jersey: Petition of Chamber of Commerce of Trenton, N. J., in favor of the passage of the bill to place Commander Robert E. Peary on the retired list with the rank of rear-admiral—to the Committee on Naval Affairs.

Also, petition of Chamber of Commerce of Trenton, N. J., in favor of the passage of a bill increasing the salaries of the United States circuit judges from $7,000 to $10,000, and increasing the salaries of the United States district judges from $6,000 to $9,000—to the Committee on the Judiciary.

Also, petition of Prof. C. G. Rockwood, of Princeton, N. J., favoring the establishment of a national bureau of seismology—to the Committee on Expenditures in the Interior Department.

By Mr. YOUNG of Michigan: Petition of citizens of Sault Ste. Marie, Mich., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *February 11, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the year 1910, and for other purposes, further insists upon its disagreement to the amendments of the Senate Nos. 4, 9, 36, 38, 46, and 47, agrees to the amendment of the Senate No. 39 with an amendment in which it requests the concurrence of the Senate, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. MALBY, and Mr. BOWERS managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the following bills:

S. 5522. An act to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

S. 5523. An act to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and

S. 5524. An act to authorize the reconstruction, maintenance, and operation of a bridge across the White River at Augusta, Ark.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the action of the House on the urgent deficiency appropriation bill be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the year 1910, and for other purposes, insisting upon its disagreement to the amendments of the Senate Nos. 4, 9, 36, 38, 46, and 47, and agreeing to amendment No. 39 with an amendment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement and agree to the further conference asked by the House, the conferees to be appointed by the Chair.

Mr. DEPEW. I should like to ask the Senator from Maine what was done with reference to the compensation of the judges of the customs court?

Mr. HALE. This is only formal action, and when it is taken I shall present the report of the conference covering that case.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the President pro tempore appointed Mr. HALE, Mr. GALLINGER, and Mr. CLAY the conferees on the part of the Senate at the further conference.

Mr. HALE. As the conference committee has spent the morning on this subject, I present its report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficien-

cies in appropriations for the year 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 47.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 38, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "Furnishing new post-office, custom-house, and court-house, Cleveland, Ohio: For furniture equipment for the new post-office, custom-house, and court-house building at Cleveland, Ohio, one hundred and sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "United States court of customs appeals: The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August fifth, nineteen hundred and nine, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' shall hereafter be at the rates per annum as follows: For the presiding judge and four associate judges, seven thousand dollars each; marshal, three thousand dollars; clerk, three thousand five hundred dollars; assistant clerk, two thousand dollars; five stenographic clerks, one thousand six hundred dollars each; stenographic reporter, two thousand five hundred dollars; messenger, eight hundred and forty dollars; and for the payment of the said compensation for the balance of the fiscal year nineteen hundred and ten, at the rates herein fixed, there is appropriated the sum of twenty-seven thousand four hundred and forty dollars, or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "The allotment for printing and binding for Congress is hereby made available for the printing, under provisions of existing law and the rules of the Senate and House of Representatives relating to public printing, as public documents of such of the publications of the National Monetary Commission as the commission may designate. And the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents of the National Monetary Commission as may be required for sale;" and the Senate agree to the same.

On the amendment of the House to the amendment of the Senate numbered 39, the committee of conference have been unable to agree.

EUGENE HALE,
J. H. GALLINGER,
A. S. CLAY,
Managers on the part of the Senate.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the conference report?

Mr. DEPEW. In reference to the clause in the conference report relating to the salaries of the judges of the customs court, the customs court was created and the compensation of its officers was fixed in what is known as the tariff act. Under this conference report it is proposed in this appropriation bill to amend the tariff act. I think that it comes clearly within the prohibition of general legislation on an appropriation bill. I do not think it is in the province of the Senate, under the rule, to amend a general law by general legislation in an appropriation bill, and I raise the point of order.

Mr. HALE. Mr. President, under the rules of the Senate, unlike the House, no point of order can be made on a conference report; it must be accepted or recommitted or rejected.

I will say to the Senator from New York that the conference committee considered this subject, and found that the whole question of salaries for the present and the future is involved in the conference; and neither the House nor the Senate conferees had any doubt as to the power to insert the provision, it having already been before both Houses.

But, Mr. President, in addition to that, I want to say to the Senator from New York, who has had some of the same experience, as both he and I tried to carry out the provision of the tariff law providing for the judges of the customs court at a considerably higher rate than the circuit judges throughout the United States, that neither he nor I was able to convince the Senate of the propriety of such legislation. I did the best I could, as he did, and the Senate by a very large vote declined to make any appropriation in conformity to the provisions of the tariff law, and the whole subject went over.

I recognize, as I think the Senator from New York, my colleague, and other Senators do, that there was something not quite proper, certainly not acceptable to the Senate, in fixing the salaries of the judges of this new court higher than those of the circuit judges. There were a good many Senators who did not believe in the court at all, but after fighting it out for a whole day I was beaten and the Senator from New York was beaten, and the Senate, by more than 2 to 1, declined to make any appropriation; and the whole subject went over.

I will say to the Senator, further (and I think that will be the relief), it is understood—the House conferees understand it and the House understands it—that as this applies only to the appropriaton until July, when the salaries of judges are considered, the effort will be made to put these salaries on the same footing, but at an advanced rate. Whether as much as $10,000 can be established for all, and if for one it ought to be for all, I do not know. Perhaps the salary can be established at $8,000 or $9,000, and that I hope, when the time comes, will satisfy the Senator. The conferees have done the best that they could. They agreed to everything in the bill with the exception of the immigration provision, where the Senate has insisted and the House has insisted, and that matter goes back to the House for action.

Mr. DEPEW. Mr. President, I recognize the conscientious and able work which has been done by the conference committee, and I also recognize the obligation the Senate and the country are under to the Senator from Maine for the skill, experience, ability, and devotion which he brings to these questions.

I have been endeavoring for some years, with very little success, except in a modest way a year ago, and then with the assistance of the Senator from Maine, to secure better compensation for the district and circuit judges of the United States. The situation as it exists in my own State, of course, impressed me more than the same situation would in other States. The judges of the supreme court of the State in the city of New York receive $17,500 a year, when the district judges receive $6,000 and the circuit judges, I think, $7,000.

When this court was created by the tariff act the salary of the judges was fixed at $10,000. The bill became a law after debate in both Houses with that salary fixed.

The objection which we who want an increase of salaries for the federal judges always found was that while the salaries of the federal judges was grossly inadequate and wholly insufficient in some parts of the country, in other parts of the country, owing to social conditions, it was amply sufficient and all that the judge or the bar or the representatives of those particular sections thought was necessary.

But the conditions with the customs court are entirely different. These judges are compelled to leave their homes and to settle in Washington. In order to secure for that court, which has such tremendous responsibilities and such difficult questions before it, the very highest talent, the President desires to secure members of the bar or to take from the bench members of the judiciary who could not afford to leave their present positions and break up their homes and establish themselves and their families permanently in Washington at the reduced salary. Therefore it was that at his suggestion, I think, the salary was fixed at $10,000, and it passed into the law at that rate. This agreement in the conference report repeals that law and fixes the salary at $7,000, with the possibility that the President will not be able to organize the court upon the standard and with the ability which he regards as necessary, and which everybody knows is required in this initial experiment of having these mighty questions submitted to a permanent tribunal.

Therefore, Mr. President, much as I dislike to differ in any way with the Senator from Maine, I hope that that part of the conference report will not be agreed to.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the conference report?

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon its amendment numbered 39 to the bill disagreed to by the House of Representatives, and that it disagree to the amendment of the House to the amendment of the Senate numbered 39.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of Central Labor Union, American Federation of Labor, of Rockford, Ill., remonstrating against the repeal of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of Local Union, Cigarmakers' International Union, of Chicago, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Albion, Connersville, and Hamburg, all in the State of Illinois, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURNHAM presented a memorial of the Graffort Club, of Portsmouth, N. H., remonstrating against the water supply in the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a petition of the Board of Trade of Concord, N. H., praying for the enactment of legislation to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, which was referred to the Committee on Commerce.

Mr. CURTIS. I present resolutions adopted by Preston B. Plumb Post, No. 55, Department of Kansas, Grand Army of the Republic. I ask that the resolutions be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the resolutions were referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

At a regular meeting of Preston B. Plumb Post, No. 55, Department of Kansas, Grand Army of the Republic, held January 28, 1910, the following preamble and resolution was unanimously adopted:

Whereas an attempt is being made to secure a permanent place in the Temple of Fame in our National Capitol for a statue of Robert E. Lee, and without act of Congress authorizing the same, we are informed that said statue has already been placed there by the State of Virginia; and

Whereas while admitting his scholarly attainments and gentlemanly qualities we fail to recognize any valuable service as a statesman, scholar, or philanthropist, rendered to his country as a civilian, that would entitle him to this great honor; and

Whereas it is not because of his such services that he is sought to be thus honored, but because of his position as commander in chief of the armies bent upon the dissolution of the Union, the overthrow of the General Government, and the capture and destruction of the capital of his country by the armies he led and the forces under his command; and

Whereas in thus seeking to destroy this Government he sought to establish another, the base and cornerstone of which would have been the recognition of the institution of human slavery and the unrestricted right to traffic in human flesh and blood; and

Whereas the fitness and ability of the said Robert E. Lee to become a military leader, and commander of the armies in insurrection was procured and obtained, at the expense and through means provided by the Government he sought to destroy, and to which, as an officer wearing its uniform, he had solemnly sworn he would remain loyal and faithful in his allegiance thereto; and

Whereas it is because of the position he occupied as leader of the rebel army, and by this alone, that his name will be known and remembered, that his friends whose hearts and sympathies were with him in his efforts to destroy the Union would place his statue in the Hall of Fame, grasping his sword and clad in the uniform of the so-called "confederate army," and it is against this effort to compel the Government he sought to destroy to thus honor, approve, and tacitly indorse his act that we most strenuously object; and

Whereas we further object and protest, because he would thus be exalted above those distinguished Virginians whose service to the Nation contributed to its independence and subsequent existence; whose fame is world-wide, and whose names are treasured and revered in every State, section, and locality of these United States; and

Whereas such an act would place a premium upon disloyalty, destroy the reverence with which our children have been led to regard the country's flag, and tend to nullify the patriotism existing in the hearts of those upon whom our country's future necessarily depends, by according equal honor to Robert E. Lee with that conferred upon Washington, Lincoln, Grant, and surpassing even that awarded to others of our brave defenders, renowned and loyal statesman: Therefore be it

Resolved, That we, the members of Preston B. Plumb Post, No. 55, Grand Army of the Republic, of Emporia, Kans., by virtue and in remembrance of the cost and fearful sacrifice entailed by the late war and inflicted by the armies commanded by Robert E. Lee, in his efforts to destroy the Government founded by Washington, assisted by countless Virginians whose loyalty and patriotism are a common heritage to all Americans, do hereby enter our protest against a preference so marked, a principle so vicious, an act so unpatriotic and disloyal: Therefore be it further

Resolved, That a copy of these preambles and resolutions be entered upon our records, another forwarded to the department commander, Department of Kansas, advising him of our action, and a copy also to our Representative in Congress and to each of our honorable Senators, and ask that they take such action as will, in their judgment, carry out and accomplish the desires herein set forth, to wit:

That the statue of Robert E. Lee, as commander in chief of the armies directed against and aiming to overthrow this Government, be not set up or permitted to remain in the Hall of Fame in form, manner, and dress, as herein set forth.

Very respectfully,

WM. H. GILCHRIST, *Commander*.
T. B. POWERS, *Adjutant*.

Mr. GALLINGER presented a petition of the Board of Trade of Concord, N. H., praying for the enactment of legislation to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Groveton, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the South Washington Citizens' Association, praying for the enactment of legislation providing for the removal and elimination of grade crossings of railway tracks to the navy-yard in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the Juvenile Commission, of Hartford, Conn., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the American Association of State Geologists, praying for the enactemnt of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Woman's Christian Temperance Union, of Hartford, Conn., praying for the enactment of legisaltion to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. WARREN presented a memorial of sundry citizens of Rock Springs, Wyo., and a memorial of the Trades and Labor Council, American Federation of Labor, of Sweetwater, Wyo., remonstrating against any increase of the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Coal Exchange of Boston, Mass., praying that an appropriation be made for the improvement of the Point Judith Harbor of Refuge in that State, which was referred to the Committee on Commerce.

THE CENSUS.

Mr. LA FOLLETTE, from the Committee on the Census, to whom was referred the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, reported it with an amendment and submitted a report (No. 217) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARTER:

A bill (S. 6287) to codify, revise, and amend the postal laws of the United States; to the Committee on Post-Offices and Post-Roads.

By Mr. CULLOM:

A bill (S. 6288) granting an increase of pension to James H. Rayhill; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6289) relating to liens on vessels for repairs, supplies, or other necessaries;

A bill (S. 6290) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States; and

A bill (S. 6291) to authorize the maintenance of actions for negligence causing death in maritime cases; to the Committee on the Judiciary.

By Mr. WARNER:

A bill (S. 6292) granting an increase of pension to John Bedford (with an accompanying paper); to the Committee on Pensions.

A bill (S 6293) establishing the Wilson Creek National Military Park; to the Committee on Military Affairs.

By Mr. CLAPP:

A bill (S. 6294) authorizing the detail of officers for inspection, instruction, and observation of military organizations of fraternal societies; to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 6295) concerning baggage and excess baggage carried by common carriers in the District of Columbia and Territories, and common carriers while engaged in commerce between the States and between the States and foreign nations, and prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws; to the Committee on Interstate Commerce.

By Mr. SMITH of South Carolina:
A bill (S. 6296) for the establishment of a fish-cultural station in the State of South Carolina; to the Committee on Fisheries.
By Mr. BURKETT:
A bill (S. 6297) granting an increase of pension to A. B. Mitchell; to the Committee on Pensions.
By Mr. HALE:
A bill (S. 6298) granting an increase of pension to Eliza Brainard (with accompanying papers); and
A bill (S. 6299) granting a pension to Susanna A. Johnson (with accompanying papers); to the Committee on Pensions.
By Mr. LA FOLLETTE:
A bill (S. 6300) granting an increase of pension to Orville C. Percy (with an accompanying paper);
A bill (S. 6301) granting an increase of pension to Daniel E. Edwards (with accompanying papers); and
A bill (S. 6302) granting an increase of pension to William H. Boyden (with accompanying papers); to the Committee on Pensions.
By Mr. FRYE:
A bill (S. 6303) granting an increase of pension to John Nixon; and
A bill (S. 6304) granting an increase of pension to Ingalls Evans; to the Committee on Pensions.
By Mr. OWEN:
A bill (S. 6305) for the relief of W. D. Ford; to the Committee on Indian Affairs.
By Mr. DEPEW:
A bill (S. 6306) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and for other purposes; to the Committee on Pacific Islands and Porto Rico.
By Mr. DICK:
A bill (S. 6307) granting an increase of pension to Robert Compton; and
A bill (S. 6308) granting an increase of pension to Peter Huffman; to the Committee on Pensions.
By Mr. FOSTER:
A bill (S. 6309) granting a pension to Anita C. Browne; to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. PILES submitted an amendment providing for the survey of the Sammammish River, Washington, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $155,000 for continuing improvement and maintenance of Puget Sound and its tributary waters, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,873,154 for improving the harbor of Neah Bay, Washington, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $90,000 for continuing improvement of Columbia River and tributaries, etc., and $15,000 for continuing improvement and maintenance of Snake River between Riparia, Wash., and Pittsburg Landing, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

ARCHITECT OF FEDERAL CONSTITUTION.

On motion of Mr. CARTER, it was

Ordered, That 1,000 copies of Senate Document No. 461, Sixtieth Congress, first session, "A memorial in behalf of the architect of our Federal Constitution," be printed for the use of the Senate.

JOHN T. EATON.

Mr. CARTER. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 179) was read, as follows:

Senate resolution 179.

Resolved, That the claim of John T. Eaton (S. 5778) now pending in the Senate, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the "Tucker Act;" and the said court shall proceed with the same in accordance therewith.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. TILLMAN. The custom has been to have all those things gathered up in a bunch and sent through by one resolution. If we are going to begin the picking out of special claims, I have one or two that I should like to have sent down. I just want to know what the Senate is going to do about it. I have no objection to the resolution, but I just want to know what our policy will be. I hope the chairman of the Committee on Claims will indicate it.

Mr. CARTER. The resolution here presented is similar to one passed on the 13th of January, and also to one passed on the 31st day of January. A bill has heretofore passed referring this claim to the Court of Claims. The purpose of this resolution is to correct a previous reference of the same claim now pending in the Court of Claims.

Under a decision of the Court of Claims rendered since the former reference, the former bill which was referred to the court is not in such form as to clearly give the court jurisdiction to consider the claim and make a finding under the Tucker Act of March 3, 1887. The present bill corrects that error, and this resolution, if agreed to, will enable the claimant to try his case at an early date. The papers on file in the Senate are to be transferred to the court in which the case is pending.

Mr. KEAN. Let it be read again.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. KEAN. Is the resolution reported from the Committee on Claims?

Mr. BURNHAM. I wish to say that it does not come from the Committee on Claims, but I understand that the same matter is pending in the Court of Claims.

Mr. KEAN. It is proposed to refer papers we have here, I understand, to the Court of Claims, as the case is still there. These are some additional papers, I understand.

Mr. BURNHAM. I so understand it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. TILLMAN. I should like to have an explanation from the chairman of the Committee on Claims as to what will be the policy of that committee in similar cases. If we are going to begin and take up this claim and that claim and the other claim and send them down, I just want to know it. If we are going to have an omnibus resolution, then I am willing to conform to that, but I want to know which course will be followed.

Mr. BURNHAM. Replying to the Senator from South Carolina, I desire to say that the matter now before the Senate is already pending before the Court of Claims. As to the policy of the committee, so far as I am able to state it for the committee, the only matters that will be sent to the Court of Claims will be embodied in an omnibus resolution, which course, by a rule of the committee, has already been agreed upon.

Mr. TILLMAN. As I understand the Senator, this case is already before the Court of Claims, and it is merely sending some additional papers there.

Mr. BURNHAM. It is sending papers there.

Mr. TILLMAN. I just wanted to get at the inwardness of it.

The resolution was considered by unanimous consent and agreed to.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Immigration with amendments.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MONEY. Mr. President, before I make any objection, and I do not think I will, I want to understand why, in the clause forbidding the importation of certain people afflicted with mental and physical diseases, another class or several classes are exempted from that provision. If tuberculosis is dangerous in a workingman, a farmer, or any other person who comes here, it is equally dangerous in ministers of the gospel, professors in colleges, domestic servants, and those people who are enumerated as exempt from this forbidding clause. I should like to have the Senator from Vermont in charge of the bill explain why this was done, and if the same objections do not obtain to one man with tuberculosis as well as another.

Mr. DILLINGHAM. Mr. President, I would say to the Senator from Mississippi that this bill, which has been sent to us from the House, contains the second section of the "immigration act," so called, just as it exists in the statute to-day, with

one simple clause inserted. The clause inserted is "persons who are supported by or receive in whole or in part the proceeds of prostitution," and that is the only proposed change in the existing law. The question the Senator propounds as to the reason why different classes are created is one that was fully discussed at the time the law was enacted by Congress. The changes that were then made have stood since that time, and are not proposed to be interfered with by the passage of this bill.

Mr. MONEY. Mr. President, it should be interfered with. If there is on the statute book to-day the provision just read in the bill it ought to be repealed. I can not see the common sense of excluding a lot of people on account of the existence of tuberculosis, not to mention the other things, and allowing another class, and many classes, to come in affected in the same way. The whole provision is a police business. It is intended to prevent contagious and other diseases from afflicting our people, and there is no common sense in allowing it to come in at one place and forbidding it at another, allowing it to come in the person of one man because he preaches or teaches or is a domestic servant or some other thing enumerated there, and forbidding another man to come in who occupies a different position or follows another calling. Certainly if it is to be a remedial measure it should extend to everyone who comes in without any exception whatever. I do not understand how it ever got into the law, but as attention is now directed by this new bill to it, it certainly ought to go out. If anybody can give me any reason why it should be there, I will withdraw my objection. But I should be glad—not being familiar with this bill at all, never having seen it before—if the honorable chairman would give us some reason why the provision ought to remain there. We are now considering the whole measure, and we had just as well correct that much of it as any other part of it. We are now making it better by adding to it and we can also very much improve it by taking something out of it.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. MONEY. Certainly.

Mr. LODGE. Mr. President, this is not an attempt to amend or to improve the general immigration act except on one single subject.

Mr. MONEY. I understand that.

Mr. LODGE. This bill deals exclusively with the white-slave traffic; that is the only intention; and it was thought wisest, both in the other House and here, not now to open up any other question, but to dispose of that first. The other question which the Senator from Mississippi raises opens up another series of questions which ought to be dealt with, if at all, in a separate bill.

Mr. DILLINGHAM. And concerning which, Mr. President, a full report will be made to Congress later of the investigations which have been made touching the admission of that class of persons.

Mr. MONEY. Mr. President, I do not want to stand for a moment in the way of the proposed legislation. I think it is so very important concerning the moral life and health of this country that I shall be glad to see it passed without any obstruction in the way; but, nevertheless, the attention of the committee is now called to this point—that under the law as it exists to-day, as I understand the fact, there is a provision which permits quite a number of classes of people afflicted with those contagious diseases, from which we are trying by legislation to protect the people of the United States, to enter this country. It is evident that the State of New York, or the State of Massachusetts, or any other State where the immigrants come in great numbers, can prevent all this by their police regulations. We can only prevent it by the commerce-regulation clause; but certainly the State of New York, into which two-thirds of these immigrants come, can provide against the admittance—notwithstanding the power of the United States to regulate commerce—of any persons afflicted with contagious or moral disease. They have a right to do that; it has been affirmed by the court several times, and it is not necessary to discuss it; but as we are legislating as to a matter under the regulation of commerce, I think it is proper that the attention of the committee should be called to this phase of it, and if no steps are taken to-day to correct it, I shall introduce a resolution asking that the committee be instructed to consider this point in the law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, which had been reported from the Committee on Immigration with amendments.

The first amendment was, in section 2, page 4, after line 22, to strike out:

Jurisdiction for the trial and punishment of such a felony shall be in either the district to or into which the alien was first brought or in any district in which a violation of any of the provisions of this section occurred.

And to insert:

Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur.

The amendment was agreed to.

The next amendment was, in section 2, page 5, line 18, after the word "act," to strike out:

Any person who procures, or causes to be procured, or pays for, directly or indirectly, any ticket or other evidence or right of transportation whereby any person is enabled or assisted to go from one State, Territory, or district into another State, Territory, or district for the purpose of therein engaging in the practice of prostitution, or for any other lewd or lascivious purpose, shall in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than ten years and pay a fine of not more than $5,000. Jurisdiction for the trial and punishment of such a felony shall be in either the district in which such person resided or to which such person was assisted to go or in which the person procuring such ticket or other evidence or right of transportation resides, or where such ticket or other evidence or right of transportation was procured.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CRIMINAL JURISDICTION OVER CORPORATIONS.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the bill named by him. The Secretary will read the bill for the information of the Senate.

Mr. GALLINGER. Mr. President, I shall not object to unanimous consent for the present consideration of this bill, but will make the suggestion that after this bill has been disposed of I shall ask for the regular order. Our calendar is getting pretty large and we ought to take it up.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 1014 of the Revised Statutes by adding thereto the following:

But when the alleged offender is a corporation, association, joint-stock company, or other artificial person residing and having its principal place of business without the district wherein the offense is cognizable, and wherein an indictment has been found, or information filed, a judge of the court of the United States in which such indictment has been found, or in which such information has been filed, shall, on motion, direct a summons, signed by the clerk of said court, with seal attached, to be served upon the offender, which summons shall set out a copy of the indictment or information and the order of the court, and shall specify the time, place, and nature of the hearing, and before what court or judge the hearing shall take place. Such notice shall be directed to the marshal of any district of the United States in which service may be made, and shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the district in which such service is made, and not less than twenty days before the time of such hearing. The return of service shall be made by the United States marshal directed by the judge issuing the same as aforesaid, and upon and after the date mentioned in such notice, when the same has been served as above prescribed, the alleged offender shall be assumed to be arrested and present in court at the place designated in said summons, and may be proceeded against, and all orders and judgments against it may be enforced with the same force and effect as if such offender had appeared personally or by attorney.

The bill was reported to the Senate without amendment.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator from Iowa [Mr. CUMMINS] whether or not this is in conformity with the provision known as "due process of law." I think a little explanation from the Senator from Iowa would be proper. I have read the bill hastily, and I am impressed with the idea that it provides that the court may have jurisdiction upon constructive service to the same purpose and effect as upon actual service against an individual not residing within the jurisdiction of the court. The hasty reading—I followed the clerk—impels me to ask that question.

Mr. CUMMINS. Mr. President, I shall be glad to make a brief statement of the bill.

As every Senator knows, a crime against the laws of the United States is indictable in the district in which the crime is committed. There is already ample provision in the law for the removal of the offender—the defendant in the criminal action—to the district in which the indictment is pending for trial, no matter where the natural person may be found; but unfortunately there is no provision in our law for the removal of a corporation into the district in which it may be indicted if its office or principal place of business or organization is in another district or State. This is to supply an omission, which, I think, is obvious to anyone who examines the law, with the decisions upon the law.

The particular reason which moves me to ask for the present consideration of the bill is this: As is well known, crimes against the postal laws of the United States are committed either in the district in which the letter or other mailable matter is deposited or in the district in which it is delivered from the post-office. There are certain corporations doing business in the city of Chicago—I take that as an illustration, and I assume it is true elsewhere—which mail offensive matter, non-mailable matter, in the office at Chicago, directed to persons in Iowa, I will assume. These corporations have been indicted in the State of Iowa—and what I say of Iowa will be true of any other State—but although properly indictable and punishable in the Commonwealth of Iowa, there is no way in the law by which the court can acquire that jurisdiction of the corporation which will enable the court to proceed with the trial. The case is even worse than I have put it. There are certain corporations in Chicago which, desiring to mail matter which is prohibited by law and which it is a crime to use the mails for transmission, take their mail matter, we will say, to Hammond, Ind., and deposit it in the office in Hammond, Ind. That process gives them adsolute immunity against prosecution, for the offense is punishable only in Indiana or in the State to which the mail matter is addressed. The corporation has its principal office and it is organized in the State of Illinois, and there is no way in which that offense, which is of very frequent occurrence, can be punished. We have indictments in my State now pending in which the district attorney has failed, although using every effort that he could use under the law, to secure that jurisdiction simply because there is no way in our statute provided for the removal for trial of a corporation from one district to another.

This bill is applicable only to the case I have put; only to corporations; it is not applicable at all to individuals, because the statute is already ample in that respect. It is easy for a federal court in any State to send for a man who has committed a crime in the State in which the indictment is found and place him upon his trial. But in these days we have made it possible for corporations as well as natural persons to commit criminal offenses; and we ought, as it seems to me, to provide some way in which the offense already provided for, with an indictment already provided for, can be punished in a jurisdiction which the statute declares is the proper jurisdiction for punishment. In the case I have put, with mail deposited in Indiana destined to Iowa, and the corporation in the city of Chicago, in Illinois, it would be impossible to punish the offense anywhere. An indictment would not lie in the courts of Illinois.

The draft of this bill was prepared by a rather eminent district judge of the United States, or at least it received his approval; it was approved at the last session by the Attorney-General of the United States, but the Committee on the Judiciary were not able to reach it. It was again introduced at this session, referred to the Committee on the Judiciary, and unanimously reported for passage. I believe there can be no valid objection to it.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. ROOT. Mr. President, I am very much in favor of the bill. Unquestionably I think we should provide for securing the attendance of corporations when indictments are found against them in districts other than those in which they have their home. There is, however, it seems to me, an omission in this bill that we ought to think about. To put corporations charged with an offense upon the same basis as private persons there would be necessary a requirement that the process, or the demand to call them from the district in which they live under their act of incorporation or their charter to another district, should be submitted to a judge or a court in the district in which the corporation resides. I think that there ought to be some provision of that kind in this bill; otherwise abuses might well result and oppression be practiced upon corporations, because there would be no opportunity for them to do what a private person can now do—that is, to be heard and say if there is any reason why he should not be taken to the other jurisdiction.

I observe that the terms of the bill appear to be mandatory upon the court in the place where the indictment is found. The provision is:

> But when the alleged offender is a corporation, association, joint-stock company, or other artificial person residing and having its principal place of business without the district wherein the offense is cognizable, and wherein an indictment has been found, or information filed, a judge of the court of the United States in which such indictment has been found, or in which such information has been filed, shall, on motion, direct a summons, signed by the clerk of said court, with seal attached, to be served upon the offender.

And thereupon, upon that service of a summons, the issue of which is commanded, the corporation or joint-stock association in a distant part of the country is deemed to be in court in the place where the indictment was found or the information filed. The result would be that anyone of the numerous district attorneys of the United States by obtaining an indictment, or, in that large part of the country where indictment is not necessary, by filing an information, could bring from the farthest part of the country into his own district a corporation and subject it to the expense and inconvenience and annoyance of a prosecution at a great distance from its home without it having had an opportunity to say anything to the contrary.

We have never undertaken to do that regarding private persons. Our law requires, and always has required, that the papers upon which the private person is to be taken to another jurisdiction should be submitted to a judge—if I remember correctly, the judge of the district in which that person resides—and his order is required. Upon an application for that order, the person who is to be taken to the other and distant jurisdiction has an opportunity to give reasons, if any there be, why he should not be taken to that other jurisdiction. It seems to me that a similar provision ought to be included in this bill.

Mr. CUMMINS. Mr. President, there is an essential difference between the process for the removal of a natural person and a corporation. It is true that section 1014 of the Revised Statutes provides:

> And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had.

In such a case, however, the process is one of arrest. It is somewhat similar to the process of extradition; that is to say, the accused is not to be taken bodily and personally from the State in which he is residing to another State or to another district without the order of a judge of the district court in the State in which he is imprisoned. But this process is a mere notice; it does not arrest anyone. The body of a corporation, of course, can not be removed, nor is the body of any officer or employee of the corporation to be removed. It is attempted to give jurisdiction to the court in which the indictment is pending by the service of a notice. As it seems to me, very full protection is given to the corporation by first requiring that the judge of the district court in which the indictment is pending or in which the information has been filed shall consider the matter and order the issuance of the summons. It can not be issued and served, as I understand, at the mere instance of the district attorney. It is subject to judicial inspection and approval before it is issued, and when it is served, in the manner which we all understand, upon the officer of the corporation and properly returned the court has jurisdiction to proceed with the trial.

Mr. HEYBURN. Mr. President——

Mr. CUMMINS. Does the Senator desire to ask me a question?

Mr. HEYBURN. Yes; perhaps it will save time by suggesting questions as the Senator proceeds. The first thing that attracted my attention here was the substitution of the word "summons" for the usual term in criminal proceedings. It not only speaks of the process as a summons, but it says:

> Such notice shall be directed to the marshal of any district of the United States in which service may be made, and shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process.

Of course that is most unusual language in a criminal statute. I will just pause there so far as that is concerned.

Mr. CUMMINS. It is very necessary because a criminal process takes the person into custody. A corporation can not be taken into custody, nor is it desired to take any officer of

the corporation into custody, because the officer of the corporation is not the criminal; he is not the offender, and, therefore, necessarily there must be substitued a summons having great similarity to a summons in a civil proceeding.

Mr. HEYBURN. Mr. President, can the Senator recall any other instance in criminal procedure where what we may term the judgment of a grand jury is executed by a summons?

Mr. CUMMINS. It is practically so when a corporation is brought into court if it resides in the district in which the indictment is found. In such a case there is no criminal process executed against any individual.

Mr. HEYBURN. Ordinarily the process must be on the criminal side of the court, and it must be in the nature of a warrant. It is a warrant for the apprehension of an individual or a warrant commanding a corporation to come into court.

Mr. CUMMINS. Mr. President, it matters not to me what the process is called. It is not a process for the forcible removal of a person, as is the ordinary criminal process.

Mr. HEYBURN. I appreciate that distinction.

Mr. CUMMINS. And I should think it would be somewhat unusual and somewhat illogical to call the process a warrant. I understand that we are providing for a case that has not hitherto been provided for. It is not usual in our criminal law that corporations are made subject to criminal prosecution.

Mr. HEYBURN. Mr. President, I should like it to be clearly understood that I am not only not opposing this legislation, but that I am heartily in sympathy with it, and have been dealing with it in another committee of this body for a long time. This legislation will be as applicable to offenses against the law by industrial corporations as it will by those who send an objectionable class of matter through the mails.

Mr. CUMMINS. Precisely.

Mr. HEYBURN. We have been considering it in a committee of Congress for a long time and have been trying to meet these objections, and whatever is done now with regard to this bill will necessarily be considered by our committee in the revision of the laws and the adaptation of the law to the general system.

While there can be no graver offense than that of sending the class of objectionable matter through the mails of the United States, as suggested by the Senator from Iowa, yet this law will be just as applicable to a vast number of instances where that particular kind of an offense is not involved at all; and that has made our committee very careful in the formation of this legislation as it is before us, and it would be a grave mistake to legislate with only that one class of violations of the law in our mind when it might be so far-reaching as to reach all of the corporate business of the United States.

Mr. ROOT. May I suggest it is equally applicable to almost all the newspapers published in the United States? A very large proportion of them are published by corporations. The papers are sold all over the country, and the effect of this law would be that the publishing corporation of a newspaper published in the city of Washington or Baltimore or Philadelphia and sold in every district of the United States could be indicted for libel in every district of the United States; and this law, if a district attorney files an information or secures an indictment, makes it apparently mandatory upon the court to issue a summons which shall bring that newspaper corporation into the distant district and subject it to the jurisdiction of the court there without its having had any opportunity at all to give any reason why that should not be done.

Mr. CUMMINS. May I ask the Senator from New York a question before he sits down?

Mr. ROOT. Certainly.

Mr. CUMMINS. Is libel a crime against the laws of the United States?

Mr. ROOT. It may be.

Mr. CUMMINS. I do not remember any statute of the United States making the publication of a libel a crime. There may be such a statute, but I do not recall it. I never knew, at least, of an indictment for libel under the laws of the United States; and if there is no such crime this statute, of course, could not relate to it and would not authorize one State or one district to send for the publisher of a newspaper in another district. But if our law makes a certain act a crime in a certain district, then there ought to be some way in which to secure the presence of the men or the corporation that committed the crime in the jurisdiction in which it was committed. It is a farce—it is worse than a farce—to declare an act a crime and then deny to the courts the opportunity to secure jurisdiction over the person or corporation that committed the crime.

Mr. ROOT. I spent several weeks some years ago in showing reasons to a district court of the United States why an honored and beloved editor of a newspaper in the city of New York should not be brought to the city of Washington and tried for the crime of libel; and if such a law as that now proposed had been applicable to his case, he would have been brought here without any opportunity to give the reasons why he should not be brought—reasons which prevailed in the court before which the subject had to come under the existing law.

The same situation is true of many other parts of the country in which the federal authority is a general authority. It is true of the District of Columbia. It is true of the Territories. It is true of every reservation and fort. It is true of every place where the Government of the United States has general jurisdiction. It may be made true in every part of the United States.

There can be no question of the competence of Congress to declare under proper circumstances a libel an offense against the United States. It seems to me we ought to put into this bill such a provision to prevent the abuse of the process, the issue of which we authorize, as proved to be necessary and effective in regard to the transfer of individuals from one district to another.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. If the Senator from Iowa will permit me——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. The very act suggested by the Senator, a violation of the postal laws of the United States, is within the jurisdiction of the United States courts; and I could name a great many others. For instance, a violation of the provisions of the interstate-commerce act; of the pure-food laws; and a great many others of which the United States courts have jurisdiction and under which just such conditions as are suggested by this bill might arise and would of necessity arise where there was a violation of the law.

It was in connection with the consideration of that larger class of questions that we have spent the time and had difficulty in framing such a law as would be satisfactory.

Mr. CUMMINS. I assume whether there be one case or a hundred in which a corporation has offended criminally against the laws of the United States, the corporation should be made subject to the jurisdiction of some court. There seems to be great fear manifested lest the corporation shall be brought to trial in the district in which the offense was committed. I do not feel any such apprehension. There are other instances in which a corporation can commit a criminal offense against the laws of the United States than the misuse of the mails, but there are not many—there are very few—in which the corporation is criminally liable. But whether there be few or many, when the offense is committed, when the law declares that an indictment may be found in one State and the corporation that commits the offense is domiciled in another State, there should be some way of removing that defendant to the proper court for trial.

The Senator from New York admits that proposition, and the only thing he suggests is that before the court in which the indictment is found can acquire jurisdiction some court in the jurisdiction of the domicile ought to be permitted to pass upon—what? I do not know; upon, possibly, the validity of the indictment; possibly upon the regularity of the procedure. And yet it seems to me it is not imposing an undue hardship upon a corporation, when regularly served, to require it to submit its case, whatever it may be, to the court in which the indictment is pending.

There is little danger that any innocent corporation will be adjudged guilty; there is little danger that any such court will insist upon a jurisdiction which under the law it ought not to have; and therefore I have brought forward this bill, which seems to meet an omission of the law and to fill it with proper legislation. If the Committee on the Revision of the Laws, when it shall have reached this title in its work, sees fit to revise this section as amended, I have no doubt it will be well done. But that is no reason why during the period before the Committee on the Revision of the Laws shall have finished its work and before Congress shall have adopted its work we should be unable to pursue these people or these corporations who have now for many years continuously violated the law with absolute impunity.

Mr. HEYBURN. Mr. President, if it were not for the very far-reaching importance of this measure, I would not feel justified in longer detaining the Senate. But when we come to look back upon the record accompanying the enactment of this law, it is very important that that record should disclose the fact that we gave it such thorough consideration as that we

could not be charged with having intended to do something we do not do.

This is really an extradition provision. It provides in effect for extraditing an artificial person from one jurisdiction to another; and to enact a law which will be held by the courts not valid or operative would be a waste of time. My purpose is to see if we can not perfect this law so as to remove objections that might be encountered in a court hereafter. This is the best place to remove them, and it is our duty to remove them if they are possible of occurrence.

I want to call attention, merely to submit it to the judgment of Senators, to this provision, and to inquire whether or not in their judgment it will be sustained by the court.

On page 2 of the bill it is provided that the notice which has been referred to by the Senator from New York shall be directed to the marshal of any district in the United States in which service may be made. That is, this court of the United States is going to direct its process to the executive officer of another court of the United States. Then it goes on to say, referring to the writ:

> And shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the district in which service is made.

The courts will have some difficulty with the question of power involved in that provision, because the judge of the United States court in whose district the defendant resides is normally the custodian of the law in that district, and when another court reaches into that district for the purpose of enforcing the law, under every circumstance that I can remember or conceive of to-day, that judge has supervisory power. This is going to be an exception to that rule, and it behooves us to consider well whether or not we can incorporate an exception of that kind into a rule so general and so well established.

Ordinarily when papers come from one jurisdiction to another for the purpose of taking a person, whether it be artificial or real, into the jurisdiction in which the indictment is found, there is first the submission of those papers to somebody within the district where the person is found. In the case of the extradition of an individual, they must be submitted to the governor of the State and passed upon as to their sufficiency, measured in the light of the duty of that officer. Here you are going to extradite that which in law has the same status as a natural person—the corporation—and you are going to compel it to come out of its home on an order not issued out of the court of the district under whose jurisdiction it lives, but issued out of another jurisdiction, and no provision is made for the jurisdiction in which the defendant lives ever even knowing of it. Normally that jurisdiction attaches to everything pertaining to the property or the person residing within it. This is a very wide departure from the general rule.

Then let us see about the return of the writ. There is another provision that is new. This provides that the officer—not of the court issuing the writ—shall make the return, but that the return shall be made by an officer having no connection whatever with that court, but residing in and being an officer of another jurisdiction; and whether or not that can be done under the powers vested in the courts is a serious question. It is not possible to-day under any condition of circumstances. It is new legislation, based upon a principle not now known to the practice in the courts.

Then again, service being made and a return being made to the court out of which the writ originally issued, what follows? It says:

> When the same has been served as above prescribed the alleged offender shall be assumed to be arrested and present in the court.

He shall be assumed to be arrested and present. The words "to be" should be inserted before the word "present," so as to read "and to be present in court." That is a question of power, and I assume that the Judiciary Committee considered these questions. But it is none the less our duty to consider them here in order that should a principle be overlooked or the measure be subject properly to amendment which would make it effective where otherwise it would not be, it may be adopted.

It is a very serious question whether this will effectuate the purposes which the Senator has, with which I am in entire sympathy and against which I am urging no criticism except for the purpose of perfecting this measure so that it will be effective to accomplish the purposes for which it is designed.

The bill says after he is assumed to be arrested and assumed to be present in court at the place designated in the summons, he may be proceeded against. Of course only in the matter of damages. It is not supposed that any other judgment could be rendered except one in damages. You have him there. The question will be, when they recover damages and a judgment for damages is entered, whether it can be collected.

> And all orders and judgments against it—

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I assume when you speak of a judgment of damages you mean a fine.

Mr. HEYBURN. Yes; that is all. The fine is what I refer to. There is no provision for any damages. I used that word where probably I had better said fine. But the words are interchangeable under the circumstances.

A statute provides that a corporation violating a certain law shall be subject to a fine of $10,000. The only judgment that can be entered against this corporation, which is assumed to be present, would be one that the defendant should pay a fine of $10,000. The question of the jurisdiction of the court can be raised at any time when the enforcement of that fine is before a court.

I do not mean to be understood as saying that this may not be reached by legislation; it must be reached; it would be intolerable to believe it could not be reached; but I have grave doubts as to the validity of a judgment or a fine rendered under this class of service.

This might be termed a statute of convenience. Of course, the corporation can always be sued at its residence. The Indiana case cited would not prevent it because the statute reads, if they shall do or cause to be done this act; and, if they initiate the act in Chicago, and have it completed in Indiana, they are indictable in Chicago, where they reside. There can be no question about it, under the language of any act which says that any corporation or person which shall do or cause to be done a thing shall be liable to prosecution and punishment. Of course, the act is finally perfected in Iowa, because the goods arrive there, but none the less under the statutes applying to this class of questions the offense is complete at either end of the line. The question of jurisdiction is suspended while the act is in transit, so to speak.

Mr. President, I have called attention to these matters to the end that they may be considered now and be a part of the record. I shall not offer amendments. I shall leave it to the committee and to the Senator having charge of the bill upon the floor to give these suggestions such consideration, in view of the possible future consideration of these questions, as may seem to him wise.

Mr. ROOT. I offer an amendment. On page 2, line 8, after the words "made, and," insert the words "when indorsed by the judge of such district."

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

Mr. CUMMINS. I could not hear it.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 2, line 8, after the words "made, and," insert "when indorsed by the judge of such district," so that if amended it will read:

> Such notice shall be directed to the marshal of any district of the United States in which service shall be made, and when indorsed by the judge of such district shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the district in which service is made.

Mr. CUMMINS. While I do not regard the amendment as at all necessary or essential to safeguard the interests of any defendant, yet, so far as I can do it I am quite willing to accept it.

Mr. NELSON. Mr. President, I think this a most vicious amendment. It would enable a judge in another district to put a veto upon such cases without requiring him to make any investigation whatsoever. If, of his own volition and will, he simply declined to approve the writ, it could not be served. It would be a most monstrous doctrine. If a corporation in the State of New York were indicted in one of the Western States for an offense committed there, where it was doing business, a judge in the State of New York could simply say, "I will not recognize this warrant," and put an absolute veto upon the proceedings in the court where the indictment had been found. It is a most vicious amendment, Mr. President.

Mr. BACON. I should like to make an inquiry of the Senator from New York. Does the Senator design by this amendment to make it analogous to a case of extradition?

Mr. ROOT. The design is to make it analogous to the provision of the section to which this is an amendment regarding a natural person.

Mr. BACON. What is the provision with reference to a natural person that the Senator has in view? Does it not relate to extradition?

Mr. ROOT. Yes; to what we may call extradition; to removal from one district to another.

Mr. BACON. That is, in the case of districts inside a State?

Mr. ROOT. No; in the United States. This is a bill to amend section 1014 of the Revised Statutes.

Mr. BACON. I understand, and indictment in a federal court.

Mr. ROOT. Yes; indictment in a federal court. Under section 1014 it is provided that where there is an indictment found in one district against a person residing in another district process may issue, and it shall be the duty of the judge of the district where the offender or the witness is imprisoned to issue an order or warrant for removal. This amendment is designed to make the provision for the removal of a corporation from one district to another substantially the same as the provision for the removal of a private person, so that there will be some opportunity for the person who is to be removed, whether it be a corporation or a natural person, to be heard as to whether he ought to be taken into the other jurisdiction. Manifestly there is no opportunity in the other jurisdiction for him to be heard upon that subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. ROOT]. [Putting the question.] By the sound the ayes have it.

Mr. NELSON. I call for the yeas and nays on the amendment.

Mr. TILLMAN. Mr. President, will you please state the question? I have been out of the Chamber temporarily.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 2, line 8, before the word "shall," insert "when indorsed by the judge of said district," so that if amended it will read:

> Such notice shall be directed to the marshal of any district of the United States in which service may be made, and when indorsed by the judge of said district shall be served upon such offender—

And so forth.

Mr. NELSON. Mr. President, the object of this amendment is to reach corporations who are created by the laws of a given State and are indicted for offenses committed in another State. If a natural person is indicted in one district for offenses committed there and is in another district, he can be reached, under existing law, by a warrant, and brought into the court in which the indictment is found. But if a corporation of the State of New York is indicted for an offense committed in the State of South Carolina, there is no law by which that corporation can be brought into the courts of South Carolina, even after an indictment is found.

The object of the bill is to provide that the court in which the indictment has been found may issue a summons and have it directed to the marshal of the district in which the corporation is located and has its legal residence, and serve it upon that corporation, directing it to appear in court and answer to the indictment. That is the only way in which it is possible to get a jurisdiction in such cases.

The amendment of the Senator from New York amounts to this, that after a corporation has been indicted, for instance, in the State of South Carolina for an offense committed in that State and the court issues a summons upon the corporation, the offending corporation being a corporation of the State of New York, the court of South Carolina requiring the New York corporation to appear and answer to that indictment, that notice can not be served except by the approval of a judge in the State of New York. That would enable the judge of a court in which the indictment is not pending, or where the trial is not to take place, to have an absolute veto upon the case, and practically prevent the prosecution of it. That is why I am opposed to the amendment.

Mr. TILLMAN. Does that mean a federal or a state judge?

Mr. NELSON. It means a federal court. This relates to proceedings in federal courts wholly, not to proceedings in state courts.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Briggs	Burnham	Clark, Wyo.
Borah	Bristow	Burton	Crane
Bourne	Brown	Carter	Cullom
Brandegee	Burkett	Chamberlain	Cummins
Dick	Heyburn	Nelson	Stephenson
Dillingham	Hughes	Newlands	Sutherland
du Pont	Johnston	Overman	Taylor
Flint	Jones	Owen	Tillman
Frye	Kean	Purcell	Warner
Gallinger	Lodge	Rayner	
Gordon	McEnery	Root	
Guggenheim	Money	Smith, S. C.	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present.

Mr. GALLINGER. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SIMMONS, Mr. CRAWFORD, Mr. HALE, Mr. CLAPP, Mr. LA FOLLETTE, and Mr. CLAY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. GALLINGER. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. NELSON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

ADJOURNMENT TO MONDAY.

Mr. HALE. Mr. President, I rise to a question of the order of business. I ask the Senator from Montana whether he expects to take up the postal savings bill to-morrow?

Mr. CARTER. The consideration of the postal savings bill is dependent upon the action of the Senator from Texas [Mr. BAILEY], who desires to address the Senate at some length on the bill, and I am advised that he will not be able to proceed to-morrow. In consequence the bill can not with effect be taken up to-morrow.

Mr. HALE. Is there any Senator present who knows what is likely to be done with the unfinished business to-morrow, if there is a session of the Senate?

Mr. NELSON. The chairman of the Committee on Territories, who has the bill in charge, is not present, but as far as I know I am inclined to think that he will not be ready to proceed to-morrow with the unfinished business; that is, the Alaska bill.

Mr. HALE. As to-morrow is the anniversary of Mr. Lincoln's birth, and many Senators desire that there shall be no session of the Senate, and as apparently nothing in the way of general business will be before the body, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

CRIMINAL JURISDICTION OVER CORPORATIONS.

Mr. NELSON. My understanding is that Senat bill 5899 has gone back to the calendar.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. NELSON. I suppose the proper business will be to take up the calendar.

Mr. CUMMINS. Do I understand the Chair to say that the bill has been laid aside?

The PRESIDING OFFICER. The bill went to the calendar at the expiration of the morning hour.

THE CALENDAR.

Mr. NELSON. I move that the Senate proceed to the consideration of the calendar, under Rule VIII.

The motion was agreed to.

The PRESIDING OFFICER. The first bill on the calendar will be stated.

BILLS PASSED OVER.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. OVERMAN. Let the bill go over, without prejudice.

The PRESIDING OFFICER. The bill will go over, without prejudice, on the request of the Senator from North Carolina.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. BURKETT. The bill had better go over, I think. It will lead to debate.

The PRESIDING OFFICER. The bill goes over at the request of the Senator from Nebraska.

The bill (S. 1425) to incorporate the Descendants of the Signers was announced as next in order.

Mr. GALLINGER. Let the bill go to Rule IX, Mr. President.

The PRESIDING OFFICER. Without objection, the bill will go to the calendar under Rule IX.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as next in order.

Mr. NELSON. Let the bill go over.

The PRESIDING OFFICER. The bill will go over, at the request of the Senator from Minnesota.

Mr. BORAH. That is a very important bill. When it was called up the other day a great many Senators were not familiar with it. I ask that it go over under Rule IX.

The PRESIDING OFFICER. The bill will go to the calendar under Rule IX, at the request of the Senator from Idaho.

The bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is the unfinished business, and it will go over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. BURKETT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice, at the request of the Senator from Nebraska.

PROHIBITION OF INTOXICATING DRINKS TO INDIANS.

The bill (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," was announced as next in order.

Mr. OWEN. I should like to have the bill acted on.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CARTER. I desire to inquire of the Senator in charge of the bill as to the purpose of making the act applicable only to such persons as may allot land subsequent to 1906. It seems to me that the act should apply, if at all, to all Indian allottees, without reference to a date in 1906. The limitation was probably fixed for some purpose, and therefore I ask the question.

Mr. OWEN. The act of 1906 was an act which provided for an amendment of the Dawes allotment act of 1887, under which an Indian became a citizen of the United States when he received his allotment. In the case of Albert Heff, the United States Supreme Court held that it was not an offense against the laws of the United States to sell liquor to an Indian who had become a citizen of the United States; that he was no longer an Indian within the meaning of the law. The act of 1906 changed the allotment act so that thereafter the mere act of selecting his allotment or having his allotment made to him should not, under the law, confer a grant of citizenship until the trust period expired. The law was changed in that respect.

Mr. CARTER. Is it the understanding of the Senator that it is not now in the power of Congress to make this act applicable to allottees who received allotments prior to the passage of the act referred to?

Mr. OWEN. Yes; it is my understanding of the interpretation by the Supreme Court of the United States that an Indian who has become a citizen of the United States can not be subjected to the law regulating the sale of liquor to Indians.

Mr. CARTER. Then the state of the law, as understood by the Senator, is that an Indian to whom an allotment was made prior to the passage of the act of 1906, having become a citizen of the United States, may purchase intoxicating liquor wheresoever he pleases, with no more restraint than is applied to any other citizen.

Mr. OWEN. No; I do not so understand it, because there are other reservations of the law, where certain territory is particularly under the jurisdiction of the United States, in so far as the sale of liquor is concerned, and on that territory the act may be forbidden.

Mr. CARTER. That would apply to territorial jurisdiction rather than jurisdiction over the person of the allottee.

Mr. OWEN. Yes; that is the case.

Mr. CARTER. The courts decided that Congress can not determine the course of conduct of an individual selling liquors to Indians who received allotments prior to 1906.

Mr. OWEN. Yes.

The PRESIDENT pro tempore. The amendments of the Committee on Indian Affairs will be stated in their order.

The first amendment was, on page 1, line 8, before the word "That," to insert "Section 1;" on page 2, line 4, after the word "intoxication," to strike out "to any Indian to whom an allotment of land has been made since May 8, 1906, while the title to such allotment shall be held in trust by the Government, or;" in line 12, after the word "introduce," to insert "into the Indian country, or shall have in his possession, sell, give away, dispose of, exchange, or barter;" in line 15, after the word "liquor," to strike out "of any kind whatsoever into" and insert "including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, within;" in line 24, after the word "introduce," to insert "or have in his possession, sell, give away, dispose of, exchange, or barter;" on page 3, line 3, after the word "whatsoever," to insert "or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication;" and in line 15, after the word "paid," to strike out "But it shall be a lawful defense to any charge of introducing or attempting to introduce liquor into the Indian country, or in or upon any Indian reservation, or within that portion of any Territory of the United States which lies within 25 miles of any Indian reservation or Indian settlement, that the acts charged were done by order of or under authority from the War Department or any officer duly authorized thereunto by the War Department" and insert "But it shall be a lawful defense to any charge of violation of the provisions of this law that the acts charged were done by order of or under authority from the Interior Department or any officer duly authorized thereunto by the Interior Department," so as to make the section read:

That section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," be amended to read as follows:

"SEC. 1. That any person who shall sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce into the Indian country, or shall have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, within the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee, without the consent of the United States, or who shall introduce or attempt to introduce or have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, in or upon an Indian reservation, or Indian settlement within any Territory of the United States, or within that portion of any Territory of the United States which lies within 25 miles of any Indian reservation or Indian settlement, shall be punished by imprisonment for not less than sixty days and by a fine of not less than $100 for the first offense and not less than $200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a lawful defense to any charge of violation of the provisions of this law that the acts charged were done by order of or under authority from the Interior Department or any officer duly authorized thereunto by the Interior Department."

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert the following as a new section:

SEC. 2. If any person in the service of the United States or any Indian has reason to suspect, or is informed that any person is about to introduce, or has introduced, any of the intoxicating drinks enumerated in this act into any of the places mentioned herein, in violation of law, or has in his possession any such intoxicating drink within any of such places, it shall be the duty of such person or such Indian to take and destroy any of the aforesaid articles found in any such place or places, except such as may be introduced therein by and under authority of the Interior Department.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert the following as a new section:

SEC. 3. *Provided*, That this act shall not apply to the filling of a prescription of a reputable physician by a druggist in good faith: *Pro-*

vided, That no prescription shall be filled more than once, and a record shall be kept of such prescriptions, which record shall be open to inspection at all reasonable times.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from Oklahoma that the words "Section 3" be stricken out, and that the words that follow, which have just been read, be made simply a proviso to section 2.

Mr. OWEN. I agree to that, Mr. President.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed that the proviso follow the words "Interior Department," at the end of line 12, page 4, in section 2.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I move that the word "*further*" be inserted after the word "*Provided*," where it occurs the second time in the section.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is also proposed, after the word "*Provided*," in line 15, to insert the word "*further*."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Now, I want to ask the Senator from Oklahoma if the word "preparations," in section 2, line 10, on page 4, is a happy term? I apprehend that that alludes to various compounds, and I am not sure that it would cover the intoxicating drinks which are enumerated.

Mr. OWEN. I think the word "articles" would be proper.

Mr. GALLINGER. I think so. I think it would be a much better word.

Mr. OWEN. I move that the word "articles" be inserted in lieu of the word "preparations" at that point.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. In section 2, page 4, line 10, it is proposed to strike out the word "preparations" and to insert the word "articles."

Mr. GALLINGER. That is better.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, after line 18, to insert as a new section:

SEC. 3. All laws or parts of laws in conflict herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIPE LINES IN ARKANSAS.

Mr. FLINT. Out of order, I ask unanimous consent to make a favorable report from the Committee on Public Lands. I do so for the reason that I am engaged on a committee hearing. I desire to call the attention of the senior Senator from Oklahoma [Mr. OWEN] to the bill, which is reported with an amendment in the nature of a substitute, and I submit a written report (No. 218) thereon.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from California, and the title of the bill reported favorably by him will be stated.

The SECRETARY. A bill (S. 3544) to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill. It is a very important matter to the oil fields of Oklahoma to get access to tide water.

Mr. OVERMAN. Mr. President, I think we had better have the regular order.

The PRESIDENT pro tempore. Objection is made. The bill will go to the calendar. The next bill will be stated.

Mr. OVERMAN. I will withdraw my objection, as the Senator from Oklahoma says the bill is very important and that 2,200 men are tied up. If it is so important as that, I will withdraw my objection.

The PRESIDENT pro tempore. Objection is withdrawn. The substitute reported by the committee will be read to the Senate for its information.

The SECRETARY. The committee proposes to strike out all after the enacting clause of the bill and to insert:

That a right of way through the public lands of the United States in the State of Arkansas is hereby granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and 10 feet on each side of the center line of same.

SEC. 2. That any citizen of the United States, company, or corporation desiring to secure the benefits of this act shall within twelve months after the location of 10 miles of the public line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way.

SEC. 3. That nothing in this act shall authorize the use of such right of way, except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

SEC. 4. That if any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if such pipe line or any section thereof shall be abandoned, or shall not be used for the transportation of oil, or natural gas, for a period of two years, the rights herein granted shall be forfeited and shall revert to the United States without further action or declaration, or any proceedings or judgment of any court, and the reservation of such land for the purposes of said right of way shall cease and become null and void without further action.

SEC. 5. That if any person, or association of persons, availing themselves of the benefits of this act, or any company or corporation, availing itself of the benefits of this act, shall violate the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" (commonly known as the Sherman antitrust act), or any amendment thereof, all rights herein granted shall be forfeited and shall revert to the United States without further action or declaration on the part of the Government, and the reservation of such land for the purposes of said right of way shall cease and become null and void without further action on the part of the Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. OVERMAN. I should like to inquire whether the Senators from Arkansas approve of the bill? Neither one of them is here.

Mr. OWEN. The senior Senator from Arkansas [Mr. CLARKE] approved of it, but the junior Senator from Arkansas [Mr. DAVIS] did not.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is on the amendment, which has just been read, reported from the Committee on Public Lands.

Mr. HEYBURN. I call the attention of the Senator from Oklahoma [Mr. OWEN] to the fact that the expression "or any proceedings or judgment of any court" is omitted in the second instance, doubtless through an oversight.

Mr. OWEN. It was an oversight.

Mr. HEYBURN. The language was intended to be the same in both cases.

Mr. OWEN. I move the insertion of those words.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho to the committee amendment will be stated.

The SECRETARY. In section 5, line 10, after the word "Government," it is proposed to amend the amendment by inserting "or any proceedings or judgment of any court," so as to make the section read:

SEC. 5. That if any person, or association of persons, availing themselves of the benefits of this act, or any company or corporation, availing itself of the benefits of this act, shall violate the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" (commonly known as the Sherman antitrust act), or any amendment thereof, all rights herein granted shall be forfeited and shall revert to the United States without further action or declaration on the part of the Government or any proceedings or judgment of any court, and the reservation of such land for the purposes of said right of way shall cease and become null and void without further action on the part of the Government.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OVERMAN. I should like to ask the Senator from Oklahoma to postpone the consideration of this bill until the Senator from Arkansas [Mr. DAVIS] comes in. It does not seem exactly right, in his absence, to take up a bill when he is opposed to it. It does not seem to me that it is treating him with proper courtesy. I have no interest in the bill, but I notice that both Senators from Arkansas are absent.

Mr. OWEN. Mr. President, in answer to that statement I will say that the matter has been pending for many weeks; that this line has already been in process of construction; that the company which is constructing this line has built 120 miles of it. The company is now confronted by the proposition of crossing some half a dozen or more 40-acre tracts belonging to the United States in Arkansas. They have received permission from the secretary of state of the State of Arkansas to do business in that State. They have paid $5,000 license. There is no reason that I know of, and no reason has been given that is at all satisfactory to my mind, why the bill should not now be passed. I understand that the action of the Committee on

Public Lands was unanimous with regard to the matter, except the Senator from Arkansas [Mr. DAVIS].

I do not think that a great oil field such as this in Oklahoma should be kept in that condition; and we need very much to get an outlet for our oil. The pipe line will carry 20,000 barrels a day. I do not feel called upon to withhold action upon this matter. We did delay it in committee on numerous occasions in order to afford an opportunity to the Senator from Arkansas to be present and express his opposition to it. I am not willing, so far as I am concerned, on any theory of mere courtesy to neglect my duty to my State. I therefore think it entirely within the bounds of propriety that we should take up this bill when it is reached in this way.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS DEPOSITORIES.

The PRESIDENT pro tempore. The next bill on the calendar is the postal savings bill.

Mr. CARTER. Let that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

APPEALS IN FORMA PAUPERIS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, which had been reported from the Committee on the Judiciary with amendments.

The PRESIDENT pro tempore. The bill has heretofore been read. The amendments will be stated.

The SECRETARY. On page 1, line 6, before the word "writ," it is proposed to insert the article "a;" and in line 7, after the word "such," to insert "suit or," so as to read:

That any citizen of the United States entitled to commence any suit or action in any court of the United States may commence and prosecute to conclusion any such suit or action or a writ of error, or an appeal to the circuit court of appeals in such suit or action, including all appellate proceedings, etc.

The amendment was agreed to.

The next amendment was, on page 1, line 7, after the word "proceedings," to insert "unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith."

Mr. HEYBURN. Mr. President, I desire to offer the amendments which I send to the desk. The amendments which I offer will obviate the necessity of agreeing to the amendment which has just been stated.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 1, line 4, after the word "may," it is proposed to insert "upon a showing being made to the court and an order of the court allowing the same."

Mr. OVERMAN. I see no objection to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment offered by Mr. HEYBURN was, on page 1, line 5, after the word "prosecute," to strike out the words "to conclusion."

The amendment was agreed to.

Mr. HEYBURN. The amendments just adopted make it unnecessary to insert the words proposed by the committee as an amendment beginning after the word "proceedings," on page 1, line 7. The committee amendment, therefore, should be rejected.

Mr. GALLINGER. The committee amendment should be disagreed to.

Mr. OVERMAN. Having adopted the other amendments of the Senator from Idaho, it is necessary to disagree to the last amendment of the committee. There is no occasion for those words to be inserted now in view of the amendments just adopted.

Mr. HEYBURN. I will say that the amendments I offered were in lieu of those words. However, it may have been written on the memorandum I sent up; that was the intention.

Mr. OVERMAN. Yes; if the amendments come in the proper place as the Senator offered them, then it becomes necessary to strike out the words which constitute the committee amendment.

Mr. HEYBURN. It becomes necessary to strike those words out, the other amendment having been adopted.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee on page 1, line 7, which has been heretofore stated.

The amendment was rejected.

Mr. NELSON. Mr. President, I should like to hear the bill read as amended. I did not quite catch the force of the amendments.

The PRESIDENT pro tempore. The Secretary will read the bill as amended.

The Secretary read as follows:

Be it enacted, etc., That any citizen of the United States entitled to commence any suit or action in any court of the United States may, upon a showing being made to the court and an order of the court allowing the same, commence and prosecute any such suit or action or a writ of error, or an appeal to the circuit court of appeals in such suit or action, including all appellate proceedings, without being required to prepay fees or costs or give security therefor before or after bringing suit or action upon filing in said court a statement under oath, in writing, that because of his poverty he is unable to pay the costs of said suit, or action which is about to commence or to give security for the same, and that he believes that he is entitled to the redress he seeks by such suit or action, and setting forth briefly the nature of his alleged cause of action.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF WILLIAM W. MILLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1105) for the relief of the legal representatives of William H. Miller, deceased, which had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the name "William," to strike out the initial "H." and insert the initial "W.," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of William W. Miller, deceased, the sum of $3,920, being the amount of salary and allowances for two years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The PRESIDENT pro tempore. The committee also propose an amendment to the preamble, which will be stated.

The SECRETARY. The committee propose to amend the preamble, on page 1, line 1, after the name "William," by striking out the initial "H." and inserting the initial "W.," so as to read:

Whereas William W. Miller, late an assistant surgeon and a commissioned officer in the United States Public Health and Marine-Hospital Service, contracted typhoid fever while performing his duty as assistant surgeon in the special work of investigating the causes of typhoid fever in the District of Columbia, and in which special work he had been exclusively engaged for several months and in which he was engaged when he contracted the disease of typhoid fever, of which he died, in Providence Hospital, in the city of Washington, on the 24th day of November, 1908: Therefore, etc.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A bill for the relief of the legal representatives of William W. Miller, deceased."

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 2 o'clock and 42 minutes p. m.) the Senate adjourned until Monday, February 14, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1910.

SURVEYOR-GENERAL OF CALIFORNIA.

Edward H. Archer to be surveyor-general of California.

RECEIVERS OF PUBLIC MONEYS.

Sanford Parker to be receiver of public moneys at O'Neill, Nebr.

Elof Olson to be receiver of public moneys at Valentine, Nebr.

REGISTER OF THE LAND OFFICE.

Luke M. Bates to be register of the land office at Valentine, Nebr.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Edward A. Keyes to be first lieutenant.

INFANTRY ARM.

First Lieut. Alvin K. Baskette, Third Infantry, to be captain.
Second Lieut. John S. Upham, Fifteenth Infantry, to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Frederick Hultman Foucar,
Bert Roy Huntington,
James De Witt Kerr,
Robert Clarence McDonald,
William Frank McLaughlin,
Henry Cabell Maddux,
Shelley Uriah Marietta,
Raymond William Mills,
Arthur Le Roy Pulver,
Edward Chauncey Register,
James Lee Robinson, and
Jay Dashiel Whitham.

POSTMASTERS.

DELAWARE.

J. Frank Reybold, at Delaware City, Del.

ILLINOIS.

Smith D. Atkins, at Freeport, Ill.

IOWA.

John C. Milner, at Belle Plaine, Iowa.
Thomas W. Nickson, at Prairie City, Iowa.
James H. Willett, at Tama, Iowa.

MINNESOTA.

E. C. Hellickson, at Caledonia, Minn.
Edward F. Joubert, at Wheaton, Minn.

NEW JERSEY.

Nathaniel H. Furman, at Lawrenceville, N. J.
Eli R. Marsh, at Williamstown, N. J.

NEW MEXICO.

John S. Mactavish, at Magdalena, N. Mex.

NEW YORK.

William B. Adams, at Bedford Hills (late Bedford Station), N. Y.
Garfield Vanderburgh, at Florida, N. Y.

WASHINGTON.

Richard A. McKellar, at Kettle Falls, Wash.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 11, 1910.*

The House met at 12 o'clock noon.
Prayer by Rev. A. W. Wright, of Minneapolis, Minn.
The Journal of the proceedings of yesterday was read.

CORRECTIONS.

Mr. OLCOTT. Mr. Speaker, I should like to correct the RECORD and the Journal, as far as my vote is concerned.

The SPEAKER. The gentleman will state his correction.

Mr. OLCOTT. On page 1722 of the RECORD it appears that I am recorded as not voting upon the motion to concur in the amendments on immigration on the urgent deficiency appropriation. I was present, I voted "no," and I was not paired with anybody.

The SPEAKER. If there be no objection, the Journal and RECORD will be corrected, and if there be no objection, the Journal as corrected will stand approved.

Mr. NORRIS. Mr. Speaker, on page 1752 of the RECORD, where the pairs are given on the substitute offered by the gentleman from Alabama to the resolution reported from the Judiciary Committee, the RECORD shows that I am paired with the gentleman from Kansas [Mr. CAMPBELL], and that I am paired "in favor of" and the gentleman from Kansas "against." I have the original written pair in my hand. I was paired with the gentleman from Kansas [Mr. CAMPBELL] as being in favor of the majority report of the Judiciary Committee, and the gentleman from Kansas [Mr. CAMPBELL] as being against the majority report, and it was expected that the vote would come up on that question; but the yea-and-nay vote was taken on the substitute of the gentleman from Alabama [Mr. CLAYTON], so that the situation was reversed, and a yea vote was in favor of the substitute and a nay vote was in opposition to the substitute and in favor of the majority report. Therefore the words "in favor of" and "against" relate to a vote which was the reverse of the one which was actually taken. There are a number of other Members paired in the same way, and I am satisfied that the same state of facts applies to each case. The RECORD ought to show where it says "in favor of," that it was in favor of the majority report. I was opposed to the substitute of the gentleman from Alabama [Mr. CLAYTON] and in favor of the majority report, and would therefore have voted "nay" upon the roll call to adopt the substitute.

Mr. MOON of Tennessee. A similar error appears in the statement of my pair with the gentleman from Kansas [Mr. MURDOCK].

The SPEAKER. Under the rules of the House these corrections could be made without being called to the attention of the House; but in the case of these pairs, the statement of the gentleman from Nebraska will enable any other gentlemen who are not correctly paired in the RECORD to correct it themselves, and, without objection, that order will be made. The Chair hears no objection.

Mr. BOWERS. I desire to call attention to the fact that exactly the same situation as that reported by the gentleman from Nebraska [Mr. NORRIS] relates to the pair between myself and the gentleman from Texas [Mr. HARDY]. Not knowing the exact way in which the vote would come up, we wrote a pair, "Mr. BOWERS in favor of the majority report and Mr. HARDY against the majority report;" but as the vote came up in the reverse way, on a motion to adopt the minority report, the statement "in favor of" and "against" should be reversed.

The SPEAKER. The RECORD, without objection, will be corrected.

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr. Speaker. I desire to call attention to an error in the RECORD of day before yesterday. Would it be in order for me to do so at this time?

The SPEAKER. If it is a correction of words in a speech, the gentleman could have it corrected without bringing it to the attention of the House. If it concerns another Member, it would be better to submit the question in the House.

Mr. COOPER of Wisconsin. It does not concern a speech. It concerns an amendment which I offered to strike out the $500 salary to the members of the proposed fine-art commission.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. If the Chair will bear with me, I will first read from a preceding page of the RECORD, page 1668, where I said:

> I should like to ask the gentleman from Massachusetts a question.
> Mr. MCCALL. Yes.
> Mr. COOPER of Wisconsin. A question suggested by what the gentleman from Illinois just said. Would not the gentleman from Massachusetts be willing to accept this amendment, to strike out, beginning with the word "at," in line 21, all down to and including "and," in the next line, so that it will read:
> "and the members of the commission shall each be paid actual expenses—"
> Leaving out the $500 a year?
> We get splendid men for Regents of the Smithsonian, and I believe we can get the very best talent in the United States on this commission without paying its members $500 a year each.
> Mr. MCCALL. I have no objection whatever to striking that out.

On the same page the following occurred:

> Mr. MCCALL. I will be content if the gentleman will offer that as an amendment.
> Mr. COOPER of Wisconsin. I will offer it as an amendment.

When the opportunity came, I said:

> I offer the following amendment.

The Chairman said—

> One moment. Does the Chair understand the gentleman from Wisconsin to offer an amendment to the section?

I said, no. The RECORD then reads:

> The CHAIRMAN. The question, then, is upon the amendment offered by the gentleman from Massachusetts.
> Mr. COOPER of Wisconsin. I move to strike out his amendment and insert this.

Mr. Speaker, I said nothing of the kind. I do not know who did say that, unless possibly it was the gentleman from Arkansas [Mr. MACON], who shortly after offered another amendment. I said nothing of that sort, because I had nothing to offer there. Then the following appears:

> Mr. SHERLEY. I make the point of order that that is an amendment in the third degree.
> The CHAIRMAN. The amendment of the gentleman from Wisconsin is an independent amendment, which will be in order after the amendment of the gentleman from Massachusetts shall have been voted upon.

My amendment was next in order after that of the gentleman from Massachusetts, but the RECORD a little later recites that the gentleman from Massachusetts [Mr. MCCALL] offered my amendment, as follows:

> Mr. MCCALL. Now, Mr. Chairman, I offer the amendment which I have sent to the desk.

Mr. Speaker, it is within the knowledge of gentlemen present here now that the gentleman from Illinois [Mr. MANN] turned to me and said, "Now your amendment is in order," and the gentleman from Massachusetts [Mr. MCCALL] himself turned to me across the aisle and said, "Now your amendment is in order." I then arose, and the Chairman presented that amendment to the House and it was voted on. It was not presented by Mr. MCCALL.

This is not a matter of any great importance, except that I want the RECORD to show that I did not offer an amendment in the third degree, when, as a matter of fact, I offered an independent amendment, and the Chair had so ruled—an amendment which was adopted.

The SPEAKER. Does the gentleman desire the matter to rest upon his statement or does he desire the RECORD of the day before yesterday corrected?

Mr. COOPER of Wisconsin. I would like to have the RECORD show on page 1674 that I offered the amendment in question.

The SPEAKER. The gentleman has made his statement, and without objection the RECORD will be corrected as he states.

There was no objection.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

Mr. PERKINS. Mr. Speaker, I do not desire in any way to interfere with the proceedings, but the diplomatic bill has been hanging on now for more than a week, and we are all very anxious to finish it to-day. If the House is willing to sit here until it is finished, I do not think it will require a very late session. I should very much regret, however, if we were obliged to go over until Monday to dispose of this bill. I think if the House is willing to extend the session a little beyond the hour of 5 o'clock we can dispose of the bill to-day.

Mr. PAYNE. I will say to the gentleman that as far as I am concerned I will stay by him until we finish the bill to-day.

Mr. PERKINS. Very well. I hope we may finish it by 5 o'clock.

The SPEAKER. The question is on the motion of the gentleman from New York, that when the House adjourn to-day it adjourn to meet on Monday next.

The question was taken, and the motion was agreed to.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS.

The Speaker laid before the House the bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect," with Senate amendments thereto.

The Senate amendments were read.

Mr. BURKE of South Dakota. Mr. Speaker, I move to concur in the Senate amendments.

Mr. MANN. Mr. Speaker, may I ask the gentleman a question? This amendment is in reference to intoxicating liquors. Will it forbid the introduction of intoxicating liquors into the land after it is opened?

Mr. BURKE of South Dakota. Mr. Speaker, the amendment relating to prohibition of intoxicating liquors in the Indian country will prohibit the sale of liquor or the introduction of liquor into that country for twenty-five years; that is, the land affected by the bill, namely, the portion of the so-called "Standing Rock Indian Reservation," in South Dakota, authorized to be disposed of under the law that this bill proposes to amend.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. BURKE of South Dakota. Yes.

Mr. STAFFORD. Is this amendment of the Senate a new provision in this character of legislation?

Mr. BURKE of South Dakota. Mr. Speaker, I would say in answer to that inquiry that it is not; that this is a provision which has been in a number of bills that have passed the House or become a law recently upon the subject of the disposition of Indian lands.

Mr. STAFFORD. Do I understand the gentleman to hold that in the opening of all Indian reservation lands there has been such a provision restricting the sale of liquor for twenty-five years?

Mr. BURKE of South Dakota. Not in all cases; no, sir.

Mr. STAFFORD. What is the special reason why there should be this limitation in this instance?

Mr. BURKE of South Dakota. I stated that this provision had been in a number of bills that have passed in recent years dealing with the disposition of Indian lands. I have in mind the Yankton Reservation, in South Dakota, which was opened to settlement in 1892 or 1895; and in that legislation there is a provision prohibiting the sale of liquor for all time in the country that was affected by the legislation.

Mr. STAFFORD. May I ask where the lands are, in what States, that will be covered by this limitation?

Mr. BURKE of South Dakota. In South Dakota.

Mr. STAFFORD. In South Dakota there is no constitutional inhibition forbidding the sale of liquor, while in North Dakota there is, and whereas it might be pertinent in the case of the reservation at Yankton, it might not be pertinent in land in South Dakota.

Mr. BURKE of South Dakota. I will say to the gentleman that this provision has been in several bills, I think in one or two in Montana, and if I am not mistaken one in Washington.

Mr. STAFFORD. Is it the purpose of the amendment to seek to determine the internal policy, as far as the prohibition question is concerned, on land that is to be opened up to settlement?

Mr. BURKE of South Dakota. That is the purpose of it.

Mr. STAFFORD. I wish to dissent strongly from such a position. I think the internal policy of the local government should not be determined by Congress on the liquor question, but it should be reserved for the State; that so far as land open to settlement in a State where they have constitutional prohibition is concerned there might be some reason for the exception and limitation. But in States where they do not have a constitutional prohibition, for us to limit in the grant of settlement for twenty-five years, or for any period of time, that the occupants shall be restricted in the use of intoxicating liquors seems to me to be a departure from the proper province of legislation by Congress.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a statement in response to the statement made by the gentleman from Wisconsin. It has always been the policy of the Government to prohibit the introduction of liquor into the Indian country.

In the tract affected by this legislation the Indians have taken allotments, and one-third, perhaps, if not more, of the tract has been allotted to the Indians. The allotments run for twenty-five years, and it is the theory of the committees having jurisdiction of Indian legislation that during the trust period, at least, and while these Indians will be in that country holding allotments, the laws relative to the introduction of liquor into the Indian country shall be extended into that country. That is the purpose of this legislation.

Mr. STAFFORD. May I ask whether, as to all of the Indian reservations open to settlement, there were not allotments made to the Indians?

Mr. BURKE of South Dakota. There were.

Mr. STAFFORD. Are there not many instances where there has been no limitation, so far as the prohibition of the sale of liquor is concerned?

Mr. BURKE of South Dakota. That is absolutely true, and because there was no legislation such as I have named is the principal reason for undertaking to legislate now.

Mr. STAFFORD. I suppose instances might be cited without number of lands in the earlier history of the country that have been opened to settlement and where the Indians have taken allotments where the Government has not undertaken to determine the internal policy of the country, but has left it to the State to determine what was the best policy. Take the Yankton Indian Reservation case instanced by the gentleman. A limitation for all time was inserted in the grant when South Dakota had a constitutional prohibition law. Since then the constitution has been amended, so there is to-day license under local option. Yet in the reservation land that policy of local self-government does not prevail because of the restrictive clause that may have become out of date with present conditions. There is no reason why there should be, in the first instance, a limitation forbidding the sale of liquor. I, for one, believe that we are establishing a bad precedent in this instance in undertaking to determine the policy of a State in advance—to determine for twenty-five years the policy of that State, so that the people of the State can not pass upon the question and adopt that policy best suited to local conditions.

Mr. SABATH. Will the gentleman allow me a question?

Mr. BURKE of South Dakota. Certainly.

Mr. SABATH. Has such limitation been made heretofore on lands open to settlement?

Mr. BURKE of South Dakota. Yes; and I have already so stated.

Mr. SABATH. When?

Mr. BURKE of South Dakota. As early as 1892, I think it was, a bill passed opening that portion of the country in South Dakota then known as the "Yankton Indian Reservation."

There was a provision similar to this one and it was for all time.

Mr. SABATH. That was only to the reservation of the land reserved for the Indians.

Mr. BURKE of South Dakota. It was to the country affected by the legislation, the land to be opened for settlement.

Mr. SABATH. All of the land?

Mr. BURKE of South Dakota. All of the land.

Mr. STAFFORD. I think the gentleman from South Dakota must admit that there was some special reason for making such a limitation in that case because South Dakota at that time had a constitutional provision forbidding the sale of liquor in the entire State, and for that reason the policy of the Government was to permit the state policy to control.

Mr. BURKE of South Dakota. This identical provision has been incorporated in several bills that have passed this House disposing of lands belonging to the Indians and without regard to whether or not the reservation was in a State which had constitutional prohibition or not. And there is pending at the present time an amendment to legislation that was passed in a recent Congress relating to a reservation in the State of Washington, the Yakima Reservation, reported to-day by the Committee on Indian Affairs, to put in that law this very section and brought to the attention of the committee by one of the Senators and one of the Representatives from the State of Washington, they believing that in the interest of the Indians, as well as in the interest of the white population of that State, this provision relating to the introduction and sale of liquor ought to be enacted and made a part of the law authorizing a sale of the surplus lands in that reservation.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Did we not put something of the sort in the enabling act for the admission of Oklahoma into the Union, so far as the Indian lands were concerned or the territory embraced in the former Indian lands?

Mr. STEPHENS of Texas. We did.

Mr. BURKE of South Dakota. My understanding is that we did.

Mr. MANN. That was a very formal action even in admitting a State into the Union in limiting its power to prevent the sale of intoxicating liquors.

Mr. STAFFORD. But that part referring to the Indian Territory was mainly occupied by Indians. There is no one who desires to force liquor upon the Indians, but the internal policy should be determined by the State.

Mr. STEENERSON. This is not a new provision, but a very old one. I understand the committee now provides for doing what we did in the treaty of 1855, under which Minnesota obtained her Indian lands, and the Interior Department is now enforcing the provisions of the treaty of 1855 as to all of northern Minnesota, which has not been Indian lands for over fifty years.

Mr. BURKE of South Dakota. That is true. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

PUBLICATION RELATING TO WINCHESTER, KY.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to address the House for three or four minutes regarding a publication that appeared recently in the press of the country relating to Winchester, Ky., in my district.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three or four minutes in reference to a publication that affects his district. Is there objection?

Mr. PERKINS. Might I ask, Mr. Speaker, how long a time the gentleman wishes to address the House?

Mr. LANGLEY. Not exceeding five minutes. I will try to finish in that time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will it cause somebody else to talk?

Mr. LANGLEY. I sincerely hope not, although I have no objection to the fullest discussion of the matter, but I do not think any will be necessary after I make my statement. Mr. Speaker, some days ago there appeared in the local papers of Lexington, Ky., and thereafter in the press of the city of Washington and throughout the country, a statement to the effect that citizens of Winchester, Ky., in my district, had gone to the city of Lexington, Ky., and had made an attack upon the offices occupied there by the Burley Tobacco Society, smashing in the windows and doing other very serious damage to the property. The report was so absurd, it seemed to me, upon its face that I did not suppose anyone would believe it here. But there have been so many uncontradicted fake stories in the yellow journals about imaginary conditions in Kentucky that I understand some gentlemen have given credence to this latest report. Investigation shows that there was no foundation whatever for the report, so far as the people of Winchester, Ky., were concerned. In fact, I am informed that the only foundation there was for it was that a resident of Lexington, Ky., was passing by the headquarters of the society and, being in a somewhat hilarious condition, staggered against the side of the building and slightly fractured one of the window panes, but with what damage to himself I have not been advised. [Laughter.]

Mr. JAMES. And then the newspapers, if the gentleman will permit me, immediately flashed it to the world that a great night-rider attack had been made upon the Burley Tobacco Society by reason of that fact. Is not that true?

Mr. LANGLEY. Exactly; and I was just coming to that, but my friend from Kentucky has made it unnecessary for me to make that statement. I have been requested by the good people of Winchester, than whom there are none more enterprising, cultured, and law-abiding in any city of the land, to make this public refutation of the story in the hope that, if possible, the same publicity may be given to its falsity as was given to the report itself. Besides, I am asking for an additional appropriation for the public building to be located there, and I shall probably ask still other favors for that locality, and I want all of you gentlemen to know that the city of Winchester and its people are entitled to the highest consideration at your hands.

Mr. COX of Indiana. Does the gentleman refer to an article which appeared in the Washington Times?

Mr. LANGLEY. No; not to the article that the gentleman from Kentucky [Mr. CANTRILL] answered the other day, but I think the article to which I am referring was also published in the Washington Times; in fact, most all the papers published it.

Mr. WILSON of Illinois. Does the gentleman think that this one gentleman who broke the window pane was a law-abiding, refined, and cultured citizen of his State? [Laughter.]

Mr. LANGLEY. I am speaking now only for my district. The city of Lexington is in the district of one of my colleagues [Mr. CANTRILL], and I shall leave him to answer the question of the gentleman from Illinois [Mr. WILSON]. I see that the gentleman from the seventh district [Mr. CANTRILL] is absent from the Chamber. I will therefore say to my friend from Illinois that I do not think there is any more of this kind of hilarity in Kentucky than there is in Illinois. [Laughter.]

Mr. WILSON of Illinois. From my information and observation I am inclined to doubt that statement. [Renewed laughter.]

Mr. JAMES. If the gentleman will permit, the fact that one man in a community gets drunk ought not to subject to censure all the rest of the people who reside there.

Mr. LANGLEY. That goes without saying. I see a look of apprehension upon the faces of several of my colleagues, as if they fear that I am going to launch into a lurid declamation regarding the wrongs of Kentucky, and to undertake to defend her, but I beg them to banish their fears, because such is not my purpose. Kentucky needs no defense. My friend from Kentucky [Mr. CANTRILL] recently informed the House that never in the history of that State was there more prosperity, peace, and plenty than to-day, and that, too, under the Payne bill, and I am willing to conclude my remarks with an approval of that statement. [Applause on the Republican side.]

CENSUS ENUMERATORS.

Mr. CRUMPACKER. By direction of the Committee on the Census, I submit the following privileged report (No. 434).

The SPEAKER. The gentleman from Indiana submits a privileged report, which the Clerk will read.

The Clerk read as follows:

House resolution 330.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to inform the House of Representatives whether enumerators of the census are permitted to do extra work not a part of their duties as enumerators, but demanded of them as a condition of their appointment.

Mr. CRUMPACKER. Mr. Speaker, I ask also that the report be read.

The SPEAKER. The gentleman asks that the report be read. It will be read in the gentleman's time.

The Clerk read as follows:

The Committee on the Census, to whom was referred House resolution 330, reports that resolution back to the House with the recommendation that it do lie on the table.

Mr. CRUMPACKER. Mr. Speaker, I move the adoption of the report, and that the resolution do lie on the table.

The question was taken, and the motion was agreed to.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar now in order may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

CIVIL WAR PENSIONS.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 19959) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George Abel, late of U. S. S. Grampus, Fort Hindman, and Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Miller, late of Company N, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Tier, late of Company C, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Walker, late of Company I, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Clay, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram S. Brown, late of Company E, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred B. Davis, late of Company I, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Mase, late of Company K, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin G. Paxton, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Resch, late of Company C, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Devirs, late of Company D, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Lane, late of Company C, One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Rodgers, late of Company B, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harry J. Drew, alias Henry H. Wood, late of Company F, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Heather, late of Company M, Fifth Regiment Michigan Volunteer Cavalry, and Company I, First Regiment Michigan Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Anglum, late of Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Moler, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Nixon, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Howell G. Adell, late of Company A, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Brees, late first lieutenant Company I, Second Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Foster, late of Company H, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Roberts, late of Company A, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter McKenna, late of Company I, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Moran, late captain Company D, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Rowland, late of Company H, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Hepp, late of Company G, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen Weathers, late of Company M, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Mattocks, late of Company G, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Null, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Luella F. Sessions, widow of Sumner Sessions, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Cain, late of Company G, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. Murphy, late of Company G, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert M. Winebrener, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The names of Ida F. Hanson and Lola C. Hanson, helpless and dependent children of William Hanson, late of Company C, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay them a pension at the rate of $12 per month each.

The name of William A. Eddy, late of Twenty-second Battery, New York Volunteer Light Artillery, and Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh J. Magee, late of Company A, Forty-second Regiment, and Company A, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Cornelius Palmiteer, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Wright, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Rosborough, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard H. Vanderhoof, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Thomas T. Spence, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel Burkhart, late of Company E, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Weimer, late of Troop G, Third United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George K. Fairman, late of Company C, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elliott C. Wager, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen H. Wheeler, alias Stephen Alguire, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Fowler, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Hale, late of Company E, One hundred and fifty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Philip Zerbe, late of Company D, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Smith, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horatio N. Warren, late lieutenant-colonel One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Quinn, late of Company I, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Helmka, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darius T. Ludwig, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace E. Burroughs, late of Company L, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Gilbert F. D. Wilson, late quartermaster-sergeant Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Webb, late of Company E, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herbert Chavons, late of Company A, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Austin, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Sperl, late of Company B, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Lichty, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James I. Prosser, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis R. Denny, helpless and dependent child of Robert B. Denny, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James W. Burton, late of Company K, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evan D. Frogg, late of Company A, Thirty-seventh Regiment, and Company E, Fifty-fifth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thaddeus C. Rumbarger, late of Company C, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Welstead, late of Company A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew Brisbo, late of Company I, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Ikard, late of Company I, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of George H. Clay, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Borah, late of Company G, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Smith, late major and lieutenant-colonel, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Thornton, late of Company K, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Butler, late of Company L, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Ripkey, late of Company F, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Gibbons, late of Companies H and M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morgan M. Lane, late of Company D, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving

The name of Newton Dickerson, late of Company D, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Bracken, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sanford B. Gammons, late of Company H, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hazen Wardlow, late of Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Austin, late of U. S. S. North Carolina, Lancaster, and Vermont, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lee, late of Company A, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Wilbourn, late of Company D, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Evaline Imswiler, helpless and dependent child of John S. Imswiler, late of Company E, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John A. Curtis, late of Company I, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tempest Myers, late of Company C, Third Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Levi C. Chaney, late of Company H, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and Company H, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar W. Mediam, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jason P. Kite, late of Company I, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Windsor, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva Day, widow of Jay Day, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George Day, helpless and dependent son of said Jay Day, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eva Day, the name of said George Day shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eva Day.

The name of Lawrence V. Robinson, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Niram D. Scofield, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Robinson, late of Company H, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine McLachlan, widow of John McLachlan, late of Company C, First Regiment Massachusetts Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of Mary Jane De Long, former widow of Fenton L. De Long, late of Company I, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Calvin Reames, late of Company E, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton Baldwin, late second lieutenant Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman Jackman, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luther D. Porter, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Chaffee, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Havens, late of Thirteenth Battery Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Diveley, late of Company C, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria E. Bange, former widow of Herman Kuhlman, late of Company K, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Franklin Graves, late of Company B, Forty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Polmatier, late of Company B, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Hammer, late of Company C, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Smith, late of Company H, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. George, late of Twenty-sixth Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Peters, late of Company I, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Lydston, late of Company G, Twenty-seventh Regiment Maine Volunteer Infantry, and Twenty-ninth Unassigned Company Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Austin, widow of Leeman Austin, late of Company C, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said soldier until such child shall arrive at the age of 16 years: *Provided*, That in the event of the death of Frank Austin, helpless and dependent son of said Leeman Austin, the additional pension of $12 herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Austin, the name of said Frank Austin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Austin.

The name of Charles W. Rice, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rose L. Toulon, widow of Lewis M. Toulon, late of Company E, One hundred and twenty-fourth Regiment, and Company E, Ninety-third Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Osterhout, late of Company F, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Low, late of Companies K and C, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Waxler, late of Company I, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Dentzer, late of Company E, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Church, widow of Alfred Church, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of Samuel Jewell, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rezin E. Strode, late of Company G, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew Stranahan, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Ruse, late of Company E, Ninety-seventh Regiment Ohio Volunteer Infantry, and Company I, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George P. Wassman, alias Peter Wassman, late of Company I, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Hatfield, late of Company L, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Dumont, late of Company I, Fifth Regiment Iowa Volunteer Infantry, and Company C, Second Regiment Veteran

Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Juddy, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Sullivan, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilson Liff, late of Company H, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josie Jones, helpless and dependent child of Luman Jones, late first lieutenant Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Babetta Bacharach, widow of Max Bacharach, alias Block, late of Company D, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abraham Geiser, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Kirkland, late of Company K, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Abbott, widow of Laurence F. Abbott, late of Stokes's independent battery Illinois Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perris Bassett, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Steele, late of Company B, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Kneal, late second lieutenant Company C, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles S. Keniston, late of Company H, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David M. Strain, late of Company B, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dwight F. Cummins, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James I. Bowman, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Rochester, late of Company E, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William S. Dumont, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Theis, late of Company E, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Herbert E. Evans, late captain Company K, First Regiment Texas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zelotes B. Partridge, late of Company F, Thirteenth Regiment Illinois Volunteer Infantry, and Company C, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Van Aken, late of Company K, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eli C. Wentworth, late of Fourth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newton C. Goad, late of Company F, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Meade, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Julius O. Terrill, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas R. Buxton, late of Company H, Tenth Regiment Kansas Volunteer Infantry, and Company D (Veteran Battalion), Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Forbes, late of Company D, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Garrett Gibson, late of Company K, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Maggie Osborn, widow of Jerome Osborn, late of Company D, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary S. Houghtaling, widow of James W. Houghtaling, late of Company E, Twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Caroline Roggenbau, former widow of John Brocker, late of Company B, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Virginia Sowards, widow of Thomas J. Sowards, late captain Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Moses Blunk, late of Company D, Thirty-second Regiment Iowa Volunteer Infantry, and One hundred and seventy-second Company Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eli S. Sauble, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Hayes, late of Company E, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Finch, late quartermaster-sergeant, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Blains, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and Company K, Eighth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Mann, late of Company B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Higginbottom, widow of Robert Higginbottom, late captain Company D, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew Henri Hart, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and second lieutenant Company G, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Betz, late of Company E, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Ruth, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann E. Nedro, former widow of Solomon Ankney, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lewellyn F. Pratt, late of Company C, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette Hiner, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Burchard, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus Bender, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Keidel, late of Company A, Third Regiment, and Company A, Second Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McGinley, late of Company H, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Buttner, late of Company H, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ransom Wilcox, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Prather, widow of William M. Prather, late of Company A, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Kraft, late of Company F, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan L. Parker, late of Company E, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Albright, late of Independent Battery D, Pennsylvania Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bach, late of Company M, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret F. Haynes, widow of Joseph P. Haynes, late of Company D, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William W. Alcoke, late of Company A, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Harpst, late of Companies I and C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon P. Stokes, late of Company C, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and Company D, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alphonso M. Engle, late of Company H, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Poteet, late of Companies G and D, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Israel G. Powell, late of Company E, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and first lieutenant Company E, Twelfth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Gooding, late acting master's mate, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Mills, late quartermaster-sergeant, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Burris, late of Company H, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of De Lauzern Franklin, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christina Rivers, widow of Tolman Rivers, late of Company B, Third Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William W. Hallman, late of Company F, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Lewis, late of Company I, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Elliott, helpless and dependent child of Nathan Elliott, sr., late of Company F, Ninth Regiment, and Company K, Second Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The name of John T. Harkins, late of Company C, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Apollos E. Owen, late of Company A, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick M. Fleming, late of Company H, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Robert Fawcett, late of Company B, Eighth Regiment Michigan Volunteer Infantry, and Company E, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob W. Oliver, late of Company H, Second Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ferguson, late of Company M, Third Regiment, and Company C, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margery Kuntz, widow of Peter Kuntz, alias George Smith, late of Company D, Seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Kuntz, helpless and dependent daughter of said Peter Kuntz, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margery Kuntz the name of said Mary Kuntz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margery Kuntz.

The name of Hiram Miller, late of Company C, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ruhm, late first lieutenant and regimental quartermaster Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Hurd, late of Company A, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nancy Jane Hubbard, widow of Adam Hubbard, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cora Hubbard, helpless and dependent daughter of said Adam Hubbard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Jane Hubbard the name of said Cora Hubbard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nancy Jane Hubbard.

The name of Matthew Strait, late second lieutenant Company E, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac W. Whitaker, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hemings, late of Company B, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew J. Kennedy, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Gallagher, late of U. S. S. Essex, Grampus, and Tempest, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Miller, widow of James Miller, late of Company H, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Gilleland, late of Captain Van Valer's independent company attached to the Fourth Regiment Michigan Volunteer Infantry, and Company I, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet E. Dennison, widow of James H. Dennison, late of Company C, Seventh Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ai B. Chase, late of Company D, Third Regiment Massachusetts Volunteer Cavalry, and first lieutenant Company E, Seventy-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

This bill is a substitute for the following bills referred to the Committee on Invalid Pensions:

H. R. 414. George Abel;
H. R. 723. John Miller;
H. R. 729. James E. Tier;
H. R. 782. John H. Walker;
H. R. 936. David Clay;
H. R. 1118. Hiram S. Brown;
H. R. 1298. Alfred B. Davis;
H. R. 1519. Joseph Mase;
H. R. 1540. Martin G. Paxton;
H. R. 1543. Augustus Resch;
H. R. 1580. James Devirs;
H. R. 1597. Eli Lane;
H. R. 1601. James A. Rogers;
H. R. 1769. Harry J. Drew, alias Henry C. Wood;
H. R. 1791. J. H. Heather.
H. R. 1792. William Anglum;
H. R. 1847. Lewis Moler;
H. R. 1866. John F. Nixon;
H. R. 1921. Howell G. Adell;
H. R. 1925. Samuel W. Brees;
H. R. 2039. John H. Foster;
H. R. 2040. Thomas Roberts;
H. R. 2079. Peter McKenna;
H. R. 2325. John Moran;
H. R. 2350. Stephen Rowlands;
H. R. 2398. Adam Hepp;
H. R. 2402. Stephen Weathers;
H. R. 2413. Joseph Mattocks;
H. R. 2487. John M. Null;
H. R. 2617. Luella F. Sessions;
H. R. 2779. James Cain;
H. R. 2833. Samuel C. Murphy;
H. R. 2901. Albert M. Winebrener;
H. R. 3274. Ida F. Hanson;
H. R. 3721. William A. Eddy;
H. R. 4259. Hugh J. Magee;
H. R. 4759. Cornelius Palmiteer;
H. R. 4843. Jacob Wright;
H. R. 4989. William S. Rosborough;
H. R. 4994. Richard H. Vanderhoof;
H. R. 5317. Thomas T. Spence;
H. R. 5322. Samuel Burkhart;
H. R. 5482. Daniel Weimer;
H. R. 5731. George K. Fairman;
H. R. 5873. Elliott C. Wager;
H. R. 6082. Stephen H. Wheeler;
H. R. 6112. John W. Fowler;
H. R. 6114. Charles W. Hale;
H. R. 6115. Philip Zerbe;
H. R. 6257. William Smith;
H. R. 6319. Horatio N. Warren;
H. R. 6475. John Quinn;
H. R. 6510. Thomas Helmka;
H. R. 6642. Darius T. Ludwig;
H. R. 6771. Horace E. Burroughs;
H. R. 6780. Gilbert F. D. Wilson;
H. R. 6821. Samuel Webb;
H. R. 6850. Herbert Chavous;
H. R. 6931. Daniel Austin;
H. R. 7050. William A. Sperl;
H. R. 7122. Levi Lichty;
H. R. 7177. James I. Prosser;
H. R. 7481. Willis R. Denney;
H. R. 7890. James W. Burton;
H. R. 8087. Evan D. Frogg;
H. R. 8599. Thaddeus C. Rumbarger;
H. R. 8616. Thomas Welstead;
H. R. 8804. Matthew Brisbo;
H. R. 9659. James M. Ikard;
H. R. 9918. George H. Clay;
H. R. 10095. William P. Borah;
H. R. 10396. John C. Smith;
H. R. 10509. William Thornton;
H. R. 10572. James Butler;
H. R. 10894. Henry Ripkey;
H. R. 11065. John Gibbins;
H. R. 11158. Morgan M. Lane;
H. R. 11168. Newton Dickerson;
H. R. 11301. James M. Bracken;
H. R. 11311. Sanford B. Gammons;
H. R. 11320. Hazen Wardlow;
H. R. 11497. Henry Austin;
H. R. 11629. William Lee;
H. R. 11732. Benjamin F. Wilbourn;
H. R. 11829. Evalina Imswiler;
H. R. 12108. John A. Curtis;
H. R. 12234. Tempest Meyers;
H. R. 12279. Levi C. Chaney;
H. R. 12507. Oscar W. Medlam;
H. R. 12608. Jason P. Kite;
H. R. 12655. Benjamin Windsor;
H. R. 12663. Eva Day;
H. R. 12673. Lawrence V. Robinson;
H. R. 12680. Niram D. Scofield;
H. R. 12721. George A. Robinson;
H. R. 12728. Catherine McLachlan;
H. R. 12771. Mary Jane De Long;
H. R. 12897. Calvin Reames;
H. R. 12915. Newton Baldwin;
H. R. 12948. Lyman Jackman;
H. R. 12964. Luther D. Porter;
H. R. 12988. John A. Chaffee;
H. R. 13052. Charles Havens;
H. R. 13140. Charles A. Divelley;
H. R. 13212. Maria E. Bange;
H. R. 13224. Franklin Graves;
H. R. 13236. Isaac Polmatier;
H. R. 13573. John N. Hammer;
H. R. 13581. William Smith;
H. R. 13658. William W. George;
H. R. 13821. John Peter;
H. R. 13929. Charles J. Lydston;
H. R. 13934. Mary Austin;
H. R. 14016. Charles W. Rice;
H. R. 14018. Rose L. Toulon;
H. R. 14023. William Osterhout;
H. R. 14037. Martin Low;
H. R. 14038. Jackson Waxler;
H. R. 14041. George H. Dentzer;
H. R. 14117. Mary Church;
H. R. 14159. Samuel Jewell;
H. R. 14206. Resin E. Strode;
H. R. 14275. Andrew Stranahan;
H. R. 14280. William R. Ruse;
H. R. 14306. George P. Wassman;
H. R. 14307. Robert Hatfield;
H. R. 14324. William S. Dumont;
H. R. 14385. John A. Juddy;
H. R. 14438. George Sullivan;
H. R. 14653. William Liff;
H. R. 14680. Josie Jones;
H. R. 14685. Babbetta Bachrach;
H. R. 14829. Abraham Geiser;

H. R. 14896. George W. Kirkland;
H. R. 14910. Mary E. Abbott;
H. R. 14921. Perris Bassett;
H. R. 14922. George Steele;
H. R. 14992. William H. Kneale;
H. R. 15055. Charles S. Keniston;
H. R. 15060. David M. Strain;
H. R. 15079. Dwight F. Cummins;
H. R. 15108. James I. Bowman;
H. R. 15146. Samuel Rochester;
H. R. 15382. William S. Dumont;
H. R. 15501. John H. Thies;
H. R. 15532. Herbert E. Evans;
H. R. 15619. Zelotas B. Partridge;
H. R. 15627. Martin Van Aken;
H. R. 15644. Eli C. Wentworth;
H. R. 15727. Newton C. Goad;
H. R. 15790. William H. Meade;
H. R. 15905. Julius O. Terrill;
H. R. 15921. Thomas R. Buxton;
H. R. 15925. James A. Forbes;
H. R. 15979. Garrett Gibson;
H. R. 15986. Maggie Osborne;
H. R. 16080. Mary S. Houghtaling;
H. R. 16109. Caroline Roggenbau;
H. R. 16111. Virginia Sowards;
H. R. 16120. Moses Blunk;
H. R. 16174. Eli S. Sauble;
H. R. 16389. Edward Hayes;
H. R. 16492. William A. Finch;
H. R. 16493. Edward Blains;
H. R. 16505. Abraham Mann;
H. R. 16572. Martha A. Higginbothan
H. R. 16687. Andrew Henri Hart;
H. R. 16688. William Belz;
H. R. 16796. Henry C. Ruth;
H. R. 16809. Ann E. Nedro;
H. R. 16833. Lewellyn F. Pratt;
H. R. 16834. Lafayette Hiner;
H. R. 17045. Charles Burchard;
H. R. 17046. Augustus Bender;
H. R. 17215. Frederick Keidel;
H. R. 17224. James McGinley;
H. R. 17227. Henry A. Buttner;
H. R. 17292. Ransom Wilcox;
H. R. 17451. Mary A. Prather;
H. R. 17477. John Kraft;
H. R. 17573. Jonathan L. Parker;
H. R. 17654. Benjamin D. Albright.
H. R. 17714. William Bach;
H. R. 17732. Margaret F. Haynes;
H. R. 17785. William W. Alcoke;
H. R. 17810. George Harpst;
H. R. 17811. Simon P. Stokes;
H. R. 17817. Alphonso M. Engle;
H. R. 17989. James W. Poteet;
H. R. 17905. Israel G. Powell;
H. R. 17913. William T. Gooding;
H. R. 17942. James P. Mills;
H. R. 17952. Daniel Burris;
H. R. 18031. De Lauzern Franklin;
H. R. 18083. Christina Rivers;
H. R. 18216. William W. Hallman;
H. R. 18258. John B. Lewis;
H. R. 18274. John T. Harkins;
H. R. 18262. Alexander Elliott;
H. R. 18513. Appolos E. Owen;
H. R. 18598. Frederick M. Fleming;
H. R. 18649. Robert Fawcett;
H. R. 18772. Jacob W. Oliver;
H. R. 18797. John Ferguson;
H. R. 18850. Marjorey Kuntz;
H. R. 18851. Hiram Miller;
H. R. 18994. John Ruhm;
H. R. 19023. Charles E. Hurd;
H. R. 19204. Nancy Jane Hubbard;
H. R. 19249. Mathew Straight;
H. R. 19334. Isaac W. Whitaker;
H. R. 19335. William H. Hemings;
H. R. 19336. Andrew J. Kennedy;
H. R. 19362. William Gallagher;
H. R. 19436. Mary J. Miller;
H. R. 19502. William W. Gilleland;
H. R. 19507. Harriet E. Dennison; and
H. R. 19508. Al B. Chase.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The next pension business on the Private Calendar was the bill S. 5574.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George W. Bachus, late of Company B, Loudoun Rangers, Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Gaunt, late of Company A, Twentieth Regiment, and Company E, Eighty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wait B. Steenbarger, late of Company D, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Perry Fellers, late of Company B, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Hough, late of Company B, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Warren, former widow of Michael Malloy, late commissary-sergeant First Regiment Washington Territory Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Galvin, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and Company M, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Franklin Woodcock, late of Company F, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tyrus C. Dickinson, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Fightmaster, late of Company H, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Gilmore, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Hime, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary S. Adams, widow of Henry H. Adams, late first lieutenant, Eighteenth Regiment United States Infantry, colonel Fifth Regiment United States Infantry, and brigadier-general, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Stephen M. Taylor, late of Company E, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miner A. Robbins, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Blake, late of Company A, One hundred and twenty-seventh Regiment, and Company E, Fifty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman A. Holcomb, late of Company G, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Stein, late unassigned, Fifty-fourth Regiment, and Company K, Fifty-first Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert S. Winchester, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hopper, late of Company F, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caspar Wilky, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Murray, late of Company G, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Young, late captain Company A, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Thornberry, late of Company A, First Regiment, and Company F, Forty-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Taylor, late of Company D, Second Regiment California Volunteer Cavalry, and Company D, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Wait, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Osmund Mikesell, late of Company H, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Bates, late of Company E, Third Regiment New York Volunteer Light Artillery, and Company C, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth S. Reed, widow of Caleb R. Reed, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of William C. Hudnall, late of Company H, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna C. Hutchinson, widow of Thomas Hutchinson, late second lieutenant, Thirty-second Regiment Kentucky Volunteer Infantry, and major, Thirty-sixth Regiment Enrolled Kentucky Militia, and pay her a pension at the rate of $20 per month.

The name of Hugh Berryman, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fideiana Whitehead, late of Company B, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. Smith, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Fouce, late of Company B, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laura M. Hoard, widow of Joseph S. Hoard, late major and lieutenant-colonel One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry F. Sanford, late of Company C, Hatch's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Barlow, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mitchell S. Barney, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. Lovelace, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George D. Anderson, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. McDaniel, late of Company E, Fifth Regiment, and Company I, Sixth Regiment, Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Holt, late of Company G, Forty-fourth Regiment, and Company D, One hundred and forty-sixth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ransom Manning, late of Company K, Second Regiment New York Volunteer Veteran Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Dixon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Hand, late of Company A, Second Battalion, and Company G, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isabella S. Hull, widow of James S. Hull, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hiram Buckingham, late quartermaster-sergeant Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Ford, late of Company E, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Smith, late of Company K, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis A. Martin, late of Company E, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles J. Rhoades, late of Company K, Forty-fourth Regiment, and Company K, Sixth Regiment, Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlando Willsey, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Hallett, late of Company H, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Frampton, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of William L. Southgate, late of Companies A and G, One hundred and seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Thompson, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Schnell, late of Company D, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert N. Raymond, late of Company B, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David W. Aldrich, late of Company B, Nineteenth Regiment, and Company H, One hundred and forty-sixth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred N. Webb, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of America V. Vincent, widow of Joseph G. Vincent, late of Company K, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Charles G. Craig, late of Company H, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Hays, late second lieutenant Company C, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eudora McLaflin, widow of Edward McLaflin, late major, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James H. Little, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo Hill, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henrietta E. Jordan, widow of Henry Jordan, late lieutenant-colonel Seventeenth Regiment Indiana Volunteer Infantry, any pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William F. Bockhouse, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Streit, widow of John Streit, late of Company A, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude C. Streit, helpless and dependent daughter of said John Streit, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Elizabeth Streit, the name of the said Gertrude C. Streit shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Elizabeth Streit.

The name of William M. Campbell, late of Company H, Eighty-fourth Regiment New York Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward M. Savage, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and Third Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hans Wickstrum, late of Company D, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luella A. Taylor, widow of Henry P. Taylor, late of Company G, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry Cooper, late of Company B, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Trimble, late first lieutenant Company E, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Blue, late of Company H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Rector, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Capps, late of U. S. S. Ohio, Potomac, and Lackawanna, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hess, alias William Smith, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Ballinger, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Welch, late of Company I, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Gilbert, late captain Company A, First Regiment Connecticut Volunteer Heavy Artillery, and Third Independent Battery, Connecticut Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonas Fulmer, late of Company A, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Butler, late captain Company E, Fifty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Tilghman, late of Company G, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob R. Riblett, late hospital steward, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua F. Spurlin, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Basil McClain, alias Henry Burgess, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Edgerton, second, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen W. Glenney, late of Company G, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laura Troxel, widow of Absalom Troxel, late of Company C, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Abram N. Randolph, late of Company K, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellwood Craig, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Crotzar, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Silker, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albino R. Stone, late of Company E, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Miller, late of Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Newbury, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Clough, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophia W. Sanborn, widow of Fred G. Sanborn, late captain Company F, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John H. Sargent, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Jordan, widow of William H. Jordan, late colonel Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of George M. Lanpher, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie E. Belden, widow of Henry D. Belden, late first lieutenant and adjutant Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles H. Windsor, late of Company F, First Battalion Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Don Carlos Sinclair, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winfield S. Robinson, late of Company E, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Keeling, late of Company F, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin C. Flanders, late of Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice I. Simpson, widow of James F. Simpson, late captain Company K, Second Regiment United States Veteran Volunteer Infantry, and Third Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas H. Revis, late of Company H, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Sams, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Hubbard, late of Battery I, Third Regiment United States Artillery, war with Mexico, and captain Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Albee, late of Company G, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Miller, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gardner B. Clark, late first lieutenant and captain Company C, First Regiment United States Sharpshooters, and first lieutenant and adjutant Sixth Regiment United States Veteran Volunteer Infantry, First Army Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Eding, late of Company D, Second Regiment Michigan Volunteer Cavalry, and Company I, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mattie Shepard, helpless and dependent daughter of Ira Shepard, late of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Constantine C. Glenn, late second lieutenant Company A, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Reynolds, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Boots, late of Company B, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Baker, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen F. Balliet, late second lieutenant Company K, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Tucker, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Fritzer, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morris B. McKeever, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Farmer, late of Company B, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Hahncke, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Evelyn Dutton, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Katherine E. Kemble, helpless and dependent daughter of James R. Kemble, late captain Company L, Third Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Nancy J. Bloomer, widow of Samuel Bloomer, late of Company G, Seventy-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel I. Scammon, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Rice, late of Company A, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phillip R. Snedecor, late captain Company B, One hundred and sixty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos S. Bean, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nyrum Phillips, late first lieutenant and adjutant One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth C. Way, widow of William B. Way, late lieutenant-colonel Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of John S. Jorstead, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winfield S. Van Horne, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Olson, late of Company M, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus E. Hunter, late of Company C, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Reardon, late of Company F, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. H. Dickinson, late of Company C, Third and Tenth Regiments Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph P. Rankin, late of Company G, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Stewart, late of Company C, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dempsey Coats, late of Company H, Eighty-fourth Regiment Indiana Volunteer Infantry, and Company E, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Steele, late of Company K, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dicie C. Alexander, helpless and dependent child of Franklin Alexander, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Aaron Phillips, late of Company A, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Varian, late surgeon, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. George, late of Company B, and quartermaster-sergeant, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fletcher Crite, now known as Fletcher Matthews, late of Company H, One hundred and tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Webster A. Whiting, late captain Company B, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy C. Root, late of Company A, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse T. Thompson, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Landsittel, late of Company K, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander F. Safely, late of Company H, and second lieutenant Company D, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mat Coleman, helpless and dependent son of William T. Coleman, late of Company M, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Rinehart Miller, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Goodwin, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Garrow, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis J. Ingalls, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos K. Smith, late surgeon, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mark Simpkins, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Kurtz, late of Company K, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Othello Delano, late of Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias E. Cox, late of Company D, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Atkinson, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas W. Morrison, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac H. Marrow, late second lieutenant Company B, Buchanan's battalion, Maryland and District of Columbia Volunteers, war with Mexico, and colonel Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham T. Dearborn, late of Company G, Third Regiment Minnesota Volunteer Infantry, and first lieutenant Company G, Fourth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis E. Pellett, late of Company A, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Heap, widow of Henry Heap, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Shields, late of Company C, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rebecca Dull, widow of William Dull, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James T. Barnhart, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Also the following committee amendments:

Page 23, line 22, granting an increase of pension to Morris B. McKeever, strike out the word "thirty" and insert the word "forty."

Mr. SULLOWAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 31, line 3, granting an increase of pension to Isaac H. Morrow, strike out the word "thirty" and insert the word "forty."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 79. George W. Bachus;
S. 143. William Gaunt;
S. 148. Walt B. Steenbarger;
S. 197. Perry Fellers;
S. 204. Joseph Hough;
S. 241. Jane Warren;
S. 297. John Galvin;
S. 299. James Franklin Woodcock;
S. 304. Tyrus C. Dickinson;
S. 323. Henry Fightmaster;
S. 328. John E. Gilmore;
S. 334. Henry Hime;
S. 380. Mary S. Adams;
S. 381. Stephen M. Taylor;
S. 407. Miner A. Robbins;
S. 445. John A. Blake;
S. 447. Lyman A. Holcomb;
S. 448. William Stein;
S. 450. Albert S. Winchester;
S. 451. John Hopper;
S. 452. Caspar Wilky;
S. 453. William Murray;
S. 456. John T. Young;
S. 469. Edward Thornberry;
S. 482. Charles W. Taylor;
S. 537. George R. Walt;
S. 548. Osmund Mikesell;
S. 558. Milton Bates;
S. 563. Elizabeth S. Reed;
S. 565. William C. Hudnall;
S. 573. Anna C. Hutchinson;
S. 583. Hugh Berryman;
S. 589. Fidelana Whitehead;
S. 590. David L. Smith;
S. 607. Frederick Fouce;
S. 629. Laura M. Hoard;
S. 630. Henry F. Sanford;
S. 664. William W. Barlow;
S. 665. Mitchell S. Barney;
S. 667. William D. Lovelace;
S. 677. George D. Anderson;
S. 682. John W. McDaniel;
S. 744. John B. Holt;
S. 749. Ransom Manning;
S. 801. John Dixon;
S. 853. Oliver Hand;
S. 857. Isabella S. Hull;
S. 860. Hiram Buckingham;
S. 861. William Ford;
S. 1045. William Smith;
S. 1046. Francis A. Martin;
S. 1092. Charles J. Rhoades;
S. 1093. Orlando Willsey;
S. 1155. James M. Hallett;
S. 1187. Henry H. Frampton;
S. 1245. William L. Southgate;
S. 1247. Francis M. Thompson;
S. 1258. Edward J. Schnell;
S. 1271. Albert N. Raymond;
S. 1272. David W. Aldrich;
S. 1307. Alfred N. Webb;
S. 1317. America V. Vincent;
S. 1343. Charles G. Craig;
S. 1344. Benjamin F. Hays;
S. 1359. Eudora McLaflin;
S. 1360. James H. Little;
S. 1365. Alonzo Hill;
S. 1423. Henrietta E. Jordan;
S. 1459. William F. Bockhouse;
S. 1479. Elizabeth Streit;
S. 1517. William M. Campbell;
S. 1660. Edward M. Savage;
S. 1626. Hans Wickstrum;
S. 1627. Luella A. Taylor;
S. 1699. Henry Cooper;
S. 1725. Henry M. Trimble;
S. 1806. George F. Blue;
S. 1832. Alfred Rector;
S. 1833. John D. Capps;
S. 1834. William Hess, alias William Smith;
S. 1835. James J. Ballinger;
S. 1881. John Welch;
S. 1883. Thomas S. Gilbert;
S. 1924. Jonas Fulmer;
S. 1947. Richard Butler;
S. 2042. George W. Tilghman;
S. 2152. Jacob R. Riblett;
S. 2192. Joshua F. Spurlin;
S. 2279. Basil McClain, alias Henry Burgess;
S. 2293. William S. Edgerton;
S. 2294. Stephen W. Glenney;
S. 2316. Laura Troxel;
S. 2323. Abram N. Randolph;
S. 2338. Ellwood Craig;
S. 2353. William Crotzar;
S. 2358. Henry Silker;
S. 2359. Albino R. Stone;
S. 2361. John W. Miller;
S. 2363. George W. Newbury;
S. 2457. John F. Clough;
S. 2496. Sophia W. Sanborn;
S. 2543. John H. Sargent;
S. 2556. Mary A. Jordan;
S. 2565. George M. Lanpher;
S. 2597. Annie E. Belden;
S. 2601. Charles H. Windsor;
S. 2621. Don Carlos Sinclair;
S. 2622. Winfield S. Robinson;
S. 2627. George F. Keeling;
S. 2650. Benjamin C. Flanders;
S. 2653. Alice I. Simpson;
S. 2664. Thomas H. Revis;
S. 2665. Edward Sams;
S. 2731. James H. Hubbard;
S. 2732. James P. Albee;
S. 2786. Charles H. Miller;
S. 2791. Gardner B. Clark;
S. 2793. Charles H. Eding;
S. 2804. Mattie Shepard;
S. 2818. Constantine C. Glenn;
S. 2822. William Reynolds;
S. 2826. Benjamin F. Boots;
S. 2843. Edward Baker;
S. 2872. Stephen F. Balliet;
S. 2873. James W. Tucker;
S. 2918. John J. Fritzer;
S. 2938. Morris B. McKeever;
S. 2956. John A. Farmer;
S. 2958. Peter Hahncke;
S. 2962. Evelyn Dutton;
S. 2976. Katherine E. Kemble;
S. 2994. Nancy J. Bloomer;
S. 3019. Samuel I. Scammon;
S. 3040. George Rice;
S. 3091. Phillip R. Snedecor;
S. 3093. Amos S. Bean;
S. 3287. Nyrum Phillips;
S. 3311. Elizabeth C. Way;
S. 3334. John S. Jorstead;
S. 3351. Winfield S. Van Horne;
S. 3353. John Olson;
S. 3354. Cyrus E. Hunter;
S. 3369. William Reardon;
S. 3376. William H. H. Dickinson;
S. 3469. Joseph P. Rankin;
S. 3472. Nelson Stewart;
S. 3478. Dempsey Coats;
S. 3481. John S. Steele;
S. 3482. Dicie C. Alexander;
S. 3746. Aaron Phillips;
S. 3759. William Varian;
S. 3801. William H. George;
S. 3948. Fletcher Crite (now known as Fletcher Matthews);
S. 3984. Webster A. Whiting;
S. 3997. Timothy C. Root;
S. 4130. Jesse T. Thompson;
S. 4159. Adam Landsittel;
S. 4218. Alexander F. Safely;
S. 4278. Mat Coleman;
S. 4375. Rinehart Miller;
S. 4380. Andrew Goodwin;
S. 4394. Oliver Garrow;
S. 4396. Lewis J. Ingalls;
S. 4433. Amos K. Smith;
S. 4437. Mark Simpkins;
S. 4440. George W. Kurtz;
S. 4443. Othello Delano;
S. 4519. Elias E. Cox;
S. 4554. James B. Atkinson;
S. 4578. Silas W. Morrison;
S. 4583. Isaac H. Marrow;
S. 4594. Abraham T. Dearborn;
S. 4595. Francis E. Pellett;
S. 4603. Mary A. Heap;
S. 4650. John Shields;
S. 4810. Rebecca Dull; and
S. 4919. James T. Barnhart.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next pension business on the Private Calendar was the bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James W. Woodward, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Hepler, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Tidrick, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Leslie Dyer, late of Company I, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank L. Curley, late of Company E, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Slutman, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Kolhamer, late of Company K, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Black, late of Company H, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Sanborn, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Anderson, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Zombro, late of Company B, Sixty-sixth Regiment Ohio Volunteer Infantry, and Company A, One hundred and thirty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augusta L. Mumford, widow of Frederick A. Mumford, late first lieutenant Company F, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. McMurtrie, late of Company K, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Wilson, widow of Perry P. Wilson, late second lieutenant Company H, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Blair, late of Company H, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Rudy, late of Captain Sanno's independent company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Dutcher, late of Company K, Second Regiment Wisconsin Volunteer Infantry, and Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Shaffer, late of Company I, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company D, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim Boslar, late of Company H, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin D. Young, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Williams, late of Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Styers, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shilo S. Walthour, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry R. Boatman, late of Company K, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of Charles H. Foshay, late of Company G, One hundred and thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel J. Jackson, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick A. Battey, late captain Company F and lieutenant-colonel Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra K. Barnhill, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse H. Traut, late of Company A, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter Harwood, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. McGuire, late of Company K, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Burnes, late of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Hickman, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Baughman, late of Company E, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Day, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Caldwell, late of Company K, Thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Holmes, late of Company C, and commissary-sergeant, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Spencer J. Cox, late of Company F, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward H. Dorsett, late of Company B, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James H. Webb, late of Company D, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul C. G. Itsell, late of Company I, Fifth Regiment Michigan Volunteer Infantry, and Company K, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Sutton, late of Company A, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Bindhammer, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse W. Webb, late of Company A, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Taylor Hance, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary L. Walker, widow of William H. Walker, late of Company H, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellery C. Davis, late captain Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelius O'Neil, late of Company K, and first lieutenant Company A, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret A. Shaner, widow of George L. Shaner, late of Company F, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David P. Hughes, late of Company I, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Harvey, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Jefferson Stafford, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hiram Gosnell, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. McGunigle, helpless and dependent child of James McGunigle, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and Company G, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Stonecipher, late of Company B, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel E. Allmon, late second lieutenant Company F, and first lieutenant and adjutant, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucius B. Austin, late of Company K, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis H. Ryker, late of Company A, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry T. Pollard, late of Company B, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert J. Walker, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Bradshaw, late of Company G, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The name of August Noll, late of Company G, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Wickersham, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary B. McCubbins, widow of Elbert McCubbins, late of Companies K and D, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of Alexander Welker, late of Company F, Twelfth Regiment, and Company M, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Diederich Beckman, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Johnston, late of Company C, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Southwell, late of Company L, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seymour S. Sloan, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel A. Nickerson, late captain Companies I and B, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alanson A. Aldrich, late of Company B, First Regiment Detached Militia, Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John J. Wilder, alias John J. Morey, late of Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, and Company A, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Harris, late of Company B, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Quick, late of Company D, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Milton Eakle, late of Company C, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Armstrong, late of Companies D and A, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Hunefeld, late of U. S. S. Minnesota, Onondaga, and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick D. Sprague, late of Company G, Eleventh Regiment, and Company G, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda A. Reading, dependent mother of Samuel B. Reading, late of Company C, First Regiment Massachusetts Volunteer Infantry, and Company A, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George Fisher, alias George Garrard, late of Company B, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pablo Bargas, late of Company B, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah J. Megraw, widow of David W. Megraw, late of Company D, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and lieutenant-colonel One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Slotman, late of Company I, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Keidel, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth J. Powers, widow of Martin V. Powers, late of Company A, Twelfth Regiment, and Company F, Thirty-second Regiment, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Stilts, late of Company H, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodor Schwahn, late of Company E, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Nichols, late of Company I, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Farley, late of Company B, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Osterheld, widow of Henry Osterheld, late first lieutenant Company F, Sixty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William J. Ramsey, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Lafarge, late of Company I, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jackson E. Webster, late of Company D, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles H. Rice, late of Company G, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Eden, late of Company K, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Stall, late of Company I, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin Walker, late of Company I, Fifty-ninth Regiment, and Company I, Fifty-seventh Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Wilson H. McKinney, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Haggerty, late of Company E, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sibyl M. Mixter, widow of Wesley J. Mixter, late of Company G, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clara M. Mixter, helpless and dependent daughter of said Wesley J. Mixter, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sibyl M. Mixter, the name of said Clara M. Mixter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sibyl M. Mixter.

The name of George Jeffery, late of Troop I, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Peel, late of U. S. S. Avenger, Grampus, and Neosho, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Cook, late of Company D, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Horton, late of Company B, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Vernich, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Walden, late of Company D, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of William M. Ireland, late of Company K, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James E. Bates, late of Company H, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Collin M. Lindley, late of Company K, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Coleman Morris, late of Company D, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Daleus, late of Company I, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Smith, late of Company B, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel A. Proctor, late of Company B, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Beneway, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Mackall, late of Company A, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Burnside, late of Company I, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace E. Davis, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Burgh, late second lieutenant Company C, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ferson, late of Company K, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Erik Nelson Falk, late of Company H, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George S. Engler, late assistant surgeon, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Feiandt, late of Company A, One hundred and sixty-seventh Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James K. Knapp, late of Company K, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Howard, widow of William A. Howard, late of Company I, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and Company I, Twenty-first Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter Breen, helpless and dependent child of Terrence Breen, late of Company I, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Blanch L. Brown, helpless and dependent child of Lucien B. Brown, late surgeon One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Kate B. Walton, widow of Thomas C. Walton, late assistant surgeon, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel R. Jackson, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen G. Cady, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Watson, late of Company A, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rebecca McGown, widow of Daniel McGown, alias Daniel G. McGowan, late of Company B, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Falkinburgh, late of Company H, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Lee, late of U. S. S. Ohio and Trefoil, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Knapp, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Guistwit, late of Company I, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rivers, late of Company D, One hundred and eleventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Stid, late of Company K, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus Spriggs, late of Company A, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles S. Gleason, late of Companies K and E, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Lawrence, late of Company G, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William E. Montgomery, late of Company A, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Brayton, late of Company E, One hundred and ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Cecelia Van Winkle, widow of George Van Winkle, late of Company B, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Gates, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. Raynor, late of U. S. S. Vermont, Midnight, and Somerset, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Trivett, late of Company E, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Messman, late of Company A, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Johnson, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth H. Pearson, widow of Alfred L. Pearson, late colonel One hundred and fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Samuel A. Craig, late captain Company B, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Michael T. Dwyer, late of Company I, Ninety-third Regiment New York National Guard, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elihu Thompson, late of Company E, Ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary McManus, widow of James McManus, late of Companies A, E, and D, Sixth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Robbins, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvester S. Adams, late of Company B, Seventieth Regiment, and unassigned, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. F. Milton, late captain Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Hart, late of Company K, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and Company D, Fremont Bodyguards, Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Vincent P. Donnelly, late first lieutenant Company G, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isabella Sacket, widow of Erastus Sacket, late of Company K, First Regiment North East Cavalry, Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of William H. Bartlett, late of Company A, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Shuler, late captain Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Scott, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ichabod E. Spring, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas R. Gray, late of Company H, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Johanah Burk, widow of George Burk, late of Company G, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George T. Burk, helpless and dependent son of said George Burk, the additional pension herein granted shall cease and determine.

The name of William Powers, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1271. James W. Woodward;
H. R. 1535. John Hepler;
H. R. 2024. John D. Tidrick;
H. R. 2031. Charles Leslie Dyer;
H. R. 2078. Frank L. Curby;
H. R. 2300. Robert Slutman;
H. R. 2319. Joseph Kolhamer;
H. R. 2323. William L. Black;
H. R. 2603. Charles W. Saaborn;
H. R. 2628. Josiah Anderson;
H. R. 2632. William H. Zombra;
H. R. 2856. Augusta L. Mumford;
H. R. 2864. John H. McMurtrie;
H. R. 2919. Mary E. Wilson;
H. R. 3354. William H. Blair;
H. R. 3535. William H. Rudy;
H. R. 3727. William Dutcher;
H. R. 3769. Henry Sheaffer;
H. R. 3970. Ephraim Boslar;
H. R. 3992. Franklin D. Young;
H. R. 4163. George Williams;
H. R. 4245. Philip Styers;
H. R. 4617. Shilo S. Walthour;
H. R. 4635. Henry R. Boatman;
H. R. 4668. Charles H. Foshay;
H. R. 4690. Samuel J. Jackson;
H. R. 4783. Frederick A. Battey;
H. R. 4859. Ezra K. Barnhill;
H. R. 4888. Jesse H. Traut;
H. R. 5137. Walter Harwood;
H. R. 5217. William H. McGuire;
H. R. 5220. George W. Burnes;
H. R. 5676. Abraham Hickman;
H. R. 5877. Samuel Baughman;
H. R. 6080. John P. Day;
H. R. 6099. Joseph M. Caldwell;
H. R. 6113. William B. Holmes;
H. R. 6269. Spencer J. Cox;
H. R. 6554. Edward H. Dorsett;
H. R. 6568. James H. Webb;
H. R. 7004. Paul C. G. Itsell;
H. R. 7083. Reuben Sutton;
H. R. 7271. Michael Bindhammer;
H. R. 7420. Jesse W. Webb;
H. R. 7931. Taylor Hance;
H. R. 7963. Mary L. Walker;
H. R. 8081. Ellery C. Davis;
H. R. 8084. Cornelius O'Neil;
H. R. 8600. Margaret A. Shaner;
H. R. 8607. David P. Hughes;
H. R. 8614. William A. Harvey;
H. R. 8708. Thomas Jefferson Stafford;
H. R. 8709. Hiram Gosnell;
H. R. 9267. William H. McGunigle;
H. R. 9345. Joseph Stonecipher;
H. R. 10038. Samuel E. Allmon;
H. R. 10251. Lucius Austin;
H. R. 10453. Willis H. Ryker;
H. R. 10487. Perry T. Pollard;
H. R. 10515. Robert J. Walker;
H. R. 10594. Thomas J. Bradshaw;
H. R. 10771. August Noll;
H. R. 10853. Thomas Wickersham;
H. R. 10959. Mary B. McCubbins;
H. R. 11151. Alexander Welker;
H. R. 11175. Dedrick Beckman;
H. R. 11347. John C. Johnston;
H. R. 11500. George W. Southwell;
H. R. 11730. Seymour S. Sloan;
H. R. 11848. Samuel A. Nickerson;
H. R. 11986. Alanson A. Aldrich;
H. R. 12243. John J. Wilder;
H. R. 12500. George W. Harris;
H. R. 12668. James Quick;
H. R. 12831. Milton Eakle;
H. R. 12884. Joseph H. Armstrong;
H. R. 12922. Henry A. Huneefeld;
H. R. 12942. Frederick D. Sprague;
H. R. 13077. Matilda A. Reading;
H. R. 13209. George Fisher;
H. R. 13499. Pablo Barras;
H. R. 13500. Sarah J. Mecraw;
H. R. 13605. John H. Slotman;
H. R. 13665. George Keidle;
H. R. 13676. Elizabeth J. Powers;
H. R. 13702. William Stilts;
H. R. 13810. Theodor Schwahn;
H. R. 13824. Joseph Nichols;
H. R. 13928. Peter Farley;
H. R. 13935. Catherine Osterheld;
H. R. 13947. John J. Ramsey;
H. R. 14011. James La Farge;
H. R. 14291. Jackson E. Webster;
H. R. 14635. Charles H. Rice;
H. R. 14782. Thomas H. Eden;
H. R. 14805. Joseph Stall;
H. R. 14897. Benjamin Walker;
H. R. 14904. Wilson H. McKinney;
H. R. 14986. Charles A. Haggerty;
H. R. 15066. Sybil M. Mixter;
H. R. 15168. George Jeffery;
H. R. 15337. John Peel;
H. R. 15376. Andrew J. Cook;
H. R. 15533. George W. Horton;
H. R. 15742. Peter Virnig;
H. R. 15763. John A. Walden;
H. R. 15873. William M. Ireland;
H. R. 15884. James E. Bates;
H. R. 15992. Collin M. Lindley;
H. R. 16061. Coleman Morris;
H. R. 16141. John Daleus;
H. R. 16155. George F. Smith;
H. R. 16178. Joel A. Proctor;
H. R. 16299. George C. Beneway;
H. R. 16306. James Mackall;
H. R. 16532. Alexander Burnside;
H. R. 16821. Horace E. Davis;
H. R. 16954. John D. Burgh;
H. R. 16955. John Ferson;
H. R. 17124. Erik Nelson Falk;
H. R. 17366. George S. Engler;
H. R. 17368. John Feiandt;

H. R. 17655. James K. Knapp;
H. R. 17717. Anna M. Howard;
H. R. 17725. Peter Breen;
H. R. 17784. Blanch L. Brown;
H. R. 17826. Kate Lane Walton;
H. R. 17832. Daniel R. Jackson;
H. R. 17938. Stephen G. Cady;
H. R. 18037. James F. Watson;
H. R. 18183. Rebecca McGown;
H. R. 18251. Samuel Falkinburgh;
H. R. 18299. Robert Lee;
H. R. 18526. John Knapp;
H. R. 18536. John H. Guistwit;
H. R. 18639. John Rivers;
H. R. 18766. Jacob Stid;
H. R. 18844. Cyrus Spriggs;
H. R. 18881. Charles S. Gleason;
H. R. 18952. Henry Lawrence;
H. R. 18972. William E. Montgomery;
H. R. 19125. Charles A. Brayton;
H. R. 19142. Cecelia Van Winkle;
H. R. 19154. William Gates;
H. R. 19186. George P. Raynor;
H. R. 19192. William H. Trivett;
H. R. 19373. Joseph Messman;
H. R. 19447. John B. Johnson;
H. R. 19580. Elizabeth H. Pearson;
H. R. 19596. Samuel A. Craig;
H. R. 19650. Michael T. Dwyer;
H. R. 19656. Elihu Thompson;
H. R. 19668. Mary McManus;
H. R. 19706. George Robbins;
H. R. 19735. Sylvester S. Adams;
H. R. 19758. James H. F. Milton;
H. R. 19799. Henry Hart;
H. R. 19800. Vincent P. Donnelly;
H. R. 19829. Isabella Sacket;
H. R. 19849. William H. Bartlett;
H. R. 19894. William Shuler;
H. R. 19936. Andrew J. Scott;
H. R. 19979. Ichabod E. Spring;
H. R. 20027. Thomas R. Gray;
H. R. 20230. Johanah Burk; and
H. R. 20231. William Powers.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

OTHER THAN CIVIL WAR PENSIONS.

The next business on the Private Calendar was the bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Pierce J. Reynolds, late of Hospital Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emil Clafer, late of United States Marine Corps, United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Jacob F. Roberts, late of Company E, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Gilford Ratliff, late of Capt. J. S. Ford's company, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James McMorries, late of John S. Ford's first company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Martin V. Lackey, late of Capt. J. D. Bagby's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James W. Kennedy, late of Capt. J. J. Grumble's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Polk R. Kyle, late of Capt. James H. Callahan's company, Texas Volunteer Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Robert H. King, late of Captain Rogers's Company F, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Cullen C. Ratliff, late of Capt. J. H. Brown's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William A. Cole, late of Captain McGown's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William E. Prater, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Clara M. Z. Moore, formerly Clara M. Zellar, late nurse, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Albert M. Geiger, late of Company M, Second Regiment Texas Volunteer Infantry, war with Spain.

The name of George Bingaman, late of Company I, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Scheer, late of Company K, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of Samuel A. Berry, late unassigned, United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Rachel N. Schmitz, widow of William F. Schmitz, late of Company F, Fifth Regiment United States Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said William F. Schmitz until she reaches the age of 16 years.

The name of Albert B. Mosinsky, late of Company I, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Barbara A. Locklar, dependent mother of Miles Locklar, late of Company D, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Isaac L. Andrews, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas J. Parker, late of United States Marine Corps, United States Navy, and pay him a pension at the rate of $12 per month.

The name of George W. Gregory, late of Company B, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of William P. Ferguson, late of Company L, Thirty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The name of Susan F. O'Bannon, widow of James O'Bannon, late quartermaster sergeant, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Florence P. Percy, widow of Henry T. Percy, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jesse E. Boster, late of Company E, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lizzie Wright, widow of George Wright, late of Company G, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Albert Scheina, late of Company I, Twenty-eighth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert Brammer, late of Company H, Thirty-third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of John W. Farrell, late captain Company F, Twenty-second Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Robert V. Horton, late of Troop E, Eleventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Rebecca E. Coffey, widow of Joshua T. Coffey, late of Captain Miller's company, North Carolina Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month.

The name of John S. Robison, late of Capt. James Williams's company (N), Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Hermann W. Toepperwein, late of Company B (Captain Walker), Mounted Battalion Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1075. Pierce J. Reynolds;
H. R. 1787. Emil Clafer;
H. R. 3128. Jacob F. Roberts;
H. R. 3129. Gilford Ratliff;
H. R. 3144. James McMorries;
H. R. 3148. Martin V. Lackey;
H. R. 3154. James W. Kennedy;
H. R. 3155. Polk R. Kyle;
H. R. 3157. Robert H. King;
H. R. 3161. Cullen C. Ratliff;
H. R. 3209. William A. Cole;
H. R. 3321. William Edward Prater;
H. R. 3465. Clara Zellar Moore, formerly Clara M. Zellar;
H. R. 4118. Albert M. Geiger;
H. R. 5008. George Bingaman;
H. R. 5198. William H. Scheer;
H. R. 7687. Samuel A. Berry;
H. R. 7989. Rachel N. Schmitz;
H. R. 9173. Albert B. Mosinsky;
H. R. 9977. Barbara Locklar;
H. R. 10284. Isaac L. Andrews;
H. R. 10919. Thomas J. Parker;
H. R. 11191. George W. Gregory;
H. R. 11515. William P. Ferguson;
H. R. 11632. Susan F. O'Bannon;
H. R. 11636. Florence P. Percy;
H. R. 12519. Jesse E. Boster;
H. R. 12975. Lizzie Wright;
H. R. 13217. Albert Scheina;
H. R. 16421. Robert Brammer;
H. R. 16516. John W. Farrell;
H. R. 16812. Robert V. Horton;
H. R. 16970. Rebecca E. Coffey;
H. R. 18236. John S. Robison; and
H. R. 18564. Hermann W. Toepperwein.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The next pension business on the Private Calendar was the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Derris Gregg, late of One hundred and ninth Company, United States Coast Artillery, and pay him a pension at the rate of $16 per month.

The name of Jerome De Vriendt, late of Company D, First Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Dorcas Jones, widow of Henry Jones, late of Captain Hopping's company, New York Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Susan E. Baker, former widow of William Kelly, late of Company C, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Franklin Wilcox, late of Capt. Henry Standage's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Samuel Garn, late of Capt. George D. Grant's company, A, Utah Mounted Volunteers, Utah Indian war, and pay him a pension at the rate of $8 per month.

The name of Augustus E. Davis, late of U. S. S. Annapolis, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Stephen Taylor, late of Capt. James W. Cumming's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Margaret J. Harvey, widow of Luther R. Harvey, late first assistant engineer, ranking with lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Charles E. Bowling, late of Battery H, Third Regiment United States Artillery, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Elizabeth E. Hurst, widow of James P. Hurst, late second lieutenant Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of the said James P. Hurst until she reaches the age of 16 years.

The name of Mary M. Muse, dependent mother of Thomas L. Muse, late of Company E, Forty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles Johnson, late of Company H, First Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out the following:

"The name of Samuel W. Ingalls, dependent father of William A. Ingalls, late of Troop B, First Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

This bill is a substitute for the following Senate bills referred to the Committee on Pensions of the Senate:

S. 168. Derris Gregg;
S. 238. Jerome De Vriendt;
S. 388. Dorcas Jones;
S. 540. Susan E. Baker;
S. 754. Franklin Wilcox;
S. 758. Samuel Garn;
S. 972. Augustus E. Davis;
S. 1364. Samuel W. Ingalls;
S. 1624. Stephen Taylor;
S. 2260. Margaret J. Harvey;
S. 2832. Charles E. Bowling;
S. 3052. Elizabeth E. Hurst;
S. 3206. Mary M. Muse; and
S. 3783. Charles Johnson.

The bill as amended was ordered to a third reading, was read the third time, and passed.

The next pension business on the Private Calendar was the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Grace M. Hunt, widow of George M. Hunt, late of Company G, Thirty-third Regiment Michigan Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said George M. Hunt until they reach the age of 16 years.

The name of Josephus Hosier, late of Capt. William B. Lewis's company, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Persis M. McKee, widow of Thomas McKee, late of Captain Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay her a pension at the rate of $12 per month.

The name of Adolphus N. Pacetty, late captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month.

The name of Antoinette A. Darnall, widow of M. Duke Darnall, late paymaster's clerk, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Vincent A. Witcher, dependent father of Adison Witcher, late of Company F, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel Fallen, late of Company E, Fourth Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of Edward R. Edmonds, late of Hospital Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter F. Pellicer, late of Captain Moseley's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anna K. Lederer, widow of Alexander G. Lederer, late of Company M, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of George S. Rust, late of Captain Callister's company, Smith's regiment, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John L. Dick, late of Company B, United States Engineers, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Hugh Black, late of Captains Parkhill and Brevart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Israel J. Wells, late of Capt. W. H. Kendrick's company and Capt. I. J. Carter's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

On page 2, lines 10 to 21, strike out the following:

"The name of Adolphus N. Pacetty, late of Captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month.

"The name of Antoinette A. Darnall, widow of M. Duke Darnall, late paymaster's clerk, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Vincent A. Witcher, dependent father of Adison Witcher, late of Company F, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendments were agreed to.

This bill is a substitute for the following Senate bills referred to the Committee on Pensions of the Senate:

S. 140. Grace M. Hunt;
S. 462. Josephus Hosier;
S. 759. Persis M. McKee;
S. 1407. Adolphus N. Pacetty;
S. 1420. Antoinette A. Darnall;
S. 1631. Vincent Witcher;
S. 1698. Daniel Fallen;
S. 1960. Edward R. Edmonds;
S. 2176. Peter F. Pellicer.
S. 2274. Anna K. Lederer;
S. 2324. George S. Rust;
S. 3710. John L. Dick;
S. 4031. Hugh Black; and
S. 4367. Israel J. Wells.

The bill as amended was ordered to a third reading, was read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19255, the diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19255, the diplomatic appropriation bill.

Mr. PERKINS. I yield thirty minutes to the gentleman from New York.

Mr. BENNET of New York. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. HULL of Tennessee. Mr. Chairman, I desire to direct the attention of the House to an unfortunate condition existing in connection with our diplomatic and consular service. I do so in no spirit of partisanship or sectionalism, but in the interest of American business and trade in foreign countries. I allude to the present failure of the Government to give the cotton-growing States any representation or recognition in the appointment of diplomatic and consular officials to stations in the cotton-purchasing countries of the world. To-day every progressive business nation is not only supplying its local wants, but is reaching out and extending its trade to every locality wherein it can secure foothold. Sharp business rivalry and keen competition is strikingly noticeable in all international trade centers; besides, all available new territory is being rapidly invaded by representatives of commercial and manufacturing concerns from many countries. Our diplomatic and consular service deals with our foreign business, our exporting and importing interests. If we would extend and increase our trade with other countries we must have live, efficient consular officers who are thoroughly alive to our business interests and are familiar with every phase of the business our citizens transact in the countries where our consuls are respectively stationed. The service can

never become filled by men of this type if party service and political influence control their selection. Prospective applicants for these positions are deterred from the large work of qualifying themselves while they see no assurance of recognition upon merit. There are at present many persons employed in this service who have little or no knowledge of the nature and prices of those commodities which we sell in largest quantities to the countries in which these same consuls are stationed. The result is a falling off of our trade, if our exporter is even lucky enough not to be driven out by his foreign rivals, aided by their efficient and alert consuls.

Mr. Chairman, our foreign-trade showing is not satisfactory. The trade report for the last calendar year just issued by the Department of Commerce and Labor shows a marked decrease in export of the staple products of this country and an equally marked increase in the importation of luxuries. The year ending December 31, 1909, only showed a balance of trade in our favor of $252,000,000. Our total imports for 1909 were only $52,000,000 greater than for the year 1907, while our exports for 1909 were $195,000,000 less than for the year 1907. If the present rate continues the balance of trade will be against the United States at the end of this year, and our people will be buying from other nations more than they sell. The United States has only been enabled to secure and thus far maintain a trade balance in its favor by the sale of cotton—this country's greatest and most valuable export. In 1909 our imports were $1,728,000,000 and our exports amounted to $1,475,000,000. Of this sum the exports of cotton and its commercial by-products approached, if they did not exceed, $500,000,000; in 1907 they amounted to $541,000,000. For more than twenty years our cotton exports have uniformly held the balance of trade in favor of this country in amounts ranging from $192,000,000 and upward. Furthermore, it maintains our gold supply by bringing annually from foreign nations hundreds of millions in gold in return for our cotton.

Mr. Chairman, I have here a bulletin recently issued by the Census Bureau, containing some interesting facts showing the importance of our cotton, which I read, as follows:

COMMERCIAL AND INDUSTRIAL IMPORTANCE OF AMERICAN COTTON.

The advantages for the production of cotton found in southern United States are superior to those of any other country. The soil and the climate are well suited to its cultivation, and, with intelligent farm management and suitable labor, better transportation facilities, and the general use of machinery, the production of cotton has become more profitable there than in any other locality. Not only is two-thirds of the world's supply of cotton produced in the United States, but the character of the fiber grown there is superior for general manufacturing purposes.

The relative importance of the cotton industry in this country may be seen from the following figures: The aggregate value of the cereal crops produced in the United States in 1907 was estimated by the Department of Agriculture at $2,378,000,000; the value of the cotton crop of that year as computed by the Census Bureau was $701,000,000. The value of all manufactured products returned at the census of 1905 was nearly $15,000,000,000. Of this amount, textiles constituted $1,200,000,000 and cotton goods, $450,000,000. Only about one-third of the cotton grown in the country is manufactured at home; and if the entire production had been manufactured here the total value of cotton goods would have been about $1,350,000,000. As two-thirds of our raw material is utilized by European manufacturers in the production of goods which are generally of a finer quality than that of the goods made here, the value of the manufactures made from the average American cotton crop is estimated at not less than $2,000,000,000.

As an illustration of the industrial importance of American cotton, not less than 9,000,000 persons are employed in its production, handling, and manufacture. Of this number, about 6,000,000 are farmers and farm laborers; about 1,000,000 are otherwise engaged, to some extent, with the raw material in the United States; while at least 2,000,000 are concerned with it in foreign countries.

The comparative importance of cotton in the textile industry is brought out in the following statistics and discussion of textile fibers. Table 18 shows, by countries, the approximate quantities of the leading textile fibers produced in 1908.

World's production of the leading textile fibers, 1908.

[In the preparation of this table a number of sources of information have been utilized, but it has been found impracticable to secure in all instances satisfactory data for the year indicated, and only an approximation to the facts is claimed for the statistics.]

Country.	Cotton.	Wool.	Silk.	Flax.	Hemp.	Jute.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
United States	6,501,000,000	311,138,000	----------	----------	11,250,000	----------
Brazil	212,000,000	1,130,000	----------	----------	----------	----------
Argentina	----------	328,731,000	----------	----------	----------	----------
United Kingdom	----------	133,088,000	----------	26,934,000	----------	----------
Russia	423,000,000	280,000,000	2,700,000	1,507,144,000	707,676,000	----------
France	----------	78,000,000	1,333,000	46,109,000	36,662,000	----------
Italy	----------	21,500,000	10,461,000	41,917,000	166,843,000	----------
Austria	----------	41,600,000	754,000	164,620,000	171,728,000	----------
Turkey	40,000,000	75,000,000	2,825,000	----------	----------	----------
British India	1,457,000,000	50,000,000	2,650,000	----------	73,764,000	2,524,000,000
Japan	----------	----------	20,000,000	----------	18,095,000	----------
China	300,000,000	42,253,000	34,500,000	----------	----------	----------
Egypt	638,000,000	3,000,000	----------	----------	----------	----------
British South Africa	----------	89,783,000	----------	----------	----------	----------
Australia	----------	552,157,000	----------	----------	----------	----------
New Zealand	----------	143,308,000	----------	----------	----------	----------
All other countries	216,000,000	366,953,000	3,277,000	59,511,000	2,851,000	----------
Total	9,787,000,000	2,617,641,000	78,500,000	1,846,235,000	1,188,869,000	2,524,000,000

The relative importance of the fibers shown in this table has been reversed during the past century. Flax fiber, which was used to a larger extent than any other fiber in 1800, now ranks fourth, and the quantity produced is only about three times what it was at that time. During the same period the production of wool has increased from about 500,000,000 pounds to about 2,500,000,000 pounds, or fourfold, and cotton from about 300,000,000 pounds to about 10,000,000,000 pounds, or over thirtyfold.

Mr. Chairman, this staple product is raised in commercial quantities in 12 States, and two-thirds of its annual yield is shipped and sold abroad. Hence it is of vital importance that our diplomats and consuls stationed in the countries that buy American cotton should have a thorough knowledge of the nature, production, and price of this product, as well as the numerous uses to which it is applied. In no other way can we expect satisfactorily to extend and develop our foreign trade and commercial interests. Yet, Mr. Chairman, this Government has long refused, and now refuses, to appoint citizens of our cotton-growing States to diplomatic and consular posts in the cotton-purchasing countries. I dare say that those now in the service could not distinguish growing cotton from many other plant growths. They know nothing of its real worth and manifold uses. Why should these States and this great industry be thus handicapped? Why thus curb and injure the American cotton grower? Of our 49 ministers and ambassadors, not one, I believe, is from a cotton State or knows anything about cotton. New York has 18 positions in the diplomatic service, commanding an aggregate annual salary of $145,000, while the 12 cotton-growing States combined have only 9 insignificant subordinate positions in this branch of our foreign service, commanding an aggregate annual salary of $19,250. Maryland has 11 positions in this service, with an annual salary of $51,000, while the 8 cotton States of Tennessee, Georgia, Alabama, Florida, South Carolina, North Carolina, Texas, and Oklahoma have no representation in any capacity. Also, Massachusetts has 14 of these positions, with salaries aggregating $50,000. Even the salaries of 6 appointees from the little State of New Jersey, that is smaller than many counties in Texas, amount to $30,250 per annum.

We have about 57 consuls-general, and none are selected from cotton States to positions in countries that buy American cotton. Only 3—1 from Virginia and 2 from Missouri—are from the cotton section, and they are appointed in the lower classes of the service and to minor and unimportant stations outside of the cotton-purchasing countries.

This Government has 241 consuls stationed in the various foreign countries. They are divided into 9 classes, according to salary and importance of station to which appointed. From this entire number of consuls only 5 stations in European countries are filled by appointments from cotton States, and, with one or two exceptions, these stations are of trifling commercial importance, viz: Amsterdam, Holland; Breslau, Prussia; Lyons, France; Aix la Chapelle, Prussia; Patras, Greece. Besides, they are placed in the lowest classes of the service, their average salaries being between classes 8 and 9.

I find the following facts to exist relative to appointments in this service, calculating back to 1906:

	Appointments due by 1900 census.	Appointments now credited.	Maximum salary.	Average salary.	Appointments since 1906.
Texas	12	2	$3,000	$2,500	2
Oklahoma	3	1	2,500	2,500	1
Arkansas	5				
Louisiana	5	2	5,000	4,500	1
Mississippi	6	1	2,000	2,000	1
Alabama	7	1	2,000	2,000	1
Georgia	9	3	3,000	2,000	3
Florida	2	4	3,000	2,500	2
South Carolina	5	3	2,500	2,250	3
North Carolina	7	5	5,000	3,200	4
Tennessee	8	5	3,000	2,500	5
Total	69	27	2,888	2,300	23

Mr. Chairman, 225 appointments were made since 1906. Only 23 of these went to the 11 cotton-growing States and only 5 of them to small stations in cotton-buying countries. Two and nine one-hundredths are the average number of appointments made from each of these States since 1906. Five and seven-tenths are the average number of appointments made from each of the other States of the Union for the same period. This includes such States as Utah, Nevada, Idaho, and so forth, which virtually have no export interests in comparison with these 11 States.

In this connection I desire to read a portion of an article written one year ago by Mr. R. H. Watkins, a noted writer and statistician, though I have not had a chance to verify each statement he makes. It is as follows:

Early in Mr. Roosevelt's administration, when he was reminded of the meager share the South had in the representation of the United States abroad in the diplomatic and consular services, he declared that he would look into the question and see that the South had fair play. He has done nothing of the kind. He has taken away much of the little that the South had. The few small posts abroad held by men from Southern States were obtained by them either through original appointment by President Cleveland or through examinations prescribed in the State Department's own civil-service regulations.

When Congress, at Mr. Roosevelt's instance, enacted a law classifying the consular service and embracing those already in office under its protection, he had filled nearly every desirable place with persons of his own choice and party.

FEW SOUTHERN MEN.

As it is, the South has less representation in the State Department, at home and abroad, than it has had at any time in the history of the Government. The South now has as little proportionate share in the relations of this Government with foreign countries as have our dusky wards on the Indian reservations or the slaves of the Sultan of the Sulu Archipelago.

There are 12 Southern States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia—whose cotton exports alone enable the United States to maintain a comfortable balance of trade with the world. But for the gold southern cotton brings from Europe to the United States the balance of trade would be heavily against us.

In all the great cotton-buying countries of Europe there is not in any diplomatic or consular position of importance and respectability a single man from a cotton-growing State representing the United States Government.

NONE IN GREAT BRITAIN.

Great Britain buys 40 per cent of the cotton we export, yet nowhere in all the vast domain of the British Empire, weaving our cotton into fabrics for the hundreds of millions of the inhabitants of her possessions, there is not one consul from a Southern State representing the United States.

The latest State Department register shows there are 34 important consular posts in British territory, all of which are held by men from States in which no cotton is grown.

The 13 important consulships of the German Empire are distributed to men from north of Mason and Dixon's line.

The 6 important consularships in France are given to Ohio, the District of Columbia, Rhode Island, and New York.

Five in Italy are filled by men from Pennsylvania, Vermont, Maine, the District of Columbia, and Connecticut.

Belgium's best have consuls from the District of Columbia and Pennsylvania.

Vienna and Budapest, in Austria-Hungary, have consuls from Wisconsin and New York.

In Spain the consuls are from Minnesota, Massachusetts, Maryland, and Michigan.

In China, where we have great hopes for development of our cotton trade, the 8 consuls are from New York, Massachusetts, California, Minnesota, Indiana, and Ohio.

Mexico, next door to the cotton States, has 7 good consulates filled by men from Illinois, Nebraska, Kentucky, Iowa, Massachusetts, Pennsylvania, and Indiana.

There are 333 Americans in the consular service, and of these 31 are from Southern States. The aggregate of salaries paid these 333 is $1,008,500, of which the aggregate paid to consuls from the Southern States, including Kentucky, is $97,800. Ohio alone has consuls whose aggregate pay is $114,800; the pay of consular officers from New York aggregate $101,000; that from the District of Columbia, $66,500.

In the diplomatic service in positions of responsibility the number employed is 108, of which there are 13 from the Southern States. The aggregate compensation is $455,250, of which the Southerners get $31,000.

Here in Washington the State Department has on its pay rolls 168 employees, 11 of whom are from Southern States, in places obtained by civil-service examination. The aggregate pay is $219,700, of which the southern employees receive $16,800.

The population of the Southern States is 27 per cent of that of the United States. The South last year contributed 35 per cent of the total exports of the United States. The proportion of Southerners in the diplomatic and consular service of the United States is 9 per cent, and the compensation they receive is 7 per cent of the total.

Mr. Chairman, it may be remarked that the great Empire of Japan, as much as it consumes, never purchased any material quantity of cotton from the United States until 1898, when a traveling representative of American agriculture visited the buyers there and familiarized them with our cotton-trade conditions. Yet Japan used a great deal of American cotton, but it was purchased from the English dealers in London. The United Kingdom, France, and Germany purchased three-fourths of our cotton exports. Still our people who raise and sell it are, and for years have been, denied the great advantage of intelligent and efficient representation in those countries through our consular service.

During last spring I offered a resolution in this House calling on the Secretary of State for all available information relative to the abuses in the diplomatic and consular service I have pointed out; and also inquiring what steps, if any, are being taken to remedy existing conditions. I hope the House will pass the resolution and at least manifest some interest in behalf of the Nation's second largest export product.

Mr. Chairman, there is to-day being waged a great battle for commercial supremacy among the nations of the world. This country needs well-equipped consuls of sound business qualifications and judgment in every commercial and industrial center. They should know precisely what our country has to sell, the prices, uses, and quantity; likewise he should know in detail just what foreign countries prefer to buy; he should, in fact, possess such knowledge and business tact as is required of a drummer or commercial man by the firm or manufactory he represents. Yet, Mr. Chairman, if our present consuls and consuls-general were representing a firm or firms in the sale of American products and the extension of American markets abroad, they would virtually all be discharged within a month for incompetency and general inefficiency.

Where our various exports formerly had a monopoly of the world's markets, they now meet keen competition. This is especially true of wheat and the products of cotton, wool, iron, and so forth. Hence my appeal in behalf of the great cotton section of the United States, which is without representation in the foreign service where it sells cotton, and likewise virtually without consular representation everywhere. Our resources, enterprise, and productiveness entitle us to ready and easy access to all the world's markets for our surplus products, and I earnestly urge that early steps be taken to supply every material business section of this country with a well-equipped, up-to-date diplomatic and consular service appointed to stations in other countries where they can and will render the most efficient service in guarding American commercial interests and extending American commerce.

Mr. BENNET of New York. Mr. Speaker, a few days since the gentleman from Tennessee [Mr. HULL], in a very excellent speech on the income tax, took occasion to refer, in passing, to the governor of the State which I represent in part. There was nothing out of order in the remarks made by the gentleman from Tennessee, and allowing for the exaggeration to which we are all prone, more or less, in remarks which we, at least, hope will be read by our constituents, there was nothing at which anyone could take offense. In the course of his remarks, however, the gentleman from Tennessee made one or two observations which it seems to me called for some slight notice on the part of some Representative from the State of New York. I shall not attempt to put into the RECORD in detail again the remarks of the gentleman from Tennessee. The two sets of remarks, if I may so call them, to which I allude are, first, those in which he indicated what he believed evidently to be the subserviency of the governor of the State of New York to the moneyed interests, which, in the minds of so many gentlemen, not only here but elsewhere, have their local habitation in the State, and particularly the city, of New York.

The other reference was to the governor's action in sending a message to the legislature at the time that he transmitted for their action the income-tax amendment sent to the various States by the Congress. The gentleman characterized that particular act on the part of our governor as meddling, and the governor in that regard as an intermeddler. I hold in my hand the constitution of the State of New York, in which it is particularly prescribed as a duty of the governor to acquaint the legislature, by message, with matters which he thinks ought to be brought to their attention. Perhaps in that connection I can

best indicate what those particular matters were that the governor deemed to be essential to have in the recollection of the legislature when it was acting on this particular subject.

Our State is unquestionably one of great wealth, but from the beginning we have not hesitated to mortgage the future, in the hope, usually accurate, of even greater prosperity, progress, and success. We are following that particular method at present. We are borrowers, perhaps, of the citizens of every State in the Union, including our own; and although I am unable to obtain exact statistics, I have no doubt that the aggregate state and municipal indebtedness of our State is about a billion dollars. Our state indebtedness is $41,000,000, against which we have a sinking fund of $23,000,000. Our indebtedness in the city of New York is something over $700,000,000.

Mr. HULL of Tennessee. I should like to ask the gentleman from New York if that indebtedness is not largely accounted for by the fact that the assessed valuation of property subject to taxation is only about 52 per cent of its real value and that the ad valorem assessment upon personal property is less than 12 per cent on its real value.

Mr. BENNET of New York. Of course, that does not affect the amount of the indebtedness in the slightest degree. But so far as the city and county of New York are concerned, the figure of 52 per cent for real estate is very much out of the way. I have no doubt at all that the average real estate in the county of New York is assessed at above 90 per cent of its value, practically full assessment.

Mr. FINLEY. The gentleman has stated the municipal, county, and town indebtedness to be how much?

Mr. BENNET of New York. I have just stated that while I was unable from any source to obtain accurate statistics, I had no doubt that the county, city, and state indebtedness, added to what we know of the indebtedness of the city and county of New York, made our aggregate municipal indebtedness within the State of New York about a billion dollars.

Mr. FINLEY. Now, is it not a fact that on account of the combined indebtedness—State, city, county, and town—that every dollar of taxation that can be raised is needed to pay the interest on that indebtedness, and that is an argument why an income tax of the National Government should not be levied upon any property in the State of New York?

Mr. BENNET of New York. I prefer to develop that along the lines of the governor's own argument. I just state the fact as to the condition in the State of New York in relation to indebtedness, which was within the view of the governor at the time he wrote that message.

Mr. FINLEY. That is the real reason, is it not?

Mr. BENNET of New York. I prefer to take that up in my own way.

Mr. FINLEY. I am only asking a question.

Mr. HULL of Tennessee. Just in that connection, will the gentleman permit me?

Mr. BENNET of New York. Yes.

Mr. HULL of Tennessee. I have a bulletin recently issued by the Bureau of the Census, in which the total indebtedness of all the States, counties, and municipalities in the United States is shown to amount to only $1,864,000,000. Would the gentleman undertake to say in view of that that in New York the indebtedness amounts to over a billion dollars?

Mr. BENNET of New York. I undertake to state that. I do not know of what date those census figures are. I am giving the gentleman figures which are accessible to anyone. I have written to the comptroller of our own State, and he is unable to furnish me with any more accurate information.

Mr. FINLEY. I would like to ask if the gentleman from New York agrees with the governor of New York in his conclusions and contentions.

Mr. BENNET of New York. That, also, I will deal with as I proceed.

Mr. FINLEY. I am obliged to the gentleman.

Mr. BENNET of New York. Now, with our State owing a billion dollars in round figures, it is evident that the honest people within that State owe a duty, first, to the people who hold our securities to see that nothing is done to impair the present value; second, that we owe a duty to ourselves as continuing borrowers to see, if it can be done properly and creditably, that nothing be done to impair our future market for bonds.

Mr. HARRISON. Does the gentleman seriously believe that the imposition of a federal income tax will destroy the credit of our State?

Mr. BENNET of New York. That, also, I will take up in my own way and in my own time. I think I will decline interruptions for a few moments until I have developed this line.

Our governor having these facts in mind, sent a special message to the legislature in which he gave his ideas and views on an income tax. He favored the income tax, and he favored the income tax without any restriction as to apportionment by population or assessed valuation. In his judgment, however, no State ought to assent to an income tax which enabled the National Government to tax the securities of the State, because, as he pointed out, the right to tax is the right to destroy, and if that amendment, that particular amendment, was adopted, the Federal Government would have in its power the bond issues of the several and various States. That is the governor's position on the matter. It is due to him that it be frankly and fairly stated in the forum where his action has been alluded to.

Now, as to the governor's attitude in relation to wealth and moneyed interests and matters of that kind, the gentleman from Tennessee [Mr. HULL] really picked out rather an unhappy side, because we never have had a governor, we never had a public official in our State, or in any other State, who has been less subservient to the material interests than has Governor Hughes, of New York, during his term in office. He has been in public life about five years. My first notice of him in any public capacity was when he appeared, still a practicing lawyer, before the bar association of the State of New York and read a paper, in favor of whom? Of the wealthy? No; of the poor. We have a law on the statute books and have it still, not the best law in the world, under which orders of arrest can be issued, and in our county of New York that law had been abused until Governor Hughes, at that time a practicing lawyer, and Hon. Mitchell L. Erlanger, a Democratic sheriff of the county, out of the goodness of their hearts, without hope of compensation, without hope hardly of notice, had taken up the case of these poor people, sometimes imprisoned as long as three months for a debt of three or four dollars, and this lawyer dropped his business and appeared before the state bar association and fought against this particular wrong, against the abuse of the statute, and he and the sheriff were successful. It is rather to their credit, although each has since run successfully for public office, that never a word in reference to that particular and extremely meritorious action on their part has been uttered in order to get the votes of the people, in splitting the ears of groundlings, or boasting of their successful efforts for the poor people.

What was it that brought Governor Hughes into prominence? It was the gas investigation, the result of which was to decrease the price of gas in New York from $1 to 80 cents, and the law that the governor drafted has been affirmed by the Supreme Court of the United States, and gas is at 80 cents a thousand in New York City to-day.

During last summer the gas company of New York, under the operation of that statute, paid back to the people of New York City over $9,000,000—to the storekeeper, to the rent payer, to the poor people as well as to the rich.

Then came the insurance investigation. Surely that was not a service to men of wealth. There never has been a man in our history that went so relentlessly through the ranks of men high in office, of social position, men of wealth, and men of reputed wealth, as did Governor Hughes in the insurance investigation. The investigation broke up syndicates, financial manipulations, resulted in stringent laws, enforced publicity, and economy, and as a result of it a law was passed prohibiting political contributions by corporations.

The next was a public-service commission law, a law which I believe was a great improvement on the Hepburn law passed by the Fifty-ninth Congress. To get that law through the governor went out on the stump appealing directly to the people. He has secured an honest administration in the interest of the public. It prevents stock watering in the future in capitalization of franchises. For three years he has been recommending that telephone and telegraph companies shall be brought under public regulation. I have no question but that this year he will be successful.

At the same time, in respect to the race tracks of our State, the constitution of the State was being evaded by trickery and device. The governor of the State took up that question, and certainly in taking that up there was no subserviency to great wealth or vested interests. He finally secured, by the vote of a State senator who, because of that meritorious vote, was promoted to this body, by one majority in our state senate, a law prohibiting all betting of record on the race tracks of the State of New York.

Next, take our banking system. We had had a good banking system, above the average, but there was one blot upon the system, and that was the expensive receiverships such as still exist in other States, I am informed. Now, under the legislation ad-

vocated by the governor, we have wiped out every last vestige of expensive receiverships in connection with banks in New York State, and the last state bank that failed in New York was settled up at an expense of only two or three hundred dollars, possibly less, for the stockholders and depositors of the bank.

He recommended an investigation of Wall Street, got the best men in the city to volunteer, and carried on the investigation and made recommendations to the legislature based upon those investigations.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. FINLEY. Was that the Knickerbocker Trust Company, the last bank settled up?

Mr. BENNET of New York. It was not. The last bank, as I recall it, was the Home Bank in Brooklyn. The Knickerbocker Trust Company came before the salutary laws that the governor recommended and the adoption of which he secured.

Mr. GOULDEN. Will my colleague yield?

Mr. BENNET of New York. Yes.

Mr. GOULDEN. Admitting the truth of the high tribute which the gentleman pays to the chief executive of our great Commonwealth, what is the gentleman's judgment as to the measures he has recommended? Does the gentleman not think that in many cases he has been too radical and has displayed too little conservatism in his recommendations which he has made to the legislature of the State?

Mr. BENNET of New York. I imagine that my colleague and I would thoroughly disagree about the insurance legislation.

Mr. GOULDEN. Quite so; because I am familiar with that and believe that he was not only extreme in his recommendations in that respect, but bordering on injustice to that great interest in which the people are vitally concerned.

Mr. BENNET of New York. The people of our State have approved of it.

Mr. FORNES. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. FORNES. The governor should be commended for many good measures, but does the gentleman believe that the investigation of Wall Street has benefited the banks and the financial institutions of the city of New York or the State of New York?

Mr. BENNET of New York. I have every belief that when the recommendations of that commission are adopted, both by the stock exchange and the legislature of our State, they will be of benefit to business generally throughout not only New York State, but the country.

Mr. FORNES. Is the gentleman not aware that the stock exchange was opposed to his measures?

Mr. BENNET of New York. The mere fact that the stock exchange is opposed to some of the measures of Governor Hughes scarcely proves the point of the gentleman from Tennessee [Mr. HULL] that he has been subservient to great wealth.

Mr. GOULDEN. Would the gentleman enlighten the committee as to his views upon the governor's contentions in the matter of proposed primary laws, about which the politicians of the State are deeply concerned?

Mr. BENNET of New York. I possibly will before I close. How much time have I?

The CHAIRMAN. The gentleman has nine and one-half minutes remaining.

Mr. GOULDEN. I beg the gentleman's pardon for interrupting him. That is a very important matter, and I am rather inclined to agree with the recommendations that the governor has made on this subject. He at least believes such a law to be necessary in the State.

Mr. BENNET of New York. I can not discuss the matter in nine and one-half minutes. He next took up reform in the insurance department, put in a superintendent who has the confidence of the entire people, and whose action has resulted in increasing—because the people have always had confidence in our insurance department—the confidence of the people of the State in the insurance department.

Mr. FORNES. The governor urged the adoption of life-insurance laws which prohibited the large life-insurance companies from writing above a certain amount, which means that in proportion to their capital they are not permitted to do the amount of business which the smaller companies are allowed to do. Does the gentleman believe that the governor in that respect has acted fairly and for the good of the people?

Mr. BENNET of New York. I unquestionably believe that the governor has acted fairly and for the good of the people in that instance, as in almost every other instance that can be adduced during the three years of his administration. The limitation, I am informed, is $150,000,000 a year, a rather substantial amount of business.

Mr. GOULDEN. Will the gentleman permit me to say that I indorse the gentleman's position as to maximum amount of new business annually, and believe that the governor was right and that my colleague from New York [Mr. FORNES] is wrong in his contention?

Mr. BENNET of New York. I thank the gentleman. The governor next secured the appointment of a commission in relation to employers' liability, responsible in character, to discuss employers' liability and compensation, thus bringing himself abreast and bringing our State abreast of the best thought of the generation on these important subjects.

We talk a good deal here about conservation. Our state legislature first, and afterwards our governor, acted in the State of New York on the question of conservation. While outside our borders people are appealing for federal aid, the State of New York has gone ahead out of its own treasury to conserve its own resources; and in line with that, the governor has taken the first step, as I am informed, that has been taken by the executive of any State to establish the precedent of payments to the State for water power within the State, that step having been taken in 1907. He has stood for the development of water power under public control, while at the same time recognizing every advantageous and wise step that has been taken by the legislature during a series of years to adopt a policy in relation to conservation within our State.

Mr. FINLEY. I would like to ask the gentleman if he would kindly put into the RECORD the particular requirements that the governor has advocated, and so on. I think that is very important.

Mr. BENNET of New York. In what regard?

Mr. FINLEY. In regard to the water power and the State controlling it.

Mr. BENNET of New York. By unanimous consent I will do that.

They are as follows:

EXTRACT FROM THE GOVERNOR'S MESSAGE OF 1907.

WATER-SUPPLY COMMISSION.

By the act creating the water-supply commission it is provided that no municipal or public corporation or public board or any private person or waterworks company engaged in supplying any municipal corporation with water should acquire lands or additional sources of water supply save as the commission determines, among other things, whether the plans proposed are justified by public necessity and are equitable in their relation to other divisions of the State. It also has important powers with reference to river improvement. It remains to be considered whether it is not advisable to provide a more comprehensive plan, embracing in a clearly defined way the matter of water storage and the use of water courses for purposes of power. The entire question of the relation of the State to its waters demands more careful attention than it has hitherto received in order that there may be an adequate scheme of just regulation for the public benefit.

EXTRACT FROM THE GOVERNOR'S MESSAGE OF 1909.

WATER POWERS.

In my first message to the legislature I recommended the consideration of the great value of our undeveloped water powers and the necessity of preserving them for the benefit of all the people of the State. At the session of 1907 the legislature authorized the state water-supply commission to collect information relating to the water powers of the State and to devise plans for their development. With competent engineering assistance they have made valuable studies, and their report to the legislature last year, with that about to be made, deserves the most careful consideration. Of the horsepower developed by water in the United States for manufacturing purposes, it appears that 27½ per cent, or 446,134 horsepower, is used in the State of New York. Facility in the transmission of electrical power has increased to an extraordinary degree the importance of water power for its development and the relation of our water powers to the industrial energies of the State. It has been estimated by the water-supply commissioners that, excluding Niagara and the St. Lawrence, the rivers of the State, with the proper storage of their flood waters, are capable of furnishing at least 1,000,000 horsepower for industrial purposes; and it is deemed clear that 550,000 horsepower of energy is annually allowed to run to waste because no well-devised and comprehensive plan for the general and systematic development of water powers has been undertaken by the State. And the incidental advantages which would accrue from the regulation of our streams and the prevention of drought and flood are sufficiently obvious.

We now have within our grasp an opportunity which for the sake of the industrial freedom and prosperity of the future we should not permit to be wasted. These great natural sources of power should not only be developed in a manner which the State alone can make possible, but should be held for the benefit of the people under conditions which will insure the protection of the common right and fair return for privileges granted.

The commissioners will submit to your honorable body special studies of particular water-power development, which it appears may be made with reasonable assurance of direct pecuniary profit to the State, apart from the general benefits derivable from the policy of state control. It is believed that these studies have been made with skill and precision, and the immense importance of the proposals will at once be recognized. They should be most carefully considered, and if we are to undertake the development of these projects and the prosecution of comprehensive plans, the necessary steps to secure the advantages which they promise should promptly be taken.

EXTRACT FROM THE GOVERNOR'S MESSAGE OF 1910.

WATER POWERS.

The water-supply commission is about to make a most important report of the result of its investigations under the act of 1907 relating to the development of the water powers of the State. An exhaustive examination, with the assistance of competent engineers, has been made of the Hudson, Genesee, and Racquette river watersheds. Four great reservoir projects have been examined so as to furnish full detail with regard to location and design of dams and power plants, lands involved, cost, and probable revenue and benefits. Additional studies have been made of other rivers which have importance as sources of power. Facts with regard to existing powers, the relative importance of different streams and the probable results of additional development and the market for increased power, have been carefully ascertained.

It is estimated, for example, that complete regulation of the Hudson River with the storage required for that purpose would raise the present minimum flow of the river in a dry year from 900 cubic feet a second to a minimum of 4,600 cubic feet at Spiers Falls, and that with this increased flow and with full advantage of all power possibilities the present development could be increased by 246,000 horsepower. It is said that a low rate for the increased power would not only provide an adequate carrying charge for a complete system, but a considerable additional revenue to the State. One of the projects relating to the Hudson development is that upon the Sacandaga, the cost of which in the first stage, which can be dealt with separately, is estimated at $4,650,000. Its effect would be to add 1,900 cubic feet per second regulated flow to the river and an estimated increase of power upon a conservative basis of 85,500 horsepower. At $5 per horsepower this would provide a sum sufficient to give a considerable revenue in addition to the annual charge for interest, sinking fund, and maintenance. This apparently would not involve the use of the present forest preserve property of the State.

It is impossible here to state with any degree of fullness the interesting results of these important studies with respect to the practicability of these proposed developments in connection with the rivers of the State and their advantage to the State. Some of the projects involve the use of a portion of the land within the forest preserve. But it is said that in all only 43,000 acres of land now owned by the State, including 10,000 acres of land under water (out of about 1,500,000 acres owned by the State), would be involved by the construction of all the reservoirs which it would be practicable to construct in the Adirondacks; and this includes many possible reservoirs which it would not be necessary or economical to build. Excluding the land under water, the greater part of the remainder of these 43,000 acres is described as low, swampy, and valueless, and only about 8,000 acres is said to be really timber land.

The investigation has proceeded far enough to raise the question as to the action which should be taken by the State, and I commend this subject to your most careful consideration. The following principles should, I believe, be accepted:

1. That the flow of water in our rivers should be regulated and our water powers developed to the fullest extent that may be practicable.

This is essential to prevent unnecessary damage from floods and to insure our industrial progress and the future prosperity of our people.

2. That with respect to streams having their headwaters within the boundaries of the forest parks, all plans of regulation or power development should be executed only by the State, and all reservoirs and their appurtenances and the impounded waters should be the property of the State and under exclusive state control, and not be permitted to pass into private hands.

Any such plan should embrace all necessary safeguards to insure the proper protection of the forests.

3. That with respect to any other streams flowing through any other public park or reservation of the State, such plans should likewise be executed by the State, and it should retain exclusive ownership and control in order adequately to safeguard the State's interests.

4. That, further, as it is of great public importance that the water powers of the State should be developed in a comprehensive manner and that these natural sources of industrial energy should not become the subject of an injurious private control, such development should be undertaken by the State whenever such action appears to be feasible and for the general interest.

5. That in any case of state development of water power provision should be made for the granting of such rights as may be proper to use the power so developed upon equitable terms and conditions.

6. That the State should not undertake any plan of regulation or water-power development save upon a basis which would make its investment a fair and reasonable one from the public standpoint by virtue of practicable measures for insuring such a return upon the State's outlay as would be equitable in the particular circumstances.

7. That any amendment of the Constitution at this time for the purpose of permitting any portion of the forest preserve to be used for any such purpose should, by its terms or by appropriate reference, suitably define the property within the preserve which is to be used and the manner of its use. No amendment and no plan of development should meet with any favor which, after the most rigid scrutiny, does not afford absolute assurance that in no way will the public interest in the forests be parted with or jeopardized.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. BENNET of New York. Then, I decline interruption for the remaining five minutes.

Mr. FINLEY. I would like to ask the gentleman this question——

Mr. BENNET of New York. I decline to be interrupted. Mr. Chairman, there need be no fear that the act of the legislature of the State of New York, whatever it may be in relation to the income-tax amendment, will be founded upon anything except the highest regard for the best good of the Union as a whole. Our glorious history as a State prevents any other conclusion or criticism. From the beginning, in the times of the colonies, in the times of the Revolution, when the fields and hillsides of our State were a bloody arena from one end to the other, through the civil war, when that State sent half a million of men and untold millions of money to the support of the Union, New York State, through its governor, or through its legislature, or through its people, has never subordinated the national to the state good. We may consider in our legislature—and I have no information except what comes from the public press—we may consider in our legislature the scope of this amendment, as our legislature properly should; we may consider whether that amendment in its scope is best for all the States of the Union, as our legislature should; but this House and all other bodies can remain firm in the assurance that whatever action is taken by the legislature of the State of New York on that important amendment will be in view entirely of what the legislature deems will, in the years to come, be for the highest benefit and good of the United States of America as a Nation. [Applause.]

Mr. PERKINS. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I have residing in my home county, the county of Santa Clara, Cal., a very large number of old survivors of the civil war, and quite a large number of them volunteer officers of that war. These old soldiers are all interested in the passage of a bill now before this House which has for its purpose the creation of a volunteer officers' retired list. I hold in my hand a memorial addressed to the Senate and House of Representatives, signed by a few of the leading citizens of my county, asking for the favorable consideration of that bill, and I ask unanimous consent to print the same in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to print the memorial indicated in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The memorial is as follows:

SAN JOSE, CAL., *January 29, 1910.*

To the Senate and House of Representatives in Congress assembled:

The undersigned citizens and taxpayers of the city of San Jose, county of Santa Clara, Cal., respectfully and earnestly request the Congress of the United States and the Committees on Military Affairs of the House and Senate, to make an early and favorable report, and promptly pass the bill (S. 1483) to create in the War Department and the Navy Department, respectively, a roll designated as "The Civil War Volunteer Officers' Retired List, etc., now pending before the Senate committee, and a similar bill (H. R. 18899) pending before the House committee, for the following good and sufficient reasons:

A large majority of those who were old enough to be commissioned officers and served for the period named in said bills have now reached the average advanced age of 70 years or more. That a postponement of this just measure to those who saved and perpetuated this Republic, which is along the lines of the bill granting the same honors and rewards to those in the army of the Revolution, who created the Republic, will be equivalent to its denial, as the infirmities, diseases, and wounds, added to their age, will in a very short time deplete their ranks to a mere corporal's guard, and thus deprive some of the best, truest, and most heroic, deserving, and suffering of these veterans of the honors and benefits of this desired law.

As thousands of citizens have signed petitions to Congress, and the legislatures of 12 States passed resolutions asking for its passage, we feel that we are justified in this appeal.

We, like a large majority of loyal and patriotic citizens, believe that this just measure should not be postponed on the ground of economy in public expenditures, for the good reason that appropriations for hundreds of small creeks, sluggish rivers, new post-offices and other federal buildings, increase in salaries, creation of new offices, etc., can well be postponed with no lasting detriment to the public, no extinction by death of future opportunity for the appropriations, and ample time for realization in a few years.

Inasmuch as the honorable Secretary of the Treasury in his report has estimated a surplus of $35,000,000 for the fiscal year beginning July 1, 1910, we respectfully submit that the bill should not be postponed for other less important, less just, and less patriotic measures.

Respectfully submitted.

W. G. Lorigan, associate justice supreme court of California; P. F. Gosbey, judge of the supreme court; J. R. Welch, judge of the supreme court; John E. Richards, judge of the supreme court; W. F. Parker, county auditor; L. A. Spitzer, county assessor; H. A. Pfister, county clerk; E. W. Conant, county treasurer; Wm. Knox Beans, president of the Bank of San Jose; Wm. V. Dinsmore, cashier of the Bank of San Jose; Hiram D. Tuttle, attorney and counselor; J. W. Dinsmore, clergyman.

Mr. PERKINS. I now ask the gentleman from Georgia to use some of his time.

Mr. HOWARD. I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, I have been very much interested in the laudation by the gentleman from New York of the governor of New York. The governor of New York is one of the citizens of this great country who has come into the limelight, and, in a great many respects, has made good. To my mind, he does not need any defense in the American Congress. I have been studying, I have been thinking, why it is that the gentleman from New York should find it necessary, wise, and eminently proper to come into this presence and make a defense of the governor of the State of New York?

I have not been able to satisfy myself to answer the question as to the motives that prompt the gentleman from the State of New York [Mr. BENNET]. I imagine that there must be some doubt somewhere that somebody, somehow, has not come

up to the measure, to the standard of citizenship, of political rectitude, and of patriotism set by the governor of New York. So that I have been busying myself and am still in doubt. Governor Hughes is a great character in this country. There is no doubt about that. He is so great, in fact, that he finds himself out of place in politics. He announces his intention and declared purpose to abdicate, to quit, so to speak, the arena of politics in the State of New York and retire to private life. The gentleman from New York [Mr. BENNET] says that, after one term, Governor Hughes has enough of that office. I would like to know the reason why. Is it because——

Mr. GOULDEN. Will the gentleman allow me to correct him? Governor Hughes has had two terms. And will the gentleman pardon me further just a moment? I think his reason for declining a renomination is to give our distinguished colleague who has just taken his seat an opportunity. [Applause.]

Mr. FORNES. I think my colleague did not exactly state the reason, because I believe that the next governor of New York will be elected by the Democrats. [Applause on the Democratic side.]

Mr. FINLEY. That is my opinion. I am satisfied from what is generally known of politics in the State of New York that Governor Hughes, great man as he is, and for many of his policies and pronounced opinions in respect to public utilities I heartily commend him——

Mr. HULL of Tennessee. If the gentleman will permit, Does the gentleman controvert my contention made some days ago on this floor to the effect that there is a class of wealth in this country, embracing New York also, that is not paying its just share of federal taxes, according to its ability to pay, and that the governor of New York interposed his opposition to the ratification of this amendment in order to protect that portion or that class of wealth situated in his State?

Mr. FINLEY. Mr. Chairman, the time will never come when I can willingly or successfully contravene any contention made by so good a citizen, so good a patriot, and so faithful a Democrat as the gentleman from Tennessee [Mr. HULL]. Now, the governor of New York proposes to retire from public life, and why? He finds himself surrounded by uncongenial—what does the gentleman from New York [Mr. BENNET] call it?—political associates. Yes. He is not in sympathy with them and they are not in sympathy with him. He proposes to quit the game of politics in the State of New York, and I think when the gentleman from New York [Mr. BENNET] comes here and defends the governor of New York he is "carrying coals to Newcastle." Whether those coals are necessary or not I think he knows.

Mr. JAMES. Will the gentleman from South Carolina yield?

Mr. FINLEY. Certainly.

Mr. JAMES. I would like to call his attention to the fact that while the gentleman from New York [Mr. BENNET] appeared to defend the governor of New York, he did not attempt to sustain or approve the contention of the governor of New York as to the income tax.

Mr. FINLEY. I was coming to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. I would like a few minutes more.

Mr. HOWARD. I yield as much time as he desires to take in which to answer the questions that have been propounded to him.

Mr. FINLEY. Now, Mr. Chairman, the gentleman from New York [Mr. BENNET], in defending the governor of New York, was asked this pointed question, as to whether or not he indorsed the views of the governor of New York, to wit, in the matter of the income tax, and whether or not he sustains the contentions of the governor in that respect? Did the gentleman answer? He said he would come to it.

Mr. BENNET of New York. Can I answer right now?

Mr. FINLEY. Unless the gentleman answered when he said he would answer, I think the gentleman is out of order now.

Mr. BENNET of New York. I will answer now, if you say so.

Mr. FINLEY. I think the gentleman is out of order, as, Mr. Chairman, the gentleman from New York said he would answer his question in the course of his remarks, and when he came to it.

Mr. BENNET of New York. I beg the gentleman's pardon. What the gentleman asked me was what I thought of Governor Hughes's reason for the message.

Mr. FINLEY. I beg pardon, Mr. Chairman. I asked the gentleman from New York if he indorsed the position of the governor of New York with respect to the income tax and if he indorsed his contentions in that respect. The gentleman from New York said he would answer that question when he came to it.

Mr. BENNET of New York. That was not the question the gentleman asked me. I will answer it now, if he wants me to do so.

Mr. FINLEY. Go ahead.

Mr. BENNET of New York. I said that as governor of New York he did exactly what was his duty.

Mr. FINLEY. Now, I want to ask the gentleman, in view of all the possibilities and probabilities and political exigencies, what would the gentleman do, and what position would the gentleman take, if he were governor of the State of New York?

Mr. BENNET of New York. I would have done just exactly what Governor Hughes did. I would call the attention of the legislature to the situation in our State. Acting here as a Representative from the State of New York in the United States Congress, it is my duty to act as such.

Mr. FINLEY. Yes.

Mr. BENNET of New York. The duty of the governor of the State is to give such advice as he thinks for the best interest of the State, having in view the interest of the Nation as a whole.

Mr. FINLEY. How would the gentleman differentiate and how would he act as a Member of the Congress of the United States of America and as governor of New York? Would he take one position here and another position as governor of the State?

Mr. BENNET of New York. I voted as a Representative in Congress from the State of New York to submit that question to the States and would give——

Mr. FINLEY. How would you do as the governor of New York? Would you recommend that the legislature or the general assembly of the State of New York pass that amendment?

Mr. BENNET of New York. It seems to me that it is the duty of the governor of any State, New York, or any other State, on a question of that kind, where he is compelled by the constitution to call the attention of the legislature to the facts relating to legislation, about questions that they are to pass upon, to call their attention to the effect that the proposed constitutional amendment would have upon the securities of the State, and at the same time it seems to me——

Mr. FINLEY. Would the gentleman advocate the amendment, as governor of the State of New York in his message to the general assembly, or would he do otherwise?

Mr. BENNET of New York. That is absolutely a hypothetical question.

Mr. FINLEY. I think it is a practical question.

Mr. BENNET of New York. A gentleman's position here is a matter of record in relation to the amendment.

Mr. FINLEY. Would it not be a matter of record as governor of the State of New York?

Mr. BENNET of New York. The action of the governor of the State of New York is a matter of record.

Mr. FINLEY. Yes.

Mr. BENNET of New York. And the two persons are two distinct personalities, acting within their separate spheres, each as it seemed best, and as to the governor of the State, I think he acted correctly.

Mr. FINLEY. Is not this true: That the gentleman looking now from his seat as a Member of the Congress of the United States of America, he does not know what he would do were he governor of the State of New York, but he would do whatever best conserved the politics of his party in the premises? [Laughter.]

Mr. BENNET of New York. Oh, no; the governor of the State of New York has the duty to do what is best for the people of his State, having always in view, of course, the best interests of the Nation as a whole.

Mr. FINLEY. Now, wherein does the duty of one citizen in doing the best for his country differ from his duty in another office in doing what is best for the interest of the Nation as a whole?

Mr. BENNET of New York. Because the two citizens act in different capacities. All States are not situated alike. There may be some States without any indebtedness. I trust there are.

Mr. HOWARD. Is this colloquy taken from Plato's Republic? [Laughter.]

Mr. BENNET of New York. It is taken from FINLEY's time. [Renewed laughter.]

Mr. FINLEY. Mr. Chairman, I am content.

Mr. HOWARD. Mr. Chairman, how much time have I remaining of the allotment of four hours?

The CHAIRMAN. Forty-three and one-half minutes.

Mr. HOWARD. I yield that time to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to address my remarks to-day to the general subject of our Forest Serv-

ice, and in connection with that to speak more particularly of the service as administered in the Ozark National Forest, in Arkansas. I want to ask permission now to insert in connection with my remarks a letter from Associate Forester Price pertaining to the Ozark National Forest, and also a letter from Acting Secretary Moore, relating to the same subject. I ask this in justice to these gentlemen, as it is my purpose to comment upon the contents of both letters.

The CHAIRMAN. The gentleman from Arkansas asks leave to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOYD of Arkansas. Mr. Chairman, the Forest Service is under the general supervision of the Department of Agriculture, and as I have the highest regard for the present Secretary of Agriculture, I want it understood in the outset of my remarks that my criticisms are directed solely against the Bureau of Forestry. The Agricultural Department in its general work is doing a great work for the American people. I have said often, in speeches elsewhere, and repeat here, that I believe that the Department of Agriculture, under the management of the Hon. James Wilson, is doing more to-day for the American people than any other department of this great Government.

In the northern part of my own State the Department of Agriculture is now carrying on a great work in an effort toward tick eradication. Under the work that has been done by this department along this line in the last two or three years, six counties have been released from quarantine. Last year two other counties, Benton and Washington, under the orders of the department, were permitted to ship out their cattle free, on inspection. This work has been worth thousands of dollars to the people of my section of the State. Also, I can not speak in too high terms of the excellent demonstration work that the Department of Agriculture has done in the treatment of diseases of fruit trees in the Ozark region; but I regret to say that there is one branch of the service under the immediate supervision of this department that does not meet with the approval of my people. I refer to the Forest Service; and I want to show you that in that locality there is a direct conflict between two bureaus—the Bureau of Forestry and the Bureau of Animal Industry—in the administration of the law. In the Ozark National Forest, which embraces the vast area of 1,663,300 acres of land, the Forestry Bureau has established certain regulations, one of which is to prevent the burning of the woods. In the counties of Washington, Madison, Newton, Searcy, Van Buren, Stone, and Baxter, located in this reserve, the Bureau of Animal Industry is carrying on a great work, the purpose of which is to exterminate the Texas cattle tick.

The Bureau of Animal Industry tell our people to burn the woods as a remedy against cattle ticks on open ranges. The forestry officers, operating in the same identical territory, by their regulations forbid burning the woods. Thus we have two different departments of this Government working at cross-purposes, each paid by public money. I think it is proper for us to inquire as to which one of these bureaus is doing good service to the people, and abolish the other.

But before going into further details in regard to the Ozark National Forest I want to submit a few brief observations in regard to the general Forest Service of the United States as at present administered. The rapid growth, development, and expansion of the Bureau of Forestry is astounding to me, and I believe a mere recital of a few plain facts of history, showing its present scope and its constantly increasing cost will astonish many other Members of this House. President Taft, in his message of January 14 last, in speaking of the extent of our forest reserves says:

> The forest reserves of the United States, some 190,000,000 acres in extent, are under the control of the Department of Agriculture, with authority adequate to preserve them and to extend their growth so far as that may be practicable. The importance of the maintenance of our forests can not be exaggerated. The possibility of a scientific treatment of forests so that they shall be made to yield a large return in timber without really reducing the supply has been demonstrated in other countries, and we should work toward the standard set by them as far as their methods are applicable to our conditions.

Thus it will be observed that nearly 200,000,000 acres of the public lands have been withdrawn from entry and are now included in forest reservations. This, too, notwithstanding the fact that our population is constantly increasing, our cities are crowded to overflowing, and food products to-day are so high that tens of thousands of our people are denied the ordinary comforts of American life in the use of customary foods. The price of meat has become so high that a silent boycott is now being carried on all over the country against the meat trust. People refuse to buy and eat meat on account of the high prices. I believe that millions of acres of land now embraced in these numerous forest reserves should be thrown open to settlement under the homestead laws, and unemployed people should be encouraged to leave our crowded cities and make homes and farms on every foot of the public lands that can be utilized for such purpose.

The Forest Service in the United States, to say the least of it, is only in an experimental stage, and I believe that the President has erred in creating so many of these forest reservations, and that the Congress has erred in making these enormous appropriations to maintain them. That brings me to the subject of these constantly increasing appropriations, and the constantly widening scope of this Forestry Bureau.

Section 24 of the act approved March 3, 1891, entitled "An act to repeal the timber-culture act, and for other purposes," reads as follows:

> The President of the United States may, from time to time, set apart and reserve in any State having public land bearing forest on any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof. (See Supp. Rev. Stat., 1901, vol. 2, p. 1534.)

In this act is found the authority for the establishment of all of these numerous forest reserves. From 1891, the date of the passage of that act, until 1903, the appropriations for the Forest Service were moderate. After that I desire to call your attention to some figures. In the act making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1904, approved March 3, 1903, the total appropriation for the Bureau of Forestry is $350,000. For the fiscal year ending June 30, 1905, the total for Forestry Bureau is $425,140. For the fiscal year ending June 30, 1906, the total appropriations for the Bureau of Forestry Service is $875,000. For the fiscal year ending June 30, 1907, the total appropriations for the Forestry Bureau is $1,000,000. For the fiscal year ending June 30, 1908, the total appropriation for the Forestry Service is $2,646,200. For the fiscal year ending June 30, 1909, the total appropriation for the Forest Service is $3,896,200. For the fiscal year ending June 30, 1910, the total appropriation for the Forest Service is $4,646,200. For the fiscal year ending June 30, 1911, the agricultural bill passed by the House February 4, 1910, had a total appropriation for the Forest Service of $5,057,700.

Thus it will be seen that every succeeding year the appropriations for the Forest Service have more than doubled in some instances, and in most instances almost doubled.

Since the act was passed in 1891 authorizing the President to set apart forest reservations there have been, by executive order and proclamation, established 150 national forest reserves. Under the terms of the agricultural bill passed by the House a few days ago the average cost of maintaining each of these reserves is $33,718 a year. The total appropriation carried in the agricultural bill for this year as it passed the House is $13,330,276. Deducting from this the amount of $5,057,700, being the amount appropriated for the Forest Service alone, it leaves a balance of $8,272,576 to carry on all the other work of this great Department of Agriculture, which, to my mind, is of infinitely more importance and service to the people than the Forest Service.

I am aware that this is one of the progressive policies of President Roosevelt. I am aware that President Taft has in a way committed himself to it. I am aware that former President Roosevelt called a conference of governors of the States on the conservation of our resources, and many governors of the different States committed themselves to the conservation policies of the President. I am also aware that the Forester, Gifford Pinchot, published many books and pamphlets, and that his associates furnished editorials to the newspapers and magazines tending to popularize, and intended to popularize, this branch of the public service. That it has been popularized in the public mind I concede, and popularized, I fear, at the government expense and with public funds.

But nevertheless and notwithstanding, I do not hesitate to say that in my judgment there is no justification or excuse for the extravagant and constantly increasing appropriations from year to year to maintain the Bureau of Forestry. I believe that forest reservations have been multiplied unnecessarily, and as a result these growing appropriations have become burdensome to the people. Therefore I think that it is time for us to call a halt, retrace our steps, and abolish many of these reservations that were improvidently established.

Now, the distribution of these enormous sums appropriated from year to year is equally indefensible. Aside from the salaries for the head officials for the Forestry Bureau, and a few of their assistants and clerks, these appropriations have been

made in a lump sum, to be disbursed by the Bureau of Forestry under the supervision of the Department of Agriculture. I here and now enter my protest against these extravagant appropriations to maintain the service and against the manner of their disbursement and against certain unwarranted purposes for which the public money has been expended. A most flagrant abuse was brought to light the other day when the Comptroller of the Treasury refused to pay the salary of 200 young men employed as forest rangers whom Mr. Pinchot has been sending to college at the public expense, in order that they might learn forestry. The Washington Times on January 20 published an article which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

PAY OF PINCHOT'S PUPILS STOPPED—COMPTROLLER RULES RANGERS CAN NOT ATTEND COLLEGE ON UNCLE SAM.

Some 200 bright young men hired by Gifford Pinchot as forest rangers and sent to college to learn the business, will be informed when they attempt to collect their salaries next pay day that they can not be educated at the expense of the Government, and, furthermore, they can not draw salaries while they are learning the duties they were employed to perform. So the Comptroller of the Treasury decides in a decision announced to-day.

The rangers are attending the short courses at the University of Washington, the University of Montana, the Utah Agricultural College, and the University of Colorado.

The disbursing officers of the Forest Service have been instructed not to pay the salaries of these young men while they are attending the colleges, and the young men themselves have been informed that they will be expected to go to work for their living at the earliest possible moment.

Acting Forester McCabe is named as the person who discovered that the Forestry Bureau was carrying the names of 200 young students in forestry on the rolls as rangers while they were attending college. He wired disbursing officers to cut them off the rolls, and then reported the matter to the Secretary of Agriculture. Secretary Wilson could find no statute under which he was authorized to pay these young men, and asked the comptroller for advice.

Comptroller Tracewell announced his decision to-day. He says, in effect, that the grave doubts as to the legality of the payments that disturbed Mr. McCabe affect him also. In his search of the statutes he has been unable to find anything that authorizes such payments.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman whether or not these forest rangers were paid mileage and per diem on their way from these western countries, where the forests are, to Washington to attend the schools?

Mr. FLOYD of Arkansas. I am not advised upon that point, and can not answer the question.

Mr. STEPHENS of Texas. The gentleman does not know who pays their expenses to and from Washington?

Mr. FLOYD of Arkansas. No; I am not informed as to that.

Mr. HAMMOND. May I interrupt the gentleman?

Mr. FLOYD of Arkansas. Yes.

Mr. HAMMOND. I would like to inquire if the course of training or education given these young men was a general course in forestry, or was it a special course in training designed to fit them for the work for which the Government had employed them?

Mr. FLOYD of Arkansas. In answer to that question I will state that my attention was brought to this matter only a few days ago, as it was brought to the attention of the public generally, and I have no means of information at hand which would answer the gentleman's question.

Mr. HAMMOND. May I ask one further question? If it should develop that these young men were engaged in taking a special course of instruction fitting them for the work they were to do for the Government, not a general course in forestry at all, would not the gentleman think that his criticism would be unwarranted?

Mr. FLOYD of Arkansas. I would not. I do not believe that any officer of this Government, be he Forester or whatever position he may hold, has a right to educate any young man or young men at public expense to perform duties that he has hired them to perform, and that the public is led to believe they were qualified to perform under the law before they were employed. [Applause.] I must decline to yield further on that point.

I wish, now, to call attention more particularly to the Ozark National Forest and the rules and regulations administered therein, which I assume will furnish a fair illustration of what is being done in other reservations. Almost from the beginning of the service in the Ozark Reserve constant complaints have been made to me of the manner in which this service is administered. Strong protests have been made against certain annoying, useless, and vexatious regulations enforced therein, and the more serious complaint has been made that the forest officers, without excuse or justification, have caused many homestead entries, made prior to the establishment of the reserve, to be suspended or held up, and that the general attitude and conduct of forest rangers toward homesteaders is such as to discourage and prevent the making of new homesteads. In July of last year, during the extra session of Congress, in behalf of these complainants, I laid this whole matter personally before Mr. Pinchot, the then Chief Forester. He promised to investigate and report.

Later on Mr. Overton W. Price, the associate forester, whose letter I have already put in the RECORD, wrote to me pertaining to the subject-matter of my previous interview with Mr. Pinchot, in which the associate forester defends the course pursued by the local officers, and insists that the rules and regulations promulgated therein are proper and necessary, and incidentally sets out at some length the policy, object, and purposes sought to be accomplished by the Forestry Bureau. These rules and regulations now in force in the Ozark National Forest may be perfectly proper and salutary in other sections where conditions are somewhat different, but I submit when applied to the Ozark they are vexatious to the settler. In the first place much of the territory embraced in the Ozark Forest Reserve has long been partially settled, and most of the inhabitants who reside therein are old settlers and own their own lands. They are farmers, and stock raisers, and fruit growers, and generally men of moderate circumstances, or very poor. They have been accustomed from time immemorial to allow their stock to run on the range, and in order that the grass may be suitable for pasturage, it has been customary, and they insist it is necessary, to burn the woods each year.

If this is not done, the forest leaves cover the ground and prevent the proper growth of the grass. The regulations of the Forestry Bureau forbid the burning of woods, and at the same time require these farmers and settlers to pay for a grazing permit for all stock running at large in excess of the number fixed by the regulations. The Forestry Bureau places great stress upon the fact that they allow free grazing permits to bona fide settlers. I have been informed that before issuing so-called "free permits," they require the farmer or settler to sign a contract that he will aid the forest rangers in putting out forest fires. When there are a thousand inhabitants to one ranger, I suggest that the ranger gets decidedly the best of the bargain. As a lawyer I insist that a permit which exacts a service in consideration thereof is not in the strict sense a free permit at all.

The associate forester, in his letter, admits that the lands embraced in the Ozark National Forest are of great value for agricultural, including horticultural, purposes, and he insists that the Forestry Bureau encourages the homesteading of these lands.

This is denied by the settlers who reside in the reservation, and I have reason to believe, and do believe, that in spite of the protestations of the associate forester to the contrary, that the policies pursued by the forest rangers, who are the local agents of the department on the ground, do discourage, impede, and prevent further settlement of the region by the homesteaders.

In many communities this remarkable condition exists. Only a small portion of the lands embraced in a given area are public lands. The great body of the lands are privately owned, and now and then there is a segregated body of 40 or 80 or 120 acres of public land, and in order to include these isolated tracts of government land within the reserve they have extended the boundaries around great bodies of land owned privately. In some instances these privately owned lands are rich bottom lands, have been settled and cultivated and owned privately for sixty or seventy years, and yet they are included in the boundaries of this Ozark Reservation and the rules and regulations of the Forest Service are imposed upon the owners thereof and settlers generally. Such a condition is not only unwarranted in law, but it is unjustifiable, inexcusable, and ridiculous.

Now, what do these rangers and other forest officers do? What is the purpose of this Forest Service? What are their policies? My people complained, and I went to the Forest Bureau for information. Such as I received I furnished to the House to-day. Now listen to this extract from the associate forester's letter, which is already placed in the RECORD:

I want to assure you, further, that the Forest Service is most decidedly interested in the development of the country. An effort is now being made to interest hard-wood-using industries in the immense stands of hard woods in Arkansas. If such industries can be introduced, it will mean not only an increase in the value of federal holdings, but also a decided increase in the value of private timber lands.

Also, in the same letter, speaking of selling and cutting timber, he says:

The Forest Service will sell timber which has become matured in order to prevent its waste and also to provide for future crops. The amount in each case will depend upon the wishes of the purchasers and the needs of the community in which it is to be sold, and will be limited only by the capacity of the forest.

If the chief object in establishing forest reservations is to prevent a monopoly of timber lands, and thus and thereby conserve our timber resources, I fail to see the wisdom of the law which permits the forester to cut and sell this timber and thereby deplete and destroy instead of preserving the

forest. I charge that this is the avowed policy of the Forestry Department as at present administered.

I would like to know if there is any man on this floor who can justify such a policy on the part of a public officer? It seems to me that the true policy of the Government should be to protect our timber resources, in order to hold down prices, so as to give the people generally the advantage of cheaper timber. I saw the other day where the Lumberman's Association had indorsed the former Chief Forester, Mr. Pinchot, and his policies. What lumberman would not? Under the general laws of the United States, made to protect our timber, no lumberman or citizen is allowed to purchase timber cut from the public domain, but inside of a forest reservation the forest officers may sell it. And how much may they sell? What is the avowed policy? The amount they may sell "will be limited only," says the associate forester, "by the capacity of the forest." If this is the policy that is contemplated by the Forest Service, then I deny the claim that they have been making that their purpose is to preserve the timber resources of this country.

The Forest Service as administered in the Ozark National Forest, while an annoyance to the people residing therein, is of no profit to the Government and, in my opinion, can never be made so. Upon this point I wish to give you a concrete illustration, based on actual facts, to show how the Ozark National Forest as a business proposition does not pay. The agricultural bill as it passed the House a few days ago carried an appropriation of $32,960 for the Arkansas National Forest and of $29,961 for the Ozark National Forest, making a total of $62,921 appropriated for maintenance of these two reserves located in Arkansas. I think I may fairly assume, and for the sake of illustration and argument I do assume, that the cost of maintenance last year was the same as that now carried in the agricultural bill. The total revenues derived from these two reserves last year—which I take to include fees charged for grazing permits and also moneys received from the sales of timber—are shown in a letter addressed to me by Mr. Willis L. Moore, Acting Secretary, dated August 31, 1909, and which is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., August 31, 1909.

Hon. JOHN C. FLOYD, *Yellville, Ark.*

DEAR MR. FLOYD: The agricultural appropriation act for 1909, approved May 23, 1908, provides as follows:

"That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the state or territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein."

Pending settlement by the Secretary of the Treasury and determination of the exact distributive share of the State of Arkansas, the following report from the records of the Forest Service will show you the net receipts from the national forests in your State during the fiscal year beginning July 1, 1908, and ending June 30, 1909, and the approximate (but perhaps not the exact) amount due under the terms of the act just quoted:

Arkansas	$4,948.08
Ozark	1,398.90
Total	6,346.98
Twenty-five per cent	1,586.74

It gives me great pleasure to notify you of this direct contribution of the national forests to the schools and roads in the counties of your State in which the forests lie.

Very sincerely, yours,

WILLIS L. MOORE,
Acting Secretary.

Thus, it will be observed that by an expenditure of $62,921 in maintaining the Arkansas and Ozark national forests the Government has derived revenues therefrom, from all sources, of $6,346.98, of which amount $1,586.74 has been paid to the State, leaving a small balance of $4,760.34 to the credit of the Federal Government. If this is a fair sample of the profits of the Forest Service, as at present administered, I submit in all seriousness that it is time for Congress and the country to cease to look upon the Forest Service as a revenue-producing branch of the public service, and to so modify and amend our present laws as to let the Forester go out of the business of selling grazing permits and cutting and selling timber off of the public lands.

Let us consider the Ozark separately, for that is the one I am specially interested in; 1,663,300 acres are embraced within its broad area, and yet the total receipts amounted to $1,398.90. Under the law 25 per cent of this amount goes to the State. Deducting the amount that goes to the State, we find by an expenditure by the Federal Government of more than $29,000 to maintain this service we have derived a revenue of a little over $1,000; and the claim often made that the Forest Service can be made to become a revenue-producing service falls to the ground. Now, if this is a fair illustration of the administration of the Forest Service throughout the country, I repeat that it is time for the Congress to repeal the laws now in force and let the Forester out of the lumber business; put a stop to his selling grazing permits and cutting and selling government timber on the specious pretense that it is protecting the forests, when in reality such a policy will result inevitably in the destruction of our forests. [Applause.]

Being convinced that the Ozark National Forest is of no benefit to the people and its maintenance a useless expense to the Government, I have to-day introduced a bill to abolish the Ozark Reserve.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. CLARK of Missouri. What did they do with the $29,000?

Mr. FLOYD of Arkansas. No living man on this earth that I have conferred with has been able to tell me. I do not know. [Applause on the Democratic side.]

Mr. CLARK of Missouri. What kind of control, in fact, do they undertake to exercise over the farms of Tom, Dick, and Harry that are inside of the lines of the reservation?

Mr. FLOYD of Arkansas. I am glad the gentleman asked me the question. I will take pleasure in explaining it. They have a regulation that forbids the settler or anyone else from allowing their stock to run upon the range above a certain number fixed by the regulations, and if the farmer who lives within that territory and owns his own land permits his stock to run upon the range, although there may be only one 40 acres of public land to a thousand acres of privately owned land, they compel the farmer in that territory to conform to these regulations; and if he violates them they hold him responsible for the violation of these sacred laws that they have instituted for the government of the people down there.

Mr. STEPHENS of Texas. Is it not a fact also that there is a conflict between two departments of the Government in this; that they are not permitted to burn off these forest reservations by this department under Mr. Pinchot, while under the Animal Bureau, to protect the people from the fever ticks, and so forth, they are required to burn it off? What does the gentleman know about that?

Mr. FLOYD of Arkansas. I think I have stated that in my previous remarks.

Mr. STEPHENS of Texas. I was not in.

Mr. FLOYD of Arkansas (continuing). And explained it.

Mr. STEPHENS of Texas. Is that true?

Mr. FLOYD of Arkansas. It is. Both of these bureaus are at work in the northern part of Arkansas. The Bureau of Animal Industry is engaged in a most laudable and praiseworthy effort to stamp out the cattle ticks in the counties of Washington, Madison, Baxter, and others in the Ozark Forest Reserve, and yet the Bureau of Animal Industry have issued a bulletin advising people, as a remedy to destroy ticks in open ranges, to burn the open woods, while the regulations of the Forest Service forbid it.

Mr. STEPHENS of Texas. Can the gentleman inform us, then, which bureau prevailed?

Mr. FLOYD of Arkansas. I think the Forestry Bureau prevailed. Here is what the associate forester says on that point. He seems, in his letter to me, to have anticipated that very question. He seems to have realized the force of such objection, and he says:

The question of eradicating the Texas-fever tick is, I realize, of the greatest importance. Investigation by the Bureau of Animal Industry, however, has shown that cattle which are raised in a tick-infested country as a rule are immune. The Farmers' Bulletin No. 258, of the United States Department of Agriculture, "Texas or tick fever and its prevention," indicates that the range can not be cleared entirely of fever ticks by burning unless the tick-infested cattle are kept off the burnt-over area. This, of course, is impossible in an open range.

He knows they are working at cross purposes with this other bureau, and he tries to justify it, but such an explanation is entirely unsatisfactory to me, and it will be entirely unsatisfactory to anyone who has given any study whatever to the question of the effect the fever tick has upon the cattle of the country. Experts have demonstrated that it not only kills cattle in some cases, but even where they are immune it prevents their growth and development.

Mr. CARTER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. FLOYD of Arkansas. Certainly.

Mr. CARTER. I would like to ask the gentleman from Arkansas how this forest reserve was acquired. Was it segre-

gated from the government land or was land purchased for the establishment?

Mr. FLOYD of Arkansas. I will take pleasure in answering the question. It was established in 1908 by executive order of President Roosevelt, and it extended over a vast area, covering in whole or in part thirteen or fourteen counties in the State, entirely ignoring the fact that hundreds of people had settled therein, acquired titles to their lands, and lived within those boundaries. Of course there is some public land within those boundaries, but they never purchased an acre of ground from any settler. On the contrary, if complaints made to me are true, these forest officers—and I have letters received only yesterday stating it—these forest officers have been and now are interfering with bona fide settlers, holding up their claims, causing cancellations, or seeking to do so, in order that they may enlarge the area of government lands within that territory.

Mr. CARTER. Mr. Chairman, I am very much interested in what the gentleman says, for the reason that they are attempting now to establish a forest reserve in Oklahoma, in my district, and in order to establish that forest reserve it will be necessary to buy 1,373,000 acres, which will cost seven or eight million dollars.

Mr. FLOYD of Arkansas. Not at all. If they do as they did in Arkansas, they will come down and take it. [Laughter.]

Now, a word as to the law. I will quote the statute and put it into the RECORD. I insist and assert that the mountain lands, the high table-lands of the Ozark or Boston Mountain Range, in which is included the body of this reservation, are fine agricultural lands, and as fruit lands they are of exceeding great value. The Boston Mountains spread out in a level plateau of 2,000 feet above sea level, and of varying width, from 1 to 35 miles. It has been demonstrated that on the top of this mountain range are the finest fruit lands of any in Arkansas, and Arkansas has acquired the reputation of being one of the finest apple-growing States in this Union.

Well, now, horticulture is included in agriculture. All products produced from the soil by way of crops are embraced in the broad term "agriculture." I assert that these are agricultural lands, and so asserting I insist and contend that the President of the United States had no right, under the law, to include them within a forest reserve. To do so was a plain violation of the legislative intent as expressed by the statute now upon the statute books.

Now, what did Congress say in providing for the establishment of these reservations? I will not read the entire provision of the law, just the last part. It goes on and provides how they may be established and what may be included, and then it declares in unequivocal terms the intent of Congress by saying:

> But it is not the purpose or intent of these provisions or of the act to provide for such reserves to authorize the inclusion therein of lands more valuable for the minerals thereunder or for agricultural purposes than for forest purposes.

Now, the lands that have been included in this Ozark reserve under that rule far exceed in value for agricultural purposes any value that they now possess, or ever could possess, for timber purposes. A part of Washington County is included in this reserve. Washington County, Mr. Chairman, is the university county of the State, and yet they have a large portion of it in the forest reserve; and if they had extended a few miles farther north they would have taken in the state university.

I contend that it can be established beyond controversy that the great body of the lands embraced in the Ozark National Forest are agricultural lands and that their value for agriculture and horticultural purposes far exceeds their value as timber lands. If this be true, then the President in establishing the Ozark Reserve clearly disregarded the legislative intent of Congress, as defined and set out in the statute just cited. If the President, from insufficient information or from misinformation furnished him by his subordinates, has been led into the error of establishing forest reservations on lands which, under plain provisions of the law, should be excluded therefrom, that of itself, in my opinion, affords a sufficient reason to warrant Congress to abolish any such reserve.

The Ozark National Forest embraces the Boston Mountain Range, which is a spur of the Ozarks, but is not confined thereto, for it embraces other lands lying adjacent thereto, in which are rich valleys of farm lands which have been owned privately and cultivated since the earliest settlement of the country. The Boston Mountains continue in an unbroken range from a point in Washington County where the Illinois River cuts through a low gap and flows westward into Oklahoma for about 125 miles to a point near Leslie, Ark., where the Red River finds its outlet through a gorge in the mountains and flows eastward to the lowlands of the Mississippi Valley. The country is well watered; the climate is healthy and salubrious. These lands are fair agricultural lands, and will produce corn, cotton, wheat, oats, tobacco, and other farm products grown in that latitude. They are especially adapted to vegetables and horticulture.

Northwest Arkansas has gained a reputation, and justly so, of being one of the finest fruit regions in the United States. While a great variety of fruit is produced there, its soil and climate are especially adapted to the apple, and it has become popularly called "the land of big red apples." But I want to say that I have been over this apple and fruit section of the State repeatedly from my earliest boyhood and that, in my judgment, there are no finer fruit lands in the State than the north slopes and high table-lands of the Boston Mountains. In the south part of Washington County, where the quality of these mountain lands has been tested with reference to fruit growing by the planting of commercial orchards, it has been demonstrated that they are not surpassed in productive value as fruit lands by any lands in northwest Arkansas. These lands devoted to practical fruit raising will far exceed in productive value the rich alluvial lands of the Mississippi Delta. In the counties of Benton and Washington, which are almost exclusively devoted to fruit raising, and where the fruit industry is highly developed and where the orchards are scientifically cared for, the owners of orchards, any average fruit year, realize $100 per acre off of their apple crop, selling their apples on trees. The buyer pays all expense of gathering.

I think you will agree with me that a vast region of territory, embracing several hundred thousand acres of land equally adapted by soil, climate, altitude, and other conditions to fruit growing, but not developed as fruit lands, simply because remote from transportation, ought not to be included in a forest reservation. Not only the spirit but the plain letter of the law is disregarded when lands such as I have described and such as I know the Ozark table-lands to be are included in any such reservation.

As a last and final argument for the abolishment of the Ozark National Forest, I submit that it is of no benefit whatever to the people affected thereby or to the people generally. To maintain such reserve may be of benefit to the numerous stave mills, sawmills, spoke factories, hub factories, barrel factories, and other hard-wood using industries located along the line of the Missouri and North Arkansas Railroad, and probably is a benefit to these concerns in two ways; it may have already enhanced the value of their private timber lands, and when they have used up their own timber it will enable them, if they so desire, to purchase timber cut from the reserve and sold by the forest officers.

It is not my purpose to assail any sound policy looking to the conservation of our forests. On the contrary, I am a strong believer in the proposition that our forests should be protected and conserved by proper laws looking to their preservation. But I think that the policies of the Forestry Bureau, as outlined and set forth in the associate forester's letter, are a sham, a pretense, and a fraud, and if followed will result in the rapid depletion and destruction of our forests rather than their preservation. How much timber does he propose to sell? That will depend upon the wishes of the purchasers and will be limited only by the capacity of the forests. To whom does he propose to sell it? To local people according to their needs? Ah, no. At the very time he was penning his letter he tells us that an effort was being made by the Forestry Bureau to induce hard-wood using industries to come into the immense stands of hard wood in Arkansas. If success accompanied such efforts and such concerns could be induced to come in, what would be the result? Listen! It would not only increase the value of federal holdings, but also enhance the value of privately owned timber lands. And that, too, by that bureau whose former chief was the sworn enemy of land grabbers, timber speculators, and corporations seeking to acquire titles to the public lands. Further comment is unnecessary. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

APPENDIX.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, August 6, 1909.

HON. JOHN C. FLOYD,
House of Representatives.

DEAR MR. FLOYD: In accordance with the promise in my letter of July 13, I am very glad indeed to take up further with you the administration of the national forests in Arkansas. As you know, there are at the present time two forests in the State, the Arkansas, with an

area of approximately 1,663,300 acres, situated in Sebastian, Scott, Logan, Yell, Perry, Saline, Garland, Montgomery, Pike, Polk, and Howard counties. At the present time Supervisor S. J. Record, with headquarters at Mena, Ark., is in charge. The Ozark, situated in Crawford, Washington, Madison, Franklin, Johnson, Newton, Pope, Van Buren, Conway, Searcy, Marion, Baxter, Stone, and Cleburne counties, has an area of 1,526,481 acres. This forest is in charge of Supervisor D. E. Fitton, with headquarters at Harrison.

It is of course needless for me to take up with you the character of the land and timber included in these forests, since you are as familiar as I am with the areas, or even more so. It is also needless for me to outline the main consideration of the Forest Service in the administration of these lands, which is the best good to the greatest number of people. It is the plan of the Forest Service, under existing laws and regulations, or the modifications of existing regulations wherever necessary, to put all land included within the forest to the best possible use, and this I am sure you will agree will result in the end in the greatest amount of good to the people interested and to the counties and to the State.

While much of the timber in the Arkansas forests is at the present time comparatively inaccessible, it will within a few years be exceedingly valuable because of the exhaustion of the timber supply in other parts of Arkansas and neighboring States. The preservation of this timber and its management according to a systematic plan is bound, therefore, to aid materially in the development of central and western Arkansas. In the management of the timber it is the plan of the Forest Service to conduct cuttings so that unnecessary waste will be prevented and to provide for the maximum amount of the best kinds of timber in the future.

SALE OF TIMBER.

The Forest Service will sell timber which has become matured, in order to prevent its waste and also to provide for future crops. The amount in each case will depend upon the wishes of purchasers and the needs of the community in which it is to be sold, and will be limited only by the capacity of the forest. When residents in the forests need green timber for improvements and have not a sufficient supply upon their own lands, it may be obtained in reasonable amounts under free use from forest officers. If actually needed for domestic use, dead timber and pine knots may hereafter be taken without permit. Timber so taken may not, however, be sold.

Mr. Pinchot's notes of his conversation with you state that local officers have not administered the forests in accordance with the Use Book. Such violations have not, however, been previously reported to this office or to the district office at Albuquerque. Field examinations by members of the district office, moreover, have failed to disclose any such violations. Certain modifications have, however, been made since the publication of the Use Book, which would not ordinarily be distributed to others than forest officers. Practically all of these, I assure you, which would materially affect the people in Arkansas have been changes toward a more liberal administration of forest lands. For instance, settlers in or near national forests in Arkansas, because of different conditions, have been allowed during the present year to graze under free permit up to 25 head of cattle or horses, 50 hogs, or 75 sheep or goats. A still further modification in allowing the grazing of the above number of stock free of charge and without permit of any kind is now being seriously considered. You will be interested to know, I am sure, that this year on the Arkansas forest there are only 7 paid permits out of a total of approximately 2,000, and on the Ozark only 35 paid permits out of approximately 2,600. Because of the additions of last spring it is possible that the number of paid permits next year may be doubled. The new plan, you will see, works almost no hardship on the people, is very little further restriction than they have been used to, and requires payment only from those who are best able to pay. You are possibly well aware that the requirements of free permits under the prescribed limits has been the cause of more or less complaint, due mainly, I am sure, to a misunderstanding of the regulations.

I want to take up rather fully with you the position which the Forest Service has taken in preventing fires in the Arkansas forests. Old residents of the Ozark Mountain region acknowledge that the grazing in early days was much better than at the present time, after years of burning. It is an acknowledged fact that repeated burning damages the roots of the grass and causes a deterioration of the soil. Old residents of the mountain region also acknowledge that in early days the woods were much more open than at the present time. Fires kill back young trees and cause a great increase in the number of sprouts from the base of the stem. After the sprouting is once started, it takes repeated fires to keep the woods open. If fires are kept out, the woods will of course be dense for a comparatively short time, but after a few years will be open, as in the early days. The people of the mountain region, as you know, place a great deal of importance upon the open woods. I am convinced from the reports which I have received from officers who have gone into the situation thoroughly that the damage to the timber by repeated fires is much underestimated. Even though the woods are burned over annually and the amount of litter and debris which accumulates is very small, the slight fires which occur scar the butts of even the large trees, rots enter, and the trees become defective. An examination of areas burned over repeatedly shows that such areas contain extremely defective timber. Lumbermen in both the Ozark and Arkansas forests acknowledge this fact, and, in general, are opposed to burning the woods. In this connection we should carefully consider the fact that the hard-wood trees, many of which are not now of value, are bound to be valuable in a few years, when the existing supply of more valuable species and accessible timber has been exhausted.

The question of eradicating the Texas-fever tick is, I realize, of the greatest importance. Investigations by the Bureau of Animal Industry, however, have shown that cattle which are raised in a tick-infested country are, as a rule, immune. Farmers' Bulletin 258 of the United States Department of Agriculture, "Texas or tick fever and its prevention," indicates that the range can not be cleared entirely of fever ticks by burning unless tick-infested cattle are kept off from the burned-over areas. This, of course, is impossible in the open range.

One of the most important questions on both the Arkansas forests is that of listing lands under the act of June 11, the forest-homestead act. In examining lands applied for under this act forest officers consider the value of the land for all phases of agriculture, including horticulture. I can assure you that forest officers are taking into full consideration the fact that the lands on top of the mountain ranges are often the most valuable lands, from an agricultural standpoint. In order that the work may be kept up to date, specialists are sent whenever the amount of work is too great to be handled by local officers. One such specialist spent the greater part of last winter making examinations in Arkansas. At the present time on the Ozark Forest applications for 35 forest homesteads have been received which have not yet been examined. Practically all of these applications have been received within the present calendar year. Efforts are now being made to secure special land examiners in Arkansas. In addition, I am informed by the district office at Albuquerque that in order to make a thorough study of the best policy to be followed in recommending lands for listing efforts will soon be made to secure the services of an expert, who, preferably, has some knowledge of forestry, and is connected with an agricultural college in the South and thus knows southern conditions.

It has been the policy of the Forest Service throughout to disregard many of the minor violations of the laws and regulations, such, for instance, as the cutting of very small amounts of timber for sale on unpatented homestead claims before the creation of the forest until the people can become more used to the new requirements.

I want to assure you further that the Forest Service is most decidedly interested in the development of the country. An effort is now being made to interest hard-wood-using industries in the immense stands of hard woods in Arkansas. If such industries can be introduced, it will mean not only an increase in the value of the federal holdings, but also a decided increase in the value of private timber lands.

The allotment for the Ozark National Forest for the present fiscal year provides for 13 field men, including a supervisor, who spends approximately one-half his time in the field, studying on the ground the work which his rangers are doing. It has, however, been rather difficult to secure, at the salaries we can pay, men of requisite ability, and only 11 of these men are now actually employed. The appointment of 2 additional men is expected daily. During the last fiscal year 11 men, including the supervisor, were used in the forest work on the Ozark. It is barely possible that we should have an additional number of men during the present year, but a special effort has been made to provide for the greatest possible number of men, because of the peculiar necessity for keeping the work up to date on the Arkansas forests. Outside of the forest homestead and claims work there is comparatively little at the present time to occupy the attention of forest officers, so that this work is being pushed to the utmost. On July 10 there were only 31 claims on the Arkansas awaiting action, and this, considering the large number of claims in the forest, is, I am sure you will agree, an excellent showing.

As you know, the work in Arkansas is very new and some of the men have not had all of the experience that they should have. It is possible that some of them have made mistakes, and it is also possible that occasionally a man has been overzealous in his attempts to enforce the law. I am confident, however, that homesteaders who have acted in entire good faith and complied with the law have in no case been interfered with. Doubtful cases probably have been held up until we could get at the facts, but no longer. Those who have not complied with the law have no reason to complain if action in their cases has been held up. It has been and is now our policy to cause the least possible trouble to claimants. At the present time when a homestead claim is about to go to patent the Forest Service is notified to this effect by the Land Office. Forest officers are directed to investigate. If there has been substantial compliance with the law no report is made by forest officers to chiefs of field division. Even if there has not been substantial compliance with the law, forest officers will make no report unless passage to patent of the claim is a distinct detriment to the Forest Service in its conservation policy. When, however, there is some doubt about compliance with the law and the passage to patent of the claim would be a distinct detriment to national forest interests, a careful report showing the necessary facts is prepared by the forest officers and submitted without recommendation of any kind through the district office at Albuquerque to a chief of field division of the General Land Office. Forest officers may act as witnesses if a hearing is ordered by the Land Office, but claims are not canceled without the hearing until the claimant has had an opportunity to apply for this privilege. Forest officers have been directed to assist to the utmost claimants who have attempted to comply with the law and who have acted in good faith. No attempt will be made by the Forest Service to take advantage of a technicality in defeating a claim if the claimant has shown good faith and compiled with the law.

The Forest Service appropriation for the fiscal year ending June 30, 1909, included an appropriation of $600,000 for permanent improvements. Of this amount $3,568.75 was expended on the Arkansas and $2,825.33 on the Ozark National Forest. During the present fiscal year $4,758 of the $600,000 appropriation will be expended on the Arkansas and $4,400 on the Ozark, the increase in amount in each case being due to the additions to the forests. This amount is being used in the construction of administrative headquarters, telephone lines for the better administration of the forests, and roads and trails for better communication. The roads and trails particularly are of the greatest benefit to the people, and this has been shown by willingness to cooperate in both their construction and maintenance.

As you know, the administration of the Ozark Forest is very new. The administration has been very much of an innovation and a decided departure from existing conditions. As such it is obvious that there will be more or less opposition. There is much less opposition now, I am convinced, than when the people first felt the full force of the regulations. It is reasonably sure that the sentiment regarding the national forests is much better where forest users come into close contact with the forest officers. It has not been possible until the 1st of July to place under administration the addition to the Ozark National Forest of 608,537 acres. About one-half of the national-forest area of Van Buren County is included within the recent addition. This may account for a large part of the complaints which are being received from that region. I am sure that as soon as the people in Van Buren County fully understand what the Forest Service is attempting to do that the number of complaints will be very much less.

I am calling the condition to the attention of the local forest officers, however, in order that prompt action may be taken if there is ground for discontent. Since I want to find it out if things are wrong, I shall greatly appreciate it if you will send to me for investigation all the complaints which you receive, either from this region or from other parts of the forest.

I have taken up the questions relating to the national forest administration at great length because of your interest in the matter and because I want you to understand fully what the Forest Service is trying to do and the methods it is following. It will be a great pleasure, indeed, to write you further about any points not now clear or about any points which may be brought up in the future, either by your constituents or others. If at any time you should care to make

a personal investigation of our work in Arkansas, I shall be glad, indeed, to direct some of the members from the Albuquerque office or of the local force in Arkansas to accompany you.

Very sincerely, yours, OVERTON W. PRICE,
Associate Forester.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FASSETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, and had further insisted upon its amendment, disagreed to by the House of Representatives, and had disagreed to the amendment of the House to the amendment of the Senate numbered 39.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4654. An act to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington.

The message also announced that the Senate had passed without amendment the bill (H. R. 19399) to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. PERKINS. I ask that the Clerk read.

The CHAIRMAN. There being no further debate the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June 30, 1911, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for ten minutes.

The CHAIRMAN. The gentleman from New York moves to strike out the last word, and asks unanimous consent to proceed for ten minutes. Is there objection?

Mr. PERKINS. I think I have no possible objection, because I believe the gentleman has something to offer that will be pertinent to the bill.

Mr. HARRISON. I mean to discuss the diplomatic service. Mr. Chairman, the Secretary of State has this year paid us an unusual compliment. He has inserted in the hearings which were had before the Committee on Foreign Affairs, an annual report, so to speak, of the conduct of the Department of State. I have always felt that the Secretary should make such a report, as does the Cabinet minister in charge of all other departments. This would relieve the President's message of a good deal of its bulk, and would fix responsibility more clearly where it belongs. I have always wished also that we had the British system of Cabinet ministers appearing personally in the House to make their statements and to challenge debate. In default of that, I venture to offer a few criticisms upon this report made by the Secretary of State.

In each one of the subjects which he discusses his motives were of the worthiest and his purposes of the highest, and setting aside a few paragraphs which some would criticise as jejune and sophomoric language, I think the Secretary in the main has done himself proud by his report; at least credit to his heart, if not always to his head.

But in two respects at least he has given an illustration of the cardinal fact that in diplomacy nothing succeeds like success, and success is the only justification for an audacious stand. This was certainly true of President Cleveland's Venezuela message. It is unfortunately not true of the positions taken by our administration in the Nicaraguan embroglio and in the abortive Manchurian Railway matter.

In the Nicaraguan affair the Secretary of State gave to the world an official communication in which he stated in substance that our Government would find it its duty to see that democratic forms of government were maintained in the Central American States. This threatened interference in their domestic affairs has aroused suspicion in all Latin America. This position, moreover, is utterly untenable, and we will upon some future occasion be required to retire therefrom with haste and mortification. That is all the Federal Government is obliged to see, even as to the constitutions of the States which are members of this Union, and far from being willing to consider the Central American States as members of this Union, upon one occasion at least in our history we specifically refused to admit them when they applied.

As to the Manchurian Railway matter, Secretary Knox no doubt had in mind the prior note of Secretary of State Hay, in which was laid down the policy of the open door in China, and which I can safely say prevented the immediate partition of China by the greedy powers of Europe.

But what did Mr. Knox do? He occupied a bold and advanced position, but untenable, because he met with a flat refusal from all the powers interested. He proposed that the railways of Manchuria should be neutralized, should be purchased and turned over to China; but he met with a refusal from Russia and Japan and other powers interested—a humiliating check for American diplomacy which can not fail to impair our prestige abroad.

But one matter he does not discuss in his report, which seems to me to be pertinent to the appropriation of salaries of ambassadors. I refer to the obvious difficulty to-day of securing men of proper character and ability to serve this country abroad. For example, take the question of the French mission. For many months that embassy was vacant, until a man of proper caliber was obtained for the post. Take the Austrian mission. After long delay a man has been sent at last to Austria, who, to judge by the articles in the daily press, is measured as to his services chiefly by the size of his campaign contributions.

Take the case of the English mission. After this has been publicly declined by a noted educator, it has been offered by the newspapers to men in every rank of life, and has been treated as a football by newspaper editors.

How unfortunate this situation is may be judged when it appeared in a New York newspaper yesterday that the situation had tapered down to Mr. Paul Morton. He was nominated for the embassy to England by a New York newspaper, which hastened to add that developments had occurred in the last week which made it imperative to appoint a successor to Mr. Reid. Why, if Mr. Morton, with his record as a repeated, self-confessed violator of the law, is to be an ambassador to Great Britain, it will become patent to all the world that the path of the rebater is to lead to the foot of the throne.

Take, again, the mission to China. After this had been offered to at least a dozen American citizens, the very unfortunate Crane incident came about. I need not enter into this, as it is so well known to all the members of the committee, but it certainly does not enhance the dignity of the American diplomatic service.

Why is it that it is so difficult to secure men for the diplomatic service to-day? In my opinion, at least, largely because the ocean cable has destroyed diplomacy. To-day ambassadors are too often messenger boys in silk knee breeches, with toy swords, who spend their whole time either being photographed as the hosts of royalty or chanting the monotonous and sometimes nauseating song of "Hands Across the Sea."

Now, to a real, active, virile man, such a position would be intolerable, and the consequence is that it is very difficult to get substantial and responsible Americans to take these positions abroad. They would rather stay here and attend to their own business affairs. Sometimes, indeed, loaded down with honors in the evening of life, an American may consent thus to pass his declining years in the best society of Europe. But that in itself is not sufficient to appeal to all Americans.

I see, however, that into this atmosphere of stagnation and decay there has come a breath of fresh air for which Secretary Knox appears to be responsible.

This is what is now referred to as "dollar diplomacy." That seems to mean that the Secretary of State is going hereafter to value our foreign representatives by the cash amount of trade which they can bring into American business coffers.

[The time of Mr. HARRISON having expired, by unanimous consent his time was extended three minutes.]

This dollar diplomacy, no doubt, will cause a thrill of horror in the minds of those of our ambassadors abroad who spend their days entirely in the society of aristocrats where the mere mention of trade is vulgar. To those of our foreign representatives whose evening are spent "galling the kibe of the courtiers," a shudder of dismay will proceed upon the adoption of the new dollar diplomacy, but to every American citizen who has traveled abroad and who values at its present worth the American diplomatic service, it will come as a matter of rejoicing that at last some real work is to be given to American diplomats, so that they may earn the respect and regard of their contemporaries and the salaries which we are now called upon to vote them. [Applause.]

Mr. PERKINS. Mr. Chairman, I have no desire to enter into any prolonged debate on the questions suggested by my

colleague from New York, and in many of his views I entirely concur; and for the reason that I do in some, I feel bound to express my dissent in others.

So far as the hope expressed, if it was expressed in those words, that a republican form of government should be established and insured in the Central American States, or some of them, I confess my hopes are no more sanguine than are those of my colleague from New York. What the future may have in store no person can say, and I doubt if conditions there are such at present that anyone with any reasonable hope can look for the establishment of a form of government that deserves the name of a republic.

On the other hand, I do not agree with my friend in his criticism of the policy of the Secretary of State in reference to endeavors to open trade in the East. Certainly the worst policy—the policy that is least effective—in pushing American wares, in extending American influence, is the policy that does nothing. It is better to endeavor to extend the influence of the country in certain branches here and there, even though it may not always be successful, than to sit in the State Department at Washington and leave the world outside to wag its way.

I doubt if the prestige of the United States was in any way injured by the endeavors made in reference to the Manchurian Railway. If nothing is accomplished now no one can say what may be accomplished in the future. I wish to call my friend's attention to the fact in reference to the Chinese loan, for instance, which certainly has an indirect value not to be underestimated, that there were rebuffs and rebukes, but finally American capital had its certain part in that loan, and the value of that, I think, we will all agree to.

Mr. HARRISON. Will the gentleman yield for an interruption?

Mr. PERKINS. Certainly.

Mr. HARRISON. Is the gentleman aware of the negotiations surrounding the securing of that Manchurian railway loan among the bankers of my city in which certain bankers prominently mentioned as being connected with the money trust had the right of way, and other bankers were entirely excluded from sharing in the loan?

Mr. PERKINS. Well, we will not go into the details of that now, but if we are going to send American money around the world to exert American influence, we have got to take any sort of American money; we can not say that American money shall be of no value furnished by some people, and shall be of a value when furnished by others.

Mr. HARRISON. That is exactly what I claim.

Mr. PERKINS. The money was furnished by the great business interests. Now, as to the foreign ambassadors I agree that the compensation is too small. I hope the gentleman will support the bill which the committee has reported, authorizing from time to time the purchase of embassies, and I think he will find that the indisposition to accept these offices is because the compensation is so insufficient.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Chargés d'affaires ad interim, $40,000; total, $550,500.

Mr. SULZER. Mr. Chairman, I rise for the purpose of making an inquiry. I ask the chairman of the committee having this legislation in charge if this bill carries any appropriation or provision for the purchase or the acquisition of sites for legations and embassies in the capital cities of the world?

Mr. PERKINS. It does not. The committee has reported a separate bill for that purpose. There is no appropriation of that kind in this bill.

Mr. SULZER. In this connection I just want to say that I am in favor of the Government buying and owning in all foreign countries suitable residences for its ministers and ambassadors. I hope the plan will be adopted by the committee and carried out in a separate bill. I understand there is such a bill. Am I correct?

Mr. PERKINS. There is, and I hope the gentleman will support it.

Mr. SULZER. I certainly will. Has the bill been reported?

Mr. PERKINS. It has been reported from the committee.

Mr. SULZER. I am very glad to know that, and I trust the bill will soon pass and become a law. In my judgment it will be wise, economical, and democratic for us to adopt a plan sufficiently comprehensive in scope to enable the Government gradually to buy suitable official residences, or buy a site and build on it a suitable official residence, for its representatives in foreign countries. It can be done gradually and along safe and economical lines. It may take ten or twenty years, but ultimately it will be accomplished, and then this great Republic will own in its own name, furnished and complete, with the flag of our country forever floating above it—a harbor of refuge to all—a legation, or an embassy, in foreign countries commensurate with its dignity and importance; and then, and not till then, will brains and fitness instead of wealth and position be the qualifications for appointment in the American diplomatic service. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be deemed necessary by the Department of State, with a view to supplying interpreters to the embassy and consulates in Turkey, at $1,000 each, $10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to inquire, first, how many languages it is necessary to have these student interpreters learn?

Mr. TAWNEY. One moment. Does the gentleman reserve the point of order on the entire paragraph?

Mr. MANN. Yes.

Mr. TAWNEY. I reserve the point of order on that language in the paragraph beginning with the word "and," at the end of line 16, down to the word "State" in line 18.

Mr. MANN. That covers the same thing. That is what I want to ask about. How many languages is it necessary for these student interpreters to learn?

Mr. PERKINS. They can profitably, in almost all those eastern countries, be familiarized with two languages. Some of them are sent to Persia and some to places where Arabic is used. Certainly as long as we pay these young men and take care of them we may just as well make them learn two languages as one.

Mr. MANN. That may be the case. I can see a great deal of force in that proposition.

Mr. PERKINS. That is about the size of it.

Mr. MANN. That might be true, but there is no limitation here. I notice the cost of these student interpreters is gradually increasing. A few years ago we were told if we would pay a moderate amount for them per month or per year that would be sufficient. Now we are asked to pay a little more. We are now supposed to supply them with quarters and some other things, and I simply would like to get an idea in my head as to whether, with the increase of the knowledge they are to acquire, we are to increase the expense of their maintenance.

Mr. PERKINS. No; the salary that is paid these interpreters is the same that was paid before this additional requirement was made. The only change made is that whereas formerly we furnished buildings for the interpreters in China and, I think, in Japan, we did not in Turkey. There seems no good reason why we should not in Turkey as well as in China. Then, the gentleman will recognize the necessity of the increase of compensation all along the line, grown out of the desire expressed by Congress, and I think it is a most wholesome desire, that all of these people should be Americans. Many of these interpreters, when we got interpreters at $500 a year in China, were Chinese, or of different nationalities—they were not always brought from America. These young men educated in that way are young Americans, and after they have received this education, the expense of which is not much, we are informed by the State Department that they are among the most useful employees in the consular service.

Mr. MANN. I suppose they get into the consular service.

Mr. PERKINS. They do. They go into the consular service and quite often receive promotion and in time achieve respectable positions in the consular service. Of course, some that are unsatisfactory are dropped, but a large portion do well.

Mr. MANN. Here is a case where we offer to educate a man and pay him $1,000 a year in order to educate him. That covers his expense. There are probably 10,000 young men in America who would like to accept such a position. There are a great many who would like to go to West Point, where they receive $000 a year; a great many who would like to go to Annapolis, where, I believe, they receive $600 a year. I can see a reason for saying that these young men shall be Americans. If we pay them at the rate of $1,000 a year, that certainly is not a small sum out of which a student must take care of himself abroad. It is not a small sum in this country. The average student in

this country receives far less than $1,000 a year when he is away from home at college.

Mr. PERKINS. I would state to my friend what he probably knows, but, perhaps, for the moment has not in his mind, that these positions are not open to any young American who thinks he would like to spend a few years abroad being educated by the Government and receive $1,000 a year, but he has to sign an agreement that at the close of his education he will remain at least five years in the service of the Government.

Mr. MANN. And if you could get the Government to sign an agreement that he should remain in the service of the Government for twenty-five years he would jump with joy. He is glad to sign an agreement for five years' salary after he stops being a student interpreter with the assurance that he is going to enter the government service, which makes him certain that he is going into the diplomatic and consular service of the United States.

Mr. FASSETT. There is no objection to it.

Mr. MANN. Certainly not; it is to his interest, and we could acquire plenty of them if we only paid them $500, although I am not quibbling about the amount. I see no reason why they should not be paid a reasonable amount.

Mr. PERKINS. That amount has always been paid, $1,000 a year.

Mr. MANN. I notice that the salary of the interpreter, who is not the student interpreter, at Bangkok, however, you have increased, and I suppose to get an American.

Mr. PERKINS. I will explain that to the gentleman; there is really no increase there at all.

Mr. MANN. There may be really no increase; but then it certainly needs explanation, because when one year we appropriate $500 and the next year $1,500 it looks as if either there was an increase or else queer work.

Mr. PERKINS. I will explain that to the gentleman now. This man received $500 a year. Well, they could not get for an appropriation of $500 this particular man, who is a good, competent man. They had there a work of antiquity, what was called a jail of some sort which was never used, but for many years in the bill there was an appropriation of $1,000 for a jailer, and the interpreter got $500 for being an interpreter and $1,000 for being jailer. This bill abolishes the jail and the jailer, which was a farce. It may have been useful at some time in the past; and the man receives the coming year exactly what he received last year, but he receives it for the one office, the work of which he does, and the jail and the jailer in this place have passed into history.

Mr. MANN. It passed into history before, did it not?

Mr. PERKINS. No. In the appropriation bill a year ago the gentleman will find there was $500 paid to an interpreter and $1,000 to a jailer, but as a matter of fact it was the same man who got them both.

Mr. MANN. Well, that was certainly subject to criticism on the part of some one, that under the head of expenses for prisons for American convicts there has been carried for some years an appropriation for the expense of a prison and the prison keeper at the consulate general at Bangkok, $1,000.

Now, if it be true that it was not for the expense of prisons for American convicts and was simply a method for paying somebody a salary, the State Department—and, I am not sure, the gentleman's committee—is probably subject to some criticism.

Mr. PERKINS. Well, not the gentleman's committee, except the criticism that is passed upon ignorance, because we did not know about it.

Mr. MANN. Then, the State Department; they knew about it.

Mr. PERKINS. There was a time when this jail was used, but in the course of years—for quite a number of years now—no prisoners have been confined there. Now, conditions have so changed in the East by the establishment of the United States Chinese court, and otherwise, that this jail is obsolete and the department recommends that it be abandoned legally, as for some it has been practically.

Mr. HINSHAW. Was the jail used for American citizens?

Mr. PERKINS. Why, it was used for American citizens who were criminals, but there are no American criminals there, and have not been for some time.

Mr. MANN. Well, that is probably true about the rest of these you have under the same item; at least we will find out whether there is any authority of law for it. If the State Department proposes to ask Congress for appropriations for one thing, for the purpose of using it to pay somebody's salary, that is hardly fair.

Mr. PERKINS. I do not think there was any intention of that sort. The thing hung along.

Mr. TAWNEY. I wish to ask the gentleman in charge of the bill a few questions in regard to this paragraph beginning on line 14, page 7. The paragraph as heretofore carried in previous diplomatic and consular appropriation bills read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey with a view of supplying interpreters to the embassy and consulates in Turkey.

Now, I desire to know if that language is not sufficiently particular to admit of these student interpreters studying any language that may be necessary in the consular service in Turkey?

Mr. PERKINS. I am perfectly frank to say, Mr. Chairman, that if I had the honor of being the officer in the State Department who has charge of these interpreters, and I told one of them to study Turkish or Sanskrit, or anything else, the fellow would do it or lose his job; but I see no harm in this provision.

Mr. TAWNEY. But the language which the committee has added, and which is new language, is as follows:

Or any other language that may be deemed necessary by the Department of State—

Now, I think if it is necessary to enlarge——

Mr. FASSETT. Read right on.

Mr. TAWNEY (reading):

with a view to supplying interpreters to the embassy and consulates in Turkey.

But this language here would admit of the State Department appointing student interpreters to study any language that it saw fit—the English language, the German language, the French language, or any other.

Now, I think there ought to be some limitation upon the authority of the State Department in respect to the language that can be taught. I wanted to ask the gentleman from New York if he would not accept an amendment, by striking out in line 17 the word "deemed" and the word "by;" also the words "the Department of State with a view of supplying," and insert, after the words "United States," "to qualify them for service as interpreters to the embassy and consulates in Turkey," making it read:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey.

Mr. PERKINS. I will say, Mr. Chairman——

Mr. TAWNEY. That will really make it impossible for the State Department to employ anyone there at the expense of the Government to study any language other than that which is necessary to supply them for anything but interpreters in Turkey.

Mr. MANN. That would include French.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

Mr. MANN. At the suggestion of the gentleman in charge of the bill, I will withdraw the point of order on the paragraph.

Mr. TAWNEY. I also withdraw the point of order and offer an amendment to strike out the word "deemed" and the word "by," in line 17, and all of line 18, and insert after the words "United States," "to qualify them for service as interpreters to the embassy," and so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "deemed" and the word "by," in line 17; also strike out all of line 18, and insert after the words "United States" the words "to qualify them for service as."

Mr. PERKINS. Mr. Chairman, I ask that the Clerk now report the section as it will read when amended, beginning at line 14 down to and including line 19.

The CHAIRMAN. Without objection, the Clerk will report the section.

The Clerk read as follows:

Amend so as to read:

"For ten student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the payment of the cost of tuition of student interpreters at the embassy to Turkey, at the rate of $125 per annum each, $1,250.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to make an inquiry, if I may, who this

money is paid to. Is this to add to the salary of some one else in the legation?

Mr. PERKINS. As I understand, it is paid for just what it says—the cost of their tuition. I suppose it is paid to their teachers.

Mr. MANN. I do not want to ask for information the gentleman does not have.

Mr. PERKINS. It could not be anything else.

Mr. MANN. It could be paid to somebody in the legation, to teach these people, given to somebody to help bring the salary up, and giving them two places instead of one.

Mr. PERKINS. It would be a manifest abuse if that were so.

Mr. MANN. The fact is the committee is paying the salary, or making the appropriation for the purpose of taking care of American student interpreters preparing for the service.

Mr. PERKINS. I know; but in this case we can not get good interpreters; and we have only four of them.

Mr. MANN. He might be giving himself two jobs. I do not see any reason why in the course of time there may not be men in connection with the legation able to teach that language.

Mr. FASSETT. My recollection is that the statement of the Department of State was that this paid a teacher who came in, and it cost $125 each.

The Clerk read as follows:

QUARTERS FOR THE STUDENT INTERPRETERS AT THE EMBASSY TO TURKEY.

For rent of quarters for the student interpreters attached to the embassy of Turkey, $600, or so much thereof as may be necessary.

Mr. MANN. I reserve the point of order upon that paragraph. Has there been any difficulty about obtaining student interpreters over there at the expense of the Government at $1,125 a year, or whatever the sum may be?

Mr. PERKINS. I do not know what the trouble may have been. The number of student interpreters in Turkey authorized by law is ten, and only four are employed; so that it either goes to show that it is difficult to fill up the force, or else by the exercise of thrift it is found that four can do the work.

Mr. MANN. How many have they in China, and how many in Turkey?

Mr. PERKINS. Seven in China, and four in Turkey.

Mr. MANN. Why do we keep on appropriating if there is no effort to fill these places?

Mr. PERKINS. Well, the gentleman in that is mistaken. The consular service is constantly increasing. The best proof that it is increasing is not that the trade of the United States is increasing, though this has some connection with it, but the amount received for consular fees of all sorts and kinds, all of which are now paid to the Government have increased until, as perhaps the gentleman understands if he did me the honor to listen the other day——

Mr. MANN. I did myself the honor, and gave myself the pleasure.

Mr. PERKINS. I think the cost, the net expense of this great consular service spread all over the world is only $229,000.

Mr. MANN. You mean net expense of the Treasury?

Mr. PERKINS. Out of the Treasury.

Mr. MANN. But not the expense of several millions of dollars that somebody else pays.

Mr. PERKINS. It is a little over $2,000,000. But for the work that costs a little more than $2,000,000, something over $1,800,000 is collected and turned into the Treasury.

Mr. MANN. I make the point of order on the paragraph.

Mr. PERKINS. Well, Mr. Chairman, I am free to say that it is a new provision. I think it is subject to the point of order.

The CHAIRMAN. The gentleman insists upon his point of order.

Mr. FASSETT. Mr. Chairman, will the gentleman withdraw his point of order for a moment?

Mr. MANN. I will withhold it.

Mr. FASSETT. I understand the point to be made against the student interpreters to Turkey, and we have the same provision as to student interpreters to China and Japan. Our attention was called to the fact that our trade relations with no country in the world was increasing so rapidly as with Turkey and Turkish countries, and they desire to have young interpreters, young Americans, who should put themselves on the same footing as those in China and Japan, which they thought would give us a greatly improved service. Of course it is new and subject to the point of order.

Mr. MANN. I remember when the appropriation first went in for these interpreters in China, I believe it was, and it was urged at that time that it would be difficult to get young Americans to go over to China, and there ought to be a special consideration for that, and we fixed the salary upon that basis, and then provided them with quarters upon that basis.

Mr. FASSETT. And teachers.

Mr. MANN. It was specially urged that China and Japan were differentiated from other places where we had embassies. Now, I suppose there may be some differentiation between Constantinople and London, but if I were a young student going abroad it would be much more interesting to me to go to Constantinople than it would to go to Paris or London.

Mr. FASSETT. I think the service would be very fortunate if it secured the presence of the gentleman at either place.

Mr. MANN. I think there would be plenty of people anxious to have that experience over there now.

Mr. FASSETT. As a matter of fact, the State Department is not very crowded with applications. I suppose there is nothing we have ever done in China that has done us more good than these very opportunities for the education of young Americans there. I suppose there is no investment we could make here that would result in a larger return on the amount invested than this one which we are making here in Turkey.

Mr. MANN. I appreciate that as to China and Japan, but I fail to appreciate it at all as to Turkey.

Mr. FASSETT. The same relative reasons apply as to Japan and as to Turkey, because Arabic is not a language which is commonly known to American young men. It requires special training.

Mr. MANN. We have opened up relations with the Far East which are absolutely new. Our relations with Turkey have existed ever since we were a Republic.

Mr. FASSETT. And they have violently changed in the last year.

Mr. MANN. Not violently changed; no.

Mr. FASSETT. Yes.

Mr. MANN. The Turkish Government has violently changed, but our relations are the same.

Mr. FASSETT. Our relations are opening up new opportunities almost violently.

Mr. MANN. There are very few opportunities over there for anything of the kind. We get certain things from Asiatic Turkey.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase of the necessary furniture for the quarters for the student interpreters attached to the embassy at Constantinople, Turkey, $1,000, or so much thereof as may be necessary.

Mr. MANN. I make a point of order against that.

Mr. PERKINS. As long as they are not going to get the rent of quarters, I do not see any great necessity for furniture. It is subject to the same point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

DISTRIBUTING INFORMATION, DEPARTMENT OF STATE.

For two clerks to be employed by the Department of State and to be charged with the distribution of information among the diplomatic missions, one at the rate of $1,800 per annum, and one at the rate of $1,600 per annum; in all, $3,400.

Mr. TAWNEY. Mr. Chairman, I desire to make a point of order against that paragraph. First, it is new legislation, and, second, it does not belong in the diplomatic and consular appropriation bill. It is for the employment of clerks in the city of Washington, in the State Department here, and belongs properly to the legislative and judicial appropriation bill.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. MANN. It is not new legislation. It is in the current law.

Mr. PERKINS. It is not new legislation, and so far as the point of order is concerned, that it is not properly in this bill, that does not impress me as having either gravity or very much importance. If we are going to pay these two gentlemen, whether their salary is allowed in this bill or some other bill, amounts to very much the same thing, so far as the Treasury is concerned.

This appropriation was made and properly made in the diplomatic appropriation bill last year. These clerks are used in a system which is exceedingly valuable, by which messages received in one part of the world are transmitted to our representatives in other parts of the world, to whom they may be of value, and often they are of great value. Now, these clerks were first situated at London and were a part of the London office. It was found by experience that they could do their work much better if, instead of being at London and there endeavoring to collate and distribute the diplomatic news of the world

which was important to our representatives, they came to Washington, which is the center to which all our diplomatic information is brought. So, as a matter of fact, these two clerks are now located in the department at Washington.

Mr. MANN. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. MANN. Does this bill carry any other clerks in Washington in the State Department?

Mr. PERKINS. I do not think it does, and these clerks would not be in Washington if it were not for the fact that after this system was instituted the men who did the work, who were for a while at European capitals, were brought to Washington.

But the work which they do could, so far as anything but convenience is concerned, be done anywhere on the civilized globe where they could be furnished the dispatches of the various ministers, and then distribute that information in such a way as might be available to other ministers and representatives of the Government working along similar lines.

Mr. MANN. How can they get the dispatches of other ministers except they be here at Washington?

Mr. PERKINS. They might get them at London.

Mr. MANN. They might get them at London if they had somebody here to collect the dispatches and send them to clerks in London and have those clerks send them to some other place. That would be red tape beyond the State Department, and that is saying a good deal.

Mr. PERKINS. It was an inconvenient system——

Mr. MANN. Ought not all clerks of the Department of State be carried in one appropriation bill, so that the people may know what the expense of clerical service is in the department?

Mr. PERKINS. It does not seem to me that this provision, which has been carried in the bill for some time, is subject to a point of order.

Mr. TAWNEY. Mr. Chairman, I can not agree with my distinguished friend from New York that this point of order is of very little importance. If it proposed to convert this appropriation bill, which is for the diplomatic and consular service, into an appropriation bill for the executive department here at the seat of Government, which controls and supervises that service, then, of course, we would never know from the aggregate appropriation what the consular service was in fact costing the people of the United States.

The value of keeping the appropriation for clerical service here at the seat of Government separate and apart from appropriations made for field service under the control and jurisdiction of this department is this: Congress can at all times, by comparing the aggregate appropriations for the diplomatic and consular service away from the seat of Government, determine whether or not the appropriation for that service is increasing, and, also, we can determine the extent to which the appropriations for the clerical service in the department having control of and jurisdiction over the consular service are increasing. It is, therefore, of great importance to Congress, as a matter of information, that this service, the appropriations for these two branches of the service, should be kept separate and distinct. This committee has no jurisdiction whatever in this appropriation in this bill over the clerical service in the State Department, no matter what the service may be and no matter what its relation may be to the public service.

The title of this bill is "Making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1911." It does not even say "and for other purposes."

This is not an appropriation bill in which to carry the appropriation, and furthermore the officers that are here appropriated for are not authorized by law. I think, Mr. Chairman, that if we are going to keep the appropriation bills so that the House may make intelligent comparisons from year to year with respect to appropriations, we should keep the clerical services of the State Department out of the diplomatic and consular appropriation bill.

The CHAIRMAN. The Chair will ask the gentleman from New York, chairman of the committee, if the two clerks here appropriated for are employed in the State Department at Washington?

Mr. PERKINS. They are now employed in the State Department at Washington.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Hiring of steam launch for use of embassy at Constantinople, $1,800.

Mr. MACON. Mr. Chairman, I reserve a point of order on that paragraph. I would like to know by what authority that provision is carried in this bill; why not hire the minister an automobile?

Mr. FASSETT. He could not get there by automobile. It is for the purpose of conveying the minister and his helpers from the residential part of Constantinople to the business part, and it costs less to get this launch than it would to pay for his transfer otherwise. You can not run an automobile on water as yet.

Mr. MACON. How about a flying machine?

Mr. FASSETT. If the gentleman from Arkansas was there to furnish the motive power, that might do.

Mr. MACON. I do not think the gentleman from Arkansas could furnish much more motive power for a machine of that kind than the distinguished gentleman from New York.

Mr. FASSETT. I will do the flying if the gentleman will furnish the power.

Mr. SHERLEY. Mr. Chairman, I would like to ask a question. Is it cheaper to rent the launch than it is to own it?

Mr. FASSETT. Yes; it is estimated to be so, and was so stated to the committee.

Mr. MACON. I have a perfect right to ask for information about this matter, and the gentleman from New York should not become facetious or sarcastic about it.

Mr. PERKINS. Mr. Chairman, I desire to give the gentleman a little further information. A launch is absolutely required. Constantinople is situated on the Bosphorus and divided into entirely distinct cities. I believe Lord Byron once swam the Hellespont, but it is an extremely difficult feat, and the minister can not swim the Bosphorus. [Laughter.] You have to have some means of getting about there, and here is a launch that we have all the year round. We pay for the use of the launch, and for eight lusty Turks who row it about the Bosphorus—and sometimes it is pretty rough—the sum of $1,800 for the entire year.

Now, the gentleman knows well enough that if we bought a launch, we would pay $10,000 or $15,000 for it in the first place, and then we would have five or six men, who would want first $500 or $600 a year and then $600 or $700 a year. This is one of the most economical business arrangements that I know of.

Mr. MACON. I would like to ask the gentleman if it is customary to furnish the diplomatic officers abroad with conveyances from their residences to their places of business?

Mr. PERKINS. Oh, no; but there is no situation like this. In most places the diplomatic officer can go from his residence to the business parts by carriage, if he has a carriage, or take the street car, but he can do neither one of these in Constantinople.

Mr. MACON. Why is it that the minister can not have his residence and his place of business on the same side of the Bosphorus?

Mr. PERKINS. Because it is impossible to live in the old Turkish part.

Mr. MACON. Would it not be almost impossible to do business over there, then. It seems to me that a place that is not fit to live in would hardly be fit to do business in.

Mr. PERKINS. If my friend had traveled in the East, he would find a great many places in which business is done that he would not want to live in, and if he did live in them his life would be very short, I fear. They are not such places as an American can live in, and no one would be asked to do it. All the foreign residents live in the same part of the town. The expense of this, I think, is very reasonable, and I am quite sure my friend from Arkansas, when he thinks that in these days of automobiles, the driver of an automobile is paid $1,200 a year and the automobile costs $5,000 to begin with and everything corresponding, a launch that we can have for twelve months in the year, with the men to run it and for which we pay only $1,800, is something of a bargain.

Mr. SLAYDEN. Much cheaper than an automobile.

Mr. PERKINS. Oh, yes.

Mr. MACON. The point that struck me was that I did not know it was the policy of the Government to furnish transportation to its diplomatic officers abroad from their places of residence to their places of business.

Mr. PERKINS. This is the only place, as far as I know of in the world, where it is necessary.

Mr. MACON. That is what I want to find out, and I wanted to find out about the appropriation for this particular place.

Mr. PERKINS. That is the particular reason.

Mr. MACON. Mr. Chairman, before I take my seat I desire to say that I do not think that an honest inquiry in regard to a matter by a Member of the House, who has a perfect right

to know, ought to be met with either snarls or sarcasm by those in charge of the bill containing it.

Mr. PERKINS. Certainly my friend from Arkansas can not say that he has met with anything but courtesy at my hands.

Mr. FASSETT. Oh, Mr. Chairman, I hope the gentleman from Arkansas does not feel aggrieved because of my answer to his inquiry about an air ship. If he does, I apologize. I have no intention to hurt his feelings.

Mr. MACON. I try to be a gentleman and I must insist that others must try to be such in their manner toward me when I am interrogating them about a matter that I have a perfect right to interrogate them about. I withdraw the point of order.

The Clerk read as follows:

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The appropriation of $10,000, or so much thereof as may be required, provided by the diplomatic and consular appropriation act for the fiscal year 1910, approved March 2, 1909, to meet the expenses actually and necessarily incurred by the United States by reason of its participation in the Twelfth International Congress on Hygiene and Demography, which was to be held in the city of Washington during the year 1910, is hereby extended and made available for such participation in the Fifteenth International Congress on Hygiene and Demography, to be held at some place in the United States, to be selected by the President, in the year 1911 or 1912.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am not sure myself, and I would like the judgment of some one as to whether this will render this appropriation available if the Congress is not held until 1912.

Mr. PERKINS. It says in here for 1911 or 1912.

Mr. MANN. I know it does, but this is an appropriation bill for the fiscal year ending June 30, 1911.

Mr. FASSETT. Line 17 would seem to cover it.

Mr. TAWNEY. It ought to be made available and to remain available.

Mr. MANN. I suppose the gentleman does not want to reappropriate next year.

Mr. PERKINS. I would suggest to the gentleman that this is really his appropriation.

Mr. MANN. I understand, and I am interested in it as much as anybody.

Mr. PERKINS. I think it is always better to have general terms. It seems to me if the gentleman would offer an amendment by which it would be said that the appropriation of $10,000 is hereby made available for participation in the Fifteenth International Congress and say nothing about the years it is to be called, that would obviate the difficulty.

Mr. MANN. The difficulty is that this appropriation is for the next fiscal year, and at the expiration of that fiscal year they would not be authorized, I fear, to use the money thereafter for something occurring thereafter, unless we specifically authorized it.

Mr. PERKINS. I would suggest that the gentleman offer any amendment he thinks proper.

Mr. MANN. If I had in my head just the form of the amendment to be offered, I would do so.

Mr. FASSETT. I would suggest, "to remain available."

Mr. TAWNEY. To remain available.

Mr. PERKINS. Mr. Chairman, I ask that this clause be passed for the present, and if the gentleman desires to offer his amendment he can——

Mr. MANN. I think we can amend it right here. I would suggest to insert, after the word "available," in line 17, the words "and shall remain available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "available," in line 17, the words "and shall remain available."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

Contribution to the maintenance of the International Bureau of Weights and Measures for the year ending June 30, 1911, in conformity with the terms of the convention of May 24, 1875, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,895.

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph for the purpose of getting some information from the chairman in regard to this appropriation. I notice the appropriation is proposed to be made in conformity with the terms of a convention. Has that convention been ratified by treaty?

Mr. PERKINS. Yes. I will state to the gentleman that this bureau was created as far back as 1875. It was ratified by 17 nations, of whom our Nation is one, and the work, I will say to the gentleman frankly, is a permanent work. It is expected by the 17 nations that this bureau will be a permanent bureau. This bureau corrects the standards of the different countries. Their standards are sent to this central bureau. There may be from time to time certain variations in weight and size, very slight, but still they might be of much importance in questions of boundaries and things of that sort, and the various nations have determined that this was a far more economical arrangement to have one bureau act for them, as otherwise this Government would have to consult with Norway and England, with Sweden, and so on. The treaty was ratified by our own country, and the International Bureau of Weights and Measures, which certainly does valuable work, appeared before the committee with an explanation, which was very satisfactory, concerning the value and importance of the work. It is authorized by law, and I think it is a judicious appropriation.

Mr. MACON. I notice the appropriation is increased about $500 over the amount carried in the last appropriation bill for the same purpose. Will the gentleman please explain the reason for the increase?

Mr. PERKINS. Under the provisions of the treaty it was determined to apportion the money of these countries in proportion to their population. I think at certain intervals there is a reapportionment, and I believe, as our country has grown more rapidly during these recent years than others, its pro rata is somewhat larger.

Mr. MACON. Mr. Chairman, the statement of the gentleman from New York about the matter is entirely satisfactory to me, and I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

The Clerk read as follows:

INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

International Bureau of American Republics, $75,000: *Provided*, That any moneys received from the other American republics for the support of the bureau shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the bureau every month during the fiscal year ending June 30, 1911.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. I desire to ask, first, whether the printing of the bulletin is to be paid out of this appropriation?

Mr. PERKINS. I do not understand it is; no.

Mr. TAWNEY. Well, are the bulletins which the Director of the Bureau of American Republics is authorized to distribute here to be distributed free?

Mr. PERKINS. They are distributed free upon request of Congressmen and persons interested, and the demand is very large.

Mr. TAWNEY. I know the demand is very large, and the reason I ask is I received a letter from the director in which he makes the suggestion that the demand is so large that they could very profitably and properly distribute more copies if he was authorized to charge for copies, as people are willing to pay the actual cost of the printing plus 10 per cent, or some amount over the actual cost, and I wanted to ask if the committee had taken this matter into consideration?

Mr. PERKINS. The director made the same suggestion to us, but we thought in this general appropriation bill we would not endeavor to deal with that. Of course there is a certain prejudice against being compelled to pay for a government publication, and at all events——

Mr. TAWNEY. But government publications can be purchased. We have a document room here under the control of the Public Printer, and a catalogue is issued every month showing all the public documents that are offered for sale, and the price. Now, I understand that this officer does not have any of these bulletins for sale.

Mr. PERKINS. I think myself it would be a very sensible provision, because there is no doubt that the demand is large, and that the utility is considerable.

Mr. FASSETT. We could hardly put this document on sale by the Public Printer, because the South American Republics are interested in its production pro rata as much as we are.

Mr. TOU VELLE. A portion of them are now on public sale. I do not know whether they are the American publications or not, but in their list there is a whole lot of them that they sell.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I withdraw my amendment.

Mr. FITZGERALD. I desire to inquire how much is contributed to the support of this bureau by other American Republics, and which is spent by the director in addition to this appropriation?

Mr. PERKINS. The expenses of the International Bureau of American Republics are paid by agreement between the South American republics and our own. These payments are made in proportion to population. The total expense has been heretofore, I think, about $100,000, of which our Government has paid $60,000 and the other countries have paid in round figures $40,000.

Mr. TAWNEY. Our contribution was $56,000.

Mr. MANN. Last year.

Mr. PERKINS. The expense of this bureau would necessarily be increased. It constantly increases its field of activity. Another thing is this new building given by Mr. Carnegie, which undoubtedly is a valuable asset, is a large and commodious building, and is sure to cost more than a smaller building, where the quarters are less sufficient.

The gentleman knows that the international conference meets this year in July. It is the expectation that the contributions of the different governments will then be readjusted, and upon the proportion of $75,000 contributed by our Government the contributions from the South American States will amount to about $60,000. So I think that every Member of the House must agree that while, of course, we do not want to have any foolish expenditure in any branch of government service, yet the result of the increased activity, the increased relations between our own country and South America, has shown great fruit, and when doubtless this has been one of the useful agencies it is not a time that it should be stunted. The gentleman may have noticed when he read the report—if not, I am sure he will be surprised at it—the growth in commercial relations between this country and South America. We took three years so as to strike an average, so that they could not say "you took one year when trade was very dull and another year when it was very good." We took the years 1897, 1898, and 1899—ten years ago.

The average trade between our country and South America for those three years was $284,000,000. Then we took the three corresponding years just past, 1907, 1908, and 1909, and the increase in only ten years brought the average annual trade from $284,000,000 up to $520,000,000, an increase of almost $250,000,000. It is prodigious.

Furthermore, I desire to call the attention of the gentleman to one feature which is of special interest. He believes, as I believe, that trade is profitable on both sides, and that we do not want to have all exports and no imports. We can not have that. At the same time, it is agreeable to see a growth in the export trade of this country, especially where we are furnishing manufactured materials to such a great extent in South America. Now, of the average trade in the first three years—$284,000,000—the exports from this country were only $78,000,000, or about one-quarter. During the last three years of the $520,000,000 our exports were $220,000,000, almost one-half, and in ten years the exports from this country to South America showed an increase of almost 200 per cent, and an aggregate increase of over $140,000,000.

Mr. FITZGERALD. Is one of the objects of this bureau to encourage and facilitate and extend trade between the United States and these countries?

Mr. PERKINS. That is the object. These bulletins are published in English, Spanish, and Portuguese. The Portuguese and Spanish bulletins are sent to South America and contain references to the trade of our country, opportunities, and so on.

Mr. FITZGERALD. Who selects the material to go into these bulletins? Has the State Department any control over that?

Mr. PERKINS. There is a large force. The whole bureau is under the charge of a governing board, on which sits one representative from each of the countries forming a part.

Mr. MANN. That is purely theoretical. John Barrett is the whole thing. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes more.

Mr. FITZGERALD. I ask that the gentleman may be recognized, as I wish to make some remarks on the subject.

Mr. PERKINS. Of course the active man, who has had the practical supervision of the work of the bureau during the last four or five years, during which time the work has enormously increased in size, and I think I can justly say has enormously increased in value, is Mr. Barrett. I remember when I first came down here ten years ago, and our committee first got to appropriating for the expenses of this international bureau and its publications, I looked at it and it seemed to me that we were blowing money into a pretty dead concern; but I am quite sure that is no longer the opinion of any member of our committee, nor do I think it is the opinion of any Member of the House. The bureau has certainly been most vigorously and most intelligently increasing in its activities.

Mr. FITZGERALD. Mr. Chairman, I made the inquiries about this bureau because, from what I understood of the object of its existence, I wondered how it could be reconciled with some statements which have been made recently as to the activity of the State Department in extending the trade of this country with other nations. Recently it has been asserted that contracts for two battle ships for the Argentine Republic had been secured by an American shipbuilding firm in competition with shipbuilding firms in Europe. It seems somewhat astonishing that in competition with the shipbuilding firms of the world our shipbuilders could compete and win out as the low bidders, in view of the contentions that have been so persistently made that it was impossible to build ships as cheaply in this country as in other nations. Then it has been suggested that while perhaps our shipbuilding firm is not the low bidder, that some coercive measures were resorted to by the Department of State to compel a friendly South American republic to make a contract with a shipbuilding firm in this country instead of placing it elsewhere on more favorable terms. That is one of the instances in which it seems that our State Department has been very active in spreading our trade.

Recently the Republic of Honduras was arranging to raise some money by an issue of bonds, and I am informed had commenced to negotiate with an English syndicate. I do not recall the exact figures and amounts; but as I recall, the amount was something like $110,000,000; that the bonds were to be secured by a lien upon certain public utilities in that Republic, and negotiations had about reached completion when the State Department stepped in again; and the result of that interference by the State Department caused this matter to be rearranged so that a great firm of financiers in the city of New York was injected into the enterprise, conducting the negotiations with the same syndicate, and received a commission of almost $465,000 because of the assistance given to this friendly nation by our State Department in straightening out its affairs.

We are somewhat familiar with the efforts recently made toward extending our trade in Manchuria and with the efforts made by this administration by this velvet-handed, big-stick method to force certain enterprising gentlemen of this country, who have been noted particularly for their ability to capture rich and profitable contracts all over the world, into certain arrangements which were about to be made in Manchuria. Unable to upset certain arrangements which had been made for certain railroad enterprises, this same select band of financiers, under the protecting and helpful wing of the State Department, is being aided now to project railroads along different lines into that country for the ostensible purpose of establishing and developing our trade.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I have been endeavoring to reconcile the activities of the State Department in these directions where, apparently by the exercise of a carefully concealed strong arm upon certain not very powerful nations, money seems to be diverted into the pockets of certain favored individuals in this country upon the theory that a beneficent extension of trade between this and other countries was taking place.

I have been endeavoring to reconcile that carefully exerted power with this, in theory, beautiful manner of extending our trade by the kindly offices of a bureau organized as the Bureau of the American Republics. Before many days have passed further facts will be stated in connection with these matters to which I have just called attention.

I deny that it is the proper function of this Government or of any of its great departments to coerce weaker countries in their attempts to adjust their financial affairs, so as to compel commissions to be paid to powerful financiers in this country who happen to be friendly with the administration. I deny that it is a part of a policy that will result in good to coerce friendly South American republics to award contracts to American firms, unless it be clearly established that they have fairly met and conquered in open competition the contractors of all other nations, and I have no sympathy——

Mr. FOSTER of Vermont. Has the gentleman any evidence that just those facts were not met in connection with the letting of that contract for these battle ships?

Mr. FITZGERALD. No; I have not. I have repeated the two statements that have been made.

Mr. FOSTER of Vermont. And yet the gentleman criticises the Government for having done something that he does not know that it has done.

Mr. FITZGERALD. I have not done anything of the kind. I say I deny that it is the proper policy of the Government to do that, if it has been done.

Mr. FOSTER of Vermont. Does the gentleman claim that it is the policy of this administration to do that thing?

Mr. FITZGERALD. Oh, I have stated the facts. The gentleman can ascertain what has happened. I have stated that it was said that these men had, in open competition, been awarded these contracts because they had met the contractors of other countries successfully.

Mr. FOSTER of Vermont. Has the gentleman any reason to doubt that fact?

Mr. FITZGERALD. I stated that it has been so persistently asserted, here and elsewhere, by gentlemen of the political faith of the gentleman who is now addressing me that it was utterly impossible to build ships as cheaply in this country as in other countries, that therefore there might be some reason to believe the other rumor, that because of the exertion of the strong arm of this Government, this other Republic had been induced—I think that is the diplomatic word—to believe that it was to its advantage to award the contracts to the American firm.

Mr. MANN. Does not the gentleman think that the State Department is entitled to great credit, and that the gentleman and myself and others ought to thank the State Department for having demonstrated that the proposed ship subsidy is a wild-eyed scheme, for which there is no necessity? [Laughter.]

Mr. FITZGERALD. The gentleman will pardon me. I hope the result of what I say upon this matter will be to compel a disclosure of the truth, so that we will be able to say positively whether our shipbuilding firms are able to compete successfully with the shipbuilding firms of every other nation, or whether, as a matter of fact, the influence exerted has induced this friendly nation to believe it is to its interest to award its contract to our concern.

I do not believe that it is a part of the duty of this Government to go abroad in the world exerting any influence or power other than that which is proper and which comes from real friendship to encourage and aid our trade. I do not believe that any attempt to compel nations to deal with us, unless we are able to meet all comers on an equal footing, will have a beneficial result.

Mr. FASSETT. Mr. Chairman, I suppose we are not expected to take too seriously the words of the distinguished gentleman who has just preceded me.

Mr. FITZGERALD. Well, if the gentleman will permit me, he need not say anything if he does not take my words seriously.

Mr. FASSETT. I find it in my heart to excuse him for speaking in a trifling and playful manner of serious things; and I would never get in the way of a full-fledged Democrat when he was engaged in that beautiful and always successful operation of stuffing a man with straw and then knocking the straw man out of the window. The gentleman from New York has indulged the gentle operations of his fancy and blown them to full size, and has acknowledged they amount to nothing, and then he has decried their existence as monsters of illegality and impropriety.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FASSETT. I will in a moment. The gentleman from Brooklyn might well feel uncomfortable when he contemplates in the quiet of his closet and in that prayerful solitude which I hope he sometimes enjoys the real meaning of his words unexplained. He has advised nations that have as much pride in their nationality as we have in ours that they are being coerced and have been coerced because they were feeble, weak, and insignificant. He has talked about the obtaining of contracts for battle ships as the lowest competitor, and has intimated that the State Department was engaged in bulldozing those nations by some curious means undescribed by our author into accepting a contract, to their detriment, out of fear or the desire of self-preservation.

The fact is, I was as much surprised as the gentleman from New York that our people secured these contracts. Inquiry developed the fact that while we can not, as a rule, build a merchant ship for within 25 to 40 per cent of the price at which a merchant vessel may be built elsewhere, our armor can be made and forged, owing to our facilities, at $100 a ton cheaper than the armor can be forged abroad, and that our contractors offered to supply this armor at $100 a ton cheaper than the armor could be supplied by our rivals, and our people secured the contract, a very notable triumph, one to take pride in.

So far as our experience in Manchuria is concerned, it is a devious and ingenious imagination that can construct such a train of suspicion, build a powder house with such inflammable material and then set torch to it, as characterizes the remarks of the gentleman from New York [Mr. FITZGERALD]. Unworthy of the State Department, unworthy of any state department would it be, traversing this great globe like a Colossus and compelling people, not by persuasion, not by superiority of articles or wares, but because we had a great army and a great navy, to do business with them; and referring to the nations of China, Japan, and Russia as weak and unimportant nations was amazingly indiscreet. It seems to me, if the gentleman had been writing a leading editorial for a Democratic newspaper, he might possibly not be criticised too severely for using such language, but as a sworn representative of the American people on this floor, I submit the impropriety or unguarded epithets and ill-considered innuendoes. [Applause.]

Mr. FITZGERALD. Before the gentleman sits down will he discuss the Honduras Republic affair?

Mr. FASSETT. Perhaps at some future time.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. FITZGERALD rose.

Mr. PERKINS. Mr. Chairman, I do not want to shorten debate unduly, but this is entirely foreign to any item on this bill, and we must finish the bill to-night.

Mr. FITZGERALD. There has been no effort here to be unfair or to take up time unduly. I do not know upon what other bill it would be more appropriate to discuss the State Department than this.

Mr. PERKINS. Mr. Chairman, I move that the debate on this paragraph close in ten minutes.

Mr. SHERLEY. I hope the gentleman will not make that motion. I want some information myself.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he proceed for five minutes. Is there objection?

Mr. CLARK of Missouri. I object.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last two words. The haste with which the gentleman from New York [Mr. FASSETT] rushed to the defense of the outer works of the ship-subsidy schemers indicates that the other gentleman from New York found a blowhole in their armor. [Laughter.] But that is not the point I want to discuss. I am interested in this paragraph of the bill. I am interested as a man who has been gratified to see the prodigious growth of our trade in South and Central America, in maintaining the only organization that has devoted itself to the purpose of developing that trade. The extraordinary development of trade in South and Central America more than justifies every dollar paid out by the State Department for the support of the Bureau of International Republics. And when we come to contrast it with the marked decline in the trade with China and Japan, we are more impressed with the importance of endeavoring to develop our trade with the South American Republics.

My recollection of the figures is that the total trade with China is something like $50,000,000 a year; that is, in exports and imports; and the total trade between Japan and this country is something like $43,000,000 per year. Now, the trade of our country with the people of South and Central America, according to the figures given in this report, is ten times as great. Furthermore, if gentlemen will investigate the export and import trade with the South and Central American countries and then compare it with the Asiatic countries, they will discover that every peon, every half-clad Indian in South and Central America is worth from four to ten times as much as a consuming unit as are the people of the old civilized countries of China and Japan. Mexico with 15,000,000 people does more business with us than China with her 350,000,000. South and Central America are important to our manufacturers and merchants. They are big customers now and will no doubt be bigger customers in the future. Our trade with China and Japan is important, but declining. Of decreasing value as customers they are an increasing menace as competitors. We neglect the more inviting field on our own continent to pursue the less valuable trade of far away Asia. The very purpose of the existence of the Bureau of American Republics is to correct that absurdity. Under these circumstances I hope that no serious effort will be made to curtail the work being done by the Bureau of International Republics. As I said a moment ago, it may not be the very best way in which this work can be done, but at the present time it is the only effective agency that we are able to discover. [Applause.]

Mr. SHERLEY. Mr. Chairman, I would like to ask some member of the committee for some information about this bureau. I know, of course, its chief head, as everybody in Washington does, and quite a number of people out of Washington, but I would like to know how the money is expended; whether there is any supervision over the expenditure, and whether this representation of the different countries is a real or simply a theoretical representation. Do these representatives of the different countries get together and conduct the affairs of this bureau, or are they all conducted by Mr. Barrett?

Mr. PERKINS. Mr. Chairman, I think with this bureau, as with many bureaus of this kind, their most important work probably is discharged when they choose a competent man to do the work.

Mr. SHERLEY. That, I suggest, is hardly an answer to my inquiry.

Mr. PERKINS. They have meetings, of course, occasionally, but the gentleman can understand that the Secretary of State and the ambassadors and ministers from these various South American republics, while they attend the meetings from time to time, can not exercise a very close personal supervision over the work. In a general way they direct the policy or approve the policy of the director, but the detail falls to him.

Mr. SHERLEY. I see that we appropriate $75,000 this year, and we formerly appropriated about $14,000 less. Does Congress or anybody else know how that money is expended?

Mr. PERKINS. Yes. I have here the figures, when the appropriation made was $87,000. It is expected that expense will be increased, but this will give the gentleman an idea of how the expense is made up.

Mr. FOSTER of Vermont. That is, when the income of the bureau was $87,000.

Mr. PERKINS. Yes; when the income of the bureau was $87,000. There were paid in salaries and wages, in round figures, $47,000.

Mr. SHERLEY. How was that $47,000 distributed? I do not mean every detail of it, but what were the headmen paid?

Mr. PERKINS. Mr. Barrett was paid $5,000. He got the highest salary. Then there was a large force of interpreters and clerks, about 30 of them, that were paid from $3,000 down to much smaller sums. Then there was paid for the monthly bulletin expenses, outside of the Government Printing Office, for the preparation of articles, photographs, and so forth, $14,000; for the traveling expenses of representatives of the bureau in Latin America and in the United States, which was paid entirely from the quotas from Latin-American republics, $5,000.

Mr. SHERLEY. Is that the expense of Mr. Barrett and others in speaking around the country?

Mr. PERKINS. No; it is the expense of representatives to these different conferences and meetings. Then there was the expense of the propaganda, descriptive of the 20 Latin-American countries, paid for from the Latin-American quota, being publications in Spanish and Portuguese, $4,600; printing, outside of Government Printing Office, paid by Latin-American quota, $3,400; rent, maintenance of buildings, and so forth, $3,000. There is a large amount of small items, carriage and automobile hire and expressage and drayage, $1,600; stationery, $1,500; and so forth.

Mr. SHERLEY. May I ask the gentleman from what his memorandum is made up?

Mr. PERKINS. It was furnished to me by Mr. Barrett.

Mr. SHERLEY. What I am trying to arrive at is whether there is any statement of this kind made to anybody that has the power of supervising expenditures?

Mr. PERKINS. Yes; he makes this report to this bureau, composed, as I have already said, of these different representatives, who have, of course, entire power to make any investigation that they deem proper.

Mr. SHERLEY. And which, if I understand the gentleman correctly, does not exercise that power.

Mr. PERKINS. How much supervision they make I do not know, but they have the power. I do not see anything in these items that would necessarily suggest the necessity for an investigation.

Mr. SHERLEY. I do not mean to suggest that there is an item there that is wrong. I was trying to find out whether these expenditures were scrutinized by any power dealing with the matter.

Mr. PERKINS. Well, I am informed——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. There is an annual report of the director submitted to the International Bureau of American Republics in very great detail, filling 60 pages, more or less, and I am informed that that report is examined and investigated by certain officials or inspectors, or whoever the bureau sees fit to employ.

Mr. SHERLEY. Now, one other question. I note here a provision authorizing the Public Printer to print an edition of the Monthly Bulletin. Is that paid out of the moneys belonging to the bureau, or is that paid by the Federal Government?

Mr. PERKINS. No; that is not paid out of moneys belonging to the bureau.

Mr. SHERLEY. Is that paid out of an appropriation for the Public Printer carried in the sundry civil bill?

Mr. PERKINS. It is paid out under authority of the Printing Committee.

Mr. SHERLEY. I recall having seen in the past year or two some publications, very elaborately bound, in half morocco and plush, issued by the Bureau of American Republics. Are those paid for under this provision?

Mr. PERKINS. No; I think not.

Mr. SHERLEY. These were so elaborate as to impress me more with the elaborateness than anything else, and I wondered just out of what funds they were being paid for.

Mr. PERKINS. Well, there may have been some editions de luxe. Such are sometimes indulged in, as the gentleman knows, but I could not go more into detail.

Mr. MANN. Will the gentleman yield for a question?

Mr. PERKINS. Surely.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. MANN. Mr. Chairman, I renew the pro forma amendment. I believe the bureau is to have a new home contributed by private citizens.

Mr. PERKINS. Yes.

Mr. MANN. And they expect to go into it shortly.

Mr. PERKINS. Yes; this spring.

Mr. MANN. I notice coincident with that an increase in the appropriation.

Mr. PERKINS. Assuredly.

Mr. MANN. From $56,000 to $75,000. I suppose it is going to cost more after they get in.

Mr. PERKINS. Oh, certainly; it always does. The gentleman knows a new building, a large building, means more employees, more heating, and more cost.

Mr. MANN. Well, I have sometimes suspected that would be the case when gentlemen talk about owning our embassies abroad, expensive buildings; that it would cost a great deal more to maintain them after you have the building constructed than it does now to rent quarters, and yet I have been met with observations on the floor of the House that that was not the case.

Mr. PERKINS. That would depend entirely upon the character of the building. I think if this Government should buy some great building costing half a million dollars in London or Paris, it would necessarily be beyond the means of any man of ordinary resources to live in it. A man of moderate means can not live in a million-dollar house. The gentleman and myself do not live in such a house for reasons it is not necessary to state. A great house is costly to live in.

Mr. FOSTER of Vermont. Mr. Chairman, I want to say just a word about the importance, the growing importance, of this Bureau of American Republics. When I first came to Washington it was so moribund that the Committee on Foreign Affairs considered seriously the question of discontinuing the appropriation for its support. But during the past few years it has not merely exhibited the signs of renewed vitality, but has developed and expanded enormously. It is performing a work the value of which can not be overestimated. In the meantime it has entirely outgrown its present quarters. Through the generosity of Mr. Andrew Carnegie, the bureau in the course of a short time will be housed in a dignified and proper manner. It is a source of gratification that this new home of the bureau is located here in our capital city.

But necessarily the expenses of the bureau in this new home will be somewhat increased.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. Certainly.

Mr. MANN. Do I understand the gentleman that if that building were built abroad, and if they sent one of our ambassadors there, we would have to increase his salary?

Mr. FOSTER of Vermont. Oh no; not at all. We are not increasing anybody's salary in asking for this increased appropriation for the maintenance of the bureau.

Mr. MANN. But you are increasing the expenses of this bureau $19,000 because you are going into the new building. Is the same ratio to hold if we construct buildings abroad for our representatives?

Mr. FOSTER of Vermont. Because of the extension of the bureau, because of the increased work it is doing, because of its growing importance, and because it is now to be housed not merely in adequate quarters, but in a building that is commensurable with its dignity, the cost of its maintenance is necessarily increased. And yet I submit to the gentleman from Illinois [Mr. MANN] that this increase under all circumstances is a very moderate one. It is hardly fair to compare the maintenance of this International Bureau of American Republics, to which each of the 21 American republics contribute, with the maintenance of legations and embassies abroad. And this is hardly the time to discuss the question whether the expenses of our legations and embassies abroad should increase when we own them, as I hope we shall do in the near future. Speaking for myself, I would not expect that the salaries of our ambassadors and ministers would necessarily be increased because of our owning these legations and embassies. But I do think that the Government should contribute a reasonable amount toward the maintenance of these homes for our representatives. I would like to see our foreign embassies Americanized. I would like to see the hospitality that is dispensed therein the official hospitality of the Government.

Mr. PAYNE. Will not that depend very much upon whether we build such buildings abroad as we do here; for instance, the post-office building at Chicago—I do not intend to be personal at all in regard to that—or other government buildings such as we erect, with rooms so large that it costs a good deal more to run them?

Mr. MANN. The gentleman will remember that I endeavored to prevent the very extravagant post-office building in Chicago from being constructed.

Mr. PAYNE. I did not say that personally because the gentleman happens to be from Chicago. Others as well as myself remember the gentleman's efforts.

Mr. FOSTER of Vermont. While there might be some increase in the expense of maintaining an embassy which we own in Paris or London or Berlin, the additional credit which would accompany its ownership would more than justify any additional expense which the Government might incur. But it is hardly fair to compare this International Bureau of American Republics with an American embassy in one of those cities. It is the simple truth that the bureau has entirely outgrown its present quarters. And the 21 American republics which unite to maintain it are to be congratulated upon the fact that they have a noble building nearing completion which will furnish facilities for many years for the work of the bureau.

And this bureau is doing a very great work—a work in which every American citizen ought to be interested.

Mr. SHERLEY. What I would like to get at is how they do so. All I have been able to find out is a name and an individual.

Mr. FOSTER of Vermont. In order to indicate to the gentleman from Kentucky [Mr. SHERLEY] something of the routine work done by the bureau, I quote from the statement made by the director of the bureau before the Committee on Foreign Affairs. This statement will show in a general way the character of the work in which the bureau is now engaged:

I have prepared a little statement of some facts that I would like to lay before you in very succinct form, and base on them the recommendation that I have to make with reference to the appropriation for the International Bureau of American Republics covering the ensuing fiscal year. The first point I will mention shows the practical work of the institution. As far as I can ascertain, with the possible exception of the Bureau of Corporations and the Bureau of Forestry, the International Bureau of American Republics has shown during the last year more growth in its general work and correspondence than any individual bureau of the United States or of any individual bureau of any other of the governments supporting the bureau, which is a remarkable record, considering the fact that three years ago it was practically reorganized, and up to that time had done only what you might call routine work.

Secondly, the correspondence of the bureau in the last three years—I am speaking of the period of the present administration of the bureau since I have been director—has grown, according as you may estimate by the quality of the correspondence, from nearly 200 per cent to 600 per cent, of which there has been an increase of nearly 300 per cent during the past fiscal year. For instance, the letters coming and going average now 200 per day, in contrast to 30 per day three years ago, and some 5,000 per month in contrast to 800 a month three years ago.

Now, third, a most interesting fact, as showing the relationship of the International Bureau to the Senate and House of Representatives: Three years ago, when I took charge, the total number of inquiries coming to us from Members of the Senate and House of Representatives in any shape or form was only 10 per cent of the total membership; during the last fiscal year 97 per cent of the House and Senate utilized the bureau more than once in some shape or form of which we have definite record, either through correspondence or by telephone request.

Fourth. Three years ago only 3 or 4 of the 21 American republics, including the United States, made frequent or constant use of the International Bureau. During the last year every one of these republics has used it so constantly and frequently that our staff has been unable to keep up with the demands made upon us.

Fifth. Three years ago it was practically impossible to dispose of the monthly bulletin because it was uninteresting and not valued by manufacturers or general readers or Members of Congress. Now we are not able to meet by any means the general demand that there is for it from all over the country. I have received numerous letters from Congressmen, from newspaper editors, and manufacturers all over the country stating that it is the most interesting and valuable government publication that goes out from Washington. We have been striving in every way to meet the demand for it against greatly adverse conditions of an overworked staff and a limited printing allowance.

Sixth. In 1906, or three years ago, the total number of pieces of printed matter distributed by the bureau amounted to approximately 50,000; last year, in response to actual requests—not any of our publications being wasted, but being conserved to meet the general and congressional demands for printed matter—we distributed 450,000 pieces to every State of the United States, to all the Latin-American countries, and also to some of the European countries.

Seventh. A fact of which I am particularly proud and to which I would call your especial attention by most careful consideration of our correspondence with manufacturers, merchants, exporters, and importers, and with the data we have collected from the different governments, the bureau finds itself directly responsible for new and original business done during the last three years between the United States and Latin America of $23,000,000, a most remarkable fact when it is analyzed. But that does not take into consideration the thousands of influences that the International Bureau has set at work, not only in the United States, but all through Latin America, of which we can have no possible record. We can only base our conclusions on the correspondence we have had with business firms and on the reports of the governments dealing with specific matters.

Eighth. Three years ago only 900 manufacturers, merchants, exporters, and importers of the United States sought practical good from the work of the bureau; this last year 4,000 manufacturers, merchants, exporters, and importers in the United States have specifically depended upon the bureau for the information they have received from it, obtaining data they could not get from any other source in the United States or Latin America. Three years ago 15 universities applied to the bureau for data about Latin America for their curriculums and matters like that; this last year 320 American universities, colleges, and academies between the Atlantic and Pacific coasts have made demands upon us for data that would aid them in their work. In 1906 only 60 students are reported as having sought information and data from the bureau on subjects relating to these countries and our relations with them; last year several hundred students in these different universities and colleges applied to us for all kinds of data that would be helpful in their educational work. Three years ago only 72 newspapers were recorded as having sought definite information from us for editorials and other data; during the past year 1,100 newspapers have directly applied to us for valuable data. Three years ago not 100 people, intending to travel in Latin America, sought information and data from us; during the last year we have record of over 1,000 specific letters of this kind, seeking the kind of information which they could not get from anywhere else.

Next, coming to some of the work of the bureau which is not generally appreciated as showing its broad international scope and character, the Argentine Government, through the aid of the international bureau, has organized, established, and set working a national bureau of labor, which it did not have before it appealed to us to assist in preparing the data necessary to make the establishment of the bureau possible, and we have received the official thanks of the Republic of Argentina for having done that. The Government of Brazil, wishing to revise certain laws which are of importance to that country on account of its being a land which wants immigration, applied to the bureau for data and cooperation.

I received special letters from Brazilian officials thanking me for the practical help that we had given them. The Government of Ecuador, face to face with the difficult problem of the sanitation of Guayaquil, which directly concerns the Panama Canal, and therefore concerns the United States, applied to us and we gave them such assistance and cooperation in that respect that they are now thoroughly convinced of the necessity of completing and carrying through the sanitation of that port. This is the last port of call before the Panama Canal is entered from the South, and must be made sanitary if the canal is to be properly guarded.

In Chile we gave useful information looking to the building of their great harbor at Valparaiso which will cost over $15,000,000. In Bolivia we assisted the Bolivian Government in floating their railway loan in New York. We have been the agency for supplying some teachers for the different Latin-American Republics, such as, for instance, Panama and Peru.

We are now at work on the preparation of the programme and the data for the great Fourth Pan-American Conference to be held at Buenos Aires in July next. This involves an enormous amount of very careful work, inasmuch as it requires statistics of all these countries, showing their progress and development and those conditions which involve unity of interest and action among them. Then again, in the case of the international expositions, such as the one recently held in Ecuador, those to be held in Buenos Aires, Argentina, and in Santiago, Chile, they have depended largely upon the bureau to get all the countries interested as well as the United States. In the matter of international exchange of publications and correspondence, the bureau is becoming more and more the vehicle or channel through which all the countries are informing themselves in regard to each other.

It is hardly necessary for me to add that the bureau is brought into contact with all the various commercial bodies scattered through the United States. There is disseminated far and wide among our merchants and manufacturers information of the

greatest importance as to our trade relations with the republics of South and Central America. The enormous increase in our trade with South America in very recent years is due, in my judgment, in no small degree to the publicity work of the bureau. Not a day passes that the director does not receive scores of letters of inquiry from business men and business houses as to trade opportunities in the various republics which are united under this bureau. In answering these inquiries and in sending out its bulletins the bureau is constantly informing the American people as to conditions and opportunities in the lands to the south of us. It is to-day the one important source of information relative to conditions in these sister republics. And the indirect influence of the bureau is only second in importance to the actual work done by it. The bringing of all these 21 republics together under this International Bureau of American Republics inevitably results in producing a generous rivalry among them. The question of sanitation is a most important one to us in the United States. The work we did in Habana in transforming that city from a pest hole into a garden spot was of inestimable value to the people in the southern part of our country. They no longer suffer from the scourge of yellow fever brought hither from the island. Now that we are in possession of the Canal Zone and have spent millions of dollars in the work of sanitation there, we are tremendously interested in seeing to it that those countries with which we shall necessarily be brought into close contact when the canal is completed shall do their full share by way of sanitation to prevent yellow fever and the bubonic plague from being brought to the zone as an incident of our closer commercial relations. And the influence that this bureau is to-day exerting in this behalf through the representatives of the various republics is far-reaching and invaluable.

Mr. MANN. It is mostly done through the Marine-Hospital Service.

Mr. FOSTER of Vermont. I would not for a moment underestimate the importance of the work done through the Marine-Hospital Service under Surgeon-General Wyman, but it is also true that this bureau is exerting a wholesome and far-reaching influence as respects the important question of sanitation.

Some one inquired a few moments ago as to how the bureau is conducted. Let me say there is a governing board with one representative from each of the 21 republics thereon. Our representative is our Secretary of State. The ambassador or minister from the other 20 republics to the United States, with our Secretary of State, constitute the governing board of the bureau. This governing board meets regularly. There is not a member of the board that is not intensely interested in the work of the bureau. The director makes his report annually to this board, showing exactly how every cent of the bureau's income has been spent, and that report is acted upon by the governing board. I certainly believe that as the years go by the importance and usefulness of the bureau will steadily increase. I am sure that we shall get a full return for every cent we spend upon it, for it will continue to furnish the opportunity for our becoming acquainted with the people of our sister republics, and as we become better acquainted with them they will better understand us, and the better they understand us the less danger there will be of friction or strained relations.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the committee rise informally for the purpose of submitting a conference report for printing in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the committee informally rise. Is there objection? [After a pause.] The Chair hears none.

URGENT DEFICIENCY BILL.

The committee informally rose, and the Speaker resumed the chair.

Mr. TAWNEY. Mr. Speaker, I desire to submit a conference report on the urgent deficiency bill for printing in the RECORD under the rule.

The report of the committee of conference and statement of the House managers are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follow:

That the Senate recede from its amendment numbered 47.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 38, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "Furnishing new post-office, custom-house, and court-house, Cleveland, Ohio: For furniture equipment for the new post-office, custom-house, and court-house building at Cleveland, Ohio, one hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "United States court of customs appeals: The salaries of the judges, officers, and employees of the United States court of customs appeals, authorized by the act approved August fifth, nineteen hundred and nine, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' shall hereafter be at the rates per annum as follows: For the presiding judge and four associate judges, seven thousand dollars each; marshal, three thousand dollars; clerk, three thousand five hundred dollars; assistant clerk, two thousand dollars; five stenographic clerks, one thousand six hundred dollars each; stenographic reporter, two thousand five hundred dollars; messenger, eight hundred and forty dollars; and for the payment of the said compensation for the balance of the fiscal year nineteen hundred and ten, at the rates herein fixed, there is appropriated the sum of twenty-seven thousand four hundred and forty dollars, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "The allotment for printing and binding for Congress is hereby made available for the printing, under provisions of existing law and the rules of the Senate and House of Representatives relating to public printing, as public documents of such of the publications of the National Monetary Commission as the commission may designate. And the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents of the National Monetary Commission as may be required for sale;" and the Senate agree to the same.

On the amendment of the House to the amendment of the Senate numbered 39, the committee of conference have been unable to agree.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

EUGENE HALE,
J. H. GALLINGER,
A. S. CLAY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendment No. 4: Appropriates $75,000, as proposed by the Senate, for participation in the International Agricultural Exhibition at Buenos Aires.

On amendment No. 9: Appropriates $160,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for furnishing the new public building at Cleveland, Ohio.

On amendments No. 36 and 38: Provides for the salaries of the judges of the court of customs appeals at the rate of $7,000 per annum.

On amendment No. 46: Provides for the printing of the publications of the National Monetary Commission and the charging of the cost of the same against the allotment for printing and binding for Congress.

On amendment No. 47: Strikes out the provision proposed by the Senate providing for printing and binding for the International Bureau of the American Republics.

On the amendment of the House to the amendment of the Senate relating to the Immigration Commission the committee of conference have been unable to agree.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, it is unfortunate that my colleague should get so incensed at the mention of the supposed policy of the State Department.

The CHAIRMAN. Does the gentleman rise to offer an amendment?

Mr. FITZGERALD. I am opposing the pending amendment. Because Members do not froth at their mouth that is no reason that they are not serious in what they suggest. The gentleman expressed his surprise that the American shipbuilders were able to obtain the contract mentioned by me, and so, as he said, upon inquiry he had ascertained that, while, as a rule, it was impossible to build ships in this country except for from 20 to 25 per cent in excess of what it would cost elsewhere, that in this particular instance, because of the price at which armor could be supplied, this American concern had been able to obtain the contract. It is unfortunate that the gentleman did not get more detailed information when he made such special inquiry.

I am not familiar with the details of these vessels, but I do know that, exclusive of armor and armament, the latest vessels authorized for the American Navy cost $6,000,000. My recollection is—and I have had no chance to refresh it—that the armor and armarment alone cost about $3,500,000 additional. My recollection of the price at which the American shipbuilding concern is to get these two ships is in the neighborhood of $22,000,000, and the contract for the armor for each ship is about $1,950,000. So that the cost of the armor is about one-fifth of the cost of the ship.

It would be interesting to know, Mr. Chairman, if this armor which can be supplied so cheap when used for foreign nations is being supplied by the American armor manufacturers at a price less than that at which they supply it to the United States for the same purpose.

Now, my colleague got very much wrought up by what he termed my setting up of men of straw simply to knock them down; but he carefully avoided any reference whatever to my statement in connection with the loan to the Republic of Honduras, for the negotiation of which, through the action of the State Department, a financial house in the city of New York was paid a commission, as I recollect, of about $460,000, an additional burden upon that country imposed for the benefit of the American banker because of the activity of the Department of State.

Within ten days there has been roaming about this city a member of another financial house of the city of New York not friendly perhaps to the one which received this commission; and it is said that that firm served notice upon the Department of State that if it were not let in on the financial deals that were being negotiated in Manchuria he would stir things up. A distinguished gentleman, well known in financial circles, prominent in his connection with financing Republican campaigns, has publicly admitted that in the past few days matters have been adjusted, and that there would be no difficulty between these two concerns.

Mr. Chairman, I regret that I have not the information before me, so that I can give the details of the matter to the House, but I shall take care to have it here the next time the House meets, ready to meet anybody who challenges the accuracy of my statements.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1909 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. BARTHOLDT. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, on page 15, after line 19, the following:

"BUREAU OF THE INTERPARLIAMENTARY UNION.

"For maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, as the share of the American Congress, $2,500."

Mr. PERKINS. Mr. Chairman, I shall be obliged to make the point of order against that. It is not authorized by law; but if my friend wishes me to withhold the point of order for five minutes, I will do so.

The CHAIRMAN. Does the gentleman from Missouri wish to be heard on the point of order?

Mr. BARTHOLDT. Mr. Chairman, since I stated my reasons for this amendment during general debate I have heard so many favorable expressions from Members of the House in regard to it that I am led to believe the proposition to thus officially recognize the Interparliamentary Union and accord to it the support which it now seeks in all the parliaments of the world will meet with the almost unanimous approval of the House. It is a proposition which particularly concerns us as the lawmaking body of the United States, and what we are asked to do here will be for the general cause of arbitration and peace. We have Hague conferences and Pan-American conferences and other international assemblies for which appropriations are made to enable American participation in them. But they are councils to which the executive governments send their delegates.

But here it is proposed to aid the legislative branch of the Government in its desire to meet and confer with the representatives of the legislative bodies of the other governments under the auspices of that great organization of lawmakers, whose object it is to promote the cause of international arbitration. For the first-named conferences we provide salaries and traveling expenses, but nothing of this kind is asked for the delegates of the interparliamentary meetings. All that is asked here is that the American Congress, as a member of the Interparliamentary Union, contribute its proportionate share to the expenses of maintaining the bureau of that organization. Heretofore that bureau was maintained by voluntary subscriptions of the several groups and of individual citizens, until at the London conference, in 1906, a resolution, offered by the delegates of the American Congress, was unanimously adopted, calling upon all the national legislative bodies to officially recognize the new world parliament by contributing to the maintenance of its international bureau, or headquarters. Since that time the parliaments of Belgium, Denmark, Great Britain, Italy, Norway, Austria, Greece, Sweden, the Netherlands, and Roumania have responded to that resolution, and only a few days ago, when the question came up in the French Chamber of Deputies, the prime minister of that country gave the assurance that an appropriate allowance would have the support of the French Government. All other parliaments have the matter now under consideration. The question is, then, whether the American Congress shall uphold or repudiate the action of its own delegates, whether our sweet words in behalf of the cause of good will and peace shall or shall not be corroborated by actual deeds, or whether we should not more emphatically even than other parliaments go on record as giving our willing and enthusiastic support to this international brotherhood of lawmakers. I know that the amendment is subject to a point of order, but in view of circumstances of the case and in view of the fact that favorable action on this question should be taken before the middle of March when the interparliamentary council will meet at Brussels, I appeal to the distinguished chairman of the committee and to the other gentlemen present not to raise it.

Mr. PERKINS. I must now insist on the point of order. The appropriation is not authorized by law and has not the approval of the committee. However commendable it may be, this is not the time to consider that matter.

The CHAIRMAN. Unless the gentleman from Missouri can cite the Chair to some law authorizing this appropriation the Chair will sustain the point of order.

The Clerk read as follows:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1910, $4,800.

Mr. MACON. I reserve the point of order. I want to know how it is that an appropriation for an agricultural establishment of any kind happens to be carried in this bill.

Mr. PERKINS. Because it rests on an international treaty. This bill carries all obligations and international relations resting upon treaties between this and other governments.

Mr. MACON. I would like to know the purpose of the establishment of this institution.

Mr. PERKINS. I will say, in answer to the gentleman, that I do not think that this is subject to a point of order. This institute was created by treaty signed in 1905 by the representatives of 41 powers. I will say to the gentleman frankly that while it is an international obligation, I am not myself wildly

enthusiastic as to the wisdom of this measure. If the gentleman from Arkansas at some time will introduce a resolution into the House asking the State Department to notify the other powers that we elect to withdraw from this treaty at whatever time the terms of the treaty will admit, personally I might not object.

Mr. MACON. If it is a useful establishment, I do not see any reason for doing that, but I wanted to know what the purposes of the institution are.

Mr. PERKINS. The institution was started by some enthusiastic gentleman who went over to Italy and interested the Italian King and other officials to establish a central bureau, which was to obtain information as to the cost of products of the soil all over the world, with the idea that that could be furnished in such a way and with such promptitude that it might be of value to the markets and the purchasers of the world. Personally, however laudable the scheme might be, I very greatly doubt whether the results of this bureau will be of advantage to the agricultural interests of the country, but that is my own individual judgment.

Mr. MACON. Where is this institution established?

Mr. PERKINS. In Rome, Italy.

Mr. MACON. And the gentleman says it was established for the purpose of gathering information to be disseminated all over the world?

Mr. PERKINS. Yes; as to the different crops and prices, and all that; and although it seems to me rather impracticable, yet as long as the treaty is in force we must pay our part, because we have agreed to the treaty, and until we notify the other powers that we elect to withdraw from the treaty we have to pay our proportion, because it is a treaty obligation. It is for that reason that this appropriation of $4,800 is in the bill.

Mr. MACON. Mr. Chairman, I withdraw the point of order.

Mr. HAYES. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

Mr. MANN. Is this an amendment to the paragraph?

Mr. HAYES. Yes.

The Clerk read as follows:

At the foot of page 15, line 24, after the word "dollars," add the following:

"For the payment of expenses of delegates of the United States to the annual assembly, $8,000, or so much thereof as may be necessary."

Mr. PERKINS. Mr. Chairman, to that I make a point of order that that expenditure is not authorized by law or by the provisions of any treaty.

Mr. MANN. Mr. Chairman, I understood the gentleman from California to say that he was offering an amendment to this paragraph.

Mr. HAYES. I am.

Mr. MANN. I want to move at the proper time to strike out the paragraph.

Mr. HAYES. I hope the gentleman from New York will reserve his point of order.

Mr. PERKINS. I will reserve it.

Mr. HAYES. Mr. Chairman, this is an amendment relating to the International Institute of Agriculture. I think the gentleman from New York is mistaken; I do not think this amendment is subject to a point of order. The International Institute of Agriculture is, as he has stated, the creature of a treaty, and the principal part of that institute, the most important part, is the annual assembly which is held in Rome every year. I think it was held there last month.

I am sorry to disagree with the gentleman from New York as to the work which this institute is doing. I believe it is doing a most important work, and it is doing it at a very little expense so far as this Government is concerned. The gentleman in charge of that institute in Rome, David Lubin, is now and, since the signing of the treaty, has been performing his duties entirely without compensation because of his enthusiasm and his belief that it will be not only largely beneficial to this country, but to the whole world. Let me read a few words of the treaty itself, which gives the purposes of the institute.

The institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets.

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to.

(c) Indicate the wages paid for farm work.

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them.

Mr. HINSHAW. Will the gentleman state the date of that treaty?

Mr. HAYES. Nineteen hundred and five, I believe.

Mr. HINSHAW. This appropriation has been running, then, for four or five years?

Mr. HAYES. This institute; yes, sir. Mr. Chairman, I might state that there are other important purposes to be conserved by the institute, but this is sufficient to indicate the character of its work.

Mr. TIRRELL. Will the gentleman please inform us whether any of those reports relative to wages, and so forth, have been printed and whether they are at the disposition of any department?

Mr. HAYES. I can not inform the gentleman; but I think the work of the institute thus far—which, I believe, has only been in progress a short time—has been largely the work of organization, and as a practical working institution it has not yet done the work that it was intended to do. As I stated, the important work of this institute is the annual assembly, and I ought to state that this work has the emphatic approval of the Secretary of State, who, perhaps, knows more about it than any official of the United States. We are entitled to five delegates to that assembly from the United States. If we are going to take any part in this institute at all, it seems to me that we should have all the delegates to which we are entitled. I believe, therefore, that we should make the appropriation, and I do not believe that this amendment is subject to a point of order. We should make appropriation for the expenses of these delegates, provided for by treaty.

Mr. MANN. Mr. Chairman, I called attention to this appropriation last year and subsequently received a somewhat lengthy communication from a gentleman who has been the chief beneficiary in one way at least, Mr. Lubin, who is a constituent of the gentleman from California [Mr. HAYES]——

Mr. HAYES. Mr. Chairman, I am sure the gentleman does not desire to do injustice to a very estimable gentleman. Mr. Lubin has paid the expenses largely out of his own pocket. He is not the beneficiary of this institute in any sense. He is a gentleman of independent property.

Mr. MANN. What I state is true—the chief beneficiary in one way.

Mr. HAYES. I do not see in what way.

Mr. MANN. If the gentleman will listen to me a moment I will endeavor to show. I read Mr. Lubin's communication which I received last year with some care and attention, after a debate in the House, and without any unfriendly feeling to Mr. Lubin, and was still forced to retain the opinion that this institute was largely something originating with Mr. Lubin and that nobody else was especially interested in it. Since that time I have endeavored to ascertain whether this institute has ever done anything. I believe they have a building over there, or claim to have one, donated by the King of Italy. They have had some appropriations which the gentleman from California says have been mainly used in organization. Organization of what? Organization for what purpose, organization to what effect? What have they ever done? It is true that this institute has not been in existence for many years.

The original convention was dated June 7, 1905. It was ratified by the United States on June 27, 1906; signed by the President on July 7, 1906. So that it has been in existence three years and a half, so far as we are concerned. During that time what publications have they issued, what information have they acquired? Can anybody here tell? An institution that is supposed to diffuse knowledge concerning agricultural methods and agricultural products; an institute that has been running three years and a half since we became members of it. Has anybody ever received any information from this institute? Has any information ever been published which our own live Agricultural Department has been able to get hold of? Not at all. It is rumored—and it is only a rumor that that may be true—that the institute has finally issued a circular which describes the methods of collecting agricultural statistics. What valuable information that is! Everybody knows the method of collecting agricultural statistics. Schoolboys in our grammar schools in the United States can write accurate essays upon that subject, and yet this great institute in Rome, originated by the constituent of the gentleman from California, who is not to be criticised for supporting this amiable constituent——

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HAYES. Mr. Lubin is not my constituent.

Mr. MANN. Then it is a misfortune for Mr. Lubin.

Mr. HAYES. It is a misfortune for the gentleman from California.

Mr. MANN. I thought the gentleman from California represented everybody in California. He was a Californian.

Mr. HAYES. He was.

Mr. MANN. He is now located in Rome. He lives in Rome, and he wants to benefit by being the chief mogul from the United States in the social affairs of Rome as the representative of this Government in this institute.

He wants to have the importance; that is all there is to it; he wants to have the importance of being the representative of this Government to an institute in Rome, an institute which never has done anything, an institute which does not intend to do or ever did anything except to swell Mr. Lubin and his importance.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. Who appointed him?

Mr. MANN. Mr. Lubin originally appointed himself. [Laughter.] He originated the whole scheme, and I am not blaming him for it. He showed a brilliancy of thought and execution which does justice to any Californian—and they are pretty good at it—but having secured this project, having gotten other nations to enter into a convention, having secured the ratification of the United States Senate and the approval of the President of the United States, none of whom knew anything about it, he ought to have been appointed to the place which he had created, which he had gotten other nations to join, for the purpose of making a place which he might fill. If there is anybody to fill the place, Mr. Lubin is entitled to it. It is his own child; nobody else has the right to claim it. But there is no excuse for creating the place or position. It is not intended to do anything. An agricultural institute in Rome to tell us how to collect agricultural statistics!

Mr. HOWARD. May I ask the gentleman from Illinois before he takes his seat a few questions about this?

Mr. MANN. Certainly.

Mr. HOWARD. The gentleman realizes that this provision is in this bill in consequence of a treaty between the United States and Rome on the subject?

Mr. MANN. I do; I realize the difficulties of the subject.

Mr. HOWARD. And that this House must either appropriate in pursuance of the terms of the treaty or neglect it entirely.

Mr. MANN. But I am talking about the amendment offered by the gentleman from California to increase this amount by $8,000 to pay Mr. Lubin's expenses in Rome.

Mr. HAYES. No——

The CHAIRMAN. The Chair is ready to rule. Can the gentleman from California invoke the law under which this salary is fixed?

Mr. PERKINS. Mr. Chairman, I have the treaty here. It provides for a contribution by this country annually of $4,800, and there is no provision by which we agree to pay anybody one cent. We have the right, if we see fit, to send a certain number of delegates, and if we see fit to send them there we can pay what we desire to pay. But there is no treaty obligation, there is no authority of law for paying one dollar to any person who is sent as a delegate, or for any other purpose, to this congress. The only legal obligation is to contribute our share to the general expense under which the $4,800 is paid by the treaty. There can be no question about it, and I must insist upon my point of order.

Mr. HAYES. Will the gentleman reserve his point of order for one moment?

Mr. PERKINS. For only one moment; time is moving rapidly.

Mr. HAYES. Mr. Chairman, I desire simply to say in defense of Mr. Lubin that I do not expect the gentleman from Illinois to comprehend the motive underlying the activities of Mr. Lubin in this matter. I do not expect him to appreciate it, because he is not accustomed to look at things in that way. Mr. Lubin has been prompted to this activity by the very highest motive, and not by the sordid motives which the gentleman from Illinois has suggested, as I know. I have known Mr. Lubin for some years, and I know in this matter he has acted from a very high sense of duty to humanity, and has engaged in a work which, as he believes, will assist the agriculturists not only of this country, but of the whole world, in the line indicated by the extract from the treaty, which I have already read.

Mr. PERKINS. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA.

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, $100,000, to be immediately available, together with the unexpended balance of the previous appropriation for this object.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of making some inquiry of the chairman of the committee as to how much money, in his judgment, will be necessary to complete the marking of the boundary line between Alaska and Canada.

Mr. PERKINS. It is very hard, Mr. Chairman, to ascertain with accuracy what the additional expense will be. Fixing the boundary line is naturally very expensive work. They go through a very remote part of the world, over snows and mountains and through forests. The estimate made by the gentleman in charge is that it will probably be completed at a probable further cost of $200,000.

Mr. MACON. How much has been appropriated up to this time?

Mr. PERKINS. Five hundred and fifteen thousand dollars.

Mr. MACON. So that will be $815,000 for the establishment of the boundary?

Mr. PERKINS. Yes; the gentleman is correct. Those are the approximate figures.

Mr. MACON. Of course the committee has made investigations about this matter. Does the chairman believe it is worth practically a million dollars to establish a boundary line between Alaska and Canada?

Mr. PERKINS. Certainly. The establishment of a boundary between great nations is of a value that one can not overestimate. Suppose in five or ten years from now gold mines might be discovered, and there was any question of boundary. The Canadians would say, "This is our gold mine," and the Americans would say it was theirs. That would be an international complication that might be very serious. This work is done jointly by the two governments, and each one contributes one-half. The expense is large, but it is a great country that we are surveying. They go through glaciers, mountains, and valleys, an exceedingly remote and difficult part of the world to traverse. To have the boundaries between this country and England fixed with accuracy, so it is necessary to do nothing but turn to the map and say, "That is the map made by the two governments," and to show the line which has been so established by the two governments, is a very valuable work.

Mr. MACON. For the purpose of preventing an interruption when we reach another paragraph a little further along in the bill, I will ask the gentleman while he is upon his feet what the cost of establishing the boundary line between this country and Canada will be? I notice you are appropriating now about $105,000 for the next fiscal year for that purpose.

Mr. PERKINS. Well, I would state that it is estimated by the government officials in charge of the survey on our side that the survey should be made at a cost of $200,000 to our Government. That, of course, means a total cost of $400,000. As to the past cost it is impossible to say. We have been surveying and measuring and fussing and fighting about the line between this country and Canada almost from the time the country began its existence.

Mr. MACON. Is not the line between this country and Canada, at least a large part of it, a water line?

Mr. PERKINS. The gentleman, if he will turn back in his historical reading, will remember it was forty or fifty years ago when the cry was made, "Fifty-four-forty or fight."

Mr. MACON. Yes. "Fifty-four-forty or fight" was the campaign slogan quite a number of years ago.

Mr. PERKINS. If it had not been for the wise action of our representatives and the English, it is possible that there might have been fighting. It only shows the difficulties long attending the fixing of this boundary.

Mr. MACON. Mr. Chairman, these appropriations strike me as being a little excessive for the establishment of boundary lines; but, of course, I have not had an opportunity to investigate the matter, and will not take issue with the chairman of the committee about them. He states that, in his judgment, these are proper appropriations, and for that reason I will withdraw the pro forma amendment.

The Clerk read as follows:

For the payment of the annual installment for the calendar year 1910, under the assignment and transfer made by the Republic of Panama to the Republic of Colombia, in manner and form as contained in the treaty between the Republic of Colombia and the Republic of

Panama of January 9, 1909, the recognition of which assignment and acceptance of notice thereof are given by the United States in Article V of the treaty between the United States and the Republic of Colombia concluded January 9, 1909, $250,000.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. On the ground that the Committee on Foreign Affairs does not have jurisdiction over this appropriation. It is true that it is dependent upon the treaty that it refers to in this bill. But that does not necessarily confer jurisdiction. I would not make the point of order except for the fact that this is part of the expenses in connection with the construction of the Panama Canal, and I think if the point of order lies, it is proper to be made, because I think that all of these expenses ought to be carried in the same appropriation bill, which is the sundry civil or the deficiency appropriation bill. Two of these installments have already been appropriated for. They were appropriated for through the Committee on Appropriations in the deficiency bill making appropriations for deficiencies for the year 1909. That bill carried an item for the payment of the annual installment for the calendar year 1908 and 1909, payment to be made in connection with the conventions and treaties named in the pending proposition.

The gentleman in charge of the bill will probably recall that every treaty obligation is not necessarily paid through the Committee on Foreign Affairs. The appropriation bill is properly entitled "A bill making appropriations for the diplomatic and consular service" of the Government. For instance, the appropriation which we made for the payment of the Bering Sea award did not come from the Committee on Foreign Affairs, but through the Committee on Appropriations in the sundry civil bill; and when we made the payment in reference to the Spanish war treaty, the payment was made, not through the Committee on Foreign Affairs, but through the Committee on Appropriations; and the Committee on Appropriations already have assumed jurisdiction, under the direction of the House, for payment to be made under this treaty. I think that the jurisdiction lies in the Committee on Appropriations, not in the Committee on Foreign Affairs, the Committee on Appropriations having jurisdiction of all other appropriations relating to the construction of the Panama Canal.

Mr. PERKINS. Mr. Chairman, that the question of jurisdiction has sometimes been carelessly exercised, confusedly exercised, between different committees of the House, we all know. But the only question that comes up now is whether this appropriation contained in this bill is of a character of which the Foreign Affairs Committee has jurisdiction. The mere statement is an answer. We appropriate for the diplomatic and consular service, and we also appropriate for liabilities which arise under treaties.

How can my friend say that this is found improperly in the diplomatic bill, when there are contained in this bill, and have been contained as long as there has been a diplomatic bill, more than half the items, appropriations for the expenses of the neutrality act, for instance, the emergency fund which the President is authorized to use, the expenses of boundary acts, and treaties made between this country and England? Of course, the Committee on Foreign Affairs would have no jurisdiction of the expense which is carried in this bill for making surveys if that expense did not rest upon an agreement made between our Government and some other government.

Mr. MANN. Will the gentleman yield? Is it not true that that expense is paid to people working under the control of the State Department?

Mr. PERKINS. Oh, well, it is not true as to a great many of these items.

Mr. MANN. I think the gentleman will find it is true of everything in the bill.

Mr. PERKINS. Oh, no; right here on the page before me, the international bureau, for publication of customs bureau. We send the money to that bureau. The State Department has no more control over it than the gentleman from Illinois. We sent over there, under treaty, $1,500. This bureau which has just been discussed, in Rome, receives $4,800, because this is a treaty obligation.

Mr. MANN. Oh, that is not merely because of the treaty obligations.

Mr. PERKINS. This is an obligation of our Government under this treaty, not to the international bureau at Rome, not to the international bureau at Paris, and not to any other of the various purposes for which appropriations are made in this bill, but to the Republic of Colombia for the sum of $250,000, a claim resting upon treaty, and that alone. If it were not for the treaty we would have no more right to pay $250,000 to Colombia than to send it to England or to any other foreign government to which we are under no obligation. But because a treaty obligation stands, it must be paid; and because it is the duty of the Foreign Affairs Committee to attend to the discharge of obligations that rest upon treaties between this Government and other countries, it is properly in this bill; and if it is not properly here, then payments in this bill that have been carried from time immemorial are subject to precisely the same criticism.

Mr. MANN. Mr. Chairman, just a word. It seems to me very easy to differentiate between this item and the items to which reference has been made. That is, where there is a continuous service for the Government. Take the agricultural institute at Rome, for which the appropriation was just made. It is not a payment of a fixed obligation at all. It is supposed to be a diplomatic service in connection with the diplomatic establishment of the Government. They are supposed to be performing an international service between the nations; quite a different proposition from paying a fixed award by this country to another country. I think you will find no other items in the bill like this at all.

Mr. PERKINS. I should like to say just one word more as illustrating the jurisdiction of the committee. As a result of the Boxer war the Chinese Government agreed to pay to our Government a large number of millions of dollars. By a bill finally reported from the Foreign Affairs Committee that amount was reduced, and the sum of about $2,000,000, on which claims were made, was, under the jurisdiction of the committee, held until the claims could be ascertained. The entire jurisdiction over that money—which was not anything permanent, running on for all time; which was not any part of consular or international service, but was a payment of money to this country under a treaty obligation to us from another country—was entirely disposed of, and was properly held to be under the jurisdiction of the Foreign Affairs Committee.

Mr. MANN. Of course there is no other committee that could have jurisdiction of a legislative proposition involving that.

The CHAIRMAN. The Chair is ready to rule, and will first read from Hinds's Precedents, volume 4, page 716:

> Awards of money to foreign nations belong to the jurisdiction of the Committee on Appropriations. In 1879 the Halifax award was reported in the sundry civil bill. * * * On February 17, 1899, the bills to pay the award to Spain under the treaty of peace were referred to the Appropriations Committee, and the appropriation was reported therefrom.

These precedents, taken in connection with the fact that payments under this same treaty have been made under the jurisdiction of the Committee on Appropriations, lead the Chair to sustain the point of order.

The Clerk read as follows:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association, and the expenses of the United States delegate in attending the meetings of the commission, $1,300.

Mr. MACON. Mr. Chairman, I reserve the point of order on that paragraph for the purpose of ascertaining something about it. I see it is a new appropriation—at least it was not carried in the appropriation bill a year ago.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order.

Mr. PERKINS. This commission is believed by scientific men to be of value. There appeared before the committee various scientific employees of our own Government. This central body makes observations in reference to earthquakes and the indications of earthquakes, and where they can be located. It is suggested by the gentleman from Illinois [Mr. MANN] that the reports they make are regarded as valuable in connection with the work done at Panama and as scientific investigations.

Mr. MACON. Where is the association domiciled?

Mr. PERKINS. I forget where the headquarters are. I would say in this connection that from the standpoint of finance it seems to be rather profitable, because our contribution is only $1,300, but the work of this association is necessarily scattered over the earth, and there are various small observatories. There are kept in this country two such observatories, and there is paid out of the fund of this association for the support of these observatories sustained in the United States the sum of $4,000 a year. So we really get more out of it than we pay.

Mr. MACON. Do all the civilized countries participate in this association?

Mr. PERKINS. Yes; and we get the benefit of the reports of these various governments that unite to get information which we believe to be of large value in connection with the investigations as to earthquakes—their duration and probable recurrence.

Mr. MACON. I thought this small appropriation of $1,300 would not be sufficient compensation for a scientific delegate.

Mr. PERKINS. There is money contributed by private parties who have special interests. The work done is regarded as of value, and it is done economically and carefully.

Mr. MACON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES.

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $300,000.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I desire to ask if the amount carried here for clerk hire is the same as in the bill of the previous year?

Mr. PERKINS. No; it is an increase of $57,000. I will say to the gentleman, that the department asked for an increase of $107,000, and the committee thought that was a large increase for one year and cut it down to $57,000. The increase is explained in this way. I will state that there will be undoubtedly increases in the future, because this is a part of the policy of the Government and the policy of Congress to have the work of the consulates in the hands of Americans.

Of the 300 employees many of them get from $500 to $600 a year. They have been foreigners. It is believed by the Government, and all of us, that it is for the interest of the country, if we are to have a consular service at all, to have an American service; and necessarily we can not get bright American boys to go over and enter the service at a salary of $600. Over one-third of the clerks and assistants now are Americans, and it is hoped in time to have all the clerks and assistants American citizens. That explains this increase.

Mr. AUSTIN. Mr. Chairman, I am in sympathy with the provision and the increase of appropriation. The only criticism I have to make is that the increase is not large enough. An additional allowance of $50,000 will not permit the State Department to do what ought to be done in reference to placing the American consular affairs in the hands of American clerks.

Mr. PERKINS. They could not go as far as they should if we had given them $100,000.

Mr. AUSTIN. The appropriation ought to be doubled, and I move to increase the appropriation from $300,000 to $600,000.

Mr. PERKINS. Oh, no, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 24, strike out the word "three" and insert the word "six," so that it will read "six hundred thousand dollars."

Mr. PERKINS. Mr. Chairman, that would be $200,000 more of an increase than was demanded by the State Department. I do not think it is expedient to increase these expenses with too great rapidity. Let the increase be gradual. We have a great many years before us yet. The country is young, and I trust the committee will agree with the judgment of the Committee on Foreign Affairs that an increase of $50,000 is sufficient. We have increased the expenses of the consular and diplomatic service with a good deal of rapidity, I do not think with undue rapidity, but with sufficient rapidity, and I trust that the amendment offered by the gentleman will not be adopted.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman in charge of the bill what amount the State Department really asked for?

Mr. PERKINS. They asked for an increase of $107,000, and we gave them an increase of $57,000. It seemed to us that in one year that was sufficient. I have no doubt there will be a further increase in the amount of the bill for the ensuing year. To increase it from $250,000 to $300,000 in one year, an increase of 20 per cent for the clerical assistance in the consular service, we thought was going fast enough. I think every gentleman will agree with me that this increase, from $250,000 to $300,000 a year is rapid enough, and that very rapid increases are not apt to be as judiciously managed as if a reasonable increase was made. As the gentleman knows, we have time before us. The department will ask for more, and I have no doubt it will at a future time receive it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. My time has been largely taken up by others and I would like five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. As I understand it, there was an increase of $50,000.

Mr. PERKINS. The increase is $57,000.

Mr. AUSTIN. How much does the State Department ask for?

Mr. PERKINS. They asked for an increase of $107,000.

Mr. AUSTIN. Then, Mr. Chairman, I withdraw my amendment and move to amend by increasing the amount by $107,000.

The CHAIRMAN. The gentleman from Tennessee withdraws his amendment and offers another, which the Clerk will report.

Mr. AUSTIN. I move to amend by making it $357,000.

The Clerk read as follows:

Page 21, line 24, after the word "hundred" insert the words "fifty-seven," so that it will read "$357,000."

Mr. AUSTIN. Mr. Chairman, I had over a year's experience as an American consul at a very busy and important port on the west coast of Scotland. The allowance for clerk hire was only $1,000 per annum, and out of that amount I was required to employ two clerks, giving them $500 each per annum.

Now, in visiting other consulates I found the same condition existing. The clerk hire being insufficient, capable and efficient Americans could not be induced to accept the positions at the salaries allowed by the State Department. There has not been at the consulate I filled an American citizen filling the positions of vice-consul and deputy vice-consul since the creation of the consulate. I think we all can agree on this proposition, that every American consulate should have an American clerk and an American deputy and vice-consul. If we do agree, there is no justification or excuse for delaying the matter of increasing the appropriation which will enable our State Department to fill every office in the consular service with Americans. If it will be a "good thing" for next year or five years or ten years hence, it is a needed reform this House ought to inaugurate now. In the transaction of official business, in securing facts and information, in the interest of our American exporters and manufacturers, every consulate should be officered with American citizens, loyal and devoted to the interests of our Government, ready and anxious to push at all times American trade and commerce, and we can not effect this change or new condition unless this appropriation is increased and the State Department furnished sufficient funds with which to increase salaries to justify our citizens in accepting this foreign service—service which is vital to the best interests of the American Government and, certainly, to the best interests of the American exporters and manufacturers. I hope the committee will increase this appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken and the amendment was rejected.

The Clerk read as follows:

Actual expense of renting a prison at Shanghai for American convicts in China, $1,200; for repairs and furnishings, $2,000; for contingent expenses, $1,200; for the wages of a keeper of such prison, $1,200; and for the wages of an assistant keeper of such prison, $800; $1,550.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word of that paragraph for the purpose of calling the attention of the chairman of the committee to what seems to be an evident mistake.

Mr. PERKINS. There is a mistake in the figures; yes, sir. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 23, lines 1 and 2, strike out the words "one thousand five hundred and fifty dollars" and insert in lieu the words "six thousand four hundred dollars."

Mr. BORLAND. That corrects the mistake.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Wages of prison keeper in Korea, $600. Total, $17,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to know whether this is to pay a salary or whether it is for a real prison.

Mr. PERKINS. I am informed that the prison keeper at Korea has some real work to do; that occasionally some Americans do get into jail.

Mr. MANN. If it were not so late in the day and the circumstances were other than they are, I would try to get all of these small matters out of the bill.

Mr. FASSETT. I can tell the gentleman this is a real case of keeping prisoners in Korea.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. PERKINS. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendments, to the House, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19255, the diplomatic and consular appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PERKINS. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on the amendments? If not, the vote will be taken in gross.

The question is on the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.;

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia; and

H. R. 14676. An act for the relief of the Pittsburg Brewing Company.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 66. Joint resolution amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses."

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4654. An act to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington—to the Committee on Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. HUGHES of New Jersey, indefinitely, on account of sickness in family.

Mr. STURGISS, from the 13th to 21st instant, on account of important business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. ALEXANDER of New York, from the Committee on Rivers and Harbors, reported the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 436), was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

Mr. ALEXANDER of New York. Mr. Speaker, I desire to give notice that on Monday morning, immediately after the reading of the Journal, I will call up the bill for consideration.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 52 minutes p. m.) the House, under its previous order, adjourned to meet on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, (1) a letter from the Acting Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the year ended June 30, 1909 (H. Doc. No. 679), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5165) to create a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia, reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5451) to amend the act approved December 21, 1904, entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation in the State of Washington," reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7490) granting an increase of pension to William R. Partridge—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15231) granting an increase of pension to William R. Partridge—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL of Iowa: A bill (H. R. 20677) authorizing the detail of officers for inspection, instruction, and observation of military organizations of fraternal societies—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: A bill (H. R. 20678) to provide for the purchase of a site and the erection thereon of a public building at Jackson, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL: A bill (H. R. 20679) authorizing the removal of the arsenal at Watertown, Mass., to the shores of Dorchester Bay—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: A bill (H. R. 20680) defining combinations and conspiracies in trade and labor disputes and regulating the granting of injunctions therein—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 20681) to authorize the Secretary of the Interior to lease unallotted Indian lands for mining purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 20682) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 20683) to abolish the Ozark National Forest—to the Committee on the Public Lands.

By Mr. REID: A bill (H. R. 20684) to abolish the Arkansas National Forest—to the Committee on the Public Lands.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20685) to provide for the purchase of a site and the erection of a public building thereon at Wellsburg, in the State of West Virginia—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 20687) to incorporate the East Washington Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. MOON of Pennsylvania: A bill (H. R. 20688) to provide uniformity of decisions in cases involving the validity of patents—to the Committee on Patents.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20689) granting an increase of pension to Napoleon Tulip—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20690) granting an increase of pension to Henry R. Whiting—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20691) granting an increase of pension to Margaret Hook—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20692) to carry into effect the findings of the Court of Claims in the claim of Henry J. Kinzel—to the Committee on War Claims.

Also, a bill (H. R. 20693) to carry into effect the findings of the Court of Claims in the case of Warham Easley—to the Committee on War Claims.

Also, a bill (H. R. 20694) to carry into effect the findings of the Court of Claims in the case of John G. Henson, guardian of Catherine J. Gilson, insane, and administrator of estate of Samuel L. Gilson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20695) to carry into effect the findings of the Court of Claims in the case of Clarissa H. Tipton, administratrix of Isaac Tipton, deceased—to the Committee on War Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 20696) granting a pension to James R. Ward—to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 20697) to carry into effect the findings of the Court of Claims in the case of Nannie, Oscar W., John R., and Emma Cogswell, heirs of O. H. Cogswell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20698) granting an increase of pension to Henry C. Hopkins—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 20699) to carry into effect the findings of the Court of Claims in case of Baxter Smith, administrator of estate of Hugh C. Jackson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20700) for the relief of Payne, James & Co.—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 20701) granting an increase of pension to John K. Moffett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20702) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20703) granting an increase of pension to Ben Yates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20704) granting an increase of pension to George Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20705) granting an increase of pension to Willis Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20706) granting a pension to Mary Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20707) to carry into effect the findings of the Court of Claims in the case of William Raines—to the Committee on War Claims.

Also, a bill (H. R. 20708) to carry into effect the findings of the Court of Claims in the case of Andrew A. Colter—to the Committee on War Claims.

Also, a bill (H. R. 20709) to carry into effect the findings of the Court of Claims in case of James H. and Benjamin Covington, heirs of Daniel Covington, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20710) to carry into effect the findings of the Court of Claims in case of Effie Cawood, administratrix of estate of Alexander Cawood, deceased—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 20711) for the relief of William J. Robertson, of Winston County, Ala.—to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 20712) to carry into effect the findings of the Court of Claims in the case of T. A. Norris, administrator of estate of N. M. Aldridge, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20713) to carry into effect the findings of the Court of Claims in the case of John Wood—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 20714) to carry into effect the findings of the Court of Claims in the case of Robert Waters—to the Committee on War Claims.

Also, a bill (H. R. 20715) to carry into effect the findings of the Court of Claims in the case of Francis F. Curtis—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 20716) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company, and to permit the relinquishment of lands in certain Choctaw and Chickasaw coal lease and the substitution of other lands therefor, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 20717) for the relief of Margaret Tucker, administratrix of the estate of John B. Tucker, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20718) granting an increase of pension to Alexander E. Shoemaker—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 20719) granting an increase of pension to Briney Doran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20720) granting an increase of pension to John W. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20721) granting an increase of pension to David Shiverdecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20722) granting an increase of pension to Jesse Nye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20723) granting an increase of pension to Henry D. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20724) granting an increase of pension to Richard F. Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20725) granting an increase of pension to Michael Leusnick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20726) granting an increase of pension to Eli R. Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20727) granting a pension to Solomon Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20728) granting a pension to Mary J. Langdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20729) granting a pension to Robert Saunders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20730) granting a pension to Albert R. Huey—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 20731) granting an increase of pension to Amanda T. Wickoff—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 20732) granting an increase of pension to Thomas M. Lamons—to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 20733) to carry into effect the findings of the Court of Claims in the case of Fannie Solari, heir of Emanuel M. Zolari, deceased—to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 20734) granting an increase of pension to Joseph H. Davis—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 20735) granting a pension to James H. Phelps—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 20736) to carry into effect the findings of the Court of Claims in the case of heirs of Joseph C. Zillah, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20737) to carry into effect the findings of the Court of Claims in the case of Dan Thomason, administrator of estate of Joel Harrell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20738) to carry into effect the findings of the Court of Claims in the case of Sarah Brewer, widow and sole heir of John Brewer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20739) granting pensions to E. H. Butram, M. T. Harris, D. M. Price, R. F. Mitchell, William B. Warren, A. L. Martin, and John Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20740) to correct the military record of John B. Heffly—to the Committee on Military Affairs.

By Mr. FORNES (by request): A bill (H. R. 20741) for the relief of Semon Bache & Co.—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 20742) granting an increase of pension to William Drennon—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20743) to carry into effect the findings of the Court of Claims in the case of William H. Landrum—to the Committee on War Claims.

Also, a bill (H. R. 20744) to carry into effect the findings of the Court of Claims in the case of Petty Light Johnston and Scrappy Light Bradshaw—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 20745) to carry into effect the findings of the Court of Claims in the case of David H. Hilderbrand—to the Committee on War Claims.

Also, a bill (H. R. 20746) to carry into effect the findings of the Court of Claims in the case of T. N. Rhodes, administrator of Lewellen Rhodes, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20747) to carry into effect the findings of the Court of Claims in the case of Ida J. Cole, sole heir of Martha C. Cole, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20748) to carry into effect the findings of the Court of Claims in the case of A. P. Young, administrator of John R. Pearson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20749) to carry into effect the findings of the Court of Claims in the case of E. M. McNamee, administrator of John Krider, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20750) to carry into effect the findings of the Court of Claims in the case of Annis Lawrence—to the Committee on War Claims.

Also, a bill (H. R. 20751) to carry into effect the findings of the Court of Claims in the case of Alexander M. Owen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20752) to carry into effect the findings of the Court of Claims in the case of W. M. Wilson, administrator of estate of William S. Wilson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20753) to carry into effect the findings of the Court of Claims in the case of J. R. Wright, administrator of estate of Nancy Wright, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20754) to carry into effect the findings of the Court of Claims in the case of W. P. Boales, administrator of estate of A. J. Wiglesworth, deceased—to the Committee on War Claims.

By Mr. GRANT: A bill (H. R. 20755) granting a pension to Hicks Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20756) for the relief of Thomas Monteith—to the Committee on Claims.

Also, a bill (H. R. 20757) to carry into effect the findings of the Court of Claims in case of E. M. Allison, administrator of estate of Francis Allison, deceased—to the Committee on War Claims.

By Mr. HANNA: A bill (H. R. 20758) authorizing the Secretary of the Interior to permit entry by Josephine Grinnell, widow of George W. Grinnell; George W. Grinnell, jr.; John Grinnell; Charley Grinnell; and Ellen Grinnell, heirs of George W. Grinnell, deceased, of 640 acres of land—to the Committee on the Public Lands.

By Mr. HAY: A bill (H. R. 20759) to carry into effect the findings of the Court of Claims in case of John C. Lutholtz, sole heir of Mary Lutholtz, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20760) granting a pension to Monroe T. Honchens—to the Committee on Pensions.

By Mr. HEALD: A bill (H. R. 20761) granting a pension to Elisha G. Ryon—to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 20762) granting a pension to William McGrew—to the Committee on Pensions.

Also, a bill (H. R. 20763) granting a pension to Annie M. Gladfelter—to the Committee on Pensions.

Also, a bill (H. R. 20764) granting a pension to Benjamin Penn—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20765) granting an increase of pension to Noah Sias—to the Committee on Invalid Pensions.

By Mr. JAMIESON: A bill (H. R. 20766) authorizing the appointment of Isaac O. Foote, a civil war veteran, now a sergeant of the Tenth Band, Coast Artillery Corps, Regular Army of the United States, a lieutenant, and placing him on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 20767) granting a pension to James W. Pray—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20768) for the relief of the Methodist Episcopal Church South, of Campbellsville, Taylor County, Ky.—to the Committee on War Claims.

By Mr. KITCHIN: A bill (H. R. 20769) to carry into effect the findings of the Court of Claims in the case of William Cohen, administrator of estate of Esadore Cohen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20770) to carry into effect the findings of the Court of Claims in the case of Louise C. Smith, administratrix of estate of Enos Case, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20771) granting an increase of pension to Henry Horn—to the Committee on Pensions.

Also, a bill (H. R. 20772) granting an increase of pension to James G. Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20773) for the relief of Philip Hamman—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 20774) for the relief of the heirs of those killed by the explosion at Fort Lafayette, February 19, 1903—to the Committee on Claims.

By Mr. LEE: A bill (H. R. 20775) to carry into effect the findings of the Court of Claims in the case of Mary E. Humphreys, executrix of Enoch Humphreys, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20776) to carry into effect the findings of the Court of Claims in case of J. W. Jennings, administrator of the estate of Patrick Jennings, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20777) to carry into effect the findings of the Court of Claims in the case of Miles L. Floyd, administrator of estate of David Floyd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20778) to carry into effect the findings of the Court of Claims in the case of Abraham Greeson—to the Committee on War Claims.

Also, a bill (H. R. 20779) for the relief of the heirs of John W. Gilliam—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 20780) granting a pension to James D. Silman—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 20781) to carry into effect the findings of fact of the Court of Claims in the case of Burns Polk, deceased—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 20782) to carry into effect the findings of the Court of Claims in the case of Robert A. Dickson—to the Committee on War Claims.

Also, a bill (H. R. 20783) to carry into effect the findings of the Court of Claims in the case of C. H. Corn, administrator of John Chitwood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20784) to carry into effect the findings of the Court of Claims in the case of C. H. Corn, administrator of estate of W. W. Sharp, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20785) to carry into effect the findings of the Court of Claims in the case of W. R. Henson, administrator of John Henson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20786) to carry into effect the findings of the Court of Claims in the case of William H. Dawson—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 20787) granting an increase of pension to William Simpson—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20788) to carry into effect the findings of the Court of Claims in the case of Julia Gailey, sole heir of Hiram Gailey, deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 20789) to carry into effect the findings of the Court of Claims in the case of Francis M. Brabham—to the Committee on War Claims.

By Mr. POU: A bill (H. R. 20790) for the relief of heirs of Wiley Holt, deceased—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 20791) to carry into effect the findings of the Court of Claims in the case of Shelby Grisham, administrator of Daniel Thompson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20792) to carry into effect the findings of the Court of Claims in the case of Henry Davis—to the Committee on War Claims.

Also, a bill (H. R. 20793) to carry into effect the findings of the Court of Claims in the case of J. W. Phillips, administrator of Absalom T. Phillips, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20794) to carry into effect the findings of the Court of Claims in the case of Richard Garner—to the Committee on War Claims.

Also, a bill (H. R. 20795) to carry into effect the findings of the Court of Claims in the case of Charles O. Rolfe, administrator of Oscar A. Rolfe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20796) to carry into effect the findings of the Court of Claims in the case of J. G. Mason, administrator

of estates of Glorvinia Mason and John O. Mason, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20797) to carry into effect the findings of the Court of Claims in the case of C. J. McKee, administrator of estate of David B. Johnson, deceased—to the Committee on War Claims.

By Mr. ROBINSON: A bill (H. R. 20798) to carry into effect the findings of the Court of Claims in the case of William A. Bethel, administrator of Martha Harrison, deceased, and Oliver P. Lister—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 20799) to carry into effect the findings of the Court of Claims in the case of J. H. Duke, administrator of estate of Edmund F. Duke, deceased—to the Committee on War Claims.

By Mr. SISSON: A bill (H. R. 20800) to carry into effect the findings of the Court of Claims in the case of Wiley W. Tipton—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 20801) granting a pension to H. C. Tilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20802) granting a pension to John Barnes—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20803) granting a pension to Robert Bartlett—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20804) granting an increase of pension to Lydia A. Driggers—to the Committee on Pensions.

Also, a bill (H. R. 20805) granting an increase of pension to Hannah J. K. Thomas—to the Committee on Pensions.

Also, a bill (H. R. 20806) granting an increase of pension to William J. Miley—to the Committee on Pensions.

Also, a bill (H. R. 20807) granting an increase of pension to Alexander B. Davis—to the Committee on Pensions.

Also, a bill (H. R. 20808) to correct the record of William Henry Beehler—to the Committee on Military Affairs.

By Mr. THOMAS of Ohio: A bill (H. R. 20809) granting an increase of pension to Henry H. Kellogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20810) granting an increase of pension to Clarence J. Hoskins—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 20811) to carry into effect the findings of the Court of Claims in the case of William W. Myers, executor of James W. Myers, deceased—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 20812) to carry into effect the findings of the Court of Claims in the case of Edwin A. Wells—to the Committee on War Claims.

Also, a bill (H. R. 20813) to carry into effect the findings of the Court of Claims in the case of Myron C. Bond—to the Committee on War Claims.

Also, a bill (H. R. 20814) to carry into effect the findings of the Court of Claims in the case of Guy M. Claflin—to the Committee on War Claims.

Also, a bill (H. R. 20815) granting an increase of pension to William Marvin—to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 20816) granting an increase of pension to George W. Daniels—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 20817) granting an increase of pension to Joseph S. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20818) granting an increase of pension to John I. Dawson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Asa G. Warren and 6 other old soldiers of Kankakee, Ill., for the correction of the military record of Michael Rapple—to the Committee on Military Affairs.

By Mr. ANDERSON: Petition of William F. Mayer, president of the Sandusky Chapter, No. 88, American Insurance Union, of Sandusky, Ohio, urging passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of Clara Jacobs—to the Committee on Invalid Pensions.

Also, petition of Typographical Union No. 69, of Newark, Ohio, against increase of postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Petition of E. D. Treanor, W. R. Ennis, W. M. Stembridge, C. S. G. Smith, and 92 other citizens of Baldwin County, Ga., first against any increase in the rate of postage on periodicals; second, favoring legislation that will eliminate gambling in farm products; third, favoring establishment of parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of James R. Ward—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Military Order of the Loyal Legion of the United States, of Milwaukee, Wis., favoring a volunteer retired list—to the Committee on Invalid Pensions.

Also, petition of Federal Trades Council of Milwaukee, Wis., against the proposed increase of postal rates on magazines and periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Carpenters' Local Union No. 522, of Milwaukee, Wis., urging the adoption of House bill 15441—to the Committee on Labor.

By Mr. CLINE: Petition of Dell Mortorff and 33 other citizens of Hudson, Ind., against an increase of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Bond and 22 other citizens of Fort Wayne, Ind., against the establishment of a postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chapter No. 433, American Insurance Union, of Fort Wayne, Ind., asking that House bill 17543 do pass and become a law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of Farmers' Institute, held at Scottdale, Pa., urging investigation of the high cost of living—to the Committee on Ways and Means.

Also, petition of citizens of Fayette City, Pa., against the proposed change in the rates on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COVINGTON: Petition of citizens of Crisfield, Md.; citizens of Centreville, Md.; and citizens of Princess Anne, Md., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Maryland, against House joint resolution 17—to the Committee on the District of Columbia.

By Mr. DIXON of Indiana: Petition of citizens of Moores Hill, Ind., favoring the Johnston Sunday-rest bill for the District of Columbia and prohibiting sale of liquor in Hawaii, etc.—to the Committee on the District of Columbia.

Also, petition of citizens of Madison, Ind., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of 50 citizens of Rising Sun, Ind., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of New York Produce Exchange, favoring immigration—to the Committee on Immigration and Naturalization.

Also, petition of American Bankers' Association, of New York City, against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, of Washington, D. C., against the educational tests in immigration—to the Committee on Immigration and Naturalization.

By Mr. FLOOD of Virginia: Petition of John T. Smith and other citizens of Augusta County, Va., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD of Arkansas: Papers to accompany bills for relief of James W. Bennie and William W. Hixon—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of Fred Ashworth and other citizens of Texico, Jefferson County, Ill.; also Farmers' Educational and Cooperative Union of America, of Jefferson County, Ill., favoring legislation to prevent the dealing in futures on boards of trade—to the Committee on Agriculture.

Also, petition of Henry Renchen and other citizens of Breese, Ill., favoring the retention of the 10 per cent tax on oleomargarine—to the Committee on Agriculture.

By Mr. FULLER: Petition of Ottawa Typographical Union, No. 265, of Ottawa, Ill., against increase of postage on magazines and periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Colonel Nodine Post, No. 140, Department of Illinois, Grand Army of the Republic, of Champaign, Ill., in opposition to placing statue of Gen. Robert E. Lee in Statuary Hall—to the Committee on the Library.

By Mr. GARNER of Texas: Petition of Farmers' Union of Medina County, Tex., to prohibit gambling in farm products—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of C. B. Richards & Co., New York City, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, Washington, D. C., opposing educational tests of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Musical Industry Merchant Marine League, New York City, favoring Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York Produce Exchange, favoring immigration—to the Committee on Immigration and Naturalization.

Also, petition of Aurora Commandery, No. 53, Knights of St. John and Malta, of New York City, against House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of L. Michelson and 72 other citizens of San Francisco, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HEALD: Petition of Patrons of Husbandry of the State of Delaware, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of citizens of Mendon, Mich., also citizens of Barry County, Mich., opposing savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HELM: Petition of Margaret A. Orr, of Shelby County, Ky., relative to claim for property taken by federal troops during the war of the rebellion—to the Committee on War Claims.

Also, petition of E. B. Caldwell, of Kentucky, relative to a claim for property taken by federal troops during the war of the rebellion—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Riverside Council, No. 26, Knights of Columbus, of Windsor Locks, Conn., in behalf of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New Britain, Conn., against the enactment of a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of juvenile commission of the city of Hartford, Conn., in behalf of a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

By Mr. HOWELL of Utah: Petition of Rev. Adam G. Frank, Brigham City, Utah; the Civic Forum Club, Tooele, Utah; J. L. Pedersen, Smithfield, Utah; George Langston, Vernal, Utah; W. H. Shock, Richfield, Utah; George F. Mallet, Tooele, Utah; and C. Toelefsen, Tooele, Utah, against an increase in the present rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George A. Lowe & Co., of Ogden, Utah, against the passage of House bill 13862—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of citizens of Bolivar, New Florence, and Robinson, Pa., against the establishment of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Scottdale Chapter, No. 114, American Insurance Union, of Scottdale, Pa., requesting support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: Petition of Zanesville Chapter, No. 35, American Insurance Union, of Zanesville, Ohio, and Marietta Chapter, No. 369, American Insurance Union, of Marietta, Ohio, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of J. L. Brown and 47 other citizens of San Francisco and vicinity, against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Iron Trades Council, San Francisco, Cal., favoring the Meyer plan of operating navy-yards—to the Committee on Naval Affairs.

By Mr. KENDALL: Paper to accompany bill for relief of Charles W. Bowles—to the Committee on Pensions.

By Mr. KÜSTERMANN: Petition of citizens of Hortonville, Wis., against postal savings-bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of farmers of Ontagamie County, Wis., against renewal of 10 per cent tax on oleomargarine—to the Committee Agriculture.

By Mr. LANGHAM: Petition of citizens of Freeport, Pa., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Winchester Post, No. 197, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., relating to the placing of statues in Statuary Hall—to the Committee on the Library.

By Mr. McKINLEY of Illinois: Petition of Moultrie Post, No. 318, Grand Army of the Republic, of Sullivan, Ill., urging the passage of House bill 14553, to increase pensions of old soldiers—to the Committee on Invalid Pensions.

Also, petition of citizens of Rantoul, Ill., and citizens of Mahomet, Ill., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska Superintendents' and Principals' Association, of Lincoln, Nebr., against the proposed use of public money for George Washington University—to the Committee on Appropriations.

By Mr. MARTIN of South Dakota: Petition of Indians of Pine Ridge Agency, S. Dak., relating to claims for stolen property—to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: Petition of the T.-Square Club, of Philadelphia, for appropriation to the international exposition, Italy, 1911—to the Committee on Industrial Arts and Expositions.

Also, petition of Edward Pennock, Philadelphia, Pa., against the proposed use of the Hetch Hetchy Valley as a water supply for the city of San Francisco—to the Committee on the Public Lands.

Also, petition of R. J. Clark, cashier Fourth Street National Bank, Philadelphia, Pa., favoring House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Lucas & Co., of Philadelphia, Pa., against the Heyburn paint bill—to the Committee on Manufactures.

By Mr. O'CONNELL: Petition of Coal Exchange of Boston, favoring the improvement of Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. OLDFIELD: Paper to accompany bill for relief of Harmon Varner—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Phillipsburg, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dresden Council, No. 112, S. and D. of J., of Dresden, Kans., relating to the rate of postage on periodicals of the second class—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Chelsea Council, No. 83, of Chelsea, Mass., favoring legislation that will permit fraternal periodicals to carry advertising in their columns—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Coal Exchange of Boston, Mass., favoring the improvement of Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. SABATH: Petition of citizens of Chicago, Ill., against the proposed increase in the rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SHARP: Petition of Wayne Grange, of Fredericktown, Ohio, in favor of the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wayne Grange, of Fredericktown, Ohio, against the repeal of the present oleomargarine law—to the Committee on Agriculture.

Also, petition of Lorain Chapter, No. 106, American Insurance Union, of Lorain, Ohio, in favor of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of city council of Providence, R. I., favoring the reduction of the tariff on meat and food products—to the Committee on Ways and Means.

By Mr. SLAYDEN: Petition of citizens of Comal County, Tex., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: Petition of 250 citizens of Scurry County, Tex., in favor of House bill 7521, to prevent gambling in agricultural products—to the Committee on Agriculture.

By Mr. SULZER: Petition of D. C. Collier, jr., director-general Panama-California Exposition, San Diego, Cal., relating to the Panama-California Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Illinois Manufacturers' Association, of Chicago, Ill., favoring repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, New York City, against the so-called "educational tests" in the immigration law—to the Committee on Immigration and Nauralization.

Also, petition of C. W. Hotchkiss, of Chicago, Ill., favoring the bill to increase the Engineer Corps—to the Committee on Military Affairs.

By Mr. THOMAS of Ohio: Petition of J. E. Boone, of Ravenna, Ohio, aganist the increase in the rate of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ashtabula Chapter, No. 144, American Insurance Union, Ashtabula, Ohio; Buckeye Chapter, No. 194, American Insurance Union, Peninsula, Ohio; Akron Chapter, No. 300, American Insurance Union, Akron, Ohio; and the Webster, Camp & Lane Company, Chapter No. 392, Akron, Ohio, relating to the rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of many citizens of Adrian, Mich., against a postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of James M. Brown Post, No. 285, Grand Army of the Republic, Department of New York, for the passage of Senate bills 3836 and 3871—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 14, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

THE PRESIDENT'S LINCOLN ANNIVERSARY SPEECH.

Mr. HALE. I have here a full report of the speech of the President made at the Lincoln anniversary in New York. I ask that it may be printed in the RECORD without reading, and also as a document. (S. Doc. No. 361.)

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and the order is made.

The speech follows:

ADDRESS OF PRESIDENT TAFT AT THE LINCOLN BIRTHDAY BANQUET OF THE REPUBLICAN CLUB OF CITY OF NEW YORK, FEBRUARY 12, 1910.

Mr. President, gentlemen of the Republican Club, and fellow-guests:

The birthday of the man whose memory we celebrate to-night is an appropriate occasion for renewing our expressions of respect and affection for the Republican party, and our pledges to keep the part which it plays in the history of this country as high and as useful as it was during the administration of Abraham Lincoln. The trials which he had to undergo as President, the political storms which the party had to weather during the civil war, the divisions in the party itself between the radical antislavery element and those who were most conservative in observing the constitutional limitations, are most interesting reading, and serve to dwarf and minimize the trials through which the Republican party is now passing, and restore a sense of proportion to those who allow themselves to be daunted and discouraged in the face of a loss of popular confidence thought to be indicated by the tone of the press.

In what respect has the Republican party failed in its conduct of the Government and the enactment of laws to perform its duty? It was returned to power a year ago last November by a very large majority after a campaign in which it made certain promises in its platform, and those promises it has either substantially complied with, or it is about to perform within the present session of Congress.

Let us take up these promises in order:

In the Republican platform of last year, upon which the campaign was made, appears the following plank in regard to the tariff:

> The Republican party declares unequivocally for the revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries. We favor the establishment of maximum and minimum rates to be administered by the President under limitations fixed in the law, the maximum to be available to meet discriminations by foreign countries against American goods entering their markets, and the minimum to represent the normal measure of protection at home, the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage-earners of this country, who are the most direct beneficiaries of the protective system. Between the United States and the Philippines we believe in a free interchange of products, with such limitations as to sugar and tobacco as will afford adequate protection to domestic interests.

We did revise the tariff. It is impossible to revise the tariff without awakening the active participation in the formation of the schedules of those producers whose business will be affected by a change. This is the inherent difficulty in the adoption or revision of a tariff by our representative system.

Nothing was expressly said in the platform that this revision was to be a downward revision. The implication that it was to be generally downward, however, was fairly given by the fact that those who uphold a protective-tariff system defend it by the claim that after an industry has been established by shutting out foreign competition, the domestic competition will lead to the reduction in price so as to make the original high tariff unnecessary.

In the new tariff there were 654 decreases, 220 increases, and 1,150 items of the dutiable list unchanged, but this did not represent the fair proportion in most of the reductions and the increases, because the duties were decreased on those articles which had a consumption value of nearly $5,000,000,000, while they were increased on those articles which had a consumption value of less than $1,000,000,000. Of the increases the consumption value of those affected which are of luxuries, to wit, silks, wines, liquors, perfumeries, pomades, and like articles, amounted to nearly $600,000,000; while the increases not on articles of luxury affected but about $300,000,000, as against decreases on about $5,000,000,000 of consumption. I repeat, therefore, that this was a downward revision. It was not downward with reference to silks or liquors or high-priced cottons in the nature of luxuries. It was downward in respect to nearly all other articles except woolens, which were not affected at all. Certainly it was not promised that the rates on luxuries should be reduced. The revenues were falling off, there was a deficit promised, and it was essential that the revenues should be increased. It was no violation of the promise to increase the revenues by increasing the tax on luxuries, provided there was downward revision on all other articles. The one substantial defect in compliance with the promise of the platform was the failure to reduce woolens. Does that defect so color the action of the Republican party as to make it a breach of faith leading to its condemnation? I do not think so. Parties are like men. Revisions are like the work of men—they are not perfect. The change which this tariff effected was a marked change downward in the rate of the duties, and it was a recognition by the party that the time had come when instead of increasing duties they must be decreased, when the party recognized in its platform, and in much of what it did, that the proper measure of protection was the difference in cost in the production of articles here and abroad, including a fair profit to the manufacturer. There was a dispute as to what that difference is, and whether it was recognized in the change of all the duties downward. Particularly was this the case on the materials that enterer into the manufacture of paper and paper itself. The reduction on print paper was from $6 to $3.75, or about 37 per cent.

There was a real difference of opinion on the question of fact whether the new duty correctly measured the difference in the cost of production of print paper abroad and print paper here. It affected the counting-rooms of the newspapers of the country and invited the attention of the newspaper proprietors who had associated themselves together like other interests for the purpose of securing a reduction of the tariff. The failure to make a larger reduction showed itself clearly in the editorial columns of a great number of the newspapers, whatever their party predilection. The amount of misrepresentation to which the tariff bill in its effect as a downward revision bill was subjected has never been exceeded in this country, and it will doubtless take the actual operation of the tariff bill for several years to show to the country exactly what the legislation and its effect are. It is perhaps too early to institute the fairest comparisons between the Payne-Aldrich bill and the bill which preceded it, but the Payne-Aldrich bill has been in operation now for six months and figures are at hand from which we may make a reasonable inference, first, as to whether it is a revision downward, and, second, as to its capacity for producing revenue; for it must be borne in mind that the passage of the law was demanded not only for the purpose of changing rates in their effect upon the industries of the country, but also for the purpose of increasing the revenues; and the success of the measure is to be judged by its results in both these respects.

The Bureau of Statistics is authority for the statement that during the first six months of the operation of the Payne law, which has just ended, the average rate of duty paid on all imports was 21.09 per cent ad valorem. The average rate of duty

paid on all imports for the same six months for the four preceding years under the Dingley law was 24.03. This would show that the reduction in the Payne law is 2.94 per cent of the value of the goods, or that the reduction below the previous tariff rates is 12 per cent, showing a downward revision to this extent. But this is not all. Under the Payne law 51.6 per cent of the gross imports for the last six months have been entered free, while under the four years preceding for the same six months the free list amounted to 45.46 per cent of the total importations; so there was not only a reduction of duty on gross imports of about 12 per cent, but also an enlargement of about the same percentage of the free list.

For the production of revenue the Payne law is even more an improvement on the Dingley bill. During the six months that the Payne tariff was in force, from August 5 to the night of February 5, the customs receipts amounted to $166,002,856.54. Under the Wilson-Gorman tariff the semiannual average was $83,147,625.90. Under the Dingley tariff the semiannual average was $130,265,841.84. Under the Wilson tariff the monthly average was $13,857,937.65. Under the Dingley tariff the monthly average was $21,710,973.64; while under the Payne tariff the monthly average has been $27,667,142.75, or 100 per cent greater than the monthly average under the Wilson tariff and 26 per cent greater than the monthly average under the Dingley tariff.

Of course as the country increases in popualtion the customs receipts increase, but even considering the population, the increase in the tariff receipts has been marked. Under the Wilson tariff the average annual customs receipts per capita were $2.38; under the Dingley tariff, $3.23; while under the Payne tariff they are $3.71.

For the six months that the Payne tariff has been in force the total receipts, both from customs and internal revenue, have been $323,899,231.91, while the disbursements have been $332,783,283.08, showing an excess of disbursements over receipts of about $8,884,051.17, with no collection as yet from the corporation tax. For the corresponding period last year the expenditures exceeded the receipts by over $40,000,000. This showing indicates that under the present customs law the deficit will be promptly wiped out, and that to meet our normal expenditures we shall have ample revenue.

I therefore venture to repeat the remark I have had occasion to make before, that the present customs law is the best customs law that has ever been passed, and it is most significant in this that it indicates on the part of the Republican party the adoption of a policy to change from an increase in duties to a reduction of them, and to effect an increase of revenues at the same time.

The act has furnished to the Executive the power to apply the maximum and minimum clauses in order to prevent undue discrimination on the part of foreign countries, and this is securing additional concessions in respect to impositions on our foreign trade.

The act has done justice to the Philippine Islands by giving them free trade with the United States.

More than all this, the new tariff act has provided for the appointment of a tariff board to secure impartial evidence upon which, when a revision of the tariff seems wise, we shall have at hand the data from which can be determined with some degree of accuracy the difference between the cost of producing articles abroad and the cost of producing them in this country.

The great difficulty in the hearing and discussion of the present tariff bill was the absence of satisfactory and credible evidence on either side of the issues as to low or high tariffs. The importer on the one hand and the manufacturer on the other were present to give their fallible judgments affected by their own pecuniary interests as to the facts under investigation. Men who were struggling to find the truth were greatly perplexed by the conflicting testimony.

The tariff bill authorizes the President to expend $75,000 in employing persons to assist him in the administration of the maximum and minimum clause and to assist him and other officers of the Government in the administration of the tariff law. I have construed this to mean that I may use the board appointed under this power not only to look into the foreign tariffs, but also to examine the question with respect to each item in our tariff bill, what the cost of production of the merchandise taxed is, and what its cost is abroad. This is not an easy task for impartial experts, and it requires a large force. I expect to apply to Congress this year for the sum of $250,000 to organize a force through which this investigation may go on, the results to be recorded for the use of the Executive and Congress when they desire to avail themselves of the record. In this way any subsequent revision may be carried on with the aid of data secured officially and without regard to its argumentative effect upon the question of raising or lowering duties. Taken as a whole, therefore, I do not hesitate to repeat that the Republican party has substantially complied with its promise in respect to the tariff, and that it has set itself strongly in the right direction toward lower tariffs and furnished the means by which such lower tariffs can be properly and safely fixed.

An investigation by the tariff board of the sort proposed will certainly take a full two years or longer. Meantime the operation of the present tariff promises to be consistent with the prosperity of the country and with the furnishing of sufficient funds with which to meet the very heavy but necessary expenditures of carrying on our great Government.

The Republican national platform contained the following:

> We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

A bill has been introduced to establish a postal savings bank. The great difficulty in the bill seems to have been to secure a proper provision for the management and investment of the money deposited. The great advantage of a postal savings bank is the encouragement to thrift of those whose fears of the solvency of any depository except a government depository tempts them away from saving. A government promise to repay seems to be specially effective in leading people to save and deposit their savings. The machinery of the Post-Office, with its 60,000 post-offices and 40,000 money-order offices, offers an economical and far-reaching machine for the reception in places remote from banks, and among people who fear banks, of that which but for the opportunity they would not save but spend. The low interest offered to it, that of 3 per cent, prevents such postal savings banks from interfering with regular savings banks whose rate of interest always is in excess of 2 per cent.

In the present stage of the Senate bill there have been inserted amendments drawn apparently for the purpose of having money deposited as savings in government post-offices distributed through the locality where deposited in the banks, state and national, and so deposited as to make it impossible for the trustees of the fund appointed under the law to withdraw the money for investment in any other form. I regard such an amendment as likely to defeat the law. First, because it takes away a feature which ought to be present in the law to assure its constitutionality. If the law provided that the trustees to be appointed under the law with the funds thus deposited could meet the financial exigencies of the Government by purchase or redemption of the government 2 per cent and other bonds, the measure would certainly be within the federal power, because the postal banks would then clearly be an instrument of the National Government in borrowing money. We have now about $700,000,000 of 2 per cent bonds with respect to which we owe a duty to the owners to see that those bonds may be taken care of without reduction below the par value thereof, because they were forced upon national banks at this low rate in order that the banks might have a basis of circulation.

This implied obligation of the Government, the postal savings-bank funds would easily enable it to meet. Secondly, if the funds are to be arbitrarily deposited in all banks, state and national, without national supervision over the state banks, and a panic were to come, it is difficult to see how the Government could meet its obligations to its postal savings-bank depositors, because with every bank suspending payment, the funds of the postal savings banks would be beyond the control of the Government, and we should have a financial disaster greater than any panic we have heretofore met. A provision that when the money is not needed to invest in government bonds or to redeem the same it may be deposited in national banks in the neighborhood of the place of deposit, will avoid the great danger of a panic and will strengthen a banking system which is an arm of the Federal Government. I sincerely hope that before the measure is hammered into its final shape it may take on these characteristics which shall give it a constitutional validity and sound financial strength and usefulness. Those who insist upon the elimination of these two necessary characteristic features of the bill will put the party in the position where it can not hope to escape the charge that it is not in good faith seeking the passage of a postal savings-bank act, and is not seeking, therefore, to comply with the promise of the Republican platform in that regard.

On the subject of railroads the Republican platform said:

> We approve the enactment of the railroad-rate law and the vigorous enforcement by the present administration of the statutes against rebates and discriminations as a result of which the advantages formerly possessed by the large shipper over the small shipper have substantially disappeared; and in this connection we commend the appropriation by the present Congress to enable the Interstate Commerce Commission to thoroughly investigate and give publicity to the accounts of interstate railroads. We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make

and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever. We favor such national legislation and supervision as will prevent the future overissue of stocks and bonds by interstate carriers.

A bill to carry out these declarations has been introduced in both the House and the Senate, and is now being considered before the appropriate committees of those two bodies, and there is every hope that the bills thus introduced, in substantially the same shape as introduced, will pass and be enacted into law. Indeed, this railroad measure goes further than the promise of the platform, for while it subjects the issue of stock and bonds to the restrictive supervision of the commission and prevents future watering of securities and forbids the acquisition by a railroad company of stock in a competing line, it also puts very much more power into the hands of the commission for the regulation of rates, and it facilitates in every way the ease of supervision by the commission of the railroads to secure a compliance by the railroad with the rights of the public and of the shipper. The bill was prepared by the Attorney-General, after a full conference with the Interstate Commerce Commission, with the representatives of the shippers, and with the representatives of the railroads, and while it was not the result of an agreement between all the parties in interest, it was drafted with a view to meeting all the fair objections and suggestions made by every one of them.

The platform further provided:

The Republican party will uphold at all times the authority and integrity of the courts, state and federal, and will ever insist that their powers to enforce their process and to protect life, liberty, and property shall be preserved inviolate. We believe, however, that the rules of procedure in the federal courts with respect to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted.

A bill to carry out exactly this promise has been introduced into both the Senate and House and will doubtless come up for consideration and passage. The bill does not go as far as Mr. Gompers and the Federation of Labor demand, but it goes as far as the Republican convention was willing to let it go, and it is so drawn as to make an abuse of the issuance of injunction without notice very improbable. It requires that no injunction shall be issued without full notice and hearing, unless to prevent irreparable injury, and that in such case the court shall make a finding from the evidence adduced, pointing out what the injury anticipated is and why irreparable, and why there is not time to give notice; and after the injunction shall be issued without notice, it is provided that such injunction shall lose its force at the expiration of five days unless a hearing is had.

The platform also promised statehood to Arizona and New Mexico, and the bill providing such statehood has passed the House and has been favorably considered by the committee of the Senate, so that there seems to be no reasonable doubt that this promise will be fully kept.

The Republicans in their platform spoke further, as follows:

We indorse the movement inaugurated by the administration for the conservation of natural resources; we approve all measures to prevent the waste of timber; we commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity. In line with this splendid undertaking is the further duty, equally imperative, to enter upon a systematic improvement upon a large and comprehensive plan, just to all portions of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of a benign Providence.

In accordance with this plank measures for the conservation of the public domain, for the reclassification of lands according to their greatest utility, and the vesting of power in the Executive to dispose of coal, phosphate, oil, and mineral lands, and of water-power sites in such a way as to prevent their monopoly, and union of ownership in one syndicate, or combination, have been already introduced and will doubtless in a form approved by Congress be made into law. The subject has attracted the widest interest, and its importance is becoming more and more impressed upon the American people.

The river and harbor bill, which has just been reported by the River and Harbor Committee of the House, has been framed with a view to complying with the plank of the platform I have just above quoted. It has taken the plan for the improvement of the Ohio from Pittsburg to Cairo as a project to be carried out in a certain number of years, and it has treated similar projects for the improvement of the Missouri from Kansas City to St. Louis, for improvement of the Mississippi from St. Paul to St. Louis, and of the same river from St. Louis to Cairo; and by continuing contracts and regular appropriations these projects will go on until they are completed. This is a change from the previous plans and is the result of an extended popular agitation in favor of such a system.

Following the panic of 1907 the governmental revenues fell off and the expenditures continued as before, leaving a deficit for the years 1907, 1908, and 1909. There was, however, no deficit in the whole administration of Mr. Roosevelt when the expenses are compared with the revenues. Indeed, it will be found that under the operation of the Dingley bill, which covers most of his administration, and the first six months of the present administration, the surplus on the whole was about $250,000,000. At the beginning of this administration, however, it was perfectly evident that with expenses increasing and revenues decreasing there would be a continuous deficit, and this the Republican party, with its majority in Congress and the responsibility placed upon it, has proposed to meet by reducing expenditures and increasing revenues.

I have already shown what the increase in revenues has been. The present administration in its estimates for the year ending June 30, 1911, cut them some forty-odd million dollars below the actual appropriations of the year before, and now it is proposed to appoint a joint commission, consisting of Senators, Representatives, and members appointed by the Executive, who shall examine the organization of the various departments and bureaus, and by the elimination of duplication, the consolidation of bureaus, and the increase in efficiency of the individual civil servant shall decrease the regular permanent cost of governmental operation.

With respect to trusts, the Republican party spoke as follows in its platform:

The Republican party passed the Sherman antitrust law over Democratic opposition and enforced it after Democratic dereliction. It has been a wholesome instrument for good in the hands of a wise and fearless administration. But experience has shown that its effectiveness can be strengthened and its real objects better attained by such amendments as will give to the Federal Government greater supervision and control over and secure greater publicity in the management of that class of corporations engaged in interstate commerce having power and opportunity to affect monopolies.

Since this plank was adopted prosecutions of the tobacco trust and the Standard Oil trust, begun in the last administration, have gone on and have resulted in decrees in the court of appeals of the second and eighth circuits, which are now pending on appeal in the Supreme Court. The decrees in each case tear apart the congeries of subordinate corporations which, united by holding companies, make up the trust in each case and enjoin individuals from a further maintenance of the illegal combination of such corporations to carry on the business for which it was organized.

It has been said that the Republican party made a promise so to amend the law as to ameliorate and soften the application of the trust law in its interdiction upon business as conducted by the greatest corporations, but I find nothing in the platform to justify such a construction. The principle of the antitrust law is that those engaged in modern business, especially of manufacture and transportation, shall pursue the policy with respect to their competitors of "Live and let live," and that they shall not use the bigness of their concerns to frighten exclusive patronage from customers and eliminate smaller concerns from competition, and thus control output and fix prices.

The Attorney-General has prepared a bill which, he thinks and I think, will offer to those who wish to pursue a lawful method of business the means of easily doing so. A lawful interstate business under the protection of a federal charter which, while it will subject the business of the concern to the closest scrutiny of government officers, will save the business from harassment by state authorities and will give it that protection which a peaceful pursuit of its business as a federal corporation will necessarily secure it. This measure has not met the approval of those who fear too great concentration of power in the Federal Government, of those who deny the right of the Federal Government in such cases to grant incorporation. I believe the act to be constitutional, and I believe that if enforced it would furnish a solution of our present difficulties; but as it was not specifically declared for in the Republican platform, I do not feel justified in asking the adoption of such an act as a party matter. I have brought it forward, however, as a suggestion for meeting the difficulties which are likely to be presented in the prosecution of suspected illegal trusts as a means by which they can put their houses in order and take their places among those engaged in legitimate business.

If the other measures to which I have referred are enacted into law, and the pledges of the Republican party performed, there would seem to be no good reason why the party should not receive renewed approval by the electors of the country in the coming congressional campaign. But there are signs which many construe as an indication that the Republican majority in the present Congress will change to a Demo-

cratic majority in the next. This is based chiefly on the dissensions in the Republican party and upon the very severe attacks made by a great many of the newspapers having Republican tendencies upon the party and its leaders in Congress and in the Nation. I am glad to say that so far as the legislation which I have indicated above is concerned, there seems to be a clear party majority in both Houses in favor of its passage and the consequent redemption of the party pledges. There is, however, a very decided difference as to the proper rules to prevail in the House and as to the personnel of the leadership.

It would seem as if these questions were questions that might well be solved within the party lines, but they have been so acute as to produce what has been called an insurrection and to awaken the country over a controversy between the insurgents and the regulars, so called. I am hopeful that as we approach the lines of battle for the next year, the settlement of these internal questions can be effected without such a breach of the party as to prevent our presenting an unbroken front to the enemy.

We among the Republicans may be discouraged when we consider our own dissensions, but when we look to the possibility of any united action on the part of the Democrats for any policy or any line of policies we must take courage. It was General Grant who said that when he first went into battle he had a great deal of fear, but he overcame that feeling by maintaining in his mind the constant thought how much more afraid his opponent was. And so we who find ourselves at times given over to the thought that Republican control is at an end should not forget to consider not only our own factional strife but also that of our ancient enemy. If the Democratic party were a solid, cohesive opposition, guided by one principle and following the same economic views as a whole, the situation would be far more discouraging than it is. The Republican party has been the party responsible for the Government for the last seventeen years. It has discharged those responsibilities with wonderful success. The problems growing out of the Spanish war and those which have come from the rapid accumulation of wealth and the greed for power of its accumulators it has fallen to the party to meet, and while they have not yet all had a perfect solution, the record is one of which we have no reason to be ashamed.

Mr. Roosevelt aroused the country and the people to the danger we were in of having all our politics and all our places of governmental authority controlled in corporate interests and to serve the greed of selfish but powerful men. During his two terms of office, by what almost may be compared to a religious crusade, he aroused the people to the point of protecting themselves and the public interest against the aggressions of corporate greed, and left public opinion in an apt condition to bring about the reforms needed to clinch his policies and to make them permanent in the form of enacted law.

But as an inevitable aftermath of such agitation, we find a condition of hysteria on the part of certain individuals, and on the part of others a condition of hypocrisy manifesting itself in the blind denunciation of all wealth and in the impeachment of the motives of men of the highest character, and by demagogic appeals to the imagination of a people greatly aroused upon the subject of purity and honesty in the administration of government. The tendency is to resent attachment to party or party organization, and to an assertion of individual opinion and purpose at the expense of party discipline. The movement is toward factionalism and small groups, rather than toward large party organization, and the leaders of the party organization are subjected to the severest attacks and to the questioning of their motives without any adequate evidence to justify it.

I am far from saying that the Republican party is perfect. No party which has exercised such power as it has exercised for the last seventeen years could be expected to maintain either in its rank and file or in its management men of the purest and highest motives only. And I am the last one to advocate any halt in the prosecution and condemnation of Republicans, however prominent and powerful, whose conduct requires criminal or other prosecution and condemnation. It should be well understood that with the Republican party in its present condition, with its various divisions subjected to the cross fire of its own newspapers and its own factions, any halt or failure on the part of those in authority to punish and condemn corruption or corrupt methods will be properly visited upon the party itself, however many good men it contains.

We shall be called upon to respond to the charge in the next campaign that the tariff, for which we are responsible, has raised prices. If the people listen to reasonable argument, it will be easy to demonstrate that high prices proceed from an entirely different cause, and that the present tariff, being largely a revision downward, except with respect to silks and liquors, which are luxuries, can not be charged with having increased any prices. But this will not prevent our Democratic friends from arguing on the principle of post hoc propter hoc, that because high prices followed the tariff, therefore they are the result of it. And we must not be blind to the weight of such an argument in an electoral campaign. The reason for the rise in the cost of necessities can easily be traced to the increase in our measure of values, the precious metal, gold, and possibly in some cases to the combinations in restraint of trade. The question of the tariff must be argued out. The prejudice created by the early attacks upon the bill and the gross misrepresentations of its character must be met by a careful presentation of the facts as to the contents of the bill and also as to its actual operation and statistics shown thereby. I believe we have a strong case if we can only get it into the minds of the people. Should disaster follow us and the Republican majority in the House become a minority in the next House, it may be possible that in the Democratic exercise of its power, the people of this country will see which is the party of accomplishment, which is the party of arduous deeds done, and which is the party of words and irresponsible opposition.

I only want one more word. From time to time attacks are made upon the administration on the ground that its policy tends to create a panic in Wall street and to disturb business. All I have to say upon that subject is this: That certainly no one responsible for a Government like ours would foolishly run amuck in business and destroy values and confidence just for the pleasure of doing so. No one has a motive as strong as the administration in power to cultivate and strengthen business confidence and business prosperity. But it does rest with the National Government to enforce the law, and if the enforcement of the law is not consistent with the present method of carrying on business, then it does not speak well for the present methods of conducting business, and they must be changed to conform to the law. There was no promise on the part of the Republican party to change the antitrust law except to strengthen it, or to authorize monopoly and a suppression of competition and the control of prices, and those who look forward to such a change can not now visit the responsibility for their mistake on innocent persons. Of course the Government at Washington can be counted on to enforce the law in the way best calculated to prevent a destruction of public confidence in business, but that it must enforce the law goes without saying.

I am glad to be present at this meeting of the Republican Club of New York and here meet your distinguished governor, whose name is such a power before the people of this State and of the country, that to lose him as a candidate for governor by his voluntary withdrawal is to lose the strongest asset that the Republican party has in the State to enable it to win at the next election.

I am glad to be here at the meeting of the Republican Club on Lincoln's birthday, because my knowledge and information with respect to the club is that it stands for stalwart Republicanism, believes in party organization and party discipline, but insists on the highest ideals and methods in formulating the policies of the party and carrying them out.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Edward Ambler, executor of James M. Ambler, deceased, *v.* United States (S. Doc. No. 362); and

John R. Adams *v.* United States (S. Doc. No. 363).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12438) to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect."

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 5237. An act granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 5573. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows of such soldiers and sailors; and

S. 5574. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19255. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911;

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 20480. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriations and provisions to carry the same into effect;

H. R. 14676. An act for the relief of the Pittsburg Brewing Company;

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.;

H. R. 19399. An act to extend the time for the completion of a bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company; and

S. J. Res. 66. Joint resolution amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses."

PETITIONS AND MEMORIALS.

Mr. WETMORE. I present a memorial of ex-Governor Sprague, of Rhode Island, who was a Member of this body for twelve years. I ask that the memorial be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to printed in the RECORD, as follows:

To the Senators and Representatives in the Congress from Rhode Island.

GENTLEMEN: I had an opportunity during the civil war to see military operations in the field and know many officers who served in all the grades from second lieutenant to the highest rank in the service. Most of these officers were volunteers, and a large proportion rose from privates to commissioned officers for gallant and meritorious services and showed equal capacity, as a whole, to officers trained in our military and naval schools. At the close of the war they returned to private life and to seek such employment as they could find. Some gained distinction in civil life, but a vast majority have had to struggle for an existence for the last forty-five years. They have received the same pension as all soldiers of the civil war have received and have always been as true to their own comrades as they were when they led them on in battle and cared for them in camp and on the march. I am glad that bills to create "a volunteer-officer retired list" have been introduced in Congress and hope some one of the bills will be passed this session. The old officers are dropping off very fast, and if due recognition is to be made of their great services to the Union, I think it can not be done too soon.

WILLIAM SPRAGUE,
Surviving War Governor.

Mr. WETMORE presented a resolution adopted by the city council of Providence, R. I., favoring the reduction of the duty on meat and food products, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented memorials of sundry citizens of Victor, Cripple Creek, and Merino, all in the State of Colorado, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Marine Engineers' Beneficial Association, No. 15, of Crescent City, N. H., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented a memorial of sundry citizens of New Market, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of the New England Wireless Society, of Boston, Mass., remonstrating against the enactment of legislation providing for the appointment by the President of a commission of seven members to prescribe rules and regulation for the use of wireless apparatus, which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a petition of the Woman's Home Missionary Society of the Methodist Episcopal Church of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Knights of Columbus Council, No. 715, of Grafton, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Typographical Union, No. 79, of Wheeling; of Typographical Union, No. 372, of Clarksburg; of J. H. Chapman, of Hugheston; of Paul Kotchpa, of Wheeling; of H. W. Greenlee, of Leon; of Julius W. Hill, of Charleston; of O. A. Pope, of Ronceverte; and of D. B. Snider, of Fairmont, all in the State of West Virginia; of National Council, Knights and Ladies of Security, of Topeka, Kans.; and of the Postal Defense League, of Chicago, Ill., remonstrating against any increase in the postal rates on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented memorials of sundry citizens of Middletown, New Britain, and East Haddam, all in the State of Connecticut, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BRISTOW presented a concurrent resolution of the legislature of Kansas, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Be it resolved by the house of representatives (the senate concurring therein). That the following memorial be adopted and copies sent to the Senate and House of Representatives, at Washington, D. C.:

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Kansas, respectfully represent:

That whereas a bill is now pending in Congress having for its purpose the granting of pensions to the survivors of what is known as the "Battle of Beecher Island" and their widows:

Now therefore your memorialists urgently recommend the enactment of said legislation. Said legislation is necessary for the reason that the participants in said battle were civilian scouts enlisted and recruited by Col. George Alexander Forsyth, and were known as "Forsyth's Scouts;" that there were in number about 50 of said scouts, including their officers, and that at a point known as "Beecher's Island," in the State of Colorado, a battle was fought with the Indians September 17, 1868; that said scouts and their officers were surrounded by more than 1,000 Indians for nine days and nights; that 5 of them were killed and 21 wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them and their widows are in straitened circumstances financially; that had they been regularly enlisted in the United States Army, they would long since have been receiving pensions; but on account of the irregularity of their enlistment in the service which they rendered to their country, they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief. Your memorialists therefore earnestly recommend that said bill be passed, in order that these men may receive that recognition to which they have always been entitled, but which they have never received.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and our Representatives in Congress.

Passed the house January 29, 1907.
Passed the senate February 8, 1907.
Approved February 11, 1907.

Mr. BRISTOW presented a memorial of sundry citizens of McPherson and Palco, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of sundry citizens of Maple Hill, Kans., praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. SHIVELY presented a petition of sundry citizens of Wheatland, Ind., and a petition of sundry citizens of Loogootee, Ind., praying for the enactment of legislation to prohibit dealing in futures and gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a memorial of sundry citizens of Claremont, N. H., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. RAYNER presented memorials of sundry citizens of Baltimore and Westminster, in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of Typographical Union No. 12, of Baltimore, Md., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Middlesex and Norfolk Pomona Grange, Patrons of Husbandry, in the State of Massachusetts, praying for the enactment of legislation to conserve the natural resources of the country, which was referred to the Committee on National Resources.

Mr. OLIVER presented memorials of Scottdale Chapter, No. 114, of McKeesport Chapter, No. 273, and of Pittsburg Chapter, No. 3, all of the American Insurance Union, in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Gratz, Pa., and a memorial of sundry citizens of Bolivar, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. HALE presented a memorial of the Maine Press Association, remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented memorials of sundry citizens of Newport News, Clover, and Warm Springs, all in the State of Virginia, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. KEAN presented memorials of sundry citizens of Elizabeth and Belmar, of the New Jersey Bankers' Association, and of Group No. 1, New Jersey Bankers' Association of Perth Amboy, all in the State of New Jersey, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Federated Trades Council of the Oranges, New Jersey, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Centerville and Chestertown, in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a petition of the Ben Franklin Club, of Lincoln, Nebr., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented memorials of sundry citizens of White City, Soldier, Longford, Lenexa, Pittsburg, Phillipsburg, Liberty, Hesston, Lancaster, Mineral, and Santa Fe, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation to defer the date of filing the first reports required by the corporation tax law until the Supreme Court renders a decision as to the constitutionality of that law, which was referred to the Committee on Finance.

Mr. ROOT presented memorials of sundry citizens of New York City, Syracuse, Geneva, Perry, Canandaigua, Clifton Park, and Brooklyn, all in the State of New York, remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Associations of Master Painters and Decorators, of New York City and Rochester, in the State of New York, praying for the passage of the so-called "Heyburn pure-paint bill," which was referred to the Committee on Manufactures.

He also presented a memorial of the Chamber of Commerce of Albany, N. Y., remonstrating against the retention of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York City, Glenham, Rome, Brooklyn, Poughkeepsie, Schenectady, Cohoes, and Ogdensburg, all in the State of New York, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Syracuse, Rochester, Buffalo, New York City, and Kingston, all in the State of New York, remonstrating against the printing by the Government of certain matter on stamped envelopes, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newburgh, Syracuse, Watertown, Schuylerville, Rochester, Cambridge, Le Roy, New York City, Buffalo, Brooklyn, Utica, and Troy, all in the State of New York, remonstrating against the retention of the publicity clause in the corporation-tax law, which were referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Association of Jamestown, N. Y., praying that an appropriation be made for the improvement of the port of Dunkirk, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the Empire State Society of the Sons of the American Revolution of New York, remonstrating against the enactment of legislation to abolish the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Rochester, Kentwood, New York City, and Brooklyn, all in the State of New York, remonstrating against the enactment of legislation to amend the Code of Law for the District of Columbia relative to insurance, which were referred to the Committee on the District of Columbia.

Mr. FRYE presented memorials of sundry citizens of Boothbay Harbor and Brunswick, in the State of Maine, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Local Council No. 106, Knights of Columbus, of Lewiston, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Maine Press Association, remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 226) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported it without amendment.

Mr. BURNHAM, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 539) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, reported it without amendment and submitted a report (No. 220) thereon.

Mr. BOURNE. I am directed by the Committee on Fisheries, to whom was referred the bill (H. R. 12397) granting certain rights and privileges to the department of fisheries of the State of Pennsylvania, to ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs, where it properly belongs.

The VICE-PRESIDENT. The Committee on Fisheries will be discharged and the bill will be referred to the Committee on Military Affairs, if there be no objection. The Chair hears none.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida, reported it with amendments and submitted a report (No. 221) thereon.

Mr. CARTER, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 5705)

to authorize the issue and sale of certificates of indebtedness against the reclamation fund, reported it with amendments and submitted a report (No. 222) thereon.

UINTA INDIAN RESERVATION LANDS.

Mr. SUTHERLAND. I am directed by the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 5926) making available certain lands on the former Uinta Indian Reservation under the reclamation act, to report it favorably with amendments, and I submit a report (No. 219) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. The bill is confined in terms to a Utah Indian reservation, but it draws from the fund which belongs to all the States. I should like to have some explanation of the bill.

Mr. SUTHERLAND. While it is true that the money is paid from the reclamation fund, it will be charged against the project, and will have to be paid ultimately by the farmers who receive the water.

Mr. HEYBURN. I should like to ask how much money will be required to buy this land?

Mr. SUTHERLAND. Over $60,000. The lands are grazing lands and are being leased, and will in the course of ten years or such a matter return to the fund all the money that is paid.

Mr. HEYBURN. I wish to ask another question of the Senator from Utah. The bill draws $60,000 from the present available moneys in that fund. I understand from the official communication that was made to us that that fund is very short, and we are proposing to borrow $30,000,000 to augment it.

Mr. SUTHERLAND. The Senator will observe that the payment is not to be made at once. It is to be made in five equal annual installments. It will not constitute a very great drain on the fund.

Mr. HEYBURN. I merely wanted to know, because that fund is of the utmost importance to the States where it will be made applicable. I notice a provision, as I heard the bill read, that the Indian title was extinguished. Do the Indians receive any part of the money that is paid for the land?

Mr. SUTHERLAND. The Indians receive all of it.

Mr. HEYBURN. A dollar and a quarter an acre?

Mr. SUTHERLAND. A dollar and a quarter an acre. It goes into the Treasury for the benefit of the Indians.

Mr. HEYBURN. Do any Indians occupy this land?

Mr. SUTHERLAND. No; no Indians occupy it. They are many miles away from this land.

Mr. HEYBURN. I did not intend to inquire as to the Indians, because I assume and I know that the Senators representing Utah are quite competent to look after all those matters within the State, and I never interfere, but the fund is a matter in which we are all interested.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SHIVELY. I understood the Senator from Utah a moment ago to say that when the titles are extinguished and the money received such money is to go to the Indians.

Mr. SUTHERLAND. Yes.

Mr. SHIVELY. I notice the concluding lines of the bill say something about certain funds being turned into the reclamation fund.

Mr. SUTHERLAND. That is the fund arising from the land. The bill provides first that the sum of $1.25 an acre shall be paid for the land. Then, after the lands are paid for, any proceeds arising from the lands——

Mr. SHIVELY. From the sale of the lands?

Mr. SUTHERLAND. From the sale or rental of the lands, any proceeds from any source whatever connected with the lands, shall be covered into the reclamation fund.

Mr. HEYBURN. Mr. President, I have no desire to prolong the consideration of this question, but it occurs to me that under the provisions or within the spirit of the general law providing for the reclamation fund this $1.25 should go into that fund.

Mr. SUTHERLAND. What fund?

Mr. HEYBURN. Into the fund from which the reclamation fund is sustained.

Mr. SUTHERLAND. No; Mr. President——

Mr. HEYBURN. It is public land.

Mr. SUTHERLAND. No; these lands were formerly a part of the Uinta Indian Reservation. It is provided by law that the proceeds arising from the lands shall be paid into the Treasury of the United States for the benefit of these Indians. While it is true that these are grazing lands, they are valuable lands, and the Indians should be first of all paid for them. We ought not to take——

Mr. HEYBURN. Let me interrupt the Senator there. Is not that, in a measure, repealing the existing law which provides that the proceeds of the sale of public lands shall go into the reclamation fund?

Mr. SUTHERLAND. These are public lands, but they are charged with a trust for the benefit of the Indians.

Mr. HEYBURN. Then, should not that trust be discharged out of the Treasury of the United States? Is there any justification for diverting the proceeds of the sale of public lands from the reclamation fund to pay a private debt?

Mr. SUTHERLAND. These lands ultimately go into this project and constitute a part of it.

Mr. HEYBURN. But if the Senator will allow me——

Mr. SUTHERLAND. If the Senator will permit me, they constitute a part of the project just as much as the reservoir itself or the work which is constructed in connection with the reservoir. It is proper that the reclamation fund should bear the burden of it, precisely as it bears the burden of constructing the reservoir or the tunnel through the mountain which is connected with the reservoir. I will assure the Senator that the reclamation fund will not suffer. Before the tunnel is constructed the rental arising from the land, which will be returned to the reclamation fund, will be a large portion of the money that has been paid.

Mr. HEYBURN. This is only a medium through which the reclamation fund can derive anything by the rentals of the land in lieu of the sale of the land?

Mr. SUTHERLAND. Perhaps, later along, some of the lands may be sold, but at present they ought not to be sold. Perhaps they ought never to be sold at all; but the rentals will go a long way toward this expenditure. I know that, because they have already brought a considerable return.

Mr. HEYBURN. The Senator thinks, then, that the reclamation fund will not be a loser by reason of the payment of this money from the reclamation fund?

Mr. SUTHERLAND. I am quite certain the reclamation fund in the end will not be a loser by this transaction.

Mr. HEYBURN. Except, of course, we take notice of the fact that that is a question which affects all the States having these projects.

Mr. SUTHERLAND. I quite understand the Senator's position.

Mr. HEYBURN. It is well to keep that in view.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on Irrigation and Reclamation of Arid Lands were, on page 2, line 6, after the word "proceeds," to insert the word "arising," and, in line 7, after the word "therefrom," to insert "as rentals or otherwise," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to pay from the reclamation fund for the benefit of the Uinta Indians the sum of $1.25 per acre for the lands in the former Uinta Indian Reservation, in the State of Utah, which were set apart by the President for reservoir and other purposes under the provisions of the act approved March 3, 1905, chapter 1479, and which were by the Secretary of the Interior withdrawn for irrigation works under the provisions of the reclamation act of June 17, 1902, in connection with the reservoir for the Strawberry Valley project. Such payment shall be made in five annual installments, and the moneys paid shall be subject to the same disposition as the proceeds of the sales of lands in the former Indian reservation. All right, title, and interest of the Indians in the said lands are hereby extinguished, and the same shall be available in connection with the operations under the reclamation act, and any proceeds arising therefrom as rentals or otherwise shall be covered into the reclamation fund.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 6310) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes;"

A bill (S. 6311) to amend section 3613 of the Revised Statutes of the United States;

A bill (S. 6312) to amend section 2625 of the Revised Statutes of the United States; and

A bill (S. 6313) to amend section 2619 of the Revised Statutes of the United States; to the Committee on Finance.

By Mr. WETMORE:

A bill (S. 6314) granting an increase of pension to Harry A. Richardson (with an accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6315) granting an increase of pension to Richard T. Cahall (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6316) to relieve the Copper River and Northwestern Railway Company in Alaska from taxation; to the Committee on Territories.

A bill (S. 6317) for the relief of citizens of the United States engaging in ocean commerce, and for building up our merchant marine service; to the Committee on Commerce.

By Mr. TAYLOR:

A bill (S. 6318) granting a pension to John B. Waddill;

A bill (S. 6319) granting an increase of pension to Mary E. Walton; and

A bill (S. 6320) granting an increase of pension to Henry Hoss (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 6321) for the relief of the estate of Thomas W. Maides, deceased; to the Committee on Claims.

A bill (S. 6322) for the relief of John E. Griffin (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6323) granting a pension to Edward W. Trice;

A bill (S. 6324) granting an increase of pension to Robert P. Wild; and

A bill (S. 6325) granting an increase of pension to David F. Bradburn (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6326) to correct the military record of Joseph R. Berg and grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 6327) for the relief of the heirs of Simeon Graves, deceased; to the Committee on Claims.

A bill (S. 6328) granting an increase of pension to William T. Mitchell; and

A bill (S. 6329) granting an increase of pension to George D. Roberts; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6330) to make Baton Rouge, in the State of Louisiana, a subport of entry, and for other purposes; to the Committee on Commerce.

By Mr. BROWN:

A bill (S. 6331) granting an increase of pension to Gilbert G. Fitch (with an accompanying paper); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 6332) granting an increase of pension to Nellie F. O'Kane (with an accompanying paper); and

A bill (S. 6333) granting an increase of pension to George Bollinger (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6334) granting an increase of pension to William I. Milligan (with an accompanying paper); and

A bill (S. 6335) granting an increase of pension to Henry Koehler (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6336) for the relief of the owners of the ship *Amelia*;

A bill (S. 6337) for the relief of the heirs of Lewis F. Hicks, deceased;

A bill (S. 6338) for the relief of the heirs of Lucy T. Phipps, deceased;

A bill (S. 6339) for the relief of the estate of John B. Wright, deceased;

A bill (S. 6340) for the relief of the heirs of Philip Fitzgerald, deceased; and

A bill (S. 6341) for the relief of Mrs. S. B. Lawrence; to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 6342) granting an increase of pension to Nimrod C. Stutler (with an accompanying paper);

A bill (S. 6343) granting an increase of pension to Noah Hedding (with an accompanying paper); and

A bill (S. 6344) granting a pension to Amanda Ruble (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6345) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 6346) for the relief of Perry Cottingham (with accompanying papers); to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 6347) for the relief of the heirs of Commander James D. Knight (with an accompanying paper); to the Committee on Claims.

By Mr. HALE:

A bill (S. 6348) granting an increase of pension to Joseph M. Kimball; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6349) granting a pension to Frank E. Bales; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6350) granting an increase of pension to George Evans;

A bill (S. 6351) granting a pension to Alice J. Langford;

A bill (S. 6352) granting a pension to Julia A. Brown; and

A bill (S. 6353) granting an increase of pension to W. H. Wyatt; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6354) granting an increase of pension to Thomas S. Stephens; to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 6355) for the relief of Ambrose Portwood;

A bill (S. 6356) for the relief of the estate of D. W. Price, deceased;

A bill (S. 6357) for the relief of David N. Williams;

A bill (S. 6358) for the relief of Francis M. Price;

A bill (S. 6359) for the relief of the estates of George W. Chatfield and William E. Curd, deceased;

A bill (S. 6360) for the relief of the estate of Mary H. S. Robertson, deceased;

A bill (S. 6361) for the relief of Ambrose D. Vallandingham;

A bill (S. 6362) for the relief of the estate of Alexander Williams, deceased;

A bill (S. 6363) for the relief of the estate of William McCracken, deceased;

A bill (S. 6364) for the relief of the estate of Joseph M. Moss, deceased;

A bill (S. 6365) for the relief of the legal representatives of the firm of Brown & Co., or the estate of James M. Bryant, deceased;

A bill (S. 6366) for the relief of William H. Nolcini;

A bill (S. 6367) for the relief of L. M. Northcutt;

A bill (S. 6368) for the relief of the estate of Emory Parrigin, deceased;

A bill (S. 6369) for the relief of the estate of Thomas B. Posey, deceased;

A bill (S. 6370) for the relief of Van Foreman;

A bill (S. 6371) for the relief of the estate of Ann Fields, deceased;

A bill (S. 6372) for the relief of the estate of John Hasselback, deceased;

A bill (S. 6373) for the relief of the estate of Mary R. Cammack, deceased;

A bill (S. 6374) for the relief of the estate of Leander Johnsey, deceased;

A bill (S. 6375) for the relief of the heirs of John A. Erdman, deceased (with an accompanying paper);

A bill (S. 6376) for the relief of the estates of W. H. H. Thompson and Caroline Thompson, deceased (with an accompanying paper);

A bill (S. 6377) for the relief of the estate of Marilda F. Sims, deceased (with an accompanying paper);

A bill (S. 6378) for the relief of the estate of David L. Scott, deceased (with an accompanying paper);

A bill (S 6379) for the relief of the estates of John H. Stovall, William Hughes, and Timothy L. Hughes (with an accompanying paper); and

A bill (S. 6380) for the relief of the estate of Thomas Wallace, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. SMOOT:

A joint resolution (S. J. Res. 70) providing for the printing of extra copies of the Report of the Chief, Division of Militia Affairs, office of the Secretary of War, for fiscal year ended June 30, 1909; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $10,000 for rent of buildings and moving expenses incident thereto at Charleston, W. Va., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FRYE submitted an amendment proposing to appropriate $200,000 for purchase of land with the buildings thereon adjoining Fort Levett, Me., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CULLOM submitted an amendment proposing to appropriate $2,500 for maintenance of the Bureau of Interparliamentary Union for the promotion of international arbitration, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $130,000 for participation in two international expositions to be held, respectively, at Rome and Turin, Italy, in 1911, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. KEAN submitted an amendment proposing to appropriate $100,000 for improving the channel north of Shooters Island, between New York and New Jersey, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $30,000 for improving the Harbor of Refuge, Block Island, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for improving Newport Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to improve Sakonnet Harbor, Rhode Island, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $615,000 for improving Cape Fear River above Wilmington, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $27,676 for the construction of a channel from the inland waterway between Norfolk and Beaufort Inlet to the town of Beaufort, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $19,000 for the improvement of Bogue Sound, contiguous to Morehead City, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $1,000,000 for continuing the improvement of Grays Harbor bar entrance, Washington, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for the improvement of Willapa River and harbor, State of Washington, from $30,000 to $100,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Cowlitz and Lewis rivers, in the State of Washington, from $15,000 to $31,600, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the harbor at Bellingham, State of Washington, from $15,000 to $25,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Grays Harbor and Chehalis River, Washington, from $15,000 to $50,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the maintenance of the east and west waterways in the harbor at Seattle, Wash., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

REPORT OF CIVIL SERVICE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (H. Doc. No. 143), which was read and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Twenty-sixth Annual Report of the United States Civil Service Commission, for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1910.*

HOUSE BILLS REFERRED.

H. R. 19255. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, was read twice by its title and referred to the Committee on Appropriations.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 20480. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

RETURN OF BILLS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 5522) to authorize the reconstruction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; the bill (S. 5523) to authorize the reconstruction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and the bill (S. 5524) to authorize the reconstruction, maintenance, and operation of a bridge across the White River, at Augusta, Ark., returned from the House of Representatives in compliance with the request of the Senate.

Mr. MARTIN. I move that the votes by which the bills were ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. MARTIN. I move that the bills be indefinitely postponed.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BRISTOW. Mr. President, I should like to inquire if the Committee on the Judiciary has yet given any consideration to the joint resolution (S. J. Res. 50) providing for the election of Senators by direct vote?

Mr. CLARK of Wyoming. The Senator is making the inquiry of the chairman of the committee?

Mr. BRISTOW. Yes.

Mr. CLARK of Wyoming. I will say to the Senator that the committee has given consideration to the joint resolution, but has arrived at no conclusion thereon.

Mr. BRISTOW. Do I understand the chairman of the Committee on the Judiciary to state that consideration has been given to the joint resolution?

Mr. CLARK of Wyoming. I said the committee had given consideration to it. I did not say that they have completed the consideration. I understood the Senator to ask if any consideration had been given to the joint resolution.

Mr. BRISTOW. I should like to inquire if there is any prospect that a report will be made soon?

Mr. CLARK of Wyoming. The Senator is as good a judge of prospects in a committee of the Senate as I am.

Mr. BRISTOW. I hardly think I am as good a judge of the prospect in regard to a joint resolution before the Committee on the Judiciary as the chairman of that committee would be.

Mr. CLARK of Wyoming. As I stated to the Senator on a previous occasion, I would not attempt to prophesy how or when the joint resolution may be conclusively considered in the Judiciary Committee. I have said to the Senator before, and I say now, that the committee intends to act in entire good faith toward the joint resolution, as toward every piece of legislation referred to that committee. Further than that I can not tell the Senator.

I will say further that the Senator ought not to inquire unless he desires to have the committee discharged from the further consideration of the joint resolution.

Mr. BRISTOW. I have no desire to have the committee discharged; if the committee is giving serious consideration to it and for the purpose of reporting the joint resolution either favorably or adversely I am satisfied, only I should like to have it reported at as early a date as possible.

Mr. CLARK of Wyoming. I will say further to the Senator, so that there will be no misunderstanding, that the Senate Committee on the Judiciary is not laying aside all other work before it for the purpose of considering this joint resolution. If the Senator desires, he is at liberty at any time and I welcome him to enlighten the committee on the merits of the joint resolution to which he refers. The meetings of the committee are always open to him or to others who desire to call up any particular legislation proposed.

Mr. BRISTOW. Thank you.

BILLS PASSED OVER.

The PRESIDENT pro tempore. The morning business is closed and the calendar under Rule VIII is in order. The first bill on the calendar will be stated.

The bill (S. 3724) regulating injunctions and practice of the district and circuit courts of the United States was announced as first in order.

Mr. KEAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. MARTIN. That bill can be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

The bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as next in order.

Mr. KEAN. That is the unfinished business, and it will be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. KEAN. That is a very meritorious bill, I will say to the Senator from Utah.

Mr. SMOOT. I understand; but there are questions connected with it that it will take some time to dispose of.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over without prejudice.

W. B. GRAHAM.

The bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance was considered as in Committee of the Whole.

Mr. BRISTOW. Mr. President, that is the bill that was up some days ago for discussion, and I made an inquiry as to the basis for the claim. The Senator from Nevada [Mr. NIXON] replied that it was for clerical assistance in a post-office, and for moneys that the postmaster had expended for clerical assistance; that the postmaster had not been authorized to make such an expenditure by the department, but that the department had requested or recommended that this bill reimbursing him be passed.

There was an appropriation of $100,000 made that year in the post-office appropriation bill for the purpose of paying just such expenses incurred by postmasters. I understand that the Post-Office Department asked for a deficiency appropriation for the purpose of paying these and other claims, or making additional allowances to this and other offices, and the Post-Office Committee refused to place such an item in the deficiency appropriation bill; that is, it refused to include in the appropriation bill that year the money to pay such expenses. Then, the Post-Office Department seems to have authorized the postmaster to go ahead and expend this money, in the face of the fact that the Post-Office Committee had refused to recommend an appropriation. It seems to me that that is an arbitrary way of creating a deficiency in the face of Congress refusing to make an additional appropriation.

If a postmaster can go ahead and expend money beyond the amount appropriated by Congress, even when the Congress refuses to pass an item in a deficiency appropriation bill to provide additional money for such expenditures; if, then, the department can go ahead and expend the money anyway, apparently in defiance of the will of Congress, and come in here later with a private claim on the part of the postmaster and ask that that be provided for, there is no limit to the amount of the claims that can be created here. It seems to me like a very dangerous precedent, indeed, for Congress to establish, because the department simply relieves itself of all responsibility or authority over the limiting of expenditures if bills of this kind shall be passed.

The bill was reported to the Senate without amendment.

Mr. BRISTOW. I shall have to ask that a vote be taken on the bill.

The PRESIDENT pro tempore. A vote on the final passage?

Mr. BRISTOW. No; a vote on ordering the bill to be engrossed for a third reading.

The PRESIDENT pro tempore. Shall the bill be ordered to be engrossed for a third reading? [Putting the question.] By the sound, the ayes have it.

Mr. BRISTOW. I ask for the yeas and nays on the question.

The PRESIDENT pro tempore. The Senator from Kansas demands the yeas and nays.

Mr. BRISTOW. Mr. President, I should like the Senate to understand this appropriation. Here is a postmaster who goes ahead and makes expenditures at his post-office aggregating over $3,000 for clerical help over and above what the department allows him. A request is made by the department for an additional appropriation, over and above the $100,000 which was allowed for this purpose, as a deficiency. Congress refused that additional appropriation.

Mr. BACON. Will the Senator permit me to ask him whether that appropriation was asked for after the expenditures had been incurred or in anticipation of it?

Mr. BRISTOW. I think a part of it had been incurred before and a part of it afterwards. This additional amount was asked, and Congress refused, claiming that $100,00 was enough to meet all such expenditures in the department.

Now, in the face of that, the department authorizes this postmaster, or he does it without authority, I do not know which, to go ahead and incur this additional expense, and then a bill is brought in here as a private claim. What is to prevent any postmaster in the United States from doing the same thing and coming back here and asking that a private claim be passed to reimburse him for expenditures which he never was authorized to make or which Congress refused to recognize by an appropriation at the time?

Mr. FRAZIER. May I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. FRAZIER. Was the expenditure made upon the authority of the Post-Office Department or by the postmaster on his own responsibility?

Mr. BRISTOW. The Post-Office Department made certain allowances to him out of the $100,000 which was appropriated to meet extraordinary conditions. It made no more, and this $3,000 is in addition to what the department allowed. Whether it was made by their authority or without their authority we are not advised, but we know that it is $3,000 more than was allowed the postmaster out of the appropriation. Now, why should he be reimbursed?

Mr. NIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. BRISTOW. Certainly.

Mr. NIXON. Mr. President, in explanation I will state that the town of Ely, Nev., was a fourth-class post-office in 1907,

and was advanced to the second class on July 1, 1908. It was prior to the time of its advancement to the second class that this deficiency occurred, which was brought about by a large influx of people because of the growth of Ely from a small settlement to a great mining camp. To give exact figures, on January 1, 1907, the postmaster was allowed $120 per year for regular clerk hire. On April 1, 1907, his allowance for regular clerk hire was increased to $300, and a further allowance was made of $300 from the appropriation for unusual conditions for May and June, 1907. On July 13, 1907, $1,000 was allowed from the appropriation for unusual conditions for the third quarter in 1907. On August 17, 1907, $1,000 was allowed from the appropriation for unusual conditions for the fourth quarter of 1907. The appropriation for unusual conditions was then practically exhausted, the sum of $19.81 only being left on hand.

The postmaster either had to pay the unusual expenses of the office out of his own funds or virtually close up the office. I do not believe the Post-Office Department authorized him to expend this money, but from January 1, 1908, no allowance was made except $300 for regular clerk hire, the appropriation for unusual conditions having been exhausted. Having the interest of the public at heart, and as an efficient postmaster and an American citizen looking out for the general welfare of the community, he continued to conduct the affairs of the office by advancing the necessary money out of his private funds.

I have a copy of a statement and affidavit here which I will not read, but simply ask leave to have printed as a part of my remarks, in order to make the record complete. It is a list of each item of expenditure, to which the postmaster has taken oath, and in many cases the receipts are with the papers accompanying the bill.

The PRESIDENT pro tempore. The Chair hears no objection.

The statement and affidavit referred to are as follows:

Statement of labor hired and paid at Ely, Nev., post-office between July, 1906, and March, 1908, both inclusive, by Postmaster W. B. Graham, for which he has not been reimbursed.

Date.	Name.	Present location.	Check No.	Receipt reference.	Amount.
1906.					
July	May Lewis	Peru, South America.			$90.00
August	do	do			90.00
September	do	do			90.00
October	do	do			90.00
November	do	do			90.00
Do	Sol Help		309		45.00
December	do		909		90.00
Do	May Lewis				90.00
Do	J. A. Mease	Utah			90.00
1907.					
January	J. A. Mease	Utah			90.00
Do	May Lewis	Peru, South America.			90.00
February	do	do			90.00
Do	J. A. Mease	Utah			90.00
March	do	do			90.00
Do	May Lewis	Peru, South America.			90.00
April	J. A. Mease	Utah	365		90.00
Do	Q. W. Hull			1526	120.00
Do	May Lewis	Peru, South America.			90.00
May	J. A. Mease	Utah	365		90.00
Do	Q. W. Hull			1526	120.00
Do	May Lewis	Peru, South America.	366		90.00
June	J. A. Mease	Utah	390		90.00
Do	Q. W. Hull			1526	120.00
Do	Lelia Hough	Pennsylvania			90.00
1908.					
January	Q. W. Hull			1526	120.00
Do	J. A. Mease	Utah			100.00
Do	Louise Lewis			1526	75.00
Do	M. W. Hough			1526	75.00
Do	J. Banks			1526	40.00
February	Q. W. Hull			1526	120.00
Do	J. A. Mease	Utah			100.00
Do	Louise Lewis			1526	75.00
Do	M. W. Hough			1626	75.00
Do	J. Banks			1526	40.00
March	do			1526	40.00
Do	M. W. Hough			1526	75.00
Do	Louise Lewis			1526	75.00
Do	Q. W. Hull			1526	120.00
Total					3,335.00

STATE OF NEVADA, *County of White Pine, ss:*

W. B. Graham, being duly sworn, says that at all the times mentioned in the foregoing statement he was the duly appointed and acting postmaster at Ely, White Pine County, in the State of Nevada.

That he has read the said statement and knows the contents thereof, and the same is true.

That each and every item contained in said statement, amounting in all to the sum of $3,335, has been paid by this affiant at the time and to the parties therein mentioned.

That the amounts set forth in said statement, for which there are no vouchers attached, were actually paid by affiant to said parties at the time mentioned in said statement.

That no voucher nor receipt was taken by affiant for any of the money paid as aforesaid except those vouchers or receipts hereto and to said statement attached.

That the present location of the parties named in said statement is the location therein named.

That affiant is unable at the present time to secure any vouchers for the said payments made by him, as set forth in said statement, other than the vouchers attached to said statement and herewith inclosed.

W. B. GRAHAM.

Subscribed and sworn to before the undersigned, a notary public in and for White Pine County and the State of Nevada, this 10th day of April, 1908.

[SEAL.] FRANK X. MURPHY.

STATE OF NEVADA, *County of White Pine, ss:*

W. B. Graham and Q. W. Hull, being duly sworn, each for himself, and not one for the other, says:

That during all the time between the 30th day of June, 1906, and the 1st day of April, 1908, the said W. G. Graham was the postmaster and the said Q. W. Hull was the duly appointed and acting assistant postmaster at Ely, White Pine County, Nev.

That during said time the said W. B. Graham, as such postmaster, paid, laid out, and expended for labor performed in relation to the proper care and handling of United States mail matter at the post-office at Ely aforesaid the sum of $3,335, as set forth in the foregoing attached statement.

That the said sum of $3,335, and the whole thereof, was properly and necessarily expended by said W. B. Graham as such postmaster in addition to all sums of money received by him in payment of clerk hire and other expenses incurred in the care, management, and control of said post-office during said period.

That no part of said sum of $3,335 has been paid, returned, nor refunded to said affiant, W. B. Graham, nor to any other person for his use or benefit.

That during all of said time the said post-office, and the business pertaining thereto, was managed economically, and with the least possible expense; and each and all of the persons named in said annexed statement worked diligently and well for more than eight hours each and every day during said time; and many days during said time affiant Hull worked in his capacity of assistant postmaster for more than fifteen hours per day.

That each of said clerks named in said statement was competent, and the services rendered by them were reasonably worth the said sum paid therefor.

That said services were necessary and could not have been secured without incurring the said expense, and paying out and expending the said sum of $3,335, and the whole thereof.

W. B. GRAHAM.
Q. W. HULL.

Subscribed and sworn to before the undersigned, a notary public for said county, this 10th day of April, 1908.

[SEAL.] FRANK X. MURPHY.

Mr. NIXON. Mr. President, I will state that in the report to the department from Assistant Superintendent Hall, who was an inspector for that district, he stated that from September 1, 1905, to January 1, 1908, the postmaster expended from his personal funds $2,570 for clerk hire, and that during the next six months he expended from his personal funds $765.

That is covered by this bill. As I said a few days ago when this matter was up, I personally am very familiar with the circumstances out there, and, regardless of the fact as to whether it is just the right thing or not, I know that this money was honestly expended by the postmaster in keeping the office open and for the benefit of the patrons of the office. I do not believe that any Senator here would say that it was good business policy to close up a post-office simply because there was no department provision to keep it open.

I agree with the Senator from Kansas [Mr. BRISTOW] that perhaps it would have been better if this matter had been taken care of by the Post-Office Department, but they informed me that it was impossible for it to be handled by them, on account of the appropriations for unusual conditions being exhausted. Therefore I introduced this bill. It covers the same character of legislation as other bills introduced by me in behalf of the postmasters at Goldfield, Tonopah, and Rhyolite, all of which have been passed by this body.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. This bill is proceeding under Rule VIII, which only permits a Senator to speak once.

Mr. BRISTOW. I will ask, then, that the bill go over.

Mr. KEAN. It is too late to do that.

The PRESIDENT pro tempore. Consent has been given for the consideration of the bill. The Senator from Kansas has demanded the yeas and nays on the engrossment and third reading of the bill.

Mr. NIXON. Let us have the yeas and nays.

Mr. BOURNE. Before that question is put I should like to ask to have read the report of the committee containing the statement of the Post-Office Department on this bill.

The PRESIDENT pro tempore. The Senator from Oregon demands the reading of the report. The Secretary will read it.

The Secretary read report No. 161, submitted by Mr. BURROWS February 3, 1910, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4778) to reimburse W. B. Graham, late postmaster at Ely,

Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

A similar bill (S. 6682) was reported favorably from the Committee on Post-Offices and Post-Roads during the first session of the Sixtieth Congress, and the report made thereon is herewith made a part of the report on S. 4778.

[Senate Report No. 649, Sixtieth Congress, first session.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 7, 1908.

MY DEAR SIR: In reply to your letter of the 22d ultimo, relative to the merits of Senate bill 6682, "to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance," I beg to inform you that in view of the fact that Mr. Graham was forced to pay the amount claimed from his personal funds in excess of the amount allowed by the department, and the further fact that the department could not give him an increased allowance on account of the exhausted condition of the appropriation for unusual conditions, it is believed that this case is meritorious.

Very truly, yours,
C. P. GRANDFIELD,
Acting Postmaster-General.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

Mr. BURKETT. Mr. President, I should like to ask a question or two of the Senator from Nevada [Mr. NIXON], who introduced this bill. I will say that I am not so much concerned about the question which the Senator from Kansas [Mr. BRISTOW] raises as I am about the method of the Post-Office Department in doing business. I should like to ask the Senator from Nevada how long a time this deficiency covered for which the postmaster at Ely has made claim?

Mr. NIXON. I think it is a period of about a year and a half.

Mr. BURKETT. Then, during that year and a half the postmaster paid out $3,000 more than he was allowed?

Mr. NIXON. Yes; he paid out that much more than he was allowed.

Mr. BURKETT. There was no appropriation bill, then, between the time when the deficiency started and the time when it ended? Is that the fact?

Mr. NIXON. I think that is the fact. The department, as I understand, requested an additional appropriation of $20,000 for unusual conditions, as stated by the Senator from Kansas [Mr. BRISTOW], but that appropriation was not made. Therefore the department could make no allowance for that post-office, and the postmaster had to continue paying the expenses of the office out of his private funds or close the post-office.

Mr. BURKETT. Does the Senator know why the post-office was permitted to continue so long in the lower class? Why could it not have been advanced to a higher grade, so that it could be taken care of with an adequate allowance?

Mr. NIXON. As I understand, it takes a little over a year to accomplish that. A record of the business of a post-office for a year is taken as a basis for the advancement of the office. It was in the interim that this deficiency occurred. I do not remember the exact dates, but in the report which has been made the exact dates are given.

Mr. BURKETT. I do not want to object to the bill, but as I understood the reading of the statement by the Senator from Nevada [Mr. NIXON], this deficiency covered a period of three years; that it began back in 1905 and continued down to 1908.

Mr. NIXON. No.

Mr. BURKETT. But by the Senator's statement just made I see it is reduced a year and a half. It occurred to me that if the Post-Office Department had directed this post-office to run along in this unusual condition for three years without advancing it to the proper grade whereby they could take care of it in the ordinary way, or if they had permitted two or three appropriation bills to come up and had not called the matter to the attention of Congress, and then had not put in any more favorable report than the Acting Postmaster-General has filed in this case, there ought to be some additional reasons presented to the Senate to justify us in passing this bill. My criticism is lodged more at the Post-Office Department than it is at this postmaster, for I do not know anything about the conditions, but I was on the committee when some of the cases of these other towns, to which attention has been called, were considered, and I can imagine the growth of those towns and things which bring about such a condition; but it does seem to me that when a condition of this kind prevails in a town, the Post-Office Department ought to realize that such a case will be brought to the attention of Congress, and that the department ought to give it enough attention to report exactly what the circumstances are and exactly the amount that was paid out, so that the matter might be brought to us in a more complete way than it has been in this case.

Then, so far as the report is concerned, we are simply to take the word of the postmaster there and the word of the Senator, which, of course, is based on the report of the postmaster there, as to the amount the postmaster expended, when it seems to me that the Post-Office Department, with an inspector in that section of the country, ought to look after these matters carefully enough so as to present to us in a satisfactory manner a detailed statement of just what the postmaster had to pay out.

Mr. HALE. Mr. President——

Mr. NIXON. Mr. President, I said that these figures were corroborated by Superintendent Hall——

The PRESIDENT pro tempore. Under the rule, the right of the Senator from Nevada has been exhausted.

Mr. HALE. I only wish to say that this claim—which is a pure claim—has taken the course that always ought to be taken in such cases. The Committee on Appropriations is continually beset by just such cases as this, and is asked to put such claims onto an appropriation bill. In the interest of good legislation, the Committee on Appropriations is obliged to decline to do so, and always takes the ground that all such cases should go to the Committee on Claims, and be reported from that committee as claims pure and simple, for they can not, under the rules, be incorporated in an appropriation bill.

So far as I can see, the Senator from Nevada [Mr. NIXON] has pursued the proper course. Instead of entreating the Committee on Appropriations to put it on an appropriation bill, where as a claim it is not permissible, he has gone to the Committee on Claims, which has considered it as a pure claim and has reported it as such. I do not see how the Senator could have done more than that. It seems to me that, under these conditions, the bill is properly before the Senate by the report of a proper committee, which has, I presume, fully considered it.

Mr. BURTON. Mr. President, will the Senator from Maine yield to an interruption?

Mr. HALE. Yes.

Mr. BURTON. As I understand the report, it does not come from the Committee on Claims.

Mr. HALE. From what committee does it come?

Mr. BURTON. The Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. That is just as well.

Mr. BURTON. It is so designated in the report on the calendar, No. 170.

Mr. HALE. Mr. President, the point as to what committee has considered the bill is not essential. I supposed that the Committee on Claims had considered it; but as the Committee on Post-Offices and Post-Roads always considers such claims and reports them, it relieves the Committee on Appropriations from putting them onto an appropriation bill. Whether the Post-Office Committee or the Committee on Claims reported it makes no difference. It has gone the round of the proper committee, which is in charge of it, which, instead of reporting it as an amendment to an appropriation bill, has reported it as an independent bill before the Senate.

Mr. CLAY. Mr. President, this bill comes from the Committee on Post-Offices and Post-Roads. I was not present at the time it was last considered. My recollection is that the bill was favorably reported at a previous session and that the Senate then passed it. My recollection, further, is that the merits of the bill consisted in the fact that originally the town of Ely only contained 100 or 200 people, and the post-office was a fourth-class post-office, but the mining interests of that town and section developed so rapidly that the town reached a population of as high as 20,000. Of course a fourth-class post-office could not then transact the business. The department allowed a certain sum of money for clerk hire, which was soon exhausted by reason of these unusual conditions. The postmaster spent a considerable sum, and the Post-Office Department recommended that this amount be paid back by reason of the extraordinary conditions then existing at that town. It was a mining town, which sometimes had a population of 100, sometimes a population of 10,000, and sometimes more than 10,000.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. CLAY. Certainly, with pleasure.

Mr. CRAWFORD. Before the Senator goes further I wish to ask if he is a member of the Committee on Post-Offices and Post-Roads?

Mr. CLAY. I am now and have been ever since I have been in the Senate.

Mr. CRAWFORD. Was the Senator present during the consideration of this claim?

Mr. CLAY. Yes; when it was considered three or four years ago. My recollection is that this claim was before the Committee on Post-Offices and Post-Roads and that it was reported favorably and passed by the Senate.

Mr. CRAWFORD. The point to which I direct attention is, Was the proof in the form of vouchers of the actual paying out of this money such that the report of the committee was unanimous in regard to the amount?

Mr. CLAY. My recollection is that when the bill came before the committee it was referred to the Post-Office Department. The Post-Office Department was asked to inform the committee as to the merits of the claim, how much money had been paid out, and whether or not it was a just claim. The claim was then referred to a subcommittee, and the subcommittee heard testimony and reported in favor of this amount. I was not a member of the subcommittee. I am sure, though, that the bill was reported by the committee unanimously, and I think it passed the Senate. I am not certain of that, but my recollection is that it passed the Senate without any opposition. I am sure that the merits of this claim were based upon the fact that extraordinary conditions arose at that town by reason of increase of population that could not be met by the amount of money that had been appropriated to carry on the business.

Mr. NEWLANDS. Mr. President, will the Senator from Georgia permit me to interrupt him?

Mr. CLAY. Yes.

Mr. NEWLANDS. The Senator from Georgia is entirely correct in stating that unusual conditions arose in that State during the period of mining excitement. I think he has put the population of the town somewhat larger than it actually was. The Senator is probably referring to the town of Goldfield, which quickly rose from a town of a few thousand up to 18,000 or 20,000 population, and then gradually contracted to 8,000 or 10,000 later on.

Mr. CLAY. I think there was a contraction in reference to that town later on.

Mr. NEWLANDS. Yes; and the town of Ely was also subjected to one of those sudden expansions of population arising from the development of the mining interest; and I have no question but that the postmaster performed a really patriotic duty in keeping the post-office open during this period of rapid expansion.

Mr. CLAY. The towns in the Senator's State grow up rapidly, and sometimes they do the reverse very rapidly.

Mr. NEWLANDS. Sometimes; but the general tendency is toward expansion.

Mr. CLAY. I do not recall at this time having seen an accurate statement of the items relating to this claim, and I could not say that I had before me at the time I voted in committee an accurate statement in regard to it; but my recollection is that the subcommittee that investigated it did report, and that we adopted the report of the subcommittee.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. CLAY. Certainly; with pleasure.

Mr. BRISTOW. I would like to inquire of the Senator from Georgia if the Committee on Post-Offices and Post-Roads did not, in January, 1908, refuse to recommend a deficiency appropriation to meet such expenditures, claiming that the $100,000 which had been appropriated for that fiscal year was sufficient, and that the Post-Office Department should so manage as to get along with that amount of money?

Mr. CLAY. I do not recall; it may be true or it may not. It is almost impossible for a Senator to recall everything that happens in a committee room for years, and I have been serving on that committee, I believe, for thirteen years. I do remember, however, that two claims were pending before that committee in regard to extra services of postmasters in Nevada; that one of them we passed and I think it became a law. The Senator from Nevada [Mr. NEWLANDS] referred to the town a few moments ago. I know that the other bill was favorably reported, and I feel reasonably sure that it passed the Senate. The Senator from Nevada ought to know whether or not the pending measure passed the Senate heretofore.

Mr. NIXON. This measure passed the Senate at the last session, but failed in the House simply because it was never reached on the calendar.

Mr. CLAY. The Senator from Michigan [Mr. BURROWS] has charge of this bill, and probably he is familiar with all the facts in regard to it. I do not see him present in the Senate.

The PRESIDENT pro tempore. On the question of the engrossment and third reading of the bill the Senator from Kansas [Mr. BRISTOW] has demanded the yeas and nays.

Mr. BRISTOW. I withdraw the demand.

The PRESIDENT pro tempore. Then the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over, without prejudice.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

Mr. HEYBURN. Mr. President, I am requested by the chairman of the Committee on Public Lands [Mr. NELSON], who is necessarily absent from the Chamber, to ask that that bill go over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice, at the request of the Senator from Idaho.

ALLOTMENT OF MAKAH INDIAN RESERVATION LANDS.

The bill (S. 4653) to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to allot all remaining unallotted lands within the Makah Indian Reservation, in the State of Washington, to the members of that tribe or, with the consent of a majority of the members of the tribe, to set aside from allotment and arrange for the conservation of such lands and for the cutting and sale of ripened and matured timber therefrom, the net proceeds from such sale to be placed to the credit of the tribe and expended for its benefit under the direction of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. MILLER.

The bill (S. 863) to correct the military record of John M. Miller was considered as in Committee of the Whole.

Mr. BACON. I ask if there is a report in that case?

The PRESIDENT pro tempore. There is.

Mr. BACON. If it is not very long, I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report (No. 173) submitted by Mr. BULKELEY on the 3d instant, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 863) to correct the military record of John M. Miller, have given the same very careful consideration, and report it back with the recommendation that it do pass.

An identical bill to this was considered by your committee during the Sixtieth Congress, was favorably reported and passed the Senate.

In this connection attention is respectfully invited to the report made at that time, which is hereto attached and made a part of this report.

[Senate Report No. 376, Sixtieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 6006) to correct the military record of John M. Miller, have given the same careful consideration and report it back with the recommendation that it do pass.

From a careful examination of the papers in this case it appears that John M. Miller was enrolled August 8, 1861, and was mustered into service to take effect from August 30, 1861, as a private, Company D, Forty-fourth New York Infantry Volunteers, to serve three years, and that he was discharged the service, as a private, December 24, 1862, to reenlist in the United States artillery.

The records show that he reenlisted December 29, 1862, in Battery K, Fifth United States Artillery, to serve the remainder of his term of enlistment in the Forty-fourth New York Infantry, and was discharged, as a corporal, February 13, 1864, by reason of reenlistment.

The records further show that he again reenlisted in the same organization on the same date (Feb. 13, 1864) to serve three years.

The next record of this soldier appearing on the rolls of his regiment reports him as absent, sick, from April 23, 1864, until finally dropped as a deserter on December 14, 1865.

In explanation of the record showing that this soldier was absent, sick, from April 23, 1864, until finally dropped as a deserter on December 14, 1865, claimant alleged under oath, in an application to the War Department, that when he reenlisted on the above-named date he was given a furlough of thirty days, and at the end of said furlough he reported to the battery at Harrisburg, Pa.; that at that time he was left in the hospital; that after his return to duty from the post hospital at Camp Curtain, near Harrisburg, Pa., on July 11, 1862, he was detailed on duty with the provost-marshal at Harrisburg, Pa., and relieved from that duty on September 28, 1864, and ordered to proceed to New York City and rejoin his regiment.

This statement of the claimant is borne out by the original order which was filed with the papers before your committee, issued at Harrisburg, Pa., September 27, 1864, and known as "Special Orders B, No. 171," and states: "Corpl. J. M. Miller, K Company, Fifth United States Artillery, will proceed without delay to New York, N. Y., and report to the commanding officer of his company for duty; the Quarter-

master's Department will please furnish transportation." Signed by the captain of the Veteran Reserve Corps, post adjutant, by order of Capt. R. I. Dodge, United States Army, commanding post, and indorsed by the depot quartermaster's office, Harrisburg, Pa., dated September 27, 1864, stating, "Transportation furnished to New York City, N. Y.," and signed by E. A. Reichenbach, captain and assistant quartermaster, and P. Parsons, F. clerk.

Claimant further affirms that upon the order above quoted he proceeded to report at New York City, but on his way stopped at his home at Esperance, N. Y.; that he found his father had died and that his mother and two sisters were destitute; that he stayed at home and took care of them; that he was very deaf at the time, and has never recovered his hearing.

While the soldier admits that he stayed too long, he alleges that he had no intention of deserting, nor does it appear from the facts in the case that any such intention existed.

In view of the exceptionally long and meritorious service of this soldier, covering not only his original enlistment but two reenlistments, and the manner of the separation of this soldier from the service, that he is to-day well advanced in years, nearly totally deaf by concussion and crippled by rheumatism, your committee believe that relief should be afforded him, and therefore recommend the passage of the bill.

Attention is respectfully invited to the following papers, on which the above report is based:

1. Communication from the Adjutant-General United States Army, dated February 24, 1908, addressed to Hon. M. G. Bulkeley, United States Senate.
2. Communication as above, dated March 5, 1908.
3. Letter from the claimant, John M. Miller, dated February 20, 1908.
4. Letter from the claimant, John M. Miller, dated March 2, 1908.
5. Special Orders, "B" No. 171, Headquarters, Harrisburg, Pa.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, February 24, 1908.

SIR: Referring to your letter of the 22d instant, received to-day, in which you request the military record of John M. Miller, formerly of the Forty-fourth New York Infantry, and Battery K, Fifth United States Artillery, I have the honor to inform you as follows:

It is shown by the records that John M. Miller was enrolled August 8, 1861, and was mustered into service to take effect from August 30, 1861, as a private, Company D, Forty-fourth New York Infantry Volunteers, to serve three years, and that he was discharged the service as a private December 24, 1862, to reenlist in the United States Artillery. He reenlisted December 29, 1862, in Battery K, Fifth United States Artillery, to serve the remainder of his term of enlistment in the Forty-fourth New York Infantry, and was discharged as a corporal February 13, 1864, by reason of reenlistment.

He again enlisted in the same organization February 13, 1864, to serve three years. He was returned to (that is, pronounced fit for) duty January 26, 1866, from hospital, Key West Barracks, Fla., where he had been under treatment, and, failing to rejoin his company, he became a deserter on that date. He did not report his whereabouts or the cause of his absence to the military authorities, although he owed service until February 13, 1867.

Application for removal of charge of desertion and for an honorable discharge in the case of this soldier has been repeatedly denied, and now stands denied, on the ground that he did not complete his term of enlistment, and was not prevented from completing it by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Very respectfully,
F. C. AINSWORTH,
The Adjutant-General.

Hon. M. G. BULKELEY,
United States Senator.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, March 5, 1908.

SIR: I am in receipt of your letter of yesterday in which, with reference to the recent correspondence in the case of John M. Miller, formerly of Company D, Forty-fourth New York Infantry, and Battery K, Fifth United States Artillery, you state that you are advised by Mr. Miller that there must be some error in the record, as he was never in the hospital at Key West Barracks, Fla., and that in fact he was never in Florida at any time, and that he alleges that after his reenlistment in Battery K, Fifth United States Artillery, on February 16, 1864, he was given a furlough of thirty days; that at the end of the thirty days he reported to the battery at Harrisburg; that he was left sick in the hospital at that place, and later detailed on duty at the provost-marshal's office, and from there ordered to report at headquarters at Fort Hamilton; and referring to your request to be further advised in this matter, I have the honor to inform you as follows:

Upon a reexamination of the medical records it is found that one J. M. Miller, private, Company K, Fifth United States Artillery, was admitted to the post hospital at Key West Barracks, Fla., on January 23, 1866, with intermittent fever, and that he was returned to duty January 26, 1866. Upon a further examination, however, of the regimental records, it is found that there served in Battery K, Fifth United States Artillery, during January, 1866, one John D. Miller, and in view of this record it is possible, and perhaps probable, in view of the applicant's statement, that so much of the medical records as shows that the name of the soldier who was treated in the hospital at Key West, Fla., during January, 1866, was J. M. Miller is a clerical error, and that that record pertains to John D. Miller, then a member of that battery. This probability is further strengthened by the fact that on the muster rolls of Battery K, Fifth Artillery, John M. Miller is reported as absent sick from April 23, 1864, until finally dropped as a deserter on December 14, 1865.

In his application for removal of the charge of desertion of September 7, 1891, Miller stated that he reported at Harrisburg, Pa.; was taken sick there and placed in hospital; that he remained two months in the hospital and went home on a hospital furlough, and that he was unable to report to his regiment for a long time, and that his regiment was discharged before he was able. In a later statement, of November 28, 1905, he alleged that he was in the hospital at Harrisburg, Pa., and from there was detailed at the provost-marshal-general's office; that he received orders to report at Fort Hamilton, New York Harbor; that on his way he stopped at his home at Esperance, N. Y.; that he found that his father had died and that his mother and two sisters were destitute; that he stayed at home and took care of them; that he was very deaf at the time, and has never recovered his hearing.

It will be seen that there is a radical discrepancy between these two statements as to the manner under which Miller finally left the service and as to the cause of his failure to rejoin his command. The latter statement of Miller is partly corroborated by the records, which show that after his return to duty from post hospital at Camp Curtin, near Harrisburg, Pa., on July 11, 1862, Miller was detailed on duty with the provost-marshal at Harrisburg, Pa., and relieved from that duty on September 28, 1864, and ordered to proceed to New York City to rejoin his regiment.

It is proper to add that, admitting all that is claimed by the applicant in this case, it is beyond the power of this department to extend to him any relief under existing law. He was a member of the Regular Army, and there is no provision in the act of Congress approved March 2, 1889, which is the law governing the subject of removal of charges of desertion that is applicable to his case, and that would warrant the removal of the charge of desertion and the issue to him of an honorable discharge.

Very respectfully,
F. C. AINSWORTH,
The Adjutant-General.

Hon. M. G. BULKELEY,
United States Senate.

NEW HAVEN, *February 20, 1908.*

United States Senator MORGAN G. BULKELEY.

DEAR SIR: I take the privilege of dropping you a line in regard to a pension. I will here tell you the circumstances. I enlisted August 8, 1861, in the Forty-fourth New York, Ellsworth Regiment. After a time I was transferred to Battery K, Fifth United States Artillery, and served faithfully in the battery until February 13, 1864, when I was given an honorable discharge and reenlisted and was given a furlough of thirty days. At the end of thirty days I reported to battery at Harrisburg, Pa. I was sick and was left in the hospital, and after I was able to leave I was detailed on duty at the provost-marshal's office and was there for some time. Then I was ordered to report at headquarters at Fort Hamilton. I started, and on my way I stopped at home and found my father dead and my mother with little children to care for. I stayed, and of course I stayed too long. I had no intention of deserting. The war was ended in two or three months after. I served my country nearly four years, the best years of my life, in active service. I am a man now 67 years of age, am nearly totally deaf by concussion and crippled with rheumatism. I sent a paper to the Secretary of War and received in answer that he could do nothing, that I must get some Representative to do it for me. I made application for a pension on this discharge which I received when I reenlisted (which I now send you) under the act of February 6, 1907. All papers have gone through, and everything is all right up to this thing, which I was informed must be removed before anything more could be done. Now can't you do something for me and get this removed so that I may get something in return for my services? I have been a resident of New Haven for twenty years. Trusting that you will do something for me, I am,

Yours, respectfully,
JOHN M. MILLER.
10 Asylum Street, New Haven, Conn.

(Please return discharge.)

NEW HAVEN, CONN., *March 2, 1908.*

Honorable United States Senator M. G. BULKELEY.

DEAR SIR: I received yours of February 25, and in defense of myself I would say that the War Department has my record entirely wrong. I was never in hospital, Key West Barracks, Fla. I was never in Florida. I can prove by a number of persons that my record was just as I gave it to you, and I have my order which called me from Harrisburg to New York, which I will send you that you may see I am right. It may do no good, for I knew the War Department would not do anything for me, but is there no other way by which this can be removed? I served faithfully about four years and was in a good many engagements. I was very deaf when I left the army, and am almost entirely so now. Will you kindly inform me what the provisions in the act of Congress, 1899, were? It seems as though I might receive some compensation for my service.

Very respectfully, yours,
JOHN M. MILLER.
10 Asylum Street, New Haven, Conn.

SPECIAL ORDERS B, No. 171. HEADQUARTERS,
Harrisburg, Pa., September 27, 1864.

Corpl. J. M. Miller, K Company, Fifth New Jersey Artillery, will proceed without delay to New York, N. Y., and report to the commanding officer of his company for duty.

The quartermaster's department will please furnish transportation.

By order of Capt. R. I. Dodge, United States Army, commanding post.

S. O. HUME,
Captain, Veteran Reserve Corps, Post Adjutant.

(Indorsed:) Deprt. Qr. Mrs. Office, Harrisburg, Pa., Sept. 27, 1864. Transportation furnished to New York City, N. Y., E. A. Reichenbach, Capt. & Asst. Qr. Mr.; P. Parsons, F. Clk.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN OATES.

The bill (S. 864) to correct the military record of John Oates was considered as in Committee of the Whole. It authorizes the Secretary of War to review the military record and revoke the order of dismissal by general courts-martial of John Oates, late a private in Company D, Fourteenth Regiment United States Infantry, and to issue to him an honorable discharge as of September 21, 1864; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT HUDSON FORLORN-HOPE STORMING PARTY.

The bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party was considered as in Committee of the Whole. It proposes to appropriate $2,000 to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized, pursuant to General Order No. 49, by command of Major-General Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the surviving volunteers of the storming party, and in case of the decease of the volunteer the medal shall be given to his widow or oldest heir.

Mr. GALLINGER. Manifestly, in line 6, on page 1, the comma should be stricken out after the word "organized."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MARTINSON.

The bill (H. R. 2828) for the relief of William Martinson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The bill (S. 3501) providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909. It is a bill of public importance, which ought to be passed at once if it is to be passed at all. It is a bill making slight changes in the census law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on the Census with an amendment on page 3, line 14, after the word "enterprises," to insert:

Quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws; the price at which these lands, including water right, are obtainable; the character and value of crops produced on irrigated lands, the amount of water used per acre for said irrigation and whether it was obtainable from national, state, or private works; the location of the various projects and method of construction with facts as to their physical condition.

Mr. JONES. I desire to ask the Senator in charge of the bill whether or not, under the amendment which is proposed, the Director of the Census would get information with reference to irrigation works by private capital? I notice it uses the terms "under state and federal laws." I do not know whether that would restrict the inquiry to such an extent as to cut out information with reference to purely private irrigation enterprises. I should like to have the Senator state what is the fact.

Mr. LA FOLLETTE. In my opinion it would confine the investigation to such irrigation enterprises as are authorized either by state or federal law. If the private enterprises of which the Senator speaks are under state regulation, are authorized by state statutes, then they would come within the scope of this inquiry. If they were not conducted under a statute, they would not come within this inquiry.

Mr. JONES. What I have in mind is that we have reclamation works put in under what is known as the "Carey Act," under which the State does the reclamation work through private parties. That is possibly what is meant by state law.

Mr. LA FOLLETTE. Yes, sir. I think those would plainly be included within the scope of the legislation.

Mr. JONES. Is that all that would be included under the term "state regulation?"

Mr. LA FOLLETTE. Manifestly not.

Mr. JONES. For instance, in our valleys in Washington a great many private canals have been put in, not especially under authority of a state statute, but the persons simply went in and appropriated the water and reclaimed the land.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Carolina?

Mr. TILLMAN. This little private conversation over there has been conducted in such a low tone that I could hardly understand the gist of it. But I caught enough to get the idea that there is some proposition pending here to get information through the census——

Mr. JONES. The Senator from South Carolina did not have any difficulty in hearing me.

Mr. TILLMAN. Yes, sir; I had some difficulty in hearing you because you were discussing this matter in a private way with the Senator from Wisconsin—not that either of you is lacking in voice when you want to be heard, but you had the tone a little lower than is common.

If it is the purpose to get some information, what difference does it make whether it is under state or federal law? What we want are the facts, regardless as to how the irrigation came about.

Mr. JONES. That is my idea exactly; and I want to be sure that this provision is broad enough to cover it, whether the work is done by purely private individuals or under state or federal government. I should like to have the amendment enlarged with reference to that proposition, so that we will get all the facts with respect to irrigated lands and their cost, as nearly as possible.

Mr. LA FOLLETTE. I think if there is a purely private enterprise on ranches or farms owned by individuals, it would not come within the scope of the proposed amendment. No information would be gathered with respect to it. It seems to me that would be entering upon a very large and expensive undertaking. It is estimated by the Director of the Census that the cost entailed upon the Government by this proposed amendment with respect to irrigation will involve an expenditure of from fifty to a hundred thousand dollars. If, however, this inquiry is to be carried to every little private enterprise on the farm or ranch of some individual, there is no telling what the expense would be. It certainly would be very heavy.

Mr. JONES. I desire to suggest to the Senator that if the inquiry does not get all the facts in reference to irrigation it will be of but very little value. I want to suggest to him another condition in the irrigation section, and that is that at the present time the great amount of land irrigated in the United States is irrigated by purely private enterprise; and if we do not get the information in reference to that, the information we would get would be of practically no value.

Take it in my section. For instance, there is one canal which has been put in by a purely private company, without reference to any state law, but simply by going to the stream and diverting the water, making an appropriation, and reclaiming several thousand acres of land. We would like to have that information, and we ought to have it.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JONES. I do.

Mr. WARREN. The water rights are all obtained, or should be, and I presume are, from state authority; and if this language would not bring them under the provisions of the bill, I think it ought to be changed. But as I heard it read——

Mr. JONES. I doubt if the language in the bill is broad enough to cover those enterprises.

Mr. WARREN. As I heard it read I thought it covered it. If not, I think it should be changed to cover it. I think in the Senator's State as well as in all others the rights all come from the State.

Mr. JONES. Yes; the water right does, either by express law or by custom; but I want to call the attention of the Senator to the fact that the Senator in charge of the bill hardly thinks it would cover these purely private enterprises.

Mr. LA FOLLETTE. I do not think it would cover those private enterprises which are confined to operations upon privately owned property, where it was not necessary to proceed to condemn under state law or to bring the irrigation project within the federal statute. For instance, an irrigation project which begins and ends upon a farm, that is undertaken without reference to state or federal laws, I do not think would come

within the terms of this proposed statute. The language is very plain:

Inquiries shall also be made as to the location and character of irrigation enterprises, quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws.

That is substantially the language of the amendment offered by the Senator from Idaho. I do not think it would be feasible; indeed, I think it would be imposing upon the Bureau of the Census an almost impossible task at this time to undertake to gather information with respect to every little irrigation enterprise on every small patch of land in the United States, and I think it would operate to defeat the whole purpose of the inquiry.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maine?

Mr. JONES. I do.

Mr. HALE. I wish to ask the Senator from Wisconsin, did not the Committee on the Census consider that the provision which they adopted and reported is a large departure from the original purpose of the bill, and is going as far as it is safe to go in that direction?

Mr. LA FOLLETTE. It very much enlarges the scope of the bill as passed by the House——

Mr. HALE. Yes.

Mr. LA FOLLETTE (continuing). And goes as far as the committee thought it was wise or possible to go, in view of the information furnished the committee by the Director of the Census when the bill was pending before the committee.

Mr. HALE. I hope, Mr. President, that Senators who seek to enlarge this amendment will realize that the committee has departed very largely from the House bill and has embarked upon and put the Government under its provisions to a very large and extensive work, and that they will not attempt to make it so large that it will be impracticable.

Mr. TILLMAN. I notice, on page 2 of the bill, in line 16—and I should like to have the attention of the Senator from Maine to it—in the census law, as it has already been passed (and this is not connected with the amendment now proposed), there is this language:

The schedules relating to agriculture shall include names, color, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of land under irrigation.

That is already provided for in the law, and why there should be an amendment, which is proposed here, of the "quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal laws," and so on, I can not see, unless there is a purpose to get a separate schedule relating to the semiarid and arid States alone, because here is a provision, general in its terms, relating to every farm, which would provide the information. There is evidently a purpose in this amendment, or it would not be here, and I should like the Senator to explain why there is necessity for this additional legislation when you already have in the law this other provision which my eye happened to catch a moment ago.

Mr. LA FOLLETTE. Mr. President, I do not know that the Senator from South Carolina addressed his inquiry to me, but if he will permit me——

Mr. TILLMAN. I addressed it to anyone who can answer it.

Mr. LA FOLLETTE. The line to which the Senator refers, line 16, on page 2, reading "acreage of land under irrigation," is not a part of existing law. That is the first amendment which this bill—the House bill—makes in existing law. It adds to the existing law the acreage of land under irrigation. That is the first provision amending existing law which the House incorporated in this bill, 18364, as it came to the Committee on the Census. That information can readily be obtained by the enumerators while performing their regular work of enumeration. That information would be gathered, under the amendment to the House bill. The amendment printed in italics on page 3 is of a different character and would require a different order of ability. That work must be performed by special agents. The information could not be gotten in such accurate form by enumerators as to make it of any practical value.

It was added because it seemed desirable to get that information—the amount of water used per acre on the land, the location of the various projects, the method of construction, with facts as to their physical condition, etc.—information of a somewhat technical character, requiring a different order of ability than that possessed by the enumerators in ascertaining the mere acreage.

Mr. TILLMAN. Then the argument would recur to the original proposition advanced by the Senator from Washington, and that is, if you are going to get information in regard to the acreage of irrigated lands in the arid region, why not get it all, regardless of whether it is under the Carey Act or under the General Government?

Mr. LA FOLLETTE. Undoubtedly all the acreage would be obtained under the provision on page 2.

Mr. TILLMAN. With regard to farms.

Mr. LA FOLLETTE. With regard to farms, just as the acreage of the farms would be obtained. That can readily be obtained by the enumerator, but this more definite and specific and technical information can not be secured with any degree of accuracy by the enumerators and must be done by special agents, at a greatly increased cost.

Mr. TILLMAN. I can not see for the life of me why a special agent is necessary.

Mr. HALE. The first provision applies only to the farms.

Mr. TILLMAN. To every acre of land under irrigation either growing hay or some other crop.

Mr. WARREN. Mr. President, I think a fair construction of this amendment would cover these desired inquiries. In the first place, we have the acreage of land under irrigation provided for on page 2. That is one proposition. Under the other, the proposed committee amendment, we will have an inquiry made as to the location and character of the irrigation enterprises. A great many of them are under construction, and a great many of them, while well advanced under construction, have not yet resulted in any large acreage of irrigated land.

To go a little further, as I read this amendment, if other States are situated as is the State of Wyoming, this covers it entirely, because this states the "quantity of land irrigated in the arid region of the United States and in each State and county in that section under state and federal law."

If I take water from a stream on my own land and use it on my own land, it is necessary for me in my State to record it and to have the privilege granted and the acreage defined. If not, some neighbor may come onto my land and take that water for some other land. So that, so far as the State of Wyoming is concerned, this would surely cover it through the water rights obtained through the States. I would hardly want the remarks of the chairman to stand above as the proper construction of the law, that private enterprises were not included in this amendment, because I think they are.

Mr. LA FOLLETTE. I of course am not familiar with the statutes of the various States with respect to irrigation, and no remarks of mine and no construction I might put upon this phraseology would be controlling with the department in its execution of this law.

Mr. WARREN. I may say that most of the States have adopted the same law. I am not certain about the State of Washington. The Senator from Washington can tell us about that. The State of Wyoming and, I think, the States of Idaho, Colorado, Utah, and Montana have similar laws.

Mr. JONES. Of course we have a state law covering the diversion of water and the appropriation of water, and so forth, but it does not seem to me that a purely private enterprise, taking out water by appropriation or actual diversion, would come within the language here, and it evidently is not the intention of the chairman of the committee, at any rate, that it should. So it seems to me we ought to have that made certain. I take it the chairman of the committee expresses the idea of the Census Bureau as to what they desire to do really under the amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. I think the Senator from Washington is entitled to the floor.

Mr. JONES. I yield.

Mr. BORAH. Mr. President, I think this is a very important amendment, certainly to our section of the country. It is true that under the clause, in line 16, on page 2, they would be able to secure the acreage of land under irrigation, but there are a number of other items connected with the subject of irrigation which are covered alone by the amendment on page 3.

I doubt the propriety, however, of undertaking to enlarge this amendment. I think if we shall be able to secure the data with reference to irrigation, which is covered either by state or federal laws, it will be all we can hope to do under this law, or all that we should, perhaps, hope to do under a census law of any kind. And while I feel as the Senator from Washington does, that we should have the fullest data in regard to it, it does not seem to me it is necessary to extend the law so as to cover purely private enterprises. That is to say, enterprises which are in nowise connected with the state law or the federal law in the matter of reclaiming lands.

This would go sufficiently far to cover all projects of irrigation which are provided for either by the state or federal law. If an individual has an enterprise of his own, we would still have the information concerning the amount of land which he had irrigated, but it can not be of very much interest to know the other facts concerning his enterprise which are covered by the amendment.

Mr. JONES. I desire to suggest to the Senator from Idaho that it would be of considerable importance if we had the cost of the irrigation by private work in comparison with reclamation through state or federal agencies. It would be a very important item of information. I do not know how it is in the Senator's State, but in my State the largest irrigation works have been put in by private enterprise, reclamation work reclaiming many thousand acres of land, and the information as to the cost of those works—the cost per acre, and so forth—would furnish a basis which would be of great importance in comparing the cost of purely private and of public enterprises.

Mr. BORAH. It may be true that there would be some value to that data, but I doubt the propriety of undertaking to do it under the census law.

Mr. JONES. I desire to say that I would not want to do anything to jeopardize the enactment in this law of the provision the committee has brought here, because it is going, of course, in the right direction. I do not think that it goes far enough. I do not think that it would furnish information which we really ought to have or all the information we ought to have. But if the chairman of the committee thinks that to extend it further would really jeopardize the bill, I will not press the matter.

Mr. LA FOLLETTE. I will say, Mr. President, that I am very certain, if the committee had conceived that the duty was to be imposed upon the Census Bureau of ascertaining the cost of every little irrigation plant for irrigating 2, 3, 4, or 5 acres to be found upon the streams throughout that great section of the country, this proposed change in the law would have been reported just as it came from the other House, and there would not have been any disposition to have enlarged it at all. In extending it the committee felt that they were going as far as it was possible to go at this time and have the work completed within the census period.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LA FOLLETTE. Upon the recommendation of the Director of the Census, I move, after the word "condition," in line 23, on page 3, to add the words "the amount of capital invested in such irrigation works." The Director of the Census says, in a letter which I have received from him, that that additional data can be obtained at the same time without any great loss of time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXTENSION OF PARK PLACE NW.

The bill (H. R. 16324) to authorize the extension of Park place NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABANDONMENT OF WIFE OR MINOR CHILDREN.

The bill (S. 3890) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, was considered as in Committee of the Whole.

Mr. DILLINGHAM. There is an amendment to the bill recommended by the committee. On page 2, after the word "children," in line 3, it is to insert the following:

Provided, however, That prosecutions for nonsupport of illegitimate children must be brought within two years after the birth of the child or of the failure by the putative father to provide for such illegitimate offspring, and that there shall be no conviction for such failure to support illegitimate children except upon the testimony of two witnesses.

A second amendment corresponding with this one would be to strike out the provision where it now appears in the closing section of the bill. The amendment I now offer merely transfers the proviso to the end of section 4 from the place where it now stands at the end of section 5.

Mr. GALLINGER. It is just a transfer; that is all.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the second amendment proposed.

The SECRETARY. At the end of section 5 strike out the following proviso:

Provided, however, That prosecutions for nonsupport of illegitimate children must be brought within two years after the birth of the child or of the failure by the putative father to provide for such illegitimate offspring, nor shall there be conviction for such failure to support illegitimate children except upon the testimony of two witnesses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS.

The joint resolution (H. J. Res. 78) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FRANKLIN STREET NE.

The bill (H. R. 16328) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF NEWTON PLACE NW.

The bill (H. R. 16329) to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIGHWAYS WEST OF ROCK CREEK PARK.

The bill (H. R. 16336) authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRADE CROSSING ON Q STREET NE.

The bill (H. R. 11989) to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUIDES IN THE DISTRICT OF COLUMBIA.

The bill (S. 3253) providing for guides in the District of Columbia, and defining their duties, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC TEMPLE ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The bill (S. 3889) to amend an act to incorporate the Masonic Temple Association of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF ALASKA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5436.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, which had been reported from the Committee on Territories with amendments.

Mr. BEVERIDGE. I am informed that no one is now ready to proceed upon the postal savings-bank bill. Otherwise, as heretofore stated, I should ask to have the unfinished business laid aside temporarily. Under the circumstances, I shall ask that the bill be read for action on the committee amendments, so that it may be perfected.

Mr. STONE. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Gordon	Piles
Beveridge	Cummins	Gore	Richardson
Borah	Curtis	Guggenheim	Scott
Bourne	Davis	Johnston	Shively
Bradley	Depew	Jones	Simmons
Brandegee	Dillingham	Kean	Smith, Mich.
Briggs	Dixon	La Follette	Smoot
Bristow	Dolliver	Lorimer	Stephenson
Brown	du Pont	McCumber	Stone
Bulkeley	Elkins	McEnery	Tillman
Burkett	Flint	Martin	Warner
Burton	Foster	Money	Warren
Chamberlain	Frazier	Nixon	Wetmore
Clark, Wyo.	Frye	Oliver	
Clay	Gallinger	Overman	
Crawford	Gamble	Page	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. BEVERIDGE. Let the bill be read for action on the committee amendments, in order that it may be perfected. The bill has already, on a former occasion, been read. I now ask that it be read for action on the committee amendments.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Indiana. The amendments of the committee will be stated in their order.

The first amendment was, in section 1, page 1, line 6, after the word "attorney-general," to insert "and;" in the same line, after the word "interior," to strike out "a commissioner of education and health, and a commissioner of mines" and insert "and of mines, for the Territory of Alaska;" in line 9, after the word "reside," to strike out "in Alaska" and insert "therein;" in line 12, before the word "other," to strike out "four" and insert "eight;" on page 2, line 2, after the word "council," to strike out "at least four members of which;" in line 3, before the word "shall," to insert "The eight members last above provided for;" in the same line, after the word "appointed," to insert "bona fide;" in line 4, after the word "residents," to insert "and qualified voters;" in line 4, after the word "the," to strike out "district" and insert "Territory;" in the same line, after the word "Territory," to strike out "of Alaska, one" and insert "two;" in line 6, after the word "divided," to strike out "and;" in the same line, after the word "divided," to insert "The governor, attorney-general, commissioner of the interior and of mines;" in line 8, after the word "legislative," to insert "and other;" in line 9, after the word "them," to strike out "as a body shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who;" in line 13, after the word "officials," to strike out "and as such legislative council;" and in line 14, after the word "governor," to strike out "of Alaska," so as to make the section read:

That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a governor, an attorney-general, and a commissioner of the interior and of mines, for the Territory of Alaska, who shall reside therein during their official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with eight other persons, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute a legislative council. The eight members last above provided for shall be, when appointed, bona fide residents and qualified voters of the Territory, two in each of the four judicial divisions into which the district is now divided. The governor, attorney-general, commissioner of the interior and of mines, in addition to the legislative and other duties hereinafter imposed upon them, shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials: *Provided*, That the governor shall be the presiding officer of the legislative council: *And provided further*, That the President may designate a member of the legislative council as vice-governor, and in the case of the death, removal, resignation, or disability of the governor, or his temporary absence from Alaska, the vice-governor shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 23, after the word "be," to strike out "the governor" and to insert "The Governor;" on page 3, line 9, after the word "inapplicable," to insert "that the governor shall be ex officio superintendent of public instruction in said Territory, and as such shall have supervision and direction of the public and native schools in said Territory, and shall have supervision of the public health;" in line 16, after the word "Alaska," to strike out "to such executive department of the Government of the United States as may be designated by the President;" and in line 20, after the word "department," to insert "or departments as he may designate," so as to make the section read:

SEC. 2. That the official title of the chief executive officer shall be "the governor of Alaska." He shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Alaska, and also grant respites for offenses against the laws of the United States until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; that the governor shall be ex officio superintendent of public instruction in said Territory, and as such shall have supervision and direction of the public and native schools in said Territory and shall have supervision of the public health; and he shall annually, and at such other times as he may be required, make official report to the President of the transactions of the government in Alaska; and the President is authorized to place all matters pertaining to the government of Alaska in the jurisdiction of such department or departments as he may designate: *Provided*, That the President may, in his discretion, delegate and assign to the governor such executive duties and functions as may in pursuance with law be so delegated and assigned.

The amendment was agreed to.

The next amendment was, on page 3, line 24, to strike out section 3 in the following words:

SEC. 3. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States, in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

And to insert as section 3 the following:

SEC. 3. That the attorney-general shall, when requested by the governor or the legislative council, give written opinions upon all legal or constitutional questions relating to the powers or duties of the legislative council or of the territorial officials; prepare, when requested by the governor or the legislative council, such bills as they may suggest for legislative consideration; prepare, when necessary, proper drafts of contracts and other writings relating to subjects in which the Territory is interested; consult and advise the several district attorneys in matters relating to the duties of their office; and, when requested by the governor, he shall attend the trial of any person accused of crime and assist in the prosecution, and shall perform such other duties as may from time to time be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 18, after the word "interior," to insert "and of mines;" in line 24, after the word "thereto," to strike out "and" and insert "perform such duties in connection with mines and mining as may be prescribed by law;" and on page 5, line 1, before the word "perform," to strike out "shall" and insert "and;" and in line 7, after the word "interior," to insert "and of mines," so as to make the section read:

SEC. 4. That the commissioner of the interior and of mines shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska, and shall execute such requirements as may be imposed by law with respect thereto; perform such duties in connection with mines and mining as may be prescribed by law; and perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

The board of road commissioners for Alaska, created by the act of Congress approved January 27, 1905, shall lay before the commissioner of the interior and of mines, for the approval of the legislative council, the plans and estimates for roads and trails which it is proposed to construct and maintain out of Alaskan revenues.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to strike out section 5, in the following words:

Sec. 5. That the commissioner of education and health shall superintend public instruction throughout Alaska, including public schools for the education of Eskimos and Indians. He shall have supervision of sanitary matters, and he shall perform such other duties as may be prescribed by law and make such reports to the governor as he may require.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strike out section 6, in the following words:

SEC. 6. That the commissioner of mines shall perform such duties in connection with mines and mining as may be prescribed by law and make such reports to the governor as he may require.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 21, after the word "other" to strike out "four" and insert "eight;" in line 25, after the word "and" to strike out "that;" and on page 6, line 1, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the section read:

SEC. 5. That the other eight members of the legislative council, appointed as hereinbefore provided, shall attend all meetings of the legislative council, and participate in all business of every character that may be transacted by it, and each shall receive as compensation, to be paid out of the United States Treasury, $20 per day for each day's attendance while the legislative council is in session, and mileage in addition at the rate of 15 cents a mile from his home to the capital and return by the nearest traveled route.

The amendment was agreed to.

The next amendment was, in section 6, page 6, line 7, after the words "United States," to strike out "enacted hereafter, including laws carrying general appropriations;" in line 13, after the word "by" where it first occurs, to strike out "Act of;" in the same line, after the word "legislative," to strike out "au-

thority herein conferred on the legislative;" and in line 20, after the word "authority," to insert "jurisdiction," so as to make the section read:

SEC. 6. That the Constitution and, except as otherwise provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within Alaska as elsewhere in the United States. That except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council: *Provided*, That the authority herein granted to the legislative council to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States. And the legislative council shall pass no law depriving the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States.

Mr. CURTIS. May I ask the chairman of the committee a question? I ask him if it is the intention of the bill to allow this council the power to repeal acts of Congress?

Mr. BEVERIDGE. Oh, certainly not.

Mr. CURTIS. The reading of the section indicates that they would have a right to repeal acts of Congress.

Mr. BEVERIDGE. No; the Senator from Kansas was perhaps not here on the day when a statement as to the purposes of the bill was made in lieu of a report. The broad general purpose of the council is to prepare and enact a series of laws for what we now call the Territory of Alaska, all of which are subject, of course, to the approval or ratification of Congress itself. The Senator will find when we come to section 7 that there are very extensive limitations as to its power. That is gone into quite fully.

Mr. CURTIS. This is the provision to which I desire to call the Senator's attention:

That except as herein provided, all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council.

Mr. BEVERIDGE. Yes; that is correct. That is what the bill means and what it intends to do. Here, as I stated to the Senate when the bill was reported, is a great mass of laws that have grown up during the last forty years, some of them applicable, some of them inapplicable, some of them harmonious, and some the reverse, and perhaps only a few of consistency, thoroughness, and value. That is inevitable from the fact that what was formerly called the "District" and what this bill now calls the "Territory" of Alaska is so peculiarly situated, so far away, so sparsely populated, its population so divided that it has apparently been out of the question for Congress, with the exception of a few laws, to legislate as wisely for it as a local body, of course, could do. When all these laws are passed by the legislative council, they are, of course, subject to modification, repeal, or amendment by Congress.

However, I would state to the Senator here that all I desire to do to-day is merely, while no Senator is willing to proceed on the postal savings-bank bill, to have the bill perfected by having it read for committee amendments. That was the purpose I had, merely that we might save this time and perfect the bill so that it may hereafter be laid before the Senate.

Mr. CLARK of Wyoming. Mr. President, I wish to make a further inquiry. Under the statement just made by the chairman of the Committee on Territories [Mr. BEVERIDGE], I can see no objection to the bill going forward along the lines indicated, but I want to make this inquiry: If the amendments proposed by the committee are adopted, are those amendments still subject to amendment?

The PRESIDENT pro tempore. In the Senate; yes.

Mr. CLARK of Wyoming. But not in Committee of the Whole?

The PRESIDENT pro tempore. Not in Committee of the Whole.

Mr. BEVERIDGE. Mr. President, I think that was quite thoroughly thrashed out at the last session. Committee amendments when read may be amended as they are read or they may be agreed to in Committee of the Whole, after which, of course, they and everything else in the bill are subject to amendment in the Senate.

Mr. CLARK of Wyoming. Yes; I understand that, but ordinarily an amendment in the Senate is very different from an amendment in Committee of the Whole. I did not really take in the significance of the statement of the chairman of the committee, but the bill is being read simply for the purpose of perfecting it, as I understand.

Mr. BEVERIDGE. That is true; that is the parliamentary language. It is for that purpose, and for nothing else. The other day, when I asked to lay aside the unfinished business, under the statement that I originally made that the unfinished business would be laid aside from day to day for a reasonable time, so that the postal savings-bank bill might be considered, yet when I found that no Senator was prepared to go on with the postal savings-bank bill, it seemed to me then that perhaps I ought to have asked the Senate to perfect this bill, so as to save some time. That was the reason again to-day why it seemed to me to be a wise thing to do.

Mr. CLARK of Wyoming. Mr. President, my only purpose in making the inquiry was—although I have no desire either to delay the passage of this bill or to take any part in the debate upon any amendment—that there are certain Senators on the committee who are very much interested in many of these matters and who have proposed amendments to the bill who are not now present.

Mr. BEVERIDGE. I will say to the Senator from Wyoming that the chairman of the committee is just as anxious as any of the Senators to whom he refers that they shall have the fullest opportunity to examine those amendments and everything else connected with the bill.

Mr. CLARK of Wyoming. Undoubtedly, if those Senators had known that the bill was to be taken up to-day, they would have been present. Unfortunately, some of them are not present, owing to the fact, I suppose, that they expected the usual course which has been followed with this bill would be followed to-day.

Mr. BEVERIDGE. Frankly I say that would have been done, but that the Senator from Montana [Mr. CARTER] informed me about three-quarters of an hour ago that no Senator was prepared to go ahead to-day with the consideration of the postal savings-bank bill, and so the way was open to us merely to make some progress with this bill. That is the only reason. I did not have any idea three-quarters of an hour ago that we would not lay this bill aside as usual. However, no Senator is being deprived of any right, nor will their rights in any wise be jeopardized. They are perfectly safeguarded.

Mr. CLARK of Wyoming. Of course, they are not deprived of their rights.

Mr. FRAZIER. Mr. President, I should like to make an inquiry. If these committee amendments are adopted without any objection now, would the amendment of an individual Senator be in order as in Committee of the Whole?

The PRESIDENT pro tempore. Amendments to amendments which have been agreed to in Committee of the Whole would not be in order, but every amendment will be open to amendment when the bill is in the Senate. New amendments, however, can be offered in Committee of the Whole after the committee amendments have been disposed of.

Mr. FRAZIER. Will amendments to amendments be in order during the consideration of committee amendments?

The PRESIDENT pro tempore. No amendments of the Committee on Territories which have been agreed upon in Committee of the Whole can be amended in committee, but when an amendment is under consideration in Committee of the Whole of course an amendment will be in order to that amendment.

Mr. BEVERIDGE. Before it is agreed to.

The PRESIDENT pro tempore. Before it is agreed to.

Mr. CLARK of Wyoming. Mr. President, I want to call for a vote upon the particular question which was raised by the Senator from Kansas [Mr. CURTIS]. It is proposed that—

All laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislative council.

That, in effect, gives the legislative council of Alaska, as we create it by this bill, the power to repeal direct acts of Congress which have been made with respect to the district of Alaska. It seems to me that that is something that has never entered into any bill, territorial or otherwise, allowing any local legislative body, however constituted, to repeal a direct act of Congress.

The PRESIDENT pro tempore. Does the Senator from Wyoming refer to an amendment already agreed to?

Mr. CLARK of Wyoming. I refer to an amendment that was read a moment ago—the last one read.

Mr. BEVERIDGE. That amendment, the Senator will see by looking at it, was a mere verbal amendment—an amendment of verbiage. It read originally "repealed by act of Congress, or by the legislative authority herein conferred on the legislative council." That was an excess of terms, and so the committee amendment was inserted striking out the words "act of," and also striking out "authority herein conferred on the legislative" before the word "council," so as to make it read:

Amended or repealed by Congress or by the legislative council.

That was merely an amendment of verbiage.

Mr. CLARK of Wyoming. It is more than an amendment of verbiage; but I think perhaps the right to amend that section will still inhere in Committee of the Whole.

Mr. BEVERIDGE. There is no doubt about that.

Mr. CURTIS. Mr. President, the reason I did not insist on the amendment was that I understood the right to amend would be preserved in the Senate.

Mr. BEVERIDGE. To everything.

Mr. CLARK of Wyoming. In the Senate, yes; but not in Committee of the Whole.

Mr. BEVERIDGE. I do not want any Senator to be deceived about that. After a committee amendment, as the Chair has stated, has been agreed to, it can not be further amended as in Committee of the Whole, though, of course, it may be amended in the Senate, but the remainder of the bill may be amended at any time in Committee of the Whole before it gets into the Senate. Committee amendments may be amended while in Committee of the Whole before they have been agreed to.

The Senator from Wyoming is right in saying, as he did a moment ago, that this particular provision still remains open to amendment in Committee of the Whole. There is no doubt about that, because the part remaining is not a committee amendment, but is a part of the original bill. Therefore it is open to amendment in Committee of the Whole as well as in the Senate.

Mr. CURTIS. Mr. President, I understood the Senator desired that no amendments be suggested in Committee of the Whole at this time to the committee amendments, but that we should take the matter up later.

Mr. BEVERIDGE. Yes; that is all right.

Mr. CURTIS. I desire to offer an amendment to strike out the words "or by the legislative council." I would just as soon offer the amendment now as later.

Mr. BEVERIDGE. Just as the Senator prefers. I will state frankly, again, that what I desire to-day is merely to save time and to get the bill somewhat further along; but the Senator will have an opportunity in Committee of the Whole, or in the Senate hereafter, to offer that amendment, if he does not offer it to-day. If he offered that amendment now, I should simply ask that the matter be passed over and that we proceed with the reading of the other amendments, because it is not my purpose to-day to go into any subject which is open to controversy. Do I make that clear?

Mr. CURTIS. If the Senator desires, I shall let the matter go over, and offer the amendment later on.

Mr. BEVERIDGE. Very well.

Mr. CLAY. With the permission of the Senator from Indiana, I should like to ask him a question.

Mr. BEVERIDGE. Certainly.

Mr. CLAY. If I understand this bill—I have only gone through it hurriedly this morning—it creates the office of commissioner of the interior and of mines?

Mr. BEVERIDGE. Yes.

Mr. CLAY. And the commissioner of the interior and of mines is to take charge of the public lands in Alaska?

Mr. BEVERIDGE. Public buildings, public lands——

Mr. CLAY. Public grounds, and so forth.

Mr. BEVERIDGE. That provision is in section 4.

Mr. CLAY. I want to ask the Senator, if this bill shall be enacted into law, will the lands belonging to the Government of the United States located in Alaska, the mines and so forth, be under the control of this commissioner, and will Congress and the Interior Department cease to be factors in disposing of such public lands?

Mr. BEVERIDGE. By no manner of means, Mr. President. As I understand the bill, even if it be true—which, from my reading of the bill, I do not understand—that the commissioner of the interior and of mines shall be the superintendent in charge of all Alaskan public lands, it would not relieve the Congress of responsibility. The Senator will find a little bit further over, when it comes to the section defining the powers of the legislative council, exceedingly careful restrictions about the whole thing.

Mr. CLAY. I note that.

Mr. BEVERIDGE. The Senator will observe that section 4 reads:

SEC. 4. That the commissioner of the interior and of mines shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska—

Lands assigned for the use of the government of Alaska—

and shall execute such requirements as may be imposed by law with respect thereto; perform such duties in connection with mines and mining as may be prescribed by law.

What will be prescribed as to those duties I do not know; but no doubt it will be concerning the safety of miners, the regulation of mines, and everything of that kind. If the Senator means to inquire whether this bill intrusts public property to the control of one man to dispose of, I should answer unhesitatingly no. That is not my understanding of it.

Mr. CLAY. If this bill is intended to take from the Interior Department and Congress the control of the public lands in Alaska, then it is a very serious matter, because I regard their value of great importance to the people of the United States. If a pamphlet which I have been reading is correct, it is estimated that we have enough coal in Alaska to supply this country for two hundred years, and the question of fuel in the future is bound to be one of great importance.

Mr. BEVERIDGE. The Senator is very right as to that.

Mr. CLAY. In running through the bill hurriedly, I was impressed by the idea that the proposed legislative council, and especially the commissioners of the interior and of mines, were to take charge of, control, manage, and dispose of the public lands in Alaska. Certainly there ought not to be any effort to do a thing of that kind. We have legislation pending here now, as I understand, providing how the public lands and the mineral interests of Alaska, as well as those of this country generally, shall be disposed of in the future; and the question of taking care of gas, oil, and fuel generally in the future is of vast importance to the great masses of the American people.

Mr. BEVERIDGE. The Senator is very accurate in his last remark. What he says is quite true.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. Before this bill is laid aside I desire to propose an amendment. I will not press it at this time, but I desire to propose it. I move to strike out, on page 16, all after line 18 down to the end of that paragraph, on page 17, line 2.

Mr. BEVERIDGE. Would the Senator be willing to wait until we dispose of the committee amendments? What we are doing now is to read the bill for committee amendments so as to make some progress.

Mr. HEYBURN. I desire, in the event of not being present, that this amendment shall be a matter of record.

Mr. BEVERIDGE. Very well.

Mr. HEYBURN. The amendment relates to the paragraph that authorizes the President——

Mr. BEVERIDGE. To employ an army officer.

Mr. HEYBURN. It is the provision that authorizes the President to appoint for legislative duties in the government of Alaska an officer of the army, who is a member of the executive branch of the Government.

Mr. BEVERIDGE. Will the Senator again state the amendment, so that it may appear as a matter of record just what the amendment is?

Mr. HEYBURN. The present provision of the bill injects into the legislative body provided for Alaska the military arm of the Government, giving it a right to participate in the making of laws. I object to the principle, and, therefore, have introduced the amendment.

Mr. BEVERIDGE. I did not catch just what the amendment was.

Mr. HEYBURN. Commencing with the word "*Provided*," in line 19, page 16, to strike out down to and including the word "commissioners," at the end of line 2 on page 17.

Mr. BEVERIDGE. I understand.

Mr. HEYBURN. Before the amendment is passed upon I shall desire to make a few remarks.

Mr. BEVERIDGE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Territories was to strike out sections 9 and 10, as follows:

SEC. 9. That the legislative authority herein provided shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States hereafter enacted, and the legislative council shall have the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Alaska, or any town or district thereof, not inconsistent with the provisions hereof.

SEC. 10. That the legislative council may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, and may adopt rules and regulations under which the municipal government may grant the right to use and occupy such public property belonging to said municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were

respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal: *Provided further*, That all franchises, privileges, or concessions granted shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends; and, in the case of public service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the district of Alaska or of the municipality within which such franchises are granted and exercised.

And in lieu thereof to insert:

SEC. 7. That the legislative power of the legislative council shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; no divorce shall be granted by the legislative council, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislative council nor any municipality interfere with or attempt in any wise to limit the acts of Congress to prevent and punish gambling, and, as may be prescribed by law, all gambling implements shall be seized by the United States marshal or any of his deputies, or any peace officer of the Territory, or of any of the villages, towns, or cities therein, and destroyed; nor shall spirituous or intoxicating liquors be sold, except under such regulations and restrictions as Congress shall provide; nor shall any public moneys be appropriated by the legislative council for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or for any other than a public use, or in any manner lend its credit for the use thereof; nor shall the legislative council or any municipal corporation have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory, or of any municipal division thereof; nor to pledge the faith of the Territory for any loan whatever, either directly or indirectly; nor to incur or assume any liability in excess of money duly appropriated therefor, nor shall the appropriation for any year be made in excess of the income or revenue of the Territory for that year from whatever source derived: *Provided*, That all indebtedness incurred, or warrants or other evidence of indebtedness issued, shall be paid in the order of creation, and all taxes shall be equal and uniform, and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the true value thereof; no tax shall be levied by the legislative council in excess of 1 per cent upon the assessed valuation of property in said Territory in any one year, nor shall any incorporated town or municipality levy any tax for any purpose in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided further*, That said legislative council may levy a tax not exceeding 1 per cent on the value of the gross output of mines. If at the termination of any session of the legislative council, the appropriations necessary for the support of the government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated, and until the legislative council shall act in such behalf the secretary of the Territory and ex officio treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid upon warrants signed by the auditor and countersigned by the governor as hereinafter provided; nor shall the legislative council grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress, nor shall it grant private charters, but it may, by general act, permit persons to associate themselves together as bodies corporate for conducting business in the Territory of Alaska not exceeding fifty years, subject to such renewals as may be provided by law, for the following purposes, to wit: First, to construct, own, and operate ferries, railways, tramways, street railways, wagon roads, canals, vessels, trails, irrigating ditches, flumes, and telegraph and telephone lines; second, to acquire, hold, operate, and dispose of mines, milling, refining, and reduction plants; third, to acquire, own, or develop the fishing industry in all its branches in the waters of Alaska and those contiguous and adjacent thereto; fourth, to construct, operate, and dispose of smelters, electric and other power, lighting and heating plants, docks, wharves, elevators, warehouses, and hotels; fifth, to carry on banking, trade, transportation, agriculture, lumbering, manufacturing, and other industrial pursuits; sixth, for the establishment and conduct of cemeteries, and for colleges, seminaries, churches, libraries, or any other benevolent, charitable or scientific association.

All laws passed or attempted to be passed by such legislative council inconsistent with the provisions of this section shall be null and void.

Mr. CRAWFORD. Mr. President, this proposed amendment will give to the commission or the legislative body that is created by the act and by appointment very great power, notwithstanding the limitations provided. I asked the Senator from Indiana the other day what demand there is for this whole scheme of legislation, what complaint has come from the people of the Alaskan country which justifies this character of legislation. The distinguished Senator, in reply, said there are complaints, but at that time he did not go into any details.

Now, Mr. President, I have, with some care and industry, read almost all of the extremely interesting testimony taken by the special subcommittee that went up to that country in 1902, the report of that committee, and the testimony taken before the present committee, and, so far as I am able to draw any conclusion at all from reading the testimony and getting hold of the situation, there is no demand whatever from the people of Alaska for this type of legislation. There is an ambition there, as there always is in an outlying territory which has no territorial form of government, for a territorial form of government; but from the conditions that appear in that vast stretch of country, with communities isolated from each other, with impassable mountain barriers between them, and no continuity of sentiment, it does not seem that they are in any condition at the present time to justify the establishment of a territorial government. I want to ask the Senator from Indiana why those people are not all right just as they are? They have the best mining code; they have a splendid civil code; they have a code of civil procedure; they have established an effective system of courts; they have court commissioners in the different communities who can take care of local conditions there and who have probate jurisdiction; and they have a Delegate here in Congress to represent them. Now, to put upon those people a peculiar form of government, under which a legislative tribunal is created by appointment and given power to enact general incorporation laws, so that companies may be formed to go into mining enterprises, railroad enterprises, and other enterprises, perhaps for exploitation and abuse, it seems to me is questionable. I should like to hear what basis there is for the claim that we should enact a law like this for the people of Alaska.

Mr. BEVERIDGE. Mr. President, answering the last question the Senator put, it would seem to add very much to the safety of the public resources if corporations were formed under general laws enacted in Alaska, subject to the approval of and repeal and modification by Congress, than to have such corporations formed under the charters of the various States where they could be most conveniently organized. It would appear—and I say this without any very great study—that the public interests would be more greatly safeguarded by the enactment of general laws in Alaska, under which corporations could be formed, than for them to be organized in other States, and then going up there and exploiting the resources of the country.

Generally speaking—for there can only be a general answer to the Senator's large inquiry—the reason for the proposed change is what I have stated here before. Here is an enormous tract of country, embracing almost 600,000 square miles, a territory as large as one-sixth of the entire United States, with from twenty-five to thirty thousand people in it. It is as if the town of Richmond, Ind., were scattered over all of the United States east of the Mississippi and north of the Ohio. The people of Alaska are separated widely in groups from one another. Therefore, an elective legislature becomes clearly out of the question. I went into that subject at some length in my first statement. So that disposes of that branch of the subject by elimination.

What, then, is the best practicable thing to do? It was believed by the President—and his connection with this bill is well known; it has been stated heretofore, and it is a view in which the committee concurred with him—that the legislation for this immense tract of country, with its enormous resources of wealth which are as yet unknown, and its small and scattered population, could be very much better cared for, safeguarded, and developed by a local body acting on the ground, whose legislation would all be subject to the extensive safeguards that have been provided in this section and, of course, to modification, approval, or repeal by Congress itself. So as a practical proposition the question narrows itself down to this: Can Alaska's development and the safeguarding of its resources and the welfare of its people be better taken care of here in Washington, as has been the course in the past, than by such a government as this?

It was believed that this was the most practicable method of procedure. It had worked very well elsewhere; and when the bill first came to the Senate, as introduced by myself, prepared under the direction of the President, it was drawn along the lines of the Porto Rican and Philippine legislative councils as they originally stood. The committee has extensively modified that, however—modified by careful limitations of legislative power. That section was discussed at considerable length, and members of the committee on both sides—I mean to say both political sides—took part in the drafting of it.

Those are the broad general reasons. For forty years Congress has been dealing with Alaska. It can not be said to have dealt with it, if you read its history, very attentively or very wisely except in a few particulars. Until a comparatively few years ago there was hardly any attention given to the exigencies of the people or the general needs of that tremendous area of country. Men would come down before the committees of Congress, and Congress knowing little about it, they would demand this law and that law and the other law. Sometimes they would get them through.

The attention of our committee was called in a hearing we had to the fact that the fish-tax law had actually been repealed by

Congress. That meant a loss to the Treasury, and, while I do not want to speak harshly, at least an advantage to those engaged in the fish industry; and, of course, they are chiefly great corporations, doing a very useful business, but at the same time they were before paying to the Government a tax which was just. Yet the law got through Congress. When I heard it I wondered how it had ever passed our committee. As a matter of fact, it never got before our committee. It was gotten through another committee. I merely use it as an illustration of the laws that are sometimes passed. Other laws which are needed Congress has failed to pass, all for lack of sufficient practical first-hand information.

So, in answer to the question, I will say that in a broad, general way it has been believed that an elective legislature being out of the question the whole subject can be better dealt with by a legislative council appointed and subject to removal by the President. Certainly they would be compelled, not only as a matter of personal honor, but as a matter of personal safety, to carefully safeguard the resources intrusted to their care, because under any President, no matter to what party he belonged——

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Yes.

Mr. CRAWFORD. Did the repeal of the fish-tax law pass since Alaska has had a Delegate in Congress?

Mr. BEVERIDGE. I have forgotten. It occurred two or three years ago.

Mr. CRAWFORD. I think it was before Alaska had a Delegate.

Mr. BEVERIDGE. I would not be surprised. That is only an instance which came to my mind as I went along.

Take the immense volume of laws which have grown up from year to year, a little special act here and a little special act there. You will find that some of them are wise. Some are totally inapplicable. Some do not meet the case. There is no harmony.

I think there are three very excellent laws with respect to Alaska, considered by and large. I do not want to commit myself as to all of the provisions of those laws. But I think the civil and criminal code enacted ten years ago was a very excellent and a very thoroughly done piece of work. There may be exceptions. I do not know about that.

Then, again, the road law. It was the work of the subcommittee of this committee, made under the report of the Senator from Vermont [Mr. DILLINGHAM], who was appointed chairman of the subcommittee, drawn, I believe, by the Senator from Minnesota [Mr. NELSON] and the Senator from Vermont [Mr. DILLINGHAM], and perhaps by all the rest of the subcommittee. The Senator from Colorado, Mr. Patterson, was a member also. It is the law which has most directly met the great, crowning, immediate needs of that district, which is the need of transportation. There are not any roads. There is no way to get about except on dog sleds and by water. The Senate is familiar with that. Those are two very excellent laws, but as to the rest of it I think the Senate will agree that Alaska has not been cared for with the greatest wisdom, because there has not been the greatest information.

It was the thought of the chairman of the committee some years ago that it ought to be investigated, and there are older Senators who will remember how toward the close of that session the chairman of the committee presented a resolution authorizing the appointment of a subcommittee, which was the origin of the expedition, and the members of that subcommittee, the Senators I have named, made the only thorough special examination on the ground ever made in Alaska.

I think at the same time there was another Senator who independently went up there. I am not sure as to my recollection. He came back and recommended—whether in the form of a bill or not, I do not know—a commission form of government. Then the whole matter was in abeyance, on account of the way Congress was occupied with other matters, until the President himself took up this matter and made his speech at Seattle, in which he proposed this form of government. That is the large, general reason.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Yes. I am going to ask to have the bill laid aside in a moment. I am too hoarse to continue.

Mr. CLARK of Wyoming. I think we all remember the very thorough study of conditions made in Alaska by the subcommittee the Senator mentions, and Congress exhibited the greatest confidence not only in their powers of observation, but in their judgment in meeting those conditions by the legislation enacted. Certain legislation applicable only to Alaska was proposed by that subcommittee, acting through the full committee, and was enacted into law by Congress.

Mr. BEVERIDGE. That is, the Alaska road commission?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. Yes.

Mr. CLARK of Wyoming. Does the Senator believe it is the part of wise legislation to submit the law which Congress enacted along those lines to the approval or disapproval of this legislative assembly that is to be created by this act?

Mr. BEVERIDGE. Yes; I should think so, offhand, subject always to the approval of Congress, and its power to repeal, amend, or modify.

Mr. BORAH. Does the Senator think that this legislative council will likely exhibit better judgment with reference to the laws which Alaska should have than the men who recommended the present laws?

Mr. BEVERIDGE. All the laws as a whole, or this particular law?

Mr. BORAH. The laws as a whole.

Mr. BEVERIDGE. I should say so, undoubtedly. They will have more information, and their sole attention will be given to the needs of Alaska, whereas the Senator will find on examination that the laws now in existence in reference to Alaska have grown up in a haphazard fashion, some of them passed without sufficient information. I pointed out what I regarded as two admirable laws. One was the road-commission law, which the subcommittee devised after a very thorough examination. But you could not send a subcommittee to Alaska every year. That law was the result of their investigation. It is a wise one, from all accounts. Of course, the civil and criminal code was done ten years ago, and pretty well done, and that could be done without great local knowledge. At that, the members did have a lot of local knowledge.

Mr. BORAH. It is not necessary to change the criminal and civil code every sixty days or every year.

Mr. BEVERIDGE. It is not proposed to do it.

Mr. BORAH. Many criminal and civil codes have been in existence for fifty or a hundred years. They cover general principles——

Mr. BEVERIDGE. Certainly.

Mr. BORAH. And cover general propositions.

Alaska at the present time is very well situated in that respect, and if there are any defects in the laws which pertain to Alaska, they are defects which have arisen by reason of the inattention of this law-making body. It seems to me to create a council and send them there to enact laws, and then expect Congress to revise those laws and exercise any more wisdom than it did when it originally legislated, is something which does not stand to reason. If we are called upon in the first instance to enact laws, the duty is upon us, and devolves upon us, to make an investigation to satisfy ourselves as to the facts.

So it will result in the end in this peculiar and extraordinary legislative body taking practical legislative control of Alaska. As I said the other day, we are engaged here in creating a scheme and form of government which has never been tried under an American system except once, and then it went down in sixty days of its own weight; and we are sending it into a country where it is impossible for us to practically supervise it. I submit it does not make any difference who is President of the United States. It is impossible for the President of the United States to appoint a legislative council without getting information from a source which is liable not to suggest the best kind of legislative council.

Mr. BEVERIDGE. The Senator must permit me to remark, in reference to his statement, that this bill proposes to establish an instrumentality of government hitherto untried, except once, when it went down within sixty days of its own weight, that that is hardly entirely accurate. It has been tried several times. I did not intend to proceed on this occasion——

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. The Senator is speaking by my courtesy. I yielded to the Senator for a question. I am willing to give the Senator the floor or anything else.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do, with this remark before he goes on. When we come to debate the bill I shall show the Senator that this is not at all a novel scheme of government. It has been tried several times right here in this country as well as recently in Porto Rico and the Philippines.

I did not intend to precipitate the discussion to-day; I am suffering with a cold. I wanted the bill, if it was possible, to be read for committee amendments, and then if anybody ob-

jected, to have it passed over. That is the usual thing. But I wanted to make some progress.

Mr. BORAH. I do not care to crowd the bill. I suggest that this bill is original as a matter of legislation, so far as this country is concerned, with one exception, and the history of that exception is such as to convince anybody that it is not a safe experiment. There are some thirty or forty thousand people in Alaska. They are mostly American citizens. They have gone from the States. They possess the same ideas with reference to government that we do and the same ideas with reference to citizenship, and they are as intelligent as any equal number of people to be found in any other part of the United States. They are energetic, industrious people, and I want to say that the things which have been done in Alaska which ought not to have been done have not been accomplished by the men who were there honestly developing the industries of Alaska, but have been accomplished by the carpetbaggers who have been sent in there. The people who are there and have undertaken to develop that country, to associate themselves with it, to become a part and parcel of it, are perfectly capable of self-government; and I submit that we ought to hesitate a long time before, in this age, we undertake to form a government for thirty or forty thousand American citizens which deprives them absolutely of all expression of opinion with reference to their local rights. It is impracticable, it is impossible, to legislate in this way for any country 7,000 miles away from the territory over which you are legislating.

Mr. BEVERIDGE. Then the Senator concedes that it is impracticable to legislate for Alaska from Washington?

Mr. BORAH. I do.

Mr. BEVERIDGE. Very well. Then, if the Senator will permit me to interrupt him, that being admitted, it comes down to the question as to which is the more practicable thing—a legislature elected or a legislative council appointed by the President. The debate has narrowed down to which is the more practicable means.

Mr. BORAH. I say that a legislative council could be provided for in this bill—not as full and complete as we have given to other territorial governments, but along the same principle—which would enable the people of Alaska to have their day in court, as it were, which would enable them to express their opinion, to present their view, and to have made known to the governor, or those who finally make and enforce the laws, what their views are. We see an example of it in this particular piece of legislation. I know that 90 per cent of the people of Alaska are endeavoring to prevent this legislation. They are opposed to it, but no more attention is paid to them than if they were aliens. The influence for the legislation can get here; the mass of the people are unheard.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. Certainly.

Mr. BEVERIDGE. The Senator says that 90 per cent of the people of Alaska are trying to prevent this legislation, and no attention is given to them. I suppose the Senator means through the Delegate, Mr. WICKERSHAM.

Mr. BORAH. I made no reference to Mr. WICKERSHAM. He seems to be able to take care of himself.

Mr. BEVERIDGE. He appeared before the committee and was given the amplest and fullest hearing, all he wanted and asked for, and a great deal more than in eleven years any Delegate from any Territory ever before asked, even upon the important subject of statehood. The Senator, I suppose, did not mean to infer that the committee had not paid any attention——

Mr. BORAH. I did not mean to say that the committee did not give Mr. WICKERSHAM all the time he wanted, but all they did give him was time.

Mr. BEVERIDGE. No; as a matter of fact that was not the case. He was given, in addition to that, exceedingly courteous treatment, and we have incorporated in this bill nearly every provision—indeed, I believe every provision, perhaps, if I am not wrong about it—restricting the power of this legislative council. The committee took out of his bill and placed in this bill the whole section with reference to their restrictions.

Mr. CLAY rose.

Mr. BEVERIDGE. I see I am to debate with two or three gentlemen at the same time. So the Senator from Idaho was more witty than he was accurate. We gave him a great deal——

Mr. CLAY. Mr. President——

Mr. BEVERIDGE. I want to say——

Mr. BORAH. The Senator is not——

Mr. BEVERIDGE. I see Senators want to debate the bill. I said at the time that I wanted to take it up and forward it. I would be obliged, if Senators see fit to do so, all of them, if we might perfect the bill, and if any person objects to any amendment or any part of an amendment we will pass it over. I did not intend to take up the bill to-day for anything except that. Then I will ask that it be laid aside, because I can not go on with these remarks, being very hoarse.

Mr. CRAWFORD. I desire to know if it is not the purpose of the Senator to have the amendments acted upon.

Mr. BEVERIDGE. Oh, certainly, in the usual way, but if any Senator desires to amend any amendment or to discuss it, as is the usual method in handling a bill, the chairman will ask that that particular amendment be passed over, to the convenience of the Senator. But I should like to go on and get rid of as many amendments as we can.

Mr. CRAWFORD. I simply desire to say to the Senator that I have not risen out of a spirit of hostility to this bill.

Mr. BEVERIDGE. I am sure of that.

Mr. CRAWFORD. I commenced to read the testimony taken by the subcommittee that went to Alaska two or three years ago with an absolutely open mind. I became very much fascinated by what I read, and I certainly compliment the committee on the thoroughness with which they investigated the situation and upon the clearness with which they made a report that is of incalculable benefit to the Senate.

It seems to me it will be helpful here, because it must go in before the grist is ground out to have, if it can be done in a practical way, the views that will be presented sooner or later, presented when important issues like the one raised by this amendment are before the Senate. I asked the Senator if any complaint had come from the people of Alaska against the present form of government. I do not understand from the Senator's answer that there has been any specific complaint, and I will pass that by. But I want to suggest to the Senator that the very climate of Alaska makes it an entirely different proposition from that which we have met in tropical countries, like the Philippine Islands and in Porto Rico, in both of which, as I understand, there is a tribunal, one branch of the legislature, representing the people of the islands.

Mr. BEVERIDGE. There is now. There was not, practically, for many years.

Mr. CRAWFORD. I lived for a period of about ten years in a Territory, in a Territory to which the judges who tried our law suits came from distant parts of the country with commissions in their pockets, where the governor who presided over the Territory as its chief executive came in like manner; and I know there is no condition of things that so stings the pride and awakens irritation on the part of the people of northern climates, at least like this virile community which you find in Alaska, as to have presiding over them men who are not responsible to the people over whom they preside.

Mr. BEVERIDGE. That is the situation now.

Mr. CRAWFORD. And in my judgment it will be a source of irritation in Alaska. I am quite sure it is resented already that there is to be a legislative tribunal making laws for them, laws that will permit companies to be incorporated to exploit their resources, in the selection of which they have no voice.

Far better, in my opinion, leave it as it is now; and when the time comes that permanent communities have developed, you will have to establish, perhaps, three territorial forms of government—one at Sitka, one at Nome, one up in the Forty-Mile region, because they are entirely isolated from each other. They have nothing in common with each other in the way of intercourse back and forth now.

As I said a while ago, they are equipped with judges and court commissioners, and they have a splendid code of laws, both for mining and for other civil procedure and civil government; and I suggest that the proposition in this amendment to have a legislature appointed over them to pass all the laws that are enumerated here is one which will add to the irritation and difficulty and resentment from the people who are there.

Mr. BEVERIDGE. I shall not remain in charge of the bill any longer this afternoon, because I have too bad a cold, but I want to say just a word to the Senator in answer to a little of what he said, and that is this: The very thing he has spoken of, a government appointed upon the outside, exists there now. The Senator knows it is composed largely of judges, who appoint commissioners who are ex officio justices of the peace, ex officio this and ex officio that. I am going to ask——

Mr. CRAWFORD. They have a Delegate in Congress.

Mr. BEVERIDGE. If Senators see fit, perhaps we might defer the debate until we get to that part of the bill. I have not any desire to control that. They have a system of judicial government there, through the judges and the commissioners whom they appoint, from whom, as a practical matter, there is no appeal. They have jurisdiction in all cases up to $1,000;

they have various kinds of jurisdiction. As a practical proposition there can be no appeal. That in itself is inherently one of the worst things about the Alaskan government.

However, the whole general matter has been gone into. I had not expected that it would come up to-day. Indeed, I have said, for the third time, that I desired, merely to make progress with the bill, to have the committee amendments read. I would just as soon go on with the debate to-day as on any other day except that I am hoarse. I do not intend to do so to-day, and I do not think I will longer occupy the floor.

Mr. CLARK of Wyoming. Before the Senator from Indiana withdraws the bill, I wish to call his attention to one point. I understood the Senator to say there was nothing novel in this amendment.

Mr. BEVERIDGE. No, no; nothing novel. Yes; I will say that, too, but what I said was in answer to the Senator from Idaho [Mr. BORAH], who declared that the whole scheme was new, with one exception, when it broke down within sixty days of its own weight, and I said his statement was not accurate. It has been tried before in this country. This amendment was compiled——

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Just pardon me, and then I must respectfully say to Senators I can not debate this any longer this afternoon.

This amendment is taken from the safeguarding provisions of the fundamental laws of a good many States and Territories. I think perhaps that is true of every line of it. There are some things that the committee put in here. One was put in at the suggestion of the Senator from Colorado, about the levying of a tax on the gross receipts of mines. Some things of that kind were added to this amendment here. The restriction upon the legislative power is not novel at all. It is taken partly from the laws of the State of Washington and partly from the laws of other States. It has been compiled chiefly, and put together chiefly, and largely appears in the bill of the Delegate from the Territory of Alaska [Mr. WICKERSHAM], and to that the committee itself has made some additions.

Mr. CLARK of Wyoming. My intention was not to call attention to matters not novel, but to suggest one thing I think is entirely novel, even to the Senator from Indiana, although his reading on the legislative history of the country may be sufficiently extensive so that it is not novel to him; that is, has the Congress of the United States ever given to any legislature, appointive or elective, the power to repeal an act of Congress, which this bill does?

Mr. BEVERIDGE. That is in section 6. I do not suppose a situation like this ever existed before. I am not able at the present time to answer that question as a matter of history. I can not do it offhand. I should say that even if that has not been done heretofore and a situation exists here making it wise that a new system of laws shall be framed for Alaska, and if as a practical proposition it can only be done in that way, it is wise for Congress to do it.

Mr. CLAY. I understood the Senator to say that the Delegate from Alaska, representing that Territory, came before his committee, and he was heard patiently and, of course, courteously, and that some of his views were engrafted into this bill, especially the views restricting the legislative powers of the legislative council.

Mr. BEVERIDGE. Yes; that is the case.

Mr. CLAY. I will ask the Senator a question. I am informed it is true, although I may be mistaken. Is it not true that the Delegate representing the people of that Territory prepared, with the advice and counsel of his own people, a bill for a territorial government and asking for a legislature elected by the people of the Territory, and insisted that such a form of government should be given to the people of Alaska?

Mr. BEVERIDGE. He certainly prepared such a bill. Whether he did it with the advice and counsel of the people there I do not know.

Mr. FRAZIER. Mr. President, will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes; go ahead.

Mr. FRAZIER. I do not desire to interfere with the Senator, but if he wants to lay aside the bill for the present it will be entirely agreeable to me to do so.

Mr. BEVERIDGE. I am willing to answer any question. Go ahead.

Mr. FRAZIER. As the Senator is not feeling well——

Mr. BEVERIDGE. I am feeling perfectly well. I regret the fact that I called attention to it.

Mr. FRAZIER. The fact is that the Delegate from Alaska did appear before the committee and did present a bill. He introduced it in the House and he presented it to our committee. It was a bill giving a legislature elected by the people——

Mr. BEVERIDGE. Elected by the people, of course.

Mr. FRAZIER. And with many restrictions which were not embodied in this bill even after it was amended by the committee. The Delegate presented to the committee a great deal of evidence tending to show at least that the people of Alaska want a bill similar to the one which he introduced and advocated. He presented to the committee the platform resolutions of the Republican convention which nominated him as a Delegate, and of another Republican body, independent Republicans, and also of the Democrats, all of those political bodies indorsing a territorial form of government with an elective legislature. He also presented before the committee a great deal of evidence showing that the public press of that Territory are almost unanimous in opposition to this bill and in favor of a territorial form of government with an elective legislature. I have in my possession here telegrams from various organizations, both industrial organizations and municipal organizations, and from mayors of towns in Alaska, protesting against the passage of this bill.

I think the Senator from Idaho [Mr. BORAH] was well within the fact when he stated that 90 per cent of the white people of Alaska are opposed to the passage of this bill, and if, when the bill is reached for consideration, the Senate has any doubt about it, I will present evidence of that fact.

Now, Mr. President, I should like to ask that section 1, which was tentatively agreed to as in Committee of the Whole, be passed over for the purpose of offering an amendment to it in Committee of the Whole, which I prefer to do rather than to wait and offer it in the Senate.

Mr. BEVERIDGE. I have no objection at all to that, Mr. President.

Mr. FRAZIER. It goes to the question of the election of the legislature.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the votes amending section 1 shall be reconsidered.

Mr. BEVERIDGE. Yes; I ask that it be reconsidered.

The PRESIDENT pro tempore. Is there objection to a reconsideration of the amendments to section 1? The Chair hears none and the section is before the Senate for amendment.

Mr. BEVERIDGE. That is all right.

Now, Mr. President, I think we can continue with the committee amendment.

The PRESIDENT pro tempore. The amendment inserting section 7 is now pending.

Mr. CRAWFORD. I ask that the pending amendment be laid over.

Mr. BEVERIDGE. Let it be passed over.

Mr. CRAWFORD. Yes; that it be passed over.

Mr. BEVERIDGE. Very well; that course is perfectly agreeable.

The PRESIDENT pro tempore. The amendment will be passed over, and the next amendment of the committee will be stated.

The next amendment was, in section 8, on page 12, to insert at the beginning of the section "That the enacting clause of all laws passed by the legislative council shall be 'Be it enacted by the legislative council of Alaska;'" in line 6, before the word "bill," to strike out "That no" and insert "No;" in line 10, after the word "he," to strike out the word "approves" and insert "approve;" in line 12, after the word "objections," to insert "in writing;" in line 15, before the word "council," to insert "legislative"; in line 17, before the word "council," to insert "legislative;" in line 23, before the word "council," to insert "legislative;" in line 24, in the proviso, after the word "That," to strike out "all laws enacted by the legislative council shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same," and to insert "all laws passed by the legislative council shall be subject to modification, amendment, or repeal by, and the same shall be submitted to, the Congress of the United States, and if disapproved, shall be null and void," so as to make the section read:

SEC. 8. That the enacting clause of all laws passed by the legislative council shall be "Be it enacted by the legislative council of Alaska." No bill shall become a law unless it be passed by a majority vote of all the members of the legislative council and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approve the same, he shall sign it, or, if not, he shall return it, with his objections in writing, to the council, which shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the legislative council shall agree to pass the bill, it shall become a law. But in all cases the votes of the legislative council shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon

the journal. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative council, by adjournment, prevents its return, in which case it shall not be a law: *Provided, however,* That all laws passed by the legislative council shall be subject to modification, amendment, or repeal by, and the same shall be submitted to, the Congress of the United States, and if disapproved shall be null and void: *Provided further,* That prior to the adjournment of the session of the Congress of the United States to which a law of the legislative council has been reported the President may suspend or annul such law.

Mr. CLARK of Wyoming. I ask that the amendment be passed over.

The PRESIDENT pro tempore. It will be passed over at the request of the Senator from Wyoming.

The next amendment was, in section 9, page 13, line 10, after the word "council," to strike out "of Alaska," and at the end of the section to insert the following proviso:

Provided, That no annual session shall continue for a longer period than sixty days, and no extra session for a longer period than thirty days.

So as to make the section read:

SEC. 9. That the legislative council shall convene annually at the capital of Alaska on the first Monday in October. The governor may convene said council in extraordinary session by a proclamation issued with the prior approval of the President of the United States: *Provided,* That no annual session shall continue for a longer period than sixty days, and no extra session for a longer period than thirty days.

The amendment was agreed to.

The next amendment was, on page 13, section 10, line 19, after the word "secretary," to strike out "and" and insert "of the Territory of Alaska, who shall be ex officio;" in line 20, after the word "treasurer," to strike out "of the district of Alaska" and insert "thereof, and;" in line 22, before the word "seal," to strike out "district" and insert "territorial;" in line 23, after the word "such," to strike out "other;" on page 14, line 1, at the beginning of the line, to strike out "of Alaska;" in the same line, after the word "council," to insert "by law;" and in line 6, after the word "by," to strike out "himself" and insert "the auditor," so as to make the section read:

SEC. 10. That there shall be appointed by the President a secretary of the Territory of Alaska, who shall be ex officio treasurer thereof, and who, as secretary, shall be the custodian of the territorial seal and perform the duties required by law to be performed by the secretary of a Territory, and such other duties as may be prescribed by the legislative council. As treasurer, he shall give bond, approved as to form by the attorney-general, in such sum as the legislative council by law may require, not less, however, than the sum of $50,000, with surety approved by the governor; and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make to the governor such reports as he may require.

The amendment was agreed to.

The next amendment was, in section 11, page 14, line 12, after the word "the," to strike out "district" and insert "Territory;" in line 15, after the word "Alaska," to insert "and issue and sign warrants to be countersigned by the governor as hereinbefore provided;" in line 17, before the word "where," to strike out "provided that" and insert "*Provided,* That," so as to make the section read:

SEC. 11. That there shall be appointed by the President an auditor for the Territory of Alaska. He shall have power and it shall be his duty to audit and control, in accordance with law, all public accounts pertaining to the government of Alaska and issue and sign warrants to be countersigned by the governor as hereinbefore provided: *Provided,* That where an appeal is permitted by law to the governor from the decisions of the auditor as to the legality of any expenditure or payment, the governor's decision shall be final only in such cases as his conclusion is the same as that of the auditor. Where a different conclusion is reached by the governor from that of the auditor, the matter shall be certified and submitted by the governor to the head of the executive department of the United States designated by the President, whose decision thereon shall be final.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to strike out the first five lines of section 12, in the following words:

That there shall be paid into the treasury of Alaska:
The duties and taxes collected hereafter in Alaska under the customs and internal revenue laws;
All amounts received from the sale of timber, coal lands, and other parts of the public domain in Alaska.

Mr. JONES. I ask that that amendment be passed over.

The PRESIDENT pro tempore. At the request of the Senator from Washington, the amendment will be passed over.

The next amendment was, on page 15, section 12, line 9, before the word "all," to strike out "And" and insert "12. That;" in line 14, before the word "treasurer" to insert "secretary and ex officio;" in the same line, after the word "the," to strike out "district" and insert "Territory;" in line 18, after the word "the," to strike out "district" and insert "Territory;" and in line 22, after the word "the," to strike out "district" and insert "Territory," so as to read:

SEC. 12. That all moneys derived from and collected for license outside of the incorporated towns in Alaska, and which are now deposited in the Treasury of the United States and known as the "Alaska fund," shall, after the passage and approval of this act, be paid to the secretary and ex officio treasurer of the Territory of Alaska by the Treasurer of the United States, and all such sums which are now or may hereafter be collected and not now on deposit in the Treasury of the United States shall be paid directly to the treasurer of the Territory of Alaska.

And provided, That no less amount of the said revenue shall be annually appropriated for the making and maintaining of wagon roads, bridges, and trails in the Territory than the average of the amount derived annually from the "Alaska fund" for this purpose since the establishment of the board of road commissioners for Alaska.

The amendment was agreed to.

The next amendment was, in section (16) 13, page 16, line 3, before the word "provided," to strike out "herein" and insert "hereinbefore;" in line 6, after the word "governor," to strike out "ten thousand" and insert "seven thousand five hundred;" in line 8, after the word "thousand," to strike out "five hundred;" in line 10, after the word "interior," to insert "and of mines;" in line 11, before the word "dollars," to strike out "five hundred;" after line 11 to strike out "the commissioner of education and health, $7,500; the commissioner of mines, $7,500;" in line 16, after the word "and," to insert "ex officio;" in line 19, after the word "one," to strike out "or more;" in line 20, after the word "by," to strike out "officers" and insert "an officer;" in line 21, after the word "active," to insert "or retired;" and on page 17, line 1, after the word "interior," to insert "and of mines;" so as to make the section read:

SEC. 13. That the salaries of all officers and all expenses of the offices of the various officials of Alaska appointed by the President as hereinbefore provided shall be paid out of the United States Treasury.
The annual salaries so to be paid shall be as follows:
The governor, $7,500.
The attorney-general, $7,000.
The commissioner of the interior and of mines, $7,000.
The secretary and ex officio treasurer, $3,500.
The auditor, $3,500.
Provided, That one of the offices created by this act may be filled by an officer of the United States Army. The official salary of any officer on the active or retired list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this act: *Provided further,* That in the event of any officer of the army being so appointed as commissioner of the interior and of mines he shall constitute one member and be chairman of the board of road commissioners.

Mr. FRAZIER. I ask that section 13, embracing that part of it referring to the salaries of officers, be passed over.

The PRESIDENT pro tempore. The Senator from Tennessee asks that all the amendments relating to the salaries provided for in section 13 be passed over. The Chair hears no objection. The Senator from Idaho [Mr. HEYBURN] asked that the proviso beginning in line 19 should be passed over.

Mr. FRAZIER. I ask that the whole section may go over. The latter part of it refers to the objection made by the Senator from Idaho; so let the whole section go over.

The PRESIDENT pro tempore. Without objection section 13 will be passed over.

The next amendment was, in section (17) 14, page 17, line 4, after the word "the," where it occurs the first time, to strike out the word "commissioners" and insert "commissioner:" in the same line, after the word "interior," to strike out "education and health, and mines," and insert "and of mines:" in line 6, after the word "and," to insert "ex officio;" in line 7, after the word "traveling," to strike out "and subsistence;" in the same line, after the word "expenses," to insert "exclusive of subsistence;" and in line 9, after the word "duties," to strike out "Accounts for such expenses shall be rendered and paid as are accounts of officers of the district court of the district of Alaska for like expenses" and insert "Itemized accounts, duly verified, for such expenses, shall be rendered to the executive department of the United States designated by the President and paid by the Treasurer of the United States," so as to make the section read:

SEC. 14. That the governor, the attorney-general, the commissioner of the interior and of mines, the auditor, and the secretary and ex officio treasurer shall, in addition to their salaries, be paid their actual traveling expenses, exclusive of subsistence, when traveling in the discharge of their official duties. Itemized accounts, duly verified, for such expenses, shall be rendered to the executive department of the United States designated by the President and paid by the Treasurer of the United States.

The amendment was agreed to.

The next amendment was, on page 17, after line 14, to insert as a new section the following:

SEC. 15. That the sum of $100,000 is hereby appropriated to carry out the provisions of this act, and the same shall be paid by the Treasurer of the United States to the treasurer of Alaska.

Mr. FRAZIER. I ask that section 15 be passed over.

The PRESIDENT pro tempore. Without objection, section 15 will be passed over. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. LA FOLLETTE. I should like to inquire if the record shows that section 7 was passed over.

The PRESIDENT pro tempore. It was passed over.

Mr. OWEN. I observe that section 1 has been passed over.

The PRESIDENT pro tempore. Section 1 has been passed over.

Mr. OWEN. It may be amended in such a manner that it would of necessity involve other sections. I therefore ask that it may be understood that other sections which would require to be amended because of section 1 being amended are open to amendment.

The PRESIDENT pro tempore. All the amendments except those agreed to are open to amendment as in Committee of the Whole, and all amendments are open to amendment in the Senate.

Mr. OWEN. I understand that, of course. I thought it might be necessary to make the reservation now, but it can be easily accomplished by moving to reconsider, which motion will be available at the proper moment.

Mr. BACON. I understand that the bill is now to be laid aside, and that it will still be open to amendment when again taken up and before it is reported to the Senate.

The PRESIDENT pro tempore. Quite a number of amendments of the committee have been passed over, and one or two sections have been passed over. Of course, they will be open to amendment as in Committee of the Whole.

Mr. BACON. Or any independent amendment will be in order?

The PRESIDENT pro tempore. Yes, or independent amendments will be in order as in Committee of the Whole.

Mr. OWEN. Who has charge of the bill in the absence of the chairman?

Mr. PILES. The Senator from Indiana [Mr. BEVERIDGE], who has charge of the bill, asked me to take his place during his absence. I would be glad to go on with the bill for a while, or I am perfectly willing to lay it aside. There seems to be a desire to have it laid aside temporarily until certain amendments may be perfected and the bill more thoroughly investigated. I therefore ask that the bill be temporarily laid aside.

Mr. SMITH of Michigan. Before that is done I should like to inquire whether the bill will be printed with the amendments already adopted.

The PRESIDENT pro tempore. Not unless the request is made.

Mr. SMITH of Michigan. I make that request, Mr. President.

Mr. KEAN. Is not that the form in which the bill now is? There have been no other amendments than committee amendments acted upon.

The PRESIDENT pro tempore. No amendments have been offered which do not appear in the bill.

Mr. KEAN. All the amendments appear in the bill as it has been printed.

Mr. SMITH of Michigan. Very well.

Mr. HEYBURN. They appear in the bill, but motions to strike out do not appear in the bill. They will appear in the RECORD, but not in the bill as printed.

Mr. KEAN. Of course I have no objection to a reprint of the bill, if it is desired.

Mr. HEYBURN. I am not asking for a reprint of the bill at all. I merely made the suggestion in order that it might be understood.

Mr. KEAN. The motions that parts be stricken out have not been agreed to.

Mr. HEYBURN. They have not been agreed to, but if the bill is reprinted the amendments of course should be suggested.

Mr. CLARK of Wyoming. I ask unanimous consent that the bill may be reprinted. Certain amendments have been adopted and certain amendments have been passed over. I think it would be well for us to have the bill before us as it now stands, so that we may know exactly what we are doing.

Mr. PILES. I understand that nothing but a few minor amendments have been adopted, nothing of any consequence, but simply amendments correcting the bill in some places. However, I have no objection to a reprint. Do I understand the Senator from Wyoming to desire a reprint?

Mr. CLARK of Wyoming. I ask unanimous consent that there be a reprint ordered.

Mr. PILES. Very well.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that there be a reprint of the bill ordered. Is there objection? The Chair hears none.

Mr. KEAN. As no one desires to go on further with the bill this afternoon, I move that the Senate proceed to the consideration of executive business.

Mr. DEPEW. I should like to finish the consideration of the Hawaiian government bill.

Mr. KEAN. The Hawaiian government bill is a very important measure, but I withdraw the motion at the request of the Senator from New York.

Mr. DEPEW. Has the Alaskan government bill been laid aside?

The PRESIDENT pro tempore. It has not.

Mr. KEAN. I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

GOVERNMENT OF HAWAII.

Mr. DEPEW. I ask that the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, be taken up. The bill has been read, Mr. President, and then it was laid aside temporarily.

Mr. MONEY. The Senator from Florida [Mr. FLETCHER] is interested in the bill and he is not here. He asked that it be laid over. If it suits the Senator from New York I should like to have the consideration of the bill postponed until the Senator from Florida can be present.

Mr. DEPEW. Of course I will assent to that; but in some way the bill got from Rule VIII to Rule IX when I was not here. I ask that it be restored to Rule VIII.

The PRESIDENT pro tempore. The Senator from New York asks that the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, be restored to the calendar under Rule VIII. Is there objection?

Mr. BORAH. Mr. President, it was at my suggestion that the bill was put under Rule IX. As the Senator was absent, I do not desire to oppose his suggestion, but I think I shall at some time when he is present move to put it again under Rule IX, because it is a very important bill, and it is a bill that should not be disposed of in the absence of a very full Senate. In view of the fact that the Senator from New York was absent, I will not oppose the suggestion.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and the bill is restored to Rule VIII.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 15, 1910, at 12 o'clock noon.

NOMINATIONS.

Executive nominations received by the Senate February 14, 1910.

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, now secretary of the legation at Berne, to be secretary of the legation of the United States of America at Habana, Cuba, vice Fred Morris Dearing, nominated to be second secretary of the embassy at London.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Maj. Henry C. Newcomer, Corps of Engineers, to be lieutenant-colonel from February 9, 1910, vice Lieut. Col. Hiram M. Chittenden, who accepted an appointment as brigadier-general on that date.

Capt. William D. Connor, Corps of Engineers, to be major from February 9, 1910, vice Maj. Henry C. Newcomer, promoted.

First Lieut. Robert R. Ralston, Corps of Engineers, to be captain from February 9, 1910, vice Capt. William D. Connor, promoted.

Second Lieut. Edward D. Ardery, Corps of Engineers, to be first lieutenant from February 9, 1910, vice First Lieut. Robert R. Ralston, promoted.

POSTMASTERS.

ARKANSAS.

Frank B. Bumgardner to be postmaster at Fort Smith, Ark., in place of James Brizzolara, resigned.

Elijah O. Lefors to be postmaster at Bentonville, Ark., in place of Elijah O. Lefors. Incumbent's commission expires April 20, 1910.

James W. Slover to be postmaster at Harrison, Ark., in place of Albert B. Andrews. Incumbent's commission expired February 5, 1910.

FLORIDA.

Daniel T. Gerow to be postmaster at Jacksonville, Fla., in place of Daniel T. Gerow. Incumbent's commission expires June 11, 1910.

GEORGIA.

Charles I. Robinson to be postmaster at Eatonton, Ga., in place of Charles I. Robinson. Incumbent's commission expires February 22, 1910.

INDIANA.

Charles M. Eisenbeiss to be postmaster at Elkhart, Ind., in place of Charles M. Eisenbeiss. Incumbent's commission expired January 18, 1910.

John W. Graham to be postmaster at Bloomfield, Ind., in place of John W. Graham. Incumbent's commission expired January 18, 1910.

Lyman B. Holleman to be postmaster at Mount Vernon, Ind., in place of Lyman B. Holleman. Incumbent's commission expired January 18, 1910.

Alvin J. Kitt to be postmaster at Goodland, Ind., in place of Alvin J. Kitt. Incumbent's commission expired February 7, 1910.

John W. Lough to be postmaster at Ladogn, Ind., in place of John W. Lough. Incumbent's commission expired January 18, 1910.

Lewis Miller to be postmaster at Thorntown, Ind., in place of Lewis Miller. Incumbent's commission expired February 5, 1910.

Bert Morgan to be postmaster at Greensburg, Ind., in place of Luther D. Braden. Incumbent's commission expired February 13, 1910.

William E. Peck to be postmaster at Remington, Ind., in place of William E. Peck. Incumbent's commission expires February 27, 1910.

Morris B. Pote to be postmaster at New Harmony, Ind., in place of Morris B. Pote. Incumbent's commission expired January 10, 1910.

Charles A. Rockwell to be postmaster at Cloverdale, Ind., in place of Charles A. Rockwell. Incumbent's commission expired January 23, 1910.

Warren A. Sanford to be postmaster at West Terre Haute, Ind. Office became presidential January 1, 1910.

Frank Sheets to be postmaster at Mooresville, Ind., in place of Frank Sheets. Incumbent's commission expired December 31, 1909.

John H. Spencer to be postmaster at Rockville, Ind., in place of John H. Spencer. Incumbent's commission expired February 5, 1910.

Martin V. Starr, to be postmaster at Goshen, Ind., in place of Martin V. Starr. Incumbent's commission expired January 29, 1910.

Marcus R. Sulzer to be postmaster at Madison, Ind., in place of Marcus R. Sulzer. Incumbent's commission expired January 30, 1910.

MAINE.

George W. Goulding to be postmaster at Oakland, Me., in place of George W. Goulding. Incumbent's commission expired February 5, 1910.

MICHIGAN.

James Clancey to be postmaster at Ishpeming, Mich., in place of George A. Newett. Incumbent's commission expired January 31, 1910.

MINNESOTA.

Rowland Arundel to be postmaster at Staples, Minn., in place of Rowland Arundel. Incumbent's commission expired April 27, 1908.

Newton H. Ingersoll to be postmaster at Brainerd, Minn., in place of Newton H. Ingersoll. Incumbent's commission expired January 18, 1908.

James H. Smullen to be postmaster at Lesueur Center, Minn., in place of James H. Smullen. Incumbent's commission expired February 5, 1910.

Charles H. Strobeck to be postmaster at Litchfield, Minn., in place of Charles H. Strobeck. Incumbent's commission expired January 21, 1909.

NEW YORK.

Ezra Sayre to be postmaster at Corinth, N. Y., in place of Ezra Sayre. Incumbent's commission expired February 5, 1910.

NORTH CAROLINA.

Franklin W. Faircloth to be postmaster at Snow Hill, N. C. Office became presidential January 1, 1910.

J. Frank Liles to be postmaster at Tarboro, N. C., in place of Victoria L. Martin, deceased.

OHIO.

Clarence C. Fravel to be postmaster at Pataskala, Ohio, in place of William S. Needham. Incumbent's commission expired March 3, 1907.

John J. Leedom to be postmaster at St. Paris, Ohio, in place of John J. Leedom. Incumbent's commission expired January 25, 1910.

OKLAHOMA.

William S. Hartshorn to be postmaster at Yale, Okla. Office became presidential January 1, 1910.

William J. Krebs to be postmaster at Kaw, Okla. Office became presidential January 1, 1910.

Sherman M. Smith to be postmaster at Woodward, Okla., in place of George Brophy. Incumbent's commission expired December 11, 1909.

OREGON.

Burtis W. Johnson to be postmaster at Corvallis, Oreg., in place of Burtis W. Johnson. Incumbent's commission expires April 25, 1910.

PENNSYLVANIA.

Frank R. Holt to be postmaster at Rochester, Pa., in place of Millard F. Mecklem. Incumbent's commission expired January 6, 1909.

SOUTH CAROLINA.

Ira S. Pitts to be postmaster at Westminster, S. C., in place of Ira S. Pitts. Incumbent's commission expired December 12, 1909.

SOUTH DAKOTA.

Robert C. Van Horn to be postmaster at Kennebec, S. Dak. Office became presidential January 1, 1910.

TEXAS.

John D. Abney to be postmaster at Grand View, Tex., in place of John D. Abney. Incumbent's commission expires February 27, 1910.

Thomas L. Ball to be postmaster at Decatur, Tex., in place of Thomas L. Ball. Incumbent's commission expires February 27, 1910.

Frank C. Blaine to be postmaster at Del Rio, Tex., in place of Frank C. Blaine. Incumbent's commission expired February 5, 1910.

Joseph A. Bowermon to be postmaster at Mansfield, Tex., in place of Joseph A. Bowermon. Incumbent's commission expired January 16, 1910.

William L. Boyd to be postmaster at Kemp, Tex., in place of William L. Boyd. Incumbent's commission expired January 31, 1910.

Joshua C. Brown to be postmaster at Madisonville, Tex., in place of Joshua C. Brown. Incumbent's commission expired January 31, 1910.

Sallie E. Brooks to be postmaster at Bastrop, Tex., in place of Sallie E. Brooks. Incumbent's commission expired January 23, 1910.

H. A. Burns to be postmaster at Burnet, Tex., in place of Mattie Lamon. Incumbent's commission expired January 31, 1910.

Robert E. Burns to be postmaster at Tenaha, Tex. Office became presidential January 1, 1910.

Ferman Carpenter to be postmaster at Franklin, Tex., in place of Ferman Carpenter. Incumbent's commission expired February 7, 1910.

A. A. Cooper to be postmaster at Olney, Tex., in place of Alice M. McCuistion, resigned.

William E. Dwyer to be postmaster at Brenham, Tex., in place of William E. Dwyer. Incumbent's commission expired January 24, 1910.

George A. Gray to be postmaster at Aspermont, Tex. Office became presidential January 1, 1910.

Henry C. Ingram to be postmaster at Eddy, Tex. Office became presidential October 1, 1909.

James H. Loyd to be postmaster at Alba, Tex. Office became presidential January 1, 1910.

Berry McGee to be postmaster at Italy, Tex., in place of Berry McGee. Incumbent's commission expires February 28, 1910.

Frank W. Reast to be postmaster at Whitesboro, Tex., in place of Frank W. Reast. Incumbent's commission expires February 27, 1910.

Edmund F. Seydler to be postmaster at Weimar, Tex., in place of Edmund F. Seydler. Incumbent's commission expired January 23, 1910.

UTAH.

Niels C. Poulsen to be postmaster at Richfield, Utah, in place of Niels C. Poulsen. Incumbent's commission expires February 22, 1910.

James P. Driscoll to be postmaster at Eureka, Utah, in place of James P. Driscoll. Incumbent's commission expired January 24, 1910.

WISCONSIN.

Jorgen C. Jacobson to be postmaster at Elroy, Wis., in place of Jorgen C. Jacobson. Incumbent's commission expired February 5, 1910.

Alfred W. Trevitt to be postmaster at Wausau, Wis., in place of Alfred W. Trevitt. Incumbent's commission expires February 22, 1910.

WASHINGTON.

Charles A. Blackman to be postmaster at Starbuck, Wash., in place of Walter G. Lyon, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1910.

PROMOTIONS IN THE NAVY.

Lieut. Andrew T. Graham to be a lieutenant-commander.

The following-named carpenters to be chief carpenters:

Joseph Feaster, jr.,
Peter Treutlein,
Allen D. Mosely,
Robert H. Lake,
Sverre Floathe,
Harry T. Newman,
Harry E. Cooper,
James W. Costello,
Patrick Sarsfield,
Albert Tucker,
Frank Gilbert,
Edward F. Pullen,
Clifton Greenwell, and
Thomas B. Casey.

POSTMASTERS.

IDAHO.

Emma L. Reed, at Bellevue, Idaho.

NEBRASKA.

George H. Olive, at Weeping Water, Nebr.

NORTH DAKOTA.

Thomas G. Johnson, at University, N. Dak.
E. H. Pierce, at Grafton, N. Dak.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 14, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee our Father in heaven for all the true, the noble, the brave sons of America who have contributed out of their substance to the life, growth, and character of our Republic. And we bless Thee that our Republic is not ungrateful, but cherishes in song and story, in bronze and granite their deeds of heroism and glory.

Especially do we thank Thee for that spontaneous outburst of love and gratitude to the memory of Abraham Lincoln. God grant that the simple story of his heroic life may be told again and again as an inspiration to coming generations, that the perpetuity of our Republic may be assured, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday was read and approved.

CORRECTION.

Mr. RUCKER of Colorado and Mr. HARDY rose.

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. RUCKER of Colorado. For the purpose of correcting the RECORD of the evening session of the 10th.

The SPEAKER. The gentleman will state his correction.

Mr. RUCKER of Colorado. I am recorded as voting on that occasion. I was not present, and did not vote.

The SPEAKER. The gentleman's vote will be withdrawn, and the Journal and RECORD will both be corrected.

PRIVILEGED STATEMENT.

Mr. HARDY. Mr. Speaker, I wish to make a statement in the nature of a privileged statement to the House.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege.

Mr. HARDY. I ask unanimous consent to make a statement with reference to a speech heretofore made.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege, and asks unanimous consent to make a statement.

Mr. MANN. How much time does the gentleman desire?

Mr. HARDY. It is eight pages of reading.

Mr. BURGESS. Mr. Speaker, what is the nature of the gentleman's statement?

The SPEAKER. The Chair is not informed.

Mr. PAYNE. Mr. Speaker, how much time does the gentleman ask?

Mr. HARDY. It is eight pages of reading and will take not more than ten or fifteen minutes.

Mr. PAYNE. Mr. Speaker, I want to give notice that in view of the frequency with which these requests have occurred, that while I will not object to-day, I shall hereafter object to such unanimous requests to make a speech.

Mr. MANN. Mr. Speaker, if the gentleman will state some fixed time, I will not object.

Mr. HARDY. Well, say ten minutes——

Mr. MANN. If the gentleman desires more time he can ask an extension.

Mr. HARDY. Well, I will ask for fifteen minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to make a statement, and for fifteen minutes' time in which to make the statement.

Mr. BURGESS. Mr. Speaker, I do not know what the gentleman wants to state; what is it the gentleman desires to state?

Mr. HARDY. It is a statement withdrawing the part objected to of a speech made on the 28th of January, stating, in parliamentary terms, my reasons for believing it was not improper when it was made.

Mr. BURGESS. Well, I will not object to that if that is all.

The SPEAKER. The Chair hears no objection.

Mr. HARDY. Mr. Speaker, on the 28th day of January, 1910, by unanimous consent, I was granted by this House leave to extend my remarks in the RECORD by printing therein a speech delivered by me at Cameron, Tex., on October 18, 1909. At the time stated I knew that a great many, if not most, of the Members of the House, and all of the Members from Texas, were fully aware of the contents of that speech, the speech having been published in four leading daily papers of Texas and in the Commoner, and having been published in pamphlet form and circulated by me at my own expense in my district, and many Members of Congress having been given copies of said pamphlet. Nevertheless, I made this statement to the House in description and specification of the speech:

Mr. Chairman, in September of last year Mr. W. J. Bryan made, in Dallas, Tex., a speech concerning the binding force of platform promises and pledges, and giving forth his views on Democratic doctrines and teachings as to the tariff. At a later date the junior Senator from Texas replied to that speech. On the 18th day of October of the same year I was requested by citizens of the city of Cameron, in my district, to make for them a speech, discussing the issues raised by the speech of Mr. Bryan and the reply of the junior Senator from Texas. That speech has been circulated within my State, and for its wider circulation, because I believe the questions discussed are nation-wide in importance and interest, I wish to extend my remarks by including it in the RECORD by the consent of the committee.

The Chairman said:

The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Several hours after being granted this leave I was told by Hon. CHAMP CLARK that if the speech, as delivered at Cameron, was printed in the RECORD, it might cause unpleasantness, and that there might be an effort made to expunge it from the RECORD. For this reason the speech was withheld by me till February 2 and revised to the extent of eliminating every paragraph of the speech which seemed to me violative of any rule of the House or in contravention of any precedent or established practice of the House, and I then gave it to the Public Printer, and it was duly published in the CONGRESSIONAL RECORD of that date.

After one day's time, that is, on the 4th day of February, 1910, the Hon. GEORGE F. BURGESS, of Texas, offered a resolution declaring that the speech was in violation of the rules and privileges of debate, contained language improper, and so forth, and criticisms of the proceedings of the Senate and the action of a Senator, "who is specified by name," and asked that his resolution be referred to a committee, with instructions to report to the

House. This resolution was agreed to. Now, Mr. Speaker, on account of this proceeding and on account of the probable construction that may be reached that the speech is a technical violation of the rules, and on account of the fact that many of my friends expressed to me their belief that the speech is such a technical violation, and granting that I am not possessed of all knowledge and wisdom on the subject, and that my personal interest in the matter may bias my judgment, I wish now, with the consent of the House, to withdraw the Cameron speech.

While doing this, Mr. Speaker, I wish to state that I still believe, as I believed when the speech was printed, that it violates no rule of the House and no wise principle of parliamentary practice, nor any previous actual practice of this House; and I wish to state in parliamentary terms my reasons for so believing. The only rules of this House affecting the matter are Rule I, requiring that the Speaker shall preserve order and decorum, and Rule XIV, requiring that Members shall avoid personality in debate. These are in substance the same rules as govern a court and attorneys in presenting a case before the court. There are parliamentary precepts handed down from English legislative practice and English writers, and partly adopted and frequently quoted in this country. One of these is that no criticism of the actions or utterances of the King shall be indulged in by members of Parliament. This rule was sought to be invoked as it might be deemed to apply to the actions and utterances of the President; but it was expressly abrogated by rulings in Congress. Another is that the proceedings or debates of the House of Lords may not be read in the House of Commons, or vice versa. This latter rule has many times been reiterated by presiding officers here as applicable to the House and Senate; but never in any case where the facts only involved the sole question of the propriety or impropriety of reading or commenting on such proceedings or debate.

So far as I know—and I have tried to investigate thoroughly—in every case where that rule has been invoked the facts accompanying its invocation showed that it was done to prevent a Member of the House or Senate from doing one of two things: First, using the action of the other body or a member of it to influence the action of his own House; or, second, to prevent him from indulging in criticism of or reflection on the personality, the character, or motive of the other body or members of it. Further, Mr. Speaker, the records of Congress show without exception that such rule has never been invoked to prevent a Member from continuing to read and comment on the proceedings or debates of the other body until after such Member had shown by his comments or actions that he was so reading and commenting with the purpose of using the actions or debates of the other body to influence the action of his own body, or with the purpose of making a personal criticism of or attack upon or reflection on the other body or its members. Under this practice and pursuant to his duty to preserve order, the Speaker has, when the danger signal appeared, or when a Member had already transgressed the spirit of the rule, stopped the Member and prevented him from further reading or commenting on the proceedings, votes, or debates of the other body. This has been done hundreds of times; but this is the extent and furthest extent to which this English rule has ever been followed here. On the other hand, thousands of instances have occurred in the House where the proceedings of the Senate and speeches therein have been read in this body and discussed with absolute freedom, Members here reading speeches from the Senate and replying to and refuting them or agreeing with them and using them to support their contention here. Perhaps every Member of this House who has spoken often has done this. I might illustrate this by unnumbered instances. Only a few days ago the gentleman from Illinois [Mr. BOUTELL] read into the RECORD a speech or article published in Texas, in which the Senator from Rhode Island was irreverently called "Old Man ALDRICH," but no one moved to strike it from the RECORD. Just a day or two ago, during the discussion in this House of what action the House should take with reference to a suit against three of its Members, a distinguished member of the Judiciary Committee of this House discussed at length the action of the Senate, referring to such action plainly as the action of the Senate in reference to that suit, and another Member of the House read to the House from the speech of a Senator, calling him by name, on the same subject.

Notwithstanding this reference and reading appeared to be with a view of having an influence on the House and in conflict with the technical rule, neither the presiding officer nor any Member objected or moved to strike it out. Another distinguished member of the Judiciary Committee made reference, as I understand, though I was not personally present, to the same action and proceeding in the Senate, and combated its wisdom. The latter distinguished member of the Judiciary Committee was, as I am informed, more polished and more adroit, and did not call the Senate by name, but by circumlocution and by circumstance and application left no room for doubt as to what body he was referring to. In other words, he whipped the devil around the stump, but castigated his satanic majesty nevertheless; but no one moved to strike it out. Mr. Speaker, I do not believe the English practice is applicable under the theory and the principles of our Government. The House of Lords and House of Commons avowedly represent two different and distinct classes of people, and are jealous of each other's distinctive prerogatives, rights, and privileges. The Lords must not be allowed in the Commons to intrude their influence, and the Lords, equally jealous, do not, in theory, allow the Commons to intrude their influence; but here both the Senate and the House represent, or should represent, the same great American people, and in theory and under the principles of our Government there should be no objection in either House to reading the speeches or proceedings of the other or to commenting upon them or to any criticisms of any Member of the other House which would not be equally objectionable if it had been made of a Member of this House, nor is there any American common sense in requiring a gentleman to surround a supposed rule in this House by phrases of circumlocution which leaves the purpose of the reference clear without uttering the name of the thing or person referred to. As showing the spirit of our actual practice, Mr. Speaker, I state that from my examination of the precedents through all the history of congressional annals up to this time there never has been an effort to strike a speech from the records unless that speech contained matter that was a personal criticism of or reflection on some Senator or Member of this House or the President. No one up to this time has ever asked to have a speech stricken from the records which was no more than a legitimate reply to an argument, advanced by either a Senator or a Member and couched in terms that would be deemed orderly and not personal if used in discussion between Members of this House. Mr. Speaker, I believe that every paragraph of the speech I placed in the RECORD is in order; that it would be proper in this House if used as to and in reply to a speech of a Representative; that it would be in order if used in a court as to and in reply to a speech made in a case before a court, and that it is therefore in order here.

Let me quote from an academic discussion of this matter which took place in 1890, though not agreeing with all that was then said. This discussion took place in the Senate. Most of those taking place are long since dead. I do not read the RECORD to influence any action of this House or to criticise. I trust it is history, but I read it to show that if I am not right in my views of the purpose and right limitation of the rules I have nevertheless distinguished company. In the CONGRESSIONAL RECORD of August 4, 1890, page 8077, Mr. EDMUNDS, President pro tempore, states:

> He has observed with regret a growing tendency to allude in terms of severity and disparagement to the proceedings of the other House of Congress. It is a violation of the fundamental principles of parliamentary law to refer in either House to what is done by the other for any purpose whatever, except historically, after the transactions have occurred. The Chair hopes that the Senate, in preservation of its own dignity and in the protection of its own immunity from recriminations that might occur, will observe this limitation.

This shows the purpose of the rule and occasion of its invocation. Mr. Vest stated:

> It is my understanding that it is entirely legitimate to refer to what has been said or done in the other branch of Congress after the event has transpired; anything, for instance, that is in the CONGRESSIONAL RECORD. But it is not legitimate to refer to proceedings of the other House in order to cause an argument or to influence the action of this body.

Mr. CULLOM referred to frequent reading of record of House debates on the tariff question and asked if it was parliamentary. Mr. Vest did the same, saying he had frequently done that, and that it was his understanding that he had a right to do it; that it was done on both sides of the Chamber.

Of course—

He said—

> I shall abide by the rule, whatever the Chair or the Senate may declare it to be, but it seems to me a harsh one, not based on any good reason.
>
> Mr. MORGAN. Is there any such rule?
>
> Mr. VEST. I am speaking of the construction of the Senator from Vermont, a construction that we can not use anything or quote anything that is said or done in the House of Representatives during this session. I understand him to say that.
>
> Mr. MORGAN. What I want to get at is, what is the rule?
>
> Mr. EDMUNDS (President pro tempore). This subject is not specially treated in the rules of the Senate, but is a question of general parliamentary law. Cushing says:
>
> "All expressions concerning the other House or its Members which, if uttered with reference to the House, of which the Speaker is a Member, would be disorderly; second, all reference to or introduction of the

proceedings or debates of the other House for the purpose of commenting on them by way of answer, explanation or commendation, discussion or animadversion; third, introduction or reference to proceedings of the other House or the opinion of the sovereign for the purpose of influencing the determination of the House, of which the Speaker is a Member."

Mr. VEST. May I inquire of the Chair when this limitation expires?

The PRESIDENT. The Chair has no opinion on this subject at this time.

Mr. VEST. Because, if there be no limitation, then we violate the rule by referring to the proceedings of the House of Representatives at the next session or the next Congress, and a privilege of all other citizens of the United States is taken away from the Members of the Senate, which is th right of free comment upon the proceedings of either branch of Congress.

All this discussion shows the purpose and application of the rule to be twofold: First, the prevention of influence by one body on another; second, the protection of the Members of either House from animadversion or criticism in the other to the same extent each House protects its own Members. These are the only reasons for the rule, the only possible commonsense basis for it. When the legislative matter is disposed of, is no longer pending or being considered, the first reason can not apply, the second reason always applies if it exists, and no Member of either House has the right to indulge in personal criticism or reflections upon any Senator or Representative, living or dead. Mr. Speaker, I might stress further the idea advanced by Mr. Vest that some constructions given to the rule take away the right of freedom of speech from Members of this House on this floor, a right guaranteed by the Constitution to every man and, I think, in all places. Freedom of speech, I mean, not license to abuse the freedom of speech. Twenty years have passed since that discussion in the Senate apropos of nothing then before the Senate. In that time Senators and Representatives have more and more exercised the right of freedom of speech, not abuse of speech, without let or hindrance here or in the Senate. Since that time few, if any, have heretofore sought to deny it.

I shall not boast that I am always right or challenge opponents to find a flaw in the armor of my perfection, but I shall never here make a speech to which I shall ask that no reply be made here or anywhere else. I hope and believe I shall see the time when no man in the Senate or in the House can make a speech that can not be specifically and categorically taken up and replied to, critically, boldly, and vigorously, here or in the Senate or anywhere else on God's green earth. If, in my opinion, a man representing the people in the House or in the Senate has attacked the institutions of my country, the teachings of truth and faith, or the tenets of my party, I believe that I have the right here or anywhere else to reply to and repel that attack with the weapons of reason, logic, and argument in every form, and I believe that the time will come when no man who represents the people, either in the House or the Senate, will ever ask that such a reply be stricken from the RECORD because it may violate some rule of interchange of courtesies between the two Houses, and when every Senator and Representative will realize that both his speeches and votes, and every other man's speeches and votes, must stand out without screen or protection where the white light of truth may beat upon it everywhere and before all the people.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw the speech referred to. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, I send a resolution to the Clerk's desk and ask unanimous consent that it be considered at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 393.

Resolved, That inasmuch as the speech of the Hon. RUFUS HARDY, mentioned in said resolution as referred to the Committee on the Judiciary, has on his motion been stricken from the permanent RECORD, the Committee on the Judiciary are hereby discharged from further consideration of said resolution so referred, and that the same do lie upon the table.

The SPEAKER. Is there objection to the consideration of the resolution at this time?

Mr. HARDY. I think, Mr. Speaker, it ought to be worded a little differently.

The SPEAKER. Does the gentleman from Texas object?

Mr. HARDY. I have no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RIVER AND HARBOR BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20686, the river and harbor bill, and pending that motion I move that the general debate be limited to two hours and confined to the subject immediately under discussion.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20686, and asks that the general debate be limited to two hours and confined to the bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. ALEXANDER of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Mr. Chairman, the bill under consideration is somewhat singular in its character, but not so much in method as in policy. It is an honest effort to return to the old custom of an annual river and harbor bill. From 1866 down to 1882, with the exception of the year 1877, a regular annual river and harbor bill was reported to the House each year and enacted into law. At that time it was upon the same plane as other appropriation bills. It was expected every year the same as the naval bill, the army bill, the pension bill, and the agricultural bill. Nobody expected it would not appear, and it never disappointed anyone.

But in 1882 President Arthur, after it had been sent to him, disapproved it, and although the bill was passed over his veto, the friends of rivers and harbors became greatly discouraged. Many Members who sustained the bill after the veto were defeated at the following election. Even the distinguished Speaker of the House, then a young Member of this body, who voted to carry it over the veto, found the campaign into which he was precipitated a few months afterwards one of the most fiercely fought in his experience of thirty-five years. This staggering blow greatly discouraged the friends of improvement, and resulted in a change of policy. Thereafter river and harbor bills became biennial.

But very soon conditions became intolerable. Large projects could not be handled without absorbing the greater part of the money, leaving smaller, but no less meritorious, improvements to shiver in the cold. Then Senator FRYE, for nearly a quarter of a century at the head of the Commerce Committee of the Senate, and one of the ablest, as well as most persistent, friends of river and harbor improvement in the country, proposed the continuing-contract system. This was in 1890, and it put favored projects upon the basis of an annual bill, thus relieving the strain. In 1896, however, President Cleveland, following the example of President Arthur, disapproved the bill, and again, although carried over his disapproval, the friends of river and harbor improvements were greatly discouraged.

The result of that veto was that bills came less frequently. Instead of being biennial, they became triennial; and from that day to this, with the exception of 1905, they have appeared three years apart, becoming so large that the Treasury must be consulted as to the condition of the surplus or the deficit. "Can we have a river and harbor bill this year?" "Will the Treasury stand it?" "Will the President veto it?" are questions immediately provoked when a river and harbor bill is suggested.

In the meantime a great sentiment has been aroused throughout the country in favor of river and harbor improvements. Beginning four or five years ago it has continued to increase, rapidly growing in strength, until this city, in the last three or four years, has witnessed the presence of a great Rivers and Harbors Congress, representing the friends of river and harbor improvements from nearly every State in the Union. This has four years, has witnessed the presence of a great River and Harbor Congress, representing the friends of river and harbor the old custom of an annual river and harbor bill. [Loud applause.]

As I have said, the bill presented is an honest endeavor to make an annual bill. Of course it is large, larger than it would otherwise be if three years had not elapsed since the passage of a regular river and harbor bill. Old projects and new projects of importance which have been pounding at our doors, could easily have been disposed of had a bill been formulated in 1908 and 1909. We tried to limit it to $34,000,000, the amount actually expended last year by the Engineer Corps.

If the corps could expend $34,000,000 in a year, then, for the present, that should be the standard of an annual bill. But there came to our door several large projects that we could not avoid, and so the bill has grown to $42,000,000, including seven millions of authorizations. This makes the cash appropriation $35,000,000, which is just about the amount that can be economically expended in the fiscal year ending June 30, 1911.

Many manifest reasons exist why an annual bill will be a better business bill. The amount estimated each year by the engineers will be the amount that can be spent in the ensuing year.

Although the law requires that the estimates to be submitted by the Engineer Department shall be for the next fiscal year, under the old system of biennial and triennial bills sad experience had taught the local officers to include in their estimates for the fiscal year either a sum large enough to last for two years or at least an item for contingencies sufficiently large to take care of the plant after the year's work was done until such time as additional funds should be provided by the next river and harbor bill at an uncertain date in the future. The plant must necessarily be looked after and maintained to a certain extent, even when not at work, and these purely fixed charges often amounted to a considerable sum. Moreover, when the new appropriation was finally made, the plant that had been idle for one or two years, or even longer, owing to lack of appropriations, had to be overhauled and put in order to restore it to proper working condition. Not only did these items of expense make a serious drain on the respective appropriations, but valuable time was also lost in making these repairs. It is believed that it is not going too far to say that in many cases, where the bill became a law late in the session, the end of a working season arrived before the plant was in proper condition to go to work.

A single authentic instance may be cited where a new dredge lay idle for four years before funds were made available to pay operating expenses, and before doing its first real work had to undergo extensive overhauling and repairs, due to deterioration while lying idle. It is, moreover, a truism, I believe, among practical business men that vessels in ordinary deteriorate with equal or greater rapidity than those in commission.

The Engineer Corps controls and operates 462 boats of one kind and another—steamboats, dredge boats, snag boats, working boats, tugs, and so forth—and has a force of between 5,000 and 6,000 men and an unclassified list of between 10,000 and 15,000 men. Here is a fleet of vessels and an army of men that must lie idle much of the time between triennial bills. It will be otherwise under annual bills. For this reason there must be another bill next year or little will be available to work boats or men. For that reason this bill should be succeeded by an annual bill next year. [Applause.]

Projects which have been adopted by Congress and those which have been recommended, but not adopted, amount to $264,000,000, not including $75,000,000 for the Mississippi. Now, if you will add those together and divide them by thirty-two million, you will find that all the projects recommended to Congress and adopted by Congress can be completed in twelve years, with a bill of $32,000,000 a year, including maintenance. This shows that an annual bill need not embarrass the Treasury. There need be no call for bonds, no strain upon the Treasury. It will simply be a bill of between $25,000,000 and $35,000,000, which the Treasury can take care of.

The second distinctive feature of this bill is the limit of time in which the Mississippi and its tributaries can have permanent improved channels. The bill fixes the upper Mississippi River at twelve years, the Missouri River from Kansas City to its mouth at twelve years, the middle Mississippi from St. Louis to Cairo at twelve years, the Ohio River from Pittsburg to Cairo at twelve years, and the lower Mississippi from Cairo to the Passes in twenty years.

Engineers report that even after plants are increased, not more than $2,000,000 can be expended on the upper Mississippi in any one year, nor can more than $2,000,000 be expended on the middle Mississippi, or more than $4,000,000 upon the lower Mississippi, or more than $2,000,000 in any one year on the Missouri from Kansas City to its mouth. Doubt is expressed as to whether these amounts can be expended. The labor problem enters into it; the material problem enters into it. Nevertheless, by enlarging their plants—and parts of the appropriations made in this bill can be used for that purpose—it is believed that these improvements can be completed approximately in the time specified, provided these amounts are appropriated annually. And I am sure I am betraying no confidence when I say that the President unqualifiedly approves the plan for completing these rivers in the time fixed by the engineers and with the aid of annual river and harbor bills. [Applause.]

It is sometimes said that money is wasted in the attempt to improve the Mississippi and its tributaries. Engineers do not say so. On the Missouri, from Jefferson City to Gasconade, a distance of 45 miles, the old Missouri River commission made a permanent improved channel for a depth of 6 feet. Prior to that mean low water measured 2½ feet. After the improvement a depth was obtained from 14 to 24 feet—the river digs a deep channel when properly confined. When I passed down the third reach of the river in November last only three bars showed a less depth than 14 feet.

And yet before improvement that stretch of river, the worst between Kansas City and the mouth of the Missouri, showed only 2½ feet. This convinced me that the Missouri can be made into a navigable waterway. Read in the report of the committee what is said by Mr. Mitchell respecting the central Mississippi and by Colonel Bixby respecting the lower Mississippi, and then say whether money is wasted that is put into these great inland waterways.

I will speak of but one more improvement—that of the Illinois River from its mouth to Lockport on the Des Plaines. A paragraph in the bill authorizes the appointment of a board of five engineers.

The bill provides for the appointment of a board of engineers to consider, among other things, the advisability of cooperating with the State of Illinois in the improvement of a waterway by way of the Des Plaines and Illinois rivers from Lockport to the mouth of the Illinois River. In 1902 a board was appointed for the purpose of making an estimate of the cost of a 14-foot waterway from Lockport to St. Louis. This board reported in 1905, estimating the cost from Lockport to Grafton at $23,543,582, and from Grafton to St. Louis, $6,553,880, being a total of $30,097,462. The plans of the board covering the Illinois and Des Plaines rivers contemplated the canalization of the river from Lockport to Utica by 9 locks and 5 movable dams, the utilization of the open Illinois River from Utica to Grafton by removing the 4 existing dams and dredging the channel proposed by this board and connecting with the Chicago Drainage Canal by a lock already built in the dam constructed for the Sanitary District of Chicago at Lockport.

This report contained no recommendations as to the advisability of undertaking the project, because such opinion was not called for in the act ordering the survey, but after it was reported to Congress the River and Harbor Committee by resolution referred it to the board of review, which reported against its advisability on account of cost and the depth of water, but stated that it "believes that the commercial interests of the Great Lakes are entitled to an outlet to the Gulf of Mexico of as great a capacity as can be obtained at a reasonable cost."

In accordance with the river and harbor act of 1907 a board was appointed to examine the Mississippi River below St. Louis and report as to the practicability and desirability of constructing and maintaining a channel 14 feet deep from St. Louis to the mouth of the river, the law providing that this board should consider in connection with such examination the survey of the route from Chicago to St. Louis, reported upon in 1905, as stated above.

This board concluded that it was practicable to obtain a depth of 14 feet from St. Louis to the mouth of the Mississippi River at a total cost of approximately $128,600,000. This sum and the $30,097,462 estimated by the board of 1905 for the 14-foot waterway between Lockport and St. Louis would make a total for a 14-foot waterway from Lake Michigan to the Gulf of Mexico of $158,697,462. The report of this special board was referred, as required by law, to the board of review, which agreed with the special board that it is not desirable to construct a channel 14 feet deep, and that the present demands of commerce between St. Louis and the mouth of the Mississippi River are adequately met by the existing projects of 8 feet depth from St. Louis to the mouth of the Ohio and 9 feet thence to the Gulf of Mexico. The board of review stated, moreover, that it believed a waterway 8 feet deep from Chicago to St. Louis, to correspond with the present project from St. Louis to Cairo, would be desirable, having in view the demands of the commerce of to-day, provided its cost is reasonable, and that both present and prospective commerce would be adequately served by a through channel 9 feet in depth.

From this statement of fact it appears that the Engineer Board of Review not only expressed the belief in its report in 1907 "that the commercial interests of the Great Lakes are entitled to an outlet to the Gulf of as great capacity as can be obtained at reasonable cost," but added, in its report of 1909, that a waterway 8 feet deep from Chicago to St. Louis, to correspond with the present project from St. Louis to Cairo, would be desirable, provided its cost is reasonable. In view of this, and the further fact that the people of Illinois have now authorized their general assembly to appropriate $20,000,000 for

the construction of a suitable navigable waterway from Lockport to the mouth of the Illinois in conjunction with the development of water power, the committee recognizes the importance of ascertaining, by means of a new board, to what extent the United States may properly cooperate with the State of Illinois in securing the construction of a suitable waterway through the Illinois River.

The United States has heretofore generously cooperated with other localities, notably in the case of Cold Spring Inlet in New Jersey, carried in the bill of 1907. There are also in the present bill 21 items in which appropriations are made dependent upon contributions by local interests.

In providing for a board to consider the question of cooperation, the committee has followed the usual course of procedure. In 1902 the river and harbor bill provided for the so-called "Ernst board," which was authorized to make an estimate of the cost of a 14-foot waterway from Lockport to St. Louis. Again, in 1907 this committee, in the bill of that year, provided for the so-called "Bixby board," which was directed, among other things, also to consider the route from Lockport to St. Louis. It was the latter board that reported in 1909 adversely to a 14-foot waterway.

Nor is it unusual to select one for service upon such boards who is not a member of the United States Engineer Corps. Two of the Bixby board of 1907, composed of five members, did not belong to that corps. One was an attaché of the Coast and Geodetic Survey and the other a civil engineer taken from civil life. It should be noted, too, that the interests of the United States are safeguarded not less carefully than in the acts of 1902 and 1907, the present bill, among other things, authorizing the board to consider reports of former boards in which full consideration is given to anticipated expense of the United States, especially in connection with the withdrawal of water from Lake Michigan and the question of damages likely to accrue by the overflow of private property.

The proposed appropriation of $1,000,000 for this waterway is not made available in this bill. Indeed, the committee is informed by the Comptroller of the Treasury that until further future affirmative legislation by Congress it will neither be available nor will it be entered upon the books of the Treasury Department as a charge upon the Treasury. It is introduced at this time to indicate the committee's willingness to improve the Illinois River whenever Congress can, by suitable cooperation with the State of Illinois, make a proper improvement at a reasonable expense.

As I have said, the people of Illinois have authorized the legislature to issue bonds to the amount of $20,000,000 to build a waterway between Lockport and the mouth of the Illinois River for the purpose of a waterway and for the development of water power, and they simply ask the United States this question: What amount of cooperation will you give us? A fair, plain proposition, which the United States should not refuse to consider, especially when they are taking up propositions of the same character all over the country. [Applause.]

But, Mr. Chairman, there is a cloud over the Chicago waterway. The fear obtains that the lake levels may be lowered by the diversion of water to the sanitary drainage canal, and that the exact facts may be before the House I beg to submit a succinct statement of the case.

This sanitary canal—an artificial channel extending from a point on the west fork of the south branch of Chicago River at Robey street, in the city of Chicago, to Lockport—was constructed by the Sanitary District of Chicago, a municipal corporation organized under the laws of the State of Illinois. The project contemplated connecting this artificial channel with the Chicago River, and from time to time, while the work of construction was under way, the corporation made application to the Secretary of War for approval of plans for changes and improvements in Chicago River designed to correct the cross section of the river and regulate and control the flowage capacity and velocity of current. In response to an application from the corporation, dated June 16, 1896, the Secretary of War, by letter of July 3, 1896, approved the general plans for such work and subsequently from that date detailed plans for widening and straightening the stream, construction of bridges, changes of dock lines, and so forth, have been approved by the Secretary of War, and some of this work is yet under way.

In April, 1899, the said corporation represented to the War Department that such movable dams and sluices as were necessary to secure absolute and complete control of the volume and velocity of flow through the Chicago River had been constructed, and applied for permission to divert the waters of the said Chicago River and cause them to flow into the said channel at the point above stated. By an instrument executed May 8, 1899, permission was given the said corporation to open the channel and cause the waters of Chicago River to flow into the same, subject to the following conditions:

1. That it be distinctly understood that it is the intention of the Secretary of War to submit the questions connected with the work of the Sanitary District of Chicago to Congress for consideration and final action, and that this permit shall be subject to such action as may be taken by Congress.

2. That if, at any time, it becomes apparent that the current created by such drainage works in the south and main branches of Chicago River be unreasonably obstructive to navigation or injurious to property, the Secretary of War reserves the right to close said discharge through said channel or to modify it to such extent as may be demanded by navigation and property interests along said Chicago River and its south branch.

3. That the Sanitary District of Chicago must assume all responsibility for damages to property and navigation interests by reason of the introduction of a current in Chicago River.

This permission was granted in pursuance of the powers conferred upon the Secretary of War and the Chief of Engineers by section 10 of the river and harbor act of March 3, 1899, and in accordance with the first condition thereof the questions connected with the work were presented to Congress in the Annual Report of the Chief of Engineers for the fiscal year ending June 30, 1899, as will be seen by reference to page 40, volume 1, of said report.

Subsequently, it having been represented to the department by various commercial and navigation interests that the discharge from the river into the said channel sometimes exceeded 300,000 cubic feet per minute, causing a velocity of nearly 3 miles an hour, which endangered navigation, the Secretary of War issued an order dated April 9, 1901, directing the said sanitary district to regulate the discharge so that the maximum flow through the Chicago River and its branches should not exceed 200,000 cubic feet per minute. Under date of July 23, 1901, this order was modified so as to permit an increase of the flow to 300,000 cubic feet per minute between 4 p. m. and 12 midnight daily, the flow between 12 midnight and 4 p. m. to remain as fixed in the aforesaid order. By a further instrument executed December 5, 1901, permission was given the said sanitary district to regulate the discharge so that it should not exceeed a maximum of 250,000 cubic feet per minute throughout the twenty-four hours of the day, and since that time there has been no change in the amount of discharge permitted, except that, by an instrument executed by the Secretary of War January 17, 1903, permission was given to increase the flow from 250,000 to 350,000 cubic feet per minute from that date to March 31, 1903, at which date it was to revert to the former amount.

Two hundred and fifty thousand cubic feet per minute, or a little less than 4,200 feet per second, is, therefore, the discharge from the river into the canal now legally permissible under the sanction of the War Department.

In November, 1906, the Sanitary District of Chicago made application to the Secretary of War for permission to construct and maintain the Calumet sag channel, through which it proposed to reverse the flow of the Calumet River and thereby increase by 4,000 cubic feet per second the flow through the drainage canal. The application was denied. Later the United States began suit against the Sanitary District, praying that an injunction issue restraining the defendant from proceeding with the work. The Sanitary District, in open court, agreed to do nothing further until all questions in dispute had been disposed of by the highest court. In November last the United States had submitted all its testimony, and the defendant has recently notified the plaintiff that it is ready to offer its proof. It will be seen, therefore, that the Government has not at any time been blind to the danger that threatened the diversion of water from Lake Michigan or negligent in safeguarding its interests.

While admitting that the canal is of vast importance to the city of Chicago, the War Department, in considering the questions connected with this subject, has recognized the fact that the diversion of water from Lake Michigan may injuriously affect the interests of navigation, not only by increasing the current in Chicago River, but also by lowering the level of the Great Lakes. The effect on the current of the river was demonstrated when the discharge of 300,000 cubic feet per minute, under the first of the aforesaid permits, caused such an increase in the velocity of the current as to call forth vigorous protests from commercial interests, but the amount now allowed is scarcely noticeable on the level of the Lakes. At least, its effect has not yet been demonstrated. It can not be doubted, however, that should any considerable continuous permanent diversion of water from Lake Michigan be allowed through the drainage canal or other waterways, it must result in lowering

the average level of Lakes Michigan and Huron, and thus affect the condition and capacity of the numerous harbors and channels leading thereto on these lakes. The questions whether, and to what extent, such diversions shall be permitted are therefore of vital importance and should receive the most careful consideration of Congress.

All this bill does is to authorize a board to ascertain what sort of a channel is proper and adequate, and there can not be the shadow of a doubt that the board appointed under this bill will be as careful and earnest to safeguard the interests of the United States and the level of the Great Lakes as was the board appointed in 1907 or that appointed in 1902. The only way for Congress to ascertain what is proper or improper to do is through the United States engineers, and the Committee on Rivers and Harbors, following the precedents established in the last twelve years, have simply provided for a board which shall point out the way for Congress to act, and until that board has reported and the board of review and Chief of Engineers have approved and Congress has acted, nothing further can be done.

Mr. HULL of Tennessee. Will the gentleman yield?

Mr. ALEXANDER of New York. Yes.

Mr. HULL of Tennessee. Does the gentleman think that the conclusions of a board of engineers relative to the commercial phases of the river alone would be liable to be so accurate as the finding of a board composed of sound business and transportation men?

Mr. ALEXANDER of New York. I think so, and more accurate. The board does not confine itself to the commercial advisability. The board considers its cost and its advisability from every standpoint, but never limits itself to the commercial phases alone.

Mr. HULL of Tennessee. Does the gentleman find any valid objections to the creation of a board of business and transportation men to pass upon the commercial phase alone in cases where the department of engineers has reported favorably as to the feasibility and all other necessary phases of waterway projects?

Mr. ALEXANDER of New York. I do, because it is entirely unnecessary. There is no class of men in the United States who are better qualified to pass upon the commerce and the commercial needs of the scheme than the men who are improving it and studying it and who have made it a study for years and years. [Applause.]

Mr. HULL of Tennessee. I would ask this further question, Does this bill contain any items of appropriations for projects not favorably reported by the Board of Engineers?

Mr. ALEXANDER of New York. Not one, so far as I know.

Mr. MOORE of Pennsylvania and Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman yield?

Mr. ALEXANDER of New York. I yield first to the gentleman from Pennsylvania, as he is the nearer.

Mr. MOORE of Pennsylvania. Mr. Chairman, as I understand the gentleman's description of the policy of an annual appropriation bill, it means that hereafter, unless there is an annual appropriation or a sufficient balance on hand, work upon unfinished projects must stop.

Mr. ALEXANDER of New York. Work on every project must stop, excepting the few that are under continuing contract.

Mr. MOORE of Pennsylvania. Has the new committee, of which you are now the honored chief, adopted any policy with regard to the distribution of funds according to the commercial importance of the stream?

Mr. ALEXANDER of New York. We have not adopted any general policy so far as I know.

Mr. MOORE of Pennsylvania. Has that influenced the committee at all in the preparation of the present bill——

Mr. ALEXANDER of New York. It has.

Mr. MOORE of Pennsylvania. Even if there was a large tonnage upon one river and a small tonnage upon another river, would it make any difference to the committee so far as the appropriation was concerned?

Mr. ALEXANDER of New York. It would make a decided difference; a large tonnage would always commend itself to the committee, but because a river did not happen to have much of a tonnage at the present time would be no reason for throwing it out. [Applause.] On the other hand, because a river has a large tonnage would be a splendid reason for giving it help.

Mr. MOORE of Pennsylvania. Granting that it is fair that appropriations should be made to rivers in anticipation of tonnage which those rivers do not now yield, has the committee given any consideration to the revenues created at ports or on rivers, which revenues go into the distribution which the committee makes?

Mr. ALEXANDER of New York. Yes; it has heard and been told about the revenue received at places where improvements are asked for. That is one of the strongest points made by gentlemen for such improvements, and they have all been considered by the committee with great care.

Mr. MOORE of Pennsylvania. The gentleman knows that I am interested in a great coastal project along the Atlantic, but he will also agree, I am sure, that I have been unstinted in my efforts to promote the waterways development of the country. However, I desire to ask now whether, in view of the continuing-contract system, which the gentleman has enlarged upon in his argument, Congress is committed to make annual appropriations until all of these large projects growing out of the Mississippi and its tributaries are completed?

Mr. ALEXANDER of New York. This Congress certainly is committed to it.

Mr. MOORE of Pennsylvania. The gentleman has intimated——

Mr. ALEXANDER of New York. We can not commit a future Congress to anything, but this Congress can certainly commit itself to a bill next year.

Mr. MOORE of Pennsylvania. I do not want the House or the gentleman to misunderstand me. I do not propose to oppose this bill, but I want the people to clearly understand what Congress proposes to do. The gentleman, on page 5 in his argument, says:

> Perhaps the distinctive feature of this bill is the attention given to the Mississippi River and its principal tributaries.

In view of this statement, I desire to ask whether it does not mean that if this bill is passed Congress is committed to put $4,000,000 per annum in the lower Mississippi, $2,000,000 per annum in the middle Mississippi, and $2,000,000 per annum in the upper Mississippi leading to St. Paul?

Mr. ALEXANDER of New York. Yes; this Congress is committed to it.

Mr. MOORE of Pennsylvania. Is not it also a fact that by the passage of this bill Congress is virtually committed to the completion of projects on the Mississippi and its tributaries that will aggregate an expenditure of $264,000,000?

Mr. ALEXANDER of New York. If that is the correct aggregate, this Congress certainly is. We can not control the action of future Congresses.

Mr. RANDELL of Texas. If the gentleman will permit, I think the gentleman from Pennsylvania is mistaken in his figures; I am quite sure he is. He has taken an aggregate of all the projects all over the United States.

Mr. ALEXANDER of New York. I can count them up, I think, from memory. Eighty million dollars for the lower Mississippi, $21,000,000 for the middle Mississippi, $20,000,000 for the upper Mississippi; that makes $121,000,000. Then, for a permanent fixed channel in the Missouri, $20,000,000, and then the Ohio is about $62,000,000.

Mr. MOORE of Pennsylvania. Can the gentleman tell me the combined tonnage of the Mississippi River and all its tributaries for which these sums are to be appropriated?

Mr. ALEXANDER of New York. I can not; but I think no man on the River and Harbor Committee doubts that when permanent improved channels are completed on the Mississippi, the Ohio, and the Missouri, at least from Kansas City to its mouth, there must come a big commerce. [Applause.]

It stands to reason, for the Mississippi and its tributaries traverse the great breadbasket of this country. They also pierce iron mines and coal mines, and there is no reason, if permanent improved channels exist, why those rivers should not be freighted with commerce.

Mr. MOORE of Pennsylvania. The gentleman knows that we have had great difficulty in obtaining certain appropriations for eastern projects, which will be advocated in this House again and again. Therefore, I want to ask the gentleman, so that there will be a complete understanding, whether it is not a fact that the total commerce of the entire Mississippi River system, as reported by the Waterways Commission, of which he was a member, for the year 1906, according to the census report, was 19,531,093 tons, and of that 19,000,000 more than 15,000,000 came out of the Ohio River from Pittsburg and vicinity, leaving the total tonnage of the entire Mississippi River system, with all its tributaries excepting the Ohio, a little over 4,300,000 tons, or one-seventh the tonnage of the River Delaware alone? I will ask the gentleman if that is not the fact?

Mr. ALEXANDER of New York. If you are quoting from the National Waterways Commission report you are correct. I stand by that.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, I am asking these questions in order that it may be thoroughly understood by this House when another great project comes be-

fore Congress that there will be merit in it, there will be tonnage behind it, and there will be revenue which will go into the Treasury of the United States for distribution throughout the Mississippi River country and the other great river sections of this country which are a part of this bill.

Mr. ALEXANDER of New York. There has never been a time, at least in the last twelve years, since I have been a member of the River and Harbor Committee, that the generous hand was not extended to every harbor on the Atlantic, Gulf, and Pacific coasts, and on the Great Lakes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. If I have the time, I will yield to the gentleman such time as he desires.

Mr. ALEXANDER of New York. I simply want to complete that sentence. The harbors of the United States have been treated with the utmost generosity, and they will continue so to be treated.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to call his attention to the State of Connecticut?

Mr. ALEXANDER of New York. And I was about to add that every tidal river on the Atlantic, Gulf, and Pacific coasts has been treated most generously and will continue so to be treated. [Applause.] Now, I will yield.

Mr. MOORE of Pennsylvania. Will the gentleman direct his attention to the State of Connecticut and tell me how much has been appropriated by the Government since the beginning of time in that Commonwealth on all its rivers and all its harbors?

Mr. ALEXANDER of New York. You probably have it before you and can tell.

Mr. MOORE of Pennsylvania. About $5,000,000 on a present annual tonnage of 5,000,000 tons. And $5,000,000 appropriated to that State and all its rivers and harbors since the beginning of time is less than what you propose to put into the Mississippi for one year, where the commerce is not equal to that of the single State of Connecticut to-day.

Mr. ALEXANDER of New York. Nature helped the harbors of Connecticut, as it helped many others. Great amounts of money must be expended on harbors where nature has had to be improved upon. [Applause.]

Mr. GARDNER of Massachusetts rose.

Mr. ALEXANDER of New York. I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, as I understand it, an expenditure of $205,000,000 is involved in this plan, which comprises the upper, the lower, and the middle Mississippi River, the Ohio River, and the Missouri River. Am I correct?

Mr. ALEXANDER of New York. That is right.

Mr. GARDNER of Massachusetts. And all that sum, except about $30,000,000, must be spent in twelve years. Am I correct in that?

Mr. ALEXANDER of New York. Yes; if future Congresses accept the policy of this bill.

Mr. GARDNER of Massachusetts. Well, now, will the gentleman tell us how he proposes to finance that proposition? Is this a project looking toward an issue of bonds?

Mr. ALEXANDER of New York. It is a project to avoid the issue of bonds. [Applause.] When an annual river and harbor bill is established, as it should be, and can be, it will not be a strain upon the Treasury. It will not exceed $30,000,000 in any year. If the gentleman will add all the projects adopted by Congress or recommended by the Engineer Corps and divide by 12, he will find an annual bill of about $23,000,000. Add to that eight or nine millions for maintenance, and an annual bill amounts to $32,000,000. If this should be continued for twelve years it will complete the projects of the Mississippi River and its tributaries, and all other projects adopted by Congress or favorably recommended by the Engineer Corps.

Mr. GARDNER of Massachusetts. Mr. Chairman, I hope the gentleman will not object to my asking him a few questions. I know it is impossible to debate at length any project involving the expenditure of $200,000,000. It is not like a question of raising a janitor's salary downstairs, when we would take all day and have a roll call. I should like just a few minutes for the purpose of developing the situation as to this $200,000,000 project.

Mr. ALEXANDER of New York. Are you asking me a question?

Mr. GARDNER of Massachusetts. I am asking the gentleman from Florida if he will allow me to ask the gentleman from New York some questions.

Mr. ALEXANDER of New York. To ask me?

Mr. GARDNER of Massachusetts. Yes.

Mr. ALEXANDER of New York. You may ask in my time.

Mr. GARDNER of Massachusetts. In your remarks on the lower Mississippi——

The CHAIRMAN. In whose time is the gentleman talking?

Mr. GARDNER of Massachusetts. In the time of the gentleman from Florida.

Mr. ALEXANDER of New York. I have been yielded an abundance of time by the gentleman from Florida.

Mr. GARDNER of Massachusetts. In your remarks on the lower Mississippi River, in your report, you call attention to the fact that the present plan for improvement is a development of the commission's report of 1882. I observe the name of Col. W. H. Bixby, president of the Mississippi River Commission. Who is Col. W. H. Bixby?

Mr. ALEXANDER of New York. He is an engineer of admitted ability, the president of the Mississippi River Commission, the engineer in charge of the Mississippi River between St. Louis and Cairo.

Mr. GARDNER of Massachusetts. He is not a former pilot under whom Mark Twain served? [Laughter.]

Mr. ALEXANDER of New York. No.

Mr. GARDNER of Massachusetts. Now, then, this report of 1882 is a very interesting one. It has been commented upon by Mark Twain, who was a pilot on the Mississippi River. In 1883 he wrote his book, entitled "Life on the Mississippi." In it he discussed the question of the possibility of "improving on nature in that river," as the gentleman from New York expresses it. If the gentleman from Florida will allow me, I should like to ask unanimous consent to print with my remarks certain observations drawn from Pilot Mark Twain's views at the time that the report of 1882 was adopted. I shall be very much obliged to him. Will the gentleman from Florida yield to me for the purpose of asking unanimous consent?

Mr. ALEXANDER of New York. I yield to the gentleman for that purpose.

Mr. GARDNER of Massachusetts. I ask unanimous consent to append to my remarks certain observations made by Pilot Mark Twain in 1883 as to the engineers' report of 1882:

FROM "LIFE ON THE MISSISSIPPI," BY MARK TWAIN.

The military engineers of the commission have taken upon their shoulders the job of making the Mississippi over again—a job transcended in size by only the original job of creating it. They are building wing dams here and there, to deflect the current; and dikes to confine it in narrower bounds; and other dikes to make it stay there; and for unnumbered miles along the Mississippi they are felling the timber-front for 50 yards back, for the purpose of shaving the bank down to low-water mark with the slant of a house-roof, and ballasting it with stones; and in many places they have protected the wasting shores with rows of piles. One who knows the Mississippi will promptly aver—not aloud but to himself—that 10,000 river commissions, with the mines of the world at their back, can not tame that lawless stream, can not curb it or confine it, can not say to it, "Go here" or "Go there," and make it obey; can not save a shore which it has sentenced; can not bar its path with an obstruction which it will not tear down, dance over, and laugh at. But a discreet man will not put these things into spoken words; for the West Point engineers have not their superiors anywhere; they know all that can be known of their abstruse science; and so, since they conceive that they can fetter and handcuff that river and boss him, it is but wisdom for the unscientific man to keep still, lie low, and wait till they do it.

Mr. ALEXANDER of New York. Will the gentleman from Massachusetts pardon me if I indulge a moment's interruption? Does the gentleman remember that another humorist of national reputation, one Mr. Proctor Knott, once described the city of Duluth? Possibly the truth of his description of Duluth would compare favorably with that of Mark Twain in respect to the Mississippi River. [Laughter and applause.]

Mr. GARDNER of Massachusetts. Is the gentleman objecting to my request?

Mr. ALEXANDER of New York. You may publish it all. I read it on the Mississippi River last November, and found it very interesting. In my opinion, no man knew better the enormous possibilities of that great country, and I wish every Member of Congress had his spirit and his love of that great river.

Mr. GARDNER of Massachusetts. Then do I understand the gentleman is objecting to my publishing the remarks? Because I have not heard the question put.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Chairman, I should like to ask the gentleman from New York a question. I understood the gentleman to say that this bill was formulated upon the idea that we should have an annual river and harbor appropriation bill. I understood him to say further that we could not attempt to commit any future Congresses as to what they should do in reference to a river and harbor bill.

Why is a river and harbor bill differentiated from any other appropriation bill to which Congress has been committed? We do not think of asking the question whether there will be an

annual appropriation for the Department of Agriculture, or for any of the various other improvements or lines of work to which the United States has committed itself. Now, why, in the opinion of the gentleman, is there more uncertainty about an annual river and harbor bill than there is about annual appropriations for other works and improvements to which the United States has committed itself?

Mr. ALEXANDER of New York. If I understand the gentleman's question, my answer is that there should not be any more uncertainty about having an annual river and harbor bill than there is about having an annual naval bill or agricultural bill. [Applause.] Is the importance of the great commerce-bearing streams and harbors of this country less than the building up of a navy? I do not believe it is. I believe there is every reason why the river and harbor bill should be an annual bill.

Mr. SMALL. I agree with the gentleman; but the gentleman expressed a doubt as to whether we would have annual bills.

Mr. ALEXANDER of New York. Oh, no. I said that we could commit no future Congress to such a policy. That is apparent without argument. We can commit this Congress, but we can commit no future Congress. You can not make a law in this Congress that a future Congress can not repeal; but we have done all we could to establish the precedent for an annual bill.

Mr. NEEDHAM. Is there any appropriation in this bill for any project that has not been favorably reported by the Board of Engineers?

Mr. ALEXANDER of New York. No.

Mr. NEEDHAM. Is not it the policy of the committee to require such favorable reports as a basis for an appropriation?

Mr. ALEXANDER of New York. Absolutely. It has been the fixed policy of the committee since 1902.

Mr. NEEDHAM. I ask that question in view of the fact that there has been some criticism in my district because an appropriation for Monterey Bay has not been included in this bill, a project which has not been favorably reported upon; and I understand the gentleman to say that in accordance with the fixed policy of the committee it could not now be included in the bill for that reason.

Mr. ALEXANDER of New York. The gentleman's statement is correct.

Mr. STAFFORD. Considerable emphasis has been laid upon the fact that this bill commits us to the proposition of an improvement of the Mississippi River and its tributaries that will involve an expenditure of over $200,000,000. I think it is a pertinent inquiry that the House would be interested in—to ascertain whether, if subsequent Congresses should not continue the present plan, the money which will be utilized under this and next year's bill would go for naught, or whether it would result in a permanent improvement of these streams, even though subsequent Congresses should not continue the policy.

Mr. ALEXANDER of New York. The gentleman has put two questions, and I will answer them in order. First, we are adopting no new project in this bill except the Missouri River. The project for a permanent improved channel of the Mississippi is more than a quarter of a century old. The project for improving the Ohio River is about as old. We are adopting nothing new in this policy of improving the Mississippi and Ohio rivers.

Second, in the bill of 1907 we called for a report and survey of the Missouri River, and upon a favorable report we have given it an appropriation of $1,000,000.

Mr. STAFFORD. My question is whether, if succeeding Congresses should abandon the policy of making these annual appropriations, the work that is done under this appropriation bill would go for naught, or whether it would result in the permanent improvement of these streams, regardless of whether money will be continuously appropriated in the future?

Mr. ALEXANDER of New York. Every dollar appropriated in this bill is appropriated in accordance with certain approved plans for permanent improved channels, and not a dollar of it will be wasted. The $56,000 a mile, amounting to over two million dollars and a half, from Jefferson to Osage, on the Missouri River, was expended between 1894 and 1902. It has never had a cent of maintenance since, and yet the deterioration in these twelve years does not exceed 2.3 per cent for revetment work and 3.9 for levees or dikes. There will be no waste whatever if these appropriations are carried out, as they must be, in accordance with the approved project.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER of New York. Yes.

Mr. GOULDEN. On page 3 of your report, under the head of "Work recommended and not undertaken," I see an item called for in March 2, 1907, $37,934,000. I think it might be interesting if the gentleman, chairman of the committee, would give a few of the items that entered into that act of March 2, 1907, as it seems to be the largest under that head.

Mr. ALEXANDER of New York. The gentleman from New York will understand that all of these were surveys put into the bill of 1907 and have since been reported upon by the engineers, and they amount, as is stated, to about $45,000,000. I can not recall offhand what these projects are, but they constitute the great bulk of the new projects.

Mr. GOULDEN. The chairman does not remember any leading one?

Mr. ALEXANDER of New York. The Missouri River, Humboldt Bay, East River, and Hell Gate.

Mr. GOULDEN. That is satisfactory.

Mr. PARSONS. Will my colleague yield for a question?

Mr. ALEXANDER of New York. I will yield to the gentleman.

Mr. PARSONS. As I recollect the report of the National Waterways Commission, it said that one of the most important things was that the terminals at harbors and on rivers should not be controlled by the railways in the various improvements contemplated. Has the committee taken into consideration, before commencing the terminals, whether there are suitable privileges?

Mr. ALEXANDER of New York. The committee has taken that matter into consideration. The question arose whether in an appropriation for the Ohio River we should put in a condition that some wharf at every prominent place on the river should be made public, so that all carriers could use it. Colonel Vance, president of the Ohio River improvement, having looked into the matter carefully, reported that it would probably be unnecessary, as that was being done.

Mr. PARSONS. Has the committee any statement of the places at which it is being done, and how large a proportion of wharves are owned by localities and how large a portion owned by individuals?

Mr. ALEXANDER of New York. I do not know of any itemized statement; but in a general way the committee has knowledge.

Mr. PARSONS. I notice in the preliminary report of the National Waterways Commission this statement:

> Improvements of rivers and harbors should not be made unless sufficient assurance is given that proper wharf terminals and necessary adjuncts to navigation shall be furnished by municipal and private enterprises, and charges for their use should be reasonable.

I ask whether, in each case, the committee has such assurance?

Mr. ALEXANDER of New York. In each case the matter has been carefully considered and assurances have been given that that matter is being carefully looked after. We have not, however, regarded it as wise policy to condition every improvement.

Mr. PARSONS. Let me say that I think that condition is most important and should be insisted upon. In New York one of the difficulties with our water front has always been that the railroads gobble up every bit of water-front property that they can get. When a pier is to be leased or any water-front lots are to be leased, some railroad always applies for it.

If in the city of New York the water front was leased to the highest bidder, it would all be leased to the railroads. The policy of the city has been not to lease to the highest bidder, but to distribute the water front as fairly as it could, so that the people in water navigation might have a fairer show than if the leases were left to the highest bidder. I very much fear that if this committee does not get assurances in each case they will find that in a great many cases the railroads will own the property and do away with the great advantages that might come from improvements that the bill contemplates.

Mr. ALEXANDER of New York. I will say that wherever the question has come up and been deemed of importance by the committee the condition has been put in.

Mr. PARSONS. Mr. Chairman, I understood, although I do not find it in the report of the Waterways Commission, that the commission thought that in order to make the waterways of real value something would have to be done to regulate the rates of railroad transportation that were in competition with the waterways, and that unless that is done the railroad competition was likely to be such that it would cut rates for a time, so as to make the waterways useless to those who are transporting freight.

Mr. ALEXANDER of New York. The National Waterways Commission recommended that Congress should pass an act making a minimum rate—the majority did—in order to prevent railroads from ruining river lines.

Mr. PARSONS. Well, unless that is done, does my colleague believe that when this great improvement of the Mississippi is made there will be an amount of commerce on the Mississippi sufficient to warrant the expenditure?

Mr. ALEXANDER of New York. I do, indeed.

Mr. PARSONS. Even if that legislation is not passed?

Mr. ALEXANDER of New York. And I believe——

Mr. PARSONS. Even if the legislation establishing a minimum rate is not passed, my colleague believes that?

Mr. ALEXANDER of New York. Yes. It would be a great rate regulator.

Mr. PARSONS. I want to find what the real reason for the appropriation is. Is it as a rate breaker or is it because the commerce is sure to come even if the legislation providing for a minimum rate is not passed?

Mr. ALEXANDER of New York. Speaking for myself, it is because I believe a great commerce is sure to come.

Mr. PARSONS. What precedent has my colleague for that belief?

Mr. ALEXANDER of New York. None whatever on the Mississippi River, because it never has had a permanent improved channel; and until it does, navigation and commerce can not be carried on to advantage or profit.

Mr. PARSONS. I thought that what the commission found in European waterways was that unless there was some governmental control over the railroad transportation in competition with the waterway transportation, the waterways would not be made use of. Was not that what the commission found?

Mr. ALEXANDER of New York. No; it did not find anything to that extent.

Mr. PAYNE. Mr. Chairman, I would like to ask my colleague a question. I was interested in his statement about the magnificent depth of water from Jefferson City to Gasconade.

Mr. ALEXANDER of New York. Yes; a stretch of about 45 miles.

Mr. PAYNE. With a 14-foot channel?

Mr. ALEXANDER of New York. Yes.

Mr. PAYNE. Do any boats travel on that part of the river?

Mr. ALEXANDER of New York. Yes; it had a fleet of steamers three years ago. A company is now being organized with $1,000,000 of capital for putting another fleet on simply as freight carriers.

Mr. PAYNE. What became of this fleet of three years ago?

Mr. ALEXANDER of New York. One boat was sunk by hitting a snag. After payment of losses the company went out of business. Commerce can not thrive until permanent improved channels invite insurance companies to insure freight.

Mr. PAYNE. Then the insurance companies will not come in and insure the freight on this 14-foot channel?

Mr. ALEXANDER of New York. Not on the Missouri. That is a stretch of only 45 miles. It is 391 miles from Kansas City to the mouth.

Mr. PAYNE. They will not do it on the stretch of 45 miles with a 14-foot channel, and what assurance has the gentleman if he extends that up the river that the insurance companies will come in and insure on 14-foot water?

Mr. ALEXANDER of New York. What the best business men of Kansas City say. If the channel was permanently improved from Kansas City to the mouth of the Missouri, as is that reach from Jefferson City to Gasconade, the insurance companies would insure the freight.

Mr. PAYNE. Of course, these best business men in Kansas City are interested witnesses.

Mr. ALEXANDER of New York. But nevertheless truthful.

Mr. PAYNE. Why, of course; but their evidence may be colored by their desire, however truthful they may be. Very good men, even Members of Congress, are subject to that weakness of human nature. In my earlier and younger days I was here when the Hennepin Canal bill was passed. I want to inquire of the gentleman if he has ever heard of even a rowboat running over that Hennepin Canal?

Mr. ALEXANDER of New York. I will answer that the Hennepin Canal was commenced many years ago, while Mr. Henderson was in Congress from Illinois as the chairman of the Committee on Rivers and Harbors. It has recently been finished. I was told that the day it opened freight on coal per bushel fell from 11 cents to 9 cents, and remains at that amount to this day.

Mr. PAYNE. And none has been carried on the canal.

Mr. ALEXANDER of New York. I do not know how much has been carried, but I know that was the fact.

Mr. PAYNE. I know that a man who resides in that locality has stated that none has been carried——

Mr. ALEXANDER of New York. But it has been reduced 2 cents per bushel on coal.

Mr. PAYNE. But does the gentleman know anything about how much coal that reduced 2 cents a bushel on? Will the gentleman strike a balance, so we may know whether the people of the United States have got as much out of it as the United States Treasury put into it?

Mr. FITZGERALD. What is the difference in the price of a ton of coal at 2 cents a bushel?

Mr. PAYNE. Well, 2 cents a bushel makes——

Mr. FITZGERALD. But what would the difference in the cost of a ton of coal be?

Mr. PAYNE. That would be 56 cents a ton.

Mr. ALEXANDER of New York. Mr. Chairman, if there are no further questions, I will yield to Mr. KÜSTERMANN——

Mr. FOCHT. Mr. Chairman, I would like to ask the gentleman from New York a question. I would like to say to the gentleman, while I am in hearty accord with his views in respect to the improvement of the western waterways, I would like to know what reasons the gentleman and his committee have to assign to the commercial interests of Pennsylvania, and the arraignment to which you have been subjected to for many years, for your failure to properly improve the Delaware River so that men-of-war and the commerce of this and other nations will reach the city of Philadelphia?

Mr. ALEXANDER of New York. As chairman of the subcommittee on surveys in 1909 I was instrumental in having a survey for the Delaware River, giving it a 35-foot depth. Unfortunately, the report has not yet been before the committee. Had it come in in time the Delaware River would have received its deserts.

Mr. FOCHT. Out of these two or three hundred million dollars, why is it the Delaware River, one of the greatest shipping points in the Western Hemisphere, gets less than half a million dollars?

Mr. ALEXANDER of New York. The reason why is your new project has not yet been reported by the engineers, but the $450,000 you get is for widening and deepening of bends, which is a part of the new project when it comes into the 35-foot depth, and the Delaware River, under the circumstances, is faring just as well as it was possible for the committee to do. You have $100,000 a year for maintenance and $450,000 for deepening and widening the bends.

Mr. MOORE of Pennsylvania. I intended to ask the gentleman in regard to that when we reached it in the reading of the bill under the five-minute rule.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15816. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1981. An act to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;"

S. 1105. An act for the relief of the legal representatives of William W. Miller, deceased;

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines; and

S. 5836. An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. ALEXANDER of New York. Now, Mr. Chairman, I will yield to the gentleman from Wisconsin [Mr. KÜSTERMANN].

The CHAIRMAN. The gentleman from Florida is entitled to the floor——

Mr. ALEXANDER of New York. But the time has been taken up so much that I can only yield him fifteen minutes.

Mr. KÜSTERMANN. Mr. Chairman, I will ask right now that I be given thirty minutes, that my time be extended. I am going to give you something of great value. [Laughter.] That is true. I ask that I be given at least twenty minutes.

The CHAIRMAN. The time is in the control of the gentleman from Florida, and the gentleman has twenty-five minutes remaining.

Mr. SPARKMAN. We have only two hours of general debate, and I understand I have twenty-five minutes remaining, and I have two or three gentlemen on this side who desire to speak for a few minutes, and I think probably each could get through in five minutes; perhaps that can be done, and I would like, if it is in order, that the time for general debate be extended.

The CHAIRMAN. It is not in order, as the time for general debate was fixed in the House.

Mr. SPARKMAN. Then, Mr. Chairman, I would like to retain at least ten minutes of time, and the balance to go to the gentleman from Wisconsin, so far as I am concerned.

The CHAIRMAN. The gentleman from Florida yields fifteen minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets;

H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;

H. R. 16329. An act to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision;

H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW;

H. R. 11989. An act to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NW., District of Columbia; and

H. R. 16324. An act to authorize the extension of Park place NW.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. KÜSTERMANN. Mr. Chairman, other engagements prevented me from taking part in the Mississippi trip undertaken by the President and a number of Senators and Congressmen, but I am as deeply interested in river navigation as anyone who went along.

Part of my summer vacation was spent in reading and studying the report of over 1,000 pages prepared by the Board of Engineers, and I must say that of the many government reports on various subjects which I read during the few years I have been in Congress, I found none prepared with greater care and thoroughness.

The trend of this report is not to have the Government rush into great expenses without knowing whether the work to be accomplished and the good to be derived therefrom will justify the outlay of millions—yes, ultimately of billions—of dollars.

There are in the United States 295 navigable rivers, of a total length of 26,400 miles.

To improve all of these rivers and make them an equal depth—well, say, 14 feet—would throw this country into a debt that would never be wiped out.

The enthusiasts, however, tell us that the entire work must eventually be done, but at the present time they, being mostly interested in the Mississippi, are satisfied to have this one great river given a depth throughout of 14 feet, the cost of which, from St. Louis to New Orleans, is figured at $128,600,000, and its annual maintenance $6,500,000.

The Board of Engineers is of the opinion that the ends of commerce will be as well served by a 9-foot channel as by one of greater depth, only to be attained and maintained later at an enormous expense.

Even a depth of 9 feet is much greater than many of the navigable European streams, on which millions and millions of tons of freight are carried every year.

The Rhine, with an average depth of 6 feet, is burdened every year with over 20,000,000 tons of freight. On the Elbe, with an average depth of 4½ feet, last year's trafic was 8,500,000 tons.

The Volga, in Russia, with an average depth of 8 feet, served for the transportation of 14,000,000 tons last year.

The people of France, Russia, Austria, Germany, and other countries are making excellent use of their rivers, while most of them might be called shallow as compared with many of the rivers in the United States.

The average depth of the Mississippi from St. Louis to New Orleans is about 9 feet, and the average depth of its entire 2,500 miles is 6 feet, a much greater average than that of the leading streams in Europe.

Over in Europe *the boats are made to conform to the existing river channels, while here we want to dig channels to conform to the needs of deep draft ships.*

No matter whether you have ships of 6 or 12 feet draft, transshipment from one water carrier to another will be necessary unless you carry out the wild idea of 24-foot channels all through.

It would be less expensive to build a tower high enough to touch the moon than to carry out this gigantic project, as it was, in all earnestness, proposed by one of our former colleagues.

The tendency on European rivers and canals is to seek economy of freight transportation by towed barges rather than by self-propelling boats.

On the Belgian waterways draft barges of from 1,000 to 1,200 tons are mostly in use.

On the Elbe, in Germany, more than 5,000 barges of from 500 to 1,500 tons are found most economical.

On the Rhine the millions of tons of freight every year are mostly carried by barges, in groups of two to five, holding about 3,500 tons each, and being of 460 feet in length and 47 feet in breadth.

These barges, whether of wood or steel, are so built that the cargo hold can be opened wide to the sky, and from or to every part of it swift hoisting machines can lift or drop in their cargo.

The steam towboats which draw these barges are generally of two types—stern and side wheelers.

The stern-wheelers are long, low, steel vessels, having at the stern two low, broad wheels, one at either side, sheltered under a curving deck. The wheels are of steel, mounted with feathering blades, so that they drive without pounding, and are turned at a very high speed by triple-expansion engines of the most modern type.

The side-wheelers also are low and of steel, having amidship feathering wheels broader than the whole width of the hull.

These towboats—stern and side wheelers—are of about 1,400 horsepower and go upstream at a fair speed with 5,000 tons of cargo dragging behind them.

On European rivers no attempt is made to combine passenger and freight traffic, while on the Mississippi the old-style combination boats, with neither the desired carrying capacity for freight nor the necessary comfort for passengers, are still in vogue. Their overtowering upper decks prevent the introduction of freight into the hold, except by rolling or carrying it over the gang plank—a very expensive way of handling freight and causing long delays and discomfort for the passengers.

On the upper Danube freight is carried in barges of 650-ton capacity at six-tenths of a cent per ton-mile, which is considered a low rate on European rivers. That with proper equipment for river navigation we can do as well and better in the United States is evident from the fact that coal is shipped from Pittsburg to New Orleans in barges of 8 feet draft at three hundred and seventy-six one-thousandths of a cent per ton-mile—a little over one-third of a cent per ton-mile. The average ocean freight in ships of 21-foot draft is thirty-five one-hundredths of a cent per ton-mile—just a trifle less than that shipped on barges on the Mississippi.

Now, what enables the coal companies to ship coal on the Ohio and Mississippi rivers at such a low rate? Simply the fact that they have proper terminals and proper machinery to load and unload their coal at a minimum cost.

I doubt whether the cost of transportation would be lessened the least part of a cent if the 14-foot project were carried out and barges of 12-foot draft, instead of 8 feet, be used. Certainly not a sufficient deduction in transportation would result to warrant the great expenditure of a 14-foot channel.

The low rate on coal from Pittsburg to New Orleans because of proper carriers and efficient way of handling shows that not a deeper waterway is needed but that the right kind of barges and tugs are needed, as also suitable havens, docks or quays, warehouses, connections with railroads, and proper equipment for loading and unloading ships, for placing freight in storerooms or transporting it to or from railroads.

All of this equipment, the same as in European cities bordering on navigable rivers, should be owned by the cities, the same charging a sufficient fee per ton for handling, to cover the interest on the investment, and a small surplus every year to pay toward the original cost.

While many years may pass until the debt so contracted is wiped out, the time will come when all the bonds issued for this purpose, and easily marketable, are taken up.

The shippers, shipowners, and the cities of Europe are greatly benefited by these terminals, and while the first cost has been great it is eventually paid back without asking a single taxpayer to contribute.

A late article on this subject, which appeared in one of our magazines, speaks of the many river ports in Germany as follows:

> The haven consists of a dredged basin, surrounded by a dike to protect it against floods, and within the dike and upon a vertical quay wall that extends along one side is a warehouse for the safe storage of freight—a public warehouse. Through a gateway in the dike enters a line of railroad track, which runs along the quay between the water and the freight house, and in front of this are mounted two cranes, a hand-crank hoist and a large steam or electric crane, all of which belong to the public.
>
> When there is a boat to unload the cover of the hold is stripped off and the crane from above catches up in turn each bale or bundle, hoists it to the quay, and swinging, lowers it either into a railway van or upon a tram car, which bears it into the warehouse.
>
> As a contrast to this easy mode of handling freight, the writer refers to the port of Montgomery, on the Alabama River, which is as deep as any river in Germany and flows as gently to the ocean. What little freight was brought to Montgomery was carried by sweating negroes over a gang plank and dumped in the mud at the foot of a 60-foot bank, from which point the boxes were teamed up the steep hill, a costly and inefficient method.
>
> Later on a warehouse was built at the top of the bank with a sliding carriage or elevator, on which ordinary freight was conveyed up into the warehouse.
>
> This was an improvement over the old method, but how much better it would have been to follow the example set by cities in Europe located on navigable rivers. There, instead of the sliding railway, they would have built out from the top of the bank a steel framework, well grounded below, on which one or more electric cranes would have awaited cargo to be swiftly swung into the wagon, warehouse, or freight car.
>
> The most remarkable thing is that these electric hoisting machines seen in every European river port are of American make, manufactured in the United States, and but seldom made use of along our own rivers.

How much time and money is saved by the installation of proper machinery for handling freight to and from the river is best seen in Duisburg on the Rhine, a great shipping point for coal. In the old days coal came in railway cars, was shoveled by hand into carts, wheeled to the quays and tipped into boats. With this method it cost $200 to load a barge with 1,000 tons. They then tried grab buckets, and managed to reduce the cost to $150 for 1,000 tons. To meet the keen competition at other ports, an American hoisting apparatus was next installed, which picks up a coal car and turns it bottom up over the open hatch. With this machine it costs but $25 to load 1,000 tons, a great saving in spite of the large investment. At this one port there are now handled more than 15,000,000 tons a year, more than the entire traffic of the Ohio and Mississippi, if we except the transfer ferries in the St. Louis harbor.

If the city of St. Louis, instead of always begging more water of the Government, would have proper means for handling its present river traffic, it would soon be made the distributing point for millions and millions of tons of freight coming from the West, going to New Orleans and the Gulf and the outer world, and from New Orleans to be sent out all over the West.

Instead of having facilities for ready transfer of freight from and to railroads, the merchandise to be sent out by water is teamed by mules down to the river and is dumped upon the levee, from where it is carried by hand or on trucks aboard the wharf boat or upon the deck of a steamboat. Freight that comes by water must be laboriously dragged up the levee and distributed by wagon.

New Orleans is luckier than St. Louis in owning its own water front, the quays and the railway along them, also some warehouses for ocean freight; but it owns not a single piece of modern transshipping machinery nor any facilities to keep from exposure to the weather the barrels of sugar, the bales of cotton, and other merchandise waiting to be shipped on river boats.

"More water" is the cry of both St. Louis and New Orleans, while already they have too much water for the proper handling of what is shipped in and out.

The St. Louis river traffic in 1890 was 600,000 tons and only 89,000 tons in 1906. No wonder that, with the antiquated facilities for transferring and handling freight, the traffic has dwindled down to almost nothing.

Let all the cities from the Lakes to the Gulf understand that terminal facilities, docks, warehouses, and so forth, form the key to the practical availability of free waterways, and upon the control of these terminals depends the possibility of effective competition.

The communities or municipalities must own public docks and terminals, and the fees should only yield enough to pay the expense of maintenance and a small annual surplus above the interest on the investment.

Excessive dockage charges by private individuals along the Ohio, the most important commercial river in the United States, have frequently caused steamboats not to land at small towns, thus depriving them of the advantage of water competition.

The cities in the United States have so far been very neglectful in providing and owning wharfs and equipments for handling and transferring freight.

They have allowed the best and the most suitable dock properties to get into the hands of private parties and railroad companies, who by excessive charges impede the free use of waterways or stand in the way of water competition.

Chicago owns no public landing place, and all its water fronts, if not controlled by railroad interests, are private property. The lake front in Chicago, opposite the business section, is entirely owned by the Illinois Central Railroad.

The same condition as in Chicago exists in Buffalo, Cleveland, Norfolk, Mobile, Oakland, Pittsburg, St. Louis, Vicksburg, and many other places in the United States bordering on water, thus precluding all water shipments unless sanctioned by the private or corporate owners of the terminals.

At Chesapeake Bay the Pennsylvania Railroad Company absolutely controls the steamboat traffic. In other places powerful steamboat companies own the dock properties, and it is impossible for tramp vessels to obtain landing privileges. Even in New York the number of open piers is entirely inadequate to the demand, and the long-term dock leases make it impossible to increase the number of these piers.

The use of canals has steadily been decreasing.

Up to 1855 the traffic in New York canals was more than twice that of railroads; in 1872 about one-third, and now only 3 per cent of the railroad traffic. The total canal traffic declined from 16,000,000 tons in 1880 to 6,000,000 tons in 1906.

Right here it might be of interest to know that, in all, 4,500 miles of canals have been constructed in the United States, of which 2,444 miles, costing over $80,000,000, have been abandoned, which ought to teach us the lesson that it is unwise to rush into a similar enterprise without fully weighing results and without comprehensive plans.

Several of the remaining canals, instead of being maintained in the interest of all that wish to make use of them, are now entirely under the control of railroads.

It is officially stated that waterway improvements undertaken by a number of States increased the debts of these States from $13,000,000 to $100,000,000. Extravagant hopes led some of these States to undertake works beyond their resources and too expensive to yield expected returns.

This, too, ought to be a lesson to the Representatives of the United States.

Let us not be carried away by enthusiasts, who are perfectly willing to throw our good country into a debt that it could never extricate itself from—who do not consider that even to pay the annual interest on a billion or more dollars would greatly embarrass our country—who have but vague ideas of the benefits to be derived, but who think foremost of the money that will come to their localities when thousands upon thousands of workmen will be sent into the now sparsely settled country along the Mississippi and other rivers.

Along the Mississippi between St. Louis and New Orleans there is only one city of more than 15,000 inhabitants and but six over 5,000. Of manufacturing establishments, there are but few; there are no mineral deposits on its banks, and but few agricultural products raised.

Just think what a boost it would give to the merchants of that territory, and especially to the landowners, if an army of workmen were thrown into their territory, to remain there for years, and to spend the untold millions coming from the United States Treasury.

I fully understand the feelings in this matter of those who will be directly benefited, but I am not ready to give my consent to throwing the United States into an expense greater than the cost of all the wars we ever fought, even adding to it the millions of pensions we part with to our brave soldiers; I am not willing to sanction an expense to which, in course of time, my own State will have to contribute many millions.

I am not prepared to support a measure contemplating a 14-foot channel from the Lakes to the Gulf when our government engineers, upon a most thorough and exhaustive study of the subject, requiring several years of ardent work, tell us in

their final report that the present depth, or a 9-foot depth throughout, with proper revetments, will answer all present and future requirements of commerce.

The Board of Engineers, in their report, conclude by saying:

> The board is of the opinion that the development of the waterways of the Mississippi Valley into a harmonious system will be of great value to the country, but the Ohio Valley has been, and probably will continue to be, the line of greatest commerce; and the probable demands of the commerce, present and prospective, can be adequately met by a channel of 9 feet in depth between Chicago and Cairo, of dimensions similar to those proposed for the Ohio River, a project which requires no violent change in existing methods of improvement and which will not necessitate the diversion from the Great Lakes of a water supply which will injuriously affect the channels through which its immense commerce passes.

I am ready and willing to support a measure having for its purpose the carrying into effect the conclusions of the Board of Engineers, also approved of by Gen. W. L. Marshall, the efficient Chief of Engineers.

However, before an appropriation for even this purpose is made available, the cities along this water route, at least those of 5,000 or more inhabitants, should agree to build and maintain public landing places and an equipment necessary to load and unload the boats, and to make the transfer from water to railroad or vice versa.

What is the use of our beautiful rivers if to make use of them or even to approach them you can only do so by the grace of private parties or railroad corporations, whose interest it is to prevent goods being shipped by water if such means competition with their railroad lines?

No real competition in the rates of rail and water transportation will ever be seen until you make the two interests entirely independent of each other, which can only be done, as is done in European cities, by the public owning the connections between rail and water.

I am thoroughly convinced that there will be no real and honest competition between transportation by rail and water until the connecting link, the key to the situation, is in the hands of the people and not owned by several interests.

This being the case, the United States Government should not hereafter appropriate any moneys for the building and improvement of harbors and waterways until the cities directly interested in such improvements agree to provide and maintain public piers and proper terminal facilities.

To show you that I am ready to live up to my preachings, I will say that, before asking for an appropriation for a certain harbor in my district, I induced the city council to agree to provide for a dock, warehouse, equipment for loading and unloading, good wagon roads to the harbor, and railroad tracks. The appropriation asked for is contingent upon the city carrying out its promise to own and maintain proper terminals.

If this had been done with all appropriations made by the Government for river and harbor improvements, amounting in all to $250,000,000 up to date, we would now have real and live competition in rail and water transportation instead of sham competition, as we have it now.

Let me say that I am not at all troubled over the resolution adopted at the convention held at New Orleans, which reads:

> We hereby pledge ourselves to support no candidate for public office who will not unqualifiedly indorse and maintain our policy—a 14-foot channel through the valley.

Nothing will be accomplished through such threats, and no one influenced by it should ever hold a seat in the United States Congress.

We all know the importance of utilizing our waterways, but when we have it on the best authority that with the proper kind of vessels and up-to-date methods and by spending a reasonable sum for revetments and minor improvements, the rivers can be made strong rivals of our railroads, the demand for deep waterways, costing billions of dollars, should cease.

The policy of issuing bonds, except in cases of great emergency, is wrong in principle. If we adopt the policy of paying for public improvements by issuing bonds, instead of paying for them as we go with the proceeds from taxation, all restraint will be gone. It will mean a perpetual public debt and an interest charge that will consume the larger part of the revenue of the Government.

Do not weaken our national credit, which is of the greatest benefit to us in the time of peace and of war, by creating a debt that we and many future generations can not expect to wipe out.

Let us follow the example set by European countries that are making good use of their rivers, though on an average not as deep as ours. Let us solve the question of river transportation in a practical manner, not by having them dredged to a greater depth than there is any need of, but by providing a uniform depth of 8 to 9 feet and insisting that the cities along the rivers thus improved own and maintain the necessary docks and suitable equipment for loading and transferring freight.

In this connection let me say that I was much pleased to see in our present river and harbor bill an appropriation of $500,000 for carrying out the very practical suggestion made by the Wisconsin commissioner of waterways, Ray S. Reid, viz: To have the Government carry on experiments with types of shallow-draft boats suitable for the natural depth of our rivers. As is stated in the report accompanying the river and harbor bill, a large saving to the country and decreased cost of transportation may be the result of such experiments. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I am in accord with the bill and report of the Committee on Rivers and Harbors, and congratulate the chairman, my colleague from New York, on his able and interesting explanation of this measure. While the various projects in my district did not receive such appropriations as their importance demanded, or as I wished, still, with an annual appropriation as provided in this bill, which I hope will become a law, they will be taken care of and speedily completed.

This will be a wise and businesslike departure from the slipshod, desultory methods of the past twenty-eight years.

The Board of Engineers recommended that $150,000 only could be spent yearly on the improvement of the Harlem River and Ship Canal, thus requiring about eight years to fully complete this great work. To show the magnitude of this stream, it carried last year a tonnage of 43,000,000, valued at over $200,000,000.

The removal of the sand bar at the mouth of Westchester Creek, a tidal stream of nearly 3 miles in length, with a commerce of 400,000 tons, valued at more than $2,000,000, but growing by leaps and bounds, only $10,000 was given in the bill. More is promised next year. At least a beginning can be made.

The Bronx River received $6,485, finishing the work according to present survey, and making a total of $85,985 expended the last ten years. After the survey by the Board of Engineers is made for the further improvement, additional appropriations will be made. The tonnage in 1909 was over 400,000 tons, valued at more than $2,000,000.

In both of these sections, the Bronx, the finest and most desirable borough in the city of New York, is developing rapidly and the population increasing by leaps and bounds. The population in 1900 was 200,525 and now not less than 425,000.

The Eastchester Creek was favored with an appropriation of $35,515, which will enable the engineers to make a good start on deepening the channel to 12 feet at low tide through to Mount Vernon. This will help Williams Bridge, Wakefield, and Eastchester, in the Bronx.

The item of $500,000 for the East River at Hell Gate and to deepen the channel to 26 feet between North and South Brother islands is satisfactory, and perhaps all that can be expended in one year.

My complaint was registered in the committee, and again here, against the failure to appropriate a reasonable sum for the work of deepening and widening the famous Bronx Kills. On account of the limited sum allowed this year my request was denied, but with the understanding that it should be cared for in the bill of next year. I was forced reluctantly to yield, as the amount necessary for a 22-foot channel is $2,500,000. This improvement has been favorably recommended by the board of engineers, first by General Newton more than twenty years ago, and by the New York Association of Waterways and the Atlantic Deeper Waterways Association.

When the Erie Barge Canal, on which the State is expending $108,000,000, is completed in 1913, this channel, less than one mile in length, will be an imperative necessity to enable the commerce of the Hudson and the Lakes to safely reach Long Island Sound and the ports of New England. By improving these kills, now navigable only for row boats, 2 miles will be saved and the dangers to commerce through Hell Gate avoided. It is therefore a most important work and not merely of local interest. With the Harlem River and Ship Canal it is a link in the chain of the inland waterway from Boston to Florida. The sum allowed the waterways of the Bronx—$701,000—while large in the aggregate, should have been $1,000,000 if the interests at stake were properly conserved.

With the adoption of the bill under consideration the beginning of a new and satisfactory era will be started and, I am sure, continued until all deserving and meritorious projects are completed.

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LEE].

Mr. LEE. Mr. Chairman, the claims of the Coosa River to consideration by the Government are strengthened by the fact that there is a greater difference in the principal products of the section through which it runs than can be found in an equal distance anywhere else in the United States.

I think it is absolutely safe to say that there is not an important product of the soil, of the mine, of the quarry, of the forest, of the loom, of the foundry, that the basin of the Mississippi River furnishes that is not duplicated in the basin of the Coosa, the Alabama, and the Mobile—one river under different names. Here in a small area are found the same inducements for exchange that are found in the basin of the Mississippi with its 1,800,000 square miles. Near the mouth of this river sugar and rice and semitropical fruits can be produced as well as in Louisiana. Higher up a cotton belt extends as productive as that of Mississippi or Arkansas. Skirting the Coosa, the name of the upper part of the stream, is a coal and iron region as rich as that of Pennsylvania, as plentifully supplied as Indiana with rock for building or paving material, abounding in clays for pottery as good as can be found in Ohio, with water power unsurpassed.

On the upper reaches of the river is found the grain country producing crops similar to those of the upper Mississippi. I do not refer simply to the natural resources of the Coosa Valley. I refer to resources that are being utilized—the factories, the foundries, the quarries that are already established. A glance at the normal-weather map, showing the average temperature for the year, will give an idea of the diversity of climate and therefore the diversity of products of this valley. The isothermal line entering the country near the Virginia-North Carolina boundary as it passes westward dips to the south, going below Rome, and soon after leaving the Coosa Valley turns northward again, crossing the Mississippi but little below the mouth of the Ohio.

All this shows the immense value of the stream to commerce if its upper and lower navigable portions were connected. The upper river is navigable from Lock 4 to Rome, a distance of 200 miles, and above Rome the same river—preserving the habit of changing its name and known as "Oostanaula" and the "Coosawattee"—is navigable 108 miles farther. The upper navigable reach of the river, then, is 308 miles long, and the lower, extending from Wetumpka to Mobile Bay, is a stretch of navigable water 440 miles long, but the two are separated by 116 miles of unnavigable water between Wetumpka and Lock No. 4. If this 116 miles were made navigable, a continuous stretch of navigable river would be opened up extending from Mobile 864 miles northward, through Alabama and Georgia almost to the Tennessee line.

The cost of connecting the two navigable portions of this waterway will seem large only to one who has a very incorrect idea of its commercial possibilities.

Major Flagler, after a careful survey, estimated the cost of the needed work at $6,000,000. Captain Cavanaugh made an estimate of about $11,000,000 as the cost of securing a channel 6 feet deep extending from Gadsden, which is about 60 miles above the unnavigable portion of the river, to Mobile Bay, of which about $10,000,000 would be the cost of such a channel from Gadsden to Wetumpka through the series of shoals that now obstruct the river. But this cost may be greatly reduced—probably 30 per cent—by the sale of power privileges.

In estimating the cost of any work, however, the cost of maintenance as well as the initial cost should be considered.

In answer to the question whether the channel was one that could be easily maintained when once secured, Major Flagler, in a statement before the Committee on Rivers and Harbors, replied:

> Yes; it is by far the best I have seen on any river in the country in this respect. It is a very permanent river, and below Rome is very free from snags and logs that we generally have in most of the southern rivers.

Ordinarily, when improvements are made on a stream, its navigability is extended a distance only equal to the length of the channel improved. In this case it should be remembered that the opening up of 116 miles would give an outlet to 308 miles already navigable, making a gain of 424 miles. This project then would add 424 miles to the 440 miles and give a navigable stream 864 miles long. The expenditure should not be regarded as made for the 116 miles, but for the entire length.

In 1907 the upper Coosa, from Rome to Lock No. 4, carried a commerce of $3,500,000; by this time it probably amounts to $4,000,000, but it is only local, like the commerce of an inland lake with no navigable connection with the sea. It is a commerce either originating and ending in the towns on the banks of the river or originating at points that have no railroad outlet, and shipped to railroad crossings, where it is carried by rail to the outside markets, paying railroad freight rates; so, except as to the traffic originating and ending in the towns on the banks of this stretch of navigable water, the river has given no advantage in freight rates. By the Mississippi, Memphis is about as far above New Orleans as Rome is above Mobile by the Coosa; but, while the freight on a bale of cotton from Memphis to New Orleans is only $1, it is $2.25 from Rome to Mobile or Savannah, and $3 to New Orleans. A similar difference will be found in rates on all classes of goods going into or out of the two cities.

The opening of the Coosa River to the Gulf would cut in half the freight charges paid by the people of its valley, and the cheaper rates would develop new industries and add vastly to production.

The combined commerce of the Coosa and Alabama rivers is now about $13,000,000 a year. By connecting the navigable waters of the two it is safe to say that it would be doubled inside of three years, and the cost of living and the cost of production in the Coosa Valley would be reduced by fully half the amount now paid out in freight charges, for the railroads would have to meet the river rate.

In the Coosa Valley in Georgia and Alabama are 15 counties, with a population of 380,000 and a wealth that has increased 38 per cent during the last five years. This statement refers to that part of the river known as the "Coosa," and having no navigable outlet to the sea. On the lower part of the stream, known as the "Alabama" and the "Mobile," are 9 counties having a slightly larger combined population. In the counties actually bordering on this river there are more than three-quarters of a million people.

Referring only to the counties bordering on the Coosa, and not to those bordering on the Alabama, the following figures will give a glimpse of the extent and diversity of the industry of the region:

Manufacturing, capital invested		$35,937,000
Manufacturing, value of products		$47,865,000
Iron-ore furnaces, capital invested		$9,354,000
Iron-ore furnaces, value of products		$13,500,000
Cotton mills, capital invested		$13,813,000
Cotton mills, value of products		$20,014,000
Cotton consumed	bales	224,200
Cotton produced	do	178,500
Value of grain crop		$8,625,000
Iron ore mined	tons	1,750,000
Other ore mined	do	50,000
Limestone and lime	do	700,000
Marble quarried	cubic feet	100,000
Coal mined	tons	820,000
Value of mineral products		$5,000,000
Coal consumed	tons	550,000
Coke consumed	do	740,000
Value of timber cut		$1,976,000
Cement made	barrels	1,040,000
Brick (capacity of plant)	tons	200,000
Fertilizer manufactured	do	55,600

The above statistics refer to the year 1908.

An increase of 20 per cent would probably represent the figures for the present year.

It will be observed that the cotton mills in this section, with a capacity of 651,000 spindles, consumed nearly a quarter of a million bales, about 50,000 more than the section produces.

With the opening of the river the lower counties, producing more cotton than the others and manufacturing practically none, could for a time nearly supply the demand. Just now the two combined could far more than supply the demand, but the cotton manufacturing industry is expanding at such a rapid rate that before the river could be opened even by the most expeditious work the cotton mills of the Coosa will be consuming more cotton than is grown on the Coosa and Alabama rivers combined.

The array of industries given above is sufficient to show the traffic that would go down this river. Nothing further need be said of this except as to the extent of the resources that are as yet scarcely touched because of the lack of cheap transportation. The total workable iron ore tributary to the Coosa is estimated at 1,075,000,000 tons. The total workable coal is estimated at 600,000,000 tons. The marble deposits along the river contain almost inexhaustible deposits of white marble, comparable to the Italian, with three times as much blue marble.

This river is not in the class with the smaller streams whose claims are urged on Congress, and should not be so considered. It is by far the longest river that flows into the ocean or Gulf between the mouth of the Mississippi and the mouth of the St. Lawrence. This river already has two navigable stretches, each exceeding the navigable length of any river that flows into the Atlantic in the United States or any, except one, that flows into the Gulf east of the Mississippi; and each of these navigable stretches is about as long as that of the one that they do not surpass flowing into the Gulf.

I quote from the "Memorial of the Coosa River improvement convention:"

In order to give a more correct idea of the magnitude of the river and its possibilities, we quote from the report of Charles Frith, United States assistant engineer, in his report of November 24, 1888, in which he says:

"Velocity observations taken at Lock 4 show a discharge of 3,921 cubic feet, with a velocity of 1.33 feet per second at a stage of 1.8 feet above low water. Similar observations at Wetumpka at low water show a discharge of 5,796 cubic feet, with a velocity of 0.9 foot per second."

In the annual report of the Chief of Engineers for 1879, page 1203, the low-water discharge of the Mississippi River at St. Paul is given at 5,800 cubic feet per second. In the report for 1880, page 482, the low-water discharge of the Hudson River between Troy and Albany is given as about 2,000 cubic feet per second; and in the report for 1881, page 1929, the low-water discharge of the Ohio River at Pittsburg is given as 1,666 cubic feet at zero of the gauge, and as 5,810 cubic feet per second at 9 inches of the gauge.

Comparing these discharges with that of the Coosa at Wetumpka, it appears that the volume of water flowing in the Coosa at low water is about equal to that of the Mississippi at St. Paul; about 2.8 times greater than that in the Hudson at Albany, and about 3.5 times greater than that in the Ohio at Pittsburg.

With the assistance of a canal, the Delaware River is navigable 160 miles; the Connecticut, the Hudson, and the Potomac about 150 miles each; the Kennebec and Penobscot 60 miles each. The total of these is 730 miles, not quite as great a distance of navigation as this one river will afford when its upper and lower reaches are joined.

Take another group: The Rappahannock, the James, the Roanoke, the Neuse, the Cape Fear, and the Pedee are navigable for about 125 miles each; all combined make a navigable distance of 720 miles, which is not equal to the present navigable length of this river counting the upper and lower portions.

The combined navigation of the Savannah, the Santee, and the Altamaha is not as great as that of the Alabama and Coosa, nor is the combined navigation of the St. Johns, Apalachicola, and Chattahoochee. This river belongs in a class with the Ohio, which is only about 200 miles longer. The watershed of the Ohio is much larger and the population along its course vastly greater, but the river does not run through a territory as well adapted as that of the Coosa and Alabama to an interchange of products, for the agricultural products of the country bordering on the Ohio are pretty much the same throughout its entire length, while the agricultural products of the territory of the Coosa are different from those of the Alabama.

The Ohio River furnishes an outlet for a rich coal and iron region, and the Coosa, when its upper and lower navigable reaches are connected, will furnish a shorter outlet for a coal and iron region as rich as that of Pennsylvania, if not richer. The Coosa Valley furnishes a larger variety of products for exchange than is furnished by the Ohio.

Mr. Chairman, in this shorter haul we find a feature in which the United States as a nation is interested, and we can say to you what can be said in reference to few waterway improvements for which Congress is asked to provide; throw away its local backing and consider it from a purely national standpoint; forget about Alabama and Georgia and think only of the United States.

South of us are about 70,000,000 Americans. We want their trade and we get less of it than we should have. The way to get it is to cut the prices of our products delivered at their doors. To win their trade we must sell as cheaply as possible; to sell as cheaply as possible we must cut the cost of transportation as low as possible. We must offer products from which transportation has taken the minimum toll.

Products shipped from the Pennsylvania coal and iron belt must go more than 2,000 miles down the Ohio and Mississippi to reach the Gulf. From the Alabama and Georgia coal and iron fields the Gulf would be only 600 miles distant. With the Coosa River navigable Cuba would only be two-thirds as far from the coal and iron fields of Alabama as New Orleans is from those of Pennsylvania. Veracruz would be 400 miles nearer to the coal and iron fields of Georgia than New Orleans is to those of Pennsylvania. The ports of Guatemala and Honduras would be nearer and the ports of Nicaragua about as near to the Alabama fields as New Orleans is to the Pennsylvania fields, and the Panama Canal would be by water only about 600 miles farther from the Alabama fields than Pittsburg is from New Orleans.

Going eastward along the coast of South America coal could be delivered at the ports of Colombia and Venezuela over a line of water transportation very little longer than that which the products of the Pennsylvania fields would take to get to the borders of the United States, and only about half as long as these products would take to reach those countries.

Water transportation to the Georgia and Alabama coal and iron fields is a matter of national importance. The reduction in freight to the people of this section would be a matter of local concern, but the advantage to its industries is a matter of national concern.

As to what this reduction would be, an idea may be formed from the fact that coal can be delivered in New Orleans from Pittsburg as cheaply as in Birmingham, though Pittsburg is about five times as far from New Orleans by river as Birmingham is by rail. A few years ago Major Flagler, of the engineers, stated before the Rivers and Harbors Committee that with the Coosa River open to navigation it would cost only 22 cents to transport a ton of coal from Gadsden to Mobile, and that the least the railroads had ever charged was $1.50 a ton. There is a flat rate on all classes of goods shipped from Rome to Gadsden over this river of 10 cents per hundred. The rate on first-class shipments to Gadsden and from points of equal distance from Rome by rail is 48 cents, nearly five times as much as by water.

It is safe to say that two-thirds of the transportation charges would be saved on products brought into Georgia or carried out; and thus we see that where the Pennsylvania region might not be able to underbid foreign competitors and sell its products to South America, the Georgia and Alabama region might succeed, thereby extending American commerce and benefiting American industries. The gain will be for the United States of America. It will not be a gain for Georgia at the expense of Pennsylvania, for in furnishing an outlet for Georgia products southward they would come less in competition with the products of Pennsylvania in the natural trade territory of that State.

The growth of the commerce of the United States depends largely on the value of its products at the Gulf ports. Besides coal and iron, the deepening of the Coosa River would make possible the delivery of cotton goods at these ports at a moderate cost. The people of South America buy the class of cotton goods which the South sells, but they buy it almost entirely in Europe. There is no stream in the United States whose improvement would give such a variety of products to commerce as would the improvement of the Coosa River. The United States Government would profit greatly by cheap coal at the Gulf ports. The battle ships use vast quantities of it, and I do not think it an exaggeration to say that the opening of this river would cut one-fourth from the annual coal bill of the navy. This would be a great saving, but it would be as nothing compared with the benefits to be derived from the extension of trade.

The frontiers of commerce are changing. The Panama Canal will make of the Gulf ports outposts for trade with a larger population than now receive our products through the Atlantic ports. The Gulf is the key of the future. The Coosa Valley is the nearest supply depot to the Gulf, and the improvement of this river is a matter of the very highest national importance.

So when we, who represent the people of this valley, speak for their interests we wish you to consider their rights the same as you would consider the rights of American citizens in any other section, but we wish you to remember also that in speaking for the Coosa Valley we are speaking for the United States of America.

Mr. Chairman, coming to a consideration of the probable results of the completion of this project to my own district, I may say that while the navigable part of these streams touches only a part of its territory, it will, in my judgment, have a wonderful vitalizing influence upon every part of it. Five different railroads traversing the district, and representing all the great systems in the State, touch these navigable waters at several points within two hours' ride of any part of my district.

No area of like extent that lies within the influence of these waters is so rich in the variety and abundance of its natural resources and potential wealth. Its agricultural possibilities are just now beginning to be properly realized and appreciated. The wonderful advances that have been made in profitable farming by those who adopt improved methods of culture, fertilization, and seed selection are but the harbingers of a forward movement in all lines of agriculture that will in a few years double the present production of our acreage.

The mineral resources of the district have barely been touched. The profitable mining of heavy ores is so largely dependent upon the cost of the transportation that the cheapening of freights to water rates can not fail to give a healthful impulse to all our mining industries and raise the value of our mineral lands.

Material for the manufacture of lime and cement is in such abundant and easy reach that these industries are already prospering, and will be multiplied many times when the reduced freights are added to their present profits.

The power developed by the dams for locks and storage reservoirs in contemplation, though only a by-product, as it were, in this river improvement, is likely to become one of the greatest wealth producers of the South. Three hundred thousand horsepower, it is estimated by competent engineers, can be developed along the channel of the Coosa alone, and can be profitably used within a radius of 50 miles from the generating point by turning into electricity.

The Etowah, the Oostanaula, the Coosawattee, and the Chattooga rivers present opportunities for the development of power at low cost. Cheap and reliable power has a magical effect in bringing into prosperous existence many industries that are now unknown in our section, and their owners and operatives

will create a steady and profitable home market for all the products of the soil.

These diversified industries will stimulate the ambition and enterprise of our young men who go forth from our schools and colleges and turn them from the overcrowded professions and clerkships into more attractive and profitable pursuits.

The possible and even probable good that may come to all our people as the result, directly or indirectly, of the completion of this great work are but dimly perceived and lightly considered, even by the few whose interest has been aroused.

The great mass of the people have yet to be awakened to the splendid future that is the promise of this work when finished.

The few who have labored, who have borne and must continue to bear the heat and burden of the struggle for the consummation of these great designs must be content with an approving conscience for their reward. Pioneers in such work are rarely understood or approved by their contemporaries. Active opposition or a scarcely less deadly indifference are usually meted out to those who would change the existing order of things. But this should not and will not discourage or dishearten the clear-headed, brave-hearted men who are enlisted in the cause. The aid that I have been or may be able to contribute to its successful achievement I regard as a public service faithfully discharged.

Whether the present meed be praise or blame, I am firmly persuaded that the far-reaching results of the completion of this work will more than justify the most sanguine expectations of those who are now active in supporting and promoting it, and will ultimately win the grateful approval of the millions who reap its rewards without participating in its accomplishment.

If I had done or should do nothing else during my service here but give useful and necessary assistance in pressing this great enterprise to a successful completion, I should feel that I had justified the favorable opinion of those who send me here. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Chairman, I desire to submit some remarks on the pending bill and the general subject of waterway improvement, with particular reference to the importance and necessity of making the Cumberland River, which flows for the greater portion of its length in the State from which I have the honor to come, navigable during all seasons of the year. I believe the country is to be congratulated on the fact that the distinguished chairman and members of the Committee on Rivers and Harbors have presented a bill which contemplates the certain and definite completion of all the plans which have been heretofore projected for the improvement of our waterways in as speedy a manner as possible; and which will, at no distant date, lead ultimately to the improvement of all of our rivers where the business interests of the country justify the expenditure. The past method of making appropriations at varying intervals with amounts which were not determined by the merit of the work being done, but which shifted frequently as the one project or the other was more or less favored by locality and the influence of those behind it, and with no definite or fixed purpose as to when the project could and would be completed, resulting frequently in the stopping of important and necessary work because of the lack of funds, has brought about a general dissatisfaction on the part of the people of the country. It has caused a universal demand for a change of the system and plan of making appropriations for this great work of government, so that future appropriations and future projects will be undertaken and carried on, influenced not by the "pork-barrel" idea, but by an intelligent and businesslike conception of the needs of the country.

And I repeat that it is a source of congratulation that the distinguished and able members of the Rivers and Harbors Committee have presented a bill which will meet this demand on the part of the general public. I was glad to hear the distinguished gentleman from New York [Mr. ALEXANDER], the chairman of the Rivers and Harbors Committee, in his very clear and able explanation of the scope and purposes of the pending bill, state that it is framed with the idea that hereafter there will be enacted an annual bill making appropriations for our rivers and harbors, so that Congress may act intelligently and with accurate knowledge each year as to what work has been done during the year that has passed and as to exactly how much money will be needed to carry on the work economically and effectively for the ensuing year. And I have no doubt, Mr. Chairman, but what the recommendations of the Committee on Rivers and Harbors in this respect will be approved not only by Congress, but by the country at large.

The question of transportation is to-day attracting universal attention. Probably no other problem which confronts our national and state governments has aroused such tremendous interest and created such a general demand for legislation which will cheapen the cost of transportation and increase the facility with which the products of our farms and the creations of our factories and our workshops may be transported to the best markets.

IMPORTANCE OF GOOD ROADS.

There has been a tremendous revival of public interest in the improvement of highways in nearly every State in the Union. This interest has been manifested by the holding of good-roads conventions in more than 28 States of the Union. The interest manifested and the discussions had at these conventions will doubtless bring about the enactment of better laws for the improvement of the highways in the various States.

The farmer, as does the merchant and manufacturer, recognizes that the cost of transportation is one of the elements which vitally affects the prosperity of the individual as well as of the Nation as a whole. He recognizes, too, that something must be radically wrong with our system, if the figures and estimates furnished by the experts of the Department of Agriculture as to the cost of transportation over our highways is correct. If the figures submitted by these experts be true, it costs, on the average, 25 cents to transport a ton of freight by horse and wagon over the average road of the United States, whereas in England, where the roads are better, it is said to cost only about 5 cents per ton-mile. What we consider the enormous productions of our farms, some idea may be formed of the fabulous amounts wrung each year from the pockets of the farmers of the country on account of this excessive cost of hauling the products of their labor to market. And, in my judgment, it is time Congress was giving some attention and consideration to this question, affecting, as it does, not only the farmers, who are the bone and sinew of the country, but also the consumers of their products. Thus it is that every man, woman, and child is interested in good roads, and, in my opinion, there is no more fruitful field for the labors of national as well as state legislators, if the interests of the people are to be considered. But it is not my purpose, Mr. Chairman, to discuss at this time the subject of highway improvement. I have not the time to do so now. I shall probably at some future day ask the indulgence of the House for the purpose of presenting some remarks on the subject of highway improvement, for I have some decided views as to the duty of the national as well as the state governments toward that most important subject.

CHEAP TRANSPORTATION ESSENTIAL TO COMMERCIAL GREATNESS OF NATION.

No nation which is not commercially great can truly be called great. The arm of a government may be strengthened by powerful armies and a great navy, but the true greatness of its people will be measured, in the judgment of future historians, not by their ability to mobolize troops and man the seas but by their commercial development and supremacy. The chief glory of our Government in the past, its power in the present, and its superiority in the future must depend on the farmer who toils in the fields and the workman who labors in our factories and our workshops, rather than upon the soldier of the army or the battle ships of the navy. The chief aim, the highest purpose of our Government, therefore, should be to multiply the opportunities and increase the advantages of the individual citizen engaged in commercial and industrial pursuits.

No problem of government appeals more forcibly to the producer and consumer alike than the question of transportation. It matters not how fertile our soils may be or how great their productivity, if there is not provided a certain and cheap method of transportation whereby our harvests may be carried to market, then the farmer must either lose a large part of the value of his labor on account of the increased cost and difficulty of transportation or the consumer must bear the burden, and in most cases both must suffer. The products of our factories in this great age of inventive genius and skilled labor may be varied and enormous, but if they are not provided with all the facilities of cheap transportation to the markets of the world, then the increased cost must be borne either by the labor which produces them or by the ultimate consumer. In fact, the cost of transportation is nothing more nor less than a tax, which must be paid either by the producer or by the consumer or by both. It is, therefore, to the interest of both

producer and consumer that the cost of transportation be kept as low as possible. The prosperity of every individual citizen demands it, for every man, woman, and child belongs either to the class of producer or consumer.

How, then, is this to be done? Unquestionably, in part, by the improvement of our navigable rivers. It can not be denied that transportation by water is the cheapest of all forms of transportation. If proof were necessary to establish this fact, it could be found in the fact that towns and cities situated on navigable rivers are given lower and better freight rates than those that are not so situated. It is a fact, however, clear and uncontroverted, that there is not a civilized country on the face of the globe which is not bending its energies and contributing largely from its treasury toward building canals and improving its navigable waterways.

The foremost countries of Europe long ago recognized the vast benefits to be derived from cheap methods of transportation by agricultural, industrial, and commercial interests.

The United States National Waterways Commission, in their able and interesting preliminary report, presented to Congress on January 24, 1910, states that waterways in Europe have attained a very high state of development and that—

The general policy of almost all European countries has been toward the development and improvement of their waterways.

Germany has 1,320 miles of canals and 15,760 miles of navigable rivers. I have read the statement that in 1907 her foreign commerce was greater by nearly $400,000,000 than that of the United States. And yet that country has an area of only about one-fifteenth that of the United States, one-third less in population, and not one-half of our accumulated wealth. In addition to this, her climate and her natural resources are vastly inferior to ours. The explanation of this radical difference in commercial achievements and of the enviable position which that country occupies in the world's activities must be found in the fact that she has perfected a great national waterways system and possesses every facility for the cheap transportation of her commerce by land, rail, and water. France, no larger than our great State of Texas, in addition to her natural waterways, has 3,000 miles of canals built at a cost of $750,000,000; and, I might add, that country has spent in addition to this sum, since the year 1814, $600,000,000 on her public highways.

England, Holland, Russia, China, and, in fact, nearly every country on the globe has many miles of canals, built, many of them, centuries ago, a striking evidence of the wise statesmanship of those vested with the power of government in those days. The sum total of the world's canals, including, of course, our own, reaches about 26,000 miles, and cost a sum in excess of $2,000,000,000. Mr. Chairman, our forefathers were not insensible to the importance and value of waterway transportation, for, while the United States is younger in years than any of the countries named, the reported mileage of the canals which have been constructed in the United States is 4,479 miles. There are 2,189.04 miles of canals in actual operation to-day in the United States. There is no country quite so susceptible of the highest form of waterway improvement, thereby securing the fullest advantages of waterway transportation, as is the great country in which we live. Our rivers are not only greater in number, but also greater in size than those of any other country, with the possible exception of South America. They have a mileage of 47,355. They penetrate sections which are unsurpassed for fertility of soil and abundance and richness of natural resources. If properly improved, these rivers are capable of floating upon their broad bosoms cargoes of produce and the finished products and articles of commerce sufficient to satisfy the needs of the people of the whole world.

It is not surprising, Mr. Chairman, that upon the advent of the railroad the people practically ceased to show any interest in waterway improvement. And I want to say just here that the railroads of the country have played a most important and indispensable part in the development of our resources. They are the arteries through which our commerce flows and are essential to its life and future growth. In some ways they possess advantages over waterway transportation. They can transport commerce much more quickly; they climb mountains, cross valleys, and penetrate sections which are not favored with waterways. The time was when it was thought that waterway improvement was contrary to the interests of the railroads.

But if that was ever the case, it is not true now, for, as some one has said, the railroad Sauls are now among our greatest waterway prophets. The true relations of the two methods of transportation, it seems to me, are best expressed in a report made by a French legislative committee in these words: "It is conceded that waterways and railways are destined not to supplant but to supplement each other. Between the two there is a natural division of traffic. To the railroad goes the least burdensome traffic, which demands regularity and quick transit; to the waterways gravitate the heavy freights of small value, which can only be transported where freights are low. Waterways by increasing traffic are rather the auxiliaries than the competitors of railroads. In procuring for manufacturers cheap transportation for coal and raw material, they create freights whose subsequent transportation gives profits to the railroads." Then too, experience has shown that the railroads of the country can not handle our immense volume of traffic at all times with dispatch. We have only to recall the great congestion of traffic in 1906 and 1907, due to the shortage of cars and the inability of the railroads to move our freight promptly, resulting in great loss to the farmers in the South and West, to substantiate this statement. It should be said in all fairness that this failure on the part of the railroads is not due to any fault on the part of the railroad systems. It was but the natural result of the remarkable progress of our country in the development of its resources. For twenty-five years the products of our farms and the output of our factories have been increasing by leaps and bounds, due not alone to the growth of our population, but rather to the wonderful natural wealth and resources with which God in His wisdom has endowed the great country in which we are so fortunate as to live. So rapid has been this increase of traffic that James J. Hill, president of the Great Northern Railway, and one of the greatest railway authorities of the age, has declared that it would require $8,000,000,000 to put the railways of the country in condition to handle the traffic of the country, and even if it were possible to secure the money, materials, and men necessary to make the required improvements, conditions would be as bad in the end as they are now, on account of the continued increase of traffic while the improvements were being made. If this be true, then there can be but one solution of the difficulty, and that is the construction of a national waterway system which will serve as a supplement to our railroad systems.

By this course we will have provided ample and adequate transportation facilities for the commerce of the country, no matter to what extent it may grow, and will have established a most effective method for the regulation of freight rates, insuring cheap transportation of our commodities, thus proving a direct benefit, both to the producer and the consumer, as I have already pointed out. And now, Mr. Chairman, having discussed, in a brief and general way, the importance of the improvement of our waterways, I desire to present some facts showing the necessity of a more systematic and rapid improvement of the Cumberland River, which flows through the district I have the honor to represent. These facts have been presented to the Committee on Rivers and Harbors, and have resulted in the recommendation for its improvement contained in the pending bill, which I trust and believe will be approved by the House. I may be permitted to say here that the people who live on the Cumberland River are intensely interested in securing a substantial and adequate appropriation which will give some assurance of a speedy completion of the improvements commenced many years ago. To this end a delegation of prominent citizens, composed of Mr. E. W. Foster, president of the Board of Trade of Nashville, and Hons. M. T. Bryan and C. C. Slaughter, of Nashville, Tenn., the largest city on the river, and Mr. John J. Conroy and Hon. Austin Peay, of Clarksville, the second largest city on the river, appeared before the committee some weeks ago for the purpose of presenting the river's claims. The presence of these representative citizens is an evidence of the fact that the large business and manufacturing interests of the entire Cumberland River basin are thoroughly aroused to the importance and necessity of a speedy completion of the system of improvements which were inaugurated by Congress more than twenty-four years ago.

THE CUMBERLAND RIVER.

The Cumberland River, Mr. Chairman, rises on the western slope of the Cumberland Mountains, flowing thence a distance of 688 miles through eastern Kentucky, middle Tennessee, and western Kentucky, discharging into the Ohio River at Smithland, Ky. The head of navigation is at Burnside, Ky., which is 325 miles from Nashville, Tenn., and 518 miles from the mouth of the river; 315 miles of the navigable waters of the river are in the State of Tennessee and 203 miles in the State of Kentucky. It appears that the part of the river above Nashville has been designated as the "upper Cumberland" and the part below Nashville has been designated as the "lower Cumberland" since 1832 under the various government appropriations made for the improvement of the river since that time. I am indebted to the reports of the various district engineers who at various times have had charge of this river, and par-

ticularly to the very able and comprehensive report filed July 21, 1909, by the present district engineer, Maj. W. W. Harts, who has a most intimate expert and scientific knowledge of the needs and conditions of the river, for the following facts and history of the appropriations made for this river by Congress at various times since 1832. It appears that legislatures of the States of Tennessee and Kentucky made several appropriations for the river between the years 1830 and 1840, but little, if any, benefit to the river resulted therefrom. The Cumberland Navigation Company was incorporated in 1846 under the laws of Tennessee for the purpose of improving the "navigation of the Cumberland River below the town of Nashville, by means of a system of locks and dams," but this movement fell through. Between the years 1832 and 1838 Congress appropriated at various times sums aggregating $155,000, which were used in improving the worst localities of the river. Congress made no further appropriations for the river until 1871.

Between the years 1871 and 1890, $305,000 was appropriated for the benefit of the lower Cumberland River. The first specific appropriation for the upper Cumberland River was made in 1876, but it was not until the act of 1886 that the present project for the canalization of the upper Cumberland was adopted, based on a survey and examination made by authority of Congress during the years 1882 and 1883. This project contemplates the construction of 22 locks and dams on the upper Cumberland River below Burnside, Ky., and 6 locks and dams above Burnside, so as to afford a channel depth of 6 feet, costing, according to estimate, $8,500,000. Under this project and including the previous appropriations the sum of $2,779,000 has been appropriated and expended on the upper Cumberland for the construction of locks and dams, with necessary cost of maintenance. Locks and Dams Nos. 1 to 7 have been completed, providing a permanent channel from Nashville to Carthage, a distance of 116 miles. Lock No. 21, the only other lock and dam undertaken up to this time under this project, is nearing completion, and will require an additional appropriation of $85,000 to complete it, according to the report and recommendations of Major Harts, the district engineer.

The present project for the improvement of the river below Nashville, or the lower Cumberland, was adopted in 1892 by the river and harbor act passed July 13 of that year. This plan or project originally called for seven locks and dams, commencing at Harpeth Shoals, below Ashland City, Tenn., but under the survey made under the river and harbor act of March 2, 1907, one of these locks has been eliminated. It is estimated that these six locks will give 6-foot navigation from Nashville to the Ohio River. Only one lock and dam on the lower Cumberland has been completed. This is Lock A, at Harpeth Shoals, below Ashland City and 41.4 miles below Nashville.

This lock was commenced as far back as 1892, and for some reason its final completion dragged along over twelve years, or until 1904, when it was finally completed, affording a 6-foot channel all the year around between that point and Nashville. Under this project the sum of $440,745.61 has been appropriated and expended in the construction of Lock A and for maintenance, and it is estimated that it will require the sum of $3,066,122.40 to construct the other five locks. In addition to this, $98,760 will be required for dredging that portion of the river between its mouth and the lower lock. No appropriation for new locks and dams has been made for the lower Cumberland River since the year 1892. This is true, notwithstanding the fact that in a report dated February 26, 1906, the Board of Engineers approved the recommendations of the district engineer that the regulation of the river and the construction of the remaining locks and dams below Nashville were worthy of being undertaken by the National Government. In fact, if my memory serves me aright, Mr. Chairman, every district engineer in charge of the Cumberland River since 1892 has recommended that these locks and dams should be completed. But notwithstanding these recommendations, Congress up to the present time has refused to make the necessary appropriations to begin the work. I am highly gratified that the Rivers and Harbors Committee has recommended in the pending bill the sum of $663,000 to commence Locks B and C and to make all the necessary surveys and purchase sites for Locks D, E, and F, $213,000 of which is to be available at once in cash and the balance in continuing contracts. In the interest of the people I have the honor to represent I trust that this recommendation will be approved by Congress and that this long-delayed but most meritorious undertaking will be commenced and pressed to a speedy conclusion.

Mr. Chairman, I earnestly advocate the improvement of both the upper and lower Cumberland. I do so in the interest of the commerce involved. The great and undeveloped coal fields of the upper Cumberland, its abundant natural resources in timber and minerals, its thriving towns scattered along its banks with their great possibilities in manufacturing and commerce, together with the agricultural interests of the upper and lower basin, render it most important that Congress give speedy and favorable consideration to the plans proposed for giving suitable navigation all the year round on both sections of the river. The total traffic tonnage of commerce on the upper Cumberland for the year 1908 is estimated at 246,260 tons, consisting largely of timber, lumber, farm products, live stock, and merchandise, and valued at $8,745,289. The number of passengers carried was 8,635. This is true, notwithstanding the fact that it is navigable for only four to six months of the year for boats drawing not more than 3 feet. No one familiar with the situation will gainsay the statement that the commerce will be greatly increased if the river is made navigable the year round.

SOME REASONS FOR IMPROVEMENT OF LOWER CUMBERLAND RIVER.

But, Mr. Chairman, I desire to speak particularly in behalf of the lower Cumberland, which, for no good reason, has been so long neglected by Congress. The commerce on the lower Cumberland for the year 1908 was estimated at 259,734 tons, consisting mainly of timber, lumber, farm products, live stock, and general merchandise. This is true, notwithstanding the fact that the river below Nashville is navigable for all boats about six months in the year and for boats drawing not more than 3 feet from six to eight months. There are several months each year during low water when navigation is practically closed.

The importance of improving the lower Cumberland River is indorsed by the division engineer, Board of Engineers, and the Chief of Engineers. The latter says:

> In these reports the district officer recommends the further improvement of the Cumberland River below Nashville by the construction of the necessary locks and dams. This recommendation was concurred in by the division engineer, Board of Engineers for Rivers and Harbors, and the Chief of Engineers. Attention is invited to the recommendation of the district officer in the appendix to this report that the necessary funds for the commencement of the work be appropriated at the earliest date practicable. This recommendation is concurred in.

This recommendation is the deliberate judgment of an able, experienced, and disinterested officer of the Government, who has given a careful study to all the growing demands of commerce on the river, and his conclusions should have the careful and favorable consideration of Congress.

Just a word, Mr. Chairman, as to the resources of the section of country through which this river flows. It has been endowed with nature's most lavish gifts. In agricultural resources and possibilities it is not excelled by the celebrated Valley of the Nile. Cattle upon a thousand hills feed upon vegetation no less luxuriant than the vine-clad hills of Italy. Its agricultural products are as varied as the soils upon which they are produced. Its soils will produce every grain, vegetable, and fruit produced in the Temperate Zone, except the citrus fruits and pineapples. No less than 67 field crops, 54 garden vegetables, and 10 varieties of berries and 12 of fruit are grown in the Cumberland River Valley. The Cumberland River basin and its drainage system embraces 55 counties—24 in Kentucky and 31 in Tennessee. The population in 1900 was 953,558. Its assessed valuation in 1909 was, in round numbers, $240,000,000.

The Twelfth Census shows that there were 110,406 farms in the Cumberland basin, with a total acreage of 10,541,747. The value of farm implements, not including the buildings, was $94,111,420; value of live stock, $29,091,988; value of products not fed to live stock, $39,441,538; value of products and live stock, $63,533,496; value of labor employed in agriculture, $2,558,715. The value of poultry and eggs produced in this basin for the year 1909 was $9,327,793. Enough has been said, Mr. Chairman, to justify the statement that this valley is not exceeded by any other region in its capacity for growing all those products which support mankind. Nor would it fall short of being one of the most attractive and profitable sections of the whole country if proper transportation facilities, which would be secured by slack-water navigation, are given to it. Lying along and near the Cumberland River are great deposits of coal and iron ore, much of it inaccessible to railroads and as yet undeveloped, but which, under the magic of creap and certain transportation facilities, will come forth to increase the Nation's wealth. The Appalachian coal fields on the upper Cumberland River embrace an aggregate of 13,183 square miles, and there are 3,888 square miles in the central coal fields in the basin of the lower Cumberland. The total output of coal mined in the year 1903 in these two coal areas was 5,526,138 tons, valued at $6,095,862. I do not believe there is another stream in the United States which gives access to two distinct coal areas. Why, Mr. Chairman, there is a body of coal in Overton and Fentress counties, in Tennessee, bordering the upper Cumberland River, which has not been touched and which has been

seeking an outlet for years by river or by rail, or by both combined. It has been fairly well explored and drilled, so that its existence, extent, and character are known. It underlies a surface of about 90 miles in area and averages 4 feet in thickness. All this foots up a staggering quantity of 300,000,000 tons.

Now, I call your attention to the great benefits which will accrue to the industries of the whole country, particularly in the South and Southwest, if this vast storehouse of fuel is made accessible by an all-the-year navigation of the Cumberland River. The iron ores of the Cumberland River basin are of excellent quality and abundant in several of the counties lying contiguous to the river. The greatest deposits are below Nashville. Forty or fifty years ago there were 30 furnaces in operation, whereas now there are only about one-fourth of that number, with an aggregate output of 650 tons daily. The Cumberland River flows through the center of the county of Stewart in Tennessee. Possessing a strong, fertile soil and rich in iron-ore deposits, it was, prior to the civil war, one of the wealthiest counties in the State. Numerous furnaces were scattered over the county. Now it has only one, and that has a daily capacity of 25 tons of extra strong, tough iron, made from low phosphorous ores. This reduction is due to the fact that the county is not favored with railroad transportation, and other iron-ore localities, favored with railroad transportation, have forced her furnaces to shut down. Mr. Chairman, if this river is improved and slack-water navigation is secured all the year round, I predict that in a few short years, this county, rich in natural wealth, as well in historic interest, and peopled by an enterprising, industrious, and intelligent citizenship, will relight the fires of her furnaces and again resume the proud position she occupied in the commercial and industrial world before the war. I mention this as a striking illustration of what the improvement of this river will do for this one industry alone. The farmers of this county, on account of the want of railroad transportation and the uncertainty of transportation by river, except in certain seasons of the year, are compelled to haul their tobacco and other products of their farms 20 to 30 miles to market.

If the river is made navigable throughout the year, boats will be larger and greater in number, and the farmer will thus be enabled to ship his products easily and cheaply. This can have but one result, and that is larger crops, greater traffic on the river, increased wealth to the citizens of the county, and a corresponding benefit to the consumers of their products. And what is true as to the benefits to be derived by this county from river improvement is true as to all of the other counties on the lower Cumberland River. It is true that the others have the benefit of railway transportation, but the advantages which will be gained by them will consist in increased transportation facilities and lower freight rates. I shall not consume the time of the committee in speaking of the live-stock advantages of this section, nor shall I do more than mention the timber growing in the vicinity of this river, which I have heard has been estimated at $150,000,000, if made available by transportation facilities. About 150,000,000 feet of lumber are handled every year in Nashville, which is situated at the head of the lower Cumberland River, and is the largest city on the river. The value of timber and timber products, not including manufactures of wood, handled in Nashville is not far from $5,000,000 a year, and a large part of this lumber is drawn from the Cumberland basin, brought in by river and rail. Nashville manufactures and ships furniture to 20 different States and to Cuba; its jobbing, manufacturing, and retail trade amounts to about $225,000,000 annually. Through traffic at the Nashville terminals during the last year amounted to $471,000,000, while the Cumberland River traffic in and out of Nashville was about $18,094,600. It has more than 600 manufacturing concerns, with an aggregate capital of more than $25,000,000 and an annual output of over $30,000,000. No city south of the Ohio River equals it as a manufacturer of stoves, the annual output being 145,000 stoves and 115,000 pounds of hollow ware, which are shipped to every Southern State and as far west as California.

The hay, grain, and flour business of Nashville amounts to $30,000,000 annually. It is the natural outlet via the Cumberland River for grain raised in Indiana and Illinois along the Wabash and the Ohio. This grain is brought to Nashville, milled and distributed to all of the Southern and Southwestern States, to Europe and South America. What I have said, Mr. Chairman, is sufficient to indicate the immense volume of business done in this prosperous, enterprising, and growing city, without referring to the numerous other industries carried on within its limits. And I should say here that I am indebted for many of the facts concerning the resources of this entire valley to a very admirable and exhaustive report prepared by the board of trade for the use of the Rivers and Harbors Committee. Farther down the river is the growing town of Ashland City, which has several factories and is rapidly becoming a very important shipping point, both by rail and river. Clarksville, Tenn., is situated farther down on the river. It is in the center of the region which produces the dark tobacco for export, and has long enjoyed the distinction of being one of the largest tobacco markets in the United States. It is the second largest city on the river, and does a considerable business in manufacturing and also in wholesale and retail merchandise.

I have cited these facts at length for the purpose of giving the House some knowledge of the great volume of business now being done in the section of the country through which the Cumberland River flows, and some idea of the immense possibilities in agriculture and commerce, and of the necessity, therefore, of quickly completing the improvements on this river, so as to give transportation by water as well as by rail. There can be no question, Mr. Chairman, that the amount of commerce justifies the appropriation recommended by the district engineer, and that such action will immeasurably increase the traffic on the river.

Mr. John J. Conroy, a prominent merchant of Clarksville, Tenn., and president of the Cumberland River Improvement Association of Kentucky and Tennessee, says on this subject, under date of January 3, 1910:

> The territory served below Nashville is one which is capable of producing a great variety of commodities for transportation.
>
> In this territory is situated Clarksville, the second largest city on the river, and is the center of a district which produces tobacco largely for foreign consumption. All of the tobacco, as well as other farm products, has to be delivered to railroad points for transportation to foreign markets, and without a certainty of navigation, the raising of all agricultural products is very much hampered.
>
> Clarksville is a jobbing point of considerable importance, and the merchandise distributed out of Clarksville is of constantly increasing volume.
>
> The manufacturing of tobacco products is being more largely centralized at Clarksville, and all the other indications point to a general expansion of business interests, which will receive quite an impetus from improvement in transportation facilities.
>
> There is an abundant supply of timber, which has no other outlet to the market than the river. The territory served by that portion of the river between Cumberland City, Tenn., and Eddyville, Ky., has no other outlet than the river, and so long as the service is uncertain, the country can not be developed. The result of continuous navigation for this particular locality can not be overestimated, for it has such large area and has such wonderful productiveness that it is bound to respond to improved facilities for transportation of its products, such as the building of locks and dams to the mouth of the river would afford. It is the well-defined policy of the Government to make appropriations for rivers which will bring returns for the expenditures in the way of an increased yield from the resources of the country favored, and there is no section which will show a greater increment from money spent than the great Cumberland River Valley. I would say that with this work completed there would be a decided increase in the production of various commodities to which now only indifferent attention is being given.

Mr. Chairman, in a preceding part of this argument, I have referred to our waterways as regulators of freight rates. The improvement of the Cumberland River, incomplete as it is, furnishes a striking evidence of the truth of this assertion. The river is paralleled by the Tennessee Central Railroad from Clarksville to Nashville, a distance of 65 miles, and thence to Carthage, a distance of 116 miles. Major Harts, the district engineer, in his latest report, says:

> It is reported that the Tennessee Central Railroad, which parallels the Cumberland River from Nashville to Clarksville, had rates in force before the completion of Lock and Dam A of from 18 to 26 cents per 100 pounds, and since this lock was put in operation these rates have been reduced above the lock to from 6 to 12 cents per 100 pounds.
>
> The quantity of grain handled by the local steamboats has increased considerably since the completion of Lock A, and a new line of steamboats, the Tyner Line, has been operating during the boating season.
>
> It appears from reliable information that the cost of transporting grain by river to Nashville is about 8 cents per 100 pounds from points below Evansville on the Ohio River, while it is 15 cents per 100 pounds by way of river to Henderson or Uniontown, Ky., and thence by rail to Nashville, or a saving of about 7 cents per 100 pounds by all-river transportation. Within the past year freight rates by rail have advanced 12½ to 20 per cent on every class of merchandise going south out of Nashville, while into Nashville it appears that the tariff has not been advanced. There is little doubt that the competition offered by the Cumberland River even in its present condition, is the cause of the favorable rates into Nashville.

I call attention to the following extracts from a letter written recently by Mr. Isaac T. Rhea, a prominent citizen and grain merchant of Nashville and the president of the St. Louis and Tennessee River Packet Company. Mr. Rhea says:

> The one lock that has already been constructed in the lower Cumberland (Lock A) has been a great benefit to the commerce of the river, and it has increased the movement of grain particularly to a large extent. I have brought a number of heavy cargoes of grain from the Ohio River without encountering difficulty at Harpeth Shoals, the location of the lock. Other parties have also had large cargoes. I have brought double the quantity that I was ever able to bring for many years prior to the construction of the lock.
>
> Nashville for many years, because of its location on the Cumberland and on the Nashville and Chattanooga road, leading to the southeast, has been an important gateway for the corn produced on the Ohio and

Wabash rivers. In the early period of Nashville's history as a grain market, Kansas and Nebraska, as well as Iowa, were unknown, except as the "Far West." There was then no grain market at either Cincinnati, Louisville, or Evansville, those cities being off the line of communication to the Southeast. The Cincinnati Southern Railroad and its connections had not been built. The Louisville and Nashville Railroad operated only from Louisville to Nashville. It had not extended its lines to St. Louis or to Cincinnati. There were no bridges across the Ohio River, and the gauges of the railroads north and south of the Ohio River were different, and these conditions presented obstacles to Louisville, Evansville, and Cincinnati becoming primary grain markets.

Under these circumstances the immense quantity of grain and farm products of the Wabash, Ohio, and Mississippi River valleys naturally moved via the Cumberland River to Nashville, where they could be transferred to the line of the Nashville and Chattanooga Railroad and connections for the Southeast; and later on the river traffic was sent south from Nashville over the Nashville and Decatur and South and North Alabama railroads to Montgomery and New Orleans territory. Nashville thus early became an important primary grain market as the result of being located upon the Cumberland, and many firms were located there engaged in the grain business. The business has increased, and to-day there are in all about 50 firms at Nashville engaged in the grain business.

Grain from the Ohio and Wabash valleys still moves through Nashville. When the Cumberland River is up, this grain can be transported to Nashville at from 7 to 8 cents per 100 pounds; but when the Cumberland is not navigable it costs 15 cents per 100 to get grain from the same river landings to Nashville. I have for forty years been familiar with this grain movement, and have bought more grain on the Ohio River than any two men now living. I pay from 3 to 4 cents per bushel more for corn when I can bring it here by Cumberland River than when I have to use the railroad. To illustrate:

When the Cumberland River is low it costs 5 cents per 100 to transport the grain on an Ohio River boat to a rail crossing; then it costs 10 cents per 100 pounds by rail from such crossing to Nashville. This excess of freight naturally comes out of the producer. This demonstrates that people living along the Ohio, Wabash, and Mississippi rivers are really more vitally interested in the improvement of the Cumberland River than are the inhabitants themselves of the region along the Cumberland.

Similar advantages would accrue to all manufactured products from Pittsburg to the mouth of the Ohio if navigation were reliable.

Capt. T. M. Gallagher, who has been for many years prominently identified with transportation on both the lower and upper Cumberland, and who has an intimate knowledge of the conditions and needs of the river, gained from actual experience as well as intelligent observation, says:

Between Nashville and Clarksville, Tenn., the Cumberland River on its north bank is paralleled by the Tennessee Central Railroad, and the effect of the competition between the railroad and the river has been to establish very low rates. For instance, between Nashville and Ashland City the rate on general merchandise was, prior to the construction of the Tennessee Central Railroad, 10 cents per 100 pounds; but, as a result of the efforts of the railroad to secure the business from the river, the rate has been reduced to 5 cents per 100 pounds. The reduction in rates on traffic moving between Nashville and Clarksville has been in about the same proportion and is attributable to the same cause.

The effect of the competition between the Tennessee Central Railroad and the river for business between Nashville and Carthage has been to reduce the rate on general merchandise from 20 cents to 10 cents per 100 pounds.

With the exception of Hartsville, Carthage, and Burnside, the entire 325 miles of river landings above Nashville are dependent wholly upon river transportation; and, on an average, a haul of from 18 to 30 miles would be required from upper Cumberland landings to get to the nearest railroad, and these hauls would have to be by wagon through a mountainous country.

He also says that—

All of the counties between Nashville and Burnside are large producers of forest products, including lumber, logs, staves, ties, hoop poles, spokes, and handles. The whole country is full of portable sawmills, and the production is simply enormous. The movement of this traffic is absolutely dependent upon river transportation, and the season is scarcely long enough to move the traffic, even though it be moved with the greatest expedition. Not only does the low stage of water prevent the navigation of the river by boats, but it also prevents the rafting of logs. Owing to the tremendous weight of the timber products it would be unprofitable to attempt to haul them through the mountainous country above Nashville to the nearest railroad stations, and consequently their transportation has to await the stage of the river.

Mr. George Doubleday, of Nashville, general manager of the Ryman Line of steamboats, which operates on the lower Cumberland River, says:

Since the construction of Lock A the loading of the boats in the lower Cumberland is determined by the condition of the water between Clarksville and Lock A, the difficulty at Harpeth Shoals having been entirely obviated. Since the construction of Lock A we have been enabled to bring full trips to Nashville, frequently through the month of June. We are still, however, compelled to reduce our tonnage fully one-third toward the middle or latter part of June on account of the conditions below Lock A, and two or three weeks after the first reduction another reduction of one-third follows, until the tonnage becomes so light that the boat can not operate at a profit.

If the two projected locks were constructed at Brush Creek and at Palmyra, as located, we would be able to run ten months in an average year, and in exceptionally favorable years we would be able to run the year round at a profit.

I have quoted from these gentlemen, Mr. Chairman, because the conclusions reached by them are the result of a careful study of navigation conditions on the river, brought about by their long identification with its interests, and because I am satisfied that, for the reasons stated, their views are of such importance as to deserve the careful consideration of Congress. May we not, with all confidence, expect greater results, benefiting a much larger territory and greater number of people, if the remaining five locks on the lower Cumberland River are undertaken and speedily completed and an outlet to the Ohio River secured for every month in the year?

Mr. Chairman, there should be no longer any hesitation on the part of Congress to make the necessary appropriations for the improvement of the lower Cumberland River. The work has been already too long delayed. The great natural resources of that section, its fertile soil and varied crops, the products of its manufactories, and its great commercial advantages justify the comparatively small appropriations, which will be required to make that portion of the river navigable all the year round. It is settled, sir, by an intelligent, loyal, and liberty-loving people. They are the worthy descendants and successors of those brave and daring pioneers, who, more than one hundred years ago, left their peaceful homes and, crossing the Cumberland Mountains, penetrated the rich wilderness of what was then the "Far West," finally planting the standard of civilization on the banks of the Cumberland, where the city of Nashville is now located. Since that time, there has been no call of duty to which they have not quickly responded. During the early years of this Republic, when a powerful foreign foe landed upon her shores, this section of the country furnished the commander in chief and the brave riflemen, who marched more than 1,000 miles, and gave to the world an example of American valor and prowess by administering a crushing defeat to the enemy. No less loyal and useful in peace than in war they have devoted themselves to the upbuilding and development of this section until, as a result of their labor and their energy, it now truly blossoms like the rose. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from New York [Mr. LAW].

Mr. LAW. Mr. Chairman, I desire to avail myself of the privilege accorded me to insert in the CONGRESSIONAL RECORD a statement of the genesis, history, and status of the project to create a harbor in Jamaica Bay, New York, for which the river and harbor bill, now up for consideration in the House, provides an appropriation of $250,500. I wish to dispel, if I can, the erroneous impression that seems to have prevailed on the part of some that the project is not for the immediate future, but for coming generations. I expect to be able to show to the satisfaction of those interested in the matter that if this project receives the support and cooperation of the city of New York to which it is entitled and upon which its success depends, there is no practical reason that can be assigned why work can not be actually commenced in the year 1910.

It is perhaps pertinent at this point to say a few words concerning the physical characteristics of Jamaica Bay and its geographical relation to the city of New York. The bay measures about 6 miles east and west and about 4 miles north and south. It is connected with the ocean by Rockaway Inlet and constitutes a perfectly sheltered harbor. It has a water surface of approximately 25 square miles, with an entrance less than half a mile wide. Its waters are generally shallow, but penetrated by natural channels radiating from the entrance toward various points on the shore. The expense of necessary dredging will be at a minimum, because the material to be dredged will be principally sand and gravel and some clay. The reports of the United States Geological Survey show that no rock is to be encountered. The entrance to the bay is about 7 miles east of the Narrows, and is readily accessible either from the ocean or from New York Bay.

The New York connecting railroad skirts the shores of the bay and will connect with the Pennsylvania Railroad to the west and with the New York, New Haven and Hartford and the New York Central railroads to the north and east. The bay occupies the southeastern portion of Greater New York and comprises more than one-fourth of the combined areas of the boroughs of Brooklyn and Queens. It is surrounded by a vast territory of unimproved land and marsh land, which can be acquired by the city of New York and reclaimed by the dredged material from the channels proposed to be constructed. According to the estimate of Hon. Edward M. Grout, former comptroller of the city of New York, at least 16,000 acres of valuable land can be made by the city of New York, the value of which will be greater than the total cost of the improvement to the city. It is important at this point that we consider the facts and circumstances making necessary further development and extension of the New York water front. An absolute need of increased water front and dockage facilities in and about the shores of New York has arisen, caused by the marvelous growth of that city during the past few years and the tremendous increase in the commerce of its port. According to the reports of the census taken in the year 1890, the present city of New York

then had a population of 2,507,414. The census taken in the year 1900 shows a net increase of population during the ten years from 1890 to 1900 of 928,788. In ten years' time this city added to its population more residents than were in the year 1900 to be found in any other city in the United States, save Chicago and Philadelphia. The report of the New York state census taken in 1905, shows a total population for the city of New York in that year of 4,013,781, or a net increase of 576,579 over the population of 1900. Again, in five years this city has added to its population more residents than in the year 1900 were to be found in any other city of the United States, save Chicago and Philadelphia.

The increase in commerce of the port of New York has kept pace with its tremendous strides in population. During the thirty years between 1875 and 1905 the value of the imports and exports entered and cleared at the port of New York practically doubled, while the tonnage in foreign trade alone increased at a still greater rate. The total value of manufactured products in New York and Brooklyn in 1905 showed a net increase since the year 1880 of more than 100 per cent. In his report to the Chief of Engineers, United States Army, Col. John G. D. Knight, who had in charge the government surveys of Jamaica Bay, in discussing the future tonnage at the port of New York reaches his conclusions, after exhaustive study, in the following language:

> We can say that this tonnage will greatly increase and that it is thought that in ten years available water front for wharfage around Manhattan and in upper New York Bay will be exhausted. Provision for additional frontage must be made, which provision should be on New York Bay, if practicable, and Jamaica Bay affords the only site for such addition.

It was only five years ago that this scheme to create a harbor in Jamaica Bay was regarded by the vast majority of people as a mere dream, so far as the present generation is concerned. It was generally believed that if the thing was done, it would be in the far distant future and for the use of future generations, and yet it has happened that during that five years' period of time such practical progress has been made that now the initial appropriation of $250,500 to commence actual work is being made by Congress, and it is confidently believed that the city of New York will shortly make its initial appropriation of $1,000,000 for the same purpose.

I believe that the people of Brooklyn will be interested to know the steps by which this progress has been achieved and the practical ideas that have prevailed in bringing about the result, and the purpose of this statement is mainly to give a concise history of the improvement.

After a most painstaking study and investigation of the subject I became convinced that the primary condition of success rested in a plan of cooperation as between the United States Government and the city of New York. The reason for the necessity of such cooperation will be apparent upon considering the practical situation. It was obvious that the United States would not expend vast sums of money in dredging channels unless the General Government could be assured that the city of New York would construct the docks and other appurtenances necessary to make said channels available for commerce. On the other hand, the city of New York would not, of course, construct such docks and piers without assurance that the United States would dredge the channels necessary to make them available for use. Hence was the absolute necessity of providing for a cooperative plan. Accordingly, in the winter of 1907 there was inserted in the rivers and harbors act of that year a provision directing the Secretary of War to cause a preliminary examination or survey to be made of—

> The waters of Jamaica Bay, including entrance to said bay at Rockaway Inlet and those waters having their outlet in Dead Horse Inlet, with a view to framing a plan for their improvement and recommending the order of such improvement, with the cost thereof, and to recommend the proportion of such cost to be borne by the city of New York; and the Secretary of War is hereby requested to confer and cooperate with the commissioner of docks and ferries of the city of New York, or with any other duly authorized agents, officers, or representatives of the city of New York, and with any commission of engineers appointed, or who shall hereafter be appointed, to survey or examine said bay, and to recommend to the city of New York plans for the improvement of said Jamaica Bay or the lands in and about said bay.

After drafting this provision, and before it was submitted to the Committee on Rivers and Harbors of the House of Representatives, I submitted a copy of the draft to the members of the Jamaica Bay Improvement Commission, to which I shall make further reference hereafter, and in turn, accompanied by two members of this commission, I called upon Mayor McClellan, of New York, and submitted it to him for his approval. At the close of this interview the mayor heartily approved the provision, but expressed doubt as to the possibility of getting it enacted into law. It was, however, incorporated in the rivers and harbors bill which was passed and approved by the President March 2, 1907.

It is unquestionably true that the genesis of the movement, so far as definite and practical effect is concerned, is found in a communication on the subject addressed to the commissioners of the sinking fund of the city of New York, dated March 17, 1905, by Hon. Edward M. Grout, then comptroller of the city of New York. The plans now under consideration for the improvement of Jamaica Bay follow the general recommendations contained in Mr. Grout's communication to rather a remarkable degree. Mr. Grout's communication closes with the following recommendation:

> I therefore request your consideration of the appointment of a commission to recommend plans for the development of the water front of the city outside of Manhattan Island, and especially of the development of Jamaica Bay.

Following the recommendation of Mr. Grout, the board of estimate and apportionment of the city of New York on March 2, 1906, passed a resolution authorizing the appointment by the mayor of a commission of engineers for the purpose of reporting upon the general improvement and development of Jamaica Bay in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island. Pursuant to this resolution, on April 26, 1906, the mayor appointed Philip P. Farley, William G. Ford, and John J. McLaughlin to compose the Jamaica Bay improvement commission. On May 31, 1907, the said commission submitted to the board of estimate and apportionment of the city of New York a majority report signed by Mr. Farley and Mr. McLaughlin, and a minority report signed by Mr. Ford. These reports were made prior to any conferences with the Secretary of War, as provided in the said provision of the rivers and harbors act of March 2, 1907. The majority report recommended a plan estimated to cost approximately $14,000,000; the minority report recommended a more elaborate plan, estimated to cost approximately $47,000,000. These reports were based largely upon the assumption that the city of New York would make the improvement without federal aid, and have since been superseded by the reports of the same commission, submitted December 27, 1909. The life of the Jamaica Bay improvement commission expired by limitation on June 1, 1907. Immediately thereafter and under date of June 5, 1907, I addressed the following communication to the mayor of the city of New York:

Hon. GEORGE B. MCCLELLAN,
Mayor of the City of New York, Borough Hall, New York.

MY DEAR MR. MAYOR: You will probably remember that in the month of January I called upon you in company with Mr. William G. Ford, a member of the commission of engineers appointed by you on behalf of the city, to investigate the project for the improvement of Jamaica Bay, and at that time submitted to you a proposed provision to be inserted in the river and harbor bill, providing for a general survey of Jamaica Bay in cooperation with the city's commission of engineers, with a view to framing a plan to be carried out jointly by the city and the Federal Government. That provision was approved by you and was incorporated in the river and harbor bill. I inclose herewith a copy of said bill. Said provision will be found on page 47.

I am informed that the city's commission of engineers has submitted its report to the board of estimate and apportionment, making proper reference therein to said provision of the river and harbor bill.

I am also informed that the life of the city's commission of engineers expired on June 1 and that no provision has been made for the extension of the life of said commission for the purpose of cooperation and conference with the government engineers. If the life of the commission is extended or renewed, I believe there is no doubt that a joint plan can be agreed upon and that the Federal Government will be prepared to bear a considerable portion of the expense. If the city's commission is not continued in existence, and the government engineers are not afforded the opportunity to confer with a commission representing the city, an adverse report on the proposed survey will probably follow, and I believe that will mean a very decided setback to the proposed plans.

I am informed that the proposed report of the city's commission will come up for consideration before the board of estimate and apportionment at its meeting on Friday of the present week, and I believe a statement of the situation should be in your hands prior to that date.

Unfortunately, it is impossible for me to call upon you personally before Friday, but I shall try to do so the early part of next week. I should have called this matter to your attention before, but I was led to believe that the life of the city's commission would be extended to July 1 by act of the board of estimate and apportionment. This appears not to have been done.

Yours, very truly,
CHARLES B. LAW.

The mayor submitted the above communication to the board of estimate and apportionment at its regular meeting on June 7, 1907, and, pursuant to a resolution then passed by the board, the said commission was reappointed, and to its original duties was added that of conferring with the Secretary of War relative to the survey or examination of Jamaica Bay and to recommend plans for the improvement thereof. It fell to Col. John G. D. Knight, Corps of Engineers, United States Army, who was then district engineer in charge at New York, to represent the Secretary of War in the conferences with the Jamaica Bay improvement commission, which began immediately after the

reappointment of the commission in June, 1907, and continued up to the early part of the year 1909. In view of the results that have followed, I take a natural pride in the fact that it was my privilege to present the commission to the district engineer, the representative of the Secretary of War, and to inform him that the city of New York had clothed the commission with power to represent it in the conferences that were to follow. The conferences were had mainly with a view to agreeing upon the location of a principal channel, but also relative to distributing secondary channels through the collection of islands lying in the central portion of Jamaica Bay.

When a general plan for the improvement and the location of channels had been tentatively agreed upon, the actual surveys were commenced by the army engineers in the spring of 1908, and were finally completed late in the fall of that year. Under date of January 30, 1909, the district engineer submitted his report, based upon the general agreement between him and the Jamaica Bay Improvement Commission, as a result of the conferences to which I have alluded. The joint plan embraced an entrance channel at Rockaway Inlet with a first depth of 18 feet and width of 500 feet, and a main interior channel extending from the southeast corner of Barren Island northerly and easterly, skirting the westerly and northerly shores of Jamaica Bay, to Cornells Creek, in Queens County, with a first depth and width to be the same as that of the entrance channel. As the needs of commerce may require, both the entrance and interior main channels are to be deepened to 30 feet. The entrance channel is to have an ultimate width of 1,500 feet and the interior channel 1,000 feet.

The joint plan of improvement contemplates the use of the material dredged from the main interior channel to fill in behind the city's bulkhead, the purpose being to make valuable land for the city of New York and to save the enormous expense that would be involved in taking the dredged material out to sea. In this connection arises one of the most striking and ingenious features of the report of Colonel Knight to the War Department recommending that the dredging of the main channel be required of the city of New York, and that the city be reimbursed therefor at the rate of 10 cents per cubic yard, which is the cost of dredging the main channel as estimated by the majority of the Jamaica Bay Improvement Commission. The purpose of this recommendation was to avoid complications on the part of the city of New York with government contractors, as such complications would be sure to arise if an attempt were made to coordinate areas of dredging with areas of fill at varying distances each class from the other, the areas of dredging to be indicated by the Government and the areas of fill to depend upon the construction of embankments or bulkheads by the city.

The report of Colonel Knight, submitted to the Chief of Engineers on January 30, 1909, was forthwith transmitted to the board of engineers for rivers and harbors at Washington. It contemplated an expenditure of $8,610,050 by the Government. It was considered at length and in detail at two sessions of the said board. On February 16, or thereabouts, I learned that the board contemplated reducing the allowance to the city of New York for the dredging of the main interior channel to 5 cents per cubic yard. This would have meant a loss to the city of New York of approximately $3,000,000. I also learned that in accordance with the custom of the board not to make substantial changes in a report of a district engineer without giving parties interested an opportunity to be heard, the secretary of the board had been instructed to communicate with the mayor of the city of New York, notifying him that a hearing would be given on March 2, 1909. This would have made it impossible to secure any legislation at that session of Congress, which would adjourn on March 4, or only two days later. Fortunately the letter had not been mailed, and I succeeded in having the date of the hearing changed to February 23. Having secured this change of date, I immediately went to New York and conferred with city officials.

The result was that at the hearing on February 23 the mayor was officially represented by Mr. Nelson P. Lewis, chief engineer of the Board of Estimate and Apportionment, and the Jamaica Bay Improvement Commission was represented by Mr. William G. Ford. The result of the very effective arguments offered by Mr. Lewis and Mr. Ford was that a compromise at 8 cents per cubic yard was reached and a saving to the city of New York of $1,770,000 was effected. As modified by the Board of Engineers for Rivers and Harbors the report of the War Department recommends that the Federal Government shall ultimately expend upon the project $7,430,050.

The rivers and harbors bill of that session of Congress (1907) had already passed the House, and the last meeting of the Committee on Commerce of the Senate for the consideration of the bill was held February 24. The report of the Board of Engineers for Rivers and Harbors was not available for inspection until the morning of that day. However, after inspection of the report, I was fortunate enough to secure a hearing before the Senate committee, and succeeded in persuading them to adopt the following amendment, which was inserted in the rivers and harbors bill of that year:

> The Secretary of War is hereby directed to report, as soon as he is satisfied that the city of New York is prepared to undertake the work to be done by it preliminary to or contemporaneous with any dredging to be done by the United States Government, as recommended in the report and plan of the Secretary of War transmitted under date of February 25, 1909, for the improvement of Jamaica Bay, New York, and its entrance at Rockaway Inlet and Dead Horse Inlet.

The present appropriation of $250,500 is based upon the following recommendation contained in the report of the Board of Engineers for Rivers and Harbors:

> The board further recommends that the 18-foot entrance channel should not be dredged until the Secretary of War is satisfied that the city of New York is prepared to undertake its part of the general plan of improvement outlined above. The estimated cost of this channel for first development of 18 feet is $250,500, and this is the amount of the first appropriation necessary under the conditions cited.

Immediately after the passage of the river and harbor act of March 3, 1909, the field of activity shifted to the state capitol at Albany. From time immemorial there had existed a sharp dispute between the State and the city of New York as to the ownership of lands under water in Jamaica Bay. Obviously the city of New York could not safely proceed with the dredging of the main interior channel and with the expenditure of millions of dollars in the improvement until it had absolute and undisputed title to the lands under water in Jamaica Bay. The settlement of this title had been under consideration for a dozen years by the corporation counsel, and litigation in one form or another had been in progress for at least five years. It was conceded that the question of the title could not, or would not, be settled through litigation in the courts for many years yet to come. This meant the indefinite postponement of the improvement. Accordingly, Mr. William G. Ford, of the Jamaica Bay Improvement Commission, drafted a measure to be introduced in the state legislature, by which all the right, title, and interest of the State in and to lands under water in Jamaica Bay would be ceded to the city of New York. I went to Albany with Mr. Ford, and together we succeeded in putting the measure in such shape as to satisfy the state land office and the attorney-general. In its final shape it ceded the said lands under water to the city of New York for the purpose of creating a harbor, but further provided that the grant should become operative upon the Government making its first appropriation for the creation of the new harbor, or upon the city of New York appropriating and setting aside a sum not less than $1,000,000 for the same purpose. The bill was introduced in the assembly by Assemblyman Isaac Sargent, whose name it bears, and in the senate by Senator Charles Alt. The bill was passed with comparative ease in the assembly, but in the senate great difficulty was experienced because of the constant interference of private interests owning upland about Jamaica Bay and who wanted to get grants of land under water in front of their upland property. Amendments were twice injected into the bill in this manner. These amendments were not of themselves serious in their character, as they constituted only slight exceptions to the operation of the bill, but they were serious in obstructing the passage of the bill.

The last amendment was thus injected into the bill on Tuesday of the last week of the session. As the legislature adjourned on Friday and the reprinted bill had to lie on the desks three legislative days before passage, unless the governor interfered with an emergency message, it seemed at that time unlikely that the bill would succeed. However, on the following day we appealed to Governor Hughes for his assistance. An emergency message from Governor Hughes certifying to the public importance of the bill and to the necessity of its immediate consideration by the legislature resulted in its passage that day by the senate and the adoption of the senate amendments by the assembly. The bill was thereafter returned to Governor Hughes by Mayor McClellan with his approval. It was for a time contended that the bill had not been returned by the mayor within the constitutional limit of time. This view was, however, overruled by the attorney-general, and on May 28, 1909, the governor summoned all parties interested in the bill to a public hearing on the afternoon of that day. A considerable number of private concerns owning upland about Jamaica Bay appeared by attorneys and otherwise in opposition to the bill, on the ground that they had not made application to the land office for grants of land under water in front of their upland property and that the bill would prevent their securing such grants. Those of us who had been responsible for the

introduction and passage of the bill conceded that the effect of it would be to prevent such grants to private interests, and that one of the main purposes of the bill was to prevent exactly that sort of thing and to save to the city of New York the enormous expense that would be involved in regaining title to such lands for general commercial purposes. We contended that the rights of the upland owners to access by water was subject and subordinate to the general purposes of commerce. This view prevailed, and on the following day, May 29, 1909, Governor Hughes approved the bill with the following memorandum:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 29, 1909.

Memorandum filed with assembly bill No. 2354 (senate reprint, No. 1633) entitled "An act to grant to the city of New York certain lands under water in Jamaica Bay and vicinity."

Approved.

This bill bears the indorsement of the clerk of the assembly that it was transmitted to the mayor of the city of New York on May 1, 1909. It was received by me, on its return, on May 17, 1909. I am informed by the mayor that the bill was actually delivered to him on May 3, 1909. Under the opinion of the attorney-general that the time for its return is to be computed from the date of such delivery, I have acted upon the bill. The certificate attached to the bill does not show the assent of two-thirds of the members elected to each branch of the legislature. But I am advised that such assent was, in fact, given and is shown by the record of both houses.

This bill is designed to enable the city of New York to cooperate with the Federal Government in the creation of a new harbor in and about Jamaica Bay, including the making of channels, basins, slips, and other necessary adjuncts, and, as the bill recites, to secure "the advancement of the commercial interests of the city, State, and Nation." For this purpose the grant is made to the city of New York of such right, title, and interest as the State of New York may have in and to the land under water in Jamaica Bay and Rockaway Inlet and the tributaries thereto, as stated. The bill provides that the grant "shall become operative upon the United States Government making its first appropriation for the creation of the new harbor mentioned in this act or upon the city of New York appropriating and setting aside a sum of not less than $1,000,000 for the same purpose."

It is of manifest importance that provision be made for the proper protection of the public interest in and about the waters of New York, and that the necessary and important developments of the future should not be retarded or made more expensive to the community by failure at this time to take suitable steps to safeguard the public right. It may be regretted that the bill contains any exception to its operation. But this is not a reason for its disapproval, for further delay will permit still more numerous exceptions and detract from the public opportunity which should be provided.

CHARLES E. HUGHES.

Mr. Ford and I had spent about three weeks at Albany in securing passage of this measure, and its final approval by the governor of the State removed one of the most serious obstacles in the way of prosecuting the project. I believe few have realized the importance of this measure and the strenuous character of the fight that was waged for its enactment.

The report of the War Department, heretofore referred to in detail, was submitted to Congress on February 26, 1909. This report was based upon a general agreement or understanding between Colonel Knight, the district engineer, and the Jamaica Bay Improvement Commission as a result of the long-continued conferences to which I have heretofore alluded. The substance of this understanding was that the Federal Government should dredge the entrance channel and should reimburse the city to the extent of 8 cents per cubic yard for the dredging of the main interior channel.

It will thus be seen that the General Government exercises no jurisdiction in connection with this improvement inside the bulkhead line, as determined tentatively by the United States district engineer and the Jamaica Bay Improvement Commission. What should be done inside and from this bulkhead line in the way of construction of docks and piers and auxiliary basins or the reclamation of land was left to the city of New York, subject only to the recommendation that the 18-foot entrance channel should not be dredged until the Secretary of War was satisfied that the city of New York was prepared to undertake its part of the joint plan of improvement. It will thus be seen that the report of the Government's district engineer, approved by the Secretary of War and submitted to Congress on February 26, 1909, subject to the changes I have indicated as to the amount to be allowed for the dredging of the main interior channel, was a report concerning the part of the joint plan of the improvement to be undertaken by the General Government outside the bulkhead line, leaving the Jamaica Bay Improvement Commission to report to the city of New York what it should do inside and from the bulkhead line in the way of carrying out the joint plan of the improvement.

The report of the district engineer and the Secretary of War as to the part of the improvement to be undertaken by the General Government having been made as a result of the aforesaid conferences, it was then plainly in order, in pursuance of said general arrangement, for the Jamaica Bay Improvement Commission to report to the city of New York recommending plans for improvement inside and from the bulkhead line, and the cost thereof.

Accordingly, during the early part of the summer of 1909 the Jamaica Bay Improvement Commission recommended that the city of New York should appropriate $75,000, to be used for expenses of the commission, including the prosecution of field work in Jamaica Bay necessary to determine with precision the location of the harbor lines agreed upon tentatively between the city of New York and the United States Government, theretofore shown graphically only, the determination of quantities involved in the excavation, the filling in of the lands, building of bulkheads, and in acquiring the other necessary data upon which to base a more definite report. The appropriation was promptly made by the board of estimate and apportionment and confirmed by the board of aldermen. The work went steadily on during the summer and fall of 1909, and on December 27, 1909, the commission again submitted a majority report signed by Mr. Farley and Mr. McLaughlin and a minority report signed by Mr. Ford. Both reports are favorable to the plan of cooperation with the United States Government, but differ materially as to scope and detail. I think the main points of difference in the reports can be best stated in parallel form, as follows:

Recommendations as to procedure for the near future:

FORD REPORT.	FARLEY-M'LAUGHLIN REPORT.
1. Creating preliminary 18-foot main channel throughout entire length, giving the Borough of Queens access to the sea as well as the Borough of Brooklyn.	1. Creating preliminary 18-foot main channel only part of the way, to the exclusion of the Borough of Queens.
2. Disapproves the selection in advance and consequent advertisement of one spot in the bay, to the exclusion of all others, for high-class development at the expense of the city prior to the purchase of the adjacent lands at a fair but not exorbitant price.	2. Select at this time for future high development at the expense of the city one particular spot in the bay to the exclusion of all others, no part of which is owned by the city.
3. The connection of the 18-foot main channel with the entire adjacent shore front after having developed for commercial enterprises some spot or spots to be selected hereafter.	3. Silent as to this.

The difference in cost to the city for dredging the 4 miles of the preliminary 18-foot channel beyond where Messrs. Farley and McLaughlin would stop it would amount to about $150,000 and would give Queens Borough an outlet.

While it may be regarded as my duty to confine my official activity mainly to the federal end of this enterprise, nevertheless, as a citizen of Brooklyn, I certainly am entitled to take an interest in the city's plans in meeting the Federal Government, the same as I took an active part and interest as a citizen in the Sargent bill at Albany, and I do not hesitate to say that while both reports are commendable in character, I believe it would be a serious error to select in advance any one locality in the bay for high-class development until the city has acquired the lowlands about the bay which will be required for the purposes of the improvement. I think that the selection of such locality or localities for special development before the city has acquired such lands would result in unnecessary expense to the city. I am also of the opinion that Queens County should not be left out of account, and that the 18-foot main interior channel should be carried around to Cornells Creek in Queens County. The city is dealing with a big project, and while proceeding with caution and due regard for reasonable economy, it should remember that the money devoted to this project is an investment for the city rather than an expenditure. I am very much gratified to learn that the board of estimate and apportionment of the city of New York is now unanimous in favor of appropriating a large sum of money to start this splendid work of public improvement.

Thus it appears that after five years of persistent effort the success of the plan to create a harbor in Jamaica Bay is assured by the certainty of large appropriations by the Federal Government and the city of New York, respectively, to carry out a cooperative plan.

As I look back upon the history of the unusual events that have culminated in the practical success that is now assured, I am disposed to think that while obstacles have been encountered at almost every step of the way, the greatest difficulties of all were encountered in getting the thing started. When I first took my seat in Congress in December, 1905, I found that few, if any, of the members of the Committee on Rivers and Harbors of the House had ever heard the name of Jamaica Bay. At the very start I had numerous talks with the distinguished chairman of that committee, and tried by all conceivable means to get him interested in the matter. I finally decided that the

only way in which I could impress the Rivers and Harbors Committee was to secure a hearing for a delegation of public-spirited citizens from Brooklyn, who were blessed with enough of the spirit of optimism to believe the thing to be a possibility. The hearing was arranged during the winter, and Brooklyn responded in a manner I shall never forget. To the men who took part in these early efforts at Washington the greatest credit is due. Among them were such men as Henry A. Meyer, Adolph Kiendl, John R. Corbin, John B. Creighton, Terrence F. Curley, John O'Connor, Elwin S. Piper, and a number of others whose names I do not now recall. The committee had limited us in advance to one-half hour's time. So earnest, however, were the pleas of the men who came down from Brooklyn and so impressive were their arguments that nearly two hours' time was readily conceded and consumed. Although there was no regular river and harbor bill at that session, the result of these hearings was the passage of a special bill providing for a survey with a view to estimating the cost of dredging the Coney Island channel to a depth of 20 feet and a width of 600 feet, and with a view to estimating the cost of an entrance channel into Jamaica Bay with the same depth and width. This was only one of two bills reported out of the Rivers and Harbors Committee that year.

The result of the survey thus authorized was the subsequent appropriation of $188,300 for the Coney Island channel. The report on the survey for the entrance channel to Jamaica Bay was adverse in its character, mainly on the ground that the cost was found to be excessive when disconnected with any plan for the improvement of the interior of the bay. The subsequent survey for both entrance and interior channels provided for in the river and harbor act of 1907 overcame the setback that was experienced with reference to the 1906 survey for the entrance channel. There is no doubt whatever now that success was dependent upon uniting the plan for the improvement of the entrance channel with the plan for the improvement of the interior of the bay.

It may also here be remarked that the one important result of the hearings before the Rivers and Harbors Committee during the winter of 1905 to 1906 was that the chairman of the committee, Hon. THEODORE E. BURTON, now United States Senator from the State of Ohio, became sufficiently interested in the claims made, so that in the summer of 1906, upon my invitation and the invitation of the men I have above referred to, he came to Brooklyn and made a thorough personal inspection of Jamaica Bay. I believe that Mr. BURTON'S personal inspection of the bay was a matter of the greatest importance in subsequent events.

It may perhaps, in conclusion, be pertinent to say that next to the matter of making the start the greatest difficulty that has been encountered has been the spirit of pessimism, or, at least, the lack of optimism, that was for so long a time so widely prevalent. The optimists are now in the vast majority, but during most of the past five years they have been in a strange minority. In this connection, I desire to emphasize the fact that if we people of Brooklyn desire to see the ultimate achievement of this project, that means so much to her future and to the coming greatness of our borough, as well as of our city, we must have an abiding faith and confidence in the possibilities that are plainly in sight and an abiding faith and confidence in our ability to achieve success. [Applause.]

Mr. SPARKMAN. Now, Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. BURNETT].

[Mr. BURNETT addressed the committee. See Appendix.]

[Mr. SMALL addressed the committee. See Appendix.]

Mr. GOEBEL. Mr. Chairman, while I have at all times advocated the improvement of our rivers and harbors, I am particularly concerned in the improvement of the Ohio River. The district which I represent borders on that river. In part I represent the great Ohio Valley, directly affected by the permanent improvement of the Ohio River. It is with great pleasure and satisfaction that I welcome this bill to the House. I am inclined to believe that the fond hopes of that magnificent organization, the Ohio Valley Improvement Association, and of all the people of the Ohio Valley will be realized. Congress is to enter upon a new policy regarding our waterways. Unbusinesslike methods and wasteful expenditures are to be disregarded and avoided. Projects which have the approval of the engineers are to be provided for until their final completion, and we are to return to the old custom of making annual river and harbor appropriations, so that projects entered upon may not be delayed for want of an appropriation. Work is to be pushed to a final completion within a given time. At last the committee has realized that biennial and triennial appropriation bills are not conducive to good legislation, but wasteful of the public funds.

Mr. Chairman, there prevails to-day in our broad land a very strong, healthy sentiment in favor of improving our national waterways. This has been crystallized more and more by conditions that have arisen which make it absolutely essential that Congress take up this great problem and provide the means. It is strange to relate now that in the early history of the country it was seriously contended that Congress did not have the power to appropriate for improvements of rivers and harbors. But that question has long been settled. Yet opposition prevailed up to 1882, when many Members of Congress went down to defeat at the following election for their support of a river and harbor bill. This opposition was still manifest in 1896, when President Cleveland returned a river and harbor bill. It was notice to the Congress that such bills were not favored by the administration nor supported by public sentiment, and they came into the House with less frequency. Of necessity the amounts carried were large, and far in excess of what might have been fairly and justly appropriated for in an annual bill. Many worthy projects were omitted for lack of funds. Uncompleted works entailed a larger expense, not alone in their preservation, but at the final completion.

Mr. Chairman, I hope the time will never come again when the present sentiment of our people shall be the reverse and Congress drift into that unbusinesslike and wasteful habit, but that we will go on in an orderly manner under a well-considered policy that will assure the conservation of our inland waterways. In regard to the latter, President Taft in no uncertain words has undertaken to speak to the Congress. On January 14 last, in his message, he said:

> I come now to the improvement of the inland waterways. He would be blind, indeed, who did not realize that the people of the entire West, and especially those of the Mississippi Valley, have been aroused to the need there is for the improvement of our inland waterways. The Mississippi River, with the Missouri on the one hand and the Ohio on the other, would seem to offer a great natural means of interstate transportation and traffic. How far, if properly improved, they would relieve the railroads or supplement them in respect to the bulkier and cheaper commodities is a matter of conjecture. No enterprise ought to be undertaken the cost of which is not definitely ascertained and the benefit and advantage of which are not known and assured by competent engineers and other authority. When, however, a project of a definite character for the improvement of a waterway has been developed so that the plans have been drawn, the cost definitely estimated, and the traffic which will be accommodated is reasonably probable, I think it is the duty of Congress to undertake the project and make provision therefor in the proper appropriation bill.
>
> One of the projects which answers the description I have given is that of introducing dams into the Ohio River from Pittsburg to Cairo, so as to maintain at all seasons of the year, by slack water, a depth of 9 feet. Upward of 7 of these dams have already been constructed and 6 are under construction, while the total required is 54. The remaining cost is known to be $63,000,000.
>
> It seems to me that in the development of our inland waterways it would be wise to begin with this particular project and carry it through as rapidly as may be. I assume from reliable information that it can be constructed economically in twelve years.
>
> What has been said of the Ohio River is true in a less complete way of the improvement of the upper Mississippi from St. Paul to St. Louis, to a constant depth of 6 feet, and of the Missouri, from Kansas City to St. Louis, to a constant depth of 6 feet, and from St. Louis to Cairo to a depth of 8 feet. These projects have been pronounced practical by competent boards of army engineers, their cost has been estimated, and there is business which would follow the improvement.
>
> I recommend, therefore, that the present Congress, in the river and harbor bill, make provision for continuing contracts to complete these improvements.

Mr. Chairman, recurring now to the improvement of the Ohio River, it appears from the report of the engineers that to maintain a 9-foot stage of water 54 locks and dams are necessary. Dams 1 and 6 have been completed, except in minor particulars. At present there are under construction 7 other dams, namely, No. 8, near East Liverpool, Ohio; No. 11, at Wellsburg, W. Va.; No. 13, below Wheeling; No. 18, below Marietta; No. 19, below the mouth of the Little Kanawha; No. 26, below the mouth of the Great Kanawha; and No. 37, just below Cincinnati. It is expected that Nos. 8, 11, 13, 18, and 37 will be completed during the present year. A detailed survey of the site for Lock No. 7 has been completed, the property purchased, and the plans practically completed. In addition to those at present completed or under construction, there will still be required 41 locks and dams, and it is estimated that the amount necessary to complete the 41 dams will reach $57,566,800, and that in order to complete the locks and dams now under construction there will be required $3,213,800. So that the total expenditure for locks and dams for the Ohio and for a 9-foot stage of water, in addition to the amounts theretofore authorized, will make a total of $60,780,600. In accordance with a provision in the river and harbor act of 1909, detailed surveys of sites for the 16 locks and dams to and including No. 29 have

been made during the past season and the plans for their construction are now in progress, although their construction has not yet been authorized.

I find in this bill that the committee has provided for the beginning of construction of Locks and Dams Nos. 7, 9, 10, and 12, which will complete the canalization of that portion of the river between Pittsburg and Wheeling; and provision is also made for the purchase of sites for Dams Nos. 14 to 29 and for the construction of Locks and Dams Nos. 29 and 48.

The amount carried in this bill of $1,000,000 is to be applied to the purchase of sites for 18 locks and dams and toward the construction of Locks and Dams Nos. 7, 9, 10, 12, 19, 20, 29, 41, and 48, with an authorization that the Secretary of War may enter into a contract or contracts for materials and work as may be necessary to prosecute the work, not to exceed in the aggregate $2,500,000, exclusive of the amounts contained in the bill and heretofore appropriated. In addition, the bill carries for continuing improvements and maintenance of the Ohio River $550,000, and for the completion of Locks and Dams Nos. 2, 3, 4, 5, 8, and 11 $125,000, and there will be available without further action by Congress during the next fiscal year $100,675,000, an amount sufficient to carry on the work, with an assurance by the Committee on Rivers and Harbors that hereafter there will be an annual appropriation approximately of $5,000,000, which will insure the completion of the entire improvement within a period of twelve years.

Mr. Chairman, permit me to express the appreciation of the people I represent and my own appreciation of the magnanimous treatment which we have received from the committee in this bill. Let us hope that no backward step will be hereafter taken by the Congress, and that the time may not be far away when our people shall realize the fruits of their efforts and this river shall bear its commerce to the markets of the world, affording cheaper transportation and increased transportation facilities.

Mr. GODWIN. Mr. Chairman, the chief seaport city of North Carolina is in my congressional district. I have the honor to represent in Congress what is known as the "Cape Fear district." I am in favor of river and harbor improvement because I am in favor of lower freight rates. We need a reduction in freight rates, and to have this we must have the improvement of the waterways of the country.

The Cape Fear River, formed by the junction, in Chatham County, N. C., of the Haw and Deep rivers, which rise in the hilly country near the Blue Ridge Mountains in the northern part of the State, flows in a southerly direction into the Atlantic Ocean below Wilmington at Cape Fear, near the southern extremity of the State.

Its total length, including the above tributaries, is about 420 miles, draining an area of more than 7,500 square miles, of which 5,620 are above the mouth of the Black River, one of its largest tributaries. Above Smileys Falls, near Duke, about 27 miles above Fayetteville, the slope is very great, the river having a fall of 27 feet in 3½ miles at these falls. The total fall from the junction of the two rivers to just below Smileys Falls is 100 feet. Above Averasboro the river flows through an alluvial country with banks generally low, and a width of from 400 to 600 feet. Floods here do not generally exceed 20 feet. Below Averasboro the slope is gentle, averaging less than 3 inches per mile, but from there to about 45 miles below Fayetteville the banks are high and the stream narrow, causing a very great freshet rise, amounting occasionally to 60 or 70 feet at Fayetteville.

It is claimed that the mineral resources of the upper part of the country traversed by the river are very great, yet they are undeveloped, and navigation does not at present extend above Fayetteville.

About one hundred years ago an attempt was begun to render the river navigable above Fayetteville, and a series of locks and dams was constructed up to the confluence of the Deep and Haw rivers and for some distance up the Deep River. These were never successful financially, and were finally abandoned.

The principal products of the region along the river are lumber, timber, logs, corn, cotton, tobacco, peanuts, potatoes, and various vegetables and fruits. In 1870 the population per square mile was 22.7. Most of the river between Fayetteville and Wilmington lies in Cumberland and Bladen counties, in my congressional district. The average population of all counties adjacent to the river from Fayetteville to Wilmington is 42.5 per square mile.

Below Fayetteville the river flows generally through a flat, sandy belt thickly timbered with pine and intersected with cypress swamps. Its banks are firm and stable in the upper reaches, and are from 15 to 50 feet or more in height down to about 50 miles above Wilmington, but are overflowed in high freshets. In the 50 miles above Wilmington, except for occasional sand bluffs and shell marls, they are low and swampy, suitable in many places for the cultivation of rice. Its bed is gravel in the upper reaches, and is sand and mud in the lower part, except some clay near Fayetteville. This sand, under the influence of the sudden and frequent freshets to which the river is subject, causes many shoals. Gravel is sometimes found 5 to 7 feet below the bed, and a stiff, blue clay is generally found at depths of 15 to 20 feet.

At Point Peter, where the Northeast River is a tributary, it is 340 feet wide; 12 miles higher it is 760 feet wide; 14.5 miles above Wilmington the Black River is a tributary; 25 miles above Wilmington it is 120 feet wide. At Elizabethtown, 73 miles above Wilmington, it is 270 feet wide, and at Fayetteville, 115 miles above Wilmington, it is 200 to 250 feet wide, generally ranging from 175 to 275 in width.

The tidal range at the mouth of the river, 27 miles below Wilmington, is 4.5 feet; at Wilmington it is 2.5 feet. Tides are perceptible up to White Hall, 54 miles above Wilmington, and at extreme low stages several miles farther up.

The present available depths in the river above Wilmington are: Eight feet to Kings Bluff, 38 miles above Wilmington; 4 feet to Walkers Bluff, 60 miles above Wilmington; 2½ feet to Elizabethtown, 73 miles above Wilmington; and 2 feet to Fayetteville, 115 miles above Wilmington.

The project that the Rivers and Harbors Committee of the House has so kindly adopted in this bill now pending for immediate passage provides for a uniform depth of 8 feet from Wilmington to Fayetteville the year round for continuous navigation. This bill authorizes the construction of two locks and dams, costing $615,000. This is the first time the House of Representatives has ever recognized the upper Cape Fear improvement.

Mr. Chairman, I have given a comprehensive history and description of the Cape Fear River. The river extends through my district, a distance of over 200 miles, and is the chief river in the State of North Carolina. Therefore I am deeply interested in its improvement. But before discussing further the upper Cape Fear project I desire to have something to say in behalf of the lower Cape Fear at and below Wilmington, and what is widely known as the 30-foot project.

Early in June, 1907, I was requested, as the Member of Congress from the Cape Fear district, to meet a committee appointed by the Chamber of Commerce of the city of Wilmington to discuss the matter of deepening the harbor of the Cape Fear and making a 30-foot channel from Wilmington to the sea, thus to strengthen Wilmington's claim for recognition as a gateway port. Several years prior to that time, or about the year 1895, the railroads were appealed to by the chamber of commerce for rates that would place Wilmington in competition with deep-water ports. This was denied, owing to the fact that the depth of water in the Cape Fear did not justify making Wilmington a gateway port. The Chamber of Commerce of Wilmington could not but admit, to some extent, the force of this argument. The chamber of commerce appointed a committee to confer with me in reference to the 30-foot project. Mr. J. A. Taylor, president of the chamber; Messrs. H. G. Smallbones, H. W. Malloy, W. E. Worth, R. A. Parsley, and James H. Chadbourn composed the committee, Mr. Chadbourn being named as chairman of the committee.

The 30-foot project was fully discussed, and it was agreed that the matter should be brought to the attention of the people and of Congress. The press of the city of Wilmington and the entire State gave its enthusiastic indorsement by commenting upon the many benefits to be derived. The project was so strongly indorsed it was soon realized that the matter had assumed a greater importance than a mere local scheme.

The 30-foot project committee was active in its labors. As a result of its deliberations it was decided as the deepening of the Cape Fear was of vital interest to the State at large it would be wise to call in the assistance of all those most deeply interested in the project. Therefore a meeting was called, to be held in Wilmington, November 5, 1907, and to this meeting all the towns in North Carolina were invited to send delegates. The meeting was successful beyond our greatest hopes, and the North Carolina Waterways Association was formed to supersede the chamber of commerce committee. This association was organized to foster the local interests of North Carolina, having as its particular charge the deepening of the Cape Fear harbor, thereby benefiting the whole State by giving North Carolina a deep-water port as a gateway.

The meeting was well attended by delegates from the interior cities, also by our Senators and Representatives in

Congress, and the association was formed by electing a president, secretary and treasurer, and executive board of 8 members and 10 vice-presidents, one from each congressional district. At the meeting the following resolutions, prepared by Maj. E. J. Hale, of Fayetteville, were adopted:

Resolved:

1. That this meeting highly approves the splendid work of the National Rivers and Harbors Congress; that it take a leaf out of its book and organize a North Carolina branch thereof; and that such branch organization adopt the rules and regulations of the national organization, so far as applicable to the State.

2. That we hail with pleasure the awakening of our people in the business center of our State to the vast importance of concerted action, directed to the improvement of our waterways by the Government, and that we heartily thank the patriotic business men of Wilmington for the notable and efficient contributions which they have made to the movement for a North Carolina gateway by calling together and causing the assembly of such a representative body as this, and the Hon. John A. Fox for the very able work which he has done throughout the State in aid of it.

3. That we pledge ourselves to do all in our power to secure adequate appropriations by the Government for the completion at the earliest moment of the great project of a 30-foot channel from the sea to Wilmington, recognizing the fact impressed upon us by over a hundred years of experience, as well as by the teaching of science, that nature has fixed the gateway of middle and western North Carolina by and through the Cape Fear River.

4. That we heartily indorse the project for securing 8 feet of water at all seasons from Wilmington to Fayetteville, which has thrice been unanimously indorsed by the legislature of North Carolina, approved by act of Congress, and for the beginning of which an appropriation has been made, and that we pledge our best endeavors to secure an appropriation for its immediate completion.

5. That we give our hearty indorsement to the great scheme of an interstate inland waterway for a part of the North Carolina section of which the Government has already made an appropriation, and to the general purpose of improving the navigation of all our rivers and streams further inland as speedily as possible, to the end that we may secure for North Carolina the advantages which such a system has provided for the European nations and for some portions of our own country.

The Wilmington Chamber of Commerce employed an expert on river and harbor work, who made a tour of the State and addressed the people on the subject of deepening the Cape Fear River and making Wilmington a gateway port. He visited many cities of North Carolina and aroused great interest in the 30-foot project. Afterwards Mr. James H. Chadbourn, the president of the association, visited Washington to secure the aid of our two Senators and all my colleagues from North Carolina in the project of deepening the harbor of the Cape Fear, and he was assured of their undivided and active support in the enterprise. In addition to this, the North Carolina Waterways Association has held regular meetings, and at each one of these meetings the support has been active and enthusiastic. It is now conceded throughout the State that the deepening of the Cape Fear harbor is a matter of greatest importance to the business interests of North Carolina.

The present continuing work on the river at and below Wilmington has been well provided for by Congress, and ample provision has been made in this bill for another year. The appropriation of March 2, 1907, was the largest made up to that time, it being $265,000. At this time the Engineer Corps had a balance on hand of $212,939, making $477,939 available for expenditure during that year. The amount available for 1908 was $300,000, and the last session of Congress appropriated $400,000 for this work.

The engineer in charge has expended the money wisely and well. While the depth in 1906 was 20 feet, with a very narrow channel, the depth at low water to-day is 22 feet in its most shallow place, with a very much wider channel. This will admit a vessel passing from the sea to Wilmington, taking into account the rise of the tides, drawing 24 to 25 feet, as there are long stretches of the river between 25 and 30 feet deep. The appropriations by Congress for the Cape Fear River has been of extraordinary profit as a business proposition, since the amount of freight produced by the deepening of the river has been in the ratio of 15 to 1; that is, an increase of water-borne traffic resulting in $15 annually for every $1 expended on the Cape Fear River by the Congress.

I desire here to thank the several newspapers of the State for their most valuable assistance in this great undertaking, as they have taken hold of the matter most heartily, and have indorsed the project as a State-wide enterprise. I wish to say a word of commendation and appreciation of the engineer in charge at this port, Capt. Earl I. Brown. Captain Brown is one of the most efficient engineers in the corps and is a great believer in the possibilities of the Cape Fear River. He has given us great aid and assistance in all of our undertakings.

Mr. James Sprunt, the largest exporter at this port—in fact, one of the largest in the United States and also chairman of the board of navigation and pilotage—in a letter of November 10, 1908, to the president of the chamber of commerce, wisely said:

The superior character of the river and harbor work under the skillful direction of Capt. Earl I. Brown, Corps of Engineers, United States Army, is so remarkable and gratifying that a suitable official recognition by our chamber of commerce would be, in our opinion, appreciated at this stage of our development as a deep-water port. The systematic concentration of the government force at points of emergency or necessity has kept the general work up to a standard of effectiveness never before attained on the Cape Fear River and bar, and I do not recall in the history of this important undertaking a period of more general appreciation by seafaring people than is now apparent with reference to its excellent results.

Mr. Chairman, I desire to thank the committee for so favorably considering the Cape Fear River in the present bill. As I said, ample provision has been made for the continuing work at and below Wilmington.

The item in the bill in reference to the upper Cape Fear project is as follows:

Improving Cape Fear River above Wilmington, N. C.: Continuing improvement with a view to securing a navigable depth of 8 feet up to Fayetteville, including surveys and acquisition of land for sites, for locks and dams, and completion of plans for the same, in accordance with the report submitted in House Document No. 890, Sixtieth Congress, first session, $10,000.

This, in my opinion, fully authorizes and adopts the project for two locks and dams for a depth of 8 feet from Wilmington to Fayetteville the year round. The $10,000 appropriated is to be used in beginning the work, and the balance of the $615,000 will be forthcoming from time to time as the work progresses, the necessary amounts being appropriated in the sundry civil bill. When the bill was first introduced in the House, I showed this item to Capt. Earl I. Brown, Corps of Engineers, United States Army, who is in charge of the river and harbor work for my congressional district, and asked him to state his opinion as to whether the language used in the bill is sufficient to authorize the project. Captain Brown said:

I have seen the copy of the river and harbor bill now pending in Congress, and I find that the project of providing a depth of 8 feet in the Cape Fear River from Wilmington to Fayetteville, N. C., by means of locks and dams is fully authorized therein. The bill provides an appropriation of $10,000 for the beginning of the work, and authorizes the expenditure of $615,000 thereon, the difference to be appropriated from time to time in the sundry civil bill as needed to prosecute the work.

This makes certain the improvement of the upper Cape Fear River as desired by my people. They have waited patiently for quite a while for this much needed improvement, and they will be gratified to know that their hopes will be realized and that their labors have not been in vain. This matter has been agitated for some time. An item providing for the improvement of the Cape Fear River so as to provide a channel 8 feet deep from Wilmington to Fayetteville throughout the year was included in the river and harbor bill reported to Congress in 1901. The whole bill, however, failed in the Senate. The same item was included in the act of June 13, 1902, and $50,000 was appropriated for the purchase of sites for locks and dams. The bill as recommended by the War Department called for the construction of three locks with movable dams, at a cost of $1,350,000.

Since that time the science of river engineering has progressed with such rapidity that it was thought that the purpose of the act of 1902 could be accomplished at less cost and with a less number of locks. And in 1907 a reexamination of the Cape Fear River above Wilmington was made with a view to reporting what modification, if any, should be made in the existing project. The reexamination disclosed that the object of the act of 1902 could be accomplished by the construction of two locks with fixed dams instead of three locks with movable dams, the first to cost $615,000 and the second $1,350,000. This showed a great advantage in favor of the advocates of the upper Cape Fear improvement project. The plan for the two locks and dams was recommended by the Board of Engineers, concurred in by the Chief of Engineers, and transmitted to the Speaker of the House of Representatives in a letter from the Secretary of War April 25, 1908, and is known as "House Document No. 890, Sixtieth Congress, first session." The bill I prepared is drawn in accordance with that recommendation, and this is the project now adopted and approved in the present bill. This project has been strongly advocated by the people of North Carolina, three governors and several sessions of the North Carolina legislature having strongly indorsed it.

The people of Fayetteville and the entire upper Cape Fear section have been unceasing in active support, but there is one distinguished citizen who, in my opinion, deserves more credit for his wise counsel and valuable information and service in supporting this project than anyone else; this gentleman is Maj. E. J. Hale, of Fayetteville, who has given ten years of active

work and spent largely of his means in support of this laudable undertaking. I have also had the undivided support and influence of our two Senators and the Members of the House from North Carolina.

The estimate of existing traffic between Fayetteville and Wilmington in 1900 was 115,000 tons, valued at $1,150,000. In 1906 the traffic was reported by the district engineer as 135,991 tons, valued at $3,630,078, so that the case, considered from the standpoint of less than half the cost and more than three times the value of traffic, was then more than six times as strong as when Congress first adopted the project in 1902. The report of the district engineer for the fiscal year ending June 30, 1909, showed that the tonnage had increased to 137,620 and the value to $3,960,235, making the ratio nearly 8 to 1 in favor of the project as now presented.

The saving in freight charges by river from Wilmington to Fayetteville, as compared with those by rail, is so great that private capitalists, if they had the power to construct this work, as before 1882, could recoup their whole outlay for its construction, as now recommended by the government engineers, in five years' time by a tonnage charge of only 5 cents per 100 pounds, and yet save to the shippers an equal amount as against the railway charges.

But it is not upon the needs of existing traffic, nor in consideration of local conditions in themselves, that the argument for the adoption of this project is founded. The geographical peculiarities of North Carolina cause it to be a matter affecting nearly all of North Carolina and some adjacent parts, containing a population this side of the Alleghenies of 2,000,000 of people.

The jutting coast line of North Carolina renders it impossible for the greater portion of the population mentioned to enjoy freight rates on equal terms with the people of other States, except approach be had through the port of Fayetteville. This peculiarity distinguishes this from all other river propositions offered to the Government. A glance at the map will make this apparent. Fayetteville is the only port between Norfolk and Richmond on the north and Charleston on the south which is on the normal coast line, and therefore it is the only port which lies nearer to the population referred to. A calculation made in accordance with the principle upon which the promoters of the Manchester Ship Canal won their case, viz, that the territory traffically tributary to a port comprises all that it nearer to it than to any other port, shows that 6,000,000 tons of freight would be diverted to Fayetteville. The estimate of the North Carolina corporation commission, the highest authority extant on this subject, is to the same effect. Three legislatures of North Carolina indorsed this project upon the grounds just mentioned, a course which the State has pursued toward no other scheme of river or harbor improvements within its borders.

Before deforestation had interrupted the year-round navigation which formerly existed on this river and the overworking of the railroad idea had increased the effect of this impediment Fayetteville was the market and distributing point for all the vast territory referred to. The proposed improvement, therefore, does not seek to establish novel conditions, as in the canalization of rivers above the head of navigation, but to reestablish trade routes disturbed by an incomplete development of the problem of transportation.

Senator BURTON, the highest authority in these matters, in the course of his speech before the National Rivers and Harbors Congress, December, 1907, when chairman of the Rivers and Harbors Committee, declared that the object of legitimate waterways improvement is to supply equal opportunity to all. It is a matter of common knowledge, admitted now by the railways themselves, that North Carolina is discriminated against in freight rates. The reason assigned is the circumstance that we have in North Carolina no "basing point for freight rates," or "gateway," as it is now called. It is stated that Fayetteville will be made such a "basing point" upon the completion of the work now proposed. Until that is done, over 2,000,000 of our people must continue, in this vital respect, to be deprived of equal opportunity with their neighbors.

Finally, attention is asked particularly to the declaration of the North Carolina corporation commission, already referred to, in these words, viz:

> The Atlantic Coast Line Railroad enters Fayetteville from four different directions, and I inclose you statement showing the tonnage of freights for this road for the State. If the Cape Fear River is made navigable to Fayetteville, this city would be the distributing point for a great majority of this freight.

On page 15 is given the tonnage of freights for this road for the State, in the corporation commission's inclosure referred to by them, which is 3,368,441. Assuming that a "great majority" of this sum would be at least 2,000,000, it will be seen that the saving of $1.80 a ton by the river route would amount to $3,600,000 per annum—or enough to pay the whole cost of the proposed work in two months. All the money that our Government wisely expends in the improving of our waterways will be worth throughout the years to come 100 per cent on the investment. Water transportation costs only one-sixth as much as that by rail. [Applause.]

Mr. MAGUIRE of Nebraska. Mr. Chairman, in the consideration of the bill before us to-day I wish to speak to you, first, on the facts and conditions relating to the territory tributary to the Mississippi River. I do this because a wrong impression prevails among many as to the need of improvement on this river and its importance as a part not only of the navigable waterways system, but also as an integral part of the whole transportation machinery of the country. Many who live along the Atlantic seaboard have not considered seriously the geographical proportion of the country nor have they been in a position to realize the contributing forces of the West as a nation builder.

I am glad that the Committee on Rivers and Harbors and its chairman have not overlooked the fact that in the working out of a comprehensive waterways system of transportation it can not be done and neglect the Missouri River. I am also pleased to note in the speech of the chairman and in the report of the committee a more favorable attitude toward the country tributary to this river.

I will relate briefly a little of the history of the commerce and development as I find it in the records of the army engineers, who are responsible for what national care was given along the Missouri. For over two hundred years the Missouri has been used as a channel for trade and commerce, and for ninety years it has been navigated by steamboats. The Lewis and Clarke expedition found commerce on the river in 1803, and this expedition did much to stimulate further trade and development in the upper region. From 1820 till after the close of the civil war it was comparatively a busy thoroughfare, and from 1845 to its decline it was the great means of travel, and made possible the early opening of that country to settlement.

Forty-three steamboats cleared from St. Louis for upper-river trade in 1867 with a freight of over 1,600 tons, while the down-river freight consisted of gold, silver, hides, furs, and so forth. Over 1,000 passengers were carried and more than $1,500,000 in fares paid. Twenty-eight clearances, with 10,000 tons, were made from the middle river. There were 612 clearances, with 100,000 tons from St. Louis on the down river. In the year 1877, 25 steamers arrived at Fort Benton with 5,283 tons of freight and 1,500 passengers, and in 1878 there were 46 arrivals and a tonnage of more than 8,000 in merchandise.

Edward H. Schulz, captain, Corps of Engineers, in his report on the Missouri River, made from Kansas City on April 30, 1905, appearing in House Document No. 1120, Sixtieth Congress, second session, inserts a table of comparative mileage of the great rivers of the world as follows:

Missouri proper and Madison	2,780
Missouri, with Mississippi	4,400
St. Lawrence	2,200
Rio Grande	1,800
Amazon	3,600
Orinoco	1,500
La Plata	2,250
Rhine	960
Danube	1,600
Nile	4,000
Niger	2,600
Columbia	1,200
Amoor	2,700
Hoang-ho	2,700
Yangste Kiang	3,200
Ganges	1,600
Volga	2,000

He comments on these figures and the territory bordering the river in this language:

> It is thus seen that the Missouri River may well be called a large river, and with the Mississippi it is the largest in the world. When we further consider the great natural fertility and the enormous production of the territory bordering this river, it is not extravagant to say that the region surpasses any other on the globe, and this is especially true of that portion from Sioux City to the mouth. The production of grain, live stock, and meat products almost staggers the imagination.

His report further sets out a comparison of the mean discharge in cubic feet per second as follows:

Upper Mississippi	105,000
Missouri	120,000
Ohio	158,000
Arkansas	63,000
Red	57,000
Yazoo	43,000
St. Francis	31,000

If low-water discharges only are considered, the Missouri River surpasses the Ohio, since the fluctuations in discharge are much less on the Missouri, and it maintains a greater and more uniform low-water discharge.

In this report he makes a table of population for 1900, and an estimate for 1908, of the seven bordering river States, also an estimate of the population within the 100-mile belt on each side of the river within these States, as follows:

	1900.	1908.
Missouri	3,106,000	3,886,000
Kansas	1,470,000	1,680,000
Iowa	2,232,000	2,678,000
Nebraska	1,066,000	1,225,000
South Dakota	402,000	490,000
North Dakota	319,000	475,000
Montana	243,000	275,000
Total	8,838,000	10,709,000

The approximate population of this 100-mile belt in 1900 was:

Missouri	1,584,000
Kansas	679,000
Iowa	692,000
Nebraska	738,000
South Dakota	247,000
North Dakota	104,000
Montana	85,000
Total	4,129,000

And the population for this same belt is estimated in 1908 at 5,000,000.

Captain Schulz makes the following compilation of crop production and some manufactured products tributary to the river, a great part of which could readily be available as freight for river traffic:

The total grains produced in 1907 for those States was: Corn, 25,000,000 tons; wheat, 7,000,000; oats, 4,300,000; barley, 1,400,000; rye, 122,000; buckwheat, 4,000; flaxseed, 562,000; potatoes, 1,200,000; hay, 15,000,000; being a total of nearly 55,000,000 tons valued at over $1,000,000,000. For the 100-mile belt the totals are 25,000,000 tons and nearly $500,000,000.

The corn production alone of the United States is about 80 per cent of the world, and that of the seven Missouri River States in 1907 was 23 per cent of the whole United States. The export trade of the United States in corn alone was 4,000,000 tons, and in total foodstuff products nearly 7,000,000 tons.

The meat products rank first among all manufactured products in the United States in net production and second in gross production, and are valued at over $800,000,000 per year, estimated to be over 3,200,000 tons, of which about one-quarter is produced in the cities of Sioux City, Omaha, St. Joseph, and Kansas City.

The manufactured products in 1900 of the four States, from Sioux City to the mouth, are as follows:

Iowa	$164,618,000
Nebraska	144,000,000
Kansas	172,000,000
Missouri	385,000,000
Total	865,618,000

And of the cities:

Sioux City	$15,000,000
Council Bluffs	2,600,000
Omaha	43,000,000
St. Joe	32,000,000
Atchison	2,600,000
Leavenworth	4,700,000
Kansas City, Kans	83,000,000
Kansas City, Mo	36,000,000
Jefferson City	3,600,000
St. Louis	234,000,000
Total	456,500,000

From the 1907–8 bureau of labor report for the State of Nebraska are taken the following statistics of agriculture: The orchard trees in my district, comprising seven counties, are: Apple, 880,718; pear, 32,821; peach, 550,251 for the year 1907. The shipment of live stock for the same year was: Cattle, 84,242; hogs, 333,758; also sheep and horses. Of grain in bushels: Corn, 12,205,000; wheat, 3,644,000; oats, 1,168,000; besides barley, rye, and so forth. Of flour in 1906, 19,397,000 pounds; cream in 1907, 628,000 gallons; butter, 6,837,000 pounds; eggs, 4,356,000 dozen; poultry, 3,465,000 pounds. The total value of crop yields, exclusive of garden truck, for 1907 was $21,132,498.

Captain Schulz in his report, among other observations, says what should be secured by improvement of the river:

It has already been shown that the grain production alone along the Missouri River is over 25,000,000 tons. If only 5,000,000 tons moved down the river between Sioux City and the mouth, a saving of $1 per ton, or 3 cents per bushel, would practically pay for the improvement in ten years, not considering the live stock, meat products, and general upstream merchandise. As a matter of fact, grain should be moved by water for 1 cent per bushel from Kansas City to the mouth, equivalent to 30 cents per ton, or a saving of over $2 per ton, or for 10,000,000 tons $20,000,000.

Based upon present or immediately prospective commerce, no greater expenditure than that required for a 6-foot depth seems warranted; but based upon the latent possibilities and capacity of this stream and the great and growing population on its shores, upon the stupendous output of grain and other products, the improvement is warranted to full 12-foot project.

From careful examination of the stream for several years past he reports the following on sedimentation:

Owing to the great amount of sediment, bars build rapidly when the current is strong. The amount of sediment is very great, and at St. Charles, Mo., for the year 1879 was over five and one-half billion cubic feet, not counting bed movement. The water discharge was about 424 times as great by volume, and 265 times by weight. The total amount per year is estimated at 11,000,000,000 cubic feet, equivalent to 1 square mile 400 feet deep. Actual navigation depths run from 3 to 9 feet. The main difficulties of navigation are due to the small depth on the bar. Wherever certain limits of width are exceeded, there are two narrow pools and between them a bar.

The deposit of course is much greater now than at the date mentioned because of a very much increased area of the land along the river now cultivated. From these facts it is apparent what the ravages of the stream must be and what might be done with the stream if its energies were placed somewhat under control.

Under "Land threatened," the report continues:

Every change in velocity or direction of current means new erosion and subsequent partial deposits, causing untold loss in value of land and products. The bottom land threatened or to be benefited on the upper reach, Sioux City to Kansas City, is 1,141.5 square miles, or 730,560 acres, and on the lower reach, Kansas City to the mouth, 788.8 square miles, or 504,832 acres; total for the two reaches, 1,235,392 acres, which at $100 per acre would be worth nearly $125,000,000. To this amount should be added 24,000 acres of sand bar which would be reclaimed and filled in by improvement, and at $50 per acre would be worth $1,200,000.

A glance at these figures will show the great land loss to that section of the country due to erosion and overflow by the stream and to the delay of the Government in making improvements on the stream.

The people of my district, the First Nebraska, are making extensive improvements in drainage on the smaller tributary streams of the Missouri. Ditches are either under course of construction or preliminary steps are being taken to construct them along the Nemaha, Little Nemaha, Weeping Water, and Salt River. This is being done for the purpose of redeeming thousands of acres of land for agricultural uses. The complete improvement at the foot of these streams will be seriously interfered with because of backwater and overflows, due to the present condition of the Missouri River.

Included in the report from Captain Schulz is a letter of June 18, 1907, from A. Mackenzie, brigadier-general, Chief of Engineers, in which he says:

I recommend that the Secretary of War authorize such a survey as may be necessary to formulate recommendations as to the further improvement of the Missouri River from mouth to Kansas City, and from Kansas City to Sioux City.

D. W. Lockwood, colonel, Corps of Engineers, in a letter of June 10, 1907, also recommends for the Board of Engineers for Rivers and Harbors an allotment of money, with a view of improving the river. Col. W. H. Bixby, Corps of Engineers, western division, in his letter May 18, 1908, transmitting the report said:

I heartily indorse the views and estimates submitted by the district engineer, Captain Schulz.

James B. Quinn, colonel, Corps of Engineers, in a letter on June 4, 1907, and made a part of the Schulz report, recommends the river improvement.

In view of the foregoing facts and conditions relative to the Missouri River and tributary country, taken in connection with the unqualified indorsement of the government engineers in charge of the river work, longer delay can not be had if we are to do justice to the people of that section and to the country at large.

Our whole system of transportation by rail is not keeping pace with our rapid and startling increase of production and consumption. Most of the transportation is over rail, and we have utilized only in a meager way our rivers for that purpose. This is essentially true of our interior waterways. Water traffic, to a large extent, is localized around the Great Lakes, and splendid as are the results, still the benefits have failed to reach the great interior sources of production.

Over the region of the West, in the locality of the Mississippi-Missouri River system, lies a great freight-producing area. From that locality come more products of the soil than from any similar section of the earth's surface. Under the single system of freight carriage the producer fails to reach the markets with a profit, and the consuming world is denied access to these interior fields of production.

In 1890 the total rail traffic of the entire country was seventy-nine billion in tonnage, and in 1906 it was two hundred and sixteen billion, or nearly three times as much, and that of course does not include the low-valued and unprofitable tonnage which the carrier did not move and which the shipper could not afford to move, because of comparatively high rates on low-class products. Under normal increase in 1915 it is estimated that

the same class of freight will be three hundred and fifty billion in tonnage. The business of the country in the past ten years has increased more than 110 per cent, while the railroads increased but 20 per cent. Production is increasing five times faster than road mileage.

For several years the roads have failed to move the crops in season, and before long they will be able to move only a portion of the farm products to market. Railroads are now capitalized at about $15,000,000,000, and with but little double trackage. Every road in order to meet the demands of future traffic must be double-tracked. Leaders in railroad transportation recently estimated that the next ten years would require 75,000 miles more of trackage construction to meet the requirements of the normal growth of the country. That the necessary increase of mileage and equipment will be made is quite unlikely.

The Interstate Commerce Commission in 1906 reported that the average cost of moving freight by rail was 7.48 mills per ton per mile. The statistical report of 1906, by Colonel Davis, United States Engineer Corps, gives the cost through Sault Ste. Marie Canal for 1905 as 0.84 of 1 mill per mile, or one-ninth that by rail. The available figures from the Ohio River and other water routes give the cost from one-sixth to one-tenth of the above cost by rail. These figures show our constant loss in not developing and taking advantage of naturally cheaper means of transportation.

The character of freight carried by rail and by water is naturally different. A division and differentiation of freight products could readly be made with advantage to shipper and to both classes of carriers. The automatic classification at first would be made gradually, but products would be accommodated to the dual carrier system when waterways once became established and assured as a permanent part of the traffic system.

Much of the high-class freight now handled by rail is compelled to bear the expense of carrying the comparatively low-valued freight, because it could not be moved if charged with the ordinary rates and still leave a margin of profit to producer and shipper. Railway statistics show that two-thirds of the freight moved by rail is of a character of products valued at less than $2 per ton at the point of production. Could the dual system become generally operative, it would automatically classify products with advantage to the whole freight area of production and consumption. In addition to the classification of the freight now handled, the naturally cheaper water rates would enlarge traffic, a wider market would result, with low-valued but necessary articles of production introduced. Sand, gravel, earthen cements, building materials, fertilizers, low-grade ores from mines, coarse feed and numerous products from the farm, by-products from the factory, farm, and mine, and countless other articles which are now practically useless would be introduced into the field of commerce. The increase would lead to more varied consumption of goods, give the consumer the benefit of the enlarged field of production, and the producer wider and more profitable markets.

The idea is frequently entertained that freight benefits would be local only in the case of water transportation or that they would be along those lines of waterways actually improved, but mature examination will reveal results, though not to such an extent, everywhere over the entire freight area. The expanded markets, both in distance and in intensity, would give general and permanent results.

If the farmer of the agricultural region can get his corn and wheat to market for 10 cents instead of 20 cents per bushel, with a similar saving on live stock and other products, that much is saved as profit; if the ores can be quarried from the mines and transported over cheap freight routes to proper destinations, profits will be had where nothing was realized before; if the consumer can get his lumber, coal, building material, and other articles of consumption at a cheaper freight expense, he has saved that in cost of living.

The general direction of railroad systems is east and west and at right angles to prevailing courses of waterways. Freight, in leaving the wide, productive fields of the West, converges and often becomes congested in large eastern terminals and is delayed, with added cost of expensive trackage and storage in reaching destination, or the surplus in reaching the markets of the world.

Natural trade routes and commercial outlets to world markets in the future are certain to develop in the direction of the Gulf and to Mexico, South and Central America, and through the canal to the Orient. Our Missouri-Mississippi River system is therefore in harmony with approaching development toward world commerce and activities, and we should not here fail in our opportunity. Natural forces, fields of consumption, diversity of products and climate, reciprocal trade arrangements, political and industrial geography all point inevitably in that direction, with expanding markets for our farm products and for the products of American skill and intelligence.

Wisdom and experience point ultimately to a comprehensive programme of interior waterways improvement, instead of much of our inefficient patchwork methods of the past. The waterways of the interior, because of their geographical arrangement and adaptability for improvement, form the basis of a complete and unified plan of transportation. With proper improvement it would be possible to ship freight from a single point to every other point, and the whole system become complete for traffic. Much of the freight through a system of waterways would not even have the disadvantage of cost and delay in breaking bulk on entering the world's highways.

When the inland waterways become improved with safe and permanent channels the public carrier will be able to secure insurance of cargoes; he will then invest capital and enter the field of traffic with some degree of certainty and on a comprehensive scale. The waterways of the interior would then begin to perform their proper functions; they would become the Nation's highways and for use by every carrier and shipper; the freight system would through classification attain to a higher degree of efficiency and the public would receive the benefits.

We can not stop raising corn or wheat or cattle or hogs, or permit the stores of mineral wealth to remain idle beneath the mountains to await a partially developed system of transportation. We produce in each locality more than we need, and we require so much that we can not produce that its distribution becomes not an individual but a national problem. Encouragement of production is irrational if we still neglect the natural internal facilities for distribution.

A well-balanced industrial society is interdependent alike upon the instruments and agencies of production, distribution, and consumption; neglect one and you cripple the economic machinery and stifle the natural growth.

These inland waterways belong to the whole people, and I am in favor of preparing them as means of transportation. Guarantee to the public their perpetual use for the Nation's traffic and we thereby take advantage of the instruments of our civilization to further develop and make possible the fruits of civilization itself.

Mr. BORLAND. Mr. Chairman, in the whole sphere of governmental activities I know of no question which partakes less of a partisan nature than the improvement of the inland waterways. It is a business question, appealing to the sound business sense of the people of the entire country, and especially the great empire west of the Mississippi. There are three subjects upon which the action, or nonaction, of the Government very closely affects the business community—currency, tariff, and transportation. I will not undertake to say which is the most important, but, certainly, the question of transportation is vital to us of the West, and is one upon which the interests of all classes—wholesalers, retailers, manufacturers, producers, and consumers—are more nearly united.

In the Mississippi and its tributaries our country is blessed with the most wonderful system of navigable rivers in the world, and the greatest natural highway of the trans-Mississippi region is the Missouri River. In my judgment we are entering upon the third period in the history of this great stream.

In the period preceding the civil war navigation of the western rivers was carried on to a surprising extent. Hundreds of steamers plied the Mississippi and the Ohio, and many of them came up the Missouri. Missouri was then a frontier State, and the river was the only path for commerce into the wilderness. The difficulties of navigation were as great or greater than they are now, but there was no other method of transportation to compete with the rivers. Railroads had not been extended west of the Mississippi in sufficient numbers to affect the river trade. The old Hannibal and St. Joe ran across the State, depending largely for its traffic upon cooperation with the boats. The Missouri Pacific ran from St. Louis to Jefferson City, and the beginning of the Frisco from St. Louis to Rolla. All beyond was the virgin forest, or prairie, where civilization was just beginning to push its way. The great Southwest must bring its traffic to the nearest river point. For ten years preceding the civil war my father and his partner, who were merchants at Warsaw, in Benton County, ran two small boats upon the Missouri from St. Louis and up the Osage as far as Osceola. From there distribution was made over a territory embracing the entire southern half of the State. It was my father's custom in those days to ride overland to St. Louis in the winter and buy goods to come out on the first boat in the spring. From Westport Landing, where Kansas City now stands, ran the

great overland trail to Santa Fe, and from St. Joseph the pony express to the Northwest. The risks, dangers, and losses of the Missouri River traffic were enormous, but the profit was great, and the necessities of the case compelled the continuance of the river traffic.

The second period of the river history began with the era of railroad building. Gradually the river was paralleled by railroads, and not only this, but all the interior country was tapped by railway lines. For twenty years, up to the panic of 1893, we had an extraordinary increase of railway mileage, keeping pace with and in many cases outrunning the development of the country. Small lines, independent lines, competitive lines fought for business, driving the river traffic out by the greater speed, certainty, and safety of their carriage, making joint and through rates with a view to building up the communities and interests along their lines. A railway runs all the year around. It carries in winter as well as in summer; it carries more quickly, with greater safety and certainty than an unimproved river. It reaches the interior points and can deliver to connecting carriers without reloading. This had its natural effect upon river transportation.

When we add to this the shocking system of discrimination which was practiced by the railroads in those days by which the large shippers were given rebates made up by extortion practiced on the small shippers, we see that law had put it into the power of the railroads to stifle water transportation.

After the period of receiverships through which the railroads passed in 1893 to 1896 the small independent lines of roads disappeared; rapid consolidation began. Now we have only a few giant systems, no one of which is content with a terminus at any point except on the Great Lakes or the seaboard. Deep water and deep water alone is the natural outlet for a railroad.

Fortunately we are entering upon the third period of river history—the period of actual development. The Missouri River is navigable. Navigation has existed in the past. Navigation must exist in the future when the conditions require it. What are those conditions? They are the conditions that confront us to-day. In the first place, we can never again have the advantage of competitive freight rates. All of the interior cities are upon great continental lines of railway which do not stop short of the Great Lakes or the seaboard.

We must look the matter squarely in the face. Deep water must be brought as close to every trans-Mississippi commercial center as natural conditions will permit. Transportation begins with competition between communities, but ends by competition between nations.

We all know that when a nation produces a surplus of commodities the value of such surplus must be determined at the seacoast. There is no such thing as a home market price for any commodity of which we produce more than we use. Such surplus has no value until it enters into the commerce of the world, and its value at the point of production must be discounted the exact sum necessary to place it at the seacoast. The foreign price can not be controlled. It depends upon the production of other nations, the conditions of war and peace, famine and crop failure, and many other things. All that can be improved are the conditions of production at home and the cheapness of transportation to the seaboard. We are the greatest producing nation of raw material in the world. There is no country except Russia having such a tremendous expanse of inland region under one government, and Russia is a hundred years behind us in development. Our national prosperity depends upon the productiveness of these vast inland regions and the cheapness and facility of transporting our products to the seacoast, where they may enter into the commerce of the world.

We must build for the future. Heretofore we have depended upon the railroads to develop the country, and their influence in that direction has been tremendous. The rapid growth of the West and the Southwest and their present prosperity would have been impossible without the enterprise of the railroads in building into new and undeveloped country. But we have about reached the point where the railroad facilities are no longer adequate to the growing traffic, and it seems difficult for them to keep pace with the demands of commerce. In the last decade production in the trans-Mississippi territory has increased in amount six times greater than transportation facilities. This must result in a retarding of business unless a new outlet for the traffic is found.

The expense of building additional lines of railroad is increasing yearly. The time has now come in the development of the country to turn to the Missouri River and make it one of the great freight carriers of the world. Such improvement will not only supplement railroad transportation by relieving it of bulky and cheap freight, and thereby enabling the higher class of freight to be transported more quickly and safely, but it will be a regulator of freight rates. The improvement of the Missouri River to a point where navigation will be safe and profitable will provide almost unlimited facilities for the expansion of trade in the West and Southwest. It is correctly estimated that the improved river will cost no more than a single-track railway and will have six hundred times the carrying capacity of such single track. The effect of the reduction and equalization of freight rates will be by no means confined to the river States. As the Missouri River is the basic point for rates, a reduction or equalization of rates will result in a benefit of all the commercial centers of the West and Southwest. More than that, it will affect the price of all commodities and the value of all land within the sphere of its influence. The western farmer gets for his wheat, wherever sold, exactly what it would produce in Liverpool, less the cost of transporting it there. He must live and pay his debts and buy goods on what he has left after selling his wheat at foreign prices and paying the transportation charges. Every penny saved on the cost of transporting the grain to the seacoast is a penny which remains in the farmer's pocket to build up the general prosperity of the country and enter into all the channels of retail trade. There is no division of interest here. We shall all benefit in an equal proportion by these improvements. It has been found that the building of the Sault Ste. Marie Canal in the Great Lakes and the opening of navigation from Duluth to Buffalo has added 12 cents to every bushel of wheat produced in the Northwest. It actually has advanced the price of farm lands up in Canada far to the northward of the American border. Our Canadian friends are getting the benefit of this while we, in the Southwest, are at a relative disadvantage. If the opening of the Missouri River for traffic would add 6 cents a bushel to the price of our wheat and other grains, it would mean $15,000,000 per year to the State of Missouri alone, $15,000,000 to the State of Kansas, $12,000,000 to the State of Oklahoma, and to other Western States in proportion.

Seventy-five per cent, I am told, of the exports of this country, which bring the golden stream of wealth to American shores and turn the balance of trade in our favor, are the products of the western farms, forests, and mines. We must sell these products abroad in competition with the open markets of the world, and the basis of our wealth is what we can sell abroad, less what it costs us to transport it to the foreign markets. Our great problem has always been the problem of transportation, and I pray that the time may never come when it shall cease so to be, for when we are no longer concerned with the problem of transportation, we no longer have a surplus of products to sell abroad. The West is the backbone of this country. I was born on the banks of the Missouri and have lived there all my life. In that time three great panics have broken over the commercial world, and from each of them the West has rallied through her own inexhaustible resources. At last we are on the high road to financial independence. In the past we have been the innocent victims of panics which we did not cause, but the panic of 1907 touched us more lightly than ever before. The reason is that since 1893 there has been a tremendous growth of population and wealth in the great Missouri Valley. Our cities have nearly doubled. Far out to the west of the Missouri River, where in '93 were the dugouts and the little fields of sod corn, there are now handsome farmhouses, huge barns, good fences. The great new State of Oklahoma has sprung into existence. It came into the Union with a greater population and more electoral votes than some of the New England States.

In the great imperial State of Missouri the values of farm lands are rising every year. We need every acre of that fertile soil for the homes of untold millions. For two generations the tide of immigration has swept across the broad bosom of our State and on beyond to fill the free cheap lands of the West. To-day those free cheap lands are gone. Uncle Sam has no more farms to give away, except in the arid region, where the expense of irrigation must precede cultivation.

Westward the star of empire has taken its way, until it stands poised above the promised land. The tide of white civilization has rolled westward until it has dashed itself against the shores of far Cathay. It now returns to the seat of its power—the Mississippi Valley. In the State of Missouri alone there are 600,000 acres of the richest land in the world lying along the river banks rendered useless by overflow and the ravages of an uncontrolled stream. Six hundred thousand acres—larger than the State of Connecticut. What a problem in the conservation of natural resources is here!

The improvement of the Missouri River is not a local *project*. While such improvement would reclaim a vast area of fertile land along its banks, yet the land would be added to the tax-

able value and commercial wealth of the great trans-Mississippi empire. It would turn the Missouri River from a liability into an asset. It would check, not wholly, but to a great extent, the disastrous floods that have visited the river cities in recent years. The losses from these floods have not been borne alone by the cities visited. The paralysis of commerce, the loss of freight, the delay, the congestion, and reduction of business have been felt throughout every part of the West.

The advantage of an improved river, both as to rates and traffic, extends to every community, however remote, that can use any portion of the completed waterway as a route to the seaboard. It relieves congestion and furnishes an ever ready potential competition. An improved waterway is a free highway. It can not lend itself to monopoly. It is open to all, under reasonable regulations, who care to use it. The highway itself is free and is maintained without cost to the user. It differs, however, from other highways in the demand it makes for terminal facilities. Such facilities should also be under public control and should be promptly and willingly provided by the shipping centers along the banks in return for the special advantage which they will enjoy. Kansas City has taken the first practical step in this direction by a proposal to issue bonds of the city for $75,000 to provide public wharfage equipped with modern loading and unloading devices. The State of Missouri has created a waterway commission. Other States will fall in line and do their share.

The Missouri River borders seven great States containing a population of 10,700,000. This section is increasing in importance faster than any other section of the country. The center of population is rapidly moving westward. To-day in the Missouri Valley are found the centers of production of all the great commodities upon which is founded our national wealth. Within a belt of 100 miles on each side of the Missouri River, west of the Mississippi, are the centers of production of wheat, oats, corn, cattle, hogs, horses, and mules, and farm products of all kinds. Within the watershed of the Missouri River are found the centers of production of gold, silver, lead, zinc, sheep, and wool, and also the geographical center of the Union. The improved Missouri will bring water transportation nearer the source of supply than any other route. No more national project now engages the attention of the Government than the improvement of the Mississippi and Missouri rivers in connection with the other waterways.

Now, a word as to the progress which has been made in recent years. The skillful engineers who have been in charge of work on the Missouri River have demonstrated by experience that permanent improvement of the river is perfectly feasible and that, once permanently improved, it can be maintained at a moderate cost. In times past the magnitude of the engineering problem involved was not properly appreciated by Congress, and the appropriations spent on the river were not adapted to a general or permanent plan. The present division engineer, Maj. E. H. Schulz, has recently prepared a wonderfully clear, comprehensive, and accurate report upon the river, showing the feasibility of its improvement, with a careful estimate of the cost, and showing also the resources of the country and the tonnage to be expected. This report has been approved by the Board of Engineers of the War Department at Washington and is now before Congress. It is House Document No. 1120, Sixtieth Congress, second session. Briefly, it shows that the cost of improving the river on a permanent basis is about $50,000 per mile, or $20,000,000 from Kansas City to St. Louis; that the land reclaimed along the river by such improvement and the protection from floods and overflows would repay the original cost; that the increased tonnage and reduction of freight rates from the entire Southwest would pay the cost of improvement every two years. It is estimated that navigation would be safe after the second year and the work be completed in ten years. The report points out, however, that the work should be planned as a whole and should be carried out in a continuous, economic, and scientific manner. It is useless to assemble an expensive plant of dredges, etc., to do piecemeal work and to spend some limited appropriation. This only results in an extravagant waste of money. Congress should provide for the entire improvement and appropriate the money therefor as fast as reasonably necessary.

The pending rivers and harbors bill is the first step in the direction of permanent improvement of the Missouri on a sane business plan. This bill carries an appropriation of $1,000,000 to begin the work of securing a permanent channel. With this money the War Department can assemble its plant and organize its force this summer to carry on continuous work. I hope the department will be given a free hand to work out a general plan for the improvement of the entire river, without being fettered by express directions of Congress to spend the money at favored localities. I hope this is the beginning of annual appropriations, that the project may proceed to its completion for the benefit of the present generation.

But it has been said that the amount of money needed for this improvement is beyond the present financial ability of the Government. Personally, I am not in favor of paying for improvements out of the general revenues of the Government. These revenues are needed for other purposes, and it can not be told from one year to another how much the general revenue will be or how much of it will be available for any particular object. If we depend on the general revenues to carry out a large plan extending over a period of years, we may find ourselves suddenly left without funds in the midst of the work. I believe that internal improvements should be regarded as an investment and should be paid for by an issue of bonds similar to those issued for the construction of the Panama Canal. Bonds bearing a low rate of interest can readily be sold, and thus a more businesslike system of financiering and a more economical conduct of the work can be assured. There need be no waste of money at one period or forced economy at another. The bonds could be issued at regular intervals as the work progresses, and I believe that the West and Southwest would take nearly all of these bonds, if necessary, to facilitate the work. We could well afford to do so.

The signs are most hopeful for a realization of this entire project. The sentiment in favor of river improvement all over the country is greater to-day than ever before.

The people of the Nation are coming to realize the justice of our demands. When the improvement of rivers and harbors first was undertaken by the National Government, it was natural that it should begin with the harbors of the coast and the tidal rivers. Millions have been spent on these, to which the whole country has cheerfully contributed. Later, the improvement of the Great Lakes assumed importance, and more millions were spent on this splendid system of water transportation. This money was from the common purse of the taxpayers of the Nation and has resulted in abounding prosperity to the lake cities and the States surrounding them. Now has come the turn of the western rivers.

The West is rising in wealth, population, and commercial importance to its proper relative place with other sections of the country. Every man has his pet insanity, and I have mine. It is a profound and unmistakable belief in the greatness of the Middle West. Nowhere in the known world is there such a large expanse of fertile land as in this great Mississippi Valley. We have the agricultural wealth and the natural fertility, outrivaling in sober fact the far-famed riches of the Valley of the Nile. Missouri has a luxuriance of vegetation which would make the vine-clad hills of Italy look like an arid desert. We have a variety of crops which would put to shame the fairest fields of fertile France. We have the forests and the mines, the cattle upon the thousand hills, the mighty cities, where the smoke from countless factories rolls up like incense upon the altar of industry. With it all we have a restless and indomitable race peopling this vast empire; a race which has planted civilization in the wilderness, which has wrested success from the jaws of defeat, which has conquered the savage, harnessed wild nature, and laughs at time, distance, and difficulties.

Mr. Chairman, I believe that the time for the permanent improvement of the Missouri River has come. Every great river in the world is improved, restrained, and fitted for navigation when the growth of population along its banks makes it necessary. That time has now arrived for the Missouri River. We want to see something else carried down that broad stream besides our fertile farms. I speak not only with the voice of 75 per cent of the Nation's exports, but with the voice of the new West, the financially emancipated West, the commercially important West, the West upon whom the burden of restoring prosperity to the whole country must rest. Let me say that the West, with united voices, demands immediate action toward the improvement of the Missouri River.

[Mr. LANGLEY addressed the committee. See Appendix.]

[Mr. AUSTIN addressed the committee. See Appendix.]

The CHAIRMAN. By order of the House, general debate is now closed and the Clerk will read the bill.

The Clerk read as follows:

Improving New York Harbor, New York: For maintenance, including Ambrose Channel, $200,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word, for the purpose of asking the chairman of the committee at what depth it is proposed to maintain the Ambrose Channel at New York.

Mr. ALEXANDER of New York. Forty feet.

Mr. MOORE of Pennsylvania. Will the chairman answer another question: That is the greatest depth maintained at any port in the United States, is it not?

Mr. ALEXANDER of New York. Yes; 5 feet greater than anywhere else.

Mr. MOORE of Pennsylvania. Can the gentleman tell whether there are any ports in Europe maintained by other governments that have a greater depth than 40 feet?

Mr. ALEXANDER of New York. I am not sure, but I do not think so.

Mr. MOORE of Pennsylvania. Has the committee ever given consideration to the question of the advisability of limiting the depth of channels in the United States?

Mr. ALEXANDER of New York. Yes; it has been talked about very seriously. It is possible that a limit must be fixed—in the interest of the Treasury.

Mr. MOORE of Pennsylvania. Does the gentleman think the Panama Canal would limit the depth of channels of the world?

Mr. ALEXANDER of New York. Oh, I have not considered the Panama Canal in connection with our harbors.

Mr. MOORE of Pennsylvania. How many vessels that now cross the seas require a 40-foot depth?

Mr. ALEXANDER of New York. There are quite a number that, until the Ambrose Channel was deepened, could come in fully laden, because they had disposed of so much coal and in that way lightened ship and diminished their depth by the time of their arrival at the port of New York. But going out there were many vessels that could not go with a full cargo until the Ambrose Channel was deepened to its present depth, especially the Cunarders and vessels of one or two other lines.

Mr. MOORE of Pennsylvania. They require 40 feet?

Mr. ALEXANDER of New York. Yes.

The Clerk read as follows:

Improving Hudson River, New York: Continuing improvement and for maintenance, $350,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word. Will the chairman of the committee kindly inform the House what portion of the Hudson River is to be improved under this provision:

Improving Hudson River, New York: Continuing improvement and for maintenance, $350,000.

Mr. ALEXANDER of New York. That part from Coxsackie up to Troy.

Mr. MOORE of Pennsylvania. That is the part referred to in the report at page 5?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. Under the head of "Hudson River?"

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. The report of the committee indicates that the engineer's report may be presented in time for consideration of this committee on the entire project. Is there reason to expect that that report may now be considered by the Committee on Rivers and Harbors in time for presentation to the House?

Mr. ALEXANDER of New York. The report for 12 feet of water at lowest depth is not yet before Congress. It probably will reach Congress in time to be considered by the Senate Committee on Commerce.

Mr. MOORE of Pennsylvania. Did that report go to the board of engineers?

Mr. ALEXANDER of New York. It went to the board of engineers in due form.

Mr. MOORE of Pennsylvania. Did they have public hearings?

Mr. ALEXANDER of New York. I do not know as to that.

Mr. MOORE of Pennsylvania. This project contemplates a very large expenditure, does it not?

Mr. ALEXANDER of New York. I do not know how much it will be—several million dollars.

Mr. MOORE of Pennsylvania. For obtaining a uniform depth of 12 feet?

Mr. ALEXANDER of New York. Twelve feet.

Mr. MOORE of Pennsylvania. From Troy to Coxsackie.

Mr. ALEXANDER of New York. Yes; at the lowest stage of water.

Mr. MOORE of Pennsylvania. It would probably involve an expenditure of $5,000,000, would it not?

Mr. ALEXANDER of New York. In the vicinity of that.

Mr. MOORE of Pennsylvania. I wanted to know whether that report could be considered by Congress at this session?

Mr. ALEXANDER of New York. I do not know whether the Committee on Commerce of the Senate will consider it or not. I hope they will.

Mr. MOORE of Pennsylvania. Then it rests entirely upon them?

Mr. ALEXANDER of New York. Entirely.

The Clerk read as follows:

Improving Newtown Creek, New York: For maintenance, $10,000.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. Are all of these creeks named navigable?

Mr. ALEXANDER of New York. Not only navigable, but they are carrying a vast commerce. Creek is another name for estuary. Years ago they were called creeks, and the name has been continued, but they are estuaries of the sea.

Mr. CLARK of Missouri. That is what I supposed; affected by tide water.

Mr. ALEXANDER of New York. Yes; and carry enormous commerce.

Mr. CLARK of Missouri. Why did not they call them something besides "creeks?" Out west of the Alleghenies "creek" has a well-defined meaning; it is a very small stream, fit for nothing except from which to catch minnows.

Mr. HUMPHREYS of Mississippi. Newtown Creek has a commerce of 4,000,000 tons, valued at $230,000,000.

Mr. CLARK of Missouri. I only called attention to this to clear up the minds of some gentlemen who have not been here very long and did not know the value of a creek.

The Clerk read as follows:

Improving Arthur Kill, New York and New Jersey: For maintenance of improvement of Arthur Kill and the waters connecting Raritan Bay with New York Harbor, including channel between Staten Island and the New Jersey shore, New York and New Jersey, $10,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I want to say that the Arthur Kill is a small channel that separates Staten Island from New York. It is not necessarily a part of the port of New York, but it has a tonnage in one year four times as great as the entire tonnage of the whole Mississippi system, leaving the Ohio out. The total amount of money that has been spent on the improvement of the Arthur Kill since the establishment of the Government is $341,000. The total maintenance charged for this stream, which might have made a portion of a great coastal canal system, has been $5,000 per annum. I mention this not by way of disparaging any other river of the country but to bring to the attention of the people of the environment of the Arthur Kill the importance of their own particular river.

Mr. FITZGERALD. Mr. Chairman, the people in the neighborhood of the Arthur Kill are very much indebted to the gentleman from Philadelphia for awakening to the importance of this waterway and is convinced that this appropriation for maintenance is not excessive. I think anybody familiar with the waters about the harbor of New York know that while they may not have high-sounding names they do carry an amount of tonnage in commerce that more than justifies all the appropriations that have been made for them.

Some years ago I made an estimate of the total appropriations for rivers and harbors in this country, and found at that time that they had an aggregate of $296,000,000, and of that sum about $4,000,000 had been expended in improvements about the harbor of New York. Of all the exports of the United States, 65 per cent, as I recall it now, went out of that harbor, while a much larger percentage of the imports came to that harbor.

So that it is a matter of gratification that the gentlemen from the great city of Philadelphia, who have at times been somewhat critical of the fact that projects have been authorized for the improvement of waterways in the harbor of New York greater in extent than those about the harbor of Philadelphia, have a full realization of the importance to the entire country of these waterways, and are so ready and willing to acquiesce in these very modest appropriations that are made for their continuance.

Mr. CANNON. Will the gentleman from New York yield to me?

Mr. FITZGERALD. I will yield to the gentleman, I believe from Illinois. [Applause.]

Mr. CANNON. Mr. Chairman, I merely want to say in reference to the Arthur Kill that I am not as familiar as I might be with the various improvements that are made about New York Harbor. I am familiar in a way with the Delaware River, because I have been down it and recognized the great importance of that river. As the creeks have been referred to as estuaries of the sea, bearing great commerce,

and as I believe in the probability that a great commerce will be borne upon the western waters when improved, as they will be in the next twenty or, perhaps, thirty years, I want to say that I was reminded of the bill that was vetoed by President Arthur in 1882. I voted for that bill, and I voted to pass it over the President's veto. A distinguished citizen on the New York delegation ridiculed some of the appropriations. I recollect for one there was an appropriation for Buttermilk Channel, a name that might suggest prohibition. [Laughter.] There was an appropriation for various creeks which I was compelled to familiarize myself with in the ensuing campaign in order to defend my vote to pass that bill over the President's veto. I had a good deal of difficulty in convincing my constituency—and they were convinced—of the propriety of making appropriations to improve the rivers and harbors of the country. About that time the Mississippi River Commission was created, and I took great pleasure in voting for that measure and for the appropriations that have been made from that time to this, in which great progress has been made. [Applause.]

But I recollect that I sometimes was discouraged in that campaign. There was but one metropolitan paper in that great Middle West that did not ridicule that bill, and it was anathema maranatha for every man that voted for it. I then had to meet the opposition of the metropolitan papers of the great city of Chicago in justifying my vote to an agricultural district, not a great way from the Wabash, not directly interested in those improvements; but I thanked God then, as I thank God now, that that constituency, agricultural district as it is to-day, had the breadth and the intelligence, and, I may say, the patriotism, crossed with that breadth and intelligence, to stand by me at the polls. I ought to make one honorable and intelligent exception to the attacks by the metropolitan press, when I was a younger man than I am now, and that was the Globe-Democrat, published at St. Louis. Behold how times have changed and keep on changing!

I have great respect for the newspaper press. They have access to the people, and they are read and ordinarily have great influence. I recognize that fact. Why, I had the pleasure of floating down the Mississippi on a steamboat in the late excursion from St. Louis to the Gulf. There is nothing like kindergarten instruction. While I had voted for these appropriations since the early eighties, I did not really understand as to the nature of the improvements. I did not understand that the strengthening of the banks, the confining of the water to a channel, substantially compelled the water to do the work of giving a deeper channel. I did not understand that in strengthening the banks with the revetment in many instances it probably meant an expense of $50,000 a mile. I did not fully realize, with engineering skill calling the forces of nature to work, exactly how much time it would take and is to take to work out the great problem; but I had enough kindergarten instruction at that time to feel that I was justified in my former vote, and that I am justified in voting for and supporting this bill as one Member of Congress. [Applause.]

We have 90,000,000 of people in this country now. When fully populated and developed we will have 500,000,000 of people. Already we have almost one-half of the railroad mileage of the round earth, carrying one-third of the products of the civilized world back and forth to market. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, long before the 500,000,000 of people are here, if we are to depend upon transportation by rail alone, we will have the railway mileage multiplied by two, multiplied by three, multiplied by four. It is a long work to make these improvements, to add to nature sufficient depth of water to carry the great and constantly increasing commerce. Terminals are to be cared for. If you had a railroad running from New York to Chicago, with no stations, it would carry a great deal of commerce originating on the Lakes, down to the seashore, but no railroad could be successfully maintained unless there were hundreds of stations. These stations will come on the rivers, but all this can not be done in a day.

I do not care about airing grievances touching newspaper and magazine attacks. It is their privilege. Why, Mr. Chairman, I recollect on that trip down the Mississippi that a great enterprising metropolitan paper issued a paper daily, with the aid of the local publishers along the way. When I turned around to come back from New Orleans, from the criticisms that I received and that many others received, not founded upon correct information—I will not say maliciously false—but not founded upon correct information, it made me wonder whether I was afoot or ahorseback; whether I was I or somebody else. [Laughter and applause.]

I am glad, Mr. Chairman, that the Committee on Rivers and Harbors by well-considered items has made what the chairman of that committee says is a good bill, and what I believe to be a good bill. I am not an engineer. In the great mass of business that is covered by 30,000 bills pending before the various committees, no man ever lived who can exhaust all of them. We must follow the committees. No Congress will ever exist that can ever consider all of the 30,000 bills, unless God in His infinite mercy lengthens the hours in the day and the days in a year. It is for us, while we occupy temporarily the places that we do occupy, to preserve the machinery by which a majority can transact the public business, and to preserve it, looking into the faces of the gentlemen on the other side, so that when the wisdom of the American people and the favor of God may give, perchance, in the fullness of years, a majority to them [laughter and applause] they will have the rules and the order of procedure, the product of the experience of one hundred and twenty years, unhampered, and thus may run the business of this House, and glorify—on the consideration of the river and harbor bill and all other bills—for the advantage not of men of their organization alone, but for all of the 90,000,000 of people. And while we seemingly strut and fret, declaim and are interviewed constantly in the public prints—notwithstanding all that, the people of the United States will hold responsible from time to time the party in power for legislative results, and unless that party has the machinery and the procedure to achieve those results, they will not have full power although they may be in the majority.

I expect we will continue to receive all kinds of correct information, and fake information that is fished for, you know, here and there, in order that our great metropolitian journals may continue, some of them, to make their papers from day to day, like the Yankee made his razors—to sell. [Laughter and applause.] But I desire to say to gentlemen on this side of the House, and to gentlemen on that side of the House, that in the last analysis, out of the two great organizations—the minority from time to time putting the majority on its good behavior, seeking to become the majority—will come correct legislation and correct appropriations for the greatest good to the people of the Republic. And if we lose sight of our own importance and of our own position for the time being, there will come in our own places better and wiser men, who will not lose sight of the necessity to provide for an orderly procedure under which a majority can work its will. Where responsibility rests, there must be power with the majority to move on, being responsible. [Applause.]

Mr. ALEXANDER of New York. Mr. Chairman, the Speaker said in his remarks that he was not an engineer and could not judge as an engineer, but I desire to say that nearly every item in this bill has had the approval of the engineers.

Mr. FITZGERALD. Mr. Chairman, I wish to welcome to the support of this bill the distinguished Member from Illinois [Mr. CANNON]. If it be accepted that he has all the power in this House that has been attributed to him recently, I am quite convinced that this bill will now have easy passage through the House. On behalf of those who are interested in a proper and comprehensive improvement of the waterways of the country it is a pleasure to have recorded the fact that the Speaker is heartily in favor of this bill. In what he said, Mr. Chairman, he referred to a Member from the city of New York who had criticised the bill which was vetoed by President Arthur in 1882. As the Speaker did not name the Member and as somebody might get the impression that, perhaps, I had changed my course since that time [laughter] I wish to announce that I was not the Member, as I did not happen to be a Member of the House in 1882. The Speaker referred to Buttermilk Channel as one of the waterways which he was compelled to justify before his constituents. Buttermilk Channel is the western boundary of the district which I represent. Commencing with what is well known as the Brooklyn Bridge it runs 2¼ miles around the westerly side of the borough of Brooklyn until it reaches the point known as Red Hook Point. Thence the channel proceeds along the westerly bank of the borough of Brooklyn under the names of Red Hook and Bay Ridge channels until it reaches deep water in the sea. In 1880 a project was prepared to deepen Buttermilk Channel to 26 feet at mean low water. Its name is derived from the fact that, separating, as it does, the borough of Brooklyn from Governors Island, because of the prevailing rapid currents the water is considerably churned up and has the appearance of buttermilk. The distance between the shore in Brooklyn and Governors Island is about 900 feet, and the recent lengthening of merchant vessels has, perhaps,

rendered that channel less available for large-draft and long-cargoed vessels than it had been within recent years, but along that channel, Mr. Chairman, until within the past six or seven years there was maintained one of the greatest systems of warehouses known in the United States. From that channel to-day proceed most of the vessels which ply between the port of New York and South American, Caribbean, and Mediterranean ports.

In January, 1901, I made a comprehensive statement in this House about Buttermilk Channel. I showed by statistics that in the calendar year 1899 the freight received and shipped from the wharves along this channel amounted to 12,301,292 tons, valued at $373,754,512; 33,143 loaded and unloaded miscellaneous cargoes of grain, coffee, sugar, cotton goods, and other commodities. The commerce has grown greatly during the past ten years.

I make this statement at this time so that it may go in the RECORD with the Speaker's statement, so that it may be well known that this channel is important to the commerce of this country to-day and was so at the time referred to by the Speaker. No appropriation is made in this bill either for its maintenance or its improvement. My recollection is that it has been improved to a depth of 30 feet at mean low water, and probably that depth will be sufficient for the character of vessels that will come to the docks and warehouses built along it. I am happy that the few remarks that I had occasion to offer in reply to the gentleman from Pennsylvania [Mr. MOORE] have been the occasion of having drawn thus early in the consideration of this bill the opinion of the Speaker in the RECORD upon it; and I am sure all of us who have been anxiously awaiting the recommendations of the Committee on Rivers and Harbors are happy to know that this bill seems to have given such universal satisfaction. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving Delaware River, Pennsylvania, New Jersey, and Delaware: Continuing improvement and for maintenance from Fishers Point to Delaware Bay, $550,000: *Provided*, That of this amount so much as may not be required for maintenance of improvement in accordance with the existing project shall be expended for widening the channel at the bends below the city of Philadelphia with a view to securing, so far as practicable, a channel of equal safety and efficiency in all its parts.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee kindly answer one or two questions? You have made provision here, as I understand it, for a widening of the bends at a depth of 30 feet. For that we have to make our acknowledgments to the committee, but I want to ask the gentleman whether he knows anything about the 35-foot survey, for which provision was made in the bill of 1909?

Mr. ALEXANDER of New York. The gentleman refers to the survey of the act of 1909?

Mr. MOORE of Pennsylvania. Providing for a depth of 35 feet.

Mr. ALEXANDER of New York. That is now being considered by the board, but unfortunately was not before us during our consideration of this bill. I have no advice when it is likely to be reported; probably not—certainly not in time for the action of this committee.

Mr. MOORE of Pennsylvania. I do not want the gentleman to misunderstand me. I am making comparison only for the purpose of getting at the point. Was the survey of the Hudson River provided for in the 1909 bill?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. And the report of the engineers has so far advanced that the report may be in the Senate in time for consideration by this Congress?

Mr. ALEXANDER of New York. I am so advised. It was made by an engineer. The Hudson River survey was made by Colonel Black, and the Delaware River survey was made by Major Deakyne.

Mr. MOORE of Pennsylvania. The gentleman told me a moment ago that the probable cost of the Hudson River improvement for a depth of 12 feet from Troy to Coxsackie would probably aggregate $5,000,000.

Mr. ALEXANDER of New York. I do not know what will be the amount. I have not even heard it rumored, but I should suppose, from my knowledge of the conditions—it being solid stone from Albany clear to Waterford—it would take at least four or five millions of dollars to excavate the channel that will give water of 12 feet at its lowest stage. That would mean a channel of 15 feet at Albany.

Mr. MOORE of Pennsylvania. How far is that above the port of New York?

Mr. ALEXANDER of New York. One hundred and fifty miles.

Mr. MOORE of Pennsylvania. Has the gentleman been advised at all as to the probable cost of the 35-foot depth in the Delaware River for a distance of 60 miles?

Mr. ALEXANDER of New York. I have not.

Mr. MOORE of Pennsylvania. I have been advised unofficially that the cost would be $10,225,000.

Mr. ALEXANDER of New York. I have heard no intimation; have not heard the slightest rumor as to what it would cost.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman in the time reserved to me that the commerce of the port of Philadelphia last year was over 27,000,000 tons; that the revenues collected at that port aggregated $20,000,000. That, of course, was distributed in the revenues of the country in other sections as well as in ours. Vessels went ashore last year in the Delaware at the 30-foot depth. One was a battle ship of the United States that carried away the marine forces that were to hold up the dignity of our country in southern waters. I want to ask the gentleman whether he does not think it possible that we should have some consideration through the Board of Engineers of that 35-foot project at this session of Congress?

Mr. ALEXANDER of New York. It is impossible for me to hazard even a guess. I do not know how much work is before the board of review. I do not know whether the Delaware survey has yet reached the board. It would be utterly impossible to make any guess.

Mr. MOORE of Pennsylvania. The fact, then, is that one engineer on the Hudson River project was able to complete his report in time to get it in for action by the Senate, and another engineer, starting to work exactly at the same time on the Delaware River project, is unable to get it in in time for consideration before either House?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

The Clerk read as follows:

Improving Smyrna River, Delaware: For maintenance and continuing improvement in accordance with the report submitted in House Document No. 815, Sixtieth Congress, first session, $25,000: *Provided*, That no part of said amount shall be expended until satisfactory title to the land required for the necessary cut-offs shall have been transferred to the United States free of cost.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "cost," in line 10, page 19, the following new paragraph:

"Inland waterway to connect the waters of the Chesapeake and Delaware bays: For acquisition of the Chesapeake and Delaware Canal, in accordance with the report submitted in Senate Document 215, Fifty-ninth Congress, second session, for the purpose of freeing said canal and ultimately securing and maintaining a depth of channel of 35 feet, $2,514,289.70."

Mr. MOORE of Pennsylvania. Mr. Chairman, this is a case where there has been a survey and a report. A commission known as the Agnus commission reported in favor of the taking over of the Chesapeake and Delaware Canal in 1907. That action was duly reported to the House. The taking over of that canal would mean much to the Atlantic seaboard in the way of saving life and property, and in the reduction of transportation rates, as well as in the facilitation of a great commercial and agricultural business. The canal is now in active operation. It has been so since it was constructed in 1829, but it is still of the antique order, like all the canals along the Atlantic seaboard.

I hold in my hand a letter from one of the shippers over that canal—a cut-off of 13 miles through solid land, saving an outside sailing distance of about 325 miles—which indicates the charges that are now made, and the difficulties that shippers have even in that short artificial waterway:

For your information the present charge for tolls through the Chesapeake and Delaware Canal for the 13 miles is higher than any railroad charge for the same distance on any railroad in the United States, and the railroad furnishes the motive power, the track, and the vehicle, whilst the canal charge is merely a privilege of passage, the customer furnishing in addition the vessel and motive power and all the liability, so it is an easy matter to figure the great burden this is to the development of the commerce, as it practically prevents competition and warps all development.

That canal to-day is used by the lumber trade which comes up from Virginia, North Carolina, and South Carolina and passes

into the ports of New York, Philadelphia, and Baltimore, and is also used in the shipment of coal and other bulky commodities. It has a depth of only 9 feet, insufficient to pass any modern vessel of commerce outside of the barge class. It is the shortest cut between the Delaware and Chesapeake bays, upon which, according to the report of the engineers, there could be a monumental commerce. I quote from the report presented to the Fifty-eighth Congress, which shows the commerce on the Delaware and Chesapeake bays:

The commerce of the Delaware and Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating $200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons.

Mr. Chairman, there is so much of importance in this matter that I dare not venture in the five minutes' limitation to cover it all. Therefore, in moving the adoption of the amendment, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, extending, by permission of the House, my remarks on the amendment to the river and harbor bill, providing for the taking over and freeing of the Chesapeake and Delaware Canal, I wish, first of all, to put into the RECORD an extract from the excellent and comprehensive report of the Agnus commission, which was forwarded to Congress January 12, 1907. It deals with the long and patient agitation of the people of the Eastern States, who have pleaded so earnestly for consideration of this worthy project, and sets out in forceful terms the commercial, naval, and military advantages that would accrue to the Government and the people of all the States by its adoption. Especially to those devoted and successful advocates of the great projects of the Middle West is this succinct statement of one of the crying commercial necessities of the Atlantic seaboard commended.

Commenting upon the public interest in the project, the commission said:

COMMERCIAL ADVANTAGES.

At each of the public hearings in Baltimore, Wilmington, and Philadelphia the business organizations of the city were represented by committees of leading citizens and speakers, including Representatives in Congress, members of the judiciary, and officers of the city and State. The commission found in these great cities—and elsewhere also—a remarkably efficient and practically unopposed demand for the ship canal.

So many forceful speeches were made at the hearings that it is difficult to choose from them, but because of his well-known conservatism and his high standing with the American people, these words from the distinguished jurist, Hon. George Gray, at the Wilmington meeting, seemed to be especially pertinent:

"Anyone who looks at the map, or, indeed, any map of this region, can understand why as early as two hundred years ago it occurred to the intelligent voyagers to this country that a canal across this narrow neck of land would be a necessity of the future. It was talked about one hundred and fifty years before it was accomplished, and across that upper narrow portion of the peninsula a canal was at last put which has served largely to promote the commerce of our country and this region. No one can overestimate the advantage it has been between the North and the South. The coal, lumber, and general merchandise which has found a cheap passage has been a considerable advantage. Now that the country has grown in wealth and population it is a natural sequence that attention should be called to its important relation to the country at large. A great deal of the commerce of the Chesapeake Bay from Baltimore, from Washington, and all the affluents of the Chesapeake Bay go up that canal. Now if it was a ship canal it would connect the two geographical divisions of the country—all that country east of the Hudson—with the country that lies west and south of the Chesapeake. That little obstruction compels an ocean voyage of several hundred miles, and there is to be considered not only the distance, but the expense. The plan for the canal should commend itself to the representatives of all the country. You could not contradict the propositions which these simple facts support. It would be of immense importance. Whether you are in favor of liberal appropriations or not, it has every argument that it would be for the better support of the National Government."

Even stronger testimony may be found in the action of the commercial bodies and other public organizations of the cities and towns along the Atlantic seaboard, the more important of which are contained in the records of public hearings on file with the proceedings of the commission.

THE MODERN DEMAND FOR CANALS.

The significant development of the public hearings was the conviction of leading business and transportation experts that the railroads of the Atlantic seaboard were having great difficulty in handling freights, and that the extraordinary growth of the country's business had already taxed them to the limit of their facilities. In the Eastern States the freight congestion has become a serious embarrassment to business.

The opinion was expressed that the railroads could now choose the kinds of freight they wish to carry and leave the commoner kinds to take their chances. In this the United States is passing through an experience similar to that of Europe. The rise of the railway caused the decline of the canal until recently, when the railway could not meet all of the public demands. It is recognised that the capacity of the railways in solving the question of good traffic is limited, and so, as never before in recent history of the railroad, attention has been turned to canals. It has been found that "by natural process of adjustment railways carry a lighter and more valuable material, which must be conveyed rapidly, where canals carry heavier and less valuable goods which do not require rapidity of transportation."

THE COASTWISE TRADE.

It is very unfortunate that there are no satisfactory statistics of our coastwise trade, although it represents many times the value of our foreign commerce. A letter from the Chief of the Bureau of Statistics, replying to the commission's inquiry, says:

"Our information with reference to the coastwise commerce is of very little value. It is the one feature of the internal commerce of the country to which I have not been able to give attention."

The fact that vessels engaged in coastwise trade are not required to file copies of their manifests at the custom-houses makes the record difficult.

The projected canal across the Maryland-Delaware peninsula would unquestionably be a great convenience to foreign shipping. The view that it would not be used by ocean-going ships is the same contention that arose when the other great ship canals were built, but their history has shown that when the channel is cut the ships will always take the shortest course.

The Delaware and Chesapeake bays have a shore line of 2,500 miles, with 500 tributary streams and more than 10,000 registered vessels.

An idea of the trade immediately affected can be had from the statement contained in Report No. 2725 to the Fifty-eighth Congress, which says:

"The commerce of the Delaware and Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating $200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons."

Of the registered tonnage traffic in a recent compilation, 25,873,167 were on Delaware Bay points and 24,151,932 on Chesapeake Bay points. These figures, however, do not include the undocumented and unregistered tonnage traffic, which would add nearly 100 per cent to the total.

Considerably less than one-tenth of the traffic on the Delaware and Chesapeake bays and their various points belongs to foreign commerce. The great value of the proposed canal would be in facilitating the coastwise trade.

It is estimated that at least 2,000,000 tons of coal would go through this canal to consumers farther north. Under the present conditions, much of this coal has to make a detour by way of the capes, and often the vessels must lie at Hampton Roads ten or twelve days and even two weeks waiting a shift of wind.

A striking illustration of this condition was found in the newspapers of Thursday, October 25, 1906, the day the first draft of this part of the report was written, when it was stated that on that day "about 75 steamers, tugs, barges, and sailing vessels passed out Cape Henry, bound south and east, the majority having been weather-bound for at least two weeks."

The experts who appeared before the commission believe that the canal would cheapen coal for the New England points. Lumber will be an important item. Its movement northward from the Carolinas and other Southern States is much hampered by the inadequacy of the present canal. With a free canal the cost would be about half the present rate, according to the experience of the lumber trade on the Great Lakes.

Coal and lumber have been mentioned, but they are only two of the numerous products, among which may be counted cotton, corn, staves, hog products, poultry and vegetables, live stock, hay, fisheries, tobacco, coke, wool, potatoes, peanuts, phosphate, turpentine and resin, zinc, and stone.

It is estimated that the South each year has over $2,000,000,000 worth of raw materials. A very considerable part of all this seeks northern markets, and in return the North sends machinery and supplies of all kinds. All this movement would be aided by the proposed canal. The manufacturing interests touched by waterways, which this canal would connect, and of which it would become a part, have an annual total production of considerably more than $1,000,000,000.

Many of the great industrial concerns have located on the seaboard so as to have the advantage of cheap transportation.

It is the commission's opinion that the deep-water canal across the upper end of the peninsula would be of very great advantage to commerce. It would give the West a seaboard more than 100 miles nearer the ocean than it now has. It would relieve hundreds of vessels of the necessity of a dangerous sea route, which in years gone by has cost $10,000,000 in wrecks. It would save time and expense to the trade movements of the whole country. It would immediately affect the 11,000,000 people upon the two bays and their tributaries, and would contribute to the interests of all of the population. In increasing commerce and reducing the cost of transportation, it would stimulate production and be of direct financial benefit to American industries. The commission believes the commercial advantages will fully justify the expenditure of the funds necessary to complete the work.

MILITARY AND NAVAL USES.

In a general strategic sense the military advantages of the proposed ship canal appear most prominently in the channel offered for the rapid transit of naval vessels from one bay to the other to concentrate against hostile naval fleets or for the breaking of blockades.

To make the canal thus available at all times, its termini must be thoroughly protected by sufficient coast defenses to render its passage at all times open. This is at present secured on the Delaware for the Chesapeake and Delaware Canal route by existing defenses, and on the Chesapeake by the defenses of Washington, Baltimore, and Hampton Roads, which an attacking naval force would hesitate to leave in its rear, sheltering cruisers that could demolish its boats of communication and supply. But full strategic use of the canal could be secured only by adequate coast defense at each terminus. It is not considered that a project for the defense of the Chesapeake terminus lies within the scope of this report, as such project should receive careful consideration by a competent board of military engineers. The cost would be practically the same for either route.

Assuming, however, that both termini are to be properly defended, the canal itself offers many advantages to such defense by the ready means of intercommunication afforded. The canal would permit the prompt interchange of troops and munitions between the coast batteries and particularly of the submarines, scout boats, and coast-defense monitors that now form an important factor in seacoast defense, thus minimizing the number required for a complete defense.

Another important feature of the canal would be the obstacle presented by it as an adjunct for land defenses. These would serve as a base for troops operating to break up military occupation of the peninsula, or to check advances therefrom without reembarkation should such occupation become effective. A geographical study of the Atlantic coast of the United States, as at present defended, shows the peninsula of Maryland and Delaware as the most vulnerable and suitable place for the location of a base for land operations should our navy be driven from the seas. This was demonstrated by history in the war of 1812.

THE COST AT 35 FEET.

So much for the report of the commission. It recommended the taking over of the canal, at a cost of $2,514,289.70, and expressed its belief that "the construction over the route of a free ship canal" was "justified by the demands of commerce and by military and naval considerations." For a depth of 35 feet, which would enable the canal to carry the largest ships afloat, the commission estimated the cost to be $20,621,323.70. The cost of a 30-foot depth was estimated at $17,312,064.70. These estimates are taken from the original reports, but subsequently, under the direction of the Chief of Engineers, there was a reassembling of estimates to ascertain the cost of depths less than 30 feet, as appears from the following report from one of the engineer commissioners submitted October 8, 1908, for the information of the Committee on Railroads and Canals:

COST AT 16 FEET, $10,638,993.89.

HEADQUARTERS THIRD BATTALION OF ENGINEERS,
Fort Leavenworth, Kans., October 8, 1908.

The CHIEF OF ENGINEERS,
United States Army, Washington, D. C.

GENERAL: As directed by indorsement from the office of the Chief of Engineers dated June 4, 1908 (E. D. 442), I have the honor to submit the following report covering the information desired by the chairman of the Committee on Railways and Canals, House of Representatives, in letter to the Secretary of War dated May 21, 1908. This information was as follows:

First. The cost of construction along the line of the present Chesapeake and Delaware Canal of a canal of proper widths and 25 feet deep at mean low water.

Second. The construction along the line of the present Chesapeake and Delaware Canal of a canal 16 feet deep at mean low water, of proper widths.

Third. For a canal of 35 feet depth at mean low water, with revetments placed for final expansion to this latter depth, and also an alternative estimate for a canal of 16 feet depth, with proper widths for that depth, estimate to include a permanent revetment upon one bank of the canal and a light temporary revetment on the other bank for removal in case of future expansion of the canal.

Fourth. The cost of construction of a ship canal of 35 feet depth and the cheapest line paralleling the present canal close to its present position, but without encroaching on any of the properties of the Chesapeake and Delaware Canal Company.

Fifth. The estimated value to the United States of the saving effected by utilizing the present route of the Chesapeake and Delaware Canal Company over what the cost would have been were canal to be constructed over this line under conditions precedent to the construction of the present canal.

To prepare accurate estimates for this report would require, as I stated verbally to the chairman, an accurate and carefully contoured survey of the land along the two routes considered. As the War Department had at its disposal no funds available for such survey I was compelled to base my estimate on existing maps of previous surveys, which do not even approximate the desired accuracy. The figures given below are obtained from the profile along the line of the Chesapeake and Delaware Canal, as given in report of the commission—of which I was a member—on a waterway to connect the waters of the Chesapeake and Delaware Bay—printed in Senate Document No. 215, Fifty-ninth Congress, second session—and which is fairly accurate, and from a profile shown on accompanying tracing along alternate route to the south of the Chesapeake and Delaware Canal constructed from the local maps of the United States Geological Survey. These maps give only 20-foot contours and do not pretend to the accuracy desired for computations of excavation. It is my opinion, however, that the figures given in the estimate will not vary from the correct ones more than 5 per cent for canal prisms along the line of the present canal or more than 10 per cent along the alternate route.

The estimates desired taken seriatum are as follows:

1. Canal along the line of the present Chesapeake and Delaware Canal, 25 feet deep at mean low water, with surface widths for future expansion to a 35-foot depth.

Estimate.

Purchase of land, 903 acres high land, at $250	$225,750.00
Purchase of land, 750 acres marsh land, at $100	75,000.00
Excavation:	
Chesapeake Bay from Pooles Island to Turkey Point, 3,229,550 cubic yards, at 13 cents	419,841.50
Mouth of Elk River and Chesapeake City, Md., 3,299,900 cubic yards, at 14 cents	461,986.00
Chesapeake City to point 33,000 feet east of same, 26,709,191 cubic yards, at 16 cents	4,273,470.56
From above point to Delaware River, 14,743,723 cubic yards, at 14 cents	2,064,121.22
Shore of Delaware River to present dredged channel, 2,680,500 cubic yards, at 13 cents	348,465.00
Revetment:	
Bank revetment, 103,100 linear feet, at $6.50	670,150.00
Special revetment on deep cut where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance of plant	702,500.00
Contingencies and engineering, 10 per cent of above	1,070,628.42
Purchase of works and franchises from Chesapeake and Delaware Canal Company	2,514,289.70
Total	14,291,202.40

The area of land as stated above is that actually required for a strip 1,000 feet wide. The canal company's land map shows very few places where their holdings even approximate 1,000 feet in width. The company states its land holdings at 8,000 acres; if correct, this is probably largely outside holdings of land for drainage basins for their summit water supply. As the proposed canal will have no summit level, these drainage areas will not be needed and some saving might be effected by the sale or exchange of surplus land.

2. Canal along the line of the present Chesapeake and Delaware Canal, 16 feet deep at mean low water, with surface widths for future expansion to a 35-foot depth:

Purchase of land:	
903 acres high land, at $250	$225,750.00
750 acres marsh land, at $100	75,000.00
Excavation:	
Channel in Elks River and Back Creek, 464,520 cubic yards, at 14 cents	65,032.80
Chesapeake City, to point 33,000 feet east, 23,966,846 cubic yards, at 16 cents	3,834,695.36
Above point to shore of Delaware River, 10,186,884 cubic yards, at 14 cents	1,426,163.76
Shore of Delaware River to 16-foot depth in Delaware River, 1,102,000 cubic yards, at 13 cents	143,260.00
Revetment:	
Bank revetment, 103,100 linear feet, at $6.50	670,150.00
Special revetment on deep cut where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance plant	702,500.00
Contingencies and engineering, 10 per cent of above	860,755.19
Purchase of work and franchises from Chesapeake and Delaware Canal Company	2,514,289.70
Total	11,982,596.81

3. For a canal of 35-foot depth along line of present canal, and for a canal on same line 16 feet deep, with suitable surface widths for the 16-foot depth, but with wooden revetment along one bank of the canal to permit easy removal in case of future operations for widening the canal at the surface suitably for a 35-foot canal—the revetment on the other bank to be of riprap, as recommended by the commission, and as included in above estimates.

Estimate for a 35-foot canal.—This is given on pages 7 and 8 of the commission's report as $20,621,323.70, but a careful checking of the commission's computations has developed an error in calculation of 3,000,000 cubic yards excess. This error, at 14 cents per cubic yard, reduces the commission's estimate by $420,000, or to $20,201,323.70.

For the 16-foot canal, as specified, we have the following:

Estimate.

Purchase of land, 903 acres high land, at $250	$225,750.00
Purchase of land, 750 acres marsh land, at $100	75,000.00
Excavation:	
Channel in Elk River and Back Creek, 464,520 cubic yards, at 14 cents	65,032.80
Chesapeake City to point 33,000 feet east, 18,093,236 cubic yards, at 16 cents	2,894,917.76
Above point to shore of Delaware River, 8,358,994 cubic yards, at 14 cents	1,170,259.16
Shore of Delaware River to 16-foot depth in Delaware River, 1,102,000 cubic yards, at 13 cents	143,260.00
Revetment:	
Bank revetment, permanent, 51,550 linear feet, at $6.50	335,075.00
Bank revetment, temporary, 51,550 linear feet, at $6	309,300.00
Special revetment on deep cut, where presence of quicksand is indicated	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance plant	702,500.00
Contingencies and engineering, 10 per cent of above	738,609.47
Purchase of works and franchises from Chesapeake and Delaware Canal Co	2,514,289.70
Total	10,638,993.89

4. Canal of 35-foot depth on line to the south, paralleling the present canal, but not encroaching upon its territory; the line of this canal is shown on accompanying map.

Estimate.

Purchase of land, 1,283 acres high land, at $250	$320,750.00
Purchase of land, 375 acres marsh land, at $100	37,500.00
Excavation:	
Chesapeake Bay to mouth of Elk River, 20,524,470 cubic yards, at 13 cents	2,668,181.00
Mouth of Elk River to Chesapeake City, 10,055,000 cubic yards, at 14 cents	1,407,700.00
Chesapeake City to point 9,600 feet from Delaware River, 58,891,415 cubic yards, at 16 cents	9,422,626.40
Above point to shore of Delaware River, 4,738,810 cubic yards, at 14 cents	663,433.40
Shore of Delaware River to present dredged channel, 4,758,750 cubic yards, at 13 cents	618,637.00
Bank revetment:	
126,400 linear feet, at $6.50	821,600.00
Special revetment where presence of quicksand is suspected	500,000.00
Jetties, 2,000 linear feet, at $20	40,000.00
One railway and 6 highway bridges	925,000.00
Maintenance of plant	702,500.00
Contingencies and engineering, 10 per cent of above	1,812,792.78
Total	19,940,720.58

5. The estimated value to the United States of the saving effected by utilizing the present route and property of the Chesapeake and Delaware Canal Company over what the cost would have been were a canal

to be constructed over this line under conditions precedent to the construction of the present canal:

Useful excavation already made 5,506,620 cubic yards, at 16 cents		$881,059.20
Land holdings, 8,000 acres, at $50		400,000.00
Telephone line		2,000.00
		1,283,059.20
Less cost of removing 3 locks, at $5,000	$15,000	
80,000 linear feet of bank revetment, at 10 cents	8,000	
44,000 perches of masonry, at 40 cents	17,600	
		40,600.00
Balance		1,242,459.20

The above figures are a very rough approximation, but they have been carefully considered and the best available without a detailed survey. It is to be borne in mind that a large amount of excavation made by the canal company was placed on the banks as spoil and to form a towpath in the marshes, and is not useful excavation, in that it must be again handled in the construction of a ship canal.

Summary of estimates.

1. 25-foot canal along line of present canal, full widths	$14,291,202.40
2. 16-foot canal along line of present canal, full widths	11,982,596.81
3. 35-foot canal along line of present canal	20,201,323.70
16-foot canal along line of present canal, diminished widths	10,638,993.89
4. 35-foot canal along parallel line to south of present canal	19,940,720.58
5. Saving in value of work to the United States to be effected by using present canal route	1,242,459.20

The accompanying tracing shows the two canal routes considered, the profile along the alternate southern route, and the cross sections adopted for the three depths considered.

Very respectfully, your obedient servant,

C. A. F. FLAGLER,
Major, Corps of Engineers, Commanding.

HISTORY OF THE 13-MILE CUT.

The Chesapeake and Delaware Canal was opened in 1829. It was dug by hand in the old-fashioned way at the expense of the Federal Government, the States of Pennsylvania, Delaware, and Maryland, and private stockholders. It has been in continuous operation ever since, and while as good as any other eastern canal, is so antiquated and lacking in depth and width that the *Half Moon* of Hendrick Hudson's time could not pass through it. And yet it saves an outside sailing distance from Philadelphia and points north to Baltimore and points south, of about 325 miles, for to take the outside course by water means a sail down the Delaware River and Bay into the Atlantic Ocean as far as Cape Charles, Virginia, which must be rounded at Hampton Roads before Baltimore can be reached. The 13-mile cut across Delaware and Maryland saves all this time and risk, and provides a safe and speedy inside passage for commerce or for war vessels. It was to save the outside sailing that our forefathers cut the canal, and it is this saving the business interests of to-day are seeking to accomplish in an up-to-date, open, and unhampered water highway.

If the upper Mississippi, from the mouth of the Missouri to St. Paul, is to take $20,000,000 for "ultimate commerce," why should the "existing commerce" of the Atlantic coast be denied an equal opportunity? The query is not sectional; it suggests a square deal; a square deal, and nothing more!

It is not a proposition to be scoffed at because it has so often come before the House. On the contrary, it is a burning, lasting shame that it should have been so long postponed, postponed to the great disadvantage of a populous, thriving section of the country, which has done well for every other section of the country and deserves in turn to be fairly dealt with.

IMMENSE SHIPMENTS OF LUMBER HELD UP.

Add to this a statement from the Philadelphia Inquirer of February 11, only a few days ago. It pertains to shipments of lumber from Virginia and the Carolinas since the 1st of January, 1910—shipments not for a year, as commercial statistics are commonly reported by the United States engineers, but for one month and a few days only. The statement conveys a faint notion, too, of the dangers confronting life and commerce by the outside route. Here it is:

Although there were 15 lumber schooners reported lost or missing since January 1, entailing a loss of many hundreds of thousands of feet of lumber, 16,583,000 feet of lumber arrived at this port since the beginning of the year, according to the statement of the commissioners of navigation, made public for the first time yesterday.

The lumber was carried in 41 bottoms, principally barges, carrying nearly two-thirds of the immense quantity of lumber through the Chesapeake and Delaware Canal, following a freeze up, which held up many barges in Chesapeake Bay for nearly a month.

Twenty-seven barges, carrying 9,861,000 feet and one sailing vessel carrying 52,000 feet of lumber arrived via the canal within two days' time, breaking all records for business in the canal since it was first opened in 1829. More than 5,535,000 feet of lumber arrived on 11 sailing vessels via the Capes and 1,135,000 feet on 2 barges by the same route, making a grand total of 16,583,000 feet. Placed end to end the lumber would reach a distance of over 3,140 miles, or practically from Philadelphia to San Francisco.

USEFUL THOUGH ANTIQUE.

Antiquated as this old canal is, far behind the necessities of the country as it has been, these figures, compiled by the secretary of the Atlantic Deeper Waterways Association, speak forcefully of its practical utility:

The canal with improvements cost $4,000,000.
It has carried 708,000 vessels.
It has carried 46,000,000 tons of freight.
It has received from tolls $13,000,000.
The length of the canal is 13¾ miles—12 miles in the State of Delaware and 1¾ miles in the State of Maryland.
The depth of the channel is 9 feet.
It has three locks, each 220 feet in length and 24 feet wide.
Speed of vessels through the canal is limited to 4½ miles per hour.
Two commissions have reported in favor of the construction by the Government of a ship canal substantially on the lines of the present Delaware and Chesapeake Canal, although other routes were considered.

SOMETHING ABOUT RATES.

It is said that freight rates by water are about one-sixth the rates by rail. It has been brought to my attention that a ton of clay can be brought from France across the Atlantic Ocean and delivered at Jersey City at one-half the cost of transporting the same ton of clay by rail from Jersey City to Trenton, N. J., a distance of 56 miles. I have also been advised that a ton of fertilizer (2,240 pounds) could be delivered by a completed inside waterway from Philadelphia to Wilmington, N. C., at $1.30 per ton against the rail rate of $4.80 per ton of 2,000 pounds. Be this as it may, with its serious effect upon the farmer, we are able to give some specific instances of the influence of the inside water route upon transportation rates. Here are some poignant facts from reliable authority upon the existing Chesapeake-Delaware situation:

By reason of the now-existing inland route between North Carolina and Philadelphia, for the navigation of which small barges of light-draft have been built, lumber freights from such places as Newberne and adjacent territory have been reduced from $5, which is the outside rate, to $3 per thousand feet. The handling charges on lumber shipped by barges, owing to their construction—large hatches, etc., which would not be feasible on craft navigating outside waters—have been reduced from 60 cents for loading to 20 cents and discharging from 50 cents to 25 cents per thousand feet.

ADVENT OF THE INLAND BARGE.

Before the advent of the inland barge, not over fifteen years ago, it was almost impossible for lumber dealers to secure tonnage to load in the Cape Hatteras district during August, September, and October, excepting at exorbitant freight rates, owing to the dangers of hurricanes in those waters. By the inland method fluctuations of freight rates seldom occur. Hurricanes do not retard the progress nor endanger barges or other craft navigating the inland waters.

Barge owners are subjected to higher canal charges from North Carolina ports in the late fall and early spring. This is due to the lack of competition at that period, the Albemarle and Chesapeake Canal not being navigable to vessels of any size, owing to low water due to high winds.

When the Albemarle and Chesapeake Canal ceases to be a factor the Lake Drummond Canal officials put their rates up on lumber 20 cents per thousand feet to 35 cents.

Great benefit would result from the prompt improvement of the Albemarle and Chesapeake Canal, which would make it navigable at all seasons of the year.

My informant adds:

Potomac River wood trade, which until a few years ago was all in the hands of schooners plying the outside route, is now done exclusively by the inland barge, the result being a reduction in freight rates from $3.50 a cord to $2, now the prevailing rate.

Fully 70 per cent of the lumber now brought here (to Philadelphia) from the North Carolina district comes by the inland route. This means an enormous saving in the way of freights and insurance charges.

SAVING OF LIFE AND RISK.

I might add—

Says my informant—

that the saving of life through the adoption of this method of shipment has also been enormous. When the small outside schooners were in this Hatteras trade the sacrifice of life during the hurricane months—August, September, and October—was appalling. I have personal knowledge of crew after crew that perished in this way.

With vessels navigating inland waters the insurance problem, which for years was a vexatious one to both the owners of craft and shippers of lumber, no longer exists. A vessel's classification no longer enters into the question. All vessels that will float are considered a good risk for underwriters when navigating inland waters.

CANALS MAY ALSO NEED REGULATION.

These direct statements from an experienced, practical shipper ought to have great weight with the Congress. But there is another phase of the question which is important. The canal, unless freed from private or corporate ownership, may not prove the blessing the shipper seeking competition desires.

The railroad control of the Delaware and Raritan Canal—

A correspondent advises—

prevents at this time the development of a large business between North Carolina ports and New York. Rates are prohibitive, and the early closing of the canal operates against trade.

The Delaware and Raritan Canal bisects the State of New Jersey and establishes an inside water connection between Philadelphia and New York. It might become, under government control, the highway of the greatest manufacturing dis-

trict in the world, but it is antique; it is kept antique; and under railroad ownership fails to give the public service or competition that mean encouragement of capital and industry.

River improvements are important—

Writes another shipper—

but what the business community wants is a free Chesapeake and Delaware Canal, which would stimulate the entire commerce of the port as well as of Baltimore and the South.

The present charge (February, 1910) for tolls through the Chesapeake and Delaware Canal for the 13 miles is higher than any railroad charge for the same distance on any railroad in the United States, and the railroad furnishes the motive power, the track, and the vehicle, while the canal charge is merely a privilege of passage, the customer furnishing in addition the vessel and the motive power and all the liability; so it is an easy matter to figure the great burden this is to the development of commerce, as it practically prevents competition and warps all development.

WHERE THE GOVERNMENT IS AFFECTED.

In addition to these commentaries upon a system of ownership and control which is not conducive to commercial enterprise or commercial development, let me draw upon the address of the president of the Atlantic Deeper Waterways Association, at Norfolk in November, 1909:

It has been but a few months—

He said—

since the Secretary of the Navy proposed to send 4 torpedo boats from the navy-yard at Philadelphia to the navy-yard at Charleston. I asked that these boats be sent through the inside passage. They were small craft and were not calculated to withstand the storms of Cape Hatteras. The Secretary answered that he desired to send the boats through the inland waterways, but that they drew too much water to pass through the Chesapeake and Delaware Canal and the canals below Norfolk. Then, again, there was no outlet at Beaufort, below Hatteras, sufficient to enable the passage of these vessels out of the North Carolina sounds. They were sent outside, and in a few days the newspapers, under startling headlines, announced that these valuable vessels of the Government had been driven back from Cape Hatteras, had returned to Norfolk for repairs and in order that some of the men might be taken off and sent to the hospital.

TAKE THE CANAL AND MAKE IT FREE.

This, in brief, is the story of the Chesapeake and Delaware waterway. In the very center of a population of 30,000,000 of people, linking up the north and the south, it presents an opportunity that could not fail to improve the agricultural as well as the commercial and industrial relations of the various States. Its improvement would mean the development and enrichment of a country as fertile as any in the land. It would afford facilities for capital seeking profitable investment and add to labor's opportunities. The Government would have a strategic advantage, going and coming, over any foreign fleet that might attack the Atlantic coast.

The deepening and freeing of the waterway would instantly regulate the rates of transportation, to the great advantage of every consumer of raw materials or manufactured products. So long as existing limitations of depth, width, and tolls prevail, the productive power of the producer and the shipper is limited. When those limitations are removed capital and industry will be free to seize the opportunities awakened by the new conditions. Compared with other great projects authorized by the pending rivers and harbors bill, that of the Chesapeake and Delaware is indeed modest. The adoption of the project therefore ought not to be longer postponed.

Mr. ALEXANDER of New York. Mr. Chairman, this survey which the gentleman from Pennsylvania refers to, and on which his motion is based, has been superseded by a survey put in the bill of 1909, on which the board has not yet reported. It is a general survey from Boston to New York, New York to Philadelphia, Philadelphia to Baltimore, and Baltimore to Norfolk and Beaufort, and on to Key West. The survey to which the gentleman refers is likely to be very seriously modified by that larger survey, in which he is so deeply interested, and in which the people along the entire seacoast are interested. I hope that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Northwest Fork of Nanticoke River (Marshyhope Creek) from its mouth to Federalsburg, Md., in accordance with plan No. 1 as recommended in the report submitted in House Document No. 869, Sixtieth Congress, first session, $22,100.

Mr. ALEXANDER of New York. Mr. Chairman, I submit a committee amendment on page 20, line 13.

The Clerk read as follows:

Page 20, line 13, strike out "twenty-two" and insert in lieu thereof the word "ten."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Improving Wicomico River, Maryland: For maintenance, and continuing improvement in accordance with the report submitted in House Document No. 569, Sixty-first Congress, second session, $17,000: *Provided*, That no part of said amount shall be expended until title to the land required for the necessary right of way and for the disposition of dredged material shall have been transferred to the United States free of cost.

Mr. ALEXANDER of New York. Mr. Chairman, I submit a committee amendment.

The Clerk read as follows:

Page 20, lines 20 and 21, strike out "seventeen" and insert in lieu thereof the word "twenty-nine."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Improving Potomac River: Continuing improvement and for maintenance at Washington, D. C., $180,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following committee amendment.

The Clerk read as follows:

Page 21, between lines 5 and 6, insert the following:
"Improving Potomac River, at Alexandria, Va., in accordance with the report submitted in the House Document No. 1253, Sixtieth Congress, second session, $20,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Removing the water hyacinth, Florida, Texas, and Louisiana: For the removal of the water hyacinth from the navigable waters of the State of Florida, so far as it is or may become an obstruction to navigation, $5,000.

Mr. MOORE of Pennsylvania. I wish to ask the chairman of the committee under what auspices this appropriation for the removal of water hyacinth from the navigable waters of Florida is to be expended?

Mr. ALEXANDER of New York. To be expended under the Secretary of War and the superintendence of the Chief of Engineers.

Mr. MOORE of Pennsylvania. Done under the direction of the engineers?

Mr. ALEXANDER of New York. Yes.

Mr. MOORE of Pennsylvania. A part of their duty?

Mr. ALEXANDER of New York. Yes; the same as any other appropriation.

The Clerk read as follows:

Improving Yazoo River and tributaries, Mississippi: Continuing improvement and for maintenance, including Yazoo, Tallahatchie, Big Sunflower, and Coldwater rivers, and Tchula Lake under the existing project, and Steele and Washington bayous and Lake Washington, in accordance with the report submitted in House Document No. 904, Sixtieth Congress, first session, and Bear Creek, Mississippi, in accordance with the report submitted in House Document No. 908, Sixtieth Congress, first session, $39,000.

Mr. SPIGHT. I notice here an appropriation for the improving of the Yazoo River and tributaries, $39,000. I want to ask the chairman of the committee this question: In 1907 an appropriation was made for the improvement of the Tallahatchie River from the mouth of Coldwater ot Vicksburg, Miss., the sum of $4,000 being appropriated for that purpose. Of that amount all but $175 was expended during that year.

In March, 1909, an allotment of $5,000 was made for the improvement of the same part of the Tallahatchie River. No part of that appropriation was expended during the last year.

I want to know, first, if the chairman can tell me, why none of that money was used in the improvement of that part of the Tallahatchie River last year; and then I want to know whether or not the $1,000 which I understand will be allotted under this bill for the same part of the river will be added to the $5,000 and the $175 left of the appropriation of the preceding year.

Mr. ALEXANDER of New York. The gentleman is right. The first appropriation was made to be used for the fiscal year ending June 30, 1910, and both can be used together.

Mr. SPIGHT. Why was it that none of that money was expended last year?

Mr. ALEXANDER of New York. Of course I can not answer without the report of the engineer.

Mr. SPIGHT. I see from the report of the engineer that he says no work was done on that part of the river, for the reason that this appropriation was not available during the low-water season.

Mr. ALEXANDER of New York. That is right.

Mr. SPIGHT. The low-water season came after July. His reply was that it was not used after that time. I was surprised and disappointed that no part of this appropriation was used.

Mr. ALEXANDER of New York. How does the gentleman know that no part was used? We have no report of what has been expended since June 30.

Mr. SPIGHT. I know, as a matter of fact, that no part of it was used, and in the engineer's report he says no part of it was used.

Mr. ALEXANDER of New York. If the gentleman has any report of the engineer, it is up to June 30 last. The gentleman

has no report of the engineer since that date. At least we have none, and we would have it if there was any.

Mr. SPIGHT. I suppose the gentleman is right about that, but I say as a matter of fact that I know nothing was done on that part of the river last year, although after the 30th of June this appropriation was available, as I understand it.

Mr. ALEXANDER of New York. Then the gentleman has information which we have not. We rely upon the report of the engineers, and there is no report in since then.

Mr. HUMPHREYS of Mississippi. I think I can answer the question of my colleague. The only explanation I can make is that the engineer's report was that this allotment of $5,000 was made from the appropriation of last March, but there is nothing to indicate just when that allotment was made. My impression is, from talking with the engineer at Vicksburg, that he intended to do the work, but when he came to it he found he had spent his money. The allotment was made later in the year.

The original estimate was $2,000 a year and we appropriated $4,000. When they began work it developed that the work was heavier and more expensive than they thought, and they spent the $4,000 the first year, so that last year they had nothing, and the chief engineer allotted them $5,000, but my impression is he made it too late to be of use last fall. So they have $5,000 on hand for that purpose, and in this bill an additional appropriation for $1,000 is made, and I think my colleague wants to be assured that the engineers will spend this on that particular reach.

Mr. SPIGHT. That is exactly what I wanted to get at.

Mr. ALEXANDER of New York. There is no question but that they will spend it on that reach.

Mr. SPIGHT. With that assurance I am perfectly satisfied.

The Clerk read as follows:

Improving inland waterway from Mermentau River, Louisiana, to Sabine River, Louisiana and Texas, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated December 21, 1908, and printed in Rivers and Harbors Committee Document No. 3, Sixty-first Congress, second session, $100,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Page 40, line 26, strike out the period, insert a colon, and add the following words:

"*Provided*, That this amount may be applied to any modified plan for this section of the waterway that may be recommended by the Chief of Engineers, United States Army, and approved by the Secretary of War."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Improving inland waterway on coast of Texas: Continuing improvement and for maintenance of waterway heretofore authorized, $50,000; and toward the construction of that section of the waterway between Brazos River and Matagorda Bay, in accordance with the report of the Board of Engineers for Rivers and Harbors dated December 21, 1908, and printed in Rivers and Harbors Committee Document No. 3, Sixty-first Congress, second session, $200,000.

Mr. ALEXANDER of New York. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Page 45, between lines 14 and 15, insert the following:

"Improving channel from Aransas Pass to Corpus Christi, Tex., with a view to securing a channel depth of 12 feet, as recommended by the Chief of Engineers, United States Army, in the report submitted in House Document No. 678, Sixty-first Congress, second session, $157,900."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Improving waterway between Jefferson, Tex., and Shreveport, La., by the construction of a dam at the foot of Caddo Lake, in accordance with the report submitted in House Document No. 220, Sixtieth Congress, first session, $100,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 45, line 18, between the words "a" and "dam," insert the words "lock and," so as to make it read "a lock and dam."

Mr. WATKINS. Mr. Chairman, the bill provides that a dam shall be placed at the foot of Caddo Lake. If placed there it will cut off 28 miles of the navigable part of the river. A lock which is asked in connection with the dam will prevent the destruction of the navigation between Shreveport, La., and Jefferson, Tex., and all we ask is to have the lock recognized. We do not ask for an additional appropriation. If I am correctly informed, the committee does not oppose the recognition of the lock. I wish to have the word "lock" interlined, so that there will be no doubt in the future that the lock is recognized as a desirable project by the committee.

Mr. ALEXANDER of New York. Mr. Chairman, the survey of the item which is provided for in this bill was introduced in the bill of 1907, and therefore is properly before Congress. But the survey of the lock which the gentleman speaks of was introduced in the bill of 1909, and the engineer's report has not been before the committee. Therefore, there is nothing before us to act upon, and I hope the motion will not prevail.

Mr. WATKINS. Mr. Chairman, the chairman of the committee does not seem to be advised of the fact that only to-day the report of the engineer has been filed, but not published. It is not in print. I will read from page 5 of the former report of the engineer:

Although the construction of a dam would at present destroy navigation from Jefferson and Mooringsport to Shreveport it would not prevent the improvement of the entire waterway later if such a course should be determined upon, since all that would be needed would be a lock through the dam and a dredged channel below. In fact, the cost of the project previously advanced would not be increased, but might be diminished by constructing a lock and dredging the channel several years later, since the inroads of the falls would certainly diminish the amount of dredging.

Mr. ALEXANDER of New York. I am quite well aware of the existence of that report. The Chief of Engineers does not approve of the lock. It has not been before the committee, and is not now properly before Congress. The committee have had no estimate and know nothing about it, and I hope therefore the motion will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Arkansas River, Arkansas: For maintenance of improvement, including works at Pine Bluff, $51,000.

Mr. ROBINSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 12, page 40, insert the following: For constructing, maintaining, and operating two dredge boats, to be used in dredging the channel of the Arkansas River between its mouth and the Ozark, Arkansas, $467,700.

Mr. ROBINSON. Mr. Chairman, I hope that the committee may find it consistent to approve of this amendment. In House Document No. 71, Sixty-first Congress, first session, the Board of Engineers recommended tentative dredging to be done on the Arkansas River, and this language was used:

Some experimental dredging has been done on the Arkansas, and while as yet unprepared to advocate the adoption of this means of improvement for the entire section of river under consideration (i. e., from the mouth up to Muskogee), the Chief of Engineers believes it worthy of further trial below Little Rock, and recommends for adoption the tentative plan proposed by the Board of Engineers for Rivers and Harbors.

The Report of the Chief of Engineers, United States Army, 1909, contains this statement:

The operations of this fiscal year consisted in snagging operations and in dredging operations with a hydraulic dredge borrowed from the Mississippi River Commission. * * *

The hydraulic dredge *Gamma* was operated at three localities, but the principal work was done at Rob Roy. Here the main channel of the river had left the draw spans of the railway bridge and only a secondary channel behind a middle bar afforded a passage for boats through the draw openings of the bridge. The dredge opened this secondary channel and, notwithstanding this unfavorable condition, the dredged channel has remained open to the close of this fiscal year, but for fifteen days (October 10–24) during the lowest water period of this fiscal year the dredged cut did not afford a navigable channel. The dredged cuts made at the other two localities were obliterated in the freshet of October 25–November 8, 1908. Because of having to return the borrowed dredge to the Mississippi River Commission about the 1st of August each year, there has been no opportunity in the two seasons it has been operated in this river to fully try out its work during low-water periods; but, judging from such dredging as has been done, it appears that by such operation much material aid can be given to navigation by lengthening the navigable periods of the river. The district officer recommends that two dredges be provided for the river below Little Rock—174 miles.

Now, in House Document No. 510, being a report of the Board of Engineers making recommendation with reference to the Arkansas River between Little Rock and Ozark, they say:

In the report on the Arkansas River called for by the river and harbor act of March 2, 1907 (see H. Doc. No. 71, 61st Cong., 1st sess.), the board gave as its opinion that any expenditures Congress decided to make for the improvement of this river should be for dredging, and that the work should be undertaken tentatively by the use of two dredges on the reach below Little Rock. As the object of the tentative dredging proposition was to demonstrate the effectiveness of improving the channel by this method, the board now recommends that the field of operations be extended to Ozark and that the two dredges suggested be used where they will best serve the purpose for which intended. It is believed that this plan will determine the practicability of improving navigation at a reasonable cost, and will, at the same time, aid and encourage navigation between Little Rock and Ozark. The estimated cost of the work proposed is $349,000 for plant, with $118,700 annually for operating expenses.

On page 18 of the same report is an itemized statement of the estimated cost of these dredge boats, their maintenance and operation, and my amendment conforms to this estimate. It is as follows:

In view of this condition and the fact that the principal object of the tentative dredging proposition was to demonstrate the effectiveness of improving the channel by this method, it is recommended that the field of operations be extended to Ozark and that the two dredges sug-

gested be used where they will best serve the purpose for which intended. It is believed that this plan will determine the practicability of improving navigation at reasonable cost, and will, during the period of trial, aid and encourage navigation. The estimated cost of the work proposed is as follows:

2 dredges, at $150,000	$300,000
1 fuel towboat	27,000
4 fuel barges, at $3,000	12,000
1 survey boat	10,000
Total	349,000

The operation of this plant is estimated as follows:

2 dredges	$63,000
1 fuel boat	14,700
1 survey boat	12,250
Expenses in ordinary and repairs	28,750
Total	118,700

In compliance with that part of section 13 of the act of March 3, 1909, with reference to the special subjects to be considered, the board reports that there are no present terminal facilities at the landings on this river between Little Rock and Ozark except a paved slope or levee at Little Rock, where boats land, but it is proposed by the Little Rock Packet Company to construct coal loading and unloading appliances at the mines near Ozark and at Little Rock if navigation is so improved as to make their efforts at transportation by water successful. There are no water-power, terminal, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

I sincerely hope, Mr. Chairman, that this amendment may be adopted. The dredging work that has been done on the Arkansas River by way of experiment is, as these reports fully disclose, proving of material aid to navigation in the lower reach of the river, where they have been tried. It is thought by these engineers that two dredge boats can perform the tentative work on the entire reach of the river between Ozark and its mouth; and while it is true from some operations conducted there that perhaps two boats could well be used on the lower stretch of the river, I would be gratified to see those two boats created or put into commission there for the stretch of the river from Ozark to its mouth.

Mr. ALEXANDER of New York. Mr. Chairman, I sympathize with the gentleman. He wants two dredge boats, and we propose to give him two dredge boats if it is possible. The Mississippi River Commission, of which Colonel Bixby is president, has a number of dredges. He has written me already that he will send one of these boats to the Arkansas and he is looking for another which he is quite certain he can furnish. As I stated earlier in the day, we have between 500 and 600 boats and not all of them are in commission. The engineers are now looking to see where the idle boats are, that they may send them into those places where they are most needed. I will say to the gentleman from Arkansas that if Colonel Bixby is unable to put two good boats to work on this river this summer, I for one will be in favor of helping him out in the next bill; but I am certain, however, that he will get the boats at work this summer that he desires.

Mr. ROBINSON. Will the gentleman yield for just a moment?

Mr. ALEXANDER of New York. Certainly.

Mr. ROBINSON. I am gratified at the statement which the chairman of the committee makes, but I want to call his attention, however, to this fact, that for two years efforts have been made within my knowledge to secure the transfer of boats of the character to which he alludes from the Mississippi River to the Arkansas River and I had hoped at one time that would have been done more than a year ago. Those efforts, however, have so far failed. I thank the chairman of the committee for his efforts in the matter and I sincerely appreciate them and hope he will be successful. I desire to state to him now that if he does prove successful it will, so far as I can see, encompass every end I desire to accomplish by the adoption of this amendment, for the reason that I merely desire the work carried on and have no wish to see unnecessary boats constructed; but I would like to ask the gentleman in that connection what information he has, if any, concerning the likelihood of there being a transfer made of boats for permanent use on that river for that purpose?

Mr. ALEXANDER of New York. I can not answer for the permanent use, but I can answer somewhat specifically, yes, on the temporary use for this summer, and then if this summer Colonel Bixby decides that he has no boats that he can spare, we will have to build them; that is all.

Mr. ROBINSON. If the gentleman will permit me one further statement in that connection, as these reports of the Board of Engineers, the engineer in charge, and the Chief Engineer show the experiments which have been made on the river in regard to dredging have all been made under great difficulties, having been made at times when they could least conveniently be made, I had hoped that the gentleman would find it consistent to recommend the acceptance of this amendment.

Mr. ALEXANDER of New York. I certainly will join the gentleman in an earnest endeavor to secure those two boats for him. In the meantime I hope he will withdraw his amendment.

Mr. ROBINSON. Mr. Chairman, in view of the statement made by the chairman of the Committee on Rivers and Harbors, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. REID. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, line 12:

"That the Mississippi River Commission be, and are hereby, directed to transfer two dredge boats to the Arkansas River, to be used in dredging the channel of said river between its mouth and Ozark, Ark."

Mr. REID. Mr. Chairman, in view of the statements made by the chairman of the committee, it seems to me that that amendment is entirely in order and ought to be adopted. The chairman speaks with force of the recommendations by the Board of Engineers, who investigated this matter, and promises at an early day to do what he can to secure the transfer of boats from other sections to these reaches on the Arkansas River, and gives us what assurance he can that in the near future two boats can be transferred from the Mississippi River commission to the reach from the mouth of the river to Ozark on the Arkansas River. If that can be done for temporary purposes, Mr. Chairman, it seems to me it might be well now to make the permanent provision which the gentleman promises will be made in a future bill; and in the event that more boats are not in their places, let them be constructed for the use of the commission elsewhere. I have offered the amendment so as to conform to the suggestions of the chairman of the committee and to meet the immediate demands for opening the channel of the Arkansas River.

The gentleman can not have overlooked the report recently made by the special corps of engineers, who took into consideration the commercial importance of the stream, the development of the industries along the river, and especially the great coal fields on the upper Arkansas River that are now restrained from development because of lack of facilities for transportation, and the fact that the railroad interests up each bank of the river have until now succeeded in suppressing the navigation on the river. There is a navigation company which has been organized at Little Rock, and organized in such a way as to maintain it against any competition for the next ten years at least, and we are in important need of opening the channel. From the suggestion made by the chairman here it seems to me entirely feasible to make use of at least two boats now, to be taken from somewhere else and assigned to duty on that river. I therefore offer that amendment.

Mr. ALEXANDER of New York. Mr. Chairman, the local engineers have recommended the construction of 12 or 14 dredges, snag boats, and so forth, in different parts of the country. The committee finally settled upon a rule that this bill should authorize the construction of no boats or dredges excepting a seagoing dredge on the Pacific coast. Now, in order to help gentlemen out who are rarely, it would seem, in need of these boats, we have undertaken to provide them not by an appropriation through this bill, but by a transfer from another part of the country. I think the gentlemen ought to be willing to let us try that out. If we can not do it, then they have grounds for coming here and asking that they be built for them.

This dredge is wanted above Little Rock. The gentleman from Arkansas [Mr. ROBINSON] wanted a dredge for below Little Rock, but they both could be taken care of, I am confident, during the summer, and during that time we will ascertain if they can be put there permanently. I hope this amendment will not pass.

Mr. REID. This amendment does not propose an appropriation for the building of any dredge, but simply asks what the chairman assures us he thinks he can accomplish. It assures us that two dredges will be placed there, and the gentleman's suggestion as to one wanted below and one above Little Rock is in compliance with the suggestion of the board that went there and made an investigation of it. We want the two dredges on the entire reach.

Mr. ALEXANDER of New York. I hope there will be no legislation put into this bill for this dredge.

Mr. REID. In view of the Chairman's assurance on the floor here that two boats will be put there during the coming season,

I want to call his attention to this fact, that in the report of the engineers it is suggested that when operations have been begun, the boats have been taken by the Mississippi River Commission, and the work has been interrupted every time.

Mr. ALEXANDER of New York. I am aware of that.

Mr. REID. And we do not want to be troubled with it again if we can avoid it.

Mr. ALEXANDER of New York. I am aware of that, and I want to say to my friend from Arkansas that I am quite sincere in this matter. Of course, we may fail to get the boat, but if we do fail it will be simply because boats are not to be had.

Mr. REID. I will withdraw the amendment, Mr. Chairman.

The Clerk read as follows:

Improving Cumberland River above Nashville, Tenn.: For maintenance, $10,000; and for completing construction of Lock and Dam No. 21, $85,000; in all, $95,000.

Mr. HULL of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 12, on page 47, the following:

"And for continuing improvement by the construction of Locks and Dams Nos. 8 and 9 in accordance with reports of examination and survey in 1882 and 1883 and adopted by the river and harbor act of August 5, 1886, and by subsequent river and harbor acts until the passage of the river and harbor act of March 2, 1907, $150,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the amount herein appropriated and authorized shall be applied to the acquisition of land required for sites of Locks and Dams Nos. 8, 9, 10, and 11, and toward the construction of Locks and Dams Nos. 8 and 9."

Mr. HULL of Tennessee. Mr. Chairman, I offer this amendment well aware of the rule by which the Committee on Rivers and Harbors was governed in the framing of this bill and under which they refused to insert any item of appropriation for any river project that had not been reported favorably by the Department of Engineers.

I offer the amendment, Mr. Chairman, in the hope that the committee will agree to it, because it constitutes a striking and worthy exception to the rule by which the committee was governed. This river, or rather that stretch of this river, to which the amendment applies, merely seeks to restore a scheme of improvement favorably reported by the Department of Engineers in 1883, and adopted by Congress in 1886, and readopted in each successive rivers and harbors bill until 1907, when without any apparent reason so far as I could see or in so far as any commercial, business, or transportation man familiar with the basin drained by this river could see, the Department of Engineers saw fit to recommend that the scheme of improvement for this entire stretch of river, penetrating a magnificent forest and mineral region for a distance of more than 200 miles, for the present should be discontinued above Lock No. 7, and this was based solely upon commercial grounds.

Now, Mr. Chairman, the point to which I seek to direct the attention of the committee is that there are instances when the judgment of the Department of Engineers upon the commercial conditions—not only present, but prospective—of our rivers is somewhat erroneous. And I insist that it is the duty of the committee and the duty of Congress to provide some means by which adequate relief can be had in the way of an appeal from the judgment and the recommendation of the Department of Engineers when they report favorably from an engineering standpoint upon every phase of the river except the commercial phase.

I have no disposition to detain the committee, except to call their attention to this condition, that doubtless exists in more than one section of the country. The section of river to which I have directed attention has a commerce of greater value than that of rivers like the Kentucky, the Big Sandy, the Big Kanawha, and other rivers that have already been improved at an expense of several millions of dollars—a commerce, I say, in its unimproved condition greater than that of these rivers in their improved condition and upon which millions have been expended.

I hope the committee may see fit to adopt this amendment of mine, Mr. Chairman.

Mr. ALEXANDER of New York. Mr. Chairman, I sympathize with the gentleman, but there was an adverse report against this lock in 1905. Then we put into the bill of 1909 another survey, and only a few days ago the report came in adversely. Of course it would be contrary to law and to the existing policy for many years to admit this amendment. I hope it will be voted down.

Mr. HULL of Tennessee. Will the gentleman yield for just one suggestion?

Mr. ALEXANDER of New York. Yes.

Mr. HULL of Tennessee. I wish to call the gentleman's attention to the fact that it is understood the engineer in charge made this report without any particular new investigation, and for that reason I call the attention of the committee to the condition there by offering this amendment. I am aware of the rule of the committee, but wished to call attention to the matter deemed unjust in that way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Cumberland River below Nashville, Tenn., in accordance with the reports submitted in House Documents No. 758, Sixtieth Congress, first session, and No. 1481, Sixtieth Congress, second session, respectively, $213,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $450,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the amount herein appropriated and authorized shall be applied to the necessary surveys and the acquisition of land required for sites of Locks and Dams B, C, D, E, and F, and toward the construction of Locks and Dams B and C.

Mr. SMALL. Mr. Chairman, I observe that this paragraph carries with it an appropriation of $213,000 and an authorization for continuing contract of $450,000. Now, in the remarks made by the chairman of the River and Harbor Committee this afternoon, in referring to annual river and harbor appropriation bills, it was stated that one reason for annual bills was that heretofore recognized improvements had been excluded, except as to those favored projects which were recognized by continuing contracts to be therein made. Now, I assume on this paragraph that the sum of $213,000 is all that can be profitably expended during the fiscal year ending June 30, 1911. If that be true, in view of the expressed attitude of the chairman of the committee, I ask why this particular improvement was differentiated from the other improvements by a continuing contract which is not necessary to expend during the ensuing fiscal year? I doubt not, Mr. Chairman, that there are other projects recognized in this bill, either for the first time or recognized by appropriations, for continued improvements which were as much deserving of recognition by appropriations to be made hereafter.

Mr. ALEXANDER of New York. I do not know that I quite understand the point that the gentleman asked.

Mr. SMALL. I asked why there was a continuing contract in reference to this projected improvement of the Cumberland River? There is an appropriation of $213,000 carried in this bill. Is that all that can be profitably expended during the fiscal year; and if so, why was it necessary to have a continuing contract?

Mr. ALEXANDER of New York. This is masonry work. The construction of it may take one year, or it may take two, depending entirely on the contract. Even annual bills must carry continuing contracts. A lock means masonry work, a large sum involved, and the contract authorization provides simply for the completion of it. Engineers can not know in advance whether they can complete it within the year. Continuing contracts are generally given to projects requiring considerable time. In this case it is masonry work, and may extend over two or three years. Therefore a continuing contract is made. Does that answer the gentleman?

Mr. SMALL. Not entirely, if the gentleman will pardon me. The appropriation is for $213,000. Now, I will ask him, Is it not a fact that that is all that can be profitably expended during the fiscal year; and if so, why put it upon the continuing contract basis? I understood the gentleman to say that this may take two or three or more years to complete, and that is an argument in favor of the proposition I am trying to submit—that is to say, that if the sum of $213,000 is all which can be profitably expended during the coming fiscal year, if it be in contemplation to have another river and harbor bill next session of Congress, why not wait until that bill and make an appropriation then? Why differentiate this one improvement from other projects?

Mr. ALEXANDER of New York. Well, I have answered and will answer again.

Mr. MOON of Tennessee. If the gentleman from New York will yield to me, I desire to state that the gentleman from North Carolina is mistaken in his statement that the cash appropriation needed is only $213,000. As a matter of fact, the appropriation that was needed in cash was about $450,000; but it was thought to be advantageous to make the appropriation in cash $213,000, and the remainder desired to be appropriated—$450,000—in a continuing contract, saving the Government the

expenditure of the larger amount of cash this year, this continuing-contract system being just as advantageous for the improvement.

Mr. SMALL. I desire the gentleman to answer this question: Will he give his authority, from the report of the engineers, that there can be profitably expended more than $213,000 for this fiscal year?

Mr. MOON of Tennessee. There are five locks and dams to be constructed there, and I suppose every dollar of the whole appropriation might be profitably expended. The money is needed for the Cumberland and therefore is appropriated; that is all that need be known.

Mr. SMALL. That still does not answer my question. There are various projects in this bill recognized by appropriations where you have made only partial appropriations, sometimes one-fourth and sometimes one-fifth and sometimes less, of the amount which could be profitably expended during the next fiscal year.

Now, I say here if $213,000 of this is all that can be expended during the next fiscal year, why differentiate this from other projects?

Mr. MOON of Tennessee. That is not the fact.

Mr. MADDEN. Will the gentleman allow me to reply to his question? This paragraph relates to the construction of several locks. You can not let contracts advantageously for the foundations of the locks alone. You must let the contracts for the whole work. And even though you can only expend $213,000 advantageously in one year, you must enter upon the construction under the continuing-contract system, if the work is to be done economically and advantageously. That is the reason why this item appears in the bill as it does.

Mr. SMALL. I move to strike out the last two words. I do not desire to be unduly insistent in this matter, but I am simply suggesting that perhaps inadvertently the committee may have been guilty of an inconsistency with regard to this particular project. I clearly understood the chairman of the committee, in presenting this bill, to say that it differed from prior bills in that, with a view to having annual appropriations hereafter, we were only appropriating upon each project such an amount as could be profitably expended during the ensuing fiscal year.

Mr. ALEXANDER of New York. On the contrary——

Mr. SMALL. Now, if $213,000 is not all that can be expended during the ensuing fiscal year, I should like to know that, because it will answer one feature of my inquiry.

Mr. ALEXANDER of New York. Will the gentleman allow me to answer?

Mr. SMALL. But if that is all that can be expended, I have not had a sufficient reason, and I submit that the committee have not had a sufficient reason given them why this is put upon a continuing-contract basis.

Mr. MADDEN. Will the gentleman allow me to answer his question again?

Mr. SMALL. Certainly.

Mr. MADDEN. If the gentleman was a contractor, and the Government advertised for bids, and the gentleman offered a bid for the foundations of these locks, and he was obliged, when he secured his contract, to assemble all his machinery for the construction of the foundation alone, would he think it likely that he could do the work on the foundation alone on as advantageous terms as he could if he were to be awarded the contract for the construction of the whole of the lock?

Mr. SMALL. Then, if the gentleman will pardon me, do I understand him to make the statement that this is one of those works of improvement which ought to be let by contract as a whole and not by parts? If that is his statement, then one reason at least has been given why this should be put upon a continuing contract basis, and I should like to know if that is the case.

Mr. MADDEN. That is the case, and you can not do this work in any other way to the advantage of the Federal Treasury.

Mr. SMALL. I think that is an explanation.

Mr. LAWRENCE. I think the gentleman from North Carolina entirely misunderstood the statement of the chairman of the committee with reference to the policy adopted regarding annual bills. We have adopted the policy of an annual bill, but in the motion adopting it there was a stipulation that there was to be no abandonment of the continuing contract plan. There are certain projects upon which the work can not be done economically or advantageously for the Government unless a contract is authorized involving an expenditure covering several years; so that while we are to have annual bills, yet when needed from the standpoint of economy and efficiency there will still be continuing contracts authorized.

Mr. SMALL. And this is a project of that class?

Mr. LAWRENCE. That is correct.

Mr. SMALL. I understand the gentleman now.

Mr. ALEXANDER of New York. And I distinctly said so in my opening remarks, and paid a tribute to Senator FRYE, chairman of the Senate Committee on Commerce, who was the father of this system. It goes with any bill, and must go with any bill—annual, biennial, triennial, or for any number of years.

Mr. SMALL. The distinguished chairman of the committee is, as usual, very clear, and it was through no fault of his that I did not understand it.

The Clerk read as follows:

Improving Obion and Forked Deer rivers, Tennessee: Continuing improvement and for maintenance, $437.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 10, page 48, insert the following:

"For the continuing of the work heretofore begun of cleaning out and improving Caney Fork River, in Tennessee, $5,000.

Mr. HOUSTON. Mr. Chairman, this amendment involves a project that has the misfortune to have been reported adversely by the local engineer. This report is in direct conflict with the reports made by former engineers. This project heretofore has received in different appropriations $28,000 in small amounts of three or four thousand dollars in each appropriation. The only exhaustive report made by an engineer was one in which he recommended an annual or semiannual work on the river of three or four thousand dollars, amounting in all to about $48,000, and that would give navigation about six months in the year.

Further improvement has been reported adversely by the local engineer in the last report, and he gives as a reason for that that the commerce will not justify it, setting forth in support of it that the reason for the former recommendation for the project was that they did not have railroad facilities, which they now have. Such a report is entirely without foundation in the facts in the case. The railroad facilities to which he alludes were in existence at the time the former reports were made. He speaks of a railroad which is a branch of the Nashville and Chattanooga Railroad, which runs along the Cumberland plateau up above Caney Fork Falls. It is impossible for the produce or products of that valley to be hauled up on the plateau; a six-horse team could not pull out a two-horse load. The same condition exists all the way along the banks of Caney Fork River. It is a rich and fertile valley and has very steep sides on each side of the river.

Now, this railroad transportation was there when the former reports were made and was as accessible then as now, and it is a mistaken fact to say that the commercial value will not justify it because they have access to a railroad. There is no reason why these people should not have the benefit of river transportation if they had railroad transportation, but this is true especially where the railroad is not accessible at all.

I think the report of the engineer discloses the fact that he examined this stream for only about 24 or 26 miles. That I think is fully inferable from his report.

This valley is about 80 miles long, and is as rich and productive as any land in Tennessee or any in the United States, and is without means of getting its produce to market except down the river. They could get it down at certain periods of the year with this small outlay.

Mr. Chairman, I do not believe there is an expenditure of money at any place in the United States, upon any stream, that will bring so many returns according to the amount invested as would this small investment. We are very modest in what we ask for. It does not require very much because of the peculiar formation of the river. It is a very deep stream; it has long pools that are interrupted by shoals; and if we can move out a few bowlders and improve those shoals, they can bring the products down to market with this small outlay. It will bring better returns than money invested in the larger streams in proportion to the amount invested.

Mr. ALEXANDER of New York. Mr. Chairman, this is in the class where the local engineer has made an adverse report, and where a survey has been given and another adverse report is made. This second adverse report is now pending before the board of review and is not before the committee for consideration nor before the House for its consideration. It is simply waiting its chance with the board of review. It has been reported adversely by the local engineer. The board may reverse the local engineer, and in that event it would properly be before Congress; but it is not so now. I hope the motion of the gentleman will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Tennessee River below Chattanooga, Tenn.; Alabama, and Kentucky: Continuing improvement at Hales Bar, Tennessee, $50,875; continuing improvement and for maintenance by open-channel work from Chattanooga, Tenn., to Riverton, Ala., $310,000, of which amount $15,000 may, if required, be expended in that section of the river between Hobbs Island and Guntersville; continuing improvement at Colbert and Bee Tree Shoals, $100,000; and continuing improvement and for maintenance below Riverton, Ala., $150,000; in all $610,875.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the Committee on Rivers and Harbors when the report authorized during the last session of the Sixtieth Congress for a resurvey of the Tennessee River between Knoxville and Chattanooga will be submitted to the committee and for the consideration of Congress.

Mr. ALEXANDER of New York. Mr. Chairman, I will say to the gentleman from Tennessee that I have no idea when that report will be submitted either to the committee or to the House.

The Clerk read as follows:

Improving Kentucky River, Kentucky: For completing construction of Lock and Dam No. 13, and beginning construction of Lock and Dam No. 14, $106,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $65,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That of the amount herein appropriated the sum of $6,000 may be expended for the construction of a bridge across Tates Creek and the restoration of the county road near Otter Creek, both of which items of work have been rendered necessary by the construction of Locks and Dams Nos. 9 and 10, Kentucky River.

Mr. SMALL. Mr. Chairman, I move to strike out the last word. I notice in the proviso here in this paragraph that it appropriates $6,000 for the construction of a bridge across Tates Creek and the restoration of the county road near Otter Creek. The paragraph states that this construction is made necessary by the construction of certain locks and dams. Now, I wish to ask the chairman if it is usual where a canal is constructed, for instance, and that canal intersects a public road, for the United States to build and maintain a bridge across the same? I was not aware that such was the custom. A distinguished gentleman near me suggests that it might have been provided in this instance for the benefit of the moonshiners in the State of Kentucky in order to enable them to make better progress through that country. Of course that would not be considered as a reason by the committee.

Mr. LANGLEY. Mr. Chairman, I suggest to my friend from North Carolina that perhaps the gentleman who made that suggestion to him had better get up and make it on the floor himself. I would like to know who he is.

Mr. SMALL. Oh, the gentleman who made that suggestion to me is always very courageous and always speaks for himself. Seriously, I would like to know the reason for it.

Mr. ALEXANDER of New York. I would say that in the construction of the lock it drowned out the county road, so that the Government was obligated to construct a bridge to overcome that obstruction. There are several precedents in past years.

Mr. SMALL. Where the United States constructs a waterway and thereby makes necessary a bridge, do I understand that it is incumbent upon the United States to construct and maintain the bridge? I understand that if this bridge is constructed by the United States it must be maintained for all time, so that a liability is created, represented not alone by the original construction, but continuing into the future.

Mr. LANGLEY. If the gentleman from New York will allow me, I think the gentleman from North Carolina is mistaken about the obligation of the Government to maintain these bridges after it builds them. It builds the bridge to restore the status quo, so to speak—to remedy the damage which has been done by the government works. At any rate, I think I can guarantee that the counties will be entirely willing to assume the maintenance of the bridges if the Government will pay the expense of building them.

I recall at least one precedent for the proposed action: A bill which I introduced in the last Congress was passed, which provided for the reimbursement of the expense which had been incurred by Clark County, Ky., in building a bridge under exactly similar circumstances. The backwater from one of the dams on this same river had destroyed a ford across a creek, which resulted in great inconvenience to the community. The county did not see fit to wait until the Government would construct the bridge, and had it built at the county's expense. My bill to reimburse the county was approved by the army engineers, and it was passed and became a law practically without opposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent to continue for two minutes longer.

There was no objection.

Mr. SMALL. I will ask the gentleman if the instance which he gives was not a case of the destruction of a bridge which Congress was asked to replace, and not an original construction where there had been no bridge before?

Mr. LANGLEY. No; I do not think it was. But even if it was, the principle involved is precisely the same, because in either case the necessity for the bridge arises as a result of the public improvement, which, while it is a great benefit to the people of the valley as a whole, has resulted in inconvenience and damage to that particular community, and I think the obligation of the Government, under the circumstances, to remedy this, is perfectly clear.

While I am earnestly in favor of these river improvements, because of the great public good to be derived from them, I am just as earnestly in favor of protecting the interests of the few who are injured rather than benefited by them, or, rather, who are injured more than they are benefited.

I may add that neither of these proposed bridges is in my congressional district; but the building of them by the Government was recommended by the engineers, and I felt it my duty to call the attention of the committee to that recommendation, which I did, and as a result of which this proposed appropriation appears in the bill.

There are several similar places along this river where bridges should be built and which I hope to get done in due time. I recall one instance now where, as a result of the destruction of a ford across Millers Creek, in my district, the people have to travel a distance of about 5 miles farther than they did before the dam was built, in order to cross this stream. It seriously interferes with travel and traffic back and forth across the country. It is particularly inconvenient to live-stock dealers.

I would have asked the committee to include a provision for this bridge, and would offer such an amendment now, but for the fact that the engineers have not yet recommended it, and I could not, of course, expect to get such a proposition adopted without that recommendation. I hope to be able to get the recommendation in time for the provision to be inserted in the Senate.

Mr. SMALL. It seems to me we are creating a dangerous precedent.

Mr. MANN. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MANN. I may say that Congress made a direct precedent in reference to a matter of this sort a few years ago when a bill was reported from the Committee on Interstate and Foreign Commerce. Congress made an appropriation for the building of a bridge, for the benefit of the city of Moline, I think it was, in the State of Illinois, where the Government had constructed or enlarged a canal, or the Rock River, so as to shut off the road. In that case there was an express appropriation made not in the river and harbor bill under an authorization for the construction by the Government of a bridge, on the ground that the Government's work had made it necessary.

Mr. SMALL. I was not aware of that precedent. I withdraw the pro forma amendment.

The Clerk read as follows:

Improving harbor at Ashtabula, Ohio: For maintenance and continuing improvement in accordance with the report submitted in House Document No. 654, Sixty-first Congress, second session, $115,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $376,430, exclusive of the amounts herein and heretofore appropriated.

Mr. SMALL. Mr. Chairman, I desire to call the attention of the chairman to this paragraph, where there is a continuing contract, and to ask the specific reason for having a continuing contract in this instance.

Mr. LAWRENCE. In the absence of the chairman of the committee I will state that this is the case for the construction of a breakwater and the work can not well be divided, although the money may not be expended during the ensuing year. It is very advisible, under the circumstances, that the entire amount should be provided for any contract which should be completed. It is work like a lock or dam, where it can not be divided, but should be contracted for in one sum.

Mr. SMALL. That is the specific reason in this instance why it was placed under a continuing contract?

Mr. LAWRENCE. That is the reason.

The Clerk read as follows:

Improving Ohio River: Continuing improvement with a view to securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session, or

such modification thereof as in the discretion of the Secretary of War may be advisable, and with a view to the completion of such improvement within a period of twelve years, $1,000,000, which amount shall be applied to the purchase of sites for 18 Locks and Dams Nos. 9, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 41, and 48, and toward the construction of Locks and Dams Nos. 7, 9, 10, 12, 19, 20, 29, 41, and 48: *Provided*, That so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,500,000, exclusive of the amounts herein and heretofore appropriated.

Mr. COX of Idiana. Mr. Chairman, I would like to inquire of some member of the committee whether or not the report prepared by the board a year or so ago was adopted in full?

Mr. ALEXANDER of New York. Yes; I will say to the gentleman from Indiana, it does.

Mr. COX of Indiana. Now, this paragraph——

Mr. SHERLEY. If the gentleman will permit, I do not think the chairman got the full import of the inquiry of the gentleman from Indiana. While I understand the report has been adopted so far as relates to the river down to and including Dam 48, there is nothing that adopts it as to the improvement of the river below Henderson, whether by dams, as recommended by the report, or by dredging.

Mr. ALEXANDER of New York. I do not exactly understand what the gentleman from Indiana asked.

Mr. COX of Indiana. The question I propounded is this: Whether or not the bill as presented here adopts the report made by the board in its entirety a year or two ago.

Mr. ALEXANDER of New York. It adopts the report of the board, but the bill does not in every particular conform to the report in regard to the order in which the dams should be built, and so forth.

Mr. COX of Indiana. As I recollect the reading of the report, it provides for a depth of 9 feet of water.

Mr. ALEXANDER of New York. Yes.

Mr. COX of Indiana. Now, does this bill adopt that recommendation?

Mr. ALEXANDER of New York. Exactly.

Mr. COX of Indiana. Does this bill further adopt the recommendations made by the board for the purchase and building of all the locks and dams which were recommended by the board?

Mr. ALEXANDER of New York. It does.

Mr. COX of Indiana. Now, I will call the gentleman's attention to this section of the paragraph just read:

Sixtieth Congress, first session, or such modification thereof as, in the discretion of the Secretary of War, may be advisable.

Now, what discretion is lodged in the Secretary of War, if any, that would militate against the report made by the board a year or two ago?

Mr. ALEXANDER of New York. That is in regard to the details of the present survey. In other words, the Secretary of War is not absolutely bound up by the report in all of its details. It may be necessary to build slightly different from that report, as developed in the canalization of this river. That is what those words mean.

Mr. COX of Indiana. Then there is no intention in this bill to give the Secretary of War power, in a measure, to destroy the report as made by the board a year or two ago?

Mr. ALEXANDER of New York. Not in the slightest, but simply we do not want to pin down the hands of the engineer in the work.

Mr. COX of Indiana. And it gives him some slight latitude.

Mr. ALEXANDER of New York. Yes.

Mr. SHERLEY. To carry out the line of the inquiry of the gentleman from Indiana, is it not also true there is nothing in this bill that ties Congress to that part of the report looking to the obtaining of the 9-foot stage from Henderson to Cairo by means of dams? Is not that left an open matter?

Mr. ALEXANDER of New York. No. The project adopted is to be by locks and dams.

Mr. SHERLEY. Well, unquestionably the last project adopted on the river is Dam 48, which is just below Henderson. Now, from Dam 48 to Cairo, according to the report, are several dams——

Mr. ALEXANDER of New York. Five.

Mr. SHERLEY. And as I understand it it is a matter yet to be determined whether that stretch of the river should be maintained at the 9-foot stage by dredging or whether those three dams will be erected.

Mr. ALEXANDER of New York. The gentlemen, I think, misunderstands from a remark that was made by General Marshall a few days ago, that until those dams were constructed he might be able to get sufficient depth of water by dredging, but he had no idea of not building the dams eventually.

Mr. SHERLEY. I am very glad to hear the gentleman's statement, because I believe the dam project should be carried clear to Cairo.

Mr. ALEXANDER of New York. That was the information of the engineers. It was only to relieve the congestion pending the building of the other dams.

Mr. DIXON of Indiana. The proviso beginning in line 23 says:

Provided, That so much of the sum herein appropriated as shall be necessary may be applied toward a definite location and purchase of sites for additional locks and dams on said river—

Is this appropriation large enough to purchase the remaining sites?

Mr. ALEXANDER of New York. Yes; a great many times over. But in order that there might be money enough, it was put in in that way.

Mr. DIXON of Indiana. Then it is expected from this appropriation that the sites for the remaining locks and dams not specifically named will be purchased?

Mr. ALEXANDER of New York. That is right.

Mr. COX of Indiana. Mr. Chairman, just a word. I desire to compliment the committee for the adoption of this report.

Mr. Chairman, I can not refrain from complimenting the Rivers and Harbors Committee for the work which it has done in the way of improving the Ohio River. The language carried in the bill relating to the Ohio River is as follows:

Improvement Ohio River: Continuing improvement with a view of securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 942, Sixtieth Congress, first session, or such modification thereof as in the discretion of the Secretary of War may be advisable, and with a view to the completion of such improvement within a period of twelve years, $1,000,000, which amount shall be applied to the purchase of sites for 18 locks and dams, Nos. 9, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 27, 28, 29, 41, and 48, and for the construction of Locks and Dams Nos 7, 9, 10, 12, 19, 20, 29, 41, and 48; providing that so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river: *Provided further*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to constitute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,500,000, exclusive of the amounts herein and heretofore appropriated.

In addition to the above item, the bill carries another item of $575,000 for continuing and completion of projects already begun.

The language in the bill adopts the 9-foot stage of water exactly as recommended by the Board of Army Engineers two years ago, and it specifically provides for the purchase of 18 new dam sites. This, together with the proviso in the following language—

Provided, That so much of the sum herein appropriated as shall be necessary may be applied toward the definite location and purchase of sites for additional locks and dams on said river—

forever adopts and approves the report as made by the Board of Army Engineers, and the bill in its present shape, as reported and passed by the House, provides for the completion of dams already in progress and for the purchase of sites at every place where dams were recommended by the Board of Army Engineers, contained in their report, Document No. 492, first session of the Sixtieth Congress.

This report provides for the building of 54 dams for the improvement of the Ohio River from Pittsburg to Cairo. The board of engineers having charge of this work estimates that it can not complete the work in less than twelve years, and, Mr. Chairman, taking into consideration not only the immense amount of work to be done in the improvement of the Ohio River, but elsewhere, in the improvement of rivers, this is as short a time as the work can be completed.

It is useless for me to argue the unquestioned benefits which this improvement will bring, not only to the present but future posterity. We have in the Ohio River Valley a country surpassing in richness the world-famed valley of the Nile. Beginning far up in the State of Pennsylvania, the Ohio River pursues its devious course for more than 1,000 miles, until it reaches the Mississippi River, "the father of American waters." On its northern shores border the great States of Pennsylvania, Ohio, Indiana, and Illinois, and on the south Kentucky. These States alone represent a population of approximately 20,000,000 people, with industry as varied as the universe itself.

Mr. Chairman, we have in this country to-day approximately 90,000,000 of people, and by the time our children arrive at mature manhood and womanhood we will have a population of three times this number, and I believe it to be our duty, not only as citizens, but as legislators, to provide for their comfort and welfare, and in so doing we will be building up in the Ohio River Valley the greatest empire of the world. Bordering along the Ohio River and in close proximity thereto is found all the natural resources which go to make a country great and strong. When the Ohio River is completely canalized by build-

ing and constructing dams, as provided for in this bill, there will spring up as if touched by the hand of magic all along its course flourishing towns and cities furnishing employment of labor to the countless millions of people who will seek the Ohio River Valley as a home in which to live. From Pennsylvania and West Virginia iron ore will come down the Ohio River, and along by its side, not only from these two States but from the States of Ohio, Indiana, Illinois, and Kentucky, will come millions of tons of coal to heat the furnaces which will manufacture iron ore into iron and steel, the great basic principles of American industry. The race to-day to capture the world's commerce is indeed a fierce one, and with the completion of the Panama Canal in a few years a new era of development will begin. East of us lies the Orient—China as yet an undeveloped nation, with her 400,000,000 of people to be clothed and fed; Japan, beginning to awake to the energies of civilization, likewise furnishes a great field for American commodities and American enterprise—and with the completion of the improvement of the Ohio River and the construction and completion of the Panama Canal an impetus will begin here in the Ohio River Valley to capture these great world marts of trade in the East.

Mr. Chairman, the business man is readily confronted with two propositions; first, the freight rates entering into the transportation of his commodities; second, time; and with an undoubted confidence in the ingenuity of the business man living in the Ohio River Valley, if he be put upon a par with his foreign competitors, upon both of these propositions, I have no doubt of his ability to meet and compete in foreign fields for the world's commerce.

Mr. Chairman, benefits will accrue, not alone to the business man, but to the laboring man, the merchant, the farmer, all will unquestionably reap and receive renowned benefits when this work is finally completed. Congress has for years sought to control and regulate railway traffic in this country, but, in my judgment, without very much success; but the improvement of the Ohio River so as to maintain a 9-foot stage of water the year round will alone control freight rates in the Ohio River Valley, and will put American business men upon an equality so far as freight rates and time are concerned.

Mr. Chairman, the fight has been long and strenuous, asking that the improvement of the Ohio River as a project be taken up and completed as a whole, and I can not refrain at this time from complimenting the Rivers and Harbors Committee on adopting the report long since made by the Board of Engineers, and saying to them they have done a great work, not only for the present but for the future.

Mr. SMALL. Mr. Chairman, I desire to offer an amendment, in lines 12 and 13, by striking out these words:

Or such modification thereof as, in the discretion of the Secretary of War, may be advisable.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report:

The Clerk read as follows:

Page 53, lines 12 and 13, strike out the following words:
"Or such modification thereof as, in the discretion of the Secretary of War, may be advisable."

Mr. SMALL. Mr. Chairman, if I understand the policy of the Committee on Rivers and Harbors and of Congress, it is this—that no appropriation has been made for an improvement against an adverse report of the engineers or without first having an investigation and a favorable report by the engineers. Now, this paragraph, after having included these words:

Continuing improvement with a view to securing a navigable depth of 9 feet, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session—

proceeds to give the Secretary the power to modify and change that report and to expend this money under a changed report without first having been submitted to and approved and authorized by Congress. There may be precedents for such a deviation as this, but I am not aware of any. I think where an appropriation is made in accordance with the report of the engineers, that to authorize the Secretary of War to expend that money in any other manner except in accordance with that report, which has been examined and approved by the committees of Congress and by Congress itself, is a dangerous precedent which will rise to plague us in the future.

Now, I am in favor of this appropriation for the improvement of the Ohio River and of the Mississippi and its tributaries. The Ohio carries more commerce, there is more prospective commerce upon the Ohio River, and it seems to be the consensus of sentiment among those who have examined the reports and are familiar with the stream that this improvement recommended by the engineers ought to be carried out. But the point is this, that when an appropriation is made to be expended in accordance with the report, that discretion ought not to be invested in the Secretary of War to spend that money otherwise than is recommended in the report which has been adopted. Therefore, upon that, I base my motion to strike out these words, so that the appropriation shall be expended under the investigation and the report which has been made by the Chief of Engineers, and which presumably has had the approval of the committee, and if any other surveys were necessary, then this project should have been put upon the same basis as other improvements, that it should have been rereferred for another investigation and another report.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. FITZGERALD. With this provision would it be possible to proceed on a project looking to having 12-feet depth without further authorization by Congress?

Mr. SMALL. I do not see why not under this language, "under such modification thereof as the Secretary may deem advisable." That is broad in its scope, and he may make any modification he chooses.

Mr. ALEXANDER of New York. Will the gentleman allow me a suggestion? The words which he wishes to strike out are very common words in our bill. There is one on page 2 that we have already passed—in line 20:

Improving Saco River, Maine: Continuing improvement in accordance with the existing project or such modification thereof as the Secretary in his discretion may approve.

It does not go to the project at all. It simply goes to engineering details. The project is adopted. Neither would these engineering details be changed without the approval of board of review and the Chief of Engineers. Here is another case in the bill of 1907:

Improving Manistique Harbor, Michigan: Continuing improvement and for maintenance, $25,000, to be expended by the Secretary of War, on the same project, or any modification thereof.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. FITZGERALD. Is it the understanding of the chairman of the committee that this language authorizes the modification of a project so as to give a greater depth than that authorized?

Mr. ALEXANDER of New York. Certainly not.

Mr. SMALL. May I ask the gentleman if this language is not susceptible of such a construction as would permit a material change in the project?

Mr. ALEXANDER of New York. No; because it was never so construed.

Mr. SMALL. I withdraw the amendment.

Mr. SHERLEY. Mr. Chairman, perhaps the language just read as to the improvement of the Ohio River marks as great a departure from the past attitude of the Government as to internal improvements and indicates as clearly its future attitude as any other provision in the bill. The one noticeable thing in the language relative to the Ohio River is that for the first time that language relates to the whole of the Ohio River. Not only does it adopt the project as a whole, but, in making the appropriation of $1,000,000 and authorizing the expenditure of $2,500,000, that appropriation and authorization is made in language so that it can be applicable to the whole river, and enables the engineers, according to the physical condition of the work at many or a few points, to expend the money to the best advantage instead of having money lying idle at some place while there is a lack of funds at some other place. Here is an appropriation of $1,000,000, which may be expended at any one of several points, and contracts may be entered into for $2,500,000 that may be expended at any of the places enumerated. The effect of this is to commit the Government to the project as a whole—to commit it to completion in a definite time, and, therefore, to a definite, regular rate of progress of the work. In order to do that, it was necessary that this money should be at the command of the engineers to be used at one or another place as they deem most necessary.

If there has been one thing more than another that has subjected Congress to criticism in the past, it has been the spasmodic and sporadic appropriation of moneys for partial river and harbor improvements, rather than the completion of any one project. If there be a project now before the American people that from reports of the engineers and those having knowledge both of the technical and commercial factors involved will warrant the expenditure of a large sum of money, it is the project looking to the improvement of the Ohio River, and it is therefore proper that the departure from the old method of doing business, one that looks forward to the rapid completion of any improvements that are undertaken, should be evidenced by these items relative to the Ohio River. There is

no man living upon that river but must feel that this committee has dealt with the utmost fairness and liberality with the plan that lies so close to the hearts of all of us. The same rate of appropriation now provided in this bill would not complete the river within twelve years, as it will take $60,000,000 for the whole project, and the bill carries an appropriation of only $4,175,000. But we realize, as anyone familiar with the proposed work must, that during the first year some preliminary work is necessary before much money can be expended. There has been authorized in this bill all that the committee should properly have authorized, and I for one desire to express my great gratification and thanks to the committee for its treatment of this national project. [Loud applause.]

The Clerk read as follows:

Improving Rouge River, Michigan: For maintenance, $20,000: *Provided*, That no part of this sum shall be expended until the channel banks within the limits of the project shall have been properly docked by the riparian interests.

Mr. ALEXANDER of New York. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 57, strike out all of lines 18, 19, and 20, and insert in lieu thereof the following: "shall be expended at those points within the limits of the project where shoaling is due to caving banks until the banks shall have been protected by suitable docks or revetments constructed at the expense of the riparian interests."

The amendment was agreed to.

Mr. YOUNG of Michigan. Mr. Chairman, I ask unanimous consent to return to page 56, line 8, for the purpose of offering an amendment to perfect the provision.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to page 56 for the purpose of making a correction. Is there objection?

There was no objection.

Mr. YOUNG of Michigan. Mr. Chairman, I move to insert the words "Manistee County" after the word "Lake," in line 8. This is done because there is another Portage Lake which is a part of a waterway in Michigan.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, in line 8, insert the words "Manistee County" after the word "Lake."

The amendment was agreed to.

The Clerk read as follows:

Indiana Harbor, Indiana: For improvement and maintenance in accordance with the project recommended in House Document No. 1113, Sixtieth Congress, second session, $62,000: *Provided*, That no part of this appropriation shall be expended until the Secretary of War shall be satisfied that the conditions specified in said project have been fully complied with.

Mr. CRUMPACKER. I move to strike out the last word, for the purpose of suggesting an amendment to the proviso. The change I suggest is in the word "project," in line 5. I think that ought to be "document" instead, so that it will read:

Until the Secretary of War shall be satisfied that the conditions specified in said document have been fully complied with.

That is Document No. 1113, referred to above.

Mr. ALEXANDER of New York. There is no objection to that.

Mr. CRUMPACKER. Then I move that the word "project," in line 5, page 61, be stricken out and the word "document" inserted in its place.

The Clerk read as follows:

Page 61, line 5, strike out "project" and insert "document."

The amendment was agreed to.

Mr. JAMES. I want to ask the chairman of the committee relative to the appropriation for the Ohio River. I understand some question was raised a few moments ago relative to whether or not this appropriation authorizes a definite location and purchase of sites for locks and dams below 48, at Henderson, Ky., on down to the mouth of the river at Cairo, Ill?

Mr. ALEXANDER of New York. It does.

Mr. JAMES. I have no doubt of it myself, but I wanted it made clear. I am glad the bill clearly provides for location of sites and purchase of same from Henderson, Ky., to Cairo, Ill. It will give us a 9-foot channel the year around, and will revive the traffic which made this historic river famous in the years of long ago.

The Clerk read as follows:

And provided further, That the said commission be, and is hereby, authorized to design and construct two experimental towboats of modern but different types, with a complement of suitable barges and necessary loading and unloading facilities for towing and delivering supplies along the Mississippi River and its tributaries, and in making designs for such boats the said commission shall investigate and consider types of boats in use for similar purposes on nontidal rivers in this and other countries, and for the purposes of such investigation, designs, and construction there is hereby appropriated the additional sum of $500,000.

Mr. SMALL. I wish to ask a question with reference to the second proviso in this paragraph, which provides that this Mississippi River Commission are authorized to design and construct experimental towboats with a complement of suitable barges and necessary loading and unloading facilities.

If that is for the purpose of conducting an experiment with a view to providing an illustration to those who desire to exploit the possibilities of commerce upon the Mississippi River, it seems to me that it is going a little beyond the proper scope of a river and harbor bill. Of course, if these towboats and barges are absolutely necessary in the work of improvement of the river, perhaps that would present another aspect of the question; but I do not understand that it can be necessary for the Mississippi River Commission to construct experimental towboats and barges for the purposes of the improvement of the Mississippi River. In what sense is the term "experimental" used? Is it experimental for the purpose of river and harbor work, or experimental for the purposes of ascertaining what is best suited for the carrying of commerce on the Mississippi?

And if the latter is the intention, it seems to me, it is beyond the purview of Congress, and particularly of this bill; and I think it ought to be stricken from the bill.

Mr. ALEXANDER of New York. Mr. Chairman, I want to ask the gentleman from North Carolina if he has read the committee's report, on page 13?

Mr. SMALL. I have not.

Mr. ALEXANDER of New York. It explains the matter fully, and I wish to read from it.

Mr. SMALL. The gentleman can make a brief statement.

Mr. ALEXANDER of New York. I will read, because it answers in a word the gentleman's proposition.

It is believed that the appropriation of $500,000 to be expended in the purchase of plant for use in connection with the work of improvement of the river will also provide for experiments to be carried on by the Government which will result in improving the present type of river freight carriers, and also that these tests can be made in no other way, since the expenditures and uncertainties involved preclude the use of private capital for the purpose. As a result of the tests or experiments it is hoped that a large saving to the country at large may accrue from decreased costs of transportation, and that a type of carrier may be developed which will also reduce the cost of all bridges across navigable streams due to lessened requirements in the matter of head room.

This shows that it is for the purpose of increasing the plant. The first part of this paragraph in the report says:

The British Government has been designing shallow-draft boats for use on the Nile, and the German and Austrian Governments have been working along similar lines with reference to methods of transportation on the Rhine, the Danube, the Elbe, and other waterways. The boats designed have been very successful, having been used in connection with modern loading and unloading appliances. On our western rivers little change has been made in the design of towboats, barges, etc., since 1860, and it is believed that a design embodying the best points of modern vessels, with modern machinery and cargo-handling devices, might lead to a marked increase in the traffic on the nontidal rivers of the United States, especially after permanently improved channels are available.

These boats can be used in connection with the improvements going on in the Mississippi, the Ohio, and the Missouri, and at the same time experimental tests for securing the best modern type of boat known to the engineers at the present time can be made.

Mr. TAWNEY. If the gentleman from New York will yield to me, I want to ask the gentleman if it is proposed in the construction of the experimental boats to have them constructed so that they can be used on any part of the river?

Mr. ALEXANDER of New York. Yes.

Mr. TAWNEY. And not only in the deeper parts?

Mr. ALEXANDER of New York. No; on any part. It is especially desirable that they be constructed for a 6-foot depth.

Mr. SMALL. Now, Mr. Chairman, if I may be permitted to make this further comment: The distinguished gentleman, chairman of the committee, has, of course, been entirely candid, and in the statement from the report which he has read it is perfectly apparent that this expenditure of $500,000 for the construction of experimental towboats and barges is intended to furnish a type of towboat and barge most suitable for carrying commerce upon the Mississippi River, and as an illustration for other sections of the country of what is a suitable towboat and barge for other nontidal rivers.

Conceding the importance of having a type of towboat and barge most suitable for the development of commerce in the upper reaches of our interior rivers, I do not think that it is within the province of Congress to authorize the Corps of Engineers, under the direction of the Secretary of War, under whom all appropriations are expended, to enter upon the construction of experimental towboats and barges, nor to furnish the most suitable type for inland commerce of the United States.

But, while admitting the importance of obtaining such a type of towboat and barge, I submit to the committee that it is dan-

gerous legislation. I have no hope of convincing the committee. Perhaps the majority of the committee think otherwise about this matter, but I do submit that as important as the development of commerce on the Mississippi River and its tributaries may be, an object which should command the approval of every citizen, no matter where he may reside, whether upon the Atlantic or the Pacific, yet I submit at the same time that Congress, neither in a river or harbor bill, nor in any other legislation, ought to appropriate money for the construction of any type of boat or for any other appliance or material for use in private enterprise or for the more successful prosecution or promotion of that enterprise.

While it may be necessary for the promotion of commerce on the Mississippi River and its tributaries to have a better type of towboat or barge, yet it is not within the province of Congress to furnish them, but it ought to depend upon the public spirit and enterprise which exists in such a large degree in the Mississippi Valley to furnish for the increase and promotion of this commerce such a type of towboat and barge as shall best promote the commerce which they hope to build up. I do think that this proviso ought to be stricken from the bill.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, when this bill was before the House in 1907 it carried an item of $3,000,000 for the lower Mississippi River, which was $1,000,000 more than the appropriation for that purpose usually carried. In discussing that paragraph then I said, among other things:

"There is an increase carried in the paragraph for the lower Mississippi for the ensuing year, the amount, as you will observe, being $3,000,000 instead of $2,000,000, which is usually provided. While the wording of the paragraph is identical with that heretofore employed, it is the intention of the Mississippi River Commission to spend this extra million in the further prosecuton of bank revetment.

"The policy of revetting the banks, primarily to prevent levee lines from caving into the river, has not been favored by the commission. This policy, in fact, was definitely rejected a number of years ago, and a resolution to that effect was formally adopted by the commission. Time and experience, however, have convinced the engineers that a hard-and-fast rule could not be adhered to, and there has been of late some relaxation. It is not the intention of the commission now to embark upon the general policy of revetting the banks of the entire Mississippi, nor is it the desire or expectation of this committee that this appropriation be expended to that end. There is, however, a middle ground to which events have forced the advocates of both extremes, and this extra million will be expended in furtherance of this resultant plan.

"The Government has spent a good deal of money in the building of levees on the lower Mississippi. We have proceeded upon the thought that the riparian owners of the overflowed lands, which were thus protected from devastating floods, would contribute in fair proportion to the expense of the work. This has been done in the particular district which I represent. We have, under state law, organized taxing districts for the purpose, and in the past twenty-five years we have paid into our levee boards more than $15,000,000. During the same period the Government has expended less than $10,000,000 along the same reach of the river. Of course when we began the building of levees after the series of destructive floods of 1882, 1883, and 1884 we did not realize the tremendous proportions of the system we were to undertake. If we had known then what the ultimate grade and section would have to be, perhaps there would have been more shrinking from the task which has since proven herculean indeed. To get an idea of our situation, let me relate an incident: In the lower Yazoo district, which has a frontage along the river of 189 miles, after paying the most burdensome taxes for thirteen years, and each high water demonstrating that the levees must be built still higher, we cast up accounts immediately after the flood of 1897, and ascertained then that we had approximately 20,000,000 yards of dirt in the levee line. It was painfully apparent, however, that we were not out of the woods, and as the levees grew higher the cost of dumping a yard of dirt on top of them likewise grew higher. When that flood subsided we went at it again, and in the next six years we put another 20,000,000 yards of dirt on them. In other words, we did in the next six years as much as we had done in the previous thirteen. Then the flood of 1903 came—in many respects the biggest of them all—and when it had come and gone with its lessons our engineer made another report in which he announced that it could be fairly accurately told then what the ultimate grade and section would have to be, and that estimate was that still another 20,000,000 yards would be required. That was an appalling announcement, Mr. Chairman, and one that would have broken the spirit of a people less determined. More than 60 per cent of all our taxes had gone into those levees for twenty years, and still the end seemed no nearer than before. There was no high-sounding motto of Nulla Vestigia Retrorsum on our arms for the very practical and prosy reason that ours was a battle of shovels, not shields. But the situation was there, full of ominous meaning, and we knew our only pathway lay in front of us. The legislature authorized us to issue a million more bonds, which we did at once.

"As I have said before, Mr. Chairman, we have proceeded upon the theory of contributions by local interests in the building of our levees, and this particular district has certainly kept the faith. We have contributed more, in fact, than our just share. Few people had ever taxed themselves as we had for the conquests of peace, and we had found that her victories were not only no less renowned than war's, but were also hardly less costly.

"At this juncture, Mr. Chairman, it developed that the Mississippi River, pursuant to its own sweet and fickle will, had begun to cave its banks to such an extent that the levee at Longwood was about to go into the river. This was one of the largest sections in the entire line of the system, and if it were lost, a new line would have to be built at a cost, including rights of way, of $750,000. As I remarked a moment ago, in the matter of local participation we had done our part. We had kept the faith; we had fought the good fight; but, Mr. Chairman, we had also, as regards our ability to raise money, finished the course. There was but one alternative, and that was to induce the Mississippi River Commission to revet the banks and stop the caving. And this was contrary to their declared purpose and in violation of their expressed opinion as to the proper treatment of the river. Our engineers went before them, however, and pitted our condition against their theory, and being wise men, the commission subjected their theory to the force of this ponderous fact and made the allotment, and the levee was saved.

"Mr. SHACKLEFORD. What did it cost the Government to put in this revetment work you speak of to save the Longwood levee?

"Mr. HUMPHREYS of Mississippi. It cost a little more than $150,000.

"Mr. SHACKLEFORD. Has there ever been any estimate by the engineers of the cost of revetting the banks on a large scale, so as to preserve the regimen of the river and also to protect your levee lines?

"Mr. HUMPHREYS of Mississippi. There have been numerous estimates. Mr. Nolty, who is an engineer of considerable learning and experience, has estimated that the cost of revetment, including cost of plant, administration, and engineering charges—in fact, everything—will be $200,000 a mile. He says, also, that there are 500 miles of caving bank between Cairo and the mouth of Red River. In other words, that it would cost $100,000,000 to revet all the caving banks along that reach of the river, which is about the only part of the river where there is any considerable caving. It is the opinion of our engineers, however, that it would not be necessary to revet more than one-half of the caving banks; in other words, not more than 250 miles. And it is also their opinion, and in this Mr. Nolty concurs, that if the work were done on a large scale—that is, if the Government should go at it in a businesslike way—the cost per mile could be cut almost, if not quite, in half, so that the revetment, instead of costing $100,000,000, would probably cost not more than $25,000,000.

"Of course, the protection of levees is not the only—in fact, is not the principal—object in view in doing this revetment work. It is very necessary, in the first place, to prevent the bends from being cut off. I think all the engineers are agreed on this, because you can readily see what disastrous consequences would follow in the wake of a cut-off where the bend, let us suppose, is 15 miles around and only 1 mile across. The fall in the river is about 6 inches to the mile, and when the cut-off is made we would therefore have a fall of 7½ feet in 1 mile. This would upset existing conditions for 40 or 50 miles above and below the cut-off, and, in addition, experience has demonstrated that this shortening of the river would be only temporary. It would at once begin to eat into the opposite shore, and in a very few years it would restore the length lost by the cut-off. The amount of silt dumped into the river by reason of these caving banks is astounding. In an article written by Chief Engineer West, of the Mississippi Levee Board, he says that in his district alone, embracing only one side of the river for a distance of 189 miles,

"Sixty-seven square miles of land, most of which was highly improved, have been abandoned by the retirement of the levee line from caving banks since 1882, and but for the limited revetment that has been done this would have been considerably more.

"Assuming that an equal amount of caving occurs on both sides along this reach of the river, enough land is caved in in this

189 miles annually to fill the river to the level of its banks for a distance of 12 miles. While on this point I will read another passage from Mr. Nolty. He says:

"If the revetment work is systematically prosecuted, there will eventually be such a small amount of sediment carried out that the necessity of dredging in the pass and seaward extension of the jetties will be removed.

"But let me return, Mr. Chairman, to the Longwood levee. Since this allotment was made by the commission, they have made others for similar purposes. It is intended to relax still further the old rule, and this additional $1,000,000 which this paragraph carries will be expended in that way.

"In the annual report of C. H. West, chief engineer of this levee district, he makes this startling statement:

"Since 1882 there have been 172 miles of levee abandoned, or 91 per cent of the total length of the controlling line.

"During the three years since the high water of 1903 there have been 31.45 miles of levee abandoned, or nearly 17 per cent of the total length of the controlling line.

"As the levee grows in volume the loss per mill from caving banks becomes more and more serious, and if the same rate continues the time will soon come when the annual revenues will not be sufficient to build the new levees required to replace those that cave into the river.

"There is no more competent authority than this officer. No man understands the problem of this great river more thoroughly than he, and no man has brought to its study more patriotic zeal or more intelligent energy, and I quote his opinion therefore with some degree of assurance.

"I believe, Mr. Chairman, that this appropriation marks the beginning of the end of what at some times in the past has appeared to be an endless, if not a hopeless, fight.

"The upper Yazoo district has demonstrated beyond cavil the possibility of holding the Mississippi River within its channel in flood time. It has withstood all the floods of recent years, and if the Federal Government will see to it that the levee lines as they are to-day will not be permitted to cave into the river the problem there is solved. What is there accomplished is simply a demonstration of what can be done everywhere.

"We have proceeded thus far, Mr. Chairman, on the theory that there was a dual responsibility along the lower Mississippi. That it was as much the duty of the Federal Government to improve the navigation of its rivers by building levees which incidentally protect the property of the riparian owners as it was the duty of the riparian owners to build levees to protect their property which incidentally improve the navigation of the rivers. The burden, therefore, has been borne by both.

"Right here let me read again from Mr. West's report:

"But for the enormous loss of levee due to the extensive caving of the river banks the entire levee line would by now be as high and strong as it is estimated it will ever have to be to control the highest floods that may be expected.

"When we remember that this revetment work is permanent—engineers estimate that a mattress properly placed will last one hundred years—and that but for caving banks the levees would likewise be permanent, I say, when we recall these facts, I believe we can at last see the light breaking in the east, the light which I confidently believe will usher in the day wherein shall be seen the consummation of our hearts' desire, the subjection of the world's greatest and most unruly water course to the will and the purposes of man."

The Clerk read as follows:

Improving Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, for the purpose of ultimately securing and maintaining a depth of channel of 6 feet and with a view of completing said improvement within a period of twelve years, $500,000: *Provided*, That of this amount so much as may be necessary, not to exceed $75,000, may, in the discretion of the Secretary of War, be expended for the repair and maintenance of existing levees constructed by the United States and for dredging for the benefit of through navigation in harbors and at landing places, giving preference to localities in which the communities interested shall hereafter maintain such dredging without cost to the United States.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to inquire how it can be ascertained which "community shall hereafter maintain dredging without cost to the United States?" Is there any provision by which contracts or agreements shall be entered into with the communities, or how is it to be ascertained that the community will hereafter pay for this dredging?

Mr. ALEXANDER of New York. Of course the agreement is always made in advance among the people themselves.

Mr. FITZGERALD. I wish to get this information, and I am going to get it if I possibly can.

Mr. MANN. The engineers are the ones that determine it.

Mr. FITZGERALD. Is the agreement made with the communities before any money is expended, or what provision of law is there for such an agreement being made?

Mr. MADDEN. This is simply at the landing place, right up at the face of the dock, where the people who maintain the landing places and docks are obliged to keep a depth of water which is necessary for navigation, not only in the middle of the stream, but up at the dock where the ships land. The Government in its work maintains the channel, but it does not create the channel so as to enable the ships to land at the docks, and this provides that the community which has a dock where ships can land must create the depth of water necessary to enable the ships to land at the dock.

Mr. FITZGERALD. I do not think the gentleman quite grasps my question. This gives discretion to the engineers to expend $75,000——

Mr. MANN. I may say to the gentleman that I do not wonder the gentleman has not noticed this provision, because in the city of New York, of course, the Government does all of the work; but there are a good many places in the country where the maintenance of the navigable channel is at the expense of the local community, properly, where the situation is entirely different.

Mr. FITZGERALD. The gentleman is entirely mistaken about the situation at the city of New York. In this bill there is a provision appropriating $250,000 for the commencement of improvements to which the city of New York is required to contribute a very large sum. It is the Jamaica Bay improvement. There is also a provision for the removal of a ledge, I think, at the entrance of Navesink River, to which the States of New Jersey and New York must make certain contributions. But here is a provision that certain sums may be expended, and a preference given to localities in which the communities interested shall hereafter maintain such dredging without cost to the United States. I have asked how it is to be ascertained whether the community will after the dredging is done maintain it, or what authority there is for making such agreement, or how is it intended to cover that?

Mr. MANN. There is no agreement made. It depends upon the engineer. The city council may pass a resolution——

Mr. FITZGERALD. Oh, the gentleman from Illinois has not illuminated this question any, and I wish he would give way to one of the gentlemen on the Committee on Rivers and Harbors.

Mr. MANN. I am trying to talk while they are getting prepared. [Laughter.] Of course this practically amounts to the fact that the Government is under no obligation to maintain the channel after it is constructed, and it is a very common thing, where the people say they will maintain the channel, for the Government to construct it and then assume no obligation to maintain it.

Mr. FITZGERALD. I insist the gentleman thoroughly misunderstands the question. This is not for the dredging of the channel. It is for the dredging at the landing.

Mr. ALEXANDER of New York. Will the gentleman allow me to answer the question?

Mr. FITZGERALD. Yes .

Mr. ALEXANDER of New York. The larger towns and cities on the Mississippi River have harbor lines, just as in New York or any other ocean harbor. They have harbor lines at St. Louis, Cincinnati, and so forth.

Mr. FITZGERALD. The Government does not dredge within the harbor lines in the city of New York.

Mr. ALEXANDER of New York. And they do not here. Wherever a community is willing to dredge to wharves inside of the harbor lines, then this $75,000, or so much thereof as may be needed, may be expended by the Government in dredging up to the harbor lines of that particular place. We have just passed an amendment for Alexandria. The channel is to be made 24 feet deep. The harbor line is 300 or 400 feet from the wharves.

The Government proposes to dredge this channel up to within a certain distance of that harbor line, and those who own the docks along will dredge immediately in front of the wharves and in the slips. It is virtually the same on this river. The engineers may dredge to these harbor lines and the owners of the wharves do the balance.

Mr. FITZGERALD. Now, that may be what is intended, but that is not what this provision says, because it says distinctly that the dredging shall be at the landing places, which hereafter the community shall agree to maintain and dredge without cost to the United States. If I understand what this language purports to convey, it is that the Government, in the first instance, will dredge inside the harbor line and the landing places, provided that the community agrees hereafter to maintain the dredging.

Mr. ALEXANDER of New York. No; it is against the law to dredge inside harbor lines. I will read an item from the annual report of the army engineers in 1909:

For dredging at harbors and landing places under allotments amounting to $100,000 there has been expended to June 30, 1909, $78,000. Satisfactory work was done at Red Wing, La Crosse, Eagle Point, Cassville, Prairie du Chien, Moline, Quincy, and Hamburg.

This is a continuation of the same appropriation.

Mr. FITZGERALD. This is not within the harbor line.

Mr. ALEXANDER of New York. No; the Government never dredges within the harbor line.

The Clerk read as follows:

For the construction of a waterway from Lockport, Ill., by way of the Desplaines and Illinois rivers, to the mouth of said Illinois River, $1,000,000. The Secretary of War shall appoint a board of five members, to be composed of four engineer officers of the army and one civil engineer taken from civil life. The president of the board of five members authorized under act of March 2, 1907, to examine the Mississippi River below St. Louis and report to Congress on the project of a 14-foot channel, shall be president of the board herein provided for. The board shall, after full conference with the authorized agency of the State of Illinois, submit a report upon the extent to which the United States may properly cooperate with the State of Illinois in securing the construction of a navigable waterway from Lockport to the mouth of the Illinois River in conjunction with the development of water power by said State between Lockport and Utica, for which the people of the State of Illinois have authorized their general assembly to appropriate $20,000,000; the report shall state the extent and character of the cooperation recommended and the conditions considered necessary in connection therewith to fully protect the interests of the United States. Should the board consider cooperation to be advisable, the report herein called for shall include plans and estimates of cost of the work recommended to be done by the United States alone or in cooperation with the State of Illinois; and until these plans and estimates have been submitted and a project for the improvement adopted by Congress the appropriation of $1,000,000 herein made shall not be available for expenditure. The board also shall consider and report upon the improvement of the Mississippi between the mouth of the Illinois River and the mouth of the Ohio River by the construction of a dam at or near Jefferson Barracks and a dam at or near Commerce, and the development of water power incidentally created by such dams. In the performance of its duties the board may consider all reports heretofore made; and the force, plant, and records of the Mississippi River Commission and the several engineer districts between Chicago and Cairo shall be available for the use of the board. The members of the board herein authorized shall be entitled to compensation at the rate of $6,000 per annum, but the official salary of any officer appointed on said board from the Engineer Corps of the Army shall be deducted from the compensation provided for in this act. For salaries and expenses of said board, including all necessary clerical and other personal services, there is hereby appropriated the sum of $50,000. The reports herein called for shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910.

Mr. DAVIDSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 65 strike out all of lines 22, 23, and 24, and on page 66 all of line 24 from and after the word "Illinois" and all of lines 25 and 26, and on page 67 all of line 1.

Mr. DAVIDSON. Mr. Chairman, I would like to discuss this amendment for a few minutes, and I would like to ask unanimous consent to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIDSON. Unless there is a disposition not to complete the bill to-night.

Mr. ALEXANDER of New York. There is no objection; go on.

[Mr. DAVIDSON addressed the committee. See Appendix.]

Mr. LAWRENCE. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAWRENCE. Mr. Chairman, in adopting this provision the House is doing a rather exceptional thing, but this is an exceptional case, and exceptional cases justify exceptional action. I am convinced that it is not only a right and a proper thing for Congress to do, but that it is a very sensible thing. It may result in a waterway constructed at very reasonable expense to the country, which will not only be a benefit to the people of the Middle West, but a most important factor in the commercial development of the whole country. [Applause.] We are all familiar with the earnest and aggressive fight that has been made for a 14-foot channel from the Lakes to the Gulf. That project has been adversely reported upon. The board which considered it have practically, as I understand it, recommended a channel 8 or 9 feet in depth from Chicago to the Gulf.

Now, what is the situation that confronts us? I take it that Congress would willingly authorize the construction of such a waterway. In view of the vast sums expended and to be expended in various parts of the country, and in view of the commercial importance and the wonderful possibilities of the region especially to be served, I do not see how Congress could withhold its approval. But the people of the State of Illinois want an opportunity to cooperate with the National Government in the construction of that waterway. They want not alone the benefits of navigation, but the great benefits which come from the creation of water power, a very worthy purpose, and one with which all those who believe in the great movement for the conservation of our natural resources must sympathize. The people of Illinois want that waterway and that water power so much that they have expressed a willingness to be taxed to the amount of $20,000,000. That being so, of course it is wise for Congress to appoint a board to investigate especially this question of cooperation between the State and the Nation. It will undoubtedly result in great saving to the United States Treasury, and that being so, Congress can well afford to encourage such cooperation by intimating that it is ready to make appropriations when a proper plan is submitted, and it is convinced that the waterway can be constructed at a reasonable cost. This appropriation is available only when a report is made by the board and formally adopted by Congress.

Let no one think that in adopting this provision Congress is suffering from a case of enlargement of the heart. It is clearly a case of the head dominating the heart. The appropriation is so hedged about by conditions that no harm can come to the United States Treasury, and yet it is very far from a gold brick. It is a deliberate intimation to the people of Illinois and of the Middle West that Congress means business, and that appropriations will be made when a proper plan is submitted to Congress, and that plan adopted by Congress. Did anybody ever hear of a case where Congress deliberately and formally adopted a project without making an appropriation? We are doing nothing reckless, but we are giving encouragement to a generous and public-spirited people who are entitled to that encouragement.

Mr. FASSETT. Will the gentleman yield for a question?

Mr. LAWRENCE. Yes.

Mr. FASSETT. Are we to commit ourselves to this project before the report has been received from the committee which has been appointed?

Mr. LAWRENCE. Congress does not commit itself to the project in any way.

Mr. FASSETT. Then, why put in the million dollars now?

Mr. LAWRENCE. Because I believe that in order to encourage cooperation, which will result undoubtedly in a great saving to the United States Treasury, we can well afford to do so. [Applause.]

Mr. FASSETT. Can one single dollar of this million dollars be used?

Mr. LAWRENCE. Not until the board makes a favorable report and Congress adopts the project.

Mr. FASSETT. Then why not wait?

Mr. LAWRENCE. So far as I am concerned——

Mr. FASSETT. Suppose this commission reports adversely?

Mr. LAWRENCE. Then, of course, the appropriation fails.

Mr. FASSETT. The $1,000,000 will encourage the report to be made favorably?

Mr. LAWRENCE. It will not; but I think it will encourage the people of the State of Illinois to cooperate in a very generous way in the construction of the proposed waterway.

Mr. FASSETT. Will not the appointment of the commission be encouragement enough? If not, the encouragement is in the $1,000,000 and not in the commission.

Mr. LAWRENCE. The fact that Congress shows a willingness to appropriate money when a plan is adopted which meets its approval will be the encouragement.

Mr. COX of Indiana. May I ask the gentleman a question?

Mr. LAWRENCE. Certainly.

Mr. COX of Indiana. Part of the provision is that the people of the State of Illinois are authorized in general assembly to appropriate $20,000,000. Now, has the general assembly of the State of Illinois made that appropriation?

Mr. LAWRENCE. I understand not.

Mr. COX of Indiana. What is the statement?

Mr. LAWRENCE. The people of Illinois have authorized, I understand, the general assembly to appropriate the money, but that money has not yet been voted.

Mr. COX of Indiana. Has the legislature of the State of Illinois convened since that authorization occurred?

Mr. LAWRENCE. It is in session now.

Mr. DAVIDSON. I understand the legislature is in session now. The senate has passed a bill, at the recommendation of

the governor, to go ahead and spend their $20,000,000 on that work from Lockport to Utica. Under the act the people authorized an issue of bonds, and that bill has passed the senate and has now been passed up to the assembly.

Mr. LAWRENCE. Now, Mr. Chairman, I must decline to yield further. I want just one minute more and then I am going to close. It is sometimes intimated that those who live east of the Allegheny Mountains are apt to think that the country is bounded on the west by that mountain range. I do not admit the truth of the charge. I deny it. But if an eastern man is in any danger of getting into that frame of mind the best thing for him, I think, is service upon the Committee on Rivers and Harbors. That compels study of our geography and our resources, and sectionalism then disappears, as a matter of course. Now, I am from "the land of the sacred cod," but through my service on the Committee on Rivers and Harbors I have learned how close to the hearts of the people of Illinois and the Mississippi Valley this waterway is. I am willing to encourage them to the extent of this conditional appropriation, and I believe it to be a rational step toward making their hope a reality. [Applause.]

Mr. YOUNG of Michigan. Mr. Chairman, I hope that the motion made by the gentleman from Wisconsin will not prevail. The gentleman says that we are doing something in this case which we have done in no other case. He compares the situation here with that upon the Delaware River and to that existing in many other streams and harbors of this country where the report of the engineers has been adverse——

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. YOUNG of Michigan. It is my opinion that the case here is an entirely different case from that which occurs in any of these places.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman will permit me to ask whether he knows that the report upon the Delaware River has been adverse?

The CHAIRMAN. Does the gentleman yield?

Mr. YOUNG of Michigan. Oh, I am not talking about the Delaware River, only as a matter of illustration. There has been no report there, to be absolutely correct; but I am not talking about the Delaware River, and I decline to discuss that case.

Mr. MOORE of Pennsylvania. I understood the gentleman to say the report was adverse. Do I understand that to be the fact?

Mr. YOUNG of Michigan. Now, the situation here is this: The Ernst board, which is the first board which examined the proposition, was authorized to report upon a 14-foot channel from the Lakes to the Gulf. That was the question which was submitted to them. They were not asked to report to Congress whether or not they approved or disapproved of that project, but only to make an estimate of the cost, and in strict conformity with the law under which they acted they did make a report to Congress, giving an estimate of cost of constructing this canal, but making no recommendation as to whether it should be done or should not be done.

That portion of the canal which we are now considering, from Lockport to St. Louis, they estimated to cost $31,000,000. This report was submitted to the Board of Engineers for Rivers and Harbors, and they reported that it was inadvisable to pay the large sum of money required to build this waterway from Lockport to the Gulf. Then the next board, the Bixby board, so reported. In the report of the Board of Engineers for Rivers and Harbors there was a statement to the effect that, in their judgment, it would be wise to build a waterway 8 or 9 feet deep, if it could be done at a reasonable cost. The Bixby board went over the same matter and reported against the 14-foot channel, as that question was submitted to them.

But they again reported to the effect that in their judgment a waterway 8 or 9 feet deep would be justified. We have had two surveys. We have had two reports favoring an 8 or 9 foot waterway, but the actual question which was submitted to these boards was upon a 14-foot waterway to be constructed entirely at the expense of the United States.

We have now an entirely different proposition before us, one for a waterway to be constructed by the State of Illinois in cooperation with the United States, and this provision in the river and harbor bill before you to-day is that a board shall be appointed to which that question shall be submitted, namely, the construction of a waterway of such character as they shall deem advisable, and if they deem such construction wise, that then they shall say what portion of that expense should be paid by the State of Illinois and what portion should be paid by the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of Michigan. I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. YOUNG of Michigan. Criticism has been made of the fact that this bill carries an appropriation. It does provide in terms that $1,000,000 is appropriated for this waterway. Then it provides for the appointment of the board, and then follows this language:

> Should the board consider cooperation to be advisable, the report herein called for shall include plans and estimates of the cost of work recommended to be done by the United States alone or in cooperation with the State of Illinois. And until these plans and estimates have been submitted and the project for the improvement adopted by Congress, the appropriation of a million dollars herein made shall not be available for expenditure.

Now, the gentleman from New York says if we can not expend this money until Congress convenes again and adopts this plan, why should we say anything about it? That is a fair question. It is placed there as an encouragement to the people of the State of Illinois, who during all these long and weary years have waited for something to be done about this waterway. The situation in Illinois is this: The people, by an amendment to the constitution, authorized the legislature to appropriate money for the building of this waterway—the sum of $20,000,000 of the $31,000,000 the waterway from Lockport to St. Louis is estimated to cost. That proposition is now pending before the legislature of Illinois.

A bill has passed the senate authorizing the appropriation of that money and providing the raising of it by the issuance of bonds. It is now pending in the house of representatives of that State. It is desired by the friends of this waterway that at this time, while that question is pending in the Illinois legislature, that there should be some expression of opinion from the Congress of the United States, not an expression of opinion which binds Congress to the adoption of a plan before they know what it is, but an expression of opinion that, in the judgment of Congress, it is wise to cooperate with the State of Illinois in the building of this waterway providing a plan can be adopted at a reasonable cost which will effectuate the result and the State of Illinois will contribute a fair amount to it. I hope, sirs, that this provision will remain in the bill. I believe it is wise. I believe it is not in contradiction of the general policy of this committee.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes.

Mr. FITZGERALD. Any action at this session of Congress is likely to have some influence on the assembly of the State of Illinois, is it not?

Mr. YOUNG of Michigan. I hope it will have.

Mr. FITZGERALD. And if we pretend to make an appropriation that we do not make, are we not likely to lead the assembly of Illinois into believing that we have done something we really have not done?

Mr. YOUNG of Michigan. My experience with the politicians of Illinois is that they are not easily misled.

Mr. FITZGERALD. Our experience is that the people are very easily fooled.

Mr. RANSDELL of Louisiana. Mr. Chairman, I had intended to discuss this provision, but it has been so fully covered by the gentlemen who have preceded me that I merely arise to say that I sincerely hope the amendment of the gentleman from Wisconsin [Mr. DAVIDSON] will not be adopted.

Mr. NORRIS. Will the gentleman yield?

Mr. RANSDELL of Louisiana. Yes.

Mr. NORRIS. I am asking entirely for information. I would favor and do favor cooperation with the State of Illinois and favor this waterway improvement. But this question has arisen in my mind since the gentleman from Wisconsin has offered his amendment: What is the use of our appropriating a million dollars when it can not be used in any way until a favorable report is made here by the board and favorable action taken by Congress? Why would not the same thing be accomplished by omitting the million dollars and adopting the amendment of the gentleman from Wisconsin? As I understand it, that does not say we are opposed to cooperation; and on that line I would like to have the gentleman or some other Member interested here explain what is the necessity of this million-dollar appropriation, because there are a great many of us who are in doubt on that proposition.

Mr. RANSDELL of Louisiana. In my opinion, the necessity for it, to be perfectly frank, is that which is contained in the expression "hope deferred maketh the heart sick." The people of the great Mississippi Valley, which has been aptly called the "breadbasket" of America, have had their hopes deferred until their hearts are sick. The people of that valley wish to have

connection between the Gulf of Mexico and the Great Lakes; and the only possible way for them to secure that connection is through the Illinois and Des Plaines rivers, connecting the Mississippi River with Lake Michigan.

Mr. Chairman, this project stands on a very different plane from the Delaware River, the Atlantic interconstal canal, and other projects that have not been surveyed and brought before us. These latter are great projects, and I hope sincerely they will come before us with favorable reports within the next few months. I hope that when the next river and harbor bill is adopted next session we can make liberal provision for the Delaware River and for the interconstal canal from Boston to the Rio Grande. In reference to the project before us, we have a statement by the Ernst board that it is entirely feasible, from an engineering standpoint, at a cost of $31,000,000.

The Bixby board confirms that report, that it is feasible as an engineering problem, and the only question is, shall we adopt it from a commercial point of view? The 35-foot project on the Delaware River has not been reported on yet, neither has the Intercoastal Canal project. Consequently these matters stand upon a very different plane from this one.

In my judgment we should encourage the many millions in the Mississippi Valley who are interested in this project. We should especially encourage the close friends of the project and the people who were able to induce the President of the United States, the Speaker of this House, and over 100 Representatives and Senators to take the famous trip down the Mississippi River last year—the most enlightening trip in regard to waterway improvement that was ever taken by any band of men in this Republic. We should encourage them and give them hope and let them understand that Congress intends to construct a suitable waterway between the Lakes and the Gulf, if it can be done in a reasonable, business way, and with the cooperation of the people of Illinois. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I am afraid the gentleman from Wisconsin attempted to impress upon the House the notion that the project contemplated by the paragraph to which he offers his amendment is to cost the people of the United States $158,000,000. The fact is that the engineers who made the survey over the territory embraced in this paragraph showed the total cost of the improvement for a 14-foot channel to be $23,500,000; and if perchance locks of 20 feet over the miter sill should be adopted, this board says that that would add $1,500,000 more, making $25,000,000. Now, the proposition is that the people of Illinois shall expend $20,000,000 of this $25,000,000.

Mr. DAVIDSON. Will the gentleman permit me to interrupt him? You misunderstood me. My reference to $158,000,000 was the entire project from the Lakes to the Gulf.

Mr. MADDEN. Now, what I feared was that some person on the floor might have misunderstood the gentleman to mean that we of Illinois were asking the Government to expend on this project $158,000,000.

Let me make myself clear. The State, through its people, has voted authority to its general assembly to legislate upon the question of spending $20,000,000 in the stretch of the Des Plaines and Illinois rivers covered by this paragraph of the bill. If the Government of the United States should cooperate, how much money would it take out of the Government Treasury? That is the question. It could under no circumstances, even though you built the locks 20 feet deep over the miter sills, cost more than $5,000,000. It could under no circumstances, if the locks are built 24 feet over the miter sills, cost the Government of the United States over $6,500,000. And then if you go further and say that you want the Government of the United States to continue the improvement below Utica, through the Illinois River down to St. Louis, the only additional expenditure which would be required from the Treasury of the United States would be an additional $8,500,000, making a total expenditure out of the Federal Treasury of $15,000,000 at the utmost.

Mr. DAVIDSON. Will the gentleman state whence he gets those figures?

Mr. MADDEN. I get those figures from the reports of the engineers.

Mr. DAVIDSON. What engineers?

Mr. MADDEN. The government engineers. The government engineers say that the total cost of a 14-foot waterway from the end of the Sanitary District Canal to Grafton, and thence from Grafton to St. Louis by an additional canal, would be $31,000,000. The cost between the end of the Sanitary District Canal and Utica, according to the engineers' reports, for a 14-foot lock and 14-foot channel, would be $23,500,000. If, as I said before, we made these locks 20 feet, that would be a million and a half more; but I think I have made myself sufficiently clear, so that every Member of the House present here can distinctly understand that this project, under no conditions, commits the Government of the United States to an expenditure of more than $15,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for an additional two or three minutes.

Several MEMBERS. Five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. MADDEN. We did not request an appropriation under Document No. 252, which contains the report of this engineer board. Why? The project reported by this board contemplated the construction of nine locks and a number of dams, the number of which I do not know now; but it also contemplated the expenditure of all the money for the entire improvement out of the Government Treasury.

In 1907, when the river and harbor bill was up for consideration, I stood upon the floor of this House and introduced an amendment to the bill which provided for an appropriation of $31,000,000 and some odd thousands with which to construct this waterway from the end of the Sanitary District Canal to St. Louis. The distinguished gentleman from Ohio [Mr. BURTON], who was then chairman of this committee, said to me, "I am opposed to the appropriation of this $31,000,000, because I believe that the State of Illinois should not benefit from the creation of water power which is made possible by an expenditure of money from the Federal Treasury," and I regarded that as a reasonable objection to the amendment which I offered.

And in view of a further statement made by that distinguished gentleman to the effect that if the State of Illinois would contribute the money necessary to make the pools and create the water power, then he, as chairman of this great Committee on Rivers and Harbors, would feel committed to the proposition of federal cooperation; in view of that statement and of all the facts in the premises, we of Illinois voted to authorize the issue of $20,000,000 of bonds. We think now that we have fairly met the objection that was made by the then chairman of the Committee on Rivers and Harbors.

We have met that objection. We come here with clean hands. We come here with no extraordinary demand or request. We ask for the appropriation of $1,000,000 and the creation of a commission. And why do we ask for an appropriation of $1,000,000? Because we believe we are fairly entitled to say to the people of Illinois that the Government of the United States is ready to cooperate with the people of that great Commonwealth in the development of any waterway which a report will prove to be feasible.

They say that it will lower the lake levels if we take the water for a waterway. Why, nobody can prevent the great city of Chicago and all the great cities of Illinois and the great cities of Missouri and of the other States of the Union which border on the Mississippi Valley from taking all the water from the reservoirs which have been placed at our disposal by God Almighty for sanitation. Sanitation is the first consideration before the American people, and what objection can there be, gentlemen of this House, to floating ships on a waterway that is created by the necessities of sanitation? We must have the water to dilute the sewage or our people must die of disease, and while we have this water why not float the ships? Why not create the water power? Why not conserve the natural resources? Why not do that which any sane business institution would do under like circumstances? We ask you to vote down the amendment offered by my friend, the distinguished member of the River and Harbor Committee from Wisconsin. [Applause.]

Mr. HOWLAND. Mr. Chairman, I would like to ask the distinguished chairman of the committee a question. What effect will this proposition have on the lower lake levels if you draw from Lake Michigan sufficient water to supply a 9-foot channel?

Mr. ALEXANDER of New York. As I understand it, they are now taking about 4,200 feet per second, and that is all they have the right to take under the conditions prescribed by the Secretary of War. That would be, as I understand it, sufficient water for an 8 or 9 foot channel.

Mr. HOWLAND. So that it would not materially change the conditions. I would like to ask you, following that, what your answer would be if we were to take sufficient water from Lake Michigan for a 14-foot channel?

Mr. ALEXANDER of New York. If you take sufficient water for a 14-foot waterway, it would lower the lake level 7 inches, 6 inches down as far as Lake Erie.

Mr. MADDEN. I wish to say, in addition to what the chairman of the committee has said, that, although we have been taking the quantity of water from the Lakes which the chairman of the committee says has been taken since 1900, the level of Lake Michigan has been and is now from 5 to 7 inches higher than it was before we commenced to take the water.

Mr. FASSETT. The more water you take the higher the water is. [Laughter.]

Mr. DAVIDSON. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. ALEXANDER of New York) there were 36 ayes and 51 noes.

Mr. FITZGERALD. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one gentlemen present.

So the committee refused to rise.

Mr. ALEXANDER of New York. Mr. Chairman, I move that debate now close on this paragraph under consideration and all amendments.

Mr. FITZGERALD. Let me suggest that outside of one gentleman all of those who have spoken have spoken against the amendment. Certainly those who are in favor of the amendment should have some opportunity.

Mr. MANN. Those in favor of the amendment have had as much time as those opposed to it up to the present time.

Mr. FITZGERALD. Oh, no.

The CHAIRMAN. The gentleman from New York moves that all debate close on this paragraph and amendments.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 71 ayes and 19 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. DAVIDSON) there were 27 ayes and 67 noes.

So the amendment was rejected.

Mr. FITZGERALD. Now, Mr. Chairman, I move to strike out lines 21 to 25, on page 67.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 67 strike out lines 21 to 25, both inclusive.

The language moved to be stricken out is as follows:

The reports herein called for shall be submitted to the Chief of Engineers not later than November 1, 1910, reviewed by the Board of Engineers for Rivers and Harbors, and submitted to Congress not later than the first Monday in December, 1910.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration shall be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session.

Mr. ALEXANDER of New York. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20686, the river and harbor appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19399. An act to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company;

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect;" and

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5836. An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person, and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis—to the Committee on the Judiciary.

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines—to the Committee on the Public Lands.

S. 1105. An act for the relief of the legal representatives of William W. Miller, deceased—to the Committee on Claims.

S. 1981. An act to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes"—to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14676. An act for the relief of the Pittsburg Brewing Company.

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia.

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River, between Wilson and Glassport boroughs, Allegheny County, Pa.

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

H. R. 19399. An act to extend the time for the completion of bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. ASHBROOK for ten days on account of death in family.

CIVIL SERVICE COMMISSION.

The Speaker laid before the House the following message from the President of the United States (H. Doc. No. 143), which was read and, with the accompanying papers, referred to the Committee on Reform in the Civil Service.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the twenty-sixth annual report of the United States Civil Service Commission for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1910.*

WHITE-SLAVE TRAFFIC.

The Speaker laid before the House the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," with Senate amendments thereto.

The Senate amendments were read.

Mr. BENNET of New York. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT.

ADJOURNMENT.

Then, on motion of Mr. ALEXANDER of New York (at 7 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Jefferson-Shreveport waterway, Texas (H. Doc. No. 680)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ogeechee and Cannouchee Rivers, Georgia (H. Doc. No. 681)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ohoopee River, Georgia (H. Doc. No. 682)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Ordnance, report of tests of iron and steel at Watertown Arsenal (H. Doc. No. 149)—to the Committee on Manufactures and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for replacing army medical supplies (H. Doc. No. 687)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Columbia Institution for the Deaf and Dumb submitting an estimate of appropriation for rebuilding of the west dormitory of the building (H. Doc. No. 685)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for service of the Yosemite National Park (H. Doc. No. 686)—to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of waterway between Humboldt Bay and Eel River, California (H. Doc. No. 683)—to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Boothbay Harbor, Maine (H. Doc. No. 684)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for credit for sums disallowed in accounts of certain officers of the army (H. Doc. No. 688)—to the Committee on Appropriations and ordered to be printed.

11. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War, submitting an estimate of appropriation for settlement of claims for loss of certain private property in the Philippines (H. Doc. No. 689)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LOWDEN, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 15814) providing for the purchase or erection of embassy, legation, and consular buildings abroad, reported the same with amendment, accompanied by a report (No. 438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1448) transferring swamp lands to the State of Wisconsin, reported the same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. C. Res. 23) providing for the printing of the proceedings relative to the acceptance of the statue of George Laird Shoup from the State of Idaho, reported the same without amendment, accompanied by a report (No. 446), which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15660) providing for second homestead entries, reported the same with amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 52) to amend the joint resolution of May 25, 1908, entitled "Joint resolution to provide for the remission of a portion of the Chinese indemnity," reported the same without amendment, accompanied by a report (No. 448), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17872) providing for the sale to Johnson County, in the State of Wyoming, of certain lands for poor-farm purposes, reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17160) to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal, reported the same with amendment, accompanied by a report (No. 439), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20044) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas, reported the same with amendment, accompanied by a report (No. 440), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 441), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19967) authorizing the Warfield Coal and Salt Company to construct a bridge across Tug Fork of Big Sandy River, reported the same with amendment, accompanied by a report (No. 442), which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 828) for the relief of W. S. Carpenter, reported the same adversely, accompanied by a report (No. 444), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 3623) for the relief of James E. Cann, paymaster in the United States Navy, reported the same adversely, accompanied by a report (No. 445), which said bill and report were laid on the table.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 888) for the relief of Mrs. S. E. Underwood, formerly widow of Samuel Ward, and the heirs of Samuel Ward, deceased, reported the same adversely, accompanied by a report (No. 449), which said bill and report were laid on the table.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 889) for the relief of Elizabeth De Graffenreid, widow, and the heirs of Jasper N. De Graffenreid, deceased, reported the same adversely, accompanied by a report (No. 450), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 1429) for the relief of Sadie A. Lewis, reported the same adversely, accompanied by a report (No. 451), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 5252) for the relief of Rufus L. King, reported the same adversely, accompanied by a report (No. 452), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 5253) for the relief of Mrs. Sallie L. Minter, formerly widow of C. L. Campbell, deceased, reported the same adversely, accompanied by a report (No. 453), which said bill and report were laid on the table.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 5552) for the relief of

the heirs of Kit Carson, deceased, reported the same adversely, accompanied by a report (No. 454), which said bill and report were laid on the table.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6329) for the relief of Rayes Salas, reported the same adversely, accompanied by a report (No. 455), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6331) for the relief of Nathan Bibo, sr., reported the same adversely, accompanied by a report (No. 456), which said bill and report were laid on the table.

Mr. MORGAN of Oklahoma, from the Committee on Claims, to which was referred the bill of the House (H. R. 6333) for the relief of F. Nerio Gomez, reported the same adversely, accompanied by a report (No. 457), which said bill and report were laid on the table.

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 6334) for the relief of Rebecca J. Miller, reported the same adversely, accompanied by a report (No. 458), which said bill and report were laid on the table.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 6336) for the relief of Ventura Maestas, reported the same adversely, accompanied by a report (No. 459), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6339) for the relief of Pablo Ciriaco Baca, reported the same adversely, accompanied by a report (No. 460), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6437) for the relief of the estate of Justiniano Castillo, reported the same adversely, accompanied by a report (No. 461), which said bill and report were laid on the table.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6439) for the relief of the estate of Francisco Montoya, reported the same adversely, accompanied by a report (No. 462), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 12192) for the relief of Nancy Pierson, widow, and the heirs of John Hogue Pierson, deceased, reported the same adversely, accompanied by a report (No. 463), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 13187) for the relief of John T. Mott, reported the same adversely, accompanied by a report (No. 464), which said bill and report were laid on the table.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 13189) to pay Orville J. Jennings for work done under contract of March 25, 1889, reported the same adversely, accompanied by a report (No. 465), which said bill and report were laid on the table.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 14940) for the relief of William Glass, reported the same adversely, accompanied by a report (No. 466), which said bill and report were laid on the table.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 14950) for the relief of Margarett Sullivan and the heirs of Thomas Sullivan, deceased, reported the same adversely, accompanied by a report (No. 467), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 14942) for the relief of the widow and heirs at law of J. D. Deane, deceased, reported the same adversely, accompanied by a report (No. 468), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15747) granting an increase of pension to Alex. E. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20810) granting an increase of pension to Clarence J. Hoskins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20700) for the relief of Payne, James & Co.—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMERON: A bill (H. R. 20819) to provide for the construction of roads and other permanent improvements at or near Grand Canyon, Arizona, within the Coconino National Forest—to the Committee on Appropriations.

By Mr. ELVINS: A bill (H. R. 20820) granting to the State of Missouri the public lands belonging to the United States and situated in the State of Missouri for the use and benefit of the common-school districts and public-road districts of that State—to the Committee on the Public Lands.

By Mr. SOUTHWICK: A bill (H. R. 20821) to repeal the publicity provision of the corporation tax—to the Committee on Ways and Means.

By Mr. BYRNS: A bill (H. R. 20822) to enlarge, extend, remodel, etc., post-office and custom-house building at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. WICKLIFFE: A bill (H. R. 20823) to make Baton Rouge, in the State of Louisiana, a subport of entry, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 20824) to authorize and direct the Secretary of War to cause a survey to be made of Bayou Castaing, St. Tammany Parish, La.—to the Committee on Rivers and Harbors.

By Mr. GARNER of Texas: A bill (H. R. 20825) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 20826) to amend an act entitled "An act to amend an act entitled 'An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows,'" approved February 28, 1903—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 20827) defining combinations and conspiracies in trade and labor disputes, and regulating the granting of injunctions therein—to the Committee on the Judiciary.

By Mr. MOXLEY: A bill (H. R. 20828) to enlarge the post-office at Oak Park, Ill., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 20829) to provide for the disposal of certain public lands for sewer purposes—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 20830) to remodel and repair the United States custom-house at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Minnesota: A bill (H. R. 20831) authorizing the establishment of an Indian boarding school in Minnesota out of funds belonging to the Chippewa Indians of Minnesota—to the Committee on Indian Affairs.

By Mr. BROUSSARD: A bill (H. R. 20832) to provide for the erection of a light-house at Bayou Sennette, at the entrance to Lake Salvador, Louisiana—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20833) to provide for the erection of a light-house at Bayou Des Allemands, at the entrance to Lake Salvador, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. CREAGER: A bill (H. R. 20834) authorizing the Otoe and Missouria and the Omaha tribes of Indians to submit claims to the Court of Claims—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 20835) authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 20979) granting locations and rights of way for purposes of irrigation and other beneficial use of water through the public lands and reservations of the United States—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: Resolution (H. Res. 391) requiring postmasters and letter carriers to furnish lists of names to Congressmen in certain cases—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN of Colorado: Resolution (H. Res. 392) to investigate the sale of Philippine friar lands—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20836) granting an increase of pension to George B. Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20837) granting an increase of pension to Frank Ellis—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20838) granting an increase of pension to Simon Arias—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20839) granting an increase of pension to John F. Shaffner—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 20840) granting a pension to John F. Joyce—to the Committee on Pensions.

Also, a bill (H. R. 20841) granting a pension to James M. Goodrich—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20842) to carry into effect the findings of the Court of Claims in the case of Octavia P. Brooks—to the Committee on War Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 20843) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20844) granting a pension to William D. Swarzell—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 20845) granting an increase of pension to Charles Schreiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20846) granting an increase of pension to Henry Schwethelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20847) granting an increase of pension to George W. Brackenridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20848) granting an increase of pension to W. D. Mathews—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 20849) authorizing the President to appoint John K. Barton, now a captain on the retired list of the United States Navy, to be an engineer in chief, retired, with rank of a rear-admiral on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. BYRNS: A bill (H. R. 20850) for the relief of Edwin M. Davis—to the Committee on War Claims.

Also, a bill (H. R. 20851) for the relief of the estate of J. P. Reed—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 20852) granting an increase of pension to Oscar Hoskins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20853) granting an increase of pension to June Moryer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20854) granting an increase of pension to Samuel S. Gipe—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20855) granting an increase of pension to Thomas H. Mason—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 20856) to remove the charge of desertion from the military record of J. H. Archer—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 20857) granting an increase of pension to George Ebenezer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20858) granting an increase of pension to Jeptha D. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20859) for the relief of Henry Mersch—to the Committee on Military Affairs.

Also, a bill (H. R. 20860) for the relief of John Blackston—to the Committee on Military Affairs.

Also, a bill (H. R. 20861) for the relief of George W. Morgan—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 20862) for the relief of William F. Porter—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 20863) granting an increase of pension to John A. Hagerty—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 20864) granting an increase of pension to William Houseworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20865) granting an increase of pension to Jennie Bigelow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20866) granting an increase of pension to George W. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20867) granting an increase of pension to William Jellison—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20868) granting an increase of pension to George N. McMahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20869) granting an increase of pension to Abner Gwinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20870) grating a pension to Nannie E. Parks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20871) granting a pension to M. W. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20872) to correct the military record of William J. McGhee—to the Committee on Military Affairs.

By Mr. DUREY: A bill (H. R. 20873) granting an increase of pension to Adget V. Kinney—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20874) to correct the military record of Wayne Towner—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: A bill (H. R. 20875) for the relief of J. W. Catron—to the Committee on Claims.

Also, a bill (H. R. 20876) for the relief of George A. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 20877) for the relief of James Holliday—to the Committee on War Claims.

Also, a bill (H. R. 20878) for the relief of James G. Yates—to the Committee on War Claims.

Also, a bill (H. R. 20879) for the relief of Peter Breeding—to the Committee on War Claims.

Also, a bill (H. R. 20880) for the relief of Gilbert Wilkerson—to the Committee on War Claims.

Also, a bill (H. R. 20881) for the relief of the heirs of Jerry H. Powell—to the Committee on Claims.

Also, a bill (H. R. 20882) granting a pension to Ellie G. Scott—to the Committee on Pensions.

Also, a bill (H. R. 20883) granting a pension to Bassett M. Warren—to the Committee on Pensions.

Also, a bill (H. R. 20884) granting a pension to Henry C. Caudill—to the Committee on Pensions.

Also, a bill (H. R. 20885) granting a pension to John H. Nolen—to the Committee on Pensions.

Also, a bill (H. R. 20886) granting a pension to Henry Marlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20887) granting a pension to Amy Huddleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20888) granting a pension to Rebecca Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20889) granting an increase of pension to George W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20890) granting an increase of pension to William T. Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20891) granting an increase of pension to James C. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20892) granting an increase of pension to Isaac Botner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20893) granting an increase of pension to William Hargis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20894) granting an increase of pension to Joseph Hopper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20895) granting an increase of pension to B. F. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20896) granting an increase of pension to Arnon Moody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20897) granting an increase of pension to Jeremiah Bruton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20898) granting an increase of pension to Jasper Keith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20899) granting an increase of pension to Mary A. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20900) granting an honorable discharge to John Carder—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 20901) granting a pension to Ann McNeal—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 20902) granting an increase of pension to Charles H. Millis—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 20903) to approve the final proof of Edward J. Balch—to the Committee on Private Land Claims.

By Mr. FITZGERALD: A bill (H. R. 20904) granting an increase of pension to George H. Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20905) to remove the charge of desertion from the record of Edward Whiteside—to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 20906) to reimburse William Van Derveer, of Millboro, Va., for excess revenue taxes assessed against and collected from him—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 20907) for the relief of John M. Querry—to the Committee on Military Affairs.

By Mr. FOELKER: A bill (H. R. 20908) granting an increase of pension to Charles F. Schneider—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 20909) granting an increase of pension to David Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20910) granting an increase of pension to Smith Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting an increase of pension to Alonzo O. Bennett—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20912) for the relief of Martha Black—to the Committee on War Claims.

By Mr. GARNER of Texas: A bill (H. R. 20913) granting an increase of pension to William G. Holden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20914) for the relief of the heirs of James McGloin and Esther McMullin—to the Committee on Claims.

By Mr. GILL of Missouri: A bill (H. R. 20915) for the relief of Mrs. Emmett I. Everson—to the Committee on War Claims.

Also, a bill (H. R. 20916) granting an increase of pension to John J. Driscoll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20917) to correct the military record of John J. Barlow—to the Committee on Military Affairs.

Also, a bill (H. R. 20918) to correct the military record of James Bartlett—to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 20919) for the relief of the estate of Adelbert L. Orr—to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 20920) granting an increase of pension to Charles King—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 20921) for the relief of Myron Powers—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 20922) granting an increase of pension to Abraham H. Garrison—to the Committee on Pensions.

By Mr. HITCHCOCK: A bill (H. R. 20923) granting an increase of pension to Richard Talbot—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 20924) granting an increase of pension to William Robert Harper—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20925) granting an increase of pension to Mary E. Martin—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20926) granting an increase of pension to William Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20927) granting a pension to Henderson Branham—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20928) granting an increase of pension to James H. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20929) granting a pension to Susan E. Hart—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20930) granting an increase of pension to David M. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20931) granting an increase of pension to Edwin Jones—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 20932) granting an increase of pension to Taylor Wilson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 20933) granting a pension to Cornelius Medler—to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 20934) granting a pension to Wilson Zurmehly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20935) granting an increase of pension to Ellison Gatewood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20936) granting an increase of pension to William Schall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20937) granting an increase of pension to Morrison Cayton—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20938) for the relief of J. M. Hall, of Mount Sterling, Ky.—to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 20939) granting an increase of pension to James McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20940) granting an increase of pension to H. B. Hawes—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 20941) for the relief of the heirs of Noah Fugate, deceased—to the Committee on War Claims.

By Mr. LEGARE: A bill (H. R. 20942) to carry into effect the findings of the Court of Claims in the case of A. J. Buero, administrator of estate of Angelo Buero, deceased—to the Committee on War Claims.

By Mr. LOWDEN: A bill (H. R. 20943) granting an increase of pension to Christopher Houser—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20944) for the relief of James Clark Smith, of Dundee, Scotland—to the Committee on Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20945) granting an increase of pension to Leonard Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20946) to remove the charge of desertion against Elias Gibbs—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 20947) for the relief of John W. Watkins—to the Committee on War Claims.

Also, a bill (H. R. 20948) granting an increase of pension to James M. Watts—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 20949) granting an increase of pension to James C. Mynatt—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20950) for the relief of the estate of John Shelton—to the Committee on War Claims.

By Mr. A. MITCHELL PALMER: A bill (H. R. 20951) granting an increase of pension to William Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20952) granting an increase of pension to Jacob Staples—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20953) granting an increase of pension to Morris Ecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20954) granting an increase of pension to Aaron Culberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20955) granting a pension to Catharine Butz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20956) for the relief of William H. Johnson—to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 20957) granting a pension to Charles Critchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20958) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as Baird's ranch, in the Territory of New Mexico—to the Committee on Private Land Claims.

By Mr. SIMS: A bill (H. R. 20959) to remove the charge of desertion now standing against the military record of James B. Haggard—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 20960) to correct the military record of James B. Franklin—to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 20961) granting an increase of pension to Rowland N. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20962) granting an increase of pension to Monroe Shoup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20963) granting an increase of pension to George W. Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20964) granting a pension to Jeanettie G. Clary—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20965) granting an increase of pension to Mary J. Bedell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20966) granting an increase of pension to Anna Elizabeth Botsford—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 20967) granting a pension to Munford Burns Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20968) to correct the military record of Job Metts—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: A bill (H. R. 20969) for the relief of Benjamin F. Proctor—to the Committee on War Claims.

Also, a bill (H. R. 20970) to extend the provisions of H. R. 13839, of the Fifty-seventh Congress, granting an increase of

pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 20971) granting an increase of pension to Edgar B. Henshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20972) granting an increase of pension to Austin T. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20973) granting an increase of pension to James M. Merritt—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 20974) to remove the charge of desertion from the military record of Edward M. Schmidt—to the Committee on Military Affairs.

By Mr. NICHOLLS: A bill (H. R. 20975) granting a pension to George D. Arthur—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 20976) granting a pension to Louisa A. Derndinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20977) granting an honorable discharge to Samson Davis—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 20978) granting an increase of pension to Adam Mumford—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of Adam C. Ford and others, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of Missouri: Petition of citizens of Gallatin, Jamesport, and Liberty, Mo., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Buffalo Council, No. 50, Junior Order United American Mechanics, favoring House bill 13404, regulating immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cigar Makers' Union of Buffalo, N. Y., for the eight-hour bill (H. R. 15441) to the Committee on Labor.

Also, petition of commercial organizations at Great Lake ports, favoring House bill 20161—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: Petition of J. F. Singler, grand knight of Sandusky Council, No. 546, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Harry Fagaley, chairman of the legislative committee of the Division of the Travelers' Protective Association of Cincinnati, Ohio, favoring House bills 16019 and 16020, relative to excess-baggage bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Etchen and others, of Adrian, Ohio, urging passage of House bill 12475—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Andrew Moore and Frederick K. Hewitt—to the Committee on Invalid Pensions.

By Mr. ANDREWS: Petition of citizens of southern New Mexico, favoring House bill 6308, Sixty-first Congress, first session, authorizing the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. ASHBROOK: Petition of Newark Chapter, No. 24, and Pawnee Chapter, No. 362, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Travelers' Protective Association of Ohio, favoring the street-car bills (H. R. 16019 and 16020)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Myrtle M. Seymour—to the Committee on Invalid Pensions.

Also, petition of Cambridge Collieries Company, Cleveland Engineering Company, Abner Royce Company, Ohio Ceramic Engineering Company, Mechanical Rubber Company, Gardner Printing Company, M. A. Hanna & Co., Lake Carriers' Oil Company, Adams Bag Company, Keagy & Lear Machine Company, Wooster Brush Company, J. D. Smith Foundry Supply Company, Cleveland Car Specialty Company, American Multigraph Sales Company, Cleveland City Forge and Iron Company, Sherwin Williams Company, Ohio Sash and Door Company, Landesman Hirschheimer Company, National Acme Manufcturing Company, Adams Bagnall Electric Company, Cleveland Worsted Mills Company, Jade Company, Cleveland Steel Company, Manufacturers' Information Bureau Company, Fanner Manufacturing Company, National Screw and Tack Company, Goulder, Holding & Masten, Blanden, Rice & Ginn, Stearn Advertising Company, American Railway Signal Company, Shields-Wertheim Company, W. M. Pattison Supply Company, Western Reserve Woolen Company, for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. BARNHART: Petition of Central Labor Union of Indianapolis, Ind., against government stamp of superiority of Philippine cigars—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of 28 citizens of St. Louis, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of James R. Ward—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. BRADLEY: Petition of Business Men's Association of the city of Newburgh, N. Y., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of Midland and Langford, S. Dak., against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Maine Dairymen's Association, favoring revision of the tariff on cream—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Maj. Levi G. McCauley and other citizens of West Chester, indorsing the volunteer officers' retired list bill (H. R. 18899)—to the Committee on Military Affairs.

By Mr. BYRNS: Paper to accompany bill for relief of Edwin M. Davis and estate of J. P. Reed—to the Committee on War Claims.

By Mr. CALDER: Petition of Marine Engineers' Beneficial Association, No. 15, favoring a merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Downtown Taxpayers' Association, of Brooklyn, for the eight-hour law (H. R. 15441)—to the Committee on Labor.

Also, petition of St. Angelo Commandery, No. 123, Knights of St. John and Malta, of Brooklyn, N. Y., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Brooklyn, N. Y., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of New Orleans Progressive Union, favoring a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commandery of the State of Wisconsin, Loyal Legion, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Marine Engineers' Beneficial Association, No. 15, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wood Finishers' Union, No. 1066, Milwaukee, Wis., for House bill 15441—to the Committee on Labor.

By Mr. CASSIDY: Petition of Hiawatha Chapter, No. 346, American Insurance Union, favoring support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cleveland Typographical Union, No. 53, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Banks of Cleveland, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of veterans of the civil war of Metropolis, Ill., favoring the age-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Vienna, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Association of Commerce of Chicago, favoring a court of commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Milton Piano Company, the Auto-Pneumatic Action Company, and the Autophone Company, of New York City, for the Humphrey bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Protective Tariff League, of New York, against reopening the tariff question in legislation—to the Committee on Ways and Means.

Also, petition of National Society of Mural Painters, favoring participation by the United States in an American art exhibit in the Italian exposition of 1911—to the Committee on Industrial Arts and Expositions.

By Mr. COUDREY: Petition of citizens of St. Louis, against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of McKeesport Chapter, No. 273, and East Liberty Chapter, No. 137, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Swissvale, Pa., against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Sandy Hill Council, No. 296, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of Pastors' Union of La Crosse, Wis., for the Johnson bill to prohibit liquor selling in Hawaii; also for the McCumber-Tirrell bill to forbid liquor selling on ships and buildings of the United States Government, and for the Sims bill against race-gambling bets—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Sparta, Wis., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Paper to accompany bill for relief of Edward Whiteside—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of New York, for reorganization of the diplomatic service—to the Committee on Foreign Affairs.

Also, petition of Marine Engineers' Beneficial Association, No. 15, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of New York, for repeal of paragraph 6 of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, against transfer of the Pilot Charts from the Hydrostatic Office of the Navy Department to the Weather Bureau of the Department of Agriculture—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOOD of Virginia: Petition of H. H. Byrd and others, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Adams & Elting Company, of Chicago, Ill., in opposition to Heyburn bill (S. 1130), concerning the labeling of kegs of paint, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Federation of Labor, of Chicago, Ill., in favor of Senate bill 3731 and House bill 19546, concerning the civil-service employees of the Post-Office Department—to the Committee on Reform in the Civil Service.

Also, petition of Price Flavoring Extract Company, of Chicago, Ill., favoring the repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Crescent City Marine Engineers' Beneficial Association, No. 15, in favor of the reestablishment of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER of Texas: Paper to accompany bill for relief of William G. Holden—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of heirs of James McGeoin, and Esther McMullin—to the Committee on War Claims.

By Mr. GORDON: Paper to accompany bill for relief of estate of Martha A. Jones—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Searle Manufacturing Company, of Troy, N. Y., in favor of a repeal of the corporation-tax clause in the Payne tariff bill compelling publicity—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of citizens of Hamar and Mayville, N. Dak., against postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. J. Whempner and 57 others, of Casselton, citizens of Lidgerwood, and citizens of Douglas, N. Dak., for a parcels post, and against increase of rates on second and third class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Sharon, N. Dak., favoring stricter regulation of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMILTON: Petition of citizens of Dowagiac, Mich., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Williston, N. Dak., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of juvenile commission of Hartford, Conn., for a children's bureau in Department of the Interior—to the Committee on Expenditures in the Department of the Interior.

Also, petition of residents of Hartford, Conn., favoring a world's congress of the deaf—to the Committee on Appropriations.

By Mr. KENDALL: Petition of women's clubs of Ottumwa, Iowa, favoring legislation against the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Paper to accompany bill for relief of Cornelius Medler—to the Committee on Pensions.

Also, papers to accompany bills for relief of Joseph M. Nichols and Edward Gaines—to the Committee on Invalid Pensions.

By Mr. KOPP: Petition of citizens of Elroy, Wis., favoring the Johnston Sunday rest bill, etc.—to the Committee on the District of Columbia.

By Mr. KORBLY: Paper to accompany bill for relief of Wilson S. Zurmehly—to the Committee on Pensions.

By Mr. KRONMILLER: Paper to accompany bill for relief of Sarah E. Marsh—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of George D. Eggleston Post, Grand Army of the Republic, Appleton, Wis., against placing Lee's statue in Statuary Hall—to the Committee on the Library.

By Mr. MAGUIRE of Nebraska: Petition of A. L. Mason Post, Grand Army of the Republic, of Crab Orchard, Nebr., for increase of civil-war soldiers' pensions, as per National Tribune bill—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of Walter G. Thorn, F. W. Cahoon, Dan Reid, W. A. Mondy, and Andrew H. Thompson, favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Pennsylvania: Petition of S. Goldman, 269 South Third street, Philadelphia, Pa., against increase of postage on second and third class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of cashier of the Franklin National Bank, Philadelphia, Pa., and William F. Bray, of Philadelphia, Pa., favoring House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rinald Brothers, of Philadelphia, Pa., against the Heyburn paint bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Klein, 133 Pine street, Philadelphia, Pa., against proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: Paper to accompany bill for relief of John A. McDonald—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of citizens of Watsonville, Cal., against the corporation tax—to the Committee on Ways and Means.

Also, petition of headquarters Roosevelt Camp, No. 9, Department of California, Spanish War Veterans, favoring travel pay and commutation of subsistence from Philippines to the United States—to the Committee on Military Affairs.

Also, petition of citizens of California, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Commitee on Foreign Affairs.

Also, petition of citizens of Manteca, Cal., against increasing postage on second-class mail matter, and for postal savings banks, and for bringing the post-office up to date—to the Committee on the Post-Office and Post-Roads.

Also, petition of Vallejo Lodge, No. 252, International Association of Machinists, and Vallejo Lodge, No. 148, Brotherhood of Boiler Makers and Iron Ship Builders of America, favoring Secretary Meyer's policy as to conduct of navy-yards—to the Committee on Naval Affairs.

By Mr. NYE: Petition of Trades and Labor Assembly of Minneapolis, Minn., against increasing postage rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Alfred M. Wheeler—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of John Shelton—to the Committee on War Claims.

By Mr. REEDER: Petition of Logan Council, No. 104, for House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Missouri: Petition of citizens of Linn and Monroe counties, Mo., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of East Haddam, Conn., opposing the establishment of a postal savings-bank system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Juvenile Commission of the city of Hartford, Conn., favoring the establishment of a children's bureau in the Department of the Interior—to the Committee on Expenditures in the Interior Department.

Also, resolutions of Elm Lodge, No. 420, International Association of Machinists, of Westville, Conn., favorng the eight-hour bill—to the Committee on Labor.

By Mr. STERLING: Petition of citizens of Chestnut, Ill., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Columbia Iron and Steel Company, of Columbus, Ohio, favoring House bill 15798, United States rifles to rifle clubs—to the Committee on Military Affairs.

Also, petition of East Washington Citizens' Association against the garbage nuisance in the eastern part of the city—to the Committee on the District of Columbia.

By Mr. SWASEY: Petition of citizens of Mexico, Mo., against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Booth Bay Harbor, Me., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of various business corporations for repeal of corporation tax—to the Committee on Ways and Means.

Also, petition of Maine Press Association, against present plan of the Post-Office Department in letting a contract to a private firm for exclusive printing of stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry citizens of Lewiston, Waldoboro, and South Paris, all in the State of Maine, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Ohio: Petitions of Edward Grove and other citizens, Oscar O. Rinker and other citizens, H. S. Waite and other citizens, George Lang and other citizens, and Marie F. Kilbourne and other citizens, all of Columbus, for repeal of excise tax on corporations—to the Committee on Ways and Means.

By Mr. THOMAS of Kentucky: Paper to accompany bill for relief of heirs of Howard Newman, previously referred to the Committee on Claims—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Job Metts—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Munford Burns Smith—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of residents of Hinsdale and Wellsville, N. Y., against Senate bill 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEBB: Petition of D. F. White and other citizens of Maiden, N. C., for bill to suppress gambling in farm products—to the Committee on Agriculture.

SENATE.

TUESDAY, *February 15, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice-President resumed the chair.

The Journal of yesterday's proceedings was read and approved.

CLAIM OF JAMES O. TURNER.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James O. Turner, administrator of Christiana Turner, deceased, *v.* United States (S. Doc. No. 364), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. BURNETT managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. J. Res. 78) changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. CULLOM presented a memorial of sundry citizens of Tuscola, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. PILES presented a memorial of sundry citizens of Colby and Harper, in the State of Washington, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Kerby, Oreg., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented memorials of sundry citizens of Faulkton and Langford, in the State of South Dakota, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. NIXON presented a memorial of sundry citizens of the State of Nevada remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OWEN presented the petition of S. M. Brosius, agent of the Indian Rights Association of the State of Oklahoma, praying that allotments of land be made to the band of Apache Indians now held as prisoners of war at the Fort Sill Military Reservation, in that State, and that the Indians be released from military control, which was referred to the Committee on Indian Affairs.

He also presented a petition of the delegates of the Kiowa, Kaw, and Comanche tribes of Indians of Oklahoma, praying that certain relief be granted them, which was referred to the Committee on Indian Affairs.

Mr. SHIVELY presented a petition of Sievers Local Union No. 159, Farmers' Educational and Cooperative Union of America, of Vincennes, Ind., and a petition of sundry citizens of Davies County, Ind., praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. OLIVER presented a memorial of Local Chapter No. 115, American Insurance Union, of Morrellville, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PAYNTER presented sundry papers in support of a bill granting a pension to John A. Gillespie, which were referred to the Committee on Pensions.

He also presented sundry papers in support of a bill granting an increase of pension to Marcellus E. McKellup, which were referred to the Committee on Pensions.

Mr. McENERY presented a paper to accompany the bill (S. 5858) for the relief of the estate of Louis Laforest, deceased, which was referred to the Committee on Claims.

Mr. BRISTOW presented memorials of sundry citizens of Pratt, Naron, and Paradise, all in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. OLIVER presented petitions of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Franklin; of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pittsburg; and of sundry citizens of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Pittsburg, and of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Pittsburg, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of

intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Columbia, S. C., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BURKETT presented a petition of the Nebraska State Board of Health, praying for the enactment of legislation to admit publications of the state board of health to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of sundry citizens of Salem, Mass., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. ELKINS presented sundry papers to accompany the bill (S. 5330) granting an increase of pension to Samuel B. Ayer, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 1495) granting an increase of pension to Henry A. Skeens, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5109) granting an increase of pension to Harmon Crow, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4557) for the relief of Frederick A. Holden, which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 5336) to relieve Charles F. Held of the charge of dishonorable dismissal (Report No. 223); and

A bill (S. 4721) to correct the military record of James Dundore and grant him an honorable discharge (Report No. 224).

Mr. CURTIS, from the Committee on Pensions, to whom was referred the bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, reported it without amendment and submitted a report (No. 225) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

A bill (S. 6381) to increase the limit of cost for the acquisition of additional land to the site of the present post-office and court-house at Parkersburg, W. Va.; and

A bill (S. 6382) to provide buildings for the Departments of State, Justice, and Commerce and Labor; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 6383) granting an increase of pension to Hial E. Wylie (with an accompanying paper); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6384) for the relief of Beulah Primitive Baptist Church, of Johnston County, N. C.; and

A bill (S. 6385) for the relief of the heirs of W. T. Dixon; to the Committee on Claims.

By Mr. PILES:

A bill (S. 6386) to diminish the expense of proceedings on appeal and writ of error or of certiorari; to the Committee on the Judiciary.

A bill (S. 6387) granting an increase of pension to William H. Harris (with an accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6388) granting an increase of pension to John G. Harris (with an accompanying paper); and

A bill (S. 6389) granting an increase of pension to George W. Sapp; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 6390) to enlarge, extend, remodel, etc., post-office and custom-house building at Nashville, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. CLAY:

A bill (S. 6391) to provide for the purchase of 160 acres of land on the Kennesaw Mountain, in Cobb County, in the State of Georgia, and to establish a national park thereon; to the Committee on Military Affairs.

By Mr. PAYNTER:

A bill (S. 6392) for the relief of the heirs of William B. Pettitt, deceased;

A bill (S. 6393) for the relief of Cash Claxon;

A bill (S. 6394) for the relief of William W. Hearne;

A bill (S. 6395) for the relief of the estate of Logan M. Dishman;

A bill (S. 6396) for the relief of C. B. Kinnett (with an accompanying paper);

A bill (S. 6397) for the relief of the estate of Samuel Tomlinson, deceased;

A bill (S. 6398) for the relief of George W. Lackey, surviving partner of the firm of William Lackey & Sons;

A bill (S. 6399) for the relief of the estate of Oliver Frazer, deceased;

A bill (S. 6400) for the relief of Joseph E. Lindsey, surviving partner of the firm of John Lindsey & Son; and

A bill (S. 6401) for the relief of the estate of W. C. Russell, deceased; to the Committee on Claims.

By Mr. PAYNTER (by request):

A bill (S. 6402) for the relief of the estate of R. W. Hawkins, deceased;

A bill (S. 6403) for the relief of the estate of Peter C. Brashear, deceased;

A bill (S. 6404) for the relief of Frank W. Clark;

A bill (S. 6405) for the relief of the estate of John Engleman, sr., deceased (with an accompanying paper);

A bill (S. 6406) for the relief of the estate of Moses Singleton, deceased;

A bill (S. 6407) for the relief of the estate of T. D. de Graffenreid;

A bill (S. 6408) for the relief of the estate of David B. Dowdell, deceased;

A bill (S. 6409) for the relief of the estate of John M. Higgins, deceased;

A bill (S. 6410) for the relief of the estate of J. Howard Sheffer, deceased;

A bill (S. 6411) for the relief of the estate of Thomas K. Ball, deceased (with an accompanying paper);

A bill (S. 6412) for the relief of the estate of M. F. de Graffenreid;

A bill (S. 6413) for the relief of the estate of J. Milton Best, deceased;

A bill (S. 6414) for the relief of the estate of Solomon Jones, deceased (with an accompanying paper);

A bill (S. 6415) for the relief of the estate of H. R. M. Taylor, deceased; and

A bill (S. 6416) for the relief of the estate of John H. Seebolt, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 6417) to provide for increasing the limit of cost of the public building authorized to be erected at the city of Orangeburg, S. C.; and

A bill (S. 6418) for the purchase of a site and erection of a post-office building at Columbia, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. BURKETT:

A bill (S. 6419) granting a pension to Louisa A. Ritchey; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6420) granting an increase of pension to Horatio M. Jenks; and

A bill (S. 6421) granting a pension to John H. Meers; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6422) authorizing the Commissioner of the General Land Office to turn over to the respective States the records and papers in private land claims in certain cases; to the Committee on Public Lands.

By Mr. ELKINS:

A bill (S. 6423) to correct the military record of Philip E. Ryan (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6424) to provide for the erection of a public building in the city of Elkins, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

A bill (S. 6425) for the relief of the heirs of Elizabeth M. Earle, deceased (with an accompanying paper);

A bill (S. 6426) for the relief of J. R. Clifford; and

A bill (S. 6427) for the relief of the heirs of Abraham Parsons, deceased; to the Committee on Claims.

A bill (S. 6428) granting a pension to Sampson Snyder; and

A bill (S. 6429) granting an increase of pension to W. F. Pannett; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6430) to incorporate the Trustees of the Chi Psi Fraternity; to the Committee on the District of Columbia.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. FOSTER submitted an amendment proposing to appropriate $300,000 to be used in the extermination of the boll weevil, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BRANDEGEE submitted an amendment providing for a 14-foot channel of the Thames River from Poquetanuck drawbridge to Kiteamaug, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. BACON. I present a proposed amendment to the rules, which I ask may be read and referred to the Committee on Rules.

The proposed amendment was read and referred to the Committee on Rules, as follows:

Senate resolution 180.

Amendment proposed by Mr. BACON to paragraph 4 of Rule XIV, to be inserted at the conclusion of said paragraph:

"No bill or joint resolution shall be considered, nor shall a request for unanimous consent for its consideration be entertained, during the morning hour, until after the conclusion of the order of concurrent and other resolutions; and it shall be the duty of the Chair to enforce this rule without any point of order hereunder made by a Senator."

REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DILLINGHAM. I move that the Senate insist on its amendment, that the request of the House for a conference be acceded to, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. DILLINGHAM, Mr. LODGE, and Mr. DAVIS the conferees on the part of the Senate.

PIPE LINES IN ARKANSAS.

Mr. OWEN. I wish to enter a motion to reconsider the votes by which the bill (S. 3544) to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines was ordered to a third reading and passed. The Senator from Arkansas [Mr. DAVIS] would like to be heard with regard to the bill a little later along.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. OWEN. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

POSTAL SAVINGS DEPOSITORIES.

Mr. BURKETT. I ask that Senate bill 5876, the postal savings bill, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. BURKETT. Mr. President, the distinguished Senator from Maryland [Mr. RAYNER], in one of his heroic and habitual defenses of the Constitution a day or two ago, criticised a speech of mine at the last session of Congress upon the postal savings bank. In fact, a little colloquy between the Senator and myself during the time of my address, which I am sure no one else who heard it took so seriously, seems to have laid heavily upon the Senator's mind during all these intervening months. I am sorry, indeed, if anything that I may have said has been justly the cause of so much anxiety to him. I realize always how solicitous he is about the Constitution, and it was perhaps unwise that I should have undertaken to have pointed a way whereby this Government is able to enact legislation, however just and wise and desirable that legislation may be. We all know the readiness and the facility with which the Senator comes to the defense of the Constitution alike in dangers fancied or real. The fathers themselves who made it were not prouder of their child than is the Senator to-day of what they did. They were not more devoted to it then than the Senator is now; they were not more sensitive for its preservation nor more apprehensive of its dangers than is the Senator from Maryland.

I would not undertake to speak to-day if this were to be a contest between our ability or our fervor as defenders of the Constitution. But, Mr. President, I feel that I owe it to myself at least to say that I am as devoted to the Constitution and to every principle that it enunciates as any Senator here, including the Senator from Maryland. It is quite possible that all who heard and will read the Senator's speech may not have heard and may not have read what I said, and for that reason I want to suggest that he based his conclusions upon a portion of my speech rather than upon the whole of it. As I listened to the Senator reading a few extracts from what I said, and then proceeding to condemn the entire proposition of postal savings banks, I thought, perhaps, that likewise in his exposition of the Constitution he had relied more upon a correct quotation of Tucker than a broad comprehension of the entire Constitution.

The Senator was facetious in replying to a remark that I made in answer to his interrogatory as to the constitutional authority of this legislation. It perhaps will not offend the Senator if I say that my answer then was quite as much to escape a prolonged controversy at the time as to enlighten the Senator. I admit that the words in cold type as he read them, and apart from the context and the settings, do convey a somewhat different impression than I think they did at the time I uttered them. As I had said at the time, I expected to treat the constitutional phase at a different part of my speech and did not want to go into the matter at length then to explain fully my meaning. However, if the Senator had read all of what I said at that time, he would have been more fair at least in selecting his text. He will find that nowhere have I based the constitutionality of this act upon the general-welfare clause alone. He will find that nowhere have I attempted to give that clause a larger or different authority than the Congress of the United States has repeatedly given it and that the Supreme Court has sustained. While my address was made without manuscript, and into it might very naturally have crept some statement that would not bear a closer analysis, nevertheless there is nothing in that speech that gives the "general-welfare" clause an unlimited meaning or even separates its application from the taxing power. What the Senator based his remarkable speech upon the other day, as I have said before, was but a hasty reply, an incomplete reply, and only a part of the reply at that to the question with which he sought to illuminate my address upon that occasion. I am not now and I was not then entirely oblivious of the contemporary criticism of text writers and the obiter dicta of court decisions upon this part of the Constitution which he retailed to us with the vigor of a newly discovered philosophy. I had no different thought then than now as to our constitutional authority to enact this legislation. It was my opinion then and it is my opinion now that these words "for the general welfare" do mean something in the Constitution. They have sustained the American Congress in its action in the past, and succeeding years have not lessened their significance.

I hope, however, that I am not insane enough to undertake to turn over an accepted construction of these words, quite as old as the words themselves, and never better defined than by John Quincy Adams almost a century ago at a time when he was being assaulted for defending the power and prerogative of the Nation by basing the whole tariff proposition upon the "general-welfare" clause. At that time there were men who fought the protective-tariff policy on constitutional grounds like the Senator from Maryland now fights postal savings banks. They trembled for the Constitution and demanded to know, as the Senator does now, "where the specific clause was that would sustain it." Adams and others replied that it was in the "general-welfare" clause. Madison ridiculed him for adding a new and unwarranted and unlimited power to the Constitution. But in his vigorous reply, the exact words of which I do not have at hand at the moment, Adams said that "common defense and general welfare" are the purposes for the authority to tax. They are declaratory of the purposes for which power of taxation was given to Congress.

The Senator from Maryland summoned all his unabridged vocabulary to mystify us and his mighty power of invective to dragoon us. But I am neither depressed with his words nor annihilated by his eloquence. As great a man as Madison scoffed at the "general-welfare" clause, and contended that

it had no meaning. But a greater man was Hamilton, and he said that "general welfare included not only the enumerated powers of the Constitution, but whatever Congress may deem to be for the general welfare."

Madison was also a great linguist, and shifting somewhat from his earlier political associations, in that great letter debate with John Quincy Adams upon the tariff during the Twelfth Congress, to which I have referred, denounced the words "for the common defense and general welfare" as "harmless words."

But John Quincy Adams, the old political philosopher of the early part of the last century, who had drunk deep the draughts of wisdom and experience in many lands, replied in the National Intelligencer that it was as much the duty of Congress to provide for the "common defense" and "general welfare," and that it was as imperative a duty as that of paying the debts of the Union. He declared that Congress could not discharge themselves from that great and paramount duty to the people by declaring that they were "harmless words."

Adams never contended that the words added any substantive and indefinite power, but that they imposed a duty upon Congress to tax for the general welfare. Nowhere, sir, have I extended the interpretation of Adams.

"For the common defense and general welfare" may have no place in the lively imagination of the Senator from Maryland, but, Mr. President, however much he may depreciate the opinion, those words have been resurrected and vitalized by the Supreme Court of the United States in the case of the United States *v.* Gettysburg Electric Railway Company (160 U. S., 668). In a public-building bill Congress had appropriated a sum of money for acquiring by purchase or condemnation the site of the battle of Gettysburg, for the purpose of preserving the lines of battle and for properly marking with tablets the positions occupied by the various commands of the army, and for opening and improving avenues, and so forth. Under this authority the United States district attorney for the eastern district of Pennsylvania filed a petition in the name of the United States for the purpose of condemning certain lands. The Gettysburg Electric Railway Company answered the petition to the effect that they had acquired certain of the property and were occupying it with the railroad, and that the Congress had no constitutional authority to exercise eminent domain for the purposes named in the bill. In the circuit court the petition was dismissed on the ground that preserving lines of battle, marking positions occupied, and so forth, was not the kind of public use for which the United States had the constitutional power to condemn land. Justice Peckham rendered the decision in the Supreme Court and stated in the beginning of his decision that the really important question was whether the land was to be put to a public use within the limitations of any of the powers of Congress granted to it by the Constitution, and he held that it was for the general welfare of the American people. Let me read a little of what Mr. Justice Peckham said in the course of that decision:

> In examining an act of Congress it has been frequently said that every intendment is in favor of its constitutionality. Such act is presumed to be valid unless its invalidity is plain and apparent; no presumption of invalidity can be indulged in; it must be shown clearly and unmistakably.

Justice Peckham did not put the burden upon those who would sustain the law, but upon those who would destroy it. And getting to the particular point further along the court said:

> Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the *common defense and general welfare.* Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all the powers granted by Congress, must be valid.

Again, further along, the justice, after reciting the real objects to be accomplished by the legislation, stated that the monuments to be provided for were for the benefit of all the citizens of the country for the present and for the future. Then, continuing, he said:

> Such a use seems necessarily not only a public use, but one so closely connected with the *welfare of the Republic* itself as to be within the powers granted Congress by the Constitution for the purpose of protecting and preserving the whole country. It would be a great object lesson to all who looked upon the land thus cared for, and it would show a proper recognition of the great things that were done on those momentous days.

Further along in the decision he says again:

> No narrow view of the character of this proposed use should be taken. Its national character and importance, we think, are plain. *The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly specified powers. Any number of those powers may be grouped together, and an inference from them all may be drawn that the power claimed has been conferred.*

The Supreme Court, in the Legal-tender cases (12 Wall., 457, 534), said:

> And here it is to be observed it is not indispensable to the existence of any power claimed for the Federal Government that it can be found specified in the words of the Constitution, or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred.

Justice Peckham said the power need not be plainly and unmistakably deduced from any one of the particularly specified powers. The Senator says, "Show me the authority; point out the specific clause."

I shall not expect the distinguished Senator from Maryland to accept the doctrine of that decision. I know that distinguished men of his party and of his particular school of constitutional defenders hazarded their judgment in advance that that law would never be sustained by any court, just as the Senator has risked his professional reputation against the one we are now considering. So liberal a paper as the Green Bag consoled itself only with the thought that the money was better spent than upon congressional funerals.

Mr. President, I might be depressed after the castigation that the Senator has administered unto me if I stood alone in my discomfiture. But it is consoling and sustaining that Alexander Hamilton and the Supreme Court of the United States are likewise denuded of the cuticle of their feelings and held up to the mockery of the jeering and gibing multitude. If the Senator had honored me with more of his presence at the time I delivered my address, he would have learned that I was not basing this legislation upon the "general-welfare" clause alone, nor extending the power of Congress by it. Fortunately, in my opinion, we need not rely upon that clause at all.

Mr. President, if these words were stricken from the Constitution this legislation would not fall before that immortal document, and if it did, then, in my opinion, we should know it, the sooner the better. If after denying to the States the right to establish postal savings depositories the Federal Government itself shall be impotent, then the American people should know it. If the American people can not have what every other people on earth enjoy, then let us place the responsibility. But, Mr. President, I am of the opinion that this legislation can be sustained by one or more of the enumerated powers of the Constitution under the opinion of Marshall in the McCulloch *v.* Maryland case (4 Wheat., 315). The Senator opposes this bill because he says there is no specific authority for it in any one of the enumerated powers of Congress.

Justice Peckham says any number of them may be grouped together and an inference from them all may be drawn that the power has been conferred. The question that the Senator raises is not a new one. It is not wholly unexpected. It is not new from the Senator from Maryland, because we have heard it, lo these many times; it is not new to these halls, because it has been raised upon every occasion during our national life when the American Congress has undertaken to legislate upon a subject not specifically enumerated in the eighth section of Article I of the Constitution. It was raised in the first Congress that assembled and few Congresses since but have contributed to the unending discussion. I say it is not unexpected, because although much discussed it is one of those doctrinal questions that probably never will be answered satisfactorily to certain minds and to certain schools of political thought. It was the weapon with which Benton fired mercilessly and everlastingly his anathemas against the national banking system. It was used against internal improvements and the protection of American industries. It was called into action against the acquisition of Florida and Louisiana—Alaska and the Philippines. It did duty again in the great conflict of thought from which was precipitated the war between the States, and in later days it has been on the firing line on every occasion of industrial and commercial legislation. It was raised by Jefferson and answered by Hamilton. It was raised by Madison and Monroe and answered by John Quincy Adams. It was raised by Jackson and again answered by Webster. Ah, Mr. President, it was raised by Maryland and answered by Chief Justice Marshall.

I am not vain enough to hope that I shall be able to do what Hamilton and Adams and Webster and the mighty Marshall could not do. I can not expect to soothe the aching conscience of the Senator from Maryland when the adjudications of the great court of the American people have failed to do it. There are tasks too difficult for human undertaking. But, Mr. Presi-

dent, from the depths of legislative history and the wellspring of American statesmanship, from which comes our splendid American achievement, I can at least justify those of us who shall vote for this bill.

I shall not weary the Senate by specific naming of every instance of legislation that might furnish us a criterion at this particular time. I have neither the time, the inclination, nor the equipment at the moment to undertake an exhaustive address upon this subject. What the limitations of the power of Congress are and what they ought to be has been an unending controversy. We can not get back far enough to see the beginning, nor see far enough ahead to get the ending. Those who have thought the Government should do very little have found very little power to do anything, while those who have thought the Government should stand for much have always found abundance of power to sustain them. Those who opposed national banks and internal improvements and a protective-tariff policy and industrial legislation have always been unable to find authority for them in the Constitution, notwithstanding the opinions of the judiciary, confirmed by the century of popular approval.

In the light of the age and by the precedent and custom of all the world, it is the legitimate function of the post-office, and is therefore constitutional under the authority to establish post-offices and post-roads. There are instrumentalities of the Postal Service that the makers of the Constitution never dreamed of, and there are functions now in practice that they never contemplated. If the object of this bill is needed, or if it will be helpful, in the opinion of Congress, to regulate and promote commerce among the States, it is proper under the commerce clause of the Constitution. If it will be useful to the Government in borrowing money, it can be maintained under the clause authorizing Congress to borrow money. If Congress believes it would be beneficial in raising and supporting an army, it is constitutional.

It is not required that legislation shall be indispensable or comprehensive in carrying out any of the enumerated powers of Congress. Neither is there any authority outside of Congress to determine the degree of its efficacy for such purpose. But if even in a remote way it can be helpful in any of the enumerated powers of Congress, it will be sustained by the court.

The Supreme Court early planted itself squarely upon this proposition, and from it has never wandered. In the case of United States *v.* Fisher (2 Cranch, 358, 396) the court said:

> In construing this clause it would be incorrect and would produce endless difficulties if the opinion should be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power. Where various systems might be adopted for that purpose it might be said, with respect to each, that it was not necessary, because the end might be obtained by other means. Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution.

Further along this line I shall read what the court said in a later case of the Interstate Commerce Commission *v.* Brimson (154 U. S., 457). That early opinion that I have just read in Cranch was written by Mr. Marshall, and this later one was written by Justice Harlan, as I recall it, and almost a hundred years subsequent. But it will be noticed that Justice Harlan in this later decision does not differ from the opinion of Mr. Marshall of almost a hundred years before. The Supreme Court said in this later case:

> Congress is not limited in its employment of means to those that are absolutely essential to the accomplishment of objects within the scope of the powers granted to it. * * * The test of the power of Congress is not the judgment of the courts that particular means are not the best that could have been employed to effect the end contemplated by the legislative department. The judiciary can only inquire whether the means devised in the execution of a power granted are forbidden by the Constitution. It can not go beyond that inquiry without entrenching upon the domain of another department of the Government. That it may not do with safety to our institutions.

So I have undertaken to show that it is for Congress to determine whether this postal savings system that we are seeking to inaugurate will be beneficial for the carrying out of any of the enumerated powers of the eighth article of the Constitution. We are the sole judges of its utility and efficiency. We are not bound to say that this is a necessary thing to do to carry out any particular one of these powers; neither are we bound to say that this is the only thing that can be enacted to carry out any of these powers; but if in the judgment of Congress it is a valuable thing, a desirable thing, to do, to carry out those powers, we are the sole judge of the question of desirability and of advisability; and the Supreme Court repeatedly has said that if it should undertake to decide what is advisable and desirable it would be invading the prerogatives and the domain of another branch of the Government.

The words of Chief Justice Marshall have never been overruled, and what he said in the McCulloch case would apply here. They are as follows. I want to read just a paragraph of this McCulloch decision, because it is the great opinion upon which all the decisions for a hundred years have been based:

> Where the law is not prohibited—

I remember when the Senator from Montana [Mr. CARTER] a day or two ago arose and made some interrogatory as to whether or not the proposition that the law was not prohibited might have any efficacy in the argument, he was almost scoffed at by certain Senators here. Yet Mr. Marshall, in that great case, said:

> *Where the law is not prohibited,* and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground. * * * We think a sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate—

These are familiar words, with which we are all so familiar—

> Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

When the national banks were established it was attempted to justify the authority upon a single specific clause of the Constitution. But it was contended that they were necessary and proper for the purpose of better carrying into execution the power for levying and collecting taxes, for paying the public debt, for borrowing money at home and abroad, for regulating commerce with foreign nations and among the several States, for raising and supporting an army and navy, and for carrying on war.

To use the words, or rather the thought of another (for I do not recall the exact words that were used in defense of the United States notes), the law furnishes a medium for the payment of private and public debts at times when money is being rapidly withdrawn from circulation. It will furnish the means to buy the government bonds. It will stimulate trade and revive the drooping energies of the country and restore confidence to the public mind. The Supreme Court, in the Veazie bank case, held that it was a constitutional prerogative for the Congress to provide money and currency with which to conduct the business of the country. In support of that doctrine the court has sustained the most extraordinary measures to furnish that circulating medium.

After sustaining the national-bank note and the greenback, the trade dollar, and the transportation of silver to every portion of the country to get the currency into circulation, and the tax on state-bank issues to give a monopoly, I have no fear of the court not sustaining this measure, if upon no other ground than that of keeping the money in circulation. Surely there is no specific and enumerated power in the Constitution to issue greenbacks nor to delegate to banks the power of issuing their notes as money. There was no authority for the trade dollar, but, sirs, they have all been sustained upon the inherent power of the Government to use any means necessary to perform the legitimate functions and prerogatives of government. There are things universally and everlastingly recognized as not only powers, but duties, of government, and one of them is the power of furnishing a suitable circulating medium. But of what consequence would that be if there did not accompany it the power to use suitable and proper means for keeping that money in circulation. Suppose some Goliath of money—of actual money—were about to tap our fountain of supply and lead away into his own coffers somewhere all our money as it is issued from the mint and printing presses. Can it be doubted that the great powers of the Government, as directed by the ingenuity of our citizenship, could be utilized to prevent the catastrophe that would surely follow?

But, Mr. President, that money supply has been tapped. Not all of it, but, as I showed in my speech a year ago, 49 per cent of it has been taken from the channels of trade, and we feel the deadening effect of it. At times we feel it more than at other times. But remedies are always made for the times of disease. Does anyone doubt that less money would have been hoarded in the nineties or less two years ago if there had been a postal savings system? The Government came to the rescue of the banks in 1907 and placed all the money it could command in the banks, and that stopped the panic—ability to get enough actual money. But suppose it had come at a time when the Government Treasury had not been overflowing. Suppose the needs had been greater than they were. Does anyone doubt the

efficacy and desirability of a system that will go out into the highways and the byways of business, onto the farms and into the workshops, into the cellars and into the garrets, and collect the thirty and forty dollar deposits of the American people and put it all back into the channels of trade? Ah, at such a time and under that stress of times no man for a moment would doubt is constitutionality, its propriety, or its necessity.

To my mind, Mr. President, the Senator has done little more than make a speech. He has not done justice to his great ability. It is not such a speech as becomes one of his high attainments. The meter in the great reservoir of knowledge has not perceptibly risen, nor has the door of American possibility been wider opened by what he has said. For two splendid hours he had us all hid beneath the canopy of despair, shut out from all the dazzling glory of American ambitions and American opportunities. He entranced us with the graces of his oratory and the power of his magnetic personality, but he appalled us with the doctrine that he preached. He took these little words that most of us find so much difficulty in using and wove them into a medley harmonious to the ear and quick to the emotions. His speech rang with the rhythm of music and his brilliant imagination scintillated in contact with his cheerless and hopeless outlook, but withal it was dull and monotonous and dreary to the soul.

If the distinguished Senator had been born a great musician instead of a great lawyer, he would have excelled in the dirge. If God had made him a scientist he would undoubtedly have been a paleontologist and reveled in the fossils of prehistoric ages for the delectation of men. If he had been called to preach he probably would have specialized on funerals and chanted requiems to the dead and gone of his fellow-men. But, Mr. President, the Senator is none of these, but as a great constitutional lawyer he holds vigil over dead and buried political antiquities and denies himself to all the splendors of contemporary achievement.

Mr. President, I am one of those who believe there is hope for the country—not more in the devotion of the constitutional lawyer than in the intrepid layman who measures his possibilities by his needs and estimates the glory of the Republic by the genius, energy, and patriotism of her people. It is well to learn rules, but it is even better to know the principle that underlies the rule. There is a precept, older than the Constitution itself, that the letter of the law killeth, but the spirit giveth life.

INCREASED COST OF PRODUCTS.

Mr. CRAWFORD. I desire to call up the report from the Department of Commerce and Labor, submitted in response to Senate resolution 125, calling for certain information in reference to the increase in the prices of food and other products, and to make a few observations thereon.

The PRESIDING OFFICER (Mr. OLIVER in the chair). The Senator from South Dakota calls up the report named by him.

Mr. CRAWFORD. Mr. President, as one of the results of the outcry against high prices numerous resolutions are pending in Congress for the appointment of separate and joint committees of investigation. Similar resolutions are pending in the legislatures of some of the States, an dindependent investigations are going on in the District of Columbia and in the Department of Agriculture. All of these proposed investigations apparently overlook the fact that the Bureau of Statistics or the Bureau of Labor has made a very thorough and extended investigation of this important subject and has collected a vast fund of information, covering a period of nineteen years, from 1890 to 1908, both inclusive, which throws much light upon it, and this information is now available. It is true that the investigation of this bureau does not include the year 1909, which is so recent that statistics covering it have not been connected and arranged, but it is very apparent that the causes of the high prices prevailing in 1909 are the same causes which have brought about the advance which has been steadily going upward for twelve years. The year 1909 was not different from the year 1907 in this respect. Upon the question of the increase in wages the statistics collected by the bureau are confined to the earnings of employees in the principal manufacturing and mechanical industries of the United States, and do not cover wages in agriculture, mining, transportation, domestic service, governmental service, federal, state, county, municipal, or military, or any line of work not classed as manufacturing or mechanical.

This, of course, is a very material and important omission in regard to wages, and we are greatly in need of specific information in this particular. The statistics are also comparatively slight as to the increase in the prices of commodities in foreign countries, though enough is presented to show conclusively that the advance in prices is world-wide.

It occurs to me, Mr. President, that instead of conducting long and expensive investigations of the causes for prevailing high prices and delaying conclusions for months and perhaps years, better and more satisfactory results will be attained by giving at once the greatest publicity to the valuable and material facts collected by the Bureau of Statistics and now available for the information of the country. If the Senate will indulge me for a few moments, I will undertake to give a simple outline of the facts relating to advancing prices, which are now available, together with a few observations as to the cause. I do not do this with any desire whatever to excuse or defend excessive tariffs or to justify in the slightest degree monopolies in restraint of trade. The question is entirely too serious to be made a partisan one. My only purpose is to render some assistance, if I may, in getting at the truth which lies at the bottom of the controversy.

If the price of crude and refined petroleum or the price of steel rails had advanced during the past ten years very materially, while the prices of other staple products not produced by a trust had remained stationary or fallen, we would have the best reason in the world to conclude that the increase in the price of crude and refined petroleum and in the price of steel rails was due to the fact that the Standard Oil Company and the United States Steel Corporation have a monopoly in the production of these materials. The fact is, however, that the prices of 10,000 other things, which neither the Standard Oil Company, the United States Steel Corporation, nor any other trust controls, have steadily gone up in price during the same period and to a point quite as high. I am decidedly in favor of the most rigid supervision by the Government of great monopolies like the Standard Oil and the United States Steel. I do not believe that such organizations should be permitted to follow their own sweet will and to fix a price upon any necessity. But their power to fix the price of oil or steel rails certainly has no relation to the high prices which have prevailed for a number of years and which now prevail for cotton, wheat, barley, flax, mutton, beef, pork, fish, lard, cheese, milk, poultry, butter, eggs, rents, and countless other commodities produced by individual farmers and small manufacturers, who are in no manner connected with any combination in restraint of trade.

Again, if the prices which have steadily advanced during the past ten years were prices of articles exclusively produced by a combination of American manufacturers under the protection of a tariff so high as to exclude all foreign competition, and if the prices of other articles not so protected had remained stationary or had lagged behind or fallen still lower, we would be justified in attributing the high price of such articles to the prohibitive tariff and to the monopoly organized by the trust here at home.

The United States Steel Corporation in many lines enjoys a monopoly of this kind, but unfortunately for that argument, we find that its products have not advanced much, if any, higher in price than thousands and thousands of articles which it does not produce nor control, and the production of which is not protected by the tariff at all, nor by any trust or combination. This appears to destroy the claim that the high prices generally prevailing in all lines, whether on the free or on the protected list, are due to monopoly or to the tariff.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. CRAWFORD. I do.

Mr. JONES. I wish to ask the Senator from South Dakota if it is not a fact, which is shown by the report from which he is quoting, that the price of steel products has really decreased instead of increased?

Mr. CRAWFORD. What the Senator from Washington states is correct. Those prices have slightly decreased. But I shall come to that in a moment.

I speak of high prices in general. I do not for a moment deny that monopoly and prohibitive tariffs should have the blame for the high prices which may be traced to them, but they do not explain the generally high and advancing prices upon innumerable articles of commerce in no way affected by monopoly or a high tariff.

There is a pretty heavy tariff upon sugar, and the American Sugar Refining Company is one of the worst outlaws in the country. We all despise it for the frauds it has committed. Nevertheless, sugar is one of the few things that has not advanced in price. On the contrary, the tendency of the price of

sugar for several years has been downward. In 1907 we imported over 4,000,000,000 pounds of sugar, which paid over $60,000,000 in duty, and yet, while the price of food products unaffected by the tariff increased over 26 per cent during ten years, the price of sugar fell 1.6 per cent. The fall in price in this case was undoubtedly due to overproduction, but it makes it very clear that some other reason for high prices in general exists, and it is manifestly incorrect to say that they are all or even generally traceable to monopoly or to a high tariff. It is manifestly due to the increase in the production of gold and in the circulation per capita in the United States. A money unit as a measure of value will express the price of a million bushels of wheat in correct relation to one bushel of wheat. The quantity of commodities measured by it makes no difference. But the cheapening of the money unit by inflation will always increase the price of the commodities whose value is expressed in it. This can not be successfully disputed.

Bulletin No. 81, Bureau of Labor, contains actual wholesale prices for 1908 and relative prices from 1890 to 1908, both inclusive—nineteen years.

In this bulletin wholesale prices are presented for a large number of carefully selected representative staple articles secured in representative markets of the United States—258 articles. They are not confined to food products nor manufactured products, but represent all commodities.

The wholesale price level of 1908 was lower than 1907. The high level of 1907 was the highest in the nineteen-year period.

The average for 1908 was 5.2 per cent below 1907; 0.2 per cent higher than 1906; 36.9 per cent higher than 1897, which was the lowest year of the nineteen-year period; 22.8 per cent higher than the average for the ten years from 1890 to 1899.

The average wholesale prices declined each year from 1890 to 1897, or eight years of constantly falling prices. From 1898 to 1908 has been a period of advancing prices, with only three of the eleven years showing a decrease from the prices of the previous year. These three years were 1901, 1904, and 1908, the decline of the 1908 prices from those of 1907 being heavier than the decline in either 1901 or 1904. The lowest of the nineteen-year period was 1897 and the highest was 1907. The wholesale prices in 1908 were 36.9 per cent higher than those of 1897 and 5.2 per cent below those of 1907.

The foregoing embraces practically all of the leading classes of commodities.

The Bureau of Labor has also divided general commodities into nine groups and collected statistics showing increase of the wholesale price of each group during the same period. These groups are as follows: Farm products; food; cloths and clothing; fuel and lighting; metals and implements; lumber and building materials; drugs and chemicals; house-furnishing goods; miscellaneous.

In all these comparisons it represents the average price for the period from 1890 to 1899 by the number 100 and uses that as the basis for comparisons. The result shows that the wholesale price of the first group, farm products, taking 16 representative articles as the basis, and beginning with the lowest figure, which is 78.3 for 1896, has traveled upward each year, as follows:

1897	85.2
1898	96.1
1899	100.0
1900	109.0
1901	116.9
1902	130.5
1903	118.8
1904	126.2
1905	124.2
1906	123.6
1907	137.1
1908	133.1

So the wholesale price of farm products went from 78.3 in 1891 to 133.1 in 1908.

A second group of 53 representative articles of food, by the same method of comparison for the same period, shows a steady increase for each year in the same period, as follows:

1896	83.8
1897	87.7
1898	94.4
1899	98.3
1900	104.2
1901	105.9
1902	111.3
1903	107.1
1904	107.2
1905	108.7
1906	112.6
1907	117.8
1908	120.6

So the wholesale price of food went up from 83.8 in 1896 to 120.6 in 1908, which is not as great an increase as the increase in the wholesale price of farm products for the same period.

A third group of 70 representative articles of cloths and clothing, by the same method of comparison, during the same period, advanced in wholesale price as follows:

1896	91.3
1897	91.1
1898	93.4
1899	96.7
1900	100.8
1901	101.0
1902	102.0
1903	106.6
1904	109.8
1905	112.0
1906	120.0
1907	126.7
1908	116.9

It appears from these statistics that the increase in the wholesale price of cloths and clothing advanced from 91.3 in 1896 to 116.9 in 1908, a less advance than that in the price of food during the same period, and still less than that in the price of farm products.

A fourth group of 13 representative articles, coming under the head of fuel and lighting, advanced in wholesale price during the same period as follows:

1896	104.3
1897	96.4
1898	95.4
1899	105.0
1900	120.0
1901	119.5
1902	134.3
1903	149.3
1904	132.6
1905	128.8
1906	131.9
1907	135.0
1908	130.8

These figures show that during this period there was some fluctuation in the wholesale price of fuel and lighting; yet the general trend was upward, and the increase was more than in cloths and clothing and in food, but slightly less than farm products. The anthracite coal strike in 1902 undoubtedly caused the marked increase in the years 1902 and 1903.

A fifth group of 38 representative articles, classed as metals and implements, advanced during the same period as follows:

1896	93.7
1897	86.6
1898	86.4
1899	114.7
1900	120.5
1901	111.9
1902	117.2
1903	117.6
1904	109.6
1905	122.5
1906	135.2
1907	143.4
1908	125.4

There were fluctuations in this group. The wholesale price advanced from 93.7 in 1896 to 143.4 in 1907, and fell to 125.4 in 1908. The general advance in the group was nearly as much as the advance in farm products for the same period.

A sixth group of 27 representative articles, collected under the head of timber and building materials, advanced as follows:

1896	93.4
1897	90.4
1898	95.8
1899	105.8
1900	115.7
1901	116.7
1902	118.8
1903	121.4
1904	122.7
1905	127.7
1906	140.4
1907	146.9
1908	133.1

It will be noticed from these figures that the increase in the wholesale price of lumber and building materials was steady and gradual year after year during the entire ten years, except that the increase was very marked in 1906 and 1907, while in 1908 it dropped to a point lower than in 1906. With the exception of the marked increase in 1906 and 1907, the increase in the wholesale price of lumber and building materials was very similar to the increase in farm products.

A seventh group of 9 representative articles, grouped under the head of drugs and chemicals, shows an advance as follows:

1896	92.6
1897	94.4
1898	106.6
1899	111.3
1900	115.7
1901	115.2
1902	114.2
1903	112.6
1904	110.0

1905	109.1
1906	101.2
1907	109.6
1908	110.4

The advance in this group, while steady and continuous, was not so great as in the other groups.

The eighth group, comprised of 14 representative articles collected under the head of house-furnishing goods, shows the following increase:

1896	94.0
1897	89.8
1898	92.0
1899	95.1
1900	106.1
1901	110.9
1902	112.2
1903	113.0
1904	111.7
1905	109.1
1906	111.0
1907	118.5
1908	114.0

The ninth group is comprised of 13 miscellaneous articles selected at random and collected under the head of miscellaneous. This group shows the following advances during the same period:

1896	90.4
1897	89.7
1898	93.4
1899	101.7
1900	110.5
1901	108.5
1902	112.9
1903	113.6
1905	115.9
1906	122.5
1907	129.5
1908	122.8

This group also shows a steady advance in prices during the period. In practically all the groups the price in 1908 was lower than the price in 1907, due, of course, to the panic of 1907–8.

The average for all the commodities included in all these groups combined was lowest in 1897 and highest in 1907.

When individual articles are traced in the record made of the investigations of the Bureau of Labor some curious things appear. For instance, representing the average level of the wholesale prices of all these commodities for the period from 1890 to 1899, inclusive, as being 100, the price of fresh eggs in December, 1908, was 223.1; Elgin creamery butter, 141.7; fresh milk, 156.9; sugar, 96° centrifugal, was only 97.6; sugar, 89° fair refining, 96.5; and sugar, granulated, 96. Cotton was 159.1; good steers, 133.6; choice steers, 138.2; barley, 139.2; wheat, 140.8; boots and shoes, 108.7; wool, Ohio medium, 109.6; blankets, all wool, 113.1; leather, 117.5; ginghams, 103.2; shirtings, 108.1; underwear, all wool, 115.8; overcoatings, staple goods, 96.9; overcoatings, chinchilla, 87; Lancaster ginghams, 96; hides, 170.8; petroleum, refined, 151.7, crude, 195.6; bituminous coal, 132.2, anthracite, 137.7; best bar iron, 101.2; steel rails, 107.4; pig lead, 113.9; steel billets, 116.1; pig iron, foundry No. 1, 119.9, foundry No. 2, 125.6; pig iron, Bessemer, 126.3; tin, pig, 160.1; door knobs, steel, bronze plated, 235.7; lead pipe, 99.6; shovels, 96.9; pine, yellow, long-leaf, 165.2; spruce, 163.8; hemlock, 167.2; earthenware, plates, white granite, 102.4; plates, cream-colored, 104; tea cups and saucers, 98.8; glassware (nappies), 98.2, pitchers, 71.5, tumblers, 67.6; table cutlery, carvers, 93.8; knives and forks, 82.5.

Out of 203 articles included in the investigation of the Bureau of Labor 165, or 81.3 per cent, show an increase in 1908 above the average level of wholesale price for the period from 1890 to 1899, 2 articles, or 1 per cent, show the same price, and 36 articles, or 17.7 per cent, show a decrease.

These figures prove conclusively, what every one already knew from personal experience, that the prices of nearly all commodities have been steadily advancing for more than ten years. What is the cause? Is it the trust or the protective tariff, or some other cause? Here, for instance, are three articles, one of them—cotton—is on the free list; it is produced by the farmer; its wholesale price is not increased by any trust. A second—petroleum—is controlled by a trust, but is not much affected by the tariff. A third—sugar—carries and for years has carried a heavy tariff and is to a very considerable degree controlled by the American Sugar Refining Company.

Let us compare the wholesale prices of these three articles of retail dealers or by independent dealers. For instance, sugar during the period, as shown by the investigations made by the Bureau of Labor:

COTTON.

1899	100.0
1900	146.2
1901	131.2
1902	135.9
1903	170.8
1904	184.1
1905	145.3
1906	167.7
1907	180.6
1908	159.1

PETROLEUM, REFINED.

1899	100.0
1900	117.1
1901	108.0
1902	109.2
1903	134.3
1904	134.7
1905	124.5
1906	128.2
1907	132.6
1908	133.1

SUGAR, 89° FAIR, REFINING.

1899	100.0
1900	103.3
1901	89.8
1902	77.4
1903	82.3
1904	88.5
1905	94.3
1906	81.2
1907	82.9
1908	90.9

These figures show that the wholesale price of cotton on the free list and coming from the farmer, who is not in a trust, advanced much more than the wholesale price of refined petroleum, which is controlled by the greatest, most vicious, and arbitrary monopoly in the world, while the wholesale price of refined sugar, in spite of the thievery and jugglery of the American Sugar Refining Company, actually fell during this ten-year period. This certainly indicates that some other and more universal and general cause than the tariff and the trusts lies back of the general advance in the level of prices.

These figures can be found in Senate Document 349, made by the Bureau of Labor in response to the resolution offered by me and passed by the Senate on January 10, 1910, and in Bulletins 77 and 81.

To show still more clearly that the increase in prices is due to some other cause than the tariff or the trusts, let us take three other articles, viz, steel rails, upon which there is a tariff for protection and in the manufacture of which the United States Steel Corporation enjoys a monopoly; anthracite coal, which is on the free list but is controlled by a monopoly; and cotton-seed oil, which is on the free list and may or may not be under the control of a combination.

Assuming the wholesale price of these articles in 1899 to be 100, in 1908 their price at wholesale was as follows:

Steel rails, 99.5; anthracite coal, 130.4; cotton-seed oil, 125.7.

Cotton-seed oil, which was on the free list and, so far as I know, not controlled by a monopoly, advanced in wholesale price, while steel rails, protected by a tariff and controlled by a monopoly, fell in price.

From Bulletin 77 of the Bureau of Labor it is shown, as the result of the same line of investigation, that the retail prices advanced during the period from 1899 to 1908 in very much the same way that has been shown in regard to wholesale prices.

From the figures given on page 184 of Bulletin No. 77, it appears that in 1907 the retail price of eggs was 36.9 per cent higher than the price in 1890 and 28.8 per cent higher than the price in 1891, while the retail price of bacon in 1907 was 64.2 per cent higher than in 1890.

In 30 representative articles of food the retail price advanced on the basis of 100, or the average retail price, for the period from 1890 to 1899 as follows:

1896	95.5
1897	96.3
1898	98.7
1899	99.5
1900	101.1
1901	105.2
1902	110.9
1903	110.3
1904	111.7
1905	112.4
1906	115.7
1907	120.6

These 30 articles of food were selected without reference to whether they were on the protected or on the free list, and without reference to whether they were handled by a combination is on the protected list, while tea is on the free list, and the retail price of sugar went down, while the retail price of tea went up, as follows:

TEA.

1896	98.8
1897	98.5
1898	100.7
1899	104.4
1900	105.5
1901	106.7

1902	107.2
1903	106.0
1904	105.8
1905	105.7
1906	105.5
1907	105.3

SUGAR.

1896	96.6
1897	95.7
1898	101.3
1899	101.7
1900	104.9
1901	103.0
1902	96.0
1903	96.1
1904	101.9
1905	103.9
1906	98.2
1907	99.6

These figures may be verified by comparison with the tables found on page 189 of Bulletin No. 77, Bureau of Labor, and the report made in response to the Senate resolution, page 7.

I ask leave to have the tables inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables referred to are as follows:

TABLE III.—*Relative retail prices of food products in the United States, 1899 to 1907.*

PRICE IN 1899=100.

[It is not possible in taking retail prices over a large area to secure products standardized with the same degree of accuracy as in the case of wholesale prices. It is known that in retail trade as prices advance substitutions are made of articles of the same name, but of inferior grade. It is impossible to determine to what extent this process of substitution may have taken place in various articles in the following table in the nine years covered.]

[Computed from data in Bulletin 77, Bureau of Labor; data obtained from retail stores in 68 cities of the United States.]

Year.	Apples, evaporated.	Beans, dry.	Beef, fresh, roasts.	Beef, fresh, steaks.	Beef, salt.	Bread, wheat.	Butter.	Cheese.	Chickens.	Coffee.
1899	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1900	95.7	110.3	102.7	102.4	100.5	100.1	103.8	101.5	99.0	100.7
1901	97.3	114.2	106.8	106.8	102.8	99.8	105.6	100.9	101.2	100.2
1902	104.9	117.2	114.4	114.1	112.4	99.8	114.1	104.8	111.2	99.0
1903	101.3	118.5	109.1	108.7	105.4	100.6	113.4	106.8	116.4	98.7
1904	99.7	117.2	108.8	109.1	104.9	104.3	111.6	104.9	118.6	101.4
1905	106.5	116.6	108.2	108.7	104.6	104.9	115.4	108.3	121.4	103.4
1906	116.2	115.5	111.6	112.1	107.1	102.7	121.0	112.8	126.8	104.6
1907	125.2	119.2	114.9	116.1	112.6	104.9	130.6	120.3	129.1	105.0

Year.	Corn meal.	Eggs.	Fish, fresh.	Fish, salt.	Flour, wheat.	Lard.	Milk, fresh.	Molasses.	Mutton.	Pork, fresh.
1899	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1900	102.4	98.8	100.2	98.9	99.7	107.5	101.0	104.1	102.9	105.9
1901	112.6	104.5	101.2	100.7	99.8	121.6	102.2	103.2	106.2	115.9
1902	124.9	117.8	104.8	102.6	100.3	138.3	104.4	104.0	111.8	126.2
1903	126.9	123.9	107.1	108.2	107.0	130.5	107.0	105.7	109.7	124.9
1904	127.8	129.5	107.7	111.5	126.7	120.8	107.5	105.9	111.2	121.9
1905	128.5	130.2	109.7	113.6	126.7	120.1	108.2	106.3	114.8	124.5
1906	129.5	132.7	116.0	116.6	114.3	131.8	110.1	107.2	121.0	135.4
1907	138.4	136.2	120.4	121.4	124.4	138.2	118.1	109.7	126.8	140.1

Year.	Pork, salt, bacon.	Pork, salt, dry or pickled.	Pork, salt, ham.	Potatoes, Irish.	Prunes.	Rice.	Sugar.	Tea.	Veal.	Vinegar.
1899	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1900	106.6	105.8	106.1	97.3	97.5	100.0	103.1	101.1	101.2	100.2
1901	117.6	115.4	111.1	121.5	97.1	101.1	101.3	102.2	104.9	100.6
1902	131.8	130.2	120.4	121.7	98.0	101.1	94.4	102.7	111.1	101.2
1903	135.9	126.7	122.3	119.5	94.2	101.5	94.5	101.5	110.8	100.3
1904	134.0	123.6	119.4	126.2	93.5	99.2	100.2	101.3	111.4	100.6
1905	134.9	123.8	119.5	114.7	95.7	100.2	101.3	101.2	113.5	102.0
1906	146.2	134.5	128.2	119.0	100.0	103.2	96.6	101.1	118.8	104.4
1907	152.9	138.7	131.8	125.5	103.9	106.0	97.9	100.9	120.5	106.3

Mr. CRAWFORD. These investigations, made in a thorough manner by the Bureau of Labor, show that, with only a few exceptions, the prices, both wholesale and retail, of all commodities in the United States have steadily advanced for a period of twelve years and are still advancing. This advance is not confined to farm products, to food products, nor to manufactured products, but it embraces substantially all commodities. Food taken from the sea has advanced the same as food raised on the farm. Dry cod advanced 50.7 per cent from 1899 to 1907; herring, 22.3 per cent; salmon advanced 25.6 per cent between 1899 and 1908. Undoubtedly there are cases where storage, cold storage, monopoly, combination, excessive tariff, shortage in the supply, and other shifting causes have contributed to the increase in price, while overproduction in other cases has caused the exceptions in which prices have been falling instead of rising during the past twelve years. But it is clear that some other and more universal cause exists for the general upward trend of prices in the United States during this period than tariffs and trust combinations and shortage in production.

That some larger cause is responsible is evident when we discover that this upward tendency in prices of substantially all commodities is not confined to the United States, but is world-wide, and is found in free-trade England as well as in protected Germany and the United States.

The report of the Bureau of Labor, made in response to the Senate resolution, shows, for instance, the following advances in prices of commodities from 1899 to 1908, both inclusive:

	Per cent.
FLOUR.	
Great Britain advanced	18.9
Germany advanced	18.6
France advanced	12.1
COTTON.	
Great Britain advanced	60.6
United States advanced	59.1
Germany advanced	58.1
France advanced	57.7
COTTON CLOTH.	
Germany (1899 to 1907) advanced	62.2
France (1899 to 1907) advanced	42.5
BACON.	
Great Britain (1899 to 1907) advanced	23.5
MUTTON.	
Great Britain (1899 to 1907) advanced	31.7
HIDES.	
Great Britain (1899 to 1907) advanced	32.2
ENGLISH WOOL.	
Great Britain (1899 to 1907) advanced	48.5
COTTON YARN.	
Germany (1899 to 1907) advanced	96.1
POTATOES.	
Germany (1899 to 1907) advanced	41.2
SECOND-GRADE BEEF, STEER'S CARCASS.	
Germany (1899 to 1907) advanced	26.5
AMERICAN LARD.	
Germany (1899 to 1907) advanced	64.1
France (1899 to 1907) advanced	50.3
United States (1899 to 1907) advanced	65.5
RICE.	
United States (1899 to 1908) advanced	2.8
Great Britain (1899 to 1908) advanced	5.8
Germany (1899 to 1908) advanced	6.8
France (1899 to 1908) advanced	5.5

The editor of the New York Independent in a recent editorial truthfully says: "The fact that prices have risen the world over—in England, Russia, China, and South America, although not so much as here—prove a world-wide cause."

In my opinion, and in that opinion I am sustained by nearly all the leading students of political economy and finance, the cause for the general advance in the price of commodities at this time and during the past twelve years is and has been due to the enormous increase in the production of gold, the increase in the world's coinage, and the increase in the circulation per capita in the United States.

I ask leave to insert in the RECORD Tables VII, VIII, IX, and X, found on pages 13 and 14 of the report of the Bureau of Labor, in response to the Senate resolution already referred to.

TABLE VII.—*Actual and relative per capita circulation of money in the United States on June 30 of each year, 1896 to 1909.*

[Data from the annual reports of the Treasurer of the United States.]

Year ending June 30.	Actual circulation per capita.[a]	Relative circulation per capita[a] (1899=100).
1896	$21.41	83.7
1897	22.87	89.4
1898	25.15	98.3
1899	25.58	100.0
1900	26.94	105.3
1901	27.98	109.4
1902	28.43	111.1
1903	29.42	115.0
1904	30.77	120.3
1905	31.08	121.5
1906	32.32	126.3
1907	32.22	129.6
1908	34.72	135.7
1909	34.93	136.6

[a] Including gold coin and gold certificates, silver coin and silver certificates, United States notes, Treasury notes, and national-bank notes.

TABLE VIII.—*Production of gold in the world, 1896 to 1907.*
[Data from the Report of the Director of the Mint for 1909, p. 121.]

Year.	Production of gold in the world.
1896	$202,251,600
1897	226,073,700
1898	286,879,700
1899	306,724,100
1900	254,576,300
1901	260,992,900
1902	296,737,600
1903	327,702,700
1904	347,377,200
1905	380,288,700
1906	402,503,000
1907	412,532,900

TABLE IX.—*Coinage of gold and silver at the mints of the world, 1896 to 1907.*
[Data from the Report of the Director of the Mint for 1909, p. 82.]

Year.	Coinage of gold at the mints of the world (value).	Coinage of silver at the mints of the world (coining value).	Total coinage of gold and silver at the mints of the world.
1896	$195,899,517	$159,540,027	$355,439,544
1897	437,722,992	167,790,006	605,512,998
1898	395,477,996	149,282,936	544,760,841
1899	466,110,614	166,226,964	632,337,578
1900	354,936,497	185,358,156	540,294,653
1901	248,098,787	138,911,891	387,005,678
1902	220,405,125	193,715,362	414,120,487
1903	240,499,547	211,795,829	452,295,376
1904	455,427,085	176,508,646	631,935,731
1905	245,954,257	173,333,093	419,287,350
1906	366,326,788	155,590,466	521,917,254
1907	411,803,902	221,652,826	633,456,728

TABLE X.—*Production of gold in the United States, 1896 to 1907.*
[Data from the Report of the Director of the Mint for 1909, p. 120.]

Year.	Gold production in the United States.
1896	$53,088,000
1897	57,363,000
1898	64,463,000
1899	71,058,400
1900	79,171,000
1901	78,666,700
1902	80,000,000
1903	73,591,700
1904	80,464,700
1905	88,180,700
1906	94,373,800
1907	90,435,700

Table VII shows that notwithstanding the enormous increase in the population of the United States from 1896 to 1909, the circulation per capita steadily increased each year, going from $21.41 in 1896 to $34.93 in 1909, an increase of 63.15 per cent.

Table VIII shows a steady and enormous increase in the yearly production of gold in the world, going from $202,251,600 in 1896 to $412,532,900 in 1907, an increase in the year 1907 alone of more than 100 per cent over the year 1896.

Table IX shows that the total coinage of gold and silver at the mints of the world advanced in a very marked degree during the years 1896 to 1907, inclusive, going from $355,439,544 in 1896 to $633,456,728 in 1907. The coinage of gold alone went from $195,899,517 in 1896 to $411,803,902 in 1907, an increase of 110 per cent. It should be remembered that this shows the percentage of increase in 1907 over 1896 only, and takes no account of the enormous annual increases of the intervening years.

Table X shows the increase in gold production in the United States from 1896 to 1907, both inclusive, going from $53,388,000 in 1896 to $90,435,700 in 1907, an increase of 170.3 per cent. This shows the percentage of increase in 1907 over 1896 only, and takes no account of the enormous annual increases of the intervening years. The production for 1906 alone was $94,373,800.

This enormous production of gold and increase in the world's stock of money, and the enlarged circulation per capita in the United States could have but one result. As Professor Norton, of Yale—a professor of political economy—says in a recent article in the New York Independent:

> The popular outcry, now sweeping the country, directed against prevailing high prices, forcibly illustrates some of the social consequences of the depreciation of gold. * * * Gold ore yielding $20 gold per ton is relatively rare in nature. On the other hand, gold ore running from four and five dollars per ton is distributed very widely, and the deposits are of large area. When, therefore, mining engineers and chemists succeeded in devising methods of extracting gold from ore as low in grade as $5 per ton at a profit the potential supply of gold enormously increased. As a result of these scientific discoveries the annual production of gold began to mount at an increasing rate in the nineties. Exactly as the successive issues of greenbacks by our Government during the civil war forced prices to higher and higher levels until finally commodities sold at two and three fold previous prices, so gold, ever increasing in production, has produced a similar effect.
>
> Bradstreet's index of average prices indicates an advance of 60 per cent in prices since July 1, 1896. In other words, a dollar's worth of goods to-day could have been purchased for 62 cents in 1896. During the past thirteen years prices have maintained an average advance of 4½ per cent per annum.
>
> The individual, therefore, who deposited $1 in the savings bank in 1896 to be compounded at 4 per cent for the thirteen years at the present time would have, principal and accumulated interest, barely sufficient to purchase the goods which he could have purchased with his original dollar in 1896.
>
> Measured in purchasing power, the savings-bank depositors of the United States in reality have received no interest on their funds for thirteen years, since the interest credited just about balances the depreciation of their funds in purchasing power.
>
> The gold inflation is world-wide, and prices everywhere have moved upward in response. * * *
>
> At the present time popular clamor seeks to fix the responsibility upon the trusts, just as in Washington's day a similar agitation resulted in laws against "forestallers and monopolists," whereas the true cause lay in the depreciating continental currency. "Not worth a continental" in the future may be substituted by the phrase "Not worth a gold dollar," for how serious the situation may become nobody knows.

Mr. Byron Holt, vice-president of the American Association for the Advancement of Science, says that prices in the past year have increased 10 per cent. Referring to this statement, Professor Norton says:

> Every individual knows whether his income has increased 10 per cent. If his income has not increased in proportion, that person is to be numbered among those who, in Cicero's words, are "Eager for new things." History teaches that social disturbances are fed on rising prices, because the seeds of discontent more easily are sown.

From these statistics gathered by the Bureau of Labor it is clearly demonstrated beyond the possibility of successful contradiction that the present high level of prices and the upward tendency in prices during the past twelve years is due to the increase in the production of gold, accompanied by the large increase in the United States of the circulation per capita. Cost of transportation, tariffs, combinations in restraint of trade, and shortages in supply have their effect in individual cases of course, and this has always been so; but that does not and can not explain the constant tendency upward, each year being higher than the preceding, of the general level of the prices both wholesale and retail, of commodities in general, not only in the United States but throughout the world.

Now, if the increase in the prices of commodities is due to the increase in gold production, as we must conclude it is, who is hurt by it? Is it a bad thing for the country to have an era of high and generally advancing prices? That depends entirely upon the angle from which you view it. For a poor man, not in a labor union, who is dependent upon the wages he earns as a laborer, or upon the salary he earns by the week, month, or year as a clerk or government employee, and whose pay has not increased in the same proportion as the increase in the cost of living, the period of high prices has not been a good thing, and he has a right to receive more pay or to demand a reduction in the cost of living. The general effect of rising prices caused by an inflation of currency and a depreciation in the purchasing power of money is to stimulate the greatest activity in exchange and production of commodities. Everyone becomes anxious to share in the advantage of rising markets. The inducement to hoard money is taken away and consequently the disposition to hoard it ceases. This era of high prices certainly has been a good thing for the farmer and the producer, because during the past ten years it has given to him the richest returns he has received in a generation. In addition to the enormous increase in the value of the farm itself, the prices of farm products have increased faster than the general prices of the things which the farmer must buy. As the senior Senator form North Dakota said the other day, the farmer is just coming into his own, and he deserves it; he is not complaining of high prices. It is also a good thing for the merchant, manufacturer, banker, and those engaged in transportation business, unless, of course, the inflation should become abnormal, when a collapse is sure to follow. But the increased cost of living falls with great severity upon the wage-earner whose wages have not kept pace with it.

The report of the Bureau of Labor, made in response to the Senate resolution, gives, in Table V, "The relative wages per hour and relative full-time weekly earnings per employee in the principal manufacturing and mechanical industries of the United States from 1899 to 1907."

In this table it is shown that the wages of this class of employees in the United States advanced as follows:

	Wages per hour.	Wages per week.
1899	100.0	100.0
1900	103.4	102.9
1901	105.9	104.6
1902	110.0	107.9
1903	114.0	111.0
1904	114.7	110.0
1905	116.6	112.6
1906	121.8	117.1
1907	126.3	120.9

This shows an increase in wages in the principal manufacturing and mechanical industries only. In these the labor employed is union labor. The table does not include the wages of employees engaged in agriculture, mining, transportation, merchandising, domestic service, and governmental service, or in any line of work not classed as manufacturing or mechanical. In many of these lines wages have not increased in proportion to the increase in the cost of living. There are thousands and thousands of men and women in the United States who are getting no more pay for the same service than they received in 1896. This advance in the cost of living has pressed this class sorely, and has imposed and is imposing both hardship and suffering upon their families.

The great corporations which have taken advantage of conditions and exacted more than a fair share of profit have not advanced the wages of their employees proportionately. We must not forget that when the retail price of food and clothing increases faster than the purchasing power of the wages of the workingman the resulting hardship is unduly severe. The Bureau of Labor could not furnish figures showing what changes had occurred in the wages of employees not engaged in the manufacturing and mechanical industries, and as to them we have no statistics. The follwoing comparisons made by the Bureau of Labor show how oppressive this increase in the cost of living is to the workingman, whose wages have not been increased proportionately, and how the depreciation in the purchasing power of the dollar has affected him:

In 1896 for a dollar he could buy 7.81 pounds of fresh beef.

In 1907 for a dollar he could buy only 6.47 pounds of fresh beef.

In 1896 for a dollar he could buy 9.82 pounds of salt beef.

In 1907 for a dollar he could buy only 6.73 pounds of salt beef.

In 1896 for a dollar he could buy 16.84 pounds of milk; in 1907 only 14.40 pounds.

In 1896 he could buy 4.53 pounds of butter; in 1907 only 3.29 pounds.

In 1896, fresh pork, 9.84 pounds; in 1907 only 6.73 pounds.

In 1896, salt pork, 9.58 pounds; in 1907 only 6.46 pounds.

In 1896, poultry, 7.56 pounds; in 1907 only 5.59 pounds.

In 1896, fish, 10.20 pounds; in 1907 only 8.33 pounds.

In 1896, eggs, 5.77 pounds; in 1907 only 3.89 pounds.

In 1896, wheat flour, 40.73 pounds; in 1907 only 32.08 pounds.

In 1896, corn meal, 49.02 pounds; in 1907 only 35.39.

In 1896, rice, 13.10 pounds; in 1907 only 11.68 pounds.

In 1896, cheese, 6.45 pounds; in 1907 only 5.12 pounds.

In 1896, lard, 11.35 pounds; in 1907 only 7.95.

In 1896, bread, 20.23 1-pound loaves; in 1907 only 19.37 loaves.

You ask what is the remedy for this injustice to the wage-earner?

My answer is: Give him more pay. It is real injustice in these times of high-tide prosperity to withhold from the wage-earner what is his due. Department clerks and government employees can not live on the wages which supported them comfortably ten years ago. Wages are the last thing to advance when times are good and the first to feel the effects by reduction or nonemployment when times are bad. But while the laboring man whose wages have not advanced as swiftly nor as high as the cost of living, and the man who is dependent upon a fixed salary, which has not been increased proportionately, have suffered keenly and are suffering keenly and have reason to complain, the statistics collected by the Bureau of Labor show that this is not the case as to the workingmen employed in the mechanical and manufacturing industries. For instance, Bulletin No. 77, issued in July, 1908, based upon figures received concerning wage-earners in 4,169 establishments in the principal manufacturing and mechanical industries of the United States, compares the wages received in 1906 and 1907 with the wages received during the period from 1890 to 1899. This comparison shows that the average wage per hour received in 1907 was 28.8 per cent higher than the average from 1890 to 1899, and that the number of employees in these establishments was 44.4 per cent greater.

The increase in the average wages per hour in 1907 over the average hourly wages in any year from 1890 to 1900 was more than 20 per cent. It was 28.8 per cent over the average for the ten years from 1890 to 1899. The bulletin further shows that wages in these establishments in 1907 were 31.6 per cent higher than in 1894, the year of lowest wages per hour of the period in question. It shows that in 1907, as compared with the average of 1890 to 1899, there was an increase of full-time weekly earnings per employee of 22.4 per cent in these establishments. As compared with 1894 there was an increase of 25.3 per cent. It also shows that as compared with 1894, the year in which wages and the number of persons employed were the lowest during the period since 1890, there was an increase in 1907 of 53.5 per cent in the number of employees, and that as compared with the average for the ten years from 1890 to 1899 there was an increase of 44.4 per cent in the number of employees. Also, that when compared with the average retail price of the principal articles of food commonly used in the workingman's family during the ten years from 1890 to 1899, the purchasing power of an hour's wages in 1907, as measured in the purchase of food, was 6.8 per cent greater. This applies only, however, to employees working by the hour, by the day, or by the piecework, and is confined to manufacturing and mechanical industries only.

It does not apply to agriculture, mining, transportation, public service, domestic service, or to any class of nonunion labor. It is simply a good showing for organized labor. The figures show that while the retail price of the articles of food weighted according to family consumption was 20.6 per cent higher in 1907 than the average for the ten years from 1890 to 1899 the average wages in these manufacturing and mechanical industries was 28.8 per cent higher. Then, too, on account of money being plentiful and actively employed, labor has been generally employed during the entire period of advancing prices. In this situation it seems clear that what is most needed just now is an increase in the wages and salary of employees, where such wages have not kept pace with advancing prices.

With the volume of currency kept full and no restraint upon the coinage of gold, prices are bound to go still higher.

As I have already said, to the man engaged in the production of articles of food and raiment, or other materials of general use and necessity, a farmer, for instance, or a banker, buyer and seller, investor, manufacturer, carrier of commodities, or a member of a labor union in a flourishing plant where the union has compelled a corresponding increase in wages, this advance in prices and the resulting activity in business has been and is a good thing. It has been a fine thing for the farmer in the great Middle West, because in addition to the enormous increase in the value of his farm, the prices of farm products have increased along with and even faster than the general prices of the things he has to buy, and the steady increase in prices during the past ten years has made him rich. It is upon laboring classes that the burden falls. The purchasing power of a day's wages, measured in a depreciating dollar, has imposed very cruel and oppressive burdens upon millions of poor people of small fixed incomes and low wages, which have remained stationary. Poor people in congested centers, the laboring man whose wages have not advanced as swiftly as the cost of living, the man or woman depending upon a fixed salary, which has not been increased proportionately, have suffered and have just reason to complain.

Last year a young brakeman on a passenger train on which I was riding in the State in which I reside, and whom I knew to be a young man of good habits and industry, told me that he was getting $60 per month. He said that both he and his young wife practiced the most rigid economy and did not spend even a nickel without considering very carefully what it would buy. He told me that when he had paid his house rent, fuel and lighting, grocery and meat bill, bills for clothing, shoes, and other necessaries every cent was gone. He said they had one child, a babe less than a year old; that the mother was seriously ill for several months after the birth of the child; and that on account of her illness and expenses incident to the birth of the little one he had contracted an indebtedness of about a hundred dollars. He said this debt, added to his usual household expenses, was more than he could ever discharge, even by small payments, out of the salary he was receiving, and he was very despondent.

This is where the pinch comes. The case of this young brakeman is similar to that of thousands and thousands of others in the United States to-day, and explains the bitter and widely extended protest heard on all sides.

Twelve years ago this young man could have lived comfortably and saved something each month out of his salary. The

attention of employers everywhere should be called to the justice of the claim of the wage-earner who is not receiving adequate pay, and public opinion should compel an increase in his wages proportionate to the cost of living. The statistics furnished by the Bureau of Labor do not embrace the vast number of people employed outside of manufacturing establishments and have not been brought down so as to include the years 1908 and 1909.

The information already in the possession of the Bureau of Labor is, however, sufficient, in my judgment, to clearly explain the cause of the present era of high prices and to show who are benefited and who are injured by it; and, instead of taking months and years to discover the cause, the time of Congress should be employed in devising a remedy for a trying situation.

REGULATION OF PRACTICE IN THE FEDERAL COURTS.

The VICE-PRESIDENT. The calendar under Rule VIII is in order, and the first bill on the calendar will be stated.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first business in order on the calendar.

Mr. GALLINGER. Let it go over.

The VICE-PRESIDENT. The bill will go over on objection of the Senator from New Hampshire.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as the next business in order on the calendar.

Mr. GALLINGER. This is a bill which the Senate has heretofore passed several times, but I understand the Senator from Virginia [Mr. MARTIN] has some amendments to offer to it. Hence I ask that it may go over.

The VICE-PRESIDENT. The bill will go over.

GOVERNMENT OF HAWAII.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as the next business in order on the calendar.

Mr. GALLINGER. I am informed that the senior Senator from New York [Mr. DEPEW] desires that the bill, the title of which has just been read, shall go over for the day, retaining its place.

The VICE-PRESIDENT. The bill goes over.

WALES ISLAND PACKING COMPANY.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as the next business in order on the calendar.

Mr. SMOOT. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

POSTAL SAVINGS DEPOSITORIES.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes, was announced as the next business in order on the calendar.

Mr. CARTER. Unless some Senator desires to address the Senate on the bill, I ask that it may go over.

The VICE-PRESIDENT. The bill will go over.

GOVERNMENT OF CANAL ZONE, ETC.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as the next business in order on the calendar.

Mr. SMOOT. I notice that the Senator from California [Mr. FLINT] is absent from the Chamber, and I think he desires to be present when the bill is considered. So I will ask that it go over.

The VICE-PRESIDENT. The bill will go over.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as the next business in order on the calendar.

Mr. HEYBURN. I have been requested by the chairman of the committee reporting the bill to ask that it go over without prejudice.

The VICE-PRESIDENT. The bill will go over.

PURE FOODS AND MEDICINES.

The bill (S. 1461) to prevent fraudulent representations as to government guaranties of foods and medicines was announced as the next business in order on the calendar.

Mr. HEYBURN. We are ready to proceed with the bill, unless there is objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which makes it unlawful for any person, association of persons, or corporation to place any mark upon any article of food or medicine stating that the contents of such package are guaranteed by the Government of the United States under the pure-food act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT BUSINESS-METHODS COMMISSION.

The bill (S. 6168) creating a government business-methods commission was announced as the next business in order on the calendar.

Mr. HEYBURN. Let the bill go over.

Mr. BORAH. I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over.

Mr. HEYBURN. I was not aware that any Senator desired to speak upon the bill. I would not have asked that it go over, and I withdraw the request.

The VICE-PRESIDENT. The junior Senator from Idaho asked that it go over, the Chair understood.

Mr. BORAH. I asked that it go over.

Mr. HEYBURN. I, too, asked that it go over. So it seems to be unanimous.

The VICE-PRESIDENT. The bill has gone over.

THOMAS B. POPE.

The bill (H. R. 7900) for the relief of Thomas B. Pope was considered as in Committee of the Whole. It proposes that in the administration of the pension laws Thomas B. Pope shall hereafter be held and considered to have been honorably discharged from the military service of the United States as first lieutenant of Company A, Fifty-sixth Regiment New York Volunteer Infantry, on the 4th day of September, 1862.

Mr. KEAN. Ought not the bill to have some limitation, providing that no pay, bounty, or other emoluments shall accrue? Otherwise, the bill goes back to the 4th day of September, 1862. I do not know anything about it.

Mr. ELKINS. Let it go over.

Mr. KEAN. Let it be passed over without prejudice.

The VICE-PRESIDENT. The bill will go over.

Mr. BULKELEY subsequently said: I ask unanimous consent to return to the bill (H. R. 7900) for the relief of Thomas B. Pope, which went over on the request of the Senator from West Virginia [Mr. ELKINS].

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BULKELEY. This is a case in which the bill should be in the form in which it is. The War Department, the Adjutant-General's office, recognize the fact that the entries as they were made at the time were entirely erroneous, and that the soldier instead of being absent without leave was actually absent with a written leave from the department. I ask that the bill be put on its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANK OF CERTAIN ARMY OFFICERS.

The bill (H. R. 3037) to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein," was announced as the next business in order on the calendar.

Mr. ELKINS. Let it go over.

Mr. KEAN. I do not know whether or not my colleague wants to have the bill passed at the present time. So I ask that it may go over for the present without prejudice. I have no objection to the bill.

The VICE-PRESIDENT. The bill will go over.

CRIMINAL JURISDICTION OF CORPORATIONS.

The bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States was announced as the next business in order on the calendar.

The VICE-PRESIDENT. The bill has been read and an amendment is pending.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

THACKER COAL MINING COMPANY.

The bill (H. R. 18411) to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va., was announced as the next business in order on the calendar.

Mr. ELKINS. The bill has been unanimously reported from the Committee on Commerce.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT KANSAS CITY, MO.

The bill (H. R. 18592) to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLACK RIVER BRIDGE, PAROQUET, ARK.

The bill (H. R. 18806) to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

The bill (H. R. 18807) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, ARKANSAS.

The bill (H. R. 18808) to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TUG FORK BRIDGE, WEST VIRGINIA.

The bill (H. R. 18695) to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYSTEM OF LAND DESIGNATION.

The bill (S. 4629) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was to insert as section 2 the following:

SEC. 2. That hereafter all instruments tendered for record in the office of the recorder of deeds of the District of Columbia in which original lots, subdivision lots, squares, or tracts are mentioned shall, in addition to any other description, contain a reference to the square or parcel shown on the plats and plans as filed for record in the office of the surveyor of the District of Columbia in which the real estate intended to be affected is contained, and the recorder of deeds shall not, unless for good cause shown to him, receive any instrument for record unless the provisions of this act are therein complied with.

The amendment was agreed to.

The next amendment was to change the number of section 2 to section 3.

The amendment was agreed to.

Mr. SHIVELY. I should like to have the report read.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. BURKETT February 9, 1910, as follows:

[Senate Report 204, Sixty-first Congress, second session.]

UNIFORM DESIGNATION OF PARCELS OF LAND IN THE DISTRICT OF COLUMBIA.

Mr. BURKETT, from the Committee on the District of Columbia, submitted the following report, to accompany S. 4629:

The Committee on the District of Columbia, to whom was referred S. 4629, a bill to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District, report the same with the recommendation that it be amended and as amended that the bill do pass.

On page 2 add a new section, to be known as section 2, as follows:

"That hereafter all instruments tendered for record in the office of the recorder of deeds of the District of Columbia in which original lots, subdivision lots, squares, or tracts are mentioned shall, in addition to any other description, contain a reference to the square or parcel shown on the plats and plans as filed for record in the office of the surveyor of the District of Columbia in which the real estate intended to be affected is contained, and the recorder of deeds shall not, unless for good cause shown to him, receive any instrument for record unless the provisions of this act are therein complied with."

Amend further by striking out the figure "2," in line 3, page 2, and insert "3."

After the word "provisions," in line 3, page 2, insert "of section 1."

By an act approved February 23, 1905, it was provided that there should be a renumbering of blocks and parcels of land outside the city limits of Washington for assessment and taxation purposes. Under that act the surveyor is required to keep a record of such new numbering, but such record to be used only for assessment and taxation purposes. It seems that there is no reason why these numbers should not be used for all purposes of transfer and recording of property, although at present all transfers, surveys, and resubdivisions of such lots and blocks are made under the old designations, notwithstanding the fact that the surveyor, under the law, must keep such new records.

The committee has amended the bill by adding a new section, designated as section 2, providing that hereafter all instruments tendered for record in the office of the recorder of deeds of the District of Columbia must contain, in addition to the old designation, the new designation as kept in the office of the surveyor. Under the law as it now stands the owner of property finds a different description on his tax receipt than he finds on his deed for the property, and the object in this bill is to make the records in all offices in the District uniform in their description of property.

Sections 1 and 3 of the bill as amended were submitted by the Commissioners of the District of Columbia, and their letter of transmittal is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 17, 1909.

SIR: The Commissioners of the District of Columbia have the honor to submit herewith draft of a bill to provide for recording in the office of the surveyor of the District of Columbia the designation of squares, lots, and parcels of ground in said District which were adopted by the assessor of the District of Columbia under the provisions of an act of Congress approved February 23, 1905, entitled "An act to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," with request for its enactment.

The purpose of this bill is to secure a uniform designation for all parcels of land in the District of Columbia. Under the authority of the act above referred to, the assessor of the District adopted a system of designating all squares, lots, and parcels of land in the District for the purposes of assessment and taxation, but there was no authority in the law for the surveyor to adopt this system on the records of his office. In consequence, property is assessed under square numbers and parcels according to the system adopted by the assessor, while the official designations of such property in the office of the surveyor remain as they were before the new system was adopted. Transfers, surveys, and resubdivisions of recorded lots are made under the old designations of said lots as they appear on the records of the surveyor's office, while they are assessed by different designations by the assessor. For example: "Block 25, Columbia Heights," is the original record designation upon which all surveys, resubdivisions, and transfers are made, while "square 2859" is used for taxation and assessment purposes. Owners of property, seeing these new designations on their tax bills, have discarded the old designations altogether, and all inquiries regarding the property are made under the new designations. This causes great confusion, and the commissioners believe that a uniform designation of such squares, lots, and parcels of land should be adopted by the District of Columbia for all purposes. The passage of this bill will accomplish the result desired, and the commissioners earnestly request that it be enacted.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of District of Columbia.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

The provision of the amendment known as section 2 of the amended bill was submitted to Congress as part of the bill known as S. 4631, by the recorder of deeds of the District of Columbia, transmitted through the Attorney-General, as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., December 23, 1909.

MY DEAR SIR: I have the honor to inclose herewith a copy of a letter from the recorder of deeds of the District of Columbia, dated December 14, 1909, transmitted to me by the President, together with a draft of a bill prepared by the recorder of deeds, authorizing and directing him to keep an index of certain instruments recorded in his office. The attorney in charge of titles of this department says that, in his opinion, this bill would facilitate the examination of titles in the District of Columbia, and I therefore concur in his recommendation that its passage be procured if possible.

Respectfully,

GEO. W. WICKERSHAM,
Attorney-General.

Hon. JACOB H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

OFFICE OF THE RECORDER OF DEEDS,
Washington, D. C., December 14, 1909.

Mr. PRESIDENT: This office having received many requests that it shall index all instruments recorded therein affecting real estate under a square or parcel number, and I being doubtful of my authority to do so in the absence of express legislative authority and direction, I have the honor to herewith submit for your consideration draft of a bill which, if enacted by the Congress, would authorize and direct the recorder of deeds for the District of Columbia to institute and maintain such an index, the proposed bill also making it compulsory for persons drawing such instruments to describe the real property affected by square and parcel number.

During the more than one hundred years' existence of this office instruments recorded therein affecting real property have been indexed only by the names of the parties thereto, the result being that the searching of titles to real property in this District has been made a matter of great length of time and no little confusion. It is contended by those requesting an index by square or parcel that such waste of time and confusion would thereby be avoided, and that the institution of such an index would place this office on a modern and up-to-date footing in that respect. In this contention I concur, and respectfully ask that you lay the matter before the Congress, or that you authorize me to present it to the chairmen of the Senate and House Committees on the District of Columbia, I having presented the matter to you for

the reason that a recent order of yours precludes me from submitting it directly to the Congress.

I have the honor to be your most obedient servant,

JOHN C. DANCY,
Recorder of Deeds, District of Columbia.

THE PRESIDENT,
White House, Washington, D. C.

The main provisions of the last bill (S. 4631) relate to the indexing of the records, but it is believed that the index should be made to conform to the new designations as provided for in this bill and that it can not be advantageously accomplished until after sufficient time has elapsed to complete the records in accordance with the provisions of this bill, and for that purpose section 2 has been added to the bill, and as amended the committee respectfully recommend that the bill be passed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND NEAR CONNECTICUT AVENUE BRIDGE.

The bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REED, ALIAS MICHAEL FLANAGAN.

Mr. JOHNSTON. I ask unanimous consent for the consideration of the bill (S. 2072) to remove the charge of desertion from the military record of John Reed.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It directs the Secretary of War to remove the charge of desertion now standing on the rolls and records of the War Department against the name of John Reed, alias Michael Flanagan, late of Company E, Fifth Regiment New Jersey Volunteer Infantry, and Company D, Second Regiment United States Cavalry, and grant him a certificate of honorable discharge therefrom.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan."

GOVERNMENT OF ALASKA.

Mr. McCUMBER. I hope Senators will allow us to go on with the calendar, at least until we get through with the pension bills, which we are just reaching.

Mr. GALLINGER. Let the regular order be first laid before the Senate.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside without prejudice.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none.

Mr. BEVERIDGE. I wish to remark that until the time of the Senate is more completely occupied with the postal savings bill, so that we can get action of some kind upon that measure, I shall ask that the unfinished business be laid aside from day to day temporarily for some days.

The VICE-PRESIDENT. No objection has been heard, and the bill is temporarily laid aside.

THE CALENDAR.

Mr. McCUMBER. I ask that the Senate proceed with the consideration of the calendar under Rule VIII.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed with the consideration of the calendar under Rule VIII. Is there objection? The Chair hears none. The next bill on the calendar under Rule VIII will be stated.

LANDS IN THE STATE OF WASHINGTON.

The bill (S. 4477) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, was announced as the next bill on the calendar.

Mr. JONES. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from Washington.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 17755) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, on page 5, line 21, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the paragraph read:

The name of Monroe Kniffin, late of Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 17752) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 23, to strike out:

The name of William Bolam, late unassigned, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of De Have Norton, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Leonard A. Smith, late of Company F, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 22, to strike out:

The name of Pleasant Goodman, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 22, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of John Baker, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out:

The name of Dorious Neel, late second lieutenant Company I, Ninety-third Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to strike out:

The name of Mathias R. Zahniser, late of Company B, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 6, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of John B. Liddle, late of Company D, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 16, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of John C. Bailey, late of Company C, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. FRYE. I should like to inquire of the chairman of the committee if this bill contains an item stricken out, or if any bill here contains an item stricken out, by the House for one Little, I think, proposing a pension for a dependent mother? The young man enlisted in the Spanish war, and after the war was over reenlisted and died from disease contracted in the army. The House struck out the item.

Mr. McCUMBER. I do not think that provision is in this bill.

Mr. FRYE. Is it in any of these bills?

Mr. McCUMBER. I do not think so. I think the matter is in a bill which has not been reported.

Mr. FRYE. I should like to have the chairman look at that.

Mr. McCUMBER. I will do so.

Mr. FRYE. The poor old woman depends entirely on charity now.

Mr. McCUMBER. I do not think such an item has been stricken out of these bills.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6271) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates stated:

Maria H. Amsden, former widow of William D. Wrighter, late second lieutenant Company K, Sixty-second Regiment Pennsylvania Volunteer Infantry, $12.

David Chapman, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Allen D. Maurer, late first lieutenant and captain Company C, Twelfth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jacob D. Passage, late of Company D, Seventeenth Regiment, and Company F, Eighth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

La Fayette Piatt, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William E. Cornwell, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Loron G. Robinson, late of Company I, Thirteenth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry B. Rose, late of Company F, Fifth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Duane E. Simons, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and Company F, Twentieth Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Charles Rogers, late of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edward F. Parker, alias Edward Franklin, late of Company I, First Regiment Mississippi Marine Brigade Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Phillip Sutton, late of Company G, Seventeenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Nellie A. Getchell, helpless and dependent daughter of Charles O. Getchell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, $12.

George W. Board, late of Company B, Eleventh Regiment, and Company H, Tenth Regiment, West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry K. Carson, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James M. Nicholas, late of Company B, Tenth Regiment, and Company E, Twenty-fourth Regiment, Missouri Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Levi J. Smith, late of Company D, Fifteenth Regiment Kansas Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Lewis W. Graham, late of Companies I and C, Second Regiment Kansas Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John J. Swett, late of Company E, First Regiment Oregon Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Woodbury Blocksom, alias Ralph Wood, late hospital steward, United States Army, $24 per month in lieu of that he is now receiving.

Benjamin T. Simpson, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Luther W. Whitbeck, late of Company H, Eighth Regiment Ohio Volunteer Infantry, and Sixth Independent Battery, Ohio Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Joseph Sharpney, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Franklin T. Noel, late of Company E, Nineteenth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jervis E. Barber, late of Company E, Forty-first Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David F. Ragsdale, late of Company M, Fifth Regiment Missouri State Militia Cavalry, $30 per month in lieu of that he is now receiving.

William T. Adkins, late of Company K, Thirty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George P. Sargent, late of Company H, Twenty-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William L. Creasman, late of Company A, Third Regiment Tennessee Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Robert H. Clark, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

William J. R. Beach, late of Lieutenant Sheldon's company, Sturges Rifles, Illinois Volunteer Infantry $24 per month in lieu of that he is now receiving.

Melvin L. Colman, late of Company G, Sixth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Dollman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph Luckman, late of Company C, One hundred and twelfth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Elijah H. Bean, late of Company C, One hundred and forty-first Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David Detty, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ashley R. Williams, late of Company B, Fifty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph L. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mortimer L. Milledge, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Milton Yeager, late of Company D, Thirty-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Amos H. Hampton, late of Company C, Fifty-second Regiment Ohio Volunteer Infantry, $12.

Mary E. Barker, widow of William H. Barker, late first lieutenant Company G, Sixth Regiment United States Colored Volunteer Cavalry, $12.

Albert Kalt, late of Company A, Brackett's Battalion, Minnesota Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Edwin L. Rood, late of Second Battery Ohio Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

William H. Dodge, late of Company L, Second Regiment Michigan Volunteer Cavalry, and second lieutenant Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David H. Hill, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George P. Clark, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Josephine Amsden, former widow of Martin N. Slocum, late second lieutenant Company E, Sixty-fifth Regiment United States Colored Volunteer Infantry, $15.

Judson Spofford, late of Company K, Tenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Peter Harman, late of Vaughn's battery, Illinois Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Mary Cannon, widow of Moses Cannon, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cushing Nichols, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

George E. Worcester, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry M. Whiteman, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Henry Moore, late of Company G, Second Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Albert P. Given, late of Company E, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Alice P. Anderson, widow of William H. Anderson, late acting assistant paymaster, assistant paymaster, and paymaster, United States Navy, $25 per month in lieu of that she is now receiving.

Christa A. Hoge, widow of John Hoge, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, $12.

Joanna Williams, widow of Peter S. Williams, late hospital steward, United States Army, $20 per month in lieu of that she is now receiving.

Samuel T. Thomas, late of Company G, First Regiment, and second lieutenant Company D, Seventh Regiment, Delaware Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David Thompson, late of Company C, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Edwin L. Thrasher, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David A. Paige, late of Company H, Third Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William E. Shepherd, late of Company G, One hundred and fifteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Rice, late of Company C, Third Regiment Rhode Island Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Nellie A. Sanborn, widow of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James Minot, late of Company A, One hundred and fortieth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles G. English, late of Company G, First Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

John H. Bushman, late of Warren's independent company, Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

James Ormiston, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Albert C. Little, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Greenough D. Sanborn, late of Company F, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company B, Headquarters Troops, Louisiana Volunteers, $30 per month in lieu of that he is now receiving.

John McKeever, late of Company D, Thirty-fifth Regiment United States Infantry; Company D, Fifteenth Regiment United States Infantry; Company D, Seventeenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Lester Knight, late of Company B, Eighteenth Regiment Missouri Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Franklin Walker, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

John A. Spencer, late of Company D, Twelfth Regiment Ohio Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Catherine E. Sperry, widow of Nelson D. Sperry, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Alamanda B. Richardson, late of Company B, Eighth Regiment Tennessee Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Robert Emery, late of Company D, Fifth Regiment Vermont Volunteer Infantry, $46 per month in lieu of that he is now receiving.

Joseph Copler, late of Company I, Ninth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edwin F. Briggs, late of Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lucinda A. Hoyt, widow of Hiram I. Hoyt, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Byron J. Stockwell, late of Company B, Thirteenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jacob C. Neff, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Margaret Mack, widow of Alexander Mack, late captain of top, U. S. S. *North Carolina*, *Brooklyn*, and *Ohio*, United States Navy, $20 per month in lieu of that she is now receiving.

Susan L. Brown, widow of Henry S. Brown, late second lieutenant Company E, Sixth Regiment Connecticut Volunteer Infantry, $16 per month in lieu of that she is now receiving.

Edmund Moore, late of U. S. S. *Ohio*, *Huron*, and *Nahant*, United States Navy, $24 per month in lieu of that he is now receiving.

Thomas A. Curran, late of Company I, Ninth Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles A. Place, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Powers, late of Company G, Tenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Frances M. Richardson, widow of Wentworth R. Richardson, late passed assistant surgeon, United States Navy, $35 per month in lieu of that she is now receiving.

Joel M. Sawyer, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ida Thomas Hobson, widow of William E. Hobson, late colonel Thirteenth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Astoria A. Austill, late of Company G, Eighth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Andrew J. Arnold, late of Company C, Ninety-eighth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lewis O. Hills, late of Company G, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lewis M. Strong, late of Company K, Third Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Romulus M. S. Hutchins, late of Company F, Sixty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William R. Brabazon, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Florence Van Etta, former widow of John H. Purcell, late first lieutenant, First Regiment United States Infantry, $20.

George E. Guthrie, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George W. Dunn, late of Company F, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

Nathaniel T. Smith, late of Company F, First Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Dixon, late of Company D, Ninth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Kain, late principal musician, Seventh Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William W. Aspinwall, late of Company H, Forty-seventh Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary Kean Maull, widow of David W. Maull, late surgeon, First Regiment Delaware Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Annie S. Shay, widow of James Shay, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Cavalry, $12.

Ellen J. McIntire, helpless and dependent daughter of John McIntire, late of Company H, Seventh Regiment Vermont Volunteer Infantry, $12.

Charles C. Whitmore, late of Company G, Tenth Regiment Ohio Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6272) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates stated:

James Strong, late of Capt. Charles Bennett's Company F, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

Caroline B. McCrea, widow of Henry McCrea, late captain, United States Navy, $40 per month in lieu of that she is now receiving.

James H. Lewis, late of Company G, First Regiment Oregon Riflemen, Cayuse Indian war, $16 per month in lieu of that he is now receiving.

Charles W. Pierce, late of Troop B, Sixth Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Simeon Tison, late of Capt. Wright's company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Thomas Harrison, late of Troops D and A, Third Regiment United States Cavalry, $12.

John R. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and acting hospital steward, Hospital Corps, United States Army, war with Spain, $125 per month in lieu of that he is now receiving.

Isaac S. Nickerson, late of Battery B, First Regiment Maine Volunteer Heavy Artillery, war with Spain, $12.

Fred C. Frederickson, late of Company G, Twelfth Regiment Minnesota Volunteer Infantry, war with Spain, $30 per month in lieu of that he is now receiving.

Josiah Roberts, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

John McCarthy, late of Battery D, First Regiment United States Artillery, Seminole Indian war, $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAZING AT THE UNITED STATES MILITARY ACADEMY.

The bill (S. 5576) to increase the efficiency of the United States Military Academy was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, to insert after the enacting clause the following:

That the portion of the act of Congress entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901, prescribing penalty for hazing, is hereby amended to read as follows:

So as to make the bill read:

Be it enacted, etc., That the portion of the act of Congress entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901, prescribing penalty for hazing, is hereby amended to read as follows:

SEC. 1. That the superintendent of the United States Military Academy, subject to the approval of the Secretary of War, shall make appropriate regulations for putting a stop to the practice of hazing, such regulations to prescribe dismissal, suspension, and other adequate punishment for infractions of the same, and to embody a clear definition of hazing.

SEC. 2. That any cadet who shall be charged with offenses under such regulations which would involve his dismissal from the Academy shall be granted, upon his written request, a trial by a general court-martial, and any cadet dismissed from the academy for hazing shall not thereafter be reappointed to the corps of cadets nor be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

The amendment was agreed to.

The next amendment was, on page 1, before the word "that," to insert "Section 1."

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to add the following new section:

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes,' approved March 2, 1901."

JOHN W. DULA AND C. M. COX.

The bill (H. R. 13145) for the relief of John W. Dula was announced as next in order.

Mr. KEAN. Mr. President, this is rather an extraordinary bill, and I think the Senator from North Carolina might explain it.

Mr. OVERMAN. I do not see anything extraordinary about it.

Mr. KEAN. The beneficiary was out of office, and now he wants to collect money for the time he served after his commission had expired.

Mr. OVERMAN. The district judge says that Mr. Dula had been United States commissioner for a long time; that in December he made a number of appointments, but by some neglect of the clerk Mr. Dula was not reappointed. Mr. Dula served, however, as de facto United States commissioner. The Secretary of the Treasury has audited his accounts and states that $214.35 would be due him, provided he had been appointed. He acted as a de facto commissioner, and this bill is for the purpose of validating his acts and also paying him what the Government owes him. Has the Senator any objection to that?

Mr. KEAN. Of course I have objection to a man assuming an office to which he was not appointed.

Mr. OVERMAN. He did not assume it. He had been a United States commissioner for years. The Judiciary Committee unanimously reported this bill. It was also reported unanimously, I think, by the Judiciary Committee of the House, and passed that body.

Mr. KEAN. It is a most extraordinary bill.

Mr. OVERMAN. I see nothing extraordinary about it. Such bills have been frequently passed.

Mr. SMOOT. Mr. President, I inquire whether this is the bill that was before the Committee on Claims once upon a time? I find that it is reported from the Committee on the Judiciary.

Mr. OVERMAN. It never was before the Committee on Claims. If the Senator will refresh his recollection, I think I can explain the matter to him. In the Committee on Claims I brought the matter up. It turned out when the Committee was about to act upon it that the bill was before the Judiciary Committee instead of before the Committee on Claims, and, after examination, I found it was properly before the Judiciary Committee, because it proposed to validate the acts of a judicial officer.

Mr. SMOOT. Mr. President, the only reason I spoke of it was that I know the matter has been before the Committee on Claims. I also know that similar claims—for instance, I have in mind now one from Kansas or North Dakota, I forget which—have been before the Committee on Claims and money has been appropriated for their payment.

Mr. OVERMAN. That has always been done.

Mr. SMOOT. But they came from the Committee on Claims and not from the Committee on the Judiciary.

Mr. OVERMAN. Probably this case ought to have been referred to the Committee on Claims. A Member of the House sent me the report from the House committee in this case, and without having the bill before me when the Committee on Claims met, as the Senator will remember, I brought it up there; but, finding that it was before the Judiciary Committee, I did not ask for action on the part of the Committee on Claims. The bill really has had approval of two of the great committees of the Senate, I will inform the Senator from New Jersey.

Mr. KEAN. Mr. President, I happen to be a member of the Committee on Claims, and it did not have the approval of one member of the Committee on Claims, at any rate.

Mr. OVERMAN. That was not the fault of the committee.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and pay the account of John W. Dula, of Wilkesboro, Wilkes County, N. C., for services rendered as United States de facto commissioner for the western district of North Carolina from December 2, 1908, to and including June 5, 1909, the same as if he had been regularly appointed; and the acts of the said John W. Dula as United States commissioner de facto during said period are hereby legalized and declared to be of force and effect.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and pay the account of C. M. Cox, of Bonifay, Fla., for services as United States commissioner de facto for the northern district of Florida during the months of January, February, March, April, May, and June, 1908, the same as if he had been regularly appointed; and the acts of the said C. M. Cox as United States de facto commissioner during said period are hereby legalized and declared to be of force and effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of John W. Dula and C. M. Cox."

MODIFICATIONS OF ARTICLES OF WAR.

The bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "corps," to strike out "of the army," so as to make the section read:

That the One hundred and twenty-second and One hundred and twenty-fourth Articles of War be, and hereby are, modified to read as follows:

"ART. 122. If, upon marches, guards, or in quarters, different corps happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, organized militia, or volunteers, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the President, according to the nature of the case."

* * * * * * *

"ART. 124. Officers of the organized militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty, wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular forces, and shall take precedence of all officers of volunteers of equal or inferior rank, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular forces of the United States."

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to insert as a new section the following:

SEC. 2. That the One hundred and twenty-third Article of War be, and hereby is, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, and to repeal the One hundred and twenty-third Article of War."

NEBRASKA JUDICIAL DISTRICT.

The bill (S. 226) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," was considered as in Committee of the Whole. It proposes to amend sections 3 and 7 of the act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," approved February 27, 1907, to read as follows:

SEC. 3. That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall be held at the following times and places, namely: At Omaha, beginning on the fourth Monday in September and the first Monday in April; at Norfolk, beginning on the third Monday in September; at Grand Island, beginning on the second Monday in January; at North Platte, beginning on the first Monday in January; at Chadron, beginning on the second Monday in September; at Lincoln, beginning on the first Monday in October and the second Monday in May; at Hastings, beginning on the second Monday in March; and at McCook, beginning on the first Monday in March.

SEC. 7. That all civil actions not of a local nature, against a single defendant, must be brought in the division where said defendant resides; but if there are two or more defendants residing in different divisions of said district the plaintiff may sue in any division in which a defendant resides, and all issues of fact arising in such suit shall be tried in such division unless by consent of the parties, with the approval of the court, the case shall be removed to some other division.

Mr. BACON. I desire to have read the paragraph of the bill in reference to the appointment of an additional judge. I did not catch the reading of that paragraph.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. 3. That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall be held at the following times and places, namely:

Mr. BACON. What I asked for the reading of was the paragraph in reference to the appointment of another judge.

Mr. BURKETT. I will say to the Senator from Georgia that there is not any provision in the bill for the appointment of any more judges.

Mr. BACON. I am glad to hear the Senator from Nebraska say that, because I was about to remark that I was present in the Judiciary Committee when the bill was considered, and I did not remember that there was anything of that kind provided for. I am glad to be assured by the Senator that there was not.

Mr. BURKETT. This simply provides for a change of the date of holding one term of court at Lincoln, and inserts the words "of fact" on page 2, line 14, giving the court the right to hear motions and other matters in the various divisions.

Mr. BACON. But the Senator from Nebraska will notice that the title of the bill as stated in the calendar explicitly says "and to provide for an additional district judge in said district."

Mr. BURKETT. This bill is to amend the act which did provide for the additional judge.

Mr. BACON. Ah!

Mr. BURKETT. It is merely an act to amend an act entitled "An act to divide the judicial district of Nebraska into divisions," and so forth.

Mr. BACON. I see. The only reason I interrupted was that when the bill was reported from the Judiciary Committee I did not understand that there was provision for an additional district judge, and from the hasty reading of it, which the Senator from Nebraska now corrects, I had construed the bill to provide for an additional judge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF MORRILL ACTS TO THE DISTRICT OF COLUMBIA.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. JONES. I have received a great many letters for and against the proposition contained in that bill. It was only reported yesterday, and I ask that it go over.

The VICE-PRESIDENT. The bill goes over.

RAILWAY BRIDGES IN FLORIDA.

The bill (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, in the State of Florida, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 3, after the word "Company," to strike out "its successors and assigns, are" and insert "is;" in line 7, before the word "existing," to strike out "First. Its" and insert "First, its;" in line 8, before the word "existing," to strike out "Second. Its" and insert "second, its;" in line 9, before the word "existing," to strike out "Third. Its" and insert "third, its;" and in line 10,

after the word "River," to insert "all in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to read:

Be it enacted, etc., That the Louisville and Nashville Railroad Company is hereby authorized to reconstruct, operate, and maintain its bridges on the line of railroad between Pensacola and River Junction, in the State of Florida, to wit: First, its existing bridge over Escambia Bay; second, its existing bridge over Choctawhatchee River; third, its existing bridge over Apalachicola River; all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

The work of reconstruction of said three bridges shall be begun only after examination and approval by the Secretary of War of the plans, specifications, and drawings therefor provided in each case, and only in such manner as shall not unreasonably obstruct the free navigation of the several streams; and the Secretary of War is expressly empowered to prescribe such regulations as may be proper for securing that object.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out section 2, as follows:

SEC. 2. That each of said bridges shall continue to be a railroad bridge for the passage of railway trains, shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads leading to said bridges, and shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridges and approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to strike out section 3, as follows:

SEC. 3. That the draw in each of the three bridges herein authorized to be reconstructed shall be opened promptly upon reasonable signal for the passing of boats, and such lights or signals as the Light-House Board shall prescribe shall be displayed from sunset until sunrise on said bridges by the owners thereof at their own expense.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to strike out section 4, as follows:

SEC. 4. That this act shall be null and void if actual construction of the bridges herein authorized to be reconstructed be not commenced within one year and completed within three years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

CERTIFICATES OF INDEBTEDNESS AGAINST RECLAMATION FUND.

The bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund was announced as next in order.

Mr. KEAN. That is a very important bill. I do not see the Senator from Montana [Mr. CARTER], who reported the bill, in the Chamber, and I ask that the bill go over.

The VICE-PRESIDENT. The bill goes over. That concludes the calendar.

RANK OF CERTAIN ARMY OFFICERS.

Mr. BRIGGS. I ask unanimous consent for the present consideration of the bill (H. R. 3037) to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 5, to strike out section 2, as follows:

SEC. 2. That hereafter officers suspended from promotion under the provisions of section 3 of the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein," shall not, as a result of such suspension, suffer a loss of numbers on the lineal list of their arm, corps, or department in excess of the number of casualties and retirements occurring in such arm or corps during the period of suspension among the officers senior to the officer suspended.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to correct the lineal and relative rank of certain officers of the United States Army."

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 2 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 16, at 12 o'clock noon.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1910.

COLLECTOR OF INTERNAL REVENUE.

Charles G. Covert, of Indiana, to be collector of internal revenue for the seventh district of Indiana, in place of John R. Bonnell, resigned.

PENSION AGENT.

John W. Dyer, of Hammond, Ind., to be pension agent at Indianapolis, Ind., vice Albert O. Marsh, term expired.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Frederick K. Ward, Seventh Cavalry, to be brigadier-general from February 11, 1910, vice Brig. Gen. Hiram M. Chittenden, retired from active service on February 10, 1910.

MEDICAL RESERVE CORPS.

Leo Chrysostom Mudd, of Missouri, to be first lieutenant in the Medical Reserve Corps, with rank from February 14, 1910.

PROMOTION IN THE ARMY.

Chaplain Edmund P. Easterbrook, Coast Artillery Corps, to be chaplain with the rank of major from February 14, 1910.

POSTMASTERS.

ARKANSAS.

Arthur W. Campbell to be postmaster at Helena, Ark., in place of Samuel I. Clark. Incumbent's commission expires February 27, 1910.

Clinton E. Cole to be postmaster at Prairie Grove, Ark. Office became presidential October 1, 1909.

Arthur C. Curtis to be postmaster at Lonoke, Ark., in place of Arthur C. Curtis. Incumbent's commission expired February 5, 1910.

Clarence E. Shumaker to be postmaster at Magnolia, Ark., in place of James G. Brown. Incumbent's commission expires February 27, 1910.

CALIFORNIA.

John C. Ingalls to be postmaster at Healdsburg, Cal., in place of Paris J. Ferguson. Incumbent's commission expires February 27, 1910.

GEORGIA.

William T. Adkins to be postmaster at Edison, Ga. Office became presidential October 1, 1909.

Charles L. Pierce to be postmaster at Columbus, Ga., in place of Joseph S. Garrett. Incumbent's commission expired February 9, 1910.

IDAHO.

John McMillan to be postmaster at Boise, Idaho, in place of Warren C. Fenton. Incumbent's commission expires February 27, 1910.

ILLINOIS.

James W. Breen to be postmaster at Manteno, Ill., in place of James W. Breen. Incumbent's commission expires February 22, 1910.

William F. Hodson to be postmaster at Delavan, Ill., in place of William F. Hodson. Incumbent's commission expires March 28, 1910.

Henry W. Lynch to be postmaster at Peoria, Ill., in place of Henry W. Lynch. Incumbent's commission expires March 23, 1910.

William A. Mussett to be postmaster at Grayville, Ill., in place of William A. Mussett. Incumbent's commission expires February 26, 1910.

Jacob G. Reul to be postmaster at Mendota, Ill., in place of Jacob G. Reul. Incumbent's commission expires March 23, 1910.

INDIANA.

William H. Arnett to be postmaster at Kokomo, Ind., in place of Edgar A. Simmons. Incumbent's commission expired February 7, 1910.

James H. Cockrum to be postmaster at Oakland City, Ind., in place of George E. Burbank. Incumbent's commission expired January 23, 1910.

Frank B. Garlinghouse to be postmaster at Rockport, Ind., in place of John J. Brown. Incumbent's commission expired December 19, 1909.

William S. Leffew to be postmaster at Boswell, Ind., in place of William S. Leffew. Incumbent's commission expired January 30, 1910.

Thatcher A. Parker to be postmaster at Terre Haute, Ind., in place of Samuel E. Gray. Incumbent's commission expired December 16, 1909.

Edward A. Remy to be postmaster at Seymour, Ind., in place of William P. Masters. Incumbent's commission expired January 18, 1910.

R. L. Ross to be postmaster at Pendleton, Ind., in place of Calvin F. Brown. Incumbent's commission expired December 19, 1909.

Frank T. Singleton to be postmaster at Martinsville, Ind., in place of William W. Kennedy. Incumbent's commission expired December 19, 1909.

Edward A. Spray to be postmaster at Frankfort, Ind., in place of Edward H. Burns. Incumbent's commission expired January 18, 1910.

R. E. Willis to be postmaster at Angola, Ind., in place of Fred Snyder. Incumbent's commission expired February 7, 1910.

IOWA.

George C. True to be postmaster at Oskaloosa, Iowa, in place of Charles V. Hoffman, removed.

KANSAS.

Harry Ross to be postmaster at Bronson, Kans. Office became presidential January 1, 1910.

Edwin R. Smith to be postmaster at Mound City, Kans., in place of Edwin R. Smith. Incumbent's commission expires March 23, 1910.

Daniel Stough to be postmaster at Sedan, Kans., in place of Daniel Stough. Incumbent's commission expires February 28, 1910.

MAINE.

J. Currier Tarbox to be postmaster at Farmington, Me., in place of Arthur T. Moor. Incumbent's commission expired January 24, 1910.

MASSACHUSETTS.

Benjamin F. Martin to be postmaster at Marblehead, Mass., in place of Benjamin F. Martin. Incumbent's commission expires March 21, 1910.

Nathan H. Sears to be postmaster at Millbury, Mass., in place of Nathan H. Sears. Incumbent's commission expires March 21, 1910.

Luther Wait to be postmaster at Ipswich, Mass., in place of Luther Wait. Incumbent's commission expires March 21, 1910.

Edwin M. Wheelock to be postmaster at Hopedale, Mass., in place of Edwin M. Wheelock. Incumbent's commission expires March 23, 1910.

MICHIGAN.

Ramsay Arthur to be postmaster at Schoolcraft, Mich., in place of Ramsay Arthur. Incumbent's commission expires March 7, 1910.

Charles O. Ball to be postmaster at Homer, Mich., in place of Stephen R. Allen. Incumbent's commission expires March 28, 1910.

Elliott O. Bellows to be postmaster at Stanton, Mich., in place of Elliott O. Bellows. Incumbent's commission expires March 21, 1910.

Charles Brown to be postmaster at Vicksburg, Mich., in place of Charles Brown. Incumbent's commission expires March 7, 1910.

Glover E. Laird to be postmaster at Mendon, Mich., in place of Glover E. Laird. Incumbent's commission expires March 7, 1910.

John J. Saxton to be postmaster at Farwell, Mich. Office became presidential January 1, 1910.

Thomas H. Warwick to be postmaster at Litchfield, Mich., in place of Walter D. Sharp. Incumbent's commission expires March 21, 1910.

MINNESOTA.

Edward V. Moore to be postmaster at Eagle Bend, Minn., in place of Edward V. Moore. Incumbent's commission expires March 28, 1910.

MISSISSIPPI.

Carrie D. Morgan to be postmaster at Baldwyn, Miss., in place of Carrie D. Morgan. Incumbent's commission expires February 22, 1910.

MISSOURI.

Mordecai Bell to be postmaster at Golden City, Mo., in place of Mordecai Bell. Incumbent's commission expires March 28, 1910.

E. R. Lindley to be postmaster at Stanberry, Mo., in place of Vinson T. Williams. Incumbent's commission expired February 5, 1910.

Robert T. Stickney to be postmaster at Carthage, Mo., in place of Robert T. Stickney. Incumbent's commission expires March 23, 1910.

Washington D. Turrentine to be postmaster at Marionville, Mo., in place of Washington D. Turrentine. Incumbent's commission expires March 28, 1910.

NEW HAMPSHIRE.

Ben O. Aldrich to be postmaster at Keene, N. H., in place of Jerry P. Wellman. Incumbent's commission expires February 28, 1910.

Charles E. Slate to be postmaster at Winchester, N. H., in place of Charles E. Slate. Incumbent's commission expires February 19, 1910.

NEW JERSEY.

Chester A. Burt to be postmaster at Helmetta, N. J., in place of Chester A. Burt. Incumbent's commission expires March 21, 1910.

NEW YORK.

Leslie Amasa Childs to be postmaster at Chazy, N. Y. Office became presidential July 1, 1909.

William A. Boyd to be postmaster at Mamaroneck, N. Y., in place of William A. Boyd. Incumbent's commission expires March 12, 1910.

Matthew G. Frawley to be postmaster at Baldwinsville, N. Y., in place of Matthew G. Frawley. Incumbent's commission expires March 2, 1910.

Frank T. Hadaway to be postmaster at Montgomery, N. Y., in place of Frank T. Hadaway. Incumbent's commission expires March 22, 1910.

Frank W. Hallock to be postmaster at Millbrook, N. Y., in place of Frank W. Hallock. Incumbent's commission expires February 28, 1910.

Charles E. McCarty to be postmaster at Rhinebeck, N. Y., in place of George Tremper, deceased.

William H. Van Wagenen to be postmaster at New Paltz, N. Y., in place of Nathan Van Wagenen, resigned.

NORTH DAKOTA.

Charles B. McMillan to be postmaster at Hannah, N. Dak., in place of Charles B. McMillan. Incumbent's commission expires February 19, 1910.

Percy R. Trubshaw to be postmaster at Cooperstown, N. Dak., in place of Percy R. Trubshaw. Incumbent's commission expired February 5, 1910.

OHIO.

Sidney J. Winney to be postmaster at Ohio City, Ohio. Office became presidential October 1, 1909.

OKLAHOMA.

Nelson L. Eggleston to be postmaster at Minco, Okla., in place of Nelson L. Eggleston. Incumbent's commission expired February 5, 1910.

PENNSYLVANIA.

Philip D. Foster to be postmaster at State College, Pa., in place of John W. Stuart. Incumbent's commission expired February 12, 1910.

RHODE ISLAND.

John W. Cass to be postmaster at Woonsocket, R. I., in place of John W. Cass. Incumbent's commission expires March 23, 1910.

SOUTH CAROLINA.

F. H. Fetzer to be postmaster at Greenwood, S. C., in place of P. Brooks Connor. Incumbent's commission expired February 9, 1910.

Sheldon B. Moseley to be postmaster at Barnwell, S. C., in place of Elizabeth A. S. Mixson, deceased.

John W. Payne to be postmaster at Johnston, S. C., in place of James B. Odom. Incumbent's commission expired January 31, 1910.

SOUTH DAKOTA.

John D. Lyon to be postmaster at Hecla, S. Dak. Office became presidential January 1, 1910.

Charles J. Porter to be postmaster at Madison, S. Dak., in place of Charles J. Porter. Incumbent's commission expired February 5, 1910.

TEXAS.

Henry A. Appel to be postmaster at Mercedes, Tex. Office became presidential January 1, 1910.

Leonidas M. Barkley to be postmaster at Fort Worth, Tex., in place of Leonidas M. Barkley. Incumbent's commission expires February 22, 1910.

Vittoria Evon Brunow to be postmaster at Pampa, Tex. Office became presidential January 1, 1910.

Joel D. Cranford to be postmaster at Mineral Wells, Tex., in place of Joel D. Cranford. Incumbent's commission expires February 27, 1910.

Effie L. Houghton to be postmaster at Memphis, Tex., in place of Effie L. Houghton. Incumbent's commission expired January 23, 1910.

VIRGINIA.

John S. De Farges to be postmaster at Westpoint, Va., in place of Hansford Anderson. Incumbent's commission expired February 7, 1910.

Charles M. Keezel to be postmaster at Harrisonburg, Va., in place of Charles M. Keezel. Incumbent's commission expires February 20, 1910.

Winfield S. Rose to be postmaster at Big Stone Gap, Va., in place of Winfield S. Rose. Incumbent's commission expired January 30, 1910.

John C. Vial to be postmaster at Ashland, Va., in place of James M. Taylor, deceased.

WISCONSIN.

John A. Rasmussen to be postmaster at De Forest, Wis. Office became presidential January 1, 1910.

Charles L. Valentine to be postmaster at Janesville, Wis., in place of Charles L. Valentine. Incumbent's commission expired January 24, 1910.

Hugh H. Williams to be postmaster at Randolph, Wis., in place of Hugh H. Williams. Incumbent's commission expired January 23, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1910.

COLLECTORS OF CUSTOMS.

Matthew B. Macfarlane to be collector of customs for the district of Tampa, Fla.

William R. Moseley to be collector of customs for the district of Pearl River, Mississippi.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Grant T. Trent to be an associate justice of the supreme court of the Philippine Islands.

POSTMASTERS.

ARKANSAS.

John P. Roberts, at Booneville, Ark.
Milton R. Stimson, at Brinkley, Ark.

INDIANA.

Charles M. Eisenbeiss, at Elkhart, Ind.
John W. Graham, at Bloomfield, Ind.
Lyman B. Holleman, at Mount Vernon, Ind.
Alvin J. Kitt, at Goodland, Ind.
John W. Lough, at Ladoga, Ind.
Lewis Miller, at Thorntown, Ind.
Bert Morgan, at Greensburg, Ind.
William E. Peck, at Remington, Ind.
Morris B. Pote, at New Harmony, Ind.
Charles A. Rockwell, at Cloverdale, Ind.
Warren A. Sanford, at West Terre Haute, Ind.
Frank Sheets, at Mooresville, Ind.
John H. Spencer, at Rockville, Ind.
Martin V. Starr, at Goshen, Ind.
Marcus R. Sulzer, at Madison, Ind.

MINNESOTA.

Rowland Arundel, at Staples, Minn.
Newton H. Ingersoll, at Brainerd, Minn.
James H. Smullen, at Lesueur Center, Minn.
Charles H. Strobeck, at Litchfield, Minn.

MISSISSIPPI.

William T. Branch, at Winona, Miss.
Charles W. Montgomery, at Edwards, Miss.
Clara E. Mortimer, at Crystal Springs, Miss.
Daniel E. Rosser, at Cleveland, Miss.
John T. Wood, at Columbus, Miss.

NORTH CAROLINA.

Maxi M. McCurry, at Forest City, N. C.

WASHINGTON.

Charles A. Blackman, at Starbuck, Wash.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 15, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRINTING AND BINDING FOR COMMITTEE ON EDUCATION.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 394.

Resolved, That the Committee on Education be, and it is hereby, authorized to have such printing and binding done during the sessions of the Sixty-first Congress as may be necessary for the transaction of its business.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would ask if this is not entirely new for that committee?

Mr. BURKE of Pennsylvania. It may be new, Mr. Speaker, but it is necessary. The fact that it is new is one indication that it is attending to its business.

Mr. PAYNE. Has it had any bill referred to it?

Mr. BURKE of Pennsylvania. It has, and it has had several hearings.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20686, the river and harbor appropriation bill; and pending that motion I ask unanimous consent that the Committee on the District of Columbia have as much time on Thursday morning next as is consumed by the Committee on Rivers and Harbors this morning.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on the District of Columbia have as much time on Thursday next as is consumed in consideration of the river and harbor bill to-day. Is there objection?

Mr. SMITH of Michigan. Of course it is understood, Mr. Speaker, that after the river and harbor bill is disposed of to-day we have the balance of what is left of the day.

The SPEAKER. If this motion is agreed to, when this bill is disposed of, the District of Columbia business would come in automatically.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry. Was it not agreed on last week that the District should have next Friday in lieu of to-day?

The SPEAKER. No; the agreement was that it was to have to-day in lieu of yesterday as District day. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The question is on agreeing to the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20686, the river and harbor appropriation bill, with Mr. DALZELL in the chair.

Mr. NORRIS. Mr. Chairman, I have the following amendment, which I desire to offer.

The CHAIRMAN. The gentleman from Nebraska is recognized to offer his amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 8, page 68, the following:

"And said board are hereby authorized to expend the sum of $100,000 of the amount above appropriated in making experiments as to the best and most practical method of preserving the banks of said channel."

Mr. NORRIS. Mr. Chairman, the paragraph just read provides the Secretary of War shall appoint a board of three officers to consider and report upon the most economical and desirable plan of securing said channel. That is following the appropriation of $1,000,000 for the improvement of the Missouri River from its mouth to Kansas City. Now, the serious proposition in preserving the Missouri for navigation is to protect the banks of the stream. I think those who have made a study of the proposition will agree that it will be useless to try to make

a navigable stream or improve the present navigation of the river unless the river can be kept within its banks. Now, the appointment of this board, as provided in this paragraph, if it is to report the best method of preserving the banks, it seems to me, ought to be coupled with the proposition to use some of the money appropriated to make experiments as to the best method of preserving these banks. Farther up the river some of the private citizens owning land along the river within the last few years have, at their own expense, experimented with a view to preserving the banks of the river and keeping the river within a certain channel and preventing it from leaving the old channel and cutting a new one. They have been wonderfully successful, I am informed, in a very simple method. They are interested and desire the Government to experiment further with this plan, or with any other plan that may be deemed advisable, having in view the protection of the banks of the stream, and it seems to me that in order to make this board effective, in order to permit it to do something practical, it ought to be allowed to use some of this money for the purpose of making these experiments. If it is not allowed to do that, it will simply be a board given authority to make a report without making any real investigations along those lines, and I appeal to the chairman of this committee to permit this small amount of this appropriation to be used in this way by this board for which the bill provides.

Mr. ALEXANDER of New York. Mr. Chairman, the gentleman from Nebraska [Mr. NORRIS] evidently has not been a student of alluvial streams. The bank revetment is more than 25 years old. Every experiment known to engineering skill and science has been directed to it, and for more than two decades the revetment has been in operation and in construction that prove beyond all question it to be the proper construction for reveted caving banks. Now, this scheme that my good friend from Nebraska has in mind has been before the engineers time out of mind. It was passed over and turned aside, and gentlemen representing it have been before the Rivers and Harbors Committee. I will not say it is a ridiculous plan, but it is certainly most unfeasible——

Mr. NORRIS. Will the gentleman permit——

Mr. ALEXANDER of New York (continuing). And I hope that it will not be injected into this bill.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Take the stretch from Jefferson City to Osage, of which so much has been said here within the last twenty-four hours. The revetments there have lasted fourteen years without any maintenance, and they are as good to-day as they were when put down, and you can not improve on that. Now, I will yield to the gentleman from Nebraska.

Mr. NORRIS. I want to ask the gentleman, when he refers to the scheme as not being a practical one, does he have reference to the plan that was suggested before the committee by Mr. Paxton, of South Omaha?

Mr. ALEXANDER of New York. Yes; and Captain Clark.

Mr. NORRIS. Now, I will ask the gentleman if it was not argued by Mr. Paxton before the committee that that particular plan, comparatively inexpensive, which they had used at their own expense, was found to be practical and that the banks were preserved in the most dangerous places on the river and are intact to-day and have kept up a great deal better than many of the banks that were attempted to be preserved by the very skilled and expert government engineers?

Mr. ALEXANDER of New York. No; I think nothing of the kind was in evidence before the committee, and subsequently I called the attention of the engineering board to the matter, and they seemed to know all about it and passed it over as a project entirely unfeasible and undesirable. I hope this amendment will not be injected into the bill.

Mr. BORLAND and Mr. HITCHCOCK rose.

The CHAIRMAN. The gentleman from Nebraska [Mr. HITCHCOCK] is recognized.

Mr. HITCHCOCK. Mr. Chairman, I desire to support the amendment offered by my colleague from Nebraska [Mr. NORRIS], and in doing so I desire to say that while the government engineers in this work of controlling the Missouri River have doubtless done something by way of experimentation, yet it is also a well-understood fact in the West that the government engineers are prone to confine themselves to rather ancient methods of controlling this river, which in many respects differs from all other rivers in the country, and they are not willing to accept or even to experiment with the homely and cheaper methods which have been successfully used by people and sometimes by communities along the banks of the river.

Now, what my colleague, the gentleman from Nebraska [Mr. NORRIS], has said is true. The stock yards company of South Omaha, by a comparatively small expenditure, in using certain work of a homely kind, has succeeded absolutely in controlling the Missouri at the point where they sought to protect the mouth of the sewer of the South Omaha stock yards, and the men and the company which put in that work are confident if the engineers of the Government would carry out some experimentation with comparatively cheap devices, they would succeed in controlling the whole river front for thousands of miles by an expenditure of money much less than has been employed in the past. What the Speaker of the House of Representatives said on the floor here yesterday is true. That river can be made to do its own work very largely by the skillful direction of the current, and the great powers and forces of the river can be used. Instead of that the government engineers have in many cases put in expensive work of stone and masonry with the idea of controlling it.

Now, what my colleague seeks by this amendment is not to have the Government adopt the methods which have been experimented with in the West, but to have the government engineers experiment with them. We seek to have them open their eyes and, at least, make an attempt by the methods that have been found successful on a small scale, and we believe that these engineers, so wedded to their own devices and so prone to follow the instructions which they have received in schools and colleges, are not willing if left to themselves even to experiment with the devices which have been found practicable by those who know the peculiar habits of the Missouri River. All we ask is to have them test the expedients which have been tried and found successful on a small scale.

Mr. BORLAND. Mr. Chairman, I hope this amendment will not prevail. The proposition that the gentleman brings here is to use $100,000 out of the $1,000,000 appropriated for this permanent bank work in some kind of experiments to demonstrate the efficiency of certain kind of bank improvement. Now, I want to call the attention of the committee to the fact that the Missouri River was surveyed seventeen or eighteen years ago by the old Missouri River Commission, and while that body was in existence it had the power which the River and Harbor Committee by this bill hope to give to the War Department, namely, the power to proceed according to a general plan to control the regimen of the entire river. In that work by the Missouri River Commission thorough experimentation was carried on as to the methods of bank improvement, and I would like to call the attention of the committee to the report now before Congress on the Missouri River improvement on which this appropriation is based. This is the last report, Document 1120 of the House, made by the division engineer to the War Department and by it approved. It is as follows:

> When work was first undertaken on the Missouri River there was practically no information of value that could be applied to the control of the stream of such peculiar and individual physical characteristics. The original work therefore was of a tentative and experimental nature and was carried on at considerable expense over a period of years. The simplest and most inexpensive methods were first tried, and gradually through experience more stable structures were introduced, finally resulting in such a measure of success as to warrant the Missouri River Commission during the early part of its existence in adopting certain standard forms of dike and revetment work which were used on the greater part of the work in the first reach. The policy of the commission during its entire existence was to carry on a continuous and systematic work on the first reach rather than to protect isolated points. It was not possible, however, to carry out this policy, as the appropriations were inadequate and to a large extent were diverted by congressional action to other localities.

Then it goes on to say that in pursuance of that plan they completed 45 miles of stretch, which 45 miles has been in existence nearly seventeen years, between Jefferson City and Gasconade, and which to-day has the same depth as it had seventeen years ago; and those banks have practically no repairs.

Mr. NORRIS. I will admit candidly what you say, but does the gentleman feel because that is true experiments tending to try some cheaper and more economical and modern methods should not be tried? It does not follow because that is all true that no better and cheaper way could be found.

Mr. BORLAND. I understand what the gentleman refers to. The standard form of diking and revetment work has been established by experiment, and it costs approximately $50,000 per mile. I know that in South Omaha and also in Kansas City private parties have at a less expense done work on the banks which has proved of benefit to them, but has been of injury to the farming lands farther down the stream. They have destroyed in many cases the regimen of the stream by the private work that has been done, which has made practicable the improvement of their own land. Now, the proposition in

this bill, which I want to see established once and for all, is to give full latitude to the War Department to improve the whole river on some scientific plan without any restriction put upon it by Congress. We hope this will continue for years without entering into these restrictive projects, but to proceed by certain scientific methods and course of treatment, approved by the experience of past years, entirely in charge of the Engineer Department.

Mr. NORRIS. I want to give them more liberty of action.

Mr. BORLAND. If the gentleman wants to do that, let him put in an amendment adding $100,000 for the purpose of experiment, but I do not want to take it out of the million for bank improvement.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill about this item for $1,000,000 to be expended between Kansas City and the mouth of the river. I desire to know to what extent that will complete the improvement of that portion of the river.

Mr. ALEXANDER of New York. In accordance with the report made by Major Schulz, of the United States Engineers and the Board and Chief of Engineers, it will cost $20,000,000 for a 6-foot channel from Kansas City to the mouth of the Missouri. This appropriation is to be applied on that project.

Mr. BURKE of South Dakota. Can the gentleman give us any information as to the probable cost of the improvement of the river above that point?

Mr. ALEXANDER of New York. Yes. The report of Major Schulz covers it from Sioux City to Kansas City, and it will cost about $20,000,000 more.

Mr. BURKE of South Dakota. Now I would like to ask the gentleman if this item on lines 11 to 14 may be used for maintenance or repair of projects that have been constructed heretofore on the river in addition to snagging?

Mr. ALEXANDER of New York. This improvement at Fort Benton to the mouth of the river is usually $350,000 for maintenance, practically for snagging; but that maintenance is cut in two, and we give $175,000 for this year, which is all the engineers ask or can spend this year.

Mr. BURKE of South Dakota. Mr. Chairman, I do not desire to occupy the time of the committee in making extended remarks, but I do wish to say that, residing, as I do, in the Missouri Valley, I am very much gratified to know that the committee has seen fit to make some provision for the improvement of that river. There is no question of more vital importance to the people of the Northwest than the improvement of the Missouri River with a view to its better navigation, and now that it is proposed by the pending bill to undertake its improvement by the expenditure of $1,000,000 for that portion of the river below Kansas City, I very much hope that further and larger appropriation will be made in future Congresses for the carrying on of the work, until the channel proposed from the mouth to Kansas City can be continued to the upper portions of the river as far as Fort Benton. It is my opinion from reports that have been made on the subject that money could be well expended in impounding the waters of the streams tributary to the upper portion of the river, and I hope that is a subject which will receive consideration by Congress in the near future. I regret that there is not a larger sum appropriated by the bill for the maintenance of the upper Missouri, and yet in view of the report made by the committee declaring in favor of the improvement of this river, I am willing to accept the amount stated.

Mr. Chairman, I want to incorporate in my remarks that part of the report made by the Committee on Rivers and Harbors on the subject of the Missouri River, found on pages 9, 10, and 11 of the report, as follows:

MISSOURI RIVER.

This river has a continuous navigable length of 2,285 miles from its mouth, about 17½ miles above St. Louis, Mo., to Fort Benton, Mont., and has been used for over two hundred years. It has been actually navigated by steamboats for ninety years, and between 1820 and 1880 it was the main factor in the development and building up of the western country, being of incalculable value and importance for transportation purposes during the greater portion of that period. In 1867 43 steamboats cleared from St. Louis for the upriver trade, the freight both up and down being large and valuable, the passenger traffic alone being over 10,000. In the same year 28 clearances were made for the middle river and 212 for the lower river. During the year 1877, 25 steamers arrived at Fort Benton, and in 1878 there were 46 arrivals at that point. This commerce increased up to 1885, at which time there were two distinct boating sections—Sioux City, Iowa, being the dividing point—19 boats traversing the upper river and 18 being devoted exclusively to the lower. About this time, however, the commerce began to decline, and has continued to do so.

Owing to the difficulties attending navigation and the great expansion of the railroad system throughout the adjacent territory, the commerce that utilized the river for transportation was diverted to the railroads, so that the use of the river as a highway is at present almost insignificant. That this decrease is primarily due to the difficulties of navigation is plainly inferable when one considers the vast increase in population and production of this territory, an increase that has become so enormous that the capacity of the railroads is inadequate to move the commodities seeking transportation. The territory naturally tributary to this river comprises an area of more than 300,000 square miles, equal to the whole of the New England, Middle, and a large part of the Southern States.

The crop production alone of this area amounted in 1907 to 25,000,000 tons, with a value of $500,000,000, while the meat products of four cities located on the river amounted to about 800,000 tons. In addition to this the manufactures of four States through which the river flows, or touches, approaches nearly a billion dollars in value. That a large percentage of these commodities does not seek transportation by water, especially when the various railroads are unable to handle it expeditiously, must be due to the fact that existing conditions do not permit of the river's economical utilization.

The first work done by the Government in this river was in 1838, and since that time the total expenditures amount to about $11,500,000. Originally, improvement work consisted of snagging, removal of shoals, and bank protection at widely separated points, and it was not until the river was placed in charge of the Missouri River Commission, in 1884, that any systematic improvement was begun. An effort was made by the commission to accomplish continuous, progressive control of the river, contracting it where necessary, giving the channel proper direction, and securely holding it in place.

Work in this direction was done in the vicinity of Kansas City and on the reach of the river which extends from Jefferson City to the mouth. On 45 miles of this reach a continuous channel not less than 6 feet in depth at low water was obtained, where the depth before was only 2½ feet. This was originally one of the worst parts of the river, with especially difficult conditions in the vicinity of the mouth of the Osage River. In addition to securing a permanent channel, much new land was formed and much land protected from destruction by the river.

This particular work, executed at a cost of about $56,000 per mile, consisted of 65,000 feet of revetment and 104,000 feet of dike construction. Its durability and permanency are shown by the fact that since completion, twelve years ago, the yearly percentage of the original work destroyed has been of revetment only 2.3 per cent and of dikes only 3.9 per cent.

Since the commission was abolished by the river and harbor act of June 13, 1902, the appropriations for this river have been too sporadic and limited in amount to admit of any extensive systematic work equal to that on the 45-mile reach above mentioned, but the results achieved, as well as the experience since gained, show the entire feasibility of such a plan of improvement, and it is believed that the time has now arrived when Congress is warranted in adopting a plan similar to that of the commission, and by generous appropriations place the river in a condition to attract the commerce of which it is capable. Instead of spreading small appropriations over the whole length of the stream, and expending them at widely separated localities, thorough and systematic improvement of important reaches, beginning at the mouth, should be provided for and completed successively.

Accordingly this bill carries an appropriation of $1,000,000 for such an improvement between Kansas City and the mouth, a distance of 391 miles, in accordance with the project set forth and fully discussed in the reports of the War Department printed in House Document No. 1120, Sixtieth Congress, second session.

On this reach of the river the maximum draft at mean low water is 4 feet only; yet notwithstanding this small depth, commerce increased during the past year, and it is understood that, in addition to the boats now navigating between Kansas City and St. Louis, liberal preparations are being made and considerable capital is being invested in a new and modern transportation line between these and intermediate points.

With an improved river and reliable and easy navigation established, the growth of water-borne commerce would, it is believed, quickly develop, and the saving to shippers through cheaper rates by water, as compared with railroad rates, would in a few years exceed the cost of the improvement. Taking the shipments of Kansas City alone, and assuming that only 20 per cent of it would seek water transportation, there is abundant authority for the belief that at least 1,000,000 tons annually would soon be accommodated by an improved river. The improvement of the lower river should be undertaken and completed first, for the reason that no growth of commerce on a stream can be expected until it is opened and improved to its mouth, in order to give an outlet.

Moreover, the thorough improvement of this reach of the river would be an advantage, not only to commerce, but large areas of land would be protected and reclaimed. This river is one of the most destructive on the globe. The local engineer reports that every change in velocity or direction of current means new erosion and subsequent partial deposit, causing untold loss in value of land and products. He estimates the bottom land threatened, or to be benefited, on this reach at more than 500,000 acres, worth in the neighborhood of $50,000,000, or two and a half times what the entire improvement is expected to cost. This indicates that cooperation on the part of the local interests may be required, as it has been on the Mississippi below Cairo, and a special board is provided for to reconsider the project with a view to special consideration of the question of cooperation.

Your committee, therefore, are of the opinion that, measured by its capacity for improvement, and the possibility of its use as a highway for an increasing commerce, and considering the advantages and accommodation it would prove to a rapidly growing population, the systematic improvement of this river, in the manner proposed, is most worthy of favorable consideration.

I was very glad yesterday to hear the chairman of the committee state that it is now the policy of his committee to report annually a river and harbor bill. I believe that the conclusion is a wise one, promising, as it does, the return to a policy that I am sure will have the approval of the people. It will afford, as he stated, an opportunity for many projects having merit, to receive consideration which otherwise would be overlooked and neglected, and in view of the concluding statement from the report just read, I am sure that when the committee reports a bill in the next session of Congress it will be disposed to treat

the Missouri River very much more liberally, so far as appropriations are concerned, than has been done in the present bill.

Mr. Chairman, I ask unanimous consent that I may print in the RECORD as a part of my remarks an address delivered at the Missouri Navigation Congress, at Omaha, on December 15, 1909, by Hon. Bartlett Tripp, of Yankton, S. Dak., formerly chief justice of Dakota Territory, and formerly minister to Austria-Hungary. The address deals with the improvement of the Missouri River and presents strong argument and valuable information on the subject, all of which I most heartily indorse and concur in.

IMPROVEMENT OF THE MISSOURI RIVER.

Mr. President and gentlemen of the Missouri River Congress:

No question is of greater interest to the people of the West than the improvement of navigation on our inland lakes and rivers, and no question of more vital importance to us of the Northwest than the immediate improvement and early navigation of the Missouri River. These congresses have been a means of education to our people. They have brought to our knowledge some of the obstacles to be overcome and have presented for our consideration the means to be employed in the opening and establishing its successful navigation, and have taught us the necessity and importance of such action at the present time.

Our friends along the Atlantic coast have never had any accurate knowledge of the size of the Missouri River or of the extent and character of the country it drains. On one of my visits to Maine, my native State, at the time when steamboats were carrying freight to all points of the upper river, in conversation with a former chief justice of the supreme court of that State he remarked: "You live at Yankton; let me see, that, I believe, is at the head of navigation on the Missouri River." And when I replied, "No, judge, steamboats go a long way above Yankton," he asked, "How far?" and to my reply, "About 2,300 miles," he rejoined, "You have learned to tell as big yarns as the rest of those western people." To those who have never visited the West, whose lands in the East are divided into small farms and whose largest rivers do not exceed a few hundred miles in length, it is difficult to give an accurate conception of the immensity of the West, the size of its rivers, the extent and richness of its prairies, and the development and possibilities of its resources. We ourselves scarcely realize the size of this immense river and the magnitude of the country which is tributary thereto. With its branches and tributaries it waters and drains that entire region of country from a south line through about the center of Missouri, Kansas, and Colorado north to the British possessions, a distance of nearly 700 miles, and from an east line through about the center of the States of Iowa and Minnesota west to the Rocky Mountains, a distance varying from 700 to 1,000 miles and containing between 600,000 and 700,000 square miles, or more than one-fourth of the arable land of the United States. This entire region is rich in natural resources; it contains the great cornfields of northern Missouri and Kansas, of Nebraska and western Iowa, the splendid wheat fields of the Dakotas and western Minnesota, while its western prairies have for years furnished a large proportion of the beef that supplies the markets of the world. But a few days ago 8 train loads, containing more than 6,000 head of cattle on their way to eastern markets, passed through the little town of Yankton, where I live, in a single day; and the agent informed me that his road will average during the shipping season from 500 to 1,000 head per day. This is but one branch of the Chicago, Milwaukee and St. Paul system, and it is presumed that the other branches of this road, as well as those of the Northwestern and Minneapolis and St. Louis, the Burlington, Great Northern, and Northern Pacific and other roads that tap the great cattle country of this region are each carrying an equal amount. The mineral wealth, too, is immense. Gold and silver abound. The Homestake, of the Black Hills, is the largest gold-producing mine in the world. Copper, tin, and lead are found in abundance. Coal, too, is now believed to exist in valuable and inexhaustible quantities. The Wyoming mines have long supplied an excellent coal for the roads and for manufacturing and mining purposes, and more recent discoveries have very definitely determined that a large portion of the central and western Dakotas is underlaid with an excellent kind of lignite coal suitable for fuel and for manufacturing uses. These great beds are in close proximity to the Missouri River and can readily supply an immense freight for its navigation. Our active and energetic president, the governor of North Dakota, has advertised the merits of this coal by sending a carload to warm the auditorium in which we are assembled. On the north, too, the immense iron fields (a small portion only of which extend into this area), together with the wheat fields of the Northwest, are now sending through the Soo Canal a tonnage six times as large as that of the Suez Canal itself. All of these developments are new; they have been made within the lifetime of many of us comprising this congress. This entire country was classed in our student's geography as the "Great American Desert." If such results have accrued in one or two generations, what may we not expect when irrigation and immigration shall have done their work and made the last trace of the great desert disappear?

This magnificent domain with its developed resources and its future possibilities is cut diagonally from its southeast to its northwest corner by the Missouri River and its great tributary, the Yellowstone. Its length is given by geographers at 2,900 and the Yellowstone at about 1,300 miles; but with their meanderings the entire length is much greater, and their navigation is something about 4,000 miles. A better idea of the size of the great Missouri River is obtained, however, by comparing it with the other tributaries of the Mississippi itself. The length of the Ohio is given at 1,265 and that of the upper Mississippi at 1,330 miles, and the drainage of the entire Mississippi Valley, including all its tributaries—the Red, Arkansas, Missouri, upper Mississippi, and the Ohio—is placed at 1,244,000 square miles, while the drainage of the Missouri alone is given at 518,000, or approaching one-half of the entire amount. Is there doubt that the Missouri is the true source of the "Father of Waters?" That the early nomenclature was determined by ignorance or fraud?

Although these facts present an unanswerable argument in favor of the immediate opening and improvement of the navigation of the river, we are still met by the inquiry, "Why has your navigation ceased? What has become of the fleets of steamboats that used to carry the military, Indian, and mining supplies to the upper forts, agencies, and mines?" This question is easily answered. It is true that in the late seventies and early eighties large fleets of steamboats, comprising the Coulston, Kountz, Power, and other lines, transported an immense tonnage up the Missouri and Yellowstone rivers. The Montana mines and forts and agencies were mainly supplied by this means of transportation. The Dakota Southern Railroad, from Sioux City to Yankton, was at that time the only railroad in the entire territory of Dakota, and but few roads had extended farther west than the centers of Iowa and Minnesota. Yankton was therefore the highest point on the Missouri River reached by rail, and it thus became a busy shipping point during the spring and early summer of each year. It was no unusual thing to see a dozen boats at one time, of the different lines, there loading or waiting to load for all points on the upper river. This continued down to the great flood of 1881. During the winter of 1880–81 about a dozen boats, the finest of the Missouri River fleets, were drawn up on the ways and in winter quarters at Yankton. The breaking up of the river and gorging of the ice below Yankton in the early spring threw the river out of its banks, carried these splendid vessels from their ways, sent some of them miles inland upon the prairies, and broke up and destroyed the entire fleet. Perhaps not a single vessel was saved from the terrible wreckage, and what was true at Yankton was true, in a measure, of the other boats at different harbors along the entire river. It was almost a total destruction of the tonnage upon the Missouri River. Some few of the vessels were repaired and afterwards used in short trips upon the lower river, but nearly all were a total loss. This occurred at a time, too, when railroads had begun to push into the Far West; and from 1881 on for several years more railroads were constructed in this region of country in a single year than have been built in any period of ten years since that time. The Northern Pacific crossed the Territory to Bismarck, the Chicago, Milwaukee and St. Paul to Chamberlain, the Northwestern to Pierre, and what navigation was left on the Missouri River extended from Bismarck north and between intermediate points below. The trend of commerce was from Chicago west. New Orleans, St. Louis, and other cities of the lower river, to whom the commerce of the upper river naturally belonged, never awakened to their opportunity until it was lost. The railroads carrying goods from Chicago made a rate, too, with which no boat stemming the rapid current and hazarding the snags and quicksands of the Missouri River dared or could compete, for the voyage was not only a long and hazardous one, but the boat got no freight back and was obliged to return with empty decks. The Northern Pacific and the Great Northern, too, shortly afterwards extended their lines so as to reach most of the forts, agencies, and mines to which freight had formerly been carried by boats, and as no competition on the part of St. Louis and the cities of the lower river was attempted or offered to the trade which Chicago had established by her rail connection with the West, and as the railroads neither offered nor permitted facilities for connections with river navigation at competing points, there was nothing for navigation companies to do but to quit and remove their boats to the lower river or allow them to lie idle and rot at the wharves. A few boats now have begun again to ply between the larger towns reached by the railroads and those intermediate between the lines of roads, but this has come about within the last few years, since land along the river has been opened up into farms, and large cities have been built, and it has been found that heavy freights and the products of the farms, such as cattle, hogs, and grain, can be shipped to Sioux City and other towns of the lower river at a low rate, and that boats otherwise returning empty can bring back merchandise and farmers' supplies at a rate cheaper than they can be transported by rail. In this way a number of boats have been brought into service within the last few years on the river between Kansas City and St. Louis and above Sioux City and Yankton; and others, I learn, are building for this trade along the upper and lower river.

It is the down freight, however, upon which we must depend to maintain navigation upon the Missouri River, and it is the knowledge of the fact that down-river freight on these western rivers can be transported cheaper than anywhere else in the world that is bringing about the revolution in the trend of trade. Look for a moment at the price at which Pittsburg is now transporting her coal down the Ohio and Mississippi rivers to New Orleans. The tables of statistics tell us that it costs the farmer, on an average, 25 cents per ton per mile to deliver his grain at the elevator. It costs him 7.80 mills to transport the same by rail. On our Erie Canal it costs 3 mills and on foreign canals 2 mills, but on the Great Lakes, from Superior to Buffalo, for coal and iron ore, they have made a rate of 0.3 of a mill per ton, and this has been decreased by a small margin in the rate recently made on coal from Pittsburg to New Orleans. More than 26 times as cheap as freight by rail. Give us a channel, free from bars and snags, and we can duplicate this rate from all Missouri points to the Gulf. Why not? The current of the Missouri River is slightly more rapid than that of the Ohio, and gives us a propelling power of over 4 miles an hour without expense of gas or steam, and we have a still greater advantage which every steamboat man appreciates, that no locks will be required along the entire Missouri as on the Ohio River.

These possibilities of decreased rates of freight; the experiments already made in the shipment of wheat, cotton, and other products from southern points to the markets of the world; the opening of the western route by way of the Isthmus of Tehuantepec and the prospective opening of the Panama Canal has turned the eyes of all commercial men to the South. The owners of great continental lines—Hill, Harriman, and Hawley—have already extended their roads to ports on the Gulf, and enough lines of road are now projected on paper, from Winnipeg and other towns of the North in the direction of the Gulf, to reach every hamlet and cross-roads of the entire West. This is not a mere bubble of speculation, nor mere illusion of frenzied finance. The proposed movement of freight to the Gulf has its origin in good business sense. Heavy freights must move by economical rules along the lines of least resistance, and these great valleys of the Missouri, Mississippi, and Ohio rivers, which for all time will furnish the heavy freights of commerce, have for most of the way a sea level or an elevation not exceeding 1,200 feet, and shippers will not contentedly submit to the long haul by rail over an elevation of 5,000 and 8,000 feet to reach the sea of either coast when by river, favored by its current, they can ship direct to the sea and the markets of the world.

Chicago has studied these problems, and her enthusiastic business men, on the recent trip to New Orleans, created an atmosphere rather warm for some of the conservative statesmen of the present day. It is not wild enthusiasm with Chicago. It is the same good business sagacity that has made that city the metropolis of the West. It is the same good sense she exhibited when she extended her roads to the West and captured the trade and commerce of the great Missouri Valley, and she will make her way with deep water to the Gulf. She will then have an open entrance to her port nine months of the year instead of three months through the frozen river of the North. The cry is now going up from every western valley "To the sea!" It is the same cry that went up from the returning Greeks under Xenophon in the "Retreat of the ten thousand," as they approached the shores of the

Euxine. This congress must take up the cry, and from this time on let every town of the Missouri Valley pick up the refrain "To the sea! To the sea!"

In the short time still allowed me I beg leave to discuss the methods and manner by which this improvement can be made.

It can only be done by the Government and at its expense, and as every legislator must take into consideration the interest of his fellow-members, in order to determine who may be counted as friends and who enemies of his bill, so we must naturally look for friends of this improvement to the great valleys of the West. It is not to be presumed that New England, New York, and the Atlantic coast will be enthusiastic for improvement of these great waterways of the West, which will take commerce from and not to their ports. The statesmen of New York can hardly be relied upon to support with energy a measure calculated to build up the commerce of New Orleans, Galveston, and other southern ports in competition with her own.

There are men large enough, like Mr. Hill, who can see that moving heavy freights by the Gulf will not work to injury of his overland roads, for such roads are already congested and he can see that for all time they will be kept busy in carrying light and time freights to the ocean and the West. So some statesmen of the Empire State also may be found broad enough and big enough to foresee that New York will not materially suffer by deflecting heavy freights to the South. New York must and will be for all coming time the great eastern entrepôt through which passengers and rapid freights must enter and depart. And will probably long continue to be, as it now is, the great financial center of our country. But this argument will not appeal strongly to our friends of the East and we must rely upon the great States of the Middle West and South for zealous aid and support.

A friend tells me of a pious lady whose little daughter, attracted by the profanity she had heard upon the street, made such use of it to her dolls and in conversation as to shock the fond parent. In vain she chided, coaxed, and punished, and she finally appealed to her pastor, who, on one of his visits, took the little child upon his knees and having won its confidence with sweetmeats and kind words approached the subject of the naughty language. "I am sorry to hear," he said, "that my little girl sometimes uses naughty words." "Who told you?" she quickly asked. "Oh, a little bird," he said, "whispered it in my ear." When, turning upon him with her frank, glittering eyes she exclaimed "I'll bet it was one of those d—d nasty sparrows." The sparrow is the fighter and standpatter of the feathered race. Chicago has found sparrows among her friends and we shall find them among ours. We must see to this and from the seats in the next House of Representatives all sparrows must be plucked and cast out. The interest of the entire West upon this great question is one and the same. When we help Chicago to obtain deep water to the Gulf we are helping the future navigation of all the tributaries of the great river. The great obstacle we have immediately to overcome is to turn the direction of freights from the East and West to the South, and when Chicago becomes our ally in this great fight the victory is nearly won. She will not only man the lower river with boats and barges but her capital will secure ocean carriage that will transport the products of all these western valleys to the markets of the world. We must see to it that no man hereafter has a seat in either House of Congress who is not broad enough and brainy enough to work for our united interest and who will be so far removed from personal and selfish interest as not to imperil a bill intended for the good of all, in order to be able to attach to it an appropriation for the improvement of some creek or rivulet of the district from which he comes. Such has been too often the governing influence in our river and harbor bills of the past—the pork barrel to which Mr. Taft so properly refers. We must select to build up the commerce of the West such talent as our great corporations select to build up the great business interests of the world.

Let us now discuss for a moment what improvements we are going to ask our Congress to make. We shall never get anything until we ask for it and demand it, and Congress will never know what to grant us unless we ourselves know what we want.

The Missouri River, which rises in the glaciers and eternal snows of the great mountain ranges of the West, has little in common with the rivers that have their source in the hills and lower elevations of the East. It is subject to different natural laws and its improvements must be governed by different rules. The Missouri River is subject each year to two great floods, one in March and the other in June. The first is caused by the early thawing of the snows on the prairies and in the foothills. The second by the melting of the snow in the mountains. It is these floods that cause the damage to farms and property along the upper river and that burst the levees and flood the bottom lands below. They fill the channel with snags, sands, and débris and the falling river seeks a new channel along some portion of the bed covered by the flood or by avulsion rends the alluvial soil of the prairie bank and cuts its way through the cultivated farms and bottom lands adjoining the former bed. Along the entire river extends a strip of land varying from a mile to several miles in width, covered by the river at high water and by sand, willows, and small trees when the floods of spring subside. It is the falling river that does the damage to adjoining lands. It is seeking a new channel and when it can not find a satisfactory one within the flooded land it rends the banks and adds another strip to its neutral zone. The rapidity with which the falling river swallows up adjoining lands can scarcely be comprehended or believed. The rapid current burrows under the alluvial banks and whole quarter sections and even sections of land will disappear in a single night.

The National Conservation Commission, of which Gifford Pinchot was chairman, in its report of January 11, 1909, placed the amount of soil annually carried into the lower rivers and harbors by floods at 780,000,000 tons and the "annual loss to farms alone at $500,000,000." This, of course, is for the entire country, but the bulk of this waste and loss is in these great valleys of the Mississippi. The estimated loss here given does not include losses to forest and uncultivated lands, nor to mills, machinery, etc., nor to indirect losses to navigation by changing channels, destruction of dams, canals, etc. More than $100,000,000 can be conservatively added for such losses, and we would then have an annual loss of $600,000,000, or more than twice the amount needed to complete deep waterways from Chicago to the Gulf and make the Missouri River navigable from its upper waters to the mouth. Is it extravagant to ask the Government to expend for this improvement and to stop this waste one-half of the amount of loss sustained in a single year?

Minds will undoubtedly differ as to how the yearly destruction by these floods may be stayed and this river made available for moving the increasing freights of the great Northwest to the sea. The kindly way in which this Congress was pleased to take my suggestions at its last meeting, however, leads me again to repeat that, in my judgment, the proper method is to erect dams on all the principal tributaries of the upper river and impound these floods of spring in great lakes and reservoirs for the benefit of navigation and irrigation. Dams for this purpose can be erected at an expense of from a few hundred thousand to a few million dollars each, and one or two such dams erected on every tributary of the Missouri River would not cost perhaps one-fourth the damage done to property by these floods in a single year; besides we are not only staying the damage by these floods and improving navigation, but we are storing water which can be utilized for irrigating thousands of acres of otherwise barren and worthless land. In addition to this, as the settlements extend these dams will furnish a power for electricity which can be utilized within a radius of at least a hundred miles, and it is not an idle prophecy to foretell that the revenues to be derived from such source alone within a generation will pay for the expenditure to be made.

The great Pathfinder dam on the Sweetwater and that at the Belle Fourche, though erected for irrigation alone, are found already to have their effects upon the floods of spring. This, in my judgment, is not only the true method of Missouri River improvement, but it is one that will appeal to Congress itself and the people at large. Immigration must be provided for, the lands that can be cultivated without irrigation are nearly exhausted, and the Government has wisely turned its attention to storing the waters of the great rivers of the West and making farms out of the great arid plains for the insistent settler whose eyes are still turned to the great West. We can command no attention from the East to our tales of woe. We can obtain no appropriations to prevent the floods of spring from destroying our farms and forests, but we can interest the entire country in providing homes for the settler upon the national domain, and it is immaterial to us for what purpose the appropriations be made if they accomplish the results we desire. We should then in the Middle West unite to urge upon the attention of Congress the necessity of damming the affluents and tributaries of the Missouri River and storing their waters for immediate use. Maps can easily be drawn showing the amount of water for each stream, the amount of land that can be irrigated thereby, and the cost and expenditure necessary to construct a wall that will hold back the waters of spring, with gates and sluices to turn them upon the land or back into its own channel to improve navigation of the main river in summer and in fall as may be required. The amount of money that has been expended in basket making and levee building along this river in the past ten years would more than build all these storage dams, and we would have been saved these losses of property and have navigation already well advanced along the entire river. You might as well send some old woman with a willow basket to turn the tide of the Missouri River at flood as to place these willow revetments along the temporary bank of last year's channel. At flood tide they are covered from sight, and the new channel of the falling river is as likely to drop outside as inside of the channel marked out for it by the engineer; but when the tributaries of the river are dammed and their spring floods imprisoned at their sources and the spring rise of the main river is dependent upon the melting of snows along its banks alone permanent channels can be established and then revetments and other appropriate means can be employed to make the river bed permanent and deep.

The Missouri River, with its rapid quicksand channel, establishes for itself, as every river man knows, a kind of jetty which clears itself of all obstructions and deepens its own channel as may be required.

We can not do all this at once; it is not to be presumed that we can obtain an appropriation sufficient in amount to impound the waters of all the tributaries at one time, but we can select for each year's appropriation some one affluent, such as the Yellowstone, which sends down each year more red and yellow mud to mark the line of the Missouri from St. Louis to the Gulf than all the others combined. This great river, too, furnishes a splendid field for irrigation. Let us begin by fettering and improving it, and when the experiment shall have proved its success, further appropriations can be easily obtained until the channel of the Missouri River shall have become fixed and permanent and its navigation assured.

In the meantime we must urge immediate navigation of the river as it is. The proof to the world that a river is navigable is to navigate it. Freights can be carried down the river in its present condition, notwithstanding its bars and snags, cheaper than it can be carried by rail, and until the channel can be permanently fixed by staying the floods of spring we must demand from the Government an increased number of snag boats and the use of revertments, not to attempt to maintain a permanent channel, but to prevent cutting of the alluvial and higher banks and thus confine the flooded river to the sphere it has already marked out for itself; and in this way we will obtain a temporary relief and demonstrate to the world that the Missouri River is now and has ever been a navigable stream.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have a newspaper clipping I would like to have read by the Clerk, and I would like my particular friend, the gentleman from Pennsylvania [Mr. MOORE], to listen to the reading of this article. During the course of the debate yesterday afternoon it occurred to me that he was unnecessarily critical of the appropriations proposed in this bill for the Mississippi River when he compared that river unfavorably, of course, with projects in which he himself is deeply interested. He referred to the fact that there was a great tonnage on the Delaware and but little on the Mississippi River. I want to submit, first, Mr. Chairman, that the sole test of the value of a waterway to the people is not the tonnage actually floated upon it. We should consider also the capacity of the stream to bear tonnage. This proposition has been so frequently elaborated and is so clearly self-evident that I shall do no more now than restate it.

The tonnage of the Mississippi River is small in comparison with the tonnage of the Delaware, small in comparison with its own former tonnage, but a few years ago its tonnage was twice as great as the tonnage now of the great port of Philadelphia. But in advocating its reasonable improvement in the days of its glory the Representatives from the valley did not point to its then unequaled tonnage in disparagement of further appropriations for the Atlantic seaboard. They simply endeavored to convince the Representatives from the

seaboard that the inland waters were necessary adjuncts—feeders—for the ports, and in advocating improvement of these Atlantic ports gentlemen have heretofore come before our committee and endeavored to convince us that the people back inland were deeply interested in the ports, and I believe it.

The great tonnage that passes through the port of Philadelphia, the great tonnage that passes through all these Atlantic ports, could never reach them but for the transportation facilities to the interior which are furnished either by nature or by the enterprise of man. In other words, Philadelphia neither creates her exports nor consumes her imports. They simply pass through her gates to and from the interior. There is no valley in this world comparable in its production to the valley of the Mississippi. In addition to the unmeasurable value of its mines and its forests there are produced in it more than $5,000,000,000 annually in manufactures and the products of agriculture. Would any gentleman ask that that mighty empire be subjected to the monopoly of the railroads in transporting its products to the seashore? If this great river is to be abandoned as a navigable highway that will be the result. The testimony of experts before us has demonstrated by citation of railroad rates now in effect that the Mississippi River controls and regulates railroad rates from the seaboard as far west as the city of Denver. And let me further suggest that the amount of revenue paid at the port of Philadelphia into the Federal Treasury has nothing to do with the case. No one will seriously contend that the citizens of that most important port pay more than their per capita of the imposts collected there. The Federal Government does not levy its taxes on property, and the only basis for calculating the amount of taxes paid it by any city or State is its population. By this test the Mississippi Valley pays one-third of the taxes which go to defray the expenses of the Government to-day, amounting to $1,000,000,000 annually. More than 30,000,000 busy souls are producing wealth in values beyond the dreams of avarice in this great valley, and all statesmen agree that unless their waterways are improved so as to give them proper transportation facilities and reasonable rates they will be seriously handicapped in their activities.

The present water-borne tonnage is small, and the cost of the proposed improvement is great, but the cost of the Panama Canal is many times greater, and its most ardent advocate will hardly venture the opinion that it will ever float the American tonnage now carried by the Mississippi and its great tributaries. Two hundred million for the Mississippi, the Missouri, and the Ohio is a staggering figure, but, Mr. Chairman, if this whole burden were put upon the inhabitants of the valley alone, how inconsiderable it is when we recall that there would be more than 30,000,000 people to pay it, and that the pay day is to run through twenty years. Less than 50 cents each a year! Small wonder, then, that the opposition has been practically withdrawn and the discussion narrowed to the question of how best to proceed. There is but one way, and that is the way recommended by the engineers of the army. They have recommended the same method for twenty years, but until now Congress has not yielded to their advice.

Now, I want the Clerk to read from a newspaper I received this morning the article I referred to a moment ago and which tells the whole story of the decadence of the traffic on the lower river.

I will ask the attention of gentlemen while the Clerk reads.

The Clerk read as follows:

"BELLE OF THE BENDS" MAY BE LOST—REPORT THAT MAGNIFICENT STEAMER IN THE VICKSBURG-GREENVILLE TRADE IS ON A SAND BAR NEAR HAYS LANDING—"FALLS CITY," IN HER PLACE, EXPECTED TO-NIGHT.

[From the Greenville (Miss.) Democrat.]

News was received here last night that the beautiful steamer *Belle of the Bends* was aground at Hays Landing, just below Mayersville, and may be a total wreck. She is commanded by Capt. Gus Nimps.

It is reported that the *Belle* ran on a sand bar with only about 2 feet of water. The river is falling rapidly, and it is feared that in a short time her hull will break in two.

The *Falls City* is on her way to Greenville and will distribute the passengers and freight of the ill-fated boat to their destinations along the line. She is expected about midnight.

The *Belle of the Bends* is owned and operated by the Morrissey Line and is the only side-wheel boat running on the Mississippi River below Arkansas City. While the chances are reported slim, it is hoped that she will soon be afloat again.

Mr. HUMPHREYS of Mississippi. Here, then, is one continuously contributing cause which has helped to destroy the traffic on the lower river during the past twenty years. The banks cave and form these bars, which can not be located until the flood recedes, and so they render hazardous and greatly impair the navigability of the river. We are told by the engineers that the earth which caves into the river between the mouth of the Ohio and the mouth of the Red River is sufficient to fill it bank full for a distance of 30 miles every year.

Another fact: The sediment brought out of the Missouri River and carried into the Mississippi at St. Louis exactly equals the sediment which the river carries at the Head of the Passes. In other words, all the earth which caves into the river between those two points in effect remains there, and there is but one possible way of removing permanently this element of obstruction, and that is by the methods proposed by the engineers and for which the appropriation carried in this bill will be expended; and when that is done, when it becomes a physical possibility for great fleets to float in safety in that river at all stages of its floods, traffic will again appear and the criticism that the river is not a freight carrier will no longer be pertinent, because it will not be true.

Writing of this feature of the problem, Judge Taylor, a member of the Mississippi River Commission, recently said:

It is a disappointment to us all that commerce has not taken advantage of the increased channel depths in the Mississippi from St. Louis to New Orleans, as they have been developed within ten years past. But the reasons are not far to seek. The first is the uncertainty of their permanent maintenance. They depend upon annual appropriations by Congress.

* * * * * * * *

It will take some strong, courageous, optimistic man, or group of men, to make a start in the navigation of the Mississippi below Cairo. Once started on a foundation of confidence it will grow. If there were a channel 10 feet deep from Chicago to New Orleans to-day, with public confidence in its permanence, it would be crowded with boats within ten years. If we postpone work for a "demand" and discover no demand until we see men standing on the bank with money in their hands, there will never be any improved waterways. God Almighty did not wait for a demand from commerce before he made the Great Lakes.

Everybody is afraid of the Mississippi River. The people who live in its alluvial valley are afraid of its floods; steamboat men are afraid of its bars. The inhabitants are just beginning to take courage. The water has been held at bay for ten years. But an extraordinary flood, a few bad crevasses and the inundation of four or five thousand square miles would plunge them into a despair again from which it would take a long time to recover. We have had a 9-foot low-water channel below Cairo nearly all the time for a little less than ten years. But it has not been entirely trustworthy. There have been some slips in the management of the dredges and some bars have gotten ahead of us for a few days a few times. Not often, nor for long, but enough to keep alive the sense of uncertainty. So men who would build big boats to navigate it wait, and keep waiting.

Judge Taylor is a man of such recognized ability, learning, and sound judgment that I quote him with some confidence, although he is not an engineer. During his more than twenty years' study of the problems of the river as a member of the Mississippi River Commission he has acquired such a fund of information on the subject and has digested it all so thoroughly that there is no one to whom the Rivers and Harbors Committee listens with greater interest and confidence. From this same article, "An emergency in the life of a river," I quote again:

To a traveler on the Mississippi at low water the most interesting feature of the landscape is the sand bars piled up along the channel, 10, 20, 30 feet high, miles in length and thousands of acres in area. Where does the material in them come from, and how does it get there? It comes from the caving bends above, from which it is transported only a short distance, to be deposited as soon as and wherever the current falls off in its velocity. The Mississippi River is a great freight carrier. It classifies its freight to a nicety. It carries some fine sediments from the Missouri River to the Gulf of Mexico. Some coarse stuff it rolls along the bottom out of the bend and up the next bar, to leave it there. Intermediate between these it lifts, floats, pushes, or rolls the particles, according to their specific gravity and the velocity of the current at the moment. But by far the greater part of the material which forms its bars is moved only a short distance. If the caving were stopped, the bars would speedily shrink to small proportions. This is the way to a 14-foot channel—revetment of the banks to reduce bar building to a minimum, and dredging for the balance.

After hesitating for many years the committee has at last recognized what the engineers have all along declared, that there could be no permanent work of improvement of the river without revetting the banks so as to prevent caving. Nineteen years ago one of the most interesting hearings ever had on this subject was held by the Senate Committee on Commerce, and some of the most distinguished engineers of the corps appeared and gave their opinions at length. General Comstock, at that time president of the Mississippi River Commission, gave a most interesting and instructive account of the treatment of alluvial streams here and in every part of the world, evidencing the broadest knowledge of the subject. He gave it as his opinion then that the caving banks of the river should be revetted, but the estimated cost seemed too great to justify the committee in undertaking it.

Lieutenant-Colonel Suter, of the Engineer Corps, was also before the committee at this hearing, and his testimony is most interesting. He had been connected with the Mississippi River for about twenty-five years, and was at that time a member of the Mississippi River Commission. His testimony is so illuminating that I will quote it at length:

Senator GIBSON. You stated a moment ago, in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran was not peopled you would still build levees on the banks.

Lieutenant-Colonel SUTER. Yes, sir.

Senator GIBSON. Why do you hold that opinion?

Lieutenant-Colonel SUTER. Because I consider that the improvement of the stream for navigable purposes; without it is impossible.

The CHAIRMAN. Why?

Lieutenant-Colonel SUTER. I think you have got to retain control over the whole volume of water. The discharge which passes within the banks is less than half of the flood discharge of the river, and the low-water discharge is only about one-tenth of that which passes within the banks, about one-twentieth of the total discharge, and any works that you can put in to control the low-water flow on a stream like the Mississippi are liable to be utterly destroyed and rendered nugatory by this vastly larger volume of water which passes down the river during flood stages. At this season of the year the cut-offs occur, which will upset any plan of improvement, because they change entirely the regimen of the river, its course, its slopes, and everything about it.

Again, the water, being over the works and everything else, has a chance to develop new channels precisely where you do not want them to occur. A still further effect is produced where the levees are down; the water that goes over the banks keeps going out and coming back again. Whenever it makes its appearance in the river it acts like a tributary. It produces entirely new phases, just as any tributary will. Sometimes it entirely reverses the conditions of flow. The influence that levees exert under these heads I believe I have stated as conservative. They prevent the river from doing damage to the works we put in to improve the low-water discharge of the stream.

The CHAIRMAN. If there was no question about protecting the land, and you were simply improving the Mississippi River for navigation, would you have built the levees that are now built?

Lieutenant-Colonel SUTER. Yes, sir.

This opinion of Colonel Suter's was distinctly concurred in by Colonel (then captain) Leach and Captain Kingman, both of the Engineer Corps, in active charge of the improvement of the river.

Colonel Suter was basing his opinion then on twenty-four years' experience and study of the river. Nineteen years have come and gone since then, and, with the lessons they have taught, his opinions have found confirmation. It is not my intention to discuss the question of levee building. I quote from these engineers to show that the levees are necessary to the scientific treatment of the river, if we have in mind only the interest of navigation, and as it is not possible to maintain a levee line without holding the banks, the proposed improvement by revetment will be seen at once to be an engineering necessity. The end of actual levee building, I hope, is in the not distant future. The last report of the Mississippi River Commission shows on that subject that the levees are 78.5 per cent completed. The following shows the details:

The following table, which is similar to that given in last year's report, has been brought up to date and shows the present condition of the levees and the levee operations during the past year, as compiled from the reports of the district officers:

Levee district.	In system.	Built.	Lost or abandoned during the year.	Per cent now built.	Approximate area protected.
	Miles.	*Miles.*	*Cu. yards.*		*Sq. miles.*
Upper St. Francis	90.00	47.50	None.	24.8	700
Lower St. Francis	212.00	202.50	None.	82.4	3,500
White River	74.00	74.00		65.2	910
Reelfoot	21.00	21.00	None.	59.2	310
Upper Yazoo	124.00	124.00	None.	100.0	3,281
Lower Yazoo	188.40	188.40	167,500	75.0	3,367
Upper Tensas	194.00	190.70	53,000	76.0	2,500
Lower Tensas	160.59	153.56	117,055	74.7	2,080
Atchafalaya	127.60	127.60	889,871	87.0	6,085
Lafourche	81.96	81.96	474,496	82.4	2,020
Barataria	71.88	71.88	259,542	80.7	
Pontchartrain	125.96	125.96	720,524	81.6	1,816
Lake Borgne	78.25	78.25	75,870	75.7	
Total	1,549.64	1,487.31	2,757,858	78.5	26,569

I say the end of levee building is close at hand, because we have in this bill definitely determined to undertake this work of revetment and complete it. Without revetment there would never be an end to levee building. We may build and build to the exhaustion of all the resources of all the levee districts, but if the river is to be permitted to cave these levees into its insatiable maw we will be no nearer the end when Gabriel blows his horn than we are to-day.

As the years went by these levees have been raised higher and higher as the flood levels have climbed higher, and this bank erosion has increased proportionately.

Capt. C. H. West, of the Mississippi River Commission, who for the past twelve years has been the chief engineer of the lower Yazoo district, in his report three years ago gave some startling figures as to the extent of this bank erosion. His levee line was 189 miles long, and since 1884, 172 miles—more than 90 per cent—had been abandoned on account of caving banks.

Twenty years, in fact, has been about the average life of a levee line. The Mississippi River Commission, according to Judge Taylor, one of its most distinguished members, in locating the levee line has "placed them, as a rule, far enough from the river to be reasonably safe against caving for twenty years."

It was apparent to your committee that if we were to continue the improvement of this river with any hope at all of ever completing the project, the time had arrived when the dictates of common sense required that some plan be adopted which looked to permanency and stability, even at a greater present cost, as preferable to a perpetual, though lesser, annual appropriation. We have therefore presented the project contained in the bill, which will require $4,000,000 annually for possibly twenty years.

There is much talk of 14 feet from the Lakes to the Gulf. I believe all students of the question of transportation agree that a channel of suitable depth connecting the great cities along the line of this proposed route would be of immeasurable commercial value. A mere glance at the map will convince the most skeptical of the desirability of such a channel, but it can not be had without revetting the banks of the lower river. That this will give the required depth there can be little doubt.

One of the most signal instances of the scouring force of the river when held to its channel by permanent and leveed banks is furnished in that reach of the river along the St. Francis front commonly called Plum Point reach. As Colonel Leach expresses it more clearly than I can, I will quote his statement:

The commission in carrying out the work in the early years at Plum Point had not provided for any levees. In a debate in the Senate on one of the river and harbor bills the point was made by a Senator that the commission was professing to make an experimental application of their system at Plum Point reach, and a part of their plan was a levee. That year an allotment was made and a levee built on the Tennessee side of the reach. The next year an allotment was made for levees on the Arkansas side and those levees were built. A party was engaged all the time in making surveys. The surveys made after the construction of the second line of levees and before the first flood, and again after the first flood, showed that the high bars in the regulated or deepened channel of about 3,500 feet width had had their tops scalped off 8 feet uniformly. Nothing of the kind had ever occurred before, and in the two crossings under control and under improvement the maximum depths had increased in one case 1 foot and in another case 2 feet, and they have remained to this time.

Confirming all that Colonel Leach had said on the subject, the Mississippi River Commission, after constant study and observation of the river, nearly twenty years later says this:

There is another consideration, not of the greatest weight perhaps, but one which, in the opinion of the commission, is worthy to be taken into account. It appears to be highly probable that before very many years the Government will undertake the development of a channel for navigation in the Mississippi River below Cairo of much greater depth than has been so far attempted. The river bed is now in favorable condition for such an improvement. But if the revetments which have been enumerated should be abandoned, or not effectively maintained, or others equally important should be omitted or neglected and the river should be permitted to have its way in tearing down banks and buildings bars for a few years, changes will take place which can never be undone and which will greatly increase the difficulty and expense of securing a deep channel. It is a case in which an ounce of prevention will be worth pounds of cure.

I have said nothing of the incidental benefits to come to those who live in the alluvial deltas of the lower river by having their levee lines made permanent by revetting the banks. I have refrained from discussing that feature, because the unbroken opinion of our engineers, which is fully concurred in by the committee, is that this work is justified if considered solely in the interest of navigation. But putting aside every question of navigation, the preservation of the levee lines alone would justify the expenditure.

Behind these levee lines lie some 26,000 square miles of marvelously fertile deltas—an area, in other words, a little larger than Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts combined. Our people have taxed themselves as few agricultural people have done in times of peace to build these levees, my own congressional district having alone put more than $17,000,000 in their construction and maintenance since 1884. These levees have been built so high in order to meet the increasing heights of the annual floods that it becomes a matter of appalling consequence when any portion of it must be abandoned on account of caving banks.

We naturally feel that even though it be our duty to build these levees this great Government, which represents all the States whose waters are precipitated into it, should so regulate the flow of water which is drained into the river as to at least temper the fury of the flood and so lessen its eroding energy. That is not possible, and the only other way to make us whole is to revet the banks, and in that way prevent the levees from being dashed into the river.

On this point the Mississippi River Commission, in their annual report for 1908, say:

It is the judgment of the commission that these revetment works and some others which will be imperative within a short time are required for the preservation of the levee system. Without them a per-

manently completed system will be impossible. The increasing height and cost of the levees and the rapid development of the country protected by them greatly augment the disaster of crevasses. A break in an embankment 5 or 6 feet high, resulting in the thin overflow of a sparsely populated country, is a small calamity compared with a break in a levee 20 feet high, discharging over a thickly populated country threaded with railroads and filled with towns and factories. Owing to the increased height now necessary to control the floods the expense of replacing an undermined levee by a new line going far around a lake or impassable swamp is enormous. The point of development has come at which the only economical way to maintain the levees is to hold the banks against caving, not everywhere, but in all places where the special conditions exist which have just been described. This is a distinct stage of the work only recently reached.

The levee lines as they stand to-day have been paid for by the people behind them, every foot of them. I mean that exactly. True the Federal Government has helped us with a generous hand, but the fact is that more levees have been caved into the river than the Government has ever built, and so I repeat that the people behind them have paid for every foot of the levee line now standing. It is suggested that it is their business to build them, since they protect their lands from overflow. There are two replies I might make to that suggestion. The Constitution says that "Congress shall have power to regulate commerce among the several States," and so forth, and the court has said that this carries jurisdiction over all interstate waterways.

This being true, I lay it down as fundamental that where there is power there is also responsibility, and all the engineers have united on the proposition that the way to improve the river solely for navigation is by revetment and levees. Therefore I submit that it is as much the duty of Congress to build levees which incidentally protect the riparian landowner as it is the duty of the riparian owner to build levees which incidentally improve the river. Be that, however, as it may, the people in the deltas have built their levees, and the Government has contributed, so there is no occasion to quarrel. The levee districts have spent, in round numbers, $56,000,000 and Congress has spent $24,000,000 in levee building. Colonel Leach's statement is again quoted:

The CHAIRMAN. Do the levees cave into the river?

Captain LEACH. I may say, generally, with regard to the history of the levee system, that over three-fourths, probably, of the entire sum of money expended by the States in the last ten or fifteen years in the construction of levees would have been saved if the United States had prevented the banks from caving.

Admitting for the sake of the argument that we should build our own levees unaided, there is, nevertheless, a well-settled principle of law, as well as of equity, that one should not use his own to the hurt of his neighbor. We have built our levees and they are strong enough to hold back the biggest floods, but you have cleared your mountain sides, undertiled your farms, straightened your creeks into drainage canals, and so have precipitated your surplus water into the great national drainageway; that when we confine your flood waters—mind you, I say your flood waters—to the river channel by means of levees which you say we ought to build, they rush by with such force that the banks of the river are eroded and cave in, and with them go our levees. We insist, then—and I submit, in all candor, that equity is with us—that you should either store your surplus water and regulate its flow or help us revet the banks, and so save our levees.

I say help us, that is all. We are contributing our part of it now. For instance, a few years ago at a point in my district it became apparent that the levee was going to cave into the river. Our levee-board officials took the matter up with the Mississippi River Commission and offered to put up $100,000 for this purpose. Having no plant we, of course, could not do the work, and so we went to the commission. The proposition was accepted, but instead of receiving the money the commission said "we intended to allot $100,000 for levee construction on this line. We will now devote that sum to this revetment if you will devote your $100,000 to levee building." This was accordingly done, but the books of the commission of course show no contribution by the locality toward revetment. Such instances are frequent, and so I repeat that we have all along been contributing to this revetment work, though the records may not disclose the fact.

I do not know why I have mentioned this fact of contribution, because I think it has very little to do with the subject, but having done so I will let it stand. I have gone much further into this subject than I originally intended, but it is a matter in which I am deeply interested, and therefore I am apt to trespass upon patience. I am quite sure my friend from Pennsylvania has no objection to the proper improvement of our inland rivers and that it was only his zeal for his own project which led him to make the comparison which reminded those of us whose hearts are so much in the development of the great valley that "comparisons are odious."

During my service on this committee, which has extended over a number of years, it has always been my pleasure to support the liberal appropriations asked for the improvement of the harbors along the Atlantic coast, and I hope now that gentlemen interested in those projects will not seek further to criticise liberal appropriations for our inland streams.

Mr. MOORE of Pennsylvania. Mr. Chairman, it is with great pleasure that I have listened to the gentleman from Mississippi [Mr. HUMPHREYS]. There is absolutely nothing in his statement with regard to the decadence of the tonnage on the Mississippi River and its tributaries to which I do not subscribe. There is nothing in his statement with regard to the need for appropriations in the Mississippi Valley with which I do not agree. Everything said upon this floor yesterday by the distinguished Speaker of this House was responded to, in sentiment, by me, and I am prepared to-day to say that if this bill passes, knowing how earnestly the committee which he appointed to prepare it has labored in the interest of the great interior Middle West from which he comes, there will have been no man since the days of Abraham Lincoln who will have done so much for the upbuilding of industry and commerce in the great Middle West, between the Appalachian chain and the Rocky Mountains, than this same JOSEPH G. CANNON, who yesterday gave his support to this bill. [Applause.]

I have not envied my friends from the southern tier of States the appropriations that have been coming their way, and I watched with peculiar interest yesterday the absence of the "watchdogs of the Treasury" while we are making appropriations for streams in the South, some of them for the removal of the water hyacinth, which clogs the propellers of motor boats, and thus impedes their navigation; and I watched with peculiar pleasure the trend of the reading of the bill as it ran along the Gulf and came up the Mississippi River all the way to St. Paul, leaving its hundreds of millions of appropriations, which must come in through the custom-houses of the country, in its wake.

It was pleasing to me to observe all this, and I want to observe that it was equally pleasing to me to let the people of the Atlantic seaboard know how active, how hustling, how energetic, how earnest the builders of the empire in the Middle West are, and how absolutely indifferent eastern interests have been to their own welfare along the Atlantic seacoast.

Mr. Chairman, there is reason for the people of Illinois to appeal for the deepening of channels leading down to the Gulf. I have not opposed them. I shall vote for the bill, supporting every project which they have put into it. I did object yesterday, or tried to, but the gentleman from Massachusetts [Mr. LAWRENCE] would not permit me to interrupt him. I did try yesterday to object to the passage of an Illinois appropriation in advance of a survey, because we have had surveys without an appropriation and could not get the consent of the committee or the consent of Congress to authorize it.

I echo the demands of the people of the Middle West, whom the Speaker has so characteristically spoken of here. I know they have been surging behind their Members of the National Legislature; I know they have been pushing them forward and sending them to Washington with urgent demands to bring back the appropriations that will deepen their streams and add to the upbuilding of their communities, and I think it is now conceded they will succeed.

[The time of Mr. MOORE of Pennsylvania having expired, by unanimous consent it was extended five minutes.]

I concur in all that, but inasmuch as it is admitted upon this floor by the gentleman from Massachusetts [Mr. LAWRENCE] and by the gentleman from Illinois [Mr. MADDEN] that there is a strong home pressure behind the Members to bring about these appropriations, I ask them to yield to that same home pressure behind the Members that come from the Atlantic seaboard; a home pressure that is crying out for recognition that has been denied, not since Illinois was settled, but for two hundred years—ever since the Pilgrim Fathers first landed at Plymouth Rock. [Applause.]

What of the two hundred years of agitation for cutting through Cape Cod, that would save an outside sailing distance of 75 miles? Cape Cod, upon which not one vessel like that referred to in the article my friend from Mississippi [Mr. HUMPHREYS] put in the RECORD a moment ago, not one, but upon the shoals of which during the last twenty-five years 1,000 vessels have been wrecked, lives carried down, property destroyed and wasted, with a resultant increase in the cost to the consumer on every pound of tonnage. While you are telling of the pressure behind you, I ask that you give some consideration to the pressure behind my colleagues and myself as we ask you to give us recognition for a project upon which there has been two surveys and reports—that of the Chesapeake and Delaware

Canal—a canal that links up 30,000,000 people engaged in commerce and agriculture along the Atlantic coast and which stands substantially as it was in 1829. I ask you to give consideration to this 13-mile cut, which would cost less than what you propose to spend on the upper Mississippi from the mouth of the Missouri to St. Paul to obtain 6 feet of water, where you have only a limited commerce; I ask you to consider this project, which will enable 90,000,000 tons of commerce to be saved an outside sailing distance, through stress and storm, of 325 miles. Give us a chance.

Mr. RANSDELL of Louisiana. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RANSDELL of Louisiana. I know the gentleman would never wish to be unfair.

Mr. MOORE of Pennsylvania. I do not. I am appealing now for a square deal.

Mr. RANSDELL of Louisiana. Yes; and the gentleman is doing it very eloquently. In stating that there have been two surveys for that Chesapeake-Delaware Canal, does the gentleman not think that in justice to the committee and in fairness to the House he ought to further state that he was very active in securing an additional survey, contemplating, perhaps, an entirely through route from the city of Boston to Key West, and that this committee did not have that first survey before it? Consequently it could not act, as the route may be changed entirely.

Mr. MOORE of Pennsylvania. It takes three surveys in the East to get action, and one in the West. The chairman of the gentleman's committee said yesterday that God was good to Connecticut. I think God is good to the Mississippi, and I glory in it, and Congress is also good to the Mississippi. The gentleman wants to be fair, and always is eminently fair, and the gentleman will answer me this question: Did we not make application in due form before the committee and obtain a hearing, requesting that action be taken upon the survey and the report to which I have referred for the opening up of the Chesapeake and Delaware Canal, for the saving of life and property and the carrying of these millions of tons of existing and hundreds of millions of ultimate tonnage?

Mr. RANSDELL of Louisiana. I believe the gentleman did, but he was also before the committee last year insisting upon a great through project from Boston down. Now, until the great through project has been acted upon by the engineers and reported to us, the gentleman surely would not ask us to take up that work in piecemeal; it might be changed.

Mr. MOORE of Pennsylvania. When my friends from Illinois come in and without a survey get an appropriation, I certainly would ask it for a project where there had been two surveys.

Mr. RANSDELL of Louisiana. But the gentleman's friends from Illinois have had two very elaborate surveys.

Mr. MOORE of Pennsylvania. This is a question of a square deal and I am simply asking for our side what the gentleman asks for his.

The Clerk read as follows:

Improving Missouri River: For maintenance of improvement from the mouth to Fort Benton, $175,000.

Mr. NORRIS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Line 13, page 68, strike out the words "the mouth" and insert in lieu thereof the words "Kansas City."

Mr. NORRIS. Mr. Chairman, this particular paragraph makes an appropriation for improving the Missouri River from the mouth to Fort Benton, $175,000. In the preceding paragraph $1,000,000 is appropriated for the Missouri River between its mouth and Kansas City. This paragraph covers in part the same part of the river that is included in the preceding paragraph, and, as a matter of fact, every dollar that is appropriated in the paragraph just read by the Clerk could be utilized in the same part of the river that is covered by the appropriation in the preceding paragraph, where, as I say, $1,000,000 was appropriated. It seems to me that it is only just and fair that if a million dollars is appropriated for the Missouri River from its mouth to Kansas City, the balance of the appropriation of $175,000 should be used between Kansas City and Fort Benton, the other end of navigation on that stream.

Mr. COX of Indiana. Where is Fort Benton, with reference to Kansas City?

Mr. NORRIS. It is north of it; it is up in Montana, I think. It is the head of navigation on the Missouri River. Mr. Chairman, if this is left as it is in the bill, as I suggest, every dollar of the appropriation included in it could be utilized between the mouth of the river and Kansas City without any violation of law. Hence we have an appropriation of $1,175,000, to be used between the mouth of the river and Kansas City, but nothing from Kansas City up. That is a small amount as compared with the large appropriations, and it seems to me to be fair and ought to be utilized on that part of the river where the balance of the appropriation of $1,000,000 can not under the bill be used. As I look at it, it is nothing but an act of justice and fairness. The distance between Kansas City and the mouth of the river is less than 400 miles. For this $1,000,000 is appropriated. From Kansas City to Fort Benton is 600 or 700 miles, and but $175,000 is appropriated, and left in such shape that every dollar can be used below Kansas City, thus leaving the longest stretch in such a condition that it may get nothing. This is so manifestly unjust that it cries aloud for correction and should appeal to every fair-minded man.

Mr. ALEXANDER of New York. Mr. Chairman, the language of the $175,000 appropriation is not different from former bills, and it will practically be expended between Sioux City and Kansas City, since it will be used for snagging, and that work is about completed between Kansas City and the mouth of the river. I hope the amendment will not prevail.

Mr. NORRIS. Will the gentleman yield?

Mr. ALEXANDER of New York. Yes.

Mr. NORRIS. If it is the intention of the committee that this money is to be used above Kansas City, then why not say so in the bill?

Mr. ALEXANDER of New York. Simply because some of it may be expended just above the river's mouth.

Mr. NORRIS. Above its mouth, but that is not above Kansas City.

Mr. ALEXANDER of New York. True, but there may be some snagging between Kansas City and the mouth——

Mr. NORRIS. But you have a million dollars with which to do that.

Mr. ALEXANDER of New York. That is not for snagging. It is for the improvement of a permanent channel.

Mr. NORRIS. If the gentleman will yield, I would like to ask him how he can interpret this language in either case to mean snagging or excluding snagging. It does not exclude it in the preceding paragraph, and it is not confined to it in the paragraph under consideration. In one case it is for the maintenance and improvement of the river, and in the other it is for the purpose of securing a 6-foot channel. Does the gentleman mean to say that if in securing the 6-foot channel the man engaged in the work would find a snag he would have to go around it and not take it out?

Mr. ALEXANDER of New York. If the gentleman will read the provision he will see a marked difference. One is for a permanent improvement of the channel, and the other for its maintenance; one refers to snagging, and the other to revetment work.

Mr. NORRIS. But neither one says snagging or revetment.

Mr. ALEXANDER of New York. The language is so well understood I hope the amendment will not prevail. [Cries of "Vote!"]

Mr. BORLAND. Mr. Chairman, I would like to say to the gentleman from Nebraska who introduced this amendment that, as the gentleman well knows, the Missouri River has had an appropriation in the last few bills for the purpose of snagging and maintenance. We have been endeavoring to put the river in a navigable condition as a whole by beginning near the mouth and clearing the channel of the stream. That work has progressed, as the chairman has pointed out, practically as far as Kansas City. There is no objection and will be no reason of which I know why the major portion of this $175,000 will not be spent above Kansas City, between Kansas City and Sioux City. In all probability it will be spent there, because the division engineer who has charge of the work, Major Schultz, at Kansas City, has charge of both divisions, and his work extends above Kansas City as well as below. It will be impractical and contrary to the policy of the committee to limit the division engineer in the application of the work and——

Mr. NORRIS. But I want to ask the gentleman, if he will permit, why is it impracticable? If this money is going to be expended above Kansas City, why is it impracticable to say in the bill it should be expended there?

Mr. BORLAND. For the simple reason, as the gentleman well knows, that we Missouri River people have come to the conclusion that to tie up money to a specific point is an injury to navigation as a whole, and we want to avoid that as far as we can.

Mr. NORRIS. If that be true, why is it in the preceding paragraph the committee has limited the $1,000,000 between the mouth of the river and Kansas City? Why do you let the engineers use it for construction down below Kansas City?

Mr. BORLAND. Because the report before the committee was that report.

Mr. NORRIS. All right; and the report before the committee likewise says that snagging has been done to Kansas City or thereabouts?

Mr. BORLAND. The report before the committee is a report on the permanent improvement on the banks and the 6-foot channel and does not relate to snagging.

Mr. NORRIS. Where does the gentleman get the information that snagging has been done as far as Kansas City, and where does the chairman get it?

Mr. BORLAND. I take it, on his recent trip down the river, which he made in November.

Mr. NORRIS. He did not see any snags and came to the conclusion they had been removed.

Mr. BORLAND. He was on a government boat with the division engineer.

Mr. NORRIS. It seems to me, in justice and fairness, that it is proper that the appropriation ought to be limited to above Kansas City.

Mr. BOOHER. Mr. Chairman, I am constrained to believe that a great deal of the interest manifested in these items springs from local interest; therefore I am in favor of the amendment offered by the gentleman from Nebraska. I will be in favor of an amendment making it $1,000,000 from Kansas City to Sioux City, the same as it is from Kansas City to the mouth of the river.

It is the greatest distance. It is of vastly more importance to the commercial interests of this country than that reach of the river from Kansas City to its mouth. I call the attention of the committee to a few figures that will be found in House Document No. 1120, taken from census report of 1900. They are very instructive upon this point and ought to carry some weight in the decision of this question. Between Kansas City and the mouth of the river, a distance of 400 miles, there is but one town or city that has any manufacturing product that they put upon the market at all, and they give to that stretch of this river $1,000,000. That town is Jefferson City, and if it was not for the penal institutions of the State of Missouri located there, there would not be any manufactured products between Kansas City and the mouth of the Missouri River that would need any transportation facilities.

Now, you take the river from Kansas City north and west to Sioux City, and there are two cities that have more products to ship on this great river than has Kansas City, Mo. The committee must not confound Kansas City, Mo., with Kansas City, Kans.

Let me call your attention to the figures I find here, on page 16 of House Document No. 1120, Sixtieth Congress, second session. It tells a lesson, but it does not explain why the Committee on Rivers and Harbors refused to appropriate any money to put the river north and west of Kansas City in a navigable condition. Let me take first the manufactured products in Kansas City, as shown by the census records for 1900. I am referring to Kansas City, Mo.

The records show that the manufactured products of that city amounted to $36,000,000, the manufactured products of Jefferson City to $3,600,000, making a total of $39,600,000 that receives in this bill a million dollars appropriation. Let us go out West and see what we have. Sioux City, Iowa, had manufactured products of $15,000,000; Council Bluffs, $2,600,000; Omaha, $43,000,000—$7,000,000 more than Kansas City has; St. Joseph, Mo., $32,000,000—almost as much as Kansas City has. Go on down to Atchison, Kans., $2,600,000; Leavenworth, Kans., $4,700,000; Kansas City, Kans., $36,000,000, exactly the amount that Kansas City, Mo., has. Yet above the mouth of the Kaw River, above Kansas City, there is not a single dollar appropriated in this bill.

Now, I would like to know why the Rivers and Harbors Committee have neglected this reach of the river that is 200 miles longer; that has more commerce upon it, or would have if it could be put upon that river, than the reach from Kansas City to St. Louis can possibly have.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOOHER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be closed in five minutes.

Mr. CLARK of Missouri. I wish you would make it ten minutes. I would like to have five minutes myself.

Mr. MARTIN of South Dakota. I would like to have three minutes.

The CHAIRMAN. The gentleman from New York [Mr. ALEXANDER] asks that all debate on the pending paragraph and amendments thereto be closed in ten minutes.

Mr. ALEXANDER of New York. I ask that the time be extended to twenty minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. To meet the statements that were made by the chairman of the committee and others that this money might all be expended above Kansas City, if that is true, why not adopt this amendment? There can be inserted one word in the paragraph preceding that will permit the use of a part of this $1,000,000 appropriated for Kansas City to maintain the work below that point. That is, just insert, after the word "improvement," in line 8, the words "and maintenance," and then such part of the $1,000,000 that is appropriated for the river between the mouth and Kansas City can be used for maintenance as may be necessary. There can be no reason, in my judgment, why all this sum of $175,000, if no more is to be given, should not be used on the river above Kansas City, Mo. There is a great agricultural country there. The four great States of Kansas, Nebraska, Iowa, and Missouri furnish more food products of this country than all the balance of the country put together, and you shut off from the benefits of water transportation nine-tenths of these four States. You keep them out of this water transportation by refusing to make a single dollar of appropriation to improve this river above Kansas City. When is it to be done? There is no statement in this bill anywhere when the work will be begun on that reach from Sioux City to Kansas City. There is not a single statement made that they intend to make any improvement on that part of the river or that they intend to do anything there now or hereafter.

I insist that the amendment of the gentleman from Nebraska ought to be adopted. It is but fair and right that if you appropriate for improvement of the river $1,000,000 from the mouth to Kansas City, that you ought to be willing to give $175,000 on that reach west to Sioux City, a distance of 600 miles. It is as little as you can give. There are many sand bars and snags that could be removed and that would enable transportation to be given from Sioux City to St. Louis, as it is now given from Kansas City to St. Louis. In the report made by Captain Schultz, referred to by my colleague, he says boats were put upon the river from St. Joseph to Kansas City, and they finally had to be removed because of the sand bars which formed opposite the bridge at Atchison, Kans., and stopped the boats. Sand bars are allowed to remain there until navigation of the river from St. Joseph to Kansas City is stopped. This $175,000 ought to be given to remove the sand bars and snags above Kansas City. The bill permits the use of this money north and west of Kansas City, but it also permits the use of absolutely every dollar of it between the mouth and Kansas City, as the engineer in charge may direct. It can be used wherever the commission or the engineer say it shall be used.

If the river is to be improved west of Kansas City, now is as good a time as any to begin the work. The people in that section of the country need it, and you can not do it any better than by permitting them to have this $175,000. I do not want to take the million dollars from my good friends of Kansas City, neither do I want Kansas City to hog the whole pie. I want my people and the people of Nebraska and Iowa and Kansas to have their share of the favors distributed in this bill; $175,000 is little enough out of the $1,175,000. I submit that the amendment ought to be adopted. [Loud applause.]

Mr. CLARK of Missouri. Mr. Chairman, I want to congratulate the Rivers and Harbors Committee on bringing in this bill. It is the first fruition of the hope that some of us have entertained here for the last seventeen years. I have been working ever since I came here, in 1893, to get these western rivers improved, especially the Missouri River. I am in favor of improving the whole river.

I want to congratulate the committee on going out there and getting an object lesson in my congressional district, on that stretch of the river from Jefferson City to Gasconade City. Improvements there have stood for fifteen years as an object lesson of what can be done by improving this stream, which the chairman [Mr. ALEXANDER of New York] calls an alluvial stream; and if that system were pursued, I will venture the opinion that the Missouri River would be navigable and have a great deal of commerce on it. I say that the money is well spent if never a passenger or a pound of freight goes up or down the river. [Applause.] It fixes railroad rates. I am not going to take any part in this $175,000 squabble, except I want to correct my good friend from St. Joseph. His statistics are wrong. I do not know who got them up for him. He says there is no shipping of products anywhere from Kansas City to the mouth of the river. Why, in the little town of

Hermann, in Gasconade County, on the south bank of the Missouri River, which has about 1,800 or 2,000 people in it, they made last year 2,900,000 gallons of wine, which had to be shipped somewhere.

Mr. BOOHER. They drank it. [Laughter.]

Mr. CLARK of Missouri. No; they did not drink it. [Renewed laughter.] They drank their part, no doubt. The little city of Washington, on the south bank of the Missouri River, furnishes a very large commerce. All the cob pipes used by the civilized world are made there. It is a very large industry.

Mr. NORRIS. Will the gentleman yield to me?

Mr. CLARK of Missouri. Yes.

Mr. NORRIS. The gentleman is not undertaking to say that the entire appropriation should be used for the Missouri below Kansas City?

Mr. CLARK of Missouri. I am perfectly willing for you to have part of the money for the upper river.

Mr. NORRIS. Then you ought to vote for my amendment.

Mr. CLARK of Missouri. Then there is one other thing. There is one factory in St. Charles, on the north bank of the Missouri River, in my district, that employs 2,400 men. It would look as if they might have something to ship of the things which they produce by their labor.

Mr. BOOHER. They are on the Mississippi?

Mr. CLARK of Missouri. They are on the Missouri River.

At this very minute they are putting in a steel plant in that town that will cost millions of dollars. They have factories of every kind that are springing up in that western country, and if they ever get the Missouri River so that it is navigable, it will have an immense traffic on it; and the Speaker was exactly right yesterday when he stated that in his agricultural districts there is no prejudice against river improvements. He might have truthfully extended his remark to all agricultural districts, because the people there read the newspapers more than the city people do, and are better informed than the city people are. [Applause.] They understand that anything which looks to the betterment of commercial facilities in this country helps the man who is 100 or 200 or 300 miles away from the river as much as it helps the man who lives upon the banks of the river. Nobody need labor under any misapprehension as to the intelligence of the agricultural population of the United States. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, has the gentleman from Nebraska [Mr. NORRIS] an amendment pending?

Mr. NORRIS. Yes.

Mr. MARTIN of South Dakota. Does it propose to strike out the words "the mouth," in line 13, page 68?

Mr. NORRIS. That is the amendment; yes.

Mr. MARTIN of South Dakota. Mr. Chairman, it should be a matter of gratification to us all that the Committee on Rivers and Harbors has at last brought in a bill which is, as I understand, the forerunner of a permanent policy for the improvement of the Missouri River. In former years that great stream was navigable and one of the main avenues of commerce. Under the policy now being adopted it will become so again. The difficulties have been different in that stream from the usual difficulties in navigable streams. The ordinary dredging proposition does not apply to the Missouri; but it is nevertheless not an extremely difficult thing and certainly not an impossible engineering proposition, and I believe that when proper principles are applied to it, it will be found to be one of the easiest streams to control and to continue navigable.

As to the particular amendment offered by the gentleman from Nebraska [Mr. NORRIS], I desire to support it. It seems to me there is no reason, even in the view given by the committee of the purposes that are to apply to the use of this fund, why it should not be definitely stated. This $175,000 should be used for maintenance between Fort Benton and Kansas City, and not continued on down to the mouth of the stream. In the language of the preceding paragraph, which is, "For the securing of a permanent 6-foot channel, $1,000,000," there is no reason whatever why any portion of that amount may not be used for the maintenance of that 6-foot channel below Kansas City down to the mouth. There is every reason why this $175,000 should be used for a like purpose above Kansas City. I trust that the committee will not seriously oppose this amendment. It is right in line with what they say is the engineering purpose. Let it be definitely stated. This stream, in a peculiar sense, should be improved throughout its entire length at one and the same time. It is, as I have said, not a question of dredging out a channel; it is a question of preserving the channel in its natural and proper position, and it is as necessary to preserve that channel above Kansas City and above Sioux City on up to Fort Benton, the limit of navigation, as it is to preserve it below that point. I earnestly recommend that the House in its impartial disposition of this amendment will allow the use of the entire $175,000 above Kansas City.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question being taken, on a division (demanded by Mr. NORRIS) there were—ayes 42, noes 50.

Accordingly the amendment was rejected.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment to the paragraph.

The Clerk read as follows:

Page 68, line 13, strike out "one" and insert "two;" and add, after the word "dollars," line 14, a proviso, so that the paragraph shall read:

"Improving Missouri River: For maintenance of improvement from the mouth to Fort Benton, $275,000: *Provided*, That $100,000 of this amount, or so much thereof as may be necessary, shall be used for work between Kansas City and Sioux City, and that in carrying on the same experiment may be made with devices and methods fitted to the character of the river."

Mr. ALEXANDER of New York. Let us have a vote.

Mr. HITCHCOCK. Mr. Chairman, this amendment as proposed by me——

Mr. ALEXANDER of New York. Mr. Chairman, debate has been closed on this paragraph.

Mr. HITCHCOCK. The time has not yet expired.

The CHAIRMAN. There are yet six minutes remaining.

Mr. HITCHCOCK. Mr. Chairman, this amendment proposed by me deprives Kansas City of no part of the $175,000 provided for maintenance.

It pledges no part of the million dollars appropriated for below Kansas City to be used for maintenance. It simply permits the engineers of the Government to use $100,000, or so much thereof as may be necessary in their opinion, to be used for experimental work suited to the peculiar character of the river between Kansas City and Sioux City.

I want to draw attention to the fact that while the appropriation provided by this committee for the 20 miles below Kansas City amounts to $50,000 per mile, this $100,000 which I have provided in this amendment is to be used over a great stretch of river amounting to nearly 400 miles. It seems to me, Mr. Chairman, that the committee in charge of this bill should not be so wedded to old methods and so devoted to the schemes and devices that have largely failed in the past on this part of the river, as not to be willing to give the engineers an opportunity to experiment with work which has been tried by private interests, by communities and corporations along this part of the river.

I stated a while ago on the floor that the South Omaha Stock Yards Company, a large corporation having important interests to protect, had succeeded by spending comparatively a small amount of money in the use of a modest and homely method of protecting the banks where the sewer empties into the river, just as permanently and just as satisfactorily as the more expensive work could protect it which has been used below Kansas City. If that is a fact, and I believe the engineers will, by proper examination, find it to be a fact, it seems reasonable that the committee should permit the engineers to experiment with the economical devices that have been tried so successfully with a small outlay by private concerns.

My amendment does not make it obligatory to try devices; it does not require the expenditure of $100,000; it simply permits them to make the experiment on the long stretch of river from Kansas City to Sioux City with the cheap devices that heretofore have only been used by private corporations or individuals. I trust, Mr. Chairman, that the committee will be willing to accept the amendment, and if not, that the House will vote it into the bill, as it deprives no other community of any benefits that may come to them.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HITCHCOCK. Certainly.

Mr. HUMPHREYS of Mississippi. Does not the gentleman understand that the engineers can try those experiments now?

Mr. HITCHCOCK. I do not think they can.

Mr. HUMPHREYS of Mississippi. They can as the law now stands.

Mr. HITCHCOCK. As it is provided now $175,000 is appropriated for that great reach of the country from the mouth of the river up to the source of navigation, something like 2,000 miles, and that makes it impossible to make any experiment, because it will require all of the money to pulling out a few snags. I think it is reasonable for favored communities that have received such large benefits to give this stretch an opportunity to experiment with devices and not shut us out altogether.

Mr. HUMPHREYS of Mississippi. Under the law now the engineers can resort to any manner of bank revetment which commends itself to their judgment and skill.

The CHAIRMAN. The time for debate has expired. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Missouri River at St. Joseph, Mo., in accordance with the report submitted in House Document No. 824, Sixtieth Congress, first session, $75,000: *Provided*, That no part of this amount shall be expended until the city of St. Joseph, or other agency, shall have deposited to the credit of the Secretary of War, in some duly recognized United States depository to be designated by him, the sum of $75,000, to be expended by said Secretary of War, together with the amount herein appropriated, in the execution of the plan of improvement recommended in the report herein referred to.

Mr. BOOHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out all after the word "dollars," in line 18, page 68, to the end of the paragraph, in line 2, page 69.

Mr. BOOHER. Mr. Chairman, in support of the amendment I desire, first, to call the attention of the Committee of the Whole to the document mentioned in the paragraph, namely, Document 824, Sixtieth Congress, second session. Gentlemen will notice on the first page a provision of the law of March 2, 1907, which reads as follows:

Provided further, also, That the Secretary of War shall, as soon as practicable, cause a survey to be made to determine the necessity of continuing the improvement of the Missouri River at St. Joseph, Mo., to prevent a diversion of the waters of said river through Lake Contrary and other contiguous lakes, and to determine the effect of such diversion, with an estimate of the cost of the improvement, and shall also report whether the same is directly and necessarily required in the interest of navigation.

Now, I am quite sure that if each Member of the House present had a copy of that document with this map and understood it and would examine it thoroughly, he would vote for the amendment I have offered. Now, why the city of St. Joseph, or some other agency, should be required to devote any money toward the improvement of the Missouri River, or any other river, is something I can not understand. This work is about 3 miles from the city of St. Joseph. It does not belong to the city of St. Joseph, and where St. Joseph is mentioned in this law, it is simply mentioned as a continuation of the work at St. Joseph, Mo. Something has been said here about the work done upon the Missouri River, from Jefferson City down to the Osage River, as being substantial and having been completed within the last fifteen years. There is revetment work, and it is the first revetment work ever done on the Missouri River, and it was done on the Kansas side of the river a little above the city, begun in 1880, and it stands there, 3 miles of revetment work, the river on both sides of it, as substantial as it was the day it was done. There have been about $5,000 for maintenance expended on it since that time. This appropriation of $75,000 is for the purpose of continuing the improvement already begun. It is to begin at the end of 3,900 feet of revetment work, and to be continued, according to the report of Captain Schulz, who made this report and who made the survey. It will take 1,650 feet more of revetment work to go by this place and prevent the river from being diverted into this lake and destroying not only the lake and probably the surrounding country, but cutting a new channel for 20 miles through a string of lakes and destroying a vast amount of property. If this improvement is necessary to preserve the navigation of the river, then the Government ought to make the improvement without calling upon the people to subscribe a single cent toward it. I know something is said in this report about a pleasure resort down the river, and it is said to be of immense value. It is used by the people as a pleasure resort. Many people visit it in hot weather—go down and spend an evening there.

The street car line runs to it. It is in the neighborhood of 3 miles from the city of St. Joseph, and if the river cuts through into the lake at the point where it is cutting it will do great damage. It does not interfere one particle with the pleasure park down there at the lake or its improvements. It does not touch them, but it does destroy the lake. Is that any reason why, if this is an improvement for the navigation of the river, the people should pay anything for it, why anybody should be taxed for it? Where in this bill do they ask any other community where they are improving the navigable waters of the State to subscribe one-half of the money toward doing it?

[By unanimous consent the time of Mr. BOOHER was extended for five minutes.]

I want to call attention to some extracts from the report of the engineer upon this subject, and I will read it. Speaking of this place on the river, Captain Schulz says:

Unless some measures are taken to prevent further erosion it appears only a question of time when the river will cut into Lake Contrary; and at the present rate of erosion this may possibly happen in eight years. The result of such action can not be completely foretold. * * * In any event it will be decidedly shortsighted to allow any such condition to come about.

Further on he says:

The navigation interests likewise demand that the river be kept in its present channel.

Now, it is in the interests of navigation.

Mr. HARDWICK. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. HARDWICK. The gentleman invited some statements as to whether there is anything else like it in the bill. We have exactly the same proposition in my district, and we are paying $125,000, and doing it gladly.

Mr. BOOHER. The gentleman can pay all he pleases. I have not found any such provision in the bill.

Mr. HARDWICK. It is at page 30 in the bill.

Mr. BOOHER. As the gentleman calls my attention to it, I will look it up. Continuing, the engineer says:

The regulation of the Missouri River and the revetment of its banks at St. Joseph and above Lake Contrary, is the most complete and systematic work done near any city front on the river.

That is simply to be continued and carried out and provided for. It is not a new project. It is simply carrying out the work that has already been done, finishing the project that was started for the express purpose of completing the work done beyond this point, where the river is about to change its channel:

The completion of this work now requires about 16,500 feet of bank revetment.

Now, I desire gentlemen to listen. This is the opinion of the engineer:

It is my opinion that the work of preventing the threatened diversion of the waters of the Missouri River into Lake Contrary is directly and necessarily required in the interest of navigation.

Now, that is the language of the engineer. If this work is required to be done directly in the interest of navigation, then I undertake to say that Congress has no right to ask the people of any locality to pay any part of the money necessary to make the streams of this country navigable; and if the gentleman from Georgia or any other place has a like project and his people are wanting to do it, that is up to them to do, and it does not cut any figure in this case. I have not seen any report——

Mr. HARDWICK. Will the gentleman yield?

Mr. BOOHER. I can not yield. I have not seen any report from any engineer or anybody else where attention is called to it, and if there is such a matter as this it would be well to produce it. There can be nothing wrong about this. I do not intend to ask this committee for a single dollar more than the bill carries. I do not ask them to add one single dollar to this appropriation. All I ask them to do is to strike out from this bill the provision that says the city of St. Joseph, which is nearly 3 miles away from the point, or some other agency, shall pay this money.

Now, the other agency simply means that the farmers living along these lakes will be called upon to pay one-half the expense of improving the river for purposes of navigation, because such improvement would preserve their property. They are not able to do it and can not do it, and it simply denies them any relief at all, and they ought not to be asked to do it. I submit, Mr. Chairman, that if a river is to be made navigable the people of all this country, not only on the Missouri River, but on the rivers in Georgia, that all the people ought to pay, and not one portion of the people should be compelled to pay one-half of the expense for the benefit of all. It is not right even if the people in the district of my friend from Georgia does it. Mr. Chairman, I hope this amendment will be adopted.

Mr. HARDWICK. I want to say just a few words in answer to the position the gentleman from Missouri takes on this matter. I have exactly a similar project in my district. We came and asked $125,000 to be expended in keeping the Savannah River at Augusta within its banks, to be used in connection with our money to be spent for flood protection of the city of Augusta. Of course this appropriation of the Federal Government was entirely in the interest of navigation, but we agreed and gladly agreed that if the committee would give this amount we would pay a like amount, and if the gentleman will look at page 30, top of the page, he will find that this committee recommended an exactly similar appropriation in exactly identical language to his. Now, in my case we have gladly agreed to this provision, because we thought it was right——

Mr. BOOHER. Will the gentleman yield?

Mr. HARDWICK. I will.

Mr. BOOHER. But you came to Congress with the proposition that if they would do that you would do this work opposite your city.

Mr. HARDWICK. Exactly. Now let me ask the gentleman, in turn, Did not the gentleman's district agree to do that also?

Mr. BOOHER. No, sir.

Mr. HARDWICK. They did not ask for that?

Mr. BOOHER. No.

Mr. HARDWICK. Well, I do not know of the facts in your case——

Mr. BOOHER. I do not know; the men who may have come here——

Mr. HARDWICK. I want to say to the committee that it is my information that there are 21 projects like this in the bill. The committee has, I think, adopted a wise policy, because where projects like these are entered into and there is guaranteed a similar amount of local expenditure, there is no possible danger that the Treasury of the United States will be mulcted, because no Member of Congress will come and ask for thousands of dollars to be expended by the Federal Government unless his project, on which his own people have to expend a like amount, is a meritorious one. That is exactly what happened in my case, and, I think, in other cases—some larger in amount than mine.

Mr. BOOHER. Do you not, in your bill, state that the people living along this shore of the Missouri River from Kansas City to St. Louis shall put up a million dollars? It is that same kind of work exactly.

Mr. HARDWICK. I do not know the merits of the gentleman's proposition.

Mr. HUMPHREYS of Mississippi. If the gentleman will refer to that provision, he will see what cooperation there shall be.

Mr. HARDWICK. I do not know whether the information is accurate or not, but I am informed that the people down there agreed to this.

Mr. BOOHER. I have received many dispatches since this bill was reported, saying that the city of St. Joseph was not interested and would not raise any of this money.

Mr. HARDWICK. I want to say this, however, that, so far as I am concerned, I approve this policy of the committee as adopted. I was glad to have my people pay an equal amount to the amount appropriated in this bill, and they are glad to do it, because not only will the navigability of the river be improved, but the city of Augusta and the adjacent country will secure much-needed protection from the floods that have for many years devastated them, destroying both life and property.

Mr. ALEXANDER of New York. Last spring while formulating the bill approved March 3, 1909, a gentleman came to me with a proposition, as I now recall it, that St. Joseph pay half the cost of this revetment, because bank caving threatened to open a new channel into a lake some 700 or 800 feet inland. We could not do it in that bill, limited as it was to maintenance and operation of government plant, and so told him. Thereupon he went to the Senate and secured an appropriation. When the bill came into conference we substituted another survey for the appropriation. The survey of 1907 provided that the people should pay one-half, and we are now giving them what we could not give in the last bill. They understand that they are doing nothing more than is done in a number of other places over the country. As has been stated, there are 21 items in this bill where there is cooperation of the same nature as this. It is entirely proper, I think, that the United States should do one half of it. It is entirely proper also, and is so admitted by the people themselves, that they should do the other half.

Mr. BOOHER. Will the gentleman yield to let me ask him a question? When was that delegation of people from St. Joseph?

Mr. ALEXANDER of New York. I can not at this moment recall the name of the gentleman. You undoubtedly know him.

Mr. BOOHER. Is it not a fact that the survey of that project was made in 1907?

Mr. ALEXANDER of New York. No; I think it was last spring. I beg the gentleman's pardon; it was made in 1907. The report was made last spring, but the survey was made before. This is the survey of 1907.

Mr. BOOHER. Now, at that time, if the gentleman will examine the records, he will see that Captain Schultz is the party who made the proposition that the people should pay one-half—the surveyor, and not the people of St. Joseph. They have been laboring ever since to get that part of his report set aside.

Mr. ALEXANDER of New York. The proposition came from the St. Joseph people themselves, and it has been before us all the time and is before us by this report.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BOOHER].

The question was taken, and the amendment was rejected.

Mr. BOOHER. Mr. Chairman, I would like to have permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. Mr. Chairman, I desire to call the attention of the House to that part of the report of the Committee on Rivers and Harbors which refers to the improvement of the Mississippi and Missouri rivers, found on pages 5 to 11 inclusive. Some extracts from the report are of interest at this time, and I shall insert them at this point in my remarks without reading them in full:

For the past few years caving banks which concerned merely the value of the land destroyed by the advancing river have not been revetted, but only those where a river cut-off was imminent or a levee about to be destroyed at points where the river would overflow into large areas of low ground and be lost to the ever slackening river current, or where boat landings and wharves would be destroyed without opportunity for replacement at other points in the vicinity.

* * * * * * *

The cases of extreme urgency, such as those to prevent cut-offs and breaks, are even now sufficient below Cairo to require constant work by nine revetting parties, while the commission has only plant enough to keep six parties busy. The revetment plant necessary to keep the other three parties busy will require at least one year to build, so that at the best it can not be utilized before 1911. In order to allow immediate commencement of work on the construction of this plant, some of the proposed appropriation in the pending bill will be used. There is no known method of river improvement which can give any permanent benefit to the navigation of the Mississippi River below Cairo unless it makes provision for the revetment of caving banks, and the sooner such work is completed the more quickly will assured navigation be obtained.

MISSOURI RIVER.

This river has a continuous navigable length of 2,283 miles from its mouth about 17½ miles above St. Louis, Mo., to Fort Benton, Mont., and has been used for over two hundred years. It has been actually navigated by steamboats for ninety years, and between 1820 and 1880 it was the main factor in the development and building up of the western country, being of incalculable value and importance for transportation purposes during the greater portion of that period. In 1867, 43 steamboats cleared from St. Louis for the upriver trade, the freight both up and down being large and valuable, the passenger traffic alone being over 10,000. In the same year 28 clearances were made for the middle river and 212 for the lower river. During the year 1877, 25 steamers arrived at Fort Benton, and in 1878 there were 46 arrivals at that point. This commerce increased up to 1885, at which time there were two distinct boating sections—Sioux City, Iowa, being the dividing point—19 boats traversing the upper river and 18 being devoted exclusively to the lower. About this time, however, the commerce began to decline, and has continued to do so.

Owing to the difficulties attending navigation and the great expansion of the railroad system throughout the adjacent territory, the commerce that utilized the river for transportation was diverted to the railroads, so that the use of the river as a highway is at present almost insignificant. That this decrease is primarily due to the difficulties of navigation is plainly inferable when one considers the vast increase in population and production of this territory, an increase that has become so enormous that the capacity of the railroads is inadequate to move the commodities seeking transportation. The territory naturally tributary to this river comprises an area of more than 300,000 square miles, equal to the whole of the New England, Middle, and a large part of the Southern States.

The crop production alone of this area amounted in 1907 to 25,000,000 tons, with a value of $500,000,000, while the meat products of four cities located on the river amounted to about 800,000 tons. In addition to this the manufactures of four States through which the river flows, or touches, approach nearly a billion dollars in value. That a large percentage of these commodities does not seek transportation by water, especially when the various railroads are unable to handle it expeditiously, must be due to the fact that existing conditions do not permit of the river's economical utilization.

The four States mentioned are Iowa, Missouri, Kansas, and Nebraska, and with the exception of that part of Missouri lying south of Kansas City the whole area is neglected. With all its vast possibilities the committee utterly ignores it. Of course they use the specious and fallacious argument that the improvement of the river east of Kansas City will be of great benefit to the States mentioned; that it will of necessity give them cheaper freight rates. Just how this will be accomplished does not appear. Perhaps the committee believes that the shippers west of Kansas City will pay railroad rates to that point and then transfer their freight to boats on the river. If that be the argument, a moment's reflection will show its absurdity. Transportation by water must have a starting point as well as a terminal.

The condition set forth by the committee applies to the Missouri River from its mouth to Fort Benton, as well as to the Mississippi. Take that reach of the Missouri River from the mouth of the Kaw to the northwest corner of the State of Missouri, a distance by river of 204 miles—not a dollar appropriated to do the identical kind of work that is to be done on the river from Kansas City to the mouth, a distance of 390 miles, and to this reach of the river is given the sum of $1,000,000. With a string attached, it is true, in the shape of a board of three officers, to be appointed by the Secretary of War, which board will make a report, "in which report consideration shall be given to the subject of cooperation on the part of local interests in the work of said improvements." Just what meaning can be

attached to that part of the report to be made I am at a loss to determine. But when the bill comes down to that reach of the river above Kansas City there is no uncertainty about the provisions of the bill. On page 68 we find this provision:

Improving Missouri River at St. Joseph, Mo., in accordance with the report submitted in House Document No. 824, Sixtieth Congress, first session, $75,000: *Provided*, That no part of this amount shall be expended until the city of St. Joseph, or other agency, shall have deposited to the credit of the Secretary of War, in some duly recognized United States depository to be designated by him, the sum of $75,000, to be expended by said Secretary of War, together with the amount herein appropriated, in the execution of the plan of improvement recommended in the report herein referred to.

The committee not only makes it a condition precedent to the expenditure of this money by the Government that some agency shall raise an equal amount, but it requires that the money shall actually be raised, and not only that, but it must needs be deposited to the credit of the Secretary of War in some recognized United States depository.

In order to ascertain why any appropriation whatever for this work is made, we are referred to House Document No. 824, first session Sixtieth Congress, and when we turn to that document we find a condition to exist that meets every requirement of the committee report for the revetment and protection of the banks of the Mississippi below Cairo. I quote from page 6 of the report of the committee:

The cases of extreme urgency such as to prevent cut-offs, and breaks, are even now sufficient below Cairo to require constant work by nine revetment parties, while the commission has only plant enough to keep six busy. * * *

Then follows this statement on page 7:

There is no known method of river improvement which can give any permanent benefit to the navigation of the Mississippi River below Cairo, unless it makes provision for the revetment of caving banks, and the sooner such work is completed the more quickly will assured navigation be obtained.

If this be true of the Mississippi River, it is equally true of the Missouri, and it is as true of that part of the river north and west of Kansas City as it is of that portion of the river east of Kansas City, for which $1,000,000 has been appropriated without demanding that a single dollar shall be raised by the people that might be benefited by the improvement of that reach of the river; and why should they pay a dollar?

The work near St. Joseph, spoken of in the bill, is not new work, as one might be led to believe from reading the report, but a continuation of work already begun. By turning to House Document No. 824, we find that the river is rapidly cutting its way into a lake, will change its course, and destroy a large amount of farm lands. The document also says:

The navigation interests likewise demand that the river at this point be kept in its present channel.

Now, listen to what the document referred to further says of the work at this point:

At this point the regulation of the Missouri River and the revetment of the banks at St. Joseph and above Lake Contrary is the most complete and systematic work done near any city front on the river. The completion of this work now requires about 16,500 feet of bank revetment, estimated to cost $150,000.

So I say this is not beginning a new project. On the contrary, it is the completion of a project that has been under way for ten years. To refuse an appropriation sufficient to complete the work is, in my judgment, shortsighted, and will, if the river is permitted to cut its way into this lake, result in the destruction of much of the work already done by the Government, and will wash away many thousands of acres of farm land, ruin hundreds of people, who are as much entitled to consideration at the hands of Congress as the people of any other section of this country.

If the Missouri River is a navigable stream, it is the duty of Congress to put it in condition so that it may be navigated, and that, too, without demanding of any of the people who may be benefited by reason of the money expended that they pay one cent of the cost of such improvements. In these days, when Congress is besieged from within and without to appropriate large sums to subsidize steamship lines, when every great interest of the country seems to get easily all the protection they demand at the expense of all the people, including the ultimate consumer, why should Congress demand that the farmer, who may be benefited by the Government taking care of its own property, be required to pay any share or part of the expense? If these river improvements are necessary to protect or make navigable the great rivers of the country, then it is the duty of Congress to make the necessary appropriations to carry on the work. Why make the people who live in the bottoms of the Missouri River bear one-half the expense of improving the navigation of the river? The answer is, Because they are benefited by such improvement. If people who derive a benefit from the legislation of Congress are to pay one-half the cost, why not say to the manufacturers and other protected interests, You shall pay one-half of the cost of the protection given you. It is just as fair and reasonable to demand it of these interests as it is of the farmers who live along this river and are taxed from the cradle to the grave to build up the protected interests of the country.

Now, they do not seem to possess the influence necessary to secure their just proportion of the blessings so lavishly distributed upon the few favored classes of the country. But, my word for it, the day is not far distant when there will be an equalization of the burdens now borne by the many for the benefit of the powerful few and a more equal distribution of the benefits resulting from congressional legislation.

The amount it is proposed to give in subsidies to steamship companies—or, to put it more properly, the amount it is proposed to take out of the pockets of a people already overburdened with unjust and unequal taxation and put in the pocket of some wealthy corporation—would more than pay for all the work necessary to be done on the Missouri from the mouth of the Kaw River to the northwest corner of the State of Missouri, to revet the banks and save to the people living along its borders their homes and make the Missouri River what an All-Wise Providence intended it should be, a great commercial highway, carrying upon its bosom the products of the richest agricultural region in the world. Between the points last mentioned are 300,000 acres of rich, productive farm lands that could easily be made of the value of $100 per acre. But year by year it is being washed away because the Government refuses to do that which the report of the Rivers and Harbors Committee says should be done in order to secure navigation.

I desire again to call attention to the language of the report. I want the people living along the Missouri River in the district I have the honor to represent to know just what kind of work is necessary to make the river navigable and at the same time protect their farms from destruction without the outlay of a single dollar extra for the protection given them. Here it is:

There is no known method of river improvements which can give any permanent benefit to the navigation of the Mississippi River below Cairo unless it makes provision for the revetment of caving banks, and the sooner such work is completed the more quickly will assured navigation be obtained.

Do not overlook the fact that the same work that will make the Mississippi River navigable and protect its banks will make the Missouri navigable and protect its banks, and consequently protect every farm lying in the great valley.

Of course we can get a little protection, provided the farmers pay one-half the expense. This is not a square deal. It is not a fair distribution of favors. It is placing an unequal and unjust burden upon the backs of the people who can not bear the burden.

If the farmers of the Missouri Valley could organize, come to Washington, maintain a lobby, besiege the committee rooms as we have seen the favored few do when legislative favors were to be bestowed, it would not be many years until some attention would be paid to their demands.

In behalf of every resident in the valley of the Missouri north and west of Kansas City, I ask of this Congress that they be treated with the same fairness in the matter of river improvements that other and more favored portions of our country receive.

North of Kansas City and within a distance of 80 miles are the cities of Leavenworth and Atchison, in the State of Kansas, and the city of St. Joseph, in the State of Missouri—Leavenworth, with a population of 26,000; Atchison, 20,000; and St. Joseph, 125,000. These three cities, with a commerce and trade greater in volume than that of Kansas City, Mo., and all the towns combined from there to the mouth of the Missouri, are just as much entitled to the advantage of cheap transportation rates as any other part of the valley of the Missouri. Why are they wholly neglected? There may be some good reason why this discrimination should be shown, but it does not appear upon the face of the report.

The improvement of the Missouri River and other water courses of this country would be of far greater benefit to our people than the digging of the Panama Canal, that will cost before completion $750,000,000. One-fifth of this sum would make of the Missouri River a navigable stream for 2,300 miles, its entire navigable length, and save to the people in freight alone in five years more than the money expended.

President Roosevelt in his last annual message to Congress, in speaking of the great waste of our natural resources that was

constantly going on, used this language, which I commend in a spirit of humility to the Committee on Rivers and Harbors. He said:

But there are certain other forms of waste which could be entirely stopped—the waste of soil by washing, for instance, which is the most dangerous of all wastes now in progress in the United States, is *easily preventable*, so that this present enormous loss of fertility is unnecessary.

This recommendation received scant consideration at the hands of the Sixtieth Congress, and may meet the same fate here; but the day is not far distant when consideration will be given it and the relief pointed out will be granted. May some guardian spirit hasten the day, even if it brings about the early return of the man from Africa.

Let us consider for a moment the commercial importance of that section of the great Missouri Valley that has been entirely ignored by this bill. It is of great importance in the discussion of a measure of this kind that the interests to be served or benefited shall be pointed out. House Document No. 1120, second session of the Sixtieth Congress, gives the following figures:

CROP PRODUCTION.

The crop production is given in the following statement, showing not only for the entire States bordering the Missouri, but also for the portion in the 100-mile belt; the total grains produced in 1907 was: Corn, 25,000,000 tons; wheat, 7,000,000; oats, 4,300,000; barley, 1,400,000; rye, 122,000; buckwheat, 4,000; flaxseed, 562,000; potatoes, 1,200,000; hay, 15,000,000; being a total of nearly 55,000,000 tons, valued at over $1,000,000,000. For the 100-mile belt the total values are over 25,000,000 tons and nearly $500,000,000.

It will thus be seen that an enormous tonnage of grain must seek transportation at present by the railroads, transportation which should by all means seek the cheaper water rates of the Missouri. The corn production alone of the United States is about 80 per cent of the world, and that of the seven Missouri River States in 1907 was 33 per cent of the whole United States. The export trade of the United States in corn alone was 4,000,000 tons, and in total foodstuff products nearly 7,000,000 tons. It is thus seen what splendid opportunities for export trade are available by means of the Missouri and Mississippi rivers via the Gulf, or eventually also via Chicago and the Lakes.

Nor is this all. The meat products rank first among all manufactured products in the United States in net production and second in gross production, and are valued at over $800,000,000 per year, estimated to be over 3,200,000 tons, of which about one-quarter is produced in the cities of Sioux City, Omaha, St. Joseph, and Kansas City.

The manufactured products in 1900 of the four States from Sioux City to the mouth are as follows:

Iowa	$164,618,000
Nebraska	144,000,000
Kansas	172,000,000
Missouri	385,000,000
Total	865,618,000
And of the cities—	
Sioux City	$15,000,000
Council Bluffs	2,600,000
Omaha	43,000,000
St. Joseph	32,000,000
Atchison	2,600,000
Leavenworth	4,700,000
Kansas City, Kans	83,000,000
Kansas City, Mo	36,000,000
Jefferson City	3,600,000
St. Louis	234,000,000
Total	456,500,000

Between the mouth of the river and Kansas City, Mo., we find, according to this document, one city only that appears in the lists of cities with manufactured products that need transportation. The figures follow:

Kansas City, Mo	$36,000,000
Jefferson City, Mo	3,600,000
Total	39,600,000

These two cities are magnificently remembered in the bill with an appropriation of $1,000,000, and as much more of the $175,000 appropriation for maintenance as the engineer may see proper to expend, even the whole of it, and if we judge the future by the past—said to be a good rule—the lion's share will be thus expended.

Now let us take the manufactured products of the cities that have been denied recognition by the bill:

Sioux City	$15,000,000
Council Bluffs	2,600,000
Omaha	43,000,000
St. Joseph	32,000,000
Atchison	2,000,000
Leavenworth	4,700,000
Kansas City, Kans	83,000,000
Total	182,300,000

The business interests of these cities receive not one dollar of the $42,000,000 carried by the bill. Nay, they do not even get the promise of a dollar in the future. The business men of the upper Missouri should get awake to their interests and demand that in the distributions of these favors that their rights and interests be considered; that in the same way they be given as cheap transportation rates as communities with one-fourth the commercial importance.

But there is another interest, a much larger business man interested in the matter of river improvements and cheap transportation than the business man of the city. I refer to the farmer, the man who produced the enormous crops mentioned in Document No. 1120. He performs the labor and pays the freight to get his product of that labor to market. Yet if he happens to live west of Kansas City, he can continue to pay exorbitant freight rates to the railroads, while his more fortunate brother engaged in the same line of business, residing in regions more favored by the committee, is given all the advantages of reduced rates that we have been told over and over is sure to follow the policy outlined in this bill. If it is a good thing, why not have a square deal and give this great producing part of the country its fair share of benefits bestowed?

Time and time again during the debate have we heard the remark that the States of Missouri, Kansas, Nebraska, and Iowa were the breadbasket of the world—a meaningless phrase. I deny they are the breadbasket of anybody's world, or any portion of the world; they are the bread producers and the balance of the country stands ready with their breadbaskets to have them filled with the products of their toil and labor, and while partaking of their substance you deny them the same privileges given other sections of the country.

The farmers of these four States have just cause for complaint, and if I mistake not they will in their own good time and in their own way resent the slight that has been put upon them. They now know that they can be taxed without limit to improve the waterways, great and small, east of the Mississippi River, but not one dollar for their protection unless they are willing to pay one-half the cost of obtaining it. They are under no obligation to pay a single dollar toward the improvement of the Missouri River, and I hope and trust they will not be cajoled into doing it.

It has been suggested that the remarks made by the Speaker in the second session of the Fifty-fifth Congress may throw some light on the treatment accorded the upper Missouri. I will insert them for the benefit of those who are interested in this reach of the river:

Mr. CANNON. I want to say to my friend that those of us who know something of the Missouri River know there have been a great many millions spent upon it, and ten times as much more may be spent, and then a hundred million may be spent by mandamus to get commerce upon that river, and it would not come.

These remarks may explain why, as Speaker of the House, the same gentleman did not put upon the Committee on Rivers and Harbors a Representative whose district borders the river; but, in my judgment, it is not a sufficient reason for the refusal of the committee to make an appropriation for that part of the river. Besides, it is generally understood that the gentleman has repented and now takes the view that this river can be made of great value to the people for transportation purposes. While the light holds out to burn the greatest unbeliever has the right to repent. Let us hope they take advantage of the opportunity.

In the States of New York and New Jersey alone the bill appropriates more than $240,000 for the improvement of creeks, not rivers, and the people who live on their borders and perchance might be benefited are not required to pay a single dollar of the expense—more fortunate than the people who live along the borders of the Missouri.

In conclusion, I repeat that if the Missouri River is to be made a navigable stream, to be controlled by the Government, it is the duty of the Government to furnish the money necessary to carry on the work, and if in the doing of the work, whatever plan may be pursued, benefits may arise to the farms bordering the river, the Government has no right to demand contributions from the farmers to pay the expense of the improvement. If, on the other hand, the Missouri River is not a navigable stream and can not be made so, what right have we to spend the money of the Government or demand contributions from the people to carry on any kind of improvement of the river?

The Clerk read as follows:

Improving harbor at Oakland, Cal.: For maintenance, and continuing improvement under the existing project, or, in the discretion of the Secretary of War, in accordance with the new plan of improvement printed in House Document No. 647, Sixty-first Congress, second session, $250,000: *Provided*, That the three bridges heretofore built by the United States in connection with this improvement may be turned over to the local authorities to be maintained and operated by them upon such terms as to transfer and control as in the discretion of the Secretary of War may be equitable and just to the United States and to said local authorities: *Provided further*, That of the appropriation herein made so much as shall be necessary may be expended for such alterations and repairs to said bridges as in the discretion of the Secretary of War may be essential to meet the terms of said transfer.

Mr. MANN. I reserve a point of order on the paragraph for the purpose of asking in reference to the turning over of these three bridges to the local authorities. It is clearly, I think, subject to a point of order.

Mr. KNOWLAND. What information does the gentleman desire?

Mr. MANN. I should like to know why they should be turned over?

Mr. KNOWLAND. Well, these three bridges are a part of the project adopted by the Government for the improvement of Oakland Harbor. The tidal canal was included in this project.

In constructing this tidal canal three public highways were cut off between the city of Alameda and Oakland, and the Government built these three drawbridges. They have been a source of constant expense to the Government to maintain. They have not been operated because the Government has not felt justified in incurring the additional expense of hiring bridge tenders in view of the commerce that now passes through the bridges. The county of Alameda, however, feels that the prospective commerce will justify them in accepting these bridges, keeping them in repair, and also operating them for all future time. They are willing to assume the responsibility of future operations and repair after the Government places them in working order. They have been a constant expense to the Government ever since their erection, as already stated, and the Government will annually be saved quite a considerable amount.

Mr. MANN. Were these bridges built by the Government out of river and harbor appropriations?

Mr. KNOWLAND. They were.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Improving Sacramento and Feather rivers, California: Continuing improvement and toward the controlling of débris and floods, in accordance with the recommendations of the California Débris Commission in its report dated June 30, 1907 (printed in the Annual Report of the Chief of Engineers, United States Army, for 1907, pages 2262 to 2269, inclusive), $400,000: *Provided*, That no part of this sum shall be expended unless the State of California shall appropriate for the prosecution of said project a like sum of $400,000 and deposit the same in the Treasury of the United States: *Provided further*, That the Treasurer of the United States is hereby authorized to receive from the State of California any and all sums of money that have been or may hereafter be appropriated by said State for the purpose herein set forth; and when so received the said sums are hereby appropriated for said purpose to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers: *And provided further*, That the work herein provided for shall not be begun until all rights of way needed for levees and spoil banks have been furnished the United States free of cost.

Mr. McLACHLAN of California. Mr. Chairman, I ask unanimous consent that that paragraph be passed for the present without prejudice.

The CHAIRMAN. The gentleman from California asks unanimous consent that the paragraph be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Improving Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington: Continuing improvement with a view to completing said improvement within a period of six years, $600,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of getting a little advice from the Rivers and Harbors Committee. I reported in a bill here a day or two ago for the construction of a railroad bridge across the Columbia River and Celilo Canal, which seemed to us perfectly proper to report. But we, of course, would have to give to the Secretary of War authority to permit the use of the land upon the sides of Celilo Canal, so far as necessary for the construction of the bridge. I would like to inquire if anyone can tell me whether there can be any possible objection to the railroad at this place constructing a bridge across Columbia River and then touching on land between the canal and the river and across the canal?

Mr. HAWLEY. Mr. Chairman, I have been at the location of this proposed bridge a number of times, and the banks of the Columbia River there are very high, and I would not think there would be any interference with navigation by the railroad bridge.

Mr. MANN. Well, of course, the War Department would not permit the erection of a bridge there that would interfere with navigation on the river, but there is no navigation at that point.

Mr. HAWLEY. Not until the canal is completed. I do not know how high the banks are, but they are very high.

Mr. MANN. Very well; I withdraw the amendment.

The Clerk read as follows:

Improving Kahului Harbor, Hawaii, in accordance with the report submitted in House Document No. 593, Sixty-first Congress, second session, and subject to the conditions relative to cooperation on the part of local interests, as set forth in said document, $150,000.

Mr. ALEXANDER of New York. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 80, lines 7 and 8, strike out the words "relative to cooperation on the part of local interests, as."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the localities named in this section, as hereinafter set forth, and a sufficient sum to pay the cost thereof may be allotted from the amount appropriated in this section. In all cases a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made, and a report as to the advisability of its improvement shall be submitted, unless a survey or estimate is herein expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of War is hereby authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. And such reports containing plans and estimates shall also contain a statement as to the rate at which the work should be prosecuted. Such examinations and surveys shall be reviewed by the Board of Engineers for Rivers and Harbors, as provided in section 3 of the river and harbor act of March 2, 1907: *Provided*, That every examination and survey report submitted to Congress, as provided for herein or as may be provided for hereafter, in addition to full information regarding the present and prospective commercial importance of the project covered by the report, and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities, (second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: *Provided further*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation: *And provided further*, That the investigation and study of these questions as provided herein may, upon review by the Board of Engineers for Rivers and Harbors when called for as now provided by law, be extended to any work of improvement now under way and to any locality the examination and survey of which has heretofore been, or may hereafter be, authorized by Congress.

Mr. SMALL. Mr. Chairman, I would like to ask the chairman if the provision on page 85, which provides that in future examinations and surveys that the engineer shall report upon "(first) the establishment of terminal and transfer facilities, (second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project," is new legislation? I will ask if that was carried in a prior bill?

Mr. ALEXANDER of New York. I regret that the gentleman from New York [Mr. PARSONS] is not here to notice this part of the bill to which he has directed his remarks. It has been part of the construction of these bills since I have been on the committee, twelve years.

Mr. LAWRENCE. Mr. Chairman, this is simply a repetition of the language contained in the law of 1909, our last river and harbor appropriation bill. It is the identical language given in that bill.

Mr. SMALL. Was it first inserted in the law of March 3, 1909?

Mr. LAWRENCE. It is my understanding that it was first inserted then.

Mr. SMALL. Mr. Chairman, I think it is of great importance that in further appropriations for river and harbor improvements some steps should be taken by Congress to make them contingent to a certain extent upon the providing of proper terminals, because such terminals are absolutely necessary for the promotion of commerce, particularly upon our internal nontidal streams. Possibly in some sections of the country a hard and arbitrary condition would prevent any expenditure of the appropriation or the improvement of a stream; but I do believe that a gradual increase in the limitations upon river and harbor improvements for the proper provision of terminals, particularly upon nontidal streams, should be had in mind both by the Rivers and Harbors Committee and by Congress, in order that these expenditures which are made shall be utilized in the best way for the promotion of our commerce, because while we may improve the streams, yet if analogous to railroads we do not at the same time see to it that terminals are provided, then no sufficient water-borne commerce will be built up as the result of these appropriations.

The Clerk read as follows:

The surveys of navigable streams herein or hereafter authorized shall include such stream-flow measurements and other investigations of the watersheds as may be necessary for preparation of plans of improvement and a proper consideration of all uses of the stream affecting navigation, and whenever necessary similar investigations may be made in connection with all navigable streams under improvement. Whenever permission for the construction of dams in navigable streams is

granted, or is under consideration by Congress, such surveys and investigations of the sections of the streams affected may be made as are necessary to secure conformity with rational plans for the improvement of the streams for navigation.

Mr. MANN. I reserve a point of order on that paragraph, and desire to ask whether it is not new?

Mr. ALEXANDER of New York. Yes; it is new.

Mr. MANN. Just what is the reason for it? Bills pending before the House for the construction of dams go to the Interstate and Foreign Commerce Committee. I do not quite understand the theory of the Committee on Rivers and Harbors making provision for a survey, when the Committee on Interstate and Foreign Commerce have under consideration a bill for the construction of a dam.

Mr. ALEXANDER of New York. This is based on a recommendation of the National Waterways Commission, that engineers when making surveys of streams can just as well obtain the stream-flow measurements and enter them in their reports. It is simply to have information that is not always obtainable from the Geological Survey.

Mr. MANN. Possibly that is true, but I think it is also true that the Geological Survey now makes these stream measurements. Here is a proposition to duplicate that work and have the government engineers do it. I do not quite see the force of that. So far as Congress is concerned, the effort generally is to keep from duplicating the same work in different departments. Of course the different departments are always endeavoring to duplicate work, because they lap over.

Mr. ALEXANDER of New York. This would hardly be a duplication of work, from the fact that this refers only to navigable streams, whereas the Geological Survey largely confine their work to the nonnavigable mountain streams.

Mr. MANN. Oh, no; the gentleman is mistaken about that. The Geological Survey make stream measurements of navigable streams.

Mr. ALEXANDER of New York. Not to any great extent.

Mr. MANN. The great majority of streams in the country are navigable streams.

Mr. HUMPHREYS of Mississippi. If the gentleman will permit me, I suggest that there are a number of streams in this country which are investigated by the engineers where the Geological Survey have never entered upon any work at all, and in this way we can get the information from the engineers of the army corps, and it is entirely unbelievable that subsequently the Geological Survey would go in and duplicate work already done.

Mr. MANN. Does the gentleman think it unbelievable, when the Geological Survey has done the work, that the government engineers will do it again?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Then he wants to change the language of this provision, because this requires them to do it over again.

Mr. HUMPHREYS of Mississippi. It will not require it, if it is already done. This would get information that we would not otherwise get.

Mr. MANN. This says—

The surveys of navigable streams herein or hereafter authorized shall include such stream-flow measurements—

And so forth. If that is not obligatory, I do not know what the English language means.

Mr. HUMPHREYS of Mississippi. Oh, that is true, but if the measurements are already made, if they can obtain them by reference to the records in the office of the Geological Survey, I take it the gentleman himself would not construe the law to mean that they would have to go out and remeasure.

Mr. MANN. I do not know how I would construe the law if Congress enacted it, but it says so, and that is the reason I think we ought not to endeavor to have a department construe the law directly contrary to what the law says.

Mr. HUMPHREYS of Mississippi. Take the division of irrigation and drainage in the Department of Agriculture. They go out and make these surveys very frequently, and when the Geological Survey come to make a survey of the identical area they always consult the records of the Department of Agriculture, and vice versa.

Mr. MANN. That is under the existing system?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. They do that now?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. But the gentleman proposes to change that?

Mr. HUMPHREYS of Mississippi. No; I do not change that at all. It just provides another agency in addition, not a change of it.

Mr. MANN. They now have the authority to obtain all the information necessary to make a report to Congress; but this is a deliberate purpose to have the government engineers enter upon the work of gauging streams throughout the country.

Mr. ALEXANDER of New York. Let me suggest to the gentleman from Illinois that appropriations are now made in the river and harbor bill for gauging the waters of the Columbia River and measuring tidal and river volumes. He will notice that on page 74, lines 22 and 23.

There is also a general appropriation for gauging the waters of the Mississippi River and its tributaries. Now, this paragraph simply indicates to the engineers that Congress desires complete investigation made in connection with streams under improvement and whenever plans are in preparation for new improvements. It will be noted that this provision applies to surveys only.

Mr. SMALL. Will the gentleman from Illinois yield to me?

Mr. MANN. Certainly.

Mr. SMALL. I would suggest that the principal difference is one of purpose. The stream measurements made by the Geological Survey are primarily for ascertaining the water power, while stream measurements provided for in this bill are for the purpose of ascertaining the conditions as affecting navigation.

Mr. MANN. What difference does it make if they ascertain the fact? It does not make any difference whether it is for the purpose of navigation or to ascertain the water power.

Mr. SMALL. The stream measurements made by the Geological Survey might have no relation to the problems of navigation, just as these investigations as to the navigability of the stream might not discover any water power. So I think it is one of purpose. While there may be some repetition of the work, it is one that is necessary.

Mr. SHERLEY. Does the gentleman propose to have stream measurements under the provision for the Geological Survey and then again here because the particular measurement made in one case will not do the work in the other?

Mr. SMALL. If the stream measurement made by the Geological Survey would not answer the purposes indicated or to be accomplished in this bill, you need further legislation in order to have the stream measurement applied primarily to the question of navigation.

Mr. SHERLEY. It may be that they do not make measurements at all places necessary, but the gentleman's statement that their measurement would not be available for this purpose is not accurate. If the measurements are made, they are sufficient for this purpose as well as for any other.

Mr. SMALL. It might be, but it might not be complete.

Mr. SHERLEY. The gentleman is mistaken as to the nature of the measurements made. I happen to have investigated this subject at some length, and I know it is claimed as one of the justifications for the geological work of measuring streams that it can be used for this purpose.

Mr. SMALL. It might be used in part, perhaps.

Mr. MANN. Mr. Chairman, I would like to call the attention of the Chair and also the attention of the chairman of the Committee on Rivers and Harbors to what is included in this provision. I congratulate the gentlemen of the Committee on Rivers and Harbors that it is not a matter that was evolved from this committee, but from a commission never authorized by law. There has been a constant effort of the Committee on Rivers and Harbors to prevent the government engineers from making surveys of rivers until they are authorized by Congress. Every river and harbor bill contains a provision that the engineers shall not make a survey unless it is authorized by Congress, and yet this provision absolutely overturns the other provisions of the bill in that respect, because under this provision any Member of Congress, by the introduction of a bill to authorize the construction of a dam over a stream, can compel the War Department to make a survey of that stream and a plan for its improvement. The language of the bill is:

Whenever permission for the construction of dams in navigable streams is granted or is under consideration by Congress—

That means the introduction of a bill—

such surveys and investigations of the sections of the streams affected may be made as are necessary to secure conformity with rational plans for the improvement of the stream for navigation.

A proposition which completely destroys the other proposition of the bill and the policy of the committee, that these surveys shall only be made when ordered by Congress.

Mr. Chairman, the language is complete new legislation; it is not legislation in connection with the improvement of rivers and harbors in all its particulars. The great majority of the dams that are authorized by Congress have no relation to improvement of rivers or harbors, and it seems to me that the provision is subject to the point of order.

Mr. ALEXANDER of New York. Mr. Chairman, this is making a mountain out of a molehill. The only purpose of this paragraph is to authorize the Secretary of War, when called upon by Congress to make a survey, to include the stream measurement in the investigations. It is to report upon the general proposition of constructing a dam across a navigable stream at a given locality, to cause such investigations to be made as are necessary to pass on this general proposition intelligently. This will rarely, if ever, call for a formal survey. Whenever the construction of a dam is actually authorized, the Secretary of War can cause such surveys to be made as are necessary to determine important details of the dam, notably its height and definite location, so that it will not interfere with the subsequent improvement of the river. But such surveys and investigations would not involve the actual preparation of plans for the improvement of the river. Any dam that had no relation to the improvement of a navigable river would require only the investigation necessary to establish this fact.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Yes.

Mr. MANN. Suppose the bill is introduced for the construction of a dam across a navigable stream and referred to the Committee on Interstate and Foreign Commerce——

Mr. ALEXANDER of New York. That is where it should go.

Mr. MANN. And that committee addressed the Secretary of War or the Chief of Engineers and requested them to make an examination for the improvement of the river in connection with rational plans for the improvement and construction of a dam. Would they not be required to make the survey?

Mr. ALEXANDER of New York. You always ask for a report on the bill. If a dam is to be constructed, the first thing done is to refer the bill to the Secretary of War and he refers it to the engineers, who do not always have sufficient data to determine whether or not a dam at the locality would be objectionable. When, later, a dam is authorized, a survey is often required to pass upon the plans intelligently when they are submitted for approval.

Now, all that is intended in this paragraph is to indicate that Congress desires complete investigations made and authorizes the engineers to expend the money required in making them.

Mr. CRUMPACKER. Mr. Chairman, I would like to suggest a word on the point of order. I understand that a river and harbor bill may carry new legislation, if it is relative to the general subject.

Mr. ALEXANDER of New York. Certainly. There is no point of order raised here. The gentleman from Illinois simply wanted to call attention to this paragraph and reserved the point of order.

Mr. MANN. I made the point of order, but not, of course, on the ground of new legislation. I make the point of order on the ground that the committee is not privileged to report a provision of this sort, which is not a part of river and harbor improvement.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I make the point of order.

Mr. CRUMPACKER. I have quite carefully read the paragraph to which the point of order is directed, and it seems to me that every provision in the paragraph relates to the question of the improvement of navigable streams for the purpose of promoting navigation. It is all relevant to the general subject of the improvement of rivers and harbors for the purpose of promoting navigation. It occurs to me that it is clearly relevant to the general subject, and the remarks of the distinguished gentleman from Illinois [Mr. MANN] have more reference to the question of policy than the question of power. The river and harbor bill may carry authority for the improvement of a river or a harbor without any regard to a recommendation on the part of the War Department or without having the matter referred to the War Department at all. It is true that bills have carried provisions prohibiting the Secretary of War from improving streams or harbors until there has been an investigation, but this bill, being different from the ordinary general appropriation bill, may change legislation of that kind. It may even be inconsistent. It may confer upon the War Department powers that may now be exercised by the Department of Commerce and Labor, if the power it confers on the War Department is for the promotion of the improvement of streams and harbors for purposes of navigation. This provision in relation to surveys respecting the construction of bridges directly bears upon the effect the bridges may have upon navigation of the stream, a subject-matter that is clearly within the jurisdiction of the Committee on Rivers and Harbors, and the whole paragraph is directed to the subject of the improvement of streams for purposes of commerce and navigation, a subject that I think the Committee on Rivers and Harbors, under the rules, clearly has a right to report legislation upon.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to call the Chair's attention to the first section of the paragraph, from line 4 to line 10, inclusive, and to suggest that at any rate it is not subject to the point of order. The language there is that surveys of navigable streams may be made "and shall include such stream-flow measurements as may be necessary for preparation of plans of improvement" of navigation, etc. I submit that that particular portion of the paragraph comes clearly within the rules which give the Committee on Rivers and Harbors jurisdiction over the improvement of streams.

Mr. MANN. Mr. Chairman, just a word. The language of the provision is:

> And other investigations of the watersheds as may be necessary for preparation of plans of improvements—

And so forth.

If the Committee on Rivers and Harbors is authorized to report in a privileged matter to make an investigation of the watersheds, that carries with it, of course, an investigation of what is on the ground, it carries with it an investigation of forestry, whether those watersheds ought to be planted with trees in order to retain the water; it carries with it the authority to make an investigation as to whether you can raise crops upon the ground and cultivate the ground, thereby lessening or increasing the flow of the water to the stream. If it be held that the Committee on Rivers and Harbors, as a matter of the improvement of rivers and harbors can investigate water which flows upon the watersheds and the rate of flow from the watersheds, that would authorize the Committee on Rivers and Harbors to take jurisdiction of everything in relation to the Appalachian Mountains or the Rocky Mountains or any other place in the country from which water can eventually get into navigable streams.

The CHAIRMAN. The Chair is ready to rule.

Mr. ALEXANDER of New York. When speaking before I did not know a point of order had been made. Referring to the National Waterways Commission, of which I spoke earlier, I wish to recall to the gentleman from Illinois that it was created in the last river and harbor appropriation bill, approved March 3, 1909, so that it is a creature of law.

Mr. MANN. Oh, I thought the gentleman referred to the old commission.

Mr. ALEXANDER of New York. Referring to the point of order, Mr. Chairman, it is manifest if a survey is ordered by a river and harbor bill the engineers would have a perfect right to include in their report whatever is called for in this paragraph.

Mr. MANN. I think there is no doubt about it.

Mr. ALEXANDER of New York. Likewise if the Interstate and Foreign Commerce Committee refers a bill to the War Department respecting the location of a dam an engineer should have the same authority to make these investigations in the interest of navigation.

What difference does it make, Mr. Chairman, whether the bill be referred to the War Department by the Interstate and Foreign Commerce Committee or by the Committee on Rivers and Harbors? The purpose is to have an investigation or a survey to protect a navigable stream against dams detrimental to its improvement, and therefore certainly the survey is in the interest of navigation. Such being the case this bill can properly appropriate for the expense incurred. I submit that the paragraph is here rightfully and ought to stay.

Mr. SHERLEY. Will the gentleman answer an inquiry? What is meant by "other investigations of the watersheds?"

Mr. MADDEN. Everything pertaining to the survey; everything pertaining to information on which to base the construction of the channel.

Mr. SHERLEY. If the gentleman's answer be made public——

Mr. MADDEN. Everything which may be necessary for the ascertainment of information on which to base the construction of the channel.

Mr. SHERLEY. Without regard to how remote it may be.

Mr. MADDEN. Yes.

Mr. SHERLEY. Does the gentleman consider under this language the engineers who were making the survey would be warranted in conducting experiments in regard to forestation in order to determine——

Mr. MADDEN. No; that would have no reference whatever to the construction of the channel.

Mr. SHERLEY. Oh, yes; it is contended, and seriously contended, by quite a number of people that the very question of forests and forestation does determine the flow of water and the condition of the channel, and that really it is one of a dozen things directly involved.

Mr. MADDEN. That is in case of mountain streams, the channels of which are not adapted for use for navigation.

Mr. SHERLEY. But I call the attention of the gentleman to the word "watershed," which contemplates just these kinds of mountain streams; we do not find watersheds except in the mountains.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois [Mr. MANN] makes the point of order on the paragraph on page 86, which provides for two things. First, in the case of an authorized survey, such surveys and investigations as may be necessary for preparation of plans of improvement of the streams in question and, second, for a similar investigation where there is either authorized or is likely to be authorized a dam on the streams in question. Now, of course, the point of order does not lie to this paragraph upon the ground that it is legislation, for the reason that it has been uniformly held that a river and harbor bill is not a general appropriation bill and is not subject, therefore, to the restriction of the rules which prohibit legislation upon general appropriation bills. A river and harbor bill may legislate, providing the legislation is germane to the jurisdiction of the committee. Rule XI provides that legislation with respect to the improvement of rivers and harbors shall go to the Committee on Rivers and Harbors. Very clearly, to the mind of the Chair, the first part of this paragraph is within the jurisdiction of the Committee on Rivers and Harbors, because it provides for such investigations as will enable the improvement of rivers and harbors; and it seems to the Chair that the second part of the paragraph is also within the jurisdiction of the committee for the reason that a certain method of improvement might be proper in case of a river that is not obstructed by a dam or does not contain a dam or other structure, while a different sort of treatment may be required where there is a dam in such river. It is equally the province of the Committee on Rivers and Harbors in both cases to provide for such investigation as will enable the improvement of the river to be made consistent with conditions as they may be found to exist. The Chair thinks, therefore, that both parts of the paragraph are in order, and overrules the point of order.

Mr. MANN. I move to strike out the last word for the purpose of calling the attention of the committee to what seems to me, although perhaps it may not be, a contradiction. On page 83, lines 16 to 18, is the provision:

> That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made.

Now this apparently requires that there shall be some connection in this with some prior act in order to make the survey, while the paragraph under consideration directs or authorizes the survey and investigation upon a substantive introduction of a bill in Congress without even its being passed. Of course, I do not care whether the gentleman changes it or not. If he wants a contradiction in the law as it passes from his committee, that is satisfactory to me. This contemplates a report to the committee that asks for it, and if the Committee on Interstate and Foreign Commerce sends a bill for the construction of a dam to the War Department under this provision, they will make the survey, notwithstanding the provisions in your bill that they shall not.

Mr. ALEXANDER of New York. That is the intention.

Mr. MANN. That is what I want to know. You have a flat contradiction in your bill.

Mr. ALEXANDER of New York. Oh, no. Let me show you. This is for the purpose of improving the river. This survey that is asked for by the Committee on Interstate and Foreign Commerce, if you please, allows the engineer force to make such investigations at that time as they may deem necessary to make a proper report on the dam. The interdicted surveys are those which contemplate a report to Congress to be used as a basis of an appropriation for improvement.

Mr. TAWNEY. Will the gentleman permit a question there?

Mr. ALEXANDER of New York. Yes.

Mr. TAWNEY. Are you not aware of the fact that the Engineer Department of the War Department now has that power and for years has been exercising it?

Mr. ALEXANDER of New York. Oh, yes.

Mr. TAWNEY. Then why is it necessary to include it here?

Mr. ALEXANDER of New York. In order that the engineers may have both the authority and the necessary funds. Moreover, this paragraph would relieve the corps of the necessity of other appropriations. They have this power to measure water on the Mississippi River and its tributaries. We have here on one of the pages a thousand dollars to enable them to gauge water on the Columbia River. This would bring the several appropriations together and do away with special appropriations.

Mr. TAWNEY. Mr. Chairman, I move to strike out the paragraph beginning on line 4 and ending on line 16. I make that motion, first, because the authority, so far as the first part of this paragraph is concerned, is now possessed and exercised by the War Department. It is therefore unnecessary. The matter of gauging streams is a matter that has been discussed upon this floor a great deal in the last few years. There is another department of the Government engaged in doing this work on interstate streams all over the United States for the purpose of determining the average water flow and determining whether or not it would be advisable to improve streams so as to make them navigable. This work is also done to determine questions in relation to navigation and water supply. For several years the department, other than the War Department, has attempted to secure the enactment of a bill expressly authorizing the gauging of streams by that department. I refer to the Geological Survey. But the Committee on Rivers and Harbors has never until now given a favorable consideration to their proposition. I can readily see how it would be possible under this provision for two departments to enter into an agreement that the gauging of the streams under this provision should be done by the Geological Survey for the benefit of the Engineer Corps of the War Department.

I do not know whether the present Committee on Rivers and Harbors have pending before it the bill I refer to, but I know in the last Congress the bill was referred to that committee and considered by that committee as to whether or not this general proposition of clothing any department of the Government with general authority for the gauging of streams everywhere or anywhere in the United States should be granted or not. When before the Committee on Appropriations two years ago, General Mackenzie, former Chief of the Engineer Corps, speaking on this subject, said this:

> The CHAIRMAN. Does the War Department avail itself of the Geological Survey in the matter of gauging of streams in making these river and harbor improvements? In other words, to what extent, if at all, does the War Department avail itself of the matter collected by the Geological Survey?
>
> General MACKENZIE. So far as the records of our office go, they might not show completely. There are undoubtedly occasions when our district officers may make use of published information. A few cases have come to my knowledge in which district officers asked for information, knowing that it was accessible.
>
> The CHAIRMAN. Does the work of the Geological Survey in the gauging of streams influence the action of the War Department in the matter of making river and harbor improvements?
>
> General MACKENZIE. Not necessarily. In ordinarily devising plans, very frequently the discharge of the river at different times at high water and low water would be quite an important thing. Such plans, for instance, as are now having the consideration of the Geological Survey. Such information, if already available and known to be reliable, might be used. If not available, however, we would make the necessary observations as a part of the improvement, the latter being the method usually found necessary.
>
> The CHAIRMAN. Is the gauging done on the rivers that are navigable that come under the jurisdiction of the War Department?
>
> General MACKENZIE. To tell you the truth, I do not know very well to what extent the gauging work of the Geological Survey is done. We make a great many gaugings in connection with our work.
>
> The CHAIRMAN. You make systematic gaugings yourselves in connection with the river and harbor improvements?
>
> General MACKENZIE. Yes, sir; such as may be necessary and where the information is not at hand. Of course if it is in a published report we would avail ourselves of that.

Now, Mr. Chairman, all of the authority to obtain information regarding the flow of streams necessary to the completion or carrying on of any river and harbor improvement authorized in this bill exists to-day and is vested in the Engineer Corps of the War Department, and that authority has been exercised in the past. Then what is the necessity of incorporating this provision, unless it is for the purpose of giving some other department of the Government that has not been able to secure express authority of law for the doing of that which they are doing an opportunity to obtain such authorization in connection with the work they are doing. I submit that inasmuch as it is not necessary to carry on the work of improving rivers and harbors by the War Department, inasmuch as that department is engaged in doing work herein provided, there is no necessity for taking the chance of authorizing this work to be done by some other bureau in some other department where this work is being done without authority of law.

Mr. ALEXANDER of New York. Mr. Chairman, I say to the committee, there is a necessity for retaining this paragraph. It is not here by accident. It is not here because it has had no consideration; it is not here because we are ignorant of its purpose in being here. It is here because it is in the interest of rivers and harbors, and nothing else. [Applause.] It is true, as

the gentleman from Minnesota says, that when there is a survey ordered, then the Engineer Corps has a perfect right to take the gauge of the waters and measure the flow, and all that sort of thing, provided the money is available; but when they are asked by the Interstate and Foreign Commerce Committee to indicate the location of a dam for purposes of rational system of improvement, the authority to make any considerable expenditure has been questioned, and, at any rate, very strictly construed by the Engineer Department. This compels them to go to some report of surveys published by some other department of the Government, if such reports are available.

Mr. TAWNEY. Why, Mr. Chairman, if the gentleman will permit me——

Mr. ALEXANDER of New York. Yes.

Mr. TAWNEY. General Mackenzie says they do not.

Mr. ALEXANDER of New York. Oh, no; oh, no. He does not say anything of the kind. He says they get it when they can; but he does not know how often they can get it. There is nothing sure about it. Do the gentlemen of this committee desire to compel the great Engineering Corps to take their information second hand? [Applause.] I do not believe you do. I think this is economy run mad. The Engineer Corps ought to have the right clearly stated to make such measurements and get such information as are necessary when called upon to report in regard to dams, and funds in sufficient amounts should be made available.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman whether it is contemplated that the stream-flow measurements are to be measurements made by the engineer to determine, for instance, the discharge of a stream, or whether it contemplates measurements from year to year, because on that, to my mind, would depend largely whether the matter ought to be with the engineers or with another department.

Mr. ALEXANDER of New York. The purpose of this paragraph is simply this—not to compel the Engineer Corps to take their information secondhand. Whatever information is needed, they ought to have the privilege of securing it properly and not be compelled to rely upon some other branch of the Government or some book or report, the accuracy of which they do not know. If there is any one branch of this Government that reduces its work to the most scientific accuracy, it is this Engineer Corps

Mr. SHERLEY. Well, I am in accord with the gentleman in his admiration of the corps; but what I would like to find out is whether the gentleman contemplates the continual taking of stream measurements by this corps, or whether it is intended to take these measurements only at the time they are considering a river improvement and think it important.

Mr. ALEXANDER of New York. At a time when they are considered important, of course.

Mr. TAWNEY. Well, they have authority now to take these measurements.

Mr. ALEXANDER of New York. Not when a bill is sent to them by the Interstate and Foreign Commerce Committee. It will be done when money is provided for that purpose and Congress clearly indicates that it wants complete investigation made. As it is now, money is not always considered available, and unquestioned authority does not exist.

Mr. MANN. Does the gentleman really think they do not get their pay?

Mr. SHERLEY. Mr. Chairman, I shall not unduly delay the bill, but it seems to me that this matter is of sufficient importance not to permit our eagerness to pass the bill to induce us to agree to it without consideration.

There are two kinds of stream measurements, and they may serve the same or different purposes. Usually the stream measurement that is made by the Engineer Corps is the stream measurement looking to obtain simply the data at a particular time as to the discharge of the stream, whereas the stream measurements that are undertaken by the Geological Survey extend over a long period of time, and for their value depend upon the length of time over which they have extended, and are for the purpose of determining, among other things, the causes of floods and the average quantity of water passing through a stream.

It is perfectly manifest that the Engineer Corps of the Army could not, without departing from all the work it has ever done heretofore, maintain these measurements continuously and over a long period of time. If that sort of measurement is to be of value, it must be done as it has been done heretofore by the Geological Survey. So far as making a particular stream measurement at a certain time to determine the flow of that stream, the Engineer Corps of the War Department, whenever it has found it necessary, has always made such a measurement. Now, I have no sympathy with the much-applauded statement that the Engineer Corps should not get their information secondhand. If the information is accurate, and they can get it without spending the money over again to do the same work, they ought to get it secondhand, and they are not so superior to every other branch of the Government that they must do everything themselves that need be done. I have an exceeding great admiration for the Engineer Corps of the Army, but if these measurements can be made, as I believe they ought to be made, over a long period of time, in order to be of value, then they should not be made under the Engineering Corps, and that corps should, if you please to put it in that way, get its information secondhand. Therefore I asked the gentleman the question, which he has not yet answered, what character of stream measurement it was that he expected to have done under this provision. If it is only the kind that has heretofore been performed by the Engineer Department, then they do not need the authority. If it contemplates that they shall continually have these measurements from year to year, then I do not think they are the proper department to do the work.

Mr. YOUNG of Michigan. Will the gentleman yield to me?

Mr. SHERLEY. Yes.

Mr. YOUNG of Michigan. It seems to me that the language of the bill itself settles that question very clearly. These measurements are confined to "surveys of navigable streams herein or hereafter authorized." They are to be made when surveys are authorized in this bill or hereafter, and they are to go so far only as it is necessary for the engineers to determine upon the plan of improvement. It seems to me that that language could not be any clearer, that no words could be found which would make them more certain, that it was not intended that the engineers were to enter upon a system of determining the flow from day to day, from week to week, and year to year.

Mr. SHERLEY. Unfortunately the gentleman's statement of the language is only a partial statement. If it was limited to what he has quoted, that might be true; but the language says:

The surveys of navigable streams herein or hereafter authorized shall include such stream-flow measurements and other investigations of the watersheds * * *—

Now, there you are leaving the navigable stream entirely—

as may be necessary for preparation of plans of improvement and a proper consideration of all uses of the stream affecting navigation.

Now, I will tell you how this comes to be in here, and its purpose. I realize that there is now a movement on foot looking not only to the improvement of the rivers for purposes of navigation, but in improving them for navigation to consider all of the other questions that are embraced in the general subject of the conservation of our resources.

Against that movement I have no criticism. I believe the plan ought to embrace that wide scope. But I submit, to accomplish what the movers of this amendment intend, you have got to have continual measurements, and this was expected to bring about that sort of measurement, not at the time you were preparing improvement of the particular river for navigation, but measurements covering a series of years, in order to determine all the collateral questions of flood, of rainfall, of discharge, and the effect of vegetation and forestation upon the flow of streams.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. HULL of Tennessee. Mr. Chairman, I move to strike out the last word. I notice in this section, page 85 of the bill, in the provision relative to the examination and survey of rivers by engineers, a clause to this effect, beginning in line 5:

In addition to full information regarding the present and prospective commercial importance of the project covered by the report, and the benefit to commerce likely to result from any proposed plan of improvement—

And so forth. I wish to direct attention, especially the attention of the chairman of the committee, to that provision in the bill. I have in mind a number of rivers that drain sections consisting of immense undeveloped natural resources, such as coal, timber, oil, stone, and other resources of great value if developed. I have also observed that some engineers when engaged in this work of preliminary examination of such rivers have refused to give proper or serious consideration to their prospective commerce with respect to their possibilities if an outlet were furnished for the transportation of these natural resources after their development. Any Member will agree that we have many sections of the country now, as we have had, that have not been developed and may not be developed unless some means of transportation is afforded.

Now, if our department of engineers adhered strictly to the policy of considering present commerce or the present volume

of business done, without keeping in view the amount of tonnage that the river would afford when its natural resources shall be developed, their estimate would naturally retard or prevent the improvement of many rivers.

I wish to inquire of the chairman what objection there is to inserting in the bill an amendment requiring the engineers to consider as one element of their estimates the question of future development of natural resources drained by a particular river or rivers?

Mr. ALEXANDER of New York. Mr. Chairman, the language of the bill includes prospective as well as present conditions.

Mr. HULL of Tennessee. But the engineers do not consider that element in many instances on account of the broadness and indefiniteness of the language.

Mr. ALEXANDER of New York. I have not discovered that weakness or omission in the engineers' report.

Mr. HULL of Tennessee. I have discovered it very forcibly in dealing with the engineers, and have specially called their attention to it. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MACON. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, something has been said upon the floor of the House to-day about the watchdogs from the South sitting quietly by——

Mr. MOORE of Pennsylvania. Will the gentleman permit an interruption?

Mr. MACON. Before I get started, yes.

Mr. MOORE of Pennsylvania. It happened that I have just read the proceedings, and the reference was not to watchdogs of the South, but to "watchdogs of the Treasury."

Mr. MACON. Then, Mr. Chairman, I will modify my beginning by saying that something has been said about the watchdogs of the Treasury sitting quietly by and allowing this bill to go through without objection. I know nothing about the watchdogs of the Treasury, I do not know who they are, but I undertake to say that I do not believe that there ever was a watchdog of the Treasury who had so little gumption about him as to oppose a meritorious proposition, an intelligent, economical improvement of the waterways of our country. [Applause.]

I think the pepie are taxed for the purpose of getting money into the Treasury to be used for the building up of the country, and I can not conceive of any more advantageous way of building it up than by improving its waterways and its harbors.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MACON. Certainly.

Mr. MOORE of Pennsylvania. Did the gentleman hear an address made by me a little while ago in which I subscribed to all the appropriations made for the Mississippi River, including the gentleman's territory?

Mr. MACON. If I did not hear it, I am satisfied from my knowledge of the gentleman from Pennsylvania that he would have the good judgment to do so if he spoke upon the subject at all, whether I heard him or not.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman do me the kindness to answer this question, because the gentleman always tries to be fair? Will the gentleman subscribe as readily to the proposition which I shall have to advance at the next session, if I come here, as I do now subscribe to his?

Mr. MACON. Mr. Chairman, I will say very frankly to the gentleman from Pennsylvania that if he has a proposition to improve an important waterway, be it the Delaware or any other stream, within the confines of this Union, he shall have my earnest support and humble vote for the proposition.

Mr. MOORE of Pennsylvania. Then, if I am for the Red River or the Arkansas River this year, the gentleman will be for the Atlantic-coast project next year?

Mr. MACON. Mr. Chairman, I am for any improvement of the waterways of the country wherever they have been examined and passed upon by an intelligent examination board of engineers duly authorized by this body for that purpose.

Mr. MOORE of Pennsylvania. Then the gentleman removes all suggestions of sectionalism and permits the discussion of the last two days to end in perfect good humor as between all parts of the country, north, east, south, and west?

Mr. MACON. Mr. Chairman, I want to say to the gentleman from Pennsylvania that I abhor the word "sectionalism." Actually, it is a stench in the nostrils of all true patriotic Americans at this time. There ought to be no North, South, East, or West when it comes to improving this great Union of ours. We ought to know no individual party section when its comes to matters of this kind. [Applause.]

Mr. HUMPHREYS of Mississippi. Then, Mr. Chairman, both these distinguished watchdogs of the Treasury will agree to the proposition once before made on this floor under similar circumstances that—

> 'Tis sweet to hear the watchdog's honest bark
> Bay deep-mouth'd welcome as we draw near home.

[Laughter and applause.]

Mr. MOORE of Pennsylvania. All is well that ends well.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MACON. I ask unanimous consent that I may be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of New York. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in five minutes.

The motion was agreed to.

Mr. MACON. Mr. Chairman, I do not understand the significance of the poetry that my friend from Mississippi has just quoted, in view of what I have just stated, that there ought to be no sections when it comes to improving this great country. That carried with it the idea that there is no home for any of us to approach where a watchdog could give us deep-mouthed welcome as we drew near. I think the waterways in the State of Pennsylvania are entitled to as much consideration as are the waterways in the State of Arkansas or the State of Texas or elsewhere. [Applause.] We ought not to stop to think whether the appropriation is going to our next-door neighbor, to our homes, or elsewhere. The great Mississippi, I undertake to say, is not only the Father of Waters in the United States, but I believe is the mother of them—both the father and the mother [laughter]—and hence I think it ought to be improved first, not because I live upon it, but because it is the greatest river in the world, and its improvement would mean more than the improvement of any other river in the world.

Mr. MOORE of Pennsylvania. The gentleman thinks the Mississippi is the father of waterways?

Mr. MACON. And the mother also.

Mr. MOORE of Pennsylvania. Then where does the Speaker come in? Is he the godfather of all? [Laughter.]

Mr. MACON. The Speaker? Why, he belongs to the whole country.

Mr. MOORE of Pennsylvania. He belongs to the whole country?

Mr. MACON. And he can take in the Mississippi as well as he can the Delaware, and ought to be able to do so.

Mr. MOORE of Pennsylvania. Which we hope he will.

Mr. MACON. But Mr. Chairman, in conclusion [laughter], let me say that there are no watchdogs——

Mr. MOORE of Pennsylvania. Does the gentleman intend that for the gentleman from Pennsylvania or for the gentleman from Arkansas?

Mr. MACON. What?

Mr. MOORE of Pennsylvania. "In conclusion."

Mr. MACON. For both.

Mr. MOORE of Pennsylvania. I will, if you will.

Mr. MACON. For both, that is all. Mr. Chairman, the only purpose for which I rose was to state that when we come to improve the waterways of the country we ought to join hands and do our very best to improve them in the most advantageous and harmonious manner possible. When it comes to constructing public buildings to do the business of the Government in we ought to all join hands and construct them where most needed and without regard to locality. But when it comes to appropriating money for wine junkets, for the construction of military roads in Alaska, where no military operations are ever had; when it comes to that kind of expenditures, I am opposed to them, no matter to what locality the appropriation is to go. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, in support of the argument for recognition of worthy inland projects in commercial areas along the Atlantic coast I desire to reproduce the address delivered by me as president of the Atlantic Deeper Waterways Association at the December (1909) convention of the National Rivers and Harbors Congress in the city of Washington, which, as stenographically reported, was as follows:

"*Mr. President, ladies and gentlemen:*

"When the country took account of its stock in 1900, it found that the population had been tending rapidly westward. The old original States along the Atlantic seaboard, from which the energy and the enterprise of the whole country had sprung, discovered that they had been outstripped west of the Appalachian chain by an excess of nine millions of people. While not per-

haps a matter of general surprise, these glowing western returns showed there was something that needs to be driven into the minds of some of our self-satisfied eastern business men; they showed that 'something was doing' in the great Middle West between the Rocky Mountains and the Appalachian chain, and along the Pacific seacoast, that needed a little attention upon the part of the Atlantic seaboard.

"It developed that while we had been building up our industries, and our population had been increasing, and our activities had been giving us a world-wide reputation for two hundred years, the activities of the people of the Middle West and of the Pacific slope, though of recent origin, were so much more vigorous that the younger men of the West, wrapped up in their own enterprises, with their own opportunities confronting them and attracting all of their attention, had forgotten a little bit of the history of that section of the country which sometimes they are inclined to regard as the 'effete East.'

"When in 1906 and 1907 that memorable car shortage struck this country that caused an agitation throughout the Middle West and along the Pacific slope; an agitation that was heard in all the offices of the great railroad magnates of this country, and which came surging down over the roads and waterways to the halls of Congress in the Capital City at Washington, there was an awakening along the Atlantic seaboard to the fact that the West was moving, was hustling, was pushing, both in the matter of railroads and waterways, and was demanding increased facilities for the transportation of its tremendous output from the fields, from forests, and from factories, which latter were then rapidly rearing their heads the country over. It was then that many of us learned that whereas in New England we were largely bottled up and depending upon one or two railroads—similar conditions prevailing along the Atlantic coast and in the Southern States—on the other hand, our western booming friends were not only securing the capital to build one, two, and three railroads, but that they were demanding increased facilities by rail and by water as well, and insisting that their grain should not rot in the fields and their apples should not fall to waste in the orchards, but that they should have the right to get to market.

"Then we began to think along this seaboard that perhaps we ought to move in a similar direction. So in 1907 we organized an association; not for the purpose of obtaining an appropriation from Congress for one stream that ended nowhere; not for the purpose of obtaining an appropriation for one stream in one State; but for the purpose of adopting a policy that should be in line with the policy of the National Rivers and Harbors Congress, to go forward with that policy, representing a project which would be continuous and would connect up the waterways of the South with those of the North, and in a commercial as well as a fraternal sense wipe out state lines. [Applause.] That association was formed. It declared itself in the city of Philadelphia two years ago, and its purposes were pushed as vigorously as its officers and members knew how to push them, until the whole coast responded at the convention in Baltimore last year, and resolutions that were there adopted, being presented to Congress, were enacted into law, so that authorization for a survey was obtained to ascertain the cost of a project which would connect the 13 or 14 States along the Atlantic seacoast in one link, which would be protected from the storms and perils of the sea. [Applause.]

"In the city of Norfolk one month ago, following as swiftly as possible upon that remarkable campaign down the Mississippi River which has been the subject of reference here, the President of the United States, in the presence of a vast multitude of people, declared the same policy that he announced yesterday with regard to the accumulation of funds for expenditure before the project was agreed upon. He said substantially this:

"If you want Congress to act upon a project, if you want it to make an improvement, if you desire it to appropriate money, then show Congress first that you have a case.

"In this respect we have asked for nothing more, for we had been looking along our shores and we knew that we had a 'case' in harmony with the President's declaration and in harmony with the policy of the National Rivers and Harbors Congress.

"We had observed that the great volume of appropriations made by Congress for the improvement of rivers and harbors, notwithstanding our two hundred years' growth, had been going during the last quarter of a century into the Middle West. We had no envy for those who were more fortunate than the Atlantic coast in obtaining the recognition of Congress, but we began to look along the coast to see just where we came in under this general policy of the improvement of the waterways of the country. Our railroads had become incapable of carrying the products of industrious men, and we had not yet come to recognize that the productive power of the people should be limited to the carrying capacity of the railroad alone. [Applause.] As we observed how our brothers of the Middle West and along the Pacific coast were moving forward, how they were making their own claims upon merit, how they were obtaining recognition from Congress, and how they were able to make two Presidents of the United States join them in memorable trips down the Mississippi, we looked first of all upon that little spot of land that juts out from Massachusetts and is known as Cape Cod; and we said, 'Around this strip of land for the last two hundred years vessels have been coming and going, lives have been lost, and valuable property has been wrecked; and yet for two hundred years, while money has been going elsewhere, there has been no shorter and safer cut across which would afford a better passage for the mariner;' and as we looked into the facts we ascertained that during the period of twenty-five years last past there had gone upon the shoals upon that part of the coast no less than a thousand vessels, carrying with them vast cargoes of enormous wealth and 500 precious lives.

"And then we looked into the reason why nothing had been done, and we could form no other conclusion than that the people of Massachusetts and New England were *satisfied* with the conditions of to-day and were not as wide-awake as their brothers of the Middle West, who were *not satisfied* with the conditions of to-day, but who insisted upon building for the future. [Applause.]

"We observed that if we could secure a cut of about 8 miles, at a cost possibly of $10,000,000, across the neck of Cape Cod, we could save an outside sailing distance from Boston to New York of 148 miles and, avoiding fogs and shoals, reduce the risk and safely deliver lives and property.

"We found, as we looked farther down the coast, that there was already a waterway cut between the city of New York and the city of Philadelphia across the State of New Jersey, a distance of 31 miles—an existing canal under the present control of a great railroad—and we saw that New York wanted to build toward Philadelphia and Philadelphia toward New York. Great industries were there with large amounts of capital ready to make investment. Labor was ready to be employed; and we said: 'Why is it, when we are willing, have the capacity, the brain, the brawn, and the genius to do greater things, we can not get to market with the product that we are capable of producing, have but one means to get out, and all other means forbidden us?' We looked into the question of that canal, we discovered that while it was operated in working condition, it had remained substantially as its founders left it seventy-five years ago, and with its depth of 7 feet was incapable, only one month ago, when we put it to test, of carrying upon its bosom a Dutch replica of the *Half Moon*, built in 1600 and brought to this country upon the deck of an ocean liner. We found that it was incapable, because of its width and depth, of allowing passage for the model of Robert Fulton's first steamboat, designed in 1807 to carry 14 through passengers on the perilous journey (?) up the Hudson River [applause], and this in a section of the country where the greatest volume of commerce comes and goes and where the greatest revenues of the country are produced—revenues that are absolutely essential to the distribution of appropriations throughout this country not only for the improvement of rivers and harbors, but for the maintenance of the army and navy, for the payment to the pensioners of the country, and a thousand other things to which the public money is applied. [Applause.]

"We looked further into the reasons why nothing had been done along our coast; we took the map from Philadelphia to Baltimore, the link to the South, and observed that to-day there is a canal connecting the Delaware River with the Chesapeake Bay, a cut across solid ground, 13 miles, but that cut is of such minimum depth that the vessels which I have described could little more pass through it than they could through the Delaware and Raritan Canal; and we said, 'Why is it that in this great center of population and activity we must sail out of the Delaware River and waste 318 miles in an effort to get to Baltimore, when, if we could have this short cut from the Delaware to the Chesapeake widened and deepened sufficiently we could reduce the distance as a bird flies to 90 miles?'

"It is truly surprising that the people of the Atlantic seaboard have never fully realized the tremendous inconvenience they suffer. Remarkable indeed is it that they should have permitted these conditions to remain all these years—disgraceful, in the light of the opportunities that are being sought by the younger generation and the provision which should be made by the present for the future; remarkable indeed that we should have been burdened so long with the conditions of long ago.

"To a certain extent we have aroused the people of the Atlantic seaboard. We have started them to thinking, and we have made them understand—through this commendable agitation throughout the West for a deeper Mississippi and along the Pacific slope for better waterways there—that there is something for them to do along the Atlantic seaboard. We have made comparisons as between what has been done elsewhere and what has been left undone here. We have said to ourselves, 'What indeed, if there is no further awakening than this? Are they willing to permit their streams to fill up and their canals to fall into decay? Are they willing to say that the creative power of man along the seaboard has reached its limit and that we can produce no more? Have they reached the point where there is no incentive to have two blades of grass grow where but one grew before?'

"The Chair admonishes!

"In two minutes I must finish. [Many voices, 'Go on! Go on!']

"The CHAIR. You may have three minutes.

"The chairman has kindly extended my time three minutes. During the last two weeks there have been terrific storms along the Atlantic coast. Vessels have gone ashore upon Cape Hatteras; they have gone ashore upon Cape Cod. Is it not worth the while of the Government of the United States to give some consideration to the lives of men and to the value of property lost? Is it not worth while that in the event of war we should be enabled to pass vessels out of the navy-yards of the country, vessels charged with our armament and our fighting men, without having them stick in the mud of our streams because the Government has not sufficiently deepened them? [Applause.]

"Only a year ago, in a time of peace, the Secretary of the Navy announced that he proposed to send outside a fleet of torpedo boats—boats upon which the country had spent a million dollars; that he proposed to send them from the Philadelphia Navy-Yard south to Charleston. I had the temerity, if not the foresight, to write to the Secretary and request that inasmuch as we had inland canals from Philadelphia to Norfolk and from Norfolk to Beaufort, below Hatteras, that he send this valuable property, with the precious lives aboard, by the safe inside passage. He replied politely, as I had expected he would do, saying that wherever possible the navy used inside waterways, but that unfortunately the depth of such waterways as we had along the Atlantic coast was not sufficient for these vessels, although they were of small draft, and so they were sent outside. In one week there were flaming headlines in the newspapers of the country announcing that a storm at Hatteras had broken over these small craft as they were proceeding to Charleston, and that they had been driven back day by day, and finally had to crawl into Norfolk for repairs; and it was related that many of the men had been sent to hospitals to have treated the personal injuries they had suffered. Is it not worth while that the Government should give consideration to its own property and the lives of its own employees?

"That 13-mile cut across the State of Delaware to link up the Delaware River with Chesapeake Bay, according to all naval experts, possesses great value in a strategic way for the use of the army and the navy.

"We hope there will be no war with any foreign nation. We hope there will be no war upon the seas; but if there should be a war, it will mean war upon the Atlantic seaboard and our own vessels might have to run for shelter. We might have to employ the tactics that are universal in warfare. If we were compelled to meet or to drive back an enemy or ourselves to fall back, the Delaware and Chesapeake Canal would give an advantage to any American fleet that would be absolutely necessary in conflict with a foe of our own size upon the waters of the broad Atlantic. [Applause.]

"The President, in his address at Norfolk, spoke of the unprotected nature of our coast and of the necessity of putting an island in the middle of the Chesapeake in order that that region might be amply protected in time of war. If the mouth of the Chesapeake is to be protected, then afford an outlet to the north, else the protection proposed may be to 'bottle up' an American fleet just as Cervera's fleet was bottled up in Santiago Harbor. Apart from its commercial advantages, the connecting link with the Delaware would seem to be of the very greatest military and naval significance. If war were upon us we would immediately realize its importance. Why should we not provide for it now?

"My friends, the East is not effete; but it has been necessary to state a few plain truths with regard to appropriations and in respect to the activity of our friends elsewhere to make our own tremendous population of 30,000,000 along the Atlantic seaboard understand that they have been lagging far behind in the matter of waterway improvement. We are not done yet. We have not yet done our best.

"The opportunity is open for us all, and for our children for generations to come, and the means must be provided by which their energies may be employed to the full; and the development of waterways is one way in which the youth of the country may find new avenues of employment by which their enterprises and their ability may receive a profitable return." [Applause.]

NORFOLK CONVENTION RECALLED.

Mr. Chairman, in addition to these hurried remarks before the Waterways Congress, over which my distinguished colleague [Mr. RANSDELL of Louisiana] presides, there were others, perhaps a little more specific, in the annual report to the Atlantic Deep Waterways Convention at Norfolk, in November last, which, it seems to me, in view of the great interest shown in the convention, I may be pardoned for reproducing, in part:

"The condition" (increase of tonnage over railroad carrying capacity), it was there contended, "is one which affects not only the congested centers along the Atlantic coast, or in bottled-up New England, but prevails in the Middle West and on the Pacific coast, where only recently, during the Alaska-Yukon-Pacific Exposition, the limited carrying capacity of the railroads was painfully evident to travelers who failed to make their reservations in advance.

"In Southern States, where the spirit of progress has again invited attention to the rich and varied resources of the country, where it is proudly contended as, for instance, at the recent National Farmers' Congress at Raleigh, that 'North Carolina is now equipped with manufactories to consume her entire crop of cotton,' there is no variation from the general trend. The presentiment of hopefulness, of renewed commercial activity, of returning prosperity, is omnipresent; it manifests itself in orders placed with the workers in iron and steel; with the car and locomotive builders, and in appeals for capital to build new roads, to enter new fields and create new markets; but, notwithstanding it all, *the specter of the car shortage of 1907 is again in evidence—indeed, has passed beyond the spectral stage.*

"From all quarters the indications are that the tremendous productive power of our 90,000,000 of people in factory, farm, and mine, aroused to a full appreciation of their opportunities, will soon bear down upon the railroad system of this country, mighty as it is, until it shall stagger under the weight of its terrific load.

"In large measure the people have awakened to the menace of this impending situation. What if the railroads can not move the product of industry and of agriculture? What if the crisis comes and the railroads are again limited in their capacity to move the freight? Under the pressure of 1907 the railroads groaned and crops perished in the field. *The producer of 1909 and of the future must get to market, and if the railroad shall be incapable of serving him, he must find relief in some other way. The preparation of the waterways for public service in this respect can not be regarded as hostile to the railroads, unless it be assumed that the railroads have the right to limit to their own carrying capacity the productive power of the people.* So far as I have observed, the best railroad thought of the country does not contend for such a doctrine, but, on the contrary, welcomes the use of waterways for transportation purposes as a measure of relief, particularly with respect to the separation of bulky matter from the passenger and high-grade freight service. If, as is the fact, every ocean-going vessel must bring to or take from the railroad new business, and every connecting inland barge or steamer must feed it, there would seem to be small ground for railroad opposition to the opening up of the country's waterways.

"THE PROBLEM A CENTURY OLD.

"The problem of the Washingtons, the Gallatins, and the Monroes was to provide the earlier settlers of this country with waterway transportation. They had no railroads. The Clintons and other active spirits of a century ago were the waterway executors of our colonial forefathers. They were the promoters and capitalists who made it possible by canal construction to get to the Great Lakes, to reach the interior along the southern rivers, and to connect up the cities of the seaboard. *In the third decade of the last century the railroad made its appearance and the decline of the canal set in. From that time on the inland waterways of the east coast have remained substantially as they were in the beginning or have fallen into disuse.* As some new method of public utility presents superior advantages over the old, it is but natural that the latter shall give way to the general convenience, and so it was with the eastern waterways. But coincident with eastern approval of the railroad was the gradual drift of population to the Middle and extreme West—a drift that continued so steadily that

in 1880 it had outstripped the population of the original States. *Few eastern people of to-day, living their lives in old, familiar settlements in any one of the original States, have any conception whatever of the amazing growth of the new area west of us, which, when the census of 1900 was taken, was found to contain a population exceeding that of the original area by more than 9,000,000 souls.* That increase of western population has been fully sustained during the past nine years and is expected to show a greater proportionate advance when the census of 1910 shall have been completed.

"DRIFT OF POPULATION WESTWARD.

"In many ways the drift of population westward asserts itself. In men and money and enterprises, in agriculture and manufactures, the West has grown to giant size. *In national legislation it has come to be a powerful if not a dominant factor.*

"There are more than 30,000,000 people along the Atlantic seaboard; we have been first in commercial and industrial importance; *in four of our custom-houses alone we collect 80 per cent of all the customs revenues of the country;* and it is fair to assume that we should have given attention to our harbors and inland waterways, upon which so much of our strength depends. This we should have done, if only to save life and property; if only to aid our navy in the event of war; if only to open up new territory for the promotion of industry and the relief of our congested centers of population. But an inquiry into the conditions as they exist does not show this to be the case. We have gone on with our great enterprises, but *we have not built for the future as our more wide-awake friends of other sections of the country have been doing.* Our eastern waterways have remained much as their founders left them. Cape Cod Canal, with its prospect of saving hundreds of vessels and thousands of lives, has only been commenced by private enterprise after an agitation of two hundred years. The Delaware and Raritan Canal, with its vast possibilities in linking up points beyond New York and Philadelphia, remains substantially as it was in the days when the first railroads made their appearance in this country. The Chesapeake and Delaware Canal, a 13-mile channel, which saves an outside sailing distance from Philadelphia to Baltimore of 325 miles, is in practically the same condition it was when in 1829, before the days of the modern steam shovel, it was completed by hand labor and turned over to its stockholders. The Dismal Swamp Canal, a dream of the 'Father of his Country,' and in which he was a stockholder, has substantially the same width and depth it had before the use of steam as a motive power.

"WESTERN HUSTLE ADMIRED.

"It is with no spirit of envy, but rather in admiration of the aggressive qualities of our western brethren, that attention is called to relevant facts. *The Pacific country beyond the Rockies is growing by leaps and bounds.* In its coastal needs and relations it has much in common with the Atlantic seaboard, but its total population at the present time is probably not in excess of 5,000,000. *The greater proportion of our national population to-day is in the Middle West,* that prosperous and fertile area drained by the Mississippi and its tributaries east of the Rocky Mountains and west of the Appalachian chain. Included in this area are the approaches to the Great Lakes and the Gulf of Mexico. It is to this section that in recent years the attention of the Government has been largely drawn. *It is here that from one-third to one-half of all the national appropriations for rivers and harbors have been spent,* while the Atlantic coast has obtained but one-fourth of the total from the beginning.

"The patriotic red blood of every true American must tingle at the prospect of a deepened Mississippi, with its possibilities for commercial expansion north and south. With its tributaries the great 'Father of Waters' drains all of the area of the Middle West, as it has been described. Once opened and deepened and in operation to the full extent of its carrying power, it would seem to furnish the one great excuse for the construction of the Panama Canal, but before it is undertaken in its entirety it is only reasonable that we should inquire into the effect of so stupendous a work, as it affects the development of inland waterways along the Pacific and Atlantic coasts. The people of the Middle West are alive and aggressive. They believe in great undertakings and are not afraid to assume them.

"COLUMBIA AND DELAWARE COMPARED.

"Neither is the Pacific coast oblivious of its necessities. The single instance of the Columbia River, an historic stream which drains the 'Northwest empire,' is sufficient for illustrative purposes. *The four rapidly growing States that drain into the Columbia, or its tributaries, are possessed in the aggregate of a population not greater than that of the single city of Philadelphia, and yet, while the Government has been making appropriations to improve the Delaware River and its approaches since 1836, the Columbia River, the improvement of which began along about 1871, has secured from the Government larger appropriations on its annual commerce of 4,000,000 tons than Delaware has for its tonnage in excess of 27,000,000. The difference in collections at the custom-house is as between $1,000,000 and $20,000,000 per annum. What the Government has spent to improve the Columbia River and to provide for the future of its commerce has been equal in the last quarter of a century to all the money that has ever been spent by the Government upon all the rivers of New England, with the Hudson above New York thrown in.*

"THE MISSISSIPPI PROJECT FORMIDABLE.

"We have watched with public-spiritedness the progress of the President's trip along the Mississippi from St. Louis to New Orleans. *In spite of an adverse finding of the army engineers, the advocates of a 14-foot channel from the Lakes to the Gulf have renewed their demand for the improvement, and they believe they have the power to obtain it.* A recurrence to the report of the engineers is most illuminating, as it contrasts the activities of our friends of the Middle West with those of the Atlantic seaboard. Not the whole project from the Lakes to the Gulf was reported upon by the engineers; not the full length of 2,500 miles from mouth to source, but merely that important 1,200-mile section from St. Louis to New Orleans. *The cost of that section, according to the engineers, would be no less than $128,600,000—as much as the Government has spent upon the whole Atlantic seaboard from the beginning.* They said the maintenance cost would be $6,500,000 per annum. This is three times as much as has been spent in improving the harbor of Norfolk, and is sufficient, if we view it in another way, to deepen an inside passage for coastwise trade from Norfolk, south through the Carolinas to the Atlantic Ocean, safe below Hatteras, a link of our hoped-for inland chain that would open up for cultivation and investment as fertile a country as the sun ever shone upon. *One year's maintenance of the lower Mississippi at the cost suggested would wipe out the cost of carrying Jacksonville via St. Johns River to the sea, and would nearly square the Government's Savannah River appropriation account back to the early period of 1828.*

"The present importance of the Mississippi as a commercial proposition was indicated by the engineer's report. Quoting the figures of 1906, they found 'the entire commerce of the Mississippi River system, including all tributaries except the Ohio,' to amount to 4,304,288 tons. *This tonnage of the entire Mississippi River system, barring the Ohio, is about equal to that of the Columbia River, but it is woefully less than that of either of the Atlantic ports of Boston, New York, Philadelphia, Baltimore, or Norfolk, and is hard pressed by Savannah and Jacksonville.* It is about one-third the extent of the commerce upon the Harlem River, an 8-mile stream connecting the East River with the Hudson, and *about one-quarter the extent of the commerce in 1906 (the same year for which the Mississippi River figures were taken) of the Arthur Kill, a 12-mile stream which separates Staten Island from the State of New Jersey.* The Harlem River has had spent upon it about $1,500,000, and the Arthur Kill had been improved by the Government up to June, 1908, at an expense of $341,000. *The annual maintenance cost for this small channel, doing four times the business of the entire Mississippi system, is etimated at $5,000 per annum.*

"AN ILLUSTRATION—EAST AND WEST.

"Let us take another illustration. In the last session of Congress our wide-awake friends of the Middle West presented, amongst other bills for waterway improvements, one that contemplated the appropriation of $20,000,000 for continuing work upon the upper Mississippi from the mouth of the Missouri, a distance of about 800 miles, to St. Paul. The commerce of this part of the Mississippi River is not extensive, much of it is for the encouragement of the logging trade, and yet under the continuing contract system consideration of this project has been approved. *If $20,000,000 were appropriated by the Government for the taking over of the Chesapeake and Delaware Canal, in accordance with the report of the Agnus commission, the Government would provide a channel of sufficient depth to accommodate inland the vast commerce of the Atlantic coast; to permit of the passage of ocean liners via the Delaware into the Chesapeake Bay, or from Hampton Roads north; it would provide for itself the best avenue for war vessels of the greatest depth and beam that the strategy of our naval experts could desire.* If it is fair that one section of the Mississippi River shall be considered for enough money to take over and modernize the Chesapeake and Delaware Canal, why should we not place the facts fairly before the country and ask for simple justice?"

THE COASTAL CHAIN WAITS.

Mr. Chairman, in the pending rivers and harbors bill it is proposed to complete, under the continuing-contract system, the great project of the Mississippi for which our brethren of the Middle West and the South have been contending. The expenditures will be enormous. They will not stop short of hundreds of millions. Nor have the fertile Gulf region and the territory of the Great Lakes failed to obtain recognition for many of their most ambitious projects. The Columbia River, too, and that Pugent Sound country, which is rapidly becoming the Mecca of enterprising America, are fairly—yes, in proportion to population and commercial importance—liberally taken care of in this bill. The people of the South, the West, and the Middle West are entitled to know what their Representatives have been able to accomplish for them in this bill. In its far-reaching benefits it is perhaps the greatest of all waterways bills since the enactment which authorized the construction of the Panama Canal.

But its chief tendency has been southward and westward; it has made good the hopes and expectations of the dwellers along the Ohio and the Mississippi and its tributaries; it has not yielded to the East the long-merited boon of connected inland waterways safe from the perils of the sea. Surely, if it is good for all the people that the Mississippi shall be deepened and controlled, it is equally good that life and commerce, which is precious to all the people, shall be safeguarded along the coast. All hail, Mr. Chairman, to the Mississippi and its glorious possibilities, but "in the fullness of time" let us have an improvement of the God-given channels along the Atlantic coast, which, linked together by Congress, will develop trade, encourage agriculture and industry, and provide for an enterprising and productive people a safe, convenient, and competitive method of transportation. We have the men and the commerce to use these great inland waterways. Our existing transportation facilities are limited and in some respects a check upon the agricultural and manufacturing development of our people.

Whatever arguments hold in the Mississippi country with regard to river improvements regulating rates of freight, hold with equal force along the seaboard. We want to get to market under favorable conditions and upon the best terms. In this there is no difference between the Middle West and the coast line. The longer restrictions of transportation are imposed upon trade along the coast, the longer the period of increased prices to the consumer, wherever found. The earlier the improvement of coastal inland opportunities the earlier and surer the increase in commerce and manufactures generally. Held in reserve since the forefathers planned the country's growth in advance of the railroads, it is earnestly hoped the day is not far distant when Congress, in its wisdom, will authorize this great undertaking, for which the people of the Atlantic Seaboard States have waited so long and so patiently.

The Clerk read as follows:

ARKANSAS AND TEXAS.

Channel connecting Red and Sulphur rivers by way of Texarkana.

Mr. KEIFER. Mr. Chairman, I wish to make the point of order against the paragraph just read. I am willing to reserve it if the chairman of the committee desires it, but I would like to know of the chairman whether it is the policy of the Rivers and Harbors Committee to confine these proposed surveys purely to rivers and harbors. I am willing to await an answer, but if the gentleman does not desire to make it I will state I find a great many very meritorious provisions not involving rivers and harbors in combination sometimes with rivers and harbors and with improvements for canals. I find this item, to which I propose to make the point of order, belonging to the latter class. I do not make the claim myself, if the committee does not, that we may not have surveys of rivers and harbors with a view to the utilization of the waters by connecting canals and improvements of that character. I do not deny but what the Committee on Rivers and Harbors may have jurisdiction for that purpose, but does the gentleman propose to make the point that you can not do it except when the committee thinks it ought to go into the canal field and do a little here and there; if so I think we had better clean up the whole bill on that subject and then come to a bill relating to canals. I do not see very well how we are going to separate the matter of improvements that involve canals entirely, but I understand, and I expect the committee can tell me, whenever they, in their judgment and their supreme wisdom, think the time has come to cut out surveys for canals. I know in the last river and harbor bill surveys were provided for, including an expenditure of several hundred thousand dollars for canals, that had little or no connection with rivers at all, and little or no connection, in major part, with canals, and I was told then, and I expect to be told now, that a proposed improvement for the utilization of the waters of the Maumee River and the Big Miami, in connection with a canal, was not germane to a river and harbor bill, and they had no jurisdiction——

Mr. MANN. Will the gentleman yield?

Mr. KEIFER. I will be glad to do so; I was trying to invite it.

Mr. MANN. This proposition to which the gentleman reserved the point of order is that for a survey for a canal?

Mr. KEIFER. Survey for a canal between two places; that is, it is a coupling canal, and that is all I am contending for.

Mr. MANN. It does not say canal, but says "channel."

Mr. KEIFER. Well, that is another name for it.

Mr. MANN. Well, I do not understand——

Mr. KEIFER. What is the use of surveying a channel if not for information with a view to an improvement for navigation?

Mr. MANN. I want information as to the facts, because, if it is for the construction for a canal and the gentleman does not insist upon his point of order, I shall. I want to get at the facts, which I do not know myself, and I did not learn from reading the proposition in the bill, because it seemed to me it might possibly and probably be a mere improvement of the Red and Sulphur rivers.

Mr. KEIFER. Yes; but what is a channel connecting the Red and Sulphur rivers by way of Texarkana?

Mr. MANN. I assumed there was a channel, and this was a survey of the channel which connected the two rivers.

Mr. KEIFER. Yes; but it is an artificial work.

Mr. MANN. That is what I wanted to get at. Is it an artificial work?

Mr. KEIFER. Undoubtedly, and it is an improvement of that connecting channel primarily for the purpose of navigation I submit.

Mr. MANN. I simply asked if the gentleman had personal information.

Mr. KEIFER. That is the way I understand it, but if anybody knows to the contrary, they ought to state it. Mr. Chairman, I have no objection to going into the matter of making surveys for important things, and I believe myself that when it is essential that rivers should be improved they can be connected; and if the utilization of the water of these rivers is used for the purposes of navigation, that is in effect an improvement of rivers, and where harbors are involved, harbors likewise. I am trying now to find out whether or not I am mistaken about that view. I find in this bill surveys of streams hardly known on the maps, a very large number of them that never had dignity enough to get on a map in the world unless it was some local one. Lemon Creek and various creeks are to be improved on the theory that they are to be improved for the purposes of navigation.

The river and harbor provision of our rules authorizes the reference of all matters relating to the improvement of rivers and harbors, but it does not in terms constitute a river and harbor committee an appropriation committee at all. Everything that it has taken within its jurisdiction in the way of appropriation or authorization has been by implication and long usage.

Mr. Chairman, as you stated recently from the chair, it is held that it is not a general appropriation bill, or the committee has no general appropriation authority whatever; but I agree that, under the rules, it has grown up here to be the custom of making appropriations for the improvement of rivers and harbors and for their survey as preliminaries to their improvement. I believe myself any fair interpretation of this whole subject now as dealt with should include the right to make channels, if you choose to call them such, or canals—something that is of utility and something of great practical benefit to the people. I am in favor of water improvements. I know that there are some provisions in this bill, and recent ones that we have passed, for the improvement of rivers and harbors and streams that we have been improving from time to time by appropriations for nearly one hundred years, and we have not gotten any improvement for navigation and we have had no commerce or trade upon them.

Mr. BURGESS. Mr. Chairman, the project referred to is not subject to this point of order at all, as I conceive it. The Red River makes a bend just above Texarkana and runs away off to the left, then turns down, where the Sulphur River connects with it and runs out within a few miles of Jefferson. Now, this proposition contemplates a survey from a point opposite Jefferson to the Sulphur River, a distance only of about 13 miles, and if this survey is made, it would save from 80 to 100 miles in the navigation of the Red River, both to those above as far as Denison and those below who desire

to go to Denison. That is the proposition. I think it is similar to a cut-off. Suppose a river winds around and makes a bend and comes back here where it is. I know of many such cases where the cut-offs are made in aid of navigation. Now, the fact that a town of considerable importance is located there only makes an additional reason for doing it. It is not a canal in any sense of the word. It is not such a canal as the Maumee at all. The two projects are not on a par. I trust this statement will make it clear.

Mr. KEIFER. Will the gentleman allow me to ask him a question?

Mr. BURGESS. Yes.

Mr. KEIFER. Is not the proposition to construct a canal to be 13 miles in length, connecting the Red River with Sulphur River, for the purposes of navigation by way of the artificial channel?

Mr. BURGESS. In part it is.

Mr. KEIFER. Is not that the principal reason?

Mr. BURGESS. No; there is a creek now which makes most of the way of this canal. There are only a few miles that cut across.

Mr. KEIFER. Thirteen, I understand.

Mr. SHEPPARD. Only seven or eight, I will say to the gentleman.

Mr. KEIFER. It is only a question, then, of a small baby?

Mr. BURGESS. That is all.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. KEIFER. Mr. Chairman, I fail to get the committee to tell me what their plan and purpose were in reference to this, and I assume it is what I have already stated; that is, the committee determined the jurisdiction from time to time and asserted it against the project they do not care to encourage.

The CHAIRMAN. The Chair has no doubt a provision in the river and harbor bill for a canal would be subject to a point of order. But so far as up to this time informed, the Chair does not say that principle is applicable to this paragraph.

Mr. KEIFER. If the Chair will allow me, I do not think it necessary to discuss that after the admission that the part of this proposed channel or work is purely artificial for the purpose of navigation. I take it that that part of it is subject to the point of order. They agree that 5 or 6 miles of this is to be purely an artificial channel.

Mr. MANN. Mr. Chairman, it seems to me that there is a very marked distinction between this case and the construction or the proposed construction of a canal. Here is a river that winds around. It has bends in it. No one has ever contended that if you cut across a bend that was not an improvement of the river. It is not the construction of a canal. It is the improvement of the river. The gentleman from Ohio very naturally is seeking a peg upon which he can hang his claim; but this is not the proper peg. Here a statement is made to the chairman that this river makes a long wind about, and that the purpose of this channel is to avoid a long improvement of the river in order to make a less expensive improvement of the river.

Mr. SHEPPARD. May I state that it will save about 120 miles in navigation, and a very considerable saving in expense.

Mr. MANN. The gentleman from Texas says that it will save about 120 miles of river channel. Now, this improvement, as suggested here, is an improvement of this river in a common-sense manner, and is in no wise the construction of a canal as we understand the use of the term canal.

Mr. KEIFER. Mr. Chairman, I am sure we have been illumined by the great argument which has just been made by the gentleman from Illinois. But there is no proposition to change the channel of either the Red River or the Sulphur River. The proposition is, however, to make a canal by a short cut, a very desirable thing, no doubt, from one river to another river, and not change the river at all any further than it will be changed by the quantity of water that will flow through that artificial channel. Now, let me say, I am going to relieve the chairman of any embarrassment, if any there will be in this matter. I will withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

FLORIDA.

Apalachicola Bay and St. George Sound, with a view to determining the best location for a deep-water harbor with entrance channel from the Gulf of Mexico by way of East Pass, West Pass, New Inlet, or by an artificial cut across St. George Island, consideration being given to the respective needs of the cities of Apalachicola and Carrabelle for increased harbor facilities.

Mr. KEIFER. I reserve the point of order against this paragraph, and even the most refined argument of the distinguished gentleman from Illinois will not be able to show that it is not subject to it. This is a provision to provide for a channel, a new name for a canal; deep-water harbor with entrance channel from the Gulf of Mexico by way of East Pass, West Pass, New Inlet, or by an artificial cut across St. George Island.

This is a purely separate matter from rivers and harbors altogether. It is a new improvement, and it is subject to the point of order, if any point of order is good, simply because it is an artificial channel, or a canal, if you please, utilizing the water of two harbors or a river and a harbor or two rivers; whatever it is it is subject to the point of order.

Mr. SPARKMAN. Mr. Chairman, this is in no sense a canal, even if that should make any difference, nor will the improvement be in the nature of a canal. From start to finish it goes through and will go through navigable waters, unless it be that at some place, when it reaches a point near what is known as East Pass, the engineer shall come to the conclusion that it would be better to cut for a short distance through an island between the bay and the Gulf of Mexico, which is not at all likely. But if that should happen, it will only be doing what Congress has heretofore authorized to be done many times. It will be for the purpose of shortening the channel or of furnishing a better outlet to the Gulf. But my judgment is that it will go through East Pass, the present outlet to the Gulf and already an excellent channel of more than 20 feet in depth. This pass is near the eastern end of St. George Sound, opposite Carrabelle, and some 15 or 20 miles from what is known as West Pass, opposite Apalachicola, the latter being the main entrance to Apalachicola Bay from the Gulf. Now, the survey starts at the mouth of the Apalachicola River, near the city, goes through Apalachicola Bay and St. George Sound to East Pass, which will doubtless be the route of the improvement, if any is recommended, unless, as I said a moment ago, the engineer shall consider it cheaper and better to cut through the narrow strip of land between St. George Sound and the Gulf at some point short of the pass. This proposed improvement is all in tidal water, if that makes any difference. I do not suppose it does. But with the exception of that one cut that may possibly be made, the improvement will all be through the waters of Apalachicola Bay and St. George Sound, practically a part of the Gulf of Mexico. Certainly the survey is not for a canal in any sense, and hence not subject to the point of order, even admitting, which to my mind is not clear, that the point would be well taken if it were a canal connecting two bodies of navigable waters.

Mr. MANN. Mr. Chairman, I did not make the point of order against this paragraph, because I am familiar with the situation there, having made a personal visit to this place with the distinguished Committee on Rivers and Harbors, and I remember very distinctly much of the situation there. This clearly is not a canal. It is no more a canal and no more the construction of a canal than it was when we made a new entrance to New York Harbor. It is simply, as I understand, making an entrance from the Gulf of Mexico to this city where there are now large bodies of water, much of which is shallow, and where it may be desirable in making the entrance rather than run away around an island to cut through that island, which is a small island, in order to make a direct channel.

Mr. KEIFER. I understand the proposition then is that if you cut from a bay to a great gulf, not more than 10 or 15 miles, it is not subject to be called a canal; but if you are to cut from the Lakes to the Ohio River, a distance of 100 or more miles, that would be a canal.

Mr. ALEXANDER of New York. You are right.

Mr. KEIFER. That is the argument.

Mr. ALEXANDER of New York. You are right.

Mr. KEIFER. And that is the proposition that is submitted here. It is a question of length, or a question of the views of the committee, whether it is a canal or whether they call it a channel. When they construct a channel from a bay to the great Gulf of Mexico, and it is not very long, it is not a canal any more.

Mr. ALEXANDER of New York. May I interrupt the gentleman?

Mr. KEIFER. Certainly.

Mr. ALEXANDER of New York. I will say to the gentleman from Ohio that if there was a good stiff southwest breeze, and he was standing on that part of St. George Island, he would be afloat in about two minutes, at the point where it is proposed to make the artificial cut.

Mr. KEIFER. I understand then that the gentleman thinks that if the wind blew off the island, so as to make everything there dry land, you could cut a canal through and it would not be subject to a point of order under the rules of the House.

Mr. LAWRENCE. Mr. Chairman, just a word. The purpose of this survey is to see if the cities of Apalachicola and Carrabelle can have a deep entrance to the Gulf of Mexico. There are three channels which the engineers are instructed to investi-

gate, and then there is this cut across St. George Island. It is a channel, the outlet of a harbor, and no more of a canal than any other of the deep-sea channels from harbors all along the Atlantic coast.

Mr. KEIFER. Is it for the purpose of navigation?

Mr. LAWRENCE. Yes.

Mr. KEIFER. Of course it is not a canal.

Mr. LAWRENCE. No; not a canal at all. It is simply for the purpose of providing an outlet from these two harbors.

The CHAIRMAN. From the information contained in the bill and the explanation given on the floor the Chair is unable to reach the conclusion that this item is out of order on a river and harbor bill. The Chair therefore overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. LODGE, and Mr. DAVIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 2828. An act for the relief of William Martinson.

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 863. An act to correct the military record of John M. Miller;

S. 1531. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party;

S. 3253. An act providing for guides in the District of Columbia, and defining their duties;

S. 3501. An act providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo.;

S. 3889. An act to amend an act to incorporate the Masonic Temple Association of the District of Columbia;

S. 3890. An act to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906;

S. 4653. An act to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation;

S. 4778. An act to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance; and

S. 5926 An act making available certain lands on the former Uinta Indian Reservation under the reclamation act.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3544) "to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines."

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Waterways from Louisville to Savannah, including cut-off or canal from Ogeechee River to Savannah River or Harbor with a view to providing a more direct route between said cities than that afforded by existing channels.

Mr. KEIFER. I make the point of order against that paragraph just read. This is a proposition to construct what is called a "cut-off" or canal from Ogeechee River to Savannah River or Harbor, with a view to providing a more direct route between said cities—that is, the cities of Louisville and Savannah, Ga.—than that afforded by existing channels.

Perhaps it will be argued that if they have some existing channels, some way, a crosscut from the Gulf to the Atlantic, that it does not make any difference, or if they build a canal from one river to the other. My proposition all along has been that you may build from one river to another or from the Lakes to a river; but I make the point of order against this paragraph.

Mr. EDWARDS of Georgia. This is a proposition to secure a survey from the Ogeechee River to the Savannah River. I will say for the benefit of the gentleman from Ohio [Mr. KEIFER] that there is a cut-off or short canal already built between the Ogeechee River and the Savannah River, and what I am after in this bill, and I think what it is proposed to do, is to get a survey of the Ogeechee River through that point, and therefore have connections between the cities of Louisville, Ga., and Savannah, Ga., down the Ogeechee River, and to this point where the canal connected. I hope the gentleman will not insist on his point of order, or that it will be overruled if he does insist on it.

The CHAIRMAN. The Chair does not see much distinction between this and the case just ruled upon. There is a difference in the wording, one being "canal" and the other "cut-off," but the substance is what is to be looked at, and the Chair overrules the point of order.

The Clerk read as follows:

Satilla River, above Burnt Fort.

Mr. ALEXANDER of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 89, between lines 5 and 6, insert the following:

HAWAII.

Harbors of the island of Kauai, with a view to determining the best location for a port.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18808. An act to authorize the construction, maintenance, and operation of a bridge across the White River, at Augusta, Ark.;

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.;

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.; and

H. R. 18411. An act to authorize the Thacker Coal Company to construct a footbridge across Tug River, at Thacker, Mingo County, W. Va.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MINNESOTA AND NORTH DAKOTA.

Red River of the North and its headwaters in Minnesota and North Dakota, with a view to determining whether storage reservoirs are necessary in the interest of navigation; and also whether such reservoirs are desirable for the purpose of preventing floods and developing water power in coordination therewith.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph so that we may ascertain the fact whether this has anything to do with rivers and harbors.

Mr. LAWRENCE. Mr. Chairman, the gentlemen particularly interested in this survey, the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from North Dakota [Mr. HANNA], appeared before the committee and stated that this river flowed through a country of great natural resources, and they believed that if the river could be improved so that it would be navigable during a part of the year there would be a constantly increasing amount of commerce upon it. They seemed very hopeful that the river might be made navigable, and that it would then accommodate the people of that section of the country in getting their enormous crops to market. They wished to have an investigation as to the proper depth of channel, the matter of storage reservoirs, and the development of water power.

Now, when surveys are ordered engineers are expected under the law to take these matters under consideration.

Mr. MANN. Mr. Chairman, may I inquire of the gentleman whether these proposed storage reservoirs are considered as a part of the possible improvement of the river itself?

Mr. LAWRENCE. Storage reservoirs, if authorized in any river and harbor bill, are authorized because they are in the

interest of navigation; it is because by such reservoirs water can be held back and then during the dry season be allowed to go down into the river.

Mr. MANN. I fear the gentleman falls into the error which the Chief of Engineers often falls into, that the Committee on Rivers and Harbors has jurisdiction of matters pertaining to navigation. The Committee on Rivers and Harbors has jurisdiction of improvements of the rivers and harbors, but the general subject of navigation does not belong to that committee.

I am perfectly willing, as far as I am concerned, that the Committee on Rivers and Harbors shall retain an item that affects the improvement of the rivers. If these storage reservoirs are for the purpose of improving the river, very well; but if their purpose is something entirely different, that is a different proposition.

Mr. LAWRENCE. There need be no doubt in the gentleman's mind as to the purpose of the committee in authorizing the investigation of the storage reservoir; it is to show that they are in the interest of navigation and nothing else.

Mr. MANN. That is the first part of the paragraph. May I ask the gentleman in what way it affects the improvement of rivers and harbors, or even affects the interests of navigation, to determine whether these reservoirs are desirable for the purpose of preventing floods and developing water power in connection with floods?

Mr. LAWRENCE. I will say to the gentleman that these reservoirs are created for the purpose of storing water which might escape through floods, and if we can prevent in that way the escape of the water it can be stored for the purpose of maintaining a uniform flow of the navigable streams. It is to save the water so escaping and use it in maintaining the river at a proper depth for navigation. As to the water power, it is a part of the law now that when we order a survey the engineer shall also report upon the question of the development of the water power.

Mr. MANN. I think I will take a ruling of the Chair on line 25, page 91, and lines 1 and 2 on page 92. The gentleman from Massachusetts explains that the storage reservoirs provided in lines 22, 23, and 24 are necessary for the improvement of the Red River. Very well, I do not make any point of order as to that. I make a point of order on the language which says that they shall make these surveys "for the purpose of determining whether such reservoirs are desirable for the purpose of preventing floods and developing water power in coordination therewith." I assume that the coordination of the water power is in connection with either the flood or the reservoir, and has nothing to do with the improvement of the river.

Now, it seems to me that is going a long way beyond the improvement of rivers and harbors. There is no pretense that that is any improvement of either a river or a harbor. It is very true they may construct a reservoir, but when it comes to determining what effect the constuction of the reservoir shall have in preventing floods and what use may be made in connection with that power, that is entirely, it seems to me, beyond the province of the Committee on Rivers and Harbors, and opens up a field which is unlimited.

If every river improvement is to be considered in connection with the prevention of floods which may damage other property, we have taken an entirely new tack as far as river and harbor improvements are concerned.

Mr. LAWRENCE. Mr. Chairman, just a word relative to the point of order. If by storing water in reservoirs and preventing floods we are able to maintain the regimen of streams, that surely affects the question of navigation and——

Mr. MANN. If the gentleman will permit, I made no point of order against the reservoirs that affect the navigation at all. The point of order I make is confined to the subject-matter of the last line on the page and the first two lines on the next page, which has nothing to do with the construction of reservoirs that affect navigation.

Mr. LAWRENCE. I would like to call the attention of the Chair to the existing law, which provides that every report submitted to Congress in pursuance of this section—that is, the section authorizing the surveys—in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce, local and elsewhere, from any proposed plan of improvement, shall contain also such data as it may be practicable to secure, first, as to the establishment of terminal and transfer facilities; second, the development and utilization of water power for industrial and commercial purposes; and, third, such other subjects as may be properly connected with such projects.

The CHAIRMAN. The Chair thinks there is a manifest distinction between the first part of this paragraph down to as far as the end of line 24 and what follows. The first is clearly within the jurisdiction of the Committee on Rivers and Harbors, but it seems to the Chair that the additional provision relating to the matter of the developing of water power is hardly within the jurisdiction of the Committee on Rivers and Harbors. The Chair, therefore, sustains the point of order as to lines 25 to the end of the paragraph.

The Clerk read as follows:

Mouth of Pascagoula River, with a view to securing increased depth in a continuous channel from the upper limits of the present project in Dog River to deep water in the Gulf of Mexico.

Mr. SISSON. Mr. Chairman, since the time on this bill is so limited that I can not get time to discuss it, I ask that I may present some facts in reference to the importance of improving the Yalobusha River in the State of Mississippi. The river flows southwest and runs into the Yazoo River just north of the city of Greenwood. It rises up in the northeastern part of the State, in the county of Chickasaw, and flows through the county of Calhoun. In Calhoun County you find the best belt of hard-wood timber in the Union. The town of Derma and the town of Calhoun City are located on this river and are the centers of this magnificent hard-wood timber belt. The improvement of this river would greatly facilitate reaching this timber, and would enhance the value of it to the owners because of the great reduction in freight that would follow. These two thriving towns are also the center of a good farming section, and will handle in the near future thousands of bales of cotton as the country is settled up. Calhoun City is the terminus of a branch of the Mobile and Ohio Railroad, and if the river can be improved from there to the city of Grenada, it would be in direct communication with the main line of the Illinois Central Railroad, which would be of untold value to the country.

The city of Grenada is located on the main line of the Illinois Central Railroad and also on the Yalobusha River. The city of Greenwood is just 33 miles west of Grenada and is on the Yazoo River, immediately south of the mouth of the Yalobusha River. The improvement of the Yalobusha River would make the city of Grenada a competitive point in the freight rates, and would place it on an equal footing with the city of Greenwood. The rates are much lower for Greenwood than for Grenada; for example, the freight rate on coal to Grenada is $1.80 per ton, while the rate to Greenwood is $1.25 per ton from the same mines. One oil mill in Grenada last year used in crushing seed over 2,100 tons of coal. If this mill had the Greenwood rates it could have saved $1,500 in coal alone. This same mill crushed last season 7,000 tons of seed, the greater part of which was shipped in by rail. It shipped out 6,058 barrels of oil of 375 pounds each, 2,800 tons of meal, 2,550 tons of hulls, and 261,000 pounds of linters, all of which paid the high rate, and it is safe to say that this one oil mill alone could have saved to itself and to the community at least $5,000 in freight rates. The other oil mill handled 14,800 tons of seed, and shipped out 12,653 barrels of oil, 6,171 tons of cotton-seed meal, 5,221 tons of cotton-seed hulls, and 740,000 pounds of linters. All of this was shipped out at the high rate. These two institutions are handicapped greatly in the high freight rate, while their competitors in Greenwood enjoy the low rate.

The compress at Grenada handled during the year ending July 1, 1909, 43,784 bales of cotton, all of which was shipped out at a high rate. The freight on cotton from Grenada to New Orleans is $2.75 per bale and from Greenwood is $2.10 per bale, a loss to Grenada of over $29,000 on this one item. If you add to these all of the enormous saving on freight shipped into the city of Grenada from all over the country to the 50 mercantile firms, the foundry and machine shop, the 2 large brick plants, planing mill, wholesale grocery, sand and lime plant, hotels, feed and sale stables, and other enterprises the reduction in freight rate by the improvement of the Yalobusha in one year would be an enormous sum. Just out of the city limit is located a large tie plant for treating cross-ties, telephone poles, bridge timber, and so forth, and also a large paving-block factory which would be benefited by a low freight rate.

I will ask to read a letter which I received from Hon. W. C. McLean, one of the leading lawyers of the Grenada bar, a few days ago, which states clearly what the improvement of this river means to our country:

Hon. T. U. SISSON, *Washington, D. C.*

MY DEAR SIR: In reply to your favor of recent date in reference to the navigation of the Yalobusha River:

Until 1860 all cotton raised in this section of the country was brought to Grenada on wagons and thence shipped by boat down the Yalobusha River to New Orleans.

Up until the completion of the railroads to this point the people of this section obtained all of their supplies and made all of their shipments via the Yalobusha River.

I remember of seeing at one time, in 1865, as many as 12 steamboats lying at the wharf at this place.

Before the coming of the railroads there were one or two regular lines of steamboats with regular schedule beginning about the first of December and continuing until late in the spring.

The opening up of the Yalobusha River for steamboat traffic would not only greatly benefit this immediate section but the surrounding territory, including Grenada, Carroll, Montgomery, Webster, Calhoun, and Yalobusha counties.

The saving of freight would be enormous to this section of the country.

Very truly, yours, WM. C. MCLEAN.

These facts not only warrant this survey, but warrant the Government, under its present policy, to improve this river for navigation.

The Clerk read as follows:

Ship canal with depths of 30 to 35 feet extending from a point in the city of Newark, below the junction of the Pennsylvania and Lehigh Valley railroads, through the Newark Meadows and Newark Bay to deep water of the Kill van Kull.

Mr. KEIFER. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. PARKER. I hope the gentleman will reserve his point of order until I can make a statement.

Mr. KEIFER. I will reserve it.

Mr. PARKER. Mr. Chairman, this is not with the idea of making the United States Government pay for a ship canal. The meadows of the city of Newark run down to Newark Bay, and it has been a Newark project for many years to dig a channel through those meadows up to the city with the depth the channel would have across the bay if constructed by the Government. The city has appropriated $1,000,000 toward the construction of the land portion of this channel, and at the same time information is desired before going into digging as to what the whole will cost, and as to whether the United States would consider a project for a channel in the bay such as would be available for making this wet dock or basin belonging to the city available from the bay. The word "canal" perhaps ought to be changed to "channel," but the survey is only to get the estimates of the Board of Engineers and to advise the city as to how far it can go in aiding the Government in the improvement of this harbor, which now has a tonnage of the value of very many millions of dollars a year. The city desires to have that survey made so that it will know what it can do. Under those circumstances, as the United States Government has always encouraged the independent action of towns in enlarging their commerce, the point of order in this case ought not to be made. It is merely an enlargement of the present harbor. The survey is not for a canal, but for a wet dock or basin about 2 or 3 miles long, from the bay up to the city, containing piers and a full depth for commerce. The city has 300,000 population.

Mr. MANN. Will the gentleman yield for a question?

Mr. PARKER. Yes.

Mr. MANN. Is this to be constructed where there is now salt water?

Mr. PARKER. Yes; as far as the United States Government is concerned; but the city is proposing, and has appropriated $1,000,000, and has purchased meadow ground for the purpose of digging this basin from the salt water up to the city, so as to have a dock there. Engineers do not agree as to the cost, and there is a difference of opinion as to whether the Government would furnish the channel in the bay at the end of this basin, and I respectfully submit, first, that this being a survey for the enlargement of an existing harbor by the construction of this wet dock, or wet basin, it is not subject to the point of order; and second, that under the circumstances, as it is for the benefit of the Government and the enlargement of commerce, the point of order ought not to be made. If there is any doubt about it, the word "canal" might be changed to the word "channel."

Mr. KEIFER. Do I understand that this proposition is simply to provide for a survey which comes under the head of improvements for this ship canal for a depth of 35 feet, and is simply for the purpose of getting the required information upon which the city of Newark may construct a canal?

Mr. PARKER. In order that it may construct the land portion of a canal through the meadows connecting with the water portion.

Mr. KEIFER. What is the land portion but an excavation for the purpose of a channel?

Mr. PARKER. We expected to excavate wherever there is land or meadows; we expected the Government in the Newark Bay to bring deep water up to it. We want to know what we would have to expend, and as I drew this proposition to the committee I asked for a separate estimate on both of these matters, but the committee found under the general provision where estimates will be made we will have to get the engineers to divide it, which can easily be done. This is for information for the city in doing this.

Mr. KEIFER. According to my view in this matter, I think this is a proposition that is subject to the rule that we have been talking about here, but in view of the remarks of the gentleman from New Jersey I will withdraw the point of order.

Mr. PARKER. I thank the gentleman.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not rise to make the point of order, but I would like to inquire of the gentleman from New Jersey what a "wet dock" is.

Mr. PARKER. A wet dock is a well-known term used in regard to practically all the docks abroad. The great docks of London are called "wet docks." They are inclosed openings into the high ground. You might say they are slips, but they are more than slips, because they are larger.

The Clerk read as follows:

Cuyahoga River, from its mouth to a more southerly connection with the Ohio Canal, with a view to eliminating bends and securing a navigable depth of 21 feet, with suitable width; with a report on any proposition for cooperation by localities affected thereby.

Mr. KEIFER. Mr. Chairman, I offer the amendment to this paragraph which I send to the Clerk's desk.

The Clerk read as follows:

And Maumee River from at or near Toledo, Ohio, along the channel thereof as far as practicable, but conforming to the line of the Miami and Erie Canal, to the waters of the Miami River, and thence, still conforming in like manner to said canal, southward to the Ohio River at or near Cincinnati, Ohio, with a report as to the practicability, utility, and feasibility, including an estimate as to the cost of widening and deepening said canal, if improved, into a ship or barge canal connecting, for the purpose of trade and commerce, the waters of Lake Erie and the waters of the Ohio River.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. KEIFER. Will the gentleman reserve it?

Mr. MANN. Certainly I will reserve it.

Mr. KEIFER. Mr. Chairman, I have followed the practice of the Committee on Rivers and Harbors by proposing to amend this paragraph by adding that which has been just read. I find under the head "Arkansas," on page 86 of the bill, that that rule has been followed, and it has also been followed in some other places. Now, Mr. Chairman——

Mr. MANN. Mr. Chairman, I may fairly state to the gentleman that one of the points of order I shall make is that the gentleman's amendment is not germane to the paragraph.

Mr. KEIFER. I was stating that it was germane to the bill, and it is immaterial in regard to that. It is germane to the bill. You may connect it by the conjunction "and," but that does not affect the question.

Mr. MANN. If the gentleman offers his amendment as a new paragraph, that is one thing, but the amendment the gentleman offered is an amendment to the paragraph in relation to the Cuyahoga River.

Mr. KEIFER. No; in relation to a canal.

Mr. MANN. Well, I simply——

Mr. KEIFER. The gentleman is right in understanding my amendment; it is to be an amendment offered to this paragraph. I do not dispute that. The paragraph to which the amendment is offered is a paragraph for the purpose of having an improvement made in the Cuyahoga River and in connection with the Ohio Canal, an existing canal now. It is to be so improved as to add to and connect with this canal. The importance of this, Mr. Chairman, is that it would come within, if there is any real objection to it, the rule that it would not be in order; no point of order being made against it, it stands either subject to amendment of the same character exactly whether the amendment would be germane in a general sense, and it comes within another very familiar parliamentary rule.

This is a proposition to amend a paragraph of the bill that relates to the improvement of a river and a canal. That is the situation, and my proposition is to so amend that as to do likewise.

Mr. CASSIDY. Mr. Chairman, if I may interrupt the gentleman for a moment——

Mr. KEIFER. Certainly; for a question.

Mr. CASSIDY. My colleague states that this proposition which is under discussion, the Cuyahoga River, relates to the improvement of a river and a canal. I desire to correct him on that point and to say that the item in the bill refers simply, solely, and only to the Cuyahoga River, and has no relation to the Ohio Canal, except that the survey is to extend to a point where it is adjacent to the canal, the same as many streams provided for in this bill are surveyed up to a certain point. There is no intention, thought, or desire to have the Ohio Canal surveyed in connection with this proposition for the survey of the Cuyahoga River.

Mr. KEIFER. Mr. Chairman, the gentleman doubtless understands the matter as he states, but the bill says just the other thing, to wit, that it is to connect with the Ohio Canal in

a different place than it connects now and be a part of it in that connection. It is a part now of the Ohio Canal, and they are proposing to further connect that and the canal, and the language states that it is to extend from its mouth to a more southerly connection with the Ohio Canal. That is the language of it. It does not say it is adjacent to it, but connected with it—to furnish the water for it. Now, Mr. Chairman, what my amendment proposes is to utilize the waters of the Maumee River—make these diversion channels that the gentlemen talk about and do not call canals. I want to call a spade a spade. It is the canal that I am looking for. We go up the Maumee River and we pass over a certain divide, and come to the headwaters of the Great Miami River, following that down to the Ohio. We have simply improved the waters to the Maumee, the Great Miami River, and such other rivers as may be touched as we pass along.

Mr. BUTLER. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. BUTLER. Will the gentleman give us an idea of what this project will cost? It will be interesting to us laymen to have an idea of that.

Mr. KEIFER. If my amendment stands, I will try to do it; but I want to say that for the present the very question the gentleman asks my amendment provides shall be answered by the survey. The survey is to report the cost, and that is an answer that would be better than I could make now.

Mr. BUTLER. The gentleman might have an idea.

Mr. KEIFER. It would be a very cheap canal compared to many others.

Mr. BUTLER. What will be the length of it?

Mr. KEIFER. I do not believe I can give the exact length from memory, but it is a little over 200 miles. But there is a canal there now—the Miami and Erie Canal—and it is to improve that, widen and deepen it, if the survey warrants it. We are asking nothing but an ordinary survey, and are not authorizing it at all. This was recommended, this kind of canal, to be built shortly after this country was organized. When the great George Washington looked over the map of the country he said the place to build a canal was from a point on the Maumee River to the Ohio in order to connect the waters of the Great Lakes of the north with the Ohio River, and then connect with the Gulf of Mexico. And Thomas Jefferson, the third President of the United States, made a like recommendation. But our distinguished appropriation committees have not been willing to allow a few dollars to be expended for the purpose of making a satisfactory survey and report.

Mr. LAWRENCE. Mr. Chairman, the gentleman from Ohio [Mr. KEIFER] has criticised the Committee on Rivers and Harbors because it has not included in this bill an authorization for the survey of a canal from Lake Erie to Cincinnati. Let me remind him, and let me remind the distinguished occupant of the chair, that when the river and harbor bill of 1907 was before the House the gentleman from Ohio offered this provision as an amendment. A point of order was made against it, not by a member of the committee, but by the gentleman from Illinois [Mr. MANN], his point being that it was not a subject within the jurisdiction of the committee; and the Chairman of the Committee of the Whole, a man who has had a great deal of experience in presiding over the committee, the gentleman from New Hampshire [Mr. CURRIER], promptly ruled that the point of order made by the gentleman from Illinois was well made, and the amendment was held not to be in order.

Certainly that was notice to the Committee on Rivers and Harbors that this specific project, at least, was not in order upon a river and harbor bill; and we have not included it here. Then, I want also, if I may be permitted, to call the attention of the committee to the fact that according to the gentleman from Ohio himself we are not yet ready to take on this project. I quote from a speech made by the gentleman in the House only a short time ago. He said eloquently:

> The interior of our country is now much like an unhatched egg, ready to burst its shell, needing only vigor to do so. The ship canal I advocate will become an artery for the circulation of the now stagnated business life of the Nation, and it will contribute largely to that vigor essential to its early bursting forth and to giving a new prosperity and a full-fledged life to our constitutional union of States.

Now, listen to this:

> A few words only as to how the expenditures for such improvements are to be provided for and I am done.
>
> Already a bill has been introduced for the issue of $500,000,000 of 2 per cent coupon or registered bonds of the United States as required and necessary, not exceeding $50,000,000 per year in denominations of $20 or some multiple thereof, payable after ten years and to mature thirty years from their date.

I think I agree with the gentleman from Ohio that to provide for a work of this kind it will be necessary to issue bonds for a very great amount, and to that point we have not yet come.

I noticed, Mr. Chairman, in the morning papers that Professor Lowell, of Flagstaff Observatory, Arizona, has discovered that a canal a thousand miles long was constructed on Mars during the present year, between the months of May and September. [Laughter.] If the gentleman from Ohio would only move to Mars he might get his hoped-for canal built very speedily; but in this benighted world of ours, I believe he will have to wait. [Laughter and applause.]

Mr. KEIFER. Mr. Chairman, I did not know until now that we had such celestial members on the Committee on Rivers and Harbors. [Laughter.] I thought they were inclined to go into the mud and mire of muddy streams, harbors, and bottoms, and all that; but now, for the sole purpose of making a point of order against my amendment, the committee sails off to the planet of Mars for an authority. [Laughter.] A few moments ago I was unable to state the exact length of the proposed canal. Looking at the speech which the gentleman compliments, I find it is 244 miles; that it has had sufficient investigation for the purpose of building a canal of the old type, and there is one built along the entire line. That canal could be in operation, but it is not large enough for the present day. It did not cost but about $3,000,000 in its original construction and would not cost half that much now.

The gentleman tries to scare both the Chair and Members upon the subject of the great cost of this canal that is to be constructed. We have made improvements since the gentleman was on the River and Harbor Committee, not since he sailed off to Mars. We have made improvements in the matter of excavation and in the building of canals. We can build canals where we have but earth excavations at one-fourth of the former cost, although done in a cheap time. The great steam shovels that remove earth do it with great rapidity, do it thoroughly well, and the cost of the canal need not be magnified, because it would be cheaper now to construct than at any other time. But I am off the question. I beg the Chair's pardon for talking about that. This is a project for the improvement of the waters of the Maumee and the Miami rivers by building a canal that utilizes the waters of both streams.

Mr. MANN. Mr. Chairman, the gentleman from Ohio offered his amendment as an amendment to the paragraph contained in these lines 19 to 23, evidently thinking that that paragraph might be subject to the point of order and therefore permit the gentleman to hang an amendment upon it. There are two answers to the gentleman. The paragraph is not subject to the point of order. It does not provide for the improvement of a canal at all. Even a casual reading of the paragraph shows that it is solely the improvement of a river. But, second, if the paragraph had been subject to the point of order, the gentleman's amendment would not be in order, because it is not germane to the paragraph. While he may claim his amendment is germane to the bill, it is necessary in offering an amendment that it may be germane to the paragraph. Would an amendment be germane to a paragraph that proposed to do something for John Smith, to offer an amendment for the purpose of doing something for James Jones? That would not be a germane amendment.

And this proposition to improve the Cuyahoga River, or even to improve the Ohio Canal, would not authorize the improvement of this canal, becaues it is not related and is not germane to the proposition to improve the Ohio Canal.

In view of previous decisions, I suppose it is not necessary to discuss the question as to whether it is in order to introduce an amendment for a canal upon a river and harbor bill. It has been decided so often, and in this particular case has been ruled out of order.

Mr. CHAIRMAN. The paragraph of the bill under consideration provides for a survey of the Cuyahoga River. The gentleman proposes to amend by adding another river. Certainly the proposed amendment is not germane to the paragraph, any more than the proposition to add one private claim to a bill providing for the payment of another private claim would be, or an amendment to a bill providing for the admission of one Territory as a State proposing the admission of another Territory as a State. The Chair therefore sustains the point of order.

The Clerk read as follows:

> Sandusky River, from its mouth to Fremont, with a view to securing a navigable depth of 10 feet, with suitable width.

Mr. KEIFER. Mr. Chairman, I now offer an amendment to come in after line 26 of page 94, leaving out the word "and."

The Clerk read as follows:

> Insert on page 94, at the bottom of the page, the following:
>
> "Maumee River from at or near Toledo, Ohio, along the channel thereof as far as practicable, but conforming to the line of the Miami and Erie Canal to the waters of the Miami River, and thence still conforming in like manner to said canal southward to the Ohio River at and near Cincinnati, Ohio, with a report as to the practicability, utility,

and feasibility, including an estimate as to the cost of widening and deepening said canal, if improved, into a ship or barge canal connecting, for the purpose of trade and commerce, the waters of Lake Erie and the waters of the Ohio River."

Mr. MANN. I make the point of order against the amendment. It is, I think, clearly subject to the point of order. It provides for a survey for a canal upon a river and harbor bill, and is practically identical with the proposition that was offered three years ago by the same gentleman, to which I made a point of order, which point of order was sustained by the Chair and has been frequently ruled on.

Mr. KEIFER. I care to occupy but a moment in reply.

First, this is not the same proposition that was ruled upon. That was a proposition specifically to provide for a survey of a canal and to make the appropriations for that survey. This comes within and under the head of surveys as provided in this bill, and is exactly in line with the numerous provisions in the bill, some of which I have called attention to.

By the very terms of the proposed amendment it is proposed to improve the Maumee and Miami rivers; to control the waters of both rivers, of course, in this way. It is a proposition to improve these two rivers. It is true it is to improve them in a substantial way. The two streams come nearly together. The headwaters of the Miami extend close to the Maumee. There is no 5-mile limit, there is no short cut, except that it is a short cut that is to allow the trade and commerce from the Great Lakes to pass to the Ohio River and to the Gulf, and in the opposite direction. And if it is subject to the point of order, it is because of its greatness and not because of its difference in character to other proposed improvements.

Mr. MANN. Mr. Chairman, just a word. The proposition is not to improve the Maumee River or the other river.

Mr. KEIFER. That is what it says.

Mr. MANN. Wait a moment. It provides for the improvement of these rivers, and a canal across the divide to connect the waters of the two rivers. It is the proposition to construct a canal across the divide that is subject to the point of order, and being coupled together they are all subject to a point of order.

Mr. KEIFER. It is not like a canal running through a meadow or through an island.

The CHAIRMAN. Does the Chair understand the gentleman from Ohio to concede that this is subject to a point of order?

Mr. KEIFER. No, Mr. Chairman; on the contrary, I think it is similar to the case where a river is improved in a more substantial way.

The CHAIRMAN. It seems to the Chair that this proposition is substantially the same as that ruled upon some years ago. On February 7, 1907, the gentleman from Ohio [Mr. KEIFER] offered an amendment to a river and harbor bill, which in its character was substantially the same as that now offered. The point of order was made by the gentleman from Illinois—the same gentleman who now makes this point of order—upon the ground that it was substantially introducing into a river and harbor bill a provision for a canal, and the point of order was sustained. The Chair thinks that case rules the present case, and feels bound by the decision in that case, even if he was disposed, as he is not, to rule otherwise. The Chair sustains the point of order.

The Clerk read as follows:

SOUTH CAROLINA.

Waterways from Orangeburg to Charleston, including cut-off or canal from Edisto River to Ashley River, with a view to providing a more direct route between said cities than that afforded by existing channels.

Mr. MANN. I reserve a point of order on that paragraph, and I wish some one would explain that paragraph and the next one.

Mr. ELLERBE. Mr. Chairman, I simply want to say that this is really not a canal in any sense. It is about 100 miles from Orangeburg to Charleston. I want to say that Orangeburg is, next to Lewis County, Tex., the largest cotton-producing county in the United States, and there are many manufacturing enterprises springing up there. These people are very anxious to have this existing waterway improved. The question is, in improving that waterway, whether they can cut through a swamp from 3 to 6 miles that will shorten the route 80 or 90 miles from Orangeburg to Charleston.

Mr. MANN. How about the other item?

Mr. ELLERBE. The other is for a waterway from Columbia and Camden to Charleston, which is the largest seaport in the State. There is an existing waterway between these cities, and instead of having to go from Camden through Winyah Bay and up to Charleston, we simply grant the engineers permission to say whether it is feasible to cut across these 7 miles and save 90 miles from Camden to Charleston.

Mr. MANN. I withdraw the point of order as far as I am concerned.

The Clerk read as follows:

SEC. 4. That the Committee on Commerce of the Senate and the Committee on Rivers and Harbors of the House of Representatives, or any subcommittee named by the chairman of either of said committees, are hereby authorized to visit any of the localities at which works on river and harbor improvements are now under way or proposed for the purpose of inspecting or investigating said improvements, and the necessary expenses connected with such inspections and investigations, including the expenses of necessary employees, shall be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors by the disbursing officer of the committee concerned, on vouchers certified by the chairman of such committee: *Provided*, That the accounts of the disbursing officers of the committees shall be prepared in conformity with existing law, and, together with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail or otherwise to the office of the Chief of Engineers in Washington within ten days after the end of the month to which they relate, and, after examination there and within sixty days of their actual receipt, shall be transmitted to the proper accounting officer of the Treasury for settlement: *And provided further*, That such expenses shall not exceed $15,000 in any one year, and that an itemized statement thereof shall be published in the Annual Report of the Chief of Engineers. In connection with the inspections or investigations herein provided for, the Secretary of War shall, upon the request of the chairman of either of the said committees, furnish such data and detail such officials and employees as may be necessary to assist said committee or subcommittee, and to further facilitate the work of such committees or subcommittees the use of vessels under the charge of the engineer department at large, under regulations to be issued by the Secretary of War, is hereby authorized.

Mr. ALEXANDER of New York. Mr. Chairman, I offer the following committee amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I ask the gentleman in charge of the bill if he will not be satisfied if Congress permits the River and Harbor Committee to make investigation for one year, so far as this bill is concerned, instead of giving permanent authority to the committee to travel around the country without any control by Congress in any possible way except by repeal of the law?

Mr. ALEXANDER of New York. I would like to have the amendment that I have just offered read.

Mr. MANN. For information?

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 97, in line 16, after the word "localities," insert the words "in the United States."

Mr. ALEXANDER of New York. Mr. Chairman, the committee has not the slightest objection to limiting it to the year.

Mr. MANN. Mr. Chairman, I ask the gentleman if he would be not only willing to accept the amendment here, but, with some probability that it would remain in the law when it becomes a law, to strike out, in line 11, page 98, the words "in any one year," and also, in line 13, the word "herein," and insert in place of it the words "in this section," so that that portion of the bill will read:

Such expenses shall not exceed $15,000, and that an itemized statement thereof shall be published in the Annual Report of the Chief of Engineers in connection with the inspections or investigations in this section provided for.

And so forth.

So that it gives the committee the entire privilege for the next fiscal year, and yet without fixing it so that Congress has no control over the matter hereafter. I suggest to the gentleman that trips like this might become very onerous to the committee and very dangerous to members of the committee if there should be no control over the matter by Congress.

Mr. ALEXANDER of New York. The committee is entirely willing to accept the amendment.

Mr. MANN. Then I withdraw the point of order.

The CHAIRMAN. The question is on the amendment suggested by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York, which the Clerk will again report.

The Clerk read as follows:

On page 97, in line 16, after the word "localities," insert the words "in the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That whenever any vessel belonging to or employed by the United States upon river and harbor work collides with and damages another vessel, pier, or other legal structure belonging to a private person or corporation, the Chief of Engineers shall cause an immediate and thorough examination to be made, and if, in his judgment, the facts and circumstances of the collision are such as to make the whole or any part of the damage inflicted a proper charge against the United States, the cost of repairing said damage may be paid, with the approval of the Secretary of War, from any funds which may be available for the improvement, maintenance, operation, or care of the waterway upon which the said government vessel was employed, or if such funds are not available, then the said cost may be paid from any funds

available for examinations, surveys, and contingencies of rivers and harbors; but such payment shall not include any allowance for demurrage, or for other than the actual and reasonable cost of repairing said damage: *Provided*, That such payment shall not exceed $250 in any one case.

Mr. MANN. Mr. Chairman, I reserve the point of order to the paragraph.

Mr. ALEXANDER of New York. Mr. Chairman, I have a committee amendment which I desire to offer.

Mr. MANN. If the gentleman will withhold the amendment, I might suggest to the gentleman that this provision first appeared in a bill which we passed the other day creating a bureau of light-houses. It was the first time such a proposition had been made in concrete form, and the engineers of the War Department obtained their inspiration in preparing this section of the bill from the bill creating the Light-House Bureau as it was introduced into the House. The section here is somewhat amplified. That bill authorized the Commissioner of Light-Houses to pay claims of this class out of the appropriations for the light-house service; but when the matter came before the House objection was made to that, and the House amended the provision so as to put these claims in the same class with audited claims and have them reported to Congress for the consideration of Congress, the statement then being made by the chairman of the Committee on Appropriations that that would cause them to be inserted in the deficiency appropriation bill as a matter of right. Now, it seems to me very desirable that all of these government vessels, where authority is given to pay damages on account of collisions, shall have the same uniform practice in reference to claims for damages; and if the light-house people, in making their claims where they have collisions and claims for damages, are governed by a certain rule, the same rule should apply to the vessels in the engineer's department. Whatever the rule is, it should be uniform. I have prepared an amendment to the gentleman's provision for that purpose which I would like to read to him. It practically keeps the section in the same condition that it is in down to the words "United States," in line 5, on page 99, and then reads:

That whenever any vessel belonging to, or employed by the United States, engaged upon river and harbor work, collides with and damages another vessel, pier, or other legal structure belonging to a private person or corporation, the Chief of Engineers shall cause an immediate and thorough examination to be made, and if, in his judgment, the facts and circumstances of the collision are such as to make the whole or any part of the damages inflicted a proper charge against the United States—

And now what comes is new—

the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages caused by such collision in cases where the claim for damages does not exceed $500, and report the same to Congress for consideration.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman permit an inquiry right there?

Mr. MANN. Certainly.

Mr. YOUNG of Michigan. If that is to come back to Congress, what is the necessity of putting in a limitation of $500? Some of these claims might run a trifle over that.

Mr. MANN. We discussed that matter when the light-house bill was before the House the other day, and it was thought desirable then, and it seems to me still desirable, to have some limit, because when those claims come back to Congress they are not like a claim presented to the Committee on Claims, but they are treated as an audited claim, and unless something unusual is in them, it would not attract attention.

As the law now stands, people who suffer injuries by reason of these collisions have no recourse whatever except by presenting a claim to Congress, which goes through the Committee on Claims, and as a usual rule that means no redress whatever. When I drew the light-house proposition I made it $250. When we brought it into the House it was raised to $500, and the engineers in framing this section took the original idea of the light-house proposition and made it $250. Now, I have proposed in this amendment to raise it to $500, and that covers nearly all claims where there is not some very large damage, and in those cases I question whether we ought to permit the executive administrative officers to determine the amount of the claim.

Mr. YOUNG of Michigan. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. YOUNG of Michigan. If a claim was a trifle over $500, then the claimant would be exactly in the same condition you say all the claimants are now and practically would have no redress.

Mr. MANN. I suggest to the gentleman that if the claim is a trifle over $500 the man who presents it lacks wit, because no one will present a claim a trifle over $500. Of course, if a claim that might be urged amounted to $550, the claim presented will be $500 if the man has good sense, and this is not referring these people to the Court of Claims. We might properly have provided that these injured people should go to the Court of Claims, but in a great majority of these cases the amount of damages runs from $10, $15, to $50, and $100.

Mr. YOUNG of Michigan. I will say to the gentleman that the committee does not have the slightest objection to the amendment, if the gentleman will be willing to strike out the limitation, and when the matter is to come back here for approval it seems to me it ought not to be in. There was good reason for the limitation when the action of the Chief of Engineers could not be reviewed.

Mr. MANN. Well, that practically amounts to no review. I have suggested the limitation the Chief of Engineers asked for, and the same is in the bill that passed the House in reference to the light-house service, where we have a much larger number of vessels than the engineer service.

Mr. PARKER. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. PARKER. Does not the gentleman think there is a very great advantage in having small claims settled on the spot? If the gentleman will permit me, when we had military maneuvers we found it of very great advantage to the Government to let the officers conducting those maneuvers settle those claims and take a receipt on the spot, because we always had them doubled up when sent to Washington. The claimant will accept payment of small amounts, and it was very much to the interest of the Government that the matter should be settled and a receipt taken at the time.

Mr. MANN. Well, here is the situation: These are claims in the nature of personal-injury claims, which this Government and no government has ever recognized. Now we are asked to make a departure from the whole theory of government in treating this class of claims as treated heretofore, and it seems to me in making that departure it is extremely wise, although I did not originally draw my bill in that shape, extremely wise to reserve the payment of the claims to the consideration of Congress, as audited claims are now paid. We pay large number of claims every year in the general deficiency bill, claims on contracts, claims where there is just as much reason for being settled quickly as these here; and when those people can obtain a redress in this manner, where now they have no redress at all, they ought not to complain.

Mr. PARKER. Will the gentleman permit a mere suggestion? And that is that in the conduct of the military maneuvers we found, under a provision that the officers could settle claims on the spot, they were often able to settle claims for fences, crops, trespass, etc., for five or ten dollars, where, if they had had to be reported to Congress, they might have run up to many hundreds.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] insist upon his point of order?

Mr. FITZGERALD. Mr. Chairman, I wish to ask the gentleman from Illinois [Mr. MANN] a question. Why is this restricted to private corporations? Suppose a municipal corporation sustains damage.

Mr. MANN. I may say to the gentleman that if the matter was presented to the House I intended to call attention to that and ask information about it.

Mr. ALEXANDER of New York. I have just sent up an amendment changing "private person" to "any person."

Mr. MANN. I was going to ask the gentleman, also, if the term "vessel belonging to or employed by the United States" would cover a vessel owned by a contractor?

Mr. ALEXANDER of New York. It says "in which said government vessel was employed." That has reference to the fact that the Government frequently leases boats for a short time, small boats or boats of considerable size, perhaps for a week, sometimes for a month, and sometimes only for a day, and a great majority of these claims that we desire to settle up in this manner are, as you say, from $5 up to $10 or $15—a great majority of them.

Mr. MANN. Mr. Chairman, I withdraw the point of order and offer the amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 5. That whenever any vessel belonging to or employed by the United States engaged upon river and harbor work collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, the Chief of Engineers shall cause an immediate and thorough examination to be made, and, if in his judgement the facts and circumstances of the collision are such as to make the whole or any part of the damage inflicted a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages caused by such collision in cases where the claim for damage does not exceed $500, and report the same to Congress for consideration.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The reading of the bill was concluded.

Mr. McLACHLAN of California. Mr. Chairman, relative to the section, beginning with line 19, on page 71, which was passed for the time being, I wish to withdraw my objection, so that it may remain in the bill as printed.

Mr. ALEXANDER of New York. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with amendments.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 20686, the river and harbor bill, and had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. ALEXANDER of New York. Mr. Speaker, I move the previous question on the bill and all amendments thereto, to their final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on the amendments?

No separate vote was demanded.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 863. An act to correct the military record of John M. Miller—to the Committee on Military Affairs.

S. 5926. An act making available certain lands on the former Uinta Indian Reservation under the reclamation act—to the Committee on Indian Affairs.

S. 4778. An act to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance—to the Committee on Claims.

S. 4653. An act to authorize the Secretary of the Interior to allot all the remaining unallotted lands within the Makah Indian Reservation, and to provide for the conservation and the sale of timber on such reservation—to the Committee on Indian Affairs.

S. 3890. An act to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906—to the Committee on the District of Columbia.

S. 3889. An act to amend an act to incorporate the Masonic Temple Association of the District of Columbia—to the Committee on the District of Columbia.

S. 3501. An act providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo.—to the Committee on Military Affairs.

S. 3253. An act providing for guides in the District of Columbia and defining their duties—to the Committee on the District of Columbia.

S. 1531. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW.;

H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;

H. R. 16324. An act to authorize the extension of Park place NW.;

H. R. 11989. An act to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia; and

H. R. 16329. An act to provide for the extension of Newton place NW., from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision.

WITHDRAWAL OF PAPERS.

Mr. MURPHY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John W. Watkins, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. BENNETT of Kentucky, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of M. E. McKellup, Sixtieth Congress, no adverse report having been made thereon.

Also, by unanimous consent, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James H. Tyree, Sixtieth Congress, no adverse report having been made thereon.

VIENNA EXPOSITION.

The SPEAKER. The Chair lays before the House a printed copy of a message from the President of the United States (H. Doc. No. 605), of which the Clerk will read the title.

The Clerk read as follows:

An appropriation of $50,000 to enable the United States to participate in the First International Field Sports Exposition at Vienna in 1910.

The SPEAKER. When this message was received by the House, referred and ordered printed, the Chair was not aware that it was accompanied with illustrations. Under the law, to have illustrations printed, the House must make an order to that effect.

Mr. MANN. What is the subject of the message?

The SPEAKER. It is on the subject of the Vienna Exposition.

Mr. MANN. How many illustrations are there to be?

The SPEAKER. The Chair does not know how many sports there will be at the exposition. It seems they have already been printed, and this is an effort to get an order that will pay for the illustrations.

Mr. MANN. Mr. Speaker, some years ago the House ran over me on a proposition of this sort. I insisted that no illustration should be printed except by order of the House. There have been some thousand orders made since then, and I think that this is about time when we should make an example, if we can, somewhere, and secure the administration of that law.

Mr. FITZGERALD. Well, does the gentleman object?

Mr. MANN. The question has not been submitted.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

NATIONAL PARK AT GRANT FARM, MISSOURI.

By unanimous consent, reference of the bill (H. R. 1490) to provide for the purchase of the Grant farm in St. Louis County, State of Missouri, and to establish a national park thereat, etc., was changed from the Committee on the Library to the Committee on Military Affairs.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request from the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 3544, to grant right of way over the public domain in the State of Arkansas for oil and gas pipe line.

CHANGES IN PERMANENT SYSTEM OF HIGHWAYS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 16916.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to prepare a new highways plan for that portion of the first section of the permanent system of highways plan lying between Georgia avenue on the east, Sixteenth street on the west, Kalmia street on the north, and Butternut street on the south, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman if he proposes, under the unanimous consent he got the other day, to take up District business at this late hour?

Mr. SMITH of Michigan. Oh, I think we can proceed for a few moments.

Mr. UNDERWOOD. Well, I think, Mr. Speaker, when the House has sat here all day and we have reached the adjournment time, and there is no quorum here, the gentleman better ask unanimous consent for some other day.

The SPEAKER. He has as much of Thursday as was used to-day.

Mr. SMITH of Michigan. There are three bills on the House Calender——

The SPEAKER (continuing). Which is four hours and forty-two minutes.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

Accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John H. Neely, administrator of estate of Henry M. Neely, against The United States (H. Doc. No. 690), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 63) authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion, to be held at Mobile, Ala., in April, 1910, reported the same without amendment, accompanied by a report (No. 470), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., reported the same with amendment, accompanied by a report (No. 471), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1014) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey, reported the same without amendment, accompanied by a report (No. 472), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 11580) for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., reported the same with amendment, accompanied by a report (No. 477), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD, from the Committee on the Library, to which was referred the bill of the House (H. R. 17266) providing for a suitable memorial to the memory of Maj. Gen. William Stark Rosecrans, reported the same with amendment, accompanied by a report (No. 478), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 142) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 473), which said joint resolution and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 609) incorporating the National Institute of Arts and Letters, reported the same with amendment, accompanied by a report (No. 475), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 610) incorporating the American Academy of Arts and Letters, reported the same with amendment, accompanied by a report (No. 476), which said bill and report were referred to the House Calendar.

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the resolution of the House (H. Res. 395) requesting information relative to head tax, reported the same without amendment, accompanied by a report (No. 481), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 3807) authorizing a credit in certain accounts of the Treasurer of the United States, reported the same with amendment, accompanied by a report (No. 474), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 11129) for the relief of Ramon Hernandez, reported the same adversely, accompanied by a report (No. 479), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 14901) for the relief of Mrs. Sallie Minter, widow of C. L. Campbell, reported the same adversely, accompanied by a report (No. 480), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20331) granting a pension to Maria Rath, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOWELL of New Jersey: A bill (H. R. 20980) to amend section 21 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, relative to criminal aliens—to the Committee on Immigration and Naturalization.

By Mr. A. MITCHELL PALMER: A bill (H. R. 20981) to place certain soldiers on the pension roll—to the Committee on Pensions.

By Mr. SLAYDEN: A bill (H. R. 20982) to provide for the erection of a public building at New Braunfels, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GILL of Maryland: A bill (H. R. 20983) to provide for the retirement of certain letter carriers, and regulating the pay of the same—to the Committee on the Post-Office and Post Roads.

By Mr. BUTLER: A bill (H. R. 20984) providing for the vote of thanks to be presented to Civil Engineer Robert E. Peary, U. S. Navy, and the men who accompanied him on his expedition whereby he discovered the North Pole, and providing for a suitable gold medal to be presented to him—to the Committee on Naval Affairs.

By Mr. LEE: A bill (H. R. 20985) to provide for the purchase of 160 acres of land on Kenesaw Mountain, in Cobb County, in the State of Georgia, and establish a national park thereat—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 20986) to amend sections 3, 6, and 10, and repealing section 21 of an act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886—to the Committee on Agriculture.

By Mr. O'CONNELL: A bill (H. R. 20987) for the erection of a torpedo station for the use of the United States Navy near the mouth of the Neponset River, in the city of Quincy, Mass.—to the Committee on Naval Affairs.

By Mr. GREGG: A bill (H. R. 20988) authorizing the Secretary of Commerce and Labor to construct a water main and electric cable across Galveston Channel to furnish water and

light to the immigration station—to the Committee on Immigration and Naturalization.

By Mr. LOWDEN: A bill (H. R. 20989) for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 20990) providing for the sale to each county in the State of Colorado of land for poor-farm purposes—to the Committee on the Public Lands.

By Mr. TAWNEY: A bill (H. R. 20991) to amend section 863 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Br. Mr. FASSETT: A bill (H. R. 20992) to provide for the purchase of a site for a public building at Waterloo, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER: A bill (H. R. 20993) to amend section 2619 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 20994) to amend section 3613 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 20995) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes"—to the Committee on the Judiciary.

Also, a bill (H. R. 20996) to amend section 2625 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 143) in reference to the employment of enlisted men in competition with local civilians—to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 20997) granting an increase of pension to William Stubins—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20998) granting an increase of pension to Joseph Heller—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20999) granting an increase of pension to George M. Zartman—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 21000) granting an increase of pension to Lester L. Carr—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21001) for the relief of Benjamin Bridges, of Washington, D. C.—to the Committee on Claims.

Also, a bill (H. R. 21002) for the relief of the estate of Benjamin Longerbeam, deceased, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 21003) for the relief of George P. Thomas—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 21004) granting a pension to Elizabeth J. Pruitt—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 21005) granting an increase of pension to Lemuel Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21006) granting an increase of pension to George W. B. Wert—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 21007) for the relief of Absalom C. Phillips—to the Committee on War Claims.

Also, a bill (H. R. 21008) for the relief of J. J. Long—to the Committee on War Claims.

Also, a bill (H. R. 21009) granting an increase of pension to A. B. Light—to the Committee on Pensions.

Also, a bill (H. R. 21010) granting an increase of pension to William J. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21011) granting a pension to William I. Thompson—to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 21012) granting an increase of pension to Mary C. Nolte—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21013) granting an increase of pension to Charles C. Coons—to the Committee on Invalid Pensions.

By Mr. GILL of Maryland: A bill (H. R. 21014) granting a pension to Frank R. McGuire—to the Committee on Pensions.

Also, a bill (H. R. 21015) granting an increase of pension to Charles W. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21016) granting a pension to Lillian Garner—to the Committee on Pensions.

Also, a bill (H. R. 21017) granting a pension to Mary Muller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21018) granting a pension to Amanda E. Kingsbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21019) granting a pension to Regina Ernst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21020) granting a pension to Valentine J. Anger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21021) granting a pension to Thomas J. Kurtz—to the Committee on Pensions.

Also, a bill (H. R. 21022) granting a pension to Francis S. Torback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21023) granting a pension to Peter Kleser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21024) granting a pension to Henrietta Glessner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21025) granting a pension to William Bieber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21026) granting a pension to Emeline K. Wright—to the Committee on Pensions.

Also, a bill (H. R. 21027) granting a pension to Mary E. O'Hare—to the Committee on Pensions.

Also, a bill (H. R. 21028) granting a pension to Mary A. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21029) granting a pension to Anna C. McKewen—to the Committee on Pensions.

Also, a bill (H. R. 21030) granting a pension to Thomas Rolle—to the Committee on Pensions.

Also, a bill (H. R. 21031) granting an increase of pension to George Evatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21032) granting an increase of pension to Donna M. Blatter—to the Committee on War Claims.

Also, a bill (H. R. 21033) granting an increase of pension to August Burckard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21034) granting an increase of pension to Alice Dittman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21035) granting an increase of pension to Naomi V. Culley—to the Committee on Pensions.

Also, a bill (H. R. 21036) granting an increase of pension to John McKuan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21037) granting an increase of pension to Henry Eppers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21038) granting an increase of pension to Adolph Kirchoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21039) granting an increase of pension to Susan V. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21040) granting an increase of pension to William H. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21041) granting an increase of pension to James F. Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21042) granting an increase of pension to Susan H. Donaldson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21043) for the relief of Frank A. R. George—to the Committee on Naval Affairs.

Also, a bill (H. R. 21044) for the relief of Philip Berger—to the Committee on Naval Affairs.

Also, a bill (H. R. 21045) for the relief of Henry Kiehne—to the Committee on Naval Affairs.

Also, a bill (H. R. 21046) for the relief of Washington Bowie—to the Committee on Claims.

Also, a bill (H. R. 21047) for the relief of James H. Gambrell—to the Committee on Naval Affairs.

Also, a bill (H. R. 21048) for the relief of Henry Ginst—to the Committee on Military Affairs.

Also, a bill (H. R. 21049) for the relief of William H. Collins—to the Committee on War Claims.

Also, a bill (H. R. 21050) for the relief of Marshall Honeycutt and Ida May Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21051) for the relief of John O'Rourk—to the Committee on Claims.

Also, a bill (H. R. 21052) for the relief of the estate of Richard W. Meade—to the Committee on War Claims.

Also, a bill (H. R. 21053) for the relief of the legal representatives of John Deer—to the Committee on War Claims.

Also, a bill (H. R. 21054) for the relief of the heirs of William Henry Saddler—to the Committee on War Claims.

Also, a bill (H. R. 21055) placing John W. Saville, passed assistant engineer, U. S. Navy, on the retired list, with an advanced rank—to the Committee on Naval Affairs.

Also, a bill (H. R. 21056) placing M. H. Plunkett, assistant engineer, U. S. Navy, on the retired list, with an advanced rank—to the Committee on Naval Affairs.

Also, a bill (H. R. 21057) granting a pension to Charles Kahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21058) granting a pension to George Gamble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21059) granting a pension to George W. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21060) granting a pension to H. Clay Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21061) granting a pension to James H. Weston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21062) granting a pension to Peter H. Strumsky—to the Committee on Pensions.

Also, a bill (H. R. 21063) granting an increase of pension to Rachel J. Windsor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21064) authorizing the payment of the claim of Samuel O. Randall, administrator of the personal estate of Richard Ralph Randall, deceased—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 21065) for the relief of Elizabeth Reilly—to the Committee on Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 21066) granting an increase of pension to Absalom P. Carlock—to the Committee on Invalid Pensions.

By Mr. HAMER: A bill (H. R. 21067) granting an increase of pension to John W. Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21068) granting an increase of pension to Benjamin N. Trout—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21069) granting an increase of pension to John W. Ferrell—to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 21070) granting an increase of pension to John Guthrie—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21071) granting an increase of pension to Thomas Scarlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21072) granting an increase of pension to Cornelius Britton, jr.—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 21073) granting an increase of pension to George I. Curry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21074) granting a pension to Clara von Tangen Sullivan—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21075) to correct the military record of Frederick D. Grant—to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 21076) granting a pension to Mary G. Potter—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 21077) granting an increase of pension to Ignicious Wanker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21078) granting an increase of pension to Clark B. Whipple—to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 21079) for the relief of John W. Thomas—to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 21080) granting an increase of pension to John C. Whitehill—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (21081) granting an increase of pension to William A. Freeman—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 21082) granting a pension to Joseph J. Good—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 21083) for the relief of the heirs of James J. Clark, of the county of Lexington, State of South Carolina—to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 21084) granting an increase of pension to William H. Pride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21085) granting an increase of pension to Augustus Brown—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 21086) granting an increase of pension to David S. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21087) granting an increase of pension to George W. Patton—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 21088) granting an increase of pension to William M. Cordwell—to the Committee on Pensions.

Also, a bill (H. R. 21089) granting a pension to Joseph H. Mayo—to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 21090) authorizing the President of the United States to appoint Kenneth McAlpine a commander in the navy on the active list—to the Committee on Naval Affairs.

By Mr. MORGAN of Missouri: A bill (H. R. 21091) granting an increase of pension to Edwin W. Mering—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 21092) granting an increase of pension to G. W. Mullins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21093) granting an increase of pension to Andrew J. Burgess—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 21094) to carry into effect the findings of the Court of Claims in the case of Alfred C. Parham, administrator—to the Committee on War Claims.

Also, a bill (H. R. 21095) to carry into effect the findings of the Court of Claims in the case of Matthew J. Jones, deceased—to the Committee on War Claims.

By Mr. RUCKER of Colorado: A bill (H. R. 21096) granting a pension to Sarah P. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21097) to remove the charge of desertion now standing against any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the civil war—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 21098) granting an increase of pension to Oscar Madden—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 21099) granting an increase of pension to John Y. Rankin—to the Committee on Pensions.

Also, a bill (H. R. 21100) for the relief of Samuel H. Davenport—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 21101) granting an increase of pension to August Guenther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21102) granting an increase of pension to Elsie D. Barber—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 21103) granting an increase of pension to William H. Steffler—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 21104) granting an increase of pension to John Brin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21105) granting an increase of pension to Peter Mallinger—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 21106) for the relief of the heirs of Edward F. Mitchell—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 21107) granting an increase of pension to John W. Wilcox—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Lake Shore Banking and Trust Company; Griese Brothers' Company; Crane Glass and Manufacturing Company; Cleveland Furnace Company; American Railway Signal Company; Manufacturing Information Bureau Company; Stearn Advertising Company; National-Acme Manufacturing Company; W. M. Pattison Supply Company; Cleveland Steel Company; J. D. Smith Foundry Supply Company; Cleveland Car Specialty Company; Shields-Werthein Company; Ohio Sash and Door Company; Goulder, Holding, and Masten law offices; Blandin, Rice, and Ginn law offices; Grasselli Chemical Company; Western Reserve Woolen Company; Adams-Bagnall Electric Company; Cleveland Worsted Mills Company; Cleveland City Forge and Iron Company; Sherwin-Williams Company; National Screw and Tack Company; Fanner Manufacturing Company; Landesman, Hirschheimer Company; Jaite Company; American Multigraph Sales Company; Lake Carriers' Oil Company; Abner Royce Company; Adams Bag Company; Gardner Printing Company; B. W. Housum Company; Ohio Ceramic Engineering Company; Cleveland Engineering Company; Mechanical Rubber Company; M. A. Hanna and Company; and H. H. Bishop, all of Cleveland, Ohio, favoring post-

ponement of returns relative to business of corporations required under section 38 of the Payne tariff law until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of William Stubins—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Uhlman-Einstein Company; H. H. Bishop; Crane Glass and Manufacturing Company; Ohio Sash and Door Company; Griese Brothers Company; Lake Shore Banking and Trust Company; Cleveland Furnace Company; Grasselli Chemical Company; Western Reserve Woolen Company; Shields-Wertheim Company; Blandin, Rice & Ginn; Fanner Manufacturing Company; Landesman-Hirchheimer Company; Jaite Company; Adams-Bagnall Electric Company; Cleveland Steel Company; Sherwin-Williams Company; Cleveland City Forge and Iron Company; National Screw and Tack Company; J. D. Smith Foundry Supply Company; Cleveland Car Specialty Company; Goulder, Holding & Masten; Cleveland Worsted Mills Company; Mechanical Rubber Company; B. W. Housum Company; M. A. Hanna & Co.; Adams Bag Company; Abner Royce Company; Gardner Printing Company; Ohio Ceramic Engineering Company; Lake Carriers' Oil Company; Cleveland Engineering Company; W. M. Pattison Supply Company; Manufacturers' Information Bureau Company; Stearns Advertising Company; American Railway Signal Company; National Acme Manufacturing Company; American Multigraph Sales Company; Cambridge Collieries Company, for postponement of date of returns on business as required by section 38 of the corporation-tax provision of the Payne law until decision of the Supreme Court as to constitutionality of that part of the law is rendered—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Crane Glass and Manufacturing Company, Lake Shore Banking and Trust Company, Griese Brothers Company, H. A. Bishop, Cleveland Furnace Company, and Uhlman-Einstein Company, for suspension of section 38 of the tariff law until decision by Supreme Court on its constitutionality—to the Committee on Ways and Means.

By Mr. CALDER: Petition of Lafayette Council, No. 204, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Valiant Commandery, No. 81, Knights of St. John and Malta, favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. CARLIN: Paper to accompany bill for relief of estate of Benjamin Longerbeam—to the Committee on War Claims.

By Mr. CONRY: Petition of Searle Manufacturing Company, Troy, N. Y., against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of Marine Engineers' Beneficial Association, favoring a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. ENGLEBRIGHT: Petition of Harry R. Bardon and 50 others, F. Schoor and 64 other residents of Angels Camp, Cal., and S. H. Lossley and 14 other residents of Fortuna, Cal., against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. F. Turner and 56 other residents of Fortuna, Cal., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the Monday Night Club, of Eureka, Cal., signed by Margarette E. Millay, Laura M. Selvage, and Edith S. Albee, for the preservation of the Yosemite National Park—to the Committee on the Public Lands.

By Mr. ESCH: Petition of St. Marys Local Union of Equity and others of the Seventh Wisconsin Congressional District, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of J. J. Long—to the Committee on War Claims.

Also, papers to accompany bills for relief of Osa Thompson and William J. Reed—to the Committee on Invalid Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of John M. Querry—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Nelson Knitting Company, of Rockford, Ill., in opposition to the publicity feature of the corporation-tax law, etc.—to the Committee on Ways and Means.

Also, petition of Scandia Furniture Company, of Rockford, Ill., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMER: Paper to accompany bill for relief of Benjamin N. Trout—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Ryan—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of soldiers of St. Joseph County, Mich., favoring in pension legislation "An act to amend the act of June 27, 1890, and the act of April 19, 1908, and other kindred acts"—to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of citizens of Rugby, N. Dak., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of mayor and council of the city of San Jose, Cal., for an appropriation of $400,000 for improvement of the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, petition of James J. Reilly and 58 other citizens of San Francisco, protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, paper to accompany bill (H. R. 20623) granting an increase of pension to Charles Domney—to the Committee on Pensions.

Also, petition of Fairchild Circle, No. 25, Ladies of the Grand Army of the Republic, of Pacific Grove, Cal., against invasion of the Hetch Hetchy Valley by San Francisco for a basis of water supply—to the Committee on the Public Lands.

Also, petition of Canners' League of California, favoring a federal line of steamships on the Pacific—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Federated Trades Council of Santa Clara, Cal., in opposition to the proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Federated Trades Council of Santa Clara, Cal., favoring House bill 15441, the eight-hour bill—to the Committee on Labor.

Also, petition of the Hypatia Women's Club, of San Francisco, Cal., against revocation of permit to take water from the Hetch Hetchy Valley for San Francisco—to the Committee on the Public Lands.

Also, petition of citizens of San Jose and Morgan Hill, Cal., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. J. McKenzie and 44 other citizens of San Francisco, and United Garment Workers' Union, No. 131, San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HELM: Paper to accompany bill for relief of estate of Harvey McAllister—to the Committee on War Claims.

By Mr. HINSHAW: Petition of the Ben Franklin Club, against printing firm names on stamped envelopes by the Government—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Petition of Cyrus W. Wilson and 9 others, against postage increase on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Chamber of Commerce of Trenton, N. J., favoring rank of rear-admiral for Robert E. Peary—to the Committee on Naval Affairs.

Also, petition of New Jersey Bankers' Association, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Foster Engraving Company, of Newark, N. J., in favor of amending corporation-tax publicity clause in Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Trenton Chamber of Commerce, favoring increase in salaries of federal judges—to the Committee on the Judiciary.

Also, petition of Johnson & Johnson, of New Brunswick, N. J., urging amendment to House bill 17348, relative to habit-forming drugs—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of Eagle Publishing Company, of Murray, Utah, favoring House bill 3075, against printing names of business firms on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of O. R. Beer and 47 other citizens of San Francisco, against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Canners' League, of California, favoring a federal line of steamships on the Pacific between Pacific coast ports and Panama—to the Committee on the Merchant Marine and Fisheries.

By Mr. KENNEDY of Ohio: Petition of Disciples Church, Presbyterian Church, Friends Church, and Methodist Church, of

Salem, Ohio, for the Johnson and Curtis bill, the Aikens bill, the Hamilton-Owen bill, the McCumber-Tirrell bill, the Dillingham bill, the Burkett bill, the Johnson bill, all for legislation to inculcate moral reforms in the Nation—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINDBERGH: Petition of citizens of Philbrook and Browerville, Minn., against S. 404 and H. J. Res. 17, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of Searle Manufacturing Company, of Troy, N. Y., in favor of a repeal of the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of New York Typographical Union, No. 6, International Typographical Union, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of Richland Grange, No. 1094, of Prescott, Mich., favoring parcels post and against abolishing the rural free delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. J. Barrett and others, of Onaway, Mich., against the Johnston Sunday bill for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of E. Byington and others, of Prescott, Mich., against increase of postage on second and third class mail matter and for a general parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of Broadway Congregational Church, of Somerville, Mass., for the Burkett-Sims bill forbidding interstate transmission of race-gambling bets—to the Committee on the Judiciary.

Also, petition of Broadway Congregational Church, of Somerville, Mass., for the McCumber-Tirrell bill against liquor selling on property of the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Broadway Congregational Church, of Somerville, Mass., favoring the Johnson bill preventing liquor selling in Hawaii—to the Committee on Insular Affairs.

By Mr. MALBY: Paper to accompany bill for relief of William M. Cordwell—to the Committee on Pensions.

Also, paper to accompany bill for relief of Joseph H. Mays—to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska Dairymen's Association, for strengthening the pure-food laws and against repeal of the oleomargarine tax—to the Committee on Agriculture.

Also, petition of Nebraska Dairymen's Association, for House bill 15422, for agricultural extension—to the Committee on Agriculture.

By Mr. MILLINGTON: Petition of Local Union No. 1016, of Rome, N. Y., United Brotherhood of Carpenters and Joiners, for reenactment of House bill 15441, for a government eight-hour day by contract or subcontract—to the Committee on the Judiciary.

Also, petition from various residents of Vienna, N. Y., protesting against the passage of Senate bill 404, providing for the observance of Sunday as a day of rest in the District of Columbia, and against the passage of House joint resolution 17, proposing a certain amendment to the Constitution—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petitions of the German-American Hosiery Company and the Smaltz-Goodwin Company, of Philadelphia, against corporation-tax law—to the Committee on Ways and Means.

By Mr. MORGAN of Missouri: Petition of Post No. 17, Grand Army of the Republic, of Cameron, Mo., against display of any insignia recognized by the confederacy in the confederate cemetery in Springfield, Mo., in case it is taken over by the Government—to the Committee on Military Affairs.

Also, petition of F. M. Sponable, W. E. Robbins, and 15 other citizens of Alba, Mo., against postal savings-bank law—to the Committee on Banking and Currency.

By Mr. REEDER: Petition of citizens of Grant, Kans., for legislation against gambling in farm products—to the Committee on Agriculture.

Also, petition of citizens of Paradise, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Council No. 919, Knights of Columbus, Wellsville, N. Y., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *February 16, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

INCOME TAX.

Mr. BROWN. I hold in my hand a message to the legislature of New Jersey by the governor of that State on the subject of the proposed sixteenth amendment to the Constitution. I ask to have it printed in the RECORD and printed as a document. (S. Doc. No. 365.)

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the order is entered.

The message follows:

MESSAGE OF THE GOVERNOR OF NEW JERSEY RELATIVE TO PROPOSED SIXTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

TRENTON, N. J., *February 7, 1910.*

To the legislature:

On the 26th day of July, 1909, the Secretary of State of the United States officially transmitted to me as governor of the State the proposed sixteenth amendment to the Constitution of the United States passed by the Congress and directed to be submitted to the legislatures of the several States, as provided by the Constitution of the United States.

Copies of said papers transmitted are hereto attached.

The proposed amendment, if adopted by the requisite number of States, will confer upon Congress the power to levy a direct tax, in the nature of an income tax, upon the property of persons in the several States without regard to the inhibition now in the Federal Constitution against laying any direct tax "unless in proportion to the census of enumeration" by that instrument directed to be taken.

The Supreme Court of the United States sustained in principle the laying of an income tax in two cases, namely: Hylton *v.* United States (3 Dall., 171) and Springer *v.* United States (102 U. S., 586).

But in 1894 that court, in Pollock *v.* Farmers' Loan and Trust Company (157 U. S., 429), reversed these former decisions and declared the income tax imposed under the act of Congress in that case unconstitutional, because the tax was not in proportion to the census or enumeration directed to be taken under the Federal Constitution. The effect of this last decision is to practically destroy the laying of any tax whatever upon income unless based upon some principle of capitation.

A tax laid upon any such basis as that would be of little if any value, and would fail to reach persons with large incomes, who should be the ones to bear the burden of such taxation.

An income tax is the most just and equitable tax that can be levied. It imposes the exactions of government upon the citizen in proportion to his ability to bear it, and upon the basis of the wealth which under the laws of the country he has been able to accumulate. "Men should contribute to the needs of the state as God has prospered them."

It is evident that the burden of general taxes is not proportionately borne by all upon whom the burden rests. The citizen of moderate holdings, whether real or personal, usually does not escape, or attempt to escape, the prompt discharge of this obligation. The property of which he is possessed, by reason of its very meagerness, is easily found by the assessor, and when the tax is levied it is satisfied. This can not be said, however, of those who are essentially rich and whose holdings are large. It has been stated, with some semblance of certainty, that over 80 per cent of all the vested wealth of this country is owned and controlled by 3,000 estates, corporations, and individuals. It is obvious that 80 per cent of the annual taxes levied is not borne by the group just mentioned. It may be that this estimate is inaccurate. The casual observer, however, is convinced that the burden of taxpaying is borne very largely, and out of all due proportion, by the citizens of moderate means.

The taxes laid upon real estate are out of all proportion to its relative value to all the other property owned by our citizens. This results in the man with the small home bearing his full share of tax exactions, while the man of many times as great wealth escapes a large share of just taxation. The taxation of personal property is limited because of the difficulty to discover it, while real estate, which is always discoverable, is fully taxed.

An income tax is a tax which is sure to reach all classes of property, real and personal.

The United States should possess the unquestioned power to tax incomes. It may not be necessary to use the power, but if emergency should arise which requires it, the right to tax should exist.

Criticism of the amendment herewith transmitted is made upon the ground that under it the income upon state or municipal securities might be taxed. Why this should not be I am quite unable to see. The argument made is that a tax upon incomes from this source might (1) decrease the value of such securities in the market; (2) that Congress might, through such a tax, impair the power of the States. Neither of these suggestions seem to me to have force.

Suppose 1 per cent of tax were to be levied upon incomes. Under such a tax the holder of a $1,000 4 per cent state or municipal bond would pay an income tax on $40 per year, which would amount to 40 cents per annum.

If the patriotism of our citizens and the interest of our financial institutions, who take and hold state and municipal securities, is at so low an ebb as to cause such a tax to affect the value of state or municipal securities, we are, indeed, in an unfortunate condition in the Republic. No one can believe that such a condition exists.

As to the claim that the Federal Government might injure the States, as such, by taxing state bonds under an income tax, there are two satisfactory answers:

First. The Congress is representative of the States and elected by the citizenship thereof, and the remedy is in the hands of the people of the States by not returning such Congressmen.

Second. The patriotism of our people is such that no Congress could be elected that would lay any tax with a view of destroying the power or integrity of the States. If this be not true, the relation of our

States to the Republic is surely of much less importance than many of us have hitherto supposed.

Under a republican form of government the people rule, and they can be safely trusted to see that their Representatives make no unjust exactions in the way of taxation or in the curtailing of the rights of the State or otherwise. Nor am I inclined to accept the statement that the Supreme Court of the United States might construe the words "from whatever source derived," as found in the pending amendment, as justifying the taxing of the securities of any other taxing power. There is no express provision in the Federal Constitution at present prohibiting the Congress from imposing an income tax upon the securities of a State. Yet in the Pollock case (supra) the court held, speaking through Chief Justice Fuller, at page 583, as follows:

"The Constitution contemplates the independent exercise by the Nation and the State, severally, of their constitutional powers. As the States can not tax the powers, the operations, or the property of the United States, nor the means which they employ to carry their powers into execution, so it has been held that the United States have no power under the Constitution to tax either the instrumentalities or the property of a State. A municipal corporation is the representative of the State and one of the instrumentalities of the state government. It was long ago determined that the property and revenues of municipal corporations are not subjects of federal taxation."

To support this opinion of the Chief Justice numerous cases are reviewed and cited.

I think the principle of law thus quoted, which is founded upon public policy, would obtain in construing a constitutional provision equally as firmly as in the construction of an act of Congress. Words in a constitution are no more forceful, nor are they differently construed, than the same words in a lawfully enacted statute. The Supreme Court of the United States, up to this time, has been the sure reliance, not only of the Nation, but of the States. The future may be safely rested there.

The inability to impose an income tax, if the necessities of the Government required it, would amount to a national calamity.

The Congress practically unanimously adopted and submitted this proposed amendment. It is vital to the safety and security of the Republic in time of need, and is without danger in the power conferred.

It is submitted to the legislature for its action in the firm conviction that its approval is in the interests of a just and equitable method of taxation.

Respectfully submitted.

JOHN FRANKLIN FORT, *Governor.*

[S. J. Res. 40. Sixty-first Congress of the United States of America, at the first session, begun and held at the city of Washington on Monday, the 15th day of March, 1909.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J. G. CANNON,
Speaker of the House of Representatives.
J. S. SHERMAN,
Vice-President of the United States and President of the Senate.

Attest:
A. MCDOWELL,
Clerk of the House of Representatives.
CHARLES G. BENNETT,
Secretary.
By HENRY H. GILFRY,
Chief Clerk.

I certify that this joint resolution originated in the Senate.
CHARLES G. BENNETT,
Secretary.
By HENRY H. GILFRY,
Chief Clerk.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at a meeting of the Citizens' Association of Takoma Park, D. C., indorsing the resolution of the Senate calling upon the Attorney-General for information regarding the capitalization of the Washington Gaslight Company, which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a memorial of the Farmers' Institute of Redwood Falls, Minn., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BURTON presented memorials of sundry citizens of Cleveland, Washington Court House, and Bloomingburg, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of Commodore Farragut Post, No. 2, Department of Ohio, Grand Army of the Republic, of Lorain, Ohio, remonstrating against the erection of a monument "to the substitute for President Lincoln in the civil war," which was referred to the Committee on the Library.

He also presented a petition of the congregation of the Disciple Church of Salem, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New Philadelphia, Columbus, Cleveland, Dayton, Newark, Amanda, Peninsula, Toledo, Lorain, Zanesville, Sandusky, Barberton, and Mount Vernon, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. OLIVER presented a memorial of Old Glory Chapter, No. 58, American Insurance Union, of Pittsburg, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Pittsburg, Pa., and a memorial of sundry citizens of Donora, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the congregation of the Tenth United Protestant Congregational Church, of Pittsburg, Pa., and a petition of the First Presbyterian Christian Endeavor Society, of Crafton, Pa., praying to enact legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the First Presbyterian Christian Endeavor Society, of Crafton, Pa., and a petition of the congregation of the Tenth United Protestant Congregational Church, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which were referred to the Committee on the Judiciary.

He also presented a petition of the Tenth United Protestant Congregational Church, of Pittsburg, Pa., and a petition of the First Presbyterian Christian Endeavor Society, of Crafton, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

Mr. CULLOM presented a memorial of sundry citizens of Cuba, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Local Union No. 26, International United Brotherhood of Leather Workers, of Quincy, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of P. Gillise Council, No. 1888, Knights of Columbus, of the State of Maine, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OVERMAN presented a memorial of sundry citizens of Greensboro, N. C., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. SHIVELY presented a petition of sundry labor organizations of Logansport, Ind., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry publishers and business men of Indianapolis, Ind., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a petition of the Los Angeles Chapter, California Society of the Sons of the American Revolution, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigation.

He also presented a memorial of the Hypatia Women's Club, of San Francisco, Cal., and a memorial of Fairfield Circle, No. 25, Ladies of the Grand Army of the Republic, of Pacific Grove, Cal., remonstrating against the use of the water supply of the Hetch Hetchy Valley by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

He also presented a petition of the Iron Trades' Council, of San Francisco, Cal., praying for the enactment of legislation to maintain and support the proposed Meyer plan of operating the navy-yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to change the present law governing the immigration and residence of Chinese in this country, which was referred to the Committee on Immigration.

He also presented a petition of sundry corporations of Watsonville, Cal., praying for the repeal of the corporation income-tax law, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Baptist Ministers Conference of Washington, D. C., praying for the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Takoma Park Citizens' Association of the District of Columbia, praying for the enactment of legislation to extend the tracks of the Baltimore and Washington Transit Company from Third and Kennedy streets to Thirteenth street and Ohio avenue, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Park Association of the District of Columbia, praying for the enactment of legislation providing for the issuance of bonds for permanent improvements in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. MARTIN presented a memorial of sundry citizens of Bristol, Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented a memorial of the Ben Franklin Club, of Lincoln, Nebr., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BOURNE presented a petition of sundry citizens of Kerby, Oreg., praying for the passage of the so-called "rural parcels-post and postal savings-bank bills," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OWEN presented a petition of sundry officers and members of the Shawnee tribe of Indians of the Cherokee Nation, of Oklahoma, praying for the enactment of legislation granting them relief for depredations committed during the war of the rebellion, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of the Creek Nation of Indians, of the State of Oklahoma, praying for the enactment of legislation providing for the equalization of Creek allotments, which was referred to the Committee on Indian Affairs.

Mr. SCOTT presented a memorial of the Ohio Valley Trades and Labor Council Assembly, of Wheeling, W. Va., remonstrating against any increase in the rates of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 77, Glass Blowers' Association of United States and Canada, of Fairmont, W. Va., and a petition of Local Lodge No. 1, Amalgamated Association of Iron, Steel, and Tin Plate Workers, of Follansbee, W. Va., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Home Missionary Society of St. Paul's Church, of Grafton, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. DOLLIVER presented memorials of sundry citizens of Boone, Ogden, Minden, Toronto, Oxford Junction, and Traer, all in the State of Iowa, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Page County, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Farmers' Institute of Watertown, Iowa, praying for the enactment of legislation requiring elementary agriculture to be taught in the rural schools of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Davenport, Iowa, praying for the repeal of the corporation income-tax law, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, and also to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Iowa, praying for the enactment of legislation providing for the appointment of surgeons, immigrant inspectors, and matrons on vessels carrying immigrants between the United States and foreign ports, which was referred to the Committee on Immigration.

He also presented a petition of the Volunteer Officers' Association of Dubuque, Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a memorial of sundry citizens of Lyons, N. Y., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Downtown Taxpayers' Association, of Brooklyn, N. Y., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 217, International Longshoremen's Association, of Ogdensburg, N. Y., praying for the enactment of legislation extending the eight-hour law so as to include work done for the Government by contractors and subcontractors, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Council No. 39, Junior Order United American Mechanics, of Bay Shore, N. Y., and a petition of Local Council No. 50, Junior Order United American Mechanics, of Buffalo, N. Y., praying for the enactment of legislation to further regulate the immigration of aliens into the United States, which were ordered to lie on the table.

He also presented a petition of the board of trustees of the Chamber of Commerce of Albany, N. Y., praying for the repeal of the publicity clause in the tariff law, which was referred to the Committee on Finance.

He also presented a petition of Local Council No. 473, Knights of Columbus, of Oneida, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies through the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

APACHE PRISONERS OF WAR.

Mr. OWEN. I present the memorial of S. M. Brosius, on behalf of the Indian Rights Association, in regard to the Apache prisoners of war now confined at the Fort Sill Military Reservation, Okla. It is very short, and I should like to have it printed as a document for the information of the Senate. I make that motion.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I report back from the Committee on Appropriations, with sundry amendments, the bill (H. R. 19255) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, and I submit a report (No. 226) thereon. I shall ask the Senate early to-morrow morning to take up the bill.

I take this occasion, Mr. President, to say that, with one exception, this brings the Senate up even with the House on appropriation bills. The appropriation bill for the Agricultural Department is with the Committee on Agriculture and Forestry, and that is the only appropriation bill now before the Senate or in committee. As I have said, this brings the Senate up even with the House with that exception. I shall call up the bill to-morrow morning.

The VICE-PRESIDENT. The bill will be placed on the calendar.

REPORT OF A COMMITTEE.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 227) accompanied by a bill (S. 6431) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 43. Max Reidel;
S. 47. John Todd;
S. 208. Alonzo Blood;
S. 359. John H. Sims;
S. 364. Stephen A. Toops;
S. 368. Thomas Williams;
S. 387. Edward Everett Henry;
S. 443. John M. Spangler;
S. 472. George W. Gibson;
S. 521. Isaac B. Doolittle;
S. 605. Jacob Buchman;
S. 684. Jacob Martin;
S. 685. Annie E. Shout;
S. 741. Charles Davis;

S. 747. John H. Johonnett;
S. 840. Edgar A. Kent;
S. 1228. Allen Rhodes;
S. 1740. Edward H. Short;
S. 1812. David N. Heatherly;
S. 1813. Thomas J. Craven;
S. 1909. David Bartlett;
S. 2199. Elwood D. Harold;
S. 2313. Harvey W. Cory;
S. 2374. Alfred J. Henry;
S. 2508. Emily S. Beale;
S. 2531. William H. H. Morris;
S. 2537. Niram N. Buttolph;
S. 2617. John Otto;
S. 2645. William Armstrong;
S. 2803. Frederick Bill;
S. 2834. Alexander Phillips;
S. 2838. Frederick Heinemann;
S. 2856. Abram McCoy;
S. 2886. James W. Paschal;
S. 2887. William H. Hopkirk;
S. 2897. Joseph E. Stanley;
S. 2907. Harvey J. Shoulters;
S. 3099. Mary A. Medley;
S. 3210. Sarah Cryan;
S. 3265. John C. Steele;
S. 3282. Harlow M. Hall;
S. 3283. William H. Hanscom;
S. 3299. Philip Bessor;
S. 3340. John H. Davidson;
S. 3749. William H. Blanchard;
S. 3771. Robert T. Goodwin;
S. 3846. Wesley A. Cain;
S. 4376. Bailey D. Judkins;
S. 4382. William L. Conner;
S. 4383. Thomas S. Bonar;
S. 4412. Charles Leonidas Fowler;
S. 4414. James R. Sage;
S. 4487. Warren F. Williams;
S. 4489. Samuel Walton;
S. 4592. Rufus P. Stokely;
S. 4604. Susan T. Sailor;
S. 4616. George S. Greenwood;
S. 4637. Henry H. Moulton;
S. 4638. James W. Saunders;
S. 4673. Eliza C. Noble;
S. 4706. Francis W. Pratt;
S. 4761. Edward Day;
S. 4770. Peter Schrofer;
S. 4771. Jefferson Lee;
S. 4782. William S. Eberman;
S. 4874. Louis Schmidt;
S. 4893. Frank N. Blackstone;
S. 4896. Jason L. Doten;
S. 4903. Mary J. Wentworth;
S. 4905. Freeman F. Walker;
S. 4929. Edward M. Duff;
S. 4983. William H. Veasey;
S. 5077. Annie A. Masker;
S. 5135. John E. Hill;
S. 5176. Claudius B. Miller;
S. 5196. Samuel Lilly;
S. 5239. William H. Hicks;
S. 5356. Mortimer A. Wilbur;
S. 5360. Edwin F. Hendricks;
S. 5430. Charles R. Dodge;
S. 5598. William R. Dye;
S. 5599. Joseph Hall;
S. 5638. Lemuel Karr;
S. 5646. Enos Gordon;
S. 5687. Joseph H. Graham;
S. 5701. Jane Pieper;
S. 5726. George A. Miller;
S. 5736. Henry S. Webster;
S. 5759. Enoch W. F. Felt;
S. 5820. Asahel R. Baker;
S. 5822. Henry L. Stafford;
S. 5823. Isaac Crist;
S. 5824. Barnard Hassing;
S. 5848. Catherine T. Hutchison;
S. 5941. William A. Miles;
S. 5942. William Farnsworth;
S. 5959. Hugh Marshall;
S. 6039. Thomas Brownlee; and
S. 6094. William H. Baugher.

THANKS TO GOVERNMENT OF ITALY.

Mr. CULLOM. From the Committee on Foreign Relations I report back without amendment the joint resolution (H. J. Res. 93) authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts, and I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The preamble recites that the Government of Italy, as an expression of its gratitude for the action of Congress and of the American people in behalf of the sufferers from the earthquake of December, 1908, presented to the Library of Congress a copy of each engraving seen in the Catalogue of the Best Prints and Engravings in Copper which Exist in the Royal Copperplate Collection.

The joint resolution authorizes the President to convey to the Government of Italy the thanks of the Government of the United States for the gift, valuable from the standpoint of art, and more valuable as an expression of the good will of the Government and people of Italy.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 3544) to grant right of way over the public domain in the State of Arkansas for oil and gas pipe lines.

The message also announced that the House had passed a bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 11989. An act to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia;

H. R. 16324. An act to authorize the extension of Park place NW.;

H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;

H. R. 16329. An act to provide for the extension of Newton place NW., from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision;

H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW.;

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across the Tug River at Thacker, Mingo County, W. Va.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and

H. R. 18808. An act to authorize the construction, maintenance and operation of a bridge across the White River at Augusta, Ark.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 6432) granting a pension to Adelford Lajoie;

A bill (S. 6433) granting an increase of pension to Joseph A. Libby; and

A bill (S. 6434) granting a pension to Patrick Doyle (with an accompanying paper); to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 6435) for the relief of the firm of Bertrand & Scull; and

(By request.) A bill (S. 6436) for the relief of the estate of J. H. Moseby, deceased; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 6437) to correct the military record of Christopher C. McCamment and to grant him an honorable discharge (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6438) granting an increase of pension to Gideon R. Chrisman (with an accompanying paper); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 6439) establishing regular terms of the United States circuit and district courts of the southern district of California at San Diego, Cal.; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 6440) to provide that petty officers and enlisted men in the Navy and Marine Corps on the retired list who have had creditable civil-war service shall receive the rank and pay of the next higher grade; to the Committee on Naval Affairs.

A bill (S. 6441) granting an increase of pension to Henrietta A. Barnes;

A bill (S. 6442) granting an increase of pension to James Haley (with accompanying papers);

A bill (S. 6443) granting an increase of pension to Jefferson Stanley (with accompanying papers);

A bill (S. 6444) granting an increase of pension to Aaron Chandler (with an accompanying paper);

A bill (S. 6445) granting an increase of pension to William K. Marvel (with an accompanying paper);

A bill (S. 6446) granting an increase of pension to George E. Nichols (with an accompanying paper); and

A bill (S. 6447) granting an increase of pension to Samuel K. McGinnis (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6448) permitting Hans Anderson Ryppe to make a second homestead entry; to the Committee on Public Lands.

By Mr. CLAPP:

A bill (S. 6449) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 6450) granting a pension to M. B. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6451) granting an increase of pension to Levi Chappell; and

A bill (S. 6452) granting a pension to George C. Middaugh; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6453) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee tribe of Indians;

A bill (S. 6454) providing for the settlement of the claims of the Shawnee and Delaware Indians; and

A bill (S. 6455) appropriating money to satisfy a judgment of the United States Court of Claims in favor of the Choctaw and Chickasaw nations; to the Committee on Indian Affairs.

By Mr. GORDON:

A bill (S. 6456) for the relief of the estate of M. L. Strong, late of Monroe County, Miss. (with an accompanying paper);

A bill (S. 6457) for the relief of the estate of E. Strong (with an accompanying paper); and

A bill (S. 6458) for the relief of the estate of Rebecca Jennings (with an accompanying paper); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 6459) to correct the military record of Thomas J. Mathews (with an accompanying paper); to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 6460) for the relief of Mrs. Libbie Arnold; to the Committee on Claims.

A bill (S. 6461) providing for the retirement of certain professors of the United States Military Academy with one grade above that actually held by them at time of retirement; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 6462) granting a pension to Hattie A. Sears (with accompanying papers); and

A bill (S. 6463) granting a pension to Celia Jenks (with an accompanying paper); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6464) granting an increase of pension to Daniel T. Rose (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 6465) to validate certain titles to lands in the Creek Nation, Indian Territory, sold under order of the United States court by decree of said court; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 6466) to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. SCOTT:

A bill (S. 6467) granting an increase of pension to George W. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 6468) granting an increase of pension to Charles M. Long (with an accompanying paper); to the Committee on Pensions.

GOVERNMENT FOR NEW MEXICO AND ARIZONA.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States, which was referred to the Committee on Territories and ordered to be printed.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment providing that hereafter rural free-delivery carriers shall be divided into ten classes, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for the improvement of Carrabelle Bar and Harbor, Florida, to $50,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FRAZIER submitted an amendment providing for a preliminary examination and survey of the Hatchie River, Tennessee, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KEAN submitted an amendment providing for a 6-foot channel at mean low water from West Tuckerton landing to the milldam at Tuckerton, N. J., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for a channel in Elizabeth River, New Jersey, from the Long Branch Railroad bridge to the channel in Staten Island Sound, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $171,018.10 for improving the channel of the Hackensack River, New Jersey, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $22,555 for improving the Mississippi River in Minnesota between Brainerd and Grand Rapids, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $61,200 for improving the Mississippi River in Minnesota by constructing a canal between Lake Winnibigoshish and Leech Lake, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment proposing to increase the appropriation for the improvement of Coquille River, Oregon, to $50,000, intended to be proposed by him to the river and

harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $213,000 for the improvement of the Siuslaw River, Oregon, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to increase the appropriation for the waterway from Pamlica Sound to Beaufort Inlet, North Carolina, to $20,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Northeast, Black, and Cape Fear rivers, North Carolina, to $14,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Neuse and Trent rivers, North Carolina, to $48,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,600 for improving Swift Creek, North Carolina, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 20686. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5574) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, which were, on page 23, line 22, to strike out "thirty" and insert "forty;" on page 31, line 3, to strike out "thirty" and insert "forty."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PENSIONS TO CERTAIN SOLDIERS AND SAILORS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was, on page 2, to strike out line 22, down to and including line 2, page 3.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon, and that the conferees be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows of such soldiers and sailors, which was, on page 2, to strike out line 10, down to and including line 21.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses thereon, and that the conferees be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

The VICE-PRESIDENT. The calendar, under Rule VIII, will be considered.

Mr. NELSON. The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification is on the calendar. It is an important bill reported by me from the Committee on Public Lands. I am obliged to be absent upon the Committee to Investigate the Interior Department and the Forest Service, and I would be glad if the bill could be passed over until I am here, retaining its place on the calendar. I ask unanimous consent to that effect.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that Senate bill 5485 be passed over from day to day as reached until the Senator from Minnesota is present.

Mr. NELSON. And can take charge of it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

BILLS PASSED OVER.

The VICE-PRESIDENT. The first bill on the calendar, under Rule VIII, will be stated.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order.

Mr. HEYBURN. I ask that the bill may go over.

Mr. OVERMAN. Let the bill be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as next in order.

Mr. BORAH. I ask that the bill may go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. CARTER. Let the bill be passed over for the present.

The VICE-PRESIDENT. The bill goes over.

PANAMA CANAL, ETC.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. MONEY. I ask that the bill may go over until tomorrow.

Mr. FLINT. I will ask the Senator from Mississippi to permit the bill to be read, and then it can go over.

Mr. MONEY. If the Senator from California prefers that course, very well; but I supposed it would be better to have it read when it is considered. Just at this moment there are several Senators interested in the bill who are not in the Chamber. I have no objection to finishing the reading, if the Senator prefers.

Mr. CULLOM. Let it be read.

Mr. FLINT. I ask that the reading may be proceeded with.

The Secretary resumed and concluded the reading of the bill, which had been reported from the Committee on Interoceanic Canals with amendments.

Mr. HEYBURN. Mr. President——

Mr. FLINT. On the request of the Senator from Mississippi [Mr. MONEY] the bill will go over.

The VICE-PRESIDENT. The bill goes over. The next bill on the calendar will be stated.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress for examination and classification, was announced as next in order on the calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, under the order of the Senate.

GOVERNMENT BUSINESS-METHODS COMMISSION.

The bill (S. 6168) creating a government business-methods commission was announced as next in order.

Mr. HEYBURN. Let the bill go over.

Mr. BOURNE. At the request of the senior Senator from Rhode Island [Mr. ALDRICH], who has the bill in charge, I ask that it may go over.

The VICE-PRESIDENT. The Senator from Idaho requested that the bill should go over. The bill goes over.

CRIMINAL JURISDICTION OVER CORPORATIONS.

The bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States was announced as next in order.

Mr. CUMMINS. This bill was quite carefully considered at a former time. I would be very glad to have it disposed of now.

The Senate as in Committee of the Whole resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has been read in full, and an amendment offered by the junior Senator from New York [Mr. ROOT] is pending.

Mr. KEAN. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. On page 2, line 8, of the bill, before the word "shall," insert the words "when indorsed by the judge of such district," so that, if amended, the clause will read:

Such notice shall be directed to the marshal of any district of the United States in which service may be made, and when indorsed by the judge of such district shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the district in which such service is made, and not less than twenty days before the time of such hearing.

Mr. CUMMINS. As I stated when the bill was before the Senate at a former time, while I do not regard the amendment proposed by the Senator from New York as necessary, I have no objection to it. I have no power to accept it, although the bill is in my charge. I hope that the Senate will accept the amendment and proceed with the consideration of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. HEYBURN. Mr. President, this is the measure that was under discussion for a considerable time. I have sent for a copy of the bill. Mine has become displaced from my file. I had a marked copy of the bill. I do not believe we are ready to vote upon the bill. I will ask that it go over.

The VICE-PRESIDENT. On the request of the Senator from Idaho, the bill goes over.

Mr. CUMMINS. I hope it will go over without prejudice, retaining its place on the calendar.

The VICE-PRESIDENT. The bill goes over without prejudice, retaining its place on the calendar.

HOMESTEAD ENTRIES IN THE STATE OF WASHINGTON.

The bill (S. 4477) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands, with an amendment on page 2, after line 13, to strike out section 2, in the following words:

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section 1 hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

And to insert in lieu thereof the following:

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of December, 1909, who made actual settlement thereon in good faith for the purpose of securing a home, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the lands so occupied, not exceeding 20 acres in a body, according to the government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make such showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default the land shall be offered at public sale.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERWAYS AND WATER RESOURCES.

Mr. NEWLANDS. I submit an amendment to the river and harbor bill. I ask that it be read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment as requested.

Mr. NEWLANDS. I give notice that on to-morrow, during the morning hour, I shall speak upon this amendment.

The amendment was read, as follows:

The President is authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States, within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals, within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and he is authorized to appoint as members of such board or boards such engineers, transportation experts, and constructors of eminence as he may deem advisable: *Provided, however,* That until further authorized by law the total expenditure under this provision shall not exceed ——— dollars.

Mr. NEWLANDS. I ask that the amendment lie on the table, and I give notice that I shall to-morrow address the Senate on the subject.

The VICE-PRESIDENT. The amendment will be printed and lie on the table. The Secretary will state the next bill on the calendar.

EXTENSION OF MORRILL ACTS TO THE DISTRICT OF COLUMBIA.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic acts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. BURNHAM. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will lie over.

CERTIFICATES OF INDEBTEDNESS AGAINST RECLAMATION FUND.

The bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund was announced as next in order.

Mr. KEAN. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

Mr. CARTER. Mr. President, I ask Senators to permit the bill to be read for the information of the Senate.

Mr. KEAN. I have no objection to its being read for the information of the Senate.

Mr. CARTER. Then, let the bill be regularly read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read section 1.

Mr. DAVIS. I ask that that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

Mr. FLINT. I ask that the bill be placed under Rule IX.

Mr. CARTER. Mr. President, I asked that the bill be read, and the Secretary is proceeding to read the bill under the permission granted.

The VICE-PRESIDENT. The Chair thought the Secretary had finished the reading. The Senator from New Jersey [Mr. KEAN] having objected to its being considered, the Senator from Montana [Mr. CARTER] asked unanimous consent that the bill be read in full, with the understanding that at the conclusion of the reading it would go over. The Secretary was reading the bill by unanimous consent.

Mr. DAVIS. The bill, as I understand, involves about $50,000,000; and I do not think it ought to be hastily considered.

The VICE-PRESIDENT. It is now simply a question of the bill being read by unanimous consent.

The Secretary resumed and concluded the reading of the bill, which is as follows:

Be it enacted, etc., That to enable the Secretary of the Interior to complete and properly extend reclamation projects already begun the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as in the judgment of the Secretary of the Interior may be necessary to complete the reclamation projects heretofore begun, including necessary extensions thereof by the Secretary of the Interior, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or of multiples of that sum; and

each of said certificates, together with interest thereon, shall be payable out of the reclamation fund created in pursuance of the provisions of an act of Congress approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and such payment is hereby guaranteed by the United States: *Provided*, That the aggregate issue of such certificates shall not exceed $30,000,000, and the provisions and penalties of existing law respecting counterfeiting and other fraudulent practices are hereby made applicable to the certificates of indebtedness authorized by this act. Interest on such certificates shall be paid quarterly, and each certificate shall be payable, with interest thereon accrued, at such time after five years from the date of its issue as the Secretary of the Treasury may prescribe. That said certificates of indebtedness may be disposed of by the Secretary of the Treasury at not less than par under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor; but no commission shall be allowed, and the interest on said certificates and any expense incident to preparing, advertising, and issuing the same shall be paid out of the reclamation fund and shall in due course be restored to said fund by including the same with all other expenses in future estimates of construction, operation, or maintenance. The certificates authorized by this act shall be exempt from taxes in any form by or under state, municipal, or local authority. That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

SEC. 2. That, beginning five years after the date of the issue of the first certificate of indebtedness authorized by this act, 50 per cent of the annual receipts of the reclamation fund shall be applied to the payment of said certificates, which shall be canceled when paid.

Mr. FLINT. I move that the bill be placed on the calendar under Rule IX.

The VICE-PRESIDENT. The question is on the motion of the Senator from California, that the bill which has just been read be placed on the calendar under Rule IX.

The motion was not agreed to.

Mr. FLINT. Mr. President, the reason I asked to have the bill placed on the calendar under Rule IX was that my time is very largely taken up in connection with the sessions of an investigating committee which is now sitting. I desire to be heard with reference to this bill before it is disposed of, and I ask the Senator from Montana to notify me when the bill is to be called up, so that I may discuss it. I am not opposed to the bill, but I want to offer amendments to it.

Mr. CARTER. Mr. President, I will certainly undertake to notify the Senator, expecting, as I do, that he will be one of the cordial supporters of the measure.

The VICE-PRESIDENT. The bill will go over.

PENSIONS TO WIDOWS OF SOLDIERS AND SAILORS.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order.

Mr. LODGE. Let that bill go over.

The VICE-PRESIDENT. The bill goes over at the request of the Senator from Massachusetts. That completes the calendar under Rule VIII.

POSTAL SAVINGS DEPOSITORIES.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, being what is known as the Alaskan government bill.

Mr. BEVERIDGE. Mr. President, I suppose that is done because the calendar is completed. I wish the attention of the Senator from Montana [Mr. CARTER].

Mr. President, in view of the legislative situation with reference to the postal savings-bank bill, for which the unfinished business has been laid aside from day to day, retaining its place as unfinished business, it seems to the Committee on Territories, considering the general state of legislation, that to advance the postal savings-bank bill it might, if it is so desired by the Senate, be made now the unfinished business; therefore, the committee will not resist a motion of the Senator from Montana to proceed now to the consideration of the postal savings-bank bill.

Mr. CARTER. Mr. President, in view of the statement of the Senator from Indiana, I ask unanimous consent that the postal savings-bank bill be made the unfinished business of the Senate.

Mr. HEYBURN. I rise to a point of order. The request of the Senator from Montana is not in order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARTER. Mr. President, I then move that the postal savings-bank bill be made the unfinished business.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of the postal savings-bank bill. If there be no objection——

Mr. BEVERIDGE. I suggest that the Senator move to proceed to the consideration of the bill.

Mr. LODGE. A motion to take up the bill, if agreed to, would displace the unfinished business of course, and such a motion is always in order.

Mr. HEYBURN. Not before 2 o'clock. I still do not think that the motion is in order. The postal savings-bank bill was passed over this morning in the regular order of business, and the only motion that can properly be made is to take it up for consideration. It may or may not then become the unfinished business.

The VICE-PRESIDENT. The Chair so understands. The Chair understands that is the motion.

Mr. HEYBURN. I misunderstood the Senator from Montana, if that is true. I understood the motion——

The VICE-PRESIDENT. The request that the Senator from Montana [Mr. CARTER] first made has been disposed of by the Chair sustaining the point of order raised by the Senator from Idaho [Mr. HEYBURN]. Thereafter the Senator from Montana moved to consider the bill.

Mr. BEVERIDGE. Is it not true that this whole matter is determined by the last provision of Rule VIII, which says:

> But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.
>
> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The VICE-PRESIDENT. Certainly. That is correct, and that was about to be done.

Mr. BEVERIDGE. As I understand, the proper motion was to move to proceed to the consideration of the bill.

Mr. CARTER. Mr. President, the question is on making the postal savings-bank bill the unfinished business of the Senate. That, I understand, can be done by unanimous consent. I have not encountered anything that can not be done by unanimous consent of the Senate. Unanimous consent was denied. I thereupon made the motion that the Senate proceed to the consideration of the bill; and that, I understand, to be the motion now pending.

Mr. HEYBURN. Mr. President, the effect of that will be determined later. Of course the motion is in order, and I have no objection to it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana to proceed to the consideration of the postal savings-bank bill.

The motion was agreed to.

Mr. CARTER. Mr. President, I now ask that the bill be temporarily laid aside. Certain amendments——

The VICE-PRESIDENT. The Chair was in error in announcing the unfinished business before 2 o'clock. At 2 o'clock the Senate, when the Chair then lays the unfinished business before the Senate, will dispose of that matter.

Mr. BEVERIDGE. Even so, Mr. President, the Senate having adopted the motion of the Senator from Montana to proceed to the consideration of the postal savings-bank bill, that bill is now before the Senate, and nothing else is before the Senate.

The VICE-PRESIDENT. Certainly.

Mr. GALLINGER. During the morning hour.

The VICE-PRESIDENT. Certainly; until 2 o'clock the bill is before the Senate.

Mr. CARTER. Mr. President, I observe the Senator from Vermont [Mr. PAGE], who has an amendment pending, is not present. The Senator from Texas [Mr. BAILEY], who desires to address the Senate on the bill, is not present. I understand he will be prepared to address the Senate on the bill to-morrow. In view of the conditions stated, I will ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent to temporarily lay the bill aside. Is there objection?

Mr. GALLINGER. Mr. President, I think that suggestion is not quite in order under our rules. The bill is before the Senate in the morning hour. If no Senator is ready to proceed, it drops, of course, and goes back to the calendar.

The VICE-PRESIDENT. The Chair would inquire, then, what is the present pleasure of the Senate? The calendar, under Rule VIII, has been completed.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 17, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1910.

COINER OF THE MINT.

Jabin B. Baldwin to be coiner of the mint of the United States at Denver, Colo.

POSTMASTERS.

ARKANSAS.

Frank B. Bumgardner, at Fort Smith, Ark.
James W. Slover, at Harrison, Ark.

GEORGIA.

Frederick G. Boatright, at Cordele, Ga.
Charles W. Moxley, at Wadley, Ga.

MISSOURI.

Jasper L. Geer, at Campbell, Mo.
Ezekiel A. Sample, at Fredericktown, Mo.

NEW HAMPSHIRE.

Ben O. Aldrich, at Keene, N. H.
Charles E. Slate, at Winchester, N. H.

OKLAHOMA.

William S. Hartshorn, at Yale, Okla.
William J. Krebs, at Kaw, Okla.
Sherman M. Smith, at Woodward, Okla

PENNSYLVANIA.

Frank R. Holt, at Rochester, Pa.
Philip D. Foster, at State College, Pa.

WISCONSIN.

Jorgen C. Jacobson, at Elroy, Wis.
Alfred W. Trevitt, at Wausau, Wis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 16, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is calendar Wednesday, and the call rests with the Committee on the Library.

Mr. BURKE of South Dakota. Mr. Speaker, the chairman of the Committee on the Library communicated with me this morning by telephone, saying that he was sick, and requested me to ask unanimous consent of the House that the Committee on the Library be passed without prejudice and that it be called on the next calendar day. His request is based on illness.

Mr. MANN. I object. I may say to the gentleman that it is understood that committees will not be passed without prejudice any more.

NATIONAL INSTITUTE OF ARTS AND LETTERS.

Mr. BURKE of South Dakota. Mr. Speaker, I am directed by the Committee on the Library to call up the bill (S. 609) incorporating the National Institute of Arts and Letters, on the House Calendar.

Mr. FITZGERALD. Mr. Speaker, has not the Committee on the Library occupied two days?

The SPEAKER. No; only one day.

The Clerk read the bill, as follows:

Be it enacted, etc., That Brooks Adams, of Massachusetts; Charles Francis Adams, of Massachusetts; Henry Adams, of the District of Columbia; George Ade, of Indiana; Henry M. Alden, of New Jersey; Richard Aldrich, of New York; James Lane Allen, of New York; Simeon E. Baldwin, of Connecticut; Arlo Bates, of Massachusetts; John Bigelow, of New York; Robert Bridges, of New York; W. C. Brownell, of New York; John Burroughs, of New York; Richard Burton, of Minnesota; George W. Cable, of Massachusetts; Madison J. Cawein, of Kentucky; John Vance Cheney, of Illinois; Winston Churchill, of New Hampshire; Samuel L. Clemens, of Connecticut; James B. Connolly, of Massachusetts; Royal Cortissoz, of New York; F. Marion Crawford, of New York; Samuel McChord Crothers, of Massachusetts; Charles de Kay, of New York; Theodore A. Dodge, of Paris, France; Finley P. Dunne, of New York; Maurice F. Egan, of the District of Columbia; Henry T. Finck, of New York; John Huston Finley, of New York; Worthington C. Ford, of Massachusetts; John Fox, jr., of Virginia; Henry B. Fuller, of Illinois; Horace Howard Furness, of Pennsylvania; Hamlin Garland, of Illinois; Richard Watson Gilder, of New York; Basil L. Gildersleeve, of Maryland; William Gillette, of Connecticut; Lawrence Gilman, of New York; George A. Gordon, of Massachusetts; Robert Grant, of Massachusetts; Ferris Greenslet, of Massachusetts; W. E. Griffis, of New York; A. T. Hadley, of Connecticut; Edward Everett Hale, of Massachusetts; Arthur Sherburne Hardy, of Connecticut; Robert Herrick, of Illinois; T. W. Higginson, of Massachusetts; Julia Ward Howe, of Massachusetts; M. A. De Wolfe Howe, of Massachusetts; W. D. Howells, of New York; Henry James, of Massachusetts; R. U. Johnson, of New York; George Kennan, of New York; Henry Charles Lea, of Pennsylvania; Nelson Lloyd, of New York; George Cabot Lodge, of Massachusetts; Henry Cabot Lodge, of Massachusetts; John Luther Long, of Pennsylvania; T. R. Lounsbury, of Connecticut; Robert Morss Lovett, of Illinois; Charles F. Lummis, of California; H. W. Mabie, of New Jersey; Percy Mackaye, of New Hampshire; A. T. Mahan, of New York; Edwin Markham, of New York; Edward S. Martin, of New York; D. G. Mason, of New York; Brander Matthews, of New York; St. Clair McKelway, of New York; John Bach McMaster, of Pennsylvania; Joaquin Miller, of California; John A. Mitchell, of New York; Langdon E. Mitchell, of Pennsylvania; W. Vaughn Moody, of Illinois; Paul Elmer More, of New York; Harrison S. Morris, of Pennsylvania; John Torrey Morse, jr., of Massachusetts; John Muir, of California; T. T. Munger, of Connecticut; Meredith Nicholson, of Indiana; Thomas Nelson Page, of the District of Columbia; Will Payne, of Illinois; William Morton Payne, of Illinois; Harry Thurston Peck, of New York; James Breck Perkins, of New York; Bliss Perry, of Massachusetts; Thomas Sergeant Perry, of Massachusetts; A. S. Pier, of Massachusetts; James Ford Rhodes, of Massachusetts; James Whitcomb Riley, of Indiana; Edward A. Robinson, of New York; Theodore Roosevelt, of New York; Josiah Royce, of Massachusetts; Montgomery Schuyler, of New York; Clinton Scollard, of New York; Henry D. Sedgwick, of New York; Frank Dempster Sherman, of New York; William M. Sloane, of New York; F. Hopkinson Smith, of New York; Frederic J. Stimson, of Massachusetts; Charles W. Stoddard, of California; Thomas Russell Sullivan, of Massachusetts; Booth Tarkington, of Indiana; Augustus Thomas, of New York; Ridgely Torrence, of New York; William P. Trent, of New York; Henry Van Dyke, of New Jersey; John C. Van Dyke, of New Jersey; Barrett Wendell, of Massachusetts; Andrew Dickson White, of New York; Stewart Edward White, of California; William Allen White, of Kansas; Charles G. Whiting, of Massachusetts; Jesse Lynch Williams, of New Jersey; Harry Leon Wilson, of Indiana; Woodrow Wilson, of New Jersey; Owen Wister, of Pennsylvania; George E. Woodberry, of Massachusetts; Edwin A. Abbey, of New York; Herbert Adams, of New Hampshire; John W. Alexander, of New York; George F. Babb, of New York; Hugo Ballin, of New York; George Gray Barnard, of New York; Paul W. Bartlett, of New York; J. Carroll Beckwith, of New York; Frank W. Benson, of Massachusetts; Edwin H. Blashfield, of New York; Richard E. Brooks, of New York; George De Forest Brush, of New York; William Gedney Bunce, of Connecticut; Daniel Hudson Burnham, of Illinois; Francis D. Millet, of New York; H. Siddons Mowbray, of Connecticut; Leonard Ochtman, of Connecticut; Maxfield Parrish, of New Hampshire; Robert S. Peabody, of Massachusetts; Charles Sprague Pearce, of Massachusetts; Joseph Pennell, of Pennsylvania; Charles A. Platt, of New Hampshire; George B. Post, of New York; Edward Clark Potter, of Massachusetts; A. Phimister Proctor, of New York; Howard Pyle, of Delaware; Edward W. Redfield, of Pennsylvania; Robert Reid, of New York; Frederic Remington, of New York; F. W. Ruckstuhl, of New York; Albert P. Ryder, of New York; John S. Sargent, of Massachusetts; W. E. Schofield, of Pennsylvania; Walter Shirlaw, of New York; Edward Simmons, of New York; William T. Smedley, of New York; Lorado Taft, of Illinois; Edmund C. Tarbell, of Massachusetts; Abbott H. Thayer, of New York; D. W. Tryon, of New York; Elihu Vedder, of Massachusetts; Frederick P. Vinton, of Massachusetts; Lionel Walden, of Connecticut; Henry Oliver Walker, of New Jersey; J. Q. A. Ward, of New York; Whitney Warren, of New York; J. Alden Weir, of New York; Irving R. Wiles, of New York; Emil Carlsen, of New York; John M. Carrère, of New York; William M. Chase, of New York; Timothy Cole, of New York; Walter Cook, of New York; Kenyon Cox, of New York; Frederic Crowninshield, of New York; William T. Dannat, of New York; Frank Miles Day, of Pennsylvania; Joseph De Camp, of Massachusetts; Charles Melville Dewey, of New York; Thomas W. Dewing, of New York; Frederick Dielman, of New York; Paul Dougherty, of New York; Frank Duveneck, of Kentucky; Ben Foster, of New York; Daniel C. French, of New York; Walter Gay, of Massachusetts; Charles Dana Gibson, of New York; Cass Gilbert, of New York; Charles Grafly, of Pennsylvania; Eliot Gregory, of New York; Jules Guérin, of New York; H. J. Hardenburgh, of New Jersey; Alexander Harrison, of Pennsylvania; Birge Harrison, of South Carolina; Childe Hassam, of New York; Thomas Hastings, of New York; Robert Henri, of New York; Winslow Homer, of Maine; John Galen Howard, of California; William Henry Howe, of New York; Samuel Isham, of New York; Francis C. Jones, of New York; H. Bolton Jones, of New York; W. Sergeant Kendall, of New York; Bancel La Farge, of New York; John La Farge, of New York; Francis Lathrop, of New York; Louis Loeb, of New York; Will H. Low, of New York; Frederick Macmonnies, of New York; Carl Marr, of Wisconsin; Walter McEwen, of Illinois; Herman A. MacNeil, of New York; William Rutherford Mead, of New York; Gari Melchers, of New York; Willard L. Metcalf, of New York; H. K. Hadley, of New York; Victor Herbert, of New York; Edgar Stillman Kelley, of California; Charles M. Loeffler, of Massachusetts; Horatio W. Parker, of Connecticut; Harry Rowe Shelley, of New York; F. Van der Stucken, of Ohio; Arthur Whiting, of New York; Arthur Bird, of Massachusetts; Dudley Buck, of New York; G. W. Chadwick, of Massachusetts; F. S. Converse, of Massachusetts; Walter Damrosch, of New York; Reginald De Koven, of New York; Arthur Foote, of Massachusetts; W. W. Gilchrist, of Pennsylvania; their associates and successors duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the National Institute of Arts and Letters.

SEC. 2. That the National Institute of Arts and Letters shall consist of not more than 250 ordinary members, and the said corporation hereby constituted shall have power to make its own organization, including its constitution, by-laws, and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign and domestic members, the division into classes, and all other matters needful or usual in such institution, and to report the same to Congress.

SEC. 3. That the National Institute of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated.

SEC. 4. That the National Institute of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations and hold the same in trust, to be applied by the said institute in aid of investigations in art and literature and according to the will of the said donors.

The following committee amendments were read:

In line 7, page 1, strike out the words "New York" and insert in place thereof the word "Kentucky;" in line 11 of the same page, before the word "George," insert the words "Nicholas Murray Butler, of New York;" in the same line, after the word "Massachusetts," insert the words "Bliss Carmen, of Canada;" in line 12, same page, after the word "Kentucky," insert the words "R. W. Chambers, of New York;" in the same line strike out the word "Illinois" and insert in

place thereof the word "California;" in line 15, same page, strike out the words "F. Marion Crawford, of New York."

In line 2, page 2, strike out the words "Theodore A. Dodge, of Paris, France;" in line 4, same page, after the word "Columbia," insert the words "Chester Bailey Fernald, of California;" in lines 6 and 7, same page, strike out the words "Henry B. Fuller, of Illinois;" in line 8, same page, strike out the words "Richard Watson Gilder, of New York;" in lines 13 and 14, same page, strike out the words "Edward Everett Hale, of Massachusetts;" in line 18, same page, strike out the words "R. U. Johnson" and insert in place thereof the words "Robert Underwood Johnson;" at the end of the same line insert the words "Owen Johnson, of Massachusetts;" in lines 19 and 20, same page, strike out the words "Henry Charles Lea, of Pennsylvania;" in lines 20 and 21, same page, strike out the words "George Cabot Lodge, of Massachusetts;" in line 23, same page, after the word "Illinois," insert the words "Abbott Lawrence Lowell, of Massachusetts."

In line 6, page 3, after the word "Pennsylvania," strike out the letter "W." and insert in place thereof the word "William;" in line 9, same page, strike out the words "T. T. Munger, of Connecticut;" in line 14, same page, after the word "Massachusetts," insert the words "William Lyon Phelps, of Connecticut;" in line 16, same page, after the word "Indiana," insert the words "Charles G. D. Roberts, of Canada;" in line 18, same page, after the word "Massachusetts," insert the words "George Santayana, of Massachusetts;" in line 20, same page, after the word "York," insert the words "Ernest Thompson Seton, of Connecticut;" in line 23, same page, strike out the words "Charles W. Stoddard, of California."

In line 14, page 4, after the word "Massachusetts," insert the words "Karl Bitter, of New Jersey;" in line 15, same page, after the words "New York," insert the words "Glenn Brown, of District of Columbia;" in line 23, same page, after the word "Massachusetts," insert the words "Bela L. Pratt, of Connecticut."

In line 1, page 5, strike out the words "Frederic Remington" and insert in place thereof the words "Frederick C. R. Roth;" in line 4, same page, strike out the words "Walter Shirlaw" and insert in place thereof the words "Henry M. Shrady;" in line 7, same page, strike out the words "Abbott H. Thayer, of New York;" in line 10, after the words "New Jersey," insert the words "Horatio Walker, of Canada;" in line 12, same page, after the words "New York," insert the words "Adolph A. Weinman, of New York;" in line 20, same page, after the words "New York," insert the words "John M. Donaldson, of Illinois;" lines 24 and 25, same page, strike out the words "Eliot Gregory, of New York."

In lines 9 and 10, page 6, strike out the words "Francis Lathrop, of New York; Louis Loeb, of New York;" in lines 19 and 20, same page, strike out the words "Dudley Buck," and insert in place thereof the words "Howard Brockway;" in line 23, same page, after the word "Pennsylvania," insert the words "David Stanley Smith, of Connecticut;" in line 19, page 7, after the word "literature," insert the words "and the arts."

Mr. FITZGERALD. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from New York raises the question of consideration. The question is, Will the House now consider the bill?

The question was taken; and on a division (demanded by Mr. BURKE of South Dakota) there were—72 ayes and 70 noes.

Mr. CLARK of Missouri and Mr. FITZGERALD demanded tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. BURKE of South Dakota and Mr. FITZGERALD.

The House again divided; and the tellers reported that there were 83 ayes and 83 noes.

The SPEAKER. Paragraph 3 of Rule XVI says:

When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless demanded by a Member.

This was demanded by a Member, and the onus is on the affirmative; and the House votes not to consider the bill.

MONUMENT AT FORT RECOVERY, OHIO.

Mr. BURKE of South Dakota. Mr. Speaker, I call up from the Union Calendar the bill H. R. 2265, for the erection of a memorial monument at Fort Recovery, Ohio.

The SPEAKER. This bill being on the Union Calendar, the House under the rule will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL of Iowa in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2265, and the Clerk will report the bill.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. PAYNE. I object; we want to hear what the bill is.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to erect a suitable memorial monument on the grounds at Fort Recovery, Ohio, where lie buried the remains of Gen. Richard Butler; Colonel Oldham; Majors Ferguson, Hart, and Clark; Captains Bradford, Phelon, Kirkwood, Price, Van Swearingen, Tipton, Purdy, Smith, Piatt, Gaither, Crebbs, and Newman; Lieutenants Spear, Warren, Boyd, McMath, Burgess, Kelso, Read, Little, Hopper, and Likens; Ensigns Cobb, Balch, Chase, Turner, Wilson, Brooks, Beatty, and Purdy; Quartermasters Reynolds and Ward; Adjutants Anderson and Doc. Grasson; 23 other officers; and 630 American soldiers who, while under the command of General St. Clair, were slaughtered by the Indians of the Northwest Territory, at the battle of Fort Recovery, Ohio, on the morning of November 4, 1791. And also where lie buried the remains of Major McMahon, Captain Hartshorn, Lieutenant Craig, 19 other commissioned and noncommissioned officers, and 120 soldiers who, while under the command of Major McMahon, gallantly defended Fort Recovery against the attacks of 2,000 Indians and British soldiers on the 30th of June and the 1st of July, 1794.

SEC. 2. That for the above purpose the sum of $25,000, or so much of said sum as may be necessary, be hereby appropriated from any moneys in the Treasury not otherwise appropriated. This sum shall be expended by direction of the Secretary of War, or such officer as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and under the requisition of the Secretary: *And provided further*, That no part of said amount shall be expended until such time as the Secretary of War is satisfied that a responsible legal association is created and pledged to care for and maintain whatever memorial monument is erected and a suitable site is provided on which it can be located.

The following committee amendments were read:

On page 2, line 12, after the word "purpose," insert the words "the expenditure of;" in lines 14 and 15 of the same page strike out the words "appropriated from any moneys in the Treasury not otherwise appropriated" and insert in place thereof the word "authorized;" and in line 18 of the same page strike out the word "appropriated" and insert in place thereof the word "authorized."

Mr. BURKE of South Dakota. Mr. Chairman, I now yield to the gentleman from Ohio [Mr. TOU VELLE].

Mr. TOU VELLE. Mr. Chairman, this bill authorizes the expenditure of $25,000, or so much of said sum as may be necessary, to erect a suitable memorial monument on the battle grounds at Fort Recovery.

At daybreak on the 4th of November, 1791, the Indians surprised General St. Clair and defeated his army, consisting of about 1,400 soldiers, in a terrible battle, in which were killed 62 officers, including General Butler, Colonel Oldham, Majors Ferguson, Hart, and Clark; also 630 soldiers were killed and 280 wounded.

To the men who gave up their lives in those terrible charges against an unseen foe, or in a hand-to-hand struggle with Indians; to the 62 officers, whose honor has never been questioned and who performed acts of bravery rarely equaled on battlefield; to their sacred memory let us rear this monument.

In the following January, Wilkinson, with 150 mounted volunteers, marched to the battlefield to bury the slain.

In December, 1793, General Wayne, with his conquering legion, having arrived at Greenville, sent forward a detachment to the spot of St. Clair's defeat. They reburied the soldiers, built a fort on the battlefield, and named it Fort Recovery, in commemoration of it being recovered from the Indians, who possessed the ground in 1791.

On June 30, 1794, the Indians, assisted by British officers, attacked the fort. A severe and bloody battle was fought, lasting for two days, in which the Indians, having sustained a terrible loss, were ultimately compelled to retreat from the same field upon which they had been proudly victorious on the 4th of November, 1791.

Major McMahon, Captain Hartshorn, Lieutenant Craig, and 19 other officers were killed and 30 wounded, and 120 soldiers killed.

These officers and soldiers were buried inside the fortification. General Wayne praised the garrison for its bravery.

On September 10, 1851, several thousand citizens of this country gathered at Fort Recovery to honor these illustrious dead by reinterment of their bones. They provided 13 gigantic coffins for their reception. The men who once animated these bones came from each of the 13 old colonies, the magnificent forerunners of the original 13 States, and it was singularly appropriate that 13 caskets, representing the glorious old 13 colonies, for which many of them fought in their younger days, and the 13 States, constituting the latest born nation of the earth, for which they laid down their lives, should be selected to hold their remains. The assembled bones of these soldiers required caskets of great size and over 100 pallbearers for their manipulation.

At Fort Recovery, assisted by their comrades from other posts, the Grand Army of the Republic, after having conferred upon these heroes burial rites with military honors, requested Senator Hanna, of Ohio, to introduce a bill, which he did, and the one now under consideration is a substantial copy of it. Senator Hanna's bill was reported and passed the Senate. After a thorough investigation the gentleman from Massachusetts [Mr. MCCALL] has reported this bill, and its passage is recommended by the entire committee.

Mr. Chairman, every man sleeping in these unmarked graves was an American. The 84 officers and many of the 750 soldiers were heroes. Every one of them contributed an undying part to the winning of the West. Many of them were soldiers of the Revolutionary war, men who from 1776 to 1783 fought to create the country at whose after call they gave their lives in 1791 or 1794. Some of them had seen service with Washington, Greene, and Marion, and were, at the time of their death,

led by the great Revolutionary generals, St. Clair, Butler, and Wayne. They dared the death call of the haughty English foe in our war for independence; they dared the wilderness of the West, and died on the field of battle. That field, baptized by tears and dedicated in the blood of our fathers, should, it seems to me, be sacred to every American heart and marked by a monument as indestructible as the cause for which they died, and the Government of the United States will not have given these soldiers their just measure of reward until it marks their graves and the ground on which they fell with an imperishable shaft carrying their memory onward and outward to endless time. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I now yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I desire to submit in a summary way a few remarks in favor of the passage of this bill, H. R. 2265.

The bill under consideration provides for the erection of a memorial monument at Fort Recovery, Ohio, at a cost of $25,000. Fort Recovery is located not far from the western boundary of Ohio, in Mercer County, and on the scene of St. Clair's defeat by the Indians on November 4, 1791. Later on, in December, 1793, a detachment of the army under Gen. Anthony Wayne took possession of the scene of this battle and established a fort there, and called it Fort Recovery in commemoration of its being recovered from the Indians. While the fort was occupied by a detachment of General Wayne's army a very bloody battle took place there on June 30 and July 1, 1794, in which the Indians, with some British allies, were defeated in an effort to take it.

St. Clair's defeat was accomplished by the greatest and most successful combination of warlike Indian tribes ever formed on this continent. There assembled in the attack on St. Clair's army large numbers of Wyandottes, Miamis, Shawnees, Ottawas, Pottawatomies, Sacs, and Foxes, and of other Indian tribes. At that time there was a very well formed Indian confederation, earlier than the one Tecumseh attempted to form at the time of the battle of Tippecanoe, November 7, 1811, where his triplet brother, The Prophet, commanded the Indians and Gen. William Henry Harrison commanded our troops, and just prior to the war of 1812 with England. It has been claimed that both the English and the French had something to do with both the 1791 and 1811 Indian confederations, and that they aided in the attack on St. Clair. The greatest of the Indian chiefs of that time or of any time were in command at St. Clair's defeat. In principal command of them was Little Turtle, under whom were Blue Jacket, Black Eagle, and others of the great Indian chiefs. The Indians from the Sac and Fox tribes were from the far West, but they had assembled to unite with the other tribes to put an end to the advance of American civilization. Later these tribes were engaged in what is known as the Black Hawk Indian war, Black Hawk being then their principal chief.

The best blood of this country was spilled in St. Clair's defeat. Among those killed at St. Clair's defeat were Gen. Richard Butler, Colonel Oldham, 3 majors, 12 captains, 10 lieutenants, 8 ensigns, 2 quartermasters, 2 adjutants, and 23 other officers, a total of 62 officers, together with 630 soldiers—692 in all. A large number of the officers and private soldiers were volunteers for the St. Clair campaign, and they were largely from Kentucky, then in a territorial state. (Kentucky was admitted into the Union as a State June 1, 1792.)

In the second battle, in 1794, at Fort Recovery, when the Indians attempted to take the fort, there were killed the commander of the fort, Major McMahon, 2 captains, 3 lieutenants, and 19 other officers, making a total of 25 officers, together with 120 soldiers, not to mention the wounded. The total number of soldiers killed in both battles was 812, and the total number of officers killed was 87, making a total in both battles of 899 officers and soldiers. These officers and soldiers were buried upon the scene and on the field where they shed their blood and fell, and it is to commemorate their gallantry and heroic death that we propose to erect a suitable monument; also to the gallantry and heroism of all the sons of the new Republic who fought on that bloody field.

A detachment of United States soldiers under Colonel Wilkinson visited the scene of St. Clair's defeat in January, 1792, and collected the remains of the dead and gave them there a rude burial. Those killed in the battle of 1794 were buried there by their comrades. The remains of the dead of both battles were left undisturbed until September 10, 1851, when 5,000 or more citizens of Ohio and other parts gathered at Fort Recovery to do honor to the illustrious dead buried there. They reinterred their bones, providing first 13 gigantic coffins, each representing one of the original 13 States, for their reception, and reburied them upon a chosen and suitable spot within the limits of the original battlefield and just outside the old fort. Here these remains have rested ever since and will rest eternally. At a comparatively recent period, under the direction of the Grand Army of the Republic, a large gathering of citizens and ex-soldiers met at Fort Recovery and performed military honors over the graves of these patriotic dead, and in various ways did honor to them.

The desperate character of both battles testifies to the skill, bravery, and persistence of our countrymen who fought in both battles on this field, and of the warlike tribes that made the desperate attacks. The history of both battles involves something unusual in Indian warfare. The Indians precipitated both the battles by combined and desperate attacks, and St. Clair's army was assailed by them by night, an unusual thing for Indians to do prior to or since that time.

Gen. Arthur St. Clair was a distinguished officer and soldier of the Revolutionary war, and he had other distinguished Revolutionary officers and soldiers under him in his 1791 campaign and battle. St. Clair had the confidence of George Washington, the then President of the United States, who ordered the campaign, and he did not permanently lose it in consequence of his defeat. St. Clair was distinguished in other respects than as a general in the Revolutionary war, for he was President of the Continental Congress in 1787, when the ordinance of 1787 was passed (July 13, 1787), and which was in session contemporaneously with the convention that framed the Constitution of the United States, which bears date September 17, 1787, and, later, after his defeat, he was made, by President George Washington, governor of the Northwest Territory, a position he theretofore held by authority of the Continental Congress, and when later—1800—that was divided he was retained or appointed as governor of the Territory of Ohio, and he was its last territorial governor. I regret to say he was neglected in his old age, and was permitted to die in absolute poverty. He deserves a monument to his memory.

Many of the officers killed and buried at Fort Recovery were of the most distinguished and patriotic pioneer families of Kentucky and Ohio. At that time Ohio was very sparsely settled, though some of her pioneer residents fought and fell there in both battles.

It will be noted that for a period of now nearly one hundred and twenty years this battlefield has not had any distinguishing mark, save in a local way.

The brave officers and soldiers that were buried at Fort Recovery fell in the interest of advancing American civilization in the then Far West; and they were of the best blood of the land. The Indian tribes were at that time numerous, defiant, and aggressive. Frontier settlements were then being assaulted by large and small marauding Indian parties, and life was then unsafe practically everywhere northwest of the Ohio River for frontiersmen where bodies of troops were not maintained. The situation in that region of the country was then somewhat unique, as it has always been in America, in the march of civilization from the Atlantic coast westward to the Rocky Mountains. Civilized man did not appear on this continent for the purpose of transforming an occupying race of people from barbarism to civilization, but he came to bring in a new race with its already established civilization. The conflict between the white and the red man was one of occupancy, and consequently it involved the extermination of the savage or barbaric tribes. Whatever of wisdom and justice there may have been in this, if any, it is too late now for us to consider. The blood of the men buried at Fort Recovery is a part of what has been shed in the cause of western civilization.

The men who fell in the conflicts mentioned were heroic, patriotic citizens of the then new Republic, not then three years old under its constitutional form of government, and, while we properly do justice to the gallant officers and soldiers of later wars, it seems to me that justice, long delayed, should be done to the heroes who fell in the conflicts at and that centered around Fort Recovery. These battles were necessarily incident and necessary to a further occupancy and development of the then Great Northwest Territory. A final campaign against the Indians in northwestern Ohio came in 1794, under Gen. Anthony Wayne (Mad Anthony), and culminated on August 20, 1794, in the battle of Fallen Timbers, on the Maumee River, almost under the guns of a British fort. Wayne was likewise a Revolutionary officer of distinction, the hero of Stony Point. That battle broke up, in large part, the Indian confederation of Little Turtle and other Indian chiefs with their several tribes, and they were never fully united again, although, later on, Tecumseh, the celebrated Shawnee Indian chief, attempted to form a general Indian confederacy in 1811, to include all the northwestern and southern tribes; and in the war of 1812 some

of these tribes united with or were encouraged by the officers of the British army to participate in that war. The great Tecumseh of the Shawnees was, it may be noted as a singular fact, commissioned during our 1812 war with England a brigadier-general in the English army. He held that rank when he fell at the battle of the Thames, October 5, 1813. Black Hawk, then a young Sac and Fox chief, was also present with Tecumseh and participated in the battle of the Thames. After that battle and the death of Tecumseh the Indians mainly deserted the English and never acted again in hostile combination.

After the battle of Fallen Timbers (1794) a treaty was formed, known as the treaty of Greenville, bearing date August 3, 1795. This treaty was kept only in part, but it was the end of the great independent Indian warfare on a large scale with the wild, warlike Indian tribes of the Northwest Territory, and after that they were forced to recede to the West, and they have been driven back and put upon reservations, until now they are reduced, hardly without exception, to mere dependent wards of the Republic and maintained at government expense.

Now, a word as to the establishing of cemeteries and the marking by monuments the graves of soldiers at the expense of the General Government. In many of the battles of more recent times, and especially those of the civil war, the bodies of soldiers who fell in battle have been removed either by their friends for burial at their former homes or they have been gathered and concentrated in great cemeteries maintained by the United States. The list of national cemeteries which I hold in my hand shows there are at least 83 such cemeteries now kept up by the Government. They are located in 26 States of the Union, and 59 of them are located in what we commonly denominate the Southern States, and they are not all located upon the scenes of great battles. Of these cemeteries 16 have burials less in number than those buried at Fort Recovery. None of these cemeteries are located in Ohio and only two of them in Indiana. There is one of these national cemeteries located in Mexico City, Mexico. There is one located at the scene of the Custer massacre by the Indians, June 26, 1876, on the Little Big Horn River in Montana.

I will, with the permission of the House, have published with my remarks a list of the national cemeteries, showing the number of interments in each. It is possible some cemeteries have been established since this list was made out, as it only shows the national cemeteries established prior to June 30, 1906. I think we have established and now maintain cemeteries at El Caney and San Juan, Cuba, or at least at one of these places.

Fort Recovery is located in a rich portion of our country, and its patriotic people are of a class that will feel proud that the graves of these patriots have been remembered; and they will jealously care for the memorial and preserve it as sacredly as any other memorial monument of like character is cared for in any part of the country.

The sum sought to be appropriated by the bill is a modest one, and I sincerely hope it will receive the unanimous vote of the Members of this House.

Late as it is to perpetuate the memory of these soldier dead, I think it is in harmony with the patriotic spirit of this country and of this age that we should erect this monument. There are buried at Fort Recovery Revolutionary officers and soldiers, led by three Revolutionary generals and other Revolutionary officers, and the fact that two battles were fought upon the same spot magnifies and intensifies the importance to be given to the place. The friends of this movement believe it is but reasonable, just, and right that we should erect this monument and establish and maintain at Fort Recovery a national cemetery. [Applause.]

APPENDIX.

List of national cemeteries, showing the number of interments in each on June 30, 1906.

Name of cemetery.	Interments.		Total.
	Known.	Unknown.	
Alexandria, La.	551	772	1,323
Alexandria, Va.	3,427	124	3,551
Andersonville, Ga.	12,794	925	13,719
Annapolis, Md.	2,304	204	2,508
Antietam, Md.	2,921	1,830	4,751
Arlington, Va., near Fort Myer, Va.	15,751	4,625	20,376
Balls Bluff, Va., near Leesburg, Va.	1	24	25
Barrancas, Fla.	920	710	1,630
Baton Rouge, La.	2,559	532	3,091
Battle Ground, D. C., near Takoma Park, D. C.	43		43
Beaufort, S. C.	4,862	4,544	9,406
Beverly, N. J.	181	7	188
Brownsville, Tex.	1,480	1,379	2,859
Camp Butler, Ill., near Springfield, Ill.	1,013	356	1,369
Camp Nelson, Ky.	2,464	1,189	3,653
Cave Hill, Ky., Louisville, Ky.	3,760	582	4,342
Chalmette, La., near New Orleans, La.	7,159	5,745	12,904
Chattanooga, Tenn.	8,439	4,970	13,409
City Point, Va.	3,780	1,379	5,159
Cold Harbor, Va.	672	1,290	1,962
Corinth, Miss.	1,794	3,936	5,730
Crown Hill, Ind., Indianapolis, Ind.	953	33	986
Culpeper, Va.	463	912	1,375
Custer Battlefield, Mont., near Crow Agency, Mont.	983	244	1,227
Cypress Hills, N. Y., Brooklyn, N. Y.	6,129	381	6,510
Danville, Ky.	349	8	357
Danville, Va.	1,175	156	1,331
Fayetteville, Ark.	482	782	1,264
Finns Point, N. J., near Salem, N. J.	113	2,539	2,652
Florence, S. C.	209	2,801	3,010
Fort Donelson, Tenn., near Dover, Tenn.	163	512	675
Fort Gibson, Ind. T.	257	2,212	2,469
Fort Harrison, Va.	243	575	818
Fort Leavenworth, Kans.	1,941	1,549	3,490
Fort McPherson, Nebr., near Maxwell, Nebr.	478	353	831
Fort Scott, Kans.	634	125	759
Fort Smith, Ark.	869	1,485	2,354
Fredericksburg, Va.	2,508	12,802	15,310
Gettysburg, Pa.	2,005	1,631	3,636
Glendale, Va.	238	969	1,207
Grafton, W. Va.	643	620	1,263
Hampton, Va.	8,914	600	9,514
Jefferson Barracks, Mo.	9,172	2,932	12,104
Jefferson City, Mo.	401	411	812
Keokuk, Iowa.	725	43	768
Knoxville, Tenn.	2,311	1,067	3,378
Lebanon, Ky.	596	277	873
Lexington, Ky.	840	112	952
Little Rock, Ark.	3,474	2,370	5,844
Loudon Park, Md., Baltimore, Md.	2,993	381	3,374
Marietta, Ga.	7,386	2,978	10,364
Memphis, Tenn.	5,206	9,017	14,223
Mexico City, Mexico.	765	750	1,515
Mill Springs, Ky., near Nancy, Ky.	354	368	722
Mobile, Ala.	843	229	1,072
Mound City, Ill.	2,632	2,732	5,364
Nashville, Tenn.	11,972	4,711	16,683
Natchez, Miss.	471	2,780	3,251
New Albany, Ind.	2,319	676	2,995
Newbern, N. C.	2,259	1,100	3,359
Philadelphia, Pa.	2,712	188	2,900
Poplar Grove, Va., near Petersburg, Va.	2,200	4,012	6,212
Port Hudson, La.	600	3,239	3,839
Quincy, Ill.	230	57	287
Raleigh, N. C.	639	572	1,211
Richmond, Va.	871	5,700	6,571
Rock Island, Ill.	290	20	310
Salisbury, N. C.	112	12,035	12,147
San Antonio, Tex.	1,289	284	1,573
San Francisco, Cal.	4,844	467	5,311
Santa Fe, N. Mex.	394	442	836
Seven Pines, Va.	163	1,225	1,388
Shiloh, Tenn., Pittsburg Landing, Tenn.	1,240	2,377	3,617
Soldiers' Home, District of Columbia.	6,802	291	7,093
Springfield, Mo.	1,029	740	1,769
St. Augustine, Fla.	1,696	73	1,769
Staunton, Va.	237	527	764
Stone River, Tenn., near Murfreesboro, Tenn.	3,819	2,333	6,152
Vicksburg, Miss.	4,094	12,769	16,863
Wilmington, N. C.	749	1,577	2,326
Winchester, Va.	2,102	2,387	4,489
Woodlawn, N. Y., near Elmira, N. Y.	3,068	7	3,075
Yorktown, Va.	756	1,435	2,191
Total.	201,282	152,103	353,385

Of these interments, about 9,300 are those of confederates, being mainly in the national cemeteries at Camp Butler, Cypress Hills, Finns Point, Fort Smith, Hampton, Jefferson Barracks, and Woodlawn.

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, it is with great pleasure that, at the instance of my colleague from Ohio who introduced this bill, and inspired by the Historical Society of Ohio, of which the gentleman from Ohio [Mr. KEIFER] and myself happen to be trustees, I rise to say a few words in favor of this bill. The bill is a carefully considered one; it only appropriates $25,000 for this monument, and provides that it shall be cared for and a suitable site provided by an association to be organized for that purpose, and the appropriation is not to become available until this association is organized.

The history of the Northwest Territory, which was organized by the celebrated ordinance of 1787 and which continued undivided until 1800, when it was divided into the two Territories of Ohio and Indiana, is largely identified with the life and character of Gen. Arthur St. Clair, who was its governor from the

time it was organized until it was divided, and the governor of the eastern portion of the Territory, called the Territory of Ohio, from 1800 almost until the time that Ohio was admitted into the Union. About six months before his term would have ended he was dismissed from office by President Jefferson, as the result of the efforts of men who belonged to the then Democratic party, and retired, humiliated, to private life.

I want to say a few words, if I can have the attention of the committee, with reference to Gen. Arthur St. Clair. His history is the most remarkable, in my judgment, of any of the Revolutionary heroes. He was a member of a distinguished family in Scotland and was appointed to a lieutenancy in a regiment serving in America. He served with distinction at the siege of Louisbourg. He was the first man over the breastworks of Quebec when Wolf wrested that town from Montcalm. For his distinguished services he was detailed to carry the news of that victory to Boston. There he married the daughter of Governor Bowdoin, of Massachusetts, and with her dowry and the land warrants that he obtained from the English Government he located a large tract of land in the valley of the Ligonier, in western Pennsylvania. At the breaking out of the Revolutionary war he saved, substantially, by his conduct the western portion of Pennsylvania to the cause of the colonies. He organized a regiment of Pennsylvania troops for the Revolutionary war, and so largely involved his private means in that effort that he really never recovered from it. He served through the Revolution with distinction, rising to the rank of major-general. He was the distinguished friend of Washington and served upon his staff. After the war he was elected to the Continental Congress. He was the President of the Continental Congress, as my distinguished colleague [Mr. KEIFER] has said, when the ordinance of 1787 was passed, and by the Continental Congress he was elected governor of the Northwest Territory. He served as governor for fourteen years and did more than any other one man to bring about order and to establish civilization in that great territory northwest of the Ohio River. He traveled throughout this great territory from Marietta and from Cincinnati to the settlements on the Wabash, to Detroit, and to the Mississippi, and, in conjunction with the judges who were appointed to assist him, he made all of the laws which governed the territory until the territorial legislature was organized.

After his deposition from office by President Jefferson he went back to Pennsylvania, where he lived for a number of years in poverty and died as the result of a fall from his wagon when he was hauling hay to a neighboring village. The Government did substantially nothing to reimburse him for the moneys he had expended. He was buried by his Masonic brethren of Greensburg, Pa., and they erected a simple sandstone monument over his grave, which is inscribed with this epitaph:

Here lies the body of Maj. Gen. Arthur St. Clair, awaiting a more fitting monument due him from his country.

Mr. Chairman, I submit that his long and distinguished services and the sacrifice of nearly the whole of his fortune in behalf of his country for the equipment of men during the Revolutionary war and at the time of the Indian outbreak in 1791, justly entitled him to consideration from his country.

This monument is designed simply to commemorate the heroism of those who suffered with him on this fatal field in 1791, and the other soldiers who died there under Anthony Wayne in 1794, and I believe that the appropriation is eminently a proper and wise one for the Congress to make. I hope that the bill will not be opposed. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENBY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6272. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6271. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida;

S. 5576. An act to amend an act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901;

S. 4629. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District;

S. 4617. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets;

S. 2072. An act to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan;

S. 1461. An act to prevent fraudulent representations as to government guaranties of foods and medicines; and

S. 226. An act to amend an act entitled "An act to divide the judicial district of Nebraska into divisions, and to provide for an additional district judge in said district.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows of such soldiers and sailors; had asked a conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors; had asked a conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5574) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed, without amendment, joint resolution of the following title:

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13145. An act for the relief of John W. Dula;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army and to regulate promotion therein."

MONUMENT AT FORT RECOVERY, OHIO.

The committee resumed its session.

The CHAIRMAN. General debate having closed, the Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That for the above purpose the sum of $25,000, or so much of said sum as may be necessary, be hereby appropriated from any moneys in the Treasury not otherwise appropriated. This sum shall be expended by direction of the Secretary of War, or such officer as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and under the requisition of the Secretary: *And provided further*, That no part of said amount shall be expended until such time as the Secretary of War is satisfied that a responsible legal association is created and pledged to care for and maintain whatever memorial monument is erected and a suitable site is provided on which it can be located.

With the following committee amendments:

Lines 18 and 19, page 2, strike out the words "appropriated from any moneys in the Treasury not otherwise appropriated" and insert in lieu thereof the word "authorized."

Line 22, page 2, strike out the word "appropriated" and insert in lieu thereof the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I call the attention of the gentleman in charge of the bill to the bottom of page 2, where it recites that certain money shall be paid under the requisition of the "Secretary." Does that have reference to the Secretary of War?

Mr. BURKE of South Dakota. I presume it does.

Mr. MANN. Then, Mr. Chairman, I move to insert, after the word "Secretary," in lines 24 and 25, the words "of War."

Mr. KEIFER. That is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. OLMSTED, having assumed the chair, Mr. HULL of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2265) for the erection of a memorial monument at Fort Recovery, Ohio, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on the amendments? If not, the vote will be taken in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEIFER, a motion to reconsider the last vote was laid on the table.

PICTURES OF CERTAIN EX-SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to call up House resolution 163, on the Union Calendar No. 67.

The SPEAKER pro tempore. The Clerk will report the title of the resolution.

The Clerk read as follows:

House resolution 163, directing the Committee on the Library to employ competent artists for painting the pictures of certain ex-Speakers of the House of Representatives.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, I will object.

The SPEAKER pro tempore. Objection is heard, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Massachusetts [Mr. WASHBURN] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of H. Res. 163, which the Clerk will report.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, I wish to reserve a point of order on the bill as to the authority of the Committee on the Library to report a bill to pay money out of the contingent fund of the House.

Mr. CLARK of Missouri. Mr. Chairman, nobody could understand what the gentleman said or what his point of order is.

The CHAIRMAN. The Chair did not hear the point of order.

Mr. MANN. It is as to the jurisdiction of the Committee on the Library to report a resolution for the payment of money out of the contingent fund of the House. A resolution was referred to the Committee on the Library authorizing certain work to be done and proposing to appropriate the sum of $8,500, but the Committee on the Library reports an amendment to this resolution proposing to pay the money out of the contingent fund of the House, a matter which was not referred to the Committee on the Library, and they have no authority to report any such resolution.

Mr. PARSONS. Will the gentleman yield to me for a question?

Mr. MANN. I will.

Mr. PARSONS. Did not the bill provide that the money should be appropriated out of the contingent fund of the House? That is the language of the resolution as introduced.

Mr. MANN. Well, possibly so. I see that is the way, providing for an appropriation; but whether it is or not, the rule is that all matters touching the expenditure of the contingent fund of the House shall be referred to the Committee on Accounts.

Mr. DOUGLAS. Will the gentleman give us what rule that is?

Mr. MANN. Paragraph 54, under Rule XI; and while it is true that the reference of a public bill to a committee, as a rule, confers jurisdiction on the committee to make a report, I think that is not true and never has been the practice as to payment out of the contingent fund of the House. It would be a very bad practice to adopt that any committee of the House may have referred to it a bill over which the committee has jurisdiction with a paragraph in it providing for the payment of certain things out of the contingent fund of the House and thereby deprive one committee of the power to keep track of the expenditures of the contingent fund. Now, the Committee on Accounts is given certain power by the law. Certainly it is not proper for the House by resolution, referred to some other committee than the Committee on Accounts, to commence to provide for an expenditure out of the contingent fund which under the law must pass through the Committee on Accounts, throwing the door wide open——

Mr. DOUGLAS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. DOUGLAS. Does the gentleman think the language he quotes is exclusive of the authority of any other committee reporting a bill to make appropriations out of that fund? The language I call the gentleman's attention to is that in the enumeration of committees there is simply a provision that—

Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House—to the Committee on Accounts.

In other words, I submit to the gentleman that it is not an exclusive authority as to appropriating out of the contingent fund, but that they shall have general charge of it, and this appropriation should be made out of a fund that they would have to audit and see that it was properly expended. I submit that to the gentleman.

Mr. MANN. The Committee on Accounts could not audit a claim that the House provides directly shall be paid out of the contingent fund of the House as is provided here, so there is no auditing of it.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to interrupt the gentleman for a moment to raise the question that the point of order of the gentleman is made too late, the bill having been reported by the committee, and the committee assuming jurisdiction, and the Committee on Accounts not claiming jurisdiction, that it is now too late, and the House having taken up the consideration of the bill, it is also too late to raise the question of jurisdiction.

Mr. MANN. Of course, the point of order is not too late so far as consideration of the resolution is concerned. I was endeavoring to ask the question as to whether it was too late so far as having been reported from the committee is concerned. It is true that as a general rule a reference to one committee gives that committee jurisdiction to report a public bill. There is no controversy over that. It seems to me the question in reference to the contingent fund is an entirely different proposition. It has always been the policy of the House to confine the expenditures of the contingent fund either to payments made directly under the authority of the Committee on Accounts, or where the Committee on Accounts has reported to the House on the proposition, and it seems to me there is a differentiation between the expenditures of the contingent fund and a public bill left to one committee, although another committee might claim jurisdiction.

Mr. GAINES. Mr. Chairman, will the gentleman permit me?

Mr. MANN. Certainly.

Mr. GAINES. This is not a private bill; therefore it must be a public bill.

Mr. FITZGERALD. It might not be either.

Mr. GAINES. I think it is a public law.

Mr. MANN. This is a House resolution. It will not be law if it is passed.

Mr. GAINES. The fact that a report has been made prevents the question of the jurisdiction of the committee being raised, and in this particular instance the House did give its unanimous consent, I understand, that the matter might be considered.

Mr. MANN. The gentleman is mistaken. It is considered in the Committee of the Whole. I objected to unanimous consent.

Mr. GAINES. The gentleman may be correct, but I thought this occurred, namely, that the House was proceeding, by unanimous consent, to consider it in the House as in the Committee of the Whole, and the gentleman made his objection at this stage, when unanimous consent was asked to dispense with the first reading of the bill.

Mr. MANN. The gentleman is entirely mistaken. Unanimous consent has not been asked to dispense with the first reading of the bill. That has not been dispensed with, and, then, it is not a bill. It is a House resolution concerning an expenditure from the contingent fund of the House. Suppose a resolution be introduced and referred to some other committee, and in some place it provides that that same committee shall have a clerk, to be paid out of the contingent fund of the House. Does the reference of that resolution properly to some committee having jurisdiction of the subject-matter, but containing some item which that committee does not have jurisdiction of, give the committee authority to report a resolution for the expenditure of the contingent fund? If so, I will try to work it myself if I ever need an additional clerk in my committee. It would be an easy matter to provide for in a resolution. Send it to a committee, and add in a provision somewhere authorizing the committee to have an extra clerk, and thereby bring it, at least, before the House for consideration without regard to the Committee on Accounts.

Mr. PARSONS. The House can disapprove.

Mr. MANN. The House can disapprove. No one denies that.

Mr. PARSONS. And the House might approve, if it wishes.

Mr. MANN. No one will deny, on the other hand, that it was the whole purpose of the ruling of the law to have all expenditures of the contingent fund go through the Committee on Accounts.

Mr. THOMAS of North Carolina. Mr. Chairman, I wish to address myself to the point of order. I think that my views upon this matter are clearly defined, and I can clearly define them to the committee. The Committee on the Library, of which I am a member, has had, uniformly, jurisdiction of the erection of monuments, of everything connected with the Congressional Library, and of all matters connected with art. The rule reads, subjects "touching the Library of Congress, statuary, and pictures," shall be referred to the Joint Committee on the Library. Now, this bill is absolutely and beyond controversy, I will say to the gentleman from Illinois [Mr. MANN], within the jurisdiction of the Committee on the Library. There can be no question that that committee has absolute right to take jurisdiction of the bill regarding the painting of the portraits of the former Speakers. This bill proposes to take down the crayon portraits of the former Speakers in the lobby of the House and replace them, at a very small and trifling expense, with oil portraits. The bill is introduced by the gentleman from New York [Mr. PARSONS] and was unanimously reported by the Committee on the Library.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. BARTLETT of Georgia. You call it a bill. This is simply a House resolution.

Mr. THOMAS of North Carolina. You are correct; I was mistaken. I see it is a resolution and not a bill.

Mr. BARTLETT of Georgia. Not speaking in reference to the matter of the resolution, if the gentleman will permit me?

Mr. THOMAS of North Carolina. Certainly.

Mr. BARTLETT of Georgia. No money can be drawn out of the Treasury except by a bill or joint resolution; "an act passed in pursuance of law," says the Constitution. Now, what right has the House to pass a House resolution which is in effect not a law, which expends money of the people without passing a bill, so that it may become law instead of a simple House resolution?

Mr. THOMAS of North Carolina. Has the gentleman finished his question?

Mr. BARTLETT of Georgia. That is the question I would like the gentleman to answer.

Mr. THOMAS of North Carolina. I will answer the gentleman's question. The Constitution reads:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

This resolution provides the money shall be paid out of the contingent fund of the House of Representatives, which we control. This resolution, Mr. Chairman, is a resolution of which the Committee on the Library has undoubtedly jurisdiction. Is there any doubt about the fact, I will ask the gentleman from Illinois, that the Library Committee has jurisdiction of a resolution in regard to painting the pictures on portraits of former Speakers?

Mr. MANN. I think clearly the Committee on the Library does not have jurisdiction of a resolution to do anything and pay it out of the contingent fund of the House.

Mr. THOMAS of North Carolina. But I ask the gentleman from Illinois if he does not concede that we have jurisdiction of a bill or resolution to paint portraits of the former Speakers?

Mr. MANN. Well, the Committee on the Library has jurisdiction of a resolution providing for the painting of the portraits of Speakers at a cost not to exceed so much money; but they have no jurisdiction over a resolution to pay anything whatever out of the contingent fund of the House.

Mr. TAWNEY. Now, Mr. Chairman——

Mr. THOMAS of North Carolina. Mr. Chairman, let me finish my statement. The Committee on the Library has jurisdiction under the rules of the House, it seems clear to me, either of a bill or resolution, for the purpose of painting the portraits of the Speakers. They have taken jurisdiction of it, and it is for the House to say, independently of the Committee on Accounts, whether the money shall be paid out of the contingent fund of the House or not. That is a matter for the House. Now, there has been a very serious question raised in regard to the jurisdiction of the Committee on the Library so far as appropriating money is concerned. Of course every gentleman understands there is a distinction between committees that authorize expenditures of money and committees that appropriate money. The Committee on Public Buildings and Grounds, of which I am a member also, merely authorizes the expenditure of money, but appropriations follow through the Committee on Appropriations always as a matter of course, based upon that authorization.

Now, what is the jurisdiction of the Committee on the Library? Take the rules of the House and the precedents prepared for the House by our parliamentarian, Mr. Hinds, and you will find that a question is raised as to whether or not the Committee on the Library does have the power to make appropriations. There is a note under paragraph 56 of Rule XI which would indicate that the Committee on the Library does not have power to make appropriations. But, Mr. Chairman, this committee in the last Congress, if I recollect correctly——

Mr. FITZGERALD. If the gentleman will hurry up, I want to call his attention to something.

Mr. THOMAS of North Carolina. I will say to the gentleman from New York I am talking from my knowledge of the subject, and I will not hurry up unless the House shows impatience with my speech; then I will hurry up.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. If it is very short, because I have my mind on the subject and am familiar with the subject.

Mr. FITZGERALD. Is the gentleman familiar with the act of February 14, 1892?

Mr. THOMAS of North Carolina. I am not familiar with that act. Will the gentleman give me the title of it?

Mr. FITZGERALD. It is an act relative to the expenditure of money from the contingent fund of the House.

Mr. THOMAS of North Carolina. No; I am not familiar with that act; but I am familiar with the rules which apply to the jurisdiction of the Committee on the Library, and that committee has jurisdiction of this resolution.

Now, as I started to say before the gentleman from New York interrupted me, in a previous Congress, I think the Fifty-ninth, this committee, of which I was a member, Mr. McCleary, of Minnesota, then being the chairman, reported bills appropriating money absolutely from the Treasury—not from the contingent fund of the House, but from the Treasury of the United States, of higher dignity than the contingent fund. Over the contingent fund of the House the Members have at all times absolute control. That is my position.

The Library Committee reported bills, in the Fifty-ninth Congress, making appropriations for the erection of a monument at Provincetown, Mass., for the erection of a monument at Princeton, N. J., for the erection of a monument at Kings Mountain, N. C., and other bills which carried absolute appropriations from the Treasury of the United States, which were passed and became law. Never until this Congress did we hear a suggestion that the Committee on the Library had not the absolute right, not only to report all bills in connection with statuary, pictures, and erection of monuments, but also the absolute right to appropriate the money from the United States Treasury therefor.

Examine the statute books as I have done, and you will find that the Library Committee has reported and the House

and Senate have passed bill after bill making direct appropriations from the Treasury of the United States, and yet the point of order is raised that we can not make a little $9,500 appropriation out of the contingent fund of the House, a fund that is absolutely under the control of the House.

However, the chairman of my committee [Mr. McCALL] told me this year that he was informed that a point of order would be made unless our bills were so framed as simply to authorize appropriations instead of making direct appropriations, and we have so framed our bills; but never until this Congress have I heard it questioned that the Committee on the Library not only had jurisdiction of matters in connection with the Library and monuments and all matters of art, but also the power to make absolute appropriations.

Now, my position is this: Having jurisdiction of the resolution, the House has the power over the contingent fund of the House to make this appropriation out of it if the House sees fit.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the gentleman to a precedent——

Mr. THOMAS of North Carolina. Certainly.

Mr. TAWNEY (continuing). A precedent which has arisen in my own experience in the House, and to ask the gentleman whether it is not directly in point, and against the proposition which he now advocates.

Mr. THOMAS of North Carolina. What is it?

Mr. TAWNEY. In the Fifty-fourth Congress I introduced a House resolution to investigate the effect of the repeal of the reciprocity clause of the McKinley law, which resolution was referred to the Committee on Ways and Means. The resolution also provided for defraying the expenses of the investigation, to be paid out of the contingent fund of the House.

By direction of the Committee on Ways and Means I reported the resolution to the House, and Mr. Crisp, then a Member of the House and a member of the Ways and Means Committee, made the point of order that the Ways and Means Committee had no jurisdiction or control whatever over the contingent fund of the House; that the only committee having jurisdiction over that fund was the Committee on Accounts, and that, therefore, the resolution would have to be referred to the Committee on Accounts. And Speaker Reed held that the point of order was well taken, and the resolution went to the Committee on Accounts and was referred back to the House from that committee. That was because the committee reporting the resolution not only authorized a certain thing to be done, but authorized the payment of money from a fund over which the committee had no jurisdiction whatever, and could not do so.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if the matter referred to the committee was not referred by a vote of the House rather than by a ruling of the Speaker?

Mr. TAWNEY. It was held that it could not be considered by the House, for the reason that the Ways and Means Committee did not have jurisdiction, and then, subsequently, on my motion, as I now recall the fact, it was referred to the Committee on Accounts.

Mr. THOMAS of North Carolina. I am not familiar with the alleged precedent. Mr. Chairman, suppose this resolution should now be referred by the House, as the gentleman says was done in the case of the resolution from the Committee on Ways and Means—I am not familiar with the action in that case, but suppose it is referred—has the Committee on Accounts any more authority to take action than the Committee on the Library has? As I understand the rule as laid down in the Manual and Digest, the Committee on Accounts does not report appropriations of money from the Treasury of the United States. That is the footnote to the rule, as I read it.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. MANN. Has the House any authority to appropriate or provide for the payment of money out of the contingent fund, except in matters which relate to work of the House and must be referred to the Committee on Accounts? Suppose the Committee on the Library had had a resolution referred to it to build a monument and pay for it out of the contingent fund, has the committee jurisdiction to report such a bill?

Mr. OLMSTED. Would the Committee on Accounts have jurisdiction of it?

Mr. THOMAS of North Carolina. That is the question.

Mr. MANN. That question is not here. The Committee on Accounts has not done such a foolish thing.

Mr. THOMAS of North Carolina. The jurisdiction of the Committee on Accounts is clearly stated in the rules; but my position is that, having taken jurisdiction of this resolution, the Committee on the Library has a right to report it; and having the right to report the resolution, it is for the House to say whether the money shall be paid from the contingent fund or not.

Mr. FITZGERALD. Mr. Chairman, before discussing the question as to which committee has the jurisdiction of this particular resolution, I wish to call attention to the fact that, even if it be passed by the House, not a dollar could be expended under the terms of the resolution. This is a House resolution directing the expenditure of certain sums from the contingent fund for the purpose of providing portraits of certain Speakers. The act of February 14, 1892, among other things, refers to the contingent fund of the House as follows:

> Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress. And the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of accounts of expenditures from said appropriation incurred for service or material subsequent to the approval of this act.

While it is true that Congress can amend the law providing that this money shall be expended in this way, the House itself by a simple resolution can not change the provisions of this statute, and even the passage of this resolution will not permit the expenditure of the money.

I do not wish to argue seriously as to whether a committee has jurisdiction of a resolution which, if adopted by the House, would put the House in a ridiculous position. It can not be presumed that the House will pass a resolution providing for the expenditure of certain funds which the House has no power to expend in the way contemplated, and to assert that the committee has jurisdiction of such a resolution, when the House itself can not disburse the money in the way provided in the resolution, it seems to me is arguing for something that would merely make the House ridiculous.

Mr. THOMAS of North Carolina. Let me ask the gentleman a question.

Mr. FITZGERALD. Certainly.

Mr. THOMAS of North Carolina. I understand the gentleman wants to send the resolution to the Committee on Accounts.

Mr. FITZGERALD. I beg the gentleman's pardon; I do not.

Mr. THOMAS of North Carolina. Where does the gentleman want to send it?

Mr. FITZGERALD. I should send it to the wastebasket [laughter], because it would make no difference what committee it went to or what committee reported it, or even if it passed the House when introduced by unanimous consent, it could not effect the purpose designed, and not a single dollar could be expended for that purpose under such a resolution.

Mr. THOMAS of North Carolina. If you send it to the wastebasket, that would be a very undignified and unparliamentary way of disposing of it.

Mr. FITZGERALD. It might be, but it would be a very effective method.

Mr. THOMAS of North Carolina. If the Committee on Accounts should take jurisdiction of the resolution instead of the Committee on the Library, under the rules of the House, as the gentleman from New York well knows, the Committee on Accounts can no more make an appropriation from the contingent fund than can the Committee on the Library, according to the view of the gentleman from New York.

Mr. FITZGERALD. Not according to my view, but according to the statutes and according to the law, which I have read for the information of the gentleman who took the trouble to tell us how carefully he had investigated the statutes covering this question.

Mr. BARTLETT of Georgia. Will the gentleman yield for a suggestion?

Mr. FITZGERALD. I will yield.

Mr. BARTLETT of Georgia. If I understand the gentleman from New York, his proposition is that the law now provides by an act of Congress, approved by the President, in what manner the payments shall be made out of the contingent fund of the House, and it is not competent for the House alone to pass a resolution to pay money out of the contingent fund in this way; but in order to do it the law must be changed like any other law, by concurrent action of the two Houses and approval of the President.

Mr. FITZGERALD. That is the contention I have been submitting. It seems to me, Mr. Chairman, that no committee can have jurisdiction of a resolution that will attempt to do something that will put it beyond our power to do. I am inclined to think, with the gentleman from North Carolina, that if this resolution could accomplish its purpose the committee in the first instance would have jurisdiction. My recollection is the Revised Statutes defines bills which are private bills, classifies certain bills as private bills. Under the rule it is only private bills, if erroneously referred and reported, that can be prevented from consideration by a point of order.

All other bills and resolutions, according to the third paragraph of the twenty-second rule, are introduced and referred by the Speaker, and an erroneous correction of such reference must be made in the way provided in the rule, and such bills, if reference be not corrected, can only be——

The CHAIRMAN. Will the gentleman from New York state what page he is reading from?

Mr. FITZGERALD. Page 420 of the Manual.

Mr. THOMAS of North Carolina. The gentleman surely does not contend that this is an erroneous reference?

Mr. FITZGERALD. I say I think if it should have been referred at all, I have no doubt it should have gone to the Committee on the Library.

Mr. THOMAS of North Carolina. Why is the gentleman side stepping the proposition in that way? He is reading the rules about erroneous references. This is not an erroneous reference. This resolution was properly referred to the Committee on the Library, and it ought to go, according to the gentleman's idea, to a committee that can make an appropriation.

Mr. FITZGERALD. But the gentleman does not understand the rule——

Mr. THOMAS of North Carolina. I understand the rule in regard to erroneous references. This has nothing to do with that.

Mr. FITZGERALD. Let me make my statement and I will see if the gentleman does. The rules provide that if a bill of a private nature be erroneously referred a point of order interposed either in the House or in the Committee of the Whole when it is called up for consideration prevents its consideration, and my recollection is that such an objection, if sustained, sends the bill to the appropriate committee. Now, that is the rule that the gentleman from Illinois [Mr. MANN] has invoked in this instance, contending that this is a bill of a private character. The rule also provides that all other bills, memorials, and resolutions shall be referred in a different way.

The CHAIRMAN. The Chair will inquire from the gentleman from New York [Mr. FITZGERALD] if he considers this a private resolution—the resolution now before the committee?

Mr. FITZGERALD. No; I think it is not. I believe the resolution comes under paragraph 3 of Rule XXII, which provides that "all other bills, memorials, and resolutions" may in like manner be delivered to the Speaker and by him referred, and that the rulings applicable to public bills apply to this resolution. So far as the reference itself is concerned by the Speaker, the bill was properly sent to the Committee on the Library, if it should have been sent anywhere, but since it would be utterly impossible to accomplish the purpose designed by this resolution, I wish to say that if the resolution should be held to be properly before the committee I shall raise the question of consideration, as I am convinced that the House has no desire——

Mr. MANN. It is too late to raise that question.

Mr. FITZGERALD. No; it is not. I am convinced that the House has no desire to pass a bill or a resolution which would be absolutely ineffectual to accomplish the purpose provided in the resolution.

Mr. OLMSTED. Mr. Chairman, the argument of the gentleman from New York [Mr. FITZGERALD] seems to me to be addressed rather to the merits of the resolution than to the point of order. Whether the resolution, if passed, would violate any provision of the Federal Constitution or any act of Congress is not for the Chair to decide on a point of order, but in the first instance for the House and then, it shall be passed, afterwards, if necessary, by the courts. Now, paragraph 54 of Rule XI provides that there may be referred to the Committee on Accounts matters touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts, which may be charged therein by order of the House. Paragraph 56 provides that there shall be referred to the Committee on the Library matters touching the Library of Congress, statuary and pictures. It clearly defines pictures as a subject-matter over which the Committee on the Library shall have jurisdiction.

The Committee on Accounts has no jurisdiction over pictures. It has been ruled over and over again that the Committee on the Library has jurisdiction over the subject of the purchase of pictures, and the rule expressly places that privilege and duty there. So it seems to me that the resolution was properly referred in the first instance. But over and above that, and more important, Mr. Chairman, is this proposition that this is not a private matter. The purchase of these portraits of these former Speakers is not private to those gentlemen who have passed and gone. It is a public matter for this House. If this is a private matter, it is the first private matter that I have ever been called upon to discuss in Committee of the Whole House on the state of the Union. It would be improperly here if it were a private matter. Now, this matter came up in the House, the House resolved itself into the Committee of the Whole House on the state of the Union, and we are here discussing this public matter. Now, for the first time, the question of jurisdiction is raised, that this ought to have been, in the first instance, referred to another committee; and I submit, Mr. Chairman, that that point of order comes too late.

The CHAIRMAN. The Chair is ready to rule.

Mr. MANN. I wish to submit a few remarks first, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Perhaps the Chair will change his mind. I did not claim that this was a private bill, and if the gentleman from Pennsylvania [Mr. OLMSTED] had listened to what was said he would have known that fact. I distinctly disclaimed that it is private. Whether it is a public resolution is another question.

I put my point of order upon the ground that under the law the expenditures out of the contingent fund of the House could only be for certain things and for matters approved by the Committee on Accounts, and that that law was binding on the House and binding on the Chair in the House, and that the House can not confer jurisdiction upon another committee of the House to appropriate money out of the contingent fund of the House. Now, whether that be correct or not I do not know. The point of order does not come too late, so far as being made at all is concerned. If a point of order can be made at all, it comes as soon as it can be made. This is the first opportunity of making the point of order. The House has automatically resolved itself into the Committee of the Whole House on the state of the Union without a motion. Now, whether no point of order can be made after the resolution is reported is the question before the Chair. Whether the reference of this resolution to pay out of the contingent fund of the House, contrary to the provisions of the statutes, which say that these payments shall be made and audited by the Committee on Accounts, whether that point of order can be made after the reference of the bill is the question, although the resolution, if passed, as contended by the gentleman from New York, might not be effective, it makes no difference. The question is on the reference to the committee where the rule provides that these accounts shall go through the Committee on Accounts.

The CHAIRMAN. Pending consideration by the committee of House resolution 163, the gentleman from Illinois [Mr. MANN] made a point of order as to the reference of the bill, which appears on its face to be one containing matter which might appropriately be referred to the Committee on the Library, and other matter which might be appropriately referred to the Committee on Accounts. It being a public resolution upon a public calendar, the Chair would rule that after the bill is reported it is too late to raise the question of jurisdiction as to reference. The gentleman from New York [Mr. FITZGERALD], and perhaps, too, the gentleman from Illinois, raises the point that the House may not by a resolution change the effect of existing law as it appears in the statutes, but the Chair would upon that point state that this would seem to be a question for the House to determine rather than the Chair. The Chair would therefore overrule the point of order made by the gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, I raise the question of consideration.

Mr. THOMAS of North Carolina. Mr. Chairman, does not that come too late?

Mr. BURKE of South Dakota. Mr. Chairman, I do not understand that the gentleman can raise the question of consideration at this time.

Mr. FITZGERALD. The bill has not been read and has not been considered, but the question of a point of order has been considered, and this is the time when the question of consideration can be raised to this bill.

Mr. PARSONS. Mr. Chairman, we have already gone into the Whole House on the state of the Union.

Mr. MANN. I call the attention of the Chair upon that proposition to the fact that there was no motion made to go into the Committee of the Whole House on the state of the Union and——

Mr. FITZGERALD. That makes no difference, even if there was a motion——

Mr. MANN. And this is the only method——

Mr. FITZGERALD. Even if it was necessary to make a motion to go into the Committee of the Whole House on the state of the Union——

Mr. OLMSTED. Does the gentleman from Illinois contend that we are not properly in the Committee of the Whole House on the state of the Union?

Mr. MANN. No; I do not. I contend we are properly in the Committee of the Whole House on the state of the Union, but there having been no opportunity to vote down a motion to go into the Committee of the Whole House on the state of the Union, the House must now have an opportunity in the committee to determine whether or not it will consider the bill. It is a well-recognized principle of parliamentary law that every parliamentary body has the right to determine that it will or will not consider a measure if it sees fit to do so.

Mr. OLMSTED. But, if the gentleman will permit, when the gentleman from South Dakota [Mr. BURKE] called up the bill, then the question of consideration could have been raised.

Mr. MANN. Not at all.

Mr. FITZGERALD. The Speaker has ruled that the House automatically goes into the Committee of the Whole House on the state of the Union. I call attention to this: If a motion was made to go into the Committee of the Whole to consider a bill on the Union Calendar, the practice has invariably been that the proper time to raise the question of consideration was when the bill was called up or moved for consideration in the House.

Mr. OLMSTED. Has not the bill been read the first time?

Mr. FITZGERALD. No; it has not.

Mr. CRUMPACKER. Will the gentleman permit a question? Is there a single precedent where the Committee of the Whole House on the state of the Union has authority to determine the question of consideration?

Mr. FITZGERALD. Yes; fifty precedents, and the Chair will get one in a minute, as soon as the gentleman at his right hand is able to locate it.

Mr. OLMSTED. One hundred Members constitute a quorum in the Committee of the Whole, and 51 might refuse for the House to consider the bill on that theory.

Mr. FITZGERALD. That is true, but if Members wish to have bills considered in the Committee of the Whole they must stay here just as they should in the House.

Mr. OLMSTED. Might not the question of consideration have been raised before the Chairman of the Committee of the Whole House on the state of the Union was appointed?

Mr. MANN. When was the opportunity?

Mr. OLMSTED. Right then.

Mr. MANN. Not at all.

Mr. CRUMPACKER. When the gentleman from South Dakota [Mr. BURKE] called it up for consideration.

Mr. MANN. He does not call it up to the House in any way except to call it to the attention of the Speaker, and the Speaker automatically orders the House into the Committee of the Whole House on the state of the Union under the rule. The matter is not before the House until it goes to the Committee of the Whole House on the state of the Union.

Mr. CRUMPACKER. The gentleman from South Dakota [Mr. BURKE] called the resolution up for consideration in the House.

Mr. MANN. He can not call it up for consideration in the House.

Mr. CRUMPACKER. He called it up for consideration, and, under the rule, it being on the Union Calendar, the House automatically resolved itself into the Committee of the Whole House on the state of the Union. If it had been necessary to make a motion to go into the Committee of the Whole, then the question of consideration would have been determined by the House on voting whether it should go into the Committee of the Whole House on the state of the Union, but the rule being automatic the question of consideration could have been raised in the same manner as if the bill were on the House Calendar by raising the question at the time the resolution was called up for consideration by the gentleman in charge of it.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. CRUMPACKER. I think not.

Mr. FITZGERALD. The Speaker, when he announced his ruling that the House could automatically go into the Committee of the Whole House on the state of the Union, made it impossible for any question to be raised. As soon as the bill is called up the Speaker declares the House as in Committee of the Whole House on the state of the Union. It has been the practice, when motions have been made to go into the Committee of the Whole House on the state of the Union to consider bills on the Union Calendar, to raise the question of consideration in the Committee of the Whole.

Mr. GAINES. The rule does not so apply.

Mr. FITZGERALD. The gentleman is going to cite a ruling that a motion to go into the Committee of the Whole House on the state of the Union is considered as determining the question of consideration. That is where the motion is made to go into the Committee of the Whole House on the state of the Union to consider a particular bill. It has been in order and it has been the practice for the House to resolve itself into the Committee of the Whole House on the state of the Union to consider bills on the Union Calendar and bills on the Private Calendar. The only time the question of consideration can be raised under such circumstances is when the bill is called up.

Mr. CRUMPACKER. Let me ask the gentleman what the House went into the Committee of the Whole House on the state of the Union for, except to consider this resolution? It was called to the attention of the Chair as being eligible to be called up on calendar day, and when the House went into the Committee of the Whole House on the state of the Union it then entered upon the consideration of the resolution, and having gone into the Committee of the Whole House on the state of the Union without objection, the Committee of the Whole House can not determine the question of consideration, because its only function is to consider the bill. It can not do any other business.

Mr. MANN. The opinion of the gentleman from Indiana is of great weight on any parliamentary proposition, but as long as he has been here and as long as he has lived and studied parliamentary law he has never seen a case where you raise the question of consideration when a bill was called up in the House which had to be considered in the Committee of the Whole prior to going into Committee of the Whole.

Mr. CRUMPACKER. I have never seen a case where the Committee of the Whole House has undertaken to assume jurisdiction to determine the question of consideration, because its duty, and its only duty, is to consider bills committed to it.

Mr. MANN. I have seen the question raised in Committee of the Whole.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York [Mr. FITZGERALD] raised the question of consideration. As to whether this may be the proper time or not, the Chair rules that this is the first opportunity on which the question could be raised. As touching the question of the effect of the raising of the point of order and the discussion of that proposition, the Chair reads now from the Index of the Digest as follows:

> A point of order which, if sustained, might prevent the consideration of the bill should be made and decided before the question of consideration is put.

The question of consideration, therefore, can be now considered and the question is, Will the committee consider the resolution?

The question was taken, and the committee determined to consider the resolution.

Mr. BURKE of South Dakota. I now ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. I now yield five minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, this resolution provides for the painting of the crayon portraits of ex-Speakers which today hang on the south wall of the corridor yonder. It provides that they shall be painted by artists selected by the Committee on the Library. More than one artist is to be selected to do the work, and the amount is limited to the total of $9,500, which shall be paid out of the contingent fund of the House. There are 19 ex-Speakers whose portraits have not been painted. Two of them are still living—Mr. Carlisle and our colleague, General KEIFER. It is desirable, if these portraits are to be painted, that they be painted now, not only because of the ex-Speakers still living, but because of those who are not living there are still living relatives who can inform the artists of their characteristics.

Mr. THOMAS of North Carolina. May I ask the gentleman a question?

Mr. PARSONS. Certainly.

Mr. THOMAS of North Carolina. This is a resolution to paint the portraits of the Speakers whose portraits we have now in crayon?

Mr. PARSONS. Yes.

Mr. THOMAS of North Carolina. Is not the scope of the resolution to paint the portraits of a number of the Speakers enumerated in the resolution?

Mr. PARSONS. They are all enumerated in the resolution.

Mr. THOMAS of North Carolina. I hope the gentleman will read the list of Speakers whose portraits are to be painted.

Mr. MANN. It will be read by the Clerk.

Mr. THOMAS of North Carolina. They are men from the North, the South, the East, and the West.

Mr. PARSONS. I will read the list if I may.

Mr. MANN. Will the gentleman yield to me?

Mr. THOMAS of North Carolina. I think it will be well to read the names of those who are mentioned in the bill.

Mr. PARSONS. I decline to yield for the present. The ex-Speakers whose portraits are now in crayon and whose portraits will be painted are James K. Polk, of Tennessee; Howell Cobb, of Georgia; John W. Davis, of Indiana; J. WARREN KEIFER, of Ohio; Robert M. T. Hunter, of Virginia; John G. Carlisle, of Kentucky; John White, of Kentucky; Andrew Stevenson, of Virginia; M. C. Kerr, of Indiana; Lynn Boyd, of Kentucky; Philip Barbour, of Virginia; John Bell, of Tennessee; Schuyler Colfax, of Indiana; Jonathan Dayton, of New Jersey; J. W. Jones, of Virginia; J. L. Orr, of South Carolina; Langdon Cheves, of South Carolina; Nathaniel Macon, of North Carolina; and William Pennington, of New Jersey.

Now I yield to the gentleman from Illinois.

Mr. MANN. In view of the situation with reference to the contingent fund, does not the gentleman think it would be wise to strike out of this resolution lines 10 and 11, which are the words, "Which sum shall be paid out of the contingent fund of the House of Representatives in payment thereof?"

Mr. PARSONS. Well, the appropriation bill for this year provides $75,000 for the contingent fund of the House, and it says for "miscellaneous items," and then other things. It seems to me that if the House passes this resolution, then this money can be paid out of that contingent fund under the head of "miscellaneous items."

Mr. MANN. Well, I will say to the gentleman that undoubtedly the auditor will have his attention called to this language of routine legislative work. Now, does the gentleman think that this is routine legislative work proposed to be paid for out of the contingent fund? He may find that it will not be done.

Mr. GAINES. What is the language of the statute the gentleman from New York read?

Mr. AUSTIN. I should like to ask the gentleman from New York how the artists are to be employed to do this work?

Mr. PARSONS. They are to be selected by the Committee on the Library.

Mr. AUSTIN. There are two former Speakers of this House from the State of Tennessee—James K. Polk and John Bell—who are affected by this resolution, and I should like to have the opportunity of submitting the names of some Tennessee artists.

Mr. PARSONS. I am not a member of the Committee on the Library, but I have no doubt they will have many names suggested to them, and I hope they will get the very best men obtainable.

Mr. GOULDEN. Does the gentleman think the appropriation of $9,500 is sufficient to pay for the painting of 19 portraits—$500 apiece?

Mr. PARSONS. The Committee on the Library are familiar with such questions, and I have no doubt they know what they are doing.

Mr. GOULDEN. I simply wanted to know whether the amount was considered sufficient.

Mr. BURKE of South Dakota. I yield to the gentleman from New York [Mr. OLCOTT] five minutes.

Mr. OLCOTT. In reply to the question of my colleague [Mr. GOULDEN] I will say I think there will be no difficulty whatever in getting superior artists to do this particular work. I know it has been discussed in art circles, and the most distinguished of the portrait painters will consider it a high honor to be selected to paint any one of these portraits.

Mr. GOULDEN. I suppose they will also regard it as an advertisement.

Mr. OLCOTT. I have no doubt of that.

Mr. GOULDEN. As something that will add to their reputations as artists?

Mr. OLCOTT. I have no doubt of that. It seems to me none of us can look at the south wall of the lobby without being more afraid of the eyes that stare out upon us than we ever have been of the eye of the "arbitrary Speaker" who now rules this House.

Mr. THOMAS of North Carolina. I only want to say a word. This bill was reported by the gentleman from Massachusetts [Mr. MCCALL]. My recollection is that the Committee on the Library was practically unanimous in favor of it. As has been stated by the gentleman from New York [Mr. OLCOTT], the work of replacing the crayon portraits of the Speakers in the lobby of the House by oil portraits can be done by first-class artists for the amount specified in the resolution.

It seems to me there is no question about the propriety of repainting these crayon portraits. All the portraits of the Speakers ought to be in keeping one with the other, instead of being, as they are now, some in oil and some in crayon. Among the crayon portraits to be replaced by oil are those of such distinguished men as James K. Polk, former President of the United States as well as Speaker of the House, an adopted son of Tennessee, but a native of my own State of North Carolina; the portrait also of John G. Carlisle, of Kentucky; of Howell Cobb, of Georgia; and of many other distinguished men of the Republic.

Mr. GOULDEN. I should like to ask the gentleman why the committee did not make the appropriation in the regular way, as they do in all other cases with which I am familiar, and not make this a charge on the contingent fund, when serious doubt exists whether the committee have authority to do that? Why did they depart from the usual rule or custom?

Mr. THOMAS of North Carolina. The chairman of the committee, the gentleman from Massachusetts [Mr. MCCALL], who is absent, could answer the question better than I can. From recollection, I will say I think the idea was that this was a matter which affected the Hall or lobby of the House, the membership of the House, the former Speakers of the House, and therefore it was proper to make this appropriation from the contingent fund.

Mr. GOULDEN. As a member of the Committee on Accounts, I seriously question the right of the Committee on the Library to make an appropriation from the contingent fund.

The CHAIRMAN. To whom does the gentleman from South Dakota [Mr. BURKE] yield?

Mr. BURKE of South Dakota. I understood the gentleman from North Carolina [Mr. THOMAS] to take the floor in his own right.

Mr. THOMAS of North Carolina. I did take the floor in my own right, and I yield four minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Chairman, I am heartily in favor of the resolution offered by the gentleman from South Dakota, and I feel that I would be derelict to my duty and to my constituency if I failed so to do.

I see the resolution provides for painting the portraits of three of Indiana's most distinguished sons—John S. Davis, Schuyler Colfax, and the Hon. Michael C. Kerr.

Mr. Chairman, I have the honor at this time of representing the district formerly represented by Mr. Kerr; unfortunately, however, for the district that it is not as ably represented to-day as it was then.

Mr. Kerr was born in 1826, of humble but splendid parents. They taught him early in life that spirit of independence and perseverance that always succeeds.

Long before he had reached the prime of life he was known and recognized as one of the greatest lawyers in the State of Indiana. A student, a thinker, and a worker, with these three traits of character fully developed nothing could prevent him from succeeding. He was elected to the Thirty-ninth, Fortieth, Forty-first, and Forty-second Congresses, and, although defeated for the Forty-third, he won a signal victory in the Forty-fourth Congress, and it was at the beginning of this Congress that he was elected Speaker of the House of Representatives.

Mr. Chairman, the name of Mike Kerr is still synonymous with power and strength in the old Third Congressional District of Indiana. [Applause.] His name is a family word, revered and respected by all. Having reached the second highest place in the Nation when still in the full prime of life, had he lived but a few more years, in my opinion, he would have reached the Presidency of the United States, a place for which he was eminently qualified.

Mr. Kerr died as a result of arduous work. Regardless of his own health, and looking to doing and performing his duty, which he believed he owed the public, he went to an early grave, respected and honored by all who knew him. [Applause.]

Mr. Chairman, both Mr. Davis and Mr. Colfax were great men. Both have left their imprint upon the Nation's history. Both were molders of public opinion, and both played their part and played it well in shaping up the policies of this great Republic of ours, and therefore, Mr. Chairman, it is with deep and profound pleasure that I indorse this resolution. The last tariff bill removed the duty on art, to the end that this priceless treasure may come in free of duty, and I know of no better place to begin to beautify than the Speaker's hall, where to-day is displayed the paintings of some of the greatest men our country ever produced, and along by their side I want to see the portraits of Indiana's three favorite sons as a token of recognition of the proud place my native State has occupied in this great lawmaking body. [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, I do not wish to say anything further myself, but I will reserve the balance of my time.

Mr. FITZGERALD. Mr. Chairman, anybody who has ever looked at the portraits hanging out in that lobby will appreciate the necessity of having some of them done over.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MANN. Does the gentleman think the portraits in the lobby are any worse, on an average, than the statues in the hall of horrors? [Laughter.] Will this be followed by a proposition to do those over?

Mr. FITZGERALD. Mr. Chairman, I decline to express my artistic views on that question until the question comes before the House. I am compelled to pass frequently in and out of the lobby of the House, and anybody with any artistic sense must be depressed at the thought that the portraits now there represent the highest and best expression of American art. So, I should willingly support a proper resolution to provide that these historic personages might be handed down to posterity in a manner becoming to men who occupied the high places which they did.

Under this resolution, however, it will not be possible to accomplish that very desirable end. I wish to incorporate into the RECORD the statute upon which I base that opinion. The act of February 14, 1892 (32 Stat. L., p. 36), provides:

> Hereafter appropriations made for contingent expenses of the House of Representatives or of the Senate shall not be used for the payment of personal services except upon express and specific authorization of the House and Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expense not intimately and directly connected with the routine legislative business of either House of Congress; and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

No one will contend that painting in oil of these portraits of former Speakers is business intimately and directly connected with the routine legislative business of the House of Representatives. So this money, even if this resolution be passed, I think, can not be paid out of the contingent fund.

Mr. PARSONS. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. PARSONS. At the Senate end of the Capitol there is a portrait of Senator Allison. Was not that paid for out of the contingent fund of the Senate?

Mr. FITZGERALD. I do not know.

Mr. PARSONS. There was no other appropriation for the payment of it.

Mr. FITZGERALD. I am informed by a member of the Committee on Accounts that in the last Congress a resolution was passed by the House providing that certain gentlemen who had been connected with the Committee on Ways and Means in the collection of information to enable that committee to undertake the preparation of a tariff bill were authorized to receive certain compensation for their services to be paid out of the contingent fund of the House, and the officers of the Treasury, construing this statute, refused to pass these accounts or to permit the payment——

Mr. BARTLETT of Georgia. If the gentleman will excuse the interruption, the disbursing officer of the House, guided by a decision rendered by Judge Lawrence, Comptroller of the Treasury, decided that such a resolution as that could not extend beyond the term of Congress, and therefore decided not to pay for the services that were rendered after Congress had adjourned.

Mr. FITZGERALD. And they subsequently were provided for in an appropriation bill. It seems to me, Mr. Chairman, in the face of the express statute that no expenses can be paid out of the contingent fund except for business intimately and directly connected with the routine legislative work of the House, that it is absurd for this House to pass a resolution providing for the payment of services of artists in painting these portraits. It seems to me that if we desire to have these portraits painted provision should be made in a proper manner and in a manner that would not result in the artists being unable to obtain their money after they had finished their work. The passage of this resolution confers no power on the Committee on the Library to have any money paid to anyone, and it simply will mislead men who in good faith may render the services asked. It is so easy to have a proper resolution or bill reported providing for the payment of these services that it seems to me the committee ought not to ask the House to pass this particular resolution.

Mr. SULZER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SULZER. Does this bill provide what artists shall paint these portraits?

Mr. FITZGERALD. No.

Mr. SULZER. How are they to be selected?

Mr. FITZGERALD. The Committee on the Library is authorized to select the artists.

Mr. SULZER. How will these artists be paid? Who will pay them?

Mr. FITZGERALD. They are to be paid out of the contingent fund.

Mr. SULZER. Whatever is agreed on by the Committee on the Library?

Mr. FITZGERALD. The limit is $9,500.

Mr. SULZER. For how many portraits?

Mr. FITZGERALD. Nineteen.

Mr. SULZER. That is a pretty cheap price, it seems to me, for good work by well-known and experienced portrait painters.

Mr. FITZGERALD. Well, we have taken the duty off art, and this is one illustration, I suppose, of prices not increasing as a result of the removal of the duty in the recent tariff act. [Laughter and applause.]

Mr. SULZER. It is not intended, I hope, to have artists from foreign countries paint these portraits.

Mr. FITZGERALD. If the American artists can not do any better in oil than those who have made the crayon portraits have done in crayon, then I shall be compelled to advocate the employment of some other artists than those of home production.

Mr. SULZER. Well, I think there are better artists in the United States now than in those days.

Mr. FITZGERALD. I have no doubt about that. I am quite convinced that my colleague and myself can supply artists who, for a very moderate compensation, would be willing to adorn the lobby with the portraits of former Speakers that would be a delight to the Members and a credit to the country. I simply desire, Mr. Chairman, to call attention to this statute, because I feel that in the face of it it is futile to pass this resolution.

Mr. THOMAS of North Carolina. Mr. Chairman, I do not think this statute applies. The language of this statute is as follows:

> For the payment of "personal services" except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered.

That is distinct and specific, specifically applicable only to personal services. Now, the statute goes on as follows:

> Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress.

"Such appropriations" shall be used only for such things as are intimately and directly connected with either branch of Congress, but "such appropriations" refers back to personal services; that is to say, you can not have from the Committee on Accounts a resolution to pay a clerk or a messenger or anything else which is not intimately and directly connected with the business of the House, but that is not conclusive of the right and the power of the House of Representatives to appropriate money from its contingent fund to paint the portraits of Speakers or to do anything else that the House of Representatives thinks right and proper.

Mr. MANN. Mr. Chairman, the statement of the gentleman from North Carolina [Mr. THOMAS] and the reasoning of the gentleman is hardly borne out by the provisions of the law. In the legislative appropriation act for 1902 there is found this provision:

> For miscellaneous items, exclusive of labor, $20,000.

That is an appropriation, and here is a legislative provision attached to it:

> *Provided*, That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered.

Mr. PARSONS. Under that provision——

Mr. MANN. Let me read it——

Mr. PARSONS. No; under that provision——

Mr. MANN. Oh, I am like the gentleman himself was a while ago when he declined to yield. I will yield when I read this:

> Nor shall such appropriations be used—

And that refers to appropriations for contingent expenses, and it took the fanciful imagination of the gentleman from North Carolina [Mr. THOMAS] to make it read in any other way—

> Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

Now I yield to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Under that paragraph, is not the law in two parts, one in regard to payment for services and the other in regard to payment for expenses? Now, the painting of these portraits will be personal services, and under the first clause in the paragraph they can be paid for out of the contingent fund of the House if the House authorizes it.

Mr. MANN. Oh, not at all. This is a payment for material, not personal services; a payment for oil paintings.

Mr. FITZGERALD. The gentleman is not familiar with how the contingent fund is used. It is used to pay personal services, and it is used for the purpose of obtaining certain things essential to the transaction of the business of the House. Whenever personal services are to be paid for, it requires a direct order of the House, but certain other materials can be purchased by certain officers of the House without an order of the House.

Mr. MANN. But the limitation for what purpose this money can be expended applies to every kind of expenditure, personal or otherwise. It is, first, the personal services can only be paid upon express authorization of the House, and then the provision—

Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of the House—

And so forth.

If the gentleman from New York or anyone else can draw language more specific than that, I will take off my hat, and everybody else in the House will do the same.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

House resolution 163.

Resolved, That the Committee on the Library of the House of Representatives is hereby authorized and directed to employ artists of reputation and ability to paint 17 oil portraits of the following ex-Speakers of the House of Representatives, to be substituted for the crayon portraits which are now hanging in the lobby of the House of Representatives; and the sum of $8,500 is hereby appropriated out of the contingent fund of the House of Representatives in payment therefor: J. K. Polk, Tennessee, Twenty-fourth and Twenty-fifth Congresses; Howell Cobb, Georgia, Thirty-first Congress; John W. Davis, Indiana, Twenty-ninth Congress; J. WARREN KEIFER, Ohio; Robert M. T. Hunter, Virginia; John G. Carlisle, Kentucky; John White, Kentucky, Twenty-seventh Congress; Andrew Stevenson, Virginia, Twentieth, Twenty-first, Twenty-second, and Twenty-third Congresses; M. C. Kerr, Indiana; Lynn Boyd, Kentucky, Thirty-second and Thirty-third Congresses; Philip Barbour, Virginia; John Bell, Tennessee, Twenty-third Congress; Schuyler Colfax, Indiana, Thirty-eighth, Thirty-ninth, and Fortieth Congresses; Jonathan Dayton, New Jersey, Fourth and Fifth Congresses; J. W. Jones, Virginia, Twenty-eighth Congress; J. L. Orr, South Carolina, Thirty-fifth Congress; Langdon Cheeves, South Carolina, second session Thirteenth Congress.

The committee amendments were read, as follows:

In line 5 of page 1 strike out the word "portraits" and insert in place thereof the words "or other portraits not in oil;" in lines 7 and 8 of the same page strike out the words "and the sum of $8,500 is hereby appropriated" and insert in place thereof the words "at a total cost of $9,500, which sum shall be paid;" in line 9 of page 2, after the word "Congress," add the words "Nathaniel Macon, Seventh, Eighth, and Ninth Congresses; William Pennington, Thirty-sixth Congress."

Mr. CLAYTON. Mr. Chairman, I move to amend the bill by striking out the word "ex-Speakers" and insert in lieu thereof the words "former Speakers." I make this motion in the interest of better expression.

Mr. BURKE of South Dakota. Mr. Chairman, let the committee amendments be disposed of first.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment: In line 3, page 1, strike out the word "seventeen" and insert the word "nineteen."

The question was taken, and the amendment was agreed to.

Mr. CLAYTON. Now, Mr. Chairman, I move to strike out the word "ex-Speakers," line 4, page 1, because that hyphenated word is an indefensible vulgarism, and I move to insert in lieu thereof the words "former Speakers," in order that we may improve the English of the bill. I do not think this House ought to embody into legislation a bad or inaccurate expression, and I think the term "former Speakers" is better than "ex-Speakers."

Mr. BURKE of South Dakota. There is no objection, Mr. Chairman, to the amendment that is suggested.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in lines 9, 10, and 11, the words:

Which sum shall be paid out of the contingent fund of the House of Representatives in payment therefor.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, lines 9, 10, and 11, strike out the following words: "Which sum shall be paid out of the contingent fund of the House of Representatives in payment therefor."

The CHAIRMAN. The question is on the adoption of the amendment. The noes seem to have it——

Mr. PARSONS. What is the effect of that amendment?

Mr. MANN. Mr. Chairman, was that question put to the committee?

The CHAIRMAN. Without objection, the Chairman will repeat the amendment. The question is on the——

Mr. MANN. Mr. Chairman, just a moment. I had the floor and had not yielded the floor. The gentleman from New York was asking me a question. I now yield to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. I asked what the effect would be of the amendment which the gentleman from Illinois has offered striking out the words in lines 9, 10, and 11:

Which sum shall be paid out of the contingent fund of the House of Representatives in payment therefor.

Mr. MANN. The effect would be, so far as the House action is concerned, to authorize the Committee on the Library to employ somebody to make these paintings. Whether it would be sufficient authority to make in order an item on an appropriation bill I do not undertake to say.

But I apprehend that the Committee on Appropriations would take it as a direction from the House and include some item, possibly not the entire amount at one time, in the appropriation bill. It is perfectly patent that this money will never be paid out of the existing contingent fund of the House. The gentleman will readily admit that these 19 oil portraits will not be made during the current fiscal year. Now, as it reads it is also perfectly patent, I think, that it can not be paid at all, because it is not for routine work of the House; it is not connected with the legislative work of the House; and the auditor will refuse to pay. But we will be in this position: The Committee on the Library will go ahead and engage some artist to make these paintings. It is doubtful whether they will be able to obtain information or a ruling upon the subject until the bill is presented for payment, and then the gentlemen may be in the position of having, without any authority of law whatever, employed some artist to do some work for the House of Representatives and taking their chances on having the House pay the bill without authority of law and perhaps be required to pay it out of their own personal funds.

Mr. PARSONS. Would not there be just as much authority of law as there would be if your amendment was adopted?

Mr. MANN. There would be except for this, that if the amendment I have suggested is adopted it becomes practically a direction to the Committee on Appropriations to include in the sundry civil appropriation bill or the deficiency appropriation bill an item of expenditure for this purpose, and when that money is appropriated no question can arise in regard to its expenditure, and the only question that can arise will be, if the Committee on Appropriations reports such an item, as to whether it is in order if some one raises the point of order.

Mr. BURKE of South Dakota. I would ask the gentleman if the House does not frequently appropriate money out of the contingent fund to pay the funeral expenses, and a sum of money equal to six months' salary, of employees who die while they are in the employ of the House?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. Now, under what authority does the House do that if they can not pay for the purposes for which this resolution provides?

Mr. MANN. That is a part of the compensation of the employees of the House, and plainly connected with the routine legislative work of the House.

Mr. BURKE of South Dakota. Mr. Chairman, it is not a part of their compensation. It is a mere gratuity—six months' salary to some person not in the employ of the House, but related to some person who was at some time employed in the House.

Mr. MANN. It is treated as a part of the compensation of the employees, and is well understood to be a part of the contract of employment. If any employee of the House dies, funeral expenses are paid, and his dependent people obtain six months' salary, and that is the only justification of it, either in morals or law.

Mr. BURKE of South Dakota. If the gentleman will permit me, it seems to me that if the House is authorized to pay money for funeral expenses and permits the salary of an employee for six months after his death to be paid to his dependents, or the expenses of a committee of the House which may attend a funeral, that certainly it would have authority to pay out of

the contingent fund for painting the portrait of a Member of this House as well as some who are not now Members, but were at some former time.

Mr. MANN. Does the gentleman think that the House pays the funeral expenses of a committee of the House to attend the funeral of some man who was a Member of the House years ago and not now a Member of the House?

Mr. BURKE of South Dakota. If he had a funeral perhaps they might do so.

Mr. MANN. Perhaps they might pass a resolution, but they would not get the money out of the contingent fund, because the account would not be audited. However, if the gentleman is satisfied with the resolution in its present shape, I shall not quarrel about it, because I doubt the expediency of painting the portraits, and I am very sure they will never be painted under this resolution unless they are paid for by the Committee on the Library.

Mr. BURKE of Pennsylvania. Do I understand the gentleman from Illinois to draw this distinction: That this resolution provides not for the hiring of men to perform a certain duty for which they will be paid for their services, but that it provides for the purchase of materials for the furnishment of the corridors of this House?

Mr. MANN. I do not know such distinction, because it does not make any difference which it is. It can only be paid in connection with the ordinary routine legislative business of the House.

Mr. BURKE of Pennsylvania. I understood the gentleman to say, in connection with the reading of the statute, that if it were for the payment of personal services, the resolution would be in order.

Mr. MANN. Well, the gentleman misunderstood me, because I said nothing of the kind.

Mr. BURKE of Pennsylvania. Would the gentleman still hold that if the resolution specifically provided for the payment of services rendered in connection with the decoration of this House or the painting of this House that it would be out of order and improper to pay for it out of the contingent fund of the House?

Mr. MANN. Why, I think the House does not pay anything of that sort out of the contingent fund of the House, and has no authority to pay it out of that fund. Doubtless the House can employ an artist as one of its officials to do anything, and pay the salary of the artist out of the contingent fund of the House. They can call him a "janitor" or a "sweeper," or, possibly, an "artist;" I do not know; but that is not the proposition.

Mr. BURKE of Pennsylvania. Well, I want to lead up to it, if the gentleman will allow me.

Mr. MANN. Certainly.

Mr. BURKE of Pennsylvania. If the House has power to employ an artist permanently, it has power to employ him temporarily for the purpose indicated. If the House has power to employ an artist for decoration, and he decorates the corridors——

Mr. MANN. But it has not the power to employ an artist to decorate the House. The House can not do that out of the contingent fund. The House would make an appropriation in the sundry civil appropriation bill for that very reason—because this item can not be paid for out of the contingent fund of the House—and it was for the reason that there had been some things paid out of the contingent fund of the House that this provision was put in the law of 1892.

Mr. BURKE of Pennsylvania. But I understand that the gentleman states that the House may employ an artist and give him whatever title it sees fit.

Mr. MANN. It may elect an artist to Congress, for aught I know. I do not know whether it has, unless the gentleman from Pennsylvania is one.

Mr. BURKE of Pennsylvania. I am sure they elected one in the gentleman from Illinois.

Mr. MANN. Or if the gentleman is not an artist, he would make a good model for an artist to paint a handsome gentleman. [Cries of "Ah!"]

Mr. THOMAS of North Carolina. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from North Carolina will state his point of order.

Mr. THOMAS of North Carolina. Is the gentleman from Illinois to be recognized for five minutes? Is that the parliamentary status?

The CHAIRMAN. His time was extended for a further period of five minutes, of which one minute remains.

Mr. COX of Indiana. As I understand the gentleman from Illinois, his motion was made for the purpose of strengthening the resolution.

Mr. MANN. That is the purpose.

Mr. COX of Indiana. And the gentleman believes that passing the amendment will not involve the passing of the resolution and will justify the committee in going ahead and having this painting done?

Mr. MANN. It will justify putting an appropriation on an appropriation bill for that purpose.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to ask the gentleman from Illinois a question.

Mr. MANN. I yield to the gentleman.

Mr. BURKE of South Dakota. I wish to ask the gentleman if he has any doubt in his mind if this resolution passes in the terms in which it is now but what the portraits will be painted and fully paid for?

Mr. MANN. I think they will never be either painted nor paid for under this resolution. It may be done. Some future Congress may pay for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to ask the gentleman in charge of this bill whether provision has been made for painting the portraits of two distinguished former Speakers of the House that came from the State of Pennsylvania, one Galusha A. Grow and the other from my own district, Samuel J. Randall. I do not find their names in this resolution.

Mr. THOMAS of North Carolina. Mr. Chairman, Speaker Galusha A. Grow was not included, because his portrait is already painted in oil.

Mr. MOORE of Pennsylvania. The portrait is already in oil?

Mr. THOMAS of North Carolina. Yes; and so is the portrait of Speaker Randall, of Pennsylvania.

Now, Mr. Chairman, I hope the amendment of the gentleman from Illinois, striking out the appropriation from the resolution, will not be adopted. The question in regard to whether the accounting officers of the Treasury will order paid the money for the purpose of painting the portraits of the former Speakers now in crayon the accounting officers may decide hereafter. The question now is this: The resolution having been reported by the Committee on the Library, the Committee on the Library having jurisdiction, does the House want the crayon portraits replaced by oil paintings or not? If the House does so vote and this resolution is adopted, I believe with the gentleman from South Dakota that the resolution will have the force and effect of law; and the will of the House being so expressed, the painting of these portraits will be an accomplished fact. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Illinois [Mr. MANN], which the Clerk will report.

The Clerk read as follows:

On page 1, in lines 9 and 10, strike out the words "which sum shall be paid out of the contingent fund of the House of Representatives in payment therefor."

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I am in favor of this amendment. I am not opposed to the resolution, or to the proposition contained in it, when properly presented. I notice in the list of names of ex-Speakers whose oil portraits are to be painted is that distinguished son of Georgia, Howell Cobb, who was at one time Secretary of the Treasury and at another time Speaker of this House.

But as a member of the Committee on Accounts of this House, which committee is charged with the duty of presenting resolutions for the payment of necessary expenses of the House out of the contingent fund, and being somewhat familiar with the law upon this subject, I do not believe that this resolution, if passed in the shape that it is, would be effective, or that the portraits would be painted.

Repeatedly since the expenditures of the Government became more than its revenues we have been told that there are many things of which the House stands in need, which can not be appropriated for out of the contingent fund because of the necessity for economy. There is no necessity to encroach upon the contingent fund in order to pay for the painting of these portraits. If the House determines that it is necessary, let the House have the manhood to say so and pass the resolution in the proper shape, and pay the money as it pays all other items of appropriations—in the way authorized by law and in accordance with the rules.

I have simply made this statement with a view to calling the attention of the House to the condition of the contingent fund and the necessity for protecting that fund in order to carry on the business of the House; and it is a bad precedent to establish, if gentlemen who desire appropriations can not get them in the regular way, to invade the contingent fund of the House, which fund is by law set apart for the House

to do certain things for its own convenience and in the transaction of the public business. It is a bad precedent to pass a resolution like this, to pay for work like this out of the contingent fund. Let it be paid for as it should be paid for—out of the general fund of the United States.

Mr. BURKE of South Dakota. I wish to be heard on the amendment offered by the gentleman from Illinois. It is manifestly for the express purpose of defeating this resolution. What has transpired here? First, the gentleman from Illinois raised the question of reference. Then he raised the question of consideration. Now he is concerned for fear, if we pass the resolution, the artists employed by the Committee on the Library can not be paid. It seems to me it must be apparent to every Member of this House that the purpose of this amendment is to defeat the resolution and not to correct it. I hope that the amendment offered by the gentleman from Illinois will not prevail, and I think I can say there is no doubt that if the resolution does pass in its present form this work will not only be done, but it will be paid for out of the contingent fund of the House.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was rejected.

Mr. BURKE of Pennsylvania. I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 8 and 9, page 1, strike out "at a total cost of" and insert in line 9, before the word "nine," the words "who shall be paid not exceeding," and after the word "dollars," in the same line, insert "for such services."

Mr. FITZGERALD. Let it be reported so that it will read as amended.

Mr. BURKE of Pennsylvania. I ask that the amendment be reported as it will read if adopted.

The Clerk read as follows:

Resolved, That the Committee on the Library of the House of Representatives is hereby authorized and directed to employ artists of reputation and ability to paint 17 oil portraits of the following ex-Speakers of the House of Representatives, to be substituted for the crayon or other portraits not in oil which are now hanging in the lobby of the House of Representatives, who shall be paid not exceeding $9,500 for such services.

Mr. BURKE of Pennsylvania. The objection of the gentleman from Illinois and the gentleman from New York seems to me to be a very meritorious one. I do not think there is a gentleman in this body who is not in favor of the purpose of this resolution, but there is a very serious question as to whether or not its purpose will be effected by the passage of the resolution in its present form. That being the case, I believe, Mr. Chairman, that the modification suggested in my amendment will enable the disbursing officer of the House and the accounting officers of the Treasury to pay out this money without any question whatever.

The objection of the gentleman from New York and the gentleman from Illinois is substantially this—that under the act of 1892 this money could not be paid out if it is in the nature of an expenditure for supplies or the purchase of anything but personal service. The gentleman from Illinois admitted very properly that the House of Representatives could employ artists for any purpose and give them any designation or title it deems proper.

The purpose of the resolution as reported by the Library Committee provides upon its face virtually for the purchase of 17 oil paintings. It is true that in the third line of the resolution the words "employ artists" appears, but in a subsequent line of the resolution pertaining to the hanging of the portraits it provides for an appropriation to defray the cost of the portraits, not to pay for the services. Now, the gentleman from Illinois has properly drawn the distinction that we may appropriate and pay out the money for the services, but not for the purchase of paintings. My amendment provides that the House of Representatives may employ artists for the specific purpose, as its own servants, and pay for their services, not for the purpose of purchasing the portraits, but to pay for the services of the men, and that the money shall be paid out of the contingent fund of the House, over which we have control. If that amendment is adopted there can not be any question but that the accounting officers of the Treasury will pay it. I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I want to call the attention of the gentleman from South Dakota to the fact that in line 12 the name of Langdon Cheves, of South Carolina, is not spelled right, and if we are going to have markers on these portraits, as I suppose they will, the name ought to be spelled correctly.

Mr. BURKE of South Dakota. What is the correction?

Mr. CLARK of Missouri. One of the e's in Cheeves should be stricken out. It ought to be Cheves instead of Cheeves. Mr. Chairman, I offer that amendment.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. AUSTIN. Mr. Chairman, I want to offer an amendment.

SEC. 2. That the original crayon portraits shall be offered to the States from which the respective Speakers were elected.

I do not think there can be any possible objection to that.

Mr. THOMAS of North Carolina. I think that might be done under another resolution.

Mr. BURKE of South Dakota. That is a matter for some subsequent Congress to dispose of after this work has been done.

Mr. AUSTIN. But it may require considerable effort to get it through.

Mr. BURKE of South Dakota. Oh, I think there will be no trouble about that. Mr. Chairman, I move that the committee do now rise and report the resolution with amendments to the House, with the recommendation that the amendments be agreed to, and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. WASHBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 163, providing for the painting of certain portraits of former Speakers of the House, had agreed to certain amendments, and instructed him to report the same back to the House with the recommendation that the amendments be agreed to and the resolution as amended do pass.

Mr. BURKE of South Dakota. Mr. Speaker, I move the previous question on the resolution and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is there a demand for a separate vote on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

MONUMENT TO BRIG. GEN. JAMES SHIELDS.

Mr. BURKE of South Dakota. Mr. Speaker, I now call up the bill (H. R. 11580) for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo.

The SPEAKER. This bill being on the Union Calendar, the House will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PEARRE in the chair.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. COX of Indiana. Mr. Chairman, I object. Let us hear the bill.

The CHAIRMAN. The gentleman from Indiana objects. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a suitable monument to be erected over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, at Carrollton, Mo.; and for this purpose the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

With the following amendment:

Strike out all after the word "Missouri" and insert "not to exceed in cost the sum of $3,000."

Mr. BURKE of South Dakota. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Chairman, I want to say very briefly that the bill now under consideration authorizes the Secretary of War to cause to be erected a monument at the grave of General Shields, in St. Mary's Cemetery, in the city of Carrollton, Mo., at a cost of not to exceed $3,000. General Shields was a hero in two wars and stands alone in enjoying the unique distinction among all of the statesmen of this country of having been the only man to represent three different

States of the Federal Union in the Senate of the United States. He died many years ago in the city of Carrollton a very poor man. His remains now lie in St. Mary's Cemetery, in that city, in an unmarked grave. This is enough.

Realizing that the House does not want to be detained, I shall not take any further time. I sincerely hope the measure will pass without discussion or delay.

Mr. COX of Indiana. In what wars did he participate?

Mr. RUCKER of Missouri. In the Mexican and in the civil war.

Mr. COX of Indiana. And what States did he represent in the United States Senate?

Mr. RUCKER of Missouri. The States of Illinois, Minnesota, and Missouri.

Mr. CRUMPACKER. General Shields's statute is now in Statuary Hall, is it not?

Mr. RUCKER of Missouri. Yes.

Mr. CRUMPACKER. Placed there by the State of Illinois?

Mr. RUCKER of Missouri. Yes.

Mr. CRUMPACKER. How long did General Shields reside in the State of Missouri?

Mr. RUCKER of Missouri. I am not prepared to answer that question.

Mr. CRUMPACKER. When did he represent that State in the Senate?

Mr. CLARK of Missouri. I will state that he was sworn in on the 24th day of January, 1873, and served until the 3d of March of that year.

Mr. RUCKER of Missouri. He served a very short time from that State.

Mr. CLARK of Missouri. He served thirty-nine days as the Senator from the State of Missouri, six years from Illinois, and two years from Minnesota.

Mr. KEIFER. Was he not a doorkeeper or Sergeant-at-Arms of this House or the Senate after he was a Senator?

Mr. RUCKER of Missouri. That might be; I do not know.

Mr. KEIFER. He was one or the other after he was Senator.

Mr. BURKE of South Dakota. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, the State of Kansas feels a joint interest with the State of Missouri in the erection of a monument to General Shields. The movement to put up this monument to his memory originated with a few of his old comrades in arms who live in the city of Topeka, Kans. Some of those men happened to be in Missouri at the town of Carrollton and found that this old hero was sleeping in an unmarked grave. They asked me if I would introduce a bill to appropriate money to erect for him a suitable monument. I did so in the last Congress. I found that my colleague, the gentleman from Missouri [Mr. RUCKER], was also interested in the matter, and as the burial place of General Shields is in his district I have supported his bill and am cooperating with him in the passage of this legislation.

I want to say that General Shields possesses a truly remarkable military history. He is the only Union general who has to his credit the record of defeating the celebrated confederate general, Stonewall Jackson, in battle, and I want to say that I believe if General Shields had been continued in the command of the Union Army in the Shenandoah Valley in the early stages of the civil war, he would have been——

Mr. MACON. Mr. Chairman, I would like to ask the gentleman where he finds authority for such history as that. I do not believe any man on earth ever defeated Stonewall Jackson. [Laughter.] Dig up the history, I want to see it.

Mr. ANTHONY. I regret that the gentleman from Arkansas is not well posted in American military history.

Mr. MACON. I would like to have the gentleman point out the history that teaches that Stonewall Jackson was ever defeated in battle by anyone.

Mr. ANTHONY. It is true, nevertheless. And I want to say that I do not detract one word from the great military record of Stonewall Jackson in making the remarks that I did. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a suitable monument to be erected over the grave of Brigadier-General James Shields in St. Mary's Cemetery, at Carrollton, Mo.; and for this purpose the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendment was read, as follows:

In line 6 strike out all after the word "Missouri" and insert in place thereof the words "not to exceed in cost the sum of $3,000."

The committee amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise, and that the chairman be authorized to make a favorable report to the House upon the bill and the amendment thereto.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PEARRE reported that the committee had had under consideration the bill H. R. 11580 and had directed him to report the bill with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE ON PRINTING.

The SPEAKER. The Clerk will call the next committee

When the Committee on Printing was called,

Mr. COOPER of Pennsylvania. Mr. Speaker, I call up Senate concurrent resolution No. 23, and ask unanimous consent that the same may be considered in the House——

The SPEAKER. The gentleman from Pennsylvania calls up the following Senate concurrent resolution, the title of which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 23, providing for the printing of the proceedings relative to the acceptance of the statue of George Laird Shoup from the State of Idaho.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent that this resolution may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Senate joint resolution may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the concurrent resolution.

The Clerk read as follows:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late George Laird Shoup, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the Senators and Representatives in Congress from the State of Idaho.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable copper-process plate of the statue to be bound with these memorials.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question. I notice the resolution reads "Senators and Representatives in Congress." I suppose it would be fair for the House to take official notice of the fact that there is only one Representative from the State of Idaho.

Mr. COOPER of Pennsylvania. I had not observed that. There is only one Representative from the State of Idaho, while there are two Senators. There is no objection to an amendment.

Mr. MANN. Then, I move to strike out the letter "s" in the word "Representatives," in line 9, at the end of the word.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, strike out the final "s" in the word "Representatives."

The SPEAKER. Is there objection?

Mr. COOPER of Pennsylvania. There is no objection to the amendment.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

DISPOSITION OF USELESS PAPERS.

The SPEAKER. The Clerk will call the next committee.

When the Joint Select Committee on Disposition of Useless Executive Papers was called,

Mr. BATES. Mr. Speaker, I ask that House Calendar reports Nos. 3, 5, 13, 138, and 205 be stricken from the calendar and laid upon the table. I will say, Mr. Speaker, that the reports have been carried out in a bill from the committee and no action of the House is necessary.

The SPEAKER. The gentleman from Pennsylvania, the Chair takes it, asks unanimous consent that the reports referred to by him be laid upon the table. Is there objection? [After a pause.] The Chair hears none.

COMMITTEE ON THE JUDICIARY.

The SPEAKER. The Clerk will call the next committee.

When the Committee on the Judiciary was called,

Mr. PARKER. Mr. Speaker, I call from the Union Calendar, calendar No. 29, Senate bill 821, to provide for the appointment of an additional judge in and for the district of Maryland.

The SPEAKER. The gentleman from New Jersey calls up the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 821) to provide for the appointment of an additional district judge in and for the district of Maryland.

Mr. PARKER. And, Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the first paragraph of the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the district of Maryland, by and with the advice and consent of the Senate, who shall reside in said district and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I quite agree with the gentleman in charge of the bill and others about the desirability of passing this bill, but I remember a few years ago we passed a bill identical to this in relation to the southern district of Ohio, and the statement was then made and incorporated in the law that if we provided for an additional new judge that when the then judge upon the bench deceased there would be a vacancy not to be filled. I notice also that the distinguished Committee on the Judiciary, which gave that assurance at that time, just as soon as they learned of the death of the former judge in Ohio reported in a bill to create an additional judge to take his place.

I would like to know if the gentleman can give us any idea whether the same course is to be pursued in reference to this Maryland judge. I am informed that, while this bill is a proper bill, there is no occasion for two judges in Maryland fully capacitated and qualified.

Mr. PARKER. The answer is very easy. If the business in Maryland remains as it is there will be no need for any extra judge. If it grows as Ohio has grown, there may be in the future such a need. However, it is not so now.

Mr. MANN. Let me ask the gentleman, Is the business in the southern district of Ohio more than it was when we passed that bill before?

Mr. PARKER. I so understand it.

Mr. MANN. And it is very evident that the moment we provided another judge there, and had two judges, that the two were unable to transact as much business as one judge did before.

Mr. PARKER. I protest against the discussion of the Ohio case now. It has nothing to do with this.

Mr. MANN. It has a good deal to do with the case. The gentleman can make the point of order if he wants to do so.

Mr. PARKER. I do not make a point of order against the gentleman from Illinois. That is his prerogative.

Mr. MANN. We will let the Chair decide that matter.

When the gentleman brings these propositions before the House, if they intend to create an additional judge there ought to be that intention expressed in the bill.

Mr. PARKER. It is not the intention to create an additional judge.

Mr. MANN. I will say to the gentleman, the chairman of the Committee on the Judiciary, that it will not be two weeks before he will bring in a bill if the judge should retire.

The Clerk read as follows:

SEC. 2. That no vacancy in the office of the existing district judge of said district of Maryland shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

SEC. 3. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however*, That in case the said two district judges do not agree the senior circuit judge of the fourth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

Mr. COX of Indiana. Mr. Speaker, I move to strike out the last word. I desire to elicit some information.

Mr. PARKER. I do not think there is need to say anything more about this. Judge Morris, of Maryland, is now very old. He is able to retire, and he would have his full salary after retirement. He is willing to remain on the bench in order to aid the new judge by going on with his duties. He is not able to do the whole work of the district, for, although he is 73, he is not able to do extra work at night. There is no loss to the United States by appointing a new judge and allowing this judge, who is one of the most respected men on the bench of the United States, to continue his duties.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. PARKER. Yes, sir.

Mr. COX of Indiana. Will the addition of this new judge create any additional charge upon the Treasury?

Mr. PARKER. None whatever, because he would have to retire and would take $10,000 for his retired salary.

Mr. COX of Indiana. Will it not be a fact that they will both be serving at the same time?

Mr. PARKER. He takes his salary as a retired judge.

Mr. COX of Indiana. Why did he not retire? The gentleman has no doubt, has he, but that one judge is abundantly able to handle all the business in the State of Maryland?

Mr. PARKER. None whatever.

Mr. COX of Indiana. And it is the intention of the committee to only create one judge?

Mr. PARKER. That is all. As soon as he retires there will only be one judge.

The SPEAKER. The question is on the third reading and passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

ADDITIONAL DISTRICT JUDGES IN OHIO.

Mr. PARKER. Mr. Speaker, I call up the bill (S. 1043) providing for the appointment of an additional district judge in and for the northern district of the State of Ohio and the southern district of Ohio, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The title was read, as follows:

A bill (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard. Under the rule, the House is in Committee of the Whole House on the state of the Union, and the gentleman from West Virginia [Mr. GAINES] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Senate bill 1043, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

Be it enacted, etc., That there shall be in the northern judicial district of the State of Ohio an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall possess the same qualifications and have the same power and jurisdiction and whose term of office and compensation shall be the same as now prescribed by law in respect to the present district judge therein.

The amendments recommended by the committee were read, as follows:

Amend the title of the bill by inserting after the word "northern" the words "and southern," and add the letter "s" to the end of the word "district."

In line 4, after the word "judge," insert the following: "and there shall be in the southern judicial district of the said State an additional district judge."

In line 4 strike out the word "who" and insert "each."

In line 6, after the word "and," strike out the word "who" and insert "they."

In line 7 strike out the word "whose" and insert "their."

In line 9, after the word "to," strike out the word "the" and insert "any."

At the end of section 1 add the following:

"SEC. 2. That section 2 of an act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio, approved February 25, 1907, be, and the same is hereby, repealed."

Mr. PARKER. Mr. Chairman, I would like to have read in my time a letter that I hold in my hand from the Department of Justice. It is very short.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, February 16, 1910.

Hon. RICHARD WAYNE PARKER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I desire to acknowledge the receipt of your letter of the 15th instant, inclosing a copy of S. 1043, as amended in the House of Representatives. The bill as amended creates an additional district judge in the southern judicial district of Ohio, as well as an additional district judge in the northern judicial district of Ohio, as originally provided.

It is advisable that the bill should be thus amended. The business of the northern district during the last year has been such that it has only been accomplished with the aid of judges called in from other districts, and the southern district has for several years had the services of an additional judge, as provided by the act of February 27, 1907.

By the recent death of Judge Thompson the southern district is left with only one judge, and it is important that some permanent provision should be made to relieve the situation.

I would respectfully suggest that the title of the bill should be amended so as to read: "An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern judicial district of the State of Ohio."

Very respectfully,

WADE H. ELLIS,
Acting Attorney-General.

Mr. PARKER. Mr. Chairman, I now yield fifteen minutes to the gentleman from Ohio, a member of the committee.

Mr. GOEBEL. Mr. Chairman, several weeks ago the Senate passed a bill granting an additional judge for the northern judicial district of Ohio. There were then pending in the House several bills providing for an additional judge for the southern district of Ohio. The Judiciary Committee having before it the several bills, and having heard the parties interested in the matter, unanimously agreed that each of the districts is entitled to an additional judge. So the Committee on the Judiciary amended the Senate bill and provided for an additional judge for the southern district. The bill now before the committee, therefore, provides for an additional judge for the northern and an additional judge for the southern judicial district of Ohio.

Ohio has now a population of 5,000,000. It has but two judicial districts. Up to the present time the northern district had but one judge. In 1907 Congress gave to the southern district an additional judge. While this matter was pending before the Judiciary Committee Judge Thompson, of the southern district, departed this life; so that to-day the southern district has but one judge. The northern district comprises about 40 counties and the southern district 48 counties. The judge of the northern district resides at Cleveland. Judge Thompson, when a judge of the southern district, resided at Cincinnati, Ohio. The present judge for the southern district resides at Columbus, Ohio. In the southern district, with which I am more familiar, we have a population of nearly 2,500,000. Seven terms of court are provided for by law, which must be held by the judge or judges in the southern district.

Speaking from personal knowledge, I can say that Judge Thompson was a very efficient judge, and did his best to keep up with the docket of that court. Finally his health gave way, and by reason of that he was not as active probably during the last few months as he had been before that time. The condition of that docket and the amount of litigation constantly arising is such that it requires the services of two judges. It is absolutely essential in the interest of litigants and in the interest of the public that there should be a judge residing in the city of Cincinnati. We have alone a population of over 400,000. The business of that court has largely increased by reason of the many acts passed by Congress during the past four years.

This bill is not alone recommended by the Attorney-General, but is recommended by the judge of the northern district, by the district attorney, and by a judge of the circuit court of appeals. I want to emphasize the fact, and speaking as I do from personal knowledge, that conditions are such as to warrant and justify an additional judge for the northern as well as the southern district.

Something has been said by the gentleman from Illinois [Mr. MANN] to the effect that in 1907 there were statements made in this House that if an additional judge was given to the southern district, a vacancy that may subsequently occur should not be filled. I have no recollection of any such statements being made. I do not think they were made. Assuming that such statements were made, the reason for an additional judge then applies with equal force now; remember we have but one judge. The docket has very materially increased since 1907, and it is physically impossible for one judge to do the work and also hold seven terms, which are required by law. I hope the bill will pass.

Mr. COX of Indiana. How many district judges have you now in the State of Ohio?

Mr. GOEBEL. Two.

Mr. COX of Indiana. Will this bill give you two additional?

Mr. GOEBEL. This bill will give to the northern district one additional judge and to the southern district one additional judge.

Mr. COX of Indiana. Then you will have four district judges in Ohio?

Mr. GOEBEL. We will have four district judges, two in each district.

Mr. PARKER. I reserve the balance of my time.

Mr. CRUMPACKER. I want to say a few words about this bill. I will only occupy a few minutes.

It may be that there is need for four United States district judges in the State of Ohio. Representatives from that State and men who are engaged in the administration of justice there know much better about it than I do.

The State of Indiana borders on the State of Ohio on the west. It is not quite as large as Ohio. It is two-thirds as large in point of population. Business, social, and industrial conditions in the two States are very similar.

The State of Indiana, with nearly 3,000,000 population, has only one United States district judge, and that judge transacts all of the business in the State and finds time to go over to the city of Chicago, and, perhaps, once in a while down to Cincinnati, to assist in the discharge of work there.

Mr. FITZGERALD. Does not the gentleman think it would be a good idea to appoint two Indianians to be district judges in Ohio? [Laughter.]

Mr. CRUMPACKER. That is the effect of my observation. I do not know whether it is the fault of the judges, or whether it is because of the tendency of the residents of Ohio to be litigious.

Mr. KEIFER. Is the gentleman able to state the number of times and the number of days that United States judges from other districts have gone to Indianapolis and held court there?

Mr. CRUMPACKER. Rarely, if ever, does a judge come from another State to hold federal court in Indiana, but the United States circuit judge for our circuit, who was appointed from the State of Indiana, spends practically all of his time in the city of Chicago.

Mr. KEIFER. That is where he is required to go, of course.

Mr. CRUMPACKER. Our district judge holds both district court and circuit court, and he has time to spare, and spends two or three months in the northern woods every summer fishing, and he keeps up his calendar.

Mr. KEIFER. I should like to have the gentleman state a single day when the Indiana district judge has held court in Cincinnati.

Mr. CRUMPACKER. I am not prepared to give any particular instance.

Mr. KEIFER. Or at any other place in Ohio.

Mr. CRUMPACKER. I do not know whether he ever went to Cincinnati or not. I know our district judge presided over the famous Walsh criminal prosecution in the city of Chicago, and he frequently goes over there to handle important cases in the federal courts in that great city.

Mr. COX of Indiana. And he presided over the final Standard Oil case, did he not?

Mr. CRUMPACKER. On the second trial of the famous Standard Oil case he was the presiding judge, and he presided in the prosecution of John R. Walsh in Chicago. He keeps up the business in the federal court in our great State without any difficulty at all. Now, I am unable to understand the reasons for such a radical difference in the conditions in the two States, as to make four federal judges necessary in the State of Ohio to transact their business, when one is all that is required in the State of Indiana. It may not be any argument at all. I do not say it is any argument against the appointment of these two additional judges for Ohio, but I submit these suggestions for the purpose of illustrating the high standard of citizenship and intelligence in the State which I have the honor to represent in part. We settle our difficulties in the right way.

Mr. KEIFER. I should like to know, because I am not clear about it. Is there more than one place in Indiana where the district court is held?

Mr. CRUMPACKER. Our district judge is principally occupied at one place. The law requires sessions of the circuit and district courts to be held at five places in Indiana.

Mr. KEIFER. Can the gentleman name them?

Mr. CRUMPACKER. Yes; at Evansville, New Albany, Fort Wayne, Hammond, and Indianapolis.

Mr. KEIFER. Have not you recently had a Kentucky district judge holding the court at Evansville?

Mr. CRUMPACKER. Not to my knowledge. There has not been any district judge holding court at Evansville very much in the last fifteen years. We have been complaining a little because our own district judge does not go down and hold court at Evansville, at Hammond, and these other points. We have been trying to get divisions created so as to compel the judge to try our cases at home. We have not succeeded in doing it so far.

Mr. DIXON of Indiana. I would like to ask the gentleman if he knows about the political exigencies in Ohio that might demand these additional judges?

Mr. CRUMPACKER. I do not think the exigencies are any more urgent than they are in Indiana. [Laughter.]

Mr. FITZGERALD. The administration is giving more attention to the State of Ohio at present, from the current reports.

Mr. CRUMPACKER. That is a question I refer to the executive branch of the Government for answer.

Mr. STERLING. Mr. Chairman, I have a statement here which I have prepared, showing the number of cases commenced and disposed of in the circuit and district courts throughout the United States in each district, and the totals for the circuit. It also shows the number of district and circuit judges in each circuit, and shows also the number of cases commenced and disposed of in the United States circuit court of appeals in each circuit for the year ending July 1, 1909. I desire to ask leave to have this printed in the RECORD.

Mr. COX of Indiana. Will the gentleman inform the House how many cases were tried and disposed of in Indiana?

Mr. STERLING. There were commenced in the district of Indiana 496 cases that year, and 466 cases were disposed of.

Mr. COX of Indiana. That is for the year 1909?

Mr. STERLING. For the year ending July 1, 1909; that is for both circuit and district courts for that State.

Mr. MANN. What does that include?

Mr. STERLING. It includes all cases to which the Government is a party; all criminal cases and all cases to which the Government is not a party, including bankruptcy cases.

Mr. COX of Indiana. Do I understand the gentleman that that applies to both district and circuit courts?

Mr. STERLING. District and circuit courts.

Mr. COX of Indiana. Can the gentleman inform the House how many were commenced and disposed of in the district court alone?

Mr. STERLING. I have not them separate. I do not know where that could be obtained. I compiled this from a report of the Attorney-General's office, and he gives the cases all together in both courts; he does not separate the district court from the circuit court.

Mr. MANN. I think it has been usual to separate them in the annual report.

Mr. STERLING. It was not so in this report from which I made this compilation.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to publish the statement he has referred to in the RECORD. Is there objection?

There was no objection.

The compilation is as follows:

Statement showing the number of circuit and district judges in each judicial circuit in the United States and the number of suits commenced and disposed of in the circuit and district courts in each district and the total for each circuit during the year ending July 1, 1909.

FIRST CIRCUIT.

Circuit judges, 3; district judges, 4.

District.	Suits.	
	Commenced.	Terminated.
Maine	979	803
Massachusetts	1,467	1,267
New Hampshire	196	165
Rhode Island	164	158
Total	2,806	2,453

SECOND CIRCUIT.

Circuit judges, 4; district judges, 9.

District.	Suits.	
	Commenced.	Terminated.
Vermont	190	194
Connecticut	283	96
Northern New York	512	315
Southern New York	2,984	2,250
Eastern New York	890	896
Western New York	660	427
Total	5,527	4,178

Statement showing the number of circuit and district judges in each judicial circuit in the United States, etc.—Continued.

THIRD CIRCUIT.

Circuit judges, 3; district judges, 8.

District.	Suits.	
	Commenced.	Terminated.
New Jersey	679	428
Delaware	43	45
Eastern Pennsylvania	1,209	952
Western Pennsylvania	1,242	807
Middle Pennsylvania	291	195
Total	3,464	2,427

FOURTH CIRCUIT.

Circuit judges, 2; district judges, 8.

District.	Suits.	
	Commenced.	Terminated.
Maryland	371	296
Northern West Virginia	547	464
Southern West Virginia	359	180
Eastern Virginia	424	363
Western Virginia	558	550
Eastern North Carolina	370	328
Western North Carolina	401	470
South Carolina	344	327
Total	3,361	2,888

FIFTH CIRCUIT.

Circuit judges, 3; district judges, 16.

District.	Suits.	
	Commenced.	Terminated.
Northern Georgia	1,055	944
Southern Georgia	208	388
Northern Florida	138	138
Southern Florida	315	285
Northern Alabama	509	139
Middle Alabama	326	272
Southern Alabama	259	311
Northern Mississippi	319	340
Southern Mississippi	306	465
Eastern Louisiana	418	340
Western Louisiana	246	207
Northern Texas	298	283
Southern Texas	289	188
Eastern Texas	249	224
Western Texas	340	250
Total	5,315	4,780

SIXTH CIRCUIT.

Circuit judges, 3; district judges, 11.

District.	Suits.	
	Commenced.	Terminated.
Northern Ohio	941	808
Southern Ohio	702	592
Eastern Michigan	348	559
Western Michigan	294	252
Eastern Kentucky	720	685
Western Kentucky	472	368
Eastern Tennessee	454	379
Middle Tennessee	462	300
Western Tennessee	360	328
Total	4,753	4,267

Statement showing the number of circuit and district judges in each judicial circuit in the United States, etc.—Continued.

SEVENTH CIRCUIT.

Circuit judges, 4; district judges, 7.

District.	Suits.	
	Commenced.	Terminated.
Indiana	496	466
Northern Illinois	2,021	1,806
Eastern Illinois	660	663
Southern Illinois	423	482
Eastern Wisconsin	338	325
Western Wisconsin	313	248
Total	4,251	3,890

EIGHTH CIRCUIT.

Circuit judges, 4; district judges, 18.

District.	Suits.	
	Commenced.	Terminated.
Minnesota	763	827
Northern Iowa	347	240
Southern Iowa	411	343
Eastern Missouri	472	573
Western Missouri	616	618
Eastern Arkansas	447	337
Western Arkansas	270	254
Nebraska	364	382
Colorado	520	390
Kansas	464	439
North Dakota	271	352
South Dakota	400	233
Eastern Oklahoma	715	245
Western Oklahoma	324	211
Wyoming	143	90
Utah	171	173
New Mexico	134	133
Total	6,832	5,840

NINTH CIRCUIT.

Circuit judges, 3; district judges, 15.

District.	Suits.	
	Commenced.	Terminated.
Northern California	1,024	733
Southern California	387	347
Oregon	304	252
Nevada	128	68
Montana	278	268
Eastern Washington	138	85
Western Washington	541	460
Idaho	172	128
Alaska	427	338
Arizona	207	196
Hawaii	148	110
Total	3,754	2,964

Statement showing the number of cases commenced and disposed of in United States circuit courts of appeals in each circuit during the year ending July 1, 1909.

	Cases.	
	Commenced.	Disposed of.
First circuit	57	57
Second circuit	319	315
Third circuit	119	85
Fourth circuit	77	97
Fifth circuit	133	121
Sixth circuit	132	129
Seventh circuit	106	101
Eighth circuit	220	218
Ninth circuit	121	131

Mr. MARTIN of South Dakota. Mr. Chairman, can the gentleman from Illinois give the House information as to how many cases were disposed of in the two courts of the State of Ohio during the same period?

Mr. STERLING. I can give it precisely by referring to the statement which I have just sent to the Clerk's desk. My recollection is that there were a few more than 900 cases commenced in the northern district of Ohio and a few less than 800 cases in the southern district during that year.

Mr. LONGWORTH. If the gentleman will yield, I want to say that in the southern district alone there were 1,140 bankrupt cases in the past three years.

Mr. STERLING. I am speaking only for the year ending July 1, 1909. I am sure that the figures I give are substantially correct.

Mr. MARTIN of South Dakota. It appears from a comparison of the business that the two districts of Ohio had four times as much business as the State of Indiana.

Mr. STERLING. In the two districts, yes; and perhaps a little more.

Mr. CRUMPACKER. I want to say that Indiana has no criminal business and very little bankruptcy business. [Laughter.]

Mr. LONGWORTH. I think there is another important point that should be mentioned, and that is that in the northern district there are a number of maritime cases disposed of.

Mr. STERLING. I understand there is considerable maritime business in the northern district, and that perhaps accounts for there being more cases there than in the southern district.

Mr. PARKER. Mr. Chairman, I now yield five minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, I am standing on my indispensable feet to say a few words in favor of this bill. I am trying in a very modest way to represent the Ninth Ohio District, in which the city of Toledo is located, the third city in population in the State of Ohio, and bordering on Lake Erie. We have there the greatest harbor on the chain of the Great Lakes. We have 22 miles of dockage, more dockage than all the harbors on Lake Erie and Lake Ontario combined. We have 22 railroads, the second greatest railroad center in the United States. We have a large amount of interstate and maritime business in the federal courts. I am only going to occupy a few minutes of your time with statistics bearing on this question of an additional judge. These statistics were gathered in October, 1909, and the statistics for 1909 were not then available.

I will say, however, that the statistics of 1909 proportionately carry out the same increase in all the districts named as in 1908, so that these statistics for all practical purposes are as valuable as those gathered in 1909.

I have here the official statistics of both district and circuit courts for one year ending July 1, 1908, in four important districts. These districts are the northern Ohio; the western district of Pennsylvania, including first circuit; the northern district of Illinois, including second circuit; and the second district of Oregon, including the first circuit. These are all very important districts, heavily populated. I take it for granted that Members of this House will not vote for any additional judges unless the business of the district absolutely demands it. Just as briefly as possible I shall speak of the demand for an additional judge for the northern district of Ohio.

I quote from the official records of four heavily populated districts, in which the United States was not a party. The amount of judgments for the plaintiff in the northern Ohio district for the year aggregate $3,129,681, while in the three other districts named—the western district of Pennsylvania, the northern district of Illinois, and the second district of Oregon—the entire amount of judgments for the plaintiff aggregate $1,155,053. In other words, the aggregate for the northern Ohio district exceeds the combined aggregate of these three districts by almost $2,000,000, the exact figures being $1,974,628. Again, in bankruptcy cases for the year named the total liabilities involved in the northern Ohio district amount to $10,125,002, while in the three other districts above named the entire amount involved aggregates $14,489,922.

And these statistics include also the business of the first circuit in western Pennsylvania and the second circuit in northern Illinois. Let me make another test. The total assets realized in bankruptcy proceedings in the northern district of Ohio aggregates $1,003,917, while in the second district of Oregon and the western district of Pennsylvania and the northern district of Illinois the aggregate realized was $1,577,347, or a trifle more than $500,000 more in all these three important districts, including two circuits, than in the northern Ohio district alone.

Let us take another test that will be conceded to have a vital bearing on this contention.

First, let me state that all the above statistics are in proceedings in which the United States was not a party.

The statistics of cases pending outside of bankruptcy proceedings in the northern district of Ohio on July, 1908, are 543, and 332 new cases were commenced during the year, leaving 543 cases still pending at the close of the year, and the accumulation of new cases on the docket for 1909, as I am reliably informed, is much larger than in 1908. In the Oregon district referred to, with two courts, and the western Pennsylvania district, with two courts, and the northern Illinois district, with two courts, the number of cases commenced during the year ending July, 1908, averaged 295 for each district, compared with northern Ohio district, with 332 new cases. In other words, less new cases were commenced by 37 in these important districts, with two courts, than in the northern Ohio district, with one court and one judge.

Now, let us compare the records of bankruptcy. In the northern Ohio district 471 cases were filed in 1908. In the three other districts above named, all with two courts, the average number was 369. In other words, 102 more cases were filed during the year in the northern Ohio district, with one judge and one court, than the average of these three named districts and circuits, each with two courts.

Hence, it must be evident to every Member on this floor that the demand for a new judge for the northern district of Ohio is absolute.

Mr. MANN. Mr. Chairman, the gentlemen from Ohio naturally want additional judges, and I agree with the gentlemen that there is some occasion for the appointment of an additional judge for the northern district of Ohio, where the population and the business of the courts may warrant that. There is nothing in the report of the committee which indicates any reason for an additional judge in the southern district of Ohio. The report sets forth the number of cases commenced and concluded, and there is no large amount of business in the southern district of Ohio. Most all of the cases, or a majority of the cases, are bankruptcy cases, which never come before the judge at all, and when the gentleman from Illinois [Mr. STERLING] gives a list of the cases commenced in the various circuit and district courts of the United States, including the bankruptcy cases, with the notion of giving the House information as to the amount of business transacted by the courts, the information is entirely misleading, because most of those cases are bankruptcy cases, disposed of by a bankruptcy referee without requiring consideration by the judge at all. I notice that in the southern district of Ohio in 1908, in the western division of the circuit court, there were 126 cases commenced and 145 disposed of; that in 1909, in the eastern district, there were 47 cases commenced and 77 disposed of. That does not look as though there was a congestion of business in these courts. But this case is only an exemplification of the constant effort, when you have something and it is likely to be taken away from you, to demand that it be continued in your possession. A few years ago the gentlemen from Ohio came before Congress and asked for the appointment of an additional judge in the southern district of Ohio, on the ground that the judge then in office was incapacitated from the full performance of his duties, and that, if the additional judge were granted, the additional judge would be able to dispatch all of the business in that circuit court upon the removal from office or the resignation of the judge then in office.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. MANN. In a moment.

Mr. TAYLOR of Ohio. I would like to have the gentleman yield on that point.

Mr. MANN. The gentleman from Ohio says that he does not remember that anything of that sort was said. I do not now recall just what was said on the floor of the House, but I remember very distinctly that there was the statement made to me and others, and I think on the floor of the House, that they would be satisfied; they had no desire to have the vacancy filled when the time of the then judge expired; and they would be satisfied with an additional judge. There has been no increase in business since that time. Now I yield to the gentleman from Ohio.

Mr. TAYLOR of Ohio. The bill to which the gentleman refers was one introduced by myself and amended by the committee.

Mr. MANN. Yes.

Mr. TAYLOR of Ohio. The argument put before the committee was identically the same argument put before the House to-day, that we needed two judges. Judge Thompson at that time was not incapacitated, but was working himself toward physical incapacity very rapidly by reason of overwork.

Mr. MANN. I do not now say that he was totally incapacitated.

Mr. TAYLOR of Ohio. He was not incapacitated in any way.

Mr. MANN. All I am saying is—and I do not know the gentleman—that the statement made on the floor of the House at that time was that he was incapacitated, and the statement of the committee in reporting the bill to the House was that he was partially incapacitated from the full performance of his duties.

Mr. TAYLOR of Ohio. Mr. Chairman, I have not before me the report of the committee, but if the committee reported that Judge Thompson was incapacitated, and for that reason they gave him an assistant judge or temporary judge, then the committee made a report not based upon the arguments or the facts presented to the committee.

Mr. CRUMPACKER. Mr. Chairman, I remember one reason given for the appointment of an additional judge in the southern district of Ohio, and my recollection is quite firm that it was that the appointment should be only temporary.

Mr. MANN. What took place there? The law provided for the appointment of an additional judge in the southern district of Ohio, and then contains language expressly providing——

Mr. CRUMPACKER. Well, that is all right——

Mr. MANN (continuing). When the office of the then existing judge expired there should be no appointment without filling the vacancy thereby created, and authorizes the repeal of this provision——

Mr. JOYCE. Why does the gentleman say that the district courts in Ohio do not require any time in bankruptcy matters?

Mr. MANN. Well, I did not make that statement, to begin with.

Mr. JOYCE. Did not the gentleman say that they did not take any time in bankruptcy matters?

Mr. MANN. I said there were few bankruptcy matters coming before the judge to be disposed of upon argument, and I repeat the statement.

Mr. JOYCE. Does not the gentleman know at least two Fridays in every month—and I think it applies to Cincinnati, as well as Columbus—are set apart for bankruptcy matters?

Mr. MANN. Well, I think likely two days in a month may be devoted to bankruptcy matters, and that just about carries out my statement.

Mr. JOYCE. Well, that is a little different from what I understood you to say a little while ago.

Mr. MANN. Two days a month. Now, there is another situation which I somewhat hesitate to bring before the House. The distinguished gentleman from Ohio, or from New Jersey, just had read a letter from some one now or formerly connected with the Department of Justice. That is the first expression of opinion that we have had from anyone connected with the Department of Justice in reference to the appointment of an additional judge in Ohio. I do not quite understand in what capacity the gentleman writes. Is the gentleman whose letter was just read now connected with the Department of Justice, may I ask the gentleman who had the letter read?

Mr. GOEBEL. He is.

Mr. MANN. In what capacity?

Mr. GOEBEL. Assistant to the Attorney-General.

Mr. MANN. I thought he had resigned that place.

Mr. GOEBEL. Then you are very much mistaken.

Mr. MANN. Very well. He has already been selected as chairman of the Republican Ohio state central committee. The newspapers stated that he had resigned from the office of Assistant Attorney-General. I do not know whether Mr. Ellis is acting both as Assistant Attorney-General and as chairman of the Republican state central committee; but if he is, he absolutely lacks a proper moral appreciation of the office of Assistant Attorney-General of the United States. [Applause.] And I do not know in what capacity he is advising the appointment of this judge. Now, I can understand how much the chairman of a campaign state committee may be in favor of the appointment of 1 or 40 judges when he is going into a hard campaign. I know that the political exigencies in Ohio require a great many methods of campaigning, but I had not suspected before that it required an Assistant Attorney-General of the United States, acting as chairman of the Republican state central committee, to ask for the appointment of an additional district judge, and who could get no expression of opinion in favor of that appointment from the Attorney-General himself. I would like to inquire of the gentleman——

Mr. PARKER. Mr. Chairman, will the gentleman allow me——

Mr. MANN. Certainly.

Mr. PARKER. To say that while the letter is signed by the Assistant Attorney-General it was ordered by the Attorney-General himself, as I know personally.

Mr. MANN. Well, the Attorney-General is able to sign letters, as far as I know personally.

Mr. TAYLOR of Ohio. The Attorney-General did sign a letter recommending this——

Mr. MANN. Where is it?

Mr. TAYLOR of Ohio. In the report, January 20—no; that applies to the northern district.

Mr. MANN. You see, I had read the report; the gentleman had not. There is not a line in the report from any official expressing any opinion of any kind concerning the proposition of an additional judge for the southern district of Ohio.

It is true they have opinions in regard to the northern district of Ohio, and it seems to me that they have made a case, and it may be they have made a case of political expediency and of dire necessity of the Republican party in Ohio which requires the appointment of an additional judge for the southern district, and requires the chairman of the state committee, acting as an assistant Attorney-General, to send a letter at the last moment—not sent until he was appointed chairman of the Republican state committee, although this matter has been pending for some time, and not sent until he has had brought home to him the needs of the Republican party in Ohio to unify and harmonize the party in Ohio. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I confess that I am greatly surprised that politics should have been injected into this question, and especially that it should have been injected by the gentleman from Illinois [Mr. MANN]. I am somewhat tempted to say what I really think——

Mr. MANN. I am perfectly willing. The gentleman need not hesitate on my account.

Mr. LONGWORTH. It is not a question of sparing the feelings of the gentleman from Illinois; it is a question of delaying, possibly, the passage of this most meritorious bill.

Mr. FITZGERALD. Do not hide the truth with any other question.

Mr. LONGWORTH. I do not attempt to defend Mr. Ellis or anyone else as to their motives for favoring the passage of this bill, so far as the southern district of Ohio is concerned. Mr. Ellis is a lawyer, a high-minded gentleman, a conscientious public official, and need not fear comparison with any Member of this House. That has nothing to do with this case.

It is not so much the question of the number of cases that are filed there as it is the kind of cases that are filed. They are the kind of cases that require time and labor to dispose of. Many cases have been filed under the law which the gentleman from Illinois [Mr. MANN] was so active in passing, and I may say that I think the gentleman from Illinois showed to far better advantage in what he did in securing the passage of the pure-food bill than in what he is now seeking to do to prevent the passage of this bill. The facts are simply these: Even though Judge Thompson worked, as I am informed, day and night and failed to take vacations in the summer, and even though Judge Sater, a very able lawyer and a good business judge, assisted him, nevertheless the docket of that circuit is in a condition that is to-day little less than intolerable, and not to members of the bar alone but to litigants. It may well be that one of the reasons why there have not been more cases filed there has been the difficulty in securing their prompt adjudication. This is especially true of patent cases. There are patent cases there, as I am informed, that have been on the docket and undecided for more than five years, and litigants in patent controversies hesitate to file new cases in that court.

Mr. TAYLOR of Ohio. I might state that Judge Sater recently decided a patent case which had been in the hands of the court for eight years, and that was turned over to him for decision during Judge Thompson's last illness.

Mr. LONGWORTH. Far from being a question of politics, the leading members of the Cincinnati bar, Democrats as well as Republicans—and, I think, the majority of the leading members of the Cincinnati bar are Democrats—are unanimously of the opinion that this addition of another judge in the southern district is not only advisable, but absolutely necessary. Among the gentlemen who formed the committee that appeared here was a gentleman who was the Democratic candidate for mayor of Cincinnati last year. The gentleman from Illinois, I think, would not accuse him of endeavoring to contribute to the success of the Republican party by giving it more patronage.

I do not think, Mr. Chairman, that I have anything else to say upon this matter, except to refer again to the fact that it was given a most full and careful hearing by the Committee on the Judiciary—a committee of able lawyers, a committee whose membership would scorn to give heed to petty partisan questions—and it was the unanimous report of that committee that this bill ought to pass. [Applause.]

Mr. JOHNSON of Ohio. Mr. Chairman, I hope this bill is not to be considered in a partisan way. The people's rights, the rights of litigants, the right to have matters determined and passed upon in court are above political trickery and biased argument. Ohio is peculiarly situated. Up until a few years ago—1903—it had what was known as a "double liability," or "statutory liability," upon all stockholders of an Ohio corporation, and to evade this law corporations doing business in Ohio, at least 50 per cent of them, are corporations incorporated in States other than Ohio, who have a right to go into the United States court in the first instance, and in the second instance, if sued, have a right to remove the case there. Ohio has been peculiar in this: She has had the ablest, the most persistent in working, and painstaking of all the judges in the United States. They have been diligent; they have been earnest; they have done everything in their power to clean up the court dockets as far as possible.

But I am reminded by the gentleman from Illinois [Mr. MANN] that there is not anything in the southern district of Ohio but bankruptcy cases. Why does he not take the official report and tell the Members what is there? Commencing on the 1st of July, 1908, there were 60 cases in which the United States was interested. On July 1, 1909, there were 55 such cases.

Taking the criminal prosecutions, there were 34 in number pending July 1, 1908, and there were 46 pending on July 1, 1909. Of civil litigation there were pending July 1, 1908, 409 cases in the southern district of Ohio. On July 1, 1909, there were pending 423 cases, not one of them bankruptcy cases, nothing in regard to bankruptcy. There were pending bankruptcy cases July 1, 1908, 401; there were pending July 1, 1909, 490 bankruptcy cases. During that whole time we had the service of Judge Sater, and during all that time, until six weeks ago, we had the services of Judge A. C. Thompson, both in southern Ohio, and yet the litigation increased as is shown. As it stands now, it is practically a denial of justice in every regard. There is not a Democratic lawyer in Ohio, there is not a Republican lawyer in Ohio, but who joins hands in demanding for their clients and the people of Ohio the additional judges, not for political purposes, but that their clients may have their cases disposed of and their rights established. I do hope this bill will pass. [Applause.]

Mr. PARKER. I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, we all know how easy it is for a gentleman as versatile as the gentleman from Illinois to fall into a mistake, and we can excuse him and his bad memory when he refers to the debate that was forced on this House by his objection three years ago. He now says to this House that then we appealed for another judge because we wanted and needed one judge and not two. I was on the floor at one time then, just after his objection, uttering a protest against the bill because it did not provide permanently for two judges. I read a single paragraph. After an appeal had been made by Mr. Grosvenor to me not to object to the bill in the form it came from the committee, I said:

> Mr. Chairman, I do not desire now to object to the bill, but I do object in a way to that last provision. I think there ought to be two permanent judges provided.

The statistics presented then to this House showed that we then needed two judges, and there was no statement made then, for I have looked over the entire discussion, that Judge Thompson was at that time incapacitated. He was overworked; that was all. At times he was undertaking to dispose of patent and other difficult and important cases, and he was trying the cases, not in the district court alone, but also doing the entire circuit court business of the southern district of Ohio, composed, as I recollect, of 48 counties, including the cities of Cincinnati, Hamilton, Dayton, Springfield, Columbus, Zanesville, Steubenville, and other important places, with a population in the district of probably above 2,500,000 people. He was doing all the bankruptcy business at that time. He at times bled from his wounds, received in the civil war, while on the bench; and he still, with that great, hopeful spirit that belonged to him, thought he could do the work of a judge, and he did, but he died in the struggle to discharge his duty. Yet with the assistance of another judge, an able one, too, the business went behind. I have had to go within this week to the city of Columbus and reargue a case that was argued before Judge Thompson last March for the purpose of having it decided then, but which he was unable, although he worked almost every moment that he was able to be out of his bed and room, and he worked up to the very last days of his life. It is not possible for one judge to keep up the business in the southern district of Ohio, and it

has not been for ten years. And that was claimed before, when an extra judge was provided for by the act of February 25, 1907. We have left but two judges in the two districts of Ohio, a less proportionate number than the judges for the business which has been done in the northern district of Illinois. I believe you have five.

Mr. MANN. We have but one.

Mr. KEIFER. In the northern district?

Mr. MADDEN. Two.

Mr. KEIFER. And you have circuit judges there.

Mr. MANN. They are on the court of appeals. They do not try district cases.

Mr. KEIFER. The district judges do the circuit work.

Mr. MANN. Either one of our judges transacts more business than any judge in your district.

Mr. KEIFER. I have not time to yield. I would like to go into a discussion and show by the very figures this statement presented by the other distinguished gentleman from Illinois shows that, notwithstanding we have had two district judges for three years, they have been unable to keep pace with the accumulation of business, though they have worked efficiently and industriously. Distinguished men of all parties from Cincinnati, not judges, nor even confined to lawyers, but clients, were here appealing to the Committee on the Judiciary and asking them to provide these additional judges. It is a denial of justice to refuse it. [Cries of "Vote!"]

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Alabama [Mr. CLAYTON], a member of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Chairman, it had not been my purpose to say anything, but it seems to me that this is a proper case for the relief that is asked at the hands of Congress.

The indisputable fact is that the public business out there is in such a condition that the present force of judges is not sufficient to meet the requirements, and it seems to me that the only remedy that can be afforded to parties litigant, to the public, and for the correct, free, and prompt administration of public justice, is that this measure shall pass.

I will say, Mr. Chairman, that so far as the committee that reported this bill is concerned there is absolutely no politics in it. I am glad to say in behalf of that great committee that on all these questions pertaining to the judiciary politics has never been allowed to creep in. [Applause.] And I trust as time goes along and as political conflicts sharpen there will always be at least one committee in the House, when it comes to the administration of public justice, that will always be free from partisan politics in their deliberations and their reports. [Applause.] I am sure that is the case here. I well recollect when the case from Illinois was brought to that committee a few years ago. If I recollect, we accorded on the same day an additional circuit judge and an additional district judge in Illinois, because the public business required it. It was in the interest of the parties litigant; it was in the interest of public justice. The bar were unanimous for it. This case here seems to me to be as strong as that. The committee were unanimously of the opinion, after a full and careful investigation of this question, that this bill ought to pass.

Now, I deplore as much as the gentleman from Illinois [Mr. MANN] can deplore, the growth of business in the federal courts. Probably the gentleman might contribute something toward stopping this growth of business. This Congress could cease passing so many laws for judges to construe. We could let up a little on safety appliances, hours of labor, naturalization, drugs and foods, transportation, "white slavery," bankruptcy, and similar questions. Some of such matters I think might be left out of federal legislation. But, Mr. Speaker, the people seem to demand it, and Congress seems to be compelled to go on making more laws. As you multiply the laws you multiply the necessity of courts to construe these laws. As you give new remedies in the federal courts you make it necessary to have more judges and more federal machinery to enforce those laws. There is another way in which this might be stopped, but that belongs to the providence of God, and that is to stop the increase of our population. I am sure the gentleman would not advocate race suicide. [Laughter.] Another way would be to stop the growth of our commercial interests, of our business affairs. But, Mr. Speaker, as long as the country is growing in population, growing in commercial importance, in business interests, in legislative matters by the action of Congress, to meet all these conditions when a proper case is presented to this House for relief (for justice must be without bargain, sale, or denial) it is the duty of this House, whatever narrower views gentlemen may take of this question, to rise to the occasion and pass adequate legislation. [Applause.]

Mr. PARKER. I yield to the gentleman from Ohio [Mr. HOWLAND] three minutes.

Mr. HOWLAND. Mr. Chairman, I regret exceedingly that my distinguished friend from Illinois [Mr. MANN] has intimated that the Republican party in Ohio is in such dire straits that it is compelled to drag the judicial ermine through the mire of politics, but I am happy to assure the gentleman from Illinois that the opinion which he seems to entertain as to the dire straits of the party is not entertained by the Republicans of Ohio.

Speaking from full and personal knowledge of the situation in the federal courts in the northern district of Ohio, I feel it proper to say that the position of district judge there is filled by a man who formerly represented an Ohio district—the eighteenth—in this House with honor and ability, R. W. Tayler.

For the past few years he has discharged the duties of a federal judge for the northern district of Ohio with great credit to himself and to the entire satisfaction of the people. His ability is of the very highest order and he is one of the most conscientious and hard-working men that ever occupied a position on the federal bench in that district. I know, however, of my own personal knowledge, that by reason of the enormous docket it is absolutely impossible for him to fully discharge all the duties that devolve upon him in that position, and from the bench and bar, regardless of politics, throughout that district comes this great cry for help.

A short time ago, by statute, we compelled the judge to hold two terms of court in Youngstown, Ohio. He is compelled to hold court in Toledo, and with the terms necessarily held at Cleveland it makes it almost a physical impossibility for him to discharge all the duties devolving upon him. Speaking for the northern district of Ohio, from my own personal knowledge, I assure this House that the necessity is great, and justice demands this legislation. It is the duty of Congress to provide the necessary judges, so that litigants may have speedy trials and the law's delays made as short as possible.

I can not speak of my own personal knowledge of the situation in the southern district of Ohio, but as a member of the Judiciary Committee, from information submitted to that committee, I assure this House that an additional judge is needed in the southern district of Ohio as well, and I trust that the bill will be passed as it comes from the committee. [Applause.]

Mr. PARKER. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill at length.

The committee amendments were agreed to.

Mr. PARKER. Mr. Chairman, I have a further amendment to the title.

The Clerk read as follows:

Amend the amendment to the title by substituting the following as the title:

"An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern district for the State of Ohio."

The amendment was agreed to.

The substitute for the title was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1043) providing for an additional district judge for the northern and southern districts of Ohio, had adopted certain amendments, and had directed him to report the same to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and amendments to their final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no separate vote demanded.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. KEIFER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING ACT RELATIVE TO RECOGNIZANCES, BONDS, ETC.

Mr. PARKER. Mr. Speaker, I now call up the bill (H. R. 18902) to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That chapter 282 of the act of 1894, entitled "An act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," is hereby amended by striking out the word "Attorney-General" wherever it occurs in said act and substituting therefor the words "Secretary of the Treasury."

The following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That sections 3 and 4 of the act entitled 'An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon,' be, and they are hereby, amended so as to read as follows:

"'SEC. 3. That every company, before transacting any business under this act, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business provided for in this act, and that it has a paid-up capital of not less than $250,000, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act.

"'SEC. 4. That every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section 3 of this act. And the said Secretary of the Treasury shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under this act whenever in his judgment such company is not solvent or is conducting its business in violation of this act. He may institute inquiry at any time into the solvency of said company, and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security.'"

Mr. PARKER. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Mr. Speaker, I think the letter from the Attorney-General of the United States sufficiently explains this bill. The existing law is that the examination of surety companies shall be made by the Attorney-General. The Attorney-General says that he has no machinery for making the examination, and recommends that it be turned over to the Secretary of the Treasury; and in obedience to the suggestion of the Attorney-General and the apparent reasonableness of the proposition, the committee adopted the amendment and recommended that the bill in its present shape do pass.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. We put some provision in one of the laws, at the suggestion of the chairman of the Committee on Appropriations last year, I believe, in reference to bonding companies, and the amount that might be charged, which was very seriously objected to by some gentlemen who were properly representing the interests of their constituents. Is the gentleman from Pennsylvania able to say whether this would in any way change the attitude that Congress took at that time?

Mr. MOON of Pennsylvania. Mr. Speaker, I feel absolutely confident in saying that it would not, that it could not; for it does nothing else except to commit to the Secretary of the Treasury the investigation of the financial standing of the company, which is now by law put upon the Attorney-General. There are two things required by the act respecting surety companies—an investigation of the legal status of the company and an investigation of its financial responsibilities. I can easily understand why those were both put formerly upon the Attorney-General, because he alone could examine its legal responsibility, and the recommendation to us now is based on the fact that the Secretary of the Treasury is entitled to the advice of the Attorney-General as to its legal status, and that the Attorney-General has no machinery for investigating the financial responsibility of such companies. I feel, without having had the subject called to my attention, from the knowledge I have of it, that it could not by any possibility do it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. FITZGERALD. Has not the Secretary of the Treasury in other years stated that in his opinion this duty should be performed by the Attorney-General?

Mr. MOON of Pennsylvania. On the contrary, the Attorney-General has stated in his letter that it ought to be devolved upon the Secretary of the Treasury.

Mr. FITZGERALD. I heard that statement made by the gentleman from Pennsylvania, but my recollection is that the Secretary of the Treasury has stated that this is not a duty that his department is equipped to perform; that the examination of these companies is something that should be done by the Department of Justice.

Mr. MOON of Pennsylvania. Now, in reply to that I can say that I never heard that statement made. The impression left upon me, but I can not give the basis for it, was that the Secretary of the Treasury acquiesced in this proposition and agreed with the Attorney-General. The basis I have for that impression, as I say, I am not able to state. That was certainly my impression.

Mr. FITZGERALD. Speaking from my recollection, it seems to me that at some time in the not distant past the question was considered by the Committee on Appropriations in connection with a request to have authorized the employment of the necessary service to make these examinations. I am now under the impression that the Secretary of the Treasury suggested that the Treasury Department was not equipped and did not have in its employ the type of men who should make such investigations. Did the Committee on the Judiciary inquire from the Treasury Department as to whether it would be desirable to devolve this duty upon it?

Mr. MOON of Pennsylvania. The Committee on the Judiciary referred the matter to the department, and it relied upon the communication from the Attorney-General. That is my recollection. I would like to ask that question of the chairman of the committee. I will ask the gentleman from New Jersey as to whether he has any information as to what the Secretary of the Treasury said on this subject? I have not.

Mr. PARKER. We have a letter here from the Attorney-General which, if I may be permitted, I will read:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., January 25, 1910.

Hon. RICHARD W. PARKER,
Chairman Judiciary Committee,
House of Representatives.

MY DEAR MR. PARKER: At my request Mr. BENNET has introduced a bill (H. R. 18902) amending the act of Congress relating to bonds of surety companies so as to require reports of surety companies to be made to and investigated by the Treasury Department. My experience has been that the Department of Justice has neither the machinery nor the proper information with which to conduct the periodical investigations into the solvency of surety companies which should be made in order that the National Government may secure responsible corporations as securities upon bonds and undertakings given in connection with federal matters, and I therefore recommended in my report to Congress that the jurisdiction over that subject be transferred to the Treasury Department, where it seems to me to belong. This bill was introduced for the purpose of carrying out that recommendation, and I venture to express the hope that it will meet with the approval of your committee.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney-General.

I take it that the Attorney-General would not have made that recommendation without consulting with the Secretary of the Treasury.

Mr. MOON of Pennsylvania. That was the impression of the committee, particularly now, as I remember, that the recommendation had also been included in the annual report of the Attorney-General.

Mr. PARKER. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CONCURRENT GRAND JURIES IN CERTAIN CASES.

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 16037) to amend section 810 of the Revised Statutes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 810 of the Revised Statutes be amended so as to read:

"SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire issue therefor. If the United States attorney for the district shall certify in writing to the district judge, or the senior district judge of the district, or one of the judges of said circuit court, that the exigencies of the public service require it, the judge shall also order a venire to issue for a second grand jury. Either of said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever in its judgment it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

With the following amendment:

Page 2, line 3, strike out "shall" and insert "may."

Mr. PARKER. Mr. Speaker, I would say that the only part of this bill which is new is the second section, which provides:

If the United States attorney for the district shall certify in writing to the district judge, or the senior district judge of the district, one of the judges of said circuit court, that the exigencies of the public service require it the judge may order a venire to issue for a second grand jury.

This is to provide for a condition of affairs in New York where it is necessary sometimes to have two grand juries at a time in order to transact the business. If there be need for any further explanation I would ask the gentleman from New York [Mr. PARSONS], who introduced the bill, to explain it, but unless that requirement be made I will now ask for a vote. [Cries of "Vote!"]

The SPEAKER. The question is on agreeing to the amendment——

Mr. PARSONS. Mr. Speaker, the bill as printed and read by the Clerk does not contain the amendment as proposed in the report. The report says that, in line 3, on page 2, it shall be amended by striking out the word "shall" and inserting in lieu thereof the words "may in his discretion."

Mr. PARKER. The gentleman, I think, is right, and I move that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 3, strike out the word "shall" and insert the words "may in his discretion."

Mr. CLARK of Missouri. I would like to ask the gentleman from New York a question or two. Is that section of this bill part of the statutes now?

Mr. PARKER. Yes; the first sentence is part of the statutes now.

Mr. CLARK of Missouri. And you say this is intended really to apply to the city of New York?

Mr. PARKER. The old section allowed a grand jury to be called at any time, so that there could be consecutive grand juries at one term. This new sentence allows two concurrent grand juries to be summoned at the same time.

Mr. PARSONS. In addition.

Mr. CLARK of Missouri. On the certificate of the judge or the district attorney.

Mr. PARKER. On the certificate of the district attorney, the judge may, in his discretion, order it; it is not compulsory.

Mr. CLARK of Missouri. New York City is not divided into two districts?

Mr. PARKER. No——

Mr. PARSONS. Yes; it is divided in two districts. Old New York City is one district and Brooklyn is a separate district.

Mr. CLARK of Missouri. Do they hold court in the same court-house?

Mr. PARSONS. They do not.

Mr. CLARK of Missouri. Well, what is the necessity of having two concurrent grand juries?

Mr. PARKER. Because the work in the "borough of New York," as they call it—the southern district of New York—is so tremendously great. There are from 4,000,000 to 5,000,000 people right there in the city.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TO AMEND SECTION 876, REVISED STATUTES.

Mr. PARKER. Mr. Speaker, I call up the bill H. R. 16342, calendar No. 50, to amend section 876 of the Revised Statutes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 876 of the Revised Statutes of the United States shall be, and the same is hereby, amended so as to read as follows:

"SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That in civil causes the witnesses living out of the State in which the court is held do not live at a greater distance than 100 miles from the place of holding the same."

Mr. PARKER. Is the gentleman from Alabama [Mr. CLAYTON] here?

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. PARKER. Certainly.

Mr. BARTLETT of Georgia. As I understand it, under the law as it now exists you can not compel a witness in a civil case to go out of the district in which he resides into another district to testify, and in order to get testimony it is necessary to take testimony either before a commissioner or by depositions or interrogatories.

Mr. PARKER. Yes.

Mr. BARTLETT of Georgia. The purpose of this bill is to repeal that law and to substitute for it a provision which will require the citizen, although he does not live in that district, or lives more than 100 miles away from the place to which he is summoned outside of his own district, to go in response to a subpœna, even in a civil case. Is that right?

Mr. PARKER. Mr. Speaker, I will state the exact meaning of this change. It is to change the word "district" to "State." This section was passed when the districts were coterminous with the States, and it was provided you could subpœna witnesses from outside of the district, if they did not live over 100 miles away. At that time you could issue and serve a subpœna all over the district, or, in other words, all over the State. With the growth of population a strange result has taken place in the State of New York. Since there has been a western and a southern and an eastern district, the court can not send your subpœna as far as it could in the olden times when travel was ten times more difficult than it is now. And this seeming amendment of the section is only to restore the section in its effect exactly to what it was when it was first passed.

Mr. BARTLETT of Georgia. Well, Mr. Speaker, if the gentleman will permit, I live in the southern district of Georgia, and the State is divided into the northern and southern districts. If we call a witness who lives up in the northern district, 200 miles away, in a civil case, under this law you could subpœna him and compel him to leave his business and come down and attend court in my city, 200 miles away, or the further extreme, the city of Savannah, 400 miles away.

Mr. PARKER. I understand that in Georgia you can not subpœna outside of the county. In the State of New York and the State of New Jersey the subpœna runs all over the State in the state courts in a civil case. A peculiar result follows when you want a witness from Albany, when it only takes two or three hours to come down the river to the city of New York. You can subpœna him from Albany or from Buffalo in the state courts.

Mr. CLAYTON. I wish right in that connection to say that a partial examination of this question shows the rule to be in most of the States that I have looked into, that a subpœna does have effective force outside of the county where issued. In other words, the subpœna in a civil process does "run" outside of the county where issued. In my State it runs within 100 miles, and Georgia, according to my recollection, is one of the few States in the Union, if not the only one, where it is restricted. Now, I submit, in the interest of public justice and liberality, that the bill as reported by the committee is better than the narrower rule which restricts the running of a subpœna to a particular county in which it is issued.

Mr. BARTLETT of Georgia. There is no particular effort made here to restrict it to a particular section, if the gentleman will permit a reply. It is an effort not to put upon the citizen who happens to be a witness in a civil case the necessity of going from his own district hundreds of miles to answer a subpœna in a civil case when his testimony can be as well and clearly taken as if he were upon the stand. Of course, in a criminal case, he ought to be compelled to go. The Constitution requires a man to be confronted with a witness, and we can not avoid that provision; but in a civil case, to permit a party, the plaintiff or defendant, to force a man who is really a witness for the plaintiff or defendant to travel all over the whole State to testify looks to me like putting a hardship upon him.

Mr. CLAYTON. May I interrupt my friend from Georgia to make this suggestion?

Mr. BARTLETT of Georgia. Yes, sir; go ahead.

Mr. CLAYTON. You admit that if a man lives in the district of which Savannah is the place of holding the court, and lives 400 miles from Savannah, that he can be made under the federal statutes to go there and attend court at Savannah?

Mr. BARTLETT of Georgia. In a criminal case, but not in a civil case.

Mr. CLAYTON. In the federal courts?

Mr. BARTLETT of Georgia. I think not; I know not. If he lives more than 100 miles from Savannah you can not compel him to go.

Mr. CLAYTON. If it is in the same district?

Mr. BARTLETT of Georgia. It is not in the same district; therefore he can not go. There is another district in the State. It looks to me like the change of the law is not in the interest of anybody but litigants.

Mr. CLAYTON. Now, Mr. Chairman, the gentleman from New Jersey stated this whole case when he said that originally in providing for process issued by the federal courts—that is, the process of subpœna—the word "State" was used, because the district comprehended the whole State, and State and district meant the same thing. Now, in the growth of the country and

in the progress of legislation well nigh every State has been divided into one or more districts; and the simple purpose of the bill is to substitute the word "district" for the word "State." Now, that is all there is in it.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. CLAYTON. With pleasure.

Mr. BARTLETT of Georgia. The gentleman knows from the history of the court and the decisions rendered by the federal courts that for many, many years after the law of which he speaks was enacted there was very little business done in the federal courts, and people very seldom were called to the federal court.

Mr. CLAYTON. That is true.

Mr. BARTLETT of Georgia. Now, the immense growth of business in the federal court, which has grown up, in my opinion, by the enactment of some laws which it were better, so far as my opinion goes, had not been passed at all.

Mr. CLAYTON. I agree with the gentleman that we pass a great many laws that ought not to be passed, but they are the law when passed.

Mr. BARTLETT of Georgia. The jurisdiction of the court has not only been extended by statute, but also by construction of the federal courts, until the cases in the federal courts have become very numerous, and if you enlarge the power of the court to drag men from their business outside of their own district more than a hundred miles, as now provided by law, you absolutely interfere with the business of the country, because you can already procure the testimony effectually and for as good purpose as you can by having the witness attend in person by subpœna.

Mr. PARKER. The last Congress passed this bill in both Houses, but by reason of an amendment, which tied it up, it was not signed.

Mr. BARTLETT of Georgia. A pocket veto.

Mr. CLAYTON. Just one word in reply to the gentleman from Georgia, and that is to say that the condition of affairs to which he refers, the scarcity of business in the old days, is not now the case. The federal courts have the business, and it is largely accounted for by increased federal legislation, the increased population of the country, and the increased amount of business generally of the country. That we can not avoid, of course. With the gentleman from Georgia, I deplore the increase of federal legislation and have been voting against a good deal of it for some years, and had the "steam roller run over" me often. But still, after that legislation is had, we must provide not only an adequate number of courts, but ample facilities for a due and orderly administration of justice.

Mr. BARTLETT of Georgia. Will the gentleman permit me?

Mr. CLAYTON. Certainly.

Mr. BARTLETT of Georgia. It does not deprive the party of the testimony of the witness, because he can now, if you do not pass this bill, procure the testimony by interrogatories, before an examiner, or by deposition.

Mr. CLAYTON. Well, he may do it in the way that you suggest.

Mr. BARTLETT of Georgia. Does the gentleman not agree that that is the law?

Mr. CLAYTON. Certainly it is. There is no issue between the gentleman and myself on that; but still we think that the same power should be given to the federal court that is now vested, in analogous cases, in the state courts in most of the States of the Union. I still insist that the reason the word "State" was written in the statute originally has ceased to be any reason for its remaining in the statute, and that the word "district" ought to be substituted for the word "State."

Furthermore, Mr. Chairman, when the federal courts were originally created, the first of them, there were no railroads in the country. Travel was very hard in many cases, overland for the most part.

Now, all that has passed away, and I do not see anything to be apprehended on the score of "dragging" people into court, to use the language of the gentleman from Georgia.

Now, we are all subjected to the inconvenience sometimes of having to attend court. That is one of the things inherent in our system of self-government. We are obliged to subject ourselves to private inconvenience for the public good. It will readily occur to the mind of any man here that a man might object to being "dragged" to court to serve on a grand or petit jury. I might object to going into court, being taken away from my business to answer a subpœna. It is inconvenient; but for the good of the public the individual inconveniences that arise must be made subordinate to the general public good; and unless the individual inconveniences amount to a public inconvenience, the admitted public convenience ought to prevail in making the law, and that is the case here; and the convenience and proper discharge of the court business is the purpose of proposed change in the statute. I think it will tend to that end, and, in my humble judgment, the amendment ought to pass.

Mr. PARKER. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

SECTION 860, REVISED STATUTES.

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 16367) to repeal section 860 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 860 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. PARKER. Mr. Speaker, the gentleman from Michigan [Mr. DIEKEMA] who reported this bill does not seem to be present at this moment. It is a matter of some importance, and therefore I do not desire to take it up this evening. I move that the House do now adjourn.

The SPEAKER. Will the gentleman from New Jersey withhold the motion for a moment?

Mr. PARKER. Certainly.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18808. An act to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River, at Kansas City, Mo.;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.; and

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW.;

H. R. 16329. An act to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision;

H. R. 11989. An act to provide for the removal of present grade crossing, and construction of a new grade crossing on the line of Q street NE., District of Columbia;

H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;

H. R. 16324. An act to authorize the extension of Park place NW.;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

H. R. 18695. An act to revise an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.;

H. R. 18808. An act to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6272. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 6271. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

S. 5576. An act to amend an act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901—to the Committee on Military Affairs.

S. 226. An act to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district"—to the Committee on the Judiciary.

S. 1461. An act to prevent fraudulent representations as to government guaranties of foods and medicines—to the Committee on Interstate and Foreign Commerce.

S. 2072. An act to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan—to the Committee on Military Affairs.

S. 4617. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets—to the Committee on the District of Columbia.

S. 4629. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District—to the Committee on the District of Columbia.

ADJOURNMENT.

The SPEAKER. The gentleman from New Jersey moves that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting an estimate of appropriation for clerical help in connection with the collection of the corporation tax (H. Doc. No. 691), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13899), granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the "Whittington Lake Reserve Park," reported, the same with amendment, accompanied by a report (No. 485), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KINKEAD of New Jersey, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 21108) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 482), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9751) to amend and correct war records so as to muster in and muster out of service in United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant to him an honorable discharge, reported the same without amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13383) to authorize the President of the United States to appoint Maj. Gen. Daniel E. Sickles, retired, to be a lieutenant-general of the United States Army, reported the same without amendment, together with the views of the minority, accompanied by a report (No. 483), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18567) granting an increase of pension to John Reithmaeir—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20845) granting an increase of pension to Charles Schreiner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R 20846) granting an increase of pension to Henry Schwethelm—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20847) granting an increase of pension to George W. Brackenridge—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20848) granting an increase of pension to W. D. Mathews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 21109) authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 21110) for the relief of certain officers and soldiers of the volunteer service of the United States—to the Committee on Military Affairs.

By Mr. GRONNA: A bill (H. R. 21111) to provide for the purchase of a site and the erection of a public building thereon at Williston, N. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. JOYCE: A bill (H. R. 21112) to provide for a site and public building at Cambridge, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 21113) to diminish the expense of proceedings on appeal and writ of error or of certiorari—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 21114) to aid the Gridley Memorial Association in the erection of a monument to Charles Vernon Gridley, late a captain, United States Navy—to the Committee on the Library.

By Mr. HOWELL of Utah: A bill (H. R. 21115) making available certain lands on the former Uinta Indian Reservation under the reclamation act—to the Committee on Indian Affairs.

Also, a bill (H. R. 21116) providing for the granting and patenting to the State of Utah desert lands formerly in the Uinta Indian Reservation, in Utah—to the Committee on Indian Affairs.

By Mr. BROUSSARD: A bill (H. R. 21117) for the erection of a public building to be used as a post-office at Houma, La.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 21118) canceling the balance of deferred payments due from settlers in the purchase of lands in the so-called "wood reserve" attached to the Fort Sill Military Reservation, Okla.—to the Committee on Indian Affairs.

By Mr. McLACHLAN of California: A bill (H. R. 21119) to provide for the purchase of a site and the erection, in the city of Long Beach, State of California, of a building to be used as a post-office—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21120) to provide for the erection, in the city of Pasadena, State of California, of a building to be used

as a post-office—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21121) to provide for the purchase of a site and the erection in the city of Los Angeles, State of California, of a building to be used as a subtreasury, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. DODDS: A bill (H. R. 21122) to erect an extension to the post-office and custom-house building at Traverse City, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. GODWIN: A bill (H. R. 21123) for the reestablishment of existing aids to navigation, and the establishment of new aids, in the Cape Fear River, North Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 21124) to provide for an investigation of the surveys by which the southern boundary line of the State of Alabama, between ranges 4 and 14 east of the St. Stephens meridian, in Escambia County, was fixed, and for a report thereon—to the Committee on the Public Lands.

By Mr. BENNET of New York: A bill (H. R. 21125) to provide for the construction of a landing place in the National harbor of refuge, Point Judith, Rhode Island, in the shelter created therefor, pursuant to the acts of Congress—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 144) authorizing the promotion of Civil Engineer Robert E. Peary to the grade of rear-admiral in the Corps of Civil Engineers of the Navy, and the presentation of a vote of thanks to him by Congress—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: Resolution (H. Res. 396) asking the Secretary of the Interior for certain information in relation to the Mississippi Choctaw Indians—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21126) for the relief of Pablo Eugenio Romero—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 21127) granting an increase of pension to Francis M. Loper—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21128) for the relief of Asa D. Stalker—to the Committee on Claims.

By Mr. BROUSSARD: A bill (H. R. 21129) for the relief of the estate of Augustin Laban, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 21130) granting a pension to James A. Kelley—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 21131) granting a pension to Mineola Carlow—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21132) granting a pension to Andrew J. Hullett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21133) granting a pension to James L. Morrison—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 21134) for the relief of Richard W. Meade—to the Committee on Foreign Affairs.

By Mr. CAMPBELL: A bill (H. R. 21135) granting a pension to Jacob C. Armstrong—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21136) granting a pension to Elizabeth Farishon—to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 21137) granting an increase of pension to Andrew J. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21138) granting an increase of pension to John Hanes—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 21139) granting an increase of pension to Samuel M. Weeks—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21140) granting an increase of pension to Henry D. Becker—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 21141) granting an increase of pension to George Stone—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 21142) granting an increase of pension to Timothy Donahue—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21143) for the relief of the Importing and Exporting Company of the State of Georgia—to the Committee on the Judiciary.

By Mr. FLOYD of Arkansas: A bill (H. R. 21144) granting a pension to Henry Hillburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21145) granting an increase of pension to William W. Kimball—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 21146) granting an increase of pension to James McGinn—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 21147) granting a pension to Mattie M. Cook—to the Committee on Invalid Pensions.

By Mr. GILL of Missouri: A bill (H. R. 21148) granting an increase of pension to Thomas O'Neill—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 21149) granting a pension to Mary V. Rumrill—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21150) for the relief of Jacob F. Banks—to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 21151) granting an increase of pension to David J. Delling—to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia (by request): A bill (H. R. 21152) for the relief of the heirs of Lewis F. Hicks, deceased—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 21153) for the relief of the heirs of C. M. Lucas, sr., deceased—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 21154) to carry into effect the findings of the Court of Claims in the case of Cecilia R. A. Wheat, executrix of Moses K. Wheat—to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 21155) granting an increase of pension to Francis M. Hutchens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21156) granting an increase of pension to Daniel McCarl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21157) granting an increase of pension to Charles Potts—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 21158) granting an increase of pension to Allison W. Pollard—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 21159) granting an increase of pension to Frank L. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21160) for the relief of the estate of John Henry—to the Committee on War Claims.

Also, a bill (H. R. 21161) for the relief of the estate of Theodore J. Gillett—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 21162) for the transfer of certain land to the Mission Rock Company of California—to the Committee on the Public Lands.

By Mr. KEIFER: A bill (H. R. 21163) to remove the charge of desertion from the record of Frank Chroneberry and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 21164) granting an increase of pension to John B. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21165) granting an increase of pension to Bladen A. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21166) granting an increase of pension to Matthew Klein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21167) granting an increase of pension to Richard Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21168) granting an increase of pension to Joseph B. McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21169) granting an increase of pension to Adam D. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21170) granting an increase of pension to Albert O. McNulty—to the Committee on Pensions.

Also, a bill (H. R. 21171) granting a pension to Jacob W. Horner—to the Committee on Pensions.

Also, a bill (H. R. 21172) granting a pension to Andrew R. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 21173) granting a pension to Joseph M. Heller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21174) granting a pension to Catherine Klingelsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21175) for the relief of John R. Heaston—to the Committee on Claims.

By Mr. KRONMILLER: A bill (H. R. 21176) for the relief of Margaret A. Thomas—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21177) granting an increase of pension to Jilson Power—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21178) granting an increase of pension to Isaac F. Coffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21179) granting an increase of pension to Mason H. Power—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21180) granting an increase of pension to Elizabeth Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21181) granting an increase of pension to James T. Caskey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21182) granting an increase of pension to John D. Jameson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21183) granting an increase of pension to J. M. Waldeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21184) granting an increase of pension to John Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21185) granting an increase of pension to Felix G. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21186) granting an increase of pension to Samuel E. Welsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21187) granting an increase of pension to Richard L. Davis—to the Committee on Pensions.

Also, a bill (H. R. 21188) granting a pension to Camillus Arnett—to the Committee on Pensions.

Also, a bill (H. R. 21189) granting a pension to Noah Lucas—to the Committee on Pensions.

Also, a bill (H. R. 21190) granting a pension to Sheridan Bailey—to the Committee on Pensions.

Also, a bill (H. R. 21191) granting a pension to James M. Adkins—to the Committee on Pensions.

Also, a bill (H. R. 21192) granting a pension to Delilah Colley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21193) granting a pension to Benjamin Hamon—to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 21194) granting an increase of pension to John R. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21195) granting an increase of pension to Aaron Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21196) granting an increase of pension to Jesse W. Casteel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21197) granting an increase of pension to James Vandeventer—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 21198) granting a pension to John Turner Horner—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 21199) providing for the enrollment of certain persons as members of the Osage tribe of Indians—to the Committee on Indian Affairs.

By Mr. NORRIS: A bill (H. R. 21200) granting an increase of pension to Alfred G. Nixon—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 21201) granting an increase of pension to Ambrose C. Ensminger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21202) granting an increase of pension to Thompson Richwine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21203) granting an increase of pension to John A. Waggoner—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 21204) granting a pension to James H. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21205) granting a pension to James Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21206) granting an increase of pension to Daniel A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21207) granting an increase of pension to Hiram C. Brock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21208) granting an increase of pension to Howard Shelton—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 21209) granting an increase of pension to William Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21210) granting an increase of pension to Nehemiah C. Hinsdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21211) granting an increase of pension to Aaron W. Hearrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21212) granting an increase of pension to Thomas Gulliford—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 21213) for the relief of John W. McKibben—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 21214) granting a pension to John R. C. Tucker—to the Committee on Pensions.

By Mr. STURGISS: A bill (H. R. 21215) granting an increase of pension to Allen J. Freeland—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21216) granting an increase of pension to George Rushberger—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 21217) granting an increase of pension to Daniel Lynch—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 21218) granting an increase of pension to Ellen Johnston—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Eclipse Electrotype and Engraving Company, Ohio Rubber Company, Garver Brothers Company, Ohio Quarries Company, Peerless Motor Car Company, Fred G. Clark Company, Great Western Oil Company, Chapman Jack Company, National Malleable Castings Company, Broadway Savings and Trust Company, A. K. Ackerman Company, Ullman-Einstein Company, Chandler and Rudd Company, and Sandusky Tool Company, relative to business of corporations required under section 38 of the Payne tariff law until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Fairview Grange, No. 1666, Patrons of Husbandry, of Paulding County, Ohio, against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Ohio Quarries Company, Peerless Motor Car Company, Eclipse Electrotype and Engraving Company, Ohio Rubber Company, Garver Brothers Company, Broadway Savings and Trust Company, A. K. Ackerman Company, Chapman Jack Company, Great Western Oil Company, Chandler and Rudd Company, Malleable Castings Company, and National Safe and Lock Company, against enactment of clause 38 of Payne tariff law until decision by Supreme Court—to the Committee on Ways and Means.

By Mr. ANTHONY: Petition of citizens of Lancaster, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sacred Heart Council, No. 723, Knights of Columbus, of Atchison, Kans., and Lodge No. 162, Sons and Daughters of Justice, Valley Falls, Kans., for full second-class mail privileges for fraternal publications (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petition of Chapter No. 3, American Insurance Union, of Pittsburg, Pa., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Duquesne Council, No. 387, Order of United Commercial Travelers, of Pittsburg, Pa., favoring House bill 1491, relative to excess baggage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Papers to accompany bills for relief of estate of August Laban and heirs of Heluter Tonnoir—to the Committee on War Claims.

By Mr. CALDER: Petition of Winchester Post, No. 197, Department of New York, Grand Army of the Republic, against statues in Statuary Hall inimical to the Government of the United States—to the Committee on the Library.

By Mr. CALDERHEAD: Petitions of citizens of Longford, Kans., and citizens of Blue Rapids, Kans., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CLINE: Paper to accompany bill for relief of John Hanes—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Andrew J. Foster—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: Petition of citizens of Patchogue, N. Y., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Typographical Union No. 6, New York City, against increase of postage rates on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles Pfriemer, favoring legislation helpful to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. COVINGTON: Petition of citizens of Somerset County, Md., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIG: Petition of citizens of Clanton, Ala., against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of Tenth United Presbyterian Congregation, of Pittsburg, Pa., for the Burkett and Sims bills (S. 225 and H. R. 460)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tenth United Presbyterian Church, for the McCumber and Tirrell bills (S. 2846 and H. R. 14536)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of United Presbyterian Church, of Pittsburg, Pa., favoring Senate bill 1862—to the Committee on the Territories.

Also, petition of Old Glory Chapter, No. 58, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. DICKINSON: Petition of citizens of Brownington, Mo., and citizens of Adrian, Mo., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Tim & Co. and the Searl Manufacturing Company, of Troy, N. Y., against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bills for relief of William W. Kimball, Henry Hill, and E. H. Butram, and others—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of A. A. Baird and other citizens, of Kell, Marion County, Ill., against gambling in futures of grains—to the Committee on Agriculture.

Also, petition of Local Union No. 704, United Mine Workers of America, of Trenton, Ill., against increasing the postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of H. S. Ensign, publisher of the Rutland Record, of Rutland, Ill., favoring the passage of bill (H. R. 3075) to prohibit the printing of certain matter on stamped envelopes, and the sale thereof—to the Committee on the Post-Office and Post-Roads.

Also, petition of Glass Bottle Blowers' Association, Branch No. 3, of Streator, Ill., in favor of bill (H. R. 15441) regulating the hours of labor, etc.—to the Committee on Labor.

Also, petition of Selz, Schwab & Co., of Chicago, Ill., in favor of bill (H. R. 16019) concerning baggage and excess baggage, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Emerson-Brantingham Company, of Rockford, Ill., against the establishment of the proposed system of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Forest City Bit and Tool Company, of Rockford, Ill., against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of the Coal Exchange of Boston, Mass., favoring completion of Point Judith Harbor of Refuge—to the Committee on Rivers and Harbors.

Also, petition of citizens of Salem, Mass., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Northeast Wireless Society, against House joint resolution 95 unless amended—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Decker & Son, New York, N. Y., favoring the Humphrey ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Æolian Company, New York, N. Y., favoring the Humphrey ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Van Rensselaer Council, No. 1100, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Seedorf Brothers, of New York City, against House bill 12343, appropriation for the George Washington University—to the Committee on Appropriations.

By Mr. HAMMOND: Petition of C. C. Loar and 57 others, of Luverne, Minn., against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of American Association of Masters, Mates, and Pilots, of Baltimore, Md., favoring House joint resolution 129, relative to transportation of material for the Panama Canal—to the Committee on the Merchant Marine and Fisheries.

By Mr. HELM: Paper to accompany bill for relief of James McClure—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Papers to accompany bills for relief of Thomas Scarlett and Cornelius Britton, jr.—to the Committee on Invalid Pensions.

Also, petition of Cornelius Britton, jr., regarding damage to oyster beds in Raritan Bay, to accompany House bill 12328—to the Committee on Claims.

Also, petition of Louis A. Shepard, vice-president of the Titan Steel Casting Company, of Newark, N. J., against further legislation to regulate railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petitions of Edward Ellison and 47 other members of Furniture Handlers' Union, No. 1, of San Francisco, Cal.; J. Kavanaugh and 47 other citizens of San Francisco, Cal.; Martin J. Troy, Thomas Ker, John F. Infield, F. H. Edkins, G. W. Sheild, Thomas Alexander, F. E. Harvey, G. U. Walsmy, and D. H. Johnson, of San Francisco, Cal., favoring legislation to exclude all Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Garment Workers' Union of San Francisco, W. H. Leach and 16 other residents of San Francisco, and T. J. Malony and 48 other residents of San Francisco, against the immigration and naturalization of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petition of Springfield (Mass.) Board of Trade, for amendment of the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of Boston Typographical Union, No. 13, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KINKEAD of New Jersey: Petition of County Pilots' Association, favoring House bill 20162—to the Committee on Labor.

By Mr. KRONMILLER: Paper to accompany bill for relief of Margaret A. Thomas—to the Committee on Invalid Pensions.

By Mr. LANGLEY: Paper to accompany bill for relief of estate of Stephen Swangs—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of Joseph J. Good—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Minneapolis (Minn.) Wholesalers and Manufacturers' Association, favoring repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. McCALL: Petition of Edwin Ginn and other prominent citizens of the United States, urging that the United States transmit to the next International Peace Conference assurance that it will not increase its territory by conquest—to the Committee on Foreign Affairs.

By Mr. McMORRAN: Petition of Robert H. A. Corm, of Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bert C. Preston and 49 other citizens of Armada, Mich., opposing postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE of Nebraska: Petition of Sovereign Camp, Woodmen of the World, of Omaha, Nebr., against mail discrimination touching fraternal publications and favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of Iron Molders' Union No. 246, of Frankfort, N. Y., favoring House bill 15441, for an eight-hour work day in all government contract work—to the Committee on the Judiciary.

By Mr. MORGAN of Missouri: Petition of F. M. Sponable, W. E. Robbins, and 15 other citizens of Alba, Mo., against establishment of postal savings bank—previously referred to the Committee on Banking and Currency, reference changed to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of citizens of Monterey, Cal., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Petition of citizens of Stone County, Ark., to accompany House bill 18889—to the Committee on Agriculture.

By Mr. OLMSTED: Petition of citizens of Elizabethville, Berrysburg, and Lykens, Pa., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of Sedgwick Post, No. 42, Grand Army of the Republic, of Lebanon, Pa., favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. RAUCH: Petition of 115 members of Logansport Chapter, No. 434, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of labor unions of Logansport, Ind., favoring the eight-hour law—to the Committee on Labor.

By Mr. RHINOCK: Petition of citizens of Boone County, Ky., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Paper to accompany bill for relief of H. C. Chase (H. R. 13754)—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of Chicago Federation of Labor, favoring the passage of Senate bills 3731 and 5900 and House bills 19546 and 19795—to the Committee on Reform in the Civil Service.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Mrs. Hattie Curtiss—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 79, New Haven, Conn., favoring the eight-hour bill—to the Committee on Labor.

By Mr. STAFFORD: Petition of Henry Tennessen and others, of Milwaukee, Wis., against repeal of the oleomargarine law—to the Committee on Agriculture.

Also, petition of Richard J. Dawson Camp, No. 5, United Spanish War Veterans, for an appropriation to raise the battle ship *Maine*—to the Committee on Naval Affairs.

By Mr. STERLING: Paper to accompany bill for relief of estate of Isaac Nesbitt—to the Committee on War Claims.

Also, paper to accompany bill for relief of Post No. 387, Grand Army of the Republic, of Paxton, Ill., favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Alanson C. Haines and 24 other citizens of Newmarket, N. H.—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Marine Engineers' Beneficial Association No. 15, favoring legislation favorable to improvement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Tim & Co., of Troy, N. Y., for amendment of the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of Retail Cigar and Tobacco Dealers' Association, for legislation against coupon and gift schemes in connection with the tobacco trade—to the Committee on Insular Affairs.

Also, petitions of Charles Pfriemer, Musical Industrial, and Merchant Marine League, for ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Milton Piano Company and Auto Piano Company, against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

Also, petition of New York Typographical Union, No. 6, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of George E. Crouse, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Panama Rock Grange, No. 526, of Panama, N. Y., against change in oleomargarine law—to the Committee on Agriculture.

SENATE.

THURSDAY, *February 17, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CLAIM OF MANASSÉH GOODWIN.

The VICE-PRESIDENT laid before the Senate a communication from the Chief Justice of the Court of Claims, stating that in the case of Manasséh Goodwin, heir of Ezra S. Goodwin, deceased, the court is advised by claimant's counsel that the suit was improperly brought in the name of the claimant and that at the request of the Assistant Attorney-General having charge of the defense of cases in the Court of Claims the findings so certified to be returned to the court for such further proceedings as may be found necessary (S. Doc. No. 368); which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 821) to provide for the appointment of an additional district judge in and for the district of Maryland.

The message also announced that the House had passed the bill (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the concurrent resolution (S. C. Res. 23) providing for the printing of the proceedings relative to the acceptance of the statue of George Laird Shoup from the State of Idaho, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2265. An act for the erection of a memorial monument at Fort Recovery, Ohio;

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 16037. An act to amend section 810 of the Revised Statutes;

H. R. 16342. An act to amend section 876 of the Revised Statutes; and

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Brightwood Park Association of the District of Columbia, praying for the enactment of legislation to extend the so-called "telepost" system in the District of Columbia, and also to authorize the Baltimore and Washington Transit Company to extend its line from Third and Kennedy streets south on Third street to Kansas avenue, to Fifth street NW., to Rock Creek Church road, and so forth, which was referred to the Committee on the District of Columbia.

Mr. MARTIN presented a paper to accompany the bill (S. 5277) for the relief of the estate of Brandt Kinchloe, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5278) for the relief of the estate of John Jett, deceased, which was referred to the Committee on Claims.

He also presented an affidavit to accompany the bill (S. 6262) for the relief of the estate of Mary G. Temple, deceased, which was referred to the Committee on Claims.

Mr. BRISTOW presented a memorial of sundry citizens of Altoona, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Sacred Heart Council, No. 723, Knights of Columbus, of Atchison, Kans., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of Local Union No. 2293, United Mine Workers of America, of Rock Springs, Wyo., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. STEPHENSON presented a petition of Local Council No. 1170, Knights of Columbus, of Stevens Point, Wis., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Hortonville, Wis., and a memorial of sundry citizens of Shawano, Wis., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of the Farmers' Institute of Retreat, Wis., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commandery of the State of Wisconsin, Military Order of the Loyal Legion of the United States, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of George Eggleston Post, No. 133, Department of Wisconsin, Grand Army of the Republic, of Appleton, Wis., remonstrating against the placing of the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of Baraboo, Wis., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Hope Congregational Church, of Sturgeon Bay, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the congregation of the Hope Congregational Church, of Sturgeon Bay, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a memorial of Typographical Union No. 295, American Federation of Labor, of Newport, R. I., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Westerly, R. I., praying for the enactment of legislation to establish national forest reserves in the White Mountains and Southern Appalachian Range, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Dexter Yarn Company, of Pawtucket, R. I., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of Local Union No. 60, International United Brotherhood of Leather Workers, of Wheeling, W. Va., and a petition of the Allied Printing Trades Council, American Federation of Labor, of Wheeling, W. Va., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. BROWN presented a petition of the Nebraska Dairymen's Association, of Lincoln, Nebr., praying that an annual appropriation be made in aid of the agricultural colleges of the States and Territories, which was referred to the Committee on Agriculture and Forestry.

Mr. BULKELEY presented a petition of the Women's Christian Temperance Union, of Hartford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Juvenile Commission, of Hartford, Conn., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of Local Council No. 101, Knights of Columbus, of Portland, Me., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a memorial of sundry citizens of Lawrence, Nebr., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of sundry citizens of Bolton, Mass., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLETCHER presented a petition of the Board of Trade of Tampa, Fla., praying for the establishment of a more suitable marine hospital at that city, which was referred to the Committee on Commerce.

Mr. DEPEW presented a memorial of Typographical Union No. 6, American Federation of Labor, of New York City, N. Y., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Wheelock Post, No. 97, Department of New York, Grand Army of the Republic, of Boonville, N. Y., remonstrating against the placing of the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a memorial of sundry dealers and exporters of New York City, N. Y., remonstrating against the discrimination against the United States in favor of the Dominion of Canada in the French tariff on evaporated and chopped apples, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 600, United Brotherhood of Carpenters and Joiners of America, of Saranac Lake, N. Y., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of Winchester Post, No. 197, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., remonstrating against the placing of statues to the memory of leaders of the confederacy in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the Medical Society of the State of New York, praying for the enactment of legislation to establish a bureau of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. KEAN presented a memorial of sundry citizens of Hoboken, N. J., and a memorial of sundry citizens of Jersey City, N. J., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Local Council No. 355, Knights of Columbus, of Trenton, N. J., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of George B. Roberts Council, No. 219, Junior Order of United American Mechanics, of Camden, N. J., praying for the enactment of legislation to further restrict the immigration of aliens into the United States, which was referred to the Committee on Immigration.

He also presented a petition of the Jersey Blue Chapter of the National Society of the Daughters of the American Revolution, of New Brunswick, N. J., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of the New Jersey Chapter of the American Institute of Architects, of Jersey City, N. J., praying that an appropriation be made to enable the United States Government to participate in the international exposition to be held in Italy in 1911, which was ordered to lie on the table.

He also presented a memorial of Farragut Post, No. 28, Grand Army of the Republic, Department of New Jersey, of Paterson, N. J., remonstrating against any appropriation being made for the erection of monuments to the memory of confederate generals, and also against the granting of pensions to ex-confederates, which was referred to the Committee on the Library.

Mr. BRANDEGEE presented a petition of Mary Silliman Chapter, National Society Daughters of the American Revolution, of Bridgeport, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 6191) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas, reported it with an amendment and submitted a report (No. 228) thereon.

He also, from the same committee, to whom was referred the bill (S. 6229) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported it without amendment and submitted a report (No. 229) thereon.

He also, from the same committee, to whom was referred the bill (S. 6286) to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 230) thereon.

Mr. PILES, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5007) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes (Report No. 231); and

A bill (S. 5268) providing for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound (Report No. 232).

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 644) to amend section 3 of an act entitled "An act to amend and further extend the benefits

of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" reported adversely thereon, and the bill was postponed indefinitely.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (S. 5851) to amend an act approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga," reported it without amendment.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 5075) granting an honorable discharge to Thompson B. Pollard, reported it without amendment and submitted a report (No. 233) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1027) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts, reported it without amendment and submitted a report (No. 234) thereon.

He also, from the same committee, to whom was referred the joint resolution (S. J. Res. 74) authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba, reported it without amendment and submitted a report (No. 235) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the following bills, reported them severally without amendment and submitted a report thereon:

A bill (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette (Report No. 236); and

A bill (S. 5788) authorizing the Secretary of the Interior to make allotments within national forests (Report No. 237).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 6469) to regulate the transportation coastwise of property owned by the Government of the United States and merchandise transported for the use of the Government of the United States; to the Committee on Commerce.

By Mr. DILLINGHAM:

A bill (S. 6470) to amend an act approved February 6, 1909, entitled "An act relating to affairs in the Territories;" to the Committee on Territories.

By Mr. MARTIN:

A bill (S. 6471) granting certain obsolete ordnance for ornamental purposes; to the Committee on Military Affairs.

A bill (S. 6472) to establish a fish pond and station in the State of Virginia or Maryland; to the Committee on Fisheries.

By Mr. BRADLEY:

A bill (S. 6473) granting an increase of pension to Peter P. Sumner; and

A bill (S. 6474) granting an increase of pension to Allison W. Pollard; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 6475) granting an increase of pension to Clark C. Kenyon (with accompanying papers);

A bill (S. 6476) granting a pension to Sarah E. Bishop (with an accompanying paper);

A bill (S. 6477) granting an increase of pension to Leander Chapman (with an accompanying paper); and

A bill (S. 6478) granting an increase of pension to Matthew J. McRaith (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6479) granting an honorable discharge to Matthew Logan; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 6480) to grant certain public lands to the State of Colorado for the use of the State Agricultural College of said State for agriculture, forestry, and other purposes; and

A bill (S. 6481) granting to the State of Colorado for the Colorado State University certain lands in lieu of lands inclosed in forest reservations; to the Committee on Public Lands.

A bill (S. 6482) to provide for the purchase of a site and the erection of a public building thereon at Sterling, in the State of Colorado; to the Committee on Public Buildings and Grounds.

A bill (S. 6483) granting an increase of pension to Ferdinand Capansky (with an accompanying paper);

A bill (S. 6484) granting an increase of pension to William W. Chaffee (with an accompanying paper);

A bill (S. 6485) granting an increase of pension to Josiah Chatfield (with accompanying papers);

A bill (S. 6486) granting an increase of pension to Charles A. Lauman (with an accompanying paper);

A bill (S. 6487) granting an increase of pension to Christopher M. McGuire (with accompanying papers);

A bill (S. 6488) granting an increase of pension to Thomas Madden;

A bill (S. 6489) granting an increase of pension to Jonas Schrock (with an accompanying paper);

A bill (S. 6490) granting an increase of pension to Hiram R. Smith (with an accompanying paper);

A bill (S. 6491) granting an increase of pension to Thomas Tovey (with accompanying papers); and

A bill (S. 6492) granting an increase of pension to Edward Wayman (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 6493) granting an increase of pension to Jonathan M. Crooks (with accompanying papers);

A bill (S. 6494) granting an increase of pension to David T. Taylor (with an accompanying paper); and

A bill (S. 6495) granting an increase of pension to William Ford, jr.; to the Committee on Pensions.

By Mr. JOHNSTON:

A bill (S. 6496) to correct the military record of Sumeral Dennis; to the Committee on Military Affairs.

A bill (S. 6497) for the relief of the heirs of A. M. Harton; and

A bill (S. 6498) for the relief of the heirs of J. H. Peeples; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6499) granting a pension to Jane C. Watkins (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6500) to correct the military record of Harvey H. Young; and

A bill (S. 6501) authorizing the appointment of Maj. John S. Bishop, U. S. Army, retired, on the retired list of the army with the rank of brigadier-general; to the Committee on Military Affairs.

A bill (S. 6502) granting an increase of pension to Mary B. Keller;

A bill (S. 6503) granting an increase of pension to Andrew J. Saulsburg;

A bill (S. 6504) granting an increase of pension to William Wise;

A bill (S. 6505) granting a pension to Margaret Mars;

A bill (S. 6506) granting a pension to Emma A. Poland;

A bill (S. 6507) granting a pension to Robert J. Campbell;

A bill (S. 6508) granting a pension to Bernard Closkey;

A bill (S. 6509) granting an increase of pension to T. D. G. Smith;

A bill (S. 6510) granting an increase of pension to Taylor M. McFarland;

A bill (S. 6511) granting an increase of pension to Frank Edinger;

A bill (S. 6512) granting an increase of pension to Josiah Ackerman;

A bill (S. 6513) granting an increase of pension to Albert Person (with an accompanying paper);

A bill (S. 6514) granting an increase of pension to George C. Platt (with an accompanying paper);

A bill (S. 6515) granting an increase of pension to Robert W. Dinsmore (with an accompanying paper);

A bill (S. 6516) granting an increase of pension to Robert McIntosh (with accompanying papers);

A bill (S. 6517) granting an increase of pension to John H. Cox (with an accompanying paper);

A bill (S. 6518) granting an increase of pension to George D. Runk (with an accompanying paper);

A bill (S. 6519) granting a pension to Mary L. B. McBride (with an accompanying paper);

A bill (S. 6520) granting an increase of pension to Isaac Henninger (with an accompanying paper); and

A bill (S. 6521) granting an increase of pension to Ira Lyle (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6522) for the relief of the estate of Dolly Jones; and

A bill (S. 6523) for the relief of the heirs of Hayden M. Prior; to the Committee on Claims.

A bill (S. 6524) granting a pension to John Moncrief; to the Committee on Pensions.

By Mr. DICK:
A bill (S. 6525) to correct the military record of John J. Troxell; to the Committee on Military Affairs.
A bill (S. 6526) granting a pension to Emory W. Henderson;
A bill (S. 6527) granting a pension to Eliza Lee;
A bill (S. 6528) granting an increase of pension to Andrew B. Keith;
A bill (S. 6529) granting an increase of pension to William G. Felton; and
A bill (S. 6530) granting an increase of pension to Rodney K. Shaw; to the Committee on Pensions.
By Mr. PILES:
A bill (S. 6531) for the relief of the Pacific Creosoting Company (with an accompanying paper); to the Committee on Finance.
By Mr. FLETCHER:
A bill (S. 6532) for the relief of the heirs of Andrew E. Hodges; and
A bill (S. 6533) for the relief of William Minshew; to the Committee on Claims.
By Mr. LODGE:
A bill (S. 6534) to correct the military record of Reuben B. Coburn and to grant him an honorable discharge (with an accompanying paper); to the Committee on Military Affairs.
By Mr. BURKETT:
A bill (S. 6535) granting an increase of pension to Henry J. Streight; and
A bill (S. 6536) granting an increase of pension to Francis A. Smith; to the Committee on Pensions.
By Mr. HALE:
A bill (S. 6537) granting an increase of pension to Warren I. Buzzell; to the Committee on Pensions.
By Mr. RICHARDSON:
A bill (S. 6538) granting a pension to Elisha G. Ryon; to the Committee on Pensions.
By Mr. CHAMBERLAIN:
A bill (S. 6539) granting a pension to Eliza E. Parkhurst; and
A bill (S. 6540) granting a pension to Frank D. Houghton; to the Committee on Pensions.
By Mr. ALDRICH:
A bill (S. 6541) to amend sections 3536 and 3548 of the Revised Statutes in regard to the standard weight of coins (with an accompanying paper); to the Committee on Finance.
By Mr. MONEY:
A bill (S. 6542) for the relief of Harry Percy Lee, and John M. Lee, and the heirs of Nathaniel W. Lee, of the county of Washington, State of Mississippi; and
A bill (S. 6543) for the relief of the estate of John A. Heard, deceased (with an accompanying paper); to the Committee on Claims.
A bill (S. 6544) to provide for the erection of a public building at Laurel, in the State of Mississippi; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BROWN submitted an amendment proposing to appropriate $200,000 for the improvement of the Missouri River above Kansas City, Mo., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. FOSTER submitted an amendment proposing to appropriate $530,000 for improving the Atchafalaya River, Louisiana, from Morgan City to the Gulf of Mexico, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. FLETCHER submitted an amendment proposing to appropriate $1,000 for the improvement of the St. Lucie Inlet, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
He also submitted an amendment providing for the improvement of Taylors Creek, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. JONES submitted an amendment proposing to increase the appropriation for improving the Columbia River between Bridgeport and Kettle Falls, State of Washington, etc., to $175,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
He also submitted an amendment providing for the construction of a breakwater off the northeast end of Whale Island, St. Michael Sound, Alaska, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. PILES submitted an amendment proposing to increase the appropriation for improving Columbia River, Washington, to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CROW INDIANS OF MONTANA.

Mr. PAGE submitted the following resolution (S. Res. 181), which (with an accompanying paper) was referred to the Committee on Printing:

Senate resolution 181.

Resolved, That the hearings on the bill of the Senate (S. 3373) regarding the Crow Indians of Montana, be printed as a Senate document.

ESTATE OF JOHN A. HEARD, DECEASED.

Mr. MONEY submitted the following resolution (S. Res. 182), which was referred to the Committee on Claims:

Senate resolution 182.

Resolved, That the bill of the Senate (S. 6543) for the relief of the estate of John A. Heard, deceased, together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act.

ARKANSAS RIVER BRIDGE.

Mr. SIMMONS. I ask unanimous consent for the consideration of the bill (S. 6191) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas. The bill was introduced by the senior Senator from Arkansas [Mr. CLARKE], who is absent, and has just been reported by the Senator from Virginia [Mr. MARTIN]. I know that the Senator from Arkansas is anxious that there should be immediate action upon the bill.
The VICE-PRESIDENT. The bill will be read for the information of the Senate.
The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.
The bill was reported from the Committee on Commerce with an amendment, in line 11, after the name "Van Buren," to insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Fort Smith and Van Buren district, a body politic and corporate created by act of the general assembly of Arkansas approved April 10, 1909, to construct, maintain, and operate a bridge across the Arkansas River at Van Buren, Ark., and its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River between the cities of Fort Smith and Van Buren, at a point suitable to the interests of navigation, one end of said bridge to be in the corporate limits of the city of Van Buren, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.
SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERWAYS AND WATER RESOURCES.

Mr. NEWLANDS. Mr. President, I submitted yesterday an amendment intended to be proposed by me to the river and harbor bill providing for the coordination of the scientific services of the Government with the Corps of Engineers of the Army in framing plans for the full development of our rivers for every useful purpose; and also providing for the cooperation of the United States with the States, municipalities, and private interests in the development of our rivers for every useful purpose, each within the range of its jurisdiction, these useful purposes to include not only navigation, but the reclamation of arid lands, the drainage of swamp lands, the development of water power, and other useful purposes.
I asked that the amendment might lie upon the table, and I gave notice that I would address the Senate this morning upon the subject. I do not find that it is on the calendar in the list of subjects on the table. I ask that it be put upon the calendar, and I give notice that to-morrow, at a convenient time during the morning hour, I shall address the Senate upon the amendment.
The VICE-PRESIDENT. The request of the Senator from Nevada will be complied with, in the absence of objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the diplomatic and consular appropriation bill be considered by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19255) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments first to be considered? The Chair hears no objection.

The Secretary proceeded to read the bill, and read to line 14, on page 7, the last paragraph read being as follows:

For the payment of the cost of tuition of student interpreters at the embassy to Japan, at the rate of $125 per annum each, $750.

Mr. BACON. I desire, as the bill progresses, to ask the Senator from Maine a question. This is a matter, of course, in which the Foreign Relations Committee is necessarily very much interested, and I have had no opportunity to compare this bill with the former bill. There are several provisions here with reference to students, and so forth. I simply desire to ask the Senator whether this bill follows substantially the former bill or whether these are new provisions which are now being suggested?

I wish to say in this connection, Mr. President, that while I have no desire to suggest that the diplomatic and consular appropriation bill shall be in charge of the Committee on Foreign Relations, I do think when changes are made in the diplomatic or consular service the question of those changes ought to go to the Committee on Foreign Relations, except such of them as ought to go to the Committee on Commerce. A part of them would go to the Committee on Commerce, of course.

I make the inquiry now, having no disposition to detain the Senate in any way, but simply to know whether these provisions are substantially the provisions as they have heretofore been found in the appropriation bill, or whether the appropriations about students are innovations.

Mr. HALE. They are substantially the same as in the former bill. The whole subject was carefully investigated by the House Committee on Foreign Affairs.

Mr. BACON. They do not have the same duties that the Committee on Foreign Relations has. I am speaking about the matter of diplomatic representation, and things of that kind. They have, of course, within a certain range, the same duties.

Mr. HALE. The committee there has charge of this bill.

Mr. BACON. Yes; it has.

Mr. HALE. I was saying that that committee went into this matter very thoroughly, and these are nothing but substantially the old appropriations.

The Committee on Appropriations, in the diplomatic and consular appropriation bill, has always acted in cooperation with the Committee on Foreign Relations of the Senate; and new projects are always, so far as I know, and as far as I can in any way control it, sent to the Committee on Foreign Relations, in order that they may report amendments.

The Senator from Georgia I think knows, and the chairman of the committee [Mr. CULLOM], the Senator from Massachusetts [Mr. LODGE], and others know, that we are very glad to have the Committee on Foreign Relations of the Senate take the initiative in all new matters, and we are very glad, when amendments are reported by that committee to the Committee on Appropriations, to put them on. I frequently say to the members of the committee that if any controversy arises in the Senate, as the subject has really been thrashed out in the Committee on Foreign Relations, I hope they will be ready to look after it on the floor.

Mr. BACON. We could not very well do that without having had an opportunity to know what it was before it was reported. So far as I know, this has not been in any manner referred to the Committee on Foreign Relations.

Mr. HALE. I did not say the bill was referred to the Committee on Foreign Relations.

Mr. BACON. Or any provision in it.

Mr. HALE. In everything that is not routine or was not passed by the House, the Committee on Appropriations waits for the action of the Committee on Foreign Relations.

Mr. BACON. If the Senator will pardon me, I, of course, have every respect for the action of the House, but I do not think the end is fully accomplished by saying it has been considered by the House committee. My only purpose in rising was to inquire whether any of these are new matters, and if they are not, I have nothing further to say about it. If they are new matters, I think they should have come from the Committee on Foreign Relations.

Mr. HALE. No; they are substantially old matters.

Mr. BACON. The Senator from Massachusetts [Mr. LODGE] is very familiar with this matter, as is also the chairman of the committee. My recollection about it is somewhat indistinct. I recollect, of course, when we had up the question as to students in China. I simply desire to ask one of those Senators, one of them being chairman of the committee, and the other one of the most prominent members of the Committee on Foreign Relations, whether the matter in regard to the Japanese students is a matter which has frequently been considered or whether this is new.

Mr. CULLOM. The Japanese item did not come before the Committee on Foreign Relations at all. The item is just the same as it has been before in the bill; but the Committee on Foreign Relations had nothing to do this year with the consideration of it, as it was a matter that had already been in the bill, and was agreed to by the House.

Mr. BACON. My only inquiry was as to one matter, whether Japanese students were included in the former bill. I know that as to the Chinese that they were included.

Mr. LODGE. They were included in the former bill. I have not a copy of it, but I remember that they were included in the bill last year in the same form. We have had those student interpreters for some time.

Mr. BACON. I know that is the case as to the Chinese. My inquiry was as to the Japanese.

Mr. LODGE. It is the same as last year. This is not brought in as a new provision.

Mr. BACON. I asked for information because my memory was not very clear.

The reading of the bill was continued.

The first amendment of the Committee on Appropriations was, on page 8, after line 15, to insert:

QUARTERS FOR THE STUDENT INTERPRETERS AT THE EMBASSY TO TURKEY.

For rent of quarters for the student interpreters attached to the embassy to Turkey, $600, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to insert:

For the purchase of the necessary furniture for the quarters for the student interpreters attached to the embassy at Constantinople, Turkey, $1,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert:

DISTRIBUTING INFORMATION, DEPARTMENT OF STATE.

For 2 clerks to be employed by the Department of State and to be charged with the distribution of information among the diplomatic missions, 1 at the rate of $1,800 per annum, and 1 at the rate of $1,600 per annum; in all, $3,400.

Mr. HALE. I ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, under the subhead "Transporting remains of diplomatic officers, consuls, and consular clerks to their homes for interment," on page 12, line 1, after the word "consular," to strike out "clerks" and insert "assistants," so as to make the clause read:

For defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular assistants, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home, $5,000.

The reading of the bill was continued to line 21, on page 17, the last paragraphs read being as follows:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge of the United States court for China, $8,000; district attorney of the United States court for China, $4,000; marshal of the United States court for China, $3,000; clerk of the United States court for China, $3,000; stenographer of the United States court for China, $1,800; for court expenses, $7,000; total, $26,800.

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney; and so much as may be necessary for said purposes during the fiscal year ending June 30, 1911, is hereby appropriated.

Mr. BACON. I should like to make an inquiry of the Senator from Maine. I do so because of the fact that there has been a good deal of agitation about the Chinese court. I simply desire to ask whether those salaries are the same as have been heretofore paid?

Mr. HALE. They are the same, and are fixed by law.

Mr. BACON. I knew they were fixed by law, but frequently appropriations are made in a different way, as the Senator knows, and for that reason I asked the question. I only asked it because, as the Senator is aware, there has been in times past a good deal of agitation upon this question, and a good deal of influence has been sought to be brought to bear to have Congress make certain changes. Without having the old bill before me I did not know whether the House had made any change or not.

The reading of the bill was continued.

The next amendment was, on page 20, after line 12, to insert:

ANNUAL PAYMENT TO COLOMBIA UNDER TREATIES.

For the payment of the annual installment for the calendar year 1910, under the assignment and transfer made by the Republic of Panama to the Republic of Colombia, in manner and form as contained in the treaty between the Republic of Colombia and the Republic of Panama of January 9, 1909, the recognition of which assignment and acceptance of notice thereof are given by the United States in Article V of the treaty between the United States and the Republic of Colombia concluded January 9, 1909, $250,000.

Mr. BACON. I understand that this appropriation has no relation to the treaty which has been ratified by Panama but not ratified by Colombia—the tripartite treaty, as it is known?

Mr. HALE. This is the assumption, as the Senator remembers, by us of the $250,000 that Panama pays to Colombia for its cession of Colombian territory.

Mr. BACON. I understand that; but I say it in no manner relates to the provision of the treaty to which I have just alluded.

Mr. HALE. No; it does not in any way cover that.

The VICE-PRESIDENT. If there be no objection, the amendment will be agreed to. The Chair hears none, and it is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 21, to insert:

INTERNATIONAL EXPOSITIONS AT ROME AND TURIN, ITALY.

To enable the United States to participate in the International Exposition of Art and History, to be held at Rome, Italy, and the International Exposition of Industry and Labor, to be held at Turin, Italy, during the calendar year 1911, in commemoration of the fiftieth anniversary of the Kingdom of Italy, $130,000. All expenditures necessary in the participation of said expositions shall be made under the direction and control of the Department of State and shall be reported to the first regular session of Congress after the close of said expositions.

The amendment was agreed to.

Mr. HALE. Mr. President, at this point, on behalf of the Committee on Foreign Relations, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. It is proposed to insert after the amendment just agreed to the following:

INTERNATIONAL AUSTRO-HUNGARIAN EXPOSITION OF THE CHASE.

For cooperation in the International Austro-Hungarian Exposition of the Chase to be held in Vienna, Austria, beginning in May, 1910: For the collection, preparation, and transportation of specimens, objects, and materials necessary for said exposition; for salaries and traveling expenses and for rental of temporary quarters, workshops, and storage rooms in the District of Columbia and elsewhere, $50,000, to be expended under the direction of the Secretary of State of the United States and to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, after line 13, to insert:

BUREAU OF THE INTERPARLIAMENTARY UNION FOR THE PROMOTION OF INTERNATIONAL ARBITRATION.

For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, $2,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 19, to insert:

FOREIGN TRADE AND TREATY RELATIONS.

The unexpended balance of the sum of $100,000 appropriated by the urgent deficiency act approved August 5, 1909, for defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected, and their compensation fixed, by the Secretary of State, and to be expended under his direction, is hereby continued and made available until expended. A detailed statement showing expenditures, including salaries or rates of compensation paid, under this appropriation shall be reported to Congress by the Secretary of State on the first day of each regular session.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. Mr. President, I presume the amendment is all right, but it is quite a long amendment, and it is impossible from the hasty reading to catch its full import. I notice that the salaries referred to therein are to be fixed by the Secretary of State. I was not able to catch fully the import of the amendment, and I should be glad if the Senator from Maine would make a statement in regard to it.

Mr. HALE. Mr. President, all of the officers created by the general provision of last year under the terms of that provision have been reported in detail, and will be considered on the salary bill, when that comes up, as regular salaries. This provision continues for another year the $25,000 until it is expended, the same as the appropriation last year.

Mr. BACON. Will the Senator from Maine please state what the officers are? I could not catch them.

Mr. HALE. There is a consul; there is a diplomatic agent; there are law clerks; there are in all some eight or nine officers at different salaries, all of which have been referred to the committee which considers the salaries under the provision of the salary bill of last year.

Mr. BACON. I understood, though, this amendment to authorize the Secretary of State to fix the salaries.

Mr. HALE. No; this is for the balance of $25,000 that has not already been expended. This continues in existence $25,000 of the $100,000 which we appropriated last year.

Mr. BACON. Why do we not fix the salaries?

Mr. HALE. Because the Secretary of State was not and is not ready; but the object is to continue this appropriation, so that at the next session of Congress, if any of this money is used, it will be reported as the $75,000 was reported in detail, and will go into the regular estimates under the salary bill. It only keeps alive this $25,000.

Mr. BACON. Mr. President, I recognize the fact, of course, that in the work of the State Department especially, a great deal has to be left to the discretion of that department in the way of expenditure; that we must necessarily in dealing with business in that department appropriate money, and leave the details in a degree to the Secretary of State; but when it comes to the matter of salaries for ascertained officers, I do not see why that is not strictly the business of Congress.

Mr. HALE. This deals with the $25,000 just as we dealt last year with the $75,000. The Secretary could not report because he was not ready and did not know just what he wanted; but we put him under restriction that he should report, as he did at the opening of this session, in detail for the $75,000. This treats the $25,000 in the same way.

Mr. BACON. Of course, I am not proposing to make any amendment to it; but I am calling attention to the matter because I do not think it is good practice. Possibly calling attention to it may guard it in the future. I think that when the salaries of ascertained officers are to be fixed Congress should do it. Of course, where there must be agents or representatives of any kind employed the number and duties of which are in a large measure undetermined, it is necessary that it should be left in the discretion of the department officer.

Mr. HALE. That is the whole thing. The Senator is right about it.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

INCOME TAX.

Mr. KEAN. Mr. President, I notice in the RECORD of yesterday that the Senator from Nebraska [Mr. BROWN] had published the message of the governor of New Jersey relative to the proposed sixteenth amendment to the Constitution of the United States. In order that the people of the country may be informed of the subject in another way, I ask to have printed in the RECORD and also as a document an argument by a former Senator from Vermont, Mr. Edmunds, who is now a private citizen, and who writes with great force and clearness.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Jersey? The Chair hears none, and the request of the Senator from New Jersey is agreed to.

The document (S. Doc. No. 367) referred to is as follows:

A FORMER VERMONT SENATOR DESCRIBES THE POWER OF TAXATION AND DEFINES DIFFERENCE BETWEEN PROPERTY TAXES, DUTIES, AND IMPOSTS—IMPORTANCE OF THE RIGHTS THE STATES ARE ASKED TO SURRENDER—CONGRESS NOW HAS SUFFICIENT POWER TO RAISE REVENUE FOR FINANCING A GREAT WAR—DANGERS OF CENTRALIZATION.

Through the courtesy of Hon. WILLIAM P. DILLINGHAM, and with the consent of the author, the Journal is able to-day to present to its readers a letter on the proposed amendment to the Constitution of the United States, granting the power to Congress to impose income taxes without limitation. The full text of the letter is given herewith:

AIKEN, S. C., *January 14, 1910.*

MY DEAR SENATOR: Your kind note of 11th ultimo, suggesting that I state more fully the views that I expressed to you and Senator PAGE last summer on the subject of the proposed constitutional amendment giving Congress complete power to impose income taxes without any limitation whatever, was duly received.

This proposed amendment, of course, embraces the income from every species of property, whether national bonds, state bonds, municipal bonds, the income of churches and charitable institutions, as well as savings banks and all the other earnings of labor. In considering this subject in an orderly manner I shall state much that with you and Senator PAGE and many others goes, as the common phrase is, without saying.

THE POWER OF TAXATION.

The power of taxation is the fundamental power of governmental life; on it all the other powers and functions of government depend for their execution. The builders of our States and the creators of the Government of the United States knew this and felt it deeply. They knew and saw, perhaps more clearly than we do in these times of generous enthusiasm and excitement, the danger to the people of the different States, in their different situations, necessities, occupations, and internal policies, in the possible unequal and injurious exercise by Congress of the tremendous power of undefined and unlimited taxation. They saw that the inherent sovereignty and security of each State must be absolutely preserved except so far as power should be definitely granted to a common government exercising only the powers necessary to the safety and common defense and general welfare of all the States and people as finally described and specified in the Constitution of the United States.

The grants and limitations of the power of taxation and the raising of revenues by Congress were set forth in the Constitution as follows:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills." (Art. I, sec. 7, par. 1.)

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States." (Art. I, sec. 8, par. 1.)

"No capitation or other direct tax shall be laid unless in proportion to the census of enumeration hereinbefore directed to be taken.

"No tax or duty shall be laid on articles exported from any State." (Art. I, sec. 9, pars. 4, 5.)

Thus it will be seen that two explicit and fundamental rules governing the imposition by Congress of burdens upon the people of the several States were established: First, that taxes upon persons and property must be apportioned among the several States according to their respective populations; and, second, that the impositions arising from duties, imposts, and excises must be uniform throughout the United States.

DIFFERENT KINDS OF TAXATION.

The difference between a tax upon property of any and every kind—which is and must be inherently direct—and taxes imposed in the form of duties and excises is obvious in principle as well as in fact. The first kind of tax is and always must be upon things and rights, while the second is and always must be upon the doing of something which each person may do or refrain from doing at his own will and pleasure.

The land, the goods, or the money of a member of the community can not escape taxation by a change of ownership, for the tax adheres to the thing or right, and whether one person or another has it is of no consequence whatever. But with the tax in the form of a duty or excise it is very different. In the case of a duty it is the voluntary act of the importer in bringing into the country the goods that fixes the tax upon him, and it is the same with excise taxes.

No one is compelled by law to engage in the business of buying and selling merchandise, stocks, operating railways, or in any particular business whatever. If he chooses to do so, he submits himself of his own choice to any excise tax that may be uniformly laid upon that particular kind of business.

The framers of the Constitution clearly understood these distinctions and provided for the security of the internal rights of the people of the several States accordingly by requiring that in the imposition of poll and all other direct taxes they should be apportioned among the several States according to population, thus securing to the minorities of the people equality with the majorities of the people electing the House of Representatives, and thus controlling the kind and amount of the levies made.

RIGHTS OF THE STATES.

Now, after one hundred and twenty-one years of prosperity and vast increase in wealth and population, and, consequently, the vast increase in the numbers and power of the House of Representatives, it is proposed that the several States shall surrender to Congress the right to impose one kind of direct taxation without regard to the fundamental safeguard of proportional numbers secured to the several States as established in the present Constitution, and, indeed, in so sweeping and unlimited form as to grant to Congress the right to tax the very States themselves by impositions upon their bonds and other sources of revenue. It would be a less evil had the amendment provided for a complete annulment of the restrictive safeguard as applied to direct taxes of every kind.

For what reason is this great and radical change and surrender proposed?

Has the safety or common defense or general welfare of the people of the whole Union ever been endangered, or even injuriously affected, by the constitutional requirement as it now exists? We all know that they have not.

PROVISIONS FOR WAR REVENUES.

But it is said that in the future some vast war may arise when every financial resource of our common country must be available by taxation inaugurated by the House of Representatives. The Constitution provides this already. But the representation from each separate State in that House is based exclusively upon the numbers of its population. Then in the dreadful extremity foreseen by the prophets of to-day let the House of Representatives impose its direct taxation by the same constitutional rule and proportion that gives the States great in population a complete domination in the House of Representatives, which alone has the power to originate tax bills. So said the great statesmen and patriots who formed our Constitution and who knew the evil history of the centralization of power, both in monarchical and republican forms of government, exerting its malign influence as well from the fiery heat of great popular emotions as from the cold tyranny of a single despot.

STRONG BULWARK OF SAFETY.

At the present time the vast mass of the money wealth ("the sinews of war") of the whole Union exists, with perhaps one or two exceptions, in the more populous States; and it will naturally continue to be so.

We can not know what combinations of powerful interests or of powerful States may come into existence, perilous to the freedom and equality of the weaker communities or States, through the absorption, by what we call the General Government of more and more of the functions that have always belonged and still belong to the people of each of the several States, and on the retention of which by each State rests the very existence of our Union as it is. This great and strong bulwark of the safety of each State against the oppression of any State or number of States by majority of numbers once thrown down is lost forever. Plausible as some of the arguments advanced for such changes of power may be, I would, as a lover of my whole country and especially of my own dear State, resist them all.

Respectfully, yours, GEORGE F. EDMUNDS.

Hon. WILLIAM P. DILLINGHAM,
United States Senate, Washington, D. C.

PIPE LINES IN ARKANSAS.

Mr. OWEN. I wish to call up Senate bill 3544, returned on my request from the House of Representatives, with a view of moving a reconsideration of the vote by which the bill was ordered to a third reading, read the third time, and passed on last Friday.

The VICE-PRESIDENT laid before the Senate the bill (S. 3544) to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines, returned from the House of Representatives in compliance with the request of the Senate.

Mr. OWEN. I ask unanimous consent that the vote by which the bill was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered.

The VICE-PRESIDENT. In the absence of objection, it is so ordered. The bill is before the Senate and open to amendment.

Mr. OWEN. On page 2, line 2, before the word "line," I move to strike out the word "public," and in lieu thereof to insert the word "pipe." It is a typographical error.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. DAVIS. Mr. President——

Mr. OWEN. Mr. President, I yield the floor to the Senator from Arkansas.

The VICE-PRESIDENT. The Senator from Arkansas.

Mr. DAVIS. Mr. President, this bill affects my State very materially. It was passed during my temporary absence from the Chamber on the 14th instant, without consideration of the Senate, or without the Senate knowing its true purpose or intent. For the purpose of advising the Senate along those lines, I ask your attention for a few moments.

This bill is for the purpose of establishing pipe lines to transmit oil and gas through the public lands of Arkansas. Of course, Mr. President, it is general in its terms, but I charge that it is in the direct interest of the Prairie Creek Oil and Gas Company, which is a part and parcel of the Standard Oil Company. That is not denied by the Senator from Oklahoma, and it was not denied before the committee having charge of this bill. Mr. President, I am not willing to sit idly in my seat and allow a bill to pass granting to the Standard Oil Company or to any of its subsidiary companies the right to transmit oil and gas through the public domain of my State without raising my voice in opposition.

In Arkansas, Mr. President, we have a very forceful and effective antitrust law. The pending bill provides that this company, while conducting their business and transmitting oil and gas, shall not violate the terms of the Sherman antitrust law. Is there a Senator upon this floor who can point me to a single instance where the Sherman antitrust law has ever turned one dollar of money into the Public Treasury of this country? I charge that the Sherman antitrust law has been helpless, has been impotent, has been powerless to check the grasping greed of the Standard Oil Company in its manipulation of its products so as to oppress the users thereof. I recall,

of course, that in Chicago a fine of $29,000,000 was imposed against that company, but that judgment vanished as the mist does before the morning sun. No Senator here can point me to a single instance where any substantial good or any substantial benefit has been derived by the enforcement of the so-called "Sherman antitrust law." When the provision that the company should not violate the terms of the Sherman antitrust law was put in this bill it was thrown out as a sop to catch the votes of those Senators who would not dare to come out in the open and let their constituents know that they had voted for a measure granting any privilege or any right to this set of thieves and robbers, the Standard Oil Company.

Mr. President, we have an antitrust law in Arkansas, and, as I have said, it is a very forceful and very efficient one. The moment you permit this legislation to pass, the moment you give this Standard Oil Company a legal status, a legal standing in Arkansas, you bring into conflict federal and state jurisdiction. I am told that an act of Congress can not vitiate or set aside a state statute. I grant you that; but, sir, the very entry into the borders of our State of the Sandard Oil Company constitutes a breach of our antitrust act. The very moment that you permit them to cross our borders, the very moment that you permit them to construct this line and transmit their products, that very moment they become violators of the Arkansas antitrust law.

What will be the result, Mr. President, if an indictment follows when an act of Congress gives them the right to enter Arkansas and carry their products across our territory? Immediately, sir, a conflict between state and federal jurisdiction is brought about, very much to be regretted and deplored, and a thing that I can not believe any Senator upon this floor would be willing to sanction in this way. Just let me read you the provision of the Arkansas antitrust law. It is found in the acts of Arkansas of the session of 1905, on page 1, and it provides, in short, that—

Any corporation—

Mark the language, Senators—

Any corporation organized under the laws of this or any other State or country and transacting or conducting any kind of business in this State—

Would not the transmission of oil by means of a pipe-line system be transacting business within the meaning of this statute? I say it would. The act continues:

or any partnership or individual, or other association or persons whatsoever, who are now, or shall hereafter create, enter into, become a member of or a party to, any pool, trust, agreement, combination, confederation, or understanding, whether the same is made in this State or elsewhere * * * shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to the penalties as provided by this act—

And—

* * * shall forfeit not less than $200 nor more than $5,000 for every such offense, and each day such person, corporation, partnership, or association shall continue to do so shall be a separate offense.

* * * * * * * *

SEC. 3. Any corporation created or organized by or under the laws of this State which shall violate any of the provisions of the preceding sections of this act shall thereby forfeit its corporate rights and franchises, and its corporate existence shall, upon proper proof being made thereof in any court of competent jurisdiction in this State, be by the court declared forfeited, void, and of noneffect, and shall thereupon cease and determine; and any corporation created or organized by or under the laws of any other State or country which shall violate any provision of the preceding sections of this act shall thereby forfeit its right and privilege thereafter to do any business in this State.

Now, mark the language of this statute. It says that any corporation organized either in this State or in any other State or in any other country, and transacting or conducting any kind of business in Arkansas, that shall become a member of any pool, trust, agreement, or confederation shall be subject to the penalties of this act.

Now, Mr. President, will the Senator from Oklahoma deny the fact that the Standard Oil Company is one of the most gigantic trusts, one of the most iniquitous trusts, one of the most damnable trusts that exists in this country to-day? By the very terms of the Arkansas antitrust act they can not come into Arkansas for the purpose of transacting any kind of business. Then will the Congress of the United States, by this special act, by this special legislation, grant to this combination the right to transact business in my State contrary to the statutes of that State?

The Prairie Creek Gas and Oil Company, Mr. President, is the same concern that has caused so much scandal in the State of Oklahoma. I remember full well when they attempted to lay their pipe lines in that State; the attorney-general of Oklahoma began proceedings of ouster and the governor of that State, Mr. Haskell, interfered in their favor, and such a scandal as arose from that transaction had never been heard of before; its stench arose to the very heavens, and the nostrils of the people of that State were filled with that stench; but onward Governor Haskell has gone, step after step, until he has been indicted by the federal court in that State. I am not here to say whether he is guilty or innocent, whether or not he ought to have been indicted; but I am here to say that just such legislation as this and just such favoritism as is sought to be given to the Standard Oil Company, under the guise and pretext that it is for the benefit of the Prairie Creek Oil and Gas Company, will bring about just another such scandal as the one in Oklahoma.

Mr. President, in Arkansas we do not want the Standard Oil Company. I would be glad to-day to drive it from our borders and let the little independent refiners transact the business of the country. The only place that I would consent that a pipe line might be constructed to carry the oil and gas of the Standard Oil Company would be straight from here to hell [laughter], and I would like to have John D. Rockefeller, the old he-trust magnate of them all, there to receive it; let it sweep around him and let its flames engulf him, just as they will at the final day.

Ah, Mr. President and Senators, before you bring this blot on Arkansas, before you bring this stain on my native State, I ask the Democrats here seriously, candidly to stop and weigh it well. I challenge a Democrat to vote in the open upon a roll call for this bill, aside from the Senator from Oklahoma, who, I am advised, has some business connections, perhaps, with the Prairie Creek Gas and Oil Company.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. GAMBLE in the chair). Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. DAVIS. Certainly.

Mr. OWEN. Mr. President, the impudent speech of the Senator from Arkansas has no foundation in fact whatever.

Mr. DAVIS. My advice is that way; my informant may be incorrect, but the Senator sympathizes with them; he acts like he is interested; he talks like he is interested; and, by jingo, I believe he is interested. [Laughter.]

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. DAVIS. Yes, sir.

Mr. OWEN. Mr. President, it is entirely immaterial to the Senator from Oklahoma what may be the opinion of the Senator from Arkansas. The exhibition that he is now making of himself before the country is sufficient to justify the comment of the Senator from Oklahoma that the opinion of the Senator from Arkansas is utterly worthless. [Laughter.]

Mr. DAVIS. That may be true, Mr. President; I may be making an exhibition before the country, but I thank God that I have never yet made an exhibition in favor of the Standard Oil Company. Petroleum stinks to me; it smells bad. I do not like petroleum, crude or refined; and, sir, before I make an exhibition in the interest of this gigantic monopoly may my right hand forget its cunning, may my tongue cleave to the roof of my mouth, and may the mother that gave me birth disown me.

I am in dead earnest about this matter. [Laughter.] Pass this bill, Mr. President, and you at once invite a conflict in Arkansas that would, indeed, be unseemly. Pass this bill, and when we attempt to enforce this statute we will be met by the emissaries of the Standard Oil Company with an express grant from Congress that they may enter the borders of the State of Arkansas and transact business there.

Is there a lawyer here who will say that will not bring about a conflict? Mr. President, in my State in the early days we used to have on Saturdays pony horse races at a certain distance from the public highway, and in one community a certain old man by the name of "Uncle Billy" Barker—I remember him well—was always chosen as judge of the races on one side or the other. And for this reason: It was old Uncle Billy's theory of a horse race that if his side could not win he would break it up in a row. That was why he was chosen. I submit, if my contention as to the legal phase of this matter is not tenable, it will at least break this matter up in a row in the state and federal courts.

Now, Mr. President, I have said about all I care to say about this matter. Let each Senator answer for himself. Let the blood be upon you and your hands. I submit it without further comment.

Mr. OWEN. Mr. President, I do not think any of the observations made by the Senator from Arkansas [Mr. DAVIS] deserve any reply whatever from the Senator from Oklahoma. This bill was recalled for the purpose of showing a courtesy to the Senator from Arkansas, who, having detained the consideration of the bill in committee meeting after committee

meeting, complained finally when he was not present in the Senate on the day that the bill was passed, and that he desired to have opportunity to make some remarks upon it. It was therefore brought back on my motion for the purpose of giving him that opportunity. I leave it to the Senate whether he has deserved the courtesy.

This bill only provides that certain public lands, amounting, I believe, to fourteen or fifteen 40-acre tracts belonging to the United States, which can not be condemned by the ordinary proceedings, shall not obstruct the passage of a pipe line from Oklahoma to tide water, from the greatest oil field in the world to the markets of the world, but grants a right of way across these tracts of land belonging to the United States. Already the constructing company has nearly completed 400 miles of pipe line. Already they have been admitted into the State of Arkansas by the legally constituted authorities of Arkansas.

Mr. DAVIS. By what authority, may I ask?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Arkansas?

Mr. OWEN. I decline to yield to the Senator from Arkansas. The Senator from Arkansas has no claim upon the courtesy of the Senator from Oklahoma. He has forfeited such claim, and with it he has justly forfeited the respect of the Senator from Oklahoma, who desires him to remember that.

Mr. President, the matter before the Senate is striking out the word "public," in line 2 on page 2 of this bill, and inserting the word "pipe" in lieu thereof. The word "public" was a stenographic error, and should be corrected.

I have in my hand 75 telegrams from Oklahoma, praying the Senate of the United States, through the Senator from Oklahoma, that the oil producers of Oklahoma may have access to tide water for the products of their great oil field.

It was said by the Senator from Arkansas that it was not denied that the Standard Oil Company had something to do with the company which is constructing this pipe line. Not denied, because not material. I care nothing about it, nor whether the Standard Oil Company itself is constructing this pipe line. It is unbottling the great oil field of my State. No Senator from any other State would be justified in refusing the right of way across his State for the products of my State, and I would be recreant to my duty as a representative of that State if I should permit such an obstruction, if in my power to prevent it.

I ask that the bill be amended by striking out the word "public" and inserting the word "pipe."

Mr. PAYNTER. I should like to ask the Senator from Oklahoma a question.

Mr. OWEN. Certainly.

Mr. PAYNTER. Does this public land lie adjoining the State of Oklahoma?

Mr. OWEN. I do not know.

Mr. PAYNTER. I have no information at all upon the subject.

Mr. OWEN. I do not know.

Mr. DAVIS. I can answer the Senator from Kentucky. It does not.

Mr. PAYNTER. It would be necessary then, in order to reach this public land, to pass over private property, if the line is to be constructed from Oklahoma through the State of Arkansas.

Mr. OWEN. The right of way has been condemned across private property under the laws of the State of Arkansas. The pipe-line company has the permit of the secretary of state to do business in that State, and has paid the license fee required by the State of Arkansas of $5,000; have appointed their state agent at De Queen, in that State; and I understand that they have already under actual construction nearly 100 miles of this line in the State of Arkansas.

Mr. JONES. Will the Senator from Oklahoma yield?

Mr. OWEN. I do.

Mr. JONES. Is there anything in this bill which would permit any company coming in under its terms to interfere with or disregard any of the laws of Arkansas?

Mr. OWEN. Of course not.

Mr. CLARK of Wyoming. I have not examined this bill with particular care, and I should like to ask the Senator from Oklahoma if it is different from similar bills passed in relation to other States?

Mr. OWEN. No.

Mr. DAVIS. Mr. President, just a word of explanation. The Senator from Oklahoma declares that this company has already been admitted into the State of Arkansas by legal authority. I deny that proposition. These are the facts: This company has bought certain private property through certain private lands. They have paid a charter fee to the secretary of state, as I understand, for the purpose of crossing these lands. Now, they have come to the point where they must cross public lands that belong to the Government. Were it only sought by this company to cross private lands under the right of eminent domain, or by purchase, then, of course, we could deal with that in Arkansas. But when they come to the proposition that Congress must be called upon to give them an affirmative act enabling them to cross these lands, then that at once brings into conflict the jurisdiction of the federal and state courts, as I have explained. This company has to-day no legal standing in Arkansas.

So far as concerns the respect of the Senator from Oklahoma that I have forfeited, I toss it to the winds. I never had any for him to begin with.

Mr. BACON. I should like to ask the Senator from Arkansas a question for information.

Mr. DAVIS. Yes, sir.

Mr. BACON. I did not fully catch the import of what the Senator from Oklahoma said as to the matter of condemnation. Has any land yet been condemned?

Mr. DAVIS. Private lands have been bought.

Mr. BACON. Under the law of Arkansas?

Mr. DAVIS. Certainly.

Mr. BACON. Then the law of Arkansas does permit this company to condemn lands within the State?

Mr. DAVIS. If a public corporation they may condemn; if a private corporation, as this is, they must buy the land.

The point I make, if the Senator from Georgia will hear me, is that when you pass this bill it gives them an act of Congress behind them, giving them an affirmative status in Arkansas.

Mr. BACON. The point I am after is this: When they are on lands which are not government lands, they must necessarily be there by authority of the State of Arkansas. They can not be there unless the State of Arkansas permits them.

Mr. DAVIS. I beg your pardon—by purchase from private individuals.

Mr. BACON. Have they condemned lands in Arkansas?

Mr. DAVIS. They could not condemn lands, being a private corporation.

Mr. BACON. I beg the Senator's pardon. They can not condemn private lands in Arkansas, except under authority of the State of Arkansas.

Mr. DAVIS. Arkansas has given them no authority, because we have had no legislature in two years; and they are not a public corporation, with power to condemn.

Mr. BACON. The Senator does not answer my question.

Mr. DAVIS. I am doing my best.

Mr. BACON. It is not asked for the purpose of controversy.

Mr. DAVIS. I understand that perfectly.

Mr. BACON. I want to know whether the Senator from Arkansas recognizes the fact that private lands can not be condemned for this purpose except by the authority of the State of Arkansas.

Mr. DAVIS. I spoke hastily a moment ago, and if the Senator from Georgia will allow me to recall that statement I will say that we have had no legislature in session for two years. They could not get authority from the State of Arkansas except by legislative enactment. My understanding is they have gone in and bought a right of way from private individuals and are not there by authority of the State. Does that answer the Senator's question?

Mr. BACON. It does not quite meet it. I am asking for information merely. The Senator contends that the Federal Government ought not to permit this company, or whatever organization it may be, to construct a pipe line across the public lands of the Government because it would conflict with the laws of the State to permit them to do so; and I was, for the purpose of securing information, asking the Senator, in order that he might throw light upon this question, whether or not they could get to the lands of the Government except in accordance with the laws of Arkansas. In other words, can they cross the private lands?

Mr. DAVIS. By purchase only.

Mr. BACON. Can they cross the private lands if their doing so is in conflict with the laws of Arkansas?

Mr. DAVIS. They can not cross private lands, of course, except by purchase or condemnation proceedings if they are a public corporation, which they are not. My understanding is in this case it is by purchase.

Mr. FRAZIER. I want to ask the Senator from Arkansas if this company or any corporation undertaking to do business in the State, in the way of the construction of a pipe line, can enter the State at all and do business, construct a pipe

line, except by authority of the State, under the laws of the State?

Mr. DAVIS. Not if it is a member of any pool or trust. It would be in conflict with this statute.

Mr. FRAZIER. Is this company now in the State doing business by authority of the State?

Mr. DAVIS. It is not.

Mr. FRAZIER. Is it undertaking to establish a pipe line by authority of the State?

Mr. DAVIS. It is not.

Mr. OWEN. I will say they have constructed nearly a hundred miles through the State.

Mr. DAVIS. They have done it by private purchase.

Mr. FRAZIER. Under what authority?

Mr. OWEN. Under the general authority of the State, found in the statutes of Arkansas of 1904, chapter 31.

Mr. FRAZIER. It is usual for a foreign corporation doing business within a State to have to comply with certain provisions of the state law, to register its charter or otherwise. What I desire to know—and I merely ask the question in order to obtain information—is whether or not the statutes of Arkansas with respect to the powers of foreign corporations have been complied with by the corporation seeking this right of way?

Mr. OWEN. I am reliably informed the construction company has complied with the laws of Arkansas.

Mr. DAVIS. I am reliably informed they have not. There is no provision in the statutes of Arkansas cited by the Senator from Oklahoma permitting private corporations to condemn even private property for its use, and I challenge the Senator from Oklahoma to cite the section giving this authority, either in chapter 31, Kirby's Digest Laws of Arkansas, or elsewhere.

Mr. BEVERIDGE. I desire to ask the Senator from Oklahoma a question.

Mr. OWEN. I ask leave to submit, with my remarks, telegrams sent to me from Oklahoma, and that they be published in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams referred to are as follows:

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Oklahoma's oil industry contingent on passage pipe-line bill.

G. W. BARNES.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Passage pipe-line bill necessary to welfare of State.

J. B. MCDONALD.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Passage pipe-line bill badly needed to facilitate marketing of Oklahoma oil.

D. N. FINK.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Muskogee and eastern Oklahoma demand passage pipe-line bill.

A. W. MCGARR, *Mayor.*

BARTLESVILLE, OKLA., *February 17, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Confer a favor by urging the early passage of pipe-line bill for relief of oil producers of Oklahoma.

J. S. BARLOW.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

The oil industry of Oklahoma needs and must have additional pipeline facilities.

P. B. HOPKINS.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Passage pipe-line bill will give general relief to the oil industry in Oklahoma. Its rejection will cause the reverse.

R. D. SANGSTER.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Let us have the pipe line by all means. Its passage is of vital importance to Oklahoma.

W. N. PATTERSON.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Muskogee and eastern Oklahoma interests demand passage pipe-line bill.

P. W. SAMUELS.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Oklahoma's best interests demand passage pipe-line bill.

C. B. DOUGLASS,
Secretary Commercial Club.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Secure passage pipe-line bill at all hazards.

JOHN F. CHANDLER.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Pipe-line bill must be passed; failure means unnecessary loss and hardship.

D. H. MIDDLETON.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Please support amended pipe-line measures now before Congress. The relief offered under this bill means the salvation of the oil producers. Its defeat would be disastrous to the industry as well as to all other interests operating in Oklahoma.

OIL WELL SUPPLY COMPANY.

TULSA, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

The people of this section are unanimously in favor of further development of oil industry, and pipe lines are essential to accomplish this. There are more than 40,000,000 barrels of oil now stored in this field awaiting a market or transportation to markets, and unless some relief is afforded, and at once, we may expect to see people suffering in the midst of the greatest oil production in the United States. You will serve every interest by exerting your utmost endeavor to pass the bill granting pipe lines the right of way across government lands.

WILLIAM STRYKER,
Editor Daily Democrat.

TULSA, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

We urgently request that you give full support to amended pipe-line bill. Business interests in Oklahoma demand its passage.

EXCHANGE NATIONAL BANK.

TULSA, OKLA., *February 16, 1910.*

Senator OWEN, *Washington, D. C.:*

It is absolutely necessary to the welfare of the oil industry of Oklahoma that the amended pipe-line bill pass. Your support will be appreciated by all producers and business interests.

P. J. WHITE.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of very great importance to the oil producers of this State, and your support is urgently requested in this matter.

PROGRESSIVE OIL COMPANY.

TULSA, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

A prompt passage of the bill authorizing the construction of pipe line across government lands in the State of Arkansas will be of great benefit to the producers of oil in Oklahoma and to the general welfare and prosperity of the citizens of that State. The refusal of Congress to pass the bill authorizing the construction of pipe lines across government lands in the State of Arkansas would not only greatly injure the production of oil in Oklahoma, but would be detrimental, indeed, to the welfare and prosperity of that State as a whole. Your influence toward an early passage of the bill authorizing the construction of pipe lines across government lands in the State of Arkansas will, indeed, be appreciated by the producers of oil in Oklahoma and will be of great benefit to this State as a whole.

TATE BRADY,
National Committeeman.

TULSA, OKLA., *February 16, 1910.*

ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of great importance to all oil producers in the mid-continent field. Every effort you make for its passage will be greatly appreciated.

ORIENT OIL AND GAS COMPANY.

TULSA, OKLA., *February 16, 1910.*

ROBERT L. OWEN, *Washington, D. C.:*

Rush passage pipe-line bill; necessary to relief of oil producers.

THE PARISH OIL COMPANY.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Rush passage pipe-line bill; necessary to relief of oil producers.

JNO. O. MITCHELL.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

It is of the greatest importance to the oil industry in Oklahoma and most necessary to the business interests of the entire east side of the State that the amended pipe-line bill be passed. I hope you will give it your loyal support.

W. S. MOWRIS.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

I respectfully request that you support the amended pipe-line bill in interest of Oklahoma's greatest industry.

H. F. SINCLAIR.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of great importance to all the oil producers in the midcontinent field. Every effort you make will be appreciated.

O. R. HOWARD.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of greatest importance to the oil producers and to the citizens of this entire State and necessary to the relief and prosperity of the industry. Your support of its prompt passage is urgently requested.

M. L. and G. M. RANSON.

TULSA, OKLA., *February 16, 1910.*

Senator R. L. OWEN, *Washington, D. C.:*

Passage of bill to permit pipe lines to cross government lands means extension of facilities necessary to further development of oil industry in this State, and you are urged to get it through.

J. E. CROSSBIE.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of great importance to all oil producers in the mid continent field. Every effort you make for its passage will be appreciated.

D. W. FRANCHOT.

TULSA, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Every class of our citizens is immediately and financially interested in the future development of the oil industry, which will be seriously hampered unless the pipe lines are permitted to cross government lands, and you are requested to do what you can for the passage of the bill for that purpose.

CENTRAL NATIONAL BANK,
J. E. CROSBIE, *President.*

TULSA, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

Mid Continental Oil and Gas Producers' Association, representing in its membership more than 85 per cent of the entire crude-oil production of the field, has always been in favor of more pipe lines, which extend markets and raise prices, and you are asked to use all of your efforts and great ability to pass a bill which will bring this out.

MID-CONTINENTAL OIL AND GAS PRODUCERS' ASSOCIATION,
J. H. EVANS, *President.*

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Much depends on Standard being given right of way to Baton Rouge. Please vote for it in interest of oil producers.

GEO. C. PRIESTLY.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Kindly vote for immediate passage of pipe-line bill for the relief and prosperity of Oklahoma citizens.

FRANK PHILLIPS.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

Kindly vote for immediate passage of pipe-line bill for the relief and prosperity of Oklahoma citizens.

WM. JOHNSON.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

It will be a great relief for the citizens of Oklahoma to have pipe-line bill passed.

JERRY SMITH.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage pipe-line bill necessary to further development of Oklahoma oil industry.

JOHN A. CONNOLLY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Failure of pipe-line bill will cause loss in oil value, to the general detriment of Oklahoma.

M. R. WILLIAMS.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Muskogee solidly for passage of pipe-line bill.

W. E. ROWSEY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Use every effort and influence to secure passage pipe-line bill.

T. H. MARTIN.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Passage pipe-line bill will give impetus to oil industries and promote general commerce. Failure means reverse.

I. T. MALLORY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

The best interests of Oklahoma people of all classes demand passage pipe-line bill.

H. M. CHESTNUTT.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Passage of pipe-line bill vital to the interests of the State.

WM. EICHOLTZ.

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Much depends on immediate passage pending pipe-line measure in the interest of the producers in this field. Please vote for it.

H. M. PRESTON.

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Standard should be given right of way to Baton Rouge for the relief of the producers. Please protect producers' interests voting for it.

W. H. BARNES.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

We urge prompt passage of pipe-line bill for the relief and prosperity of Oklahoma citizens.

THE KEYSTONE OIL COMPANY.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

We are all deeply desirous that pipe-line measure be passed without delay, thus affording greatly needed relief of this field.

SAGAMORE OIL AND GAS COMPANY.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

We feel that the immediate passage of the pipe-line bill will be of great benefit to the citizens of Oklahoma.

L. W. YOUNG, Jr.,
General Superintendent Bartlesville Oil Company.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
Senate Chamber, Washington, D. C.:

As oil producers and citizens of Oklahoma we heartily indorse any reasonable measure to promote pipe lines and condemn any measure detrimental thereto.

INDIAN TERRITORY ILLUMINATING OIL COMPANY,
By CHARLES F. LEECH, *Manager.*

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Please vote immediate passage pending pipe-line bill; great benefit to Oklahoma.

F. M. OVERLEES.

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Best interests of oil county served by your voting for the passage of the pipe-line bill to-morrow.

D. B. MASON.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Make every effort to pass pipe-line bill; of vital necessity to the State.

LEO. E. BENNETT,
President Alamo State Bank.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Pipe-line bill of vital importance to Oklahoma general commerce.

THOS. P. SMITH.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Use every influence to secure passage pipe-line bill.

LEFTWICK & MOORE.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Eastern Oklahoma's commercial prosperity hinges on passage pipe-line bill.

J. H. BRADLEY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

The welfare of Oklahoma oil industry contingent on passage pipe-line bill.

H. B. SPAULDING.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Eastern Oklahoma acutely interested in Congress passing pipe-line bill.

T. L. PEGRAM.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN, *Washington, D. C.:*

Pipe-line bill of supreme importance to Oklahomans generally.

HOOKER HENDRIX HARDWARE COMPANY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washinyton, D. C.:*

Failure of pipe line means loss to oil industry of Oklahoma.

C. W. TURNER.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage of pipe-line bill of vital importance to Oklahoma oil industries.

A. W. PATTERSON,
President Muskogee National Bank.

BARTLESVILLE, OKLA., *February 16, 1910.*

R. L. OWEN, *Washington, D. C.:*

In the interest of all the people in this part of Oklahoma, Congress should defeat any measure which would prohibit or interfere with building of the oil pipe line now under construction to the Gulf.

F. M. STILWELL.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage pipe-line bill will greatly promote Oklahoma's commerce.

ZEVLY, GIVEN & SMITH.

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator R. L. OWEN, *Washington, D. C.:*

Urge you to vote for passage of pipe-line bill that will permit the Prairie Oil and Gas Company to build line through government land in Arkansas.

L. M. BREENE.

BARTLESVILLE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Kindly vote for pipe-line bill for relief for Oklahoma.

JOHN C. COBLEIGH.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage pipe-line bill indispensable to Oklahoma oil industry.

BARNES OIL COMPANY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage of pipe-line bill vital to best interest of oil industry of Oklahoma.

A. C. TRUMBO,
Cashier Muskogee National Bank.

BARTLESVILLE, OKLA., *February 16, 1910.*

Senator R. L. OWEN, *Washington, D. C.:*

Please vote for the passage of the pipe-line bill.

ANDREW URBAN.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. R. L. OWEN, *Washington, D. C.:*

Passage pipe-line bill of imperative necessity to Oklahoma.

FRANK HUBBARD,
President First National Bank.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Pipe-line bill should suffer no delay or obstruction from any quarter.

E. L. HALSELL.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Passage pipe-line bill will give impetus to oil industry in Oklahoma.

F. B. FITE.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

We urge you to use your best efforts to secure passage pipe-line bill.

N. F. HANCOCK.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Development of oil industry demands passage pipe-line bill.

N. A. GIBSON.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

No impediment should be placed in way of pipe-line bill.

CHRIS M. BRADLEY.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington D. C.:

Failure pipe-line bill will work serious hardship on Oklahoma's oil industry.

P. C. WEST.

MUSKOGEE, OKLA., *February 16, 1910.*

Hon. ROBERT L. OWEN,
United States Senate, Washington D. C.:

Oklahoma people generally favor and demand passage pipe-line bill.

J. J. BROTHERTON.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Rush passage pipe-line bill. Necessary to relief of oil producers.

F. R. LETCHER.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of great importance to the oil producers and business community of this State. Your earnest support of this bill is requested.

MAPLE LEAF OIL COMPANY,
Per A. CAMPBELL, *President.*

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

Oklahoma oil producers must have better pipe-line facilities. Please support amended pipe-line bill.

A. T ALISON.

TULSA, OKLA., *February 16, 1910.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

Please do what you can to extend the pipe-line facilities of the mid-contenent field.

J. W. SLOAN.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

The amended pipe-line bill is of great importance to all oil producers in the midcontinent field; every effort you make for its passage will be greatly appreciated.

F. H. YOUNG.

TULSA, OKLA., *February 16, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

All business interests in Oklahoma join in support of amended pipe-line measure. Do all you can to pass it.

M. HUGHES.

TULSA, OKLA., *February 17, 1910.*

Senator R. L. OWEN, *Washington, D. C.:*

Prompt passage of amended pipe-line bill imperative to furnish independent producers with a market for oil and to relieve the present glutted condition of the Oklahoma oil fields. Producers are now suffering untold hardships, which can only be relieved by additional pipe-line facilities. Regardless of party, our citizens respectfully implore earliest possible passage of bill.

C. J. WRIGHTSMAN.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

Hope you will do all you can to pass the amended pipe-line bills, as it means everything to the producers of Oklahoma.

QUEEN CITY OIL COMPANY.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

The country here demands additional pipe-line facilities, and the enactment of the pipe-line measure will afford great relief to all classes in this State. Without sufficient market ruin inevitably follows the independent producer.

J. W. MCCLOUD.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

It is of great interest to me and independent producer to have pipe-line bill as amended passed at once.

C. E. ROTH.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

The prompt passage of amended pipe-line bill means a great deal to the producers of Oklahoma.

SETH ELY.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

The producers are heartily in favor of the prompt passage of the amended pipe-line bill, as it means that the oil would then be taken care of.

ROBERTS OIL COMPANY.

TULSA, OKLA., *February 17, 1910.*

Senator OWEN, *Washington, D. C.:*

All producers are waiting and hoping for the prompt passage of the amended pipe-line bill. We must have this for relief.

MYSTIC OIL COMPANY.

TULSA, OKLA., *February 17, 1910.*

Senator ROBERT L. OWEN, *Washington, D. C.:*

It is of great interest to me and independent producers to have pipe-line bill as amended passed at once.

GEO. W. ADAMS.

Mr. BEVERIDGE. I wish to ask the Senator from Oklahoma a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I do.

Mr. BEVERIDGE. I understand the purpose of this bill is to get an outlet for the oil products of the Senator's State to the seaboard.

Mr. OWEN. Yes, sir.

Mr. BEVERIDGE. Does it go through Texas, or does it go down through Louisiana?

Mr. OWEN. Through Arkansas and Louisiana, but not through Texas.

Mr. BEVERIDGE. I can not just see how Arkansas comes in. I am looking at the map.

Mr. OWEN. It passes through the southwest part of Arkansas and across Red River and goes down through Louisiana.

Mr. BEVERIDGE. I see. It does not go through Texas?

Mr. OWEN. The constructed pipe lines from the Oklahoma oil fields pass also through Kansas and Missouri and Illinois and Indiana and Ohio and Pennsylvania, as well as New Jersey, and none of those States has attempted to obstruct the oil from Oklahoma.

Mr. BEVERIDGE. Mr. President——

Mr. DAVIS. Mr. President——

Mr. BEVERIDGE. Wait a moment.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Arkansas?

Mr. OWEN. The Senator from Oklahoma declines to yield to the Senator from Arkansas.

Mr. DAVIS. I did not ask the Senator to yield.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I do.

Mr. JONES. Is there any provision in this bill that would relieve any foreign corporation from complying fully with the statutes of Arkansas before doing business in that State?

Mr. OWEN. None whatever.

This bill was introduced into the Senate by the Senator from Arkansas [Mr. CLARKE], in the House by Mr. CRAVENS, a Member of Congress from Arkansas. It was favorably reported from the Committee on Public Lands by Mr. ROBINSON, a Member of Congress from Arkansas. They all seem to favor the violation of the statutes of Arkansas, if the contention of the Senator [Mr. DAVIS] has merit—which it has not—and the wonderful thing is that the secretary of state of Arkansas also favors the violation of the statutes of Arkansas. This bill is in accordance with the same kind of bills passed heretofore. There is no reason on earth why it should not pass unanimously, including both Senators from Arkansas.

Mr. PAYNTER. How could you get your oil to the seaboard except by a pipe line if not by the use of the railroads?

Mr. OWEN. Through the air; by requiring it to flow from the well with such velocity that it will never stop flowing, through the circumambient atmosphere, until it landed at the seaboard.

Mr. PAYNTER. But if that method did not exist, you would have to transport it by railroad.

Mr. OWEN. A pipe line is the only practicable way to do it.

Mr. STONE. The Senator from Oklahoma was about to read a provision of the statutes of Arkansas.

Mr. OWEN. There is a chapter, chapter 31, Statutes of Arkansas, 1904, dealing with foreign corporations, which sets forth fully the rights of foreign corporations; and I simply called attention to it to show that the laws of Arkansas are like those of other States requiring corporations doing business in that State to do so under reasonable restrictions. That is all.

Mr. CLAY. Will the Senator let me ask him a question?

Mr. OWEN. With pleasure.

Mr. CLAY. Do the laws of Arkansas authorize the condemnation of private citizens' property for the purpose of constructing a pipe line of this character?

Mr. OWEN. They do.

Mr. CLAY. Has the company under the law of Arkansas organized and condemned private property and put down the pipe line under the law?

Mr. OWEN. I am so advised by reliable authority, and I have no doubt of it.

Mr. DAVIS. Mr. President, the Senator from Oklahoma says this bill was introduced by my colleague, the Senator from Arkansas [Mr. CLARKE]. The history of that matter, as I understand it, is that it was introduced by the Senator [Mr. CLARKE] at the request of James K. Jones, jr., who is a stockholder and perhaps a director in this pipe-line company. I do not know the views of my colleague, Senator CLARKE. I would hesitate long before I would disagree with him on matters of expediency, but when it comes to a matter of duty as I see it, I do not hesitate to disagree with him.

I say this company has no legal status in Arkansas to-day. I say that a pipe line can not condemn private land in Arkansas for the purpose of crossing it. They have to do it by purchase, and that is the way this line has been constructed thus far, and that is where they have come to a hitch now; they want to cross public lands.

While I am on my feet—and I do not expect to say another word—in answer to the Senator from Indiana to the question propounded to the Senator from Oklahoma, I will say that perhaps the object of this corporation is to go to the seaboard in a way, in the dim distant future sometime, but the primary object, the real object, the present intention, of this company is to construct this pipe line to the city of Little Rock, my home town, the capital of our State. I have advices from there, and I see from the daily press that they are dickering through the board of trade for a site to establish an oil station in the city of Little Rock. This is a mere subterfuge, a mere dodge, that they only want to cross this little bit of public land in order to get to the seaboard to empty this great volume of oil. Their object, gentlemen, is to get Congress to give them a legal status by permitting them to cross this little piece of land, and then turn to the city of Little Rock, and there establish an oil station, by authority of an act of Congress. Our daily papers in Little Rock are full of it. I have telegrams and letters on my desk announcing that purpose.

This is but a means to accomplish that which they do not dare to announce publicly. They say they want to go to the seaboard to empty this great volume of oil. They want to get to Little Rock and there establish an oil station.

Mr. STONE. Mr. President, the purpose of this bill, as I understand, is merely to authorize this company, whatever it is, to construct its line across certain lands owned by the United States. That is the full extent of the authority conferred by this bill—the right of way across these public lands. Am I right as to that?

Mr. DAVIS. You are. That is what it pretends to be.

Mr. STONE. Now, I will ask the Senator from Arkansas if it be true, as he seems to think, that the very presence of this corporation, proposing to construct this line, in the State of Arkansas, is violate of the law of that State——

Mr. DAVIS. The antitrust law.

Mr. STONE. If that be true, then I ask the judgment of the Senator as to this: In what way would the mere grant by Congress to the corporation of the right to cross the public lands of the United States affect the right of Arkansas in the enforcement of its own law, and affect the condemnation of private lands under the law of eminent domain or the construction and operation of work within the borders of the State?

Mr. DAVIS. I am very pleased to answer the question of the Senator from Missouri. I did not expect, however, a speech to be made in the interest of the bill in asking a question. But I will try to answer it.

I have tried to explain to the Senate my views upon this subject—that the granting of this right of way by the Government gives this company, the Standard Oil Company, an addi-

tional right in Arkansas that it does not possess to-day. They have no right of way in Arkansas to-day. They have no legal status in Arkansas to-day by an act of Congress. Just turn these gentlemen over to Arkansas, and let us run the matter without any federal interference. It may be possible——

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. DAVIS. Certainly.

Mr. PILES. Understanding this bill as I do, that it merely grants to this company the right to cross the public domain in Arkansas, how will this company get any rights under this bill to do business in Little Rock?

Mr. DAVIS. It permits them by act of Congress to obtain access to the city of Little Rock.

Mr. PILES. But only through——

Mr. DAVIS. And the very admission by the Senator from Oklahoma on this floor is that they can not get to their desired destination, which he says is the seaboard, without going over public land. I charge their destination is not the seaboard, but Little Rock, and they have grabbed this little thing as a subterfuge, hoping it will give them a legal status in Arkansas that will enable them to fight successfully the antitrust laws of Arkansas.

Mr. PILES. Accepting that view of the case as correct, I can not see how this act of Congress would give the corporation any standing in Arkansas. It simply gives them the right to go through the public lands. If it is to go to Little Rock and do business there, it can go there and do business there only under the laws of Arkansas; and even if the Government gives it the right to pass through the public domain in Arkansas it can not stay in Arkansas and do business in Arkansas unless the laws of the State of Arkansas permit it to do so.

Mr. DAVIS. I have tried to make that point as clear as the English language would enable it to be made, and I am sorry the Senator from Washington does not understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. FRAZIER. I notice that, according to the terms of this bill, it grants to any citizen of the United States or any corporation the right to construct a pipe line over these government lands. I desire to ask the Senator from Arkansas or the Senator from Oklahoma——

Mr. DAVIS. Do not ask us both at once.

Mr. FRAZIER. They are both credible witnesses, and they disagree with perfect unanimity. I should like to ask if the corporation that is now seeking this right of way over public lands is a public corporation or a private corporation. If it is a private corporation, or if it is a private individual or combination of individuals, I understand it could not condemn lands in the State of Arkansas, under the Arkansas law, and take possession of the land for the purpose of building a pipe line. If it is a public corporation, over whose line any oil dealer might be enabled to transport his product, I apprehend it could condemn the land.

Mr. DAVIS. There is no doubt about that, but it is a private corporation and can not condemn land.

Mr. FRAZIER. I ask for information as to what are the facts in respect to that.

Mr. DAVIS. With respect to whether it is a public or private corporation?

Mr. FRAZIER. Yes.

Mr. DAVIS. It is a private corporation. Let me answer the question which the Senator from Tennessee asked me just before he took his seat, and also answer the Senator from Washington. I think I can do it now a little more clearly than I did a little while ago.

The moment that you get this grant of Congress for this pipe line to go over any portion of Arkansas you bring about confusion between state and federal jurisdiction, and it will be taken from the courts of the State into the federal courts and through the various channels of federal jurisdiction until it finally lands in Washington before the Supreme Court of the United States.

While I am answering that I want to say, Mr. President, that in a recent decision of the Supreme Court of the United States, in the case of Hammond Packing Company *v.* The State of Arkansas, the Supreme Court of the United States sustained every letter, every word, and every syllable of the Arkansas antitrust act by a unanimous decision of that court. Justice White, delivering the opinion of the court, sustained every word and every syllable of it, and yet Senators here turn up their noses and sneer at this law, when the federal court, the highest in the Government of the United States, says the law is absolutely constitutional in every feature.

Texas copied this law, and Texas under the provisions of their statute collected $1,800,000 in actual penalty from this corporation. It took two automobiles to carry the money and the guards from the banks to the state treasurer in Austin. I would rather have been the attorney-general of Texas collecting that money from the Standard Oil Company; I would rather have that record to my credit to-day than to be the President of the United States. Talk to me about an antitrust law! The Arkansas antitrust law is the best one ever written upon the statute books of any State in the Union. The object of this old he trust, the Standard Oil Company, is to get it in a conflict in some way with a federal statute, so that they can slip around. An old, sly fox is John D. Rockefeller, and he has so many friends in court and out of court that it is difficult to handle him.

Gentlemen, I ask you to pause before you pass this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. OWEN], which will be stated.

The SECRETARY. On page 2, line 2, strike out "public," before "line," and insert "pipe."

The amendment was agreed to.

The bill was ordered to a third reading, and it was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. DAVIS. On that question I demand the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On February 11, 1910:

S. J. Res. 59. Joint resolution providing for the filling of vacancies, which occurred on January 27, 1910, in the Board of Regents of the Smithsonian Institution of the class other than Member of Congress.

On February 15, 1910:

S. 2523. An act for the establishment of a new land district in the State of Montana;

S. 5238. An act to abolish the United States land office at Des Moines, Iowa; and

S. J. Res. 66. Joint resolution amending section 18 of the act of July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses."

INCREASED COST OF LIVING.

The VICE-PRESIDENT. Pursuant to the authority conferred by Senate resolution No. 165, authorizing an investigation by a committee of the Senate into the cost of living and any increase in the same since 1900, and whether the price of the necessaries of life which enter into the general use and consumption of the people have, since that year, increased, and so forth, the Chair appoints as the committee Mr. LODGE, Mr. GALLINGER, Mr. MCCUMBER, Mr. SMOOT, Mr. CRAWFORD, Mr. SIMMONS, and Mr. CLARKE of Arkansas.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Library:

H. R. 2265. An act for the erection of a memorial monument at Fort Recovery, Ohio; and

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 16037. An act to amend section 810 of the Revised Statutes;

H. R. 16342. An act to amend section 876 of the Revised Statutes; and

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

ADDITIONAL DISTRICT JUDGE IN OHIO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

The amendments were, in line 4 to strike out "who" and insert "and there shall be in the southern judicial district of the said State an additional district judge; each;" in line 6

to strike out "who" and insert "they;" in line 7 to strike out "whose" and insert "their;" in line 9 to strike out "the" and insert "any;" after line 10 to insert:

SEC. 2. That section 2 of an act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio, approved February 25, 1907, be, and the same is hereby, repealed.

The title was amended so as to read: "An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern judicial district of the State of Ohio."

Mr. BURTON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

STATUE OF GEORGE LAIRD SHOUP.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to Senate concurrent resolution No. 23, which was, in line 9, to strike out "Representatives" and insert "Representative," so as to make the concurrent resolution read:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume 16,500 copies of the proceedings in Congress upon the acceptance of the statue of the late George Laird Shoup, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the Senators and Representative in Congress from the State of Idaho.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure a suitable copper-process plate of the statue to be bound with these memorials.

Mr. HEYBURN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

GOVERNMENT BUSINESS-METHODS COMMISSION.

Mr. BOURNE. I should like to call up the bill (S. 6168) creating a government business-methods commission, for the purpose of making a few remarks relative thereto.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BOURNE. Mr. President, believing that intelligent economy is a prerequisite for national, community, or individual prosperity and general welfare, I am of the opinion that the enactment of Senate bill No. 6168 is of as much importance as any proposed legislation now before Congress.

Last July I wrote an article for the Outlook, which was published in its issue of October 9 last, giving my views on the necessity and probable resultants from the creation of the Senate Committee on Public Expenditures, and for the purpose of getting these views before Congress and better before the country by having it appear in the RECORD, will now read the article, which is captioned "How to spend a billion dollars."

"HOW TO SPEND A BILLION DOLLARS.

[By JONATHAN BOURNE, Jr., United States Senator from Oregon.]

"For the past twenty years governmental expenditures have been growing entirely out of proportion to the increase in population and the increase in revenues from all sources. We have now come to the billion-dollar session, and are approaching the two-billion-dollar Congress; and, with expenditures increasing at a much greater rate than receipts, the Government is confronted by the necessity for increasing revenues or decreasing expenditures.

"The reader's attention is earnestly directed to the following tables, showing, by decennial periods, the population, governmental revenues from all sources, appropriations, and the increase of each over the amount at the preceding decennial period:

	Population.	Per cent of increase.
1880	50,155,783	
1890	62,622,250	24
1900	75,994,575	21
1910 (estimated)	89,620,555	18

	Revenues from all sources.	Per cent of increase.
1880	$370,439,697.52	
1890	470,063,080.55	27
1901	675,845,451.13	43
1910 (estimated)	825,340,712.00	22

	Appropriations for all purposes.	Per cent of increase.
1880	$372,119,629.30	
1890	385,522,367.61	3.6
1900	690,667,188.54	79
1910	1,044,401,857.12	54

"If these tables were projected for a period of a few years, they would show a steadily increasing deficit and the necessity for borrowing money to pay running expenses in times of peace—a condition which has been resorted to but once since the civil war. When Tom Reed silenced criticism of the 'billion-dollar Congress' by saying that this is a billion-dollar country, the public was apparently satisfied, because there was then a closer relation than now between receipts and expenditures.

"Congress appropriates out of the Treasury all money to run the Government. These appropriations are based upon estimates of annual expenses for the next fiscal year. The various committees of House and Senate which handle appropriations study the estimates, which are submitted by all the departments through the Secretary of the Treasury, and prepare the various appropriation bills that provide for money to run the Government the ensuing year.

"Up to the present time there has been no limitation upon the estimates that the head of each department could submit to Congress, neither has there been any person or committee with authority to revise or to reconsider these estimates before they were submitted to Congress. It was probably the intention of the statesmen in the early days of the Republic to give some supervisory power of this kind to the Secretary of the Treasury when it was provided by law that the estimates for the next fiscal year should be sent to the Secretary of the Treasury, and he in turn should make up a book of estimates for the whole Government and submit the same to Congress. It was probably thought that the Secretary of the Treasury, having charge of the Government's money and being fully informed as to the receipts from all sources and the condition of the Treasury, would exert some sort of influence to keep the estimates within the bounds of the Government's income. But whatever the intentions of the early fathers were, no such power is to-day exercised by the Secretary of the Treasury. He is simply a coordinate member of the Cabinet, and it would probably precipitate a nice family row if he were to send back the estimate made by some department with instructions to cut it down to make it compatible with the condition of the Treasury.

"Congress, of course, authorizes certain work by the departments, but the departments can estimate for as much clerical assistance or for as many supplies as, in the judgment of the Secretary of each department, they will need. The departments have been especially anxious to have their appropriations made in lump sums rather than have them made for specific purposes. A lump-sum appropriation gives the head of a department much more latitude in his expenditures than is given him by specific appropriations. Congress has gradually, however, been limiting more and more these lump-sum appropriations, and has been demanding of the departments specific estimates.

"When these estimates are in the hands of the various committees, and the committees get to work, they call before them the heads of the various departments and have hearings on all items for which estimates are made. To each Cabinet officer his department probably seems the most important of all the departments. He, of course, gets wrapped up in his particular work, and becomes enthused over certain results which he thinks can be accomplished by his department, and naturally brings every pressure to bear that he can to get the money necessary to carry on his work.

"With nine departments, each containing many bureaus, it is easy to see what a tremendous pressure is brought upon Congress for money; and during the sessions of Congress, when appropriation bills are being considered by the various appropriation committees, the duties of members of these committees are not altogether pleasant. Congress is sometimes unjustly blamed for not taking up various reforms. It is an easy matter to suggest many great and good things that could be accomplished by the Government, and this is done by many people, sometimes backed up by the press, when the little detail of how to get the money to pay for these things is entirely overlooked. Therefore, when the Treasury statistics began to indicate a year or so ago that the expenses of the Government were exceeding the income, and that very soon the Treasury would be depleted, it became necessary for Congress to determine some method of solving the problem.

"The Sixty-first Congress inserted a provision in one of the appropriation bills requiring that when estimates of expenditures for the next fiscal year are submitted to Congress if these estimates exceed the estimated receipts for the same period, then it shall be the duty of the President to recommend to Congress some means of reducing the expenditures without undue injury to the public service, or, if this be not practicable, then of increasing the funds of the Government by the imposition of new taxes or by negotiation of loans.

"This provision of law was thought by many to be a wise one, as the executive departments spend the money, and they are under the direct control of the President in carrying out the provisions of law enacted by Congress. This view, of course, has some merit in it, but is not entirely a correct one, as the departments are bound to carry out the provisions of law authorizing certain work and improvements, and if Congress authorizes larger expenditures than are warranted by the condition of the Treasury, that branch of the Government ought to share the burden of meeting and remedying the conditions.

"PUBLIC EXPENDITURES COMMITTEE CREATED.

"This general financial aspect induced the Senate during the special session of the Sixty-first Congress to create a committee called the Public Expenditures Committee, consisting of Senator HALE, acting chairman, and Senators ALDRICH, WARREN, PERKINS, PENROSE, DOLLIVER, CLAPP, NELSON, GAMBLE, CRANE, CARTER, BOURNE, CUMMINS, BURTON, ROOT, MCLAURIN, NEWLANDS, OWEN, FLETCHER, and HUGHES. The first seven members of the committee are the chairmen of the seven committees in the Senate, to some one of which every bill providing for revenue or carrying an appropriation is submitted. Thus is provided a medium for better coordination and cooperation between what may be termed the revenue and appropriation committees. The powers of existing committees are not affected, but an avenue is provided for concentration and distribution of information—a committee forum for the discussion and recommendation of fundamentals affecting the Government, such as standardization, centralization, simplification, elimination of duplications—in short, the application, wherever possible, of business principles to the conduct of the Government.

"The duties of this committee are thus described in a resolution agreed to by the Senate on May 29, 1909:

"'*Resolved*, That the Committee on Public Expenditures be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations as to the amount of the annual revenues of the Government, and as to the expenditures and business methods of the several departments, divisions, and branches of the Government, and to report to the Senate from time to time the result of such investigations and their recommendations as to the relation between expenditures and revenues and possible improvements in government methods; and for this purpose they are authorized to sit, by subcommittees or otherwise, during the recesses or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, expert, and other assistance as may be necessary, and to have such printing and binding done as may be necessary, the expense of such investigations to be paid from the contingent fund of the Senate.'

"The creation of this committee and the enactment of the provision of law referred to above, throwing certain responsibilities upon the President, bid fair to be landmarks in regulating governmental financial operations.

"Various committees of Congress have from time to time made governmental investigations, but never before has either branch of Congress created a permanent committee with such important and extensive duties as those with which this new committee is charged. It is true that in 1814 there was created in the House of Representatives a Public Expenditures Committee, but after two years its duties were divided among six other committees, which have since been increased to ten—one on the expenditures in each of the nine departments of the Government and one on expenditures on public buildings. These various House committees appear to be clothed with ample power to supervise expenditures, but as yet satisfactory and practical results have not come from their creation. Reforms along this line must come from some central committee with authority to supervise the expenditures of all departments, and not from ten separate committees, each working independently of every other, because out of this very method of many independent units in the government departments have largely come the difficulties and unsystematic methods of government business.

"PRACTICE IN OTHER COUNTRIES.

"The English House of Commons has a committee with duties in part similar to the duties of the new Senate Committee on Public Expenditures; that is, the committee on public accounts of the House of Commons, whose duty it is to follow up all appropriations and make a careful examination into any apparently irregular expenditure. In England, in the last two months of every year, the estimates for the army and navy and the civil service are presented by the departments concerned separately to the treasury. There they must be considered and approved. If approved, the chancellor of the exchequer then submits the same to the House of Commons sitting as the committee of supply. If as such committee the House of Commons "agrees" to the estimates, then the House sits as the committee of ways and means and votes the appropriations. There are in England also the auditor and comptroller, who perform similar duties to those of the American auditor and comptroller, but it is apparent from the annual reports of the committee on public accounts of the House of Commons that they find valuable work to be done along the line of investigating expenditures. Their annual report is voluminous and is filled with much information, and it would appear that much of the system of this committee could be very well adopted by the Committee on Public Expenditures of the United States Senate. In France the Cour des Comptes controls the finances and examines accounts judicially, and makes reports to the Chamber as to irregularities of the law of the budget. France also has an audit system similar to other nations. In Germany, Italy, and several other European nations are courts of accounts with general authority and control over public expenditures. These governments, being older than ours, and having had longer experience, have found that the ordinary system of governmental audit and control is not sufficient. In our own Government an auditor investigates the accuracy and a comptroller the legality of appropriations, but heretofore no administrative, representative, or legislative committee has been specifically empowered with general authority to consider their relative propriety.

"GOVERNMENT A BUSINESS CONCERN.

"Many people seem to have the idea that the Government is some sort of mystical piece of machinery endowed with many powers little less than supernatural and excepted from all laws of profit and loss that govern the common mortal. But the truth of the matter is that the Government is a huge business concern. This is very apparent to those who have spent some time in Washington and have seen the Government, through its officials, taking the money for the sale of public lands, patent fees, copyright fees, head tax, timber, mineral, and fishing rights, custom-house receipts, and from other sources too numerous to mention, and then witnessed the expenditure of this money for clerks, stenographers, typewriters, accountants, telephone and telegraph service, stationery—in fact, everything from a lead pencil to a battle ship.

"In one sense the United States is the largest business corporation in the world. Viewing it as such, and estimating it to have a capital of $140,000,000,000, which I estimate as our national wealth, 90,000,000 stockholders as the probable population, Congress as the board of directors, the President's Cabinet as the executive committee (with the difference that the Cabinet members have no legislative vote), and the President as chairman of the executive committee, the desideratum is seen to be the application of the best-known business principles to the conduct of the Government.

"When it is noted that the appropriations for the fiscal year 1910 are over a billion dollars, exceeding the estimated revenues for that year by over $200,000,000, it will immediately be seen that the Government must either increase its income or reduce its expenses. One of the functions of the Committee on Public Expenditures should be to ascertain whether all the estimated expenditures are immediately necessary for the proper maintenance of the Government, and if not, what proportion of the same could be postponed without militating against governmental efficiency, and especially to investigate and ascertain where improved business methods could be adopted to secure increased efficiency in the departments of the Government.

"It is true that Congress alone has the power to make appropriations, but the responsibility for the appropriations must be partially borne by the administrative branch of the Government, as the estimates are made by the administrative departments and submitted to Congress. The departmental estimates form the skeleton on which congressional appropriations are made. And probably two evils exist—the desire of the departments to secure as large appropriations as possible and the desire of the Member of Congress to secure for his district or State as large a share of the 'pork barrel' as possible.

"That Congress has been extravagant in the past is apparent when one considers that the House of Representatives has almost 400 Members and the Senate 92, most of whom seem

to be interested in getting appropriations for their districts and States aside from the permanent government appropriations. Perhaps no one thing has caused more criticism of Congress in the past than the "pork-barrel bills," of which the rivers and harbors bill and the public building bill are notable examples. It will be seen that much reform along this line can be accomplished by Congress itself. These reforms will be difficult to work out until Members of Congress and their constituents take a broad national view of all matters of legislation and are not willing to sacrifice national good for their own local popularity and advantage.

"EXTRAVAGANCE ENCOURAGED.

"The truth of the matter is that until a short time ago the Government had been so prosperous and there had been so much money in the Treasury that extravagance was encouraged. A feeling existed in the various departments that they should ask Congress for all the money they could hope to get, and then spend every cent they got. More than this, the departments formerly came to Congress with great deficiency statements and asked for additional money to pay expenses of the previous year. This custom became so general that they paid little attention to the regular appropriations and expected Congress to make good the deficiencies. To stop this, Congress enacted a provision directing that no deficiencies be created except under extraordinary circumstances arising out of unforeseen conditions involving the loss of life or destruction of property. The creating of a deficiency for the ordinary expenses of the Government was prohibited. This resulted in a saving of millions of dollars annually. In my opinion, a still further improvement would be gained if Congress prohibited all deficiencies, unless specifically authorized by the President.

"In addition to the great good the Committee on Public Expenditures can do by arousing in Congress a more hearty cooperation in limiting appropriations to the actual needs of the Government and in enacting legislation with a view to national rather than local interests, it is probable that this committee can accomplish material results by stimulating the departments, by legislation or otherwise, to adopt improved business methods. There are at present nine departments of the Government, each containing many bureaus, and these, together with the Government Printing Office, Smithsonian Institution, the Congressional Library, and the Interstate Commerce Commission, comprise each a separate unit of business. In many instances each bureau has it own particular methods of purchasing supplies and transacting its public business. Within the last three years an investigation by the Keep Commission along this line showed that the Government was purchasing 28 different kinds of ink, 278 different kinds of pens, 11 different kinds of typewriter ribbons, and 132 different grades of pencils. One department was paying $1.70 per dozen quarts for ink, another was paying $3.70 per dozen quarts. This was a fair example of the lack of standardization and system in the government service, and when it is recalled that each Congress is appropriating over a billion dollars which is spent in this irregular, haphazard, and unsystematic way, it can readily be seen that the time is at hand for improvements. It would seem that there is great opportunity for simplification, centralization, and standardization in governmental methods.

"Of fraud in the government service there can at present be but very little. The government officials are, as a rule, high-class men, and the great majority of government clerks are efficient, capable, and honest. But the Government has grown so rapidly that it is questioned by many whether or not the departments have been able to keep up with modern methods in the conduct of their business. This will present to the committee many problems for solution, which will probably result in various readjustments of governmental methods.

"Some of the large appropriations for the last fifteen years can be explained by the expense incident to the Spanish-American war and the expense of carrying out the reform legislation under President Roosevelt's administration. These explanations, however, do not suffice for many heavy appropriations. But whatever the cause of this tremendous increase in expenditures, or however justifiable it may be, there is presented the question of a probable deficit in the Treasury. Whatever has been done, the money that has been spent can not be recovered. But the time is at hand when the people of this country will demand of Congress that economy be practiced and that the best business methods be installed in all the government departments. The people of the United States do not want their Government run on a parsimonious policy, nor are we a penny wise and pound foolish public, but Americans are probably the most practical people in the world, and when their attention is properly called to this subject they will demand economical management.

"There is no incident of government that comes home to people any stronger than the subject of taxation, and this whole matter is so closely related to taxation that it is of great public concern, because, if reforms are not adopted along this line, the citizens will soon be paying direct taxes to run the Government.

"GOVERNMENT'S MONEY IS PEOPLE'S MONEY.

"After all, the most important consideration is not the amount of money taken in by an individual or the Government, but the amount that is spent and the manner in which it is spent. The Government's money is the people's money, and the Government's business is the people's business. Certainly the people are entitled to know that their money is being expended according to the best known business methods and that not a dollar is needlessly wasted. In this matter, as well as in many others, the Government of the United States sets an example to its individual citizens. In this matter of improving the business methods of the Government and limiting extravagant appropriations the general public ought to give strong support to Congress, for this is good administration and for the benefit of the whole people. Viewing it from the standpoint of party policy, it is my judgment that good administration is the best politics, and, in fact, no other kind of politics should receive the approval or indorsement of any public official. But this, as is the case with many other reforms, passes out of the class of partisan politics and enters the realm of general national welfare.

"The Committee on Public Expenditures of the United States Senate establishes a medium in the legislative branch of the Government for unified collation of data and dissemination of information. It should also act as a further medium for the better cooperation and coordination of the legislative and administrative branches of the Government. Its functions do not necessarily infringe upon or minimize the powers of any other committees, and especially those committees to which appropriation bills are referred. It is not a committee of espionage, either on other committees of Congress or on the administrative branch of the Government, but a committee of coordination and cooperation.

"Therefore it can readily be seen that probably the most important committee that has been created in Congress in many years is the new Senate Committee on Public Expenditures."

Mr. President, in order that Congress and the country may follow the evolution of the Committee on Public Expenditures, I will now read the report of the subcommittee made to the full committee, from the adoption of which Senate bill 6168 is one of the resultants, as the senior Senator from Rhode Island was instructed by the committee to introduce said bill in the Senate as a committee bill.

The subcommittee's report is as follows:

To the Committee on Public Expenditures:

The Committee on Public Expenditures was charged by the resolution of the Senate creating the committee "to make investigations as to the amount of the annual revenues of the Government, and as to the expenditures and business methods of the several departments, divisions, and branches of the Government, and to report to the Senate from time to time the result of such investigations and their recommendations as to the relation between expenditures and revenues and possible improvements in government methods."

On the 20th day of May, 1909, the acting chairman of the committee appointed as a subcommittee of the Committee on Public Expenditures Senators BOURNE, ALDRICH, CARTER, ROOT, MCLAURIN, and HUGHES "to suggest and report to the full committee upon the method and order of procedure of the full committee in the transaction of its public business."

Upon consultation between members of the subcommittee and the acting chairman of the full committee the conclusion was reached on the 2d of June that it would be expedient for the subcommittee "to secure and lay before the full committee such data as shall be appropriate to determine the scope and character of the committee's action."

The subcommittee met during the remainder of the extraordinary session of Congress as frequently as the engrossing nature of the duties of the session permitted and discussed very fully the subject with the consideration of which it was charged. Senator BOURNE was selected as chairman of the subcommittee, Mr. Thomas P. Littlepage as clerk of the subcommittee, and Mr. R. H. Turner as assistant clerk of the subcommittee at a salary of $100 per month; and on the 3d day of August, the Senate being about to separate during the summer, on motion of Senator

ALDRICH, a smaller subcommittee, consisting of Senators BOURNE, ROOT, and HUGHES, was appointed to continue the work of the Subcommittee on Public Expenditures and to report from time to time the result of their conclusions.

This smaller subcommittee has continued the work and has accumulated a large amount of material and data which it believes to be valuable, which has been laid before the subcommittee and which is at the service of the full committee.

In the opinion of the subcommittee the course of procedure of the full committee should be based upon a recognition of the essential distinction between the work of the existing appropriation committees and the special duties indicated by the resolution of the Senate for the action of the Committee on Public Expenditures. Clearly, it should not be regarded as the function of this committee to duplicate the duties of the appropriation committees or to undertake supervision of their action.

MEANS OF COORDINATION PROVIDED.

There is, however, one service which the new committee may render to the existing Appropriation Committees—a service which is suggested by the presence of the chairmen of all the Appropriation Committees in the new committee. That service will afford an opportunity for the existing Appropriation Committees to coordinate their work, and through a recognized established machinery to confer and reach common conclusions regarding appropriations as to which there may be danger of duplication or doubt as to the particular agency of the Government, which should properly be charged with the expenditure of the money. An appropriation by one committee may render appropriations for similar objects by other committees unnecessary. It may frequently happen that the amount of an appropriation for a particular object by one committee would be materially affected by the knowledge that appropriations were about to be made or were under consideration by another committee for a similar or allied object. For the purpose of rendering this service the subcommittee recommends that a series of subcommittees of the whole committee to be created, so constituted as to their personnel as to bring together representatives of the different Appropriation Committees dealing with allied subjects.

The other field for the action of the Committee on Public Expenditures is suggested by the limits which are imposed by law upon the Appropriation Committees. Those committees are confined in their action to providing means appropriate for the execution of existing laws; they are obliged to follow the organization already provided by law, and are not at liberty to question the propriety or usefulness of the statutes calling for expenditures.

MANY EXISTING METHODS ANTIQUATED.

The subcommittee is satisfied that there ought to be changes in existing laws and methods of government business not coming within the powers of any appropriation committees. The investigations already made by the subcommittee indicate that the business of the Government is conducted by methods in many respects antiquated, which, growing up by accretion from time to time during a long series of years, are cumbersome and susceptible of simplification; that many improvements in organization can be effected; that the application to the business of the Government of improvements in system and method similar to those which have produced the high degree of business efficiency in the great business corporations of the country will result in the saving of many millions of dollars annually and in a much higher degree of efficiency in the conduct of the government business. This view has been confirmed by conferences with representatives of many of the largest and most successful business concerns in the country, whose representatives have kindly taken the trouble to examine the department reports showing the method of organization and transacting business, with the result that they universally concur in the judgment that very great and radical improvements are needed and are practicable to put the government business on the same footing of efficiency and economy attained in other great business concerns. This conclusion is also confirmed by the results of an independent investigation which has recently been conducted in the Treasury Department by the Secretary of the Treasury. The result of this investigation, pursued by a well-known and established firm of experts in accounts and business systems, has led to the conclusion that without any changes of statute a saving of $800,000 per annum can be made, and with certain changes in statute a much larger saving can be made in the business of the Treasury alone, and this is only a part of the Treasury business, for the investigation has not been extended over all branches of the Treasury Department.

NECESSITY FOR GOVERNMENT BUSINESS-METHODS COMMISSION.

Several facts have become apparent to us in our consideration of this subject:

1. That it is not probable that such reforms and improvements in organization and method as will be necessary can be accomplished on the initiative of the ordinary department agencies, for the reason that the employees of the departments have for many years been accustomed to follow established methods and naturally prefer methods with which they are familiar. Such means should be taken as to bring into the solution of the problem the experience of others who are familiar with the most approved and successful modern methods of conducting business on a large scale.

2. That the accomplishment of the work requires a more thorough and extensive study of all departments in all their ramifications and details than it is possible for a committee of the Senate to give themselves. The work must be done by persons who are able to give up all of their time for a considerable period to an exhaustive and systematic study of the subject.

3. That the work is too extensive and would involve too large an expense to be conducted at the expense of the contingent fund of the Senate.

4. That the cooperation of both branches of Congress and the executive departments will be necessary to the prosecution of the work and the realization of the results which are to follow.

The subcommittee therefore recommends that the participation of the House of Representatives and of the Executive be sought through the instrumentality of a commission, to be composed of three Members of the Senate, to be appointed by the presiding officer; of three Members of the House of Representatives, to be appointed by the Speaker; and three members to be appointed by the President of the United States; this commission to have authority to employ experts and clerical assistance adequate for the performance of their labors.

The subcommittee presents a draft bill for the establishment of such a commission.

JONATHAN BOURNE, Jr.
NELSON W. ALDRICH.
THOS. H. CARTER.
ELIHU ROOT.
CHARLES J. HUGHES, Jr.

Mr. President, it is incomprehensible to my mind that any Member of Congress can oppose this bill. Its purpose is to shed light upon and improve present governmental methods.

Last session we enacted what I think is one of the most important laws of recent years, namely, the publicity feature of the corporation net-earnings tax, yet what seems to be an inspired protest comes from different sections of the country to Members of Congress.

To investors in our securities this must seem a sad commentary on corporate management in the United States. Are the corporations afraid of the light? If they are honestly conducting their business, can they not realize that the greater the publicity the greater the protection to honest business and greater confidence resulting in a wider market for their securities and a greater credit for their operations? Is it not equally true that the failure of Congress to provide for a coordinated medium of ascertainment for existing governmental methods and improvements therein must shake the confidence of the people either in the intelligence or in the sincerity of Congress?

Mr. President, the time has come when construction rather than destruction, recognition rather than suspicion, merit rather than demerit, should be the aim of every public servant, and results rather than verbal souffle the measure of his achievement.

During the delivery of Mr. BOURNE's speech,

The VICE-PRESIDENT. The Senator from Oregon will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes.

Mr. CULLOM. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that order is made. The Senator from Oregon will proceed.

After the conclusion of Mr. BOURNE's speech,

CRIMINAL JURISDICTION OVER CORPORATIONS.

Mr. CUMMINS. I move that the Senate proceed to the consideration of the bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States.

Mr. KEAN. What is the calendar number?

Mr. CUMMINS. Calendar No. 209. It is a bill that has been before the Senate twice, and I hope it may be disposed of this afternoon.

Mr. KEAN. Has the amendment of the Senator from New York [Mr. ROOT] been agreed to?

Mr. CUMMINS. There is no objection to it, so far as I know.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the bill named by him. Does the Senator mean to temporarily lay aside the unfinished business?

Mr. CUMMINS. I understand the unfinished business has been temporarily laid aside.

The VICE-PRESIDENT. The Senator from Iowa asks for the consideration of the bill named by him.

Mr. BEVERIDGE. I understood the Senator's motion to be to proceed to the consideration of that bill.

Mr. CUMMINS. I have not in mind to interfere with the unfinished business, but I understood the Senator from Indiana yesterday to say that he did not desire it longer to remain the unfinished business.

Mr. BEVERIDGE. That is correct.

Mr. CUMMINS. Therefore I made the motion to proceed to the consideration of the bill I have named.

Mr. BEVERIDGE. I have no objection whatever to the Senator's motion.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of Senate bill 5899. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5899) to amend section 1014 of the Revised Statutes of the United States.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from New York [Mr. ROOT], which will be read.

The SECRETARY. On page 2, line 8, of the bill, before the word "shall," insert the words "when indorsed by the judge of such district," so that, if amended, the clause will read:

Such notice shall be directed to the marshal of any district of the United States in which service may be made, and when indorsed by the judge of such district shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the district in which such service is made, and not less than twenty days before the time of such hearing.

Mr. CUMMINS. Mr. President, I will restate that I have no objection to the amendment offered by the Senator from New York, although I regard it as unnecessary. I may also state that the senior Senator from Minnesota [Mr. NELSON], who seemed to have grave objection to that amendment, has, I think, upon reflection concluded that it will not seriously impair the efficiency of the bill. Therefore I hope the amendment may be adopted and the bill passed.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFICATES OF INDEBTEDNESS AGAINST THE RECLAMATION FUND.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CARTER. There are committee amendments, and I ask unanimous consent that they now be considered.

The VICE-PRESIDENT. The Secretary will state the first amendment reported by the Committee on Irrigation and Reclamation of Arid Lands.

The SECRETARY. On page 3, line 3, after the word "maintenance," it is proposed to strike out:

The certificates authorized by this act shall be exempt from taxes in any form by or under state, municipal, or local authority. That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

And in lieu thereof to insert:

The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority. That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

So as to make the section read:

That to enable the Secretary of the Interior to complete and properly extend reclamation projects already begun the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as in the judgment of the Secretary of the Interior may be necessary to complete the reclamation projects heretofore begun, including necessary extensions thereof by the Secretary of the Interior, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or of multiples of that sum; and each of said certificates, together with interest thereon, shall be payable out of the reclamation fund created in pursuance of the provisions of an act of Congress, approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and such payment is hereby guaranteed by the United States: *Provided*, That the aggregate issue of such certificates shall not exceed $30,000,000, and the provisions and penalties of existing law respecting counterfeiting and other fraudulent practices are hereby made applicable to the certificates of indebtedness authorized by this act. Interest on such certificates shall be paid quarterly, and each certificate shall be payable with interest thereon accrued, at such time after five years from the date of its issue as the Secretary of the Treasury may prescribe. That said certificates of indebtedness may be disposed of by the Secretary of the Treasury at not less than par under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor; but no commission shall be allowed, and the interest on said certificates and any expense incident to preparing, advertising, and issuing the same shall be paid out of the reclamation fund and shall in due course be restored to said fund by including the same with all other expenses in future estimates of construction, operation, or maintenance. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority. That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BEVERIDGE. Mr. President, this bill, as I understand the legislative situation, is before the Senate upon motion of the Senator from Montana [Mr. CARTER] to proceed to its consideration.

The VICE-PRESIDENT. The Senator is correct.

Mr. BEVERIDGE. Of course, being before the Senate, the Senate will have to consider it, but as I see the scope and purpose of it—and I do not know whether I concur or not—it seems to me on the face of it to be a matter of very considerable importance. How many million dollars are involved?

Mr. KEAN. Only $30,000,000.

Mr. BEVERIDGE. Only $30,000,000! It seems to me that perhaps it would not injure the public welfare if the bill were a little bit more carefully considered than it is likely to be this afternoon. I merely make that suggestion to the Senator from Montana. I am sure, however, that he has full information about it.

Mr. CARTER. It is quite important that this bill receive early consideration for the purpose of enabling the Department of the Interior and the Reclamation Service to prepare for the work which is to begin early in the spring. If the consideration of the bill is deferred to any considerable extent, it will necessarily involve the loss of one season of construction. A reading of the report will impress the Senator with the importance of the measure and the desirability of its passage.

Mr. BURTON. Mr. President, I understood the Senator to say that that bill would not come up for some days. It seems to me almost unprecedented to bring up a bill here involving a new policy, the issuance of certificates of indebtedness amounting to $30,000,000, on such short notice as this. I do not desire to postpone the consideration of the bill for a long time, but it seems to me that it ought to go over. For one, I am willing to consent that it shall come up, say, on Tuesday or Wednesday of next week, and that no objection be made to its consideration then. But it was reported only—how many days ago—two days ago?

Mr. CARTER. It was reported on the 14th of February.

Mr. BEVERIDGE. The bill can go over, but only, I will say, by the will of the Senate. It now stands in the status of the unfinished business and can not go over except by the will of the Senate.

Mr. BURTON. I was not present at the time of the reading of the bill, but I had understood from the Senator from Montana that some little time would elapse before it would be brought up.

Mr. CARTER. Mr. President, the bill was reported on the 14th instant and the report was printed the next morning. The bill and the underlying principles connected with it have been under consideration, I presume, by Senators and others for a

good while, for the President of the United States, in a special message to Congress, advised the passage of some such legislation as this. As I have heretofore suggested, the mere reading of the report would very speedily demonstrate to any Senator the need for the legislation and the wasteful policy of delay should delay occur.

The situation, Mr. President, very briefly stated—I presume it would be better to state it for the benefit of Senators who have not read the report—is this: The reclamation fund is made up of receipts from the sales of public lands. These receipts were thrown into a fund by the act of June 17, 1902. Since that time something over $50,000,000 have been paid into that fund, probably fifty-eight or fifty-nine million dollars, of which sum some $49,000,000 have been expended.

Mr. CLAY. Right at this point the bill says distinctly that the $30,000,000 of indebtedness shall be paid out of that fund. If $49,000,000 has already been expended—and there is only a small amount of the fund left—how does the Senator expect to pay the $30,000,000 of new indebtedness out of that fund?

Mr. CARTER. The report elucidates that point very clearly, and if the Senator will bear with me I will endeavor to make it plain.

The act contemplated the beginning only of such work as could be completed with expedition by the normal receipts at the land offices from the sales of public lands. A very large proportion of the fund was invested in the beginning in work in the Territory of Arizona, a considerable amount in the State of Colorado, and other amounts in Nevada and States to the south and west. Very naturally the Senators and Representatives from the States of the Central West and the Northwest insisted that this apportionment of the fund wholly to the Southwest was inequitable and unjust and contrary to the spirit of the law.

This contention was recognized as being meritorious, and thereupon works were commenced in the Central West and the Northwest, so that in the long run some thirty-odd different projects were outlined and work begun. We now have——

Mr. FLINT. May I interrupt the Senator to ask him if he has a communication showing the amount of money that has been expended upon the projects and the amount contemplated to be expended on the various projects?

Mr. CARTER. I have that communication.

Mr. FLINT. Will the Senator please have it placed in the RECORD?

Mr. CARTER. I will place it there; but I should be glad to make a statement complete in itself without referring to that at this time.

We are now, in short, constructing thirty-odd different reclamation projects, and to complete these projects, or the approved portions of them, which constitute but a small part, some thirty-odd million dollars is immediately necessary or will be necessary within the next two years. The normal receipts of the fund amount to about $7,000,000 per year. Head gates and great head works have been built. I will cite an instance.

At the headwaters of the Platte River in the State of Wyoming the service has invested about $1,200,000 in constructing a dam built of cut granite. It is a noble structure, splendidly placed, calculated to impound about 1,000,000 acre-feet of water. But the service is not possessed of funds to provide an adequate system for the distribution of the water thus impounded.

The same is true of the great Roosevelt dam in the Territory of Arizona, a structure upon which many millions have been expended. The structure will soon be completed, but the distributing system is not available to convey the water to the land.

This is likewise true of the Shoshone project in the State of Wyoming.

Now, in the meantime, expecting that this work would all be expeditiously completed, settlers have gone forward, in advance of the building of canals, and have there been waiting patiently, in some instances as long as five years, for the Government canals to be built to bring down the water to the land and make it possible to raise crops. If we depend upon the normal receipts of this fund this period of anxious waiting will be continued beyond human endurance in some cases.

Moreover, the initial investment of a large sum having been made, it is wasteful to impound the water and do nothing more. The water can not be made useful unless it is distributed and made available for these ranches.

The purpose of this bill is to enable the Secretary of the Treasury, on the request of the Secretary of the Interior, to issue 3 per cent interest-bearing certificates against the receipts of this fund, so the receipts may be anticipated and the amount necessary be made available for prompt and efficient construction.

It is manifestly poor policy to leave the preliminary investments in the great head works standing as they are, because they are unproductive; the money is not drawing interest; the water is not doing service; and the people are suffering for the water which should have been delivered in most cases long, long ago.

Mr. President, this is not a bonded indebtedness of the United States. It does not increase the resources of the reclamation fund one farthing. But it does allow the anticipation of the receipts of that fund to the extent of $30,000,000, if that amount may be found necessary, to promptly complete the work heretofore begun in which large investments have been made that are now in most cases of no avail to the Government or to the citizen.

As the report states, and as the bill itself indicates, the fund is primarily responsible for the repayment of this indebtedness, to be created by the act. The payments from the fund are not to begin until after the lapse of five years. But after that time one-half of the receipts will be applied each year to the retirement of these certificates.

Mr. BEVERIDGE. So that the payment of these certificates of indebtedness, issued by the United States for this purpose, is absolute and certain; and they do not constitute in any proper sense a debt against the United States.

Mr. CARTER. In no proper sense.

Mr. KEAN. Of course they do. They must, necessarily. If the money is going to be taken from the fund for five years the United States has to pay the interest on it for five years.

Mr. CARTER. The interest is to come out of the fund annually, as provided by the bill.

Mr. BEVERIDGE. Certainly.

I do not desire to occupy the floor at all, but I do wish to say that the statement which the Senator from Montana has made is one of the most lucid and convincing statements I have ever heard on any subject. If we do not make some provision for distributing these waters, on the faith of the distribution of which people have gone on the land, and for which they are waiting, we not only do an improvident thing by failing to utilize an investment already made, but we almost commit a wrong against the people themselves.

As I understand—and the Senator will correct me if I am wrong—it is secured even by being a lien upon the land.

Mr. CARTER. Upon the land reclaimed; and to make it quite clear that this investment is eminently desirable at this time and that the bill should be passed, I will state that the land thus far reclaimed amounts to only about 750,000 acres, with all this expenditure of forty-odd million dollars. By the expenditure of the amount here provided we will bring under water something in excess of 3,000,000 acres, and these acres when furnished with water will begin at once to return to the Treasury, under the terms of the law, the amount invested in their reclamation.

Mr. BEVERIDGE. I want to get this clearly. As I understand, the great expenditures thus far made have been almost altogether made in the impounding of the water.

Mr. CARTER. Very largely.

Mr. BEVERIDGE. The expenditure now necessary is for the utilization of the water thus impounded, without which the whole investment for this purpose is worse than folly.

Mr. CARTER. The Senator from Indiana is correct.

Mr. BURTON. I should like to ask the Senator from Montana if the report called for by the Committee on Public Lands by resolution passed here last week has as yet been presented to the Senate?

Mr. CARTER. I do not know as to that; but I will say to the Senator that the answers to all of the questions there propounded I think will be found in the report here presented. I do not recall all the questions presented in that resolution for answer by the department, but this report shows, on page 3, as the Senator will observe, the total computed cost of each project, the net cost to October 1, 1909, the irrigable area in each one of these projects, the acreage charge for the water right, the water-right payments to October 1, 1909, and the estimated value of the land when reclaimed. The land, when reclaimed as contemplated by the projects now in course of construction, will have a market value, very moderately estimated, of over one-quarter of a billion dollars, and will make homes for thousands upon thousands of home seekers.

Mr. BURTON. As I understand, the report has not yet been filed with the Senate.

Mr. HEYBURN rose.

Mr. BURTON. I yield to the Senator from Idaho.

Mr. HEYBURN. I introduced the resolution to which I think the Senator refers. I have just sent to the desk to learn whether or not a reply has come to the Senate in response to the resolution which was adopted. I understand it has not. That resolution was intended to gather information for use, not upon the discussion of this measure, but upon the discussion of items in the agricultural appropriation bill as they come to us from the House.

Mr. BURTON. It may be, Mr. President, that the report here contains all the information pertaining to the irrigation projects which the Secretary of the Interior would send under the resolution of the Senator from Idaho.

I will state for myself, however, that I have anticipated the coming in of that reply to this resolution for data relating to the subject.

Mr. HEYBURN. I could not accept the suggestion of the Senator from Ohio that the Secretary of the Interior does not intend to respond to the resolution which the Senate passed and which has gone to the Secretary. Should it occur to me that such is the condition of mind of the Secretary of the Interior, I would then call up the matter before the Senate for further action.

Mr. BURTON. I will say to the Senator from Idaho that I think he misapprehended the tenor of my remarks. I did not in the least intend to imply that there would be any reluctance on the part of the Secretary of the Interior to send this information, but thought it would be fuller and more complete than anything we have here.

Mr. HEYBURN. It goes far beyond this report in its scope.

Mr. BURTON. The question now is whether we shall continue the discussion of this bill at the present time. I would suggest that it would be absolutely unprecedented to take up on so brief notice and after a half hour or an hour's discussion pass a bill for incurring indebtedness to the amount of $30,000,000. We have authorized no certificates of indebtedness since the Spanish-American war in 1898, and I really submit there should be before us more complete information, that the Members of the Senate should have at least a few days for the consideration of the merits of this proposition. I am reminded of the Panama bonds; but they are to be issued under exceptional circumstances.

What I wish to do first is to obtain an agreement as to some time when this bill shall come up for consideration. I do not wish any long delay, but I do ask for sufficient time for its careful consideration.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do, at least for a question.

Mr. BORAH. I thought the Senator from Ohio had concluded.

Mr. BURTON. No; but I will yield to the Senator.

Mr. BORAH. Mr. President, the friends of this measure have no objection, I presume, to any reasonable time for investigation, although they are very desirous of having it considered as promptly as may be. I want to make a suggestion or two before the matter is passed over.

When the reclamation law was passed, in 1892, it provided in a general way, as has been suggested, for using the funds derived from the sale of public lands in certain States to reclaim the arid lands of those States. The law as it was passed was intended to be, as was said in the public prints and as was generally understood, a poor man's law; that is to say, it was designed that men of most moderate means might go upon the public lands and, under these projects, initiated and carried on by the Government, obtain homes. That was the design and purpose of the law; but without the fault, perhaps, of anyone, in its workings it has proved to be other than was the original intent. Those who take up lands under these projects must take them up under the homestead law, and they must remain upon the land in order to hold their title. They can not leave the land for the purpose of earning a living elsewhere; and, on the other hand, so long as the water is not placed upon the lands, it is impossible for them to raise crops on the land.

The result of it is, where they have gone upon the land and remained for a number of years, they have been driven almost, if not quite, into bankruptcy, and many of them have been compelled to give up their titles. In view of the fact that they enter under the homestead law, and the further fact that the water is not there to raise crops, it makes it practically impossible for them to remain there beyond a reasonable length of time.

As has been suggested by the Senator from Montana, a number of settlers have gone upon these lands. They have remained there, some of them, from three to five and six years. It is impossible for them to raise crops, because the water is not there. It is impracticable for them to leave the land, because if they do so, they forfeit their title. We should bear in mind that, notwithstanding the fact that they have remained upon the land five years, they can not get title to this land until they have paid for all the water. Therefore they are held there without the possibility of securing title and without the probability of securing water, by means of which they may raise crops and finally secure title.

The second matter which I desire to call to the attention of the Senate is this: This can in no wise be any expense to the Government. It is simply anticipating the receipts of this fund. Every dollar of the fund must be made whole, and every dollar of the expense must be charged up to the settler, and he pays for it before he obtains title from the Government. It is, in other words, simply permitting the settlers to avail themselves of the credit of the Government to secure the means by which to complete these projects, they themselves in the end paying the entire amount. If it was an expenditure on the part of the Government, if it was a liability on the part of the Government, it might require more consideration than it does at present. But the law is designed and so framed that the settlers must pay the entire expense, both interest and principal. This is no liberality on the part of the Government; it is doing simple justice to these settlers so as to enable them to make homes.

Mr. FLINT. Mr. President, this bill in a general way meets with my approval. My idea is that the bill should have provided that this $30,000,000 could only be applied to the completion of that portion of the projects that had been approved, which is estimated by the department to be $30,000,000. The reason why we are now asking for a bond issue or the issuance of certificates, as stated by the chairman of the committee, is that the projects have been scattered, too many projects have been approved, and it requires more money than is coming into the fund to complete the projects in a reasonable time. In addition to that, there is complaint made, and justly so, that on many of the projects there have been settlers on the land; that they have been permitted to enter upon this land, and there was no way of stopping it, and these settlers are desirous of having the projects completed.

But if we permit the bill to pass as it has come from the committee we are likely to find ourselves in a few years in the same position again that we are now in, finding other projects approved, other settlers upon the land, and requiring again a further issue of bonds to complete projects. I am desirous of having it limited to the projects which have been approved by the department, finishing up the work they have commenced, and taking the money that is now in the fund and as it comes in from the sale of land and using it for new projects.

I believe that an amendment should be adopted by the Senate limiting the expenditure of this money to that portion of projects that have been approved.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. CRAWFORD. Just for a question.

Mr. FLINT. Very well.

Mr. CRAWFORD. Does not the amendment on page 3 of the bill cover the point the Senator is discussing, where it provides that the money borrowed under the authority of this act shall be expended in the completion of such projects as have been heretofore approved by the Secretary of the Interior?

Mr. FLINT. The projects that have been approved by the Secretary of the Interior amount to $30,000,000 and the extensions to $55,000,000, and of that amount of money three-fourths of it would be expended in three or four States. What I want is to have it limited not to the projects approved, but to the portion of the project that is approved. The entire projects amount to $85,000,000, whereas the approved portions of the projects amount to $30,000,000.

Mr. CRAWFORD. Will the Senator yield to me for a moment?

Mr. FLINT. Certainly.

Mr. CRAWFORD. I do not quite understand what the Senator means by a portion of the project approved. If the whole project is approved, every portion of it is approved.

Mr. FLINT. The reason for it is the manner in which they have conducted the business in the Interior Department.

Mr. SHIVELY. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. FLINT. I do.

Mr. SHIVELY. Does not the Senator mean to distinguish between projects that have been commenced and projects that have simply been approved?

Mr. FLINT. If, as a matter of fact, the bill limits the expenditure to that portion of the project that is approved, then I am satisfied; but if the expenditure of this money is not limited and can be expended on any of the projects where work has been commenced, as the Senator from Indiana suggests, then we are committed to a further amount of $55,000,000.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Utah?

Mr. FLINT. Certainly.

Mr. SUTHERLAND. The Senator from California very well knows that I agree with him in his position on this matter; and I would not consent to a bill that I thought did not reasonably accomplish what he desires to accomplish. I wish to ask the Senator to consider the amendment proposed to section 1, namely:

> That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior—

I call the Senator's attention particularly to this language:

> and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects, or to protect water rights claimed by the United States.

Does not the Senator think that what he desires to accomplish is accomplished by that language? The Senator will agree with me, I think, that the $55,000,000, of which he speaks, applies entirely to extensions of projects.

Mr. FLINT. The $55,000,000 applies to extensions.

Mr. SUTHERLAND. It applies entirely to extensions; that is, to unapproved portions of existing projects. No portion of the $55,000,000 applies to an existing approved project.

Mr. FLINT. The Senator is correct.

Mr. SUTHERLAND. Therefore no part of the money borrowed could be used for the purpose of doing work upon those extensions except under the provisions of the latter part of the amendment which I read to the Senator, namely:

> In the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects.

Certainly the Senator ought not to object to that. If it is necessary to make an expenditure in order to make the project itself successful and profitable, we ought to make it; or, if it is necessary further, as provided by the amendment, to protect water rights claimed by the United States, we ought to make it. But under the amendment the Secretary of the Interior would be precluded from expending any portion of this borrowed money upon any of the extensions embraced within the $55,000,000 class, except as provided by the provisions I have called to the attention of the Senator.

Mr. FLINT. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me, I will say to him, as he already knows, that I am quite as anxious to accomplish the result the Senator is aiming at as the Senator himself is.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. FLINT. Permit me to answer the Senator from Utah, and then I will yield. I agree in the main with what was stated by the Senator from Utah. I am not certain that there is any way of carrying out my idea any better than is provided in the bill, but I want to place on the record my views in reference to approving new projects until the projects which have already been approved are completed. I do not object to the expenditure of this money in the States, as set forth in the letter to the committee from the Secretary of the Interior, and that is where the Senator from Utah and myself agree.

But what I object to, and what I want to cover in the amendment, if I can, is that there shall be no further projects approved and the Government committed to further expenditure beyond the income and this bond issue until the projects already approved as set forth in this communication are completed; for, as I said a moment ago, if we do not do this we will find ourselves in a few years in the same position again. The department will be importuned by Members of Congress to approve this project and that project, and we will again go beyond our means, and they will be unable to complete the projects and will have to ask for a further issue of certificates.

Mr. CARTER. Mr. President——

Mr. FLINT. Just let me finish. So I say that, as far as I am concerned, I am perfectly willing to have the money expended, not only this $30,000,000, but any additional money necessary to complete the projects set forth in the communication to our committee; but I want it understood that the Secretary shall not approve any other projects or commit the Government further.

Mr. BORAH. Mr. President, it seems to me that the amendment, which is found upon page 3, covers the subject, as has been suggested by the Senator from Utah [Mr. SUTHERLAND] as completely and efficiently as it could be covered by human language. It limits the action of the Secretary of the Interior to projects which have been approved, not commenced but approved for completion.

Mr. FLINT. That amounts to $30,000,000.

Mr. BORAH. Yes.

Mr. CRAWFORD. If the Senator from California will permit me a question, the Senators understand apparently between themselves quite clearly what they are discussing when they refer to the $55,000,000, but to the rest of us the reading of the bill and of the report does not furnish the information. I should like to have one of the Senators explain what the facts are with reference to the $55,000,000 proposition.

Mr. FLINT. Fifty-five million dollars is the amount estimated by the Reclamation Service for carrying out the extensions for the approved projects in addition to that portion which has been approved, which amount to $30,000,000.

Mr. CRAWFORD. Does that appear anywhere in the report? I am unable to find it.

Mr. FLINT. It is shown by the report of the Interior Department.

Mr. CARTER. Mr. President, the question of approval is one upon which the Reclamation Service and Interior Department have no clear definition. Projects have been approved in different fashion. For instance, a general scheme of irrigation has been approved, to be completed by the application of the waters of a given stream. Some parts of the project have been surveyed and are definitely fixed and contracted for. Other parts remain to be surveyed, the trial lines having been run, but the cross-section work not completed. So it will be observed that in the general word "approved" the whole project is encompassed, whereas in another section a certain amount of construction has been begun or the surveys have been prosecuted to definite results.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from New Hampshire?

Mr. FLINT. I do.

Mr. GALLINGER. I supported the irrigation act, as the Senator from Montana will remember, though the section of the country from which I come had no direct interest in it. I wish to ask the Senator from Montana a question. I have not had time to refer to the act. Did the act give unqualified authority to commence these projects in any State or portion of the country that the Interior Department saw fit?

Mr. CARTER. The act was made applicable to certain States, I will say to the Senator, and there were certain limitations in the act. One was that the amount of money collected in a given State should, to the extent of a certain per cent, be expended within the limits of that State. Further still, it was the evident intent of the law that work should not be commenced without available funds, in prospect at least, to complete the work.

Mr. GALLINGER. That is my recollection of the matter; and we have been told from time to time that there was an accumulation of funds for this purpose. As I understand it now, the sum has been exhausted, has it not?

Mr. CARTER. There is about $8,000,000 in the fund, but the $8,000,000 will make such a small moiety distributed over the 30 different projects that work can not be economically or forcefully done at any point. It will take many years to complete the work. In the meantime that which has been done is deteriorating, with loss of interest, and the waiting process by the settlers is going on. I think it may be an answer to the Senator's question by freely admitting that a mistake was made—a clear, unquestionable mistake—in attempting to cover too much ground simultaneously.

Mr. GALLINGER. That was my impression from what knowledge I had of this subject, which, I confess, is elementary. It seems to me that it was spread over too much territory, and that we ought to be careful in this legislation, or we will find ourselves in just the position we are in in our legislation for rivers and harbors. While we make an appropriation of $150,000 this year, it relates to a project that is going to cost a couple million dollars, and we have a large number of uncompleted projects on hand, amounting to an enormous sum of money.

I feel that while I shall give my support to this bill, as I have done to all measures relating to the great West, the bill ought to be very carefully guarded, and I trust it is carefully guarded. I observe that future projects can only be commenced upon the direct order of the President of the United States.

Mr. CARTER. That section was put into the bill in order to forestall inconsiderate and hasty approvals. It was put in at the suggestion of the Secretary of the Interior, who desires to prevent the recurrence of the unhappy situation in which we find ourselves. We thought it well that such a showing should be made to the President of the United States with reference to new projects as would impel him to approve on the merits.

Mr. GALLINGER. And the purpose, as I understand it, of the friends of the bill is to obtain this money by the issuance of certificates of indebtedness to complete as soon as possible the projects that are now under way.

Mr. CARTER. Now under way.

Mr. GALLINGER. And to extend those projects where it is necessary to protect the expenditure already made, and to protect the Government in the matter of water rights and so forth.

Mr. CARTER. That is the whole and sole purpose of the measure.

Mr. GALLINGER. If that is done, it seems to me that this is wise legislation.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. I think the Senator from California [Mr. FLINT] has the floor.

The VICE-PRESIDENT. Does the Senator from California yield?

Mr. FLINT. I do.

Mr. CRAWFORD. I notice that the original section had the following language at the end of the section:

That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

That language is certainly very clear, very specific, and answers the demand of the Senator from California; but it appears to have been stricken out and an amendment proposed in its place which apparently opens the door to ambiguity and uncertainty. My question is, Why is the language of the amendment preferred to the language used in the original section?

Mr. FLINT. I suggest as an amendment to the amendment, on page 3, line 13, to strike out the word "feasible" before "projects;" and in line 14 to strike out the word "and" after "Interior;" and to strike out all of lines 15, 16, 17, and 18.

Mr. BURTON. Will the Senator from California yield to me for an interruption?

Mr. FLINT. Certainly.

Mr. BURTON. I understand the Senator desires to strike out the word "feasible" and lines 15, 16, 17, and 18. It would then read, would it not?—

That the money borrowed under the authority of this act shall be expended in the completion of such projects as have been heretofore approved by the Secretary of the Interior.

Unless you interpret the word "completion" as meaning the finishing of something already begun, it would throw the door wide open for new projects, as well as old, would it not?

Mr. FLINT. Those projects that have been approved. There are certain projects that are approved now by the Secretary of the Interior, which amount to $30,000,000.

Mr. BURTON. Have those approved projects also been commenced?

Mr. FLINT. They have all been commenced.

Mr. BURTON. The work has been commenced?

Mr. FLINT. Some work has been commenced.

Mr. BURTON. The work has reached a certain degree of advancement?

Mr. FLINT. I think so, on all of them.

Mr. BURTON. And no project has been approved on which work has not been done?

Mr. FLINT. I will say that my idea about it is that if we limit this bond issue to the completion of projects, or that portion of them that have been approved, then we leave the fund that is coming in from the sale of lands for any new project the Secretary of the Interior may desire to approve. But it means that this $30,000,000 will complete the projects that have been approved.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. FLINT. I do.

Mr. BORAH. If the Senator secures the amendment which he asks for, he will accomplish that which he does not desire to accomplish, it seems to me. He proposes, in the first place, to strike out the word "feasible," and to complete these projects whether they are feasible or nonfeasible, practicable or impracticable.

Mr. FLINT. I take it the Secretary of the Interior would not approve of any project not feasible.

Mr. BORAH. Then I take it there is no danger of leaving him with the exercise of a little judgment in the future.

Mr. FLINT. There would be some danger in leaving to the Secretary in the future the question of the approval of projects, if we are to judge by what has been done in the past, because the chairman of the committee has stated, as we all know, that there have been many projects approved on request of Senators and Representatives. The Secretary of the Interior has been importuned to approve this project and that project; and that is the reason why we are here to-day asking for this bond issue.

Mr. BORAH. Mr. President, the fact that projects have been begun in a great number does not relate to the question of feasibility or nonfeasibility. It is true that there have been more projects begun than some people think should have been begun; but they have been begun by reason of the fact that the people in the different States have asked for them. Now, they are perfectly feasible and they should be completed. It is to the interest of the Reclamation Service and of the people generally to complete them. But notwithstanding that fact, the committee saw fit to limit the expenditure of the money which is raised by the bond issue to the projects which have been approved. If the Senate will observe the language which is used here, it is specific and certain to that limitation. For instance, it says:

That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects.

Mr. FLINT. Right there the word "extensions" would add $55,000,000 more.

Mr. BORAH. The settlers upon these projects are paying every cent of this money. Does the Senate of the United States want to deprive them of the opportunity of using these projects in a reasonable and successful way? That is the reason why the clause is in the amendment which says that it shall be used "in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects." What are we constructing them for if not for successful and profitable operation? And in view of the fact that every dollar of this money comes from the pockets of the settler, we need not be uneasy about the words "successful and profitable operation."

Mr. FLINT. Then, instead of having a part of the projects completed, let us meet the issue squarely and have an issue for $85,000,000, for the reason, Mr. President, that the money as we have provided it here, the $30,000,000 and the $55,000,000, means committing ourselves to these projects in the several States. It means that there will be no other projects approved in any other State. I want to see that we make provision to take care of the $85,000,000 in this issue of certificates, if that is the intention of Congress; but I do not want to provide for an issue of $30,000,000 with the intention of having the other $55,000,000 approved as extensions.

Mr. BORAH. Mr. President, the Senator has reached the precise point where he knows I have been all the time in this matter. There is no possible reason to my mind why we should not issue certificates sufficient to complete all the projects.

Mr. FLINT. I will vote with the Senator if it is stated in that way.

Mr. BORAH. If the Senator will frame language which will cover it, I do not know whether anybody else will vote with him or not, but I will be very glad to support the amendment.

Mr. FLINT. The Senator misunderstands me. The Senator's idea is that we should have $100,000,000 expended on irrigation projects. That would be more than sufficient to complete the projects approved, amounting to $30,000,000, and $55,000,000 of extensions. I will support such an amendment, for the reason that it leaves to the Secretary of the Interior a fund to apply in other States to projects that should have been approved and have not been approved. If we do not have a bond issue of $100,000,000, we are committing ourselves to expenditures in four States and nothing can be done in any of the other States.

Mr. CRAWFORD. Mr. President, I made an inquiry sometime ago and it was not an idle inquiry; it was made in good faith. I asked why the language originally used at the close of section 1, which appears to be clear and specific, was changed into this proposed amendment. I have received no answer to it,

unless the subsequent discussion discloses the fact that the purpose of the amendment is to simply open the door to projected extensions instead of projects already begun.

Mr. WARREN. Mr. President, answering the question of the Senator from South Dakota, the language as it originally appeared in the bill was not satisfactory to the Senator from California [Mr. FLINT] and some others, at least not to that Senator, as I understand it, because he wanted to confine it not only to the projects already begun but to those portions of projects that had been heretofore officially approved.

Mr. CRAWFORD. And upon which work had not been commenced?

Mr. WARREN. On the projects, but not upon the particular parts of the project.

Mr. FLINT. I want to make myself clear about that. I am entirely satisfied with the wording of the section by adding the word "approved," so that it would read "approved portions of the projects," which are estimated by the Secretary of the Interior to be $30,000,000.

Mr. WARREN. Mr. President, if I may be allowed a moment, here is the condition: The Senator from California is seeking what I think we are all seeking, only he is taking it a different way. What we are seeking to do is to complete the projects that have been commenced and that are feasible. If any of them have been found not feasible, and I think the Senator will agree with me that one or two of them have not, no further work is to be done on them. There is one case of a reservoir without a drop of water in it, and they have not been able to accumulate any in it for a couple of years. The purpose of this bill is to complete those feasibly approved projects and such feasible extensions as are strictly necessary in order to get the water to the land and get the money back from the settlers where the Government has already made large investments, but not yet available because of a lack of funds.

I perhaps can illustrate it in this way: If a farmer should buy a span of horses, should buy a wagon, should approve both of them, but was not able to get at that date the harness he wanted and should be waiting until he had a harness made by a harness maker, and somebody should ask him how much he had approved of his paraphernalia, and he should send in a memorandum showing he had approved of the horses, he had approved of the wagon, but that he had not approved of the harness, it would not mean that he did not propose to have a harness. It would not prove that a harness was not necessary in order to connect his wagon and his horse so that he could do the work.

Now, we have certain of these projects that have been commenced, and large amounts of work have been done upon them that are incapable of use to-day and will be for a long time if you put in the amendment which the Senator from California seeks to adopt.

I want to say that this talk of approval on this particular list of $30,000,000 is a mere figure of speech. The Reclamation Service, at a time when its director was absent on field service, was called upon to make a report to the Secretary of the Interior upon such projects and portions of projects as were then approved. This was sent to the department and came to us, not with the intention that the $30,000,000 bonds or warrants should be for that identical list without considering the necessary links or connections to make the projects productive. That list meant simply that they had then proceeded that far in the work of approving parts of projects. That is the whole question.

To put in the language that the Senator seeks and say upon only such portions of such projects already begun as have been heretofore approved would be to throw some of the most deserving projects with large expenditures already made out of business entirely.

Mr. SUTHERLAND. Mr. President, I do not know whether the Senator from South Dakota [Mr. CRAWFORD] is satisfied with the information he has obtained in answer to his question, but it does not seem to me that the question thus far has been very clearly answered. I do not know whether I can succeed in throwing any light upon it or not, but I am going to try.

Mr. CRAWFORD. The Senator from South Dakota is not satisfied as to the reason why the language used in the section was not left as it was originally drawn.

Mr. SUTHERLAND. That was the question, as I understood it. Mr. President, in reply to the question of the Senator from South Dakota [Mr. CRAWFORD], as I understand the matter, it is this: There are two classes of this irrigation work: First, a class of work that has already been approved by the Secretary of the Interior. That work is outlined in the communication which was before the Committee on Irrigation. In the aggregate it amounts to $30,000,000. There was another class of work called "extensions of these existing projects," which are unapproved, and which, in the aggregate, amount to $55,000,000. The bill as originally drawn read:

> That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

It was the fear of some of us in committee, including the Senator from California [Mr. FLINT], that, by reason of the generality of that language, it would be construed to include those extensions which had not been approved, as well as those portions of the projects which had been approved, because the language is "to the completion of work on projects heretofore begun."

Now, to take an illustration: We have a project up in Washington the approved portion of which amounts to, say, two or three million dollars. But it is contemplated——

Mr. FLINT. One million——

Mr. SUTHERLAND. Just a moment. It is contemplated that at some time in the future extensions may be made to that project which will aggregate $14,000,000 more. We do not want this bill——

Mr. CRAWFORD. But those proposed extensions have not been approved.

Mr. SUTHERLAND. The proposed extensions which have not been approved, but the project of which these are extensions has been begun, and the project itself has been approved, although the extensions of the project have not been approved. So the language "to the completion of work on projects heretofore begun" would not only apply to that portion of the project which had been approved, but to the contemplated extensions in the future. We do not want to so frame the bill as to admit of that construction.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SUTHERLAND. With pleasure.

Mr. CRAWFORD. I will ask the Senator if it would not be a very simple matter to merely add a clause to that language which would make it clear that it did not include proposed extensions not approved, instead of adding this ambiguous phraseology?

Mr. SUTHERLAND. The Senator from South Dakota is quite correct in that. It was the notion of the committee that it was a simple matter, and it has proposed this amendment to the section for that very purpose. It seems to me that it is clear and explicit. Let me read it again:

> That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior—

If we had stopped there, we probably would have narrowed the general language of the original project very little, but we proceed further—

> and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

By having both of these provisions in the bill—the provision with reference to the completion of the work upon feasible projects and also the provision to extend it to certain extensions—we differentiate between the two things and make it clear that this money can not be expended for the completion of these extensions unless they come within the limitations of the amendment itself.

Mr. CRAWFORD. Let me ask the Senator from Utah a question. The language read by the Senator, including these constructions, does not provide that the extensions shall be extensions now contemplated and now approved, but it is so broad that it includes all extensions that may be proper and necessary, and no provision is made as to who is to determine that they are proper or necessary or when the determination is to be made that they are proper or necessary. It seems to me that that language throws the doors wide open to extensions that are not even yet projected.

Mr. SUTHERLAND. That is quite true. It does apply to extensions of any character or description, but they must be such extensions as are both proper and necessary to the successful and profitable operation and maintenance of the project. Now, surely——

Mr. CRAWFORD. But, Mr. President——

Mr. SUTHERLAND. Just a moment. Surely the Senator from South Dakota would not want to frame the bill in such manner that the Secretary of the Interior would not be permitted to do something which would be necessary to make a given project successful and profitable.

Mr. CRAWFORD. No; but, Mr. President, it seems to me that there must be a limit here somewhere; that there must be a boundary line with some distinction and clearness to it. We are interested in the West—my State for one is interested—in the completion of projects that are in process of construction. To use the phrase of the street, the Government has "bitten off more than it can masticate," and here we are with these projects on our hands. We want them completed if the $30,000,000 will do it. We do not want to leave the bars down, so that the money may be scattered into the building of extensions not even now contemplated. So I must say that I think the language as originally drawn is much safer than this limitless amendment which is proposed.

Mr. SUTHERLAND. Let me ask the Senator from South Dakota if he does not think, under the language as originally drawn, that the Secretary of the Interior would be permitted to use this money not only for the construction of that portion of the project approved, but for everything which could be considered an extension of it? The only limitation in the original language is that the project itself shall have been theretofore begun. Any extension of it is a part of the project, and the project itself has been heretofore begun.

Mr. CRAWFORD. I do not quite see why there should be a distinction between projects, why that language is not plain enough, and why there should be some question about whether the word "project" means something else, to wit, the extension of a project. A project is a project; and this authority is to complete a project begun—not the extension of a project begun, but the completion of a project begun.

Mr. JONES. Mr. President, I think the difficulty of the Senator from South Dakota [Mr. CRAWFORD] arises somewhat from the two terms "projects" and "extensions thereof." I think the term "project" in this bill is used in a narrower sense than that in which the Reclamation Service commonly use it. For instance, in my section we have what is known as the "Yakima project." That project contemplates the ultimate reclamation of almost 500,000 acres of land. It contemplates the construction of reservoirs at the headwaters of the Yakima and Naches rivers.

It is the reclamation of land in distinct quarters or units. For instance, at Tieton about 30,000 acres will be reclaimed; in another place 40,000 acres will be reclaimed; in another section, a distinct section, 125,000 acres will be reclaimed; and in another section over 200,000 acres will be reclaimed. That has all been designated as the Yakima project, but they have commenced a distinct part of that, you might say, for instance, a reservoir. That reservoir in the sense of this bill, as I understand it, is a project.

Mr. CRAWFORD. The reservoir by itself?

Mr. JONES. The reservoir by itself is a project. After that reservoir has been commenced we want to complete it, and we do not want to have the reservoir without being able to use the water. So we provide for the necessary and proper extensions to make that reservoir available. That is the sense in which I understand these terms here. Under the preceding language the fear of some friends on the committee was that we would get a little too much of this money; that we would get about $14,000,000 or $15,000,000 to complete the entire Yakima project. The committee did not think that was entirely fair, and there was considerable justice in their contention. Therefore I was willing that it should be limited, instead of using this broad language; and it was the intention of the committee to limit it by this other language, because the fear was, as has been suggested, that the language to which the Senator refers was too broad and would allow the Secretary to carry on an undesirable work, a work that it was thought we had not the money to carry on. But where we had commenced a distinct unit of a project—using the word "project" in the sense in which the Reclamation Service uses it—it was thought best to limit the expenditure simply to the money which was necessary to construct those projects and necessary to make each unit or portion of a project in the sense here used available.

For instance, I know of one project where a big dam has been constructed across a river, which has cost nearly three or four million dollars. The dam is worth it, provided we can get the land under it reclaimed. It is necessary to construct, you might say, an extension of that project—for that dam would be called "a project"—to reclaim the land to make it available for the use of that dam.

While I am on my feet, I am going to refer to a suggestion, made a short time ago by the Senator from New Hampshire [Mr. GALLINGER], that we have begun too many projects, and that a mistake was made in that respect. I admit that that is true, but I do not want the impression to prevail that the Reclamation Service was entirely to blame for that condition of things. The chairman of the committee has said that mistakes have been made in the adoption of projects, the beginning of them, but the situation was simply this: When the reclamation act was passed, every Senator and every Representative from the States affected pressed their claims upon the Reclamation Service just as strongly and just as urgently as possible, and if there is any blame to be attached for undertaking too many works, that blame must be divided, at any rate, between the Reclamation Service and the Members of the House and of the Senate from those States, and I am willing to take my share of it.

I trust the Senator from Ohio [Mr. BURTON] will not feel that he should oppose this proposition, because I am endeavoring to carry out the principles that I have largely learned from him in the construction of river and harbor work in the construction now of reclamation work. I have always felt that the Government is wasting a large amount of money by carrying on river and harbor works by piecemeal, and taking on so many of them, that we could only appropriate a small portion of the money necessary to apply to the work, and scatter it all over the country. With the mistakes that have been made, we have taken up more projects than we now have the money to carry on economically and rapidly. Therefore, I am in favor of this legislation, following the principles which the Senator has instilled in me with reference to river and harbor works. I want to get enough money to do this work economically and bring it under these plans, so that the Government will get back the money which we have so generously appropriated for the purpose of reclaiming the arid lands.

Mr. CRAWFORD. For one, I am greatly obliged to the Senator from Washington for his explanation, in which he has shown the difference between extensions and the original project. I wish to ask the Senator if it would not be much safer, and if it would not be sufficient if in this proposed amendment a period were placed after the words "Secretary of the Interior," so that the projects or extensions would be such as he had approved, and leave out the remainder of the proposed amendment?

Mr. JONES. There would be no extensions then provided for.

Mr. CRAWFORD. Put in the word "extensions" in connection with projects. At any rate, it seems to me that the utmost scrutiny and care should be given to this matter, if there would be danger in the case of the project in the Senator's State of embracing extensions in what narrowly would be called a "project," so that it would take $14,000,000 of this appropriation.

Mr. JONES. No; the extensions to which I refer are entirely feasible in that project, and they are absolutely necessary to the successful operation of that project.

Mr. CRAWFORD. That is for all the lands, but not necessary for the successful operation of part of the lands.

Mr. JONES. Of course the whole project contemplates the building of three or four reservoirs for storing the tremendous amount of water.

Mr. CRAWFORD. If the Senator will permit me, we are proposing to provide only $30,000,000. We can not complete all of these projects and all of these extensions——

Mr. JONES. That is right.

Mr. CRAWFORD. They might take $150,000,000.

Mr. JONES. That is right.

Mr. CRAWFORD. So that we must put a circumscribed limit here somewhere.

Mr. JONES. That is what we have tried to do.

Mr. CRAWFORD. Have you done it at all in this amendment where you take in all feasible extensions?

Mr. JONES. No; the Senator is reading it wrong. The amendment provides that the money—

shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior.

I suggest to the Senator that there have been a great many projects approved in one sense, but, as has been suggested here, there is no definition of the term "approved," or "approval." The Senator from California [Mr. FLINT] has spoken of a letter from the department, in which reference is made to "approved portions" and "approved projects." I will say that I talked with the Director of the Reclamation Service, and he said he did not know just what would be considered as an "approved project," or just what the word "approved" meant.

Mr. CRAWFORD. If the Senator will permit me, it seems to me that there ought to be in the language which shall finally be left in this section no question as to what "approved" means. If there is doubt in the use of it by the Reclamation Service or by the Secretary of the Interior, there ought not to be any doubt as to what it means as we are to use it in this section, involving, as it does, the carrying on of this work.

Mr. JONES. I was going to suggest to the Senator that there have been a great many projects that have been approved in one sense of the term. The Secretary of the Interior has said that he would take up those projects whenever money was available. Putting in the term "feasible" here leaves the present Secretary of the Interior, or whoever may be in that office when this act takes effect, to determine whether projects that have been approved are of such a feasible character as he thinks should be taken up; in other words, it still leaves him some discretion even where projects have been approved.

If you simply use the term "approved," then he has no discretion. When you put in the words "feasible projects" or "feasible projects heretofore approved," it leaves him to discriminate between those projects that have been approved and select from them those that he considers ought to be taken up.

I will say to the Senator that there are some projects involving the expenditure of several million dollars that have not been approved in the ordinary sense of the term, but upon which practically nothing has been done, and which can be left for a few years just as well as not. The language that was put in here was put in for the purpose of eliminating projects like that.

Mr. CRAWFORD. But it would not.

Mr. JONES. I will say that the committee has spent a great deal of time in trying to get wording here that would not be too restrictive. We recognize that there must be some discretion given to the administrative officers. I will add that I framed a provision which it seemed to me accomplished that purpose even better than the provision of the amendment, so far as that is concerned, and I believe the Senator would think so if he saw it; but all of us had different opinions and different constructions. We tried to harmonize them and we finally agreed upon this as a proper limitation as well as placing in the Secretary a proper discretion with reference to this great work.

Mr. HEYBURN. Mr. President, it seems to me we should readily pass this question as to the technical language to be employed in this measure. When the Government, right in the midst of a system of procedure, changes the laws upon which that procedure must be based, the Government should not be too technical in providing a substitute for it. When this act was passed the condition as to the public-land laws of the United States was so different from that of to-day that the Government should be very slow to interpose any objection to remedial legislation that would put the Reclamation Service back upon the plane where it was originally placed by the legislation.

What do I mean by this? At the time that the reclamation act was passed, in 1891, I believe about June, the Government was engaged in selling its lands to the settlers at a rate not thertofore known. There was a condition of prosperity in the country that was prompting men to go out hunting new fields of enterprise and obtaining the land upon which to build them up. No sooner had we inaugurated the great system of reclamation of the public lands, based upon the proceeds derived from the sale and income of the public lands, than we set about destroying the market and the income from the public lands. At the rate of increase, or based upon the conditions existing at the time of the passage of the reclamation act, there would have been no deficiency had those conditions remained, and with those conditions restored to-day there would be no occasion to ask anything at the hands of the Government. Inasmuch as this fund was to be derived entirely from the sale and the proceeds of the public lands of the United States, in order to maintain the fund we would naturally suppose that the Government would have maintained the market for the lands; but, lo and behold! no sooner had we started upon this prosperity than they begin to withdraw the land from sale, and they have withdrawn from sale, since the passage of this act, in 1891, 200,000,000 acres of land. Put it back in the market and see how soon we will be relieved of the necessity of calling upon the Government for money to guarantee and to carry out these great enterprises. They have starved the fund by destroying the source from which the fund was to come. They were warned of it. In the days when we were discussing that question here through so many Congresses, the attention of Congress was called to the fact that they were pursuing a policy that would destroy the source from which this great plan of reclamation was to draw its revenues. You can not withdraw the lands from sale and at the same time derive a fund from the sale of the lands. That is obvious enough. Here, all at once, we find that a great beneficent plan for the building up of the substantial property and the population of the country has been prostrated by a short-sighted policy that has received the approval of Congress in its hours of thoughtlessness. There we are now. Is the Government in any position to raise technical questions, or is Congress in a position to interpose technical objections to the use of this word or that, inasmuch as it has been suggested by several of the Senators who have spoken, not a dollar of this money comes out of the Public Treasury and no proposition is presented to take a dollar out of the Public Treasury at any time? You are not even loaning money; you are simply making it possible for this crippled enterprise to provide itself with money to fulfill the original purpose of the act.

The pending bill merely provides that there shall be issued certificates, none of which shall be payable until after five years, bearing a rate of interest at 3 per cent, and the proceeds of the sale of those certificates, which are merely promissory notes of the Government, are to make good the pledge it has partially broken, to make it possible to carry out this great plan that provides thousands and hundreds of thousands of homes and millions and hundreds of millions of dollars of taxable property and adds to the greatness and success of our whole country.

We stand here quibbling over the use of language. It would not be asking too much were we to ask Congress to take the money out of the General Treasury of the country, inasmuch as the General Treasury of the country has benefited $7,400,000 by the sale of the very subject from which this fund was to be withdrawn. I refer to the income in these years from the forest reserves. Notwithstanding the pledge contained in the reclamation act, the Government took the lands from market and then made a use of them from which they have derived something over $7,000,000, not one dollar of which went to the reclamation fund. Now, why should we hesitate to make good the wrong that has been done? We have sent thousands of people out there with their families and the little accumulation of their lifetime, some of them in the railroad train and some of them in the white-covered wagon, and, relying upon the promise of the Government that the public lands would be sold and that the proceeds would be used to make this land available as homes, they have rested there, at first in joyous expectation, but as the years have rolled along, with despair growing deeper upon them every day, until to-day thousands of them are suffering for the want of the necessities and comforts of life.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Dakota.

Mr. HEYBURN. Yes; I yield.

Mr. CRAWFORD. I think that the question here is not a question of the merits of the proposition to issue bonds to carry forward this work. Upon that question I doubt if the Senator would find many who are hostile to the proposition. But the question is one simply of making the language specific and clear so that we will know what the $30,000,000 provided for each year——

Mr. HEYBURN. I understand perfectly well what that question is. Now, let me develop the idea as it comes to me.

Mr. CRAWFORD. Very well; I will not further interrupt the Senator.

Mr. HEYBURN. The real question is not how close down can you crimp or shall you crimp this enterprise, but how broad and liberal shall you treat it in the light of the treatment it has received. I understand the question the Senator has in mind as to whether or not the enterprise shall be further limited. The estimate originally and the estimate now is based upon about $120,000,000 expenditure. We have spent $50,000,000, and we are asking for thirty millions more. We are asking it in the hope that conditions will change and that we will not be compelled to ask for more; but this measure should be liberal enough in its provisions to complete the work that is contemplated and that has been laid out. I do not care if it costs the whole $117,000,000 contained in the estimate. That is the reason I am criticising a disposition here to put a limitation to-day that may send us back to Congress to ask for further relief.

If you continue to withdraw the public lands from sale there will be no fund to redeem these warrants; there will be no fund to represent the margin between the warrants and the admitted necessities for the construction of this work. So there should be no hesitation in voting for the measure of relief contained in this bill, and there should be no attempt or desire to so crimp it with conditions that would put us upon the basis of an apology should the revenues entirely fail us, or fail us to the extent that we would not be able to complete these works.

What benefit can come to anyone from an incompleted work of this kind? It is like building a house up to the square and providing no roof for it. It is like building a dam out in the mountains to collect the water and making no provisions for its use. Let us be reasonable and broad-minded in this matter.

and if we need the $30,000,000 of credit give it to us because the lands that are already settled upon will repay that much, we know.

There is no condition that can possibly arise which would defeat the Government in the repayment of this money from the rentals and from the payments required to be made by those who have settled upon the lands. So let us not attempt here by imposing words of limitation to place any possible obstacle in the way of the completion of the work not only under construction, but of all the work as contemplated.

Mr. NEWLANDS. Mr. President, in the framing of the committee amendment to this bill an effort was made to limit the discretion of the Secretary of the Interior, which was ample under the original act, and to confine the expenditure of this money practically to projects already begun. Individually I have been opposed to putting any limitation upon the discretion of the Secretary of the Interior. I think Congress acted wisely, in the first instance, in leaving the selection of these projects and the expenditure of the money to the Secretary of the Interior and the Reclamation Service organized by him, the only limitation in the original act being that no contract should be made for work unless the money for the payment of the contract was in the fund. I think that was a wise provision, originally. I think it would be wise to-day to maintain that large discretion.

It must be recollected that this discretion is not that of an individual. It is the discretion of a service, the great Reclamation Service, consisting of over 300 engineers. Probably the greatest engineering force in the world has been built up under the administration of different Secretaries of the Interior, under the leadership of Mr. Newell, the present director of that service. The methods of selecting the projects are most discriminating. They have an engineer for each project. They have a supervising engineer, whose district embraces four or five or six projects. Whenever a project is under consideration the project engineer meets with the supervising engineer and with a board composed of all the supervising engineers, and all these matters are thoroughly thrashed out before they are presented to the Secretary of the Interior, the intervening judgment of the Director of the Reclamation Service being also secured.

So, a project is only entered upon after the most thorough examination of the region in which it is proposed to locate it, of all the elements of expenditure and cost and reimbursement of cost; and board after board will sit upon these projects in the various stages of their progress, and at every stage they have to pass the judgment of the Director of the Reclamation Service, and finally the judgment of the Secretary of the Interior himself.

When this bill was originally under consideration I thought that method was infinitely preferable to the method which had theretofore been employed in river and harbor work in this country, under which the selection of projects was left to the control and direction of a political body, subjected to all the evils of the spoils instead of the merit system.

Now, this work has been done well. The projects for the most part have been wisely selected. Some mistakes have been made—not serious mistakes. Some mistakes have been made as the result of the extraordinary pressure brought to bear upon the Reclamation Service by the political representatives of the regions affected. Some mistakes may have been forced by the rigid terms of the reclamation act itself, for under the terms of that act it is compulsory upon the Secretary of the Interior to expend at least one-half of the moneys raised from the sales of lands in any particular State upon feasible projects within that State.

Now, unfortunately, or fortunately, perhaps, some of the States which contributed the largest amount to the fund were States in which there were few, if any, feasible projects. It was incumbent upon the Secretary of the Interior, under the act itself, with the good faith required by the act, using extraordinary diligence and every care in the selection of a project, to assign to a State which generously contributed to the fund some portion of the projects; and thus the law itself enforced the location of projects in States which contributed largely to the fund, which money should have been spent upon projects in States which contributed little to the fund. My own State contributed little to the fund, because it is probably the most arid of all the States.

After the money is spent upon these projects, after the lands are vitalized by the introduction of water, lands will be entered and water rights sold, and will richly reimburse the fund from which these works were constructed. But initially Nevada could contribute little to the fund, while the State of Oklahoma contributed most generously, and yet in Nevada there are numerous feasible irrigation projects, and in Oklahoma there are almost none because of the topography of the country. And so a portion of Oklahoma's money has been spent in Nevada, and North Dakota's money has been spent in Nevada, but ultimately it will be returned to the fund by Nevada when its arid lands are reclaimed.

But, as I have stated, the law itself has compelled the Secretary of the Interior to use every care and diligence to find a project in the State of Oklahoma, even though it may not be so feasible as one in Nevada. And so it is in North Dakota. Inferior projects have been entered into there simply because of the generosity of the contribution of those States to this great fund. Hence the mistakes have been forced by the act itself.

I may say when the act was originally framed I was opposed to that provision which compelled the expenditure within the boundaries of a particular State of the funds coming from the sale of land in that State. I anticipated these very difficulties. I felt that so far as the reclamation of the arid region was concerned, imaginary state lines should be entirely obliterated; that it should be considered in its entirety, the moneys received from the entire area being spent upon the most feasible projects in that area, regardless of state lines.

So I would acquit the Reclamation Service of blunders in this respect, if mistakes have been made in preferring less feasible projects to more feasible projects—mistakes that were made obligatory by the very terms of the act itself.

Mr. President, I have contended that the discretion of the Secretary of the Interior has for the most part been wisely exercised. We have had one of the most capable and honest construction services organized that has ever existed in the history of this country. The Committee on Irrigation of the Senate has been engaged during the past year in visiting these various works, and not a whisper of corruption has reached them. It has been a work conducted with rare intelligence, with rare integrity, and with rare speed. Twenty-three of these projects have been almost brought to completion or are approaching completion in various sections, and now $30,000,000 is required for the purpose of utilizing the water which we have stored, to be poured upon these arid lands, thus enabling the rapid return to the fund of the moneys spent. I believe that the discretion should be as wide as it was in the original act, and I object to any terms of limitation whatever. But if terms of limitation are to be employed, I think the Senate committee has acted wisely in these limitations. It provides that the money raised from the certificates:

> Shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

What does that mean? It means in the first place that it is limited to the projects already approved, so as to require their immediate completion. But it also provides that the money can be applied to such extensions of those projects—that is to say, such other sections of the projects as have not already been commenced—as may be necessary to the successful and profitable operation and maintenance of the sections completed.

As the Senator from Washington stated, assuming that a project to-day approved is the construction of a particular reservoir, and that the extension of that project involves the construction of canals necessary to irrigate 40,000 acres of land, the sale of which would reimburse the fund, would you so limit the power of the Secretary of the Interior as to enable him to complete the reservoir, but not to build the high-line canals and the distributing canals necessary to make that water serviceable in the irrigation of the arid lands, with a view to the sale of the water rights to the reimbursement of the fund?

Mr. CRAWFORD. If the Senator from Nevada will yield, I think there is no serious dispute about the carrying out of these projects, so as to make them completely efficient when they are equipped, extensions and all. But the immediate question here is this: In issuing certificates for $30,000,000, which is insufficient to do all that, the money to accrue from the placing of these certificates or bonds, which sum is to be applied toward the carrying out of this work, we necessarily must fix some limitation within which the $30,000,000 shall be expended; and the question is one simply of having the language of the act clear and specific as to the extent and purpose of making the expenditure of $30,000,000, which is only a part of the total amount that must be expended.

Mr. NEWLANDS. I understand the Senator, and I claim the limitations are imposed, and that they are imposed just as he himself would impose them if he had the framing of this act. If he had in view any project which involved for the present simply the construction of a reservoir, and there was another section of the project not yet approved which involved the laying out of canals and ditches necessary to utilize

the waters of that reservoir, would he simply give the Secretary of the Interior power to complete the reservoir without completing the extension, as yet unapproved, but necessary, in order to make the water useful?

Mr. CRAWFORD. In answer to that I will say to the Senator it seems to me that the language of the act could be made clearer than it is now by simply providing that the money should be expended in the completion of feasible projects and extensions approved by the Secretary of the Interior.

Mr. NEWLANDS. That is what it does.

Mr. CRAWFORD. It uses a great many more words than that, and when it gets through it is not nearly so clear.

Mr. NEWLANDS. That is what it says:

Shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior.

Now, the Senator indorses that. Let us read the rest of it:

And in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects.

Mr. CRAWFORD. Will the Senator permit me?

Mr. NEWLANDS. Certainly.

Mr. CRAWFORD. Where is there any provision in that language requiring the expenditure to be approved by the Secretary?

Mr. NEWLANDS. Nothing whatever can be done——

Mr. CRAWFORD. That language is without limitation as to time or expenditure.

Mr. GALLINGER. Mr. President, on that point—and I think the point made by the Senator from South Dakota is well taken—I have interlined my bill as it would read if an amendment I intend to propose shall be agreed to. After the word "be," in line 15, to insert "in the judgment of the Secretary of the Interior," so that he would likewise have to approve the extension, which certainly he is not required to do under the amendment as it stands. I think there will be no objection to it.

Mr. NEWLANDS. I am not in charge of the bill, but I certainly should not have any objection to such an amendment.

Mr. GALLINGER. I should think there would not be any.

Mr. NEWLANDS. Because, of course, nothing can be done under this bill that is not satisfactory to the Secretary of the Interior. Not a dollar of this money can be spent unless it is expended upon the judgment of the Secretary of the Interior. The Secretary of the Interior is the controlling power throughout this entire work. He caps the entire edifice.

Mr. FLINT. Why, then, if it is the view of the Senator from Nevada that the Secretary of the Interior should have full power over this fund, without any limitation, would it not be better to simply have the certificates issued for the $30,000,000 and have the money covered into the fund and let him expend it just as he sees fit and proper?

Mr. NEWLANDS. I would prefer it. I would rather have the judgment of the entire Reclamation Service, consisting of its 300 engineers, with all these cautionary and precautionary boards, capped by the judgment of the Director of the Reclamation Service, capped finally by the judgment of the Secretary of the Interior, than I would the judgment of an inexpert body on this question. But I do not contend for that, of course.

I am accepting this amendment as framed by the committee, and it seems to me it expressly confines the expenditure of this money to the projects which have already been begun and to the "extensions thereof" which are necessary and proper "to the successful and profitable operation * * * of the projects." Then, it says, "and to protect water rights claimed by the United States." The Senator realizes the insecure tenure of water rights in the West, depending, as they do, not only upon appropriation, but upon beneficial use which must be commenced and extended in good faith.

The United States has there now under the right of appropriation under the laws of the various States water rights which may be lost by reason of the neglect of the Government to commence in good faith the works necessary to utilize them. Would the Senator in such a case deny the Secretary of the Interior the right to apply a portion of the fund to the protection and utilization of these valuable water rights upon which future projects may depend? It seems to me we have gone far enough in limiting the discretion of the Secretary of the Interior and that it would be very much wiser to take this whole thing out of the hands of an inexpert body and submit it to the judgment and the discretion and the conscience of an expert body of scientific men, supplemented by the final judgment of the Secretary of the Interior.

Mr. CARTER rose.

Mr. GALLINGER. Before the Senator from Montana makes the statement which I believe he is going to make, may I ask him if he has any objection to inserting in the proposed amendment of the committee, after the word "may," in line 15, on page 3, the words "in the judgment of the Secretary of the Interior?"

Mr. CARTER. I have no objection to that.

Mr. GALLINGER. I move that amendment.

Mr. CARTER. However, I suggest to the Senator from New Hampshire that it would probably be better to say "in the judgment of said Secretary."

Mr. GALLINGER. Yes; "in the judgment of said Secretary."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, in the proposed committee amendment, in line 15, after the word "may," it is proposed to insert "in the judgment of said Secretary."

The amendment to the amendment was agreed to.

Mr. GALLINGER. I will ask the Senator from Montana if he has any objection, on page 4, line 1, after the words "have been," to insert "recommended by the Secretary of the Interior and," so as to read:

Shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

Mr. CARTER. I have no objection to that.

Mr. GALLINGER. I move that amendment—"recommended by the Secretary of the Interior and."

The SECRETARY. On page 4, in the proposed amendment of the committee in line 1, after the words "have been," at the end of the line, insert "recommended by the Secretary of the Interior and."

The amendment to the amendment was agreed to.

Mr. GALLINGER. I call the attention of the Senator from Montana to the fact that the word "and," in line 22, page 2, should be "an," and I move to make that change. It is a mere misprint.

Mr. CARTER. That is correct.

The amendment was agreed to.

Mr. CARTER. I suggest that the letter "s," in the word "projects," in line 24, page 3, should be stricken out so that it will read "project" instead of "projects."

Mr. GALLINGER. Yes; that is right.

The SECRETARY. On page 3, line 24, in the proposed committee amendment it is proposed to strike out "projects" and insert "project."

The amendment to the amendment was agreed to.

Mr. CARTER. Mr. President, with these amendments adopted, I defer to the desire of the Senator from Ohio [Mr. BURTON] for some time to consider this bill and the amendments pending. I give notice that upon Monday next I will ask the Senate to resume consideration of the bill, in the hope that a final vote may be taken on the bill and amendments before adjournment on that day.

I think the discussion has proceeded to such an extent as to demonstrate the need not only for this latitude in dealing with this matter, but likewise the need for the expeditious passage of the bill. The work of preparing contracts and letting them can scarcely now be completed in season for the commencement of actual work when climatic conditions permit in the spring. If the adoption of the measure is deferred very long, it will be equivalent to the loss of an entire season of construction work.

With this statement, believing there is no executive business to be transacted, I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from Montana does not desire action upon the committee amendments?

Mr. CARTER. Not at this time.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 18, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 17, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ACT TO AMEND AN ACT PROVIDING FOR THE EXAMINATION OF CERTAIN OFFICERS OF THE ARMY.

The SPEAKER laid before the House the bill (H. R. 3637) to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the occurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army, and to regulate promotion therein," with a Senate amendment.

The Senate amendment was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MODIFYING ONE HUNDRED AND TWENTY-SECOND AND ONE HUNDRED AND TWENTY-FOURTH ARTICLES OF WAR.

The SPEAKER also laid before the House the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, with Senate amendments.

The Senate amendments were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

EXTENSION OF TRACKS OF ATCHISON, TOPEKA AND SANTA FE RAILROAD.

The SPEAKER also laid before the House the joint resolution (H. J. Res. 101) authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans., with Senate amendments.

The Senate amendments were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE THIRTEENTH CENSUS.

The SPEAKER also laid before the House the bill (H. R. 18364) to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909, with a Senate amendment.

The Senate amendment was read.

Mr. CRUMPACKER. Mr. Speaker, I move that the House agree to the Senate amendment.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The SPEAKER also laid before the House a bill (H. R. 17755) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House agree to the Senate amendment.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 17752) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows of such soldiers and sailors, with House amendment disagreed to.

Mr. DRAPER. Mr. Speaker, I move that the House insist on its disagreement and agree to the conference asked for by the Senate.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

The SPEAKER also laid before the House the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, with a House amendment disagreed to by the Senate.

Mr. DRAPER. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

WILLIAM MARTINSON.

The SPEAKER also laid before the House the bill (H. R. 2828) for the relief of William Martinson, with a Senate amendment.

The Senate amendment was read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CONTESTED-ELECTION CASE, ISAAC MYERS v. J. O. PATTERSON.

The SPEAKER. The Chair lays before the House the following letter from the Clerk of the House, which the Clerk will read.

The Clerk read as follows:

FEBRUARY 16, 1910.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

SIR: I transmit herewith the contested-election case of Isaac Myers v. J. O. PATTERSON, of the Second Congressional District of South Carolina, which was received at this office February 14, 1910.

Very respectfully,

A. MCDOWELL, *Clerk.*

The SPEAKER. The letter and accompanying papers will be referred to the Committee on Elections No. 3.

ADDRESS OF PRESIDENT TAFT, STATE FAIR GROUNDS, MILWAUKEE, WIS., SEPTEMBER 17, 1909.

Mr. MORSE. Mr. Speaker, I ask unanimous consent to insert in the RECORD the President's speech or address delivered at Milwaukee, Wis., on September 17, 1909. This is the speech on the postal savings-bank bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to insert in the RECORD the speech of the President indicated. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

"*Mr. President, governor, senators, ladies and gentlemen, and citizens of Wisconsin:*

"I am only too conscious of my lack of experience and knowledge in the presence of farmers. You have a governor who is a farmer. You have senators who are farmers. I think all your business men must be farmers, if I can judge by the crowd that greets me here. I must admit that I am a city-bred man, and while the spirit would be willing, I am afraid I could not milk a cow. Nevertheless, he must be blind, indeed, to the interests of his country, he must be lacking, indeed, in acquaintance with the progress of the world, who does not realize what, in the fifty years since that noble patriot, Abraham Lincoln, stood here, has been accomplished in the way of improvement of agriculture and scientific investigation into the methods of breeding and into the methods of treating the soil. But I do not intend to occupy your time in discussing something that you know a great deal better than I do. I want to get on to something that perhaps we are both equally ignorant of, but which it will help us to discuss.

"Something was said about a man's being a ruler and a servant of the people. I have had occasion to say a number of times that it is perhaps true that the President of the United States has a great deal of power, but while he is in office the thing that strikes him is the limitations and the difficulties of exercising that power. The real power is in the House of Representatives and in the Senate. But the man who gets the blame for everything is the fellow at the top. Now, parties make platforms. They are said to be, in the language of the cynical, something to get in on, but not to stand on. Our party—if I may make a partisan reference when I am here only in a nonpartisan capacity—the Republican party agreed that we ought to have an institution, the benefit and virtue of which I wish to discuss this morning, in the shape of postal savings banks. We heard discussed in the Senate last winter the question of how planks were introduced into a party platform, and when they grew a little burdensome to carry out it was said that they were put in at 3 o'clock in the morning, when more than half of the convention were asleep, and when the minority was awake enough to push them in. I do not mean to say that the question of postal savings banks binds everybody who calls himself a Republican—I mean that a plank binds everybody who calls himself a Republican—because that is not the kind of people the Americans are. If they do not like a plank in the platform, or if they do not like the platform, they cease to be Republicans, or they are Republicans with an exception, and that indicates a free, enlightened, and discriminating people. But I am here to uphold the doctrine of postal savings banks, because I believe that they will fill in this country a long-felt want.

"In the first place I want to describe a little bit what it was proposed to put into the savings-bank law in order that you may understand something about what we are speaking. It was proposed to make every money-order office in the United States, of which there are 40,000, and such other post-offices as the Postmaster-General might think fit, postal savings banks. It was proposed to allow anybody to deposit there a dollar or anything more than a dollar in multiples of 10 cents. It was proposed to limit the amount of the deposit in any one month to $200, and to limit the amount of total deposits to $1,000, and to agree to pay interest at the rate of 2 per cent on not more

than $500. The money thus accumulated was to be invested by a committee consisting of the Postmaster-General, the Attorney-General, and the Secretary of the Treasury, either in the neighboring national bank in the county, or, if there was no such bank, in the nearest national bank, or, if that was impracticable, in state, county, or federal bonds. They were required to secure in everything but federal bonds 2½ per cent annually. Now, our friends, the bankers, and they are friends; I am not attacking them. It is not wise to attack bankers, either, for really we have a right to be proud of our banking fraternity; but there are a good many who object to the postal savings banks on a number of grounds, and I wish to take up those objections.

"In the first place it is said that the postal savings bank is a very paternal institution; that it has a leaning toward state socialism, and that it proposes to take the banking business out of the hands of private persons and put it in the Government. Now, I am not a paternalist, and I am not a socialist, and I am not in favor of having the Government do anything that private citizens can do as well or better. We have passed beyond the time of what they call the laissez faire school, which believe that the Government ought to do nothing but run a police force. We do recognize the interference of the Government because it has great capital and great resources behind it, and because sometimes it can stand the lack of an immediate return on capital and help out. We did it on our Pacific roads. We have done it in a great many different ways, and this particular postal savings banks business is a business which the Government is especially fitted to do and which no system of private banks can do. In the first place they have this great organization of the post-office, with skilled employees sprinkled all over this country, in every nook and cranny of it. Whether there are many people or few, the post-offices have to be maintained. Therefore it will be a most economic means of establishing a system of savings banks merely to add one function to the duty of the postmasters all through this country. It can be done most cheaply. The Government can afford it, and nobody else could do it. It is said that we have enough banking in this country, and therefore we ought not to put the Government into it. It is said, moreover, that if we did put the Government into it, it would not be very long before the Government would do all the banking, discounting, and everything else, and the bankers would be driven out of business.

"I do not think that that argument amounts to much. It is to say that the American people have not sense enough to discriminate between what is a right use of the post-office and what is a right thing to do with reference to savings banks and the going into the general business of discounting and banking, which the Government has no business to do. I believe in the discriminating sense of the American people to know the degree to which they ought to go in a good thing and then to know that when they get beyond it, it becomes a bad thing, and to say that if you go into one thing you are going to get into something which is worse, is to question the intelligence and the discrimination of our people, and do not propose to do it.

"Let us see about banking and the amount that the people of the United States have in the way of opportunities to deposit money. In 14 States the deposits of savings banks amount to $3,600,000,000. I will not say that in these States there was a crushing demand for postal savings banks, although even there they would discharge a certain function, but when you come to consider the other 32 States and Territories, the deposits are only $70,000,000. In other words, 98 per cent of all the deposits in the savings banks in the country are in 14 States, which tends to show conclusively that in the 32 States the banking facilities—at least the savings-bank facilities—for the deposit of funds to encourage thrift on the part of the people are very inadequate, and it is in those States that we expect, if the postal savings-bank system is put in, that the people will be induced to save more money instead of spending it, or instead of putting it into the sock, where it does not do much good until it is withdrawn. Now, in New England, in the savings banks, there are two citizens to one savings-bank account. In every other part of the United States the savings-bank accounts are 1 to every 157 people, which tends to show the concentration of savings-bank deposits in the East. Another means of determining the need for such a system is the fact that to-day, in the distant States to which I have referred, there are $8,000,000 deposited by men who take out money orders and just leave the money in the money-order office of the post-office without drawing any interest at all. They just put it there because they do not know where else to put it, which is an indication that they ought to have some place where they can put it and draw some interest. We send abroad every year over $90,000,000, and a very large proportion of that goes into the savings banks abroad. Our new immigrants when they come here are distrustful of the local banks, they are distrustful of the private savings-deposit banks, and what they want is a government stamp in order to secure to them the certainty that when they want their money they can get it. They are not so insistent on the rate of interest as they are on the certainty of getting their money back, and if they have the government guaranty that they will get it they can be counted upon to deposit their money; they can be counted upon rather to deposit than to waste it.

"The great usefulness of the postal savings bank is an encouragement of thrift on the part of those who are just wavering in the balance whether they shall save the money or use it, because they do not know where they can put it safely. It is said that this will interfere with the system of savings banks and other banks. I most urgently deny that, because we only propose to pay 2 per cent, and every savings bank that you know of pays at least 3 and sometimes 3½ or 4. Therefore those who put their money in a postal savings bank at 2 per cent are not those who would be likely to put the money in a savings bank at 3. Instead of that it will furnish more money to the savings banks, and I will tell you how, and I will tell you this in confidence, because this is the way it is worked in other countries. You stir up a lot of people to begin to save money and put it in at 2 per cent, and they put it in there because they know they can get the money back. That is the whole idea they have at first, but after they get in there and after they begin to calculate what a small per cent 2 per cent is they begin to look around; they learn for themselves; they acquire some discrimination, and they understand that in the neighboring bank they can get 3 or 3½ per cent. They acquire more intelligence and more knowledge in respect to the matter, and then they begin to estimate the security of the private or state savings bank. Under these conditions this fund which never would have come at all will be available for the savings banks as the intelligence of the depositor grows greater and as his willingness to risk a little more in order to get a little more interest becomes more acute. We are not usually backward in adopting new and proper assistance to our people and to the Government, but we may look abroad frequently to learn lessons in the matter of finance, and even in the matter of some departments of the Government. I want to read you a list of the countries that have postal savings banks. Let me first say, in Italy there are $273,000,000 deposited in the postal savings banks of the country; in Russia, $130,000,000; in Great Britain and Ireland, $766,000,000; in Canada, $47,000,000; in Japan, $47,000,000. Now, I want to say about Canada: Canada has postal savings banks, and what is the result along the border up in the Northwest? You find Americans going over the border and making deposits in those savings banks. Why? Because they have the guaranty of the Canadian government. Now, it is right that when the Government takes custody of money it should agree to return it. It is upon the agreement to return that the basis of the postal savings bank may be put. There are postal savings banks in Austria, Belgium, Japan, France, Hungary, Italy, Holland, Russia, Sweden, Great Britain and Ireland, Bahamas, Canada, India, Ceylon, Straits Settlements, Cape Colony, Tasmania, Western Australia, New Zealand, and the Gold Coast, and, I may add, in the Philippines, because I had something to do with putting them there. In Germany they do not have them, but they have a system of town and provincial banks, which fills the measure of the demand.

"You know we have issued upward of $700,000,000 of 2 per cent bonds of the United States, and we have prided ourselves and our heads have been a little bit swelled on the theory that we could float bonds at 2 per cent and no other country could. We did float these at par at 2 per cent—I do not know but that it was a little more—but we did it by getting the banks into a corner so that they had to have under the law some government security, and so they were obliged to buy those 2 per cent bonds. Now they are liable to be on the market. We have to take care of them in some way. We have got to prevent their going down below par, because the normal interest rate that a government can get is quite above 2 per cent—somewhere between 2 and 3 per cent—and if we have the postal savings banks, if we have a large fund of $500,000,000 or $600,000,000 or $700,000,000, as we may expect to have in view of what has happened in Great Britain, we can use that fund to put in government bonds and take care of that issue which is our child and which, after all, we ought not to be so proud of, because we fooled the world into thinking that we were getting something at 2 per cent and that our credit was worth that, when, as a matter of fact, we were forcing the banking fraternity into taking them because of certain other advantages which they had to have. It was just a little bunco game which the Government played, and it is necessary that in any legislation which comes along we should take care of that issue of 2 per cent and not take on too heavy

issue of bonds. This question is one that will doubtless involve a great deal of discussion.

"I observed yesterday in the convention of bankers the proposition was urgently and ably fought. Nevertheless, it seems to me, looking at it from a larger field of view, possibly, than bankers can have, because we are all subject to the prejudices of our profession—I am a lawyer, and I know I am prejudiced as a lawyer—and I think bankers are likely to be prejudiced as bankers; nevertheless, I believe that the arguments in favor of instituting such a system, backed up by the experience of so many other nations as those I have named to you, justify our going into the business of encouraging our people by something that will be inexpensive to the Government, encouraging our people, those of them who have not the sense of security in private banks, encouraging them to a thrift and furnishing the means by which they shall save on small interest. We are justified in urging the passage of the savings-bank law. We are looking forward, I hope, with confidence, to a readjustment of our whole financial system and banking system. Certainly it needs it, and it has been suggested that the postal savings bank might well await that. I am bound to say that I do not see the necessity for uniting them. It seems to me that one system can stand by itself, and if we adopt the postal savings bank it would be easily worked into a general system of banking, because those savings banks will furnish us $500,000,000 or $600,000,000, and that is a very tidy pile to have around for the Government to use legitimately in order to carry on any financial operations."

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent for the consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 397.

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to have such printing and binding done as may be required in the transaction of its business during the Sixty-first Congress.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. Is that committee actually in operation now or not?

Mr. GRAHAM of Pennsylvania. Yes; and it has been for weeks at a time holding investigations, and we desire to have the matter printed for the benefit of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

AGAINST REPEAL OF OLEOMARGARINE LAW.

Mr. TAWNEY. Mr. Speaker, I present and ask unanimous consent to print in the RECORD resolutions adopted by the Minnesota State Dairymen's Association at their annual convention, January 18, 19, and 20, 1910, protesting against the repeal of the antioleomargarine law or the reduction of the tax on colored oleomargarine imposed by that law. These resolutions were adopted by an association that represents the dairymen of our State, who are a unit in their opposition to the enactment of the legislation now pending before committees of this House proposing to reduce the 10-cent tax on oleomargarine colored in imitation of butter and otherwise destroying the color distinction between butter and oleomargarine.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolutions are as follows:

THE REPORT OF RESOLUTIONS COMMITTEE.

Whereas the present law enacted by Congress May 9, 1902, and commonly known as the "Grout bill," is in danger of being repealed by the Sixty-first Congress, and in lieu thereof the bill (H. R. 13842), known as the "Burleson bill," substituted; and

Whereas we believe the Grout law to be a just law and enacted solely for the purpose of protecting the dairy interest and the consuming public from the fraudulent selling of oleomargarine as butter; and

Whereas the color distinction as defined by that law in imposing a greater tax on colored oleomargarine than when uncolored works no hardship on the oleomargarine manufacturers or the consumers of oleomargarine; and

Whereas it is further claimed that the said law is a discrimination against the cattle raising and cotton-growing interests of the United States, in that it is a prohibitory tax on those manufacturing oleomargarine, and incidentally raises the price of the "poor man's" butter; and

Whereas we believe that the only practical way to prevent fraud in the manufacture and sale of oleomargarine is to preserve the color distinction, as is now done by the present law; and

Whereas the claims of discrimination are clearly disproved by the fact that in December, 1909, the manufacturing of oleomargarine has increased 100 per cent over the output of 1906, and that in December, 1909, 10,126,562 pounds were manufactured and that only 2.71 per cent paid the 10-cent tax as colored oleomargarine: Now, therefore, be it

Resolved, By the Minnesota dairymen in convention assembled, at the annual convention of the Minnesota State Dairyman's Association at Hutchinson, Minn., January 18, 19, and 20, 1910, that we protest against the enactment of the Burleson bill (H. R. 13842) or the repeal of the Grout law as enacted May 9, 1902; and be it further

Resolved, That we urge upon our Senators and Members of Congress to use all honorable means to prevent the passage of the Burleson bill and to prevent the repeal of the Grout law; and be it further

Resolved, That we also urge upon our Senators and Members of Congress the importance of amending the present Grout law so as to prevent evasions of the law and prevent the illegal sale of colored oleomargarine; and be it further

Resolved, That the secretary of this association be directed to transmit to each of our Senators and Members of Congress copies of these resolutions, with the request that they take such steps as they deem necessary in view of the above facts set forth.

A. J. McGUIRE.
C. R. HILL.
ALFRED LARSON.
E. O. QUENVOLD.
W. W. MORTENSON.

CERTAIN CHANGES IN THE PERMANENT SYSTEM OF HIGHWAYS PLAN, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 16916) to authorize certain changes in the permanent system of highways plan, District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to prepare a new highways plan for that portion of the first section of the permanent system of highways plan lying between Georgia avenue on the east, Sixteenth street on the west, Kalmia street on the north, and Butternut street on the south, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898.

Mr. SMITH of Michigan. Mr. Speaker, I ask that the report, which is brief, be read.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16916) to authorize certain changes in the permanent system of highways plan, District of Columbia, report the same back to the House with the recommendation that it do pass.

This proposed change in the plan of the permanent system of highways for the District of Columbia received the approval of the District Commissioners for the reasons set forth in the following communication:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 17, 1910.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 16916, Sixty-first Congress, second session, "To authorize certain changes in the permanent system of highways plan, District of Columbia," which you referred to them for examination and report.

The object of preparing a new highway plan for that portion of the District lying east of Georgia avenue and west of Sixteenth street, north of Butternut street and south of Kalmia street, which is proposed by the bill, is to provide for the abandonment as a highway of North Dakota avenue between these limits. The reason for this is that the grounds of the Walter Reed Army Hospital and certain of the buildings on this site lying west of Georgia avenue make the extension of North Dakota avenue impracticable.

It is further proposed to change somewhat the directions of the north and south and east and west streets through this tract to enable its development more in keeping with the topography of the tract than is possible on the basis of rectilinear streets now laid down on the highway plan in this section. The changes proposed will be to the advantage of the District as well as to the owners of the property involved, and will facilitate improvements. None of the streets which will be affected by the new plan are now owned by the public, so that no abandonment of public space is involved.

The commissioners recommend favorable action on the bill.

Respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives, Washington, D. C.

Mr. SMITH of Michigan. Mr. Speaker, I do not think I can add anything to what is contained in the report, and I ask for a vote.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INDEX IN OFFICE OF RECORDER OF DEEDS.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 18156) directing the recorder of deeds of the District of Columbia to keep an index to recording instruments by lots or tracts.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the 1st day of January, 1911, section 555 of the Code of Law for the District of Columbia be amended by adding thereto:

"*Provided*, That the recorder of deeds for the District of Columbia shall keep and maintain, by lot, square, tract, or parcel, an index to all deeds and instruments affecting real estate in the District of Columbia received for recordation. Said index shall show under the square or parcel number, as said squares or parcels are now or hereafter may be shown on the plats and plans of the District of Columbia compiled for purposes of taxation, the lot or parcel of ground affected by the instrument recorded whenever it is practicable to locate the said real estate intended to be affected within such square or parcel; and whenever it is impracticable to locate the real estate in such square or parcel, then he shall index the same under the name of the parties given in the deed or instrument recorded, and shall, as far as possible, indicate the prop-

erty intended to be affected by such deed or instrument after such name: *And provided*, That after the 1st day of January, 1911, all instruments tendered for record in which original lots, subdivision lots, squares, or tracts are mentioned shall, in addition to any other description, contain a reference to the square or parcel shown on the plats and plans of the District of Columbia for taxation purposes in which the real estate intended to be affected is contained, and the recorder of deeds shall not, unless for good cause shown to him, receive any instrument for record unless the provisions of this act are therein substantially complied with."

Mr. SMITH of Michigan. Mr. Speaker, I ask for a reading of the report in this case.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 18156) directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts, report the same back to the House with the recommendation that it do pass.

This bill, which proposes legislation which will greatly facilitate and promote accuracy in the searching of the records of real estate titles, came to this committee with especially strong recommendations. Its original suggestion is the result of the experience of the present recorder of deeds, Mr. John C. Dancy, as detailed to the President of the United States in a letter which was afterwards transmitted to this committee by Hon. George W. Wickersham, Attorney-General of the United States. The communication of the latter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., December 23, 1909.

MY DEAR SIR: I have the honor to transmit herewith a copy of a letter from the recorder of deeds of the District of Columbia, dated December 14, 1909, transmitted to me by the President, together with a draft of a bill prepared by the recorder of deeds, authorizing and directing him to keep an index of certain instruments recorded in his office. The attorney in charge of titles of this department says that, in his opinion, this bill would facilitate the examination of titles in the District of Columbia, and I therefore concur in his recommendation that its passage be procured, if possible.

Respectfully,

GEO. W. WICKERSHAM,
Attorney-General.

Hon. S. W. SMITH, M. C.,
Chairman Committee on the District of Columbia,
House of Representatives.

OFFICE OF THE RECORDER OF DEEDS,
Washington, D. C., December 14, 1909.

MR. PRESIDENT: This office having received many requests that it shall index all instruments recorded therein affecting real estate under a square or parcel number, and I being doubtful of my authority to do so in the absence of express legislative authority and direction, I have the honor to herewith submit for your consideration draft of a bill which, if enacted by the Congress, would authorize and direct the recorder of deeds for the District of Columbia to institute and maintain such an index, the proposed bill also making it compulsory for persons drawing such instruments to describe the real property affected by square and parcel number.

During the more than one hundred years' existence of this office instruments recorded therein affecting real property have been indexed only by the names of the parties thereto, the result being that the searching of titles to real property in this District has been made a matter of great length of time and no little confusion. It is contended by those requesting an index by square or parcel that such waste of time and confusion would thereby be avoided, and that the institution of such an index would place this office on a modern and up-to-date footing in that respect. In this contention I concur and respectfully ask that you lay the matter before the Congress, or that you authorize me to present it to the chairman of the Senate and House Committees on the District of Columbia, I having presented the matter to you for the reason that a recent order of yours precludes me from submitting it directly to the Congress.

I have the honor to be, your most obedient servant,

JOHN C. DANCY,
Recorder of Deeds, District of Columbia.

The PRESIDENT,
White House, Washington, D. C.

The above communication of the honorable Attorney-General was referred by the chairman of this committee to the Commissioners of the District of Columbia for their consideration. They thereupon submitted the draft of the bill herewith reported, with additional reasons for its enactment, as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 12, 1910.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend the introduction and enactment of the following draft of "A bill directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lot or tracts."

This proposed legislation is a copy of the draft inclosed in the letter of the clerk of your committee, under date of the 4th instant, written at your instance and said by him to have been received from the Attorney-General with a letter from the recorder of deeds of the District, by whom the draft was prepared.

The commissioners have conferred with the assessor on the subject. They are advised by that official that the proposed legislation would be a great help to his office in keeping its records. Some of the ideas contained in the bill are embodied in his annual report for the fiscal year 1909, as follows:

"The notation of transfers upon the cards of this office by square and lot suggests a method of keeping track of deeds in the land records of the District which is superior to the method now in vogue of having an index by name only. It has even been suggested that deeds when recorded should be placed in books bearing the square numbers, as is done in New York, so that in order to find any transfer it would only be necessary to find the book with number corresponding to number of square, and quick reference would then be insured by having a small number of names to be looked over. Where this book method is not used, a card-index system in some public office, based on the method of squares and lots as used in this office, would materially assist the property owner, especially as the public is recording each year a larger number of papers relating to transfers in the District, making the system by names more complex and cumbersome."

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

Mr. SMITH of Michigan. Mr. Speaker, I call for a vote.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHANGE OF NAME OF PART OF FIFTEENTH STREET NW. TO M'PHERSON PLACE.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 19787) to change the name of the west side of Fifteenth street NW., between I and K streets, to McPherson place.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the portion of Fifteenth street NW., between I and K streets, on the west side of McPherson square, shall be, and the same is hereby, designated McPherson place, and the surveyor of the District of Columbia is hereby directed to enter such change on the records of his office.

Mr. SMITH of Michigan. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WASHINGTON, SPA SPRINGS AND GRETTA RAILROAD COMPANY OF MARYLAND.

Mr. SMITH of Michigan. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 17531) entitled "An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, with amendments," approved February 18, 1907, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. What is the motion of the gentleman from Michigan?

Mr. SMITH of Michigan. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of Kentucky. What is the number of that bill?

Mr. SMITH of Michigan. This is H. R. 17531. It is the bill which passed the House a week ago, and has passed the Senate with the amendment just read. It is a bill extending the time of the Washington, Spa Springs and Gretta Railroad.

The SPEAKER. The bill is disposed of, and the House has concurred in the Senate amendment.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GAINES in the chair.

EXTENSION OF FOURTH STREET SE.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 13864) to extend Fourth street SE.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to open for use as a public thoroughfare a 50-foot roadway along the line of Fourth street SE. through the United States reservation lying between Congress Heights and Washington Highlands, so as to connect Fourth street, Congress Heights, with Fourth street, Washington Highlands.

Mr. SMITH of Michigan. Mr. Chairman, I will not ask for the reading of the report, but will ask that it be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The report is as follows:

The Committee on the District of Columbia, to whom was referred H. R. 13864, to extend Fourth street SE., report the same back to the House with the recommendation that it do pass.

On March 15, 1909, Hon. WALTER P. BROWNLOW introduced in the House of Representatives H. R. 16, to extend Fourth street SE. from Congress Heights to Washington Highlands, D. C., and on December 7, 1909, H. R. 13431, granting a right of way through land of the Government Hospital for the Insane to connect Fourth street, Congress Heights, D. C., with Fourth street, Washington Highlands, D. C.

These two bills were referred to this committee and by the chairman submitted to the Commissioners of the District of Columbia for their

examination and report. On H. R. 16 the following report was received from the commissioners:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December —, 1909.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill No. 16, Sixty-first Congress, first session, to extend Fourth street SE. from Congress Heights to Washington Highlands, D. C., which you referred to them for examination and report:

The object of this bill is to open a connecting roadway between Congress Heights and Washington Highlands, two subdivisions in the southeastern part of the District of Columbia, by having the Secretary of the Interior set aside for highway purposes a portion of the grounds of the Government Hospital for the Insane. The bill provides that such connecting highway shall be 90 feet in width.

The commissioners do not believe that a greater width than 50 feet is necessary or desirable. While they believe that the purpose of the bill is desirable, they do not believe any appropriation for the physical improvement for such a connecting highway would be justified for many years to come. The highway would connect Congress Heights and Washington Highlands, from which latter locality there is but a small amount of traffic, which is now served by the indirect route of Livingstone road and Nichols avenue.

The commissioners would suggest that as the land proposed to be taken for highway purposes is part of a reservation under the control of the Secretary of the Interior, it would be advisable that the bill be referred to him for an expression of his views. A plat showing in red the land proposed to be taken for the highway, and an amended bill providing for a 50-foot roadway and properly describing the reservation through which it would run, are inclosed.

Respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. SAMUEL W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

On December 18, 1909, a report was received from the commissioners on H. R. 13431, which was identical with the report made on H. R. 16, with the exception of the title of the bill, and the same amended bill, or substitute, was submitted by the commissioners in each report. This substitute was introduced in the House by the chairman of this committee and became H. R. 13864, to extend Fourth street SE., the subject of this report.

Acting upon the suggestion of the District Commissioners, this bill was submitted to the honorable the Secretary of the Interior for his examination and report, and the following report was received:

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1910.

SIR: I am in receipt of your letter inclosing, with request for report thereon, H. R. 13864, Sixty-first Congress, second session, to extend Fourth street SE. through the reservation now used by the Government Hospital for the Insane. The bill in question is as follows:

"That the Secretary of the Interior is hereby authorized and directed to open for use as a public thoroughfare a 50-foot roadway along the line of Fourth street SE. through the United States reservation lying between Congress Heights and Washington Highlands, so as to connect Fourth street, Congress Heights, with Fourth street, Washington Highlands."

A bill similar in character (H. R. 12415) was submitted to this department for consideration by the Committee on the District of Columbia in January, 1908, and in an adverse report thereon it was stated, amongst other things:

"This bill provides for putting a public thoroughfare through one portion of a piece of land owned by the Government Hospital for the Insane and used as a truck garden. In regard to this specific proposition, and all other similar propositions to construct public thoroughfares running through the hospital grounds, I can best repeat what I said in a report on House bill No. 9, to wit, as follows:

"'Several bills have been introduced within the past two or three years with a view to cutting public thoroughfares through some portion of the hospital reservation. It is to my mind very important that no precedent be established along these lines.'

"The hospital can not continue to do its work efficiently if it is to be invaded on all sides in this manner. A certain amount of isolation is required for the peculiar problem with which it has to deal.

"For the above reasons I do not think the bill should be passed."

Since the receipt of your request for a report the department has had before it in conference the superintendent of the Government Hospital for the Insane and a representative of the Citizens' Association of Congress Heights. After a thorough discussion of this matter the department is strongly of the opinion that the purpose of the bill under consideration affords a needed relief to the citizens involved, while at the same time it is equally firm in its conviction that the measure here presented is but the forerunner of numerous requests of a similar character; and conceding that the Government Hospital for the Insane is to continue upon its present basis, this reservation should not be divided, but should be allowed, as stated before in a former report, "a certain amount of isolation for the peculiar problem with which it has to deal."

I find that the opposition of the hospital authorities may substantially be put upon two grounds—

(1) That the privilege herein sought tends to destroy the isolation needed by an institution of this kind.

(2) That it takes from the hospital lands urgently needed for its purposes.

In the consideration of this matter I would urge upon Congress the necessity which clearly exists at this time for defining the future of this institution. The Government Hospital for the Insane had on January 1, 1910, 2,883 patients and 790 officers and employees, or a total population of 3,673, and it had approximately 800 acres of land.

As is well known, this institution, under existing law, is constantly receiving patients, from the Army and Navy, Marine Corps, Revenue-Cutter Service, National Homes for Disabled Volunteers, indigent and others from the District of Columbia, and insane criminals in the custody of officers of the United States, or after conviction.

If the laws governing admission to this institution remain substantially as they are, the inference is plain that the population of this institution will gradually and steadily increase, both as to patients, attendants, and physicians. It is, therefore, at no distant date, and, in fact, in the opinion of the superintendent of the institution, the time has now arrived when preliminary steps should be taken toward the acquisition of more ground and further buildings to supply future needs.

With this condition before us, it is therefore evident that as settlements around the hospital reservation increase the value of the land increases and the difficulty and cost of acquiring more land increase in steady ratio.

Therefore, while the department feels that there is merit on the part of the citizens interested in opening the street referred to, it still feels that there is also a problem confronting the Government Hospital for the Insane which should have serious attention at the same time.

I will therefore interpose no further objection to the passage of this bill, provided the future needs of the hospital are carefully considered along the lines suggested above and that the text of the bill be so changed that it shall not be mandatory upon the Secretary of the Interior to open the reservation through which this proposed extension shall pass until such time as the Commissioners of the District of Columbia shall certify to this department that they are prepared to expend the necessary funds to improve the strip proposed to be opened for public traffic.

Very respectfully,

R. A. BALLINGER,
Secretary.

Hon. SAMUEL W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives.

This committee is also in receipt of the following communication from the Public Improvement Association of Congress Heights, urging the passage of the bill:

PUBLIC IMPROVEMENT ASSOCIATION OF CONGRESS HEIGHTS,
Congress Heights, D. C., January 8, 1910.

SIR: The undersigned has been requested by a unanimous vote of the members of this association to inform you of their hearty approval of the proposed measure to connect the subdivision of Congress Heights with Washington Highlands by a right of way through the land of the Government Hospital for the Insane, and to extend to you their sincere gratitude for the interest shown by you for this locality, with the hope that Congress may pass H. R. 13864 at the favorable recommendation of your committee.

Very respectfully,

RICHARD F. JONES,
Secretary.

Hon. SAMUEL W. SMITH,
Chairman Committee on District of Columbia,
United States House of Representatives.

The committee has also recently received a communication from the president of that association, giving additional reasons for the extension proposed. He says:

PUBLIC IMPROVEMENT ASSOCIATION
OF CONGRESS HEIGHTS,
Congress Heights, D. C., January 31, 1910.

MY DEAR SIR: Aside from the numerous reasons that have been given and may be given for the extension of Fourth street SE. (H. R. 13864), I wish to particularly call your attention to the advantages in fire protection that would follow the eventual opening of this street through the grounds of the Government Hospital for the Insane.

In the vicinity of Fourth street, Washington Highlands, and along the district line farther south are several settlements that are under the protection of the one fire engine at Congress Heights. With no through street to reach these people, such as Fourth street would give, the fire apparatus must travel around the numerous windings of the Livingston road, traveling at least 10 squares out of the way to combat a possible fire. Such a situation is peculiar, to say the least, and the officers and men of the Congress Heights station realize the dangers more than others.

Police protection would likewise be quickened by the opening of this street, saving much time in reaching the settlements referred to.

Congress has been fair in opening through streets and avenues in other suburban portions of the District, thus beautifying the District and giving quick access to citizens going to and from their homes. In all the wide territory from Pennsylvania avenue southeast, all the way round to the Potomac River southwest, a distance of 4 or 5 miles on an air line, there is not a single through street or avenue reaching the District line. Country roads, with their many windings, are the means of travel for those passing in or out of the District or to its farther borders.

It is seen from the reports of the Secretary of the Interior that the merits of the matter, from the standpoint of the citizens, is clearly recognized, although the department naturally dislikes to yield any portion of its land, even so small a part.

Under these circumstances, together with the favorable report of the District Commissioners, it is the hope of citizens throughout this region that the House District Committee will see fit to make a favorable recommendation to the House of Representatives for the passage of this bill.

Respectfully,

W. W. PRICE, *President.*

Hon. SAMUEL W. SMITH,
House of Representatives.

Mr. SMITH of Michigan. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

EXTENSION OF FORTY-FIRST STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 13893) to authorize the extension of Forty-first street NW.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Forty-first street NW., from Belt road north to Keokuk street, as now dedicated, with a width of 90 feet: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceedings as damages, for and in respect of the land to be condemned for said extension plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further,* That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Also the following committee amendment:

Strike out of line 10, page 1, the words "Belt road" and insert in lieu thereof the words "Harrison street."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to.

DESIGNATING LAND IN DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I desire to call up the bill (H. R. 16330) to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the surveyor of the District of Columbia be, and he hereby is, authorized and directed to place upon the official record of each and every plat of land in the District of Columbia, outside of the city of Washington, the new numbers given the blocks or squares or lots or parcels of ground by which said land has been designated upon the recorded series of volumes of plats, under the provisions of the act of Congress approved February 23, 1905, entitled "An act to designate parcels of land in the District of Columbia for the purpose of assessment and taxation, and for other purposes," and the new numbers so placed upon the record shall become the official designation of said blocks, squares, lots, and parcels of ground for all purposes.

SEC. 2. That to carry out the provisions of this act the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury of the United States not otherwise appropriated, said sum to be expended by per diem services under the direction of the Commissioners of the District of Columbia.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill H. R. 16331.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute a proceeding in rem to condemn the land that may be necessary for the extension of Belmont road to Calvert street, and to connect said extension of Belmont road with Waterside drive, and to extend Waterside drive to the southerly line of the Zoological Park, as shown on plans on file in the office of the engineer commissioner.

That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, the amounts assessed for benefits to be paid to the District of Columbia and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. JOHNSON of Kentucky. I would like to ask the chairman of the committee if this relates to the crossing over that ravine out there where there is a bridge and the stream is diverted by the sewer?

Mr. SMITH of Michigan. I think you have reference to what is known as the "Piney Branch," or Sixteenth street, bill, the next bill we intend to call up.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and it was so ordered.

Mr. SMITH of Michigan. Mr. Chairman, I am going to ask that the report be printed in the RECORD in this case.

The CHAIRMAN. Is there objection?

There was no objection.

The following is the report:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16331) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, report the same back to the House with the recommendation that it do pass.

The draft of this bill was submitted to this committee by the Commissioners of the District of Columbia and its passage strongly urged by them in the following communication:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, December 23, 1909.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a bill to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, which they have prepared after considerable study.

The Connecticut Avenue Bridge has been completed and opened for public use. It becomes evident that to preserve the effect of the improvement and to eliminate the possibility of houses being constructed in a position to detract from the beauty of the series of handsome arches spanning the valley, that a rearrangement of highways in the eastern side of the valley at an early date is imperatively necessary. The eastern abutment of the bridge lies now directly across the former line of Belmont road. It will be necessary to deflect the line of this road nearly 100 feet in order to have it pass under the first arch. It is also desirable that a connecting road should be constructed just east of the end of the bridge, descending to old Belmont road, in both directions, and in order to get a road of proper gradient (not to exceed 8 per cent) it will be necessary to take off from Belmont road some 500 feet from the bridge.

Similarly it is advisable to construct a drive from the intersection of Twentieth and Calvert streets toward the bridge on a descending gradient, to connect near the end of the old abandoned bridge with the road formerly known as "Waterside drive," and to bring the Belmont road down to this junction, turn this driveway at this point back on itself, dropping, on a proper gradient, on land at present owned by the District in Rock Creek Valley, under the Calvert Street Bridge, and through a short strip, making a connection between the end of this road and the Zoological Park. A plat is submitted herewith showing the land which it will be necessary to condemn to carry this project into effect. It is believed that the cost of acquiring this land will be about $65,000.

The bill is drawn to leave the amount to be assessed against abutting and surrounding property in the discretion of the jury. It is estimated that about $15,000 will be returned in assessments. The commissioners believe that this project is of sufficient public importance to justify the enactment of the bill which they have prepared into law at an early date, and they have the honor to recommend that this be done.

The desirability and urgency of securing this ground for the protection of the Connecticut Avenue Bridge, and the consequent rearrangement of frontages overlooking that structure, are strongly suggested by the rapidity and amount of building development that has already taken place in that vicinity.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives.

The purpose of this bill is to acquire certain ground to the south and east of the Connecticut Avenue Bridge for the purpose of laying out a road crossing over the south approach to the bridge, which will replace the old Belmont road, across which it was necessary to construct the south abutment of the bridge. It will make possible, also, a second lower level road running under the first arch of the bridge and connection with Belmont road to the east and west thereof. It will further make possible a connection between Connecticut avenue and Calvert street, which are at high level, and Waterside drive running along the low level of Rock Creek Park. It will further secure the ownership of a small piece of ground at the present north end of Waterside drive, thereby affording an entrance to the Zoological Park from the latter.

Private ownership at the south end of the bridge and to the east thereof is such that dumping and building may be undertaken to the very great detriment of the bridge. The topography of the ground in this locality is such that for a great many years to come there is bound to exist under present ownership the combined objection of extensive dumping and building development, with the tops and back yards of houses in evidence from the bridge. The unsightliness of such condition is manifest, as should also be the desirability of its prevention. The bridge cost over $1,000,000. More than $500,000 of this was spent to secure sightliness and a monumental structure, and this would be practically lost unless the land be obtained in accordance with this bill.

It is estimated that the cost of acquiring the land concerned in this measure will be about $65,000, of which it is believed that at least $15,000 will be returned in assessments.

WIDENING SIXTEENTH STREET NW. AT PINEY BRANCH.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill H. R. 16334.

The bill was read, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening of Sixteenth street where it crosses Piney Branch, on the east side, between Shepherd street and Spring road, so as to preserve the valley grade and connect with Piney Branch parkway, in accordance with plans on file in the office of the Engineer Commissioner of the District of Columbia, the area of the land to be acquired not to exceed 4½ acres.

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; the amounts collected as benefits to be repaid to the District of Columbia and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

SEC. 3. That the Commissioners of the District of Columbia be, and they are hereby, authorized to make a new highway plan for that portion of the District of Columbia in the vicinity of said widening and along the Piney Branch parkway, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act, approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia.

Mr. JOHNSON of Kentucky. Will the gentleman yield me some time?

Mr. SMITH of Michigan. I yield the gentleman five minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, this is a bill which has for its purpose the acquirement of nothing more and nothing less than a "hole in the ground" out here, which is to cost the United States Government $4,000, and which is abso-

lutely worthless to anybody for any purpose. The statements made before the committee were to the effect that there was no other object to be obtained except for beautifying the District. An additional object was, however, stated that it would give a beautiful road to some of the adjacent parks. I want to say to the committee that I have been out there and examined this place, and find that according to the measurements made by the engineer, that it is, as I said, simply a hole in the ground, 84 feet deep, which is to cost, if acquired, about $4,000. They say that a beautiful road can be made to one of the parks, and that there is no other road to the park. That is a mistake. There is already a road to the park, which is near to the bridge, without acquiring any more property at all. In my judgment a monumental mistake toward the waste of public money has already been made at this point. They have constructed a bridge there at great cost over a creek. Now they have adopted a plan almost simultaneously with the construction of this bridge to divert the waters of that creek through a sewer, so that there will no longer be any necessity for the bridge; and there was no necessity for the bridge, in my judgment, when it was erected. It is not yet quite completed. I can see no earthly use of this bridge across a stream, and at the same time to spend thousands and thousands of dollars to divert the water of that stream through a canal.

This, Mr. Chairman, is my objection to the bill. I believe it is an absolute waste of money, and therefore I am opposed to it.

Mr. SMITH of Michigan. I yield ten minutes to the gentleman from New Jersey.

Mr. WILEY. Mr. Chairman, I would like to answer the gentleman from Kentucky on his own argument, that the principal purpose is to beautify the park. I consider that a sufficient reason, without any other reason whatsoever. I consider that it is the duty of every Member of Congress to take all possible steps to beautify the national capital. The situation is even stronger than that which is stated by the gentleman. His figures are not quite accurate. It is 65 feet instead of 84. The purpose of building this bridge was to carry Sixteenth street across this hollow, not to span the stream or anything like that, but to carry a boulevard.

Mr. JOHNSON of Kentucky. Will the gentleman permit me to interrupt him?

Mr. WILEY. Certainly.

Mr. JOHNSON of Kentucky. I will ask the gentleman if this ravine could not have been crossed for the purpose of extending this street by a fill instead of the bridge, the fill to cost not more than 5 cents on the dollar that the bridge cost?

Mr. WILEY. I believe that the fill would have cost more than the bridge, and would have been most unsightly from every point of view. The bridge, which cost $160,000, or will when completed, is the most sightly object in that locality, and has greatly improved the property in that vicinity.

Mr. JOHNSON of Kentucky. I will interrupt the gentleman to say that it appeared before the committee that the bridge was to cost $200,000.

Mr. WILEY. I refer the gentleman to the report of the commissioners touching this. It is at the service of the gentleman if he cares to read it. But this project is also to protect the approach to the bridge. This hollow would not be used for any purpose except, probably, for the erection of houses of an inferior kind—shanties, and all that sort of thing. We propose to make an entrance to the park. While there are ways of getting to the park, there is no suitable entrance going directly to Rock Creek Park. We have already allowed the approaches to the park to be marred by suffering buildings to be erected near Connecticut Avenue Bridge, which is the finest cement bridge in the world, perhaps. We took no precaution to acquire land near the approaches to the bridge, with the result that houses have been erected, shutting out the view of this fine bridge and approaches from the north side, and the effect has been very bad; and what we desire to avoid is a repetition of this blunder in the present case.

Mr. SMITH of Michigan. There is a very clear report in this case, and I will ask that it be printed in the RECORD.

There was no objection.

The report is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16334) for the widening of Sixteenth street NW. at Piney Branch, and for other purposes, report the same back to the House with the recommendation that it do pass.

The Commissioners of the District of Columbia recommended the passage of this bill in the following strong communication:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 27, 1909.

SIR: The Commissioners of the District of Columbia have the honor to forward herewith a bill to provide for the widening of Sixteenth street at its intersection with Piney Branch, and rearranging the highway-extension plans in the vicinity of that point, together with a plat which will explain the plan, and to recommend the passage of the bill during the present session of Congress.

The board of control of Rock Creek Park, consisting of the Chief of Engineers, United States Army, and the Commissioners of the District of Columbia, some years ago decided that instead of requesting from Congress relatively large sums of money for the improvement of the park it would be better policy to request a sufficient sum to keep the park in good condition without providing at present for any extensive improvements. They have, however, recommended to Congress two measures of vital importance, one of which the board of control has already recommended to your committee, with request for its enactment by the present Congress, namely, the rectification of the eastern boundary line of Rock Creek Park beyond the Brightwood reservoir. The second measure was granted by Congress, and involved the condemnation of the parkway entrance along the Piney Branch Valley from Sixteenth street to Rock Creek, and under the authority of this legislation the proceedings have now been completed and a natural and beautiful entrance to the park from Sixteenth street is assured.

Some years ago, following recommendations of the commissioners in line with the development of the improved boulevard of Sixteenth street, Congress authorized the construction of a bridge across Piney Branch on the line of this street. This bridge has been completed in the form of a handsome concrete arch, and, under appropriations for grading Sixteenth street, the fills at the two ends of the bridge have been also about completed. The condemnation of the parkway referred to has assured the preservation of this bridge from the west, and private property on the east, while much below the elevation of the bridge, comes to within a few feet of the face of the bridge, and a small portion of the valley should be acquired for the protection of the valley itself, and of the bridge.

The commissioners have made a careful study of the situation within the past year and have devised the plan which is shown on the drawing herewith submitted. It involves the condemnation to the east of the bridge of the area of a little more than 4 acres, shown within the heavy red line on the plat; outside of which it is proposed to locate a highway at a fairly high elevation, behind which buildings will ultimately be constructed, the area within the plat to be held at a comparatively low elevation, thus giving a small bowl-shaped park to the east of the bridge, with a road leading gradually down around the slope and underneath the bridge into the parkway driveway, which is the entrance to the park. The cost, it is estimated, will not be large, being estimated by the commissioners at $20,000, of which probably $2,000 or $2,500 will be returned, under the terms of the act, as assessments. The bill also gives the commissioners authority to rearrange the highway system in this locality to fit the general scheme.

If the legislation is enacted, there will be provided several ways, as shown on the plat, of descending into the valley from the streets, which are at considerably higher grade, all driveways being at much more practicable grades than can be devised under the present plan. The commissioners specially invite attention to the fact that with this arrangement the park will be made especially accessible to the public from the Fourteenth street car line, which will be but a short block away, by Randolph street, and but slightly longer by either Shepherd street or Spring road, giving the public an easier access to Rock Creek Park than is now provided at any point.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners,
of the District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

And the passage of the bill is also urged by the Washington Board of Trade in the following letter:

WASHINGTON, D. C., *January 28, 1910.*

MY DEAR SIR: The bill H. R. 16334 received careful consideration of the committee on streets and avenues of the Washington Board of Trade at its last meeting, and as chairman of the committee I was directed to inform yourself and your committee that in its judgment the bill ought to receive favorable consideration, as it provides for an improvement that meets a public need and can be better carried into effect at this rather than at a later time. Trusting that the bill will receive favorable consideration, I have the honor to be,

Very respectfully,

WM. G. HENDERSON,
Chairman of the Committee on Streets and Avenues,
Washington Board of Trade.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

The committee finds that to the east of the Sixteenth Street Bridge, crossing Rock Creek, there exists a low, bowl-like area whose general level is about 65 feet below that of the street. Public ownership in this locality includes merely the limits of Sixteenth street. It is desired under this bill to acquire this low ground, to the extent of about 4½ acres, for two main purposes:

(1) To permit the construction of a connecting road from the south end of the bridge around the rim of the bowl-like area referred to, with gradual descent to the bottom thereof, thereby effecting a connection with the low level of Rock Creek Park (a strip affording entrance to the same having been recently purchased on the west side of the bridge) from the high level of Sixteenth street. This strip would be practically wasted unless connection can be made between it and Sixteenth street.

(2) To prevent the destruction of all natural beauty in and about the Sixteenth Street Bridge. This bridge has cost $160,000, of which at least $100,000 was spent for æsthetic reasons. This latter amount would be practically lost unless the site be protected as proposed in the bill. The depression referred to, if left in private ownership, must necessarily become a dump for whatsoever material is available for filling, in order that the general elevation may be increased to a practicable building grade. The private ownership and present layout of streets to the east of the bridge are such that under present conditions building must advance with back yards, side yards, and house tops, with all their objectionable features in direct view of the Sixteenth street structure.

The acquirement of 4½ acres, as proposed, with authority to rearrange the highway plan to the east of the bridge, will correct in very attractive manner the objectionable features of the present condition and will afford an entrance to the park.

The immediate cost of this measure should not exceed $25,000 and the ultimate cost to the public $15,000.

Mr. SMITH of Michigan. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the chairman announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 39.

Mr. SMITH of Michigan. Mr. Chairman, I call for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] and the gentleman from Kentucky [Mr. JOHNSON] will take their places as tellers.

The committee again divided; and tellers reported—ayes 54, noes 55.

So the committee refused to lay the bill aside with a favorable recommendation.

ROAD ALONG ANACOSTIA RIVER.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 19038) to authorize the opening of a road along the Anacostia River, in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That under and in accordance with the provisions of an act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia,' regulating proceedings for condemnation of land for streets," approved April 30, 1906, known as subchapter 1 of chapter 15 of the Code of Law of the District of Columbia, except section 491g of said subchapter, which section shall not be applicable to this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn and acquire the fee simple and absolute title, including all riparian rights and all other rights pertaining thereto, to a strip of land for a public highway along the Anacostia River and bounded by said river, from Monroe street extended to the right of way of the outfall sewer at and near Poplar Point and from the southwest corner of the grounds of the Government Hospital for the Insane along said Anacostia River to Giesboro Point, near the western terminus of Memphis street, as shown on the permanent system of highway plans for the District of Columbia. The northern and western boundary of said strip of land shall be coincident with the high-water line of the said Anacostia River, and the southern and eastern boundary of the said strip of land shall be not more than 160 feet therefrom: *Provided*, That of the amount found due and awarded as damages for and in respect of the land condemned under this act for the said public highway not less than one-half thereof, together with all the costs and expenses of the proceeding or proceedings taken pursuant hereto shall be assessed as benefits by the jury in said proceeding against the lots, pieces, or parcels of ground lying on the side or sides of the extension of the said public highway and also on all or any adjacent pieces or parcels of land which will be benefited by the said public highway as herein provided: *And provided further*, That the sums to be assessed against each lot, piece, or parcel of ground shall be determined and designated by the jury, and in determining what amount shall be assessed against any particular lot, piece, or parcel of ground the jury shall take into consideration the situation of the said lot, piece, or parcel of ground and the benefits they may severally receive from the opening of the said public highway.

SEC. 2. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, one-half of the said amount to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, in my judgment this is a vicious bill, for the reason that the cost of it is without limit, and may be interminable. It is proposed to build a roadway a mile and a quarter long along the Anacostia River, which will open up a lot of farm land for building sites. The owners of the abutting property are not to pay a cent, as, I am sorry to say, is the rule pertaining to all such matters in the District, and nobody can tell what is going to be the cost.

On page 2, line 4, there is a provision that the width of the road shall be not less than 50 feet. There is no limit to its width. It can be made any width that they choose, and there is no limit to the cost. As nobody knows how much money is going to be expended under this bill, in my judgment it is a very vicious one, and should be defeated.

Mr. COX of Indiana. What is the length of the proposed road?

Mr. JOHNSON of Kentucky. A mile and a quarter.

Mr. COX of Indiana. Here in the District of Columbia?

Mr. JOHNSON of Kentucky. Over on the Anacostia side.

Mr. COX of Indiana. Is there any estimate at all of the cost?

Mr. JOHNSON of Kentucky. I failed to get one in the hearing before the committee. There can be no accurate estimate, for the reason that the width of the road is not determined. It shall be not less than 50 feet wide, but nobody knows how wide it will be.

Mr. COX of Indiana. Then as the bill stands the width of the road is unlimited, and the amount that can be expended is unlimited?

Mr. JOHNSON of Kentucky. That is correct.

Mr. CAMPBELL. Is not the proposed width 50 feet?

Mr. JOHNSON of Kentucky. The minimum width is 50 feet.

Mr. SMITH of Michigan. Has the gentleman from Kentucky [Mr. JOHNSON] yielded the floor?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Michigan. Then I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I believe that my colleague on the committee from Kentucky has overlooked a portion of the report of the committee on page 3, which says that the cost of this contemplated improvement will be about $4,000—that it should not exceed $4,000 as the burden on the public funds.

Mr. JOHNSON of Kentucky. Does the bill place any limit?

Mr. BORLAND. The bill does not place any limit.

Mr. JOHNSON of Kentucky. May it not, therefore, be in conflict with the report of the committee?

Mr. BORLAND. In all these bills for the opening of roads it is provided that the property to be taken is condemned, but the estimated cost is stated by the engineers of the District.

Mr. SHACKLEFORD. What is the immediate, pressing necessity for the opening of this road?

Mr. BORLAND. That is the point which I care particularly to discuss. I simply wanted, in passing, to call the attention of my colleague [Mr. JOHNSON of Kentucky] to the fact that the engineers have estimated, as nearly as they can, the probable cost of this improvement.

Mr. TAWNEY. The entire cost is payable from the revenues of the District of Columbia, and the jury is to assess one-half of the benefits to the adjacent property.

Mr. BORLAND. That is correct.

Mr. TAWNEY. So there could be no express limitation of the amount necessary to secure the opening of this street, until that award has been made.

Mr. BORLAND. Yes; that is a more accurate statement.

In reply to the gentleman from Missouri [Mr. SHACKLEFORD] as to the need for this road, it was stated by the engineer commissioner in the hearing before the committee that this is a part of a plan to secure to the District of Columbia, for public use, the water front adjacent to the city of Washington, and in that lies its chief benefit. The only way in which the District of Columbia can secure to itself public ownership of its water front is by placing a road along the present water front, so that when land is accumulated by reclamation between the public highway and the water front it will pass to the District of Columbia for public use. I regard it as an important policy to establish, if it be not already the established policy of this District, that the water front of the District of Columbia should belong forever to the public, and there should be absolutely free access from the Potomac River to every part of the city.

I understand there are commercial cities not far from the city of Washington, where the whole water front, of the value of millions of dollars, is in the absolute grasp and control of the railroads of the United States centering in those cities. It is the universal practice of all railroad and transportation companies to seize at the earliest possible moment terminal facilities on the water fronts of cities. If we are to have our transportation free from domination and control of railroad companies, we must begin with the public ownership of our water fronts.

In the city I have the honor to represent we have begun that fight. We own a portion of the water front of Kansas City and another portion has been reclaimed by the railroad company, and the fight is now going on to reclaim the water front for the benefit of the public.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I would like three minutes more.

Mr. SMITH of Michigan. I will yield to the gentleman five minutes.

Mr. BORLAND. It is absolutely useless for us to encourage water transportation; it is absolutely useless for us to look for competition with the railroads; it is absolutely useless for us to promise the public relief from the domination of the railroads and high cost of transportation if we allow the railroads to control the terminal facilities of our water fronts; and as sure as the sun rises and sets they will control every foot of this water front unless the public steps in and controls it. I do not care if it costs $400,000 instead of $4,000—that water front opposite the city of Washington should belong to the Nation.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman from Illinois.

Mr. MANN. This is to acquire a water front. Will the next proposition be for the Government to improve it with docks, and so forth?

Mr. BORLAND. I do not know what the next proposition will be. I would say that the cost in this bill is not only moderate, but nominal; it is based on the idea of putting a road along there so that when the flats are reclaimed instead of their being added to private property they would pass into the hands

and control of the public. The cost in this particular bill is nominal.

Mr. MANN. Is this to be construed as a bill for a road, or as acquiring the water front?

Mr. BORLAND. It is a road, and will be so used.

Mr. MANN. I understood the gentleman's argument to be based on the necessity of the Government having not a road, but the water front.

Mr. BORLAND. I will say that this proposition is justified as a road, as a public highway, but I am calling attention to it and the incidental benefits which controlled the judgment of some members of the committee.

Mr. MANN. Can that incidental benefit accrue except by the improvement of the water front with docks?

Mr. BORLAND. I think it could not accrue in any case unless we first seize the water front.

Mr. MANN. That is perfectly patent.

Mr. BORLAND. Whether we shall improve the water front for navigation will depend on navigation. If navigation reaches the point where the water front needs improvement, I should be very glad. Mr. Chairman, I yield back the remainder of my time.

Mr. JOHNSON of Kentucky. Mr. Chairman, as suggested by the gentleman from Illinois [Mr. MANN], the title of this bill is to authorize the opening of a road along Anacostia River in the District of Columbia. The title is misleading. According to the title it has no other purpose than to open a road, whereas on page 2 you will find that the commissioners "are further authorized and directed to condemn and acquire all land lying between the northern and western boundaries of said road and the aforementioned highway."

Now, no man has stated to this committee how much land is to be acquired, or at what cost. I say it is a leap into absolute darkness.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Michigan. Did not Commissioner Judson come before the committee and say that it was absolutely impossible, owing to the fact that they were going to pump out the Anacostia River to make new land, to tell just exactly where the roadway would run, and that the object of the bill is to save the riparian rights? Day before yesterday we passed a bill appropriating $150,000 to pump out the river and make new land which we are to use for park purposes, and unless this bill is passed private owners will claim it instead of the District of Columbia.

Mr. JOHNSON of Kentucky. I will say that the commissioners did make that statement, but the statement was not based on the bill. No man can tell how much land is going to be condemned and at what cost, and if this bill is for the purpose, as stated in the title, to open a road, that is an entirely different proposition from opening a road and condemning untold land at an untold cost. The engineers, I believe, have stated it is impossible just now to state how much money will be required to carry out the objects of this bill, and until we know the amount of money necessary, I am opposed to it.

Mr. SMITH of Michigan. Mr. Chairman, I want to read to the House from the report the statement of Major Judson:

> The bill provides for the assessment of benefits equal to not less than one-half the damages, wherefore it is estimated that the burden against public funds should not exceed about $4,000, while by the assessments provided parties benefited will, it is thought, bear an equal burden.
> The total cost estimated is $8,000; benefits to be assessed, $4,000.

Mr. JOHNSON of Kentucky. And I will say to the chairman that his statement is directly in conflict with the one he has quoted from the commissioner, that it was impossible for them to determine now how much land must be condemned.

Mr. SMITH of Michigan. I said it was impossible to tell exactly where the road would go, and I do not think Congress does any great thing when they leave such a case as that to the discretion of the commissioners.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. SMITH of Michigan. Certainly.

Mr. SHACKLEFORD. How much of this land along the Anacostia River is there that will be necessary to be condemned; how many acres?

Mr. SMITH of Michigan. Well, of course I can not say; that will be left to the discretion of the jury, of course.

Mr. SHACKLEFORD. To the discretion of the jury as to how many acres shall be condemned?

Mr. SMITH of Michigan. As to how much they will condemn, of course.

Mr. SHACKLEFORD. Well, what is the maximum that can probably be condemned under this bill?

Mr. SMITH of Michigan. The proposed road is probably a mile and a half in length and then it will depend upon its width.

Mr. SHACKLEFORD. Does not this bill provide for condemning some land for park purposes in addition to the road?

Mr. SMITH of Michigan. Oh, no; what we are trying to do by this bill in addition to building this road is to save the riparian right on the river to the District of Columbia. I call the attention of the gentleman to the fact that if we dig the river out and make acres and acres of new land private parties will come in and reap the benefit. We passed a bill day before yesterday appropriating $150,000 for the improvement of this river.

Mr. SHACKLEFORD. That is the very point I am trying to get light upon. What will become of the lowland between the roadway and the river? When this road is located there will be some land between the road and the river. Now, who is the owner of that?

Mr. SMITH of Michigan. The District of Columbia.

Mr. SHACKLEFORD. Does it own it now?

Mr. SMITH of Michigan. No.

Mr. SHACKLEFORD. I want to know how much of the land the District will own in addition to the road.

Mr. SMITH of Michigan. I do not think that is possible to state without a survey.

Mr. SHACKLEFORD. Surely you can give it approximately.

Mr. SMITH of Michigan. I would not like to try to give an accurate statement.

Mr. SHACKLEFORD. Can you give it approximately?

Mr. JOHNSON of Kentucky. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from Michigan yield?

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. SHACKLEFORD. Will the gentleman from Michigan undertake to give any estimate as to how much of this land the District is going to own and what it will probably cost?

Mr. SMITH of Michigan. Well, here is the estimate of cost which I read a moment ago.

Mr. SHACKLEFORD. That is the estimate of cost of making the road, but what is the cost of condemning and paying for that land?

Mr. SMITH of Michigan. That is the estimate that is named here, which is for the condemnation of the road and the securing of the riparian rights.

Mr. KEIFER. Mr. Chairman, I do not understand that the gentleman is proposing to do anything more here by this bill than to condemn a right of way for a road. Is that right?

Mr. SMITH of Michigan. Yes.

Mr. KEIFER. Well, then, will the District of Columbia acquire title to anything outside of the line of the road?

Mr. TAWNEY. Well, if the gentleman from Michigan will pardon me, I want to call the attention of the gentleman from Ohio to the fact that they will not only acquire an easement or right to use this land condemned for the purpose of a road, but also will acquire the fee simple and absolute use of the land under this bill.

Mr. KEIFER. Now, Mr. Chairman——

Mr. TAWNEY. Therefore they become the riparian owners.

Mr. KEIFER. I want to ask a further question, because it is something new to me to say that it is possible, unless for some purpose of a public character, to acquire the fee simple to land of a private owner by condemnation proceedings to acquire the right to build a public road or street. There must be some other and different public purpose to acquire the fee to lands by condemnation proceedings. Is all the land extending to the river to be condemned for the road or street?

Mr. SMITH of Michigan. The further object of this bill is ultimately to secure for park purposes the land all along the river there—this land that will be made by the Government.

Mr. KEIFER. Is that stated as the ground for the appropriation of the land?

Mr. SMITH of Michigan. Yes. It states——

Mr. KEIFER. I understand you can acquire no title or even right or easement in the land of the individual unless for some public purpose, and that has to be specifically set out in the application when you go into court for the selection of a jury to assess the value, and the land sought to be taken must be specifically described and the purpose set forth for which it is to be condemned. Otherwise a court will not take jurisdiction in condemnation at all. Now, you propose to get the fee simple, but for what purpose?

Mr. MANN. Will the gentleman permit me to ask the gentleman from Ohio a question? I was going to ask the same question as the gentleman from Ohio asked.

Mr. KEIFER. Allow me just a second.

Mr. MANN. I want to ask the gentleman a question. The bill provides to "condemn and acquire the fee simple and absolute title, including all riparian rights and all other rights pertaining thereto to a strip of land for a public highway." I would like to ask the gentleman if, in his opinion, we have the authority to condemn anything more than an easement for a public highway?

Mr. KEIFER. I am sure that we have not, if that is the sole object or purpose for which the land is to be condemned, and I am trying to get some information.

Mr. MANN. That was the only object stated in the bill.

Mr. KEIFER. If that is all the object, I do not understand how we can acquire anything more than the mere easement for the purposes of a public road or street. But, if I understand the bill, it is intended to go outside of the line of the proposed public road and condemn property in one proceeding for other purposes than a public highway.

Mr. TAWNEY. I would like to ask the gentleman from Ohio a question. What is the line of distinction, legally, between the acquisition of property by condemnation for the purpose of erecting and maintaining a building thereon by the Government and the acquisition of property for the purpose of constructing and maintaining a highway on that property?

Mr. KEIFER. It is very easy to answer that. One is acquired for a permanent purpose. A public road may be abandoned, it may be by nonuse, as happens sometimes. Sometimes it is vacated by the proper public authorities. If land is acquired to put a building upon, such as the Capitol of this country, or for some other such public permanent purpose, the fee simple may go to and be continued in the public, and therefore it is not in such cases a matter of a mere easement.

Mr. TAWNEY. When the land is acquired under this authority for the construction of a highway the fee would be acquired by the Government, because under the act it says that the District of Columbia is authorized to institute proceedings in rem to condemn and acquire the fee simple and absolute title, including all riparian rights and all other rights pertaining thereto, to a strip of land for a public highway along the Anacostia River and bounded by said river, from Monroe street extended to the right of way of the outfall sewer, and so forth.

Now, under this authority the only distinction between the case referred to by the gentleman from Ohio and this would be in the measure of damages. The commissioners would be authorized to assess the damages on the basis of the Government acquiring the fee-simple title, together with the riparian rights to the land adjacent to the river.

Mr. KEIFER. Now, Mr. Chairman, I only wish to add, with permission, that you can not acquire a fee simple to land merely for road or street purposes at all. In other words, you can only acquire the easement or a right in the property of an individual for a particular use, and if that use is such as a street or a road it is only acquired for that, and for no other purposes whatever.

Mr. COOPER of Wisconsin. Will the gentleman say where there is any authority for the legal proposition that a government, a state, a municipality, can not exercise the right of eminent domain, and acquire, if it wishes, the fee in the property for its highways?

Mr. KEIFER. Never has been and never will be in the history of this country.

Mr. COOPER of Wisconsin. On the contrary, there are a large proportion of States, or, at least, a considerable number of them, who do that identical thing.

Mr. KEIFER. I never heard of it before.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Ohio two or three question. Is not a highway a public necessity?

Mr. KEIFER. That is the reason why you get the right to construct and establish it.

Mr. COOPER of Wisconsin. Exactly.

Mr. KEIFER. If it was not, you could not do anything toward acquiring any right in lands belonging to private persons.

Mr. COOPER of Wisconsin. The Constitution asserts this, and nothing more: Private property shall not be taken for public use except on due compensation for the property. It does not say you can take it for the purposes of an easement; but you can condemn it, so far as the absolute ownership of it is concerned, and that is the fee.

Mr. KEIFER. Mr. Chairman, we are getting something entirely new to some of us.

Mr. COOPER of Wisconsin. It is not entirely new.

Mr. KEIFER. Now, let me finish this, and I am through. It never has been so that you could acquire private property for any other purpose and to any other extent than the uses to which it is to be put to. Then if you want an easement you can get an easement, and when the easement is abandoned the title reverts to the dominant owner.

Mr. TAWNEY. Then if you acquire the easement, you have the easement, but when you get the fee you have the easement and the fee and acquire the title.

Mr. DAVIS. Mr. Chairman, I am informed and believe that in conformity with existing law in the District of Columbia where Congress obtains the right of way over any of the lands in the District, that instead of acquiring simply an easement, the title obtained is a fee to the land over which the street or road is created.

Mr. SMITH of Michigan. But this is outside of the old city of Washington.

Mr. DAVIS. This is outside?

Mr. SMITH of Michigan. This is outside, and hence the provision of the section.

Mr. DAVIS. Hence where the Government desires to obtain a street or road over lands outside the old city, the bill is drawn as in this particular case in order to acquire the fee-simple title?

Mr. SMITH of Michigan. And we expressly amend section 491g so that we can get it through.

Mr. DAVIS. I came in when the discussion was going on. I full well knew that as to the streets inside of the city of Washington the fee was owned by the Government. The fee to the street itself is acquired by virtue of existing law, and if it is not so in the land outside of the city I suppose it is well to provide for that as this bill does.

Mr. OLMSTED. Just one suggestion. If it were competent to condemn the property and acquire the fee within the city, why is it not equally competent to acquire it outside?

Mr. DAVIS. Certainly; I can see no distinction whatever.

Mr. JOHNSON of Kentucky. Just one word more, please.

Mr. SMITH of Michigan. I yield three minutes to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, the discussion in this matter has led into a field that serves no other purpose than to cast a cloud upon the real issue in this bill. This bill has an innocent title, "To authorize the opening of a road along the Anacostia River in the District of Columbia," while its real purpose, as is stated from the floor, is to acquire riparian rights; and no man can tell what it is going to cost.

Mr. TAWNEY. If the gentleman would permit an interruption there. You say that one of the purposes, whether direct or incidental, is to acquire the riparian rights. Now, in view of the fact the river and harbor bill we have passed has authorized the expenditure of $160,000 for the dredging, with a view to making land there between the river and the highway, ultimately intending to use it for park purposes, is it not a wise thing for us to acquire the riparian rights while at the same time we are acquiring the right to construct and operate a highway?

Mr. JOHNSON of Kentucky. I will answer the gentleman by saying that I am not willing, in acting for the future, to incur a debt that no man can tell me the size of, and then I will say further to him that these riparian rights could be acquired without opening the road, and the opening of the road could be accomplished without acquiring the riparian rights.

Mr. SMITH of Michigan. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I should like to ask the gentleman from Minnesota if we acquire the fee simple absolute title to a piece of property, what do we acquire in addition when we acquire the riparian rights attached to that property?

Mr. TAWNEY. We do not acquire anything additional.

Mr. MANN. Then what is the use of saying "including all riparian rights?"

Mr. TAWNEY. If we do not acquire that property by condemnation for the construction of a road, and then go on and dredge and make land there, the present owner will become the owner of all the made land.

Mr. MANN. That is not the point I am talking about. Under the terms of the bill, do you think we can, by condemnation, acquire riparian rights for a public highway?

Mr. TAWNEY. I do not think we acquire riparian rights under this bill for a highway, but I think in acquiring the fee of the land we necessarily acquire riparian rights.

Mr. MANN. That would be incidentally. Now, the bill provides for the acquiring of the fee simple, the absolute title, which is permissible for highway purposes. Then you include all riparian rights, which you have no right to condemn for a public highway, and it means nothing if you have already acquired the absolute title to the property, which carries the riparian rights with it.

Mr. TAWNEY. It will do no harm to have that language in there.

Mr. MANN. The only harm is that it would render the bill invalid.

Mr. TAWNEY. Oh, no; the expense of this comes out of the District of Columbia wholly.

Mr. BORLAND. If we acquire the water front of the highway, then why may we not thereby acquire the riparian rights?

Mr. MANN. I think you can acquire the riparian rights as an incident to acquiring the absolute title to the property, but you can not condemn riparian rights for the use of a highway.

Mr. BORLAND. Why not?

Mr. MANN. The riparian rights can not be used for a highway. They have nothing to do with a highway.

Mr. BORLAND. The riparian rights may be necessary to protect the highway.

Mr. MANN. Oh, no.

Mr. BORLAND. In many cases.

Mr. BURKE of Pennsylvania. Can the Government acquire property by condemnation for any other than a public purpose?

Mr. TAWNEY. Why, certainly not; the Government would not acquire property for anything except a public purpose.

Mr. BURKE of Pennsylvania. If it is only acquired for a public purpose, what is the necessity of acquiring the fee simple title in this instance?

Mr. TAWNEY. I think perhaps the necessity is just the same as the necessity for having acquired the fee simple to all of the highways in the old city of Washington.

Mr. BURKE of Pennsylvania. Does not the gentleman know that if the title in fee is vested in the Government, it might within twenty-four hours dispose of it and convert it in that manner to private purposes?

Mr. TAWNEY. No; I do not.

Mr. BURKE of Pennsylvania. And thus overcome the very limitation which is imposed by the Constitution?

Mr. TAWNEY. No; they can not dispose of it without authority of law, and the only way in which the authority of law can be obtained is through the Congress of the United States.

Mr. BURKE of Pennsylvania. But if the Government has the fee, it can dispose of it the same as anybody else.

Mr. TAWNEY. Certainly it can, if Congress passes a law authorizing its disposition, but in no other way.

Mr. SMITH of Michigan. I yield to the gentleman from Ohio [Mr. KEIFER] five minutes.

Mr. KEIFER. Mr. Chairman, it is very difficult to state all of the matters that grow out of so important a question as the right of the public to condemn land for a public use. I understood the gentleman who followed me before to say that he rested his claim of the right to acquire land by condemnation in the District of Columbia upon the fact that there was an act of Congress providing for it. I should like to see it and find out whether it contains provisions repealing two or three of the imperative requirements of the Constitution of the United States. I do not deny that for a public purpose you may condemn and get the fee, but that public purpose must be one that requires the fee to the land. If it is for a street, you can only take private property for the particular use stated, and you can not take it for any incidental or unclaimed purpose. In every court of record in this country when a petition is filed for the condemnation of land for public purposes, there must be an accurate description of the land and a careful statement of the public use to which it is to be dedicated, and the jury are instructed to assess the damages measured by the uses the land is condemned for, and for that purpose and for that alone. If land is condemned for a public highway, and its public use as a highway is afterwards abandoned, the title goes back to the original owners by reversion, and that is the way this whole matter would work out.

I do not believe that you can condemn anything more than is absolutely necessary for the street as you propose to construct it, and anything outside of it can not be condemned in the same proceeding for any purpose or for any character of title. The fee simple can not be condemned under the Constitution of the United States at all solely for road purposes. The Constitution prohibits it and no statute can change the Constitution.

Mr. SMITH of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, the legal phase of this question having been thoroughly discussed, I want to say a word about the advisability of passing the bill. All along the Atlantic coast the question that troubles the shippers is the question of terminal facilities. It is the same question that is agitating this whole country over. It is not with me a question so much whether this bill shall provide a highway and park as it is that the District of Columbia should acquire this river-front property for public use. I agree in the main with the gentleman from Missouri [Mr. BORLAND] that we ought to take this land in the name of the public and hold it for public purposes. No gentleman will deny that if the rivers and harbors bill, passed a few days ago, becomes a law, and the $150,000 appropriated to improve the Anacostia River is used in dredging it and throwing the dirt upon the banks, that that dirt so thrown will not accrue to private owners. If there is any increment there, it ought to accrue to the public; the riparian rights should be held for public use. Is the land to be any less valuable ten years hence than it is now? I ask the gentleman from Kentucky, who raised the question of value, whether the land will ever be cheaper in the future than it is to-day, and whether the time to take it for highway and park purposes, or for the preservation of the commercial interests of this community, is not now, at this particular time?

I listened to the statement of Major Judson before the committee, and I thoroughly agreed with him that unless the District should take this ground and take it at once, it might fall into hostile hands, and that we, later on, might have to take it from them at a very materially increased price. I hope the bill will pass in its present shape.

Mr. SMITH of Michigan. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I will answer the gentleman from Pennsylvania by saying that the construction of this road is proposed down there at a cost not limited, at a width not limited, upon farm lands for city building sites, and that this property can be acquired along the river front without doing that. I make the declaration that this property along the river front should not be acquired under the guise of simply opening a road.

Mr. SMITH of Michigan. I now yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, being otherwise engaged, I was not able to attend at the hearings on this subject in the committee, but it seems to me that the law is such that the District might acquire this land for riparian purposes by condemnaion as readily as they could for a highway. If it is needed for public purposes of that sort a bill could be brought in condemning it for that purpose. What is the effect? They say they are doing this only to control the river front. If that is the desire, let us declare the real purpose we have in mind. Here is a mile and a half of roadway building through a farming country; it will make a mile and a half of town lots fronting on this roadway that will be worth a very large sum, which will go into somebody's pockets who is not paying a particle of money toward the project, the money that is going into the building of the highway.

It is the very sort of thing that too frequently slips in here without our knowing that it is loaded. Do we need a road on Anacostia River? Then let us condemn the land for the purpose. As the gentleman from Ohio said, let us be honest in the bill; let it be stated in the bill the purposes for which we condemn the land. I agree with the gentleman from Ohio that no law will allow us to condemn land for incidental purposes, but we must condemn it for the purpose stated in the bill, and for no other. You can not condemn land for a ferry landing and use it for a highway; you can not condemn land for a highway and use it for a ferry landing; you can not condemn land for a highway and use it for wharf purposes. If it is needed for wharfage, let us be honest and let it be so stated and condemned for that purpose. Let it be held by the District for the purpose, but do not come in here and for navigation purposes and riparian rights get through a bill to get a mile and a half of macadamized street in order that there may be a mile and a half of farm property brought into the market to be sold by the square foot as city property.

If these people want to sell their land for town lots, if these farms are going to be built upon as city lots, if it is to become a part of the city of Washington, let the people who own that land and who will get the benefits of the increased value coming to it by this bill pay their part.

Mr. TAWNEY. Will the gentleman permit an interruption? This bill expressly provides for that. It expressly provides for assessing the benefit on the property owners.

Mr. SHACKLEFORD. Then it is merely a real estate proposition. I am told by the gentleman from Kentucky [Mr. JOHNSON] that there is no such provision.

Mr. TAWNEY. There is, and I will read it.

SEC. 2. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the costs and expenses of the condemnation proceedings taken pursuant hereto and for the

payment of amounts awarded as damages, one-half of the said amount to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Now, we acquire all the right on the other side of the road, and the benefits accruing to the people on this side of the road are assessed against them.

Mr. SHACKLEFORD. In response to that I will say, Why should the District pay half the cost of making that street, or any portion of making that street, if it is not needed for the citizens who now live in that part of the city?

Mr. TAWNEY. The city not only obtains the fee to the road, but also to the land between the road and the river under this condemnation.

Mr. SHACKLEFORD. Mr. Chairman, I call attention to the fact that this could not be used for any other purpose than a highway, notwithstanding the provisions of this bill.

Mr. TAWNEY. We acquire expressly here the riparian rights.

Mr. SHACKLEFORD. You can not do that.

Mr. TAWNEY. That is a matter for the courts to determine.

Mr. SHACKLEFORD. But why send to the courts a question to be determined when we know before we send it that it is not tenable.

Mr. TAWNEY. We do not know it.

Mr. SHACKLEFORD. There is not a lawyer on this floor who will not admit it.

Mr. TAWNEY. Yes; a number.

Mr. BURKE of Pennsylvania. Does the gentleman know any provision under the Constitution of the United States, or of any State in the Union, that permits the Government to acquire fee simple and title to property by condemnation?

Mr. SHACKLEFORD. Well, I can not say offhand that I do, but I certainly know you can not condemn land for one purpose and use it for another, no matter what you put in the bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired. [Cries of "Vote!"]

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Pennsylvania?

Mr. SMITH of Michigan. One minute, to offer an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to offer an amendment. The bill has been read, I understand.

The CHAIRMAN. The bill has not yet been read, and the committee is proceeding under general debate, and the Chair will state to the gentleman from Pennsylvania that the amendment is not in order at this time. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of an act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia,' regulating proceedings for condemnation of land for streets," approved April 30, 1906, known as subchapter 1 of chapter 15 of the Code of Law of the District of Columbia, except section 491 g of said subchapter, which section shall not be applicable to this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn and acquire the fee simple and absolute title, including all riparian rights and all other rights pertaining thereto, to a strip of land for a public highway along the Anacostia River and bounded by said river, from Monroe street extended to the right of way of the outfall sewer at and near Poplar Point and from the southwest corner of the grounds of the Government Hospital for the Insane along said Anacostia River to Giesboro Point, near the western terminus of Memphis street, as shown on the permanent system of highway plans for the District of Columbia. The northern and western boundary of said strip of land shall be coincident with the high-water line of the said Anacostia River, and the southern and eastern boundary of the said strip of land shall be not more than 160 feet therefrom: *Provided*, That of the amount found due and awarded as damages for and in respect of the land condemned under this act for the said public highway not less than one-half thereof, together with all the costs and expenses of the proceeding or proceedings taken pursuant hereto, shall be assessed as benefits by the jury in said proceeding against the lots, pieces, or parcels of ground lying on the side or sides of the extension of the said public highway and also on all or any adjacent pieces or parcels of land which will be benefited by the said public highway as herein provided: *And provided further*, That the sums to be assessed against each lot, piece, or parcel of ground shall be determined and designated by the jury, and in determining what amount shall be assessed against any particular lot, piece, or parcel of ground the jury shall take into consideration the situation of the said lot, piece, or parcel of ground and the benefits they may severally receive from the opening of the said public highway.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to meet the objection made by the gentleman from Illinois I offer the following amendment: After the word "highway," in line 4, page 2, insert the words "and for park purposes;" and after the word "highway," in line 18, page 2, insert the words "and parks;" and after the word "way," in line 24, page 2, insert the words "and parks;" and in line 25, after the word "highway," insert the words "and parks;" on page 3, line 8, after the word "highway," insert the words "and parks."

The CHAIRMAN. Without objection, the amendments will be considered together.

Mr. MANN. How does that amendment read?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The amendment has not yet been reported, the Chair will say to the gentleman from Missouri. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 4, after the word "highway," insert "and for park purposes;" also in line 18, page 2, after the word "highway," insert "and parks;" in line 24, after "way," insert "and parks;" in line 25, after the word "highway," insert "and parks;" page 3, line 8, after the word "highway," insert the words "and parks."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHACKLEFORD. Mr. Chairman, will it be in order for me to offer an amendment to the amendment?

The CHAIRMAN. There are several amendments pending, the Chair will say.

Mr. SHACKLEFORD. I want to offer an amendment to the amendments.

The CHAIRMAN. To all of the amendments?

Mr. SHACKLEFORD. No; to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The Chair will say to the gentleman from Missouri that the gentleman from Pennsylvania offered several amendments, being the substitution of the same word in several places in the bill.

Mr. SHACKLEFORD. I desire to offer an amendment to each of those in the same form.

The CHAIRMAN. The regular way, the Chair would say, would be to make the amendment at each particular place. In view of the fact, however, that the committee has given unanimous consent that these several amendments might be considered together, the Chair will ask unanimous consent that the gentleman from Missouri may submit an amendment to those amendments in the same way. Is there objection? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Then, Mr. Chairman, I move that wherever the word "park" appears in the amendments offered by the gentleman from Pennsylvania it be stricken out and that the word "wharfage" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In each of the amendments strike out the word "park" and insert the word "wharfage."

The CHAIRMAN. The question is on agreeing to the amendment to the amendments.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the several amendments offered by the gentleman from Pennsylvania.

Mr. KEIFER. Mr. Chairman, I dislike to interfere with this mode of proceeding, but it seems to me that we will strike a most anomalous condition if we undertake in this bill to authorize land to be taken for two purposes in one proceeding. If taken for a street, it should be devoted to a street. If taken for a park, it should be devoted to a park. If we should take a part of this land for a street and a park or all of it for a street and a park, it ought to be and should be, if the title to the land is acquired by condemnation proceedings, used for all of these purposes. I think it is very unusual to undertake, if it is possible at all, to condemn land for two public uses that are somewhat inconsistent.

Mr. SHACKLEFORD. If this land is condemned under the bill as it is proposed to amend it, for highway and park purposes, would that authorize the District to use it for wharf purposes?

Mr. KEIFER. No, it would not; but the difficulty I see is, if we are looking to the orderly judicial proceeding, we ought to define that part of it that is to be used for the street and that part that is to be used for a park.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the outset of this discussion it was stated that this was not for riparian uses. Now, the gentleman from Missouri [Mr. SHACKLEFORD] has just offered an amendment that it be acquired for wharf purposes. That has been voted down. Is it not now apparent that it is not wanted for this purpose, but for real estate purposes?

Mr. KEIFER. I understand the proposition is to condemn it for the purposes of a street and a park, so that it is to be

devoted to two purposes at the same time. I would not want to be employed to get the condemnation proceedings through.

The CHAIRMAN. The question is on agreeing to the several amendments offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 35, noes 18.

Mr. JOHNSON of Kentucky. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Kentucky demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Eighteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendments were agreed to.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 2, 3, and 4, strike out "the fee simple and absolute title, including all riparian rights and all other rights pertaining thereto."

Mr. BURKE of Pennsylvania. Mr. Chairman, the purpose of this amendment must be perfectly apparent to the committee. It is offered for the purpose of preventing the committee establishing a precedent by attempting to acquire private property in fee simple by condemnation proceedings, a proceeding, to my mind, that has never been heard of——

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BURKE of Pennsylvania. Yes.

Mr. TAWNEY. Does the gentleman know of a single instance where condemnation has been authorized by Congress in the interest of the Government that the title in fee simple has not been acquired? In other words, does the gentleman know of an instance where the Federal Government has acquired merely an easement?

Mr. BURKE of Pennsylvania. Mr. Chairman, it does not make a particle of difference to me what past Congresses have done in that regard.

The plain provision of the Constitution which governs us prohibits us from taking private property by condemnation and taking it in fee simple. There is not a provision, and I challenge the gentleman from Minnesota [Mr. TAWNEY] to point out a provision, in the Constitution of the Federal Government or any provision in the constitution of any State in these United States that confers upon the Government the right to acquire the fee-simple title to property by condemnation. If this were possible, Mr. Chairman, it is perfectly apparent that the Government could acquire this property to-day by this proceeding, and, owning the fee-simple title and having absolute control over it, to-morrow divest itself of the title and vest it in private persons for private purposes.

Mr. TAWNEY. I want to again remind the gentleman of the fact that that would be impossible under the existing law. Before the District of Columbia could divest itself of the title it would be necessary for it to come to Congress and obtain authority.

Mr. BURKE of Pennsylvania. Has the Congress of the United States the power to condemn my property for the purpose of transferring it to the gentleman from Minnesota [Mr. TAWNEY]?

Mr. TAWNEY. Why, certainly not. And no such purpose can be executed without authority or without bringing the matter to Congress.

Mr. BURKE of Pennsylvania. But assuming, Mr. Chairman, that in this instance this property in question belonged to me; if the Congress of the United States has the right to take it by condemnation and acquire the fee-simple title to it, the gentleman himself admits that the Congress to-morrow might divest itself of it and vest the title in another party. What is to prohibit the Congress by condemnation proceedings to take my property to-day and, as I said before, vest it in another private party for private purposes to-morrow? The serious legal aspect of this proposition to my mind, Mr. Chairman, is so manifest that it must appeal to the intelligence of every lawyer in this committee, and especially to the intelligence of the gentleman from Minnesota [Mr. TAWNEY].

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania has indulged in a fallacy, sometimes indulged in in argument, by saying that a law does not exist because abuses may be perpetrated under it. Congress has the power at this minute to declare war against England, but it is not going to declare it. To do so would be a monstrous abuse of power, but still the power exists in Congress. Under the Constitution of the United States Congress can do 10,000 things that would be hazardous to the very existence of the Republic. The fact that it might abuse the power does not show that the constitutional power does not exist.

In reply to the statement of the gentleman from Ohio [Mr. KEIFER] and also to one of the statements just made by the gentleman from Pennsylvania [Mr. BURKE], that under the law and the Constitution a legislature or Congress can not condemn private property and take the fee for a public use, I only——

Mr. KEIFER. Mr. Chairman, the gentleman does not mean to state my position, I trust.

Mr. COOPER of Wisconsin. I mean for a highway.

Mr. KEIFER. I did not say you could not do it for a highway. I said you could.

Mr. COOPER of Wisconsin. The gentleman said the public can not condemn it and take the fee for the purposes of a highway, and that was the specific objection he made to the phraseology of the pending bill.

Mr. KEIFER. That statement is all right.

Mr. COOPER of Wisconsin. I declared a few moments ago that the power thus to take the fee for a street can be granted by statute. I made that assertion upon knowledge acquired some years ago in condemnation proceedings. For an authority at this time I refer to volume 27 of the American and English Enclyclopedia of Law, page 148, under the general caption of "Streets and sidewalks," paragraph 6, "Control, regulation, and use of streets:"

b. Ownership of fee: As a general rule, the public has only an easement in the streets, the fee remaining in the landowner, subject merely to the right of the public to the use of the street for street purposes. In many instances, however, statutes have provided that in the condemnation or dedication of lands for streets the fee shall vest in the municipality.

That is squarely in point.

I call your attention to another authority, namely, Elliott on Roads and Streets, second edition, page 238:

Paragraph 224: When fee may be taken.

That is for the purpose of a street by the exercise of the right of eminent domain.

Where the statute declares what estate shall be taken, there can be no difficulty, for the legislative declaration controls——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin (reading):

But where the question is submitted, as it may be, to courts or juries for decision perplexing questions often arise. It is competent for the legislature to deprive the owner of the entire estate and vest an absolute fee in the corporation for whose benefit the appropriation is made.

I desire to read from the same authority something in answer to the objection of the gentleman from Pennsylvania, that if this were permitted a State, a municipality, could exercise the right of eminent domain and acquire the fee, then reconvey the property to a private owner, and thus avoid the constitutional inhibition against taking private property for private uses against the will of the owner:

It is held that where the State seizes lands for public works of an enduring and permanent character, constructed and owned by the State itself, the estate taken is a fee, and that where a fee is taken by the State it may be transmitted by conveyance to those to whom the canal, highway, or other public improvement is granted by the State. * * * This rule applies only where the nature of the public purpose for which the property is taken requires for its full enjoyment an estate in fee or where the statute expressly authorizes the seizure of an estate of that magnitude.

Mr. BURKE of Pennsylvania. Will the gentleman yield there?

Mr. COOPER of Wisconsin. One moment. A State can condemn for the purposes of a public building, get the property, and convey it to somebody else. That quotation replies completely to the objection of the gentleman from Pennsylvania——

Mr. BURKE of Pennsylvania. Yes.

Mr. COOPER of Wisconsin (continuing). That because abuse might possibly be worked by the municipality or State under the right of eminent domain therefore the right to condemn the fee does not exist.

Mr. CANNON. That is exactly what was done in the city of Danville, Ill., in reference to the public building.

Mr. COOPER of Wisconsin. The Speaker suggests that that is exactly what was done in his State, in Danville, Ill., with reference to the public building.

I wish to call the attention of the gentleman from Pennsylvania and the gentleman from Ohio to what they are attempting to do.

Mr. GARDNER of New Jersey. If I understood correctly the authority cited, it was that the State might take the property and convey it to some other corporation. I think that that covers the case where the grantee of such a deed was prosecut-

ing a public improvement, for which purpose the State might grant the right of eminent domain to the party taking the fee.

Mr. COOPER of Wisconsin. Not at all.

Mr. BUTLER. Mr. Chairman, I would like to call the attention of the gentleman to an instance in the city of Philadelphia, where the property acquired for the use of the mint was sold to a private corporation and is now used for store buildings.

Mr. CANNON. That was also done in the case of the New York custom-house.

Mr. COOPER of Wisconsin. Undoubtedly. Now, the gentleman from Pennsylvania and the gentleman from Ohio are seeking by construction to put into the Constitution of the United States restrictive language which very much limits its scope. The language of the Constitution substantially is this:

Private property shall not be taken for public use except upon just compensation.

They seek to put a construction upon this language which would mean that public travel is not a public use, and that a fee can not be condemned for a public street. The right to travel a street is the right to a public use, and the authority which I cited from the Encyclopedia of Law expressly declares that the fee may be condemned for a street. It is as follows:

In many instances, however, statutes have provided that in the condemnation or dedication of lands for streets the fee shall vest in the municipality.

That can be done in any State under a statute, unless the constitution of that State, its fundamental law, prohibits such condemnation of the fee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I would like just a minute to answer the gentleman from Ohio [Mr. KEIFER]. He contends that the fee may not be taken where the purposes for which it is to be taken do not require the fee, but merely an easement. Upon that I quote from the second volume of the second edition of Lewis's Eminent Domain, as follows:

In the absence of any constitutional restraint, it rests with the legislature to say what interest or estate in land shall be taken for public use. The whole matter thus being in the discretion of the legislature, it may authorize the fee to be taken.

In support of that the author cites Malone *v.* Toledo, by the supreme court of Ohio, reported in Thirty-fourth Ohio State Reports at page 541. The author further says:

The estate which may be taken is not controlled by the use, but the fee may be taken, though the use is not to be permanent.

Mr. COOPER of Wisconsin. I have just examined that case in the Supreme Court library room. It was under the Ohio constitution of 1802, and the point that the gentleman from Pennsylvania [Mr. OLMSTED] makes is absolutely good. There was no inhibition in that constitution against the taking of the fee under a statute, but the present constitution of Ohio perhaps prohibits it.

Mr. OLMSTED. If the statute provides that the fee may be taken, it may be taken by condemnation. The confusion arises from the fact that it is customary, in conferring the right of eminent domain upon railroad companies, water companies, and the like, to restrict them to the use to which they desire to put the land. They need merely a right of way, and the legislature gives them only the right to condemn land for a right of way. Where the statute is silent upon the subject the courts have then held—and I have no doubt that is what has led my friend from Ohio into error—where the statute does not describe the extent of the interest which may be taken in the land, but merely provides condemnation for a road, for a railroad or a public highway, then the court, always strictly construing the power of eminent domain, decides that only that can be taken which is necessary for the purposes specified in the statute; but where the statute itself says that the fee simple may be taken, no court on earth would restrain the taking of the land and every interest in it, from the heavens above to the center of the earth beneath.

Mr. JOHNSON of Ohio. Mr. Chairman, just one word. If the gentleman from Pennsylvania [Mr. OLMSTED] will turn to Lewis on Eminent Domain, section 91K, he will find that the words "fee simple," when used in taking property for street purposes, have a limited meaning, and the author says, and I read from him:

Though the fee of a street is in the public, yet it is not an absolute, but only a qualified or conditional fee. The public, whether represented by a city, State, or county, holds the fee in trust for the public use as a street and for no other purpose; and when the use ceases, the fee reverts to him from whom it was acquired.

Now, here you are taking property for a definite, certain purpose, and you have to take it for that purpose and none other. The right to appropriate, under the United States Statutes, is a common-law right from necessity, and necessity only; and when the necessity does not exist, you would have no right to appropriate at all, and it is a jurisdictional question for the court. You must exercise the particular right before the court can take jurisdiction and carry on the proceedings to get the title to the property, and that title is limited to the purpose for which it is appropriated.

Mr. OLMSTED. That depends on the provisions of the statute under which you take it.

Mr. KEIFER. Mr. Chairman, I tried to discuss one proposition, and that is that private property could be acquired by condemnation proceedings for a particular use. I did not say what is charged by the gentleman from Wisconsin [Mr. COOPER], that the public could not acquire the fee, because that can be done for some purposes; but the fee to land can be acquired by condemnation as vested in a municipal corporation under any public proceeding other than in trust for the public, and when land thus acquired is no longer used by such corporation for the use for which acquired it must revert; and the very authority, a part of which was read by the gentleman from Wisconsin, states that precise thing. And so of the Thirty-fourth Ohio State that has been referred to, and also the Pennsylvania cases referred to. These cases, well digested and matured, are all the same way and to the same effect. The Thirty-fourth Ohio State case holds that, under Ohio's 1802 constitution, lands in fee could be acquired for a public use where the "public necessities required it." Lands are acquired only for a certain use, and when no longer devoted to that use the land reverts. That is all there is of it. When the Constitution of the United States was being submitted for ratification in 1787, 1788, and 1789, it was refused to allow it to be ratified unless there was an agreement that there should be an amendment that would prevent the taking of private property for public use at all except on due process of law and on payment of due and just compensation. That has been the organic law applicable in all the States from the time the Constitution went into effect on the 4th of March, 1789.

The fifth amendment of the Constitution was accordingly promptly adopted. It provides that no person shall—

Be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

And when we came to make the fourteenth amendment to the Constitution after the great war of the rebellion, and when we were writing decrees that were made in the blood of that war, we repeated in part the same language I have just quoted, and because it was dearest to the citizen, to wit, that no power should take private property without due process of law, and all the courts have held that you can only take it for the public purpose, and that is to be defined and limited therein.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were 35 ayes and 33 noes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I demand tellers.

Tellers were ordered. The Chair appointed as tellers Mr. SMITH of Michigan and Mr. JOHNSON of Kentucky.

The committee again divided; and the tellers reported that there were 56 ayes and 40 noes.

So the bill was ordered to be laid aside with a favorable recommendation.

EXTENSION OF MASSACHUSETTS AVENUE NW.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 19039) authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line.

The Clerk read the bill, as follows:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Massachusetts avenue NW. from Wisconsin avenue to the District line, with a width of 160 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension plus the costs and expenses of the proceeding hereunder shall be assessed by the jury as benefits.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to abandon that portion of ground east of Hamilton Circle lying between the south line of Massachusetts avenue NW., as heretofore dedicated, and the south line of the said avenue as established by the plan of the permanent system of highways of the District of Columbia, and the said ground shall revert to the owners of the adjacent lots Nos. 1 to 8, inclusive, in square No. 1815, in accordance with their respective frontages.

SEC. 3. That there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings herein provided for and for the payment of the amounts awarded by the jury as damages, to be

repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman in charge of the bill what is meant by the abandonment of a certain piece of land given for a certain purpose in connection with the bill, how much land is authorized to be abandoned, whether it reverts to the original owners, what it cost the Government originally, and what benefit this abandonment is going to be to the improvement project mentioned in the bill?

Mr. SMITH of Michigan. This is a strip of land 2 or 3 feet in width, acquired when Massachusetts avenue was laid out, and is outside of what was required for the roadway. It is a very small strip of land.

Mr. MADDEN. Is it a part of a circle or park?

Mr. SMITH of Michigan. No.

Mr. MADDEN. I would like to hear that portion of the bill read again.

Mr. SMITH of Michigan. It was acquired by a mistake made in the survey, making it a little wider than was intended.

Mr. MADDEN. How long a strip is it?

Mr. SMITH of Michigan. I should think about 100 feet in length. It is beyond the Observatory Circle, but not a part of the circle.

Mr. MADDEN. How did the District happen to get this land?

Mr. SMITH of Michigan. As I understand through the engineer commissioner, a mistake was made in the original survey.

Mr. MADDEN. Was it purchased by the District?

Mr. SMITH of Michigan. It was purchased under a bill similar to this, by an assessment of benefits made, just as the provisions in this bill are made.

Mr. MADDEN. How much did it cost?

Mr. SMITH of Michigan. I am not prepared to state to the gentleman.

Mr. MADDEN. Is there any reason why it should be given away?

Mr. SMITH of Michigan. I do not know of any reason why the District should want to keep it.

Mr. MADDEN. Is there any reason why it should be given away? That is the point.

Mr. SMITH of Michigan. No; I do not know that there is. I suppose the object in giving it back is to preserve the width of the highway.

Mr. MADDEN. Did not these parties get pay for it?

Mr. SMITH of Michigan. It was paid for by assessment of benefits, but the District did not pay anything for it, nor did the General Government pay anything for it. It seems to me it ought to revert to the lots of which it was formerly a part.

Mr. MADDEN. It seems to me that this is a bad precedent to be established, and that it ought not to be forced on the House without due consideration. I think the committee might well take the bill back and get more information on it, so that they will be able to give that information to the Members of the House.

Mr. WILEY. I think I can give the gentleman some information.

Mr. SMITH of Michigan. I will yield to the gentleman from New Jersey five minutes.

Mr. WILEY. It is not necessary for street purposes. That is the first proposition; and, second, the bill provides that it shall revert to the owners of the abutting property. If it is not abandoned, it will cause a break in the building line of the avenue of about 25 feet and prevent a proper alignment of improvement along this frontage. If it is abandoned, it will become a part of the lots lying adjacent thereto, and will be included in the area of these lots for the purposes of taxation. It is a very simple matter one way or the other.

Mr. MADDEN. I understand that, but the point I want to emphasize——

Mr. WILEY. Would the gentleman from Illinois desire that the District should own a little strip of land on the side of Massachusetts avenue and shut out the owners of the property that abuts on it?

Mr. MADDEN. I have not any disposition to require the District to own the property, but I think in view of the fact that we have paid for the property we ought not to give it away.

Mr. WILEY. We paid for it by assessing these lots for benefits.

Mr. MADDEN. That may be all right, but now we own it——

Mr. WILEY. Now we do not want it, and we ought not to shut them out from their right of way to Massachusetts avenue.

Mr. MADDEN. I think there ought not to be any disposition whatever to give away the property that belongs to the District.

Mr. SMITH of Michigan. The District did not pay anything for it in the first instance; it was a matter of assessment for benefits.

Mr. MADDEN. How do we know that?

Mr. WILEY. Why, we make that statement to the committee that that is what happened.

Mr. SMITH of Michigan. We know it because of our knowledge acquired as members of the committee.

Mr. MADDEN. I think still it ought not to be given away. It ought to be sold.

Mr. WILEY. I do not think it would be a fair thing to the owners of those abutting lots to make them buy a little bit of a strip.

Mr. MADDEN. Why?

Mr. WILEY. It was taken from them originally to perfect the avenue, and it ought to go back to them.

Mr. MADDEN. When we took it from them we paid them for it.

Mr. WILEY. We assessed them for the benefits.

Mr. MADDEN. We assessed them for one-half of the benefits. I do not think it is just to the taxpayers of the rest of the community for the District to give a lot of property away.

Mr. SMITH of Michigan. Does the gentleman not think that if this is to revert to that particular lot owner it will increase the value of the property and thereby increase the amount of taxes to be paid upon it?

Mr. MADDEN. It would increase the value of the property; and if it does, the man whose property is increased in value ought to be willing to pay for it.

Mr. SMITH of Michigan. But he has already paid for it. Somebody who owns that lot has paid for it before this by assessments for benefits.

Mr. MADDEN. The gentleman will admit that when the assessments were made for the benefit of this street and the assessments were levied back for benefits, that that only amounted to one-half the assessment for the cost of the street.

Mr. SMITH of Michigan. I admit that the District did not pay anything nor did the General Government. It came out of the property owner.

Mr. MADDEN. Did these people here pay anything, those who are going to get this property back for nothing?

Mr. SMITH of Michigan. They or their grantors were assessed for the benefits. I do not know that it was this particular landowner who owns this lot now, but some grantor of that property was assessed for the benefits. The District or the General Government never gave one penny for this land.

Mr. MADDEN. I understand the gentleman to say that the property will be increased in value very largely by getting this strip.

Mr. SMITH of Michigan. I say yes. I think, as the mistake was made, that particular piece, that little strip in front of these lots, should be given back.

Mr. MADDEN. Did the gentleman say that the property will become more valuable if this strip was handed over to these people who own the rest of the property there?

Mr. SMITH of Michigan. I should think that if this little strip of land next to Massachusetts avenue were added to that particular lot, it would increase the value of it and increase the taxes also.

Mr. MADDEN. While we increase the value, why should not the man who gets the property whose value is increased pay for it?

Mr. WILEY. Because originally we took it away to increase the value of our own property.

Mr. SMITH of Michigan. In the first place the District or the General Government did not pay anything for it.

Mr. MADDEN. I do not understand that to be the case.

Mr. SMITH of Michigan. That is the case.

Mr. MADDEN. We levied back in assessments for benefits only one-half.

Mr. SMITH of Michigan. The Government advances the money, it is true, in the first place, but it is paid back in five equal annual installments at 4 per cent. Of course the gentleman understands the Government does not pay anything——

Mr. MADDEN. It does not matter whether anything is paid or not, why should the Government give it away and what ought the people who are to get this property pay for it? Why should they be entitled to it, and who are we going to give it to, and why are you going to give it to them?

Mr. SMITH of Michigan. I think it would be very difficult for anybody now or in the future to determine just exactly how much benefit or damages there would be assessed on a little strip of land like that.

Mr. MADDEN. Would you be willing to admit it is of advantage to the property to have this strip added to it?

Mr. SMITH of Michigan. Yes; I admit it is to the benefit of Massachusetts avenue.

Mr. MADDEN. It ought not to make any difference whether it is Massachusetts avenue or not. If you are willing to admit that the taking of abutting property and adding to it is of advantage, then, as a matter of course, you must admit it ought to be paid for.

Mr. SMITH of Michigan. Not under the circumstances; not in the way in which it would come.

Mr. MADDEN. Massachusetts avenue is one of the most prominent streets in Washington, and you give away part of that street to private individuals whose names even do not appear here.

Mr. SMITH of Michigan. I want to say to the gentleman that in looking after these street openings I never ask for anybody's name, and it does not make any difference to me who they are; if it is right, I will vote for it, and if it is not right, I will not vote for it.

Mr. NYE. Will the gentleman from Illinois permit a question?

Mr. MADDEN. Mr. Chairman, I move to strike out section 2 of the bill.

The CHAIRMAN. The Chair will inform the gentleman from Illinois the committee is proceeding under general debate, and the amendment would not now be in order. The gentleman from Michigan has the floor.

Mr. MADDEN. Well, Mr. Chairman, does the Chair wish to have it understood that amendments are not in order to this bill?

The CHAIRMAN. Amendments are not in order to any bill during general debate. When the bill is read, under the five-minute rule, the question will come up.

Mr. NYE. Mr. Chairman, I desire to ask a question of the gentleman from Illinois.

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that with the consent of the gentleman from Michigan the amendment might be read for information if he so desires.

Mr. MADDEN. Oh, I can offer my amendment afterwards.

Mr. NYE. Mr. Chairman, I want to suggest to the gentleman from Illinois I do not understand that the Government equitably or legally owns this land.

Mr. MADDEN. Then, why give it away?

Mr. NYE. It is a right of way. This merely authorizes us to abandon it as an easement in order to make the avenue itself more symmetrical, and that land will revert, as it justly should, to the owners. We did not own the land——

Mr. SHACKLEFORD. Why, it was just determined on the bill immediately preceding this that in all these cases the Government owns the fee to the land.

Mr. NYE. It was not so determined. It was determined you could acquire fee by condemnation proceedings.

Mr. SHACKLEFORD. I understood it did own the fee in all these cases.

Mr. NYE. No; I did not so understand.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to abandon that portion of ground east of Hamilton Circle lying between the south line of Massachusetts avenue NW., as heretofore dedicated, and the south line of the said avenue as established by the plan of the permanent system of highways of the District of Columbia, and the said ground shall revert to the owners of the adjacent lots Nos. 1 to 8, inclusive, in square No. 1815, in accordance with their respective frontages.

Mr. MADDEN. Mr. Chairman, I move to amend the bill by striking out section 2. Now, Mr. Chairman, this section proposes to abandon the ownership of a strip of land on both sides of Massachusetts avenue covering a frontage of eight lots on each side of the street. The gentleman in charge of the bill, the chairman of the Committee on the District of Columbia, admits that the abandonment of this land and turning it over to the owners of the lots abutting this street will add materially to the value of those lots, and thereby, he says, will increase the taxable value of the property and bring more revenue into the District. Why, the idea of increasing the taxable value of the land is absurd.

The main question at issue here is, first, whether the District of Columbia has anything to give. If the District of Columbia owns no title to the land, it has nothing to abandon, and this section ought not to be in the bill. If the District of Columbia has any title to the land, then we ought not under any circumstances to abandon our right to it. If we do, we ought to do it because we are paid for it. The question is, Why should we as public officials stand here to give away the property owned by the public to some private individual because we want to add to the taxable value of the land? Why should he not be willing to pay the full value of his property? Is it fair or is it just that we should be asked to do this? I take it for granted that there is no Member on this floor who is willing to vote to give away the property of the Government. If the Government has no ownership in the property, then there is no place in this bill for section 2, and I hope the House will vote to strike this section from the bill.

Mr. SHACKLEFORD rose.

Mr. SMITH of Michigan. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, I rise simply to reply to the suggestion made a moment ago by the gentleman from Minnesota [Mr. NYE] that the Government did not have a fee to this land, but only an easement. If the Government only has an easement, it will revert without legislation; and if it is more than an easement, it ought not to revert, as it was said by the gentleman from Illinois [Mr. MADDEN], without fair compensation. So, in either view of it, the section ought to be stricken out, as asked for by the motion of the gentleman from Illinois [Mr. MADDEN].

Mr. NYE. If the gentleman will permit me, it can not revert as long as we occupy it as an easement.

Mr. SHACKLEFORD. When we cease to occupy it.

Mr. NYE. We have not ceased to occupy it. This is to abandon it as an easement.

Mr. SHACKLEFORD. Section 2 is not at all necessary to an abandonment of the easement. If the abandonment of the easement is not provided for in section 2——

Mr. NYE. It simply has the effect to vacate our use of the property as an easement.

Mr. SHACKLEFORD. I beg the gentleman's pardon. It goes further. It not only vacates it as an easement, but by the language sought to be stricken out by the amendment of the gentleman from Illinois it undertakes positively by legislative enactment to convey the land which is abandoned, to the owners of the adjoining lots.

Mr. JOHNSON of Ohio. Absolutely reverts to them.

Mr. STAFFORD. Mr. Chairman, I wish to offer an amendment as follows:

Insert after the word "fifteen," in line 14, page 2, the following: "on their paying a reasonable price therefor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 14, after the word "fifteen," insert "on their paying a reasonable price therefor."

Mr. STAFFORD. I do not think, Mr. Chairman, that there is any disposition on the part of anyone here to prevent the alignment of this street being established as is suggested in the section under consideration. The only question before the committee about which there is some dispute is whether we should make a gift of this strip of land, varying 25 feet in depth, and fronting these respective eight lots, or whether we should compel the property owners to pay some proper compensation for this property. There is no question whatever that at the present time the title of this property is in the District of Columbia. No matter how small a strip of property may exist, the question is, Shall we establish the precedent of donating this land which faces these lots on Massachusetts avenue to the abutting property owners, or shall we require them to pay a reasonable compensation for the same?

Mr. GOULDEN. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. GOULDEN. Who is to fix the reasonable compensation?

Mr. STAFFORD. This section under its phraseology grants authority to the Commissioners of the District of Columbia to deed this property, this strip of land, that varies from the regular street line of Massachusetts avenue to the abutting property owners.

Mr. GOULDEN. And the matter would rest entirely with the District Commissioners?

Mr. STAFFORD. We have necessarily to lodge some discretion with the District Commissioners, and we leave it to them to determine what the compensation shall be.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. STAFFORD. I will be glad to do so.

Mr. CRUMPACKER. I understand this strip of land is only about 2 feet wide, and the District desires to cede it back in order to have a uniform alignment of the street?

Mr. STAFFORD. I understand from the reading of the report that the strip is 25 feet wide.

Mr. CRUMPACKER. Suppose the owners of the land on which this strip fronts declined to pay anything for it. Then the District of Columbia is compelled to maintain its street to

the full width, and bear the expense of keeping the street in repair. The city wants to get rid of this strip, and avoid that expense, and have a uniform line for building purposes.

Mr. STAFFORD. I do not think there will be any question whatsoever, if we give authority to the commissioners to accept compensation for this jog of land, that the abutting property owners will be glad to continue their frontage on Massachusetts avenue and pay a reasonable price for it.

Mr. CRUMPACKER. Suppose they decline. There is no authority to sell it to anybody else. Then it is city property for the purpose of maintaining a street.

Mr. STAFFORD. It could be parked if this section was not adopted and if any abutting owner would not wish to pay a reasonable price; it could be parked and still harmonize with the adjusted street line.

Mr. CRUMPACKER. It seems to me that the property ought to be ceded back.

Mr. STAFFORD. If it is 25 feet in width, it is not a trivial matter.

Mr. NYE. I do not understand it is 25 feet in width. The report says:

If it is not abandoned it will cause a break in the line of building of the avenue of about 25 feet and prevent a proper alignment of improvement along its frontage. It has a frontage of 25 feet.

Mr. STAFFORD. I can not adjust the statement of the gentleman from Minnesota to the phraseology of this section that it fronts on eight lots; and looking upon the plat that was submitted by the clerk of the committee it shows a much larger area than could be conceived as occupying only 25 feet. So I think it extends a much longer distance than 25 feet referred to by the gentleman from Minnesota. Now, if the chairman of the committee has any definite information as to the extent of this property that is sought to be given away, I think the committee would be glad to have it.

Mr. SMITH of Michigan. While I am not able to give you the exact amount of it, it cost the District nothing. It was donated.

Mr. STAFFORD. I do not think it can be claimed that nothing was paid for it, because I understand that when we open a street we pay something, at least one-half of the damages; but, regardless of how this title came to us, either by donation or condemnation, the title is in the District, and the question is, Shall we donate the land to the abutting property owners?

Mr. SMITH of Michigan. That is where the gentleman is mistaken. Under the law by which we open streets, and for which this bill provides, the District does not pay one dollar. It advances the money, and after the jury gets through with its proceedings it is paid back in five payments, with 4 per cent interest.

Mr. STAFFORD. There is no question whatsoever that the title in this land at the present time, the easement, is in the District.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

Mr. COX of Indiana. I want to ask the chairman of the committee a question.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COX of Indiana. I rise for the purpose of asking the chairman of the committee some questions. I move to strike out the last word. How wide is this strip of ground?

Mr. SMITH of Michigan. I understand that it is some 2 or 3 feet wide, and in some places wider.

Mr. COX of Indiana. From whom does the gentleman get his information?

Mr. SMITH of Michigan. My information is from the engineer commissioner. As I understand it, the strip was from 2 to 3 feet wide, and perhaps in some places a little bit wider.

Mr. COX of Indiana. Is it on both sides of the street?

Mr. SMITH of Michigan. Yes, sir.

Mr. COX of Indiana. Well, what is the length of it?

Mr. SMITH of Michigan. Well, it is in front of these various lots of lands, but I do not know the exact length.

Mr. COX of Indiana. Something like as much as 400 feet long?

Mr. SMITH of Michigan. No; I do not think it is. But it does not make any difference whether it is two or three hundred feet.

Mr. COX of Indiana. Now, if it does not make any difference—and the gentleman says it makes no difference—as a fact is this not approximately 25 feet wide?

Mr. SMITH of Michigan. I do not so understand it.

Mr. COX of Indiana. Did the District Commissioners testify before your committee?

Mr. SMITH of Michigan. No, sir; at the time we obtained the information a portion of the committee were riding in that section of the District.

Mr. COX of Indiana. I want to know how you got that information from the commissioners?

Mr. SMITH of Michigan. I did not get that information from the commissioner.

Mr. COX of Indiana. Orally or by letter, or otherwise?

Mr. SMITH of Michigan. I was with the committee that went out there with the commissioner.

Mr. COX of Indiana. The commissioner never made a report on that bill, did he?

Mr. SMITH of Michigan. No, sir.

Mr. COX of Indiana. What caused the commissioner to say that it was something like 25 feet?

Mr. SMITH of Michigan. In the commissioner's letter.

Mr. COX of Indiana. I understood the gentleman to say that the commissioner informed him that unless this was done it would cause a break in the street to the extent of 25 feet.

Mr. SMITH of Michigan. Yes.

Mr. COX of Indiana. I should like to ask the gentleman if he knows what induced the commissioner to make that statement?

Mr. SMITH of Michigan. The letter of January 21, 1910, was signed by Mr. Macfarland, who was then president of the board, and the gentleman I referred to who was with us at the time was the engineer commissioner, Major Judson.

Mr. COX of Indiana. If this goes back to the abutting lot owners there, it will make their lots deeper, will it not?

Mr. SMITH of Michigan. They will have that much additional depth.

Mr. COX of Indiana. Thereby greatly increasing the value of that property?

Mr. HINSHAW. About a million dollars.

Mr. COX of Indiana. The gentleman from Nebraska says $1,000,000.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to be recognized for three minutes.

Mr. PEARRE. I object.

Mr. STAFFORD. I was trying to expedite the consideration of the measure; but if the gentleman from Maryland objects, I will move to strike out the last word.

The CHAIRMAN. The gentleman having addressed the committee once upon the pending amendment can only proceed by unanimous consent.

Mr. STAFFORD. As there is a difference of opinion existing among the members of the committee as to the strip of land involved, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, in view of the fact that we have not the information desired by Members, it would be better to strike out this section at the present time, because it in no wise impairs the other part of the bill. The bill merely provides for the extension of Massachusetts avenue, and the title does not at all refer to the rededication of this strip of land.

The CHAIRMAN. The gentleman from Wisconsin having withdrawn his amendment, the question is on agreeing to the amendment of the gentleman from Illinois [Mr. MADDEN] to strike out the second section.

The question being taken on the amendment of Mr. MADDEN, on a division (demanded by Mr. SMITH of Michigan) there were—ayes 37, noes 24.

Mr. SMITH of Michigan. I ask for tellers.

Tellers were refused, not a sufficient number rising in support of the demand.

Accordingly the amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. SMITH of Michigan. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

COLUMBIA ROAD, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 19785) to authorize the extension of Columbia road NW., in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Columbia road NW. through parcels 95–2, 95–4, and 95–5, with a width of 75 feet, upon such lines as the said commissioners may deem best for the public interest: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for

said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the amount for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Michigan. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

CITY AND SUBURBAN RAILWAY COMPANY.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 15676) to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes.

The bill was read as follows:

Be it enacted, etc., That the City and Suburban Railway, of Washington, be, and it is hereby, authorized and directed to equip with the underground system of electric propulsion, as now installed on its urban lines, that part of its suburban route on North Capital street between the present terminus of its underground system thereon near T street and a point to be approved by the Commissioners of the District of Columbia north of and within 100 feet of the north building line of V street; said work to be completed in accordance with plans to be approved by the Commissioners of the District of Columbia within six months after the passage of this act.

SEC. 2. That upon failure of said railway company to comply with the provisions of this act it shall be subject to a penalty of not more than $100 per day, on prosecution by information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants; and each day of such failure shall be regarded as a separate offense.

With the following committee amendments:

Insert in line 11, page 1, after the word "completed," the words "within six months after the passage of this act."

Strike out of lines 13 and 14, page 1, the words "within six months after the passage of this act."

The committee amendments were agreed to.

Mr. SMITH of Michigan. I yield to the gentleman from New Jersey [Mr. WILEY] to offer an amendment.

Mr. WILEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 1, line 10, strike out "one" and insert "three."

The amendment was agreed to.

Mr. SMITH of Michigan. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise and report back the several bills to the House, with the recommendation that the amendments be agreed to, and that the bills as amended and unamended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills reported from the Committee on the District of Columbia, and had instructed him to report the same back, some with amendment and some without amendment, with the recommendation that the amendments be agreed to and that the bills as amended and those unamended do pass.

BILLS PASSED.

The following bills reported from the Committee of the Whole House on the state of the Union, with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 13893. A bill to authorize the extension of Forty-first street, NW.;

H. R. 19038. A bill to authorize the opening of a road along the Anacostia River, in the District of Columbia;

H. R. 19039. A bill authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line; and

H. R. 15676. A bill to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes.

The following bills reported from the Committee of the Whole House on the state of the Union without amendment were severally considered, were severally ordered to be engrossed and read a third time, were read the third time, and passed:

H. R. 16330. A bill to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District;

H. R. 16331. A bill to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets;

H. R. 13864. A bill to extend Fourth street SE.; and

H. R. 19785. A bill to authorize the extension of Columbia road NW., in the District of Columbia.

On motion of Mr. SMITH of Michigan, a motion to reconsider the votes whereby the several bills were passed was, upon his motion, laid on the table.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19028, being the Indian appropriation bill. And pending that I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Texas [Mr. STEPHENS] and the other hour by myself.

Mr. STEPHENS of Texas. Mr. Speaker, I can not agree to that for the reason that I have several applications for time on this side, and I do not think we can get along without five hours of general debate.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were 71 ayes and 1 no.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, and the Clerk will read.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, before discussing the bill and some of its provisions, I wish to make a few observations generally upon the Indian question. I wish to bring to the attention of the House some things that I believe will be of interest to the House and the country. I speak from the standpoint of one who has had some experience with Indian affairs by coming directly in contact with the Indian, having lived in South Dakota for nearly twenty-eight years, and in that section of the State where the Indians reside. I may say, in passing, that we have an Indian population in that State of something over 20,000.

I shall address myself largely to the practical side of the question without disparagement, however, of its sentimental phases. I shall endeavor to demonstrate that by reason of the fact that sentiment has controlled too largely, the Indian has not progressed as I believe he would have progressed under other conditions. From the early history of the country the Indian has been regarded as the ward of the Nation. As early as 1831 Chief Justice Marshall, in the case of the Cherokee Nation against Georgia, in speaking of the Indian and his relation to the Government, said:

They are in a state of pupilage, their relations to the United States resemble that of a ward to his guardian.

That, Mr. Chairman, has been the status of the Indian for eighty years. By reason of my place of residence I am somewhat familiar with the Sioux Indians, whose reservations are located in South Dakota and North Dakota. I shall, therefore, have something to say about the manner in which the Government has treated the Sioux Indians, because it is a fair example of what has been for many years our Indian policy. In order to show what has transpired in one generation I am going back only to the year 1868, at which time a treaty was made with the Sioux Indians in the Dakotas. I shall call attention to some of the provisions of that treaty and show to the House the spirit in which it was made, and then I shall endeavor to show the effect of the policy that was provided for in that treaty. In 1868 the Sioux Indians were making more or less trouble by obstructing the progress of railroad construction, molesting settlers on the frontier, and emigrants who were crossing the plains.

This treaty was entered into largely as a peace compact, whereby the Indians promised to refrain from acts of hostility. There was no cession of land in that treaty or agreement, as was the case in later agreements.

Article 10 of the treaty of 1868 stipulates that—

The United States agrees to deliver at the agency house on the reservation herein named on or before the 1st day of August of each year, for thirty years, the following articles, to wit: For each male person over 14 years of age, a suit of good, substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of homemade socks; for each female over 12 years of age, a flannel skirt or the goods necessary to make it, a pair of woolen hose, 12 yards of calico, and 12 yards of cotton domestics; for the boys and girls under the

ages named, such flannel and cotton goods as may be needed to make a suit as aforesaid, together with a pair of woolen hose for each.

Then it was provided that while these Indians roamed and hunted they should be paid the sum of $10 each annually, and if they refrained from hunting and roaming and engaged in farming, then they were to receive $20. Then it was further provided:

That each Indian over 4 years of age who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty shall be entitled to receive from the United States for the period of four years after he shall have settled upon said reservation, 1 pound of meat, 1 pound of flour per day, provided the Indians can not furnish their own subsistence.

It was further provided that each Indian should receive one good American cow, one good, well-broken pair of American oxen within sixty days after such Indian lodge shall have removed to and settled upon said reservation.

Mr. Chairman, it may be interesting in passing to state that, among other things the Indians promised to do in consideration of this generosity on the part of the United States, they agreed:

First. That they will withdraw all opposition to the construction of railroads now being built on the plains; that they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

Third. That they will not attack any persons at home or traveling, nor molest or disturb any wagon, train, coaches, mules, or cattle belonging to the people of the United States or the persons friendly therewith.

Fourth. They will never capture or carry off from the settlements white women or children.

Fifth. They will never kill or scalp white men nor attempt to do them harm.

Then it was further provided that they should withdraw all opposition to the construction of the railroad then being built along the Platte River. These, Mr. Chairman, were the things that the Indians promised to do in consideration of our granting to them the benefits heretofore enumerated.

A little later gold was discovered in the western portion of South Dakota, in what is known as the Black Hills, said to be the richest 100 miles square in the world. Negotiations were entered into with the Sioux Indians for the cession of this portion of their reserve, and a treaty was made in 1877, which I may say was in one sense the best treaty—for the Indian—that ever was made for any Indian tribe, inasmuch as it obligated the United States for all time, not for twenty or fifty years, but for all time, to provide for these Indians until such time as they should become self-supporting; and under this treaty the Government has appropriated many millions of dollars. That treaty obligated the United States—

To provide the said Indians with subsistence, consisting of a ration for each individual of a pound and a half of beef, or in lieu thereof one-half pound of bacon, one-half pound of flour, one-half pound of corn, and for every 100 rations 4 pounds of coffee, 8 pounds of sugar, and 3 pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs, which rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

Mr. Chairman, one of my purposes in bringing this matter to the attention of the House is to demonstrate that by the generous treatment of the Indian, instead of encouraging him to self-support and useful citizenship, it has had directly the opposite effect. Now, in 1889, within ten or eleven years after the treaty of 1877 was made, a commission was appointed to treat with the Sioux Indians for the cession of some portion of their reservation, which at that time contained something like 20,000,000 acres of land. Upon that commission was Mr. Charles Foster, of Ohio, at one time Secretary of the Treasury; Mr. WARNER, of Missouri, now a distinguished Senator from that State, and General Crook, of the Regular Army, a man who was recognized as having had more experience with and practical knowledge of the Indian than any man of his day. That commission negotiated with the Sioux, and I want to read a few observations that they made in their report. After referring to the former treaties and the conditions on the reservation in 1888 or 1889, when this commission went there, their report proceeds:

It is now more than ten years since the last war parties came in and surrendered at the agencies. During this time Congress has appropriated large sums of money for the benefit of the Sioux Indians. They have been fed, clothed, and sheltered at the expense of the Government, and it is hardly too much to say that every reasonable want has been fairly satisfied. Large sums of money have been spent for agricultural implements; horses, harness, and wagons have been supplied; farmers employed to teach the Indians to cultivate the soil, and seeds furnished for planting. Cows and bulls have been given to them in numbers sufficient to have almost covered their reservations with herds of cattle, had they been properly cared for.

With all these advantages it might reasonably be expected that the Indians would now be well advanced on the road to independence and self-support. On the contrary, many of them, most of them probably, are relatively in worse condition than ten years ago. They have so long been accustomed to have their wants supplied while they lived in idleness that they have become enervated and have lost much of the manliness and self-respect which characterized them in their savage state. A people thus fed and clothed without labor on their part must necessarily lose their self-respect, and under such conditions vagabondage becomes a question of time. It is true that this method of treatment has resulted in practically emasculating their power as a menace to the country, but at the same time it has rendered it more difficult for them to become self-respecting citizens, and every year under such methods increases in evermultiplying ratio the obstacles to be overcome.

The average Sioux Indian believes himself "the ward of the Government." He recognizes no dignity in labor or credit in "earning his bread by the sweat of his brow." Ten years ago it would have been easier to have taken these Indians fresh from the warpath, full of the energy of their wild life, and set them to work on farms than in their present enervated condition.

Mr. Chairman, I want to emphasize the next paragraph, because I believe in these few words there was embodied much wisdom relating to the solution of the Indian problem:

The solution of the Indian problem lies in industrial and other education, in the cultivation of the soil and the raising of stock, to the end that he may become self-respecting and self-supporting. He must take his land in severalty, settle upon it, and work. To insure this, he should be given every encouragement in the furnishing of markets for his surplus products, employment when he can be useful, paying him a day's wages for a day's work. Let him be taught that industry secures him more consideration from the agent, distinction among his people, and increased comfort for himself and family.

We have great faith in education as a means of civilization, but efforts to this end should be carefully directed. The education should be largely practical; the young boys should be required to learn trades, the girls to sew and make clothing, to cook and become housekeepers. * * *

The great majority of the growing generation of the Indians must necessarily become farmers in order to become self-supporting; and by this term we do not mean agriculturists exclusively, but in the American sense, proprietors, who own the land upon which they live, who not only raise all crops and fruits suitable to their soil, but stock of different kinds; men whose diversified industries guard them against the failures which so often discourage the mere cultivator. It is therefore important that special attention should be paid to instruction fitting them for the paths in life in which their lot is cast. * * *

Mr. Chairman, if the Indian is anything, he is human. If you let him understand that he is going to be cared for, that he is going to be clothed, fed, and sheltered, he is not going to make very much progress in the way of civilization. Neither would people of any other race. And I believe, Mr. Chairman, that the policy of this Government in its treatment of the Indian, prompted, no doubt, by a lofty sentiment, has not resulted beneficially to him in either the moral or the material sense. In short, we have overdone it. We ought to have given him more opportunity and less rations, and inspired him with the idea that his success depended on self-help.

Now, to show how human the Indian is, I want to read a little further from the report from which I have already quoted, and show what the commission met with on the part of the Indians when they went upon the reservation to negotiate this treaty.

The opposition was based largely on the following:

First. The unwillingness of the Indians to part with any part of their reservation.

Now, what is more human than to want to keep all you have and get a little more?

Second. The dread and suspicion with which the Indian regards any new proposition, especially when requiring any change from past conditions.

Also a little suspicious that if he entered into this treaty maybe he would not get his pound of beef, his half pound of flour, his sugar, his beans, his potatoes, his clothing, and other things which he had been receiving at regular intervals during, perhaps, his entire life.

Third. The fear of the chief and influential men that individual proprietorship on the part of the Indians would result in individual responsibility and consequent personal independence, the breaking up of tribal relations and community of interests, the loss of the heretofore unquestioned authority, prestige, and influence of the chief.

Did anybody ever hear of a white man that was not jealous of the distinction and power of leadership? You see, the Indian is just like the white man. Neither parts willingly with the prestige and power of place, and therefore the commission met with opposition on the part of the Indians, because they did not wish to change existing conditions.

Now, Mr. Chairman, having made these observations on the treaties with the Sioux, I want to discuss the later policy that has obtained in our dealings with them. A great many people labor under the impression, and honestly so, that the Indian has been having a pretty hard time of it. It has been customary to ejaculate "Lo, the poor Indian!"

Now, I am going to give you some information to show that the Indian has been prospering reasonably well during the last generation, and I give it as my opinion, as I have already indicated, that our generosity in dealing with him has been a handicap to his progress. That does not apply to the policy of the present day. Let us see what happened to the Sioux Indians in South Dakota, and let us see how they have been treated under the agreement made in 1889. That agreement divided the great Sioux Reservation into five or six separate reservations and ceded about 9,000,000 acres of the land lying west of the Missouri River, south of the Cheyenne River, and north of

the White River. By the terms of that agreement a sum of money, amounting to $3,000,000, was put into the Treasury, to draw interest at 5 per cent per annum. A trust fund was created. This 5 per cent can be expended by the Secretary of the Interior in their education, and he is authorized, I believe, to pay out one-half of the interest annually per capita to the members of the tribe.

In 1887 a general law was enacted, known as the "Dawes Act," providing for the allotment of lands to individual Indians.

Substantially, the provisions of the Dawes Act were incorporated in the act of 1889, relating to the Sioux Indians in the Dakotas. Each Indian was to be given, if the head of a family, 640 acres of grazing land. I may say that all of the country within the Sioux reservation is classified as grazing land. Since that treaty we have authorized an additional allotment of 320 acres to wives of heads of families who had previously received 640 acres. Each child under 18 years of age is entitled to 160 acres. So now, to start with, you see that the Sioux Indian with a wife and 5 children has 640 acres of land belonging to himself, 320 acres belonging to his wife, and 800 belonging to his children, making a total of 1,760 acres of land. So that he has a pretty good start.

In addition to this land, it was provided that there should be issued certain benefits in the way of stock cattle, a team of horses, a wagon, certain farming implements, and $50 in money for the purpose of erecting a house on his allotment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. STEPHENS of Texas. What is the value of that land per acre?

Mr. BURKE of South Dakota. That land, Mr. Chairman, is now being sold, where Indians have become deceased and the lands are being sold as "inherited lands," at prices ranging from $5 to perhaps $30 an acre.

Mr. STEPHENS of Texas. Is it not a fact also that they had the choice of the reservation, and as a result have not they the very best lands in it?

Mr. BURKE of South Dakota. I was about to come to that, Mr. Chairman. Now, the Indian, as I stated a moment ago, is human. He knows good land just as well as a white man knows it. When they make their selections they invariably take the very best lands within the reservation. Wherever you find any streams you will also find allotments on either side of them, and when you go back to the uplands, where it is dry and to some extent unproductive, the Indian passes it up for white settlement.

The law also provides that if an Indian dies his allotment shall be sold and the proceeds go to his heirs. As a result of that, many of our Indians to-day not only in the Dakotas, but elsewhere, have money in banks to their credit from the sale of inherited lands. This money is not paid over to them, except as they demonstrate that they are capable of making good use of it.

Some time prior to 1903 or 1904 there was an agreement made with the Rosebud Sioux by which they agreed to cede that part of their reservation in Gregory County, comprising about 400,000 acres. That agreement provided that the United States should pay to the Indians for the cession of the tract $1,040,000. About one-fifth of that tract had already been taken as Indian allotments. A very old Member of this House in point of service, a Member of distinction then, but more so recently, said that so far as he was concerned, speaking as one Member of the House, there would be no more legislation to purchase lands from the Indians and then give the lands away to settlers, taking the chances of the land being disposed of for a sufficient sum to recoup the Government. So at that time an amendment was prepared and made a part of the act ratifying the agreement, to which I have referred, by which it was provided that the Government should not be obliged to pay the Indian any part of the consideration that he was to receive for surplus lands, but they would be sold and the proceeds go to the Indian.

The land was offered for sale, and it has all been disposed of. The amount of money received from that opening or sale is something more than $1,500,000. Since that time there has been legislation providing for the sale of Tripp County, about 1,000,000 acres in the Rosebud Reservation. The filings were begun last year. It is estimated that the Indians will receive from that opening and sale somewhere in the neighborhood of $4,000,000. There is now pending in this House a bill to dispose of that portion of the Rosebud Reservation known as Mellett County, and it is estimated that that will bring to the Indians about $3,000,000. There will still be left a reservation containing about the same acreage.

Mr. MORSE. Will the gentleman allow me? Does the bill referred to carry the same provision as the other bills have heretofore, which require the applicant to go out to the neighborhood of the reservation or on the reservation to make his application?

Mr. BURKE of South Dakota. It does.

Mr. MORSE. Is the gentleman favorable to that?

Mr. BURKE of South Dakota. I am, and at the proper time I will discuss it.

Now, I have shown that the Rosebud Indians are going to receive approximately $7,000,000 or $8,000,000, and in addition to that their allotments, which in the case of an Indian with a family of five children would be 1,760 acres of land, and in addition to that the proceeds of the sales of lands that he may inherit. And I may say in passing that at the present time there is in banks belonging to the Rosebud Indians something over $1,000,000 of individual moneys.

In addition to all this, by disposing of the surplus lands white settlers are going in there, the railroads have extended their lines, and substantial values have been given to these Indian allotments that were without much value before the reservation was opened.

Mr. PARSONS. What does the gentleman mean by "individual moneys," which he says are now in bank?

Mr. BURKE of South Dakota. When an Indian dies his allotment is sold, and his heirs receive the proceeds. These moneys are deposited in bank to the credit of the Indian heirs, and those are the moneys that I refer to when I say "individual moneys." The other funds, the several million dollars received from the sale of surplus lands, are known as "tribal funds."

Now, Mr. Chairman, the treaty of 1889, which I referred to, had a provision regarding the disposition to be made of the moneys received from the sale of surplus lands belonging to the Sioux Indians. That provision is as follows:

> That the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservation belongs, and the same, with interest thereon at 5 per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof.

Now, a few words on the condition of Indians generally. It seems to me that when Indians are situated as these Indians are, the Government should soon discontinue gratuity appropriations for their support and civilization. Let us see what moneys they have and what other property they possess. It will further demonstrate that the Indians of the country have been faring reasonably well in the last few years, and particularly so since we have changed our policy of legislating in regard to the lands that they occupy by giving them the proceeds from the sales thereof.

On the 30th of June last there was in the Treasury of the United States, belonging to Indians, in the form of trust funds, $46,910,014.36. In addition to this fund, which bears from 3 to 5 per cent interest annually, there was an additional amount to the credit of Indians, including individual moneys and moneys that were in the form of judgments of the Court of Claims, and from other sources, approximately $15,000,000. So that 300,000 Indians in the United States on the 30th of last June had in cash about $60,000,000. During the past five years we have paid out to Indians in interest on trust funds something over $10,000,000, or something more than $2,000,000 per year.

Now, for fear that some might think this is not a very large amount for 300,000 people, I will give you a little statement of some of the other possessions of the Indians of the country.

Mr. MANN. Will the gentleman, before he goes into that, yield for a question?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Referring not only to the amount now in the Treasury held as trust funds, but also to amounts which it is proposed to pay into the Treasury realized from the sale of Indian lands sold at their actual value, does the gentleman see any reason why the Government should continue the practice, at least upon this new money, of paying 5 per cent interest when the ordinary rate of interest of the Government is 2 per cent?

Mr. BURKE of South Dakota. I will say in answer to the gentleman from Illinois that in any legislation that I have had to do with, where moneys were to be placed in the Treasury, I have always insisted that the rates should not exceed 3 per cent, except where there was a treaty stipulation or agreement with the Indians to pay a higher rate. I believe that we should carry out every agreement that we have ever made with Indians, to the letter, whether they have the best of it or not. [Applause.] And we should discharge any moral obligation which we may have in addition thereto. I am not in favor of breaking an agreement for the sake of saving 1 or 2 per cent interest on $60,000,000, or on any other sum.

Mr. MANN. Will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman from Illinois.

Mr. MANN. I take it that there are no agreements made providing that the Government shall sell the land at actual cash value and turn the proceeds into the hands of Indians and pay 5 per cent unless the gentleman considers the suggestions made by some Indian agent as agreements.

Mr. BURKE of South Dakota. The gentleman from Illinois may have in mind bills that are pending authorizing the sale of portions of the Sioux reservation, wherein it is provided that there shall be 5 per cent interest paid on the sum so deposited. But that is in accordance with article 12 of the agreement made March 2, 1889, which provides that these moneys shall be placed in the Treasury and draw interest at 5 per cent per annum.

Mr. MANN. I understand that the former practice of the Government was to buy the Indian lands and permit homestead settlers to acquire them, the Government paying the price of $1.25 an acre, but the present practice coming from the gentleman's committee is to take these lands and sell them to settlers, practically at the highest price obtainable, and turn the money over to the Indians. There is quite a difference between paying the Indians $1.25 or $2.25 an acre for the land worth a great deal more, paying 5 per cent interest on the proceeds, and letting them realize the highest value of the land, and then paying them double the amount of interest on that amount.

Mr. BURKE of South Dakota. Mr. Chairman, my time is running, and I hope for an opportunity when some of these bills are considered by the House to discuss the question raised by the gentleman from Illinois, but I prefer not to do so now.

The Commissioner of Indian Affairs has been making some figures as to the value of property belonging to Indians of the United States, and has furnished me with what might be termed "an inventory." To some extent the values are necessarily an estimate, but it appears that there are lands, buildings, and live stock, with other supplies, belonging to the agencies in the United States of a value of something over $15,000,000; that there is property belonging to the United States, used in connection with the administration of Indian affairs, of something like $15,000,000. Then there are tribal lands, including lands that contain minerals and timber lands of the value of $251,762,348. Then there are timber lands and allotments that I have referred to amounting to $309,356,201, or a grand total of $576,201,280.

Mr. FITZGERALD. Will the gentleman from South Dakota yield?

Mr. BURKE of South Dakota. I will yield to the gentleman.

Mr. FITZGERALD. Does this exclude or include the property of the Five Civilized Tribes?

Mr. BURKE of South Dakota. I assume that it includes it, because in the figures I have given as to the money in the Treasury there is an item of $8,300,000 belonging to the Osage Indians.

Mr. FITZGERALD. I suggest that it would make considerable difference whether the Five Civilized Tribes are included or not, although I think the Osages are not a part of the Five Civilized Tribes.

Mr. BURKE of South Dakota. I understand that, but my information is that this is property belonging to all the Indians of the United States, who number about 300,000.

I might say in passing, as to Indian population, it has been generally considered that there are considerably less than 300,000. The Indian population has not increased materially, and if the census is greater than it has been heretofore, it is due to a better and more nearly correct enumeration of them. I think there has been no very material change in the Indian population during the past generation.

Mr. MORSE. Will the gentleman yield?

Mr. BURKE of South Dakota. I yield to the gentleman.

Mr. MORSE. I notice the gentleman states that the Indian population is approximately 300,000, and he gives us in round numbers the valuation of the property owned by Indians, both tribal and individual. Can the gentleman tell us in round numbers what proportion of the 300,000 Indians there are that have neither land, or money in the Treasury, nor claims against the Government of any kind?

Mr. BURKE of South Dakota. I will say that probably the poorest Indians in the country are in Arizona and New Mexico. There are about 55,000 of them. They occupy reservations in the arid sections where the land is not of much value. There are some Indians in California without means, and also in other parts of the country. It is possible that one-third of the Indians have not very much property.

In addition to their lands and properties, they own live stock as follows: Horses and mules, 294,461, of a valuation of $5,909,000; cattle, 297,000, of a valuation of $5,946,000; swine to the number of 2,409,000; sheep to the value of $793,220; domestic fowl, 267,000, the latter of a valuation of $66,000; and goats, 135,416.

I am not posted on the value of goats, so am not able to make any estimate of their proper valuation. In addition to these statements as to property, I may say that in many of the Indian reservations it is thought there are valuable mineral deposits that have not yet been developed—silver, gold, copper, lead, and other minerals.

Mr. Chairman, I would like to go on and discuss this subject in a general way a little further, but I must talk for a few minutes about the bill. This bill is the product of the entire committee. It represents their best thought on the subject. There is not a provision or a paragraph in it that did not have consideration by the full committee, and, with the exception of possibly the policy as to maintaining schools, there is no division in the committee. I want also to state that in the preparation of this bill there was a disposition on the part of the department, and particularly the Indian Bureau and the Commissioner of Indian Affairs, to cooperate in furnishing us all of the information that it was possible for them to furnish and a disposition to comply with the spirit of the times and keep these appropriations down to the very lowest figure.

The committee insisted on economy, and yet were generous, and in making these appropriations they have endeavored to do so without doing injustice to any Indian anywhere in the country. In the commissioner's annual report is a paragraph which I think fits the present situation particularly, and I offer it in this connection:

> The Indian Service is primarily educational. It is a great outdoor-indoor school, with the emphasis on the outdoor. The students in this school are 300,000 individuals, ranging in age from babes at the breast to the old men and women of the tribes, and with a range of characteristics which is indicated by no one fact, perhaps, better than that these 300,000 individuals speak about 250 fairly distinct dialects. The plant which composes the physical properties of this school consists of an area of land nearly twice the size of the State of New York, or larger than the State of Missouri, scattered through 26 States, in areas ranging from a few hundred acres to some as large as the smaller States of the Union. The funds to carry on and to be cared for in connection with this plant amount to approximately $85,000,000, of which $62,000,000 belong to the tribes, $13,000,000 belong to individual Indians, and approximately $10,000,000 are contributed by appropriations annually. The value of the physical plant, including lands, buildings, reclamation works, and forests is hundreds of millions. The teachers in this school, of which the commissioner is the principal teacher, form a force of over 5,000 employees, covering all the grades and classes of work which go to make a human being a useful citizen of the United States. Whether in the schoolroom or on the irrigation ditch, whether in leasing part of an allotment or in the issuance of a patent in fee or in the use of individual or tribal funds the one test to be brought to the business aspect of the case is, Will doing this and the way of doing it educate the child or the woman or the man for citizenship?

Mr. Chairman, after having shown something of the Indians' possessions and what it involves in value, I want to urge that we should be liberal in our appropriations for the administrative force that is to manage these great properties. Generally speaking, I am not in favor of increasing salaries, but if increasing salaries in the Indian service would bring to that service a higher class of men, I should say by all means to increase the salaries, and thus insure better administration.

Indian appropriation acts for the past ten years have carried somewhere in the neighborhood of $10,000,000 annually, as high as $11,000,000 and as low as somewhere between $9,000,000 and $10,000,000. The last bill carried something over $11,000,000. This bill carries appropriations aggregating $8,273,662.90, exclusive of $390,000 that is payable from trust funds or immediately reimbursable therefrom.

The estimates amounted to $9,317,662.90. So it will be seen that the committee has reduced the appropriations from last year considerably over $3,000,000, and there has also been a material reduction from the estimates submitted. One of the largest appropriations in this bill is $1,144,597, for treaty stipulations. The educational subject is one that requires more money than any other part of the Indian Service, and I think it will be admitted that when we begin to cut appropriations we ought not to reduce the appropriations that are to be used for educational purposes. If there is any hope of the Indian ultimately becoming self-supporting and a successful citizen, he must have education. I think one of the great mistakes in our Indian policy has been that the subject of education was neglected, and the Indian was not encouraged to speak the English language. Certainly they could not make very much progress living as they did by themselves and not being able to speak any language except the one which was their own dialect, and as is stated in the commissioner's report, there are something like 250 different dialects among the Indians. We have succeeded in reducing the appropriations quite materially by grouping items that pertain to the same subject-matter or kindred subjects, which heretofore have been provided for separately.

In doing this we have found that it was possible to reduce materially the appropriation, and at the same time we believe we

have furnished the means for better administration. In the first provision, which provides for allotment and survey work, we have grouped all estimates for this class of service. Heretofore that has been provided for in a number of different items in the bill, and we have put into this first section six or seven different items which were heretofore appropriated for separately, and by doing so we have made a material reduction in the sum appropriated.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. The form of this bill is entirely changed, is it not?

Mr. BURKE of South Dakota. The form is changed to some extent.

Mr. FITZGERALD. Is there any way by which the appropriations made in this bill can be compared with the appropriations made in previous years?

Mr. BURKE of South Dakota. Yes; certainly. It is feasible to present a statement that does show exactly how they compare with appropriations heretofore made.

Mr. MANN. Will not the gentleman insert that statement in the RECORD?

Mr. FITZGERALD. In the legislative act of June 22, 1907, there is a provision that the committees reporting these appropriation bills shall report them so far as practicable in the same form they were enacted the previous year. Did the gentleman take that into account in making and reporting this bill?

Mr. BURKE of South Dakota. Did I understand the gentleman to say that is a rule of the House?

Mr. FITZGERALD. No; it is a statute.

Mr. BURKE of South Dakota. I am free to confess, Mr. Chairman, that I was not familiar with that statute, but I think this bill conforms to it.

Mr. FITZGERALD. Is the gentleman aware that that statute resulted very largely from the action of the Committee on Indian Affairs the year previously in changing the Indian appropriation bill so that it was utterly impossible to tell anything at all about it?

Mr. BURKE of South Dakota. Inasmuch as I was taking a little vacation at that time, Mr. Chairman, against my own inclinations [laughter], I was not in possession of that information.

Mr. FITZGERALD. The fact is——

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. This is the second time within three years that the form of this bill has been completely changed, and it is utterly impossible to tell whether the appropriations have been increased or decreased by a comparison with former years.

Mr. BURKE of South Dakota. Mr. Chairman, I think if the gentleman will take the trouble to familiarize himself with the changes in the bill and compare them with former bills, he will discover that it not only conforms to the statute but that it is a decided improvement on its predecessors. The general order of the act for 1910 has been followed, and the arrangement is unchanged except as to the grouping of appropriations.

Mr. FITZGERALD. The trouble is, Mr. Chairman, I have been endeavoring to compare this bill with past bills, but it is utterly impossible for anybody to make a comparison between this bill and previous bills.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to my good friend from New York that between now and to-morrow morning I will be very glad to put in his hands a statement that will give him this information.

Mr. FITZGERALD. I will ask the gentleman to put it in the RECORD to-night so that others may have an opportunity to make these comparisons.

Mr. BURKE of South Dakota. I will state, Mr. Chairman, that for the information of the House, I will endeavor, as far as possible in the limited time I have, to make such a statement and put it in the RECORD, and if I do not get it in to-night I will do so in a day or so.

Mr. FITZGERALD. I think the gentleman, in justice to the House, should put it in the RECORD before the bill is read under the five-minute rule.

Mr. BURKE of South Dakota. I will endeavor to do so.

Mr. Chairman, I wish to say the committee found in this matter of appropriations for surveying and allotting that the law requires that the expenses should be reimbursed from the sale of surplus land subsequently. That has been in all the laws providing for the allotment of lands to Indians, that when the surveys of the lands were made, the cost of the allotment work should be reimbursed. We found that while a great deal of money had been expended—I forget just the amount, but it is something over $1,000,000—that only very little of it, as near as we could ascertain, has been reimbursed, and yet money may be in the Treasury belonging to the Indians. So we put into this bill a provision that the amount to be appropriated, and moneys heretofore appropriated, shall be at once reimbursed where there is money in the Treasury belonging to the Indians.

And then, in order that we might have detailed information as to just how these moneys will be expended, we put in a proviso that hereafter the Secretary of the Interior shall be required to furnish a cost account of these expenditures.

We have also put into this bill a provision that requires the Secretary of the Interior to furnish the committee or Congress with a statement of accounts between the different Indian tribes and the United States, in order that we may know something about what Indians are capable of self-support. We found in the estimates an item of $25,000 for the support of the Kiowas, Comanches, Apaches, and Wichitas and affiliated bands. It was suggested that some of these Indians had money in the Treasury, some of them large sums, and that we ought not to be making gratuity appropriations for them. So, we investigated that matter, and we found that all that was necessary to appropriate to take care of the Indians who were without any means was $5,000; in other words, we cut an appropriation of $25,000 down to $5,000.

And it is the opinion of your committee that the legislation in this bill will furnish information that will enable the committee in another session of Congress to reduce those appropriations still further. I hope, Mr. Chairman, these provisions, while they may be subject to a point of order, will remain in the bill. It is legislation in the right direction. It is legislation in the way of good administration, as well as economy, and I am in hopes, when the bill is taken up under the five-minute rule, that no Member will raise any point of order against any of it.

Mr. Chairman, we have liberally provided appropriations for the maintenance of the schools, as I have already said, for the farmers and the matrons, and it is our theory that money should be liberally expended in training and educating, particularly along industrial lines, and in the employment of farmers, if you please, by even larger appropriations than we have here provided.

We have increased the appropriation from what it was heretofore for the suppression of the liquor traffic in the Indian country. The bureau demonstrated to the committee and to our entire satisfaction that great good has resulted in the expenditure of appropriations heretofore made, and I do not think there is anything more important to the Indians to-day than to continue the supression of the liquor traffic wherever they may reside. And so we are proposing to incorporate in bills that are now being passed for the cession of land a section to the effect:

That the lands allotted, retained, or reserved, and surplus land sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

That provision has been in a number of bills that have been passed heretofore, and I find in looking up the subject, going back fifty years, similar provisions were incorporated in treaties made with the Indians. I am going to insert them here and also a reference to a decision of the Supreme Court of the United States sustaining them.

Article 5 of the treaty with Sioux-Sisseton and Wahpeton band, of July 23, 1851 (10 Stat. L., 949), provides that—

The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the territory hereby ceded and lying in Minnesota until otherwise directed by Congress or the President of the United States.

Article 6 of the treaty with Sioux-Medewakanton and Wahpeton bands, of August 5, 1851 (10 Stat. L., 954), provides that—

The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the territory hereby ceded and lying in Minnesota until otherwise directed by Congress or the President of the United States.

Article 7 of the treaty with the Chippewas, of September 30, 1854 (10 Stat. L., 1109), provides that—

No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the territory hereby ceded until otherwise ordered by the President.

Article 7 of the treaty with the Chippewas, of February 22, 1855 (10 Stat. L., 1165), provides that—

The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines, or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress.

Article 8 of the treaty with the Winnebagos, of February 27, 1855 (10 Stat. L., 1172), provides that—

The laws which have been or may be enacted by Congress regulating trade and intercourse with the Indian tribes shall continue and be in force within the country herein provided to be selected as the future permanent home of the Winnebago Indians; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits in the Indian country shall continue and be in force within the country herein ceded to the United States until otherwise provided by Congress.

Article 7 of the treaty with the Chippewa-Red Lake and Pembina bands, of October 2, 1863 (13 Stat. L., 667), provides that:

The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect throughout the country hereby ceded, until otherwise directed by Congress or the President of the United States.

Article 17 of the agreement with Yankton Sioux, act of Congress of August 15, 1894 (28 Stat. L., 314), provides that:

No intoxicating liquors nor other intoxicants shall ever be sold or given away upon any of the lands by this agreement ceded and sold to the United States, nor upon any other lands within or comprising the reservations of the Yankton Sioux or Dakota Indians as described in the treaty between the said Indians and the United States, dated April 19, 1858, and as afterwards surveyed and set off to the said Indians. The penalty for the violation of this provision shall be such as Congress may prescribe in the act ratifying this agreement.

Article 9 of the agreement with the Nez Perce Indians in Idaho, act of Congress of August 15, 1894 (28 Stat. L., 326), provides that:

It is further agreed that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

In The United States *v.* Forty-three Gallons of Whisky et al. (93 U. S., 188), it was decided:

It is competent for the United States, in the exercise of the treaty-making power, to stipulate, in a treaty with an Indian tribe, that, within the territory thereby ceded, the laws of the United States, then or thereafter enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect until otherwise directed by Congress or the President of the United States.

I may say, and I can speak somewhat from personal knowledge, that it is just as important to extend laws suppressing the liquor traffic among the Indians after they have ceded their lands as it is while they are living on a reservation. The Indians, as I think I have already said, take perhaps one-fifth, one-quarter, or one-third of these lands and hold them in trust for twenty-five years, and it is of the highest importance that these laws extend over that country.

[Here the hammer fell.]

Mr. BURKE of South Dakota. Mr. Chairman, I ask that I may be permitted to conclude my remarks. I will do so very promptly.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. The increase in the appropriation for the purpose of suppressing the use of intoxicating liquors is $20,000. It was $40,000 last year and $50,000 this year, and we propose to make it $70,000.

I want to put in the RECORD, Mr. Chairman, a certificate from the clerk of one of the courts in the Territory of Arizona, by which certificate it appears that at the last term of the court the grand jury returned 23 indictments, and that all of said indictments were for the crime of selling liquor to the Indians, in violation of section 2139, Revised Statutes of the United States.

The certificate referred to is as follows:

In the district court of the first judicial district of the Territory of Arizona.

(Having and exercising the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States.)

CERTIFICATE.

UNITED STATES OF AMERICA,
Territory of Arizona, First Judicial District:

I, Allen B. Jaynes, clerk of the district court of the first judicial district of the Territory of Arizona, do hereby certify that at the October, 1909, term of said district court the grand jury returned 23 indictments; that all of said indictments were for the crime of selling liquor to Indians, in violation of section 2139, Revised Statutes of the United States; and that no indictments were returned by said grand jury on account of any other violation of law.

Witness my hand and the seal of said court, affixed this 16th day of December, 1909.

[SEAL.] ALLEN B. JAYNES,
Clerk as aforesaid.

Then, Mr. Chairman, I want to refer briefly to the conditions in my own State, where land was opened to settlement between ten and twenty years ago, and the Indians have resided on their allotments. In the county where they are located at the last term of the circuit court held in that county there were something like 43 cases of a criminal character; 19 were against Indians, and in nearly every instance the crime was directly or indirectly the result of the Indian having obtained liquor.

I want to incorporate here in my remarks a statement made by the superintendent of the agency located in that section of my State, in which he says:

If they would keep "booze" away from the Indian an Indian prosecution would be a novelty.

I believe, Mr. Chairman, that that little statement furnishes a sufficient reason for the suppression of the liquor traffic among Indians, and we ought to be liberal in our appropriations for that purpose.

Mr. Chairman, there are several things in this bill that I would like to talk about, but we will have ample time to do so under the five-minute rule.

I will state that we have made no provision for continuing the warehouses that have heretofore been maintained in New York, Chicago, San Francisco, St. Louis, and Omaha. We have done so, believing that it was not only in the interest of economy, but in the interest of good administration, and I think the committee will be able to convince this committee that our action was wise. I have, however, no pride of opinion, and no member of the committee has any interest except such as prompted them in the preparation of this bill from the beginning to its completion, that of doing what was in the interest of good administration and in the interest of economy. So if some Member of the House shall offer an amendment to insert those warehouses and the House shall see fit to put them in, the responsibility will be upon the House and not upon the committee.

Mr. PARSONS. I would like to ask the gentleman what lack of economy exists now because of the maintenance of the warehouses?

Mr. BURKE of South Dakota. Mr. Chairman, we anticipate that there will be some debate upon this subject. I have stated to a number of Members who come from the cities where these warehouses are now located that when we reach that provision under the five-minute rule we will endeavor to get unanimous consent so that the matter may be fully debated. At that time I hope to be prepared to answer any questions that gentlemen may have to ask, and to demonstrate that our action is a wise one; and I would prefer not to go into the details at this time.

Mr. PARSONS. I wish you could give us some idea as to why you made the change, and as to what the disadvantages of the present system are.

Mr. BURKE of South Dakota. I stated, first, it was in the interest of better administration and also in the interest of economy. It is recommended by the Secretary of the Interior and by the Commissioner of Indian Affairs, and they furnished sufficient reasons to warrant the committee in unanimously agreeing that no appropriation should be made to continue them.

Mr. PARSONS. I notice in the bill in regard to the purchase of supplies you put in a proviso—

That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section 3709 of the Revised Statutes of the United States.

Why was that proviso necessary?

Mr. BURKE of South Dakota. Mr. Chairman, that is another detail which may properly be discussed under the five-minute rule. But I will say to the gentleman, simply for this reason: We found that the present practice of the Indian Department differed from that other departments were pursuing, and the law differed from the general law; it was thought by the committee, and we think that we can demonstrate that it is a fact, that the general law is better than the law under which the Indian Department has heretofore been operating.

Mr. PARSONS. Did the law under which the Indian Department was purchasing supplies require advertisement in all cases?

Mr. BURKE of South Dakota. Not in all cases; nor does the general law.

Mr. PARSONS. Was there any exception in the case of purchase of Indian supplies where they could purchase without having advertised?

Mr. BURKE of South Dakota. There was, and so there is in the general law, but they differ materially.

Mr. PARSONS. What was the difficulty with the old law? What was the need of the change?

Mr. BURKE of South Dakota. It was thought by the committee that under the existing law there was much greater opportunity to make purchases without advertising and in the open market than under the general law; while there is a $3,000 limit, it is not so protected that you can not multiply purchases of $3,000 each.

Mr. PARSONS. Is there any limitation in the general law?

Mr. BURKE of South Dakota. No; I do not know that there is, and, as I have indicated, there is none in fact in the special law.

Mr. PARSONS. I wish, for the convenience of Members, the gentleman would insert in his remarks a copy of the present law applying to Indian purchases, and also a copy of section 3709 of the Revised Statutes.

Mr. BURKE of South Dakota. Mr. Chairman, I will incorporate in my remarks at this point the sections of the statute to which the gentleman has referred.

That no purchase of supplies for which appropriations are herein or hereinafter made, exceeding, in the aggregate, $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That, as far as practicable, Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. (Act of Apr. 30, 1908, 35 Stat., 71.)

The general law on the subject of the purchase of supplies is embodied in section 3709 of the Revised Statutes, as follows:

All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the place and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

Mr. Chairman, having occupied the time of the committee much longer than I anticipated, and having gone into this subject quite fully, I shall refrain from making any further statement until we get under the five-minute rule. [Applause.]

The following estimates are grouped in the first item of section 1 of the bill:

Allotments under act of February 8, 1887	$90,000
Surveys and subdivision, Indian reservations	75,000
Survey and allotment, Fort Peck Reservation, Mont	25,000
Survey and allotment, Sioux Reservation, N. Dak. and S. Dak	30,000
Allotments, Sioux Reservation, N. Dak. and S. Dak	30,000
Survey and allotments, Colville Reservation, Wash	25,000
	275,000

Amount of appropriation for 1910, $325,000.

The following estimates are grouped in the item embraced in lines 15 to 19, page 3:

For relief of distress among Indians	$5,000
For vaccination of Indians	5,000
For prevention and treatment of diseases	50,000
	60,000

By the act of February 20, 1909 (35 Stat., 642), an emergency appropriation of $12,000 was made for the treatment of trachoma.

Amount appropriated for 1910, $17,000.

The following estimates are grouped in the item beginning at line 20, page 3:

Irrigation, Indian reservations (including pay of 5 superintendents of irrigation, $10,000)	$200,000
Pay of Indian inspectors (inspectors of irrigation), $6,000, and traveling expenses, $3,800	9,800
	209,800

Amount appropriated for 1910, $209,800.

The following estimates are grouped in the item beginning at line 24, page 6:

Experiments on school or agency farms	$5,000
Care, etc., timber on Indian lands	90,000
Promoting industries among Indians	50,000
Pay of matrons	35,000
Pay of farmers	125,000
	305,000

Appropriation for 1910, $260,000.

The following estimates are grouped under "contingencies," line 5, page 9:

Special service expenses	$3,000
Contingencies, Indian Department	90,000
Incidentals in Arizona	1,500
Incidentals in California	1,000
Incidentals in Colorado	1,000
Incidentals in Idaho	1,000
Incidentals in Montana	$2,500
Incidentals in Nevada	500
Incidentals in New Mexico	1,500
Incidentals in North Dakota	1,000
Incidentals in Oklahoma (exclusive of pay of employees)	3,000
Incidentals in Oregon	1,000
Incidentals in South Dakota	5,000
Incidentals in Utah	1,000
Incidentals in Washington	1,000
Incidentals in Wyoming	1,000
	113,000

Amount appropriated for 1910, $126,000.

The first item in section 3 contains this group:

Support of Indians, Arizona and New Mexico	$300,000
Support of Pima Indians, Arizona	40,000
	340,000

Amount appropriated, 1910, $340,000.

Section 4, page 11, contains this group:

Support of Mission Indians, California	$20,000
Support of northern Indians, California	20,000
Support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies	10,000
	50,000

Amount appropriated for 1910, $50,000.

Section 18, page 25, contains this group:

Incidentals in Oklahoma (pay of employees)	$22,000
Pay of superintendent, Union Agency	4,500
Clerical and other expenses, town lots, Union Agency, Five Civilized Tribes	5,750
Leasing of mineral and other lands, Five Civilized Tribes	19,250
Sale of restricted lands, Five Civilized Tribes	18,500
Removal of intruders, Five Civilized Tribes	10,000
Removal of restrictions, allotted lands, Five Civilized Tribes	16,000
Salaries, etc., Five Civilized Tribes	65,500
Sale of unallotted lands, etc., Five Civilized Tribes	100,000
	261,500

Amount appropriated for 1910, $259,500.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4477. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1043) providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate agree to the amendment of the House of Representatives to the concurrent resolution of the Senate (S. C. Res. 23) providing for the printing of the proceedings relative to the acceptance of the statue of the late George Laird Shoup from the State of Idaho.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. I yield such time as the gentleman may require to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, no men are worthy of more consideration at our hands than the great body of wage-earners of this country, who are working on fixed daily, weekly, or monthly salaries and who, under present conditions, are having a hard time to make their annual income meet their annual outlay. In fact, it is a question whether the average man working for fixed wages is able to earn a comfortable and reasonable living for himself and family.

Mr. Chairman, if the man of family is not able to earn a sufficient sum to meet his annual expenses, living in a modest way, and must of necessity add to the total of unpaid bills, not only the retailer but business generally suffers. If it is found necessary to sacrifice his wife and home by enlisting her services as a wage-earner, if he must sacrifice the health and education of his children by putting them to work in the stores or factories to earn a part of the family living, then society suffers. And if, after the entire family becomes wage-earners, the income still fails to equal the outlay and the standard of living must be lowered to the limit of bare necessity, then civilization suffers. These are the conditions confronting the American people to-day, and as their annual expense increases the number of people subject to these conditions also increases. There is one thing certain, and that is unless the increased expenditures are accompanied by increased income two inevitable consequences must follow. In the readjustment economies must be introduced by the elimination of some things which have hitherto entered into the cost schedule. If the eliminating process goes too far, the danger is that the foundations of efficiency will be impaired. Economic impairment may reveal itself in moral decay, in political unrest, and in social discontent. There

is no greater peril to our institutions than a condition that lessens the self-developing capacity of our people.

Now, Mr. Chairman, the men for whom I speak to-day are looking to Congress for relief and are worthy of the most patient and careful consideration it is possible to give them. There are none who contribute more to society or to the greatness and grandeur of our country than the millions of men who mold and fashion out of our natural resources the products of the mills and the factories. In fact, it is the wage-earners, no matter how or where employed, who produce a large part of the country's wealth and who at all times have been the Nation's surest protection in time of peril. Go back through the pages of history as far as you will and you will find that in all ages and in all times the men who earn their bread by the sweat of their faces have been the bulwark of society and have contributed much that has benefited and blessed the human race. And these are the men, the humble toilers of our country, whose lives at best are barren, compared with the upper classes, and devoid of anything but the hardest labor and the least expensive and simplest forms of pleasure, who appeal to us for relief. I contend, sir, that Congress has no greater duty to perform than to see that full and complete justice is done the millions of wage-earners who constitute the greater part of our enormous population and who are to-day being ground down to a meager living by trusts and combinations which are building up colossal fortunes by controlling the output and fixing the price of many of the commodities of life. A careful investigation discloses the fact that practically everything consumed by the common people is controlled by trusts and combinations and have advanced with leaps and bounds until many of the necessities are now classed as luxuries. It is shown by statistics compiled by the Department of Commerce and Labor that the average increase in what the wage-earner must buy is far above the average increase in wages, and these facts show conclusively that the present time is not prosperity for those who work for wages or on fixed salaries.

Statistics also show that the average wage paid to labor is about $1.50 per day, and with such wages it is next to impossible for the average man to live and keep even. In view of these facts, no time should be lost by Congress in the enactment of such legislation as will protect the people from the extortion of trusts controlling the output and fixing the price of the necessities of life.

I know, Mr. Chairman, it frequently happens when a Member takes the floor and makes a plea for the common people, he is classed as a demagogue by some New York trust-owned newspaper or by those who seem to think that government was instituted for them, and them alone, but if he takes the floor and advocates a million-dollar subsidy for some Wall street corporation, in the opinion of these same people he is a great patriot. So far as I am concerned, it makes no difference to me what I am called by this class of patriots, so long as I remain a Member of this House I shall use my voice and vote in opposition to the commercial vampires who seek special privileges at our hands in order that they may build up stupendous fortunes wrongfully taken from the pockets of the people. I claim the right to speak for the plain citizenship of our country without my motives being questioned, for I was born and reared among them, in the atmosphere of poverty, and the interest I have in their welfare comes from my association with them and my knowledge of their needs and condition.

Mr. Chairman, in the discussion of this question I want to say that the farmer is in no way responsible for present conditions. He, too, is at the mercy of the trust, but not to the same extent as the wage-earner, because he raises much that he eats, and only becomes the victim of the trusts when he buys the things he must have to use and wear.

The farmer does not fix the price of what he sells, but simply takes what he is offered for his products. When he takes his wheat and corn to market he does not say, "You must pay me a certain price or you can not have it," but he says, "How much are you paying?" and he accepts the price fixed by the dealer. When he takes his cattle and hogs to market he does not fix the price, but accepts the price fixed by the buyer. When he takes his butter and eggs to market he simply takes the price fixed by the other fellow. The farmer belongs to no trust, the purpose of which is to control the output and fix the price of his products, but sells on an open market, and the price he receives is fixed by the supply and demand. All the agitation and all the investigations that may be made will in no way affect the price the farmer receives for what he sells. In fact, it is not the price paid the farmer to which the people object, for we are all glad to see him prosper, and want him well paid for his labor. The farmer spends his money in the community in which he lives, and the people generally are benefited thereby; but what the people do object to is the fact that trusts and combinations get control of farm products and arbitrarily fix extortionate prices. For instance, the beef trust pays the farmer 8 cents for hogs and then charges the wage-earner from 24 to 32 cents per pound for bacon, and in the large cities as much as 36 cents for the best grade. Such prices are charged because of a combination between the large packers which has eliminated all competition. I am pleased to note that the Government is going to bring suit against the Swift, Morris, and Armour companies for violation of the Sherman antitrust law, and I heartily commend President Taft for taking such action. The contemplated action on the part of the Government follows an investigation conducted by special agents, which investigation must have disclosed facts sufficient to warrant action. Such combinations as the beef trust not only nullify the law of supply and demand, but they fix fictitious prices and rob the consumer. It has been charged, and nowhere denied, that wholesome foods are destroyed in order to maintain prices.

I saw a statement in a newspaper not long ago to the effect that several carloads of potatoes were hauled out of Chicago and dumped in sand piles in order that they might not be thrown upon the market and reduce the price. I must confess a lack of ingenuity sufficient to imagine how human infamy could sound a lower depth than to destroy wholesome foods in the very face of starving women and children.

Mr. Chairman, we must also remember that the people are compelled to buy many necessities besides what they eat. Families must not only be fed, but they must be housed and clothed. I find, in looking up statistics, that there has been a remarkable increase in the price of clothing, lumber, drugs, house furnishings, cotton flannels, blankets, underwear, carpets, shirtings, boots and shoes, dress goods, cotton and woolen hose, wooden ware, furniture, knives and forks, and in fact practically everything used by the common people, and it is freely admitted that many of these increases are due to trusts and combinations eliminating competition and fixing the price to suit themselves, and in doing so are protected by a high-tariff wall which shuts out all competition.

Senator La Follette has shown on the floor of the Senate that the tariff on woolen goods enables the woolen manufacturers to charge over $100,000,000 annually for their manufactured products in excess of what would be a fair profit, and a large part of this vast sum of money must be paid by the wage-earners of the country when they purchase woolen wearing apparel to protect them from the winter winds. It has also been shown that the cotton manufacturers are now charging annually $90,000,000 more for their products than should be charged, and the major portion of this is paid by the poorer people when they buy the cotton goods they must have to clothe themselves.

It has also been shown that the sugar trust is robbing the American people annually of $55,000,000 on sugar; and not contented with the privilege of doing this, it recently plead guilty to robbing the Government by paying into the United States Treasury nearly $3,000,000 of unpaid duties on smuggled sugar. It was not satisfied with the legalized right to plunder the people of $55,000,000 annually, but sought to further increase its dividends by robbing the Government of its customs duties. And then having been discovered, instead of the officers of this great trust standing before the bar of justice to answer to the charge of crime, there appeared before the nation's court seven ordinary laborers upon whom the trust unloads all responsibility. The men charged with the crime were so insignificant in the roster of the company they served that their names did not appear on the books, but, like convicts, responded by numbers. Although the devices used by them in manipulating the scales on which the imported sugar was weighed resulted in robbing the Government of $3,000,000 in duties and transferred the same into the coffers of the sugar trust, they only received from the American Sugar Refining Company the insignificant sum of $5 per week in addition to their regular weekly pay. This cruel trust, with its treasury overflowing with money, had ground down the wages of its employees to such an extent that these men were induced to imperil their future liberty, sacrifice their honor, and bring disgrace upon their families for the pitiful sum of $5 per week. And this was not the first time, but the seventh time the sugar trust was caught in trying to get its raw sugar through the customs without paying a duty. Its history is one of almost unbelievable persistence in crime. Seemingly, the supreme intelligence of this vicious combination was willing to take all kinds of chances and employ all kinds of methods to rob both the people and the Government.

Mr. Chairman, we will never better our condition morally or drive crime from our midst by giving protection to confirmed

criminals. The sugar trust is, and has been for years, the chief beneficiary of a protective tariff, and at all times has been a willful, persistent, and resourceful violator of the laws. No sooner had it admitted its guilt, by paying into the Government Treasury $3,000,000 of stolen money, until it appeared through its representatives in Washington, during the consideration of the Payne tariff bill, demanding the continuance of the inexcusable, indefensible, and excessive sugar protection. The confession of guilt had not even brought the blush of crimson to their faces, and from observation, it would seem, they went upon the theory that inasmuch as Congress had given them the right twelve years ago to rob the people of $55,000,000 annually that they surely had the right to rob the Government of at least $3,000,000 per year. With such exposures of greed, dishonesty, bribery, and robbery of both the people and the Government by this trust it seems almost unthinkable that Congress could or would, in the face of such evidence, renew its license to build up colossal fortunes off of the people through government favoritism.

But, sir, over my protest, over my vote, to the discredit of the country and the detriment of the people, Congress did continue the high duty on sugar, which enables them to rifle the pockets of the American people. And since the renewal of this privilege the ordinary laborers who were paid $5 per week extra to rob the Government of $3,000,000 for the benefit of the sugar trust have been sentenced to a term in the penitentiary and are now serving time, while the real robbers, who shift the responsibility on them, are enjoying the special privilege granted them by Congress.

I repeat, Mr. Chairman, these facts are before us and justify speedy action on the part of the House. This Government does not owe every man a living, but it does owe him an opportunity to earn a living. It does not owe any man a special privilege, but it does owe every man an equal opportunity under the law and a square deal in the race for life. What I want to see is not only an increase in the production of wealth, but I also want to see a more equitable distribution of it. Let us repeal all laws granting special privileges to a favored few, to the end that we may have a few less costly palaces on the hill and many more humble but happy homes in the valley.

I contend, sir, that the day of special privileges must be brought to an end and the doctrine of equal rights fixed in national policies and in the conscience of mankind. This Government was not established for the benefit of a favored few, but for the good of all the people, and upon us rests the responsibility of carrying out its purpose, to the end that the strong may not trample on the rights of the weak, but that every man, rich or poor, high or low, may stand upon one common ground with an equal opportunity of enjoying the blessings so bountifully showered upon us as a Nation.

Mr. Chairman, I make this appeal on behalf of the plain people and, in the name of justice and right, ask for such legislation as will result in the suppression of trusts and the relief of the toiling millions.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, the House having resolved itself into a Committee of the Whole for the consideration of the state of the Union, I deem this an appropriate time to give expression to my views upon some of the important phases of our political life. Mr. Chairman, it is my opinion that sincerity should actuate the speeches and proceedings of this body, and I shall therefore speak my mind in the direct language of candor. I hope no word shall escape my lips on this occasion which is not prompted by sincerity and a love of country. I love this great Republic of free men, and I pray the God of nations that free government may not perish from this land which we all love so well.

I am not an alarmist, Mr. Chairman, but it is my deliberate conviction that our free institutions are in danger. As a student of history, I know that popular government in other lands and other ages has proven a failure. I fear for the safety of our own. Looking back through the centuries, I behold but the wrecks of the greatness which marked the republics of other days. As often as the children of men have sought to establish liberty and equality in government, as often as democratic republics have been founded in the past, failure and disappointment have resulted. Decay and despotism now mark the ruins of ancient cities, once the seats of learning and the citadels of liberty.

Is the world to witness another failure of free government, or is this Republic to prove an exception to all history?

"Eternal vigilance is the price of liberty" declared the founders of our Republic. These founders were wise in their day and generation. The despotism of the Old World and the resultant misery of mankind was fresh in their minds. They studied well the history of all past failures, and they sought to safeguard our free institutions from the rocks upon which free government in the past had wrecked the hopes and liberties of the people. They builded well for us. We are not building well for ourselves. I am not unmindful, Mr. Chairman, that no prophet is so utterly distasteful to the people as he who prophesies evil for the future of his country. We all delight to hear our praises sung, and we prefer to laugh with those who sing songs of joy than weep with those who tell us tales of sorrow. And yet I shall venture to displease those who hear and read this speech by pointing out some of the harmful influences which are gradually undermining the foundation of free government, and which, if left to run their course, will, in my opinion, destroy our institutions.

ARE THE PEOPLE CAPABLE OF SELF-GOVERNMENT?

We are accustomed to speak of the capability of the people for self-government as if that qualification was a fixed attribute. On the contrary, Mr. Chairman, it varies with the increasing or decreasing intelligence and patriotism of the people. The qualifications for self-government are twofold. Intelligence is required to guide the hand of the suffragan, and patriotism is required to guide his heart. The intelligence to know the right is not sufficient unless accompanied with the love of country. On the other hand, patriotism without intelligence is powerless to preserve liberty, because while it strikes with the strength of a giant, its blows are wanting the guidance of wisdom and are as apt to wound a friend as a foe.

Capacity for self-government, like most everything else expressed in words, is relative. Those who possess virtue and intelligence in a high degree are not only capable of self-government, but they are sufficiently equipped to make up a part of the deficiency of those who do not possess so much of these admirable qualities. As an illustration, we have many insane unfortunates whose lack of intelligence must be compensated from the ranks of the sane. We likewise have a criminal class, and their deficiency in virtue must be supplied from our good citizenship. The whole scheme of free government depends for its success upon the quality of citizenship. When the intelligent and the patriotic citizenship is increasing more rapidly than the illiterate and vicious, it encourages the hope that the experiment of free government will be successful, and when the ignorant and the vicious are increasing more rapidly than the wise and the good, it indicates the decay of free government.

THE DEATH OF REPUBLICS.

Good laws are not enough to guarantee the perpetuation of a republic. The people of Mexico, after the revolution of 1824, adopted the Constitution of the United States with but immaterial variations and changes. And yet that Republic, after a brief and fitful existence, yielded to the sway of a dictator. Many of the South American republics modeled their organic laws after our own, and yet, being possessed of a defective citizenship, one petty revolution followed another, and the most revolting tyranny flourished under the forms of wise and righteous laws. Nor is it enough that a republic is established in a rich and resourceful country and that it is undisturbed by external forces. Where can fairer lands be found than in South America, and the disturbances there have been internal?

Upon the quality of citizenship and the manner of regulating the suffrage must depend the success or failure of free government. Let no one vainly imagine that our Republic has passed the experimental stage and that success is assured. A hundred years in the life of a government is as a day in the life of a man. Great bodies move slowly and changes are almost imperceptible. Republics die as men do, but transition from life to death in a great government is marked by slow and insidious degrees of alteration.

The Republic of Athens lived almost a hundred years after her statesmen and orators were the shameless takers of bribes.

The Roman Republic was dead more than a hundred years before her lethargic citizenship was aroused to the fact that their liberties were gone.

In the mortuary table of republics we must reckon life by the centuries and not by the years.

Mr. Chairman, there is no fairer or more suitable location upon the earth for the health and growth of a republic than the United States. Nature has blessed us with an isolated and expansive domain of fertile land. The Atlantic Ocean to our east separates and removes us from the wars and intrigues of Europe. The Pacific to our west is a barrier against the hordes of the Orient. Whichever way we turn the prospect is peaceful and pleasing. We are masters of our own destiny.

If free government shall perish from the face of this fair land, the destruction must be wrought by the erring hand of man. The Creator has wonderfully blessed us with the means of attaining happiness in the enjoyment of liberty. Others have failed. What is to be our fate? Our only hope lies in the in-

telligence and patriotism of the people. Our danger is ignorance and selfishness.

WATCHMAN, WHAT OF THE HOUR?

The representatives of the people are the mariners of the ship of state. Let us halt and consult the compass.

It has been wisely said that ignorance is the foe of liberty. Let us reason together concerning our immigration laws and see how the Congress deals with the question of ignorance. Selfishness is the archenemy of free government. Let us examine the decrees of Congress and see how selfishness is dealt with here.

The just and economic expenditure of the public treasure is characteristic of the administration of a government based upon equality and popular suffrage. Let us see if the Congress is careful and just in expending the treasure taxed from the people.

Militarism has been the bane of popular governments in all lands and at all times. Let us see if the policy of this Government is not leading rapidly and directly to the establishment of a large army and navy.

IMMIGRATION.

Mr. Chairman, immigration to this country for the ten years ending June 30, 1909, has been 8,202,388. This colossal increase of our population by means of immigration is practically one-third of the entire immigration to the United States since the foundation of the Government. Of the 8,202,388 thus arriving in the past ten years, there were 1,926,532 adult aliens who could not read or write in any language. The number of these illiterates admitted for the past ten years is equal to the average population of a sovereign State of the Union. Just think of it! In ten years a sufficient number of these illiterates have been taken into our Republic to equal in population the State of Alabama or Virginia. Where did these 2,000,000 illiterates come from? The source of our immigration has been shifted by the foreign steamships to a more profitable traffic. We no longer get the sturdy Germans in large quantities. The English and the Irish are not coming as in former years. Our immigration, which formerly came almost entirely from Denmark, Norway, Sweden, Germany, and Great Britain, now comes from southern Europe and Asia. In other words, we are no longer drawing people from Teutonic and Celtic countries, an immigration which blessed our shores in the earlier stages of the Republic and made us great and strong. More than 80 per cent of our immigration in recent years has come from the Slavic and Iberic countries of southern and eastern Europe. Germany sent us 215,009 immigrants in 1854, or more than one-half of our total immigration. She sent us 250,630 in 1882, or nearly one-third of our total immigration. In 1907 she sent us only 37,807 immigrants, or about 3 per cent of our total immigration. Our total immigration from Germany from 1820 to 1907 has been 5,262,463. Of this great number, only 273,412 came to us in the last ten years of that period.

Mr. COX of Indiana. Will the gentleman yield for an interruption?

Mr. DIES. I will yield to the gentleman.

Mr. COX of Indiana. What remedies, if any, would the gentleman suggest? I quite agree with the gentleman in some of the statements he is making.

Mr. DIES. I would quarantine this Republic against illiteracy as I would against the bubonic plague. If we should quarantine to protect the health of the people by excluding smallpox and bubonic plague, why not quarantine against illiteracy, which will injure the political health of the country?

Mr. COX of Indiana. Does the gentleman mean to prohibit immigration?

Mr. DIES. I would suffer no man to come to this country who had not learned to read and write the language of his nativity. That is one thing I would do. I would go still further. I would suffer no man to come to this country who, on account of his environment, his illiteracy, or his immorality, was incapable of self-government in his own country.

Mr. COX of Indiana. If the immigrant was able to read and write in his own language would the gentleman permit him to come to this country or would he put the ban against him?

Mr. DIES. I would be glad, Mr. Chairman, as a starter, for the House to prescribe the illiteracy test. The gentleman asked me what I would do.

Mr. COX of Indiana. I was trying to get at the gentleman's views.

Mr. DIES. I would suffer no man to come to this country who is incapable of self-government.

Mr. COX of Indiana. Would the gentleman put up the same bar against the Japanese?

Mr. DIES. Certainly.

Mr. COX of Indiana. Would not the gentleman be afraid of embroiling this Government in a foreign war?

Mr. DIES. The highest duty of a free government is to remain free; and self-preservation is as much a law for nations as for individuals.

In 1854 the English and Irish came to us to the number of 160,253, or more than one-third of our total immigration. In 1882 our Irish and English immigration was 179,413, or nearly one-fourth of our total immigration. In 1907 our Irish and English immigration had fallen to 113,567, or less than one-tenth of the total.

I need not speak of the virtues of the German, English, and Irish citizens. They come from countries where a large majority of the people are capable of self-government. They are the descendants of the blue-eyed Angles and Saxons. They are of our kith and kin. I lament that the chief source of our present immigration is not from such countries as Germany and the United Kingdom.

In 1854 there came to us from Italy 1,263 immigrants. In 1882 the number had increased to 32,160. In 1907 Italy sent us 285,731 immigrants, or more than 25 per cent of the total. In 1854 Russia sent us 13 immigrants. In 1882 she sent us 21,590, and in 1907 our immigration from Russia was 258,943. We received no immigration from Austria-Hungary in 1854. In 1882 she sent us 29,150, and in 1907 our immigration from Austria-Hungary had risen to 338,452, or nearly one-third of the total. Mr. Chairman, there are many noble men and women among our immigrants from Italy, Russia, and Austria-Hungary, but 99 per cent of our immigration from those countries are incapable of self-government. They do not come to us from free governments. They come from lands where the people have submitted to despotism for a thousand years. Through all the centuries they have been taught the divine right of kings to rule. They have bared their backs to the lash of power throughout the generations. They are incapable of self-government at home, and they are incapable here. They did not possess sufficient intelligence and patriotism at home to establish and maintain free government, and I am opposed to delivering into their hands the destiny of this great Republic.

I do not complain, Mr. Chairman, of those who are here. They came at our invitation and in accordance with our laws. They are a part of us. We must spread enlightenment among them. We must teach them that hatred of tyranny is service to God; that there is no just exercise of power except that which is derived from the consent of the governed.

I propose to institute some further comparisons along this line. In 1854 more than 90 per cent of our total immigration came from Germany, England, and Ireland. In 1882 those countries sent us more than 50 per cent of our total. Our immigration from Germany, England, and Ireland in 1907 was but little more than 10 per cent of the total.

In 1854 our total immigration from Italy, Russia, and Austria-Hungary was only 1,276, or about one-third of 1 per cent of the total. In 1882 those countries sent us 82,900, or a little more than 10 per cent of our total immigration. In 1907 our immigration from Italy, Russia, and Austria-Hungary was 883,126, or about 75 per cent of our total immigration.

I have selected the years 1854, 1882, and 1907 for these comparisons, because those years represent the high-water mark of immigration for the several periods. The point I seek to firmly establish, Mr. Chairman, is that our immigration has rapidly increased and has now reached the stage where it is a positive menace to the security of our form of government.

I wish also to demonstrate beyond the possibility of question that not only has immigration grown to alarming proportions, but that the percentage of illiteracy is constantly growing larger among the immigrant class.

I also desire to point out to the House and the country the evil consequences which are almost sure to follow from a change in the source of our immigration. Formerly our chief source of immigration was from Germany, England, Ireland, Denmark, Norway, and Sweden. As is well known, those countries sent us a very high class of immigration. There are no better farmers in the world than the Germans, and they are capable of self-government. They are educated, and they come from a country of education. They are a brave and an honest people, and we have always welcomed them. The Irish love liberty as they do their own lives, and they hate tyranny in all its forms. The English are of the same stock as we are, and are eminently fitted for the exercise of citizenship in a republic. Whoever has studied the character and country of those who come from Denmark, Norway, and Sweden can never dread the effect of such immigration. They come from a cold and rugged country

and they make bold and independent citizens. Like the Germans, they are excellent farmers and love home and country.

But in more recent years our immigration has undergone radical changes. Instead of the Germans, English, Irish, and Scandinavians, we are getting almost our entire immigration from Italy, Russia, and Austria-Hungary. It is well that we look to those countries and to immigration from those countries with a view to ascertaining if immigration from thence is likely to strengthen and make safer our free institutions.

What I say here, Mr. Chairman, is not actuated by prejudice against any part of our foreign population. I would prefer their good will, but above all I prefer to serve and help to save this Republic. Looking directly into the internal condition of countries furnishing our immigration, I find that those countries which were formerly our chief source of supply are highly educated peoples, and that the percentage of illiteracy is small. My data are taken from the report of the Commissioner of Education and the figures are for adults only and were compiled either from army recruits or marriage certificates. From this report I find that the average percentage of illiteracy of the adult population of the countries of Germany, Sweden, Norway, Denmark, England, and Ireland is only 2.24 per cent. In other words, in those countries there are less than three persons out of every hundred of the adult population who are illiterate. On the other hand, the average percentage of illiteracy in the countries of Italy, Russia, and Austria-Hungary is 44.50 per cent. In other words, nearly one-half of the grown-up people of these countries are illiterate. It will thus be seen that we are drawing 75 per cent of our large annual immigration from countries where ignorance is prevalent and where liberty and equality are believed to be crimes against the laws of man and God.

This new immigration is different from that of past years in another respect. There are few farmers among this new immigration. They flock to the cities and colonize themselves into sections. They do not learn our language and laws. They do not imbibe the spirit of liberty. They remain incapable of self-government. They fall into the hands of corrupt bosses and political grafters in the cities, and their ballots are bartered and sold like so much merchandise. The political boss gives them "protection" and an occasional "banquet" in return for the privilege of casting their ballots. With this large vote at his command, the political boss sells the people's offices and bestows the honor of public service upon men who can and will pay him large sums of money. These are stubborn, grim, awful truths. Their existence puts our whole scheme of free government in jeopardy. The continuance and growth of this condition will destroy this Republic.

Mr. SULZER. Will the gentleman from Texas yield to me?

Mr. DIES. I will yield to the gentleman from New York.

Mr. SULZER. I do not desire to embarrass my friend.

Mr. DIES. The gentleman need not be afraid of embarrassing me.

Mr. SULZER. I am opposed to an educational test in immigration, and when the gentleman says that he would prohibit a man from coming to this country because he can not read and write, is he not aware that there are countries in Europe from which many of these immigrants come that do not allow the people to learn to read and write?

Mr. DIES. Yes; but is that any reason why they should come here and dictate to the United States, why they should come here and be given suffrage? It requires more than a love of country to maintain a republic; it requires intelligence as well.

Mr. SULZER. Yes; but when these immigrants come here they are intelligent and industrious, and many of them soon become our very best citizens; and their children go to the public schools and learn to read and write, and, as a general thing, these children stand at the top of their classes in all the schools. They love their country. They are good citizens. They help to maintain the Republic.

Mr. SHARP. Will the gentleman yield for a question?

Mr. DIES. I will yield to the gentleman.

Mr. SHARP. I would like to ask the gentleman how he would undertake to supply the great railroad companies with help to build railroads and the companies who operate the coal mines with help if he imposed the educational qualification on the immigrants that come here and who do that work?

Mr. DIES. The gentleman misapprehends my solicitude for this great Republic. I do not believe the salvation of this Republic depends upon the development of all our resources in the next five years, or the next one hundred years. I look upon the Republic as a lasting boon, and I look forward to leaving it as a heritage to my children and to my children's children as well. If railroads can not get cheap labor right away to develop the resources of the country without importing millions of illiterate immigrants, then we had better wait for our natural increase to develop our resources.

Mr. NICHOLLS. Will the gentleman from Texas yield for a suggestion?

Mr. DIES. Yes; if it is a short one.

Mr. NICHOLLS. In relation to the question asked by the gentleman from Ohio in regard to the labor in mines, I might say that in the State of Pennsylvania the law requires that the men who become miners must answer at least 12 questions in the English language, and similar examinations are provided for in other mining States. They undertake to get men for their intelligence rather than allowing people without education to go into the mines.

Mr. DIES. I shall not undertake, Mr. Chairman, to go fully into the question of foreign immigration because I am warned that my time is rapidly expiring.

Mr. FITZGERALD. Will the gentleman yield?

Mr. DIES. I will yield to the gentleman from New York.

Mr. FITZGERALD. Will the gentleman state where he gets his information as to the type of citizen developed from these people he has mentioned; is it from observation of those in his own State?

Mr. DIES. No; I have visited the congested districts in New York and other large cities, and I have beheld thousands of ignorant foreigners who are incapable of self-government.

Mr. FITZGERALD. The gentleman has spoken of southern Italy. Is he aware of the fact that the Italians in the city of New York own more than eighty million dollars' worth of real estate?

Mr. DIES. Mr. Chairman, I decline to yield to the gentleman from New York for a speech. I will enlighten the gentleman by saying that last year more than 50 per cent of our immigration from southern Italy were unable to read and write their native language. There were 85,307 Italians from the south of Italy who emigrated to this country last year who were unable to read and write. I would like to ask the gentleman from New York if he thinks they are capable of self-government?

Mr. FITZGERALD. I will say to the gentleman that in the rural sections of the State of New York, and perhaps the same is true in the gentleman's own State, that as large a percentage of people are unable to read and write——

Mr. HITCHCOCK. Mr. Chairman, I would like to ask the gentleman a question.

Mr. DIES. I will yield to the gentleman.

Mr. HITCHCOCK. I would like to ask the gentleman if he knows that such classes as he mentions show a less degree of illiteracy than do the States of the South?

Mr. DIES. We have the negroes down South, but I want to state that illiteracy is not increasing.

Mr. HITCHCOCK. The fact is that out in the State of Nebraska, where we have had a great tide of immigration from Ireland and Germany and Sweden, and some other countries of Europe, those people are making the very best citizens we have.

Mr. DIES. That is good immigration.

Mr. HITCHCOCK. And the census returns show the smallest percentage of illiteracy of any State in the Union.

Mr. DIES. I grant you that.

Mr. HITCHCOCK. So that the argument of illiteracy absolutely fails when applied to those States that have enjoyed large immigration.

Mr. DIES. There might be some illiterates from foreign countries who are capable of self-government, but 99 per cent of the illiterate ones who come from other countries to this are incapable of exercising the prerogatives of American citizenship. I know that we possess some native population in the South and in all sections of our great country who are illiterate. Yet they are much more capable of self-government than your illiterate foreigner. In my own State a boy may have been raised up without ever having learned to read or write, and yet when you speak to him of the battlefields of his native State, when you talk to him of San Jacinto and the Alamo, his bosom heaves with patriotic ardor. Your illiterate native son of Massachusetts, of Maine, or of Nebraska has learned the history and traditions of his native soil. He will fight for his country. When he goes to the ballot box, even though he can not read or write, his aim is to perpetuate liberty.

Mr. SULZER. Does the gentleman know what percentage of immigrants to the United States can not read and write?

Mr. DIES. Yes. For 1907, 30 per cent; for 1909, 29 per cent. I will say this to the gentleman, also, that the rate of increase of illiteracy from Italy and from Austria-Hungary and from Russia has increased since 1893 as follows: Italy, then 14 per cent, now 22 per cent; Russia, then 8 per cent, now 20 per cent; Austria-Hungary, then 11 per cent, now 26 per cent.

On the other hand, the immigrants that come from Germany and the United Kingdom are decreasing in the rate of illiteracy. You are not only bringing enough from the south and east of Europe every year to make the population of a sovereign State, but you are increasing the percentage of illiteracy every year. I make this challenge to the gentleman: Never in all the trials that the children of men have made of republics did they ever admit strangers from other countries to partake in the affairs of their government. Why, the Greeks put strangers to death if they raised their voice in the assemblies of the people. No man who did not live at the city of Rome could ever become a suffragan. You have loaded the ship of this Republic to the sinking point, and there is not a man—and there are learned men here—who can justify our immigration laws in the light of the history of the republics of the past. I want to pass to another question, if the gentleman is through.

Mr. SULZER. I would like to know if the gentleman would favor excluding a man like Louis Kossuth, who came to this country from Austria-Hungary after the heroic struggle for freedom in 1848?

Mr. DIES. Oh, there are great men among all peoples. Now and then every civilization has reared some mighty lover of liberty like Kossuth, who struggled to give liberty to a people who were incapable of enjoying it. The fact that he struggled in vain for free government but proves that those for whom he struggled were wanting in the capacity of citizenship.

Mr. SULZER. Does not the gentleman think that the children of the men who fought for freedom and liberty under Kosciusko and Kossuth believe in freedom and liberty now just as much as they did or as any men in this country do?

Mr. DIES. I do. The people of any nation need only will it to be free. There are people in Italy, in Russia, in Austria-Hungary who struggle by day and pray by night for the boon of liberty and free government, but they are not sufficient in numbers to control their countries. The Kosciuskos, the lovers of liberty, the men who gave their lives for liberty at home, are not among the 85,000 illiterates who came to this country from south Italy last year.

Mr. PARSONS. Would the gentleman admit all those who come from Russia because of political oppression there?

Mr. DIES. I do not care whether a man comes from Russia or Germany. I would suffer any man to come to this country who is a good, moral citizen, and who, on account of his education and environments, is capable of self-government in his own country. [Applause.]

Mr. PARSONS. Suppose he is unable to read and write, but none the less is a lover of free government, and comes to this country to escape from Russian autocracy; would the gentleman admit him?

Mr. DIES. I would say to him, if he is unable to read and write, that he has neglected the only remedy for tyranny that mankind has ever devised, implied in the maxim, "Eternal vigilance is the price of liberty."

Mr. PARSONS. But he has not the chance there.

Mr. DIES. If he has not been vigilant enough to learn to read and write his native tongue, he is incompetent and incapable of arbitrating the destiny of this one remaining Republic on the face of God's earth.

Mr. FITZGERALD. In view of the gentleman's statement as to the necessity of education, will he explain the statement made by Mr. J. O. Tirrell, of San Antonio, Tex., on the 10th of December last, that 47 out of every 100 children residing in the rural districts of the State of Texas never go to school, and that while Texas expended $5.54 for each child in 1907, the average for all the States of the Union is more than double that of Texas?

Mr. DIES. Oh, Mr. Chairman, I decline to yield for a speech. I am not here defending illiteracy in Texas. God knows we have some people in Texas who are incapable of self-government. I am not so narrow that I am looking alone to my own State. As God shall judge me in the end, I love this Republic. I love free government, based upon equality and popular suffrage. I would not allow illiterate immigrants to go to Texas or to go to the State of New York, not because I am prejudiced against them, but because I am biased in favor of free government.

As an illustration of how rapidly our population is increasing by means of immigration, let me say that according to the last census there were 16 States of the Union that had a total population of 5,559,899. It will thus be seen that we have admitted to the United States in the past fifteen years more immigrants from Italy, Russia, and Austria-Hungary than the entire population of 16 sovereign States.

At the taking of the last census, in 1900, there were 45 States in the Union. The average population of these States was 1,441,932. It will thus be seen that foreign immigration into the United States for the past ten years has been equal to five average States of the Union, with nearly a million immigrants left over.

Three Territories have been admitted into the Union as States since the taking of the last census in 1900. These Territories at that time had a total population of 716,572. The coming into the Union of this population by admission of Territories to statehood met with strenuous opposition from leaders of the Republican party. For the year 1907 there were admitted into the Union from Italy, Russia, and Austria-Hungary alien immigrants to the number of 883,126, and the leaders of the Republican party made no protest or objection. It will be seen that for a single year we annexed a population from Italy, Russia, and Austria-Hungary as large as the population of five sovereign States of the Union, as shown by the last census, with nearly enough immigrants left over to equal the population of the Territory of Arizona.

The Commissioner-General of Immigration in his report for the year 1907 says:

> It is estimated that about 47 per cent of our population is due to immigration since colonial times. The nationalities shown in chart would, therefore, practically represent the origins of 47 per cent of the population. It will be seen by reference to chart, however, that until very recent times immigration was almost entirely from the Teutonic and Celtic countries of northern and western Europe, principally Germany and the United Kingdom. Previous to 1820, although no immigration statistics were collected, it is known that the people who came to this country during colonial times and after were also from northern and western Europe. Thus the great mass of our population is of Teutonic and Celtic origin, with a considerably greater proportion of the former. A change in the source of immigration, it will be seen, however, commenced about 1882 and has assumed enormous proportions during the past eight years, until now 76 per cent of our immigration comes from the Slavic and Iberic countries of southern and eastern Europe, more than 970,000 having arrived from those countries during the past year.

And again this report says:

> What will be the effect if the present phenomenal immigration continues is a question that is constantly being asked. With regard more particularly to quantity, the question may be answered by the following illustration: China proper is the thickly populated portion of the Chinese Empire and is the country popularly thought of as representing the limit of density of population. With a net increase to our population by immigration of 1,000,000 per annum, which is less than the present rate, and the present rate of natural increase (14.66 per cent per decade), the United States would reach the density of China proper in about four generations, or, more particularly, in one hundred and thirty-four years, at which time we would have a population of 950,000,000.

Not only is the total number of illiterates among immigrants into the United States increasing, but the percentage that illiteracy bears to the total immigration is also increasing. An analysis of the last fifteen years, for which we have complete immigration data, amply demonstrates the truth of this statement. Dividing the fifteen years into three five-year periods, we find that for the first period, from 1893 to 1897 inclusive, there were, on an average, 15 illiterates out of every 100 immigrants. For the five-year period from 1898 to 1902, inclusive, the average for those years is 21 illiterates out of every 100 immigrants, and for the five years from 1903 to 1907 inclusive, the average illiteracy was 22 illiterates out of every 100 immigrants.

In his report for the year 1907 the Commissioner-General of Immigration says with reference to illiteracy:

> Of those admitted, 337,573 could neither read nor write and 5,229 could read but not write, the corresponding figures for the year 1906 being 265,068 and 4,755, respectively, the figures being exclusive of aliens aged less than 14 years. By taking the total number of those over 14 years of age arriving during the year, 1,147,005, and comparing that number with 343,402, the total of those who could neither read nor write and those who could read but could not write, it is found that about 30 per cent were illiterate—an increase of 2 per cent over the percentage shown in 1906, viz, 28 per cent, which was an increase of 2 per cent over that of the preceding year.

Mr. Chairman, the immigration question is of the first importance to those who believe in free government and who are striving to maintain the great American Republic as a governmental fabric of liberty and equality. We ought to quarantine this Government against ignorance and vice as we do against the bubonic plague. We ought to keep out those who are incapable of self-government, because it will require all the intelligence and patriotism we possess to govern ourselves without being embarrassed with an ignorant foreign population to be made the tool of the selfish rich. And there is another strong reason why we should keep out this horde of illiterate foreigners. They come to our country and enter into competition with our independent laborers. In many lines of labor and business our native people can not compete with them. Our laboring man has been brought up to believe that he is as good as any man, lowland or highland, and he is. He has been taught to live up to the high standard of American living and to educate and maintain his family in a style becoming his station as an

American citizen. He can not do this if forced to compete in his labor or business with an ignorant foreigner who had nothing spent on his own education and who is spending nothing on the education of others, who has been enured by long years of deprivation to the most rigid economy, and who can therefore subsist himself and family on what an average American family would throw away.

Nothing can sooner crush the spirit and destroy the independence of our laboring classes than to be driven into the exacting and cruel competition of foreign pauper labor. I know the land agents and those who want to employ cheaper labor are demanding immigration. They are willing to pack the earth to suffocation for temporary good times. I am not. We of this generation owe a duty to the generations yet to come. No form selfishness can take is more cruel than that which wants to make use of all the resources of the country at once and leave nothing but a struggle for existence to the next and succeeding generations. As a student of history I know that this free Government can not long endure unless there is a marked change in the quality and quantity of our foreign immigration.

Let us hope that the Immigration Commission, now at work upon this question, will make a thorough report to the present session of Congress and that remedial legislation will speedily follow. Let us permit only those to come to our country who are capable of self-government in their own, and when they do come to our country let us see to it that they remain here long enough to learn our language and the genius of our Government before we clothe them with suffrage, and only then if they have shown themselves in every way worthy of being intrusted with the destiny of that free Government for which our fathers struggled.

As a further accentuation of the fact that desirable immigration is decreasing rapidly and undesirable immigration is rapidly increasing, it need only be stated that for the fifteen years from 1878 to 1892 our immigration from Italy, Russia, and Austria-Hungary was only 1,372,747. For the fifteen years that followed, or from 1893 to 1907, inclusive, immigration from Italy, Russia, and Austria-Hungary rose to the tremendous figure of 5,554,319. On the other hand, our immigration from Germany, Great Britain, Ireland, Denmark, Norway, and Sweden for the fifteen years from 1878 to 1892, inclusive, was 5,555,854. For the following fifteen years, or from 1893 to 1907, inclusive, immigration from Germany, Great Britain, Ireland, Denmark, Norway, and Sweden had fallen to a total of 2,318,106.

I am not alone, Mr. Chairman, in the views I have expressed as to the dangers of foreign immigration. I desire to incorporate into these remarks the opinions of some of the distinguished men of the country who are familiar at first hand with and who have carefully studied the question.

The present commissioner of immigration at New York City, Hon. William Williams, who handles 80 per cent of the present influx, states in his recent annual report:

> The present laws do not reach a large body of immigrants who are generally undesirable, because unintelligent, of low vitality, poor physique, able to perform only the cheapest kind of labor, desirous of settling almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfitted either mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classified as undesirable. I believe that at least 200,000 came here in 1903, for instance (631,885 entered through Ellis Island), who, although they may be able to earn a living, yet are not wanted and will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them over.

The late Gen. Francis A. Walker, president of the Massachusetts Institute of Technology, an author of international reputation and chief of two United States censuses, expressed his apprehension for the effect of this new foreign immigration upon our Anglo-Saxon civilization and democratic institutions in the following words:

> The immigrant of the former time came almost exclusively from western or northern Europe. We have now tapped great reservoirs of population then almost unknown to the passenger lists of our arriving vessels. Only a short time ago the immigrants from southern Italy, Hungary, Austria, and Russia together made up hardly more than 1 per cent of our immigration. To-day the proportion has risen to something like 40 per cent, and threatens soon to become 50 to 60 per cent, or even more. The entrance into our political, social, and industrial life of such vast masses of peasantry, degraded below our utmost conceptions, is a matter which no intelligent patriot can look upon without the gravest apprehension and alarm. These people have no history behind them which is of a nature to give encouragement. They have none of the inherited instincts and tendencies which made it comparatively easy to deal with the immigration of the olden time. They are beaten men of beaten races, representing the worst failures in the struggle for existence. Centuries are against them as centuries were on the side of those who formerly came to us. They have none of the ideas and aptitudes which fit men to take up readily and easily the problem of self-care and self-government, such as belong to those who are descended from the tribes that met under the oak trees of old Germany to make laws and choose chieftains.

In a recent address before the graduating class of Vassar College, Associate Justice Brewer, of the United States Supreme Court, said:

> May not the original Anglo-Saxon stock be submerged? Will republican institutions stand the continuous influx of people who know nothing of self-control and who look upon all government as an enemy? We have boasted that our liberty was a liberty of law, and left no room for revolution or riot, but certain occurrences in Colorado and elsewhere have shown that this is not always true. May not the forces against law become strong enough to break it down? Is not the Anglo-Saxon principle of liberty worth preserving, even if it should be necessary to restrict or put a stop to immigration? It is a question, at any rate, that should not be settled by sentiment, nor will it do to say that we have done well enough in the past and are likely to do as well in the future.

Much to the point is the extract from the American Commonwealth, by Hon. James Bryce, author, volume 2, pages 862 and 863:

> Within the past decade new swarms of immigrants have invaded America, drawn from their homes in the eastern part of Europe by the constant cheapening of ocean transit, and by that more thorough drainage, so to speak, of the inland regions of Europe, which is due to the extension of railroads. These immigrants, largely of Slavonic race, come from a lower stratum of civilization than the German immigrant of the past, and since they speak foreign tongues are less quickly amenable to American influences and probably altogether less improvable than are the Irish. There seems to be a danger that if they continue to come in large numbers they may retain their own low standard of decency and comfort and menace the continuance among the working classes generally of that higher standard which has hitherto prevailed in all but a few spots in this country.

A year or two ago Mayor McClellan directed Doctor Darlington, president of the New York City Board of Health, to make a special investigation of the push-cart nuisance. At the conclusion of his investigation Doctor Darlington reported, among other things:

> I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, to dig canals, and the like. But the present immigrants now coming over do not come for that purpose and will not do that sort of work. No; they prefer to become push-cart peddlers and to live in our cities in poverty, breeding crime and disease. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided are necessary for the preservation of public health.

In this connection I would ask your especial attention to a statement made by Gen. Theodore A. Bingham, police commissioner of New York City, published in the Cincinnati Inquirer June 20, 1907, couched in modest and discreet language, yet reciting a condition that ought to arrest our attention:

> There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a great deal to do with crimes against women and children.
>
> You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs, can not speak the English language, and are in general the scum of Europe.
>
> The solution of the problem is to prohibit immigration.

President Theodore Roosevelt said in his annual message to Congress in December, 1905:

> The question of immigration is of vital interest to this country. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants. Moreover, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activities of agents of transportation companies. These agents are distributed throughout Europe, and by offer of all kinds of inducements they wheedle and cajole many immigrants, often against their own interests, to come here. The most serious obstacle we have to encounter in the effort to secure proper regulation of immigration to these shores arises from the detrimental opposition of foreign steamship lines, who have no interest whatever in the matter save to increase the returns on their capital by carrying masses of immigration hither in the steerage of their ships.

How prophetic were the words of our martyred President McKinley, whose assassin's family would have never been allowed to enter this country had there been on the statute books such an illiteracy test as South African and Australian countries have. I read from President McKinley's inaugural address of March 4, 1897:

> Our naturalization and immigration laws should be further improved to the constant promotion of a safe, a better, and a higher citizenship. A grave peril to the Republic would be a citizenship too ignorant to understand or too vicious to appreciate the great value and beneficences of our institutions and laws, and against all who come here to war upon them the gates must be promptly and tightly closed. Illiteracy must be banished from the land if we shall attain that high destiny as the foremost of the enlightened nations of the world which under Providence we ought to achieve.

As showing the attitude of the farmers of the country, the following resolution, which is typical of many that have been passed recently by various patriotic and other associations and societies, will be of interest:

> *Resolved*, That the Farmers' Educational and Cooperative Union of America, in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing 2,000,000 farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx, by means of an increased head tax, a money re-

quirement, the illiteracy test, and other measures; and that we call upon our public, and especially our state, officials to prevent the agricultural sections from becoming a dumping ground for foreign immigration.

SELFISHNESS.

Mr. Chairman, in recounting the dangers which threaten the success of free government, selfishness should be placed side by side with ignorance. Ignorance would often be harmless if selfishness did not stand at its elbow, ready to turn every mistake into an advantage. If this Republic is to prove a failure at last, the fault will lie as much with the selfish rich as the ignorant poor. There is not a legislative day here when organized greed is not at the door of Congress demanding special favors in one form or another, and they often get what they want at the expense of the people. Selfish special interests are always awake and alert, while the great body of the people are passive and indifferent.

The millionaire sugar trust criminal who swindles the Government out of millions at the custom-house is worse than the poor criminal who counterfeits the national coins. Both are criminals. One commits a crime from sheer and wanton lust of wealth, while the other is often moved by hunger to break the laws of his country. The selfish and criminal rich are doing as much to destroy free government as the vicious and ignorant. Between these two extremes of society our free institutions are being destroyed, and Congress, like fiddling Nero, caters to the folly of the one and the cupidity of the other.

ECONOMY IN PUBLIC EXPENDITURE.

Mr. Chairman, there are many signs and tokens by which the student of history and political economy can distinguish a democratic republic from an aristocracy. I am very much afraid that a stranger passing through this Capitol could discover as many indications of an aristocratic as a democratic government. De Tocqueville, in his great work on Democracy in America, says:

> Democratic laws generally tend to promote the welfare of the greatest possible number, for they emanate from a majority of the citizens, who are subject to error, but who can not have an interest opposed to their own advantage. The laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority, because an aristocracy by its very nature constitutes a minority.

Speaking again of the comparative virtues of democracy and aristocracy, this learned writer says:

> The English aristocracy is the most liberal which ever existed, and no body of men has ever, uninterruptedly furnished so many honorable and enlightened individuals to the government of a country. It can not, however, escape observation, that in the legislation of England, the good of the poor has been sacrificed to the advantage of the rich and the rights of the majority to the privileges of the few. The consequence is that England at the present day combines the extremes of fortunes in the bosom of her society; and her perils and calamities are almost equal to her power and her renown.

Montesquieu, in his Spirit of Laws, from which learned work the founders of our Government copied so extensively, says:

> We have observed that in a republic, where riches are equally divided, there can be no such thing as luxury; and as we have shown in the fifth book, that this equal distribution constitutes the excellence of a republican government; hence it follows that the less luxury there is in a republic the more perfect it is. There was none among the old Romans, none among the Lacedæmonians, and in republics where this equality is not quite lost, the spirit of commerce, industry, and virtue renders every man able and willing to live on his own property, and consequently prevents the growth of luxury. In proportion as luxury gains ground in a republic the minds of the people are turned toward their particular interests. Those who are allowed only what is necessary have nothing but their own reputation and their country's glory in view. But a soul depraved by luxury has many other desires, and soon becomes an enemy to the laws that confine it.

Professor Gillies, in his History of Ancient Greece, commenting upon the decay of the Grecian republics, says:

> It is unnecessary to crowd the picture, since it may be observed, in one word, that the vice and extravagance, which are supposed to characterize the declining ages of Greece and Rome, took root in Athens during the administration of Pericles, the most splendid and prosperous in the Grecian annals.

Mr. Chairman, the extravagance of Congress in the administration of this Government is a disgrace to the memory of the founders of our institutions. We no longer have a frugal and an honest administration of government, but, on the contrary, there is a perfect riot of waste and excess in all the departments of the Federal Government. We no longer have a simple, democratic Republic of equal men under equal laws. The purple robes of power have taken the place of the plain garments of authority, and on every hand are to be witnessed extravagance, pomp, and ceremony. This tremendous increase in expenditure goes on with the years, and is much faster than the increase of our population or wealth. In 1890 the total annual appropriations for the expenses of the Government were $340,000,000, or $6 for every man, woman, and child in the Government. In 1900 our expenses had increased to $600,000,000, or $8 for every man, woman, and child. The last Congress appropriated for the expenses of government for a single year the colossal sum of $1,103,387,508.01, or $12.40 per capita. This was an increase of 50 per cent over the expenditures for 1900, and an increase of more than 100 per cent over 1890. So great has this extravagance been that the Government now faces a deficit in the Public Treasury amounting to many millions of dollars. What has occasioned this tremendous increase in the expenses of government? There are nearly half a million persons in the employ of the Federal Government, and Congress never loses an opportunity to create new offices. During the first session of the Sixtieth Congress there were created 10,682 new offices, and the raise of salaries, together with the pay of the new officers, amounted to $21,183,250. During the second session of the Sixtieth Congress there were created 3,877 new offices, and salaries were again raised, totaling an additional expense of $7,807,039.50. There are, in round numbers, 1,000,000 persons on the pension rolls of the Government, and Congress is being constantly besieged to increase the number and the pay of the pensioners. The growth of our pension expenditure has been simply enormous, and bids fair to continue to grow.

In 1865 we spent for pensions something over four millions. In 1875 the amount had increased to nearly thirty millions, and in 1885 our expense for pensions amounted to a little more than sixty-five millions. In 1908 the expenditures for pensions had reached the stupendous total of $153,093,086.27, which was an increase of more than fourteen millions over the previous year. This rapid increase in pension expenditure has resulted, in a great measure, from the nefarious practice of passing through Congress at every session a perfect flood of private pension bills, which in the very nature of things must be passed in a lump without consideration by Congress. I am opposed to the system of private pension bills. The civil war has been over nearly fifty years. We have already paid nearly four billions in pensions, and I think it were high time that the expenditure for pensions should begin to decrease instead of increase. I am in favor of liberal pension laws—not private laws for the benefit of a particular man, but general laws for the benefit of all men of a given class. I am heartily opposed to private pension bills. They can not be considered by Congress, and they naturally and logically beget unfairness, inequality, and extravagance.

Mr. Chairman, this Government is being administered with all the pomp, splendor, and ceremony of an eastern despotism. There are no signs left around the Capitol of the once simple and honest Republic builded by the fathers. As an illustration, look at the expenditure on account of the White House and its occupant. The following is a statement of appropriations for the fiscal year which will end June 30, 1910.

Salary and allowances of the President, taken from the appropriation bills of 1909:

President's salary	$75,000
Secretaries, clerks, etc	69,920
Contingent fund	25,000
Traveling expenses	25,000
For vehicles, stables, etc	35,000
For additional improvements to White House	40,000
For furnishings, draperies, etc	15,000
For care of grounds	5,000
Fuel for White House and stables	6,000
Care of greenhouse	9,000
Repairs to greenhouse	3,000
Printing	2,000
Lighting White House and public grounds	19,000
Total for executive department for one year	329,420

This is a tremendous sum of money to be spent by the President of a republic where the cardinal principle is declared to be that "all men are created free and equal." These expenditures would be more suited to the palace of an oriental despot than the President of a free people. One item in this statement is for $35,000 for vehicles, stables, and so forth.

It is stated in the newspapers that the President uses an automobile exclusively. He does not use that machine except on the streets and driveways of Washington, and when he travels out of the city there is a $25,000 traveling expense account. So what becomes of the $35,000? Another item in the above is $9,000 for the greenhouse at the White House. Now, I am willing for the President and his family to have flowers, and lots of them, but I think $9,000 worth of bouquets are too many for a free people to throw at one of their equals who has been elevated by them to be a public servant for a few years. A laborer, earning an average of $1.50 per day, would have to work twenty full years in order to get enough money to pay for the President's flowers for one year, and he would have to work seventy-five years to get enough money to keep the President in automobiles for a single year. Some months ago the President visited New York City. While there he visited the Bowery and gave words of cheer to the thousands of poor and hungry who turned out to see and hear the President of the great Republic. He also inspected the midnight bread line on Broadway and looked into the pinched and hopeless faces of that long line of

hungry human beings who stand there until midnight for a crust of bread. I want to say to the President that those hungry and despondent fellow-mortals were paying taxes to the Federal Government upon the shabby clothes they wore. They were paying these taxes, not in proportion to what they owned, but in proportion to the things they were compelled to buy and use. If the President really feels sorrow for the poor, as he said he did on that occasion, let him insist upon laws that will tax wealth instead of want, and that will limit our expenditures to an amount sufficient to run the government honestly and economically administered.

Mr. Chairman, what is true of expenses at the White House is true of the various departments of government. There are thousands of useless employees about them, and tremendous useless expense. It is now proposed by the President and others to pension employees of the Government. I can see no fairness in the proposition. They receive good salaries, and it is no fault of the taxpayers of this Nation if they do not save a part of what they make. There are now nearly a million and a half persons on the pension and other pay rolls of the Government, and the people all over the land are groaning beneath the taxes necessary to pay this vast army of pensioners and employees.

We pay $7,126,000 a year for detectives, but I have never heard of their having detected a fraudulent pension claim or a Republican postmaster engaged in pernicious political activity in violation of the civil-service statutes. Just a few years ago the annual appropriation for the navy was less than $25,000,000; last year it had grown to the enormous sum of $136,935,199. In 1891 we appropriated for the maintenance of the army $24,206,410; last year the amount was $101,197,470. There is profound peace, and yet so anxious are we to ape and follow the militarism of Europe that we are rapidly fastening a large standing army upon the backs of the taxpayers of the land. Last year we appropriated for the army and navy the colossal sum of $238,132,699. There are no enemies that can by any possibility approach us by land, and yet we seem bent on building up a large standing army; and though we need only stay at home and attend to our own business to be a happy Nation, we are building huge battle ships to rot and rust upon the ocean and threaten the peace of mankind. And the shame of it all is, Mr. Chairman, that these huge sums taxed from the people are not honestly, fairly, and economically expended. Mr. TAWNEY, chairman of the Appropriations Committee and the leader of the Republican party in the House of Representatives, makes this startling though true statement with reference to the appropriations for army and navy:

> If political influence could be eliminated from consideration, the problem of reducing the expenses of the army and navy would be greatly simplified. The cloven hoof of politics is in evidence in the establishment and maintenance of navy-yards and army posts for the political benefit of Senators and Representatives without regard to the needs of the public service.

This Government is spending an average of $3,000,000 a day. It is estimated that we have 15,000,000 adult males in the United States capable of performing labor. Averaging the value of their labor at $1 per day, it would require all the adult males working a fifth of the time, or a fifth of the adult males working all the time, in order to support the million and a half pensioners and employees of the Government and otherwise pay the governmental expenses.

The annual appropriations are almost equal to the actual money stock of the United States. Think of it! The people are required by law to pay in taxes to the Federal Government every twelve months nearly every dollar in actual money there is in the United States.

Mr. Chairman, in the Southern States a very large part of the population is engaged in raising cotton. It is our money crop; and if the cotton produced in the United States were sold and the money turned into the Federal Treasury, it would pay but little more than one-half of the expenses of this extravagant Government for a single year.

The corn crop of the United States is the most valuable crop in the world, but the annual corn crop will not bring enough money to operate this Government for twelve months. Where do all these millions go? I can not answer. I never have seen a man who could answer. What kind of work are all these government employees engaged in doing? No man seems able to tell.

The House of Representatives is composed of less than 400 Congressmen, yet we have 423 officers and employees. These 423 mysterious persons—and I use the word "mysterious" advisedly—receive large salaries. Of these employees 279 receive salaries of $1,000 and upward. Twenty-six of them get $3,000 and upward, 20 get $4,000 and upward, 13 get $5,000 and upward, and 2 of them receive $6,500 each. I am sure I have never seen as many as 10 per cent of the entire number around the Capitol or Office Building. No man has ever been found who can tell what they do. Of course, there are some of them who work. Nearly all the doors around the Capitol have a doorkeeper, and many of them have two doorkeepers. Of one thing I am convinced, and that is that these 423 men are not all engaged in the kind of work which the records of the Government show them to be engaged in.

The records show that one Thomas E. Barton is employed at the Capitol as a "cloakroom man." I happen to know Barton. He is a colored barber in the House Office Building. As far as I know, he is a good colored man, and I do not blame him for wanting to draw a salary from the Government, but I have never been able to find any law that authorized or justified Members of Congress to charge their barber bills up to the people. Among the 423 officers and employees I find one man employed on a salary of $1,400 a year as "assistant in the bathroom." There are three others on the pay roll as laborers in the bathroom. If Members of Congress can charge their baths and shaves to the people and make the people pay the man who doctors the corns on their toes, what is to keep them from charging their jewelry and groceries to the long-suffering public?

My curiosity is thoroughly aroused with regard to these officers and employees. Looking through the list I find that 90 of them bear the same names as Members of Congress, and I am curious to know how many of these 423 are related to those who employ them at public expense.

The people of the United States need never expect very much in the way of economy and retrenchment at the hands of a Congress that charges up the bath bills, manicuring, and shaving of the Members to the public. Nor need an overcredulous public take the President's economy talk seriously while he continues to charge a $9,000 bouquet bill and a $35,000 automobile bill up to the people every twelve months.

Mr. Chairman, I only allude to these items as illustrations of the spirit which permeates the official atmosphere at the Nation's capital. The Chief Executive and the Congress are directly responsible to the people, the chosen guardians of the people's rights. If these elected and trusted agents of the people do not exercise prudence and care in the discharge of their duties, what can be expected of the appointed heads of departments and those appointed under them? Of what avail will be the Executive's precept if his example is one of extravagance? With what grace can Congress undertake to cleanse the Augean stables in the departments if we have not swept around our own door? The appointive employees of the Government are responsible only to their chiefs and superiors. Can they be expected to conserve the people's treasure if we who are elected by the people and directly responsible to the people deal with a lax and wasteful hand?

I do not pretend an intimate knowledge of the ramified system of our large appropriations and expenditures. I do not know where all these vast millions go. I have never yet found a man who pretends to that knowledge. The system of auditing the public accounts is complex, and only an expert is able to trace the tortuous course of the money from the pocket of the taxpayer to its ultimate destination. But from that which I do know and am able to comprehend I am thoroughly assured that the sense of official responsibility and accountability rests lightly upon the shoulders of at least some of those whom the people have chosen to administer the affairs of this Government.

At this very hour there are many millions in our country who feel the pinch of high living expenses. They witness an increase in the price of food and clothing. The struggle for existence is harder. They wonder why. In the midst of this wonder and perplexity Republican statesmen gravely assure the people that the tariff has nothing to do with the increased cost of living. Oh, tempora! oh, mores! Do the confiding public believe that the Government can take toll from all they buy to eat and wear without increasing the difficulties of making a living? If 15,000,000 men must work one-fifth of their time to support the Government, do they imagine that they will not be compelled to work harder or eat and wear less to make up for the time thus spent? If the people do not pay these millions collected in a tariff tax, then who does pay the bill? Is there some mysterious Monte Cristo who supplies the Government from a fabled cave? No, Mr. Chairman; the people pay it. Not directly, it is true. But they pay it either in a poorer quality or a reduced quantity of the things they eat and wear.

The Republican party is just now proposing a ceremonious and sanctimonious investigation of the increased cost of living. Let them behold the work of their own hands. Let them scan the schedules of the Payne-Aldrich tariff bill, a political crazy

quilt of iniquity and inequality. In the lap of this political Delilah the people have been denuded of their strength and their substance has been wasted. Worse than wasted, Mr. Chairman, because under this insidious and hypocritical system of taxation only one dollar in every six taken from the people ever finds its way into the Public Treasury.

THE GROWTH OF MILITARISM.

De Tocqueville, in his Democracy in America, discussing the favorable circumstances under which our republics were experimenting with free government, says:

A thousand circumstances, independent of the will of man, concur to facilitate the maintenance of a democratic republic in the United States. Some of these peculiarities are known, the others may easily be pointed out; but I shall confine myself to the most prominent among them. The Americans have no neighbors, and consequently they have no great wars or financial crises or conquests to dread; they require neither great taxes, nor great armies, nor great generals, and they have nothing to fear from a scourge which is more formidable to republics than all these evils combined, namely, military glory.

This learned student of the history and theory of free government visited this country and wrote his treatise about the year 1840. That was before this Government had fallen into the hands of the Republican party, and long before the Republican party had fallen into the hands of the ambitious Roosevelt and the acquiescent Taft. Now all is changed. Blennerhassett is no longer content with his peaceful island. He longs for royal garters and diadems. The song of the birds and the music of nature no longer charm him; he sighs for the beat of drums and the tramp of soldiery.

Our country is broad and fertile and capable of furnishing homes and opportunity for our natural increase for many generations; indeed, we have so much spare land and so many waiting opportunities that we are willing to admit ignorant foreigners into our country by the millions. And yet in the face of all this our statesmen must carry the American flag to the very door of the Orient, 8,000 miles from our shores, and spread its folds over 10,000,000 ignorant Filipinos, who are no more capable of self-government than the negroes of Haiti or Texas. Thus we leave our own abode of peace and plenty to meddle with the politics and the wars of the Old World. Modern statesmanship is no longer content that we should avoid "entangling alliances," but they deliberately involve this Republic in every foreign affair. Just now we are making an impudent and greedy attempt to Morganize the Manchurian Railway, in Chinese territory. The other day we arbitrated the destiny of a weakly little Central American Republic by the simple rule of might. A few years ago we began to interfere in the affairs of the so-called "Republic of San Domingo," and now we are collecting her revenues in the interest of Wall street financiers.

Mr. Chairman, this Government is busy everywhere creating excuses and necessities for a powerful army and navy. They seem to have forgotten that this is a democratic Republic and that the aim of the founders was liberty and equality. One of the very grievances for the remedy of which our fathers went to war was the fact that the English monarchy quartered soldiers upon us. Yet the Republican party not only insist upon quartering a large standing army upon the taxpayers of this Republic, but they forcibly quarter soldiers upon the weak and unoffending people of other and distant lands.

Mr. Chairman, this Republic has undergone most marvelous changes. If the restless spirit of John Randolph, of Roanoke, could take on flesh and visit the House of Representatives, he would be struck with wonder and amazement. He would find his seat occupied by the gentleman from the Philippine Islands. If Henry Clay were to come in the flesh again, imagine his bewilderment when politely informed that his desk room was now being occupied by the gentleman from Porto Rico. With the growth and expansion of Republican statesmanship we need not be surprised in a few years to witness in this Chamber a colloquy between a gentleman from Manchuria and a gentleman from the Fiji Islands in which some gentleman from an internal dependency will indulge a reasonable request for the appointment of two or more interpreters. Is this citadel of the people's liberties to become a tower of babel and crumble amid the jargon of strange tongues? In this coming assemblage of the alleged Representatives of strange lands with stranger tongues, what court language will be adopted to facilitate an interchange of lamentations between the obsequious servants of a subservient people? These are not idle observations. Nowhere in all history can there be found a government based upon the consent of the governed that was ever able to rule another people without their consent and yet retain the substance of free government.

By looking back into history—

Says Marcus Aurelius, one of the good emperors and wise philosophers of the Romans—

and considering the fate and revolutions of government, you will be able to draw a guess and almost prophesy upon the future; for they certainly will be of the same nature, and can not but be cast in the same mold.

If it be the hope and aspiration of the people to have a government of concentrated strength and imposing splendor; if conquest and military glory is to be our ideal; if we prefer a great government to a good government; if pomp and show and prodigal expenditure is in keeping with our desires, then in selecting our form of government we have made a mistake. Those things do not go with a republic. But if our aim is to attain to a state of equality and justice; if we had rather that all the people were happy than that a few were illustrious; if we reject the theory of special privileges to a few and desire equal rights to all; if our aim is the greatest good to the greatest number, then we have chosen well in selecting a republican form of government, and if we would retain the benefits which flow from such a government we must return to the principles upon which our institutions were founded.

IS THERE NO REMEDY,

Mr. Chairman, for the evils which I have so truthfully described?

A statesman and student, ripe in years and wisdom, recently prophesied on the floor of the United States Senate that our Republic would prove a failure. I have the most profound respect for the patriotism and the wisdom of Senator MONEY, of Mississippi, and quote from a speech recently delivered by him:

We live to-day in the most artificial form of government in the world. The natural form of human government is a pyramid, resting upon its broad base and going up to the apex, the sovereign. That is the strongest body known—the pyramid. But here we are all on the same level of equality and right, and we are to-day struggling with the common proverb, "Eternal vigilance is the price of liberty," to maintain the heritage bequeathed to us by our sires. Are we to be successful? I doubt it, because no people on God's earth have ever yet achieved that success for any great length of time.

Our one hundred and twenty-five years is but a span in the life of a great nation. While the Greeks and the Romans were a thousand times more devoted to liberty than we ever will be, we made sacrifices, we thought, and we fought for two or three years, not for liberty, but for representation in Parliament, for the representation that should accompany taxation. We did not dream of liberty. You will find in the documents published by that Congress where, while the war was flagrant, an humble petition was made from the Provincial Congress to George III signing themselves, "Your Majesty's most humble, most obedient, and most respectful servants." In a few indomitable minds alone there burned the sacred love of liberty that would compromise at nothing except absolute national independence, and that fire permeated the mass and grew at last into the Declaration of Independence, written by a young man of Virginia, 33 years old.

As I said, the Greek and Roman loved his country better than we. It was the pride and the glory of a citizen of any of the Greek republics or of Rome to die for his country. "To die for one's country is sweet and decorous," was an old Latin proverb. A man lost position and status because he failed in something he owed the republic.

Yet those people lost their liberties. They were ruled by tyrants, and they did all they could to resist them, but it has seemed to be the inevitable fate of men who want to govern themselves that they can not long succeed.

This learned Senator and devotee of free government holds out but one hope for the perpetuation of our free institutions:

When there is a lack of capacity we must seek the cause, and it is found in the cause which originates in the saying that "Eternal vigilance is the price of liberty." Eternal vigilance is not the price of slavery. The subject of a king can sleep out his days and wake up a subject, having lost nothing and gained nothing, but the free man can not sleep any more than the sentinel upon his post. If he does he invites the inroads of enemies upon his constitution, as the sentinel who sleeps invites the enemy into his camp.

And so the remedy lies in a vigilant citizenship. Not only must the citizenship be watchful and active, but intelligence must guide its course. As long as we have an intelligent people to whom a patriotic appeal can be addressed, there is hope for the Republic. But how can an effective appeal be made to dumb driven cattle, ignorant and unused to liberty, strangers alike to free government and the laws and language of our country?

"What is the matter with Congress?" inquires a lethargic citizen whose attention is attracted to the decaying liberties of his country at rare intervals. I answer back to him that Congress is just what the people make it. The stream can rise no higher than its source.

If the people are careless and indifferent, the chances are that their indifference and carelessness will be reflected in the Representative they send to this Chamber or the one at the other end of the Capitol.

Just now there is a spasmodic cry against what the public is pleased to denominate "Cannonism." It is said that the Speaker sits astride the House of Representatives like a co-

lossus and makes this body the puppet of his will and caprice. Why, certainly. The Speaker has vast patronage at his command. He appoints the committees, and the committees shape the legislation of the country.

The Speaker has recently resumed the prerogative of appointing the Democratic minority of the committees without consulting the minority leader or the minority caucus. What is the result? The Speaker appoints to the committees from among the ranks of his own party those who are partisans of his own peculiar brand of Republicanism.

Does the Speaker desire to build up a strong minority to stand in his path and point the way to the Democratic hosts of the land? Not Speaker CANNON. Does the Speaker want a strong minority on his committees who will forcibly present and earnestly urge the anti-Cannon side of legislation? Not he.

It is not too much to say that when the Speaker finds a Republican who rebels at the Cannon rule the endeavor is to safely tuck the erring Republican brother away in obscurity. [Applause.]

Nor is it far amiss to say that when the Speaker finds a Democrat who has seen the light and discovered the beauty of "Cannonism," that Democrat, "having been faithful over a few things, is made ruler over many."

If any man doubts the accuracy of these suggestions, he can spend a profitable day examining the course of committee assignments since the Speaker saw Cæsar's ghost and got a glimpse of Phillipi at the beginning of the extra session last year.

This is a question, Mr. Chairman, which concerns the entire American people. No matter which political party is in power, good government demands that there should be a watchful, courageous, and independent minority as a check upon the dominant party; not mere pets of the Speaker, temporizing with the powers that be under the name of the minority, but real combatants, who differ from the Speaker and his party and who are in a position to assert themselves without the fear of being bereft of committee assignments. This branch of Congress is a numerous body. Its membership must of necessity depend upon the committees for leadership. If the Speaker is to give us Cannon Republicans as majority members of the committees and Cannon Democrats as minority members, it will inevitably be a case with the Speaker of "heads I win and tails you lose." This is not alone dangerous to the Democratic party; it is dangerous to all the people of all the parties.

If the country is to depend upon a minority in Congress to hold the majority in check, and the body of that minority is to depend upon its minority representation on the various committees for leadership, and those minority committeemen must in turn depend upon the Speaker for appointment, it is very evident that the people may only expect Cannonism to run riot in this House.

In all this talk about insurgents the people should understand that there are two brands of insurgents in the House of Representatives—the Republican and the Democratic. The sympathy of the former is too great for the people to endure Cannon Republicanism, and the sympathy of the latter is so great for the Speaker that they are willing to throw away a people's victory for the master's smiles and favors. [Applause.]

And why is all this? The reason is not far to seek.

The clamor of the people is for appropriations rather than for the safety of the Republic.

The Representative of the people has learned in the hard school of practical politics that his constituents would rather see him grab for them than gab for them. The Representative has found that upon his return to the bosom of his constituency there are ten demanding to know how much money he got for the district where there is one demanding to know what efforts he made to strengthen and to save the institutions of free government.

The clamor of the people at home tells upon the strongest nerves in this Chamber. And it too often happens that the Representative, instead of facing his constitutents with a manly appeal to their patriotism, chooses the easier and safer course of secretly worshiping at the shrine of Cannonism, while fighting sham battles for the people on the floor of the House. The result is that he goes back home and proudly displays a goodly string of appropriation coon strings, which, when subjected to close analysis, are in reality but a fractional part of cuticle stripped from the backs of the people. And upon a still more careful inspection it falls out that while the Representative was getting away with his pound of the taxpayer's hide his own constituents were flayed alive.

Oh, for a revival of the old-time religion of Democracy.

"Backward, turn backward, O Time in your flight," and give us once again an awakened public opinion which will make appropriation "logrolling" odious in the Congress of this Republic. [Applause.]

I once believed, Mr. Chairman, that corruption among the people's Representatives was the most dangerous of all the influences which might work the destruction of the rights and liberties of the people. Surely corruption is dangerous and bad enough. I hope and believe that the Congress of the United States is free of this vice.

But there is yet another foe of popular government which is deadly in its effect. That foe is cowardice.

It is easier to drift with the current than to swim up the stream.

It is safer to fall in with popular error than to fall out with it and hazard a battle.

Those who clamor at the door of Congress for private advantage are ever awake and alert. They are quick to reward those who help and to punish those who hinder their spoliation of the people.

The Representative who combats the selfish schemes of the vigilant few in the interests of the indifferent many soon finds that when election day rolls around the plunderers, like the soldiers of Blücher, are in line of battle, while the plundered, like Grouchy, come up too late to save the day. [Applause.]

An intelligent people need only will it to be free.

The Representatives of the people may commit sins of commission as well as sins of omission.

He who holds the ladder is as guilty as him who scales the wall.

It is not enough that the people's Representatives should refrain from joining in with those who despoil the people.

Free government can not be maintained by negative patriotism. The friend of the people must do more than silently wish them well. He must unmask those who seek to despoil the public. He must be willing to expose his precious political hide when the public enemy approaches.

He must be brave enough to tell his constituents that he can only rob for them by allowing others to rob from them. He must understand and be willing to accept the result of the cruel old Shakespearean truth that "some men rise by vice and some by virtue fall."

If "right is ever on the scaffold, and wrong is ever on the throne," let the Representative of the people be fully assured that the thrones of wrong are the crumbling sepulchers of tyrants and the scaffolds of right are the enduring monuments of martyrs. [Applause.]

After all, Mr. Chairman, the hope of the Republic rests with the people. Turn it as you will, twist it as you may, the people must pay the price, which is vigilance, if they would purchase or preserve the boon of liberty.

Only a lethargic citizenship would tolerate a Congress that annexed to this Republic more than 300,000 illiterate immigrants from the south and east of Europe in a single year; a Congress which impudently pretends to be the friend of labor, and, which, while compelling men to sell their labor in competition with all the world, forbids the laborer to spend the fruits of his toil outside the trust barricade of a protective tariff; a Congress which hypocritically pretends to be the friend of self-government and yet which beckons into the confines of this Republic those who are known of all men to be utterly incapable of self-government.

Only a lethargic citizenship would endure a Congress which wasted the people's substance in reckless extravagance and which cajoles the sleeping suffragans with the trickster's jugglery that taxing the people's food and clothing will increase the people's prosperity.

The system of "pork-barrel" appropriation and "you tickle me and I will tickle you" partition of wealth taxed from the people can only exist among a people who are dozing away their rights.

Cannonism is a noxious weed which could only grow and thrive in a soil where the husbandman has neglected tillage for a "little more sleep and a little more slumber." [Applause.]

As long as the people play the innocent rôle of Rip Van Winkle they may expect to be constantly rubbing their eyes and lamenting at the growing number of "little Jack Horners" in Congress.

The farmer who dozes away the seedtime is certain to be awakening to a harvest of weeds and briers.

The enemies of right and righteousness slept at the tomb of the Saviour, but they maintain sleepless vigil at the Capitol of the Nation.

I do not pretend a loftier patriotism than that which actuates other faithful public men. I hope I shall never feel the impulse to draw around me the robes of self-righteousness; but this I do feel, and I do declare that I had rather be a worthy citizen

of this Republic in private life than a cowardly and unworthy occupant of a seat in this august Chamber. I had rather be a private soldier in the holy war for free government than sit in splendor and indifference at the bedside of my expiring country.

I do not possess those rare gifts of wisdom and eloquence with which some men are capable of endowing their country, but such ability as I do possess, and such as I may acquire by perseverance, study, and contact with learned men, I shall consecrate to the holy and righteous cause of free government.

This is my country; this Capitol is the citadel of my liberties; out yonder in Statuary Hall I have looked with affectionate admiration into the marble faces of the Nation's patriotic dead, and while I live and occupy a seat in this Chamber no man's derision, and no man's power shall make me ashamed or afraid to combat the wrong, to defend the right. [Applause.]

I hope those whom I have the honor to represent will never prefer the fleshpots of Egypt to a land without bondage; I trust they will never bid me bow and tremble at the throne of Pharoah; but if evil counsel should persuade them to such a course, I shall seek out some Moses of righteous wisdom and follow his lead through the fruitless deserts in search of that most priceless of all earthly gifts, a free and independent government, without which there can be no promised land on this earth among the children of men.

Let us hope that the giant of public opinion will awaken from his slumbers in time to throw off the narcotic which deadens the sense of danger. Let us watch by day and pray by night that this Government shall, under the providence of God, remain a land of freedom to brighten the hopes and encourage the aspirations of mankind. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, how much time has been consumed?

The CHAIRMAN. The gentleman from Texas has consumed fifty-five minutes and the gentleman from South Dakota seventy-eight minutes.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks, and insert in the RECORD some statements which were suggested.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD, and to accompany them by some statements. Is there objection? [After a pause.] The Chair hears no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19028, the Indian appropriation bill, and had directed him to report that it had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5574. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4477. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

The SPEAKER. The following bills are returned by the Committee on Claims with the recommendation that they be referred to the Committee on Indian Affairs. The Clerk will report the titles.

The Clerk read as follows:

H. R. 20574, H. R. 20825, H. R. 20682, bills to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

The SPEAKER. Without objection the change of reference will be made.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman, the chairman of the Committee on Indian Affairs, whether bills of this kind provide for the payment of money out of the Treasury or out of the Indian fund?

Mr. BURKE of South Dakota. I understand, Mr. Speaker, that the bills which have now been re-referred have reference to changing the law that provides that judgments that may be obtained may be paid out of the Indian fund.

The SPEAKER. The Chair hears no objection.

ADJOURNMENT.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Iowa River, Iowa (H. Doc. No. 698)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cahaba River, Alabama (H. Doc. No. 697)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Cedar River, Iowa (H. Doc. No. 696)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Lynch River and Clark Creek, South Carolina (H. Doc. No. 695)—to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Columbia River, Oregon (H. Doc. No. 694)—to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Caney Fork, Tennessee (H. Doc. No. 693)—to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Little Harbor, Woods Hole, Mass. (H. Doc. No. 692)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof a bill (S. 6072) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 486), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 11524) for the relief of James T. Caswell, postmaster at Narragansett Pier, R. I., reported the same without amendment, accompanied by a report (No. 487), which said bill and report were referred to the Private Calendar.

Mr. ENGLEBRIGHT, from the Committee on Irrigation of Arid Lands, to which was referred House bill 2522, reported in lieu thereof a bill (H. R. 21225) for the relief of certain persons having supplied labor and materials for the prosecution of the work of making the main canal of the Belle Fourche irrigation project, accompanied by a report (No. 488), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MURPHY: A bill (H. R. 21219) to provide for sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at

the city of Rolla, in said district—to the Committee on the Judiciary.

Also, a bill (H. R. 21220) transferring Maries County to the eastern division of the eastern judicial district of Missouri—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 21221) to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Pennsylvania: A bill (H. R. 21222) providing that the Postmaster-General of the United States shall establish in his department what shall be known as an information labor officer, and a similar officer in each and every post-office in the United States of America, whose duty it shall be to furnish to any employer of labor the names and addresses of those who desire employment, as shown from applications made for such employment, and to furnish to those who desire employment the names and addresses of those employers desiring to secure such employees, from applications made by such employers; and regulating the manner in which this act shall be carried into effect—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: A bill (H. R. 21223) to organize a clerical corps of the Navy of the United States, to define its duties, and to regulate its pay—to the Committee on Naval Affairs.

By Mr. BRADLEY: A bill (H. R. 21224) giving credit to officers and enlisted men of the army for service in the Philippine Constabulary or the Philippine Scouts—to the Committee on Military Affairs.

By Mr. SAUNDERS: A bill (H. R. 21226) for the erection of a public building at Galax, Va.—to the Committee on Public Buildings and Grounds.

By Mr. PLUMLEY (by request): A bill (H. R. 21227) to amend sections 4488 and 4489 of the Revised Statutes of the United States, as amended in 1889, relating to the regulation of steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 21228) to increase the limit of cost for the erection and completion of the United States post-office building in the city of Barre, Vt.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 21229) for the erection of a federal building at Childress, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21230) providing for the apportionment and allotment of Indian tribal funds, and for other purposes—to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 21231) permitting homestead entries upon certain lands in the Lawton land district, Oklahoma—to the Committee on the Public Lands.

By Mr. TOWNSEND: A bill (H. R. 21232) to create an interstate commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 21233) providing for the construction of a reservoir for irrigation and domestic use at Cerro, N. Mex.—to the Committee on Irrigation and Arid Lands.

By Mr. KELIHER: A bill (H. R. 21234) to amend an act entitled "An act to establish a bureau of immigration and naturalization"—to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Resolution (H. Res. 398) requesting certain information from the Secretary of the Treasury concerning lands and buildings in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY: Joint resolution (H. J. Res. 145) changing the time of making returns and assessments under the operation of the corporation-tax law—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camps of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21235) granting an increase of pension to Benjamin F. Harter—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 21236) for the relief of the estate of Dolly Jones—to the Committee on War Claims.

Also, a bill (H. R. 21237) granting a pension to John W. Landers—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 21238) granting an increase of pension to James C. Hughes—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 21239) granting a pension to Edward Furguson—to the Committee on Pensions.

Also, a bill (H. R. 21240) granting a pension to Henry Fairley—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21241) granting an increase of pension to Joseph Murphy—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21242) granting a pension to David H. Tobin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21243) granting a pension to Savilla Pow—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21244) to remove the charge of desertion from the military record of Celestin Truehill, alias Celestin Troide—to the Committee on Military Affairs.

Also, a bill (H. R. 21245) for the relief of Leonidas P. Hebert, administrator of estate of Hebert & Landry, of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 21246) for the relief of the heirs of Joseph Piernas, deceased—to the Committee on Private Land Claims.

Also, a bill (H. R. 21247) for the relief of the heirs at law of Etienne Chappuis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21248) for the relief of heirs at law of Etienne Chappuis—to the Committee on War Claims.

Also, a bill (H. R. 21249) for the relief of the estate of Caroline Pierront, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21250) for the relief of the estate of Mrs. Eleanor B. Vinson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21251) for the relief of the estate of Louis Laforest, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21252) for the relief of the estate of August Landry, sr., deceased—to the Committee on War Claims.

Also, a bill (H. R. 21253) for the relief of the estate of Numa Vives—to the Committee on War Claims.

Also, a bill (H. R. 21254) for the relief of the estate of Dr. Joseph Richard Martin, deceased—to the Committee on Claims.

Also, a bill (H. R. 21255) for the relief of the estate of Leandre Campo & Co.—to the Committee on War Claims.

Also, a bill (H. R. 21256) for the relief of the estate of Marcus Walker, deceased—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 21257) for the relief of the heirs of A. M. Harton—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 21258) granting an increase of pension to George B. Foreman—to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 21259) for the relief of the estate of John A. Heard, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 21260) granting an increase of pension to John Neeb—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 21261) for the relief of James Bartlett—to the Committee on Military Affairs.

Also, a bill (H. R. 21262) granting an increase of pension to Mary Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21263) granting a pension to Anna Buhrman—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 21264) granting an increase of pension to James Wilson—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 21265) granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 21266) granting a pension to Charles L. Slade—to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 21267) granting an increase of pension to Henry Worden—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 21268) granting an increase of pension to David Casto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21269) granting an increase of pension to Isaac R. Fain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21270) granting an increase of pension to Wesley Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21271) granting a pension to John M. Boen—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21272) granting a pension to John J. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 21273) granting an increase of pension to Davidson R. Way—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 21274) for the relief of the West Kentucky Coal Company—to the Committee on Claims.

By Mr. KORBLY: A bill (H. R. 21275) granting an increase of pension to Andrew J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21276) granting an increase of pension to James M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21277) granting an increase of pension to Joseph B. Stimson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21278) granting an increase of pension to Sarah E. Orner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21279) granting an increase of pension to Noah Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21280) granting an increase of pension to Addison Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21281) granting a pension to John Paul—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21282) for the relief of J. M. Hall—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 21283) granting an increase of pension to Robert B. Ennis—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 21284) for the relief of Russell Tripp—to the Committee on Military Affairs.

Also, a bill (H. R. 21285) for the relief of Thomas Debuke—to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 21286) granting an increase of pension to Elis F. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21287) for the relief of William L. McCluer—to the Committee on Military Affairs.

By Mr. NYE: A bill (H. R. 21288) granting an increase of pension to Edwin A. Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21289) to correct the military record of Edwin F. McDonald—to the Committee on Military Affairs.

By Mr. HENRY W. PALMER: A bill (H. R. 21290) granting an increase of pension to Nelson C. Teeter—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21291) for the relief of Harrison B. Ferguson—to the Committee on Military Affairs.

By Mr. PLUMLEY: A bill (H. R. 21292) granting a pension to Ethel B. Travers—to the Committee on Pensions.

By Mr. SHEFFIELD: A bill (H. R. 21293) granting an increase of pension to Albert Burke—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 21294) granting an increase of pension to William Adlesperger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21295) granting an increase of pension to Charles L. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21296) granting an increase of pension to Wilson S. Flaugher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21297) granting an increase of pension to Isaiah Eckert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21298) granting an increase of pension to Julius R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21299) granting an increase of pension to John H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21300) granting an increase of pension to Thomas Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21301) granting an increase of pension to William Crom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21302) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21303) granting a pension to Gordon D. O'Neil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21304) to remove the charge of desertion now existing on the records of the War Department against George M. Camp—to the Committee on Military Affairs.

Also, a bill (H. R. 21305) to remove the charge of desertion from the military record of George W. Walters—to the Committee on Military Affairs.

Also, a bill (H. R. 21306) to remove the charge of desertion now existing on the records of the War Department against John W. Clark—to the Committee on Military Affairs.

By Mr. SISSON: A bill (H. R. 21307) for the relief of the heirs of Thomas J. Babb, deceased—to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 21308) for the relief of the heirs of Hayden M. Prior—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 21309) granting an increase of pension to Isaac Munden—to the Committee on Pensions.

Also, a bill (H. R. 21310) granting an increase of pension to Benjamin C. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21311) granting an increase of pension to Joseph Hutchison—to the Committee on Pensions.

Also, a bill (H. R. 21312) granting an increase of pension to Nathan H. De Coster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21313) granting a pension to Philip T. Griggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21314) granting an extension of Letters Patent No. 518239 to Edward Goode—to the Committee on Patents.

By Mr. THOMAS of Kentucky: A bill (H. R. 21315) granting an increase of pension to Elijah W. Taylor—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 21316) granting an increase of pension to George J. Rutherford—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 21317) granting an increase of pension to Anthony C. Brill—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21318) granting an increase of pension to William Cook Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21319) granting an increase of pension to William F. Stamets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21320) granting an increase of pension to Thomas Hurst—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREWS: Petition of citizens of New Mexico, for a reservoir at Cerro, N. Mex.—to the Committee on Irrigation of Arid Lands.

By Mr. ANSBERRY: Petition of Rural Free Delivery News, favoring increased pay for carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Ohio Dailies, East Liverpool, Ohio, against the Government printing on stamped envelopes the return card of any firm—to the Committee on the Post-Office and Post-Roads.

Also, petition of general assembly of Ohio on joint resolution 94, favoring the volunteer retired list bill—to the Committee on Military Affairs.

Also, petition of Brown Hoisting Machinery Company, the White Company Mortor Cars, the Osborn Manufacturing Company, Burton & Dake, the Cleveland Chamber of Commerce, the National Refining Company, and the Randall Mattress Company, for suspension of enforcement of clause 38 of the Payne tariff law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. BATES: Petition of Typographical Union No. 77, of Erie, Pa., for eight-hour law on government works—to the Committee on Labor.

Also, petition of Business Men's Exchange and Manufacturers' Association, Corry, Pa., against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of Garrison No. 4, Army and Navy Union, of Erie, Pa., favoring bill for warrant rank for yeoman in United States Navy—to the Committee on Naval Affairs.

Also, petition of Erie Central Labor Union, of Erie, Pa., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Presque Isle Rifle Club, of Erie, Pa., favoring House bill 15798, to encourage rifle practice among the youth of the United States—to the Committee on Military Affairs.

By Mr. BENNET of New York: Paper to accompany bill for relief of D. H. Tobin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles Rowe—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: Papers to accompany bills for relief of Ursin Prejean, administrator of estate of Simon Mathieu, and the estate of Caroline Pierront—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Petition of Col. Archibald Blakele and other citizens of Pittsburg, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. CALDER: Petition of American Paper and Pulp Association, favoring legislation to conserve national resources—to the Committee on Agriculture.

By Mr. COCKS of New York: Petition of Farragut Council, No. 54, Junior Order United American Mechanics, favoring House bill 13404—to the Committee on Foreign Affairs.

By Mr. CONRY: Petition of American Brick and Tile Company, of New York, against amendment of the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of American Paper and Pulp Association, against further agitation of the tariff—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, against change of Pilot Charts to the Weather Bureau—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of New York City, for retention of publication of the Pilot Chart in the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOK: Petition of Lumbermen's Exchange of Philadelphia, indorsing the Weeks bill—to the Committee on Agriculture.

Also, petition of Lumbermen's Exchange of Philadelphia, favoring larger appropriation for waterways—to the Committee on Rivers and Harbors.

Also, petition of Isaac Harris and others, of Philadelphia, for a volunteer officers' retired list (S. 4183)—to the Committee on Naval Affairs.

Also, petition of Lumbermen's Exchange of Philadelphia, for a ship-subsidy law—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., for an eight-hour law on government work—to the Committee on Labor.

By Mr. DRAPER: Petition of American Paper and Pulp Association, favoring forestry conservation—to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Papers to accompany bills for relief of Wesley Roberts, Isaac R. Fain, and David Casto—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. C. Phillips—to the Committee on War Claims.

By Mr. FOCHT: Petition of S. W. Seibert and others, of Newport, Pa., against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of 33 citizens of Streator, Ill., in favor of an eight-hour law on government work—to the Committee on Labor.

Also, petition of citizens of Coal City, Ill., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rockford Drilling Machine Company, of Rockford, Ill., favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of A. J. Lovejoy, of Roscoe, Ill., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Paper and Pulp Association, approving the course of the administration in discouraging further agitation of the tariff, etc.—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Retail Tobacco and Cigar Dealers' Association, of Philadelphia, for abolition of gift and coupon schemes—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Produce Exchange, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Marine Association of New York City, against transfer of Hydrographic Office to the Department of Agriculture—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of the Tri-State Grain Growers' Association, favoring federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Petition of W. F. Fruct and 113 others of Jackson County, Minn., for legislation in recognition of services of persons making the United States exhibit at the Paris Exposition in 1900—to the Committee on Industrial Arts and Expositions.

Also, petition of P. J. Blien and 57 others of Hanska, Minn., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. HANNA: Petition of citizens of North Dakota, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grain Growers' Association of North Dakota, for legislation empowering Secretary of Agriculture to inspect all agricultural and garden seeds at ports of entry—to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of Benjamin Penn and William McGrew—to the Committee on Pensions.

By Mr. HOUSTON: Papers to accompany a bill to establish a military park at Stone River battlefield, near Murphreesboro, Tenn.—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: Petition of various produce dealers and commission merchants, favoring House bill 16919—to the Committee on Agriculture.

By Mr. KAHN: Petition of George Lyon and 6 other residents of San Francisco, Cal., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of Allied Printing Trades Councils, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fitton Council, No. 84, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Paper to accompany bill for relief of Mary G. Patten—to the Committee on Invalid Pensions.

By Mr. KEIFER: Petition of George Jackson and 50 other citizens, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KENNEDY of Ohio: Petition of Canton Chapter, No. 119, and Progress Chapter, No. 56, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of officers of volunteers in the civil war, for House bill 5471, relative to volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. KNAPP: Petition of Watertown (N. Y.) Council, No. 259, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of residents of Sturgeon Bay, Wis., against sale of liquor in Hawaii—to the Committee on the Territories.

Also, petition of residents of Sturgeon Bay, against sale of liquor on ships of the United States—to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of William H. Manuel and 18 other citizens of Marine City, Mich., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mount Clemens Chapter, No. 81, American Insurance Union, Rose A. Goulding, secretary, Mount Clemens, Mich., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Graham, Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

Also, petition of P. H. Mitchell, of Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MALBY: Paper to accompany bill for relief of Russell Tripp—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas Debuke—to the Committee on Military Affairs.

By Mr. NYE: Petition of citizens of Minneapolis, favoring passage of Campbell bill (H. R. 11789) regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'CONNELL: Petition of Massachusetts Teachers' Association, against House bill 12343, appropriation for the George Washington University—to the Committee on Appropriations.

Also, petition of North East Manufacturing Jewelers and Silversmiths' Association against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany bills for relief of heirs of Thomas Vernon and heirs of William S. Sparkman—to the Committee on War Claims.

By Mr. PLUMLEY: Papers to accompany bills for relief of Ethel B. Travers and John A. Heard—to the Committee on Pensions.

By Mr. ROBERTS: Petition of New England Manufacturing Jewelers and Silversmiths' Association, against enforcement of

clause 38 of the Payne law until decision of the Supreme Court is rendered—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of New England Manufacturing Jewelers and Silversmiths' Association, favoring the repeal of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Newport (R. I.) Typographical Union, No. 295, against an increase in the postal rates on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of Knights of Columbus of Grafton, W. Va., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of American Enameled Brick and Tile Company, favoring repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petitions of New York Produce Exchange and Marine Association of New York, against transfer of pilot charts from the Hydrographic Office—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Edward Klimskim, for retention of section 40 of immigration law—to the Committee on Immigration and Naturalization.

By Mr. TOWNSEND: Petition of Military Order of the Loyal Legion, Commandery of Wisconsin; James P. Cadman; Charles Hatgleiss; and A. L. Mabbett, for the volunteer officers retired list, House bill 18899—to the Committee on Military Affairs.

Also, petition of business firms of Jackson, Mich., favoring the repeal of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. WANGER: Resolutions of the Lumbermen's Exchange of Philadelphia, Pa., in favor of the upbuilding of the American merchant marine by the grant of increased pay to South America, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Lumbermen's Exchange of Philadelphia, Pa., in favor of the bill (H. R. 11798) for protection of watersheds on navigable streams—to the Committee on Agriculture.

Also, resolutions of Lumbermen's Exchange of Philadelphia, Pa., in favor of an appropriation of $50,000,000 per annum for ten years hereafter for improvement of the most meritorious of the waterway projects of the United States—to the Committee on Rivers and Harbors.

Also, petition of Capt. Nicholas Baggs and other citizens of Pennsylvania who were volunteer officers in the civil war, in favor of a retired list for such officers—to the Committee on Military Affairs.

SENATE.

FRIDAY, *February 18, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

WATER RIGHTS IN IDAHO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 27th ultimo, certain information relative to water rights, power sites, etc., required on the public lands of the State of Idaho (S. Doc. No. 370), which, on motion of Mr. HEYBURN, was, with the accompanying paper and illustrations, referred to the Committee on Public Lands and ordered to be printed.

CLAIM OF MARY JANE RUCKER.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Mary Jane Rucker, sole heir of J. W. Rucker, deceased, *v.* United States (S. Doc. No. 372), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

H. R. 2828. An act for the relief of William Martinson;

H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army, and to prevent the recurrence of like cases by amending the act approved October 1, 1890, entitled "An act to provide for the examination of certain officers of the army, and to regulate promotion therein;"

H. R. 17531. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, with amendments, approved February 18, 1907;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909; and

H. J. Res. 101. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railroad on the military reservation at Fort Leavenworth, Kans.

The message also announced that the House insists upon its disagreement to the amendment of the Senate to the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House insists upon its disagreement to the amendment of the Senate to the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows of such soldiers and sailors, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13864. An act to extend Fourth street SE.;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes;

H. R. 16330. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District;

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 18156. An act directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts;

H. R. 19038. An act to authorize the opening of a road along the Anacostia River, in the District of Columbia;

H. R. 19039. An act authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia; and

H. R. 19787. An act to change the name of the west side of Fifteenth street NW., between I and K streets, to McPherson place.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice-President:

S. 5574. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Board of Trade and Transportation, praying for the

enactment of legislation to defer the filing of the first reports of corporations until the Supreme Court has decided upon the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a memorial of the Associated Advertising Clubs of America, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Local Council No. 685, Knights of Columbus, of Piedmont, W. Va., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRIGGS presented a memorial of sundry citizens of Burlington County, N. J., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURTON presented a petition of Local Council No. 1411, Knights of Columbus, of Kent, Ohio, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Christian Church of Massillon, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Christian Church of Massillon, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. OLIVER presented a petition of the Woman's Home Missionary Society of New Castle, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Woman's Home Missionary Society of New Castle, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Pittsburg, Pa., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Washington County Chapter, National Society Daughters of the American Revolution, of Washington, Pa., praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committe on Immigration.

He also presented a petition of Lieut. S. C. Potts Post, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a memorial of the Northside Pittsburg Chapter, No. 649, American Insurance Union, of Pittsburg, Pa., and a memorial of Local Chapter, No. 211, American Insurance Union, of Coreapolis, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for the preservation of the so-called "Appalachian Forest Reservation," which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying that an appropriation be made for the improvement of the waterways of the country, which was referred to the Committee on Commerce.

Mr. CLARK of Wyoming presented a petition of Local Unions Nos. 2293, 2516, and 2309, United Mine Workers of America, of Rock Springs, Wyo., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Wisconsin, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. ELKINS presented sundry papers in support of the bill (S. 5532) granting an increase of pension to John F. Turner, which were referred to the Committee on Pensions.

Mr. DEPEW presented a petition of Local Union No. 5, Cigar Makers' International Union of America, of Rochester, N. Y., and a petition of Local Union No. 255, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Kingston, N. Y., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Manufacturers' Association of Jamestown, N. Y., praying that an appropriation be made for the improvement of Dunkirk Harbor, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of Union Grange, No. 244, Patrons of Husbandry, of Jamestown, N. Y., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Bay Shore, East Islip, Sayville, Patchogue, and Olean, all in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of Lindenwals Grange, No. 985, Patrons of Husbandry, of Kinderhook, N. Y., praying for the passage of the so-called "rural parcels-post and postal savings-bank bills," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Business Men's Association, of Newburgh, N. Y., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Syracuse, N. Y., praying for the adoption of a certain amendment to article 3 of section 38 of the present tariff law extending the time for the filing of the first reports of corporations until the Supreme Court renders a decision as to its constitutionality, which was referred to the Committee on Finance.

Mr. LODGE presented a memorial of Francis Gould Post, No. 36, Grand Army of the Republic, Department of Massachusetts, of Arlington, Mass., remonstrating against the acceptance of the statue of Gen. Robert E. Lee, to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

Mr. BACON presented an affidavit to accompany the bill (S. 5986) granting an increase of pension to Sarah Belcher, which was referred to the Committee on Pensions.

Mr. SHIVELY presented a memorial of the Trades Council, American Federation of Labor, of Muncie, Ind., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of White Local Union No. 117, Farmers' Educational and Cooperative Union of America, of Spencer, Ind., praying for the enactment of legislation to prohibit gambling in the products of the farm, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Chapter No. 462, America Insurance Union, of Jeffersonville, Ind., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a memorial of the Woman's Club of Santa Barbara, Cal., remonstrating against the use of the water supply of the Hetch Hetchy Valley by the city of San Francisco, in that State, which was referred to the Committee on Conservation of National Resources.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the reformation of the reorganized consular service of the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Corona, Los Angeles, and Redlands, all in the State of California, praying for the enactment of legislation to permit the Chucawalla Development Company to construct a dam across the Colorado River near Parker, in that State, which was referred to the Committee on Commerce.

Mr. PERKINS. I present a petition of sundry citizens and taxpayers of San Jose, Cal., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

SAN JOSE, CAL., *January 29, 1910.*

To the Senate and House of Representatives in Congress assembled:

The undersigned citizens and taxpayers of the city of San Jose, county of Santa Clara, Cal., respectfully and earnestly request the Congress of the United States and the Committees on Military Affairs of the House and Senate to make an early and favorable report and promptly pass the bill (S. 1483) to create in the War Department and the Navy Department, respectively, a roll designated as "The civil-war volunteer officers' retired list," etc., now pending before the Senate committee, and a similar bill—H. R. 18899—pending before the House committee, for the following good and sufficient reasons:

A large majority of those who were old enough to be commissioned officers and served for the period named in said bills have now reached the average advanced age of 70 years or more. That a postponement of this just measure to those who saved and perpetuated this Republic, which is along the lines of the bill granting the same honors and rewards to those in the army of the Revolution, who created the Republic, will be equivalent to its denial, as the infirmities, diseases, and wounds, added to their age, will in a very short time deplete their ranks to a mere corporal's guard, and thus deprive some of the best, truest, and most heroic, deserving, and suffering of these veterans of the honors and benefits of this desired law.

As thousands of citizens have signed petitions to Congress and the legislatures of 12 States passed resolutions asking for its passage, we feel that we are justified in this appeal.

We, like a large majority of loyal and patriotic citizens, believe that this just measure should not be postponed on the ground of economy in public expenditures, for the good reason that appropriations for hundreds of small creeks, sluggish rivers, new post-offices, and other federal buildings, increase in salaries, creation of new offices, etc., can well be postponed with no lasting detriment to the public, no extinction by death of future opportunity for the appropriations, and ample time for realization in a few years.

Inasmuch as the honorable Secretary of the Treasury, in his report, has estimated a surplus of $35,000,000 for the fiscal year beginning July 1, 1910, we respectfully submit that the bill should not be postponed to other less important, less just, and less patriotic measures.

Respectfully submitted.

W. G. Lorigan, associate justice supreme court, State of California; P. F. Gosbey, judge of superior court, State of California; J. R. Welch, judge of superior court, State of California; John E. Richards, judge of superior court, State of California; W. F. Parker, county auditor; L. A. Spitzer, county assessor; H. A. Pfister, county clerk; E. W. Conant, county treasurer; Winthrop Beans, president of the Bank of San Jose; Wm. V. Dinsmore, cashier of the Bank of San Jose; Hiram D. Tuttle, attorney and counselor; J. W. Dinsmore, clergyman.

Mr. PERKINS presented a memorial of Local Union No. 586, United Brotherhood of Carpenters and Joiners of America, of Sacramento, Cal., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants' Association of San Francisco, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry mining engineers of San Francisco, Cal., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church of San Diego, Cal., praying for the enactment of legislation providing for the appointment of surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers between the ports of the United States and foreign countries, which was referred to the Committee on Immigration.

He also presented a petition of the Monday Club, of Eureka, Cal., praying for the enactment of legislation to prohibit the destruction of any portion of the Yosemite National Park in that State, which was referred to the Committee on the Conservation of National Resources.

He also presented a petition of sundry citizens of San Diego, Cal., and a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church of San Diego, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the reformation of the reorganized consular service of the United States, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Canners' League of San Francisco and of the Chamber of Commerce of Santa Barbara County, in the State of California, praying for the enactment of legislation to establish a line of steamers along the Pacific coast in connection with the Panama Railroad, which were referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry business firms of Watsonville, Cal., praying for the repeal of the corporation income-tax law, which was referred to the Committee on Finance.

He also presented petitions of Local Lodge No. 68 and of Vallejo Lodge, No. 252, International Association of Machinists, of San Francisco, and of the Iron Trade Council of San Francisco, Cal., praying for the enactment of legislation providing for the reorganization of the navy-yards of the country, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation of $400,000 be made for the improvement of the Sacramento and San Joaquin rivers, in that State, which was referred to the Committee on Commerce.

He also presented a petition of the common council of San Francisco, Cal., praying that an appropriation be made for the rectification and improvement of the rivers in that State, which was referred to the Committee on Commerce.

He also presented a petition of San Francisco Parlor, No. 49, Native Sons of the Golden West, of San Francisco, Cal., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Camino, Red Bluff, and West View, all in the State of California, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Berkeley, Cal., praying that an appropriation be made for the construction of a public building in that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Admiral Glass Camp, No. 36, Department of California, Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation granting travel pay and commutation of subsistence to the muster-out volunteer officers and soldiers who served in the Philippine Islands, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of San Diego, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Labor Council, American Federation of Labor, of San Francisco, Cal., praying for the enactment of legislation to amend section 1753 of the Revised Statutes of the United States relating to the civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Illinois State Teachers' Association, of Macomb, Ill., remonstrating against an appropriation being made in aid of the George Washington University, Washington, D. C., which was referred to the Committee on Agriculture and Forestry.

Mr. BRIGGS presented a petition of the Woman's Christian Temperance Union of Closter, N. J., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Closter, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Closter, N. J., praying for the enactment of legislation providing for the appointment of surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers between ports of the United States and foreign countries, which was referred to the Committee on Immigration.

He also presented a petition of the Federated Trades Council, American Federation of Labor, of Orange, N. J., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Council No. 355, Knights of Columbus, of Trenton, N. J., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Closter, N. J., praying for the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. STEPHENSON presented a petition of sundry printers and publishers of Milwaukee, Wis., praying for the enactment of legislation to prohibit the printing by the Government of cer-

tain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRAWFORD presented memorials of sundry citizens of Wilmot, Cottonwood, Bryant, Bradley, Midland, Lennox, and Canton, all in the State of South Dakota, and of the Grand Council of Minnesota, the Dakotas, Manitoba, Saskatchewan, and Alberta, United Commercial Travelers of America, of St. Paul, Minn., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

ISSUANCE OF REVENUE STAMPS.

Mr. CRAWFORD. I present a statement embracing correspondence between the Bureau of Internal Revenue and the attorney for the White Earth Bands of Chippewa Indians in Minnesota in relation to the bill which I introduced on the 24th ultimo, and now pending before the Committee on Interstate Commerce, to prohibit the issuance of internal-revenue stamps in any State or Territory in which the liquor traffic is prohibited by law. I ask that the correspondence, which is not long and which relates to the bill now before the Committee on Interstate Commerce, be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the statement was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE WHITE EARTH BANDS OF
CHIPPEWA INDIANS IN MINNESOTA,
February 12, 1910.

Hon. COE I. CRAWFORD,
United States Senate.

MY DEAR SENATOR: In the matter of the bill (S. 5605) introduced by you, I take the liberty of bringing to your attention some correspondence of mine, as attorney for the White Earth Chippewas, relative to the subject.

Inclosed is a copy of my letter to the Commissioner of Internal Revenue, urging that the sale of revenue tax stamps on the White Earth Reservation in particular, and in Indian country generally, be suspended or discontinued. In reply, I received the following letter, dated April 27, 1909:

C. E. RICHARDSON, Esq.,
500 Hibbs Building, Washington, D. C.

SIR: This office is in receipt of your letter of the 24th instant urging that this office refuse to issue special-tax stamps to dealers within the boundaries of Indian reservations, especially the White Earth Reservation.

In reply, herewith is transmitted for your information a copy of a recent treasury decision stating the position of this office with relation to the issuance of special-tax stamps, and your attention is called to the fact that the provision for a special tax on dealers being purely a revenue measure and not a police regulation no discretion is lodged either in this office or elsewhere to refuse the tax when tendered, and the issuance of the stamp, which, under the law and a decision of the United States Supreme Court, is the required receipt for the tax.

Respectfully,

ROBT. WILLIAMS, Jr.,
Acting Commissioner.

The inclosure referred to was T. D. 1484, in the case of a resolution passed by the legislature of South Dakota, with which you are already familiar, in which the point is made that "the payment of the tax is not a license."

Whether or not the federal revenue tax stamp is in fact a license, it is, nevertheless, in effect a license, and is so regarded, spoken of, and relied upon. The inclosed label, taken from a bottle purchased by me in a prohibition town in Minnesota, contains the assurance:

"May be legally sold without a government, state, or city license."

This opinion and reliance are practically universal among the dealers in my State (Minnesota), and probably throughout the Union. For several years I occupied a municipal office which required me to issue the state license to liquor dealers, and without exception the 250 applicants spoke of the government revenue stamp as the "government license."

While the Department of the Interior, assisted by the Department of Justice, is trying to enforce the provisions of treaties with the Indians (in which the Government guarantees that no intoxicating liquors will be allowed in the "Indian country"), and while it may be reasonably inferred that anyone applying for or purchasing a revenue tax stamp for use in proscribed territory is not a "dealer" within the purview of the Revised Statutes, but an outlaw, it does seem that the Treasury Department should rule against the issue of such stamps (licenses) in such districts, especially as it renders difficult, if not ineffectual, the efforts of these coordinate branches of the Government to enforce and maintain the laws. In addition to that are the humanitarian reasons touched upon in my letter above referred to and herewith inclosed, which reasons, based upon that fundamental law, public policy, should outweigh any consideration of revenue, financial expediency, or technical construction of a general statute.

Your bill, however, should it become a law, will effectually cover the entire situation. I sincerely trust that it may, and if my experience with or views upon the subject can be of any use, you may utilize this letter in any way that you choose.

Yours, very truly,

C. E. RICHARDSON,
Attorney for the White Earth Bands of Chippewa Indians in Minnesota.

APRIL 24, 1909.

Hon. COMMISSIONER, BUREAU OF INTERNAL REVENUE,
Washington, D. C.

DEAR SIR: On the White Earth Reservation, in Minnesota, there are several villages erected upon allotments patented to individuals, and thereby, it is claimed, severed from the reservation. In these villages are numerous barrooms, the effect of which has proven very demoralizing to the Indians. Not only do they suffer the ordinary results of intoxication, but they are made drunk by unprincipled adventurers who take this means of securing title to the Indians' lands.

My purpose in mentioning the foregoing facts is to justify, if possible, the suggestion that if the internal-revenue officers would refuse to issue the tax stamps to dealers within the boundaries of Indian reservations, especially White Earth Reservation, your office would render great assistance to the poor deluded natives, as well as to those on the outside who are striving to aid them morally and financially, including the Interior Department of the Government.

It is my belief that the whole reservation, whether patented to individuals or not, is Indian country within the meaning of the federal prohibition. In addition to this fact, there is the other, that most of the sales of intoxicants upon this reservation are to Indians, and this is in violation of a law of the State of Minnesota. I am told that the county officers either refuse or neglect to prosecute these violations; and it becomes necessary for us to look about for other possible means of relief from a situation which is already bad, indeed, and daily becoming steadily worse. Not only are lives and morals corrupted and destroyed, but the entire fortunes of whole families are sacrificed as a result of the mental condition which follows indulgence by an Indian in intoxicating drinks.

Should it be possible by the employment of any law, rule, or regulation of your department to refuse to issue the internal-revenue tax stamp to these people who are violating both the state and federal laws, it would, in all probability, accomplish more for the protection of defenseless, worthy people than any other one thing that I can think of.

If any further discussion on my part of the questions herein touched upon can be of use to your office, I will be glad to either call upon you or to file a brief in the matter.

I am, very respectfully, yours,

C. E. RICHARDSON,
Attorney for the White Earth Bands of Chippewa Indians of Minnesota.

COMMERCIAL ASPECTS OF MACHINE TELEGRAPHY.

Mr. OWEN. I present a communication entitled "A Study of the Commercial Aspects of Machine Telegraphy," prepared by Romyn Hitchcock, of New York. The communication is short, and I move that it be printed as a document (S. Doc. No. 373), together with the illustrations, for the information of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FLINT, from the Committee on Finance, to whom was referred the bill (S. 2429) for the relief of the estate of James Mitchell, deceased, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5071) for the relief of William Frye White, owner of lots 103, 104, 105, and 106, square 754, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia (Report No. 238); and

A bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia (Report No. 239).

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3254) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, by prohibiting the sale of poisonous hair dressing, reported it with amendments, and submitted a report (No. 248) thereon.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 3649) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission, reported it with amendments and submitted a report (No. 240) thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 17514) to authorize the extension of Twenty-third and R streets SE., in the District of Columbia (Report No. 241);

A bill (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes (Report No. 246); and

A bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia (Report No. 247).

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4984) to authorize the extension of Twenty-third and R streets SE., in the District of Columbia, submitted an adverse report (No. 242) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 2430) for the relief of the heirs

of John W. West, deceased, reported it without amendment and submitted a report (No. 243) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 5499) to grant certain lands to the city of Rawlins, Wyo., reported it with amendments and submitted a report (No. 244) thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 78) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," reported it with amendments and submitted a report (No. 245) thereon.

Mr. TALIAFERRO, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 111) to donate a brass cannon to the State of Georgia, reported it without amendment, and submitted a report (No. 249) thereon.

Mr. ELKINS, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," reported it with amendments, and submitted a report (No. 250) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLINT:

A bill (S. 6545) for the relief of the widow and heirs of David Phillips, deceased; to the Committee on Claims.

By Mr. FRAZIER: A bill (S. 6546) for the relief of the heirs of John W. Spradlin, deceased;

A bill (S. 6547) for the relief of W. H. Tuck;

A bill (S. 6548) for the relief of J. M. Timmins; and

A bill (S. 6549) for the relief of the heirs of James Henderson, deceased; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 6550) for the relief of Rittenhouse Moore; to the Committee on Claims.

By Mr. PAYNTER:

A bill (S. 6551) granting a pension to Bettie Patterson; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6552) to provide for the purchase of ground for and the erection of a public building for an immigrant station, on a site to be selected for said station, in the city of Tacoma, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. CHAMBERLAIN:

A bill (S. 6553) to provide for a final settlement with the Clatsop tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851;

A bill (S. 6554) to provide for a final settlement with the Tillamook tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851;

A bill (S. 6555) to provide for a final settlement with the Kathlamet band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 6556) to provide for a final settlement with the Wheelappa band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 6557) to provide for a final settlement with the Lower band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

A bill (S. 6558) to provide for a final settlement with the Wauakikum band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 8, 1851; and

A bill (S. 6559) to provide for a final settlement with the Nuc-quee-clah-we-muck tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 7, 1851; to the Committee on Indian Affairs.

By Mr. FRYE:

A bill (S. 6560) granting a pension to Lula S. Knight Bigelow (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 6561) for the relief of the Mission Farm Company (with an accompanying paper); to the Committee on Indian Affairs.

By Mr. McCUMBER:

A bill (S. 6562) extending time of payment of charges for construction and operation under the Williston irrigation project in the State of North Dakota and releasing water users from payment of charges for the year 1908, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. SCOTT:

A bil (S. 6563) granting an increase of pension to Fleming Dudley (with an accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6564) providing for writs of error by the United States from certain judgments in criminal cases;

A bill (S. 6565) providing immunity as to testimony given in any inquiry or proceeding on behalf of the United States, and to repeal section 860, Revised Statutes;

A bill (S. 6566) to authorize the issuance of search warrants for stolen or misappropriated property;

A bill (S. 6567) to amend section 10 of the act of March 3, 1891, creating circuit courts of appeals, so as to authorize the circuit court of appeals, on remanding certain cases when reversed, to order final judgment therein;

A bill (S. 6568) to amend sections 5209 and 1046, Revised Statutes; and

A bill (S. 6569) to authorize the presence of experts and stenographers before grand juries; to the Committee on the Judiciary.

By Mr. KEAN:

A bill (S. 6570) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Finance.

A bill (S. 6571) granting an increase of pension to Augustus Wode (with an accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6572) granting an increase of pension to Joseph Knapp; and

A bill (S. 6573) granting an increase of pension to William Inman; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6574) to create and establish a national coal reserve in the Territory of Alaska, and for other purposes; to the Committee on Territories.

A bill (S. 6575) to reorganize and increase the efficiency of the Hospital Corps of the United States Navy, and to regulate its pay; and

A bill (S. 6576) to increase the efficiency of the medical department of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 6577) providing for the purchase of a site and the erection of a public building thereon at Berkeley, in the State of California; and

A bill (S. 6578) to provide for the enlarging of the federal building at Oakland, Cal., and for the purchase of additional land; to the Committee on Public Buildings and Grounds.

A bill (S. 6579) granting a pension to Henry Brown (with an accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 6580) for the purpose of securing final adjudication of the claims of postmasters under the acts of June 12, 1866, and March 3, 1883; to the Committee on Post-Offices and Post-Roads.

By Mr. WARNER:

A bill (S. 6581) granting a pension to George W. Ross; to the Committee on Pensions.

(By request.) A bill (S. 6582) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906 (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 6583) for the relief of the legal representatives of Napoleon B. Giddings; to the Committee on Military Affairs.

A bill (S. 6584) for the relief of Sanger & Moody; to the Committee on Claims.

By Mr. CLAY:

A bill (S. 6585) for the relief of the heirs of Samuel Maner, deceased; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 6586) for the relief of the children and heirs of Elizabeth Haak, Michael Haak, and Sarah Haak, all deceased; to the Committee on Claims.

A bill (S. 6587) to correct the military record of Thomas Amick; to the Committee on Military Affairs.

A bill (S. 6588) for the relief of William Parsons Hayes; and

A bill (S. 6589) providing for the retirement of petty officers and enlisted men of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 6590) granting a pension to Dallas Mills;

A bill (S. 6591) granting an increase of pension to William Ryan;

A bill (S. 6592) granting an increase of pension to Henry B. Geissinger;

A bill (S. 6593) granting an increase of pension to George W. Hahn;

A bill (S. 6594) granting an increase of pension to Peter Knepp; and

A bill (S. 6595) granting an increase of pension to Daniel H. Clair; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 6596) granting a pension to John G. Patton; and

A bill (S. 6597) granting an increase of pension to Edward Townsend; to the Committee on Pensions.

A bill (S. 6598) for the relief of the estate of Joseph Lippman, deceased; and

A bill (S. 6599) for the relief of the heirs and legal representatives of James V. Grier, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 6600) granting an increase of pension to William Hobbs; and

A bill (S. 6601) granting a pension to Cassie Zimmerman; to the Committee on Pensions.

A bill (S. 6602) authorizing the donation of certain cannon, equipment, and accessories to the Kansas State Agricultural College; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 6603) authorizing the establishment of submarine signals; to the Committee on Commerce.

By Mr. BURKETT:

A bill (S. 6604) to correct the military record of Isaac Clark; to the Committee on Military Affairs.

By Mr. GORDON:

A bill (S. 6605) for the relief of the estate of E. H. Strong (with an accompanying paper); to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 6606) for the relief of the estate of William J. Conner, deceased; and

A bill (S. 6607) for the relief of the estate of Murray Mason, deceased; to the Committee on Claims.

By Mr. ALDRICH:

A bill (S. 6608) granting an increase of pension to Charles H. Tilley (with an accompanying paper);

A bill (S. 6609) granting an increase of pension to Charles H. Caswell (with an accompanying paper);

A bill (S. 6610) granting an increase of pension to Samuel J. Dyer (with an accompanying paper);

A bill (S. 6611) granting an increase of pension to Samuel E. Reynolds (with an accompanying paper);

A bill (S. 6612) granting an increase of pension to Maryetta Thurber (with an accompanying paper);

A bill (S. 6613) granting an increase of pension to John V. Blanding (with an accompanying paper);

A bill (S. 6614) granting an increase of pension to Searles B. Young (with an accompanying paper);

A bill (S. 6615) granting an increase of pension to Alfred B. Spencer (with an accompanying paper);

A bill (S. 6616) granting an increase of pension to Margaret McKee (with an accompanying paper); and

A bill (S. 6617) granting a pension to Mabelle Church Kenyon; to the Committee on Pensions.

By Mr. LORIMER:

A bill (S. 6618) granting an increase of pension to Samuel E. Tuttle (with accompanying papers);

A bill (S. 6619) granting a pension to John August Bohman (with accompanying papers);

A bill (S. 6620) granting an increase of pension to James M. Rifenberick;

A bill (S. 6621) granting an increase of pension to Edwin Loosley;

A bill (S. 6622) granting a pension to Mary Wantz; and

A bill (S. 6623) granting an increase of pension to Albert Siler (with accompanying papers); to the Committee on Pensions.

A bill (S. 6624) for the relief of Catherine Grace; and

A bill (S. 6625) for the relief of Sergt. James W. Kingon; to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 6626) granting an increase of pension to Clark Jaco (with an accompanying paper);

A bill (S. 6627) granting an increase of pension to James Patterson;

A bill (S. 6628) granting an increase of pension to Balser Lutz (with an accompanying paper); and

A bill (S. 6629) granting an increase of pension to Alice S. Jordan (with an accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6630) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902; to the Committee on the District of Columbia.

By Mr. GORE (by request):

A bill (S. 6631) providing for the creation of a reserve oil-fuel supply for the United States Navy; to the Committee on Naval Affairs.

By Mr. LA FOLLETTE:

A bill (S. 6632) granting a pension to Hiram C. Barrows (with accompanying papers);

A bill (S. 6633) granting an increase of pension to Thomas H. Mason (with accompanying papers); and

A bill (S. 6634) granting an increase of pension to Samuel Brockway (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 6635) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof; to the Committee on Interstate Commerce.

A bill (S. 6636) for the relief of assignees in good faith of entries to desert lands; to the Committee on Public Lands.

REGULATION OF FEDERAL-COURT PRACTICE.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (S. 3724) regulating injunctions and the practice of district and circuit courts of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

CLAIM OF RITTENHOUSE MOORE.

Mr. BANKHEAD submitted an amendment proposing to appropriate $3,653.05 in settlement of the claim of Rittenhouse Moore for over-width dredging in the Potomac River, city of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

FRENCH SPOLIATION CLAIM.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 4680) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. LORIMER submitted an amendment intended to be proposed by him to the bill (H. R. 13832) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FRAZIER submitted an amendment proposing to appropriate $150,000 for continuing improvement by the construction of Locks and Dams Nos. 8 and 9, Cumberland River, Tennessee, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for continuing the work of cleaning out and improving Caney Fork River, Tennessee, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $25,000 for straightening the north side of the channel at the entrance to Cape Charles Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for the necessary dredging and widening of the approach to the western branch of the Elizabeth River, etc., intended to be proposed by him to the river and harbor appro-

priation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $500,000 for the improvement of the Missouri River from Kansas City to Fort Benton, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $52,500 for building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River in South Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate $50,000 for improving Tug Fork, Big Sandy River, West Virginia and Kentucky, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment providing for the survey of the Oregon Slough Branch of the Columbia River, opposite Vancouver, Wash., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BROWN submitted an amendment proposing to appropriate $300,000 to assist in the development and extension of the canal in Nebraska under the government project known as the "Pathfinder project," intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. McENERY submitted an amendment proposing to appropriate $20,000 for the improvement of the channel of Red River at Alexandria, La., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $32,400 for continuing the improvement of St. John's River from Palatka to Lake Harney, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 for continuing improvement of St. John's River from Jacksonville, Fla., to the ocean, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving St. Andrews Bay, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 for improving Hillsboro Bay, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment providing for the examination and survey of the East Haven River, Connecticut, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

EDWARD A. KEELER.

Mr. LORIMER submitted the following resolution (S. Res. 183), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 183.

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to place the name of Edward A. Keeler on the employees' roll of the Senate, to date from and after the passage of this resolution, at the rate of $1,440 per annum, to be paid out of the contingent fund of the Senate pending further provision by law, and that such employment be continued until otherwise ordered by the Senate.

INCREASED COST OF LIVING.

Mr. ALDRICH. I move that the committee to examine into prices shall consist of eight members instead of seven, the additional member to be appointed by the Chair.

Mr. BACON. I should like to ask the attention of the Senator from Rhode Island for a moment to one feature. As the committee is now constituted, I understand that there are four of one political party and three of the other.

Mr. ALDRICH. There are five of one and two of the other.

Mr. BACON. Very well. I had no intimation as to the Senator's purpose to make this motion.

Mr. ALDRICH. My purpose is to give the Democrats an additional member.

Mr. BACON. I supposed that was it, and for that reason I made the inquiry.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the membership of the committee to examine into the cost of living, and so forth, be increased from seven to eight, the additional member to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CHAMBERLAIN the additional member of the committee.

Subsequently, Mr. CHAMBERLAIN was, on his request, excused from service upon the committee.

RIVERS AND HARBORS—WATER RESOURCES.

Mr. NEWLANDS. Mr. President, it is my purpose to speak on the amendment to the river and harbor bill offered by me a few days since, and as I wish to be brief I request leave, without reading, to print in the RECORD certain portions of the reports of the Inland Waterways Commission and the National Waterways Commission, a communication from President Taft, then Secretary of War, to the Commerce Committee regarding Senate bill No. 500, introduced by me at the last Congress; a letter from Mr. BURTON, the chairman of the Inland Waterway Commission, relating to the same bill, and other public documents.

The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent to print as a portion of his speech certain documents to which he has referred. Is there objection?

Mr. SMOOT. I simply wish to ask the Senator if those documents were not printed in the speech delivered by him some months ago?

Mr. NEWLANDS. No.

Mr. SMOOT. It is entirely different matter from that I refer to. I have no doubt the Senator remembers.

Mr. NEWLANDS. The documents to which the Senator refers were with reference to the conservation movement. Yes; one of them was printed in that speech; but these are brief references simply, which are necessary to my argument; and I ask the consent of the Senate now, in order to avoid taking up their time with the reading.

Mr. SMOOT. I have no objection, Mr. President.

The VICE-PRESIDENT. No objection is heard, and the order asked for by the Senator from Nevada is entered.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. NEWLANDS. Mr. President, I offered a few days since an amendment to the river and harbor bill and requested that it lie on the table, and I gave notice of my intention to speak regarding it. Since then I have determined to amend the amendment by the insertion in line 9, after the word "of," of the words "navigation as a part of." I offer the amended amendment as a substitute for the former amendment, and ask its reference to the Committee on Commerce, and that it be printed in the RECORD.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Commerce and printed. Is there objection to printing the amendment in the RECORD?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Insert the following:

"The President is authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and he is authorized to appoint as members of such board or boards such engineers, transportation experts, and constructors of eminence as he may deem advisable: *Provided, however*, That until further authorized by law, the total expenditure under this provision shall not exceed —— dollars."

THE WATERWAYS PROPAGANDA.

Mr. NEWLANDS. Mr. President, the question of the development of the waterways of the country has been receiving great attention within the past few years. Various organizations have been formed throughout the country relating to the development of our waterways, associations appropriately named for the promotion of such development in the Mississippi Valley, on the various tributaries of the Mississippi, on the Atlantic, the Pacific, and the Gulf coasts. This movement reached such headway through conventions and river and harbor congresses that Mr. Roosevelt, then President, took the matter in hand and appointed a commission in aid of his power of recommendation to Congress, called "the Inland Waterways Commission," which made a preliminary report to him, which report was subsequently submitted to Congress.

It was my privilege to serve on that commission, and whilst a member of it I introduced a bill, Senate bill No. 500, in the Sixtieth Congress, first session, for the organization of an inland waterways commission, for the coordination of the various scientific services of the Government that related in any way to the development of our waterways and water resources, and for cooperation between the Nation and the States, municipalities, and private interests in the development of these waterways. That bill, with certain modifications, was approved by the then Secretary of War and by the Inland Waterways Commission, of which Mr. BURTON, of Ohio, was the chairman. It was referred to the Commerce Committee and there considered. But it did not come up for passage.

Since then Congress itself took the matter in hand and appointed a National Waterways Commission, composed entirely of Senators and of Representatives, the previous Inland Waterway Commission appointed by the President under his executive power of recommendation being a mixed commission, consisting of two Senators, two Members of the House of Representatives, and five others—the Chief of the Engineer Corps of the Army, the Chief of the Reclamation Service, the Chief of the Forest Service, the Chief of the Bureau of Soils, and the Chief of the Bureau of Corporations.

Both these commissions have agreed substantially upon the lines of their recommendation as to legislation. They have declared for coordination of the scientific and constructive services of the Government in this great work and for the cooperation of the Nation with States, municipalities, corporations, and individuals that have any jurisdiction over or any right or interest in the development of our waterways, the purpose being to unite the information, the experience, of the scientific services of the Government, and to unite the energies of all the various sovereignties and of all the corporations and individuals having jurisdiction over or interest in the water resources of the country in developing our waterways, not only for navigation, but for every other useful purpose.

THE NATION'S POWER OVER WATERWAYS.

I apprehend that the Senate has little question regarding the importance of these related questions in considering that of navigation. The power of the United States, so far as our waterways is concerned, is derived from that clause of the Constitution which gives Congress the power to regulate interstate and foreign commerce. Navigation being a part of interstate and foreign commerce, thus comes within the national jurisdiction.

The Nation also has an additional interest in the waterways of the country arising from its proprietary interest in the public domain; a larger interest than any other single proprietor in the United States. It is by reason of this constitutional power and by reason of this proprietary right that the Nation itself is called upon to act and can justify its action.

So far as every other matter is concerned the jurisdiction necessarily belongs to the States under their reserved powers. The aim of all legislation should be to combine the powers and energies of all interested in these waterways in united plans, in comprehensive plans, and in united action which will result in each doing its appointed work within its jurisdiction and powers under a comprehensive plan so framed.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

COOPERATION WITH STATES.

Mr. HEYBURN. I do not know whether or not the Senator from Nevada desires to proceed uninterruptedly, but I should like to know whether the proposition is to coordinate by law or by consent outside of legislation as between the States and the Government.

Mr. NEWLANDS. No coordination, of course, between the Nation and the States will be effective without the consent of both; and that, of course, can only be secured by law.

Mr. HEYBURN. Mr. President, I should like to know whether or not, in the judgment of the Senator from Nevada, it is competent for either the State or the Nation to enlarge or subtract from the constitutional powers that they have in regard to legislating, and whether there can be any overlap even by consent.

Mr. NEWLANDS. Mr. President, I would have covered that before completing my remarks, and I should prefer, as I wish to be brief, to go on without interruption, if the Senator will permit me; but I will answer now the question put by the Senator.

Mr. HEYBURN. I merely desire, with the Senator's permission, to say that I only asked a question after inquiring of the Senator whether he desired to go on uninterruptedly.

Mr. NEWLANDS. Certainly; I acquit the Senator from Idaho of any intention to embarrass me, but I simply stated that I wished to be brief, and therefore would prefer to answer questions at the close of my remarks; but I will answer now the question put by the Senator from Idaho.

The Senator from Idaho asks whether it is competent for either the Nation or the State by agreement with each other to enlarge the jurisdiction or the power of either or to act outside of the jurisdiction and powers conferred upon both by their organic law.

I wish to say, regarding this, that I do not believe the power of the Nation can be enlarged without constitutional amendment, and I do not believe that the power of the States can be enlarged without constitutional amendment, and that certainly the powers of neither can be enlarged without constitutional change in such a way as to enable either to trench in any manner upon the power of the other; but the view I take of it is that the Nation and the State, each within their respective jurisdictions, are sovereign; that sovereigns have the right to deal with each other; and that, in a matter of common interest and of common benefit, where the action of both is absolutely necessary in order to carry out a beneficial purpose, whilst Congress itself may not act as the representative of all the States, because no power has been delegated to it for that purpose, yet it can act in such a way that with the cooperation of the States secured through their independent legislation a beneficial result can be accomplished.

Mr. HEYBURN. Mr. President, may I be pardoned for trespassing upon the time of the Senator from Nevada?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I do.

Mr. HEYBURN. Does that amount to more than proposing that the United States shall lobby in the legislatures in order to secure certain concessions, and that the legislatures shall lobby in Congress in order to procure certain concessions? Is not that what it amounts to?

Mr. NEWLANDS. No; Mr. President, I look to no such undignified action on the part of either sovereign. The purpose of my amendment is to provide a dignified method of counseling between the Nation and the States through the selection of boards appointed by the President, which can confer with similar boards organized by the States with reference to matters of common interest, the framing of plans which can be suggested to both sovereigns for their ratification and approval; plans which will fall without the ratification and approval of both; the purpose being to create simply the machinery of consultation, the machinery of cooperation between equal sovereigns, all acting within their respective jurisdictions.

THE RELATED USES OF WATER.

Mr. President, I imagine that there will be little difference of opinion that these related questions of forestry, of the reclamation of arid lands, of the drainage of swamp lands, of the development of water power, and the clarification of streams, all have a relation to the development of waterways for the purpose of navigation. The development of a waterway for navigation may be entirely impracticable because of its cost; but if we can unite with the development of that waterway, the reclamation of the arid lands above, the drainage of swamp lands below, and the intermediate development of valuable water power, we then add to the natural resources of the country and create values which in themselves will be compensatory of the entire work, whereas the work would not be in any measure self-compensatory if confined to navigation alone.

We have in this Government various scientific services, services of a very high standard, services of great esprit de corps, services that have won the admiration and respect not only of

Congress, but of the entire country. These services are now acting entirely separate and apart from each other, and yet they are all practically acting upon parts of the same subject-matter.

We have the Engineer Corps of the Army operating simply upon the question of navigation. Their efforts thus far have been largely confined simply to the maintenance of a stable channel through the operations of dredging and bank protection. We have the Reclamation Service engaged in the diversion of the flood waters of the upper reaches of streams, carrying those flood waters over the arid lands, and thus aiding in the prevention of the extraordinary floods which impair the efficiency of the channel of the river below. We have in them an agency for flood prevention and for the storage of the flood waters which will aid and promote navigation. Then, we have below vast areas of swamp land, rich with alluvial soil, the deposits of ages, almost useless because of the annual overflow, and the channel of the river itself so scattered and diverse as not to permit navigation anywhere.

The problem there is to make one navigable channel by bank protection and by bank levees, and by one process thus clear the channel for navigation and at the same time promote the reclamation of vast areas of rich and fertile land. So, also, in the development of our works for navigation we are compelled in places to provide for dams and locks in the rapids of the river where there is a rapid fall, and those dams and locks are useful for the development of water power, which in itself is partly compensatory of the project.

We have, then, the Reclamation Service; we have the Forest Service; we have the Weather Service; we have the Soils Service; we have the Coast and Geodetic Survey; and we have the Geological Survey, all of them engaged in the study of questions relating to water, its development, and its regulation and control. Is it not the businesslike thing to provide some method by which those services can be brought together for consultation and joint action?

The purpose of this amendment is to permit the President of the United States to bring into coordination, through a board or boards, these related services; to bring them into coordination with the Corps of Engineers of the Army, leaving that as the central organization in connection with the development of our waterways, as it has been for so many years, but giving it the benefit of the advice and the accumulated experience and information of these great services which have been making a study of similar subjects.

WATER AND RAIL COOPERATION.

Then there is the question of transportation. The National Waterways Commission in its very elaborate and able report presents the question of the development of our waterways in connection with railways, insisting that the decline of waterway transportation thus far has been due to the fact that the railways have discouraged water transportation and have sought by unfair competition to destroy it. So, in connection with this great work, we should be allowed the opportunity of calling upon the great transportation experts of the country, and also the members of the Interstate Commerce Commission themselves, for the purpose of advising this board, or these boards, regarding methods that will bring water and rail into cooperation and make each the friend and ally instead of the enemy of the other.

Then, outside of the scientific services of the Government, we have developed in this country the greatest engineers and the greatest constructors known in the world's history—great architects, great builders, great engineers. We should have the benefit of the information, the experience, and the advice of these in the formation of plans; and the amendment which I propose gives the President of the United States the power to add to such board or boards engineers, constructors, and transportation experts of eminence, with a view to aiding in the formation of these comprehensive plans.

COOPERATION WITH STATES.

Mr. President, the next question is the cooperation between the Nation and the States in this great work. Thus far we have been content with Congress alone as the agency of the States in matters requiring union of effort; but our Nation is a sovereignty of limited powers. It can act only under the granted powers, and it is impossible for it to act as sovereign upon every branch of the questions relating to the development of our waterways.

Its sovereign power rests upon navigation alone. Its proprietary interest rests upon its ownership of the public domain. Within its power and its interest it can act, but outside of them it can not, except in the way of forming helpful plans, in which the individual States, corporations, and municipalities can cooperate. So it is proposed in this amendment that the President shall take steps, through the board or boards, to frame comprehensive plans involving the powers and the rights of States, corporations, and municipalities, giving them the power to confer with similar organizations, authorized by these sovereignties and interests, and thus to frame comprehensive plans which will finally be submitted to Congress for its action and to the various States for their action, and which, if carried through, will result not only in comprehensive plans, but in comprehensive and efficient work.

IMPORTANCE OF PERFECTING ORGANIZATION.

Mr. President, it is important, it seems to me, that action should be taken now, and that action should be taken upon the river and harbor bill, for, under the impetus of public sentiment and driven by public opinion, notwithstanding that this is a year of deficit, the House of Representatives has passed a bill involving appropriations of $42,000,000. So that the policy is now to be entered upon, and they declare that a part of the policy is continuing appropriations and an annual appropriation bill. The chairman of the Rivers and Harbors Committee of the House has declared that the appropriation of $42,000,000 contained in the bill covers simply parts of projects which have been approved by the engineers of the army, whose ultimate cost will be over $225,000,000. He also states that outside of these projects, the partial construction of which is permitted by the bill, the engineers of the army have approved projects costing about $85,000,000. So that we are already committing ourselves now to projects involving $300,000,000, and, if we confine ourselves to them, it means within a period of ten years an annual appropriation of $30,000,000. But the American people will not be content with this.

TRANSPORTATION A CHARGE ON OUR NATURAL RESOURCES.

The railroad managers have declared that it is essential, in order to meet the transportation requirements of the country in the near future, that at least $5,000,000,000 shall be expended upon the railways of the country. That $5,000,000,000 is a charge upon the natural resources of the country, as is so well stated in the report of the national commission. The interest upon it, amounting to at least $250,000,000 annually, will be paid by the shippers of the country, and is it not a wise thing for us to consider whether we can not reduce in part the necessity for such enormous expenditure by spending within the next ten years $500,000,000, and even perhaps a billion dollars in the aggregate? It is reasonably to suppose that the expenditure of a billion dollars in waterway transportation at the rate of $100,000,000 a year during the next ten years will save more than half of the necessary expenditure of $5,000,000,000 upon the railways.

Why is it that the railways have been unequal to the transportation requirements of the country? Why was it that two or three years ago they broke down just before the panic? It was simply because the railroads were made the agencies of transporting the bulky and cheap products of the country, products which could be better and more cheaply carried by water, and in reference to the transportation of which time was not an essential. Inquire of any railroad man, and you will find that the breaking down of the transportation system of the country was not due to the transportation of the high-priced products, which pay high freight, but to the coarser products, the products of the mine, the products of the field and the farm, such products as in Germany are carried mainly by waterway transportation, and which in this country, if we perfect our waterway transportation, can be carried largely upon the rivers of the country; so that it is important for us to act now and to establish the system under which we are to proceed.

The amendment which I have offered, whilst not going so far as I would desire to do, as indicated in my appendix to the report of the Inland Waterways Commission, goes as far as the judgment of Congress will at present sanction; but I believe that, so far as providing for coordination of the scientific services of the country, providing for comprehensive plans, and for cooperation between the Nation and the States is concerned, Congress will readily see the propriety of this amendment. Then we will have enlisted not only the information and experience of the Engineer Corps of the Army, but the information and experience of every scientific service of the Government and the services of the best engineers, constructors, and transportation experts of the country in the solution of these important problems; and we can enter upon this great work with comprehensive plans, assigning to each sovereign its duty, to each interest its duty, properly apportioning costs and benefits, instead of entering upon an accidental and disjointed development, which may result, I fear, in the shipwreck of the waterway movement of the country.

THE ENGINEER CORPS OF THE ARMY.

Now, Mr. President, I wish to disclaim at the very start any purpose in this amendment to cut down in any way the duty or the effectiveness of the Engineer Corps of the Army. No one

has a higher respect than I have for that organization; but we must recall the fact that there are only, I believe, 180 officers in it. The Engineer Corps of the Army takes the pick of every class that is educated at West Point. When any class is graduated in which there are not men of the quality that is required for the Engineer Corps of the Army, as we have been told by President Taft, it is the custom of the Engineer Corps to report that it will not require additional officers that year. So that the area of their selection is limited. You can not increase the Engineer Corps efficiently to-day by providing that instead of taking five men from each class you will take ten men from each class, for if you do that, the chances are that the lower five will be men not possessing the high qualifications which thus far have characterized that corps.

You can only increase the number of engineers coming from West Point by largely increasing the membership of West Point itself. If to-day only 5 per cent of the West Point graduates are fitted for the Engineer Corps of the Army, you can not take 10 per cent and make them efficient for that corps. If to-day the number that graduates every year is 100, you will have to enlarge the number to 200 in order to secure by the selection of 5 per cent hereafter a double number of engineers equal in efficiency to those who have heretofore served the Government. So it is a difficult thing to enlarge the Engineer Corps of the Army; and, as stated by Secretary Taft in his letter with reference to the bill which I had pending in this body, the Engineer Corps of the Army is not a body of initiative. He speaks of it as one of the merits and one of the virtues of the Engineer Corps of the Army that it is not a body of initiative. They obey the directions of Congress; when Congress asks them to make a survey, they make it; and when Congress asks them to make a report, they make it; but they do not enter upon the study of this great subject with the idea of initiating, with the idea of forcibly presenting to Congress the considerations which are in their minds that call for the development of the waterways of the country. That is what we need; and we will get that element by incorporating with them the chiefs of the great scientific services of the country and the great engineers, constructors, and transportation experts, whose appointment this amendment calls for. Here is what Secretary Taft said upon this subject in his letter of April 17, 1908, addressed to the Senate Committee on Commerce regarding Senate bill 500, which I had introduced in the Sixtieth Congress and which was similar in its terms to Senate bill 3717, introduced by me in this Congress:

(c) The bill provides for correlating the existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor through certain powers vested in the President. The need for some such plan is sufficiently shown by the fact that while this country is better endowed with waterways than any other our streams are less used for navigation and other public purposes than those of other countries. Since this provision touches duties placed on the War Department by law, it has received careful consideration. It does not appear that the measure would interfere with the functions of the War Department, or with the continuation and extension of the engineering work now performed there, but it is believed that the provision for administration would tend to promote the general welfare. Accordingly this feature meets the approbation of the War Department.

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(e) The bill provides also for the initiation of projects by a board of experts. These provisions affect the work of the War Department and have had careful consideration. Suitable provisions for expert initiation and prompt execution are essential to the proper development of any system of river improvement. The chief defect in the methods hitherto pursued lies in the absence of executive authority for originating comprehensive plans covering the country or natural divisions thereof. The creation of an Inland Waterways Commission for the purpose of initiating plans for the improvement of waterways seems to me a more effective way of a general plan for the improvement of all the waterways in the country than under the present provisions of law. This would not dispense with the admirable machinery furnished by the War Department for the improvement of waterways when the plan has been determined upon and is to be executed. But it supplies what does not exist in the law now—a tribunal other than Congress charged with the duty of originating and developing a satisfactory plan.

Secretary Taft adds:

3. In its present form the bill might be construed to curtail indirectly certain functions of the War Department, which is now charged with large discretion in waterway affairs. Possible ambiguity on this point should be removed.

Mr. Taft goes on and gives the history of the Engineer Corps of the Army and shows how it drifted into the control of our waterways.

Under the same long-standing arrangement—

Mr. Taft says—

it is the policy of the War Department to maintain a trained body of military engineers with a view to the national defense, and to keep these engineers in training in time of peace by detail to civil duty allied to their professional duty in time of war or military preparation; and it was carrying out this policy that the functions of the War Department pertaining to waterways have been more and more largely intrusted to the engineers of the army during the one hundred and ten years since the army and navy were separated in distinct departments. This policy has long been sustained by the Congress, although the military engineers have been prohibited from initiating projects or originating plans for meeting the growing needs of commerce. It is desirable to continue the policy of keeping the military engineers in training and at the same time rendering their skilled service available in work on waterways, although it is not necessary to vest them with the power of initiative, which they have not exercised in the past and which is, perhaps, inconsistent with their primary duty in connection with the military establishment of which they form a part. A provision that the Chief of Engineers of the Army shall be a member of the commission proposed to be created, and a further provision specifically covering the detail of military engineers to the service of the commission whenever such detail shall be consistent with their military duties, would remove any possible ambiguity and would be in accord with the custom and policy of the War Department.

Now, let me say here that that bill went much further than the amendment which I now propose. It organized an inland waterways commission absolutely separate from the War Department itself, though it made the Chief of Engineers of the Army the chairman of the commission; and that proposal was approved by Mr. Taft. This amendment leaves the entire work under the direction of the Corps of Engineers of the Army, but simply gives the President power to appoint in connection with it, on such board or boards as he may deem advisable, the chiefs of the related scientific services and the experts to whom I have referred, leaving the Corps of Engineers of the Army as the central and dominant figure of the entire organization.

THE WATERWAYS COMMISSIONS APPROVE.

Here also is the letter of the Inland Waterways Commission, signed by THEODORE E. BURTON, chairman, which, referring to this bill, states as follows:

1. Several of the leading provisions of the bill are in accord with the recommendations of the commission in a report submitted on February 3 last and transmitted to the Congress by the President on February 26. Among these are (a) the provision for coordination of navigation with related uses of the waters; (b) the provision for cooperation between the Federal Government, States, municipalities, communities, corporations, and individuals; (c) the provision for correlating existing agencies in the Departments of War, Interior, Agriculture, and Commerce and Labor in such manner as to secure effective administration; and (d) the provisions looking toward the control of running waters in such manner as to protect and promote navigation. In so far as these provisions are concerned, the bill has the unqualified approbation of the commission.

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3. The general purpose of the bill is in harmony with the comprehensive plan for improving and developing the waterways of the country framed by the commission and approved by the President in his message of February 26 last.

It is fair to say that this expression was somewhat modified by General Mackenzie, Chief of the Engineer Corps, whose views, however, as I recall, accord with the modified provisions of the pending amendment.

I think the honored chairman of that committee, Mr. BURTON, will bear witness with me as to the intelligent service rendered by the chiefs of the scientific services of the country who were on that commission. I am sure that ever since my experience with them I have had a higher idea of their efficiency, their capacity, and their high public spirit. I know of no organization in a business way in the country that surpasses the scientific services of the country in integrity and in efficiency.

Now, this amendment does not do away at all with the functions of the existing National Waterways Commission, whose views, as expressed in a recent report, I think I am justified in saying, are in accord with this amendment. That is a joint commission of legislators, and composed, as it is, of Members of both the Senate and the House, it will perform the high functions of consulting with and hearing these various experts and boards with a view to submitting to Congress their recommendations; and with these thoroughly sifted recommendations it will be hardly possible for the Nation to go wrong in this great work.

LARGER POWERS DESIRABLE.

I wish to read, as embodying my individual views upon this matter, a short statement from the report of the Inland Waterways Commission—views which I have not sought to incorporate in this amendment because I fear that Congress as yet is not prepared to accept them. They are as follows:

I concur in the report of the commission, but desire to emphasize my belief that it is of the highest importance that in dealing with subjects relating to the respective powers, rights, and interests of the Nation, States, municipalities, corporations, and individuals, large powers and a comparatively free hand should be given to an administrative body of experts in the full development of projects, lest the complexity of the transactions, the time necessary to secure congressional approval, and difference of view as to purpose or method, may result in indecision and delay, the worst enemies of effective development.

An ample fund should be provided, to be reenforced from time to time either by legislative appropriation or by bond issue, and the administrative board, or commission, should be given the power, not only to investigate projects, but also, when determined to be feasible, to enter, with the approval of the President, upon their immediate execution; but the power should be limited so as to prevent such administrative body from entering into any contract unless there are sufficient unappropriated moneys in the fund to meet the cost thereof.

Unless some method of construction and development insuring prompt decision and execution and continuous and consecutive work by a body of experts is adopted, I fear that the best of projects may be wrecked in the shoals and quicksands of legislation.

Mr. President, I still adhere to those views. I feel sure, however, that in the present condition of mind of Congress it will be impossible for them to ripen into legislation, and all I ask in this amendment is that Congress should practically incorporate in this bill now a recommendation, which has been approved by the Inland Waterways Commission, by the National Waterways Commission, and by Mr. Taft himself, when Secretary of War.

CONSERVATION COMMISSION AND CONFERENCE OF GOVERNORS.

I wish to say just one word further. The Senate will recall that the Inland Waterways Commission suggested to the President the propriety of calling the conference of governors, and that just before that conference met the so-called "conservation commission," appointed by President Roosevelt, met, divided into four sections, relating to land, to water, to mines, and to forests. That commission consisted, besides legislators from both Houses, of eminent men, scientific men, engineers, and constructors appointed from every part of the country, and in it were a great number of men who constituted a part of the scientific services of the country. The work of that commission was mainly done by the members of these scientific services. The Senator from Ohio [Mr. BURTON] presided over the section in that commission relating to waters, Representative DALZELL over the section relating to mines, Senator NELSON over the section relating to lands, and Senator SMOOT over the section relating to forests. The commission, as a whole, was presided over by Mr. Pinchot. The proceedings were purely executive. No newspaper reporters were there.

The sessions lasted four or five consecutive days. I have never known deliberative proceedings to be conducted with more logical sequence than those were conducted, mainly under the direction of prominent men connected with the scientific services of the country. Their statements and their treatises upon various subjects under consideration were brief and concise, and their conclusions, with certain modifications, were finally drawn up and constituted the basis of the report of the governors' conference; and if you will read over that report, unanimously acquiesced in by the governors of the great States, you will find the principles of coordination and of cooperation, such as are outlined in this amendment clearly sustained and vindicated.

I quote from the declaration of the governors, as follows:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that the sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We commend the wise forethought of the President in sounding the note of warning as to the waste and exhaustion of the natural resources of the country, and signify our high appreciation of his action in calling this conference to consider the same and to seek remedies therefor through cooperation of the Nation and the States.

We agree that this cooperation should find expression in suitable action by the Congress within the limits of and coextensive with the national jurisdiction of the subject, and, complementary thereto, by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

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We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

THE TAWNEY AMENDMENT.

I wish to add one reason why this should be done. You will all recall that Congress was somewhat impatient toward the close of Mr. Roosevelt's administration, because of his liberal appointment of commissions without statutory sanction. His contention was that under his power of recommendation to Congress he had the power to call to his aid any men or any body of men for the purpose of advising him regarding matters which he proposed to submit to Congress. He sought later to have these commissions, which had not the sanction of statute, but were purely executive commissions, organized under the recommendatory power of the President, made statutory commissions. Congress did not acquiesce. But it went beyond that, and provided in the sundry civil act, section 9, what is known as the "Tawney amendment," as follows:

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

Though it was probably not in the contemplation of the distinguished author of this amendment, it is at least a serious question to-day whether the President of the United States can bring together the members of the government services in an advisory board or council in relation to matters concerning which they have information and experience, and with reference to which he desires their judgment.

We have a case in Nevada, where the Truckee River irrigation project was under consideration, a river which takes its source in Lake Tahoe and which flows into Nevada, and which is now being utilized both for the reclamation of arid lands and the development of water power. The contention arose between the Reclamation Service and the Forest Service as to their jurisdiction and as to what principle should control in the development of forestry, of water power, and of reclamation, and appeal had been taken to the President. The river was an interstate river, partly in California and partly in Nevada; the lake was an interstate navigable lake. Thus the project involved three jurisdictions, that of the Engineer Corps of the Army as to the damming of a navigable lake, the Forest Service, and the Reclamation Service.

I urged the creation of a joint board consisting of the chiefs of the Reclamation and Forest services and of the Engineer Corps, who, with the aid of a civilian engineer of distinction and an officer of the Department of Justice, could thrash out all the difficulties and make report either unanimously or by majority and minority division by which the Secretary of the Interior or the President could be guided.

But it was at least doubtful under the terms of the Tawney amendment whether this could be done, and the President is compelled to proceed laboriously to enter into the contentions of divergent services, when, if they could only get together in a board or council, all dissensions would probably disappear, or, at all events, the points of difference would be so reduced as to make decision easy. So it seems to me that we should have some action upon this subject.

I am aware that I have taken more time than I intended in the development of this amendment. I thought I would present it in the RECORD for the consideration both of Members of the House and the Senate, notwithstanding the fact that the Commerce Committee of the Senate is soon to enter upon its deliberations. I think it would be an excellent thing if we could have, before the river and harbor bill is reported by the Committee on Commerce, some general discussion upon this subject, and I trust we shall have the privilege of listening to the Senator from Ohio [Mr. BURTON], the chairman of the Inland Waterways Commission and the chairman of the National Waterways Commission, who is now also a member of the Commerce Committee of the Senate, and whose great familiarity with these subjects makes him a recognized authority.

Mr. President, I now ask that the amendment be referred to the Committee on Commerce.

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Without objection, it is so ordered.

Mr. NEWLANDS. I shall print as an appendix Senate bill 3717, introduced at this session of Congress, which is similar in its terms to Senate bill 500 of the Sixtieth Congress, first session, with reference to which Secretary Taft's letter, to which I have referred, was written:

In the Senate of the United States December 10, 1909, Mr. NEWLANDS introduced the following bill (S. 3717, 61st Cong.), which was referred to the Committee on Commerce:

"A bill (S. 3717) providing for the appointment of an inland waterway commission and for the improvement and development of the inland waterways of the country, with a view to the promotion of transportation between the States and with foreign countries.

"Be it enacted, etc., That a special fund shall be established in the Treasury, to be known as the inland waterway fund, to be used in the examination, survey, and development of the navigable inland waterways of the United States for the purpose of regulating, improving, and protecting interstate and foreign commerce; and the sum of $50,000,000

annually for each of the ten years following the 1st day of July, 1910, is hereby reserved, set aside, and appropriated as such fund.

"SEC. 2. That the President of the United States is hereby authorized to cause to be examined surveys heretofore made and cause to be made additional examinations and surveys for the development of the navigable inland waterways of the United States, including the Great Lakes, the Mississippi River and its tributaries, the navigable rivers, bays, and sounds of the Gulf of Mexico and their tributaries, the navigable rivers, bays, and sounds of the Atlantic coast and their tributaries, the navigable rivers, bays, and sounds of the Pacific coast and their tributaries, and for the connection of such rivers, lakes, bays, and sounds with each other, wherever practicable and desirable, by connecting canals and by coastal canals, with a view to the promotion of transportation between such waterways by vessels of appropriate draft; and to investigate all questions relating to the development and improvement of the inland waterways of the United States, with a view to the promotion of interstate and foreign commerce; and in connection therewith and in aid thereof to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities and sites, and the regulation and control thereof, for the better regulation and protection of interstate and foreign commerce, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce and navigation.

"SEC. 3. That in order to enable the President to make such examinations, surveys, and investigations, and to construct the works provided for by this act, he is authorized to appoint, by and with the consent of the Senate, an Inland Waterway Commission, to be composed of not exceeding nine members, of which at least three members shall be detailed from the active or retired list of the Corps of Engineers, United States Army, including the Chief of Engineers of the Army, and to bring in coordination therewith the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service related to waterways, and to appoint such experts and other persons and create such board or boards in connection therewith as the work may require, and to fix the salaries of all commissioners, experts, and other persons employed under this act, other than those who may now be officers or employees of the United States, until the same have been fixed by Congress. The President is authorized to detail military engineers to the service of the commission whenever such detail shall be consistent with their military duties: *Provided*, That no additional compensation shall be paid anyone otherwise receiving an official salary as an officer or employee of the United States, other than such necessary traveling expenses as may be approved by the chairman of the commission, and in the case of a retired officer an amount equal to difference between retired and full pay and allowances of grade.

"SEC. 4. That such commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all the moneys received and expended in the construction of works and in the performance of their duties in connection therewith, which reports shall be by the President transmitted to Congress; and such commission shall furthermore give to either House of Congress such information as may at any time be required, either by act of Congress or by order of either House of Congress.

"The President shall cause to be leased or otherwise provided for the use of the commissioners and other employees under this act such offices in the District of Columbia and elsewhere as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of their duties.

"SEC. 5. That if, after proper examination, survey, and estimate, such commission shall determine that any project for the improvement or construction of an inland waterway or coastal waterway is practicable and desirable for the better regulation, protection, and development of interstate and foreign commerce, such project, when authorized by Congress, may be executed in whole or in part through the proper agencies of the Government as now established by law.

"SEC. 6. That such projects may include such colateral works for the irrigation of arid lands, for the reclamation of swamp lands, for the conservation or replacement of forests, for the clarification of streams, control of floods, and for the development and utilization of water power as are in aid of navigation.

"SEC. 7. That such commission is authorized, with the approval of the President, and under such regulations and conditions as he may prescribe for the protection and future interests of the Government and people of the United States, to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works as will aid in improving the navigability of the rivers and other waterways of the United States, and to make arrangements for the proportionate payment of the cost thereof out of the inland waterway fund and by the States, municipalities, communities, corporations, and individuals benefited thereby, in such manner as to secure an equitable distribution of the costs and benefits.

"SEC. 8. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the projects contemplated under this act among the several waterway systems of the United States.

"SEC. 9. That the President is authorized, whenever the current revenues are insufficient to provide the $50,000,000 annually appropriated for the inland waterway fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually and running for a period of not exceeding thirty years."

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, after consulting with Senators having in charge important matters of legislation, it appears that no harm will come to the public business from an adjournment over until Monday, and I therefore move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

REGULATION OF FEDERAL COURT PRACTICE.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first bill in order on the calendar.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. It will go over.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as the next business in order.

Mr. GALLINGER. Let it go over also.

The PRESIDING OFFICER. It will go over under objection by the Senator from New Hampshire.

GOVERNMENT OF HAWAII.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as the next business in order.

Mr. BORAH. I ask that the bill may go over.

The PRESIDING OFFICER. On the suggestion of the Senator from Idaho the bill will go over without prejudice.

GOVERNMENT OF ALASKA.

The bill (S. 5436) to create a legislative council for the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as the next business in order on the calendar.

Mr. GALLINGER. Let it go over.

Mr. BORAH. The Senator from Indiana is not here. I desire to make a motion that the bill go over under Rule IX. I will refrain from doing so, however, until the Senator from Indiana is present.

The PRESIDING OFFICER. The bill goes over without prejudice upon the suggestion of the Senator from New Hampshire.

WALES ISLAND PACKING COMPANY.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as the next business in order.

Mr. JOHNSTON. Let the bill go over, Mr. President.

The PRESIDING OFFICER. Upon objection of the Senator from Alabama, the bill will go over.

POSTAL SAVINGS DEPOSITORIES.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as the next business in order on the calendar.

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

PANAMA CANAL ACT.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as the next business in order on the calendar.

Mr. JOHNSTON. Let it go over.

Mr. KEAN. The bill has already been read, and the Senator from California [Mr. FLINT] is absent. I think it had better go over.

The PRESIDING OFFICER. The bill will go over.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as the next business in order.

Mr. KEAN. Let the bill go over. The Senator from Minnesota [Mr. NELSON] asked me to see that it went over.

GOVERNMENT BUSINESS-METHODS COMMISSION.

The bill (S. 6168) creating a government business-methods commission was announced as the next business in order.

Mr. KEAN. Let it go over also.

The PRESIDING OFFICER. The bill will go over on objection of the Senator from New Jersey.

AMENDMENT OF THE MORRILL ACT.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as the next business in order.

Mr. KEAN. This bill should go over also.

The PRESIDING OFFICER. Under objection it will go over.

PENSIONS TO WIDOWS OF SOLDIERS AND SAILORS.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with

Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as the next business in order on the calendar.

Mr. KEAN. Let it go over. It should go to the calendar under Rule IX.

Mr. BULKELEY. In the absence of the chairman of the committee, I hope the bill will not be sent to the calendar under Rule IX.

The PRESIDING OFFICER. Under objection the bill will go over without prejudice.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6431) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rates stated:

Max Riedel, late of Company C, Thirty-ninth Regiment New York Volunteer Infantry, and Company H, Sixth Regiment Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

John Todd, late of Company D, Third Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Alonzo Blood, late of Company G, Second Regiment United States Volunteer Sharpshooters, and Company B, Fifth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John H. Sims, late of Company H, Thirty-fourth Regiment, and Company H, Forty-fourth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Stephen A. Toops, late of Company C, Seventh Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas Williams, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Edward E. Henry, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Spangler, late of Company C, Seventh Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

George W. Gibson, late of Company A, One hundred and seventy-second Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Isaac B. Doolittle, late of Company F, Eighth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob Bachman, late of Company I, Forty-second Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jacob Martin, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Annie E. Shout, widow of John A. Shout, late of Company D, Third Regiment Pennsylvania Volunteer Heavy Artillery, $12.

Charles Davis, late of Company C and first lieutenant Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John H. Johonnett, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edgar A. Kent, late of Company I, Sixtieth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Allen Rhodes, late of Company D, Veteran Battalion, Tenth Regiment Kansas Volunter Infantry, $24 per month in lieu of that he is now receiving.

Edmond H. Short, late of Company H, Eightieth Regiment Illinois Volunter Infantry, $24 per month in lieu of that he is now receiving.

David N. Heatherly, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas J. Craven, late of Company E, Twenty-ninth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David Bartlett, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Elwood D. Harold, late of Company A, Seventh Regiment, and Company A, First Regiment, Tennessee Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harvey W. Cory, late of Company H, Tenth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Alfred J. Henry, late of Company B, Sixteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emily S. Beale, widow of J. Frank Beale, late second lieutenant Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. H. Morris, late of Company I, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and One hundred and fifty-first Company, Second Battalion, Veteran Reserve Corps, $24 per month in lieu of that he is now receiving.

Niram N. Buttolph, late of Company G, Second Regiment Connecticut Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

John Otto, late of Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Armstrong, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Frederick Bill, late of Twenty-first Battery, Indiana Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Alexander Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick Heinemann, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abram McCoy, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James W. Paschal, late second lieutenant Company B, First Battalion, Thirteenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

William H. Hopkirk, late of Company M, Fourth Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Joseph E. Stanley, late of the Twenty-ninth (unattached) Company, Massachusetts Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Harvey J. Shoulters, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary A. Medley, former widow of John Battye, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, $12.

Sarah Cryan, helpless and dependent daughter of Thomas Cryan, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, $12.

John C. Steele, late of Company C, Thirteenth Regiment Maine Volunteer Infantry, and Company A, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Harlow M. Hall, late of Company E, Fourth Regiment Maine Volunteer Infantry, and Company E, Maine Volunteer Coast Guards, $30 per month in lieu of that he is now receiving.

William H. Hanscom, late of First and Ninth Batteries, Massachusetts Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Philip Bessor, late first lieutenant Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John H. Davidson, late of Company F, Twelfth Regiment Illinois Volunteer Cavalry, and Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Blanchard, late of Company K, One hundred and forty-sixth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Robert T. Goodwin, late of Company C, Forty-eighth Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Wesley A. Cain, late of Company K, Thirty-sixth Regiment Iowa Volunteeer Infantry, $24 per month in lieu of that he is now receiving.

Bailey D. Judkins, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that he is now receiving.

William L. Conner, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas S. Bonar, late of Company D, First Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Leonidas Fowler, late of Company C, First Regiment Iowa Volunteer Infantry, $20 per month in lieu of that he is now receiving.

James R. Sage, late of Company K, Thirteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Warren F. Williams, late of Company B, Fourteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Walton, late of Company B, Twenty-eighth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Rufus P. Stokely, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan T. Sailor, widow of William J. Sailor, late of Company B, Rifle Battalion, First Regiment Missouri Volunteer Infantry, $12.

George S. Greenwood, late of Companies M and C, Seventh Regiment New York Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Henry H. Moulton, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James W. Saunders, late captain Company B, Twelfth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza C. Noble, widow of Joseph Noble, late lieutenant-colonel Ninth Regiment Maine Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Francis W. Pratt, late of Company C, Twenty-seventh Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward Day, late of Company E, Twenty-sixth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Peter Schrofer, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jefferson Lee, late of Company D, Thirty-ninth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William S. Eberman, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Louis Schmidt, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Frank N. Blackstone, late of the U. S. S *Grampus*, *Black Hawk*, and *Great Western*, United States Navy, $24 per month in lieu of that he is now receiving.

Jason L. Doten, late of Company C, First Regiment Maine Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Mary J. Wentworth, widow of Jonah H. Wentworth, late of Company G, Eighth Regiment Maine Volunteer Infantry, $16 per month in lieu of that she is now receiving.

Freeman F. Walker, late of Company A, Tenth Regiment, and Company B, Ninth Regiment, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward M. Duff, late of Company E, Twelfth Regiment Ohio Volunteer Infantry, and Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Veasey, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Annie A. Masker, widow of Henry Masker, late of Companies F and H, Fifth Regiment New York Volunteer Heavy Artillery, $12.

John E. Hill, late captain Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Claudius B. Miller, late first lieutenant Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Lilly, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, $30 per month in lieu of that he is now receiving.

William H. Hicks, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mortimer A. Wilbur, late of Company G, Eleventh Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin F. Hendricks, late of Company D, Fifteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles R. Dodge, late of Company A, First Regiment Wisconsin Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William R. Dye, late of Company D, Thirty-third Regiment, and Company K, Twenty-sixth Regiment, Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph Hall, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lemuel Karr, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Enos Gordon, late of Company F, First Regiment New York Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Joseph H. Graham, late of Company G, First Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jane Pieper, widow of John Pieper, late commissary-sergeant Tenth Regiment Maryland Volunteer Infantry, and United States Army, $20 per month in lieu of that she is now receiving.

George A. Miller, late band leader, Eleventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry S. Webster, late of U. S. S. *Susquehanna*, *Savannah*, and *Vermont*, United States Navy, $24 per month in lieu of that he is now receiving.

Enoch W. F. Felt, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Asahel R. Baker, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry L. Stafford, late of Company F, Sixteenth Regiment Indiana Volunteer Infantry, and Company G, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Isaac Crist, late of Company I, Forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Barnard Hassing, late of Companies K and B, Twelfth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Catherine T. Hutchison, widow of John Q. Hutchison, late captain Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William A. Miles, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Fernsworth, late of Company I, Twelfth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hugh Marshall, late of Company B, Second Regiment Colorado Volunteer Infantry, and Company B, Second Regiment Colorado Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Thomas Brownlee, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Baugher, late of Company I, Ninth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to amend the bill by striking out lines 23 and 24, on page 8, and lines 1 and 2, on page 9, in the following words:

The name of William H. Hanscom, late of First and Ninth Batteries, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The beneficiary mentioned has died since the bill was reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

The bill (S. 6229) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the

Yankton, Norfolk and Southern Railway Company, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CANNON TO GEORGIA.

Mr. CLAY. This morning in my absence a joint resolution was reported from the Committee on Military Affairs. If I had been present I would have asked for its immediate consideration when it was reported. There will be no objection to it. It is the joint resolution (H. J. Res. 111) to donate a brass cannon to the State of Georgia. I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia?

Mr. WARREN. Mr. President, I do not object to present consideration of the joint resolution nor to the resolution itself, but I think I ought to say that a law passed a year ago closed the door to the general practice of donating obsolete brass or bronze cannon. This, however, is an entirely different matter. It is a trophy cannon that has already been devoted to the use, as I understand it, to which this will be devoted, or nearly the same. I make this explanation merely because the Military Affairs Committee has been compelled to refrain from the indorsement of many bills that have been introduced, because of the law which prevents the donation of cannon in other cases.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COPPER RIVER BRIDGE, ALASKA.

The bill (S. 6286) to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "Nevada," to strike out the words "its successors and assigns, be, and are" and to insert the word "is;" in line 9, after the word "River," to insert "at a point suitable to the interests of navigation;" and on page 2, line 3, after the word "Railway," to strike out the words "to be approved by the Secretary of War," so as to make the bill read:

Be it enacted, etc., That the Copper River and Northwestern Railway Company, a corporation organized and existing under the laws of the State of Nevada, is hereby authorized to construct, operate, and maintain a bridge and its approaches thereto across the Copper River, in the district of Alaska, below the mouth of the Kotsina River, at a point suitable to the interests of navigation, about 1½ miles north of the mouth of the Chitina River, on said company's line of railroad designated and generally known as the Chitina Branch of the Copper River and Northwestern Railway, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and are further authorized to construct, operate, and maintain a temporary bridge at or near the same point, to be removed upon the completion of the bridge first above referred to.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL AIDS TO NAVIGATION.

The bill (S. 5007) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, was considered as in Committee of the Whole. It proposes to appropriate for a light and fog signal at Kellett Bluff, Washington, at a cost not to exceed $30,000; for a light-vessel at Partridge Point, Washington, at a cost not to exceed $60,000; for a light-house tender for Alaska, at a cost not to exceed $225,000; and for aids to navigation on Puget Sound, Washington, at a cost not to exceed $250,000.

The bill was reported from the Committee on Commerce with an amendment, on page 2, line 7, before the word "dollars," to strike out "two hundred and fifty thousand" and insert "forty-one thousand six hundred," so as to read:

Aids to navigation on Puget Sound, Washington, at a cost not to exceed $41,600.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAM LAUNCHES IN PUGET SOUND.

The bill (S. 5268) providing for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to have constructed two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound to replace the launches *Guard* and *Scout*, at a cost not to exceed $70,000; and appropriates $70,000 for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICKAMAUGA NATIONAL MILITARY PARK.

The bill (S. 5851) to amend an act approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga," was considered as in Committee of the Whole. It proposes to amend section 5 of the act approved August 19, 1890, so as to read:

SEC. 5. That the affairs of the Chickamauga and Chattanooga National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by the Secretary of War, each of whom shall have actively participated in the battle of Chickamauga, or in one of the battles about Chattanooga; one of whom, upon designation by the Secretary of War, shall act as chairman and another as secretary of the commission. The said commissioners shall have an office in Chattanooga, Tenn., and shall receive compensation at the rate of $300 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMPSON B. POLLARD.

The bill (S. 5075) granting an honorable discharge to Thompson B. Pollard was considered as in Committee of the Whole. It provides that Thompson B. Pollard shall hereafter be held to have been honorably discharged as a second lieutenant of Battery D, First New Jersey Light Artillery Volunteers, on February 19, 1864, and that an honorable discharge be issued to him by the Secretary of War in accordance with this act. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPPINE SCOUTS.

The bill (S. 1027) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts was considered as in Committee of the Whole. It proposes to appropriate $3,000, to enable the enlisted men of the Philippine Scouts to be reimbursed for certain sums of money intrusted by them to Lieut. Andrew Shea, Philippine Scouts, for safekeeping and for transmission to their families in the Philippine Islands, which sums were embezzled by Shea and fraudulently converted to his own use.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUAN TORROELLA Y ROONEY.

The joint resolution (S. J. Res. 74) authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette was announced as next in order.

Mr. BROWN. I ask that this bill may go over, and also the one following it on the calendar, the bill (S. 5788) authorizing the Secretary of the Interior to make allotments within national forests.

The VICE-PRESIDENT. The bills will go over.

G. R. CASWELL LUMBER COMPANY, OF VERMONT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 371), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State relative to the claim of the G. R. Caswell Lumber Company, an

American concern of Vermont, and Mr. W. K. Baldwin, a resident of Quebec, for losses sustained by reason of a fire which started in June, 1907, for legitimate purposes by a surveying party in the employ of the International Boundary Commission while engaged in placing monuments along the boundary between the State of Vermont and the Province of Quebec, got beyond control, and burned over an area of 145 acres in Vermont and Quebec.

It will be seen from the report that the claim of the Caswell Lumber Company amounts to $312.30 and that of Mr. Baldwin to $125, the amount of both claims being $437.30; that it was agreed between the Canadian government and the Department of State to recommend that the owners of the burned-over district be compensated as a matter of equity, the total amount to be borne equally by the United States and Canada, and that the government of Canada has already paid its one-half, out of which Mr. Baldwin's claim of $125 has been satisfied.

In accordance with the recommendation of the Secretary of State, the Congress is requested, as a matter of justice and equity, to appropriate the sum of $218.65, to be placed at the disposal of the Secretary of State in order that it may be added to the balance of $93.65 paid by the government of Canada and a full settlement of the claim of the Caswell Lumber Company reached.

WM. H. TAFT.

THE WHITE HOUSE, *February 18, 1910.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 13864. An act to extend Fourth street SE.;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes;

H. R. 16330. An act to authorize the surveyor of the District of Columbia to adopt the system of designating land in the District of Columbia now in force in the office of the assessor of said District;

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 18156. An act directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts;

H. R. 19038. An act to authorize the opening of a road along the Anacostia River, in the District of Columbia;

H. R. 19039. An act authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia; and

H. R. 19787. An act to change the name of the west side of Fifteenth street NW., between I and K streets, to McPherson place.

ARTICLES OF WAR.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 2 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, February 21, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1910.

UNITED STATES ATTORNEYS.

Harry J. Bone, of Kansas, to be United States attorney for the district of Kansas. (A reappointment, his term having expired December 17, 1909.)

Barnes Gillespie, of Virginia, to be United States attorney for the western district of Virginia, vice Thomas Lee Moore, whose term has expired.

UNITED STATES MARSHAL.

James F. Shea, of North Dakota, to be United States marshal for the district of North Dakota. (A reappointment, his term having expired December 17, 1909.)

RECEIVERS OF PUBLIC MONEYS.

Lewis J. Pettijohn, of Kansas, to be receiver of public moneys at Dodge City, Kans., his term expiring March 23, 1910. (Reappointment.)

Cyrus E. Carpenter, of Cambria, Wyo., to be receiver of public moneys at Sundance, Wyo., vice Levi R. Davis, term expired.

REGISTERS OF THE LAND OFFICE.

Henry F. Millikan, of Kansas, to be register of the land office at Dodge City, Kans., his term expiring January 29, 1910. (Reappointment.)

Joseph Lytle, of Sundance, Wyo., to be register of the land office at Sundance, Wyo., vice Alpha E. Hoyt, term expired.

COLLECTOR OF CUSTOMS.

John A. Merritt, of New York, to be collector of customs for the district of Niagara, in the State of New York. (Reappointment.)

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Maj. William S. Peirce, Ordnance Department, to be lieutenant-colonel from February 12, 1910, vice Lieut. Col. Ormond M. Lissak, retired from active service on that date.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. William W. Robinson, jr., deputy quartermaster general, to be assistant quartermaster-general, with the rank of colonel, from February 17, 1910, vice Col. John W. Pullman, retired from active service on that date.

Maj. Thomas Cruse, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, from February 17, 1910, vice Lieut. Col. William W. Robinson, jr., promoted.

Capt. Abraham S. Bickham, quartermaster, to be quartermaster, with the rank of major, from February 17, 1910, vice Maj. Thomas Cruse, promoted.

COAST ARTILLERY CORPS.

Second Lieut. Peter H. Ottosen, Coast Artillery Corps, to be first lieutenant from February 16, 1910, vice First Lieut. Hunter B. Porter, retired from active service on that date.

APPOINTMENT IN THE MARINE CORPS.

William B. Sullivan, a citizen of Indiana, to be second lieutenant in the United States Marine Corps from the 15th day of February, 1910, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ARKANSAS.

Benjamin F. Campbell to be postmaster at Fayetteville, Ark., in place of Benjamin F. Campbell. Incumbent's commission expires March 23, 1910.

John R. Greenwood to be postmaster at Stamps, Ark., in place of John R. Greenwood. Incumbent's commission expires March 2, 1910.

William L. Jefferies to be postmaster at Clarendon, Ark., in place of William L. Jefferies. Incumbent's commission expires March 7, 1910.

CALIFORNIA.

S. B. Bagnall to be postmaster at Oxnard, Cal., in place of Henry W. Witman. Incumbent's commission expires February 27, 1910.

Marcus J. Isaacs to be postmaster at Etna Mills, Cal., in place of Marcus J. Isaacs. Incumbent's commission expired January 31, 1910.

Frank L. Powell to be postmaster at Lemoore, Cal., in place of Frank L. Powell. Incumbent's commission expires February 19, 1910.

FLORIDA.

Cyrus Lowrey to be postmaster at Clearwater, Fla., in place of Cyrus Lowrey. Incumbent's commission expires February 28, 1910.

GEORGIA.

Julia Fleming to be postmaster at Sparta, Ga., in place of Julia Fleming. Incumbent's commission expired February 5, 1910.

HAWAII.

Joseph G. Pratt to be postmaster at Honolulu, Hawaii, in place of Joseph G. Pratt. Incumbent's commission expired February 23, 1909.

INDIANA.

Harry C. Martin to be postmaster at Attica, Ind., in place of Harry C. Martin. Incumbent's commission expired February 5, 1910.

Charles Sihler to be postmaster at Evansville, Ind., in place of Charles G. Covert, resigned.

IOWA.

William Ely Weldon to be postmaster at Iowa Falls, Iowa, in place of Gerald L. Whinery. Incumbent's commission expired February 7, 1910.

KANSAS.

Alexander Barron to be postmaster at Kirwin, Kans., in place of Alexander Barron. Incumbent's commission expires March 14, 1910.

Harvey G. Lawrence to be postmaster at Thayer, Kans., in place of Harvey G. Lawrence. Incumbent's commission expires March 23, 1910.

John M. Watson to be postmaster at Frankfort, Kans., in place of John M. Watson. Incumbent's commission expired February 7, 1910.

MASSACHUSETTS.

William F. Darby to be postmaster at North Adams, Mass., in place of William F. Darby. Incumbent's commission expires March 7, 1910.

MICHIGAN.

Michael H. Kern to be postmaster at Menominee, Mich., in place of Michael H. Kern. Incumbent's commission expires February 22, 1910.

Josiah C. Richardson to be postmaster at Jackson, Mich., in place of Josiah C. Richardson. Incumbent's commission expires March 23, 1910.

MINNESOTA.

C. O. Lund to be postmaster at Wabasha, Minn., in place of Ziba C. Goss. Incumbent's commission expires March 23, 1910.

MISSISSIPPI.

W. J. Price to be postmaster at Meridian, Miss., in place of Andrew J. Hyde, resigned.

MISSOURI.

Levi Alexander to be postmaster at Kahoka, Mo., in place of Levi Alexander. Incumbent's commission expired January 18, 1910.

J. T. Burden to be postmaster at Sarcoxie, Mo., in place of Frank S. Jones. Incumbent's commission expires February 27, 1910.

Clarence Conger to be postmaster at Unionville, Mo., in place of Clarence Conger. Incumbent's commission expired February 13, 1910.

Laurence O. Weakley to be postmaster at St. Joseph, Mo., in place of Arthur W. Brewster. Incumbent's commission expired January 29, 1910.

NEBRASKA.

Albert H. Hollingsworth to be postmaster at Beatrice, Nebr., in place of Albert H. Hollingsworth. Incumbent's commission expires February 27, 1910.

Lewis M. Short to be postmaster at Ainsworth, Nebr., in place of Lewis M. Short. Incumbent's commission expired February 5, 1910.

NEW HAMPSHIRE.

Luther M. Morrill to be postmaster at Tilton, N. H., in place of Luther H. Morrill. Incumbent's commission expires March 23, 1910.

Walter H. Stickney to be postmaster at Epping, N. H., in place of Walter H. Stickney. Incumbent's commission expires March 21, 1910.

NEW JERSEY.

James E. Baldwin to be postmaster at Newton, N. J., in place of Richard F. Goodman. Incumbent's commission expired February 5, 1910.

Amasa W. Bedell to be postmaster at Sussex, N. J., in place of Brice P. Walling, deceased.

George H. Tice to be postmaster at Perth Amboy, N. J., in place of George H. Tice. Incumbent's commission expires April 3, 1910.

NEW MEXICO.

Robert W. Hopkins to be postmaster at Albuquerque, N. Mex., in place of Robert W. Hopkins. Incumbent's commission expires March 7, 1910.

NEW YORK.

Michael Gleason to be postmaster at Carthage, N. Y., in place of Michael Gleason. Incumbent's commission expires February 19, 1910.

Joseph Ogle to be postmaster at Greenport, N. Y., in place of Joseph Ogle. Incumbent's commission expires March 14, 1910.

Fred E. Payne to be postmaster at Clinton, N. Y., in place of Fred E. Payne. Incumbent's commission expires March 23, 1910.

John J. Roehrig to be postmaster at Rosebank, N. Y., in place of John J. Roehrig. Incumbent's commission expires March 12, 1910.

NORTH CAROLINA.

Brownlow Jackson to be postmaster at Hendersonville, N. C., in place of Brownlow Jackson. Incumbent's commission expires March 14, 1910.

Felix M. McKay to be postmaster at Duke, N. C. Office became presidential January 1, 1910.

OHIO.

Orlando P. Mason to be postmaster at Bellaire, Ohio, in place of Orlando P. Mason. Incumbent's commission expires March 26, 1910.

PENNSYLVANIA.

Harley J. Barns to be postmaster at Albion, Pa., in place of Harley J. Barns. Incumbent's commission expires March 29, 1910.

Frank R. Cyphers to be postmaster at East Pittsburg, Pa., in place of Frank R. Cyphers. Incumbent's commission expires March 23, 1910.

Fred G. Fryburg to be postmaster at Hooversville, Pa. Office became presidential January 1, 1910.

SOUTH DAKOTA.

George A. Fehlman to be postmaster at Frankfort, S. Dak. Office became presidential January 1, 1910.

J. Melroy Staley to be postmaster at Clear Lake, S. Dak., in place of J. Melroy Staley. Incumbent's commission expires March 21, 1910.

VERMONT.

Mark H. Moody to be postmaster at Waterbury, Vt., in place of Mark H. Moody. Incumbent's commission expires March 7, 1910.

VIRGINIA.

Bentley Kern to be postmaster at Winchester, Va., in place of Bentley Kern. Incumbent's commission expired January 30, 1910.

WISCONSIN.

Matthew J. Connors to be postmaster at Hurley, Wis., in place of Matthew J. Connors. Incumbent's commission expires March 21, 1910.

William J. Guetzloe to be postmaster at Kiel, Wis., in place of William J. Guetzloe. Incumbent's commission expires March 23, 1910.

Peter W. MacKenzie to be postmaster at Poynette, Wis., in place of Peter W. MacKenzie. Incumbent's commission expires March 2, 1910.

WYOMING.

F. E. Rounds to be postmaster at Sundance, Wyo. Office became presidential January 1, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1910.

SECOND SECRETARY OF EMBASSY.

Fred Morris Dearing to be second secretary of the embassy at London, England.

SECRETARIES OF LEGATION.

Balkam Schoyer to be secretary of the legation at Berne, Switzerland.

Arthur Hugh Frazier to be secretary of the legation at Bogota, Colombia.

Jacob Sleeper to be secretary of the legation at Habana, Cuba.

UNITED STATES MARSHAL.

James F. Shea to be United States marshal for the district of North Dakota.

POSTMASTERS.

CALIFORNIA.

John C. Ingalls, at Healdsburg, Cal.

FLORIDA.

Daniel T. Gerow, at Jacksonville, Fla.

GEORGIA.

Charles I. Robinson, at Eatonton, Ga.

IDAHO.

John McMillan, at Boise, Idaho.

ILLINOIS.

James W. Breen, at Manteno, Ill.
William F. Hodson, at Delavan, Ill.
Henry W. Lynch, at Peoria, Ill.
William A. Mussett, at Grayville, Ill.
Jacob G. Reul, at Mendota, Ill.

INDIANA.

Edward A. Spray, at Frankfort, Ind.

IOWA.

George C. True, at Oskaloosa, Iowa.

KANSAS.

Harry Ross, at Bronson, Kans.
Edwin R. Smith, at Mound City, Kans.
Daniel Stough, at Sedan, Kans.

KENTUCKY.

James T. Stephens, at Hickman, Ky.

OREGON.

Burtis W. Johnson at Corvallis, Oreg.

TENNESSEE.

John W. Jackson, at Columbia, Tenn.

TEXAS.

John D. Abney, at Grand View, Tex.
Henry A. Appel, at Mercedes, Tex.
Thomas L. Ball, at Decatur, Tex.
Leonidas M. Barkley, at Fort Worth, Tex.
Frank C. Blaine, at Del Rio, Tex.
Joseph A. Bowermon, at Mansfield, Tex.
William L. Boyd, at Kemp, Tex.
Joshua C. Brown, at Madisonville, Tex.
Sallie E. Brooks, at Bastrop, Tex.
Vittoria Evon Brunow, at Pampa, Tex.
H. A. Burns, at Burnet, Tex.
Robert E. Burns, at Tenaha, Tex.
Ferman Carpenter, at Franklin, Tex.
A. A. Cooper, at Olney, Tex.
Joel D. Cranford, at Mineral Wells, Tex.
William E. Dwyer, at Brenham, Tex.
George A. Gray, at Aspermont, Tex.
Effie L. Houghton, at Memphis, Tex.
Henry C. Ingram, at Eddy, Tex.
James H. Loyd, at Alba, Tex.
Berry McGee, at Italy, Tex.
Frank W. Reast, at Whitesboro, Tex.

UTAH.

James P. Driscoll, at Eureka, Utah.
Niels C. Poulsen, at Richfield, Utah.

WEST VIRGINIA.

Arthur W. Windom, at Hendricks, W. Va.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 18, 1910.

UNITED STATES ATTORNEY.

William A. Northcott, of Illinois, to be United States attorney for the southern district of Illinois. Said nomination was sent to the Senate on December 20, 1909.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 18, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

JOSEPH J. SINNOTT.

Mr. BARTLETT of Georgia. Mr. Speaker, I call up the resolution (H. Res. 401) which is at the Clerk's desk, being a privileged report (No. 493) from the Committee on Accounts.

The SPEAKER. The gentleman from Georgia calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 401, in lieu of House resolution 27.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rate of $1,800 per annum to Joseph J. Sinnott for services as special messenger and assistant pair clerk to the minority, said office and compensation to be in lieu of one special messenger now authorized at $1,500 per annum; and to said Sinnott there shall be paid out of the contingent fund an amount equal to the rate of $300 per annum, from and including March 17, 1909, until the date of the adoption of this resolution.

Mr. MANN. Mr. Speaker, as I recall, this is practically the same thing we did last year.

Mr. BARTLETT of Georgia. That amendment was offered by the chairman of the Democratic caucus on the 15th of March to carry out what was asked to be done by the Democratic caucus relative to this assistant pair clerk, and at the suggestion of Mr. PAYNE, the leader of the majority, it has taken this course. The resolution was introduced and referred to the Committee on Accounts, and this is the report from that committee upon the resolution.

Mr. MANN. Has this employee ever received this increase of salary before?

Mr. BARTLETT of Georgia. No.

Mr. MANN. This is an increase?

Mr. BARTLETT of Georgia. Yes. He performs the services of pair clerk, and is one of the most efficient men on our side, or on either side.

Mr. MANN. I recall the case now.

The question was taken, and the resolution was agreed to.

MESSENGER AND JANITOR TO THE COMMITTEE ON DISPOSITION OF PAPERS IN THE EXECUTIVE DEPARTMENTS.

Mr. CURRIER. Mr. Speaker, I offer the following privileged resolution (H. Res. 399) from the Committee on Accounts. (Report No. 491.)

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 399, in lieu of House resolution 221.

Resolved, That there shall be paid, out of the contingent fund of the House, compensation at the rate of $60 per month for the services of a messenger, who shall also act as janitor, to the Committee on Disposition of Papers in the Executive Departments during the regular sessions of the Sixty-first Congress, to commence from the time he entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

The question was taken, and the resolution was agreed to.

ASSISTANT CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. Mr. Speaker, I offer the following privileged resolution (H. Res. 400) from the Committee on Accounts. (Report No. 492.)

The SPEAKER. The gentleman from New Hampshire offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 400, in lieu of House resolution 328.

Resolved, That there shall be paid, out of the contingent fund of the House, compensation at the rate of $6 per day for the services of an assistant clerk to the Committee on Enrolled Bills during the present session, payment to commence from the time such clerk entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

Mr. CLARK of Missouri. Mr. Speaker, is this an extraordinary office that is being created?

Mr. CURRIER. This is a position that we give at about this time in the session every year. The man is now at work.

Mr. CLARK of Missouri. It is needed for the public good, is it?

Mr. CURRIER. So the chairman of the Committee on Enrolled Bills states.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

HARRY B. SMITH.

Mr. CURRIER. Mr. Speaker, I also offer the following resolution (H. Res. 382). (Report No. 490.)

The SPEAKER. The gentleman from New Hampshire offers a resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 382.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Harry B. Smith, the sum of $17.86, being the amount due him as clerk-hire allowance for services rendered the late Hon. William C. Lovering, a Representative from Massachusetts, from February 1 to February 4, 1910, inclusive.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. CURRIER. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Speaker, I merely wish to call the attention of the House to something that I think is wrong in its practice. I introduced this resolution. It has been reported just in the form that I introduced it. It pays the clerk of the late Mr. Lovering up to the day of Mr.

Lovering's death. That is to say, it pays him for four days in February. Now, that is the universal practice of this House. We never pay a clerk for a single day beyond the date of the death of the Member who employed him.

But our practice is entirely wrong, Mr. Speaker. Merely because a man dies, his district does not die. During the time which expires before a successor is elected there should be some provision for payment for the performance of the necessary work for that district. I know something myself about the business of the fourteenth Massachusetts district, because I have had occasion to investigate it lately. There is no way to carry on the business of that district; there is no way to attend to its river and harbor matters, its public-building matters, its pension business, or anything else. No one can be paid to do the work, because Congress will make no provision for his payment.

Now, I know we can not expect the House to alter this practice until the matter has been called to its attention. I have taken the floor merely to point out to the members of the Committee on Accounts and to the House generally that our practice as it now stands is a mistake. I hope that in the future some means will be found to relieve such situations.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. BARTLETT of Georgia. I thoroughly agree with the gentleman. I will say that this can all be obviated if the House would do what it ought to do, namely, put the secretaries of Members upon the roll of the House—that is, to permit the Member to nominate his secretary, and that secretary shall remain, so long as he is designated as secretary, on the roll of the House and become an officer of it and paid directly. We have had quite a few cases, I will say, coming up in the Committee on Accounts, where the same circumstances existed, and one case where the secretary to a Member who had died stayed here for six months, until the election, and attended to all the business of his district, and we could not give any relief.

They ought to go on the roll of the House like they do in the Senate. In the Senate the private secretaries to Senators not only are on the roll, but they receive $1,800 and also an extra month's pay whenever we pass at the end of a session a provision giving the employees of the House and Senate an extra month's salary. The Members of the House have it in their power to change this rule so as to prevent this injustice, if they will vote for such a proposition; and I think we can get it out of the Committee on Accounts. The Members can vote for a proposition to the effect that the secretaries to the Members of the House shall be treated as they are in the Senate, go upon the roll of the House, and the salary, instead of being paid to the Member, be paid to the secretary. [Applause.]

Mr. CURRIER. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE LATE A. B. TALCOTT.

Mr. CURRIER. I also present the following resolution. (Report No. 489.)

The Clerk read as follows:

House resolution 335.

Resolved, That there shall be paid out of the contingent fund of the House to Doretta F. Talcott, widow of A. B. Talcott, late electrician in the heating and ventilating department of the House of Representatives, an amount equal to six months of his salary, and an additional amount, not exceeding $250, to defray the funeral expenses of said A. B. Talcott.

Mr. CURRIER. I ask for a vote.

The question was taken, and the resolution was agreed to.

On motion of Mr. CURRIER, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

MEMORIAL EXERCISES ON HON. A. J. M'LAURIN.

Mr. SPIGHT. Mr. Speaker, at a former day of this session resolutions were presented to the House announcing the death of Hon. A. J. McLAURIN, late a Senator from the State of Mississippi; and it was stated at that time that at a future period a day would be set apart for memorial exercises. In that connection I desire to present the following resolution.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Ordered, That there be a session of the House on Sunday, the 13th day of March, at 12 o'clock, to be set apart for addresses on the life, character, and public services of Hon. A. J. McLAURIN, late a Senator from the State of Mississippi.

The question was taken, and the resolution was agreed to.

JOHN W. DULA.

The Speaker laid before the House the bill (H. R. 13145) for the relief of John W. Dula, with Senate amendments, which were read.

Mr. PRINCE. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

J. A. DENNY.

Mr. COWLES. Mr. Speaker, I ask unanimous consent to withdraw report No. 243, accompanying the bill H. R. 9447, and substitute another report.

Mr. CLARK of Missouri. What bill is it?

The SPEAKER. We will ascertain in a moment. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9447) for the relief of J. A. Denny.

The SPEAKER. The gentleman asks unanimous consent to withdraw the report and substitute another report. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. LAW. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the rule.

Mr. MANN. You might do better to consider these things in the House.

Mr. LAW. Well, Mr. Speaker, I desire to withdraw that motion for a moment, in order to ask unanimous consent that the House proceed to the consideration of business on the Private Calendar under the rule as in the Committee of the Whole House.

Mr. MANN. Suppose you make it business reported from the Committee on War Claims.

The SPEAKER. The gentleman from New York asks unanimous consent that bills on the Private Calendar reported from the Committee on War Claims be considered in the House as in Committee of the Whole.

Mr. MANN. Of course that would include resolutions.

The SPEAKER. That includes resolutions. Is there objection?

Mr. PRINCE. I will make objection for the moment, or reserve it. As I understand this motion, it will apply only to private claims reported by the Committee on War Claims.

The SPEAKER. That is the request.

Mr. PRINCE. That is the request; and if the motion that the gentleman has made were put to the House, after the War Claims work had been completed, it would then leave it so that the other private claims could come up under the rule. I will ask the gentleman what is the necessity for making this kind of a motion? If there is a good reason for it, I do not want to object.

Mr. LAW. Mr. Speaker, I will say that all the business on the Private Calendar reported by the Committee on War Claims consists of Tucker Act resolutions, and the purpose of the request for this manner of considering them is simply to save the time of the House. It is probable that they can be disposed of in this way in about one-half of the time. If the House gets through with the consideration of these Tucker Act resolutions, why then there is no reason whatever why the gentleman from Illinois, if he desires to do so, can not make a motion to go into Committee of the Whole for the consideration of other bills on the Private Calendar.

Mr. MANN. I will say to my colleague that if these resolutions are considered in Committee of the Whole, and then have to be considered in the House when reported from the Committee of the Whole House, undoubtedly it will take all the afternoon. The mere reading of the resolutions will take a long time, and it would be duplicated to some extent in returning to the House. Of course this request would not shut out the right of my colleague to go into Committee of the Whole, although I hope that motion will not be made to-day.

Mr. PRINCE. I would rather have the motion amended so that we consider these resolutions also in the House as in Committee of the Whole under the rule, and not have the motion made that it is limited to war claims.

Mr. MANN. What good would that do? After considering the war claims resolutions, the gentleman from New York, the chairman of the committee, I think would undoubtedly move to rise and report those resolutions back to the House, and it would take the balance of the day to consider them in the House, even if they were only to be read by title.

The SPEAKER. Is there objection?

Mr. PRINCE. I do not care to press the objection.

The SPEAKER. The Chair hears no objection. The Clerk will report the first bill on the calendar.

FREDERICK BARTEMEYER, DECEASED.

The first business on the Private Calendar was the resolution (H. Res. 201) referring the bill (H. R. 712) for the relief of the legal representatives of Frederick Bartemeyer, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 712) for the relief of the legal representatives of Frederick Bartemeyer, deceased, with all the accompanying papers be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. LAW. Mr. Speaker, this is simply a claim for stores and supplies, the facts of which have never been adjudicated in any tribunal where there was an opportunity for cross-examination. Therefore the bill is referred to the Court of Claims for a finding of facts.

Mr. MANN. Will the gentleman yield for a question?

Mr. LAW. Yes.

Mr. MANN. There are a large number of these Tucker Act resolutions upon the calendar, reported from the Committee on War Claims. Of course it is quite impossible, either from the resolution or the report upon the resolution, to gain any information. I am not making any criticism of that. Will the gentleman inform the House whether, in supporting these resolutions, the Committee on War Claims, or somebody in connection with them, gives consideration to the possible or probable merits of the bill, or does the committee report a Tucker Act resolution upon any bill that happens to be referred to it relating to war claims?

Mr. LAW. Great care has been exercised in selecting the bills to be reported under the Tucker Act. The gentleman from Illinois will bear in mind that the present Committee on War Claims inherited something like 808 Tucker Act resolutions that were in the Tucker Act omnibus resolution in the last Congress that did not pass. A great many have been turned down in the committee, because it was not thought proper that they should be reported. I will say, in addition to that, that every one of them has been examined by the expert of the committee and by at least one member of the committee besides the chairman.

Mr. MANN. This all might as well be discussed now as at any other time, so I will ask another question. The gentleman knows that the judges of the Court of Claims have for some time been of the opinion that they ought to have greater power in making findings to report to Congress, and that the Attorney-General in his annual report recommended that increased authority be given to the Court of Claims in making its findings. Will the gentleman inform us as to what the situation is as to that bill now?

Mr. LAW. The Attorney-General, upon the suggestion of the judges of the Court of Claims, recommended that the following addition be made to section 14 of the Tucker Act:

Together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim legal or equitable, or as a gratuity against the United States.

A bill so amending the Tucker Act was introduced in January by my colleague [Mr. BENNET of New York] and was referred to the Committee on the Judiciary. I personally appeared before the subcommittee, composed of six members, and advocated that bill. I am informed that it was reported out of the subcommittee favorably on yesterday. There was a meeting of the Committee on the Judiciary this morning, but whether favorable action was taken by the full committee I can not say. I have not learned.

Mr. MANN. I am informed that the full committee did not act upon the proposition this morning, but I assume that they are likely to, and that bill may be passed, as far as the House is concerned, at any time.

Mr. LAW. There is no possible objection to the amendment. It ought to go through, and I believe it will.

Mr. CLAYTON. Mr. Speaker, I will say in that connection that I happen to be a member of both those committees, War Claims and the Judiciary, and this proposition, I think, meets with the approval of every member of each committee.

Mr. LAW. Mr. Speaker, I ask for a vote.

The resolution was agreed to.

Mr. LAW. Mr. Speaker, in order to save time, I ask unanimous consent that the balance of the House resolutions from the Committee on War Claims be read by title. The reason I ask is that all the resolutions are identical except as to the number of the bills and the names of the claimants, both of which appear in the titles of the resolutions. Therefore the reading of the resolutions would convey no additional information to the House.

The SPEAKER. Ordinarily——

Mr. MANN. I would have to object to that, Mr. Speaker.

The SPEAKER. The gentleman objects. The Clerk will report the next resolution.

LUCY MOORE.

The next business on the Private Calendar was the resolution (H. Res. 202) referring the bill (H. R. 1431) for the relief of Lucy Moore, widow, and the heirs of W. P. Moore, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1431) for the relief of Lucy Moore, widow, and the heirs of W. P. Moore, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JOHN M'ANULTY.

The next business on the Private Calendar was the resolution (H. Res. 203) referring the bill (H. R. 1764) for the relief of the heirs of John McAnulty, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1764) for the relief of the heirs of John McAnulty, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JAMES S. FORD.

The next business on the Private Calendar was the resolution (H. Res. 204) referring the bill (H. R. 1766) for the relief of the estate of James S. Ford, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1766) for the relief of the estate of James S. Ford, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JOHN JONES.

The next business on the Private Calendar was the resolution (H. Res. 205) referring the bill (H. R. 1767 for the relief of the estate of John Jones, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1767) for the relief of the estate of John Jones, deceased, with all the accompanying papers, be and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

E. M. FELTS.

The next business on the Private Calendar was the resolution (H. Res. 206) referring the bill (H. R. 4906) for the relief of E. M. Felts to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 4906) for the relief of E. M. Felts, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

E. A. MAYS.

The next business on the Private Calendar was the resolution (H. Res. 207) referring the bill (H. R. 6497) for the relief of the estate of E. A. Mays, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 6497) for the relief of the estate of E. A. Mays, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JOHN HOLLEMAN.

The next business on the Private Calendar was the resolution (H. Res. 208) referring the bill (H. R. 10259) for the relief of the estate of John Holleman, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 10259) for the relief of the estate of John Holleman, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

S. S. LITTLEJOHN.

The next business on the Private Calendar was the resolution (H. Res. 209) referring the bill (H. R. 13278) for the relief of S. S. Littlejohn to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 13278) for the relief of S. S. Littlejohn, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HOWARD T. BUNCH.

The next business on the Private Calendar was the resolution (H. Res. 210) referring the bill (H. R. 13293) for the relief of Howard T. Bunch to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 13293) for the relief of Howard T. Bunch, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

TUCKER JACKSON.

The next business on the Private Calendar was the resolution (H. Res. 211) referring the bill (H. R. 13325) for the relief of the estate of Tucker Jackson, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 13325) for the relief of the estate of Tucker Jackson, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

The resolution was agreed to.

L. D. PARKS.

The next bill on the Private Calendar was the resolution (H. Res. 212) referring the bill (H. R. 14120) for the relief of L. D. Parks to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 14120) for the relief of L. D. Parks, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

J. M. SHIPWASH.

The next business on the Private Calendar was the resolution (H. Res. 213) referring the bill (H. R. 14121) for the relief of the heirs of J. M. Shipwash, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 14121) for the relief of the heirs of J. M. Shipwash, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WILLIAM C. MILLER.

The next business on the Private Calendar was the resolution (H. Res. 214) referring the bill (H. R. 14434) for the relief of William C. Miller to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 14434) for the relief of William C. Miller, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

LEVI W. REVELLE.

The next business on the Private Calendar was the resolution (H. Res 215) referring the bill (H. R. 14878) for the relief of Levi W. Revelle to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 14878) for the relief of Levi W. Revelle, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JULIA F. KELLY.

The next business on the Private Calendar was the resolution (H. Res. 216) referring the bill (H. R. 15011) for the relief of the heirs of Julia F. Kelly, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 15011) for the relief of the heirs of Julia F. Kelly, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HENRY BISCH.

The next business on the Private Calendar was the resolution (H. Res. 217) referring the bill (H. R. 15520) for the relief of Henry Bisch to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 15520) for the relief of Henry Bisch, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

SARAH B. MATTHEWS AND ELIJAH B. MATTHEWS.

The next business on the Private Calendar was the resolution (H. Res. 218) referring the bill (H. R. 15869) for the relief of the heirs of Sarah B. Matthews and Elijah B. Matthews, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 15869) for the relief of the heirs of Sarah B. Matthews and Elijah B. Matthews, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

LUCY M. FISHER.

The next business on the Private Calendar was the resolution (H. Res. 219) referring the bill (H. R. 16693) for the relief of the heirs of Lucy M. Fisher, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 16693) for the relief of the heirs of Lucy M. Fisher, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

ELIZA ANN ASHCRAFT.

The next business on the Private Calendar was the resolution (H. Res. 238) referring the bill (H. R. 1185) for the relief of the heirs of Eliza Ann Ashcraft, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1185) for the relief of the heirs of Eliza Ann Ashcraft, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

R. A. CRUTCHER.

The next business on the Private Calendar was the resolution (H. Res. 239) referring the bill (H. R. 1191) for the relief of the heirs of R. A. Crutcher, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1191) for the relief of the heirs of R. A. Crutcher, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

LUTHERAN CHURCH OF THE ASCENSION, SAVANNAH, GA.

The next business on the Private Calendar was the resolution (H. Res. 240) referring the bill (H. R. 2378) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga., to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 2378) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga., with all the accompanying papers be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of tne act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

FIRST BAPTIST CHURCH, OF SPRINGFIELD, MO.

The next business on the Private Calendar was the resolution (H. Res. 241) referring the bill (H. R. 2456) for the relief of the First Baptist Church, of Springfield, Mo., to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 2456) for the relief of the First Baptist Church, of Springfield, Mo., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JACOB J. FOREMAN.

The next business on the Private Calendar was the resolution (H. Res. 242) referring the bill (H. R. 4728) for the relief of the heirs of Jacob J. Foreman, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 4728) for the relief of the heirs of Jacob J. Foreman, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

MOUNT OLIVET METHODIST EPISCOPAL CHURCH SOUTH, NOLENSVILLE, TENN.

The next business on the Private Calendar was the resolution (H. Res. 243) referring the bill (H. R. 5429) for the relief of the trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn., to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5429) for the relief of the trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

MISSIONARY BAPTIST CHURCH, OF FRANKLIN, TENN.

The next business on the Private Calendar was the resolution (H. Res. 244) referring the bill (H. R. 5437) for the relief of the Missionary Baptist Church, of Franklin, Tenn., to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5437) for the relief of the Missionary Baptist Church, of Franklin, Tenn., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

J. B. CHANDLER AND D. B. COX.

The next business on the Private Calendar was the resolution (H. Res. 245) referring the bill (H. R. 5764) for the relief of the heirs of J. B. Chandler and D. B. Cox to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 5764) for the relief of the heirs of J. B. Chandler and D. B. Cox, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JOHN S. LUPTON.

The next business on the Private Calendar was the resolution (H. Res. 246) referring the bill (H. R. 6155) for the relief of John S. Lupton to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 6155) for the relief of John S. Lupton, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JAMES H. HOTTEL.

The next business on the Private Calendar was the resolution (H. Res. 247) referring the bill (H. R. 6157) for the relief of James H. Hottel to the Court of Calims.

The Clerk read as follows:

Resolved, That the bill (H. R. 6157) for the relief of James H. Hottel, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

BRANON THATCHER, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 248) referring the bill (H. R. 6161) for the relief of the estate of Branon Thatcher, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 6161) for the relief of the estate of Branon Thatcher, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

ESTATE OF MARTIN F. M'CARTHY, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 249) referring the bill (H. R. 6462) for the relief of J. F. McCarthy, administrator of the estate of Martin F. McCarthy, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 6462) for the relief of J. F. McCarthy, administrator of the estate of Martin F. McCarthy, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

WILLIAM NEVIN.

The next business on the Private Calendar was the resolution (H. Res. 250) referring the bill (H. R. 6495) for the relief of William Nevin to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 6495) for the relief of William Nevin, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JAMES C. CONNOR, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 251) referring the bill (H. R. 9734) for the relief of the heirs of James C. Connor, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 9734) for the relief of the heirs of James C. Connor, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

T. ALONZO WALKER AND AUGUSTA C. TODD.

The next business on the Private Calendar was the resolution (H. Res. 252) referring the bill (H. R. 9764) for the relief of T. Alonzo Walker and Augusta C. Todd to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 9764) for the relief of T. Alonzo Walker and Augusta C. Todd, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

FYKES GROVE PRIMITIVE BAPTIST CHURCH.

The next business on the Private Calendar was the resolution (H. Res. 253) referring the bill (H. R. 8803) for the relief of the Fykes Grove Primitive Baptist Church, Sulphur Fork, Robertson County, Tenn., to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 8803) for the relief of the Fykes Grove Primitive Baptist Church, Sulphur Fork, Robertson County, Tenn., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JOHN Z. HAMEL, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 254) referring the bill (H. R. 10040) for the relief of the estate of John Z. Hamel, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 10040) for the relief of the estate of John Z. Hamel, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

NATHAN P. ENGLISH.

The next business on the Private Calendar was the resolution (H. Res. 255) referring the bill (H. R. 10238) for the relief of the estate of Nathan P. English, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 10238) for the relief of the estate of Nathan P. English, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JESSE HOLLINGSHEAD, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 256) referring the bill (H. R. 10239) for the relief of the heirs of Jesse Hollingshead, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 10239) for the relief of the heirs of Jesse Hollingshead, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

MATTHIAS PRICE, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 257) referring the bill (H. R. 10240) for the relief of the heirs of Matthias Price, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 10240) for the relief of the heirs of Matthias Price, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts

under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

W. J. HUGHES.

The next business on the Private Calendar was the resolution (H. Res. 258) referring the bill (H. R. 11851) for the relief of W. J. Hughes, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 11851) for the relief of W. J. Hughes, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker act.

The resolution was agreed to.

UNITY CHURCH, GILES COUNTY, TENN.

The next business on the Private Calendar was the resolution (H. Res. 259) referring the bill (H. R. 12250) for the relief of the trustees of Unity Church, of Giles County, Tenn., to the Court of Claims.

The resolution was read as follows:

Resolved, That the bill (H. R. 12250) for the relief of the trustees of Unity Church, of Giles County, Tenn., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

PLEASANT HILL BAPTIST CHURCH, LONOKE COUNTY, ARK.

The next business on the Private Calendar was the resolution (H. Res. 260) referring the bill (H. R. 14396) for the relief of the trustees of the Pleasant Hill Baptist Church, in Lonoke County, Ark., to the Court of Claims.

The resolution was read as follows:

Resolved, That the bill (H. R. 14396) for the relief of the trustees of the Pleasant Hill Baptist Church, in Lonoke County, Ark., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF D. W. BELL, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 261) referring the bill (H. R. 15297) for the relief of the heirs of D. W. Bell, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 15297) for the relief of the heirs of D. W. Bell, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF JOHN H. RICHARDSON, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 262) referring the bill (H. R. 15299) for the relief of the heirs of John H. Richardson, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 15299) for the relief of the heirs of John H. Richardson, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF MOSES M'WATERS, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 263) referring the bill (H. R. 16854) for the relief of the heirs of Moses McWaters, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 16854) for the relief of the heirs of Moses McWaters, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF H. PIERCE, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 264) referring the bill (H. R. 16859) for the relief of the heirs of H. Pierce, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 16859) for the relief of the heirs of H. Pierce, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines;

S. 6191. An act to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas; and

S. 5899. An act to amend section 1014 of the Revised Statutes of the United States.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19255. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911.

GEORGE W. HACKETT.

The next business on the Private Calendar was the resolution (H. Res. 265) referring the bill (H. R. 16861) for the relief of the heirs of George W. Hackett, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 16861) for the relief of the heirs of George W. Hackett, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

GEORGE HARRISON BORAH.

The next business on the Private Calendar was the resolution (H. Res. 266) referring the bill (H. R. 17334) for the relief of Sarah A. Borah and the heirs of George Harrison Borah, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17334) for the relief of Sarah A. Borah and the heirs of George Harrison Borah, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generaly known as the Tucker Act.

The question was taken, and the resolution was agreed to.

LOUIS L. COLEMAN.

The next business on the Private Calendar was the resolution (H. Res. 267) referring the bill (H. R. 17487) for the relief of Louis L. Coleman to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17487) for the relief of Louis L. Coleman, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JAMES WARD.

The next business on the Private Calendar was the resolution (H. Res. 268) referring the bill (H. R. 17731) for the relief of the heirs of James Ward to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17731) for the relief of the heirs of James Ward, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

CHARLES JOLIVET.

The next business on the Private Calendar was the resolution (H. Res. 269) referring the bill (H. R. 17895) for the relief of the heirs of Charles Jolivet, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17895) for the relief of the heirs of Charles Jolivet, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

AUGUSTE HENRY MONNIER.

The next business on the Private Calendar was the resolution (H. Res. 270) referring the bill (H. R. 17896) for the relief of the heirs of Auguste Henry Monnier, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17896) for the relief of the heirs of Auguste Henry Monnier, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

APPOLINE FOURNIER PATOUT.

The next business on the Private Calendar was the resolution (H. Res. 271) referring the bill (H. R. 17898) for the relief of

the heirs of Appoline Fournier Patout, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17898) for the relief of the heirs of Appoline Fournier Patout, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

E. A. GIVENS.

The next business on the Private Calendar was the resolution (H. Res. 272) referring the bill (H. R. 17995) for the relief of E. A. Given to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17995) for the relief of E. A. Givens, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

AMBROSE R. M'PHERSON.

The next business on the Private Calendar was the resolution (H. Res. 273) referring the bill (H. R. 18269) for the relief of Ambrose R. McPherson to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18269) for the relief of Ambrose R. McPherson, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

ARRA M. FARNSWORTH.

The next business on the Private Calendar was the resolution (H. Res. 274) referring the bill (H. R. 18275) for the relief of Arra M. Farnsworth to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18275) for the relief of Arra M. Farnsworth, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

SAMUEL CALDWELL.

The next business on the Private Calendar was the resolution (H. Res. 278) referring the bill (H. R. 4748) for the relief of the estate of Samuel Caldwell, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 4748) for the relief of the estate of Samuel Caldwell, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

LEWIS SHUMATE.

The next business on the Private Calendar was the resolution (H. Res. 279) referring the bill (H. R. 5236) for the relief of the estate of Lewis Shumate, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5236) for the relief of the estate of Lewis Shumate, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

ALEXANDER F. DULIN.

The next business on the Private Calendar was the resolution (H. Res. 280) referring the bill (H. R. 5240) for the relief of the estate of Alexander F. Dulin, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5240) for the relief of the estate of Alexander F. Dulin, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JOHN D. RAWLINGS.

The next business on the Private Calendar was the resolution (H. Res. 281) referring the bill (H. R. 5245) for the relief of the heirs of John D. Rawlings, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5245) for the relief of the heirs of John D. Rawlings, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

BOLSER H. PULLIN.

The next business on the Private Calendar was the resolution (H. Res. 282) referring the bill (H. R. 5263) for the relief of Bolser H. Pullin to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5263) for the relief of Bolser H. Pullin, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

VIRGIL A. FITZGERALD.

The next business on the Private Calendar was the resolution (H. Res. 283) referring the bill (H. R. 5264) for the relief of Virgil A. Fitzgerald to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5264) for the relief of Virgil A. Fitzgerald, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JOHN GIBSON.

The next business on the Private Calendar was the resolution (H. Res. 284) referring the bill (H. R. 5265) for the relief of the estate of John Gibson, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 5265) for the relief of the estate of John Gibson, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

R. SMITH BAILEY.

The next business on the Private Calendar was the resolution (H. Res. 285) referring the bill (H. R. 6868) for the relief of R. Smith Bailey to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 6868) for the relief of R. Smith Bailey, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JEREMIAH LOOPER.

The next business on the Private Calendar was the resolution (H. Res. 286) referring the bill (H. R. 10036) for the relief of Jeremiah Looper to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 10036) for the relief of Jeremiah Looper, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

W. F. PARKER.

The next business on the Private Calendar was the resolution (H. Res. 287) referring the bill (H. R. 11608) for the relief of W. F. Parker to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R 11608) for the relief of W. F. Parker, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

ABEL WELTON.

The next business on the Private Calendar was the resolution (H. Res. 288) referring the bill (H. R. 14377) for the relief of the heirs of Abel Welton, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 14377) for the relief of the heirs of Abel Welton, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

SAMPSON KINNEA.

The next business on the Private Calendar was the resolution (H. Res. 289) referring the bill (H. R. 17052) for the relief of Sampson Kinnea to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17052) for the relief of Sampson Kinnea, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JACOB POSS.

The next business on the Private Calendar was the resolution (H. Res. 290) referring the bill (H. R. 17061) for the relief of Jacob Poss to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 17061) for the relief of Jacob Poss, with all the accompanying papers, be, and the same is hereby, referred

to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

EDWARD AND WILLIAM HOLDERBY.

The next business on the Private Calendar was the resolution (H. Res. 291) referring the bill (H. R. 4547) for the relief of the heirs of Edward and William Holderby to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 4547) for the relief of the heirs of Edward and William Holderby, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

AZRAIH MITCHELL.

The next business on the Private Calendar was the resolution (H. Res. 296) referring the bill (H. R. 1188) for the relief of the heirs of Azraih Mitchell, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 1188) for the relief of the heirs of Azraih Mitchell, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JAMES WATSON.

The next business on the Private Calendar was the resolution (H. Res. 297) referring the bill (H. R. 4734) for the relief of the heirs of James Watson, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 4734) for the relief of the heirs of James Watson, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

OLIVER P. BOYD.

The next business on the Private Calendar was the resolution (H. Res. 298) referring the bill (H. R. 5444) for the relief of Oliver P. Boyd to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5444) for the relief of Oliver P. Boyd, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WILLIAM H. TAYLOR.

The next business on the Private Calendar was the resolution (H. Res. 299) referring the bill (H. R. 5447) for the relief of William H. Taylor to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5447) for the relief of William H. Taylor, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

THOMAS B. WATERS.

The next business on the Private Calendar was the resolution (H. Res. 300) referring the bill (H. R. 5450) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5450) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

EMMA F. EVERMAN.

The next business on the Private Calendar was the resolution (H. Res. 301) referring the bill (H. R. 7629) for the relief of Emma F. Everman to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 7629) for the relief of Emma F. Everman, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

METHODIST EPISCOPAL CHURCH, LOUISA, KY.

The next business on the Private Calendar was the resolution (H. Res. 302) referring the bill (H. R. 7643) for the relief of the Methodist Episcopal Church of Louisa, Lawrence County, Ky., to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 7643) for the relief of the Methodist Episcopal Church of Louisa, Lawrence County, Ky., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

SIMEON GRAVES.

The next business on the Private Calendar was the resolution (H. Res. 303) referring the bill (H. R. 9733) for the relief of the heirs of Simeon Graves, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 9733) for the relief of the heirs of Simeon Graves, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

JAMES H. HYATT.

The next business on the Private Calendar was the resolution (H. Res. 304) referring the bill (H. R. 11839) for the relief of the estate of James H. Hyatt, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 11839) for the relief of the estate of James H. Hyatt, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

GEORGE C. LULL.

The next business on the Private Calendar was the resolution (H. Res. 305) referring the bill (H. R. 13075) for the relief of the heirs of George C. Lull, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 13075) for the relief of the heirs of George C. Lull, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WASHINGTON WEST.

The next business on the Private Calendar was the resolution (H. Res. 306) referring the bill (H. R. 17973) for the relief of Washington West to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17973) for the relief of Washington West, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

EVELYN CLARK.

The next business on the Private Calendar was the resolution (H. Res. 307) referring the bill (H. R. 17974) for the relief of Evelyn Clark to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17974) for the relief of Evelyn Clark, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HENRIETTA BAUERS.

The next business on the Private Calendar was the resolution (H. Res. 308) referring the bill (H. R. 17979) for the relief of the estate of Henrietta Bauers, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17979) for the relief of the estate of Henrietta Bauers, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

SOLOMON LYONS.

The next business on the Private Calendar was the resolution (H. Res. 309) referring the bill (H. R. 18029) for the relief of Solomon Lyons to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 18029) for the relief of Solomon Lyons, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

BRYANT WHEELER.

The next business on the Private Calendar was the resolution (H. Res. 310) referring the bill (H. R. 18039) for the relief of the heirs of the estate of Bryant Wheeler, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 18039) for the relief of the heirs of the estate of Bryant Wheeler, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a

finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WALTER T. DOUGH.

The next business on the Private Calendar was the resolution (H. Res. 311) referring the bill (H. R. 18271) for the relief of Walter T. Dough to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 18271) for the relief of Walter T. Dough, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

ROANOKE ISLAND BAPTIST CHURCH.

The next business on the Private Calendar was the resolution (H. Res. 312) referring the bill (H. R. 18798) for the relief of the trustees of the Roanoke Island Baptist Church, of Roanoke Island, North Carolina, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 18798) for the relief of the trustees of the Roanoke Island Baptist Church, of Roanoke Island, North Carolina, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WILLIAM DOUTHIT.

The next business on the Private Calendar was the resolution (H. Res. 318) referring the bill (H. R. 4543) for the relief of the heirs of William Douthit, deceased, to the Court of Claims.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 4543) for the relief of the heirs of William Douthit, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

DANIEL B. HAROLD.

The next business on the Private Calendar was the resolution (H. Res. 319) referring the bill (H. R. 9729) for the relief of the estate of Daniel B. Harold, deceased, to the Court of Claims.

The Clerk read the resolutoin, as follows:

Resolved, That the bill (H. R. 9729) for the relief of the estate of Daniel B. Harold, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

WILEY FRANKS, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 320) referring the bill (H. R. 1099) for the relief of the heirs of Wiley Franks, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 1099) for the relief of the heirs of Wiley Franks, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

TRUSTEES OF TIMBER RIDGE PRESBYTERIAN CHURCH.

The next business on the Private Calendar was the resolution (H. Res. 321) referring the bill (H. R. 1104) for the relief of the trustees of Timber Ridge Presbyterian Church, of Henry County, Ga., to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 1104) for the relief of the trustees of Timber Ridge Presbyterian Church, of Henry County, Ga., with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

SAMUEL CHOATE.

The next business on the Private Calendar was the resolution (H. Res. 322) referring the bill (H. R. 10235) for the relief of Samuel Choate to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 10235) for the relief of Samuel Choate, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

A. M. WEBB.

The next business on the Private Calendar was the resolution (H. Res. 323) referring the bill (H. R. 10236) for the relief of A. M. Webb to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 10236) for the relief of A. M. Webb, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

BEN MAHUREN.

The next business on the Private Calendar was the resolution (H. Res. 324) referring the bill (H. R. 10237) for the relief of Ben Mahuren to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 10237) for the relief of Ben Mahuren, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

MRS. B. L. HENDRICKS, FORMERLY MRS. T. GUERNSEY.

The next business on the Private Calendar was the resolution (H. Res. 325) referring the bill (H. R. 18026) for the relief of Mrs. B. L. Hendricks, formerly Mrs. T. Guernsey, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 18026) for the relief of Mrs. B. L. Hendricks, formerly Mrs. T. Guernsey, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

J. C. PENDLETON.

The next business on the Private Calendar was the resolution (H. Res. 341) referring the bill (H. R. 1209) for the relief of J. C. Pendleton to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 1209) for the relief of J. C. Pendleton, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

HENRY DIEHL.

The next business on the Private Calendar was the resolution (H. Res. 342) referring the bill (H. R. 1218) for the relief of the heirs of Henry Diehl, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 1218) for the relief of the heirs of Henry Diehl, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

W. M. DICKINSON, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 343) referring the bill (H. R. 1222) for the relief of the estate of W. M. Dickinson, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 1222) for the relief of the estate of W. M. Dickinson, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

LILLIE L. PENROD.

The next business on the Private Calendar was the resolution (H. Res. 344) referring the bill (H. R. 2948) for the relief of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 2948) for the relief of Lillie L. Penrod, sole heir of Mary E. Wycough, deceased, late daughter and heir of Buford H. Neely, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

J. W. M'CONNELL.

The next business on the Private Calendar was the resolution (H. Res. 345) referring the bill (H. R. 5795) for the relief of J. W. McConnell to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 5795) for the relief of J. W. McConnell, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

JOHN HENRY EDWARDS.

The next business on the Private Calendar was the resolution (H. Res. 346) referring the bill (H. R. 7404) for the relief of John Henry Edwards to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 7404) for the relief of John Henry Edwards, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

LAWRENCE M. SPANN, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 347) referring the bill (H. R. 7468) for the relief of the estate of Lawrence M. Spann, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 7468) for the relief of the estate of Lawrence M. Spann, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

W. S. RANDOLPH.

The next business on the Private Calendar was the resolution (H. Res. 348) referring the bill (H. R. 9813) for the relief of W. S. Randolph to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 9813) for the relief of W. S. Randolph, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

G. S. CHEVES.

The next business on the Private Calendar was the resolution (H. Res. 349) referring the bill (H. R. 15938) for the relief of G. S. Cheves to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 15938) for the relief of G. S. Cheves, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The question was taken, and the resolution was agreed to.

HEIRS OF H. T. BURGES, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 350) referring the bill (H. R. 15954) for the relief of the heirs of H. T. Burges, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 15954) for the relief of the heirs of H. T. Burges, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF DANIEL GOOS.

The next business on the Private Calendar was the resolution (H. Res. 351) referring the bill (H. R. 15963) for the relief of the heirs of Daniel Goos to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 15963) for the relief of the heirs of Daniel Goos, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

SHADRACK H. WREN.

The next business on the Private Calendar was the resolution (H. Res. 352) referring the bill (H. R. 18261) for the relief of Shadrack H. Wren to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18261) for the relief of Shadrack H. Wren, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

REPRESENTATIVES OF SPEAR AND LANG, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 353) referring the bill (H. R. 18908) for the relief of the legal representatives of Spear and Long, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18908) for the relief of the legal representatives of Spear and Long, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. LAW. Mr. Speaker, I move to amend in line 2 by spelling the name Lang instead of Long.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 2, change the spelling of "Long" to "Lang."

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF CAPT. J. B. BARRY, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 354) referring the bill (H. R. 18923) for the relief of Martha A. Barry, widow, and the heirs of Capt. J. B. Barry, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18923) for the relief of Martha A. Barry, widow, and the heirs of Capt. J. B. Barry, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF JOHN G. MILLER, DECEASED.

The next business on the Private Calendar was the resolution H. Res. 355) referring the bill (H. R. 18925) for the relief of the heirs of John G. Miller, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18925) for the relief of the heirs of John G. Miller, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

HEIRS OF NASH L. COX, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 356) referring the bill (H. R. 18929) for the relief of the heirs of Nash L. Cox, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18929) for the relief of the heirs of Nash L. Cox, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

ESTATE OF JOHN B. RUSSELL.

The next business on the Private Calendar was the resolution (H. Res. 357) referring the bill (H. R. 18933) for the relief of the estate of John B. Russell, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 18933) for the relief of the estate of John B. Russell, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

LEGAL REPRESENTATIVES OF SARAH TROY SMITH, DECEASED.

The next business on the Private Calendar was the resolution (H. Res. 358) referring the bill (H. R. 19102) for the relief of the legal representatives of Sarah Troy Smith, deceased, to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 19102) for the relief of the legal representatives of Sarah Troy Smith, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The resolution was agreed to.

The SPEAKER. This seems to complete the calendar.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. BURKE of South Dakota. And pending that motion, I move that all general debate on the bill terminate in thirty-three minutes; and upon that question I ask for the previous question.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I want to ask the gentleman a question, if I may be permitted.

Mr. BURKE of South Dakota. I have no objection.

The SPEAKER. If there be no objection.

Mr. RUCKER of Missouri. I wanted to ask, if there was no objection, this question: Will not the gentleman withdraw that motion for the previous question? Some of us on this side want to talk a few minutes. I would like to do so myself.

Mr. BURKE of South Dakota. I will have to demand the regular order. I can not consent.

The SPEAKER. The gentleman demands the regular order.

Mr. RUCKER of Missouri. A parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. RUCKER of Missouri. I want to know if this is a part of the plan and purpose to shut off all debate in the House?

The SPEAKER. That is hardly a parliamentary inquiry. The Chair can not answer, because the Chair can not look into the minds of Members and ascertain what is their purpose.

The question is on ordering the previous question.

The question was put.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I want to vote.

The SPEAKER. The gentleman will have an opportunity.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HARDWICK and Mr. GARRETT. Division!

The House divided; and there were—ayes, 109; noes, 76.

Mr. RUCKER of Missouri. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER. The gentleman makes the point that there is not a quorum present. The Doorkeeper will close the doors——

Mr. MANN. The Chair has not declared that there is not a quorum.

The SPEAKER. Oh, yes; 109 in the affirmative, 76 in the negative.

Mr. MANN. That was the vote.

The SPEAKER. The Chair thinks there is not a quorum present.

Mr. RUCKER of Missouri. If the Chair will indulge me one moment in the interest of dispatching public business—— [Cries of "Regular order!"]

Can not we have a few minutes for debate instead of consuming this time?

The SPEAKER. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent members; as many as are in favor of ordering the previous question will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken; and there were—yeas 157, nays 123, answered "present" 19, not voting 88, as follows:

YEAS—157.

Alexander, N. Y.	Fassett	Knowland	Parsons
Ames	Fish	Kopp	Payne
Anthony	Fordney	Küstermann	Pearre
Austin	Foster, Vt.	Lafean	Pickett
Barchfeld	Foulkrod	Langham	Poindexter
Barclay	Fuller	Langley	Pratt
Barnard	Gaines	Law	Pray
Bartholdt	Gardner, Mass.	Lawrence	Prince
Bates	Gardner, Mich.	Lenroot	Roberts
Boutell	Gardner, N. J.	Lindbergh	Rodenberg
Bradley	Gillett	Longworth	Scott
Brownlow	Goebel	Loud	Sheffield
Burke, S. Dak.	Good	McCreary	Simmons
Butler	Graff	McCredie	Slemp
Calder	Graham, Pa.	McGuire, Okla.	Smith, Cal.
Campbell	Grant	McKinlay, Cal.	Smith, Iowa
Cary	Griest	McKinley, Ill.	Sperry
Cassidy	Guernsey	McLachlan, Cal.	Stafford
Chapman	Hamer	McMorran	Steenerson
Cocks, N. Y.	Hanna	Madden	Sterling
Cooper, Pa.	Haugen	Mann	Stevens, Minn.
Cooper, Wis.	Hawley	Martin, S. Dak.	Sulloway
Coudrey	Hayes	Miller, Kans.	Swasey
Cowles	Heald	Miller, Minn.	Tawney
Creager	Henry, Conn.	Millington	Taylor, Ohio
Crow	Higgins	Mondell	Tener
Dalzell	Hinshaw	Moon, Pa.	Thomas, Ohio
Dawson	Hollingsworth	Moore, Pa.	Tilson
Diekema	Howell, N. J.	Morehead	Townsend
Dodds	Howell, Utah	Morgan, Mo.	Volstead
Douglas	Hubbard, Iowa	Morgan, Okla.	Wanger
Draper	Huff	Morse	Washburn
Driscoll, M. E.	Johnson, Ohio	Murdock	Wiley
Durey	Joyce	Murphy	Wilson, Ill.
Dwight	Kahn	Needham	Wood, N. J.
Edwards, Ky.	Keifer	Nelson	Woodyard
Ellis	Kendall	Nye	Young, Mich.
Elvins	Kennedy, Iowa	Olmsted	
Englebright	Kinkaid, Nebr.	Palmer, H. W.	
Fairchild	Knapp	Parker	

NAYS—123.

Adair	Burleson	Dickson, Miss.	Godwin
Adamson	Burnett	Dies	Goulden
Aiken	Byrns	Dixon, Ind.	Gregg
Alexander, Mo.	Candler	Driscoll, D. A.	Hamlin
Anderson	Carlin	Edwards, Ga.	Hammond
Barnhart	Carter	Ellerbe	Hardwick
Bartlett, Ga.	Clark, Mo.	Ferris	Hardy
Bartlett, Nev.	Clayton	Fitzgerald	Hay
Beall, Tex.	Cline	Flood, Va.	Heflin
Bell, Ga.	Collier	Floyd, Ark.	Helm
Boehne	Conry	Gallagher	Henry, Tex.
Booher	Cox, Ind.	Garner, Tex.	Hitchcock
Borland	Cravens	Garrett	Hobson
Brantley	Dent	Gill, Md.	Houston
Broussard	Denver	Gill, Mo.	Howard
Burgess	Dickinson	Gillespie	Hughes, Ga.
Hughes, N. J.	Macon	Pujo	Slayden
Hull, Tenn.	Maguire, Nebr.	Ransdell, La.	Small
Humphreys, Miss.	Maynard	Rauch	Smith, Tex.
James	Mays	Richardson	Sparkman
Jamieson	Moon, Tenn.	Robinson	Spight
Johnson, Ky.	Moore, Tex.	Rothermel	Stephens, Tex.
Johnson, S. C.	Morrison	Rucker, Colo.	Thomas, Ky.
Jones	Moss	Rucker, Mo.	Thomas, N. C.
Kitchin	Nicholls	Sabath	Tou Velle
Korbly	Oldfield	Shackleford	Underwood
Lamb	Padgett	Sharp	Watkins
Lee	Page	Sheppard	Webb
Lever	Palmer, A. M.	Sherwood	Wickliffe
Lloyd	Peters	Sims	Wilson, Pa.
McDermott	Pou	Sisson	

ANSWERED "PRESENT"—19.

Andrus	Foster, Ill.	Kronmiller	Reid
Bennet, N. Y.	Glass	Lowden	Russell
Clark, Fla.	Goldfogle	Malby	Sherley
Currier	Graham, Ill.	Martin, Colo.	Young, N. Y.
Davis	Kennedy, Ohio	O'Connell	

NOT VOTING—88.

Allen	Estopinal	Kinkead, N. J.	Reynolds
Ansberry	Finley	Latta	Rhinock
Ashbrook	Focht	Legare	Riordan
Bennett, Ky.	Foelker	Lindsay	Saunders
Bingham	Fornes	Livingston	Smith, Mich.
Bowers	Foss	Loudenslager	Snapp
Burke, Pa.	Fowler	Lundin	Southwick
Burleigh	Garner, Pa.	McCall	Stanley
Byrd	Gilmore	McHenry	Sturgiss
Calderhead	Gordon	McKinney	Sulzer
Cantrill	Greene	McLaughlin, Mich.	Talbott
Capron	Gronna	Madison	Taylor, Ala.
Cole	Hamill	Moxley	Taylor, Colo.
Cook	Hamilton	Mudd	Thistlewood
Covington	Harrison	Norris	Tirrell
Cox, Ohio	Hill	Olcott	Vreeland
Craig	Howland	Patterson	Wallace
Crumpacker	Hubbard, W. Va.	Perkins	Weeks
Cullop	Hughes, W. Va.	Plumley	Weisse
Davidson	Hull, Iowa	Rainey	Wheeler
Denby	Humphrey, Wash.	Randell, Tex.	Willett
Esch	Keliher	Reeder	Woods, Iowa

So the previous question was ordered.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. ANDRUS with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. HILL with Mr. GLASS.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. MALBY with Mr. BOWERS.

Mr. CAPRON with Mr. O'CONNELL.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. WHEELER with Mr. RANDELL of Texas.

Mr. SNAPP with Mr. BYRD.

Mr. COLE with Mr. ANSBERRY.

Mr. LOWDEN with Mr. FOSTER of Illinois.

Mr. THISTLEWOOD with Mr. TAYLOR of Alabama.

Mr. WOODS of Iowa with Mr. KELIHER.

Mr. SOUTHWICK with Mr. STANLEY.

Mr. SMITH of Michigan with Mr. WEISSE.

Mr. MUDD with Mr. SULZER.

Mr. REYNOLDS with Mr. TABBOTT.

Mr. REEDER with Mr. RHINOCK.

Mr. OLCOTT with Mr. RAINEY.

Mr. MAXLEY with Mr. PATTERSON.

Mr. MCLAUGHLIN of Michigan with Mr. MCHENRY.

Mr. MCKINLEY of Illinois with Mr. LIVINGSTON.

Mr. MCCALL with Mr. LINDSAY.

Mr. LUNDIN with Mr. LATTA.

Mr. LOUDENSLAGER with Mr. KINKEAD of New Jersey.

Mr. HUGHES of West Virginia with Mr. HAMILL.

Mr. HAMILTON with Mr. GRAHAM of Illinois.

Mr. GARNER of Pennsylvania with Mr. GORDON.

Mr. FOSS with Mr. GILMORE.

Mr. ESCH with Mr. FERRIS.

Mr. COOK with Mr. ESTOPINAL.

Mr. CALDERHEAD with Mr. CULLOP.

Mr. BURLEIGH with Mr. CRAIG.

Mr. BURKE of Pennsylvania with Mr. CLARK of Florida.

Mr. BINGHAM with Mr. CANTRILL.

For the day:

Mr. KRONMILLER with Mr. COVINGTON.

For Wednesday and Thursday, February 16 and 17:

Mr. DENBY with Mr. SHERLEY.

For Friday and Saturday, February 18 and 19:

Mr. HOWLAND with Mr. Cox of Ohio.

For Wednesday, Thursday, Friday, and Saturday, February 16, 17, 18, and 19:

Mr. BENNET of New York with Mr. HARRISON.

Mr. O'CONNELL. Mr. Speaker, I wish to inquire if the gentleman from Rhode Island [Mr. CAPRON] voted?

The SPEAKER. He did not.

Mr. O'CONNELL. Then I wish to withdraw my vote and to vote "present."

The Clerk called the name of Mr. O'CONNELL, and he voted "present."

The result of the vote was announced as above recorded.

The SPEAKER. The ayes have it, and the previous question is ordered. A quorum is present. The Doorkeeper will open the doors. The question now is on the motion of the gentleman from South Dakota to close debate.

The motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from South Dakota that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, with Mr. OLMSTED in the chair.

Mr. CAMPBELL. Mr. Chairman, I shall not avail myself of the opportunity to indulge in general debate on this bill. I yield to the gentleman from Pennsylvania [Mr. HENRY W. PALMER].

Mr. HENRY W. PALMER. Mr. Chairman, I do not agree in substance or conclusion with the argument of the gentleman from Texas [Mr. DIES], who yesterday addressed the committee on the subject of immigration and immigrants.

He must have forgotten that of all the teeming millions who make up the population of the United States the most energetic, prosperous, and progressive on the earth, a large proportion are of foreign birth, and that they are among the most deserving and valuable of our citizens.

It has been said, not without the truth, that the Latin races are decadent and decaying; that the Anglo-Saxon is gorged by prosperity; and that the Slav is the only man left who is willing to fight and die for his religion. Be that as it may, I am sure that the Slavs, the Poles, the Lithuanians, and the Hungarians, who are not Slavs, who seek the land of the free to better their conditions, do not deserve denunciations, but rather encouragement.

The very autonomy of Poland has been destroyed and her territory divided among the foes. Her unhappy citizens come to this fair country intending to make it their home. They acquire land, build houses, organize societies, churches, and schools, and in the third generation become thoroughly identified with our institutions, customs, and habits, so that it is difficult to distinguish them from the native-born Americans.

They are good citizens, thoroughly patriotic, and reliable in peace and war. I have no sympathy with the disposition that would forbid the oppressed from anywhere an asylum and refuge under the tree of liberty.

The same statement may be made on the part of our Italian immigrants. The flourishing Italian settlements scattered over the United States bear witness to the truth that for a large part they come to make homes, renouncing their allegiance to all foreign princes, potentates, and powers. The time is not very remote when we were all foreigners and when this broad heritage of freedom was possessed, if not owned, by the Indian, whose appropriation bill is now on its passage to-day.

Civilization has pushed him back until he has become the ward of the nation, fed by her bounty. Let us not add to the wrongs done the Indians by contempt for our foreign-born citizens who have come to take part in building up the great Republic and to participate in the heritage of freedom. [Applause.]

Mr. CAMPBELL. I now yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, I send to the Clerk's desk and ask to have read the following letter from the Attorney-General.

The Clerk read as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., February 17, 1910.

Hon. NICHOLAS LONGWORTH,
House of Representatives.

MY DEAR MR. LONGWORTH: I observe in the newspapers this morning the statement that Representative MANN criticised Mr. Wade H. Ellis, assistant to the Attorney-General, yesterday quite severely because of a letter written by Mr. Ellis to Chairman Parker, of the Judiciary Committee of the House, regarding the judgeships in Ohio.

I beg to say that the letter was prepared in the department after the usual inquiry in response to a request from the Judiciary Committee for the expression of an opinion as to the desirability of the enactment of the bill, and that I should have signed the letter myself, but that I was called out of the department before it was ready for signature; and, understanding that Mr. Parker desired it to be sent to the House as early as possible, I left directions that Mr. Ellis be requested to sign it as Acting Attorney-General. This was his sole connection with the bill.

In view of the comments made upon his action by Mr. MANN, I think it is due to him that this explanation should be made.

Very respectfully,

GEO. W. WICKERSHAM,
Attorney-General.

Mr. LONGWORTH. Mr. Chairman——

Mr. MANN. Before the gentleman proceeds I would like to inquire whether he thinks the Attorney-General of the United States has a right to send a letter to be read in the House calling attention to what has been said in debate. Perhaps he needs to interpret the Constitution as well as Mr. Ellis.

Mr. KEIFER. He has a perfect right to do it.

Mr. LONGWORTH. Mr. Chairman, the Attorney-General has a perfect right to address a letter to a Member of the House. I have had the letter read on my own responsibility. This letter simply shows, and it ought to be shown, that Mr. Ellis in writing the letter, requested by the chairman of the Committee on the Judiciary, acted in an entirely proper way and solely in his capacity as an official of the Department of Justice.

I am sure, Mr. Chairman, that the gentleman from Illinois, in view of this statement, as a fair-minded man, will acknowledge that he made a mistake the other day in making this attack on Mr. Ellis.

Mr. Chairman, the gentleman from Illinois is one of the most useful Members of this House. [Applause.] He is an indefatigable and untiring worker, and his efforts usually make for good legislation. Mr. Chairman, the gentleman from Illinois undertakes to play the rôle of Hamlet in this House, and he does it with skill, grace, and tact, and I think that no one will begrudge him that rôle, but when, Mr. Chairman, he undertakes not only to play Hamlet, but Ophelia and the king and the queen and first grave digger, and sometimes carries the spear, he is liable to make mistakes. [Laughter.]

There is such a thing, Mr. Chairman, as excessive activity, and, as in the case of the athlete, sometimes the brain worker may become overtrained. [Laughter.] I think that the speech of the gentleman from Illinois the other day showed symptoms of overtraining.

Mr. SHERLEY. Will the gentleman yield?

Mr. LONGWORTH. I have only a few moments, and I am about to close. I think the gentleman from Illinois merely made a mistake; and that being an exception to the general rule, it simply goes to prove that he is one of the most useful Members in the House of Representatives.

Mr. SHERLEY. Will the gentleman now yield?

Mr. CAMPBELL. Mr. Chairman, I yield the remainder of my time and the remainder of the time for general debate to the gentleman from Missouri [Mr. RUCKER].

The CHAIRMAN. The gentleman from Missouri is recognized for twenty-seven and one-half minutes.

Mr. RUCKER of Missouri. Mr. Chairman, a few days ago I caused to be read from the Clerk's desk a short telegram clipped from the St. Louis Republic, which stated in substance that as a result of high-tariff rates the prices of Bibles had advanced, and would still further advance on March 1, to a point so high as to practically exclude them from the homes of poor people.

I ventured to indulge in a few innocent comments upon that newspaper article, condemning the Republican party for writing into our statutes a law which threatens to withdraw from the homes of American citizens that most valuable and sacred of all books.

It did not occur to me at the moment that even the distinguished gentleman from Ohio [Mr. COLE] had so little reverence for the Bible as to attempt to defend and justify his party action.

True, the gentleman's political party finds no solace within the lids of the Holy Bible. Its every precept condemns the old party. [Applause and laughter on the Democratic side.] Why, sir, the Republican party has been in a state of insurrection and open rebellion against the teachings of the Bible ever since that memorable occasion when the Lord of Hosts thundered forth from Mount Sinai that great command. "Thou shalt not steal." [Applause and laughter on the Democratic side.]

History repeats itself. I believe we had high-protection Republicans on earth two thousand years ago. I think old Dives was a protectionist and that Lazarus was a tariff-for-revenue Democrat. Dives was a man of great riches; Lazarus was poor. Dives lived in a splendid mansion, was clothed in purple and fine linen, and fared sumptuously every day; Lazarus had not where to lay his head, was clad in tatters and rags,

and fed upon the crumbs which fell from the rich man's table. Dives doubtless contributed princely sums to Republican campaign boodle funds; Lazarus could give nothing. But we have the assurance of Holy Writ that when they died the spirit of Lazarus was borne aloft on angel wings to the God who gave it, while old Dives was cast into hell. My friends on the other side of the aisle, I beg you to heed the warning. History may again repeat itself. [Applause on the Democratic side.]

When I resumed my seat after commenting on that newspaper article the other day, to my surprise and momentary chagrin, the gentleman from Ohio [Mr. COLE] sprung to the defense of the Republican party and its creature—the Payne-Aldrich bill—that harbinger of woe and want, of toil and tears, of doubt and despair, of sorrow and suffering; that hideous, miserable deformity; that accursed, ill-shapen monstrosity, the natural and inevitable result of the unholy and illicit relations of the Grand Old Party with bad trusts. [Laughter and applause on the Democratic side.] He unarmed me with his fervid and impetuous eloquence; intimidated me with his fast, furious, and vehement gestures; and then, figuratively speaking, walked all over my prostrate form. With unconcealed pride and evident consciousness of his mighty triumph he held aloft a newspaper article containing a summary of importations of certain goods on the free list, including hides and skins.

After a brief exploration of the regions above he returned to earth shouting vociferously—

> Let us take the question of hides and skins, $104,000,000 worth, and if that is not a necessity that goes into the home of every American workingman, I would like to know what it is.

What, "hides and skins" a necessity that goes into the home of every American workingman! No. I am almost forced to conclude that—

> judgment has fled to brutish beasts and men have lost their reason—

When such arguments are advanced. [Applause on the Democratic side.]

How does the gentleman from Ohio take his hides—raw, green, dried, salted, or pickled? [Laughter.] Not the millions of American workingmen, but the tanners get free hides and skins, and the manufacturers sell the finished product at extortionate prices to your constituents and mine. [Applause on the Democratic side.]

The gentleman seemed to rejoice in the fact that hides and skins are on the free list. A change has evidently come over the spirit of his dream. Since when was he converted? Last April he wanted to put a tax on hides.

The Payne bill as reported to the House carried hides on the free list. On April 9, 1909, while that bill was under consideration, the gentleman from Kansas [Mr. SCOTT] offered this amendment:

> Hides of cattle, raw or uncured, whether dried, salted, or pickled, 10 per cent ad valorem—

And demanded a vote by yeas and nays. Strange to say, the CONGRESSIONAL RECORD shows that the gentleman from Ohio [Mr. COLE] voted for the Scott amendment—voted to put a tax of 10 per cent ad valorem on hides. Hides were as much a "necessity" last April as now. I voted for free hides; why did not the gentleman vote then as he preaches now? Has he seen a new light? I fear he is in the predicament that Claudius, King of Denmark, found himself when he said:

> My words fly up, my thoughts remain below,
> Words without thoughts never to Heaven go.

[Applause and laughter on the Democratic side.]

Shoes, harness, and other products of leather are necessities which in truth do enter into the homes of all the people. Why did not the gentleman from Ohio and his colleagues vote for cheaper shoes for the working men, women, and children of their districts, and for the millions of poor men, women, and children throughout the land? Why did they not vote for cheaper harness in the interest of American farmers, those horny-handed sons of toil who have produced the wealth of this Republic, and whose brawn and muscle and patriotism have made it the grandest, the richest, and the most glorious country under the shining sun? [Applause on the Democratic side.]

On April 9, 1909, the gentleman from Missouri [Mr. CLARK], the minority leader, moved to recommit the tariff bill, with instructions to the committee to report it back at an early day with this among other amendments:

> Seventh. Amend by placing leather, harness, boots, shoes, and all other products of leather, on the free list.

A roll call was had on this motion, and the gentleman from Ohio voted against putting these articles of "necessity that go into the home of every American workingman" on the free list.

With the price of shoes going higher and higher every day; with the cost of clothing bounding skyward; with harness and all products of leather on the rampage; with the unprecedented and phenomenal increase in living expenses; with tens of thousands of oppressed and suffering citizens appealing to the President of the United States for relief; with the old party embarrassed by shortages, frauds, embezzlements, and general incompetency, these conditions all tend to make "confusion worse confounded" for you Republicans. [Applause on the Democratic side.]

I fancy the distinguished gentleman from Ohio, together with many of his colleagues, before the ides of next November will have occasion, in the language of King Richard the Third, to cry out in the anguish of their souls:

> My conscience hath a thousand sev'ral tongues,
> And ev'ry tongue brings in a sev'ral tale,
> And ev'ry tale condemns me for—

my vote on the tariff bill. [Applause and laughter on the Democratic side.]

The Republican Senate took hides off the free list, where the House placed them, and restored the Dingley rate of 15 per cent ad valorem, and also increased the rates on boots, shoes, and other products of leather.

In this shape the bill went to conference. When it became notorious that the party recently intrusted with power had deliberately and willfully determined to ignore, violate, repudiate, and cast to the winds its solemn platform pledge to revise the tariff downward, the President flourished the "big stick," so often and so effectively used by his predecessor, and demanded of the conferees that they reduce the rates on boots, shoes, and other leather goods, and give the grand old party free hides to wrap about its putrifying and dying carcass [laughter on the Democratic side] to shield it from the righteous assaults of a betrayed and infuriated people. Do not you Republicans wish, way down in your anatomies where human hearts ought to be [laughter], that the President had brandished his big stick once more and compelled you to vote for free boots, shoes, and harness as well as free hides?

The tariff issue is not settled. It requires more than mere executive indorsement to convince American consumers that the highest tariff we ever had is the best. I pray the Omnipotent One, in His infinite goodness, to have compassion on us and spare our country another like affliction.

You solemnly promised downward revision, but gave us upward revision. At the behests of special interests, like the cowards you are, you deserted the people who confided in, who trusted, and who honored you, and, to the everlasting shame, humiliation, and disgrace of a once great political party, you surrendered them to the merciless, remorseless, and conscienceless trusts of the country. [Applause on the Democratic side.] You will utterly fail to deceive the public by the hypocritical pretense that you increased the rates of duty on luxuries and decreased them on the common necessities of life. Neither can you woo and win the confidence of the masses nor calm the raging seas of discontent with siren songs dedicated to articles on the free list. True, the free list is a marvel of perfection; a splendid monument to Republican patriotism and statesmanship. It is the product of the combined wisdom of your party, and it defines your ideas of common honesty and a square deal.

Blankets are heavily taxed; hence I presume they are classed as luxuries. The cheaper the blanket the higher the rate of tariff. This is an unfair discrimination against the poor which can not be justified. The rich, who buy high-priced blankets, pay only 71 per cent to monopoly, while the poor, who buy the cheapest blankets or none, are compelled to give 165 per cent ad valorem to appease the insatiate appetite of greed. [Applause on the Democratic side.] For every dollar of actual value they are required to pay $1.65 for tribute.

By the use of the taxing power of government the Republican party has practically excluded blankets from the homes of the poor and robbed millions of good citizens of one of the comforts of life.

With such a burdensome tariff on blankets, the Republican party, realizing it must do something to win the gratitude and secure the votes of the millions whom it has oppressed, has graciously and generously placed on the free list an article of universal use—an indispensable article in every American household—and that is dragon's blood. No well-regulated family should be without dragon's blood, and I am glad it is as free as the air we breathe. [Laughter on the Democratic side.]

Cheap flannels, like cheap blankets, are taxed higher than the costlier grades. But flannel is treated and taxed as a luxury, and poor people know, or must learn, that while the Republican party is in power they have no right to indulge in luxuries. I rather think the country should tolerate and endure, without complaint, the very small tax of only 143 per cent ad valorem on flannels just as long as a wise, beneficent, and patriotic party responds to pathetic appeals from millions of

homes asking and begging for free divi-divi. Everybody uses and must have this prime necessity of life; children cry for it.

Breathes there a man with soul so dead
Who never to himself hath said,
Give me my divi-divi free, or give me death.

[Laughter and applause on the Democratic side.]

Clothing is an expensive luxury these days. The old party stood pat on Dingley rates and left ready-made clothing taxed at only 76.59 per cent ad valorem—a very moderate rate when we consider that all persons, rich and poor, indulge in the luxury of wearing clothes. The latest available statistics show that in 1907 we imported ready-made clothing to the value of over $1,000,000. By reason of the tariff this value was automatically increased $760,000 as soon as the goods crossed our border, thus forcing consumers to pay $1,760,000 for the imported goods, and, by reflex operation of law, to bear an additional burden of over 76 per cent ad valorem on all domestic ready-made clothing.

But, my friends, you can with characteristic Republican duplicity say to your murmuring constituent this fall—

Be still, sad heart, and cease repining—

for while it is true that we have bound you hand and foot, and invited rich manufacturers to rob, pillage, and plunder you, we have not forgotten our solemn duty to the millions of American citizens who consume the every-day necessities of life. Tell them truly that you patriotic statesmen knew the price of clothing would be exorbitant; that food products would go beyond the reach of the poor; that even in the great city of Chicago thousands of little boys and girls would nightly retire to humble couches suffering with hunger. Tell them, also, that as a panacea for high-priced food and raiment you have placed on the free list two great household necessities—dried blood and fishskins. Great is the Republican party, and great will be the fall thereof. [Laughter and applause on the Democratic side.]

The Payne-Aldrich bill increases the tariff on ladies' stockings to 86 per cent ad valorem. I shall not even criticise the distinguished gentleman from New York [Mr. PAYNE] for this ungallant discrimination against American beauties. [Laughter.] He convinced me that he is a true friend to the ladies and not really opposed to their wearing stockings, provided they can afford them, when he made that gallant and successful fight which secured to our mothers, our wives, and our sweethearts the right to have and enjoy forever free stuffed birds, provided the darned things are not fit for any kind of use. [Laughter and applause on the Democratic side.]

The American citizen who cares to indulge in the luxury of wearing a wool hat must pay a tribute of 86 per cent ad valorem for the privilege. But against this unjust and oppressive tax we point with pride to the fact, thanks to the Republican party, that it is possible for us, without paying tribute to any trust, to enjoy one of the most sacred gifts of God to man—free fossils. [Laughter.] Republican fossils outfossil all the fossils in the universe.

Revenues must be raised to defray the enormous and rapidly increasing expenses of government. The Republican party claims—and we should try to believe it—that it favors a high tariff on luxuries and a lower tariff on the necessities of life, both along protection lines.

Sugar must be regarded as a luxury, used only by the very rich, because it is heavily taxed.

In 1907 we imported sugar to the value of $91,818,829, and the rich people who consumed it paid to the custom-house officials duties aggregating $60,134,181. A portion of this vast sum found its way into the Treasury of the United States, while the balance was stolen by Republicans in charge of the custom-house. Just how much was stolen only the Lord and Republican officials know. [Laughter and applause on the Democratic side.]

Perhaps they would have stolen it all if the men higher up had been more liberal with those lower down. But it is necessary to levy a high tax on sugar, blankets, flannels, hats, stockings, shoes, harness, and all other like articles, which only a few people use, in order to avoid the necessity of enacting an income-tax law which would impose an unjust and an unbearable burden on the toiling millions of poor people who are to-day staggering and falling beneath the weight of high prices. [Applause on the Democratic side.]

The policy of the Republican party may be right—impose a high tariff on sugar to satisfy the demands of the sugar trust and thereby secure future campaign contributions, but give to a patient, long-suffering, confiding people free catgut, whip gut, and worm gut. [Laughter and applause on the Democratic side.]

With broken promises, insincerity, pomposity, and guts on the free list the Republican party's capital stock in trade is immune from taxation. [Applause on the Democratic side.]

Mr. Chairman, the country is not satisfied with your tariff law, nor with the party that enacted it. True and loyal citizens in all parts of the United States are aroused as they never were before.

They have diagnosed the case and found that the grand old party is infected with a malignant form of political leprosy known as Cannonism—an intolerable and incurable disease. A heroic remedy has been prescribed and will be heroically administered. That great tribunal of last resort, the sovereign citizens of our country, have solemnly and unalterably decreed that Cannonism, together with all those who have aided, abetted, or assisted Cannonism, must go.

Too late for you gentlemen to rush into print now and from the teeth out attempt to repudiate and discredit your friend and benefactor. Your constituents know you have become inoculated with this poisonous virus, and they are determined, for public good, to remove you to the pesthouse of political obscurity. [Applause on the Democratic side.]

The day after the next election some Republican Marc Antony will stand over the political remains of that distinguished exponent of latter-day Republican principles—the Speaker of this House, recently dubbed the "Iron Duke"—and proclaim in sorrow and despair:

But yesterday the word of the Iron Duke might
Have stood against the world; now lies he there,
And none so poor to do him reverence.

[Prolonged applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARSONS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13410) to modify the one hundred and twenty-second and one hundred and twenty-fourth articles of war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 1. For the survey and resurvey of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be immediately available and to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein: *Provided further*, That hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore made, or that may hereafter be made, which by law are required to be reimbursed to the United States, crediting in said accounts the sum so reimbursed, if any; and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the proper auditor of the Treasury Department and the balances arising thereon certified to the Secretary of the Treasury: *And provided also*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment which I desire to offer.

Mr. STAFFORD. Mr. Chairman, I wish to reserve the point of order on the proviso contained in lines 16 to 19, on page 2, for the purpose of ascertaining the purpose——

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

The CHAIRMAN. The amendment of the gentleman from Texas would not be in order at this time, a point of order being pending.

Mr. MANN. It might be read for information.

The CHAIRMAN. It may be read for information if there be no objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

After the word "purpose," in line 16, page 2, add the following:

"*Provided further*, That any mineral lands in any Indian reservation created by act of Congress, treaty, or executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease for a term not to exceed twenty-five years by the Secretary of the Interior on such terms and under such regulations as he may prescribe: *Provided*, That the provisions of this act shall not apply to the Five Civilized Tribes."

Mr. BURKE of South Dakota. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The amendment is not in order at this time and is not now offered; it has merely been read for information.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to move to strike out the last word.

The CHAIRMAN. Nothing is in order except by unanimous consent while the point of order is pending.

Mr. STEPHENS of Texas. Will the gentleman reserve the point of order?

Mr. MANN. I will reserve my point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that on March 15, 1909, I introduced in the House the bill H. R. 66, which was sent to the Secretary of the Interior by the Indian Committee, to state whether or not that department had any objections to the bill. They reported back that they had not if certain language was stricken out, beginning in line 10:

And any such lands allotted to an Indian under any law or treaty, with restrictions or alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe.

With that stricken out, they stated they thought this bill should pass. I will now read the letter:

FEBRUARY 8, 1910.

Hon. CHARLES H. BURKE,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your letter of January 27, 1910, referring for report H. R. 66, entitled "A bill to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes."

The act of Congress approved March 3, 1909 (35 Stat. L., 781), provides, in part, that allotted Indian land may be leased for mining purposes under the supervision of the department. I therefore recommend that that part of the bill beginning with the fourth word in line 10, up to and including the third word in line 14, be stricken from the bill, and that the title be changed by striking out the words "allotted or." If the changes are made as suggested, the bill will read as follows:

"A bill to authorize the Secretary of the Interior to lease unallotted Indian lands for mining purposes.

"*Be it enacted, etc.*, That any mineral lands in any Indian reservation created by act of Congress, treaty, or executive order, which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease for a term of not to exceed twenty-five years by the Secretary of the Interior on such terms and under such regulations as he may prescribe: *Provided*, That the provisions of this act shall not apply to the Five Civilized Tribes."

I believe that where minerals are located on lands which have been set aside for the use of the Indians these natural resources should be developed for their use and benefit, and accordingly recommend that the bill as changed be enacted into law.

From surface indications, discoveries, and explorations in the surrounding country, it appears that on the Colorado River Indian Reservation there are probably gold and silver; on the San Carlos Reservation, tufa, copper, and gold; on the Truxton Canyon Reservation, gold and copper; on the Fort Apache Reservation, guano, gold, and building stone; on the Western Shoshone Reservation, gold and copper; and on the Mescalero Reservation, gold, silver, and copper. On account of the lack of authority to permit mining, no prospecting has been permitted on executive order Indian reservations, and the discoveries of the minerals have been due, as referred to above, to surface indications and prospecting on adjacent lands.

Very respectfully, R. A. BALLINGER, *Secretary.*

Mr. MANN. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Assuming that all that the gentleman claims is correct, what place has this proposition in this paragraph in the bill? Why should it go into this bill at all when the Committee on Indian Affairs may report a bill covering the substance of the gentleman's proposition at any time and that bill receive consideration in the House, where Members have an opportunity to see and read it?

Mr. STEPHENS of Texas. If the gentleman will begin at line 10 to 15 of the Indian appropriation bill he will find this language:

And for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be immediately available and to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes.

Now, this is for survey and subdivision of any Indian reservation, and if mineral lands are found on any of these reservations, let these surveys and subdivisions be made on the recommendation——

Mr. MANN. But that is purely for a survey of Indian lands. It has no relation to controlling lands for surveying. I do not think the amendment of the gentleman is germane to the proposition. As a matter of parliamentary law it is certainly not germane in any other way. It is for an entirely different purpose.

Mr. STEPHENS of Texas. If a man should go on to this reservation and lease land, would he not have to have it surveyed? Would he lease land for mining purposes without its being surveyed and the boundaries established? He certainly would be foolish if he did.

Mr. MANN. I do not see any connection between the survey of land and determining what should be done with the land after it is surveyed. The survey of the public land has no connection with the question of the homestead right or the disposition of the land after it is surveyed. The two propositions are as wide apart as can be. There is no relationship between the two so far as legislation is concerned. The gentleman's proposition is to interject into a bill a proviso that the Government appropriate certain money to make the survey. What disposition shall be made of the land itself?

Mr. STEPHENS of Texas. When surveyed?

Mr. MANN. When surveyed. It does not make any difference.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STEPHENS] has expired.

Mr. BURKE of South Dakota. Mr. Chairman, what is the parliamentary situation? Did the gentleman from Texas [Mr. STEPHENS] offer an amendment?

The CHAIRMAN. There is no amendment pending. It was merely read for information. It could not be offered while the point of order was pending or reserved.

Mr. BURKE of South Dakota. I understand the gentleman from Wisconsin [Mr. STAFFORD] reserves the point of order on the proviso found in line 20, on page 2.

Mr. STAFFORD. Line 16 to line 18, on page 2, making available for survey work all unexpended balances of appropriations. I wish to inquire what is the special need of calling upon the unexpended balances for work in the next fiscal year?

Mr. BURKE of South Dakota. I will say, Mr. Chairman, in answer to the gentleman's inquiry, that this is a proviso that is in the existing law and has been in the law for some years. It is necessary, because this is work that can not be contracted for. Much of it is done by employing day labor, and if there is not some such provision as this it might interfere with the doing of the work during the fiscal year. In other words, you can not make contracts for this kind of work, and therefore it is impossible to determine just how much money can be used or may be required during a single year.

Mr. STAFFORD. I do not understand from the gentleman's statement wherein there is any special difficulty in making a lump-sum appropriation for the necessary work that will be required for survey of the Indian lands during the fiscal year, and why we should make an exception in this instance to the practice of Congress in all similar appropriations.

Mr. BURKE of South Dakota. Mr. Chairman, I have stated that this is the practice under existing law at the present time, and has been for some years.

Mr. STAFFORD. While it may be the practice in this one particular instance, I can say it is not the practice so far as Congress appropriates money for other branches of the government service, and I would like to ascertain some special reason for its existence, even though it has been carried in the Indian appropriation act in prior years.

Mr. BURKE of South Dakota. I think I have already stated that contracts are not let for this work. The men are employed by the day. The crews go out to do the work, and it would be impossible to estimate so that you could make your appropriation if it was to be limited as appropriations usually are. There might be a deficiency in spite of anything you could do unless you suspended the work at some time before the end of the fiscal year.

Mr. STAFFORD. Wherein is there any difficulty in making a lump-sum appropriation for all the work that will be required during the fiscal year 1911? You provide here a total amount of $215,000.

Mr. BURKE of South Dakota. Yes, sir; that is just what we have done.

Mr. STAFFORD. And in addition to that, you make available the unexpended balances. Take, for instance, the postal service, which is far more important for pressing business needs in many of the branches connected with that service than the Indian Service; in fact, in most, if not all, of the postal items we never make available the unexpended balances,

but we provide a lump-sum appropriation for the work that will be needed in the fiscal year for which appropriations are then being carried.

Mr. BURKE of South Dakota. Is it not true that in the postal service there may be deficiencies, while there can not be in the Indian Service.

Mr. STAFFORD. They are no more authorized in the postal service to create deficiencies than in other branches. It is the practice under the present administration not to create a deficiency except where urgently demanded by the needs of the Postal Service.

Mr. BURKE of South Dakota. But in the Indian Service deficiencies are absolutely prohibited.

Mr. STAFFORD. By what law?

Mr. BURKE of South Dakota. I will give the gentleman the citation later.

Mr. STAFFORD. That same general law is applicable to the postal service and to all the departments of the Government.

Mr. MANN. Although the departments are subject to the same law, if the law provides they shall do something they can create a deficiency in doing that, just as is done in the Post-Office Department, where they have to pay clerks so much money.

Mr. BURKE of South Dakota. I am laboring under the impression that there is a special law applying to Indian appropriations by which the department is prohibited from creating any deficiency.

Mr. MANN. The gentleman is mistaken about that. Everything in the Indian appropriation bill depends upon the appropriation, and hence they can not create a deficiency except where something is required to be done by law. May I ask the gentleman this question? I understand the gentleman from South Dakota to say that these surveys were not made by contract; do I so understand the gentleman?

Mr. BURKE of South Dakota. They are not, as a rule.

Mr. MANN. Surveys of the public domain, as a rule, are made under contract.

Mr. BURKE of South Dakota. Surveys of the public lands are made under contract, as a rule, and the appropriations are provided by some committee other than the Committee on Indian Affairs.

Mr. MANN. I understand that. I can see the reason for having the appropriations for it, if there is a contract outstanding. The survey of the public lands is usually made under contract with surveyors. Is the gentleman sure that the Indian surveys do not follow the same practice?

Mr. BURKE of South Dakota. Yes, sir; I am quite sure about it.

Mr. MANN. Well, I think the gentleman is mistaken.

Mr. BURKE of South Dakota. I think the employees are all employed on the per diem basis. That is my understanding.

Mr. MANN. Is the gentleman able to say what unexpended balances on past years there are?

Mr. BURKE of South Dakota. I can give the gentleman the information in a moment. At the end of the fiscal year, June 30 last, there was an unexpended balance of $37,444.34.

Mr. STAFFORD. Would all that money have reverted to the Treasury but for the provision carried in the last appropriation act?

Mr. BURKE of South Dakota. I think it would.

Mr. STAFFORD. What objection would there have been to the policy of increasing the stated appropriation here, and allowing the unexpended balance to revert to the general fund in the Treasury, just as is the practice in all the various services of like character?

Mr. BURKE of South Dakota. The result in the end would be the same, and the appropriations would be that much larger.

Mr. STAFFORD. The result might be the same, but Congress would, in doing so, have some control and know the amount of appropriations for this special character of service. The appropriation bills are limited for the work of the fiscal year for which provision is made. If all appropriation bills would carry an item making available unexpended balances, the House and the committees having jurisdiction of the matters would not be able to determine the amount of money which would be appropriated for the special character of work for the ensuing fiscal year. Under the circumstances, Mr. Chairman, as it seems there is no special reason why these unexpended balances should be made available for these surveys, I feel that I will be compelled to make the point of order on that provision.

Mr. BURKE of South Dakota. What is the point of order, Mr. Chairman?

Mr. STAFFORD. The point of order, Mr. Chairman, is that it is new legislation, and, further, that provision is being made in this bill for appropriations that have heretofore been made in prior appropriations that may be called upon for work that is authorized and not paid for, which should not be available for different work as provided for in the proviso.

Mr. BURKE of South Dakota. Mr. Chairman, there is a provision in the last Indian appropriation act providing for this, and therefore it would not be subject to the point of order.

Mr. MANN. Mr. Chairman, the point of order is reserved on the paragraph. Before that matter is disposed of, may I ask the gentleman a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. In the next provision, beginning on line 19, it is provided:

That hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore made or that may hereafter be made.

Why does the gentleman couple that with appropriations made in this bill, or was that by inadvertence?

Mr. BURKE of South Dakota. You mean, not applied to past bills?

Mr. STAFFORD. The present bill.

Mr. MANN. The provision applying to appropriations heretofore made or hereafter to be made does not apply to appropriations made in this act.

Mr. BURKE of South Dakota. Well——

Mr. MANN. This appropriation is made when the act is signed.

Mr. BURKE of South Dakota. Then it would be hereafter made.

Mr. MANN. It will not be hereafter made, because this language relates to the time when the bill is signed, not to the time when it is considered in the House. Before the word "made," in line 23, the words "or herein" should be inserted, so that it will read "Under appropriations heretofore or herein made, or that may hereafter be made," if that is the purpose of it.

Mr. BURKE of South Dakota. That is the purpose of it, and I am willing to accept an amendment, if the gentleman will propose it.

Mr. MANN. I did not know but there might be some reason.

Mr. BURKE of South Dakota. The intention was to make it applicable to the pending bill, and to the appropriations that will be made under it.

Mr. MANN. The amount carried in this item is $215,000, besides the amount now available, which would revert to the Treasury. The amount carried last year under the form of this item was $75,000. I understand there is a statement that there are some different items bunched here. What are they?

Mr. BURKE of South Dakota. I will state that under the existing law and the bills heretofore enacted making appropriations for the Indian Service there were six items, all pertaining to the subject of allotments and surveys, divided up by States.

Mr. MANN. Will the gentleman give us the items?

Mr. BURKE of South Dakota. Yes.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MANN. I will take the floor, if I may be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. MANN. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. The first item was for allotments under the act of February 8, 1887, known as the Dawes Act, $90,000; the second was surveys and subdivisions of Indian reservations generally, $75,000; survey and allotment work in the Fort Peck Reservation, Mont., $25,000; survey and allotment Sioux Reservation, North and South Dakota, $30,000; allotments, Sioux Reservation, North and South Dakota, $30,000; surveying allotments, Colville Reservation, Washington, $25,000. The appropriation last year was $325,000, and the estimates this year were, as I have indicated, reduced to $275,000; and in the bill we have reduced the amount to $215,000.

Mr. MANN. We made appropriations last year for surveys in specific reservations, retaining some control over the question of how the money should be expended. Are these surveys to be continued out of this appropriation?

Mr. BURKE of South Dakota. They are.

Mr. MANN. What is the object in taking away from Congress the power to control, to some extent, where the money shall be appropriated, and putting it in a lump sum?

Mr. BURKE of South Dakota. It was done in the interest of economy.

Mr. MANN. That is what every department says when it proposes a change, to get a lump-sum appropriation; but I have been here long enough to know that lump-sum appropriations are never in the interest of economy.

Mr. BURKE of South Dakota. The suggestion did not come from the department. It originated with the committee.

Mr. MANN. Then, I do not say that. I would not make that remark about the committee; but it is true, nevertheless. [Laughter.] The gentleman knows that lump-sum appropriations do not produce economy. Upon that theory we might as well abandon the items in the Indian appropriation bill and appropriate $9,000,000 or $10,000,000 to the department.

Mr. BURKE of South Dakota. I think, Mr. Chairman, lump-sum appropriations under good administration can be defended, and I can see no reason for dividing up appropriations into three or four parts when it all relates to the same subject. For instance, the first amount was to be expended, according to the appropriation act, under the President; the next item of $75,000 was to be expended under the Secretary of the Interior, and he is the administrative officer of the Department of the Interior and has charge, as a matter of fact, of the work of that department, and therefore it was thought advisable to put the two appropriations, one under the President and the other under the Secretary of the Interior, referring to the same subject, into one item.

Mr. MANN. Well, here comes a proposition for a special item for a survey of a reservation that is to be opened up. Congress is informed in regard to that; it makes an appropriation for that purpose; but under the form of the present bill Congress has no control over the subject and receives no information in regard to it. Last year we could tell something about what the money was to be expended for. What is this to be expended for?

Mr. BURKE of South Dakota. For exactly what I have said.

Mr. MANN. But those are the estimates of last year.

Mr. BURKE of South Dakota. These are for the estimates of this year.

Mr. MANN. I asked for the estimates last year, and I understood the gentleman gave them to me.

Mr. BURKE of South Dakota. The estimates this year were made from the bill of last year. I have the present law here, if the gentleman would like to have me refer to it.

Mr. MANN. I have the law in my hand, if the gentleman refers to the current appropriation law.

Mr. BURKE of South Dakota. Yes. The gentleman from Illinois also has the estimate, and he will see——

Mr. MANN. No; I have not the estimates. They are on my desk; somebody kindly presented them to me; but as it is a large volume I have not taken the trouble to peruse it.

Mr. BURKE of South Dakota. If the gentleman will notice the next proviso, he will find that we have made provision for a statement that will tell us hereafter something that perhaps we do not at present know—exactly how every dollar of the money is expended.

Mr. MANN. I might say to the gentleman from South Dakota that I have examined his bill with as much care as I could, and it is the most difficult bill to examine I have seen in a great many years in the House. I will say, that while he has changed the form of the bill, so that no one without an exhaustive study can compare it with any appropriation bill that has ever passed the House, in direct violation of the law upon the subject, still the gentleman has put in his bill a number of provisions which seem to me of great value to the Government in comparing its future relations with the Indians and the expenditure of money for the Indians. Some of these provisions are in this paragraph. I have no doubt they will prove of great value if they become a law.

Now, Mr. Chairman, in relation to the point of order submitted by the gentleman from Wisconsin [Mr. STAFFORD] I may say that I shall withdraw the point of order on the paragraph, as far as I am concerned. The point of order submitted by the gentleman from Wisconsin was on the provision commencing in line 16, page 2, providing that—

> the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein.

I take it, Mr. Chairman, that that is merely a reappropriation of money that has heretofore been appropriated.

Mr. STAFFORD. If the gentleman from Illinois will permit me, has not the discussion just had disclosed that the appropriations were for some specific projects, but under the phraseology of this proviso you are granting appropriations designed for specific projects to be available generally?

Mr. MANN. The gentleman may be correct about that. It might require the change of a word and make "herein" read "therein." I am not sure, however, but that the language ought to continue and say that such sums are hereby reappropriated to escape the force of the statute passed last year requiring all the moneys unexpended to be covered back into the Treasury.

The CHAIRMAN. Will the gentleman from Wisconsin state to what portion of the paragraph his point of order relates?

Mr. STAFFORD. Page 2, lines 16 to 19, inclusive, to the proviso.

Mr. FITZGERALD. Mr. Chairman, before it is too late I want to reserve a point of order on the words "to be immediately available" in line 13, page 2. I want to make some inquiries about it of the gentleman in charge of the bill.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. FITZGERALD. Why are the appropriations made immediately available? That means a deficiency appropriation.

Mr. BURKE of South Dakota. For the same reason that we reappropriate the unexpended balance. It simply permits the use of this fund at all times to be drawn upon for this class of work. I may say to the gentleman from New York that all the moneys that are appropriated in this section are reimbursable, and practically will be reimbursed, from the sale of surplus lands in the reservation when the surplus lands are sold.

Mr. FITZGERALD. Is the money required for work to be done in the present fiscal year or during the next fiscal year?

Mr. BURKE of South Dakota. I am unable to state as to whether it is absolutely required for this particular year, but it might be next year. There never has been a time in the history of the allotment work when there is as much allotment work going on as at the present time.

The desire of the department is to complete the allotment work at the earliest practicable time. The committee was unable to see any reason why this should not be done, and felt that it would be in the interest of enabling the work to be done sooner than it might be otherwise.

Mr. FITZGERALD. This bill carries appropriations for the next fiscal year.

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. The use of the words "to be immediately available" makes the appropriation available for the present fiscal year.

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. It is a deficiency.

Mr. BURKE of South Dakota. If the appropriations heretofore made should be exhausted before the end of this fiscal year, then this appropriation would be available; but the theory upon which we made the appropriation is that the allotment work is now being conducted in a manner which we do not want to interfere with in order that it may be completed at the earliest possible time. When it is completed, no further appropriations will be required.

Mr. FITZGERALD. Has any request been made that that money be made available during this fiscal year for additional moneys for the present fiscal year?

Mr. BURKE of South Dakota. Not to my knowledge.

Mr. FITZGERALD. The gentleman's committee has no jurisdiction of deficiencies?

The CHAIRMAN. The Chair is ready to rule upon the point of order made by the gentleman from Wisconsin. That point is made against the proviso:

> That the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein.

Now, there is no allegation that the purposes enumerated herein are not authorized by law, and they seem in fact to relate to allotments. The Chair thinks that it is competent to appropriate unexpended balances. The Chair understood the gentleman from Wisconsin [Mr. STAFFORD] to suggest that the moneys might heretofore have been appropriated for some other purpose than that enumerated herein, but, even so, the Chair finds several precedents, one of them in section 3591 of volume 4 of Hinds's Precedents, which states in the caption:

> The reappropriation of an unexpended balance for an object authorized by law may be made on appropriation bill.

In that case the Postmaster-General was authorized to apply to the payment of the salaries of letter carriers the sum of the unexpended balance of an appropriation which had been made for letter boxes. From that and other precedents it seems perfectly clear to the Chair that it is proper in this bill to provide that the unexpended balance for continuing the appropriation heretofore made for allotment work may be made available for the purposes mentioned in this bill, particularly as the said purposes appear from a very hasty reading to relate exclusively to allotments. The Chair therefore overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I insist upon the point of order to the words "to be immediately available," in line 13, page 2 of the bill. It is a deficiency appropriation.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard upon that point of order?

Mr. BURKE of South Dakota. I do not desire to be heard, Mr. Chairman, if the gentleman insists on his point of order. Does the gentleman reserve the point of order?

Mr. FITZGERALD. I shall if the gentleman desires.

Mr. BURKE of South Dakota. I simply want to state that the committee, in the interests of good administration and in the interests of dispatching allotment work, believes that this appropriation ought to be in this bill. In some parts of the country the season when allotment work can be carried on is limited to only a few months in a year, and it is practically impossible to estimate just how much money may be needed in a given time. I sincerely hope that the gentleman from New York will not insist upon his point of order. If he does, I have nothing to offer in response to the point. I presume it is subject to a point of order.

Mr. FITZGERALD. This appropriation is for the fiscal year commencing July 1, 1910.

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. This bill is not to affect work to be done during the present fiscal year. Now, if no estimate has been made for additional money for the present fiscal year, the use of these words makes the entire appropriation available.

Mr. BURKE of South Dakota. It will do no harm.

Mr. FITZGERALD. If there be a deficiency in this appropriation, the department should submit an estimate for that deficiency, and it should go to the committee which has jurisdiction of appropriations for deficiencies.

Mr. BURKE of South Dakota. It does not appear, Mr. Chairman, that there is any deficiency, but there may be.

Mr. FITZGERALD. Well, then, let the department submit an estimate, and let it be carried in the general deficiency bill, as all other deficiencies are carried.

The CHAIRMAN. Does the gentleman from New York insist upon his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask what became of my amendment which was sent to the Clerk's desk pending the disposal of the point of order? I desire to offer it now.

The CHAIRMAN. The gentleman from Texas now offers an amendment, which the Clerk will report.

The Clerk began the reading of the amendment.

Mr. CAMPBELL. Mr. Chairman, I make the point of order——

Mr. STEPHENS of Texas. The amendment has already been read.

The CHAIRMAN. But it has only been read for information.

Mr. STEPHENS of Texas. I desired to have it read so as to go in the RECORD.

The CHAIRMAN. The amendment will be reported at this point.

The Clerk read as follows:

After the word "purpose," in line 16, page 2, add the following:
"*Provided further*, That any mineral lands in any Indian reservation created by act of Congress, treaty, or executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease for a term not to exceed twenty-five years by the Secretary of the Interior on such terms and under such regulations as he may prescribe: *Provided*, That the provisions of this act shall not apply to the Five Civilized Tribes."

Mr. BURKE of South Dakota. On that amendment I desire, Mr. Chairman, to make the point of order; but I will reserve it, if the gentleman desires.

Mr. STEPHENS of Texas. Mr. Chairman, I simply desire to state that, as stated in the letter read to the House a few moments ago in my time, there are several reservations where it is well known that various minerals are found, and probably in paying quantities. The Indians living on these reservations would be greatly benefited if these mines were opened; it would furnish them with employment which they do not now get. The only employment the Indian now gets is from the whites living in his neighborhood on ranches, and so forth.

If these mines were opened in the reservation, they would get employment on top of the ground in furnishing the timber and in teaming and doing various lines of work. They can do, and should, work if we give them the opportunity offered by my amendment. Many of them do very good work when it is given them near the reservation; and it would greatly benefit them. Not only that, but this amendment would tend to develop the country in which the Indians live; but without it these minerals will lie idle and be of no benefit to anyone, and I see no reason why we should not follow the recommendation of the letter of the Secretary of the Interior and permit him to lease the mineral lands on Indian reservations for the benefit of the Indians and thereby develop the country and benefit the Indians. It is certainly an entering wedge toward the policy that has been outlined toward the further development of the undeveloped mineral resources of the public domain in the West, and I hope that this amendment will not be objected to and will go into this bill. In answer to the gentleman from Illinois [Mr. MANN], who said a few moments ago that this matter ought to be investigated carefully, I desire to say that it has been investigated for years before the Committee on Indian Affairs and has been reported favorably by it in the Sixtieth Congress and passed this House. There is no objection to it from any quarter, so far as I know, and I see no reason why this amendment should not go upon this bill.

Mr. GOULDEN. What is the practice now in regard to mineral lands lying within an Indian reservation—the law regulating them?

Mr. STEPHENS of Texas. They can not be used at all in any way.

Mr. GOULDEN. They are of no use whatever to the Indians or to the public at large?

Mr. STEPHENS of Texas. No; they are of no benefit to mankind in any way, and they can not be used in any way.

Mr. MANN. They can not be wasted, then.

Mr. STEPHENS of Texas. They can not be used unless we permit them to be leased and developed.

Mr. GOULDEN. There is no way to utilize the present mineral resources in Indian reservations?

Mr. STEPHENS of Texas. No; they can not now be utilized.

Mr. HINSHAW. Mr. Chairman, I am in sympathy with the purpose of the gentleman's amendment, but I do not think it is proper to put it on the bill here. I might say the bill which has been read at the Clerk's desk as an amendment has been referred to the Committee on Indian Affairs and has had a very careful investigation, and as for myself, I am favorable to the bill, and I think it will be favorably reported to the committee, and I hope it will be favorably reported to the House, where it will have the consideration which its gravity deserves.

I hope it will be reported favorably to the House where it will have that consideration which its gravity deserves. Undoubtedly there ought to be something done with these Indian mineral lands, and there ought to be some general conservation policy pursued in reference to them that I believe ought to be pursued in reference to the public lands and public mineral lands generally. Under some system of leasing or getting a royalty for the benefit of the Indians I believe these lands could be developed. Under the jurisdiction and supervision of the Secretary of the Interior or some other competent officer, a far better arrangement could be made than to sell these lands outright to the purchasers, who would exploit them and develop them for their own. But it is clearly opposed to the tenor of this bill and subject to a point of order, I think, and I believe it will come up hereafter for a full and generous consideration.

Mr. COX of Indiana. Will the gentleman yield for a question simply for information?

Mr. HINSHAW. I will.

Mr. COX of Indiana. In the allotment of lands to Indians what plan or policy of the Government, if it has had any policy, when it sets out any lands to the Indians, as to giving the Indians any mineral land?

Mr. HINSHAW. When the allotment is made the allottee takes the land with all the appurtenances thereto, including the mineral.

Mr. COX of Indiana. Then, there has been no particular attempt made on the part of the Government to keep the Indian away from mineral land?

Mr. HINSHAW. I think not; but lands which contain mineral and have not been allotted are not at present being used in any way whatever. As the letter of the Secretary of the Interior indicates, they do not know the contents of these lands except from superficial observation.

Mr. GOULDEN. Does the gentleman think the amendment offered by the gentleman from Texas will not accomplish the purpose he seeks and, we think, ought to be accomplished for the benefit of the Indians?

Mr. HINSHAW. I think it is in the right direction. I am not sure whether, in all of its features, it is correct, but in general it is all right.

Mr. GOULDEN. The gentleman believes that something ought to be done?

Mr. HINSHAW. I do.

The CHAIRMAN. Does the gentleman from South Dakota insist on his point of order?

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Is it not true that all the minerals on some Indian reservations are not now leased?

Mr. BURKE of South Dakota. My understanding is that that is true.

Mr. MONDELL. Is it not true that generally the Secretary of the Interior has authority to lease minerals on Indian lands, that is, on the unallotted lands?

Mr. BURKE of South Dakota. I do not think that is the case.

Mr. MONDELL. I know it does apply to some reservations.

Mr. BURKE of South Dakota. I think not, generally.

Mr. STEPHENS of Texas. I would like to ask the chairman of the committee what authority of law now exists for the Secretary of the Interior or the Commissioner of Indian Affairs to lease these Indian lands?

Mr. BURKE of South Dakota. None, I think; except as it applies to specific reservations or areas.

Mr. STEPHENS of Texas. Where it is mentioned in the law?

Mr. BURKE of South Dakota. Where it is mentioned in the particular law. I will have to insist on the point of order.

The CHAIRMAN. Under the well-known rule, no provision changing existing law is in order on an appropriation bill or any amendment thereto. This amendment of the gentleman from Texas [Mr. STEPHENS] clearly proposes to change existing law by making new law. The Chair sustains the point of order.

The Clerk read as follows:

For the relief of distress among Indians, not otherwise provided for, including the purchase of vaccine and the expense of vaccination, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among Indians, $40,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FOSTER of Illinois. I wanted to ask the chairman of the committee a question or two. Does the Government employ physicians to treat the Indians at these agencies?

Mr. BURKE of South Dakota. They do.

Mr. FOSTER of Illinois. Do they pay them a salary, or for what work they do?

Mr. BURKE of South Dakota. They do.

Mr. FOSTER of Illinois. Pay them a salary?

Mr. BURKE of South Dakota. They pay them a salary. Usually upon every reservation there is an agency physician, who gets an annual salary.

Mr. FOSTER of Illinois. I observe in this bill that you provide for the purchase of vaccine, and then for the expense of vaccination. I would like to ask why you put in there the expense of vaccination of these Indians when you provide a physician for that purpose?

Mr. BURKE of South Dakota. I will state to the gentleman that many of these reservations are very extensive in point of area. It may be 100 or 150 miles from some portions of the reservation to the agency where the physician is stationed, and vaccination therefore is done at a point where it is accessible to where the Indians reside; and in those cases of course it has to be paid for.

Mr. FOSTER of Illinois. Well, vaccination is not an operation that is done very often. Usually once in a lifetime, and in cases of danger of contagion more frequently. So, if these physicians are employed on a salary to treat these Indians I am unable to see any reason for their paying them for this extra work.

Mr. McGUIRE of Oklahoma. There is another reason in addition to the one stated by the chairman. There are a number of smaller Indian reservations, where there is no physician. As a rule, there are physicians. But there are a number of cases where the reservations are small, and there is no government physician.

Mr. FOSTER of Illinois. Well, I would suggest that this provision does not seem to me to have any reference to that sort of matter.

Mr. MANN. May I call the attention of my colleague to some information, notwithstanding the statement of the distinguished gentleman, that there is a physician on each of these reservations. Apparently the charge is that there is not a real physician.

Mr. FOSTER of Illinois. It would seem to me so, from this provision of the bill.

Mr. MANN. Because in the document they have sent to the House they say in reference to this appropriation:

This appropriation would permit the organization of a competent medical corps, in charge of a chief, with headquarters at Salt Lake City, Utah, assisted by at least five district medical officers, to be distributed throughout the Indian country. These district physicians to have the direction of the school and agency doctors—

The gentleman will notice the distinction——

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN (continuing):

And to see that all health and sanitary regulations are strictly enforced throughout their districts.

Mr. COX of Indiana. How much salary do they recommend?

Mr. MANN. Oh, they recommend $50,000 for that particular project.

Mr. FOSTER of Illinois. Does my colleague know whether these physicians are appointed on competitive examination or through the influence of politics?

Mr. MANN. You mean the agents?

Mr. FOSTER of Illinois. I mean the physicians.

Mr. MANN. They never have been authorized yet.

Mr. FOSTER of Illinois. Those that are already there?

Mr. McGUIRE of Oklahoma. If the gentleman will pardon me, they are civil-service physicians, as a rule, and in some cases they are employed under contract.

Mr. MANN. I think they are employed under contract.

Mr. GOULDEN. And now they are asking that 60 be appointed?

Mr. MANN. They will not be appointed until Congress takes some action.

Mr. STEPHENS of Texas. If the gentleman will yield to me for a moment, he has overlooked a very material part of this appropriation, which reads thus:

For the relief of distress among Indians, not otherwise provided for, including the purchase of vaccine and the expense of vaccination, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among Indians, $40,000.

Mr. MANN. Neither my colleague nor myself had overlooked that.

Mr. STEPHENS of Texas. This includes everything of that kind and character. This is the provision caring for them annually. I think it is a very necessary expenditure of money, as much so as any in this entire bill.

Mr. FOSTER of Illinois. Mr. Chairman, it occurs to me that it is necessary to have an appropriation for the purpose of stamping out and relieving tuberculosis, trachoma, and smallpox and other contagious and infectious diseases. I think that is important and proper. In the last annual appropriation bill there was an item of $10,000 to be immediately available for the purpose of treating Indians that were afflicted with trachoma, and it occurs to me——

Mr. MANN. That was not in the annual appropriation bill; in the deficiency bill, probably.

Mr. FOSTER of Illinois. An emergency proposition.

Mr. BURKE of South Dakota. That was an emergency appropriation, and the amount was $12,000 instead of $10,000.

Mr. FOSTER of Illinois. I remember, however, that the appropriation was made. It occurs to me from the reading of this provision in the bill, and these extra appropriations that are to be made for the treatment of trachoma, with the hearings that have been read by my colleague from Illinois, that this committee—I do not know whether they have considered it or not—ought to consider the advisability of reorganizing the medical service as relates to the Indians.

It seems to me that there is something radically wrong. If they are able to control these Indians and prevent some of these diseases that are preventable, it ought to be done, and I would suggest to this committee that a very valuable work might be taken up here, and something done to render the medical service more efficient, so far as the care of these Indians is concerned.

Mr. BURKE of South Dakota. I would say in reply to the gentleman that it was suggested to do just what he is proposing, and that it was the unanimous opinion of the committee, after giving it much consideration, that to authorize such an organization in a bureau or a department would be creating something that we perhaps would have to continue indefinitely. We were of the opinion that it would not be wise to provide specifically for a medical corps such as the gentleman has indicated, but make this appropriation, which is a reasonably liberal one, and let it be expended under such a corps of physicians as the Indian Bureau may wish to employ. In that way we avoid doing by legislation on an appropriation bill what the gentleman proposes.

Mr. MORSE. I sincerely hope that the gentleman from Illinois will not insist on his point of order to this paragraph. There are small reservations where it is absolutely necessary that some one furnish this vaccine and provide for the medical expense of caring for these Indians. There is in my district, at Flambeau, a band known as the Flambeau band of Chippewa In-

dians. Tuberculosis is prevalent, and very frequently smallpox, on that reservation. There is no money in the Treasury belonging to those Indians. Many of them are absolutely penniless, and it is pretty nearly necessary for the Government to furnish vaccine and medicines of various kinds and medical treatment for these Indians, or they will get none, because they can not hire physicians.

Mr. MANN. Will the gentleman yield for a question?

Mr. MORSE. With pleasure.

Mr. MANN. Is there any reason why the State of Wisconsin, where they live, can not take care of this proposition?

Mr. MORSE. Possibly there is none; but it has been customary for the General Government to do that.

Mr. MANN. It takes care of its other poor, does it not?

Mr. MORSE. Not all of them. As my colleague from Milwaukee suggests, the old soldiers are taken care of by the General Government.

Mr. MANN. They are not the poor of Wisconsin.

Mr. MORSE. These are the wards of the General Government.

Mr. MANN. No longer the wards of the General Government.

Mr. MORSE. Yes; they are, in many cases. They are the wards of the General Government until the limitation is removed on the sale of their lands, as I understand the situation.

Mr. MANN. I know; but where the limitation is not removed on the sale of the lands they have property.

Mr. FERRIS. It is not taxable, though.

Mr. MORSE. That property brings in absolutely nothing.

Mr. COX of Indiana. Can an Indian contract debts on that land?

Mr. MORSE. No.

Mr. MANN. They have their land free from taxation, with the right to cultivate it, which is more than any white man has.

Mr. COX of Indiana. But can an Indian contract debts on his land?

Mr. MORSE. No; the Indian can not raise a dollar on this land.

Mr. MANN. You mean by borrowing?

Mr. MORSE. He can not borrow any money on his land.

Mr. MANN. He can obtain money from the land.

Mr. MORSE. He can not borow money on the land, for the reason that the Government will not allow him to sell or mortgage it.

Mr. MANN. The gentleman said he could not raise any money on the land. He can raise money if he will cultivate it. He can not borrow money on it, but if he will go to work he can raise money.

Mr. MORSE. This land is in many instances almost worthless—cut-over land. Many of these Indians are women and children, unable to dig out pine stumps and prepare the land for cultivation. I sincerely hope, from motives of pure humanity, the gentleman from Illinois will not insist upon the point of order to this paragraph.

Mr. BURKE of South Dakota. I should like to have the point of order stated.

Mr. MANN. I can state the point of order. There is no authority in the law, as I understand it, and if there is, I would be very glad, under the rules, to have the gentleman from South Dakota point it out, for the Government to provide money for the relief of distress among the Indians, as a general proposition, or even for the purchase of vaccine, or for the prevention and treatment of tuberculosis or other contagious and infectious disease among the Indians. There is no authority of law for these propositions.

There has been for years an appropriation for the purchase of vaccine and the expense of vaccination, but that confers no authority for it in this appropriation bill. There was last year an emergency appropriation for the treatment of trachoma, but that confers no authority for it in this appropriation bill, and there never has been an appropriation for the other things. There are contained in this item three propositions for which three separate estimates were made; two of the propositions are new and never have appeared in an Indian appropriation bill before, I think.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. FOSTER of Illinois. Is not there a provision of law whereby the Government can appropriate for stamping out any contagious disease among the Indians?

Mr. MANN. I think not.

Mr. FOSTER of Illinois. I thought there was.

Mr. MANN. No; there is no authority at law for it. There has been an appropriation to stamp out smallpox among the Indians. There seemed to be a good reason why it should be done. As stated by the gentleman from Wisconsin, the various States were unwilling to spend the small amount of money necessary for the purpose, assuming that it was the duty of the General Government, having had the Indians on its hands for many years, and having disposed of their property, to continue to maintain them in happiness and health; and smallpox being a dread disease which might escape from the Indians to the whites, there might have been reason for doing that.

Now we come to the further provision that we shall inaugurate a scheme of providing for the relief of distress among the Indians. As I understand it, that is a new item in an appropriation bill, although the gentleman from South Dakota can correct me if I am in error, and further to organize a medical corps in the Indian Service. We had an annual message from the President of the United States recently, in which he recommended that all the divisions of the Government having a medical bureau should be coordinated in one branch, except the army and navy. And yet in the face of that proposition, now pending before the Committee on Interstate and Foreign Commerce, which is giving consideration to the question of endeavoring to consolidate these bureaus of the Government that deal with sanitary affairs—in the face of that recommendation of the President here is a distinct proposition to create a new medical department of the Government, because that is what this amounts to.

Why, $40,000 appropriated in this bill is a mere bagatelle compared with what will be necessary if the Government organizes a medical corps, suggested by the estimate, and endeavors to carry out the theory that it is the duty of the General Government to provide for the health and against the disease of the Indians. We are reaching a point where Congress must determine whether in the future it will endeavor to pay the expenses of the Indians out of the Indian fund; whether it will permit the Indian funds to be squandered, and then pay for the support and health and maintenance of the Indians and for the relief and distress of Indians out of the general funds of the United States.

The distinguished gentleman from South Dakota in his most able speech in introducing this bill called attention to the figures, and, as I recollect them, the figures show that on an average the Indian is far better off than is the average citizen in the States of Illinois or Ohio or Indiana or Oklahoma or almost any other State of the Union—on an average far more prosperous in his possessions. They have large sums of money to their credit in the Treasury; they have immense tracts of land of great value in their possession and in their ownership.

Now, shall we undertake to put on the white citizen of the country, with less property than the Indian, the cost of maintaining the Indian in health and under happy and prosperous conditions simply because the Indian is not inclined to be so industrious as the white citizen? The gentleman from Wisconsin [Mr. MORSE] says that some of the Indians in his State do not have the money to protect themselves against smallpox. If there are poor people residing in the State the State ought to do it, and if they have the property they ought to go to work on it and earn some of the fruits of their toil on that property. They will not do it, and neither would the gentleman nor myself, if the Government would pay our expenses.

Mr. MORSE. Will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. MORSE. We are not asking for clothing or bread or food; we are simply asking for medical attendance in cases of absolute need.

Mr. MANN. Very well. The city of Chicago furnishes every year free medical attendance and supplies ten times over the amount carried by this appropriation bill, and every other large city in the country does practically the same thing. Why should not the State of Wisconsin devote a little of her great wealth toward giving medical attendance to those who may need it in her State, whether they be white or Indians?

Mr. STEPHENS of Texas. Is it not a fact that we are annually spending hundreds of thousands of dollars for stamping out diseases in cattle and hogs and sheep, and has not the gentleman frequently voted for those bills, and is not a human being, an Indian, more helpless than those dumb animals, and why should not we endeavor to preserve their lives?

Mr. MANN. Mr. Chairman, I have the greatest respect and admiration for my friend from Texas, but I never have known him to ask me a pertinent question yet.

Mr. STEPHENS of Texas. And I notice that the gentleman has not answered the question.

Mr. MANN. The question that the gentleman submits does not require an answer. It has nothing to do with this case at all.

Mr. STEPHENS of Texas. Is not the gentleman and myself sending out to our constituents each day books on the diseases of cattle, horses, and hogs; and are not we expending hundreds of thousands of dollars for stamping out these diseases; and why should not the owners of those cattle and hogs or dogs, or whatever they are, send these books out?

Mr. MANN. It is true that the people in my district are helping to educate the people in the gentleman's district concerning the diseases of hogs; but I do not know why, if that is so, we should be required to pay the expenses for all other information in the gentleman's district. The people in my district do not happen to possess any hogs.

Mr. COX of Indiana. But the people in the gentleman's district get the hogs which the people in Texas raise.

Mr. MANN. And we pay mighty high prices for them, too, although I do not see the pertinency of a question of that kind being injected into a discussion of this kind. It at once leads off to some other matter which is not pertinent at all.

Mr. McGUIRE of Oklahoma. Does not anyone send flower and garden seeds to the gentleman's constituents?

Mr. MANN. And the other gentleman from Texas——

A MEMBER. Oklahoma.

Mr. MANN. Oh, no; from Texas—so close to Texas that there is no distinction—asks another pertinent question like that. I do not wonder that both these gentlemen wish to escape from the proposition before the House and endeavor to lead off to something else.

The gentlemen have become so accustomed to getting everything out of the Public Treasury and thinking that the Treasury of the United States should pay all of the expenses of the gentlemen's constituents and their campaign expenses that it is utterly impossible, apparently, for them to comprehend that there is a line beyond which we ought not to go in taking money out of the Federal Treasury.

Mr. McGUIRE of Oklahoma. I did not know that we had the gentleman so bewildered that he could not distinguish between States.

Mr. FITZGERALD. Does the gentleman from Illinois understand that the object of this appropriation is to organize a medical corps with a chief and a number of assistants?

Mr. MANN. I read that to the House, I will say to the gentleman from New York—to organize a new medical corps in violation of the suggestions of the President recently submitted to Congress.

Mr. CAMPBELL. Mr. Chairman, I submit that the bill does not provide for that. The estimates call for that, but the bill does not follow the estimates.

Mr. FITZGERALD. What is the money to be used for, if not for the purpose that the commissioner says he wants to use it for?

Mr. MANN. What does the gentleman think it will be used for, when the department says if they get the money "that this appropriation would permit the organization of a competent medical corps, in charge of a chief," and so forth?

Mr. CAMPBELL. Yes; and it would permit an excursion down the Potomac River also.

Mr. MANN. Yes; I presume so.

Mr. CAMPBELL. But is it to be presumed that such an excursion will be made out of this money?

Mr. MANN. Does not the gentleman think that when the department says it wants money for a certain purpose and the money is granted to it that we have a right to presume that perhaps it may be used by the department for that purpose? I know it often is not, but have we not a right to presume that the department will use it for the purpose it says it wants it for?

Mr. CAMPBELL. In the preparation of this bill we did not authorize the creation of the bureau suggested in the estimate.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. BURKE of South Dakota. The gentleman only asked for two minutes, Mr. Chairman.

Mr. MANN. Oh, I will take all the time I want to discuss the point of order; the gentleman need not worry. What they asked for was an appropriation to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take necessary measures for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among the Indians, and the committee followed the language of the department; but the department said if it gets the money it will use it for the purpose of creating a competent medical corps. I presume that the department will keep its word if it gets the money.

Mr. FOSTER of Illinois. I desire to ask the gentleman whether or not the bill appropriates the same amount of money the department asked for?

Mr. MANN. It appropriates a smaller amount.

Mr. FOSTER of Illinois. How much did they ask for?

Mr. MANN. They asked for $50,000, and then they asked for two other items of $5,000 each, which would make $60,000, and the appropriation is $40,000, and the purpose for which it would be used, as stated by the department, is to organize a medical corps.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to answer the gentleman from Illinois. The trouble with the gentleman's position is that he is laboring under a misapprehension of the facts. There has been an appropriation "for the relief of distress among Indians" since 1899, at which time there was appropriated the amount of $20,000 for that express purpose, and it has been available ever since and expenditures have been made annually therefrom. In the appropriation act for the current year there is an item of $5,000 "for the purchase of pure vaccine matter and the vaccination of Indians." Now, Mr. Chairman, I submit that there can be nothing in the point of order made by the gentleman because it is proposed to appropriate money to be expended in the different States in the care of some of its citizens; the greater part of this appropriation is to be expended in the Territories in the protection of Indians who are wards of the Government. It is true, as I stated yesterday, that many of the Indians of this country are very prosperous and very well to do, but there is no way by which we can justly take the money from those who have it to take care of those who have it not.

In the Territories of Arizona and New Mexico trachoma broke out a year or so ago. It was so severe that an appeal was made to Congress, resulting in a prompt response by an appropriation of $12,000, which has been expended in the treatment of that disease. It is believed unless the progress of the disease is checked it will become general, and it is only a question of time when it will affect the white population of the country as well as the Indians. It does in some localities affect them already.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. I will.

Mr. COX of Indiana. What does the gentleman say in response to the argument of the gentleman from Illinois, as to whether or not you believe that any part of this money will be used for the purpose of organizing a medical corps?

Mr. BURKE of South Dakota. Why, Mr. Chairman, the committee were of the same mind as is the gentleman from Illinois. We did not wish to do anything that would indicate that we approved the proposition to organize a corps in the Indian Bureau to become a permanent feature in the administration of Indian affairs; but I do not believe that this money can be expended and good results obtained unless somebody who is competent is employed to expend it.

Mr. COX of Indiana. Now, then, does the gentleman say that this appropriation carried by this bill will be used or attempted to be used to carry out the recommendations of the department in asking for $50,000 or $60,000, or any part of it?

Mr. BURKE of South Dakota. I can only say in answer to the inquiry, Mr. Chairman, that the committee gave the bureau to understand that it would not tolerate any such organization. The appropriation is $20,000 less than was estimated for by the department.

Mr. DOUGLAS. Will the gentleman yield for a question on the point of order, in which I am interested?

Mr. BURKE of South Dakota. Yes.

Mr. DOUGLAS. Does the gentleman insist that this appropriation is justified by the fact that other appropriations like it have been made and that is the only authority of law which it has?

Mr. BURKE of South Dakota. That is the only authority of law; but I maintain, Mr. Chairman, that if this committee can not originate appropriations for the care and support of Indians then I do not know what the committee may do.

Every gratuity appropriation that is made here is, perhaps, without any specific authority of law, and yet we have made such appropriations annually for very many years without, so far as I am informed, questioning the technical authority for them, and certainly without invoking a decision of the Chair on the subject. If this is not a meritorious subject for the consideration of Congress, it will be difficult to find one in any appropriation bill that has come before this House. I am entirely willing to accept my share of responsibility for reporting

this item and incorporating it in this bill. If it goes out on a point of order raised, the responsibility for such action will not rest upon the committee which reported it with absolute unanimity.

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, each year when the Indian appropriation bill is under discussion we hear the theorists and near theorists advise how to manage the Indian. Each year we hear from the practical side, and also from the theoretical side. The RECORD is teeming with advice on how to manage the affairs of the Indians of the Five Civilized Tribes, when, in truth and in fact, what they most need and what they most desire is to be let alone. I again repeat, what they most desire and what is really most beneficial to them is to let them have their land and their money and run their own affairs, not in a theoretical way, but in a plain, common-sense everyday way.

It has been my pleasure all my life to know a great deal of the Indian people of the Five Civilized Tribes. I was born within 16 miles of the Oklahoma line, and from the first Fourth of July celebration to the last I ever attended I saw and mingled with many of them and knew much of their traits. It is no secret, and it is very true, that we have Indians who would, if turned loose with land and money, after years of tutelage, squander part or perhaps all of their estate, but it would be the exception rather than the rule. I want to add here that there are in the Indian Territory more than 100,000 enrollments, and there are in the entire State about 117,000 Indians. It is also true that this is more than one-third of all the Indians in the United States to-day.

And while I have admitted that some of them would squander their money and estate, it is also true that if 100,000 white citizens had been all their lives bound down by federal restrictions and were then allowed to come into their own there would be certain of them that would squander and dispose of their property recklessly. Still, in the face of this none of us here would feel like advocating that it was the duty of the Federal Government to exercise guardianship over citizens of this character. The better and more common-sense doctrine would be to put them out on their own resources and responsibilities and let them accumulate experience the same as the rest of us have done in stepping from the parental roof out into the broad domain of manhood.

I tell you, my State is full of good men of Indian blood, and I am tired of having them treated like orphan children. I tell you, sir, we find them in all of the professions; we find them at the head of banking institutions; we find them employers of men and in full control of a vast amount of property that they have accumulated even in the face of the annoying yoke of federal supervision, often exercised by men who were theorists and wholly impractical. I tell you, the Indians have suffered from the theory and schemes that should not have been tried on a people that we owe as much to as we do to the Five Tribes.

Now, one word about the clause in this bill providing for further appropriation for administration of Indian affairs on the Five Tribes' side of the State. The Oklahoma delegation secured a clause in the last appropriation bill that all work of winding up the affairs of the Five Tribes was to be completed on or before July 1, 1910. Now, here they are with the same provision in the bill for further administration.

For sixteen long, weary years we have heard each year that they could finish the work and be ready to turn their property over to them at the succeeding year. How long, oh how long, will this continue? Will the present generation of the people of the Five Tribes have to go to their last sweet sleep still in bondage and still suffering under long-range government that they do not want or need? Will the theorists never let loose and let the practical step in? The Indians desire their money and their land as their own. The white people of the State also desire it. So why not give it to them and let them go?

Think of the thousands of tenants who have lived and reared an entire family for years waiting for a chance to buy a humble little home that they could call their own, waited and watched for the dawn of the new day when they could own that one green spot called "home." But now we learn that this Republican Congress must have a few fat jobs left to keep the boys feeling good, so they can smooth over the blunders of the President, who makes them with the rising and setting of each sun. How long must this class of poor tenants, who have lived there and helped make the country what it is, have to wait for a chance to own a little home?

When I came to Congress three years ago of the 19,000,000 acres of Indian land on the Five Tribes' side of the new State only 3,000,000 were taxable. Think what a deplorable condition this was. Few, if any, roads; few, if any, schoolhouses; no taxes to improve the roads or bridge the streams. A condition that was more deplorable than you know. I am proud that the first Congress after admission, when there were four stalwart Democrats out of a delegation of five in the House and two able and upright Senators of the Democratic persuasion, we released from this bondage about 9,000,000 acres of this land. I am proud that to-day in this House we find that every Democrat from that State is working for the sale of the surplus unallotted lands as hard as he can, and I am in hopes that the Republicans are doing an equal service.

It will be interesting to know if the three Republicans in the House who have full charge of the legislation will be able to accomplish half what was done by the four Democrats and one Republican. The three Republicans from the State all voted for the Speaker, who is the Czar of the House, and able to give or withhold legislative plums as he desires, and who will recognize these Republicans and do as well by them as the Democrats were able to do. I shall hope that it is so, and will give it my hearty support, and the victories will be welcome ones to the doors of the Republicans who have assumed command. It is a matter of no little rejoicing that both the Senators and the two House members on the Democratic side of the Chamber are working in the rear ranks and willing to do anything and everything to help, and unselfishly let the Republicans have the glory of any legislation that may come. We have no time nor desire to play politics. The State needs legislation, and she must have it.

I again repeat, Let the Indians of the five tribes alone, and let them live in peace, independence, and plenty by the side of their white brother. There is no animosity between the two races. We have one in this body and one in the other body at the other end of the Capitol, and we have them in the legislature, so it shows there is no prejudice, but peace and brotherhood instead. I rejoice that it is so.

Let this Congress and the department who have them in charge not hang on until their welcome is all gone, and by so doing arouse strife and discord between the two races who must of necessity and of right reside in the same State and enjoy the blessings as they flow from the development of the new State of Oklahoma.

Divide the money in the Treasury that belongs to them. Let them build better homes and restock their farms and their plantations. Release their lands from bondage and let them manage their own affairs. Sell the unallotted lands to actual settlers, so that the men who have lived there during the trying times incident to life in a new State may now come into their own by an opportunity to own a well improved and happy little home. Do this, and the Indian citizen will take on independence of character and will progress and improve as he has never done before. Take this action and take it now, and the State will thank you and remain under obligations such as words can not describe. Do this, and our State will see its first proud day. When you have done this you will have done much for them. This will be more to them than any gratuity you have or will ever make to them, for it is their right to become independent citizens of a sovereign State.

Mr. Chairman, I have no desire to debate the point of order. I do, however, desire to say a few words in reference to the merits of this proposed section. I want to refer to one or two statements of the gentleman from Illinois [Mr. MANN] about which I believe he is in error. He suggested to the gentleman from Wisconsin that it was proper and right for his State to take care of the needy Indians. Now, it seems to me it would be a fair reply to that statement to say that the Indians are not taxed, and that being true, their land yields no revenue to the State, and it would be a hardship on the State to support the needy Indians as long as the Government retains full control of their land, money, and affairs.

The gentleman from Illinois [Mr. MANN] has suggested that they have money to their credit. That is true and it is not true. Some Indians have and some have not. I suggest that though even some Indians have money to their credit they can not get it without congressional appropriation, and oftentimes during the interim of sessions of Congress and during the time when congressional appropriations and congressional aid can not be sought or accomplished the Indians would, in the absence of discretionary power in the hands of the commissioner, suffer. I do not believe the gentleman from Illinois or any other gentleman here, vigilant and economical as he always is, and as all of us should be, desires to see any suffering on the part of the Indians. He complains that each year we are appropriating large sums of money for the benefit of the Indian tribes. That is true. If one common balance could be struck between the American people and the Indian tribes, I believe the American people would be in the lead by far. I live in a county that has about 3,500 Indians, and most of them dependent Indians. They have some money in the Federal Treasury, so they come within the class mentioned by the gentleman from Illinois, but there are times of

the year, between sessions of Congress and between payments, when those Indians in their present condition could not employ the aid of a physician or attorney or anybody else to look after their welfare, in the absence of some discretionary power on the part of the commissioner.

This word "Indian" covers a wide range. It includes both millionaires and paupers. I have Indians in my district who are worth hundreds of thousands of dollars, who could buy and sell myself and the ordinary Member here over and over again. I have others in my district who are penniless, dependent, and pitifully ignorant. So it is difficult in the extreme for the American Congress to apply the word "Indian" to all classes of Indian citizens and deal with it intelligently.

I am greatly in hopes that the gentleman will not insist on his point of order if it is good. For the benefit of those who do not think it is good, I do not want to concede that it is good.

Mr. MANN. I would like to ask the gentleman if it is likely that any part of this appropriation would be used on the residents in his district who are so well to do as he mentioned?

Mr. FERRIS. Perhaps not. I will say to the gentleman, further, I made some inquiry of the commissioner with reference to this section of the bill myself, and his idea was to use a physician from the civil-service roll to properly care for the needy ones wherever found at interims between Congresses. I am perhaps more opposed to this bureau business than the gentleman from Illinois [Mr. MANN].

I think we have too many bureaus now, and I look forward with no little rejoicing to the time when we shall have not half the Indian bureaus we have now. But as to this question of stamping out disease among Indians, I hope the gentleman will not apply his usual rigid economy to this section of the bill. Indians in my State have been made citizens of the State for all purposes by a provision in the enabling act admitting Oklahoma into the Union. The appropriations for schools in this bill have been pared down, and the policy of the department is to cut out Indian schools altogether as fast as they can. If the Indian schools are curtailed and eliminated, the Indian citizens must of necessity attend the same schools that the white ones do. With all reason and all fairness, if Indian citizens have permission and do actually attend the white schools, if they have tuberculosis, trachoma, and other noxious and contagious diseases, I do not believe the gentleman from Illinois, with all his spirit of economy and vigilance, wants such diseases spread among white people. The fact that Indians have lands they can not alienate in any way or money on deposit they can not get does not leave them self-supporting, but still dependent and deserving of care and assistance at the hands of the Federal Government, who have all their affairs in hand.

Mr. MANN. Well, does the gentleman think that by the same token we should look after the white tuberculous children in the same school with the Indians, side by side?

Mr. FERRIS. I take it that the whites are citizens, with all that the word implies.

Mr. MANN. So are the Indians. Does not the gentleman know they are in his own State?

Mr. FERRIS. Yes; but the gentleman must recognize the fact that a citizen is not a real citizen, in all the term implies, until the citizen is able to sell his own land and have entire charge of the disposition of his own funds, even though there be a recital of citizenship on the statute books.

Mr. MANN. "The gentleman" does not admit anything of the kind. There are lots of other people who if they could not sell their possessions would be better off.

Mr. FERRIS. That is a good deal like a gentleman who believes in martyrs, but who always wants the other fellow to be the martyr.

Mr. MANN. Does the gentleman believe in taking care of the white tuberculosis cases by the Government in the State of Oklahoma as the Indian is to-day?

Mr. FERRIS. Oh, yes; I am in favor of helping the whites when needy, or any other helpless or dependent ones.

Mr. MANN. And have the General Government take care of them the same as they now do with the Indian citizens?

Mr. FERRIS. The gentleman uses the term of Indian citizens, when they are laboring under federal restrictions, so that they are really not citizens, and that is not a fair comparison.

Mr. MANN. Are not those federal restrictions in the interest of the Indian?

Mr. FERRIS. I do not want to admit that. While that is, of course, the theory, it is too often very untrue.

Mr. MANN. Is not the whole proposition that this is to be in the interest of the Indians?

Mr. FERRIS. You can not get 80 per cent of the Indians in my State to admit that.

Mr. MANN. Do you admit that they would not have had much property left for themselves if it had not been for federal restriction?

Mr. FERRIS. On that point I have some very pronounced views, and when the gentleman asks me the question as to whether the Indians would be better off to have their money tied up by federal restrictions, and to have bureaus issuing their own money out to them 5 cents at a time at intervals when they do not need it, and not giving it to them when they do need it, I say the Indians do not want to be tied and bound down in that way. The gentleman suggests that if they were allowed to part with the land they would all have lost their land. That is not the fact. Some of them would.

I submit that if we were to apply the same federal restriction and the same tutelage over the white citizens in equal numbers, the chances are that many of them would grow as dependent as the Indians. The sooner the Indians are thrown on their own resources the better, in my judgment.

Mr. MANN. Is not the real argument in favor of this proposition the fact that there are some needy Indians who do not own property of their own? Has not that condition come in every case because of the lack of certain federal restrictions in the past; and is not all the argument now that we should support these needy Indians because they have no property, and at the same time remove federal restrictions so that in the future they may not own property?

Mr. FERRIS. The gentleman's analysis is hardly fair. He does not consider misfortune, accident, and the countless thousands of ways of losing property other than by improvidency.

Mr. GOULDEN. Can the gentleman from Oklahoma tell me, the House, and the committee what proportion, percentage, of the Indians are citizens, taking advantage of the suffrage given them by the State of Oklahoma?

Mr. FERRIS. As heretofore said, they are all made citizens by the enabling act. Well, to answer just how many vote would be difficult. The Chickasaw tribe, part of whom are in my district, practically every man among them over 21 years of age exercises that right. Of the Kiowa and Comanche citizens, who live in my county and in my neighborhood, I do not believe 1 per cent of them do so.

I have stated it with reasonable accuracy, so far as those Indians in my district are concerned; but it is unfair to believe that certain rules should apply to all Indians, because a rule that is applicable to the Indian who is destitute and penniless and not educated, and has not even the ability to speak the English language, is not a fair rule to apply to Indians worth millions of dollars and educated as well or better than the ordinary citizen.

Mr. GOULDEN. How many Indians are there in Oklahoma?

Mr. FERRIS. One hundred and one thousand enrollments of the Five Civilized Tribes, and as to other Indians there are approximately 17,000 of them. I am accurate about the Civilized Tribes, but am approximating on the scattering tribes. About one-third of all the Indians in the United States are in Oklahoma. The States need these matters wound up very badly. It has been long delayed. If all their force must be employed somewhere, send them to Panama. Do not always make a dumping ground of Oklahoma for politicians you do not need, care for, or want. Have the Department of Justice dismiss those 30,000 asinine suits that have resulted in untold injury and depreciation of the Indians' property and estate.

The CHAIRMAN. The Chair will ask the gentleman from South Dakota upon what authority he claims this appropriation to be based?

Mr. BURKE of South Dakota. Mr. Chairman, in the first instance, I take the position that we have jurisdiction to make appropriations for the care and support of our Indian wards, as this proposes. Existing law contains appropriations for these same purposes and we find $12,000 to prevent the spread of the disease of trachoma among Indians in the act approved February 20, 1909, in the Thirty-fifth Statutes, page 642, and this is simply to supplement that appropriation to carry out this particular purpose.

The money that has heretofore been appropriated is practically all expended, and it seems to me if we can not make this appropriation, we can not make appropriation for the care, support, civilization, and education of the Indian. It all turns upon this question. If we can not make appropriations for the care and health of our Indian wards, then we can not make appropriations to feed, clothe, educate, and protect them generally.

Mr. MANN. Mr. Chairman, the answer to that is that we do not do it at all. We maintain Indian schools, and they are not subject to a point of order, because a school is a work in progress. An item on an appropriation bill to build a new

school or start a new school is subject to a point of order, as everyone knows. As I understand it, there is no general authority authorizing us to appropriate any money that we please for the maintenance of the Indians. We appropriate money under treaty, where the treaty provides for an appropriation, and we appropriate money for certain specified purposes that are provided by law, or are for carrying out the work that we are now doing, such as the maintenance of a school that has been provided by law.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. PARSONS. Under the law as you contend it is, what authority is there for the employing of a physician at an agency? And if you can employ a physician at an agency, why then is not this appropriation in order?

Mr. MANN. I do not consider that asking a question does any good. I do not undertake to say what the authority is for the employment of physicians at agencies. I doubt whether they are employed, except with the use of the Indian funds. The agency proposition, as a rule, is for the expenditure of the money of the Indians, not of the General Government.

Mr. FITZGERALD. Nearly every agency physician is provided for in the treaty with each particular tribe. These treaties provide not only for the physicans, but for the number of blacksmiths, carpenters, and other mechanics that shall be placed there for their instruction.

Mr. MANN. We do not appropriate out of the Federal Treasury.

Mr. BURKE of South Dakota. Under authority of law the Secretary of the Interior is charged with the supervision of all business growing out of our Indian relations, and it would seem to me that appropriations certainly are in order to enable him properly to discharge the duties of that position; and if this point of order is to be sustained, practically every appropriation in this bill, with the possible exception of a few treaty provisions, may go out on the precedent established.

Mr. MANN. The gentleman is unduly alarmed about that. I will undertake to argue the point of order from his side and keep most of his provisions in the bill, whether this one goes out or not. The matters are not the same at all. There are quite a number of items in the gentleman's bill that are subject to the point of order, and some of them are exceedingly good items, and I will not undertake to say that any of them are bad items, unless it be this one. This one is an extremely costly item, if it is to stay in the bill.

I wish the gentleman himself would reflect upon what would happen if the Government should undertake to allot the lands of Indians and then follow the position of the gentleman from Oklahoma [Mr. McGUIRE], which will soon come, that the Government permit the land to be sold, permit the whites to get the property away from the Indians, and then put upon the Government the onus of caring for the Indians, on the ground that they have no property with which to take care of themselves. That is the identical proposition now before the committee.

Mr. FITZGERALD. This bill contains a number of gratuities not authorized by law, subject to a point of order, and carried because Members do not make the point of order. The bill carries appropriations for the expenses of the Indian Bureau, to carry out provisions of treaties, and nearly all of the items in this bill are provided for because treaties have been made with the particular Indians affected, or some specific authorization has at some time or other been made for the work.

Mr. BURKE of South Dakota. Let me say to the gentleman along that line that we have a treaty with the Sioux Indians in the Dakotas, made in 1877, that obligates the Government, until such time as they may become self-supporting, to care for them, feed them, clothe them; and certainly that would give us authority to take care of their health, and to spend money to suppress contagious diseases.

That treaty is still in full force and effect.

The CHAIRMAN. Will the gentleman from South Dakota refer the Chair to a copy of that treaty?

Mr. BURKE of South Dakota. I will send to the Chair article 5 of the treaty of 1877, which is still in force.

Mr. FITZGERALD. Mr. Chairman, the gentleman does not propose to appropriate and carry out the treaty with the Sioux. This is an appropriation generally for the benefit of the Indian.

Mr. MANN. There may be 40 treaties, Mr. Chairman, and it might be possible to make an appropriation to carry out the provisions of those treaties, but the reading of this provision and the purpose of the provision is a very different thing.

Mr. BURKE of South Dakota. Mr. Chairman, in response to what the gentleman has said in regard to the Indian losing his land and then becoming a charge on the Federal Government, I want to say that I am and have always been opposed to the Indian being permitted to sell his land, of having a fee simple patent to it, until he is competent to manage his own affairs. And when that time comes then I am in favor of giving him everything that may be his due. If he loses it let him take his chances the same as the rest of the citizens of this country do, and when he is in the condition of a pauper let him be a charge upon the State in which he resides.

I want to say, for the benefit of the gentleman from Illinois and others who may be laboring under a misconception of Indian character, that my observation has been that Indians who have been permitted to take charge of their own affairs after they were found to be competent have exceeded the average white man in taking care of what he has. Experience shows that the average "competent" Indian will take care of his property better than the average white man; and just as long as he is capable and competent of taking charge of his own affairs I am in favor of taking the hand of the Government from him and letting him take his chances.

Mr. COOPER of Wisconsin. Will the gentleman from South Dakota yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. COOPER of Wisconsin. About what proportion of the Indian allottees now have unrestricted power to alienate their land?

Mr. BURKE of South Dakota. Outside of the Five Civilized Tribes it would be a very small percentage. Among the Sioux Indians it would be not more than 2 or 3 per cent. Perhaps among the Sissetons and Wahpetons it might be 5 per cent.

Mr. COOPER of Wisconsin. Does the gentleman know anything as to the number of Indian allottees who, after acquiring their allotments, have immediately, or within a very short time, disposed of their lands to the white men?

Mr. BURKE of South Dakota. I do know of such instances, and I have known of white men who came into possession of something without effort on their part, who have inherited fortunes, to get rid of it very quickly. I do not think the Indian differs very much in this respect from the white man.

The CHAIRMAN. The Chair is ready to rule. Section 2 of Rule XXI declares that—

> No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of such public works or objects as are already in progress.

Is there any authority of law for this proposed expenditure for the relief of Indians in distress?

The Chair finds in the Revised Statutes, after a hurried examination, that there is statutory authority for the education of Indians, for schools, and so forth, but not, as far as the Chair is able to discover or has been informed, for the relief of distress among the Indians or supplying them with medicines.

In the so-called "Black Hills treaty," which has been sent to the Chair, there is a provision that the Government will furnish supplies for the parties to this agreement who are unable to sustain themselves. That would clearly provide for relief of distress for such Indians as are parties to this treaty, and there may be other similar treaties.

Mr. TAWNEY. Mr. Chairman, may I interrupt the Chair to say that the obligation to the Indians referred to is to be made under the conditions of the treaty and not out of the Treasury of the United States?

The CHAIRMAN. The language is that the Government will aid said Indians, but it refers only to the parties to this treaty. There may be other treaties, or many of them, containing similar provisions. If this paragraph in the bill were confined to Indians parties to such treaties, the Chair would have no difficulty in sustaining it; but it seems to be general in its terms, relating to all Indians whether parties to any such treaty or not, and therefore in violation of the rule, which says that no appropriation for an expenditure not previously authorized by law shall be in order. Previous appropriations have been made for similar purposes, no point of order having been made against them. They were made only for one year and for a specific sum, and that does not afford any authority for any further expenditure as proposed here. The Chair has been trying to find if it could be sustained as in continuation of a public work in progress, but it seems clearly to fall within the precedents which hold the other way, as cited in No. 26 of volume 6, Hinds's Precedents, page 110. In December, 1900, when the Indian appropriation bill was under consideration Mr. JOSEPH G. CANNON, of Illinois, made a point of order against a paragraph appropriating "for the support and civilization" of Indians, and the point was sustained upon the ground that there was no statute or treaty authorizing the expenditure and that it was not to continue a public work in progress.

No matter how meritorious or desirable it may be, the Chair may not consider the merits of the proposition, but must be governed by the rules. The point of order must therefore be sustained.

Mr. MANN. Mr. Chairman, so far as I am concerned, I would not make a point of order on the proposition to appropriate $10,000 for vaccine, vaccination, or the prevention of trachoma.

Mr. BURKE of South Dakota. Mr. Chairman, that appropriation would practically amount to nothing, and if the House is not willing to take the judgment of the committee, which believes that this amount is the least that will serve the purpose, I do not care to accept the insignificant amount suggested by the gentleman.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GRIEST having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 15, 1910:

H. R. 11307. An act to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.;

H. R. 12289. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi in said city;

H. R. 13438. An act to declare One Hundred and Two River in Missouri nonnavigable;

H. R. 13439. An act to declare Nodaway River in Missouri nonnavigable;

H. R. 13440. An act to declare Big Tarkio River in Holt and Atchison counties, Mo., nonnavigable;

H. R. 16221. An act for the establishment of telephone service between the life-saving station at Two Rivers, Wis., and the light-house at Twin River Point, Wisconsin;

H. R. 17161. An act to authorize the Union Railroad and Dock Company to construct and operate a bridge across the Monongahela River, in the State of West Virginia;

H. R. 16311. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 17743. An act to authorize Clay County, Ark., to construct a bridge across Current River.

On February 16, 1910:

H. R. 18895. An act to authorize the Wilson and Glassport Bridge Company to construct a bridge across the Monongahela River between Wilson and Glassport boroughs, Allegheny County, Pa.; and

H. R. 19399. An act to extend the time for the completion of a bridge across the Mississippi River at St. Louis, Mo., by the St. Louis Electric Bridge Company.

On February 17, 1910:

H. R. 12438. An act to amend sections 7 and 8 of the act of May 29, 1908, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $240,000, of which $25,000 shall be immediately available, and the balance of the appropriation shall remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress, and no new irrigation project to be paid for wholly or in part from this appropriation shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no new project to cost in the aggregate to exceed $25,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress; and the Secretary of the Interior shall transmit to Congress on the first Monday in December, 1910, a statement, by systems or projects, showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon for construction, extension, repair, or maintenance, of each irrigation system or reclamation project on Indian reservations to and including June 30, 1910; and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, but nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, or to prevent the Bureau of Indian Affairs from having the benefit of cooperation and consultation with engineers in other branches of the public service or carrying out existing cooperative agreements with the Reclamation Service; for pay of one inspector of irrigation, who shall be a skilled irrigation engineer, $3,500; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; not to exceed 5 superintendents of irrigation, who shall be skilled irrigation engineers, at not to exceed $2,000 per annum each, $10,000; for traveling expenses of 2 inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government, and while remaining there under orders, $3,000; in all, $259,800.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph, although I do it with some tremulation after the evident feeling displayed by the gentleman over the last paragraph not remaining in the bill exactly as it came from his committee. Perhaps the gentleman thinks that the Members of the House ought not to consider an appropriation bill when it is brought from his committee, and yet even at the risk of the condemnation of the gentleman I shall call his attention to a few propositions in this paragraph.

Mr. BURKE of South Dakota. Mr. Chairman, I can only state to the gentleman that since 1891 Congress has been appropriating large sums of money for irrigation purposes upon Indian reservations. Since that time there have been expended $1,500,000. The appropriation for 1911 is the same as that for 1910. There was a deficiency appropriation, I believe, of $50,000, if I remember, and the expenditures are being made on projects on reservations in eight or ten different States and Territories. As to the law that authorizes it, the fact that we found that appropriations had been made from year to year for about twenty-five years was sufficient to lead us to assume that Congress had given its sanction to this class of legislation.

Mr. MANN. Well, Mr. Chairman, I do not think there is any law authorizing it, but I have no objection to that part of it. I have no objection to any part of the amendment, I may say to the gentleman, or the purpose of it in any respect. I think the proposition which the gentleman has submitted in this paragraph is an exceedingly good proposition, but I question whether it accomplishes all that was in the gentleman's mind. I would like to ask the gentleman first, as a matter of detail, where he gets the total amount of $259,800?

Mr. BURKE of South Dakota. The estimate was $200,000——

Mr. MANN. I know; but the items in the paragraph do not foot up that amount.

Mr. BURKE of South Dakota. If they do not it is a typographical error. I am not aware of the fact that they do not figure up in that way.

Mr. MANN. I will ask the gentleman first whether there is a necessity for providing in this item for the construction of dams?

Mr. BURKE of South Dakota. I think there is.

Mr. MANN. It never has been carried before in the Indian appropriation, although they have done a great deal of construction and reservoir work. What is the special reason for giving authority to construct dams?

Mr. BURKE of South Dakota. Simply in connection with the storing of water. It is necessary to construct dams.

Mr. MANN. Well, if they can construct a reservoir that carries a dam with it, but the construction of a dam does not necessarily carry a reservoir with it. Now, they have had the authority for years to construct reservoirs, but not the authority to construct dams.

Mr. BURKE of South Dakota. I think that was put in on the suggestion that there was some particular work where it was necessary to construct a dam, independent of a reservoir, and that word was added to the legislation that has heretofore been in the bill.

Mr. HINSHAW. Mr. Chairman, if the gentleman will permit, I have just figured up the total as found in this paragraph and it coincides, if I am correct, with $259,000.

Mr. MANN. Two hundred and fifty-nine thousand dollars is right; but they just threw in the odd $800 for good measure. I wondered why it was so.

Mr. HAMER. I would like to state for the information of the gentleman from Illinois [Mr. MANN], if he is not aware of that fact, that a dam is sometimes necessary for the sole purpose of diverting the water from the stream for the purposes of irrigation, even where a reservoir is not needed.

Mr. MANN. I am aware of that fact. That is what I stated. I asked whether there was any necessity for dams here. But this is really what I want to get from the gentleman. On line 8 of page 4 is the provision:

And no new irrigation project to be paid for wholly or in part from this appropriation shall be undertaken until it shall have been estimated for and a maximum limit of cost—

And so forth.

Why not make that a permanent provision of law and provide that hereafter no new irigation projects on any Indian reservation or allotment shall be undertaken, and so forth?

Mr. BURKE of South Dakota. I will say, Mr. Chairman, that it was the intention of the committee to make it law and I suppose the word "hereafter" was in there until my attention was called to the fact that it is not. I think it is manifest to everyone, as it is to the gentleman from Illinois, that the provision is a wise one and ought to remain in the bill.

Mr. MANN. I certainly think——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. But I am arguing the point of order now.

The CHAIRMAN. The Chair understood the gentleman to reserve the point of order.

Mr. MANN. Well, I will not reserve the point of order. I will argue the point of order.

The CHAIRMAN. The Chair will hear the gentleman upon the point of order.

Mr. MANN. And then I would like, with the permission of the Chair, to ask the gentleman about the same language in line 14. I would suggest to the gentleman, if he can follow it, after the word "Interior," if that is made permanent law, in line 14, there should be inserted "and such limit of cost shall in no case be exceeded without the express authorization of Congress." I take it that the purpose of the proposition is to obtain a limit of cost and then keep the expenses of that system within the limit of cost, unless Congress authorizes it to be increased.

Mr. BURKE of South Dakota. May I call the gentleman's attention to the proviso? The first limitation which is found in line 8 is intended to apply to this particular appropriation. Then in line 14 we say:

And no project to cost in the aggregate to exceed $25,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress.

Now, does not that paragraph become general legislation if it is enacted?

Mr. MANN. Well, I think I can explain my point to the gentleman very quickly, and I am sure he will appreciate it. The second provision is that no new irrigation project shall be reported without authority of Congress.

Mr. BURKE of South Dakota. Yes.

Mr. MANN. But that authority comes through a mere appropriation. The first proviso is that no new irrigation project shall be reported until there has been a survey and an estimate of cost. Congress may have authorized the project under the second proviso where the first proviso would not apply, and now to make it apply is it not wise to say that there shall be no further irrigation projects without an authorization of Congress and an estimate of cost by the department, which estimate of cost shall not be exceeded except by authority of Congress?

Mr. BURKE of South Dakota. I do not think, Mr. Chairman, that the change suggested by the gentleman is very important, and certainly it is not objectionable. It seems to me that the two provisos, or the two parts of the proviso, accomplish exactly what he indicates, one being applicable to the present appropriation and the other that there shall be no further irrigation projects undertaken costing more than $25,000 until they shall have been specifically authorized by Congress, and that means by some legislation other than a mere appropriation.

Mr. MANN. But it is always done on appropriation bills. You have got a lot of these same authorizations in this bill. Now, there is no limitation here as to the cost unless you put it specifically in the bill. You provide for so much money to commence an irrigation project, and I take it from the gentleman's bill that he wants it fixed so that there shall be a limitation of cost and the estimated cost unless Congress shall otherwise provide, and I would suggest to the gentleman that he put that in the way I have suggested, or some other way like that, so it becomes the permanent law, and certainly then it will be far easier to get the appropriation, if there be need, for that purpose.

Mr. BURKE of South Dakota. Will the gentleman indicate just exactly what his amendment is?

Mr. MANN. The proposition I have was to insert, after the word "and," in line 8, the word "hereafter," and to strike out the words, after the word "project," "to be paid for wholly or in part from this appropriation" and insert in lieu thereof the words "on any Indian reservation or allotment." If that is the proper language, and I take it it will be, so it will read:

And hereafter no new irrigation project on any Indian reservation or allotment shall be undertaken until it shall have been estimated for, etc.

And then, after the word "Interior," in line 19, insert—

And such limit of cost shall in no case be exceeded without the express authorization of Congress.

Then add, after the word "and," in line 14, the word "hereafter." That makes it permanent law.

Mr. BURKE of South Dakota. I can not see, Mr. Chairman, as that improves it particularly, but it is, as I have said, unobjectionable.

Mr. MANN. That accomplishes the purpose which I think the gentleman wants to accomplish.

Mr. BURKE of South Dakota. If it does not accomplish it in the language in which it appears in the bill, I am willing to have this amendment inserted; but it seems to me that it does that very thing.

Mr. MANN. It is certain the language in the bill only applies to this appropriation, to begin with.

Mr. BURKE of South Dakota. From line 14 to line 17, including the word "Congress," does the gentleman mean to say that only applies to this particular appropriation?

Mr. MANN. Unless you put in the word "hereafter."

Mr. TAWNEY. I want to ask the gentleman from Illinois if he thinks his amendment would entirely accomplish that for which he is aiming, and that this language after the word "and," in line 14, "and no new project to exceed in the aggregate $25,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress?"

Would it not be possible under the language "no new project to cost in the aggregate" to begin a new project without any express authority of Congress, and then thereafter come to Congress and obtain the necessary appropriation to complete it? Would it not be better to say "and no new project the completion of which shall cost to exceed a certain sum?"

Mr. MANN. If you put the two items together so that no new project can be commenced hereafter without authority of Congress, and then make the other part of it read so that before the project is undertaken it shall be estimated for and the maximum limit of cost ascertained, put in the language that I have mentioned, that estimate can not be exceeded without authority of Congress, while under the provision as it now stands, while it requires an authority of Congress to commence a project, there is absolutely no limit to the amount of money which may be spent upon it.

Mr. BURKE of South Dakota. Let me suggest again to the gentleman that the word "and" in line 8 applies only to this appropriation. Now, in line 14, after the word "Interior," if the word "hereafter" is inserted, then will it not provide that in the future no new project to cost in the aggregate to exceed $25,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress? Does not that cover all the gentleman desires to cover?

Mr. MANN. That does not cover the question of making an estimate and survey and the maximum limit of cost. If it is proper to put into this bill a provision that irrigation work shall not be undertaken until it is estimated for, and maximum limit of cost, then it seems to me it is proper to make it so it will apply to appropriations hereafter made. It is in this bill, now subject to a point of order. It is a good provision. All I am asking is to make it permanent law.

Mr. BURKE of South Dakota. Then, does the gentleman mean that, after the word "undertaken," in lines 15 and 16, he would insert:

Until it shall have been estimated for and the maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs.

Mr. MANN. That possibly would cover it, but I thought it would be better to take the language which the gentleman has in his bill.

Mr. BURKE of South Dakota. That is the language.

Mr. MANN. I will read to the gentleman the way I have it.

Mr. BURKE of South Dakota. Let us see how the gentleman has it.

Mr. MANN. Commencing in line 8:

Hereafter no new irrigation project on any Indian reservation or allotment shall be undertaken until it shall have been estimated for, and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress. And hereafter no new project which shall cost in the aggregate to exceed $25,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress.

Mr. BURKE of South Dakota. I am willing to accept the amendment suggested by the gentleman.

Mr. MANN. It carries out the purpose of the gentleman.

Mr. BURKE of South Dakota. The purpose of the committee is expressed in the bill as it stands, but if the House wishes to go further and make all of these provisions permanent I am sure it will be entirely agreeable to the committee which framed the bill.

Mr. MANN. I appreciate the fact the gentleman only made it available for one year. The language is well chosen, and it seems to me desirable.

The CHAIRMAN. The Chair does not care to hear further debate on the point of order.

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. I wish to make the point of order against the language on page 4, lines 1, 2, 3, and 4:

Of which $25,000 shall be immediately available, and the balance of the appropriation shall remain available until expended.

This is not only a deficiency, but it provides for a permanent appropriation. I wish to call the attention of the chairman of the committee to the vice of this manner of appropriating money. There are two statutes which provide severe penalties for the incurring of deficiencies except under certain circumstances. When deficiencies are incurred the department must certify the reasons for making the deficiencies. Under this practice of making current appropriations, or appropriations for the next fiscal year, immediately available, the department saves the difficulty of coming to Congress and asking for a deficiency, and it is enabled to avoid the law which was enacted to prevent deficiencies. Making these appropriations available until expended not only provides money for the next ensuing fiscal year, but it is putting to the credit of the various departments money which may not be expended for many years. There is no reason to except this bureau from the act of Congress, or for giving it the money required beyond the fiscal year, than there is any other bureau of the Government.

Mr. BURKE of South Dakota. Mr. Chairman, this is clearly subject to the point of order; and if the gentleman insists on the point, there is no use of discussing it, and I am ready for a ruling.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order?

Mr. MANN. Mr. Chairman, before the gentleman insists upon the point of order as to making these balances of appropriation available until expended, I would like to call the gentleman's attention to this proposition, which I am sure he will appreciate: I agree with him about making immediately available these appropriations; but this irrigation work is very largely done under contract. The appropriation for the next fiscal year will not be available until July 1. It is quite out of the question to expend all of that money under any contract for irrigation work within the next fiscal year if the contract is properly made. It is very much like river and harbor improvements, or other improvements of that sort, where the appropriation is made to be expended under contract. It ought to remain available until it can be expended. We provide in the fortification bill for the purchase of certain classes of fortifications, where it remains available until expended, because it is not possible to expend it within the year in which it is appropriated.

Mr. FITZGERALD. Is this work done by contract?

Mr. MANN. It is nearly all done by contract.

Mr. FITZGERALD. If the money is obligated under contract, it remains available for two years.

Mr. MANN. It may remain available, and it may not remain available for two years. The work can not all be done under contract. The work is done in the same way, largely, as the river and harbor improvements and works of that sort. Is it not advisable to leave it so that the money can be available until expended?

Mr. FITZGERALD. The gentleman is not quite accurate. This money is appropriated not only for works already under way, but some of the appropriation is to be expended for surveys or in investigations to determine the feasibility of new irrigation projects.

Mr. MANN. I understand the item might be better differentiated, as to whether there ought not to be some sum available to some thing rather than through a number of places in this bill in reference to all projects of that kind. Now, it seems to me that if we appropriate $150,000 for a certain irrigation project which can not properly be differentiated, then it is necessary that the appropriation of money be made full, for the purpose of making a limit of cost in reference to it, and that it is desirable not to reappropriate it.

Mr. FITZGERALD. This does not put a limit of cost upon anything, and there is no reason why this bureau should not come to Congress annually, as every other bureau of the Government does.

Mr. BURKE of South Dakota. I did not understand that the gentleman from New York made a point of order to lines 3 and 4; I thought it was to line 2.

Mr. FITZGERALD. To both.

Mr. BURKE of South Dakota. I hope the gentleman will not insist upon his point of order as to lines 3 and 4.

Mr. FITZGERALD. If the money is not to be expended in the coming fiscal year, what objection is there to the point of order?

Mr. BURKE of South Dakota. This work is being done in very large part by Indian labor, and it seems to me that the unexpended appropriations ought to be available, the same as for river and harbor work.

Mr. FITZGERALD. You can reappropriate the money next year. Congress ought to be able to tell, some time or other, how much money is being spent each year in various projects and kinds of work. It does not interfere with the progress of the work.

Mr. BURKE of South Dakota. This bill contemplates that at the next session of this Congress we will know where every dollar of this money is expended.

Mr. FITZGERALD. I think the gentleman is to be complimented upon the efforts he is making to accomplish that, and I think by restricting these appropriations to the year for which they are made it will help him materially.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX of Indiana. I reserve the point of order on the portion of the bill beginning with line 11, on page 5, and ending with line 2, on page 6, for the pay of one inspector of irrigation, and so forth. Has it been customary to carry that officer heretofore on Indian appropriation bills?

Mr. BURKE of South Dakota. It has, in a separate item.

Mr. COX of Indiana. I was unable to find it in the last appropriation bill.

Mr. BURKE of South Dakota. It is in the last appropriation act. This inspector and two engineers were appropriated for separately.

Mr. COX of Indiana. The same offices have been appropriated for heretofore, have they?

Mr. BURKE of South Dakota. They have.

Mr. COX of Indiana. At the same salaries?

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. There is no increase?

Mr. BURKE of South Dakota. No increase.

Mr. COX of Indiana. I withdraw the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I have an amendment to the paragraph, simply to perfect it.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 4, strike out the comma and the word "but," after the word "year," and insert in lieu thereof a colon and the words "*Provided further*, That."

In line 8 strike out the word "operation."

In line 9 strike out the word "and."

In line 10 strike out the word "cooperative."

The CHAIRMAN. If there be no objection, the amendments will be considered together.

The amendments were agreed to.

Mr. BURKE of South Dakota. Now, Mr. Chairman, I desire to correct the total by inserting before the word "dollars," in line 1, on page 6, the words "eight hundred."

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 1, after "thousand," insert "eight hundred."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 4, line 8, after the word "and," insert "hereafter." After the word "project" strike out "paid for wholly or in part from this appropriation" and insert "on any Indian reservation, allotments, or lands."

In line 14, after the word "and," insert "hereafter," and after the word "Interior" insert "and such limit of cost shall in no case be exceeded without express authorization of Congress."

In line 24, after the word "reservation," insert "allotments or lands."

Several MEMBERS. Let it be read as proposed to be amended.

The CHAIRMAN. If there be no objection, the Clerk will read the paragraph as proposed to be amended.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation projects for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress, and hereafter no new irrigation project on any Indian reservation, allotments, or lands shall be undertaken until it shall have been estimated for and a maximum limit

of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and hereafter no new project, to cost in the aggregate to exceed $25,000, shall be undertaken on any Indian reservation or allotment without specific authority of Congress; and the Secretary of the Interior shall transmit to Congress on the first Monday in December, 1910, a statement, by systems or projects, showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon for construction, extension, repair, or maintenance of each irrigation system or reclamation project on Indian reservations, allotments, or lands to and including June 30, 1910.

The CHAIRMAN. Without objection, the several amendments will be considered together. The question is upon agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes, $1,420,000.

Mr. SHARP. Mr. Chairman, I would like to ask the gentleman in charge of this bill [Mr. BURKE] a few questions. I notice in all the similar provisions following in other sections that no specific amount is mentioned for the salaries of school-teachers. I would ask if the gentleman has it in his power to give, offhand, the amount to be paid to the teachers?

Mr. BURKE of South Dakota. I should say that the teachers' pay, as I recall it, is about as follows: For the superintendent of the school, $1,800; and it then runs down to $700, $800, $900, $1,000, $1,200, and $1,400—there are only a very few of them who receive the $1,400 or $1,600.

Mr. SHARP. What is the pay of the lady teachers, other than the principal?

Mr. BURKE of South Dakota. The lady teachers in the ordinary Indian school get from $50 to $60 per month.

Mr. SHARP. What has been the policy during the last two years as to increasing that amount, or has it remained stationary?

Mr. BURKE of South Dakota. There has not been any marked increase in the salary. There may have been some increase, but not anything material.

Mr. SHARP. Mr. Chairman, I asked these questions because I desire to bring to the attention of the House some comments which were made a few days ago upon the pay received by the government teachers in the Indian schools, and also that I may be enabled to contrast the pay received by this class of employees with the compensation paid to workers in other fields of labor.

I notice in a press dispatch sent out from this city a few days ago that the Civil Service Commission was confronted with the problem of a dearth of teachers in these Indian schools. It was stated that the greatest necessity existed for male teachers who are married to take charge of the day schools. Naturally, nearly all of these schools are located in the West and Southwest. For such work, the information was further given that $60 per month for a ten months' school year was usually paid; and, further, the wife of the teacher fortunate enough to pass the examination might be housekeeper at $30 per month in addition.

Though I am pleased to see that one of the chief amounts carried in this appropriation is to be devoted to the care and education of the Indians, yet I wish to say that I note with regret the gentleman's statement that the teacher's pay has remained about the same. When the District of Columbia bill was up for consideration several weeks ago I took a great deal of interest in its provisions with reference to the salaries paid to the teachers in this city, and I gave the subject no little attention at that time. For several years past I have felt very strongly upon this subject of pay of teachers, and in this connection I may say I have been not a little interested to read what perhaps most of the Members of this House have read in the last few days—the comments by the press-styled "multimillionaire," Richard T. Crane, of Chicago, upon the salaries of teachers and what he terms the "wastefulness of money in their employment." The press dispatches, though I do not vouch for their accuracy, quote the gentleman as saying:

The college men talk as though they knew all about every other man's business and that they could manage affairs better than the business men themselves.

College professors and teachers are prepared to give advice on all subjects. As $2,500 a year teachers, they tell us how to turn out $5,000 and $10,000 a year business men. Isn't it a bit strange that it never has occurred to these smart college men to go into business for themselves?

Why draw a small salary for telling young men how to draw big salaries if you are capable of drawing the big salary yourself?

I understand that the remarks above quoted are contained in a book recently written by Mr. Crane, and I trust that the context so modifies them that they do not reflect his unqualified opinion of the teachers and their work. Unfortunately, in this day of materialism a man's success in life and his services to his fellow-men are too often gauged by the income he receives; and it is far too apparent that, judged by this standard alone, the contempt which is expressed in the book for the small-salaried professor and teacher might be justified. With such a yardstick by which to measure men's achievements how far down the scale, indeed, would be such a man as Louis Agassiz, the greatest teacher of his age, who, though at times in his earlier career sorely pressed by poverty, yet to a friend who once asked him why, with his great knowledge of scientific truths, he did not better his financial condition, replied that he had no time to make money.

Within the past few days the sporting columns of our newspapers have informed us that the head of one of the baseball leagues had been voted a salary of $25,000 a year on a twenty-year tenure of office. While the usual latitude must be allowed for the accuracy of such news items, it but reflects the tendency of the times to pay the highest compensation for that class of talent which yields in return the greatest number of dollars. While the baseball fans upon this floor will agree with me that no question as to such trifling matters as salary need be asked to reward the man who carries away the pennant for his club or league, yet, because of the high salaries paid to such men, must they be considered five times as great in the scale of public esteem and worth as our best-paid college professors and school superintendents? By the same criterion the accidental possessor of a fine voice, backed by judicious advertising, who can command $100 for a single song must indeed be nearly at the top of such a scale.

Mr. Chairman, it is unfortunately true that school-teachers and college professors, as the author of the book states, receive the most modest compensation; but he might have gone further, and with equal truth have said that fully three-fourths of all the teachers in our public schools receive less than half the salary of $2,500 which he mentions. Educational reports of recent years exhaustively treat upon this subject, and valuable statistics have been compiled from reports of many cities and towns, but in the following table I will only summarize the general results obtained. The figures given are taken from the report of a committee, of which Carroll D. Wright was chairman, appointed by the National Educational Association. The personnel of this committee entitles its report to the highest credit, and while it was made nearly five years ago, subsequent statistics on the subject, as far as obtainable, show but little change. The original report, from which I give this epitome of results, embraced nearly 500 cities and towns in the United States, specified by name, and having a population ranging from that of New York City to the smaller towns of 8,000 or more inhabitants.

	High schools—principals and teachers.		Elementary schools—principals and teachers.	
	Number.	Average salary.	Number.	Average salary.
New York, Chicago, and Philadelphia	1,248	$1,676	20,186	$967
16 cities, 200,000 to 1,000,000	1,610	1,287	15,417	732
20 cities, 100,000 to 200,000	1,115	1,096	8,070	648
38 cities, 50,000 to 100,000	927	1,051	8,488	619
58 cities, 30,000 to 50,000	875	912	7,401	558
74 cities, 20,000 to 30,000	900	877	5,967	516
60 cities, 15,000 to 20,000	561	869	3,498	515
110 cities, 10,000 to 15,000	804	787	4,859	482
87 cities, 8,000 to 10,000	571	721	2,945	464
Total number of teachers and principals	8,611		76,531	

An examination of this table shows that of the better-paid class of principals and teachers in the high schools more than two-thirds receive less than $1,200 per year, while in the other class of elementary schools nearly three-fourths receive less than $750 per year.

But unfavorable as is this showing, it must be kept in mind that these reports have to do with the better paid teachers in the cities and larger towns, where quite a remarkably fine discrimination is shown in grading these salaries according to the population of the places. When, however, we come to consider the compensation paid to that large class of teachers employed in the typical ungraded rural schools, we must reduce the lowest

salary paid in the town school, as indicated in the table just quoted—say that of $460—by nearly one-third. In other words, an examination of official reports from these rural districts in nearly all of our States will show an average salary paid to this class of teachers of less than $350.

We are wont to boast of our great men whose early and sometimes sole education came from the little red country schoolhouse. It seems to me, Mr. Chairman, that we have never properly appreciated the fact that the development of character and mind that in after years has characterized these successful men is due in no small measure to the little woman or young man who taught in those schools, or that the leaders of public life, some of whom come to these Halls of Congress, as well as others who advance into Mr. Crane's class of multimillionaires, and still others who accomplish our great engineering feats and lead in scientific research, are so much indebted to the early impetus, training, and inspiration received in these little red schoolhouses. [Applause.]

But there is another phase involved in considering this subject of salaries paid to our teachers. I refer to its economic side, which, strange to say, while considered in almost every other vocation, has been given almost no prominence when applied to that of teaching. I refer to the cost of living, a much-discussed subject at the present time. While it is conceded that the very nature of the profession of pedagogy has to do with the mental rather than the mere material and physical conditions in life, yet even that development is not along such purely ethereal lines, I believe, as will enable the devotee to subsist upon abstruse problems of philosophy without a fair amount of food and clothing to go with it. Apropos of this phase, let me take the liberty to again quote from the report of the commission above mentioned, which is the expression of the conviction of the members of that committee after having given many months to a careful and exhaustive examination of all the questions involved.

On page 6 of that report I read as follows:

> In connection with this report on the salaries of teachers it should be observed that the salaried employee is always at a disadvantage in periods of prosperity and high prices, as salaries are much slower to advance than prices or wages. The salaried employee with a stationary income must not only pay the higher prices, but he almost of necessity follows his neighbor, more fortunate in an increased income from the prosperous times, in an indulgence in larger expenditures. Salaried employees must live according to the standard of those around them, and this is especially true of teachers. All their social life is in the public view, and the public has a peculiar interest in the maintenance of their social position.
>
> One of the most striking developments of recent years in connection with city schools is in the exacting nature of the requirements for teachers. Such requirements are becoming more and more severe. The idea that any high-school graduate can teach school has quite generally been succeeded by the conviction that no person, however well educated generally, can properly teach without special preparation for that duty. The higher standards which are being insisted upon for the teachers must lead logically to better compensation. The inadequacy of the salaries in some of the cities, as shown by this report, after the training that is necessary to secure the positions, has been used successfully as an argument for their increase, and in some cities it has been admitted where financial reasons have stood in the way of granting an advance.

In these days of progress it is expected that teachers, especially in the graded schools, will keep abreast of the times in all that pertains to that vocation. To this end teachers' institutes and different kinds of associations have been formed with the view to improve the quality of work which the teacher is called upon to do. Having no convenient time during the school year to hold such meetings or conventions, a portion of the summer months is devoted to that work. At these institutes a wide and most ambitious range of subjects is discussed, and the features take the form of learned papers and addresses by men higher up in pedagogy. The up-to-date teacher is expected to attend such conventions and participate therein in nearly every case at his own expense, which often involves no little amount. I think I do not exaggerate when I say that to such organizations, formed for the unselfish and sole purpose of preparing better teachers, very much of the improvement in recent years in the method of teaching is due.

My own experience as a member of the school board in my home town brought to my mind most forcibly, when the question of the salaries of teachers was considered, the common practice of comparing the same with what was paid in other communities for like services. Unfortunately such a comparison rarely became broad enough to include the compensation paid to workers or public employees in other vocations. For the purpose of demonstrating the results of such a comparison I will here quote from the Nineteenth Annual Report of the Commissioner of Labor, showing the average weekly wages paid in 29 cities in that many States to what may be considered the commonest kind of labor in our country; that is, work upon the streets and sewers, together with the minimum yearly salaries of teachers in the elementary schools in such cities:

	Laborers (municipal), streets and sewers.			Minimum yearly salaries of teachers in elementary schools.
	Average hours per week.	Average wages per hour.	Average weekly earnings.	
Allegheny	48	$0.2188	$10.52	$500.00
Atlanta	58	.1034	6.00	250.00
Boston	44	.2742	12.06	552.00
Buffalo	48	.1875	9.00	400.00
Burlington, Vt	54	.1667	9.00	216.00
Camden, N. J	60	.1500	9.00	400.00
Charleston, S. C	60	.1134	6.80	300.00
Chicago	60	.1588	9.53	550.00
Cincinnati	48	.2057	9.87	400.00
Evansville	48	.1875	9.00	350.00
Great Falls, Mont	48	.3125	15.00	713.00
Hartford	54	.2105	11.37	400.00
Lincoln	48	.1875	9.00	369.00
Los Angeles	48	.2500	12.00	540.00
Manchester, N. H	54	.1667	9.00	350.00
Memphis	48	.1875	9.00	260.00
Meridian	60	.1000	6.00	283.00
Minneapolis	48	.2313	11.10	450.00
Mobile	54	.1667	9.00	432.00
New Orleans	49.50	.1944	9.62	515.00
Portland, Me	54	.1833	9.90	
Providence	60	.1534	9.20	400.00
Racine	54	.1667	9.00	325.00
Richmond, Va	56	.1607	9.00	297.00
St. Louis	48	.1875	9.00	420.00
Seattle	48	.2906	13.95	550.00
Sioux Falls	48	.2000	9.00	
Washington, D. C	48	.1916	9.20	500.00
Wilmington, Del	60	.1500	9.00	350.00

After examining this table, which clearly shows that the average wage paid to the commonest kind of labor is greater than that paid to well-qualified teachers, is it any wonder that since 1880, when the percentage of male teachers to the total number was 42.8 per cent, three years ago it had declined to 21.7 per cent, and probably at the present time is down to 20 per cent? When the average monthly salary of male teachers in the public schools of the United States amounts to only $58.60, and that for the women to $44.08, is it to be wondered at that other callings, in many kinds requiring far less ability, are having superior attractions for teachers?

As Members of this House and as the heads of families we well know that one of the first questions asked by the new Member on first coming to the city is as to the quality of the city schools. We are unwilling to bring our children from home schools enjoying a high reputation for efficiency to place them here unless we are quite sure that the same high standard is to be found. I am pleased to say in praise of the local schools that I have heard them highly commended; though in this connection an incident which has occurred within the past few days is worthy of consideration. I refer to the comments now being made in the papers in complaining of teachers who have been working in other lines outside of school hours, in order that they may increase the incomes which they are now receiving. This discussion has brought out considerable light upon the inadequacy of these salaries, and incidentally resulted in an order by the commissioners prohibiting the teachers from performing such outside work. I believe complaint is justly made that the District teachers are considerably underpaid for services rendered.

I am well aware of the fact that the past few years have witnessed some awakening in public sentiment to the injustice done to the half million teachers in this country. This improved sentiment has taken form in agitation for pensioning certain classes of teachers, for recognizing the longevity service, and in, perhaps, what may be termed the most radical advance, the enactment into law in various States of a minimum salary provision. Much has been written upon these subjects and many very valuable statistics have been compiled showing the results of such changes. There have been numerous instances of endowments of educational institutions by wealthy citizens, and in some instances these gifts have had a more direct bearing upon the compensation to be paid to teachers, notably in the provisions establishing pensions for them. The danger of this latter practice, however, has been on several occasions pointed out by teachers of acknowledged ability.

Mr. Chairman, it is because I deeply feel that this large class of workers is not being properly paid that I have asked the privilege of this House to lay some facts before it. No statistics embracing a cold array of figures can adequately reflect

the true value of the services of those required from the very nature of their calling to be men and women of the highest character. They exercise a potent influence in molding public opinion in their community. Not only to them is committed the task of developing the mental qualities of our children, but often in their charge as many hours of daylight as in their father's and mother's, the moral training of these children is greatly influenced.

It has been the boast of our Nation that its schools are of the best, and surely there have never been at the head of any foreign institution of learning more illustrious teachers than we have produced. Within a decade the teachers sent out by our Government have revolutionized the educational systems of Porto Rico, the Philippines, and Hawaii. The same thorough and unselfish efforts which characterized their work here have been put into practice in those foreign lands. In the wake of that work have followed order and progress. In all bases of comparison by other countries I want to be able to point to the United States Government and say, "We pay the highest salaries to our teachers that are paid anywhere in the world." [Applause.]

In conclusion, Mr. Chairman, let me say that I am aware that my appeal in behalf of the teachers comes rather late in the day, as practically all of the appropriation bills have been made up by the committees and acted upon by this House; but may I express the hope that the most generous and well-merited consideration will be given to the claims of this class of government employees in the next Congress.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last two words. This is a very large item, $1,420,000, and its phraseology is rather peculiar. I would like to inquire of the chairman of the committee, or some one else who is able to inform me upon the point, as to what is meant by this language:

And for other educational and industrial purposes.

Mr. HINSHAW. What line?

Mr. COX of Indiana. Page 6, line 4.

Mr. BURKE of South Dakota. I would answer, Mr. Chairman, that enables the employment of industrial teachers. They might employ a blacksmith, or a carpenter, or some skilled person in some skilled trade, to teach the Indians at that trade.

Mr. COX of Indiana. Well, I observe in reading the bill practically all through it you have provided for the furnishing of a carpenter and a farmer and a blacksmith and things like that.

Mr. BURKE of South Dakota. Those are treaty stipulations wherever you find them specifically mentioned in the bill.

Mr. COX of Indiana. Is this appropriation intended to cover alll cases not covered specifically in the bill?

Mr. BURKE of South Dakota. So far as education is concerned, yes.

Mr. COX of Indiana. Does it take into consideration any other kind of education than what is stated to be industrial education?

Mr. BURKE of South Dakota. Yes; academic as well.

Mr. COX of Indiana. Does the bureau require $1,420,000 to do that work?

Mr. BURKE of South Dakota. I do not understand the gentleman.

Mr. COX of Indiana. Does the gentleman think it will require $1,420,000 to do that work next year?

Mr. BURKE of South Dakota. I certainly think it will.

Mr. COX of Indiana. Is it proposed to scatter this appropriation throughout the Indian agencies.

Mr. BURKE of South Dakota. This is to pay for schools throughout the Indian country and upon the Indian reservations, the agency school and the day school and the small Indian schools everywhere.

Mr. COX of Indiana. Is this new legislation here, or was a similar item contained in the former bill?

Mr. BURKE of South Dakota. No; this is an appropriation that has been made for years and years. There are about 200 schools supported out of this appropriation.

Mr. COX of Indiana. I would like to ask whether or not these words are new, "and industrial?"

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. Was that language contained in the last appropriation bill?

Mr. BURKE of South Dakota. No.

Mr. COX of Indiana. Was it the purpose of the committee in making this appropriation to widen the scope of this work over what it has been heretofore?

Mr. BURKE of South Dakota. I yield to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. The purpose of adding "and industrial" was to enlarge the education of the Indian to make him more fit to go out and make a living for himself—to make him a blacksmith, a carpenter, a painter, a wagon maker—and instruct him in all the manual training that was necessary for that purpose.

Mr. COX of Indiana. Then, as you have enlarged the scope of the work, have the appropriations been correspondingly increased?

Mr. CAMPBELL. No; there has not been any large increase in the appropriations. There is a general tendency, as the gentleman from Indiana well knows, throughout the country to enlarge the instruction in manual training.

Mr. COX of Indiana. I think that is correct.

Mr. CAMPBELL. And I am sure that the gentleman from Indiana will also agree with me that it is a step in the right direction.

Mr. COX of Indiana. We will agree upon that.

Mr. CAMPBELL. And is a step which should be taken on behalf of no person who attends school more than on behalf of the Indian.

Mr. COX of Indiana. Now, is this same work that you intend to provide for in this paragraph provided in the other schools where you have submitted appropriations for in this bill?

Mr. CAMPBELL. Well, we have specific schools in which industrial training has long been provided for.

Mr. COX of Indiana. Is this building up the appropriations in any way?

Mr. CAMPBELL. We have reduced the total sum of the appropriations this year.

Mr. COX of Indiana. Let me see if I can understand the gentleman. I want to get the information, and I am sure the gentleman is able to give it to me. Does the amount of money carried in this paragraph cover anything that is taught in the schools for which you have made specific appropriations in this bill?

Mr. CAMPBELL. No.

Mr. CARTER. If the gentleman from Kansas [Mr. CAMPBELL] will permit, I think I can explain.

Mr. CAMPBELL. I want to answer a specific question. We make a total saving this year of $5,000 on the appropriation.

Mr. COX of Indiana. The sum total, you mean?

Mr. CAMPBELL. Yes; and yet we have, as is shown in this bill, enlarged the scope of education to include industrial work.

Mr. CARTER. I will ask the gentleman from Kansas if this is not the situation: That the money to be used for industrial purposes in boarding or nonreservation schools is specifically appropriated, and that this money is appropriated for a great class of day schools, not to be used in boarding schools, but to be used separately and aside from those schools for which specific appropriation has been made, and that the specific appropriations and these general appropriations do not conflict. Is not that correct?

Mr. CAMPBELL. It is partially true. The fact is that it is the intention to enlarge it.

Mr. CARTER. In the day schools strictly.

Mr. CAMPBELL. It is not confined to the day schools.

Mr. MANN. It is not confined to schools at all, is it?

Mr. CAMPBELL. Oh, yes.

Mr. MANN. Let us see. I will read:

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes——

Mr. CAMPBELL. Yes.

Mr. MANN (continuing). So much money. That is not confined to schools at all.

Mr. CAMPBELL. What is the gentleman's construction?

Mr. MANN. You can run a blacksmith's shop under it, or you can start a factory under it.

Mr. CAMPBELL. Yes; but is not that an industrial education? We have blacksmith shops and carpenter shops at the Indian schools at Chillocco, and we have bakeries, laundries, dressmaking establishments, in all of these industrial schools.

Mr. MANN. Very well; but I say under this provision, so far as the provision is concerned, you can start a manufacturing plant that is in nowise connected with the schools for Indians.

Mr. CAMPBELL. But it is not the intention of the framers of this bill that that should be done, and we think that those who administer this appropriation will have altogether too much sense to start a factory.

Mr. MANN. There must be some good reason for putting in the words "and industrial," because if it means school that is covered by the language of the old law. "Educational purposes" covers a multitude of sins.

Mr. CAMPBELL. Educational purposes would hardly justify the construction of a blacksmith's shop or a carpenter shop, I think.

Mr. MANN. Not unless it was for educational purposes, it would not, but if you say "industrial purposes" it would permit the establishment of a blacksmith's shop, and not for education.

Mr. CAMPBELL. Well, that is not the purpose of this legislation.

Mr. COX of Indiana. I would like to know if inserting the words "in connection therewith" after the word "purposes," in line 5, whether or not that would obviate the objection you urge against it?

Mr. MANN. I think it would. That would be perfectly plain. Then it would all be in connection with schools.

Mr. COX of Indiana. Mr. Chairman, I withdraw my pro forma amendment and offer the following.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "purposes," in line 5, page 6, the words "in connection therewith."

Mr. MADDEN. I would like to know if all the industrial teachers which are to be employed are to be paid out of this appropriation.

Mr. CAMPBELL. Certainly.

Mr. MADDEN. Are they to be employed on the ground where the industrial training is to be had?

Mr. CAMPBELL. I will state to the gentleman from Illinois [Mr. MADDEN] that since he and I left school many of the teachers now must qualify themselves for teaching industrial work.

Mr. MADDEN. But that is not an answer to my question.

Mr. CAMPBELL. And the teachers employed in these schools and the sum we have appropriated here will be required to teach industrial work.

Mr. MADDEN. Will they be required to be on the ground where the teaching is to be done?

Mr. CAMPBELL. Oh, yes.

Mr. MADDEN. The reason I asked that question is——

Mr. CAMPBELL. We are not establishing a correspondence school.

Mr. MADDEN. The reason I asked that question is that on a bill that was reported here some years ago, on inquiry it was discovered that they employed in Chicago a blacksmith to teach the Indians on the reservation.

Mr. CAMPBELL. We do not expect to teach blacksmithing by correspondence.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 5, after the word "purpose," insert "in connection therewith."

Mr. CAMPBELL. Speaking for some of the committee, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment.

Mr. WILSON of Pennsylvania. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman has not the floor at the present time.

The question was taken, and the amendment was agreed to.

Mr. WILSON of Pennsylvania. I move to strike out the last word. I do so for the purpose of asking the gentleman in charge of the bill as to whether in the manual training given in the various lines if practical teachers are employed? That is, teachers who are practical in the particular branch they are expected to teach?

Mr. CAMPBELL. Yes; they are required to know something of what they are called upon to teach.

Mr. WILSON of Pennsylvania. My question is not simply of their being required to know something of it, but as to whether or not they are skilled in the particular line they are expected to teach.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 6, page 6, add the following:
"*Provided*, That no part of this appropriation shall be used for the purpose of educating the children of any Indian whose father is a taxpayer, citizen, and voter of any State or Territory in the United States."

Mr. BURKE of South Dakota. I reserve the point of order upon that.

Mr. STEPHENS of Texas. I do not think it is subject to the point of order, for the reason that it directs how the money shall be spent, and is a limitation upon the appropriation.

For many years, Mr. Chairman, it has been the policy of the Government to break up the Indian reservation by allotting their lands among the Indians for the purpose of making them citizens of the various States where they reside. We have accomplished that purpose to a great extent, and I presume that three-fourths of the Indians of the United States have their tribal lands allotted to each individual.

By the act of allotment they become citizens of the State where they live. Their children then following the citizenship of the parents become citizens of the State and subject to receive their due portion of the state school funds—that is, they receive from the State the same amount as the white children of the State are entitled to. This amendment provides that they must be taxpayers and citizens and voters of the State, and when they have had their lands allotted among them the Supreme Court of the United States has held that they are no longer wards of the Government, but are citizens of the State. Therefore there is no reason why the rest of the citizens of the United States should be taxed to keep up these Indian schools. It is a fact that we are paying $167 for each child educated in boarding schools. The Commissioner of Indian Affairs states that they go to the limit and pay $167 on each child in the Indian schools. This limit applies to boarding schools, nonreservation schools, and mission schools.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. COX of Indiana. Under the paragraph as it now stands, what will be the gentleman's opinion as to whether or not any part of this $1,000,000 can be appropriated for the teaching of Indian children whose father is a taxpayer and, indeed, wealthy?

Mr. STEPHENS of Texas. It is a fact that there are hundreds of these children whose fathers are voters or holding offices under this Government, and whose children are entitled to be, and some of them are actually, sent to Carlisle, Hampton, or to any other Indian school that they desire to have them sent to in the United States.

Mr. COX of Indiana. Can the gentleman inform the House and tell us how many Indians in the United States are taxpayers?

Mr. STEPHENS of Texas. I presume if this amendment was adopted and duly enforced that it would strike from the roll of the children now attending these Indian schools one-third of their present numbers and thus save an expense of one-third of the sum now spent by the Government.

Mr. HINSHAW. On these reservations which have recently been opened up, where allotments have been made but where nearly all the people living are Indians, does the gentleman know whether the States in which they are located have provided schools to which the children of these allotted Indians can go?

Mr. STEPHENS of Texas. They certainly should have made that provision, if they have accepted the citizenship of these Indians, and permit them to vote, and require them to pay taxes. They are the wards of the Government until their lands are allotted to them; then they become citizens of the State and also entitled to attend the day schools of the State.

Mr. HINSHAW. Is it not true that in these well-settled Indian communities provision has not been made as yet for the children of Indians to go to the day schools provided by the States?

Mr. STEPHENS of Texas. If the Indians are citizens and voters and taxpayers of a State, why should the State not educate them, and why has it not been done?

Mr. HINSHAW. I am not asking why it has not been done, but if it has been done?

Mr. STEPHENS of Texas. It has not been done in Texas. We have but one small Indian tribe in my State—the Alabama tribe—and they are not under the supervision of the United States Government, but attend our state schools, and the General Government has nothing whatever to do with them. The General Government has never assumed any control over this tribe. They are not wards of the Government.

Mr. FERRIS. Is not the gentleman aware that there is a provision in the enabling act which brought Oklahoma into the Union making each and every one of the Indians, irrespective of whether they be dependent or independent, free citizens of the State?

Mr. STEPHENS of Texas. I understand that.

Mr. FERRIS. I take it the gentleman does not desire to strip dependent Indians of the benefit of schools. I think his amendment is more far-reaching than he intends, because the arbitrary provision in the enabling act makes our Indians citizens of Oklahoma, whether their disabilities have been removed or not.

Mr. STEPHENS of Texas. Then, I would accept an amendment that the dependent Indians, who have no control over their own property, should be excepted from this provision. Those

Indians would be wards of the Government; but when they have a right to use and control their property, we are not called upon further to educate them, and I would at once take our hands off them and make the States assume the responsibility.

Mr. FERRIS. The gentleman is entirely right on his latter proposition, but as I said before, there was incorporated into the enabling act bringing Oklahoma into the Union a positive provision making each and every Indian, whether independent or depedent, a citizen of the United States.

Mr. COX of Indiana. And a taxpayer?

Mr. FERRIS. It does not say that. Now, I should like to have this provision passed for the present, and ask the gentleman to do that until we can agree on an amendment that would not strip the dependent Indians of an education. This undigested amendment is far-reaching and dangerous.

Mr. CARTER. Let the amendment be reported again.

The CHAIRMAN. If there be no objetion, the amendment will be again reported.

The amendment was again read.

Mr. STEPHENS of Texas. I ask that this provision be passed for the present without prejudice.

Mr. McGUIRE of Oklahoma. I object, Mr. Chairman. I should like to dispose of this amendment at this time.

If this amendment should be adopted it will not touch the nonreservation schools. It does not by any means reach the schools suggested by the gentleman from Texas. It reaches the reservation schools and the day schools on Indian reservations and in States and counties where Indians hold allotments. It reaches and affects only that class of Indians who are most in need of this appropriation. For instance, take Indians who have their allotments, and who occupy practically all the land in a county, that land is not taxable, and there is no money for schools.

Mr. STEPHENS of Texas. Will the gentleman allow me to correct him? Under such circumstances they would be taxpayers.

Mr. McGUIRE of Oklahoma. I live in a State where a third of the Indians of the United States are at this time and a third of the Indian allotments. And there are a number of Indian reservations in Oklahoma, or, rather, counties where there are Indian allotments, where they have taken all the land and there are no schoolhouses. We have reservation schools, and this appropriation reaches that character of school. They are most in need of it for the reason that if you take this away from them we find it absolutely necessary to send them to the nonreservation schools.

Mr. COX of Indiana. Will the gentleman allow me? Do these Indians pay a tax in these counties in your own State where almost the entire county is allotted?

Mr. McGUIRE of Oklahoma. They pay taxes only on personal property. The allotment is nontaxable. They pay no taxes on real estate and could not afford schools and could not build schoolhouses. This affects every Indian who is a citizen, and every Indian in my State is a citizen.

Mr. HINSHAW. A citizen, a voter, and a taxpayer.

Mr. McGUIRE of Oklahoma. Yes; a citizen, a voter, and a taxpayer.

Mr. BYRNS. If the gentleman will allow me, this amendment provides that he must not only be a citizen and a taxpayer, but a voter. Does the gentleman think it is right for the National Government to appropriate money to educate the children of citizens who pay taxes in the various States?

Mr. McGUIRE of Oklahoma. I do in this particular instance. The large majority of the Indians in my State pay taxes on personal property, and it would affect every Indian who pays taxes, and that means 90 per cent of the Indians in my State.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. I will yield to the gentleman from New York.

Mr. FITZGERALD. The Indians to whom he refers are members of the Five Civilized Tribes?

Mr. McGUIRE of Oklahoma. Not necessarily. A part of the Indians to whom I refer are members of the Five Civilized Tribes.

Mr. FITZGERALD. What is the appropriation now made by the United States for schools in the old Indian Territory?

Mr. McGUIRE of Oklahoma. I think $75,000 for the Five Civilized Tribes.

Mr. FITZGERALD. It became necessary a few years ago, because of the conditions described by the gentleman from Oklahoma, to make special appropriations for the education of these Indians.

Mr. McGUIRE of Oklahoma. It was so thought by Congress.

Mr. FITZGERALD. Is that appropriation continued?

Mr. McGUIRE of Oklahoma. The original appropriation was $300,000, and the appropriation in this bill is $75,000. The last Congress passed a bill providing for the removal of restriction from 8,000,000 acres of land of the Five Civilized Tribes, and that land became taxable and they were able to build schoolhouses. In proportion as schoolhouses are increased in number we can reduce the appropriation.

Mr. FITZGERALD. Does any of this particular appropriation go for the support of schools in the old Indian Territory?

Mr. McGUIRE of Oklahoma. The entire appropriation of $75,000 applies only to the Five Civilized Tribes.

Mr. FITZGERALD. I mean the $1,420,000—are there any of the reservation Indian schools in the State of Oklahoma maintained out of that appropriation?

Mr. McGUIRE of Oklahoma. There are reservation schools in Oklahoma maintained out of this appropriation, but none of the Five Civilized Tribes. There are a number of reservations in Oklahoma which are specifically appropriated for.

Mr. FITZGERALD. That is what I had in mind.

Mr. McGUIRE of Oklahoma. And some are not specifically appropriated for.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to say a word on this proposed amendment. I can not believe that the gentleman is serious in offering it. If the amendment were to prevail, it practically terminates right now the further education of the Indians, and why? It proposes to limit this appropriation so that no portion of it can be expended if the father of the child who is to attend the school happens to be a citizen, a voter, and a taxpayer of his State.

Mr. STEPHENS of Texas. All three must concur; he must be a citizen, a voter, and a taxpayer.

Mr. BURKE of South Dakota. A citizen, a taxpayer, and a voter. Now, let us see. Under the Dawes Act of 1887, providing for the allotment of lands to Indians, that law was construed by the Supreme Court of the United States in the Heff case to this effect:

That any person who took an allotment under the provisions of that act became a citizen of the United States and subject to the laws of the State in which he might reside. Personally I have always had some doubt about whether it was the intention of Congress to provide that an Indian during such period would be a full citizen, but the Supreme Court has held that to be the law. This means that every Indian who took an allotment prior to May, 1906, is a citizen of the United States and a citizen of the State in which he may reside, and as a citizen of the State he becomes a voter. He is a taxpayer if he happens to possess any property that is subject to taxation. For instance, if an Indian having an allotment happens to acquire a little money, either by his own labor or by donation, and buys a horse or a cow or any considerable amount of live stock it is subject to taxation.

Consequently, if the amendment proposed by the gentleman from Texas [Mr. STEPHENS] shall prevail, it would, in effect, as I see it, shut out every Indian allotted prior to May, 1906, at which time the law was enacted which withheld citizenship from an Indian allottee during the trust period. This provision, if it shall prevail, would, as I say, make it impossible to continue education among the blanket reservation Indians of the country that can not speak a word of English—Indians practically in their aboriginal state—who, because they happen to have taken an allotment, are citizens, taxpayers, and voters.

Mr. FITZGERALD. Suppose there were added this additional limitation: "And from whose lands the restrictions upon alienation have been removed;" would that correct the objection? Then he is not only a taxpayer, citizen, and voter, but his lands are taxable.

Mr. BURKE of South Dakota. I believe it would be impracticable. I believe if there is a school maintained on an Indian reservation and there happens to be a man living in the vicinity of that school who has not a particle of Indian blood in him, if you please, that his children ought to be permitted to attend that reservation school, just as we are opening the schools of our State to the Indians of the State. We do not say if there are Indians residing in the locality where we erect a country school that the Indian can not patronize it.

Mr. CARTER. I would like to ask the gentleman from South Dakota what his specific construction is of the language used in the gentleman's amendment?

Mr. STEPHENS of Texas. I desire to offer this as an amendment to my amendment, to modify it by adding to the end of it—

and from whose land restrictions upon alienation have been removed.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

[By unanimous consent, Mr. BURKE's time was extended for five minutes.]

Mr. CARTER. The gentleman speaks of Indians who pay taxes. I want to know if the gentleman from South Dakota knows of any ruling of the Supreme Court which defines what that means. Does that mean an Indian who pays taxes on his personal property or on his allotment?

Mr. BURKE of South Dakota. Why, an Indian who is a taxpayer is an Indian, I suppose, who is subject to taxation. He may not actually pay any taxes, because he may not have anything that is taxable, but he is a taxpayer the moment he does become possessed of any taxable property, and that property may consist, as I have already stated, of a gold watch or a shotgun.

Mr. CARTER. That would mean any Indian off the reservation?

Mr. BURKE of South Dakota. Anywhere, on or off the reservation, as in my State they collect personal property taxes from the Indians where they have property.

Mr. MANN. Not on the reservation.

Mr. BURKE of South Dakota. Yes; on the reservations, if they happen to possess anything of any considerable value.

Mr. GARDNER of Michigan. In our State if an Indian has a dog he is a taxpayer—anything.

Mr. FITZGERALD. Is there not a statute under which the Secretary of the Interior, upon application, can remove the restrictions upon the right of alienation of an Indian, and that Indian becomes fully clothed with all rights of citizenship?

Mr. BURKE of South Dakota. There is.

Mr. FITZGERALD. Now, is there any reason why an Indian, a citizen and voter, a payer of taxes, either personal or property, with the right to dispose of his real and personal property as he sees fit, should have his children educated at Government expense?

Mr. BURKE of South Dakota. Except there remains the moral obligation of the Government to take care of these Indians whether they happen to be in the status of citizens or not, but the Government——

Mr. FITZGERALD. But if the gentleman carries his theory out, the Government will never cease to take care of them.

Mr. BURKE of South Dakota. In the case which the gentleman cites, where restrictions might be removed because the man was regarded as entirely competent, his wife might be an illiterate Indian woman, unable to speak the English language, and his children, spending their time with their mother on the reservation, would be Indians very much more than they would be whites. Now, this father might not see fit to send his children away somewhere to school, which he would have to do if he was living upon the reservation—if he could not send his children to a reservation school—because there is no school there; and yet it is proposed to prevent these children from going into these reservation schools. I say it practically ends the education of our Indians, and the suggestions which have been made here by way of amendments are so impracticable that they could not be enforced. We would have to be having an inventory made of our Indians about every thirty or sixty days to find out who were eligible to come into the school and who were ineligible to stay there a month after they had entered. I say it is impracticable. This appropriation, Mr. Chairman, is for the maintenance of schools upon Indian reservations. Not one dollar of it can be expended upon a nonreservation school or any educational institution off of an Indian reservation.

Mr. FITZGERALD. Are there any Indians with allotments on reservations who meet the description contained in the gentleman's amendment, who would have allotments on the reservations and who are citizens, voters, and no restriction upon the alienation of the allotment? Is there a single Indian in the United States who has an allotment on a reservation that meets this condition?

Mr. BURKE of South Dakota. That has had the restrictions removed? Yes; there are some.

Mr. FITZGERALD. Where the allotment had been taken and the surplus land disposed of?

Mr. BURKE of South Dakota. The land is within the reservation and they have a right to remain there and occupy it.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I ask to change my amendment by adding at the end of it this language:

And from whose lands and trust funds restrictions upon alienation have been removed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the amendment the following:
"And from whose lands and trust funds restrictions upon alienation have been removed."

The CHAIRMAN. Without objection the amendment may be considered as modified. [After a pause.] The Chair hears no objection.

Mr. BURKE of South Dakota. I think there is a point of order that that is new legislation, and I would like to have a ruling upon the point of order.

The CHAIRMAN. The Chair finds that it has been ruled, section 3942, volume 4, Hinds's Precedents, that—

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

A proviso offered to the agricultural appropriation bill provided:

That no part of this appropriation shall be available for the Agricultural College of Indiana, or any other State or Territory, until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations, or is guilty of adultery or fornication.

Mr. Grosvenor of Ohio made the same point of order against the amendment that is made against this one, and the Chairman [Mr. PAYNE] overruled the point of order. The qualifications required of the recipients are not more in the nature of legislation in this case than they were in the case cited.

The pending amendment seems to be in the nature of a limitation upon the appropriation, which is permissible under scores of rulings, and the Chair is compelled to overrule the point of order.

Mr. CARTER. Mr. Chairman, I just want to drop this thought: When this amendment first came up I thought I would favor it, before this phase of the proposition was presented to me. The State and county has no authority to establish schools on an Indian reservation, and even though they had such authority, there would not be sufficient taxable values on a reservation for maintenance of state and county public schools, consequently the only schools on a reservation are Indian schools. Now, this provision prohibits the attendance at these Indian schools of pupils whose fathers are taxpayers, and on these reservations the tax-paying Indian may often live right along by the Indian who pays no taxes and is not a citizen of the United States. I think it is evident to this committee that if this amendment were adopted many children would thereby be deprived of the privilege of attending any school at all, because no state or county schools are near enough to be considered accessible, and by this amendment they would be prohibited from attendance in the Indian schools. There is absolutely no school for this Indian to attend. Simply because his father is a citizen of the United States and pays taxes he is excluded from any school privileges whatever. He is cut off from any educational privileges whatever, and for that reason I think the amendment of the gentleman from Texas should be rejected, and I shall vote in the negative.

Mr. MARTIN of South Dakota. I think the gentleman from Texas is dealing purely with an imaginary and not a real condition. The real condition this appropriation applies to is the maintenance of schools upon Indian reservations. This appropriation is not for schools where there is a general population of white people, or of Indians except in exceptional cases, who have complete title to their allotments. Because Indians have some personal property to be taxed is no reason why they should not have the benefit of reservation schools. It is not a case of the state school and the Indian reservation school being within reach of the same individual. It is the case of the reservation school accessible for that population or no school. Take the schools in my own State. There are no organized counties maintaining public schools within Indian reservations. If the children of Indians whose allotments have had restrictions removed are not to be permitted to obtain education in the Indian reservation schools, they will have no education within the reach of their homes at all.

Unless such allottees move off the reservation somewhere in the State where public schools are being maintained by the State, the Indian has no opportunity to educate his children in a school near his home. This condition applies to all Indian children who are in the Indian reservation, provided the parent may have reached that degree of intelligence where the Secretary of the Interior has removed the restriction of alienation from his allotment. I think, therefore, the gentleman would accomplish what he does not seek by any means to accomplish. This appropriation applies solely to Indian reservation schools, and the question is as to who can attend those schools. Under the particular amendment proposed by the gentleman from Texas many Indian children would be deprived of any education anywhere near their homes.

Mr. STEPHENS of Texas. Will the gentleman let me suggest that if it does not apply to an Indian reservation school there can be no harm done?

Mr. MARTIN of South Dakota. It applies only to those schools, and that is all this appropriation reaches, and it is all the proposed amendment of the gentleman will reach.

Mr. STEPHENS of Texas. Is it not a fact that you have on these Indian reservations a great many schoolhouses?

Mr. MARTIN of South Dakota. None except these reservation schools.

Mr. STEPHENS of Texas. Do you believe these reservation schools will be burned up? Will not the State step in and run them in their own way?

Mr. MARTIN of South Dakota. The States will not step in and establish schools within Indian reservations. These are under the exclusive jurisdiction of the United States. When reservations are open, and counties can be organized, the States can step in, or municipalities, and establish a public-school system.

This appropriation you are seeking to place a limitation upon applies only to reservations, as I have said. The State has no authority to step in there and build schools.

Mr. BYRNS. In the event there should be on a reservation an Indian who is a citizen and who would be brought within this amendment, provided the amendment should pass, would or would not the Secretary of the Interior have the right to give his children permission to enter the school provided for in this amendment?

Mr. MARTIN of South Dakota. Why, this amendment would prevent that sort of thing. As it stands here now, that sort of a child could not get his education.

Mr. BYRNS. What I wanted to know is whether or not the Secretary of the Interior would have the right to permit children of such citizens to enter that school upon payment of tuition.

Mr. MARTIN of South Dakota. I rather think not. There is no law permitting it. These schools are not maintained for the purpose of receiving tuition. There is no provision made for it.

The Government should be liberal in according opportunities for education within reservations, as the States are outside of reservations. For an illustration, we have been opening up every year or two reservations. Take, for instance, Gregory County, adjoining the Rosebud Agency, or Tripp County. As soon as such portions of reservations are open to settlement the State builds its schoolhouses and maintains educational facilities for the Indian children and everybody else. Indian allotments are not subject to taxation for twenty-five years, unless restrictions against alienation are sooner removed under the intelligence qualification.

Mr. STEPHENS of Texas. Then this amendment does not apply, and the Indian would not be injured by the law at all?

Mr. MARTIN of South Dakota. I am merely illustrating where we have formed organized counties after reservations have been opened. The Indian children enter these schools and their educational facilities are furnished by the State. There are hundreds in this condition in the organized counties. You go a step farther into the Indian reservation and you get into a condition where the Government under this provision is maintaining the only schools there are, to wit, reservation schools.

Now, if one, two, three, or a dozen Indians in this reservation have reached a state of intelligence so that the Secretary of the Interior, short of the twenty-five-year period, may remove the restrictions on the alienation of land, this amendment, if it prevails, would shut out the opportunity of the children of those Indians from being educated in those schools. These cases are quite exceptional, though just as meritorious as the cases that come under the rule. These children in the reservation country under the system of schools maintained by the Government ought to be educated. These are the only educational facilities there, and until the State has its counties entirely organized this system will give vastly more education to the Indian children than can possibly be obtained in any other way by the same expenditure. The result of the amendment, if it passes, will work a great hardship, because it amounts to a denial of education. It would deprive these Indian children, in these exceptional cases, of the only opportunity of education within their reach.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. Can these Indians living on the reservation have the restrictions on the sale of their lands removed?

Mr. MARTIN of South Dakota. At any time after the allotments are made, upon a proper showing, under the present law, of sufficient intelligence and attainment in civilization on the part of the Indian allottee, the Secretary of the Interior may remove the restrictions.

Mr. MANN. Although he is still on the reservation?

Mr. MARTIN of South Dakota. Certainly.

The CHAIRMAN. The time of the gentleman has again expired.

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. BARNHART. Mr. Chairman, some days ago I introduced a resolution in this House which reads as follows:

Resolved, That the Postmaster-General be required, if not incompatible with public interest, to inform the House of Representatives as to the present cost, in detail, of transmitting second-class mail matter by railroad transportation, and give approximate comparison of said cost with existing tariffs of express companies for similar railroad transportation service.

On the subject-matter of this resolution and on some matters pertinent thereto I want to submit some observations of an interrogatory nature which suggest themselves to me relative to the much talked of postal deficit.

In the message of the President to Congress he lays down the proposition that the deficit in the Post-Office Department is due to carrying second-class mail matter at 1 cent per pound, when it is costing the Government 9 cents per pound. This alleged discrepancy in income and expense is so striking that the whole country at once took it up for consideration, and the end is not yet.

Is 9 cents per pound for second-class mail carrying too much? Let us see.

By inquiry of express companies I ascertain some startling informaion in regard to express rates and mail-carrying rates. The President says it costs the Government 9 cents per pound to carry second-class mail matter. Second-class mail is principally newspapers, magazines, farm, industrial, scientific, and religious publications; indeed, all printed periodicals sent to subscribers by mail. In many instances this mail matter occupies one compartment of a car and express traffic the other. On the latter the tariff from Washington to Chicago, a distance of approximately 1,000 miles, is 2¼ cents per pound in 50 or more pound quantities. For shorter distances the price is about half as much, and for across-continent transportation about twice as much.

And so we see that in the longest haul possible express rates are not to exceed 6 cents per pound, while for long and short haul mail transportation the Government pays 9 cents—a reasonable estimate of one-half to two-thirds more than express tariffs. Both the express companies and the Post-Office Department furnish men to put the freight in the cars, accompany it in transit, take it from the cars and deliver it, and why this glaring difference in cost? Are express companies doing a losing business? Hardly. Do you not remember how one of them recently "cut a melon" at Christmas time for its stockholders and distributed seventeen millions in profits? And if the express companies make large profits at the rates they charge, are the railroad companies dealing fairly with the Government in charging two or three times as much for carrying mail as they charge for express shipments?

In addition to this I am informed by a member of the Committee on Post-Offices and Post-Roads [Mr. Cox] that the Government is paying the railroads a rental of $3,000 each per year for the use of postal cars which cost the railroads less than $7,000 each as original investment.

Can anybody see any evidence of loose business methods in the Post-Office Department paying the railroads such extravagant prices as these for transporting the mails?

Manifestly there is something wrong with the Government's contracts with the railroads. The Government mail rate for carrying newspapers is 1 cent a pound. The express rate is one-half cent. Some of the railroads, where they carry newspaper packages direct without the intervention of the enormously prosperous express companies, are glad to do it for one-fourth cent a pound. Traction companies carry them for half a cent. Why should it cost the Government 9 cents?

But they say magazines are a longer haul and to this class of mail matter the deficit is largely due. I am not caring how much postage the Government charges for advertising matter, and some scale of postal prices which will charge the advertiser profitable rates for transporting his bids for trade would meet my hearty approval. On the other hand, the proposed increase of postage on reading matter ought to be protested as a violation of the fundamental principle of promoting general intelligence. This educational side of the question is as old as our Government, and it has been admitted by all the educators

of all the generations since the days of Jefferson that he was right when he said:

> The way to prevent these irregular interpositions of the people (he referred to the governmental abuses of Europe) is to give them full information of these affairs through the channels of the public papers, and so contrive that these papers shall penetrate the whole mass of the people. The basis of our Government being the opinion of the people, the very first object should be to keep that right, and were it left to me to decide whether we should be a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. By that I should mean that every man should receive those papers and be capable of reading them.

Will increasing postage rates on newspapers and magazines conduce to the same reading-matter facilities that we now have and that have brought the privilege of securing knowledge within the means of the poor as well as the rich? Why, sirs, a more important question than merely profit should concern us in this matter. The postal authorities and the President's message set forth figures to show that the Post-Office Department does not pay. Does the War Department pay? Does the Navy Department pay? Do other departments pay? Of course they do not pay in tangible return of dollars and cents, and neither does the Post-Office Department pay. But it does something that other departments can not do. It furnishes an inexpensive service for prompt and safe communication of both pleasure and profit. It furnishes facilities for disseminating newspapers and magazines within the means of laboring men and farmers for enlightenment of their families, and it thereby furnishes convenience and intelligence to a great majority of people who pay most of the government taxes and receive few direct benefits except United States mail and a small package of garden seeds occasionally.

Another thing: If second-class postal rates are raised, the express companies, and not the Post-Office Department, will profit by the change. Already large quantities of magazines and other publications are sent out by express and distributed from news stands and by carrier boys. Do you not see how, if we raise postage rates, the express companies will get the business that the Post-Office Department ought to have, and could have, if it would get the same carrying rates from the railroads that express companies do? Of course you do, and so will anyone who will give the question intelligent consideration.

And then, too, under present methods, the mails are weighed on the railroads at stated periods—every four years. The railroads know just when this will occur, and if they were disposed to do so could "pad" the amount of mail by arranging with their friends, such as mail-order houses, and so forth, to put millions of catalogues and circulars into circulation at mail-weighing time. I do not say this is done. But I do say that it could be done easily and without violation of law.

Far better would it be—surer to the Government that it pays for what it gets, and safer to the railroads that claim that they must charge high postal rates to protect them against possible increase in tonnage in four-year contracts—to have government mail weighers at work all the time, and, like bank examiners and post-office inspectors, drop in unannounced and weigh mails at unexpected times as a basis of calculation for future contracts. In this way there could be no such possibility as "padded" mails at weighing time unless dishonest postal officials would furnish "tips" as to mail-weighing times.

These suggestions are offered as interrogatories rather than implied charges, and I believe them to be of importance and worthy of our earnest investigation.

Another evidence of lack of consistent management of postal affairs is manifest in the mercantile pursuit of the Government in the envelope-selling business. I hold here in my hand, and submit it for consideration of the House, an advertisement issued by the Third Assistant Postmaster-General, which announces that the Government will sell envelopes "about 8 for a cent, stamp value extra," and "in quantities of 500 and upward no charge for printing." It is a package of advertising matter sent out to drum up envelope trade, but it happened to be addressed to a well-known Indiana printer, and he forwarded it to me. Look at this big circular, printed in six colors at government expense to attract trade, and sent out through the mails at second-class postage cost. Besides, here is a sample of a price list and order blank folder, which the Third Assistant asks business men to "hang up for ready reference." All this in the classic language of a top-notch ad writer and colored like a circus bill.

By careful reading of this advertisement, which, I presume, is circulated through the mails at a cost of 9 cents per pound to the Government, as are also the envelopes sold, I see that first-quality envelopes, with name and address printed on, are quoted at 62 cents per 500, plus stamp value; and second quality, printed as above, at 56 cents per 500, plus stamp value. I submit that every printer in this country will bear me out in the honest declaration that it is worse than "scab" prices to make ready and print envelopes in quantities of 500 for 56 cents, as the Government does, to say nothing of the cost of the stock. Of course the Government may be able to do this at a profit on contract which enables envelope makers to furnish immense quantities at factory prices, which printers can not get, and by use of special and very expensive machinery. But the printers of the country can not do it and live, now that butchers are no longer giving away liver and soup bones and there is a Payne tariff on about everything from prunes to pudding.

The envelopes cost the Government, according to official figures, about 79 cents per thousand. The Government sells a 6¾-inch envelope, the popular size, delivered to any part of the United States, at $1.24 per thousand. The Postmaster-General, in his 1909 report, claims that it costs over 9 cents per pound to deliver second-class mail matter. Second-class mail matter obtains the lowest rate of postage. It is therefore safe to assume that it costs the same to deliver these envelopes as it does for second-class mail matter. The envelopes weigh, approximately, 7½ pounds to the thousand, which would make the cost of transportation at least 67 cents, according to the Postmaster-General. Adding that to the cost of the envelope would make $1.46 per thousand, and deducting the price the Government obtains, $1.24 per thousand, would leave a difference of 22 cents per thousand, or a loss of 22 cents per thousand on each 1,000 envelopes distributed. In addition to this first loss is the cost of clerical work to handle this entire business. Does the ordinary individual who takes his pencil in hand and figures for a few moments believe that this generosity on the part of the Post-Office Department does not add to the deficit of $17,000,000 per year, as per the Postmaster-General's report?

Look at this schedule of prices:

One stamped envelope at 3 cents, or $10 per thousand for the envelopes.
Two stamped envelopes at 5 cents, or $5 per thousand for the envelopes.
Three stamped envelopes at 7 cents, or $3.33⅓ per thousand for the envelopes.
Five stamped envelopes at 11 cents, or $2 per thousand for the envelopes.
Eight stamped envelopes at 17 cents, or $1.25 per thousand for the envelopes.
Twenty-five stamped envelopes at 54 cents, or $1.50 per thousand for the envelopes.
Fifty envelopes, stamped, at $1.07, or $1.40 per thousand for the envelopes.
Five hundred envelopes, stamped, at $10.56, or $1.12 per thousand for the envelopes.

This refers to the No. 6¾, or the popular business envelope, which costs the Post-Office Department 79 cents.

We will not attempt to explain why the department sells 8 envelopes at a lower price per thousand than they do 25 or 50. That is one of their business (?) secrets. But a glance at the above figures will show where the real profit comes in on the stamped envelopes, and if one will stop to think of the class of people who purchase stamped envelopes, either plain or with the blank return request, in lots of from 1 to 50, he will have covered a vast majority of the "patrons of the Dead-Letter Office." The mechanics, laborers, and farmers, the purchasers of small quantities, are the ones who are paying the Post-Office Department as high as 1,000 per cent profit on the stamped envelopes, and it is the big concerns, which are well able to pay for their printing, for which the Government is printing envelopes free of cost and selling them at an absolute loss to the department.

Is the Post-Office Department considerate of industrial welfare when it enters into competition with the great army of deserving printers and sells envelopes at jobbers' prices, printed free of charge, for the benefit of business men using large quantities of envelopes and who can pay cash in advance or cash on delivery for them? Possibly the Government has a right to make envelopes and sell them, but it has no right to cut prices so as to cripple live and let live printers' earnings. If it wants to print and sell envelopes let it get out of the cut-price business that robs the printers—who are necessary in every city and town—of legitimate fruits of their labor.

Furthermore, if the Government is right in its cut-price printing industry, in which it gets factory prices on million and billion quantities, why not enter all lines of manufacturing business and assume government ownership and control of everything from the field to the bank? It might possibly make a profit (?) in this, as it thinks it does at the envelope-printing business, but it would kill enterprise and industrial thrift as dead as the mummies of ancient Egypt.

One more citation of something lacking in postal management and I am done. In the postal service are three classes of employees, whose duties are somewhat familiar to all of us. They are the postal clerks on railways, city mail carriers, and rural mail carriers. The postal clerks are away from home

part of the time, and thereby have an extra expense for living cost, and rural carriers must furnish their own horses and vehicles and the keep of them. Otherwise they must all be men of such intellectual and physical qualifications as to pass civil-service regulations.

The wages paid these men who actually handle the mail, compared with those of the political favorites higher up, are indicative that the politicians are being well cared for. The average annual salaries of mail clerks, city carriers, and rural-delivery carriers are $1,169, $1,076.68, and $867, respectively, while those of their immediate superiors in the service are two and three times as much—enough more, at all events, to indicate lack of financial system; and if this prevails in all branches of the department as in the citations here and heretofore given, it is evidence that there ought to be a practical business man in charge of the post-office branch of the Government, rather than a professional politician, as is usually the condition when a national political chairman is made Postmaster-General.

For instance, it is currently reported that in Canada, where the government does not play politics in government service, in spite of great distances and sparse population, second-class postage has just been reduced to one-fourth the rate now charged by the United States.

The President is to be commended in any stand he takes for economy in the public service, but his suggestion of reducing the postal deficit by increasing postage and overlooking the extravagant mail-carrying contracts with the railways is the kind of administration in favor of special interests and against the masses that has already gone too far.

I repeat that the postal service is the greatest blessing to the people at large the Government bestows. I also admit that there may be, here and there, an instance of imposition on the Government by some publisher or merchant sending commercial adjuncts through the mails at second-class rates that should be rated higher. But any effort to increase the postal expenses of the millions, in order that the unnecessary high rates for transporting the mails may be continued, will be almost universally condemned, and so it should be.

The country is entitled to the present mail facilities. Reasonable postage and free mail delivery have done more to bring the farmer and the laboring man into deserved touch with intellectual and commercial progress than any public facility ever given to them. Reasonable rates have also given opportunity to millions, who could not otherwise afford to do so, to supply themselves and their families with newspapers and magazines that contribute largely to our universal education and our marvelous progress. If there is a living man who uses the mails who is clamoring for higher postal rates or a curtailed postal service, I never heard of him. But I have heard of an army of people who demand continuation of first-class mail service with no increase in rates.

Therefore, if it is not possible to have our mail transported, in justice to all concerned, on a self-supporting basis, which I believe could be done with judicious management, we can easily reduce appropriations for other and less important departments of government, so our mail service shall not suffer diminished efficiency, nor the people or their public treasury increased expenses.

Less political debt paying and more business sagacity in the management of our postal affairs might be a redress for deficits, which the administration could adopt with much profit to the Government, to the service, and to the public. And, mark the prediction, political debt paying is one of the evils besetting public affairs which a discriminating public will sooner or later abolish for all time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. STEPHENS of Texas. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 12, noes 42.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I desire to offer the following amendment.

Mr. BURKE of South Dakota. I desire to make a motion that the committee do now rise.

Mr. FITZGERALD. I would like to have this amendment offered before the committee rises.

The Clerk read as follows:

After the word "Indians," in line 8, page 6, insert: "including those in the Territory of Alaska."

Mr. BURKE of South Dakota. Mr. Chairman, I reserve a point of order on the amendment. I now move that the committee rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19038, the Indian appropriation bill, and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent reference of the bill (H. R. 4620) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims was changed from the Committee on Claims to the Committee on Indian Affairs.

By unanimous consent, reference of the bill (H. R. 20834) authorizing the Otoe and Missouria and the Omaha tribes of Indians to submit claims to the Court of Claims was changed from the Committee on Claims to the Committee on Indian Affairs.

CRIMINAL DEPORTATION BILL.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the minority may have one week in which to file views on House bill 20980.

Mr. MANN. What is the bill?

Mr. BENNET of New York. The criminal deportation bill.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 371), which was referred to the Committee on Claims and, with accompanying papers, ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State relative to the claim of the G. R. Caswell Lumber Company, an American concern, of Vermont, and Mr. W. K. Baldwin, a resident of Quebec, for losses sustained by reason of a fire which, started in June, 1907, for legitimate purposes by surveying party in the employ of the International Boundary Commission while engaged in placing monuments along the boundary between the State of Vermont and the Province of Quebec, got beyond control and burned over an area of one hundred and forty-five acres in Vermont and Quebec.

It will be seen from the report that the claim of the Caswell Lumber Company amounts to $312.30 and that of Mr. Baldwin to $125, the amount of both claims being $437.30; that it was agreed between the Canadian government and the Department of State to recommend that the owners of the burned-over district be compensated as a matter of equity, the total amount to be borne equally by the United States and Canada, and that the government of Canada has already paid its one-half, out of which Mr. Baldwin's claim of $125 has been satisfied.

In accordance with the recommendation of the Secretary of State, the Congress is requested, as a matter of justice and equity, to appropriate the sum of $218.65, to be placed at the disposal of the Secretary of State in order that it may be added to the balance of $93.65 paid by the government of Canada and a full settlement of the claim of the Caswell Lumber Company reached.

WM. H. TAFT.

THE WHITE HOUSE, *February 18, 1910.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3544. An act to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines—to the Committee on the Public Lands.

S. 6191. An act to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

S. 5899. An act to amend section 1014 of the Revised Statutes of the United States—to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17531. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907;

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909;

H. J. Res. 101. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railway on the military reservation at Fort Leavenworth, Kans.;

H. R. 2828. An act for the relief of William Martinson;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 821. An act to provide for the appointment of an additional district judge in and for the district of Maryland;

S. 1043. An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern judicial district of the State of Ohio.

LEAVE OF ABSENCE.

Mr. LATTA, by unanimous consent, was given leave of absence for three days on account of important business.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS, chairman of the Committee on the Post-Office and Post-Roads, by direction of that committee, reported the bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. CLARK of Missouri and Mr. FITZGERALD reserved all points of order.

Mr. WEEKS. Mr. Speaker, I desire to give notice that if there is any time to-morrow after the completion of the Indian appropriation bill I shall call this bill up for consideration; and if not, after the conclusion of the Unanimous Consent Calendar on Monday.

ADJOURNMENT.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Missouri River, at Atchison, Kans. (H. Doc. No. 700)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting the fifth annual report of the American National Red Cross (H. Doc. No. 699)—to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWELL of New Jersey, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 20980) to amend section 21 of an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, relative to criminal aliens, reported the same with amendment, accompanied by a report (No. 496), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida, reported the same without amendment, accompanied by a report (No. 494), which said bill and report were referred to the House Calendar.

Mr. KÜSTERMANN, from the Committee on Patents, to which was referred the bill of the House (H. R. 20585) to repeal section 4902 and to amend section 4934 of the Revised Statutes, relating to caveats, reported the same without amendment, accompanied by a report (No. 497), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20849) authorizing the President to appoint John K. Barton, now a captain on the retired list of the United States Navy, to be an engineer in chief, retired, with rank of a rear-admiral on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 495), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2897) granting a pension to Luther Sargent—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20780) granting a pension to James D. Silman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5870) for the relief of the heirs of Elias E. Blackburn, late marshal of the northern district of Florida—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 885) for the relief of H. C. Linn and the heirs of Samuel Powers—Committee on Claims discharged, and referred to the committee on Indian Affairs.

A bill (H. R. 11298) granting the Court of Claims jurisdiction to hear and determine the claim of the widow, heirs, and personal representatives of Thomas Page for Indian depredations—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 13382) for the relief of the heirs of George S. Thebo—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 15103) to reimburse G. K. Kitson for money advanced to the Menominee tribe of Indians of Wisconsin—Committee on Claims discharged and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 21321) to codify, revise, and amend the postal laws of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: A bill (H. R. 21322) to provide against the purchase of goods manufactured by convict labor on behalf of the United States, the Territories, and the District of Columbia—to the Committee on Labor.

By Mr. KOPP: A bill (H. R. 21323) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: A bill (H. R. 21324) to establish a fish-cultural station at or near the city of Chicago, in the State of Illinois—to the Committee on the Merchant Marine and Fisheries.

By Mr. SABATH: A bill (H. R. 21325) to amend the immigration law with respect to separation of members of families—to the Committee on Immigration and Naturalization.

By Mr. HARDWICK: A bill (H. R. 21326) to authorize the construction of a public building at Augusta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. DENBY: A bill (H. R. 21327) to amend section 3362 of the Revised Statutes of the United States as heretofore amended—to the Committee on Ways and Means.

By Mr. THOMAS of Kentucky: A bill (H. R. 21328) to regulate the sale of unstemmed leaf tobacco in the hand—to the Committee on Ways and Means.

By Mr. PARSONS: A bill (H. R. 21329) granting the right in certain cases to proceed against vessels belonging to or em-

ployed by the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. POU: A bill (H. R. 21330) for the erection of a statue in memory of President Andrew Johnson—to the Committee on the Library.

By Mr. GRAFF: A bill (H. R. 21331) for the purchase of land for widening Park road, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOBSON: A bill (H. R. 21332) to provide for the appointment of a commission to gather statistics regarding injuries in the industrial trades—to the Committee on the Judiciary.

By Mr. KEIFER (by request): A bill (H. R. 21333) to suspend the enforcement of the corporation-tax law until the question of its constitutionality has been determined by the Supreme Court of the United States—to the Committee on Ways and Means.

By Mr. MOON of Pennsylvania: A bill (H. R. 21334) to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. PARKER (by request): A bill (H. R. 21335) to authorize the presence of experts and stenographers before grand juries—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 21336) to amend sections 5209 and 1046, Revised Statutes—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 21337) to amend section 10 of the act of March 3, 1891, creating circuit courts of appeals, so as to authorize the circuit court of appeals on remanding certain cases when reversed to order final judgment therein—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 21338) to authorize the issuance of search warrants for stolen or misappropriated property—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 21339) providing for writs of error by the United States from certain judgments in criminal cases—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: A bill (H. R. 21340) providing for the sale of Panama bonds by popular subscription at first, second, and third class post-offices throughout the United States—to the Committee on Ways and Means.

By Mr. LENROOT: A bill (H. R. 21341) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: A bill (H. R. 21342) relating to the naturalization of aliens—to the Committee on Immigration and Naturalization.

By Mr. McCREDIE: A bill (H. R. 21343) to provide for a final settlement with the Waukikum band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851—to the Committee on Indian Affairs.

Also, a bill (H. R. 21344) to provide for a final settlement with the Wheelappa band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851—to the Committee on Indian Affairs.

Also, a bill (H. R. 21345) to provide for a final settlement with the Lower band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851—to the Committee on Indian Affairs.

Also, a bill (H. R. 21346) to provide for the acceptance of grounds and the erection of a public building for an immigrant station on a site to be donated for said station in the city of Tacoma, Wash.—to the Committee on Immigration and Naturalization.

By Mr. RAINEY: A bill (H. R. 21417) providing for the importation in bond of materials for constructing, repairing, and equipping ships, for purchasing ships abroad, and for other purposes—to the Committee on Ways and Means.

Also (by request), a bill (H. R. 21418) granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. GRIEST: Joint resolution (H. J. Res. 147) to create a joint special committee to consider and report upon a plan for the establishment of a national memorial to Abraham Lincoln—to the Committee on Rules.

By Mr. COUDREY: Joint resolution (H. J. Res. 148) prohibiting the Washington Gaslight Company, Georgetown Gaslight Company, or any other gaslight company in the District of Columbia from issuing any bonds, certificates of indebtedness, or any other evidence of debt except such as shall actually be required for the payment of necessary betterments and improvements only, without the express consent of Congress—to the Committee on the District of Columbia.

By Mr. MANN: Joint resolution (H. J. Res. 149) to enable the States of Wisconsin, Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: Joint resolution (H. J. Res. 150) extending the time for filing returns under section 38, article 3, act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"—to the Committee on Ways and Means.

By Mr. JOHNSON of Ohio: Memorial of the legislature of Ohio, for the relief of Moses J. Robertson—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 21347) granting an increase of pension to Samuel Cloud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21348) granting an increase of pension to Marion Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21349) granting an increase of pension to Samuel Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21350) granting a pension to Justin S. Irvine—to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 21351) granting an increase of pension to Steven Whited—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21352) granting an increase of pension to Moses Bahney—to the Committee on Invalid Pensions.

By Mr. CREAGER: A bill (H. R. 21353) granting an increase of pension to Joseph Thompson—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 21354) granting a pension to Eliza B. Herbst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21355) granting a pension to Benjamin B. Bast—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21356) granting an increase of pension to Christ Henneke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21357) granting an increase of pension to William Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21358) granting an increase of pension to John Dryman—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 21359) granting an increase of pension to Gilbert J. Moran—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 21360) granting an increase of pension to George W. Short—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21361) for the relief of the heirs of Samuel Maner, deceased—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 21362) for the relief of Lorenzo A. Bailey—to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 21363) granting an increase of pension to William Burghdurf—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 21364) granting an increase of pension to John Downing—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 21365) granting a pension to Jane E. Lennon—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 21366) granting an increase of pension to Francis L. Feighner—to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 21367) granting a pension to Adam S. Bentel—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 21368) to reimburse the city of Fargo, N. Dak., for money expended for paving of streets around the property owned and occupied by the United States as United States court, post-office, and United States land office—to the Committee on Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21369) granting an increase of pension to Caleb Boggess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21370) granting an increase of pension to Benjamin F. Connelly—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21371) granting a pension to Minnie A. Curtis—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 21372) granting an increase of pension to Jasper Phillips—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21373) for the relief of Harry P. Lee, John M. Lee, and the heirs of Nathaniel W. Lee, all of Washington County, Miss.—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 21374) granting an increase of pension to George W. Kinzley—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 21375) granting a pension to Julius Oppenheimer—to the Committee on Pensions.

Also, a bill (H. R. 21376) granting a pension to Katherine M. McCarthy—to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 21377) granting an increase of pension to Mahala E. Warmoth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21378) granting an increase of pension to William A. Teetor—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 21379) granting an increase of pension to Enoch Vanderpool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21380) granting an increase of pension to George P. Dyer—to the Committee on Pensions.

Also, a bill (H. R. 21381) granting a pension to John L. Noble—to the Committee on Pensions.

By Mr. McCREDIE: A bill (H. R. 21382) granting an increase of pension to Archibald Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21383) granting an increase of pension to Alonzo Fradenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21384) granting an increase of pension to James M. Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21385) granting an increase of pension to Alonzo Fradenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21386) granting an increase of pension to Michael Kelliher—to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 21387) conferring jurisdiction on the Court of Claims to determine the amount due certain individual Sioux Indians of the United States—to the Committee on Indian Affairs.

By Mr. NORRIS: A bill (H. R. 21388) granting an increase of pension to Andrew Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21389) granting an increase of pension to David F. Rudd—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21390) for the relief of Loretta E. Smith—to the Committee on Claims.

By Mr. PICKETT: A bill (H. R. 21391) granting an increase of pension to Michael J. Breyfogel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21392) granting an increase of pension to Jesse O. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21393) granting an increase of pension to Joseph B. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21394) for the relief of the legal representatives of Henry Ohlekopf, deceased—to the Committee on Claims.

By Mr. REID: A bill (H. R. 21395) to remove the charge of desertion against L. B. Burcham—to the Committee on Military Affairs.

Also, a bill (H. R. 21396) to remove the charge of desertion against H. A. Courtney—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 21397) for the relief of Maj. Charles B. Ewing, Medical Department, U. S. Army, retired—to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 21398) granting an increase of pension to Milton M. Dewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21399) granting an increase of pension to John J. Kelly—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 21400) for the relief of William Marshall—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 21401) granting an increase of pension to John M. Bates—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 21402) granting an increase of pension to George H. Fowler—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 21403) granting an increase of pension to Anthony Healey—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 21404) for the relief of the heirs of J. H. Peeples—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 21405) granting an increase of pension to Elias W. Adams—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21406) granting an increase of pension to Andrew Veling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21407) granting an increase of pension to James Harnden—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 21408) granting permission to Col. John P. Wisser to accept a photograph of the Emperor of Germany, presented by the German Emperor—to the Committee on Foreign Affairs.

By Mr. DAVIS: A bill (H. R. 21409) for the relief of Edward J. Klossner—to the Committee on Claims.

Also, a bill (H. R. 21410) for the relief of Fred Klossner—to the Committee on Claims.

By Mr. DICKSON of Mississippi: A bill (H. R. 21411) for the relief of the heirs of Benjamin Whitehead—to the Committee on War Claims.

Also, a bill (H. R. 21412) for the relief of the heirs of J. B. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21413) for the relief of the heirs of Louis Cato, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 21414) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 21415) granting an increase of pension to John Chenoweth—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 21416) granting an increase of pension to John S. Joslin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of Columbus (Ga.) Typographical Union, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDERSON: Papers to accompany bills for relief of Isaac C. Davis and William B. Olds—to the Committee on Invalid Pensions.

Also, petition of Strong, Carlisle & Hammond Company, Osborn Manufacturing Company, National Refining Company, Randall Mattress Company, White Company, and Brown Hoisting Machinery Company, for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Butler Drawbar Attachment Company and Strong, Carlisle & Hammond Company, of Cleveland, Ohio, favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of H. C. Gerber and others, of Baltic, Ohio, against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Strong, Carlisle and Hammond Company, Ohio Rubber Company, Osburn Manufacturing Company, Chapman Jack Company, White Company, Brown Hoisting Machinery Company, Butler Drawbar Attachment Company, National Refining Company, Randall Mattress Company, National Malleable Castings Company, A. R. Ackerman & Co., Great Western Oil Company, Eclipse Electrotype and Engraving Company, Broadway Savings and Trust Company, and Chandler & Rudd Company, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Taylor Lodge, No. 175, Brotherhood of Locomotive Firemen and Enginemen, of Newark, Ohio, for House bill 184—to the Committee on Military Affairs.

Also, petition of Associated Dailies of Ohio, favoring bill prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of Business Men's Association of Newburgh, N. Y., against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. CAMPBELL: Petition of Don W. Shelton and others, of Kansas, favoring increase of pension of all survivors of Mexican and civil wars—to the Committee on Invalid Pensions.

By Mr. CLINE: Paper to accompany bill for relief of Pelig Hull—to the Committee on Invalid Pensions.

Also, petition of Indiana Commandery of the Loyal Legion, favoring the volunteer retired-list bill—to the Committee on Military Affairs.

Also, petition of Post No. 150, Grand Army of the Republic, of Angola, Ind., indorsing the $1 per day pension bill—to the Committee on Invalid Pensions.

By Mr. CONRY: Petition of New York Produce Exchange, of New York, against transfer of the Pilot Chart preparation from the Hydrographic Bureau—to the Committee on Naval Affairs.

Also, petition of Tim & Co., for amendment of the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of National League of Commission Merchants, Buffalo, N. Y., for House bill 16919, Lafean apple-package bill—to the Committee on Agriculture.

Also, petition of Religious Liberty Bureau, against S. 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Retail Cigar and Tobacco Dealers' Association, favoring legislation to eliminate coupons and gift schemes in the tobacco trade—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of citizens of Pittsburg, Pa., against establishment of postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of Tri-State Grain and Stock Growers' Association, supporting the McCumber bill for grading and inspection of grain—to the Committee on Agriculture.

Also, petition of Minneapolis Trades and Labor Assembly, in opposition to proposed increased rate of postage on periodicals—to the Committee on Post-Offices and Post-Roads.

Also, petition of D. Dillon and others, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. DICKINSON: Petition of citizens of Montrose, Mo., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of citizens of Wisconsin, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FORNES: Petition of Marine Engineers' Beneficial Association, No. 15, for reestablishment of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Searle Manufacturing Company, against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

Also, petition of M. G. Rice and others, of New York City, for House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of A. L. Bartlett Company, of Rockford, Ill., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Kleine Optical Company, of Chicago, Ill., in favor of repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, in favor of Wiley bill (H. R. 17270) concerning the reorganization of the diplomatic service of the United States—to the Committee on Foreign Affairs.

Also, petition of the Daily Jewish Courier, of Chicago, Ill., against the proposed repeal of section 40 of the act of February 20, 1907, creating the National Distribution Bureau—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of New York Produce Exchange, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on Naval Affairs.

Also, petition of National League of Commission Merchants, of Buffalo, N. Y., favoring House bill 16919, the Lafean apple package and grade bill—to the Committee on Agriculture.

By Mr. GRIEST: Petition of W. S. Berely Post, No. 511, Grand Army of the Republic, of Quarryville, Pa., favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Petition of Association of Ohio Dealers, against the Post-Office Department printing cards or advertising on stamped envelopes—to the Committee on Expenditures in the Post-Office Department.

By Mr. HOWELL of New Jersey: Petition of Jersey Blue Chapter, Daughters of the American Revolution, of New Brunswick, N. J., for retention of the Bureau of Information of the Immigration and Naturalization Service—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of Horticultural Importers' Association and other fruit dealers and commercial merchants throughout the United States, favoring House bill 16919, relative to grading of apples—to the Committee on Agriculture.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Charles E. Watts and John R. Bungard—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of L. C. Fox and 250 other citizens of Irwin, Pa., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New York: Petition of business men of Paterson, N. J., for suspension of enforcement of clause 38 of the Payne tariff law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. JOHNSON of Ohio: Paper to accompany bill for relief of Moses J. Robertson—to the Committee on War Claims.

Also, papers to accompany bills for relief of estate of John Henry, Moses J. Robertson, and James B. Bazell—to the Committee on War Claims.

By Mr. KAHN: Petition of Burlingame Improvement Association, favoring an international exposition at San Francisco in 1915—to the Committee on Industrial Arts and Expositions.

Also, paper to accompany bill for relief of Julius Oppenheimer—to the Committee on Pensions.

By Mr. KORBLY: Petition of citizens of Indianapolis, Ind., against S. 404, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Building Trades Council of Indianapolis, Ind., favoring the eight-hour bill (H. R. 1544)—to the Committee on Labor.

Also, petition of Indiana Grain Dealers' Association, against all import duties on wheat, corn, and oats—to the Committee on Ways and Means.

Also, petition of Central Labor Union of Indianapolis, Ind., against any guarantee stamp on tobacco and cigars of the Philippine government by the United States Government—to the Committee on Ways and Means.

Also, petition of publishers and advertisers and other business men of Indianapolis, Ind., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Harry Lee Post, No. 21, Grand Army of the Republic, and Clarence D. McKenzie Post, No. 399, Grand Army of the Republic, New York, against statues in Statuary Hall intended to memorialize participants in the cause of disunion—to the Committee on the Library.

By Mr. McCALL: Petition of Council No. 141, Knights of Columbus, of Medford, Mass., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREDIE: Paper to accompany bill for relief of Archibald Matthews—to the Committee on Invalid Pensions.

Also, petition of voters in the State of Washington, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of citizens of Maple Valley, county of Sanilac, State of Michigan, against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of William B. Pilkey, of Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: Petition of citizens of Rapid City, S. Dak., for an appropriation of $250,000 for a federal public building for Rapid City, S. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. MILLINGTON: Petition of Iron Molders' Union, No. 246, of Frankfort, N. Y., and Local Union No. 1016, of Rome, N. Y., United Brotherhood of Carpenters and Joiners, for House bill 15441, relative to an eight-hour day—previously referred to the Committee on the Judiciary; reference changed to the Committee on Labor.

By Mr. MOORE of Pennsylvania: Petition of Lear & McVitty, against the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of the Civic Club, of Allegheny, Pa., favoring House bill 12315—to the Committee on Interstate and Foreign Commerce.

Also, petition of George H. Buchanan, Alexander Colville, Joseph Spencer Brock, and Hathaway & Bros., favoring the Tou Velle bill (H. R. 3075), relative to printed cards and advertisments on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumbermen's Exchange of Philadelphia, Pa., favoring appropriation of $50,000,000 for most meritorious of the waterways projects—to the Committee on Rivers and Harbors.

Also, petition of Lumbermen's Exchange of Philadelphia, Pa., favoring ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lumbermen's Exchange of Philadelphia, Pa., indorsing the Weeks bill on forest preservation in the White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Board of Trade, favoring House bill 15814, relative to suitable buildings for the consular service—to the Committee on Foreign Affairs.

By Mr. REID: Paper to accompany bill for relief of H. A. Courtney—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of L. B. Burcham—to the Committee on Invalid Pensions.

By Mr. SHARP: Petition of Mount Vernon Chapter, No. 133, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Offices and Post-Roads.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Albert Burke—to the Committee on Invalid Pensions.

Also, petition of executive council of the Board of Trade of Providence, R. I., favoring early disposal of the old federal building in Providence—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: Paper to accompany bill for relief of Oscar Madden—to the Committee on Invalid Pensions.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMMONS: Petition of G. S. Van Gorder and 15 other residents of Pike, N. Y., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Petition of Chamber of Commerce of San Antonio, Tex., against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

By Mr. SMITH of Texas: Petition of citizens of Terry and Howard counties, Tex., against dealing in futures in agricultural products—to the Committee on Agriculture.

Also, petition of citizens of Howard County, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STEENERSON: Petition of J. Lorentz, A. P. Hansen, and C. K. Gullikso, of Fertile, Minn., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Hamlet Grange and Elkdale Grange, of Salamanca, N. Y., against any change in oleomargarine law—to the Committee on Agriculture.

By Mr. WEBB: Petitions of E. C. Tarves and others, W. A. Manney and others, and D. A. Watts and others, all of Cleveland County, N. C., for suppression of gambling in farm products—to the Committee on Agriculture.

By Mr. WEISSE: Petition of American Paper and Pulp Association, against reopening the tariff question—to the Committee on Ways and Means.

Also, petition of Wisconsin Commandery of the Loyal Legion, for a volunteer officers' retired list (S. 4183)—to the Committee on Naval Affairs.

Also, petition of Marine Engineers' Beneficial Association, No. 15, favoring legislation in the interest of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of New York State, favoring House bill 17270, improvement in diplomatic service—to the Committee on Foreign Affairs.

Also, petition of citizens of St. Cloud, Wis., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 19, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 19255) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, with sundry Senate amendments thereto.

Mr. FOSTER of Vermont. I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

Mr. MANN. I ask that the bill be referred to the Committee on Foreign Affairs. There are a number of items in it that ought to go to the committee.

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] asks unanimous consent that the House do now consider the Senate amendments.

Mr. FITZGERALD. Are they printed?

The SPEAKER. They were ordered to be printed.

Mr. FOSTER of Vermont. There is no objection to the bill being referred to the Committee on Foreign Affairs.

The SPEAKER. It would go to the committee, except by unanimous consent.

Mr. FOSTER of Vermont. I withdraw my request.

The SPEAKER. The bill will be referred to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia; and

H. R. 13145. An act for the relief of John W. Dula and C. M. Cox.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill 19255, consular and diplomatic appropriation bill, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, with Mr. OLMSTED in the chair.

The CHAIRMAN. When the committee rose last evening the pending question was the amendment offered by the gentleman from New York [Mr. FITZGERALD], against which a point of order was raised by the gentleman from South Dakota [Mr. BURKE].

Mr. MANN. May we have the amendment reported?

Mr. BURKE of South Dakota. I simply reserved the point of order, and will listen to what the gentleman has to say. Then, perhaps, I will not make the point of order.

The CHAIRMAN. If there be no objection, the paragraph will be reported, and the amendment, so that the committee may understand it.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among Indians, $70,000.

Amend by inserting after "Indians," in line 8, the words "including those in the Territory of Alaska."

Mr. FITZGERALD. Mr. Chairman, the conditions in Alaska are such that it is deemed highly desirable that some fund be available for the enforcement of the law in that Territory against the sale of intoxicating liquors to Indians there.

Under the provisions of an act passed in the second session of the Sixtieth Congress, it is made a penal offense for any person to sell intoxicating liquors to Indians in Alaska. Section 9 of the act of February 6, 1909, provides:

That section 142 of said act of March 3, 1899, be, and the same is hereby, amended to read as follows:

"SEC. 142. That if any person shall, without the authority of the United States or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives or associates with Indians, any spirituous, malt, or vinous liquor, or intoxicating extract, such person shall be fined not less than $100 nor more than $500, or be imprisoned in the penitentiary for a term not to exceed two years."

At the Lake Mohonk conference of the friends of the Indians held in October, 1909, Mr. Brown, Commissioner of Education of the United States, made an address upon conditions in Alaska, in the course of which he spoke as follows:

Still further, there is need of legal restraints, particularly as regards the sale of intoxicants. On the side of legal provisions two important acts were passed by the Congress at its session last winter. One of these makes the sale of alcoholic liquors to the Alaskan natives a felony; the other provides for the appointment of members of the Alaska school service as special peace officers, with power, under the direction of the Department of Justice, to make arrests in case of wrongdoing either by natives or against natives.

He then goes on to tell that some attempts are being made to prevent the sale of intoxicants to the natives in Alaska. It appears, Mr. Chairman, that the abuse is most prevalent in those parts of Alaska where the Indians find employment among the white settlers. Away from the settlements there is no danger of liquor being sold to the Indians.

Mr. GOULDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GOULDEN. Was last year's appropriation available to Alaska?

Mr. FITZGERALD. Unfortunately, it is not; although provision is made for Indian police for the purpose. The act for the present fiscal year does not contain the words which I have offered as an amendment to this bill; but it seems to me that if it be desirable to prevent the sale of intoxicating liquors to Indians in the United States, much greater reason exists to enforce the law regarding prohibition against such sales to the Indians in Alaska. I hope the chairman of the committee will not object to the amendment. It can do no harm, and this power should not be taken away from the bureau at this time.

Mr. BURKE of South Dakota. Mr. Chairman, while we are in sympathy with the amendment suggested by the gentleman, the committee considered that it would not be wise to extend the jurisdiction of Indian affairs in the Territory of Alaska. The Alaskan natives are not Indians in the strict sense. The Indian Office did not desire this legislation and did not care to assume the responsibility of expending any of this money in the Territory of Alaska. There is no demand, so far as this committee knows, for this legislation or this appropriation to be extended to Alaska, and if there is it should come in some other appropriation. We do not wish to enlarge the jurisdiction of the Indian Office to such an extent that it may send agents to Alaska and other remote places, as, for instance, Hawaii or Porto Rico, and therefore we limited purposely this appropriation to apply to the suppression of the sale of liquor among the Indians in the United States.

Mr. FITZGERALD. Is it not a fact that the Bureau of Indian Affairs has had this authority for a number of years?

Mr. BURKE of South Dakota. Mr. Chairman, there is something in one or more of the appropriation acts having some reference to the suppression of the sale of intoxicating liquors in Alaska, but our understanding is that there was no money expended and nothing done under that authority or appropriation by the Indian Bureau.

Mr. FITZGERALD. What other department or bureau could have expended this money?

Mr. BURKE of South Dakota. Our understanding is that there was no money expended in Alaska from those appropriations.

Mr. FITZGERALD. My understanding is different from that of the gentleman, because I recall very well a number of addresses made by the late Rev. Sheldon Jackson, who was a pioneer missionary in Alaska, and at whose instance, as I recall, the appropriation was first made, and some efforts have been made at various times to prevent the sale of intoxicants there by the bureau. It came in connection with other work that was designed to assist these Indians, the creation of reindeer herds, the segregation of the herds to different places where the Alaskan Indians could be placed as apprentices, and in connection with certain efforts to organize schools there among them.

Mr. BURKE of South Dakota. I will say, Mr. Chairman, that I have nothing to say against the merits of the legislation the gentleman is now talking about; but the point I am making is that it is not a proper subject for the Committee on Indian Affairs to deal with.

Mr. FITZGERALD. It is just as proper a subject for the committee to deal with as it is to deal with the sale of intoxicating liquors among the Indians in the United States. If the gentleman will examine the statute, and the power of the Commissioner of Indian Affairs, he will find that there is no doubt about that.

Mr. GOULDEN. How many Indians are there in Alaska?

Mr. BURKE of South Dakota. I do not know that there are any.

Mr. GOULDEN. Has the gentleman any idea?

Mr. BURKE of South Dakota. No; I have not.

Mr. GOULDEN. How much money was appropriated last year for this item?

Mr. BURKE of South Dakota. I think it was $50,000, as I remember it.

Mr. GOULDEN. What were the estimates this year made by the Indian Bureau?

Mr. BURKE of South Dakota. Seventy thousand dollars.

Mr. GOULDEN. Fifty thousand dollars, I beg the gentleman's pardon; as it appears in the original estimate it was $50,000 for 1911.

Mr. BURKE of South Dakota. The gentleman said $40,000, but it was $50,000, and there was a supplemental estimate of $20,000.

Mr. GOULDEN. Will the gentleman tell us why the committee saw fit to increase the amount from $50,000 to $70,000, and for what specific purpose, as he claims, was this money to be used?

Mr. BURKE of South Dakota. If the gentleman will permit me to correct him, my recollection is the appropriation for the last fiscal year was $40,000.

Mr. MANN. No; $50,000.

Mr. BURKE of South Dakota. The appropriation for the last fiscal year was $40,000; for the present fiscal year it is $50,000, and the estimates for the next year amount to $70,000, and that amount is proposed in this bill.

Mr. GOULDEN. My authority for stating it was only $50,000 was a gentleman on this side, a member of your committee [Mr. STEPHENS], who said it was $50,000.

Mr. BURKE of South Dakota. I am certain I am correct in what I stated.

Mr. GOULDEN. Will the gentleman tell us just how that money is to be used? What is its specific purpose? Is it under the control of the state police, a special police force, or the regular Indian police force?

Mr. BURKE of South Dakota. Mr. Chairman, it is first under the direction of the Commissioner of Indian Affairs, of course, under the supervision of the Secretary of the Interior. Then there is a person who is at the head of this work, and there are certain special agents employed in connection with the suppression of the liquor traffic; they utilize the employees generally in the Indian Service, and particularly the Indian police.

Mr. GOULDEN. If the gentleman will permit another question. Of course he is aware that several of the States where the largest Indian reservations are and where most Indians are found are prohibition States, which would indicate you did not require so much of a force to guard against liquor being taken into the reservations and distributed amongst the Indians.

Mr. BURKE of South Dakota. If the gentleman from New York has had any experience with the practical work in a number of prohibition States he must know that it requires a very large force to suppress the traffic in intoxicating liquors.

Mr. GOULDEN. How would that be possible if liquor could not go into those States legally? I have in mind now Kansas; North Dakota, which, I believe, is prohibition; and Oklahoma, which I know is a prohibition State.

Mr. BURKE of South Dakota. Unfortunately, Mr. Chairman, the people who reside in those States do not possess as high a regard for obeying the law as does my distinguished friend from New York.

Mr. MANN. You do not mean people residing within those States, but people coming into those States from New York to sell liquor to Indians.

Mr. GOULDEN. It is more probable people coming from Chicago, which is much nearer than New York.

Mr. CAMPBELL. The whisky is sent from Illinois, New York, Kentucky, Tennessee, and from other States to be sold by men who are willing to take the chances of violating the law.

Mr. GOULDEN. Does that same thing apply to the gentleman's own State of Kansas?

Mr. CAMPBELL. We do not manufacture it there.

Mr. GOULDEN. Then you are better off than some other States.

Mr. CAMPBELL. Men who want to violate the law by selling liquor buy it in the other States and bring it in among the Indians.

Mr. GOULDEN. Then the people in Kansas seem to be better off than they are in Oklahoma, though I doubt the ability of any State to stop the drinking of liquor entirely.

Mr. BURKE of South Dakota. Mr. Chairman, I was about to say, some of this money to suppress the sale and introduction of liquor into the Indian country is expended some distance from the Indian country, as, for instance, where the shipment originates, and it is possible that some portion of it may have been expended as far away from the Indian country as the great city in which my distinguished friend resides.

Mr. FERRIS. Mr. Chairman, I would like to ask the gentleman if he has a record of prosecutions carried on under this provision during the last year?

Mr. BURKE of South Dakota. Yes, sir. There were last year 1,091 arrests and 546 convictions.

Mr. FERRIS. In what States did those occur?

Mr. BURKE of South Dakota. In most of the States having Indian population—about 15 different States. I can give the gentleman a list of the States if he desires.

Mr. FERRIS. I would like to have it.

Mr. BURKE of South Dakota. California, Arizona, Wisconsin, Iowa——

Mr. FERRIS. Do you have the number of arrests and convictions in each State?

Mr. BURKE of South Dakota. In California there were 223 arrests, 163 convictions; Arizona, 212 arrests, 173 convictions; Wisconsin, 134 arrests, 7 convictions; Iowa, 107 arrests, 21 convictions; Oklahoma, 107 arrests, 49 convictions; Montana, 57 arrests and 21 convictions; Idaho, 51 arrests, 20 convictions; New Mexico, 33 arrests, 12 convictions; Nevada, 29 arrests, 13 convictions; Nebraska, 29 arrests, 23 convictions; Utah, 26 arrests, 14 convictions; Washington, 23 arrests, 13 convictions; New York, 22 arrests, 3 convictions; South Dakota, 16 arrests, 4 convictions; Wyoming, 16 arrests, 4 convictions; North Dakota, 5 arrests, no convictions. I may say that is a prohibition State. Oregon had 7 arrests and 4 convictions; Colorado, 2 arrests, 1 conviction; Illinois, 2 arrests and 1 conviction.

Mr. FERRIS. Now, if the gentleman will yield just a minute further.

[Here the hammer fell.]

Mr. BURKE of South Dakota. I ask that my time be extended three minutes.

The CHAIRMAN. The gentleman from South Dakota asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. FERRIS. What was the amount appropriated last year for this same item?

Mr. BURKE of South Dakota. The appropriation that was expended in the arrests and convictions I have enumerated was $40,000. That was for the fiscal year ending June 30, 1909. The appropriation this year is $50,000.

Mr. FERRIS. The item says it is $70,000.

Mr. BURKE of South Dakota. The appropriation for this present fiscal year is $50,000.

Mr. FERRIS. Why do you anticipate a greater trouble along this line next year than during this fiscal year? Why do you increase the appropriation from $50,000 to $70,000?

Mr. BURKE of South Dakota. For the reason that the work of suppressing the sale of liquors among Indians has became very much more extensive than heretofore, and it has brought such good results that it was thought that more money could be expended with better results.

Mr. FITZGERALD. How about the point of order?

Mr. BURKE of South Dakota. I will not make a point of order, but I hope the amendment will not prevail. I simply ask for a vote on the amendment.

Mr. MANN. I renew the point of order if the gentleman from South Dakota withdraws it.

Mr. BURKE of South Dakota. What is the point of order?

Mr. MANN. The point of order is that there is no authority of law for this appropriation so far as Alaska is concerned. There is an authority of law for appropriation so far as the Indian country is concerned, however.

Mr. FITZGERALD. I think there is authority. I refer to two sections of the Revised Statutes, as follows:

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters deriving out of Indian relations.

SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same.

Now, if Alaska be not a district or country, I do not know exactly what it is. In addition to that the statute of 1909, which I have sent to the desk, specifically prohibits the sale of intoxicating liquors to Indians in Alaska, and the enforcement of such laws is placed by the Revised Statutes in the Commissioner of Indian Affairs.

Mr. MANN. Mr. Chairman, I think the provision for the care of the natives or Indians in Alaska have been carried in the sundry civil bill or some other appropriation bill, and they never have been carried in the Indian appropriation bill. The Indian Bureau, as the chairman of the Committee on Appropriations, the gentleman from Minnesota, says, has never exercised jurisdiction over the Indians of Alaska. I do not believe that the natives of Alaska are classed as Indians at all. I suppose that is the ground on which they are put under the control of the Commissioner of Education, so far as they are under the control of any government official of Washington; and the appropriations for the Commissioner of Education do not come under the Indian appropriation bill. We make appropriations and have made appropriations for the education of these people, for the care of natives of Alaska, to the Commissioner of Education through the sundry civil appropriation bill, and I do not think that the item is in order in this bill with reference to any appropriation relating to the natives of Alaska.

Mr. STEPHENS of Texas. Will the gentleman permit me to interrupt him, and ask him on this point, Does not the gentleman believe that the sections of the Revised Statutes read by the gentleman from New York cover all the Indians in all parts of the United States, and does he not believe that the Territory of Alaska is as much covered as the Territory of New Mexico and Arizona? Therefore it covers the whole question of the sale of liquors, and that we have the same right to prohibit the sale of liquors in Alaska, if it is represented by a Delegate, as we have in Arizona and New Mexico; and I think that the Indians are protected by the sections already read in the hearing of the House.

Mr. MANN. Mr. Chairman, the suggestion of the gentleman from Texas is, that if the provisions of the Revised Statutes read by the gentleman from New York have any application to this case, then the amendment of the gentleman from New York is entirely superfluous. Of course that is not a matter for the Chair to consider in deciding the point of order.

The fact that the gentleman from New York offers an amendment including Alaska shows that in the mind of the gentleman from New York this provision of the Revised Statutes does not apply to Alaska; because, if these provisions did apply to Alaska, then the amendment would be superfluous and the provisions prohibiting the sale of intoxicating liquors among Indians would be sufficient.

Mr. STEPHENS of Texas. In addition to that, I may say that Doctor Duncan, who had charge as agent of the Methecatla Indians in Alaska, when he was before the committee some years ago, stated that there had been numerous prosecutions for the sale of whisky to the Indians under his charge, and they were disposed of under the laws of the United States in force in Alaska. Therefore the federal courts of Alaska now have the jurisdiction and can prosecute the violators of the law in relation to the sale of intoxicating liquors to these Indians. If so, why is it necessary to add this amendment? I think, therefore, that the amendment is useless.

Mr. MANN. Why, of course, so far as I can recall, the Indian Bureau has never had anything to do with these Indians in Alaska, if they can be called "Indians." They are called "natives" of Alaska. But I undertake to say that when the gentleman from New York offers an amendment which seeks to interpret the provisions of this act as not applying to the Indians of Alaska, he thereby interprets the provisions of the Revised Statutes as not applying to the Indians of Alaska, if they be Indians. If they apply, then the terms of the act for the suppression of intoxicating liquors among Indians is sufficient and the gentleman's amendment superfluous. If the gentleman's amendment is new legislation, it is out of order.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. MANN. I always yield to the gentleman.

Mr. FITZGERALD. It is not my interpretation, but sometimes it is necessary to enact superfluous legislation to get into the head of those in charge of the present administration that these things must be done.

Mr. MANN. I suspect the gentleman's suggestion may be true as to other administrations, but I think it is not the fact as to the present administration.

Mr. FITZGERALD. The present or recent administration. I will state to the gentleman that, if it will help, I will include the recent administration.

The CHAIRMAN. The Chair is ready to rule. The Chair desires to ask the gentleman whether there is anything for residents of Alaska included in this bill?

Mr. BURKE of South Dakota. The only reference in this bill to Alaskan Indians is in an item for transportation of children to Indian schools, which contains the words, as I recall them, "and Indian pupils from Alaska." That is the only reference to Alaska that there is in the bill, and I understand that was put in because a very few native children from Alaska have been educated in some of the Indian schools in this country.

Mr. MANN. Is that in the existing law?

Mr. BURKE of South Dakota. Yes.

Mr. FITZGERALD. In lines 22 and 23 of the page under consideration, page 6, there is a reference to Alaska.

The CHAIRMAN. The Chair will ask the gentleman from South Dakota whether the Indian Bureau has charge of the natives of Alaska or not?

Mr. BURKE of South Dakota. It has not. It does not claim to have any jurisdiction whatever over the natives of Alaska. My recollection has been refreshed, and the reference to children

from Alaska, in the existing law, and perhaps in this bill, is to "native" children from Alaska, and not "Indian" children.

Mr. MARTIN of South Dakota. The paragraph referred to appears to be in lines 22 and 23 on page 6, the page under consideration.

Mr. TAWNEY. Mr. Chairman, I desire to say further, answering the question of the Chair, that the Indian Bureau has never exercised any control or jurisdiction whatever over the natives of Alaska. The only control exercised by the Government over the natives of Alaska thus far has been in reference to their education, and the appropriations for that purpose have always been carried in the sundry civil appropriation bill. In the current law, on page 50, under the head of "Education in Alaska," appears the following:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska.

Then it goes on and describes the construction of buildings, and so forth.

The CHAIRMAN. That is in the sundry civil appropriation bill?

Mr. TAWNEY. That is in the sundry civil appropriation bill, and the Indian Bureau has never exercised any control over the natives of Alaska.

Mr. FITZGERALD. The statement that the Indian Bureau has never exercised any control over the natives of Alaska does not change the fact that it is competent for the House, in the Indian appropriation bill, to make appropriations to enable it to carry out powers conferred upon it by statute.

The CHAIRMAN. The Chair is ready to rule. The statute to which the Chair has been referred by the gentleman from New York, section 462 of the Revised Statutes, providing for a Commissioner of Indian Affairs, was passed in 1832, long before we had Alaska. That would make no difference if Alaskans were Indians within the meaning of that act. But all the laws relating to the Indian Bureau and the Indian Department; as, for instance, section 2046 of the Revised Statutes, seem to relate to what we commonly call Indians within the United States. The President is authorized by that section to appoint from time to time superintendents of Indian affairs. Then the statute enumerates the States and Territories within which they may be appointed. Alaska is not mentioned. The Chair does not find that Alaska is mentioned in any of the acts, early or late, relating to the Indian Service, or to the creation of the Bureau of Indian Affairs. The Chair does not find that they have ever been appropriated for in bills coming from the Indian Affairs Committee, but always in bills coming from the Committee on Appropriations, such as the sundry civil bill. There is in that bill, as passed last year, provision for the education of Alaskans, a provision for the purchase of reindeer for natives of Alaska, for the instruction of Alaskan natives in the care and management of reindeer, and so forth. All the provisions of law relating to Alaska and governing the natives of Alaska are found in the sundry civil appropriation bill.

Mr. TAWNEY. There is a statute which disposes of the revenue of Alaska derived from liquor licenses, and a certain percentage of that revenue is devoted to the enforcement of the liquor laws of the district of Alaska, entirely independent of any appropriation.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] refers the Chair further to an act of Congress providing for the government of Alaska, in which it is declared that for the purposes of that act the natives of Alaska shall be considered Indians.

That is to say, they are statutory Indians for the purpose of that act only. The Chair is of the opinion that the statute upon the subject of the Indian Bureau and controlling the Indian affairs, and the rule requiring certain matters to be referred to the Committee on Indian Affairs, all have reference to the Indians of the United States and not to the natives of Alaska, which by statute have been declared to be Indians for the purposes of that particular act. The Chair thinks the amendment is not germane, and sustains the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 6, line 8, after the word "dollars," by inserting:
"To enable the President to relieve distress among the Indians and provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and the expense of vaccination, $20,000."

Mr. MANN. I will reserve a point of order on that amendment; that is a new proposition. I wish, before the gentleman disposes of that, to allow me to make a request for unanimous consent. The gentleman from South Dakota knows that this appropriation bill is made up in an unusual arrangement, which, I suppose, is partly due to suggestions by the department. We have just passed certain items in relation to irrigation, and we might very properly put in after the item providing for water the item to prevent the use of whisky.

Mr. TAWNEY. Why should not the water and whisky go together?

Mr. MANN. They should; but here in this arrangement, after providing the water they introduce a school before they permit the water to be mixed with the whisky, and this item in reference to the suppression of intoxicating liquor comes in between the item for Indian day schools and an item for the construction of school buildings. It would be far more proper, instead of placing the item concerning whisky among the items containing schools and for the education of children, to place it after the item that provides the water. Will not the gentleman consent to put the item in ahead of the last preceding item?

Mr. BURKE of South Dakota. My friend from Illinois heretofore has criticised the form of the bill for the order in which the items appear.

Mr. MANN. The gentleman is mistaken. I have not criticised the arrangement of the bill at all.

Mr. BURKE of South Dakota. This item follows the law and the statute and was put in just as it was in the law of last year.

Mr. MANN. That would be all right if the gentleman were not mistaken; but he is mistaken.

Mr. BURKE of South Dakota. I would like to have my friend state where he would place the item.

Mr. MANN. The gentleman is mistaken about the order of the items in the bill; they are not in the same order as last year at all. No bill has ever had an item of this kind in among educational items before. I would put it ahead of the last preceding item, just ahead of line 3, before you commence with the educational items.

Mr. BURKE of South Dakota. Mr. Chairman, with the understanding that the amendment I have just offered shall follow this paragraph found in lines 7 and 8, I have no objection to the transfer suggested by the gentleman from Illinois; it is entirely unimportant. Let the paragraph, lines 7 and 8, precede line 3, if it will please the gentleman better; and let it be followed by the amendment I have sent to the Clerk's desk.

Mr. MANN. I ask unanimous consent that that arrangement may be agreed to.

Mr. CLARK of Missouri. What difference does it make about the arrangement?

Mr. MANN. The item relating to whisky is interjected in between educational items and does not look well.

The CHAIRMAN. The Clerk will read the proposed transfer.

The Clerk read as follows:

Transfer lines 7 and 8 to follow line 2 on the same page, and the amendment of the gentleman from South Dakota to follow line 8.

The CHAIRMAN. Without objection, the change will be made.

There was no objection.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to reserve a point of order?

Mr. MANN. I will reserve a point of order on the amendment until I hear the gentleman's explanation.

Mr. BURKE of South Dakota. Mr. Chairman, this provides substantially what is covered by the paragraph in the bill found on page 3, lines 15 to 19, that went out yesterday on a point of order. That provision was placed in the bill believing that there should be a substantial appropriation for the treatment of infectious and contagious diseases among Indians, and to prevent the spread of these diseases to the white population in the localities where the Indians reside. This amendment is drawn somewhat in a different form, and I believe is not subject to a point of order.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I am not up in medical matters, but is not this disease of trachoma the eye disease that the Asiatics have?

Mr. BURKE of South Dakota. Yes.

Mr. CLARK of Missouri. How do the Indians get it?

Mr. BURKE of South Dakota. I do not know; many of them have it.

Mr. CLARK of Missouri. Where did they get it?

Mr. BURKE of South Dakota. I am unable to inform the gentleman, except that I know they do have it.

Mr. CLARK of Missouri. It is strange that the American Indians should have it when the white people and the colored people of America do not.

Mr. FOSTER of Illinois. The white people do have it.

Mr. CLARK of Missouri. Where do they have it?

Mr. BURKE of South Dakota. In the eyes. [Laughter.]

Mr. CLARK of Missouri. I know, but in what geographical location of the United States?

Mr. BURKE of South Dakota. Up in the vicinity of Arizona and in New Mexico and California, and somewhat in the State of Missouri, I am told.

Mr. CLARK of Missouri. Oh, I do not believe that.

Mr. BURKE of South Dakota. I hope that the gentleman is correct in his disbelief.

Mr. MANN. They have political trachoma there.

Mr. CLARK of Missouri. They did the year before last; yes. [Laughter.]

Mr. STEPHENS of Texas. Mr. Chairman, my information, obtained from the reservations in Arizona, is that the disease has been communicated to the Indians by way of Mexico, because of Chinamen who come across the line and get into these reservations. Then, too, some of the Indians of Arizona live partly in Sonora, Old Mexico, and partly in the United States. Chinamen are not prohibited from coming into Mexico, and they come across the line into the reservation of the United States. This is also true of Japanese. This trachoma has come through Mexico and through the Indians that live partly in Mexico and partly in the United States.

Mr. BURKE of South Dakota. Mr. Chairman, I want to be pardoned just a moment for making a statement that does not have reference to this proposed amendment. I want to make it because the question came up yesterday when I made a statement and the distinguished gentleman from Illinois took issue with it. That was in regard to expenditures in the Indian Department—that there should be no deficiencies created. I want now to call attention to the existing law, found in Eighteenth Statutes, 450, section 6, which reads as follows:

> And no expenditure shall be made or liability incurred on the part of the Government on account of the Indian Service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

I merely make that statement because I said yesterday on the floor that there was a special law prohibiting deficiencies in the Indian Service, and I want to cite the statute to sustain what I then stated.

Mr. Chairman, to come back to this proposed amendment, I stated I did not believe it is subject to a point of order. I think that it has always been recognized that the President of the United States has wide authority and great power over the subject of regulations and control of Indians. Section 2114 of the Revised Statutes provides:

> That the President is authorized to exercise general superintendence and care over any tribe or nation of Indians that was removed upon an exchange of territory under the authority of the act of May 28, 1830.

That act had reference to the removal of the Indians east of the Mississippi River, and the descendants of those tribes comprise to-day fully two-thirds, if not more, of all the Indians in the United States. If the President has jurisdiction over these Indians as to their care and general superintendence, as the statute reads, it certainly is proper to make an appropriation that will be available in order that he may enforce such regulations as he may promulgate affecting Indians. This is a serious matter, and I would very much dislike to have this House decline to make some appropriation to meet this condition which now confronts us. I find in the early sixties and practically for fifty years we have made appropriations for the purchase of vaccine and for vaccination among the Indians.

I find that for several years we have made appropriations for the relief of distressed Indians, Indians who did not belong to any tribe, Indians that are wanderers on the face of the earth, Indians who may be sick and without any friend or place to go for comfort or support, and an appropriation has been provided. Very little money has ever been expended to care for this class of Indians.

Mr. MANN. I would ask whether there is an appropriation in the current law for that purpose?

Mr. BURKE of South Dakota. The appropriation for that purpose, I will say to the gentleman, was made in the appropriation act for 1899, the amount being $20,000. It was a continuing appropriation, and is not yet quite exhausted.

Mr. MANN. I do not desire to be captious about this point at all, I will say to the gentleman.

Mr. BURKE of South Dakota. One or more years ago there was an epidemic or a very vicious outbreak of trachoma discovered among the Indians in Arizona. It was so serious that it was brought by the department to the attention of Congress, and $12,000 was appropriated promptly as an emergency appropriation for the care and treatment of the Indians so afflicted. It was then said:

> We have information to the effect that trachoma is a disease somewhat new to medical science. The Indians have had sore eyes all over the country for years, but it was not known that they were afflicted with trachoma.

Then there is the further statement that it is a peculiarly vicious disease, and if not cared for that it frequently results in total blindness.

In the treatment of this disease a surgical operation is necessary. It has been found that it yields to treatment; but if neglected, it results in total blindness. It is a very infectious or contagious disease, and it seems to me a subject of the highest importance that some action should be taken to suppress it.

Mr. KAHN. Will the gentleman yield for a moment? It is a disease that stops immigration on an examination by immigration physicians. Those who are afflicted with it, coming from China, are all stopped if they are afflicted with trachoma.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. BURKE of South Dakota. I ask, Mr. Chairman, for an extension of three minutes.

The CHAIRMAN. The gentleman from South Dakota asks that his time may be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. The statement made by the gentleman from California is correct. The Federal Government has been fighting this disease on its boundaries for some time in order to protect the country against infection through immigration. Another disease among the Indians that is very serious and in some localities is causing great havoc among them is tuberculosis, and it seems, Mr. Chairman, as if we ought to take some steps to suppress it and to treat the unfortunates who are afflicted. The objection on the part of the gentleman from Illinois yesterday, if I understood him, was that he did not wish to have an appropriation that would look toward creating in a department of the Government a medical department or some corps of physicians which might be regarded as a separate and distinct organization. I am absolutely with him on that proposition, and so is every member of the Committee on Indian Affairs, but we did feel that this is a subject of such importance that there should be an appropriation looking toward the suppression of the disease, the treatment of it, and, if possible, to entirely eradicate it from among the Indians, not only for their good alone, but for the good of the people generally in the country. I hope that my friend will not insist upon his objection, but if he does, Mr. Chairman, I wish the Chair to consider the statutes to which I have referred, to examine the wording of the proposed amendment; and, I believe, if he does so, he will conclude that it is not subject to the point of order.

Mr. MANN. Mr. Chairman, there is no doubt at all in my mind that the item is subject to the point of order, as far as that is concerned. I have examined the statute, and the gentleman from South Dakota has, and the item does not conform to the statute, and there is no authority of law for this appropriation in the form in which the item is inserted. But, as I stated to the gentleman yesterday, as far as I am concerned I have no objection to a reasonable appropriation for the purpose of giving the Indians the benefit of vaccination, or studying the disease of trachoma. The objection that I particularly have, the objection I still feel is valid, is against, at this time at least, creating a new medical department of the Government in the Indian Service. As I stated yesterday, the President in his recent message strongly urged the Congress to consolidate all of the medical and sanitary bureaus of the Government into one bureau, except the army and navy Surgeons-General offices, and I had yesterday in my pocket a bill which I was asked to introduce, which I have not introduced, and probably will not in the form in which it is, which I was told had the personal approval of the President of the United States, for the purpose of still further consolidating all of these different branches of the Government; and under the provisions of that bill, if it were carried out in its present form, all of these bureaus would be consolidated in this new bureau. We now maintain a Public Health and Marine-Hospital Service. The Marine-Hospital Service is but a small detail of it. It is for the very purpose of studying diseases like trachoma, for the very purpose of studying diseases like tuberculosis, for the very purpose of taking it under the Public-Health Service, so far as it relates to the National Government, but I am not in favor at this time, indirectly or directly, of creating a new medical bureau in connection with the Indian Service. Now, that was the plain proposition——

Mr. BURKE of South Dakota. None of them are.

Mr. MANN. The gentleman says none of them are; but the trouble is that the department recommends that such be the case, and it states that if the money be appropriated, it will do that, and you give them the money, with a small cut.

I do not know whether $20,000 is needed or not. You had $5,000 last year for vaccine and vaccination, and I dare say it was not all used. You had $12,000 for trachoma, and I dare say it was not all used. Now, if you undertake to treat all Indians with tuberculosis, it will not require $20,000, but a million dollars and more. It will require the building of sanatoriums galore throughout the United States.

Mr. CAMPBELL. If the gentleman will permit me, the $12,000 for trachoma was all used.

Mr. MANN. Perhaps it was not a sufficient amount.

Mr. BURKE of South Dakota. I will say to the gentleman that it has been found, I think, by those competent to determine, that in the treament of tuberculosis sanitariums are not necessary, and that it is treated in camps and tents preferably to buildings, and not in any ordinary building such as are used in connection with hospitals and sanitariums.

Mr. MANN. Well, I did not mention sanitariums; I mentioned sanatoriums. There is a distinction, I will say. I have had occasion not only as a member of the Committee on Interstate and Foreign Commerce to study this subject, but I have had occasion personally to study it, and I know something about its treatment. You can not cure Indians of tuberculosis for $20,000, or even commence to do so. If the Government is to commence the work in place of the States, there is absolutely no limit to the thing. If you could teach the Indians to live in the open air as they used to do largely, they probably would not be troubled with tuberculosis much; but, I take it, that is impossible. You can not teach the present generation to live where they will breathe cool and fresh air. We are a people who live in steam-heated flats, and as long as we do that in this world you can not abolish tuberculosis.

But if the gentleman says that they use $20,000 for these purposes—

Without creating a competent medical corps in charge of a chief—

I am reading from the estimates; that is what the item is for—

creating a competent medical corps in charge of a chief, with headquarters at Salt Lake City, assisted by at least five assistant medical officers, to be distributed throughout the Indian country.

I have no objection to providing the material or the assistance in Indian reservations or in connection with the Indian agencies those things which may be fairly necessary to protect the health of the Indians where the States are under no obligation. I do not want to see organized to do this work, while another committee has consideration of this subject in its broader aspect, a new medical department of the Government.

Mr. BURKE of South Dakota. Mr. Chairman, I have already stated that the committee took exactly the position set forth by the gentleman in fixing the amount proposed to be appropriated, and did so upon express condition that there was to be no new bureau, as he has mentioned and as appears in the estimates, stating further that if we found anything of that kind and we were here when the next Indian appropriation bill was considered, it would be very doubtful whether or not we would continue any appropriation whatever. I think the bureau understands pretty well that that is our position.

Mr. MANN. Is that in the hearings anywhere?

Mr. BURKE of South Dakota. It was in the hearings, but the hearings have not been published.

Mr. MANN. The hearings were not printed?

Mr. BURKE of South Dakota. No.

Mr. MANN. Does the gentleman think the Indian Office understands that?

Mr. BURKE of South Dakota. I think they do, most certainly. We consented to recommend an appropriation with the distinct understanding that it was not to be expended as suggested in the estimates which the gentleman has referred to.

Mr. MANN. Then I will withdraw the point of order.

The CHAIRMAN. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, $70,000: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils brought from Alaska.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee one or two questions. There is provision made here for schools. Can the gentleman tell me just what is taught in those Indian schools?

Mr. BURKE of South Dakota. Why, generally everything within the range of education.

Mr. GOULDEN. Do they have manual training, and are they taught any of the trades, so as to make the Indians able to support themselves?

Mr. BURKE of South Dakota. In many schools they do have manual training—agriculture and forestry, and, in fact, everything.

Mr. GOULDEN. Are there any schools above the ordinary grammar school, as we understand them in the East?

Mr. BURKE of South Dakota. The schools referred to here, I may say without exception, are not above the ordinary common grammar school.

Mr. GOULDEN. I presume the gentleman will admit teaching these Indians trades, how to farm and cook, and all useful things, would be essential and very important in the instruction of these Indians to make them self-supporting citizens.

Mr. BURKE of South Dakota. Mr. Chairman, I consider this is largely the solution of the Indian problem. That is, to give him a good common-school education and then educate him along industrial and agricultural lines.

Mr. GOULDEN. One more question. That is, Are these Indian schools, such as the Carlisle School, productive of good results? Do these children that are taught there go back to the tribes and become self-supporting, or do they return to tribal conditions?

Mr. BURKE of South Dakota. There is no school that is doing better work in my judgment at the present time than is the Carlisle School. While some of the pupils who graduate from that school may return to their reservations and retrograde or turn out worthless, it is the exception, and not the rule.

Mr. GOULDEN. As I understand the chairman, the children of the present Indian schools show a marked improved condition over those of, say, ten years ago.

Mr. BURKE of South Dakota. Very much so.

Mr. GOULDEN. Showing that the Indian has improved his manner of living and his ability to support himself.

Mr. BURKE of South Dakota. Very much, indeed. And I want to say, that what has happened in the last ten years is along the line that in my judgment is going to very largely solve the Indian problem in the present generation.

Mr. GOULDEN. I am very glad to hear it and hope that conditions will continue to improve. I withdraw the pro forma amendment.

Mr. TAWNEY. I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill some questions. Has the committee any statistics showing how many of the Indian pupils of the Carlisle School have returned to their tribes and taken up again the tribe habits, thereafter leading the life of their parents, brothers, and sisters, and members of the tribe?

Mr. BURKE of South Dakota. I can only say in answer to that inquiry, Mr. Chairman, that I endeavored to get some information from the superintendents of the different agencies in my own State, and I ascertained that the percentage of those who turned out to be worthless was comparatively small.

Mr. TAWNEY. The reason I asked that question is this: A few years ago, together with some other gentlemen, I visited an Indian village in New Mexico, near Albuquerque, where there were seven graduates from the Carlisle School; all of them wore blankets, and not one of them would speak a word of English. They had all gone back, and were living with their parents and with the Indians, and did the same as the other Indians. They were not necessarily worthless, but had simply gone back, and the only way they could live comfortably and peaceably was to live as their bothers and sisters or other members of the tribe lived.

Mr. BURKE of South Dakota. I wish to say to my friend from Minnesota, that if I understood him he stated that was several years ago.

Mr. TAWNEY. Three or four years ago.

Mr. BURKE of South Dakota. Conditions on the reservations are changing very rapidly, and are quite different from what they were even three or four years ago. I made the statement the other day in general debate that if the Indian was anything he was human, and I want to reiterate that statement. It is true that Indian children have left their reservation homes and have gone some distance to schools, and have returned after a few years of absence attired entirely in clothing that perhaps was unknown among their Indian friends and relations. They speak the English language; their hair has been cut; and they are quite different from what they were when they left. Very naturally they are hazed more or

less, just as you or I would be in the same conditions. They will return to some extent to the customs of their associates. The Indians of the country, generally, to-day are in a different environment from what they were a few years ago. The surplus lands are being opened up and disposed of to white settlers.

Indians generally are surrounded by a white population, whose towns are among the Indians, and, as stated, their environment is quite different. So I think from this time on these pupils who return from Carlisle and these other schools will not, in the same proportion, retrograde as they may have done in years past, especially several years ago.

Mr. TAWNEY. Mr. Chairman, I think the remarks of the gentleman in charge of the bill only emphasizes the necessity of our obtaining, either through the Census Bureau or through some other bureau, accurate information regarding the number of pupils who are graduated at the Carlisle School who again return to their tribes or to their families and take up the life of the native Indians as they were living it before becoming educated. I have no criticism at all in regard to the education of the Indians upon the reservations. I believe that is the only practical and successful way to educate the Indian and improve his material condition, because then they are educated while living among their own people. The transition is gradual, and their families become accustomed to it; but when they are taken away from their homes to far-distant States, educated, and then returned to live among their people, they must of necessity, in order to live peaceably and happily among their associates, live as their associates do, and this I know from personal knowledge has been the result in a great many cases. You can not educate a whole family of Indians by taking one member of that family to some distant State, educate him there, and then have him return again to the family, and thereby raise the standard of education and civilization of all members of the family. Therefore, in order to determine whether or not the school at Carlisle is as efficient in the education and civilization of the Indians as some people have heretofore claimed, or as efficient as the reservation school, I think we ought to have some accurate and reliable information regarding the percentage of Indians educated at the Carlisle institution who have returned to their families and again assumed the habits and manner of living which prevails among his or her uneducated and uncivilized associates.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last two words. Along with the chairman of the committee, I thoroughly agree in the educational process of elevating the Indians, but it strikes me that there ought to be a limit somewhere. Yesterday evening there was an item passed in this bill appropriating $1,420,000 to educate children, in particular cases and instances where there were no specific appropriations for that purpose. In the section under consideration is another item of $70,000 intended to pay for the education of children in private families. I should like to inquire of the chairman of the committee whether or not the Government has experimented along that line heretofore with Indian pupils, and if so, to what extent?

Mr. BURKE of South Dakota. The gentleman is mistaken in regard to the amount that is proposed to be used for this purpose. The amount I believe is $5,000.

Mr. COX of Indiana. The amount is $5,000 for fathering and procuring employment.

Mr. FERRIS. Remunerative employment for Indians.

Mr. COX of Indiana. Remunerative employment for Indians.

Mr. BURKE of South Dakota. I will say in answer to the gentleman's inquiry that I have observed the effect of this kind of education, and I think it is one of the best things that has ever been done up to the present time for the Indians, and particularly the girls.

Mr. COX of Indiana. To what extent has the Government experimented along that line heretofore, if any?

Mr. BURKE of South Dakota. It is one of the things that has been a part of the education at Carlisle for some little time. My colleague on the committee, the gentleman from New York [Mr. YOUNG], I think perhaps can give the gentleman some information as to this very subject that may be interesting to him and the other members of the committee.

Mr. COX of Indiana. The language contained in the paragraph under consideration, as I read it, is for the transportation of pupils to and from Indian schools, and then the transportation of Indian pupils from Indian schools to private families.

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. To be used in the private families?

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. For their moral education and training along that line?

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. Now, the question I propound and upon which I am seeking information is: To what extent, if any, has the Government experimented along that line heretofore?

Mr. BURKE of South Dakota. I will yield to the gentleman from New York [Mr. YOUNG], who, I think, can answer that more satisfactorily than I can.

Mr. YOUNG of New York. Mr. Chairman, I will say for the information of the gentleman that I have given careful study to the conditions existing at the Carlisle School in observing the work of the industrial department carefully, and I consider it one of the most important institutions and one of the most important efforts for the education and civilization of the Indian that has ever been taken in hand in this country. During the vacation season the male and female pupils are sent, under supervision of those in charge of the school, to farmers and families throughout the country within a distance of 25 or 30 miles from Carlisle. They are placed under the supervision of these families and there are taught industrial pursuits and domestic economy.

Mr. COX of Indiana. Are the families who take the children paid for their work?

Mr. YOUNG of New York. They are not; the transportation of the pupil back and forth is paid, and the farmers or those who have the pupils in charge pay for their services, clothe and feed them, and send them back to the school properly equipped.

Mr. COX of Indiana. Do I understand the gentleman to say that the farmer or the people who take these pupils, whoever they may be, receive any pay for the work?

Mr. YOUNG of New York. No; they pay for the services.

Mr. COX of Indiana. Whom do they pay?

Mr. YOUNG of New York. They furnish them with clothing and feed them, and I think they pay them a slight compensation for their service.

Mr. COX of Indiana. Are the pupils taken by the farmers made to work—that is, do they work for the people to whom they are sent?

Mr. YOUNG of New York. They do; and I have never observed a case where the pupil was not returned very much improved.

Mr. COX of Indiana. Then, the Government has been experimenting along these lines heretofore?

Mr. YOUNG of New York. That is correct.

Mr. COX of Indiana. Can the gentleman give any idea of the number of pupils who have been educated along that line per year?

Mr. YOUNG of New York. I should say, of the thousand pupils in the Carlisle School, at least 500 of them have been sent out annually.

Mr. COX of Indiana. This entire appropriation of $70,000, or whatever it may be, is intended to defray the expenses of the transportation of pupils from the Indian schools to and from the places where they are taught?

Mr. YOUNG of New York. Oh, no; only $5,000 of it.

Mr. COX of Indiana. Well, I want to call the gentleman's attention to the first part of the paragraph, where it appropriates $70,000. I am a little confused as to this language.

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman is undoubtedly confused in this paragraph. This is an appropriation that is carried annually in the Indian appropriation act, and is for the transportation of Indian pupils to and from the several schools throughout the country.

Mr. COX of Indiana. From home to the school and return?

Mr. BURKE of South Dakota. From their homes to the schools and return.

Mr. COX of Indiana. And the gentleman says that only $5,000 of this appropriation is for the purpose of transporting the pupils to these families to whom they are sent?

Mr. BURKE of South Dakota. Only $5,000 of the amount may be used for that express purpose. I will say for the information of the gentleman that last year there was expended for that purpose the sum of $300.

Mr. COX of Indiana. Who determines the qualifications of the families to which the pupils are sent?

Mr. BURKE of South Dakota. The superintendent in charge of the school in that locality.

Mr. COX of Indiana. Now, all these remarks have been addressed to the Carlisle School alone. Does the same rule apply to all of the Indian schools?

Mr. BURKE of South Dakota. To a limited extent only. The superintendents are very careful not to put children out in families without knowing that they will have proper care and their welfare looked after as much as if they remained in the school. I will say for the benefit of the gentleman that in my home town there is an Indian school. In my home we have had in the past five years a greater part of the time an Indian girl,

sometimes two, from the school employed as domestics, and we pay them compensation the same as we would pay any other employee, and during the vacation season especially, if they can be put into desirable homes, it is a much better thing to do than to keep them in the school.

Mr. GOULDEN. I would like to ask the gentleman a question.

Mr. BURKE of South Dakota. I will yield to the gentleman from New York.

Mr. GOULDEN. I would like to ask my colleague from New York [Mr. YOUNG] some questions. He speaks of four or five hundred children of the Carlisle School being sent to these homes. When are they sent, after graduation or during vacation periods only?

Mr. YOUNG of New York. I will say that they are sent immediately after the close of the school.

Mr. GOULDEN. Regardless of whether they have graduated or not?

Mr. YOUNG of New York. Oh, yes; and the result has been a most desirable one. I have studied many cases, and I am sure if the Members of this House could observe the working of the sending out of those Indians into the families of white people, they would encourage it to the greatest extent possible.

Mr. GOULDEN. I may say that I am familiar with Carlisle and its surroundings and can indorse what my colleague has said, but I did not know just what period of the year or at just what time of their course they were sent to these farmers and others.

Mr. YOUNG of New York. From the closing of the school in June until the opening of the school in the fall.

Mr. GOULDEN. What time does the school open in the fall?

Mr. YOUNG of New York. In September.

Mr. GOULDEN. I notice that the chairman has told us only $300 of the $5,000 was expended. Can the gentleman tell us why the $5,000 is included in the bill when but $300 was expended last year, and how it was possible to take four or five hundred children and send them around that section of the country for $300?

Mr. YOUNG of New York. In many cases the families desiring to take the Indians send their own conveyances, as far as 25 miles, to get them and they take them to their homes, and they are under very careful supervision while there. Representatives of the school visit the homes frequently and watch in the most careful manner the conduct of the families, and the families are required periodically, almost every fortnight, to make reports of the progress the Indian is making in the family.

Mr. GOULDEN. I am satisfied with the explanation of my colleague [Mr. YOUNG], except that no answer has been given to my question why $5,000 was put into this bill when but $300 was necessary. This seems uncalled for.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I move to strike out the last three words. There has been much said about these children leaving Carlisle and other schools during vacation and spending their time with families in various pursuits, but I believe there has been nothing said about the reason why this is done and why it is thought best by the superintendents or the authorities to do it. Those pupils go to Carlisle and other nonreservation schools from their tribes. If they spend but one year they perhaps learn nothing more than to speak the English language. If at the end of that school year they return to the tribe, almost invariably they do just what the gentleman from Minnesota has said, "don the blanket, and they are Indians again;" but if they are employed by white people, if they are not permitted to return home, they adopt the habits of the whites. It is as much of an education, in fact, as the education that they get during the school days. The best Indians that we have, the best equipped and the best educated, are those who go to Carlisle and other nonreservation schools and spend four or five or six years or more without returning home, and when they have done that they go thoroughly equipped for business pursuits. As to whether they return to the blanket depends upon local conditions. The best educator for the Indian is to put a white man on four sides of him. If they return to the tribes, where tribal customs and habits prevail, they will almost invariably return to the blanket and the Indian language, but if they return to a community where the white customs prevail and where white people live in numbers, the chances are they will continue to speak the English language and almost invariably under circumstances of that kind they will proceed to some sort of business.

The Indian is no different in his nature from the white people. Some of them will succeed and some will not; but when you have put them in these institutions and have given them an education, you have equipped them, and when they find it necessary they are equipped for pursuits of life. As a rule in my State they come back prepared for business and enter some avocation and succeed. There are a few who do not, but the same, I apprehend, would be true of the white people; but the best-educated and the best equipped and prepared Indians are those who go to school and never return to their tribes until they have completed their education.

Mr. FERRIS. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. Yes.

Mr. FERRIS. I ask this question purely for information. How do they determine who shall avail themselves of this education or what particular Indian shall have the opportunity of attending these higher schools? It is apparent that they can not all have it.

Mr. McGUIRE of Oklahoma. If the Indian child desires to attend school, he always has an opportunity, as I understand it; but they have been unable to fill these nonreservation schools by the Indians coming of their own motion. They send out teachers during vacation to the various tribes for the purpose of inducing the Indian pupils to go to the nonreservation schools.

Mr. FERRIS. Well, do I understand that these important nonreservation schools go begging, so to speak?

Mr. McGUIRE of Oklahoma. They do.

Mr. FERRIS. And it is hard to get pupils to attend them?

Mr. McGUIRE of Oklahoma. That is quite true as to a number of them. It is true as to one or two of the nonreservation schools in my own State, possibly the school the gentleman from Oklahoma, my colleague, has in mind.

Mr. BURKE of South Dakota. Does the gentleman think that is true of Carlisle?

Mr. McGUIRE of Oklahoma. I do not understand it to be true of Carlisle. I understand the Carlisle School is filled without any effort in this way.

Mr. FERRIS. If the gentleman will permit me again right there, how do they determine who shall and who shall not attend the Carlisle School? Out in my State, where we have approximately 130,000 to 140,000 Indians, a great many more would like to go to that school if they had the opportunity, and I would like to know by what method, by what competitive arrangement, if any such exists, is an applicant for attendance at this school permitted to enter it?

Mr. McGUIRE of Oklahoma. I understand it is necessary for the pupil to have some training and some education before he is permitted to enter Carlisle. The reservation schools in the various States and Territories, I understand, are considered as preparatory schools for the Carlisle institution. I do not know just what the equipment should be or what is required of the pupil, but I understand it is necessary for him to have some education, some preparatory course.

Mr. FERRIS. If the gentleman will yield a moment further, does not the gentleman think that if the nonreservation schools are as good as they are reputed to be, there should be some competitive test whereby, either by ability, mental or disposition, or in some way, persons could enter this school according to some regular order and not just go and select one here and one there and leave hundreds behind who desire the education but who are unable to get it at this school? It seems to me that is the most important part of this whole transaction.

Mr. McGUIRE of Oklahoma. I am not prepared to say whether it should be carried to the point of a competitive examination before a person desiring to do so should enter the Carlisle School or any other nonreservation school. I have not been advised heretofore of any Indian pupil who has found any difficulty in entering any of the schools——

Mr. FITZGERALD. Is it not a fact the nonreservation boarding schools have had great difficulty in obtaining enough pupils to fill them?

Mr. McGUIRE of Oklahoma. That is a fact as to a number; but I do not understand that is the universal rule.

Mr. CARTER. Mr. Chairman, I would like to correct the two gentlemen from Oklahoma as to two erroneous statements which I think they have made. It is not my understanding that it requires any education of any certain grade to enter the Carlisle School. I have visited the Carlisle Indian School, and found children who could barely speak English, so they could not have much English education. I want to correct the other gentleman from Oklahoma in the statement as to the number of Indians in Oklahoma. I think there are not now 101,000 in Oklahoma and——

Mr. FERRIS. That is in the Five Civilized Tribes.

Mr. CARTER. In all.

Mr. FERRIS. I think the gentleman is mistaken. Although I was only approximating.

Mr. CARTER. About 75,000 or 80,000 in the Five Civilized Tribes——

Mr. FERRIS. If the gentleman will yield, I feel sure he is entirely mistaken—101,000 in the Five Tribes, and in addition the scattering tribes on the Oklahoma side.

Mr. CARTER. There are about 75,000 or 80,000 in the Five Civilized Tribes and 16,000 in the old Oklahoma, as I understand.

Mr. FERRIS. Then the gentleman has not examined the recent report, for it shows 101,469, including freedmen and intermarried whites on the Five Tribes' side of the State.

Mr. CARTER. I examined the report of the Indian Office of last year, and I do not presume they have grown 25,000 in one year. There may be 101,000 in the entire State, 16,000 in old Oklahoma and 85,000 in the Five Civilized Tribes, and those in the Five Civilized Tribes are not permitted to go to the Carlisle School by some ruling of the Interior Department; and I think that this ruling is unjust, and those tribes should be permitted to attend these schools, the same as other Indians.

Mr. PARSONS. According to this year's report of the Indian Bureau the number of Indians in Oklahoma is 117,370.

Mr. CARTER. The gentleman from New York must remember that about 20,000 or 25,000 of those, something like that, are not Indians at all, but are freedmen—negroes, former slaves of these Indians, who have no Indian blood, but are on the freedmen rolls.

Mr. FERRIS. I did not understand the distinction the gentleman from Oklahoma desired to make, as separating them, although I think it a highly proper one, for, in my judgment, the negroes should not be on the rolls at all; and inasmuch as they are on the rolls, I am in favor of reimbursing the Indians for every acre so allotted to negroes.

Mr. FITZGERALD. And have never until this year been enumerated as Indians.

Mr. CARTER. I think not.

Mr. STEPHENS of Texas. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "pursuits," in line 22, page 6, amend as follows:
"*Provided further*, That the children of an Indian who is a taxpayer, citizen, and a voter of any State shall not be entitled to any part of this transportation fund."

Mr. STEPHENS of Texas. Mr. Chairman, this amendment is in keeping with the amendment that I offered and that was voted down yesterday, and is not subject to a point of order, under the ruling of the Chair, on that amendment, and I think that this amendment should prevail and become a part of this bill.

Mr. Chairman, I desire to state that I am opposed to all these nonreservation Indian schools. I believe the Indian children should be educated in their daily schools upon the reservations. I think where they attend schools upon their reservations that the influence of these reservation schools tends to educate the parents and the smaller and the older children as well as the students, and also benefits the entire tribe. All the money that we expend on the education of the Indians should be spent inside of the reservations, and in that respect I am in accord with the views of the Indian Rights Association, and I am in accord with the views of the past, and, I understand, the present Commissioner of Indian Affairs, and also of many students and persons who have studied this Indian question. They take the same view of it that I do, and, as stated by several of the gentlemen on the floor to-day, these Indians, when they return from Carlisle and other schools to the reservations, adopt the habits of their parents.

Mr. Chairman, educating Indian children and sending them back to their reservations would be like the folly of this city in putting up a splendid plant for filtering their drinking water and after filtering it turning it back into the river from which it was taken originally—the Potomac, for instance. That is exactly what we are doing. We are taking from Indian reservations all over this country Indian children and carrying them hundreds and sometimes more than a thousand miles to schools like Carlisle and other nonreservation schools, placing them in those schools, and spending $167 per annum on each child, and then, when educated, they are sent back to the reservations, and, as stated by the gentleman from Minnesota [Mr. TAWNEY], some of them will not speak the English language to a white man visiting their reservation. He stated that he saw four at one time on a reservation that would speak. I know that his statement is true from my own personal experience and observation.

Our money would be better spent in industrial and day schools, teaching the children, and their parents as well, how to make a living by farming and stock raising than in any other way. We can never educate an Indian tribe by taking Indian children and sending them across the continent in some cases to the nonreservation schools. I do not believe we should educate at any place, or at any time, the child of a father who is a voter, a citizen, and a taxpayer of the State where he lives. These children should be turned over to the States. They should be sent to the state schools in their own neighborhood and on their reservations. The State provides means for the education of the children of the State; and certainly no State should object to educating its citizens, be they white, red, or black children. If we ever solve this Indian problem, Mr. Chairman, we must solve it by industrial education, thus making them respectable and responsible citizens.

They should be sent to school from their homes and educated among the people where they must live. We will have the same result, as was stated by the gentleman from Minnesota [Mr. TAWNEY] in regard to the Carlisle Indians, if we continue the policy that we have adopted and have carried out for many years, and I regard the method of educating Indians in nonreservation schools as a useless expenditure of public money.

While on the floor I desire to make this statement in reference to the transportation of Indian pupils to nonreservation schools. Agents for the schools have been sent out under this appropriation all over the United States to fill up these nonreservation schools with Indian children, and, as stated by the gentleman from Oklahoma, they are seeking students everywhere for their schools. They send out these agents to get students so that their school may have the money—$167 for each student that is enrolled. It is a bribe for them to secure pupils in any way they can be had, whether under age or over age.

As the result of that policy I will say that a few years ago I received letters from several Mexican citizens of El Paso, that city being a part of my district, asking me to see the Secretary of the Interior or the Commissioner of Indian Affairs and ask that about 20 or 30 pupils of the Chilocco School be returned to El Paso, saying they were not Indians, but that they were Mexicans, that had been induced by agents of this Indian school to attend the school in Oklahoma.

All Mexicans have Indian blood, being a mixture of the original Indians, the Aztecs, and the Spaniards, and as it is true they have Indian blood in them, these Indian school agents went out and gathered up about 30 of these Mexican children living in El Paso and carried them off to this school. They soon became dissatisfied and homesick, and desired to return home. Their parents wrote to me, for the purpose of having them returned home.

I had an investigation instituted, and the facts stated by me were found to be true and the children were sent back to their homes. Now this case was only one sample of the results obtained by this appropriation of money to send men out over the Indian country and gather up Indian children by every kind of device, so as to fill up the school they represented, so as to draw from the Treasury the $160 per capita. Mr. Chairman, for these reasons I am opposed to the whole nonreservation-school project. I believe every dollar appropriated for the education of Indians should be spent upon the reservation day and industrial schools.

Mr. BURKE of South Dakota. I hope the amendment offered by the gentleman from Texas will not prevail. I wish to say to my good friend from Texas, who has had very long experience as a Member of this House and as a member of the Committee on Indian Affairs, he is always capable of furnishing us much information upon the subject of these Indians, and I always listen to him with a great deal of interest. I know, and so do others here in the House, that on this question of the education of Indian children he has always been opposed to nonreservation schools. His position is therefore entirely consistent, but I do not think this is the time or occasion to go into that. I want to say, however, in reply to his suggestion that agents go out over the country, that under the administration of the last commissioner, Mr. Leupp, an order was issued, and is still in force, prohibiting agents from going out. If I remember correctly, that order is limited now to the superintendent, and no one from a nonreservation school is permitted to go on the reservation and solicit children.

This is practically the same amendment as that which was offered yesterday and voted down, and I hope this amendment will be voted down at the present time.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. BURKE of South Dakota. Certainly.

Mr. COX of Indiana. What does the gentleman say in response to the argument of the gentleman from Texas about the results that have been obtained in the way of education when this money has been spent on the reservation where the Indian pupils were taught, that those Indians had on their environment?

Mr. BURKE of South Dakota. I do not agree with the gentleman in that particular.

Mr. COX of Indiana. Why?

Mr. BURKE of South Dakota. I have already said that on Indian matters the gentleman is well informed, and he and myself agree, as a rule, but we materially differ upon this subject.

Mr. COX of Indiana. Why does not the gentleman agree with the gentleman from Texas? It strikes me that his argument was very effective.

Mr. BURKE of South Dakota. That would open the whole question. I will ask for a vote, in order that we may get along.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, using Indian labor in the process; for the purpose of preserving living and growing timber on Indian reservations and removing dead timber, standing or fallen, therefrom, and to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, except on the Menominee Indian Reservation in Wisconsin; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, at a rate not to exceed $60 per month, and for furnishing necessary equipments and renting quarters for them where necessary; and for the employment of practical farmers and stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency and school farmers now employed, to superintend and direct farming and stock raising among Indians, $250,000: *Provided*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not come within the limit for employees fixed by the act of June 7, 1897.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph just read. In looking over last year's bill I notice that in this item the committee has included some three or four items that were carried separately in the bill of last year. I wish to ask the chairman of the committee what is the reason for combining these separate items in one, as carried in the present bill?

Mr. BURKE of South Dakota. They are kindred subjects, and it was done in the interest of economy and the belief that we could reduce the appropriations from last year quite materially, and the estimates also. The estimates covered by this appropriation were $305,000, and we appropriate $250,000, or $10,000 less than last year. I want to say that this is an appropriation that has to do with the most important part, next to education, of the work that has been done among the Indians, namely, to promote industries, the growing of timber and experiments as to agriculture, and the pay of matrons and farmers.

Mr. STAFFORD. Does the gentleman think that it tends to economy when you lump together four items carrying these appropriations and vest in the head of the department the discretion to utilize any or all of the amount for any one item? For instance, in last year's bill there was but $5,000 appropriated for the item as carried in the first part of this provision to enable the Commissioner of Indian Affairs "to conduct experiments on Indian school or agency farms designed to test the possibilities of soil or climate in the cultivation of trees, grains, vegetables, and fruits, using Indian labor in the process, $5,000."

Now, the point of my inquiry is this: In view of the policy that the committee has inaugurated this year of combining instead of segregating items, whether you believe it leads to economy; whether the Congress does not surrender its power of limitation over expenditures of existing appropriations when it vests in the Commissioner of Indian Affairs or the Secretary of the Interior the right to use any or all of the $250,000 here appropriated for that one item?

Mr. BURKE of South Dakota. I think not. The subjects, as I have already stated, are kindred—pertaining to the same thing, practically—and I see no reason why they should not be put in one item, especially when we felt that we could do so without injury to any part of the service and make a material reduction in the amount.

Mr. STAFFORD. Personally, from my experience in similar matters on other appropriation bills, I have come to the conclusion that it does not tend to economy when you make appropriations in bulk and fail to segregate them into the respective parts of which they are capable. My observation of the practices in other departments has led me to believe that it is always the wish of department officials to have lump-sum appropriations and to be free of limitation, and that it is the province and interest of Congress to exercise the minutest supervision over the respective appropriations and to limit them so far as possible. Whereas this body might be willing to appropriate $5,000 or $10,000 for experiments in the testing of soils and the cultivation of trees, as authorized in this item, we would not be willing to allow the Secretary of the Interior to expend $50,000 in that particular; and yet in this bill we surrender to him full authority to use any or all that amount or to use the balance that may not be called for in the other respective items.

Have we come to that pass where we are going to say to the heads of departments, "If you do not utilize all of the appropriation in the other items in the bill you may utilize the surplus fund for some other item?" You might just as well do away with any of the limitations and carry appropriations to the extent of $8,500,000 in one lump sum, and leave it to the discretion of the department head to use the funds as he may see fit. The gentleman's logic carries him to the extreme; that instead of holding the department heads to economy it leads them to extravagant practices, without any limitation whatsoever.

Mr. MILLER of Minnesota. May I ask the gentleman a question?

Mr. STAFFORD. I am very glad to yield to the gentleman.

Mr. MILLER of Minnesota. When you detail and select out your items and define them accurately is it not your experience in these appropriations that the departments always expend every dollar you give to each item?

Mr. STAFFORD. If the gentleman will examine the post-office appropriation bill, or any appropriation bill, he will find that there are many instances in which balances are left over, that necessarily go back into the Treasury, thus leading to economy of expenditure rather than extravagance.

Mr. MILLER of Minnesota. If the appropriations in preceding years for these segregated items aggregate more than the amount we have given here; in other words, if by combining we have reduced them, is not the combination and reduction of the total in the interest of economy?

Mr. STAFFORD. Oh, the gentleman is trying to make an imaginary case, that if we combine and limit the total amount, therefore that leads to economy. Far from it. If we segregate the various appropriations and limit the amounts that may be expended for each item, that leads to economy, whereas this new method of the Committee on Indian Affairs leads to extravagance.

Mr. SHERLEY. What happens as a result of putting them all in a lump-sum appropriation is that they spend everything that they want for the things that Congress thinks least of, and then create deficiencies in those things that Congress must supply, and come back later on and get the extra money.

Mr. STAFFORD. I am glad to have the observation of the gentleman from Kentucky, who has had such wide experience in these matters in connection with the Committee on Appropriations. It is the invariable experience of that committee, which has jurisdiction of deficiencies, that under the practice referred to they will expend large amounts in matters for which Congress does not wish to have the money expended, and they will then call upon the Committee on Appropriations for deficiency appropriations for absolutely necessary expenditures, thereby taking away the limitation that should be properly exercised by Congress.

It has been the aim and policy of Congress not to aggregate the items, but to delimit and separate and segregate them still further, so that Congress can have control over departmental action.

Mr. MILLER of Minnesota. Does the gentleman mean that if discretion is given to an executive officer of the Government he will invariably abuse it and spend the money for improper purposes?

Mr. STAFFORD. It is not a question of propriety, because he has the authority, and we know from experience that the department generally wishes to have the greatest freedom possible in the expenditure of appropriations. We know more—that the department officials generally have a hobby which they wish to ride, and if Congress gives them the full authority to carry out that hobby they will spend more money than they otherwise would.

Mr. MILLER of Minnesota. Will the gentleman point out the precise hobby which the department here wishes to ride?

Mr. STAFFORD. I am not so well versed in the hobbies of this particular bureau, not being a member of the Committee on Indian Affairs; but I can see in this particular instance where you have omitted the limitation of salaries to be paid to these practical farmers and stockmen, which heretofore have been limited to $75 a month. That has been left out.

Mr. MANN. If the gentleman will yield to me, I think I can state one of the hobbies that they wish to ride. Speaking of the estimate for an appropriation they say, "This would permit the organization of an industrial corps similar to that outlined for the medical corps, whose assistants should travel among the Indians in their respective districts, with a view at all times to the establishment of new industries and improve-

ment of methods and system of present industries among the Indians."

I will give the gentleman another: "To enable the Commissioner of Indian Affairs to conduct experiments on Indian schools or agency farms desired to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process."

The Indian Service wants to devote large sums of money to the cultivation of grains, fruit, and vegetables that has hitherto never been contemplated by the Indian appropriation bill and never heretofore provided for. That is covered by this item and that is the reason that these items are consolidated.

Mr. MILLER of Minnesota. Does the gentleman object to a proper consolidation of that sort of appropriation?

Mr. MANN. Of course I do; everybody objects to it; it never has been done before.

Mr. MILLER of Minnesota. Is it not possible to do anything new that is proper in the history of the Indian government?

Mr. MANN. It may not be impossible, and I hope the gentleman may accomplish it some time.

Mr. MILLER of Minnesota. If we do we will not have the assistance of the gentleman from Illinois.

Mr. MANN. Very likely, nor of anybody else; it will be an accident. [Laughter.]

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

Mr. MANN. I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Is there any way to get rid of these lump-sum appropriations?

Mr. MANN. I will say that here is an item now for $250,000, which in the current law is carried in one item of $5,000 for one purpose, another item of $100,000 for another purpose, another item of $30,000 for another, and another item of $125,000 for another purpose. It was so estimated for, but the Committee on Indian Affairs has reversed the policy of this House and has not segregated the appropriations, but has lumped them into one item.

Mr. CLARK of Missouri. Did we not sort of agree a year or two ago that we would eliminate the lump-sum appropriations?

Mr. MANN. We not only had that understanding in the House, but in the recent agricultural bill, when reported to the House, that committee not only did away with the lump-sum appropriation, as far as possible, but so far segregated the appropriations for Forest Service that they appropriated specifically for each forest reservation, which I hope the distinguished chairman of this committee will follow in the next Indian appropriation bill, and I believe he will.

Mr. CLARK of Missouri. Why not recommit this bill with instructions?

Mr. MANN. Oh, that is another proposition.

Mr. BURKE of South Dakota. Mr. Chairman, I want to be heard some time in this discussion. [Laughter.]

Mr. MANN. Now, I want to call the attention of the gentleman to the fact that the current law provided $5,000 to conduct experiments in the Indian school agencies designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process. There is a limitation to the amount; there is a limitation to the purpose. Both these items in this bill are omitted, and the Indian department is seeking the power from Congress to run large farms. I take it that that is the reason for the elimination of the provisions, in order to give the Indian department the right to conduct a farm on a large scale, using Indian labor. What other reasons are there for that?

Mr. BURKE of South Dakota. Mr. Chairman, I am very glad that I have a higher regard and more respect for the administrative officers of the Government than has my friend from Wisconsin [Mr. STAFFORD]. It has been attempted to create the impression here that this bill has been changed in form materially, and that we are now dealing with lump-sum appropriations, whereas heretofore the appropriations have been separated into smaller items, and one might think that we had brought in a bill here to appropriate a certain amount of money and turn it over to some bureau of the Government to expend at their absolute discretion. What are the facts? We found in existing law, following the form of bills that were heretofore passed in this House, appropriations separated, covering kindred subjects, where there was no reason on top of earth for segregating the appropriations, and we concluded that where appropriations were for one particular purpose they ought to be in one item in the bill. We found that it has been the policy of Congress in the past, where these appropriations were separate, to provide that the unexpended balances for one purpose might be used for the same purpose for which there were other appropriations. Here is one item in the current law:

That any moneys appropriated in this act for the general and incidental expenses of the Indian Service in certain States and Territories, including traveling expenses of agents, which are not needed in the particular States or Territories for which provided, may be used for the same kind of expenses elsewhere, in the discretion of the Secretary of the Interior.

Then we find this to be the law, not a limitation:

The funds provided for the pay of specified employees at any Indian agency, when not required for the purpose for which appropriated, may be used by the Secretary of the Interior for pay of other employees at such agency.

Mr. Chairman, as I stated the other day on this subject, we are now dealing with the Indian question somewhat differently than in years past. The service is divided into different branches, and this item is to cover the expenses of the matrons and farmers, the experimenting in agriculture, and one or two other items, and it seemed to the committee entirely proper that we should make one appropriation covering these several subjects, and by doing so we reduce the estimate by $55,000 and the appropriation of last year by $10,000.

We might have reduced it very much more, but, Mr. Chairman, it was the opinion of the committee that this branch of the service should not be handicapped, but should be liberally treated. I stated in my remarks the other day that I would be in favor of increasing rather than decreasing this particular appropriation, because I believe it is reaching a subject that is accomplishing more for the good of the Indian and in making him self-supporting than any other branch of the service.

Mr. MANN. The gentleman says the amount appropriated has been reduced $10,000 by segregating this. Is the gentleman aware that there was $10,000 of the amount appropriated for this year which was made available in the last fiscal year, so that what you now appropriate was the amount really made available for this fiscal year, and there is no reduction at all?

Mr. BURKE of South Dakota. I do not understand the gentleman's statement.

Mr. MANN. The appropriation in reference to forests for the current fiscal year is $100,000, but $10,000 of that was made available in the last fiscal year, so the appropriation really available for this fiscal year is only $90,000. The gentleman makes no reduction at all.

Mr. BURKE of South Dakota. I will say to the gentleman that we have gone into a wider field than in the last appropriation.

Mr. MANN. Oh, I am talking of what the gentleman said he had reduced the amount.

Mr. SHERLEY. Will the gentleman state what the theory was on which he classes these particular items together? Why were these classed together rather than any other items?

Mr. BURKE of South Dakota. Simply because these have reference to kindred subjects.

Mr. SHERLEY. In what sense are they kindred subjects? Are cultivation of trees, and so forth, and employing matrons to teach children how to housekeep kindred subjects?

Mr. BURKE of South Dakota. They certainly are. This is a branch of the service that is in the field entirely and along the line of industrial education.

Mr. SHERLEY. Then anything that relates to money that is expended by agents among the Indians ought to be grouped together. Is that the idea?

Mr. BURKE of South Dakota. If it has to do with one subject.

Mr. SHERLEY. This does not have to do with one subject.

Mr. BURKE of South Dakota. It has to do with kindred subjects.

Mr. SHERLEY. Does the gentleman think that tending to timber is a kindred subject with teaching children how to housekeep?

Mr. BURKE of South Dakota. I think there is not much distinction.

Mr. SHERLEY. Not much distinction between housekeeping and looking after timber lands?

Mr. BURKE of South Dakota. I think it would be very proper to group together appropriations for a hired man and appropriations for a hired girl.

Mr. SHERLEY. Now, I would like to ask the gentleman another question. What is the reason for the proviso?

Mr. BURKE of South Dakota. I did not understand the gentleman's question.

Mr. SHERLEY. I want to know what is the reason for the proviso?

Mr. BURKE of South Dakota. I will read for the information of the gentleman from the act of June 7, 1907:

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation for employees regularly employed by any one agency for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditures in the consolidated agencies for regular employees shall not exceed $5,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description and persons temporarily employed in case of emergency to prevent loss of life and property, in the erection of buildings, the work of irrigation and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Mr. SHERLEY. Then if I understand the gentleman from the reading of that law, the purpose of the proviso is to remove any restrictions that might exist as to the number of employees that you might have under the $250,000. Is that right?

Mr. BURKE of South Dakota. I think that is correct, but I did not quite understand the gentleman.

Mr. SHERLEY. Well, I will state it again. I want to know if the real purpose of the proviso is to remove any possible limitation upon the number of persons who may be employed under this item of $250,000.

Mr. BURKE of South Dakota. Yes; the provision has been carried in every Indian appropriation act to permit the employment of certain employees of this class regardless of this limitation.

Mr. SHERLEY. Now, may I ask the gentleman another question for information? Is there any warrant in law for these various items that are put together?

Mr. BURKE of South Dakota. Oh, undoubtedly. Section 2071, I think, covers it.

Mr. SHERLEY. If the gentleman has it at hand——

Mr. BURKE of South Dakota. I have not the statute here, but I can send and get it.

The CHAIRMAN. The Chair will say to the gentleman from South Dakota that the statute is available here, if he desires to see that particular section.

Mr. BURKE of South Dakota. This, I think, is section 2071 of the Revised Statutes:

The President may, in every case where he shall judge improvement in the habits and conditions of such Indians practicable and that the means of instruction can be introduced with their consent, employ persons of good moral character to instruct them in the mode of agriculture suited to their situation, and for teaching their children in reading, writing, and arithmetic, and to perform such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.

Mr. SHERLEY. Well, the language read was broad, but I do not think it was quite as broad as some of the provisions, and it seems that the limitations in here would make that paragraph subject to the point of order.

Mr. BURKE of South Dakota. I think not, Mr. Chairman. It is within the discretion of the President to be exercised whenever—

he shall judge improvement in the habits and conditions of such Indians practicable—

Quoting from the law. That is pretty broad, Mr. Chairman.

Mr. MORSE. Mr. Chairman, I move to strike out the last word——

Mr. SHERLEY. I suggest, Mr. Chairman, that the point of order has been reserved, and I do not want that to be lost by an amendment.

Mr. MORSE. My amendment is for the purpose of asking the chairman a question. I would like to ask whether or not there is in this law, or in any other law, a limitation on the amount of money and wages to be paid to the farmers on an Indian reservation?

Mr. BURKE of South Dakota. There is in the current act. There is not in this bill.

Mr. STAFFORD. Permit me to say that in the former appropriation act there was a limitation.

Mr. BURKE of South Dakota. A limitation; yes, sir.

Mr. STAFFORD. But that is not carried in this bill.

Mr. MORSE. Does this proviso, Mr. Chairman, remove that limitation?

Mr. BURKE of South Dakota. The proviso does not; we simply leave out the limitation.

Mr. HINSHAW. That is not permanent law. It is a limitation on the last appropriation bill only, I think.

Mr. MORSE. I think it has been customay to hire the farmers who are to instruct the Indians on the Indian reservations at sometimes as low as $60 a month, and in one case $75 a month. The result of that policy is shown in the kind of work that is accomplished by those $60-a-month men. On one reservation in Wisconsin, that I am quite familiar with, they have a cleared farm of 70 or 80 acres, and they buy hay and grain to feed the cattle the year round. They recently erected at Flambeau a silo, but they did not raise a pound of corn fodder or hay or peas, or anything else, to put into that silo.

Now, the fact is that on many reservations you are getting for the $60 a month a $60-a-month man, and the result is, as far as the Indians are concerned, and as far as the farm is concerned, absolute failure. I sincerely hope that under this provision the department will see fit to hire $1,800 farmers, and I am certain if they do the results obtained will justify the wages paid. We are hiring men to teach Indians how to farm, and they are men, in many cases, who have no idea of the subject they are supposed to teach. I sincerely hope the department will see fit to hire really good farmers, those who are capable of earning $1,800 a year, instead of $720.

Mr. GOULDEN. What was the purpose of erecting that silo if they did not raise anything to put into it?

Mr. MORSE. They supposed when they commenced to erect the silo they had a competent farmer there. The results proved otherwise. The farmer is getting $60 a month.

Mr. GOULDEN. Then the farmer was to blame?

Mr. MORSE. I think so; and I think that is true of a great many of the smaller reservations, namely, that the $60-a-month man is a failure, and I want to hire farmers worth three times that, and I think the results will justify the expenditure.

Mr. GOULDEN. Have you any farmers in Wisconsin worth three times that?

Mr. MORSE. I think we have. We have farmers in Wisconsin who are worth on their farms three times that.

Mr. GOULDEN. Then they would not hire out?

Mr. MORSE. I think at that price you could get a farmer who would make a success of the undertaking.

Mr. COX of Indiana. What is the average wage?

Mr. MORSE. There are very few of that kind of farmers who hire out. A man who is capable of earning that is not working for somebody else. We have the finest farming land in the whole world in northern Wisconsin. It is cheap, and a $1,800 a year man would go out and buy his own farm. Wisconsin is turning out every year competent, capable men. There is not on a single reservation, to my knowledge, in Wisconsin a scientifically trained farmer, and it is that kind of fellows we ought to have on the reservations.

Mr. COX of Indiana. Do you not believe that there are many hired men working on the farms for $30 a month who are practical farmers?

Mr. MORSE. No; that is the kind we do not want to instruct the Indians.

Mr. COX of Indiana. The fault in this particular case that you have mentioned was the sending of somebody there who did not understand farming, instead of the kind of farm?

Mr. MORSE. Yes.

Mr. SAUNDERS. Mr. Chairman, the committee did not adopt the provision which has been the subject of such criticism, either hastily, or unadvisedly. It is objected that we have grouped a number of items that are not properly related to each other. This objection is not well taken. For if the paragraph is looked to, it will be seen that all of these items are cognate and kindred matters, because they all relate to the instruction of the Indians in industrial matters, one in the farming industry, another in the care of standing timber, some in one line, and some in another; but the aggregate of the items relates to industrial instruction. The care of forests, the preparation of lumber for the market, and instruction in domestic science, about which the gentlemen from Kentucky inquired, are all properly related to one head. It is instruction in practical matters that will tend to make the Indians self-supporting. Now if the criticism that has been directed toward this paragraph would take any concrete shape, it would be in the direction of an effort to segregate the items of which complaint is made. The items ought to be segregated, and by an amendment, a limitation of expenditure imposed on each item.

Mr. SHERLEY. If the gentleman will permit me, I will say to the gentleman that, speaking for myself, unless they are segregated I shall make the point of order; and in order to indicate how I think they ought to be segregated I would say that after the word "process," in line 2, page 7, there ought to be "$5,000;" after the word "Wisconsin," in line 8, there ought to be "$20,000;" after the word "necessary," in line 12, there ought to be "$30,000;" and after the word "dollars," in line 18, "$120,000."

Mr. SAUNDERS. Now, if the gentleman proposes to make a working proposition by his suggestion, I would like to know

how he figures out the amount of his limitation of expenditure with respect to each item? How does he get the information by which he imposes the limitation in each case and ascertains the same to be the proper amount for that item?

Mr. SHERLEY. Does the gentleman want an answer?

Mr. SAUNDERS. Why, yes.

Mr. SHERLEY. Those were the amounts last year, and the estimates for this year.

Mr. SAUNDERS. But that does not give me any information as to why the limitations of expenditure proposed by the gentleman are proper to be imposed in each case. Why should the department be limited to $5,000 in one case and $20,000 in another, when the prospective work is an expansion of existing work, and therefore calls for greater expenditures?

Mr. SHERLEY. Will the gentleman suggest wherein they are wrong?

Mr. SAUNDERS. Yes; I will suggest it if you give me an opportunity.

Mr. SHERLEY. Go ahead.

Mr. SAUNDERS. The very reason why we were indisposed in the committee to put these specific limitations upon these respective items of expenditure was this: In the work of the Indian Department, as in the case of the other departments, the House must bear in mind that something must always be left to the discretion and judgment of the department. You can not impose any duty upon this department without presuming, at least, in that connection that the duty is going to be wisely and advisedly discharged. It is fairly due to the department that we should anticipate that the work which it is to do will be properly conducted with reference to the money which it is to expend. One item may require $6,000, instead of $5,000, as suggested by the gentleman.

Another item may require $75,000 instead of $70,000, and so on, all the way through, the expenditure required being in some instances more and in others less than might be anticipated. Hence we thought that the best way to carry out the main object that we had in view, namely, the uplift of the Indian, and the instruction of the Indians, along lines that would be most beneficial to them, would be not to restrict the department in its expenditure with reference to each individual item, but to give them a moderate amount to be expended in their judgment on all of the items. This suggestion of restriction proffered by the gentleman from Kentucky is unwise, injudicious, and not in the interest of good government, as he seems to think. Take, for instance, these items: "For the purpose of protecting growing timber on Indian reservations," "For the purpose of removing the dead timber." Are you going to segregate them, and provide so much for live timber and the care of it, and so much for removing and marketing dead timber? You can not, Mr. Chairman, work out this scheme in any such way as that, so as to subserve the interests of the Indians.

Mr. SHERLEY. The gentleman does not think for a moment that that is a fair answer to the criticism that has been made as to the segregation of the items, that it is like the question he presents, of so much for fallen timber, and so much for standing timber?

Mr. SAUNDERS. I think it is precisely in point. I think it is just as appropriate an application of the principle for which you stand as the segregation which you suggest.

Mr. SHERLEY. If that is what the gentleman thinks, I am willing to let the House pass on it.

Mr. SAUNDERS. Let the House pass upon it. The illustration given by me was intended to show that the gentleman's suggestion was not a workable one.

Now, as I have said, when we look to these items, we find that they are properly grouped as kindred, and cognate matters.

Mr. STAFFORD. Will the gentleman allow an interruption there?

Mr. SAUNDERS. Yes.

Mr. STAFFORD. Does the gentleman contend that the segregation of the items, carried in the present law, is not workable?

Mr. SAUNDERS. The very thing that was suggested to us was, that it was in the interest of working out the best results for the Indians, not to impose a limitation of expenditure on each item.

Mr. STAFFORD. What department official in the hearings, or in the report, has taken any such position?

Mr. SAUNDERS. Everything that is called to the attention of a committee, does not necessarily appear in the printed hearings, as we all know. The work with the Indians is all more, or less experimental. You may call this riding hobbies, if you please, but it is an earnest, and an honest effort to get at the very best way of dealing with this situation. The attitude of the department in respect to schemes for the uplift of the Indians, is entirely eclectic.

The House will recollect that last year, with respect to the Menominee Reservation, which is excepted in this bill, we adopted an experimental plan for the Indians on that reservation. We provided for the cutting up of their dead timber, and that the Indians should be employed in connection with that work. That scheme for this reservation was submitted to this House last year, as an experimental proposition, but one which we thought would be justified in the result. So with respect to these matters. It was suggested to us that by grouping the items, you might utilize what was left over if anything from one object, in carrying out another. What objection is there to that? The amount that is appropriated by this section is relatively so small an amount, that I think this House may safely leave it to the Indian Department, to conduct this series of hobbies, if you choose to designate this work as hobbies, so as to promote the best interests of the Indians.

Mr. MANN. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. MANN. In the current law is a provision for testing the possibilities of soils and climate in reference to certain products of the earth. That is now limited to experimenting with those things that have not been hitherto raised in the neighborhood of these reservations. That limitation being removed in the present bill, if that were enacted into law would there be anything to prevent the department from spending a large sum of money in that one experiment?

Mr. SAUNDERS. Not a thing in the world; and as that is one of the most expanding forms of agricultural inquiry, there is no reason why the department should be limited to the precise sum carried in the current law.

Mr. MANN. That may be; but does the gentleman think that is any reason why Congress should not know whether they are going to do it or not? Should we not know whether we are going to appropriate money for that purpose or some other purpose?

Mr. SAUNDERS. You know the purposes in the aggregate for which you are appropriating, because they are given in the language of the bill.

Mr. MANN. I want some idea of how much we are appropriating. I take it there is no relationship between testing vegetables on a piece of ground and cutting fallen timber. When we make an appropriation covering both items do you not think we ought to have some information as to the amount that is necessary for the one and the amount necessary for the other?

Mr. SAUNDERS. My answer to that is just this: What useful purpose whatever would it serve for this House to provide that for the conduct of experiments on Indian school, or agency farms, designed to test the possibilities of soil, and climate in the cultivation of trees, grains, vegetables and fruits, using Indian labor in the process, a limitation of $10,000, or $5,000 should be imposed? Whether it was $10,000, or $5,000, we would have to leave the expenditure to the wise discretion of the department.

Mr. MANN. Does not the gentleman think that the House ought to have any idea what it is appropriating money for?

Mr. SAUNDERS. We know that in the aggregate for this great collection of useful purposes, there is a limit of $250,000. That is not so much, that it will shock any Member of this House with the idea that the Indian Department will run riot in waste and extravagance, in connection with its expenditure.

Mr. MANN. Does not the gentleman think that in making appropriations the House properly ought to have some conception as to whether $5,000 is to be appropriated for the purpose of making these experimental tests, or whether it is to be $250,000 for that purpose?

Mr. SAUNDERS. Well, as I said before, Mr. Chairman, that brings us back to this proposition, that when you are conducting what is confessedly, experimental work, you must, in a measure, turn over its administration to the good sense, and judgment of the department to which it belongs. When there are a number of kindred subjects, which will be investigated, and looked after, by that department, we may well leave to the judgment of that department, the particular amounts to be applied to each subject, and we ought to believe that the department will use good judgment, in connection with the application of the funds. I have that much confidence in the administration of the Indian Department, to believe that this will be done in this instance.

Mr. MANN. The gentleman relies wholly upon the good judgment of the department, and considers that we ought to have nothing to say about it then.

Mr. SAUNDERS. I would say that if the Indian Department should come to me and state that it wanted a reasonable amount

for a group of confessedly meritorious objects, I would not consider that I would be acting very wisely by imposing a limit of expenditure for each member of the group; that is, when the aggregate of expenditure was a moderate one. I do not believe we are promoting economy at all by that sort of business.

Mr. BURKE of South Dakota. Mr. Chairman, I will state that another reason for putting these appropriations together was that some of the work contemplated here, for instance, the item for looking after the forests, could be attended to by a man who is employed as a farmer, and that we could save something in labor instead of having a man employed from one appropriation to look after the timber and then having another man employed to look after the farms.

Mr. SAUNDERS. What the chairman has said in that connection is just one of those details of administration that I refer to, and it illustrates how, in the administration of this experimental work, this hobby work, if you choose to call it so, a department that had some discretion in the expenditure of public money, as between the different items, might so expend it on the objects committed to its administration as to best subserve the public interest.

Mr. SHERLEY. Is there any reason in the world why they could not have the man do the two forms of work if the items were segregated?

Mr. SAUNDERS. Certainly; because the limitation of expenditure might be a stumbling-block. I know, of course, the idea that these gentlemen are undertaking to convey by these questions is that it is not in the interest of good government and economy to group these little items.

I am as much opposed to extravagance as any Member of this House, and if it were some large thing with respect to which a limitation would be useful I would be glad to have it imposed, but when you take the class of work that is being done here, work in the forest, in the home, and on the experimental farm, and the department assures you that they can best subserve the public interest and the interest of the Indians by being allowed to use this $250,000 in the manner indicated in the bill, I say it is too small a matter for us to be higgling over, by undertaking to limit the expenditure to $5,000 on one item, or $20,000 on another, and so on. In my judgment, by doing this, we will merely hamper the usefulness of the department in respect to the expenditure of this money. That is all I wish to say, Mr. Chairman.

The CHAIRMAN. The Chair is informed that there was a point of order reserved against this paragraph. Does the gentleman who made the point of order insist upon it?

Mr. MANN. Mr. Chairman, before that is disposed of, may I ask the gentleman in charge of the bill a question which I asked him a while ago and which he failed to answer at that time for some good reason? That is, as to why the provision is left out of the bill "not hitherto raised in those neighborhoods," as relating to these experimental tests. I may say to the gentleman that when this item first appeared in the Indian appropriation bill a few years ago, it was expressly stated it was for the purpose of testing new trees, grains, vegetables, and fruits in localities where they had not hitherto been raised, and it was at my suggestion upon that statement that there was added the provision that is now left out, it being then stated that that would be perfectly satisfactory; that all they wanted to do was to try new things. Now, there may be reasons for the elimination of it.

Mr. BURKE of South Dakota. I do not know of any reason except that the language would be surplusage. I do not see that it adds anything to it. If I understand the question, it is why these three or four words were left out, namely, "to be grown elsewhere than in the locality."

Mr. MANN. No; the question is whether they can test trees, grains, vegetables, and fruits commonly grown in the neighborhood. The provision left out was that they might test these products when not hitherto raised in the neighborhood.

Mr. HINSHAW. Is that a very material matter?

Mr. MANN. It is a matter of material importance, although I would not undertake to say that it ought to be retained in the bill. Of course it really limits the test to new things. It may be that they ought to be permitted to go ahead and test without that limitation, but here there is nothing to confine them to a test, because anything that the farmer plants is realy a test.

Mr. McGUIRE of Oklahoma. The farmer is always testing when he plants.

Mr. MANN. When the farmer plants any product or seed at any time he is not testing the soil and the climate.

Mr. McGUIRE of Oklahoma. Does not the farmer test the time of planting, the manner of planting, the growth, whether it is a success or not when planted in this way or when planted in that way? They make such a test whether the products have been previously grown or not.

Mr. MANN. I predicted that when this authority was granted to the department they would want to enlarge it and commence farming on a large scale, and that they would want a large sum of money, and now here is an appropriation, not designed by the committee to be used for that purpose, but with power on the part of the department to use a very much larger sum of money than the $5,000. It may be that they ought to have more money, I do not know.

Mr. COX of Indiana. The gentleman thinks that this should be confined absolutely to new things?

Mr. MANN. I do not undertake to say whether it should be confined absolutely to new things or not, that is, new in the sense of not having been raised last year. I do undertake to say that it would be folly to test the soil and climate as to raising corn in central Illinois or wheat in Dakota.

Mr. CAMPBELL. The original idea of the seed distribution was to distribute only new seed, but now they send out the commonest seeds that are grown.

Mr. MANN. I do not wish to imitate that in this bill.

Mr. CAMPBELL. I will say that, practically, if you plant an elm tree this year you would not be permitted to plant another elm tree the next year.

Mr. MANN. I do not think it would apply to elm trees.

Mr. CAMPBELL. It applies to trees and grains and other things of that sort. It would work out in that way; it would prohibit anything that was not absolutely novel.

Mr. MANN. I do not want to see the Government start Indian farms without knowing it. If the Government wants to engage in this farming on a large scale, let it say so. We have already discovered before this that when the department has authority to do a thing and gets involved we back it up in the end, because there is nothing else for us to do.

Mr. STAFFORD. Mr. Chairman, I will withdraw the point of order.

Mr. SHERLEY. And I make the point of order.

The CHAIRMAN (Mr. BOUTELL in the chair). The Chair will hear the gentleman from Kentucky on the point of order.

Mr. SHERLEY. The point of order is that the appropriations are not warranted by law, and that the language of the proviso is a change of existing law. The proviso clearly changes existing law, and I do not know of any law that authorizes the conducting of experiments on Indian school agency farms designed to test the soil and climate in the cultivation of trees, grains, vegetables, and fruit, using Indian labor in the process. I would like to have the law stated that warrants that item.

Mr. BURKE of South Dakota. The proviso.

Mr. SHERLEY. No; the proviso is clearly contrary to existing law, but what authorizes these experiments?

Mr. BURKE of South Dakota. Why, it is authorized, Mr. Chairman, by the section of the Revised Statutes to which I referred, section 2071.

Mr. SHERLEY. Does that refer to the use of Indian labor?

Mr. BURKE of South Dakota. I do not know that I understand exactly the gentleman's inquiry. Do you apply it to one particular——

Mr. SHERLEY. I am taking them up in order.

Mr. BURKE of South Dakota. What is the first one?

Mr. SHERLEY. The first is the authority to conduct experiments to test the possibilities of soil and climate, using Indian labor in the process.

Mr. BURKE of South Dakota. Why, Mr. Chairman, we have a statute that requires the employment of Indian labor wherever it is possible to employ it, and gives it the preference. We have any number of laws authorizing the existence of Indian schools upon which there is conducted a farm, and in some instances schools with a very large farm, and all lines of agriculture are conducted on those farms, authorized by law.

Mr. SHERLEY. Will the gentleman cite the law? Of course I can not answer a general statement of that kind.

Mr. BURKE of South Dakota. Section 2069 requires that preference shall be given to persons of Indian descent in the case of employment of persons for the benefit of Indians. That is in the Revised Statutes of the United States.

Mr. SHERLEY. Well, where is your authorization to make tests of soils and so forth?

Mr. BURKE of South Dakota. I think that comes properly under the authority of the appropriations to be used for agricultural purposes. It seems to me that an examination of the soil has much to do with agriculture. I will state further, as to

the proviso, that in the act of March 1, 1909 (35 Stat. L., 786), is found this language:

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency and school farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $125,000: *Provided*, That the Commissioner of Indian Affairs may use not exceeding $25,000 of the said amount in the employment of additional clerical assistance at such agencies and schools as may be necessary in connection with the leasing and appraisal of Indian lands and for sundry purposes: *Provided further*, That the amounts paid such farmers and stockmen shall not come within the limit for employees fixed by the act of June 7, 1897.

Now, I think, Mr. Chairman, that is the law now. It does not seem to me, Mr. Chairman, that there is anything in this section which could be subject to the point of order unless it be the growing of trees, and it seems to me that comes within the scope of the authority in relation to agriculture, the conducting of experiments in the cultivating of crops, or the raising of shrubbery or trees.

Mr. MANN. Mr. Chairman, I had a little rather myself that the items were not subject to the point of order and that the House voted upon the proposition whether it would segregate these items. I do not see how there is any possibility about the paragraph not being subject to the point of order. Most of these items of this character in every appropriation are really subject to a point of order. Of course this item has certain provisions in it, just as in lines 13 and 14, in relation to the employment of farmers—

Subject only to such examination as to qualifications as the Secretary of the Interior may prescribe.

That is legislative and is clearly subject to the point of order. The proviso, of course, is a legislative provision and is subject to the point of order, and to that extent necessarily repeals the existing statute. There is no authority in law for these tests of the possibilities of soil and climate, cultivation of trees, grains, vegetables, and fruits, using Indian labor in the process, nor does the statute provide that Indian labor shall be used. It provides that in certain cases labor of Indian descent shall be given the preference. Nor is there any authority in law for the appropriation to preserve living and growing timber on Indian reservations, though I think that ought to be appropriated for. I do not see how there is any question about the point of order. Of course the question as to the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, so far as I know, there is no provision of law authorizing any such education to be extended to Indians unless it be by treaty provisions, and this, of course, is not limited to treaty provisions.

Also, as to the employment of practical farmers to superintend and direct farming and stock raising among Indians. I recall no provision of law which authorizes this, although it may be a very desirable thing to do.

Mr. FOSTER of Illinois rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to his colleague from Illinois [Mr. FOSTER]?

Mr. MANN. I do.

Mr. FOSTER of Illinois. Teaching the Indian men stock raising and the women folks housekeeping would be along the line of educating the Indians, would it not?

Mr. MANN. It is not along the line of education. Education is a different term. It is a form of education, but it is not covered by the term "education" in the statutes.

Mr. FOSTER of Illinois. Does the law fix the time an Indian is supposed to be no longer subject to this or the time that he shall be educated? I mean the age.

Mr. MANN. I think the law provides practically for the maintenance of Indian schools. But that is another proposition, and is covered, of course. This is not an Indian school, and it is not a matter of education. This is for the purpose of directing farming and stock raising, not educating Indians—not educating Indians to raise crops, but employing men to direct stock raising among the Indians.

Mr. FOSTER of Illinois. I suppose it was done for the purpose of educating Indian farmers how to manage stock and how to properly raise it.

Mr. MANN. That will be a very laudable purpose. It may be that that is the case. I suppose they might educate Indians how to ride bicycles and use flying machines, yet I dare say that would not be covered in the act providing for the education of Indians.

Mr. MORSE. In Wisconsin one of the branches taught in the common schools is agriculture. Here on the Indian reservations the farmer who teaches agriculture lives at the school. Take, for example, one of the reservations in my district. The children are brought together from all parts of the district, and the farm is maintained right there at the school, and the farmer takes the boys out and teaches them the art of gardening. The boys do the milking. They set out the trees. The girls are taught to make butter. The fact is that this is the most valuable part of the education of those pupils, and is directly in line with the provision of the law which permits the appropriation of money for the education of the Indians.

Mr. FOSTER of Illinois. The teaching of farming and of domestic science is not confined to Indians that are past 21 years of age?

Mr. MORSE. Certainly not.

Mr. FOSTER of Illinois. And this provision of the law would not relate to the education of Indians that had arrived at the age of manhood and womanhood?

Mr. MORSE. Decidedly not. Now, there is at the school about 150 boys and girls, young men and young women, and they are taught farming and taught domestic science, and there is no reason in the world why this appropriation is not sustained by the law which gives us the right to appropriate money for the education of the children.

Mr. GOULDEN. Will the gentleman yield?

Mr. MORSE. With pleasure.

Mr. GOULDEN. Are these instructions of which you speak of a practical character?

Mr. MORSE. They are of a practical character. They are given both in the schoolroom and out on the farm which adjoins the school.

Mr. GOULDEN. What has been the experience as to those schools when the children go back to their homes?

Mr. MORSE. In many cases successful. If they had better farmers they would be more successful than they are.

Mr. SHERLEY. Mr. Chairman, the law read by the chairman of the Committee on Indian Affairs is not permanent law. It was a compilation made from certain provisions carried in appropriation bills for particular years, and it can not be made the basis of law for subsequent appropriations. Now, if you examine these provisions from which the compilation was made, you will see they are as follows—I read from the Thirty-fifth Statutes at Large, page 75:

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed $60 per month, and for furnishing necessary equipments and renting quarters where necessary, $30,000: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June 7, 1897.

Then, there is a provision as to farmers and stockmen; but they are simply provisions in the appropriation bill of that year, and do not create law, except for that year, and were subject at the time to the point of order. Then, I find in the second supplement, page 953, this language, that was read as authorizing the paragraph:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000.

Again, simply an item in the appropriation bill. Then, I call the Chair's attention to the further fact that the language in the present bill is not even the same as the language carried in these two appropriation bills, and clearly the proviso changes existing law.

The CHAIRMAN. The Chair would like to ask the gentleman from Kentucky if he has had his attention called to the provision of the law of 1909, section 5326, which provides:

SEC. 5326. The Commissioner of Indian Affairs is authorized to employ, in addition to agency farmers, practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, at wages not exceeding $75 per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support; but practicable, competent Indians shall be given preference in such employment: *Provided*, That the amounts paid said farmers and stockmen shall not be included within the limitation *on salaries and compensation of employees contained in section 5330.*

Provided further, That said commissioner may also employ farmers at any Indian school at not exceeding $60 per month, subject only to such examination as to qualification as said Secretary may prescribe.

Also:

SEC. 5327. The Secretary of the Interior is authorized to employ suitable persons as matrons to teach Indian girls housekeeping and other household duties, at a compensation not to exceed $60 per month: *Provided*, That the amounts paid said matrons shall not be included within the limitation *on salaries and compensation of employees contained in section 5330.*

Mr. SHERLEY. May I ask what the Chair is reading from?

The CHAIRMAN. This is a compilation of the laws.

Mr. SHERLEY. I am afraid the Chairman is reading from a compilation of the laws pending before the Committee on Revision of the Laws.

The CHAIRMAN. It is entitled "1909."

Mr. SHERLEY. That was simply pending before the Committee on Revision of the Laws; and if the Chair will look at the margin, he will see the reference to the laws the compilers think warrant these provisions. I took the trouble to look up the references to the provisions which have just been read, and in each instance they were simply appropriation bills carrying a warrant for the expenditure of a certain amount of money for the purpose enumerated, but not creating any permanent law.

The CHAIRMAN. That was what the Chair wished to be advised upon.

Mr. SHERLEY. That is the fact, as I have ascertained by examination.

Mr. MARTIN of South Dakota. Of course, Mr. Chairman, doubtless the statement of the gentleman from Kentucky is correct, that these are made in the appropriation bills. I think it is equally true, however, that all this in italics is understood to be the existing law.

Mr. SHERLEY. If the gentleman will permit me, I am peculiarly familiar with the work of the compilers, because it has been before me in my committee. What they undertook to do is to carry the provisions that they thought ought to be general law in the form that they think they should be in, and to give a reference in the margin to such provisions. When you look at the particular reference you find they are frequently simply appropriation bills carrying money for the current year and not law in the sense that we speak of on a point of order.

Mr. MARTIN of South Dakota. The gentleman is certainly better posted on that subject than any gentleman in the House, and I would like to ask him to inform the House as to the distinction between the ordinary type and the items in italics.

Mr. SHERLEY. The items in italics, speaking from memory, are those having simply the basis of the recommendation of the commission, and not based on existing law, other than an appropriation bill, or in a general law.

Mr. MARTIN of South Dakota. I think the suggestion, perhaps, is not entirely borne out by the facts, because I notice the particular section under consideration, the part in italics appears to be in an appropriation bill also. If the Chair will indulge me for a moment, it seems to me, on this point of order, if the Chair cares to listen to me, it is entirely too narrow for application to the point urged upon the attention of the Chair.

The truth is that the relation between the Government and the President as head of the executive department is well sustained by the law as defined in the courts in a long series of decisions extending throughout the history of the country from the beginning; the relation between the Government and the Indian is that of guardian and ward.

And you will find repeated expressions through the statutes and decisions recognizing that relation. Now, we proceed to make appropriations based upon that theory. The Lonewolf case, which I think is found in One hundred and sixty-eighth United States, is a plain announcement of that doctrine.

Now, if there is the relation of guardian and ward between the Government and the Indian tribes, some one on behalf of the Government represents the executive end of it; and, as I have already stated, that executive head is commonly accepted and recognized to be the President of the United States.

As my colleague has already reminded the Chair, as far back as 1830, in what now appears as section 2114 of the Revised Statutes, the President is authorized to exercise general superintendence and care over certain Indian tribes that were at that time being removed, as I understand, from east of the Mississippi to the vast reservations of the West; but the care that he is there recognized to exercise is simply the same as he was theretofore authorized to exercise generally toward those Indian tribes before they were removed to the west of the Mississippi River.

In section 2071 of the Revised Statutes, which is permanent law and to which the attention of the Chair has been called briefly already by my colleague, the language there is very broad, as covering the whole subject of an authority for education in agriculture, and that is a broad subject. By the language of that section authority is given for the employment of capable persons to instruct Indians in the mode of agriculture; for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duty.

That would seem to be specific authority broad enough for the numerous provisions here regarding the employment of instructors—farmers, stockmen, and others—to instruct the children in domestic employment, and throughout the entire list.

Now, it seems to me that that specific language would be broad enough to cover all of the several provisions of this section unless it be for the purpose of preserving living and growing timber on Indian reservations, removing dead timber, and so forth, pertaining to the preservation of the Indian's property in the forests.

I urge upon the attention of the Chair whether section 2114 of the Revised Statutes does not recognize in the President an authority broad enough to superintend and care generally for these Indian tribes? If it does, certainly the superintendence and care of the Indian tribes can properly include within that authority the care of the Indian's property, its proper preservation for the use of himself and of his descendants; and certainly nothing more than that is contemplated in this provision for the preservation of the forests and the proper disposition of the dead timber. In other words, it is to care for his material well-being, while the other portions of this section aim particularly at his intellectual and moral well-being, at least, in part. I think therefore——

Mr. MANN. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. Does the gentleman differentiate between caring for forests under that section of the Revised Statutes and caring for the health of the Indians?

Mr. MARTIN of South Dakota. Why, certainly. Anyone would differentiate between those two propositions.

Mr. MANN. Under that provision of the statute?

Mr. MARTIN of South Dakota. I do not quite understand the suggestion.

Mr. MANN. The gentleman says that under that provision of the statute the President has very broad powers.

Mr. MARTIN of South Dakota. Yes.

Mr. MANN. To do a great many things. Does the gentleman contend that under that provision of the statute he can cure, or cause to be cured, cases of trachoma in Indians?

Mr. MARTIN of South Dakota. I do, sir.

Mr. MANN. Well, but the trouble with the gentleman's position is that the Chairman of the Committee of the Whole who was in the chair yesterday decided that it did not apply, and that is a very recent ruling of the Chair.

Mr. MARTIN of South Dakota. And still that same item in substance went in this morning, after the statement by the chairman of the committee that since the adjournment yesterday the subject had been investigated, and he considered that section 2071 did cover the subject, and it is in the bill now.

Mr. MANN. I claim it does not cover the subject. If the mere fact that an amendment goes in when a point of order is withdrawn is taken to be the conceding of a parliamentary point, we will not dare risk anything of that sort in the future.

Mr. MARTIN of South Dakota. Of course, it went in this morning without objection; at the same time I think the subject is proper for the consideration of the Chair now.

Mr. MANN. Undoubtedly, but it was ruled upon by the then occupant of the chair yesterday, and that is a pretty recent ruling.

Mr. MARTIN of South Dakota. It may be an authority, but it is possible that the Chair might change his ruling. I urge this point on the present occupant of the chair, and I should have urged it upon the former occupant of the chair, but this subject was not discussed last evening before the committee. I think it might be said that if this authority exists in the President to superintend and care for the Indian tribes it would cover both of these subjects.

The CHAIRMAN. The Chair is ready to rule. The only provision in the statute to which the attention of the Chair has been called upon which this paragraph can be based is section 2071 of the Revised Statutes, and the only part of that section under which this authority can be evoked is in the words "to instruct them in the mode of agriculture suited to their station."

While the present occupant of the chair would be inclined to give a very broad construction to the language of the statute, so far as applying to the employment of farmers and stockmen, and even in dealing with the forests, there is one provision in this paragraph which the Chair does not think contemplates it or could be brought within the language of this section.

Mr. BURKE of South Dakota. Do I understand the Chair to indicate that the proviso is the part which, in his judgment, makes it subject to a point of order?

The CHAIRMAN. No; the Chair had not concluded the sentence. The portion of the paragraph which the Chair was about to state which is subject to a point of order is the part beginning in line 5, "and to conduct such timber operations and sales of timber as may be deemed advisable."

Mr. BURKE of South Dakota. As provided by law.

The CHAIRMAN. The present occupant of the chair can not determine from that language whether it might be operations and sales, both advisable and provided by law, or whether such operations and sales as may be deemed advisable only.

Mr. BURKE of South Dakota. I may say to the Chair that I am quite certain that we have a law authorizing the sale of timber on certain reservations, and making the Indian Bureau the administrative office to enforce the administration of that law.

The CHAIRMAN. The Chair would be glad to see that statute.

Mr. BURKE of South Dakota. I would like an opportunity of looking that up. If that is the only question other than the proviso, we can probably adjust this very easily. In order that there may be an opportunity to look up the law, I will ask to pass the item without prejudice and we will return to it later.

The CHAIRMAN. The Chair would hold both the proviso and the paragraph in relation to the timber operation, so far as the Chair is at present informed, as subject to the point of order.

Mr. BURKE of South Dakota. I ask that we pass the item without prejudice.

The CHAIRMAN. If there is no objection, the paragraph will be passed with the point of order pending against it.

There was no objection.

The Clerk read as follows:

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, telegraphing, telephoning, and the transportation of Indian goods and supplies, $300,000: *Provided*, That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section 3709 of the Revised Statutes of the United States.

Mr. BARTHOLDT. Mr. Chairman, I make a point of order against lines 3, 4, 5, and 6 on page 8.

Mr. HITCHCOCK. Mr. Chairman, I want to reserve a point of order against the whole paragraph.

Mr. BARTHOLDT. I am willing to reserve the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I do not care to discuss the proposition in the proviso contained in lines 3 to 6 on page 8. This was put in there to simply require the same regulation in regard to the purchase of property that applies to other departments of the Government. It was suggested by the committee, without any conference whatever with anyone on the part of the department. It was believed to be in the interest of good administration, and if any gentleman on the floor of the House desires to make a point of order in order to have the law as at present still continue, which, in the judgment of the committee, makes it easier to avoid the law, I have nothing whatever to say.

Mr. BARTHOLDT. Mr. Chairman, as far as the discussion of the merits of the proposition is concerned, we may have a word to say about that.

I was merely addressing myself to the point of order, and I make it for the reason that here is a declaration of Congress which changes existing law, which has no place on an appropriation bill. I propose to offer an amendment to take the place of this section, after the point of order has been disposed of.

Mr. STEPHENS of Texas. I will ask the gentleman if this does change existing law?

Provided, That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section 3709 of the Revised Statutes of the United States.

As a matter of fact, it conforms to the law already in existence, and the gentleman's point of order is that it does not conform to the law, but creates new law.

Mr. BARTHOLDT. My point of order is that it is new legislation. We are operating now under a law which establishes warehouses in different sections of the country.

Mr. STEPHENS of Texas. It simply points out the existing law that this act shall conform to.

Mr. NORRIS. These purchases were not made with regard to that law prior to this.

Mr. STEPHENS of Texas. They should have been.

Mr. NORRIS. No; there was a special law applying to them.

Mr. BURKE of South Dakota. There is a point of order pending, as I understood it, made by the gentleman from Missouri.

The CHAIRMAN. The Chair is ready to rule.

Mr. KAHN rose.

The CHAIRMAN. Does the gentleman from California desire to discuss the point of order?

Mr. KAHN. Yes. Mr. Chairman, this very question was discussed in Congress on April 15, 1880. The general law was before the House at that time, and with that information before the House a special provision was inserted in the Indian appropriation bill, which has been carried from one act to the other up to the present time. That special provision is the existing law. The chairman of the Committee on Indian Affairs, for whom I have a great deal of regard, says that it will be better administration if the general law be invoked rather than the special law. I desire to call to the attention of the Chair and to the committee the fact that the special law was inserted in the bill especially for the purpose of securing better administration with respect to Indian affairs than prevailed at that time. Mr. Cox, a Member of this House from the State of New York, stated upon this floor that under the general law the method of letting contracts for Indian supplies was a disgrace to the country. It was debated by Mr. Ryan, of Kansas, and a number of other gentlemen, and they all agreed that in the Indian Service this special law would be infinitely better than the general law. And now, after all these years, to go back to the general law, in my judgment, would be to take a step backward and not forward. The statement of the chairman of the committee that it is in the interest of good administration is, in my judgment, entirely unfounded.

Mr. MILLER of Minnesota. Will the gentleman kindly point out to the committee wherein it is advisable to have a special law covering contracts in the Indian affairs differing from that prevailing in the other departments of the Government?

Mr. KAHN. I call to the attention of the committee the very fact——

Mr. MILLER of Minnesota. Oh, we do not want to know what they said thirty years ago, or what the conditions then were. We want to know what they are now.

Mr. KAHN. The gentleman is a member of the committee, and he should know what the conditions are.

Mr. MILLER of Minnesota. I am perfectly willing to state my views of them, but I want to hear the gentleman's idea.

Mr. KAHN. At the present time advertisements are inserted in newspapers in various parts of the country for supplying the Indians of this country with provisions. Under the general law those advertisements were inserted in a few newspapers of this country. Frequently supplies were purchased in New York or in Washington that were produced right at the threshold of the Indian reservation. The goods that were purchased in the East had paid the freight to this section of the country and were then shipped back again clean across the country to the reservations, or if that was not done the successful bidder put in his tender with that enhanced value of the commodity by reason of the cost of freight in mind, and then went out West and purchased in the markets near the Indian reservations and thus made an increased profit for himself. It was in order to avoid that very condition of affairs that this law was changed; a change, in my judgment, for the benefit of the country.

Mr. BURKE of South Dakota. Mr. Chairman, as I stated before, I have no desire to discuss this question. The committee thought that there was no reason why there should be a special law for one class of the Government different from the other departments, and I may say to the gentleman from California [Mr. KAHN] and to the gentleman from Missouri [Mr. BARTHOLDT] that the special law upon this subject is indefensible. Now, it appears that under the law that applies to the Indian Service purchases up to the amount of $500 can be made without advertising at all, whereas under the general law there can not be any amount purchased without first advertising, except in case of emergency.

Mr. PARSONS. What is the limitation—will the gentleman yield——

Mr. BURKE of South Dakota. In just a moment.

Mr. PARSONS. Is there any limitation as to the amount in the general law?

Mr. BURKE of South Dakota. Not in the general law; but in the special law there is aimed to be a limitation in the case of exigency to $3,000; but in actual practice it is not a limitation at all when necessity, apparent or real, requires its circumvention. Purchases in multiples of $3,000 may be made without end. This law has been in operation several years, and we know what the working effect of it is. It appears that there have been instances where there have been purchases of $500, which may be made without advertising, until it amounted to a considerable sum by simply multiplying purchases within $500.

But we have no pride of opinion about it; and if the point of order is insisted upon and it goes out, this law will continue as it has existed in years past.

Mr. PARSONS. What excuse did the Indian Bureau give for making purchases in $500 lots?

Mr. BURKE of South Dakota. There was no suggestion, Mr. Chairman, that under the present administration of the Indian

Office there had been any such abuse, consequently we had nothing to find fault with, so far as the present administration is concerned, but we found it has been done, and done frequently——

Mr. HAYES. Will the gentleman state, if he can, what provision has been made for the distribution of these supplies to the Indians in the various sections of the country?

Mr. BURKE of South Dakota. That is another subject we will discuss in just a moment, I apprehend, after this question is disposed of.

I offer copies of the special law relating to the purchase of Indian supplies and the general law applicable to all other branches of the public service, to be printed in the RECORD.

The existing law relating to the purchase of Indian supplies is peculiar to that service alone, and is as follows:

That no purchase of supplies for which appropriations are herein or hereinafter made for the Indian Service, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, not to exceed the sum of $5,000 in any one purchase or contract, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. (Act of Apr. 30, 1908, 35 Stat., 71.)

The general law on the subject of the purchase of supplies is embodied in section 3709 of the Revised Statutes, as follows:

All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the place and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

The effect of this special law for the Indian Service is to permit the purchase of supplies under the amount of $500 without advertising. It operates in practice to permit the purchase of supplies in much larger amounts by dividing the orders into amounts of $500 or less.

This act also provides that purchases amounting to more than $500 must be advertised for "at least three weeks." The general law provides that advertising for all supplies must be made "a sufficient time."

The special law relating to the Indian Service aims to limit exigency purchases to $3,000. In practice, there is no limitation whatever, as $3,000 purchases may be multiplied indefinitely.

The CHAIRMAN. The Chair is ready to rule. This proviso is:

That hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section 3709 of the Revised Statutes of the United States.

Section 3709 of the Revised Statutes provides that—

All purchases and contracts for supplies or services in any department of the Government shall be made—

And so forth.

Now, the Chair finds that there have since been passed certain acts of Congress found in the Statutes at Large, volumes 17, 18, and 19, relating to the purchases of supplies, and so forth, in the Indian Department, making special provisions for that department, and that is what the gentlemen meant, the Chair understands, when they referred to the special law. Now, this proviso clearly would repeal or change these so-called "special laws" and make the purchases subject to the requirements of section 3709 of the Revised Statutes, thereby changing existing law. The Chair must, therefore, hold that the proviso is in violation of the rule of the House prohibiting any change of law upon a general appropriation bill. The point of order is sustained.

Mr. BURKE of South Dakota. Now, Mr. Chairman, I have a committee amendment to offer. After the word "dollars," in line 2, on page 8, insert:

Provided, That no part of this appropriation shall be used for the payment of rent of warehouses at New York, Chicago, Omaha, St. Louis, and San Francisco—

The CHAIRMAN. The Clerk will report the amendment.

Mr. KAHN. Mr. Chairman, I make the point of order on the amendment——

Mr. NORRIS. Mr. Chairman, I want to call the Chair's attention to the fact that the gentleman from Nebraska [Mr. HITCHCOCK] had reserved a point of order as to the entire paragraph, and unless that is withdrawn it ought to be disposed of.

The CHAIRMAN. The Chair did not understand any point of order was made by the gentleman from Nebraska.

Mr. HITCHCOCK. I reserved the point of order, Mr. Chairman, but I think, in view of this amendment, which I did not hear distinctly, I will withdraw it.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BURKE of South Dakota. I can repeat the amendment, I have it here, and will send it to the desk in a moment, but it is:

After the word "dollars," at the end of line 2, page 8, insert:
"*Provided*, That no part of this appropriation shall be used to pay for rent of warehouses at New York, Chicago, St. Louis, Omaha, or San Francisco, unless the Secretary of the Interior shall deem it advisable to maintain warehouses at such places or any of them."

Mr. HITCHCOCK. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Nebraska makes the point of order against the amendment, and the gentleman will state his point of order.

Mr. HITCHCOCK. The point of order is that two years ago in the appropriation bill for Indian affairs the following proviso was inserted:

Provided, That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco.

Now, Mr. Chairman, this is a plain attempt to nullify that provision for the maintenance and support of Indian warehouses at those five cities.

Mr. FITZGERALD. The latter part of the amendment, Mr. Chairman, is clearly subject to the point of order.

The CHAIRMAN. Does the gentleman from South Dakota [Mr. BURKE] desire to be heard on the point of order?

Mr. BURKE of South Dakota. I think, Mr. Chairman, it is clearly a limitation upon the appropriation.

Mr. NORRIS. Mr. Chairman, I would like to call the attention of the Chair to the fact that the latter part of the amendment—I do not have it before me and can not quote the words—the discretionary portion of it, that gives to the Secretary a certain discretion, certainly makes the amendment subject to a point of order. It seems to me it will be a limitation if it were not for that discretionary power that the amendment undertakes to give, but having that in makes it subject to a point of order, it seems to me.

The CHAIRMAN. The Chair is ready to rule. The act of Congress approved April 30, 1908, provides:

That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco.

That, although appearing in an appropriation bill, was legislation, and permanent legislation, until repealed or altered by act of Congress. The declaration of the statute that they shall be maintained at those places authorizes an appropriation, but is ineffective without one. Congress can either appropriate or withhold an appropriation. This proviso, so far as it reads, thus—

Provided, That no part of this appropriation shall be used to pay for rent of warehouses at New York, Chicago, St. Louis, Omaha, or San Francisco—

would, in the opinion of the Chair, be a pure limitation upon the appropriation. The rule, however, provides against changing existing law upon an appropriation bill. These additional words—

unless the Secretary of the Interior shall deem is advisable to maintain warehouses at said places or at any of them—

vest in the Secretary a discretion which he does not have under the existing law. To that extent it changes existing law. The Chair sustains the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to strike out the latter part.

The CHAIRMAN. Now, the gentleman from South Dakota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 2, after the word "dollars," insert:
"*Provided*, That no part of this appropriation shall be used to pay for the rent of warehouses at New York, Chicago, St. Louis, Omaha, or San Francisco."

The CHAIRMAN. The Chair thinks that is in order.

Mr. BARTHOLDT. Mr. Chairman, I desire to offer a substitute amendment.

The CHAIRMAN. The gentleman from Missouri offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

On page 7 strike out lines 22, 23, and 24, and on page 8 strike out lines 1 to 6 and insert in lieu thereof the following:
"Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses

connected therewith; advertising, at rates not exceeding regular commercial rates; telegraphing and telephoning; and transporting Indian goods and supplies, including expenses of transportation agents and rent of warehouses, $315,000."

The CHAIRMAN. The Chair would state to the gentleman from Missouri that that seems to be a substitute for the entire paragraph.

Mr. BARTHOLDT. The entire paragraph.

The CHAIRMAN. It will be first in order to vote upon any amendment perfecting the paragraph. The question therefore is on the amendment offered by the gentleman from South Dakota [Mr. BURKE].

Mr. HITCHCOCK. Mr. Chairman, I desire to be heard in opposition to the amendment proposed by the chairman of the committee.

This is a matter which has been time and time again fought out on the floor of this House, and this House has invariably determined that the maintenance of five warehouses for the receipt, containing, and distribution of the two or three million dollars of Indian goods was a desirable thing. Two years ago this matter was so strongly impressed upon the House that the appropriation bill of that year which has been read from the desk provided as permanent law that these warehouses should hereafter be maintained in these five great centers. No question has ever been raised that these places are appropriate centers in which to buy goods and from which to distribute goods. The expense of maintaining these warehouses is not great. The total item provided in the estimates heretofore for the maintenance of these six warehouses is something like $60,000, of which, I think, about $6,000 are expended in the city of Omaha for salaries, rent, and general cost of distribution.

Mr. COX of Indiana. How much is the total rent amount? Has the gentleman figures on that?

Mr. HITCHCOCK. Yes; I think I have the figures for the rent. The total item in five cities for rent is $13,263.

Mr. COX of Indiana. For a year?

Mr. HITCHCOCK. For a year. Light and fuel in these five warehouses, $650; total regular salaries for the employees in these five warehouses, $35,400, and extra pay for work, $4,373. Then for miscellaneous expenses, $4,284 a year, a total for the six warehouses of $57,036.

Mr. COX of Indiana. Would it not be in the interest of economy to abandon the warehouses?

Mr. HITCHCOCK. I do not think so. In proof of that, I state to the House the fact that this appropriation bill in this paragraph in question only makes a reduction of $15,000, and makes an appropriation for purposes of telegraph, telephone, and all other matters, $300,000, instead of $315,000.

Mr. BURKE of South Dakota. May I interrupt the gentleman just with a suggestion?

Mr. HITCHCOCK. Yes, sir.

Mr. BURKE of South Dakota. I say, Mr. Chairman, to the gentleman from Nebraska, that since this bill was reported we have obtained information by which we find we can still further reduce this appropriation; and I have an amendment that I shall offer if this amendment prevails, reducing the amount $20,000.

Mr. HITCHCOCK. It is possible that is true, Mr. Chairman, although my opinion is that it is mere guesswork. This item in the past has been reduced; it was reduced from $325,000 to $315,000, and I suppose in course of time it will be reduced some more. The fact is that the maintenance of these five warehouses carried in this paragraph is a desirable thing. In the first place it creates five distinct and separate markets in which the Government of the United States can ask for bids. The Government has been operating under a section of the statutes which was quoted a few days ago by the chairman of this committee, which provides—

That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchase may be made in open market in amount not exceeding $3,000 at any one purchase.

Now, Mr. Chairman, I undertake to say that it is not going to be possible for the Government of the United States to buy two or three million dollars' worth of goods for these Indians without having some place in which to store some of those goods, having some place in which to care for those goods, some place in which to inspect the goods.

Now, I am aware that the Secretary of the Interior in his annual report has suggested that the maintenance of warehouses is in his opinion not a desirable practice. In his opinion it would be better to establish a system of purchasing agents, nobody knows where. He does not state what the cost will be; but his idea is to establish a system of purchasing agents.

Mr. PARSONS. If the gentleman will yield to me, in his report he says:

It is proposed to develop a system of purchasing through purchasing agents with headquarters at one or more of the large commercial centers.

But the bill does not provide any appropriation for headquarters.

Mr. HITCHCOCK. Precisely; and there has been no thoroughly digested plan, so far as I know, of a feasible and working plan by which the Government can purchase $3,000,000 worth of goods a year and distribute them to the Indian agencies scattered over the western half of the United States.

I want to read you a paragraph from the report of the Secretary of the Interior, showing what he proposes, and which it strikes me is a very dangerous expedient. He says:

It is proposed to develop a system of purchasing through purchasing agents with headquarters at one or more of the large commercial centers, and to make arrangements for the elimination of certified checks, contracts, and bonds, and to provide for the settlement of all bills within the discount period, certainly not exceeding thirty days from delivery.

In other words, the Secretary of the Interior proposes to do away with the safeguards which the law has thrown around the purchases of these $3,000,000 of Indian supplies. He proposes himself to appoint purchasing agents who shall go out into the field, and without any certified checks to guarantee bids on supplies, buy the goods in those parts of the country where they may decide it is wise to buy them.

Mr. McGUIRE of Oklahoma. Will the gentleman state how this purchasing is done at this time, under the present procedure?

Mr. HITCHCOCK. At the present time the purchasing is done partly in New York, partly in Chicago, partly in Omaha, partly in St. Louis, partly in San Francisco, after advertising in the papers for bids; and when the bids are advertised for, it is generally found that competition comes, not only from the centers in which the warehouses are located, but that Chicago competes with Omaha to deliver the goods in Omaha; Omaha competes with St. Louis and San Francisco, and these various warehouse centers compete with each other.

Mr. MILLER of Minnesota. Will the gentleman permit one question there?

Mr. HITCHCOCK. Yes.

Mr. MILLER of Minnesota. Do bidders come from any other centers except the cities where these warehouses are located?

Mr. HITCHCOCK. I think they do.

Mr. MILLER of Minnesota. What is the source of the gentleman's information?

Mr. HITCHCOCK. I have been told that they do. I am not able to verify that at the present moment, but I am told that when those bids are called for they are received, as they naturally would be, from the substantial, wide-awake business men in different parts of the country.

Mr. KAHN. Will my friend from Nebraska allow me to make a suggestion to him respecting the bidders? I know for a positive fact that when bids for sugar were called for in the city of San Francisco, bidders from New York competed with the San Francisco bidders.

Mr. MILLER of Minnesota. Precisely. New York is one of the favored spots, and has an Indian warehouse.

Mr. KAHN. And the San Francisco bidders were lower in their bids than the New York bids, and saved the Government many thousands of dollars by reason of that fact.

Mr. MILLER of Minnesota. That does not answer my inquiry, whether this is not a closed corporation between the five cities that are favored with warehouses?

Mr. HITCHCOCK. Not at all. It is an absurdity to call it a closed corporation. Competition is free to all.

[The time of Mr. HITCHCOCK having expired, by unanimous consent it was extended five minutes.]

Mr. HITCHCOCK. The fact is that the law as passed five years ago only crystallized what Congress had done year after year in establishing five open markets, at which goods could be received and stored; and if this law is repealed indirectly, as is proposed now, by withholding appropriations from these points, it will practically resolve itself into this proposition—that bids are to be called for no one knows where; that the goods may have no place for storage, and that there will be no system of inspection. Now, at the present time when the Government of the United States buys these Indian supplies, they are inspected at the warehouse when they are delivered. Where will they be inspected under this proposed system?

Nobody knows, except that the Secretary of the Interior suggests in his report that the inspection can be made where the goods are delivered—at these various Indian agencies, Indian schools, and elsewhere—which practically means that we will have no system of inspection; that minor officials will be permitted to give a perfunctory inspection when the goods are actually delivered, and when they are needed for use. Inspection is then too late. As it is now, the goods are inspected before they reach the reservation. They are inspected in the warehouses, and if they do not come up to the contract requirements they are not sent to the reservations, but are rejected in the warehouses.

Mr. BARTHOLDT. Will the gentleman allow a question?

Mr. HITCHCOCK. Certainly.

Mr. BARTHOLDT. Is it not a fact that the samples will have to be sent east to some headquarters and the goods shipped east for inspection, and that that will put the western manufacturers and merchants at a very great disadvantage?

Mr. HITCHCOCK. I think so, undoubtedly, in some cases.

Mr. MILLER of Minnesota. I will ask the gentleman if that is not the precise situation now as to all other cities except these favored five? Suppose some man living in San Antonio desires to compete; does he not have to submit his samples to Omaha or St. Louis?

Mr. HITCHCOCK. To the nearest point where there is a warehouse. It may be San Francisco or it may be some other point. In the case cited it would be San Francisco.

Mr. MILLER of Minnesota. Then, all other cities are at this disadvantage now.

Mr. SABATH. Is it not a fact that the Government by buying in large quantities secures merchandise at lower rates than it could by buying only in small quantities?

Mr. HITCHCOCK. Yes.

Mr. SABATH. And is it not a fact that when buying in large quantities they must have warehouses in which to store the goods, and from which the goods are shipped when needed, to the various points of consumption?

Mr. HITCHCOCK. That is certainly a fact, and I thank the gentleman from Illinois for pointing out something which I neglected to mention. It would not be possible for an individual or a corporation to buy millions of dollars' worth of goods a year and distribute them without having warehouses in which to store them. Now, there is no charge made that these warehouses are extravagant, no charge made that the rents paid are high; and the fact is that in Omaha, and it may be true in other cities, a special effort is made by the merchants to procure warehouses for the Government at a cheap rent.

Mr. NORRIS. Will my colleague yield for a suggestion?

Mr. HITCHCOCK. Certainly.

Mr. NORRIS. Under the amendment offered by the chairman of the committee, the only effect would be that the places provided by law could not have any warehouse. There will have to be warehouses at some other place. It does not say that there shall be no warehouses, but from the nature of things there must be some place to store the goods.

Mr. HITCHCOCK. I think the effect of the amendment would be practically chaos. In an inspired editorial in a New York paper the matter is practically admitted. Here is a column and a half, and contained in it is this paragraph favoring the purchasing-agent plan:

> Of course it would be impossible to apply to such piecemeal purchases the same wholesale system of inspection as is now employed. The inspection would have to be done by government officers in charge of each agency and school.

That is what it would amount to. It would amount to purchasing agents buying in piecemeal, now here and now there, in response to some demand for goods. The goods would be hastily bought and shipped and be inspected when the agent was ready to use them, when he could not reject them when below the standard even if he was disposed to do so.

Mr. McGUIRE of Oklahoma. Will the gentleman permit a statement?

Mr. HITCHCOCK. I will yield to the gentleman.

Mr. McGUIRE of Oklahoma. Every agency and superintendent has a warehouse, and it does not follow that if these warehouses are discontinued it would be necessary to establish warehouses elsewhere.

Mr. HITCHCOCK. I do not doubt that there is some place at each agency where goods might be stored.

Mr. McGUIRE of Oklahoma. There are warehouses and commissary departments in each agency large enough to hold all the goods necessary.

Mr. HITCHCOCK. I do not doubt that when goods reach the agency there will be a roof to cover them, but I do declare that it is an absurd proposition to tear down these warehouses already built and substitute a provision which will authorize the purchase of these goods in piecemeal in open market, and to substitute such a provision for this well-digested system which has been the outgrowth of experience and to the best interests of the Government.

Until there is some showing made that the prices paid are excessive, until some showing is made that these five Indian warehouses are maintained at an unreasonable expense, I consider it an unreasonable proposition for the Secretary of the Interior to present to Congress a proposition to repeal a law passed two years ago and substitute something which he himself has not proposed in a reasonable form.

Mr. MADDEN rose.

Mr. HITCHCOCK. Before the gentleman from Illinois interrupts me, I want to say that I wish to criticise the Bureau of Indian Affairs for having neglected to prepare a report to Congress for the year ending June 30, 1909. It is now something like eight months since the fiscal year ended, and yet we are unable to get the report of the Bureau of Indian Affairs, which is still in the printer's hands. Congress should have it, and I should have on my desk the report of the Commissioner of Indian Affairs, which for some reason he has not yet made public.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard in favor of the amendment.

Mr. HAYES. Will the gentleman from South Dakota yield just a moment?

Mr. BURKE of South Dakota. I will yield to the gentleman from California.

Mr. HAYES. Mr. Chairman, it seems to me, before the House decides to overturn the practice of years in the purchase or supervision of supplies for the Indian Department, that we ought to have an explanation from some one as to what system they propose to substitute for it. I have been unable to find from the report of the Secretary or from the chairman of the committee any statement as to the system they propose to substitute for the one that has been in vogue. I now ask the chairman if he will be kind enough to enlighten us as to the system they propose to substitute for the one we now have?

Mr. BURKE of South Dakota. The system we are proposing to put into effect is the system used by successful manufacturing houses and railroads. It is the standard system of efficient, modern, business organizations.

Mr. HAYES. Does the gentleman mean for us to understand that his system will operate without any warehouses or places to store the goods?

Mr. BURKE of South Dakota. I will fully explain if the gentleman from California will be content for a moment. Mr. Chairman, the committee expected when they proposed this amendment that it would probably meet with opposition in five different portions of the country—New York, Chicago, St. Louis, Omaha, and San Francisco. We anticipated that there would be some opposition from these localities. I am finding no fault with Representatives on this floor from these localities that now have warehouses for contending for the continuation of the warehouses if they believe that to have them discontinued would be to the injury of those localities. But, Mr. Chairman, they are unnecessarily disturbed over this proposition. It is a matter of such little importance to the cities that if they really understood just how it affects them I do not think they would be much concerned about it.

To begin with, the administrative department of the Government recommends the discontinuance of the warehouses on the ground that a better administration can be obtained. It certainly can have no interest to do that except that it will be for the good of the service.

Mr. MADDEN. Does the gentleman think that purchases made by purchasing agents without publicity is a better system than the one which obtains through securing bids from an advertisement?

Mr. BURKE of South Dakota. There is no suggestion of purchasing without publicity. That question is not involved here, and therefore it is not pertinent.

Mr. MADDEN. What is the purpose of purchasing agents unless it is to give them carte blanche to purchase without any advertising?

Mr. BURKE of South Dakota. Why, does not the gentleman know that under the Reclamation Service to-day there is not a single warehouse maintained, and yet great purchases are being made every day amounting to several times what is purchased by the Indian Bureau, and there is not a single warehouse in connection with the service?

Mr. MADDEN. That is building material that is not affected by the weather, and the kind of material that is to be used by

the Indians must be protected by being stored in some place of safety—quite a different proposition.

[By unanimous consent, Mr. BURKE of South Dakota was granted leave to continue for five minutes more, his time having expired.]

Mr. BURKE of South Dakota. The gentleman is misinformed. Mr. Chairman, the gentleman from Nebraska is very much disturbed over this proposition——

Mr. PARSONS. Before the gentleman leaves that, I would like to find out just what improved method it is intended the department shall adopt, and for the purpose of asking my question I will read from the Secretary's report on page 27, where he is discussing the advisability of doing away with warehouses. He says:

> As an illustration, I cite a proposal and contract for goods amounting to $200,000 to show the amount paid by the Indian Service on account of its methods in conducting business: Interest on certified checks, $10,000, at 6 per cent for two months, $100; bonds of $100,000, at $1 per thousand, estimated, $100; interest at 6 per cent on $200,000 for four months on account of delay in settlement, $3,000; total, $33,200.

What I want to ask is this: Is the department going to do away with a certified check from a bidder and thus save that $100?

Mr. BURKE of South Dakota. I am unable to state.

Mr. PARSONS. Is it going to do away with the bond and save that $100?

Mr. BURKE of South Dakota. I presume not.

Mr. PARSONS. Is it going to purchase only in such amounts that they can be delivered and payment made within thirty days, as he suggests, so that the merchant does not have to allow for any interest on his money?

Mr. BURKE of South Dakota. I think it hardly fair for the gentleman to inject this kind of a question into my argument before I have had an opportunity to state what I have to say. After I am through I shall endeavor to answer questions.

Mr. PARSONS. As those are the specific questions made by the Secretary, I hope the chairman of the committee will enlighten us as to what is to be done.

Mr. BURKE of South Dakota. As I was about to say, the gentleman from Nebraska [Mr. HITCHCOCK], coming from Omaha, seems to be quite disturbed over this question of the maintenance of a warehouse in that city. Last year there passed through that warehouse merchandise of the value of $84,527.85. Is that such a sum of money, does that amount to so much business, that the great city of Omaha is going to suffer even if it never had one dollar of that business?

Mr. HITCHCOCK. Mr. Chairman, I think the gentleman has vindicated my position. I am not arguing on behalf of Omaha, but on behalf of the country.

Mr. BURKE of South Dakota. And does the gentleman think that we are justified in maintaining an expense of $6,733.65 on account of that volume of business?

Mr. HITCHCOCK. I want to reply to the gentleman, if he will let me, right there, by citing the fact that there were handled at Omaha 41,000 packages, weighing almost 3,000,000 pounds, and while the amount of money involved was not large, because of the character of goods purchased, there was a large amount of business actually done there.

Mr. BURKE of South Dakota. Now, I find that in the great city of San Francisco business amounting to $141,547.46 passed through the warehouse there last year at an expense to the Government of $9,563.84—not a very important item from a great city like San Francisco.

Mr. KAHN. If the gentleman will permit, the warehouse there is in the interest of the Indians themselves. So far as the expense is concerned, there was purchased at that station 800,000 pounds of sugar during this last year, which was sold to the Government at a rate far below the existing market price, because the firm that had the sugar on its hands had bought when it was much lower and they gave the Government the advantage of that bargain.

Mr. BURKE of South Dakota. Now, does the gentleman think that purchase could not have been made if there had not been a warehouse at San Francisco?

Mr. KAHN. I think it is more than likely that the San Francisco firm would not have known anything about the bidding, nor would any other firms except a few favored contractors, who, as in the early days before the warehouses were established and the law was changed, used to learn of the bidding, to the exclusion of legitimate manufacturers and producers. The very purpose of establishing these warehouses was to give general information to the merchants of the country in the various sections of the country in order that there might be an opportunity to bid upon all these goods for the Indian Service.

Mr. BURKE of South Dakota. Is the gentleman asking a question——

Mr. KAHN. And I want to call my friend's attention to the fact that prior to the establishment of these warehouses there used to be two and three bidders on as much as 7,000,000 pounds of beef, while now with these warehouses established in various parts of the country you have 30, 40, and 50 bidders, and the Government is getting the advantage of it.

Mr. BURKE of South Dakota. Why, Mr. Chairman, the warehouse question has nothing in the world to do with the advertising or the number of bidders or anything whatsoever as suggested by the gentleman.

Mr. PARSONS rose.

Mr. BURKE of South Dakota. Let me proceed for a moment.

Mr. PARSONS. I wish to ask the gentleman whether the inspection is not made at the warehouse?

Mr. BURKE of South Dakota. I will tell you about the inspection if you will give me time to come to that question.

Mr. PARSONS. I wish to make a suggestion——

Mr. BURKE of South Dakota. In the great city of Chicago, where they are not so disturbed over this matter, they did a business of $524,528.74 at an expense of $16,987.55, and in the great city of New York, where my good friend comes from, they did a business amounting to $495,350.59, and there was an expense incurred in connection with that warehouse of $15,639.55.

I do not think, Mr. Chairman, even if that warehouse had anything to do with the volume of business, that is a sum to disturb the business interests of the city of New York. But if there is anything in the argument that these warehouses ought to be maintained at these several places, then what about the cities that have no warehouses? Should not we have one at Boston? Then go a little farther West and put one, perhaps, at Buffalo. Go down South and establish a few. Then go out farther West and on into the Northwest, at St. Paul and Minneapolis, and put in warehouses, and then go over to Seattle, then down to Los Angeles, and come around into some of the Southwestern States and put one, say, at Kansas City; thus many of us will be furnished with warehouses, so that when this question comes up we can defeat every proposed change in administration that will mean economy to the Government. Now, Mr. Chairman, under the present system of purchases through the warehouses, it has resulted in a higher price being paid for articles in some instances than they could have been purchased of a local dealer near or upon the reservation where the article was used. I have some concrete cases that I am going to give.

At Fort Belknap, or rather at the warehouse, McCormick binders cost $138.65; harrows, $11.75; McCormick mowers, $51.17; plows, $12.05; binding twine, $9.24; and the prices of those articles on the reservation where they were to be used was $116 as against $138 for the binders, $11.50 for the harrows as against $11.75, $51 as against $51.17, $12.50 as compared with $12.05, and $8 as compared with $13.87.

In other words, it is costing more in some instances by this system of warehouses to purchase the supplies used in the Indian Service than the supplies could be purchased for without any advertising at all. Go out into the locality where the reservation is situated, and where the article is to be used, and you can buy it cheaper even in open market without competition than you can get it through the warehouses after advertising for competitive bids. Now, last year there were purchased several millions of dollars of property or supplies for the Indian Service, and out of all of it only $1,459,172.67 went through the warehouses.

Mr. FITZGERALD. Can the gentleman explain how any official of the Government would accept bids, with the right to reject all bids, when the prices are notoriously higher than he knows the goods can be purchased for?

Mr. BURKE of South Dakota. Mr. Chairman, under the system it could follow that this could happen and still an official be entirely justified in accepting the bid.

Mr. FITZGERALD. Understanding something about the system myself, the gentleman will have difficulty in explaining how an article made in Chicago is paid for at a higher price delivered at Chicago than it can be purchased for elsewhere.

Mr. TAWNEY. Will the gentleman from South Dakota [Mr. BURKE] permit me to ask the gentleman from New York [Mr. FITZGERALD] a question?

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that his time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. I want to ask the gentleman from New York [Mr. FITZGERALD] if it could not happen in this way, as it has happened in a number of instances where supplies are purchased on open bids. The lowest bidder, we will say, is a resident of the city of St. Paul or Minneapolis. The goods purchased have to be shipped to Chicago to the warehouse and then distributed from the warehouse out to the agencies; and in the distribution of the article, whatever it may be, the cost has been very much greater. Say, for instance, if they purchased an article from a merchant or the manufacturer in Minneapolis. It goes to the warehouse in Chicago and then to the White Earth Reservation in Minnesota, so that the article goes back through the city in which it is manufactured.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. TAWNEY. That is the way it is done.

Mr. FITZGERALD. The gentleman is mistaken about the character of the supplies that go to the warehouse. Harvesters and mowers do not necessarily go to the warehouses.

Mr. TAWNEY. Any supply, no matter what it is——

Mr. FITZGERALD. The gentleman from South Dakota [Mr. BURKE] has just stated the amount of supplies purchased that do not go to the warehouses. The character of supplies that have been required to go to the warehouses are the supplies of which the Indians were notoriously robbed before this system was put into effect, as I shall undertake to show before this discussion ends.

Mr. BURKE of South Dakota. Mr. Chairman, in the report of the Commissioner of Indian Affairs, and I will be very glad to furnish my friend from Nebraska [Mr. HITCHCOCK] with a copy——

Mr. HITCHCOCK. Does the gentleman claim that that report has been published?

Mr. BURKE of South Dakota. I have it here. I will be very glad——

Mr. HITCHCOCK. I applied to the gentleman's office a day or two ago and was told it had not been released.

Mr. BURKE of South Dakota. If he will send a page down to my committee room he can get a copy of the report now. On page 31 of this report the commissioner states:

> Between July 1, 1908, and June 30, 1909, the purchase section handled 664 formal contracts involving the sum of $3,248,976.61; made 6,451 purchases in the open market to the amount of $3,714,215.32; and 3,927 other expenditures in the sum of $1,802,431.01 were passed on. In addition thereto 54 per capita payments amounting to $3,343,490.02 were authorized, $225,362.90 were spent in the transportation of goods and supplies, and $9,676.12 for passenger transportation.

I gave the amount of these purchases a moment ago. It was $1,459,272.67, passing through the warehouses. Now, in the matter of inspection, it is the opinion of the department that they can get a better inspection from the place of shipment or some of the factories than under the present system.

Now, something as to inspection. In 1907 the Auditor for the Interior Department, in a report to the Secretary of the Treasury, said:

> In the examination of accounts for Indian supplies it frequently happens that there is a discrepancy in the invoice, which makes it necessary to go to the source of final delivery for a verification of the contents of some particular case or package. Almost as frequently it is demonstrated that the inspector's certificate is unreliable, because, as a matter of fact, an inspection of the particular case or package has not been made.

Now, the committee is of the same opinion as the department, that they can get a better inspection at the factory or at the place of shipment or at the point of destination, and it does not appear to the committee at least that there is a single reason in the world for continuing these warehouses. By discontinuing them you would save thousands of dollars in expense. I want to call the attention of the House to the fact that, in addition to the amounts regularly appropriated, as they appear in the annual Indian appropriation bills, there have been deficiencies—amounting at one time in one year to $50,000, and in another year to $18,000, and in another to $55,000—to cover the subject of purchase of Indian supplies and the expenses in connection therewith.

Mr. HITCHCOCK. Will the gentleman state what are those items?

Mr. BURKE of South Dakota. I have only the figures which show the amounts of the appropriation; they were largely for transportation.

Mr. HITCHCOCK. I think it is largely transportation. There could be no deficiencies in the items for rent and salaries.

Mr. BURKE of South Dakota. For instance, if a shipper or manufacturer in Pittsburg bid on something to be delivered to the Carlisle School he makes his bid, and that article, if his bid is accepted, is sent to New York, perhaps, put in the warehouse, and then shipped back to Carlisle when there is use for it. If you did not have the warehouse system he would make his bid and furnish the article when called upon, whereupon it would be shipped direct to the place where it is to be used. That is a practice that prevails to-day in the Reclamation Service, and it is a practice that the Indian Service are effecting to a very large extent through their agents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. I ask for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. I would like to ask the gentleman if it is not also true that many of these goods never enter the Indian warehouse, but are shipped directly to the place of consumption?

Mr. BURKE of South Dakota. Certainly.

Mr. PARSONS. So that that would have nothing to do with the warehouses?

Mr. BURKE of South Dakota. I presume, if we continue the warehouses, after a time there will be nothing stored in them. We will have the warehouses and the expense of maintaining them; and that is all there is in the proposition. It is simply a question of whether or not we shall continue these warehouses and the increased cost for this service at from $35,000 to $60,000 a year, when we can get along better without them. We wish to discontinue them now.

Mr. BARTHOLDT. Mr. Chairman, in what I am going to say I do not desire in any way to reflect upon the Committee on Indian Affairs. I am sure, and no doubt the majority of the Members of the House feel as I do, that they exercised their best judgment in following the recommendations of the Indian Office and the Secretary of the Interior, and honestly believe that they are acting for the best interests of the Government in recommending this change. This proposed change, however, means a return to the old system of purchasing agents, as has been stated before, and that system has been tried and been found wanting. It has proved unsatisfactory and very objectionable for many reasons, hence it was changed by the establishment of so-called "Indian warehouses." In the first place, Mr. Chairman, the system of purchasing agents would not permit of a general distribution of the purchases through all sections of the country, nor could the goods be purchased where they could be bought cheapest. Besides, it opened the door for a system of favoritism by affording opportunity to a few favorite bidders to secure contracts and by ignoring the best and cheapest markets. Now, I do not claim that under the present management of the Indian Office such abuses would recur, but surely the system itself invites them.

Mr. BURKE of South Dakota. In what way, will the gentleman please point out, has the warehouse to do with it?

Mr. BARTHOLDT. For the simple reason that if your amendment is adopted the Secretary of the Interior and the Commissioner of Indian Affairs are without restrictions whatsoever. They could expend $2,000,000 or $3,000,000 just as they saw fit. They might go into the open market and buy from the shelf or give contracts to whomsoever and wherever they pleased.

Mr. BURKE of South Dakota. In what way does the warehouse affect that in the slightest degree?

Mr. BARTHOLDT. With the present warehouses, Mr. Chairman, a system has grown up which insures the making of general contracts to be bid for all over the country, and these contracts have been entered into not only by the business men and manufacturers in the cities where the warehouses exist, but by the manufacturers of all large cities in all sections of the country.

Mr. BURKE of South Dakota. Do these proposals require that the bids shall be opened at some particular warehouse?

Mr. BARTHOLDT. Yes.

Mr. BURKE of South Dakota. Surely the gentleman knows better than that.

Mr. BARTHOLDT. They are opened in St. Louis; they are opened in Chicago; and they are opened at the other warehouses; certainly.

Mr. BURKE of South Dakota. The law does not require that.

Mr. BARTHOLDT. And by distributing these warehouses over the country, all sections are given an opportunity to bid, because the distance to these warehouses is not as great as if they were required under the purchasing-agent system to send their samples East and to send their goods East for inspection. For that reason I say that the system of warehouses is the fairest possible system to devise, because under it merchants

in St. Paul, Louisville, Philadelphia, and anywhere else can bid in competition with each other.

Mr. STEVENS of Minnesota. I know the gentleman does not want to make a misstatement. Our merchants claim they can not bid under the warehouse system at all, and they very strongly object, and inform me that it costs a great deal more to get goods under the warehouse system than it would under the other system.

Mr. BARTHOLDT. Unfortunately the Department of the Interior has not furnished us with any figures to show whether the goods have been purchased more economically under the new system than under the old. I claim, and I have facts and figures to show it, that the goods were purchased much more cheaply under this warehouse system than under any other plan, because everything is open to competition, while under the old system it was simply a matter of favoritism on the part of the purchasing agents.

Mr. MILLER of Minnesota. The gentleman remarks that he has no figures from the Department of the Interior or the Indian Bureau showing whether it is more or less expensive under the warehouse system. I will ask the gentleman if he has not seen a statement in writing from the Interior Department, and also from the Indian Bureau, stating that this warehouse system had been vastly more expensive in the matter of purchasing supplies, and that it was costing the Indians and the Government a great many thousands of dollars unnecessarily?

Mr. BARTHOLDT. I deny the proposition. The trouble is that we lack the opportunity of comparison. We have no official figures on prices in any of the official reports.

Mr. MILLER of Minnesota. I will show the gentleman some figures then, if he will take time to examine them.

[The time of Mr. BARTHOLDT having expired, by unanimous consent it was extended five minutes.]

Mr. BARTHOLDT. What I referred to was this: The merchants in St. Louis show me by facts and figures that the department, in purchasing medical supplies, dry goods, hardware, shoes, stoves, and other things that the Indian needs, is paying much less to-day than was paid under the old system; and I predict here and now that if this amendment offered by the gentleman from South Dakota is adopted, the deficiency to which he has called attention, amounting to $50,000 a year, will be much larger next year than in former years.

I want to say right here that I am not advocating the present system because of any advantage that it gives to St. Louis. I am speaking from observation and from a knowledge of this system, because for many years I have participated in the debates on this subject.

The secretary of the largest business men's organization in the city of St. Louis writes me that if the Indian Commissioner were allowed to have his own way about the purchase of supplies for the Indian agencies we should find that he would buy nearly all the goods, if not all of them, in St. Louis and Chicago. He would probably buy agricultural implements and groceries in Chicago, and he would certainly buy shoes, hardware, medical supplies, and stoves in St. Louis, so we are not materially interested in the change. We would get our share in any event, because our prices are cheapest for these articles. If the agents did not go to work and buy the goods in the nearest markets—New York or Philadelphia, for instance—if, in other words, they gave the West a fair chance, we would not be afraid of this change.

Mr. BURKE of South Dakota. The gentleman perhaps knows that the goods sent to the St. Louis warehouse do not necessarily have to be purchased in St. Louis.

Mr. BARTHOLDT. I understand that.

Mr. BURKE of South Dakota. They may have come from some other city. It is a mere bagatelle in any event.

Mr. BARTHOLDT. Oh, no.

Mr. SABATH. How much is the amount?

Mr. BARTHOLDT. Goods to the amount of $213,000 were purchased in St. Louis, Mo., under contracts with St. Louis firms.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. BARTHOLDT. Certainly.

Mr. SAUNDERS. The suggestion that the warehouse plan excludes favoritism and the proposed plan will allow it is one worthy of consideration. Will the gentleman tell the House how the warehouse plan excludes favoritism and how the proposed plan will make it possible? If he can show how these things will come about, it is a sufficient reason to defeat the recommendation of the committee.

Mr. BARTHOLDT. I thought I had made that plain. Under the warehouse system general contracts are advertised for, thus giving every merchant in the United States an opportunity——

Mr. SAUNDERS. Will not that be done under the proposed system?

Mr. BARTHOLDT. No.

Mr. SAUNDERS. I understood it will be.

Mr. BARTHOLDT. Oh, the gentleman "understands;" there is no guaranty in the phraseology of the bill and nothing to show that it will be.

Mr. MILLER of Minnesota. Does not the law require it?

Mr. BARTHOLDT. No; because the proviso has been stricken out.

Mr. MILLER of Minnesota. It was stricken out because there was a law already existing providing the way in which Indian supplies should be bought.

Mr. BARTHOLDT. No; it was stricken out because it was in conflict with the special law under which we are operating.

Mr. SAUNDERS. Let me ask the gentleman if this section, which I will read, is not to be operative——

Mr. BARTHOLDT. Oh, the gentleman need not read the section; I know it very well. The proviso which was to make that section operative was stricken from the bill.

Mr. MILLER of Minnesota. Mr. Chairman, the thing that has impressed me so far is the remarkable solicitude that has suddenly sprung up in the breasts of some Members in behalf of the Indian, and the fact that the solicitude, while expressing itself for the Indian—not for any particular spot or locality—seems to come always from a Member who is interested in the spot where one of these warehouses is located. [Laughter.]

Now, Mr. Chairman, it was stated by the gentleman from Nebraska [Mr. HITCHCOCK] that this to him was a business proposition pure and simple, although before he seated himself he coupled it with some altruistic expressions for the Indian. The position of the committee is that this is a business proposition; but it is not a business proposition in behalf of New York, it is not a proposition in behalf of the imperial city of Chicago, nor the grand and great city of St. Louis that is to surpass them all, nor is it a business proposition for San Francisco, but for the Indian wards of the Government and for the Treasury of the United States.

The Secretary of the Interior has furnished a report, and this has been subscribed to by the Commissioner of Indian Affairs, that the maintenance of these Indian warehouses cost the Government of the United States every year $56,000 and a little more that is purely wasted.

And, furthermore, it costs the Indians of the country whose supplies are thus purchased very large amounts of money in excess of this; and why? Take, for instance, the location of the warehouses of the Indians. We will take the situation in the Northwest: The warehouse that serves us is located in Chicago. The Indians are not located there, nor are many of them located within a radius of several hundred miles, but they are most of them located in the States of North and South Dakota and in Minnesota. When it becomes necessary to have goods purchased that are to be furnished to Indians way off on the plains of Dakota or in the woods of Minnesota, and some gentleman in St. Paul or in Deadwood, S. Dak., desires to bid, he is obliged to make out his bid and send it to Chicago, and if by any hook or crook he should be successful in his bid he has to send his goods to Chicago, and there they lay and are retained for a long period of time, and then when they are needed to be used they are sent back the whole distance of 700 or 800 miles, and Uncle Sam and the Indian pays the freight both ways. [Laughter.] If that is not artificial, if that is businesslike, if that is economy, I would like to have the gentleman from Nebraska point out where it lies.

Mr. HITCHCOCK. Mr. Chairman, I would like to point out the fact that the Secretary of the Interior does not propose to purchase, as the gentleman says, in these regions near the reservations, but it is proposed to develop a system of having purchasing agents with headquarters in one or more of the large commercial centers.

Mr. MILLER of Minnesota. The gentleman certainly has not thought very seriously of this matter or he never would have asked that question. While it may be some man with supervisory power over this situation may be located somewhere—I suppose he has got to be; he can not be up in the air—still when the goods are purchased, they will be purchased at spots where they are to be used, and the Secretary of the Interior and the Commissioner of Indian Affairs have emphasized that as clearly and as emphatically as it is possible to be done.

Mr. HITCHCOCK. I would like to have the gentleman quote the Secretary.

Mr. MILLER of Minnesota. Very well. I will read from the letter of the Commissioner of Indian Affairs. I have not the report of the Secretary here. He says:

The more one considers this statement—

In reference to the purchase of Indian supplies by the warehouse system—

the more firmly is he convinced that both economically and from the standpoint of good administration, the proposition to eliminate the warehouses and to handle the purchase of the supplies for the Indian Bureau through one central purchasing agency, which will invite bids under a system that will enable the local dealers to participate in the business, is a wise one.

So much for the proposition the gentleman has stated.

Mr. PARSONS. What does the commissioner mean by "local dealers?"

Mr. MILLER of Minnesota. He means men who are dealing in these commodities at the places where they are to be used.

Mr. PARSONS. And at Carlisle, for instance——

Mr. HITCHCOCK. Is not that the local dealer at the central agency?

Mr. MILLER of Minnesota. Why, certainly not; and there is nothing about it that even suggests that.

Mr. HITCHCOCK. If the gentleman will read the language, that interpretation can be placed upon it, he will see.

Mr. MILLER of Minnesota. I have read the language several times, and I think I understand it, and it is probably in the RECORD now, and the gentleman can read it to-morrow, and then maybe he will understand it.

Mr. PARSONS. Will the gentleman yield to me?

Mr. MILLER of Minnesota. I should be very pleased to do so.

Mr. PARSONS. Will the gentleman tell me what the Secretary means in his annual report when he says it is the purpose to develop a system of purchasing through purchasing agents, with headquarters in one or more of the large commercial centers?

Mr. MILLER of Minnesota. He means that these purchases shall probably be made under the general direction or supervisory power of some man who is located somewhere advantageously for carrying on that business. It may be that he will be located in New York, but I apprehend not—more probably somewhere out a thousand or two miles nearer the Indians who are to be served.

Mr. PARSONS. But it is not going to be at the place where the goods are to be used.

Mr. MILLER of Minnesota. Not necessarily. There is not a warehouse now anywhere near where any of the goods are to be used.

Mr. PARSONS. But I understood the gentleman was arguing that the Secretary now said that they would be used——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

[By unanimous consent, Mr. MILLER of Minnesota was granted five minutes more time.]

Mr. PARSONS. I understood that the gentleman was arguing now upon the letter of the Secretary that they were to be purchased at the place where they were to be used.

Mr. MILLER of Minnesota. Certainly.

Mr. PARSONS. Then they will not be purchased at any of the large commercial centers, because none of them is used in the large commercial centers.

Mr. MILLER of Minnesota. This man has to live and be somewhere, but he is not necessarily going to buy all of these commodities where he is located.

Mr. PARSONS. Where is he going to buy them?

Mr. MILLER of Minnesota. In the localities where they are to be used, as far as that is possible, economically.

Mr. PARSONS. Is not that done now?

Mr. MILLER of Minnesota. No.

Mr. PARSONS. Two-thirds of the purchases are made in the open market now.

Mr. MILLER of Minnesota. Well, that is true.

Mr. PARSONS. Over three millions were purchased without advertising last year. And were not those purchases made at the local dealers, and are there any more that can be safely made at the local dealers than last year?

Mr. MILLER of Minnesota. That is entirely apart from this question of warehouses. To revert back once more to the question we were really trying to discuss, I want to call the attention of the committee to this further fact, that by the method that has grown up around this warehouse system, the business of bidding on these Indian supplies has been restricted to a few favored ones.

I do not mean by that favor of any individual, but the favor necessarily of the locality in which they may happen to be located. There is also grown up in connection with this a system of calling for specifications and plans, such as have further restricted it, and I am now informed that while there are many fine wholesale concerns scattered over this country in good-sized cities, as a matter of fact those which happen to be located at centers where these warehouses now exist are the only ones that get contracts for furnishing these supplies. So I am not surprised, Mr. Chairman, that those gentlemen who come from these respective spots favored by Congress heretofore are each solicitous for the welfare of the Indian, who is being fed, and whose constituents in turn are being fed by the prosperity that comes from having these ample opportunities for selling to the Indians.

Mr. BARTHOLDT. Does not the gentleman, having at heart the welfare of the Indian and the welfare of the Government, consider the question of prices? Is it not a fact that under the warehouse system prices have been cheaper and the goods purchased——

Mr. MILLER of Minnesota. How do you compare the prices?

Mr. BARTHOLDT. I compare the prices between the warehouse system and the old purchasing-agency system which you want to reinaugurate.

Mr. MILLER of Minnesota. My dear sir, the old system to which the gentleman evidently refers is one that we would have to go back to war time and compare prices now with war prices. If I recollect distinctly, the warehouse was put in your city way back in the seventies, and was sneaked in surreptitiously by the action of an administrative officer of this department and was later put right by a positive act of Congress.

Mr. BARTHOLDT. To which officer does the gentleman refer? Mr. Chairman, the gentleman certainly is not willing to let this go into the RECORD, as it is a misstatement of fact. The warehouse at St. Louis was established only about nine years ago, and that is about the time that this system of warehouses was inaugurated.

Mr. MILLER of Minnesota. That may be true——

Mr. BARTHOLDT. And I am referring to the old system which has been denounced on this floor time and time again as a disgrace, and the gentleman wants to return to that system now.

Mr. MILLER of Minnesota. Oh, if the gentleman will take and study the statute passed, I think in 1874, he will find a provision there which says the Secretary of the Treasury may establish warehouses for the handling of Indian supplies at the city of St. Louis.

Mr. BARTHOLDT. But he did not do so.

Mr. MILLER of Minnesota. I do not know whether he did or not.

Mr. BARTHOLDT. It was not done.

Mr. MILLER of Minnesota. So, Mr. Chairman, the question resolves itself into whether we shall legislate for the benefit of these favored localities or whether we shall legislate in favor of the Indians and ourselves.

The experience we had during a period of many years justifies the deduction and shows, I think, conclusively, that this system of warehouses results in expense to the Government, results in costing the Indians more for their goods than they otherwise would have to pay, results in restricting competition to certain localities, and cuts off every advantage and benefit that should come to these other wholesalers who want to compete; thereby necessarily failing to reduce the cost of those commodities at the points where they are to be housed in warehouses, or at the points where they are to be used by the Indians. Now, as I have said, it seems to me entirely reasonable and right that we should have some degree of common sense and businesslike judgment, and we should have a system such as has been suggested by the gentleman from South Dakota, that will permit the purchase of these supplies at points where they are to be needed, thereby saving great expense in the cost of administration. [Applause.]

Mr. FITZGERALD. Mr. Chairman, at the outset I desire to say that I am indifferent as to what happens to the Indian warehouse in New York. The amount of business done there is insignificant in comparison to the great mass of business done in that city. I have no interest in this matter at all, except from the standpoint of the Indians. I know something about what has been done in the past in furnishing the Indian with supplies. I know how he had been robbed year after year, until it was necessary to devise a system of inspection that prevented him from being defrauded by those who considered him legitimate prey.

As I recall, the goods mostly supplied in the city of New York are clothing. Contracts are made there for supplying clothing for the Indians throughout the United States. The clothing furnished costs in the neighborhood of $1.55 a suit. The slightest difference in the character of material, in the braid, in the style of button, makes a great difference in the cost to the contractor.

Back in the nineties, about the time this provision was placed in the bill, the then Secretary of the Interior, Mr. Bliss, of New York, persuaded a member of one of the largest clothing houses in the city of New York—and I have no hesitation in mentioning it, the firm of Rogers, Peet & Co.—to accept a position of inspector of goods at the New York warehouse in order to prevent the Indians from being robbed. He was a gentleman who could not ordinarily be hired by the Government at any salary, but induced by the representations of the Department of the Interior that it was essential for the welfare of the Indians, he accepted the appointment of inspector at a salary of $10 a day, and gave to the Government in that work all the time demanded. The man was a Democrat. He was appointed under a Republican administration. He was retained in that position for seven or eight years, and his commission was renewed year by year only by the greatest pressure on the part of the Government.

The late Colonel Pierce, of St. Louis, and there are Members of this House who recall him, told me in 1900 that as a member of the Sioux Commission he had gone down into the Sioux country and spent six months there conducting negotiations and investigating conditions, and he stated that those Indians had been robbed of over $3,000,000 because of the character of supplies that had been sent to them under treaties with the Government.

It is a notorious fact that although samples are submitted from time to time with the bids, that when the materials contracted to be delivered reached the reservations the character of the supplies were very different from that required under the contract.

Gentlemen say they wish to abolish the warehouses. I believe there are too many warehouses. I do not believe that five are necessary. I have never thought so, and at different times during my service on the Committee on Indian Affairs, when attempts were made to provide specifically for different warehouses, I opposed the amendments that were offered on the floor of the House.

But the Commissioner of Indian Affairs, in his report, states that one warehouse is necessary. He does not say where it should be. I am indifferent as to its location, but under the amendment offered by the chairman of the Committee on Indian Affairs there can be no warehouse anywhere.

Now, what is proposed to be done here? To make contracts for supplies aggregating three or four millions of dollars in numberless towns and hamlets throughout the country. These contracts are made with samples submitted, and it is suggested that the cereals, sugar, boots, shoes, and clothing be shipped to the various agencies throughout the country without inspection and rely upon somebody at the agencies to determine whether the goods shipped are of the character demanded by the contract. I say that it will open up a system of graft yet unknown in the history of the country. Anybody who is familiar with the Indian Service knows that the Indians under that system were robbed in a most shameful manner.

Let me call the attention of the gentlemen who seemed to be somewhat familiar with this subject to some things they do not know about. Under the provisions of the Revised Statutes the President is required to appoint a Board of Indian Commissioners, composed of not more than 10 persons, from men noted for their intelligence and philanthropy, who shall serve without pecuniary compensation. On that board to-day are Mr. Merrill E. Gates, who for over twenty years was president of Amherst College; Archbishop Ryan, of Philadelphia——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET of New York. Mr. Chairman, I ask that the gentleman from New York may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Bannon, of Brooklyn. Before he went into President Roosevelt's Cabinet, Mr. Bonaparte was a member of the board. The late Bishop Whipple and the late Darwin R. James were upon it for many years. This board, under the law, under section 2401 of the Revised Statutes, is charged with the duty of inspecting the goods purchased for Indians in connection with the Commissioner of Indian Affairs, and it is charged with the duty of consulting with him. This board does inspect these goods. It has its representatives in these various warehouses at different times in the year to ascertain whether the goods delivered under the contracts come up to the specifications. Some member of the board is present at the opening of the contracts. They have been of great service. Under the system now proposed, by which bids shall be invited in every little hamlet and locality in the United States to supply goods which cost in the aggregate over $3,000,000, it would be absolutely impossible for these men to perform the duties that have been put upon them. Why was it deemed necessary, gentlemen, that a commission of this character should inspect the goods to be furnished Indians—men selected for "their intelligence and philanthropy?" Simply because it is a notorious fact that throughout a great part of this country it has never been considered improper or immoral to rob the Indian either of his land, his money, or his goods.

I am opposed to any legislation which will open wide the doors to a system which fortunately has long since been eliminated in the administration of the Bureau of Indian Affairs. [Applause.]

Mr. STEPHENS of Texas. Would not the goods be bought in exactly the same way whether we have the warehouses or do not?

Mr. FITZGERALD. I am not so sure that they will; and I am not sure, Mr. Chairman, that at a time when the Department of the Interior is under the gravest charges and under a cloud before the American people, that its recommendations in a matter of this kind should have any considerable weight with the Congress of the United States. It is a long time since any of the distinguished men at the head of the Department of the Interior have made such recommendations; and it is hardly desirable for the House to adopt such sweeping recommendations and reestablish what has proved an undesirable system upon the recommendations of a department now under a cloud and being investigated in connection with other matters of administration upon grave charges, particularly since, in the judgment of many men who have devoted years in attempting to eradicate fraud from the Indian Service, the chief result will be to develop in the Indian Service the most extensive system of graft and fraud possible to conceive. I hope the amendment of the gentleman from South Dakota will not be adopted. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and amendments thereto end in ten minutes; that five minutes of that time be controlled by the gentleman from Virginia, my colleague on the committee [Mr. SAUNDERS]; five minutes of the time by the gentleman from California [Mr. KAHN]; and at that time the committee rise. I will include two minutes for the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD. How much has the gentleman included in his request?

Mr. BURKE of South Dakota. Twelve minutes. And the paragraph and all amendments thereto, including the substitute.

The CHAIRMAN. The gentleman from South Dakota, as the Chair understands, asks unanimous consent that all debate upon this paragraph and amendments close in twelve minutes; five minutes to be occupied by the gentleman from Virginia [Mr. SAUNDERS], five minutes by the gentleman from California [Mr. KAHN], and two minutes by the gentleman from Illinois [Mr. MANN]; and that at the expiration of that time the committee rise.

Mr. FITZGERALD. I make the point of order that the gentleman can not make that motion.

Mr. BURKE of South Dakota. I did not make the motion; I asked unanimous consent.

Mr. FITZGERALD. I object to including the request that the committee rise. I think the matter should be settled by the men who have been here to hear the discussion.

Mr. BURKE of South Dakota. Well, I will leave that out.

The CHAIRMAN. The Chair will again state the question. The gentleman from South Dakota asks unanimous consent that all debate upon this paragraph and amendments thereto close in twelve minutes; five minutes to be occupied by the gentleman from Virginia, five minutes by the gentleman from California, and two minutes by the gentleman from Illinois. Is there objection?

Mr. FITZGERALD. Reserving the right of object, I will ask, Does the gentleman then intend to move that the committee rise?

Mr. BURKE of South Dakota. I intend to do that.

Mr. FITZGERALD. I shall object.

Mr. BURKE of South Dakota. Then, Mr. Chairman, I move that all debate upon the paragraph and pending amendments, including the substitute, close in twelve minutes.

The CHAIRMAN. The gentleman from South Dakota moves that all debate on the paragraph and all amendments close in twelve minutes.

The question was taken, and the motion was agreed to.

Mr. KAHN. Mr. Chairman, this system that has grown up in recent years of establishing warehouses at principal points, where goods can be shipped speedily and promptly to the agencies, is far in advance of the system that prevailed prior to the

establishment of those warehouses, and I believe with the gentleman from New York [Mr. FITZGERALD] that if we go back to the old system, the Indian supply department will again prove a system of rottenness and corruption, just as it was prior to 1880.

Here is what was said on the floor of this House at the time the changes were made.

Mr. Ryan, of Kansas, on the 15th of April, 1880, speaking of the service, said that there is a monopoly of bidders for these supplies; the competition is confined to professional contractors. By examination of the records it will be found that in the case of the very largest contracts, where there have been as high as 7,000,000 pounds of beef contracted for in one contract, there have been only about seven bidders in all.

Now, at the time that statement was made those seven bidders represented all the competitive bidding in this whole country, and to-day in the various cities where bids are called for you have as many bidders as that on any single commodity.

Mr. Ryan further stated:

> There is a class of professional contractors who do not require much notice. They have their agents in Washington and are ready at all times. Ten days' notice will do them, and, indeed, no notice at all would answer their purpose.
>
> But what we want is that adequate notice shall be given, so that the producers of the West may have an opportunity to bid for the sale of these supplies to the Government.

Mr. Dunnell said:

> Let the men who can furnish the supplies have an opportunity to make bids and a fair chance. The contracts are all advertised here. The agent is in New York. He knows when the advertisement takes place, and can post his principals. But the men in Kansas who really furnish the supplies do not know anything about it, and can not know anything about it, because they have no means of ascertaining. The bids are to be opened in New York, and men who might bid are a thousand miles off. They can not afford to go to New York.

In that way the bids for supplies that were to be used in Dakota were opened in New York, the awards were made in New York, and the goods were sold to the Indians at a much higher price than they would have been sold if they had been purchased in the neighborhood where they originated.

Mr. MARTIN of South Dakota. I should like to ask how the maintenance of a warehouse in New York has any bearing upon that question? In other words, you question the motives of the movement. The system certainly is not changed by the question whether the Government maintains a warehouse in New York or whether it does not.

Mr. KAHN. It does make a great difference in this: The Government issues advertisements for certain supplies to be delivered at the New York warehouse. The men in the various lines of business who produce the goods that are called for are notified from that warehouse, and they know that this bidding is going on. They put in bids, and the consequence is there is keen competition. That system prevails in every city of the country where there is a warehouse.

But the merchants and producers in the various cities where these warehouses exist are not the only men who bid upon these advertisements, but bids are received from all over the country, and it has resulted in a material saving to the Indians of this country by maintaining this competition that has grown up as a result of the warehouses. [Applause.]

Mr. MANN. Mr. Chairman, like other gentlemen here, I feel an interest in the Indian warehouse in my city, and am somewhat tempted to take the same position which they have taken, which I consider very natural and quite proper.

Some years ago I gave considerable attention to the subject of the Indian warehouse, particularly at Chicago, when it was proposed to make some change in the method of purchasing Indian supplies. I went over the matter with the Indian Commissioner here, and I reached the conclusion then, which I have entertained ever since, that while it would be for the best interests of the service to abolish the Indian warehouses at New York, St. Louis, Omaha, and San Francisco and maintain the Indian warehouse at Chicago, where most of the business is done, yet if it be necessary to abolish all of these Indian warehouses and stop the payment of the employees at all of them in order to escape the abuse of paying salaries at places where certainly they are not needed, it were better to abolish them all than to maintain the existing abuse caused by the continuance of them all. And, so far as I am concerned, I am perfectly willing in the interest of the service, in the interest of economy, in the interest of giving a proper use of the money which is expended by the Government, to permit the purchases to be made in the manner which has been suggested, in open bids in the market, and let the Chicago people who wish to bid take their chances with the rest of the country upon even terms and without any local preference. [Applause.]

Mr. SAUNDERS. Mr. Chairman, every word stated by the gentleman from California is doubtless true, as it relates to past conditions, but he has failed to show that by the perpetuation of the warehouse system the country at large will be protected against a return of these conditions. It has not been shown that the warehouse serves in anywise to protect the Indian against imposition or to prevent administrative abuses. The gentleman from New York drew a doleful picture of what would come to pass should we abolish the existing warehouses, but he has failed to show that the existence of the warehouse system was in the interest of the Indians.

The warehouse system has been the subject of such excessive laudation on the part of its advocates, that one would think it was the very acme of improved business methods, but I want to bring before the House what the Commissioner of Indian Affairs has had to say about the system in vogue, and then I will submit to this body whether it wants to continue that system. Here is what the Commissioner of Indian Affairs has to say:

> The Indian supplies are purchased under a system—

And mark you, that is the warehouse system—

> which is not based on commercial methods, and as a result thereof, there is a lack of competition.

The gentleman from Missouri has stated that the warehouse system is a system of competition, but his statement is in direct contravention of that of the commissioner. Now, the commissioner says further:

> The business is not so enticing to manufacturers as commercial business, for reasons given below, and as a consequence, goods are not being obtained at the best prices, and trade discount is an unknown factor.

Mr. BARTHOLDT. I want to say to my friend that from what he has read, I am satisfied and led to believe, that the Indian Office is trying to bring the warehouse system into disrepute in order to change it.

Mr. SAUNDERS. Well, let that pass as a reflection by the gentleman from Missouri upon the Indian Department. All I have to say is that the very thing which our friends claim as a product of the warehouse system, is specifically denied on the part of the head of this department.

Now, if the warehouse system is abolished, you will get a system under which supplies will be purchased under existing law relating to advertisement. The purchases will be made under the general law which provides that—

> all purchases and contracts of supplies for any department of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service.

I want to say further, that so far from the warehouse system providing for local competition, it excludes competition, according to the statement of the Commissioner of Indian Affairs. Under the system proposed by the Commissioner of Indian Affairs he says that—

> competition on the part of local dealers throughout the country and inspection and purchase of goods at factories, with prompt settlement therefor, will result in lower prices.

The whole proposition in a nutshell, and stated in concrete form, is that the present system, so far from being a good one, is a bad one, and, in the judgment of the Commissioner of Indian Affairs, ought to be abolished.

The proposed system will be under the law providing for advertisement. The bids will be open to the whole country, and there will be no elimination of local bidders. The abuses referred to by the gentleman from California were doubtless administrative abuses, and the use of the warehouses for storage purposes is not in anywise effectual to remove those abuses or hinder their return.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARSONS. There were some 250,000 shipments. Is each of these shipments to be inspected?

Mr. SAUNDERS. I understand there will be an inspection; yes.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from South Dakota that the committee do now rise.

The question was taken; and on a division (demanded by Mr. BARTHOLDT) there were—ayes 36, noes 42.

Mr. BURKE of South Dakota. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. BURKE of South Dakota and Mr. BARTHOLDT to tell the House.

The House again divided; and the tellers reported—ayes 36, noes 45.

Mr. BURKE of South Dakota. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from South Dakota makes the point that there is no quorum present. The Chair will count. [After counting.] Eighty-five gentlemen present; not a quorum.

Mr. TAWNEY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The call of the roll is the regular order, and the Clerk will proceed with the call.

The Clerk called the roll.

The CHAIRMAN. The Clerk has called the roll. The Chair will direct the Clerk to read paragraph 2 of Rule XXIII.

The Clerk read as follows:

Whenever a Committee of the Whole House or the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The CHAIRMAN. The committee rises in pursuance of the rule just read.

The committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19028, the Indian appropriation bill, and, upon a point of no quorum present being made, ascertained that it was without a quorum, and that thereupon, as required by the rule, the roll was called, and that the call of the roll disclosed the following absentees, whom he reported to the House as required by the rule:

Adair	Foelker	Lafean	Reid
Aiken	Fordney	Lamb	Reynolds
Alexander, N. Y.	Fornes	Langham	Rhinock
Allen	Fowler	Langley	Richardson
Anderson	Gaines	Latta	Riordan
Anthony	Gardner, Mass.	Law	Roberts
Ashbrook	Gardner, N. J.	Lawrence	Rothermel
Barchfeld	Garner, Pa.	Legare	Rucker, Colo.
Barnard	Garrett	Lindbergh	Rucker, Mo.
Bartlett, Nev.	Gill, Md.	Lindsay	Russell
Bates	Gillespie	Livingston	Sharp
Bennett, Ky.	Gillett	Lloyd	Sheffield
Bingham	Gilmore	Longworth	Sherley
Booher	Glass	Loud	Simmons
Boutell	Godwin	Loudenslager	Sims
Bowers	Goldfogle	Lowden	Slayden
Brantley, Ga.	Graham, Ill.	Lundin	Slemp
Broussard	Graham, Pa.	McCall	Small
Burgess	Grant	McDermott	Smith, Iowa
Burke, Pa.	Gregg	McHenry	Smith, Mich.
Burleigh	Griest	McKinlay, Cal.	Smith, Tex.
Butler	Guernsey	McKinley, Ill.	Snapp
Byrd	Hamill, N. J.	McKinney	Southwick
Cantrill	Harrison	McLachlan, Cal.	Sparkman
Capron	Haugen	McLaughlin, Mich.	Sperry
Cassidy	Hawley	Madison	Stanley
Clark, Fla.	Heald	Malby	Steenerson
Clayton	Helm	Maynard	Sturgiss
Cline	Henry, Conn.	Miller, Kans.	Sulzer
Cocks, N. Y.	Henry, Tex.	Mondell	Swasey
Cole, Ohio.	Higgins	Moon, Pa.	Talbott
Collier	Hill	Moore, Pa.	Taylor, Ala.
Cook	Hobson	Moore, Tex.	Taylor, Ohio
Cooper, Pa.	Hollingsworth	Morgan, Okla.	Tener
Covington	Howland	Moxley	Thistlewood
Cowles, N. C.	Hubbard, W. Va.	Mudd	Thomas, N. C.
Cox, Ohio	Huff, Pa.	Nelson	Thomas, Ohio
Crumpacker	Hughes, Ga.	O'Connell	Tirrell
Dalzell	Hughes, W. Va.	Olcott	Townsend
Davidson	Hull, Iowa.	Page	Vreeland
Davis	Humphrey, Wash.	Palmer, A. M.	Wallace
Dawson	Jamieson	Palmer, H. W.	Washburn
Denby	Johnson, Ky.	Patterson	Webb
Diekema	Johnson, Ohio	Payne	Weisse
Douglas	Johnson, S. C.	Pearre	Wheeler
Draper	Jones	Perkins	Wiley
Daniel A. Driscoll	Joyce	Peters	Willett
Durey	Keifer	Pickett	Wilson, Ill.
Edwards, Ky.	Kelliher	Plumley	Wilson, Pa.
Esch	Kennedy, Ohio	Pratt	Wood, N. J.
Estopinal	Kinkaid, Nebr.	Prince	Woodyard
Fairchild	Kinkead, N. J.	Pujo	Young, Mich.
Finley	Kitchin	Randell, Tex.	Young, N. Y.
Fish	Knowland	Ransdell, La.	
Focht	Kronmiller	Reeder, Kans.	

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that the point of no quorum being made in the Committee of the Whole House on the state of the Union, and no quorum being present, the roll was called, and under the rule the absentees have been reported. It appears there were present 166.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Minnesota moves that the House do now adjourn.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. HITCHCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 100, noes 70.

Mr. HITCHCOCK. Tellers, Mr. Speaker.

The question was taken; and tellers were ordered.

The SPEAKER. The gentleman from Nebraska [Mr. HITCHCOCK] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The House again divided; and the tellers reported—ayes 80, noes 70.

So the motion to adjourn was agreed to.

Accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Delaware River from Allegheny avenue, Philadelphia, to Trenton, N. J. (H. Doc. No. 702)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Pierre, Mississippi (H. Doc. No. 701)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Warroad Harbor, Minnesota (H. Doc. No. 703)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the purchase of land for the Shiloh National Military Park (H. Doc. No. 704)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EDWARDS of Kentucky, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 20988) authorizing the Secretary of Commerce and Labor to construct a water main and electric cable across Galveston Channel to furnish water and light to the immigration station, reported the same with amendment, accompanied by a report (No. 500), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5125) authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district," reported the same with amendment, accompanied by a report (No. 501), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel, reported the same without amendment, accompanied by a report (No. 499), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21254) for the relief of the estate of Dr. Joseph Richard Martin, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 19929) granting an increase of pension to Helen W. Miller—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEALD: A bill (H. R. 21420) to provide for a site and public building at Seaford, Del.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21421) to provide for a site and public building at New Castle, Del.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21422) to provide for the erection of a public building at Lewes, in the State of Delaware—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 21423) to enlarge the post-office and court-house building at Auburn, N. N., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. ELLERBE: A bill (H. R. 21424) to provide for the erection of a monument to Brig. Gen. Francis Marion—to the Committee on the Library.

By Mr. CANDLER: A bill (H. R. 21425) to provide land laws for the Territory of Hawaii—to the Committee on the Territories.

By Mr. SABATH: A bill (H. R. 21426) to increase the scope of the work of the Division of Information, United States Immigration Service—to the Committee on Immigration and Naturalization.

By Mr. PARKER (by request): A bill (H. R. 21427) providing immunity as to testimony given in any inquiry or proceeding on behalf of the United States, and to repeal section 860, Revised Statutes—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 21428) authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes—to the Committee on the Public Lands.

By Mr. COX of Indiana: A bill (H. R. 21429) for the construction of four locks and dams in the Ohio River—to the Committee on Rivers and Harbors.

Mr. EDWARDS of Georgia: A bill (H. R. 21430) to amend acts embodied in section 3258 of the Revised Statutes of the United States, second edition (1878) relating to the registry of stills, etc., so as to exempt turpentine stills—to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 21431) providing for the vote of thanks to be presented to Civil Engineer Robert E. Peary, U. S. Navy, and the men who accompanied him on his expedition whereby he discovered the North Pole, and providing for an annuity instead of retired pay, and a suitable gold medal—to the Committee on Naval Affairs.

By Mr. POINDEXTER: A bill (H. R. 21474) to increase the pay of United States rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE: Resolution (H. Res. 402) of inquiry of the Secretary of State—to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: Joint resolution (H. J. Res. 151) proposing an amendment to the Constitution of the United States extending the right of suffrage to women—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21432) granting an increase of pension to Lewis F. Sasseen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21433) granting an increase of pension to Benjamin F. Adams—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 21434) granting an increase of pension to James H. Campbell—to the Committe on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21435) granting an increase of pension to Jacob W. Martin—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 21436) granting an increase of pension to John Gould—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21437) to correct the military record of Nicholas Lochboehler—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 21438) granting a pension to Sarah E. Bates—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 21439) granting a pension to William F. Patten—to the Committee on Pensions.

Also, a bill (H. R. 21440) for the relief of the heirs of Solomon Cohen, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 21441) granting an increase of pension to Charles Russe—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 21442) to reappoint S. A. Russel a captain in the United States Army and place him on the retired list in addition to the number now authorized—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 21443) granting an increase of pension to James B. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21444) granting an increase of pension to William W. King—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 21445) to carry out the findings of the Court of Claims in the case of William Baker—to the Committee on War Claims.

Also, a bill (H. R. 21446) to carry out the findings of the Court of Claims in the case of the University of Missouri—to the Committee on War Claims.

Also, a bill (H. R. 21447) granting an increase of pension to John Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21448) granting an increase of pension to Charles A. Affolder—to the Committee on Pensions.

Also, a bill (H. R. 21449) granting an increase of pension to Francis A. Ashby—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 21450) granting a pension to William F. Bunger—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 21451) granting an increase of pension to George C. Robinson—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 21452) granting a pension to Martha S. White—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21453) granting an increase of pension to Thomas Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21454) granting an increase of pension to Fieldon S. Snodgrass—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21455) granting an increase of pension to Henry Ryan—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 21456) granting a pension to Fannie G. Arnold—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21457) granting an increase of pension to George W. Robbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21458) granting an increase of pension to Albert Tipton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21459) granting an increase of pension to J. W. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21460) granting a pension to David T. Curnutte—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 21461) granting an increase of pension to Ludwig Liebig—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 21462) to correct the military record of Edward C. Jacobs—to the Committee on Military Affairs.

By Mr. MORGAN of Missouri: A bill (H. R. 21463) granting an increase of pension to Griffith M. Robinson—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 21464) granting an increase of pension to George S. Bamford—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 21465) for the relief of the legal representatives of J. Hill Jones—to the Committee on Claims.

Also, a bill (H. R. 21466) for the relief of J. M. Barco—to the Committee on Claims.

By Mr. STURGISS: A bill (H. R. 21467) granting an increase of pension to Alfred J. McCullough—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 21468) granting an increase of pension to Rawson Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21469) granting an increase of pension to Winfield S. Norcross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21470) granting a pension to Joseph Parker—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21471) granting a pension to Celia Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21472) granting an increase of pension to John Arnold—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 21473) granting a pension to A. J. Clements—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the Associated Business Men's Club of Van Wert, Ohio; Walter Coles Cabell; the Halle Brothers Company; and the May Company, of Cleveland, Ohio, for postponement of operation of the corporation-tax law until after decision by the Supreme Court as to its constitutionality—to the Committee on Ways and Means.

Also, petition of Delphos Council, No. 1362, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Paper to accompany bill for relief of John Gould—to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of C. R. Pendleton, Robert Hodges, Roland Ellis, H. T. Powell, J. W. Cannon, De Witt McCrooy, and others, of Macon, Ga., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of St. John's Branch, No. 8, Catholic Mutual Benefit Association, of Erie, Pa., for admission of journals of fraternal organizations as second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the German Stove Company and Chamber of Commerce of Pittsburg, and Pennsylvania Mutual Life Insurance Company, of Philadelphia, asking postponement of date for filing returns under corporation-tax law—to the Committee on Ways and Means.

Also, petition of Lumbermen's Exchange of Philadelphia, Pa., asking appropriations in line of recommendations by the River and Harbor Congress, etc.—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: Paper to accompany bill for relief of Sarah E. Bates—to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petitions of citizens of the twenty-third ward, Chicago, Ill., against increase of rates on second and third class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of National Business League of America, for an appropriation for publication of a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: Petition of the New York Observer, of New York, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of National Business League of America, for an appropriation to publish a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Rosenwald & Weil, of Chicago, Ill., favoring certain amendments to the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. ELLIS: Petition of J. C. Henry and 110 others, of La Grande, Oreg., favoring bill for relief of the Siletz settlers in Oregon—to the Committee on the Public Lands.

By Mr. GILLETT: Petition of the Grange of Warwick, Mass., and the Franklin Grange, of Franklin, Mass., against increase of postage on second and third class mail matter and for a general parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Central Labor Union of Springfield, Mass., for legislation against combinations that have caused increase in price of living—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of harbor board of Trenton, N. J., for improvement of water front—to the Committee on Rivers and Harbors.

By Mr. GREENE: Petition of marine insurance companies, for appropriation to place a light-ship at Peaked Hill Bars, Cape Cod, Massachusetts—to the Committee on Interstate and Foreign Commerce.

Also, petition of 68 clergymen, of all denominations, in New Bedford and vicinity, favoring decrease in expenditures for the army and navy—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of Rebecca Dewey Chapter, of Three Oaks, Mich., National Society of the Daughters of the American Revolution, for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of Local Union No. 404, International Brotherhood of Electrical Workers of America, San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of New Jersey Editorial Association, against Post-Office Department printing return card on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade, Paterson, N. J., for suspension of enforcement of clause 38 of the Payne tariff law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of New Jersey Editorial Association, against restoration of passes for newspapers in exchange for advertising—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of Hall, Wedge and Carter and 5 other representative fruit dealers, for House bill 16919—to the Committee on Agriculture.

Mr. HULL of Iowa: Petition of citizens of Perry, Iowa, against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KINKEAD of New Jersey: Petition of business men of Paterson, N. J., against filing report of business as per requirement of clause 38 of the Payne tariff law prior to decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. KORBLY: Petition of Indiana Commandery of the Loyal Legion, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. KÜSTERMANN: Petition of Rev. J. T. Seek, of Sturgeon Bay, Wis., favoring the McCumber-Tirrell (H. R. 14536) and other kindred measures favoring moral reform—to the Committee on Alcoholic Liquor Traffic.

By Mr. LAFEAN: Paper to accompany bill for relief of Charles G. Miller (H. R. 20528)—to the Committee on Invalid Pensions.

By Mr. MALBY: Petition of Gouverneur Grange, No. 303, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. MOON of Pennsylvania: Petition of Isaac R. Oakford and other citizens of Philadelphia, Pa., for a volunteer officers' retired list (H. R. 18899)—to the Committee on Military Affairs.

Also, petition of National Board of Trade, relative to trade, treaties, and reciprocity with Canada, etc.—to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of Massachusetts State Board of Trade, for a ship subsidy for South American countries, China, Japan, and the Philippines—to the Committee on the Merchant Marine and Fisheries.

By Mr. PLUMLEY: Paper to accompany bill for relief of John A. Heard—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Claims.

By Mr. POINDEXTER: Petition of citizens of Prosser, Wash., and citizens of Lowgap, Wash., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. RUCKER of Colorado: Petition of 31 citizens of Lafayette, Colo., and 125 citizens of Boulder, Colo., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frederick L. Howe, secretary of Altoona Grange, No. 127, R. F. D. No. 3, Longmont, Colo., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of National Business League of America, for the Department of Commerce and Labor to publish and distribute a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of Local Union No. 176, United Brotherhood of Carpenters and Joiners of America, Newport, R. I., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Westerly (R. I.) Board of Trade, favoring the Weeks bill for forest reserve in the White Mountains (H. R. 11798)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of James Moran (H. R. 15640)—to the Committee on Invalid Pensions.

By Mr. SWASEY: Petition of citizens of North Jay, Me., against S. 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: Petition of citizens of Longmont, Colo., against Senate bill 404, proper observance of Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Crawford, Colo., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Franklin Park Floral Company, Hoffman-Conklin Company, Keever Starch Company, and other citizens of Columbus, Ohio, for repeal of section 38 of the corporation-tax law—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of Randolph Grange, No. 778, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WILLETT: Petition of board of managers of the New York Produce Exchange, against changing pilot charts from Hydrographic Office to Weather Bureau—to the Committee on Naval Affairs.

Also, petition of New York Produce Exchange, in support of the Burleson bill affecting oleomargarine—to the Committee on Agriculture.

Also, petition of National Board of Trade, against the educational test in legislation affecting immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *February 21, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

INCREASED COST OF LIVING.

The VICE-PRESIDENT. Pursuant to the authority conferred by Senate resolution No. 165, of February 9, 1910, authorizing an investigation by a committee of the Senate into the cost of living and any increase in the same since 1900, and whether the price of the necessaries of life which enter into the general use and consumption of the people have, since that year, increased, et cetera, the Chair appoints Mr. JOHNSTON as an additional member of the committee, in place of Mr. CHAMBERLAIN, who was excused from service upon the committee on the last legislative day.

ESTIMATES OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations for inclusion in the agricultural appropriation bill for the year ending June 30, 1911, $50,000 (S. Doc. No. 374), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RECLAMATION PROJECTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 10th instant, certain information as to the amount of money required to finish the reclamation projects now under consideration, and also the amount of money expended upon each of the projects, etc. (S. Doc. No. 376), which, on motion of Mr. HEYBURN, was, with the accompanying papers, referred to the Committee on Public Lands and ordered to be printed.

CLAIM OF WILLIAM B. DUNCAN.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William B. Duncan, administrator of David S. Jones, deceased, *v.* United States (S. Doc. No. 375), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13145) for the relief of John W. Dula.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 821. An act to provide for the appointment of an additional district judge in and for the district of Maryland;

S. 1043. An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern judicial district of the State of Ohio;

H. R. 2828. An act for the relief of William Martinson;

H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army;

H. R. 13145. An act for the relief of John W. Dula and C. M. Cox;

H. R. 17531. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909;

H. J. Res. 101. Joint resolution authorizing an extension of the tracks of the Atchison, Topeka and Santa Fe Railway on the military reservation at Fort Leavenworth, Kans.; and

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the American Academy of Arts and Sciences relative to the recommendations of the President regarding the administration of the Naval Observatory, which were referred to the Committee on Naval Affairs.

He also presented the petition of L. W. Huffman, of Alexandria, Va., praying that he be granted the privilege of raising funds by popular subscription for the construction of the proposed Arlington memorial bridge, which was ordered to lie on the table.

Mr. CULLOM presented a petition of Local Union No. 694, United Mine Workers, of Girard, Ill., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a petition of Local Union No. 214, Farmers' Educational and Cooperative Union of America, of Anna, Ill., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Business League of America, praying that an appropriation be made for the publication of a trade directory of the world, which was referred to the Committee on Appropriations.

He also presented petitions of sundry labor organizations of Marion, Trenton, Champaign, Aurora, and Girard, all in the State of Illinois, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. LODGE. I present resolutions adopted by George H. Ward Post, No. 10, Department of Massachusetts, Grand Army of the Republic. The resolutions are brief. I ask that they be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the resolutions were referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

HEADQUARTERS GEORGE H. WARD POST, NO. 10,
DEPARTMENT OF MASSACHUSETTS,
GRAND ARMY OF THE REPUBLIC,
Worcester, Mass., February 17, 1910.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: At a regular meeting of this post it was unanimously voted:

"That the George H. Ward Post, No. 10, Department of Massachusetts, Grand Army of the Republic, as a post, condemns the idea of placing in the Hall of Fame, in the National Capitol, at Washington, D. C., of the statue of one Robert E. Lee, in the uniform of a rebel general, who for four years, with others, sought to destroy the unity of the Nation, and we most earnestly and most emphatically object to, and protest, as a post, and as citizens and defenders of the Nation, to its being allowed to remain in the National Capitol, or to its acceptance by Congress in behalf of, or as representatives of, a loyal, patriotic, and united people."

It was also voted that the adjutant be instructed to send a copy of said vote to the Senators from this State, and that each be asked to use his best endeavors and his vote to prevent the acceptance and placing of said statue, and to carry out the wishes of the comrades as expressed by said vote.

Yours, very respectfully,

FORDIS O. BUSHNELL, *Adjutant.*

Mr. GALLINGER presented a petition of Milford Chapter, National Society of the Daughters of the American Revolution, of Milford, N. H., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of Local Council No. 235, Knights of Columbus, of Orange, N. J., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of New Brunswick, N. J., praying for the enactment of legislation to defer the filing of the first reports of corporations until a decision is rendered by the Supreme Court as to the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Morristown Chapter, National Society of the Daughters of the American Revolution, of Morristown, N. J., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BURNHAM presented a petition of La Société des Artisans Canadiens Français, of New Market, N. H., and a petition of La Société des Artisans Canadiens Français, of Manchester, N. H., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a memorial of sundry citizens of Idaho Falls, Idaho, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Preston, Fairview, Franklin, and Whitney, all in the State of Idaho, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post Roads.

Mr. SCOTT. I present resolutions adopted by the West Virginia State Grange, Patrons of Husbandry, pertaining to food products. I ask that the resolutions be read.

The Secretary read the resolutions, as follows:

WEST VIRGINIA STATE GRANGE, PATRONS OF HUSBANDRY,
THIRTY-EIGHTH ANNUAL SESSION.

WORTHY MASTER: Your committee on resolutions has had under consideration the following matters presented by Brother Huyett; and respectfully recommend the adoption of the same, with a few modifications agreed to by the author.

Respectfully submitted.

H. B. DARNALL,
R. E. THRASHER,
D. W. WORKING.

The annual report of the Secretary of Agriculture, which has just been given to the public through the newspapers, estimating the value of the farm products of the country during the current year at more than $8,000,000,000, seems to be creating a false impression in the minds of most readers. All of this great addition to our usable wealth is not net profit to the farmer; and it seems that some systematic effort should be made to place the essential facts of this report before the public in their true light. This is attempted briefly, as follows:

There are 6,000,000 farms in the United States, on which 12,000,000 farm workers are employed, and on which about 35,000,000 people live—and ought to live well. When even the enormous total of Secretary Wilson's estimated farm values is divided among the millions who live and work on the farms, the showing appeals to the imagination with much less force than when the totals seem to represent a great stream of wealth flowing into the money boxes of the farmers.

Dividing the $8,760,000,000 among the farms of the country, we have an average product of $1,460 per farm. Dividing the total by the number of farm workers, we have a total product of $730 for each of them. Dividing the total by the number of people who must be supported out of these products, we have $250 for each of them. This does not look like abounding wealth.

But at least a billion dollars of the total must be charged off at the very first on account of interest on the $25,000,000,000 invested in farm property. Another billion needs to be deducted to pay for seed and fertilizers. Taxes, insurance, and depreciation account for millions more. And still there is a great deduction to be made on account of duplications of value in the magnificent totals given. The enormous value of the corn crop enters into the total; so does the value of the cattle, hogs, sheep, chickens, and other animals that eat most of the corn on the farms. The oats and hay and a very large share of the root crops are fed without leaving the farms; and their value appears as an original product and again as the price of the stock that consume them. So with dairy products. They represent a very large amount; but most of this large amount has been counted in the pasture grass, the hay, and the grain and other products fed to the cows.

If all of these proper deductions are made from the magnificent total of the Secretary's estimate, still the ordinary reader is led to believe that the farmer's income is an immense net income. The ordinary reader does not realize that farm income is not all profit. When the truth is known and appreciated, the average net income of the American farmer is small—too small to permit him to live in comfort and to educate his children as they ought to be educated.

The danger in this exaggeration of the products of the farm, with the implication that the farmer is abounding in wealth, will encourage business men and laboring men in the cities to make determined efforts to beat down the prices of farm products in the belief that the farmer is getting more than his share. The truth is that the average farm income is much lower than that of the average workman in the cities, to say nothing of the much larger average of all city dwellers, including the larger number of the wealthy who own a large portion of the farms and get practically all of the profits from such farms.

H. B. DARNALL,
R. E. THRASHER,
D. W. WORKING,
Committee on Resolutions.

This report was on motion with proper support adopted, and the secretary instructed to furnish copies to the public press, also to United States Senators and Congressmen from West Virginia, also to Secretary of Agriculture Wilson.

Correct copy from the journal.

[SEAL.]

T. C. ATKISON, *Master.*
M. V. BROWN, *Secretary.*

The VICE-PRESIDENT. The resolution will be referred to the special committee on the increased cost of living appointed under authority of Senate joint resolution 165.

Mr. SCOTT presented a petition of Local Union No. 79, International Typographical Union, of Wheeling, W. Va., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of Grand Lodge, Knights of Pythias, of Wheeling, W. Va., remonstrating against the enactment of legislation to prohibit the wearing of any uniform or device used by the Regular Army, which was referred to the Committee on Military Affairs.

Mr. BRISTOW presented a memorial of the Advertising Club of Topeka, Kans., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of Morganville, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation to prohibit dealings in futures of farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Home Missionary Society of Clay Center, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. DICK presented memorials of sundry citizens of Mansfield, North Baltimore, Lake View, Rio Grande, and Middletown, all in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of Local Union, American Society of Equity, of Goshen, Ohio, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Junior Order No. 133, Pride of the West Council, of Marysville, Ohio, praying for the adoption of an amendment to the present immigration law relative to the capitation tax on immigrants, which was referred to the Committee on Immigration.

He also presented a petition of James St. John Post, No. 82, Grand Army of the Republic, Department of Ohio, of Cardington, Ohio, praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Massillon, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Massillon, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Meigs and Vinton counties, Ohio, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Preble County, Ohio, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the New England Manufacturing Jewelers and Silversmiths' Association, praying for the enactment of legislation to defer the time of the filing of the first reports of corporations until a decision is rendered by the Supreme Court as to the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a memorial of the Lebanon Mill Company, of Pawtucket, R. I., remonstrating against the retention of certain provisions contained in the corporation-tax law relative to the assessments of corporations, which was referred to the Committee on Finance.

Mr. OLIVER presented a memorial of William Penn Chapter, No. 124, American Insurance Union, of Pittsburg, Pa., and a memorial of Local Council No. 1831, Knights of Columbus, of New Kensington, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Military Order of the Loyal Legion of the United States, of Gettysburg, Pa., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a memorial of Local Grange No. 1098, Patrons of Husbandry, of Andover, N. Y., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York Produce Exchange of New York City, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of White Plains Chapter, National Society of the Daughters of the American Revolution, of White Plains, N. Y., praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization, in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of the Business Men's Association of Newburgh, N. Y., praying for the enactment of legislation to defer the time of the filing of the first reports of corporations until a decision is rendered by the Supreme Court as to the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a memorial of the New York Produce Exchange, remonstrating against the enactment of legislation to change the preparation of pilot charts by the United States Hydrographic Office to the Weather Bureau, which was referred to the Committee on Appropriations.

Mr. HALE presented a petition of P. Gillise Council, No. 188, Knights of Columbus, of Lubec, Me., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry Hebrew associations of Portland, Me., remonstrating against the passage of the so-called "Hayes bill," relative to the restriction of immigration of aliens, which was referred to the Committee on Immigration.

Mr. WARREN presented a petition of the Trades and Labor Council, American Federation of Labor, of Sheridan County, Wyo., and a petition of the Trades and Labor Council, American Federation of Labor, of Sweetwater County, Wyo., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Council, American Federation of Labor, of Sweetwater County, Wyo., praying for the enactment of legislation to conserve the natural resources of the country, which was referred to the Committee on Conservation of National Resources.

Mr. FRYE presented a memorial of sundry citizens of Portland, Me., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented the petition of Charles E. Jones, of Ponca, Nebr., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Nebraska Dairymen's Association, praying that an annual appropriation of $10,000 be made in aid of the agricultural colleges of the country, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BROWN presented a petition of the Omaha Commercial Club of Nebraska, praying that an appropriation of $250,000 be made for the protection of the territory endangered from the impending change in the course of the Missouri River, which was referred to the Committee on Commerce.

He also presented sundry affidavits to accompany the bill (S. 559) granting an increase of pension to William H. Covert, which were referred to the Committee on Pensions.

Mr. HEYBURN presented an affidavit to accompany the bill (S. 6240) granting an increase of pension to Joseph Lewis, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 646) for the relief of the estate of Julius Jacobs (Report No. 251); and

A bill (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation (Report 252).

Mr. GALLINGER. From the Committee on the District of Columbia I report adversely two bills, and I submit reports thereon. The purpose of the bills has been provided for in another measure which has been reported to the Senate.

The bills were indefinitely postponed, as follows:

A bill (S. 5290) directing the recorder of deeds of the District of Columbia to keep an index to recorded instruments by lots or tracts (Report No. 253); and

A bill (S. 4631) to amend section 555 of the Code of Law for the District of Columbia (Report No. 254).

Mr. DU PONT, from the Committee on Military Affairs, to whom was referred the bill (S. 5752) to correct the military record of Charles J. Smith, reported it without amendment and submitted a report (No. 255) thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1408) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war, reported it without amendment and submitted a report (No. 256) thereon.

Mr. BRISTOW, from the Committee on Claims, to whom was referred the bill (S. 6166) for the relief of R. B. Whitacre & Co., reported it with an amendment and submitted a report (No. 257) thereon.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 193) for the relief of James D. Elliott, reported it without amendment and submitted a report (No. 258) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15676) to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes, reported it without amendment and submitted a report (No. 259) thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16037) to amend section 810 of the Revised Statutes; and

A bill (H. R. 16364) to amend in part section 658 of the Revised Statutes.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 6089) to correct the military record of Edward D. Gilbert, reported it without amendment and submitted a report (No. 260) thereon.

LIQUOR TRAFFIC IN HAWAII.

Mr. DEPEW. From the Committee on Pacific Islands and Porto Rico I report an original joint resolution. This joint resolution is a solution of the question which has been debated before the committee in reference to the bill which was introduced for prohibition by an act of Congress. The governor and legislature of and the Delegate from Hawaii protested against this encroachment upon their self-government, and the solution is this joint resolution, under which the question is to be sub-

mitted to the people of Hawaii as to whether they will have prohibition or not.

The joint resolution (S. J. Res. 80) providing for a special election in the Territory of Hawaii was read twice by its title.

The VICE-PRESIDENT. The joint resolution will be placed on the calendar.

WITHDRAWAL OF PAPERS.

Mr. BURNHAM, from the Committee on Claims, reported the following order, which was considered by unanimous consent and agreed to:

Ordered, That there be withdrawn from the files of the Senate the papers accompanying—

S. 1470. For the relief of the heirs of Charles and Palmyra Barre, his wife, deceased;

S. 3073. For the relief of the heirs or estate of Aulsey Dean, deceased;

S. 876. For the relief of the heirs of James Peek, deceased;

S. 433. For the relief of Ella Phillips, widow of David Phillips, deceased; and

S. 3066. For the relief of the heirs or estate of Sarah E. Wedelstedt and Nimrod E. Berk, deceased;

All of the Sixty-first Congress, no adverse report having been made thereon.

BILLS AND JOINT RESOLUTION.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6637) granting an increase of pension to Benjamin N. Bradfield; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6638) providing for the adjustment and payment of accounts of laborers and mechanics arising under the eight-hour law; to the Committee on Education and Labor.

By Mr. GALLINGER:

A bill (S. 6639) for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the City of Washington, D. C. (with an accompanying paper); and

A bill (S. 6640) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. DU PONT:

A bill (S. 6641) granting an increase of pension to Edward Heiry (with accompanying papers); and

A bill (S. 6642) granting a pension to Elisha G. Ryon (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6643) to increase the limit of cost of the public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. HEYBURN:

A bill (S. 6644) granting a pension to Cleora E. Masonheimer (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6645) for the establishment of a park at the junction of Maryland avenue, Fifteenth street, and H street NE., Washington, D. C.; to the Committee on Public Buildings and Grounds.

A bill (S. 6646) granting an increase of pension to George K. Steele (with accompanying papers); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6648) granting an increase of pension to Rufus E. Losee; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 6649) providing for the military status of John Gray; to the Committee on Military Affairs.

By Mr. DEPEW:

A bill (S. 6650) granting an honorable discharge to Edward S. Conkling; and

A bill (S. 6651) to correct the military record of A. J. G. Kane; to the Committee on Military Affairs.

A bill (S. 6652) for the relief of Mrs. Alice Sparks, legal representative of John Toomy, deceased; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 6653) granting an increase of pension to Albert Miller (with accompanying papers); and

A bill (S. 6654) granting an increase of pension to William E. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 6655) granting an increase of pension to Samuel Dillon; to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6657) to limit the jurisdiction of the district and circuit courts of the United States; to the Committee on the Judiciary.

A bill (S. 6658) for the relief of the First Presbyterian Church of Darien, Ga.; and

A bill (S. 6659) for the relief of the heirs of Thomas J. Holmes and Richard R. Holmes, deceased; to the Committee on Claims.

By Mr. ALDRICH:

A bill (S. 6660) authorizing the Secretary of the Treasury to convey to the city of Providence, State of Rhode Island, the building formerly used as United States post-office, court-house, and custom-house; to the Committee on Public Buildings and Grounds.

By Mr. OVERMAN:

A bill (S. 6661) in aid of navigation of the Cape Fear River at and below the city of Wilmington, N. C.; to the Committee on Commerce.

By Mr. WARNER:

A bill (S. 6662) to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure; to the Committee on Commerce.

A bill (S. 6663) for the relief of Maj. Charles B. Ewing, Medical Corps, U. S. Army, retired; to the Committee on Military Affairs.

By Mr. PERKINS:

A bill (S. 6664) granting an increase of pension to George W. Farrington; to the Committee on Pensions.

A bill (S. 6665) to correct the military record of Orlando A. Stebbins (with an accompanying paper); to the Committee on Military Affairs.

By Mr. TALIAFERRO:

A bill (S. 6666) granting an increase of pension to David Barcus (with accompanying papers); and

A bill (S. 6667) granting an increase of pension to George H. Ward; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 6668) for the relief of the Paint Creek Baptist Church, of Gallipolis, Ohio; to the Committee on Claims.

By Mr. PILES:

A bill (S. 6669) granting an increase of pension to Jack Sommer; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6670) to remove the charge of desertion against Peter Gannon; to the Committee on Military Affairs.

By Mr. GAMBLE:

A bill (S. 6671) granting an increase of pension to William S. Addington; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6672) granting an increase of pension to Thomas Peyton (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 6673) granting a pension to James N. Ballard (with accompanying papers); to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 6674) for the relief of the heirs of Phoebe Fuqua Peirce; to the Committee on Claims.

By Mr. GORE (by request):

A bill (S. 6675) permitting homestead entries upon certain lands in the Lawton land district, Oklahoma; to the Committee on Public Lands.

By Mr. BORAH:

A joint resolution (S. J. Res. 81) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex; to the Committee on the Judiciary.

JOINT HOMESTEAD ENTRY.

Mr. BURKETT introduced a bill (S. 6647) to enable two persons to make a joint homestead entry and secure a patent thereto after complying with the homestead laws as to improvement, cultivation, and time of residence, and for other purposes, which was read twice by its title.

Mr. BURKETT. It will be observed that the bill proposes a new departure in the homestead law, and that the Senate may know in just whose interest it is and the importance of the bill, I ask to have read a letter which I send to the desk.

The VICE-PRESIDENT. Without objection, the letter will be read.

The Secretary read the letter, as follows:

OMAHA CENTRAL LABOR UNION,
Omaha, Nebr., February 10, 1910.

Hon. E. J. BURKETT,
United States Senate, Washington, D. C.

DEAR SENATOR: At the last meeting of the Omaha Central Labor Union resolutions were passed instructing the following undersigned officers to make request of you to introduce the inclosed bill and to request your earnest cooperation in securing its passage.

The laboring men in the large industrial centers, where may always be found an army of unemployed, find the sentiment of "back to the land" increasing daily. But when we seek the remedy through the homestead rights, we find that the cost is absolutely prohibitive, hence the jobless must continue to remain homeless.

While this bill may be crude in its construction, yet we feel that it contains the substance of a just and remedial law which should meet with the approval of all classes of our citizens. We have conferred with Mr. D. Clem Deaver, who we consider as an authority upon such laws, and this bill, as presented, meets with his approval.

Trusting that we may receive your hearty cooperation and thanking you in advance for all favors, we remain,

Yours, fraternally,

OMAHA CENTRAL LABOR UNION.
A. J. DONAHUE, *President.*
JOHN POLIAN, *Secretary.*
LOUIS V. GUYE,
Chairman Board of Directors.

Mr. BURKETT. I move that the bill and accompanying letter be referred to the Committee on Public Lands.

The motion was agreed to.

FISH-CULTURAL STATION IN INDIANA.

Mr. BEVERIDGE. I introduce a bill to establish a fish-cultural station in the State of Indiana, which I ask to be referred to the Committee on Fisheries.

I wish to state to the chairman of that committee and the Senate at this time that there is now no fish-cultural station in the State of Indiana, and our waters are better located for the purpose of a fish-hatching and fish-cultural station than those of almost any other State. We are in bad need of a fish-cultural station, and I hope the committee will consider the bill favorably.

The bill (S. 6656) to establish a fish-cultural station in the State of Indiana was read twice by its title and referred to the Committee on Fisheries.

CLAIMS OF L. A. WISMEYER AND OTHERS.

Mr. OWEN submitted an amendment providing for the investigation and the readjustment of the claims of L. A. Wismeyer, a licensed trader, and such other licensed traders, with the Osage Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. JONES submitted an amendment proposing to appropriate $135,000 for improving St. Michael Canal, Alaska, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for improving Lake Crescent and Dunns Creek, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving St. Andrews Bay, Florida, to $103,395, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Choctawhatchee River, Florida and Alabama, to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the removal of the water hyacinth from the navigable rivers of Florida, etc., to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DU PONT submitted an amendment proposing to appropriate $18,500 for improving the Leipsic River, Delaware, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $350,000 for improvements and maintenance of improvements from the mouth of the Missouri River to Fort Benton, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate $1,000,000 to secure a permanent 6-foot channel in the Missouri River between Kansas City and Sioux City, Iowa, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment authorizing the Secretary of War, if, in his judgment, the prices received in response to advertisement for bids for dredging Oakland Harbor, California, are not reasonable, to expend so much of the amount appropriated for the purchase or construction of a suitable dredging plant, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. TALIAFERRO submitted an amendment providing for the survey of Lemon Bay to Gasparilla Sound, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of St. Josephs Bay Harbor, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving St. Lucie Inlet, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment proposing to appropriate $300,000 for the purchase of the existing canal and locks around Willamette Falls, Oregon City, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRIGGS submitted an amendment proposing to appropriate $360,000 for constructing a channel in the Delaware River from Allegheny avenue, Philadelphia, to Trenton, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $100,000 for improving Arkansas River, Oklahoma, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of the Arkansas River between Fort Smith, Ark., and Muskogee, Okla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KEAN submitted an amendment providing for deepening the channel between South River and Old Bridge, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $100,000 for improving Cape Fear River above Wilmington, N. C., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

OPIUM TRAFFIC.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 377), which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State transmitting a Report on the International Opium Commission and on the Opium Problem as Seen Within the United States and Its Possessions, prepared by Mr. Hamilton Wright on behalf of the American delegates to the said commission,

held at Shanghai in February, 1909. In reference to this report the Secretary of State makes certain recommendations regarding an appropriation and other legislative action, which I commend to the Congress with my approval and the request that action should be taken accordingly.

WM. H. TAFT.

THE WHITE HOUSE, *February 21, 1910.*

WILLIAM FRYE WHITE.

Mr. FRYE. I am obliged to be absent nearly all the time upon the Committee on Commerce, and I should like to ask the Senate for the present consideration of the bill (S. 5071) for the relief of William Frye White, owner of lots 103, 104, 105, and 106, square 754, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. LORD.

Mr. GALLINGER. The next bill on the calendar is identical with the one that has just passed, and I ask unanimous consent for its present consideration. It is Senate bill 2045.

The Secretary read the bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; and the Senate, by unanimous consent, proceeded to consider it as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION FUND.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

The motion was agreed to; and the Senate, as in Committee of the While, resumed the consideration of the bill.

Mr. CARTER. The bill has been read, certain amendments adopted, and certain amendments are pending. I ask that the remaining committee amendments be read and passed upon.

The VICE-PRESIDENT. The pending amendment of the Committee on Irrigation and Reclamation of Arid Lands will be read.

The SECRETARY. On page 3, line 3, after the word "maintenance," strike out all of the bill down to and including the word "begun" and the period in line 8 and insert the following words:

The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under state, municipal, or local authority; that the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may, in the judgment of said Secretary, be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended, which has been read.

Mr. KEAN. May I ask the Senator from Montana if this exemption exceeds that at the present time given to the bonds of the United States?

Mr. CARTER. The exemption, as I understand it, is identical with the exemption provided in the bond issue during the Spanish-American war. The Senator probably has in mind the question of the exemption of the interest from the operations of the corporation tax. It does not refer to the question of interest, but merely exempts the indebtedness.

Mr. KEAN. Would the interest on these certificates be exempt under the corporation-tax law?

Mr. CARTER. I am not prepared to answer that question. I presume not, if the interest on bonds is not so exempt.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. FLINT. I should like to have the amendment as amended read again.

The VICE-PRESIDENT. Without objection, the Secretary will again read the pending amendment as it has been amended.

The Secretary again read the amendment as amended.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. FLINT. I offer an amendment to the bill.

The VICE-PRESIDENT. An amendment to the amendment?

Mr. FLINT. Yes, sir.

The VICE-PRESIDENT. The Senator from California offers an amendment to the amendment.

Mr. FLINT. I offered an amendment to the pending amendment the other day.

The VICE-PRESIDENT. There is an amendment which has been acted upon and adopted.

Mr. FLINT. Was the amendment which I offered the other day adopted?

The VICE-PRESIDENT. The Chair does not recollect that the Senator from California offered an amendment. The Chair recollects, however, that the Senator from California made some suggestion, but the Chair did not understand that the Senator put it in the form of an amendment.

Mr. FLINT. It is that about which I wanted to be clear. The question was asked me when I suggested the amendment whether I offered it, and I said that I intended to offer it.

The VICE-PRESIDENT. The Secretary will now state the amendment offered by the Senator from California.

The SECRETARY. In section 1, page 3, line 13, before the word "project," it is proposed to strike out the word "feasible," and after the word "Interior," in line 14, to strike out the remainder of the amendment as follows:

And in the construction of such extensions thereof as may in the judgment of said Secretary be proper and necessary to the successful and profitable operation and maintenance of the projects, or to protect water rights claimed by the United States.

Mr. FLINT. As a further amendment, I desire to offer, after the word "projects," in line 13, to insert "and portions of projects."

Mr. CLAY. Mr. President, will the Senator let me ask him what is meant by the words:

Theretofore approved by the Secretary of the Interior and in the construction of such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States?

I have understood that the extensions referred to are essential to the maintenance of the projects which have been approved by the Secretary of the Interior, and that, if we strike out these extensions, the large sums of money expended for the original projects will not be profitable. It is true that these extensions, as I understand, will cost much more money than the original projects; but if the original projects can not be successful without these extensions, certainly we ought not to strike out the extensions if we are going to complete the original projects.

Mr. WARREN. The Senator is right about it.

Mr. FLINT. Mr. President, I think the Senator is entirely mistaken. In my opinion, there is absolutely no necessity to authorize the issuance of these certificates as far as carrying on the work of the projects which have been approved. The only object in issuing these certificates of $30,000,000 at this time is to finish these projects at an early day. It is estimated by the Secretary of the Interior that the $30,000,000 will finish the approved portions of the projects. I want to have the money received from these certificates limited to that purpose, and to that purpose alone. The change suggested of adding the word "extensions" makes an additional amount of $55,000,000. If we permit this bill to pass without limiting it to the approved portions of the projects we shall find ourselves committed to further extensions of $55,000,000.

As a matter of fact, there is no real necessity to have these certificates issued at this time. I believe that the irrigation work as carried on by the Reclamation Service would be better if we did not approve this scheme of carrying on these extensions by the issuance of these certificates——

Mr. SUTHERLAND. Mr. President——

Mr. FLINT. Just a moment and I shall finish—for the reason, Mr. President, that we have land which is in condition to be irrigated that has not yet been taken up. There is no demand by reason of settlement to have this work further pushed on. The only reason that this work should be pushed is that in some of the projects there have been settlers located beyond the line where they can irrigate. The result of it is that they now ask Congress not to carry out the original plan of having this work go along slowly and carefully, but all of a sudden an expenditure of $30,000,000 is asked to do all this work at one time. If we do not limit it to those projects which have been approved, which will satisfy the people who are now calling

for this work to be immediately done, but leave it so that this money can go into extensions, and have Representatives and Senators importuning the Secretary of the Interior to approve these extensions, we shall find ourselves in a very dangerous position if we permit that action to be taken. Now, I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, the Senator from California makes a somewhat astounding statement, namely, that the leaving of the provision in this section with reference to extensions will involve an additional expenditure of $55,000,000.

Mr. FLINT. May involve.

Mr. SUTHERLAND. I think the Senator is entirely mistaken about that. The language in the provision is that the expenditures shall be made for "the completion of such feasible projects as have been heretofore approved"——

Mr. FLINT. Now, wait a minute, if the Senator will allow me, because I want to be clear about that. That amounts to about $30,000,000, does it not?

Mr. SUTHERLAND. That amounts to about $30,000,000; but, in addition to that, it is provided:

> Such extensions thereof as may be proper and necessary to the successful and profitable operation and maintenance of the projects or to protect water rights claimed by the United States.

Mr. FLINT. That amounts to $55,000,000.

Mr. SUTHERLAND. No; the Senator is in error about that. All of the extensions which have been tentatively approved, which are contemplated to be made at some time in the future, but which may never be made, or, at least, a large portion of which may never be made—all of them together involve an expenditure of about $55,000,000; but this bill does not contemplate that all of those extensions shall be completed, but only such extensions as may be proper and necessary to the successful and profitable operation of the projects themselves. It is limited to that class of extensions, and I undertake to say that they will be comparatively small in number. They will not involve the expenditure of anything like $55,000,000; perhaps not the tenth part of $55,000,000. The bill contemplates that the Secretary of the Interior, with this money, shall first of all complete the feasible projects which have been heretofore approved, and then, in addition to those projects, that he shall construct only such portions of the extensions as may be both proper and necessary to the successful and profitable operation of the main projects. So it seems to me that the Senator from California is clearly in error when he says that it involves the expenditure of the entire $55,000,000.

Mr. FLINT. The Senator, in my opinion, does not take the correct view of this bill as it has now been framed. We both agreed in committee that, if it were possible, this money should be limited to the approved portions of the projects. Now, they have changed the language of the bill so as to include extensions to projects which they may desire to complete which could not be completed under the bill as originally worded. They have extended it to cover just that to which we objected, and that was the extensions.

Mr. SUTHERLAND. The Senator from California will agree with me that the expenditure of $55,000,000 contemplates the construction of all the extensions. Am I correct in that?

Mr. FLINT. The Senator is correct.

Mr. SUTHERLAND. Does the language of the bill contemplate all extensions? If so, then what is the purpose of limiting the provision by the amendment?

Mr. FLINT. Limiting the provision?

Mr. SUTHERLAND. Limiting the provision by the language "such extensions as may be proper and necessary to the successful and profitable operation." Does the Senator understand, when the class of extensions is designated by the bill, that that includes all of them?

Mr. FLINT. I think so, so far as I am concerned, and I think the Senator from Utah agrees with me. I think we are in just this position, that we might frankly admit that of this amount $14,000,000 will be spent in the State of Washington, seven or eight million dollars in the State of Wyoming, and the balance of the money in the State of Montana. I am perfectly willing that this money shall be so expended, and to vote for it, provided it will complete these irrigation projects, if that is what Congress intends by it; but I object, Mr. President, to voting to issue $30,000,000 in certificates, when the real intention of it is to spend $85,000,000 on these various projects.

Mr. SUTHERLAND. Then the Senator from California thinks when the bill says there shall be constructed only such extensions as may be necessary and proper to the successful and profitable operation of the project that it means all the extensions?

Mr. FLINT. No. If the Senator will allow me——

Mr. SUTHERLAND. In other words, that when the bill itself specifies a portion of the projects or a portion of the extensions it means all the extensions?

Mr. FLINT. It does not mean extensions, for the reason that the extensions to which the Senator refers have already been approved. It is stated in a letter from the Interior Department that the extensions of projects amounting to $55,000,000 have been approved; that they are feasible; that they are necessary; that they are proper, or they would not have been approved. So we are in a position that the words mean nothing there, because, as we have already been notified by the department itself which has charge of this work, they have approved these very projects and these extensions.

Mr. SUTHERLAND. The Senator from Utah understands precisely the contrary—that these extensions have not been approved; that they are only being tentatively considered by the department. The communication which the Senator from California had on his desk the other day shows upon its face that these extensions embraced in the $55,000,000 have not been approved at all.

Mr. FLINT. If the Senator will read the letter, he will find just what it does say. The department considers that they have approved this work.

Mr. President, it seems to me we should provide in this bill for the work that we started in to complete. If we do not, we will find ourselves committed indirectly for $85,000,000 for irrigation projects instead of $30,000,000.

Mr. WARREN. Mr. President, the Senator from California says very frankly that he does not consider this bill necessary, and I judge from the amendment he offered that he wishes to defeat the bill, as his amendment would certainly defeat a material portion of it, and a portion that is perhaps the most worthy. The fifty-odd million dollars of extensions, of which the Senator speaks, were referred to in a list sent in here as being all of the proposed extensions to all of the projects heretofore considered. There was another list of work, amounting to about $30,000,000, which came with the information that at a certain time, when the list happened to be called for—without stating what purpose it was to be used for—there had been approved, as to surveys and so forth, projects involving some thirty-odd million dollars, and that there were contemplated extensions amounting in all to some $55,000,000. In that list there were some projects named that are not even commenced, so far as dams and ditches proper are concerned, but merely the roads and the railroad grades over which they expect to transport the material with which to build them. But the survey has been approved for the whole work. There are other cases where the major portion of the work has been completed, but extensions indispensable to the success of the projects are yet unapproved as to final surveys and alignment.

To adopt the amendment of the Senator from California would have the effect of compelling the expenditure of this money on the approved portions of projects already begun, without the power to add the other indispensable extensions.

I have in mind one of the projects that is now under construction. There is a dam that impounds more water than any other dam in the world, and there is only one dam in contemplation that will impound more. It has cost about a million and a quarter dollars, and it has been approved. Away down in another State there have been approved certain ditches, and settlement is being made under them and water distributed from the dam 200 or more miles away. There is one body of land of two hundred and fifty-odd thousand acres——

Mr. FLINT. Mr. President——

The PRESIDING OFFICER (Mr. BORAH in the chair). Does the Senator from Wyoming yield to the Senator from California?

Mr. WARREN. I did not hear the Senator. If he wishes to interrupt me, I yield.

Mr. FLINT. I was going to ask the Senator if what he referred to was the Goshen Hole project?

Mr. WARREN. I am now alluding to the Pathfinder Dam. I have not come to the Goshen Hole. The Senator has not permitted me to get that far.

Mr. FLINT. I wanted to ask the Senator when he reached the Goshen Hole project, for which he wants part of the money expended, whether the engineers reported upon that as being a feasible and proper project?

Mr. WARREN. If the Senator will wait, I will come to that. Does the Senator wish to have the Senate understand that it has not been reported upon as feasible?

Mr. FLINT. As a questionable project.

Mr. WARREN. Yes. So is every project, until finally approved, a questionable project in a certain sense.

In the reservoir I have mentioned the water is impounded; the dam has been filled, and water is there now. Away down the river, below this dam and between it and a point where water is now being delivered, is one body of land alone of a quarter of a million acres. The engineers have gone over the land and the ditch line to connect it with the river, and have reported it as a feasible project, but they believe that they can find a cheaper route and a better ditch line, and hence that part of that project has not been approved. There are other smaller parts of the project all along the route, and the water is already provided and in the reservoir mentioned. But the water is useless and the dam useless until the water can be diverted and distributed.

To adopt the amendment offered by the Senator from California would be to make it impossible to spend a dollar of that $30,000,000 in conducting that water onto any of the large body of land mentioned, or a dozen other smaller bodies of land along the stream, it being remembered all the time that the Pathfinder Dam is away up in the mountains; that the water being delivered now goes to land 200 miles or more below, and that in the 200 miles intervening there are quantities of land at various points to which this water is to be applied after it is let down from the dam and taken from the river by means of sundry diversion dams and ditches.

Mr. CLAY. Mr. President, I understand the Senator has explained what "extensions" mean, and now I think I understand the term. In other words, if it takes $30,000,000 to complete the present projects and the necessary ditches to carry the water where the land is located, they would be called "extensions." If the simple project is completed and the extensions are not made to where the land is located, I should think that the original project would be a failure without the extension. As I understand, it will take $30,000,000 to complete the projects which have been approved by the Secretary of the Interior, and it will take about fifty or fifty-five millions for the whole work; that is, to complete the projects and make the extensions.

Mr. WARREN. Mr. President, I may say to the Senator that the list of approved projects was not furnished especially for the purpose for which it is being quoted here. When that list was called for by the Secretary of the Interior, he asked the Director of the Reclamation Service, who was absent at the time, and it was taken up by his assistant, for a list of those projects which had received official approval. It was furnished and sent to us in that way. It includes, as I said before, some projects scarcely begun; but the Secretary expected, and the Reclamation Service expected, that if certificates or bonds were issued the money would be used to the best advantage in finishing those projects and making such extensions as are absolutely necessary to make profitable and safe, as to water rights, and so forth, the projects already partly or wholly built and to make inhabitable the land to be irrigated by them.

There are two propositions. One is for relief where the settlers have gone on to the public land with the promise, as they thought, that water would soon arrive; and, through the delay of the Government, the settlement time is being exhausted and they are starving to death for the want of water. That is one side of the proposition. Another side of it is where there have been taken from the heart of the country great bodies of land, withheld—and I think properly—from settlement until the water arrived, so that water and land can be used together by the settlers. Now, in this last-named condition we seek to utilize water already conserved by making further diversion dams and ditches—not expensive—to make useful the projects where large amounts have been already expended.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. WARREN. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator from Wyoming a question. The Senator does not understand, I presume, that the estimate of $30,000,000 for approved projects, as stated in the letter of the Secretary of the Interior, binds him to expend the money as he lays it down in his letter. That is simply a basis of his estimate; but this bill gives him power, as I understand as a member of the committee, to divert the funds from any particular project to any of the others which are approved and which are found to be feasible.

Mr. WARREN. Certainly.

Mr. CHAMBERLAIN. So that he can use the $30,000,000 on any one or more of the approved projects which require $30,000,000.

Mr. WARREN. He can use it, as the Senator from Oregon suggests, under the bill as the committee have reported it. The only trouble about the amendment of the Senator from California is that those portions of projects that may not have been fully and finally approved at that time would be cut out.

If we had asked the Secretary to prepare a list of projects involving an expenditure of $30,000,000 that were most necessary for the immediate future, and included that in our bill, we would be on a safe basis; but neither the Reclamation Service, nor the Secretary of the Interior, nor the committee understands that when that list was made up it was made up under the kind of restriction the Senator from California suggests.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from California?

Mr. WARREN. Yes.

Mr. FLINT. So far as I am concerned, I will be entirely willing to have this matter referred to the Secretary of the Interior or the Director of the Reclamation Service, and have him state just what projects this money should be expended upon, and that no other projects shall be approved until such projects are completed.

Mr. WARREN. Well, why does the Senator object to the bill, then? This bill, as reported from the committee, is intended to provide just that.

Mr. FLINT. I am entirely willing to do that, but I am not willing to make it appear that it is the intention of having more projects added to the already great burden, to have settlers go out there, and then have the Government put in the position of having to make another bond issue.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. WARREN. Certainly.

Mr. CHAMBERLAIN. If the Senator from Wyoming will permit me, in answer to the suggestion of the Senator from California, I desire to say that the Secretary of the Interior in a communication to the Committee on Ways and Means of the House of Representatives, when these very measures were under consideration, answered that very question. He said in that letter, referring to the letter to the Senator from Montana [Mr. CARTER]:

> In the letter of December 30, 1909, above referred to, the estimates have been somewhat arbitrarily divided into two columns, the first of which is called "approved portion." This includes those items of a project which have been approved in more or less general form by the Secretary, or which are a necessary outgrowth of the approval of the project. As a whole, no hard and fast line can be drawn in the matter, because of the fact that in the evolution of these projects and the large volume of correspondence regarding general plans and details there is a direct or implied approval of many items which subsequently may be a proper subject for reconsideration.

In other words, the Secretary of the Interior, when he addressed the Irrigation Committee of the Senate, did not intend to be bound by the lines there laid down. It was simply an outline, as I understand, of the question of the general policy of the approved plan. I inquire if the Senator did not so understand it?

Mr. WARREN. I did. Of course, Mr. President, it is like crying "bogy man" to talk about this bill running us into a much larger expenditure. There is nothing of that kind apprehended by those who favor this measure nor those who propose to execute the law under it. The fact is that every dollar that goes out comes back to the Government eventually in another way.

The reason why this thirty million loan is necessary is because, in starting to do the work, under pressure from various States, through their Members of Congress and Senators, and without the knowledge that they now have as to the cost of construction, more projects were commenced than could be finished with the money then available, or that could be furnished as fast as needed, through the ordinary sale of public lands. There have been up to the present time careful estimates made. Certain projects have been finished, others are lying in certain stages of advancement, and we are at a pass where we can not get proper returns from the money already invested unless we have the early expenditure of about the amount that this bill asks for as a loan. With that amount of money there need never be another dollar asked from the Government except that which has been provided for by prior legislation, unless, indeed, the Government shall go on and strip the public lands from every resource it has, which it has in some measure been doing, and seems intent upon doing now.

Of course, if we shall pass a law that no coal land can be sold; that no land of this or that or the other kind can be sold;

and that it must be rented out and paid for year by year in royalties, it will delay and it will make the irrigation fund smaller and retard the completion of all the projects that have been commenced. But with this amount of money for the projects proper and for such extensions as are absolutely necessary to supplement the irrigation fund and make it available, the work can go ahead and present projects can be finished.

Having drafted the bill in that way, to amend it as the Senator from California wishes us to amend it would be to make the bill valueless. The amendment should not be adopted, and I hope the Senate will so vote.

Mr. BORAH. Mr. President, I do not see how the Senator from California [Mr. FLINT] can put the construction upon language which he is putting upon the language of this bill. So far as the original provision of the bill is concerned, as contained in the portion of the part stricken out upon page 3, it was entirely satisfactory to me; but there was a reason why this other amendment was attached to that language, and it seems, after consideration, that it was a good reason.

Now, this is the language as it is contained in the amendment here:

> That the money borrowed under the authority of this act shall be expended in the completion of such feasible projects as have been heretofore approved by the Secretary of the Interior.

Now, such projects as have been approved and are in course of construction are the projects upon which this money must be expended, provided one other condition is added, which, it seems to me, is a reasonable and sensible one:

> And in the construction of such extensions thereof.

Extensions of what? Not extensions of other and new projects, but extensions of projects which already, at the present time, have the approval of the Secretary of the Interior.

Mr. SMOOT. Mr. President——

Mr. BORAH. Just a moment.

Mr. SMOOT. Just one question, so that I can get the understanding of the Senator. In the letter of December 31 from the Secretary of the Interior I notice that the approved portion of the Payette-Boise project is $2,337,000 and the extension is $10,000,000. I am speaking of this only as an illustration, as there are other similar cases. But what I wanted to learn of the Senator is this: Under this amendment is it not possible to spend a part of the $30,000,000 on the extension of the Payette-Boise project?

Mr. BORAH. I do not so understand, unless said extensions are necessary to the successful and profitable operation thereof.

Mr. SMOOT. I understand they can; and if it is not the case, then, by all means, take the words that were stricken out of the bill.

Mr. BORAH. If the Boise-Payette——

Mr. SMOOT. I do not want the Senator to understand that I say it is not proper, perhaps, under the circumstances, to spend money upon the extension of that particular project, but I do want to call the attention of the Senator to the fact that there is nothing in this bill to prevent the Secretary of the Interior from spending $10,000,000 if it is necessary upon the extension of that particular project.

Mr. BORAH. I disagree entirely with the Senator from Utah on that proposition, for the reason that the language does limit the Secretary, in using the money upon these extensions, to the instances in which it is necessary——

Mr. SMOOT. Yes.

Mr. BORAH. To the successful and profitable operation. That is, to cover conditions which are in existence where they have completed a certain portion of it and approved of it, but where it is unsuccessful and unprofitable without extension.

So far as the Boise-Payette proposition is concerned, if it is profitable and successful when this $2,000,000 is expended, the Secretary of the Interior would not be permitted under any fair construction of that language to use that money in that way, and there is no intention, I presume, to do so.

Mr. SMOOT. I want to say to the Senator again that I made the statement "if it were necessary," and I say so now. Under the wording of this bill, if it becomes necessary to make the project profitable, the Secretary under this bill could spend $10,000,000 upon this project.

Mr. BORAH. If it were necessary for the successful——

Mr. SMOOT. And profitable.

Mr. BORAH. And profitable operation of the project. But if it is not so, then he would not.

Mr. SMOOT. I am not discussing that question. I am discussing the question as to whether the Secretary is authorized to thus use the money.

Mr. BORAH. If the Senator from Utah will bear with me for a moment, I suggest that it would never be necessary, or it would never be proper, under this bill to do so except in instances where the original project could not be put in successful operation until the extension was made. That is as plain as the path to the country schoolhouse.

We can not take away from the Secretary of the Interior all discretion, all judgment, in the operation of these projects, and we can not take away from him all discretion as to the manner in which the money shall be invested, if he is going to make it a successful and profitable operation. We are not to assume that the Secretary of the Interior will undertake to get around the language, because this is the language of the Secretary of the Interior himself practically, and it is his desire to be given such latitude, and such latitude only, as will enable him to make successful the investments already made.

Certainly, we do not desire to place about him such restrictions as will make it impossible for him to make successful and profitable the operations which are now in course of construction. This language is placed there for the sole purpose of what? Of enabling the Secretary of the Interior to make them successful propositions; not to build a dam and let it stand there without benefiting the settler; not to build a portion of a project and let it stand without helping anyone; but to enable him to make such an extension as will benefit the people who want to use the land and who have settled on the land.

Just one word more and I will conclude. It seems to me we are unduly technical here, in view of the fact that no one can possibly suffer by reason of the expenditure of a few dollars in some place where, in the judgment of some, it ought not to be expended. Why? Because every single dollar of this money must be paid back by the settler.

So long as we are building homes, reclaiming arid lands of the Government and making them produce, so long as the settler is paying every dollar of that expenditure, it seems to me, if we believe in conservation, now is the time to put it in practical operation. We have had a vast amount of discussion about conservation in this country in the last six months; most of it in the air—a large part of it in the newspapers. We now have an opportunity to make it practicable, to bring it home to the men engaged in the actual struggle for existence. He asks not a dollar of the American Senate, but simply an opportunity to invest this money and pay it back himself. The settlers have been invited from all parts of the United States upon this land. They have gone there and built and are building their homes, and if ever we could afford to be liberal, it is when they ask simply the means by which they may make that home successful and profitable.

If there was any possibility of our losing any part of this money we might take the precaution which is suggested, but there is no probability, there is not even a possibility of it; and I say therefore that when there is in this bill the means by which the Secretary of the Interior can make all these operations successful, that language ought to stay there. If there is any lack of confidence in the judgment of the Secretary of the Interior upon that matter, then to whom can we intrust it? Certainly he knows more about it than anyone else, cooperating with the Reclamation Service itself, and some one must exercise some judgment upon the subject.

Mr. CARTER. Mr. President, the bill now pending has been rendered necessary by the improvident approval of construction projects. Probably Representatives and Senators are quite as much to blame as is the department or the service. The original law contemplated that only such ventures should be undertaken as the money at hand would complete. But in the beginning an unusual allowance was made in the Territories to the south. The whole accumulation of the fund was there absorbed, and construction in other parts of the country proceeded from customary or current receipts. Naturally the Senators and Representatives from States contributing largely to this fund desired that projects of a feasible character within their respective States should be given appropriate attention. The insistence in this direction led to the approval of projects in practically all the States embraced within the purview of the original act, one exception only being that of Oklahoma, where it was claimed no feasible project could be found.

It thus happened that in the approval and simultaneous commencement of many projects a large surface was opened up for construction. Very important and very extensive head works have been constructed in connection with many of these projects.

I have in mind one dam in Arizona which, when completed, will cost over $4,000,000, and it will be completed this coming autumn. Another, a dam in the State of Wyoming, at the headwaters of the River Platte, intended to impound waters for the use of both Wyoming and Nebraska, has cost one million and a quarter dollars. Another dam, on the Shoshone River in the State of Wyoming, has cost about an equal amount. Thus I

could proceed to specify cases where great head works have been completed, but distributing systems are needed to make the water available for the use of the waiting settler.

It is true, as the Senator from California says, that in the course of time the normal receipts from this fund, aggregating about $7,000,000 per year, would construct these distributing systems. But in the meantime the settler, patiently waiting, will be worn out before the water comes down the ditch. In the meantime the $49,000,000 invested in these head works will be wasting away, because the water impounded is not being used, but the maintenance charge still continues, and interest, moreover, is being lost.

In the presence of this kind of a situation it seemed to the department, it seemed to the President of the United States, it seemed to the Committee on Irrigation of the Senate that it was the part of wise and prudent policy to permit certificates to be issued, payable out of the reclamation fund, to the end that we might at the moment secure an amount of money necessary to economically and properly complete this work heretofore begun. That is what this measure contemplates and proposes. It does not call for a dollar from the Treasury of the United States. It contemplates that every dollar of this money shall be paid out of the reclamation fund, including the interest, of course.

The Committee on Irrigation passed during the vacation of Congress over 34 of these projects. We found waiting settlers everywhere—honest, upright, decent men and women—who had gone in in good faith, believing that the Government of the United States, which never fails, would live up to its professions, and upon that belief they have settled upon the arid plains extending from the Canadian border to the Mexican line. We found in looking into the faces of those expectant people that the Government had a duty to perform in order to repair a mistake which had been made in attempting too much work at once. The result of that conviction is this bill, which proposes the issuance of certificates of indebtedness payable out of this fund.

The Senator from California suggests that there are large extensions to be made. Yes; in the sense in which this Capitol will be extended and completed. The Capitol has been in course of construction for over one hundred years, and this building is not completed at this hour. Changes are being made, readjustments are being made, and so it will continue probably to the end of time. Extensions will be made; some canals will be abandoned and others will be constructed upon these reclamation projects after we are all dead and gone.

But, Mr. President, in a practical sense this bill can not be misunderstood by the administration officers. It is the plain, distinct purpose of the measure to enable the department to complete the projects heretofore begun; and the committee, out of an abundance of caution and in thorough sympathy and accord with the Secretary of the Interior, forestalled the undertaking of any additional projects, for the present at least, by adding a section to the bill, which provides:

SEC. 3. That hereafter no irrigation projects contemplated by said act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

We by and through this section put a stop here and now to any new projects unless the Secretary recommends and the President also approves.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I do.

Mr. SMOOT. I should like to ask the Senator from Montana if it would not be better for all the States interested in these reclamation projects to provide for a $50,000,000 issue at the present time, and then have it distinctly understood that the money shall be applied only to the projects that are under way? I believe if that were done, with the receipts from the sale of public lands and perhaps such small payments as may be made upon projects already completed, we could finish every project mentioned in the Secretary's letter, and there would not necessarily be another demand made upon Congress. I feel positive, with the figures I have in my possession, that $50,000,000 will clean it up entirely. I will ask the Senator if he would not be in favor of such a proposition.

Mr. CARTER. I would favor such a proposition if it were necessary.

Let me say to the Senator that while the receipts from the public lands and the payment of water charges amount to only $7,000,000 this year, it must be borne in mind that on the vast investment of $49,000,000 made we have to-day seven hundred thousand and odd acres of land reclaimed, and in some instances this land is in such condition that it can not be settled upon with any degree of confidence by the incoming home seekers.

My judgment—and I announce it with full knowledge of the fact that it will be verified or refuted by the course of events—is that the receipts of the fund from the sale of the public lands and the charges paid by water users will amount during the next five years to an average of $15,000,000 per year. When this $30,000,000 shall have been expended, we will have 3,000,000 acres of land under cultivation instead of something like 700,000, as at present. With the five years of clear receipts, if only at $12,000,000 per year, we will receive $60,000,000 in the normal course of collections, plus the $30,000,000 borrowed, which will make $90,000,000 available within the next five years.

I do not deem it wise to pay interest on money that is not needed——

Mr. SMOOT. I wish to call the attention of the Senator to the fact that it is not necessary to issue the certificates if they are not needed; and I believe that the Senator is overestimating the receipts. I want to be, in this particular instance, perfectly safe, and I suggest that the authorization to issue $50,000,000 of certificates will make us perfectly safe. I believe if we allow only $30,000,000, we will fall short of finishing these projects, and it does seem to me that to make it $50,000,000 would be the proper thing to do under conditions as they exist.

Mr. CARTER. With the current receipts and $30,000,000 available in the next two years, I am perfectly satisfied that construction will proceed as fast as it can economically. The allowance of a very large sum, or any sum in excess of the actual necessity, might lead to a demand for the issuance of certificates and the extension of works beyond what prudence would really dictate. I believe it wiser to adhere to the sum fixed by the calculations of the Reclamation Service, the recommendations of the Secretary of the Interior, and the President of the United States than to go out upon a shoreless sea to name larger sums than those which have been prescribed as necessary.

Mr. FLINT. Mr. President, the Senator from Montana [Mr. CARTER] and I disagree slightly, it seems to me. He states that all these projects can be finished within a comparatively few years if there is no issue of certificates. Upon that we agree. Second, he states that the object of issuing the certificates is to complete the irrigation projects that have been commenced, so that those who have settled upon the land may obtain water and go on with their farming operations. To that I agree. If he would stop there, we would be in entire harmony. But he does not. He adds to his original bill the language that this money may be used for extensions to the portion of the projects that have been approved. There is where I disagree with him.

It seems to me that everything desired by the Senator can be accomplished by limiting the expenditure of this money to the portions of projects which have been approved, where the people have settled.

Mr. CARTER. While the Senator is stating our understanding, I should like to be a party to the understanding.

Mr. FLINT. That is always important.

Mr. CARTER. The Senator avers that the Senator from Montana insisted upon this amendment relating to extensions. That amendment, as the Senator well knows, was accepted by the Senator from Montana in the course of a line of very difficult adjustments.

Mr. FLINT. I accept that correction. That is right.

Mr. CARTER. The language of the bill as originally presented seemed to me to cover the case to a dot. It read:

The certificates authorized by this act shall be exempt from taxes in any form. * * * That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

I think that covered the case, and that any other language simply confuses it.

Mr. FLINT. I am entirely satisfied with it.

Mr. WARREN. The Senator from California has directly said at every meeting of the committee that he was not satisfied with it except with words to make it apply only to such parts of projects as were already approved.

Mr. FLINT. I agree with the statement of the Senator that I did insist that the correct way was to limit it to portions of projects approved. But sooner than to have this bill pass with the extensions added to it—to my mind $55,000,000 added to it—I would be willing to vote for the bill as originally prepared by the Senator, limiting it to projects already begun.

I ask unanimous consent to insert in the RECORD as a part of my remarks a statement showing the acreage under irrigation and certain data in connection with the various projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Irrigable area of land under all projects, acreage for which water is now available, acreage covered by water-right applications or contracts, and balance not covered by applications, as shown by project records.

Projects.	Total acreage to be irrigated.	Acreage for which water is available.	Acreage covered by applications or contracts.	Balance not covered by applications.		
				Private land or state lands.	Public land open to entry.	Total.
Arizona, Salt River	240,000	131,000	126,717	4,283		4,283
Arizona-California, Yuma	90,100	13,506	7,000		6,503	6,503
California, Orland	14,000					
Colorado:						
Grand Valley	53,000					
Uncompahgre	140,000	20,000	15,600	4,400		4,400
Idaho:						
Minidoka	122,031	82,018	70,760.55	11,257.45		11,257.45
Payette-Boise	348,000	60,000	15,000	45,000		[a] 45,000
Kansas, Garden City	10,677	10,661	6,715	3,946		[b] 3,946
Montana:						
Huntley	28,921	28,921	15,560.88	3,278.47	10,081.65	13,360.12
Sun River	276,000	14,811	6,401.75	2,377.64	6,031.61	8,409.25
Milk River	215,000					
Montana-North Dakota, Lower Yellowstone	64,621	43,348	12,814.13	30,533.87		30,533.87
Nebraska-Wyoming:						
North Platte	124,000	68,900	59,363.56	9,536.44		9,536.44
Goshen Park	100,000					
Nevada, Truckee-Carson	200,000	81,361	41,643.18	16,519.90	23,197.92	[c] 39,717.82
New Mexico:						
Carlsbad	20,073	20,073	14,271	5,802		5,802
Hondo	10,000	2,000		2,000		2,000
Leasburg	20,000	20,000	18,000	2,000		2,000
New Mexico-Texas, Rio Grande	180,000					
North Dakota, North Dakota pumping	23,171	12,097	8,541.74	3,555.26		3,555.26
Oregon, Umatilla	20,440	14,374.5	11.179	36	3,159.5	3,195.5
Oregon-California, Klamath	172,000	30,829	19,450	11,379		11,379
South Dakota, Belle Fourche	101,967	12,023	8,874.56	3,148.44		3,149.44
Utah, Strawberry Valley	60,000					
Washington:						
Okanogan	10,000	2,122	2,122			
Sunnyside unit	100,000	36,783.95	25,284.56	11,499.39		11,499.39
Tieton unit	36,000					
Wapato unit	116,000					
Wyoming, Shoshone	131,900	31,372.32	12,607.29	1,358.96	17,406.08	18,765.03
Total, January 26, 1910	3,037,961	736,257.77	497,906.20	171,971.81	66,379.76	238,351.57

[a] Storage not completed. [b] Pumping area not adjusted. [c] Dependent on Lake Tahoe contract.

The estimated total irrigated acreage in the United States in 1909, including rice irrigation, is 12,000,000.
The estimated total cost of construction of irrigation systems in 1909 is $177,000,000, including $50,000,000 investment in federal works.
Above estimate computed on basis of census report, 1902 (Bulletin No. 16), and from data supplied by reports of state engineers.

Mr. SUTHERLAND. Mr. President, if I thought the construction put upon this proposed amendment by the Senator from California was correct, and if I thought the amendment suggested by him would cure the difficulty, I would most cheerfully support it. But I think he is incorrect upon both propositions. The confusion, as it seems to me, arises from not distinguishing between two classes of extensions. First we have the project itself, and the bill requires that that project shall have been approved—not only that it shall have been approved, but that it shall be a feasible project—before any part of this borrowed money can be applied to its completion. Then it provides that certain extensions, describing them specifically—stating the exact character of the extensions—may be completed in addition to the projects themselves.

Now, these extensions are of two kinds: First, the extensions which are necessary to render the original work profitable, necessary additions to the original project; and, second, additions which are not so necessary, but which are contemplated as separate and distinct units hereafter to be made. For example, that is the character of the extension to be made in the Payette-Boise project, as I understand it. The $10,000,000 which has been referred to that may be expended some time upon that extension is to build an extension which is a separate and distinct unit, which is not necessary to make the original project profitable, is neither proper nor necessary for that purpose, but may be added hereafter, constituting a part of the project, but in a sense a complete and distinct unit that depends upon itself for its profit.

In that view the Senator from California says he would be satisfied with the original provision of the bill. I should not be satisfied with it. The original provision of the bill is—

> That all money borrowed under authority of this act shall be devoted exclusively to the completion of work on projects heretofore begun.

Now, take the Boise-Payette project. The work on that project has been heretofore begun. The additions to it, the extensions to the project, whether they may be considered as necessary to its profitable operation or whether they are of the character that I have described, separate and distinct units, are still parts of the project, and the project itself has been heretofore begun. So if we leave the original provision of the bill in operation, "to be devoted exclusively to the completion of work on projects heretofore begun," that clearly and definitely would permit the expenditure of this money to be made upon all extensions, whether they were necessary to the profitable operation of the project or were separate and distinct units.

The amendment proposes to limit the expenditure of the money in such a way that, first, the feasible projects which have already been approved shall be completed; and, second, only such portions of the extensions to those projects as may be necessary and proper to the successful and profitable operation thereof shall be undertaken.

It does seem to me that an analysis of the language makes it perfectly clear that if we are not to provide that these projects, including every contemplated extension, shall be included, we must insert the limited provision included in the proposed amendment. That is the understanding of the Secretary of the Interior. Let me read very briefly from the hearings before the Committee on Ways and Means of the House. On page 41 he says:

> In the letter of December 30, 1909, above referred to, the estimates have been somewhat arbitrarily divided into two columns, the first of which is called "approved portion." This includes those items of a project which have been approved in more or less general form by the Secretary, or which are a necessary outgrowth of the approval of the project. As a whole, no hard and fast line can be drawn in the matter, because of the fact that in the evolution of these projects and the large volume of correspondence regarding general plans and details there is a direct or implied approval of many items which subsequently may be proper subjects for reconsideration.

Thus far he has been speaking about the approved projects or the approved portions of the projects, and he says that even as to those they may be subject to reconsideration and a part of them cut out. Now, he comes to the extensions, and I read:

> Under the heading of "extensions" are somewhat arbitrarily included those items of a project which are still subject to study and consideration of alternative plans, involving the satisfactory determination of many questions with difficult physical, legal, and engineering problems. There are thus involved in these extensions a large number of matters for future discussion.

So the Secretary of the Interior clearly distinguishes between these two classes of work. It seems to me that the very object which the Senator from California says he has in view by his proposed amendment will be defeated.

Mr. FLINT. May I ask the Senator from Utah a question?

Mr. SUTHERLAND. Certainly.

Mr. FLINT. In this letter one of the projects referred to in Idaho, for instance, is the Minidoka project. The approved portion of the Minidoka project is $650,000. The extension is $5,500,000. If the Secretary of the Interior should deem that to be, in the language of the bill, proper and necessary to the successful and profitable operation and maintenance of the project, a part of this $30,000,000 may be expended on that project.

Mr. SUTHERLAND. Certainly it could, if the Secretary of the Interior deems that it comes within the provisions of the bill.

Mr. FLINT. On the Payette-Boise project the approved portion is $2,337,000, and the extension is $10,000,000. So $10,000,000 of this $30,000,000 could be used for that purpose if the Secretary should think proper, could it not?

Mr. SUTHERLAND. That is entirely correct, but I would say that under this bill the Secretary of the Interior would not undertake to do any such thing, because as I understand the situation, and that is particularly so with the Payette-Boise project, the extension included within the $10,000,000 is a separate and distinct unit in itself, not necessary to put in operation nor to render the project itself profitable. It may be constructed, and when it is constructed it will be a separate and distinct unit, and, although a part of the project, it will be operated and be profitable in and of itself without reference to the original project itself.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Idaho?

Mr. FLINT. I do.

Mr. BORAH. Mr. President, of course in making the statement I do not reflect upon the Secretary of the Interior, but the Secretary could not put that construction, as stated by the Senator, upon either one of those projects without being dishonest in his interpretation of this language. It would be impossible for him to do so unless it is necessary in order that the project may be made successful and profitable. If such extensions are separate and distinct from any proposition of making the present projects successful and profitable, it would be absolutely impossible for the Secretary of the Interior to put an interpretation upon it with any honest motive of arriving at a just conclusion as to what this language means.

Mr. FLINT. I am glad to hear the Senator make that statement, but I am sorry to say that I do not agree with him. I am perfectly willing that the $30,000,000 shall be paid out and expended to carry on the work of these projects where people are settled, but——

Mr. BORAH. Mr. President——

Mr. FLINT. If the Senator will permit me, I find other projects with extensions that, in one instance in Washington, run to $14,000,000, and in Nebraska and Wyoming to $6,000,000. If this money is expended on those extensions, then we are placing ourselves in a position where the $30,000,000 will not do that which is contemplated, and that is to give the settler his home and give it to him immediately.

Mr. BORAH. It seems to me that the argument of the Senator from California is based entirely upon a lack of judgment and integrity of purpose of the Secretary of the Interior in interpreting this language, because he is not permitted to use the money for these extensions except upon certain conditions, and those conditions do not obtain with reference to any project which the Senator has seen fit to name. The Secretary of the Interior certainly would not be presumed to be going ahead in contravention of the plain language of the law. Otherwise we had better require a bond for the faithful performance of the act which we pass.

Mr. ALDRICH. Mr. President, without undertaking to discuss the merits of the bill, of which I am in favor, I will suggest that there are certain serious considerations with reference to the manner in which money is to be borrowed and the kind of obligations which are to be issued by the Government. I ask the Senator from Montana if he would be willing to let the bill go over with a view of having the Committee on Finance, without having the bill referred to them, consider the question of suggesting a change in the method of borrowing the money? A report or an amendment can be brought in within a day or two. The suggestion is not for the purpose of delaying or defeating the bill, but to bring to the attention of the Senator from Montana and the Senate forms of obligations which I think are better than those suggested in the bill as it now stands.

Mr. CARTER. Mr. President, in view of the statement of the Senator from Rhode Island that the consideration of that feature will take a couple of days, I have no objection to the bill going over for the present, unless some Senator desires to address the Senate upon it.

The VICE-PRESIDENT. Without objection, the bill will be laid temporarily aside.

Mr. CARTER. A Senator, a member of the committee, suggests the propriety of disposing of the amendments at this time.

Mr. ALDRICH. I do not object to that.

Mr. CARTER. I ask that the amendments may be disposed of.

Mr. KEAN. I think the whole measure had better be disposed of at once.

Mr. CARTER. I presume there is nothing further to suggest concerning the amendments.

Mr. FLINT. If the Senator will permit the bill to go over, as the Senator from Idaho seems to be of the opinion that the bill as drafted will not permit the expenditure of this money for extensions, and that is the object I am desirous of accomplishing, it may be that we can agree upon language that will be satisfactory to myself.

Mr. CARTER. In view of that situation, let the whole measure go over.

The VICE-PRESIDENT. Without objection, the bill will go over.

SAFETY APPLIANCES ON RAILROADS.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads."

Mr. ALDRICH. Is that the accident bill?

Mr. KEAN. No; this is the bill reported from the Committee on Interstate Commerce by the Senator from West Virginia [Mr. ELKINS].

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Interstate Commerce with amendments.

The first amendment was, in section 2, page 2, line 6, after the word "ladders," to insert "*Provided*, That in the loading of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars thus combined," so as to make the section read:

SEC. 2. That on and after July 1, 1911, it shall be unlawful for any common carrier subject to the provisions of this act to haul, or permit to be hauled or used on its line any car subject to the provisions of this act not equipped with appliances provided for in this act, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders: *Provided*, That in the loading of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars thus combined.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 11, after the word "after," to insert "notice and;" in line 15, after the word "ninety-three" to strike out "as amended April 1, 1896;" in line 24, after the word "after," to insert "notice and;" and at the end of the section, after the word "act," to insert "and said commission shall have authority, after notice and hearing as aforesaid, to modify or change the standard fixed by existing law for the standard height of draw bars and to fix the time within which such modification or change shall become effective and obligatory," so as to make the section read:

SEC. 3. That within six months from the passage of this act the Interstate Commerce Commission, after notice and hearing, shall designate the number, dimensions, location, and manner of application of the appliances provided for by section 2 of this act and section 4 of the act of March 2, 1893, and shall give notice of such designation to all common carriers subject to the provisions of this act by such means as the commission may deem proper, and thereafter said number, location, dimensions, and manner of application as designated by said commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this act, unless changed by an order of said Interstate Commerce Commission, to be made after notice and full hearing and for good cause shown; and failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this act: *Provided*, That the Interstate Commerce Commission may, upon full hearing and for good cause, extend the period within which any common carrier shall comply with the provisions of this section with respect to the equipment of cars actually in service upon the date of the passage of this act, and said commission shall have authority, after notice and hearing as aforesaid, to modify or change the standard fixed by existing law for the standard height of drawbars and to fix the time within which such modification or change shall become effective and obligatory.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 21, after the words "eighteen hundred and ninety-six," to insert the following proviso:

Provided, That where any car shall have been properly equipped as provided in this act or any of the acts mentioned herein, and such equipment shall have become defective or insecure while such car was being used by such carrier upon its line of railroad, such car may be hauled to the nearest available repair shop without liability for the penalties imposed by section 4 of this act, or in section 6 of the act of March 2, 1893, as amended by the act of April 1, 1896, if such necessary repairs can not be made except at such repair shop; but in case any injury shall be caused to any employee of such carrier by reason of such movement or hauling of such defective car, the fact that the same was being hauled pursuant to the authority of this proviso shall not constitute a defense to the liability of the carrier by reason of such injury.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 12, after the word "That," to insert "except that the movement of a defective car within the limits specified in the proviso in section 4 may be made without incurring a penalty, but shall in all other respects be unlawful;" and in line 22, after the word "and," where it occurs the second time, to insert "except as aforesaid," so as to make the section read:

SEC. 5. That, except that the movement of a defective car within the limits specified in the proviso in section 4 may be made without incurring a penalty, but shall in all other respects be unlawful, nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the acts of April 1, 1896, and March 2, 1903; and, except as aforesaid, all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the acts of April 1, 1896, and March 2, 1903, shall apply to this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to supplement and amend an act entitled 'An act to promote the safety of employees and travelers upon railroads.'"

RECLAMATION FUND.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

Mr. CARTER. Let the bill be temporarily laid aside.

The VICE-PRESIDENT. Without objection, that course will be followed.

GRANT OF LANDS TO RAWLINS, WYO.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 5499) to grant certain lands to the city of Rawlins, Wyo. It is a very short bill and a local matter.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 4, after the word "conveying," to strike out "the south half of;" in line 5, after the word "quarter," to strike out "in" and insert "of;" and in line 7, to strike out "eighty" and insert "one hundred and sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued patents conveying the southeast quarter of section 18, township 21 north, range 87 west of the sixth principal meridian, containing 160 acres, more or less, to the city of Rawlins, in the State of Wyoming, for the use of said city, subject to the legal rights of others, if any, upon paying $1.25 per acre and the usual fees therefor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JAMES MITCHELL, DECEASED.

Mr. CURTIS. I ask unanimous consent for the consideration of the bill (S. 2429) for the relief of the estate of James Mitchell, deceased.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue registered bonds of the 3 per cent loan of 1908 to 1918 in favor of the estate of James Mitchell, with interest from February 1, 1901, in lieu of United States 3 per cent coupon bonds of said loan, for $100 each, Nos. 46375, 46376, 46377, 46378, and 46379.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT BUSINESS-METHODS COMMISSION.

Mr. ALDRICH. I ask unanimous consent to call up the bill (S. 6168) creating a government business-methods commission.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ALDRICH. The bill has been read and there is no amendment pending, I think.

The VICE-PRESIDENT. The bill has been read.

Mr. DOLLIVER. Mr. President, I desire to offer a few remarks upon the bill. I would not feel disposed to say anything, except for the fact that it has been more than once stated that the bill is reported unanimously from the Committee on Public Expenditures. While it is true that I have offered no objection to the report in the form of a minority report, I feel that I ought to say I had not that sympathy with the bill which one ought to have to join in a majority report. I do not know that my objection to the measure would be of any interest to anybody, except to our brethren on this side of the Chamber; but I have so definite a feeling that we are pursuing a wrong course in relation to these investigations and commissions that I am pressed by a sense of party duty to say a word about it.

I fear that we are filling the air with a dust of unnecessary suspicion against the integrity and good name of our party. We have in full blast now, at a great expense, so great as almost, in some cases, to be incredible, nearly a score of commissions, joint committees, and standing committees of one House or the other, dealing with the various business which the Government is interested in. We have immigration commissions, commissions for the reformation of banking and currency laws, and a minute form of tariff commission, either now engaged, or about to engage, on a large scale, in investigations which relate to our customs laws. We have commissions for more than a half dozen important matters that are pending before Congress.

We have investigation committees in full blast filling the public mind every day with doubts and uncertainties about the integrity of our public affairs; and I fear that this blanket proposition, turning a joint commission loose to overhaul the executive departments of the Government, will have no good effect, and while its operations are going on it will have a very adverse effect upon the public mind, at least in respect to our business reputation and conduct in times past.

I do not pretend to say that the management of our executive departments has been perfect, though I have taken a good deal of satisfaction in the last twenty-five years in showing that there is, on the whole, an integrity in the management of the executive departments that ought to be a source of pride to everybody interested in our form of government. So little has been lost by the injurious defalcation of the public officials in all the vast machinery of the Government of the United States that our success in business administration instead of being made an object of suspicion and distrust ought to be a subject of boast and congratulation to every American.

Now, what does this bill propose? It goes on the theory that there are evils in the business methods of our executive departments that are not curable by the departments themselves. I object to such a disparagement of the business capacity which has been assembled around these great executive responsibilities.

It is said that we have not adopted modern business methods in our executive departments. If that is true, it is because these departments have certain limitations which are not in the scheme of modern business. Our executive departments are not only business institutions, but there is a cheerful sense in which they are also political institutions. Our methods of selecting civil employees and our methods of promoting or discharging them are all far removed from modern business methods. Yet Congress is just as fully aware of these infirmities now as it will be when the report of this high joint commission is brought to the attention of the two Houses.

It has been said that we ought to send to the big successful business offices outside of the Government, and have their auditors and experts in accounting and bookkeeping come here and instruct our executive departments in modern business methods. I for one do not like the sound of that. With the experienced men in charge of our executive departments and with the expert business training that has grown up for a generation in these departments, I do not like to admit that we ought, as has been suggested, to send for the auditors of great railway corporations or oil companies and ask them to

come here and explain how we ought to manage the business of the people of the United States.

There is another thing, I feel that we ought not to disparage our own work. It is bad enough to be accused of incompetency and inefficiency by disinterested outside parties, but such an accusation becomes a permanent humiliation if it originates with the party accused. If men confess that they have no business ability, that their affairs are in a bad way, that there is not sense enough or character enough in the Post-Office Department or in the Treasury Department or in all our executive departments to correct the faults of their administration, and that we must rely upon outside parties and the testimony of experts in order to get rid of the shortcomings that have attached themselves to our affairs, I fear that such a confession will go far to undermine the public confidence which ought to exist in our capacity to conduct public business. Besides that, we have had these business methods examined by joint commissions and special commissions and by special committees of both Houses of Congress within the last few years.

The Dockery commission spent months of time in the exact kind of research that is proposed here. More recently committees of the House on the expenditures in the various departments, spent a good deal of time upon the same subject. In the later months of the last administration, a committee of experts chosen from the departments known informally in Congress as the "Keep commission," went through all their business methods and made such suggestions as seemed to them to be reasonable and desirable; and only a short time ago a joint commission selected from the Post-Office Committees of the two Houses with the aid of high-priced experts, overhauled all the business methods of the Post-Office Department and made such suggestions as they thought were wise and appropriate to a Congress which placidly ignored the whole subject.

Now, we come with a blanket disparagement of the entire business management of the Government of the United States and say to three Senators and three Representatives and three people to be appointed by the President from the outside: "We are not only incompetent; we are not only wanting in business ability and in sensible methods, but we have no power within ourselves to find out what is the matter with us. Be good enough therefore to suggest to us such medicinal treatment as may occur to you in the course of your investigation."

Nobody pretends that work like that can be done in a month. The shortest time intimated to the committee was that it would require at least two years. Nobody pretends that it can be done with a handful of money. The smallest estimate made to the committee was that $300,000 would be necessary as a minimum expenditure to undertake this work. Nobody pretends that the work can be done here, because the committee was called upon, for the sake of the harmonious looks of the measure when it appeared in the Senate, to strike out a provision made in the original bill as it was introduced, providing for a careful examination by this commission of the fiscal systems of other lands—those nations of the Old World which have become so attractive to our students of governmental methods and public policies. That was stricken out, and yet nobody doubts that this commission, armed with its proper clerks and experts, will within a year be traversing the whole world looking for pointers on our executive affairs, finding out fine lines about the business management of other countries, and bringing home the sheaves of their new information to benefit their native land.

I have no particular objection to that, but I think the Senate and the Congress should understand that what is proposed here is a vast expenditure of public money, and that the good result of it could only be an untimely criticism of our business capacity as illustrated in the executive management of the Government during the past generation.

What is the motive of it? I do not know. I have thought a good deal to see if some reason for it could be suggested. I know that the executive departments of the Government are these days taking a good deal of interest in us. We have fallen upon times new and strange, when the frame, as well as the details, of legislation is perfected in the executive departments, and it looks to me as though this were either an act of reciprocity or retaliation—I can not tell which—either a reciprocity which recognizes gratefully the services which the executive departments are rendering to Congress or an act of retaliation by which Congress is about to say to the executive departments: "You attend to the preparation of bills for the Congress of the United States, and we will, as soon as possible, try to institute a modern system of bookkeeping for you."

Mr. BEVERIDGE. Mr. President, I trust the Senator in charge of this measure will let it pass over. I desire to examine it, but the Senator knows I have been pretty well engaged in other legislative matters and have not yet had the opportunity to do so. I had no idea the bill was coming up to-day. I trust that, as is usual under such circumstances, the matter may go over. I further ask that it be not brought up until I can be present and shall have had an opportunity to examine it. I was called to my committee room for perhaps not longer than ten minutes the other day, and during my absence a very brilliant and illuminating speech was made by the author of the measure, the chairman of the Committee on Public Expenditures, and, I repeat, I have not had an opportunity since even to read it. So, if it is agreeable, I shall be glad to have the bill lie over until I can examine it.

Mr. ALDRICH. Mr. President, a short examination made by competent persons into two bureaus of one of the great departments of the Government discloses the fact that the adoption of business methods would save 20 per cent of the expenditures and at the same time increase the efficiency of the service. There is no intelligent observer in Congress, or out of it, who does not know that the executive departments of this Government are carried on either under obsolete business methods or without business methods at all. There is no man who has given this subject any attention whatever who does not know or believe that at least 10 per cent of the thousand million dollars which we are appropriating annually can be saved by the adoption of business methods.

The motive which actuated the Committee on Public Expenditures, of which the Senator from Iowa [Mr. DOLLIVER] is a member, for presenting this resolution—and, as he says, he did not offer any objection to it—was to devise some method, if possible, by which this hundred million dollars could be saved. The American people are not distrustful of real efforts for reform. They are not distrustful about the truth with reference to the manner in which the public business is conducted. It may be that Senators do not desire to have an investigation for the purpose of reducing these expenditures. This investigation should be carried on by somebody.

Mr. BEVERIDGE. Mr. President, will the Senator from Rhode Island permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. Not just now. Wait a moment.

Mr. BEVERIDGE. Very well.

Mr. ALDRICH. Mr. President, I have no pride of opinion about how the investigation shall be carried on. I have no disposition, and certainly would not consent for a moment, to serve upon this commission, but there ought to be in the Senate, in the other House, and in the executive departments nine men who would give honorable and diligent service to this great work. In my judgment there is no one duty incumbent upon the American Congress which would be fruitful of such results in the public interest as this investigation.

We have not only obsolete methods in all the departments, but we have in them duplication of bureau after bureau. Of course, if there is any reason why this investigation should not be made, I hope it will be given here by some Senator who is familiar with the subject. But I say to the Senate, without reference to any other important duty, that this question of $100,000,000 saving a year—and it can be demonstrated, in my judgment, that the saving will be much more than that—is a matter which should receive the serious attention of Congress. How can it receive it in any other form? The various committees of this body which have to do with appropriations only make appropriations for certain objects and for officers or employees who are authorized by law. They do not take into consideration changes of methods. Such appropriations are made for salaries or for the employment of people authorized by law. The duplication of bureaus or the adoption of business methods does not enter into the contemplation of committees. There is no cooperation between committees here. The Committee on Agriculture, the Committee on Appropriations, and the various other committees of this body have no consultation with reference to the sums to be appropriated by the respective committees. They can not properly change legislation. This suggested commission is to consider questions entirely outside of the regular Appropriations Committee, to consider questions of methods, questions which would necessitate, perhaps, changes of laws. They have no power except to recommend.

I will say that, in my judgment, the expenditure of whatever sum it may be by this commission would be but a small fraction of the saving which would necessarily follow. We have had commissions heretofore, of course. We had a commission appointed by the President of members of the executive departments. They made certain recommendations, some of which

were adopted and some of which were not adopted, but they did not cover this entire ground. We had the Dockery commission a few years ago, which spent a good deal of time in a very careful investigation of this question. They felt overwhelmed with the multitude of things that should be done. They made certain recommendations, some of which were adopted by Congress and some of which were not adopted. The work of each of those commissions and each of those investigations has resulted in good, and certain reforms have been inaugurated; but back of them all is this great mass of obsolete methods.

If I were a business man and could be permitted to do it, I would undertake to run this Government for $300,000,000 a year less than it is now run for. That is not to the purpose, of course; it is not to the point of this investigation; but I tell you, gentlemen, this investigation ought to be made by somebody. It ought to be made in such a way that there will be cooperation. As it is an investigation into the executive management, the executive departments should take part in it.

I will say, if I may be permitted to say it here, that this movement has the hearty and earnest support and cooperation of the President of the United States, who appreciates, as we do, the importance of having these methods examined and corrected and reformed, if possible. That is all there is to this question.

Mr. BEVERIDGE. Mr. President, I trust the Senator will pardon me. I have asked, I will say to the Senator, that this matter go over until I can have an opportunity to examine it and to be present when it is considered.

Mr. ALDRICH. I do not know about the Senator's engagements, and I should not like that the bill should go over indefinitely for him to be here, but I shall try to arrange it so that he shall be present whenever it is taken up.

Mr. BEVERIDGE. I assure the Senator that I am not by any manner of means asking in the consideration of this important measure a fraction of the courtesy to myself that has been voluntarily accorded to others on an even more important matter now before the Senate. I am coming to this question, I hope, Mr. President, as I try to come to all public questions, with a fair and open mind; but I at least have not had an opportunity to investigate the matter or even to read the speech made by the chairman of the committee the other day, and I am sure—in fact, I know—that that is the condition of a great many other Senators. So I would be obliged and pleased if the Senator would let the bill go over for the present, as I do want to be present when it is considered.

Mr. MONEY. Mr. President, I have listened with great attention to the remarks of the Senator from Rhode Island [Mr. ALDRICH]. He speaks with his usual force of the necessity of reforming obsolete methods of doing business in the executive departments. If he thinks reform is necessary, I think so, too. But, Mr. President, I do not believe in a commission that associates the executive and the legislative branches of the Government. The whole spirit of our institutions is to dissociate in all their labors the coordinate branches of the Government so far as possible.

If a better result could be reached by the association of two coordinate branches, it would be well to do it; but there is no proof anywhere that any good has ever come from such a combination. I am willing that the Senator from Rhode Island shall have his joint committee of the two Houses; I am willing that the executive department shall appoint a commission entirely from the outside; but I have this experience and observation after a considerable service in the two branches of this Congress, that whenever the President appoints anybody on a commission he is responsible to the President and to nobody else; and we shall have one commission working upon the same work responsible to two different heads.

The Senator from Rhode Island has made a terrific arraignment of the efficiency of the Republican administration of our affairs when he declared upon this floor, with the fullness of his knowledge of this question, that we are losing now one hundred millions a year—and he thinks it may go further—by what I may term "maladministration." He has made a charge, which probably his own party would like for him to substantiate. I am perfectly willing to take the statement of the Senator from Rhode Island as to the truth of it.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MONEY. I do.

Mr. ALDRICH. The Senator from Mississippi has used the word "maladministration," which is, perhaps, a stronger word that he would like to use.

Mr. MONEY. Yes; I think it is. I do not mean by "maladministration" that there is any corruption in it, but I mean a misadministration. I am not particular about the form of the word, but the meaning is, as the Senator has expressed it, by using obsolete methods they lose $100,000,000 to the Treasury annually, and he thinks much more. I am willing to concede all that he has said, because he knows the facts much better than I do; but I have this to suggest, that an executive order directed to the heads of the departments could quickly organize within each department a board which would find the root of this error and eradicate it.

Mr. ALDRICH. Mr. President, will the Senator permit me?

Mr. MONEY. Certainly.

Mr. ALDRICH. The reforms which we hope to accomplish must be accomplished by the cooperation of the executive branch and of Congress. Therefore it seems to me wiser that the commission itself, as the matters with which it will deal are matters of executive administration, should include members of the executive branch of the Government, selected by the President, in order that we may have cooperation between the representatives of each branch.

Mr. MONEY. Mr. President, I do not concede the claim of the Senator from Rhode Island; I do not concede that it is at all necessary or even useful that the two branches should be united in this research. What we want is to correct the business methods of the executive departments. For what purpose? For the purpose of legislating, if legislation should be necessary. It might be that by an examination made by boards appointed by the heads of these departments, they could themselves correct the administration of their several matters and there would be no necessity whatever of any legislation; but we can avail ourselves of the report of an executive commission, if one is needed; and I would be willing to give the President the power to appoint such a commission, although I am against commissions as a general proposition.

Mr. BEVERIDGE. Mr. President, will the Senator permit me to ask him a question?

Mr. MONEY. Certainly.

Mr. BEVERIDGE. The Senator suggested that it would be entirely within the power of the Executive, by executive order, to direct the heads of the departments to appoint within themselves a commission. That suggests a thought to me that is interesting to my mind, and I want to ask the Senator, from his larger experience about it, is it not now within the power, indeed, is it not now the duty of the head of every one of the executive departments to make to the President, and through him to Congress, recommendations that may be necessary concerning the conduct of his own department? Is not the power already there?

Mr. MONEY. I think so. The Senator's question opens up a collateral one to the one we have under discussion; but it is certainly within the power of every head of a department in this Government to institute any reform within his department which he believes to be necessary to make a more efficient administration.

Efficiency means economy, and simplicity means efficiency and economy. All of us who have paid any attention to executive work know that there is going on in the executive departments of the Government duplication of work which is totally unnecessary. There are divisions with their chiefs and their assistant chiefs and their head bookkeepers and their assistant bookkeepers and their disbursing officers that are simply duplicating the work of other bureaus and other divisions. That can be simplified; and we have now a great Committee on Public Expenditures, the largest committee, I believe, in the Senate, charged with that very duty by the Senate of the United States.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. MONEY. Yes.

Mr. NEWLANDS. I understood the Senator to say that the President could, by executive order, provide for a board or commission that could enter upon the duty of reorganizing the departments according to business methods. I wish to call the attention of the Senator to the fact—he has probably lost sight of it—that under the so-called "Tawney amendment," adopted last year, the President of the United States is expressly forbidden to make any detail to any commission unless it is authorized by law.

Mr. MONEY. The Senator from Nevada misunderstood what I said; that is all. But he can go on. I am perfectly willing he should proceed, but he did not understand me.

Mr. NEWLANDS. Let me read from the law.

Mr. MONEY. It is not necessary, if the Senator will allow me to say so. I did not mean a commission to be appointed by the Executive outside of the departments, but simply a commission instituted in each department to be appointed by its own head, and not a commission from the outside world, which would require legal authority to permit it to be done. It has been done without any legal authority in the past, but I hope it will not be done any more in the future. It has been too common here of late years for commissions to be appointed by the Executive when he had no shadow of authority for their appointment. We are all familiar with such cases. I am speaking of a commission within each department, under the order of the chief of that department, by the executive order of the President to the department, and not the appointment of an outside board, which is quite another thing.

Mr. NEWLANDS. If the Senator will permit me, I will remind him that what he now suggests is apparently forbidden by the Tawney amendment. Let me read it to the Senator, Congress undoubtedly went a great deal further than it intended to do in its purpose of checking Mr. Roosevelt in the appointment of commissions, but the language of this provision would apparently prevent the President——

Mr. MONEY. I only want to occupy the floor a little while, and I hope the Senator will read the amendment without comment. Let us have the text and no comment.

Mr. NEWLANDS. Very well. The amendment provides:

SEC. 9. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law—

Now comes the part to which I refer—

nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

Mr. MONEY. I recollect that, Mr. President, but it has nothing on earth to do with my proposition. My proposition was simply that, under the order of the President, each head of department should appoint among his employees a board, without any extra compensation whatever, and needing no authority of law, to revise the methods of doing the business of that department, each one acting for himself. There is nothing in the text the Senator has read that at all refers to that course of action.

Mr. ALDRICH. Mr. President, will the Senator from Mississippi allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. ALDRICH. Does the Senator think that reforms in government bureaus are likely to be accomplished by commissions consisting of heads of bureaus?

Mr. MONEY. I did not say "heads of bureaus." I said, Mr. President, that the Secretary of each department, for instance, the Attorney-General or the Postmaster-General, could appoint within his own force not heads of bureaus, but clerks of intelligence and honesty, who could report upon a system of work that would save the vast expenditure of over a hundred million dollars, which the Senator from Rhode Island thinks has been made unnecessary.

Mr. President, I am perfectly indifferent as to the method to be pursued, except that I do not like the combination of the executive and the legislative branches of the Government. It is a complication that never produces efficiency. If you provide for a joint committee of the two Houses, I am quite sure the Speaker of the House and the President of this Senate can find men of sufficient ability and sufficient address and skill and courage to go thoroughly into this matter, and they can hire the three men whom the Executive is to appoint as experts if they please, or 300 men, if they think it necessary for the proper and faithful discharge of their duty in this regard. Have not all the commissions appointed from the two Houses had their experts with great efficiency and great saving? This joint committee could have the same thing. But if it is proper, as this is strictly an executive matter, that the Executive should have the handling of it, it can be done in the way I have indicated, or, if that is not sufficient, then I would empower the President to appoint whomsoever he chose, although I am opposed to commissions as a general thing.

It is not the time for the Senate and the House of Representatives to confess to the public that they are unable to do the things necessary in the administration of the public affairs in their own line. If we are to undertake this at all, we should do it with confidence in our own ability to do the work and frame suggestions, if any legislation is needed for the action of both Houses of Congress.

I hope that the waste of the public money involved in these methods is not quite so great as the Senator from Rhode Island thinks it is; but I must say also that I yield to his superior knowledge of executive methods. I am very little acquainted with the executive methods of the departments, except that I can not help observing the duplication of work which goes on constantly.

I am not the man to complain that the clerks do not work. They do. They work as hard as any other class of people in the United States, and, considering the expense of living in Washington, I think their pay is too little. There is no economy in reducing the salaries of clerks, and it is a false economy to lengthen the time of their labor, because mistakes that occur in the day's work are generally in the last half hour of a hard, long, tedious day's work, which are to be overcome on the succeeding day. But you can economize by dismissing clerks who are doing unnecessary work. I recollect speaking to an officer in one of the departments and telling him, "You are duplicating work that is done in this very building," and he replied, "But do you not think that every department ought to keep tab of its own work?" I then said, "It seems another body of men who belong to another department are located in your building," and he said, "We want to keep tab on them." If that is the case, then there ought to be a third corps to keep tab on the second, a fourth to keep tab on the third, and so on, until you could stretch it out until the crack of doom—one set of officials keeping tab upon another set of officials.

There could be great reforms instituted. There is no doubt about that. I should not undertake to indicate them, because I have not that familiar knowledge of the departments that I once had. I have been too long a stranger to the executive departments of this Government to be so well informed as is my honorable friend from Rhode Island. I want this examination made. I am convinced that there is merit in the proposition of the Senator from Rhode Island. He is too accomplished a business man and too thorough a legislator to follow a "cold trail," and I know there is something there that ought to be corrected, if it is wrong, and something must be wrong or he would never have offered the resolution.

It is a pretty serious thing for a member of the Republican party to complain that his own administration is wasting over a hundred million dollars a year of the people's money by bad administration, by bad and obsolete methods, which could be corrected at any time if a single one of the executive department officers, acting for himself, should institute a little board to see how efficiency could be promoted by simplifying work or by any other method that would subject itself to the intelligence of men engaged in such a business.

Mr. President, as I have said more than once, commissions are nothing to my taste. I have always deplored the mixing of the two branches of the Government, especially in that sort of work. Above everything, I did deplore the President selecting Members of either House of Congress for important work to collaborate with men appointed from civil life. I opposed bitterly the appointment of Senators to sit in the Paris Treaty Convention. I do not know whether it is an executive secret or not, and I inquire if the ban of secrecy or the bar of secrecy has been removed from that transaction? If so, I will say that each Senator who went to that convention acted, I suppose, in good conscience, and yet one of them, who opposed every solitary line of that treaty, paragraph by paragraph and hour by hour, came here and asked the Senate to vote for its ratification. He could not sign a minority report, as the United States must vote as one and not as two in ratifying a treaty, but because he was on that commission and owed something to the President of the United States, who appointed him, he asked the Senate to confirm his work, which he himself opposed every minute in every paragraph and every line. That treaty was ratified to plague every solitary one of the men in the Senate who had given any thought to it.

Mr. President, there is no use to go into a general discussion of the evils of commissions. I have stated the ground of my opposition to the measure as it stands, and, with every desire to promote the wishes of the Senator from Rhode Island, I would be very happy to see him modify the bill so as to exclude the three or the six—either one he pleases. In either case better work would be done, and more promptly done, and if a joint legislative committee is to be organized for this work I am quite sure the ability necessary for it can be found, and I am quite sure they can employ all the experts, who will serve

just as well or better under their command than sitting with them as collaborators in that work.

If this commission feature, including the outsiders, stays in, I shall vote against the bill, as much as I desire to have this reform instituted. But I would be glad to see that feature come out, in order that I may assist in my way in starting a work which is so obviously and imperatively necessary, according to the statement, with full knowledge, of the Senator from Rhode Island.

Mr. NEWLANDS. Mr. President, I quite agree with the Senator from Mississippi [Mr. MONEY] that it would be preferable to provide for the appointment of a commission by the President upon which there should be no Members of the legislative body. The only point of difference between the Senator and myself is that he thinks the President now has that power.

Mr. MONEY rose.

Mr. NEWLANDS. Or so at least I understood him.

Mr. MONEY. Will the Senator permit me?

Mr. NEWLANDS. Certainly.

Mr. MONEY. I disclaim anything of that sort. I said the President by executive order could instruct the heads of departments to organize within their departments, each one for itself, a committee of clerks, who would examine into the cost of doing business and recommend reforms to the head of the department, who would then institute them.

But I did not say, and I deny, that it would be a good thing to have a commission appointed in any other way.

Of course the President has no power to appoint a commission unless authorized by law to do so, although the practice has been the other way. But we have had so much done in the executive departments without the slightest reference to either the Constitution or the law that I can not expect it to cease all of a sudden.

Mr. NEWLANDS. I do not think I misunderstood the Senator. I understood him to say that the President has the power to appoint a committee—and the name means nothing—that he has the power, according to the Senator from Mississippi, to appoint a committee or a council or a board for the members of a particular department, with a view to making a certain investigation. I contend that Congress, unintentionally, perhaps, has prevented him from doing that very thing under the language of the so-called "Tawney amendment," for it expressly declares:

> Nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

If the President proposed to act in the investigation or reform of the business methods of a particular department, how would he act? He would have to appoint a committee or a board or call upon the Secretary of that department to appoint a committee or a board from the employees of that particular department, which would make this investigation and upon whose recommendation action would be taken, and yet this law apparently forbids the detail of any person upon such board or council or committee.

Congress went too far. The purpose of Congress originally was to prevent the President of the United States from appointing from the outside commissions which were in aid of his recommendatory powers under the Constitution. But they went further and prevented him from detailing the employees of any department of the Government and their organization into a board or council or committee for such a useful purpose as is contemplated by this bill.

Those who disagree may think that statement is a strong one. But all will agree with me that the matter is in doubt, and it seems to me the very first thing we ought to do is to repeal that portion of the Tawney amendment, or to act affirmatively upon the matter and give the President of the United States the express power to bring these various bureaus of Government into coordination and cooperation in this work of investigating business methods.

The Senator from Rhode Island [Mr. ALDRICH] alluded to the fact that the Keep Commission did good work; but some of their recommendations were accepted and some rejected. I believe it is conceded by all the heads of departments under Mr. Roosevelt's administration that good work was done by that commission. I heard the Senator from New York [Mr. ROOT], who was Secretary of War and then Secretary of State under that administration, declare that good work had been done by that commission. Of whom was that commission composed? Mainly of men who have frequently been denominated the President's tennis cabinet—young men of enthusiasm and energy, who were appointed for the purpose of investigating these methods and reforming them.

The appointment of such a commission would apparently be impossible to-day under this act, and at the very time of and during the existence of that commission it was sneered at throughout in our legislative department.

Mr. President, I believe that this is a purely executive matter. It is proposed to reform the methods of administration. That is an internal work, which must be done by the departments themselves, under the direction and control of the President of the United States, and it can be done much better by the executive department than by the legislative department. All we need to do is to provide the President of the United States with the machinery and the money with which to accomplish it, and that machinery should be the designation upon a council or a committee or a board of the skilled employees of the executive departments to do this work, calling into cooperation with them known experts in business administration; and if we do that, I think we would pass a very much more effective bill than that which is now under consideration. At the same time, I am so convinced that these methods ought to be investigated and ought to be reformed that I am willing to vote for this bill unless a bill can be secured which will give the President the power to organize such a commission both by the detailing of employees of the various departments and the employment of expert advice. I think the latter method is infinitely preferable to a joint commission composed of Members of the Senate and the House and a portion appointed by the President himself.

Mr. CARTER. Mr. President, the method employed to accomplish the result in view is not material. That some investigation is necessary all will concede. The observations of the Senator from Iowa [Mr. DOLLIVER] lead to the impression that the purpose of this investigation is to check certain abuses confessedly progressing under this administration, possibly abuses which have arisen under this administration. Nothing could be further from the fact. The Senator manifestly misconceives the disorder this legislation seeks to correct. Infinite duplication occurs in the various departments of the Government. We have eight or ten different map-making departments now working in the city of Washington, some making maps for the Coast and Geodetic Survey, others making maps for the War Department, others making maps for the Post-Office Department, others making maps for the Interior Department, and so on down the line. One map-making concern, with a number of skilled men, could perform all of the work with a moiety of the cost.

So it is with printing. Every department of the Government proceeds in its own way with the printing of documents, and this abuse has continued until we are now renting extra buildings in the city of Washington to house the great accumulation of useless documents duplicated indefinitely.

Two departments of the Government are collecting mineral statistics and statistics relating to the precious metals. The Treasury Department, through the Bureau of the Mint, undertakes to collect the statistics relative to the precious metals. A bureau of the Geological Survey is tramping over the same ground; and we have the anomolous condition of special agents of the Treasury Department in quest of the same facts being sought by special agents of the Department of Commerce and Labor. We have in many other departments duplication of work by special agents in the field.

This does not arise from any wanton disregard of duty by any officer of the Government—not at all. It arises largely, Mr. President, from a confused state of the law. Every act performed in the way of printing, in the way of special agents' activity is traceable to a section of law. It used to be a practice, happily being discouraged of late, to legislate extensively in appropriation bills. Thus we became the victims, in time, of ill-considered and contradictory sections of law, and all the time we were victims of bureaucratic advance to power. It is the most natural thing in the world for a bureau, once created, placed under a chief, to endeavor to grasp additional jurisdiction. The chief desires to have more employees, more power, greater scope for his activity; and imbued with that idea, which is inherent in human nature itself, the bureau chief comes to Congress from session to session with a view to having something added to his responsibility, some new clerk added to his staff, some authority given for exploration in some foreign field. Thus it has come to pass that through this method of legislation, largely on appropriation bills, we have the strange situation of the Government paying out, as has been roughly estimated, $100,000,000 annually in excess of what the Government's necessities really require.

Can an Executive correct this? I think not. The Keep commission, composed, as the Senator from Nevada [Mr. NEWLANDS] has suggested, of capable and earnest men, failed to accomplish any substantial result. Congress resisted executive encroachment on the sphere of congressional action. Congress resented the idea of the President appointing any commission without authority of law. It was a commission unknown to our statutes and without authority anywhere, and it was inquired why the President authorized such a commission to proceed with an investigation. It was a very natural inquiry to make. The work of that commission, howsoever meritorious, came in the main to naught. Inasmuch as that work was not accepted, we can have little faith or hope in the acceptance of any like endeavor in the future.

In my own opinion, it is better for Congress to discharge its own full responsibility by appointing its committee, making due appropriation, and employing the needful experts to prosecute an inquiry into each and every department of the Government. Let the reform, when it comes, come as statutory law, binding upon the departments. One of the great difficulties in attempting to limit or restrict employment or work in any department rests in the general feeling of apprehension among the clerks that some one will be displaced. Men who get themselves snugly settled within a groove look with grave suspicion upon any departure which may dislodge them.

I do not think the departments themselves can institute the needed, far-reaching reforms essential to make the saving we have in view. I doubt not that the Senator from Mississippi has expressed the correct view when he proposes to eliminate an appointment by the President and to accept this work as a plain duty of Congress, a duty proceeding from the results of its own mistakes. The law must be corrected, and the department people will obey the law when it is corrected. I have no doubt whatever, from a brief experience with executive work, from observation for many years, that more than 10 per cent can be saved by correcting the law, avoiding duplications, and making the force effective.

This proposed legislation is a step in that direction. It proposes to look into the state of the law, the effect of its administration, and to correct the statutes so that the waste of public money may at some time be discontinued. If we neglect to do so during the present Congress, another year, a wasteful year, will follow before anything is done. I think the work has been too long deferred.

It is true, Mr. President, as the Senator from Iowa stated, that some of the departments have been examined. Much progress has been made in the examination of the departments. From the Committee on Post-Offices and Post-Roads, of which the Senator from Iowa is a member, together with certain members of the like committee on the part of the House, a commission was appointed, and they prosecuted a very searching investigation into the affairs of the Post-Office Department and the postal service; and, in my humble judgment, if the bill resulting from that investigation is enacted into law, the deficiency in the postal revenues will be wiped out, and we will be able in the course of a few years to give the American people 1-cent postage on letters.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I wish to inquire of the Senator from Montana, who is well informed on this subject, exactly the status of that investigation into the affairs of the Post-Office Department. I remember that the commission gave a great deal of time and careful attention to the matter and made a very elaborate report. I noticed in a newspaper the other day a statement that they recommended 143 very important changes. Has the Senator some hope that we will legislate on that subject and bring about the changes that this very intelligent and hard-worked commission have recommended, or is it going to lapse and we will hear very little of it in the future?

I want to see it carried to fruition, because I do not like the idea of having a great commission, such as that was, give the time and attention to that matter which it did and spend a good deal of money, and then have nothing come from it.

Mr. CARTER. The Senator from New Hampshire as usual is correct in stating it was a very intelligent commission.

Mr. GALLINGER. Yes; it was.

Mr. CARTER. I can speak for it. I was a member of it.

Mr. GALLINGER. I had reference to the chairman, particularly.

Mr. CARTER. The commission did spend considerable money in the employment of expert accountants. The accountants examined the Post-Office Department very thoroughly. The work was commenced with a considerable force of men in April and continued until November. Recommendations were made of a far-reaching character. It was proposed to make changes; indeed, to thoroughly reorganize that department. In pursuance of the recommendations made and the facts disclosed, after consultation with the Post-Office Department officials, after obtaining the criticism and advice of thousands of postmasters over the country, the committee prepared a bill proposing a thorough and complete reorganization of the Post-Office Department.

Mr. CLAY rose.

Mr. CARTER. Will the Senator permit me for a moment?

Mr. CLAY. Certainly.

Mr. CARTER. That bill was introduced in the last Congress, in both the Senate and the House. It was introduced late in the session, and it was desired that it should be first considered in the House, because Mr. Overstreet, a Member of that body, who thoroughly understood the bill, had not been reelected, and it was desired that he should direct the debate upon the subject during the remainder of his term.

Mr. CLAY. I should like to say a word, with the Senator's permission.

Mr. CARTER. I am glad to yield.

Mr. CLAY. I agree with the Senator that the commission did much valuable work and suggested many important changes which ought to be enacted into law. But let me ask the Senator this: Is it not true that that commission was composed of three Members of the Senate and three Members of the House, from the Committee on the Post-Office and Post-Roads of the House and the Committee on Post-Offices and Post-Roads of the Senate? The commission was selected from those two committees for the purpose of investigating the Post-Office Department.

The commission from the legislative branch of the Government, composed of Senators and Representatives, spent weeks and months investigating the Post-Office Department, and made a report. Now, why is it not true that the Committee on Finance or the Committee on Appropriations or the Committee on Expenditures can get together and make an investigation in regard to our expenditures, and make just as intelligent a report as a commission on which are Senators and Representatives and outsiders? In other words, can not the legislative branch of the Government perform that duty without any additional expense? This commission is to be composed of three outsiders, three Senators, and three Representatives, with the right to select just as many secretaries and stenographers and assistants as they need. Is it not true that it is the duty of Congress to perform this work, and is it not also true that Congress can perform it as intelligently without a commission, joined with Members of Congress, as they can with the commission?

Mr. CARTER. Mr. President, I am not able to take issue with the Senator from Georgia with reference to the character of the commission or the manner of selecting its membership. My contention is that the commission, whether composed of Members of the two Houses of Congress or of outside parties altogether, should be appointed; and I believe that as against an outside commission the work will ultimately result in more effective legislation, tending to correct the evils we seek to correct, if composed of Members of the two Houses.

Mr. ALDRICH. Mr. President——

Mr. CARTER. I should like a moment, before the Senator interposes, to make a further statement in answer to the question of the Senator from New Hampshire.

The commission reported the bill to which I referred, but the time was not adequate for its consideration. That bill has been reintroduced at this session of Congress, and I sincerely trust it will be accorded consideration before adjournment.

A very widespread alarm exists with reference to the proposed increase of the rate on second-class mail matter, for the purpose alleged of making up the deficiency in the postal revenue. That commission, or a commission previously appointed, found as a fact that the books of the Post-Office Department did not show, and could not be made to show, the cost of any service performed by that department. The Post-Office Department rests on a few sections of a statute passed in 1835, supplemented chiefly by appropriation-bill legislation subsequent thereto. The books are not correlated. There is no central system. They can not strike a trial balance or make one up; and when the Post-Office Department were put to the test to show wherein or upon what basis it cost 7 cents a pound to carry newspapers and magazines they were unable to furnish a single shred of evidence to show that any calculations at all had been

made. A former Postmaster-General, Mr. Smith, at that time living, said he had forgotten the basis upon which he figured, and he was the first to announce the figures. Each succeeding Postmaster-General has reiterated the 7-cent statement in parrot-like fashion, without any investigation at all.

Mr. Madden, who was Third Assistant Postmaster-General, said, when put to the test, that he thought 4 cents a pound would be about right. But that was manifestly a guess. He knew nothing about it, and he was not to blame. The blame must be laid upon the antiquated system, which is defective and in no sense suited to the administration of a business which will this year involve the expenditure of $240,000,000.

Mr. MONEY. Will the Senator from Montana permit me to interrupt him here?

Mr. CARTER. I am glad to.

Mr. MONEY. I was unavoidably out of the Chamber and missed the previous remarks of the Senator from Montana, but I think the chief difficulty, if he will permit me to interrupt him with it, is that the department has failed to realize what it is for. The idea has obtained for a long time in the Post-Office Department that the Government is engaged in a business, called the "Post-Office Department," and that that business has to pay its own way, and if it does not pay all its expenses, it is a failure and has somewhere to be reformed. We never have asked the army or the navy or the legislative department or the judiciary to pay their way. They do not know that the post-office is a function of the Government and not a business, that it is no more required to pay its way than is the army or the navy. What it is required to do is to distribute the mails of the country, to put the people of different sections into communication with certainty, celerity, and security. But considering it simply as business, of course as honest men they must make it pay its way. They do not know what it is for.

Mr. CARTER. Mr. President, there is no doubt whatever that the Post-Office Department can pay its way and avoid a deficiency under the administration of a thoroughly organized business. The American people, I think, expect to pay the way of the Post-Office Department. Each person expects to pay for the service received. There is no desire to avoid that payment. But I think it is a mistake to undertake to make any class of people pay a deficiency which can be eliminated by a correct business administration.

Mr. ALDRICH. Mr. President, in deference to the expressed opinion of Senators upon the other side of the Chamber and upon this side, I propose to modify the bill so that it will provide for five members of the Senate and five Members of the House, striking out the provision in regard to appointees by the President.

Mr. CLAY. Leaving it without any members to be appointed by the President?

Mr. ALDRICH. Leaving that out.

The VICE-PRESIDENT. Does the Senator from Rhode Island offer that as an amendment?

Mr. ALDRICH. I do.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 5, before the word "members," strike out "three" and insert "five;" in line 6, before the word "members," strike out "three" and insert "five;" and in line 7, after the word "thereof," strike out the comma and the following words: "and three members to be appointed by the President," so as to make the first section of the bill read:

> That a commission is hereby created, to be called the "government business-methods commission," to be composed of five members of the Senate, to be appointed by the presiding officer thereof, and five Members of the House of Representatives, to be appointed by the Speaker thereof, and any vacancy on the commission shall be filled in the same manner as the original appointment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. CRAWFORD. Mr. President, this is a matter concerning which I have not had an opportunity to make much of an investigation. I find here on the calendar the bill, and no report whatever accompanying it. There does not appear to have been any report made by the Committee on Public Expenditures that was appointed last spring under some general rule. I gather from the speech made by the Senator from Oregon [Mr. BOURNE] that a subcommittee was created, and then a subcommittee of that subcommittee was appointed, and that subcommittee has some report, which is in this record, but it does not accompany the bill.

We have just had an instance here of a committee appointed to investigate the Post-Office Department. I had not heard of it before, but from the remarks made it was a thorough report that was presented here, but nothing at all has come out of it. Some bill was introduced in a former Congress, but it was not passed, and nothing has resulted from it.

The question in my mind is simply this: If this commission is appointed, and goes on with an extensive investigation and finds here and there methods which are lax, will it have any power to dictate to the department in which it finds lax methods and wastefulness? Will it have any power to make an order binding on that department and prescribe a rule of action for that department which they must follow? Can it exercise any such power or authority as that; and if it can not, what will it accomplish further than to report back to the Senate some abuses that it finds here and there?

If that is all that it can do, having no power to execute, being simply a committee of discovery, why can not a committee of the Senate, investigating methods in the departments, do exactly that thing without creating here a standing commission for that purpose? A standing commission, if it is going to perform a public service, if it is going to remove abuses and enforce economy, it seems to me will have to be given some power to make orders and to execute orders, to prescribe methods and to enforce methods.

But I find no attempt of that kind here, if any such thing could be delegated or given to such a tribunal. So the question comes in my mind, of what avail will this commission be if the bill is passed?

Mr. ALDRICH. I promised the Senator from Indiana [Mr. BEVERIDGE] to allow the bill to go over for to-day. I do not know whether he would object to the amendment.

Mr. NEWLANDS. Mr. President, I should like to state to the Senator from Rhode Island that I am desirous of preparing an amendment that will carry out the suggestion made by the Senator from Mississippi [Mr. MONEY] that the President himself be authorized to appoint a commission, consisting of three members, who shall enter into this work of investigation.

Mr. ALDRICH. I will state that the amendment I have just offered is satisfactory to the Senator from Mississippi. He has given his assent to it, and I think it meets with his approval.

Mr. NEWLANDS. I am very sorry the Senator from Mississippi has withdrawn his suggestion, because I think it would be very much better to have such a commission appointed by the executive department than to have the commission consist entirely of members of the legislative department.

The business methods which we wish investigated and reformed are those of the executive department, and I would think it much better to allow that department to cleanse itself, simply providing the machinery that is essential for that purpose. That machinery can be afforded by giving the President of the United States the power to appoint this commission and to employ such experts as he deems necessary, and to carry out their recommendations so far as coordination of services, the prevention of duplication of work, and more economical methods are concerned.

I think that we will have immediate results if that is done. I have no doubt that the President of the United States is intent upon an economical administration. There is every evidence of that, and I have not the slightest doubt that if we give him the machinery and the power to proceed important economic reforms and important administrative reforms will be accomplished.

It seems to me that a very logical method of proceeding would be to give him the power, which he now lacks under the so-called "Tawney amendment," of bringing together into coordination the various bureau chiefs, the various service chiefs, through a board, or boards, and permitting them, through the valuable adjunct of consultation and cooperation, to bring about the administrative reforms which I have no doubt they will be eager to accomplish.

That was attempted with reference to the Keep commission, and we have the authority of the Senator from New York [Mr. ROOT], whom we all know to be a practical administrator, a great administrator, for the statement that a valuable work was done by that commission. Yet that commission was a purely voluntary commission, appointed by the President without the authority of law and without expense to the Government. The government service has to-day the most capable men in the country employed in its different services, and if you will only give them a chance to coordinate and cooperate, you will accomplish great results.

An endeavor was made to bring about coordination with reference to the Forest Service. The Forest Service was under the Agricultural Department. The Indian Bureau of the Interior Department was also conducting a forestry service. It

is clear that any great employer with one such service would not duplicate it, and yet the United States was running two forestry services. By an arrangement between the Secretary of the Interior and the Chief Forester practical coordination was accomplished; and that was disarranged by the Tawney amendment under this administration, for the reason, I imagine, that there was no authority of law for it.

I believe that we can make this work efficient by giving the power to the President of the United States to make use of the capacity and the talent now engaged in the administration of the Government, and by giving him the machinery by which he can make that capacity and talent effective. Add to that a limited appropriation of not exceeding $25,000 or $50,000, with power to such a commission to employ the aid of outside experts, and you will complete the machinery; whereas if you organize a legislative commission composed of Members of the Senate and of the House, although men doubtless of large capacity and experience, they will be obliged to go into an investigation of this matter, to summon before them experts; they will go to a very large expenditure, and then will come back to Congress for the ratification and approval of the measure which they recommend. On the other hand, I believe that, without further legislation, if you will simply give the President of the United States the power to bring into coordination and cooperation the various services of the Government through the appointment of a board or boards, without increasing the expense at all except the small expense necessary to employ experts, we will have immediate results commencing in the very near future and progressing entirely through the administration of the President; whereas I believe if you appoint this legislative commission, with the Members of Congress overloaded as they are now with the work imposed upon them by their constituents, with committee work, and with legislative work, it will be at least a year before you hear from them, and you will obtain then, probably, only a preliminary report, and it will be two or three years before you get final results in the shape of legislation.

The example of the Monetary Commission is now before you. It was appointed pretty nearly two years since, and what results have you? What results can we get from overworked legislators, with reference to a special matter of this kind, that ought to be undertaken by a board having no other function to perform?

So, Mr. President, I should like to have the bill go over in order that I may prepare an amendment confining the work entirely to a commission appointed by the President of the United States and giving him the power, which he now lacks, to utilize the present efficient services of the government employees through the process of coordination and cooperation in the work of administrative reform.

Mr. JONES. Would it not be well also in the provision to authorize the President to carry out the conclusions of the board as fully as possible?

Mr. NEWLANDS. I think it would. Though Congress might hesitate to do it, I should prefer to do that. But, of course, Congress is jealous of its legislative functions and might not be willing to go so far.

Mr. JONES. Does not the delay in reference to carrying out the recommendation of the Post-Office commission illustrate the tardiness of Congress?

Mr. NEWLANDS. That is true; and it was true with reference to the Dockery commission. The Dockery commission was in session for years. I served in the House with Mr. Dockery, who was the head of that commission, a man of talent and capacity and great industry. He was a hard-worked man upon the Committee on Appropriations in the House, and to his work as a legislator was added the work of that commission. I saw how it consumed his time. If you look over the records of that commission, valuable as its work was, you will find that it covered a number of years; that the reports were made at different stages, recommending changes here and there, many of which were not adopted by Congress itself. It seems to me that that is an example of the halting way in which this matter will progress if an overworked Congress is called upon to discharge this function, which really, in my judgment, belongs to the administrative department of the Government.

Mr. ALDRICH. I should like to have a vote on the Senator's amendment.

Mr. NEWLANDS. I ask that the bill may go over until I can prepare such an amendment.

Mr. ALDRICH. The Senator can prepare his amendment very readily.

Mr. BEVERIDGE. Why not let the whole matter go over?

Mr. NEWLANDS. I understood that the Senator from Indiana [Mr. BEVERIDGE] was not here. I see he is here now.

Mr. BEVERIDGE. I will be absent in a moment. I have work to do in my committee room.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Rhode Island.

Mr. ALDRICH. I hope the amendment will be adopted.

Mr. NEWLANDS. It will take time to frame such an amendment as I wish to offer as a substitute for the amendment offered by the Senator from Rhode Island.

Mr. BEVERIDGE. It is understood, I believe, between the Senator from Rhode Island and the Senate that my request of this morning is to be complied with. I must leave the Chamber in a few minutes on committee business.

Mr. ALDRICH. I ask that the amendment I offered may be disposed of to-night.

Mr. NEWLANDS. I have a substitute to offer for that amendment.

Mr. BEVERIDGE. I must return to my committee room on committee business; and the whole matter, I understand, goes over.

Mr. ALDRICH. After the amendment is disposed of.

Mr. NEWLANDS. I have a substitute to offer for that amendment, but it is suggested to me that the amendment of the Senator from Rhode Island can be adopted and then I can offer a substitute.

Mr. ALDRICH. Yes; that is right.

Mr. NEWLANDS. A substitute for the bill.

Mr. ALDRICH. The Senator can offer a substitute for the whole bill, undoubtedly.

Mr. NEWLANDS. Very well.

Mr. ALDRICH. I ask that the amendment I offered be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. NEWLANDS. I ask the Senator from Rhode Island whether he will accept this amendment:

That the President be authorized to bring into coordination and cooperation through a board or boards the various bureaus and services of the Government with a view to the establishment of more business-like methods in the departments.

Mr. ALDRICH. That is a distinct proposition. I should not feel authorized to accept it.

Mr. NEWLANDS. Then I will prepare my substitute later on.

Mr. BRISTOW. Mr. President, I should like to inquire why the Committee on Public Expenditures does not do this work? We heard last spring a great deal about what was expected of that committee. It is composed of the chairmen of the various committees that handle the appropriations of the Government, and they certainly would be better qualified to pass upon economies than anybody else. Why does not that committee, created for that specific purpose, submit some report here and some suggestion for the Senate to act upon, instead of having another committee or a commission appointed to do the very work that that committee was supposed to be appointed to do?

My information may be wrong, but I have been told that the chairman of one committee that handles an appropriation is not willing that the other chairmen of other committees shall say to him what should or should not go into his appropriation bill, and the result is that that committee can not agree. If that is the case and a report is made to the Senate that such is the fact, then that committee should be discharged and a commission organized; but until there is some information as to why the committee is not doing the work that it was assigned to do, it seems to me there is no occasion for this commission.

Mr. ALDRICH. Mr. President, the Senator from Kansas seems to have a certain amount of misinformation in reference to this subject. The Committee on Public Expenditures reported this bill and made a statement that they could, perhaps, make this investigation through a subcommittee, or, rather, through a smaller committee. The committee of twenty-one certainly can not make the investigation by itself; and the Committee on Public Expenditures, after giving the matter a great deal of thought and a great deal of consideration, decided that this was the best way to reach some results.

The Committee on Public Expenditures have not, as the Senator is advised, been neglectful of their duties. They have had frequent meetings and have discussed many problems connected with this subject. Some members of that committee, or a subcommittee, have given a great deal of time and thought to these questions.

But this work has to be done by a smaller body, and the recommendation of this large committee was perfectly unani-

mous, so far as I supposed. The Senator from Iowa [Mr. DOLLIVER] has dissented to-day, but at the meeting of the committee there were 18 members present, and they voted unanimously that this was the best way, in their judgment, to meet this question.

Mr. BRISTOW. Let me inquire again: Would it not be perfectly feasible for a subcommittee of that committee of 21 to do this work? As I understand it, the committee recommend that a commission be organized to do the work which the committee was organized to do, and so it may be absolved, therefore from the responsibility of making the economic recommendations which it was supposed it would originate by virtue of its existence.

If I understand the Senator from Rhode Island correctly, the committee finds that the only way to perform the functions which it was supposed to do is to create a commission to perform them, and it therefore will be relieved from the responsibility. Is that the conclusion?

Mr. HALE. Mr. President, will the Senator let me suggest to him a practical difficulty which the new Committee on Public Expenditures met? The House has no such committee. There is no general large committee on public expenditures in the House. That body has nine or ten separate committees on the expenditures in the different departments. That, of course, makes it impossible for any action to take place by two corresponding committees. Therefore the Committee on Public Expenditures provided, and the amendment offered now by the Senator from Rhode Island in charge of the bill gives the opportunity, as it ought, for the House, as a legislative body, to take part in the consideration of these questions.

That can only be done either by a commission, as first proposed, or a joint committee of the two Houses. That is not an essential question; but the committee feels, and the Senator from Rhode Island feels, I know, that in entering upon this large and important work no committee of the Senate alone can deal with it to advantage.

It must be dealt with in connection with a corresponding committee from the House of Representatives, so that it will have, whenever it arrives at any conclusion, the joint force of the two legislative bodies. That is comprehended in the amendment offered by the Senator from Rhode Island.

I think the Senator from Kansas himself will see, as a practical legislator, that it can not be done by one House. There has been great objection urged here to mixing a commission of Congress and of the executive departments, but that has been obviated by the amendment proposed by the Senator from Rhode Island.

Mr. BRISTOW. Mr. President, I realize the force of what the Senator from Maine [Mr. HALE] has stated, that the work would have to be cooperative on the part of the two branches of the Congress; but I should like to inquire, from his large experience, if it is not his observation that large expenditures are incident to our system of government? Is it not true that the Senator from Rhode Island [Mr. ALDRICH], with his experience and capacity as a business man, could take the financial affairs of the Senate and conduct its business as well as it is conducted to-day for 25 or 40 per cent less money than we are now expending? Is it not true that any thorough business man could take the financial affairs of the House of Representatives and attend to the business in a thoroughly competent way for 40 per cent less than is now expended? Probably a greater per cent could be saved by a business man if he could take up any one of the departments of the Government and conduct its business upon an economical basis.

The objection that I have to the proposed commission is that I do not think it will amount to anything or that we shall get any practical results from it. I think the Senator from Rhode Island is correct when he says that he could administer the affairs of this Government for very much less money than is now expended for that purpose. Any business man could conduct the affairs of any government as a private institution for less money than such government spends. It has been that way from the beginning and it will be that way until the end.

This Government is not conducted as a business institution; it is a Government of the people of the United States, conducted in harmony with their wishes. There is not an executive officer in any of the departments of the Government but knows that, if he had the authority, he could run the affairs of his department much more economically than they are run.

I had a little experience in a quiet way once in trying to reduce the expenses of the carrier service of the city of New York, when I was connected with the Post-Office Department. I discovered upon inquiry that there were blocks of residences in New York where the mail was being delivered six times a day; carriers were going around and around those blocks calling at the residences and delivering mail six times a day. I did not think it was necessary, and I recommended to the Postmaster-General that he reduce the number of deliveries from six to four. He signed such an order, but within thirty days the order was revoked, because the Member of the House and the Senators representing that constituency demanded that it be revoked for the reason that, in their judgment, they were afraid it might injure the efficiency of the service. It would not have done so, but they thought it would. That is simply a small illustration of the way that things are done. You can not commend it, but how are you going to correct it?

I make the assertion here now that every man familiar with the departments of this Government knows that there are hundreds of employees whose services could be dispensed with without any injury to the public service. There are employees of this body that could be dispensed with without any injury to the public service, and the same is true in the House of Representatives and in every state government of the United States; but they are not dispensed with. What I object to is the going to a lot of expense to find out that we ought to do things that we know now we ought to do, but will not do.

That is true of the Executive; it is true of the legislative; it is true of governments as a whole. They ought to be restrained and kept within certain bounds, but, from my point of view, the proper authority to restrain is the Executive himself, and I think that he is making commendable efforts to do so. I am in hearty accord with the suggestions made by the Senator from Nevada [Mr. NEWLANDS] that the Executive ought to be given encouragement by us instead of our going ahead and establishing another commission to spend a lot of money and make a report which probably none of us will any more readily accept than the Committee on Public Expenditures is disposed to accept the recommendations made by its individual members.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

The amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk as an additional section, to be known as section 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as a new section, the following:

SEC. 3. That the President is authorized to bring into coordination and cooperation the departments, bureaus, and services of the United States, with a view to the improvement of business methods, through the appointment of a board or boards composed of the employees of the United States, including such experts as he may deem advisable: *Provided, however,* That the total annual expenditure under this head for contingent expenses and employment of experts shall not exceed $50,000.

The VICE-PRESIDENT. Does the Senator from Nevada desire to discuss the amendment?

Mr. NEWLANDS. I do not.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Nevada.

Mr. NEWLANDS. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. ALDRICH. Mr. President, in accordance with the agreement made with the Senator from Indiana [Mr. BEVERIDGE], I now ask that the bill go over, but I desire to give notice that I shall ask the Senate to take it up at the earliest possible moment.

The VICE-PRESIDENT. The bill will go over.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate adjourn.

Mr. BEVERIDGE. I hope the Senator will withdraw that motion. There are a number of Senators who want an executive session, if it be agreeable to the Senator.

The VICE-PRESIDENT. The Senator's motion is in order, if he insists on it. Does the Senator from Montana withdraw his motion?

Mr. BEVERIDGE. I hope he will withdraw it, so that we may have an executive session.

Mr. CARTER. I see no objection to an executive session; but I understood that a number of Senators thought best to adjourn, as it is late in the afternoon. However, I withdraw the motion.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent

in executive session the doors were reopened; and (at 3 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 22, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1910.

COLLECTOR OF CUSTOMS.

William W. Sewall, of Maine, to be collector of customs for the district of Aroostook, in the State of Maine. (Reappointment.)

UNITED STATES MARSHAL.

Eugene Nolte, of Texas, to be United States marshal for the western district of Texas. (A reappointment, his term expiring March 3, 1910.)

UNITED STATES ATTORNEY.

Charles A. Boynton, of Texas, to be United States attorney for the western district of Texas. (A reappointment, his term expiring June 18, 1910.)

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Charles Richard, Medical Corps, to be colonel from February 18, 1910, vice Col. Valery Havard, retired from active service on that date.

Maj. Euclid B. Frick, Medical Corps, to be lieutenant-colonel from February 18, 1910, vice Lieut. Col. Charles Richard, promoted.

Capt. Wallace De Witt, Mdical Corps, to be major from February 18, 1910, vice Maj. Euclid B. Frick, promoted.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

William Paul Lamb, of New Jersey, late first lieutenant in the Medical Reserve Corps, to be first lieutenant in the Medical Reserve Corps, with rank from February 17, 1910.

PROMOTIONS IN THE NAVY.

Capt. Sidney A. Staunton to be a rear-admiral in the navy from the 20th day of February, 1910, vice Rear-Admiral Uriel Sebree, retired.

Machinist James M. Ober to be a chief machinist in the navy from the 3d day of March, 1909, after the completion of six years' service in his present grade.

The following-named paymasters, with the rank of lieutenant, to be paymasters in the navy, with the rank of lieutenant-commander, from the 20th day of February, 1910:

Jonathan Brooks,
Eugene F. Hall,
Franklin P. Sackett,
David M. Addison,
William T. Wallace,
Victor S. Jackson,
John R. Sanford, and
Herbert E. Stevens.

POSTMASTER.

George D. Heisey to be postmaster at Newark, Ohio, in place of George D. Heisey. Incumbent's commission expired March 3, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1910.

COLLECTORS OF CUSTOMS.

William W. Sewall to be collector of customs for the district of Aroostook, Me.

John A. Merritt to be collector of customs for the district of Niagara, in the State of New York.

PENSION AGENT.

William L. Curry to be pension agent at Columbus, Ohio.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Frederick K. Ward to be brigadier-general.

MEDICAL RESERVE CORPS.

Leo Chrysostom Mudd, of Missouri, to be first lieutenant in the Medical Reserve Corps, with rank from February 14, 1910.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Maj. Henry C. Newcomer to be lieutenant-colonel.
Capt. William D. Connor to be major.
First Lieut. Robert R. Ralston to be captain.
Second Lieut. Edward D. Ardery to be first lieutenant.

COAST ARTILLERY CORPS.

Chaplain Edmund P. Easterbrook to be chaplain.

POSTMASTERS.

ARKANSAS.

Arthur W. Campbell, at Helena, Ark.
Clinton E. Cole, at Prairie Grove, Ark.
Arthur C. Curtis, at Lonoke, Ark.
Clarence E. Shumaker, at Magnolia, Ark.

GEORGIA.

Julia Fleming, at Sparta, Ga.

MAINE.

George W. Goulding, at Oakland, Me.
J. Currier Tarbox, at Farmington, Me.

MASSACHUSETTS.

Benjamin F. Martin, at Marblehead, Mass.
Luther Wait, at Ipswich, Mass.
Edwin M. Wheelock, at Hopedale, Mass.
Nathan H. Sears, at Millbury, Mass.

MINNESOTA.

Edward V. Moore, at Eagle Bend, Minn.

MISSOURI.

Mordecai Bell, at Golden City, Mo.
E. R. Lindley, at Stanberry, Mo.
Robert T. Stickney, at Carthage, Mo.
Washington D. Turrentine, at Marionville, Mo.
Laurence O. Weakley, at St. Joseph, Mo.

NEW JERSEY.

Chester A. Burt, at Helmetta, N. J.
J. Albert Harris, at Wildwood, N. J.

NEW YORK.

William A. Boyd, at Mamaroneck, N. Y.
Leslie Amasa Childs, at Chazy, N. Y.
Matthew G. Frawley, at Baldwinsville, N. Y.
Frank T. Hadaway, at Montgomery, N. Y.
Frank W. Hallock, at Millbrook, N. Y.
Charles E. McCarty, at Rhinebeck, N. Y.
Ezra Sayre, at Corinth, N. Y.
William H. Van Wagenen, at New Paltz, N. Y.

NORTH DAKOTA.

Charles B. McMillan, at Hannah, N. Dak.
Percy R. Trubshaw, at Cooperstown, N. Dak.

OKLAHOMA.

Nelson L. Eggleston, at Minco, Okla.

RHODE ISLAND.

John W. Cass, at Woonsocket, R. I.

TENNESSEE.

Louis K. Freeman, at Savannah, Tenn.
A. D. Holt, at Milan, Tenn.
Abraham Lincoln Demarcus, at Clinton, Tenn.
Daniel M. Nobles, at Paris, Tenn.
John L. Sinclair, at Dyersburg, Tenn.
William R. Sloan, at Madisonville, Tenn.
Daniel W. Starnes, at Lawrenceburg, Tenn.

VIRGINIA.

John S. De Farges, at Westpoint, Va.
Charles M. Keezel, at Harrisonburg, Va.
Winfield S. Rose, at Big Stone Gap, Va.
John C. Vial, at Ashland, Va.

WISCONSIN.

John A. Rasmussen, at De Forest, Wis.
Charles L. Valentine, at Janesville, Wis.
Hugh H. Williams, at Randolph, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 21, 1910.*

The House met at 12 o'clock noon.

Prayer by Rev. Frank Oliver Hall, D. D., of New York.

The Journal of the proceedings of Saturday was read and approved.

RULES OF THE HOUSE.

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURDOCK. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Rule I of the House reads as follows:

The Speaker shall take the Chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

The House adjourned under rather unusual circumstances on Saturday. My inquiry goes to the fact as to whether or not the Speaker of the House ordinarily does approve the Journal.

The SPEAKER. The Chair will reply, in answer not strictly to a parliamentary inquiry, but as to a question of fact. The rules of the House require the Speaker to refer to the various committees bills which are introduced under the rules. There have already been introduced in this House over 20,000 bills. The rules require the Speaker to examine the Journal and to refer reports to the calendars. Now, with the duties of the Speaker it would be a matter of impossibility that he should read every particular bill; that he should watch the Journal; but the House in its wisdom has given a Journal clerk, reading clerks, an assistant to the Journal clerk, a clerk to the Speaker's table, an assistant to the Speaker, and, in addition, it has commissioned 391 Representatives whose duty and privilege it is to be as vigilant as the Speaker is required to be under the rule.

Mr. MURDOCK. Now, Mr. Speaker, another parliamentary inquiry, bearing on the same question——

The SPEAKER. One moment. The Journal is brought to the Speaker for a preliminary approval, as the Chair is reminded by the Clerk to the Speaker's table. This gentleman has been for many years Clerk to the Speaker's table, known to the membership as being far more competent as to the procedure under the rules than the Speaker, or any Speaker, I will say, with whom I have served. The Journal is brought by the Journal clerk to the Speaker's room every morning, inspected by the clerk to the Speaker's table, and if any question of doubt arises it is referred to the Speaker. That was done this morning.

Mr. MURDOCK. Ought not the Clerk in reading the Journal in this case to recite the names of the absentees?

The SPEAKER. The Journal has already been approved, and having been approved——

Mr. MANN. The Journal recites the names of the absentees.

The SPEAKER. The Journal gives the names of the absentees when the Committee of the Whole reports as it did Saturday, and the Journal just approved has that list of absentees. But in the practice of the House ordinarily there is not a demand made that the names should be read when the Journal is read for approval. At any rate, it is too late now, because the Journal has been approved. If the gentleman was anxious to have the names read, he makes his inquiry too late. He sat in his seat until the Journal was approved, and under a parliamentary inquiry the colloquy between him and the Chair has occurred.

CORRECTION OF THE RECORD.

Mr. MOSS. Mr. Speaker, I desire that the RECORD be corrected so as to show that I was present when the roll was called on Saturday.

The SPEAKER. Was the gentleman present, and did he answer to his name?

Mr. MOSS. Yes.

The SPEAKER. If there be no objection, the RECORD will be corrected, and the Journal also.

There was no objection.

EXAMINATION OF CAPE LOOKOUT.

The SPEAKER. The Clerk will call the first bill on the Unanimous Consent Calendar.

The first business reported from the Unanimous Consent Calendar was Senate concurrent resolution No. 21.

The Clerk read as follows:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized and directed to cause a further and supplemental examination to be made of Cape Lookout, North Carolina, provided for in the river and harbor act of March 3, 1909, with a view to determining its relative advantage and value as a site for a harbor of refuge for coastwise and deep-draft vessels as compared with other localities on the coast of North Carolina, especially the harbors of Beaufort, Southport, or Cape Fear and Cape Hatteras, and to submit the results of such examination, together with estimates of cost, to Congress at the earliest date practicable.

The SPEAKER. Is there objection to the consideration of the concurrent resolution at this time?

Mr. UNDERWOOD. Is this resolution up for unanimous consent?

The SPEAKER. Yes.

Mr. UNDERWOOD. Mr. Speaker, the confusion in the House is so great that it is impossible to hear.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again reported.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I desire to ask the gentleman in charge of the resolution if he thinks it is possible to accomplish this by concurrent resolution?

Mr. MOON of Tennessee. It is a concurrent resolution. The last river and harbor bill directed a survey of the coast of North Carolina to determine a suitable place for a harbor of refuge. Under the report made, Cape Lookout was found to be a desirable place for a harbor of refuge, but the engineer did not report that it was the most desirable place. The report was not complete. It did not determine fully the question submitted, and the Senate, desiring further information upon the subject, passed this concurrent resolution, asking a reexamination to determine whether this was the most desirable place or not. It is possible that action might have been taken by the Commerce Committee of the Senate, sending the resolution to the Chief of Engineers for further information, but, in their wisdom, they thought otherwise, and this concurrent resolution was adopted. It was approved by the Committee on Rivers and Harbors without amendment. There is no new survey ordered. There is no expenditure of money. It is simply a reexamination, in order to obtain the information desired by the Committee on Rivers and Harbors of the House and the Committee on Commerce of the Senate.

The SPEAKER. Is there objection?

Mr. KEIFER. I did not hear the answer of the gentleman from Tennessee [Mr. MOON] to the inquiry of the gentleman from Minnesota [Mr. TAWNEY], and I am not satisfied that you can legislate in this way. A concurrent resolution does not have to go to the President for his approval, and unless it is in the form of a bill or a joint resolution and goes to the President, it will not be legislation at all, in my opinion. Not being satisfied with it, I think we ought to object until we can look into it, at least.

Mr. MANN. It is in accordance with the river and harbor act.

Mr. MOON of Tennessee. This is simply a resolution passed by the Senate seeking to obtain further information with reference to the harbor of refuge where the survey has heretofore been made, but the report is not as complete as the Senate thinks it ought to be. The facts are in the office of the Chief of Engineers of the War Department, and it will be able to complete the report and send it to the Senate. It is simply a demand for a completed report. It does not require any new survey or any new expense. It is merely a resolution requiring the department to furnish the information they have obtained, and which it is necessary for the Senate and House to have to act upon.

Mr. MANN. May I call the gentleman's attention to the fact that in the river and harbor appropriation is a provision that the department shall not make any survey, and so forth, unless provided for in the act or called for by resolution of Congress.

Mr. KEIFER. This is not a resolution of Congress in the sense that it has the force of law.

Mr. MOON of Tennessee. The resolution is nothing but a request for further information.

Mr. THOMAS of North Carolina. Will the gentleman allow me to explain the situation?

Mr. KEIFER. Let me just make this statement: I do not understand that Congress can by concurrent resolution direct anybody, any executive officer, any Secretary of any department, to do anything; and if it could, it would involve an expenditure of money to make the surveys, or whatever it be, and that belongs to legislation.

Mr. MOON of Tennessee. The gentleman from Ohio will understand that it is doubtful if the information can be otherwise obtained. It is possible that under the rule it could be done by the Committee on Commerce in the Senate or by the River and Harbor Committee of the House by a direct order from the committee to the department itself under the law, but the Senate was doubtful of the propriety of such action, and asked the concurrence of this House merely to obtain information which they desire and which we desire.

Mr. KEIFER. Mr. Speaker, the gentleman's statement may be right; but I can not understand how either House, or both, can by concurrent resolution give any direction such as is given here.

Mr. MOON of Tennessee. There is no direction given; we are simply asking for information, which, no doubt, is compatible with the public interest.

Mr. KEIFER. It may be done by law of Congress, no doubt; but Congress can not, by concurrent resolution, give the force and effect of law. This can only be done by bill or joint resolution. This provides, necessarily, for an expenditure of money.

Mr. MANN. Will the gentleman permit me? The act creating the Department of Commerce and Labor provided for a Bureau of Corporations, and so forth. It is provided that that bureau shall make certain investigations, and so forth, and shall make investigations upon the request of either House of Congress. Now, the investigation is made by virtue of the law, although the request only comes from one House of Congress. As I remember the river and harbor act, it provides practically the same thing.

Mr. KEIFER. I understand from the gentleman in charge of this matter that the Senate does not think so, and therefore wanted the action of Congress. I do not believe it can be obtained by a concurrent resolution.

Mr. MOON of Tennessee. The gentleman must misapprehend the situation entirely. There is nothing here relative to an order which would cause the making of an appropriation. Congress has already authorized the survey. The notes of the survey and the facts are in the office of the Chief of Engineers. The report of the engineer was just not quite as complete as the Senate desired. This can be obtained by direction under the law—by joint or by concurrent resolution, or possibly by committee resolution directed to the department. Now, the Senate desires further information, to determine what action it shall take on the question of whether Cape Lookout is the most desirable place for a harbor of refuge on the North Carolina coast. They have passed that resolution, and this has met the unanimous approval of the Committee on Rivers and Harbors as the orderly way of proceeding in the matter.

Mr. THOMAS of North Carolina. Let me say to the gentleman from Ohio that a complete report can be made from the statements already on file in the offices of the Chief of Engineers and the local engineer.

Mr. KEIFER. Mr. Speaker, it is made very plain by the statement of the gentleman that it requires the action of Congress, in that it asks the Secretary of War to do that which he does not feel he is authorized now by law to do. Therefore it would involve some further survey and some further expense; whether it is large or small, it would be directing by resolution of the two Houses, not by a joint resolution, something to be done. Therefore, for the present, I object.

The SPEAKER. Is there objection?

Mr. KEIFER. I objected.

Mr. GAINES (to Mr. KEIFER). Withdraw your objection and let him have his chance, on a close question like that; we can vote it down.

Mr. KEIFER. I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 74. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba;

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6286. An act to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes;

S. 6229. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 5268. An act providing for the construction of steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound;

S. 5075. An act granting an honorable discharge to Thompson B. Pollard;

S. 5851. An act to amend an act approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga;"

S. 5007. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; and

S. 1027. An act for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 74. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba—to the Committee on Military Affairs.

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6286. An act to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 6229. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company—to the Committee on Interstate and Foreign Commerce.

S. 5268. An act providing for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound—to the Committee on Interstate and Foreign Commerce.

S. 5075. An act granting an honorable discharge to Thompson B. Pollard—to the Committee on Military Affairs.

S. 5851. An act to amend an act approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga"—to the Committee on Military Affairs.

S. 5007. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 1027. An act for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts—to the Committee on War Claims.

ALTER ROAD, DETROIT, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18593) to authorize the transfer of the government highway known as the Alter road to the city of Detroit, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor for and on behalf of the United States be, and he hereby is, authorized to dispose of and convey by deed to the city of Detroit, Mich., the government highway, known as the Alter road, running between Windmill Point light station and Jefferson avenue, in the city of Detroit, Mich., and described as follows: That certain parcel of land situate in the township of Grosse Pointe, Wayne County, Mich., described as follows, to wit: Commencing at the point where the easterly line of private claim No. 120 intersects the southerly line of Jefferson avenue, so called, thence westerly along said southerly line a distance of 33 feet, thence at right angles for a distance of 27 chains and 55 links to the rear line of private claim No. 696, thence at right angles in an easterly course 33 feet, thence at right angles in a northerly course to the place of beginning. Also, all that portion of private claim No. 570, described as follows, to wit: Commencing at a point where the westerly line of private claim No. 570 intersects the southerly line of Jefferson avenue, so called, thence at right angles easterly along said southerly line 33 feet, thence at right angles southerly a distance of 27 chains and 55 links to the rear line of private claim No. 696, thence at right angles along said rear line in a westerly course to an iron post distant 33 feet, thence at right angles in a northerly course to the place of beginning. Also, a strip 33 feet in width off the westerly side of private claim No. 696 and 33 feet off the easterly side of private claim No. 120, both said private claims 120 and 696 being in said township of Grosse Pointe. The premises herein conveyed form a strip of land 66 feet wide and with that width extending uniformly from Jefferson avenue to the shore of Lake St. Clair: *Provided*, That the said highway shall be maintained by the city of Detroit forever as a public roadway or thoroughfare; that the course of the road, as at present existing, shall not be changed in any way without the prior written consent of the Secretary of Commerce and Labor; that the officers and employees of the Government shall have a right at all times to pass and repass over the roadway and to transport all necessary materials thereon: *And provided further*, That in the event of the dis-

continuance by the city of Detroit of the use or maintenance of the above-described property as a highway, or of the violation by the city of the terms and conditions preceding, the title herein ceded shall revert to the United States.

With the following committee amendment:

Insert as a new section:
"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The unanimous consent asked for is that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill and that the House do now consider the same.

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I should like to have the gentleman from Illinois [Mr. MANN], who reported the bill, explain why the Government of the United States acquired this land and why it is no longer necessary for government purposes.

Mr. MANN. Mr. Speaker, the Government maintains at the head of the Detroit River a light-house, known as the "Windmill Point light station." Thirty-four years ago the Government obtained a deed to a strip of ground to connect the light station with Jefferson avenue in the city of Detroit, to be maintained as a public highway. There was no street laid out connecting the light station with the city street, and in order to get to the light-house it was necessary to have a right of way, and the city obtained the deed set forth in the report, granting to the Government the title to the property embraced in what is now the road connecting Jefferson avenue with the light station, with the provision in it that it should be forever maintained as a public highway.

In the course of time the city of Detroit has grown until this public road is now practically one of the city streets, but the Government has not maintained it in good repair, and is not desiring to do so. The city of Detroit has passed a resolution asking that this road be turned over to the city, in order that the city may improve it, and the provision in the bill is to turn it over to the city to be maintained as a public road, so that we will have the same use of it as we have now, with the difference that it will be kept in good order and the Government of the United States will not be put to the expense of paving it.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MINNESOTA AND MANITOBA RAILROAD COMPANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16920) authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised the south half of the southwest quarter of section 4, township 161 north, range 34 west of the fifth meridian of the Red Lake Indian Reservation, in the State of Minnesota, for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit for ballasting its line of railway in the State of Minnesota, and upon appraising said land the Secretary of the Interior is authorized to convey the same to said railroad company upon such terms as he may deem advisable: *Provided*, That he shall not convey said land to said railroad company until Hans M. Carlson, who has heretofore made homestead entry thereon, shall relinquish such homestead entry and claim to the land herein described, which relinquishment the said Hans M. Carlson is authorized to make without prejudice to his rights as homesteader, and upon the filing of such relinquishment said land shall be withheld from public entry for the space of six months within which to complete the negotiation for the same provided for by this act: *Provided*, That said railroad company shall pay, in addition to the appraised value of said land, the sum of 3 cents an acre, as drainage charges, as required by section 8 of the act of May 20, 1908 (35 Stats., p. 169).

The SPEAKER. The request for unanimous consent covers the discharge of the Committee of the Whole House on the state of the Union and the consideration of the bill in the House. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I desire to inquire of the gentleman in charge of the bill whether it is his opinion that its language saves to Hans M. Carlson his rights as a homesteader, so that he can make another entry? I have some doubt about that. That is the evident intent of the bill, but it seems to me the language is not happy.

Mr. MANN. The bill was reported from the Committee on Indian Affairs.

Mr. STEENERSON. Mr. Carlson has a homestead entry on the land, and he is a section boss on this railroad, and I am advised he is willing to relinquish and does not object to the passage of the bill.

Mr. MONDELL. The gentleman does not understand my inquiry. It is the evident intent of the bill to save to Carlson the right after he relinquishes this entry to make another; but I doubt whether the language of the bill will give him that right.

Mr. STEENERSON. That proviso was put in at the request of the Interior Department.

Mr. MONDELL. I do not think it saves Carlson's rights to a second entry.

Mr. STEENERSON. I think Carlson's rights are protected; I am not worrying about that. Whether Carlson has a right to a second entry or not is really immaterial. He does not oppose the bill, and he need not relinquish unless he desires to.

Mr. MONDELL. Very well. Evidently the bill was drawn with that intent, but I doubt if it gives that right.

Mr. STEENERSON. The bill is satisfactory to all concerned, and there is no opposition that I am aware of.

Mr. MANN. He will not need to make another homestead entry hereafter if he sells this to the railroad company.

Mr. FASSETT. He will not need to be a homesteader then.

Mr. MONDELL. I withdraw any objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

BRIDGE ACROSS THE CONNECTICUT RIVER, CONNECTICUT.

The next business on the Unanimous Consent Calendar was the bill (S. 5680) authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of Connecticut, acting through the Saybrook and Lyme Connecticut River Bridge Commission, a commission created by the laws of the State of Connecticut, be, and hereby is, authorized to construct and maintain a drawbridge across the Connecticut River, at a point suitable to the interests of navigation, between the towns of Old Saybrook and Old Lyme, in the State of Connecticut, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS COLUMBIA RIVER AND CELILO CANAL.

The next business on the Private Calendar was the bill (H. R. 17160) to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Oregon Trunk Railway, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River and the Celilo Canal, and the lands of the United States at a point suitable to the interests of navigation, at or near Celilo, in the States of Washington and Oregon, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

In line 6, after the word "river," insert the word "and."
In line 7 strike out the words "and the lands of the United States."
In line 12, after the word "six," add the following proviso:
"*Provided*, That in approving the plans for the bridge herein authorized, the Secretary of War may, subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the said Oregon Trunk Railway a right of way across the lands of the United States on either side of and adjacent to the said Celilo Canal, and also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE ARKANSAS RIVER AT VAN BUREN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 20044) to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas.

The Clerk read the bill at length.

Mr. MANN. Mr. Speaker, I ask unanimous consent to substitute the Senate bill 6191, which is identically the same as the House bill.

The SPEAKER. It seems that the bill H. R. 20044, on the Unanimous Consent Calendar, is a bridge bill, which has just been read. From the statement of the gentleman from Illinois it seems that the Senate bill, identical with the House bill, is in the Committee on Interstate and Foreign Commerce. The gentleman from Illinois asks unanimous consent to discharge the Committee on Interstate and Foreign Commerce from consideration of the Senate bill and substitute it for the House bill and consider the Senate bill. It seems to the Chair that that request comes within the spirit of the rule. Is there objection?

There was no objection.

Mr. MANN. Of course, Mr. Speaker, if the bill had not been referred from the Speaker's table, it would be in order to take it up.

The SPEAKER. That is correct. Without objection, the House bill will be laid on the table and the Senate bill considered at this time.

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Fort Smith and Van Buren district, a body politic and corporate created by act of the general assembly of Arkansas approved April 10, 1909, to construct, maintain, and operate a bridge across the Arkansas River at Van Buren, Ark., and its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River between the cities of Fort Smith and Van Buren, at a point suitable to the interests of navigation, one end of said bridge to be in the corporate limits of the city of Van Buren, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill at this time?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS TUG FORK, BIG SANDY RIVER.

The next business on the Unanimous Consent Calendar was the bill (H. R. 19967) authorizing the Warfield Coal and Salt Company to construct a bridge across Tug Fork of Big Sandy River.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk may read the substitute offered by the committee in place of the original bill. It is one of the old form of bridge bills, we have stricken out all after the enacting clause.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That Thomas J. Ewing, of Catlettsburg, Ky.; George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; William Cecil, of Catlettsburg, Ky.; and Milton E. Foster, of Dayton, Ohio, their heirs and assigns, are hereby authorized to construct, maintain, and operate a wagon, foot, and railroad bridge and approaches thereto across the Tug Fork of the Big Sandy River at a point suitable to the interests of navigation, at or on the property of the Warfield Coal and Salt Company, at Warfield, Ky., where the said Tug River forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. This is a private bridge owned by private parties?

Mr. MANN. Yes.

Mr. CLARK of Missouri. Will the public have the use of it?

Mr. MANN. That is a matter within the control of the War Department. Although this bridge that is proposed to be built for the Warfield Coal and Salt Company is to get across the river, it is within the control of the War Department as to whether the public will have the use of it under the general bridge act.

Mr. CLARK of Missouri. Does the public want to use it?

Mr. MANN. It is not a toll bridge.

Mr. CLARK of Missouri. You are authorizing the building of a railroad, wagon, and foot bridge?

Mr. MANN. Yes; it is a railroad bridge to carry the coal across the river, a wagon bridge to get their wagons across, and a foot bridge for the benefit of the employees.

Mr. CLARK of Missouri. Do they have the right to levy a toll? That is what I want to get at.

Mr. MANN. They do not.

Mr. COOPER of Wisconsin. Is there anything in the law anywhere regulating the height which bridges should be above navigable streams?

Mr. MANN. There is nothing in the law, but before a bridge is built the people making application for a permit have to submit their plans in complete detail to the War Department, and that has to be approved by the department, and no bridge is authorized to be built which interferes with navigation.

Mr. COOPER of Wisconsin. One Secretary of War might think a bridge over a navigable stream of a certain height to be proper and that it would not interfere with navigation, whereas another Secretary might be of a contrary opinion.

Mr. MANN. I may say to the gentleman that this matter is not left to the Secretary of War. Under the general bridge act the Secretary of War and the Chief Engineer must each coincide in their judgments in reference to the matter.

Mr. COOPER of Wisconsin. The reason I say that to the gentleman from Illinois is that I have in mind certain structures across navigable streams in my own State which very seriously interfere with the navigability of the streams.

Mr. MANN. The gentleman is correct. Those bridges were built before the General Government assumed control over the construction of bridges over navigable streams. I have some in my own district that I would like to get rid of.

Mr. BOEHNE. Is there anything in the law that will prevent the public from using the bridge?

Mr. MANN. There is not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

MAIL SUBSIDY—REPORT OF MINORITY.

Mr. SPIGHT. Mr. Speaker, I understand that this morning a report was made by the Committee on the Merchant Marine and Fisheries on what is known popularly as the "Humphrey mail-subsidy bill." The Committee on the Merchant Marine and Fisheries unanimously agreed that the minority might have ten days after the printing of the report of the majority of the committee within which to file the views of the minority, and I now ask unanimous consent that I, as the ranking Democrat on that committee, be granted ten days within which to file the minority report.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that he may be granted ten days within which to file the minority report on the Humphrey mail-subsidy bill. Is there objection?

There was no objection.

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The next business on the Unanimous Consent Calendar was the joint resolution (H. J. Res. 142) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read as follows:

House joint resolution 137.

Resolved, etc., That James W. Wadsworth, of New York; Henry E. Palmer, of Nebraska; John M. Holley, of Wisconsin; Henry H. Markham, of California; and Oscar M. Gottschall, of Ohio, be, and the same are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Maj. James W. Wadsworth to succeed himself, his present term of service expiring April 21, 1910; Capt. Henry E. Palmer to succeed himself, his present term of service expiring April 21, 1910; John M. Holley to succeed himself, his present term of service expiring April 21, 1910; Col. Henry H. Markham to succeed himself, his present term of service expiring April 21, 1910; and Oscar M. Gottschall to succeed Gen. Charles M. Anderson, whose term of service would expire April 21, 1912, but who died on December 28, 1908.

The SPEAKER. Is there objection?

Mr. NORRIS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Iowa in charge of the resolution whether this is the usual method of appointing these commissioners?

Mr. HULL of Iowa. Yes; they have to be appointed this way under the law. It is simply a reelection of all of them except one from Ohio, where the manager for that institution died, and this is filling his place with a gentleman from Dayton,

Ohio, recommended by the Representative from Ohio who comes from Dayton, and by the entire Ohio delegation, I believe.

Mr. NORRIS. This board is provided for by general law?

Mr. HULL of Iowa. Absolutely.

Mr. NORRIS. And the general law provides that they shall be elected by Congress?

Mr. HULL of Iowa. Yes; it is always done.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, read the third time, and passed.

MARKING GRAVES OF SOLDIERS AND SAILORS OF CONFEDERATE ARMY AND NAVY.

The next business on the Unanimous Consent Calendar was the joint resolution (H. J. Res. 137) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

The Clerk read as follows:

House joint resolution 137.

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, and continued in full force and effect for two years by a joint resolution approved February 26, 1908, be, and the same is hereby, continued in full force and effect for one year from this date: *Provided*, That said act shall not be construed to apply to the Confederate Mound in Oakwood Cemetery at Chicago: *Provided further*, That the Secretary of War may cause to be erected at the head of each grave of a citizen or civilian prisoner of war who was buried among the soldiers a headstone of the size and dimensions of those placed at the head of the soldiers' graves, but containing no inscription except the number of the grave, the name of the occupant, and the word "citizen" or "civilian" placed thereon, and at an expense for each no greater than that for each soldier: *And provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.

The SPEAKER. Will the House give unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the resolution just read and consider the same in the House at this time? [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Speaker, may I ask the gentleman in charge of the bill a question? There was reported a similar proposition in the Senate. I do not now recall whether it has passed the Senate or not.

Mr. DENT. It has not passed yet.

Mr. MANN. Can the gentleman inform us whether it is identical with this?

Mr. DENT. Exactly with this bill.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TENTS FOR USE OF CONFEDERATE VETERANS' REUNION.

The next business reported from the Unanimous Consent Calendar was the joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910.

The Clerk read as follows:

Senate joint resolution 63.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the executive committee confederate veterans' reunion, to be held at Mobile, Ala., April 26, 27, and 28, 1910, such tents, with necessary poles, ridges, and pins, as may be required at such reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said reunion as may be agreed upon by the Secretary of War and Jacob D. Bloch, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from Jacob D. Bloch a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. SCOTT. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

CONSTRUCTION OF REVENUE CUTTERS.

The next business reported from the Unanimous Consent Calendar was the bill (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to provide and equip two new revenue cutters at a cost not exceeding the sum of $250,000 in each case, and when either of said revenue cutters shall be placed in service, one of the revenue cutters now in the service shall thereupon be retired from service.

SEC. 2. That the Secretary of the Treasury is hereby authorized from time to time to make such transfer and change of stations of revenue cutters as he may deem desirable for the best interests of the service, and in his discretion to direct any revenue cutter to cruise in any waters to perform the duties of the Revenue-Cutter Service.

The title was amended so as to read: "An act authorizing the Secretary of the Treasury to provide two new revenue cutters, and for other purposes."

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, I shall have to object to the consideration of this bill by unanimous consent.

EXCHANGE OF LAND FOR LAND OWNED BY THE CAVE HILL CEMETERY COMPANY, LOUISVILLE, KY.

The next business reported from the Unanimous Consent Calendar was the bill (H. R. 19558) authorizing the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to convey to the Cave Hill Cemetery Company, of Louisville, Ky., a parcel of land 20 feet in width, comprising a portion of section D of the Cave Hill (Ky.) National Cemetery, containing approximately 2,010 square feet, and required by the said company for a cemetery roadway, in exchange for a parcel of land containing approximately 3,240 square feet lying north of the said national cemetery plat and separated therefrom by an 8-foot pathway: *Provided*, That the said company will disinter and properly reinter in the plat to be conveyed to the United States all remains buried in the plat to be conveyed to the said company and will remove and properly reset the headstones at their respective graves.

Mr. HULL of Iowa. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. SHEBLEY] to make any explanation he desires. But first I will ask unanimous consent that the bill may be considered in the House as in Committee of the Whole. I move that the Committee of the Whole be discharged from the further consideration of this bill and that it be considered in the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ROAD FROM HARRISONVILLE, N. J., TO FORT MOTT, N. J., ETC.

The next business reported from the Unanimous Consent Calendar was the bill (H. R. 1014) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey.

The Clerk read as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of repairing and rebuilding the road leading from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey; said sum to be expended under the direction of the Secretary of War.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill, and that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object——

Mr. NORRIS. Mr. Speaker, I reserve the right to object——

Mr. FITZGERALD. Is this road a county road?

Mr. HULL of Iowa. I will say, Mr. Speaker, this is a short road connecting the railway station with Fort Mott, N. J.

Mr. FITZGERALD. How long?

Mr. HULL of Iowa. From 4 to 6 miles long. As I understand, this has been asked for for some years by the War Department on the ground that it needs it, and that it costs more to haul their supplies over it during a large part of the year than it would to rebuild it, and they have recommended it as a military road and a military necessity. I will say further, very few people live along this road; none of them ask for it. I desire now to yield to the gentleman from New Jersey for any further explanation that may be desired.

Mr. FITZGERALD. I wish to inquire if the gentleman is aware of any instance where the United States has acquired a road on the ground that the township in which it is located is too poor to keep the road in shape?

Mr. HULL of Iowa. I think there are a great many cases where the roads are built by the Government where the needs of the Government were sufficiently impressive to demand that construction. I do not understand that the people are asking for this at all, but the gentleman from New Jersey is entirely familiar with it, and I would ask him to give the gentleman an answer.

Mr. MONDELL. Before the gentleman yields I would like to inquire of him if this road is on government land?

Mr. HULL of Iowa. No.

Mr. MONDELL. Is it the policy of the Committee on Military Affairs to recommend the construction of roads out of public funds leading toward the military posts and cemeteries?

Mr. HULL of Iowa. Not at all.

Mr. MONDELL. To cemeteries?

Mr. HULL of Iowa. It is not the policy. We did it in this case because the Quartermaster-General of the Army stated that it costs more each year to transport what is necessary for the support of troops at Fort Mott over the bad roads and hard haulings; that they have to use the road daily, and their report was that as a military necessity they recommended the adoption of this bill for the purpose of making it so the Government would save money.

Mr. MONDELL. Can any community in which there is a military post located, by refusing or declining to keep up the roads between the depot or between the town and the post, compel the Government to build a road for them?

Mr. HULL of Iowa. I should say that where there was ample settlement, and the people themselves were interested in a road, that would not be at all probable.

Mr. MONDELL. Why can not the Government put the military posts where the people are interested enough to build roads to them?

Mr. HULL of Iowa. They have the post established, I suppose, where they want it, and, as I understand, it is in a sparsely settled part of New Jersey. It is not a road for the convenience of the people. If it is, we have gained the wrong impression. It is a road for the convenience of the Government itself.

Mr. MONDELL. Will not this lead to interminable road building on the part of the Government?

Mr. HULL of Iowa. I think not.

Mr. MONDELL. Has it not always been the policy of the committee to decline the building of roads from towns to military posts?

Mr. HULL of Iowa. Absolutely; yes.

Mr. MANN. Will the gentleman from Iowa yield for a question? I notice in the report of Captain Harrison, on which I think this bill is largely based, on page 4, it states:

> The road in question is the only approach to Finns Point National Cemetery, located on this reservation. There are many precedents for special appropriations by Congress for roads such as this, especially roads leading to national cemeteries.

I would like to ask the gentleman whether there are any precedents in that regard?

Mr. HULL of Iowa. Mr. Speaker, I will answer the gentleman's question by making a little more of an explanation than a mere answer. Years ago Congress did establish such precedents. It had one at Vicksburg, that I recall very well, and one at Fort Scott, Kans., that I recall. The Vicksburg road was from the city of Vicksburg to the national cemetery. The Committee on Military Affairs, since I have been actively connected with it, has always refused to make an appropriation for this character of road, and, in my judgment, never should have undertaken to build a road of that character. The words the gentleman has referred to had no influence whatever on the committee in the report on this bill. What did influence them was the further language of Captain Harrison, where he says:

> Harrisonville is on the road from Fort Mott to Salem, N. J., about 4 miles from Fort Mott and about 2½ miles from Salem. Salem is the railroad depot, post-office, express office, and general base of supplies for this post. Access to and departure from Fort Mott is necessarily via Salem. The road from Salem to Harrisonville is a good shell road, while from Harrisonville to Fort Mott it is bad in the extreme. As a military measure and as a procedure of public economy steps should be taken immediately to put the road in good condition, as money so expended would soon be restored many fold in reduced freight charges and in the saving of government horseflesh and means of transportation.

Mr. MANN. Will the gentleman pardon one other question?

Mr. HULL of Iowa. We quote also from the report of what I conceive to be the strong point in this matter, differentiating it from other roads, where he said:

> It is necessary to use this road daily to obtain mail, supplies of food, forage, freight, etc., regardless of its condition. The result is that its present condition is a source of expense to the Government as regards animals and transportation, in addition to being a source of constant annoyance to all concerned.

Mr. MANN. May I ask the gentleman one more question?

Mr. HULL of Iowa. Yes.

Mr. MANN. I examined the report on this question very carefully, and came to this conclusion myself, namely, that if the Government maintained the post, it ought to improve the road. Is it necessary to maintain this post at this point?

Mr. HULL of Iowa. The Board of Ordnance and Fortifications evidently think so, because they maintain a three-company post there.

Mr. MANN. It is not like an infantry post?

Mr. HULL of Iowa. Not at all. It is a coast-fortification post. It takes it out of the other class entirely.

Mr. FITZGERALD. I desire to call the gentleman's attention to three extracts from the report. Here is a statement of the Quartermaster-General:

> It appears that the road is entirely outside of the reservation.

Then here is another statement from a captain of the Coast Artillery Corps, in which he says:

> The road between Harrisonville and Fort Mott is a township road of the township of Lower Penns Neck, county of Salem, State of New Jersey. It is the usual country road, unimproved, more or less heavy throughout the year, at times practically impassable.

I find another statement made by Captain Harrison, of the Artillery Corps, in which he says:

> The township of Penns Neck, in which this road is located, is too poor to do anything. The only course lies in an appeal to Congress.

If we build a road in this township approaching a military reservation where it is asserted that the township is too poor to build it itself, then Congress will be asked to improve the roads in every State in the Union.

Mr. HULL of Iowa. Well, Mr. Speaker, that means that wherever a coast artillery post is located in a section of country the Government must get to it; and if the road is not built by the people there, the Government will have to do it in its own defense. I yield now to the gentleman from New Jersey.

Mr. MACON. I suppose the right to object is still reserved.

The SPEAKER. It is.

Mr. LOUDENSLAGER. Mr. Speaker, this road is off a very prominent road in Salem County, between Harrisonville and Fort Mott in Lower Penns Neck, in the county of Salem. It is a very good shell road. The road desired by the Government leads from this shell road to the fortification. The taxable property of that township, even on this good public road, leads back to the land owned by the Government for its fortification and cemetery location. There is not and never has been on the part of the people of that section any need for the improvement of this road, for its whole practical use is for the benefit of the government reservation. The people in that township are not too poor to build roads. They have good roads, stone roads, macadamized roads; but they do not feel that they ought to be taxed to build this road, the only and sole use for which is the transportation of goods to this reservation. No constituent of mine nor any people there have ever made any request in regard to the building of this road. It has all been urged by the War Department. It is an economical measure. As the report here shows, the difference in the bids for the supplies for Fort Mott, being delivered at the fort, proves that the condition of this road adds very largely to the cost of those supplies when delivered at the fort.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. LOUDENSLAGER. Certainly.

Mr. FITZGERALD. Why are these goods not shipped by water?

Mr. LOUDENSLAGER. There is no way by which they can be obtained by water, because they do not go in large enough quantities to be sent by the boat load, and no steamers plying land at the fort.

Mr. FITZGERALD. How can it be that there is a fort for coast defense at a place where there is no water?

Mr. LOUDENSLAGER. It is a place where there is no water for transportation. There is no line of steamers that runs there. It was originally thought that it might be proper for the Federal Government to build part of this and the rest of this improvement to be built by the county. The original estimate was for $8,000, and it seems that they think it would be better for them to have $10,000, and the Government do all the work.

Mr. FITZGERALD. I can only say that I shall object, Mr. Speaker, to unanimous consent.

The SPEAKER. Objection is heard.

SWAMP LANDS OF WISCONSIN.

The next business on the Calendar of Unanimous Consent was the bill (H. R. 1448) transferring swamp lands to the State of Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized to transfer to the State of Wisconsin the following-described swamp lands: The west half of the southeast quarter, the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter, all in section 31, in township 12 north, range 14 east.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendment recommended by the committee was read, as follows:

Strike out section 2.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman in reference to this bill, which is apparently in the interest of the Beaver Dam Cotton Mill Company and apparently gives them certain lands for their benefit, a certain amount of land in the lake donated to the State of Wisconsin, to be maintained as a part of the lake for the benefit of this Beaver Dam Cotton Mill Company. May I ask the gentleman with reference to this statement in the report as to the city of Beaver Dam getting part of its water supply from this lake? I suppose the city of Beaver Dam is not very large. How much of the lake does it require to get a water supply from, and how does it happen it gets only a part of its water supply from this large reservoir? Where does it get the rest of its water supply?

Mr. MONDELL. Mr. Speaker, the Committee on Public Lands in considering this bill did not go into all the questions which the gentleman from Illinois perhaps very properly brings up. The question presented to us was simply this: The United States patented to the State of Wisconsin certain swamp lands, and included within the exterior boundaries of the land patented to the State of Wisconsin were the lands in question. They were all supposed to be overflowed lands, and they were not as to part of the land within the mentioned boundaries of the lake.

It developed later that there is a small island which appears above the waters, and an entryman attempted to make entry on these lands, and his entry was accepted, but the Commissioner of the General Land Office held that the title in those lands was not in the United States, but in the State of Wisconsin. I then asked the commissioner whether it would not be possible under the circumstances to convey by description. The Secretary thought it would not be possible. He was still of the opinion that the title was in the State of Wisconsin, but believed that in order to make it entirely certain the bill should be passed. The fact is that within the boundaries of this lake, from which the city of Beaver Dam obtains some of its water, it being a town of 3,000 people, I understand, there is a small island, which does not appear on the plats of the Federal Government at all. It is within the meandered boundaries of the lake. Therefore it would remain in the State of Wisconsin, except that some time in the future some other misguided entryman may come along and again attempt to make an entry and again be turned down; and in order to settle the matter conclusively the committee, following the recommendation of the Secretary of the Interior, proposes to quiet the title of the State of Wisconsin.

Mr. MANN. I call the attention of the gentleman to this statement in the letter of the Secretary of the Interior relating to this land:

The field notes of the survey do not show the lands in question to be swamp lands.

The land has never been patented to the State. Now, upon what basis does the gentleman state that this was originally considered as swamp land, when the swampiness of it is now owing to an artificial lake.

Mr. MONDELL. Well, because the Commissioner of the General Land Office, if the gentleman will read the report——

Mr. MANN. I remember that the Commissioner of the Land Office set aside the homestead entry.

Mr. MONDELL. If the gentleman will read the Secretary's report, he holds that this land——

Mr. MANN. I have done the honor to the gentleman to read the entire report of the committee.

Mr. MONDELL. The Secretary of the Interior considers that the land belongs to the State of Wisconsin. As a matter of fact the plats do not show the tract at all. It is within the meandered boundaries of a swamp area, and everything within those meandered boundaries is submerged except a very small island. I do not know how many acres it contains. The Secretary does not say.

Mr. STAFFORD. Can the gentleman state what is the law, so far as the title to lands in interior lakes are concerned, which are not included within the original government survey, whether the title is in the United States Government or whether it necessarily goes to the State?

Mr. MONDELL. The title necessarily passes to the riparian owner, and the riparian owner in this case was the State.

Mr. STAFFORD. There are many instances of unsurveyed islands in the lakes of northern Wisconsin where the title to the land has not been included in the original survey by the Government, and where individual squatters have located on these respective islands. I believe there is at present pending before the Committee on the Public Lands a bill authorizing the National Government to donate to the State of Wisconsin title to the islands in these various meandered lakes to which title has not heretofore been given.

Mr. MONDELL. Answering the gentleman's question, I would say that, in carrying out the surveys of the public lands, when the surveyors reach a permanent body of water it is meandered, and the meander boundary is established at what is supposed to be the point of low water. It sometimes occurs that where these meander boundaries are fixed about a lake there may be land within the area of the lake that rises somewhat above its surface. In certain cases the surveys are made at a time when such bodies of land are in fact submerged, and therefore the surveyors do not take notice of them.

In other cases these islands were so low that the surveyor assumed that they were overflowed a considerable portion of the time. For one reason or another they are not surveyed, but they are within the meandered boundaries.

Mr. MANN. Meandered boundaries of what?

Mr. MONDELL. Of the body of water.

Mr. MANN. Of the lake?

Mr. MONDELL. Of the lake. Now, the Government assumes ordinarily that these small bodies that sometimes appear above the surface of the water later are due more or less to the subsidence of the water. Sometimes an entryman comes along and claims a right to these small areas; generally the General Land Office, if a considerable length of time has elapsed since the survey, holds that the Federal Government passed title when it disposed of the riparian land; but if it is shown that the island is of considerable area and that it was above water at the time the survey was executed the Government sometimes reasserts its right of ownership and orders a survey to be made of such an island.

Mr. MANN. The gentleman would not claim that an island would pass to a riparian owner?

Mr. MONDELL. It is often very much of a question whether at the time the survey was executed the island actually existed as an island.

Mr. MANN. Suppose it did not actually exist, but that the island appears in the middle of the lake, the person owning the property adjoining the lake does not take title to the island under his riparian rights.

Mr. MONDELL. As a strict legal proposition, that is undoubtedly true. But if the Federal Government, through a long series of years from the information before it, holds that the area is so small or so low that it would be properly included within the meandered boundaries it does not reassert its right, then the title does pass.

Mr. NORRIS. Mr. Speaker, if, as the gentleman from Wyoming claims, it does go to the riparian owners in the case of a lake where the meandered lines are all the way around it, by what rule or in what way would the island be divided between the different riparian owners?

Mr. MONDELL. The gentleman is propounding some very difficult legal propositions.

Mr. NORRIS. It seems to me it must reduce itself to this proposition, that these islands in the lakes, whether they in fact existed at the time of the survey or not, could not go to the riparian owners, but that they are government lands, whether they existed when the survey was made or appeared afterwards.

Mr. MONDELL. Mr. Speaker, that is not the law; and I think the gentleman, on reflection, will admit that it is not.

Mr. NORRIS. It may not be in this particular case where the land deeded was swamp land and was described by metes and bounds.

Mr. MONDELL. This land was probably submerged at the time of the survey; and, if so, the riparian owner took to the center of the body of water.

Mr. MANN. But that would depend on the size of the lake.

Mr. MONDELL. He would take to the center.

Mr. MANN. The Supreme Court has decided otherwise.

Mr. MONDELL. The riparian owner takes to the center of the lake or stream of water.

Mr. NORRIS. Yes; if it is a stream, but that is different from a lake.

Mr. MONDELL. The gentlemen are discussing this matter from the view point of state legislation, where the State has assumed title to the riparian lands. But if the State does not assume title the riparian owner owns to the center. But, Mr. Speaker, these are legal questions that ought not to be raised in connection with this matter. This is simply a case of quieting title to a very few acres of land which rise but a short distance above the waters of Beaver Dam Lake that for generations has been supposed to be the property of the State of Wisconsin, until some one came along, badly advised, and attempted to make a homestead entry on that small area. The Land Office holds that the Government had no title to the land, and the request simply is that the title in the State of Wisconsin, which the Government has always acknowledged, shall be quieted.

Mr. KEIFER. Mr. Speaker, I am not familiar with this bill or the precise object of it, but the precedent is one of importance. The gentleman says that it is a bill to quiet a title, but it is to transfer a title from the Government, if it has one. I do not understand that the title to islands lying in many lakes and navigable rivers pass to the adjoining owners of the land. That applies in all the Northwestern States. There may be something about swamp lands in this, but I am of the opinion that it would be setting a bad precedent.

Take the survey of the river that the gentleman from Nebraska [Mr. NORRIS] lives on, the Republican River. The body of that stream was theoretically treated as a navigable stream, and there were islands in it when it was surveyed that never passed from the Government, and there are more islands that have formed there since. It is by no means certain that there is riparian ownership of these islands.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, I observe that the author of the bill is absent. He might possibly explain it if he were here. Therefore I object.

JOHNSON COUNTY, WYO.

The next business on the Unanimous Consent Calendar was the bill (H. R. 17872) providing for the sale to Johnson County, in the State of Wyoming, of certain lands for poor-farm purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell and convey to the county of Johnson, in the State of Wyoming, the following described tract of land, to wit: The south half of the southwest quarter of section 5, the northwest quarter of the northwest quarter, the south half of the northwest quarter, the south half of the northeast quarter of section 8, and the southwest quarter of the northwest quarter of section 9, in township 50 north, range 82 west of the sixth principal meridian, containing 320 acres, more or less, upon the payment by the said county of the sum of $1.25 per acre for the said lands.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the title of the bill provides for the sale of certain lands to Johnson County, Wyo., "for poor-farm purposes." I do not notice anything in the bill itself in regard to poor-farm purposes, and I suggest to the gentleman from Wyoming [Mr. MONDELL] that he so amend the bill by inserting after the word "less," line 2, page 2, the words "for poor-farm purposes," or else amend the title by striking out those words. If he means it to be for poor-farm purposes, it ought to be put in the bill, and if he does not mean it, it ought to be left out of the title.

Mr. MONDELL. Mr. Speaker, the title is simply descriptive of the purpose for which Johnson County desires the land.

Mr. MANN. Then let us put it in the bill.

Mr. MONDELL. But, as a matter of fact, the committee, observing its usual rule in the case of selling rough and rocky and nonirrigable land, provided for a fee simple, which I think proper, because the county of Johnson might sometime in the dim and distant future desire to transfer the land, and it seems to me there should be no objection to their doing it.

Mr. MANN. If the title means anything at all, it might cloud their title. I am in good faith in saying what I do, that we do not want to put provisions in the title of a bill which are not in the bill itself.

Mr. MONDELL. I would be willing to strike from the title the words "for poor-farm purposes."

Mr. MANN. I do not care which it is. I do not think it makes any difference. If there is any reason why it should not be inserted in the bill, it should be taken from the bill, and I can see that the county might sometime wish to dispose of the property and that possibly that might put a cloud upon the title.

The SPEAKER. Is there objection to the consideration of the bill at this time? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

By unanimous consent the title was amended by striking out the words "for poor-farm purposes."

HOT SPRINGS STREET RAILWAY COMPANY.

The next business on the Unanimous Consent Calendar was the bill (H. R. 13899) granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park.

The Clerk read as follows:

Be it enacted, etc., That the right is hereby granted unto the Hot Springs Street Railway Company, its successors and assigns, to maintain and operate its electric street railway as now laid and encroaching, in whole or in part, at various places, amounting in the aggregate to not exceeding 800 feet in length and 20 feet in width, upon and along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park.

With the following amendments:

Line 4, page 1, after the word "assigns," insert "during the existence of the franchise granted by the city of Hot Springs."

Add at the end the following:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADVERSE CLAIMS, ALASKA.

The next business on the Unanimous Consent Calendar was the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be read in lieu of the original bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the district of Alaska adverse claims authorized and provided for in sections 2325 and 2326, United States Revised Statutes, may be filed at any time during the sixty days' period of publication or within six months thereafter, and the adverse suits authorized and provided for in section 2326, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, I object.

The SPEAKER. Objection is heard. This completes the Unanimous Consent Calendar.

FEDERAL TAX ON LIFE INSURANCE.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to print in the RECORD an editorial from the New York Sun of this day in reference to federal tax on life insurance. It is a matter that I am much interested in, and I heartily indorse the editorial.

The SPEAKER. Is there objection?

There was no objection.

The editorial is as follows:

THE FEDERAL TAX ON LIFE INSURANCE.

When the federal corporation tax was on its passage through Congress unavailing efforts were made to obtain an exemption in favor of life insurance companies. In their fiduciary relations to the public there is no essential difference between life insurance companies and savings banks. The great majority of the policies written in this country are of the nature of savings deposits. They not only insure against economic loss through death, but have a current borrowing value and provide for an old-age fund for the holder on the expiration of the policy. Yet life insurance companies were subjected to the tax, apparently for no reason except the political motive of centralizing the power of "regulating" corporations.

It is difficult to understand what constitutes net profit in the case of life insurance corporations. Most of them are of the mutual order, and pay dividends only to policy holders. These dividends are not equivalent to profits in the commercial sense, for they represent in large part merely a return of overcharges contained in the loading of premiums. If the loading itself when returned to the policy holder is not regarded as profit, is the interest earned by the loading while in the hands of the companies to be classed as profit? How are the earnings of the loading to be distinguished in the general income from

investments? With the best of intentions life insurance officials are unable to declare what constitutes net income even under the law, for the law does not explicitly define either taxable bases or exemptions as regards fiduciary corporations.

However the law is finally interpreted, the tax will add to the cost of life insurance. A tax on thrift is never in the public interest. The statesmanship which gratuitously imposes a national tax of this kind in our day of excessive local taxes, excessive rents, and excessive commodity prices is beyond comprehension. Equally incomprehensible is the failure of this extraordinary act to guard against double taxation. Not only does the law tax the profits of ordinary mercantile corporations, for example, but it taxes the insurance which, in conformity with a growing business practice, such corporations maintain on the lives of their principal officers.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to call up the conference report on the urgent deficiency appropriation bill, to move to suspend the rules and adopt the report.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Appropriations, moves to suspend the rules and adopt the following conference report, which the Clerk will read.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. LAW. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 47.

That the House recede from its disagreement to the amendments of the Senate numbered 4 and 38, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows:

In lieu of the amended paragraph insert the following: "Furnishing new post-office, custom-house, and court-house, Cleveland, Ohio: For furniture equipment for the new post-office, custom-house, and court-house building at Cleveland, Ohio, one hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"United States court of customs appeals: The salaries of the judges, officers, and employes of the United States court of customs appeals, authorized by the act approved August fifth, nineteen hundred and nine, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' shall hereafter be at the rates per annum as follows: For the presiding judge and four associate judges, seven thousand dollars each; marshal, three thousand dollars; clerk, three thousand five hundred dollars; assistant clerk, two thousand dollars; five stenographic clerks, one thousand six hundred dollars each; stenographic reporter, two thousand five hundred dollars; messenger, eight hundred and forty dollars; and for the payment of the said compensation for the balance of the fiscal year nineteen hundred and ten, at the rate herein fixed, there is appropriated the sum of twenty-seven thousand four hundred and forty dollars, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"The allotment for printing and binding for Congress is hereby made available for the printing, under provisions of existing law and the rules of the Senate and House of Representatives relating to public printing, as public documents of such of the publications of the National Monetary Commission as the commission may designate. And the Superintendent of Documents is hereby authorized to order reprinted from time to time, such public documents of the National Monetary Commission as may be required for sale."

And the Senate agree to the same.

On the amendment of the House to the amendment of the Senate numbered 39, the committee of conference have been unable to agree.

JAMES A. TAWNEY,
GEO. R. MALBY,
E. J. BOWERS,
Managers on the part of the House.
EUGENE HALE,
J. H. GALLINGER,
A. S. CLAY,
Managers on the part of the Senate.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. LAW. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LAW. For the purpose of making a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. LAW. My point of order is that the managers have included in their report matters not in difference between the two Houses. I have specific reference to Senate amendment No. 36. Now, I apprehend that the preliminary question will arise here as to whether the point of order lies on this motion to suspend the rules, and I would like a ruling on that point before proceeding with any argument as to the merits of the main proposition.

The SPEAKER. The Chair is prepared to rule. This is a question that has risen before.

Mr. KEIFER. I understand the motion is to suspend the rules, and no point of order can be made.

The SPEAKER. This is a motion to suspend all rules touching this report which would prevent its present consideration. The point of order made by the gentleman from New York would prevent the present consideration of the report. This is a motion to suspend the rules and agree to the report. There was a ruling in the last Congress, quite a lengthy one, and the Clerk will read from it.

The Clerk read as follows:

This motion is to suspend all rules which otherwise might forbid consideration of the report; and that includes all practice, all parliamentary precedents, if you choose; for the precedent or practice manifestly is not of higher dignity than a former rule of the House. Therefore, in the opinion of the Chair, the point of order under this condition is not well taken. The House, of course, has its remedy, if it desires to exercise it, by rejecting the conference report, if such is the judgment of the House, or by agreeing to the report. The Chair does not desire now to express any opinion as to whether or not the point of order would be sustained if it were otherwise presented than under a motion to suspend the rules; and for the reason assigned the Chair overrules the point of order.

The SPEAKER. Having a precedent which the Chair thinks is a correct precedent, the Chair overrules the point of order.

Mr. LAW. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York, his colleague, has already demanded a second.

Mr. FITZGERALD. If the gentleman is opposed to the conference report I will yield to him.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. LAW. Yes.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? The Chair hears none. The gentleman from Minnesota is entitled to twenty minutes, and the gentleman from New York [Mr. LAW] is entitled to twenty minutes.

Mr. TAWNEY. Mr. Speaker, the only item in the conference report that is of material consequence is the item in respect to the salaries of the judges of the court of customs appeals and the salaries of their stenographic clerks. The act fixing the salaries at $10,000 a year for the judges and $2,400 a year for the stenographic clerks was carried in the tariff law enacted at the extra session of this Congress. This House voted in favor of the salaries which the conferees have agreed upon. The Senate of the United States has adopted the report, and therefore has agreed to the salaries the conferees have agreed upon.

The salary of $7,000 a year for the judges of this new court is the same as the salaries paid to the judges of the circuit courts, and the salaries of the stenographic clerks are fixed at $1,600 a year, which is the salary paid to the stenographic clerks to the associate justices of the Supreme Court of the United States.

Now, both Houses having voted on the proposition fixing these salaries at the amount which I have stated, the conferees felt that this would be the only opportunity Congress would have to

fix the salaries of the judges of this court in accordance with the expressed will of both Houses, and we decided to include in our report the language which was originally reported to this House by the Committee on Appropriations. I think the House would have almost unanimously agreed to this provision if an opportunity to vote upon it had been given.

But it being a change of existing law, a point of order was made, and the point of order was very properly sustained. All, therefore, involved in this report that is of any consequence is the question of whether or not we will fix the salaries of the judges of the court of customs appeals at $7,000, or whether we will appropriate for their salaries, as now provided by law, at $10,000 a year. I may say, too, Mr. Speaker, that $7,000 a year for the judges of the court of customs appeals is equivalent to $8,000 a year to the judges of the circuit courts, because when the judges of the court of customs appeals travel or hold court elsewhere than in the city of Washington—and they will be traveling and holding court elsewhere almost all the time—all of their expenses are paid, including subsistence and their traveling expenses, while the circuit judge, holding court within his own circuit, is obliged to pay out of the $7,000 a year his traveling expenses and also his subsistence, and the same is true of the district judges. Therefore, $7,000 a year, with all traveling and other expenses paid, to the judges of the court of customs appeals is a great deal more than the salaries paid to the judges of the circuit courts; and I think, Mr. Speaker, we ought not to discriminate against the judges of the circuit courts of appeal by fixing these salaries at $10,000 a year.

Let me say, also, that this House has never had an opportunity to consider the question of whether or not the salaries fixed by law should be $10,000 a year. This provision came to the House as a Senate amendment on the tariff bill. It was agreed to in conference, and the House had no alternative other than to vote down the conference report or vote in favor of this provision. In view of that fact, your conferees, Mr. Speaker, felt justified in bringing this matter to the House in a way that the House might determine whether we would or would not thus discriminate against the judges of our circuit courts.

I reserve the balance of my time.

Mr. UNDERWOOD. Before the gentleman takes his seat I would like to ask him a question. Does this customs court change the law so that hereafter it will be the law that these judges shall receive $7,000 a year?

Mr. TAWNEY. It does.

Mr. UNDERWOOD. I am disposed to vote with the gentleman on that proposition, but I would like to know what else is in this conference report.

Mr. TAWNEY. In the conference report there are only two or three items. There is one authorizing a certain amount of printing to be done for the Monetary Commission, I believe it is called, and then there is another item in regard to an agricultural exhibit to be made at one of the expositions to be held in one of the South American Republics, and this one. That is all. I will state further that the immigration amendment is not included in the report. That is still in disagreement.

Mr. UNDERWOOD. Is there any contest about the other amendments in the conference report?

Mr. TAWNEY. None whatever.

Mr. OLCOTT. I would like to ask the gentleman from Minnesota a question. I would like to know whether the gentleman does not think he has made a very strong argument in favor of increasing the salaries of the district and circuit court judges?

Mr. TAWNEY. That question is not now before the House and was not before the conferees, but I think that as long as the salaries of the judges of the circuit courts is no more than $7,000, no man can justify paying the judges of the court of customs appeals $10,000 a year each.

I reserve the balance of my time.

Mr. OLCOTT. But we passed the statute making the salary $10,000.

Mr. TAWNEY. I reserve the balance of my time.

Mr. LAW. Mr. Speaker, I have no desire to make any extended statement in regard to this matter to-day, because I have done so on a previous occasion. I have listened with a great deal of interest to the argument of the gentleman from Minnesota, and it seems to me that he has presented a splendid argument in favor of the proposition to increase the salaries of the judges of the circuit courts. He said here that he would never stand for fixing the salaries of the judges of this court at $10,000 a year so long as the salaries of the judges of the circuit courts are $7,000 a year. I respectfully suggest to him that the remedy for that situation is to give a fair and adequate increase in the salaries of the judges of the circuit courts, rather than to decrease the salaries of the judges of the customs court of appeals.

Gentlemen, in this connection I want to call your attention to the absolute absurdity of the situation which has been created here. The court that has been created is to hear appeals from the Board of United States General Appraisers, and those from whom the appeals come. The members of the Board of General Appraisers receive salaries of $9,000 a year, while those who pass upon the appeals coming from that board, according to this conference report, should receive only $7,000 a year.

I want to say in this connection that I believe it has become proverbial that United States judges throughout the country are grossly underpaid. I do not know, gentlemen, of any better illustration of that fact than the situation we find in the great city of New York. There we have our United States district judges receiving salaries of $6,000 a year, holding judicial positions equal in dignity and importance to that of judge of the state supreme court, who receives $17,500 a year. And the additional fact that in that city justices of the peace—for that is what the municipal-court judges are—having a jurisdiction over cases involving not more than $500, receive $8,000 a year each—$8,000 in the Borough of Brooklyn and $9,000 in the Borough of Manhattan.

Gentlemen, you should also keep this in mind: I am one of those who believe that the present high cost of living is due to general causes, which are liable to be permanent in their character. I also want to call attention to the fact that $10,000 a year now is not more than $7,000 was a few years ago. I hope this motion will be defeated.

I want to say this to you, gentlemen, that this proposal to pay federal judges adequate salaries is directly in the interest of those who do not want to see our judicial and other official positions monopolized by those who are fortunately in the enjoyment of incomes from private fortunes.

The way to change this law, if it is to be changed, is by a bill introduced here for that purpose This is an attempt to change existing law. It was struck out first in the House on a point of order, and it was so amended as to simply appropriate the money for one year. And then the same old provision that was struck out on the floor of the House has been put in by the conference committee.

Mr. GOULDEN. Will my colleague yield for a question?

Mr. LAW. Certainly.

Mr. GOULDEN. Does the gentleman contend that these customs judges should be paid more than the circuit court judges, whose duties are certainly much more onerous and more important?

Mr. LAW. No; I do not; but I do contend that the circuit court judges should be paid more than they now receive; and the fact that they are now inadequately paid is no reason why we should continue to employ the same old system of inadequate pay to our federal judges.

Mr. GOULDEN. I agree with my colleague in that matter, but unfortunately it is not before the House at this time.

Mr. LAW. But that is not a reason why we should pay these judges an inadequate salary. If a provision were offered to increase the pay of the circuit judges to $10,000 a year, I would vote for it with the greatest pleasure.

Mr. GOULDEN. I will say to my colleague, I will do the same, but I understand we do not have the privilege or opportunity of doing so now.

Mr. LAW. But is the fact that there is not now any opportunity to increase the salaries of the circuit judges any reason why these salaries should be cut down?

Mr. GOULDEN. Yes; I think until that is done I shall not vote for these salaries to be paid. [Cries of "Vote!"]

Mr. LAW. I yield two minutes to my colleague [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I would like to ask my colleague [Mr. GOULDEN] whether he thinks the judges of the United States court of customs appeals, whose work will mostly concern questions arising in New York City, ought to receive less pay than the municipal court justices in his own district receive?

Mr. GOULDEN. In answer to my colleague, I will say that so long as the circuit court judges are paid the salaries they are to-day I shall say yes to that question.

Mr. PARSONS. If the gentleman's argument is that these judges should get less because the circuit judges get less, then, as the members of the Board of General Appraisers get $9,000, why should not the judges of this court who hear the appeals from the Board of General Appraisers get more than the members of the Board of General Appraisers?

Mr. GOULDEN. I really think the general appraisers are perhaps overpaid, considering what we propose to pay these judges, and I trust some action will be taken looking toward reducing their salaries.

Mr. PARSONS. That is not contemplated now. The customs business is very largely at New York. The customs lawyers are in New York, and if you are going to have men familiar with the customs laws you will have to select judges from among the customs lawyers in New York to compose the members of this court. The federal court salaries are utterly inadequate from the standpoint of New York City. Our municipal court judges get $9,000, and their jurisdiction is under $500. The city court judges get $12,000, and their jurisdiction is only up to $2,500. Our supreme court judges get $17,500.

Mr. GOULDEN. That shows that in New York we are more liberal than the Congress of the United States is.

Mr. PARSONS. You should pay decent salaries when you get the chance.

Mr. MANN. And in New York they have to borrow money to pay the salaries.

Mr. TAWNEY. How much time have I remaining?

The SPEAKER. Twelve minutes.

Mr. TAWNEY. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the mere fact that these judges are to receive less than the men whose decisions they review need not worry anybody from the State of New York. The highest court in that State is the court of appeals. The judges of that court, as I recall, receive $12,000 a year. Justices of the supreme court in the city of New York, which court is inferior to the court of appeals, receive $17,500 a year, and a Republican legislature, in which my colleague [Mr. PARSONS] has been very influential, has been in control of the State for more than fourteen years, and it has never seen any incongruity in that situation. [Applause on the Democratic side.]

More than that, Mr. Speaker, two distinguished Democrats, residents of my district, very willingly surrendered the $5,000 a year as additional salary as members of the supreme court in order to serve on the court of appeals and to enjoy the additional honor and credit and distinction that comes from service in that great court.

Now, what is the fact about this customs court of appeals? It is absolutely unnecessary. Mr. Justice Lacombe, a United States circuit judge in New York, wrote a letter when the tariff bill was under consideration, in which he said the circuit court of appeals there disposed of all the customs cases without any difficulty whatever, that this proposed court was unnecessary, and he argued against it for another and to me a much better reason. That is that it is unwise from many standpoints to have special appellate courts to consider special classes of business. There is a desire to have a special court of appeals now for every particular kind of appeals that are coming up from the courts of the country, and I am quite in accord with those who believe that if judges consider one class of cases alone it is bound to result in narrow judges, who will not develop as broadly as men who are considering all conceivable classes of business. My recollection is that the customs appeals in the city of New York, where the great bulk of this business arises, does not average over 500 cases in a year, if it averages as much. At any rate, the circuit court of appeals there has disposed of all the business promptly, efficiently, and without any inconvenience to the public service. It is necessary to fix the compensation of these judges at this time. The President has nominated men for places upon this customs court of appeals. Once they are confirmed, the Congress, under the Constitution, has no power to reduce their salaries. We must pay them the amount fixed. This court was created in the tariff bill by the Senate, and no opportunity was given to the House to consider the provision. It was stated in the last session of Congress that before these judges were confirmed the House would have an opportunity to pass upon the compensation they were to receive. Since it has been stated by such an eminent jurist as Judge Lacombe that the court is wholly unnecessary, and since those that have business with the court believe it to be unnecessary, my only regret is that the compensation has not been fixed so low that nobody would be found to serve in the court at all, and in that way allow these appeals to be sent, as they always have been up to this time, to the circuit court of appeals.

My colleague is mistaken about the compensation of the justices of the municipal courts in the city of New York; they receive $6,000 instead of $9,000.

Mr. PARSONS. But the gentleman is wrong. They receive $9,000 in the Borough of Manhattan.

Mr. FITZGERALD. It is impossible to take the point of view that prevails in a great municipality like New York when the compensation for federal offices is to be fixed. Men practicing law there have held out before them unusual rewards in the pursuit of their profession. To obtain the most competent men for judicial positions, compensation must be given that will enable them to live at least in a style commensurate with the dignity of their office and position. The rest of the country will never tolerate views that residents of New York have as to compensation of federal officers.

Mr. TAWNEY. I now yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I will only delay the House with a very brief statement. My opinion is that the House of Representatives should have the right to vote on the question of salaries of the members of the court of customs appeals separated from all the varied questions that came before the House at the time that we voted these salaries in the conference report upon the tariff bill. I am not very friendly to specialized courts anywhere, and I do not think the time has come when we should commence establishing such courts and giving them a salary higher than the judges of equal or greater dignity that have greater and more general judicial matters to dispose of.

Both the gentlemen from New York on my right seem to think that a test as to the question of the salary paid to these judges of this new court should be measured by what they pay in some parts of the city of New York. I recollect—I have not the time to turn to the act—that this court is to sit permanently, so far as it has any permanent location, in the city of Washington.

Mr. PARSONS. It is located here, but has authority to sit elsewhere, and if it wishes to convenience the people it will sit mostly in the city of New York, where most of the customs business is.

Mr. KEIFER. I do not understand that the law relating to customs is any different in the city of New York from what it will be in the city of San Francisco or in other parts of the United States. I do not know that they would go to the city of New York to get facts even though the matter in dispute arose in the city of New York. So if they should decide to go to the city of New York as a matter of convenience, away from the city of Washington where the law requires them in the first instance to meet, that would be their own lookout and should not be taken into account in fixing the judges' salaries.

Mr. PARSONS. But if five-sixths of the business of customs appeals is in the city of New York, ought they not to sit there the most of the time?

Mr. KEIFER. That is putting a question that is impossible. It might be for convenience in particular cases where they had to take a great deal of testimony that it would be better to go there, but those will be very rare cases. Although I live in the Middle West I have had some experience in customs litigation in the federal courts. I found no trouble in Cincinnati, Chicago, and Indianapolis in getting our testimony out there, and I think it is more than likely when the court takes an adjournment to different places, like Cincinnati, Chicago, San Francisco, or other places in the West where it would cost large sums of money to bring witnesses across the continent, that they might do it. But then, as has been stated by the chairman of the Committee on Appropriations, they would have their traveling expenses paid, their Pullman car expenses and all other expenses while absent from the city of Washington, and there is no special reason why on that account we should increase the salary. In the matter of receiving expenses, the judges of the customs court will have the advantage of the United States circuit judges and others, even the supreme judges of the United States, when they go, as they may, on the circuit. If the time is to come when the judges of the circuit court of the United States, commonly spoken of as the "judges of the circuit court of appeals," but called in the statute "judges of the circuit court"—if the time ever comes when we think we can increase their salaries, we will be able to look around and see whether the judges of these specialized courts ought to have their salaries increased also.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. TAWNEY. I yield one minute more to the gentleman from Ohio.

Mr. CLARK of Missouri. Does the gentleman have any reasonable hope of ever getting that court abolished?

Mr. MANN. Is there any way of abolishing it?

Mr. KEIFER. Not now. It might be abolished by amending the law.

Mr. CLARK of Missouri. That is what I thought. The gentleman from Ohio ought to have made this speech last summer when we were trying to defeat that conference report.

Mr. KEIFER. Oh, the gentleman from Missouri need not shake his head at me. I voted against the conference report.

Mr. CLARK of Missouri. Very well, then, I withdraw the remark.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to suspend the rules and agree to the conference report.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the conference report was agreed to.

Mr. TAWNEY. Mr. Speaker, the amendment that is yet in disagreement is the amendment to the Senate amendment relating to the appropriation for the Immigration Commission.

The SPEAKER. Without objection, the amendment that is still in dispute will be read.

The Clerk read as follows:

Amendment No. 39: Page 26, after line 17, insert:

"Immigration Commission: For the expenses of the commission provided for in section 39 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States,' $125,000, to be available until December 5, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said commission be entitled to or receive any salary as such member after March 1, 1910, and the said commission shall complete its entire work and make its final report, and the commission shall meet on the first Monday of December, 1910."

Mr. GARDNER of Massachusetts. Mr. Speaker, I now move that the House recede from its amendment to the Senate amendment.

Mr. FITZGERALD. Mr. Speaker, I wish to inquire whether the Clerk should not have reported the amendment as amended by the House. Is not that what is pending?

The SPEAKER. This is the Senate amendment that has been reported, which the House agreed to with an amendment. The Clerk will read the House amendment to the Senate amendment.

The Clerk read as follows:

Agrees to amendment No. 39, with the following amendment: In lieu of the matter inserted, insert the following: "For the expense of the commission provided for in section 39 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States,' $65,000, to be available until May 1, 1910: *Provided*, That no part of this appropriation shall be used for field work, nor shall any member of said commission be entitled to or receive any salary of such member after March 1, 1910, and the said commission shall complete its entire work and make its final report when the commission shall cease on the 1st day of May, 1910."

The SPEAKER. The House on a former occasion seems to have agreed to the Senate amendment which was read, with an amendment which has just been reported.

Mr. GARDNER of Massachusetts. Now, Mr. Speaker, I move that the House recede from the amendment to the Senate amendment, and I make this parliamentary inquiry, whether or not, if the House takes that step, the Senate amendment will then stand agreed to?

The SPEAKER. As the Chair understands the gentleman, his motion is that the House recede from its amendment to the Senate amendment, and the House amendment was to agree to the Senate amendment with an amendment. Now, it seems to the Chair, though the Chair will examine the question further, that if the House recede from its amendment, the Senate amendment would stand agreed to by that vote, since the other day we agreed to it.

Mr. FITZGERALD. Mr. Speaker, if the House recede from its amendment to the Senate amendment, that would leave the Senate amendment still before the House for action.

The SPEAKER. It seems to the Chair not, because the other day the House agreed to the Senate amendment with an amendment. Now, if the House recede from its amendment, it seems to the Chair that it would leave the Senate amendment agreed to, inasmuch as we agreed to it.

Mr. FITZGERALD. The House has never agreed to anything except the Senate amendment as amended. If it recedes from its amendment to the Senate amendment, the Senate amendment is then before the House, the House not having agreed to it up to this time, and the House might agree to it with a different amendment.

Mr. GARDNER of Massachusetts. Will the Chair hear me for a moment?

The SPEAKER. The Chair will be very glad indeed to hear from the gentleman, because it is a new question.

Mr. GARDNER of Massachusetts. Let me call the attention of the Chair and the gentleman from New York to the situation which would arise if the construction of the gentleman from New York were the true one. If his views are sound, then it will be necessary first for me to move that the House recede from its amendment to the Senate amendment; next, that the House recede from its agreement to the Senate amendment; and, finally, that the House proceed to agree with the very Senate amendment from agreement with which we have first voted to recede.

In other words, after the first vote to recede from our amendment, the next vote would be to disagree with the Senate amendment, and then at once another vote to agree on exactly the same proposition. Now, it is well understood in parliamentary law that a motion to disagree decided in the negative is the equivalent of an affirmative motion to agree.

Mr. FITZGERALD. It does on equivalent motions.

Mr. GARDNER of Massachusetts. They are equivalent.

Mr. FITZGERALD. The situation is this: The amendment of the Senate was before the House. The House agreed to that amendment in an amended form. If it recedes from the amendment of the House the Senate amendment is then before the House. The House has not concurred or nonconcurred in that amendment. The Senate amendment is then before the House and the House can concur in it, or concur with a different amendment.

Mr. GARDNER of Massachusetts. The gentleman will concede that it is within my power, having the floor, to move a series of motions, to wit, according to his construction as to what is proper, first to recede from our amendment, second to nonconcur in the Senate amendment, in order to get rid of that amendment, and finally to concur in that very amendment. I think that such a contention is manifestly absurd.

Mr. FITZGERALD. The gentleman can move to recede from the House amendment——

Mr. GARDNER of Massachusetts. And next to recede from our agreement, according to the gentleman from New York.

Mr. FITZGERALD. Yes.

Mr. GARDNER of Massachusetts. Then to arrive at the purpose of the House and to test the will of the House, which I desire, I should be forced to offer a motion to agree to that to which we had just disagreed.

Mr. FITZGERALD. The gentleman has got in an additional motion which does not belong there.

Mr. GARDNER of Massachusetts. I think not. I think it would require a triple motion, where the ordinary situation would merely require a motion to recede and concur. If the gentleman's construction is correct in this case, we must first recede from our amendment, next decline to agree, and finally reverse that action and agree.

Mr. TAWNEY. Mr. Speaker, I just want to make one suggestion. I regret that I differ in my view from the point of order offered by the gentleman from Massachusetts. Our concurrence to the Senate amendment was a conditional concurrence, not an absolute concurrence. Now, if the House recedes from its amendment, then we have removed the condition on which the House concurred in the Senate amendment, and I think that, therefore, leaves the Senate amendment as it was before the conditional concurrence was acted upon.

Mr. GARDNER of Massachusetts. Then, may I ask what is the next motion?

Mr. TAWNEY. To concur in the Senate amendment.

Mr. GARDNER of Massachusetts. Do you mean to say the motion I have made carries by implication a total disagreement?

Mr. FITZGERALD. No, it does not; the gentleman simply recedes from the action of the House in amending the Senate amendment.

Mr. GARDNER of Massachusetts. I see the gentleman's point.

The SPEAKER. It seems to the Chair that the point made by the gentleman from Minnesota, although the Chair was inclined to take the other view of it, is well taken, namely, that the motion to recede and concur in the Senate amendment was conditional with the House amendment; and it seems to the Chair that if the House should recede from its former action when it agreed to the House amendment that that would leave the proposition open either for concurring in the Senate amendment unconditionally or to a House amendment.

Mr. GARDNER of Massachusetts. Mr. Speaker, I think, as my motion has not yet been entertained by the House, that I will withdraw it. I move to recede from the action taken by the House in agreeing to the Senate amendment with an amendment, and in addition I move to concur in the Senate amendment.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry—whether the double motion is not separable; whether the House is not entitled to vote on the separate motion.

The SPEAKER. The Chair thinks that on demand it would be divisible.

Mr. SHERLEY. Mr. Speaker, I make the demand for a separate vote.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] moves that the House recede from its amendment to the Senate amendment and agree to the Senate amendment. The gentleman from Kentucky [Mr. SHERLEY] demands a division.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its amendment to the Senate amendment.

The SPEAKER. It seems to the Chair that the motion of the gentleman from Massachusetts [Mr. GARDNER] would take precedence of the motion of the gentleman from New York.

Mr. FITZGERALD. Maybe it would. The gentleman might have shut me out by the motion for the previous question, but not having made it——

The SPEAKER. It occurs to the Chair that the motion of the gentleman from Massachusetts more directly undertakes to bring the two bodies together than does the motion of the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Then we will ask that the motion be divided, so that we will have a vote on the motion to recede.

The SPEAKER. The question will first be taken upon the motion to recede, under the demand for a division, from the House amendment. Will the House recede from its amendment to the Senate amendment?

Mr. TAWNEY. I think the House ought to have some explanation of the matter. I yield three minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, there is no change in the situation than that which obtained the other day. If this motion carries and we then concur in the Senate amendment, the Immigration Commission will have $125,000 and plenty of time to complete their work. That is all there is to it. If you take the action desired by the gentleman from New York [Mr. FITZGERALD] you are going to hamper the Immigration Commission both in the matter of finances and in the matter of time to complete their work. I yield back the balance of my time.

Mr. FITZGERALD. I will ask the gentleman from Minnesota [Mr. TAWNEY] for three minutes.

Mr. TAWNEY. I will yield to the gentleman from New York three minutes.

Mr. FITZGERALD. I only desire to state what the effect of the vote on the motion will be. The House twice, on a record vote, decided that the Immigration Commission should have $65,000 with which to complete this work and should complete it by the 1st of May, 1910. If the motion made by the gentleman from Massachusetts prevails, the result will be that the commission will have $125,000 and have until the first Monday in December. If his motion be defeated, it will be an expression by the House, to be followed by an appropriate motion, that the commission shall only have $65,000 and be restricted to the 1st of May. I believe the House is fully informed as to the merits of the question. Those who desire to give the larger sum and the longer time would naturally vote "aye" on the gentleman's motion. Those desiring to give but $65,000 and a shorter time would vote in opposition to the gentleman's motion.

Mr. TAWNEY. Mr. Speaker, I want to say that the gentleman from New York [Mr. FITZGERALD] has correctly stated the proposition, except in this: He should have added that those in favor of the Immigration Commission completing its work at all ought then to vote down the motion to recede, and concur in the Senate amendment, because the House amendment requires the work to be completed by May 1, which can not be done, as it requires the work to be completed with an expenditure of $65,000 by May 1, 1910, which can not be done.

The Senate provision fixes the time December 1, and allows the money which after a careful investigation is found to be needed to complete the work. As I have said, the time is December 1, and the amount is $125,000 which is required for that purpose.

Mr. SHERLEY and Mr. MACON rose.

Mr. TAWNEY. I will first yield to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. The gentleman stated that $65,000 is not a sufficient sum to complete the work of this commission. I would like to ask him on what he bases that statement?

Mr. TAWNEY. On the basis of the statements made to the Committee on Appropriations when we were preparing the urgent deficiency bill, and on statements made on the floor of this House by members of that commission. That is the basis for my statement; and, further, it is also based upon the statements by Senators who have investigated the question for the purpose of determining whether or not the work could be completed before December and whether or not it could be completed for an expenditure less than $125,000.

I want to add just one word more, and that is that in my judgment the motion ought to prevail, in order that we may close up the conference report on this bill. If it is not closed up on this motion, there is no telling how soon a final agreement can be reached. The Senate insists on their amendment. If the House insists upon its amendment, of course there can be no agreement. I insist that, in order to complete the work, the commission must have the time required or provided for, and ought to have the full amount which is asked for in this Senate amendment—$125,000.

Mr. FITZGERALD and Mr. KAHN rose.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. TAWNEY. I yield first to the gentleman from California.

Mr. KAHN. Is it not a fact that one of the features of the commission's work, which is of great importance and that can not be completed unless the full amount be given, is work in connection with statistics of Japanese and other oriental laborers upon the Pacific coast?

Mr. TAWNEY. That is correct; and also Chinese.

Mr. KAHN. Is it not a fact that the number of Japanese laborers who are coming to the Pacific coast under the agreement between our Government and the Government of Japan is in controversy, and that this work of the commission will materially help to straighten that matter out?

Mr. TAWNEY. That is my understanding.

Mr. FITZGERALD. The gentleman says that if an agreement is not reached now, it will be difficult to tell when there will be an agreement. Is it not the rule that where legislation is proposed upon an appropriation bill, it is the duty of the House proposing it to yield, in the event of persistent disagreement?

Mr. TAWNEY. It is considered, perhaps, the duty of the House that proposes the legislation to yield, but as the gentleman well knows, it is not always the House proposing the legislation that does yield.

Mr. FITZGERALD. Then, do I understand that it is not the gentleman's desire that the House should have its rights in these conference matters, and should continually yield to the other body?

Mr. TAWNEY. It is my desire to dispose of this report; and believing as I do that it is necessary for the commission to have the money and the time in order to complete their work, I hope the motion of the gentleman from Massachusetts will prevail.

Mr. SHERLEY. Then, as I understand the position of the gentleman, in order to get rid of this conference report the House should recede from the position that it has twice taken upon a roll call and yield to the Senate?

Mr. TAWNEY. Oh, no.

The question was put, and the Speaker announced that the Chair was in doubt.

The House divided; and there were—ayes 123, noes 95.

Mr. FITZGERALD. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 126, answered "present" 16, not voting 99, as follows:

YEAS—146.

Alexander, N. Y.	Draper	Howland	Mann
Allen	Driscoll, M. E.	Hubbard, Iowa	Martin, S. Dak.
Austin	Durey	Huff	Miller, Kans.
Barclay	Dwight	Hull, Iowa	Miller, Minn.
Barnard	Edwards, Ky.	Humphrey, Wash.	Millington
Bartholdt	Ellis	Kahn	Mondell
Bartlett, Nev.	Elvins	Keifer	Moore, Pa.
Bates	Englebright	Kendall	Morehead
Bennett, Ky.	Foss	Kennedy, Iowa	Morgan, Mo.
Bonteil	Foster, Vt.	Kinkaid, Nebr.	Morgan, Okla.
Bradley	Fuller	Knowland	Morse
Brownlow	Gaines	Kopp	Moxley
Burke, S. Dak.	Gardner, Mass.	Kronmiller	Murphy
Burleigh	Gardner, Mich.	Lafean	Needham
Calderhead	Gardner, N. J.	Langley	Nye
Campbell	Gillett	Law	Olcott
Cary	Goebel	Lawrence	Parker
Chapman	Goulden	Lenroot	Parsons
Cook	Graff	Livingston	Payne
Cooper, Wis.	Grant	Lowden	Plumley
Coudrey	Griest	Lundin	Pratt
Cowles	Guernsey	Martin, Colo.	Pray
Creager	Hamilton	McCall	Prince
Crow	Hanna	McCreary	Reeder
Crumpacker	Hawley	McCredie	Rodenberg
Dalzell	Hayes	McGuire, Okla.	Rucker, Colo.
Davidson	Henry, Conn.	McKinlay, Cal.	Slemp
Dawson	Higgins	McKinley, Ill.	Smith, Cal.
Denby	Hinshaw	McLachlan, Cal.	Smith, Iowa
Diekema	Hollingsworth	McLaughlin, Mich.	Smith, Mich.
Dodds	Howell, N. J.	Madden	Southwick
Douglas	Howell, Utah	Madison	Sperry

Steenerson	Swasey	Volstead	Wilson, Ill.
Sterling	Tawney	Wanger	Wilson, Pa.
Stevens, Minn.	Taylor, Ohio	Washburn	Wood, N. J.
Sturgiss	Tirrell	Weeks	
Sulloway	Townsend	Wiley	

NAYS—126.

Adair	Dickson, Miss.	Humphreys, Miss.	Ransdell, La.
Adamson	Dies	Jamieson	Rauch
Alexander, Mo.	Dixon, Ind.	Johnson, S. C.	Richardson
Anderson	Edwards, Ga.	Jones	Robinson
Ansberry	Ellerbe	Kelliher	Rothermel
Barnhart	Estopinal	Kinkead, N. J.	Rucker, Mo.
Bartlett, Ga.	Ferris	Kitchin	Sabath
Beall, Tex.	Fitzgerald	Korbly	Shackleford
Bell, Ga.	Floyd, Ark.	Küstermann	Sharp
Boehne	Foster, Ill.	Langham	Sheppard
Booher	Gallagher	Lindbergh	Sherley
Borland	Garrett	Lloyd	Sherwood
Brantley	Gill, Mo.	McDermott	Sims
Burgess	Gillespie	Macon	Sisson
Burleson	Godwin	Maguire, Nebr.	Smith, Tex.
Burnett	Graham, Ill.	Mays	Spight
Byrns	Gregg	Moon, Tenn.	Stafford
Candler	Gronna	Moore, Tex.	Stephens, Tex.
Cantrill	Hamill	Morrison	Talbott
Carlin	Hamlin	Moss	Taylor, Colo.
Carter	Hammond	Nelson	Thomas, Ky.
Clark, Mo.	Hardy	Oldfield	Thomas, N. C.
Clayton	Harrison	Padgett	Tou Velle
Cline	Haugen	Page	Underwood
Collier	Heflin	Palmer, A. M.	Watkins
Cox, Ind.	Helm	Palmer, H. W.	Webb
Cox, Ohio	Henry, Tex.	Peters	Weisse
Craig	Hitchcock	Poindexter	Wickliffe
Cullop	Houston	Pou	Willett
Davis	Howard	Pujo	Woods, Iowa
Denver	Hughes, Ga.	Rainey	
Dickinson	Hull, Tenn.	Randell, Tex.	

ANSWERED "PRESENT"—16.

Aiken	Currier	Hardwick	Russell
Cocks, N. Y.	Dent	Lee	Scott
Conry	Flood, Va.	Olmsted	Tilson
Cooper, Pa.	Garner, Tex.	Reid	Vreeland

NOT VOTING—99.

Ames	Focht	Johnson, Ohio	Perkins
Andrus	Foelker	Joyce	Pickett
Anthony	Fordney	Kennedy, Ohio	Reynolds
Ashbrook	Fornes	Knapp	Rhinock
Barchfeld	Foulkrod	Lamb	Riordan
Bennet, N. Y.	Fowler	Latta	Roberts
Bingham	Garner, Pa.	Legare	Saunders
Bowers	Gill, Md.	Lever	Sheffield
Broussard	Gilmore	Lindsay	Simmons
Burke, Pa.	Glass	Longworth	Slayden
Butler	Goldfogle	Loud	Small
Byrd	Good	Loudenslager	Snapp
Calder	Gordon	McHenry	Sparkman
Capron	Graham, Pa.	McKinney	Stanley
Cassidy	Greene	McMorran	Sulzer
Clark, Fla.	Hamer	Malby	Taylor, Ala.
Cole	Hay	Maynard	Tener
Covington	Heald	Moon, Pa.	Thistlewood
Cravens	Hill	Mudd	Thomas, Ohio
Driscoll, D. A.	Hobson	Murdock	Wallace
Esch	Hubbard, W. Va.	Nicholls	Wheeler
Fairchild	Hughes, N. J.	Norris	Woodyard
Fassett	Hughes, W. Va.	O'Connell	Young, Mich.
Finley	James	Patterson	Young, N. Y.
Fish	Johnson, Ky.	Pearre	

So the motion to recede was agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. TILSON with Mr. CRAVENS.

Mr. CURRIER with Mr. FINLEY.

Mr. HILL with Mr. GLASS.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. AMES with Mr. AIKEN.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. TENER with Mr. WALLACE.

Mr. YOUNG of Michigan with Mr. SMALL.

Mr. THOMAS of Ohio with Mr. SLAYDEN.

Mr. SIMMONS with Mr. SAUNDERS.

Mr. PEARRE with Mr. NICHOLLS.

Mr. MOON of Pennsylvania with Mr. LINDSAY.

Mr. MCKINNEY of Illinois with Mr. LEGARE.

Mr. JOHNSON of Ohio with Mr. LATTA.

Mr. GREENE with Mr. HUGHES of New Jersey.

Mr. GARNER of Pennsylvania with Mr. HOBSON.

Mr. FOULKROD with Mr. HAY.

Mr. FAIRCHILD with Mr. GORDON.

Mr. ESCH with Mr. GILMORE.

Mr. COLE with Mr. GILL of Maryland.

Mr. BURKE of Pennsylvania with Mr. COVINGTON.

Mr. BINGHAM with Mr. DANIEL A. DRISCOLL.

Mr. ANDRUS with Mr. CLARK of Florida.

Mr. GRAHAM of Pennsylvania with Mr. FLOOD of Virginia.

Mr. COCKS of New York with Mr. LAMB.

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. CAPRON with Mr. O'CONNELL.

Mr. MALBY with Mr. BOWERS.

Mr. SNAPP with Mr. BYRD.

Mr. LONGWORTH with Mr. SULZER.

Mr. VREELAND with Mr. SPARKMAN.

Mr. THISTLEWOOD with Mr. TAYLOR of Alabama.

Mr. WHEELER with Mr. RANDELL of Texas.

Mr. PICKETT with Mr. RHINOCK.

Mr. MCMORRAN with Mr. STANLEY.

Mr. SCOTT with Mr. LEVER.

Mr. JOYCE with Mr. PATTERSON.

Mr. COOPER of Pennsylvania, in favor of, with Mr. BUTLER, against, on vote on urgent deficiency bill appropriation for Immigration Commission.

On this vote:

Mr. HEALD with Mr. JOHNSON of Kentucky.

Mr. WOODYARD with Mr. HARDWICK.

Mr. OLMSTED with Mr. JAMES.

For this day:

Mr. CALDER with Mr. CONRY.

From Monday, February 21, to Thursday, February 24:

Mr. FASSETT with Mr. GARNER of Texas.

Until Thursday, February 24:

Mr. SHEFFIELD with Mr. RIORDAN.

From Saturday to Thursday, February 24, inclusive:

Mr. BARCHFELD with Mr. BROUSSARD.

Until Friday, February 25:

Mr. KNAPP with Mr. DENT.

Mr. COCKS of New York. Mr. Speaker, did the gentleman from Virginia [Mr. LAMB] vote?

The SPEAKER. He did not.

Mr. COCKS of New York. I desire to withdraw my vote, which was in the affirmative, and to vote "present."

Mr. RUSSELL. I am paired with the gentleman from West Virginia [Mr. HUBBARD], and desire to withdraw my vote and to vote "present."

Mr. FLOOD of Virginia. I should like to know if the gentleman from Pennsylvania [Mr. GRAHAM] is recorded as voting.

The SPEAKER. He is not recorded.

Mr. FLOOD of Virginia. I should like to withdraw my vote and to vote "present."

Mr. TILSON. Is the gentleman from Arkansas [Mr. CRAVENS] recorded as voting?

The SPEAKER. He is not.

Mr. TILSON. I am paired with the gentleman from Arkansas, and wish to withdraw my vote and to answer "present."

Mr. OLMSTED. I am paired with the gentleman from Kentucky [Mr. JAMES]. I find that he has not voted, and I desire to change my vote to "present."

Mr. HARDWICK. I am paired with the gentleman from Virginia [Mr. WOODYARD], and for that reason desire to withdraw my vote and to answer "present."

Mr. GORDON. Mr. Speaker, I do not know whether I am entitled to vote or not. I have just come in.

The SPEAKER. Was the gentleman present at the time when his name should have been called?

Mr. GORDON. I was not. I have just come in.

The SPEAKER. It is too late for the gentleman to vote, under the rule.

Mr. GARNER of Texas. I desire to know whether the gentleman from New York [Mr. BENNET] voted.

The SPEAKER. He did not.

Mr. GARNER of Texas. I desire to withdraw my vote and to answer "present."

The result of the vote was announced, as above recorded.

Mr. GARDNER of Massachusetts. I move to concur in the Senate amendment, and on that I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves that the House do concur in the Senate amendment, and upon that motion he demands the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were, 147 ayes and 124 noes.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 125, answered "present" 15, not voting 103, as follows:

YEAS—144.

Alexander, N. Y.	Ellis	Kinkaid, Nebr.	Needham
Allen	Elvins	Knowland	Nicholls
Andrus	Englebright	Kopp	Nye
Anthony	Fordney	Kronmiller	Olcott
Austin	Foss	Lafean	Parsons
Barclay	Foster, Vt.	Langley	Payne
Barnard	Fuller	Law	Plumley
Bartholdt	Gaines	Lawrence	Pratt
Bartlett, Nev.	Gardner, Mass.	Lenroot	Pray
Bates	Gardner, Mich.	Livingston	Prince
Bennet, N. Y.	Goebel	Loud	Reeder
Bennett, Ky.	Goulden	Loudenslager	Roberts
Brownlow	Graff	Lowden	Rodenberg
Burke, S. Dak.	Grant	Lundin	Rucker, Colo.
Calderhead	Griest	McCreary	Slemp
Campbell	Guernsey	McCredie	Smith, Iowa
Cary	Hamer	McGuire, Okla.	Smith, Mich.
Chapman	Hamilton	McKinlay, Cal.	Southwick
Cook	Hanna	McKinley, Ill.	Sperry
Cooper, Wis.	Hawley	McLachlan, Cal.	Steenerson
Coudrey	Hayes	McLaughlin, Mich.	Sterling
Cowles	Henry, Conn.	McMorran	Stevens, Minn.
Creager	Higgins	Madden	Sulloway
Crow	Hinshaw	Mann	Swasey
Crumpacker	Hollingsworth	Martin, Colo.	Tawney
Dalzell	Howell, N. J.	Martin, S. Dak.	Taylor, Ohio
Davidson	Howell, Utah	Miller, Kans.	Tirrell
Dawson	Howland	Miller, Minn.	Townsend
Denby	Hubbard, Iowa	Millington	Volstead
Diekema	Huff	Moore, Pa.	Wanger
Dodds	Hull, Iowa	Morehead	Washburn
Draper	Humphrey, Wash.	Morgan, Mo.	Weeks
Driscoll, M. E.	Kahn	Morgan, Okla.	Wiley
Durey	Keifer	Morse	Wilson, Ill.
Dwight	Kendall	Moxley	Wilson, Pa.
Edwards, Ky.	Kennedy, Iowa	Murphy	Wood, N. J.

NAYS—125.

Adair	Dixon, Ind.	Jamieson	Rauch
Adamson	Edwards, Ga.	Johnson, S. C.	Reid
Alexander, Mo.	Ellerbe	Jones	Richardson
Ansberry	Estopinal	Keliher	Robinson
Barnhart	Ferris	Kinkead, N. J.	Rothermel
Bartlett, Ga.	Fitzgerald	Kitchin	Rucker, Mo.
Beall, Tex.	Floyd, Ark.	Korbly	Sabath
Bell, Ga.	Foster, Ill.	Küstermann	Saunders
Boehne	Gallagher	Langham	Shackleford
Booher	Garrett	Lindbergh	Sharp
Borland	Gill, Mo.	McDermott	Sheppard
Burgess	Gillespie	Macon	Sherley
Burleson	Godwin	Maguire, Nebr.	Sherwood
Burnett	Gordon	Mays	Sims
Byrns	Graham, Ill.	Moon, Tenn.	Sisson
Candler	Gregg	Moore, Tex.	Smith, Tex.
Cantrill	Gronna	Morrison	Spight
Carlin	Hamill	Moss	Stafford
Carter	Hamlin	Murdock	Stephens, Tex.
Clark, Mo.	Hammond	Nelson	Talbott
Clayton	Hardy	Oldfield	Thomas, Ky.
Cline	Harrison	Padgett	Thomas, N. C.
Collier	Haugen	Page	Tou Velle
Cox, Ind.	Heflin	Palmer, A. M.	Underwood
Cox, Ohio	Helm	Palmer, H. W.	Watkins
Craig	Henry, Tex.	Peters	Webb
Cullop	Hitchcock	Poindexter	Weisse
Davis	Hobson	Pou	Wickliffe
Denver	Houston	Pujo	Woods, Iowa
Dickinson	Howard	Rainey	
Dickson, Miss.	Hughes, Ga.	Randell, Tex.	
Dies	Humphreys, Miss.	Ransdell, La.	

ANSWERED "PRESENT"—15.

Aiken	Currier	Hardwick	Scott
Cocks, N. Y.	Dent	Lee	Tilson
Conry	Flood, Va.	Olmsted	Vreeland
Cooper, Pa.	Garner, Tex.	Russell	

NOT VOTING—103.

Ames	Finley	Johnson, Ohio	Pickett
Anderson	Fish	Joyce	Reynolds
Ashbrook	Focht	Kennedy, Ohio	Rhinock
Barchfeld	Foelker	Knapp	Riordan
Bingham	Fornes	Lamb	Sheffield
Boutell	Foulkrod	Latta	Simmons
Bowers	Fowler	Legare	Slayden
Bradley	Gardner, N. J.	Lever	Small
Brantley	Garner, Pa.	Lindsay	Smith, Cal.
Broussard	Gill, Md.	Lloyd	Snapp
Burke, Pa.	Gillett	Longworth	Sparkman
Burleigh	Gilmore	McCall	Stanley
Butler	Glass	McHenry	Sturgiss
Byrd	Goldfogle	McKinney	Sulzer
Calder	Good	Madison	Taylor, Ala.
Capron	Graham, Pa.	Malby	Taylor, Colo.
Cassidy	Greene	Maynard	Tener
Clark, Fla.	Hay	Mondell	Thistlewood
Cole	Heald	Moon, Pa.	Thomas, Ohio
Covington	Hill	Mudd	Wallace
Cravens	Hubbard, W. Va.	Norris	Wheeler
Douglas	Hughes, N. J.	O'Connell	Willett
Driscoll, D. A.	Hughes, W. Va.	Parker	Woodyard
Esch	Hull, Tenn.	Patterson	Young, Mich.
Fairchild	James	Pearre	Young, N. Y.
Fassett	Johnson, Ky.	Perkins	

So the motion to concur was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BRADLEY with Mr. ANDERSON.

Mr. BURLEIGH with Mr. BRANTLEY.

Mr. FAIRCHILD with Mr. MCHENRY.

Mr. MCCALL with Mr. MAYNARD.

Mr. REYNOLDS with Mr. WILLETT.

Until Wednesday:

Mr. BOUTELL with Mr. LLOYD.

The result of the vote was then announced as above recorded.

Mr. VREELAND. Mr. Speaker, on the first roll call I desire to change my vote from "aye" to "present." I find that I am paired with Mr. SPARKMAN. I saw him on the floor and thought that he voted, but find that he did not.

The SPEAKER. Without objection, the Journal will be corrected so as to show that the gentleman from New York is present.

Mr. SCOTT. Mr. Speaker, may I inquire whether the gentleman from South Carolina [Mr. LEVER] voted?

The SPEAKER. He did not.

Mr. SCOTT. I desire to withdraw my vote on both roll calls. I find that I am paired with the gentleman from South Carolina [Mr. LEVER].

The SPEAKER. Without objection, the Journal will be corrected, and the gentleman from Kansas marked "present."

There was no objection.

On motion of Mr. TAWNEY, a motion to reconsider the vote whereby the House voted to concur in the Senate amendment was, on his motion, laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on February 19, 1910, approved and signed joint resolution and bills of the following titles:

H. J. Res. 78. Joint resolution changing the title of the sealer of weights and measures of the District of Columbia to superintendent of weights, measures, and markets;

H. R. 15448. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 14676. An act for the relief of the Pittsburg Brewing Company;

H. R. 7900. An act for the relief of Thomas B. Pope;

H. R. 18411. An act to authorize the Thacker Coal Mining Company to construct a footbridge across Tug River at Thacker, Mingo County, W. Va.;

H. R. 18592. An act to amend an act authorizing the construction of a bridge across the Missouri River at Kansas City, Mo.;

H. R. 18695. An act to revive an act to authorize the construction of a bridge across Tug Fork of Big Sandy River, West Virginia;

H. R. 18806. An act to authorize the construction, maintenance, and operation of a bridge across the Black River near Paroquet, Ark.;

H. R. 18807. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River near Parkin, Ark.; and

H. R. 18808. An act to authorize the construction, maintenance, and operation of a bridge across the White River at Augusta, Ark.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—THE OPIUM PROBLEM.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 377), which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, transmitting a report on the International Opium Commission and on the opium problem as seen within the United States and its possessions, prepared by Mr. Hamilton Wright on behalf of the American delegates to the said commission, held at Shanghai in February, 1909. In reference to this report the Secretary of State makes certain recommendations regarding an appropriation and other legislative action, which I commend to the Congress with my approval and the request that action should be taken accordingly.

WM. H. TAFT.

THE WHITE HOUSE, *February 21, 1910.*

By unanimous consent, reference of the bill (H. R. 18812) conferring jurisdiction on the Court of Claims to determine the

amount due certain Shawnee and Delaware Indians of the United States was changed from the Committee on Claims to the Committee on Indian Affairs.

By unanimous consent, reference of the bill (H. R. 20376) to confer jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians of the United States was changed from the Committee on Claims to the Committee on Indian Affairs.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 19028, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The question pending is the amendment of the gentleman from South Dakota.

Mr. BURKE of South Dakota. I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk read as follows:

Page 8, line 2, after the word "dollars," insert:
"*Provided*, That no part of this appropriation shall be used to pay for rent of warehouses at New York, Chicago, St. Louis, Omaha, or San Francisco."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BARTHOLDT) there were—ayes 86, noes 91.

Mr. BURKE of South Dakota. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. BURKE of South Dakota and Mr. BARTHOLDT to tell the House.

The House again divided, and the tellers reported—ayes 88, noes 112.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

Page 7, strike out lines 22, 23, 24, and on page 8 strike out lines 1 to 6, and insert in lieu thereof the following——

Mr. BARTHOLDT. Mr. Chairman, before that is read, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 2, after the word "hundred," insert the words "and fifteen," so that it will read: $315,000.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 1, after the word "telephoning," insert "rent of warehouses."

Mr. HITCHCOCK. I will ask the chairman of the committee if he will accept the amendment?

Mr. BURKE of South Dakota. I can not accept the amendment.

Mr. HITCHCOCK. I understood the gentleman's position to now be that, recognizing the will of the House——

Mr. BURKE of South Dakota. O Mr. Chairman, the gentleman has offered his amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, $2,500: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 12, after the comma following the word "them," insert the following:
"Or the right of possession of personal property held by them," so that it will read:
"Involving the question of title to lands allotted to them, or the right of possession of personal property held by them."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I now desire to recur to the paragraph which was passed, on page 6, at the bottom of the page. That paragraph was passed the other day without prejudice. When we passed it the other day a point of order offered by the gentleman from Kentucky [Mr. SHERLEY] was pending, and I understand that he does not insist on the point of order.

Mr. SHERLEY. Mr. Chairman, speaking for myself, I am willing to withdraw the point of order if an amendment is offered limiting the expenditures to one of the items indicated.

Mr. BURKE of South Dakota. It is my purpose to offer an amendment in the form of a proviso, on page 7, line 18, after the word "dollars," as follows:

Provided, That not to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BURKE of South Dakota. But I have not offered it as an amendment, Mr. Chairman. I stated I would offer it if the point of order was withdrawn.

Mr. MANN. The point of order is not withdrawn.

The CHAIRMAN. Then the Chair understands the gentleman wants the amendment reported for information.

Mr. BURKE of South Dakota. Yes.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk reported the amendment.

Mr. MANN. Mr. Chairman, the gentleman from South Dakota, the chairman of the Committee on Indian Affairs, offers the amendment which is the same, leaving out the proviso toward the bottom of page 7——

Mr. BURKE of South Dakota. No; you are mistaken. That proviso is to remain in.

Mr. MANN. Maybe the gentleman has not offered his amendment. The Chair, however, indicated that he would rule upon the point of order reserved on the paragraph. Then the Chair was making a part of the ruling when the gentleman from South Dakota suggested that he had some law which might obviate the objection which the Chair stated. Now, if the gentleman has the law it would be a good time to produce it.

Mr. BURKE of South Dakota. Mr. Chairman, I have that law.

The CHAIRMAN. Just one moment. The gentleman from Illinois [Mr. BOUTELL] was temporarily in the chair when this paragraph was up the other day, and heard the arguments upon the point of order, and the present occupant did not.

Mr. MANN. It will be all argued over again, I take it. I do not think it will make any difference.

The CHAIRMAN. Very well.

Mr. MANN. The former occupant of the chair did not hear the point the gentleman from South Dakota now has, because he did not have it then.

Mr. BURKE of South Dakota. Mr. Chairman, the statement by the Chair on the point of order indicated that the only portion of the paragraph that he considered subject to the point of order was that carried in lines 2 to 7 and the proviso in lines 18 to 21, on page 7. I stated that I was very certain there was law authorizing appropriation for preserving and removing timber from Indian reservations. I have here section 11 of the act of April 23, 1904, Thirty-third Statutes, page 304, in relation to the Flathead Indian Reservation in Montana. That section reads:

That all of said lands returned and classified by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids, to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe.

Then I find a provision in the act approved April 21, 1904 (33 Stat., p. 309), relating to the Chippewa Indian Reservation, which provides that under rules and regulations to be prescribed by the Secretary of the Interior the Indians are authorized to dispose of timber on their respective allotments. And then I find another act, approved March 4, 1907, having reference to the disposal of timber on the Jicarilla Indian Res-

ervation (34 Stat., p. 1413), and then still another act, approved March 3, 1909 (35 Stat., p. 96), which reads:

That all merchantable timber on said lands, returned and classified by said commission as timber lands, shall be sold and disposed of by the Secretary of the Interior for cash under sealed bids or at public auction, as the Secretary of the Interior may determine and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior and in such manner and under such regulations as he may prescribe.

Then, Mr. Chairman, I find in Twenty-fifth Statutes, page 673—

That the President of the United States may, from year to year, in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee for which remains in the United States, to sell, cut, remove, fell, or otherwise dispose of dead timber, standing or fallen, on said reservation or allotment, for the sole benefit of said Indian or Indians; but whenever there is reason in any case to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then and in that case such authority shall not be granted.

Now, Mr. Chairman, it seems to me that this clearly authorizes, beyond any question, the appropriation contained in this paragraph, and I will send these citations to the Chair in order that he may examine them.

Mr. MANN. Mr. Chaiman, I think the gentleman from South Dakota, the very able chairman of the Indians Committee, is mistaken in reference to the suggestions of the gentleman who occupied the chair on Saturday. I did not understand the occupant of the chair to rule that the various provisions of this paragraph were in order, with the exception of the proviso and the exception of the sale of timber. On the contrary, Mr. Chairman, every one of the four different propositions of this paragraph is subject to a point of order, unless it be the one providing an appropriation for matrons. The first provision of the paragraph is:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil or climate in the cultivation of trees, etc.

There is no provision of law suggested as warranting that provision of the bill, unless it is claimed that section 2071 of the Revised Statutes provides for it. The distinguished chairman of the Indian Committee on Saturday claimed that section 2071 of the Revised Statutes authorized these different provisions of this paragraph. Let me call the attention of the Chair to what section 2071 is:

The President may in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their consent, employ persons of good moral character to instruct them in the mode of agriculture suited to their situation, and for teaching their children in reading, writing, and arithmetic, and to perform such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.

The only provision in that section is authorizing the President to employ persons. That authority to employ persons is conferred upon certain conditions, and those persons are to exercise certain authority in education in certain ways, but the only authority that is granted is to employ persons.

Now, the propositions involved in this paragraph, outside of matrons and farmers, is not to employ persons at all. It is to do things, quite a different proposition, and certainly the authority to employ a person to teach does not warrant an appropriation to conduct experiments on Indian school farms designed to test the possibilities of soil and climate in relation to the cultivation of anything. I think that disposes of the first proposition in the paragraph.

The second proposition in the paragraph is:

For the purpose of preserving living and growing timber on Indian reservations.

I do not know of any authority of law for that, although it may possibly exist. There is no doubt that Congress may appropriate to carry out the provisions of law authorizing the sale of timber under certain conditions as prescribed by Congress upon Indian reservations, and if this paragraph in reference to the sale of timber be construed to mean that they shall only conduct such timber operations when provided by law, it is not objectionable, so far as the point of order is concerned. But if it be construed to mean that they may conduct such timber operations and sales of timber as may be advisable, and also as provided by law, then it is subject to the point of order, and the occupant of the chair on Saturday was of the opinion that it was entitled to the latter construction; and in the former paragraph the section in relation to the employment of practical farmers and stockmen, it provides that they shall be subject only to such examination as to qualifications as the Secretary of the Interior may prescribe. That is legislation, and is not in order on an appropriation bill over a point of order. Of course the proviso is plainly subject to a point of order.

The CHAIRMAN. The Chair is ready to rule. The statute, extracts from which the gentleman from South Dakota [Mr. BURKE] has sent to the Chair, relates to specific tribes or reservations, namely, the Flathead, Chippewa, and Jicarilla. The paragraph in question seems to be limited.

Mr. BURKE of South Dakota. What about the section of the statute that I cited last, Mr. Chairman? That does not refer to any particular reservation. That is general legislation.

The CHAIRMAN. That is the act of February 16, 1889. It reads as follows:

That the President of the United States may from year to year, in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, or otherwise dispose of the dead timber, standing or fallen, on said reservation or allotment for the sole benefit or such Indian or Indians.

Mr. BURKE of South Dakota. Mr. Chairman, I believe the rule to be that an appropriation which is authorized, if it has reference even to a specific purpose, is to be given the benefit of the presumption that it will be used within the authority of law. It seems to me that there is sufficient authority here to warrant an appropriation to be expended for this purpose; we can not assume that the administrative office will use any part except as provided by law.

The CHAIRMAN. If that were the intention, it would be very easy to specify it in the bill. The Chair must consider the language of the bill. Now, the act of 1889, just read, provides that the President may authorize Indians to remove dead timber, and so forth. This paragraph appropriates money for that purpose. That does not seem to be within the meaning and intendment of the act of 1889, which states that the Indians are to do it. It does not contemplate any expense to the Government in connection therewith.

The first part of the paragraph, in relation to conducting experiments on Indian school or agency farms in the cultivation of trees, grains, and so forth, seems to the Chair to be fairly covered by section 2071 of the Revised Statutes, which says that—

The President may, in every case where he shall judge improvement in the habits and conditions of such Indians practicable and that the means of instruction can be introduced with their consent, employ persons of good moral character to instruct them in the mode of agriculture suited to their situation—

That is very broad language—

and for teaching their children in reading, writing, and arithmetic, and to perform such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.

That is very broad language. But it is, perhaps, unimportant to consider it further here, for if there is any provision in the paragraph which renders it subject to the point of order, then, of course, the whole paragraph must go out. The Chair has just indicated one such provision. Furthermore, the provision in line 13:

Subject only to such examination as to qualifications as the Secretary of the Interior may prescribe.

In the opinion of the Chair this does mean to confer upon the Secretary by legislation power and discretion which he does not now possess. Then we come to the provision:

That the amounts paid to matrons, farmers, and stockmen herein provided for shall not come within the limit for employees fixed by the act of June 7, 1897.

It seems to the Chair that that proviso changes existing law, in violation of Rule XXI.

The Chair is therefore compelled to rule, as the previous occupant of the Chair [Mr. BOUTELL] was about to rule when the paragraph was up before, that the point of order must be sustained.

Mr. BURKE of South Dakota. Mr. Chairman, I now offer the following amendment, and in connection therewith I would like to have the proviso added as a part of it, which I sent to the Clerk's desk a moment ago.

The Clerk read as follows:

After line 23, page 6, insert:

"To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, at a rate not to exceed $60 per month, and for furnishing necessary equipments and renting quarters for them where necessary; and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed, to superintend and direct farming and stock raising among Indians, $250,000: *Provided*, That not

to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruit."

Mr. MANN. I reserve the point of order upon the amendment.

Mr. BURKE of South Dakota. Mr. Chairman, I have nothing to say further than that the paragraph is exactly as it was when offered here, eliminating that portion the Chair held was subject to the point of order.

Mr. MANN. For the same amount, too? Of course it is still subject to the point of order as far as the proviso is concerned.

Mr. BURKE of South Dakota. The amount remains the same, although you have stricken out one of the items.

Mr. MANN. Then I make the point of order on it. I call the attention of the Chair to the first proposition, although the Chair has indicated an opinion in respect to that, that the question of experiments might be covered by section 2071 of the statutes. It must be perfectly patent to everyone, I think, that the conduct of experiments designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, using Indian labor in the process, is not for the employment of "persons" and is not confined to the employment of "persons." It is not expected that there will be any money spent except in the employment of "persons." Now, the only authority granted in section 2071 of the Revised Statutes is to employ "persons." Those "persons" are to do certain things. The President is authorized to employ those "persons" under certain conditions. The President is not authorized to expend a cent in any direction except in the employment of "persons." If the Chair will analyze that section of the statutes, he will see that it would read as though the President might employ "persons of good moral character to instruct," and so forth, "and for the performance of such other duties as may be enjoined." But those duties are to be performed by them, by the "persons" employed by the President.

If this provision was to employ persons to conduct experiments at Indian schools, it would be in order; but the only money that could be expended out of it would be for the salaries or wages of the persons employed, but this item as it reads will certainly authorize the purchase of trees, grains, vegetables, and fruits. It confines the employment of persons to Indian labor in the process, which changes the authority in section 2071, even as to the employment of persons, and is therefore to that extent a change of existing law.

The CHAIRMAN. Section 2071 of the Revised Statutes is pretty broad in its provisions and should not be so technically construed as to defeat its intentions. Without further elaboration and referring to what has already been said by the Chair upon this portion of the paragraph, the Chair overrules the point of order. The question is upon the amendment.

The amendment was agreed to.

Mr. MANN. I have no objection to putting the proviso in that amendment.

Mr. BURKE of South Dakota. Mr. Chairman, I offer as an amendment the proviso found on page 7, line 18, inserting the word "further" after the word "provided."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment just adopted the following words:
"*Provided further*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not come within the limit for employees fixed by the act of June 7, 1897."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice the gentleman has sectioned the various appropriations, which, of course, is unusual. I should like to inquire what is the occasion for that?

Mr. BURKE of South Dakota. It is merely a change of form. There is no particular reason, except that it is easier to refer to the bill if it is sectioned than if it is simply in paragraphs running one after the other without any designation by sections. Heretofore there were headings in the bill, but the committee left those out and divided the bill into sections.

Mr. MANN. I do not know but it may be an improvement, although it is the first appropriation bill I have ever seen anywhere that had sections covering the appropriations.

Mr. BURKE of South Dakota. It is for convenience of reference, that is all.

The Clerk read as follows:

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents at $2,000 per annum each, $108,000.

Mr. MANN. I reserve the point of order on the paragraph. I should like to ask the gentleman whether there was any special reason for leaving out the limitation which has been in the Indian bills for some time, about persons who come to Washington and remain under orders, as to the length of time they can remain? Heretofore the limitation has been for a period not to exceed twenty days.

Mr. BURKE of South Dakota. Mr. Chairman, that provision was put into the bill some years ago. I was a member of the committee when it was done, and it was thought it would have the effect of keeping from Washington, when not required here, persons in the Indian Service. We have found, however, that it happens occasionally that some officer is detained here on official business for more than twenty days, and in order to comply with the statute it has been necessary to send him to Baltimore or New York or some near-by point for a day or two, and then permit him to return. It was simply done in the interest of better administration.

Mr. MANN. I should not think that was a compliance with the statute. I should think it was a direct violation of the statute which ought to subject the man who did it to removal from office.

Mr. BURKE of South Dakota. Doubtless it was a circumvention of the law, but we understand there was necessity for it, and something of that kind in actual practice occasionally occurred.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $75,000: *Provided*, That the amount hereby appropriated and all moneys heretofore or hereafter to be appropriated for this project shall be repaid into the Treasury of the United States in accordance with the provisions of section 10 of the act of March 3, 1905: *Provided further*, That the Secretary of the Interior shall transmit to Congress on the first Monday in December, 1910, a statement showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon, of each irrigation project for which specific appropriation is made in this act, to and including June 30, 1910, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. BURKE of South Dakota. I offer an amendment, to insert, after the word "heretofore," in line 1, page 10, the word "herein."

Mr. MANN. I want to ask the chairman of the committee if this is not covered by the language on page 4?

Mr. BURKE of South Dakota. Mr. Chairman, the other provision is a general provision, and has reference entirely to projects on Indian reservations; this has reference to specific projects, projects for which we are making specific appropriations, and it was put in in order that a like requirement would be applicable to all specific appropriations.

Mr. MANN. Mr. Chairman, I will not insist on the point of order, but I hope the gentleman will compare the two provisions hereafter. I am inclined to think that what is on page 10 is already covered by making that permanent law on page 4. Of course there is no occasion for making a duplication.

I want to say in that respect that I think the provisions suggested by the Committee on Indian Affairs and its distinguished chairman are of exceeding great value to us. We are engaged in a lot of irrigation projects throughout the country, without knowing the cost, without knowing whether the money is properly expended or not, and without knowing what benefits they will be, and we ought to have the information asked for here. Mr. Chairman, I withdraw the point of order.

Mr. CLARK of Missouri. I would like to ask the chairman a question. In lines 13 and 14, page 10, there is this peculiar phrase, "and cost account of all moneys," and so forth. What does that mean?

Mr. BURKE of South Dakota. An account showing the different purposes for which the money is expended, divided up into subjects.

Mr. CLARK of Missouri. It does not seem to say that.

Mr. MANN. It is a bookkeeping phrase.

Mr. BURKE of South Dakota. That is what is meant by cost account. It is a technical phrase of bookkeeping, but I think it is well understood, and there will be no misunderstanding about its application.

Mr. CLARK of Missouri. It may be understood over there, but I think it will puzzle the casual reader very much.

Mr. BURKE of South Dakota. I think it will bring the information desired.

Mr. STEPHENS of Texas. I want to call attention to the fact that it applies to the preceding year. It says:

On such irrigation projects for the preceding fiscal year.

Mr. CLARK of Missouri. Has there ever been any account rendered by anybody as to how much these irrigation projects are costing and are expected to cost?

Mr. BURKE of South Dakota. There does not seem to have been a report to Congress on the subject, and this committee thought we ought to have a detailed statement giving all the information that this paragraph seeks to bring out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota, which the Clerk will report.

The Clerk read as follows:

After the word "heretofore," line 1, page 10, insert the word "herein."

The amendment was agreed to.

The Clerk read as follows:

For the construction of a bridge and the necessary approaches thereto across the Little Colorado River at or near Tanners Crossing on the Navajo Indian Reservation in Coconino County, Territory of Arizona, $50,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I would like to ask the gentleman in reference to this. I will state to the gentleman before he replies, that we have pending in the committee, of which I happen to be chairman, two bills, each appropriating $50,000, for bridges in one of the Southwestern Territories, and have given some consideration to the subject, but have been unable so far to ascertain the information sufficient to know what the bridge will cost, or anything at all in reference to the plans for it. I would like to know if the committee has been able to get the information?

Mr. BURKE of South Dakota. Mr. Chairman, the committee considered this matter with some care. While it is unable to give detailed information in the form of an estimated cost of the bridge, it was and is of the opinion that it could be built for $50,000; that there is necessity for it we are well satisfied. The gentleman from Arizona [Mr. CAMERON], a member of the committee, is quite familiar with the necessities for its construction, and I will yield to him to make a statement in regard to the matter.

Mr. CAMERON. Mr. Chairman and gentlemen of the committee, this proposed bridge is to be constructed across the Little Colorado River, some 60 miles north of Flagstaff, at a point on the western boundary of the Navajo Reservation. The first settlement, or the Navajo supply point, is about 30 miles beyond the present crossing. There are practically no people living between Flagstaff and what is known as Tuba City, which is one of the large distributing points of supplies for the western part of the Navajo Reservation.

In fact, they have a large Indian school and mission there, and it is one of the largest agencies that we have. All of the supplies that are furnished to the western part of the reservation are freighted from the railroad station at Flagstaff or Canon Diablo. This river, known as the Little Colorado, is a very dangerous stream. It is full of quicksands, and at times it is impossible to ford it for weeks, sometimes three weeks at a time. There have been a great many supplies lost by the Indian freighters traveling between Flagstaff and the reservation. There has been a lot of wool lost and a great many supplies and a number of teams and some lives.

This matter has been given very thorough consideration by the Indian Department, and it is very desirous that this bridge should be built by the Indian Department or by the United States Government for the protection of the lives of the Indians and their property. At times there is no way to get supplies across the river, as I have said, for several weeks, and they have at times been very short of supplies on the western part of the reservation. There have been a number of bridge experts who have looked this matter over, and it has been stated by some of the reliable bridge companies of the United States that a bridge can be built for $50,000. Some estimate more and some estimate less, but I contend that $50,000 is a fair appropriation for this bridge, and I hope the gentleman will not insist on his point of order, because I believe it is money that will be well expended for the benefit of the Indians, and the Government can well afford to do it.

Mr. MANN. Is this bridge proposed to be constructed for the benefit of the Indians or the benefit of the citizens of Arizona?

Mr. CAMERON. I will say to the gentleman from Illinois that 95 per cent of the people that will use this bridge will be Indians, and more than 95 per cent of the goods they carry across it will be used by the Indians.

Mr. MANN. Why should we pay for the bridge out of the Federal Treasury and not out of the Indian money?

Mr. CAMERON. There is no money, as I understand it, in the Treasury to the credit of the Navajo Indians.

Mr. MANN. Oh, well, we have not any in our own Treasury to speak of. [Laughter.] They have large numbers of Indians and get great quantities of supplies, and they can get their supplies cheaper and sell their wool at a higher price than before, and I should think they might manage to get some money to build a bridge.

Mr. CAMERON. This tribe does not have any money in the Treasury at present.

Mr. MANN. I understood the gentleman to say they had lost large quantities of wool at this crossing?

Mr. CAMERON. Yes.

Mr. MANN. Where did the wool come from—the Indians?

Mr. CAMERON. Yes.

Mr. MANN. Well, I am inclined to think——

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will not insist upon his point of order.

Mr. MANN. I will withhold it if the gentleman desires, but I shall insist upon it after he is through talking.

Mr. STEPHENS of Texas. The committee thought that it is the duty of the United States Government to build this bridge for the reason, as stated by the gentleman from Arizona [Mr. CAMERON], that these Indians are poor, and they have very poor lands. They have quite a large extent of land in Arizona, but it is only good for grazing purposes.

Mr. MANN. Arizona?

Mr. STEPHENS of Texas. Yes.

Mr. MANN. Arizona, that we are about to admit as a State. Why, I heard the gentleman making a speech not long ago in which he said it is a flowering Eden. The gentleman ought not to make this speech until after the bill for the admission of Arizona becomes a law, because if he discloses the whole truth we might want to repeal it.

Mr. STEPHENS of Texas. Have we not already had passed the Arizona statehood bill through this House?

Mr. MANN. Well, the Senate has not passed upon it yet, and it will come back with amendments, undoubtedly.

Mr. STEPHENS of Texas. I hope the gentleman will not go back on his own party's platform and vote against the Arizona statehood bill.

Mr. MANN. But the platform was perhaps agreed to under a mistaken idea that this land was arable.

Mr. STEPHENS of Texas. The Navajo Indian lands are the worst lands in the Territory, and that is the reason we gave them to the Indians. The gentleman asked the question why it was necessary that the Government should build this bridge. This is a very large reservation, and the old reservation is on the northwest side of the Little Colorado River. As stated by the gentleman from Arizona, it is a dangerous river, and these Indians have to cross that river to get to the railroad, where they get all of their supplies and do all of their trading.

Mr. COX of Indiana. Is the river navigable at this place?

Mr. STEPHENS of Texas. No; it is a very dangerous river; it is not navigable. There is a small canyon just below where this bridge will be placed, and the Grand Canyon is just below the junction of the two rivers.

Mr. MANN. How many acres are there in the Navajo Indian Reservation?

Mr. STEPHENS of Texas. I do not know, but I suppose that the original reservation is more than 30 miles square, and recently most of the land between the county seat at Flagstaff and the river was made an additional reservation, by executive proclamation, for the use of these Navajo Indians. All of their property consists of burros, horses, goats, and sheep. They do very little farming.

Mr. MANN. The gentleman says they have 900 square miles of territory on his estimate, as I understand, and that is too small.

Mr. STEPHENS of Texas. No.

Mr. MANN. The gentleman said it was 30 miles square.

Mr. STEPHENS of Texas. Yes; and there are more than a thousand Indians now occupying this reservation trying to live by raising stock on the range mainly.

Mr. MANN. How many Indians are in this 900 square miles of territory, which is over 500,000,000 acres of land?

Mr. STEPHENS of Texas. It is impossible to state, because the country is mountainous and the Indian settlements scattered, and a great deal of the land is entirely worthless except for grazing purposes. They have no water for irrigation on the mesas or uplands, and but very little except on the river, and occasionally springs are found that would irrigate a few acres. This is one of the most arid parts of the West and of very little use, except for grazing purposes.

The CHAIRMAN. Does the gentleman from Illinois insist upon his order?

Mr. MANN. I do.

The CHAIRMAN. The Chair would ask the gentleman from South Dakota whether this proposed bridge is to be constructed upon land belonging to the Government?

Mr. BURKE of South Dakota. I presume, Mr. Chairman, it is. It is to be constructed upon the Indian reservation, and I assume that the fee is in the Government of the United States and that the Indians simply have the right of possession.

The CHAIRMAN. Is there a road leading to and from this bridge?

Mr. CAMERON. Yes.

The CHAIRMAN. By whom was that constructed?

Mr. CAMERON. It was constructed in the early days by the Indians and the settlers in that country. It is one of the old roads, a part of which was formerly known as the "old Beale trail," which ran through that country in the early history, and it is kept up now by the Indians, but on that part adjacent to the town of Flagstaff it is kept up by the county. There is very little travel on that road other than Indian travel, a few white men occasionally, and the Indian trade that goes out to the west part of the reservation, and for your information I would like to state, Mr. Chairman, that by executive order of January 8, 1900, 1,358,398 acres were taken away from Coconino County and annexed to the Navajo Reservation. That deprives the county in which I live of that many acres of grazing land where we used to have hundreds of thousands of head of sheep and a great many thousand head of cattle, and for which we are not reimbursed in any way. On the other hand, we have been deprived of thousands of acres in national forests, so, naturally, we have been left with but little land and taxable property in that county; and it seems now, the department wishing to establish this bridge, that we should be entitled at least to some consideration before this House, and I hope the gentleman will not insist upon his point of order.

The CHAIRMAN. This road seems to have been built by private capital, and of late years kept in order by the county. It being in the nature of a county rather than a government road, it hardly comes within the exception to the rule, which exception permits appropriations in continuation of a public work in progress. Upon this state of facts, and no authority of law for the appropriation having been shown, the Chair must sustain the point of order.

Mr. CAMERON. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, after line 7, insert:

"The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation in Coconino County, in the Territory of Arizona, with respect to the necessity of the construction of a bridge at or near Tanners Crossing on said reservation, and also to cause surveys, plans, and reports to be made, together with estimate of the maximum limit of cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1910, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purposes herein authorized."

Mr. MANN. I reserve a point of order upon that. I wish the gentleman would strike out the word "maximum," where it reads "maximum cost."

Mr. CAMERON. I will submit to that.

The CHAIRMAN. Without objection, it will be so amended.

There was no objection.

Mr. MANN. Then I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $42,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that. I want to secure some information from some member of the committee about the purchase of small tracts of lands situated adjacent to lands heretofore purchased. What is the necessity for that?

Mr. BURKE of South Dakota. Mr. Chairman, a few years ago authority was given to purchase 2,000 acres of land in California to provide homes for some wandering, homeless Indians of that State. This is simply to extend that work and purchase additional lands to provide homes for those that are not already provided for.

Mr. COX of Indiana. How much land do you propose to purchase by means of this appropriation?

Mr. BURKE of South Dakota. A small amount. My recollection is they get 5 or 10 acres apiece.

Mr. COX of Indiana. What is the total number of Indians the gentleman proposes to provide for?

Mr. BURKE of South Dakota. Altogether, I think, in that State there were about, it seems to me, 2,000 Indians, but I am not certain.

Mr. HAYES. Three thousand five hundred.

Mr. BURKE of South Dakota. Three thousand five hundred of these homeless Indians in that State, comprising, I think, thirty or forty different tribes of Indians.

Mr. COX of Indiana. What tribes are they?

Mr. BURKE of South Dakota. I can not say; but the Mission Indians, I know, are among them.

Mr. COX of Indiana. What does that land cost per acre? Is it expensive land?

Mr. MANN. Most of this appropriation is not used for the purpose of purchasing land.

Mr. COX of Indiana. How much of it was used for that purpose?

Mr. BURKE of South Dakota. I do not remember. I have that information, and I can get it. Not much of it is used for that purpose.

Mr. COX of Indiana. What is it used for?

Mr. MANN. For the support of the Indians.

Mr. COX of Indiana. It says:

For the purchase of small tracts of land situated adjacent to lands heretofore purchased.

Mr. MANN. The point is properly and well made. I have gone over that same language before. There may be a small amount used for the purchase of land, but only a small amount of it. That would be an exceptional case. Money is appropriated for the support of the Indians. Last year it was segregated into two items.

Mr. COX of Indiana. How much last year was used for the purchase of land?

Mr. MANN. I am unable to say.

Mr. BURKE of South Dakota. It is a very small matter.

Mr. COX of Indiana. How much was used in the last appropriation for the purchase of land?

Mr. BURKE of South Dakota. I will read the following for the benefit of the gentleman:

In purchasing lands for the California Indians authority is first procured from the Secretary of the Interior to expend so much money in the purchase of so many acres for the various bands of Indians. The deeds run "To the United States of America," but do not disclose the name of the band for whom the purchase is intended.

Before a purchase of this land is consummated the deeds are passed on by the Attorney-General to see if the title as shown by the abstract is in the party from whom the lands are to be purchased and if the deeds are sufficient to vest good title in the United States.

Mr. COX of Indiana. The gentleman, then, has no data showing how much land is appropriated for?

Mr. BURKE of South Dakota. Something like 1,200 or 1,500 acres, but I am not able to state accurately how much.

Mr. COX of Indiana. Can the gentleman give any information as to how many acres of land are proposed to be purchased by this appropriation?

Mr. BURKE of South Dakota. I can not say exactly; it would depend on how much they have to pay for the land.

Mr. COX of Indiana. But you say it is disposed of in small tracts?

Mr. BURKE of South Dakota. The gentleman from California will be able to give us information on that point.

Mr. SMITH of California. I am not able to give the gentleman specific figures; but these Mission Indians are located in my district, and I have some knowledge of the work that has been going on there of recent years, trying to put them upon a self-sustaining basis.

Mr. COX of Indiana. Have they been successful in doing so heretofore?

Mr. SMITH of California. Yes; they have made great progress. The matter was taken up by some civic Indian societies—I do not remember their names—and President Jordan, of Stan-

ford University, with several other gentlemen, has taken the matter in hand.

Mr. COX of Indiana. He is a good man; he is from Indiana.

Mr. SMITH of California. They have purchased land suitable for cultivation, and there has been some money expended in the way of irrigation, and in a very large measure they have been able to make these Indians self-sustaining, whereas before they were in a miserable condition and a burden and charge upon the Government. Now, the amount of the lands will not be large, and it will not be expensive. The farms are located in a country where they are away back in the foothills, away back from general settlement.

Mr. COX of Indiana. Does the gentleman know how much altogether they have gotten for this purpose?

Mr. HAYES. If the gentleman will permit me, they have purchased altogether for these homeless Indians 1,300-odd acres of land.

Mr. COX of Indiana. What is the land worth per acre?

Mr. SMITH of California. Probably $10 an acre.

Mr. HAYES. Mr. Chairman, I think I can state the proposition to the satisfaction of the gentleman. I could give data if I had a little time; but the purchase of lands for these homeless Indians has been going on in California for some three or four years, and we have had an annual appropriation of $50,000 for that purpose. At the beginning there were 3,500 homeless and wandering Indians in California. I think they are all practically settled on land, except possibly two, three, or four hundred, and it is proposed by this appropriation to finish up this work entirely, as I understand it.

Mr. COX of Indiana. To finish the work begun heretofore?

Mr. HAYES. Yes.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for general repairs and improvements, $10,000; for a new dormitory, $15,000; for a new hospital, $15,000; in all, $134,350.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to offer the following amendment:

Page 11, following line 25, insert:

"For the support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400, and pay of superintendent, $1,600: *Provided*, That if said school is disposed of as authorized by the Indian appropriation act for the fiscal year ending June 30, 1910, approved March 3, 1909, the provisions of which act with reference to said school are hereby extended to July 1, 1911, only the pro rata share of the appropriation therefor for the portion of the year which the school is maintained by the United States shall be available."

Mr. BURKE of South Dakota. I reserve the point of order on the amendment, Mr. Chairman.

Mr. MARTIN of Colorado. In explanation of the amendment, Mr. Chairman, I desire to say that the amount for this school named in the amendment is the same as that carried in the Indian appropriation bill for the present fiscal year. The appropriation was omitted from this bill for the reason that the Indian appropriation bill for the present fiscal year carried a conditional donation or grant of this school to the State of Colorado; and it was presumed by the Commissioner of the Indian Office, and probably by the Committee on Indian Affairs, that the grant had been accepted; and therefore it was not necessary to provide for the maintenance of the school for the next fiscal year. But the grant to the State of Colorado was not accepted for this reason: It would require an appropriation by the State of Colorado to maintain this institution as a school, as provided by the terms of the grant or donation, and the present Indian appropriation act was not passed and finally approved until March 3, 1909. That was in the last month, practically the closing days, of the last session of the Colorado legislature, and under the constitution of Colorado no bills can be introduced after the first thirty days of the session, and the first thirty days happened to occur in January, 1909, more than a month before the passage of this act of Congress.

It is doubtful if this act of donation was ever officially or otherwise called to the attention of the legislature of Colorado at any time during the session; but, for the reason I have stated, if its attention had been called to it in March, 1909, the legislature was absolutely helpless, under this constitutional prohibition, to make the necessary appropriation to enable the governor to accept this grant, and it will be necessary to provide for the continuance of the school another year or such part thereof as it may remain unaccepted, or it will lead to the closing of the school, denying to these wards of the Government the means of education and perhaps compelling the Indian Office to provide therefor in some other manner.

Mr. HINSHAW. How many pupils are in attendance there, as nearly as the gentleman can say?

Mr. MARTIN of Colorado. I could not give you the exact number. I will say this, however: I happened to be at Grand Junction last fall when President Taft visited that city, had the pleasure of accompanying him on that trip through the city, and the Indian pupils there were lined up to be reviewed by the President, and were reviewed by him, and I noticed a very long line of them. There appeared to be between 100 and 200 pupils in line.

Mr. HINSHAW. From what section or what tribe are they?

Mr. MARTIN of Colorado. They must be Utes very largely, because that vicinity was tributary to the great Ute Indian Reservation before they were removed to Utah.

Mr. BURKE of South Dakota. Mr. Chairman, I have no objection to the amendment offered by the gentleman on its merits. In fact, the committee authorized such an amendment. The Commissioner of Indian Affairs, under date of February 18, in response to an inquiry from the Committee on Indian Affairs, wrote the letter which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1910.

Hon. CHARLES H. BURKE,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter, dated February 14, 1910, relative to an appropriation for the Grand Junction Indian School, Colorado, and the continuance in force and effect of the grant as set forth in the current appropriation act of that school to the State of Colorado.

The Commissioner of Indian Affairs informs me, after a review of the entire question, that it appears uncertain whether the legislature of the State of Colorado will accept the grant during the special session to be held in April, 1910, and that, in view of this fact, it is deemed advisable to maintain this school for another year.

If this is done there should be, in addition to the usual appropriation for the support and education of pupils and the pay of superintendent, an item of $4,000 for repairs, in order that the school plant may be kept in proper condition.

I therefore favor the insertion of an item in the bill making an appropriation for this school, including repairs, for the fiscal year 1911, and the continuance of the grant as set forth in the current appropriation act to the State of Colorado until June 30, 1911.

A proviso also should be inserted to the effect that if the said school is disposed of during the fiscal year 1911 the pro rata share only of the appropriation for the maintenance of the said school for the portion of the year which the school is maintained by the United States shall be available.

Very respectfully, R. A. BALLINGER, *Secretary.*

Mr. HINSHAW. Mr. Chairman, it has been the policy of the Indian Office and of the Committee on Indian Affairs to dispense with Indian schools as fast as possible and consolidate them into larger and better schools; but there has been no purpose, either on the part of the Commissioner of Indian Affairs or of this committee, to dispense with schools unless other provision has been made for the accommodation of the pupils; and as it appears that the legislature of the State of Colorado has not taken over this school, as it ultimately will probably——

Mr. MARTIN of Colorado. As it could not do for the reasons I have given——

Mr. HINSHAW. For the reasons stated by the gentleman, the committee has no objection to the amendment, especially in view of the recommendation of the commissioner, and since it appears that it will be unnecessary to use all the appropriation should the State of Colorado in the meantime take over the schools before the expiration of the next fiscal year.

Mr. BURKE of South Dakota. Mr. Chairman, I do not wish to insist upon the point of order, but desire to offer an amendment to the amendment proposed by the gentleman from Colorado.

The CHAIRMAN. The point of order is withdrawn, and the gentleman from South Dakota offers a further amendment.

Mr. BURKE of South Dakota. An amendment to the amendment.

The Clerk read as follows:

Add to the amendment the following:

"*Provided further*, That if such property is not accepted by the State of Colorado, as hereinbefore provided, and also if the State of Colorado does not accept the Fort Lewis Indian School, as provided by act approved March 3, 1909, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of the said Grand Junction School and Fort Lewis School to the highest bidder for cash at not less than an appraised valuation to be fixed by the Secretary of the Interior, the same to be subject to his approval and under such rules and regulations as he may prescribe; and he is also hereby authorized and directed to dispose, by sale or transfer, to other government Indian schools such property as is not covered by the transfer of the realty, buildings, and fixtures."

Mr. MARTIN of Colorado. May I ask the gentleman from South Dakota a question?

Mr. BURKE of South Dakota. Yes.

Mr. MARTIN of Colorado. Does that amendment couple both of those together, so that the acceptance of both of them is necessary to the acceptance of either?

Mr. BURKE of South Dakota. No. If the State accepts one or the other, whichever one it does not accept may be sold. If it accepts both, of course neither will be sold.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

Mr. MARTIN of Colorado. I will be glad to accept the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I offer another amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 4, page 11, the following:

"For the support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., $35,000, and for pay of superintendent, $1,600: *Provided*, That if said school is disposed of as authorized by the Indian appropriation act for the fiscal year ending June 30, 1910, approved March 3, 1909, the provisions of which act with reference to said school are hereby extended to July 1, 1911, only the pro rata share of the appropriation therefor for the portion of the year which the school is maintained by the United States shall be available."

Mr. BURKE of South Dakota. To that amendment I reserve a point of order.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to say, in explanation of this amendment, that Fort Lewis is in the same category with Grand Junction. The same conditional grant was made to Colorado and the grant has not been accepted by the governor of the State, because no appropriation was made or could be made by the legislature at the time this act passed at the second session of the Sixtieth Congress, and unless the school is appropriated for in the present appropriation bill it must be closed.

Mr. BURKE of South Dakota. I will have to insist upon the point of order, Mr. Chairman. It changes existing law by extending the time by one year within which the State of Colorado has to accept this grant.

The CHAIRMAN (Mr. SMITH of California). If the statement made by the gentleman from South Dakota can not be controverted or explained, it would appear that the amendment does change existing law by changing the time in which the State of Colorado was permitted certain things, and the Chair would sustain the point of order.

Mr. MARTIN of Colorado. The grant of the school was made in an Indian appropriation bill, and I see no reason why it could not be extended by an appropriation bill.

The CHAIRMAN. It could be extended by the permission of the committee, but not against a point of order. The point of order is sustained.

The Clerk read as follows:

SEC. 5. For the purpose of investigating the conditions of the Seminole Indians in Florida and the Alabama Indians in Texas, $5,000; and the Secretary of the Interior is directed to report the result of such investigation to Congress at the next session.

Mr. MANN. To that paragraph I reserve a point of order.

Mr. SISSON. Mr. Chairman, I want to offer an amendment.

Mr. MANN. I would like to ask whether the purpose of this paragraph is to ascertain the needy condition of the Indians, perchance to a possible view of appropriating money for their support?

Mr. BURKE of South Dakota. The purpose is to cause to be investigated the conditions of the Indians in Florida who have been living for the past one hundred years in what are known as the Everglades, and a few Indians in Texas that are without means of support. In fact, they have no status at present. The Indians in Florida, it is said, are getting into a very destitute condition, and something must be done for them in the near future or they will die from starvation.

The gentleman from Texas [Mr. STEPHENS] is more familiar with the condition of the Alabama Indians in his State, but it is the understanding of the committee that it is much the same as that of the Indians in Florida. The committee thought that we ought to make some provision for an investigation that would give us information as to just what their condition is.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state to the gentleman from Illinois that the Alabama Indians came to Texas about a hundred years ago, as far as we can tell, and they settled in southeastern Texas, in Polk County, near the Gulf. At that time the country was wild, and they had an opportunity to fish and hunt and roam at will. Since the country has been settled the land has become valuable and fenced, and they can no longer follow their old habits of roaming over the country at will, hunting and fishing, and so forth.

Mr. MANN. Would it not be a good thing if they followed new habits?

Mr. STEPHENS of Texas. It would; and I will say, then, there are between one and two hundred of these homeless, roaming Indians. It is a tribe that was driven from Alabama, and this tribe gave the name of Alabama to that State.

Mr. MANN. Then it would seem that Alabama ought to make a contribution.

Mr. STEPHENS of Texas. It was in the early part of the last century, possibly one hundred years ago, that the tribe emigrated to the West with a great many other Indians that came from east of the Mississippi River and settled west of the river. These Indians had 960 acres given them by the State of Texas. They have been on that small reservation for the last thirty or forty years, but now since the country has been fenced up by white persons they are becoming more and more dependent. Formerly they were permitted to roam over the country and hunt and fish at will.

Now their condition is becoming deplorable, and while we have plenty of public lands in the West I think those Indians should be provided for. It requires nothing but an executive proclamation of the President to set apart a few thousand acres of land for these starving Indians, and before the land is all taken up with forest reserves I think that ought to be done.

Mr. MANN. Why does the gentleman call them starving Indians? Can not they work?

Mr. STEPHENS of Texas. They are not accustomed to it and do not know how to work.

Mr. MANN. Then they ought to starve.

Mr. STEPHENS of Texas. There are a great many white people who do not like to work.

Mr. MANN. But we do not support the white people.

Mr. FOSTER of Illinois. Are they citizens?

Mr. STEPHENS of Texas. No.

Mr. COX of Indiana. The gentleman said that the State of Texas gave them so many hundred acres of land.

Mr. STEPHENS of Texas. The legislature granted them the land.

Mr. COX of Indiana. So the fee simple is now in those Indians?

Mr. STEPHENS of Texas. Yes. The land is not of great value. I do not know what it is worth. It is in the district of my friend Mr. DIES, 900 or 1,000 miles from where I live.

Mr. MANN. These Indians have been self-supporting for how long a time?

Mr. COX of Indiana. Two hundred years.

Mr. MANN. And the Seminoles in Florida—oh, well, self-supporting! Why, a man can live down there without working anyway.

Mr. COX of Indiana. Of course.

Mr. MANN. I own a place in Florida and I know something about it. They can do it now by fishing and hunting.

Mr. STEPHENS of Texas. Our Texas Indians can not because of our stringent game laws. If these Indians were to go onto somebody else's property hunting without the landowner's permission they would be in jail in twenty-four hours.

Mr. MANN. I own a good many thousand acres of land in Florida, and you can hunt all over it and nobody will pay any attention to you.

The CHAIRMAN. What is the point of order?

Mr. MANN. The point of order is that there is no authority in law for this appropriation at all; there is no treaty agreement under which the Government is bound to support these Indians or to make inquiry in regard to them.

The CHAIRMAN. The Chair would like to be advised by the gentleman from Illinois or some one as to just what the line is where the Government may expend money for the support of Indians and where it may not. Do I understand we can only expend money in this bill for Indians with which we have treaty relations?

Mr. MANN. I do not wish to argue any proposition save the one pending before the Chair.

The CHAIRMAN. I understand; but that is involved.

Mr. MANN. That is for the Chair to decide, but I do not think so. I do not think that is involved here at all.

The CHAIRMAN. The Chair is seeking information from the gentleman.

Mr. MANN. I understand. There is no treaty obligation here. If there were a treaty obligation here, of course we would be bound to carry out the treaty. Without a treaty obligation, the question is whether there is any general provision of the statute which covers the question. This is not for the purpose of supporting the Indians, but for the purpose of investigating the condition of certain tribes of Indians, where there is no treaty obligation to support.

Mr. STEPHENS of Texas. We have two precedents for this. One is the Indians that were mentioned a few moments ago—the California Mission Indians. There were numerous bands of those Mission Indians scattered over California, and four

years ago we made an appropriation to gather them together and give them lands in different reservations. The appropriation for these California Mission Indians made by us a few moments ago was exactly on all fours with this case. Those Indians were scattered all over California, and our Texas and Florida Indians are in exactly the same condition. Another precedent is this: The Big Jim band of Indians were up in the Dakotas, and that band was part of the time in Canada and part of the time in the United States. They became a nuisance in that northwest country, and we passed an act appropriating money to put them on a reservation. There are other precedents for this proposed appropriation.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to say just a word on the point of order. Section 2114 of the Revised Statutes provides:

That the President is authorized to exercise general superintendence and care over any tribe or nation of Indians that was removed upon an exchange of territory under the authority of the act of May 28, 1830.

In that act of May 28, 1830, it was provided in section 7:

And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may be removed as contemplated by this act that he is now authorized to have over them at their present place of residence.

Now, those Indians down in Florida never have been removed, consequently the President has the jurisdiction over those Indians that he had, whatever it was, at the time that this act of 1830 was enacted, which certainly contemplated that he did have authority over the Indians.

Mr. MANN. What provision is there in that act requiring it?

Mr. BURKE of South Dakota. Certainly it would seem that an appropriation would be authorized under this act to investigate the condition of these Indians.

Mr. MANN. What provision is there in that act which gives the President any authority over the Seminole Indians?

Mr. BURKE of South Dakota. Simply the implication that he did have authority over those Indians, and that authority was extended by this act of 1830 to these Indians who were removed west of the Mississippi River; it said that he was to have the authority that he had had before they were removed and conveyed clearly the idea that he did have authority over those Indians before they were removed.

Mr. MANN. There was a special act of Congress for the removal of those Seminole Indians from Florida to the western country. Most of them were removed under that act of Congress. Some of them preferred to remain in the Everglades, as they were entitled to. There was no authority granted to the President, as I recall history, in reference to the Seminole Indians remaining in the Everglades. There was a long contest between the State of Florida and those Indians extending over years, but there was no authority granted to the President in reference to supporting them or in reference to control over them whatever. They have lived without regard to the Government ever since the settlement of the war down there, when they were trying to keep us out of the country.

The CHAIRMAN. I understood the gentleman from South Dakota to say, in his opinion, the status of these Indians was that they might receive a direct appropriation now.

Mr. BURKE of South Dakota. It is such, Mr. Chairman, that the President of the United States has authority to investigate the condition of these Indians; and if he has that authority, we have the authority now to appropriate money to enable him to do that. This is not an appropriation for the support of these Indians; it is simply an appropriation to authorize an investiagtion of their condition.

The CHAIRMAN. But it occurs to the Chair that the point of order must be sustained unless there can be shown that these particular Indians bear such a relationship to the Government as that we are charged with some supervision or guardianship over them. And if they are without that limitation, then we have no right to appropriate money in this bill for an examination of their condition than to examine the condition of white people in any county in the United States.

Mr. BURKE of South Dakota. They are denominated Indians, and there is no question but they are Indians.

The CHAIRMAN. Does the gentleman admit that there is any existing law or any existing treaty which imposes an obligation upon the Government to go to their assistance?

Mr. BURKE of South Dakota. Not any more than to the extent of ascertaining the condition of any Indians in the country. My position is that we have authority of law at the present time to make an appropriation by which the President or the Secretary of the Interior would be authorized to investigate and report to Congress, if you please, the condition of any tribe of Indians in the United States; any Indians.

Mr. MANN. These are not even a tribe.

Mr. BURKE of South Dakota. It does not matter whether they are tribes or not.

Mr. MANN. They are individual Indians.

Mr. BURKE of South Dakota. They are Indians; they are Seminole Indians.

The CHAIRMAN. The Chair is prepared to rule, unless some one desires to be heard further.

Mr. BURKE of South Dakota. I will say, further, that section 2071 contemplates that the President may authorize the support and instruction of Indians in agriculture, and so forth. In order to act intelligently he would have to get some information as to the condition of the Indians, and certainly we would have the power to make an appropriation to enable the President to ascertain the condition of a certain band of Indians and to ascertain whether or not he should extend that aid.

The CHAIRMAN. Is that the section which was read a moment ago?

Mr. BURKE of South Dakota. No, sir; that was another section. This is section 2071, authorizing capable persons to instruct the Indians in agriculture according to such instructions as the President may give and prescribe for the regulation of their conduct in the discharge of their duties. This authority is in the discretion of the President.

The CHAIRMAN. What is the meaning of the expression "of such Indians?" What Indians does that refer to?

Mr. BURKE of South Dakota. Any Indians named.

The CHAIRMAN. Any Indians within the jurisdiction of the United States, not——

Mr. BURKE of South Dakota. These Indians are in Florida.

The CHAIRMAN. I did not mean within the territorial jurisdiction of the United States, but those Indians that have relations with the United States. That is what I desired to learn.

Mr. MANN. I think the Chair and the gentleman from South Dakota [Mr. BURKE] will find that all of those provisions of the Revised Statutes expressly refer to Indians in the Indian country. The term "Indian country" goes all through the statutes.

Mr. BURKE of South Dakota. Not in section 2071.

Mr. MANN. It says "such Indians." It refers to the legislation generally to Indians of the Indian country, which term has been frequently considered, and does not refer to Indians living in Florida, where there is no Indian country now. It certainly does not refer to Indians in Texas living upon land donated by the State of Texas.

Mr. CARTER. I would like to ask the gentleman from South Dakota a question.

Mr. BURKE of South Dakota. I want to read section 2071 to the Chair. It is as follows:

SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

Now, how is he going to get the information to enable him to act unless he makes some investigation? And if he is going to make an investigation, he has to have some appropriation to enable him to do so.

Mr. CARTER. I wanted to ask the gentleman from South Dakota a question, Mr. Chairman. By the treaty of 1830 the Seminoles were removed—that is, a part of them—from Florida to Oklahoma.

Now, by that treaty the Federal Government did not relinquish the supervision over these Indians who were removed to Oklahoma. Can the gentleman say whether there was a provision in that treaty that relinquished supervision over the Indians that remained in Florida?

Mr. BURKE of South Dakota. I do not think there was; and even if there was, I do not think that would be a good reason for abandoning them at this time.

Mr. CARTER. If they did not relinquish them, then you have authority of law for the appropriation beyond all doubt, I think.

Mr. BURKE of South Dakota. I do not think there is any doubt about it.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the Chair to the cutting of timber by Indians. It is as follows:

The President is authorized to grant to Indians temporary authority to fell, cut, remove, and sell, on reservations, or allotments fee to which remains in the United States, dead timber, standing or fallen, for their sole benefit. (Act Feb. 16, 1889 (25 Stat., 673), as construed by United States Supreme Court in Logging Co. v. U. S., 186 U. S., 279, 284.)

If the President has the right to do that, he certainly would have the right to investigate the condition of a tribe of Indians.

Mr. MANN. Well, I submit authority to do a hundred things does not furnish authority to investigate the condition of the Indians. If they are authorized to do certain things, an appropriation to do those things is in order. An appropriation to ascertain whether the Indians are in a condition to take advantage of an authority otherwise granted is not in order, and has no relation to the question.

Mr. BURKE of South Dakota. Mr. Chairman, I have just one further authority. I call attention to the act of March 3, 1819:

That for the purpose of providing against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby, authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct in the discharge of their duties.

In the law which has already been cited it was provided further:

That the annual sum of $10,000 be, and the same is hereby, appropriated for the purpose of carrying into effect the provisions of this act; and an account of the expenditures of the money and proceedings in execution of the foregoing provisions shall be laid annually before Congress.

Mr. MANN. What statute is that?

Mr. BURKE of South Dakota. That is the act of March 3, 1819.

Mr. MANN. That was repealed long ago.

The CHAIRMAN. Is that statute in effect?

Mr. MANN. It has been repealed long ago.

Mr. BURKE of South Dakota. But it was the basis of the present law and may be cited to give interpretation to it.

Mr. MARTIN of South Dakota. If the Chair will allow me for a moment, the Chair will notice on consulting the Revised Statutes, section 2071, which my colleague has referred to, that it refers to this act of March 3, 1819, as the basis of section 2071, and it is cited therefore by my colleague at this time to show to what Indians reference is made in section 2071. It is evidently a reference to the general Indian problem in the United States. Therefore, in section 2071, when "such Indians" are referred to as Indians that the President would become interested in and overlook and see after their well-being, it refers to the entire Indian tribes, as they were understood and known as far back as 1819. It was for that purpose that my colleague called the attention of the Chair to the fact that that act was the basis of section 2071.

Mr. MANN. It might be understood in citing the act of March, 1819, as referring to the section 2071, but "all acts of Congress passed prior to said 1st day of December, 1873, any portion of which is embraced in any section of said revision are hereby repealed." It most certainly does repeal it.

Mr. MARTIN of South Dakota. Any "such Indians" are very proper subjects of inquiry, and in the Revised Statutes this very act of March 3, 1819, is referred to as the basis of section 2071.

Mr. FITZGERALD. I call the attention of the Chair to two sections which refer to the Indian tribes enumerated. Those sections are 2046 and 2052. Tribes are designated whose location are in different portions of the country; and it goes on further and says that the President, in connection with such Indians, can do so and so, and it can only refer to the tribes enumerated in the preceding sections, in both of which "such" is used. In section 2046, where provision is made for a superintendent, and in section 2052, where provision is made for agents, reference is made to various tribes. The word "such" must relate back to those tribes which are named in the section.

The CHAIRMAN. The Chair is ready to rule.

A question almost identical with this one was presented to the House in the Fifty-sixth Congress, when an amendment to this effect was offered to the Indian appropriation bill:

For the support and civilization of the Shebits, Muddy, and other Indians in southern Utah, $2,500.

A Member of the House by the name of JOSEPH G. CANNON raised the point of order, and the Chairman, in deciding it, cited Rule XXI, which the committee all know:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The question here, then, is whether the support for these Indians has heretofore been authorized by law. The Chair thinks that there is much in the point the gentleman from New York has just stated in reference to the meaning of those sections 2046 and 2052.

They seemed to indicate the Indians over whom the Government was to exercise some supervisory and helpful authority; and the further reference to the subject under section 2071, the Chair thinks, is limited by the provisions of those two sections. The Chair has not had his attention called to any existing law authorizing the extension of aid to these particular Indians named in the section, and therefore sustains the point of order.

The Clerk read as follows:

For the twelfth to the twentieth, inclusive, of the treaty installments, as provided in the agreement with the Indians of the Fort Hall and Lemhi agencies, Idaho, approved February 23, 1889, to be used for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, $36,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of finding out whether the word "treaty," in line 3, was intentionally used, or whether it should be "twenty." The wording heretofore has been "of the 20 installments."

Mr. BURKE of South Dakota. It should be twenty, and I ask unanimous consent that the word "treaty," in that line, be changed to "twenty."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CLAYTON. Mr. Chairman, I do not know whether the Chair would recognize me to make a motion that the committee do now rise, but I can raise the point of no quorum.

Mr. MANN. Let it run a little bit longer.

Mr. CLAYTON. It is twenty minutes after 5. How long does the gentleman wish to continue?

Mr. BURKE of South Dakota. Just a few minutes, until 5.45.

Mr. CLAYTON. I will renew the point of no quorum at half after 5.

The CHAIRMAN. The point of no quorum is withdrawn.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that the portion of the bill beginning with line 24, on page 13, down to and including line 8, on page 15, be passed without prejudice, for the reason that I have a provision to offer at the end of the bill which proposes to capitalize these obligations and dispose of them; and if that be adopted, then this should go out of the bill.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that beginning with line 24, on page 13, to and including line 8, on page 15, be passed without prejudice. Is there objection?

There was no objection.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 11. For the support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., $50,400; for payment of superintendent, $1,700; for general repairs and improvements, $1,000; in all, $53,100.

Mr. CLAYTON. Mr. Chairman, I remained here until a quarter after 5 on Saturday, and then you had a roll call. Now it is half after 5, and I move that the committee do now rise.

Mr. MANN. Let the Clerk read to the end of the section.

Mr. CLAYTON. I can not consent to that. I move that the committee do now rise, or I will raise the point of no quorum. You can have it either way.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

The question being taken, on a division there were—ayes 14, noes 28.

So the motion was rejected.

The Clerk read as follows:

SEC. 12. For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

Mr. CLAYTON. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The gentleman from Alabama makes the point of no quorum present. The Chair will count.

Mr. BURKE of South Dakota. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for

the fiscal year ending June 30, 1911, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 2828. An act for the relief of William Martinson;

H. R. 17531. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907;

H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909;

H. R. 13145. An act for the relief of John W. Dula and C. M. Cox;

H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army;

H. R. 17752. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts;

H. J. Res. 101. Joint resolution authorizing the extension of the tracks of the Atchison, Topeka and Santa Fe Railway on the military reservation at Fort Leavenworth, Kans.; and

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia.

ADJOURNMENT.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker, as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Manistee Harbor, Michigan (H. Doc. No. 705)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Chester Bethell against The United States (H. Doc. No. 706)—to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation authorizing the approval of allotments on lands within the Camp Mojave military and hay and wood reservations (H. Doc. No. 707)—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16362) to promote the American merchant marine in foreign trade and the national defense, and for other purposes, reported the same with amendment, accompanied by a report (No. 502), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEBEL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20835) authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory, reported the same without amendment, accompanied by a report (No. 503), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18594) to detach the counties of Genesee and Shiawassee from the northern division of the eastern judicial district of Michigan and attach them to the southern division of the eastern judicial district of Michigan, reported the same without amendment, accompanied by a report (No. 504), which said bill and report were referred to the House Calendar.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 5697) to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company, reported the same without amendment, accompanied by a report (No. 506), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 11806) for the relief of the estate of Frederick P. Gray, reported the same without amendment, accompanied by a report (No. 505), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21362) for the relief of Lorenzo A. Bailey—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 6235) granting a pension to Flemon Boles—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7966) granting a pension to John M. Wright—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8684) granting an increase of pension to John B. Peters—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12790) granting an increase of pension to Englehardt Hofmeister—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17228) granting an increase of pension to Sam. Smallpage—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13754) for the relief of H. C. Chase—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COUDREY. A bill (H. R. 21475) declaring it lawful to play harmless athletics and sports in the District of Columbia on the first day of the week, commonly called Sunday—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey (by request): A bill (H. R. 21476) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 21477) to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CULLOP: A bill (H. R. 21478) granting authority to the city of St. Francisville, Ill., to build a bridge across the Wabash River—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 21479) to permit the enrollment of certain Mississippi Choctaw Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. CROW: A bill (H. R. 21480) authorizing the State of Missouri to do certain work on St. Francis River—to the Committee on Rivers and Harbors.

By Mr. HINSHAW: A bill (H. R. 21481) to amend section 4916 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. SMITH of California: A bill (H. R. 21482) for the relief of assignees in good faith of entries of desert lands—to the Committee on the Public Lands.

By Mr. CARTER: A bill (H. R. 21483) to prevent gambling in cotton and grain futures and providing penalties for the violation thereof—to the Committee on Agriculture.

By Mr. BENNET of New York: A bill (H. R. 21484) authorizing an appropriation for the suppression of the white-slave traffic, and for other purposes—to the Committee on Immigration and Naturalization.

By Mr. MORSE: A bill (H. R. 21485) to provide for the purchase of a site and the erection of a public building thereon at Marshfield, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21486) to provide for the purchase of a site and the erection of a public building thereon at Antigo, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21487) to provide for the purchase of a site and the erection of a public building thereon at Grand Rapids, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21488) to provide for the erection of a public building at Merrill, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: Resolution (H. Res. 403) providing for the better preservation of the early files of the House, consisting of original manuscripts, etc.—to the Committee on Accounts.

By Mr. GILLETT: Resolution (H. Res. 404) for the relief of Hanna Corbin—to the Committee on Accounts.

By Mr. LEE: Joint resolution (H. J. Res. 152) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 21489) granting an increase of pension to Alexander Warner—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21490) granting a pension to John H. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21491) granting a pension to Albert S. Kearney—to the Committee on Pensions.

Also, a bill (H. R. 21492) granting an increase of pension to George W. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21493) for the relief of Henry B. Jones—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 21494) granting a pension to Charles Friedeck—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 21495) providing for the promotion of Robert E. Peary, U. S. Navy—to the Committee on Naval Affairs.

By Mr. BOEHNE: A bill (H. R. 21496) granting an increase of pension to David T. Weir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21497) granting an increase of pension to Richard M. Nash—to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 21498) granting a pension to Florence M. Woods—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 21499) granting an increase of pension to Samuel M. House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21500) granting an increase of pension to Tunis D. Seaman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21501) granting an increase of pension to Catherine A. Acker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21502) granting an increase of pension to Nathan Hubbard—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 21503) granting a pension to Thomas N. Childers—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 21504) granting an increase of pension to Oscar M. Roenitz—to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 21505) granting an increase of pension to Sophia I. McLeod—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 21506) granting an increase of pension to John Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21507) granting an increase of pension to Harry M. De Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21508) granting an increase of pension to George W. Royce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21509) granting an increase of pension to Henry Habedank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21510) granting an increase of pension to Mrs. Moses Klein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21511) granting an increase of pension to William Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21512) granting an increase of pension to Thompson Weir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21513) granting an increase of pension to Jacob H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21514) granting an increase of pension to Benjamin Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21515) granting an increase of pension to D. H. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21516) granting an increase of pension to F. M. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21517) granting an increase of pension to W. J. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21518) granting an increase of pension to Joseph Funk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21519) granting an increase of pension to James Friel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21520) granting an increase of pension to Stella McLefresh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21521) granting an increase of pension to Orin Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21522) granting an increase of pension to John Ruehle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21523) granting an increase of pension to George W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21524) granting an increase of pension to Thomas N. Stanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21525) granting an increase of pension to Richard Du Bois—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21526) granting a pension to G. Baxter—to the Committee on Pensions.

Also, a bill (H. R. 21527) granting a pension to D. M. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21528) granting a pension to Joseph Debli—to the Committee on Pensions.

Also, a bill (H. R. 21529) granting a pension to W. M. Snyder—to the Committee on Pensions.

Also, a bill (H. R. 21530) granting a pension to James D. Reigh—to the Committee on Pensions.

By Mr. CROW: A bill (H. R. 21531) granting an increase of pension to John H. Bilyeu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21532) for the relief of certain soldiers of the civil war—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 21533) granting an increase of pension to Clark Bledsoe—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 21534) granting an increase of pension to Harriett A. Hamblett—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 21535) granting an increase of pension to Richard Durham—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 21536) granting a pension to Edward P. Everett—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 21537) granting an increase of pension to Oliver Shaw—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 21538) granting an increase of pension to George M. Spangle—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 21539) granting an increase of pension to Marie L. Couture—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21540) granting a pension to Ellen Snow—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 21541) granting a pension to Catherine Arnould—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 21542) granting an increase of pension to John F. Wier—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 21543) granting compensation to Joseph Dawson—to the Committee on Claims.

By Mr. HOWELL of Utah: A bill (H. R. 21544) granting an increase of pension to George A. Hart—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 21545) for the relief of A. W. Caldwell—to the Committee on Claims.

Also, a bill (H. R. 21546) for the relief of Frank Cross—to the Committee on Claims.

Also, a bill (H. R. 21547) for the relief of James Draney—to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 21548) for the relief of Lieut. Col. Ormond M. Lissak—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 21549) granting an increase of pension to Horace B. Emery—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 21550) granting an increase of pension to James G. Pickett—to the Committee on Pensions.

Also, a bill (H. R. 21551) granting an increase of pension to Isaac M. Glasford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21552) granting an increase of pension to Hugh Arthur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting a pension to Eliza McNamara—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 21554) granting a pension to Francis M. Hues—to the Committee on Pensions.

Also, a bill (H. R. 21555) granting a pension to Thomas Bristow—to the Committee on Pensions.

Also, a bill (H. R. 21556) granting an increase of pension to George S. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21557) granting an increase of pension to John W. Negley—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21558) granting an increase of pension to George M. D. Bevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21559) granting a pension to William T. Madden—to the Committee on Pensions.

By Mr. McCREDIE: A bill (H. R. 21560) granting an increase of pension to John Klay—to the Committee on Pensions.

By Mr. McKINLAY of California: A bill (H. R. 21561) granting an increase of pension to John B. Emick—to the Committee on Invalid Pensions.

By Messrs. McKINNEY and MADISON: A bill (H. R. 21562) granting a pension to John Thomas Corey—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 21563) granting a pension to John M. Demaree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21564) granting an increase of pension to Ellen Sheehan—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21565) granting an increase of pension to Frederick L. Fake—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21566) granting an increase of pension to Cephas W. Dyer—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 21567) granting an increase of pension to Oscar B. Zartman—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 21568) granting a pension to Isaiah E. Bossard—to the Committee on Pensions.

Also, a bill (H. R. 21569) granting an increase of pension to Solon A. Reynolds—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 21570) granting an increase of pension to Lucien E. Kent—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21571) granting a pension to F. M. Parsons—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21572) to correct the military record of Wylie W. Houston—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 21573) for the relief of Samuel Denton Ware—to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 21574) granting a pension to Barbara Luthye—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 21575) to extend the provisions of H. R. 13839, Fifty-seventh Congress, granting an increase of pension to John W. B. Huntsman—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21576) granting an increase of pension to John Wrabetz—to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 21577) granting an increase of pension to Henry O. Briggs—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21578) granting a pension to George W. Webster—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21579) granting an increase of pension to John M. Hines—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of Columbus Textile Manufacturers' Association, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. ALLEN: Petition of George F. West and 13 others, of Portland, Me., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of Missouri: Petition of S. L. Stuckey and 44 other citizens of Lathrop, Mo., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDERSON: Petition of L. H. Brush, secretary of Associated Ohio Dailies, of East Liverpool, favoring bill prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Farmers' Institute at Van Wert, Ohio, against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of Rural Free Delivery News, for increase of pay of rural free-mail deliverers—to the Committee on the Post-Office and Post-Roads.

By Mr. ANTHONY: Petition of the Topeka Advertising Club, of Topeka, Kans., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of Branch No. 253 of Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CLARK of Florida: Petition of citizens of Palm Beach County, Fla., favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

Also, petition of Typographical Union No. 162, of Jacksonville, Fla., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of Jacksonville, Fla., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of Jacksonville, Fla., in favor of repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. CLINE: Paper to accompany bill for relief of Sophia I. McLeod—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of citizens of Groveton, Newport, and Claremont, N. H., in opposition to the proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Graffort Club of Portsmouth, N. H., for the preservation of the Hetch Hetchy Valley, California, as a national reservation—to the Committee on the Public Lands.

By Mr. DALZELL: Paper to accompany bill for relief of Rich Durham—to the Committee on Invalid Pensions.

Also, petition of William Penn Chapter, No. 124, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Archbishop Hennessey Council, No. 959, Knights of Columbus, of Dewitt, Iowa, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tri-City Labor Congress, of Lyons and Clinton, Iowa, and Fulton, Ill., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DICKINSON: Petition of citizens of Holden, Johnson County, Mo., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Merchants' Association of New York, favoring House bill 15864, relative to consular affairs—to the Committee on Foreign Affairs.

Also, petition of United Spanish War Veterans, Department of New York, favoring increase of the monthly pension of the widow of the late Rear-Admiral Joseph B. Coghlan—to the Committee on Pensions.

Also, petition of United Spanish War Veterans of New York, for removal of the wreck of the *Maine*—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of National Liberal Immigration League, in opposition to repeal of sections 26 and 40 of act of February 20, 1907, concerning immigration restriction—to the Committee on Immigration and Naturalization.

Also, petition of Walter Coles Cabell, of New York City, favoring the deferring of making report required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Illini Chapter, Daughters of the American Revolution, of Ottawa, Ill., in opposition to the abolishment of the Bureau of Information provided for in the immigration act of 1907—to the Committee on Immigration and Naturalization.

Also, petition of the National Business League of America, in favor of the publication of a trade directory of the world—to the Committee on Appropriations.

By Mr. GARNER: Petition of Brotherhood of Railway Carmen of America, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM of Illinois: Petition of citizens of Springfield, Ill., and citizens of New Berlin, Ill., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIEST: Petition of ministers and board of elders and deacons of the Church of Christ, of Lancaster, Pa., favoring Senate bill 225 and House bill 260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Covenant United Brethren in Christ of Pennsylvania, Lancaster, Pa., for Senate bill 2846 and House bill 14536—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Church of God, Covenant United Brethren in Christ, and the Church of Christ, of Lancaster, Pa., for the Johnson bill—to the Committee on the District of Columbia.

Also, petition of Union Volunteer Officers, of Lancaster, Pa., and Pennsylvania Commandery of the Loyal Legion, for a volunteer officers' retired list (S. 4183)—to the Committee on Naval Affairs.

Also, petition of the Rural Free-Delivery News, for increased pay for rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GUERNSEY: Petition of Philamathian Club of Fort Fairfield, Me., against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

By Mr. HARRISON: Paper to accompany bill for relief of Catherine Arnold—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of M. Boehm and 37 other citizens of San Francisco, protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Stationary Firemen of San Francisco, favoring House bill 15441 and Senate bill 5578—to the Committee on Labor.

Also, petition of California Federation of Women's Clubs, against use of the Hetch Hetchy Park as a municipal water tank—to the Committee on the Public Lands.

Also, petition of Burlingame Improvement Association, for a Panama Canal Exposition in San Francisco in 1915—to the Committee on Industrial Arts and Expositions.

Also, petition of Local Union No. 86, Stationary Firemen, San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Petition of Farmers' Union of Osage, Tex., against speculation in agricultural products—to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of Joshua Dewees and John H. Moore—to the Committee on Invalid Pensions.

Also, petition of Commandery of the Loyal Legion of Indiana, against the Lee statue memorial being placed in Statuary Hall—to the Committee on Military Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of Felty Culwell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3672, for a public building at Tullahoma, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: Petition of National Liberal Immigration League, against abolition of Division of Information—to the Committee on Immigration and Naturalization.

Also, petition of Board of Trade of New Brunswick, N. J., against the corporation-tax clause in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of 14 commission merchants of Denver, Colo., and fruit dealers of other localities, favoring the Lafean bill (H. R. 16919)—to the Committee on Agriculture.

Also, petition of W. N. White, urging that favorable action be taken on House bill 16919—to the Committee on Agriculture.

Also, petition of H. L. Griffin Company, Ogden, Utah, for the Lafean bill (H. R. 16919)—to the Committee on Agriculture.

Also, petition of William Crome and 50 other old soldiers and members of the Grand Army of the Republic, for House bill 12390, for pensions to certain soldiers and officers who served in the civil war and war with Mexico—to the Committee on Military Affairs.

By Mr. HUFF: Petition of Chamber of Commerce of Pittsburg, Pa., for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of 19 citizens of Youngstown, Pa., and vicinity, against increasing the postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commandery of the State of Pennsylvania of the Loyal Legion, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Jeannette (Pa.) Council, No. 1222, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of citizens of Newton, N. J., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of Stationary Firemen's Union of San Francisco, Cal., and William F. Coyle and 32 residents of San Francisco, against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of subordinate lodge No. 25, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of San Francisco, Cal.; Cooks' Union No. 44, of San Francisco, Cal.; International Brotherhood of Stationary Firemen, of San Francisco, Cal.; and San Francisco Newspaper Carriers' Protective Union, No. 12831, for an eight-hour law (H. R. 15441)—to the Committee on Labor.

By Mr. KELIHER: Petition of Beneficiary Societies Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gloucester (Mass.) Board of Trade, against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Massachusetts State Board of Trade, favoring House bill 11798, relative to protection of watersheds of navigable rivers—to the Committee on Agriculture.

By Mr. LINDSAY: Petitions of Walter Coles Cabell and Tim & Co., of New York, and American Enameled Brick and Tile Company and United Shirt and Collar Company, of Troy, N. Y., for modification of the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Theodore B. Westbrook, of Buffalo, N. Y., against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of United Spanish War Veterans, for increase of pension from $50 per month to $100 per month for the widow of Rear-Admiral Coghlan—to the Committee on Pensions.

Also, petition of United Spanish War Veterans of New York, for removal of the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of Maritime Association of the Port of New York, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on Naval Affairs.

By Mr. McKINLAY of California: Paper to accompany bill for relief of John B. Emick—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Emick—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of William Sanborn Post, No. 98, Grand Army of the Republic, against the Lee statue—to the Committee on the Library.

By Mr. McCALL: Petition of Hannah Winthrop Chapter, National Society Daughters of the American Revolution, for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Massachusetts State Board of Trade, for ship subsidy in the marine trade with South America and the Far East—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New England Manufacturing Jewelers and Silversmiths' Association, for repeal of corporation tax and against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Collegeview, Nebr., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Petition of citizens of Crown Point, N. Y., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of American Pulp and Paper Association, favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of the Cargill Company, the Stephen Green Company, the J. Spangler Company, the Dunlap Printing Company, the Edgell Company, and the Oxford Bindery, all of Philadelphia, for House bill 3075, against the Government printing on stamped envelopes the return card of any firm—to the Committee on the Post-Office and Post-Roads.

Also, petition of Military Order of the Loyal Legion, of Pennsylvania, for a volunteer officers' retired list (S. 4183)—to the Committee on Military Affairs.

Also, petition of Pittsburg Chamber of Commerce, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of citizens of the District of Columbia, favoring a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLDFIELD: Papers to accompany bills for relief of R. O. Rightmire and James C. Mynott—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Eureka Grange, No. 1067, of Scipio, N. Y., against any change in oleomargarine law—to the Committee on Agriculture.

By Mr. SHARP: Petition of citizens of Ashland, Ohio, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commodore Farragut Post, No. 2, Grand Army of the Republic, of Lorain, Ohio, against erection of a monument to the substitute of President Lincoln—to the Committee on the Library.

By Mr. SPERRY: Protests of citizens of Middletown, Conn., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, protests of various manufacturers and stock companies of the State of Connecticut, against the corporation tax—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petitions of W. M. Ritter Lumber Company, the Buckeye Steel Castings Company, the Jeffery Manufacturing Company, and T. T. McCady, A. G. Copeland, and other citizens of Columbus, Ohio, for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of soldiers of the civil war, for a pension of $55 per month for all soldiers who lost an arm above the elbow or a leg above the knee—to the Committee on Invalid Pensions.

By Mr. WILLETT: Petition of United Spanish War Veterans, for raising the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of United Spanish War Veterans, for increase of pension of widow of the late Rear-Admiral Joseph B. Coghlan—to the Committee on Pensions.

Also, petition of Yorkville Council, No. 24, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of C. C. Bennett and others and S. P. Hakes and others, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Daniel Schmidt and others and C. H. Howard and others, against Senate bill 404, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOOD of New Jersey: Petition of New Jersey Editorial Association, relative to publishing in papers railway timetables, exchanging advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Paterson, N. J., for suspension of enforcement of clause 38 of the Payne tariff law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Trenton Council, Knights of Columbus, of Trenton, N. J., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of New Jersey Editorial Association, against the Post-Office Department printing cards or advertising on stamped envelopes—to the Committee on Expenditures in the Post-Office Department.

By Mr. YOUNG of Michigan: Petition of citizens of Calumet, Mich., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 22, 1910.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord, the God of our fathers, we render unto Thee glory, honor, and praise for Thy gracious providence which brings us to this day of grateful and holy remembrance. We invoke Thy blessing, our Father, upon this Nation, which Thou hast created for Thy glory and guided by Thy counsel. Knit us together, we pray Thee, in the bonds of peace and of righteousness, delivering us from violence without and from discord within. Defend us in our liberties and establish us in Thy fear, that by the continuance of Thy favor this Nation may indeed be that happy people whose God is the Lord. And so as Thou wast with our fathers be Thou, we pray Thee, with their sons, and with our children; now and forever more. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. In furtherance of the mandate of the Senate as evidenced by its resolution of January 24, 1901, Washington's Farewell Address will now be read to the Senate, the Chair already having designated the senior Senator from New York [Mr. DEPEW] for that duty and honor.

Mr. DEPEW read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude

which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must in-

evitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common councils and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into the different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating

peace; but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions; obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference of public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorites are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanely speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 17, 1796.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed the following bills:

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme; and

S. 6191. An act to authorize the Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas.

The message also announced that the House had agreed to the concurrent resolution of the Senate No. 21, relative to a further and supplemental examination to be made of Cape Lookout, North Carolina, etc.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18282) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes, recedes from its amendment to the amendment of the Senate No. 39 to the bill and agrees to the amendment of the Senate No. 39.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park;

H. R. 16920. An act authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit;

H. R. 17160. An act to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal;

H. R. 17872. An act providing for the sale to Johnson County, in the State of Wyoming, of certain lands;

H. R. 18593. An act to authorize the transfer of the government highway known as the Alter road to the city of Detroit, Mich.;

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.;

H. R. 19967. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River;

H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;" and

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Typographical Union No. 12, of Baltimore, Md., praying that an investigation be made into the present high prices of food commodities, which was referred to the Select Committee on the Cost of Living appointed under Senate resolution 165.

He also presented a petition of the National Lime Manufacturers' Association, praying for the enactment of legislation for the creation of a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented memorials of sundry citizens of Connecticut, Oregon, and Idaho, remonstrating against the enactment of legislation providing for an increase of the rates of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Indiana and Florida, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government ships and buildings, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Pennsylvania, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented petitions of sundry citizens of the United States, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation to postpone the time for the filing of returns and making the assessments under the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation providing for a free passage through the Panama Canal for American vessels, and also for the collection of tolls from foreign vessels using this canal, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a memorial of the Central Labor Union, American Federation of Labor, of Manchester, N. H., remonstrating against the enactment of legislation to increase the rate of postage on magazines and periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Rhode Island Avenue and Suburban Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation to amend section 4 of an act providing for the preservation of the public peace and protection of property within the District of Colum-

bia, which was referred to the Committee on the District of Columbia.

He also presented memorials of the Petworth Citizens' Association, of the Brightwood Park Citizens' Association, of the Rhode Island Avenue and Suburban Citizens' Association, and of the Randle Highlands Citizens' Association, all in the District of Columbia, remonstrating against the enactment of legislation providing for the permanent retention of railroad grade crossings in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens residing on North Capitol street in the District of Columbia, praying for the enactment of legislation providing for the extension of the underground system of the City and Suburban Railway Company on that street, which was ordered to lie on the table.

He also presented a petition of the Petworth Citizens' Association of the District of Columbia, praying that an appropriation be made to enable the Telepost Company to construct its plant, operate the same and transact its business in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DU PONT presented a petition of sundry citizens of Milford, Del., praying for the enactment of legislation to prohibit the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BRISTOW presented a memorial of sundry citizens of Moundridge, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Kanorado, Kans., remonstrating against the enactment of legislation to provide for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Ministerial Union of Beloit, Kans., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Ministerial Union of Beloit, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Ministerial Union of Beloit, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. CARTER presented a petition of sundry citizens of Columbia Falls, Mont., praying for the enactment of legislation to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war and the war with Mexico, the various Indian wars, etc., which was referred to the Committee on Pensions.

Mr. BULKELEY presented a petition of Nina Council, No. 43, Knights of Columbus, of Stonington, Conn., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of New Hartford, Conn., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Elizabeth Porter Putnam Chapter, National Society of the Daughters of the American Revolution, of Putnam, Conn., praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BROWN presented a petition of Local Chapter No. 1312, Knights of Columbus, of Greeley, Nebr., and a petition of Local Chapter No. 833, Knights of Columbus, of Lincoln, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the executive committee of the Merchants and Manufacturers' Association of Nebraska, remonstrating against the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented petitions of Judea Chapter, of Washington; of Abi Humistone Chapter, of Thomaston; and of Norwalk Chapter, all of the National Society of the Daughters of the American Revolution, in the State of Connecticut, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of Nina Council, No. 43, Knights of Columbus, of Stonington, Conn., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a memorial of the Merchants and Manufacturers' Association of Omaha, Nebr., remonstrating against the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to defer the time of the filing of the first reports of corporations until a decision has been rendered by the Supreme Court as to the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of Bishop O'Connor Council, No. 1312, Knights of Columbus, of Greeley, Nebr., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry members of the Military Telegraph Corps, of Omaha, Nebr., praying for the enactment of legislation extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying that an appropriation of $250,000 be made to protect the area of territory endangered by the smelting works from the impending change in the course of the Missouri River in that State, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 5287) to parole juvenile offenders, reported it without amendment and submitted a report (No. 261) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5435) to remove the charge of desertion against Thomas Cusick, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. OLIVER, from the Committee on Claims, to whom was referred the bill (S. 403) for the relief of John W. Boston, submitted an adverse report (No. 262) thereon, which was agreed to, and the bill was postponed indefinitely.

COURTS IN THE PHILIPPINES.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the joint resolution (S. J. Res. 38) fixing the terms of court in the Philippine Islands, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the supreme court of the Philippine Islands to hold such special term or terms in each year at Baguio, in the Province of Benguet, or at any other suitable place in the Philippine Islands, and to make such orders with reference to the transfer of records and the issuing of process as shall be necessary to make the orders, decrees, and judgments entered by the court in such special term or terms effective.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRADLEY:

A bill (S. 6676) to authorize the Paducah and Illinois Railroad Company to construct and maintain a bridge across the Ohio River; to the Committee on Commerce.

A bill (S. 6677) for the relief of Lilly Evans; to the Committee on Claims.

A bill (S. 6678) granting an increase of pension to Caleb Reynolds; and

A bill (S. 6679) granting an increase of pension to Cornelius C. Vaughan; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6680) to reopen and adjust the accounts for service of Brig. Gen. John I. Rodgers, U. S. Army, retired; to the Committee on Claims.

A bill (S. 6681) granting an increase of pension to James A. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6682) granting an increase of pension to John G. Ellis; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6683) granting an increase of pension to Thomas Welsh; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 6684) granting an increase of pension to Sarah R. Helsby; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 6685) granting a pension to Mary M. Smith; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6686) to establish a fish-cultural station in the State of Kansas; to the Committee on Fisheries.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. DU PONT submitted an amendment proposing to appropriate $300,000 for improving the inland waterway from Chincoteague Bay, Virginia, to Delaware Bay, Delaware, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $1,000,000 for continuing the improvement of the Anacostia River and the reclamation and improvement of its flats, etc., intended to be proposed by him to the river and harbor appropriation bill, which, with the accompanying papers, was referred to the Committee on Commerce.

Mr. BURKETT submitted an amendment proposing to appropriate $250,000 to protect from the waters of the Missouri River property represented by the financial, commercial, and municipal interests of Omaha, South Omaha, Florence, and Dundee, in the territory of Florence, Nebr., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLAY submitted an amendment proposing to increase the appropriation for improving the Coosa River, Georgia, to $125,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FOSTER submitted an amendment relative to the improvement of the waterway between Jefferson, Tex., and Shreveport, La., by the construction of a lock and dam, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

FEDERAL AND STATE MILITARY ORGANIZATIONS.

Mr. McCUMBER. I present a paper prepared by the Committee on Pensions of the United States Senate, being a history of certain federal troops which, by reason of short or disputed services, have no pensionable status, and state militias which were actively engaged in the civil war for different periods of time, but which were never mustered into the service, and which, therefore, have no pensionable status. I move that the paper be printed as a document.

The motion was agreed to.

BILLS PASSED OVER.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed, and the calendar, under Rule VIII, is in order.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States, was announced as first in order on the calendar.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as next in order.

Mr. GALLINGER. Let that bill also go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 13, 1900, was announced as next in order.

Mr. FLETCHER. I ask that that bill go over. I have some amendments that I desire to offer to it.

Mr. BEVERIDGE. Let it go over.

The VICE-PRESIDENT. The bill goes over under objection.

The bill (S. 5436) to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over likewise, Mr. President.

The VICE-PRESIDENT. The bill goes over.

Mr. CARTER. I suggest that both the last-named bills go to the calendar under Rule IX, so that they will not be called up each morning.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that Senate bill 3360 and Senate bill 5436, being the last two bills announced on the calendar, go over under Rule IX. Is there objection? The Chair hears none, and that order is entered.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. OVERMAN. I ask that that bill go over.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. CARTER. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. FLINT. In the absence of the senior Senator from South Carolina [Mr. TILLMAN], I ask that that bill go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

The VICE-PRESIDENT. By unanimous consent, as the Chair understands, that bill was not to be considered during the absence of the senior Senator from Minnesota [Mr. NELSON]. The bill will therefore go over.

The bill (S. 6168) creating a government business-methods commission was announced as next in order.

Mr. BEVERIDGE. It is agreed that that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. BEVERIDGE. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund was announced as next in order.

The VICE-PRESIDENT. That bill being the unfinished business, it will go over.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order.

Mr. HALE and Mr. LODGE. Let that bill go over.

Mr. McCUMBER. I ask that that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette was announced as next in order.

Mr. BEVERIDGE. In the absence of the Senator from Minnesota [Mr. CLAPP], I ask that that bill go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 5788) authorizing the Secretary of the Interior to make allotments within national forests was announced as next in order.

Mr. McCUMBER. I should like to have that bill go over, Mr. President.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 3649) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission, was announced as next in order.

Mr. BEVERIDGE. In the absence of the Senator from Illinois [Mr. CULLOM], I ask that that bill go over.

The VICE-PRESIDENT. The bill goes over.

EXTENSION OF TWENTY-THIRD AND R STREETS SE.

The bill (H. R. 17514) to authorize the extension of Twenty-third and R streets SE., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF JOHN W. WEST.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. BEVERIDGE. Let that bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Indiana.

MARKING OF GRAVES OF CONFEDERATES.

The joint resolution (S. J. Res. 78) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with amendments, on page 2, line 2, after the word "effect," to strike out "for one year from this date" and insert "until the 31st day of December, 1910;" and on the same page, line 5, after the name "Chicago," to strike out "*Provided further*, That the Secretary of War may cause to be erected at the head of each grave of a citizen or civilian prisoner of war who was buried among the soldiers a headstone of the size and dimensions of those placed at the head of the soldiers' graves, but containing no inscription except the number of the grave, the name of the occupant, and the word 'citizen' or 'civilian' placed thereon, and at an expense for each no greater than that for each soldier," so as to make the joint resolution read:

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, and continued in full force and effect for two years by a joint resolution approved February 26, 1908, be, and the same is hereby, continued in full force and effect until the 31st day of December, 1910: *Provided*, That said act shall not be construed to apply to the Confederate Mound in Oakwood Cemetery at Chicago: *And provided further*, That the compensation of the commissioner shall be fixed by the Secretary of War.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CLOSING OF FORTY-FIRST STREET NW., DISTRICT OF COLUMBIA.

The bill (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to vacate and abandon Forty-first street NW. between Warren and Yuma streets, and upon its abandonment it shall revert to the property abutting thereon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT BUILDING LINES AND RESTRICTIONS.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as next in order.

Mr. BEVERIDGE. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

SALE OF POISONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 3254) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, by prohibiting the sale of poisonous hair dressing, was considered as in Committee of the Whole.

Mr. CARTER. Mr. President, will the Senator from New Hampshire [Mr. GALLINGER] kindly explain the purpose of that bill and the evils it is intended to eradicate?

Mr. GALLINGER. Let the report be read. It will explain the matter.

The VICE-PRESIDENT. The Secretary will read the report.

Mr. GALLINGER. I think it will be only necessary to read the letter from the commissioners.

Mr. CARTER. I waive the reading of the report, Mr. President.

The VICE-PRESIDENT. The Senator from Montana withdraws his request for the reading of the report.

Mr. GALLINGER. If it is not desired, I will withdraw the request that the letter to which I referred be read.

The bill was reported from the Committee on the District of Columbia with amendments, on page 2, line 4, after the word "skin," to strike out "as a whole or through any component part or parts of said substance;" and in line 9, after the word "business," to insert "*Provided*, That nothing in this paragraph contained shall be construed to prevent the sale, delivery, or use of any substance aforesaid when duly prescribed in writing by a lawfully practicing physician," so as to make the bill read:

Be it enacted, etc., That section 13 of the act of May 7, 1906, entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," be, and the same is hereby, amended by adding after the first paragraph of said section another paragraph, to read as follows:

"No person shall sell or deliver to any other person any substance for shampooing or cleansing the hair or skin which is liable by inhalation or by absorption through the skin to produce poisonous effects, and the use of any substance which contains carbon tetrachloride, gasolene, benzene or benzole, or benzine is hereby forbidden. No person engaged in the business of hair dressing or shampooing shall use any such substance in said business: *Provided*, That nothing in this paragraph contained shall be construed to prevent the sale, delivery, or use of any substance aforesaid when duly prescribed in writing by a lawfully practicing physician."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JULIUS JACOBS.

The bill (S. 646) for the relief of the estate of Julius Jacobs was considered as in Committee of the Whole. It proposes to pay $2,000 to the estate of the late Julius Jacobs, that being the amount of money paid by the estate to the Treasurer of the United States in satisfaction of the loss of an equal sum taken by parties unknown from the vaults of the subtreasury of the United States in the city of San Francisco, Cal., while they were under guard of United States troops during and after the fire which followed the earthquake of April 18, 1906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT BUSINESS-METHODS COMMISSION.

Mr. NEWLANDS. I submit an amendment, in the nature of a substitute, intended to be proposed by me to the bill (S. 6168) creating a government business-methods commission, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS as a substitute to the bill (S. 6168) creating a government business methods commission, viz: Strike out all after the enacting clause, and insert in lieu thereof the following:

"That a commission is hereby created, to be called the 'Government Business Methods Commission,' to be composed of not exceeding nine members, to be appointed by the President of the United States; and any vacancy on the commission shall be filled in the same manner as the original appointment. Such commission may be composed of such employees of the executive department and such experts in business methods and administration as the President may designate. The President is authorized to fix the compensation of such experts or administrators, but the employees of the executive department so appointed shall receive no extra compensation, except for such incidental expense as they may be put to by reason of their duties on such commission. The total expenditures under this act, both for contingent expense and for salaries, until further authorized by law, shall not exceed $50,000.

"SEC. 2. That it shall be the duty of such commission to inquire into and report to the President at the earliest date or dates practicable what changes are necessary or desirable in the methods of transacting the business of the Government or in the laws relating thereto, and for this purpose they are authorized to sit at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations of the subjects committed to their charge as they shall deem necessary. The President is authorized to carry out such recommendations of said commission as he may approve and as are not inconsistent with existing law, and wherever changes in the existing law are necessary for such purpose he shall report the same to Congress.

"SEC. 3. That the President is also authorized to bring into coordination and cooperation the departments, bureaus, and services of the executive department of the United States, with a view to preventing duplication of work, improving business methods, and uniting the experience and information of the various departments, bureaus, and services in matters of construction and administration, and to appoint such boards and committees in connection therewith as he may deem advisable."

MARKING OF GRAVES OF CONFEDERATES.

Mr. JOHNSTON. I move to reconsider the votes by which the joint resolution (S. J. Res. 78) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried where they died, and for other purposes," was ordered to a third reading, and passed by the Senate this morning.

The motion to reconsider was agreed to.

Mr. JOHNSTON. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

Mr. JOHNSTON. I ask the Chair to lay before the Senate House joint resolution No. 137, received this day from the House of Representatives.

The joint resolution (H. J. Res. 137) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," was read twice by its title.

Mr. JOHNSTON. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had, on the 21st instant, approved and signed (S. 5574) an act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park;

H. R. 16920. An act authorizing the Secretary of the Interior to appraise certain lands in the State of Minnesota for the purpose of granting the same to the Minnesota and Manitoba Railroad Company for a ballast pit; and

H. R. 17872. An act providing for the sale to Johnson County, in the State of Wyoming, of certain lands.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 17160. An act to authorize the Oregon Trunk Railway, of the State of Washington, to construct a bridge across the Columbia River and Celilo Canal;

H. R. 18593. An act to authorize the transfer of the government highway known as the Alter road to the city of Detroit, Mich.; and

H. R. 19067. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.; and

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, as we have reached on the calendar the end of the bills for which reports have come in, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 1 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 23, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 22, 1910.

UNITED STATES ATTORNEY.

William E. Trautmann to be United States attorney for the eastern district of Illinois.

UNITED STATES MARSHAL.

Charles P. Hitch to be United States marshal for the eastern district of Illinois.

PENSION AGENT.

John W. Dyer to be pension agent at Indianapolis, Ind.

RECEIVER OF PUBLIC MONEYS.

Cyrus E. Carpenter to be receiver of public moneys at Sundance, Wyo.

REGISTER OF THE LAND OFFICE.

Joseph Lytle to be register of the land office at Sundance, Wyo.

POSTMASTERS.

ARKANSAS.

Benjamin F. Campbell, at Fayetteville, Ark.
John R. Greenwood, at Atamps, Ark.
William L. Jefferies, at Clarendon, Ark.

INDIANA.

William H. Arnett, at Kokomo, Ind.
James H. Cockrum, at Oakland City, Ind.
Frank B. Garlinghouse, at Rockport, Ind.
William S. Leffew, at Boswell, Ind.
Harry C. Martin, at Attica, Ind.
Thatcher A. Parker, at Terre Haute, Ind.
Edward A. Remy, at Seymour, Ind.
R. L. Ross, at Pendleton, Ind.
Charles Sihler, at Evansville, Ind.
R. E. Willis, at Angola, Ind.

IOWA.

William Ely Weldon, at Iowa Falls, Iowa.

MASSACHUSETTS.

William F. Darby, at North Adams, Mass.

MINNESOTA.

C. O. Lund, at Wabasha, Minn.

MISSOURI.

Levi Alexander, at Kahoka, Mo.
J. T. Burden, at Sarcoxie, Mo.
Clarence Conger, at Unionville, Mo.

NEW HAMPSHIRE.

Luther H. Morrill, at Tilton, N. H.
Walter H. Stickney, at Epping, N. H.

NEW JERSEY.

Amasa W. Bedell, at Sussex, N. J.
George H. Tice, at Perth Amboy, N. J.

NEW MEXICO.

Robert W. Hopkins, at Albuquerque, N. Mex.

SOUTH DAKOTA.

Robert C. Van Horn, at Kennebec, S. Dak.

VERMONT.

Mark H. Moody, at Waterbury, Vt.

VIRGINIA.

Bentley Kern, at Winchester, Va.

WISCONSIN.

Matthew J. Connors, at Hurley, Wis.
William J. Guetzloe, at Kiel, Wis.
Peter W. MacKenzie, at Poynette, Wis.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 22, 1910.

COURT OF CUSTOMS APPEALS.

Alfred C. Coxe, of New York, to be presiding judge; and Orion M. Barber, of Vermont; William H. Hunt, of Montana; James F. Smith, of California; and Marion de Vries, of New York, to be associate judges of the court of customs appeals.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 22, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee that Thou hast not left us to grope in darkness, but that Thou art imminent, working in and through the minds and hearts of Thy children to larger life and nobler achievements; that from time to time great souls are raised up, who, susceptible to the heavenly influences, fulfill their mission and then pass on, leaving the world better that they lived and wrought. Such a soul was our beloved Washington, "the Father of his Country."

Broad in his conceptions, firm in his convictions, unswerving in his fidelity to truth and justice, a soldier, a statesman, a Christian. The impress of his intellect, the love of his great heart, the touch of his skillful hand are everywhere apparent throughout the length and breadth of our land. The site of this city "beautiful" bears his name, and the Capitol under whose majestic Dome we gather were chosen by him. The principles which he fathered live in the hearts of the people and are upheld and sustained by their representatives in the Halls of Congress. The flag which represents the sacred institutions he loved, of his design, cherished by every American citizen because he carried it to victory and made possible those institutions, and which flag, thank God, still floats in triumph "o'er land and o'er sea."

And grant, O most merciful Father, that his life and character may be an inspiration to untold generations that our Republic may live on and on and on. For thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, the reference of the bill (H. R. 11194) to acquire certain land in Cecelia M. Coughlin and others' subdivision of Pretty Prospect and Cliffbourne, in the District of Columbia, for a public park, was changed from the Committee on the District of Columbia to the Committee on Public Buildings and Grounds.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 19028, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to recur to page 11 of the bill, simply to change the phraseology of the proviso which was offered as an amendment to an amendment offered by the gentleman from Colorado [Mr. MARTIN]. On page 2190 of the RECORD will appear the amendment, and I offer the following.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to recur to page 11 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Change the second proviso adopted as an amendment to an amendment offered by the gentleman from Colorado, which is printed on page 2190 of the RECORD, so as to read as follows:

"*Provided further,* That if such property is not accepted by the State of Colorado as hereinbefore provided, or if the State of Colorado does not accept the Fort Lewis Indian schools as provided in the act approved March 3, 1909, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including the buildings and fixtures of either of the said schools, to the highest bidder."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, in the State of Nevada, $4,500; for pay of employees, including physician at the Walker River Reservation, $4,000; in all, $8,500.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 24, strike out the word "Piute" and insert the words "Moapa River."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to pay to the board of county commissioners of Ormsby County, Nev., in full settlement for damages to the public road caused by the breaking of the dam belonging to the Indian school at Carson City, Nev., the sum of $70, to be paid from an unexpended balance of the appropriation "Indian school, Carson City, Nev., 1907."

Mr. MANN. Mr. Chairman, I reserve a point of order. I would like to ask the gentleman from South Dakota whether this is the same old claim that has been thrown out several times? If it is, I am inclined to let it stay in because if it is the same claim of $70 reported for so many years it has already cost the Government for printing the bill more than the amount claimed; but I would like to suggest that possibly there is no balance of appropriation for Carson City Indian School, 1907. I am inclined to think that that has been covered back into the Treasury under the act of Congress.

Mr. BURKE of South Dakota. Mr. Chairman, I am unable to state whether there is an unexpended balance, but this amendment was suggested by the department in their estimate. They also say, and I agree with what the gentleman from Illinois says, that this small amount of $70 ought to be paid. The state and the local authorities seem to feel that the Government really caused the damage and that it ought to pay this sum. The committee felt that we ought to report it, and so we put it in the bill. It is the only thing in the bill that is in the nature of a claim, as I recollect.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500; for necessary traveling and incidental expenses of said attorney, $500; in all, $2,000.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order against the paragraph just read. I would like to inquire of the chairman of the committee what is the purpose of this appropriation to pay attorney fees?

Mr. BURKE of South Dakota. Mr. Chairman, it is necessary to employ legal services for these Indians to put them in peaceable possession of their real property. Suit has been pending for six years involving the question of title to some 25,000 acres of land to which the Indians claim title. The ablest attorneys in Santa Fe have been retained by the plaintiffs in this action, and it is absolutely necessary that the Indians have an attorney to protect their rights. Other suits are pending in the territorial courts affecting the title to land and water rights. It appeared to the committee at first that perhaps this work ought to be performed by the United States district attorney, but we found it involved suits in state courts affecting the properties of the Indians, and that it was probably work the United States district attorney would not be required to perform. This litigation has been in the courts for several years, and special counsel has been employed, and the committee thought it would be better to continue this appropriation in order that the same attorneys might be continued to the termination of the litigation.

Mr. COX of Indiana. Is the gentleman of opinion that the Department of Justice has no jurisdiction in this class of litigation?

Mr. BURKE of South Dakota. I do not say that, Mr. Chairman, but I think there are cases pending about which it is doubtful whether the Department of Justice would have jurisdiction.

Mr. COX of Indiana. This money now that the gentleman is seeking to appropriate is not Indian money, is it?

Mr. BURKE of South Dakota. It is not.

Mr. COX of Indiana. Well, has the Government indulged in the practice heretofore of employing attorneys for the Indians?

Mr. BURKE of South Dakota. I think they have in special instances.

Mr. COX of Indiana. There is no general statute that empowers the employment of attorneys for that purpose?

Mr. BURKE of South Dakota. I think not. I am not aware of it if there is. There may be. I am inclined to think that there must be such a statute, because it is a very common practice for special counsel to be retained in government cases.

Mr. COX of Indiana. Why do these Indians have to have protection? Why do they not employ their own attorney?

Mr. BURKE of South Dakota. Because they are not able to do so.

Mr. ADAIR. Has a similar appropriation been carried in the Indian bill in prior years?

Mr. BURKE of South Dakota. For the last five or six years this appropriation has been continued. It is not a new departure.

Mr. COX of Indiana. How much was it in the last appropriation bill?

Mr. BURKE of South Dakota. The same as this year.

Mr. COX of Indiana. Does the gentleman feel that this is going to go on indefinitely?

Mr. BURKE of South Dakota. I think not.

Mr. COX of Indiana. Has the gentleman any assurance that this will end it?

Mr. BURKE of South Dakota. I have no assurance other than that we know that in time litigation does terminate, but you can not tell just when.

Mr. HAMLIN. If the Government has no jurisdiction to order the regular district attorney to take care of this litigation, what authority has it to employ special counsel?

Mr. BURKE of South Dakota. As the guardian of the Indians, it certainly would be its duty if an Indian allottee was to be dispossessed of his allotment or any other property—it would be the duty of the Government to protect the Indian by the employment of attorneys.

Mr. HAMLIN. Then, as guardian for these Indians, would it not be a very proper thing for the Government to order the regular district attorney to take care of this litigation?

Mr. BURKE of South Dakota. Well, we considered that, and upon careful consideration we concluded we ought not to do that. I do not think it would be the duty of the United States district attorney to perform this service.

Mr. MANN. Of course, we could require it by law.

Mr. HAMLIN. Is it not his duty to take care of such litigation as the Government orders him to take care of?

Mr. BURKE of South Dakota. We could undoubtedly by law define his duties so that he would be required to attend to this class of litigation.

Mr. HAMLIN. Would it not be less expense to the Government, then, if there is no law authorizing it now, to authorize the district attorney to take care of this litigation?

Mr. BURKE of South Dakota. There has been no such amount paid out, Mr. Chairman, as to make it necessary, I think, to change the existing law so far as it applies to the duties of the United States district attorney.

Mr. COX of Indiana. Who has fixed this fee at $1,500?

Mr. BURKE of South Dakota. I presume the Interior Department.

Mr. COX of Indiana. That is to say, the chairman of the committee gets the information from the Interior Department?

Mr. BURKE of South Dakota. From the department.

Mr. STEPHENS of Texas. I will state to the gentleman, with the permission of the gentleman from South Dakota, that these Indian tribes are Pueblo Indians, who live on the Rio Grande River and who were there when the Spaniards first came into that country. The boundaries of their lands around the Pueblos have never been well defined. The Mexicans own the land all around them and have been there also for two or three hundred years. Before that country became a part of the United States it was a part, first, of Spain, then of Mexico; and the land titles in that country are therefore derived from Spain and Mexico and were granted under their laws. They had maps and some kind of records, but the evidence of title and boundaries is usually incomplete. Hence, it is very hard for a man not skilled in the Spanish laws and in the old Spanish and Mexican or Indian titles to understand anything about this litigation. But there are lawyers in New Mexico who have made these laws a lifetime study, and are therefore capable of defending suits relative to these titles. It is very difficult to understand these boundaries, titles, and Spanish grants, and the special attorney employed by the Interior Department is well informed on these questions. The district attorneys who are appointed out there in New Mexico usually come from some other State, usually from common-law States, and they do not know anything about these Mexican land titles or these old Spanish land grants or of the Indian land titles or their rights or of their relation to the Spanish and Mexican Governments. Hence it is important for the department to have some attorney in that country who understands the laws of the land in connection with the tribal Indian rights thereto.

Mr. MANN. Is this attorney now employed?

Mr. STEPHENS of Texas. He is now employed, as I understand the matter, and some litigation is now pending over the rights of certain of these Indian lands.

Mr. MANN. If this appropriation were not made the United States attorney would have to take care of them, which would involve a loss of what this attorney now knows.

Mr. STEPHENS of Texas. Certainly; and it would be like changing a horse in the middle of a stream. In the condition of this litigation the attorneys now in charge of it certainly ought to be allowed to continue in the cases until the litigation is ended.

Mr. GOULDEN. Is there any other reservation affected?

Mr. STEPHENS of Texas. The one I have in mind is the one near and above Albuquerque a few miles. These Indians have been on this reservation time out of mind.

Mr. GOULDEN. Is there no other reservation affected in the same way?

Mr. STEPHENS of Texas. None that I know of, but other Pueblo are likely to have suits brought against them in the same way.

Mr. COX of Indiana. There is no question but what the Government has control over these Indians?

Mr. STEPHENS of Texas. No; they are wards of the Government, and they can not make contracts which bind them.

Mr. COX of Indiana. As I gathered from the gentleman's statement, he does not place the necessity for this appropriation upon the ground that the judiciary or the Attorney-General's Department have no jurisdiction to look after this matter?

Mr. STEPHENS of Texas. No; but it is not good policy to employ a lawyer who knows nothing about the conduct of such litigation.

Mr. COX of Indiana. But he puts it on the ground that the United States attorney who is in that country may not be competent to handle these cases.

Mr. STEPHENS of Texas. I put it on the ground that he would not be as familiar with the land laws of New Mexico and the rights of the Indians thereto as the attorney now conducting the case for the Indians.

Mr. COX of Indiana. As I understand, in the gentleman's opinion, the Department of Justice would have control over this kind of litigation.

Mr. STEPHENS of Texas. This act gives the Indian Bureau specific charge of it and direction to proceed with the litigation now pending, and this department now has, I learn, a competent attorney in charge of the case for the Indians.

Mr. COX of Indiana. He is a local attorney?

Mr. STEPHENS of Texas. As I understand, he lives in Santa Fe.

Mr. COX of Indiana. Now, can the gentleman say how much of this appropriation of this attorney is used in traveling expenses and how much for the work? Has the gentleman that information?

Mr. STEPHENS of Texas. That matter is under the control of the Secretary of the Interior and is ascertained from reports made by some special Indian agents they have in that country. Under the Indian Department they have inspectors and agents who are sent over the country looking after the interests of the Indians, and we must look to them for the information we get.

This outside knowledge I have been giving you is from personal observation, as I am frequently in that country and know something of the surroundings there and of the laws and condition of the country.

Mr. COX of Indiana. Mr. Chairman, from the information gathered it is very apparent to me that there is no law in force authorizing this appropriation; and as the Department of Justice, in my judgment, is abundantly able to look after this matter, I think I shall insist on the point of order.

Mr. BURKE of South Dakota. I hope the gentleman will not make the point of order. These Indians are certainly in need of the services of an attorney. An attorney has been employed there for several years, and not to make an appropriation to continue his services, he may refuse to serve or he will go on and serve, and we will take the matter up here again and will ultimately have the bill to pay. It seems to me the amount is so reasonable, $1,500, and only $500 to cover expenses in the course of a year, that I hope my friend from Illinois and my friend from Indiana will not make the point of order.

Mr. COX of Indiana. In response, Mr. Chairman, to what the gentleman has said, it is not so much the $1,500 that is involved, but it is the principle. The Government is abundantly provided with attorneys who are able, in my judgment, to handle this matter, and Congress is constantly and continuously asked to appropriate and to reappropriate money for special attorneys in special cases, to all of which I am opposed.

Mr. BURKE of South Dakota. I do not think my friend means to put his judgment against the judgment of the committee that has considered this subject. It was the unanimous opinion of the committee that this employment should be continued. While I have great respect for the gentleman's judgment, I

think that he is mistaken when he says this ought not to be allowed.

Mr. COX of Indiana. In response I will say that I am not putting my judgment against the judgment of the committee that prepared this bill, but I have my own individual opinion about this matter, and I feel that I am entitled to assert it.

Mr. GOULDEN. How long has this attorney been employed?

Mr. BURKE of South Dakota. Five or six years. I have a little more information I would like to give to the gentleman from Indiana [Mr. Cox]. It says:

Suit has been pending for nearly six years involving the title to some 25,000 acres of the land to which the Indians claim title. About 16,000 acres of this land, if irrigated, is estimated to be worth $50 per acre. All the ablest attorneys in Santa Fe have been retained by the plaintiff in this action, and it is absolutely necessary for the Indians to have an attorney to protect their rights.

In a report of October 21, 1909 (84837-09), the special attorney for the Pueblo Indians gave the status of six land suits pending in the territorial courts, one of which was instituted as far back as 1902, one land-contest case before the General Land Office, and a controversy over the water rights of the Taos Pueblo pending before the territorial engineer. These matters are being contested at every step by interests adverse to the Indians, but are being expedited as much as the circumstances will permit by the representatives of the Government. The successful prosecution of these cases is very necessary for the welfare of the Pueblo Indians.

Now, you will see that this involves land contests and the question of water rights, and it does seem to me that, in view of the fact that under no circumstances would an United States district attorney be required to appear and defend the rights of these Indians, and in view of the fact that this employment has already been continued for five or six years, we ought not at this time to say that we will not make an appropriation to continue the employment of these attorneys.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. COX of Indiana. Who is this attorney?

Mr. BURKE of South Dakota. I am sure I do not know his name.

Mr. COX of Indiana. Has the gentleman asked the Secretary of the Interior for his name?

Mr. BURKE of South Dakota. I have not, but I will be very glad to get the information for the gentleman and furnish it to him a little later, if it is important whether his name is Brown, Smith, or Jones. I did not think it was important.

Mr. ADAIR. I understand from the statement of the gentleman—the chairman of the committee—that these cases are matters of very great importance, indeed, and are being very hotly contested, especially on the other side, and require the attention of an attorney of ability and standing. The gentleman from Texas [Mr. STEPHENS] has stated that it requires a man especially familiar with certain features, and so forth. What I want to ask the gentleman is whether or not an attorney can be employed at the rate of $1,500 a year that possesses the necessary qualifications and ability to look after the interests of these Indians?

Mr. BURKE of South Dakota. Why, Mr. Chairman, in answer to that proposition, it never occurred to me, and I do not think to any member of the commitee, that this attorney is giving his entire time to looking after the business of these Indians. I assume that he does this in the regular course of his practice, and that he has other clients besides these Indians.

Mr. ADAIR. Well, I trust he has. I am not in favor of taking this out of the bill, but it occurred to me if he was a $1,500 per annum man that he was scarcely competent to take care of that business.

Mr. BURKE of South Dakota. The gentleman is entirely right in his conclusion. I hope the gentleman will not press the point of order.

Mr. MANN. Mr. Chairman, I do not think the item is subject to the point of order. If the United States district attorney could do this, then it would be in order to make an appropriation for special assistant counsel to the United States district attorney under the sundry civil appropriation bill.

If we have authority on the part of the Government to defend these pending suits at all, then there must be an authority to make an appropriation for the payment of counsel other than district attorney or special counsel in the case. We have authority in the sundry civil appropriation bill to add an appropriation for additional district attorneys, assistants to district attorneys, and additional assistance in the Attorney-General's office now without question. If we have that authority, it seems to me we could make that appropriation in this bill. It is true this is a special attorney. Has the Government authority to defend the suit? Is it not the duty of the United States attorney, under the law as fixed, so far as the statute prescribing his duties is concerned, to defend these private suits? Have we the authority to defend the suits? It seems to me that as long as the General Government is exercising control over this particular tribe of Indians it is possible to make an appropriation and is authorized to make an appropriation for their support. We have authority to defend suits brought against them to take away their property.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. In just a moment. If we have authority to defend the suits, and we have already entered upon the work of defending the suits, have we authority to pay the counsel whom we have engaged in the case? Here are a number of lawsuits pending. We have employed counsel in those cases. We have the authority to defend the suits. It is the duty of the Government to defend the suits and to employ counsel. Now, have we the authority to pay the counsel? Now I yield to the gentleman.

Mr. COX of Indiana. Do I understand the gentleman to contend that this is the law as it exists—that the United States attorney would have no jurisdiction to defend these suits? I gather that from the gentleman's statement.

Mr. MANN. I contend that the law creating the district attorney does not compel him to defend the suit. The Government is not a party to the suit. I would say they would have authority, if they so choose, not to defend the suits, but I think it is quite plain that Congress would have authority to appropriate additional money to the Attorney-General's office by which he might employ special counsel for the defense of the suit. It seems to me that the question is whether we have the authority to defend the suit and pay for them out of the General Treasury. These Indians are under our control; they are on a reservation under our control. The title to the property which they claim is in dispute. It is our duty to protect the title to their property; and if it is our duty to protect the title to their property when suit is brought against them for the title of their property, it seems to me that we have authority to employ counsel. It is possible that the word "special" or "special attorney" would be subject to the point of order. However, I hardly think so; but to pay for counsel in this litigation is not subject, I think, to the point of order.

The CHAIRMAN. Does the gentleman from Indiana insist upon his point of order?

Mr. COX of Indiana. I insist upon the point of order.

The CHAIRMAN. It appears that these Indians live in the Indian country; they are within the class of Indians concerning which the statutes which have been read during the discussion of this bill refer to as placed within the care of the President of the United States and the Indian Bureau. They are living, as stated, in that Indian country upon a reservation. It seems that under a fair construction of the several statutes which have been cited—and it is not necessary to consume time to refer to them again at length—the Government has the authority to employ counsel to defend the rights of those Indians where they are attacked. The gentleman from Indiana conceded as much as that when he argued that the United States attorney ought to take charge of this matter. If there is authority for the employment, there is sufficient authority of law to support an appropriation to cover the expense.

It seems to the Chair, without further elaboration, that the point of order must be overruled.

The Clerk read as follows:

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (Art. VI, treaty of Nov. 11, 1794), $4,500.

Mr. MANN. Mr. Chairman——

Mr. BURKE of South Dakota. Mr. Chairman, I ask that lines 7 to 10, inclusive, on page 21, be passed without prejudice, for the purpose of returning to them for amendment, if we can agree upon an amendment that I shall subsequently offer to capitalize these funds.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the lines 7 to 10, on page 21, be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, $55,975; for general repairs and improvements, $5,000; in all, $60,975.

Mr. HANNA. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 5, after the semicolon following the word "dollars," insert the following: "For heating and lighting system, $4,000."

In the same line strike out the word "sixty" and insert in lieu thereof "sixty-four," so that it will read: "For general repairs and improvements, $5,000; for heating and lighting system, $4,000; in all, $64,975."

Mr. HANNA. The reason I offer that amendment is that the school at Fort Totten is a large Indian school and is conducted in a frame building. It is heated by 29 stoves and lighted entirely by kerosene lamps. They want to put in a heating and lighting plant for the safety of the pupils who attend the school. Their ages run from 6 to 18 years. The cost of heating and lighting is about $1,800 per year at present. Both on the score of economy and for humanitarian reasons it would seem to be advisable to provide this school with an up-to-date heating plant and a lighting system.

The amendment was agreed to.

The Clerk read as follows:

To pay the Sisseton and Wahpeton and Cut Head bands of Sioux Indians of the Devils Lake Indian Reservation, in the State of North Dakota, for a tract of land containing 960 acres, formerly embraced within the Devils Lake Indian Reservation, known as "Sully's Hill," which tract was reserved from disposition by proclamation of the President dated June 2, 1908, made in pursuance of the act of Congress approved April 27, 1904, ratifying and amending the agreement with said Indians for the cession of certain of their lands, at the rate of $3.25 per acre, $3,120.

Mr. MANN. Mr. Chairman, I reserve a point of order, for the purpose of asking the chairman of the committee whether in the agreement with the Indians the price per acre has been fixed?

Mr. BURKE of South Dakota. There was an agreement with these Indians by which they were to be paid this price for the land disposed of, but this tract was reserved and there was no disposition made of it. The lands that were retained for agency and school purposes were bought from the Indians at the rate of $3.25 an acre.

Mr. MANN. In the agreement that was ratified was the price fixed at $3.25 an acre for this land?

Mr. BURKE of South Dakota. For all the land that was to be disposed of.

Mr. MANN. I mean for all the land, including this land.

Mr. BURKE of South Dakota. Yes.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

SEC. 17. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, $5,000.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee a question. I notice that in last year's appropriation bill, and I think for a number of years, this item has been $25,000.

Mr. MANN. Including the Kiowa, Comanche, and Apache tribes?

Mr. FERRIS. Yes; including the Kiowas, Comanches, and Apaches. A short time ago the Indians were here, and were complaining regarding that provision. They went on to say that this money had been used heretofore for the maintenance of the agency, and they felt that it ought still to be in the bill, so that the funds would not have to come out of their own pockets. I would like to hear what the chairman of the committee has to say.

Mr. BURKE of South Dakota. It was the unanimous opinion of the committee that just as rapidly as we can do so we will recommend the elimination of appropriations where the Indians are as prosperous as some of the tribes are at the present time, for whose care and support appropriations have been made heretofore. It appears that this item, as stated by the gentleman from Oklahoma [Mr. FERRIS] has been $25,000, and in addition to these Wichitas and affiliated bands there were included the Kiowa, Comanche, and Apache Indians. It appearing that they had a large sum of money in the Treasury, and that they were getting receipts from rentals and other things, we did not feel that we ought to recommend the appropriation of any money that would be used for their care and support. We brought the matter to the attention of the department, and after they investigated it and considered it carefully they suggested to us that the appropriation could be reduced to $5,000, and that would be entirely sufficient to take care of the Wichitas and affiliated bands that are without any means, and we would therefore make no appropriation for the prosperous and well-to-do Indians named in the prior acts.

Mr. FERRIS. I would like to ask the gentleman a further question. Has the same economy been practiced with other Indians? I do not ask these questions in any spirit of criticism.

Mr. BURKE of South Dakota. I will say that it has to a greater extent than this in a few instances, and we hope at the next session that we can practice it very much more generally than we have in this bill. These Indians that I have referred to, for whom provision was made heretofore, have in the Treasury of the United States $3,500,000.

Mr. FERRIS. As I understand, the gentleman expects to pursue this policy hereafter?

Mr. BURKE of South Dakota. Wherever it is possible to do so without violating any treaty obligations.

Mr. FERRIS. With that statement, I have no objection to the reduction.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma and pay out the same for the benefit of the members of said tribes, including their maintenance and support and improvement of their homesteads, for the ensuing year in such manner and under such regulations as he may prescribe.

Mr. MANN. To that paragraph, Mr. Chairman, I reserve a point of order.

Mr. BURKE of South Dakota. As I have already stated, these Indians have in the Treasury to their credit $3,500,000. They have made application that they be permitted to withdraw from their own fund this amount of money, and inasmuch as we took away the appropriation that had heretofore been expended for their support and care, we concluded it would be the proper thing to allow them to withdraw from their own funds the sum of $250,000, it being so safeguarded that it will only be expended for their material benefit and best interest.

Mr. MANN. Of course this is withdrawing a part of their principal. They now, I suppose, draw the interest for their annual care?

Mr. BURKE of South Dakota. I am not clear as to this particular item, but I think they do draw the interest, and I am quite certain that this fund is being added to all the time by the proceeds from the sale of land.

Mr. MANN. The reason I ask is that I notice the provision authorizes the withdrawal of $250,000 of the principal, to be used partly for improvements for the homestead—that would be for improvements—and partly for their maintenance and support.

I would like to know what the policy of the committee is as to withdrawing the principal of the sum now to the credit of the Indians for their support. If they are unable to live on the interest and spend the principal for support, how long will it be before the principal is exhausted and we are called upon to furnish money in lieu of both principal and interest for their support?

Mr. BURKE of South Dakota. I will say, as I have said heretofore, that we appropriated $20,000 for the care and support of the Indians, and that money was used only to take care of the poor and helpless Indians. The purpose here is to permit that to be done at their own expense. Speaking only for myself, I think it would be an improvement in their condition if these trust funds could be kept down, instead of being built up into such large sums as are accumulating to the credit of some of the Indians in this country. I do not think they will ever make the progress they would otherwise make if we build up large funds in the Treasury to their credit, which gives them to understand that they need not be concerned about any great expense, that they have a large fund to take care of them and provide against want.

Mr. GOULDEN. Will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman from New York.

Mr. GOULDEN. What is the amount of money in the Treasury to the credit of the Indians in the United States?

Mr. BURKE of South Dakota. The trust funds amounted to about $46,000,000 on the 30th of last June, and I think fourteen or fifteen million of other moneys belonging to the Indians is in the Treasury, making the amount somewhere about $60,000,000.

Mr. GOULDEN. Does the money bear interest?

Mr. BURKE of South Dakota. A large part of it bears interest; we are paying out annually about $2,000,000 a year as interest on these trust funds.

Mr. GOULDEN. At what rate of interest?

Mr. BURKE of South Dakota. From 3 to 5 per cent; the larger part of it at 5 per cent.

Mr. GOULDEN. What is intended to be done with the money ultimately?

Mr. BURKE of South Dakota. That is one of the problems that will have to be solved in the future. The present policy is to retain in the Treasury the trust funds that will protect the tribes from want, and at the same time protect the States from such as may become paupers and chargeable to the States.

Mr. GOULDEN. Is it not likely that it will ultimately remain in the United States Treasury when the Indian becomes extinct, as seems probable from the history of that famous people?

Mr. BURKE of South Dakota. I think not. In some instances we have already caused trust funds of certain tribes of Indians to be distributed per capita among them. I will say, further, that we have provisions of law now that when the Indians ever become competent and capable to manage their own affairs they may make an application to withdraw from the Treasury their pro rata share of the tribal fund.

Mr. GOULDEN. Then the gentleman thinks it is a timely and appropriate period now to erect a statue to the American Indian for fear we may forget what he looks like in the future? I have introduced such a measure and expect to see it enacted into law. The purpose of the bill is to erect in the harbor of New York, where, like the famous Statue of Liberty, it may be seen by the millions landing at that great port, a heroic figure of an American Indian. Public-spirited, patriotic citizens, headed by that well-known man, Mr. Rodman Wanamaker, propose to finance the proposition without any expense to the city, State, or Nation. All hail to such men!

Mr. ADAIR. Who fixes this rate of interest?

Mr. BURKE of South Dakota. The rate of interest is fixed usually by treaty or agreement. There are statutes on the subject fixing the rate at 5 per cent.

Mr. FERRIS. Mr. Chairman, I desire to speak to the point of order on the pending section. The Indians that are here authorized to withdraw this money live in my county and the adjoining county. They are the Kiowas, Apaches, and Comanches. They are not withdrawing the money of the Government, but taking the money from their own funds. The necessity for this is apparent when I state that five or six years ago the country formerly owned by the Kiowa and Comanche Indians was allotted to them and the surplus all sold, save 160 acres each. This forces the Indian, instead of roaming over the country, to live on his individual allotment, and he does not have the range and pasture for his stock to run on that he formerly had. It behooves him to begin to live on his own premises and to build houses and build fences and buy stock and improve his own homestead. He can not do it with the money tied up in the Government's hands.

Mr. MANN. The whites who have gone down in that neighborhood and purchased the land adjoining these allotments think themselves very fortunate, do they not, to have 160 acres of land of their own there?

Mr. FERRIS. Well, they were compelled to pay $12.50 an acre for it at the highest bid.

Mr. MANN. The whites paid $12.50 an acre and think themselves very lucky to get it, and they are able to live on 160 acres of land and live well, while the Indian has 160 acres of land that cost him nothing, and he gets interest on the money that the whites paid him besides, and yet the gentleman says that the poor Indian is not able to live.

Mr. FERRIS. In reply to the gentleman, I want to make the same point that I have made heretofore. In the first place, the white man's property, neither real nor personal, is tied up by federal restrictions so that he can neither mortgage, sell, nor alienate it at any time without congressional action. Hence it is not a parallel case, as the gentleman will see.

Mr. MANN. But it pays taxes, and that is more than can be said of the Indian's 160 acres.

Mr. FERRIS. It is taxed after he makes proof, and this land was opened under the homestead law, and he can not make proof under five years, and hence it is not taxable. I want to make a further observation, and that is, that the gentleman has compared the white man with the Indian citizen, which he can not do as far as this tribe of Indians is concerned. The Kiowas and Comanches are not advanced in civilization and are not equal to the white man in industry and business acumen.

Mr. MANN. And they never will be as long as the Government maintains them without work.

Mr. FERRIS. That is perhaps true; but as long as they have the money on deposit, as long as they have land restricted, they perhaps never will work. This is perhaps true of many of us.

Mr. MANN. Mr. Chairman, before the distinguished gentleman from Oklahoma [Mr. FERRIS] took the floor, I agreed with him that if he took the floor and stirred up the House, so far as I was concerned I would not insist on the point of order. My attention was called to this matter several years ago, maybe last year, when the item was proposed for $500,000, and I made the point of order upon it. My judgment about that at that time is reinforced by the proposition that came before the committee yesterday, that whereas the Alabama Indians in Texas and the Seminole Indians in Florida had lost their large possessions of land, that therefore we should support them; and if we give away the principal of money now belonging to these Indians, in the end, on the same principle, we will be expected to support them. I have reached the conclusion myself—it is not worth very much, but still I entertain it—that the Indians, the great mass of them, just like the whites would be under the same circumstances, will never work until they are compelled to and will never become civilized until they work. If I could get the Government to support me without work, I am inclined to think I would spend my time doing something easier than the work that I now do, and nearly everybody else is in the same fix. But, Mr. Chairman, in deference to the opinion of the gentleman from Oklahoma [Mr. FERRIS] and the committee, at present, and under an enforced obligation, I will withdraw the point of order. Is this to double the amount?

Mr. FERRIS. No.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to that paragraph, which I desire to present.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 21, on page 23, insert:

"*Provided*, That said Indians shall not be required to spend said fund in any licensed trader's store, under any red-card regulation or otherwise, but said Indians shall be permitted to purchase the necessary supplies with said fund wherever they may desire, and said money shall be paid to each individual Indian in person."

Mr. BURKE of South Dakota. Mr. Chairman, I reserve a point of order on that amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the gentleman will not insist upon his point of order and will yield to me a few minutes. I have presented this amendment at the request of a committee of Kiowa and Comanche Indians, who recently visited this city, composed of Lonewolf and Jim Waldo, from the Kiowa tribe of Indians, and William Tivis, from the Comanche tribe. These Indians are complaining that the Indian traders' stores on the reservation, with whom they are compelled by a regulation of the department to trade, are holding them up by charging them exorbitant prices, and when these payments are made to these Indians—and this payment will amount to something like $150 to each Indian—they are required by the Indian agent at Fort Sill to trade only in these Indian traders' stores. The men owning these stores are licensed as Indian traders upon these reservations. Now, I think it is time, after the Indians have had their lands allotted to them, that we should no longer have licensed Indian traders, and that the Indians should be permitted to have the money mentioned in this appropriation paid them in hand, so that they could trade where they can get their goods the cheaper. These Indians called on me and gave me a memorial to present to Congress when they made this complaint to me, and it seemed to me to be well founded. They stated to me that the Indian traders that they are forced to trade with charge them double prices in their stores for articles, and that they could get the same articles in other stores for much less money, and in many instances the cheaper nonreservation stores on the railroad would be much nearer to their homes than the Indian trader's store. I remember that they said the Indian traders required them to pay for ordinary canned goods 35 cents a can, and that they could purchase at ordinary stores the same goods at one-half the price. They said that that is only one instance of the overcharges on goods sold them by the licensed traders, and that there have been numerous other instances of the same kind. Now, Mr. Chairman, I think if the Government pays them the sum of money called for in this appropriation that we should see that they are not swindled out of it by gross overcharges. This money comes out of their funds, and they should be permitted to trade where they please, and if we ever intend to take the heavy hand of this Government from our wards, we should begin by letting them spend their own money. They desire the privileges of attending to their own business, and, for one, I am in favor of giving them a chance, so they can trade where they can purchase the cheapest and get the best goods possible, and as near as possible to their homes.

Mr. GOULDEN. I would like to ask the gentleman a question. What law is there compelling them to purchase from traders' stores and not allow them to purchase where they desire?

Mr. STEPHENS of Texas. I will state that it is only a regulation of the department, coming under the general rule that we have been discussing all through this bill, that they are the wards of the Government, and that the Indian Department are agents of the Government of the United States and they have the direction and control over the individual Indians. That is the theory they proceed upon.

Mr. GOULDEN. It certainly is wrong, if that is the case.

Mr. STEPHENS of Texas. I think it is the wrong theory. I think after the lands have been allotted to them that their money should be paid to them without any requirement as to how they should spend it; that they should be permitted to expend it wherever they can purchase supplies the cheapest, and I desire in my time, Mr. Chairman, to have read a part of the memorial that they have written Congress upon that subject, beginning at the marked part on page 2.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Texas.

The part of the memorial referred to above is as follows:

The purpose of these several meetings of the three tribes especially was that the Government of the United States would provide out of the funds of the three tribes in the Treasury of the United States sufficient money to enable a payment of $100 per capita to be paid to each member of the three tribes. The reason why the Indians desired that a payment of not less than $100 per capita should be made was that at the time of the payments referred to before this only $50 per capita was paid, and of this amount each Indian received very little and some of them nothing at all, for the reason that these payments were charged up to old accounts owing, or claimed to be owing, by the agent to various traders, so that after these accounts which it is said were owing had been settled, there was little or nothing left for the Indians. None of them received more than $12.50 in cash, and many of them much less than that amount, and some none at all. Some of them out of the entire $50 received as little as 10 cents, which they got in the form of a check. We saw some of these checks for 10 cents with our own eyes, so that we know this is true.

When the Commissioner of Indian Affairs was in Oklahoma, all the Indians assembled upon being informed by the policeman that the commissioner was present and had a talk with him. He was told that the Indians expected to send a delegation to Washington regarding this matter, and the conditions were pointed out to him and their need of money. He informed us that he would look up the matter when he returned to Washington and would write us, but we did not hear anything from him. We therefore, in accordance with the desires of our people, came on to Washington.

The three tribes have in the Treasury of the United States ample funds to pay $100 per capita and still keep large amounts of their money in the Treasury of the United States. The last Congress appropriated the sum of $250,000, to be paid out, as all of the members of each of the three tribes understood, per capita. We thought and expected, therefore, that this amount of money would be paid to us, and that we would receive it. We have now found out, however, that this sum of $250,000 was appropriated, not to be paid per capita, but to be spent in the discretion of the Secretary of the Interior in such manner as he might propose, and we understand that a large amount of it will go for expenses and for various things that will not benefit the Indians. We want the payment made per capita.

There is in the Treasury besides this, available, $150,000 of interest money due to us and $74,000 of town-site money available for the purpose of making a payment. Our crops have turned out very badly. The drought in 1909 destroyed pretty much all of the crops in that section of Oklahoma, and in the year before that, 1908, the crops also turned out poorly, because violent rainstorms and hail washed them out. The Indians, because of the failures of their crops and the fact that the previous payment was all taken up in payment of old traders' accounts, and the further fact that the payments were long delayed, for as much as eight months, are now in most urgent need of a per capita payment of good size. They need this money immediately, and the same should be made available at once, in order that we may put in crops for the coming season and that our people may get ready at once to raise what is needed for their support for the next year. Also, their houses need attention, and money is absolutely necessary for them. We ask, therefore, that you will provide in the Indian appropriation bill for this year for a payment to us of not less than $100 per capita, and that you will in that appropriation bill make this payment immediately available, so that there may be no delay in our receiving the money. It is needed at once by our people, who are very poor, and must receive some money before the crop season begins. Lease money is due us from time to time, and in the interest of all the members of our tribe, we respectfully memorialize Congress to make provision whereby, out of the money due us, there may be regularly paid to the members of our tribe at stated and set intervals whatever is due to us. We need regular payments, in order that we may count on what is coming to us, and not be compelled to pay high prices for things because of the uncertainty of when we will receive any money.

Our people sent us up here to look after their interests. Since we have reached Washington we have learned that there is an intention on the part of the Government to compel us out of our moneys to pay the running expenses of the agency. We think this is contrary to our treaties with the United States. It is against the custom and principle that always has prevailed at the agency. The Indians believe that if the United States desire to maintain an agency there that then the United States should do as it always has done and bear the expenses of the maintenance of the agency, and not out of the money that is coming to us take a large part of our funds from us for the purpose of maintaining an agency and clerks and schools that we do not believe we should be called upon to pay. The United States has absolute control over these matters and over these employees and if they are to be maintained, the United States should continue to maintain them and not ask the Indians to do so.

DELOS K. LONEWOLF,
Delegate of the Kiowa Tribe of Indians.
JIM WALDO,
Delegate of the Kiowa Tribe of Indians.
WILLIAM TIVIS,
Delegate of the Comanche Tribe of Indians.

Mr. FERRIS. Mr. Chairman, in order to be fair to the Commissioner of Indian Affairs, I wish to state that I have had the matter up with him, and he told me that the red-card system, or what is known as really a "duebill system," only prevails among three tribes in the United States. One of them, the Osages, in the district of the gentleman from Oklahoma [Mr. MCGUIRE], and the Kiowas and Comanches, who have appealed to the gentleman from Texas [Mr. STEPHENS] and myself regarding this matter. The commissioner says that he himself thinks the practice is wrong and that it will not be continued after January 1. I want to say, however, in deference to the amendment, unless there is something in the showing or hearing that satisfies the committee that there will not be any more of that, I hope the point of order will not be made against the amendment.

I want to add one word to what has been said. Last spring a payment was made to the Indians about 4 miles from my home town, with which I was very familiar. This payment was made of their own funds and of their own money. As the Indians marched into the pay table, instead of getting $50 of their own money, they got $12.50 and a red card, which is a duebill, and which permitted them to go to the store and trade $37.50 at that particular point. Now, the trouble and difficulty with that is this: Of course I object to it and think it is wrong, because I think they are entitled to have their money or to have the money properly expended for them. But I am opposed to it on practical grounds and upon its practical workings. It often amounts to this: The Indians of the Kiowa and Comanche tribes cover four counties, about 100 miles square. These Indian traders are practically located at one point, about 4 miles from my town. It is an outrage to force an Indian to travel 50 to 100 miles to trade at a particular store, using his own funds.

I do not speak in any manner of criticism, because complaints come to the commissioner often that the Indians are being defrauded, and I am satisfied he thought it an effort on his part to save the Indians from being robbed—doubtless thought it worked to their advantage, and the commissioner has told me, in my own town this summer, and here in Washington also, that there would be no red cards issued after January 1. I am in favor of the amendment, however, if there is any chance that any such practice will ever again prevail.

Mr. STEPHENS of Texas. These Indians told me but a few days ago while here that the red-card system was still in vogue, and they were complaining, as the gentleman states, that it was promised to them that it should not be in vogue after the 1st of January. I have proposed this amendment in order to cut it off and stop it.

Mr. FERRIS. The gentleman is entirely correct in that regard. They made the same appeal and the same statement to me. They issued another duebill for $12.50 just a few days before the 1st of January. I think perhaps that was in a measure a subterfuge, because they had not intended to use it any more, but to issue it before the 1st of January was within the promise, and so I have made no complaint. But the Indians have appealed to me, just as they did to the gentleman from Texas [Mr. STEPHENS]. The conditions are as they represented them, from my own knowledge, and if there is going to be any more of these red tickets or duebills I should urge this House to adopt the amendment.

Mr. MANN. Of course this amendment relates to this $250,000 appropriation and possibly more. Is that proposition in the current law?

Mr. FERRIS. I take it that it is not. That has been made for the last two or three years to my knowledge.

Mr. MANN. I mean, now, is there any such appropriation in the current appropriation?

Mr. FERRIS. I take it that there is not. This is more of an authorization or withdrawal rather than an appropriation.

Mr. MANN. The red-card system could not be applied to this provision heretofore or at present, because there is no such provision.

Mr. FERRIS. Well, Mr. Chairman——

Mr. MANN. And the gentleman stated a while ago that there was, and I conceded it.

Mr. FERRIS. There may not be authority for the red cards, but it is a good deal like a man being in jail. I do not know whether they have any provocation for putting him there, but he is there. I do not know that they have any authority at law for issuing these red cards or duebills, but they did issue them and did pay the Indians in duebills when they should have been paid in cash and permitted to trade wherever they elect to.

I am inclined to think that is merely a matter of departmental regulation, and there is, perhaps, nothing in the law at all to warrant it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I desire to ask the gentleman a question or two. First, whether there is any fund in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache tribes of Indians?

Mr. BURKE of South Dakota. There is a trust fund of more than three and a half millions of dollars.

Mr. KEIFER. Is it a common fund, so that they have an interest in it equally per capita?

Mr. BURKE of South Dakota. It is; it has never been segregated.

Mr. KEIFER. Then another question: I understand that this sum of $250,000 that is to be withdrawn for the purpose of maintenance and support and improvement of the homesteads of these Indians—if this sum that is appropriated is withdrawn from the Treasury under section 17 of the bill, will there be a less appropriation for the coming fiscal year for these tribes?

Mr. BURKE of South Dakota. There may not be any, and there may be more. There is no appropriation at all. We are simply permitting them now to take from the Treasury a sum of money that belongs to them, and it will be expended under rules and regulations to be promulgated by the Secretary of the Interior for their benefit.

Mr. KEIFER. Is there any appropriation in this bill for the maintenance of these tribes?

Mr. BURKE of South Dakota. No, sir; there is no appropriation whatever.

Mr. STEPHENS of Texas. Permit me to state in this connection that the maintenance and support and improvement of homesteads is only one item. Maintenance and support, which goes to the Indians, is what I am objecting to. I am not objecting to the improvement of the homesteads. I think we may very well let the interest upon the $150,000 of this money go, because I believe that is the interest upon the land, and is due to them, and the $74,000 is due them from the interest on the lots that have been sold in the various towns. There have been three large towns sold, making a total of $234,000. We are appropriating $250,000, only $15,000 more.

Mr. MANN. That is not correct.

Mr. KEIFER. As I understood the distinguished gentleman from Texas, and also from the reading of the paper at the Clerk's desk, there was the sum of $150,000 of interest to the credit of these tribes, and also $74,000 from another source; but that does not provide for the $250,000. Will $150,000, or so much of it, be taken out of the interest fund and then the other fund be absorbed, and the balance of the $250,000 be taken from the principal, or will the whole $250,000 be taken out of the principal of the Indian fund?

Mr. STEPHENS of Texas. The gentleman is entirely mistaken; this is the interest.

Mr. KEIFER. There is no provision in section 17 of the bill looking to that.

Mr. MANN. May I ask the gentleman if there is any existing appropriation for the current fiscal year?

Mr. BURKE of South Dakota. There is not.

Mr. MANN. It does not require any appropriation, but it pays the interest, and when you make an appropriation it is not possible to have the interest on the part drawn.

Mr. KEIFER. I only wish to say——

Mr. MANN. It went out last year.

Mr. KEIFER. I think the policy of maintaining these Indians from such funds originally was bad, and we will perpetuate it as long as there are any Indians, probably.

Mr. BURKE of South Dakota. I feel that I must insist on the point of order. Every person who has an Indian constituency knows that he is constantly being appealed to by the Indians on the one hand and by men who trade with the Indians on the other. The proposed amendment would certainly be in interest of the traders. Under the authority of law they have to operate under certain rules and regulations that are prescribed. There is much that has been asserted here that I can not believe has much foundation for it. As far as the prices that are paid are concerned, they are all approved by the department, and it is the custom of the Indian Office to require traders to observe at these licensed stores the prices that prevail in the locality. I would not like to adopt an amendment that would disturb the regulations of the department on this subject without knowing more about what was in it than I do know about what is in this proposition. Therefore I must insist upon the point of order.

The CHAIRMAN. The amendment proposed does undoubtedly change existing law, and would be out of order if it were offered to a provision which were itself in order. This paragraph to which the amendment is proposed does not make any appropriation. It is itself legislation upon a general appropriation bill in violation of section 2 of Rule XXI, and a point of order against it must have been sustained had it been proposed. But no point of order having been made, the paragraph remains in the bill by unanimous consent. In such cases it has been ruled over and over again, while a new substantive proposition involving legislation upon a different point would not be in order as an amendment to such paragraph, nevertheless an amendment which is germane, which introduces no new substantive matter of legislation, but is germane to the paragraph itself, is in order.

It seems to the Chair that this proviso is germane to the paragraph, and therefore the point of order is overruled. The Chair, of course, in disposing of the point of order, can not pass upon the merits of the proposition.

Mr. BURKE of South Dakota. Then, Mr. Chairman, I hope the amendment will be voted down.

The question was taken on the adoption of the amendment, and the Chairman announced that the noes seemed to have it.

Mr. STEPHENS of Texas. Division!

The committee divided; and there were—ayes 31, noes 34.

Mr. STEPHENS of Texas. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from South Dakota [Mr. BURKE] and the gentleman from Texas [Mr. STEPHENS] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 46, noes 53.

Accordingly the amendment was rejected.

The Clerk read as follows:

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, $35,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making this observation: The department might construe the vote that was just taken as a vote in favor of the practice which they have indulged in in the past. On the merits of the proposition as presented to the House I think practically there is a unanimous sentiment that the practice adopted by the department in the past on this matter is not the proper practice.

Mr. STEPHENS of Texas. Mr. Chairman, I think it is rather late for the repentance of the gentleman. I am very sorry that he did not repent before.

Mr. MANN. Oh, the gentleman need not take it as a repentance. I have seen the gentleman's amendments so often that I never am willing to vote for one of them without a chance to scan it.

The Clerk read as follows:

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $8,000.

Mr. CAMPBELL. I offer the following committee amendment.

The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the clerk will report.

The Clerk read as follows:

Line 8, page 24, insert:

"For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000."

Mr. MANN. I reserve a point of order on that amendment.

Mr. CAMPBELL. This is to provide for the maintenance of the Chilocco school, at Chilocco, Okla., for the year beginning July 1, 1910.

Mr. MANN. What is the amount stated in the gentleman's amendment?

Mr. CAMPBELL. It is $90,000, a reduction from the appropriation last year, which was $129,400.

Mr. MANN. Why was it left out of the bill?

Mr. CAMPBELL. There was some negotiation between the department and the State of Oklahoma for ceding the school property to the State of Oklahoma, and the matter was passed over in that way.

Mr. MANN. Does the committee leave out items of that sort because somebody is negotiating about something?

Mr. CAMPBELL. Not always.

Mr. MANN. I withdraw the point of order.

Mr. STEPHENS of Texas. I renew the point of order. I do not think this school ought to be maintained.

The CHAIRMAN. What is the point of order?

Mr. STEPHENS of Texas. That the amendment is not in order.

The CHAIRMAN. Why? What is the point of order?

Mr. STEPHENS of Texas. I think it changes existing law and is not germane.

The CHAIRMAN. The amendment seems to be a clear, straight appropriation. It attempts no legislation, and therefore changes no existing law, and the Chair sees no reason why it is not germane to the bill. The point of order is overruled.

Mr. BYRNS. Mr. Chairman, from all the facts before me, I can see no reason why this amendment should be adopted. Much has been said here about the fact that the nonreservation schools do not bring the benefits to the Indians that they ought to bring, and I believe that it is the general policy of Congress to abolish these nonreservation schools whenever they can be abolished without injury to the Indians. I understand that the Indian Commissioner is committed to the proposition that this school is not necessary, and that is the reason that this appropriation is not in the bill. There was a proposition looking to the taking over of this school by the State of Oklahoma for asylum purposes, but for some reason that proposition failed and the State of Oklahoma is not now ready to take this school, even if Congress should decide to transfer it. As I understand it, the only reason why the Indian Commissioner consented to this proposition or amendment was that it was necessary to take care of the buildings at this school pending some action or proposed action on the part of Oklahoma. These buildings are worth $194,000, and it is costing this Government a great deal of money to spend $90,000 for twelve months simply to pay for taking care of the buildings and preventing them from going to ruin.

Mr. GOULDEN. Where is this school located?

Mr. BYRNS. Just inside the State of Oklahoma, near the Kansas line.

Mr. GOULDEN. How many children are in that school?

Mr. BYRNS. As I recall it, about 358.

Mr. CAMPBELL. In June there were in attendance there 467.

Mr. GOULDEN. Why would you abolish that school and retain others with a less number of children?

Mr. BYRNS. It appeared in the hearings that it was necessary for those in charge of that school to scour the whole country to secure pupils, and that the pupils now in that school could be as well provided for in other nonreservation schools. It was the intention of the Indian Office that this school should no longer be continued. There are about $194,000 worth of buildings, and 8,500 acres of land, worth $300,000——

Mr. GOULDEN. Will the gentleman yield?

Mr. BYRNS. I will yield to the gentleman from New York.

Mr. GOULDEN. Are there any other nonreservation schools near there?

Mr. BYRNS. There are, as I understand, many schools where pupils can be taken care of, and it will not deprive any Indian child or student of the privileges and advantages of an education. It seems to me that inasmuch as we have abolished one school in Colorado, and since it ought to be the policy of Congress to abolish all the nonreservation schools when it can be done without injury to the Indians, the time has come when this school should not be continued, and for that reason I am opposed to the amendment.

Mr. CAMPBELL. Mr. Chairman, the committee had this matter up. It is true that the Commissioner of Indian Affairs recommended that the school be discontinued and given over to the State of Oklahoma, as I stated a moment ago. But this school stands in the same relation to the policy of the Indian Office as any other nonreservation school. There is property there of which the buildings are worth $200,000 and the land is worth from $180,000 to $200,000 more.

Mr. MANN. Why not sell it?

Mr. BYRNS. Will the gentleman yield for a question right there?

Mr. CAMPBELL. Certainly.

Mr. BYRNS. Was it not the purpose and the intention of the Indian Office to discontinue this school?

Mr. CAMPBELL. It was the intention of the Indian Office; yes.

Mr. BYRNS. If that be so, why is it necessary now to spend $90,000 for the purpose of continuing it twelve months?

Mr. CAMPBELL. I will state, in answer to the gentleman from Tennessee, that I am not governed, nor are the Members of this House governed, by what the chief of some bureau says. We have a responsibility as well as the bureaus. I know as much about the school at Chilocco as the Commissioner of Indian Affairs, and perhaps more. I have been there oftener than he. I know how many pupils were there last year, and I know how many are there this year. I know something of the teachers and what is being done there. I think I know the value of the work that is being done. I know of work that is being done in the blacksmith shop by young Indians. I know the work that is being done on the farm by young Indians. I know the work that is being done in the carpenter shop by young Indians. I know the work that is being done in the sewing school by Indian girls. I know of the work that is being done there by Indian girls in the cooking school, and I think all this work is beneficial to the Indians, and would insist that the school should be continued, even if the Commissioner of Indian Affairs were here now protesting against it. I am informed there are 467 pupils there now.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. STEPHENS of Texas. Is the gentleman aware that the commissioner stated, both verbally and in writing, that these Indians could be taken care of in other schools and the school at Chilocco abandoned?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL. It is true that the Commissioner of Indian Affairs did so state when we were making up this appropriation bill, but it is also true that he stated a few days ago, when I offered this amendment in committee, that the school ought to be appropriated for this year.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. CAMPBELL. I will yield to the gentleman.

Mr. GOULDEN. What has the gentleman from Kansas to say in regard to the charge made by the gentleman from Tennessee [Mr. BYRNS] that the authorities of the school at Chilocco scoured the whole country in order to fill it with students or pupils?

Mr. CAMPBELL. That can be charged, no doubt, against the state university of every State in the Union, against every denominational school throughout the country, against private schools everywhere. It can be charged against the school at Carlisle, Pa., against the Haskell School in Kansas. It can probably be charged, with the same foundation of truth, against every Indian school in the country as well as against the school at Chilocco.

Mr. FERRIS. Does not the gentleman think it better policy to maintain a school in Oklahoma, where there are more than 100,000 Indians living, rather than to maintain a school a thousand miles from even one Indian?

Mr. CAMPBELL. If a policy were involved here instead of a practical proposition, undoubtedly I would take that position.

Mr. STEPHENS of Texas. Is the gentleman in favor of abolishing the schools at Hampton and Carlisle? If so, I will vote with him.

Mr. CAMPBELL. No; I am not in favor of abolishing these schools; they are doing splendid work for the Indians.

Mr. STEPHENS of Texas. Then the gentleman is in favor of nonreservation schools?

Mr. CAMPBELL. I am, as well as reservation schools.

Mr. STEPHENS of Texas. Why not take the Indian children all off the reservations and put them in these nonreservation schools?

Mr. CAMPBELL. I would not do that nor contend that, but I would provide schools for Indians away from their homes as well as at their homes. I see no reason why a young Indian should not be permitted to go away from home to school, if he desires, as well as a white man. Chilocco is close to the Indians and is doing as good work for them as any Indian school either on or off a reservation. It should, at an early day, be made a school of agriculture for the Indians of the United States. I hope the amendment will be agreed to.

Mr. McGUIRE of Oklahoma. Mr. Chairman, the Chilocco school is located in the First Congressional District of Oklahoma. That is the district that I represent. I am quite familiar with this school, and have been since it was first constructed, in 1888, I believe. I have had an opportunity to observe the work done there for a number of years. I expect to vote for this amendment. This is the last time that I shall ever vote for the appropriation for that school. Every Indian reservation in Oklahoma has been opened up to settlement. What I mean by that is that the Indians have taken their allotments, and the surplus lands in nearly every instance have been sold to white people. In practically every reservation, or what were once Indian reservations, there are day schools, schoolhouses constructed by the white people, and white settle-

ments, and for that reason at the present time, with the exception of one or two reservations, the Indian pupils have an opportunity to attend day schools, thereby relieving the Government, to some extent at least, of the necessity of appropriating for these institutions. About one-third of the real estate in Oklahoma—that is, the land in Oklahoma—is nontaxable for the reason that it is composed of Indian allotments. I have believed, and I believe now by reason of that condition, that the State of Oklahoma, when this institution is discontinued as an educational institution for Indian purposes, is entitled to receive that institution from the United States Government. The taxpayers of that State have earned the institution by reason of the fact that one-third of the land in that State at this time, as I said before, is nontaxable, and if it could be determined now whether that institution could be given to the State for the purpose most desired by the people of the State, and if conditions were such in my State that we could agree upon the character of the institution that we would like to have as a state institution out of this, I would be at this time in favor of the discontinuance of this appropriation.

But while the legislature of the State of Oklahoma has requested of Congress this property, there seems to be some contention as to the use to which it shall be put. Some want it for a soldiers' home, and others for an agricultural and mechanical institution, and some for one purpose and some for another. I believe that if this appropriation is made at this time for the coming fiscal year for this school the people of the State of Oklahoma will be of one mind at the next session of Congress as to what it may be desired for in case the Congress of the United States desires to give it to the State. For that reason I expect to vote at this time for this amendment.

Mr. BYRNS. Mr. Chairman, I understand the gentleman to say that this is the last time he will vote for an appropriation of this kind. That carries with it the idea, of course, that such school is not necessary and can be abandoned without injury to anyone, and I understand him further to say that it is the idea and hope that Congress will give this building and this property to the State of Oklahoma for certain purposes. Do I understand the gentleman to take this position, that the National Government ought to expend $6,500 or thereabouts for repairs, and about $83,000 for the maintenance of that school for twelve months in order to hold it until it can give it to the people of the State of Oklahoma in twelve months from now?

Mr. McGUIRE of Oklahoma. Mr. Chairman, the gentleman has stated his case a little strongly. It is not a useless expenditure. The capacity of this school is 750 pupils. A telegram from the superintendent of the school only a few days ago states that there are now 368 pupils in attendance at this time, so the appropriation is not a useless appropriation. The school has now almost half its capacity.

Mr. BYRNS. Was it not the judgment of the Indian Commissioner that this school could be abolished, and was it not his opinion that it ought to be abolished or discontinued?

Mr. McGUIRE of Oklahoma. The gentleman is correct in that. The commissioner was inclined to the discontinuance of this institution. I am inclined very much toward the discontinuance of this institution, but at the same time I should like to see my State make application for it when the United States is done with it. The pupils are there, and this appropriation is not solely for the purpose of keeping the premises in repair. There were 368 pupils the 1st of this month in attendance. I am going to vote for this amendment at this time.

Mr. STEPHENS of Texas. Does not the gentleman think that the best use that could be made of the building would be to let the State have it for agricultural and mechanical schools or an industrial school, in other words, and permit the Indians to attend it, as well as the white citizens of the State, and thus benefit both?

Mr. McGUIRE of Oklahoma. I think the best way to determine that is to let the State determine what it wants it for. It has not been able to do so yet.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For fulfilling treaties with Sacs and Foxes of the Mississippi, Oklahoma: For permanent annuity, in goods or otherwise (article 3, treaty of November 3, 1804), $1,000.

Mr. BURKE of South Dakota. Mr. Chairman, I ask that the paragraph just read, lines 5 to 8, inclusive, page 25, may be passed without prejudice, for the purpose of taking them up later on.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

The sum of $1,000,000 placed upon the books of the Treasury to the credit of the Sacs and Foxes of the Mississippi tribe of Indians by authority of the act approved March 3, 1909, or any part thereof, shall draw interest at the rate of 5 per cent per annum so long as it remains in the Treasury.

Mr. MANN. I reserve a point of order on that paragraph. I would like to understand the situation and know why it should be agreed to, if at all.

Mr. BURKE of South Dakota. Mr. Chairman, I will state that in the last appropriation act for 1910 the Secretary of the Treasury was authorized to place upon the books of the Treasury to the credit of the Sac and Fox Indians of the Mississippi tribe the unexpended sum of $200,000, due under article 2 of the treaty of October 21, 1837, and $800,000 under article 2 of the treaty of October 11, 1842. That was the sum of money that was due to these Indians under those treaties to which I have referred. The act directing the placing to their credit this sum of money did not state what rate of interest was to be paid thereon. Upon looking over the treaties referred to we found that the rate of interest provided was 5 per cent. I may add that originally the committee fixed the rate at 3 per cent, but changed it to conform to the law on the subject. The purpose in placing this money to the credit of these Indians is to make it possible to pay it out to them and get rid of the obligation that has been upon the Government all these years of making annual appropriations equivalent to the amount of interest at this rate of 5 per cent.

Mr. MANN. Well, what provision in the current appropriation does the gentleman refer to? The sum mentioned in the bill is $1,000,000.

Mr. BURKE of South Dakota. On page 26 of the act for the fiscal year ending June 30, 1910——

Mr. MANN. I am looking at it.

Mr. BURKE of South Dakota (continuing). It is provided that the Secretary of the Treasury shall place upon the books of the Treasury to the credit of these Indians the sum of $1,000,000. Now, that is in accordance with the acts that authorize the capitalization, I presume—I was not on the committee when that was done—but the reference there, I apprehend, is to authority that directed an agreement to be made with the Indians on the basis of commuting or capitalizing this fund. We have a provision that I expect to offer as a committee amendment at the end of this bill to capitalize some of the treaty obligations which are now covered in the bill, and I have requested that they be passed without prejudice for the purpose of later striking them out if the House accepts the capitalization proposition.

Mr. MANN. What I am trying to get at is the question of interest. We are not obliged to capitalize these matters at all.

Mr. BURKE of South Dakota. We are not.

Mr. MANN. If we have them capitalized, are we obliged to pay 5 per cent interest?

Mr. BURKE of South Dakota. Oh, undoubtedly; that is the agreement, and the gentleman will find that it does not change the obligation of the Government one iota. If we are required to pay the Indians a certain sum of money annually and we capitalize that on a 5 per cent basis, we go on and pay them 5 per cent because it is a mere book transaction, and we simply credit the Indians with the amount on the books of the Treasury. If we wish to get rid of the interest on the obligation, all we need to do is dispose of the fund by paying it out to the Indians and then the obligation will be discharged.

Mr. MANN. If we make no change in the situation whatever, I can not see the object in capitalizing.

Mr. BURKE of South Dakota. We get rid of the obligation——

Mr. MANN. How do you get rid of the obligation if you agree to pay them 5 per cent interest on it?

Mr. BURKE of South Dakota. We must make it possible to get rid of it, otherwise it will go on for all time. We are making payments now annually to some of the New York Indians on a basis of 6 or 7 per cent interest. In one instance I remember on a basis of $100,000 we are paying those Indians annually $6,000 or $7,000, and we have got to go on paying that to them for all time unless we enter into some agreement by which we can settle with them and get rid of the obligation. We have in this bill, perhaps some gentleman may have noticed it, a provision requiring us for all time to deliver at the city of Chicago annually 50 barrels of salt to certain Indians. Now, there are no Indians residing within a thousand miles of Chicago——

Mr. MANN. Oh, the gentleman is mistaken; there are a great number of Indians residing in the city of Chicago. [Laughter.]

Mr. BURKE of South Dakota. I stand corrected, Mr. Chairman, but I was going to say we have commuted that by paying them $50 in money.

Now, I believe the proposition here is to set aside in the Treasury $1,000 and pay it out to the Indians, and until we do pay it out to them we will pay them $50 a year. We are not out one cent. It is a transaction that the Government certainly gets the best of.

Mr. MANN. Here is the position, if the gentleman will pardon me. We have now a treaty with the Indians by which we agree to pay them certain amounts of money for certain purposes, or generally. Now, the gentleman proposes to say we shall substitute in place of that authority an act of Congress putting into the Treasury a certain amount of money due to them. If we can wipe the treaty out of existence by act of Congress in that way, we can do it at any time when we desire to pay the principal of the money. It is a treaty with the Indians in every case.

Mr. BURKE of South Dakota. I think it is.

Mr. MANN. The gentleman's proposition enables the amount in this bill——

Mr. BURKE of South Dakota. I will say to my friend that the item we are referring to has already been capitalized. We are not proposing to capitalize.

Mr. MANN. I am now talking about the other items in the bill.

Mr. BURKE of South Dakota. I have agreements here with each band of Indians, signed by a majority of them.

Mr. MANN. You have no agreement with the Indians that has been ratified by Congress.

Mr. BURKE of South Dakota. The agreement is here to be ratified, and the statute of 1871 prohibited the making of further treaties with Indians, and since that time they have been called agreements. This proposition was capitalized exactly as we propose to capitalize those in the amendment to be offered. This fund has been placed to the credit of these Indians, but for some reason they omitted to state what rate of interest it bears. We examined the treaty and found it requires a rate of 5 per cent, and therefore we have made the rate 5 per cent.

Mr. MANN. Now, I call the attention of the gentleman to the proposition involved. The current law provides:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury Department to the credit of these Indians the unappropriated sum of $200,000 due under the second article of the treaty of October 21, 1837.

It may be that that is for the capitalization of sums due the Indians, but I do not read it that way, nor did I understand it that way last year; nor did I understand when this item went in the bill, and there was some discussion on it, that we were under obligation to pay 5 per cent on this amount.

Mr. BURKE of South Dakota. I would like to ask the gentleman if we were not obligated to pay the $200,000 and $800,000?

Mr. MANN. Whether we were or not——

Mr. BURKE of South Dakota. We are paying them the equivalent of 5 per cent interest on this amount.

Mr. MANN. That is what I am trying to ascertain.

Mr. BURKE of South Dakota. I said to the gentleman a few moments ago that originally we adopted the rate of 3 per cent, but subsequently, upon further investigation of the law and treaties, we felt compelled to and did change the rate from 3 to 5 per cent.

Mr. MANN. I have no doubt the gentleman's committee had good reason for it, and yet might make a mistake about it, like some of the rest of us very often do. It is perfectly plain the item that went into the bill last year was not for the purpose of capitalization of the amount due the Indians at all.

Mr. BURKE of South Dakota. I stated frankly to the gentleman that I presume that is the way it went in, but it does not make any difference. It is a treaty obligation. We owe the Indians this sum of money, and have been paying what was equivalent to 5 per cent interest upon it. This makes it possible to get rid of the obligation some time or other.

Mr. MANN. If we have a treaty obligation, that is the law of the land, is it not?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Then what is the object of putting it into the bill? It does not help it any.

Mr. BURKE of South Dakota. Because it has been held, I understand, that the interest can not be paid to them unless there is this authority now, which changes the act and changes existing law, in which no provision is made for interest.

Mr. MANN. If we are under legal obligation to pay 5 per cent interest, that is a legal obligation that exists. No act of Congress stating that fact will make it any stronger.

If we are under no legal obligation to pay 5 per cent interest, I can see no reason why we should pay 5 per cent. As I understand the matter, I will explain in a general way how the item is now in the bill. I would like the gentleman's judgment on that matter. There is now no appropriation made by Congress under which to pay interest due upon this sum of money in the Treasury. There is not always an appropriation. I suppose if we insert this item in the bill that the 5 per cent interest is paid automatically without any appropriation by Congress.

Mr. BURKE of South Dakota. I assume that is the case, and probably it may be paid.

Mr. MANN. And if it is paid, there is no legal obligation. Do you not think the Government and the Indian would be better off if we appropriated the interest on the amount in the Treasury, so that we would know something about how much money these Indians get out of the Treasury every year? There is no one here can tell. Does the gentleman know how much interest we pay annually from the Treasury?

Mr. BURKE of South Dakota. About $2,000,000 is either paid to them or credited to them on the books of the Treasury.

Mr. MANN. I have no doubt the gentleman is correctly informed on that matter. But I desire to say that the gentleman, with great knowledge on Indian affairs, is not able to say how much is paid to this tribe or to that tribe, although we make appropriations for the same Indians in other directions without knowing how much we are paying to-day. I think it is a very bad policy. But I am not going to set my judgment on this matter up against that of the committee, as long as we have entered upon this extremely bad policy—it is only $1,000,000 more—where we take it absolutely out of our control so far as the interest is concerned, when I believe the interest ought to be in the control of the Committee on Indian Affairs making the appropriation, and then by Congress. I withdraw the point of order.

Mr. GOULDEN. What is the purpose of this capitalization, and what is the advantage to the Government paying the interest annually of $50,000?

Mr. MANN. This is not capitalized at all.

Mr. GOULDEN. Then what was it?

Mr. MANN. It was simply a declaration by Congress that they had $1,000,000 growing out of two treaties, due to these Indians, in the Treasury, the purpose being when they inserted the item in the bill to escape the appropriations annually, on the payment of the interest, but it was not drawn properly by the Indian Office, and it did not accomplish the purpose.

Mr. GOULDEN. Well, Mr. Chairman, what is the advantage to the Government to have to pay 5 per cent or $50,000 a year on this?

Mr. MANN. Because, I will be frank to the gentleman——

Mr. GOULDEN. I am seeking information.

Mr. MANN. Because the Government is now under obligation to pay 5 per cent, or to appropriate annually the interest on $200,000 at 5 per cent, which would be $10,000, and the interest on $800,000 at 5 per cent annually. There was no declaration that this $1,000,000 was in the Treasury, although we had the money, and paid the interest on it.

Mr. GOULDEN. What is the objection to returning this money to the Indians and getting rid of it?

Mr. BURKE of South Dakota. That is just what this proposes to do ultimately.

Mr. MANN. The objection to it is that if we do it, and they spend the money in a little while, which they would do, then it would be our duty to support these Indians.

Mr. GOULDEN. They are entitled to spend their own money, are they not?

Mr. MANN. They are not entitled to spend it unless they can get it.

Mr. GOULDEN. As they are entitled to spend their own money the same as anybody else, why should we object?

The Clerk proceeded to read the bill.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the head of section 18, Five Civilized Tribes, there are various paragraphs in the bill, apparently ending with the item on the top of page 27, "in all, $200,000." I beg to ask whether that is to be treated as one paragraph in the reading of it or as separate paragraphs? While it is printed in paragraphs, it is practically all one.

Mr. BURKE of South Dakota. Treat it as one paragraph; let it be read as one proposition.

Mr. MANN. That is perfectly satisfactory.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the entire section 18, down to and including

line 3, on page 27, shall be treated as one paragraph. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 18. For expense of administration of the affairs of the Five Civilized Tribes at Union Agency, Okla., including the salary of superintendent, at not to exceed $4,500 per annum, and the compensation of all employees whose continued employment may be necessary for the purposes for which appropriations were made in the Indian appropriation act for the fiscal year 1910, as follows:

"For pay of superintendent at the Union Agency, Okla.;

"For special clerical force in the office of the United States Indian agent, Union Agency, and miscellaneous expenses in connection with entering of remittances received on account of payments of town lots and issuance of patents;

"For clerical work and labor connected with the leasing of Creek and Cherokee lands for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April 26, 1906, and acts amendatory thereto;

"For appraising, clerical work, and labor connected with the sale of restricted lands, Five Civilized Tribes;

"For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior;

"To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, and section 1 of the act of May 27, 1908, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes;

"For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes;

"For general incidental expenses of the Indian service in Oklahoma, and for pay of employees;

"In all, $200,000."

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to that.

Mr. MANN. I reserve a point of order on the paragraph. It is subject to a point of order.

Mr. STEPHENS of Texas. I have an amendment that I desire to give notice of.

Mr. MANN. I should like to have the amendment read for information. It may affect my judgment as to the matter.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Texas, which is out of order at this time, will be read for information.

The Clerk read as follows:

At the end of line 24, page 26, insert:

"*Provided*, That said commission shall be required to enroll all Mississippi Choctaws who removed to the Indian Territory, now Oklahoma, and made application for citizenship prior to February 1, 1907, where it appears of record that the applicant or ancestor through whom claim is made received patent of land under the fourteenth article of the treaty of 1830, or scrip in lieu thereof, shall have their cases considered by the Secretary of the Interior upon the merits, and if found entitled to enrollment, such applicants shall be placed on the rolls and given lands and funds, the same as any other Choctaw Indians in Oklahoma."

Mr. CARTER. I make a point of order against the amendment.

Mr. MANN. That is not necessary. It is only read for information.

The CHAIRMAN. The Chair will state that the amendment is not yet pending.

Mr. MANN. The gentleman from South Dakota [Mr. BURKE] knows my views in reference to segregating appropriations. Last year these items were under eight paragraphs in different amounts. What reason has the gentleman for lumping these appropriations?

Mr. BURKE of South Dakota. I think I will demonstrate that this is not subject to legitimate criticism, even if other groupings in the bill may be.

Originally we had a provision of law for what was known as the "Dawes Commission," which operated down there in the nation to settle the affairs of the Five Civilized Tribes. That went on year after year. Large appropriations were made for the purpose of paying the expenses of the Dawes Commission. I think I remember that about ten years ago there were inquiries as to when the Dawes Commission would complete their labors. Assurances were given annually that they would probably finish within the next fiscal year. Then at the end of the year we would have the same old assurance that they thought they would get through in the next fiscal year. The reasons for prolonging the work were given, first one thing and then another. By court decisions members had been added to the rolls of the tribe, and there were other things of a similar nature. Finally the Dawes Commission was discontinued, and a commissioner was authorized by law to do the work that the Dawes Commission had formerly performed. In the last appropriation bill and in the present law a limitation was placed upon the appropriation for the pay of the commissioner, and the Secretary of the Interior was directed to disburse the appropriation so as to complete said work by July 1, 1910. So I apprehend that a year ago the committee thought this work could be completed by that time.

Now, we have found this year that, for one reason or another, it will not be possible to complete that work by June 30 of the present year. Estimates were submitted increasing the appropriation for this purpose, and the support and maintenance of the Union Agency, by $2,000. We believe the time is approaching when we ought to discontinue these large appropriations for the purpose of settling the affairs of the Five Civilized Tribes. While we were satisfied it could not be done entirely at present, we concluded that we would see if it was not possible to continue the work at much less expense. Our investigations brought out the fact that under the present system there is more or less duplication of work. Two men are employed, one under one appropriation and one under another, to do the work of one, and if this appropriation is put in one item and disbursed under one head, the same work can go on that has been going on for the past year, at less expense, without any injury whatever to the service.

We took the item, which was last year $140,000, and put it with other appropriations for the Five Civilized Tribes and reduced the total to $200,000—a reduction from the estimate of $61,500 and a reduction from the current appropriation of $59,500. We believe that by another year this can be reduced very much more; how much we can not now say, but we are certain that it can be very materially reduced.

[The time of Mr. BURKE having expired, his time was extended five minutes.]

Now, Mr. Chairman, I will say that the purpose was in the interest of economy; that the segregation in the existing law really accomplished nothing whatever except to duplicate work and multiply expense. Therefore, for all of these reasons we have made a lump-sum appropriation.

Mr. STEPHENS of Texas. Mr. Chairman, in addition to what the chairman of the committee has said, I desire to state that practically now the whole work in the Indian Territory, or what was formerly the Indian Territory, for Oklahoma, is done by the agent at the Union Indian Agency at Muskogee. The Commission to the Five Civilized Tribes having been abolished, we now have only one agency, and that is known as the Union Agency, a combination of all others, as I understand it, and the agent of this Union Agency can transfer from one department to another and from one kind of work to another any of the employees in the Indian Service in Oklahoma. We have had a special force there for clerical work connected with the Commission to the Five Civilized Tribes for years, and another for appraising, clerical, and other work—including allotting, removal of trespassers, and so forth—connected with the sale of their lands. Now, a man who appraises Indian lands or the lands of one Indian tribe can, when through, appraise the value of the lands of other tribes, because the whole force is under the control of one man, the Union agent. One of the paragraphs in this section is for the purpose of removing intruders and placing allottees in the unrestricted possession of their allotments. Another one is to enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of the allottees of the Five Civilized Tribes.

All that work is to be done by the agents of the department in and under the Union Agency, and there is no reason why the Union agent should not have the control of all the funds, and they should have the right to apportion the funds. It would be a different proposition if you had one agent in each of the tribes. These men would have to keep separate accounts, but here we have but one agency and one set of books and bookkeepers, all under the control of one man—the Union agent—who should direct this entire matter; hence the appropriation has been properly grouped under a lump-sum appropriation, and therefore is not subject to the objections urged against it by the gentleman from Illinois [Mr. MANN].

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to read for the information of the committee a portion of the hearings upon this subject before the committee. I think the House ought to have the benefit of the information.

The CHAIRMAN. The gentleman will read in his time.

Mr. BURKE of South Dakota. This is the statement of Mr. Valentine, the Commissioner of Indian Affairs:

Mr. BURKE. Mr. Valentine, I want to ask you about the estimates for the Union Agency and the Commissioner of the Five Civilized Tribes, which aggregate $261,500, and I want, in this connection, to ask you whether or not the work now done under these two organizations can not be done under one?

Mr. VALENTINE. That has been my opinion, Mr. Chairman, for the last three years.

Mr. BURKE. Would the work, in your opinion, be done as well or better than it is now being done at present?

Mr. VALENTINE. Better.

Mr. BURKE. If the positions are consolidated, could this estimate of $261,500 be reduced; and if so, how much?

Mr. VALENTINE. I feel certain it could be reduced to $200,000.

Mr. BURKE. Why would there be this saving?

Mr. VALENTINE. There is a great deal of duplication and loss in administrative machinery through two bureaus, differently organized, handling, largely, closely related work, if not, in some cases, identical work.

Mr. BURKE. If there is this consolidation and there should be an appropriation of $200,000, could this be further reduced without injury to the administration of affairs of the Five Civilized Tribes in another year?

Mr. VALENTINE. Yes, sir; I would take the contract for that tomorrow.

Mr. BURKE. Can you estimate about how much it would probably be reduced?

Mr. VALENTINE. No, sir.

Mr. BURKE. Would it likely be reduced for the next few years each year, in your opinion?

Mr. VALENTINE. If there is no new legislation demanding more work or no further complications resulting from any cases now pending in court, I think there should be a reduction from year to year.

Mr. BURKE. I am asking you these questions, Mr. Commissioner, because in the last appropriation bill there was a provision directing the Secretary of the Interior to complete the work required to be done by the Commission to the Five Civilized Tribes by July 1, 1910. I assume there is work yet to be done that will have to be provided for?

Mr. VALENTINE. There is.

Mr. BURKE. It is your opinion that that work can be done under the union agency the same as it is done under the present system?

Mr. VALENTINE. Yes, sir.

The next day the commissioner was before the committee and made this statement—that he had brought this matter to the attention of the Secretary of the Interior, and informed him of what he had stated to the subcommittee, and he said the Secretary authorized him to say that he, the Secretary, would be glad to have him state to the committee that he is in heartiest accord with the proposed consolidation of the funds if, as he believes, it is in line with a reduction of expenses and at the same time a betterment of administration.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Mr. Chairman, this item in the current appropriation bill is segregated, and may I ask the gentleman, in making up their figures at $200,000, if they have taken the estimates for these various purposes for which specific appropriations were made last year as the amount necessary to be expended?

I notice that the estimates on the specific items are less than the appropriation. For instance, at the top of page 26, for special clerical force, and so forth, the office of the United States Indian Agency, the estimate is $5,750, while the appropriation is $6,000. For clerical work and labor connected with the leasing of Creek and Cherokee lands, and so forth, the estimate is $19,250, while the current appropriation is $30,000. For appraising, clerical work, and labor connected with the sale of restricted lands of the Five Civilized Tribes the estimate is $18,500, while the appropriation is $25,000. For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments the estimate is $10,000, while the current appropriation is $17,000. I can apprehend that there might naturally be a considerable reduction in the total amount on the estimates; is that the way the reduction is made?

Mr. BURKE of South Dakota. Mr. Chairman, some of these items are quite materially reduced from the current appropriation and the estimates because that particular work is approaching its completion. There is not so much to do. We took into consideration all of these circumstances and the fact that there was more or less duplication of employment, and we felt that we could make these reductions.

Mr. MANN. I can not see where the gentleman has reduced anything on account of duplication. That is what I was trying to get at. I do not see any reduction on account of duplication in the existing law. In their estimates they did not ask for these items to be combined. They assumed that these items would be separated, and made their estimates or segregated the items and made the reduction because the work has ceased.

Mr. BURKE of South Dakota. I think, Mr. Chairman, if the gentleman will refer to the estimates, he will find on page 109 an estimate of $65,500 that perhaps he has not taken into consideration.

Mr. MANN. Oh, yes.

Mr. BURKE of South Dakota. And if he will examine the current law on page 27, he will find an appropriation in a lump sum of $140,000.

Mr. MANN. Yes; I thought of that; but where is the estimate in here for completing the work of the Commission to the Five Civilized Tribes? Is not that the estimate?

Mr. BURKE of South Dakota. On page 109 of the estimates, I think.

Mr. MANN. Sixty-five thousand five hundred dollars—well, if the gentleman will add up all of his estimates, it will not amount to $200,000.

Mr. BURKE of South Dakota. I will give the gentleman the estimates if he desires them. They are as follows:

Incidentals in Oklahoma (pay of employees)	$22,000
Pay of superintendent, Union Agency	4,500
Clerical and other expenses, town lots, Union Agency, Five Civilized Tribes	5,750
Leasing of mineral and other lands, Five Civilized Tribes	19,250
Sale of restricted lands, Five Civilized Tribes	18,500
Removal of intruders, Five Civilized Tribes	10,000
Removal of restrictions, allotted lands, Five Civilized Tribes	16,000
Salaries, etc., Five Civilized Tribes	65,500
Sale of unallotted lands, etc., Five Civilized Tribes	100,000
Total	261,500

Mr. MANN. Yes; I want to know what this $100,000 item is. According to the gentleman's figures, the cost of completing the work of the Five Civilized Tribes, which, under the current appropriation bill, ceases on the last of next June, for the next fiscal year, instead of being reduced, is to be considerably increased.

Mr. BURKE of South Dakota. I invite the gentleman's attention to item 113 of the estimates, which provides for $100,000.

Mr. MANN. Oh, I am familiar with that. We made an appropriation this year of $140,000 to complete the work of the commission.

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Now you carry items in this sum of $165,500 to complete the work of the commission.

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Is the cost of the completion of the work of the commission to be greater next year than this year?

Mr. BURKE of South Dakota. The estimates were the same. The estimates this year were $100,000 and $65,500. The appropriation last year was $140,000 and $25,000 for contingent expenses in Oklahoma.

Mr. MANN. Oh, no; we made the appropriation of $22,000 for contingent expenses last year.

Mr. BURKE of South Dakota. Twenty-two thousand dollars of the $25,000 for contingent purposes was used in connection with $140,000, so that the whole amount used was $162,000. I want to go a little further and say, in addition to what I have said, that I am of the opinion that some of these expenditures being made at the present time in connection with the affairs of the Five Civilized Tribes may possibly be paid from their own funds in the future without violating any law or treaty obligation. I have been unable and the committee has been unable in the limited time that we have had to ascertain definitely in this respect, but I think I can say to the gentleman from Illinois that this appropriation from now on will be a disappearing proposition.

Mr. MANN. Mr. Chairman, I have been in the House for the last thirteen years, and I never have been in the House a single year when the Committee on Indian Affairs had its appropriation bill up for consideration that I have not heard that same statement about the Five Civilized Tribes.

Mr. BURKE of South Dakota. And perhaps this is the first year when there has been a reduction made.

Mr. MANN. But there is no reduction made this year. On the contrary, there is an increase.

Mr. BURKE of South Dakota. If the gentleman can find that we have appropriated more money than was carried in the last bill, I have nothing further to say on the subject.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent Mr. MANN was granted five minutes more.]

Mr. MANN. I think I can demonstrate to the gentleman. The appropriation for the current year for the completion of the Five Civilized Tribes was $140,000. In addition to that we appropriated for incidental expenses of the Indian Service in Oklahoma $22,000. That would make $162,000. Whether they have wiggled in any other appropriation I do not know. The $22,000 appropriation was not made for that purpose, and it was illegal to use it for that purpose, but illegality often does not stop a department, but it amounted to $162,000. Now, the appropriation the gentleman proposes this year to finish the work that is to be completed this year, the appropriation he proposes to be expended next year to finish the work which is to be completed this year, is $165,500. Of course, that is only $3,500——

Mr. BURKE of South Dakota. Let me ask the gentleman if he has taken into consideration, on page 26 of the bill, under the item of the Five Civilized Tribes, items aggregating $93,000 appropriated for last year which are included in this appropriation of $200,000?

Mr. MANN. Oh, those items last year amounted to $97,500.

Mr. BURKE of South Dakota. Ninety-three thousand dollars and $4,500 for the salary of the agent.

Mr. MANN. But the gentleman in making up his estimates this year figures upon $100,000 for certain services of the com-

mission for making allotments and $65,500 for clerical services; that is, $165,500. Now, the total appropriation for this current fiscal year is $140,000, as I understand it, and then $22,000 they have gouged out of another appropriation, and that would make $162,000, and you are increasing that——

Mr. BURKE of South Dakota. Why, not at all.

Mr. MANN. If $165,500 is not more than $162,060 my arithmetic is at fault.

Mr. BURKE of South Dakota. But the sum of $200,000 is to cover the same items for which we appropriated last year $259,500.

Mr. MANN. Oh, well, here are certain items which were all appropriated last year amounting to $97,500. Part of that work has been done, and the department did not ask for the same amount of money for that work for they were not combining these items.

Mr. BURKE of South Dakota. No; they asked for something new.

Mr. MANN. Not in this connection they did not; at least I have not been able to get at it. If you have them, I would like to know what they are.

Mr. BURKE of South Dakota. The sixty-five thousand five hundred is new——

Mr. MANN. I have counted that; it is not new to me. Here is the situation, as far as the estimates are concerned. The department found they had no authority to make estimates for completing the work of the Five Civilized Tribes, because the law forbade them to make estimates for that purpose; therefore they made an estimate in some other way. Well, I do not find fault with the department for that. I think they had a license to do it. Of course it is subject to the point of order, but that does not make any difference. What I want to get at is, is there any prospect or possibility of ever ending the work of the Five Civilized Tribes or the Commission to the Five Civilized Tribes so long as we are willing to pay a lot of handsome gentlemen in Oklahoma out of the Treasury for doing work which the Government is under no obligation to do and pay for itself?

Mr. BURKE of South Dakota. I have said, Mr. Chairman, that we have gotten rid of $59,500 this year. I am in hopes that we can get rid of a good deal more than that next year. Beyond that I can not speak.

Mr. MANN. I desire to say to the gentleman that we have not reduced it one cent as far as the completion of this work of the commission is concerned.

Mr. BURKE of South Dakota. The gentleman may have convinced himself of that fact.

Mr. MANN. Well, of course the gentleman in charge of a bill is never convinced, because he represents the committee that has taken action and is not at liberty to express an opinion.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair did not understand whether the gentleman from Illinois insisted upon his point of order.

Mr. MANN. I am inclined to insist upon the point of order unless the gentleman can give us some assurance of what is going to become of this commission.

Mr. BURKE of South Dakota. Mr. Chairman, I thought we had taken steps to get rid of the commission. That is what we aimed to do. We can not do it, however, before the 1st of July.

Mr. MANN. It is very much like the Immigration Commission. We have been fighting around and finally concluded to end it. I suppose the Immigration Commission will come in after the 1st of March and want more money and more salaries. We have a provision in the law that this work shall be completed by the 1st of July, 1910.

Mr. BURKE of South Dakota. I think not. I think that is a mere limitation in the appropriation made for the current year.

Mr. MANN. I am perfectly willing to let the Chair rule on that question and take his judgment.

Mr. CARTER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARTER. I want to ask the gentleman not to insist on his point of order.

Mr. BURKE of South Dakota. The gentleman has asked me to give him some assurance as to how long this commission is going to continue. I have already stated, Mr. Chairman, that this proposition is looking toward getting through with that commission, and I think it is the beginning of the end. I have stated that it is my judgment that in another year we will reduce this appropriation again very materially. Beyond another year I can not speak, because I do not know whether I will be in a position at that time to have anything to say about what shall happen, so far as this item or any other item that may come before this House is concerned.

Mr. MANN. If the gentleman will give me an assurance in regard to it, and I should happen to be here, as I might be, I will follow the directions of the gentleman.

Mr. BURKE of South Dakota. If I should not be here, I will say, Mr. Chairman, I do most sincerely hope that my friend from Illinois [Mr. MANN] will be here.

Mr. MANN. The gentleman's absence would make it very unpleasant for me to remain. [Laughter.]

Mr. Chairman, I am somewhat in doubt about whether I should insist upon the point of order, but I am going to call the attention of the Chair to a proposition, at least. The current law, on page 27 of the pamphlet, provides:

> Appropriations for completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $140,000, said appropriation to be disbursed under the direction of the Secretary of the Interior, and the Secertary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1910.

I apprehend, although I am not absolutely certain, that that is a limitation upon the amount of money that may be appropriated for that purpose. But if that limitation is made, I apprehend that making this appropriation would not affect the limitation, and that if the point of order would be good now it might be good another year, although upon that I do not feel positively certain. Yet in view of the insistence of the gentleman I do not feel warranted in interposing a captious or technical objection to the work of this commission, although I have long been of the impression that it ought to be abolished.

I will withdraw the point of order.

Mr. STEPHENS of Texas. I have an amendment which I desire to have read.

The CHAIRMAN. The gentleman from Texas has an amendment which the Clerk will read in its modified form.

The Clerk read as follows:

> At the bottom of page 26 add the following:
> "*Provided*, That said commission shall be required to enroll all of the Mississippi Choctaw Indians who removed to the Indian Territory, now Oklahoma, prior to February 1, 1907, and made application for citizenship, where it appears by said application that the applicant or ancestor of the applicant has received patent of land under the fourteenth article of the treaty of 1830, or scrip in lieu thereof, if found entitled to enrollment."

Mr. BURKE of South Dakota. Mr. Chairman, I reserve a point of order on that.

Mr. STEPHENS of Texas. Mr. Chairman, it has been some time since these Mississippi Choctaw Indian rolls have been closed. Since they have been closed it has been ascertained that many Indians have not been enrolled whose ancestors received patents in Mississippi for land or received scrip which entitles them to lands. The children and descendants of some of these recognized Mississippi Choctaw Indians have removed to the Indian Territory for the purpose of securing homes there, the removal being within the time required by law. These Indians, by some kind of legal legerdemain that I will not now endeavor to explain, have been deprived of the right of enrollment. They are not on the roll, yet by blood they are Indians and legally entitled to enrollment. They have lost their right as citizens, yet there is no question but that some of them are the descendants of Indians who had land patented to them in Mississippi and who received scrip in lieu of these lands elsewhere, and were on the rolls of the Mississippi Choctaw Indians, and were recognized as originally being Mississippi Choctaw Indians by reason of the Government issuing patents and scrip for lands to their ancestors.

When they were removed to the Indian Territory, now Oklahoma, a few years ago, they should have been enrolled and permitted to share in the funds and lands coming to the Choctaw Indians in that State. They have been deprived of that right. I have narrowed the amendment I offer down to the very lowest possible limit, and under its provisions but a few Indians can be enrolled. They can not be enrolled unless they show by competent evidence that their direct ancestors had received lands or land scrip from the Government of the United States heretofore as Choctaw Indians. What better evidence would they want to establish their rights than that they are the direct descendants of those who have received lands from the United States Government as Choctaws? Would not that be sufficient to entitle them to receive lands in Oklahoma? That is all this amendment does. I do not think it should be or is subject to the point of order made by the chairman of the committee, because this amendment is added to the provision for the completion of work that the commission was heretofore required by law to do for the Five Civilized Tribes.

The Commissioners to the Five Civilized Tribes were charged with the duty of ascertaining who should be placed on these

rolls, and this duty of enrollment of qualified Indians has been a part of their work for many years. That work is not yet complete, and we have found that many Indians have been deprived of their right of enrollment. The Indians covered by this amendment certainly should be placed on those rolls before the commission is discharged. Probably, looking at the matter purely from a selfish standpoint, if I were in the Indian Territory and had my name placed on the rolls and was getting the benefit of these funds I might selfishly contend that these Indians were not entitled to be on the rolls. I presume that every Choctaw on the rolls in the Indian Territory is entitled to and will receive from five to ten thousand dollars' worth of property. Hence they object to anybody coming in and getting part of their patrimony.

Mr. Chairman, there are yet 400,000 acres of land unallotted and funds unallotted still belonging to the Choctaw tribe, and before these funds are allotted, before this land has gone from the power and possession of the United States and into the hands of innocent purchasers, these Mississippi Choctaw Indians should be protected, and everyone entitled to enrollment should be enrolled and receive their pro rata share of the tribal estate. If that is not done, they will be knocking at the doors of Congress for the next fifty years, stating that their claims were rejected when they were just. It is the duty of this Government to ascertain who its wards really are and to legally enroll them and set apart to them their property; and if we do not treat them thus justly and fairly, we will have committed a great moral wrong. This moral obligation rests upon us and can never be paid until justice is done to these Mississippi Choctaw Indians.

Mr. SISSON. Mr. Chairman, I hope the gentleman from South Dakota will permit the amendment of the gentleman from Texas to be passed. These Mississippi Choctaws are not numerous. They are descendants of those Indians who never drew a sword against the white man. They are descendants of those Indians who fought with Andrew Jackson at New Orleans. They are Indians that have always been true to the white man and to his Government.

Now, it is true that under the Dawes Commission a number of searches were made for these Indians throughout the State of Mississippi. Many of them were hard to find. A great many of them got to the State of Oklahoma too late, as I have been informed, to make and file their claims for this land. Now, this amendment is solely for the purpose of enabling an ignorant ward of the Government to file his claim as a Choctaw, and to all the rights of a Choctaw, so that he may not be deprived of his rights by reason of the fact that he has been ignorant and has been unable to comply with all the requirements of law. Therefore I think that all consideration ought to be shown and extended to these Indians. I sincerely trust the chairman of the committee will permit the amendment to be passed.

Mr. BURKE of South Dakota. Mr. Chairman, this is a very important subject, and would open up the whole question, so far as that tribe of Indians is concerned. It would open up the rolls. For the information of gentlemen, I will say that there is pending in the Committee on Indian Affairs at the present time a number of bills on this subject. It is the intention at a very early day, I will say to my friend from Mississippi, to take up and consider these bills, and this not being the proper place for this to now come up, I insist upon the point of order.

The CHAIRMAN. The Chair is ready to rule. The last clause of the oft-quoted Rule XXI provides:

> Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The amendment offered clearly changes existing law and makes new law. Therefore it is not in order under the rule. The point of order is sustained.

Mr. BURKE of South Dakota. Mr. Chairman, this item we have just passed is the last item wherein there are anything like lump-sum proposition. I wish to submit a few remarks upon the subject of grouping appropriations.

Mr. Chairman, gentlemen appear to be concerned because the committee that prepared this bill saw fit—and by absolute unanimity—to group certain items heretofore appropriated for separately. They term this a "new departure," a violation of both the law of Congress and the traditions of the House. Let us examine this matter for a moment to see how much of truth and fact it contains.

An examination of the appropriation acts made by the last Congress, bills that had the support of gentlemen now criticising the arrangement of the bill under consideration, contained lump-sum appropriations that in the scope of their purpose and magnitude of their sums so far eclipse the propositions in this bill as to make the aggregate sum of all such items herein appear absolutely ridiculous by comparison. Here are some of the lump-sum appropriations that passed the House without a murmur of disapproval less than one year ago:

The Department of Agriculture was given $625,000 for objects ranging from the eradication of scabies in sheep and cattle to the execution of the twenty-eight-hour law.

Here is a "lump sum" of $600,000—

> To be expended as the Secretary of Agriculture may direct, for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests.

The same department had a "lump-sum" appropriation of $317,960 for the purchase, propagation, testing, and distribution of seeds, bulbs, vines, cuttings, and plants, the purchase of office fixtures and supplies, fuel, paper, twine, gum, postal cards, gas, electric current, official traveling expenses, and the employment of special agents, clerks, and other employees.

The same department had a "lump-sum" appropriation for the Forest Service of $3,986,000 to cover a range of subjects as wide as the country is large.

This same department had an appropriation of $200,000 for the Bureau of Chemistry, to be expended practically in the discretion of the Secretary of Agriculture within the District of Columbia, and the sum of $266,460 to be expended outside of the city of Washington. A total of $466,460 to be expended within the discretion of the head of the department to carry out provisions of existing law.

The same department had an appropriation of $300,000 for the prevention of the spread of moths, limited only by the variety of the moth, to wit, the gipsy and the browntail, which included the payment of rent and the employment of labor in the city of Washington and elsewhere and "all other necessary expenses."

The military establishment received an appropriation of $425,000 for the expenses of encampment and maneuvers of the organized militia authorized by the Secretary of War to participate in such encampments.

Upward of $7,000,000 was appropriated—

> To be expended under the direction of the Secretary of War and accounted for as "subsistence of the army," and for that purpose to constitute one fund.

An appropriation of $1,500,000 was made—

> To be expended as in the judgment of the Secretary of War may be necessary for the construction and enlargement of barracks and quarters for the Coast Artillery and of other buildings in connection with the adopted project of seacoast defenses.

The Quartermaster's Department received a "lump-sum" appropriation of $9,300,000, to be expended for all necessary purposes, with the single limitation that it should not, under certain circumstances, be used in the payment for printing.

A "lump sum" of $800,000 was appropriated, to be expended by the Secretary of the Treasury, for the compensation of employees, without limit as to number or salary, and such articles and supplies as the Secretary of the Treasury may deem necessary and especially order or approve for the office of the Supervising Architect, and for contingencies of every kind and character, including the compensation and expenses of judges to select plans, and care of sites acquired for public buildings, commission to architects, traveling expenses of site agents, telephone service, and other incidental expenses not enumerated.

An appropriation of $1,450,000 in a "lump sum" was made for fuel, lights, and water for public buildings, limited only to "such buildings completed and occupied as may be designated by the Secretary of the Treasury."

The State Department had an appropriation of $325,000 for contingent expenses of foreign missions. It had an appropriation of $525,000 for contingent expenses of United States consulates, and as late as August 5, 1909, Congress gave the Secretary of State $100,000 in a "lump sum" for defraying the expenses incurred in connection with foreign trade relations within the jurisdiction of the Department of State. Practically $75,000 of this amount has been apportioned for the compensation of persons in the District of Columbia.

The Post-Office Department received an appropriation for rent, light, and fuel for first, second, and third class post-offices of $3,975,000, with the sole limitation that no sum in excess of $500 should be paid for rent of any third-class post-office.

The same department was given $700,000 for allowance of third-class post-offices to cover the cost of clerical service, with certain maximum limitations.

The Interstate Commerce Commission was given a "lump-sum" appropriation of $800,000, with specific limitation on only $54,500 of that amount.

The same service was given an appropriation of $350,000 to be used in the discretion of the commission to enforce compli-

ance with section 20 of the act to regulate commerce, as amended by the act of June 29, 1906.

A "lump sum" of $1,000,000 was appropriated to be used in the discretion of the Secretary of the Interior to meet the expenses of protecting timber on the public lands and protecting public lands from illegal and fraudulent entry, and so forth.

A "lump-sum" appropriation of $963,800 was appropriated for the expenses of light-vessels.

A "lump-sum" appropriation of $726,000 was made for supplies of light-houses.

A "lump-sum" appropriation of $950,000 was made for repairs on light-houses.

A "lump-sum" appropriation of $926,000 was made for the expenses of buoyage.

A "lump sum" of $2,400,000 was appropriated for the expenses of regulating immigration, and it was specifically provided that it was "all to be expended under the direction of the Secretary of Commerce and Labor."

Mr. Chairman, I could weary the House, if I have not already done so, by a citation of the acts in previous Congresses making "lump-sum" appropriations for all kinds of public service. I have not mentioned the many millions appropriated in "lump sums" for the construction of the Isthmian Canal or the maintenance of the departments of administration on the Canal Zone. Nor have I referred to the revolving millions in the reclamation fund subject to be used by the Secretary of the Interior quite within his discretion so long as expenditures are applied to the broad purpose of reclaiming arid lands. The act specifically provides that the Secretary of the Interior—

Is hereby authorized to perform any and all acts necessary and proper—

Of which he is to be the judge—

for the purpose of carrying the provisions of this act into full force and effect.

Mr. Chairman, this vast "lump sum" that will ultimately be so large as to dwarf the cost of the Isthmian Canal may be used by the Secretary of the Interior without limitation except as to its general purpose. From it he may construct and operate railroads, build telephone lines and power plants; from it he may and does erect manufacturing plants, conduct mercantile enterprises, and operate boarding houses. He may and does plat town sites and build villages, lease cottages, purchase irrigation systems, buy lands held in private ownership or acquire them by condemnation proceedings.

Under authority of law enacted by Congress in recent years he may do anything within the broad range of human industry, if in his judgment it be "necessary and proper" to give "full force and effect" to the power with which he is clothed. And yet, in the face of this law and other and numerous acts, a few only of which I have cited, gentlemen rise here to contend that it is contrary to public policy for this committee to report a bill carrying in one item an appropriation for the payment of stockmen, farmers, and matrons.

I have certainly made a sufficient enumeration to show that the position of gentlemen who have criticised the arrangement and grouping of appropriations in this bill is not justified by precedents, and I am prepared to show that their criticisms are not in the interest of either economy or good administration.

These acts that I have recited are recent acts, and they are supported by a consistent record of former Congresses. I appreciate the force of the contention of gentlemen who are reasonable in their efforts to place limitations on the use of public moneys; but "lump-sum" appropriations are not an innovation. In many instances they are an absolute necessity, and under safe and sane administrators they are conducive to economy. I do not advocate the policy except when there is special reason for it and when it is conducive both to economy and good administration, but from time immemorial Congress has recognized its necessity, and in recent years there has been a tendency—and I am simply stating a fact, not undertaking now to discuss its merits—to revert to it more and more. I repeat, the policy is not new. it is not a departure from custom to group objects of appropriations as this bill does.

Now, Mr. Chairman, let us examine some of the statutes embodied in existing law and see if there is anything in this bill not in harmony with both the law and precedents. The other day I invited attention to the fact that the last Indian appropriation act contained 16 different items of appropriations, which by still another paragraph in the same act were authorized to be consolidated absolutely in the discretion of the Secretary of the Interior. I refer to the 16 different appropriations for incidentals and this paragraph authorizing their consolidation:

That any moneys appropriated in this act for the general incidental expenses of the Indian Service in certain States and Territories, including traveling expenses of agents, which are not needed in the particular States or Territories for which provided, may be used for the same kind of expenses elsewhere, in the discretion of the Secretary of the Interior.

I also cited another provision of existing law, as follows:

That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

I now invite the attention of gentlemen to this provision of law found in the act of June 7, 1897 (30 Stat., 93):

That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available, may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made.

Unusual legislation? Certainly; but it is existing law and vitally affects the subject under consideration.

I apprehend, Mr. Chairman, gentlemen who have appeared to be shocked because the committee has undertaken in this bill to give direct effect to existing law instead of wasting time and expense in doing something that can be immediately and legally undone by executive order have not considered all the statutes applicable to the situation.

It is true that there is some grouping of items in this bill that may not be grouped by executive order. The few instances of that kind, however, can be shown conclusively to be in the interest of economy as well as good administration. Here is a provision of existing law which the gentlemen from Illinois [Mr. MANN] and Kentucky [Mr. SHERLEY] could not have had in mind the other day when they disputed me in my statement that it was necessary to group appropriations for stockmen, foresters, farmers, and so forth, to make it possible to employ the same men to do all of these kinds of work. This is the existing law:

SEC. 3678, Revised Statutes. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made and for no others.

Would it be economy, Mr. Chairman, for a farmer, ordinarily, to hire one hand to split rails exclusively; another to herd and care for the live stock and do nothing else; another to plant, cultivate, and garner the crops and nothing else; and still another to be engaged exclusively in the supervision of the work of the other three, when, perhaps, two men could do all of the work? That is precisely in point with what the act just cited requires of the Indian Service unless its stockmen, farmers, and foresters shall be appropriated for as it is provided in this bill. All of these several classes of service must be performed, and in many instances they can be most advantageously and most economically performed by a less number of employees than will be required under separate appropriations. That is impracticable, Mr. Chairman, under existing law or under this bill if it shall be framed according to the notions of the gentlemen who, with due deference to their intelligence and good motives, have not, I believe, given this subject thoughtful consideration in the light of all the facts, the administrative needs, and the details of practical service.

Mr. Chairman, I shall not permit myself or the committee that reported this bill to be put on the defensive in the matter of its arrangement. They have dealt with the subjects involved with great care, they have worked it out with careful consideration and with intelligent and conscientious industry. They have violated neither law nor precedent in its arrangement, and they have presented a bill which, if enacted into law in its present form, will produce important economies in expenditure, simplify accounting to a degree that will effect still further economies which have not been taken into consideration by its critics, and will be conducive to good administration in a manner that hitherto has been impossible.

Mr. CARTER. Mr. Chairman, I have an amendment which I desire to offer.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask leave to extend my remarks in the RECORD?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

After the word "dollars," line 3, page 27, insert the following:

"That the Secretary of the Interior is hereby authorized and directed to immediately dispose of the lands and other tribal property of the Five Civilized Tribes in Oklahoma, and to disburse per capita the proceeds thereof and all other tribal funds."

Mr. BURKE of South Dakota. I make the point of order against that amendment.

Mr. CARTER. I ask the gentleman to withhold the point of order.

Mr. BURKE of South Dakota. I will withhold it for five minutes.

Mr. CARTER. Mr. Chairman, I realize that a point of order can be enforced against this amendment, for it is a sweeping legislative provision, and I do not indulge any vain hopes that the gentleman from South Dakota will fail to insist on his point of order when I have finished my remarks. On the contrary, I have offered this amendment only for the purpose of calling the attention of the House to a matter that was brought out in the discussion a few moments ago between the gentleman from Illinois [Mr. MANN] and the gentleman from South Dakota [Mr. BURKE] over the point of order against the paragraph which we now have under consideration.

The gentleman from Illinois [Mr. MANN] seemed to be seeking information as to when the Federal Government would cease spending money in Oklahoma; as to when the affairs of the Five Civilized Tribes would be wound up, and I want to assure the gentleman that more than 80,000 Indians in Oklahoma, more anxiously than he, await the answer to this important question. The gentleman made it plain that year after year this appropriation was made with the limitation that the affairs of the Five Civilized Tribes would be wound up within twelve months after the then current fiscal year.

The gentleman from Illinois, as usual, is correct as to his statement of facts, but there is one patent and sufficient reason why these affairs have not been wound up—why this appropriation is continued in the bill. This reason is fully set forth by my short amendment.

The affairs of the Five Civilized Tribes have not been concluded because the executive branch of our Government did not have the authority of law with which to conclude them. These affairs can not be concluded until some legislation is passed, as proposed by this amendment, and it is buncombe and balderdash to continue this requirement for the winding up of the tribal affairs and in the next breath refuse to give authority to the proper officials to make the final disposition of same.

In 1892, I think it was, Congress passed a law creating what was known as the "Dawes Commission," whose duties were defined by the act in substance as follows: To treat with the Indians with a view to relinquishing their tribal autonomy and community ownership of land, taking in place therefor allotment of lands in severalty and United States citizenship.

In 1893 this commission was appointed and proceeded with its work, and on April 23, 1897, an agreement was effected with the Choctaw and Chickasaw, all other authorities of the Five Civilized Tribes following suit shortly thereafter.

In this treaty it was set forth, among other things, that the tribal rolls should be made, the lands allotted, all unallotted lands and other property of the tribes, save the segregated mineral land, to be sold as soon as allotment was completed, all tribal funds disbursed per capita to tribal citizens, and all tribal affairs finally concluded within eight years from the passage of the act. This would have continued the tribal governments in existence down to April, 1905. This agreement was known as the "Atoka agreement." It was approved by a majority vote of the entire tribe at a general election called for the purpose, and was ratified by Congress and placed on the statute books, bearing date of approval of June 28, 1898.

In 1902 another agreement was made, providing for a number of things never yet done, one of which was the sale of what is known as the "segregated mineral land" in the Choctaw and Chickasaw nations. These agreements would have effectually disposed of the affairs of these tribes, and Congress would long ago have been rid of the much-vexed Indian question so far as the majority of the Five Civilized Tribes are concerned had it not been for the interference of Congress itself by the passage of the act of April 26, 1906.

This act, for some unknown reason, without the consent of the Indians and in violation of the sacred agreement made with them by the Federal Government, withdrew the segregated mineral land from sale, and in numerous other ways tied up the settlement of the affairs of the Five Civilized Tribes so that now there can be no disposition whatever of these affairs until Congress gives to the Secretary of the Interior the power and authority to dispose of them. The Secretary of the Interior is not to blame; the President is not to blame; the Commissioner of Indian Affairs is not to blame; the Commissioner of the Five Civilized Tribes is not to blame for the delay in winding up these matters. How on earth are they going to wind them up until you give them power and authority to wind them up?

Why, ever since the Oklahoma delegation has been in Congress I have been presenting bills at this end of the Capitol, and Senator OWEN has been presenting bills at the other end of the Capitol for the disposition of these affairs. We have done our uttermost to get consideration and favorable report on these measures. During the last session of the Sixtieth Congress our delegation and the Secretary of the Interior came to an agreement on a bill which would effectually enable these affairs to be wound up within about two and one-half years at the most.

The Secretary recommended this bill to Congress, and if it had passed then, Mr. Chairman, the settlement of these affairs would already have been more than twelve months on the way, and we would only have to appropriate the major portion of this money for about eighteen months in the future. After this year we would only have a six months' appropriation to make. As it is now, the appropriation must continue, and continue, and continue until the proper authorities are given some power to make a final disposition of these matters. So, I repeat, it is folderol and fustian to continue this opéra bouffe of making provision for the impossible.

I have not introduced a bill on this subject in the present session of Congress for the reason that some of the Republican leaders in my State said such bills were not considered last year for the reason that they were introduced by a Democrat. These bills for the settlement of tribal affairs have been introduced by Democrats in the past simply because no Republican in our delegation could be induced to father them. No bill has been introduced by a Democrat this year. The Democrats in the Oklahoma delegation stand ready and willing at all times to support any reasonable measure for the speedy settlement of tribal affairs and final distribution of tribal funds per capita to every Indian on the rolls, no matter whether introduced by Democrat, Republican, Socialist, or what not.

There is a bill now before the Indian Committee, H. R. 18375, introduced by the gentleman from the third Oklahoma district [Mr. CREAGER]. A committee from our delegation is now trying to whip this bill into shape. As soon as that is done we will go before the Secretary of the Interior and, if possible, come to an agreement with him on the measure. Then I will again attempt to impress upon this House the importance of one of two things—the necessity for either the passage of this bill or the establishment of a permanent bureau on the east side of the State of Oklahoma, which must necessarily last forever and eternally, and this appropriation continue until doomsday.

Let us deal frankly with this matter, and if we have any well-defined ideas on the subject, let us announce same candidly as our public policy and quit playing horse with the settlement of Indian affairs.

It is useless to talk about dispensing with the expenditure of this large amount of money in Oklahoma until you give authority for the affairs of the Five Civilized Tribes to be finally wound up. These affairs are there, and they are Indian affairs because the affairs are the property of the Indians. The property is under the supervision of the Federal Government and must be cared for. If it is not properly cared for, if the property is allowed to go to rack and depreciate in value, if it is allowed to pass into the possession of other parties, then this Government is liable to have a suit on its hands, and I, for one, shall be for the suit under these conditions.

Mr. Chairman, it has now been almost thirteen years since these Indians agreed to take their lands in severalty and to have their affairs wound up in eight years, and I want to state right here that had it not been for the provision in the Atoka agreement to the effect that these affairs would be terminated, the property sold and money divided within eight years, that Atoka agreement would not now be on the statute books of the United States with the consent of the Choctaws and Chickasaws.

In the face of your sacred obligation with these helpless wards of the Government you have refused, by legislative enactment, to dispose of their affairs and pay them their money. How long, Mr. Chairman, is this to continue? How long will the Federal Government consent to remain in the attitude as repudiators of a sacred obligation with a helpless and confiding ward? If these Indians could only get into court I do not think it would take very long for them to get justice and have their affairs finally settled, but unfortunately in this instance neither party to this transaction can sue or be sued.

This Congress, in its refusal to deal with this matter in a frank and candid manner, by failing to direct and authorize the disposition of these affairs, in accordance with a sacred obligation, is guilty of a gross and willful dereliction of duty. I have pointed out this neglect of duty and will have more to say on this matter in the future.

Remember, gentlemen of the committee, more than 80,000 Indians in eastern Oklahoma are anxiously awaiting your action in this matter. Remember that the pledge of the United States Government is given that these matters shall be set-

tled at the earliest possible moment. Remember that this pledge is already long delayed and broken. It but remains with you gentlemen of the House to keep the plighted faith of this great and powerful Government with a small and helpless band of its citizens.

There is just one other fact to which I want to call the attention of this House, if the Chair will permit, and that is that there is now being expended out of the tribal funds of the Five Civilized Tribes, I think, something over $500,000 annually, concerning which expenditure no report is required by any man to any man. Under the law this expenditure is directed to be done under the supervision of the Secretary of the Interior, and he is accountable to and reports only to himself. This is no reflection upon the Secretary or any of his subordinates. It is no reflection on the integrity of any man to ask him to make an accounting of trust funds administered by him. This kind of supervision simply tends to make any class of public officials better and more accurate in their dispensation of such matters. Congress would not think of permitting the funds from the National Treasury to be expended in any such loose, haphazard manner as this. Why should we require any more rigid supervision of our own funds than those held in trust for our wards?

In response to a resolution passed by the first session of the Sixtieth Congress a report was made, some ten months thereafter, on the administration of these funds, and that is the last that has ever been heard from them.

Mr. BURKE of South Dakota. If the gentleman will permit, I will say to him that when this appropriation bill becomes a law the Secretary of the Interior will report henceforth on all of these items.

Mr. CARTER. I am very glad to hear the gentleman say that. I know that I talked to him about the matter on several different occasions, and he agreed with me that this should be done. In the reading of the bill we have not yet reached that provision.

Mr. BURKE of South Dakota. We have a provision in the bill under which we propose to have a report to Congress.

Mr. CARTER. I think that is one of the best provisions in the bill, because it places this matter on a more businesslike basis. Under the nose of each member of the Indian Committee every year will be stuck a statement of the vast amount of Indian funds that are being expended in eastern Oklahoma. Some of these expenditures are not only not beneficial, but are notoriously detrimental to the Indian, in my opinion, and I am sure if either the Interior Department officials or the members of the Five Civilized Tribes had a free hand some of these items would be summarily dealt with. This is a good provision, Mr. Chairman, but it just goes half far enough. There is no sane, logical reason why these funds should not be dealt with just the same as the funds in the Federal Treasury. None of this money should be spent without a specific appropriation by Congress, and if the point of order would not lie against it I would offer some such amendment as this:

That hereafter no money shall be expended from the funds of the Five Civilized Tribes in Oklahoma except by specific congressional action: *Provided*, This inhibition shall not interefere with or prevent the distribution of all these funds per capita to legally enrolled members as the law directs.

Mr. Chairman, let us give the Indian a dead-square deal; let us deal with him without duplicity, double dealing, or sophistry; and let us divide the tribal property among these Five Civilized Tribes at the earliest possible moment. The majority of them are competent. Let us pay them off and grant to them all the immunities and privileges you yourself enjoy. Let Congress closely scrutinize and supervise the administration of these Indian funds until the final settlement is made, and I again wish to guarantee that members of these Five Civilized Tribes will make good as citizens of this great Republic.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $90,000.

Mr. CREAGER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 6, page 27, strike out the word "ninety" and insert the words "one hundred and five," so that it will read "$105,000."

Mr. CREAGER. Mr. Chairman, the work of the district agents among the Indians of the Five Civilized Tribes is, I believe, the wisest and best that has been undertaken by Congress in recent years. These men have saved to the Government and to the Indians a great many thousands of dollars. They are saving more money every day by hastening the time when the work for the Commission to the Five Civilized Tribes will cease, because the principal part of their duty is to listen to applications for the removal of restrictions.

Shortly after Congress authorized the appointment of these agents an authorization was made for the appointment of additional district agents in that part of Oklahoma not included in the territory of the Five Civilized Tribes. Unfortunately sufficient appropriation was not made to meet all the expenses, with the result that the work among the district agents for the Five Civilized Tribes was seriously impaired and the appropriation is now exhausted. We ask, therefore, for $15,000 additional, in order that expenses for the next year may be met, and that the work which has been impaired may be caught up with and go on as originally intended by Congress.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CREAGER. I will yield to the gentleman.

Mr. STEPHENS of Texas. Has any part of this fund been used for bringing suit against persons down there?

Mr. CREAGER. No.

Mr. STEPHENS of Texas. Is the gentleman aware that 20,000 suits have been brought against people in Oklahoma who have bought Indian lands, and that it has greatly injured that country and injured the Indian, because it depreciates the value of Indian land? The government agents have been very derelict in their duty by bringing so many of these unfounded suits.

I will cite the case of Mr. Cruce, who was candidate for governor in the last election, and who married an Indian woman, and was the legal guardian of the wife and children, to whom lands and town lots had been awarded. Mr. Cruce sold some of this property, and the deeds made by him were attacked by these agents of the Government and suits brought to recover the property. These suits were brought to cancel these deeds at the instance of and by the men who brought these 20,000 suits, and it seems to me that there must have been behind it some men holding office under the Federal Government who were deriving benefits in court fees to which they were not justly entitled. I do not think that we ought to appropriate money to aid these men to bring more suits, to the injury of the people of Oklahoma and the Indians as well.

Mr. CREAGER. The district agents had no more to do with the bringing of this litigation than did the gentleman from Texas.

[The time of Mr. CREAGER having expired, by unanimous consent it was extended five minutes.]

Mr. STEPHENS of Texas. Who did bring the suits and who authorized them? I have been met with the same answer the gentleman makes every time I have tried to find out anything about these suits.

Mr. CREAGER. It is true that the value of the Indian property in Oklahoma is being depreciated partly by this litigation, which I believe personally is unnecessary, and largely because the Democratic administration of that State makes it an industrial scarecrow rather than a sensible, progressive state government.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CREAGER. Certainly.

Mr. STEPHENS of Texas. What authority has the State to authorize the bringing of these suits?

Mr. CREAGER. The State did not authorize the bringing of the suits; it had nothing to do with it.

Mr. STEPHENS of Texas. They were brought by the agents of the Federal Government?

Mr. CREAGER. Yes.

Mr. STEPHENS of Texas. Then how did the state government become responsible?

Mr. CREAGER. The state government is not responsible for the suits, but they are responsible for a tax rate that is unbearable.

Mr. STEPHENS of Texas. Is the gentleman aware that the judges before whom the cases were tried and the men bringing the suits were Republicans and not Democrats?

Mr. CREAGER. No; I am not aware of the fact. The man superintending the suits was a Democrat, and that is the meanest thing I have heard said of him. [Laughter.]

Mr. STEPHENS of Texas. Who appointed him?

Mr. CREAGER. The man who did appoint him is not within the jurisdiction of the United States at this time.

Mr. STEPHENS of Texas. The gentleman says he was a Democrat; what did he do?

Mr. CREAGER. Who?

Mr. STEPHENS of Texas. The gentleman who brought the suits.

Mr. CREAGER. Why, he brought the suits. [Laughter.]

Mr. STEPHENS of Texas. As attorney for the United States Government?

Mr. CREAGER. Yes.

Mr. STEPHENS of Texas. Against the Indians?

Mr. CREAGER. No.

Mr. STEPHENS of Texas. Then, the gentleman says he is responsible?

Mr. CREAGER. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, I hope the amendment will not prevail. I will say that the committee considered the subject carefully, and while it is true that there has been a deficit heretofore, the commissioner assured us that it would not be necessary to expend as much money on the west side as has heretofore been expended there, and therefore the proposed appropriation will be sufficient to take care of the matter that the gentleman from Oklahoma has in mind when he proposes to increase this appropriation. The committee believe that the amount stated in the bill will be sufficient to accomplish all that is necessary to be done and pay the expenses of the district agents, so I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Secretary of the Interior is directed to pay Arthur P. Murphy out of the funds of the Muskogee (Creek) tribe of Indians the sum of $4,320.08, in full payment for amount due him as attorney for said tribe of Indians under contract dated January 10, 1903, and approved by the Commissioner of Indian Affairs and the Secretary of the Interior January 13, 1903.

Mr. SISSON. Mr. Chairman, I desire to reserve the point of order against this section. I would like to know what steps were taken in the courts to secure this fee, and by what authority of law the applicant comes to this Congress.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman that this item concerns a Member of the House, [Mr. MURPHY], and he is, of course, familiar with the subject. I therefore ask him to answer the inquiry of the gentleman from Mississippi.

Mr. CARTER. Mr. Chairman, I doubt if the provision is subject to a point of order.

Mr. BURKE of South Dakota. It does not propose to take any money from the Treasury. It proposes to pay this claim from the funds of the Indians, and my understanding is that there is now authority of law by which we may appropriate moneys belonging to these Indians for any purpose for their benefit.

Mr. SISSON. Mr. Chairman, I do not suppose, of course, that the gentleman would insist that it makes any difference whose money is being paid, as far as the principle involved is concerned, because the chairman of the Committee on Indian Affairs, I take it, would safeguard the money of the Indians just as much as he would the money of the United States Treasury.

Mr. BURKE of South Dakota. I would say it makes this difference: If we did have authority of law to pay out for the Indians from their own funds moneys that we think ought to be paid, it is quite a different proposition than to pay money generally from the Treasury of the United States.

Mr. SISSON. I think the gentleman misunderstands me. I did not undertake to say that the exact rule would be the same in both cases, but the care exercised by the committee ought to be the same to safeguard the funds of each.

Mr. BURKE of South Dakota. Oh, exactly the same. I would not consent to report in favor of an appropriation to pay the claim of any person that I did not believe was an honest one, from the funds of the Indians any sooner than I would from the general fund in the Treasury.

Mr. SISSON. Mr. Chairman, Mr. MURPHY may be entitled to this fee, but I would like to know something about the services rendered and by whom he was employed, and whether or not any suit has been brought in any court for the purpose of recovering this fee, and, if he has gone into the courts, whether or not the courts had any jurisdiction to allow him his fee, and the character of litigation.

If he was authorized to be employed to bring suits there ought to have been at the time he was employed some provision to pay his fees, and if the power that authorized the employment had declined to pay the fee, then there is evidently some reason for it.

Mr. BURKE of South Dakota. I will again call upon the gentleman from Missouri, Mr. Chairman, to give the gentleman from Mississippi this information. The committee were unanimous in the belief that this ought to be paid. The department also advised the committee that it believed it was a just claim and ought to be settled.

Mr. MURPHY. Mr. Chairman, I hesitate somewhat to defend an appropriation in which I am personally interested, and would not do so unless requested. The first Creek treaty—and I believe the gentleman from Oklahoma [Mr. CARTER] has it before him—provided that any bill passed by the Creek council—which is their legislature—except appropriations for the pay of their officers, and I was not an officer, should be approved by the President of the United States before it could have any effect. On December 6, 1901, the council of the Muskogee or Creek Nation passed an act which provided for the employment of an attorney, or a firm of attorneys, specifically defining their duties. Among other things, it provided that "the compensation of said attorney at law, or firm of attorneys at law, shall be $5,000 per annum, to be paid from the general funds of the Muskogee Nation." In December, 1902, that act was approved by the President of the United States.

On January 10, 1903, I entered into a contract with the Creek Nation, through its principal chief, as authorized by that act, in which it is incorporated and in which the duties are enumerated as provided therein, providing for the pay as was also provided. I entered upon those duties—in fact, some time prior—a month or two before the time—a prior contract having been made but not acknowledged, as required by the general statutes of the United States; I continued in the work until March 24, 1904. Some time in the month of February, 1904, one Mr. Bonaparte and Woodruff went to the Indian Territory to make an investigation of the Dawes Commission and other officials of the Government in that country. I had previously preferred some charges against government officials in that country, and he was given those charges to investigate. Mr. Bonaparte spent some three days making that investigation and made a report, which was published as a public document, in which some discreditable things were said about myself, and the officials I complained about were given a clean bill of health; and he also sought to discredit the so-called "Dawes Commission" in his report. At that time I was investigating the town-lot frauds. I did not know at that time that he who was a party to my contract was a participant in those frauds. But it was brought to the attention of the Secretary of the Interior. Pursuant to Mr. Bonaparte's report, on March 24, 1904, the principal chief of the Creek Nation attempted to terminate my contract, stating as the only reason for doing so that Mr. Bonaparte had said certain things in relation to me. I neglected to state that the officials complained against at that time are not now in the service of the Government, but one of them was found to be $7,000 short in his accounts. I immediately notified the chief of the Creek Nation in reply to his notice to me that I did not recognize his authority to terminate the contract except for a good cause, and that should be a cause which the courts would determine to be a good cause.

But he persisted in it, and I maintained my office there out of my own pocket, and remained there until July, 1905, although I had been elected to Congress in the meantime; but I abandoned my claim for any pay after March 4, 1905, when my salary as a Member of Congress began. I brought a suit, injunction proceedings, in the federal court of Muskogee to restrain the principal chief from paying this amount to anyone else, and asked for a mandatory injunction to compel him to pay it to me. After the suit had been instituted the then principal chief and I entered into an agreement that the court should determine that cause, without reference to any technicalities, and decide who was entitled to the money. The case was then referred to a master in chancery, and he found I was entitled to $4,320.08. It was taken up to the United States court, and the report of the master was approved and judgment rendered. The case was appealed to the United States court of appeals for the Indian Territory and there submitted. No claim was raised at that time that it was a suit against the Creek Nation, but it was submitted solely and wholly on its merits as to whether I was entitled to the money or not. By a unanimous decision the court decided I was entitled to $4,320.08. Subsequently, or very shortly thereafter, the principal chief died. His successor and a gentleman who had been appointed attorney for the Creek Nation on a contract copied from this of mine repudiated that agreement and appealed the case to the United States circuit court of appeals for the eighth circuit. They pressed it very strongly and tried to have it decided that I was an officer and that the court could not control the acts of an executive officer. The United States circuit court of appeals decided in the first paragraph of their decision—I have it here, and it is quite lengthy—that I was not an officer; that in no way could it be construed that a man performing services under a contract where the act provided for an attorney or a firm of attorneys that they could be officers, and that I was not an officer; but did decide that it was a suit virtually against the Creek Nation; that the question could be raised at any stage of the proceedings; and, therefore, the suit could not be main-

tained. That is the history of the litigation. Of course, having this provision in the bill, should it be retained, I must withhold my vote on the bill.

Mr. SISSON. They held, as I understand it, that you could not maintain the suit against the Creek Nation, because it was a sovereignty? Is that the idea?

Mr. MURPHY. Yes, sir.

Mr. SISSON. But the court decided on the merits of the controversy that you were entitled——

Mr. MURPHY. That I was entitled to the money. It was the unanimous decision of the United States court of appeals for the Indian Territory.

Mr. BURKE of South Dakota. I would like to have the gentleman state how much he has expended in litigation over this matter?

Mr. MURPHY. I paid out at one time, after the suit was dismissed, $1,535 on the injunction bond.

Mr. SISSON. I do not care to go further into the proposition. I only wanted to know whether the matter had been adjudicated by the court on its merits, and, under all the circumstances, even if the point of order would lie against it, I would withdraw it.

The Clerk read as follows:

For support of Confederated Bands of Utes in Utah: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (art. 15, treaty of Mar. 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (art. 9, same treaty), $220; for annua. amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (art. 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

Mr. HOWELL of Utah. Mr. Chairman, I offer an amendment which I send to the Clerk's desk and which has been approved by the committee.

The CHAIRMAN. The gentleman from Utah offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, after the word "dollars," in line 33:

"For straightening the Duchesne River within the limits of the town site of Duchesne, now Theodore, in the State of Utah, the sum of $5,000, to be immediately available, to be expended under the direction of the Secretary of the Interior, and to be reimbursable out of the proceeds of the sales of lots within said town site under the act of May 27, 1902 (32 Stats., 245)."

Mr. BURKE of South Dakota. Mr. Chairman, I will have to reserve a point of order against the amendment, because it is not as reported by the committee, if I understood the reading of it.

Mr. HOWELL of Utah. I think the gentleman is mistaken. The amendment is drawn exactly in the language which was submitted by the Secretary of the Interior.

Mr. BURKE of South Dakota. We are taking the opinion of the committee and not that of the Secretary of the Interior. I have an amendment here which accomplishes the same thing.

Mr. HOWELL of Utah. I have no objection to the amendment. I have no pride of construction, provided the purpose is accomplished.

Mr. BURKE of South Dakota. Then the gentleman may offer it as a substitute.

Mr. HOWELL of Utah. Mr. Chairman, I withdraw the amendment which I submitted and desire to offer the amendment which I send to the Clerk's desk as a substitute.

Mr. Chairman, this appropriation has the indorsement of the Secretary of the Interior, after a careful and full investigation of the matter. It simply enables the Secretary to employ the sum appropriated from the Indian funds in protecting from overflow the unsold lots in the Theodore town site which belong to the Indians. The money expended will enhance the value of these lots and make them more desirable for prospective purchasers. The improvement is necessary and is in the interest of the town site.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn. The Clerk will report the substitute.

The Clerk read as follows:

Page 33, between lines 21 and 22, insert the following paragraph:

"For straightening the Duchesne River within the limits of the town site of Duchesne, now Theodore, in the State of Utah, $5,000, to be immediately available and to be reimbursed to the United States out of the proceeds of the sale of land within the Uinta Reservation, open to entry under the act of May 27, 1902, and including the sale of lots within said town site of Theodore."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 23. For the support and education of 120 Indian pupils at the school of Hampton, Va., $20,040.

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word. The Indians of Alaska long heard of the high reputation of Hampton for its educational facilities, and many of them may desire to go there. On Saturday when the matter of the Indian appropriation bill was being heard I was unfortunately absent attending a hearing before the Senate committee on the Alaska legislation bill. I learned that the status of the Indians of Alaska was questioned as to whether they had a right to be classed as Indians and whether they had a right to have a portion of the appropriation for the suppression of the liquor traffic extended to their protection or not. I think a mistake was made in that respect, and for the purpose of attempting to correct it I ask unanimous consent to show, if I can, that the Indians of Alaska have the same legal status before the law as do the Indians of New Mexico and Arizona.

Mr. STEPHENS of Texas. I desire to ask whether or not you are acquainted with a tribe of Indians that Doctor Duncan has on the Annette Island?

Mr. WICKERSHAM. I am.

Mr. STEPHENS of Texas. If you will look back, you will find that he appeared before the committee, and there was some legislation recognizing those as Indians. Is Doctor Duncan and those Indians still on the islands?

Mr. WICKERSHAM. Yes, sir; but that was a tribe of Indians that came into Alaska from British Columbia, and an act of Congress was necessary to give them the rights of Indians in Alaska.

Mr. STEPHENS of Texas. Now, is it a fact that these were recognized as Indians?

Mr. WICKERSHAM. Oh, no; not until the act of Congress gave them that status.

Mr. STEPHENS of Texas. Metlakahtla Indians?

Mr. WICKERSHAM. I think it was the Metlakahtla Indians.

Mr. STEPHENS of Texas. Is it not a fact that the Aleut Indians are some of the very original people of Alaska?

Mr. WICKERSHAM. The Aleuts are a branch of the Eskimo and reside on the Aleutian Islands and along the south coast of the Alaska peninsula.

Mr. STEPHENS of Texas. But they were undoubtedly Indians?

Mr. WICKERSHAM. Oh, I think so. The Indians who inhabit the interior of Alaska are identical with the Apaches and Navajo. They talk the same language that the Apaches and Navajo in New Mexico and Arizona speak, with only dialectic differences.

Mr. STEPHENS of Texas. So it would be rather dangerous to bring those people from Alaska to Hampton and educate them?

Mr. WICKERSHAM. It might be dangerous for some of them.

Mr. STEPHENS of Texas. Would it not be dangerous for the Treasury of the United States?

Mr. WICKERSHAM. Not at all; we have schools for them in Alaska.

Mr. STEPHENS of Texas. How many of these Indians are there in Alaska?

Mr. WICKERSHAM. About 30,000.

Mr. STEPHENS of Texas. We would have to have a great many more schools, then, for them.

Mr. WICKERSHAM. Not at all.

Mr. STEPHENS of Texas. It would be beyond the capacity of all of the nonreservation schools, and I believe that we ought to do away with all but the reservation schools.

Mr. WICKERSHAM. We do not want any Indian agents in Alaska; we do not want the Government to create reservations and move them thereon and attempt to control them by appointing agents over them. We want it to give them aid and assistance by furnishing them physicians and suppressing the liquor traffic among them, however.

Mr. STEPHENS of Texas. I think you are exactly right, and I think Congress ought to give you the necessary legislation.

Mr. WICKERSHAM. Mr. Chairman, on Saturday, when the House was engaged in the consideration of the Indian appropriation bill, I was unavoidably detained before the Senate Committee on Territories in a hearing on the bill providing for the creation of a legislative council in Alaska. Upon the consideration of that clause of the bill, "For the suppression of the traffic in intoxicating liquors among Indians, $70,000," the gentleman from New York [Mr. FITZGERALD] offered an amendment, to add to the clause, after the word "Indian," the words "including those in the Territory of Alaska." A point of order was sustained to the amendment.

The final action taken by the committee in refusing to amend is quite satisfactory to me, but not for the reasons stated in support of the point of order. It is my judgment that the appropriation is applicable to Alaska and may be used for the suppression of the illegal traffic in intoxicating liquor among the Indians there without amendment.

The third article of the treaty of cession of 1867, by which the United States acquired the Territory of Alaska from Russia, provides:

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

The last clause in that section guarantees to the uncivilized tribes in Alaska the benefit of such "laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country," meaning the United States. If that meaning of the words of the treaty—the supreme law of the land—may be adopted, as it has been adopted in the local courts in Alaska, then all those general laws passed by Congress and which are applicable for the control of Indians and of Indian affairs within the United States are in effect in Alaska. If that is correct, then the appropriation in general terms for "the suppression of the traffic in intoxicating liquors among Indians" is sufficiently broad to enable it to be used in Alaska.

Even if these words of the treaty may be thought insufficient to extend that appropriation to Alaska, there is a general statute of the United States which certainly does effect that result. Section 1891 of the Revised Statutes of the United States provides:

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere in the United States.

This statute extends not only the Constitution, but all the laws of the United States which are not locally inapplicable to Alaska if Alaska is a Territory. That question is happily settled by several decisions of the Supreme Court of the United States in causes where that identical point came in controversy. In the case of Steamer Coquitlam *v.* United States (163 U. S., 346) that court decided:

Alaska is one of the Territories of the United States. It was so designated in that order, and has always been so regarded. And the court established by the act of 1884 is the court of last resort within the limits of that Territory. It is, therefore, in every substantial sense the supreme court of that Territory. No reason can be suggested why a Territory of the United States, in which the court of last resort is called a "supreme court," should be assigned to some circuit established by Congress that does not apply with full force to the Territory of Alaska, in which the court of last resort is designated the "district court of Alaska."

In the case of Binns *v.* United States (194 U. S., 486), where the constitutionality of the license laws of Alaska was at issue, the court again said:

* * * Nor can it be doubted that it is an organized Territory, for the act of May 17, 1884 (23 Stat., 24), entitled "An act providing a civil government for Alaska," provided "that the territory ceded to the United States by Russia by the treaty of March 30, 1867, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided." (See also 31 Stat. L., 321, sec. 1.)

And in the case of Rasmussen *v.* United States (197 U. S., 516) the Coquitlam and Binns cases were referred to and approved, and the court again declared that "Alaska is one of the Territories of the United States."

It follows from the force of section 1891, Revised Statutes, 1878, and the decisions of the Supreme Court of the United States just cited, "that the Constitution and all laws of the United States not locally inapplicable shall have the same force and effect" in Alaska "as elsewhere in the United States." It necessarily follows, then, that a general appropriation "for the suppression of the traffic in intoxicating liquors among Indians" applies to Alaska if there are any "Indians" in that Territory.

The point of order was made by the gentleman from Illinois [Mr. MANN], who said:

Mr. MANN. The point of order is that there is no authority of law for this appropriation so far as Alaska is concerned. There is an authority of law for appropriation so far as the Indian country is concerned, however.

Alaska was declared "Indian country," so far as the introduction and sale of spirituous liquors are concerned, by the act of Congress of March 3, 1873 (17 Stat., 530). The United States district court in Oregon, in construing the statute, declared:

Upon the extension of sections 20 and 21 of the Indian intercourse act of 1834 (4 Stat., 732) over the Territory of Alaska, by force of act March 3, 1873 (17 Stat., 530), said Territory became, so far as the introduction and distribution of spirituous liquors is concerned, what is known in the law as "Indian country," and therefore the military force of the United States may be employed therein for the arrest of persons who violate either of said sections. (In re Carr, 3 Sawyer, 316.)

Alaska is not "Indian country" in the technical sense of that phrase only so far as the introduction and disposition of spirituous liquors is concerned, and subject to this restraint it is open to occupation and trade generally. (Waters *v.* Campbell, 4 Sawyer, 121.)

Alaska is, therefore, so far as the sale of liquor to Indians is concerned, "Indian country," and for that reason the appropriation was, in the opinion of the gentleman from Illinois [Mr. MANN], authorized and not subject to his point of order.

For the reason, however, that the Constitution and all general laws of the United States not locally inapplicable are extended to Alaska by section 1891, Revised Statutes, a general appropriation "for the suppression of the traffic in intoxicating liquors among Indians" applies to Alaska if there are any "Indians" there. The census of 1900 showed that there are 29,356 Indians in Alaska. But, it was said, the Alaskan natives "are not Indians in the strict sense." Another gentleman declared, "I do not believe that the natives of Alaska are classed as Indians at all," and they were called "statutory Indians," to distinguish them from the real Indians in the United States.

These opinions are entirely at variance with the truly valuable and highly scientific conclusions announced by the Bureau of Ethnology. The pre-Columbian inhabitants of America were all one in blood. From the Arctic to the Antarctic, from Point Barrow to Terra del Fuego, the natives of the Americas were one race and one blood. Though tribes differed greatly in culture, ethnology has found no difference in blood; they constituted one great American family.

There are three general classes or types of Indians in Alaska. The Eskimo-Aleut type inhabits the seacoast from the mouth of the Copper River westward and northward along all the northern shores of that great territory. They are gentle and peaceable and long inhabited those shores in safety and comfort until the white man came to destroy them with his vices and whisky.

From the Copper River southward the Tlingit type, with its highly complex clan system and semicivilized culture, extended to Cape Flattery in the State of Washington. Just as the Makahs, Ozette, and other tribes in Washington were Indians of the most interesting type, so are those of southeastern Alaska. More than five-sixths of Alaska was inhabited, sparsely but solely, by the Tinneh or Athapascan type. This type extended from near the mouth of the Yukon across the entire width of Alaska, and thence entirely across the plains and valleys of British North America to Labrador. Bands of these hardy, northern rovers migrated southward, following the rivers, into Washington, and thence onward. A tribe in Washington, the Umpqua in Oregon, the Hupa in California, the Navahos and the dread Apache of the Mexican border are blood brothers of the Indians of the Tanana and Yukon in Alaska. There is no difference in the language and culture between the Tanana Indians of the Territory of Alaska and the Apache Indians of the Territories of Arizona and New Mexico. Nor, in my opinion, is there the slightest difference in their legal status or legal rights, except that the Navaho-Apache of Alaska have the right guaranteed to them, under the treaty of cession of 1867, to the protection of "such laws and regulations as the United States may from time to time adopt in regard to" the Navaho and Apache of Arizona and New Mexico.

One of the rights thus guaranteed was that they should be protected during their early days of contact with the white man from his bad habits and worse whisky. Congress has passed various penal laws to prevent the sale of intoxicating liquors to Indians in Alaska, and the courts of that Territory for many years have and do now enforce those laws, by fine and imprisonment, and it has never before been suggested that these people were not Indians. There is an imperative necessity for the prompt and stringent enforcement of these laws, and the appropriation for the suppression of the illegal traffic in intoxicating liquors among Indians ought to be fairly divided with Alaska, that her Indians may be protected and encouraged to enter upon that long and hazardous trail which is supposed to lead to civilization.

In conclusion I wish to express the opinion that while the amendment offered by the gentleman from New York [Mr. FITZGERALD] was quite unnecessary to extend the appropriation to Alaska, it was highly beneficial in suggesting that it is sometimes necessary to enact superfluous legislation to get into the heads of those charged with the administration of laws that the things thus expressed must be done. If the Indian Office would consider these questions in the light of the law, I am sure Alaskan Indians will have the benefit of a share of this appropriation from the mere suggestion of his amendment, for which I thank him.

However, I wish to express the opinion that the appointment of Indian agents and the enforced gathering of the Indians of Alaska upon reservations is unnecessary and ought never to be considered. If they can have the services of a physician and reasonable sanitary suggestions, and "the suppression of the traffic in intoxicating liquors among" them, they will need no more attention from the General Government, since they may now take lands under the provisions of the Indian severalty law, and may, by abandoning their tribal relations and adopting the habits of civilized life, become American citizens. What the Indians of Alaska need is a careful consideration of their legal rights and status before the law and protection from whisky and intrusion upon their old home places; then let them alone.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 27. As soon after the close of the present fiscal year as may be practicable and not later than the first Monday in December, 1910, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit estimates of appropriations, except for the purpose of fulfilling treaty stipulations, to be paid from either public or tribal funds, will be made for the fiscal year 1912; and such statement shall show (1) the total amount of all moneys, except the unexpended balances of appropriations made for current and contingent expenses for Indian affairs for the fiscal year 1910, from whatever source derived, standing to the credit of each such tribe of Indians, in trust or otherwise, at the close of the present fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each such tribe of Indians for the fiscal year 1910; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Mr. BURKE of South Dakota. Mr. Chairman, I have an amendment to correct the bill.

The Clerk read as follows:

Page 38, line 6, change the word "year" to "years;" and in line 7, after the word "ten," insert the words "and nineteen hundred and eleven."

The question was taken, and the amendment was agreed to.

Mr. BURKE of South Dakota. I offer the following committee amendment.

The Clerk read as follows:

Page 38, insert the following as section 28 of the bill:

"SEC. 28. The several agreements concluded with certain Indian tribes hereinafter mentioned, as evidenced by the original papers on file in the office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document No. 358, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April 30, 1908, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, are hereby ratified and confirmed, to wit:

"'The agreement with the Oneida tribe of Wisconsin, dated January 4, 1909;

"'The agreements with the Sac and Fox of the Mississippi tribe of Oklahoma and Iowa, dated February 27, 1909;

"'The agreement with the Pottawatomie tribe of Kansas and Wisconsin, dated March 16, 1909;'

"And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribes, respectively, the sums hereinafter specified, said sums being a capitalization of the perpetual annuities of said tribes on the basis of 5 per cent, and the same having been accepted by said tribes in the agreements heretofore mentioned in lieu of and as a commutation of said perpetual annuities, to wit:

"'The Oneida tribe of Wisconsin, $20,000;

"'The Sac and Fox of the Mississippi tribe of Oklahoma and Iowa, $20,000;

"'The Potawatomie tribe of Kansas and Wisconsin, $180,758;'

"And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

"The sums placed to the credit of the respective tribes, less disbursements therefrom, as provided for herein, shall draw interest at the rate of 5 per cent per annum; and the interest accruing on said principal sums may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semi-annually, or expended for their benefit in such manner and under such regulations as he may prescribe."

Mr. MANN. I reserve the point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. BURKE of South Dakota. This is the proposition that we discussed earlier in the day. The act of April 30, 1908, being the Indian appropriation act for that year, had this paragraph:

That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent or other representative of his office to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements, with such recommendations as he may deem proper.

That has reference to perpetual annuities for which we make appropriations annually. It was thought that many of them could be gotten rid of by having them capitalized, so that the money might be paid out to the Indians.

The Commissioner of Indian Affairs, under that authority and in compliance with it, has transmitted his report, which is embodied in Senate Document No. 358, Sixty-first Congress, second session, containing a number of agreements proposing to capitalize annuities. It is all upon a 5 per cent basis, and it involves, I think, about $200,000 to be set aside to the credit of the Indians, at a rate of 5 per cent interest for such time as it may remain to their credit; but the agreements provide that the money may be paid to them or expended for them, as the case may be. It is simply a business proposition, and as such it would seem to be advantageous to the Government.

I want to say, further, that in recent years we have capitalized a number of these annuity payments to the extent of paying out $2,000,000 or $3,000,000; I am not certain as to the exact amount.

Mr. MANN. May I ask the gentleman what is the total amount that is now deposited in the Treasury under this provision?

Mr. BURKE of South Dakota. Under that bill?

Mr. MANN. Under the amendment offered by the gentleman.

Mr. BURKE of South Dakota. I think about $200,000.

Mr. MANN. It is in the neighborhood of $200,000?

Mr. BURKE of South Dakota. I think it is $220,758, to be accurate.

Mr. MANN. I know the gentleman intends to treat the House with perfect fairness, and yet it is very difficult for Members of the House to determine as to the merits of the details of a proposition of that sort. Is this proposition the same in detail and provision as the capitalizing propositions have been before?

Mr. BURKE of South Dakota. Just the same.

Mr. MANN. What is the authority contained in this amendment for the paying out of the money, and how is it to be gotten out?

Mr. BURKE of South Dakota. In accordance with the agreements made with the different tribes of Indians. It varies, I think——

Mr. MANN. These agreements are not set forth here. They are not ratified, are they?

Mr. BURKE of South Dakota. They are to be ratified by the amendment which I have offered.

Mr. MANN. Without setting them forth?

Mr. BURKE of South Dakota. They are printed in Senate Document No. 358, Sixty-first Congress, second session, and by reference to them in this amendment we ratify them.

Mr. MANN. Is that customary?

Mr. BURKE of South Dakota. I think so. That is following the precedents.

Mr. MANN. I think, usually, we have had those agreements set out in haec verba.

Mr. BURKE of South Dakota. It has been done in both ways, Mr. Chairman. I think in matters of no greater importance than this it has not been customary to set them out; but where the agreement contains much of legislation, it is usually set out in full.

Mr. MANN. Why could not the department have transmitted this information to the committee in time for the committee to have reported the bill in the House covering this, so that Members of the House might have an opportunity to see it?

Mr. BURKE of South Dakota. The reports were made, I presume, as soon as they were completed and ready to submit. The department is still at work negotiating with other tribes of Indians to capitalize their funds, and in this report is one proposing to capitalize the fund of the Pawnee Indians in Oklahoma. It is quite a large proposition. It involves $600,000. We had some information to the effect that the agreement had been signed by some who perhaps ought not to have signed it, and there being a protest against its ratification we have not included that in this provision.

Had it not been for the fact that there was a protest from some of the Indians concerning that we would have included it with this other proposition. As I have already stated, it is a business proposition, pure and simple.

Mr. MANN. I want to ask the gentleman if the Secretary of the Interior can draw this money out without an appropriation?

Mr. BURKE of South Dakota. I think so. I think he may also segregate the money in the Treasury and open up an ac-

count with each individual Indian of the respective tribes mentioned in the document.

Mr. MANN. Here is the situation. We are now appropriating large sums of money for the support of the Indians on the ground that they have no means of support belonging to themselves. We appropriate money to certain other Indians under treaty arrangements. Here is a proposition to capitalize the appropriations covered by the treaty arrangement and then to permit the Secretary of the Interior without further authorization of Congress to pay over the principal of the capitalized amount to the Indians. Will not that be followed by a request for us to support these Indians after they have expended their money?

Mr. BURKE of South Dakota. Let me say to the gentleman from Illinois that the Secretary of the Interior has that power to-day to pay out every dollar in the Treasury to the credit of the Indians when he concludes that they are competent and capable of managing their own affairs. He has also the authority to remove restrictions from allotments and grant a fee-simple patent.

Mr. MANN. Then, why do we carry in the bill that is under consideration an appropriation of $250,000 out of the Iowa and Comanche fund for the benefit of the Indians of Oklahoma?

Mr. BURKE of South Dakota. The Secretary would not be permitted to pay out $250,000 to a tribe as a whole, but if a member of the tribe was to make application or request that he might withdraw his pro rata share, the Secretary of the Interior might grant his application and pay him his portion.

Mr. MANN. I have no doubt that the gentleman believes that, but I am afraid that the gentleman is mistaken. I do not think that the Secretary of the Interior has that authority.

Mr. BURKE of South Dakota. I know to a certainty that it does apply to a number of trust funds belonging to Indian tribes.

Mr. MANN. It may apply to a number of trust funds belonging to Indian tribes; I know nothing about that. That would depend on the agreement entered into, but that has no application to this case. I do not believe that we ought to capitalize the annual amount now due to the Indians and then permit the Secretary of the Interior to expend the money at his will without appropriation by Congress, and then put us in the position where we will have to appropriate money annually and thus place us where we now are.

Mr. BURKE of South Dakota. Let me say that this capitalization applies in practically every instance to Indians who have reached such a state of civilization that there is no longer any occasion for the Government to continue its hand upon them. For instance, we have an item here in the bill now of $6,000 a year for Indians up in western New York. There is nobody that doubts for a moment but what those Indians would be entirely capable of taking care of the money that is coming to them, and that it would be safe to pay it to them.

Mr. MANN. As to the particular tribes of Indians, may I ask what the Oneidas, the Sacs and Fox or Mississippi tribe in Oklahoma, and the Potawatomies of Kansas and Wisconsin—are they self-supporting?

Mr. BURKE of South Dakota. I will let the gentleman from Oklahoma [Mr. McGUIRE] answer in regard to that.

Mr. MANN. But the gentleman from Oklahoma is not familiar with the tribes in Wisconsin.

Mr. McGUIRE of Oklahoma. I want to say to the gentleman that the Sacs and Fox of Oklahoma have taken allotments, and that a large majority of them are capable of taking care of themselves, and that there is only a small amount of their money that they desire——

Mr. MANN. Are they involved in the dispute between the Sacs and Fox in relation to which one is entitled to the money between the Oklahoma Indians and the Iowa Indians?

Mr. McGUIRE of Oklahoma. They are, but this fund is not in question; that is another fund.

Mr. BURKE of South Dakota. I want to say further to the gentleman——

Mr. MANN. Mr. Chairman, if the gentleman from South Dakota will pardon me, I am going to withdraw the point of order; but I will say that if any more propositions of this sort are offered at the close of the reading of a bill, subject to a point of order, and I am here, the point of order will be made if no opportunity has been given to see the amendment or have it printed in the RECORD. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I now offer the following amendments, to strike out of the bill the items that are cared for by this amendment that we have just adopted.

The CHAIRMAN. The gentleman from South Dakota offers a series of amendments, which the Clerk will report.

The Clerk read as follows:

Page 13, strike out lines 24 and 25; strike out all of page 14 and lines 1 to 8, inclusive, on page 15.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The Clerk read as follows:

Page 21, line 10, strike out the word "four" and insert the word "three" in lieu thereof.

The CHAIRMAN. The Chair will ask the chairman of the committee which "four" in line 10 of page 21 is referred to. There are two of them in the line.

Mr. BURKE of South Dakota. The second "four." It should read "three thousand five hundred" instead of "four thousand five hundred."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 25, strike out all of lines 5, 6, 7, and 8.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BURKE of South Dakota. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the several amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 19028, the Indian appropriation bill, had instructed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURKE of South Dakota. Mr. Speaker, upon the bill and amendments I demand the previous question to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the vote will be taken upon the amendments in gross. [After a pause.] The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that those who have spoken upon the bill may have five days within which to extend their remarks in the RECORD, limiting their remarks to the subject of the bill.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 5702. An act to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2045. An act for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 5071. An act for the relief of William Frye White, owner of lots 103, 104, 105, and 106, square 754, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; and

S. 5499. An act to grant certain lands to the city of Rawlins, Wyo.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5499. An act to grant certain lands to the city of Rawlins, Wyo.—to the Committee on the Public Lands.

S. 5071. An act for the relief of William Frye White, owner of lots 103, 104, 105, and 106, square 754, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia—to the Committee on Appropriations.

S. 2429. An act for the relief of the estate of James Mitchell, deceased—to the Committee on Claims.

S. 2045. An act for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia—to the Committee on Appropriations.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21419, the post-office appropriation bill. Pending that motion, I ask unanimous consent that until otherwise ordered general debate shall continue, the time to be divided between the gentleman from Tennessee [Mr. MOON] and myself.

The SPEAKER. Pending a motion to go into Committee of the Whole, the gentleman from Massachusetts asks unanimous consent that general debate upon the post-office appropriation bill shall be under control of the gentleman from Massachusetts, the chairman of the committee, and the gentleman from Tennessee [Mr. MOON], and be equally divided. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to inquire how long this general debate is supposed to run?

Mr. WEEKS. Mr. Speaker, it is impossible to determine now, but we believe that on Thursday we can determine the time, and we will then ask the House to fix the limit of debate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Massachusetts that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21419, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the post-office appropriation bill, with Mr. LAWRENCE in the chair.

The Clerk proceeded to read the bill.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WEEKS. Mr. Chairman, reserving the balance of my time, I yield thirty minutes to the gentleman from Minnesota [Mr. NYE]. [Applause.]

Mr. NYE. Mr. Chairman, on one or two former occasions the House has indulged me in some general observations concerning what seemed to me to be the fundamental principles of our Government, largely ethical in their nature, and I have asked from the chairman of the Committee on the Post-Office and Post-Roads that I might be indulged at this hour to offer some observations upon the life and character of the great Father of his Country, that I might read one or two paragraphs from his marvelous Farewell Address and consider with this committee the general lessons which they seem to bring to us in this early part of the twentieth century. Nations of the past have gone down largely, I think, because they forsook the teachings of their great men. It is a conviction of mine that inspiration is the light of history, that here and there all along the centuries from the morning of history great men have held aloft the torch of human liberty and patriotism, and that but for the inspiration of those great men there would be little perhaps interesting in human history and in the advance of civilization as it is recorded in the past. These great men have based their lives and character upon that thought, it seems to me, that no one enjoys full freedom or could enjoy full freedom until he is ready and willing that all other men shall enjoy the same great blessing.

The highest and the most unerring proof of a man's real freedom is the fact that he wants others to enjoy the same blessing. It has been said that he who stoops above the fallen stands erect. Liberty as taught by the great men of the past, and notably this wonderful character of whom it was said: "No people can claim, no country can appropriate him, the boon of providence of the human race, his fame is eternity and his residence creation" is a liberty for all. [Applause.] These men have followed the example of the great teacher of nineteen hundred years ago, who taught that he who would save his life must lose it, he must lose the narrow life of self in the larger life of his fellow-men. This is the great lesson of the immortal Washington. There was a sacred writer, I think among the earliest in point of history, who said: "There is a spirit in man, and the inspiration of the Almighty giveth him understanding." So there is a spirit in a nation. A nation does not consist of its outer phenomena, not in its broad territory, not in wealth, not in the commerce that moves upon the land or blossoms on the sea, that lies hidden in the mines or that waves upon our fields. The spirit of a nation, like the spirit of man, is that which animates, which constitutes the nation as the spirit of man constitutes the man. Constitutions and statutes are, after all, but forms, and if they be not animated by the spirit, then, like the human body, they are dead. It is the spirit that quickens and giveth life. And in this Government, for the people and by the people, we can not too often recur to the great undying precepts embodying and expressing the spirit of a government and of a nation.

There is, to my mind, in the political history of the world scarcely an incident more beautiful than that of the time and hour in which George Washington sent to his beloved country his farewell address. Forty-five years, practically a lifetime, of unselfish service to the State and Nation, in peace and in war, had crowned his mighty efforts as a patriot and as the founder of the principles of liberty in the western world. He longed for retirement and the tranquillity of domestic life at his own beautiful Mount Vernon. But he shared little of the selfish, sordid ambitions that actuate most of us, and which seem to be incident to and inseparable from our fallible human nature. It is true that muckrakers lived in his day; but the maligners are gone; they are dust. Thank God, there survives above all slander, above the arrows of hatred and bitterness, above cruel criticism that which is enduring, noble, and good. [Applause.]

Paul, nineteen hundred years ago, an outcast, spurned by the proud and haughty Nero, denounced as visionary, lives to-day, and we call our boy Paul, but we call our dog Nero. [Laughter and applause.]

This is a time and a day in which we may profitably dwell on the inner soul and life of the Republic, for in its last analysis the Nation's sources of real power are in the moral, intellectual, and spiritual wellsprings of its being.

I am going to speak by way of counsel, and in no criticism to-day, briefly upon one of the phases of our Government, practically a government of party; and before doing so permit me to read as a text a paragraph of Washington's Farewell Address which relates to the subject, and which contains a warning in the presence of which no man can afford to live as a purely selfish partisan, but in which he must consider his duty to his State, his Nation, aye, and to his party itself.

Let me read:

> I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.
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> The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.
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> The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.
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> Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.
>
> It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.
>
> There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in

governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

The great father of his country points out here the weakness of our Government, which up to the present time at least has proved itself to be a necessary weakness. There are some provisions in our Constitution, such as that for the election of President and Vice-President, which indicate that our fathers contemplated only the election of the best men, without regard to party. Evidently they did not anticipate the power and perhaps necessary tyranny of party government. We have in a great measure realized the evils of the party spirit which Washington predicted. Under our system of party government the majority of this House, whether Republican or Democratic, must intrench itself behind the party barricade and rally to the party standard in order to accomplish legislation. It is unfortunate for the country that a great revenue measure, affecting the business and industrial interests of the country, should necessarily be a party measure. The party in power, as in this case the Republican party, in order to accomplish any legislation, must do so through party zeal and often by methods summary and severe, while of necessity it is opposed on the other side by an equal party zeal and bitterness. This precipitates in the halls of legislation a fierce party spirit, out of which comes legislation that is bound to be as imperfect as the method by which it is secured. Individual independence and individual conscience are compelled to give way to the supreme necessity of party victory. Both antagonists, by the very fierceness of the contest, are forced into unnatural positions; and that debate which is the breath of liberty, and that deliberation which is the throne of power in legislation, are wanting.

I am not complaining. This is a condition incident to the imperfection of our human nature. But this is a day above all others in which we should take our bearings and seek a remedy, if any is to be found. I am an optomist. I want to leave one impression in these remarks—that I have a supreme faith that we shall outride all these obstacles to a pure and a free government, and that we shall gradually realize that parties after all are but the instrumentality of good government. [Applause.]

Of course the remedy is with the people themselves. Washington himself indicates that party is a necessity. He says it is a fire not to be quenched, but demanding a uniform vigilance in its control in order that it may not burst into such flame as to consume rather than warm.

A political party is but the instrumentality of good government, and in proportion as the people realize this, they will emancipate themselves from the bondage of any and all parties whose sole object is power and place. The public can not always be victimized by mere party sparring matches. "By their fruits ye shall know them." This is the test. I have worshiped at the shrine of Abraham Lincoln since I was old enough to hear his name. I recognize in the great moral conflict which gave him to the political world and in his unselfish life and devotion to freedom and equality, the real origin of that party to which I belong, and to which I feel the same sentiment of loyalty and fidelity now as in the past. But I want to see a greater individuality preserved. I want at all times to reserve for myself the right to say what is true Lincoln Republicanism and what is not; what is justice to all and what simply promotes special interests.

I thoroughly and profoundly believe that it is the duty of the American citizen to express a fidelity to whatever administration may be in power and to the officers intrusted with the responsibilities of Government. More profoundly than ever do I feel that we have now—and I do not wish to make a partisan speech—a man at the head of this Government who should inspire the truest confidence and the deepest loyalty on the part of all men and all women [applause]; a man who is broad enough and patriotic enough to embrace in his purposes and in his public service the general good of all his country and all of this great people. We may differ as individuals upon individual questions, but I feel that the great American people will in the last analysis stand by any great leader whose heart and whose purposes are for the permanent good of all and special benefit to none. His sincerity, his candor, his frankness, and his ability must inspire general confidence and make his leadership altogether worthy the loyal support of his countrymen. [Applause.]

He believes in the sacredness of the party pledge and the fulfillment of party promises. Full and perfect compliance with the letter of party pledges is not to be expected in all cases, but the country will recognize every honest effort toward a substantial compliance with such promises. Naturally, much must depend in the coming election on the good faith and honest efforts with which the party now intrusted with responsibility, seeks to make good its pledges. Conditions are peculiar. Harvests have been abundant, the business and industries of the country are active and apparently healthy beyond that of any former time, and yet there is much unrest and apparent dissatisfaction. It is a time, in my judgment, for calm, well-poised men like President Taft to be trusted. It is easier to tear down than to build up. It is easier to criticise than to commend, even where commendation is deserved. We believe in a leader who can and will possess his soul in patience, one who will give us an administration not violently radical nor stupidly conservative; an administration that is progressive, which will carry out the principles of sound reform and not attempt to "take the Kingdom of Heaven by violence." I firmly believe that time will fully justify the purposes, the motives, and the labors of this great leader in whom the people have placed their unfaltering faith and confidence. [Applause on the Republican side.]

In his speech February 12, in New York City, he said the Government must enforce the law—

> And if the enforcement of the law is not consistent with the present method of carrying on business, then it does not speak well for the present methods of conducting business, and they must be changed to conform with the law.

The country need not fear an Executive whose purpose is the enforcement of law without fear or favor, and who is determined that none shall be exempt from its provisions.

I consider that he stands for law and order and progress, and that every man, Republican and Democrat alike, may give allegiance to him while he is in office, and Republicans especially may commit the future of their great party to his wise and patriotic judgment. [Applause on the Republican side.]

Mr. Chairman, let us remember that human society will never be renovated, and that politics will never be renovated by men who are not themselves renovated. Under the great principles of this Government the individual seems to be supreme after all. In the last analysis his strength of character, his moral fiber, his ideals of government are the great underlying force and power of the Republic. I can not help a man up unless I am up where I can help him, and I am tired and wearied with the easy, cheap denunciation and criticism of men in public office. [Applause.]

I fear that the time may come when the best men in our Nation will seek to lay down the responsibilities of office, even as the Father of his Country did. I believe that every sentiment of patriotism calls upon the American people to proceed upon the assumption that men charged with public responsibility intend to do their duty. [Applause.]

Now I want to say, and you will pardon me if it may seem a little bit in the order of a sermon, what I had occasion once before to say, not speaking in any sectarian sense whatever, not denying to the various religions of the world whatever is good—and they all have some good—that this Nation of ours is fundamentally and essentially a Christian nation.

I read a few days ago the great argument of Daniel Webster in the Girard will case. I think I have read the most of his speeches and arguments that have ever been published, and I consider that the greatest, in my judgment, revealing the deepest and most profound statesmanship. He said that in the last analysis fundamentally this Government for the people and by the people is a Christian Government. He may have been in error in the application of the principle to the facts of that particular case. The court seemed to think so. Nevertheless, I believe it to be true, and I believe that Washington believed the same, and held to the same great idea. Let me read a paragraph:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

In its last analysis, Mr. Chairman, this Government for the people is a Government which embodies the teachings of good will to men and justice to all. We are favored by the bounties of heaven such as no other nation has ever enjoyed, accumu-

lations of wealth year by year, new wealth, newly created from the soil and from the mines, beyond the dreams of men. But there is a greater wealth than this. It is in the hearts, in the lives, of the noble and patriotic people. It is in the American home. Freely ye have received, freely give. Be just, be generous to all men.

I was an hungered, and ye gave me meat; thirsty, and ye gave me drink; a stranger, and ye took me in; naked, and ye clothed me; sick and in prison, and ye visited me.

Government for the people is a visitation of kindness and good will to men. I read some words from a poet the other day like this:

So many Gods, so many creeds,
So many roads that wind and wind,
While just the art of being kind
Is all this great world needs.

This, Mr. Chairman, is a lesson inculcated by the great Father of his Country. What is the strength of this Republic? It is not altogether in our Washingtons and our Lincolns. It is in the fact that you and I and all of us have some of the Washington in us. The power that supports and sustains this Republic is the fact that we have the virtuous qualities, in a measure, which these great men had.

I can comprehend no more a work of art than I have of art in myself. I can comprehend no more of Shakespeare and Burns than I have of the poet in my own soul. So this Nation's strength is not in its material wealth, but in its loyalty and love for the great Father of his Country and other illustrious patriots whose history and whose lives will be an inspiration as long as liberty lives.

A wonderful, a marvelous man! And we ought to pause on this day to take our bearings anew, to study the lessons of his great life. I have faith in the American people. There is some good in all people, in all parties, in all sections. I stood yesterday down in our Government Printing Office and addressed for ten or fifteen minutes probably 1,000 of the men and women who work in that great institution.

It was one of the most inspiring sights to me in the world, and an inspiration, to speak to the great useful men and women of our country, the men and women who had dropped their daily toil and labor for an hour to pay their devotion to that which is sweetest and purest and noblest in our country. After all, education is usefulness; after all, patriotism is usefulness; after all, Washington was great because he was perhaps the most useful man to the New World who has ever lived—a usefulness which lives and will live forever.

I shall not read more from the address. It is a message, let me say, in conclusion, Mr. Chairman, of peace. It bids us cultivate the arts of peace at home and labor to bring about peaceful relations with all nations of the earth. The individual to succeed must have an ambition; so, too, must a nation. And to my mind the important sphere and plane of our ambition as a nation should be to lead the march of the nations of the earth in the establishment of the world's permanent peace. No fitter, nobler ambition can inspire the American heart, and with faith in our ability to lead this march our children's children and the generations yet to come may show forth to the world a nation whose invincible defense is its character, whose armor is its industry, whose sword is a peaceful commerce, and whose shield is the virtue and patriotism of a mighty people. [Applause.]

Mr. WEEKS. Mr. Chairman, I yield a half hour to the gentleman from Kansas [Mr. MURDOCK], a member of the Post-Office Committee.

Mr. MURDOCK. Mr. Chairman, I rise chiefly for the purpose of calling the attention of the House to that provision in this bill which seeks to repeal a law granting to the St. Louis Terminal Association $50,000 a year for the carriage of the mails across the Eads Bridge. If that provision stays in this bill, the carriage of the mails across the Eads Bridge will cost $7,000 a year if paid on the basis of one railroad, or $14,000 a year if paid on the basis of all railroads crossing the bridge, a complication that arises owing to our peculiar way of paying for the transportation of the mail.

But before I take up the matter of the Eads Bridge payment in detail I would like to make some observations in regard to the whole postal system, with a view of pointing out the necessity of a reorganization of this great department of our Government and the equally pressing necessity of asserting our rights against the invasions of the express companies, which, by their competition, not only prey upon our revenues, but also stand in the way of improvements in postal business.

The postal system has entered so intimately into the life of the Nation, in a social way, that it is difficult to judge the system by commercial standards. Its chief inspiration has been, is now, and will probably continue to be, as the inspiration back of the public school is, social. Its business side has always been subordinate to this social factor in it. From the very first there have been those who have tried conscientiously to hold the system inflexibly down to fixed business rules. Only one man was ever successful—Amos Kendall—and the result was disastrous for years. I am not going into that now.

The postal system is generally beloved by the people, and, as very often happens in this world, the thing which is beloved is frequently chastised. There are details in the postal system that are provoking to a mind like mine, for instance, and I have never had a business training.

Let me cite an instance: On route 76 a ship running from San Francisco to the island of Tahiti, in the southern Pacific, carries 42,000 pounds of mail annually, under the ocean-mail act, which many now desire to broaden and extend under legislation generally known as ship subsidy. This vessel of which I speak is of the third class, and receives for carrying the mail $1 per mile, or $42,180 a year for carrying 42,000 pounds of mail, or $1 a pound. But the payment is not by the pound. It is by the mile. And this curious thing happens. The captain of the ship sets out upon the sea from San Francisco, and steaming the direct route for Tahiti lands there, having completed a journey of 3,658 miles. But the mail which was loaded into the hold at San Francisco and is now dumped onto the docks at Tahiti has traveled 4,218 miles. The cargo which went on at San Francisco and which now goes off at Tahiti has been carried 3,658 miles. The mail has been carried 4,218 miles. The line of the log spins merrily in the blue waters of the tropical sea, and at Tahiti registers a sum total of 3,658 miles, but the United States mail has registered on the books of the department a trip of 4,218 miles.

The tract chart of the Navy Department shows that San Francisco and Tahiti are 3,658 miles apart; the charts of our postal system show that San Francisco and Tahiti are 4,218 miles apart. And we pay $1 per mile not on the navy's charts, but on the postal charts. The law says $1 per mile; and the Post-Office Department, between an Assistant Attorney-General who said that a mile on the sea could mean only a nautical mile of 6,080 feet and an Attorney-General who was equally certain that a mile could mean only a statute mile of 5,280 feet, took the shorter mile and vetoed the customs of the sea. So we pay not $36,580 a year, but $42,180, a difference of some $5,000 a year. I found this circumstance in the report of the expert accountants who went through the department two years ago and who suggested that this particular practice be changed. And it should be.

I have said that inflexible business rules will not always apply in our postal system. Let us take a look at our first-class postage rate. We charge a man just as much for transmitting a letter from New York——

Mr. STAFFORD. Before the gentleman leaves the subject of compensation under the subvention act of 1891, I would like to ask whether the same construction he has just cited in the case of Tahiti transportation is not applicable to the services of all the seven or eight lines that are now operating under that act?

Mr. MURDOCK. Undoubtedly.

Mr. STAFFORD. And if the gentleman will permit another question, whether the construction of the so-called "shorter mile" of 5,280 feet is not only a construction of the statute——

Mr. MURDOCK. Absolutely.

Mr. STAFFORD. In which there is no definite statement in regard to the nautical mile?

Mr. MURDOCK. Oh, absolutely. I said the law used the term "a mile," and an Assistant Attorney-General ruled that this meant a nautical mile and the Attorney-General said it meant a land mile.

Mr. STAFFORD. The gentleman does not wish to make the impression that any reflection should be cast upon the members of the Post-Office Committee——

Mr. MURDOCK. Oh, no; not at all.

Mr. NORRIS. Will the gentleman yield on that point and permit a question?

Mr. MURDOCK. Surely.

Mr. NORRIS. I would like to ask the gentleman if there is any other kind of business or anything that computes a mile on water as the Post-Office Department computes it?

Mr. MURDOCK. Not that I am aware of.

Mr. NORRIS. As a matter of fact, the construction put upon this law by the Post-Office Department is different from the construction put upon it by anybody else?

Mr. STAFFORD. Can the gentleman state from his knowledge whether that is the rule on the Great Lakes?

Mr. MURDOCK. I have no information about the Great Lakes on this score. I suppose a mile at sea is a nautical mile.

I have said that inflexible business rules will not always apply in the postal system. Let us take a look at our first-class postage rate. It is not only true that we transport a letter from New York to Philadelphia for the same rate that we charge for carrying a letter from New York to San Francisco, but we get our postal revenues in large part because of an arbitrary minimum charge on letters. The law says that letter postage shall be 2 cents for 1 ounce or a fraction thereof. In my belief, the words "a fraction thereof" in this relation are the most potent revenue producers in history, for they yield us something like $70,000,000 a year. If it cost 2 cents to send a letter weighing 1 ounce, it might seem fair to provide that it should cost 1 cent to send a letter weighing one-half ounce. But if I should persuade Congress to-day to provide that hereafter a letter weighing one-half ounce or a fraction thereof should go at 1 cent, the deficit next year would probably leap close to $100,000,000, for we get from first-class postage about $135,000,000 annually. If all letters weighed 1 ounce each, we would get, at present rates, 32 cents a pound. We get instead something like 84 cents a pound, because letters do not weigh 1 ounce each, but much less. There are 45 letters ordinarily to a pound, which means that the average letter weighs about a third of an ounce. It is the letter weighing a fraction of an ounce that makes the revenue for the postal system, for first-class postage pays 75 per cent of all moneys received for postal service. To the 90,000,000 people who pay it, 2 cents for a third of an ounce as freely as 2 cents for a full ounce, Congress should make its most profound bow of appreciation. It is the people who pay this rate who have made the system, in its larger development, possible. I do not think the 90,000,000 people would stand the charge if it were made by a business man or a corporation, but it is a government charge, and there is no general complaint.

The revenues received from the different classes of postage rates, as given by the Postmaster-General for 1908, based on an estimate, are as follows:

RECEIPTS.

First-class mail	$132,304,844.51
Second-class mail	9,066,043.61
Third-class mail	25,556,111.37
Fourth-class mail	7,755,921.70

The inflexibility of law and practices causes some very curious oddities and inequalities in the postal system. Let me cite a few:

Here is one: In the old days when a new post-office was established within 80 rods of the main traveled road the mail coach had to turn out and deliver mail to it without extra charge. The stagecoach has disappeared; the practice continues, for, theoretically, whenever a post-office is within 80 rods of the railway station the locomotive to-day must jump the track and deliver the mail to that post-office without cost to the Government.

Here is another: In the much-mooted question of second-class mail matter there are several curious provisions of the law, the survival of customs of other days. The publisher of the Ladies' Home Journal, if he place that publication in the post-office at Philadelphia for distribution by city carriers there, must pay, in addition to 1 cent a pound 2 cents for each copy thereof. However, the Government will take the same journal, carry it to Chicago or San Francisco at a cent a pound, and deliver it by city carrier in Chicago or San Francisco without the payment of the extra 2 cents per copy—that is, the Government will handle the Ladies' Home Journal, after it has had the expense of transportation, more cheaply than it will when it does not transport it at all. At the same time the publisher of the Saturday Evening Post, a publication of equal renown, may deposit that journal in the post-office at Philadelphia and it will be delivered by city carriers without the payment of the 2 cents a copy.

Mr. BURKE of Pennsylvania. Why is it?

Mr. MURDOCK. Because the law gives preference to the weekly, and the Saturday Evening Post is a weekly, while the Ladies' Home Journal is a monthly.

Mr. HAYES. Is it not also true that the Saturday Evening Post will be distributed in Philadelphia without the payment of a cent a pound?

Mr. MURDOCK. My understanding is that in a free-delivery office the publisher does pay the 1-cent-a-pound rate.

This is another item: The Governmnet will carry 50 copies of a publication weighing altogether 1 pound from New York to San Francisco, distribute the 50 copies to carrier routes in that city, and deliver each of them to a separate addressee for 1 cent for the whole number. It will carry a single magazine weighing 1 pound from the one city to the other for the same amount, 1 cent. In both instances the freight rate for a pound would be, at $3 per hundred pounds, 3 cents. The cost to the Government for transportation alone by mail by weight on this pound via the Pennsylvania, Burlington, Union Pacific, and Southern Pacific railways, all paid the minimum rate per ton per mile, is 8 cents.

Mr. MANN. That is the railroad cost?

Mr. MURDOCK. That is what we pay to the railroads by weight for the transportation of that matter.

Mr. HITCHCOCK. That is for the distance across the continent.

Mr. MURDOCK. I actually routed a pound of mail and took it across.

Mr. HITCHCOCK. A shorter distance of course would be proportionately less.

Mr. MURDOCK. Certainly.

Mr. WILSON of Illinois. Does that also include the expense of handling the mail in the post-offices?

Mr. MURDOCK. Not at all. I am speaking purely of the matter of transportation and the cost by weight to the Government of transportation.

Again, to cite another curious item prevailing under our system, we deliver the mail to thousands and thousands of men in the country, on the farm. In the large cities we distribute the mail to the people at their doors. In New York City we make as high as 7 deliveries a day, and we have extended the system there to the point of making night deliveries to the residence portion. But the man who lives neither on a farm nor in a large city, the man who lives in a town of less than 10,000 inhabitants and with less than $10,000 annual postal receipts goes to the post-office for his mail. There is one man under your system whom you do not reach with delivery.

Here is another contradition: Under the law all classes of publications are permitted to carry paid advertisements, save fraternal and trades-union publications. They are not permitted to carry any paid advertisements excepting those pertaining to their orders.

Here is still another: If a man under our system start from San Francisco a 4-pound package to Vienna, Austria, he will pay for it at the rate of 12 cents a pound; or for a 4-pound package from San Francisco to Vienna, Austria, he will pay 48 cents. If he start a similar package from San Francisco for New York City on the same train in the same service, he will pay at the rate of 16 cents a pound, or for a 4-pound package 64 cents.

Mr. SMITH of California. Will the gentleman allow an interruption?

Mr. MURDOCK. Yes.

Mr. SMITH of California. Was the gentleman going to continue further on that, or was he going to leave the subject at that point?

Mr. MURDOCK. I was going to leave it there.

Mr. SMITH of California. Will the gentleman explain to the House the philosophy of that discrimination, or will he permit me to?

Mr. MURDOCK. How long will you take?

Mr. SMITH of California. It will take about two minutes, or perhaps a minute.

Mr. MURDOCK. Go ahead.

Mr. SMITH of California. The international parcels-post arrangements are effected by treaties negotiated by the Postmaster-General under a general law. Until about a year ago the international parcels-post arrangement between this country and foreign countries was for packages not exceeding a little over 4 pounds in weight; but Mr. Meyer, when Postmaster-General, being a very enthusiastic friend of the parcels post, negotiated new treaties by which we were to accept 11-pound parcels, and you consequently hear it stated that you can do exactly what the gentleman says.

Mr. MURDOCK. The gentleman does not deny that that can be done.

Mr. SMITH of California. Oh, no; not at all; but the milk in the cocoanut is this: Nobody sends a parcel from San Francisco to Vienna. There is no considerable amount of business. The gentleman did not state the case fully.

Mr. MURDOCK. Oh, well——

Mr. SMITH of California. You can send an 11-pound package from this country to foreign countries, and yet you can only send a 4-pound package between post-offices in this country.

Mr. MURDOCK. Does the gentleman deny that 4-pound packages can be sent in the way I have stated?

Mr. SMITH of California. Oh, no; not at all; but I am coming to the logic of the statement. In the first place, the 4-pound package which we may send as between ourselves was

extended from this country to foreign countries. Then we took on the 11-pound package as a matter of international comity, because 11 pounds was the general weight throughout European countries; but the point is this: The 11-pound packages which come to this country are practically always from some person in a foreign country to a relative in this country and do not, as a matter of fact, go 100 miles from the Atlantic seaboard; so we do not carry 11-pound packages across the country, although we would if we were called upon to do so. This is the case because the foreign population stays in or near the seaboard cities.

Mr. MURDOCK. The difference is apparent to the man who pays the domestic rate.

Mr. SMITH of Michigan. Will the gentleman please explain why the fraternal publications should not be permitted to have advertisements?

Mr. MURDOCK. Because the Third Assistant Postmaster-General says that the law prohibits the insertion in this kind of journal of paid advertisements other than those pertaining to the order.

Mr. SMITH of Michigan. Why should not the law be changed?

Mr. MURDOCK. There is no question at all about that.

Mr. WILSON of Illinois. I would like to ask the gentleman if he has ascertained the difference in cost of transportation between San Francisco and New York City and between San Francisco and Vienna?

Mr. MURDOCK. No; I have not gone into that.

Mr. SMITH of California. Is it not proper to state in that connection that when we send a package from this country to Europe we get all the postage; we do not have to divide it with the foreign country?

Mr. MURDOCK. Yes; we are making money on the foreign mails.

Mr. STAFFORD. Mr. Chairman, I desire, with the permission of the gentleman from Kansas, to correct a misapprehension that may arise. We pay for the ocean carriage of the mail, and when it traverses a country other than that to which it is addressed we have to repay the country through which it is carried the rate of postage prescribed by the Universal Postal Union.

Mr. MURDOCK. Mr. Chairman, I refuse to yield further. Now, to continue with the citation of curious items: An almanac which contains more blank pages than printed pages goes through the mail at 16 cents a pound. If it contain more printed pages than blank pages, it goes through at 8 cents a pound.

Now, these inequalities in service, and contradictions, and others like them, do not impeach the whole system, but this and other inequalities do indicate the necessity of some revision of the system.

Mr. HAYES. If the gentleman will permit me, I would like to ask him if he has anything that would enlighten us about the transportation of mails from New York to San Francisco—what the service costs, what service is rendered, how much the railroad company receives per car, for example, per mile, or how much per ton?

Mr. MURDOCK. I would have to figure that out specifically. I do not have it at hand. To resume:

The task of the revision of the system, to be successful, must be undertaken with great care, and any change must be accepted only after the most deliberate and searching analysis of every new proposal by Congress. And in any effort which is made for laying new foundations or repairing old ones the Government must take into account its own rights, which I believe have been in part neglected.

Recently I introduced a resolution preliminary to finding a more complete and satisfactory definition of the Government's monopoly in transportation of the mails, which resolution I will append hereto. Since 1792 we have asserted freely this monopoly, but we have frequently limited its enforcement. In the laws of 1792 the United States Government asserted its monopoly in the carriage of the mails and exempted certain mail matter from it, namely, newspapers and "pamphlets," the word in those days used to cover magazines and political brochures.

In 1827 the Congress again reasserted the government monopoly in the transportation of the mails, but failed to exempt newspapers and pamphlets. In 1843 the editors of New York and New Orleans decided that they would set up a post route of their own. They proposed to do so in order to transmit their papers quickly between those two cities. The matter was referred by the Government to the Attorney-General, and he held that these newspaper men could do nothing of the kind. So in 1845 Congress again reasserted the government monopoly in the carriage of the mails and again exempted newspapers and pamphlets. In 1872 Congress again reasserted the government monopoly of the carriage of mails, but failed to exempt newspapers, magazines, pamphlets, and other mail matter. Last year Congress passed a law again asserting the Government's monopoly in the carriage of mail, and there was no exemption whatever in any class of mail matter. We enforce the monopoly to-day only in respect to first-class mail.

Mr. SMITH of Michigan. Do the railroads get more for carrying the mail matter than for express matter?

Mr. MURDOCK. Surely they do.

Mr. SMITH of Michigan. Will the gentleman tell us why?

Mr. MURDOCK. I can not go into that at length here. I do not believe there is any man in the world who can make a complete and conclusive illuminating comparison between express rates and the government mail rates, or, to state it more clearly, a comparison between what the Government pays to the railroads and what the express companies pay to the railroads for the transportation of matter.

The chief difficulty is here: If you attempt to reach a comparison, first of all the express companies in their relation to the railroads for the carriage of matter guarantee to the railroads a certain minimum earning. The amount of that minimum is secret. It varies on different railroads, and no one except the express companies and the railroads to which it is paid knows what it is. The minimum having been paid, then the express company pays, including that minimum, from 40 to 60 per cent of the gross receipts to the railroad, the difference of 40 to 60 per cent being the variation on the different railroads. Now, your comparison between the cost to the Government for the transportation of mail and the cost of transportation to the express company—that is, what it pays to the railroads—is further complicated by this: In the postal system we demand always celerity and frequency of dispatch in place of economy in dispatch. If I were Postmaster-General and the American people should say to me, "Sacrifice frequency of dispatch and celerity of movement to business-like economy," I could cut down tremendously the pay to the railroads for the transportation of mails, even under the present rate of pay; but our system from the first has demanded frequency of dispatch and celerity of movement. We do not send all the mail from New York to Buffalo over one railroad or by one train. We send it frequently. We do not send the bulk of the mail from New York to Buffalo by the shortest route.

[The time of Mr. MURDOCK having expired, Mr. WEEKS yielded him five more minutes.]

Mr. GARDNER of New Jersey. Mr. Chairman, the gentleman has pointed out that it was difficult to make a comparison between the express pay and the railway mail pay. The gentleman, of course, means by the pound. He has made an allusion to the percentage that the express companies pay for the transportation—40 to 60 per cent. If it is a question of percentage, then for the transportation of mail to the railroads we pay less than 30 per cent, so that, on the percentage basis, the Government has decidedly the better of the express companies.

Mr. MURDOCK. I am not acquainted with the gentleman's 30 per cent figure.

Mr. GARDNER of New Jersey. Well, we appropriate some forty-odd millions of dollars for railway mail pay, and the gross income from the mail on all business is $220,000,000.

Mr. MURDOCK. Yes.

Mr. GARDNER of New Jersey. So that the percentage paid by the Government is 20-odd per cent, and the percentage paid by the express companies is 40 to 60 per cent.

Mr. MURDOCK. Still another and a most important matter comes up in making comparisons between mail carriage and express, and that is this: In the transportation of the mails and in the transportation of express matter the express companies get the short haul and reject the long haul, and the reason for that is this, that the long hauls in the transportation of the mails are the expensive hauls, and the short ones, for various reasons, density of traffic among them, are the remunerative hauls; and yet, because we do not assert, or rather enforce, our monopoly in the carriage of all classes of mail matter, so far as it may be constitutional, we are getting all of the long unremunerative hauls and we are losing many of the short remunerative hauls. Here is still another matter which increases the difficulty of a comparison between express and mail rates: By reason of our frequency of dispatch and our demand for celerity in movement we have a very low-average carload lot of mail.

I think the latest figures on this are something like 2½ to 3 tons. The express companies' average carload is much greater.

I believe that the time will come in this country in the transportation of the mails when we will go, when we will be forced to go, to some other system of pay to the railroads. I believe that Congress to-day, on the present system, should make further reductions in the scale by which we pay the railroads for the transportation of mails in grades above the 5,000-pound average daily weight, and, as I have contended in previous speeches on this floor, another season for the weighing of the mails should be selected. This would greatly reduce the present pay, just as the corrected divisor did.

I insert here the schedule of rates by which we pay for the transportation of the mails. It will be observed that this is a sliding scale. In the old days the scale ended with 5,000 pounds. In 1907 this was extended to 48,000 pounds, with a rate of $19.24 for every 2,000 pounds over 48,000 pounds. There are mail routes in the country which carry over 350,000 pounds of mail, average daily weight. If the old system is to be retained, then there should be an entire readjustment of the rates above 5,000 pounds, and the sliding scale should not halt at 48,000 pounds average daily weight, but should be extended to meet the larger average daily weights which are found in the service, and thus reduce the cost to the Government. In connection with this table are the rates we pay for railway post-office cars, which presents another contradiction in the postal system, for we pay for cars where we use 40 or more feet, and do not pay for less than 40 feet of space as part of a car.

Schedule of rates for railway mail pay.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum.					
	Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land-grant railroads.	Intermediate weight warranting allowance of $1 per mile under the law.
						Pounds.
200 pounds	$50.00	$45.00	$42.75	$42.75	$34.20	
200 pounds to 500 pounds						12
500 pounds	75.00	67.50	64.12	64.12	51.30	
500 pounds to 1,000 pounds						20
1,000 pounds	100.00	90.00	85.50	85.50	68.40	
1,000 pounds to 1,500 pounds						20
1,500 pounds	125.00	112.50	106.87	106.87	85.50	
1,500 pounds to 2,000 pounds						20
2,000 pounds	150.00	135.00	118.25	118.25	102.60	
2,000 pounds to 3,500 pounds						60
3,500 pounds	175.00	157.50	149.62	149.62	119.70	
3,500 pounds to 5,000 pounds						60
5,000 pounds	200.00	180.00	171.00	171.00	136.80	
5,000 pounds to 48,000 pounds						80
For every additional 2,000 pounds over 5,000 pounds and under 48,000 pounds	25.00	22.50	21.38	20.30	16.24	
For every 2,000 pounds over 48,000 pounds	25.00	22.50	21.38	19.24	17.10	
RAILWAY POST-OFFICE CARS.						
R. P. O. cars 40 feet in length	$25.00			$25.00		
R. P. O. cars 45 feet in length	30.00			27.50		
R. P. O. cars 50 feet in length	40.00			32.50		
R. P. O. cars 55 feet in length	50.00			40.00		

Act of July 12, 1876, decrease of 10 per cent.
Act of June 17, 1878, decrease of 5 per cent.
Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000 pounds.
Land-grant roads receive 80 per cent of rate.

Mr. COX of Indiana. How does the gentleman account for the fact that the railroads will haul for the express companies from New York to San Francisco for a sum of money two or three times less than they do the Government for the hauling of the government mail?

Mr. MURDOCK. I have no such information, I may say to the gentleman. I will say that if the railroads did so for the express companies, they did it because the express companies had an advantageous and close arrangement with the railroad companies, first, on the payment of the secret minimum, and, second, because they transported it in heavier carload lots.

Mr. COX of Indiana. Will the gentleman yield again?

Mr. MURDOCK. Yes; certainly.

Mr. COX of Indiana. Has the gentleman read Professor Adams's report upon the Walcott commission, who is now the statistician of the Interstate Commerce Commiss on, and is he not aware of the fact that Professor Adams makes the statement that railroads will haul any given amount of express matter from New York City to San Francisco two or three times cheaper than they charge the Government for transporting the mails?

Mr. MURDOCK. No; I am not aware of Professor Adams's testimony on that point. Years ago I read Professor Adams's testimony and his expert analysis before the Walcott commission. He was not expert to the point, I will say to the gentleman, of finding that the simplest, most rudimentary computation by the department was wrong, the matter of the divisor, in making computations of the average daily weight of mails.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent for five minutes more, and then I will finish. I realize it is getting late.

Mr. WEEKS. Mr. Chairman, I yield five minutes additional to the gentleman.

Mr. MURDOCK. Mr. Adams made an expert analysis of the subject of cost of transportation to the railroads. Now, while I want to say to the gentleman I do not know what the express rates from New York to San Francisco are, I do know that the rate from New York to San Francisco on freight, bulk packages, such as second-class mail matter, when sent as freight, is $3 a hundred or 3 cents a pound. It does cost the Government 8 cents by weight to get a pound of mail matter from New York to San Francisco.

Mr. HAYES. In view of what the gentleman has said, I would like to ask him whether or not he thinks that the Government should pay more for the transportation of mails than the express companies are paying for the transportation of express matter?

Mr. MURDOCK. Not at all. I do not believe we should pay more. I have been speaking of the difficulty of comparing express and mail rates. I do believe that the Government should write now a new definition of its monopoly, that it should not lose in many cases to the express companies the remunerative short hauls of this country on mail matter [applause] and have only the unremunerative long hauls.

Mr. HAYES. The gentleman has stated, I believe, that the mail cars are so arranged that much smaller loads can be carried than in express cars.

Mr. MURDOCK. I made no such statement.

Mr. HAYES. I so understood him.

Mr. MURDOCK. I said the average carload lot carried in mail was smaller than the express carries, but it is not entirely a matter of construction of the cars.

Mr. HAYES. But is it not true that a very large part of the mail car is taken up by space for pouches and distributing tables and things of that kind?

Mr. MURDOCK. Certainly.

Mr. HAYES. Therefore there is very much less space for the mail than there is for express matter in an express car which can be piled to the ceiling.

Mr. MURDOCK. I will say that that consideration goes to the matter of celerity, of distribution en route among other things. The pressure became so great that the great lines of this country running out of New York have put on storage cars in which the mail before it has been distributed is placed, and where it is deposited after it has been distributed. But this fact remains, we have not a monopoly in the transportation of the mails. We are losing the short haul on bulk packages, and we are taking in every instance the longer haul where there is no remuneration.

I do not know now fully just how far Congress should go in writing its definition. I believe it is true in the case of fourth-class mail and express matter and express rates and fourth-class postage rates that the express companies of this country cut right under the fourth-class postage rate to points across the country and charge an exorbitant rate on express by reason of our high fourth-class rate.

Now, I have spoken, because of interruptions, a great deal longer than I expected. But I desire to continue on the matter of the carrying monopoly, as related to second-class mail, for a moment. Congress has had extended hearings on several occasions upon the subject of second-class mail. There is an impression that second-class mail matter is out of balance with the rest of the system. There are various and divers proposals for a remedy. This, however, is a fact—again recurring to our failure to maintain a mail-carrying monopoly: If Congress attempts to raise horizontally the rate on all second-class publications, Congress will, in the transmission of bulk packages, be in

large part increasing the zone in which the express companies now compete with the Government. Possibly it was in recognition of this condition of affairs that the postal commission of 1907, in making its recommendations for an increase in rates on serviceable things which should be added, to make the system second-class mail which requires separation and delivery, commonly known as "piece mail," a class of matter which the express companies refuse to take, and in which the Government has in large part a monopoly, the minimum charge of express companies being based upon the minimum package of 10 pounds; for the postal commission recommended that copies of publications sent in packages weighing not less than 10 pounds, to be delivered to one addressee, should be charged at the present rate, 1 cent a pound, while it recommended for single pieces of publications a graduated scale of charges in the following language:

> For each copy not exceeding 2 ounces in weight, one-eighth of a cent; more than 2 ounces, but not exceeding 4 ounces in weight, one-quarter cent; and one-half cent for each additional 4 ounces or fraction thereof.

This scale, adopted in form from continental Europe, from Austria in particular, makes a differential charge on two classes of publications. Under it the publication weighing 1 ounce per copy would pay at the rate of 2 cents a pound; the publication weighing 1 pound per copy would pay at the rate of 1¼ cents a pound.

It is interesting in that it reveals the circumscribed field in which the Government can act, owing to the competition of the express companies.

Second-class mail matter is in other respects also a very complex subject. I have already given some of its inequalities. In my opinion, second-class mail is so vital a part of the system that corrective measures, to be successful, must be drawn on such broad lines that the justice of the correction will appeal to all.

Mr. MARTIN of South Dakota. If it does not interrupt the gentleman, he stated in the first part of his remarks that he proposed to inform the committee concerning the St. Louis terminal contract for carrying the mail over the Eads Bridge.

Mr. MURDOCK. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. MURDOCK. Well, I ask for six minutes more, and then I will close.

Mr. WEEKS. I yield five minutes more to the gentleman.

Mr. MURDOCK. I want to say this before I come to the St. Louis bridge matter, as that will take only a minute:

I am in favor of a reorganization of this great department. In any reorganization of the system there are many antiquated things which must be discarded, and there are many new and serviceable things which should be added, to make the system fully responsive to popular needs. And that brings me to a consideration of the deficit. There have been annually recurring deficits, with a few exceptions, for nearly seventy years. Occasionally in postal history a Postmaster-General, striking a balance at the end of the fiscal year, on June 30, has announced that the department had a surplus.

But outstanding accounts for the fiscal year are not in until September 30; and in the year 1882, the banner year, where a surplus was claimed, there was, in fact, a draft upon the General Treasury of $6,000. Now, the ordinary impression of a deficit is that it is caused by innovations in the system. In a sense this is true, but it is in the sense in which Sancho Panza remarked that he had observed that large rivers usually ran by large towns. The first deficit was caused by a surplus in the postal system, and from that day to this as a deficit disappears and a surplus is anticipated immediately something new and useful is added to the system. Postmaster-General McLean had a surplus of $100,000 in 1827, a tremendous sum in those days. Congress was unwilling that this should go into the General Treasury. It was used in the extension of star routes. Before Congress had satisfied itself with star-route extension there was a deficit of $315,000, and a scandal. In answer to the storm of public indignation, Amos Kendall took hold of the department and gave it the form it has to-day. But he made the system so rigidly businesslike for a time that he wiped out not only the deficit, but wiped out also the postal business. Revenues remained stationary, or fell off. In one year one-third of all the postmasters in the country resigned. By 1840 the express companies, then new, were distancing the Government in the mail business. In that year in Boston and New York more letters were deposited and called for in the principal hotels there than in the local post-offices. It was during this period that the Government, overanxious on the score of businesslike economy, gave up the telegraph, a surrender the Nation must always regret. But the eventual disappearance of the deficit led to an innovation—cheap postage. The deficit again appeared, increased, and as it began once more to decline, city delivery was added, and when it was made city free delivery the deficit again mounted, and after a period again subsided. And as it fell nearer and nearer the point of a balance and a possible surplus a new departure, in the form of 2-cent first-class postage and 1 cent per pound for second-class publications was added. Once more the deficit leaped upward. Again, after a period, it declined, and again invited innovation, which came in the form of rural free delivery. Now, in light of this history, I submit that the function of a deficit is this: A check upon innovations while it is increasing; an invitation to innovation and addition to the system when it is on the point of disappearing.

It is a frequent charge that this or that branch of the service is accountable for the deficit. The parts of the system are so interrelated that these charges are largely gratuitous guesswork.

Undoubtedly the time has come when a reorganization of the service would be useful and profitable to all concerned. It has been over seventy years since a complete reorganization took place. The reorganization should include consideration of the following features, among others:

First. A new classification into bureaus of the work of the department, with a modern method of cost accounting.

Second. The creation of a commission of postal appeals, wherein questions of admissibility to the mails and challenged fraud orders could be heard and decided.

Third. A new definition of the Government's monopoly in the carriage of the mails and economic changes in the present methods of compensation for the transportation of the mails.

Fourth. A complete reconsideration of the rates on all classes of mail, not only as to the rate of one class by itself, but as to its relation to the rates of other classes.

Fifth. A thorough review of the present standards of classification of mail matter.

Sixth. The elimination of all antiquated methods which are out of harmony with the needs of the modern system, and the addition of such progressive features as will make the machinery of the present system of complete utility to the Nation.

All or any one of these changes must be attempted with extreme care, and Congress should not pass upon them without the opportunity of thorough research and of unhampered deliberation, with unrestricted right of separate votes on items and the privilege of amendment. Until such research and reorganization occur we will continue to grope, more or less, in the dark.

Now, as to the St. Louis bridge matter, about which the gentleman from South Dakota asked. Several years ago Congress, in recognition of the fact that the Eads Bridge was the only bridge into St. Louis across the Mississippi River, permitted the payment annually by law of $50,000 for the transmission of the mails across that bridge. Since that day the situation has changed. There is now at St. Louis a second bridge, the Merchants' Bridge, controlled by the St. Louis Terminal Association. The Government to-day is paying for the transmission of the mails also across the Merchant's Bridge route, paying therefor $20,000 a year. We are continuing, however, to pay $50,000 a year for the transmission of the mails across the Eads Bridge. I understand that we do not allow car pay in case of either bridge.

The Committee on the Post-Office and Post-Roads attempts in this bill to repeal the law allowing $50,000 a year for the transmission across the Eads Bridge. If that provision passes this House and the Senate and becomes law, then the Government will continue to pay for the transmission of mail across the Merchant's Bridge route $20,000, that amount being obtained by the usual methods of paying for the transportation of the mail—that is, by multiplying the average daily weight of mails by distance—and we will pay for the transmission of the mails across the Eads Bridge route in the course of a year not $50,000, but from $7,000 to $14,000 a year, arriving at that result by the ordinary method of computation, which is by multiplying the average daily weight of mails by distance.

Mr. NORRIS. That will treat both bridges alike.

Mr. MURDOCK. That will treat both bridges alike. Again, if we could transport the mails across the Eads Bridge by one company—that is, if we could concentrate all the mails on a single line—it would, after the repeal of the $50,000 provision, cost us $7,000 a year, average daily weight multiplied by distance; but by reason of our frequency of dispatch, by reason of the fact that we put an emphasis on celerity in this country, and for the further reason that we do not apply the so-called "lap-serv-

fee rule" to the shorter terminal lines, we will probably pay not $7,000, but something like $14,000.

I thank the committee. [Applause.]

House resolution 230.

Whereas on December 23, 1909, the Wells-Fargo Express Company, one of several express companies, declared an extra dividend of 300 per cent on a capitalization of $8,000,000, in addition to a semiannual dividend of 5 per cent July 15, 1909, and a semiannual dividend of 5 per cent January 15, 1910, said dividends aggregating in all $24,800,000; and

Whereas the deficit in the United States postal service for the fiscal year ending June 30, 1909, was $17,441,719; and

Whereas the Constitution having reserved to the General Government the power to establish post-offices and post-roads, and the statutes under the Constitution having given to the postal system created the exclusive right to transmit mail matter, and the Post-Office Department having exercised such monopoly of transportation in first-class mail matter only, but not in all classifications of second, third, and fourth class mail matter, said failure by the department to exercise a monopoly being based on an erroneous construction of the word "packets" and an assumption not founded in existing law; and

Whereas in his report of December, 1909, the Postmaster-General, Frank H. Hitchcock, gives the receipts on second-class mail matter as $9,066,043 and the Government's expense incident thereto, including transportation, as $73,194,07C, a difference of $64,128,026; and the receipts on third-class mail as $25,556,111 and the Government's expense incident thereto, including transportation, as $28,785,633, a difference of $3,229,522; and the receipts on fourth-class mail as $7,755,921 and the Government's expense incident thereto, including transportation, as $5,659,732, a difference of $2,096,189, the figures given setting forth losses on second and third class mail matter and a profit on fourth-class mail matter; and

Whereas the express companies compete with the Government in the transportation of second-class mail matter, the government rate on which is 1 cent a pound, the express companies carrying second-class mail matter for remunerative short hauls by making a lower rate than the government rate and not carrying it at all for the unremunerative long hauls, and accepting for carriage the remunerative bulk packets and rejecting the unremunerative single-piece packets of second-class matter, thereby permitting the Government to exercise its monopoly in the transportation of the mails only in the more extended and unremunerative zone, and also thereby preventing the Government from raising the rate on bulk second-class mail matter without further extending the limits of the zone where the express companies will compete, to the further enrichment of the Government's competitors, the express companies, and to the injury of the Government; and

Whereas in the transportation of third-class mail matter at 8 cents a pound the express companies also compete with the Government in zones where there is profitable remuneration and do not compete in zones where there is not profitable remuneration, thereby preventing the Government from carrying all third-class matter at a profit; and

Whereas in the transportation of fourth-class mail matter at 16 cents a pound the express companies also compete with the Government, thereby diminishing the profitable revenue to the Government in this class of mail, to the Government's injury and to the further enrichment of the express companies; and

Whereas the statutes from 1792 until the present day have described all mail matter under the terms "letters" and "packets;" and

Whereas it was held by the court, in the case of The United States v. Blackman, that the word "packets" in the law could not mean only a packet of letters, Blackman being a postal clerk who was convicted of detaining and opening a packet of tea in the mail and who contended to the court that the word "packets" in the law meant only packets of letters; and

Whereas the Post-Office Department exercises a monopoly of the transportation of first-class mail matter, but fails to exercise its monopoly of the transportation of second, third, and fourth class mail matter, such departmental practice being based on the holding that the word "packet" in the law does mean a packet of letters and means that only, such holding being expressed in a footnote in the Postal Laws and Regulations, said footnote having no basis in the statutes and such practice resulting in great loss to the Government; and

Whereas the laws passed by Congress in 1792, 1794, 1799, 1810, 1827, and 1845 gave the Post-Office Department a monopoly in the carriage of mail matter, as did the laws of 1872 and the law of 1909, a law now in force, to some of which laws there were certain exceptions, such exceptions in all the earlier statutes showing beyond doubt that a "packet" did not mean merely a "packet of letters;" and

Whereas by the laws of 1792, 1794, 1799, and 1810 the transportation of newspapers, magazines, and pamphlets was excepted from the government monopoly of transportation of mail matter, which exception was repealed by the law of 1827, and by the law of 1845 the transportation of newspapers, magazines, and pamphlets was again excepted from government monopoly of transportation of mail matter, which law was repealed by the law of 1872, which law of 1872 did not except magazines and pamphlets from the government monopoly of transportation, but did make certain exceptions relating to delivery of newspapers on contract star routes, and to the receipt and delivery of newspapers and periodicals at stations, before and after transportation, such exceptions being as follows: First, section 3888, Revised Statutes, "Contractors or mail carriers may convey, out of the mail, newspapers for sale or distribution to subscribers," said words "contractors or mail carriers" meaning contractors for transportation of the mail on star routes, or their employees, which express companies are not; second, section 3889, Revised Statutes, "The Postmaster-General may provide, by order, the terms upon which railway postal clerks may receive from publishers or any news agent in charge thereof, and deliver the same as directed, if presented and called for at the mail car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post-office," which exception relates, not to the transportation of the mail between stations, but to the receipt and delivery at stations of newspapers and periodicals upon which postage has been paid; and

Whereas John A. Nelson, Attorney-General, on November 13, 1843, in an opinion rendered to the President, held that the term "packets" includes mail matter other than letters; and

Whereas Postmaster-General C. A. Wickliffe, in a communication to Congress on January 27, 1845, showed that packets and letters are not synonymous terms; and

Whereas J. S. Black, Attorney-General, in a published and exhaustive opinion given June 3, 1858, held: "The business of carrying letters and other mail matter belongs exclusively to the Government. It ought to be, and must be, so for very obvious reasons;" and

Whereas the court has held on constitutional grounds (ex parte Jackson, 96 U. S.) that Congress can not prohibit the transmission of printed matter by other means than the mail when it has excluded that matter from the mails, but did not hold that Congress could not prohibit the transmission of such matter by other means than the mail when it had included that matter in the mails; and

Whereas Blackman, above mentioned, a postal clerk, was indicted under section 3891, Revised Statutes, charged with taking a package of tea, and by counsel set up the contention that the statute did not provide for the case of the detention and opening of a packet of merchandise, and that "packet" meant a package of letters, said statute then being as follows:

"Any person employed in any department of the postal service who shall unlawfully detain, delay, or open any letter, packet, bag, or mail of letters intrusted to him, or which has come into his possession and which was intended to be conveyed by mail or carried or delivered by any mail carrier, mail messenger, route agent, letter carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General, or who shall secrete, embezzle, or destroy such letter, packet, bag, or mail of letters, although it does not contain any security for or assurance relating to money or other thing of value, shall be punishable by a fine of not more than $500 or by imprisonment for not more than one year, or both," and the judge holding against him said:

"I am therefore of the opinion that the meaning of the words 'letter, packet, bag, or mail of letters' must be determined by reference to the provisions of the law defining mailable matter which was in force when the latter act was passed by section 130 of the act of 1872. Mailable matter is divided into three classes, and in the third class is included samples of merchandise not exceeding 12 ounces in weight. This definition of mailable matter is found in the same act which punishes the detention or opening of 'any letter, packet, bag, or mail of letters,' and I am therefore of the opinion that the construction contended for by defendant's counsel is too narrow and technical. If the statute had provided for mailing only letters, then we should have understood that the packet referred to was a packet of letters, but since the statute authorized the mailing of packets of merchandise, I hold that such packets were likewise included in the criminal provision under consideration. To hold otherwise would be to assume that Congress intended to provide for mailing packets both of letters and merchandise, but did not intend to punish employees for tampering with the latter. The more reasonable construction is that the word 'packet' in the statute in question means any packet which is mailable" (Fed. Rep., Judge McCrary, Sept. 21, 1883); and

Whereas the government monopoly in the transportation of all mail matter is set forth in the following citation in the Postal Laws and Regulations:

"SEC. 1136. No person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post route which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried; and every person so offending, or aiding or assisting therein, shall for each offense be liable to a penalty of $150.

"2. Nothing contained in (this) section * * * shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped."

Said exception last noted and designated by the numeral 2, relating to the receipt and delivery of mail matter, before and after transportation, but which statute is annotated in the Postal Laws and Regulations as follows:

"NOTE.—The Congress, under authority of the Constitution (section 1), has vested in the Post-Office Department an absolute monopoly of the transportation of letters and packets by regular trips or at stated periods over all post routes. The above proviso and sections make certain exceptions to the general statute. The term 'packet,' as used in this and following statutes, means a packet of letters; therefore the government monopoly does not extend to all matter admitted to the mails, but only to letters. Letter-carrier routes are post routes," which annotation has its authority in the following unpublished opinion of the Attorney-General, Wayne MacVeagh, June 29, 1881:

"SIR: In my opinion it is no violation of Revised Statutes, sections 3982 and 3985, for an express company to transport the documents mentioned in yours of the 15th instant, namely, manuscript for publication, deeds, transcripts of records, insurance policies, etc.

"It is prohibited, and an offense, to carry 'letters or packets.' What is a letter I can make no plainer than it is made by the idea which common usage attaches to that term.

"From the connection in which it is used, I have no doubt that 'packets' means a package of letters.

"Very respectfully, yours, WAYNE MACVEAGH.

"Hon. THOMAS L. JAMES,
"Postmaster-General."

Whereas in 1843, the Government having suffered great loss of revenue by the competition of express companies, John Nelson, Attorney-General, gave, in a communication to the President, the following history of the government monopoly:

"I am of the opinion that it is not competent to any person or persons other than the Postmaster-General or his authorized agents to set up any foot or horse post for the conveyance of any letters or packets upon any post-road established by law; that the term 'packets' used in the acts of Congress and in the last foregoing proposition includes newspapers, for the conveyance of which, therefore, no foot or horse post can be legally employed except by the Postmaster-General and his agents upon any post-road established by law; and that the term 'packets' used in the acts of Congress and in the last foregoing proposition includes newspapers, for the conveyance of which, therefore, no foot or horse post can be legally employed except by the Postmaster-General and his agents upon any post-road established by law; and that contractors employed in the transportation of the mail have no authority to carry any newspaper, magazine, and pamphlets other than

in the mail except by authority of the Postmaster-General and in pursuance of a contract made for that purpose. * * * The term 'packets' includes newspapers, and this will be rendered apparent, apart from the meaning of the term, by a collation of the provisions of the act of 1827 with those of preexisting laws upon the same subject but which are not now in force. The fourteenth section of the act of 20th of February 1792, enacts 'that if any person other than the Postmaster-General or his deputies, or persons by them employed, shall take up, receive, order, dispatch, convey, carry, or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon, or other carriage by or in which any letter or packet shall be carried for hire on any established post-road, or any packet or other vessel or boat, or any conveyance whatever whereby the revenue of the general post-office may be injured, any person so offending shall forfeit for every such offense the sum of $200.' The same provision substantially is found in the fourteenth section of the act of 8th of May, 1794, which prohibited the establishment, upon private authority of 'any foot or horse post, stage wagon, or other stage carriage on any established post-road, or any packet boat or other vessel to ply regularly between one place and another between which a regular communication by water could be established by the United States, and the conveyance of any letter or packet other than newspapers, magazines, or pamphlets.' The act of March 2, 1799, contains the same prohibition, reenacted by its 12 sections in almost the same terms and excepting from the operation of the prohibitory clause, as to letters or packets 'newspapers, magazines, or pamphlets.' So also by the sixteenth section of the act of April 30, 1810, the like prohibition is imposed upon the establishment of private foot or horse posts for the conveyance upon the routes designated, of letters or packets, 'other than newspapers, magazines, or pamphlets.' As the law stood, therefore, when the act of the 3d of March, 1825, was passed, it is quite clear that whilst 'no private foot or horse post, stage, wagon, or other stage carriage, or sleigh on any established post-road or from one post town to another, between which a regular communication should have been established by the United States for the conveyance of letters' could have been set up, 'newspapers, magazines, or pamphlets' might, in virtue of the exception in the laws referred to, have been so conveyed; and as the act of 1825 made no provision whatever upon the subject of private posts and repealed all preexisting laws 'for the establishment and regulation of the general post-office,' the right to establish such private posts then existed without restriction. The act of 1827, however, revived the prohibition to which I have referred without the exception of 'newspapers, magazines, or pamphlets' contained in previous laws, extending its restrictive operation to 'all foot or horse posts for the conveyance of letters or packets (all packets) upon any post-road which is or may be established by law.' The nineteenth section of the act of 1825 had inhibited the conveyance of letters by stages or other vehicles, or by packets or other vessels under private authority; and the additional enactment of 1827 extends the inhibition to foot and horse posts upon post-roads and embraces within the interdict the conveyance of letters and packets, omitting the exception of 'newspapers, magazines, or pamphlets.' In thus briefly responding to the inquiries propounded by you, I have cautiously abstained from the expression of any opinion as to the policy of the enactments for the regulation of the Post-Office Department. I have sought only to ascertain what those laws are, leaving it to the proper authorities to amend them, if believed by them to be defective. Until changed by those competent thus to deal with them, I need not say that it is the duty of the Executive to enforce all their provisions;" and

Whereas in 1844 the existence of the Government's postal system having been threatened by the inroads of competing express companies, the House of Representatives passed, on February 28, 1844, the following resolution:

"*Resolved*, That the Postmaster-General be requested to report to this House what steps have been taken to prevent and punish the infraction of the laws of the United States prohibiting the establishment of any private mail or post for the transportation of letters and packets, and whether in his opinion the existing laws are adequate to the suppression of such offense," to which the Postmaster-General responded with divers suggestions; and

Whereas on March 3, 1845, in response to such suggestions, Congress, to perfect its monopoly of the carriage of mail matter, passed a law, section 9 of which is as follows:

"SEC. 9. That it shall not be lawful for any person or persons to establish any private express or expresses for the conveyance, nor in any manner to cause to be conveyed or provide for the conveyance or transportation by regular trips, or at stated periods or intervals, from one city or town or other place to any other city, town, or place in the United States between and from and to which cities, towns, or other places the United States mail is regularly transported under the authority of the Post-Office Department, of any letters, packets, or packages of letters or other matter properly transmittable in the United States mail, except newspapers, pamphlets, magazines, and periodicals; and each and every person offending against this provision or aiding and assisting therein, or acting as such private express, shall for each time any letter or letters, packet or packages, or other matter properly transmittable by mail, except newspapers, pamphlets, magazines, and periodicals, shall, or may be by him, her, or them, or through his, her, or their means or instrumentality, in whole or in part, conveyed or transported contrary to the true intent, spirit, and meaning of this section, forfeit and pay the sum of $150;" and

Whereas on June 8, 1872, Congress passed a law repealing section 9 of the act of March 3, 1845, but continuing its monopoly of the transportation of mail matter without exceptions as to transportation, save as noted above, which law was as follows:

"SEC. 288. That no person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post-route which is, or may be, established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried; and every person so offending or aiding or assisting therein shall for each offense forfeit and pay $150;" and

Whereas by act of March 4, 1909, Congress continued the government monopoly of the carriage of mail matter without exceptions other than those noted above, which law, effective January 1, 1910, is as follows:

"SEC. 181. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post-route which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, or whoever shall aid or assist therein, shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or other authorized depository for mail matter any mail matter properly stamped:" Therefore be it

Resolved, That the Postmaster-General be respectfully requested to report to this House what steps have been taken to prevent and punish the infraction of the laws of the United States prohibiting the establishment of any private mail or post for the transportation of packets, including second, third, and fourth class mail matter, and whether, in his opinion, the existing laws are adequate to the suppression of such offense.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, and has come to no resolution thereon.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent that those who speak on this bill have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that those making remarks upon this bill have permission to extend their remarks in the RECORD.

Mr. FITZGERALD. There should be some limit.

Mr. MANN. For how long a time?

Mr. WEEKS. For five days.

The SPEAKER. For five legislative days. Is there objection?

Mr. MOON of Tennessee. I ask to amend that request by making it five days after the completion of this bill.

Mr. WEEKS. I accept that.

The SPEAKER. The gentleman modifies his request, limiting the time to five days after the completion of the bill.

Mr. MANN. Does the gentleman mean the passage of the bill in the House? The completion of the bill will be after it comes back from the Senate, when the conference report is agreed to.

Mr. WEEKS. After the passage of the bill in the House.

The SPEAKER. For five legislative days after the passage of the bill in the House. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEEKS. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting considerations as to the expediency of appropriating for the transportation of fractional silver coin (H. Doc. No. 709)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a revised estimate of appropriation for prevention and detection of frauds in internal revenue (H. Doc. No. 708)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BORLAND, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16332) to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia, reported the same with amendment, accompanied by a report (No. 508), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 509), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the bill of the House (H. R.

8111) to aid in the erection of a monument to Pocahontas at Jamestown, Va., reported the same with amendment, accompanied by a report (No. 514), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans., reported the same with amendment, accompanied by a report (No. 517), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 70) to increase the efficiency of the Military Academy, reported the same without amendment, accompanied by a report (No. 507), which said joint resolution and report were referred to the House Calendar.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20575) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906, reported the same without amendment, accompanied by a report (No. 511), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, reported the same with amendment, accompanied by a report (No. 513), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COWLES, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 21580) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 510), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20658) to remove the charge of desertion from the military record of James O'Brien, reported the same with amendments, accompanied by a report (No. 512), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 98) for the relief of Lafayette L. McKnight, reported the same without amendment, accompanied by a report (No. 515), which said joint resolution and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2072) to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan, reported the same with amendment, accompanied by a report (No. 516), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. WOOD of New Jersey: A bill (H. R. 21581) making an appropriation for the deepening and widening of the channel of the Delaware River, from Allegheny avenue, Philadelphia, to Lalor street, Trenton, N. J.—to the Committee on Rivers and Harbors.

By Mr. WASHBURN: A bill (H. R. 21582) to amend the act of April 13, 1908, amending the interstate-commerce act, approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A bill (H. R. 21583) to provide for a public building at New Decatur, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ELVINS: A bill (H. R. 21584) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. OLDFIELD: A bill (H. R. 21585) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto—to the Committee on Agriculture.

By Mr. OLCOTT: A bill (H. R. 21586) to provide for second-class matter and to increase the postal revenue—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS of Georgia: A bill (H. R. 21587) providing that clerk hire allowed to Members of the House of Representatives be paid directly to clerk or clerks instead of to the Members—to the Committee on Accounts.

By Mr. ELVINS: A bill (H. R. 21588) to regulate the immigration of aliens to, and the residence of aliens within, the United States—to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY: A bill (H. R. 21589) for the purpose of acquiring national forest reserves in the Appalachian Mountains, White Mountains, Mount Katahdin regions, and headwaters of Maine rivers, to be known as the "Appalachian Forest Reserve," the "White Mountain Forest Reserve," and "Mount Katahdin Forest Reserve," and to enable the States and the United States to cooperate in the conservation of the forests, the water supply, and in the control of water powers—to the Committee on Agriculture.

By Mr. LANGLEY: A bill (H. R. 21590) for the construction of a bridge across Millers Creek, in Estill County, Ky.—to the Committee on Appropriations.

Also, a bill (H. R. 21591) for the construction of a bridge across the Red River at Puckett, Clark County, Ky.—to the Committee on Appropriations.

By Mr. STAFFORD: A bill (H. R. 21592) to authorize the embossing of postage stamps on paper to be made into envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. SHARP: A bill (H. R. 21593) providing for the purchase of a site and the erection of a public building thereon in the city of Norwalk, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Resolution (H. Res. 405) asking the Secretary of the Treasury for information concerning circulating notes issued under the act approved May 30, 1908—to the Committee on Banking and Currency.

By Mr. RUCKER of Colorado: Joint resolution (H. J. Res. 153) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex—to the Committee on the Judiciary.

By Mr. MOON of Pennsylvania: Joint resolution (H. J. Res. 154) extending the time within which returns may be made under section 38 of the tariff act of August 5, 1909, for the year 1910—to the Committee on Ways and Means.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 155) providing for a special election in the Territory of Hawaii—to the Committee on the Territories.

By Mr. KINKAID of Nebraska: Joint resolution (H. J. Res. 156) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents, and for other purposes," with reference to the homestead laws—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 21594) granting an increase of pension to Charles P. Mattocks—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 21595) granting an increase of pension to Wesley Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21596) granting an increase of pension to Patrick M. Foley—to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 21597) granting a pension to Kansas Miller—to the Committee on Invalid Pensions. sions.

Also, a bill (H. R. 21598) granting an increase of pension to Joseph Guffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21599) for the relief of James W. Morgan—to the Committee on Claims.

By Mr. AUSTIN: A bill (H. R. 21600) for the relief of John T. Burchfield—to the Committee on War Claims.

Also, a bill (H. R. 21601) granting an increase of pension to James M. Greer—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 21602) granting an increase of pension to George C. Robinson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21603) granting an increase of pension to John J. Richards—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 21604) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 21605) to remove the charge of desertion against James Green—to the Committee on Naval Affairs.

Also, a bill (H. R. 21606) to remove the charge of desertion against William L. Spivey—to the Committee on Military Affairs.

Also, a bill (H. R. 21607) to remove the charge of desertion against Henry L. Biddle—to the Committee on Military Affairs.

Also, a bill (H. R. 21608) to remove the charge of desertion against James S. Stoop—to the Committee on Military Affairs.

Also, a bill (H. R. 21609) to remove the charge of desertion against Thomas O'Maley—to the Committee on Military Affairs.

Also, a bill (H. R. 21610) granting an honorable discharge to John Malloy—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 21611) granting an increase of pension to George W. Mayfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21612) granting an increase of pension to James H. Luzader—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 21613) for the relief of Francis E. Rosier—to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 21614) granting an increase of pension to James P. Holsclaw—to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 21615) granting an increase of pension to George H. Wright—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 21616) granting an increase of pension to Albert W. Locklin—to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 21617) to carry into effect the findings of the Court of Claims in the case of Charles S. Van Hofen, administrator of Henry Van Hofen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21618) for the relief of the estates of William H. Watson, deceased, and Leonhard Fehner, deceased—to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 21619) granting an increase of pension to Alfred B. Seay—to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 21620) granting a pension to Charles King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21621) to correct the military record of Leo Metze—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 21622) granting an increase of pension to James Hand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21623) granting an increase of pension to Nicolus Ottignon—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 21624) granting an increase of pension to G. W. Babcock—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21625) for the relief of Harry P. Lee, John M. Lee, and the heirs of Nathaniel W. Lee, all of Washington County, Miss.—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 21626) for the relief of Mary Jordan, widow of Dennis Jordan, of San Francisco, Cal.—to the Committee on Claims.

Also, a bill (H. R. 21627) granting a pension to Samuel R. Thurston—to the Committee on Pensions.

Also, a bill (H. R. 21628) granting an increase of pension to Edward Hohfeld—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 21629) granting an increase of pension to John M. Paver—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21630) granting a pension to John C. Jones—to the Committee on Pensions.

Also, a bill (H. R. 21631) granting a pension to William T. Madden—to the Committee on Pensions.

Also, a bill (H. R. 21632) granting a pension to Floyd Day—to the Committee on Pensions.

Also, a bill (H. R. 21633) granting an increase of pension to Stephen A. D. Fralley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21634) for the relief of Lewis Bellware—to the Committee on Military Affairs.

Also, a bill (H. R. 21635) granting an increase of pension to Joseph Tyree—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 21636) to provide for the payment of the claim of the Roman Catholic Church of Zamboanga, in the Philippine Islands—to the Committee a War Claims.

By Mr. LUNDIN: A bill (H. R. 21637) for the relief of Hector Damask, late a teamster of the United States Quartermaster's Department, United Staes Army—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 21638) granting a pension to Edward W. Brown—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 21639) granting an increase of pension to Margaret Crowley—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 21640) granting an increase of pension to Edgar L. Beckwith—to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 21641) granting an increase of pension to James A. Cheshire—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 21642) granting an increase of pension to Frederick Brown—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 21643) granting a pension to Johanna Krumholz—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 21644) for the relief of the heirs of D. D. Patterson, deceased—to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 21645) granting a pension to Eliza J. Higby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) for the relief of William Doherty—to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 21647) for the relief of William Hess—to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 21648) granting a pension to Lydia Crowner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21649) granting an increase of pension to James Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21650) for the relief of Jesse Mason—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 21651) granting an increase of pension to M. C. Russell—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 21652) to correct the military record of Thomas B. Smith—to the Committee on Military Affairs.

By Mr. WILEY: A bill (H. R. 21653) for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square 434, in the city of Washington, D. C., with regard to assessment and payment of damages on account of the change of grade due to the elimination of grade crossings of the line of the Philadelphia, Baltimore and Washington Railway Company in connection with the construction of the Union Station, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 21654) granting a pension to Susan E. Gaffney—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 21655) granting an increase of pension to Richard Smedley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21656) granting an increase of pension to William Waldo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21657) granting an increase of pension to Joseph A. Baysinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21658) granting an increase of pension to James Crawford—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 21659) for the relief of certain counties in the States of Iowa and Illinois—to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of E. B. Bost and 21 other citizens of Iredell County, N. C., praying for legislation to prohibit gambling in farm products, and for the establishment of a parcels-post system—to the Committee on Agriculture.

Also, petition of local unions of the Farmers' Educational and Cooperative Union of America, at Salemburg, N. C.; Waycross, Ga.; Chico, Tex.; and Mooresville, N. C., praying for legislation to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of Pickaway County (Ohio) Ministerial Association, praying for legislation to prevent the sale of intoxicating liquors upon any premises controlled by the United States Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of New York Board of Trade and Transportation, praying for an amendment to the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Wilmington (Del.) Board of Trade, praying for the repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Fine Arts Federation of New York, praying for legislation to enable the United States to be represented at the international expositions in Rome and Turin—to the Committee on Industrial Arts and Expositions.

Also, petition of United Spanish War Veterans, of New York, praying for authorization for the raising of the *Maine* in the harbor of Habana—to the Committee on Naval Affairs.

Also, petition of American Academy of Arts and Sciences, of Boston, Mass., praying for legislation to put the Naval Observatory under the direction of a scientific man—to the Committee on Naval Affairs.

Also, petition of Chicago Federation of Labor, praying for legislation to improve the working conditions of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Sharp and 29 other citizens of Farmer, N. C., praying for the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Associated Advertising Clubs of America, Local Union, No. 119, of the Glass Bottle Blowers' Association of the United States, and Topeka (Kans.) Advertising Club, protesting against legislation to increase the rate of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Local Union of the Farmers' Educational and Cooperative Association of America, of Brasstown, Ga.; Local Union No. 969, of the Farmers' Educational and Cooperative Union of America, of Wrightsville, Ga.; Palestine (Tex.) Local Union of the Farmers' Educational and Cooperative Association of Texas; Local Farmers' Union No. 3976, of Texas; Dan Valley (N. C.) Local Union No. 618, Farmers' Educational and Cooperative Union of America; Farmers' Union Warehouse, of Tifton, Ga.; Union Springs (Ga.) Farmers' Educational and Cooperative Union of America, of Whigham, Ga.; Moncure Local Union of the Farmers' Cooperative Union of America; E. L. Duke and 52 other citizens of Brownfield, Terry County, Tex.; J. E. Winn and 17 other farmers of Erath County, Tex.; W. F. Williamson, of Franklin, Ga.; and William M. Moore and 34 others, of Elnora, Ind., praying for legislation to prevent gambling in farm products by boards of trade, etc.—to the Committee on Agriculture.

Also, petitions of Freeman Farrar and 11 other citizens of Central Square, N. Y.; Daniel M. Webber and 260 other inmates of the soldiers' home at Chelsea, Mass.; J. A. Herman and 74 other inmates of the Marine Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill.; and E. T. Chaffee and 70 other citizens of Grant County, Ind., praying for the enactment of a service pension law—to the Committee on Invalid Pensions.

By Mr. ADAIR: Petition of Eli W. Noftsinger and others, of Union City, Ind., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of rural delivery carriers of Erie County, N. Y., for increase of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDERSON: Petition of Cincinnati Clearing House Association, opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Women's Foreign Missionary Society of the Methodist Episcopal Church of West Lafayette, Ohio, for Senate bills 1862 and 2846 and House bill 14536—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Pomona Grange, No. 68, of Beidler, Ohio, favoring the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union of West Lafayette, Ohio, favoring Senate bill 1862—to the Committee on the Territories.

Also, petition of Woman's Christian Temperance Union of West Lafayette, Ohio, for Senate bill 2846 and House bill 14536—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Union No. 385, United Mine Workers of America, of Wainwright, Ohio, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Halle Brothers, of Cleveland, Ohio, for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Women's Home Missionary Society of the Methodist Episcopal Church of West Lafayette, Ohio, favoring Senate bills 1862 and 2846 and House bill 14536—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARCHFELD: Paper to accompany bill for relief of George C. Robinson—to the Committee on Invalid Pensions.

Also, petition of Coraopolis (Pa.) Chapter, No. 211, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of Douglass M. Weims—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of George N. Webster—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of Thomas Leiper Chapter, Daughters of the American Revolution, of Philadelphia, Pa., for retention of Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CASSIDY: Petition of Associated Ohio Dailies, favoring bill prohibiting printing of advestisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Ohio Dailies, that Congress provide for reciprocal trade relations as regards pulp and printed matter with Canada—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of citizens of Dahlgren, Ill., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of Commandery of Pennsylvania, Military Order of the Loyal Legion of the United States, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., against House bill 7521—to the Committee on Agriculture.

By Mr. DENBY: Petition of Witness Tree Chapter and the Louisa St. Clair Chapter of the Daughters of the American Revolution, of Columbia, Marietta, and Detroit, Mich., for retention of Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Detroit Chapter, No. 4, American Insurance Union, favoring support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of W. J. Stevenson, of Streator, Ill., protesting against the proposed rate of postage on second-class mail matter, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. A. Forbes, vice-president Rockford Malleable Iron Works, of Rockford, Ill., protesting against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of the State of New York, for the repeal of paragraph 6 of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Local No. 294, International Molders' Union, of Rockford, Ill., favoring the passage of the Gardner bill (H. R. 15441) providing for an eight-hour workday on government work—to the Committee on Labor.

By Mr. GARDNER of Massachusetts: Petition of Union Post, No. 50, Grand Army of the Republic, of Peabody, Mass., against placing the statue of Lee in Statuary Hall—to the Committee on the Library.

Also, petition of New Bedford (Mass.) Board of Trade, against any radical railroad regulation legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Massachusetts Board of Trade, for the Weeks bill, relative to federal regulation of forest reservations—to the Committee on Agriculture.

Also, petition of New England Manufacturing Jewelers and Silversmiths' Association, against the corporation tax—to the Committee on Ways and Means.

Also, petition of Beneficiaries Society Union of Massachusetts, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Branch No. 21, of La Société des Artisans Canadiens Français, for the passage of House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of United Shirt and Collar Company, of Troy, N. Y., against the corporation-tax clause in the Payne tariff bill, and for its repeal—to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petitions of Pierce Manufacturing Company, Atlas Coke Company, Geneva Supply Company, B. K. Elliott Company, Salem Iron Company, McKeefrey Coal Company, Shenango Limestone Company, Lafayette Supply Company, Pittsburg Dry Goods Company, American Ax and Tool Company, Duquesne Manufacturing Company, Carlin Machinery and Supply Company, Central Tube Company, and Lewis T. Shoemaker & Co., against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Murdock, Keer & Co., favoring the Tou Velle bill (H. R. 3075) relative to printed cards and advertisements on stamped envelopes—to the Committee on Expenditures in the Post-Office Department.

Also, petition of Kirchlicher Lendbote, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Farmers' Grange of Cheswick, Pa., against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commandery of Pennsylvania of the Loyal Legion of the United States favoring a volunteer retired list—to the Committee on Military Affairs.

By Mr. HANNA: Petition of citizens of Bowman County, N. Dak., favoring immediate issuance of register's certificates by the register of the land office at Lemmon, S. Dak.—to the Committee on the Public Lands.

By Mr. HAYES: Petition of George A. Custer Council, No. 22, Junior Order United American Mechanics, favoring the Hayes bill (H. R. 13404)—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of San Francisco, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on Appropriations.

Also, petition of Farmers' Educational and Cooperative Union of America, for legislation against gambling in futures of farm products—to the Committee on Agriculture.

Also, petition of California Development Board, for appropriation of $400,000 to improve the Sacramento and San Joaquin rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Los Gatos, Cal., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pamona Grange, No. 1, of Santa Clara County, Cal., favoring the Gardner bill (H. R. 15441)—to the Committee on Labor.

Also, petition of H. W. Sime and 31 other members of Local Union No. 16, Theatrical Stage Employees, of San Francisco, protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of Julius Leiman, George H. Lubbert, and William L. Gervais, all of San Francisco, for Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Robert Ricker, of San Francisco, protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Riggers and Stevedores' Union of San Francisco, for House bill 15441—to the Committee on Labor.

Also, paper to accompany bill for relief of Edward Hohfeld—to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of San Francisco, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on Appropriations.

Also, petition of California Division, Travelers' Protective Association of America, favoring House bills 16019 and 16020, excess baggage and steel-car bills—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of Arlington Council, No. 33, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Maritime Association of New York, against transfer of the Pilot Chart preparation from the Hydrographic Office—to the Committee on Naval Affairs.

By Mr. LINDBERGH: Petition of St. Paul Trades and Labor Assembly, of St. Paul, Minn., for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Paul Trades and Labor Assembly, of St. Paul, Minn., against modification or repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of R. H. Graham Post, No. 312, Grand Army of the Republic, of Moline, Ill., against placing the Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of R. H. Graham Post, No. 312, Grand Army of the Republic, of Moline, Ill., for the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of Tri-City Labor Congress, Rock Island and Moline, Ill., and Davenport, Iowa, for the eight-hour law on all government contracts—to the Committee on Labor.

By Mr. MANN: Petition of Chicago Federation of Labor, in reference to regulation of hours of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN of Colorado: Petition of citizens of Victor, Colo., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Colorado Springs Chapter, Sons of the American Revolution, for retention of Bureau of Immigrant Information—to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petitions of Merchant & Evans Company, Philadelphia Credit Men's Association, Falwell Brothers & Co., and Artman-Treichler Company, all of Philadelphia, favoring the Sherley bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of Feister-Owen Press, Wolfe Brothers, J. L. Shoemaker & Co., E. F. Greathead, and American Printing House, all of Philadelphia, Pa., against the Post-Office Department printing cards or advertising on stamped envelopes—to the Committee on Expenditures in the Post-Office Department.

By Mr. NYE: Petition of citizens of Minneapolis, for the Campbell bill (H. R. 11789)—to the Committee on the District of Columbia.

Also, petition of St. Paul Trades and Labor Assembly, for the postal savings-bank bill and against repeal of the national corporation-tax law—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Petition of business and professional electors in town of New Decatur, Ala., for an appropriation of $150,000 for public building in New Decatur, Ala.—to the Committee on Public Buildings and Grounds.

Also, petition of Order of United Commercial Travelers, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Paper to accompany bill for relief of James F. Steel—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: Petition of St. Paul Trades and Labor Assembly, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Paul Trades and Labor Assembly, against repeal of corporation-tax clause of the Payne bill—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Manchester Central Labor Union, against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of La Société des Artisans Canadiens Français, of Manchester, N. H., in opposition to the proposed increase of rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Petition of citizens of Caney and Camden, Ark., against gambling in futures—to the Committee on Agriculture.

Also, petition of citizens of Walnut Hills, Ark., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of J. C. Swartley and 14 other citizens of Lansdale, Pa., and vicinity, against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of National Business League of America, for appropriation to publish a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rock River Improvement Association, of Wisconsin, for an appropriation for improvement of Rock River—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of Milwaukee, Wis., favoring the Weeks bill (H. R. 11798) for preservation of watersheds of the country—to the Committee on Agriculture.

Also, petition of Farmers' Institute of Outagamie County, Wis., against any change in the oleomargarine law—to the Committee on Agriculture.